



**AGENDA**  
**Planning Commission**  
**Regular Meeting**  
**November 28, 2023**  
**7:00 p.m.**

**Hoyer Hall at Clayton Community Library**  
**6125 Clayton Road, Clayton, California**  
**and**  
**Via Zoom Webinar**  
**Webinar ID: 811 9155 8777**

This meeting is being held with accommodations for both in-person and virtual attendance and participation by the public. Members of the public who prefer to view or listen to the meeting and to address the Planning Commission remotely during the meeting may do so using the methods listed under “Instructions for Virtual Planning Commission Meeting Participation” below.

**Chair:** Richard Enea  
**Vice Chair:** Maria Shulman  
**Commissioner:** Joseph Banchemo  
**Commissioner:** Bretten Casagrande  
**Commissioner:** Daniel Richardson

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; and 3) Ohm’s Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda are available for review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

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 925-673-7300.

Most Planning Commission decisions are appealable to the City Council within 10 calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in spoken testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter.

---

### **Instructions for Virtual Planning Commission Meeting Participation**

The following options are provided as a courtesy for those who would prefer to view, listen to, or provide comments remotely for the meeting. While City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

**Videoconference:** To join the meeting on-line via smart phone or computer, click on the link: <https://us02web.zoom.us/j/81191558777>; or, through the Zoom application, enter **Webinar ID: 811 9155 8777**. No registration or meeting password is required.

**Phone-in:** Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

**E-mail Public Comments:** If preferred, please e-mail public comments to the Community Development Director at [danaa@claytonca.gov](mailto:danaa@claytonca.gov) by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agendized public hearing or action items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.
5. **PUBLIC COMMENT (Non-Agenda Items):** This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to 3 minutes will be allotted to each speaker.
6. **CONSENT CALENDAR:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda.
  - A. **Minutes:**  
Planning Commission Meeting of November 14, 2023
7. **PUBLIC HEARING**
  - A. **Recommendation on Amendments to Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law**

This is a continued 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.

Environmental Determination: On January 17, 2023, in accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, section 15000 *et seq.*), the Clayton City Council certified a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that analyzed the potential impacts on the environment that could occur with adoption of the Housing Element update and related

amendments to land use regulations. The housing-related Zoning amendments as summarized above are within the scope of the project analyzed in the certified EIR. Regulations governing family day care homes are exempt pursuant to CEQA Guidelines section 15274.

**8. COMMUNICATIONS:** This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.

**9. ADJOURNMENT**

The next Planning Commission Regular Meeting is Tuesday, December 12, 2023.

**Minutes  
City of Clayton Planning Commission  
Regular Meeting  
Tuesday, November 14, 2023**

**1. CALL TO ORDER**

Chair Richard Enea called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Enea led the Pledge of Allegiance.

**3. ROLL CALL**

Present:                   Chair Richard Enea  
                                  Vice Chair Maria Shulman  
                                  Commissioner Joseph Banchemo  
                                  Commissioner Bretten Casagrande  
                                  Commissioner Daniel Richardson

Planning Commission Secretary/Community Development Director Dana Ayers and Assistant Planner Milan Sikela were present from City staff.

**4. ACCEPTANCE OF THE AGENDA**

There were no changes to the agenda as submitted.

**5. PUBLIC COMMENT**

A speaker attending the meeting in person said that he wanted to see the Planning Commission re-evaluate procedures to require the Commission to meet in the first two weeks of July following City Council appointment of Planning Commissioners for the new term, to re-organize the Commission and appoint a new chair and vice chair. He suggested that re-organizing the Commission later than that would politicize the chair/vice chair appointment process.

**6. CONSENT CALENDAR**

**A. Minutes of Planning Commission Special Meeting of November 1, 2023.**

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Enea invited a motion. Vice Chair Shulman moved to adopt the Consent Calendar with Meeting Minutes of the November 1, 2023, special meeting, as submitted.

