



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, February 28, 2012
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Vice Chair Haydon to report at the City Council meeting on March 6, 2012.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of January 24, 2012.

Public Hearing

- 3. **ENV 01-12, GPA 03-11, SPA 01-12, ZOA 06-11, Housing Element Implementation Project, City of Clayton.** The Clayton Community Development Department has scheduled a public hearing regarding the proposed Housing Element Implementation Project which includes consideration of the following:
 - Adoption of an Initial Environmental Study/Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act, which analyzes the potential impacts caused by the Housing Element Implementation Project and identifies various measures to mitigate these impacts;
 - General Plan Amendment to create a Multi-Family High Density designation allowing 15.1 – 20 dwelling units per acre;
 - Town Center Specific 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;
 - General Plan Amendments and Zoning Ordinance Amendments to redesignate/reclassify specified properties to a Multi-Family High Density allowing 15.1 – 20 dwelling units per acre (APNs 119-021-013, 119-021-019, 119-021-020, 119-021-054, 119-021-055, 119-021-063, and 120-015-011);
 - 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.

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The Initial Environmental Study/Mitigated Negative Declaration may be reviewed starting Tuesday, February 21, 2012, commencing the 30-day review period on the document, on the City of Clayton website at www.ci.clayton.ca.us or at the City of Clayton Community Development Department located at 6000 Heritage Trail, Clayton, California. You may also contact David Woltering, Community Development Director, at 925-673-7343. Written comments on the environmental aspects of the project must be submitted to the City of Clayton Community Development Department, Attention: David Woltering, 6000 Heritage Trail, Clayton, California, 94517, no later than 5:00 p.m. on Wednesday, March 21, 2012.

Proposed Action: Provide direction to staff regarding any modifications to the Initial Environmental Study/Mitigated Negative Declaration, General Plan Amendments, Town Center Specific Plan Amendment, and Zoning Ordinance Amendments.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.
6B. Commission.

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, March 13, 2012.**

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, January 24, 2012

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, Vice Chair Keith Haydon, Commissioner Bob Armstrong, and Commissioner Sandra Johnson
Absent: Commissioner Gregg Manning
Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

- 1A. Review of agenda items.
- 1B. Chair Richardson to report at the City Council meeting on February 7, 2012.

Public Comment

Bob Armstrong, 5818 Mitchell Canyon Court, indicated the following:

- I am Bob Armstrong. I live on Mitchell Canyon Court in Clayton. I am a Planning Commissioner for the City of Clayton.
- I want to comment on the recent City Council meeting in which the cost of the change order request of LSA, the environmental consultant for the Clayton Community Church Environmental Impact Report (CCC EIR), was discussed and decided on.
- In the course of public comment, it was disclosed that CCC accused the Planning Commission of bias and making negative remarks regarding the merits of their project at one of its meetings when the Planning Commission received a presentation on the Fiscal/Economic Analysis for the proposed project.
- During the public comment period at the City Council meeting, the Attorney for the CCC took blame for those and other misleading remarks made in his letter to the City, and apologized for those imprudent statements. I am now on the record in declaring that his apology is insufficient in that it was not directed to the Planning Commission. He should apologize directly to the Planning Commission.

Approval of Minutes

- 2. Approval of minutes from the meeting of December 13, 2011.

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

Public Hearing

- 3. **SPR 01-12, Site Plan Review Permit, Clayton Station, 5441 – 5443 Clayton Road, APN 119-031-051.** A request for a Site Plan Review Permit to consider allowing various minor exterior modifications and improvements to the existing building and associated adjacent exterior areas.

Vice Chair Haydon recused himself as he is the President of the Westwood Homeowners Association, with property that adjoins the site of the public hearing application. He left the room.

Assistant Planner Sikela presented the staff report and distributed copies of a revised elevation provided by the applicant for the subject building. Mr. Sikela indicated that the plans initially submitted by the applicant depicted two different thematic designs for the front and rear corner elevations of the subject building. A triangular cutout design theme was proposed for the front elevation while a different square cutout design theme was proposed for the rear corner elevation. Mr. Sikela stated that the square cutouts had previously been approved by the Planning Commission in January 2009 as part of a prior more comprehensive remodel for the Clayton Station shopping center. Staff supported that design concept at that time and, moreover, believed that a consistent exterior design treatment was preferable. Therefore, staff had recommended in the current staff report that the square cutout design theme be used on both the front and rear corner elevations.

