



May 9, 2022

Dana Ayers (via email - DanaA@claytonca.gov)
Community Development Director
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 progress towards a draft 6th Cycle Housing Element and following up on our January 4th letter(linked below).

The previous letter described site-specific feedback and concerns. **We have not yet received a response to that letter** and the city has proceeded with the EIR with the same site list. We write to inform the city that we do not think the city is on track to have a compliant housing element and offer the additional guidance:

Gather input from developers:

Local housing developers should act as a resource to offer guidance on the barriers to development in Clayton especially given a history of long delayed developments like The Olivia on Marsh Creek, a site which was included in the 4th and 5th Housing Element cycle, was rezoned in 2011 and is still not developed over 10 years later.

Buffer on sites:

From HCD's Housing Element Sites Inventory Guidebook "it is recommended the jurisdiction create a buffer in the housing element inventory of **at least 15 to 30 percent more capacity than required**"(emphasis added).

Given that Clayton **has built zero Low Income sites** in the last 7 years, a buffer of 20% is illogical and will likely lead to the same poor results as before. Clayton should be planning for 2 to 3 times the RHNA allocation in order to have any chance of meeting this requirement.

Lot Coverage, Height, Parking etc

From HCD's Housing Element Sites Inventory Guidebook:

“When establishing realistic unit capacity calculations, the jurisdiction must consider the cumulative impact of standards such as maximum lot coverage, height, open space, parking, on-site improvements such as sidewalks or easements, and floor area ratios”

Given Clayton’s low rate of development, **the city must reduce these barriers**, removing height limits, lot coverage requirements, parking minimums and other obvious restrictions on development.

Infill housing for Environmental Benefits

By building more homes in already established urban areas, Clayton can avoid paving over trees and habitats that serve as heat sinks and carbon banks, all of which provide high-value climate benefits. It is critical to support growth in safe infill locations and streamline the permitting process when appropriate, while still allowing for a public process, requiring environmental review, and rewarding jurisdictions that meet housing goals. To support this, please refer to Greenbelt Alliance’s [Resilience Playbook](#).

Evidence of Site Suitability:

HCD’s Housing Element Sites Inventory Guidebook states “[t]o demonstrate the feasibility of development ... the analysis must include ... Evidence that the site is adequate to accommodate lower income housing. Evidence could include developer interest, potential for lot consolidation, densities that allow sufficient capacity for a typical affordable housing project, and other information that can demonstrate to HCD the feasibility of the site for development.”

Clayton has not provided sufficient evidence that the sites on this inventory are suitable. See previous letter for site-specific feedback explaining why sites are not feasible.

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

Link to Jan 4, 2022 letter:

<https://eastbayforeveryone.org/wp-content/uploads/2022/04/2022-01-04-clayton-site-inventory-letter.pdf>