



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, December 13, 2011
Endeavor Hall, 6008 Center Street, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Johnson to report to the City Council meeting on December 20, 2011.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of November 22, 2011.

Public Hearing

- 3. None.

Old Business

- 4. None.

New Business

- 5. **GPA 03-11, ZOA 06-11, Housing Element Implementation Measures, City of Clayton.** The Clayton Community Development Department has scheduled a public meeting regarding proposed Housing Element implementation measures which include the following:
 - General Plan Amendment to create a Multi-Family High density designation allowing 15.1-20 dwelling units per acre;
 - Zoning Ordinance Amendment to create a Multi-Family Residential High (M-R-H) classification allowing 15.1-20 dwelling units per acre;
 - Zoning Ordinance Amendment to allow an emergency shelter by right in a zoning designation (to be determined);
 - Zoning Ordinance Amendment to add separate definitions for supportive and transitional housing and allowing supportive and transitional housing as a permitted use subject to the residential standards of the district;
 - Zoning Ordinance Amendment to allow SRO's (single room occupancy residential units) in the Limited Commercial zone subject to a Conditional Use Permit;
 - Zoning Ordinance Amendment to only allow Single-family homes in the Multi-family residential zoning districts with a Conditional Use permit; and
 - Zoning Ordinance Amendment to remove the number of persons per household limit.

Proposed Action: Provide direction to staff regarding any modifications to the proposed General Plan Amendment and Zoning Ordinance Amendments.

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Communications

- 6A. Staff.
- 6B. Commission.

Adjournment

- 7. The regular-scheduled Planning Commission meeting on **Tuesday, December 27, 2011** has been cancelled. The following meeting is scheduled for **Tuesday, January 10, 2011**.

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, November 22, 2011

Call to Order

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

Present: Chair Dan Richardson, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: Vice Chair Keith Haydon

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

Administrative

1A. Review of agenda items.

1B. Commissioner Bob Armstrong to report at the City Council meeting on December 6, 2011.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of October 25, 2011.

Commissioner Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as amended. The motion passed 4-0.

Public Hearing

3. **SPR 03-11, Site Plan Review Permit, Second Story Balcony**, 308 Mount Sierra Place, APN 119-510-014. A request for a site plan review permit to consider allowing the completion of a partially-constructed second-story balcony and adjoining staircase to be located on the rear of a two-story, single-family residence. The project measures a total of approximately 394 square feet in area, which includes an approximate 350 square-foot balcony and 44 square-foot staircase. The project is approximately 9 feet 6 inches in height from ground level to the balcony deck and 13 feet in height from ground level to the top of the balcony railing.

Director Woltering presented the staff report and indicated the following:

- The balcony came to staff's attention through a code enforcement complaint.
- A patio cover had previously existed at that location.
- Two options are being proposed: Option 1 entails completion of the balcony; Option 2 entails removal of the balcony to return the structure to its original state as a patio cover.
- A neighbor has expressed concerns regarding privacy.
- Applicant will be installing landscaping (trees, shrubs, and planter boxes) in order to address screening and privacy.

Chair Richardson had the following questions:

- Is a slider located on the rear of the second floor of the residence facing the balcony? *The applicant, Mark Lingenfelter, replied that a slider does not exist but is proposed to be installed as part of the project.*
- Who built the balcony? *The applicant replied that he had built the balcony.*

Ahmed Elwy, 305 Mountaire Parkway, distributed photographs and indicated the following:

- We are neighbors to the rear of and adjacent to the subject property.
- Our residence is a single-story, whereas the subject residence is two stories.
- It appears that the balcony is 21 feet from the rear property line, while the eye-level height of a viewer standing on the balcony would be 16 feet above ground level. As a result of the viewer eye-level height and the balcony distance from the rear property line, a person standing on the balcony would have a direct line of sight distance into our back yard and the rear elevation of our home.
- Our bathroom window can be seen from the balcony.
- We have concerns regarding privacy issues.

Commissioner Armstrong asked Mr. Elwy is the bathroom window in the bathroom frosted? *Mr. Elwy responded that the window is frosted and measures eight square feet in area.*

Commissioner Johnson asked Mr. Elwy if he was satisfied with the trees and shrubs proposed to be planted by the applicant in order to address privacy and screening? *Mr. Elwy responded yes, if Option 1 is approved by the Planning Commission. If Option 2 is approved, then the landscaping is not needed.*

Chair Richardson indicated that the two-story residence located on the corner of Mountaire Parkway close to Mr. Elwy's property has a balcony.

The applicant's wife, Diane Lingenfelter, indicated the following:

- We are good neighbors and do not want to look into anyone's back yard.
- As soon as we became aware of the complaint, we went around to all of our neighbors to discuss the balcony with them. Mr. Elwy did not respond to our efforts to contact him.
- This balcony is a second-story issue, which we do not have control over. The residence was built as it is.
- Installation of planter boxes with shrubs will minimize views into neighboring yards.
- In talking with the other neighbors, none of them had a problem with the balcony.

