



AGENDA
PLANNING COMMISSION
Regular Meeting
7:00 P.M. on Tuesday, October 14, 2014
Clayton City Hall
First Floor Conference Room
6000 Heritage Trail, Clayton, California
Please note changed meeting location

1. **CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**
2. **ADMINISTRATIVE**
 - 2.a. Review of agenda items.
 - 2.b. Declaration of Conflict of Interest.
 - 2.c. Commissioner Sandra Johnson to report at the City Council meeting of October 21, 2014 (alternate Chair Dan Richardson).
3. **PUBLIC COMMENT**
4. **MINUTES**
 - 4.a. Approval of the minutes for the September 23, 2014 regular meeting.
5. **PUBLIC HEARINGS**
 - 5.a. **ENV-02-14, GPA-02-13, Clayton 2015-2023 Housing Element Update, City of Clayton.** Public hearing to consider, review, and receive public comment on an environmental analysis report in the form of an Initial Study/Mitigated Negative Declaration prepared to analyze the potential environmental impacts of the Clayton 2015-2023 Housing Element Update.

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an Initial Study/Negative Declaration (IS/ND) was prepared and made available for public review. The IS/ND has concluded that there is no substantial evidence to suggest that the Housing Element document may have a significant effect on the environment. Accordingly, the Initial Study with a Negative Declaration determination is being considered for adoption by the City of Clayton. The 30-day comment period on this IS/ND began on September 12, 2014 and ends on October 14, 2014.

Staff Recommendation: Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public comment and/or testimony and, if determined to be appropriate, adopt Resolution No.04-14, recommending City Council approval of the Initial Study/Negative Declaration and the Final Draft 2015-2023 Housing Element update for the City of Clayton.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **GPA-01-14, Capital Improvement Program (CIP) Conformity with General Plan, City of Clayton.** Review of City of Clayton CIP projects proposed to be undertaken in the coming fiscal year (FY 2014-2015) for conformity with the General Plan.

Staff Recommendation: Find the City's CIP projects for the Fiscal Year 2014-2015 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment under CEQA.

8. COMMUNICATIONS

- 8.a. Staff.
8.b. Commission.

9. ADJOURNMENT

- 9.a. The next regularly-scheduled meeting of the Planning Commission will be held on **Tuesday, October 28, 2014 at 7:00 p.m.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
Clayton Planning Commission Meeting
Tuesday, September 23, 2014

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Dan Richardson
 Vice Chair David Bruzzone
 Commissioner Keith Haydon
 Commissioner Sandra Johnson
 Commissioner Gregg Manning

Absent: None

Staff: Community Development Director Charlie Mullen
 Environmental Consultant Nick Pappani
 Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

None.

2.c. Vice Chair David Bruzzone to report at the City Council meeting of October 7, 2014.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the September 9, 2014 regular meeting.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes, with a minor correction. The motion passed 4-0-1 (Commissioner Manning abstained as he was excused from the September 9, 2014 Planning Commission meeting).

5. PUBLIC HEARINGS

- 5.a. **ENV-02-10, MAP-01-10, DP-01-10, and TRP-14-14, Silver Oak Estates Planned Development, JR Peterson & Associates, 5701 Clayton Road (APN: 118-020-029).** Public hearing to consider, review, and receive public comment on an environmental analysis report in the form of an Initial Study/Mitigated Negative Declaration prepared to analyze the potential environmental impacts of the Silver Oak Estates Residential Development Plan proposal to develop the 13.96-acre Hurd Ranch property located between the northerly terminus of Lydia Lane and south of Oakhurst Drive in Clayton. The development proposal includes 7 detached single-family homes and 52 attached single-family townhomes located on approximately 5.37 acres, a neighborhood swimming pool and cabana on 0.59 acres, roadways and sidewalks on 2.10 acres, and open space on 7.84 acres. The primary vehicular access is proposed from Oakhurst Drive at Yolanda Circle (east intersection) with a restricted private access proposed from Lydia Lane.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a detailed environmental analysis report in the form of an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared and is available for public review. The IS/MND has identified and proposes measures to mitigate and/or reduce potential adverse environmental impacts of the project to levels of less than significant. Accordingly, the IS/MND is being considered for adoption by the City of Clayton.

The public hearing was opened.

Community Development Director Mullen presented the staff report and introduced Nick Pappani, environmental consultant from Raney Planning and Management, who would provide an overview of the Initial Study/Mitigated Negative Declaration (IS/MND).

Nick Pappani, environmental consultant from Raney Planning and Management, provided an overview of the IS/MND.

Community Development Director Mullen concluded the presentation portion of the public hearing and indicated that no other action is being considered other than receiving comments during tonight's meeting as part of the public review of the IS/MND.

The public testimony period commenced.

Jennifer Gladding, 343 Alexander Place, had concerns about the following components of the IS/MND:

- Traffic and noise impacts to surrounding neighborhoods.
- Ingress and egress to the subdivision should only be from Oakhurst Boulevard.
- No vehicular traffic for the subdivision should be allowed on the Lydia Lane Bridge. She doesn't think it is safe.

- The seven single-family residences would generate at least 14 to 21 vehicle trips.
- Existing traffic and noise from the Oakhurst subdivision would be compounded by the Silver Oak Estates subdivision.
- Impacts to animals.
- There will be negative effects on the scenery and the existing Cardinet Trail.
- The subdivision will create a loss of open space areas.
- We need more time to review the IS/MND. The 30-day comment period is not enough.
- We reserve the right to refute the IS/MND document.

Bud Hedglen, 1770 Indian Wells Way, indicated that he had concerns that the subdivision would negatively impact Cardinet Trail and that these impacts need to be adequately addressed.

Jeanine Williamson, 8 Casey Glen Court, had concerns about the following components of the IS/MND:

- Vehicular use of Lydia Lane Bridge should not be allowed to occur.
- A projection of only seven vehicle trips per hour during the AM and PM peak hours seems too low of a projection. There could be two or more vehicles per single-family residence.
- The loss of open space.
- The Rachel Ranch subdivision has already increased traffic in the neighborhood.
- Drainage issues are a concern.
- There seems to be a strong sewer smell in and around Mt. Diablo Creek as if something is draining into the creek.

Leif Johansson, 1781 Indian Wells Way, indicated the following:

- He is the president of the Black Diamond Homeowners Association and has lived in Clayton for 20 years.
- The Police analysis in the IS/MND is inadequate.
- The addition of so many new homes will compound existing problems.

Brenda Sandler, 1774 Indian Wells Way, indicated the following:

- She agrees with the comments made by previous speakers.
- Traffic study needs to be revised to include Ygnacio Valley Boulevard.
- We need more time to review the IS/MND and do follow-up research.

Tim Jonathan, 231 Southbrook Place, indicated the following:

- Transportation/Circulation in the IS/MND needs to be revised to reflect increase vehicle trips.
- Lydia Lane cannot accommodate the increased traffic.
- More photosimulations should be provided from different locations rather than just the locations shown.

Don McKenzie, 1783 Indian Wells Way, indicated that storypoles are needed to show structural massing and location since the photosimulations are not adequate to address this issue.

Nick Jury, 1788 Indian Wells Way, indicated the following:

- Concerned over the loss of habitat.
- We bought the homes in the Black Diamond subdivision with the understanding that the views and adjacent open space would be preserved.
- The Silver Oak Estates subdivision will ruin the unique surrounding that our homes currently exist in.
- The Silver Oak Estates subdivision will destroy many beautiful trees.
- Clayton is a tucked-away community and should remain that way.
- The Silver Oak Estates subdivision will create a situation like Antioch where we have Section 8 housing creating a drug-infested, crime-ridden community.
- We feel this development is being forced upon us.
- The development should be re-oriented to buffer Mt. Diablo Creek from the project.

Herb Yonge, 1844 Eagle Peak Avenue, indicated the following:

- He has an issue with the aesthetic impacts of the project.
- Height of the three-story structures will block views.
- The scale, massing, and design of the buildings do not fit in Clayton.
- The buildings look like apartments.
- We request an additional 60 days to review the IS/MND.
- Am against this type of development in Clayton.

Bob Parker, 1766 Indian Wells Way, expressed support for the comments made by previous speakers.

Meredith Yalenty, 217 Round House Place, indicated the following:

- One of the reasons she moved to Clayton was because of the access to open space.
- The wildlife corridor of Mt. Diablo Creek would be destroyed by this project.
- Quality of Mt. Diablo Creek will be degraded.
- The Cardinet Trail will be negatively impacted.
- The treeline and beautiful views of Mt. Diablo will be destroyed.
- We need to consider saving this area for open space.
- We need more time to review the IS/MND.

Cedric Jensen, 301 Saclan Terrace, indicated that he has concerns that so many units would generate too many vehicle trips and feels his neighborhood cannot handle such an increase in traffic.

Heather Prewitt, 1778 Indian Wells Way, indicated the following:

- Concerns over the density proposed for this project.
- The impacts to wildlife would be significant. Silver foxes, bobcats, wild eagles, owls, and coyote all need this area.
- Storypoles should be required for this project.

Peter Cloven, 739 Black Point Place, indicated the following:

- He understands the low-income housing requirement placed on the City by the State.
- Worried about impacts to Mt. Diablo Creek caused by the project.
- The environmental consultant for this project has had 12 months to prepare the IS/MND, yet you are only giving us 30 days. We need more time to review the document.
- Doesn't agree with the Phase I assessment. He thinks the impacts associated with this project would trigger a Phase II review.
- Existing storage tanks, wells, and septic systems were not adequately addressed in the assessment.
- Why did the City go with the lowest consultant bid?
- Concerns over the stormwater analysis and geotechnical report.
- Hopes this project won't be rubber-stamped.

Paul Henshaw, 6 Rachel Ranch Court, indicated the following:

- Doesn't think the comments provided by the public at the Silver Oak Estates informational outreach meeting during at the October 8, 2013 Planning Commission meeting were addressed in the IS/MND.
- The road to the Lydia Lane Bridge goes through Lydia Lane Park. Through traffic would cause impacts to the Park. In addition, the Bridge would not be adequate to allow vehicles such as garbage trucks.
- The number of vehicle trips calculated in the IS/MND is too low.
- Impacts to wildlife such as herrings, foxes, coyotes, turkeys, hawks, and rabbits would be tremendous.
- Concerned about any retaining walls proposed. Concrete walls reminds me of Los Angeles where he used to live.
- Need more time to review the IS/MND.

Isabella Carranza, 1843 Eagle Peak Avenue, indicated the following:

- Concerns over the low number of projected vehicle trips and impacts on Lydia Lane.
- Regarding aesthetics, was surprised to see the claim that the project would not substantially affect scenic views.
- The project is way too large and needs to be downsized.
- The project does not maintain the character of Clayton.
- We need more time to review the IS/MND.

Sandy Berg, 1776 Indian Wells Way, indicated the following:

- Agrees with previous speakers.
- Concerned over the impacts to views that this project would cause.
- She is opposed to this development.

Laura Albert, 102 Salazar Court, indicated that she agreed with the comments provided by the previous speakers.

Robert Connel, 1 Rachel Ranch Court, indicated the following:

- Concerned over using Lydia Lane for access to project site.
- Using a sign to warn people about vehicular traffic crossing the Lydia Lane Bridge will not work. There are kids, joggers, bikers, and horses that use the park. Using the Bridge for access to the project site will create an unsafe situation.
- He thinks the number of vehicle trips generated by the single-family residences will be higher than the numbers stated in the IS/MND.
- He is opposed to the project.

Debbie Wittneben, 1772 Indian Wells Way, indicated the following:

- She agrees with the comments made by the previous speakers.
- She is opposed to the project.

Ann Stanaway, 1503 Haviland Place, indicated the following:

- Concerns that the development will absorb heat and cause a “heat island” effect.
- The developer should be aware of the “albedo”—or light glare effect—that may be caused by the project.

Dennis Romano, 302 Diablo Creek Court, indicated the following:

- As currently proposed, Silver Oak Estates will negatively impact the quality of life in Clayton.
- The development should be done responsibly.
- The project does not fit in with the character of the surrounding neighborhood.
- We need more time to review the IS/MND. The comment period should be extended another 60 to 90 days.
- There will be impacts to Lydia Lane Park with an anticipated increase of 150 people using the park who live in Silver Oak Estates.
- The IS/MND does not adequately address the project-related issues.

There being no further public comment, the public testimony period was closed.

Commissioner Haydon had the following comments and questions:

- Regarding Mitigation Measure 7, it needs to be explained how payment of HCP fees would actually mitigate the impacts of the development.
- Regarding the Biological Survey for the California red-legged frog, he was seeing a conflict.
- Regarding aesthetics, the term “visual consistency” should be explained and what exactly is “verification of visual consistency”?
- Regarding hawks being studied and protected during project construction, we also wanted to know if hawks are protected after construction is completed.
- Regarding removal of trees, the Planning Commission will have to establish replacement methods and ratios that would be acceptable so the Commission will be looking to staff for direction on the replacement trees.

- Regarding the determination that neither the remains of the burned main residence nor the remaining buildings are eligible for inclusion on the California Register, he wants this to be confirmed. What methodology was used to arrive at this determination? We need to ensure the accuracy of the determination is correct in order to protect the historical significance of any on-site structures.
- Regarding public safety, fire protection is provided by a nearby Fire Station that is one mile from the project site; however, the Station only has part-time personnel which is a concern. If the station does not come up to full staffing or staffing is reduced further, is there a contingency plan that can be established in order to ensure that fire protection is provided for the development.
- Regarding on-site density, development is proposed to be concentrated in a certain area of the site so I am not sure how this ties into the overall gross-acre calculation. The overall density allowed for the site should be further explained.
- Regarding the impacts of high school-aged children living in Silver Oak Estates attending local schools, the IS/MND indicates that these children could attend any high school in the district which implies that the impact of students attending local schools would be spread out across the whole district. Since good schools are one of the qualities of Clayton that attracts families to our community, direct impacts to the nearest high school to the project site, Clayton Valley Charter High School, should be addressed.
- Regarding Mitigation Measure 38, although a professional environmental consultant shall be retained during construction, he is concerned about impacts after construction. We need to ensure that we follow-up on long-term impacts.
- Regarding vehicle trips generated by the subdivision, the analysis seems to downplay the number of vehicles turning left from westbound Concord Boulevard onto southbound Kirker Pass Road. He questions the accuracy of that conclusion.
- Regarding the analysis indicating that the westbound cue on Concord Boulevard may block streets and would have no impact on safety, it would seem that, by default, the blocking of two streets would have an impact on safety.

Commissioner Manning had the following comments and questions:

- Did not see Seeno mentioned anywhere in the IS/MND even though Callida Development, which is owned by Seeno, is the property owner of the project site.
- The project site address should be changed from 5701 Clayton Road to a more accurate address since the project site is adjacent to Oakhurst Drive and is nowhere near Clayton Road.
- We need to ensure that our replacement tree ratio adequately offsets the loss of the existing on-site trees. It would be good to know how many of the trees proposed for removal are native species.
- We need to ensure upkeep and ongoing maintenance is performed for the bio-retention areas, landscaping, and trees, whether through an HOA or some other mechanism.
- Regarding the detention basins, will there be standing water, will water percolate back into the soil, or will the water flow into Mt. Diablo Creek?
- Stop signs placed at Lydia Lane Bridge may not be sufficient enough to provide safety from vehicles crossing the Bridge for those who are walking or bicycling on Cardinet Trail.

- Regarding the ten-ton limit on the Lydia Lane Bridge, a sign should be placed at the Bridge to inform people of this weight limit.
- Concerned over the maximum height proposed for the townhomes. We need to ensure that compliance with established height limits is taken into consideration.
- Regarding the listing of proposed Mitigation Measures in the IS/MND, it would be better if the Mitigation Measures were consolidated into one portion of the environmental document rather than listed in two separate places on Pages 17 through 29 and again on Page 37 through 137.

Chair Richardson entered into the record that three written correspondences were received from Glenn D. Miller, Ed Grutzmacher, and Sandra R. Bohn. He had the following comments and questions:

- Agrees with the previous Commission comments.
- An explanation should be provided addressing how the Lydia Lane Bridge will be used to enter and exit the subdivision. How will ingress and egress work through the parking lot of Lydia Lane Park to gain access to and from the Bridge? A more detailed discussion of this issue needs to be provided.
- Can the Planning Commission extended the public comment period beyond the 30-day time limit? Director Mullen consulted with Consultant Nick Pappani and then indicated that the public comment period could be extended at the direction of the Planning Commission.
- Support extending the public comment period another 45 days beyond the October 6, 2014 deadline.

Commissioner Bruzzone and Commissioner Johnson stated they agreed with extending the public comment period.

By consensus, the Planning Commission approved a 45-day time extension of the public comment period to 5:00 p.m. on November 20, 2014.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

None.

8.b. Commission.

None.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 8:50 p.m. to the regularly-scheduled meeting of the Planning Commission on October 14, 2014.

Submitted by
Charlie Mullen
Community Development Director

Approved by
Dan Richardson
Chair

Com Dev\Plng Comm\Minutes\2014\0923

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: **October 14, 2014**

Item No.: **5.a.**

From: **Charlie Mullen**
 Community Development Director 

Subject: **Public Hearing to Consider, Review, and Receive Public Comment on
an Initial Study/Negative Declaration and the Final Draft 2015-2023
Housing Element Update (ENV-02-14 & GPA-02-13).**

Applicant: **City of Clayton**

REQUEST

Conduct a Public Hearing to consider, review, and receive public comment on an Initial Study/Negative Declaration and the Final Draft 2015-2023 Housing Element update for the City of Clayton.

PROJECT INFORMATION

Location: Citywide

General Plan Designation: Various

Zoning: Various

Environmental Review: Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an Initial Study/Negative Declaration (IS/ND) was prepared and made available for public review. The IS/ND has concluded that there is no substantial evidence to suggest that the Housing Element document may have a significant effect on the environment. Accordingly, the Initial Study with a Negative Declaration determination is being considered for adoption by the City of Clayton. The 30-day comment period on this IS/ND began on September 12, 2014, and ends on October 14, 2014.

Public Notice: On September 12, 2014, a Public Notice of intent to adopt an Initial Study/Negative Declaration and of this Public Hearing scheduled for October 14, 2014, was published in the Contra Costa Times, posted at the notice boards, and mailed to interested parties, housing advocacy groups, and public agencies. The public hearing notice and draft Housing Element were also posted on the City's website on September 12th.

BACKGROUND

State law recognizes the vital role local governments play in facilitating the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term General Plan for the physical development of the city or county. The Housing Element is one of the seven mandated elements of the local General Plan. The Clayton General Plan comprises eight elements: Land Use, Circulation, Housing, Community Design, Open Space/Conservation, Safety, Noise, Community Facilities, and Growth Management. All of the goals, policies, and programs contained in these elements are consistent with this Housing Element. The City will continue to review the General Plan for internal consistency as amendments are proposed and adopted.

State law requires that local governments identify and plan for the existing and projected housing needs of all economic segments of the community in their Housing Elements. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. Housing policy in the State rests largely upon the effective implementation of local General Plans and, in particular, local Housing Elements.

State law lists specific timetables in regard to the schedule for updating local Housing Elements. In the previous Housing Elements cycles, the updates were required to occur every five (5) years to address and respond to Regional Housing Needs, site inventory, housing constraints and any new provisions in State Law. For this current Housing Element update cycle, the State has changed the update cycle period to allow up to eight (8) years, from January 31, 2015 to January 31, 2023, provided the document is reviewed and certified by the State Housing and Community Development Department (HCD).

State law requires that local governments “make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element.” To satisfy this requirement, the City has been conducting a series of community meetings and public hearings to receive community input regarding housing needs and policy direction in the City of Clayton.

The City kicked off the public participation process with a joint Public Workshop before the City Council and Planning Commission on November 5, 2013. City staff and the City’s Housing Element consultant, Pacific Municipal Consultants (PMC), made a presentation that included an overview of the update process and schedule, a description of the required components, and initial findings from the needs assessment. The comments received at the meeting included general questions and comments regarding the Housing Element process, which were addressed at the meeting. There were no comments from the public provided at this workshop.

On May 13, 2014, the Planning Commission conducted a public hearing on the draft 2015-2023 Housing Element update and, with minor suggestions, recommended the City Council direct staff to submit the draft 2015-2023 Housing Element update to HCD for review (see attached meeting minutes). No members of the public spoke on the matter. The Planning Commission provided the following comments which have been incorporated into the Final Draft:

- In Table 45 on Page 62, the use of the word “surplus” seemed misleading and should be removed or replaced with a different word.
- It should be emphasized in the update that the State did away with the Redevelopment Agency.

- In Table 46 on Page 63, as well as in the following narrative, the word “planned” should be replaced with the word “proposed”.

On June 3, 2014, the City Council conducted a public hearing on the draft 2015-2023 Housing Element update and, with minor suggestions, directed staff to submit the draft 2015-2023 Housing Element update to HCD for review (see attached meeting minutes). No members of the public spoke on the matter. The City Council provided the following comments which have been incorporated into the Final Draft:

- City outreach discussions with Saint John’s Parish regarding potential housing opportunities on their undeveloped church site areas should be incorporated into the Housing Element.
- City should support and investigate residential energy efficient installation and financing programs such as provided by the Property Assessed Clean Energy (PACE) program.

On June 4, 2014, PMC transmitted the Draft 2015-2023 Housing Element update to HCD for review. Subsequently, City staff and PMC staff had interactive phone discussions with HCD staff. Based on these discussions, PMC staff transmitted requested Housing Element revisions to HCD. On July 31, 2014, HCD provided a letter to the City of Clayton indicating that our draft Housing Element meets the statutory requirement of State housing element law (see attached letter). With this HCD endorsement, PMC went forth and prepared the IS/ND. The IS/ND and Final Draft 2015-2023 Housing Element for the City of Clayton are complete and ready for review and approval from the Planning Commission and City Council.

DISCUSSION

This staff report, along with the meeting presentation and public hearing, are a continuation of the public participation process for Clayton’s 2015-2023 Housing Element update. This Housing Element update picks up and takes off where the current 2009-2014 Housing Element ends. The Housing Element update consists of the following chapters/sections:

- Section 1.0 provides an introduction and overview of the Housing Element process.
- Section 2.0 provides a housing needs assessment, with a description and analysis of Clayton’s population and household characteristics, employment and economic trends, housing stock, and existing and future housing needs.
- Section 3.0 examines opportunities and resources for residential energy conservation.
- Section 4.0 describes potential governmental and non-governmental constraints to the production of affordable housing.
- Section 5.0 provides an overview of existing financial and programmatic resources available to assist in housing production and improve affordability, as well as an inventory of existing affordable housing developments and properties.
- Section 6.0 analyzes land available for residential development and demonstrates the City’s capacity to meet its Regional Housing Needs Allocation.
- Section 7.0 reviews the implementation status, effectiveness, and continued appropriateness of implementation measures from the City’s 2009-2014 Housing Element.
- Section 8.0 establishes goals, policies, implementation measures, and quantified objectives for the 2015-2023 Housing Element planning period. Following the housing goals, policies, and implementation measures section is a table that outlines quantified objectives for the 2015-2023 planning period.

Regional Housing Needs Allocation (RHNA)

Much of the specific detail, data, and resultant goals, policies, implementation measures stem from the RHNA numbers discussed in Section 6.0 of the Housing Element. State law requires that HCD project statewide housing needs and allocate the anticipated need to regions throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG), which then distributes the RHNA to the cities and counties within the ABAG region. ABAG allocates housing production goals for cities and counties based on their projected share of the region's household growth, the state of the local housing market and vacancies, and the jurisdiction's housing replacement needs.

Projected housing needs in the RHNA are described by income categories as established by HCD: very low, low, moderate, and above moderate. Additionally, recent state legislation requires jurisdictions to project housing needs for extremely low-income households, which is assumed to be half of the very low-income allocation (see next report section for more detail on household income).

Clayton's share of the 2014-2022 RHNA is 141 units. As shown in the table below (Table 44 excerpt from the Housing Element), the RHNA includes 25 extremely low-income units, 26 very low-income units, 25 low-income units, 31 moderate-income units, and 34 above-moderate income units. Clayton's RHNA represents less than one percent of the total Contra Costa County RHNA of 20,630 units.

City of Clayton Regional Housing Needs Allocation, 2014-2022

Income Category	ABAG Need Determination	Percentage of Total
Extremely Low	25	18%
Very Low	26	18%
Low	25	18%
Moderate	31	22%
Above Moderate	34	24%
Total Units	141	100%

Capacity to Accommodate the RHNA

As detailed in Section 6.2 Adequate Sites Inventory and summarized in the Table below (Table 45 excerpt from the Housing Element), Clayton has capacity in planned or approved projects and adequate land zoned at densities appropriate to meet the 2014-2022 RHNA for all income categories. Projects already approved or planned can accommodate 13 units, vacant residential sites can accommodate 133 units, and underutilized sites can accommodate 129 units. Identified sites have realistic capacity for a total of 275 units, of which approximately 145 may be appropriate for lower-income households.

As stated in Implementation Measure I.1.1, the City will continue to track and monitor the inventory of available sites throughout the planning period to ensure that adequate sites remain available to accommodate the City's RHNA.

City of Clayton Capacity to Accommodate the 2014-2022 RHNA

Income Category	RHNA	Planned/ Approved	Vacant Land	Underdeveloped Sites	Remaining Need (Surplus)
Extremely Low	25	2	57	86	(75)
Very Low	26				
Low	25				
Moderate	31	11	76	43	(61)
Above Moderate	34				
Total Units	141	13	133	129	(134)

Household Income

Each year, HCD publishes median income amounts and State Income Limits for five categories of household income for each county in the state. The 2014 State Income Limits were released on February 28, 2014, and provide income limits based on income category and household size. As shown in the table below (Table 16 excerpt from the Housing Element), the income range (based on a percentage of the area median income for Contra Costa County in 2014 of \$93,500) and annual income amount for a four-person household range from \$28,020 or less for extremely low-income households to more than \$112,200 for above-moderate income households.

Contra Costa County Income Categories, 2014

Income Category	Percentage of Median Income	Annual Household Income*
Extremely Low	≤30%	\$28,050 or less
Very Low	31%–50%	\$28,051–\$46,750
Low	51%–80%	\$46,751–\$67,600
Moderate	81%–120%	\$67,601–\$112,200
Above Moderate	>120%	More than \$112,200

Existing Housing Element Accomplishments

Clayton has made significant progress toward achieving one-time and ongoing goals set forth in the existing Housing Element, which was adopted by the City and certified by HCD in 2010. The following is a summary list of the existing Housing Element implementation actions completed, from 2010 through 2014:

- Established the Multi-Family High Density land use designation, re-designated and rezoned several sites, and amended Planned Development District regulations (I.1.1).
- Established regulations for manufactured homes, consistent with State law (I.3.1).
- Prepared and distributed a Development Handbook (I.5.2).
- Established regulations and a Zone for emergency shelters (II.1.1).

- Established regulations and a Zone for transitional and supportive housing (II.1.2).
- Established regulations and a Zone for single-room occupancy (SRO) units (II.1.3).
- Modified zoning to require a Use Permit for single-family homes in multi-family districts (II.2.1).
- Revised the City's definition of "family" (IV.1.2).
- Adopted a reasonable accommodations ordinance (IV.3.1).

New Implementation Actions Added

The following is a summary list of key new implementation actions proposed to be added to the 2015-2023 Housing Element and key revisions requested (i.e. required) by HCD:

- Identify the number of acres zoned to accommodate emergency shelters.
- Update Tables 46 & 47 to include revised approved projects and vacant sites.
- Monitor the residential land inventory and maintain adequate sites (I.1.1).
- Amend the General Plan and Zoning Ordinance to accommodate multi-family housing by-right at a minimum density of 20 units per acre. Explain in more detail the City good faith efforts to rezone sites in 2012 to meet the RHNA shortfall (I.1.2).
- Establish zoning regulations for employee housing for six (6) or fewer persons (II.1.2).
- Amend the Zoning Ordinance to allow transitional and supportive housing by conditional use permit in the Limited Commercial (LC) zoning district (II.1.3).
- Consider regulatory incentives and concessions for development projects that provide residential affordable housing units or housing for special needs groups (II.2.1).
- Consider waiving or deferring fees for affordable housing projects, if and when funding is available (II.2.2).
- Explore financing and programs for residential energy efficiency improvements (V.1.3).

Housing Element Update Schedule

The draft 2015-2023 Housing Element update for the City of Clayton is on track to meet the State-recommended adoption schedule per the following table:

City of Clayton 2015-2023 Housing Element Update Schedule

November 5, 2013	Joint Planning Commission/City Council Workshop
May 13, 2014	Planning Commission Public Hearing
June 3, 2014	City Council Public Hearing
June–August, 2014	HCD review – completed July 31, 2014
October 14, 2014 November 18, 2014	Planning Commission Public Hearing City Council Adoption Public Hearing
November 2014 –January 2015	Final HCD review (up to 90 days)
January 2015	Receive HCD Certification of Housing Element

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public comment and/or testimony and, if determined to be appropriate, adopt Resolution No. 04-14, recommending City Council approval of the Initial Study/Negative Declaration and the Final Draft 2015-2023 Housing Element update for the City of Clayton.

ATTACHMENTS

1. Resolution No. 04-14—Recommending Approval of IS/ND and Housing Element update.
2. Initial Study/Negative Declaration, dated September 2014 (cover sheet to Planning Commission only as a complete hard copy was previously transmitted to the Planning Commission on September 12, 2014).
3. Final Draft 2015-2023 Housing Element update, dated August 25, 2014 (cover sheet to Planning Commission only as a complete hard copy was previously transmitted to the Planning Commission on September 12, 2014).
4. Excerpt Minutes from Planning Commission meeting of May 13, 2014.
5. Minutes from City Council meeting of June 3, 2014.
6. HCD letter, dated July 31, 2014.

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**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 04-14**

**RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF
AN INITIAL STUDY/NEGATIVE DECLARATION AND THE FINAL DRAFT
2015-2023 HOUSING ELEMENT UPDATE OF THE CLAYTON GENERAL PLAN
IN COMPLIANCE WITH THE REQUIREMENTS OF STATE LAW
(ENV-02-14 & GPA-02-13)**

WHEREAS, California Government Code Article 10.6 commencing with section 65583, requires that every jurisdiction in California must adopt a General Plan, and every General Plan must contain a Housing Element. California law lists specific timetables in regard to the schedule for updating the Housing Elements. In previous Housing Elements cycles, the updates were required to occur every five (5) years to address and respond to Regional Housing Needs, site inventory, housing constraints, and any new provisions in State Law. For this current Housing Element update cycle, the State has changed the update cycle period to allow up to eight (8) years, from January 31, 2015 to January 31, 2023, provided the document is reviewed and certified by the California Department of Housing and Community Development (HCD); and

WHEREAS, the City of Clayton's share of regional housing need is established by the Association of Bay Area Governments (ABAG) and this period's related "Regional Housing Needs Allocation" (RHNA) was adopted by ABAG in 2013 and determined that Clayton's fair share of the RHNA for the period between 20014 and 2022 is a total of 141 units in the following income categories: 25 extremely-low income, 26 units very low income, 25 low-income, 31 moderate-income and 34 above-moderate income; and

WHEREAS, the City has prepared a Housing Element update, titled City of Clayton 2015-2023 Housing Element Update, to comply with applicable requirements of State law and to facilitate the City's ability to satisfy its RHNA as established for this period by ABAG; and

WHEREAS, on November 5, 2013, the City of Clayton conducted a joint Public Workshop before the City Council and Planning Commission to seek input on the Housing Element update from the community. There were no comments from the public provided at this workshop; and

WHEREAS, on May 13, 2014, the Planning Commission conducted a public hearing on the draft 2015-2023 Housing Element update and, with minor suggestions, recommended the City Council direct staff to submit the draft 2015-2023 Housing Element update to HCD for review. There were no comments from the public provided at this meeting; and

WHEREAS, on June 3, 2014, the City Council conducted a public hearing on the draft 2015-2023 Housing Element update and, with minor suggestions, directed staff to submit the draft 2015-2023 Housing Element update to HCD for review. There were no comments from the public provided at this meeting; and

**Planning Commission
Resolution No. 04-14**

WHEREAS, on June 4, 2014, the City transmitted the draft 2015-2023 Housing Element update to HCD for review and, on July 31, 2014, HCD provided a letter to the City of Clayton, indicating the draft Housing Element meets the statutory requirement of State housing element law; and

WHEREAS, the Planning Commission, at a regular meeting on October 14, 2014, held a duly noticed public hearing to review and consider recommending City Council approval of an Initial Study/Negative Declaration (IS/ND) and the City of Clayton 2015-2023 Housing Element update; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an IS/ND was prepared and made available for public review. The IS/ND has concluded that there is no substantial evidence to suggest that the Housing Element document may have a significant effect on the environment. Accordingly, the Initial Study with a Negative Declaration determination is being considered for adoption by the City of Clayton. The 30-day comment period on this IS/ND began on September 12, 2014, and ended on October 14, 2014; and

WHEREAS, the Planning Commission has determined that the proposed revisions to the Housing Element are in general conformance with the Clayton General Plan; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Clayton, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of the Initial Study/Negative Declaration and City of Clayton 2015-2023 Housing Element Update, respectively attached hereto as Exhibit A and Exhibit B and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 14th day of October, 2014.

APPROVED:

ATTEST:

Dan Richardson
Chair

Charlie Mullen
Community Development Director

**Planning Commission
Resolution No. 04-14**

ATTACHMENTS

Exhibit A – Initial Study/Negative Declaration, dated September 2014

Exhibit B – City of Clayton 2015-2023 Housing Element Update, dated August 25, 2014

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CITY OF CLAYTON
2015-2023 HOUSING ELEMENT
DRAFT INITIAL STUDY/NEGATIVE DECLARATION

SEPTEMBER 2014

Prepared for:

CITY OF CLAYTON
6000 HERITAGE TRAIL
CLAYTON, CA 94517-1250

Prepared by:



2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670

CITY OF CLAYTON
2015-2023 HOUSING ELEMENT
DRAFT INITIAL STUDY/NEGATIVE DECLARATION

Prepared for:

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RANCHI CORDOVA, CA 95670

SEPTEMBER 2014

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ENVIRONMENTAL CHECKLIST FORM

- | | |
|--|--|
| 1) Project title: | City of Clayton 2015–2023 Housing Element |
| 2) Lead agency name and address: | City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, CA 94517-1250 |
| 3) Contact person and phone number: | Charlie Mullen
Community Development Director
(925) 673-7343 |
| 4) Project location: | Citywide |
| 5) Project sponsor's name and address: | City of Clayton |
| 6) General Plan designation: | Citywide – various |
| 7) Zoning: | Citywide – various |

1.0 INTRODUCTION

This document is an Initial Study resulting in a Negative Declaration (ND) prepared pursuant to the California Environmental Quality Act (CEQA), for the City of Clayton 2015–2023 Housing Element (referred to as the 2015–2023 Housing Element or the proposed Housing Element). This ND has been prepared in accordance with CEQA, Public Resources Code Sections 21000 et seq., and the State CEQA Guidelines.

An Initial Study is conducted by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with CEQA Guidelines Section 15064, an environmental impact report (EIR) must be prepared if the Initial Study indicates that the proposed project under review may have a potentially significant impact on the environment. A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment and therefore why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) *The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or*
- b) *The Initial Study identified potentially significant effects, but:*
 - (1) *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
 - (2) *There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

If revisions are adopted into the proposed project in accordance with CEQA Guidelines Section 15070(b), a mitigated negative declaration (MND) is prepared.

1.1 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project. In accordance with CEQA Guidelines Section 15051(b)(1), "the lead agency will normally be the agency with general governmental powers, such as a city or city, rather than an agency with a single or limited purpose." Based on these criteria, the City of Clayton is the lead agency.

1.2 PURPOSE AND DOCUMENT ORGANIZATION

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed City of Clayton 2015–2023 Housing Element. This Initial Study is divided into the following sections:

- 1.0 Introduction:** Provides an introduction and describes the purpose and organization of this document.

