



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

TUESDAY, AUGUST 12, 2025

7:00 PM

**Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517**

Maria Shulman, Chair

Daniel Richardson, Vice Chair

Joseph Banchemo,

Bretten Casagrande,

Nate Brzovich,

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ACCEPTANCE OF THE AGENDA

The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agenda items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.

5. PUBLIC COMMENT (Non-Agenda Items)

This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to 3 minutes will be allotted to each speaker.

6. CONSENT CALENDAR

- (a) Accept 072225 Minutes
([View](#))

7. PUBLIC HEARING

- (a) 5569 Morningside Drive New Single-Family Residence and ADU – Request for Approval of Site Plan Review Permit Application SPR-01-2025.

[\(View\)](#)

- (b)

Revision to City of Clayton Housing Element Update by allowing an additional attached Accessory Dwelling Unit to the approved housing program

[\(View\)](#)

8. COMMUNICATIONS

This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.

9. ADJOURNMENT

The next Planning Commission Regular Meeting is Tuesday, August 26, 2025.

Meeting Information and Access

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's website at www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council after distribution of the agenda packet and regarding any public item on this agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.
- E-mail Public Comments: Public comment may also be sent to the City Clerk at cityclerk@claytonca.gov by 5:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire committee and made part of the official meeting file.

Each person attending the meeting who wishes to speak on an agendized or non-agendized matter (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Skyler Aitken

DATE: August 12, 2025

SUBJECT: Accept 072225 Minutes

RECOMMENDATION

Approve the minutes from the last meeting

BACKGROUND

Meeting minutes from the 072225 meeting

FISCAL IMPACTS

N/A

ATTACHMENTS

[072225 - Minutes - Draft.pdf](#)



**Minutes
Regular Meeting
July 22, 2025
8:00 p.m.**

1. CALL TO ORDER

Chair Maria Shulman called the meeting to order at 8:05 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Shulman led the Pledge of Allegiance.

3. SWEARING IN OF REAPPOINTED COMMISSIONER AND ROLL CALL

Present: Chair Maria Shulman
 Vice Chair Daniel Richardson
 Commissioner Nate Brzovich
 Commissioner Bretten Casagrande

Community Development Director, Farhad Mortazavi; Senior Planner, Bryan Albini; and Acting City Clerk, Skyler Aitken, were present from the City Staff

Acting City Clerk, Skyler Aitken, administered the oath of Office to Commissioner Casagrande.

4. ELECTION OF CHAIR AND VICE-CHAIR

- A.** Chair Shulman made a motion to nominate Vice Chair Richardson to be the new Chair, Commissioner Brzovich seconded. The motion carried 3-0.
- B.** Commissioner Shulman made a motion to nominate Commissioner Brzovich to be the new Vice-Chair, the motion carried 3-0.

5. ACCEPTANCE OF THE AGENDA

- A.** No changes were requested of the agenda

6. PUBLIC COMMENT (Non-Agenda Items)

There were no comments from the public on any matters not on the agenda.

7. CONSENT CALENDAR:

A. MINUTES:

- Planning Commission Meeting of May 27, 2025
- Planning Commission Meeting of July 8, 2025

Commissioner Shulman moved to approve the minutes on the consent calendar, with Vice Chair Brzovich seconding. The motion carried 3-0.

Chair Richardson gave a brief overview of what will happen during the public hearing for those who were new to this process.

The commission recessed the meeting at 8:14 pm.

The meeting resumed at 8:19 pm.

8. PUBLIC HEARING

A. Consideration of a Site Plan Review Permit (SPR-01-2025) to allow the construction of a custom, single-family residence and three-car garage, with an attached accessory dwelling unit (ADU) on a legal vacant parcel.

Chair Richardson recused himself as he lives 300 feet from the project.

Commissioner Shulman opened the public hearing.

Bryan Albini, Senior Planner, gave a presentation on what would be built, and the plans for the building.

The commissioners asked questions of Bryan and the property owner, which they answered.

Commissioner Shulman opened it up to public comment.

Toni spoke about her concerns around the project about privacy.

Lea Whitman spoke about her concern around the recently replaced road and privacy.

Commissioner Shulman closed the public hearing.

The commissioners asked further questions of the senior planner, Bryan, and the Community Development Director, Farhad, after the public comment, which were answered.

Vice Chair Brzovich moved to continue this discussion to the next meeting, with Commissioner Casagrande seconding. The motion carried 3-0.

9. COMMUNICATIONS:

Community Development Director, Farhad Mortazavi, brought up that there will be a housing element update at the next meeting.

Vice Chair Brzovich asked to reconsider the Vice Chair position to go to someone more experienced.

10. ADJOURNMENT

The meeting was adjourned at 9:18 p.m. to the next regular meeting of the Planning Commission on Tuesday, August 12, 2025.

Please note the Minutes of this meeting set forth all actions taken by the Planning Commission on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Bryan Albini, Senior Planner

DATE: August 12, 2025

SUBJECT: 5569 Morningside Drive New Single-Family Residence and ADU – Request for Approval of Site Plan Review Permit Application SPR-01-2025.

BACKGROUND

See attached report

FISCAL IMPACTS

See attached report

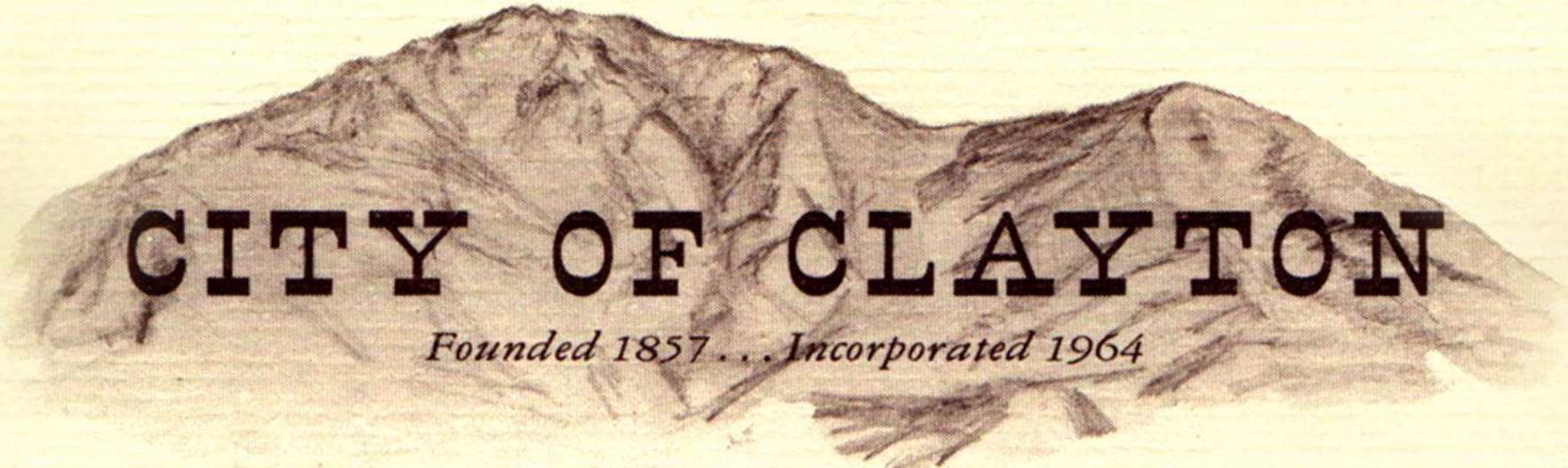
ATTACHMENTS

[SPR-01-2025_PP_PRES_PC_MTG_08122025_FINAL.pdf](#)

[SPR-01-2025_PP_PRES_PC_MTG_08122025_FINAL.pdf](#)

[SPR-01-2025_PC_0812_Attachment_A_Reso_FINAL_redline\(2\).pdf](#)

[SPR-01-2025_PC_081225_Attachments_B-G.pdf](#)



CITY OF CLAYTON

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PLANNING COMMISSION MEETING OF AUGUST 12, 2025

Public Hearing

Public Hearing

This is a public hearing on a request by Thomas Ducharme, of Maison du Charme, on behalf of property owners David and Melissa Calhoun, for approval of a Site Plan Review Permit (SPR-01-2025) to allow the construction of a custom, detached single-family residence and three-car garage, with an attached accessory dwelling unit (ADU) on a legal vacant parcel.



