

Minutes
Clayton Planning Commission Meeting
Tuesday, December 13, 2011

Call to Order

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Endeavor Hall, 6008 Center Street, Clayton.

Present: Chair Dan Richardson, Vice Chair Keith Haydon, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning
Absent: None
Staff: Community Development Director David Woltering

Administrative

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

Public Comment

None.

Approval of Minutes

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

Commissioner Johnson moved and Commissioner Armstrong seconded a motion to approve the minutes, as presented. The motion passed 3-0, with two abstentions (Vice Chair Haydon and Commissioner Manning abstained as they were not in attendance at the November 22, 2011 meeting).

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.

Director Woltering presented the staff report. He indicated the City of Clayton adopted its current 2009-2014 Housing Element on April 20, 2010, and that this Housing Element was then conditionally certified by the State of California Department of Housing and Community Development (HCD) on July 15, 2010. Mr. Woltering stated the State's certification was conditioned that the City of Clayton follow through with the implementation program in the City's General Plan Housing Element. He described the implementation program as having many measures to help facilitate the production of affordable housing within the City of Clayton. He said the measures ranged from creating a higher density multiple family residential General Plan and Zoning designation/classification (15.1 to 20 dwelling units per acre) to then redesignating and reclassifying enough property within Clayton to facilitate the construction of 50 affordable housing units within the community to adopting Zoning Ordinance amendments to allow for emergency shelter, supportive and transitional, as well as single room occupancy housing at specified locations within the City of Clayton.

Director Woltering stated staff was proposing that the full range of implementation measures be divided into smaller bundles of related measures to bring to the Planning Commission for initial review and then further processing for needed approvals of pertinent General Plan amendments and Zoning Ordinance amendments at public hearings before the Planning Commission and the City Council. He then described the measures staff was proposing for review and comment as part of the initial bundle of implementation measures. The measures he described are as follows:

Implementation Measure (I.1.1) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 42 of the Housing Element, 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 119-021-020 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 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, 119-021-020, .60 acres, .94 acres)

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.

Additionally, 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.

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 approximate five-acre area. The conditions for these units will continue to be minimal and will only require review by the Planning Commission.

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 multiple family housing.

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 six or fewer persons. Upon amending the definition in the Zoning Ordinance, the City will not restrict the number of unrelated individuals in a family.

Chair Richardson opened the public hearing.

Clayton Valley Presbyterian Church representatives indicated the following:

- The Church's property on Kirker Pass Road was identified in the City's Housing Element Implementation Program as a location for a Zoning Ordinance overlay to accommodate certain affordable housing opportunities, including single room occupancy units. They indicated the Church had plans to expand in the future and that there would not be sufficient land area for existing improvements, their expansion plans, and affordable housing.
- The Kirker Court Apartments, a low-income housing project, is already located on the immediately adjoining property to the northeast. They were concerned about the over-concentration of affordable housing in this vicinity, if additional affordable housing would be brought to this area.
- The proposed housing could result in reduced traffic safety in the area and a need for a traffic light.
- Concerns about the type of affordable housing being considered for this area, given that the Church conducts childcare programs on its premises.
- They asked to be notified of future public hearing on this matter. *Staff and Commissioners indicated that they would be notified of future public hearings related to their property.*

Chair Richardson closed the public hearing.

Chair Richardson inquired are the measures being proposed for consideration mandated by State law and do other communities, likewise, have similar requirements? *Director Woltering affirmed that the clarification was accurate.*

Vice Chair Haydon inquired is manufactured housing considered in the Implementation Program? *Director Woltering indicated that manufactured housing is being considered in the Program.*

Commissioner Armstrong indicated the following:

- As staff comes back with information for consideration at the public hearings on this matter, it be clarified whether the maximum height limit in the Town Center area is 35 feet or 40 feet.
- He and other Commissioners pointed out that the referenced information in the City's General Plan cites 1980 census data. He and the other Commissioners requested that current census data be referenced.

Commissioner Johnson indicated that her understanding is that the measures being considered are to facilitate the construction of affordable housing in Clayton by the private and non-profit sectors, but that the City is not directly required to construct the affordable housing. *Director Woltering agreed with that understanding.*

Commissioner Manning indicated he acknowledged that the measures are State-mandated in order to facilitate the opportunity for the construction of affordable housing within the community.

The Commissioners concluded that it would be acceptable to move forward the measures being proposed by staff for formal consideration at noticed public hearing, consistent with the intent of the Housing Element Implementation Program.

Communications

6A. Staff – None.

6B. Commission – Commissioner Armstrong provided a brief update on recent TRANSPAC meetings.

Adjournment

7. The meeting was adjourned at 7:45 p.m. to the following regularly-scheduled meeting of February 14, 2012.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Dan Richardson
Chair

Plng Comm\Minutes\2012\0124