



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, March 5, 2019

7:00 P.M.

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

Mayor: Tuija Catalano
Vice Mayor: Julie K. Pierce

Council Members

Jim Diaz
Jeff Wan
Carl Wolfe

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

March 5, 2019

1. **CALL TO ORDER AND ROLL CALL** – Mayor Catalano.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Catalano.

3. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question, discussion or alternative action may request so through the Mayor.

(a) Approve the minutes of the City Council’s regular meeting of February 19, 2019.

[\(View Here\)](#)

(b) Approve the Financial Demands and Obligations of the City. [\(View Here\)](#)

(c) Adopt a Resolution approving the City’s 2018 Annual Progress Report regarding its California Housing and Community Development-certified Housing Element.

[\(View Here\)](#)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to public school students for exemplifying the “Do the Right Thing” character trait of “Self-Discipline” during the months of January and February 2019. [\(View Here\)](#)

(b) Proclamation declaring March 2019 as “American Red Cross Month” in the city of Clayton. [\(View Here\)](#)

(c) Overview on the Administration of the Contra Costa Reentry Network by Contra Costa County Office of Reentry and Justice.

(Lara DeLaney, Senior Deputy County Administrator and Director of Office of Reentry and Justice; Donte Blué, Contra Costa County Reentry Coordinator)

5. **REPORTS**

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – No meeting held.

(c) City Manager/Staff

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

(e) Other

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker should approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Council Members request to revisit certain provisions of the 2018-adopted City Ordinance No. 483 involving amendments to *Clayton Municipal Code*, Title 17 – Zoning, to restrict and regulate parolee homes in the following General Plan designations: Multifamily Low Density, Multifamily Medium Density, and Multifamily High Density, subject to a City conditional use permit. ([View Here](#)) (Councilmember Diaz and Councilmember Wan)

Staff recommendation: Following Council Member Diaz's and Council Member Wan's remarks and opportunity for City Council discussion and public comments, the City Council provide policy direction regarding Ordinance No. 483.

- (b) Discussion and City Council policy direction concerning the content and parameters of an Accessory Dwelling Units (ADUs) Ordinance. ([View Here](#)) (Community Development Director)

Staff recommendation: Following policy discussion and opportunity for public comments, it is recommended the City Council instruct staff with the necessary and desired scope of work to initiate the internal process for an Accessory Dwelling Unit Ordinance.

- (c) Consider a Resolution certifying findings and authorizing the 180-day wait period exception for the temporary employment of CalPERS retired annuitant David Woltering as Interim Community Development Director. ([View Here](#))
(City Manager)

Staff recommendation: Following staff report and opportunity for public comment, that Council adopt the Resolution.

- 9. **COUNCIL ITEMS** – limited to Council requests and directives for future meetings.

- 10. **CLOSED SESSION** – None.

- 11. **ADJOURNMENT**
The next regularly scheduled meeting of the City Council will be March 19, 2019.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, February 19, 2019

Agenda Date: 3-05-2019

Agenda Item: 3a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. **Councilmembers present:** Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz, Wan and Wolfe. **Councilmembers absent:** None. **Staff present:** City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, and City Clerk/HR Manager Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Catalano.

3. **CONSENT CALENDAR**

Mayor Catalano noted she had received a Speaker's card regarding Item 3(a) and invited the individual forward at this time.

Ann Stanaway, 1553 Haviland Place, expressed her concern of Special Meeting minutes presented this evening as she felt some conversations of importance were left out regarding environmental impacts and noise abatement studies. She also questioned the accuracy of minutes published by the City, concerned with possible legal challenges based on comments during Council open meetings.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of February 5, 2019.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 04-2019 declaring certain City Maintenance vehicles and equipment as property surplus to the City's needs and authorizing the City Manager to dispose of said assets by public auction.

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff – No Report.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Wan attended the Council's Budget Sub-Committee meeting and completed his orientation meetings with City department heads.

Vice Mayor Pierce attended the Contra Costa Transportation Authority's Administrative and Planning Committee meeting, the Contra Costa County Mayors' Conference hosted in Concord, several meetings of the Metropolitan Transportation Commission including joint meetings with the Association of Bay Area Governments with both Administrative Committee and Legislative Committee, she met with some local residents working on an emergency preparedness meeting and to revive Neighborhood Watch programs and announcing a community meeting on these matters scheduled to take place on March 18th at 6:30 pm in Hoyer Hall, she met with Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) approving its mid-year budget, a Bay Area Regional Collaborative meeting, and completed the Concerts in The Grove flyer for 2019. The Concerts series is looking for banner and hat sponsors again this year, and she thanked A.J. Chippero for his help with the Clayton Concerts website and Facebook updates.

Councilmember Wolfe attended the Contra Costa County Mayors' Conference in Concord, met with State Senator Glazier, and has been in contact with several constituents.

Councilmember Diaz attended the Council Budget Sub-Committee meeting.

Mayor Catalano attended the Contra Costa County Mayors' Conference in Concord, and held Mayor's office hours last Saturday at Cup O' Joe's; she announced upcoming Mayor's office hours will take place on Sunday from 2-4 p.m. near the Clayton Museum.

(e) Other: Keith Haydon, Central Contra Costa Transit Authority Board (CCCTA).

Keith Haydon, Central Contra Costa Transit Authority Board Member representing Clayton, provided a report of the previous month's Board meeting noting a few items of interest for Clayton: 1. Bus fares will be increasing from \$2.00 to \$2.50 for cash riders; 2. CCCTA is moving away from cash and paper transactions for greater efficiencies; and 3. CCCTA is re-structuring the entire route system with no expected changes to Clayton Route 10, and adding weekend service to Route 310 in Clayton. Mr. Haydon also inquired with CCCTA staff about the feasibility of extending the final stop of Route 310 on the weekends to Regency Drive for the state park hikers.

Councilmember Wan asked if Mr. Haydon had any ridership figures regarding Route 10. Mr. Haydon responded he will get that information but to keep in mind Route 10 travels all the way down Clayton Road into Concord.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Allison Snow provided her thoughts regarding parolee housing; one situation to be considered is parolees have the ability to drive so when it is talked about limiting parolees to a park or a residential area, it is irrelevant. Ms. Snow requested consideration of the community's vulnerable populations of retirees, special needs children and young children who are not aware of what is going on; she recommended the City Council step back and get a larger perspective on this matter. She realizes the parolees have served their time and have difficulty in affording affordable housing but she does not want to incentivize private property owners in town to split up rooms that can generate an income upwards of \$9,000 per month. Ms. Snow also commented the

City operates with a small number of staff and perhaps should get the perspective of people outside its organization on this issue.

Marci Longchamps, Coyote Circle, expressed her concerns regarding parolee housing affecting all residents and all children everywhere as Clayton is less than 4 square miles. She felt the City Council made Coyote Circle's park the example to satisfy County and State requirements regarding AB109. Ms. Longchamps suggested the City Council, take a more in depth look at its current parolee housing ordinance as it relates to the park on Coyote Circle, whether amending the current ordinance or proposing something else to protect the safety of all children. It is way overdue.

Ann Stanaway, 1553 Haviland Place, expressed her continued concerns with the City's lack of enforcement of public safety ordinances pertaining to parolee housing, fire lanes, handicap requirements, and its capacity to enforce future parking permits on Regency Drive.

7. PUBLIC HEARINGS

- (a) Consider the City's Mid-Year Budget Report for Fiscal Year 2018-2019 and a recommended Resolution for mid-year General Fund adjustments and Trails and Landscape Committee proposed amendments for the Landscape Maintenance District; and consider the Council Sub-Committee's recommendation for proposed use of a portion of \$181,500 in General Fund excess monies from FY 2017-18 on one-time unmet priority-need expenditures, equipment or capital projects.

Finance Manager Kevin Mizuno provided the financial summary noting the current budget was adopted by the City Council on June 19, 2018, which included an anticipated budgetary excess of \$101,970 in the General Fund.

The City Council Budget Sub-Committee recently met with the City Manager and the Finance Manager on February 11th to review the Mid-Year Budget results. Mr. Mizuno noted mid-year expenditures (55.00%) are currently outpacing revenues (51.65%) yet all line items are on target with the budget projection and this measurement is not unusual as fixed annual costs are often paid in full at the beginning of the fiscal year. Expenditures are higher at the mid-year point as some obligations are non-linear in nature, such as insurance premiums, and the City prepaid its CalPERS unfunded liability actuarial expense upfront in July, which action results in some savings to the budget by not paying CalPERS any interest on the balance due.

General Fund revenues at mid-year: Mr. Mizuno explained revenues are generally on target at 51.65% noting some specific revenue variances with Franchise Fees lower due declining Comcast users caused by consumers using more internet or app options; and the Business Licenses are lower due to a cost savings for customers using the online process where the renewal fee is waived. Mr. Mizuno also noted slight decreases in allocations of Property Taxes and Sales and Use Tax are more than offset by other positive revenues at this time.

General Fund expenditures at mid-year: Mr. Mizuno explained revenues are generally on target at 55.00% noting appropriations as approved by the City Council are being controlled with two exceptions: requesting amendments to Maintenance Department of \$34,000 as a gap-fund for overages for the controller-system project having unanticipated communication issues on the new City Hall HVAC and Boiler Unit; and an \$18,000 expense in Community Development Department for a complex code enforcement case requiring an independent hearing officer and special legal services. Mr. Mizuno advised these amendments will still result in a balanced General Fund budget.

Other significant restricted-use funds revenues at mid-year: Mr. Mizuno advised overall results of these revenues are in-line with the adopted budget.

Other significant restricted-use funds expenditures at mid-year: Mr. Mizuno clarified the expenditures in the Landscape Maintenance District are reviewed by the citizens' advisory Trails and Landscaping Committee who have proposed some additional fund expansion for specific projects; the Highway Users Tax Account (HUTA) Gas Tax Fund and SB1 RMRA Gas Tax Fund are each slightly under the amount expected for the adopted budget, however the HUTA Gas Tax Fund status is explained by the recent completion of two very large street projects: the 2018 Neighborhood Streets Project and the Keller Ridge Rehabilitation Project were each crafted to be funded by most restrictive first to least restrictive funds.

Trails and Landscaping Committee Landscape Maintenance District Budgetary Amendments: based on the Committee's recommendations, Mr. Mizuno noted four additional projects are to be added totaling \$350,000 consisting of: 1. \$100,000 for additional tree trimming beyond scope of original budget on three arterial roads; 2. \$100,000 for median island landscaping on Marsh Creek Road, from Diablo View Lane to Regency Drive; 3. \$100,000 for clearing of dead brush as well as trimming and thinning of brush along creek areas and trails; and 4. \$50,000 to upgrade the Landscape Maintenance District irrigation controllers to wireless remote capabilities.

Options for use of FY 2017-18 General Fund Excess of \$181,500: Mr. Mizuno outlined the four options for City Council's consideration on use of General Fund Excess funds 1. Keep in Reserves; 2. Supplement Internal Service Funds; 3.) Fund Departmental Requests; and 4. City Council Budget Sub-Committee's recommendation.

Mayor Catalano noticed the decline in Building Permit fees inquiring if this is due to less homeowners are doing home projects or if it is not a significant change to be concerned about. Mr. Mizuno responded he would have to run further detail if it is the size or quantity of the projects.

Mayor Catalano inquired if there is any cost recovery on the Community Development Department's code enforcement case, as it was cost and time consuming. City Manager Napper responded in this particular case, cost recovery is not available because the Municipal Code indicates when there is a code enforcement issue and it goes to appeal, the requirement for an independent hearing officer is an expense funded by the City with each party responsible for its own legal costs.

Mayor Catalano also inquired if there is an immediate or future cost savings for the Trails and Landscaping Committee request to upgrade Landscape Maintenance District irrigation controllers to wireless. City Manager Napper noted the proposal will not upgrade all of the City's antiquated irrigation controllers to wireless; rather, the supplemental amount of \$50,000 will allow continuance of the upgrades to the City's controllers to the latest wireless technology. Doing so allows Maintenance to manage the controllers from any location at any time without the costs of someone coming out to respond on overtime, including addressing weather changes and patterns.

Mayor Catalano opened the Public Hearing for public comment.

Ann Stanaway, 1553 Haviland Place, favored the idea of continued upgrade to wireless irrigation controllers and alert software to warn of leaking or running water.

With no other public members wishing to speak, Mayor Catalano closed the Public Hearing to public comment.

Councilmember Diaz noted he has contacted the president of the Clayton Business and Community Association on funding an AED unit to be placed in Hoyer Hall at a cost of \$2,100.00, which the CBCA president found reasonable.

City Manager Napper suggested the City Council take up first the matter of the FY 20 Budget Amendments by Resolution and then discuss options on use of the one-time excess General Fund monies from FY 2017-18.

It was moved by Councilmember Wan, seconded by Vice Mayor Pierce, to adopt Resolution No. 5-2019 amending the Annual Operating Budget of the City of Clayton for the 2018-2019 Fiscal Year commencing July 1, 2018. (Passed; 5-0 vote).

Mayor Catalano opened for Council discussion the options regarding use of the General Fund excess monies from last fiscal year.

Councilmember Wan advised during the Budget Sub-Committee meeting he did not feel the departmental requests were urgent needs of the City; they were not heavily pushed. The Sub-Committee suggested transferring \$100,000 of the General Fund excess to the City's Pension Rate Stabilization fund and keep the balance of \$81,500 in the General Fund.

Vice Mayor Pierce agreed with the recommendation to transfer \$100,000 into the Pension Rate Stabilization Fund; of the remaining \$81,500 she felt the AED for Hoyer Hall is a prudent expenditure but should be funded anyway by the City as we are the primary user. Vice Mayor Pierce understands some of the departmental requests have been met since publication, such as the Police Station interior painting; while others can wait, she is most interested in the Community Development Department's requests for consultant services to implement SB 743 and SB 35. Those seem to have a more urgent need of compliance and she suggested funds be set aside for these needs.

Councilmember Wan suggested not appropriate the \$81,500 at this time as consultant contracts return to the City Council for approval anyway.

Councilmember Wolfe concurred with keeping the \$81,500 in the General Fund Reserves at this time for future appropriations.

Councilmember Diaz asked if the existing AED in the Library could be relocated to a more accessible location, for example in the foyer. City Manager Napper responded AEDs are typically located in areas not accessible by the general public to prevent tampering. The existing AED in the Library is located in the staff office room behind the check-in counter; it could be relocated to the foyer but then is not as accessible to Library staff if needed. City Manager Napper added this item came to light during the recent wildfire on Marsh Creek Road; when American Red Cross used Hoyer Hall as an evacuation center and going through its evac-center checklist, one of its questions was whether an accessible AED is physically located in the room? Without an AED in Hoyer Hall, staff had to keep the Library's secondary doors unlocked at all times. To be a sanctioned evacuation center by the American Red Cross, Hoyer Hall needs an AED.

City Manager Napper noted he wanted to daylight the need of an AED unit for Hoyer Hall, and staff will be able to find a funding source for this item from within existing budget allocations. Then, if it becomes the desire of the Clayton Business and Community Association to donate this item the City can purchase a plaque to mount on the cabinet to recognize its donation.

City Manager Napper clarified the proposed monies for the Community Development Department's consultant services to implement SB 743 and SB 35 are already in the General Fund. The question for Council is to assign them now or wait until contracts are ready for approval and then allocate the monies from the General Fund Reserve at that time.

It was moved by Councilmember Wan, seconded by Councilmember Pierce, to authorize the recommended transfer of \$100,000 in FY 2017-18 General Fund excess monies to the City's Pension Rate Stabilization Fund. (Passed; 5-0 vote).