Mr. Sikela indicated that, since the time the staff report was distributed, the applicant had submitted a newer, revised alternative triangular design theme for the rear corner façade that would be more visually integrated with the triangular design theme on the front elevation. Mr. Sikela added that the applicant supports the initially-submitted design theme utilizing both the triangular and square cutouts; however, if the Planning Commission prefers that consistent design themes be used, then the applicant would hope to have the submitted design alternative approved, as both elevations would utilize consistent triangular cutouts which would be within the client's budget. Mr. Sikela indicated that staff prefers a consistent design theme be used for both elevations.

The public hearing was opened.

David Banducci, representative of the applicant, indicated that, in 2009, the intent of the property owners was to implement a more comprehensive remodel to the shopping center buildings. The poor economy over the past three years has made the previously-approved plan infeasible. Regarding the current proposal before the Planning Commission, Mr. Banducci indicated that the property owners are not in a position to complete the square cutout design theme on both elevations; however, the revised alternative is being offered in order to achieve the architectural consistency staff has discussed. Mr. Banducci concluded that, at this time, he is unable to predict if or when the owners would be able to move forward with the more comprehensive remodel approved in 2009.

The public hearing was closed.

Commissioner Armstrong indicated that he supports the applicant's submitted alternative, given that the subject exterior elevations would be treated similarly.

Commissioner Johnson indicated that she supports the applicant's submitted alternative, given that the subject exterior elevations would be treated similarly, and this design is consistent with the existing exterior treatments in the shopping center.

Chair Richardson indicated and asked the following:

- He supports the triangular cutout alternative submitted by the applicant.
- Are the proposed door locations and exterior hardscape/parking area modifications in compliance with applicable requirements? *Assistant Planner Sikela indicated that the plans had been reviewed by the City Engineer and were found to be acceptable; moreover, the plans will go through a formal review by the County Building Department in accordance with Uniform Building Code regulations.*
- From a design standpoint, he prefers the square cutout design theme; however, he understands that it would be better to maintain the current triangular cutout design for consistency purposes.
- He thanked the applicant for efforts made since 2009 to better maintain the Mount Diablo Creek corridor which is adjacent to the Clayton Station shopping center.

Mr. Banducci asked for clarification regarding certain advisory notes suggested in the recommended approval by staff. He wanted to make sure that approval of the Stormwater Control Plan and Construction and Demolition Recycling Plan would only apply to the particular project being considered. *Assistant Planner Sikela confirmed that the advisory notes only apply to the particular project and immediate project area being considered.*

Commissioner Johnson moved and Commissioner Armstrong seconded a motion to approve the submitted alternative with triangular cutouts, with changes being made by staff to the conditions of approval and advisory notes, as necessary. The motion passed 3-0.

Vice Chair Haydon returned to the meeting.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.

Director Woltering indicated the following:

- Staff had provided to the Commissioners with an article from the Concord Transcript regarding the Planning Commission's action for "reasonable accommodation" by Mr. and Mrs. Casagrande for their son.
- The City Council, at its meeting of January 17, 2012, approved by a split vote the requested contract modification by LSA Associates to prepare the Responses to Comments document associated with the Clayton Community Church Environmental Impact Report. However, the City Council indicated that work should not proceed on that aspect until the required funds and authorization to proceed are received from the applicant. LSA Associates indicated that the comments they received for the Clayton Community Church Draft Environmental Impact Report were among the top five most heavily commented upon project that they have ever worked on.

- At this time, it appears that the February 14, 2012 Planning Commission meeting will be cancelled; however, staff anticipated bringing the Housing Element implementation forward to the Planning Commission at its meeting of February 28, 2012.

