

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 04-2022**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION RECOMMENDING
THAT THE CITY COUNCIL AMEND THE HOUSING ELEMENT OF THE CLAYTON
GENERAL PLAN FOR THE SIXTH HOUSING CYCLE (2023-2031) AND ADOPT
CORRESPONDING AMENDMENTS TO THE LAND USE ELEMENT TEXT AND
LAND USE DIAGRAM OF THE CLAYTON GENERAL PLAN, AND RECOMMENDING
THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT
REPORT PREPARED FOR THE PROJECT**

WHEREAS, pursuant to California Government Code sections 65300 and 65300.5, each planning agency of each California city or county is required to adopt a comprehensive, integrated, internally consistent and long-term general plan for “the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning;” and

WHEREAS, pursuant to Government Code sections 65302 and 65303, the general plan must include a land use element, a circulation element, a housing element, a conservation element, an open space element, a noise element, a safety element and an environmental justice element, and it may include any other elements that, in the judgment of the city or county’s legislative body, relate to the physical development of the jurisdiction; and

WHEREAS, in accordance with Government Code section 65358, the City Council of the City of Clayton (City), on recommendation from the City’s Planning Commission, may amend all or part of the City’s General Plan if the City Council deems the amendment to be in the public interest; and

WHEREAS, on March 22, 2021, and pursuant to Government Code section 65588(e)(3), the City Council identified the Clayton General Plan Housing Element update as one of its goals for the 2021/2022 fiscal year, and subsequently, on May 18, 2021, the City Council awarded a professional services agreement to a consulting firm to work with City staff to prepare the amendment of the Clayton General Plan Housing Element for the 6th housing cycle encompassing years 2023-2031; and

WHEREAS, following one virtual community workshop, a voluntary online preferences survey, a voluntary online housing planning simulation, various stakeholder interviews, and three public study sessions held during Planning Commission or City Council meetings between May 2021 and March 2022, the City released the *Public Review Draft Housing Element for the 6th Housing Cycle (May 2022)* for public comment between the dates of May 20 and June 20, 2022 (Government Code section 65585), and during the public comment period, held two additional study sessions with the Planning

Commission and two additional study sessions with the City Council to receive public comment on the draft document; and

WHEREAS, the City addressed comments received from the community and decision-makers during the 30-day review period on the *Public Review Draft Housing Element for the 6th Housing Cycle (May 2022)* as revisions to the document that were incorporated into the subsequently produced *HCD Review Draft Housing Element for the 6th Housing Cycle (July 2022)*; and

WHEREAS, in accordance with Government Code section 65585, the City submitted the *HCD Review Draft Housing Element for the 6th Housing Cycle (July 2022)* to the State Department of Housing and Community Development (HCD) electronically on July 14, 2022, followed by a print copy delivered to HCD on July 19, 2022; and

WHEREAS, on October 12, 2022, staff of the HCD issued a letter documenting their review of and comments on the *HCD Review Draft Housing Element for the 6th Housing Cycle (July 2022)* and finding that although “[T]he draft element addresses many statutory requirements; ... revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code);” and

WHEREAS, the City revised the draft Housing Element to address the comments provided by HCD in their October 12, 2022, review letter and produced an *Adoption Draft Housing Element for the 6th Housing Cycle (December 2022)*; and

WHEREAS, the *Adoption Draft Housing Element for the 6th Housing Cycle (December 2022)* meets the requirements of State law contained in Government Code title 7, division 1, chapter 3, article 10.6 (Housing Elements) and identifies in proposed Program D-2 corresponding amendments to the Land Use Element of the City’s General Plan to ensure internal consistency among the goals, policies and objectives of the elements of the General Plan; and

WHEREAS, in accordance with section 21151 of the California Environmental Quality Act (CEQA; Public Resources Code section 21000 *et seq.*), a Draft Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) was prepared by a consultant under contract to the City of Clayton, to analyze the potential impacts to the environment that could occur as a result of adoption of amendments to the Housing and Land Use Elements of the City of Clayton General Plan; and

WHEREAS, in accordance with sections 15105(a), 15206 and 15166 of the State CEQA Guidelines (California Code of Regulations section 15000 *et seq.*), copies of the Draft EIR for the Housing and Land Use Element amendments were circulated to State agencies via the State Clearinghouse, and were made available online on the City’s website and in hard copy at Clayton City Hall and the Clayton Community Library, for an agency and public comment period that started on August 19, 2022 and that ended on October 3, 2022. Opportunity for the public to give spoken comments on the Draft EIR was provided during the regular Planning Commission meeting held on September 13, 2022. On or prior to August 19, 2022, notice of availability of the Draft EIR and of the

public comment meeting was provided in accordance with State CEQA Guidelines section 15087 and included filing of the notice with the County Clerk; mailing by first class or electronic mail to interested parties and other public agencies and utilities providers; posting on three City notice boards at City Hall, the Clayton Community Library, and in the Clayton Town Center; publishing in the East Bay Times; and posting to the City website; and

WHEREAS, written responses to comments received during the public review period on the Draft EIR have been incorporated into a Final EIR, which consists of the Draft EIR, public and agency comments received on the Draft EIR, responses to those comments, and required clarifications and changes to the text of the Draft EIR (State CEQA Guidelines sections 15088 and 15132); and

WHEREAS, the Clayton City Council is the decision-making body with respect to amendments to the General Plan and must certify as to the adequacy of the Final EIR prior to making a decision to adopt the proposed General Plan amendments (CEQA Guidelines section 15090 and 15356); however, the Planning Commission, in its capacity as an advisory body to the City Council, must consider the information in the Final EIR prior to making a recommendation on the proposed General Plan amendments; and