Mr. Elwy indicated the following:

- Glad to hear that landscaping will be installed.
- The applicants attempted to make contact with us, but we were very busy at that time.
- It appears that the impacts to privacy are being addressed.

The public hearing was closed.

Chair Richardson indicated that Commissioner Manning departed the meeting since he was not feeling well.

Commissioner Johnson indicated that installation of landscaping planter boxes would be helpful to address the privacy concerns.

Chair Richardson indicated he has concerns with “after the fact” approvals since the neighbors are not notified before the construction begins.

Commissioner Armstrong moved and Commissioner Johnson seconded a motion to approve Site Plan Review Permit SPR 03-11 (Option 1), with the findings and conditions recommended by staff, including the recommendation that the final siting of plantings be inspected by the Community Development Director to assure that privacy concerns are addressed where possible. The motion passed 3-0.

Old Business

4. Staff to provide options for Planning Commission consideration regarding amending Chapter 6.05 and Sections 17.16.130, 17.36.070, and 17.60.030 et al. of the Clayton Municipal Code to allow for the keeping of fowl on residential lots that are not located in an Agricultural District.

Director Woltering presented the staff report and indicated the following:

- Staff recommendation is to not amend the Code but to enter into a “Reasonable Accommodation Agreement” (RAA) with the Casagrande family to allow the keeping of chickens in this circumstance.
- Staff would work with the City Attorney to finalize the language and conditions within this Agreement.

Commissioner Armstrong asked will the RAA require notification? *Director Woltering responded that he will check with the City Attorney.*

Commissioner Armstrong indicated that the Casagrandes should communicate this matter with neighbors and their homeowner’s association.

Commissioner Johnson asked how would the situation be monitored after the RAA is entered into? *Director Woltering indicated that the Casagrandes and neighbors would contact staff, based on a “good faith” effort.*

Commissioner Johnson indicated that wording pertaining to a “good faith” effort should be included in the RAA.

Chair Richardson indicated that he wanted to ensure the RAA was not precedent-setting.

Ms. Casagrande indicated the following:

- Thank you staff and Planning Commission for the service you provide the City.
- The real issue is the odor, not the chickens.
- The odors are not caused by the chickens but, rather, the compost bins.
- The chickens lay eggs only five to ten minutes per day, so noise is not a problem.

- The chicken coop is located approximately 20 to 25 feet from the property line.
- Really appreciate the City's efforts.
- The tics our son experiences as a result of Tourette Syndrome have subsided since we have had the chickens.

Chair Richardson indicated that he felt the RAA was a much better solution to the issue as compared with amending the Code.

Director Woltering indicated that staff will be following up next week with the City Attorney's office regarding the RAA.

Commissioner Armstrong moved and Commissioner Johnson seconded a motion to support entering into a "Reasonable Accommodation Agreement" with the Casagrande family, including conditions of approval provided by staff and the City Attorney. The motion passed 3-0.

Communications

6A. Staff.

Director Woltering provided an overview of the introduction of the Housing Element Implementation measures scheduled for the December 13, 2011 Planning Commission meeting.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 7:55 p.m. to the following regularly-scheduled meeting of **December 13, 2011.**

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Dan Richardson
Chair

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PLANNING COMMISSION STAFF REPORT

Meeting Date: December 13, 2011

From: David Woltering, Community Development Director 

Subject: Clayton 2009-2014 Housing Element Implementation

BACKGROUND

The City of Clayton 2009-2014 Housing Element was adopted by City Council on April 20, 2010 and certified by the State Housing and Community Development Department on July 15, 2010. The Housing Element is a comprehensive update of the Housing Element adopted in November 1993 and amended in February 1995, June 2000, and September 2005. The Housing Element covers the planning period commencing July 1, 2009, and ending June 30, 2014. The Housing Element includes numerous implementation measures designed to facilitate achieving the goals and policies set forth by the City in this Element. Given the importance of these implementation measures in bringing about the City's housing goals, staff has selected several key implementation measures to bring before the Planning Commission at this time for review and comment. The Housing Element implementation measures that are the subject of this staff report and meeting include the following:

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.