Citizen Pete Laurence spoke to the Planning Commission, indicating that he appreciated the Commission allowing the accommodation of chickens for Mr. and Mrs. Casagrande's son. He reminded the Commission about the Clayton's agricultural heritage and encouraged the Commissioners to allow agricultural activities for 4-H groups and others who pursue animal husbandry activities within the City. *Director Woltering pointed out that the Municipal Code currently allows for 4-H activities with a Use Permit.*

6B. Commission.

None.

Adjournment

7. The meeting was adjourned at 7:46 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

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PLANNING COMMISSION STAFF REPORT

Meeting Date: February 28, 2012

From: David Woltering, Community Development Director 

Subject: Clayton 2009-2014 Housing Element Implementation
(ENV 01-12; GPA 03-11; SPA 01-12; and ZOA 06-11)

BACKGROUND

On December 13, 2011, an initial meeting was held before the Planning Commission regarding the Clayton Housing Element Implementation Project. At this meeting, staff gave the Planning Commission an introduction to several Housing Element Implementation Measures that staff considers to be a priority relative to carrying out Clayton's Housing Element. Successful completion of these key Implementation Measures would demonstrate to the State of California Department of Housing and Community Development (HCD) that the City is making progress towards achieving the affordable housing goals set forth in its Housing Element.

The Implementation Measures require various amendments to the City's General Plan, Town Center Specific Plan (TCSP), and Zoning Code, including but not limited to the creation of a new Multifamily High Density Residential land use designation (15.1 to 20 units per acre) for the General Plan and Town Center Specific Plan, as well as a new Multiple Family High Density Residential zoning district, which would also allow 15.1 to 20 units per acre. In addition to these texts amendments to the City's regulatory and planning documents, this project includes the proposed redesignation of six properties to the new Multifamily High Density designation. At the December 13, 2011 meeting, staff briefly identified the six properties being considered for redesignation. This staff report includes a more detailed discussion of the six redesignation sites and the various proposed text amendments.

DISCUSSION

The following discussion section will first describe the six redesignation sites and then the General Plan Amendments (GPA 03-11), TCSP Amendments (SPA 01-12), and Zoning Code Amendments (ZOA 06-11) proposed for the project. At the end of this section is a summary of the findings of the Initial Environmental Study/Mitigated Negative Declaration (IES/MND) prepared for this project.

Six Redesignation Sites

According to Table 38 of the Housing Element, a total of 84 lower income units were allocated to Clayton for the Housing Element planning period. Table 42 of the Housing Element identifies vacant residential land sites within the City of Clayton and notes that sites V-2 and V-5 comprise the City's available vacant higher-density parcels and are most appropriate to meet the City's very low- and low-income Regional Housing Needs Allocation (RHNA). According to Table 42, assuming that sites V-2 and V-5 would be rezoned to the proposed Multiple Family Residential

High Density (M-R-H) Zoning District,¹ sites V-2 and V-5 would have a realistic capacity of 34 units that can be made available for the development of housing affordable to lower-income households. According to the Housing Element, the remaining lower-income housing need is 50 units (84 total units minus 34 units on sites V-2 and V-5). Therefore, the City has identified four additional properties at this time to consider for redesignation to Multifamily High Density in order to help meet the RHNA lower income allocation (these additional sites are designated as P-2, P-3, P-4, and “Hoyer” in the below descriptions) (See **Exhibit A** for a Location Map).

V-2

Site V-2 is a 1.11-acre parcel located south of High Street and west of Old Marsh Creek Road. Site V-2 is listed in Table 42, Vacant Residential Land, of the Housing Element. While the site is listed as vacant and zoned for residential uses, a structure does exist on-site. Currently, a former workshop structure is located in the approximate center of the site. A few trees are located along the borders of the site and an upward slope is located on the western portion of the site, which limits the available development footprint.

The General Plan and the TCSP designate the site as Multifamily Medium Density and the site is zoned Planned Development (PD). In order to help meet the City’s lower income unit needs, the proposed project includes the redesignation of Site V-2 from Multifamily Medium Density to Multifamily High Density (General Plan and TCSP). The zoning of the site would continue to be PD. The theoretical maximum development potential for Site V-2 is listed in Table 1.