- 2.0 Project Description:** Provides a detailed description of the proposed Housing Element.
- 3.0 Environmental Factors Potentially Affected:** Provides an identification of those environmental factors that involve a potentially significant impact.
- 4.0 Determination:** Provides the environmental determination for the proposed Housing Element.
- 5.0 Environmental Checklist and Evaluation:** Describes the environmental setting for each of the environmental subject areas and evaluates a range of impacts classified as no impact, less than significant impact, less than significant impact with mitigation incorporated, or potentially significant impact in response to the environmental checklist.

2.0 PROJECT DESCRIPTION

2.1 DESCRIPTION OF THE 2015–2023 HOUSING ELEMENT

The 2015–2023 Housing Element identifies the policies and programs that the City will implement to ensure that housing in Clayton is affordable, safe, and decent. The Housing Element addresses housing needs by encouraging the provision of an adequate number of potential building sites designated for multi-family housing, by assisting in affordable housing development, and through the preservation and maintenance of existing affordable housing stock. The City of Clayton has a Regional Housing Needs Allocation (RHNA) of 141 housing units as shown in **Table 1**.

TABLE 1
REGIONAL HOUSING NEEDS ALLOCATION, 2014–2022

Income Category	ABAG Need Determination	Percentage of Total
Extremely Low	25	18%
Very Low	26	18%
Low	25	18%
Moderate	31	22%
Above Moderate	34	24%
Total	141	100%

Source: City of Clayton 2015–2023 Housing Element, Table 44

As shown in Table 47 of the Housing Element, Clayton has vacant, unentitled land zoned for residential and mixed-use development at densities of up to 20 units per acre with a realistic capacity for 133 units. While vacant residential sites could accommodate up to 180 units in accordance with zoning standards, it is assumed that not all sites will develop at the maximum allowed density due to various site features and constraints.

The 2015–2023 Housing Element includes Implementation Measure I.1.2 that requires a change to the existing General Plan land use designation of Multi-Family High Density, increasing the density to a minimum of 20 units per acre. This change, however, does not result in physical development projects, and no development projects are proposed as part of the 2015–2023 Housing Element. Additionally, the Housing Element includes programs that require amendments

to the Zoning Ordinance to comply with state law. Housing Element programs that require amendments to the General Plan and/or Zoning Ordinance include the following:

- **Implementation Measure I.1.2.** The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from the 2007–2014 planning period, specifically to allow multi-family housing by right on these sites at a minimum density of 20 units per acre.

The City's 2007–2014 Housing Element identified a shortfall of land that provided for residential development at a density deemed appropriate for affordable housing to accommodate 84 units to meet the extremely low-, very low-, and low-income RHNA. State law (Government Code Section 65583.2(h) and (i)) requires that land rezoned or redesignated to meet a shortfall meet the following criteria:

- Require a minimum density of at least 20 units per acre
- Accommodate at least 16 units per site
- Allow multi-family housing by right (without a use permit)
- At least 50 percent of rezoned sites must be designated for residential uses only

In 2012, the City in good faith established the Multi-Family High Density General Plan land use designations and zoning districts and made specified General Plan Map and Zoning Map changes in an attempt to accommodate the City's lower-income RHNA shortfall from the 2007–2014 planning period. The City was advised by the California Department of Housing and Community Development (HCD) that these efforts fell short of state law. Therefore, the City's land use regulations will be appropriately revised to comply with the above-stated criteria.

- **Implementation Measure II.1.2.** The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.
- **Implementation Measure II.1.3.** The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the Limited Commercial (LC) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007).

The City has one to two years to complete the Zoning Ordinance changes required by the Housing Element. While this IS/ND addresses the cumulative impacts associated with the change, additional analysis may be necessary for the City to adopt the change to the ordinances and will depend on the wording and extent of the change. As the details of the zone changes are not known at this time, this IS/ND does not address Implementation Measures II.1.1 through II.1.3.

2.2 ENVIRONMENTAL SETTING AND SURROUNDING LAND USES

The proposed project affects land in Clayton, which is located in Contra Costa County in northwestern California (refer to **Figure 2-1**). The northwest and central portion of the area is part

of the Clayton Valley, while surrounding areas consist of hills and ridges. The city occupies most of the flat bottomland (Clayton 2012, p. I-5). The city is bordered on the west by Concord, on the south by Mount Diablo State Park, on the north by the open space rolling hills between Clayton and Pittsburg, and on the east by more open space and rolling hills. According to the 2010 US Census, Clayton has a land area of 3.84 square miles (US Census Bureau 2014, 2010 Census, Table GCT-PH1). According to the California Department of Finance (DOF), the city has a 2014 population of 11,200 with 4,111 housing units.

The individual setting for each impact analysis area is described in the respective analysis section.

2.3 OTHER APPROVALS REQUIRED

The Clayton City Council adopted the Clayton General Plan in July 1985, and it has been amended over the years, with the most recent amendment to the Land Use Element occurring in April 2012. The General Plan is the city's comprehensive plan for development. The General Plan also forms the foundation for the Zoning Ordinance, subdivision regulations, and other planning decisions. The General Plan includes nine elements, one of which is the Housing Element. The Housing Element has also been periodically updated as required by state law. This 2015–2023 Housing Element is a continuance of the mandated update process and, if adopted by the City, will require an amendment to the General Plan for the inclusion of the 2015–2023 Housing Element.

There are no other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement) for the proposed Housing Element. The California Department of Housing and Community Development reviews the Housing Element and determines whether it complies with state law; however, HCD approval is not required for the City's adoption of the Housing Element.



Figure 2-1
Regional Vicinity
PMC

3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a potentially significant impact as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards/Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | ☐ Mandatory Findings of Significance |

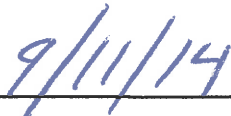
4.0 DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Name
Charlie Mullen, Community Development Director



Date

City of Clayton
Community Development
Department

5.0 ENVIRONMENTAL CHECKLIST AND EVALUATION

5.1 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A "No Impact" answer is adequately supported if the information shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more potentially significant impact entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from a potentially significant impact to a less than significant impact. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "earlier analyses" may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

5.2 ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Setting

Clayton is located at the base of the north slope of Mount Diablo. The Clayton Planning Area is bounded to the south by Mount Diablo State Park and to the northeast by Black Diamond Regional Preserve. Several natural creeks running through Clayton have been integrated into a greenbelt system of parks. This system allows park site expansion and connection to park facilities at points throughout the system.

There are no officially state designated scenic highways in the city. However, the City has identified sections of Clayton Road, Marsh Creek Road, and Oakhurst/Concord Boulevard as scenic routes (Clayton 2012, p. V-9). The General Plan Community Design Element identifies the surrounding foothills and Mount Diablo as scenic vistas. Objectives and policies included in the Community Design Element to protect scenic views are as follows:

Objective 5: To protect and enhance views of the foothills and Mount Diablo.

Policy 5a: Protect scenic vistas and view corridors.

Policy 5b: Prevent development of ridgelines.

Policy 5c: Evaluate developments as to their effect on scenic qualities of the Clayton area.

Discussion/Conclusion

- a) **No Impact.** The policies and measures in the 2015–2023 Housing Element are designed to address the potential future housing needed in the city. Increases in the density for the MHD land use designation on five identified sites are necessary in order to accommodate housing at a specified intensity, resulting in new units that are more affordable to lower-income households. Amendments to the Zoning Ordinance to accommodate employee housing and transitional/supportive housing are required by state law. Adoption of the Housing Element would not, in and of itself, increase

development in the city, as no development is proposed as part of the Housing Element. Any future indirect development resulting from adoption of the 2015–2023 Housing Element would be required to undergo the environmental review process as required by the City and CEQA. Aesthetic considerations, such as damage to or degradation of scenic resources or visual character and effects on scenic vistas, will be considered when site-specific projects are proposed. Therefore, the project would be considered to have no impact.

- b) **No Impact.** There are no state-designated scenic highways within the city. Therefore, the proposed Housing Element would not adversely affect a state scenic highway or natural resources within a state scenic highway.
- c) **No Impact.** The proposed Housing Element is a policy-level document. While the Housing Element encourages the provision of a range of housing types and affordability levels, it does not include any specific designs or proposals, nor does it grant any entitlements for development that would degrade the existing visual character of the city. The Housing Element anticipates land uses that are consistent with the land use designations established by the General Plan Land Use Map. Future residential development projects will require compliance with General Plan policies related to aesthetic resources and Zoning Ordinance requirements associated with site planning and development regulations. The policies contained in the General Plan Land Use, Open Space/Conservation, and Community Design elements relative to the protection of natural and scenic resources would ensure physical, visual, and functional compatibility between residential and other uses, as well as encourage high-quality development in keeping with the desired character of the city.

Implementation of the proposed Housing Element would result in no impact associated with the degradation of the city's visual character.

- d) **No Impact.** As discussed above, the proposed Housing Element is a policy-level document that does not include any specific development designs or proposals, nor does it grant any entitlements for development that would increase daytime glare or nighttime illumination in the city. Light and glare impacts of subsequent development projects would be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. In addition, future residential development projects in the city would be required to be designed and constructed in accordance with Clayton Municipal Code Chapter 8.09, which establishes regulations for outdoor lighting.

As all future projects must comply with CEQA and the City Zoning Ordinance, including projects subject to the Housing Element, implementation of the proposed Housing Element would result in no impact associated with increased light and glare.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forestland or conversion of forestland to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Setting

Areas to the northeast and east of the city limits include rugged terrain that is primarily used as rangeland for livestock and other similar open uses. There are no General Plan agricultural land use designations within the existing city limits. However, four sites in the city are within the Agricultural zoning district.

Discussion/Conclusion

a, b) **No Impact.** There are no General Plan agricultural land use designations within the city limits. While the Clayton Planning Area includes the Agricultural land use designation, areas with this designation are currently under the jurisdiction of Contra Costa County and will remain so until an area is annexed by the City. Annexation requires rezoning, approval by the Local Agency Formation Commission (LAFCo), and environmental review. The proposed Housing Element does not contain policies that would require the City to annex land. According to the Department of Conservation's (2014c) Important Farmland Finder website, no areas within the city limits are identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

The proposed Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels. It does not include any specific development designs or proposals, nor does it grant any entitlements for development that would convert agricultural lands to nonagricultural uses or place housing units

adjacent to agricultural uses. The Housing Element proposes changes to the existing Zoning Ordinance to comply with state law as well as an increase in permissible density in the MHD land use designation. However, these proposed changes would not conflict with or convert existing agricultural uses or Williamson Act lands, as the changes do not involve rezoning land or altering General Plan agricultural land use designations. All existing land use designations would remain the same with adoption of the 2015–2023 Housing Element. Implementation of the proposed Housing Element would not change or alter the General Plan policies regarding agricultural use in the city, nor would implementation of the Housing Element result in Zoning Ordinance changes that would convert agricultural lands and/or Williamson Act contract lands to other uses. As such, impacts associated with the conversion of agricultural lands to nonagricultural uses, as well as impacts associated with conflicts with agricultural zoning and Williamson Act lands, would be nonexistent.

- c, d) **No Impact.** Clayton does not contain any areas identified as forest resources or lands zoned for forest use. Similar to the discussion regarding agricultural resources, implementation of the proposed Housing Element would not alter the General Plan policies regarding forestland or timber use in the city, nor would implementation of the Housing Element result in Zoning Ordinance changes that would convert these lands to other uses. As such, impacts associated with the conversion of forestland or forest resources would be nonexistent.
- e) **No Impact.** The placement of nonagricultural uses adjacent to agricultural uses can result in agriculture-urban interface conflicts than inadvertently place growth pressure on agricultural lands to convert to urban uses. These conflicts include inconveniences or discomforts associated with dust, smoke, noise, and odor from agricultural operations, restrictions on agricultural operations (such as pesticide application) along interfaces with urban uses, farm equipment and vehicles using roadways, and trespassing and vandalism on active farms. The project does not involve the construction or expansion of residential development. While future development in Clayton may be located adjacent to or near agriculture uses, all future development would be required to comply with local regulations. Environmental impacts of subsequent development projects would also be considered, pursuant to CEQA, on a case-by-case basis following submittal of a specific development proposal.

Therefore, implementation of the 2015–2023 Housing Element would have no impact associated with changes in the existing environment that, due to their location or nature, could result in conversion of farmland or forestland to nonagricultural use.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Setting

Clayton is located in the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for meeting state and federal ambient air quality standards for all criteria pollutants in the Clayton area. The BAAQMD's jurisdiction covers all of Contra Costa County as well as the counties of Marin, Sonoma, Napa, Solano, Alameda, Santa Clara, San Mateo, and San Francisco. The BAAQMD works with other districts to maintain the region's portion of the State Implementation Plan, which is an air quality control plan containing regional emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies.

In the Bay Area, as in the entire state of California, a certain amount of air pollution comes from stationary industrial sources, such as refineries and power plants; however, a greater percentage of harmful air emissions comes from cars and trucks, construction equipment, and other mobile sources (BAAQMD 2014a).

Currently, the San Francisco Bay Area Air Basin is designated as in nonattainment for the state 8-hour and 1-hour ozone standard, PM₁₀ (coarse particulate matter) and PM_{2.5} (fine particulate matter) standard (BAAQMD 2014b). Additionally, the basin is designated as in nonattainment for the federal 8-hour ozone standard and the PM_{2.5} standard. The basin is either in attainment or unclassified for all other monitored air pollutants. The presence of inversion layers can augment the ambient air concentrations of pollutants such as carbon monoxide, ozone, and PM₁₀. Pollutants directly emitted have the ability to stay in an inversion profile without mixing or diluting, which causes an increase in pollutant concentration.

The California Clean Air Act of 1988 requires air districts to endeavor to achieve and maintain the state ambient air quality standards by the earliest practicable date and to develop plans for attaining the state ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide standards.

Discussion/Conclusion

- a) **No Impact.** A project would conflict with or obstruct implementation of the regional air quality attainment plans (AQAP) if it is inconsistent with the growth assumptions, in terms of population, employment, or regional growth in vehicle miles traveled. These population forecasts are developed, in part, on data obtained from local jurisdictions and projected land uses and population projections identified in general plans and community plans. Projects that result in an increase in population growth inconsistent with local general plans and/or community plans would be considered inconsistent with the AQAP.

The policies and measures in the 2015–2023 Housing Element are designed to address the potential future housing needed in the city. Increases in the density for the MHD land use designation are necessary in order to accommodate housing at a specified intensity, resulting in new units which are more affordable to lower-income households. The requirements of Implementation Measure I.1.2 establish a minimum density of 20 units per acre in the MHD land use designation. However, this increase would not trigger the screening thresholds established in the BAAQMD's CEQA Air Quality Guidelines (2010, Table 3.1).

The proposed Housing Element does not identify specific development, nor does it include programs to change land use designations in the city. Therefore, the 2015–2023 Housing Element would be consistent with any growth projections established in the General Plan and used by the BAAQMD for its air quality attainment plan. All future development would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact associated with obstructing implementation of the regional air quality attainment plan.

- b, c) **No Impact.** Future development of housing units facilitated by the implementation of the proposed Housing Element could result in an increase in criteria pollutants during both construction and operational activities and could also contribute substantially to the existing nonattainment status of the San Francisco Bay Area Air Basin. Construction activities such as excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth could generate exhaust emissions and fugitive particulate matter emissions that would affect local air quality. This effect is variable depending on the weather, soil conditions, and the amount of activity taking place, as well as the nature of dust control efforts. Likewise, operational air quality impacts are dependent on the types of land uses and mitigation.

The proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. All future development would be required to comply with local regulations. Environmental impacts of subsequent development projects would also be considered, pursuant to CEQA, on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the proposed Housing Element would have no impact associated with contributing substantially to an existing or projected air quality violation and increasing criteria pollutants during both construction and operational activities.

- d) **No Impact.** Housing units facilitated by the proposed Housing Element are sensitive receptors that could be exposed to pollutant concentrations. However, as discussed previously, the proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. Future residential development would be required to comply with General Plan policies related to air quality, conform to the AQAP, and meet national ambient air quality standards (NAAQS) and BAAQMD thresholds during both construction and operation activities. Therefore, the proposed Housing Element would have no impact associated with exposing sensitive receptors to pollutant concentrations.
- e) **No Impact.** Residential developments are not considered an emission source that would result in objectionable odors. No impact would occur.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Setting

According to the California Department of Fish and Wildlife's (2014) California Natural Diversity Database (CNDDDB), special-status or sensitive plant species occurring in the city include large-flowered fiddleneck, soft bird's-beak, Mt. Diablo bird's-beak, Contra Costa wallflower, Contra Costa goldfields, Mason's lilaeopsis, Antioch Dunes evening-primrose, rock sancicle, and Keck's checkerbloom. Additionally, according to the CNDDDB, 14 sensitive or special-status wildlife species have been known to occur in Clayton, such as the California tiger salamander, California red-legged frog, giant garter snake, and vernal pool tadpole shrimp.

Discussion/Conclusion

- a) **No Impact.** Future residential development projects consistent with the 2015–2023 Housing Element may result in impacts to biological resources. The proposed Housing

Element is a policy-level document. While it encourages the provision of a range of housing types and affordability levels, it does not include any specific development designs or development proposals, nor does it grant any entitlements for development. The 2015–2023 Housing Element does not propose any policies or programs that would conflict with existing General Plan policies regarding the protection of biological resources. All future residential development occurring as a result of implementation of the proposed Housing Element would be required to comply with local regulations, including General Plan goals, policies, and implementation measures regarding the protection of biological resources. Future subsequent development projects would also be required to comply with the environmental reporting requirements of CEQA following submittal of a specific development proposal.

Therefore, implementation of the 2015–2023 Housing Element would not cause adverse impacts to special-status plant and animal species, as well as their habitats, and as such, would have no impact to these biological resources.

- b, c) **No Impact.** Future residential development resulting from implementation of the 2015–2023 Housing Element may result in adverse impacts to sensitive natural communities such as riparian habitat and federally protected wetlands. As discussed previously, the proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. The 2015–2023 Housing Element does not propose any policies or programs that would conflict with existing General Plan policies regarding the protection of biological resources. Future residential development projects will be required to comply with the environmental reporting requirements of CEQA, which will identify the presence of special-status species and provide project-specific mitigation if necessary. Therefore, implementation of the 2015–2023 Housing Element would have no impact to federally protected wetlands and riparian resources.
- d) **No Impact.** As discussed under a) above, the proposed Housing Element is a policy-level document. It does not include any site-specific designs or development proposals, nor does it grant any entitlements for development. The 2015–2023 Housing Element does not propose any policies or programs that would conflict with existing General Plan policies regarding the protection of biological resources. The potential for the proposed Housing Element to impede native resident or migratory wildlife corridors or the uses of wildlife nursery sites, in and of itself, is nonexistent. While additional impacts may result from the implementation of future individual residential projects in the city, environmental review would be required per CEQA and City requirements and would identify and provide mitigation for any impacts to native wildlife corridors and nursery sites. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, nor would it impede the use of native wildlife nursery sites.
- e) **No Impact.** The proposed Housing Element does not include any specific development proposals, nor does it grant any entitlements for development that would affect biological resources. Future residential development would be required to comply with CEQA, as well as with the City of Clayton Municipal Code. Therefore, the proposed Housing Element would not conflict with any local policies or ordinances protecting biological resources.

- f) **Less Than Significant Impact.** The city is located in an area covered by the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). However, the proposed Housing Element is a policy-level document. It does not include any site-specific designs or development proposals, nor does it grant any entitlements for development. The 2015–2023 Housing Element does not propose any policies or programs that would conflict with the East Contra Costa County HCP/NCCP. Any future residential units developed as an indirect result of implementation of the Housing Element would be required to comply with regulations of the East Contra Costa County HCP/NCCP. As such, implementation of the 2015–2023 Housing Element would have a less than significant impact for this issue.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Setting

Clayton was founded in 1857 by Joel Clayton. With the discovery of coal deposits in the vicinity two years later, Clayton became a prosperous mining supply town and one of the largest towns in the county. At the height of the mining activity in 1886, the town's population was estimated at 900 (Clayton 2012, p. I-9). The mining boom lasted into the 1870s. From an economy based primarily on the production of coal and wheat, Clayton shifted to more diversified agricultural activities, including cattle ranching and orchard farming. Viticulture became a dominant activity for several years, and there were several local wineries. In succeeding decades, Clayton was supported by its remaining agricultural activity, some sporadic mining and quarrying operations, and the industry of surrounding towns and cities. As the commercial base declined, the town also declined in population. Despite rapid growth in the county, Clayton failed to attract new population or business activity during the late 1800s and early 1900s. This trend, however, was reversed as improved transportation and post-war urban expansion transformed much of the surrounding countryside to the north and west into residential subdivisions and associated commercial development. The wave of urbanization advanced eastward to the borders of Clayton, and in 1962 the City of Concord annexed a subdivision adjacent to Clayton. Clayton residents concerned with annexations and potential strip zoning to commercial designations, and anxious to preserve the rural-residential character of their community, banded together to oppose annexation of the community by other jurisdictions. The city was incorporated in 1964 (Clayton 2012, p. I-10).

Clayton has 15 buildings and 9 sites that are considered to be of historical significance, as identified in the Community Design Element.

Discussion/Conclusion

- a-d) **No Impact.** Future residential development in the city would not conflict with existing known cultural and historical resources in Clayton. In addition to "known" resource areas, the potential exists for undiscovered paleontological and archeological resources that would be encountered and potentially impacted by future construction activities. These resources could include human remains located outside of cemeteries. The proposed Housing Element is a policy-level document. While the Housing Element encourages the

provision of a range of housing types and affordability levels, it does not include any specific development designs or proposals, nor does it grant any entitlements for development that would adversely affect archaeological, paleontological, or historic resources. All future residential development occurring in the city must comply with local regulations, including General Plan policies regarding cultural resources in Clayton.

Environmental impacts of subsequent development projects would also be evaluated pursuant to CEQA on a case-by-case basis for each specific development proposal. Therefore, implementation of the 2015–2023 Housing Element is considered to have no impact on cultural resources.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Setting

According to the California Department of Conservation (2014a), Clayton is affected by a number of earthquake fault zones. The closest fault is the Concord fault approximately 3 miles from the city center. The Concord fault is an active fault, and small to moderate earthquakes are possible along the fault with a capability of a 7+ magnitude earthquake (Clayton 2012, p. VII-10). The most critical faults locally, according to the Clayton General Plan, are the San Andreas, Calaveras, and Hayward faults (Clayton 2012, p. VII-10). Prominent faults of undetermined status include the Pinole, Bollinger, Las Trampas, Franklin, South Hampton, Clayton-Marsh Creek, Midland, and Mt. Diablo faults. These faults have shown inconclusive signs of activity or are associated with geologic processes and features that could result in earthquakes (Clayton 2012, p. VII-10).

The undeveloped regions of Clayton contain a number of potential geological hazards. These include slopes with unstable expansive soil, high erosion potential, evidence of springs, mudflow potential, rockslide potential, and evidence of significant creep (Clayton 2012, p. VII-7).

The General Plan includes policies that reduce the hazards related to seismic disturbances to the extent possible. For instance, Safety Element Policy 1b restricts development on slopes over 26 percent, and Policy 2c requires soils/geologic studies for any areas with potential risk of ground failure prior to development. In addition, Policy 7a requires the City to maintain seismic standards at a level of construction commensurate with the risk.

Discussion/Conclusion

a)i-iv) **No Impact.** The Housing Element includes policies and programs designed to facilitate the construction and conservation of housing, which could increase exposure of people and structures to seismic hazards, including rupture of a fault, strong seismic shaking, and seismic-related ground failure. However, the proposed Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels rather than identifying any specific designs or development proposals. The Housing Element does not involve the construction or expansion of any residential land uses. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

In addition, future residential development projects would be required to comply with General Plan Safety Element Policies 1b, 2c, and 7a related to geologic and seismic hazards. Therefore, implementation of the 2015–2023 Housing Element would have no impact related to seismic hazards.

- b) **No Impact.** Future construction in the city would result in the moving and grading of topsoil, which would lead to disturbed soils that are more likely to suffer from erosion from a variety of sources, such as wind and water. As discussed under a)i-iv) above, the proposed Housing Element is a policy-level document that does not propose any specific development and does not directly result in adverse impacts associated with substantial loss of topsoil or erosion. All future residential development would be subject to the environmental analysis requirements of CEQA, including the identification of erosion impacts. Therefore, implementation of the proposed Housing Element would have no impact regarding this issue.
- c, d) **No Impact.** Future residential development on unstable or expansive soils could create substantial risks to life or property and result in adverse impacts such as on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. As discussed under a)i-iv) above, the proposed Housing Element is a policy-level document that does not propose any specific development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the proposed Housing Element would have no impact regarding this issue.

- e) **No Impact.** The Housing Element includes policies and programs designed to facilitate the construction and conservation of housing. The majority of the potential housing sites identified in the 2015–2023 Housing Element are located in an area in which the existing city wastewater system is in place. However, for those areas that may require individual sewage systems, Municipal Code Section 13.08.070 requires that these systems be approved by the City's health officer based on the requirements of Municipal Code Chapter 13.08. All septic systems developed as a result of implementation of the Housing Element would be required to comply with the City's septic system regulations. Implementation of the proposed Housing Element would have no impact regarding this issue.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Setting

State Assembly Bill (AB) 32 (2006), the Global Warming Solutions Act, directs public agencies in California to support the statewide goal of reducing greenhouse gas (GHG) emissions to 1990 levels by 2020.

The BAAQMD (2010) CEQA Air Quality Guidelines include a project-level GHG threshold for land use projects including residential projects. The thresholds are in compliance with a qualified GHG reduction strategy of annual emissions of less than 1,100 metric tons per year (MT/yr) of carbon dioxide equivalents (CO₂e). The project thresholds are presented in Table 3-1 of the BAAQMD CEQA Air Quality Guidelines. The residential land use types in Table 3-1 include multi-family uses such as apartments and condos/townhouses. The lowest screening level for multi-family projects is 78 units in the apartment, low-rise, and condo/townhouse general categories. In other words, if a low-rise apartment complex project has more than 78 units, this project will surpass the screening threshold and therefore would require an analysis and mitigations to reduce GHG impacts.

Discussion/Conclusion

- a, b) **No Impact.** Future development of housing units could result in an increase in GHG emissions during both construction and operational activities. However, the proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development.

The policies and measures in the 2015–2023 Housing Element are designed to address potential future housing needed in the city. An increase in the minimum density for the MHD land use designation is necessary in order to accommodate housing at a specified intensity, resulting in new units which are more affordable to lower-income households. Based on the requirements of Implementation Measure I.1.2 establishing a minimum density of 20 units per acre, a 5-acre site would accommodate at least 80 new dwelling units and on a cumulative basis surpass the 78-unit screening threshold for low-rise apartments. However, as stated previously, the proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. Further, environmental impacts of subsequent development projects would be considered, pursuant to CEQA, on a case-by-case basis following submittal of a specific development proposal. There is no impact.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Setting

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. According to California Health and Safety Code Section 25501(o), "hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the

workplace or the environment. Searches of the California Department of Toxic Substance Control's (2014) EnviroStor database and the State Water Resources Control Board's (2014) GeoTracker database identified no open case hazardous material sites in Clayton that are associated with a hazardous material-related release or occurrence.

There are no airports in the city. The nearest airport is Buchanan Field Airport located at 550 Sally Ride Drive in Concord, approximately 6 miles from Clayton. The nearest large airport is Oakland International Airport approximately 34 miles from Clayton.

Discussion/Conclusion

- a-d) **No Impact.** The Housing Element, in and of itself, does not propose the construction of new housing units. However, future development of residential housing units constructed as a result of implementation of the 2015–2023 Housing Element could create a significant hazard to future residents via exposure to the routine transport, use, or disposal of hazardous materials, through exposure to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, through exposure to the handling or emission of hazardous materials, or by locating residential development on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, impacts associated with hazardous materials would be dependent on the location of future residential development and the nature of surrounding land uses. As stated previously, the proposed Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels, but it does not include any specific development designs or development proposals, nor does it grant any entitlements for development.

For those future housing developments located near a business handling hazardous materials, all businesses in the city are subject to the hazardous materials regulations of the Contra Costa County Health Services Department. The department, which is the Certified Unified Program Agency (CUPA) for all cities and unincorporated areas in the county, issues permits to and conducts inspections of businesses that use, store, or handle quantities of hazardous materials and/or waste greater than or equal to 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at any time. The department also implements the Hazardous Materials Business Plans that include an inventory of hazardous materials used, handled, or stored at any business in the county. The department issues permits to and inspects businesses that handle acutely hazardous materials.

The City of Clayton regulates hazardous materials in coordination with other state and local agencies (e.g., California Department of Toxic Substances Control and Contra Costa County Health Services Department). The City enforces Title 26, Division 6, of the California Code of Regulations (CCR) to reduce impacts associated with accidental release from transportation of hazardous materials on roads in the city and the potential for an increased demand for incident emergency response. In addition, pursuant to CCR Title 8, the City enforces workplace regulations applicable to businesses and public facilities addressing the use, storage, and disposal of flammable and hazardous materials. Additionally, Clayton Municipal Code Chapter 8.05 provides regulations regarding hazardous waste compliance with the Contra Costa County Hazardous Waste Management Plan.

Residential developments do not generally include the routine transportation, use, or disposal of hazardous materials that could create a significant hazard to the public. Businesses that handle hazardous materials must comply with the regulations of the Contra Costa County Health Services Department. Therefore, the proposed Housing Element would not create a significant hazard to the public or the environment regarding the transport, storage, use, and disposal of hazardous materials and would result in no impact to these issue areas.

- e, f) **No Impact.** Airport-related hazards are generally associated with aircraft accidents, particularly during takeoffs and landings. Airport operation hazards include incompatible land uses, power transmission lines, wildlife hazards (e.g., bird strikes), and tall structures that penetrate the imaginary surfaces surrounding an airport. As discussed under a–d) above, the proposed Housing Element is a policy-level document that does not propose any specific development. While the proposed Housing Element identifies the need for additional housing in the city, it does not provide specific details regarding future development. Due to the distance of the nearest airport (Buchanan Field Airport) from the city of approximately 6 miles, it is not anticipated that there would be any land use conflicts. However, all new housing developed as a result of implementation of the Housing Element will be required to comply with the land use regulations and safety standards of Buchanan Field Airport. Therefore, implementation of the 2015–2023 Housing Element would have no impact associated with airport-related hazards.
- g) **No Impact.** The City's Local Hazard Mitigation Plan was designed to develop a disaster-resistant region by implementing strategies region-wide that will reduce the potential loss of life, property damage, and environmental degradation caused by natural disasters while speeding economic recovery as much as possible (Clayton 2013). As discussed previously, the proposed Housing Element is a policy-level document that does not propose any specific development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding issues of inconsistency with the Local Hazard Mitigation Plan.
- h) **No Impact.** The California Department of Forestry and Fire Protection, Natural Hazard Disclosure (Fire) map shows that Clayton is a "local responsibility area" and is not identified as High Fire Hazard Severity Zone (Cal Fire 2007). According to the General Plan, because the natural vegetation in the trail system and adjacent parklands is extremely flammable during the summer and fall, wildfire is a serious hazard in the city. Slopes, high winds, and difficulty in access increase the hazards. Traffic congestion in the case of fire can hinder firefighting. Isolated homes set in wooded canyons or on ridgetops with only one narrow, winding, or steep road are subject to a high fire hazard (Clayton 2012, p. VII-24).

General Plan Safety Element Policy 10b requires all new development to be reviewed by the Contra Costa County Fire Protection District so that adequate fire protection can be provided. Policy 10c requires development proposals to meet standards for adequate fire flows appropriate to the fire risk created. California Building Code standards require fire sprinklers in new residential dwelling units, as well as adequate pressure pumps and water storage tanks to serve these fire sprinklers.

As discussed previously, the proposed Housing Element is a policy-level document that does not propose any specific development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance, as well as with all regulations established to reduce the potential for wildfire. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Setting

Several natural creeks running through Clayton have been integrated into a greenbelt system of parks. The principal stream running through the city is Mt. Diablo Creek, which drains a watershed of approximately 30 square miles and flows northerly and westerly and empties into Suisun Bay. Mt. Diablo Creek is joined by Donner and Mitchell creeks in the city (Clayton 2012, p. 19). Within the Planning Area, there is negligible hydraulic force to the creeks and there is no

potential for a harbor, fishing, or a marina. The average rainfall in Clayton is 24 inches annually, with an average of 65 days of precipitation yearly (Sperling's 2014).

Clayton is located in the San Francisco Bay Hydrologic Region, which covers approximately 2.88 million acres (4,500 square miles) and includes all of San Francisco County and portions of Marin, Sonoma, Napa, Solano, San Mateo, Santa Clara, Contra Costa, and Alameda counties. Significant geographic features include the Santa Clara, Napa, Sonoma, Petaluma, Suisun-Fairfield, and Livermore valleys; the Marin and San Francisco peninsulas; the San Francisco, Suisun, and San Pablo bays; and the Santa Cruz Mountains, Diablo Range, Bolinas Ridge, and Vaca Mountains of the Coast Range. The region has 28 identified groundwater basins (DWR 2003, p. 131).

The city is located in the Clayton Valley Groundwater Basin, which is connected hydrologically to Suisun Bay (DWR 2004, p. 1). Groundwater levels have shown a slight gradual decline over the period of record. The 1976–1977 and 1987–1992 drought periods showed that the groundwater level dropped during these periods but subsequently recovered as the droughts waned (DWR 2004, p. 1).

Discussion/Conclusion

- a, f) **No Impact.** Future residential development in the city could result in both construction and operational impacts to water quality and discharge standards. Potential operational impacts include the use of fertilizers, herbicides, and pesticides to maintain lawns, as well as motor vehicle operation and maintenance. Potential construction impacts include grading and vegetation removal activities that would result in the exposure of raw soil materials to the natural elements (wind, rain, etc.). However, the purpose of the proposed Housing Element is to identify the policies and programs that the City will implement to ensure that housing in Clayton is affordable, safe, and decent. The proposed Housing Element is a policy-level document that does not include any specific design or development proposals, nor does it grant any entitlements for development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance.

In addition, all new development projects in the city are subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit enforced by the Regional Water Quality Control Board (RWQCB). The permit requires that the City impose water quality and watershed protection measures for all development projects and prohibits discharges from causing violations of applicable water quality standards or from resulting in conditions that create a nuisance or water quality impairment in receiving waters.

All new development constructed as a result of implementation of the 2015–2023 Housing Element would be required to comply with the City's water quality protections, as well as with the environmental review required by CEQA. Environmental impacts of subsequent development projects would be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the proposed Housing Element would have no impact on water quality and waste discharge.

- b) **No Impact.** Water supply in the city is provided by the Contra Costa Water District (CCWD). The district is almost entirely dependent on the Sacramento-San Joaquin River Delta (Delta) for its untreated water supply. The district's primary source is the US Bureau

of Reclamation's Central Valley Project (CVP). CVP water consists of unregulated flows and regulated flows from storage releases from the Shasta, Folsom, and Clair Engle reservoirs into the Sacramento River (CCWD 2007, p. 2-1). The CCWD does not use groundwater as a part of its water supply. The proposed Housing Element does not identify any specific development or grant any entitlements for development and would not, in and of itself, affect groundwater supply or recharge. Environmental impacts of subsequent development projects would be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact to groundwater resources in the area.

- c–e) **No Impact.** The proposed Housing Element encourages the development of a range of housing types at varying affordability levels in Clayton. If development of housing units were to occur in previously undeveloped areas, increased impervious surfaces and grading and vegetation removal activities could increase surface runoff. However, the proposed Housing Element is a policy-level document that does not include any specific designs or development proposals, nor does it grant any entitlements for development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance.

All new development projects in the city are subject to the requirements of the NPDES Stormwater Permit enforced by the Regional Water Quality Control Board. The permit requires that the City impose water quality and watershed protection measures for all development projects and prohibits discharges from causing violations of applicable water quality standards or from resulting in conditions that create a nuisance or water quality impairment in receiving waters.

Compliance with the provisions of the NPDES and best management practices would reduce the impacts of future development. Therefore, the proposed Housing Element would not result in significant impacts to drainage or runoff, as no development is proposed. In addition, future development envisioned by the proposed Housing Element would be subject to the regulations discussed above.