WHEREAS, Government Code sections 65351 and 65352 obligate the local planning agency to provide opportunities for citizens, Native American tribes, other public agencies, public utility companies, and civic, education and other community groups to be involved in amendments to the jurisdiction's general plan, through public hearings and any other means the planning agency deems appropriate, and to that end, the City conducted four discussion sessions at Clayton City Council meetings, four discussion sessions at Clayton Planning Commission meetings, a virtual community workshop, two online surveys to solicit input on community housing preferences, various individual interviews with stakeholders, virtual outreach through the City website and online community forums, and distributed informational doorhangers to each residence in the City to invite community input into the Housing Element update process; and

WHEREAS, in accordance with Government Code section 65352.3, on April 20, 2022, the City sent to seven local Native American tribes, invitations to consult on the proposed Housing Element update, and subsequently received one response from a tribal representative of the Confederated Villages of Lisjan Nation, who requested copies of the documentation for the Housing Element update. In response, the City directed the tribal representatives to the City webpage where the draft Housing Element and its related documents had been posted. The City did not receive any other or subsequent requests for information or consultation within the 90 days following the April 20, 2022 invitation to consult; and

WHEREAS, Clayton Municipal Code (CMC) chapter 2.12 establishes a Planning Commission for the City of Clayton, and Government Code sections 65353 and 65354 authorize the Planning Commission to make recommendations to the City Council on proposed amendments to the City's General Plan, after the Commission conducts at least one public hearing on the matter; and

WHEREAS, in accordance with Government Code sections 65353, 65090 and 65091, on or prior to December 3, 2022, notice of the Clayton Planning Commission public hearing to consider the amendment to the General Plan Housing Element for the 6th Housing Cycle and corresponding amendments to the General Plan Land Use Element and Land Use Diagram was published as a one-eighth page ad in the East Bay Times; was posted to the notice boards at Clayton City Hall and Clayton Community Library, and to Ohm's board in the Town Center; and was virtually posted to the Housing Element webpage accessible via the main City homepage at www.claytonca.gov. Notice of the public hearing was also mailed electronically or via first class mail to interested parties who had requested such notice and to owners of property that were the subject of proposed General Plan land use map amendments, as well as, to other public agencies, special districts, public utility companies, local school districts, responsible agencies as defined CEQA, and local Native American tribes on the contact list maintained by the Native American Heritage Commission; and

WHEREAS, on December 13, 2022, the Clayton Planning Commission held a public hearing on the amendment to the General Plan Housing Element for the 6th Housing Cycle and corresponding amendments to the General Plan Land Use Element and Land Use Diagram and received and considered testimony and evidence, both spoken and written.

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

- A. The Final EIR prepared for the Housing Element Update and related Land Use Element amendments (State Clearinghouse No. 2022030086) was prepared in accordance with the requirements of CEQA, and the Planning Commission has considered the information contained therein.
- B. The amendment to the City of Clayton Housing Element for the 6th Housing Cycle is in the public interest.
 1. The Housing Element amendment identifies constraints to the construction and improvement of housing in the City, and it identifies programs and policies to remove those constraints. Implementation of these policies and programs would streamline existing zoning approval processes, reducing the number of discretionary decisions that are currently required while maintaining objective standards that would help to preserve aesthetic characteristics of the City. Implementation of these policies and programs would also reduce costs of planning, permitting and construction for new home developers as well as for current homeowners who want to invest in improvement of their properties through expansions of their existing home or construction of accessory and second dwelling units. (Goal 1 and Goal 4 and attendant programs and policies)
 2. The goals, policies and programs in the Housing Element amendment would foster a broader range of housing densities than City land use policy

currently provides, allowing opportunities for increased diversity in housing types (single-family and multifamily) and tenures (rental and ownership). Greater diversity in the City's housing stock would facilitate greater equity and fair access to housing choices for future residents, while also providing smaller unit sizes that are more affordable, more energy efficient and more accessible for recent graduates, young adult children and aging parents who currently live in Clayton and want to remain in the community. Expanded housing choices also facilitate more opportunities for special needs households as well as employees of the local service-based and public sector workforce to reside in the community, thereby reducing workers' and their customers' transportation costs, traffic congestion and automobile pollution emissions generated by vehicle trips to work from outside the City. (Goals 2, 3, 5 and 6 and attendant programs and policies)

C. The amendment to the City of Clayton Housing Element for the 6th Housing Cycle is compliant with State law and contains all statutorily-required components as prescribed in Government Code section 65583.

1. Chapter 3 (Housing Needs Assessment), Chapter 5 (Housing Resources) and Chapter 4 (Constraints Analysis) of the Housing Element amendment contain an assessment of (respectively) housing needs, housing resources and constraints to meeting the City's projected housing needs. Population and employment trends in the City, description of the City's existing housing stock, and assessment of existing household characteristics (including ability to pay for housing) are identified in Chapter 3. This analysis in Chapter 3 precedes discussion of the City's projected housing need for all income levels as encompassed within its regional housing needs allocation (RHNA). (Government Code section 65583, subdivision (a)(1) and (a)(2))
2. Chapter 5 (Housing Resources) contains an inventory of land suitable and with potential for residential development that is vacant and zoned for residences; vacant and zoned for nonresidential use with residential development; and residentially-zoned sites capable of being redeveloped with higher residential densities. Table 5-12 in Chapter 5 lists each potential housing opportunity site, each site's maximum and realistic development potential, potential infrastructure constraints and existing development, and a brief explanation of rationale, such as land value or property owner interest, for including the site in the inventory. On page 5-15 of the *Adoption Draft Housing Element Update for the 6th Housing Cycle (December 2022)*, the relationship between the sites inventory and affirmatively furthering fair housing is described as positive, due to the distribution of all of the sites in high resource areas of the City, as the entirety of the City is considered to be high resource. (Government Code section 65583, subdivision (a)(3), and section 65583.2)
3. The selection of sites included in the inventory of 22 potential housing opportunities includes 14 sites that are currently developed with religious