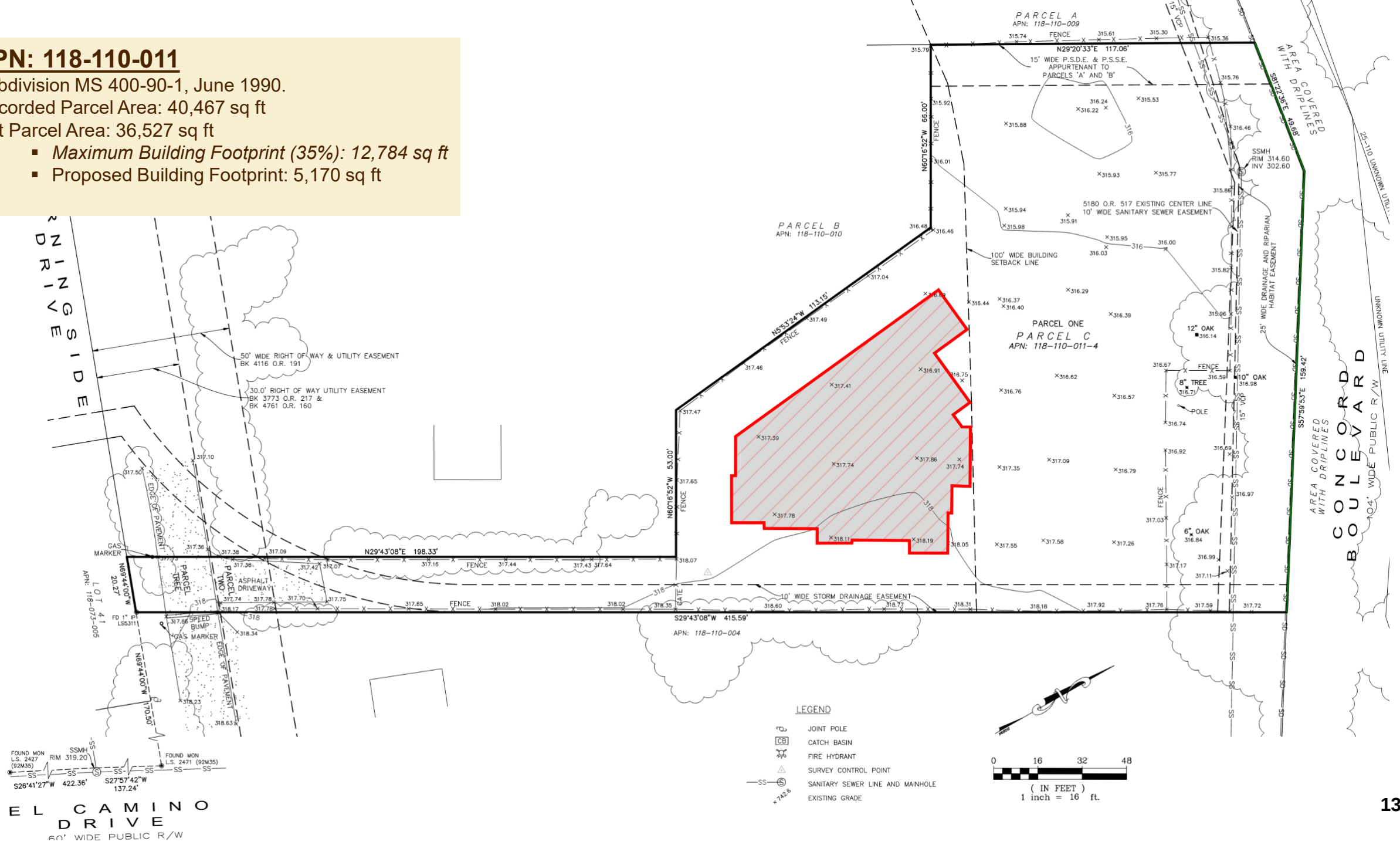
PROJECT SITE
5569 Morningside Drive
APN: 118-110-011

LEGEND		
RESIDENTIAL		UNITS/GROSS ACRE
RD	RURAL ESTATE	(0 TO 1.0)
LD	SINGLE FAMILY LOW DENSITY	(1.1 TO 3)
MD	SINGLE FAMILY MEDIUM DENSITY	(3.1 TO 5)
HD	SINGLE FAMILY HIGH DENSITY	(5.1 TO 7.5)
MLD	MULTIFAMILY LOW DENSITY	(7.6 TO 10)
UMD	MULTIFAMILY MEDIUM DENSITY	(10.1 TO 15)
MHD	MULTIFAMILY HIGH DENSITY	(20)
ID	INSTITUTIONAL DENSITY	(7.6 TO 20)
COMMERCIAL		
TC	TOWN CENTER	
KC	KIRKER CORRIDOR	
CC	CONVENIENCE COMMERCIAL	
COMMUNITY FACILITIES		
CV	CULTURAL CENTER	
PO	PUBLIC/QUASI-PUBLIC	
I	INTERMEDIATE SCHOOL	
E	ELEMENTARY SCHOOL	
P	PRIVATE SCHOOL	
OPEN SPACE		
PR	PRIVATE OPEN SPACE	
PU	PUBLIC PARK/OPEN SPACE/ OPEN SPACE AND RECREATIONAL	
AG	AGRICULTURE	
Q	QUARRY	
PR	PRIVATE OPEN SPACE (GOLF COURSE)	
----- TRAILS		
BOUNDARIES		
---	CITY LIMITS	
---	SPHERE OF INFLUENCE	
---	URBAN LIMIT LINE	
---	PLANNING AREA	



Net Parcel Area: 36,527 sq ft

- *Maximum Building Footprint (35%): 12,784 sq ft*
- *Proposed Building Footprint: 5,170 sq ft*