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS**

Councilmember Diaz provided a reminder that the presentation by the Contra Costa County Office of Realignment and Justice will be at the next regular meeting of the City Council on March 5th.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 8:16 p.m.

The next regularly scheduled meeting of the City Council will be March 5, 2019.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Tuija Catalano, Mayor

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Agenda Date: 3/5/19

Agenda Item: 3b

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER

DATE: 03/05/19

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

Approved: 

Gary A. Napper
City Manager

RECOMMENDATION:

It is recommended the City Council, by minute motion, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

<u>Report Title</u>	<u>Description</u>	<u>Amount</u>
Open Invoice Report	Obligations to be paid by check	\$ 163,829.17
ACH/EFT Activity	Recurring non-check obligations paid	152,616.36
	Total Required	\$ 316,445.53

Attachments:

1. Open Invoice Report, dated 03/01/19 (4 pages)
2. ACH/EFT Activity Report (1 page)

City of Clayton Open Invoice Report Check Payments

ATTACHMENT #1

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
All City Management Services, Inc.								
All City Management Services, Inc.	3/5/2019	3/5/2019	59492	School crossing guard svcs 1/27-2/9/19	\$535.14	\$0.00		\$535.14
<i>Totals for All City Management Services, Inc.:</i>					<u>\$535.14</u>	<u>\$0.00</u>		<u>\$535.14</u>
AT&T (CalNet3)								
AT&T (CalNet3)	3/5/2019	3/5/2019	12654922	Phones 1/22/19-2/21/19	\$1,184.55	\$0.00		\$1,184.55
<i>Totals for AT&T (CalNet3):</i>					<u>\$1,184.55</u>	<u>\$0.00</u>		<u>\$1,184.55</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	3/5/2019	3/5/2019	592	HIP Signs	\$401.74	\$0.00		\$401.74
Bay Area Barricade Serv.	3/5/2019	3/5/2019	640	HIP street sign, 18" Type N marker	\$84.28	\$0.00		\$84.28
<i>Totals for Bay Area Barricade Serv.:</i>					<u>\$486.02</u>	<u>\$0.00</u>		<u>\$486.02</u>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	3/5/2019	3/5/2019	842743	Legal services for January	\$8,500.00	\$0.00		\$8,500.00
Best Best & Kreiger LLP	3/5/2019	3/5/2019	842745	199 Mountaire Pkwy Legal Svcs, January	\$96.00	\$0.00		\$96.00
Best Best & Kreiger LLP	3/5/2019	3/5/2019	842745	Small Claims Litigation, Legal Svcs, January	\$2,389.50	\$0.00		\$2,389.50
Best Best & Kreiger LLP	3/5/2019	3/5/2019	842746	Labor/Emp'l Legal svcs for January	\$354.00	\$0.00		\$354.00
Best Best & Kreiger LLP	3/5/2019	3/5/2019	842747	Code Enforcement Legal svcs for January	\$674.68	\$0.00		\$674.68
<i>Totals for Best Best & Kreiger LLP:</i>					<u>\$12,014.18</u>	<u>\$0.00</u>		<u>\$12,014.18</u>
Cintas Corporation								
Cintas Corporation	3/5/2019	3/5/2019	38K209293	PW uniforms through 2/21/19	\$59.53	\$0.00		\$59.53
Cintas Corporation	3/5/2019	3/5/2019	38K207452	PW uniforms through 2/14/19	\$42.48	\$0.00		\$42.48
<i>Totals for Cintas Corporation:</i>					<u>\$102.01</u>	<u>\$0.00</u>		<u>\$102.01</u>
City of Concord								
City of Concord	3/5/2019	3/5/2019	74733	PD vehicle maintenance for October	\$2,973.71	\$0.00		\$2,973.71
City of Concord	3/5/2019	3/5/2019	74734	PD vehicle maintenance for November	\$1,081.07	\$0.00		\$1,081.07
City of Concord	3/5/2019	3/5/2019	74735	PD vehicle maintenance for December	\$2,377.68	\$0.00		\$2,377.68
City of Concord	3/5/2019	3/5/2019	74724	PD vehicle maintenance for January	\$293.39	\$0.00		\$293.39
City of Concord	3/5/2019	3/5/2019	74739	Dispatch services for January	\$20,089.50	\$0.00		\$20,089.50
<i>Totals for City of Concord:</i>					<u>\$26,815.35</u>	<u>\$0.00</u>		<u>\$26,815.35</u>
Contra Costa County Library Administration								
Contra Costa County Library Administr	3/5/2019	3/5/2019	Q2FY19	Additional library hours Q2 FY 19	\$2,316.48	\$0.00		\$2,316.48
<i>Totals for Contra Costa County Library Administration:</i>					<u>\$2,316.48</u>	<u>\$0.00</u>		<u>\$2,316.48</u>
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	3/5/2019	3/5/2019	702233	Traffic signal maintenance for January	\$4,305.48	\$0.00		\$4,305.48
<i>Totals for Contra Costa County Public Works Dept:</i>					<u>\$4,305.48</u>	<u>\$0.00</u>		<u>\$4,305.48</u>
Dillon Electric Inc								
Dillon Electric Inc	3/5/2019	3/5/2019	3845	Streetlight maintenance 2/15/19	\$431.60	\$0.00		\$431.60

City of Clayton Open Invoice Report Check Payments

ATTACHMENT #1

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Dillon Electric Inc:</i>					\$431.60	\$0.00		\$431.60
Environtech Enterprises								
Environtech Enterprises	3/5/2019	3/5/2019	A001B-4B-18	Mustard, thistle abatement May-July 2018	\$5,298.68	\$0.00		\$5,298.68
Environtech Enterprises	3/5/2019	3/5/2019	A001A-3A-18	Artichoke, thistle abatement April-July 2018	\$5,010.47	\$0.00		\$5,010.47
<i>Totals for Environtech Enterprises:</i>					\$10,309.15	\$0.00		\$10,309.15
G.N. Henley, Inc								
G.N. Henley, Inc	3/5/2019	3/5/2019	18-133	Emergency street repair, Mt Sequoia Pl	\$13,815.35	\$0.00		\$13,815.35
<i>Totals for G.N. Henley, Inc:</i>					\$13,815.35	\$0.00		\$13,815.35
Globalstar LLC								
Globalstar LLC	3/5/2019	3/5/2019	10087418	Sat phone 1/16/19-2/15/19	\$89.96	\$0.00		\$89.96
<i>Totals for Globalstar LLC:</i>					\$89.96	\$0.00		\$89.96
GreenTech Industry, Inc								
GreenTech Industry, Inc	3/5/2019	3/5/2019	10443, #2	Pmt #2, ADA, CH Front Doors	\$11,590.00	\$0.00		\$11,590.00
<i>Totals for GreenTech Industry, Inc:</i>					\$11,590.00	\$0.00		\$11,590.00
Hammons Supply Company								
Hammons Supply Company	3/5/2019	3/5/2019	104883-1	Library janitorial supplies	\$114.50	\$0.00		\$114.50
<i>Totals for Hammons Supply Company:</i>					\$114.50	\$0.00		\$114.50
Harris & Associates, Inc.								
Harris & Associates, Inc.	3/5/2019	3/5/2019	40387	Engineering services for January	\$9,585.00	\$0.00		\$9,585.00
Harris & Associates, Inc.	3/5/2019	3/5/2019	40389	Verna Wy Engineering svcs for January	\$460.00	\$0.00		\$460.00
<i>Totals for Harris & Associates, Inc.:</i>					\$10,045.00	\$0.00		\$10,045.00
Health Care Dental Trust								
Health Care Dental Trust	3/5/2019	3/5/2019	256907	Dental for March	\$2,202.71	\$0.00		\$2,202.71
<i>Totals for Health Care Dental Trust:</i>					\$2,202.71	\$0.00		\$2,202.71
J&R Floor Services								
J&R Floor Services	3/5/2019	3/5/2019	Two2019	Janitorial services for February	\$4,920.00	\$0.00		\$4,920.00
<i>Totals for J&R Floor Services:</i>					\$4,920.00	\$0.00		\$4,920.00
Sandy Johnson								
Sandy Johnson	3/5/2019	3/5/2019	022519	Petty Cash reimbursement, training expenses	\$107.50	\$0.00		\$107.50
<i>Totals for Sandy Johnson:</i>					\$107.50	\$0.00		\$107.50
LarryLogic Productions								
LarryLogic Productions	3/5/2019	3/5/2019	1787	City Council meeting production 2/19/19	\$360.00	\$0.00		\$360.00
<i>Totals for LarryLogic Productions:</i>					\$360.00	\$0.00		\$360.00
Local Government Consultants								
Local Government Consultants	3/5/2019	3/5/2019	606	SB90 claims and install FY19	\$1,100.00	\$0.00		\$1,100.00

City of Clayton

Open Invoice Report

Check Payments

ATTACHMENT #1

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Local Government Consultants:</i>					\$1,100.00	\$0.00		\$1,100.00
Main Fire Protection Inc.								
Main Fire Protection Inc.	3/5/2019	3/5/2019	92857	EH Stove hood service	\$222.66	\$0.00		\$222.66
<i>Totals for Main Fire Protection Inc.:</i>					\$222.66	\$0.00		\$222.66
MSR Mechanical, LLC								
MSR Mechanical, LLC	3/5/2019	3/5/2019	110801	Library HVAC maintenance for January	\$527.17	\$0.00		\$527.17
<i>Totals for MSR Mechanical, LLC:</i>					\$527.17	\$0.00		\$527.17
Mt Diablo Landscape Centers Inc								
Mt Diablo Landscape Centers Inc	3/5/2019	3/5/2019	533070	1/4" Dust for landscaping	\$260.78	\$0.00		\$260.78
<i>Totals for Mt Diablo Landscape Centers Inc:</i>					\$260.78	\$0.00		\$260.78
NBS Govt. Finance Group								
NBS Govt. Finance Group	3/5/2019	3/5/2019	1018000132	Disclosures for 2007 Bonds	\$275.00	\$0.00		\$275.00
NBS Govt. Finance Group	3/5/2019	3/5/2019	219000035	Delinquency Management Svcs, Bonds	\$198.76	\$0.00		\$198.76
<i>Totals for NBS Govt. Finance Group:</i>					\$473.76	\$0.00		\$473.76
Pond M Solutions								
Pond M Solutions	3/5/2019	3/5/2019	479	Fountain maintenance	\$650.00	\$0.00		\$650.00
<i>Totals for Pond M Solutions:</i>					\$650.00	\$0.00		\$650.00
Riso Products of Sacramento								
Riso Products of Sacramento	3/5/2019	3/5/2019	192656	Copier usage 1/20/19-2/19/19	\$91.39	\$0.00		\$91.39
<i>Totals for Riso Products of Sacramento:</i>					\$91.39	\$0.00		\$91.39
Layla Shirazi								
Layla Shirazi	3/5/2019	3/5/2019	HH020219	Deposit refund, chair rental reimbursement 2	\$250.52	\$0.00		\$250.52
<i>Totals for Layla Shirazi:</i>					\$250.52	\$0.00		\$250.52
Stericycle Inc								
Stericycle Inc	3/5/2019	3/5/2019	304590486	Medical waste disposal	\$111.16	\$0.00		\$111.16
<i>Totals for Stericycle Inc:</i>					\$111.16	\$0.00		\$111.16
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	3/5/2019	3/5/2019	1001140	Lawnmower maintenance	\$548.75	\$0.00		\$548.75
<i>Totals for Swenson's Mobile Fleet Repair:</i>					\$548.75	\$0.00		\$548.75
Chris Theodorakis								
Chris Theodorakis	3/5/2019	3/5/2019	CAP0284	Deposit refund for 428 Mt Sequoia Ct	\$1,241.00	\$0.00		\$1,241.00
<i>Totals for Chris Theodorakis:</i>					\$1,241.00	\$0.00		\$1,241.00
Thomson Reuters-West								
Thomson Reuters-West	3/5/2019	3/5/2019	6126244676	3- Desktop Penal Code Books	\$201.67	\$0.00		\$201.67

City of Clayton Open Invoice Report Check Payments

ATTACHMENT #1

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
<i>Totals for Thomson Reuters-West:</i>					\$201.67	\$0.00		\$201.67
VSS International, Inc.								
VSS International, Inc.	3/5/2019	3/5/2019	20017455RR	Final pmt, retainage for Collector St Rehab	\$45,271.30	\$0.00		\$45,271.30
<i>Totals for VSS International, Inc.:</i>					\$45,271.30	\$0.00		\$45,271.30
Warner Brothers Tree Service								
Warner Brothers Tree Service	3/5/2019	3/5/2019	14560	Emergency tree removal, Mountaire Pkwy	\$2,000.00	\$0.00		\$2,000.00
Warner Brothers Tree Service	3/5/2019	3/5/2019	14556	Tree work, Meredith Court	\$2,350.00	\$0.00		\$2,350.00
Warner Brothers Tree Service	3/5/2019	3/5/2019	14557	Tree work, El Portal Dr	\$3,750.00	\$0.00		\$3,750.00
Warner Brothers Tree Service	3/5/2019	3/5/2019	14558	Tree work, Regency/Dog Park	\$1,200.00	\$0.00		\$1,200.00
Warner Brothers Tree Service	3/5/2019	3/5/2019	14559	Tree work, Four Oaks Lane	\$900.00	\$0.00		\$900.00
<i>Totals for Warner Brothers Tree Service:</i>					\$10,200.00	\$0.00		\$10,200.00
Western Exterminator								
Western Exterminator	3/5/2019	3/5/2019	6561271	Pest Control for November	\$409.50	\$0.00		\$409.50
<i>Totals for Western Exterminator:</i>					\$409.50	\$0.00		\$409.50
Workers.com								
Workers.com	3/5/2019	3/5/2019	124124	Seasonal workers week end 2/10/19	\$453.51	\$0.00		\$453.51
<i>Totals for Workers.com:</i>					\$453.51	\$0.00		\$453.51
Zee Medical Company								
Zee Medical Company	3/5/2019	3/5/2019	724604371	Organize, refill first aid cabinet	\$71.02	\$0.00		\$71.02
<i>Totals for Zee Medical Company:</i>					\$71.02	\$0.00		\$71.02
GRAND TOTALS:					\$163,829.17	\$0.00		\$163,829.17

City of Clayton

ACH / EFT Activity (Non-City Check Payments)

For the City Council meeting dated: **3/5/2019**

The following is a detailed listing of automatic recurring and other ACH/EFT payments other than checks for the period immediately preceding the City Council meeting dated above.

Payee	Description	Service Period	Payment Date	Amount
American Fidelity	Employee other supplemental	January 2019	2/22/2019	\$ 486.38
American Fidelity	Employee other supplemental	February 2019	2/27/2019	\$ 486.38
American Fidelity	FSA/dependent care contributions	PPE 2/10/19	2/22/2019	\$ 441.90
American Fidelity	FSA/dependent care contributions	PPE 2/24/19	2/22/2019	\$ 441.90
CalPERS	Pension plan contributions	PPE 2/24/19	2/26/2019	\$ 15,653.79
CalPERS	Council-Pension plan contributions			
ICMA	457b plan contributions	PPE 2/24/19	2/27/2019	\$ 2,133.65
Nationwide	457b plan contributions	PPE 2/24/19	2/27/2019	\$ 720.00
Paychex	Payroll	PPE 2/24/19	2/26/2019	\$ 63,515.26
Paychex	Payroll taxes	PPE 2/24/19	2/26/2019	\$ 15,850.84
Paychex	Payroll processing fee, W-2 proc.	PPE 2/10/19	2/13/2019	\$ 300.24
Paychex	Payroll processing fee	PPE 2/24/19	2/27/2019	\$ 182.11
Authorize.net	Online payment gateway	January 2018	2/4/2019	\$ 26.95
Authorize.net	Online payment gateway	December 2018	1/3/2019	\$ 25.85
CalPERS	Employee health premiums	March	2/27/2019	\$ 29,918.74
Comcast	Internet service			
De Lage Landen	Copier lease			
Neopost	Postage meter			
Paysafe	Merchant services OTC			
Paysafe	Merchant services HdL			
PG&E	Gas and electricity	1/15/19-2/13/19	2/27/2019	\$ 18,232.52
PG&E	Gas and electricity	1/16/19-2/14/19	2/26/2019	\$ 4,139.85
US Bank	Employee procurement cards			
Bank of America	Wire fee	1/3/19	1/3/2019	\$ 30.00
Bank of America	Wire fee	2/3/19	2/4/2019	\$ 30.00
Bank of America	Returned check fee			

Total ACH / EFT Activity (other than checks) \$152,616.36

City of Clayton

ACH / EFT Activity (Non-City Check Payments)

For the City Council meeting dated: **3/5/2019**

The following is a detailed listing of automatic recurring and other ACH/EFT payments other than checks for the period immediately preceding the City Council meeting dated above.