- g, h) **No Impact.** The proposed Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. Future development projects would be subject to Clayton General Plan Safety Element Policy 8b, which requires the submittal of all subdivision and creekside development plans for review by the County Flood Control District. Additionally, Policy 8d requires the prevention of encroachment into the floodplain subject to federal, county, and local standards and requirements. Finally, all development in the city is subject to Clayton Municipal Code Chapter 15.58, which defines the requirements for flood protection in the city. Therefore, the proposed Housing Element would not place structures within a 100-year flood zone without the proper mitigation. As a result, implementation of the 2015–2023 Housing Element would have no impact regarding flooding.
- i) **No Impact.** According to the Association of Bay Area Governments (ABAG) (2014), Clayton is not located in an area at risk of dam inundation. Therefore, the 2015–2023 Housing Element would not expose people or structures to a significant risk of loss, injury, or death as a result of the failure of a dam. No impact would occur.

- j) **No Impact.** Clayton is not located near any ocean or any large bodies of water, so the potential for tsunami or seiche is nonexistent. The potential to expose people or structures to inundation by mudflow does exist because of the hills surrounding the city. However, the proposed Housing Element is a policy-level document that does not include any specific designs or development proposals, nor does it grant any entitlements for development. Additionally, all future residential development occurring in the city would be required to adhere to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, the Housing Element would not expose people or structures to a significant risk of loss, injury, or death as a result of mudflow or seiche. No impact would occur.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

Setting

Clayton is characterized by a wide range of existing land uses. Much of the residential development in the city is low-density single-family housing.

Discussion/Conclusion

- a, b) **No Impact.** The Housing Element is consistent with the land uses envisioned in the General Plan and would not remove policies that currently protect environmental resources. The 2015–2023 Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels. The proposed Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The Housing Element anticipates land uses that are consistent with the current land use designations established by the General Plan Land Use Element and Land Use Map. Future residential development projects will require compliance with General Plan policies related to land use and Zoning Ordinance requirements associated with zoning districts, allowable uses, and development standards. While the Housing Element does propose changes to the existing Zoning Ordinance to comply with state law as well as an increase in permissible density in the MHD land use designation, these changes do not alter existing land use designations or the development pattern. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the Housing Element would have no impact related to land use or the potential to physically divide a community.
- c) **Less Than Significant Impact.** As discussed previously in item f) in subsection IV, Biological Resources, the city is located in an area covered by the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan. The 2015–2023 Housing Element does not propose any policies or programs that would conflict with the East Contra Costa County HCP/NCCP. Any future residential units developed as an indirect result of implementation of the Housing Element would be required to comply with the regulations of the East Contra Costa County HCP/NCCP. As such, implementation of the 2015–2023 Housing Element would have a less than significant impact for this topic.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Setting

The Clayton General Plan identifies that there are no quarries within the city limits. However, the Lone Star Quarry is located on the southwestern edge of the community and is within the City's Sphere of Influence (SOI) but outside of the Urban Limit Line. Additionally, the DOC (1982) Clayton Quadrangle Special Report 146, Plate 2.62, shows three aggregate resources around the city, although the city's boundaries are not shown.

Discussion/Conclusion

- a, b) **No Impact.** The City of Clayton and the California Department of Conservation have identified areas with mineral resources adjacent to the city. These areas are identified with the General Plan land use designation of Quarry and are specifically for mineral extraction. As discussed previously, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, no impact to mineral resources would occur.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

The major noise sources in Clayton are related to vehicular traffic on Clayton Road, Concord Boulevard, and Mitchell Canyon Road. According to the General Plan, the predominant source of vehicular noise is from the gravel trucks serving the Lone Star Quarry (Clayton 2012, p. VIII-4). The major stationary noise sources affecting the city are the Concord Pavilion and the Lone Star Quarry, both outside of the city limits. General Plan Noise Element Policy 2a establishes noise standards in the city requiring mitigation for noise that exceeds 45 L_{dn} for indoor noise levels and 60 L_{dn} for outdoor noise levels.¹ Construction noise is regulated by Municipal Code Sections 9.30.030 and 15.01.101, which limit the hours of construction from 7:00 a.m. to 5:00 p.m., Monday through Friday, in the city.

Discussion/Conclusion

- a-d) **Less Than Significant Impact.** The proposed Housing Element encourages the provision of a range of housing types and affordability levels. Housing is not considered a major source of noise in the city, but placing housing adjacent to major sources of noise could

¹ L_{dn} is day-night average sound level, the average noise level over a 24-hour period.

expose people to temporary or permanent noise levels in excess of acceptable standard. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. Future residential development projects will require compliance with General Plan policies related to noise standards and compliance with Municipal Code Sections 9.30.030 and 15.01.101. While the Housing Element does propose changes to the existing Zoning Ordinance to comply with state law as well as an increase in permissible density in the MHD land use designation, it does not involve the construction or expansion of any residential land uses, nor does it change land use designations. All future residential development occurring in the city would be required to comply with local regulations. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, adverse impacts related to a temporary or permanent increase in noise levels would be less than significant.

- e, f) **No Impact.** As discussed under a–d) above, the proposed Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development that would expose people to excessive noise levels. There are no airports in the vicinity that would expose persons to excessive noise levels, as the nearest airport is approximately 6 miles from Clayton. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding airport noise issues.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting

The city's population increased significantly from 7,317 in 1990 to 10,897 in 2010, an increase of 48.9 percent (US Census Bureau 2014). Based on California Department of Finance (2014) population estimates, Clayton's population has increased since 2010, reaching a population of 11,200 in January 2014. The average household size was estimated at 2.78 persons per household in 2014 (DOF 2014).

Discussion/Conclusion

- a) **Less Than Significant Impact.** The proposed Housing Element contains housing goals intended to encourage housing to meet Clayton's affordable housing needs and would therefore accommodate growth rather than induce it. Furthermore, the proposed Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels. It does not include any specific development proposals, nor does it grant any entitlements for development that would induce population growth. The RHNA for the 2015–2023 Housing Element planning period is 141 units. Based on the average household size in the city of 2.78 persons per household (DOF 2014) and the RHNA of 141 dwellings, implementation of the 2015–2023 Housing Element has the potential to increase the city's population by 392. However as stated previously, Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development.

All future residential development in the city is required to be developed in compliance with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, growth-inducing impacts would be less than significant.

- b, c) **No Impact.** The proposed Housing Element encourages the provision and preservation of a range of housing types and affordability levels to meet Clayton's housing needs. Implementation of the Housing Element would not displace or decrease housing units in the city. Therefore, no impact would occur.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Setting

Fire protection in Clayton is handled by Contra Costa County Fire Protection District Station 11, located at 6500 Center Avenue. The district provides fire protection and suppression and life safety services in the city. The district responds to structural and wildland fires, emergency medical service needs, and hazardous/toxic material spills in the city.

The Clayton Police Department provides police protection in the city. The department is headquartered at 6000 Heritage Trail.

Clayton is served by the Mt. Diablo Unified School District, which serves the cities and communities of Clayton, Concord, Clyde, Lafayette, Martinez, Pacheco, Pittsburg, Pleasant Hill, and Walnut Creek. The school district operates 31 elementary schools, 9 middle schools, and 5 high schools, as well as 2 adult education centers and 17 alternative schools and programs. The only schools in Clayton are Mt. Diablo Elementary School and Diablo View Middle School.

The City of Clayton's Recreation Department and Maintenance Department are responsible for the administration, maintenance, and construction of park facilities in the city. Clayton has seven parks, including a dog park and an equestrian staging area. Additionally, the Clayton Trail System consists of 27 miles of trails on approximately 515 acres of open space (Clayton 2014).

Discussion/Conclusion

- a-e) **No Impact.** The proposed Housing Element includes policies and programs designed to facilitate the construction and conservation of housing to meet Clayton's affordable housing needs. Subsequent residential development projects could result in an increase in demand for public services. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. While the Housing Element proposes changes to the Zoning Ordinance, it does not involve the construction or expansion of any residential land uses and would not result in the need for expanded public services.

Public services generally identify future needs using the projections established in a jurisdiction's general plan. All potential housing sites in the 2015–2023 Housing Element are located on parcels that have been identified as allowing residential uses in the Clayton General Plan and therefore would not create development beyond the potential anticipated in the General Plan. Additionally, future residential development projects will require compliance with General Plan policies related to the provision of public services. Furthermore, environmental impacts of subsequent development projects, including impacts to public services, would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding public services.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

As discussed previously, the City's Recreation Department and Maintenance Department are responsible for the administration, maintenance, and construction of park facilities in the city. Clayton has seven parks, including a dog park and an equestrian staging area. Additionally, the Clayton Trail System consists of 27 miles of trails on approximately 515 acres of open space (Clayton 2014).

Discussion/Conclusion

- a, b) **No Impact.** Future residential development consistent with the 2015–2023 Housing Element could increase the use of existing neighborhood and regional parks or other recreational facilities and require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. However, the proposed Housing Element does not change General Plan land use designations or zoning districts in the city. As such, it does not result in growth not already anticipated in the General Plan. The Housing Element is a policy-level document. While it encourages the provision of a range of housing types and affordability levels, it does not include any specific development proposals, nor does it grant any entitlements for development that would result in an increased demand for parks and recreational facilities.

Future residential development projects will require compliance with General Plan policies related to parks. City General Plan Growth Management Element Performance Standards include standards for park facilities in the city. According to this standard, the City requires 3 acres of developed parks per 1,000 residents and 7 acres of maintained open space per 1,000 residents, resulting in a total of 10 acres of active open space per 1,000 residents (Clayton 2012, p. 8). Additionally, Growth Management Element Policy 1c requires all new development to contribute to or participate in the improvement of parks in proportion to the demand generated by the project.

All future residential development occurring in the city would be required to comply with local regulations, including General Plan park standards. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding park and recreational services.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highway and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the City congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Setting

In the regional context, the arterials in the Clayton area are Ygnacio Valley Road/Kirker Pass Road and Clayton Road. These roads carry most of the commute traffic from east Concord and the Clayton area to Interstate 680 and State Route 24 for destinations in downtown Concord, Walnut Creek, Martinez, Pittsburg, Antioch, Alameda County, and San Francisco. Concord Boulevard also serves to carry commute traffic, but does so for lower volumes. At present, Concord Boulevard south of Kirker Pass Road undergoes a name change to Oakhurst Drive at Clayton's city limits. This road connects with Clayton Road, which carries traffic to downtown Clayton from State Route 24 in Concord. Marsh Creek Road carries traffic to Clayton from residential developments and ranches to the east between Clayton and Brentwood. Marsh Creek Road is primarily a rural facility. Clayton and Marsh Creek roads meet both in the Town Center (where Marsh Creek Road ends) and adjacent to Diablo View Middle School. Other important roadways in Clayton are Pine Hollow Road and Mitchell Canyon Road.

The General Plan Growth Management Element identifies a level of service (LOS) standard for four intersections in the city: Clayton Road/Washington Boulevard, Clayton Road/Mitchell Canyon Road, Marsh Creek Road/Regency Drive, and Oakhurst Road/Eagle Peak Avenue (south). The lowest acceptable level of service for these intersections is LOS D (Clayton 2012, p. 5).

Discussion/Conclusion

- a, b) **No Impact.** The proposed Housing Element includes policies and programs designed to facilitate the construction and conservation of housing to meet Clayton's affordable housing needs. Subsequent residential development projects could result in an increase in traffic on city roadways and a decrease in level of service on those roadways. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. For instance, Growth Management Element Policy 1d requires that as part of the development review process, all projects expected to generate over 100 peak-hour trips include a traffic impact study. Policy 1e states that the City will not approve development projects expected to generate over 1,000 peak-hour trips in the peak direction unless a finding of consistency can be made with the Reporting Intersection Traffic Level of Service Standards.

Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding traffic levels of service.

- c) **No Impact.** The RHNA for Clayton is 141 dwelling units. Future residential development under the proposed Housing Element would not dramatically increase the use of airports in the vicinity. Therefore, no impact would occur relative to an increase in air traffic.
- d, e) **No Impact.** As discussed above, the proposed Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development that would affect the site design, emergency access, or parking of any developments. Future residential development projects will require compliance with General Plan policies related to traffic and circulation. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding roadway hazards or emergency services.
- f) **No Impact.** As discussed previously, the proposed Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. Future residential development would be required to comply with General Plan policies related to alternative transportation. For instance, Circulation Element Objective 7 shows the City's desire to support alternative transportation through the enhancement of the city's system of pedestrian, equestrian, and bicycling paths and trails. Additionally, Policy 7a requires the determination of areas where greenbelt paths may need to be designed to separate equestrian, bicycle, and pedestrian use. Therefore, the proposed Housing Element would not conflict with any local policies or ordinances supporting alternative transportation.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

Sanitary sewer services in the city are provided by the Central Contra Costa Sanitation District (CCCSD). Septic systems are allowed for large lots in areas considered as transitional areas by the City. However, for those areas that may require individual sewage systems, Municipal Code Section 13.08.070 requires that these systems be approved by the City's health officer based on the requirements of Municipal Code Chapter 13.08. According to the CCCSD's (2012) Sewer System Master Plan, when a new development, such as housing complex, is proposed within the CCCSD boundary, a capacity analysis is performed before project approval is granted. Simulations are performed to determine whether the new development may cause capacity issues. If the hydraulic model suggests the proposed development may cause capacity issues, the developer is required to upsize the capacity-deficient pipes directly connected to the development (CCCSD 2012, p. 8-4). The CCCSD's (2010) Collection System Master Plan Update identifies the average base wastewater flow per single-family and multi-family unit. According to this document, the average wastewater flow for a single-family unit is 195 gallons per day (gpd), while average flow for a multi-family unit is 105 gpd (CCCSD 2010, p. v). The RHNA for Clayton is 141 dwelling units. Assuming that all of the new dwelling units would be single-family, the wastewater flow from these units would be 27,495 gpd.

Water supply in the city is provided by the Contra Costa Water District (CCWD). The CCWD's (2007) Water Master Plan identifies future water demand based on acre-feet per acre per year (AF/ac/yr). For the City of Clayton in the single-family medium land grouping, the future water use was based on a water use factor of 4.5 AF/ac/yr (CCWD 2007, Table A-2). Using this factor and the total number of acres (25.68) to accommodate the RHNA identified in Table 48 of the 2015–2023 Housing Element, the water demand related to the Housing Element can be approximated. Based on these factors, the future water demand would be approximately 115.56 acre-feet per year. Of course, this is just a rough estimate and assumes that all 25.68 acres will be developed for single-family use at medium density.

Stormwater drainage facilities are provided by the City of Clayton. The City's flood control standard requires all development to provide protection from the 100-year flood event, as determined by the Federal Emergency Management Agency (FEMA).

Household garbage, yard waste, and recycling is collected curbside on a weekly basis in the city by Allied Waste Services. The landfills serving Clayton include the Keller Canyon Landfill and the Potrero Hills Landfill. According to the California Department of Resources Recycling and Recovery (CalRecycle), the Keller Canyon Landfill received the majority of the solid waste coming from Clayton (83.5 percent) in 2012. Additionally, the Potrero Hills Landfill received approximately 15.3 percent of the solid waste produced in the city at that time. The Keller Canyon Landfill has a maximum permitted capacity of 75,018,280 cubic yards and a cease operations date of December 31, 2030, while the Potrero Hills Landfill has a maximum capacity of 83,100,000 cubic yards and a cease operations date of February 14, 2048 (CalRecycle 2014).

Discussion/Conclusion

- a, b, d, e) **No Impact.** Future residential development in the city would require adequate municipal wastewater service and adequate domestic water service, including water supplies and wastewater treatment capacity or individual wells and septic systems. Increased demand for wastewater and water service can also result in the exceedance of wastewater treatment requirements and the need for new water or wastewater treatment facilities or the expansion of existing facilities. As stated previously, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. All future residential development occurring in the city would be required to comply with local regulations. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

Future development proposals would be reviewed by the appropriate service agencies as part of the development application review process in order to ensure that sufficient capacity in all utilities would be available on time to maintain desired service levels. Therefore, implementation of the 2015–2023 Housing Element would have no impact regarding a significant increase in demand for wastewater and water services.

- c) **No Impact.** The future development of housing consistent with the 2015–2023 Housing Element could increase runoff and alter normal drainage patterns on project sites. Any potential residential site identified in the proposed Housing Element that is located in a developed area of the city where stormwater drainage facilities already exist would be required to comply with the storm drainage standards for that area. As discussed above, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. Any future

residential development in the city would be subject to further CEQA review. Therefore, there would be no impacts associated with the construction of new stormwater drainage facilities or the expansion of existing facilities.

- f, g) **Less Than Significant Impact.** As discussed previously, the proposed Housing Element includes policies and programs designed to facilitate the construction and conservation of housing to meet Clayton's affordable housing needs, but it does not include any specific development proposals, nor does it grant any entitlements for development. Any future residential development would increase the demand for solid waste services in the area and would increase the amount of solid waste generated and sent to local landfills. According to CalRecycle (2014), the city had an average per person solid waste disposal rate of 2.9 pounds per day in 2012. The estimated population residing in the RHNA 141 dwelling units is 392 persons, as discussed previously in subsection XIII, Population and Housing. Based on this number and the average solid waste per person per day in the city, the amount of solid waste produced by persons living in the 141 units would be approximately 1,136.8 pounds per day, or 207.5 tons per year. The landfills serving Clayton include the Keller Canyon Landfill and the Potrero Hills Landfill. The Keller Canyon Landfill has a maximum permitted daily throughput of 3,500 tons, a remaining capacity of 63,408,410 cubic yards (as of November 16, 2004), and an anticipated closure date of December 31, 2030 (CalRecycle 2014). The Potrero Hills Landfill has a maximum permitted daily throughput of 4,330 tons, a remaining capacity of 13,872,000 cubic yards (as of January 1, 2006), and an anticipated closure date of February 2, 2048 (CalRecycle 2014). The addition of 1,136.8 pounds per day of solid waste would not result in the closure of either landfill. Assembly Bill 939, which requires recycling programs that result in a 50 percent diversion away from landfills, would apply to new development. Additionally, all new development in the city is subject to Clayton Municipal Code Chapter 15.80, which regulates construction and demolition recycling. Therefore, implementation of the 2015–2023 Housing Element would have a less than significant impact regarding solid waste.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion/Conclusion

- a, c) **Less Than Significant Impact.** The Housing Element is a policy-level document. While the Housing Element encourages the provision of a range of housing types and affordability levels, it does not include specific development proposals, nor does it grant any entitlements for development that would have the potential to degrade the quality of the environment to adversely affect human beings. The Housing Element proposes changes to the existing Zoning Ordinance; however, the changes are procedural or designed to comply with state law and do not involve the construction or expansion of any residential land uses, nor does the Housing Element propose any land use designation changes. All future residential development occurring in the city would be required to comply with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Future residential development projects would require compliance with General Plan policies and other City codes and ordinances intended to protect the environment. Therefore, the proposed Housing Element would result in less than significant adverse impacts to the environment or to human beings as a result of environmental degradation.
- b) **Less Than Significant Impact.** As discussed above, the proposed Housing Element is a policy-level document that does not propose any specific development. Therefore, identifying or analyzing cumulative impacts would be speculative at this time. Future residential development projects and/or policies would be subject to environmental review, including a review of cumulative impacts. Therefore, impacts would be less than significant.

REFERENCES

- ABAG (Association of Bay Area Governments). 2014. *Dam Failure Inundation Hazard Maps*. Accessed August 14. <http://www.abag.ca.gov/bayarea/eqmaps/dfpickc.html>.
- BAAQMD (Bay Area Air Quality Management District). 2010. *California Environmental Quality Act Air Quality Guidelines*. Accessed August 13, 2014. <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.aspx>.
- . 2014a. *Air Quality in the Bay Area*. Accessed August 13. <http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area.aspx>.
- . 2014b. *Air Quality Standards and Attainment Status*. Accessed August 13. http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm.
- Cal Fire (California Department of Forestry and Fire Protection). 2007. *City of Clayton FHSZ Map*. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.php.
- CalRecycle (California Department of Resources Recycling and Recovery). 2014. *Data Central*. Accessed August 14. <http://www.calrecycle.ca.gov/DataCentral/default.htm>.
- CCCSD (Central Contra Costa Sanitary District). 2010. *Collection System Master Plan Update*. Accessed August 14, 2014. http://www.centrsan.org/documents/Col_System_Master_Plan_Update.pdf.
- . 2012. *Sewer System Management Plan*. Accessed August 14, 2014. http://www.centrsan.org/documents/SSMP_2012.pdf.
- CCWD (Contra Costa Water District). 2007. *2007 Treated Water Master Plan Update*. Accessed August 14, 2014. <http://www.ccwater.com/files/WaterMasterPlanDec07.pdf>.
- CDFW (California Department of Fish and Wildlife). 2014. *California Natural Diversity Database – June 2014 update*. Sacramento: CDFW Biogeographic Data Branch.
- Clayton, City of. 2012. *General Plan*. Last revised April 3, 2012. http://ci.clayton.ca.us/?page_id=212.
- . 2013. *Local Hazard Mitigation Plan*. Accessed August 13, 2014. http://ci.clayton.ca.us/?page_id=267.
- . 2014. *Recreation Department website*. Accessed August 14. http://ci.clayton.ca.us/?page_id=283.
- . n.d. *Municipal Code*. <http://www.ci.clayton.ca.us/municode/>.
- DOC (California Department of Conservation). 1982. *Special Report 146, Plate 2.62, Clayton Quadrangle*. Accessed August 14, 2014. http://www.conservation.ca.gov/smbg/reports/Designation/DR%207/Documents/DR7_SR_146_Plate2.62.pdf.

-
- . 2014a. Earthquake Maps. <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/index.aspx>.
- . 2014b. *AB 3098 Listing as of July 1, 2014*. Accessed August 14. http://www.conservation.ca.gov/omr/SMARA%20Mines/ab_3098_list/Pages/Index.aspx.
- . 2014c. Important Farmland Finder. <http://maps.conservation.ca.gov/ciff/ciff.html>
- DOF (California Department of Finance). 2014. *Report E-5, Population and Housing Estimates for Cities, Counties and State*. Accessed August 12. <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>.
- DTSC (California Department of Toxic Substances Control). 2014. EnviroStor. <http://www.envirostor.dtsc.ca.gov/public/>.
- DWR (California Department of Water Resources). 2003. *San Francisco Bay Hydrologic Region – Bulletin 118*. Accessed August 14, 2014. http://www.water.ca.gov/pubs/groundwater/bulletin_118/california's_groundwater__bulletin_118_-_update_2003_/bulletin118_2-sf.pdf.
- . 2004. *California's Groundwater Bulletin 118, Clayton Valley Groundwater Basin*. Last updated 2/27/2004. Accessed August 14, 2014. http://www.water.ca.gov/pubs/groundwater/bulletin_118/basindescriptions/2-5.pdf.
- Sperling's. 2014. Climate in Clayton, California. Accessed August 14. <http://www.bestplaces.net/climate/city/california/clayton>.
- SWRCB (State Water Resources Control Board). 2014. GeoTracker. <http://geotracker.waterboards.ca.gov/>.
- US Census Bureau. 2014. 1990, 2000, and 2010 Census. Accessed August 14. <http://www.census.gov/>.

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CITY OF CLAYTON

2015-2023

Housing Element

Final Draft
August 25, 2014



City of Clayton
6000 Heritage Trail
Clayton, CA 94517-1250



Technical Assistance By:



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ATTACHMENT - 3

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Appendix A – Housing Conditions Results Map

Appendix B – Residential Land Inventory

1.0 INTRODUCTION

1.1 Overview of State Requirements

State law recognizes the vital role local governments play in facilitating the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term General Plan for the physical development of the city or county. The Housing Element is one of the seven mandated elements of the local General Plan. State law requires that local governments identify and plan for the existing and projected housing needs of all economic segments of the community in their Housing Elements. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. Housing policy in the state rests largely upon the effective implementation of local general plans and, in particular, local Housing Elements.

1.2 Housing Element Organization

This Housing Element addresses the planning period from January 31, 2015 to January 31, 2023. This Housing Element consists of the following sections:

- Section 2.0 provides a description and analysis of Clayton's population and household characteristics, employment and economic trends, housing stock, and existing and future housing needs.
- Section 3.0 examines opportunities and resources for residential energy conservation.
- Section 4.0 describes potential governmental and non-governmental constraints to the production of affordable housing.
- Section 5.0 provides an overview of existing financial and programmatic resources available to assist in housing production and improve affordability, as well as an inventory of existing affordable housing developments and properties.
- Section 6.0 analyzes land available for residential development and demonstrates the City's capacity to meet its Regional Housing Needs Allocation (RHNA).
- Section 7.0 reviews the implementation status, effectiveness, and continued appropriateness of implementation measures from the City's 2009–2014 Housing Element.
- Section 8.0 establishes goals, policies, implementation measures, and quantified objectives for the 2015–2023 Housing Element planning period. Housing goals and policies are organized in six categories: the provision of housing for households at all income levels; regulatory relief and incentives; rental and homeownership assistance; equal access to housing; energy conservation; and regional planning. Following the housing goals, policies, and implementation measures section is a table that outlines quantified objectives for the 2015–2023 planning period.

1.3 Public Participation

State law requires that local governments “make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element” (Government Code Section 65583). To satisfy this requirement, the City conducted a series of community meetings and public hearings to receive community input regarding housing needs and policy direction in the City of Clayton. City staff posted notices at public buildings, published notices in the regional newspaper *Contra Costa Times*, mailed letters, and sent e-mails to housing advocacy groups, property owners, and community contacts to publicize meeting dates and input opportunities. The joint Planning Commission/City Council workshop on November 5, 2013, was televised on the local cable channel. In addition, the draft Housing Element was made available to the public on the City’s website in April 2014.

The outreach list included groups serving lower-income and special needs populations including EAH Housing, a nonprofit affordable housing developer; Contra Costa for Every Generation, a special needs housing group serving seniors and low-income families; the Clayton Community Church; and local realty interests, including Focus Realty and Lynn French Realty.

In addition, City staff met twice and communicated via phone and email with representatives of Saint John’s Parish in the summer and fall of 2013 to discuss development opportunities for their underutilized site at 5555 Clayton Road. Opportunities include new housing on the two single-family lots on the Southbrook Drive frontage to complement existing homes on that street and the potential for senior housing and/or a senior center on the portion of the property fronting on Clayton Road.

Workshops and Hearings

Public Workshop (November 5, 2013)—City staff and the Housing Element consultant made a presentation to the City Council, Planning Commission, and members of the public regarding the Housing Element update. The presentation included an overview of the update process and schedule, a description of the required components, and initial findings from the needs assessment. The comments received at the meeting included general questions and comments regarding the Housing Element process, which were addressed at the meeting. There were no comments from the public.

Planning Commission Hearing (May 13, 2014)—City staff and the Housing Element consultant presented the draft Housing Element to the Planning Commission and members of the public for review and comment. There were no public comments.

City Council Hearing (June 3, 2014)—City staff and the Housing Element consultant presented the draft Housing Element to the City Council and members of the public for review and comment, and approval to submit the draft to the California Housing and Community Development (HCD). There were no public comments.

1.4 Relationship to Other General Plan Elements

State law requires that the Housing Element be consistent with the community's General Plan. The Clayton General Plan comprises eight elements: Land Use, Circulation, Housing, Community Design, Open Space/Conservation, Safety, Noise, Community Facilities and Growth Management. All of the goals, policies, and programs contained in these elements are consistent with this Housing Element. The City will continue to review the General Plan for internal consistency as amendments are proposed and adopted.

The City is aware of the requirements of Assembly Bill (AB) 162 (2007). AB 162 requires all cities and counties to amend the safety and conservation elements of their general plan to include analysis and policies regarding flood hazards and management.

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2.0 HOUSING NEEDS ASSESSMENT

According to state law, the Housing Element must analyze demographic trends, housing characteristics and market trends, economic and income data, and the special housing needs of certain segments of the population. The analysis in this section primarily utilizes data compiled by the Association of Bay Area Governments (ABAG) in the Data Profiles for Housing Elements, released in January 2014. The profiles include population, housing stock, and economics data from the 2000 and 2010 US Census, the California Department of Finance (DOF), 2013 ABAG projections, the US Department of Housing and Urban Development's (HUD) Comprehensive Housing Affordability Strategy (CHAS) database, and the US Census American Community Survey (ACS). ACS figures are estimates based on samples; for a small city like Clayton, reported figures may be subject to large margins of error. Data that was not included in the ABAG Data Profiles for Housing Elements packet was obtained from direct contact with public agencies, city staff, or other publically available data sources.

2.1 Population Characteristics

Historic Population Growth

According to the DOF, the population in Clayton was estimated at 11,093 as of 2013, up from 10,897 in 2010 (US Census). As shown in **Table 1**, Clayton experienced significant growth from 1970 to 2000, when the population increased over 675 percent. Since 2000, the population has grown at a slower pace, increasing only 1 percent from 2000 to 2010.

Table 1. Historic Population Growth, 1970 to 2010

Year	Population	Percentage Change
1970	1,385	--
1980	4,325	212%
1990	7,317	69%
2000	10,762	47%
2010	10,897	1%

Sources: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Clayton is the smallest city in Contra Costa County. **Table 2** shows that although Clayton's steady population levels between 2000 and 2010 are consistent with growth that has occurred in the nearby communities of Concord and Walnut Creek, other Contra Costa cities such as Brentwood and San Ramon have continued to grow at a significant rate. Clayton's voter-approved Urban Limit Line virtually parallels the City's municipal limits and the City is essentially built-out.

Table 2. Population Change Comparison, 2000 and 2010

Jurisdiction	2000 Population	2010 Population	Percentage Change
Antioch	90,532	102,372	13%
Brentwood	23,302	51,481	121%
Clayton	10,762	10,897	1%
Concord	121,780	122,067	<1%
Danville	41,715	42,039	1%
San Ramon	44,722	72,148	61%
Walnut Creek	64,296	64,173	<1%
Uninc. Contra Costa County	151,690	159,785	5%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Projected Population Growth

According to ABAG projections, the Clayton population will increase approximately 6 percent from 2010 to 2040, to a population of 11,600. For the same period, the countywide Contra Costa population is expected to increase by over 27 percent to 1,338,400 persons (see Table 3).

Table 3. Population Projections, 2010 to 2040

Year	Clayton		Contra Costa County	
	Population	% Change	Population	% Change
2010	10,897	--	1,049,025	--
2015	10,900	<1%	1,085,700	3%
2020	11,100	2%	1,123,500	3%
2025	11,400	3%	1,172,600	4%
2030	11,400	<1%	1,224,400	4%
2035	11,500	1%	1,280,300	5%
2040	11,600	1%	1,338,400	5%

Source: ABAG Projections, 2013

Household Size and Composition

The average size of Clayton households was 2.72 persons as of 2010. This is comparable to the average household size of Contra Costa County as a whole, which had an average of 2.77 households as of 2010. According to ABAG projections, the average household size for the City of Clayton and Contra Costa County as a whole will increase in size to 2.85 persons by 2040.

According to the 2007–2011 ACS, over 80 percent of Clayton households were family and just under 40 percent were families with children. Approximately 16 percent of households were single persons and 2 percent were multiple-person, non-family households.

Population Age

Current and future housing needs are determined in part by the age characteristics of a community's residents. Age can contribute to lifestyle choice, housing preferences, earning capability, and need for services and amenities.

The median age in Clayton increased from 40.2 in 2000 to 45.0 years in 2010 (US Census). This slight shift is reflected in **Table 4**, which shows a decrease in the percentage of residents that are under age 5, aged 20 to 34, and aged 33 to 44, and an increase in the percentage of residents that are age 45 or older.

Table 4. Population Age Distribution, 2000 and 2010

Age	2000		2010	
	Number	Percentage	Number	Percentage
Under 5	749	7%	468	4%
5 to 19	2,315	22%	2,439	22%
20 to 34	1,277	12%	1,063	10%
33 to 44	2,062	19%	1,479	14%
45 to 59	2,874	27%	3,020	28%
60 to 74	1,157	11%	1,775	16%
75 and older	328	3%	653	6%
Total	10,762	100%	10,897	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Race and Ethnicity

According to the US Census, the majority of the Clayton population was white (79 percent) as of 2010. The population has grown slightly more diverse since 2000, when 84 percent of the population was white. **Table 5** compares the racial and ethnic composition of Clayton in 2000 and 2010. The Hispanic population was the largest minority, representing 9 percent of the community, followed by the Asian population, which represented 6 percent of the community as of 2010.

Table 5. Race and Ethnicity, 2000 and 2010

Race/Ethnicity	2000		2010	
	Number	Percentage	Number	Percentage
One Race				
White	9,000	84%	8,640	79%
Hispanic	681	6%	982	9%
Black or African American	113	1%	144	1%
American Indian or Alaska Native	16	<1%	30	<1%
Asian	577	5%	707	6%
Native Hawaiian or Pacific Islander	9	<1%	14	<1%
Other	30	<1%	32	<1%
Two or more races	336	6%	348	3%
Total	10,762	100%	10,897	100%

Source: 2000 and 2010 US Census (ABAG Housing Element Data Profiles 2013)

2.2 Housing Stock Characteristics

This section provides an overview of the number and type of housing units in Clayton, as well as analysis of tenure and occupancy, the age and condition of existing housing, and overcrowding. Note that the number of housing units and households in Clayton varies in tables in this Housing Element as data was pulled from different data sources including Summary Files 1 and 3 from the US Census and ACS counts.

Housing Stock Growth and Composition

In 1970, Clayton was a small town with only 354 housing units, all of which were single-family homes. During the 1970s, the town underwent dramatic change. In the mid-1970s, Seeno Construction Company initiated a surge of new development in Clayton with the Regency Woods project, Clayton's first large subdivision development. As a result of this and other development in the mid- and late-1970s, Clayton's housing stock nearly quadrupled to 1,377 units by 1980. In 1987, the City annexed a large area to the north and the Presley Company began developing the Oakhurst Country Club area. Also in 1987, Clayton annexed several existing unincorporated neighborhoods (Clayton Woods, Regency Meadows, Dana Hills, and Dana Ridge), which together added approximately 700 housing units to the city. In 1995, Clayton adopted a specific plan for a 475-acre area to the east along Marsh Creek Road. The Marsh Creek Road Specific Plan envisioned a part of this area to be annexed to the city. Annexation and development of this area would add approximately 310 new units and 20 existing units to the city's housing stock. The 1990s saw the approval/development of over 1,700 residential units. This included the completion of the Oakhurst development which added 1,474 units to the city over a seven-year period (1992 to 1999), Diablo Village which added 33 units, Stranahan which added 54 units, and Diamond Terrace which added 86 units.

According to the US Census, Clayton's housing stock consisted of 4,086 units in 2010, an increase of 110 units from 2000. Approximately 82 percent of Clayton housing units are detached single-family homes. Table 6 compares the number and type of homes in Clayton in 2000 and 2010.

Table 6. Housing Units by Type, 2000 and 2010

Building Type	2000*		2010	
	Units	Percentage	Units	Percentage
Single-Family				
Detached	3,235	81%	3,341	82%
Attached	690	17%	538	13%
Multi-Family				
2-4 units	19	0%	108	3%
5 or more	27	1%	99	2%
Mobile Homes	5	<1%	0	--
Total	3,976	100%	4,086	100%

Sources: 2000 US Census; 2010 California Department of Finance (ABAG Data Profiles for Housing Elements 2013)

* Note that the total number of housing units in Clayton varies in tables in this Housing Element as data was pulled from different data sources. For the 2000 US Census, the count of housing units was 3,976 in Summary File 3 (sample data) and 3,924 in Summary File 1 (complete data). Unfortunately, detailed estimates by unit type are not available in Summary File 1.

Housing Tenure and Occupancy

Housing tenure refers to the occupancy of a housing unit—whether the unit is owner-occupied or renter-occupied. Housing tenure is influenced by demographic factors (e.g., household composition, income, and age of the householder) as well as the cost of housing. Most homes in Clayton are owner-occupied. There are few multi-family units in the city and this contributes to a very low proportion of renter-occupied households. As shown in Table 7, the share of owner-occupied units as a percentage of all occupied units decreased from 94 percent in 2000 to 90 percent in 2010. The proportion of owner- versus renter-occupied households in the city differs from that of Contra Costa County as a whole, which has a much higher proportion of renter-occupied units (67 percent owner and 33 percent renter).

