Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, September 8, 2009

Hoyer Hall, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

1A. Review of agenda items.

1B. Vice Chair Johnson to report at the City Council meeting on September 15, 2009.

Public Comment

Approval of Minutes

2. Approval of minutes from the meeting of August 25, 2009.

Public Hearings

3. None.

Old Business

4. None.

New Business

5. Study session regarding future long-range planning projects.

Communications

6A. Staff.

6B. Commission.

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, September 22, 2009**.

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
City of Clayton Planning Commission Meeting
Tuesday, August 25, 2009

Call to Order

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

Present: Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Sandra Johnson, Commissioner Ted Meriam, Commissioner Dan Richardson

Absent: None

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Selection of Chair and Vice Chair.

Chair Catalano moved and Commissioner Johnson seconded a motion to elect Commissioner Armstrong as Chair. The motion passed 5-0.

Commissioner Catalano moved and Chair Armstrong seconded a motion to elect Commissioner Johnson as Vice Chair. The motion passed 5-0.

1B. Review of agenda items.

By consensus, the Commission placed Item 3B before Item 3A.

1C. Chair Catalano to report at the City Council meeting on September 1, 2009.

Approval of Minutes

2. Approval of minutes from the meeting of July 14, 2009.

Chair Commissioner Richardson moved and Chair Catalano seconded a motion to approve the minutes from the meeting of July 14, 2009, as amended. The motion passed 5-0.

3B. **SPR 11-07, Extension of Site Plan Review Permit, Ramon Velasquez,** 1816 Ohlone Heights, APN 118-392-001. A request for a twelve-month extension for a previously-approved Site Plan Review Permit (previously approved on September 17, 2008) for an existing retaining wall, screen fence atop the retaining wall, and landscape and related improvements in the exterior side yard of the subject property.

Director Woltering presented the staff report.

Planning Commission comments and questions included:

- Was the Planning Commission Notice of Decision recorded with Contra Costa County in October 2008? Director Woltering responded "Yes."
- Would the Planning Commission Notice of Decision have been disclosed as part of the home sale? Director Woltering responded "Yes."

- Would the applicant have needed to obtain a building permit within a year from the original approval date of September 9, 2008? Director Woltering responded "Yes."
- Did the prior property owner complete any of the Conditions of Approval? Director Woltering responded "No."
- Is twelve months the maximum amount of extension time the Planning Commission can approve? Director Woltering responded "Yes."
- Will the retaining wall and fence require significant changes? Director Woltering responded that both the retaining wall and fence would need to be modified to comply with the Conditions of Approval. The fence needs to be changed to be five feet in height, moved three feet away from the back of the retaining wall, and a wrought iron design style. The retaining wall must be screened by landscaping and be properly permitted by the Contra Costa County Building Inspection Department.
- What will happen to the fines and penalties accrued by the prior property owner? Director Woltering indicated that the previously-estimated $305,000 amount of fines and penalties accumulated by the previous property owner would not carry over to the new owner.
- Would staff support approving a modification to this Site Plan Review Permit? Director Woltering indicated that, at this time, the Commission would only be considering an extension of the original Site Plan Review Permit. However, the project may need to come back to the Commission if further modifications are proposed.
- If the current property owner did not comply within a reasonable amount of time, could fines and penalties begin to accumulate again? Director Woltering responded "Yes."
- If the proposed changes to the project are significant, would the current property owner need to come back before the Commission? Director Woltering responded that, if the changes are significant, the current property owner would have to apply for a new Site Plan Review Permit for consideration by the Commission.

The public testimony period was opened.

The applicant, Ramon Velasquez, indicated the following:
- When we first bought the residence, we were aware of issues with the retaining wall, but did not know the full extent of the problems.
- We knew the Notice of Decision was recorded against the property, but we did not read all of the detail.
- The main priority for us is public safety.
- We have hired a structural engineer to satisfy all Clayton Municipal Code requirements and Oakhurst Conditions, Covenants, and Restrictions.
- We received a letter in support of the appearance of the project in its current form.