Project – 5569 Morningside Drive

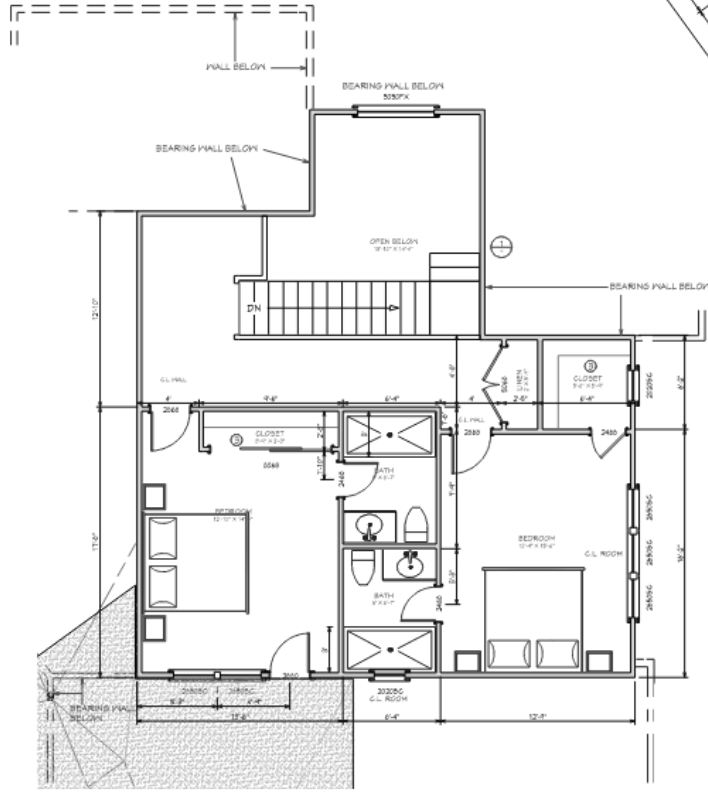
Total Floor Area: 5,963 sq ft

Residential Floor Area: 4,447

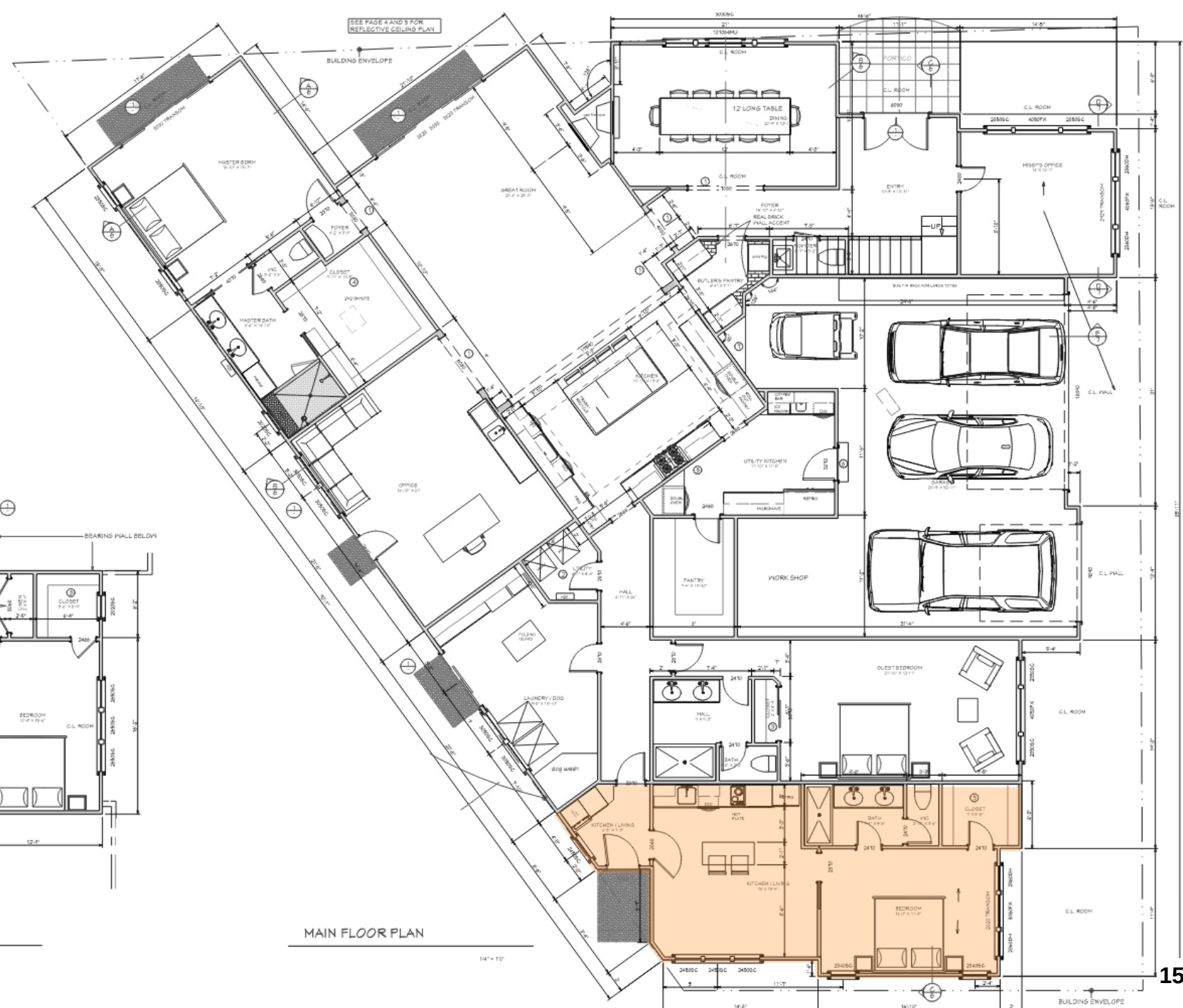
Garage Floor Area: 905 sq ft

ADU: 611 sq ft

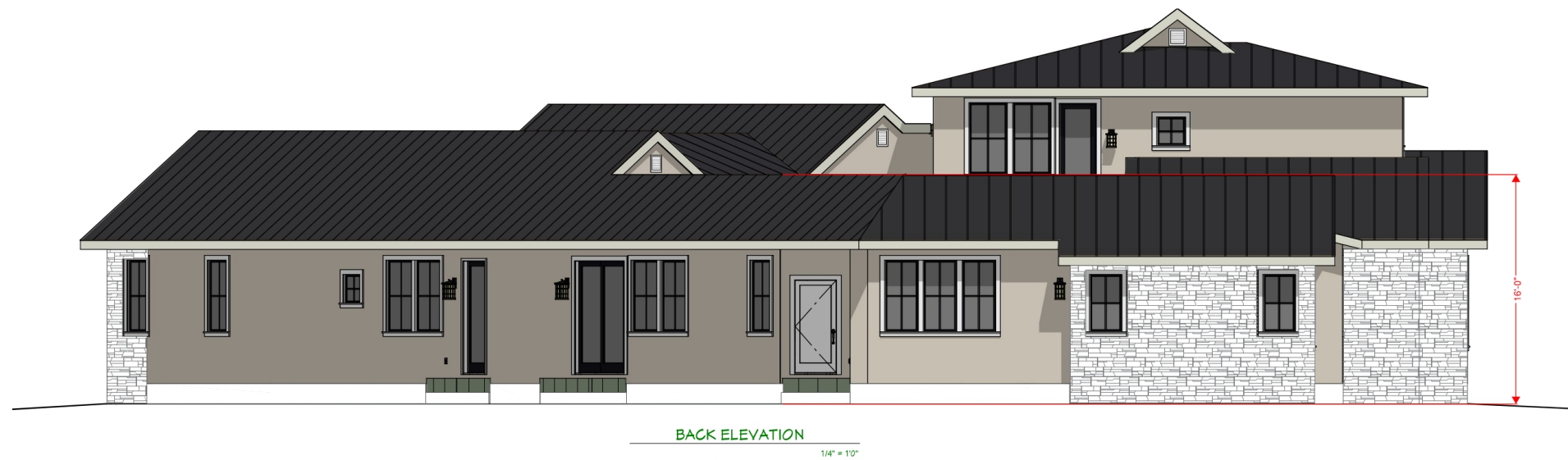
Impervious Area: 6,062 sq ft



SECOND FLOOR PLAN



MAIN FLOOR PLAN





RIGHT (EAST) ELEVATION

1/4" = 10'

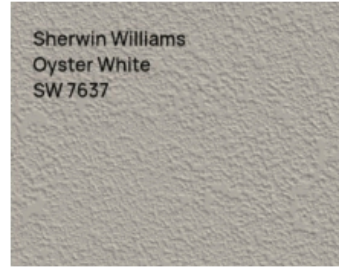


RIGHT (WEST) ELEVATION

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ROOF
METAL STANDING SEAM INSTALLED TO
MNFR SPECS.



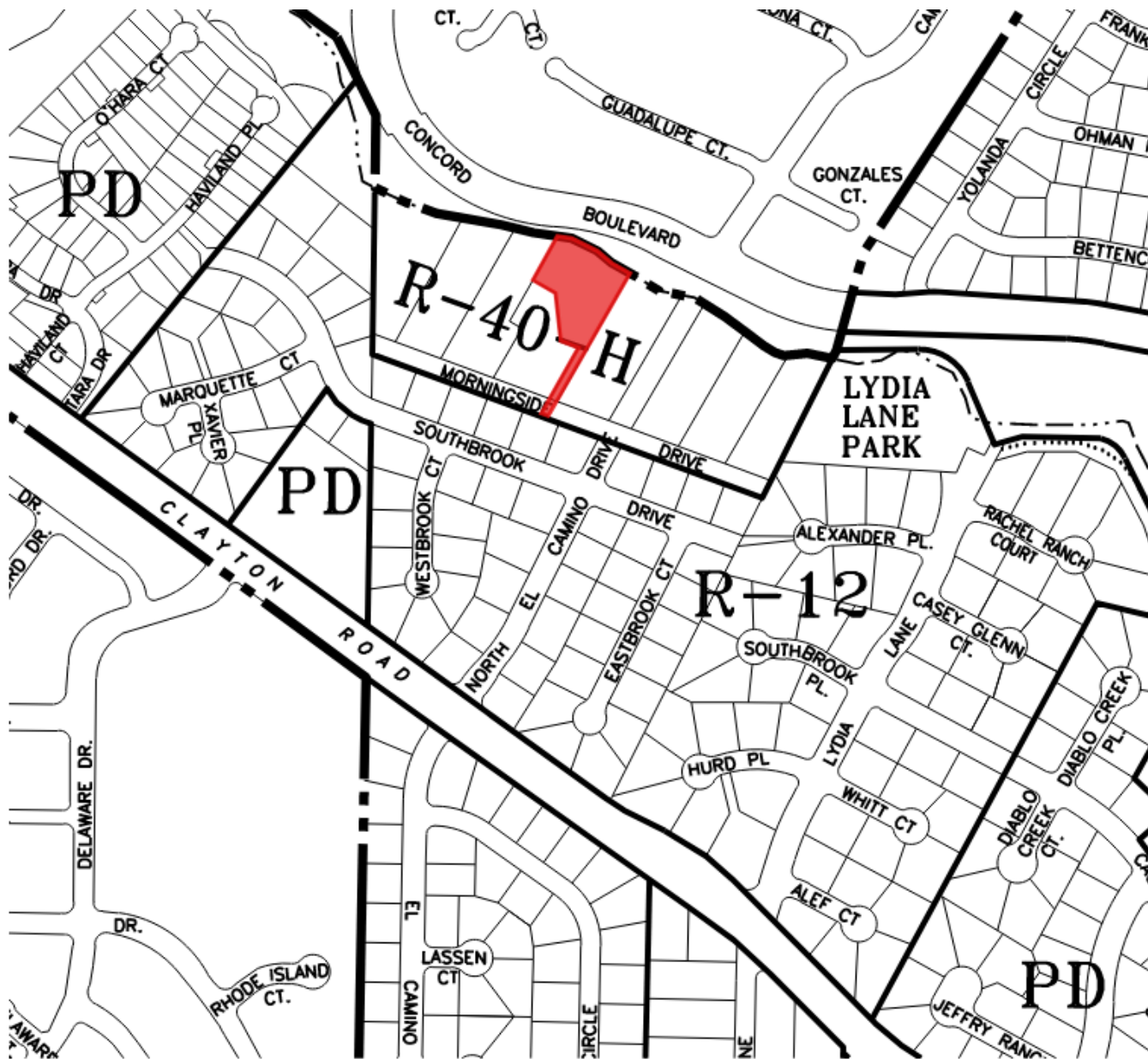
Sherwin Williams
Oyster White
SW 7637

STUCCO
3 COAT STUCCO SYSTEM OVER 2
LAYERS TYPE "D" PAPER, USE SELF-
FURRING NAILS
COLOR - BEIGE



STONE WORK
REAL STONE VENEER OVER 2 COAT
STUCCO SYSTEM OVER 2 LAYERS OF
TYPE "D" PAPER





5569 MORNINGSIDE DRIVE

R-40-H Development Standards		Proposed Project		Project Compliant?
Min. Parcel Area	40,000 sq ft	40,467 sq ft		Yes
Net Parcel Area		36,527 sq ft		Yes
Building Footprint Max.	35%	5,170 sq ft	14%	Yes
Building Floor Area Max.	25%	6,162 sq ft	17%	Yes
Building Height Max.	35 ft	28 ft		Yes
Front Setback	40 ft	South	188'	Yes
Side Setback	20 ft Interior 40 ft Aggregate	East	20'	Yes
		West	88'	Yes
		Aggregate	108'	Yes
Rear Setback	20 ft	North	119'	Yes



USGS, USDA, The National Map: Orthoimagery, September 12, 2024.

Powered by Esri

FEMA		Project Site Information	
Flood Map No.:		06013C0304G	
Base Flood Elevation (BFE)		321.1 FT (BFE)	
Special Flood Hazard Areas		Zone AE Regulatory Floodway 1% Chance Flood Hazard	



RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing, accept written and spoken testimony, close the public hearing, and adopt Resolution No. 03-2025 conditionally approving Site Plan Review Permit application SPR-01-2025 for a custom, detached single-family residence with an attached accessory dwelling unit (ADU).

[illegible]

5571 Morningside Dr

Clayton, California

 Google Street View

Sep 2022 [See more dates](#)

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Clayton, California



Google Street View

Sep 2022 [See more dates](#)