Table 7. Housing Tenure, 2000 and 2010

Tenure	2000		2010	
	Number of Households	Percentage	Number of Households	Percentage
Owner-occupied	3,667	94%	3,621	90%
Renter-occupied	216	6%	385	10%
Total	3,883	100%	4,006	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Vacancy rates are an indicator of housing supply and demand. Low vacancy rates influence greater upward price pressures and higher vacancy rates indicate downward price pressure. Optimal vacancy rates differ between rental housing and ownership housing. In its 2008 Bay Area Housing Needs Plan, ABAG cites optimal vacancy rates of 5 percent for rental housing and 2 percent for ownership housing. These rates are set at levels that will allow for mobility but not drive up prices.

The US Census reports that Clayton's housing stock contained 4,086 housing units in 2010 and that of these, 80 were classified as vacant (an overall vacancy rate of 2 percent). In 2010, the homeowner and rental vacancy rates for Clayton were both less than 1 percent. Both of these rates fall below ABAG's threshold.

High demand and short supply may result in continued use of units which are overcrowded, unsafe, unsanitary, or otherwise unsuitable for residential use. It also generally results in high prices and rents which most severely affect lower-income households, people on fixed incomes, families with children, and other special needs groups. Overcrowding and discrimination are also more likely to occur when the rental vacancy rate is low. **Table 8** shows 2000 and 2010 housing occupancy and vacancy in Clayton.

Table 8. Housing Occupancy and Vacancy, 2000 and 2010

Occupancy	2000		2010	
	Units	Percentage	Units	Percentage
Total occupied housing units	3,883	99%	4,006	98%
Total vacant housing units	41	1%	80	2%
For rent	2	<1%	15	<1%
For sale	13	<1%	25	1%
Rented or sold, not occupied	11	<1%	4	<1%
For seasonal, recreational, or occasional use	4	<1%	15	<1%
Other	11	<1%	21	1%
Total Housing Units	3,924	100%	4,086	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Age and Condition of Housing

According to the ACS, 88 percent of housing units in Clayton are less than 40 years old (**Table 9**). As a result, most of Clayton's housing stock is in good condition. There are, however, numerous older structures, some of which may need rehabilitation.

Table 9. Age of Housing Units

Year Built	Housing Units	Percentage
1939 or earlier	12	<1%
1940 to 1949	62	2%
1950 to 1959	129	3%
1960 to 1969	291	7%
1970 to 1979	1,440	37%
1980 to 1989	417	11%
1990 to 1999	1,336	34%
2000 or later	229	6%
Total	3,916	100%

Source: 2007-2011 ACS 5-year estimates (ABAG Data Profiles for Housing Elements 2013)

Housing Conditions Survey

In May 2009, the City conducted a windshield survey of housing conditions throughout the city. The survey consisted of 300 randomly selected residential parcels in specific neighborhoods. A map displaying the areas surveyed is included as Appendix A. As housing conditions did not change substantially since 2009, this housing survey is considered current for the purpose of this Housing Element.

As shown in **Table 10**, approximately 87 percent of the homes surveyed were in sound condition and 12 percent were in need of minor repairs. A house in sound condition is well maintained and structurally intact. This includes no obvious foundation issues, straight roof lines, good exterior paint condition and siding, and windows and doors that are in good repair. Homes in sound condition may have minor maintenance needs or require some paint or siding repair. Homes deemed to be in need of minor repairs require general maintenance or one major repair such as a new roof.

The remaining 1 percent of homes surveyed were found to be in need of moderate repair. There were not any homes found in the survey that were in dilapidated condition.

Table 10. Housing Conditions Survey Results

Condition	Single-Family		Duplex		Multi-Family		Total	
	Units	%	Units	%	Units	%	Units	%
Sound	195	84%	9	100%	52	98%	256	87%
Minor	33	14%	0	--	1	2%	34	12%
Moderate	4	2%	0	--	0	--	4	1%
Total	232	100%	9	100%	53	100%	294	100%

Source: PMC Housing Conditions Survey, May 2009

The survey of the city's housing stock found that the overall condition of homes in the city is sound. Less than one-sixth of the homes surveyed were found to be in need of minor or moderate repairs, which is likely the result of the high rate of homeownership in the city as well as the large proportion of new housing units added to the housing stock in the past two decades.

Overcrowding

The US Census defines overcrowding as more than 1.01 persons per room. Severe overcrowding occurs when there are more than 1.5 persons per room. The 2005–2010 ACS-based CHAS data provided in the ABAG Data Profiles for Housing Elements indicate that there are zero overcrowded or severely overcrowded housing units in Clayton. The current ACS estimates are consistent with 2000 US Census data, which identified 25 (0.6 percent) overcrowded households.

2.3 Employment and Income Trends

Employment

Clayton is a residential community with primarily two smaller convenience-shopping business sectors and therefore relatively few jobs. ABAG reported that in 2010, there were 1,540 jobs in Clayton. As shown in **Table 11**, ABAG projects that the number of jobs in the city will increase approximately 27 percent from 2010 to 2040 to 1,950 jobs.

Table 11. Existing and Projected Jobs in Clayton, 2010 to 2040

Year	Number	Percentage Change
2010	1,540	--
2015*	1,630	6%
2020*	1,750	7%
2025*	1,800	3%
2030*	1,840	2%
2035*	1,890	3%
2040*	1,950	3%

Source: ABAG 2013

* ABAG projection

According to the ACS, Clayton has approximately 5,248 employed residents. As shown in **Table 12**, nearly half of the city's residents are employed in relatively high-earning industries. Approximately 20 percent of employed residents work in educational, health, and social services; 16 percent work in finance, insurance, real estate, and rental and leasing; and 13 percent work in professional, scientific, management, administrative, and waste management services. **Table 12** also reports an overall decline in employment between 2000 and 2010, which likely is the result of the economic downturn in 2008. The decrease in employment figures may also be partially accounted for by the fact that 2010 numbers are sampled estimates from the ACS, which has a large margin of error for small cities.

Table 12. Resident Employment and Median Income by Industry, 2000 and 2011

Industry	2000		2011		
	Number	%	Number	%	Median Income
Agriculture, forestry, fishing and hunting, and mining	12	<1%	37	1%	--
Construction	384	7%	233	4%	\$45,000
Manufacturing	553	10%	377	7%	\$76,600
Wholesale trade	245	4%	156	3%	\$67,900
Retail trade	619	11%	570	11%	\$48,300
Transportation and warehousing, and utilities	183	3%	134	3%	\$39,300
Information	252	4%	88	2%	\$104,800
Finance, insurance, real estate, and rental and leasing	870	15%	854	16%	\$92,900
Professional, scientific, management, administrative, and waste management services	749	13%	681	13%	\$69,500
Educational, health, and social services	1,090	19%	1,052	20%	\$62,600
Arts, entertainment, recreation, accommodation, and food services	330	6%	365	7%	\$35,900
Other services (except public administration)	262	5%	214	4%	\$25,900
Public administration	266	5%	487	9%	--
Employed civilian population 16 years and over	5,815	100%	5,248	100%	--

Sources: 2000 US Census; 2007–2011 ACS 5-year estimates (ABAG Housing Element Data Profiles 2013)

Note: Median incomes are not reported for industries with exceptionally large margins of error.

Table 13 lists the region's ten fastest-growing occupations. This information is available only for the Oakland-Fremont-Hayward Metropolitan Statistical Area, which includes Alameda and Contra Costa Counties but is applicable because Clayton residents work both inside and outside of the city. Of the ten fastest-growing occupations, only three occupations would allow a family of four with a single breadwinner to surpass HCD's median county income level of \$93,500.

Table 13. Fastest-Growing Occupations (Oakland-Fremont-Hayward MSA), 2010 to 2020

Occupation	Median Annual Wage	Estimated Employment		Percentage Change
		2010	2020	
Software Developers, Applications	\$102,242	7,180	9,560	33%
Environmental Engineers	\$102,341	640	830	30%
Plasterers and Stucco Masons	\$60,423	520	670	29%
Urban and Regional Planners	\$84,813	1,000	1,280	28%
Software Developers, Systems Software	\$108,211	3,940	5,040	28%
Environmental Science and Protection Technicians, Including Health	\$53,700	400	510	28%
Merchandise Displayers and Window Trimmers	\$26,604	1,300	1,650	27%
Food Service Managers	\$51,087	3,370	4,270	27%
Environmental Scientists and Specialists, Including Health	\$77,782	1,130	1,430	27%
Dental Laboratory Technicians	\$39,433	490	620	27%

Source: State of California Employment Development Department 2014

Jobs/Housing Balance

The analysis of jobs/housing balance is used to measure the degree to which communities and subregions are inducing commuter travel as growth occurs. A community with a balance of jobs and housing has as many jobs as residents that are able to work. For example, a city with 5,000 employed residents requires 5,000 jobs to be in balance. A community is out of balance if it either has more jobs than employed residents or has more employable residents than jobs.

In 2010, Clayton had a jobs-to-employed residents ratio of 0.31 (1,540 jobs/4,960 employed residents), up from 0.26 in 2005 (1,440 jobs/5,620 employed residents). As shown in **Table 14**, ABAG projects that this ratio will steadily increase through 2040 up to 0.35.

Clayton is considered a “bedroom” community, meaning that it is part of a larger community in which employed residents of Clayton support neighboring communities by providing a supply of workers in the workforce. Clayton is surrounded by much larger communities with available employment and is situated along transportation corridors connected to those communities, making it an important contributor to the overall Bay Area workforce. The low ratio of jobs to employed residents is an important factor driving the character of the Clayton community, which is an important characteristic to Clayton residents.

Table 14. Jobs/Housing Balance, 2005 to 2040

Year	Number of Jobs	Number of Employed Residents	Ratio of Jobs to Employed Residents
2005	1,440	5,620	0.26
2010	1,540	4,960	0.31
2015*	1,630	5,170	0.32
2020*	1,750	5,470	0.32
2025*	1,800	5,490	0.33
2030*	1,840	5,420	0.34
2035*	1,890	5,410	0.35
2040*	1,950	5,400	0.35

Sources: ABAG 2013

* ABAG projection

When a community has more employed residents than jobs, it is a sign that a number of residents are commuting out of the community for work, which can have a number of negative impacts including traffic congestion and loss of revenue for local businesses. As shown in **Table 15**, more than half of Clayton's employed residents commute 30 minutes or more to work.

Table 15. Commute Time to Work

Travel Time to Work	Number	Percentage
Less than 30 minutes	2,282	48%
30 to 59 minutes	1,785	37%
60 or more minutes	694	15%
Total	4,761	100%

Source: CHAS 2009

Household Income

Each year, HCD publishes median income amounts and State Income Limits for five categories of household income for each county in the state. The 2014 State Income Limits were released on February 28, 2014, and provide income limits based on income category and household size. **Table 16** shows the income range (based on a percentage of the area median income) and annual income amount for a four-person household.

Table 16. Income Categories, 2014

Income Category	Percentage of Median Income	Annual Household Income*
Extremely Low	≤30%	\$28,050 or less
Very Low	31%–50%	\$28,051–\$46,750
Low	51%–80%	\$46,751–\$67,600
Moderate	81%–120%	\$67,601–\$112,200
Above Moderate	>120%	More than \$112,200

Source: HCD State Income Limits, 2014

* Based on a four-person household

Clayton is an affluent community that had a median household income of \$131,991 (2007–2011 ACS). **Table 17** shows the distributions of income by tenure for Clayton in 2010. The table organizes income ranges estimated by the ACS into income categories as defined by HCD. Approximately 71 percent of Clayton households had annual incomes that would place them in the above moderate category, 13 percent earned moderate incomes, and approximately 16 percent had low or very low household incomes.

Table 17. Household Income by Tenure, 2010

Income Category	Number	Percentage
Owner Occupied		
Very Low Income	225	6%
Low Income	245	6%
Moderate	450	12%
Above Moderate	2,630	68%
Total Owner Occupied	3,550	92%
Renter Occupied		
Very Low Income	105	3%
Low Income	55	1%
Moderate	25	1%
Above Moderate	115	3%
Total Renter Occupied	300	8%
Total Occupied Units¹	3,850	100%

Source: CHAS, based on 2006–2010 ACS (5-year estimates) (ABAG Data Profiles for Housing Elements 2013)

Note: ABAG Data Profiles for Housing Elements does not include extremely low income as a category for this topic.

¹ The total number of occupied units varies between tables due to the different sources of data. This table relies on figures from the ACS, which has a larger margin of error than the US Census.

Extremely Low Income Households

In 2006, Government Code Section 65583(a) was amended and requires jurisdictions to quantify the existing number of extremely low-income households. An extremely low-income household is defined as a household earning less than 30 percent of median household income. In 2014, this was \$28,050 for Clayton households. **Table 18** shows household income by ACS category quintiles. The ACS does not provide a quantification of households for those earning less than \$28,050, but it does show households earning less than \$24,999. This range has been used to estimate the number of existing extremely low-income households. According to the ACS data, there were approximately 289 extremely low-income households in the city in 2011.

Extremely low-income households generally have a higher incidence of housing problems and tend to overpay for housing (paying greater than 30 percent of their income toward housing costs). To facilitate opportunities for housing that may assist extremely low-income households, the City amended its Zoning Ordinance in 2012 to add single-room occupancy units as a residential use type and allow these units with a use permit in the Limited Commercial zoning district.

The City will continue to encourage the development of housing for extremely low-income households by offering priority application processing, fee reductions or deferrals, and flexibility in the application of development standards (Implementation Measure II.2.1) for projects that provide units affordable to extremely low-income households.

Table 18. Household Income, 2000 and 2011

Annual Household Income	2000		2011	
	Number	Percentage	Number	Percentage
Less than \$24,999	266	7%	289	8%
\$25,000 to \$49,999	400	10%	330	9%
\$50,000 to \$74,999	606	15%	396	10%
\$75,000 to \$99,999	639	16%	364	10%
\$100,000 or more	2,015	51%	2,410	64%
Total	3,926	100%	3,789	100%

Note: 2000 income estimates are in 1999 dollars; 2007–2011 five year estimates are in 2011 dollars

Source: US Census, 2000; 2007–2011 ACS 5-year estimates (ABAG Housing Element Data Profiles)

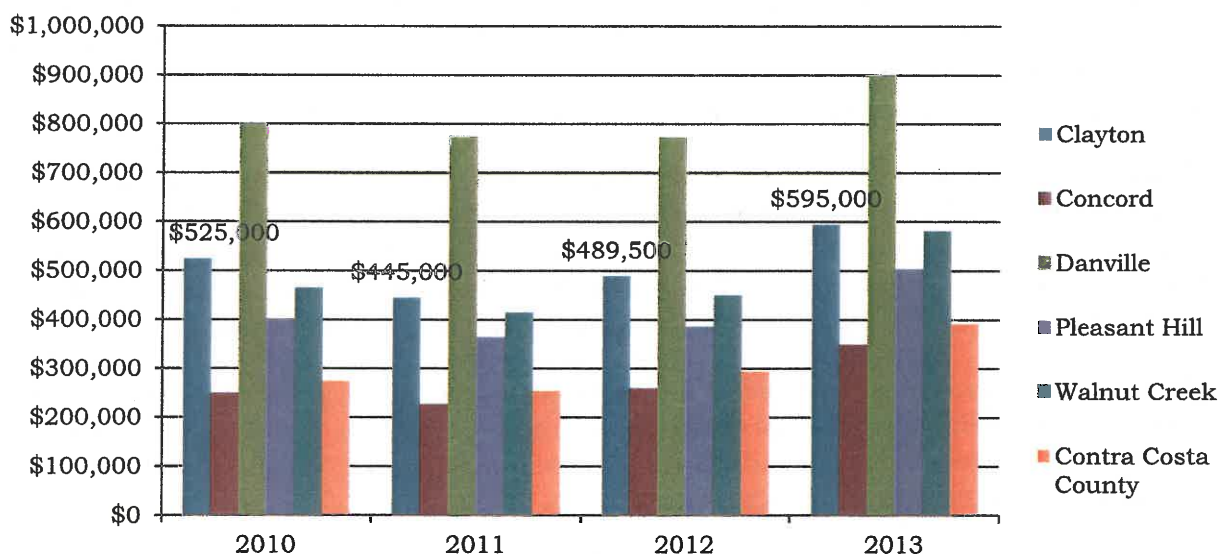
2.4 Housing Costs and Affordability

Home Sales Prices

According to DataQuick, the median home sale price in Clayton was \$595,000 in 2013, an increase of approximately 22 percent from the 2012 median of \$489,500. Median prices in Clayton tend to be in the middle to high range when compared to other Contra Costa County cities, and are consistently higher than Contra Costa County as a whole.

Figure 1 shows median home sales prices in Clayton and nearby jurisdictions from 2010 to 2013. The median price was relatively stable from 2010 to 2013 and increased sharply in 2013. This trend is similar to that of the Bay Area and metropolitan areas throughout California and can be attributed to low interest rates, job growth, and greater economic stability following the recession.

Figure 1. Annual Median Sales Prices, 2010 to 2013



Source: DataQuick, www.DQNews.com

Rental Prices

Table 19 displays the results of a survey of rental property listings in and around Clayton in February 2014. With high owner occupancy and a low vacancy rate, there are currently very few rental opportunities available in the city.

The rental survey included listings posted on online services such as Craigslist, as well as average rate ranges provided in phone conversations by representatives from local real estate and property management companies. As of February 2014, only seven units were available for rent, all of which were in single-family attached or detached units.

Table 19. Market Rental Rates by Unit Size, 2014

Number of Bedrooms	Single- and Multi-Family Attached	Single-Family Detached
1 bedroom	--	--
2 bedroom	\$1,800–\$1,900	\$1,900–\$2,000
3 bedroom	\$1,900–\$2,200	\$2,495–\$2,600
4 bedroom	--	\$2,500–\$3,300
5+ bedroom	--	\$3,000–\$3,700

Sources: Craigslist.org 2014; personal communication with Howard Geller, AAA Property Management Services, Perchak Property Management, Lynn French Realty, Better Homes Realty, and Mazzei Realty, February 2014

Note: The ACS-derived ABAG Housing Element Data Profiles information for the topic is not used in this report due to an unacceptably large margin of error.

Housing Affordability

A home is considered affordable if households do not spend more than 30 percent of income on rent (including a monthly allowance for water, gas, and electricity) or monthly mortgage, according to a standard set by HUD.

Table 20 displays the monthly income limits by household size for each income group (based on HCD's annual income limits). The monthly income limits are used to calculate maximum affordable monthly rents as well as the maximum affordable purchase prices for homes. For example, a two-person household earning a combined monthly income of no more than \$1,871 per month is considered an extremely low-income household that can afford a maximum monthly rent of \$561 or purchase a home for \$66,805. The rental and sales price figures represent an affordable housing amount (30 percent of monthly income).

Table 20. Housing Affordability by Household Size, 2014

Income Category	1-Person	2-Person	3-Person	4-Person
Extremely Low				
Annual income limit	\$19,650	\$22,450	\$25,250	\$28,050
Monthly income	\$1,638	\$1,871	\$2,104	\$2,338
Max. monthly rent	\$491	\$561	\$631	\$701
Max. sales price	\$57,247	\$66,805	\$76,363	\$85,962
Very Low				
Annual income limit	\$32,750	\$37,400	\$42,100	\$46,750
Monthly income	\$2,729	\$3,117	\$3,508	\$3,896
Max. monthly rent	\$819	\$935	\$1,053	\$1,169
Max. sales price	\$102,002	\$117,918	\$133,957	\$149,874
Low				
Annual income limit	\$47,350	\$54,100	\$60,850	\$67,600
Monthly income	\$3,946	\$4,508	\$5,070	\$5,633
Max. monthly rent	\$1,184	\$1,352	\$1,521	\$1,690
Max. sales price	\$126,715	\$151,925	\$193,033	\$221,128
Moderate				
Annual income limit	\$78,550	\$89,750	\$101,000	\$112,200
Monthly income	\$6,546	\$7,479	\$8,417	\$9,350
Monthly rent	\$1,964	\$2,244	\$2,525	\$2,805
Max. sales price	\$258,581	\$296,854	\$335,333	\$373,606
Above Moderate				
Annual income limit	>\$78,550	>\$89,750	>\$101,000	>\$112,200
Monthly income	>\$6,546	>\$7,479	>\$8,417	>\$9,350
Max. monthly rent	>\$1,964	>\$2,244	>\$2,525	>\$2,805
Max. sales price	>\$258,581	>\$296,854	>\$335,333	>\$373,606

Source: HCD Income Limits 2014; Monthly mortgage calculation: http://www.realtytrac.com/vcapps/calculator_popup.asp?calc=AF

Notes: Affordable monthly rent assumes 30% of gross household income, not including utility cost. Affordable housing sales prices are based on the following assumed variables: 10% down payment, 30-year fixed rate mortgage at 5.25% annual interest rate.

As noted in the Homes Sales Prices analysis, the median price in Clayton was \$595,000 in 2013. Only households earning above moderate incomes could afford a home priced at or around the median. A moderate-income household of four could afford a home priced at a maximum of \$373,606. While homes may be available at this price point, they may require additional investments for maintenance or improvement. Homeownership is out of reach in Clayton for most lower-income households.

Households considered extremely low or very low income would find it difficult to secure housing that is affordable and would likely have little option but to overpay for housing. For example, a three-person very low-income household earning a monthly income of \$3,508 would be able to afford \$1,053 per month for rent. According to the results of the rent survey, the least expensive two-bedroom (minimum size to avoid overcrowding) home rents for \$1,800. Without rental assistance, the three-person household would pay in excess of what is affordable for them.

The City will encourage assistance for lower-income renters and prospective home buyers by promoting programs such as the Contra Costa County Mortgage Credit Certificate Program and Lower-Income Rental Assistance Program (Implementation Measure III.1.1) and will pursue funding from CalHome or other available sources to establish a down payment assistance program (Implementation Measure III.1.2).

Overpayment

Definitions of housing affordability can vary; however, as previously noted, a household should spend no more than 30 percent of its monthly income on housing costs (according to HUD standards). Households that pay more than this are considered to be overpaying for housing and households that pay more than 50 percent are considered severely overpaying. HUD's CHAS database reports information on overpayment by tenure, as illustrated in **Table 21**. As of 2010, approximately 34 percent of households (1,320 households) paid 30 percent or more of their income toward housing. Overpayment is a significant issue in Contra Costa County and in jurisdictions throughout the Bay Area.

Among owner-occupied households, the "above moderate" income category reports 595 burdened households, which is the highest of all income categories. This unexpected finding is likely the outcomes of a high barrier to entry for homeownership in the city. For renters, the "very low income" category has the largest number of overpaying households (95). This is particularly concerning since people with very low income are less able to pay for other necessities such as food, fuel, and clothing when burdened with excessive housing costs.

Table 21. Households Overpaying for Housing, 2010

Tenure/Income Category	30% to 50% Cost Burden	50%+ Cost Burden	30%+ Cost Burden (Total Overpaying)
Total Owner Occupied	660	520	1,180
Very low	0	170	170
Low	45	50	95
Moderate	120	200	320
Above moderate	495	100	595
Total Renter Occupied	30	110	140
Very low	10	85	95
Low	10	15	25
Moderate	10	0	10
Above moderate	0	10	10
Total Overpaying Occupied Units	690	630	1,320
Total Occupied Units¹	3,850		

Source: CHAS, based on 2006-2010 ACS 5-year estimates (ABAG Data Profiles for Housing Element Data 2013)

¹ The total number of occupied units varies between tables due to the different sources of data. This table relies on figures from the ACS, which has a larger margin of error than the US Census.

2.5 Special Housing Needs

Certain segments of the population encounter more difficulty in finding decent, affordable housing due to special circumstance. Special needs may be related to one's employment type and income, family or household characteristics, or medical condition or disability. The following subsections discuss the special housing needs of groups identified in state housing element law (Government Code, Section 65583(a)(6)). Specifically, these include senior households, persons with disabilities, persons with developmental disabilities, large households, female-headed households, homeless persons, and farmworkers.

Seniors

As of 2010, seniors, those aged 65 and over, made up approximately 15 percent of the Clayton population. This is an increase from 2000 when approximately 9 percent of the population was seniors. As shown in **Table 22**, the senior population grew by 628 persons, an increase of approximately 64 percent.

Table 22. Senior Population, 2000 and 2010

Age	2000		2010	
	Number	% of Total Population	Number	% of Total Population
65 to 69	376	3%	568	5%
70 to 74	270	3%	381	3%
75 to 79	180	2%	296	3%
80 to 84	82	1%	193	2%
85 to 89	47	<1%	112	1%
90 and older	19	<1%	52	<1%
Total Population 65+	974	9%	1,602	15%
Total Population	10,762	100%	10,897	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Senior households are defined as households in which one or more persons is over 65 years of age. As shown in **Table 23**, nearly 25 percent of all households in Clayton included one or more senior.

The vast majority (nearly 90 percent) of senior households own their homes. While homeownership is beneficial in that costs are generally stable, which is important because many seniors live on fixed incomes, it can become difficult for seniors to maintain their homes and yards due to financial and physical constraints.

Table 23. Senior Households by Age and Tenure, 2000 and 2010

	2000		2010	
	Number	Percentage	Number	Percentage
Renter-Occupied Households				
65 to 74 years	10	2%	21	2%
75 to 84 years	3	1%	32	3%
85+ years	2	0%	55	5%
Total Renter	15	3%	108	11%
Owner-Occupied Households				
65 to 74 years	395	68%	547	54%
75 to 84 years	149	26%	300	30%
85+ years	25	4%	61	6%
Total Owner	569	97%	908	89%
Total Householders	584	100%	1,016	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

In general, seniors have lower earning capacity than middle-aged persons. However, the 2007–2011 ACS reports that the majority of elderly residents earned at least \$50,000 per year as shown in **Table 24**. Senior income estimates may be misleading, as many elderly persons have access to capital outside the earned income measured by the Census. This is underscored by ABAG's estimate that the senior poverty rate (just under 4 percent of the senior population) is relatively low in Clayton.

Table 24. Senior Household Income, 2011

Annual Household Income	Number	Percentage
Less than \$30,000	196	20%
\$30,000 to \$49,999	179	18%
\$50,000 to \$74,999	236	24%
\$75,000 to \$99,999	78	8%
\$100,000 or more	293	30%
Total	982	100%

Source: 2007-2011 ACS 5-year estimates (ABAG Data Profiles for Housing Elements 2013)

Diamond Terrace is the only senior housing development in Clayton. Diamond Terrace has a total of 86 units, one of which is reserved for an on-site manager. Diamond Terrace offers affordable housing with an array of support services (including meals). There are 65 units reserved for very low-income residents, 10 units reserved for low-income residents, 10 units reserved for moderate-

income residents. The City, through its now defunct Redevelopment Agency, financially assisted in the development of this senior living facility.

The Concord Housing and Community Services Department responds to elderly needs in Clayton by publishing a list of housing facilities for the elderly, providing low-interest loans for household repairs, and paying an emergency rebate for home repairs. The department also provides referrals to nonprofit organizations such as Meals-on-Wheels.

In 2013, the City of Clayton adopted a universal design ordinance (Chapter 15.92 of the Municipal Code). Universal design standards are intended to ensure that development is accessible for persons at all stages of life and implementation of these standards will facilitate new homes that are appropriate for seniors and those with disabilities. The City will continue to implement this ordinance and distribute a brochure describing universal design standards (Implementation Measure IV.3.2).

In addition, the City will work with housing providers to identify and pursue housing opportunities for senior households (Implementation Measure II.1.1).

Persons with Disabilities

A disability is defined broadly by the US Census as a physical, mental, or emotional condition that lasts over a long period of time and makes it difficult to live independently. Special needs for access and affordability can make it difficult for persons with disabilities to find appropriate housing. As shown in **Table 25**, approximately 13 percent of the Clayton population age 16 or older had a mobility or self-help limitation as of 2000. As the population ages, the incidence of disability increases. Among the population aged 65 and older, 31 percent experienced either a self-care or mobility limitation or both.

Disability status was not counted in the 2010 US Census and the ACS does not provide estimates for very small cities such as Clayton. As such, the 2000 data is the best available data and is retained in this analysis as a proxy for current disability figures.

Table 25. Mobility/Self-Care Limitation – Persons 16 Years and Older, 2000

Disability Status	16–64 Years		Age 65 and Over		Total Population Age 16 and Older	
	Number	%	Number	%	Number	%
Mobility/self-help limitation	726	9%	153	31%	1,059	13%
No limitation	7,300	91%	334	69%	7,218	87%
Total persons	8,026	100%	487	100%	8,277	100%

Sources: 2000 US Census

The City adopted a universal design ordinance in 2013 to better facilitate housing appropriate for those with disabilities, and enacted a reasonable accommodation ordinance in 2012 to allow for variations in the application of zoning standards and development policies to ensure that housing can be developed in a way that is suitable for persons with disabilities. The City will continue to implement the reasonable accommodations ordinance (Implementation Measure IV.3.1) and distribute a brochure describing universal design standards (Implementation Measure IV.3.2).

Developmental Disabilities

Senate Bill (SB) 812 requires that the City include an analysis of the special housing needs of individuals with a developmental disability within the community. According to Section 4512 of the Welfare and Institutions Code, a “developmental disability” means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual, which includes mental retardation, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but does not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently in a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person’s living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services currently provides community-based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Regional Center of the East Bay is one of 21 regional centers in California that provides point of entry to services for people with developmental disabilities. The center is a private, nonprofit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

According to the Regional Center of the East Bay, the Center serves approximately 46 developmentally disabled persons who reside in and around Clayton (those residing within the 94517 zip code). As shown in **Table 26**, approximately 63 percent of these residents are age 21 or younger and thus are likely to live at home with family and receive services through public schools.

Table 26. Developmentally Disabled Residents by Age

Zip Code	0–13 Years	14–21 Years	22–51 Years	52–61 Years	62+ Years	Total
94517	13	16	14	2	1	46

Source: Regional Center of the East Bay 2014

A number of housing types are appropriate for people living with a development disability: rent-subsidized homes, licensed and unlicensed single-family homes, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving this need group. Incorporating “barrier-free” design in all new multi-family housing (as required by California and federal fair housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

The City adopted a universal design ordinance in 2013 to better facilitate housing appropriate for those with developmental disabilities and enacted a reasonable accommodation ordinance in 2012 to allow for variations in the application of zoning standards and development policies to ensure that housing can be developed in a way that is suitable for persons with disabilities, including those with developmental disabilities. The City will continue to implement these ordinances and publicize their availability (Implementation Measures IV.3.1 and IV.3.2).

Large Households

HUD defines a large household or family as one with five or more members. Large households need larger homes with more bedrooms to avoid overcrowded conditions. In general, homes for these households should provide safe outdoor play areas for children and should be located to provide convenient access to schools and childcare facilities. These types of needs can pose problems, particularly for large families that cannot afford to buy or rent single-family houses, as apartment and condominium units are often developed with smaller households in mind,

According to the 2010 US Census, 379 households, or approximately 9 percent of the total households in Clayton, had five or more members (Table 27). The percentage of total occupied units by household size remained approximately the same between 2000 and 2010.

Table 27. Household Size, 2000 and 2010

Household Size/Tenure	2000		2010	
	Households	% of Total Occupied	Households	% of Total Occupied
Owner Occupied				
1-person	463	12%	513	13%
2-person	1453	37%	1,430	36%
3-person	681	18%	624	16%
4-person	755	19%	711	18%
5 or more persons	315	9%	343	9%
Total Owner Occupied	3,667	94%	3,621	90%

Household Size/Tenure	2000		2010	
	Households	% of Total Occupied	Households	% of Total Occupied
Renter Occupied				
1-person	43	1%	134	3%
2-person	66	2%	86	2%
3-person	43	1%	72	2%
4-person	40	1%	57	1%
5 or more persons	24	<1%	36	1%
Total Renter Occupied	216	6%	385	10%
Total Occupied	3,883	100%	4,006	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

Female-Headed Households

Female-headed single-parent households may experience a variety housing problems, including affordability, overcrowding, insufficient housing choices, and discrimination. Often with only one source of income, female-headed households have more difficulties finding adequate, affordable housing than families with two income-earning adults. Also, female-headed family households with small children may need to pay for child care, which further reduces disposable income. This special needs group would benefit generally from expanded affordable housing opportunities. More specifically, the need for dependent care also makes it important that housing for female-headed families be located near child care facilities, schools, youth services, medical facilities, or senior services.

As of 2010, approximately 20 percent of Clayton households were headed by a female. As shown in **Table 28**, approximately 80 percent of female-headed households owned their homes. About 37 percent of female-headed households were families, over half of which had children under the age of 18. **Table 29** illustrates the number of family households that are headed by a female with no husband present. In 2010, female-headed households with no husband present accounted for 9 percent of all families in the city. Female-headed households with children make up approximately 5 percent of all households in the city and 55 percent of all female-headed households. According to the ABAG Housing Element Data Profiles, approximately 406 female residents live alone in Clayton.

Table 28. Female-Headed Households by Tenure, 2010

	Family Households		Non-Family Households		Total Female-Headed Households	
	Number	%	Number	%	Number	%
Owner Occupied	242	80%	399	79%	641	80%
Renter Occupied	59	20%	103	21%	162	20%
Total	301	100%	502	100%	803	100%

Source: 2010 US Census

Table 29. Female-Headed Families (No Husband Present), 2000 and 2010

	2000		2010	
	Number	% of Total Families	Number	% of Total Families
Total Female-Headed Families	214	7%	301	9%
With children under 18	133	4%	167	5%
No children under 18	81	3%	134	4%
Total Families	3,208	100%	3,208	100%

Source: 2000 and 2010 US Census (ABAG Data Profiles for Housing Elements 2013)

The City of Clayton recognizes these problems and has included policies and programs in this document to address affordability and discrimination for all segments of the population (Implementation Measure II.1.1 and Policy IV.1).

Homeless

The housing needs of the homeless are more difficult to measure and assess than those of any other population subgroup. The very nature of homelessness makes it difficult to quantify the number and typical residency of homeless persons. The best available data is from a biennial point-in-time homeless count completed by the Contra Costa County Homeless Program. The most recent count, completed in January 2013, identified 3,798 homeless persons. No homeless persons were identified as residents of Clayton.

According to City staff, one or two homeless persons occasionally appear in Clayton, but they soon move to areas where there are needed services. The point-in-time homeless count informs the County regarding its progress in accomplishing goals related to ending homelessness. The most notable findings of the homeless count for the county as a whole are:

- An 11 percent decrease in homeless persons, from 4,274 in 2011 to 3,798 in 2013. The decrease could be due to the differences in the number of sheltered homeless persons reported by supportive services-only programs, a decrease in the number of sheltered homeless children reported by the school districts, the decrease in unsheltered persons living in encampments, and the variability inherent in point-in-time surveys.
- Fifty-five (55) percent of unsheltered homeless persons were encountered in encampments, compared to 69 percent in 2011.

The County's data is supplemented with HUD data, which identified a total homeless population of 2,386 persons (see **Table 30**). The difference in total homelessness figures between the two data sets underscores the challenges of collecting homelessness data and the variability in estimates that occur from a "point-in-time" survey.

Table 30. Contra Costa County Homeless Population and Sub-Populations, 2012

Type	Number
Sheltered	896
Unsheltered	1,490
Total	2,386
Chronic Homeless	721
Veterans	82
Persons in Families with Children	431

Source: HUD 2013 (ABAG Housing Element Data Profiles 2013)

Homelessness is often the end result of multiple factors that converge in a person's life. The combination of loss of employment, inability to find a job because of the need for retraining, and the high housing costs in Contra Costa County lead to some individuals and families losing their housing. For others, the loss of housing is due to chronic health problems, physical disabilities, mental health disabilities, or drug and alcohol addictions along with an inability to access the services and long-term support needed to address these conditions. According to the Contra Costa Homeless Continuum of Care Plan 2001–2006, the three primary causes of homelessness are the lack of affordable housing, lack of access to support services, and low incomes.

