



## Agenda

### Planning Commission Meeting

7:00 P.M. on Tuesday, March 13, 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. Commissioner Johnson to report at the City Council meeting on March 20, 2012.

#### Public Comment

#### Approval of Minutes

2. Approval of minutes from the meeting of February 28, 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 (*This item was continued from the meeting of February 28, 2012*):
  - 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.

*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](http://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:**

1. Approve Planning Commission Resolution No. 01-12 which recommends City Council approval of the Housing Element Implementation Project Initial Environmental Study/Mitigated Negative Declaration, and
2. Approve Planning Commission Resolution No. 02-12 which recommends City Council approval of text and map amendments to the City's General Plan, Town Center Specific Plan, and Zoning Ordinance related to the Housing Element Implementation Project, subject to conditions and mitigation measures.

**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 27, 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, February 28, 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, Commissioner Sandra Johnson, and Commissioner Gregg Manning

**Absent:** None

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

**Administrative**

1A. Review of agenda items.

1B. Vice Chair Haydon to report at the City Council meeting on March 6, 2012.

**Public Comment**

None.

**Approval of Minutes**

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

**Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes, as submitted. The motion passed 4-1 (Commissioner Manning abstained since he did not attend the January 24, 2012 Planning Commission meeting).**

**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;
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- 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 SROs (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.

*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](http://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.*

Director Woltering distributed a letter from Kenneth Frederick Byrd and Mary Josephine Byrd and presented the staff report, in which he summarized proposed text and map amendments to the City's General Plan, Town Center Specific Plan, and Zoning Ordinance to address specified implementation measures in the City's adopted and certified Housing Element. During his presentation he mentioned the following:

- Staff worked with Raney Planning and Management to prepare the Public Review Draft of the Clayton Housing Element Implementation Project Initial Environmental Study/Mitigated Negative Declaration (IES/MND) for which the 30-day review period is from February 21, 2012 to March 21, 2012.
- As explained in the Housing Element Implementation staff report, the City seeks to create a high density land use designation in the General Plan that allows a density of 15.1 to 20 units per acre to fulfill State requirements. And, in order to provide consistency with this proposed revision to the City's General Plan, complementary amendments are proposed in the Town Center Specific Plan and Zoning Ordinance. The intention of these revisions is to encourage the development of higher density multi-family projects and increase the potential for more affordable housing within the City.
- Census information in the General Plan Land Use Element will be updated using 2010 census data, replacing the presently referred to 1980 census data.
- The unrelated six-person family limit listed in the Municipal Code will be eliminated.
- Definitions for single-room occupancy units (SROs), supportive housing, and transitional housing will be added in the Municipal Code.
- Staff is requesting comments on the matters being presented at this meeting and then suggesting a continuance of this item to the Planning Commission meeting of March 13, 2012 for possible action. Staff expects to return at the March 13<sup>th</sup> meeting with formal resolutions and draft ordinances for recommending City Council approval of the item.

Commissioner Manning asked for the definitions for supportive housing and transitional housing. *Director Woltering responded that transitional housing is housing with support services which people can occupy for approximately six months while moving from a situation of having no housing to having more permanent housing. Supportive housing is similar in function but is used for a longer duration.*

Director Woltering continued:

- Amendments are proposed for the Limited Commercial (L-C) District and Use Permit chapters in the Zoning Ordinance to allow SROs as a conditionally-permitted use in the L-C District.
- The open space requirements in the Code are proposed to be modified to allow relaxation from the 20% open space requirements for affordable housing projects.
- Six redesignation sites, as identified in the staff report, are proposed for the High Density Residential designation/classification. These sites are identified as follows: the old fire station (V-5), the “Stanley” property across High Street from the Post Office (V-2), and properties west of Marsh Creek Road located just south of the Town Center Specific Plan area (P-2, P-3, P-4, and “Hoyer”).
- It was determined in the IES/MND that the proposed project would not result in a significant adverse impact, assuming the implementation of seven identified mitigation measures including, but not limited to addressing biological impacts related to protection of birds nesting between the months of March and August, for cultural resource impacts to structures more than 50 years old that may need to be demolished as part of future multi-family high density and/or affordable housing developments on the redesignation sites, municipal service impacts related to offsetting police staffing costs, and possible traffic impacts.

Commissioner Manning had the following question and comments:

- Is the environmental checklist used in the IES/MND provided by the State? *Director Woltering indicated that, yes, the environmental checklist is provided by the State in accordance with the California Environmental Quality Act.*
- There could be potentially significant discoveries of human artifacts in the area, given that evidence of these artifacts has been found previously during environmental (e.g., archaeological) studies conducted for past developments in Clayton.

Commissioner Armstrong asked if future developers of multi-family high density and/or affordable housing projects could use traffic data already provided in recent studies conducted previously for adjacent sites? *Director Woltering indicated that, yes, recent, up-to-date information provided in traffic studies for nearby projects could be used for subsequent future developments.*

Vice Chair Haydon asked what is the status of the conceptual plan referred to for the former fire station site, given that it depicts 20 residential units on that site? *Director Woltering indicated that, since it is a conceptual plan, with no formal reviews or analysis supporting it, and no actions taken on it by the City, it has no formal status at this time. The information was provided about the concept plan only to give an indication of what the property owner believes may be achievable on the site.*

Commissioner Johnson had the following questions:

- Will issues related to SROs in the Kirker Pass Corridor area be tabled at this point and addressed later on? *Director Woltering indicated, yes, that consideration of allowing for SROs and an emergency shelter in the Kirker Pass Corridor will be addressed in the future, likely sometime later this year, and not as part of this process.*
- Can the City use the Kirker Court Apartments to show compliance with State housing requirements for SROs? *Director Woltering indicated that would not be possible because the City has in the past already used those housing units in the category of very low income units.*

The public hearing was opened.

There was no public comment.

The public hearing was closed.

Commissioner Armstrong had the following question and comment:

- Regarding the removal of the maximum number of people for the definition of “family”, would Uniform Building Code (UBC) capacity regulations establish maximum occupancy allowances? *Director Woltering indicated that, yes, the UBC would be used to enforce maximum occupancy requirements for public health and safety purposes.*
- The 35-foot building height maximum listed in Appendix C should be changed to be consistent with the 40-foot building height maximum specified in the Town Center Specific Plan. *Director Woltering concurred and indicated that would be done.*

Chair Richardson indicated he understands the State is requiring the City to provide multi-family high density land-use designations at an adequate number of sites to facilitate the anticipated need for affordable housing within the community. *Director Woltering concurred with that representation.*

Vice Chair Haydon commented that the analysis of project-related impacts as well as showing how the project-related impacts would be mitigated were excellent.

**Chair Richardson moved and Commissioner Manning second a motion to continue the public hearing for ENV 01-12, GPA 03-11, SPA 01-12, ZOA 06-11 to the next regularly-scheduled Planning Commission meeting on March 13, 2012. The motion passed 5-0.**

## **Communications**

6A. Staff.

Director Woltering indicated that the City continues to be in a hold position with respect to the Clayton Community Church project until the City is contacted by the Church (i.e., applicant) to provide the needed funds and written authorization to move forward with the project environmental analysis.

6B. Commission.

