

Recommendation on Amendments to Clayton Municipal Code Pertaining to Housing



**Planning Commission Public Hearing
November 14, 2023**

Summary

This is a public hearing to consider proposed amendments to various chapters of Title 17 (Zoning) of the Clayton Municipal Code (CMC), to: 1) implement adopted Housing Element policies and amended Land Use Element policies and land use designations; 2) clarify administrative procedures; and 3) align with provisions of certain California statutes governing land use. Amended text is proposed in multiple chapters of CMC Title 17. In addition to amendments to text of the Zoning Ordinance, eight sites (or portions thereof) in the City are proposed to be rezoned to accommodate residential land uses.

Recommendation

That the Commission ask questions of staff, open the public hearing and accept written and spoken testimony, provide feedback to staff, and continue the public hearing to the Planning Commission's regular meeting of November 28, 2023, at which time the Planning Commission will be asked to make a recommendation to the City Council on the proposed Zoning amendments.

Background

- ▶ The City Council adopted the updated Clayton General Plan Housing Element for the 6th housing cycle (calendar years 2023-2031) on January 17, 2023.
- ▶ The updated Housing Element establishes programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and will identify how the City plans to accommodate its Regional Housing Needs Allocation (RHNA) of at least 570 units through 2031.
- ▶ The adopted Housing Element, provides a plan for Clayton to zone sufficient land for a projected 796 new housing units of various types and densities throughout the City.
- ▶ The proposed amendments to Clayton Municipal Code Title 17 (Zoning) would implement the commitments the City made in its adopted Housing Element to increase and diversify its housing stock, expand currently adopted density ranges of the Zoning Code to foster more multifamily housing options, and give greater flexibility in development regulations for multifamily residential zoning districts and on sites owned by religious institutions. The proposed amendments include rezoning of certain properties to allow residential land uses, as well as updates to certain codified permitting processes.

Background

- ▶ The proposed amendments to be considered at these meetings are one among several phases of Zoning Code updates to implement Housing Element policies and address other administrative updates.
- ▶ Previously, in March/April 2023, the Commission and Council adopted amendments to the City's Accessory Dwelling Unit Ordinance (CMC chapter 17.47). This current phase of amendments would implement more adopted Housing Element and Land Use Element policies and would rezone sites for the City's Regional Housing Needs Allocation, in accordance with the requirement in California Government Code section 65588(e)(4)(C)(i)) for jurisdictions to rezone properties by January 31, 2024, if HCD did not certify their adopted housing element by May 31, 2023.
- ▶ Future phases of amendments may include consideration of objective design standards, amendment of the City's inclusionary housing provisions, and potential changes to CMC Title 16 (Land Development and Subdivision) and the Town Center Specific Plan to implement still more Housing Element programs and policies.

Proposed Amendments - Zoning Map

► The following amendments are proposed to the Zoning Map referenced in CMC Chapter 17.08:

- 1578 Kirker Pass Road, Assessor's Parcel No. (APN) 118-031-054, amendment from PD District to ID District
- 5555 Clayton Road, APN 118-101-025, amendment from PD District to ID District
- Diablo Creek Place, APN 118-230-002, amendment from PD District to Single-family Residential (R-15) District
- 6530 Marsh Creek Road, APNs 119-021-020 and 119-021-019, amendment from PD District to Multiple Family Residential High (M-R-H) District
- 6955 Marsh Creek Road, APN 119-080-009, amendment from Agricultural (A) District to Multiple Family Residential Low (M-R) District
- Clayton Road at Peacock Creek Drive, APN 118-370-073, amendment from PD District to Multiple Family Residential Medium (M-R-M) District
- Oakhurst Golf Course Driving Range, portions of APNs 118-370-017, 118-370-086, 118-370-087 and 118-370-088, amendment from PD District to M-R-H District
- 1970 Eagle Peak Avenue, APN 118-370-040 (portion), amendment from A District to M-R-M District

Proposed Amendments - Chapter 17.20

- ▶ Chapter 17.20 - Multiple Family Residential (M-R, M-R-M and M-R-H) Districts
 - Allow a minimum of 16 units in a multifamily residential development, regardless of density restrictions or development regulations
 - Eliminate the minimum lot size requirement for multifamily residential districts, and set density ranges of 10-20 units per acre for the M-R-M District, 20-30 units per acre for the M-R-H District, and up to 40 units per acre in the M-R-H District for developments that are 100 percent affordable to low income households
 - Allow building heights of 35 feet throughout the M-R District, regardless of zoning of adjacent property
 - Reduce interior side yard setback requirement from 15 feet to 10 feet in all multifamily residential districts
 - Reduce building separation requirements from 20 feet to 10 feet to increase buildable area in all multifamily residential districts
 - Establish a consistent 20 percent site landscaping requirement across all multifamily residential districts

Proposed Amendments - Chapter 17.22

- ▶ Chapter 17.22 - Residential Density Calculations for Residential Parcels with Sensitive Land Areas
 - Delete language that eliminates a minimum density requirement for parcels with sensitive land uses
 - Add sites identified in the inventories of both the 5th and 6th housing element cycles to the list of exceptions to the ordinance

Proposed Amendments - Chapter 17.28

- ▶ Chapter 17.28 - Planned Development District
 - Gives authority to the Planning Commission to act on Development Plan Permit requests, and gives City Council decision-making authority only on appeals of Commission decisions
 - Extends the term approval of a Development Plan Permit from 18 months to 24 months

Proposed Amendments - Chapter 17.30

- ▶ Chapter 17.30 - Institutional Density District (*new*)
 - Creates a new zoning district for multifamily residential development opportunities on sites with other community service uses
 - Zoning would be applied to properties owned and utilized by religious institutions
 - Establishes permitted and conditional uses for the district
 - Establishes development regulations that are consistent with those of the M-R-M and M-R-H Districts

Proposed Amendments - Chapter 17.37

▶ Chapter 17.37 - Off-street Parking

- Extend the waiver from off-street parking requirements for retail, restaurant, office and personal service uses in Town Center from June 30, 2022, to June 30, 2030 (thru 6th housing cycle)
- Reduce per unit off-street parking requirement for single-family houses from 4 spaces (including 2 covered) to 2 spaces (including 1 covered)
- Eliminate guest parking requirement for duplexes and multifamily residential developments
- Eliminate covered parking requirement for multifamily residential developments

Proposed Amendments - Chapter 17.44

▶ Chapter 17.44 - Site Plan Review

- Create exemption for additions to single-family residences that comply with development regulations of the district in which the property is located
- Prohibit the decision-making body from imposing density or development regulations that are more restrictive than the applicable zoning district

Proposed Amendments - Other Chapters

- ▶ Chapter 17.90 (Affordable Housing Density Bonus Requirements) - Amendments would incorporate provisions of State Density Bonus Law by reference
- ▶ Chapter 17.04 (Definitions), Section 17.20.030 (Multiple Family Residential - Permitted Uses) and Chapter 17.45 (Family Day Care Homes) - Amendments to remove requirement for zoning permit and would allow small and large family day care homes as permitted in a residence, consistent with State law
- ▶ Chapter 17.36 (General Regulations) - Amendment to establish Planning Commission authority in certain instances, and an appeal process for administrative decisions on fence exceptions
- ▶ Chapter 17.08 (Zoning Map - Districts Established) - Clean-up of internal reference within the Zoning Ordinance

Questions?