institutions, parking lots, private recreation (golf course driving range), low-intensity commercial buildings, or existing very low-density residential land use. Over 50 percent of the City's RHNA of low and very-low income units is identified on nonvacant sites. The analysis in Chapter 5 of the draft Housing Element includes discussion of the viability of these sites for redevelopment as housing, including building to land value ratios of 0.56 or lower; recent approval of multifamily and single-family housing on similarly-sized and located properties in the City; and interest expressed by property owners in the redevelopment of portions of their properties for housing. The analysis in the draft Housing Element provides adequate justification that nonvacant sites could reasonably be redeveloped with housing during the 6th housing cycle, and the Planning Commission finds that the existing land uses on these non-vacant sites do not constitute an impediment to the addition of housing on the nonvacant sites or redevelopment of the nonvacant sites with housing during the period covered by the Housing Element Update. (Government Code section 65583.2(g)).

4. Chapter 4 (Constraints Analysis), page 4-7 of the *Adoption Draft Housing Element Update for the 6th Housing Cycle (December 2022)*, identifies that existing zoning regulations adopted in 2013 allow emergency shelters as a permitted use the PF (Public Facility) District, and describes the existing objective development and management standards applicable to this type of land use. (Government Code section 65583, subdivision (a)(4))
5. Chapter 4 (Constraints Analysis) includes an assessment of existing governmental constraints upon the maintenance, improvement, or development of housing for various physical abilities and for all income levels as projected in the City's RHNA. The text describes existing development regulations that are adopted in the City's Zoning Ordinance and two Specific Plans and that are applicable to various residential development types. Residential permitting processes, infrastructure needs, building and nuisance codes, and fees are also described. Where a regulation, process, standard, code requirement or fee is identified as constraining residential development, the text in Chapter 4 identifies the necessary code amendment or process improvement that would remove the constraint. Text in Chapter 2 (Housing Plan) formalizes the necessary code amendment or process improvement in a program in the Housing Element. (Government Code section 65583, subdivision (a)(6))
6. Chapter 4 (Constraints Analysis) also includes an assessment of nongovernmental constraints on the construction of housing, recognizing that while the City's ability to provide direct financial support for construction of affordable housing was drastically reduced after State legislation eliminating redevelopment agencies, the City can continue to offer other incentives, including density bonuses, priority permit processing, fee waivers or deferrals and modifications to development standards to support

construction of a variety of housing types. (Government Code section 65583, subdivision (a)(6))

7. Chapter 3 (Housing Needs Assessment) describes those members of the community with special housing needs, including persons with physical or developmental challenges, over 65 years in age, living in large households of five or more residents, employed as farmworkers, residing in female-headed households, or experiencing homelessness. Chapter 3 also describes energy conservation opportunities for residential development in the City (Government Code section 65583, subdivisions (a)(7) and (a)(8)).
 8. Chapter 3 (Housing Needs Assessment) lists the current housing units in the City that are eligible for conversion from deed-restricted affordable to market rate during the 6th housing cycle, as well as potential options, including possible State and federal funding sources, for preservation or replacement of the affordable units that could convert to market rate. (Government Code section 65583, subdivision (a)(9))
 9. Chapter 7 (Affirmatively Furthering Fair Housing) describes the fair housing issues in the City and region, and more specifically, historic patterns of segregation, racially or ethnically concentrated areas of affluence, demographic trends, and disparities in housing needs and housing opportunities, in Clayton and in Clayton as compared to proximate jurisdictions in central and eastern Contra Costa County as well as the County as a whole. With a basis in the analysis in Chapter 7, Chapter 2 (Housing Plan) lists all of the goals, policies and programs that describe the actions that the City commits to taking to affirmatively further fair housing for all persons regardless of household income level or any protected status; to ensure maintenance, preservation, improvement and development of housing in the City; to assist in development of housing opportunities for all income levels; to remove government and nongovernmental constraints to housing development; and to foster construction of accessory dwelling units (ADUs) under the City's developing pre-approved ADU plan program and other site-specific plan permit requests. Where a program has a specific and discreet timeline for performance (such as rezoning to accommodate the City's RHNA), the timeline is specified with the program, while programs (such as code enforcement or priority permit processing for applicable development applications) that are to be implemented as needed throughout the housing cycle are indicated as ongoing. A summary of the City's quantified objectives with respect to its RHNA is provided at the end of the chapter in Table 2-1. (Government Code section 65583, subdivisions (b) and (c))
- D. The amendments to the City of Clayton General Plan Land Use Element and its Land Use Diagram are in the public interest. The amendments to the Land Use Element ensure internal consistency with the City's General Plan and constitute the first step in implementation of the overall objectives of the Housing Element,

as recommended, to increase the diversity in the housing stock and expand opportunities for housing for existing and future residents.

- E. The record of proceedings for this matter is located at the City of Clayton, City Hall, 6000 Heritage Trail, Clayton, CA 94517. The custodian of records is the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby recommends that the City Council certify the Final EIR for the Housing Element Update and related General Plan and Zoning Amendments and make findings and adopt a resolution:

1. Amending the Housing Element of the General Plan for the 6th Housing Cycle, as shown in the attached Exhibit A, and giving authority to the Community Development Director to make nonsubstantive revisions directed by HCD in their review of the adopted Housing Element Update, such as correction of typographical and grammatical errors and revisions to data for internal consistency of tables and text that do not change programs, policies or the inventory of sites.
2. Amending the Land Use Element and Land Use Diagram of the General Plan for internal consistency with the Housing Element Update, as shown in the attached Exhibit B and as described in the attached Exhibit C.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 13th day of December, 2022.