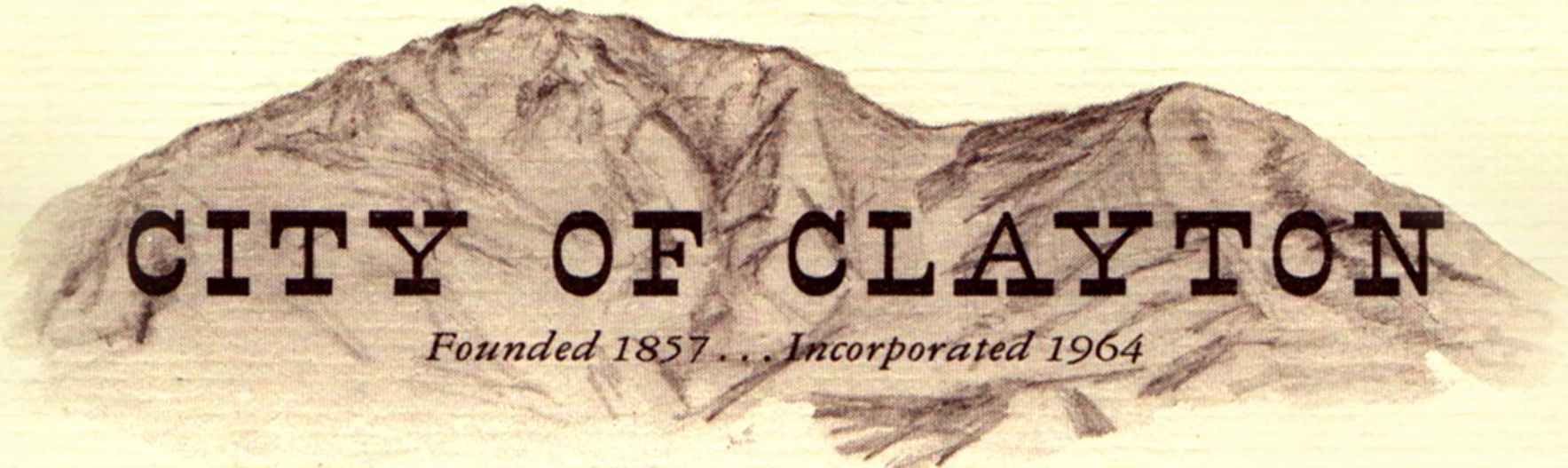
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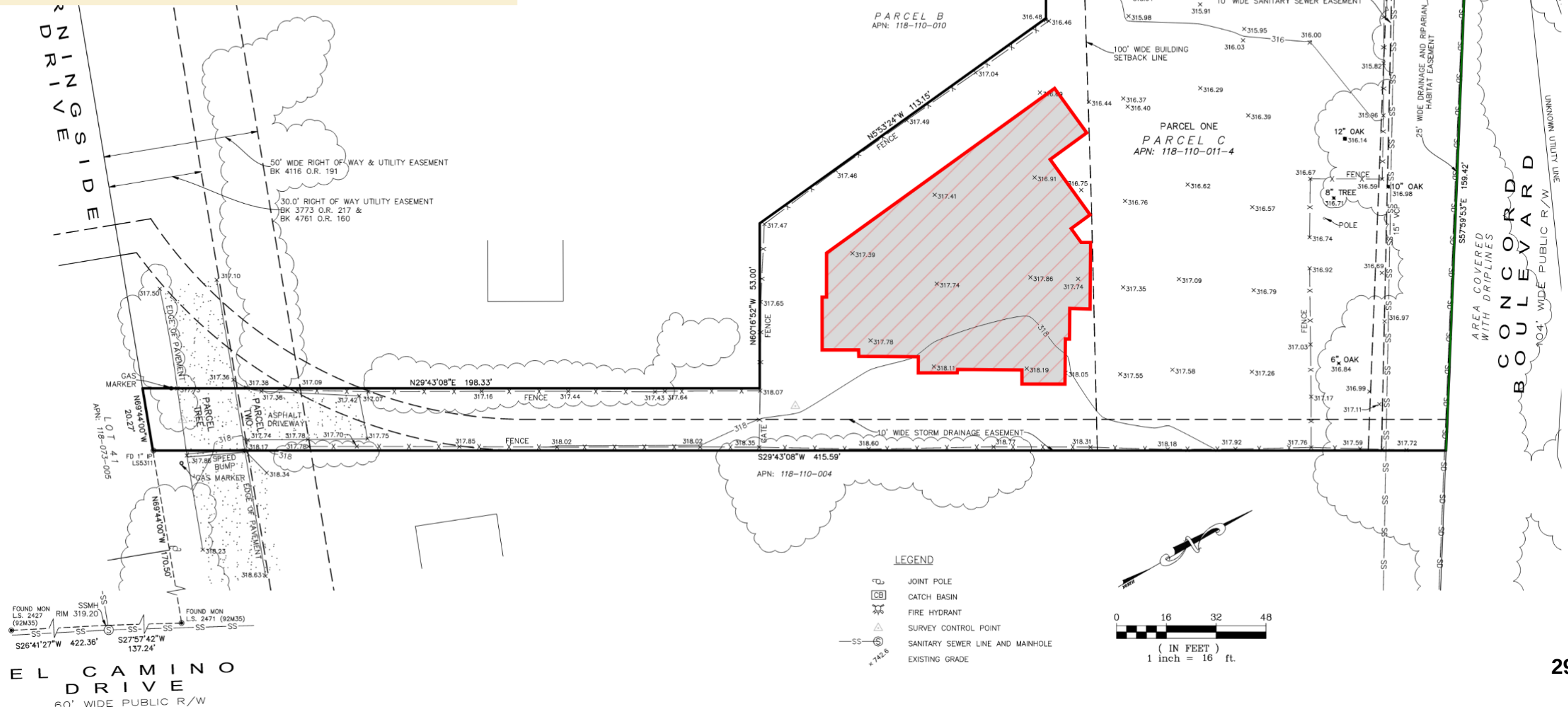
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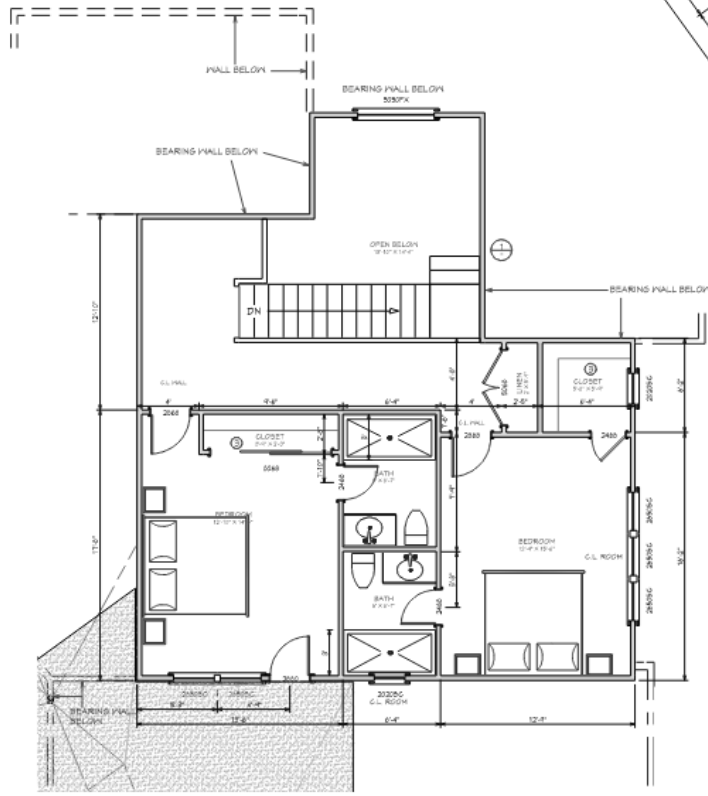
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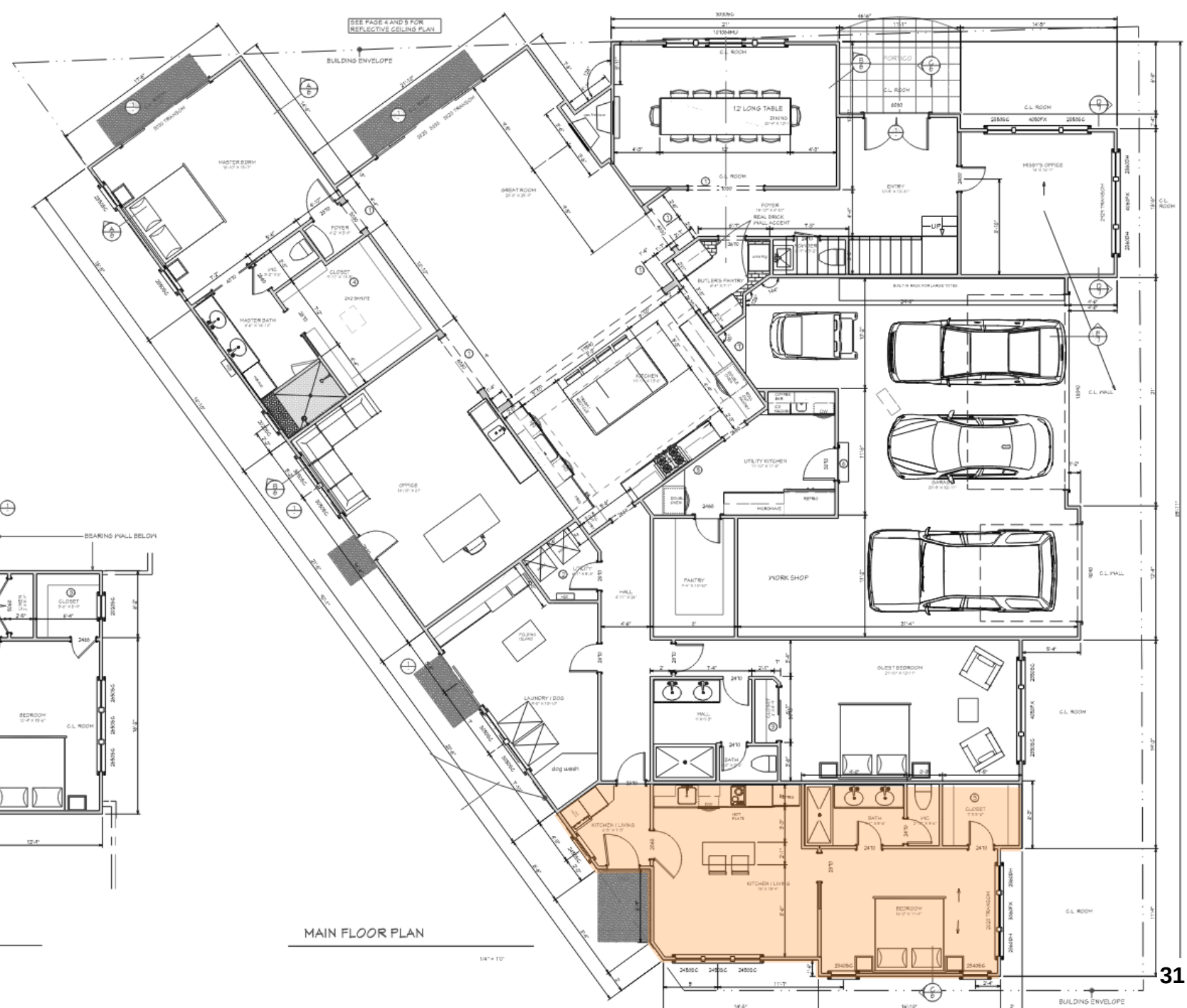
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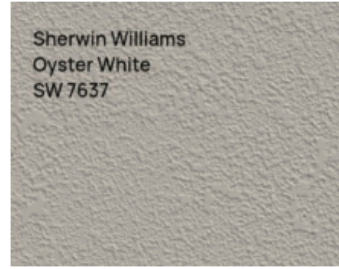


