



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

TUESDAY, DECEMBER 23, 2025

7:00 PM

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

Daniel Richardson, Chair

Joseph Banchemo, Vice Chair

Maria Shulman,

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 agendaized public hearing or action 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

No Items scheduled.

7. PUBLIC HEARING

- (a) Approve A Resolution Adding a Finding to Resolution No. 06-2023 and Recommending that the City Council of the City of Clayton Adopt an Ordinance Amending the Clayton Municipal Code to Add Subsection 17.36.079 to Chapter 17.36 (General Regulations) of Title 17 (Zoning) Related to by Right Affordable Housing of Housing Element Opportunity Sites

[\(View\)](#)

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, January 13, 2026.

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 12:00 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: PLANNING COMMISSION

FROM: Kraig Chalem, Senior Planner

DATE: December 23, 2025

SUBJECT: Approve A Resolution Adding a Finding to Resolution No. 06-2023 and Recommending that the City Council of the City of Clayton Adopt an Ordinance Amending the Clayton Municipal Code to Add Subsection 17.36.079 to Chapter 17.36 (General Regulations) of Title 17 (Zoning) Related to by Right Affordable Housing of Housing Element Opportunity Sites

REQUEST

See Staff Report

ATTACHMENTS

[Staff Report Item 7a.pdf](#)

[Att A - PC Resolution 07-2025.pdf](#)

[Att B -Ordinance No. 502 Amending Title 17-c1.pdf](#)

[PC Legal Notice for PC 20251223 and CC 20260106.pdf](#)

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: December 23, 2025

Item Number: 7.a

To: Honorable Chair and Planning Commissioners

From: Community Development

Prepared By: Kraig Chalem, Senior Planner

Subject: APPROVE A RESOLUTION ADDING A FINDING TO RESOLUTION NO. 06.2023 AND RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPT AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE TO ADD SUBSECTION 17.36.079 TO CHAPTER 17.36 (GENERAL REGULATIONS) OF TITLE 17 (ZONING) RELATED TO BY RIGHT AFFORDABLE HOUSING OF HOUSING ELEMENT OPPORTUNITY SITES

RECOMMENDATION

That the City Clayton Planning Commission conduct a Public Hearing, accept written and spoken testimony, close the public hearing and adopt the attached Resolution authorizing revision to City's Housing Element Resolution noting that certain properties characteristics demonstrate that they are identified for redevelopment and are not impediments to additional residential development, and adopt an ordinance amending the Clayton Municipal Code to add subsection 17.36.079 to Chapter 17.36 of Title 17 to clearly state that developments meeting affordable housing requirements are allowed by right.

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 ongoing for that certification, resulting in HCD's requirement for the subject amendments. Subsequently, HCD requires that the City make a finding that certain properties within the City of Clayton have been identified as being likely redeveloped and do not constitute

impediments to redevelopment within the next planning period. Additionally, HCD requires that the Clayton Municipal Code reflects a state requirement that any multifamily housing that has at least 20% of the units are deed-restricted affordable units; and, any multifamily housing that complies with all objective development and design standards are allowed by right.

DISCUSSION

The City Council adopted the Housing Element on January 17, 2023, within the statutory deadline. After adoption, the City submitted the element to HCD for certification. HCD had many comments and staff followed up.

Staff had thought that all issues had been resolved with HCD. However, as noted above, HCD had two additional comments, which staff seeks to satisfy by essentially amending Resolution No. 06-2023, to incorporate a finding as noted below in the first bullet, and as noted in the second bullet amending the zoning code to satisfy state requirements regarding entitlements.

Staff recommend the Planning Commission, and the commissioners recommend that the City Council review and approve the revision to City's HEU (Planning Commission Resolution, and Attachment A). So, the final revision includes the following bullet points, and satisfies HCD's requirement for the subsequent certification of City's Housing Element Update:

- HCD requires that the City make a finding that certain properties within the City of Clayton have been identified as being likely to redevelop and do not constitute impediments to redevelopment within the next planning period; and,
- HCD requires that the Clayton Municipal Code reflects a state requirement that any multifamily housing that has at least 20% of the units are deed-restricted affordable units; and, any multifamily housing that complies with all objective development and design standards are allowed by right.

