



January 4, 2022

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City of Clayton
6000 Heritage Trail
Clayton, CA 94517

To Whom It May Concern,

East Bay for Everyone and the undersigned organizations write to provide comments on the City of Clayton's 6th Cycle Housing Element efforts for the January 4, 2022 City Council meeting.

As a preliminary matter we note that AB1397 requires recycled and nonvacant sites in a previous housing element to be rezoned for by-right development of 20% low-income projects. If the proposed site is vacant and recycled from the previous two cycles, it must also be rezoned for by-right approval.

Of the sites identified in the Preliminary 6th Cycle Sites (Attachment 3 of the staff report) compiled by the City of Clayton and MIG, approximately 70% are recycled from the 4th and/or 5th cycle housing elements.

The following preliminary sites are vacant and have been part of the City of Clayton's Housing Element for the 4th and 5th cycle housing elements:

- Site E - proposed 20 dwelling units/acre (DUA) and is vacant.
- Site G - proposed 20 DUA and is vacant.
- Site N - proposed 20 DUA and is vacant.

These sites should be re-zoned for by-right approval as required by AB1397.

In addition the following sites are non-vacant and have been previously part of 4th or 5th cycle housing elements:

- Site F - proposed 20 DUA, previously part of the 5th cycle and contains three existing residential uses.
- Site H - proposed 20 DUA, previously part of 4th and 5th cycles and contains existing residential uses.
- Site I - proposed 10 DUA on 13 acres, previously part of the 4th cycle and contains two existing residential uses.
 - The density of this site should be increased to 20 DUA or more in order to maximize the likelihood of development given the existing high value residential uses.
- Site J - proposed 5 DUA and previously part of the 4th cycle and 5th cycles. Two of the parcels are vacant greenfield locations. The northern third parcel contains three large existing residential uses.
 - It is unlikely that these residential uses will be redeveloped at a density of 5 DUA.
 - Furthermore the southern two parcels are 1000 feet from an active quarry.
 - This site should be removed from consideration.
- Site M - proposed 20 DUA and previously part of the 4th cycle and 5th cycles. This site contains existing residential and agricultural uses.
- Site O - proposed 20 DUA, previously part of 4th and 5th cycles and contains existing residential uses.

The above-mentioned sites should be rezoned to allow for by-right development for projects that include 20% low-income units as required by AB1397, excluding Site J which should be removed entirely from sites.

In addition we offer the following comments:

- Site K - proposed 3 DUA, previously part of the 5th cycle. This site is on a steep hillside between existing residential uses. There are significant difficulties in developing this site and it should be removed from consideration.
- Sites P, Q, and R are welcome additions to the site inventory. Please provide a copy of a letter from the property owners stating they are open to developing the site at the prescribed density. We encourage the City of Clayton to partner with East Bay Housing Organizations to highlight these opportunities for development.
- Sites A and S - proposed 20 DUA, These sites are existing churches(Saint John's Episcopal Parish and Clayton Community Church). Please provide a copy of a letter from the property owners stating they are open to developing the site at the prescribed density. The church-owned properties will likely require collaboration with non-profit

housing organizations. We encourage the City of Clayton to partner with East Bay Housing Organizations to highlight these opportunities for development.

- We encourage the City of Clayton to remember that Mullin Densities of 20 DUA are merely a floor rather than a ceiling. Therefore, any reduction in units below the RHNA shortfall due to removal of potential sites should be re-allocated to redeveloped or new sites above the 20 DUA threshold of Mullin Densities.
- In looking for replacement sites, we encourage Clayton to consider adding additional density on sites within walking distance of downtown, with little or no parking minimum. These locations would be perfect for seniors looking to downsize or car-light families.

We look forward to continuing to engage with the City of Clayton as it develops its plan to accommodate growth and inclusive development. If you are conducting meetings with community organizations to discuss the Housing Element this spring, we would love to take part.

Sincerely,

Maxwell Davis
East Bay for Everyone

Zoe Siegal
Greenbelt Alliance

Zac Bowling
East Bay YIMBY

Rafa Sonnefeld
YIMBY Law

cc: HousingElements@hcd.ca.gov