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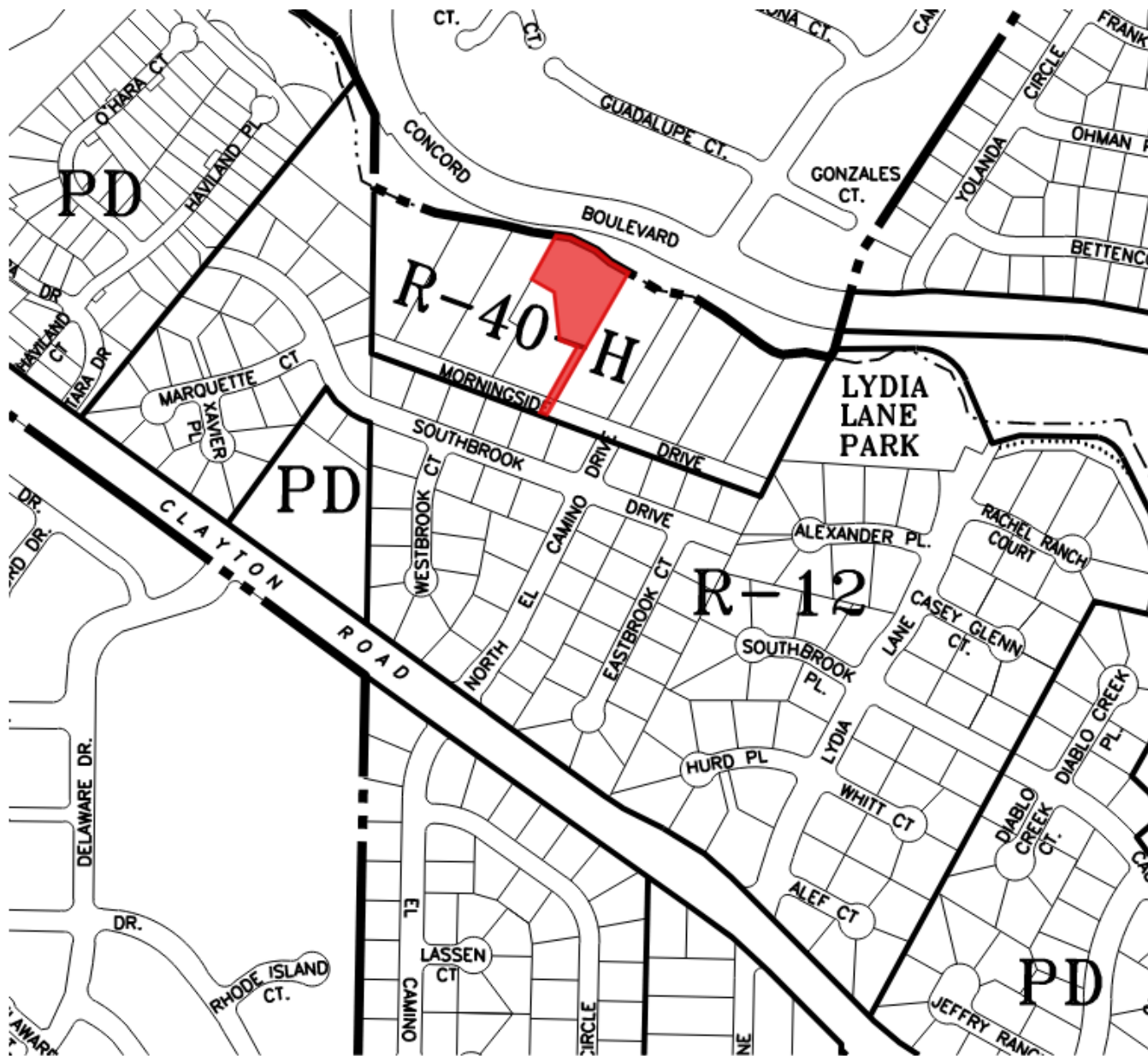
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[illegible]

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Clayton, California

 Google Street View

Sep 2022 [See more dates](#)

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Clayton, California

 Google Street View

Sep 2022 [See more dates](#)

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ATTACHMENT A

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 03-2025**

A RESOLUTION OF THE CLAYTON PLANNING COMMISSION APPROVING A SITE PLAN REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF ONE SINGLE-FAMILY RESIDENCE AND ATTACHED ACCESSORY DWELLING UNIT ON LOT LOCATED AT 5569 MORNINGSIDE DRIVE (SPR-01-2025)

WHEREAS, the City received an application from Thomas Ducharme requesting approval of a Site Plan Review Permit to allow the construction of a 5,352-square foot single family residence and attached 611 square foot accessory dwelling unit (Project) on the subject parcel (APN: 118-110-011) at 5569 Morningside Drive; and

WHEREAS, Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the standards of review in CMC Section 17.44.040; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 3, Section 15303 (New Construction or Conversion of Small Structures), of the State Guidelines for Implementation of CEQA; and

WHEREAS, on July 8, 2025, the Clayton Planning Commission held a duly-noticed public hearing on the Site Plan Review Permit request (SPR-01-2025), and received and considered testimony and evidence, both spoken and documentary.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does determine the foregoing recitals are true and correct and makes the following Findings for Approval of Site Plan Review Permit application SPR-01-2025 based on the Site Plan Review Permit Standards of Review:

A. The use is in conformity with the General Plan and any applicable Specific Plan;

The Project is consistent with the General Plan designation and policies since the Project consists of the construction of a single-family residence and attached ADU, a permitted use within the Rural Estate land use designation. There is no established Specific Plan that is applicable to the Project.

B. The use is in conformity with City-adopted standards in the Zoning Ordinance as related to Site Plan Review Permits;

In accordance with Clayton Municipal Code Section 17.44.020., since the Project is comprised of structures over 16 feet in height and an area in excess of 750 square feet, a Site Plan Review Permit is required for the design of all new developments in any zoning district within the City. The Project conforms to all development standards as required for properties within the R-40-H zoning district defined in Clayton Municipal Code Chapter 17.16 for setbacks, building height, floor area, and building area governing single-family residential development.

- C. Shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area;**

The Project preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the Project will be constructed in compliance with the Clayton Municipal Code, California Building Standards Code, and other agency regulations where applicable.

- D. Shall maintain solar rights of adjacent properties;**

The Project will not block adjacent properties from direct sunlight from any angle of the ecliptic.

- E. Shall reasonably maintain the privacy of adjacent property owners and/or occupants;**

The Project reasonably maintains the privacy of adjacent property owners and/or occupants since the Project conforms with all development standards of the Clayton Municipal Code Chapter 17.16 Single Family Residential (R-40-H), in keeping with the surrounding properties along Morningside Drive that contain large lots with ample setbacks that place existing adjacent residences away from the proposed residences on the Project Site.

- F. Shall reasonably maintain the existing views of adjacent property owners and/or occupants;**

The Project reasonably maintains the existing views of adjacent property owners and/or occupants since the Project Site is located downslope from and below existing surrounding ridgelines and daylight lines and would not prevent property owners and/or occupants inhabiting existing residences from continuing to see the existing surrounding contours of these existing slopes and other attributes in and around the Mount Diablo Creek riparian corridor and the small valley surrounding the Mitchell Creek riparian corridor.

- G. Shall be complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk;**

The Project is complementary, although not identical, with neighboring structures in terms of materials, colors, size, and bulk since the proposed residences have been designed with exterior colors and materials that are complementary with the natural setting as well as the colors and materials of existing adjacent residences as well as utilizing proposed designs styles that include volume and massing consistent with the size and bulk of existing adjacent residences.

- H. Shall be in accordance with the design standards for manufactured homes per Section 17.36.078 of the Clayton Municipal Code;**

The Project as proposed does not include the construction of any manufactured homes; therefore, this finding is not applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission does hereby approve Site Plan Review Permit SPR-01-2025 to allow the construction of one custom single family residence with an attached ADU located at 5569 Morningside Drive, subject to the following Conditions of Approval:

1. The applicant shall indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.
2. Prior to issuance of a building permit or final inspection for the construction of the residence and ADU, as applicable, the applicant shall pay all outstanding [planning permit fees, and](#) development impact fees as listed below.
 - A. All balances for application permit process.
 - i. Community Facilities Development Impact Fee: \$450
 - ii. Offsite Arterial Improvement Development Impact Fee: \$1,456
 - iii. Childcare Development Impact Fee: \$205
 - iv. Parkland Dedication Development Impact Fee: \$2,569
 - v. Fire Development Protection Development Impact Fee: \$300 per unit.
 - vi. Construction and Demolition Recycling Fee: \$5,551 (\$1.00 per/sq. ft. of new area).
 - vii. Stormwater Pollution Prevention Permit and Inspection (Construction SWPPP) Fee: (Major) \$5000 minimum deposit against which inspection time is charged.
 - viii. Stormwater Operation and Maintenance Annual Inspection Fee: \$45
 - ix. Stormwater Operation and Documentation Annual Compliance Review Fee: \$45
 - x. Stormwater Operation and Maintenance Annual Report Preparation Fee: \$53
3. Any major changes to the Project shall require Planning Commission review and approval. Any minor changes to the Project shall be subject to City staff review and approval.
4. The applicant shall obtain the necessary permits from the Building Division of the Contra Costa County Department of Conservation and Development. All construction shall comply with the California Building Code.
5. Prior to issuance of any Building Permit, the applicant shall obtain all required construction and fire sprinkler permits from the Contra Costa County Fire Protection District (CCCFPD), including approval of fire flow tests, hydrant access, and sprinkler system design. Compliance with CCCFPD standards for water supply, fire apparatus access, and NFPA codes shall be verified. No construction or occupancy shall proceed without final Fire District authorization.