This implementation measure also indicates the City will consider redesignating/rezoning additional properties besides Sites V-2 and V-3 to a General Plan designation of Multi-Family High Density and a Zoning classification of Multi-Family High Density to allow up to 20 units per acre. These additional properties are located on or in the immediate vicinity of Old Marsh Creek Road near Clayton's downtown. These properties are described in Implementation Measure I.1.1 as P-2, P-3, and P-4. Additionally, since the adoption and certification of the City's Housing Element, the owner of an adjoining property, identified as Assessor's Parcels 119-021-019 and -020 has indicated an interest in having his property redesignated/rezoned to Multi-Family High Density residential. The properties to be considered for the new Multi-Family High Density designation/classification are shown on attached Exhibits D and E and listed below:

- V-2 (APN 119-021-063, 1.11 acres)
- V-5 (APN 120-015-011, 1.01 acres)
- P-2 (APN 119-021-013, .87 acres)
- P-3 (APN 119-021-054, 1.16 acres)
- P-4 (APN 119-021-055, .95 acres)
- Adjoining Hoyer Property: (APNs 119-021-019, -020, .60 acres, .94 acres)

Discussion

In order to implement this measure, staff has prepared a new Multi-Family High Density General Plan Land Use Designation (15.1 to 20 units per acre). The draft language for this new designation is included as Exhibit A to this staff report. The General Plan Land Use Element and associated Land Use Map would need to be amended in order to add the Multi-Family High Density Designation to the City's General Plan. The intent is that this Multi-Family High Density designation/zoning classification would be considered for the properties identified and listed above

In addition, staff has revised Chapter 17.20 of the Zoning Ordinance, Multi-Family Residential Districts, to add a Multiple Family Residential High District (M-R-H) consistent with the Multi-Family High Density Designation being added to the General Plan (see Exhibit B). Staff has also revised Chapter 17.20 to include a Multi-Family Medium District (M-R-M) for consistency purposes given that a corresponding Multi-Family Medium Density Land Use Designation is already included in the General Plan Land Use Element.

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.

Discussion

In order to implement this measure, staff has prepared the necessary revisions to the existing Zoning Ordinance text. The proposed revisions to the Zoning Ordinance are shown in Exhibit C of this staff report. For example, as shown in Exhibit C, separate definitions have been added to the Zoning Ordinance for "Supportive Housing" and "Transitional Housing" (see 17.04.205 and 17.04.206, respectively). Chapter 17.16, Single Family Residential Districts, has also been revised to include "Supportive and Transitional Housing" as permitted uses.

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 SROs (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 minimal and will only require review by the Planning Commission.

Discussion

In order to implement this measure staff has revised Chapter 17.24, Limited Commercial (L-C) District, of the Zoning Ordinance to include SROs as a conditional use in the L-C District (see Exhibit C). Regarding the creation of a Kirker Corridor overlay zone, this item will be brought forward to the Planning Commission for consideration at a later date.

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 Multi-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 Multi-Family Residential (M-R) District only with a conditional use permit so that these remaining sites can be used to accommodate multifamily housing.

Discussion

In order to implement this measure, staff has revised Chapter 17.20, Multiple Family Residential Districts, to allow single-family homes only with a conditional use permit (see Section 17.20.030 of Exhibit B).

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.

Discussion

In order to implement this measure staff has revised the definition of "family" in Section 17.04, Definitions, of the Zoning Ordinance to remove the limit of 6 persons in the definition (see Exhibit C).

RECOMMENDATION

The purpose of this meeting is to inform the Planning Commission of steps needed to implement key measures identified in the Clayton Housing Element and to give the Commission an opportunity to provide feedback on the documentation prepared to date. Subsequent to this meeting, staff will incorporate the Commission's feedback into the relevant General Plan Amendment and/or Zoning Ordinance Amendment language and then bring the matter back to

the Planning Commission for public comment and recommendation to City Council. It should be noted that prior to formal recommendation to City Council on the proposed amendments, an Initial Environmental Study will need to be prepared to evaluate the potential environmental effects of the proposed changes to the City's planning/regulatory documents.

Staff recommends that the Planning Commission take the following actions:

- Accept this presentation on proposed Clayton Housing Element Implementation at the December 13, 2011 Planning Commission meeting; and
- Provide direction to staff regarding any modifications to the proposed General Plan Amendment and Zoning Ordinance Amendments, as applicable.

Exhibits:

- A General Plan Amendment language for new Multifamily High Density Designation
- B Revised Chapter 17.20 (Multiple family Residential Districts) of Clayton Zoning Code
- C Other revised sections of Clayton Zoning Code
- D Location of property identified as V-5
- E Location of properties identified as V-2, P-2, P-3, P-4, and adjoining Hoyer property

comdev/housing element implementation/clayton housing element imp items Sr (2)

- Crop and tree farming and horticulture, not including the raising or keeping of any animals other than ordinary household pets; and
- Publicly-owned parks and playgrounds.

(Amended by Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Additional uses allowed under each category are described below.