AYES: Cesarin, Enea, Miller, Richardson, Shulman

NOES: none

ABSTAINED: none

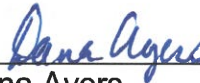
ABSENT: none

APPROVED:

ATTEST:



Dan Richardson
Chair



Dana Ayers
Community Development Director



2023-2031 HOUSING ELEMENT

ADOPTION DRAFT

DECEMBER 2022

Planning Commission Resolution No. 04-2022
Exhibit B
Proposed General Plan Land Use Element Amendments

Section II

LAND USE ELEMENT

PREAMBLE

GOALS, OBJECTIVES, POLICIES, AND IMPLEMENTATION MEASURES

LAND USE DESIGNATIONS

RESIDENTIAL DESIGNATIONS

COMMERCIAL DESIGNATIONS

PUBLIC AND QUASI PUBLIC FACILITY

OPEN SPACE DESIGNATIONS

ANNEXATIONS AND SPHERE OF INFLUENCE

PREAMBLE

It is important to recognize that this General Plan describes the kind of city that Clayton intends to become. The Plan is the culmination of a legally defined process of citizen review, professional advice, public hearings, and adoption. The Plan, subject to periodic review, is a living document which takes on meaning as it is translated into policies and regulatory ordinances.

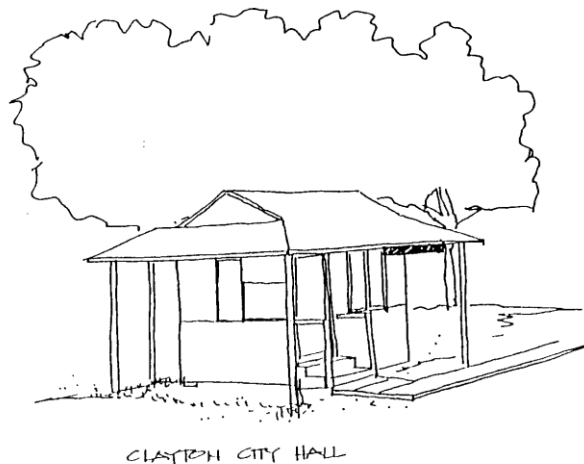
When an amendment to the Plan is considered, the proposed amendment must be considered in the context of the following goals, objectives, and policies and any such amendment must be shown to be consistent with them.

LAND USE ELEMENT

GOALS

1. To maintain the rural character that has been the pride and distinction of Clayton.
2. To encourage a balance of housing types and densities consistent with the rural character of Clayton, while accommodating higher density housing types in appropriate locations.
3. To preserve the natural features, ecology, and scenic vistas of the Clayton area.
4. To control development through appropriate zoning, subdivision regulations and code enforcement.
5. To provide a comprehensive, integrated, greenbelt system, which includes bicycle, equestrian, and walking paths and is connected to regional systems.
6. To encourage a pedestrian-oriented community with areas of open space and recreational facilities for public use.
7. To enhance the sense of identity and pride in and to encourage historical awareness of Clayton.
8. To ensure an adequate commercial tax base for Clayton.
9. To create and maintain an attractive Town Center area and to make it the commercial, civic, and heritage focus for the community.
10. To provide housing opportunities which serve the varied social and economic segments of the Clayton community.

(Amended by Resolution 64-98, dated 12/1/98)



GOAL

To provide a mixture of land uses that responds to needs of the City of Clayton.

Residential

Objective 1

To retain the rural character of Clayton through ~~a predominance but not exclusive use of single-family, low-density residential development~~ and preservation of open space, while also ensuring opportunities are provided in the City for small-lot single-family and multifamily development types near transportation, jobs and services ~~balancing needs of the housing element and preservation of open space.~~ (Amended by Resolution 21-81, dated 5/16/87)

Policies

- 1a Establish density designations based on terrain, circulation, adjacent uses and area characteristics.
- 1b Identify a variety of densities, which decrease as slope increases.
- 1c Permit ~~limited higher~~ density housing opportunities in areas proximate to jobs and services, public facilities and multimodal transportation infrastructure.
- 1d Preserve historic structures and open space areas with uses such as community facilities, bed and breakfast facilities, or large single-family homes.
(Amended by Resolution 43-95, dated 6/28/95)
- 1e Encourage the clustering of development to preserve open space.
(Amended by Resolution 43-95, dated 6/28/95)
- 1f Ensure that new residential development is constructed in accordance with minimum densities of the land use designation in which the development is located.

Objective 2

To preserve the natural beauty and the feeling of openness in the community by preserving ridgelines and limiting development in the hills.

Policies

- 2a To prevent deterioration of scenic or sensitive areas, development should be clustered in less sensitive areas and an Open Space designation should be applied to undeveloped portions of parcels.
(Amended by Resolution 43-95, dated 6/28/95)
- 2b Promote mitigation measures that maintain the aesthetic quality of the hills in transition areas.

Objective 3

To establish boundaries for the City of Clayton that follow standard principles of urban design and municipal development.

Policies

- 3a Promote annexation of all land area within the City's Sphere of Influence, provided there is no drain on current City resources.
- 3b Encourage Contra Costa County to follow the example of Santa Clara County and other progressive counties in establishing policies supporting city annexation within spheres.
- 3c The City should review its Sphere of Influence at least every five years and request a boundary amendment as needed. (Amended by Resolution 43-95, dated 6/28/95)

Commercial

Objective 4

To plan for and promote adequate commercial facilities to serve the needs of Clayton residents.