Although there are no emergency shelters or homeless services in the City of Clayton, a number of resources exist in adjacent Concord and throughout Contra Costa County. **Table 31** shows services available near Clayton.

Table 31. Local Homelessness Services

Provider	Program/Service
Contra Costa County Public Health Division (925) 646-9420 Cchealth.org/homeless	Shelter Plus Care Program*
	Project HOPE
	Project Coming Home
	Health, housing, and integrated services network
	Emergency shelters for adults, and runaway and homeless youth
Anka Behavioral Health (925) 825-4700 www.ankabhi.org	Homelessness continuum of care, transitional housing
Bay Area Rescue Mission (510) 215-4860 www.bayarearescue.org	Meals, homeless shelter
Greater Richmond Interfaith Program (GRIP) (510) 233-2141 www.gripcommunity.org	Meals, transitional housing
Shelter for Homeless Concord, CA (925) 363-4374	Homeless shelter
Shepherd's Gate Woman's Shelter (925) 308-7507	Homeless shelter for women and children
SHELTER, Inc. (925) 335-0698 Shelterincofccc.org	Temporary and affordable housing
Winter Nights (925) 933-6030 www.cccwinternights.org	Homeless shelter (seasonal)

Source: City of Clayton Community Development Department 2014

* As of March 2014, the Shelter Plus Care wait list is closed and applications are not being accepted.

In 2013, Clayton amended its Zoning Ordinance to allow emergency shelters as a permitted use in the Public Facilities zoning district, subject to some development criteria and management standards. In addition, the City updated the Zoning Ordinance to define transitional housing and allow it as a permitted use in a residential zoning district. The City will continue to work with housing and service providers to identify opportunities to assist homeless persons and families (Implementation Measure II.1.1).

Farmworkers

The 2007–2011 ACS five-year estimates indicate that 37 residents are employed in the “agriculture, forestry, fishing and hunting, and mining” sector. This number is up by 25 from the 2000 Census count of 12. This increase is likely due to the large margins of error associated with this type of data in the ACS. It is unlikely that Clayton residents are employed in farming, forestry, or fishing industries. While there are many active farms in Contra Costa County, agricultural areas are relatively distant from Clayton and it is unlikely there are any farmworkers living in Clayton.

Most farmworkers seek and find housing situations that are not specifically designated for farmworkers. Permanent rental housing is the most likely housing option for farmworkers. Should farmworkers seek housing in Clayton, existing multi-family housing and sites identified for multi-family residential would provide opportunities for this group.

In addition, Implementation Measure II.1.2 commits the City to amending its Zoning Ordinance to allow agricultural employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.6. The City will also work with housing providers to address the housing needs of farmworkers (Implementation Measure II.1.1).

Disadvantaged Unincorporated Communities

SB 244 (2012) requires that jurisdictions identify and analyze the housing and infrastructure needs of disadvantaged unincorporated communities (DUC), which are inhabited areas of 10 or more dwellings located adjacent to or in close proximity to one another in which the median household income is 80 percent or less than the statewide median income (\$49,306 according to the 2010 ACS). DUCs may be classified as “island,” “fringe,” or “legacy,” defined as follows (per the State of California Office of Planning and Research and Government Code Section 65302.10):

- “Island community” means any inhabited and unincorporated territory that is surrounded by or substantially surrounded by one or more cities.
- “Fringe community” means any inhabited and unincorporated territory that is within a city’s sphere of influence.
- “Legacy community” means a geographically isolated community that is inhabited and has existed for at least 50 years.

Without the benefit of political representation in a local jurisdiction, DUCs often suffer from poor access to services and resources, limited or no infrastructure improvements, environmental hazards, and generally unsafe and unsanitary living conditions.

In 2012, the Contra Costa County Local Agency Formation Commission (LAFCO) identified one unincorporated “island” community within the Clayton sphere of influence. However, income levels within this area are higher than 80 percent of the statewide median. Thus, there are no DUCs within or adjacent to the Clayton sphere of influence.

3.0 ENERGY CONSERVATION OPPORTUNITIES

Parts 6 and 11 of Title 24 in the California Uniform Building Code require the implementation of construction standards and other energy-efficiency techniques that will result in reduced energy use in newly built residences. Clayton residents are eligible to participate in a number of energy efficiency and conservation programs, including:

- The Contra Costa County Weatherization Program provides no-cost weatherization upgrades to income-qualifying residents (<http://ca-contracostacounty.civicplus.com/index.aspx?nid=282>).
- Energy Upgrade California offers rebates for whole house retrofits in Contra Costa County. Income-qualifying residents are eligible for additional rebates. The Energy Upgrade California website (https://tools.energyupgradeca.org/county/contra_costa/incentives) also provides links to rebates for numerous energy conservation, energy efficiency, and renewable energy projects.
- Multi-family buildings of five or more units in Contra Costa may be eligible for property-assessed financing for energy efficiency through California FIRST.
- Pacific Gas and Electric (PG&E) offers rebates for solar water heaters, pool pumps, and appliances including water heaters and washing machines.
- Income-qualifying households are eligible for Single-family Affordable Solar Homes (SASH), which provides upfront rebates to help low-income homeowners access the benefits of solar power.

A complete list of residential energy efficiency rebates is available at: <http://ca-contracostacounty2.civicplus.com/4344/Home-Energy-Efficiency>. Residents may also employ simple measures in an effort to reduce energy consumption and, hence, overall demand. The measures include:

- Change incandescent lighting to fluorescent or compact fluorescent lighting.
- Installation of whole house cooling fans to rapidly cool warm houses in the summer.
- Installation of rooftop solar power-generating panels to supply hot water and electricity for daily needs (see Solar and Energy Efficiency District discussion below).
- Replacement of household appliances that do not meet state seasonal energy efficiency ratio (SEER) guidelines with more efficient ones.
- Implementation of more traditional methods of conservation and increasing energy efficiency such as:

- Modification of thermostat levels.
- Weatherization.
- Shifting demand to non-peak consumption periods.
- Installation of shade screens and planting of shade trees.

The City will encourage and maintain energy efficiency in new and existing housing through the performance of Implementation Measures V.1.1 and V.1.2 to provide energy conservation brochures at City Hall and the Community Library and to develop standards to allow energy self-sufficiency and generation projects.

In addition, the City will investigate opting in to a Property Assessed Clean Energy (PACE) program to provide a low-cost financing option for energy efficiency, water efficiency, and renewable energy home improvements for Clayton home owners. Such programs include Home Energy Renovation Opportunity (HERO) program and Figtree PACE. Implementation Measure V.1.3 commits the City to exploring these programs and participating, if appropriate.

4.0 POTENTIAL CONSTRAINTS

4.1 Governmental Constraints

While local governments have little influence on market factors such as interest rates, their policies and regulations can affect the type, amount, and affordability of residential development. Since governmental actions can constrain development and affordability of housing, state law requires that the Housing Element “address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing” (Government Code Section 65583(c)(3)).

City regulations that affect residential development and housing affordability include policies, standards, and procedures set forth in the Land Use Element of the General Plan, Specific Plans, and the Zoning Ordinance.

Land Use Controls

General Plan

The General Plan is the City’s principal land use policy document. The City adopted its first General Plan in July 1971. The General Plan was updated in 1985 with periodic amendments, most recently in April 2012. **Table 32** shows the General Plan land use categories that allow for residential uses, along with density ranges and the types of residential uses allowed. The General Plan provides for single- and multi-family housing in a range of densities from 1.0 to 20 units per gross acre.

Table 32. General Plan Residential Land Use Categories

Land Use Category	Density Range (units/gross acre)	Allowed Residential Uses
Rural Estate	Up to 1.0	Single-family detached estates
Single-Family Low Density	1.1 to 3.0	Single-family detached houses
Single-Family Medium Density	3.1 to 5.0	Planned unit developments and single-family subdivisions
Single-Family High Density	5.1 to 7.5	Patio homes, zero lot line homes, and cluster homes in a planned unit development (PUD)
Multi-Family Low Density	7.6 to 10.0	Cluster units such as townhouses, garden units, and other types of PUDs, including single-family detached dwellings
Multi-Family Medium Density	10.1 to 15.0	Multi-family units
Multi-Family High Density	15.1 to 20.0	Two-story (or higher) apartments or condominiums. Development within this density is encouraged to utilize the PUD concept and standards.
Institutional	7.6 to 20 units	Various forms of elderly housing

Source: City of Clayton General Plan Land Use Element

Town Center Specific Plan

The City adopted the Town Center Specific Plan in 1990 and amended it in 1998, 2001, 2004, 2007, 2008, and 2012. The Town Center has served as the City's historic commercial center since Clayton's inception. The Town Center Specific Plan aims to preserve the unique characteristics of this small center, while facilitating new development and reuse of underutilized private properties.

The Specific Plan calls for a combination of commercial and residential land uses in the Clayton Town Center. Residential designations include: Multi-Family Low Density (7.6 to 10 dwelling units per acre [du/acre]), Multi-Family Medium Density (10.1 to 15 du/acre), Multi-Family High Density (15.1 to 20 du/acre), and Institutional Residential (7.6 to 20 du/acre).

In addition to the sites designated for residential uses, the Specific Plan permits residential uses to be constructed on all floors, except ground level, in mixed-use developments. In areas designated Town Center (TC) Commercial, residential uses are allowed on upper stories, subject to the development review standards set forth in the Town Center Specific Plan.

Development standards for the TC Commercial area do not specifically regulate residential densities of commercial sites; rather applicants submit development proposals that must satisfy various requirements, including those pertaining to open space, stormwater compliance, and parking. The remaining available space is available for development.

The City will continue promote mixed-use and affordable housing development in the Town Center Specific Plan area through Policy I.4 and Implementation Measure I.4.1.

Zoning

The provisions of the Clayton Zoning Ordinance implement the policies and standards set forth in the General Plan. The Zoning Ordinance permits residential development in the following districts:

- Single-family residential district – The following designations are included in the single-family zones: R-10, R-12, R-15, R-20, R-40, and R-40-H.
- Multi-family residential district – The following designations are included in the multi-family zones: M-R, M-R-M, and M-R-H. Although there are no parcels currently designated M-R-H, the City maintains the designation for future use.
- Planned development district – The following designation is used to denote planned development districts: PD.

The Zoning Ordinance establishes the types of allowed residential uses as well as residential development standards for each zoning district. Development standards are intended to protect the safety and welfare of the City's residents and preserve community character.

Development Standards

Table 33 summarizes the development standards for residential zoning districts. The maximum residential density allowed is one unit per 2,000 square feet of lot area in the M-R-H district, which is equivalent to approximately 20 dwelling units per gross acre. The Zoning Ordinance provides for small lot and zero lot line development in the PD district.

Table 33. Residential Development Standards

District	Min. Lot Area per Dwelling	Setback			Height (max.)	Open Space (min.)
		Front Yard (min.)	Rear Yard (min.)	Side Yard ¹ (min./aggregate)		
R-10	10,000 sf	20 ft	15 ft	10/20 ft	35 ft	n/a
R-12	12,600 sf	20 ft	15 ft	10/25 ft	35 ft	n/a
R-15	15,000 sf	20 ft	15 ft	10/25 ft	35 ft	n/a
R-20	20,000 sf	25 ft	15 ft	15/35 ft	35 ft	n/a
R-40	40,000 sf	40 ft	15 ft	20/40 ft	35 ft	n/a
R-40-H	40,000 sf	40 ft	15 ft	20/40 ft	35 ft	n/a
M-R	6,000 sf (3,000 sf/unit)	20 ft	15 ft	15 ft	35 ft, 20 ft ²	25%
M-R-M	6,000 sf (1,800 sf/unit)	20 ft	15 ft	15 ft	35 ft	20%
M-R-H	9,000 sf (1,000 sf/unit)	20 ft	15 ft	15 ft	40 ft, 35 ft ²	20%
PD	Underlying GP designation	n/a	n/a	n/a	n/a	20% ³

Source: City of Clayton Zoning Ordinance 2014

¹ Standards shown are for interior lots. Refer to the Zoning Ordinance for side yard standards for corner lots.

² Twenty feet when District abuts (within 50 feet) any single-family residential district.

³ Affordable housing projects may be allowed to provide less than 20 percent of the project site as open space subject to approval by the Planning Commission.

Parking

New residential development is required to provide parking as shown in Table 34.

Table 34. Residential Parking Requirements

Requirement	Description
Single-family	4 per unit (2 must be fully enclosed and 2 may be tandem)
Small lot single-family (<4,000 sf net lot area, Multifamily General Plan Designation)	2 per unit (1 must be covered and 1 may be tandem), 0.5 guest spaces per unit
Duplex	2 per unit (1 must be covered and 1 may be tandem), 0.5 guest spaces per unit
Multiple-family Studio 1-bedroom 2+ bedroom Guest parking	1 per unit (covered) 1.5 per unit (1 must be covered) 2 per unit (1 must be covered) 0.5 per unit
Group residential	1 per sleeping room plus 1 per 100 sf of assembly or common sleeping areas

Source: City of Clayton Zoning Ordinance 2014

These parking requirements may be reduced for projects zoned PD (e.g., Oakhurst provides only 1.5 parking spaces for its zero lot line units) with a supporting parking analysis and may be reduced for Affordable Housing Opportunity sites with a supporting parking analysis. As stated in Implementation Measure II.2.1, the City will provide flexibility in the application of parking standards for development projects that include affordable units.

Permitted Residential Uses

Table 35 provides a summary of the residential use types that are permitted or permitted subject to the approval of a use permit, and uses that are not allowed in residential zoning districts.

Table 35. Residential Use Permit Requirements

Residential Use Type	R-10	R-12	R-15	R-20	R-40	R-40-H	M-R	M-R-M	M-R-H	LC	TC
Single-family dwelling	P	P	P	P	P	P	UP	UP	UP	--	--
Second dwelling unit	P	P	P	P	P	P	P	P	P	--	--
Duplex residential	--	--	--	--	--	--	P	P	P	--	--
Multi-family residential (triplex, condominiums, apartments, etc.)	--	--	--	--	--	--	P	P	P	--	--
Residential above commercial	--	--	--	--	--	--	--	--	--	--	P
Residential care home (≤ 6 persons)	P	P	P	P	P	P	--	--	--	--	--
Residential care homes (> 6 persons)	UP	UP	UP	UP	UP	UP	--	--	--	--	--
Manufactured dwelling unit	P	P	P	P	P	P	--	--	--	--	--
Transitional and supportive housing	P	P	P	P	P	P	P	P	P	--	--
Single-room occupancy (SRO)	--	--	--	--	--	--	--	--	--	UP	--

*P = permitted (by right)**UP = Use Permit**-- = not permitted**Source: City of Clayton Zoning Ordinance 2014***Second Dwelling Units**

A second dwelling unit is an additional self-contained living unit, either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. To encourage establishment of second dwelling units on existing developed lots, state law requires cities and counties to either adopt an ordinance based on standards set out in the state law or allow second units ministerially per state requirements.

In April 2004, the City adopted a second dwelling unit ordinance that follows the requirements of state law (Government Code Section 65852.1) in allowing second dwelling units on any single-family residential lot subject to ministerial review (and on multi-family lots subject to Planning Commission approval). Second units are subject to specific development requirements, as described in **Table 36**.

Table 36. Second Unit Development Standards

Requirement	Description
Zoning Districts	Per Zoning Code Chapter 17.47 second dwelling units are allowed in all residential districts that allow single-family dwellings.
Setbacks	Same as the principal structure unless located in a PD zone.
Height	Attached units shall not exceed the principal structure height; detached units shall not exceed one story or 15 feet, whichever is less.
Parking	1 uncovered space per bedroom
Unit size	Units between 250 and 750 square feet (one bedroom) require ministerial review Units between 751 and 1,000 square feet maximum (up to two bedrooms) requires Planning Commission review
Architectural compatibility	Must incorporate similar or complementary architectural features as the principal and surrounding structures

Source: City of Clayton Zoning Ordinance 2014

Second dwelling unit applicants must pay a processing fee of \$269 for staff level administrative review applications. For second dwelling unit applications that require Planning Commission review, a minimum processing fee deposit of \$1,000 is required. Second unit development is not constrained by the City's land use controls. However, the Contra Costa Water District (a special district public agency) charges a fee of approximately \$24,125 for second unit 5/8" water hookup (fees vary based on unit size). This connection fee may be a constraint to the development of second units, as there have been few second unit permits processed since the 2004 amendment of the Municipal Code. The City will continue to support efforts to construct second dwelling units on new and existing single family-zoned lots (Policy I.3). Implementation Measure I.3.1 commits the City to publicizing information about second unit development in the City's general application packet as well as on the City's website.

Residential Care Facilities

Residential care facilities or group homes for persons with disabilities are allowed in the city. Facilities for six or fewer persons are allowed by right in all residential districts pursuant to the state Health and Safety Code Section 1566.3. Facilities for seven or more persons are allowed with a use permit in accordance with Chapter 17.46 of the Zoning Ordinance and must meet the following standards:

- The applicant must maintain an operating license from the applicable state and county agencies.
- The residential care home shall be located within a detached single-family dwelling.
- Sufficient off-street parking spaces shall be provided in addition to the required off-street parking to serve the dwelling.
- Signs are not allowed.

- Each residential care facility shall be located at least 1,000 feet from another such facility.
- The dwelling must comply with the Uniform Building Code and State standards for accessibility by disabled persons.

Manufactured Homes

In 2009, the City amended the Zoning Ordinance to allow manufactured housing on any residential lot subject to the standards applicable to site-built housing in accordance with state law. The Zoning Ordinance now treats manufactured housing as a single-family use type, includes a definition for manufactured housing, and allows manufactured housing on a permanent foundation in all residential zones that allow for single-family homes, subject to site plan and design review

Emergency Shelters

In compliance with SB 2 (2007), the City amended its Zoning Ordinance in 2013 to define emergency shelters and allow them by right (without discretionary approval) in at least one zoning district. Emergency shelters are now an allowed use in the Public Facilities district, subject to specific development and management standards, including but not limited to:

- Emergency shelters must be located a minimum of 300 feet from residential buildings and schools, and at least 300 feet from other shelters.
- The maximum number of beds in a single shelter is 10.
- Individuals may stay no longer than 180 consecutive days in a consecutive 12-month period.
- Off-street parking must be provided in the ratio of one space for every three beds plus one parking space per staff member per shift.
- The shelter must provide an operational plan to the Community Development Director.

Refer to Section 17.36.082 for a comprehensive list of emergency shelter requirements. There are six sites zoned Public Facilities. The site identified as most viable for an emergency shelter is the north portion of the City's 4.73 acre property located at 6125 Clayton Road which houses its community library and several idle historical buildings. The site is directly served by public transit (a regional bus that connects to Bay Area Rapid Transit) as well as services and public amenities. Approximately 1.5 acres of the site are available for development of an emergency shelter.

Transitional and Supportive Housing

SB 2 also requires that all jurisdictions define and allow transitional and supportive housing. Transitional facilities offer short-term housing (at least six months' stay); supportive housing types are those that offer permanent housing situations that are occupied by a target population (persons with AIDS, persons with mental or development disabilities, persons with chemical dependency, etc.) and may have on- or off-site services linked to the housing.

The City amended its Zoning Ordinance in 2012 to define supportive housing and transitional housing and allow both as permitted uses in all residential zoning districts, subject only to the permit processing requirements as other similar use types in the same zone (site plan review, design review, etc.).

To achieve full compliance with the provisions of SB 2, which requires that transitional and supportive housing be allowed as a residential use in all districts that allow residential, the City is committed to amending the Zoning Ordinance to allow transitional and supportive housing in the Limited Commercial zoning district, subject only to the same regulations that apply to other residential uses of the same type in that zone (Implementation Measure II.1.3).

Single-Room Occupancy Units (SRO)

Assembly Bill (AB) 2634 (2006) requires the quantification and analysis of existing and projected housing needs of extremely low-income households. Housing Elements must also identify zoning to encourage and facilitate housing for extremely low-income persons, of which two common types are supportive housing and single-room occupancy units (SRO).

Extremely low-income households typically include persons with special housing needs, including but not limited to persons experiencing homelessness or near-homelessness, persons with substance abuse problems, and persons with mental illness or developmental disabilities.

In 2012, the City amended its Municipal Code to explicitly define SRO housing as a type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have kitchen or bath facilities (but not both) in the room. The City allows development of SROs in the Limited Commercial (LC) zoning district with a use permit.

Accommodation of Persons with Disabilities

The City has taken significant steps to improve housing accessibility for persons with disabilities. In 2013, the City adopted a universal design ordinance to ensure that new housing is adaptable and accessible for persons with disabilities. In 2012, the City adopted a reasonable accommodations ordinance (Chapter 15.90 of the Municipal Code) to allow for variations in the application of zoning codes and policies to accommodate persons with disabilities; amended the Zoning Ordinance to define and allow supportive housing facilities as described above; and amended the definition of “family” to remove restrictions on the number of unrelated persons that may be considered a family.

In 2008, the City Council approved its Americans with Disabilities Act (ADA) Transition Plan. The plan included an evaluation of barriers for persons with disabilities and included steps to remove such barriers. The plan mandates that the City Community Development and Engineering departments periodically evaluate their procedures for land use permit processing and public participation to ensure that reasonable accommodations are made for individuals with disabilities and all are in compliance with fair housing laws. As a result of plan implementation, all City facilities, offices, and meeting rooms have been upgraded to be accessible and compliant with ADA requirements, and the City has a program for installation of wheelchair-accessible ramps at street intersections.

The City has two special needs facilities that cater to persons with disabilities. In 1992, the City approved the Kirker Court development, which provides 20 units for persons with mental disabilities. In 1999, the City approved the Diamond Terrace project, which created 86 units for seniors, many of whom have disabilities and require special accommodations in their housing units and other project facilities. The City, through its now defunct Redevelopment Agency, financially participated to support the establishment of both facilities.

The City also offers reduced parking requirements for residential developments that serve seniors and persons with disabilities. The residential parking requirement for seniors or persons with disabilities is one parking space per dwelling unit, while standard single-family residential units require four parking spaces per unit.

As stated in Policy II.1 and Implementation Measure II.1.1, the City will work to provide housing opportunities for persons and households with disabilities through coordination with housing providers and assistance with funding application. The City will also continue to offer reasonable accommodations to ensure that City standards and policies do not impede housing opportunities for disabled households (Policy IV.3 and Implementation Measure IV.3.1) and continue to implement the universal design ordinance (Policy IV.3.2).

Density Bonus

The City amended its Zoning Ordinance in 2009 to add specific density provisions in keeping with state law. As detailed in Chapter 17.90 of the Municipal Code, the City offers a density bonus of up to 35 percent and a variety of incentives/concessions to promote affordable housing. Implementation Measure II.2.1 confirms the City's ongoing commitment to the density bonus program.

Affordable Housing Plan

As described in Implementation Measure I.2.1, developments of 10 or more units are subject to an Affordable Housing Plan requirement. The City has established the specific guidelines for the review and preparation of Affordable Housing Plans. These criteria do not present a constraint to the development of housing but help to ensure that housing affordable to households at a wide range of income levels is built in the city. As described below, the City offers a variety of incentives to developers and will consider incentives not specifically listed.

The Affordable Housing Plan must be submitted and approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the primary land use entitlement and/or a development agreement.

The Affordable Housing Plan must include the following:

- The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households (the City desires that at least 5 percent of all project units be affordable to very low-income households and at least 5 percent of all project units be affordable to low-income households).

- The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors.
- Program options within Affordable Housing Plans may include, but are not limited to:
 - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.)
 - Land dedication (on-site and off-site).
 - Payment of in-lieu fees.
- The timing for completion of affordable housing obligations.
- At the City Council's discretion, land or other contributions provided by developers as specified within Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.
- In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Incentives may include, but are not limited to:
 - Density bonuses
 - Fee waivers or deferrals (as reasonably available)
 - Expedited processing/priority processing
 - Reduced parking standards
 - Technical assistance with accessing funding
 - Modifications to development standards (on a case-by-case basis)

The size of property, the surrounding land uses, the purchase price of the real property, and the current market conditions (i.e., competition) are all factors that may be considered in the preparation of proposed Affordable Housing Plans. Each development project is unique, as are the incentives and specific affordable housing requirements applied. The flexibility of this menu approach allows the City and developer to agree to terms that meet the intent of providing affordable housing while ensuring that the proposed development remains feasible.

Growth Management Program (Measure C)

In 1988, Contra Costa County voters approved a half-cent sales tax to fund a transportation improvement and growth management program (Measure C). This program addresses congestion problems by funding transportation improvement projects and establishing a process involving all of the cities in Contra Costa County, including Clayton, to cooperatively manage the impacts of growth.

The overall goals of the program are to relieve congestion created by past development through road and transit improvements funded by the sales tax increase and to prevent future development decisions from resulting in the deterioration of services. To be eligible for sales tax funds, the Growth Management Program requires that each participating city and town and the County take several actions including:

- Adopting a Growth Management Element of the General Plan to address the impacts of growth.
- Committing to managing congestion by adopting and applying traffic service standards to ensure that new development will not significantly worsen traffic on streets, roads, and regional routes.
- Reducing dependency on the single-occupancy automobile through use of transportation systems management for each jurisdiction's large employers or an alternative mitigation program for areas that are primarily residential in character.
- Ensuring that new development pays its own way through mitigation and fee programs.
- Reducing the number and length of automobile commute trips by addressing housing options and job opportunities at the local, regional, and countywide level.
- Adopting a Housing Element certified by the California Department of Housing and Community Development.

The Contra Costa Transportation Authority is responsible for ensuring that these objectives and requirements are met. Periodically, it evaluates whether each city, town, and the County is participating fully, based on a compliance checklist. Each year that a locality is found in compliance with the Growth Management Program, it receives a share of the local sales tax increase that will be used for local street improvements and related activities.

In 1992, the City adopted the Growth Management Element of the General Plan pursuant to the requirements of Measure C. This element establishes goals, policies, and standards for traffic service and other public facilities and services. Specifically, the element requires the preparation of traffic studies for large developments and prohibits the City from approving projects that will cause levels of service at any designated intersection to fall below the standards set in the element (i.e., level of service D). The element also sets standards for police emergency response time, parks, fire emergency response time, sanitary sewers, water services, and flood control. In effect, the standards

contained in the Growth Management Element formalize mitigation measures that are typically required under the California Environmental Quality Act (CEQA) on a project-by-project basis. None of these standards are expected to constrain housing development in Clayton beyond the level currently imposed by state environmental regulation.

In November 2004, Contra Costa County voters approved Measure J by over a two-thirds majority. Measure J extended the half-cent sales tax for transportation improvements until 2034. Measure J requires jurisdictions to demonstrate progress on providing housing opportunities by comparing the number of units approved within the previous five years with the number of units needed to meet the objectives established in the jurisdiction's Housing Element. It further requires each city to periodically certify it has not violated its Urban Limit Line (ULL) boundary and accompanying regulations for orderly growth in order to be eligible for Measure J funds.

The adopted Growth Management Element does not restrict the number of new homes that are permitted to be built. The element intends to use the increased tax revenue for transportation improvements to ensure that development and growth are orderly and not restricted. Measure J requires that the City monitor progress toward meeting Clayton's housing objectives. The City has determined that its Growth Management Element does not constrain the maintenance, improvement, or development of housing for all income levels.

Development Processing Procedures, Standards, and Fees

Permit Processing Procedures

Housing development projects proposed in Clayton are subject to one or more of the following review processes or permits: environmental review, zoning, subdivision review, planned unit development, site plan review, use permits, and building permits.

The City does not have an in-house building department and instead contracts with the Contra Costa County Building Inspection Division to administer its building permit process. To proceed with a residential development, the developer first obtains the required project specific development entitlement approvals from the City. The developer then submits construction plans for zoning compliance review. The developer then applies for sewer and water service. The City of Concord provides sewer service in Clayton under contract with Clayton. The Contra Costa Water District, an independent special district public entity, provides water service. Once the developer has obtained these approvals, the developer submits plans to the County Building Inspection Division for plan check and a building permit. The County also provides building inspection services and grants certificates of occupancy for the project.

The City created and offers a development handbook that provides applicants with an overview of its development approval process. The guide is intended to minimize uncertainty in the process and reduce the time applicants spend seeking development approval. The Clayton Community Development Department also encourages no-cost pre-application meetings so that the City can provide assistance and direction to applicants prior to application review. The City has found that the pre-application meetings reduce the time spent approving development applications and create opportunities for public/private development ventures.

Permit Processing Time Frames

Table 37 shows typical permit processing times in Clayton. Typical processing times include both discretionary and non-discretionary permit processing times and take into account the time required to obtain permits from both Contra Costa County and the City. For example, a “typical” development project that requires a use permit and site plan review from the City and a building permit from Contra Costa County would take approximately eight weeks to process (i.e., six weeks for the use permit and site plan which would be processed concurrently, and two weeks for a building permit).

The City’s permit processing procedures include an assessment of the potential environmental impacts of the proposed project. If a project requires environmental review, additional processing and time is required. State law under CEQA mandates these review procedures. Many of the environmental regulations have protected the public from significant environmental degradation and from development of certain projects on inappropriate sites, and have given the public an opportunity to comment on project impacts. This process does, however, increase the time needed for approval of a project.

A single-family residential subdivision requires approval of a Tentative Subdivision Map and a multi-family project requires the approval of a Development Plan Permit. Both proposals require actions by the Planning Commission and the City Council. If the level of environmental review is a negative declaration (ND) or a mitigated negative declaration (MND) for these proposals, then the typical processing time for these planning entitlements is four to six months from the time an application is deemed complete. If the level of environmental review is an environmental impact report (EIR), then the typical processing time, from the time the application is deemed complete, is approximately 12 months.

Table 37. Typical Permit Processing Times

Type of Application	Estimated Processing Time* (following formal acceptance)
General Plan Amendment	20 - 26 weeks
Rezoning	20 - 26 weeks
Use Permit	6 - 10 weeks
Variance	6 - 10 weeks
Planned Development	20 - 26 weeks
Subdivision (Tentative Map)	20 -26 weeks
Subdivision (Final Map)	Varies
Site Plan Review	6 -10 weeks
Zoning Review (City staff)	1 - 2 weeks
Building Permit (County Building Inspection Div.)	2 - 3 weeks

Sources: City of Clayton; Contra Costa County

*These times assume environmental review is not required and that the application is deemed complete.

Planned Development Districts

A Planned Development (PD) district requires a subsequent development plan permit. The permit request must meet the requirements set forth in Section 17.28 of the Clayton Municipal Code and be approved by the City Council. An approved PD district provides applicants with flexibility in land use controls, including residential land use controls.

To facilitate multi-family development on PD sites, in 2014 the City amended the PD zoning district standards to allow multi-family developments with a General Plan land use designation of Multi-Family High Density (MHD) to be processed with only site plan review (rather than development plan review as was previously required) if applicants choose to adhere to M-R-H zoning district development standards. This change was intended to create a predictable path for development on sites designated MHD.

Development Plan Review

The PD district provides developers and the City with the flexibility to accommodate projects on sites which are constrained by various physical factors such as flooding, slopes, restricted access, or cultural resources. The development plan process allows creativity in the application of various standard development requirements including setbacks, height limitations, lot coverage, vehicular access, parking, and architectural design. Since development plans may involve the relaxation of various standards, Planning Commission and City Council review is required. The standards of review are listed in the Zoning Ordinance and focus upon ensuring that a better development will result than would occur with a non-flexible zone and ensuring protection of usable and natural open areas.

Site Plan Review

Site plan review is required for new single-family dwellings, multi-family dwellings, and certain types of residential additions. Typically, the process is initiated by staff meeting with the applicant to review the project. The applicant submits an application and the processing fee/deposit. Neighboring property owners are notified and a staff report is prepared. The Planning Commission reviews the project at a public hearing to examine compatibility with surrounding residences, solar rights, privacy, safety, and views. The site plan review process takes approximately six to ten weeks. Following site plan approval, the applicant submits construction drawings for an initial conformance review by the City's Community Development Department staff and then to the County Building Inspection Division.

Since specific criteria listed in the Zoning Ordinance are used in the evaluation and approval of projects, the site plan review process is generally predictable and does not add great time or expense to residential development.

Design Review

Residential development projects in Clayton are subject to a basic design review process that is a component of the site plan review process. This process ensures that new residential development is compatible with surrounding residences and protects the solar rights, privacy, safety, and views of existing development. The requirements for design review are described in the Town Center Specific Plan, the Marsh Creek Road Specific Plan, the Zoning Ordinance, and the General Plan. These documents are described as follows:

- **Marsh Creek Road Specific Plan:** The Marsh Creek Road Specific Plan contains design and development standards that require designers and builders to retain and enhance the character of the planning area as it develops. The guidelines address site planning, creek corridors, ridgeline and hillside protection, streetscape and landscape architecture, residential architecture, energy and resource conservation, and commercial development.
- **Town Center Specific Plan:** The Town Center Specific Plan contains design guidelines that provide guiding principles rather than strict requirements to ensure flexibility in meeting the intent of the guidelines. The guidelines address several topics such as site design, architectural character, landscape character, preservation of historic buildings, relationship of new to existing development, parking, and signage.
- **General Plan:** The General Plan contains a Community Design Element with objectives, policies, and implementation measures that address overall community design, scenic highways, and design standards for the Town Center.
- **Zoning Ordinance:** The Zoning Ordinance protects solar rights, privacy, safety, and views of existing development through height and setback restrictions.

The design review process ensures that new residential development preserves basic aesthetic principles and does not affect entitlements by allowing additional conditions to be placed on the project. The design review process adds proportionately insignificant costs to residential development and therefore is not a constraint to affordable housing.

On- and Off-Site Improvement Requirements

The City requires the installation of certain on- and off-site improvements to ensure the safety and livability of its residential neighborhoods. On-site improvements typically include streets, curbs, gutters, sidewalks, and utilities, and amenities such as landscaping, fencing, street lighting, open space, and park facilities. Off-site improvements typically include:

- Road improvements, including construction of sections of roadway, medians, sidewalks, bicycle lanes, and street lighting.
- Drainage improvements, including improvement to sections of channel, culverts, swales, and pond areas (Contra Costa County Flood Control District requirements).

- Sewage collection and treatment (Contra Costa Sanitary District requirements).
- Water system improvements, including lines, storage tanks, and treatment plant (Contra Costa Water District requirements).
- Public facilities for fire, school, and recreation.
- Geological hazard repair and maintenance where appropriate.

The type of improvements required depend upon the improvements that exist prior to development. If, for example, a vacant lot is improved with curb, gutters, and sidewalks, then the developer is not required to reinstall these. All typical improvements discussed above are required for residential development if they are absent prior to development.

Typically, on- and off-site improvement costs are passed on to the homebuyer as part of the final cost of the home. Clayton does not require on- and off-site improvements beyond what is typically required in other jurisdictions and therefore does not consider these improvements to be a constraint to the development of housing for all income levels.

Construction and Housing Codes

Building Code and Code Enforcement

The City has a small Code Enforcement team. Code Enforcement receives and follows up on complaints from citizens about matters ranging from poorly maintained properties, including foreclosed properties, to boats, recreational vehicles, and trailers illegally parked on private properties. Enforcement tactics include verbal contacts, written courtesy notices, and formal notices of violation. These efforts are essential in maintaining the quality and appearance of the built environment in Clayton. Code Enforcement coordinates as needed with other local agencies, including representatives from the Contra Costa County Building Department, the Clayton Police Department, the Housing Authority of Contra Costa County, the Contra Costa County Mosquito and Vector Control District, and the Environmental Health Department of Contra Costa County.

Additionally, the City contracts with the Contra Costa County Building Inspection Division to provide building plan check, inspection, and occasional code enforcement services related directly to construction projects. **Table 38** shows the construction and housing codes adopted and administered by Contra Costa County for Clayton.