To effectuate this proposed change, staff recommends amending Chapter 17.36 (General Requirements) of Title 17 (Zoning) by adding subchapter 17.36.079 (Housing Element Opportunity Sites) as follows:

"17.36.079 - Housing Element Opportunity Sites.

Pursuant to Government Code section 65583.2(c), a non-vacant site that has been identified as a housing opportunity site in the City's prior housing element and a vacant site that has been included in two or more consecutive housing element planning periods shall be an allowed residential use by right for housing developments where at least twenty percent of the units are affordable to lower income households. Pursuant to Government Code section 65583.2(i), the development shall comply with all objective development standards, and a proposed subdivision of the property shall be subject to all applicable laws. If applicable, such projects shall be subject to design review."

FISCAL IMPACT

There are no immediate fiscal impacts associated with the project.

ENVIRONMENTAL REVIEW

On January 17, 2023, in accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, section 15000 et seq.), the Clayton City Council certified a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that analyzed the potential impacts on the environment that could occur with adoption of the Housing Element update and related amendments to land use regulations. The addition finding and the housing-related Zoning amendment as summarized above are within the scope of the project analyzed in the certified EIR.

ATTACHMENT

Att A – Resolution No. 07-2025

Att B – Zoning Code Amendment – Ordinance 502

RESOLUTION NO. 7-2025

A RESOLUTION OF THE PLANNING COMMISSION APPROVING A REVISION TO THE RESOLUTION ADOPTING THE CITY'S HOUSING ELEMENT BY ADDING A FINDING TO THE RECORD THAT NON-VACANT PROPERTIES IDENTIFIED IN THE CITY INVENTORY TO ACCOMMODATE LOWER INCOME REGIONAL HOUSING NEEDS ALLOCATION ARE NOT IMPEDIMENTS TO ADDITIONAL RESIDENTIAL DEVELOPMENT AND RECOMMENDING THE CITY COUNCIL APPROVE ORDINANCE ### AMENDING THE CLAYTON MUNICIPAL CODE TO ADD SUBSECTION 17.36.079 TO CHAPTER 17.36 (GENERAL REGULATIONS) OF TITLE 17 (ZONING)RELATED TO BY RIGHT AFFORDABLE HOUSING OF HOUSING ELEMENT OPPORTUNITY SITES

City of Clayton, California

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 ongoing for approximately two years for that certification resulting in HCD's requirement for numerous amendments; and

WHEREAS, 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.

WHEREAS, at a public meeting held on August 12, 2025, the Clayton Planning Commission considered the revision of the Housing Element and recommended the City Council to approve the revision; and

WHEREAS, at a public meeting held on August 19, 2025, the Clayton City Council considered the revision of the Housing Element Update by allowing an additional attached Accessory Dwelling Unit to the approved Housing Element; and,

WHEREAS, City Staff has resolved all issues with HCD except for an amendment to the zoning code required by state law noting entitlements for multifamily development as shown as Attachment 'B'; and,

WHEREAS, at a public meeting held on December 23, 2025, the Clayton Planning Commission considered the ordinance with the zoning amendment as shown in the Attachment 'B' in underlined text; and,

WHEREAS, at a public meeting held on December 23, 2025, the Clayton Planning Commission considered the revision of the Housing Element Update Resolution 6-2023 by amending the Resolution to add an additional finding to read as follows:

“**WHEREAS**, based on fact that properties with existing uses on sites identified in the site inventory (see Tables 5-5 through 5-9; and, Figure 5-1, City of Clayton Housing Element) to accommodate the lower income RHNA have conditions that make those sites primed for redevelopment, including such conditions as property owners having expressed interest in redevelopment, zoning that accommodates higher densities than what exists currently, low building to land value ratios (underinvestment), the presence of only one single-family unit on the site, flat topography with frontage on a major street, adjacency to existing multifamily housing, and city ownership of properties, those existing uses are likely to be discontinued during the planning period as also more detailed in the Housing Element, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element.”