6. The applicant shall obtain all necessary permits for a wastewater utility service from City of Concord Community Development Department for Central Contra Costa Sanitary District. An elevation certificate from a licensed surveyor will need to be submitted because of flood zone requirements.
7. The applicant shall secure necessary water connections, prior to final building inspections, with Contra Costa Water District (CCWD) confirming that:
 - A. 6" water main extension will be installed from the existing 8" main on El Camino Drive to the subject property, with capacity for future downstream connections.
 - B. 1" service line, 1" meter, and 1" above-ground backflow assembly will be installed to serve the project.
 - C. Obtain Required Easements: Submit recorded easements to the City/County for:
 1. A permanent utility easement along the neighboring property at 5577 Morningside Drive (for the 6" main within their roadway easement).
 2. A permanent utility easement on the subject property for the service connection (1" -line, meter, and backflow).
8. To minimize impacts on protected trees, riparian vegetation, and Mount Diablo Creek, the following measures shall be implemented prior to and during all construction activities:
 - A. Protective Setbacks (No-Disturbance Zones)
 1. 25-foot undisturbed buffer shall be maintained from the top of bank (TOB) of Mount Diablo Creek.
 2. 15-foot undisturbed buffer shall be maintained around all protected trees (including heritage, native, or specimen trees)
 3. No grading, excavation, stockpiling, or construction activity is permitted within these zones.
 - B. Erosion & Sediment Control
 1. Silt fencing or straw wattles shall be installed on the upslope of the creek buffer to prevent runoff.
 2. No stockpiling of soil, debris, or materials within 50 feet of the creek.
9. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, or any other payments that are due.
10. All grading, construction, and other work shall occur only between 8:00 a.m. and 5:00 p.m. Monday through Friday, in accordance with Section 15.01.010 of the Clayton Municipal Code.
11. All heavy load deliveries to the project site to be verified with the City Engineer for

Deleted: 7

Commented [BA1]: Left for discussion at PC 8/12 Meeting

maximum road weight tolerances to minimize damage or cracking on Morningside Drive. Any cracks or damage to the road surface to be repaired to original condition prior to issuance of Certificate of Occupancy.

12. Existing trees abutting access easement to be assessed and pruned/protected to limit damage from construction activity.
13. Landscaping along Morningside Drive adjacent to the project site to be repaired/restored prior to issuance of Certificate of Occupancy, if damaged by construction activity.

Commented [BA2]: Additional conditions discussed in prior PC Meeting 7/22

Planning Commission
Resolution No. 03-2025

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 8th day of July 2025.

AYES:

NOES:

ABSTAINED:

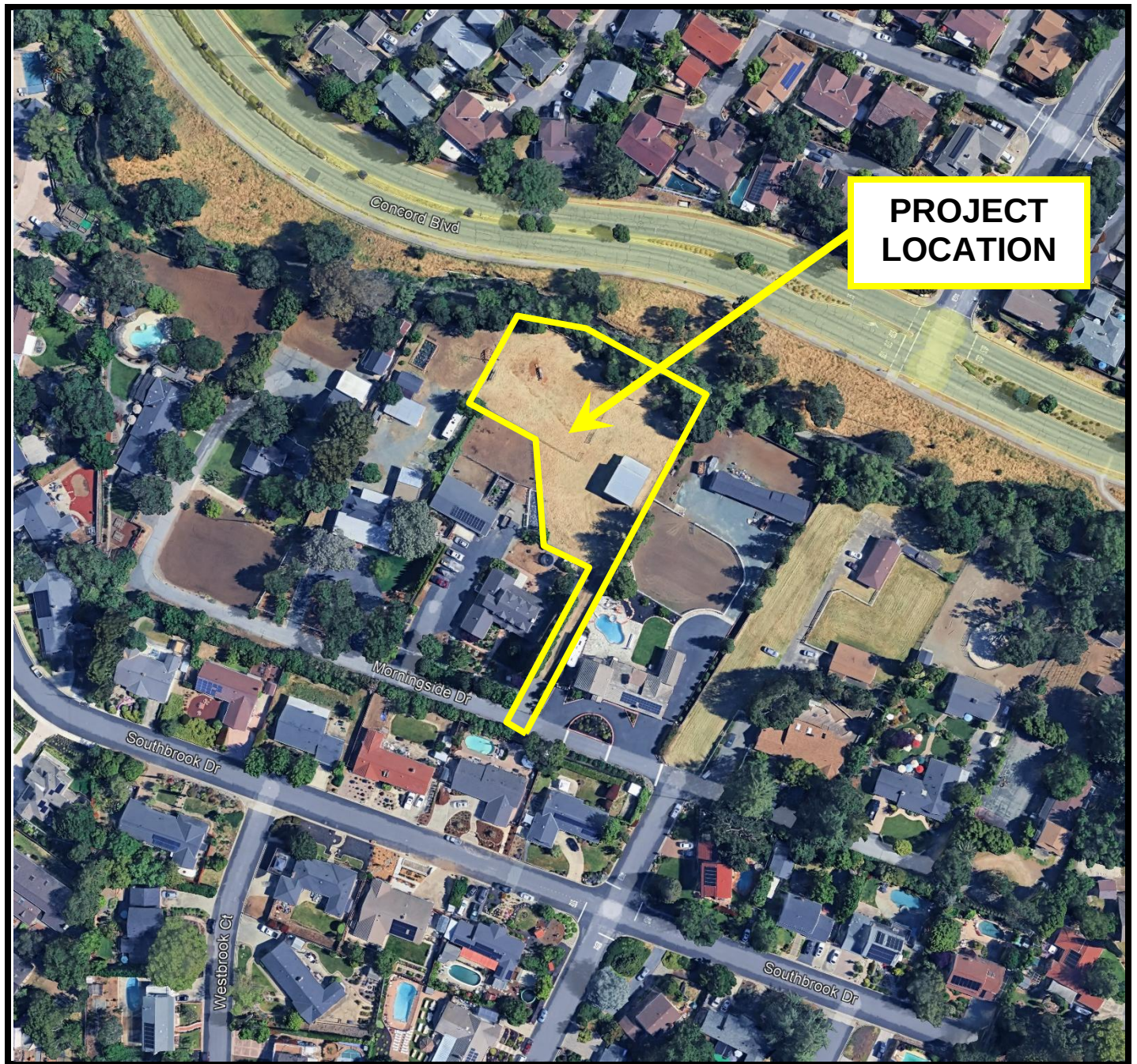
ABSENT:

APPROVED:

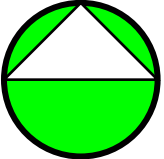
ATTEST:

Maria Shulman
Chair

Farhad Mortazavi
Interim Community Development Director



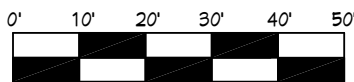
VICINITY MAP

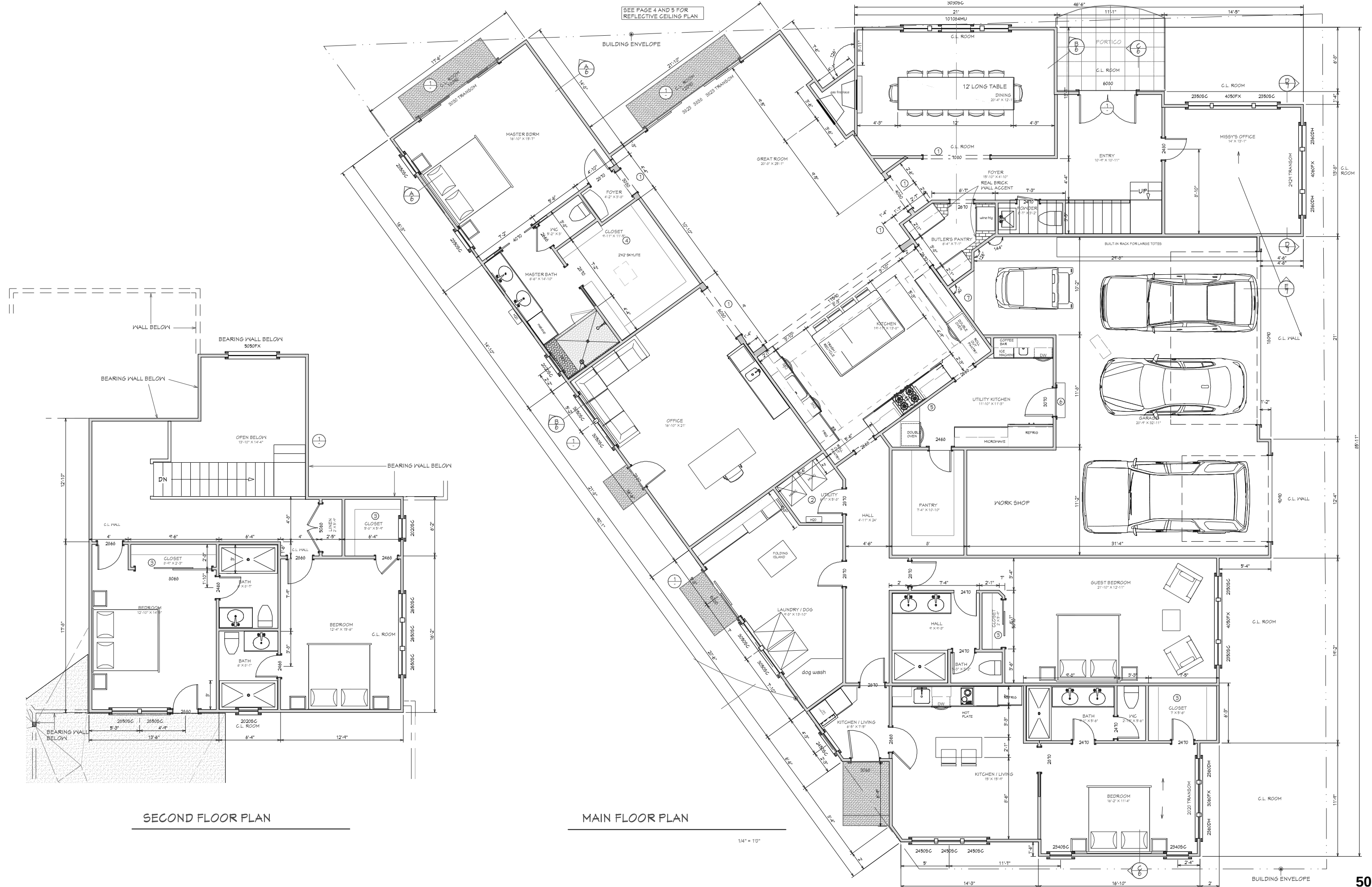
	New Single-Family Residence and Accessory Dwelling Unit Site Plan Review Permit SPR-01-2024 5569 Morningside Drive Assessor's Parcel Number 118-110-011	 NORTH
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(Not to Scale)