Policies

- 4a Expand the commercial tax base in appropriate areas.
- 4b Maintain the Town Center and the commercial areas of Kirker Pass Road and Marsh Creek Road as the sole areas for commercial development. (Amended by Resolution 43-95, dated 6/28/95)
- 4c Require a master development plan for combination of parcels where appropriate.

Objective 5

To prevent strip development and other inappropriate commercial uses.

Policies

- 5a Review commercial development to ensure compatibility with surrounding uses and the environmental setting.
- 5b Provide strict control of nuisance characteristics of uses.

Major Developments

Objective 6

To promote development of the Keller Ranch with Clayton.

Policies

- 6a Require a design constraints analysis prior to Keller Ranch development.
- 6b Review the design for Keller Ranch as a whole rather than a piecemeal process.
- 6c Incorporate or promote adoption of all reasonable mitigation measures for Keller Ranch development whether in the City of Clayton or in another jurisdiction.

Objective 7

To promote community amenities within the Keller Ranch development.

Policies

7a Support development of a country club facility that would include a golf course, tennis courts, swimming pool, clubhouse, restaurant, overnight accommodations and other uses deemed ancillary by the Planning Commission.

7b Support establishment of a Heritage Center that would permit uses that support historical heritage and community activity within the Town Center.

7c Support development of community playfields. (Amended by Resolution 21-87, dated 5/16/87)

Objective 8

To direct development of Keller Ranch within appropriate areas as constrained by topography, visual corridors, geologic factors, water courses and other planning considerations.

Policies

8a Utilize map designation footprint to indicate development form.

8b Permit density transfer among residential development areas within the overall unit limit.

8c Designate Country Club and athletic field facilities as Open Space/Facility.

8d Permit minor design deviation among residential development, open space, open space/facility, and commercial designation footprints through the Planned Development approval process. (Amended by Resolution 21-87, dated 5/16/87)

LAND USE DESIGNATIONS

The General Plan Diagram indicates application, location, extent, type and density of development. Designations provide assurance of city policy and guidance to homeowners, landowners, and developers. (Amended by Resolution 25-2004, dated 6/1/04)

RESIDENTIAL DESIGNATIONS

There are seven residential designations, ~~with. The~~ density ranges ~~for each residential land use designation are that are~~ based on the developable acreage of the parcel. Developable acreage and residential density calculations are further defined and described in the Clayton Municipal Code regarding residential parcels with sensitive land areas. Maximum density ~~is allowed for sites designated in the Housing Element cannot be guaranteed but will fall within the range identified for each residential land use designation.~~ Due to differences in developable acreage because of the constraints attributable to sensitive land areas, ~~all other~~ residential parcels with sensitive land areas shall fall within the not to exceed maximum density for developable acreage and shall not have a minimum density requirement. Second dwelling units are exempt from the

determination of residential densities.

(Amended by Resolution 14-2017, dated 5/16/17)

When clustering is proposed for development, the City may provide relief from the lot coverage standards discussed below.

Unless otherwise noted, the following uses are allowed in each of the General Plan residential categories, provided they meet the requirements of the underlying zoning district, applicable specific plan policies and guidelines, and applicable general plan policies:

• Schools:

- Churches and places of worship;
- Public / quasi-public buildings and facilities;
- Day care centers, family day care homes, and residential care facilities;
- Bed and breakfast facilities;
- Lodges, fraternal organizations, and clubs;
- Crop and tree farming and horticulture, not including the raising or keeping of any animals other than ordinary household pets; and
- Publicly-owned parks and playgrounds.

(Amended by Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Additional uses allowed under each category are described below.

Rural Estate (0 to 1.0 Units Per Acre)

This density range is intended for single-family estates, or horse set-ups on individual lots of an acre or more. Allowable uses include single-family homes, private stables and corrals with access to greenbelts and equestrian facilities, and accessory structures and uses normally auxiliary to them. ~~Second-Accessory~~ dwelling units are also allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family Low Density (1.1 to 3 Units per Acre)

This density range is intended for development of single-family houses on lots that range between 12,500 and 40,000 square feet. This designation has been the predominant density in Clayton. Uses allowed under this designation include single-family homes, and the accessory structures and uses normally auxiliary to them. ~~Second-Accessory~~ dwelling units are also allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family Medium Density (3.1 to 5 Units Per Acre)

This density is intended for and allows planned unit development (PUD) and single-family subdivisions. Development will range from a standard single-family subdivision to a zero lot line or single-family home. Accessory structures and uses normally auxiliary to them are also allowed, as well as ~~second-accessory~~ dwelling units, although accessory dwelling units are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Single Family High Density (5.1 to 7.5 Units Per Acre)

This designation is an urban single-family density that will allow patio homes, zero lot

line and cluster homes in a PUD development. Accessory structures and uses normally auxiliary to them are also allowed, as well as second dwelling units. Second dwelling units are also allowed but are not used in the calculation of development density. Development will require innovative design with a combination of development concentration and open space. Development intensity will permit individual parcel coverage of up to 75% provided common open space is provided. Development excluding recreational amenities shall not exceed total structural land coverage of 25%.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 25-2004, dated 6/1/04)

Multifamily Low Density (7.6 to 10 Units Per Acre)

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as single family detached dwellings on smaller lots ~~with a conditional use permit~~, that provide a development with amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. Structural coverage, excluding recreational amenities, shall not exceed 40% of the site area. ~~Second-Accessory~~ dwelling units are allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, and Resolution 11-2012, dated 4/3/12)

Multifamily Medium Density (10.1 to ~~1520~~ Units Per Acre)

This designation is intended for and allows multifamily units, including duplexes, triplexes, and townhouses, located where the site area, circulation system and other features can comfortably accommodate increased density. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 50% of the site area. ~~Second-Accessory~~ dwelling units are allowed but are not used in the calculation of development density.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 25-2004, dated 6/1/04, and Resolution 11-2012, dated 4/3/12)

Multifamily High Density (20.1 to 30 Units Per Acre)

This designation is intended for and allows two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near ~~major public-multimodal~~ transportation infrastructure and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area. Permitted density may be increased to 40 units per acre for residential developments that are 100 percent affordable to low-income households. Accessory dwelling units are permitted but are not used in the calculation of development density.