Payee	Description	Service Period	Payment Date	Amount
Authorize.net	Online payment gateway	December 2018	1/3/2019	\$ 25.85
Bank of America	Wire fee	1/3/19	1/3/2019	30.00
Authorize.net	Online payment gateway	January 2019	2/4/2019	26.95
Bank of America	Wire fee	2/3/19	2/4/2019	30.00
Paychex	Payroll processing fee, W-2 proc.	PPE 2/10/19	2/13/2019	300.24
American Fidelity	Employee other supplemental	January 2019	2/22/2019	486.38
American Fidelity	FSA/dependent care contributions	PPE 2/10/19	2/22/2019	441.90
American Fidelity	FSA/dependent care contributions	PPE 2/24/19	2/22/2019	441.90
CalPERS	Pension plan contributions	PPE 2/24/19	2/26/2019	15,653.79
Paychex	Payroll	PPE 2/24/19	2/26/2019	63,515.26
Paychex	Payroll taxes	PPE 2/24/19	2/26/2019	15,850.84
PG&E	Gas and electricity	1/16/19-2/14/19	2/26/2019	4,139.85
American Fidelity	Employee other supplemental	February 2019	2/27/2019	486.38
ICMA	457b plan contributions	PPE 2/24/19	2/27/2019	2,133.65
Nationwide	457b plan contributions	PPE 2/24/19	2/27/2019	720.00
Paychex	Payroll processing fee	PPE 2/24/19	2/27/2019	182.11
PG&E	Gas and electricity	1/15/19-2/13/19	2/27/2019	18,232.52
CalPERS	Employee health premiums	March 2019	3/1/2019	29,918.74

Total ACH / EFT Activity (other than checks) \$152,616.36



Agenda Date: 3-05-2019

Agenda Item: 3c

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*
DATE: MARCH 5, 2019
SUBJECT: 2018 HOUSING ELEMENT ANNUAL PROGRESS REPORT (CDD-02-19).

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving the City's 2018 Housing Element Annual Progress Report (APR) and direct staff to file the report with the State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

BACKGROUND

Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's Housing Element using forms and definitions adopted by the HCD.

HCD uses the APR as a tool to facilitate implementation of a community's Housing Element as well as for the tracking and monitoring of progress in addressing statewide housing needs and goals. The data requirements of the APR were amended as part of the 2017 Legislative Housing Package, specifically by Assembly Bill 879 and Senate Bill 35. This is the first year jurisdictions are required to report to HCD and OPR utilizing the new APR form, which now tracks the number of residential units in all development applications, the number of housing units approved (entitled), and the number of certificates of occupancy issued for new housing units.

The APR still includes information on a jurisdiction's progress to address its Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level (number of building permits issued), the status of programs in the Housing Element, and efforts to remove government constraints. HCD also uses the submittal of the report as one of its threshold requirements for local public agencies to qualify for certain State grants or program funds.

DISCUSSION

The APR for the City of Clayton covers the reporting period of January 1, 2018 through December 31, 2018. Clayton's 2018 APR reflects no housing development applications were submitted and "deemed complete", no building permits were issued for new housing units, and no certificates of occupancy were issued during this reporting period.

2018 was the City's fourth full year of the current Housing Element cycle and the City has taken various steps during these four years to implement the approved programs of the adopted and HCD-certified 2015-2023 Housing Element.

The City's 2015-2023 Housing Element contains 25 Implementation Measures or programs with an associated timeframe for the City to put these Implementation Measures into effect during the eight year Housing Element cycle. Many of the 25 Implementation Measures are ongoing or annual efforts undertaken by staff; however, some of the implementation measures require action from the City Council. Due to the City's Council's actions during the 2015, 2016, 2017, and 2018 reporting periods and City staff's continuing fulfillment of the annual and ongoing tasks set forth as required in the Implementation Measures, the City has nearly completed its requirements for the 2015-2023 Housing Element cycle. The last remaining task requiring feedback from the City Council will be the consideration of the establishment of a green building program beyond the requirements of the CalGreen Tier 1 standards (Implementation Measure V.1.2). City staff will be bringing this matter to the City Council for direction during the 2019 reporting period.

FISCAL IMPACT

Nominal costs associated with staff time and printing costs will be associated with filing this report.

ATTACHMENTS

1. Resolution Approving the 2018 Housing Element Annual Progress Report with APR Attached [15 pp.]

ATTACHMENT 1

RESOLUTION NO. ____ - 2019

A RESOLUTION APPROVING THE CITY OF CLAYTON 2018 HOUSING ELEMENT ANNUAL PROGRESS REPORT

THE CITY COUNCIL City of Clayton, California

WHEREAS, Government Code Section 65400 requires the City Council of Clayton, California to prepare an annual report on its status and progress in implementing the City's Housing Element using forms and definitions adopted by the California Department of Housing and Community Development (HCD); and

WHEREAS, the proposed 2018 Housing Element Annual Progress Report includes information on the City of Clayton's progress in addressing its assigned Regional Housing Needs Allocations (RHNA), including the total number of housing units submitted as part of a development application, the number of housing units entitled, the number of housing units by income level issued a building permit, the status of programs in the Housing Element, and efforts to remove government constraints for the reporting period; and

WHEREAS, at a public meeting held on March 5, 2019, the Clayton City Council did consider the City's proposed Annual Progress Report for 2018 and all other public comments and discussion, and did determine the Annual Progress Report was correct and factual and therefore satisfactory for approval by Resolution, said Resolution to become effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve its 2018 Housing Element Annual Progress Report, a copy of which is attached hereto labeled as Attachment A and incorporated herein as if fully set forth, and does herewith authorize it to be filed with the State of California Department of Housing and Community Development and Governor's Office of Planning and Research (OPR).

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 5th day of March 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

TUIJA CATALANO, Mayor

ATTEST:

JANET CALDERON, City Clerk

Attachment:
A. 2018 Housing Element Annual Progress Report

Please Start Here

General Information	
Jurisdiction Name	Clayton
Reporting Calendar Year	2018
Contact Information	
First Name	Mindy
Last Name	Gentry
Title	Community Development Director
Email	mgentry@ci.clayton.ca.us
Phone	(925) 673-7343
Mailing Address	
Street Address	6000 Heritage Trail
City	Clayton
Zipcode	94517

Submittal Instructions

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System (Preferred)** - This enters your information directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*
2. **Email** - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

v 2_8_19

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	51											51
	Non-Deed Restricted												
Low	Deed Restricted	25										2	23
	Non-Deed Restricted			1	1								
Moderate	Deed Restricted	31											31
	Non-Deed Restricted												
Above Moderate		34			8							8	26
Total RHNA		141											
Total Units 44				1	9							10	131

Note: units serving extremely low-income households are included in the very low-income permitted units totals
Cells in grey contain auto-calculation formulas

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H,E	Status of Program Implementation
Implementation Measure I.1.1	To ensure adequate available sites to meet the City's RHNA, the City will maintain an inventory of sites available and appropriate for residential development for households at all income levels.	31-Dec-23	The City continues to maintain adequate sites available and appropriate for residential development for households at all income levels.
Implementation Measure I.1.2	The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from 2007-2014 planning period, specifically to allow multi-family housing by-right on these sites at a minimum density of 20 units per acre.	31-Jan-16	The City Council approved a General Plan amendment on July 19, 2016 changing the allowable density in Multi-Family High Density (MHD) from 15.1 to 20 units per acre to 20 units per acre. On August 16, 2016, the City Council passed and adopted an Ordinance requiring multifamily housing types to meet the minimum density limits as set forth in the General Plan. The above was the last action required by the City to meet State law (GC Section 65583.2(h) and (i)).
Implementation Measure I.2.1	For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a 10% minimum of the units to be built or created as affordable housing units.	31-Dec-23	On August 16, 2016, the City Council passed and adopted an Inclusionary Housing Ordinance, which provided the details of the Affordable Housing Plan as identified in Implementation Measure I.2.1. This Ordinance requires that 10% of the units for ownership residential projects containing 10 or more units to be established as affordable housing units. Further, on January 15, 2019, the City Council passed an Ordinance to apply the same inclusionary housing requirements to rental housing projects as allowed for by AB 1505.
Implementation Measure I.3.1	The City shall continue to promote the development of second dwelling units and will aim to approve two second dwelling units a year.	31-Dec-23	The City continues to promote second dwelling units, now known as accessory dwelling units, and provides informational handouts.

Implementation Measure I.4.1	Encourage development of mixed-use projects in Town Center, the City has adopted the Specific Plan which details policy direction, standards, and guidelines that encourage mixed-use and second-story residential. The City will promote development opportunities in the Town Center. The City will facilitate the development of at least one mixed use project within the planning period.	31-Dec-23	The City continues to promote and encourage mixed-use development in the Town Center through the availability of the Specific Plan and discussions with potential developers. The Town Center Specific Plan is available at City offices as well as on the City's website.
Implementation Measure II.1.1	Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, farmworkers, and homeless individuals and families. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.	31-Dec-23	The City continues to discuss special needs populations with housing providers.
Implementation Measure II.1.2	The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts.	31-Dec-15	On August 16, 2016, the City Council adopted and passed an Ordinance specifically allowing employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.
Implementation Measure II.1.3	The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the Limited Commercial (LC) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007).	One to two years after HE adoption	On August 16, 2016, the City Council passed and adopted an ordinance allowing transitional and supportive housing in the Limited Commercial (LC) zoning district subject only to the requirements of other residential uses in this district.
Implementation Measure II.2.1	City shall authorize regulatory incentives and concessions for development projects that include extremely low-, very low-, and low-income households and special needs groups including disabled and developmental disabled persons. These incentives and concessions include flexibility in development standards, reduction or deferral of certain development fees, priority application processing, and density bonus. The City will aim to facilitate the development of at least one affordable or special needs project during the planning period.	31-Dec-23	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City will also continue to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. An affordable or special needs projects was not built during this reporting year.

Implementation Measure II.2.2	City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.	31-Dec-23	The City continues to monitor the impact of development fees and will consider waiving or deferring fees if there is funding available.
Implementation Measure III.1.1	City shall continue to refer interested persons to the Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.	31-Dec-23	The City continues to promote assistance for first-time homebuyers and lower-income renters by referring inquiries to County programs and by disseminating information as it becomes available.
Implementation Measure III.1.2	City shall seek funding to develop and implement a down payment assistance program for first-time home buyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate Program, new inclusionary units or alone.	31-Dec-15	The City explored funding sources such as CalHome and HOME and did not find any funding sources available for this use. The City will continue to seek funding in order to implement a down payment assistance program for first time homebuyers.
Implementation Measure III.1.3	The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.	31-Dec-23	The City did not have any eligible projects.
Implementation Measure III.2.1	The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at-risk of converting to market rate in the future.	31-Dec-23	The City continues to maintain and annually update the inventory of affordable housing, which includes the timeframe of affordability expiration. Annual reports from the privately owned affordable housing units are required to be submitted to the City.
Implementation Measure IV.1.1	The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.	31-Dec-23	The City continually reviews its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. The City performs updates and changes when necessary to ensure compliance.
Implementation Measure IV.2.1	The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings.	31-Dec-23	The City ensures the public is notified of any City hearings on development projects, including affordable housing projects. For any hearings, a notice would be placed in a local newspaper of general circulation and the property owners within a 300' radius would be notified.
Implementation Measure IV.3.1	The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.	31-Dec-23	The City currently distributes and will continue to distribute public information brochures on reasonable accommodation for disabled persons and enforcement programs. The City's Planning Commission approved one reasonable accommodation request during the 2018 reporting period.

Jurisdiction	Clayton	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Entitled Units Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units 44		0

Note: units serving extremely low-income households are included in the very low-income permitted units totals

Submitted Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

BRAYDEN HELLER-ROBBINS
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great "Self-Discipline"
January and February 2019

Agenda Date: 3-05-2019

Agenda Item: 4a

SLOAN HELLER-ROBBINS

for

"Doing the Right Thing"

at

Mt. Diablo Elementary School

by exemplifying great "Self-Discipline"

January and February 2019

CORBIN CLIFTON

for

"Doing the Right Thing"

at

Diablo View Middle School

by exemplifying great "Self-Discipline"

January and February 2019

ZOEY JONES
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Self-Discipline"
January and February 2019

NATALIE ALIANO

for

"Doing the Right Thing"

at

Clayton Valley Charter High School
by exemplifying great "Self-Discipline"
January and February 2019

CADE CARTER
for
"Doing the Right Thing"
at
Clayton Valley Charter High School
by exemplifying great "Self-Discipline"
January and February 2019

Agenda Date: 3-05-2019

Agenda Item: 4b

declaring

March 2019

as

"American Red Cross Month"

WHEREAS, every year, the American Red Cross, the largest humanitarian organization in the world, responds to an average of more than 62,000 disasters across the country, from small home fires to massive disasters; and

WHEREAS, last year's large crises included overwhelming mudslides in California, an earth-shattering volcano eruption in Hawaii, ravaging wildfires in California and Colorado, destructive hurricanes in Florida and the Carolinas, and a devastating typhoon in U.S. territories; and

WHEREAS, thousands of American Red Cross volunteers provided emotional support and around-the-clock shelter for disaster victims, served millions of meals and snacks with community partners, collected 40 percent of the nation's blood, taught skills that save lives; provided international humanitarian aid, and supported military members and their families; and

WHEREAS, through its Home Fire Campaign that began in October 2014, the American Red Cross has worked with fire departments and community partners across the country to install at no-cost to the residents more than 1.5 million smoke alarms, made more than 648,000 households safer and saved 511 lives. During the past year, the American Red Cross Bay Area responded to 838 home fires, installed 10,605 free smoke alarms, made 3,403 households safer and helped save lives; and

WHEREAS, last year in Contra Costa County, besides responding to 109 local disasters, the American Red Cross has a long history of helping our neighbors by teaching First Aid, CPR & AED to 6,595 enrollees and Aquatic & Water Safety to another 2,173. We also assisted 1,393 military families and collected 16,025 units of blood from our generous blood donors; and

WHEREAS, March is American Red Cross Month, a special time to recognize and thank the American Red Cross volunteers, partners and donors who give their time and resources to deliver help and hope to members of the community; and

WHEREAS, the American Red Cross applaud our heroes here in Contra Costa County who gave 43,495 hours to assist our neighbors when they needed a helping hand; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on volunteers and the generosity of the public to perform its mission.

NOW THEREFORE, I, Tuija Catalano, Mayor, on behalf of the Clayton City Council, do hereby proclaim March 2019 as "American Red Cross Month" in Clayton, California and encourage all Americans to support this organization and its noble humanitarian mission.