49







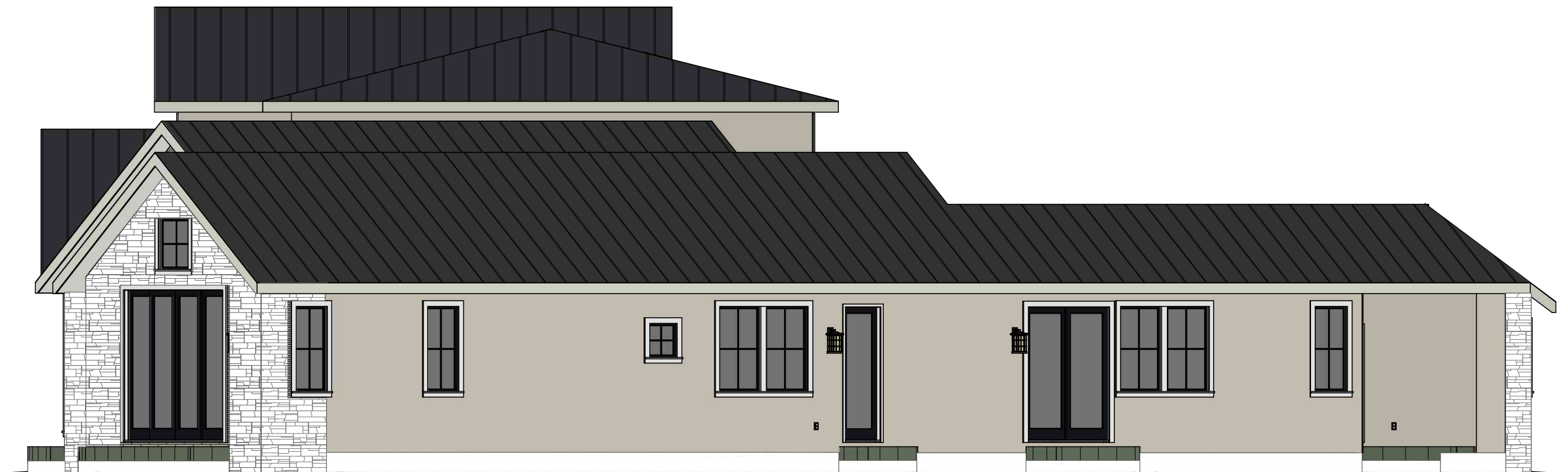
FRONT ELEVATION



BACK ELEVATION



RIGHT (EAST) ELEVATION



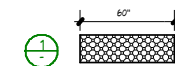
RIGHT (WEST) ELEVATION

GENERAL NOTES

FINISH GROUND SURFACES SHALL BE GRADED TO DRAIN THE FINISH SITE PROPERLY. FINISHED GROUND SLOPE WITHIN FIVE FEET OF THE BUILDING OR STRUCTURE SHALL SLOPE AWAY AT 5%. ALL EXTERIOR HARD SURFACES (INCLUDING TERRACES) SHALL BE INSTALLED WITH A 1% MINIMUM SLOPE AND SHALL DRAIN AWAY FROM THE BUILDING. DRAINAGE SWALES SHALL HAVE A MINIMUM SLOPE OF 1.5% MAXIMUM ALLOWABLE GRADED SLOPE IS 3 HOR. TO 1 VERTICAL (33 %).

LOT GRADING SHALL CONFORM AT THE PROPERTY LINES AND SHALL NOT SLOPE TOWARD PROPERTY LINES IN A MANNER WHICH WOULD CAUSE STORM WATER TO FLOW ONTO NEIGHBORING PROPERTY. HISTORIC DRAINAGE PATTERNS SHALL NOT BE ALTERED IN A MANNER TO CAUSE DRAINAGE PROBLEMS TO NEIGHBORING PROPERTY.

CALL BEFORE YOU DIG!
CONTACT UNDERGROUND SERVICE ALERT (USA)
1 800 221 2600 AT LEAST TWO DAYS BEFORE EXCAVATING



- = ENERGY DISSIPATOR - SEE DETAIL BELOW
- = 4" DRAIN PIPE - HOLES FACING DOWN
- = SOLID PIPE
- = DOWNSPOUT

DECK WATERPROOFING
INSTALLED BY A LICENSED
WATERPROOF MNFR. ALL
DETAILING TO BE PER MNFR
SPECIFICATIONS

CONNECT TO
DRAINAGE SYSTEM - ALL
PIPING / CONNECTIONS TO BE
WATERTIGHT AND TESTED

EXTEND DRAIN TO
WALL BELOW

DRAINAGE BASINS - MIN 10' AWAY
FROM STRUCTURES AND 5' AWAY
FROM SLAB ON GRADE OR PAVEMENT -
SEE SOILS REPORT. TYPICAL

DRAINAGE BASINS - MIN 10' AWAY
FROM STRUCTURES AND 5' AWAY
FROM SLAB ON GRADE OR PAVEMENT -
SEE SOILS REPORT. TYPICAL

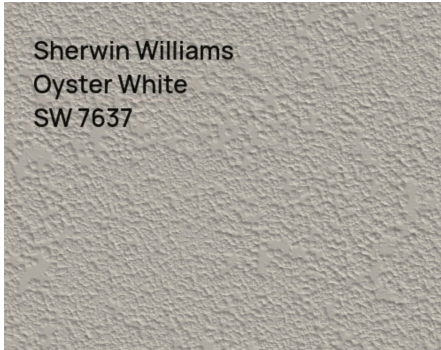
ROOF LAYOUT / DRAINAGE PLAN

1" = 10'

PERIMETER DRAIN - CONNECT TO
DOWNSPOUT DRAINAGE SYSTEM -
SEE SOILS REPORT



ROOF
METAL STANDING SEAM INSTALLED TO
MNFR SPECS.



Sherwin Williams
Oyster White
SW 7637

STUCCO
3 COAT STUCCO SYSTEM OVER 2
LAYERS TYPE "D" PAPER, USE SELF-
FURRING NAILS
COLOR - BEIGE



STONE WORK
REAL STONE VENEER OVER 2 COAT
STUCCO SYSTEM OVER 2 LAYERS OF
TYPE "D" PAPER



5569 MORNINGSIDE DRIVE

Ch. 17.16 - SINGLE FAMILY RESIDENTIAL (R-40-H) DEVELOPMENT STANDARDS

Parcel R-40-H	Front Setback R-40-H	Interior Side Setback R-40-H	Exterior Side Setback R-40-H	Rear Setback R-40-H	Accessory Dwelling Units Area	Principal Building Height	Accessory Dwelling Units Height
40,000 square feet minimum area	40 feet	20-foot minimum 40-foot aggregate	<i>Not Applicable</i>	20-foot minimum	1,200 square feet maximum	35 feet (Max.)	25-foot maximum
140-foot minimum lot width	Clayton Municipal Code	Clayton Municipal Code	Clayton Municipal Code	Clayton Municipal Code	Clayton Municipal Code	Clayton Municipal Code	Clayton Municipal Code
140-foot minimum lot depth	Section 17.16.080	Section 17.16.090	Section 17.16.100	Section 17.16.110, 17.16.120	Section 17.47.060	Section 17.16.070	Section 17.47.050(B)(4)
Clayton Municipal Code Sections 17.16.040, 17.16.050, 17.16.060							
APN: 118-110-011	168 feet	20 feet (Right) 20 feet (Left)	<i>Not Applicable</i>	119 feet	611 square feet	28 feet	16 feet
<i>Attachment C</i>	<i>Attachment D, Sheet 1</i>	<i>Attachment D, Sheet 1</i>		<i>Attachment D, Sheet 1</i>	<i>Attachment D, Sheet 2</i>	<i>Attachment D, Sheet 8</i>	<i>Attachment D, Sheet 8</i>
Complies	Complies	Complies	Complies	Complies	Complies	Complies	Complies

ATTACHMENT F



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Farhad Mortazavi, Interim Community Development Director

DATE: August 12, 2025

SUBJECT: Revision to City of Clayton Housing Element Update by allowing an additional attached Accessory Dwelling Unit to the approved housing program

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing and accept written and spoken testimony, close the public hearing and adopt the attached Resolution

BACKGROUND

On January 17, 2023, the Clayton City Council adopted the Housing Element Update (HEU) for the 6th Housing Cycle, approved in December 2022. Following the public hearing, the City Council adopted Resolution No. 06-2023 certifying the Final Environmental Impact Report (EIR) prepared for the project and adopting the update to the Housing Element and the associated Land Use Element and Land Use Diagram amendments. City Council Resolution No. 06-2023 (as well as the Planning Commission Resolution No. 04-2022) recommending adoption of the General Plan amendments.

At its January 16, 2024, meeting, the City Council adopted amendments to Clayton Municipal Code Title 17 (Zoning) to implement certain adopted Housing Element policies. The HEU and zoning amendments were forwarded to the State Housing and Community Development Agency (HCD) for certification process by the Agency. The correspondence between the City and HCD has been onward for that certification, resulting in HCD's requirement for the subject amendment. Subsequently, HCD requires the City to allow one more unit beyond what State law requires for ADUs; mandated by California Senate Bill 9 (SB-9).

The HEU process and its approval included the requirements mandated by SB9, approved and signed by the governor on September 16, 2021. SB9 allows the subdivision of a parcel in a single-family zone into two parcels, with ministerial approval of housing development of two

primary units in a single-family zone. SB 9 facilitates the creation of up to four (4) housing units in the lot area - typically used for one single-family home - by providing two additional Accessory Dwelling Units (ADU) on each lot (units created through SB 9 may not be used for short-term rentals of less than 30 days). The new ADU program that HCD has agreed upon will allow one additional ADU to what is allowed under SB9.

City's Ordinance [499](#), established in 2023 and after the approval of City's Housing Element Update and the required Zoning Amendment, indicates City's Development Standards that applies for ADUs and JADUs.

(see attached for more detail)

DISCUSSION

See attached for more detail

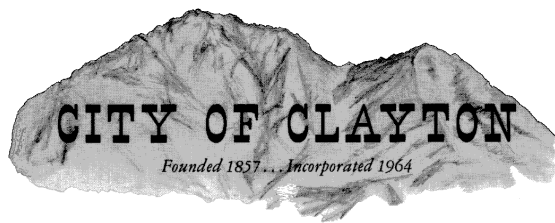
FISCAL IMPACTS

See attached for more detail

ATTACHMENTS

[Clayton PC SR HEU 8 12 25_final.pdf](#)

[Clayton PC Reso HEU 8 12 25_final.pdf](#)



PLANNING COMMISSION AGENDA REPORT

To: Honorable Chair and Planning Commissioners

From: Farhad Mortazavi, APA
Interim Community Development Director

Date: August 12, 2025

Subject: Public Hearing
Revision to City of Clayton Housing Element Update by
allowing an additional attached Accessory Dwelling Unit to the
approved housing program

SUMMARY

This is a public hearing for review and recommendation to City Council for approval of Amendment to City of Clayton Housing Element Update by allowing an additional Accessory Dwelling Unit to the approved Housing Element Update program.