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Clayton, California, does hereby recommend that the City of Clayton City Council approve the attached ordinance amending the Clayton Municipal Code to add Section 17.36.079 to Chapter 17.36 (General Regulations) of Title 17 (Zoning); Related to By Right Affordable Housing of Housing Element Opportunity Sites and,

FURTHER BE IT RESOLVED, that the Planning Commission of the City of Clayton, California, does hereby recommend that the City of Clayton City Council approve the Resolution 7-2025, amending Resolution 6-2023 by adding that finding as noted above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Clayton, California, at a regular public meeting thereof held on the 23rd day of December 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Attachment 'A' - Resolution No. 7-2025

Daniel Richardson, Chair

Leticia I. Miguel, City Clerk

ORDINANCE NO. ###

**AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE TO
ADD SUBSECTION 17.36.079 TO CHAPTER 17.36 (GENERAL
REGULATIONS) OF TITLE 17 (ZONING) RELATED TO BY RIGHT
AFFORDABLE HOUSING OF HOUSING ELEMENT OPPORTUNITY
SITES**

**THE CITY COUNCIL
City Of Clayton, California**

The City Council of the City of Clayton DOES ORDAIN as follows:

Section 1. Recitals

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, 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; and,

WHEREAS, at a public meeting held on August 12, 2025, the Clayton Planning Commission considered the revision of the Housing Element and recommended the City Council to approve the revision; and,

WHEREAS, at a public meeting held on August 19, 2025, the Clayton City Council considered the revision of the Housing Element Update by allowing an additional attached Accessory Dwelling Unit to the approved Housing Element; and,

WHEREAS, the HEU and zoning amendments were forwarded to the State Housing and Community Development (HCD) Agency for certification process by the Agency; and,

WHEREAS, City Staff has resolved all issues with HCD except for an amendment to the zoning code required by state law noting entitlements for multifamily development as shown in the code amendment; and,

WHEREAS, California Government Code section 65854 requires that the Planning Commission, in its capacity as an advisory body to the City Council on matters of land use, hold a duly noticed public hearing on a proposed zoning ordinance or amendment to a zoning ordinance; and,

WHEREAS, CMC section 17.56.060 gives authority to the Planning Commission to make recommendations to the City Council on proposed amendments to CMC Title 17 and states further that "[n]o recommendation for amendment shall be made unless the Planning Commission finds that such proposed amendment, is in general conformance with the General Plan, if one be in effect at said time, and that the public necessity, convenience and general welfare require the adoption of the proposed amendment;" and,

WHEREAS, on December 23, 2025, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 7-2025 making findings as requested by HCD and recommending that the City Council approve the proposed amendments to CMC Title 17.36; and,

WHEREAS, on January 6, 2026, the Clayton City Council conducted a public hearing on the amendments to CMC Title 17.36 (Zoning) and at that public hearing, received and considered the Planning Commission recommendation and other public testimony and evidence, both spoken and written.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 2. Findings. In accordance with CMC section 17.56.100, the City Council makes the following findings:

Based on the information in Community Development Department files on this project, incorporated here be reference and available for review at City Hall, 6000 Heritage Trail in Clayton, the City Council finds that:

- A. The foregoing recitals are true and correct and are incorporated herein by reference.
- B. The proposed Zoning Ordinance Amendment is consistent with the General Plan, and specifically, Land use Goals 2, 4 and 10; and Housing Element Goal 2 and Policy 2.3. Together, these goals and policies encourage diversity in housing types and tenures, support appropriate development controls through zoning regulation, and facilitate construction of multi-family housing while complying with state law.

Section 3. Zoning Ordinance Amendment

Based on the findings and the authority set forth above, the City Council hereby amends Chapter 17.36 (General Regulations) of Title 17 (Zoning) of the Clayton Municipal Code to add subsection 17.36.079, as follows (additions are in underline):

"17.36.079 - Housing Element Opportunity Sites.

Pursuant to Government Code section 65583.2(c), a non-vacant site that has been identified as a housing opportunity site in the City's prior housing element and a vacant site that has been included in two or more consecutive housing

element planning periods shall be an allowed residential use by right for housing developments where at least twenty percent of the units are affordable to lower income households. Pursuant to Government Code section 65583.2(i), the development shall comply with all objective development standards, and a proposed subdivision of the property shall be subject to all applicable laws. If applicable, such projects shall be subject to design review."