JIM DIAZ
P.O. Box 399
Clayton, CA 94517-0399

Agenda Date: 3-05-2019

Agenda Item: 8a

RECEIVED

OCT 15 2018

City of Clayton

October 15, 2018

Keith Haydon
Mayor
City of Clayton
6000 Heritage Trail
Clayton, CA 94517-1250

RE: Request for Future City Council Consideration related to Ordinance No. 483

Mayor Haydon:

I am requesting the Clayton City Council consider several potential changes/modifications to the current Clayton City Ordinance No. 483 now in effect, and initiating a Formal "Outreach Program."

I request that these items be added as an Agenda Item for a future City Council meeting, as follows:

- **Consider the Expanding 1000' Buffer Zone:** Explore the potential to expand the current 1000' Buffer Zone to a distance beyond the current limit,
- **Consider including Private Parks, as the Public Parks are now considered, in the Ordinance definition, and**
- **Consider a formal "Outreach Program" to assist the residents in the Keller Ridge and Shell Street areas to better and more clearly understand the impacts of Ordinance No. 483**

If you have any questions or need additional information, please contact me directly on (925) 672-0535

Sincerely,


Jim Diaz
Council Member
Clayton City Council

cc: Janet Calderon, City Clerk

Janet Calderon

From: Jim Diaz
Sent: Monday, January 21, 2019 11:47 AM
To: Tuija Catalano; Carl "C.W." Wolfe ; Julie Pierce; Jeff Wan
Cc: Janet Calderon
Subject: Office of Realignment & Justice Presentation to the Clayton City Council

Good morning to all of this Martin Luther King, Jr. Day.

On late last Friday, the Contra Costa County Office of Realignment & Justice (ORJ) Team confirmed with me their selected date for its presentation to the Clayton City Council:

- **Tuesday, March 5, 2019.**

The ORJ Team plans to make a 15-20 minute presentation of an overview and the administration of the Realignment & Justice project in Contra Costa County.

They will also respond to questions after their presentation.

Thank you.

Jim Diaz
Council Member
Clayton City Council

~~Councilmember Wan indicated his desire to have a brief description be created for each committee or board to assist in understanding the assignments. City Manager Napper responded that idea makes sense and staff will do so.~~

~~It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to approve the Mayor Catalano's proposed City Council member assignments for calendar year 2019. (Passed; 5-0 vote).~~

9. **COUNCIL ITEMS**

Councilmember Wan inquired if the Parolee Housing item had been confirmed and scheduled for an upcoming City Council meeting. He was advised the earliest this item would come back would be January 15, 2019. City Manager Napper responded after inquiry he had sent an email to Councilmember Wan indicating items he was tracking for the January 15th City Council meeting included the Parolee Housing item, noting he also sent an email on that question to Councilmember Diaz, as he is the lead on the Parolee Housing item, to determine if the January 15th City Council meeting would be an appropriate time to bring it back.

Councilmember Diaz indicated he will need more time to gather information on this item before it is brought back to the City Council for further discussion, and he will advise when it is ready. Councilmember Wan inquired if he could ask for the Parolee Housing items then as a future agenda item.

~~Councilmember Wan also requested a future agenda item to consider the semi-annual status of goals and objectives as directed by Council on achievements and outlines when achievement is expected. Councilmember Wan would like to review the items to determine, if they are still valid or if they should be eliminated; if there has been no activity for a certain period perhaps the goal should be dropped.~~

~~Vice Mayor Pierce wondered if Councilmember Wan's request would be best discussed at the upcoming Council Goals Setting Session explaining why some of those goals are there. The findings could be announced at an upcoming public meeting. Councilmember Wan responded he would still like the topic as a separate public report.~~

~~Mr. Napper added at its next meeting of January 15, 2019, an item would be coming for the City Council to set a special public meeting for its annual Council Goals Setting Session.~~

10. **CLOSED SESSIONS** – None.

11. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 10:05 p.m.

The next regularly scheduled meeting of the City Council is January 15, 2019.

#####

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.

Mayor Haydon advised he received written notification from Councilmember Diaz regarding recently-passed Ordinance 483. He is requesting to expand the buffer zone to 1,000', inclusion of private parks as a sensitive buffer site, and establishment of a formal outreach program. Mayor Haydon noted Councilmember Diaz specifically indicated it is fine to bring this item back to the Council in early 2019.

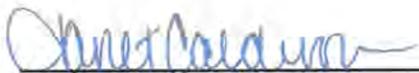
10. **CLOSED SESSION** - None.

11. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 7:42 p.m.

The next regularly scheduled meeting of the City Council is November 6, 2018.

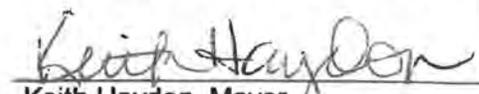
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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Keith Haydon, Mayor

#

CITY ORDINANCE

NO. 483

**LOCAL REGULATION OF
PAROLEE HOUSING**

**ADOPTED: 04 SEPTEMBER 2018
EFFECTIVE: 04 OCTOBER 2018**

ORDINANCE NO. 483

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING AMENDMENTS TO CLAYTON MUNICIPAL CODE, TITLE 17 - ZONING IN ORDER TO RESTRICT AND REGULATE PAROLEE HOMES IN THE FOLLOWING GENERAL PLAN DESIGNATIONS: MULTIFAMILY LOW DENSITY, MULTIFAMILY MEDIUM DENSITY, AND MULTIFAMILY HIGH DENSITY, SUBJECT TO A CONDITIONAL USE PERMIT

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

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the City and surrounding communities have seen an increased interest in the establishment of group homes for parolees and probationers. This interest is due, in part, to AB 109 and the increase number of parolees, probationers and others subject to post-release supervision. These uses may concentrate in residential zoning districts; and

WHEREAS, citizens of the City have expressed significant concerns regarding the impacts that a proliferation of parolee/probationer homes may have on the community, including, but not limited to, increased crime, impacts on traffic and parking, excessive delivery times and durations, commercial and/or institutional services offered in private residences, more frequent trash collection, daily arrival of staff who live off-site, loss of affordable rental housing, violations of boardinghouse and illegal dwelling unit regulations, obvious business operations, secondhand smoke, and nuisance behaviors such as excessive noise, litter, and loud offensive language; and

WHEREAS, the City adopted an interim zoning ordinance to establish a temporary moratorium on the establishment and operation of parolee and probationer homes in order to study appropriate regulations for these uses; and

WHEREAS, California experiences high recidivism rates, with approximately 60-70% of parolees being re-arrested within three years of release;¹ and

WHEREAS, crime and nuisance-related concerns may be alleviated through public review of the facility's operational and management plans, house rules, services and staffing plans, as well as buffers from sensitive children-oriented uses, including schools, daycares, parks, youth centers, and libraries, and from businesses selling alcohol; and

¹ Cal. Dept. of Corrections, CALIFORNIA PRISONERS AND PAROLEES 2010: Summary Statistics On Adult Felon Prisoners and Parolees, Civil Narcotic Addicts and Outpatients and Other Populations (2011) p. 90, at: https://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPris/CALPRISd2010.pdf; see also, Public Policy Institute of California, *Realignment and Recidivism in California* (December 2017), p.3, at: http://www.ppic.org/wp-content/uploads/r_1217mbr.pdf

WHEREAS, in response to concerns that residential neighborhoods not become institutionalized with parolee homes and that residents of parolee homes fail to integrate into the community, the ordinance would ensure that parolee homes are separated from other parolee homes as well as other quasi-institutional uses, including hospitals, group homes, emergency shelters, and supportive or transitional housing, to avoid an overconcentration of such uses in residential neighborhoods; and

WHEREAS, other public health, safety, and welfare concerns may be alleviated through enforcement of existing regulations and discretionary review of proposed land use applications; and

WHEREAS, following the results of this planning and research process, the City now desires to adopt permanent regulations to restrict parolee and probationer housing to Clayton's multi-family residential General Plan designations subject to the granting of a conditional use permit and the conditions, regulations and limitations stated herein.

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

Section 1. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment to Clayton Municipal Code – Zoning Definitions. Section 17.04.155 entitled "Parolee Home" is hereby added to the Clayton Municipal Code, Chapter 17.04 to read as follows:

"17.04.155 Parolee Home.

"Parolee Home" means any residential or commercial building, structure, unit or use, including a hotel or motel, whether owned and/or operated by an individual or for-profit or non-profit entity, which houses two or more parolees, that is not operated as a single housekeeping unit, in exchange for monetary or non-monetary consideration given and/or paid by the parolee and/or any individual or public/private entity on behalf of the parolee."

Section 3. Amendment to Clayton Municipal Code – Zoning Definitions. Section 17.04.156 entitled "Parolee" is hereby added to the Clayton Municipal Code, Chapter 17.04 to read as follows:

"17.04.156 Parolee.

"Parolee" shall include probationer, and shall mean any of the following: (1) an individual convicted of a federal crime, sentenced to a United States Federal Prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer; (2) an individual who is serving a period of supervised community custody, as

defined in Penal Code Section 3000, following a term of imprisonment in a State prison, and is under the jurisdiction of the California Department of Correction, Parole and Community Services Division: (3) a person convicted of a felony who has received a suspension of the imposition or execution of a sentence and an order of conditional and revocable release in the community under the supervision of a probation officer; and (4) an adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional revocable release in the community under the supervision of a Youth Authority parole officer. As used herein, the term "parolee" includes parolees, probationers, and/or persons released to post-release community supervision under the "Post-release Community Supervision Act of 2011" (Penal Code Section 3450 et seq.) as amended or amended in the future."

Section 4. Amendment to Clayton Municipal Code – Zoning Definitions. Section 17.04.186 entitled "Single Housekeeping Unit" is hereby added to the Clayton Municipal Code, Chapter 17.04 to read as follows:

"17.04.186 Single Housekeeping Unit.

"Single housekeeping unit" means that the use of the dwelling unit satisfies each of the following criteria:

1. The residents have established ties and familiarity and interact with each other.
2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
3. Residents share meals, household activities, expenses, and responsibilities.
4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit; and they each have access to all common areas.
5. If the dwelling unit is rented, each adult resident is named on and is a party to a single written lease that gives each resident joint use and responsibility for the premises.
6. Membership of the household is determined by the residents, not by a landlord, property manager, or other third party.
7. The residential activities of the household are conducted on a nonprofit basis.

8. Residents do not have separate entrances or separate food-storage facilities, such as separate refrigerators, food-prep areas, or equipment."

Section 5. Amendment to Clayton Municipal Code – Multiple Family Residential District Regulations. Clayton Municipal Code Section 17.20.030, entitled "Permitted Uses-Principal" is hereby amended and restated (new text in underline) as follows:

"17.20.030 - Permitted Uses—Principal.

The principal permitted uses in the multiple family residential districts shall be as follows:

A. Duplex, triplex, townhouses, apartments and other multifamily structures meeting and not exceeding the density limits set by the applicable General Plan Land Use Designation;

B. Supportive housing and transitional housing;

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

D. Employee housing providing accommodations for six (6) or fewer employees, provided that a conditional use permit is obtained. Such permit shall be reviewed and issued under the same procedures and in the same manner as that permit issued for single family dwelling units (See Section 17.60.030.B.5).

E. Parolee homes only with a Conditional Use Permit (See Section 17.60.030.B.7)."

Section 6. Amendment to Clayton Municipal Code – Use Permits. Clayton Municipal Code Section 17.60.030, Subdivision (B), related to Residential Related Uses requiring a use permit, is hereby amended to add subdivision (7) to read as follows:

"7. Parolee homes on land designated as Multifamily Low Density (MLD), Multifamily Medium Density (MMD) and Multifamily High Density (MHD) on the General Plan Land Use Map. (See Section 17.36.086)."

All other provisions contained in Section 17.60.030 of the Clayton Municipal Code shall remain in full force and effect.

Section 7. Amendment to Clayton Municipal Code – General Regulations. Clayton Municipal Code, Section 17.36.086 entitled "Standards for Parolee Homes" is hereby adopted to read as follows:

“17.36.086 – Standards for Parolee Homes.

Parolee homes are only permitted with a conditional use permit on land designated Multifamily Low Density (MLD), Multifamily Medium Density (MMD) or Multifamily High Density (MHD) on the General Plan Land Use Map and in either a Planned Development (PD) zoning district or in a Multiple Family Residential zoning district (M-R, M-R-M, or M-R-H), subject to the development standards of the zone. Parolee homes must also meet the following objective development standards:

A. Location requirements:

- 1. A parolee home shall be located a minimum distance of at least one thousand (1,000) feet from any public or private school (preschool through 12th grade), licensed daycare, library, public park, hospital, group home, business licensed for on- or off-sale of alcoholic beverages, youth center, emergency shelter, supportive or transitional housing when measured from the exterior building walls of the parolee home to the property line of the sensitive use.**
- 2. A parolee home shall be located a minimum distance of 1,000 feet from any other parolee home.**

B. The application for a discretionary use permit for a parolee home shall include the following additional information:

- 1. Client profile (the subgroup of the population of the facility is intended to serve such as single men, families, etc.);**
- 2. Maximum number of occupants and hours of facility operation;**
- 3. Term of client stay;**
- 4. Support services to be provided on-site and projected staffing levels; and**
- 5. Rules of conduct and/or management plan.**

C. Multifamily housing projects with 25 units or less shall be limited to one parolee home unit. Multifamily housing projects with more than 25 units shall be limited to two parolee home units. For purposes of this subsection, “multifamily housing project” means a building designed or used for more than two (2) dwelling units sharing common walls on one lot, including apartments and condominiums, but not including attached single-family homes or townhomes.

D. On-site staff supervision shall be required during all hours of the parolee home operation and the supervision shall not be provided by an active parolee.

E. Any change in operating conditions that were approved in the conditional use permit shall require the immediate submittal of an application to modify the conditional use permit.”

F. Notice Requirement. In addition to any other requirements of Chapter 17.64, notice of any public hearing regarding a parolee home shall be mailed or delivered to all property owners within 1,000 feet of the proposed parolee home, as measured from the subject property lines, at least ten (10) days prior to the hearing. Notice of any public hearing shall also be published at least one time in a local newspaper and posted on the city website at least ten (10) days prior to the hearing.

Section 8. CEQA. This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment as the Ordinance relates to permit procedures for parolee housing in existing multi-family residential land use designations.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 10. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Sections 2 through 7 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on August 21, 2018.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on September 4, 2018 by the following vote:

AYES: Vice Mayor Shuey, Councilmembers Catalano, Diaz and Pierce.

NOES: None.

ABSENT: Mayor Haydon.

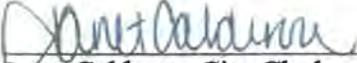
ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



Keith Haydon, Mayor

ATTEST



Janet Calderon, City Clerk

APPROVED AS TO FORM



Malathy Subramanian, City Attorney

APPROVED BY ADMINISTRATION



Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 4, 2018.



Janet Calderon, City Clerk



Agenda Date: 3-05-2019

Agenda Item: 8b

Approved:

Gary A. Wapper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*

DATE: MARCH 5, 2019

SUBJECT: POLICY DISCUSSION OF ACCESSORY DWELLING UNIT REGULATIONS (ZOA-02-17)

RECOMMENDATION

It is recommended the City Council discuss and provide direction to staff on an amendment to the Clayton Municipal Code Chapter 17.47 – Second Dwelling Units in order to address the various new State regulations pertaining to Accessory Dwelling Units (ADUs), also known as “second units”, “in-law units”, and “granny units”, in response to the passage of SB 1069, AB 2299, SB 229, and AB 494.