V-5

Site V-5 is a 1.01-acre parcel located at the southeast corner of Clayton Road and Mitchell Canyon Road. Site V-5 is listed in Table 42, Vacant Residential Land, of the Housing Element. While the site is listed as vacant and zoned for residential uses, structures do exist on-site. Currently, an occupied single family residence is located on-site. The residence is a former fire station building that has been upgraded. Several trees surround the residence and high tension power lines are located overhead. An access easement is located on the property to provide access to the overhead power lines. The power lines and access easement limit the available development footprint on the site.

The General Plan Land Use Diagram designates the site as Multifamily Medium Density and the site is zoned PD. In order to help meet the City’s lower income unit needs, the proposed project includes the redesignation of Site V-5 from Multifamily Medium Density to Multifamily High Density. The zoning of the site would continue to be PD. A representative of the property owner has submitted a concept plan to the City, which indicates the potential to accommodate 20 units on this property—the theoretical maximum development potential for Site V-5 (See Table 1).

P-2

Site P-2 is a 0.93-acre parcel located immediately west of Old Marsh Creek Road. Site P-2 is listed in Table 45, Potential Sites for Rezone Units, of the Housing Element. The site currently contains an occupied single family residence, associated structures, and several trees.

¹ As described below, the PD zoning will actually be retained for Sites V-2 and V-5, but these two sites will be redesignated to the new General Plan Multifamily High Density designation (15.1 to 20 units per acre), thereby achieving the same density range as the M-R-H zone anticipated for Sites V-2 and V-5 in the Housing Element.

The General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes the redesignation of Site P-2 from Single Family Medium Density to Multifamily High Density. In addition, the site would be rezoned from R-40-H to PD. The theoretical maximum development potential for Site P-2 is listed in Table 1.

P-3

Site P-3 is a 1.13-acre parcel located immediately west of Old Marsh Creek Road and northwest of Site P-2. Site P-3 is listed in Table 45, Potential Sites for Rezone Units, of the Housing Element. The site currently contains an occupied single family residence, garage, and several trees. In addition, approximately 40 percent of the western portion of the lot contains a slope in excess of 10 percent.

The City of Clayton General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes considering the redesignation of Site P-3 from Single Family Medium Density to Multifamily High Density. In addition, the site would be considered for rezoning from R-40-H to PD. The theoretical maximum development potential for Site P-3 is listed in Table 1.

P-4

Site P-4 is a 0.97-acre parcel located immediately west of Old Marsh Creek Road and north of Site P-2. Site P-4 is listed in Table 45, Potential Sites for Rezone Units, of the Housing Element. The site currently contains an occupied single family residence, small barn, horse corral, and several trees.

The General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes the redesignation of Site P-4 from Single Family Medium Density to Multifamily High Density.. In addition, the site would be rezoned from R-40-H to PD. The theoretical maximum development potential for Site P-4 is listed in Table 1.

Hoyer

The "Hoyer" Site is located immediately west of Site P-2 and is made up of two parcels for a total of 1.54 acres. The site currently contains an occupied single family residence, associated garage, and several trees.

The General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes considering the redesignation of the Hoyer Site from Single Family Medium Density to Multifamily High Density. In addition, the site would be considered for rezoning from R-40-H to PD. This site was not included in the City's Housing Element as a potential rezone site; however, the property owner has expressed willingness to be included among the parcels currently being considered by the City for rezoning/redesignation. The maximum development potential, upon the above-mentioned redesignations, would be approximately 31 units, though existing slope constraints would reduce the available development footprint, which would be determined at the time of development application review. The theoretical maximum development potential for the Hoyer Site is listed in Table 1.