Commission comments and questions included:
- We have sympathy for the current property owner and the problems inherited by purchasing the subject property.
- Did your realtor disclose the Notice of Decision to you or discuss any of the parameters of the non-compliance issues? Mr. Velasquez responded that, yes, the realtor mentioned that we would inherit the issues and problems related to the project.
- Why are you requesting a twelve month extension? Mr. Velasquez indicated that he anticipated it would take approximately one year to complete the required modifications to the project.

Dan Foley, 131 Joscolo View, indicated the following:

- We have been living at 131 Joscolo View for two years.
- The retaining wall and fence are not an eyesore.
- We have no problems with the project being left the way it currently is.
- Many of our neighbors have discussed the issue and they have no problem with the project being left the way it currently is.
- If safety issues are present, they must be addressed.

There being no further comments, the public testimony period was closed. Commission comments and questions included:

- I sympathize with the applicant, but the wall is not currently permitted.
- I am concerned that, if the wall fails, the swimming pool will collapse because the installation of the retaining wall has changed the condition of the slope below the pool.
- Time is of the essence.
- The Commission concurred that a six-month extension is appropriate.
- Is the wall structurally sound? Director Woltering indicated that staff did not know.
- A twelve-month extension may push construction past the winter of 2010/2011 and it may be Spring of 2011 before construction commences on the project. That would be too long to wait for construction to start.

Commissioner Catalano moved and Vice Chair Johnson seconded a motion to approve a six-month extension for Site Plan Review SPR 11-07. The motion passed 5-0.

3A. **ZOA 02-09, Municipal Code Amendment, City of Clayton.** A public hearing regarding amendments to Clayton Municipal Code Section 17.36.020 (Building Height Restrictions) to consider removing specified outdated building height references and to clarify the purpose of this Section. *Continued from the Planning Commission meeting of August 11, 2009.*

Assistant Planner Sikela presented the staff report.

Commission comments and questions included:

- Are the supporting amendments described in the staff report included in the proposed ordinance amendment? Assistant Planner Sikela indicated that, yes, these amendments were added to the draft ordinance.
- Why was the threshold of 40,000 square feet added for windmills and wind chargers located on non-agriculturally designated properties? Staff and Commissioner Richardson clarified that it was determined that there may be opportunities for these structures and uses to be beneficially utilized in other districts, but that a certain minimum property size should be determined to address compatibility issues related to visual impacts and noise.
- The term "structures and buildings" needs to be added to paragraph two of Section 1 of the draft ordinance.

Commissioner Richardson moved and Commissioner Catalano seconded a motion to approve Resolution No. 03-09, thereby recommending City Council approval of the draft ordinance amendment pertaining to Section 17.36.020 (Building Height Restrictions). The motion passed 5-0.

Old Business
4. None.

New Business
5. None.

Communications
6A. Staff – Distribution of information for Complete Streets.

Director Woltering described to the Commission the distributed information for Complete Streets.

6B. Commission.

Chair Armstrong indicated that he appreciated Commissioner Catalano's service as Chair of the Planning Commission.

Adjournment
7. The meeting was adjourned at 8:23 p.m.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Bob Armstrong
Chair

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Memorandum

To: Chair Armstrong and Planning Commissioners

From: David Woltering, Community Development Director

Date: September 8, 2009

Subject: Review of Long-Range Planning Projects

I have mentioned at previous Planning Commission meetings that I would like to review with you some of the long-range planning assignments that staff will be working on over the next few months and beyond, based on direction from the City Manager and City Council. Most, if not all, of these projects will be coming to the Planning Commission for review, comments, and a formal recommendation to the City Council. I have listed the projects below with a brief description. I have added attachments with additional information, as appropriate and available.