BACKGROUND

STATE LAW

The State of California legislature has found and declared accessory dwelling units as a valuable form of housing by providing housing for family members, students, the elderly, in-home health care providers, the disabled, and others at below market prices within existing neighborhoods. Further, the State legislature has declared a housing crisis with the availability of housing to be of vital statewide importance, and accessory dwelling units have been determined to be an essential part of California’s housing supply by providing a lower cost housing to meet the needs of existing and future residents (Government Code Section 65852.150) (**Attachment 1 and 2**).

CLAYTON MUNICIPAL CODE

The Clayton Municipal Code (CMC) Chapter 17.47 - Second Dwelling Units is currently "null and void" due to the passage of various State laws (SB 1069, AB 2299, SB 229 and AB 494) which amended the regulations pertaining to second units, now termed as Accessory Dwelling Units (ADUs). Clayton is not required to adopt an ADU ordinance. However, when a local agency has not adopted an ADU ordinance, the agency is compelled to apply the standards in Government Code Section 65852.2, subdivision (a), and either approve or disapprove the application by ministerial action within 120 days after receiving the application (**Attachment 3**). Thus, a local jurisdiction is required to process ADU applications even when its local ADU regulations have been rendered "null and void" by state law.

In order to preserve local control, the City Council may want to consider updating its ADU regulations in order to impose development standards such as parking, height, setback, lot coverage, landscape, architectural review, the maximum size of a unit and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places, as allowed for by State law. While State law provides the maximum standards that may be used to evaluate a proposed ADU, cities can adopt standards that are less restrictive. Additionally, locally adopted ADU standards must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development.

Further, State law requires the establishment of a ministerial application review process that precludes a discretionary review or hearing; therefore, providing codified standards will assist staff as well as the public to determine and apply local Clayton requirements for review and approval of an ADU. Additionally, a ministerial review and decision of an application for an ADU shall be rendered within 120 days from application.

If a city adopts a local Ordinance pertaining to ADUs, the jurisdiction is required to send the Ordinance for review to the Department of Housing and Community Development (HCD) within 60 days of adoption.

HOUSING ELEMENT

Clayton's HCD-certified 2015-2023 Housing Element encourages and promotes the construction of second units (ADUs) and has identified Policy 1.3 and Implementation Measure 1.3.1, which state (**Attachment 4**):

***"POLICY 1.3** The City shall encourage the development of second dwelling units on new and existing single-family-zoned lots."*

***Implementation Measure 1.3.1.** The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet and posting information on the City's website. The City will aim to approve two second dwelling units per year during the planning period."*

DISCUSSION

Even though Chapter 17.47 - Second Dwelling Units of the CMC is now null and void due to it being overridden by State law, it does provide an appropriate baseline of previous Council direction and a framework to begin a dialogue regarding the establishment of policies surrounding ADUs (**Attachment 5**).

Below, a number of issues and standards have been identified which can be addressed by the adoption of a local ordinance. Each issue is framed by first indicating the parameters contained in the CMC pertaining to second dwelling units and then, if applicable, it is followed by a summary of State law on that particular issue. Lastly, staff has identified policy questions for the Council to consider and to which staff is seeking direction. Based on the direction given regarding these policy issues, staff will return with a proposed ordinance at a later date for first Planning Commission and then Council consideration.

ISSUE #1: DEFINITION

Accessory Dwelling Unit (ADU) is defined by the State as an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated (**Attachment 3**). An accessory dwelling unit also includes the following:

- 1) An efficiency unit, which is defined under the California Building Code as having a living area of at least 220 square feet with a separate closet, kitchen sink, cooking appliance, and refrigeration facilities and containing a separate bathroom with a water closet, lavatory, and bathtub or shower.
- 2) A manufactured home.

State law does allow jurisdictions the ability to alter an efficiency unit definition by local ordinance and decrease the minimum square feet to 150 and only require a partial kitchen or bathroom facilities. Local jurisdictions cannot require an ADU be larger than 220 square feet.

- **POLICY QUESTIONS:** Does the City Council wish to decrease the minimum unit size of an ADU to 150 square feet and/or only require a partial kitchen and/or bathroom facilities? If no alteration is made, the minimum unit size for an ADU would be 220 square feet and require the above stated kitchen and bathroom amenities.

ISSUE #2: LOCATION

The CMC prohibits a second dwelling unit where public utilities or infrastructure services are inadequate.

Local jurisdictions have the ability to limit the construction of ADUs in designated areas based on the adequacy of water and sewer services and impacts to traffic flow and public safety. HCD guidance has warned that utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g. no less than 500 feet between ADUs) may unreasonable restrict the ability of homeowners to create ADUs, contrary to the intent of the Legislature.

In addition, State law prevents ADUs from being counted towards the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

- **POLICY QUESTIONS:** Should there be a minimum lot size for new detached ADUs not contained within an existing structure?
- Should more than one ADU be allowed per lot? For example, one ADU could be allowed inside of the primary residence within the existing footprint of the house and also a detached ADU could be constructed on one lot.

ISSUE #3: SETBACKS

The CMC section pertaining to second dwelling units previously required these units to have the same setbacks as the primary residence in its respective zoning district (**Attachment 6 and 7**) and in PD zoning districts the setbacks were as follows: front setback of 20 feet, an interior side setback of five feet for a one-story portion and ten feet for a two-story portion, and exterior side setback of 20 feet, and rear setback of 15 feet.

These setbacks are still relevant, except for two instances of State law regarding garage and existing structure conversions to ADUs:

- 1) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an ADU, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- 2) A local agency shall by ministerial action approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

Given Number Two above, it should be noted, the CMC provides different setback requirements for the principal dwelling and accessory structures/buildings (**Attachment 8**). Accessory buildings/structures can have reduced setbacks of five feet for both the interior side and rear setback if the building is at least 12 feet from the main building (and all other accessory buildings) and at least 65 feet from the front lot line. A homeowner could conceivably circumvent the setback requirements by first constructing an accessory structure and then converting the structure later to an ADU.

Also, the State statute uses the term "accessory structure" with an example of pool house or studio, but does not provide a definition beyond those examples. Due to the lack of a definition, staff is recommending the current definition in the CMC for "accessory structure" be renamed to a different term and to establish a new definition of "accessory structure" to be consistent with State law with respect the ADUs, including provisions the accessory building was legally constructed, as well as to remove any ambiguity.

- **POLICY QUESTIONS:** Should the setbacks remain the same as second units, which would apply setbacks for the principal dwelling to ADUs?
- Should the ADU setbacks match the requirements of an accessory structure? Or alternatively, should the setback requirements for accessory structures be changed to anticipate the construction of ADUs.
- Should different setbacks apply for small lot ADUs?
- Should an alternative set of setbacks be considered? For example, if an ADU is attached to the principal dwelling, then those setbacks would be applied; however, if it is a detached ADU, then the accessory building setbacks would apply.

ISSUE #4: UNIT SIZE

The CMC previously limited second dwelling units to 45% of total habitable floor area of an existing single-family dwelling and between 250 and 750 square feet for new construction under administrative review and up 1,000 square feet subject to Planning Commission review.

State law has determined the following maximum unit size thresholds for attached and detached ADUs:

Attached: An ADU shall not exceed 50% of the proposed or existing primary dwelling living or 1,200 square feet.

Detached: An ADU shall not exceed 1,200 square feet.

Currently, there is ambiguity in the State law whether jurisdictions must allow up to 1,200 square feet or if a lower ceiling can be established. The reigning opinion among peer staff is that jurisdictions must provide a ministerial process for ADUs up to 1,200 square feet; however, other jurisdictions have submitted ADU ordinances with smaller maximum unit sizes to HCD, as required, without the issue being flagged. Further, the current position of HCD is that a lower threshold is acceptable, provided the standard does not unreasonably restrict or burden the creation of ADUs. HCD guidance lists "typical" maximum unit sizes ranges from 800 square feet to 1,200 square feet. HCD's analysis is not clearly supported by statutory analysis. Furthermore, HCD currently lacks statutory authority to enforce the state ADU law. Therefore, based on the legislative history and statutory text, the City Attorney's recommendation is to allow up to 1,200 square feet through a ministerial process.

As discussed above, the allowed minimum ADU size under State law is 220 square feet, which is considered to be an efficiency unit.

- **POLICY QUESTIONS:** What should be the maximum ADU unit size?
- Should the unit size be increased beyond the 1,200 square feet as mandated by State law? If so, should the larger ADUs be subject to a discretionary review by the Planning Commission and subject to additional standards?
- Should maximum unit size differ between attached and detached ADUs?

ISSUE #5: HEIGHT

The CMC for second dwelling units allows a height of an attached second dwelling unit to not exceed the height of the existing single-family dwelling or two stories, whichever is less. For a detached second dwelling, the height is restricted to one story or 15 feet, whichever is less. In light of State law allowing the conversion of existing accessory structures to ADUs, it should be highlighted the height of accessory structures is 16 feet.

State law is silent on any height requirements; however, it does indicate local government can impose standards on height.

- **POLICY QUESTIONS:** Should the height requirements be higher than one-story or 15 feet for detached ADUs?
- Should the height requirements of detached ADUs match the height requirements of accessory buildings at 16 feet?
- Should the second dwelling unit height standards be utilized?

ISSUE #6: OFF-STREET PARKING

The CMC for second dwelling units previously required one off-street parking space per bedroom and a second dwelling unit without a bedroom area to provide a minimum of one parking space. The parking space(s) could be uncovered, compact, and tandem as well as located in the front setback when located in the driveway. The parking space(s) were in addition to those required for a single-family dwelling.

The new State law contains several provisions related to off-street parking, contrary to the provision of the second dwelling unit section of the CMC:

- 1) A jurisdiction may reduce beyond the provisions contained in State law or eliminate parking requirements for any ADU.
 - 2) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
 - 3) Off-street parking shall be permitted in setback areas in locations determined by the City or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
 - 4) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU and does not meet the criteria identified in number 5 below, the replacement spaces may be located in any configuration on the same lot as the ADU, which includes covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
 - 5) If an ADU meets the following criteria, then the City cannot impose parking standards for the ADU: 1) the ADU is located within one-half mile of public transit, 2) the ADU is located within an architecturally and historically significant historic district, 3) the ADU is part of the proposed or existing primary residence or an accessory structure, 4) when on-street parking permits are required but not offered to the occupant of the ADU, and 5) when a car share program is located within one block of the ADU.
- **POLICY QUESTIONS:** Should the parking requirements be further reduced beyond the requirements of State law or even eliminated for ADUs?

ISSUE #7: OWNER OCCUPANCY

Currently, the second dwelling unit section of the CMC requires the property owner to reside either in the principal dwelling or within the second unit or the lot containing the second unit be immediately adjacent to, on the same side of the street as, and sharing common side lot lines with the lot containing the primary residence of the property owner. This restriction is required to be memorialized in a deed restriction on the property.

State law allows local provisions requiring an applicant for an ADU to be owner-occupied either in the principal dwelling or the ADU. Further, State law also allows local jurisdictions to require the property to be used for rental of terms longer than 30 days. Lastly, ADUs are not to be sold separately from the principal dwelling unit.

- **POLICY QUESTIONS:** Should the same owner occupancy restrictions for second units be carried forward to ADUs?
- Should the owner occupancy requirement restriction be removed?
- Should there be a requirement the property be used for rentals of terms longer than 30 days?

ISSUE #8: APPEALS

Previously, the second dwelling unit section did not contain provisions regarding an appeal process and the CMC does not contain a provision in another section of the code regarding the appeal of an administrative decision. However, within other sections of the Zoning Code, administrative decisions made by the Community Development Director are appealable to the Planning Commission and then subsequently to the City Council.

- **POLICY QUESTION:** Should there be an appeal process established whereby an administrative decision can be appealed to the Planning Commission and then subsequently to the City Council?

ISSUE #9: JUNIOR ACCESSORY DWELLING UNITS

In addition to the recently passed legislation on ADU's, the State has also introduced an option for jurisdictions to permit by local ordinance Junior Accessory Dwelling Units (JADUs) (**Attachment 9**). The State has not mandated cities allow for JADUs. JADUs are limited in size of up to 500 square feet and are typically bedrooms within a single-family home that have a separate entrance from the main unit and provide kitchen facilities, including a sink, but can have common sanitation facilities. No additional parking can be required, owner occupancy is a requirement, and a fee cannot be charged for a water or sewer connection. These units do count towards a jurisdiction's Regional Housing Needs Allocation (RHNA).

- **POLICY QUESTIONS:** Should these types of units be allowed in Clayton?
- If so, should there be a requirement the rentals terms be longer than 30 days?

OTHER ISSUES

Connection Fees

For informational purposes only, staff has included the sewer and water connection fees for ADUs, which are not required for ADUs if the unit is contained within the existing space of a single-family residence or accessory structure, including but not limited to a studio, pool house, or other similar structure. However, the fees listed below do not include any Clayton development impacts fees.

- Contra Costa Water District Water Connection Fee: \$15,734
- City of Concord Sewer Connection Fee: \$2,774

FISCAL IMPACTS

Staff time and resources would be incurred to prepare the Ordinance for Planning Commission and City Council review and consideration. The costs to implement the Ordinance would be recovered through allowable charges for time and materials that will be borne by the applicant.

ATTACHMENTS

1. HCD Memo Excerpt: Understanding Accessory Dwelling Units and Their Importance [pp. 2]
2. HCD Memo Excerpt: Frequently Asked Questions: Accessory Dwelling Units [pp. 9]
3. Government Code Section 65852.2 [pp. 3]
4. Excerpt from Clayton's HCD-certified 2015-2023 Housing Element [pp. 1]
5. Clayton Municipal Code Chapter 17.47 – Second Dwelling Units [pp. 4]
6. Clayton Municipal Code Chapter 17.16 - Single-Family Residential Districts [pp. 4]
7. Clayton Municipal Code Chapter - 17.20 Multiple Family Residential Districts [pp. 3]
8. Clayton Municipal Code Chapter 17.36.055 – Accessory Buildings and Structures [pp. 1]
9. HCD Memo: Junior Accessory Dwelling Units [3 pp.]

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

Are Existing Ordinances Null and Void?



Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to “state standards” and cannot include additional requirements such as those in an existing ordinance.

Are Local Governments Required to Adopt an Ordinance?

No, a local government is **not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does "Public Transit" Include within One-half Mile of a Bus Stop and Train Station?

Yes, "public transit" may include a bus stop, train station and paratransit if appropriate for the applicant. "Public transit" includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of "public transit" such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or...." Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, "within the existing space" includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf> .

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

ATTACHMENT 2

Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached*: The unit is separated from the primary structure
- *Attached*: The unit is attached to the primary structure
- *Repurposed Existing Space*: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units*: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.


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GOVERNMENT CODE - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66210] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.*)

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (I) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(II) Notwithstanding clause (I), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- (e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.
- (f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- (2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
- (A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
- (B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- (h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.
- (i) As used in this section, the following terms mean:
- (1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.
- (4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)

- Modifications to development standards (on a case-by-case basis)

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Ongoing, as projects of 10 or more units are processed through the Community Development Department. The City will monitor the implementation of this program to ensure that it does not cause a constraint to the development of housing in the City of Clayton and will make necessary revisions to the program if needed to avoid such a constraint.

Funding: General Fund

POLICY I.3 The City shall encourage the development of second dwelling units on new and existing single-family-zoned lots.

Implementation Measure I.3.1. The City shall continue to promote the development of second dwelling units by publicizing information in the general application packet and posting information on the City's website. The City will aim to approve two second dwelling units per year during the planning period.

Responsibility: Community Development Department

Time Frame: Ongoing, 2015–2023

Funding: General Fund

POLICY I.4 The City shall aggressively promote mixed-use or second-story residential units above commercial uses in the Town Center.