Chair Richardson asked if the Diablo Estates at Clayton project was reaching the threshold unit count for triggering affordable housing requirements and the dedication of Lot 25. *Director Woltering indicated that, yes, currently the developer of the Diablo Estates at Clayton project, Toll Brothers, has 17 of the 24 units with deposits and/or contracts established for prospective homebuyers. The trigger for affordable housing and Lot 25 dedication is the 20<sup>th</sup> unit within the subdivision. He indicated that Toll Brothers has moved forward with affordable housing compliance by acquiring a residence on Chert Place and is negotiating a purchase agreement with a family that is interested in purchasing the property. Additionally, Toll Brothers is currently working on acquiring a residence located in the Marsh Creek Park Villas in order to satisfy the last affordable housing requirements associated with development of their subdivision.*

*Regarding Lot 25, Toll Brothers is currently in discussions with Save Mount Diablo regarding that organization's acceptance of Lot 25. State Parks has indicated that they are not interested in accepting that property. Currently, Toll Brothers has completed some improvements on the lot including planting approximately 125 new oak trees, demolishing an existing structure, removing non-native species, and performing remedial grading work. Once an entity agrees to the acceptance of Lot 25, Toll Brothers will then come forward to the City Council to initiate the processing of a formal acceptance of the lot.*

Commissioner Armstrong asked if there was any word from Clayton Produce regarding moving into the Flora Square Building. *Director Woltering indicated that there has been no contact made by Clayton Produce, so there is no new information.*

### Adjournment

7. The meeting was adjourned at 7:50 p.m. to the following regularly-scheduled meeting of March 13, 2012.

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Submitted by  
David Woltering, AICP  
Community Development Director

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Approved by  
Dan Richardson  
Chair

Plng Comm\Minutes\2012\0228

## PLANNING COMMISSION STAFF REPORT

**Meeting Date:** March 13, 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)

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### **BACKGROUND**

This subject was initially discussed by the Planning Commission at its December 13, 2011 meeting and considered again at its February 28, 2012 meeting. At the December 13<sup>th</sup> meeting, staff introduced to the Commission several implementation measures from the 2009-2014 Housing Element that staff believes to be a priority relative to carrying out the Housing Element's goals and objectives. Subsequent to the December 13<sup>th</sup> meeting, staff worked with Raney Planning and Management staff to prepare and distribute for a State required 30-day review period an Initial Environmental Study/Mitigated Negative Declaration (IES/MND) pertaining to this Housing Element Implementation Project. The purpose of this IES/MND is to identify and evaluate the potential environmental consequences of carrying out the identified implementation measures.

At the February 28, 2012 Planning Commission meeting, staff reviewed the proposed implementation measures in more detail as well as reviewed and solicited comments regarding the IES/MND evaluation, findings, and recommended mitigation measures. The conclusion of the IES/MND is that the proposed project, i.e., implementation of the selected mitigation measures, would not result in a significant adverse impact, assuming the recommended mitigation measures in the IES/MND are followed.

The City's 2009-2014 Housing Element was approved by the City Council on April 20, 2010 and conditionally certified by the State of California Department of Housing and Community Development (HCD) on July 15, 2010, which assumes the City of Clayton would make good faith progress towards implementing the extensive list of implementation measures in this Housing Element. This subject project would result in the formal adoption and required compliance with a number of the key implementation measures in the Housing Element, thereby demonstrating to HCD the City's good faith efforts towards achieving the affordable housing goals and objectives set forth in the Housing Element.

The selected implementation measures in the Housing Element Implementation Project require various text and map 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. The attached staff report (See **Attachment 5**) from the February 28, 2012 Planning Commission meeting provides a more detailed description of the amendments being considered.

At its February 28, 2012 meeting, the Commission received only one public comment on the proposed project. Mr. and Mrs. Byrd, who reside at 1212 Mitchell Canyon Road, submitted a comment letter dated February 23, 2012 (See **Attachment 3**). The Byrds reside in a single-family residence located immediately adjacent to the former fire station property at the southeast corner of Mitchell Canyon Road and Clayton Road (See **Attachment 4**). The former fire station is currently being used as a residence and is being considered as part of the proposed project for redesignation to Multifamily High Density Residential. The purpose of this proposed redesignation is to facilitate multifamily development of this property. In their February 23rd letter, Mr. and Mrs. Byrd request that their property be redesignated to Multifamily High Density Residential similar to the adjoining former fire station property.

At the February 28, 2012 Planning Commission meeting, the Commission indicated it generally supported the proposed text and map amendments as part of the subject proposed Housing Element Implementation Project as well as the evaluation, findings, and recommended mitigation measures in the IES/MND prepared for this project. Staff indicated at the meeting that the request of Mr. and Mrs. Byrd appeared beneficial by providing more land area adjacent to the subject V-5 site, former fire station property, for multifamily residential development. This could be helpful because the V-5 site has somewhat reduced development potential because of high tension power lines that extend over a portion of that property and an easement located below those power lines restricts structural development in that area of the site. Staff indicated, however, the request would need further evaluation. Commissioner Armstrong indicated that the height limit indicated in the development standards being proposed for Multifamily High Density Residential is 35 feet whereas the Town Center Specific Plan indicates a maximum height of 40 feet. Staff indicated that matter would be corrected.

## **DISCUSSION**

Since the February 28, 2012 meeting, staff has worked with Raney Planning and Management staff to evaluate the request by Mr. and Mrs. Byrd to add their property at 1212 Mitchell Canyon Road to the six redesignation sites. It was assumed that the 0.29 acre Byrd Site could be redeveloped with up to five dwelling units. The total increased development potential of the initial six redesignation sites was determined to be 78 units. Adding the Byrd site would increase the development potential of this proposed project to 83 units. This increase required that the greenhouse gas emissions be analyzed for the total increased development potential of dwelling units being proposed for this project. This analysis was completed by Raney Planning and Management (See **Attachment 2**). It was determined that the total greenhouse gas emissions, even with the additional five units, would not result in a significant adverse impact. Moreover, a review of all initial environmental checklist categories related to the possible addition of the Byrd Site did not alter the basic finding of the IES/MND that, with the recommended mitigation measures, the proposed project would not result in a significant adverse impact. This finding assumes the Byrd Site would likewise be subject to applicable recommended mitigation measures. Redesignation of the Byrd Site to Multifamily High Density Residential would have benefits in terms of redeveloping the former fire station property, V-5, by potentially increasing the development footprint, offering access options, and design

flexibility. Accordingly, staff has asked Raney Planning and Management to prepare the attached Errata Sheet (See **Attachment 2**) to the IES/MND to describe the rationale and enable consideration of the Byrd Site to be added as the seventh redesignation site.

The attached Errata Sheet also addresses the change of the maximum building from 35 feet to 40 feet, as Commissioner Armstrong addressed, and inadvertent numbering errors on page 2 of the Table of Contents in the section entitled “VI. Evaluation of Environmental Impacts” of the IES/MND.

### **RECOMMENDATION**

Staff recommends the Planning Commission adopt attached Resolution No. 01-12, thereby recommending City Council adoption of the subject IES/MND and City Council approval of related various text and map amendments, including adding a seventh resignation site, the Byrd Site.

### **ATTACHMENTS**

- 1 Resolution No. 01-12
- 2 Errata Sheet, dated March 13, 2012
- 3 Letter from Kenneth and Mary Byrd, dated February 23, 2012
- 4 Assessor’s Parcel Map that depicts the location the Byrd Site
- 5 February 28, 2012 Planning Commission Staff Report
- 6 Draft February 28, 2012 Planning Commission Minutes (Provided Separately as part of the March 13, 2012 Planning Commission Packet)

ComDev/Housing Element Implementation/Clayton Housing Element Imp Items Sr3 3.13.12