Long-Range Planning Projects

1. Implementation of the Goals and Policies of the Clayton 2009-2014 Housing Element Update.

Description:

In March of 2009, the City of Clayton began its mandated update to its Housing Element. The City last updated its Housing Element in 2005. This update has proceeded in a timely manner, with the City forwarding a draft document for review by the State Department of Housing and Community Development (HCD) in mid-July. Staff and the Housing Consultant reviewed this draft with HCD staff on September 3, 2009, and learned there are relatively minor edits or comments. It is expected that this Housing Element Update will be adopted in November of 2009 by the City. The Draft 2009-2014 Housing Element includes an implementation program described in the Goals and Policies section (see Attached). Staff anticipates bringing together several of the recommended amendments and processing them together as a long-range planning project. A possible bundling of amendments would be those that follow:

- The amendment of the Zoning Ordinance to allow manufactured houses, consistent with the requirements of state law;

- The amendment of the Zoning Ordinance to allow emergency shelters as a permitted use in the area that is currently designated Kirker Corridor in the City's General Plan and classified as Planned Development in the City Zoning Ordinance;
- The amendment of the Zoning Ordinance to explicitly allow both supportive and transitional housing types in all residential zones;
- The amendment of the Zoning Ordinance to allow for the development of single-room occupancy units (SROs) with a conditional use permit in the L-C (Limited Commercial) District and/or in the area that is currently designated Kirker Corridor.
- The amendment of the Zoning Ordinance to provide for a density bonus in accordance with the requirements of State Density Bonus Law (SB 1818).

2. Feasibility Analysis and Possible Preparation of "Paseo Plan" for Diablo and Morris Streets.

Description:

The City Council and City Manager have identified studying the feasibility of converting Diablo and Morris Streets to "paseos" (see examples Attached) to increase the amount of commercial space as well as create a more pedestrian-friendly and more vibrant environment in the Town Center area. Staff anticipates bringing forward various options for consideration to the Planning Commission for review and comments. Initially, feasibility aspects related to property acquisition, assuring proper and legal access, etc. must be analyzed.

3. Completion of Town Center Specific Plan Amendments.

Description:

From approximately 2006 through 2008, the City of Clayton updated portions of the Town Center Specific Plan (TCSP). Various chapters, including the Introduction, Land Use, and Urban Design Chapters were updated. Other Chapters pertaining to Municipal Services and Circulation have not yet been updated. Staff anticipates working with the Planning Commission and the City Council to complete the update to the TCSP.

4. Update Local California Environmental Quality Act (CEQA) Guidelines.

Description:

The City of Clayton has not updated its local CEQA guidelines since approximately 1981. Staff anticipates that another long-range planning project will be to formally update the local CEQA Guidelines for the City of Clayton.

5. General Plan Update.

Description:

The Clayton General Plan was adopted on July 17, 1985, with the approval of Resolution No. 22-85. In addition to the standard elements, this General Plan has three additional, "Optional" Elements: a Community Design Element; a Growth Management Element; and a Community Facilities Element. There have been a series of amendments to this General Plan since its approval, including an amendment to the Housing Element in 2005. Staff anticipates reviewing the General Plan to determine an appropriate scope of work for an update. Funding will be limited for this update, so it is likely that much of the work would need to be accomplished in-house, while contracting out for limited technical services. Areas that will be addressed include adding goals, policies and programs related to sustainability and reviewing compliance with legislative changes over time.

Attachments:

1. Goals and Policies excerpted from Draft Clayton 2009-2014 Housing element Update, pp 93-109.
2. Photocopies of examples of paseos.

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) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 42, Vacant Residential Land (i.e., Old Fire Station site and High Street parcel) for Multi-family Medium Density (10.1 to 15 units per acre).

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

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 and Redevelopment Agency housing requirements. 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 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 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 Dept.

Time Frame: This program will be implemented as projects of two or more units are processed through the Planning Department.

Funding: General Fund, RDA funds

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.

Responsibility: Redevelopment Agency; City Council; Community Development Dept.

Time Frame: Ongoing, 2009–2014

Funding: RDA funds

Policy I.3 The City shall promote, wherever feasible, homeownership for low- and moderate-income households in Clayton.

Implementation Measure (I.3.1) The City shall amend the Zoning Ordinance to allow manufactured houses, consistent with the requirements of state law.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010

Funding: General Fund, RDA funds

Policy I.4 The City shall encourage the development of second dwelling units on new and existing single-family-zoned lots.