Rural Estate (0 to 1.0 Units Per Acre)

This density range is intended for single-family estates, or horse set-ups on individual lots of an acre or more. Allowable uses include single-family homes, private stables and corrals with access to greenbelts and equestrian facilities, and accessory structures and uses normally auxiliary to them. Second dwelling units are also allowed.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family Low Density (1.1 to 3 Units Per Acre)

This density range is intended for development of single-family houses on lots that range between 12,500 and 40,000 square feet. This designation has been the predominant density in Clayton. Uses allowed under this designation include single-family homes, and the accessory structures and uses normally auxiliary to them. Second dwelling units are also allowed.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family Medium Density (3.1 to 5 Units Per Acre)

This density is intended for and allows planned unit development (PUD) and single family subdivisions. Development will range from a standard single-family subdivision to a zero lot line or single-family home. Accessory structures and uses normally auxiliary to them are also allowed, as well as second dwelling units.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family High Density (5.1 to 7.5 Units Per Acre)

This designation is an urban single-family density that will allow patio homes, zero lot line and cluster homes in a PUD development. Accessory structures and uses normally auxiliary to them are also allowed, as well as second dwelling units. Second dwelling units are also allowed. Development will require innovative design with a combination of development concentration and open space. Development intensity will permit individual parcel coverage of up to 75% provided common open space is provided. Development excluding recreational amenities shall not exceed total structural land coverage of 25%.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Multifamily Low Density (7.6 to 10 Units Per Acre)

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as single family detached dwellings on smaller lots with a conditional use permit, that provide a development with amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. Structural coverage, excluding recreational amenities, shall not exceed 40% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, and Resolution 25-2004, dated 6/1/04)

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Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space, use of outdoor recreational amenities, and provision of useable open space.

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Multifamily Medium Density (10.1 to 15 Units Per Acre)

This designation is intended for and allows multifamily units, including duplexes, triplexes, and townhouses, located where the site area, circulation system and other features can comfortably accommodate increased density. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 50% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 25-2004, dated 6/1/04)

Insert the following here:

Multifamily High Density (15.1 TO 20 Units Per Acre)

This designation is intended for and allows the two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

Institutional Density (7.6 to 20 Units Per Acre)

This designation is intended for development of various forms of elderly housing under sponsorship of public or quasi public agencies. The density of elderly projects is not always equivalent to standard concepts of density; therefore, a density range of 7.6 to 20 units per acre may be permitted. Group dining, limited vehicles, medicine-dispensing services and other characteristics make this form of housing unique.

Senior projects must be submitted as planned developments and will have to be reviewed for site limitations including density, number of stories and structure height, on a case-by-case basis. It is assumed that densities can exceed 15 units per acre when possible impacts can be mitigated. Development intensity can reach 100% structural coverage of each individual parcel. Structural coverage shall not exceed 50% of the site area, however, specific sites and relationship to adjacent uses may pose additional limitations.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, and Resolution 25-2004, dated 6/1/04)

Residential Density and Population Projections

The 1980 census indicated that Clayton had an average population of 3.23 persons per unit for occupied units. The California State Department of Finance indicated the person per unit for all units was 3.14. Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 43-95, dated 6/28/95)

The analysis of the relationship of units per acre to population is not direct. Population is based on relationship of residential unit size and living pattern of residents. Generally the size of the units will indicate the number of bedrooms. Variables include the reduced size of the family, larger homes on smaller lots, ethnic and cultural preferences for family size and use of space, economic fluctuations, percentage of unmarried shared rent households and changes in taste. The projected population levels are as follows:

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Designation

Persons Per Unit

Rural Estate

3.3

Low Density

3.1

Medium Density

2.8

High Density

2.5

Multifamily Low Density

2.3

Chapter 17.20

MULTIPLE FAMILY RESIDENTIAL (M-R, ~~M-R-M~~, and M-R-H) DISTRICTS

Sections:

17.20.010	Purpose
17.20.020	Permitted uses--Generally.
17.20.030	Permitted uses--Principal.
17.20.040	Minimum requirements generally.
17.20.050	Lot area.
17.20.060	Lot width.
17.20.070	Lot depth.
17.20.080	Building height.
17.20.090	Front Setback.
17.20.100	Interior Side Setback
17.20.105	Exterior Side Setback
17.20.110	Rear Setback.
17.20.120	Minimum setback
17.20.130	Parking
17.20.140	Lot coverage.
17.20.150	Open area.
17.20.160	Building relationship.

17.20.010 Purpose. The intent and purpose of this chapter is to provide low ~~(M-R)~~, ~~medium (M-R-M)~~, and high density ~~(M-R-H)~~ multiple family residential districts designed to provide as much compatibility as possible with nearby single family residential zoning and to provide affordable housing opportunities. (Ord. 52 Ch. II Sec. 6(a), 1968).

17.20.020 Permitted uses--Generally. All land within any of the multiple family residential districts (map symbols M-R, ~~M-R-M~~, and M-R-H) may be used for any of the uses described in, and under the regulations of, this chapter. (Ord. 52 Ch. II Sec. 6(part), 1968).