Implementation Measure I.4.1. To encourage development of mixed-use projects in the Town Center, the City has adopted the Clayton Town Center Specific Plan which provides detailed policy direction, standards, and guidelines that encourage mixed-use and second-story residential development. The City will continue to promote development opportunities in the Town Center, circulate a development handbook that describes the permitting process for mixed-use projects, and offer incentives such as density bonuses to incentivize mixed-use projects. The City will aim to facilitate the development of at least one mixed-use project within the planning period.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Annually and upon receiving development inquiries for mixed-use development.

Funding: General Fund

Chapter 17.47 - SECOND DWELLING UNITS

Sections:

17.47.010 - Purpose.

The purpose of this chapter is to establish standards and procedures for the administrative and discretionary review of second dwelling units in order to increase the supply of smaller and affordable dwelling units while ensuring they are compatible with existing neighborhoods.

(Ord. 373, 2004)

17.47.020 - Administrative Review.

A. Application Requirements and Review Procedures.

1. **Application Requirements.** The application for a second dwelling unit permit shall be submitted to the Department concurrent with the submittal of an application for a building permit. The second dwelling unit application shall include: a site plan, floor plans, and architectural elevations showing the proposed second dwelling unit and its relation to the principal dwelling; descriptions of proposed building materials and exterior finishes; site plan showing the parking to be provided; deed restrictions in compliance with Section 17.47.040; any required fees; and any other information required by the Department to determine whether the proposed second dwelling unit conforms to the standards set forth in Subsection 17.47.020.B.
2. **Review Procedure.** Upon receipt of a completed application, the Director shall issue a second dwelling unit permit, without discretionary review or public hearing, if the proposed second dwelling unit conforms to the standards set forth in Subsection 17.47.020.B.
3. **Deviations for Disabled Persons.** In order to encourage the development of dwelling units for disabled persons with limited mobility, the Director may make a finding that reasonable deviation from the stated standards is necessary to install features that facilitate access and mobility for disabled persons.

B. Standards of Approval. A second dwelling unit permit issued by the Director shall meet the following standards:

1. **Location.**
 - a. A maximum of one second dwelling unit may be located on any lot in a residential district (or a PD District with an underlying residential General Plan designation) that principally allows single-family dwellings.
 - b. Second dwelling units shall not be allowed where public utilities or infrastructure services are inadequate.
 - c. Second dwelling units are not required to meet the density requirements of the General Plan (or any applicable specific plan), but shall otherwise be consistent with the General Plan (or any applicable specific plan) text and diagrams.
 - d. No second dwelling unit may be approved if located on, or adjacent to, real property that is listed in the California Register of Historic Places.
2. **Setbacks.**
 - a. **Residential Districts.** Second dwelling units in the Single Family Residential Districts or the Multiple Family Residential District shall comply with the setbacks for principal dwellings in the respective zoning district in which it is located.
 - b. **Planned Development Districts.** Second dwelling units in the Planned Development (PD) District shall

maintain a front setback of twenty (20) feet; an interior side setback of five (5) feet for a one-story portion and ten (10) feet for a two-story portion; an exterior side setback of twenty (20) feet; and a rear setback of fifteen (15) feet.

3. **Building Separation Requirements.** A detached second dwelling unit shall not be closer than five (5) feet (including all structural protrusions and roof overhangs) to the principal dwelling. A detached second dwelling unit shall be located within one hundred (100) feet of the principal dwelling on the same lot.
4. **Unit Size.**
 - a. The gross floor area of a second dwelling unit created by new construction shall be at least two hundred fifty (250) square feet and shall not exceed seven hundred fifty (750) square feet. The second dwelling unit shall not have more than one bedroom.
 - b. The gross floor area of a second dwelling unit created by an addition to an existing single family dwelling shall not occupy more than forty-five percent (45%) of the total post-construction habitable floor area of the dwelling, excluding the garage area.
5. **Height.**
 - a. The height of an attached second dwelling unit shall not exceed the height of the existing single family dwelling or two (2) stories, whichever is less.
 - b. The height of a detached second dwelling unit shall not exceed one story or fifteen (15) feet, whichever is less.
6. **Residential Floor Area.** The second dwelling unit shall adhere to the residential floor area regulations in Chapter 17.78 applicable to the parcel. In the Planned Development (PD) District where residential floor area and building footprint regulations are not specified, the Director shall apply residential floor area and building footprint regulations based on the district that most closely matches the existing development in regard to lot size.
7. **Off-Street Parking.** The second dwelling unit shall provide one off-street parking space per bedroom. A second dwelling unit without a separated bedroom area shall provide a minimum of one off-street parking space. The parking space(s) may be uncovered, compact, and tandem. The parking space(s) may be located within the front setback when located in the driveway (and shall be visually screened from the street as much as practical), unless the Director makes specific findings that on-street parking directly in front of the subject lot is not available based upon specific site or regional topographical or fire and life safety conditions. The parking spaces shall be in addition to the parking spaces required for a single-family dwelling.
8. **Architectural Compatibility.** The second dwelling unit shall incorporate similar or complimentary architectural features, including exterior siding, trim, roof materials, window type/placement, and colors as the principal dwelling or dwellings located on adjacent properties. Any new entrances to an attached second dwelling unit shall be located on the side or rear of the principal dwelling.
9. **Permanent Foundation.** A permanent foundation shall be required for all second dwelling units.
10. **Existing Development.** A legal, detached single-family dwelling must exist on the lot or shall be constructed on the lot in conjunction with the construction of the second dwelling unit.
11. **Occupancy.** The lot containing the second dwelling unit shall either:
 - a. Serve as the primary residence of the property owner, with the owner occupying either the principal dwelling or second dwelling unit as their principal residence; or
 - b. Be immediately adjacent to, on the same side of the street as, and sharing common side lot lines with the lot containing the primary residence of the property owner.

17.47.030 - Planning Commission Review.

- A. Application Requirements and Review Procedure. The following procedures and requirements apply to second dwelling units which do not comply with the standards for administrative review of Section 17.47.020.
1. Application Requirements. The application for a second dwelling unit permit shall be submitted to the Department and shall comply with the requirements of Section 17.64.100, plus deed restrictions in compliance with Section 17.47.040.
 2. Review Procedure. In accordance with the provisions of Section 17.64.110, the Planning Commission may approve, approve with conditions, or deny a second dwelling unit permit, upon receipt of a completed application, if the proposed second dwelling unit conforms to the standards of approval set forth below in Subsection 17.47.030.B. (Second dwelling units requiring Planning Commission review are subject to the applicable site plan review requirements.)
- B. Standards of Approval. A second dwelling unit permit approved by the Planning Commission shall meet the following standards.
1. The standards in Subsections 17.47.020.B.1. through 17.47.020.B.3. and Subsections 17.47.020.B.6. through 17.47.020.B.11.
 2. Unit Size.
 - a. The gross floor area of a second dwelling unit created by new construction shall not exceed one thousand (1,000) square feet. The second dwelling unit shall not have more than two (2) bedrooms.
 - b. The gross floor area of a second dwelling unit created by an addition to an existing single family dwelling shall not occupy more than forty-five percent (45%) of the total post-construction habitable floor area of the dwelling, excluding the garage area.
 3. Height.
 - a. The height of an attached second dwelling unit shall comply with the building height requirements of Section 17.16.070.
 - b. The height of a detached second dwelling unit shall not exceed two (2) stories or twenty-four (24) feet, whichever is less.
- C. Required Findings. Prior to approval of a second dwelling unit, the Planning Commission shall make the following findings.
1. The second dwelling unit meets all standards of approval identified in Section 17.47.030.B.
 2. The second dwelling unit is similar or complimentary in appearance and character with the principal dwelling and the surrounding neighborhood.
 3. Public utilities and services are adequate to serve both dwellings.
 4. In order to encourage the development of dwelling units for disabled persons with limited mobility, the Planning Commission may make a finding that reasonable deviation from the stated standards of approval is necessary to install features that facilitate access and mobility for disabled persons.

17.47.040 - Deed Restrictions.

In order to obtain a second dwelling unit permit in accordance with the provisions of this chapter, the property owner shall provide a signed and notarized declaration or agreement of restrictions (including recording fees), which has been approved by the City Attorney as to its form and content, stating that:

- A. The second dwelling unit shall not be sold separately;
- B. The second dwelling unit is restricted to a maximum size;

- C. The second dwelling unit shall be considered legal only so long as the property owner either:
 - 1. Occupies either the principal dwelling, or the second dwelling unit on the subject property; or
 - 2. Occupies the residence on the property immediately adjacent to, on the same side of the street, and sharing common side lot lines, as the subject property.
- D. The restrictions shall be binding upon any successor in ownership of the subject property and lack of compliance shall void the permit and result in legal action against the property owner.

(Ord. 373, 2004)

Sections:

17.16.010 - Permitted Uses—Generally.

All land within any of the single family residential districts (map symbols R-10, R-12, R-15, R-20, R-40-H) may be used for any of the uses described in, and under the regulations of, this chapter.

(Ord. 325, 1996; Ord. 83 § 2(A), 1970; Ord. 52 Ch. II § 4(part), 1968).

17.16.020 - Permitted Uses—Principal.

The principal permitted uses in the single family residential districts shall be as follows:

- A. A detached, single family dwelling in each lot and the accessory structures and uses normally auxiliary to it;
- B. Crop and tree farming and horticulture, not including the raising or keeping of any animals other than ordinary household pets;
- C. Publicly-owned parks and playgrounds;
- D. Supportive housing and transitional housing;
- E. The keeping of equestrian livestock (R-40-H only), provided that a minimum land area to livestock ratio of forty thousand (40,000) feet of land to two (2) head of equestrian livestock shall be required.
- F. Personal property sales in accordance with the following regulations:
 - 1. Personal property sales shall be allowed up to a maximum of six (6) days per calendar year;
 - 2. Personal property sales shall be limited to the hours between 8:00 a.m. and 5:00 p.m.; and
 - 3. Personal property sales shall not result in adverse impacts related to noise, traffic, safety, congestion, and parking.
- G. Employee housing providing accommodations for six (6) or fewer employees.

(Ord. 420, 2009; Ord. 440, 2012; Ord. 466, 2016)

17.16.030 - Area, Lot Width and Setback Requirements.

The minimum requirements in Sections 17.16.050 through 17.16.120 shall be observed for all lands situated within the district classifications listed in those sections as so designated on the zoning map referred to in Section 17.08.010 of this title.

(Ord. 52 Ch. II § 4(c)(part), 1968; Ord. 325, 1996; Ord. 375, 2004)

17.16.040 - Lot Area.

The lot area in the single family residential districts shall be as follows:

- A. R-10, ten thousand (10,000) square feet;
- B. R-12, twelve thousand six hundred (12,600) square feet;
- C. R-15, fifteen thousand (15,000) square feet;
- D. R-20, twenty thousand (20,000) square feet;
- E. R-40, forty thousand (40,000) square feet; and
- F. R-40-H, forty thousand (40,000) square feet.

(Ord. 52 Ch. II § 4(c), 1968; Ord. 83 § 2(C), 1970; Ord. 128 § 2, 1973; Ord. 325, 1996)

17.16.050 - Lot Width.

The minimum lot width at the front setback line in the single family residential districts shall be as follows:

- A. R-10, eighty (80) feet;
- B. R-12, one hundred (100) feet;
- C. R-15, one hundred (100) feet;
- D. R-20, one hundred twenty (120) feet;
- E. R-40, R-40-H, one hundred forty (140) feet for interior lots and one hundred eighty (180) feet for corner lots.

(Ord. 52 Ch. II § 4(c)(2), 1968; Ord. 83 § 2(D), 1970; Ord. 325, 1996)

17.16.060 - Lot Depth.

The lot minimum depth in the single family residential districts shall be as follows:

- A. R-10, ninety (90) feet;
- B. R-12, one hundred (100) feet;
- C. R-15, one hundred (100) feet;
- D. R-20, one hundred twenty (120) feet;
- E. R-40, one hundred forty (140) feet;
- F. R-40-H, one hundred forty (140) feet.

(Ord. 52 Ch. II § 4(c)(3), 1968; Ord. 83 § 2(E), 1970; Ord. 325, 1996).

17.16.070 - Building Height.

The building height in the single family residential districts shall not exceed thirty-five (35) feet.

(Ord. 52 Ch. II § 4(c)(4), 1968; Ord. 325, 1996; Ord. 375, 2004)

17.16.080 - Front Setback.

The front setback in the single family residential districts shall be as follows:

- A. R-10, twenty (20) feet;
- B. R-12, twenty (20) feet;
- C. R-15, twenty (20) feet;
- D. R-20, twenty-five (25) feet;
- E. R-40 and R-40-H, forty (40) feet.

(Ord. 52 Ch. II § 4(c)(5), 1968; Ord. 83 § 2(F), 1970; Ord. 325, 1996; Ord. 375, 2004)

17.16.090 - Interior Side Setbacks.

Interior side setbacks in the single family residential districts shall be as follows:

- A. R-10, twenty (20) feet aggregate, minimum ten (10) feet
- B. R-12, twenty-five (25) feet aggregate, minimum ten (10) feet;
- C. R-15, twenty-five (25) feet aggregate, minimum ten (10) feet;
- D. R-20, thirty-five (35) feet aggregate, minimum fifteen (15) feet;
- E. R-40, forty (40) feet aggregate, minimum twenty (20) feet;
- F. R-40-H, forty (40) feet aggregate, minimum twenty (20) feet.

(Ord. 52 Ch. II § 4(c)(6), 1968; Ord. 83 § 2(G), 1970; Ord. 325, 1996; Ord. 375, 2004)

17.16.100 - Exterior Side Setbacks.

Exterior side setbacks in the single family residential districts shall be as follows:

- A. R-10, twenty (20) feet;
- B. R-12, twenty (20) feet;
- C. R-15, twenty (20) feet;
- D. R-020, twenty-five (25) feet;
- E. R-40, forty (40) feet;
- F. R-40-H, forty (40) feet.

(Ord. 52 Ch. II § 4(c)(7), 1968; Ord. 83 § 2(H), 1970; Ord. 325, 1996; Ord. 375, 2004)

17.16.110 - Rear Setback.

The rear setback in the single family residential district is fifteen (15) feet.

(Ord. 52 Ch. II § 4(c), 1968; Ord. 83 § 2(I), 1970; Ord. 325, 1996; Ord. 375, 2004)

17.16.120 - 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 as follows:

- A. R-10, ten (10) feet.
- B. R-12, ten (10) feet.
- C. R-15, ten (10) feet.
- D. R-20, fifteen (15) feet.
- E. R-40, twenty (20) feet.
- F. R-40-H, twenty (20) feet.

(Ord. 83, 1970; Ord. 325, 1996)

17.16.130 - Equestrian or Agricultural Livestock Structures and Areas.

Any barn, stable, or shelter for equestrian or agricultural livestock shall be set back not less than one hundred (100) feet from the front property line and shall be not less than fifty (50) feet from any side or rear property line, unless the side or rear property line adjacent to the barn, stable, or shelter abuts land in an A or R-40-H District, in which case the side or rear setback is twenty (20) feet. Fenced pasture, paddocks, or other enclosed equestrian or agricultural livestock areas shall not be located nearer than ten (10) feet to any property line or nearest edge of street pavement, unless the side or rear property line abuts permanently uninhabited land, in which case, the side or rear setback is five (5) feet.

(Ord. 52 Ch. II § 4(c)(9), 1968; Ord. 83 § 2(J), 1970; Ord. 325, 1996; Ord. 375, 2004)

17.16.140 - Parking.