Table 38. Construction and Housing Codes

Code Section	Title	Remarks
15.01	Construction Regulations	No major impacts on the cost of housing
15.02	Uniform Building Code with Amendments, 2013	No major impacts on the cost of housing
15.03	California Electric Code with Amendments, 2013	No major impacts on the cost of housing
15.04	California Plumbing Code with Amendments, 2013	No major impacts on the cost of housing
15.05	California Mechanical Code with Amendments, 2013	No major impacts on the cost of housing
15.06	Uniform Housing Code with Amendments, 1997	No major impacts on the cost of housing
15.07	Building Security Construction Codes	No major impacts on the cost of housing
15.08	Sign Provisions	No major impacts on the cost of housing
15.09	California Fire Code with Amendments, 2013	No major impacts on the cost of housing
15.56	Moving Buildings regulations	No major impacts on the cost of housing
15.58	Flood Damage Prevention practices	No major impacts on the cost of housing
15.60	Grading Rules	No major impacts on the cost of housing
15.70	Tree Protection regulations	No major impacts on the cost of housing
15.80	Project Construction & Demolition Debris Recycling regulations	No major impacts on the cost of housing, although cost savings from recycling material may provide a cost savings for construction which would be passed along to tenants
15.90	Reasonable Accommodation	Provides greater flexibility in providing housing for persons with a disability
15.92	Universal Design	No major impacts on the cost of housing and will provide a housing stock that is accessible to disabled persons
Part 11, Title 24	CalGreen Green Building Code, 2013	Will reduce the demand for household energy and therefore decrease the cost of maintaining a household

Sources: City of Clayton, County Building Inspection Division, and County Fire Protection District

Development Fees

The City collects development fees to help cover the costs of permit processing and environmental review. As shown in **Table 39**, Community Development Department fees are billed at the cost per hour per employee. Fees collected by the City in the review and development process cannot and do not exceed the City's costs for providing these services. Applicants must submit a deposit in the specified amount upon submittal of an application.

Table 39. Community Development Department Fees

Item	Fee
Annexation	Time, \$5,000 min. deposit
General Plan amendment	Time, \$5,000 min. deposit
Prezoning	Time, \$5,000 min. deposit
Rezoning	Time, \$5,000 min. deposit
Zoning Ordinance amendment	Time, \$5,000 min. deposit
Site Plan Review Permit (initial permit or amendment)	Time, \$1,000 min. deposit
Development Plan	Time, \$5,000 min. deposit
Environmental Impact Report (EIR)	Time, \$5,000 min. deposit
Mitigated Negative Declaration (MND)	Time, \$2,500 min. deposit
Negative Declaration (ND)	Time, \$1,500 min. deposit
Use Permit - Residential – Planning Commission review	Time, \$1,000 min. deposit
Second Dwelling Unit Permit – administrative review	\$269
Tree Removal Permit – admin. review w/out notice	\$10/tree (min. \$33)
Tree Removal Permit – admin. review with notice	\$50/tree (min. \$108)
Tree Removal Permit – Planning Commission review	Time, \$500 min. deposit
Variance (residential)	Time, \$1,000 min. deposit
Appeal – administrative decisions	\$53
Appeal – residential Planning Commission decisions	\$269
Tentative Subdivision Map application	Time, \$5,000 min. deposit
Parcel Map application	Time, \$2,000 min. deposit
Lot line adjustment	Time, \$1,000 min. deposit
Lot merger	Time, \$2,000 min. deposit
Habitat Conservation Plan	Time, \$1,000 min. deposit

Source: City of Clayton Community Development Department Fee Schedule 2013-14, per CC Reso. No. 31-2013

Note: Fees may be adjusted (some are linked to increases based on the Consumer Price Index). Contact the Community Development Department for the most recent fee schedule.

The City and applicable districts collect development impact fees for the provision of services such as water, sewers, storm drains, schools, and parks and recreation facilities. These fees are generally assessed based on the number of units in a residential development with the exception of the school district fee collected by the Mount Diablo Unified School District (MDUSD), which determines permit fees based on square footage. Fees charged for building permits are based on the construction values as prescribed by the Uniform Building Code. **Table 40** shows development fees for the City.

Table 40. Development Impact Fees

Item	Responsible Agency	Fee Per Unit	
		Single-Family	Multi-Family
Building Permit, plan check and building inspection ¹	County Building Inspection Dept.	\$6,153	\$2,128
School fees (\$2.97/sf)	Mt. Diablo Unified School District	\$5,940 ²	\$3,564 ²
Fire fees	County Fire Protection District	\$571	\$284
Community facilities development	City of Clayton	\$450	\$125
Parkland dedication	City of Clayton	\$2,569	\$1,666 ⁴
Off-site arterial street improvement	City of Clayton	\$1,456	\$1,019
Child care ³	City of Clayton	\$205	\$205
Sewer connection	City of Concord	\$5,043	\$3,731 ⁵
Water connection ⁶	Contra Costa Water District	\$24,262	\$24,262
Total		\$46,649	\$37,109

Sources: City of Clayton Development Impact and Related Fees Schedule 2013-14; Contra Costa County; Contra Costa Water District; City of Concord; Mount Diablo Unified School District

¹ Fees are based upon building valuation and square footage. Assumes a 2,000-square-foot single-family house and a 1,200-square-foot multi-family unit.

² Assumes the construction of a 2,000-square-foot single-family home and a 1,200-square-foot multi-family unit.

³ Senior housing, second-dwelling units, affordable housing units, and churches are exempt.

⁴ \$2,180.00 per unit in a duplex.

⁵ Fee is \$3,731 per unit for a two-bedroom multi-family unit and \$2,774 for a one-bedroom multi-family unit.

⁶ Fee listed is for a 5/8" connection (20 gpm); the fee is \$32,053 for a 3/4" connection (30 gpm).

As presented in **Table 40**, a developer can expect to pay roughly \$46,649 in impact fees for the construction of a 2,000-square-foot single-family home and \$37,109 for each 1,200-square-foot multi-family dwelling unit. The cost of fees for a single-family home is roughly 15 percent of the cost of construction. Note that totals do not include planning fees, which vary based on the level of review needed and actual time needed to process an application.

Development fees in Clayton are typical for fees associated with residential development in the Bay Area. A large portion (\$24,262) of the total fees associated with residential development in the city is for water connections, which are provided by the Contra Costa Water District (special district) for jurisdictions located in Contra Costa County. The City also relies on the County's Department Conservation and Development – Building Inspection Division for building permit, plan review and inspection services. The City's pre-application meetings and application referral process assist with expediting the permit review period at the County level.

4.2 Non-Governmental Constraints

The availability and cost of housing is strongly influenced by market factors in the desirable Bay Area over which local government has little or no control. State law requires that the Housing Element provide a general assessment of these constraints. This assessment can serve as the basis for actions which local governments might take to offset the effects of such constraints. The primary market constraints to the development of new housing are the costs of constructing and purchasing new housing. These costs can be broken down into three categories: land, construction, and financing. For the most part, housing cost components in Clayton are comparable to those in other parts of the Bay Area.

Land Costs

Costs associated with the acquisition of land include the market price of raw land and the cost of holding land throughout the development process. These costs can account for as much as half of the final sales prices of new homes in very small developments or in areas where land is scarce. Among the variables affecting the cost of land are its location, its amenities, the availability of public services, and the financing arrangement made between the buyer and seller.

Land costs vary significantly in accordance with a variety of factors, including proximity of urban services. Due to low inventories of vacant lands and land for sale in Clayton, it is difficult to estimate the cost per acre of land in the city. The inventory of vacant land parcels in the neighboring City of Concord includes properties that are near the Clayton boundary line. Undeveloped land zoned for residential development on these properties is listed from \$600,000 per acre to as high as \$4 million per acre. It is recognized that the high cost of land constrains developers' ability to develop affordable housing. Unfortunately, there is little the City can do to lower the cost of land in the private market.

Construction Costs

Factors that affect the cost of building a house include the type of construction, materials, site conditions, finishing details, amenities, and structural configuration. An Internet source of construction cost data (www.building-cost.net), provided by the Craftsman Book Company, estimated the cost of a single-story home in Clayton to be approximately \$136 per square foot in January 2014. This cost estimate is based on a 2,000-square-foot house of good standard-quality construction including a two-car garage and central heating and air conditioning. The total construction costs

excluding land costs are estimated at approximately \$273,560. In April 2014, a local developer suggested that costs are currently closer to \$100 per square foot for large single family homes.

According to local developers, the cost to develop multi-family housing (excluding land cost) in the city is typically about \$72 per square foot. The cost to develop a 1,200 square foot multi-family apartment unit would be approximately \$86,400, making multi-family housing the more affordable housing development option on a construction cost per square foot basis.

If labor or material costs increased substantially, the cost of construction in Clayton could rise to a level that impacts the price of new construction and rehabilitation. Therefore, increased construction costs have the potential to constrain new housing construction and rehabilitation of existing housing.

Availability of Financing

Financing new residential development can be a significant cost; however, residential financing for both single family and multiple family housing is generally available. Developers of single-family projects often secure loans for land acquisition, installation of improvements, and construction. Land acquisition and development loan rates are typically the prime rate plus .5 to 2 percent, which was 3.6 to 4.5 percent in late 2013. Apartment loan rates are generally a bit lower.

Developers of affordable housing face significant challenges in securing financing. Due to the limited possible return from rents or sales prices of affordable units, many private lenders are unable to finance affordable projects due to the rate of return. Thus affordable developers must rely on community lending divisions, nonprofit institutions, grants and special loans, and local assistance.

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5.0 HOUSING RESOURCES

The City utilizes local, state, and federal funds to implement its housing strategy. Because of the high cost of new construction, more than one source of public funds is required to construct an affordable housing development. The City does not act as a developer in the production of affordable units, but relies upon the private sector to develop new units with the assistance of these various funding sources.

Clayton residents may also benefit from programs that are administered by the Contra Costa County Community Development Department. For example, the Mortgage Credit Certificate Program (authorized via Section 25 of the IRS code) is targeted to households whose incomes do not exceed 115 percent of area median income. This program permits public jurisdictions to issue tax credit certificates for a portion of the mortgage interest paid by first-time homebuyers. In this program, the buyer and the lender cover most of the direct expenses.

As stated in Implementation Measures II.1.1, III.1.1, and III.1.3), the City will continue to promote the availability of existing assistance programs, assist housing providers in pursuing available funding sources, and pursue sources locally whenever available.

5.1 Housing Programs and Funding Sources

Section 8 Voucher Program

Rental assistance is available from the Housing Authority of the County of Contra Costa, which administers the Section 8 voucher program. As of 2013, only one Clayton household was receiving rental assistance from this program, which is funded by HUD. The limited number of rental housing units and the high cost of rental housing in the city make it unlikely that Section 8 participants will find units to rent in Clayton.

Funding Programs

Local, state, and federal funding programs can be used to assist first-time homebuyers, build affordable housing, and help special needs groups, such as seniors, persons with disabilities, and the homeless. Funds provided may be low-interest loans that need to be repaid, or in some instances, grants are provided that do not require repayment.

These funding programs are summarized in **Table 41**. In most cases, for-profit and nonprofit developers apply for these funds or program benefits directly. For example, nonprofit organizations apply directly to HUD for Section 202 and Section 811 loans, and developers apply to the California Tax Credit Allocation Committee for low-income tax credits. The City does not act as a developer in the production of affordable units, but relies upon the private sector to develop new units with the assistance of various funding sources. The City can help sponsor grant and loan applications, provide matching funds, or furnish land at below-market cost. However, there are also programs, such as CDBG and HOME, for which the City can apply directly to the County Community Development Department for funding. Finally, there are a few programs, such as the Mortgage Credit Certificate Program or the Lease Purchase Program, to which individual households apply directly once local or county programs have been established.

Community Development Block Grant Funds (CDBG)

The County Community Development Department also administers the CDBG and HOME programs. The County receives approximately \$3.5 million in CDBG funds annually for the 14 cities and unincorporated areas that make up the urban county. Forty-seven (47) percent of the funds are reserved for projects and programs within the urban county that address the following priorities:

- Increase the supply of multi-family rental housing affordable to and occupied by very low- and low-income households.
- Maintain the existing affordable housing stock through the rehabilitation of owner-occupied and rental housing.
- Increase the supply of appropriate and supportive housing for special needs populations.
- Assist the homeless and those at risk of becoming homeless by providing emergency and transitional housing.
- Alleviate problems of housing discrimination.

CDBG funds are used for site acquisition, rehabilitation, first-time homebuyer assistance, development of emergency and transitional shelters, and fair housing/housing counseling activities. Additional activities in support of the new construction of affordable housing include site acquisition, site clearance, and the financing of related infrastructure and public facility improvements.

HOME Investment Partnership Act Program Funds

The urban county and the cities of Antioch, Concord, Pittsburg, Richmond, and Walnut Creek formed the Contra Costa Consortium for the purpose of applying to HUD for HOME funds. Approximately \$2.9 million in HOME funds are allocated to the consortium annually. All projects funded with HOME funds must be targeted to very low- and low-income households and must have permanent matching funds from non-federal resources equal to 25 percent of the requested funds. In addition, the County Board of Supervisors has established a priority for the allocation of HOME and CDBG funds to projects that include a portion of the units affordable to extremely low-income households (incomes at or below 30 percent of the area median income).

Consortium HOME program priorities include the following:

- Acquisition, rehabilitation, and new construction of affordable multi-family rental housing.
- Owner-occupied housing rehabilitation programs for low-income households.
- First-time homebuyers assistance for low-income households.

Table 41. Affordable Housing Funding Sources

Program	Description
First-Time Homebuyers	
Mortgage Credit Certificate Program	Homebuyers can apply a portion of mortgage interest paid as a credit against their income tax obligations. The program primarily targets first-time homebuyers. The Contra Costa County Community Development Department administers this program.
Housing Enabled by Local Partnerships (HELP) Program	HELP is sponsored by the California Housing Finance Agency (CalHFA). The program provides low-cost loans to cities for an array of housing activities, including down payment assistance.
School Facility Fee Down Payment Assistance Program	CalHFA program that provides full or partial rebate of the school facility fee paid by the builder. The buyer can use this rebate to cover part of the down payment.
Low and No Down Payment Program	California Housing Loan Insurance Fund (CAHLIF)-sponsored program that provides several loan options, including 100% loans, requiring no down payment.
Lease-Purchase Program (operated by an existing agency or the creation of a new one with other cities in the area)	The program assists potential homebuyers who lack down payment savings or an acceptable credit history to become homeowners. Lease-purchasers lease homes for a three-year period, while they gradually save for the down payment and closing costs. The East Bay Delta Housing Finance Agency operates a program in the Bay Area.
Community Assisted Shared Appreciation (CASA) Program	This special program provides silent seconds (owed to participating lenders) and silent thirds (owed to the City). Funds are matched one-for-one by participating lenders.
New Construction	
HOME and Community Development Block Grant Programs	Federally funded and regulated programs designed to help households who earn up to 80% of area median income. The Contra Costa County Community Development Department administers these programs for the urban county, which includes Clayton. CDBG funds were used to assist in the development of Kirker Court.
Low-Income Housing Tax Credits	Federal and state income tax credits provide a source of equity for low-income rental projects. The California Tax Credit Allocation Committee coordinates the award of these credits. The Diamond Terrace project used tax credits.
HELP Program	CalHFA-sponsored program that provides low-cost loans to cities for an array of housing activities, as long as they support affordable housing.
State of California's Multifamily Housing Program	A new state program that provides deferred payment loans for up to 55 years. Eligible activities include new construction and rehabilitation of permanent and transitional rental housing for lower-income households.

Program	Description
Mortgage Revenue Bonds	The sale of tax-exempt bonds provides permanent financing at slightly below market interest rates for both single-family and multi-family housing. The California Debt Limit Allocation Committee is responsible for allocating authority for the Mortgage Credit Certificate and mortgage revenue bonds subject to the annual volume cap for the state.
Special Needs Assistance	
New Construction – Section 202 and Section 811	The HUD 202 Program provides grant funds to develop senior housing. The HUD Section 811 Program provides grant funds to develop housing for persons with disabilities. Section 811 funding was used for Kirker Court.
CDBG	Seniors with mobility problems can remain in their own homes longer, if it is possible to improve accessibility. CDBG funds can be used for this purpose.
Homeless Persons	
Emergency Shelter	Contra Costa County's Office of Homeless Programs coordinates programs and disperses funds for emergency shelters. Funds are available from the federal government and from the state. The County's Continuum of Care Plan Homeless Plan provides detailed information.
Transitional Shelter	Financing sources include federal programs (e.g., Housing Opportunities for Persons with AIDS, HOME, CDBG, Section 8) and the state.

Source: City of Clayton 5-Year Implementation Plan, 2008/09-2012/13; Contra Costa County

5.2 Existing Affordable Housing

As shown in **Table 42**, there are 126 affordable units at a variety of affordability levels in Clayton. There are 20 affordable housing units at Kirker Court, a project for persons with disabilities managed by Eden Housing. Diamond Terrace, an assisted living project for seniors, was completed in 2003. This project provides 65 units for very low-income seniors and 10 units for low-income seniors as well as 10 units for moderate-income seniors.

The Stranahan residential subdivision was built in 1995 and consisted of 54 single-family detached homes. Eighteen of the homes were sold at a level affordable to moderate-income households. Since the initial sale, two of the 18 homes were repurchased by the redevelopment agency (RDA) and resold to low-income households, and an additional six of these houses were repurchased by the RDA and resold to moderate-income households. One of the homes converted to market rate in 2013. Due to the dissolution of the RDA, the City did not have the resources to purchase and resell the home at an affordable rate.

In addition, four lower-income units were provided by the Bridlewood Court and Diablo Estates at Clayton projects to satisfy Affordable Housing Plan requirements. **Table 42** presents detailed information on these housing units.

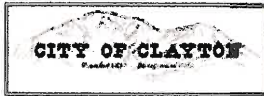
HOUSING ELEMENT

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Table 42. Existing Affordable Housing, 2014

Project Name/Location	Year Built	Sponsor	Units	Group/Income Category	Expiration Date	Type of Subsidy	Notes
Redevelopment Agency LMI Program							
Kirker Court 1732 Kirker Pass Road	1993	Eden Housing (originally developed by Housing for Independent People)	20	Disabled persons 20 extremely low	2034	Section 811, CDBG, and RDA LMI funds	HUD funding is up for renewal in 2034 but City and County loans require affordability until 2053.
Stranahan Stranahan Circle	1995	Lemke Construction	17	2 low 15 moderate	2048	RDA LMI funds	Affordable Housing Opportunity site in 1993 Housing Element.
Diamond Terrace 6401 Center Street	2002	PAM	85 (+1 caretaker unit)	Seniors 65 very low 10 low 10 moderate	2056	Low-income tax credits and RDA LMI funds	Congregate care with studio, one-, and two-bedroom units.
Affordable Housing Plan Units							
Bridlewood Bridlewood Court	2003	Delco Builders	1	1 low-income	2048		Inclusionary unit provided off-site.
Diablo Estates at Clayton Regency Drive	2006 (est.)	Toll Brothers/Lemke Construction	3	1 very low 1 low 1 moderate	2061		Inclusionary units provided off-site
Total			126				

Source: Community Development Department 2014



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Affordable Housing at Risk of Conversion to Market Rate

State law requires that Housing Elements include an inventory and analysis of restricted affordable housing units that are eligible to convert to market rate within 10 years of the beginning of the Housing Element planning period (through December 31, 2024). As shown in **Table 41**, none of the City's 126 affordable units are eligible for conversion to market rate in the next 10 years. Should any units in the city become at risk, the City will implement Implementation Measure III.2.1 to preserve units at risk of conversion to market rate.

Table 43 identifies nonprofit housing organizations that serve Contra Costa County listed by HCD as entities that could acquire multi-family developments or affordable units if any units were to become at risk in the future.

Table 43. Affordable Housing Nonprofit Organizations Serving Contra Costa County

Organization	Address	Phone Number
ACLC, Inc.	315 N. San Joaquin Street Stockton, CA 95202	(209) 466-6811
Affordable Housing Associates	1250 Addison Street, Suite G Berkeley, CA 94702	(510) 649-8500
Alameda County Allied Housing Program	224 W. Winton Avenue, Room 108 Hayward, CA 94541	(510) 670-5404
Anka Behavioral Health	1850 Gateway Boulevard, Suite 900 Concord, CA 94520	(925) 825-4700
C. Sandidge and Associates	2200 San Pablo Avenue, #202 Pinole, CA 94564-1746	(510) 964-0916
Christian Church Homes of Northern California, Inc.	303 Hegenberger Road, Suite 201 Oakland, CA 94621-1419	(510) 632-6714
City of Walnut Creek	1666 Main Street Walnut Creek, CA 94596	(925) 943-5899
Community Housing Developers, Inc.	255 N. Market Street, Suite 290 San Jose, CA 95110	(408) 279-7677
Community Housing Development Corp.	1452 Filbert St, PO Box 1625 Richmond, CA 94802	(510) 412-9290
Community Housing Opportunities Corporation	1490 Drew Ave., Suite 160 Davis, CA 95618	(530) 757-4444
Contra Costa Department of Conservation & Development	651 Pine Street, 4th Floor Martinez, CA 94553	(925) 335-1290
East Bay Asian Local Development Corporation	310 Eighth Street, Suite 200 Oakland, CA 94607	(510) 287-5353
East Bay NHS	2320 Cutting Boulevard Richmond, CA 94804	(510) 237-6459

Organization	Address	Phone Number
Eden Housing, Inc.	409 Jackson Street Hayward, CA 94544	(510) 582-1460
Eskaton Properties Inc.	5105 Manzanita Avenue Carmichael, CA 95608	(916) 331-8513
Northern California Land Trust, Inc.	3122 Shattuck Avenue Berkeley, CA 94705	(510) 548-7878
Pacific Community Services, Inc.	329 Railroad Avenue, P.O. Box 1397 Pittsburg, CA 94565	(925) 439-1056
Resources for Community Development	2131 University Avenue #224 Berkeley, CA 94704	(510) 841-4410
ROEM Development Corporation	1650 Lafayette Circle Santa Clara, CA 95050	(408) 984-5600
Rubicon Programs, Inc.	2500 Bissell Avenue Richmond, CA 90804	(510) 235-1516
Rural California Housing Corp.	3120 Freeboard Drive, Suite 201 West Sacramento, CA 95691	(916) 447-2854
Sacramento-Yolo Mutual Housing Association	8001 Fruitridge Road, Suite A Sacramento, CA 95820	(916) 453-8400
Satellite Housing Inc.	2526 Martin Luther King Junior Way Berkeley, CA 94704	(510) 647-0700
Vallejo Neighborhood Housing Services, Inc.	610 Lemon Street Vallejo, CA 94590	(707) 552-4663

Source: HCD (<http://www.hcd.ca.gov/hpd/hrc/tech/presrv/hpd00-01.xls>), 2014

6.0 RESIDENTIAL LAND ANALYSIS

6.1 Regional Housing Needs Allocation

State law (Government Code Section 65580 et seq.) requires that HCD project statewide housing needs and allocate the anticipated need to regions throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG), which then distributes the Regional Housing Needs Allocation (RHNA) to the cities and counties within the ABAG region. ABAG allocates housing production goals for cities and counties based on their projected share of the region's household growth, the state of the local housing market and vacancies, and the jurisdiction's housing replacement needs.

Projected housing needs in the RHNA are described by income categories as established by HCD: very low, low, moderate, and above moderate. Additionally, recent state legislation requires jurisdictions to project housing needs for extremely low-income households, which is assumed to be half of the very low-income allocation.

Clayton's share of the 2014 to 2022 RHNA is 141 units. As shown in **Table 44**, the RHNA includes 25 extremely low-income units, 26 very low-income units, 25 low-income units, 31 moderate-income units, and 34 above moderate-income units.

Clayton's RHNA represents less than 1 percent of the total Contra Costa County RHNA of 20,630 units.

Table 44. Regional Housing Needs Allocation, 2014–2022

Income Category	ABAG Need Determination	Percentage of Total
Extremely Low	25	18%
Very Low	26	18%
Low	25	18%
Moderate	31	22%
Above Moderate	34	24%
Total	141	100%

Source: ABAG 2013

Capacity to Accommodate the RHNA

As detailed in Section 6.2 Adequate Sites Inventory and summarized in **Table 45**, Clayton has capacity in planned or approved projects and adequate land zoned at densities appropriate to meet the 2014–2022 RHNA for all income categories. Projects already approved or planned can accommodate 74 units, vacant residential sites can accommodate 77 units, and underutilized sites can accommodate 126 units. Identified sites have realistic capacity for a total of 277 units, 151 of which may be appropriate for lower-income households.

As stated in Implementation Measure I.1.1, the City will continue to track and monitor the inventory of available sites throughout the planning period to ensure that adequate sites remain available to accommodate the City's RHNA.

Table 45. Capacity to Accommodate the 2014–2022 RHNA

Income Category	RHNA	Planned/ Approved (see Table 46) ¹	Vacant Land (see Table 47) ²	Underdeveloped Sites (see Table 48) ²	Remaining Need (Surplus)
Extremely Low	25	2	57	86	(69)
Very Low	26				
Low	25				
Moderate	31	11	76	43	(65)
Above Moderate	34				
Total	141	13	133	129	(134)

Source: ABAG 2014–2022 Regional Housing Needs Allocation 2013; Clayton Community Development Department 2014

¹ Units estimated in the lower-income categories will be deed-restricted for affordability in the Creekside Terrace and Oak Creek Canyon Projects. ² Units estimated in the lower-income categories are located in General Plan land use designations that allow up to at least 20 units per acre (Multi-family High Density and Town Center Commercial), in keeping with the “default density” for the City of Clayton as determined by HCD.

6.2 Adequate Sites Inventory

State law requires that the Housing Element include an “inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment” (Government Code Section 65583[a][3]). State law further requires that the Housing Element analyze zoning and infrastructure on these sites to ensure that housing development during the planning period is actually feasible. Through this process, the City must demonstrate that it has sufficient land to accommodate its fair share of the RHNA as described above.

The City must also show that the land supply is capable of supporting housing demand for all economic segments of the community, including lower-income households. The state has generally held that the best way to demonstrate capacity for “affordable” housing is to provide sufficient and suitable land zoned for higher-density multi-family housing.

All sites identified in the inventory are shown on the map in **Appendix B**.

Approved Projects

As of March 2014, 13 housing units were approved for development in the City of Clayton. As shown in **Table 46**, these units are located within the Creekside Terrace and Oak Creek Canyon projects.

Table 46. Approved Projects (as of March 2014)

Site #	Project Name	APN	Very Low/Low Units	Moderate/Above Moderate Units	Total Units
A-1	Creekside Terrace (Approved)	119-050-034 119-050-008 119-050-009	1	6	7
A-2	Oak Creek Canyon (Approved)	119-070-008	1	5	6
Total			2	11	13

Source: Clayton Community Development Department 2014

Creekside Terrace

Creekside Terrace is an approved mixed-use project in the Town Center area that is planned for seven second floor residential uses and ground floor commercial. The site is owned by the City and its now defunct RDA took the many steps necessary to ready the site for development, including completing entitlements and environmental review. The City is currently working with interested developers to move the project forward, and anticipates project completion within the first half of the planning period. Because the project was enabled by the RDA, one unit must be deed-restricted for affordability to lower-income households. An interested developer is exploring the prospect of adding an additional 7 residential units to the project.

Oak Creek Canyon

Oak Creek Canyon is an approved five-unit single-family subdivision planned for a site of approximately 9 acres that has been annexed into the city. The project has been approved since 2005; however, development stalled due to the recession. It is anticipated that this project will move forward and provide units appropriate for above moderate-income households early in the planning period. As the original Site Plan Review Permit expired the City is seeking for the developer to provide 1 low-income housing unit off-site as part of the Affordable Housing Plan for the project.

Vacant Residential Land

As shown in **Table 47**, Clayton has vacant, unentitled land zoned for residential and mixed-use development at densities of up to 20 units per acre with a realistic capacity for 133 units. While vacant residential sites could accommodate up to 180 units in accordance with zoning standards, it is assumed that not all sites will develop at the maximum allowed density due to various site features and constraints.

Sites V-1 and V-2 are designated Town Center Commercial, which allows residential development (with no maximum density) on upper floor units (ground floor uses must be commercial). Policy I.6 of the Town Center Specific Plan encourages “the provision of small residential units on upper floors of commercially designated parcels.” Implementation Measure I.4.1 further encourages the development of residential units on Town Center sites.

Sites V-3 and V-4 are designated as Affordable Housing Opportunity sites, allowing for increased density and potential regulatory incentives for the development of affordable housing. Site V-3, known as the Old Firehouse Site, is a 1-acre parcel located at the corner of Clayton Road and Mitchell Canyon Road. In the past, there has been some developer interest in the site for projects ranging from 16 to 22 units, thus the realistic capacity is estimated at 18. Site V-4 is a 1.1-acre lot that is likely to accommodate 18 to 20 homes.

Site V-5, Silver Oak Estates, is a 59-unit project planned for the 13.96-acre Hurd Ranch property. The project includes 7 single-family homes and 52 town homes, as well as a neighborhood swimming pool and cabana and nearly 8 acres of open space. It is anticipated that Silver Oak Estates units will be affordable to moderate- and above moderate-income households; however, the developers of Silver Oak Estates conceptually propose to provide 6 on-site affordable units as part of the Affordable Housing Plan for the project.

Sites V-6, V-7, and V-8 are designated for low and medium density single-family development in the City's General Plan. It is assumed that units on these sites will be affordable to moderate- and above moderate-income households.

Table 47. Vacant Residential Sites

Site #	APN/Street	Acres	Zoning	Max. Density (units/acre)	Max. Units	Realistic Unit Capacity ¹	Constraints
Town Center Commercial (TC)²							
V-1	118-560-010 City – Main Street	1.66	PD	n/a	33	17	None
V-2	119-017-003 Center Street	0.43	PD	n/a	9	4	Slope
Subtotal TC		2.09			42	21	
High Density Residential							
V-3	120-015-011 and 007 Clayton Road and Mitchell Canyon	1.01	PD	20	20	18	Major PG&E Transmission line easement and overhead lines
V-4	119-021-063 High Street	1.11	PD	20	22	18	Slope
Subtotal HDR		2.12			42	36	
Single-Family (Low and Medium Density)							
V-5	118-020-029 Silver Oak Estates	13.96	PD	5	70	56	None
V-6	118-230-010 Caulfield Drive	0.26	PD	3	1	1	None
V-7	121-090-011 Mitchell Canyon Road	4.14	R-15	3	12	9	Slope (western part of property)
V-8	121-090-016 Mitchell Canyon Road	4.51	R-15	3	13	10	Slope (western part of property)
Subtotal SF		22.87			96	76	
Total		27.08			180	133	

Source: City of Clayton Community Development 2014

¹ Refer to the Realistic Capacity subsection for a discussion of realistic capacity assumptions.

² There is no maximum density for residential development in the Town Center Commercial designation. For analysis purposes, the “maximum units” calculation is based on a density of 20 units per acre, the density allowed in the Multi-family High Density land use designation.

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Underdeveloped Residential Land

Underdeveloped residential land could realistically provide capacity for an additional 129 units. **Table 48** provides a detailed list of viable underdeveloped sites, including a description of existing uses. Sites U-1, U-2, and U-3 were redesignated Multi-Family High Density in 2011. During this process property owners were contacted and made aware of the increased development potential for their sites.

Site U-4 is an underutilized church site. The site is currently zoned Agricultural but is within the Institutional General Plan land use designation, which allows residential development at up to 20 units per acre. The designation is intended for the development of senior housing. The site would need to be rezoned for consistency with General Plan in order for the residential development potential to be realized.

The property owner of site U-11 is in the process of subdividing the parcel to create 2 additional lots for the development of 2 new single-family homes. No affordable units would be provided.

Table 48. Underdeveloped Residential Sites

Site #	APN	Acres	Zoning	Max. Density (units/acre)	Max. Units	Realistic Unit Capacity ¹	Constraints	Existing Use
Multi-Family High Density								
U-1	119-021-013	0.93	PD	20	19	15	None	House
U-2	119-021-054	1.13	PD	20	23	11	Approx. 40% of the site is affected by slope in excess of 10% (.68 acres are buildable)	House
U-3	119-021-055	0.97	PD	20	19	16	None	House, barn, and horse corral
Subtotal MHD		3.03			61	42		
Institutional								
U-4	118-101-022	2.77	A	20	55	44	None	Saint John's Parish
Single-Family (Low and Medium Density)								
U-5	078-020-006	6.24	PD	3	19	15	Flooding on part of the site	Occupied single-family residence and seasonal pumpkin farm with greenhouses and outbuildings. The property is well maintained and the structures are in good condition.
U-6	078-020-007	2.30	PD	3	7	6	Flooding on part of the site	Occupied single-family residence with detached garage and garden. The property is well maintained and the structures are in good condition.
U-7	118-230-001	2.18	R-15	3	7	5	None	Occupied single-family residence. The property is well maintained and structures are in good condition.

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Site #	APN	Acres	Zoning	Max. Density (units/acre)	Max. Units	Realistic Unit Capacity ¹	Constraints	Existing Use
U-8	120-015-012	1.20	R-15	3	4	3	Several large oak trees	One occupied single-family residence and outbuildings. The property is well-maintained and the structures are in good condition.
U-9	120-043-004 120-043-023	2.41	R-15	3	7	6	Numerous existing trees and an abandoned orchard	Two occupied single-family residences. The property and buildings are in fair condition. The City has approved a lot line adjustment to create separate parcels on the lot, facilitating future development.
U-10	121-090-012	2.36	R-15	3	7	5	Numerous existing oak and other trees.	One occupied single-family residence, garden, barn, stable, and corral. The residence and garden are well maintained and in good condition. The barn is in fair condition with some deferred maintenance. Other structures are in fair to good condition.
U-11	119-560-012 Douglas Rd. (Planned)	1.47	PD	3	4	3	None	One existing single-family home.
Subtotal SF		22.66			55	43		
Total		25.68			171	129		

Source: City of Clayton Community Development 2014

¹ Refer to the Realistic Capacity subsection for a discussion of realistic capacity assumptions.

Environmental Constraints

The inventory of available sites identifies a variety of potential environmental constraints, such as slope, oak tree preservation, and floodplains. The City recognizes that these environmental characteristics are part of the City's character and promotes flexible design standards that allow developers to mitigate environmental constraints while preserving the City's environmental features. The realistic capacity assumptions of sites identified in **Table 46** and **47** take into account existing environmental constraints. The City recognizes the potential effect that environmental constraints are likely to have on housing development, including reducing the number of units likely to be constructed. The City will continue to work with developers to creatively coordinate development and preserve the community's natural characteristics.

Zoning to Accommodate Lower-Income Households

Housing Element law requires that jurisdictions identify zones which accommodate the housing needs of lower-income households. The law allows jurisdictions to rely upon default densities (20 du/ac for Clayton) to demonstrate zoning that encourages lower-income housing development.

Pursuant to state law (Government Code Section 65583.2[c][3][B]), parcels zoned for a residential density of up to 20 units are assumed to be appropriate to meet the City's lower-income RHNA. It is important to note that sites within other residential zones, may also be appropriate for affordable housing development; however, they have been assumed for moderate- and above-moderate development in keeping with state default density analysis standards.

Realistic Capacity

Realistic capacity is generally estimated at 80 percent of the maximum allowed, based on densities achieved in past housing developments. In some instances, the realistic capacity has been adjusted down to account for site-specific constraints. Recent example affordable housing projects include:

- **Diamond Terrace (2002):** affordable senior housing including 65 very low-, 10 low-, and 10 moderate-income units. The site was zoned PD and had a General Plan designation of Institutional, which allowed a density of up to 20 units per acre. The total site is 6.45 acres, achieving a density of 13.3 units per acre (67 percent of the maximum allowed).
- **Stranahan Circle (1995):** mixed-income housing including 2 low-income, 16 moderate-income, and 36 market-rate units. The site was zoned PD and the General Plan designation was SF-HD, which allowed a maximum of 7.5 units per acre. Stranahan Circle was developed on 7.5 acres, achieving a density of 7.2 units per acre (96 percent of the maximum allowed).
- **Kirker Court (1993):** developed with 20 units and was made affordable to extremely low-income households. The site was zoned PD and the General Plan designation was MF-LD, which allows a maximum of 10 units per acre. The project exceeded the maximum density, providing at 12.4 units per acre on the 1.61-acre site (124 percent of the maximum allowed).