17.20.030 Permitted uses--Principal. The principal permitted uses in the multiple family residential districts shall be as follows:

- A. ~~Duplex, triplex, townhouses, apartments and other multifamily structures not exceeding the density limits set by the applicable General Plan Land Use Designation;~~
- ~~B. Supportive and transitional housing; and~~
- ~~C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).~~

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17.20.040 Minimum requirements generally. The minimum requirements in Sections 17.20.060 through 17.20.160 shall be observed in the multiple family residential districts. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d), 1968).

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17.20.050 Lot Area. No duplex, ~~triplex, townhouse, apartment, or other~~ multiple family building permitted in multiple family residential districts shall be erected or placed on a lot having less than as follows:

A. M-R, ~~six~~ thousand square feet and three thousand square feet for each dwelling unit (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(1), 1968);

B. ~~M-R-M, six thousand square feet and one thousand eight hundred (1,800) square feet for each dwelling unit; and~~

C. M-R-H, ~~nine~~ thousand square feet and one thousand square feet for each dwelling unit.

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17.20.060 Lot Width. No duplex, ~~triplex, townhouse, apartment, or other~~ multiple family building permitted in multiple family residential districts shall be erected or placed on a lot less than as follows:

A. M-R, ~~sixty~~ feet in average width (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(2), 1968);

B. ~~M-R-M, sixty feet in average width; and~~

C. M-R-H, ~~ninety~~ feet in average width.

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17.20.070 Lot Depth. No duplex, ~~triplex, townhouse, apartment, or other~~ multiple family building permitted in multiple family residential districts shall be erected or placed on a lot less than as follows:

A. M-R, ninety feet in average width (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(3), 1968);

B. ~~M-R-M, ninety feet in average width; and~~

C. M-R-H, ~~ninety~~ feet in average width.

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17.20.080 Building Height. No duplex, ~~triplex, townhouse, apartment, or other~~ multiple family building permitted in multiple family residential districts shall exceed as follows:

A. M-R, thirty-five (35) feet in height, except that when a multiple family residential district abuts any single family residential district, then the building height maximum of the portion of the multiple family residential district being within fifty (50) feet of the abutting single family residential district shall be twenty (20) feet. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(4), 1968). (Ord 375, 2004);

B. ~~M-R-M, thirty-five (35) feet in height, except as otherwise allowed only with a Conditional Use Permit; and~~

C. ~~M-R-H, thirty-five (35) feet in height, except as otherwise allowed only with a Conditional Use Permit.~~

Deleted: detached single family dwelling.

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Deleted: that when a multiple family residential district abuts any single family residential district, then the building height maximum of the portion of the multiple family residential district being within fifty (50) feet of the abutting single family residential district shall be twenty (20) feet. Additional height

17.20.090 Front Setback. The front setback in multiple family residential districts shall be (20) feet. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(5), 1968). (Ord 375, 2004)

17.20.100 Interior Side Setback. The interior side setback in multiple family residential districts shall be fifteen (15) feet. ~~The average aggregate interior side setback shall be thirty-five (35) feet.~~ (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(6), 1968). (Ord 375, 2004)

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17.20.105 Exterior Side Setback. The exterior side setback on corner lots in multiple family residential districts shall be twenty (20) feet. (Ord 375, 2004)

17.20.110 Rear Setback. The rear setback in multiple family residential districts shall be fifteen (15) feet for any principal building. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(7), 1968). (Ord 375, 2004)

17.20.120 Minimum Setback. Notwithstanding the distance calculated in accordance with the above setbacks, the minimum setback of the principal building from a property line shall be fifteen feet. (Ord. 325, 1996)

17.20.130 Parking. Off-street parking shall be provided in accordance with the requirements of Chapter 17.37 (Off-Street Parking and Loading Regulations). (Ord. 408, 2007)

17.20.140 Lot Coverage. No buildings or structures permitted in multiple family residential districts shall cover more than as follows:

- A. M-R, forty percent of the lot area;
- B. ~~M-R-M, fifty percent of the lot area; and~~
- C. ~~M-R-H, sixty-five percent of the lot area.~~

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17.20.150 Open Area. The parcel shall not be occupied by buildings, structures, or pavement, but shall be landscaped, a minimum of as follows:

A. M-R, twenty-five percent of the lot area ~~shall not be occupied by buildings, structures, or pavement, but shall be landscaped.~~ Seventy-five percent of this twenty-five percent (open space) shall be planted and maintained with growing plants. (Ord. 52 Ch. II Sec. 6(d)(10), 1968);

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B. ~~M-R-M, twenty percent of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent of this twenty percent (open space) shall be planted and maintained with growing plants; and~~

C. ~~M-R-H, twenty percent of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped.~~ Seventy-five percent of this twenty percent (open space) shall be planted and maintained with growing plants.