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing and accept written and spoken testimony, close the public hearing and adopt the attached Resolution

PROJECT INFORMATION

Location: City of Clayton

Environmental Review: The project is Categorical Exempt from CEQA Guidelines Section 15378 as an administrative activity of the government that will not result in direct or indirect physical changes in the environment.

Public Notice:

On July 27, 2025 Pioneer Publishers posted the project's Planning Commission public hearing for August 12, 2025, and on August 5, 2025 the Diablo Gazette published the project's public hearing. On August 8th, a public hearing notice was posted at the notice boards at Clayton City Hall, Clayton Community Library, and in the Town Center.

BACKGROUND

On January 17, 2023, the Clayton City Council adopted the Housing Element Update (HEU) for the 6th Housing Cycle, approved in December 2022. Following the public hearing, the City Council adopted Resolution No. 06-2023 certifying the Final Environmental Impact Report (EIR) prepared for the project and adopting the update to the Housing Element and the associated Land Use Element and Land Use Diagram amendments. City Council Resolution No. 06-2023 (as well as the Planning Commission Resolution No. 04-2022) recommending adoption of the General Plan amendments.

At its January 16, 2024, meeting, the City Council adopted amendments to Clayton Municipal Code Title 17 (Zoning) to implement certain adopted Housing Element policies. The HEU and zoning amendments were forwarded to the State Housing and Community Development Agency (HCD) for certification process by the Agency. The correspondence between the City and HCD has been onward for that certification, resulting in HCD's requirement for the subject amendment. Subsequently, HCD requires the City to allow one more unit beyond what State law requires for ADUs; mandated by California Senate Bill 9 (SB-9).

The HEU process and its approval included the requirements mandated by SB9, approved and signed by the governor on September 16, 2021. SB9 allows the subdivision of a parcel in a single-family zone into two parcels, with ministerial approval of housing development of two primary units in a single-family zone. SB 9 facilitates the creation of up to four (4) housing units in the lot area - typically used for one single-family home - by providing two additional Accessory Dwelling Units (ADU) on each lot (units created through SB 9 may not be used for short-term rentals of less than 30 days). The new ADU program that HCD has agreed upon will allow one additional ADU to what is allowed under SB9.

City's Ordinance 499, established in 2023 and after the approval of City's Housing Element Update and the required Zoning Amendment, indicates City's Development Standards that applies for ADUs and JADUs. Relevant excerpt provided below from Claton Municipal Code Section 17.47.060:

Maximum Size.

1. The maximum size of a detached or attached ADU subject to this section is one thousand two hundred (1,200) square feet.
2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to fifty (50%) percent of the floor area of the existing primary dwelling.
3. Application of other development standards in this Section 17.47.060, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in Subsection 17.47.060A.2 or of an FAR, lot coverage limit, minimum front yard setback or open-space requirement may require the ADU to be less than eight hundred (800) square feet.

Setbacks.

1. An ADU that is subject to this section must conform to the following minimum front-yard setbacks, subject to Subsection 17.47.060A.3:
 - a. R-10, R-12, R-15 and All Multiple Family Residential Districts: twenty (20) feet.
 - b. R-20 District: twenty-five (25) feet.
 - c. R-40 and R-40-H Districts: forty (40) feet.
2. An ADU that is subject to this section must conform to minimum four (4) foot side- and rear-yard setbacks.
3. No setback is required for an ADU that is subject to this section if the ADU is constructed in the same location and to the same dimensions as an existing structure.

Lot Coverage.

Subject to Subsection 17.47.060A.3, no ADU subject to this section may cause the total lot coverage of the lot to exceed either:

1. Fifty (50%) percent on a lot with an area less than fifteen thousand (15,000) square feet; or
2. Thirty-five (35%) percent on a lot with an area of fifteen thousand (15,000) or more square feet.

Minimum Open Space.

1. No ADU subject to this section may cause the total percentage of open space of the lot to fall below thirty-five (35%) percent, subject to Subsection 17.47.060A.3.

Parking.

1. Generally. One (1) off-street parking space is required for each ADU. Parking space may be provided in setback areas or as tandem parking, as defined by Subsection 17.47.020K.
2. Exceptions. No parking under Subsection 17.47.060G.1 is required in the following situations:
 - a. The ADU is located within one-half ($\frac{1}{2}$) mile walking distance of public transit, as defined in Subsection 17.47.020J.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or an accessory structure under Subsection 17.47.040A.
 - d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. When there is an established car share vehicle stop located within one (1) block of the ADU.
 - f. For an ADU constructed as an efficiency unit as defined by Section 17958.1 of the California Health and Safety Code.
 - g. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot; provided, that the ADU or the lot satisfies any other criteria listed in Subsections 17.47.060G.2.a - f.

3. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces within the garage, carport, or covered parking structure are not required to be replaced.

ANALYSIS

The City Council adopted the Housing Element on January 17, 2022, within the statutory deadline. After adoption, the City submitted the element to HCD for certification. HCD had many comments and staff followed up, providing all the efforts the City provided to meet HCD's requests.

Staff has resolved all issues with HCD except "mobility," meaning the ability of lower-resourced households to find affordable housing in any of City's neighborhoods - not just those zoned for higher-density housing. Staff submitted the additional ADU proposal to HCD in June 2025, to satisfy that requirement, and the state agency indicated that propose amendment would satisfy the mobility issue. So, the final revision to Program B1 of the HEU - Accessory Dwelling Units - includes the following bullet points, with the second one representing an additional effort presented to satisfy HCD's requirement for the subsequent certification of City's Housing Element Update:

- Under State Law, a property owner can develop a JADU, detached or attached ADU, and convert an existing space into an ADU, providing up to four units per lot. This final revision to Program B1 of the approved HEU (will include provisions in the Zoning Code) is to allow for the establishment of an additional attached ADU of any size within the footprint/building walls of an existing single-family unit. Such ADU shall require only the issuance of a building permit. Under this program, a property owner could potentially get five units on a lot. This program will include incentives and be designed to facilitate this type of development. Amendments to the Zoning Code to allow for this additional ADU will be accomplished by the end of 2026.
- The City will establish an in-lieu fee program, and will provide the option of having these funds made available to property owners, as a grant or loan, if they agree to construct an income-restricted ADU - with the period of restriction extending at least 20 years. The fees and the program will be established by the end of 2026.

CONCLUSION

Staff has been working with the State Housing and Community Development Agency for nearly two years to resolve all issues with HCD except the mobility issue - the ability of lower-resourced households to find affordable housing in any of City's neighborhoods. Staff submitted the additional ADU proposal to the Agency in June 2025, to satisfy that requirement, and HCD indicated that it would satisfy the mobility issue. So, the final revision to Program B1 of City's Housing Element Update - Accessory Dwelling Units – will satisfy HCD's requirement for the subsequent certification of City's Housing Element Update.

ATTACHMENTS

- A. Resolution
- B. Clayton Housing Element Update (link):
<https://claytonca.gov/community-development/housing/housing-element/>

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 04-2025**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION RECOMMENDING
THAT THE CITY COUNCIL ADOPT REVISION TO CITY'S HOUSING ELEMENT
UPDATE BY ALLOWING AN ADDITIONAL ATTACHED ACCESSORY DWELLING
UNIT TO THE APPROVED HOUSING PROGRAM**

WHEREAS, on January 17, 2023, the Clayton City Council adopted the Housing Element Update (HEU) for the 6th Housing Cycle, approved in December 2022.;" and

WHEREAS, the City Council adopted Resolution No. 06-2023 certifying the Final Environmental Impact Report (EIR) prepared for the project and adopting the update to the Housing Element and the associated Land Use Element and Land Use Diagram amendments.; and

WHEREAS, on January 16, 2024, meeting, the City Council adopted amendments to Clayton Municipal Code Title 17 (Zoning) to implement certain adopted Housing Element policies; and

WHEREAS, the HEU and zoning amendments were forwarded to the State Housing and Community Development Agency (HCD) for certification process by the Agency. The correspondence between the city and HCD has been onward for nearly two years for that certification resulting in HCD's requirement for the subject amendment.

WHEREAS, Subsequently HCD requires the City to allow one more unit beyond what State law requires for ADUs; mandated by California Senate Bill 9.

NOW, THEREFORE, the Planning Commission hereby determines the foregoing recitals to be true and correct and makes the following findings:

- A. City Staff has resolved all issues with HCD except "mobility," meaning the ability of lower-resourced households to find affordable housing in any of City's neighborhoods - not just those zoned for higher-density housing.
- B. Staff submitted the additional ADU proposal to HCD in June 2025, to satisfy the mobility requirement, and the state agency indicated that the new amendment to the program would satisfy the mobility issue.
- C. the final revision to Program B1 of the HEU - Accessory Dwelling Units - includes the following bullet points, with the second one representing an additional effort presented to satisfy HCD's requirement for the subsequent certification of City's Housing Element Update:

- Under State Law, a property owner can develop a JADU, detached or attached ADU, and convert an existing space into an ADU, providing up to four units per lot. This final revision to Program B1 of the approved HEU (will include provisions in the Zoning Code) is to allow for the establishment of an additional attached ADU of any size within the footprint/building walls of an existing single-family unit. Such ADU shall require only the issuance of a building permit. Under this program, a property owner could potentially get five units on a lot. This program will include incentives and be designed to facilitate this type of development. Amendments to the Zoning Code to allow for this additional ADU will be accomplished by the end of 2026.
- The City's will establish an in-lieu fee program, and will provide the option of having these funds made available to property owners, as a grant or loan, if they agree to construct an income-restricted ADU - with the period of restriction extending at least 20 years. The fees and the program will be established by the end of 2026.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends that the City Council make the necessary findings and adopt amending City's Housing Element Update.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 12th day of August 2025.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

ATTEST:

Daniel Richardson
Chair

Farhad Mortazavi
Interim Community Development Director