(Resolution 11-2012, dated 4/3/12, Amended by Resolution 49-2016, dated July 19, 2016)

Institutional Density (~~7.6~~10.1 to 2030 Units Per Acre)

This designation is intended for development of various forms of ~~senior~~ housing under sponsorship of public or quasi-public agencies. ~~The density of senior projects is not always equivalent to standard concepts of density; therefore, a~~ density range of ~~10.1~~7.6 to ~~2030~~ units per acre may be permitted. Developments may include on-site services for residents, such as group dining, counseling and child care services, in addition to common meeting rooms and recreational amenities. Structural coverage, excluding recreational amenities, shall not exceed 75% of the site area. Permitted density may be increased to 40 units per acre for residential developments that are 100 percent affordable to low-income

~~households. Accessory dwelling units are permitted but are not used in the calculation of development density. Group dining, limited vehicles, medicine dispensing services and other characteristics make this form of housing unique.~~

~~Senior projects must be submitted as planned developments and will have to be reviewed for site limitations including density, number of stories and structure height, on a case-by-case basis. It is assumed that densities can exceed 15 units per acre when possible impacts can be mitigated. Development intensity can reach 100% structural coverage of each individual parcel. Structural coverage shall not exceed 50% of the site area, however, specific sites and relationship to adjacent uses may pose additional limitations.~~

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, Resolution 25-2004, dated 6/1/04, and Resolution 11-2012, dated 4/3/12)

Residential Density and Population Projections

The 2019~~40~~ U.S. Census Bureau, American Community Survey indicated that Clayton had an average population of 2,722.83 persons per unit for occupied units. Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

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

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

(Amended by Resolution 21-87, dated 5/16/87, Resolution 43-95, dated 6/28/95, and Resolution 11-2012, dated 4/3/12)

COMMERCIAL DESIGNATIONS

The commercial designations, including uses and development standards are listed below. The development standards apply to the net acreage of the commercial parcels and exclude any areas dedicated for public right-of-way.

(Amended by Resolution 05-2007, dated 2/6/07)

Town Center

This designation is located in the center of the City of Clayton which has been a historical commercial center since Clayton's inception.

Uses

The uses allowed within this designation are the retail sales, commercial service, restaurant, bar, commercial recreation, child day care, office, ~~upper-floor~~ residential uses above or behind street fronting commercial uses, visitor-accommodation uses listed in the “Town Center Commercial” land use designation of the *Town Center Specific Plan*. Population in residential uses is estimated at 1 person per 300 square feet.

All new development projects shall be reviewed for design compatibility with existing structures, as well as the theme and character of the Town Center, as described in the *Town Center Specific Plan*. Building height shall not exceed forty (40) feet. Structural coverage of a site primarily used for ground-floor retail with upper-floor retail, upper-floor office, and/or upper-floor residential purposes shall comply with the standards listed below. Structural coverage of a site primarily used for ground-floor office purposes or other uses shall not exceed thirty-five (35) percent.

(Amended by Resolution 21-87, dated 5/16/87 and Resolution 05-2007, dated 2/6/07)

1. Parcels 10,000 square feet or less: Up to one hundred (100) percent structural coverage.
2. Parcels between 10,001 and 40,000 square feet: Up to the percent structural coverage allowed by the following formula.
$$X = 100 - 2(Y - 10)$$

X is the Maximum Structural Coverage in percent
Y is the Square Footage of the Parcel in 1,000's of square feet

For example, a 30,000 square foot parcel is allowed 60 percent structural coverage.

$$X = 100 - 2(30 - 10)$$

$$X = 100 - 2(20)$$

$$X = 100 - 40$$

$$X = 60$$

3. Parcels greater than 40,000 square feet: Up to forty (40) percent structural coverage.
(Amended by Resolution 05-2007, dated 2/6/07)

Development projects must comply with the structural coverage standards applicable to the square footage of the respective Parcel(s) as shown on the Assessor's Maps of the Contra Costa County Assessor's Office as of January 1, 2007. Notwithstanding this provision, any Parcel larger than one acre may be initially subdivided into two parcels. Upon subdivision, each resultant parcel (termed “Resultant Parcel”) shall be subject to the applicable structural coverage standard set forth in the above criteria which shall continue to apply to any further subdivision of a Resultant Parcel. (Amended by Resolution 05-2007, dated 2/6/07)

Additional Town Center discussion may be found in the Community Design Element.

Kirker Corridor

Kirker Corridor represents the only commercial location in the city limits of Clayton that has regional potential. Nearly all of Clayton's sales tax dollars are lost to neighboring communities. The Kirker Corridor represents a series of sites that can serve to recapture a

portion of that lost income, provide local control over the types of shops and facilities needed and reduce the extent of travel to commercial centers further away. The primary emphasis is on retail facilities although the complementary office and retail service uses are necessary for variety and market balance. Structural coverage shall not exceed thirty (30) percent of the site and height shall not exceed fifty (50) feet.

(Amended by Resolution 21-87, dated 5/16/87 and Resolution 05-2007, dated 2/6/07)

Uses

All uses permitted in the Town Center. In addition, the following shall be permitted: auto sales and service, hotel and motel, wholesale distribution and other commercial uses determined to be consistent with the designation and overall development.