17.20.160 Building Relationship. Each building or structure shall be located at least twenty feet from every other building or structure, except that covered walkways between buildings or structures may be permitted. A covered walkway shall not exceed twelve feet in height, nor more than fifty percent of the side of the structure shall be enclosed with any material other than that necessary for roof supports, and the walkway shall not be more than ten feet wide. (Ord. 52 Ch. II Sec. 6(d)(11), 1968)

Clayton Zoning Ordinance Amendments

The following revisions are to be made to the Clayton Municipal Code. New text is double underlined and deleted text is ~~struck through~~.

Chapter 17.04, Definitions

- The “Sections” list shall be revised as follows:

17.04.185	Setback
<u>17.04.187</u>	<u>Single-Room Occupancy (SRO) Facilities</u>
17.04.190	Story
17.04.200	Structure
<u>17.04.205</u>	<u>Supporting Housing</u>
<u>17.04.206</u>	<u>Transitional Housing</u>
17.04.210	Used

- The “Family” definition shall be revised as follows:

17.04.090 Family. “Family” means one person or ~~group of persons related by birth or marriage, or no more than six (6) persons not related by birth or marriage,~~more living together in a building or part of it designed for occupation as a residential domestic unit as distinguished from a hotel, club, fraternity or sorority house, dormitory, or boardinghouse. A family includes servants employed by the family. (Ord. 325, 1996)

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- The following definitions shall be added to the chapter between Sections 17.04.200, Structure, and 17.04.210, Used:

17.04.185 Setback. “Setback” means a required open space on a lot which is unoccupied by buildings and unobstructed by structures from the ground upward, except for uses and structures allowed by the provisions of this Title. Setbacks shall be measured as the shortest distance between a property line and the nearest vertical support or wall of the building or other structure.

A. “Front setback” means a setback measured into a lot from the front lot line, extending the full width of the lot between the side lot lines intersecting the front lot line.

B. “Rear setback” means a setback measured into a lot from the rear lot line, extending the full width of the lot between the side lot lines intersecting the rear lot line.

C. “Side setback” means a setback measured into a lot from a side lot line, extending between the front setback (or front lot line where no front setback is required) and the rear setback (or rear lot line where no rear setback is required). An exterior side setback is a side setback measured

from an exterior side lot line; an interior side setback is a side setback measured from an interior side lot line. (Ord 375, 2004)

17.04.187 Single-Room Occupancy (SRO) Facilities. "Single-Room Occupancy" or "SRO" means 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.

17.04.190 Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above the basement or cellar is more than six feet above grade at any point, such basement or cellar shall be considered a story. (Ord. 52, 1968).

17.04.200 Structure. "Structure" means anything constructed or erected and permanently attached to land, other than a building as defined in this chapter, except sidewalks, pipes, meters, meter boxes, manholes, mailboxes, poles and wires and appurtenant parts of all devices for the transmission and transportation of electricity and gas for light, heat or power, devices for the transmission of telephone and telegraphic messages, and devices for the transportation of water. (Ord. 52, 1968)

17.04.205 Supportive Housing. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.206 Transitional Housing. "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

17.04.210 Used. "Used" includes arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. (Ord. 52, 1968)

Chapter 17.24, Limited Commercial (LC) District

- The following shall be added to the list of permitted uses in Section 17.24.020, Permitted uses—Principal:
 - I. Accessory uses and structures customarily appurtenant to a permitted use, such as incidental storage facilities;
I. SRO facilities only with a Conditional Use Permit (See Section 17.60.030.B.6);
 - ~~J. K.~~ Any other retail business, office or service establishment which the Commission finds not to be inconsistent with the purpose of this title and which will not impair the present or potential use of adjacent properties.
(Ord. 325, 1996)

Chapter 17.16, Single Family Residential (R-10, R-12, R-15, R-20, R-40 and R-40-H) Districts

- The following shall be added to the list of permitted uses in Section 17.16.020, Permitted uses—Principal:
 - C. Publicly-owned parks and playgrounds;
 - D. Supportive and transitional housing;
 - ~~D. E.~~ The keeping of equestrian livestock (R-40-H only), provided that a minimum land area to livestock ratio of forty thousand feet of land to two head of equestrian livestock shall be required. (Ord. 52 Ch. II Sec. 4(a), 1968).
 - E. F. Personal property sales in accordance with the following regulations:
 - a. Personal property sales shall be allowed up to a maximum of six (6) days per calendar year;
 - b. Personal property sales shall be limited to the hours between 8:00 a.m. and 5:00 p.m.; and
 - c. Personal property sales shall not result in adverse impacts related to noise, traffic, safety, congestion, and parking.
(Ord. 420, 2009).

*Note: the above revision has been made to the Multiple Family Residential Districts chapter as well.

Chapter 17.60, Use Permits

- The following shall be added to the list in Section 17.60.030B, Use Permits Required:
 - 3. Agricultural animals. (See Sections 17.16.130 and 17.36.070)
 - 4. Multiple household pets:

- a. More than five and less than ten of any combination of dogs, pot bellied pigs, or cats over six months of age;
- b. More than three and less than seven dogs or pot bellied pigs over six months of age;
- c. More than five and less than ten cats over six months of age.