**CITY OF CLAYTON PLANNING COMMISSION  
RESOLUTION NO. 01-12**

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**RECOMMENDING CITY COUNCIL APPROVAL OF THE FOLLOWING ACTIONS:**

- 1. ADOPTING THE CLAYTON HOUSING ELEMENT IMPLEMENTATION PROJECT INITIAL ENVIRONMENTAL STUDY / MITIGATED NEGATIVE DECLARATION (IES/MND), INCLUDING ERRATA SHEET, DATED MARCH 13, 2012, AND MITIGATION MONITORING PLAN (ENV 01-12)**
- 2. AMENDING THE GENERAL PLAN LAND USE ELEMENT TO: 1) ADD A NEW MULTIFAMILY HIGH DENSITY DESIGNATION (15.1 TO 20 UNITS PER ACRE); 2) MAKE REVISIONS TO THE EXISTING MULTIFAMILY LOW DENSITY AND MULTIFAMILY MEDIUM DENSITY DESIGNATIONS; AND 3) REVISE THE “RESIDENTIAL DENSITY AND POPULATION PROJECTIONS” SECTION (GPA 03-11)**
- 3. MODIFYING THE LAND USE DESIGNATIONS FOR THE FOLLOWING SEVEN SITES TO MULTIFAMILY HIGH DENSITY (15.1 TO 20 UNITS PER ACRE):**
  - **SITE V-2 (APN 119-021-063)**
  - **SITE V-5 (APN 120-015-011)**
  - **SITE P-2 (APN 119-021-013)**
  - **SITE P-3 (APN 119-021-054)**
  - **SITE P-4 (APN 119-021-055)**
  - **SITE HOYER (APNs 119-021-019 and -020) (GPA 03-11)**
  - **SITE BYRD (APN 120-015-007)**
- 4. AMENDING THE TOWN CENTER SPECIFIC PLAN TO ADD A NEW MULTIFAMILY HIGH DENSITY RESIDENTIAL DESIGNATION (15.1 to 20 UNITS PER GROSS ACRE), AND REDESIGNATE SITE V-2 (APN 119-021-063) TO MULTIFAMILY HIGH DENSITY RESIDENTIAL (SPA 01-12)**
- 5. AMENDING ZONING CODE SECTION 17.04 (DEFINITIONS), SECTION 17.16.020 (SINGLE FAMILY RESIDENTIAL (R-10, R-12, R-15, R-20, R-40 AND R-40-H) DISTRICTS, PERMITTED USES - PRINCIPAL), SECTION 17.20 (MULTIPLE FAMILY RESIDENTIAL), SECTION 17.24.20 (LIMITED COMMERCIAL DISTRICT, PERMITTED USES – PRINCIPAL), SECTION 17.28.100 (PLANNED DEVELOPMENT DISTRICT, OPEN SPACE), AND SECTION 17.60.030B (USE PERMITS, USE PERMITS REQUIRED FOR RESIDENTIAL RELATED USES) (ZOA 06-11)**
- 6. REZONING TO PLANNED DEVELOPMENT (PD) THE FOLLOWING FOUR PROPERTIES:**
  - **SITE P-2 (APN 119-021-013)**
  - **SITE P-3 (APN 119-021-054)**
  - **SITE P-4 (APN 119-021-055)**
  - **SITE HOYER (APNs 119-021-019 and -020) (ZOA 06-11)**
  - **SITE BYRD (APN 120-015-007)**

**WHEREAS**, the Planning Commission held a duly-noticed meetings on February 28, 2012 and March 13, 2012 to consider entitlements, including an IES/MND and Mitigation Monitoring Plan, as well as the above-listed General Plan, Town Center Specific Plan, and Zoning Code text and map amendments for the Clayton Housing Element Implementation Project; and

**WHEREAS**, the Planning Commission considered the public testimony and staff reports related to the Clayton Housing Element Implementation Project at the February 28, 2012 and March 13, 2012 meetings; and

**WHEREAS**, the Planning Commission finds the IESMND and Mitigation Monitoring Program were prepared in accordance with the 15070 et seq. of the California environmental Quality Act (CEQA) Guidelines;

**WHEREAS**, the Clayton Housing Element Implementation Project, including the above-listed General Plan, Town Center Specific Plan, and Zoning Code text and map amendments, was analyzed in the Clayton Housing Element Implementation IES/MND, which assessed all potential impacts from the proposed amendments and found that the amendments would not result in any impacts detrimental to the public health, safety, or welfare; and

**WHEREAS**, the Planning Commission determined recommending City Council approval of the above-listed amendments is in general conformance with the General Plan and the public necessity, convenience, health, safety and general welfare and would help the City implement the Clayton Housing Element and meet its need for lower income residential units.

**Now, Therefore, Be it Resolved That:**

SECTION 1. The Planning Commission, based on the previously stated citations, recommends City Council adoption of the IES/MND and Mitigation Monitoring Program and approval of the above-listed text and map amendments to the General Plan, TCSP, and Zoning Code, as further described in Attachments A through I.

Adopted by the Planning Commission on March 13, 2012.

APPROVED

ATTEST

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Dan Richardson  
Chair

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David Woltering, AICP  
Community Development Director

**ATTACHMENTS:**

- A Clayton Housing Element Implementation Project IES/MND and Mitigation Monitoring Plan (ENV 01-12) (*Provided Under Separate Cover*).
- B Proposed General Plan Land Use Amendments.
- C Proposed Town Center Specific Plan Amendment.
- D Revised Chapters of Clayton Zoning Code (Excluding Chapter 17.20).
- E Revised Chapter 17.20 (Multiple Family Residential Districts) of Clayton Zoning Code.
- F Errata Sheet to IES/MND, dated March 13, 2012 (*Provided Under Separate Cover*).
- G Proposed General Plan Amendments Map.
- H Proposed Town Center Specific Plan Amendment Map.
- I Proposed Zoning Ordinance Amendments Map.

## PROPOSED GENERAL PLAN LAND USE ELEMENT AMENDMENTS

*Changes to the General Plan Land Use Element text are shown in double underline for new text and ~~strikethrough~~ for deleted text. The changes begin at the bottom of page II-6 of the Land Use Element, as follows:*

### **Multifamily Low Density (7.6 to 10 Units Per Acre)**

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as including single family detached dwellings on smaller lots with a conditional use permit, that provide a development with amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. ~~Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space, use of outdoor recreational amenities, and provision of useable open space.~~ Structural coverage, excluding recreational amenities, shall not exceed ~~30~~40% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98)

### **Multifamily Medium Density (10.1 to 15 Units Per Acre)**

This designation is intended for and allows multifamily units, including duplexes, triplexes, and townhouses, located where the site area, circulation system and other features can comfortably accommodate increased density. Development within this density shall be ~~required~~ encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. ~~Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space and use of outdoor recreational amenities.~~ Structural coverage, excluding recreational amenities, shall not exceed ~~40~~50% of the site area. Second dwelling units are allowed.

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

### **Multifamily High Density (15.1 to 20 Units Per Acre)**

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

### **Institutional Density (7.6 to 20 Units Per Acre)**

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

Senior projects must be submitted as planned developments and will have to be reviewed for site limitations including density, number of stories and structure height, on a case-by-case basis. It is assumed that densities can exceed 15 units per acre when possible impacts can be mitigated.

Development intensity can reach 100% structural coverage of each individual parcel. Structural coverage shall not exceed 50% of the site area, however, specific sites and relationship to adjacent uses may pose additional limitations.

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

### **Residential Density and Population Projections**

The ~~1980~~ 2010 census indicated that Clayton had an average population of ~~3.23~~ 2.72 persons per unit for occupied units. ~~The California State Department of Finance indicated the person per unit for all units was 3.14.~~ Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

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

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

<u>Designation</u>	<u>Persons Per Unit</u>
Rural Estate	3.3
Low Density	3.1
Medium Density	2.8
High Density	2.5
Multifamily Low Density	2.3

**PROPOSED TOWN CENTER SPECIFIC PLAN AMENDMENT**

*Changes to the Town Center Specific Plan text are shown in double underline for new text. A new Multi-Family High Density Residential land-use category is proposed to be added. This category would be added after Multi-Family Medium Density Residential toward the bottom of page 13 of the Town Center Specific Plan, a 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 recreation amenities, shall not exceed 65% of the site area.**

**REVISED CHAPTERS OF CLAYTON ZONING CODE (EXCLUDING  
CHAPTER 17.20)**

*[Changes to the Zoning Code text are shown in double underline for new text and ~~strikethrough~~ for deleted text.]*

**SECTION 1.** Section 17.04, Definitions, of the Municipal Code is amended to read as follows:

- The “Sections” list is revised as follows:

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

- The “Family” definition is revised as follows:

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

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

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

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

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

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

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

**17.04.187 Single-Room Occupancy (SRO) Facilities.** "Single-Room Occupancy" or "SRO" means a type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have kitchen or bath facilities (but not both) in the room.

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

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

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

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

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

**SECTION 2.** Section 17.16.020 (Single Family Residential (R-10, R-12, R-15, R-20, R-40 and R-40-H) Districts, Permitted Uses – Principal) of the Municipal Code is amended to read as follows:

- C. Publicly-owned parks and playgrounds;
- D. Supportive and transitional housing;

~~D.~~ E. The keeping of equestrian livestock (R-40-H only), provided that a minimum land area to livestock ratio of forty thousand feet of land to two head of equestrian livestock shall be required. (Ord. 52 Ch. II Sec. 4(a), 1968).

~~E.~~ F. Personal property sales in accordance with the following regulations:

- a. Personal property sales shall be allowed up to a maximum of six (6) days per calendar year;
- b. Personal property sales shall be limited to the hours between 8:00 a.m. and 5:00 p.m.; and
- c. Personal property sales shall not result in adverse impacts related to noise, traffic, safety, congestion, and parking. (Ord. 420, 2009).