Table 1
Existing and Proposed Maximum Development Potential of Six Redesignation Sites

Site #	APN	Existing General Plan Designation	Parcel Acreage	Existing Development Potential (maximum)*	Proposed Development Potential (Based on redesignation/rezone to MF HD with 20 units/ac max)*
V-2**	119-021-063	MF MD (10.1 to 15 units per acre)	1.11	17	22
V-5**	120-015-011	MF MD	1.01	15	20
P-2	119-021-013	SF MD (3.1 to 5 units per acre)	0.93	5	19
P-3**	119-021-054	SF MD	1.13	6	23
P-4	119-021-055	SF MD	0.97	5	19
Hoyer**	119-021-019 and -020	SF MD	1.54	8	31
Total			6.7 ac	56	134
Total increased development potential resulting from approval of proposed redesignations to MF HD (56 - 134)					78 dus

MF MD = Multifamily Medium Density
SF MD = Single Family Medium Density

*Numbers rounded for planning purposes

** For Sites V-2, V-5, P-3, and Hoyer, the proposed maximum development potential estimates do not take into consideration existing development constraints. Therefore, the total increased development potential could be less than 78 dwelling units.

General Plan Land Use Element Text Amendments

A. Revisions to the Multifamily Low Density Designation

Minor revisions are proposed to the Multifamily Low Density (7.6 to 10 units per acre) General Plan Land Use Designation to specify that single family detached dwellings are allowed in areas designated Multifamily Low Density only with a conditional use permit. The lot coverage maximum (excluding recreational amenities) has also been revised from 30% to 40%, consistent with the revisions to the Multiple Family Residential Low Zone District.

B. Revisions to the Multifamily Medium Density Designations

Minor revisions are proposed to the Multifamily Medium Density (10.1 to 15 units per acre) General Plan Land Use Designation to specify additional types of residential uses allowable in this designation. The lot coverage maximum (excluding recreational amenities) has also been revised from 40% to 50%, consistent with the revisions to the Multiple Family Residential Medium Zone District.

C. Creation of New Multifamily High Density Designation

Implementation Measure I.1.1 of the Housing Element calls for the creation of a General Plan Multifamily High Density Land Use Designation to allow for 15.1 to 20 units per acre. In order to implement this measure staff has prepared a new Multifamily High Density General Plan Land Use Designation (15.1 to 20 units per acre). The proposed text of the new designation is as follows:

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 PD 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.

D. Revise “Residential Density and Population Projections” Section

The “Residential Density and Population Projections” section of the Land Use Element of the Clayton General Plan is based upon 1980 census data. As a result, this project includes updating this section based upon 2010 census data.

Town Center Specific Plan Amendment

The Town Center Specific Plan (TCSP) does not currently have a Multi-Family High Density Residential Land Use Designation accommodating 15.1 to 20 units per acre. Rather, the current TCSP land use designation that provides the highest densities is the Multi-Family Medium Density Residential designation (10.1 to 15 units per acre). One of the six redesignation sites, Site V-2, is located within the current TCSP boundaries. As part of this project, Site V-2 is being considered for redesignation to the new General Plan Multifamily High Density land use designation (15.1 to 20 units per acre). As a result, a corresponding Multi-Family High Density Residential land use designation needs to be added to the TCSP. The proposed text of the new designation is as follows:

Multi-Family High Density Residential – Dwelling units at a density of 15.1 to 20 units per gross acre. Areas so designated on the Land Use Plan are deemed to have adequate site area—and are located with respect to the Town Center road system—such that the range of density can comfortably be accommodated. 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 PD 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.

Zoning Code Text Amendments

The following sections of the Zoning Code would be amended as part of this project in response to various Implementation Measures set forth in the Housing Element.

A. Chapter 17.04, Definitions

Revision of Section 17.04.090, Family

The definition of “Family” is being revised as part of this project in response to Implementation Measure IV.1.2 of the Housing Element. This measure requires the City to amend the Zoning Code 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 Code, the City will not restrict the number of unrelated individuals in a family.

Addition of Section 17.04.187, Single-Room Occupancy (SRO) Facilities

A definition for “Single-Room Occupancy (SRO) Facilities” has been prepared by the City and would be added to Section 17.04 of the Zoning Code as part of this project in response to Implementation Measure II.1.3 of the Housing Element. This Implementation Measure is in response to Assembly Bill 2634 and requires the City to update its Zoning Code to allow for the development of SRO units (a type of residential hotel offering one-room units for long-term occupancy by one or two people) with a conditional use permit in the L-C (Limited Commercial) District and in the area that is currently designated Kirker Corridor. Regarding the latter, the City will create an overlay zone with specific development standards to focus on the approximately five-acre Kirker Corridor area, but this will be completed at a later date.