Every dwelling unit permitted in the single family residential districts shall have on the same lot or parcel enough automobile storage space for at least four (4) automobiles. Each space shall have dimensions of at least ten (10) feet by twenty (20), and two (2) of the spaces must be covered.

(Ord. 52 Ch. II Sub. 4(d), 1968; Ord. 325, 1996)

Chapter 17.20 - MULTIPLE FAMILY RESID

Sections:

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.

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.

17.20.030 - Permitted Uses—Principal.

The principal permitted uses in the multiple family residential districts shall be as follows:

- A. Duplex, triplex, townhouses, apartments and other multifamily structures meeting and not exceeding the density limits set by the applicable General Plan Land Use Designation;
- B. Supportive housing and transitional housing;
- C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).
- D. Employee housing providing accommodations for six (6) or fewer employees, provided that a conditional use permit is obtained. Such permit shall be reviewed and issued under the same procedures and in the same manner as that permit issued for single family dwelling units (See Section 17.60.030.B.5).
- E. Parolee homes only with a Conditional Use Permit (See Section 17.60.030.B.7).

(Ord. 463, 2016; Ord. 466, 2016; Ord 483, § 5, 2018)

17.20.040 - Minimum Requirements Generally.

The minimum requirements in Sections 17.20.060 through 17.20.160 shall be observed in the multiple family residential districts.

17.20.050 - Lot Area.

No duplex, triplex, townhouse, apartment, or other multiple family building permitted in multiple family residential districts shall be erected or placed on a lot having less than as follows:

- A. M-R, six thousand (6,000) square feet and three thousand (3,000) square feet of land shall be provided for each dwelling unit;
- B. M-R-M, six thousand (6,000) square feet and one thousand eight hundred (1,800) square feet for each dwelling unit; and
- C. M-R-H, nine thousand (9,000) square feet and one thousand (1,000) square feet for each dwelling unit.

17.20.060 - Lot Width.

No duplex, triplex, townhouse, apartment, or other multiple family building permitted in multiple family residential districts shall be erected or placed on a lot less than as follows:

- A. M-R, sixty (60) feet in average width;
- B. M-R-M, sixty (60) feet in average width; and
- C. M-R-H, ninety (90) feet in average width.

17.20.070 - Lot Depth.

No duplex, triplex, townhouse, apartment, or other multiple family building, or other multiple family residential districts shall be erected or placed on a lot less than as follows:

- A. M-R, ninety (90) feet in average width;
- B. M-R-M, ninety (90) feet in average width; and
- C. M-R-H, ninety (90) feet in average width.

17.20.080 - Building Height.

No duplex, triplex, townhouse, apartment, or other multiple family building permitted in the multiple family residential districts shall exceed as follows:

- A. M-R, thirty-five (35) feet in height, except that when multiple family residential district abuts any single family residential district, then the building height maximum of the portion of the multiple family residential district being within fifty (50) feet of the abutting single family residential district shall be twenty (20) feet.
- B. M-R-M, thirty-five (35) feet in height.
- C. M-R-H, forty (40) feet in height, except shall be thirty-five (35) feet in height for that portion within fifty (50) feet of an abutting single family residential district.

17.20.090 - Front Setback.

The front setback in the multiple family residential districts shall be twenty (20) feet.

17.20.100 - Interior Side Setback.

The interior side setback in multiple family residential districts shall be fifteen (15) feet.

17.20.105 - Exterior Side Setback.

The exterior side setback on corner lots in multiple family residential districts shall be twenty (20) feet.

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.

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 (15) feet.

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).

17.20.140 - Lot Coverage.

No buildings or structures permitted in multiple family residential districts shall cover more than as follows:

- A. M-R, forty percent (40%) of the lot area;
- B. M-R-M, fifty percent (50%) of the lot area; and
- C. M-R-H, sixty-five percent (65%) of the lot area.

(Ord. 52 Ch. II § 6(d)(9), 1968)

17.20.150 - Open Area.

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 (25%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty-five percent (25%) (open space) shall be planted and maintained with growing plants.;
- B. M-R-M, twenty percent (20%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty percent (20%) (open space) shall be planted and maintained with growing plants; and
- C. M-R-H, twenty percent (20%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty percent (20%) (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 (20) 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 (12) feet in height, nor more than fifty percent (50%) 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 (10) feet wide.

(Ord. 440, 2012)

ATTACHMENT 8

17.36.055 - Accessory Buildings and :

- A. Accessory buildings and structures may be located on any portion of a lot wherein a main building is permitted.
- B. No accessory building or structure shall be erected on a vacant lot unless approved by a use permit.
- C. An accessory building or structure shall not exceed sixteen (16) feet in height.
- D. Accessory buildings shall conform to the requirements of the respective zoning district, except as modified by the following standards.
 1. Interior Side Setback and Rear Setback. If an accessory building is at least twelve (12) feet from the main building (and all other accessory buildings) and at least sixty-five (65) feet from the front lot line, the interior side setback and rear setback for accessory structures are reduced to five (5) feet. These reduced setbacks must be clear of all structural protrusions, including roof overhangs.
 2. Minimum Passageway. An accessory building must be fully separated from the main building (and any other accessory buildings) by a passageway at least five (5) feet in width which is clear of all structural protrusions, including roof overhangs. The Planning Commission may determine that a wider passageway is appropriate as part of the site plan review process.
 3. Minimum Attachment. If an accessory building is attached to the main building (or any other accessory buildings), the accessory building shall be structurally part of and have a common roof or wall with the main building (or respective accessory building).
 4. Small Accessory Building. A small accessory building (e.g., storage shed) is exempt from the above interior side and rear setback, minimum passageway, and minimum attachment requirements if the small accessory building complies with all of the following:
 - a. The floor area does not exceed one hundred twenty (120) square feet;
 - b. The height (including any foundation) does not exceed eight (8) feet six (6) inches;
 - c. It is located at least ten (10) feet behind the nearest front corner of the main building; and
 - d. It is substantially concealed from public view by a legally-constructed solid fence or structure with a minimum height of six (6) feet.
- E. Accessory structures shall conform to the requirements of the respective zoning district, except as modified by the following standard:
 1. Interior Side Setback and Rear Setback. The interior side setback and rear setback for an accessory structure are reduced to five (5) feet. These reduced setbacks must be clear of all structural protrusions, including overhangs).

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?



Courtesy of Lilypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy May Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes

Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.



Agenda Date: 3-05-2019

Agenda Item: 8c

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 MARCH 2019

SUBJECT: ADOPT A RESOLUTION APPROVING FINDINGS FOR AN EXCEPTION TO THE 180-DAY WAIT PERIOD TO HIRE A CALPERS RETIRED ANNUITANT AS THE CITY'S TEMPORARY COMMUNITY DEVELOPMENT DIRECTOR WHILE PERMANENT RECRUITMENT OCCURS

RECOMMENDATION

Following staff report and opportunity for public comments, that Council adopt the CalPERS-required Resolution.

BACKGROUND

The City's current Community Development Director (Mindy Gentry) has accepted public employment in another public agency. It is expected her final day of Clayton employment will occur in mid-March 2019. Ms. Gentry has been the City's sole full-time professional planner on staff since June 2015.

Based on this upcoming vacancy, City staff has initiated publication and advertising for the recruitment of a suitable replacement with the final filing date for applications set for 03 May 2019. In the interim the City organization requires the employment of a temporary Director to sustain the provision of professional planning services to the Clayton community.

REQUESTED ACTION

Arrangements have been made by the City Manager to employ the temporary services of a professional planner to assist the City during this transition. Attached to this Staff Report, labeled "Exhibit A," is a signed Employment Agreement with a former Clayton Community Development Director, Mr. David Woltering. Mr. Woltering worked for this City in this capacity from June 2008 to January 2013 and left employment in good standing. His previous employment with our public agency places him in an optimum position to assume the interim duties and responsibilities while the City seeks a permanent new employee, and he is eminently qualified to perform the interim tasks.

Mr. Woltering's availability to assume this role is due to his recent retirement from the City of San Bruno in October 2018 and he is now a CalPERS retired annuitant. Under CalPERS' and California Government Code statutes, Mr. Woltering cannot be employed by another CalPERS agency until 180 days have passed since his official retirement and thereafter only in temporary or interim capacities not to exceed 960 hours per fiscal year.

However, there is a CalPERS exception to this wait-period restriction should the public agency's legislative body [city council] adopt a Resolution making findings and authorizing an exception to this interim employment limitation. The allowed exception findings prepared and incorporated into the proposed Resolution state that due to the small staffing numbers in the City of Clayton organization, and in particular having only one (1) full-time professional planner position that will now be vacated and under employment recruitment, it is necessary and requisite for the City's continuance of professional public planning services that an experienced temporary Community Development Director be employed. Due to Mr. Woltering's previous employment with Clayton but his current status as a CalPERS retired annuitant not yet satisfying the 180-day wait period, the City Council must adopt the Resolution. The City Council's action in this regard also cannot be as a Consent Calendar item but as an Action Item on its agenda.

The Resolution's purpose is not for the City Council to hire Mr. Woltering. Its City Manager, as the City's hiring authority for all employment positions except city attorney and the city manager, has already negotiated the arrangements and details for the temporary hiring of Mr. Woltering. The City Council's adoption of the Resolution is required to exercise the exception rule to temporarily employ a CalPERS retired annuitant that has not satisfied the 180-day wait period. It is noted CalPERS staff has already reviewed and approved the content of the recommended Resolution.

FISCAL IMPACT

Under CalPERS regulations and Government Code statutes, the compensation for the interim employment of CalPERS retired annuitant is restricted to an hourly wage only [no benefits or other compensation], and that hourly wage rate must fall within the City's existing salary range for the associated job classification. The negotiated hourly rate for this temporary employment is \$61.21, which is the top step of the Community Development Director current salary range. With the inherent budget savings accompanying this temporary employment arrangement in the form of unpaid City benefits, sufficient monies exist in the adopted FY 2018-19 City Budget to cover this impact.

Attachments: City Resolution [2 pp.]
Exhibit A: Employment Agreement with Mr. Woltering [4 pp.]
Exhibit B: Resume of Mr. Woltering [4 pp.]

RESOLUTION NO. - 2019

**A RESOLUTION CERTIFYING FINDINGS AND AUTHORIZING THE 180-DAY
WAIT PERIOD EXCEPTION FOR THE INTERIM EMPLOYMENT OF CALPERS RETIRED
ANNUITANT DAVID WOLTERING AS INTERIM COMMUNITY DEVELOPMENT DIRECTOR
(G.C. sections 7522.56 & 21221(h))**

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

WHEREAS, in compliance with Government Code section 7522.56 the City Council of Clayton must provide CalPERS this certification resolution when hiring an employee before 180 days has passed since his or her retirement date; and

WHEREAS, David Woltering retired from the City of San Bruno in the position of Community Development Director, effective October 27, 2018, and is a CalPERS retired annuitant; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which April 26, 2019 is the 181st date, without this certification resolution; and

WHEREAS, section 7522.56 provides this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Clayton City Council, the City of Clayton, and David Woltering each certify that David Woltering has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, David Woltering previously served as the Clayton Community Development Director from June 2008 to January 2013 and is therefore well suited and familiar with the incumbent needs and responsibilities required of an interim Director while a permanent employee replacement is recruited and hired by the City of Clayton; and

WHEREAS, the Clayton City Council, upon recommendation of its City Manager, does desire to appoint David Woltering as an interim appointment retired annuitant to the vacant position of Community Development Director for the City of Clayton under Government Code section 21221(h), effective 13 March 2019; and

WHEREAS, an eligible appointment under Government Code section 21221(h) requires an active, publicly-posted recruitment for a permanent replacement to the interim vacant employment position; and

WHEREAS, the current status of this recruitment is the City of Clayton has advertised, posted, and placed job announcements in various local government/professional publications with a filing deadline date of 03 May 2019; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end prior to or on 04 September 2019, unless terminated earlier by the City following its selection of a permanent employment hire, or by voluntary termination by David Woltering; and

WHEREAS, the entire employment agreement, contract or appointment document between David Woltering and the City of Clayton has been reviewed by this body and is attached hereto; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed as a consent calendar item on a public agenda of the City Council; and

WHEREAS, the interim employment of David Woltering shall be limited to nine hundred and sixty (960) hours per fiscal year; and

WHEREAS, the compensation paid to retired annuitants cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for Clayton Community Development Director position is \$10,609 and the hourly equivalent is \$61.21, and the minimum base salary for this position is \$8,729 and the hourly equivalent is \$50.36; and

WHEREAS, the negotiated and determined hourly rate to be paid to David Woltering by the City of Clayton will be \$61.21; and

WHEREAS, David Woltering has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby certify the nature of the temporary employment of David Woltering as described herein and detailed in the attached Employment Agreement document (Exhibit A), and that this interim appointment is necessary to fill the critically-needed position of Community Development Director for the City of Clayton by 18 March 2019 because the City is a very small municipal employer and this position is the sole full-time professional city planning position within the public agency and its continued functionality is critical to maintaining the active, daily, and efficient planning public services provided to the citizens, businesses and development community of this City.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 5th day of March 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

**EMPLOYMENT AGREEMENT FOR
INTERIM COMMUNITY DEVELOPMENT DIRECTOR**

THIS AGREEMENT is made and entered into this 6th day of March, 2019 by and between the City of Clayton ("CITY") and DAVID WOLTERING ("EMPLOYEE"). In consideration of the mutual covenants and agreements set forth herein, the Parties agree as follows:

RECITALS

This Agreement is made and entered into with respect to the following facts:

A. CITY seeks to engage EMPLOYEE on a temporary basis as Interim Community Development Director while it seeks to fill the position with a permanent employee, in accordance with the terms set forth in this Agreement.

B. EMPLOYEE desires to accept employment as Interim Community Development Director with CITY in consideration of and subject to the terms, conditions and benefits set forth in this Agreement.

C. EMPLOYEE represents that he is a retired annuitant of CalPERS within the meaning of Government Code §§ 7522.56 and 21224 ("Statutes") and acknowledges that his compensation is statutorily limited as provided in Government Code § 21224. EMPLOYEE represents that, as of the effective date of this Agreement, he has not worked for another CalPERS state or contracting agency as a retired annuitant during the 2018-2019 fiscal year, and that he therefore acknowledges that he can work up to 960 hours for the CITY, a state agency or other CalPERS contracting agencies (collectively "CalPERS Agencies") during 2018-2019 fiscal year. EMPLOYEE represents that he has not received unemployment compensation from any CalPERS agencies during the 12-month period preceding the effective date of this Agreement.

D. Although EMPLOYEE's retirement became effective on October 27, 2018, less than the 180 days from the effective date of this Agreement, the City Council took action at a public meeting on March 5, 2019, pursuant to Government Code Section 7522.56(f), to deem the appointment of EMPLOYEE within the 180 day period as critically necessary as reflected in Resolution No. xx - 2019.

E. CITY has determined that it is necessary to hire EMPLOYEE, a retired annuitant, because the CITY will need to recruit for a new Community Development Director, and EMPLOYEE, by virtue of his experience as a previous Community Development Director for the CITY and other cities has the necessary skills and institutional knowledge to assist as needed.

NOW, THEREFORE, CITY and EMPLOYEE, in consideration of the mutual covenants and agreements herein contained, agree as follows:

1. **APPOINTMENT OF EMPLOYEE.**

EMPLOYEE shall be appointed as the Interim Community Development Director ("Director") for the benefit of the CITY under the terms of this Agreement.