**SECTION 3.** Section 17.24.020 (Limited Commercial District, Permitted Uses - Principal) of the Municipal Code is amended to read as follows:

I. Accessory uses and structures customarily appurtenant to a permitted use, such as incidental storage facilities;

J. SRO facilities only with a Conditional Use Permit (See Section 17.60.030.B.6);

~~J.~~ K. Any other retail business, office or service establishment which the Commission finds not to be inconsistent with the purpose of this title and which will not impair the present or potential use of adjacent properties. (Ord. 325, 1996)

**SECTION 4.** Section 17.28.100 (Planned Development, Open Space) of the Municipal Code is amended to read as follows:

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

**SECTION 5.** Section 17.60.030B (Use Permits, Use Permits Required, B. Residential Related Uses)) of the Municipal Code is amended to read as follows:

1. Model home complex/ subdivision sales office.
2. Equestrian livestock. (See Sections 17.16.130 and 17.36.060)
3. Agricultural animals. (See Sections 17.16.130 and 17.36.070)
4. Multiple household pets:

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

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

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

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

**REVISED CHAPTER 17.20 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS)  
OF CLAYTON ZONING CODE**

**SECTION 1.** Section 17.20 (Multiple Family Residential) of the Municipal Code is amended to read as follows:

Chapter 17.20

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

Sections:

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

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

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

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

A. ~~Residential dwelling and the accessory structures and uses normally auxiliary thereto~~ Duplex, triplex, townhouses, apartments and other multifamily structures

not exceeding the density limits set by the applicable General Plan Land Use Designation;

B. — Crop and tree farming, but not including retail nurseries or the raising or keeping of any animals other than household pets. (Ord. 52 Ch. II Sec. 6(b), 1968);

B. Supportive and transitional housing;

C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).

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

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

A. M-R, nine six thousand square feet, and provided further that for each dwelling unit a minimum of and three thousand square feet of land shall be provided for each dwelling unit (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(1), 1968);

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

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

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

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

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

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

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

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

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

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

17.20.080 Building Height. No ~~detached single family dwelling~~, duplex, triplex, townhouse, apartment, or other multiple family building, or other structure permitted in the M-R multiple family residential districts shall exceed as follows:

A. M-R, thirty-five (35) feet in height, except that when an M-R multiple family residential district abuts any single family residential district, then the building height maximum of the portion of the M-R multiple family residential district being

within fifty (50) feet of the abutting single family residential district shall be twenty (20) feet. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(4), 1968). (Ord 375, 2004);

B. M-R-M, thirty-five (35) feet in height.

C. M-R-H, forty feet (40) feet in height, except shall be thirty-five (35) feet in height for that portion within 50 feet of an abutting single family residential district.

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

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

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

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

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

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

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

A. M-R, ~~twenty-five~~ forty percent of the lot area (Ord. 52 Ch. II Sec. 6(d)(9), 1968);

B. M-R-M, fifty percent of the lot area; and

C. M-R-H, sixty-five percent of the lot area.

17.20.150 Open Area. ~~Twenty-five percent of~~ ~~the parcel shall not be occupied by buildings, structures, or pavement, but shall be landscaped,~~ a minimum of as follows:

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

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

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

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

**Clayton Housing Element Implementation IES/MND  
Initial Environmental Study/ Mitigated Negative Declaration ENV 01-12**

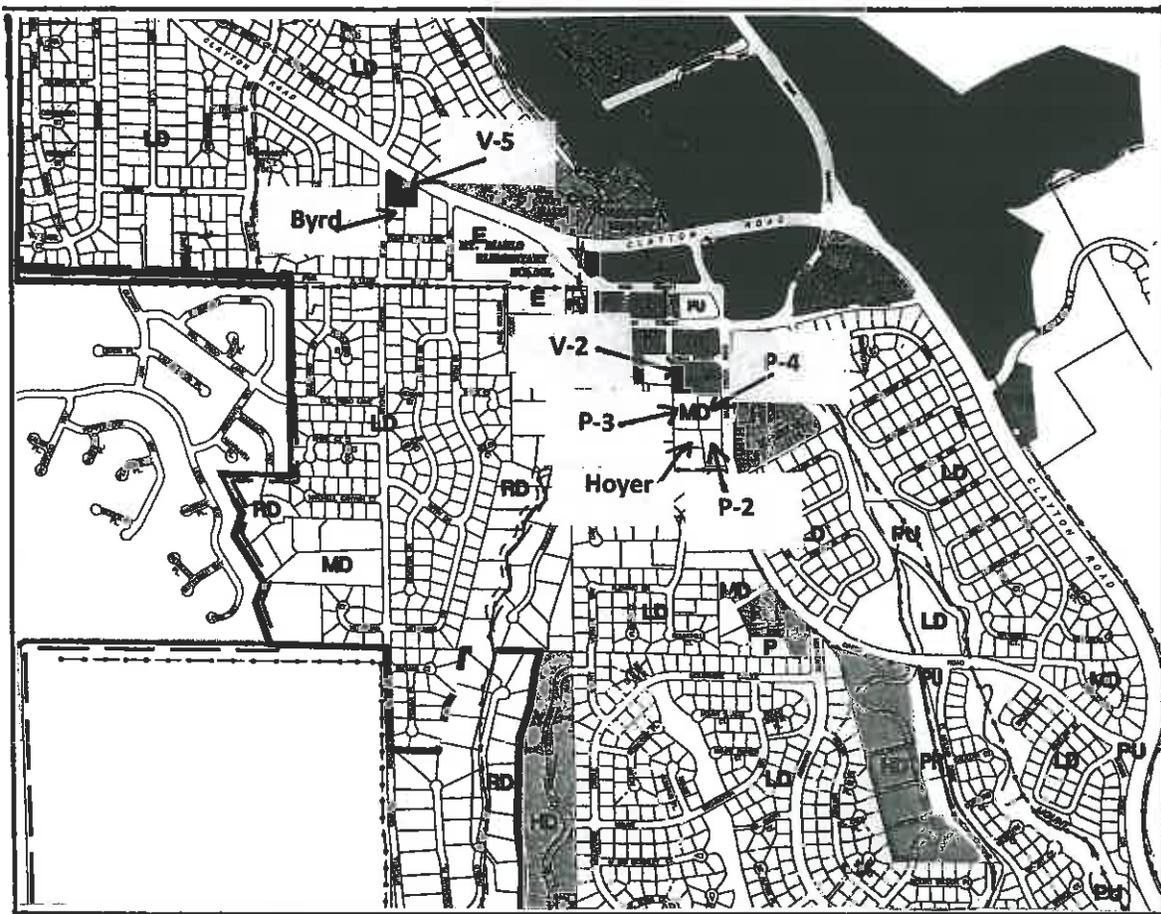
**Errata Sheet  
March 13, 2012**

This Erratum presents, in ~~strike-through~~ and double-underline format, the revisions to the Clayton Housing Element Implementation Project IES/MND (February 2012) needed to reflect the addition of a seventh property to the project description. The details of the seventh property will be presented below in the errata section entitled, "IV. Project Description." Generally, the seventh parcel (APN 120-015-007) is 0.29-acre and located immediately south of Site V-5, which is one of the six sites included in the original project description and IES/MND analysis. Site V-5 is the 1.01-acre corner property located at the southeast corner of Clayton Road and Mitchell Canyon Road. The seventh property, hereafter referred to as the "Byrd Site", is being added to the project description per the request of the property owner. Similar to the other six sites evaluated in the IES/MND, the Byrd Site would be redesignated to the new General Plan land use designation of Multifamily High Density. Among the potential benefits of adding the Byrd Site to the project description is the site's adjacency to Site V-5. As discussed on page 15 of the IES/MND, high tension power lines are located overhead a portion of Site V-5. 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 Site V-5. The addition of the contiguous Byrd Site to the project description would provide a larger development footprint for a future high density residential development project in this area.

The revisions to the IES/MND reflected in this Erratum do not affect the adequacy of the previous environmental analysis contained in the Housing Element Implementation Project IES/MND. Generally, the changes provide clarification concerning the addition of the Byrd Site to the project description. However, as will be discussed below, the addition of the Byrd Site requires that greenhouse gas emissions (GHG) be calculated for the proposed project. Previously, the buildout potential for the six properties evaluated in the IES/MND (i.e., 78 units) was at the Bay Area Air Quality Management District's screening threshold for GHG operational emissions. Because the seventh property could result in the future development of another five units, the GHG screening threshold is exceeded and GHG quantification is necessary. As will be demonstrated below, the project's GHG emissions would be below the BAAQMD's operational GHG threshold of 1,100 metric tons per year (MT/yr) of CO<sub>2e</sub>, resulting in a less-than-significant impact. Therefore, the additional GHG information added to the Housing Element Implementation Project IES/MND does not change the original less-than-significant conclusion identified for GHG emissions in the Public Review Draft IES/MND.