In order to prevent the Kirker Corridor from becoming a strip commercial site or to limit potential for future development, it will be necessary to present any specific proposal within the context of concept master plans for the entire area covering issues such as circulation, architectural design theme, and site planning.

Convenience Commercial

This designation is highly restricted and designated for those sites that provide specific commercial needs for the community. Currently there are two sites along Marsh Creek Road where such uses exist; a landscape nursery exists near the town center, and a general store operates in the Marsh Creek Road Specific Plan area. This designation allows retail uses of a neighborhood convenience nature where facility and operation are compatible with surrounding residential areas. Structural coverage on these sites shall not exceed twenty-five (25) percent of the site area. Building height shall not exceed thirty five (35) feet.

(Amended by Resolution 21-87, dated 5/16/87 and Resolution 05-2007, dated 2/6/07)

Implementation

Implementing ordinances shall be developed to guide and control use and appearance for all commercial designations. Development in the Kirker Corridor shall produce a unified concept.

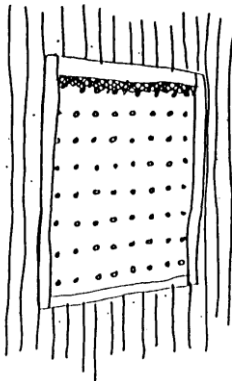
The size of Clayton and its commercially designated area provides a series of limitations on the extent of uses that can be permitted. Uses that do not fit into the categories mentioned, such as mini-warehouse, contractor yards and non-office industrial uses, may have to locate elsewhere due to the severe space limitations.

PUBLIC AND QUASI PUBLIC FACILITY DESIGNATIONS

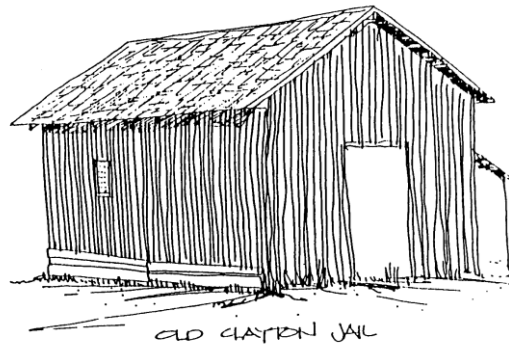
This designation applies to public and private school facilities, city facilities, fire district facilities, and other public and quasi-public uses. Day care facilities are consistent with this designation.

New public facilities should be located so that they will not intrude on residential areas. Where a public facility must be located adjacent to residences, all feasible mitigation measures shall be considered.

(Amended by Resolution 21-87, dated 5/16/87)



JAIL WINDOW:
PERFORATED BROILER
PLATE



OPEN SPACE DESIGNATIONS

The City of Clayton seeks to preserve open space and provide recreational opportunities to Clayton residents within the City Limits. Four designations have been created to fulfill these goals: Private Open Space, Public Park/Open Space, Quarry, and Agriculture. The following text describes these four categories:

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

1. **Private Open Space (PR)**

This designation includes privately-owned open spaces. Typical examples in Clayton include the Oakhurst golf course and areas where development has been clustered to retain open space. Other examples include private recreational facilities such as the riding club southeast of Clayton, the swimming pools at Marsh Creek Park Villas and Dana Hills, and the open space within Dana Hills and Westwood. These facilities allow individuals to expand their recreational opportunities at a cost and benefit to the users rather than the public at large. Such facilities should be promoted so long as traffic, noise and other related impacts are mitigated.

Only open space development, recreation and preservation are allowed in this designation. Owners' potential rights to other types of development on these properties have been clustered on adjoining parts of some parcels.

(Amended by Resolution 43-95, dated 6/28/95)

2. **Public Park/Open Space/Open Space and Recreational (PU)**

This designation applies to lands under City, County or State jurisdiction. Such uses within the planning area include City-owned open space areas and developed neighborhood and community parks, creek corridors, Mt. Diablo State Park, and the Open Space areas within the Oakhurst subdivision (dedicated to the City). Allowable uses in this designation include trails, greenbelts, playfields and parks, as well as accessory structures and uses normally auxiliary to them.

(Amended by Resolution 43-95, dated 6/28/95)

3. **Quarry (Q)**

Uses allowed under this designation include quarries and accessory structures and uses normally auxiliary to them.

There are no quarries located within the city limits of Clayton; however, the Lone Star quarry is located on the southwestern edge of the community. The quarry produces high quality rock and gravel and the quarry has an expected life in excess of 50 years. There are two negative impacts generated by quarry operation. First, there are occasional blasts to separate the rock and secondly, there is an average of 160 trucks per day traveling along Mitchell Canyon Road. This figure is based on information obtained from Lone Star Quarry. The quarry has taken a series of measures to mitigate its effect upon Clayton.

(Amended by Resolution 43-95, dated 6/28/95)

4. **Agriculture (AG)**

Areas to the northeast and east of the city limits include rugged terrain that is primarily used as rangeland for livestock and other similar open uses. The City supports and encourages the continuation of agriculture in these areas. Given the low intensity of agricultural activities, the minimum parcel size is 20 acres but is encouraged to be 40 acres to ensure agricultural viability.

The purpose of the Agriculture designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The title is intended to be descriptive of the predominant land-extensive agricultural uses that take place in these areas, but the land use title allows other types of agricultural, open space or non-urban uses.

(Amended by Resolution 43-95, dated 6/28/95)

ANNEXATIONS AND SPHERE OF INFLUENCE

The City of Clayton wishes to have control over those areas that demand services, that make up its urban form, that affect its livelihood and that help create an efficient unit of government services. It is therefore the policy of the City of Clayton to annex all land within its Sphere of Influence and to promote development of land in the City of Clayton. Support for the concept of City development is included in the scale of community responsiveness to needs, efficiency and consistency of standards.