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.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

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.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: December 2012

Funding: RDA funds

Policy I.5 The City shall aggressively promote mixed-use or second-story residential units above commercial uses in the Town Center.

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.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

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.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

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 ensure that locations are available within the City to accommodate any future need for facilities to serve City residents in need of emergency shelter.

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 as a permitted use in the area that 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

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010. The City will create an overlay zone that will provide development standards for emergency shelters in the Kirker Corridor.

Funding: General Fund

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.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010

Funding: General Fund

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/or 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 minimal and will only require review by the Planning Commission.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: June 2010. 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.

Funding: General Fund

Policy II.2 The City shall permit owner-occupied and rental multi-family residential use by right.

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.

Responsibility: City Council

Time Frame: Consider amending Zoning Code by December 2010

Funding: General Fund

Policy II.3 The City shall encourage affordable housing by granting incentives (e.g., density bonus) to projects that provide affordable units.

Implementation Measure (II.3.1) The City shall amend the Zoning Ordinance to provide for a density bonus in accordance with the requirements of state density bonus law (SB 1818).

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Amend Zoning Code by May 2010.

Funding: General Fund

Policy II.4 The City shall work to decrease the review and approval time for projects that provide affordable units and otherwise simplify the development review process for residential development.

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.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing

Funding: General Fund

Policy II.5 The City may reduce development and planning fees for projects that provide affordable units.

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.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: RDA funds, or as other funding sources become available

Policy II.6 The City shall provide flexible development standards for projects that provide affordable units.

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.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Ongoing, 2009–2014

Funding: RDA funds, as funding becomes available.

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 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.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Funds will be used to post information.

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.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: Consider developing a down payment assistance program by 2011.

Funding: RDA Funds

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 Dept.

Time Frame: Ongoing, 2009–2014

Funding: HOME funds

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.

Responsibility: Redevelopment Agency, Community Development Department

Time Frame: Ongoing, for the length of the affordability term of the project

Funding: RDA funds

Policy III.2 Preserve units "at risk" of losing affordability covenants.

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.

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.

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: Biannually and ongoing, 2009–2014

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) 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.

Responsibility: City Council, Community Development Department

Time Frame: Ongoing, as projects are processed through the Planning Department

Funding: General Fund

Policy IV.3 The City shall provide disabled persons with reasonable accommodation 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) Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process. The City will provide information to individuals with disabilities regarding reasonable accommodation policies, practices, and procedures based on the guidelines from the California Housing and Community Development Department (HCD). This information will be available through postings and pamphlets at the City and on the City's website.

Responsibility: City Council, Planning Commission, Community Development Dept.

Time Frame: October 2010

Funding: General Fund

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.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

Funding: General Fund

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.

Responsibility: Community Development Department

Time Frame: May 2011

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, 2009–2014

Funding: General Fund

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.

Responsibility: Community Development Department

Time Frame: Create standards, concepts, or templates for energy efficiency and solar design by January 2012

Funding: General Fund, RDA funds

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 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, 2009–2014

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 (RTPC) for Central Contra Costa and other regional planning efforts addressing housing, employment, and transportation issues.

Responsibility: City Council

Time Frame: Ongoing, 2009–2014

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, 2009–2014

Funding: General Fund

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.