5. Single family dwelling units in Multiple Family Residential Districts.

6. SRO facilities in Limited Commercial (LC) District.

Applicable Districts: Agricultural; Limited Commercial; All Residential; and Planned Development (Residential).

Chapter 17.28.100, Open Space (Planned Development District)

- A. Amount of Open Space. Projects must contain provisions for active and passive open space areas collectively comprising at least twenty (20) percent of the project site, except as follows: 1) commercial or mixed use projects on parcels less than one acre which must provide active open space on at least ten (10) percent of the project site; 2) affording housing projects may be required to provide less than twenty percent of the project site as open space subject to approval by the Planning Commission. These minimum requirements may be increased depending upon the amount and type of active open space improvements provided.

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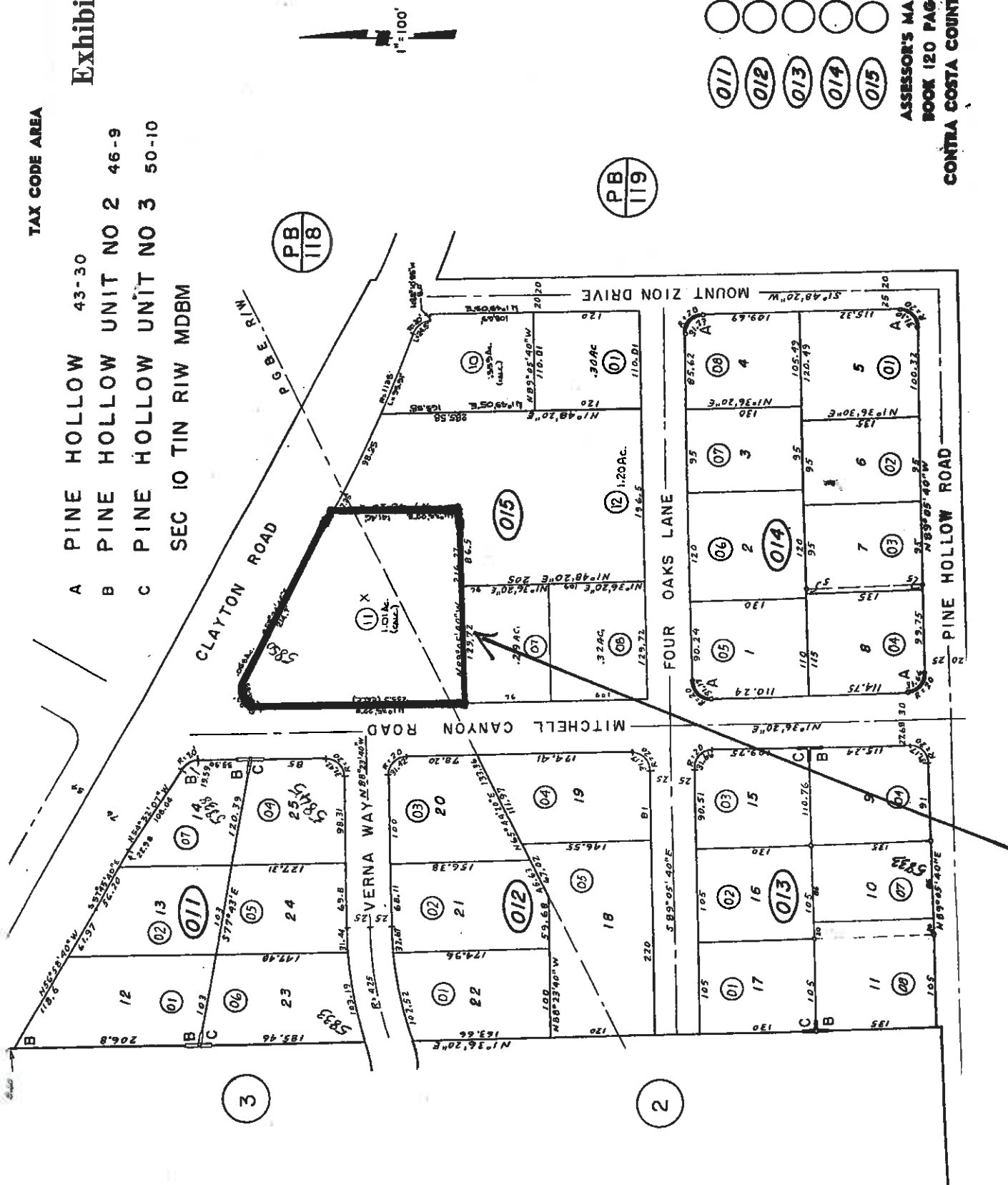
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TAX CODE AREA