The remaining CEQA Checklist sections of the IES/MND remain adequate to address the potential environmental impacts of the proposed project, including the Byrd Site. Similarly, the mitigation measures identified in the IES/MND would fully mitigate all potential project impacts, including those associated with the Byrd Site, if the below-listed minor revisions are made to the existing mitigation measures (See the section entitled, *V. List of Mitigation Measures*, of this Erratum). For

## General Plan Amendments (GPA 03-11)



### Proposed General Plan (GP) Map Changes

**Site V-2:** APN 119-021-063 (south High Street):

- **Existing GP:** Multifamily Medium Density
- **Proposed GP:** Multifamily High Density

**Site V-5:** APN 120-015-011 (SE corner of Clayton Road and Mitchell Canyon Road):

- **Existing GP:** Multifamily Medium Density
- **Proposed GP:** Multifamily High Density

**Site P-2:** APN 119-021-013 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

**Site P-3:** APN 119-021-054 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

**Site P-4:** APN 119-021-055 (west of Old Marsh Creek Road):

- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

**Site Hoyer:** APNs 119-021-019 and -020 (west of Old Marsh Creek Road):

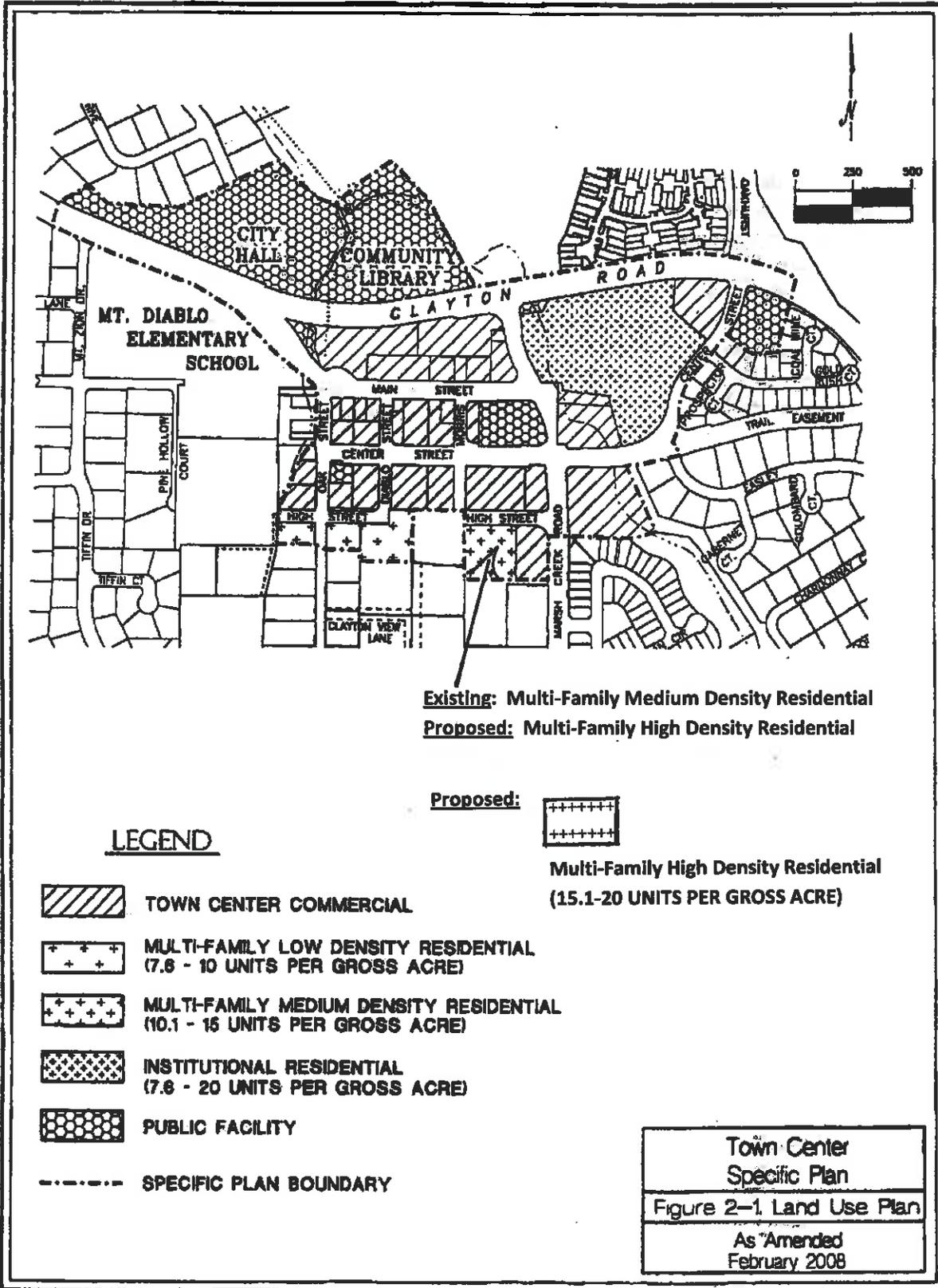
- **Existing GP:** Single Family Medium Density
- **Proposed GP:** Multifamily High Density

**Site Byrd:** APN 120-015-007 (south of Mitchell Canyon Road):

- **Existing GP:** Single Family Low Density
- **Proposed GP:** Multifamily High Density

# Town Center Specific Plan Amendment (SPA 01-12)

Z:\CD010185\0185\TOWN CENTER SPECIFIC PLAN V3 PROP AMENDMENTS FEB 2008.DWG  
 FEB 15, 2008 12:14 P 8:8 FC 6 A



Existing: Multi-Family Medium Density Residential  
 Proposed: Multi-Family High Density Residential