2. POSITION AND DUTIES. The CITY hereby agrees to appoint EMPLOYEE to perform, on a basis set forth in Paragraph 4 below, the primary duties and functions set forth below, and to perform other legally permissible duties and such functions as the City Manager shall from time to time assign to relieve backlogs in excess of what regular permanent CITY staff can accomplish:

The Community Development Director is the hands-on professional planning department head position of the CITY and will independently direct, supervise, and participate in the day-to-day operation of the CITY Community Development Department. Responsibilities include current and advance planning, zoning and subdivision administration, environmental review, storm water, land use code enforcement, transportation planning, and administration of affordable housing programs. EMPLOYEE will report to and serve at will to the City Manager and is part of the City Management Team. The Director serves as staff liaison to the CITY Planning Commission and supervises a part-time Assistant Planner and a part-time Code Enforcement Officer.

The City Manager shall have the authority to determine the specific duties and functions which EMPLOYEE shall perform under this Agreement and the means and manner by which EMPLOYEE shall perform those duties and functions. EMPLOYEE agrees to devote all of his business time, skill, attention, and best efforts to the discharge of the duties and functions assigned to him under this Agreement and by the City Manager.

3. TERM, TERMINATION AND AT-WILL STATUS.

This Agreement shall become effective upon the date executed both by EMPLOYEE and the City Manager of the CITY, which date shall be the date first referenced above. EMPLOYEE shall commence the performance of his duties under this Agreement on March 13, 2019 or at such later date as the parties hereto shall agree in writing ("Commencement Date"). This Agreement shall expire as of the first of the following to occur: (i) upon EMPLOYEE working his 960th hour for the CITY during fiscal year 2018-2019 or his 960th hour in any subsequent fiscal year; or (ii) upon termination of the Agreement by either EMPLOYEE or CITY as provided below.

EMPLOYEE acknowledges that he is an at-will, temporary employee of CITY who shall serve at the pleasure of the City Manager at all times during the period of his service hereunder and shall be subject to termination by the City Manager at any time without advance notice and without cause. The terms of CITY's personnel rules, policies, regulations, procedures, ordinances, and resolutions regarding personnel (collectively "Personnel Policies"), as they may be amended or supplemented from time to time, shall not apply to EMPLOYEE, and nothing in this Agreement is intended to, or does, confer upon EMPLOYEE any right to any property interest in continued employment, or any due process right to a hearing before or after a decision by the City Manager to terminate his employment. Nothing contained in this Agreement shall in any way prevent, limit or otherwise interfere with the right of CITY to terminate the services of EMPLOYEE and nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from this position with CITY.

4. COMPENSATION. The CITY agrees to provide the following compensation to EMPLOYEE for the services listed in this Agreement:

Beginning on March 13, 2019, CITY agrees to pay to EMPLOYEE for services rendered under this Agreement, the hourly rate of \$61.21 per hour worked. Other than the compensation described above, Employee will receive no other benefits, incentives, compensation in lieu of benefits, or any other form of compensation. Employee understands and agrees that he is not, and will not be, eligible to receive any benefits from the CITY, including any CITY group plan for hospital, surgical, or medical insurance, any CITY retirement program, or any paid holidays, vacation, sick leave, or other leave, with or without pay, or any other job benefits available to an employee in the regular service of the CITY, except for Workers' Compensation Insurance coverage or similar benefits required by state or federal law.

5. EXPENSES. CITY shall reimburse EMPLOYEE for authorized, reasonable and necessary travel expenses incurred by EMPLOYEE in the performance of his duties pursuant to this Agreement. EMPLOYEE shall document and claim said reimbursement for such travel in the manner and forms required by the CITY. All reimbursements shall be for actual expenses and shall be subject to and in accordance with California and federal law and CITY's adopted reimbursement policies. Such reimbursements **shall not be reported** to CalPERS. Other than as specifically provided herein, EMPLOYEE shall receive no other compensation or reimbursements for expenses incurred by him in performance of this Agreement.

6. NOTICE. Notices required pursuant to this Agreement shall be given by personal service upon the party to be notified or by delivery of same to the custody of the United States Postal Service, or its lawful successor, postage prepared and addressed as follows:

CITY
6000 Heritage Trail
Clayton, CA 94517
Attention: City Manager

EMPLOYEE
David Woltering, AICP, MPA
Woltering Community Planning, LLC
4739 Sullivan Way
Santa Rosa, California 95409

7. HOURS OF WORK. EMPLOYEE shall devote the time necessary to adequately perform his duties pursuant to this Agreement. The parties anticipate that EMPLOYEE will work a sufficient number of hours per week allocated between regular business hours and hours outside of regular business hours including, without limitation, attendance as required at regular and special City Council meetings and other CITY functions as the City Manager may direct. However, in no event shall EMPLOYEE be required to work in excess of 960 hours in fiscal year 2018-2019 and 960 hours per each subsequent fiscal year for CITY, including hours worked for other CalPERS agencies during such fiscal years.

EMPLOYEE'S position shall be deemed a NON-EXEMPT position under California wage and hour law. The position is a temporary, hourly assignment which shall not exceed 40 hours per week. The CITY, through the City Manager, will assign Employee hours to work. Due to the nature of the position, it is understood that the work day and work week hours may vary, however Employee shall not work overtime.

It is the intent of the parties to compensate EMPLOYEE only to the extent permitted under the Statutes and corresponding CalPERS regulations and policy statements. The Rate of Pay set forth above is based on the salary limitations established by CalPERS and is calculated by taking the hourly rate based on the maximum monthly base salary paid to employees performing similar duties as listed on a publicly available pay schedule for such employees. The compensation for comparable duties is \$10,609 monthly divided by 173.333 monthly work hours to equal an hourly rate of \$61.21. The EMPLOYEE shall not be entitled to any additional compensation or benefits.

EMPLOYEE will comply with all applicable CalPERS regulations governing employment after retirement, including the recordation and reporting of all hours worked for CITY to CalPERS as may be required. CITY shall assist in any such reporting obligations to CalPERS. Additionally, EMPLOYEE shall keep CITY continually notified of any hours worked by EMPLOYEE for other CalPERS agencies during the term of this Agreement.

8. WAIVER. No waiver of any provision of this Agreement shall be deemed or shall constitute a waiver of any other provision whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be binding, unless executed in writing by the party making the waiver.

9. ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement of the parties considering the subject matter hereof and all prior agreements or understanding, oral or written, are hereby merged herein. This Agreement shall not be amended in any way except by a writing expressly purporting to be such an amendment, signed, and acknowledged by both of the parties thereto. If any portion or provision hereof is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof shall be deemed severable and shall be effected and shall remain in full force and effect.

CITY:

By:

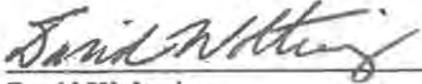

Gary A. Napper, City Manager

Date:

01 MARCH 2019

EMPLOYEE

By:


David Woltering

Date:

2/28/2019

DAVID WOLTERING, AICP, MPA
707/291-2858

EXPERIENCE

Woltering Community Planning, LLC
San Francisco Bay Area, CA

2018 - Present

In October of 2018, I formed the independent consulting firm of Woltering Community Planning, LLC with the purpose to continue offering my service in the field of Community Development to both public agencies and private sector clients. The focus of my work and professional passion is to create more livable, diverse, and inclusive communities, balancing the needs and interests of economic development, downtown revitalization, balanced growth, and environmental protection. Specific skills that I offer include Government Administration, Community Development, Housing Development, Economic Development, and Active Transport.

Community Development Director, City of San Bruno
San Bruno, CA

2013 - 2018

As San Bruno's Community Development Director, I was responsible for the City's Planning (Current and Long-Range), Housing, Building, Environmental, and Code Enforcement functions. I oversaw approximately 14 FTEs, other consultant staff, and had significant coordination involvement with other departments, including Police, Fire, Public Services (Public Works) and Community Services (Parks and Recreation)).

I joined the City of San Bruno during a period of completing a 155+/- acre downtown Specific Plan, referred to as the San Bruno Transit Corridors Plan (TCP); when there was a need to continue efforts to rebuild the Crestmoor residential neighborhood, where 38 homes had been completely destroyed, many more damaged, and, tragically, eight lives lost as a result of the PG&E gas line explosion and fire that occurred on September 9, 2010; when there was a strong desire to remove many long-standing vacant buildings scattered throughout the City's downtown and nearby commercial areas; when there was a desire to revitalize and redevelop many properties in the downtown and surrounding area, developing new housing units linked to public transit and employment opportunities; and, when there was a desire to substantially strengthen the community's overall Code Enforcement program. During the more than five one half years that I worked for the City of San Bruno, there was significant progress and accomplishment within all areas of my responsibility.

Within the Transit Corridors Specific Plan area, a 15,220 square foot medical office building was entitled and completed, replacing a previous obsolete and outdated office building; a three-story, 83-residential unit mixed-use building, with 7,000 square feet of ground floor commercial space was entitled and is under construction, replacing several long-vacant buildings; and a five-story, 62-unit residential condominium (18% affordable) mixed-use building, with 7,700 square feet of ground floor commercial space is in an entitlement phase, with the demolition and removal of a pre-existing long-vacant bank building on the property completed.

There are a number of Public projects that were completed or are underway including completion of the City's first Walk 'n Bike Plan (a citywide Bicycle and Pedestrian Master Plan); preparation of a comprehensive update to the City's Zoning Code; preparation and adoption of a Climate Action Plan; preparation of a Comprehensive Downtown Parking Management Plan; and, preparation of a Streetscape Plan for the downtown segment of San Mateo Avenue, the City's primary downtown shopping street. And, during my tenure as Community Development

Director, there was a comprehensive update to the City's Housing Element and an update to the City's Inclusionary Housing Ordinance, and adoption of Affordable Housing and Commercial Linkage fees.

***Community Development Director, City of Clayton
Clayton, CA***

2008 - 2013

As Clayton's Community Development Director, I directed a range of the City's functions, including current and long-range planning, building services administration, the City's affordable housing program administration, environmental review, and code enforcement. An important aspect of this work was to assume projects that were underway and keep them progressing forward, while maintaining a sense of stability, continuity, and collaborative team effort within the Department and larger working group. Specific projects that I was involved with included the completion of the Town Center Specific Plan Urban Design Amendment; review of the Creekside Terrace mixed-use project; initiation of the review process of the Clayton Community Church project; adoption of the City's Housing Element Update; administration of the City's purchase and re-sale of affordable housing units; and, resolution of several contentious, long-standing code enforcement matters.

***Director of Planning, City of Cotati,
Cotati, CA***

2001 - 2008

As Director of Planning for the City of Cotati during one of its most significant development periods in its history, I was responsible for overseeing or directly involved with the following projects: adoption and implementation of the City of Cotati Sustainability Program; initial and subsequent phase development of Cotati's Santero Way Specific Plan, a 23-acre transit-oriented development (TOD) with transit/train station, housing and commercial development along the SMART corridor; successful entitlement processing and construction of Lowe's Home Improvement store, the City's primary economic engine, as part of a mixed commercial/residential development on 35 acres at the northwest quadrant of U.S. Highway 101 and Highway 116; preparation and successful adoption of a form-based Land Use Code; successful entitlement processing and construction of award-winning mixed-use/sustainable infill development; and, completion of the initial phase of work, involving a citywide visioning and charrette process, for a major Downtown Specific Plan and comprehensive update to the City of Cotati General Plan. To address the needs of the increased development activity, I put in place a multi-disciplinary Staff Review Committee (SRC) to help streamline the development review process as well as to improve communication among the various City departments and pertinent agencies.

***Planning and Management Consultant,
Santa Rosa, CA***

1999 - 2001

As principal of my own consulting firm, I offered a wide-range of services including Project Management, Project Feasibility Analysis, Land Use Planning, Entitlement/Permit Processing, Public Facilitation, and Land Use/Environmental Dispute Resolution. These services were offered to private entities and public agencies. My clients included the County of Sonoma Permit and Resource Management Department, the Sonoma County Local Agency Formation Commission (LAFCO), Sonoma County Regional Parks, City of Petaluma, the City of Cotati, Veale Investments, and Lindsey Michels Property Management and Investments. My work included preparing a comprehensive assessment of the City of Petaluma Development Review process. This assessment resulted in specific recommendations for improvement/enhancement of the process and involved interviews with stakeholders, including representatives of the local development community and members of the Petaluma City Council and Planning Commission.

***Planning Director, Town of Windsor
Windsor, CA***

1993-1999

As the Town of Windsor's first Planning Director after incorporation, I was responsible for overseeing current and long-range planning and working with Town officials to put the community's planning framework into place (Windsor was incorporated in 1992). Specific responsibilities included managing the preparation of the Town's first General Plan (Including Housing Element), Design Guidelines, Downtown Plan and Town Green Plan; Growth Management Ordinance; the processing of current development applications, ranging from entitlements for the Shiloh Commercial Center, the Town's primary economic engine, use permits and variances to major General Plan amendments, rezonings, and subdivision maps; overseeing the Town's compliance with the California Environmental Quality Act (CEQA) for both City and private projects; and, supervising the Town's code enforcement activities. The position also required coordinating the planning-related activities of various departments and serving as a spokesperson for the Town on planning matters with outside agencies.

***Principal Planner, City of Rocklin
Rocklin, CA***

1987-1993

As Principal Planner, I supervised the day-to-day activities of the City of Rocklin Planning Department. Specific responsibilities included supervising the professional and clerical staff for the purpose of processing a wide-range of development applications. Applications ranged from use permits and variances to major General Plan amendments, rezonings and subdivision maps. In addition, this position required management of special projects, including preparation of a city-wide transportation study, a Civic Center Specific Plan, and a Housing Element Update.

***Planning Consultant, Martin Carpenter Associates
San Carlos, CA***

1984-1987

In this position, I was involved with a broad-range of urban and regional planning assignments for both public and private sector clients. These assignments included acting in the capacity of a staff planner for both the Town of Los Altos Hills and the City of San Carlos; preparing staff reports and environmental documentation for the cities of San Mateo and Belmont; and processing development applications through communities for private clients, including the Federal Express Corporation. My concluding responsibilities included supervising the day-to-day operations of the City of San Carlos Planning Department.

EDUCATION

University of San Francisco, San Francisco, CA
Master of Public Administration, May 2009

San Francisco State University, San Francisco, CA
Post-graduate coursework in the following:

- City and Regional Planning
- Transportation Planning
- Cultural, Economic and Physical Geography
- Environmental Studies

University of California, Santa Barbara, CA

- Bachelor's Degree - Political Science
- German Studies

George August University, Goettingen, Germany

- Government
- German Studies

PROFESSIONAL ORGANIZATIONS

American Planning Association (APA)
American Institute of Certified Planners (AICP)
International Making Cities Livable (IMCL)
Staff Liaison to the San Bruno Chamber of Commerce (2014-2018)
Windsor Rotary (Program Chair - 1995)

SPECIAL TRAINING

Management of Planning Services - Paul Zucker, Zucker Systems
Urban and Regional Planning - University of California Extension
Leadership - League of California Cities
California Environmental Quality Act (CEQA) - University of California Extension; CA CLE
Urban Design - League of California Cities (Planner's Institute)
Project Management - University of California Extension
Green Building Certification - University of California Extension

PROFESSIONAL PAPERS

"Explosive Economic Growth in the San Francisco Bay Area has Created Significant Job Growth and Opportunity, but at What Cost?", 53rd International Making Cities Livable Conference, Rome, Italy, June 13-17, 2016

"Integrating High Technology Knowledge Work Environments into Communities through Purposeful Design!", 54th International Making Cities Livable Conference, Santa Fe, NM, October 2-6, 2017

"San Bruno's City of Short Distances - Creating a Vision for Bay Area Livability, while maintaining Economic, Social and Cultural Diversity", 55th International Making Cities Livable Conference, Ottawa, Ontario, Canada, May 14-18, 2018

REFERENCES

Available on Request