Exhibit D

- A PINE HOLLOW 43-30
 - B PINE HOLLOW UNIT NO 2 46-9
 - C PINE HOLLOW UNIT NO 3 50-10
- SEC 10 TIN RIW MDBM



Location of Property Identified as V-5

- 011
- 012
- 013
- 014
- 015

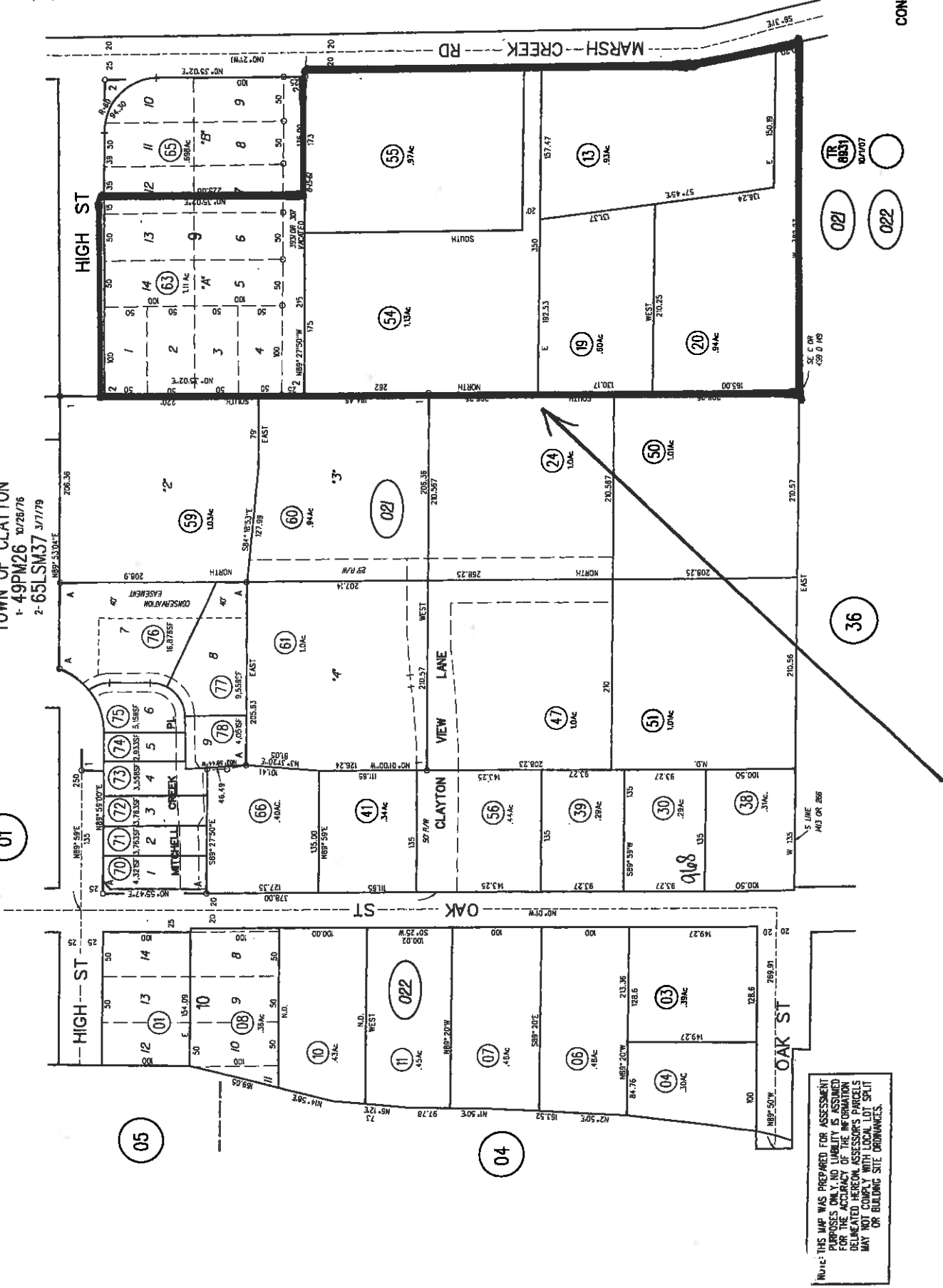
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ASSESSOR'S MAP
BOOK 120 PAGE 01
CONTRA COSTA COUNTY, CALIF.

POR NE 1/4 SEC 14 T1N R1W MDBM
TOWN OF CLAYTON
1-49PM26 10/28/78
2-65LSM37 3/7/79

01

A-TR 8931 MB 503-1 (MITCHELL CREEK PLACE) 6/29/07

Exhibit E



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

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ASSESSOR'S MAP
BOOK 119 PAGE 2
CONTRA COSTA COUNTY, CALIF.

Location of Properties Identified as V-2, P-2, P-3, P-4, and adjoining Hoyer Property