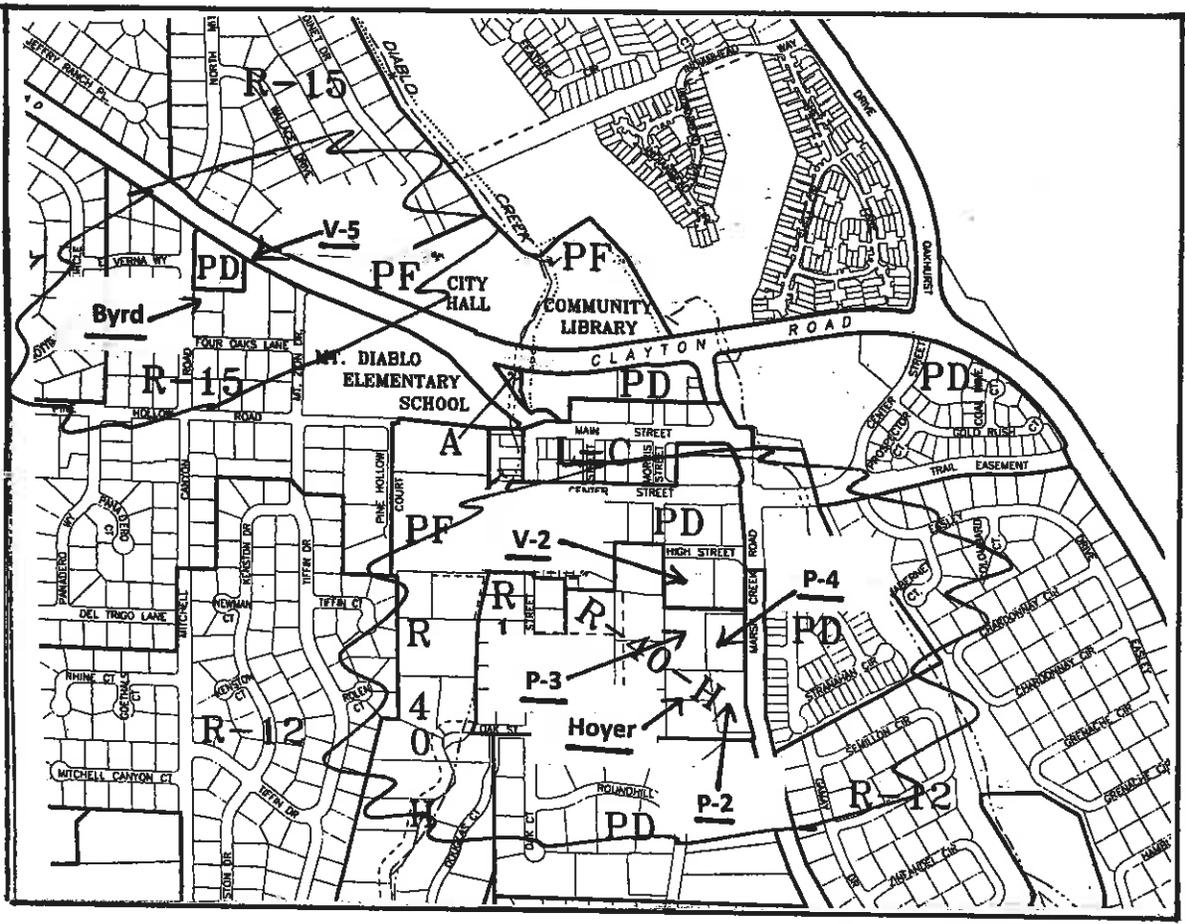
### LEGEND

-  TOWN CENTER COMMERCIAL
-  MULTI-FAMILY LOW DENSITY RESIDENTIAL  
(7.6 - 10 UNITS PER GROSS ACRE)
-  MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL  
(10.1 - 15 UNITS PER GROSS ACRE)
-  INSTITUTIONAL RESIDENTIAL  
(7.6 - 20 UNITS PER GROSS ACRE)
-  PUBLIC FACILITY
-  SPECIFIC PLAN BOUNDARY

Proposed:   
 Multi-Family High Density Residential  
 (15.1-20 UNITS PER GROSS ACRE)

Town Center  
 Specific Plan  
 Figure 2-1. Land Use Plan  
 As Amended  
 February 2008

# Zoning Ordinance Amendments (ZOA 06-11)



## Proposed Zoning Map Changes

**Site V-2:** APN 119-021-063 (south High Street):

- **Existing Zoning:** Planned Development (PD)
- **Proposed Zoning:** No Change

**Site V-5:** APN 120-015-011 (SE corner of Clayton Road and Mitchell Canyon Road):

- **Existing Zoning:** Planned Development (PD)
- **Proposed Zoning:** No Change

**Site P-2:** APN 119-021-013 (west of Old Marsh Creek Road):

- **Existing Zoning:** R-40-H
- **Proposed Zoning:** Planned Development (PD)

**Site P-3:** APN 119-021-054 (west of Old Marsh Creek Road):

- **Existing Zoning:** R-40-H
- **Proposed Zoning:** Planned Development (PD)

**Site P-4:** APN 119-021-055 (west of Old Marsh Creek Road):

- **Existing Zoning:** R-40-H
- **Proposed Zoning:** Planned Development (PD)

**Site Hoyer:** APNs 119-021-019 and -020 (west of Old Marsh Creek Road):

- **Existing Zoning:** R-40-H
- **Proposed Zoning:** Planned Development (PD)

**Site Byrd:** APN 120-015-007 (south of Mitchell Canyon Road):

- **Existing Zoning:** R-15
- **Proposed Zoning:** Planned Development (PD)

**Clayton Housing Element Implementation IES/MND  
Initial Environmental Study/ Mitigated Negative Declaration ENV 01-12**

**Errata Sheet  
March 13, 2012**

This Erratum presents, in ~~strike-through~~ and double-underline format, the revisions to the Clayton Housing Element Implementation Project IES/MND (February 2012) needed to reflect the addition of a seventh property to the project description. The details of the seventh property will be presented below in the errata section entitled, "IV. Project Description." Generally, the seventh parcel (APN 120-015-007) is 0.29-acre and located immediately south of Site V-5, which is one of the six sites included in the original project description and IES/MND analysis. Site V-5 is the 1.01-acre corner property located at the southeast corner of Clayton Road and Mitchell Canyon Road. The seventh property, hereafter referred to as the "Byrd Site", is being added to the project description per the request of the property owner. Similar to the other six sites evaluated in the IES/MND, the Byrd Site would be redesignated to the new General Plan land use designation of Multifamily High Density. Among the potential benefits of adding the Byrd Site to the project description is the site's adjacency to Site V-5. As discussed on page 15 of the IES/MND, high tension power lines are located overhead a portion of Site V-5. 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 Site V-5. The addition of the contiguous Byrd Site to the project description would provide a larger development footprint for a future high density residential development project in this area.

The revisions to the IES/MND reflected in this Erratum do not affect the adequacy of the previous environmental analysis contained in the Housing Element Implementation Project IES/MND. Generally, the changes provide clarification concerning the addition of the Byrd Site to the project description. However, as will be discussed below, the addition of the Byrd Site requires that greenhouse gas emissions (GHG) be calculated for the proposed project. Previously, the buildout potential for the six properties evaluated in the IES/MND (i.e., 78 units) was at the Bay Area Air Quality Management District's screening threshold for GHG operational emissions. Because the seventh property could result in the future development of another five units, the GHG screening threshold is exceeded and GHG quantification is necessary. As will be demonstrated below, the project's GHG emissions would be below the BAAQMD's operational GHG threshold of 1,100 metric tons per year (MT/yr) of CO<sub>2e</sub>, resulting in a less-than-significant impact. Therefore, the additional GHG information added to the Housing Element Implementation Project IES/MND does not change the original less-than-significant conclusion identified for GHG emissions in the Public Review Draft IES/MND.

The remaining CEQA Checklist sections of the IES/MND remain adequate to address the potential environmental impacts of the proposed project, including the Byrd Site. Similarly, the mitigation measures identified in the IES/MND would fully mitigate all potential project impacts, including those associated with the Byrd Site, if the below-listed minor revisions are made to the existing mitigation measures (See the section entitled, *V. List of Mitigation Measures*, of this Erratum). For

example, according to Exhibit VIII-1 of the Noise Element of the General Plan (Projected Noise Contours), Sites P-2, P-4, and V-5 lie within 60 and 70 dB roadway noise contours. Consequently, Mitigation Measure 5 was included in the IES/MND to require submittal of a noise assessment with future development plans for Sites P-2, P-4, and V-5. This noise study would identify any mitigation measures needed to reduce noise levels to a less-than-significant level. According to Exhibit VIII-1, the Byrd Site is also within a 60 dB noise contour (i.e., for Clayton Road). Therefore, Mitigation Measure 5 has been revised in this Erratum to include the Byrd Site. Like Sites P-2, P-4, and V-5, preparation of a noise assessment for the Byrd Site prior to development plan approval would ensure that all necessary mitigation measures have been incorporated into the site design to ensure that noise impacts upon the project are less-than-significant.

Regarding traffic, as discussed in Section 15, *Transportation/Circulation*, of the IES/MND, the surrounding project intersections operate at either LOS A or B during the AM and PM peak hours under Existing and Cumulative Baseline conditions, respectively. The increase in vehicle trips resulting from the 78 dwelling units, which were evaluated in the IES/MND for the six redesignation sites, was determined not to substantially degrade the surrounding key intersections. An additional five units for the Byrd Site would generate a minimal amount of additional vehicles on the surrounding roadway network. Therefore, the project, as amended (i.e., 83 dwelling units), would not be expected to result in a significant increase in vehicle trips from what was addressed in the IES/MND or substantially degrade the surrounding key intersections. However, in order to ensure that adequate access, on-site circulation, and parking is provided in compliance with City standards, Mitigation Measure 7 was included in the IES/MND for the six sites, which requires inclusion of a site-specific traffic study along with future development plans. Mitigation Measure 7 has been revised in this Erratum to include the Byrd Site. With implementation of Mitigation Measure 7, as amended, any traffic/circulation impacts would be reduced to a less-than-significant level for all seven sites.