Recent market-rate developments in the city—Rachel Ranch, Pine Hollow Estates, and Mitchell Creek Place—developed at 73 percent, 96 percent, and 73 percent of their respective maximum allowable densities.

For sites designated Town Center Commercial, there is no specific maximum density for residential development. Residential units are allowed only on upper floors. For these sites, the maximum density is estimated at 20 units per acre, the same density allowed in the Multi-Family High Density designation, and realistic capacity is assumed at half of that maximum, to account for the mix of uses on these sites.

Affordable Housing Opportunity Sites

The Old Firehouse Site (A-3) and former Stanley Property (Site A-6) in the inventory of vacant land are designated as Affordable Housing Opportunity sites. These sites have been determined to be particularly appropriate for affordable housing development due to their size and proximity to services and amenities. As such the City placed a 20 unit to the acre MHD (Multi-Family High Density) General Plan Land Use Designation on the properties to encourage and facilitate development at high densities and to make affordable housing more feasible. The City also amended its PD (Planned Development) district standards to allow properties with an MHD designation to use the default zoning designation of M-R-H (Multiple Family High Density). While it is not required that these sites develop only as affordable housing, affordable housing is strongly preferred and development of affordable units will be incentivized through increased density, design flexibility, priority processing, and funding application assistance.

Priority Development Areas (PDAs)

Priority Development Areas (PDAs) are locally-identified, infill development opportunity areas within existing communities. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing. The City of Clayton does not have any identified PDAs since there are not infill opportunities of 100 acres or more within the City.

6.3 Availability of Services

Water

The Contra Costa Water District (CCWD or District) is a special district public agency that provides public water supply, treatment, storage, and distribution in the City of Clayton. CCWD obtains its water from Rock Slough, near Oakley, in the Delta, under the terms of a contract with the federal government. CCWD's 2011 Urban Water Management Plan (UWMP) indicates that CCWD has a near-term total planned supply of 214,900 acre-feet of water in a normal precipitation year and 166,900 acre-feet of water in a single-year drought condition year. The demand for water by CCWD customers in 2010 was 121,170 acre-feet of water, which yields an excess supply of 93,730 acre-feet.

Projections for 2020 indicate a 199,420 acre feet per year demand and 250,900 acre feet per year supply, resulting in an excess supply of 51,480 acre feet per year.

Water distributed by CCWD in the Clayton area is treated at the CCWD's Bollman plant on Highway 4. The plant's permitted capacity in 2011 was 75 million gallons per day (mgd), which is sufficient for current levels of demand within its service area. CCWD officials report that the Bollman treatment plant, in its present configuration, can be expanded to a maximum capacity of 95 mgd, which is sufficient to handle increased water demand in Clayton. If development occurs east of the city, it is likely to require additional water supply and distribution facilities, including reservoirs, pumping stations, and distribution lines.

CCWD completed the Future Water Supply Study (FWSS) in 1996 to identify alternatives to offer customers a high quality, reliable supply for the next 50 years. The FWSS was updated in 2002. The FWSS examined water demand, conservation, and existing and potential supplies for a range of service area alternatives. The CCWD's Board of Directors adopted the FWSS, including the Preferred Alternative and Implementation Plan. The Preferred Alternative provides drought reliability and operational flexibility in the short term while maintaining long-term supply targets to meet projected demands. The Preferred Alternative includes the following actions to meet future demand:

- Re-negotiation of the District's existing CVP Amendatory contract prior to the year 2005 (completed May 2005).
- Implementation of an expanded District-wide conservation program (known as CPA 1) to encompass wholesale and retail customers, which would achieve a target of at least 5 percent District-wide savings by the year 2040. These savings are in addition to conservation savings expected from non-District activities.
- The completion of two or more water transfers to: (1) strengthen the reliability of supplies and drought protection for existing customers, and (2) bridge the gap between water supplies and projected demands. Transfers would be pursued in incremental blocks tied specifically to approved growth within the District.

Future treatment plant expansions and system-wide facility improvements are partially funded through the District's connection fee. The fee is based on the size of the new connection's water meter. The connection fee for a typical single-family home (or detached second dwelling unit) is \$24,262. State and local fire district regulations require all new single-family homes in Clayton to have a 1-inch meter to supply a mandatory fire sprinkler system, but CCWD charges a fee similar to the 5/8-inch rate for a one-inch meter under these circumstances. CCWD designs all water system expansions, prepares the construction plans, supplies the materials, and supervises construction, at the developer's expense. Installation is generally the responsibility of a developer. Upon completion, the new pipelines and appurtenances become CCWD property.

Wastewater Treatment and Collection

The Central Contra Costa Sanitary District (CCCSD) provides public sanitary sewer treatment for the central Contra Costa County area, including Clayton. Sewage is conveyed through gravity sewer lines and pumping stations to CCCSD's treatment plant located at the intersection of Highway 4 and Interstate 680. Treated effluent is discharged into the Carquinez Strait.

As of 2013, the CCCSD treatment plant operated at 45 mgd. Based on the current rate of growth in the CCCSD service area, CCCSD staff project the plant will reach its full capacity of 53.8 mgd in 15 to 20 years.

Under agreement, the City of Concord Public Works Department operates and maintains Clayton's sanitary sewer collection system, although the collection lines are actually owned by Clayton. Concord transports Clayton's sewage downstream through its system of trunk sewers and pumping stations to the CCCSD treatment plant. CCCSD charges the City of Concord a per-gallon fee for sewage treatment and for new service connections. Concord passes these costs along to all of its sewer customers, including those in Clayton, along with additional charges for the operation and maintenance of the collection system.

According to Concord's Sewer System Management Plan, adopted in 2012, the capacity of the district's waste system will support ABAG's projected population through 2030. Recent investments made in upgrades to the system (2004 to 2006) increased the system capacity to meet the future demands of increased population growth.

In the fall of 2004, the City advanced funds and initiated preparation of a sewer master plan for the Marsh Creek Road Specific Plan area. The Specific Plan identifies upgrades needed to rectify any existing downstream constraints in the sewers serving the Specific Plan area. The plan also identifies the routing of sewers to serve the Specific Plan area. In addition, the Specific Plan established a funding program, to be borne by developers, for the necessary improvements and extensions of the sewers. The cost of improving Clayton's main collection system will add to the cost of developing housing in the Marsh Creek Road area and could have a constraining effect on the development of low and moderate-income housing in that area. As a result infrastructure of investments in the early 2000s, sewer service is available to virtually all of Clayton, although not all residences have connected to the lines.

Pursuant to SB 1087, which requires the City to ensure a copy of the adopted Housing Element reaches its water and wastewater providers, the City will forward its adopted Housing Element to the City of Concord Public Works Department, CCCSD, and Contra Costa Water District. Government Code 65889.7 requires water and wastewater providers to establish a schedule that prioritizes services toward developments with affordable housing. The City will forward the adopted Housing Element to local water and wastewater agencies to assist those agencies with prioritizing water and wastewater allocations.

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7.0 REVIEW OF PREVIOUS HOUSING ELEMENT

Clayton has made significant progress toward achieving one-time and ongoing goals set in the existing Housing Element, which was adopted and certified in 2010. This section summarizes Housing Element results from 2010 through 2013. The following table provides a brief description of Clayton's effectiveness in implementing programs to achieve objectives set in the previous Housing Element.

Table 49. Review of the 2007–2014 Housing Element

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Goal I Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.		
Implementation Measure (I.1.1) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 42, Vacant Residential Land (i.e., High Street parcel (Site V-2) and Old Fire Station site (Site V-5)) by creating a General Plan Multi-family High Density designation to allow for 15.1 to 20 units per acre and create a new Zoning District Multi-Family Residential High (M-R-H) to allow up to 20 units per acre. Based on the Vacant and Underutilized Residential Land Tables (Table 42 and 43, 44 and 45) the City has a shortfall of land available to extremely low-, very low-, and low-income households. The City needs enough land to accommodate 50 additional units on sites that allow for 20 units per acre. To address this shortfall, the City will rezone the following site within one year of adoption of the Housing Element. • Redesignate a portion of Site U-6 (Easley Ranch, APN 119-080-009, 13.52 acres) from SF (LD) to the newly created MF (HD) and rezone to M-R-H (allows 20 units per acre) to meet the City's 50-unit RHNA shortfall. The City will rezone 3.5 acres of this site to accommodate at least 50 units without physical or environmental constraint. Single family and multifamily units will be allowed by right and would typically require a tentative map and site plan review approval. • The City will also consider redesignating/rezoning Site P-2 (APN 119-021-013, .87 acres) and/or Site P-3 (APN 119-021-054, 1.16 acres), and/or Site P-4 (APN 119-021-055, .95 acres) (see Table 45) to add to the City's future RHNA needs. The redesignation/ rezoning of these sites is not needed to meet the City's 50-unit RHNA shortfall.	In 2012, the City added the Multi-Family High Density (15.1-20 units/acre) land use designation to the General Plan, created the Multi-Family Residential High (M-R-H) zone, and redesignated seven sites to the Multi-Family High Density designation. The designated sites were zoned Planned Development (PD) in order to maximize flexibility and site design potential on the sites. To further facilitate multi-family development on these sites, the City amended the PD zoning district standards to allow multi-family developments with only site plan review (rather than development plan review) if applicants choose to	Modify.

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
If it is determined that rezoning any of the identified sites is not feasible, the City will identify another site or group of sites that will accommodate the City's 50-unit RHNA shortfall. The site(s) will accommodate at least 16 units per state law requirements and not have any physical or environmental constraints. This rezone will occur within one year of adoption of this Housing Element. Single family and multifamily units will be allowed by right and would typically require a tentative map and site plan review approval. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund, RDA funds Time Frame: Rezone sites to meet the RHNA shortfall by March 2011.	adhere to M-R-H development standards. This is intended to create a predictable path for development on sites designated Multi-Family High Density. While the City implemented this measure as written and made a good faith effort to make sites available to meet the 2007-2014 RHNA, the City was advised during the preparation of this Housing Element that sites rezoned to meet lower-income housing needs must be zoned to require a minimum density of 20 units per acre. Thus, this measure has been modified to comply with state requirements (Government Code Sections 65583.2(h) and (i)) to meet a shortfall of 84 units.	

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (I.2.1) For residential projects of two or more units, developers will be required to develop an Affordable Housing Plan that requires a certain percentage of units be built as affordable housing units to very low- and low-income households. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan. The Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Development Agreement or other primary land use entitlement. The Affordable Housing Plan shall specify and include the following: • The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households (the City's desire would be that at least 5 percent of all project units be built as very low-income housing units and at least 5 percent of all project units be built as low-income housing units). • The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the Plan for each individual project. • Program options within project-specific Affordable Housing Plans may include, but are not limited to, the following: – Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.). – Land dedication (on-site and off-site). – Payment of in-lieu fees. • The timing for completion of affordable housing obligations. For projects proposing to construct affordable housing units, the City generally supports construction of affordable dwellings concurrent with the construction of market-rate housing when feasible. For projects providing alternative contributions (land dedication, funds, etc.), timing of such	The City established the Affordable Housing Plan guidelines in 2010. The Plan requirements will be updated during this next planning period to increase from residential projects of two or more units to residential projects of 10 or more units.	Continue.

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
contributions shall be identified in the Plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing. • At the City Council's discretion, land or other contributions provided by developers as specified within project Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income. • In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to: - Density bonuses - Fee waivers or deferrals (as reasonably available) - Expedited processing/priority processing - Reduced parking standards - Technical assistance with accessing funding - Modifications to development standards (on a case-by-case basis) Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund, RDA funds Time Frame: This program will be implemented as projects of two or more units are processed through the Planning Department. The City will monitor the implementation of this program to ensure that it does not cause a constraint to the development of housing in the City of Clayton and will make necessary revisions to the program if necessary to avoid such a constraint.		

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Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (I.2.2) The Redevelopment Agency shall use its Low and Moderate Income Housing Fund to subsidize the construction of housing for very low-, low-, and moderate-income households on designated Affordable Housing Opportunity (AHO) sites in the Redevelopment project area (Table 42, Vacant Residential Land) to meet the City's fair share allocation within the current planning period of the Housing Element. In the event the accumulated cash balance of the Redevelopment Agency housing set-aside fund is insufficient to adequately subsidize such projects, the City and the Redevelopment Agency shall, in consultation with project proponents, do one of the following as a means of providing adequate subsidy for the projects: (1) obtain conventional financing from area lenders; (2) participate in a bond issue with neighboring jurisdictions; or (3) issue bonds. As part of this program the City will develop a marketing plan and research possible incentives aimed at promoting Redevelopment funds. Responsible Agency: Redevelopment Agency; City Council; Community Development Department Funding Source: RDA funds Time Frame: Ongoing, 2009–2014	The redevelopment agency was dissolved by the state in 2012 and related funding sources were eliminated.	Delete.
Implementation Measure (I.3.1) The City will continue to allow manufactured houses, consistent with the requirements of state law. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund, RDA funds Time Frame: The Zoning Code was amended in December 2009 to meet state law requirements.	Consistent with state law, the City continues to allow manufactured houses (codified in Ordinance 425 in December 2009).	Delete (no further action is required).

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (I.4.1) The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet and posting information on the City's website. Responsible Agency: Community Development Department Funding Source: General Fund, RDA funds Time Frame: Ongoing, 2009–2014	The City created promotional handouts for second units and makes them available in the Community Development Department.	Continue.
Implementation Measure (I.4.2) The City shall develop a program using Redevelopment Agency set-aside funds to encourage the development of second dwelling units, including a review and possible reduction of development fees that might deter the development of such units. Responsible Agency: City Council, Planning Commission, Community Development Department. Funding Source: RDA funds Time Frame: December 2012	The redevelopment agency was dissolved by the state in 2012 and related funding sources were eliminated.	Delete.
Implementation Measure (I.5.1) To encourage development of mixed-use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed-use development. In addition, the City will continue to offer incentives such as density bonuses, actively recruit developers to undertake such projects, and where feasible provide subsidies using Redevelopment Agency set-aside funds. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund, RDA funds Time Frame: Annually and upon receiving development inquiries for mixed-use development.	The Town Center Specific Plan is available for review at the Community Development Department and on the City's website. Prior to the dissolution of the redevelopment agency (RDA), the City completed development approval and CEQA work to ready the Creekside Terrace project for development. In addition, the City acquired a 1.66-acre Main Street property in order to facilitate a possible mixed-use project.	Modify (remove potential RDA subsidies and incorporate components of I.5.2).

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (I.5.2) The City will continue to promote the use of the Town Center Commercial District and the Town Center Specific Plan standards to promote mixed-use or second-story residential units. These standards allow for more flexibility in the development of mixed-use or second-story units. In addition, the City is finalizing a Development Handbook guide to facilitate the permitting process of mixed-use projects. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund, RDA funds Time Frame: Ongoing, 2009–2014	The City provides the Town Center Specific Plan and the development handbook at the Community Development Department and on the City’s website.	Delete (merge key actions with I.5.1).
Goal II To the extent feasible, remove governmental constraints on the production of affordable housing and create incentives for the production of affordable housing.		
Implementation Measure (II.1.1) California Health and Safety Code (Section 50801) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.” Pursuant to Senate Bill 2, the City will amend the Zoning Ordinance to allow emergency shelters by right and only subject to the same development standards allowed in this Zone. This area is currently designated Kirker Corridor in the City’s General Plan and classified as Planned Development (PD) in the City’s Zoning Ordinance. This corridor is close to services and public transportation. The City will create an overlay zone with specific development standards for emergency shelters in this 5-acre area. In addition, the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4). These standards may include such items as: • Lighting • On-site management • Maximum number of beds or persons to be served nightly by the facility • Off-street parking based on demonstrated need • Security during hours that the emergency shelter is in operation Responsible Agency: City Council, Planning Commission, Community Development	The City amended the Zoning Ordinance in 2013 to allow emergency shelters by right in the Public Facilities zoning district. In addition, the Zoning Ordinance was modified to include development and management standards for emergency shelter projects, consistent with Government Code Section 65583(a)(4).	Delete (completed)

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Department. Funding Source: General Fund Time Frame: March 2011. The City will create an overlay zone that will provide development standards for emergency shelters in the Kirker Corridor.		
Implementation Measure (II.1.2) Transitional and supportive housing provides temporary housing, often with supportive services, to formerly homeless persons for a period that is typically between six months and two years. The supportive services, such as job training, rehabilitation, and counseling, help individuals gain life skills necessary for independent living. Pursuant to Senate Bill 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City shall update its Zoning Code to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund Time Frame: March 2011	The City adopted Ordinance 440 in April 2012, which updated the Zoning Ordinance to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14 and allow both as residential uses subject only to the requirements of other uses of the same type in the same district.	Delete (completed)
Implementation Measure (II.1.3) Assembly Bill 2634 requires the quantification and analysis of existing and projected housing needs of extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs). The City shall update its Zoning Code to allow for the development of single-room occupancy units (a type of residential hotel offering one-room units for long-term occupancy by one or two people; SROs may have a kitchen or bath facilities (but not both) in the room) with a conditional use permit in the L-C (Limited Commercial) District and in the area that is currently designated Kirker Corridor. The Kirker Corridor is classified as PD (Planned Development) in the City's Zoning Ordinance. This corridor is close to services and public transportation. The City will create an overlay zone with specific development standards to focus on this approximately 5-acre area. The conditions for these units will continue to be	The City adopted Ordinance 440 in April 2012, which updated the Zoning Ordinance to allow the development of single-room occupancy units with a use permit in the Limited Commercial (LC) zoning district.	Delete (completed)

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Implementation Measure	Accomplishments	Continue/ Modify/ Delete
minimal and will only require review by the Planning Commission. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund Time Frame: April 2011. The City will allow for SROs in the L-C District or create an overlay zone that will provide development standards for SROs in the Kirker Corridor.		
Implementation Measure (II.1.4) To assist extremely low- income households, the City will prioritize funding and/or offer regulatory incentives for the development of housing types such as SROs which addresses the needs of the extremely low-income group. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund, RDA funds Time Frame: Offer regulatory incentives for the development of housing for extremely low-income households as projects are submitted and the City will prioritize funding for extremely low-income households annually and as funds become available. The City will conduct an annual outreach to developers specializing in extremely low-income housing.	No applicable projects were processed during the planning period.	Delete (retain incentives for extremely low-income households in other measures)
Implementation Measure (II.2.1) Most recent housing developments in Clayton have not been constructed to the maximum densities allowed by zoning. Market conditions, bank financing, and insurance requirements have favored the construction of single-family detached houses. Currently, the City's Zoning Code allows for the development of single-family homes in the Multiple Family Residential (M-R) District. To increase housing supply and obtain densities closer to those envisioned by zoning policies, the City will consider amending the Zoning Code to allow single-family homes in the Multiple Family Residential (M-R) District only with a conditional use permit so that these remaining sites can be used to accommodate multi-family housing. Responsible Agency: City Council Funding Source: General Fund Time Frame: Consider amending Zoning Code by December 2011.	The City adopted Ordinance 440 in April 2012, which allows single-family homes in multi-family districts only with a use permit.	Delete (completed)

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (II.3.1) The City will continue to allow density bonuses in accordance with the requirements of state density bonus law (SB 1818). Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund Time Frame: Code was amended in December 2009 to meet state law requirements.	The City continued to offer a density bonus ordinance in keeping with Government Code Section 65915. The City amended the Zoning Ordinance in 2009 to describe specific density bonus provisions (Chapter 17.90 of the Municipal Code).	Continue. Combined with II.4.1, II.5.1 and II.6.1.
Implementation Measure (II.4.1) The City shall continue to prioritize development applications to decrease the review and approval time for all development projects that include residential units affordable to extremely low-, very low-, and low-income households. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund Time Frame: Ongoing	No applicable projects were processed during the planning period.	Continue. Combined with II.3.1, II.5.1, and II.6.1.
Implementation Measure (II.5.1) The City will consider reducing or waiving certain development fees for development projects that include residential units affordable to extremely low-, very low-, low-, and moderate-income households on a case-by-case basis. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: RDA funds, or as other funding sources become available Time Frame: Ongoing, 2009–2014	No applicable projects were processed during the planning period.	Modify (to reflect loss of RDA funds). Combined with II.3.1, II.4.1. and II.6.1.

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Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (II.6.1) The City shall provide flexible development standards (e.g., parking, landscaping, setbacks) and authorize regulatory concessions for development that includes residential units affordable to extremely low-, very low-, and low-income households. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: RDA funds, as funding becomes available. Time Frame: Ongoing, 2009–2014	The City adopted Ordinance 426 (density bonus provisions), which provides flexible development standards and authorizes regulatory concessions for units available to lower-income households.	Continue Combined with II.3.1, II.4.1 and II.5.1.
Goal III Increase housing opportunities for lower-income renters and first-time homebuyers.		
Implementation Measure (III.1.1) The City refers interested persons to information regarding Contra Costa County’s Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City also disseminates information regarding Contra Costa Housing Authority’s Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available. Responsible Agency: Community Development Department Funding Source: General Funds will be used to post information. Time Frame: Ongoing, 2009–2014	Community Development Department staff is aware of Contra Costa County housing programs and makes referrals whenever appropriate.	Continue.
Implementation Measure (III.1.2) The City shall develop and implement a down payment assistance program using Redevelopment Agency set-aside funds or California Housing Finance Agency funds for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: RDA funds Time Frame: Consider developing a down payment assistance program by 2011.	The redevelopment agency was dissolved by the state in 2012 and set-aside funds were eliminated. The City was not able to obtain funds for this potential program through other sources during the planning period. The City will continue to pursue other funding sources for a down payment assistance program.	Modify (to reflect loss of RDA funds).

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (III.1.3) The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: HOME funds Time Frame: The City will apply annually upon notice of funding availabilities.	The City coordinates with the Contra Costa County Housing Authority to review potential funding through the County HOME program. The City did not receive any HOME funds during the planning period.	Continue.
Implementation Measure (III.1.4) The City will continue to provide Redevelopment Agency set-aside funds for the continued affordability of the subsidized units at Diamond Terrace (\$200,000 annually) through expiration in 2013. Responsible Agency: Redevelopment Agency, Community Development Department Funding Source: RDA funds Time Frame: Ongoing, for the length of the affordability term of the project	The City continued to provide subsidies through the 2013 expiration term of the valid contract.	Delete (no further action needed).
Implementation Measure (III.2.1) The City will continue or undertake the following programs and activities during the five-year period of the Housing Element. The Community Development Department will implement these efforts. The efforts listed below represent a varied strategy to mitigate potential loss of “at-risk” units due to conversion to market-rate units. These local efforts utilize existing City and local resources. They include efforts to secure additional resources from the public and private sector should they become available. Monitor owners of at-risk projects on an ongoing basis, at least every six months, in coordination with other public and private entities to determine their interest in selling, prepaying, terminating, or continuing participation in a subsidy program. Maintain and annually update the inventory of at-risk projects through the use of existing databases (e.g., HUD, State HCD, and California Tax Credit Allocation Committee). Take all necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice, and assisting with financial resources or supporting funding applications.	The City’s RDA protected an at-risk affordable unit in 2011 by purchasing and then reselling the unit with a 45-year deed restriction. The City continued to monitor other at-risk units throughout the planning period.	Continue.

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Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Annually coordinate with HUD to monitor projects approved to convert to ensure that any required assistance (or assistance that the owner has agreed to provide) to displaced tenants is carried out in a timely manner. Ensure projects are monitored to see if they are subject to other state or local requirements regarding the provision of assistance to displaced tenants. Annually monitor local investment in projects that have been acquired by nonprofit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City's property rehabilitation standards. Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. Annually contact property owners, gauge interest, and identify nonprofit partners and pursue funding and preservation strategy on a project-by-project basis. Annually meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, with local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support state or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities). Use available financial resources to restructure federally assisted preservation projects, where feasible, in order to preserve and/or extend affordability. Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal, state, or local level to preserve at-risk units on a project-by-project basis. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: Annually		

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Goal IV Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.		
Implementation Measure (IV.1.1) The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: Biennial and ongoing, 2009–2014	The City continued to review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.	Continue.
Implementation Measure (IV.1.2) The City shall amend the Zoning Ordinance to remove the maximum number of persons defined as part of a family. The current definition of family limits the number of unrelated individuals to 6 or fewer persons. Upon amending the definition in the Zoning Ordinance, the City will not restrict the number of unrelated individuals in a family. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: October 2010	The City amended the Zoning Ordinance in 2012 (Ordinance 440) to revise the definition of family to remove the cap on the number of unrelated persons that may constitute a family.	Delete (completed)
Implementation Measure (IV.2.1) As affordable housing projects are processed through the Planning Department, the City will provide information on the project to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings. Responsible Agency: City Council, Community Development Department Funding Source: General Fund Time Frame: Ongoing, as projects are processed through the Planning Department	No applicable projects were processed during the planning period.	Continue.
Implementation Measure (IV.3.1) The City will adopt a written reasonable accommodation ordinance to provide exception in zoning and land use for housing for persons with disabilities. This procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director applying the following decision-making criteria: • The request for reasonable accommodation will be used by an individual with a disability	The City adopted a reasonable accommodation ordinance (Ordinance 441) in 2012.	Delete (completed)

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Implementation Measure	Accomplishments	Continue/ Modify/ Delete
protected under fair housing laws. - The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing laws. - The requested accommodation would not impose an undue financial or administrative burden on the City. - The requested accommodation would not require a fundamental alteration in the nature of the City's land-use and zoning program. Additionally, the City will provide information to individuals with disabilities regarding reasonable accommodation policies, practices, and procedures based on the guidelines from the California Department of Housing and Community Development (HCD). This information will be available through postings and pamphlets at the City and on the City's website. Responsible Agency: City Council, Planning Commission, Community Development Department Funding Source: General Fund Time Frame: October 2010		
Implementation Measure (IV.3.2) The City shall distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the State Fair Employment and Housing Commission. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: Ongoing, 2009–2014	The City provides information regarding fair housing and reasonable accommodations in the Community Development Department.	Continue.
Implementation Measure (IV.3.3) The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities. Responsible Agency: Community Development Department	The City adopted a universal design ordinance in 2013 (Municipal Code Section 15.92) and completed and distributed brochures describing universal design standards to developers and community organizations.	Modify (reframe as an education and outreach measure).

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Funding Source: General Fund Time Frame: May 2011		
Goal V Encourage and maintain energy efficiency in new and existing housing.		
Implementation Measure (V.1.1) The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: Ongoing, 2009–2014	The City continues to provide energy conservation brochures at City Hall and the Clayton Community Library.	Continue.
Implementation Measure (V.1.2) The City should develop design standards, concepts, or templates to provide to developers who are interested in creating energy self-sufficiency and generation projects. Responsible Agency: Community Development Department Funding Source: General Fund, RDA funds Time Frame: Create standards, concepts, or templates for energy efficiency and solar design by January 2012.	The City utilizes the CalGreen Building Code and does not anticipate developing additional standards.	Delete.
Implementation Measure (V.1.3) The City will review and amend as appropriate the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond Title 24. The City will consider establishing an incentivized Green Building Program, encourage energy-efficient retrofitting, and encourage the use of renewable energy in residential applications. Some of the incentives the City will consider when drafting this program will be: • Providing eligible projects with building and plan check fee rebates (when financially feasible) • Achieving third-party green building certification • Exceeding 20 percent of Title 24 requirements • Renewable energy systems • Green roofs	The City adopted the CalGreen building code in 2011.	Continue.

HOUSING ELEMENT



Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Responsible Agency: Community Development Department Funding Source: General Fund, RDA funds Time Frame: Review and amend regulatory controls by January 2012.		
Goal VI Promote and participate in the resolution of housing, employment, and transportation issues on a regional basis in cooperation with all Contra Costa County jurisdictions.		
Implementation Measure (VI.1.1) The City shall support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for the transferred units. Responsible Agency: City Council Funding Source: General Fund Time Frame: Ongoing, 2009–2014	The City supports this type of legislation through its association with ABAG and the Contra Costa Transportation Authority.	Continue.
Implementation Measure (VI.1.2) The City shall continue to participate in programs in Contra Costa County (e.g., “Shaping Our Future” project and Contra Costa Affordable Housing Trust Fund) TRANSPAC (Transportation Partnership and Cooperation) is the Regional Transportation Planning Committee (RTPC) for Central Contra Costa and other regional planning efforts addressing housing, employment, and transportation issues. Responsible Agency: City Council Funding Source: General Fund Time Frame: Ongoing, 2009–2014	The City participated in and will continue to participate in TRANSPAC with staff and Council representation.	Continue.
Implementation Measure (VI.1.3) The City shall continue cooperation with the regional/countywide housing task force. The City shall use this task force as a means of gaining new policy and technical perspectives. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: Ongoing, 2009–2014	The City participated in and will continue to participate in the regional/countywide housing task force.	Continue.

Implementation Measure	Accomplishments	Continue/ Modify/ Delete
Implementation Measure (VI.1.4) The City shall continue to work with the Association of Bay Area Governments (ABAG) on their FOCUS program implementation. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Some of the strategies that FOCUS is promoting are listed below: • Encourage infill and the efficient use of land capacity within existing communities; • Provide for compact, complete, resource-efficient communities near existing or planned transit and other infrastructure; • Provide opportunities for people to live near their jobs and work near their homes; and • Encourage a mix of land uses with jobs, housing, retail, schools, parks, recreation, and services in proximity. Responsible Agency: Community Development Department Funding Source: General Fund Time Frame: Ongoing, 2009–2014	The City participates with and has Council representation on ABAG boards and committees.	Continue.

8.0 GOALS AND POLICIES

Adequate Sites and New Construction

GOAL I Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.

POLICY I.1 The City shall designate and zone sufficient land to accommodate Clayton's projected fair share housing allocation as determined by the Association of Bay Area Governments.

Implementation Measure I.1.1. To ensure that adequate sites are available through the planning period to meet the City's Regional Housing Needs Allocation (RHNA), the City will continue to maintain an inventory of sites available and appropriate for residential development for households at all income levels. In keeping with state "no net loss" provisions (Government Code Section 65863), if development projects are approved at densities lower than anticipated in the sites inventory, the City will evaluate the availability of sites appropriate for lower-income housing and, if necessary, shall rezone sufficient sites to accommodate the RHNA.

Responsibility: Community Development Department

Time Frame: Ongoing, as development projects are proposed.

Funding: General Fund

Implementation Measure I.1.2. The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from 2007-2014 planning period, specifically to allow multi-family housing by-right on these sites at a minimum density of 20 units per acre.

The City's 2007-2014 Housing Element identified a shortfall of land that provided for residential development at a density deemed appropriate for affordable housing to accommodate 84 units to meet the extremely low-, very low-, and low-income RHNA. State law (Government Code Section 65583.2(h) and (i)) requires that land rezoned or redesignated to meet a shortfall meet the following criteria:

- Require a minimum density of at least 20 units per acre;
- Accommodate at least 16 units per site;
- Allow multi-family housing by-right (without a use permit); and

- At least 50 percent of rezoned sites must be designated for residential uses only.

In 2012, the City in good faith established the Multi-Family High Density General Plan Land Use and Zoning District designations and made specified General Plan Map and Zoning Map changes in an attempt to accommodate the City's lower-income RHNA shortfall from the 2007-2014 planning period. The City was advised by HCD that these efforts fell short of State Law, and therefore, the City's land use regulations will be appropriately revised to comply with the above stated criteria.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: By January 31, 2016.

Funding: General Fund

POLICY I.2 The City shall actively support and participate in the development of extremely low-, very low-, low-, and moderate-income housing to meet Clayton's fair share housing allocation. To this end, the City shall help facilitate the provision of affordable housing through the granting of regulatory concessions and available financial assistance.

Implementation Measure I.2.1. For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a minimum of 10 % of the units to be built or created as affordable housing units. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan.

The plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the development agreement or other primary land use entitlement.

The Affordable Housing Plan shall specify and include the following:

- The number of dwelling units that will be developed as affordable to very low-, low-, moderate-, and above moderate-income households shall be a minimum of 10% of the total project. The number of affordable units shall be rounded up to a whole number. It is the City's desire that at least 5 percent of all project units be built as very low-income housing units and at least 5 percent of all project units be built as low-income housing units.
- The number of affordable ownership and rental units to be produced. Such split shall be approved by the City Council based on housing needs, market

conditions, and other relevant factors. The split of ownership and rental units shall be addressed within the plan for each individual project.

- Program options within project-specific Affordable Housing Plans may include, but are not limited to, the following:
 - Actual production (on-site or off-site) of affordable units (including ownership and rental opportunities in the form of corner units, halfplexes, duplexes, cottages, creative alternative housing products, etc.).
 - Land dedication (on-site and off-site).
 - Payment of in-lieu fees.
- The timing for completion of affordable housing obligations. For projects proposing to construct affordable housing units, the City generally supports construction of affordable dwellings concurrent with the construction of market-rate housing when feasible. For projects providing alternative contributions (land dedication, funds, etc.), timing of such contributions shall be identified in the plan, with the expectation that the City will pursue construction of affordable units generally concurrent with construction of project market-rate housing.
- At the City Council's discretion, land or other contributions provided by developers as specified within project Affordable Housing Plans may be utilized to augment City efforts and the efforts of its nonprofit partners to provide affordable housing opportunities to all income levels throughout the community. The City will pursue supplemental funding to allow affordability to households earning less than 50 percent of area median income.
- In order to ensure the production and preservation of housing affordable to the City's workforce, no productive, reasonable program or incentive option will be excluded from consideration within project-specific Affordable Housing Plans. Possible incentives may include, but are not limited to:
 - Density bonuses
 - Fee waivers or deferrals (as reasonably available)
 - Expedited processing/priority processing
 - Reduced parking standards
 - Technical assistance with accessing funding

- Modifications to development standards (on a case-by-case basis)

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, as projects of 10 or more units are processed through the Community Development Department. The City will monitor the implementation of this program to ensure that it does not cause a constraint to the development of housing in the City of Clayton and will make necessary revisions to the program if needed to avoid such a constraint.

Funding: General Fund

POLICY I.3 The City shall encourage the development of second dwelling units on new and existing single-family-zoned lots.

Implementation Measure I.3.1. The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet and posting information on the City's website. The City will aim to approve two second dwelling units per year during the planning period.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

POLICY I.4 The City shall aggressively promote mixed-use or second-story residential units above commercial uses in the Town Center.

Implementation Measure I.4.1. To encourage development of mixed-use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed-use and second-story residential development. The City will continue to promote development opportunities in the Town Center, circulate a development handbook that describes the permitting process for mixed-use projects, and offer incentives such as density bonuses to incentivize mixed-use projects. The City will aim to facilitate the development of at least one mixed-use project within the planning period.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Annually and upon receiving development inquiries for mixed-use development.

Funding: General Fund

Regulatory Relief and Incentives

GOAL II To the extent feasible, remove governmental constraints for affordable and special needs housing.

POLICY II.1 The City shall seek to meet the special housing needs of individuals with disabilities and developmental disabilities, extremely low-, very low-, and low-incomes, large families, senior citizens, farmworkers and their families, female-headed and single-parent households, and others with special needs.

Implementation Measure II.1.1. Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, farmworkers, and homeless individuals and families. The City may seek funding under the federal Housing Opportunities for Persons with AIDS, California Child Care Facility Financing Program, and other state and federal programs designated specifically for special needs groups such as seniors, persons with disabilities, and persons at risk for homelessness. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.

Responsibility: Planning Commission, Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Implementation Measure II.1.2. The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.

Responsibility: Planning Commission, City Council, Community Development Department

Time Frame: 2015

Funding: General Fund

Implementation Measure II.1.3. The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the Limited Commercial (LC) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007).

Responsibility: Community Development Department

Time Frame: Within one to two years of adoption of the Housing Element

Funding: General Fund

POLICY II.2 The City shall encourage affordable housing by granting regulatory incentives to projects that provide affordable units.