Section 4. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions of clauses of this ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 5. Environmental Review.

On January 17, 2023, in accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, section 15000 et seq.), the Clayton City Council certified a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that analyzed the potential impacts on the environment that could occur with adoption of the Housing Element update and related amendments to land use regulations. The housing-related Zoning amendment is within the scope of the project analyzed in the certified EIR.

Section 6. Effective Date and Publication.

This ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause the Ordinance, with the names of those City Council members voting for and against it, to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 3 of this ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 6th day of January, 2026, and

PASSED, ADOPTED AND ORDERED posted by the City Council of Clayton, California at a regular public meeting thereof on February 3, 2026, by the following vote:

AYE:

NAY:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CALIFORNIA

Jeff Wan, Mayor

ATTEST:

Leticia I. Miguel, City Clerk

APPROVED AS TO FORM:

Malathy Subramanian, City Attorney

APPROVED BY ADMINISTRATION

Kris Lofthus, City Manager



**CITY OF CLAYTON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Clayton Planning Commission will hold a Public Hearing starting at 7:00 p.m. on Tuesday, December 23, 2025, in the Clayton Community Library Meeting Room, 6125 Clayton Road, Clayton, for the following:

Project Name: Amendment to City of Clayton Housing Element Update
Location: City of Clayton

Description: Notification for public hearing for Planning Commission review and recommendation to City Council for approval of Amendment to City of Clayton Housing Element Update

CEQA: The project is Categorically 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

Staff Contact: Kraig Chalem, Senior Planner.
KraigC@claytonca.gov or (925) 673-7343

For More Information: The agenda for this meeting and the staff report for this project will be available 3 days before the meeting. Information can be accessed online at:
<https://claytonca.gov/government/commissions-and-committees/#pc-desc>

NOTICE IS HEREBY GIVEN that the Clayton City Council will hold a Public Hearing starting at 7:00 p.m. on Tuesday, January 6, 2025, in the Clayton Community Library Meeting Room, 6125 Clayton Road, Clayton, for the following:

Project Name: Amendment to City of Clayton Housing Element Update
Location: City of Clayton

Description: Notification for public hearing for Planning Commission review and recommendation to City Council for approval of Amendment to City of Clayton Housing Element Update

CEQA: The project is Categorically 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

Staff Contact: Kraig Chalem, Senior Planner.
KraigC@claytonca.gov or (925) 673-7343

For More Information: The agenda for this meeting and the staff report for this project will be available 3 days before the meeting. Information can be accessed online at:

<https://claytonca.gov/government/commissions-and-committees/#pc-desc>

Public Comment

- **Prior to 12:00 p.m. on the day of the meeting:** Written comments may be sent to Community Development Department, City Hall, 6000 Heritage Trail, Clayton, CA 94517 or submitted electronically at: cityclerk@claytonca.gov

All comments received prior to 12:00 pm on the day of the meeting will be provided to the Planning Commissioners before the meeting and entered into the public record. Please indicate the agenda item and title in your email subject line.

- **In Person:** Fill out a Speaker Request Form, available near the entrance doors, and hand to the Planning Secretary before the item begins.

Notice Concerning Legal Rights: Pursuant to Government Code Section 65009, if you challenge a decision of the City in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

Accessibility: In accordance with the Americans with Disabilities Act and California law, the City of Clayton offers its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or email address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the city to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached by Phone: (925) 925-673-7300 and e-mail: KraigC@claytonca.gov

The staff report may be reviewed at the City Clerk Department, 6000 Heritage Trail, Clayton, between 9 a.m. and 5 p.m., Monday through Thursday, 9 a.m. and 3:00 p.m. on Friday, or via the web site at www.claytonca.gov

If you have any questions, please email the City Clerk at cityclerk@claytonca.gov or by phone (925)-673-7300. Interested parties are invited to attend the public hearing and/or present written testimony at or before the hearing.

/s/ Leticia I. Miguel
City Clerk

Date: 11/20/2025

Published on or before December 1, 2025, and December 15, 2025