At the December 13, 2011 Planning Commission meeting on the project, representatives of the Clayton Valley Presbyterian Church expressed concern regarding the future proposed creation of an overlay zone in the Kirker Corridor area, which would enable SRO facilities (See **Exhibit B** for December 13, 2011 Planning Commission Meeting Minutes Excerpt and **Exhibit C** for letter dated January 23, 2012 from Pastor Gail Doering). In response to the expressed concerns, it is important to note that this project does not include creation of an overlay zone in the Kirker Corridor area. This Implementation Measure will be brought forward at a later date. In addition, future creation of such an overlay zone in the Kirker Corridor area would simply establish SRO facilities as a conditional use. Actual construction of SRO facilities in the Kirker Corridor area would require additional discretionary development permit approvals from the City. In addition, per the below-described amendment to Chapter 17.24, Limited Commercial District (L-C), SRO facilities will also be conditional uses in the L-C District in the Town Center area.

Addition of Sections 17.04.205, Supportive Housing; and 17.04.206, Transitional Housing
Definitions for “Supportive Housing” and “Transitional Housing” have been prepared by the City and would be added to Section 17.04 of the Clayton Zoning Code as part of this project in response to Implementation Measure II.1.2 of the Housing Element. This Implementation Measure is in response to Senate Bill 2, which requires the City to explicitly allow both supportive and transitional housing types in all residential zones. Implementation Measure II.1.2 requires the City to 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.

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

In response to Implementation Measure II.1.2 of the Housing Element and the addition of the “Transitional” and “Supportive Housing” definitions to Chapter 17.04, Chapter 17.16, Single Family Residential Districts, has also been revised to include “Supportive and Transitional Housing” as permitted uses.

C. Chapter 17.20, Multiple Family Residential

1. Creation of new Multiple Family Residential High Density Zoning District (M-R-H).
Implementation Measure I.1.1 of the Housing Element requires the City to create a new Multiple Family Residential High (M-R-H) Zoning District to allow up to 20 units per acre. Creation of this district would provide a zoning district compatible with the proposed new General Plan Multifamily High Density Land Use Designation. In order to create this new zoning district, Chapter 17.20, Multiple Family Residential, has been revised to specify the development standards for the new M-R-H designation.
2. Creation of new Multiple Family Residential Medium Density Zoning District (M-R-M).
Staff has also revised Chapter 17.20 to include a Multiple Family Residential Medium District (M-R-M) for consistency purposes, given that a corresponding Multifamily Medium Density Land Use Designation is already included in the Clayton General Plan

Land Use Element. The revisions to Chapter 17.20 specify the development standards for the M-R-M Zoning District.

3. Revise Chapter 17.20 to allow single family homes only with a Conditional Use Permit. In response to Implementation Measure II.2.1 of the Housing Element, Chapter 17.20 has also been revised to allow single-family homes only with a conditional use permit in Multiple Family Residential Zones M-R, M-R-M, and M-R-H. It should be noted that Chapter 17.60, Use Permits, has also been revised to specify that Single Family dwelling units would require a Conditional Use Permit in MF Districts.
4. Revise Chapter 17.20 to include “Supportive and Transitional Housing” as permitted uses. In response to Implementation Measure II.1.2 of the Housing Element and the addition of the “Transitional” and “Supportive Housing” definitions to Chapter 17.04, Chapter 17.20, Multiple Family Residential, has also been revised to include “Supportive and Transitional Housing” as permitted uses.

D. Chapter 17.24, Limited Commercial District

In response to Implementation Measure II.1.3 of the Housing Element, Chapter 17.24, Limited Commercial (L-C) District, of the Zoning Code has been revised to include SROs as a conditional use in the L-C District. In addition, Chapter 17.60, Use Permits, has also been revised to specify that SROs would require a Conditional Use Permit in the L-C District.