Implementation Measure II.2.1. The City shall continue to authorize regulatory incentives and concessions for development projects that include residential units affordable to extremely low-, very low-, and low-income households and special needs groups including disabled and developmental disabled persons. Incentives and concessions may include:

- Flexibility in development standards (e.g., reduced parking requirements, landscaping, setbacks)
- Reduction or deferral of certain development fees
- Priority application processing to decrease review and approval time
- Density bonus in accordance with State density bonus law (Government Code Section 65915)

The City will aim to facilitate the development of at least one affordable or special needs project during the planning period.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, as residential development projects are proposed.

Funding: General Fund

Implementation Measure II.2.2. The City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, as residential development projects are proposed.

Funding: General Fund

Rental and Homeownership Assistance

GOAL III Increase housing opportunities for lower-income renters and first-time homebuyers.

POLICY III.1 The City shall promote assistance to lower-income renters and first-time homebuyers by promoting programs available through Contra Costa County and the Contra Costa County Housing Authority.

Implementation Measure III.1.1. The City shall continue to refer interested persons to information regarding Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Funds (used to post information)

Implementation Measure III.1.2. The City shall seek funding to develop and implement a down payment assistance program for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate program, new inclusionary units, or alone.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Examine funding sources and program opportunities by 2015.

Funding: CalHome, HOME, or other available sources

Implementation Measure III.1.3. The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Apply annually upon notice of funding availabilities.

Funding: HOME funds

POLICY III.2 Preserve units at risk of losing affordability covenants and converting to market-rate rents or sale prices.

Implementation Measure III.2.1. The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at risk of converting to market rate in the future. Specifically the City will:

- Work to ensure that affordable projects and units remain in or are transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice, and assisting with financial resources or supporting funding applications.
- Provide assistance to any tenants that are displaced or are in danger of being displaced due to a conversion to market rate.
- Annually monitor local investment in projects that have been acquired by nonprofit or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City's property rehabilitation standards.
- Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development.
- Meet with stakeholders and housing interests to participate and support, through letters and meetings and technical assistance, with local legislators in federal, state, or local initiatives that address affordable housing preservation (e.g., support state or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities).

Responsibility: Community Development Department

Time Frame: Annually

Funding: General Fund

Equal Access

GOAL IV Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

POLICY IV.1 The City shall promote housing opportunities for all persons regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice in housing.

Implementation Measure IV.1.1. The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.

Responsibility: Community Development Department

Time Frame: Annually, 2015–2023

Funding: General Fund

POLICY IV.2 The City shall strive to increase public awareness and acceptance of affordable housing in the community.

Implementation Measure IV.2.1. The City will provide information on proposed affordable housing projects to the public through the City’s public hearing process in the form of study sessions, public hearings, and public meetings.

Responsibility: City Council, Community Development Department

Time Frame: Ongoing, as projects are submitted and processed.

Funding: General Fund

POLICY IV.3 The City shall offer reasonable accommodations for households with disabilities with respect to zoning, permit processing, and building codes and shall support programs to modify existing units to better serve the needs of disabled persons.

Implementation Measure IV.3.1. The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Implementation Measure IV.3.2. The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements.

Responsibility: Community Development Department

Time Frame: Implement universal design standards as development is proposed.

Funding: General Fund

Energy Conservation

GOAL V Encourage and maintain energy efficiency in new and existing housing.

POLICY V.1 The City shall continue to promote energy conservation in the design of all new residential structures and shall promote incorporation of energy conservation and weatherization features in existing homes.

Implementation Measure V.1.1. The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Implementation Measure V.1.2. The City will review and consider possible amendments to the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond CalGreen Tier 1 standards. The City will consider establishing an incentivized residential green building program to encourage energy-efficient retrofitting, and the use of renewable energy in residential applications. Some of the incentives the City will consider when drafting this program will be:

- Providing eligible projects with building and plan check fee rebates (when financially feasible).
- Achieving third-party green building certification.
- Renewable energy systems.
- Green roofs.

Responsibility: Community Development Department

Time Frame: Consider establishing a residential green building program by 2017.

Funding: General Fund

Implementation Measure V.1.3. The City will explore home energy and water efficiency improvement financing opportunities available through PACE programs, such as HERO or Figtree PACE. To make this financing option available to Clayton residents, the City would need to adopt a resolution opting in to a Joint Powers Authority. These programs are available at no cost to the City.

Responsibility: Community Development Department

Time Frame: Consider opting in to a PACE program by 2015.

Funding: General Fund

Regional Planning

GOAL VI Promote and participate in the resolution of housing, employment, and transportation issues on a regional basis in cooperation with all Contra Costa County jurisdictions.

POLICY VI.1 The City shall actively support regional-based solutions to the housing, employment, and transportation issues initially within Contra Costa County and ultimately within the Bay Area.

Implementation Measure VI.1.1. The City shall continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for the transferred units.

Responsibility: City Council

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Implementation Measure VI.1.2. The City shall continue to participate in programs in Contra Costa County (e.g., “Shaping Our Future” project and Contra Costa Affordable Housing Trust Fund). TRANSPAC (Transportation Partnership and Cooperation) is the regional transportation planning committee for central Contra Costa and other regional planning efforts addressing housing, employment, and transportation issues.

Responsibility: City Council

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Implementation Measure VI.1.3. The City shall continue cooperation with the regional/countywide housing task force. The City shall use this task force as a means of gaining new policy and technical perspectives.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Implementation Measure VI.1.4. The City shall continue to work with the Association of Bay Area Governments on FOCUS program implementation. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Some of the strategies that FOCUS promotes are listed below:

- Encourage infill and the efficient use of land capacity within existing communities.
- Provide for compact, complete, resource-efficient communities near existing or planned transit and other infrastructure.
- Provide opportunities for people to live near their jobs and work near their homes.
- Encourage a mix of land uses with jobs, housing, retail, schools, parks, recreation, and services in proximity.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

Quantified Objectives

Table 50 summarizes quantified objectives for the implementation measures outlined above. These measures are expected to contribute to the construction, rehabilitation, or conservation of units during the Housing Element planning period (2015-2023). Quantified objectives are listed by income category.

Table 50. Summary of Quantified Objectives

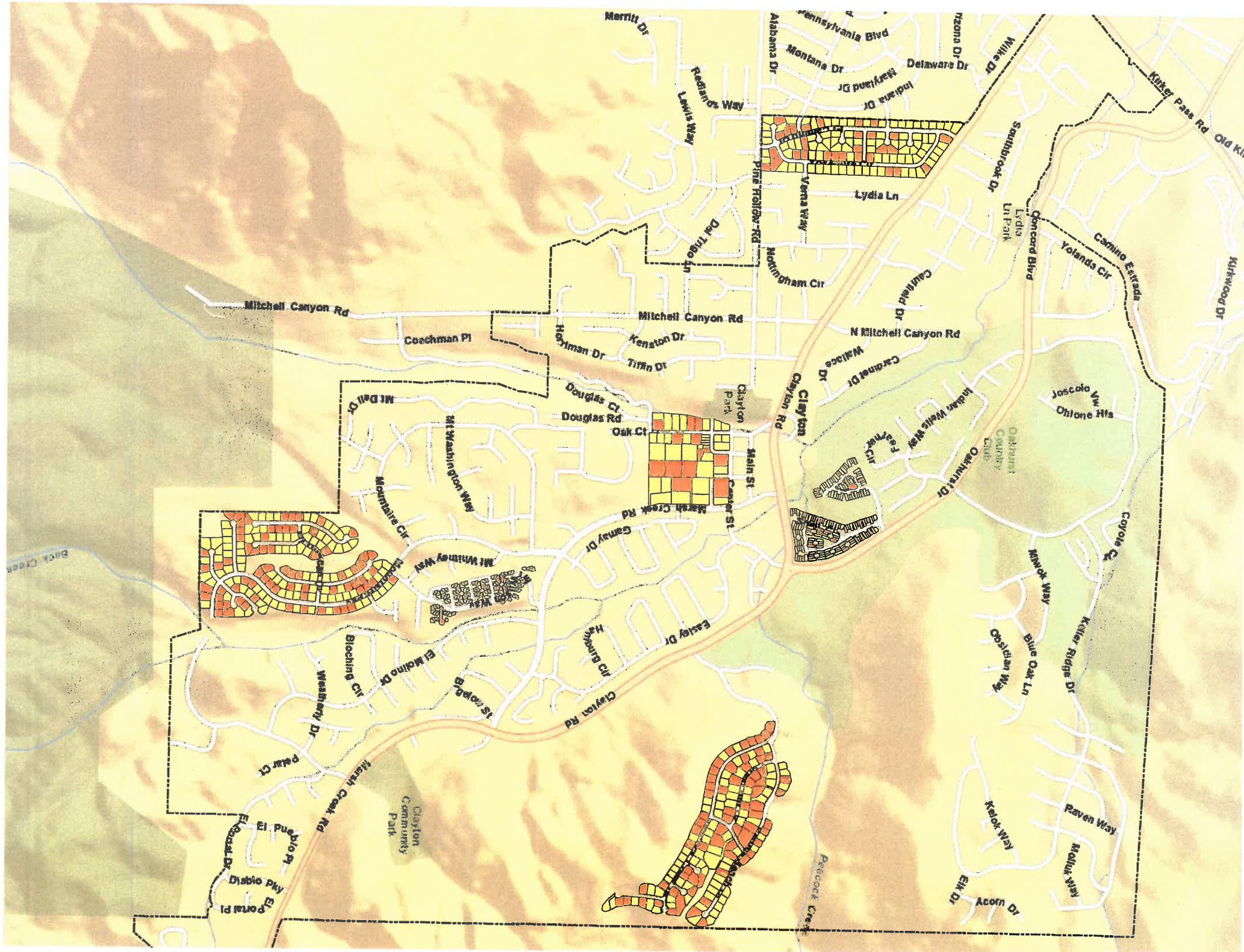
Objective Category/Program	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Construction	25	26	25	31	34	141
Rehabilitation ¹	--	8	8	--	--	16
Conservation ²	20	66	14	26	--	126

¹ Estimate based on Owner-Occupied Housing Rehabilitation Program operated through Contra Costa County.

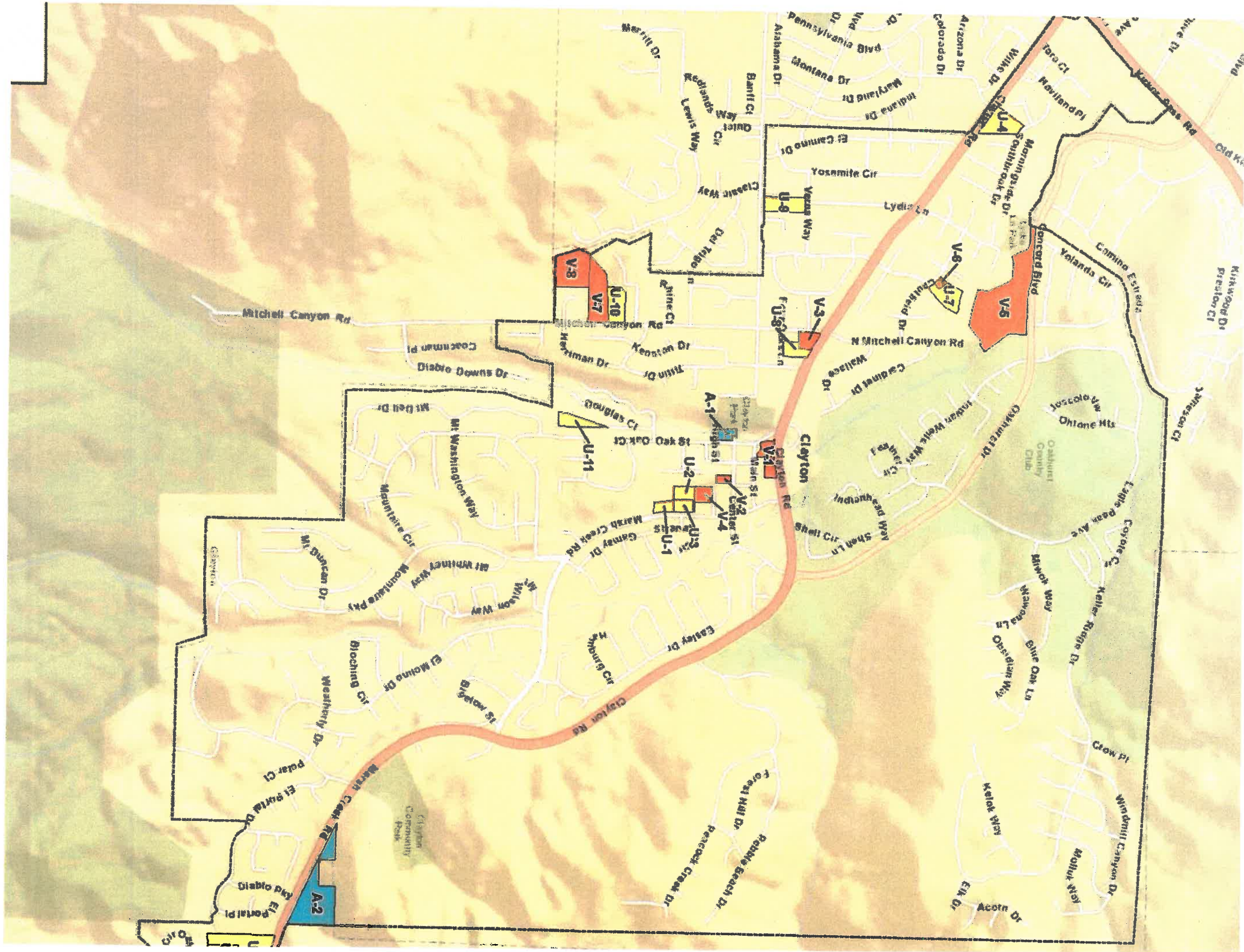
² The City expects to preserve all existing affordable housing units for the duration of the planning period.

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**APPENDIX A –
HOUSING CONDITIONS RESULTS MAP**



**APPENDIX B -
RESIDENTIAL LAND INVENTORY**



**Excerpt
Minutes
Clayton Planning Commission Meeting
Tuesday, May 13, 2014**

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Chair Manning called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Gregg Manning
Vice Chair Dan Richardson
Commissioner David Bruzzone
Commissioner Keith Haydon
Commissioner Sandra Johnson

Absent: None

Staff: Community Development Director Charlie Mullen
Assistant Planner Milan Sikela, Jr.

5. PUBLIC HEARINGS

- 5.a. **GPA-02-13, City of Clayton, General Plan Housing Element Update.** Public hearing to consider the draft 2015-2023 Housing Element update for the City of Clayton. Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an Initial Study will be prepared to determine if the document may have a significant effect on the environment. It is anticipated that an Initial Study with a Negative Declaration (IS/ND) will be prepared. The IS/ND will be noticed and made available for public hearing consideration at a future meeting date concurrent with the final City of Clayton 2015-2023 Housing Element update document.

Community Development Director Mullen described the item, provided a brief overview, and introduced Jennifer Gastelum from Pacific Municipal Consultants (PMC) as the City's consultant working on the Housing Element update.

Consultant Jennifer Gastelum made a Power Point presentation of the Housing Element update.

Commissioner Haydon asked does the overview of the Housing Element update accompany the actual report or is the overview for our use. Ms. Gastelum indicated that the overview was merely intended as a quick snapshot to assist the Commission in its understanding of the update.

Commissioner Haydon suggested the following:

- In Table 45 on Page 62, the use of the word "surplus" seemed misleading and should be removed or replaced with a different word.
- It should be emphasized in the update that the State did away with the Redevelopment Agency.
- In Table 46 on Page 63 as well as in the following narrative, the word "planned" should be replaced with the word "proposed".

Commissioner Johnson indicated that a comment was made at the joint City Council/Planning Commission Housing Element update workshop on November 5, 2013 that the cover of the document should be changed. Director Mullen indicated that several photograph options will be presented at future meetings for the cover of the Housing Element update.

Commissioner Bruzzone asked does the reference to the City maintaining an inventory of available sites in Implementation Measure I.1.1 on Page 91 mean that City staff will maintain and monitor a site inventory to ensure that adequate sites are available to meet the City's Regional Housing Needs Allocation? Ms. Gastelum indicated yes, City staff will need to monitor in order to ensure compliance with the commitments in the Housing Element.

Vice Chair Richardson also indicated that City staff will need to monitor opportunity sites. Director Mullen confirmed that was correct.

Chair Manning indicated that the City has been creative and flexible in establishing the higher density sites. He expressed concern that, although the State will never run out of impositions, the City will eventually run out of land to accommodate enough opportunity sites.

Commissioner Haydon indicated that the document confirms the City's desire to encourage developers to fulfill affordable housing unit opportunities.

By consensus, the Commission indicated that they were pleased with the Housing Element update document which was well-written, fascinating, and very informative.

Vice Chair Richardson moved and Commissioner Haydon seconded a motion to recommend City Council to direct staff to submit the draft 2015-2013 Housing Element update to State Department of Housing and Community Development for review. The motion passed 5-0.

Councilmember Diaz attended the Library Foundation Board and the Clayton Business and Community Association meetings. He was also in attendance at the Concerts in The Grove and VFW Memorial Day Remembrance events. He announced completion of his CERT training and at Thursday's Concerts in The Grove on June 12th, Tone Pony will be performing.

Councilmember Pierce attended the East Bay League of Cities, California State Board of Water Resources and 4th of July Committee meetings. She was also in attendance at the Concerts in The Grove and VFW Memorial Day Remembrance events. Councilmember Pierce announced the need for more volunteers at the upcoming 4th of July Parade.

Councilmember Geller attended the East Bay League of Cities and Clayton Business and Community Association meetings. He also attended the Farmers' Market and Saturday's Concerts in The Grove. Councilmember Geller announced the Houserockers will be performing at the next Saturday's Concerts in The Grove on June 7th.

Vice Mayor Shuey had no report.

Mayor Stratford attended the Council Budget Sub-Committee meeting and the VFW Memorial Day Remembrance event.

- (e) Other- None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

Resident Patricia Menasco, Pine Hollow Court, referred City Council members to a recent letter her neighborhood sent regarding the Clayton Community Church event that recently took place on its Pine Hollow Court property. She hoped for a City reply to their concerns. She further expressed issue with the church and the City representing only one access road to the church site will be necessary if the church develops its property, and also asserted the City Manager lied in his July 2012 letter to her about advance public notices because the City changed the zoning of the church's property to PF and they did not get City notice. She distributed a copy of that letter to the City Council and staff.

Both the City Manager and members of the City Council responded to Ms. Menasco that no changes in land use zoning had occurred to the church's property on Pine Hollow Court as alleged (she had misread the Zoning Map), and the City Manager indicated he stood by the content of his 2012 letter.

7. PUBLIC HEARINGS

- (a) Public Hearing to consider the Public Review Draft of the proposed 2015-2023 Housing Element Update to the City's General Plan concerning local housing policies and regulations, as required by state law (GPA-02-13).
(Community Development Director; and Ms. Jennifer Gastelum, Project Manager, Pacific Municipal Consultants).

Community Development Director Charlie Mullen presented the staff report and introduced Ms. Jennifer Gastelum, Project Manager with Pacific Municipal Consultants, who was selected in a competitive proposal process to assist the City of Clayton with the Housing Element update. Charlie noted Ms. Gastelum assisted the City with its previous HCD-certified Housing Element. He also advised the City Council of a letter received this day from West Coast Builders objecting to and requesting removal of any reference

to an affordable housing requirement in its Oak Creek Canyon residential subdivision off Marsh Creek Road to the east of the Diablo Parkway intersection. After consulting with the city attorney on this matter, staff recommends no change to the subdivision's, affordable housing requirement and Housing Element reference.

Vice Mayor Shuey asked if the builder agreed to the requirement? Mr. Mullen advised the City's position has not yet been communicated to West Coast Builders as the letter was received prior to tonight's meeting.

Councilmember Geller asked if West Coast Builders has a new project coming to Clayton? Mr. Mullen advised that previously-approved project had lost its Site Plan Review and Use Permit land use entitlements due to time lapse. The applicant had reapplied several months back but the land use permit applications were deemed incomplete and staff has not yet received the additional funding deposit from West Coast Builders necessary for staff to continue working on the project. Regarding their comment letter on the Draft Housing Element, the affordable housing requirement issue may be mute, pending the processing timing of the applications, as the City's Draft Housing Element proposes modifying the initial threshold on the provision of affordable housing to 10 dwelling units rather than the current 2 units. Staff does not recommend any changes to the Draft Housing Element based on their letter.

Ms. Jennifer Gastelum presented a PowerPoint highlighting proposed changes from the City's current year Housing Element Update. She advised the HCD review process is 60 days; however, that review process can be as little as 45 days with its Housing Element comments. The proposed Housing Element would then return to City Council in September or October for final adoption and the expectation of a HCD-issued Conditional Compliance letter. Potentially, the City's Housing Element will be certified and cleared well before the January 31, 2015 deadline.

Mayor Stratford recalls the review process was longer the last time. Ms. Gastelum confirmed the last review process took longer as 6 new state housing laws had to be implemented in the previous cycle. There is no similar task this cycle.

Councilmember Pierce asked if all churches were included in the outreach to stakeholders? Mr. Mullen advised there is a potential opportunity site on the St. John's Episcopal Church property based on the current zoning. Councilmember Pierce added a prior City meeting with Saint John's Parish where housing ideas were discussed for their property, and that contact and outreach should be included as a housing interest. Mr. Mullen noted no formal interest or application has been received to date from Saint John's Parish but such preliminary communication could be incorporated into the Housing Element.

Councilmember Pierce indicated she is very supportive of the City investigating residential energy efficient installation and financing programs such as provided by PACE. City Manager Napper advised recent correspondence on the same subject and opportunity was received on the HERO Program and that staff has incorporated a Policy into the Draft Housing Element as an Implementation Item to examine the possibilities.

Councilmember Pierce suspects a proactive approval from Housing and Community Development (HCD) on the City's Draft Housing Element.

Mayor Stratford opened the Public Hearing to receive public comments; no public comments were offered. Mayor Stratford closed the Public Hearing.

It was moved by Councilmember Geller, seconded by Councilmember Pierce, to instruct staff to submit the Proposed 2015-2023 City Housing Element to the California State Department of Housing and Community Development (HCD) for its statutory review and comment. (Passed; 5-0 vote).

ACTION ITEMS

- (a) Consider the Introduction/Presentation of the proposed City of Clayton Budgets for Fiscal Year 2014-15 and set the date of Tuesday, June 17, 2014 as a Public Hearing for review and adoption of the proposed City Budget.
(Finance Manager)

City Manager Napper advised the City Council that tonight is the first time in his 30 years of being a California city manager that he has not presented the City Budget and is confident that new Finance Manager Kevin Mizuno will have an excellent presentation.

Finance Manager Mizuno advised the City Fund 210 (Landscape District) was printed twice in the Budget and the Gas Tax Fund 201 was distributed to them at the dais and is available to the public. Mr. Mizuno presented the staff report and explained the differences between FY 2013-2014 and FY 2014-2015 projected Budget. The General Fund proposed budget has a projected surplus of approximately \$30,000 due to increases in local real property taxes.

Councilmember Geller asked why Endeavor Hall is including depreciation expenses as part of the proposed budget? Finance Manager Mizuno advised that including depreciation expense makes the fund balance more easily reconcilable to the audited financial statements, and as Endeavor Hall is considered a business type of activity, full accrual expenses such as depreciation should be included. Councilmember Geller asked how do we treat depreciated value on a tax basis? Finance Manager Mizuno advised there are no tax implications in future capital improvements to an enterprise fund.

Councilmember Diaz asked what is the "Presley Settlement" Fund? Finance Manager Mizuno advised the Presley Settlement is connected to an earlier lawsuit initiated by the City in the Geological Hazard Abatement District. Currently, there is a positive balance for future use of settlement monies for improvements or repairs in the District.

Councilmember Pierce asked what is the Contra Costa County Assessor's Office projected real property tax percentage of growth for Clayton? Finance Manager Mizuno explained there was not a standard percentage used; instead he analyzed line by line each property tax revenue. He advised the Clayton's budgeted secured property tax revenue was calculated at 4% over actuals received in FY 2013-14, although the County Assessor's Office confirmed 5% would be a safe projection. Sales Tax was calculated at a 2% increase.

Councilmember Pierce advised at a recently attended East Bay Division League meeting there was discussion regarding dissolution of the state's "Triple Flip"; had staff heard anything in that regard? City Manager Napper provided history of the "Triple Flip" in regards to the uniform Vehicle License Fees and Sales Tax increases when property values went stagnant. The state has a legacy of swapping/diverting local revenues whenever one revenue source outperforms another. In the early 2000s, local Vehicle License Fee (VLF) revenue was greater than real property tax revenues in Clayton before the state diverted VLF for its own purposes. He referred Councilmember Pierce to Michael Coleman from the League of California Cities Municipal Financing Office for

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF HOUSING POLICY DEVELOPMENT**

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www.hcd.ca.gov

July 31, 2014

Mr. Charlie Mullen, Director
Community Development Department
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Mullen:

RE: City of Clayton's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting Clayton's draft housing element update that was received for review on June 9, 2014 along with additional revisions received on July 29, 2014 and July 30, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on June 26, 2014 with you and Ms. Jennifer Gastelum, Ms. Kim Obstfeld and Ms. Courtney Wood, all from PMC.

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The City utilized ABAG's pre-approved housing element data.

The draft element meets the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when it is adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City of Clayton must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

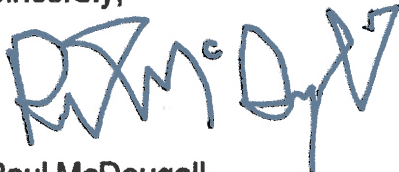
Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

July 31, 2014

Page 2 of 2

The Department appreciates the hard work and dedication of you and Ms. Gastelum, Ms. Obstfeld and Ms. Wood in preparation of the housing element and looks forward to receiving Clayton's adopted housing element. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. McDougall", with a stylized flourish at the end.

Paul McDougall
Housing Policy Manager

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: **October 14, 2014**

Item No.: **7.a.**

From: **Charlie Mullen**
 Community Development Director



Subject: **Review of the FY 2014/15 Capital Improvement Program Projects for
Conformity with the Clayton General Plan; GPA-01-14.**

Applicant: **City of Clayton**

DISCUSSION

Section 65401 of the California Government Code requires that the Planning Commission determine if projects proposed in the City's Capital Improvement Program (CIP) for the upcoming fiscal year are in conformity with the General Plan. Projects in the City's 2014/15-2018/19 CIP that may be undertaken during the Fiscal Year 2014-2015 are listed below, but only one is scheduled for completion in the same year (due to limited funds). Additionally, citations from the Clayton General Plan are provided related to the particular project's conformity with the General Plan.

1. **ADA Compliance Program** (CIP No. 10394A)

Each fiscal year the City sets aside \$6,000 of its annual Gas Tax revenues to build up sufficient revenues to perform handicap ramp corner cuts on public sidewalks. In addition to installing these ADA ramps where none exist, federal standards as to ramp specifications were modified in July 2008 requiring revamping of existing ramps when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing ADA public parking spaces to current standards. No project expenditures are planned yet for FY 2014-15, as the City annually builds reserves in this project account for projected future costs totaling approximately \$500,000.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

2. **Utility Undergrounding** (CIP No. 10397)

Each year, PG & E is required by the Public Utilities Commission to set aside funds for the undergrounding of overhead utility lines. The money set aside is distributed by PG&E to local agencies on a proportional basis. Since the cost of undergrounding is so high (minimum of \$1,000,000 for 300 feet or so), this project was created to accept and accumulate these funds until enough is available to undertake a project. In

FY 2013-14 the City projects to receive approximately \$21,000 in funding from PG&E's Rule 20A funds although no project expenditures are planned at this point for FY 2014-15.

These program improvements conform to the General Plan by supporting the primary Goal of the Community Facilities Element "To provide for an efficient infrastructure and facility plan and program for improvement of existing infrastructure." and Policy 1d "Identify private utility plans including program for undergrounding."

3. 2015 Neighborhood Street Rehab Project (CIP No. 10424)

The City consciously advanced funds from FY 2013-14 year's Gas Tax and Measure J monies (for local transportation purposes) to finance costs associated with the Neighborhood Street Project (CIP 10411), the 2013 Pavement Rehabilitation project (CIP 10417), and the 2012 Marsh Creek Road Upgrade (CIP 10414) Repaving Project. As described in the Measure J and Gas Tax Fund sections of the CIP, the advance City financing of these projects resulted in the Gas Tax and Measure J Funds opening FY 2014-15 with projected deficits of \$3,833 and \$47,094 respectively. Consequently, limited funds remain in FY 2014-15 to perform any significant street contract work, and there is a reasonable possibility that this project will not be completed during FY 2014-15 as additional future funds may be required. Total projected FY 2014-15 expenditures related to this project are \$341,410.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

4. Collector Street Rehab Project (CIP No. 10425)

A "Collector Street Rehab Project" is targeted for FY 2014-15 which is projected to be funded by federal Local Street and Road Shortfall Fund monies (STP monies) expected for release in the coming fiscal year of \$385,000. This federal grant requires a local match of 11.5%, which the City plans to meet using Gas Tax monies allocated for FY 2014-15 totaling \$45,045. These federal grant monies can only be used on a collector or arterial street (rather than on a residential local street). Preliminary internal plans envision Keller Ridge Drive since work on the previously contemplated street, Regency Drive, was completed in FY 2012-13. Total projected FY 2014-15 expenditures related to this project are \$430,045.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

The above proposed CIP projects represent a total projected Capital Related Expenditure in FY 2014-15 of \$771,455 in public's monies to maintain and improve the infrastructure of this community.

As a result of the above projects and related General Plan review and analysis, staff concludes that the CIP projects that may proceed in Fiscal Year 2014-15 are consistent and in conformity with the Clayton General Plan.

CEQA

Pursuant to the California Environmental Quality Act (CEQA), Section 15061(b)(3) it can be seen with certainty that there is no possibility that finding the Capital Improvement Program in conformance with the General Plan may have a significant effect on the environment, it is therefore not subject to CEQA, and additionally, since this is a consistency finding the previous environmental documentation for the General Plan is adequate CEQA documentation.

RECOMMENDATION

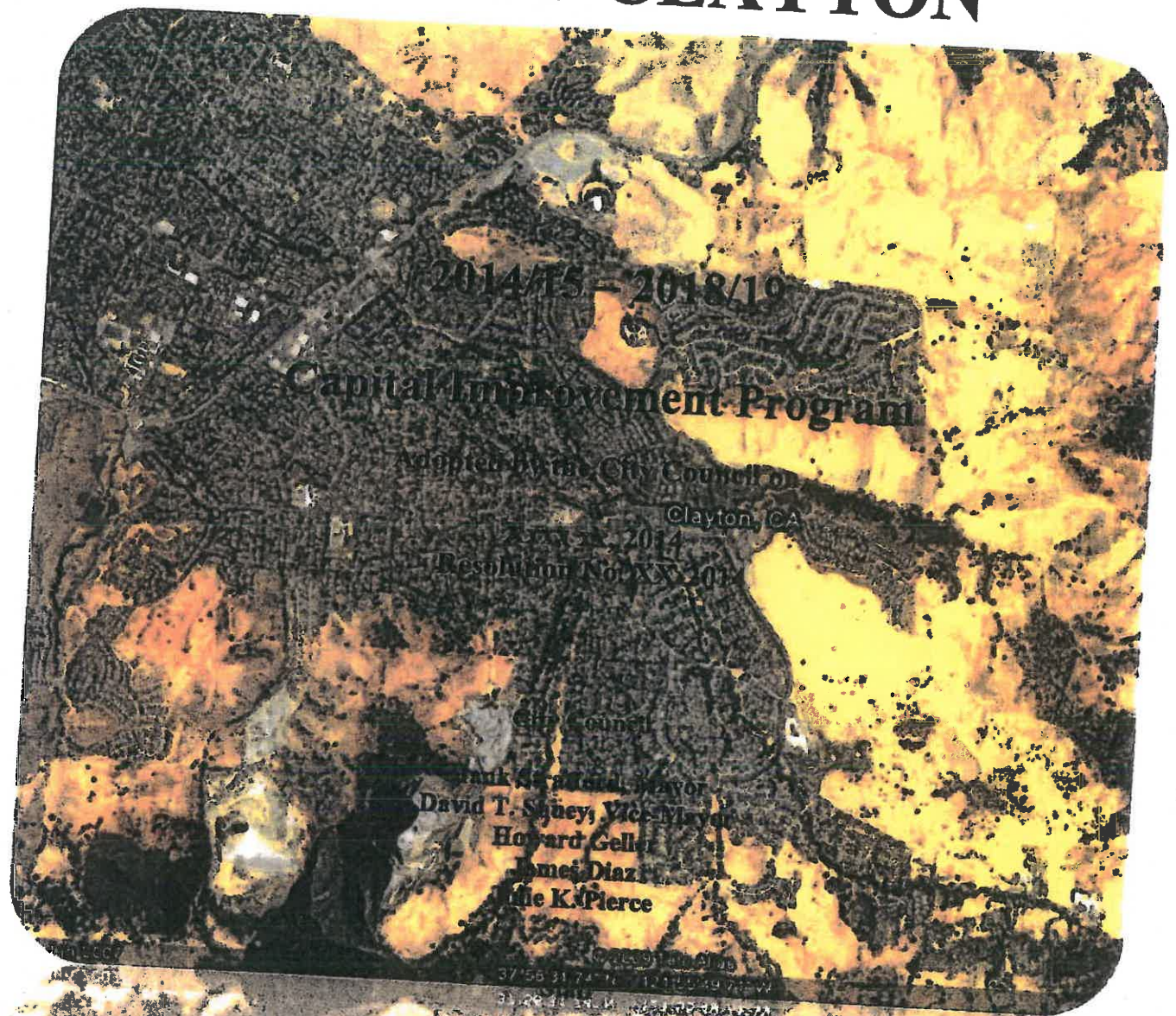
Staff recommends that the Planning Commission find the City's CIP projects for the Fiscal Year 2014-2015 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment.

Attachments:

1. Excerpts from 2014/2015 – 2018/19 City of Clayton Capital Improvement Program

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CITY OF CLAYTON



Gary Napper
Rick Angrisani
Charlie Mullen
Janet Brown
Kevin Mizuno

City Manager
City Engineer
Community Development Director
City Clerk
Finance Manager

2014/15-2018/19 Capital Improvement Program

Category	Project Number	Project
Streets	10394A	ADA Compliance Program

DESCRIPTION - LOCATION

Construction of various improvements.

COMMENTS

As needed to comply with ADA standards as determined by City's transition plan

City-Wide

Estimated Cost	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Final Design								
CM/Inspection								
Other								
TOTAL								

Funding (Sources)	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
TOTAL								

City of Clayton

2014/15-2018/19 Capital Improvement Program

Category	Project Number	Project
Streets	10397	Utility Undergrounding

DESCRIPTION - LOCATION

Underground overhead utility lines at undetermined locations.

COMMENTS

City Wide

Estimated Cost	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Preliminary Design								
Final Design								
Construction								
CM/Inspection							\$100,000	\$100,000
Permit Acquisition								
Other								
TOTAL							\$100,000	\$100,000

Funding (Sources)	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Unfunded								
POB 15-19	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000		\$126,000
TOTAL	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000	\$126,000

City of Clayton

2014/15-2018/19 Capital Improvement Program

Category	Project Number	Project
Streets	10424	2015 Neighborhood Street Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

COMMENTS

Various Locations

Estimated Cost	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Final Design		\$10,000						\$10,000
CM/Inspection		\$15,000						\$15,000
Other								

Funding (Sources)	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Measure J		\$184,017						\$184,017

City of Clayton

2014/15-2018/19 Capital Improvement Program

Category	Project Number	Project
Streets	10425	Collector Street Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various collector streets throughout City.

COMMENTS

Local Streets & Roads Shortfall (LS&RS) funding is federal requiring extensive processing for construction approval. Gas Tax amount covers city share as required by federal funding.

Various Locations

Estimated Cost	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Final Design		\$20,000						\$20,000
CM/Inspection		\$25,000						\$25,000
Other								

Funding (Sources)	Prior Yrs.	2014-15	2015-16	2016-17	2017-18	2018-19	Future	TOTAL
Gas Tax*		\$45,050						\$45,050

City of Clayton