The potential biological and cultural resources impacts related to future site disturbance of the Byrd Site are similarly adequately addressed by the existing IES/MND analysis and mitigation. For example, Mitigation Measure 1 requires a pre-construction nesting survey for migratory birds if initial grading and building demolition is to be conducted during the months of March through August. This mitigation measure, as written, would apply to the Byrd Site. Mitigation Measures 2 and 3, as slightly amended below, require review of all structures on the seven sites that are over 50 years old, as well as the preparation of a cultural resources assessment for all seven sites. Furthermore, removal of any trees on the Byrd Site as part of future construction would be addressed through compliance with the City's Tree Protection Ordinance, as already discussed in Section 5 of the IES/MND (See Question "e"). Potential soil erosion during construction activities would be addressed through compliance with the City's stormwater management and discharge control regulations (Section 13.12 of the Municipal Code), as already discussed in Section 7 of the IES/MND (See Question "c"). Similar to the IES/MND conclusions for the six redesignation sites, adequate water and sewer treatment capacity would be available to serve the additional five units for the Byrd Site (See Section "16" of the IESMND).

In Summary, because the proposed project, as amended, would not result in any new significant impacts or increase in impact significance from what was addressed in the IES/MND for the original project, recirculation of the Housing Element Implementation IES/MND is not required.

LIST OF CHANGES TO IES/MND

**Table of Contents**

The inadvertent numbering errors on page 2 of the Table of Contents in the section entitled, “VI. Evaluation of Environmental Impacts,” are hereby corrected as follows:

1.	Aesthetics.....	23
2.	Agriculture Resources.....	26
3.	Air Quality.....	29
<del>14.</del>	Greenhouse Gas Emissions.....	36
<del>25.</del>	Biological Resources.....	39
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<del>47.</del>	Geology and Soils.....	49
<del>58.</del>	Hazards and Hazardous Materials.....	54
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**Project Description**

Page 17 of The Project Description section of the IES/MND has been revised to add a description of the Byrd Site and to include the corresponding buildout data to Table 1 of the IES/MND.

Byrd Site

The 0.29-acre “Byrd” Site is located immediately south of Site V-5 and is identified as APN 120-015-007. The site currently contains an occupied single family residence, associated garage, and several trees.

The City of Clayton General Plan Land Use Diagram designates the site as Single Family Low Density and the site is zoned R-15. In order to help meet the City’s lower income unit needs, the proposed project includes considering the redesignation of the Byrd Site from Single Family Low Density to Multifamily High Density. In addition, the site would be considered for rezoning from R-15 to PD. This site was not included in the City’s Housing Element as a potential rezone site; however, the property owner has expressed interest 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 5.8 units. The theoretical maximum development potential for the Byrd Site is listed in Table 1.

**Table 1  
Existing and Proposed Maximum Development Potential of Six Seven 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 per acre)**
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
<u>Byrd</u>	<u>120-015-007</u>	<u>SF LD (1.1 to 3 units per acre)</u>	<u>0.29</u>	<u>1</u>	<u>6</u>
<b>Total</b>			<b>6.77 ac</b>	<b>56.57</b>	<b>134.140</b>
<b>Total increased development potential resulting from approval of proposed redesignations to MF HD (56—134.57-140)</b>					<b>78.83 dus</b>

MF MD = Multifamily Medium Density  
 SF MD = Single Family Medium Density  
 SF LD = Single Family Low 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 78.83 dwelling units.

### Entitlements

As a result of the addition of the Byrd Site to the project description, the list of entitlements on page 20 of the IES/MND is hereby revised for clarification purposes:

- General Plan Text Amendment to revise the Land Use Element to include a new Multifamily High Density Land Use designation (15.1 to 20 units per acre) and make minor revisions to the existing Multifamily Low and Medium Density designations, as well as the “Residential Density and Population Projections” section.
- General Plan Map Amendment to revise the Land Use Map to redesignate ~~six~~ seven parcels (APN 120-015-011, and -007; 119-021-063, -013, -054, -055, -019 and -020) to Multifamily High Density.
- Town Center Specific Plan Text Amendment to revise the TCSP to create a new Multi-Family High Density Residential Land Use designation (15.1 to 20 units per acre).

- Town Center Specific Plan Map Amendment to redesignate Site V-2 (APN 119-021-063) to Multi-Family High Density Residential.
- Zoning Ordinance Text Amendment to revise Chapters 17.04, Definitions; 17.16, Single Family Residential; 17.20, Multiple Family Residential; 17.24, Limited Commercial District; and 17.28, Planned Development, in order to implement various Housing Element Implementation Measures.
- Zoning Ordinance Map Amendment to rezone ~~four~~ five parcels (APN 119-021-013, -054, -055, -019 and -020; and 120-015-007) to Planned Development District.

## V. LIST OF MITIGATION MEASURES

As a result of the addition of the Byrd Site to the project description, the following clarifications have been made to select IES/MND mitigation measures:

### Cultural Resources

**Mitigation Measure 2.** Prior to the issuance of a demolition permit for any on-site structures on the ~~six~~ seven redesignation sites, the structure(s) shall be evaluated to determine if the structure(s) are over 50 years old. If any structure scheduled for demolition is over 50 years old, the structure shall be evaluated to determine if it is eligible for the California Register. Should the structure(s) be determined ineligible for the California Register, further mitigation would not be required. Eligibility shall be determined by an architectural historian approved by the City. The architectural historian shall submit a report to the Community Development Director for review and approval. For any structure determined to be eligible for the California Register, the report shall include measures necessary to ensure that impacts to the structure are less-than-significant.

**Mitigation Measure 3.** Development Plans for the ~~six~~ seven redesignation sites shall include a cultural resources assessment conducted by a qualified expert (approved by the Community Development Director). The assessment shall be submitted for the review and approval by the Community Development Director and shall identify any on-site archaeological resources and/or human remains, as well as measures necessary for their protection.

### Noise

**Mitigation Measure 5.** Development plans for Site V-5, Byrd, P-2, and P-4 shall include a noise assessment performed by a qualified acoustical consultant. The noise assessment shall demonstrate that the City's residential noise standards are met, and if necessary, recommend measures to be included in the project design to ensure the applicable standards are met.

### Transportation/Circulation

**Mitigation Measure 7.** Development plans for the ~~six~~ seven redesignation sites shall include a site-specific traffic study. The traffic study shall confirm that proposed site access, on-site circulation, and parking is adequate and in compliance with City standards. In addition, the traffic study shall determine whether the vehicle trips generated by the project would result in any nearby intersections being degraded to unacceptable levels of service. If necessary, the traffic study shall

include mitigation measures to ensure that all traffic-related impacts are reduced to a less-than-significant level, as determined by the City Engineer.

## VI. EVALUATION OF ENVIRONMENTAL IMPACTS

Section 4, Greenhouse Gas Emissions, of the IES/MND, is hereby revised to include greenhouse gas emissions (GHG) calculations and to demonstrate that with the addition of another five dwelling units to the overall future development potential, the project would still have a less-than-significant impact to GHG emissions, as originally determined in the IES/MND GHG analysis.

### 4. Greenhouse Gas Emissions

#### Six Seven Redesignation Sites

##### *Background*

Evidence exists that the Earth's climate has been warming over the past century because of the buildup in the atmosphere of greenhouse gases (GHGs) emitted from human activity. Greenhouse gases have varying global warming potentials. The major components of greenhouse gases include carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O) and methane, (CH<sub>4</sub>). Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and therefore is not global in nature. The burning of fossil fuels is the largest source of GHGs, particularly carbon dioxide. Greenhouse gases act much like a blanket, trapping the Earth's heat in the atmosphere and resulting in an increase in the global mean temperature. A warmer global climate could have significant effects on local and regional weather patterns, agricultural production, flooding and water resources, and the distribution of plant and animal species among other impacts.

In 2006, California enacted the California Global Warming Solutions Act (AB 32). The Act requires California to reduce its emission of GHGs to the statewide level emitted in 1990 by 2020. The Act charges the California Air Resources Board (CARB) with the task of developing, with public input, a plan for reducing GHG emissions and implementing that plan by January 2012.

As directed by SB97, the Natural Resources Agency adopted Amendments to the CEQA Guidelines for greenhouse gas emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010. Amended CEQA Guidelines Section 15064.4, states that, in determining the significance of greenhouse gas emissions, a "lead agency shall have discretion to determine, in the context of a particular project, whether to:

- (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports

- its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
- (2) Rely on a qualitative analysis or performance based standards.”