E. Chapter 17.28

The City is also proposing to revise Section 17.28.100, Open Space, of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement.

F. Chapter 17.60, Use Permits

Section 17.60.030B, “Use Permits Required,” of Chapter 17.60 is being revised as part of this project to specify two additional types of residential uses requiring a use permit: single family dwelling units in Multiple Family Residential Districts and SRO facilities in the Limited Commercial (L-C) District.

Clayton Housing Element Implementation Project IES/MND

The above-discussed six redesignation sites and the proposed General Plan, TCSP, and Zoning Code amendments have been fully evaluated in the Initial Environmental Study/Mitigated Negative Declaration (IES/MND) prepared for the Housing Element Implementation Project (See **Exhibit D** to this staff report). The IES/MND was routed for the required 30-day public review period, starting on February 21, 2012. The IES/MND found that implementation of the proposed Housing Element Implementation Project could result in potentially significant impacts to biological resources; cultural resources; hazards and hazardous materials; noise; public services; and transportation/circulation. However, with implementation of the mitigation measures required in the IES/MND, all potential impacts would be reduced to a less-than-significant level. It is important to note, however, that implementation of the Housing Element

Implementation Project would not directly generate any physical environmental impacts because approval of the entitlements would only result in text and map changes to the City's regulatory and planning documents. The IES/MND clearly states that the potentially significant impacts are those that could occur should future development occur on the six redesignation sites or as a result of the proposed General Plan and Zoning Code text amendments, which would allow additional uses within the City of Clayton.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- Accept a presentation on the proposed Clayton Housing Element Implementation Project at the February 28, 2012 Planning Commission meeting; and
- Provide direction to staff regarding any modifications to the Initial Environmental Study/Mitigated Negative Declaration, General Plan Amendments, Town Center Specific Plan Amendments, and Zoning Ordinance Amendments.

EXHIBITS

- A Location Map for Six Redesignation Sites
- B December 13, 2011 Planning Commission Meeting Minutes (Excerpt)
- C Letter dated January 23, 2012 from Clayton Valley Presbyterian Church Pastor Gail Doering to Community Development Director David Woltering
- D Clayton Housing Element Implementation Project IES/MND (ENV 01-12) (*Provided to Planning Commissioners under Separate Cover*)

ComDev/Housing Element Implementation/Clayton Housing Element Imp Items Sr2_2 28 12 (3)

Exhibit A
Location Map for Six Redesignation Sites



**Excerpt
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

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.

Plng Comm\Minutes\2011\1213-excerpt-housing.element.implementation



Clayton Valley Presbyterian Church

1578 Kirker Pass Road, Clayton, California 94517

*Church Office (925) 672-4848 Fax (925) 672-4849
Children's Center (925) 672-0882*

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FEB 01 2012

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

January 23, 2011

City of Clayton Planning Commission
David Woltering, AICP
Community Development Director
Clayton, CA 94517

David and Planning Commissioners:

Having attended the Planning Commission Public Meeting on December 13th, we understand and appreciate your need to rezone vacant parcels within the City limits.

However we urge you to not include our parcel in the proposed Housing Element implementation measures (GPA 03-11: ZOA 06-11).

Putting aside any plans (parking lot, memorial garden, etc;) that we have for this area, we ask that you consider the practicality of building SRO units on the parcel. To gain access behind the Sanctuary, you would need to add a road which, no doubt, would travel alongside the Kirker Court units and our preschool. This would cause:

- Additional traffic to Kirker Pass,
- Safety concerns to the children at our preschool,
- Possible stress to residents at Kirker Court,
- Inhibited growth of the church due to inadequate parking.

An additional concern is whether it is practical to mix the population of SRO's with the Kirker Court special population and with our preschool.

We fully support having housing for all populations within Clayton. One of the reasons that Kirker Court exists today is that we worked with the City to have low-income housing for independent living by persons with mental disabilities.

Thank you for your consideration.

Gail Doering
Gail Doering
Pastor