The Sphere of Influence and Planning Area boundary should be reviewed at least at 5 year increments to determine whether expansion is warranted.

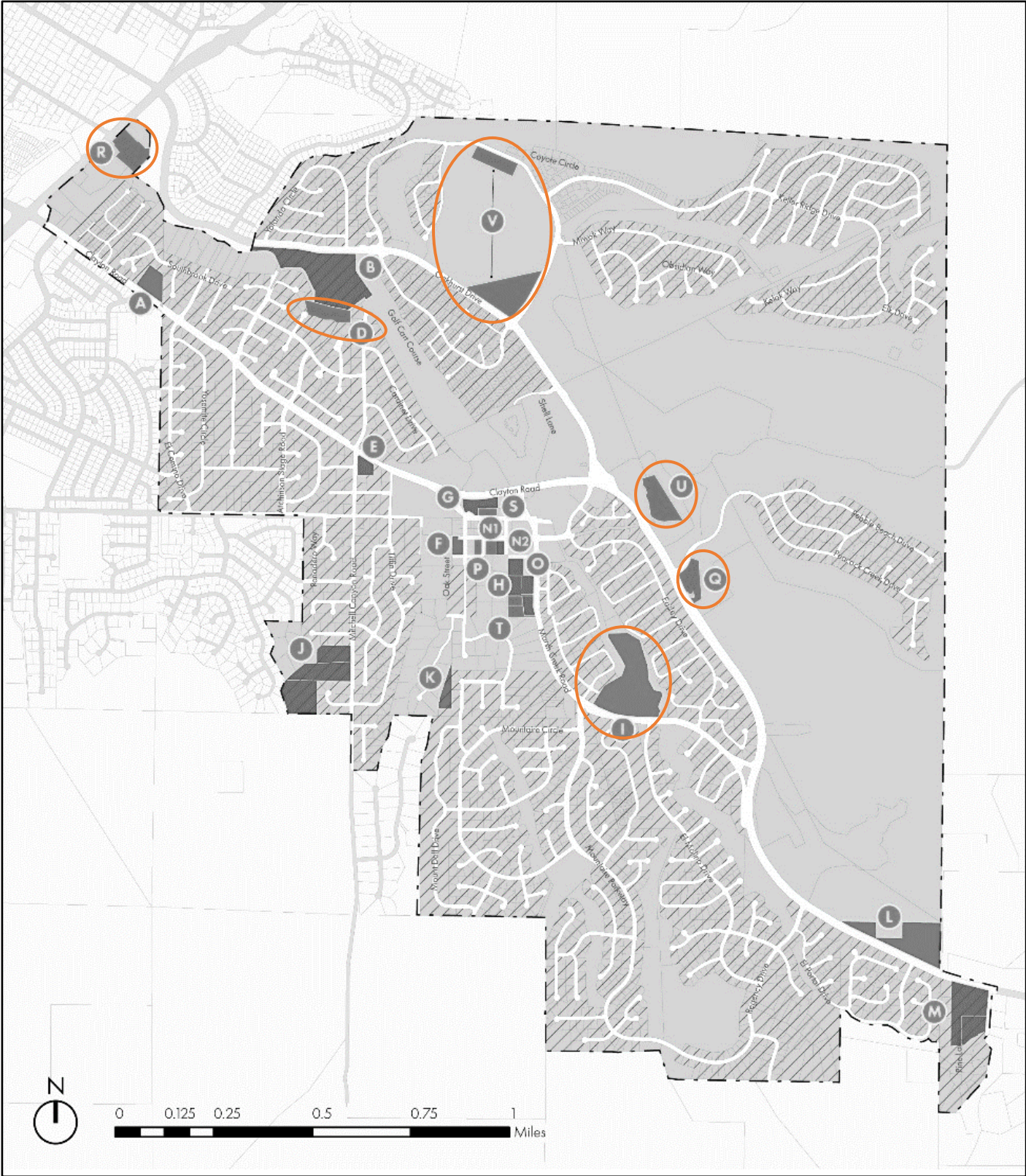
(Amended by Resolution 43-95, dated 6/28/95)

If development is proposed in the un-sphered area north or east of Clayton, Clayton will request expansion of its Sphere at that time to the limits of its Planning Area.

The City of Clayton will be interested in any development along Marsh Creek Road between Clayton and Byron, due to the direct effect on traffic through the City. The effect on Clayton circulation should be considered in any County proposal.

Planning Commission Resolution No. 04-2022
Exhibit C

Summary of Proposed General Plan Land Use Diagram Amendments



Housing Element Inventory Site	Address or Reference	Assessor's Parcel No.	Current General Plan Land Use Designation	Proposed General Plan Land Use Designation
D	Diablo Creek Place Open Space	118-230-002	Public Park/Open Space	Single-Family Low Density Residential
I	6955 Marsh Creek Road (Easley Ranch)	119-080-009	Public Park/Open Space, Single-Family Low Density Residential	Multifamily Low Density Residential
Q	Clayton Road at Peacock Creek Drive (Overflow Parking Lot)	118-370-073	Private Open Space	Multifamily Medium Density Residential
R	1578 Kirker Pass Road (Clayton Valley Presbyterian)	118-031-054	Kirker Corridor Commercial	Institutional Density
U	Oakhurst Golf Course Driving Range	Portions of 118-370-017, 118-370-086, 118-370-087, 118-370-088	Private Open Space	Multifamily High Density Residential
V	1970 Eagle Peak Avenue (Seeno Hill)	Portions of 118-370-040	Rural Estate	Multifamily Medium Density Residential