Responsibility: Community Development Department

Time Frame: Ongoing, 2009–2014

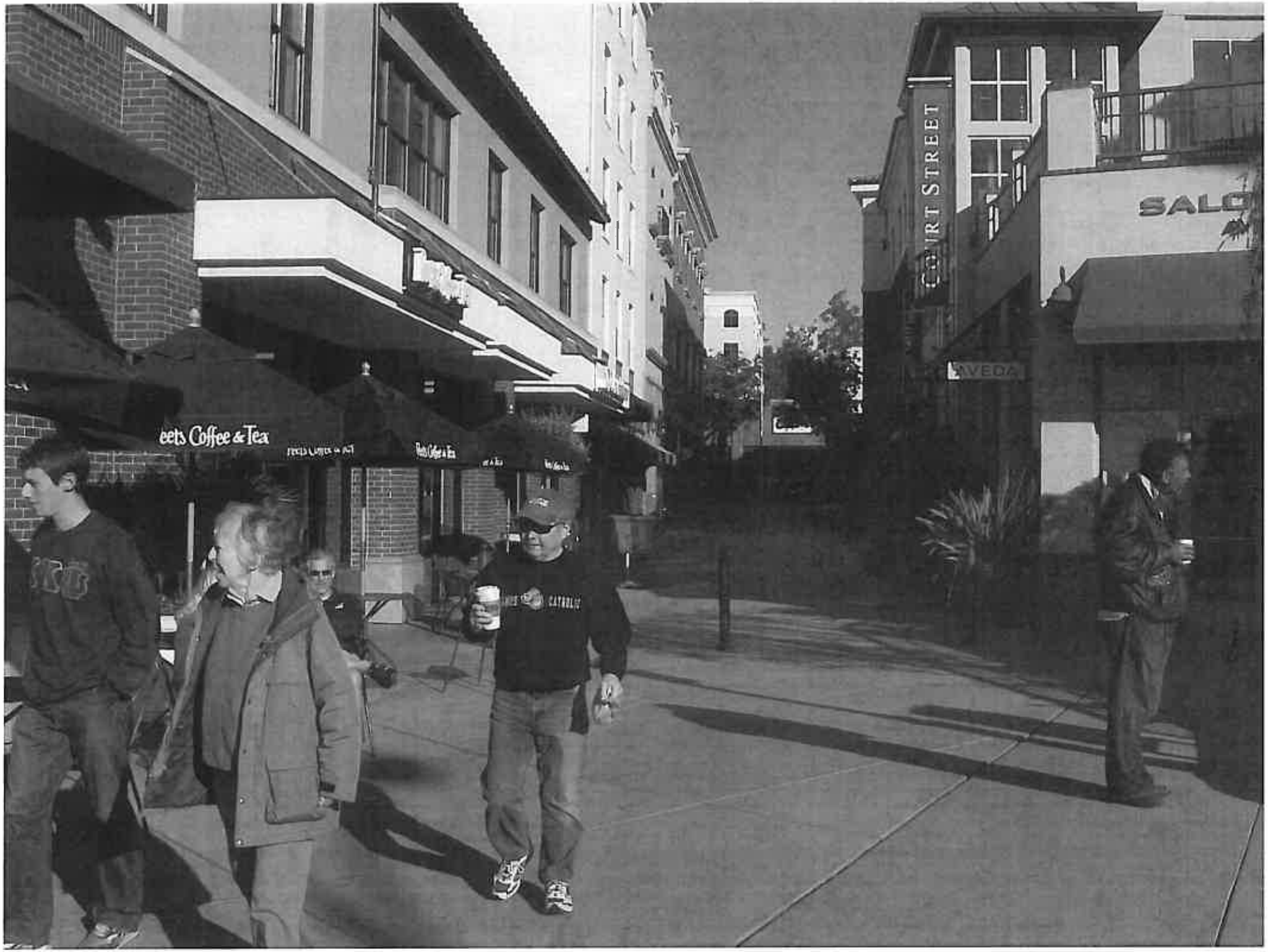
Funding: General Fund

QUANTIFIED OBJECTIVES

Table 47 summarizes the quantified objectives for each implementation measure expected to contribute to the construction, rehabilitation, or conservation of units during the time frame of the Housing Element (2009–2014). These quantified objectives represent a reasonable expectation for the new housing units that will be developed and the households that will be assisted based on the policies and implementation measures outlined in this Housing Element and general market conditions. **Table 47** also indicates ABAG's net new construction need for Clayton by income group.

TABLE 47
SUMMARY OF QUANTIFIED OBJECTIVES

Objective Category/Program	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Clayton's ABAG Allocation for 2007–2014	24	25	35	33	34	151
Permit Development Activity (1/07 – 5/09)	0	0	0	1	20	21
Remaining Need	24	25	35	32	14	130
REHABILITATION		5[1]	5[1]			10[1]
CONSERVATION	20[2]					20[2]


eets Coffee & Tea
COURT STREET
SALO
AVEDA