### *Analysis*

The June 2010 BAAQMD CEQA Guidelines includes a project-level GHG threshold for land use development projects (i.e., residential, commercial, industrial, and public land uses and facilities). The threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO<sub>2</sub>e. ~~Furthermore, said Guidelines include operational GHG screening criteria for various land uses in Table 3-1 on page 3-2. Several multi-family land use types are included in Table 3-1, such as apartment, low-rise, mid-rise, and high-rise; condo/townhouse, general and condo/townhouse, high-rise. The lowest screening level for multi-family land use types is 78 units in the apartment, low-rise and condo/townhouse, general categories.~~

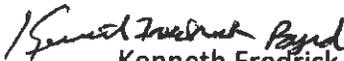
The proposed project does not include direct development of any of the ~~six~~ seven project sites. However, ~~as stated above~~, approval of the proposed project amendments could result in the future development of an additional ~~78~~ 83 dwelling units beyond the level of development allowable for the ~~six~~ seven redesignation sites under current designations (see Table 1 above). Utilizing the BAAQMD’s Greenhouse Gas Model (BGM) Version 1.1.9, which is an Excel spreadsheet program that allows users to estimate GHG emissions from land development projects, in conjunction with URBEMIS2007 emissions modeling files for the project, the project’s GHG emissions were calculated. According to the BGM results, A a total of 78 83 additional dwelling units for the ~~six~~ seven sites meets the 78-unit screening criteria for GHG operational emissions would result in GHG emissions of 904.54 MTCO<sub>2</sub>e/yr, which is below the 1,100 MTCO<sub>2</sub>e/yr threshold (See Attachment 1 for GHG emission calculations). In addition, as discussed in the footnotes to Table 1, the estimate of ~~78~~ 83 additional units for the ~~six~~ seven redesignation sites is a theoretical conservative estimate because it does not account for the existing constraints to development on several of the sites. For example, Site V-5 currently contains high tension power lines and an associated access easement that would likely render infeasible the maximum dwelling unit potential on the site. In addition, Sites V-2, P-3, and Hoyer, have existing slope constraints along their western boundaries that would likely prohibit the development of the maximum allowable number of units on-site. As a result, although the realistic unit capacity for all ~~six~~ seven sites is not known at this time, it can be reasonably assumed that said capacity would be below ~~78~~ 83 units given the existing on-site constraints to development. In conclusion, because approval of the proposed project amendments would not result in future residential development that would exceed the applicable operational GHG ~~screening criteria threshold~~, the project would have a *less-than-significant* impact regarding the generation of GHG emissions. In addition, future residential development would be built in compliance with the 2010 California Green Building Standards Code (CALGreen), which would serve to reduce GHG emissions indirectly generated via energy use.

February 23, 2012

To: Mr. David Woltering

Mr. Woltering as per our conversation today we are sending you this letter to let you know after receiving your letter dated 2/17/12 in regards to rezoning of several properties in Clayton California, for Multi-Family housing. Our property is located at 1212 Mitchell Canyon Rd, which adjoins the old fire house property @ Mitchell Canyon Rd and Clayton Rd. We would like to have our property rezoned as well.

Please provide us any information we might need to complete this task. Please feel free to contact us anytime at 925 672-1940

  
Kenneth Fredrick Byrd

  
Mary Josephine Byrd

1212 Mitchell Canyon Rd  
Clayton, CA 94517

CC: City of Clayton Mayor: Howard Geller

**RECEIVED**

**FEB 27 2012**

**CLAYTON COMMUNITY  
DEVELOPMENT DEPT**

TAX CODE AREA

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

Attachment 4

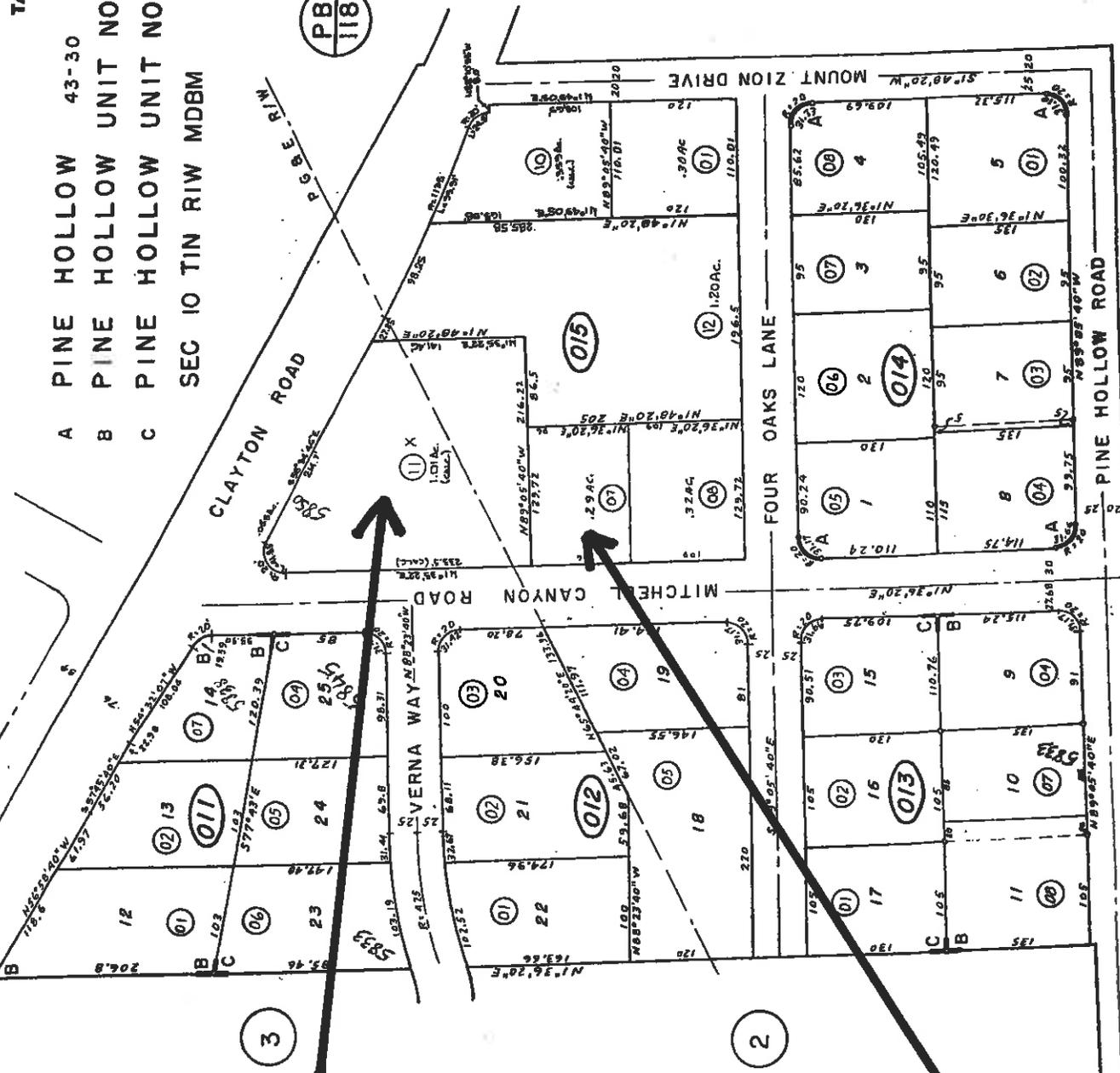
8-2-90

ASSESSOR'S MAP

BOOK 120 PAGE 01

CONTRA COSTA COUNTY, CALIF.

- 011 ○ 012 ○ 013 ○ 014 ○ 015



Location of Former Fire Station, Site V-5

Location of Byrd Site

## PLANNING COMMISSION STAFF REPORT

**Meeting Date:** February 28, 2012

**From:** David Woltering, Community Development Director *DW*

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

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### **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,<sup>1</sup> 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.

---

<sup>1</sup> 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**

<b>Site #</b>	<b>APN</b>	<b>Existing General Plan Designation</b>	<b>Parcel Acreage</b>	<b>Existing Development Potential (maximum)*</b>	<b>Proposed Development Potential (Based on redesignation/rezone to MF HD with 20 units/ac max)*</b>
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
<b>Total</b>			<b>6.7 ac</b>	<b>56</b>	<b>134</b>
<b>Total increased development potential resulting from approval of proposed redesignations to MF HD (56 - 134)</b>					<b>78 dus</b>

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



1578 Kirker Pass Road, Clayton, California 94517

Clayton Valley Presbyterian Church

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

**RECEIVED**

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 13<sup>th</sup>, 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 dw*  
Gail Doering  
Pastor