Commissioner Richardson seconded the motion. The motion passed by vote of 4 to 0, with Commissioner Casagrande abstaining.

## 7. PUBLIC HEARING

### A. **Recommendation on Amendments to Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law**

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.

Community Development Director Dana Ayers presented the item and shared a slide deck summarizing the proposed Zoning code amendments described in the staff report. She explained that staff recommended 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 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.

There were no questions from Commissioners at this time.

Chair Enea opened the public hearing on the item.

Jim Moita said he lived southeast of Clayton for 30 years and had hoped that the Commission was going to discuss his property which was just outside City limits. He said that after being denied a minor subdivision by the County in 1988, he worked with the City and other property owners to create the Marsh Creek Road Specific Plan between 1990 and 1995. His property was planned for 106 houses, but the County did not allow annexation to the City because of the Urban Limit Line. He hoped his property could be part of the discussion about how the City could meet its housing needs and requirements from the State.

Vince Moita thanked staff for their work on the Housing Element and zoning code changes to keep the City in compliance. He believed that the increases in downtown densities identified in the Housing Element to achieve the City's regional housing needs allocation resulted from the City's limitations on expanding its boundary to encompass properties in the Marsh

Creek Road Specific Plan area. He saw the Specific Plan properties as opportunities for 290 new housing units similar to the Peacock Creek and Eagle Peak developments. He suggested a legislative piece to the zoning amendments that would preclude reducing planned densities of properties in the Specific Plan area. He thanked the Commission for their time, and concluded by acknowledging that land use decisions to increase housing can come with conflict, but that the additional units were needed, as many people are priced out of the market, especially given current interest rates.

There was no member of the public attending in person or virtually who wished to comment on the item. Chair Enea invited additional comments or questions from the Commission.

Chair Enea asked about a housing development that had recently been approved on Marsh Creek Road. Director Ayers said that that was the Oak Creek Canyon development, a six-unit single-family residential project next to the eastern municipal boundary and north of Marsh Creek Road. In response to the Chair, Director Ayers confirmed that the Oak Creek Canyon property was adjacent to the speakers' property.

At the request of the Chair and Commissioner Casagrande, Jim Moita and Vince Moita provided additional history on the development of the Marsh Creek Road Specific Plan and shared maps of the properties in the Specific Plan area.

Chair Enea confirmed with staff the proposed amendments would reduce the off-street requirement for single-family houses from four spaces to two spaces, at least one of which must be covered. Director Ayers added that the requirement was a minimum requirement, and a developer of a residential project could opt to provide more parking for their marketing reasons.

Vice Chair Shulman questioned the removal of the guest parking requirement for multifamily developments and thought it might present a problem for guests and visitors to those developments.

Director Ayers explained that the proposed amendment to eliminate the guest parking requirement implemented specific policy language in the City's adopted Housing Element. She re-iterated that a developer could opt to provide more than the minimum required off-street parking if it made their units more marketable. She acknowledged that the minimum per-unit requirements for multifamily development was not proposed to be changed. She suggested that some units in a multifamily development might be occupied by households that owned fewer cars than the codified requirement, resulting in excess unused stalls, and she noted that occupants of multifamily properties tend to have lower rates of vehicle ownership than occupants of single-family residences. She explained that

eliminating the guest parking requirement would free up land to be developed with more housing units or more landscaping for better preservation of stormwater quality.

Vice Chair Shulman said she understood those points but believed that the State was walking a fine line with the reduction, since a visitor might have a disability and would need accessible and available parking. She restated that she was concerned about loss of parking, and what she understood to be State mandates to reduce or eliminate vehicle parking over-assumed that people would walk, ride a bicycle or take transit.

Director Ayers said that she could request from the City Engineer data from the Institute of Transportation Engineers' *Trip Generation* manual, which was a compilation of actual observed parking demands at existing multifamily residential developments.

Vice Chair Shulman added that she traveled to people's homes as part of her job. During the holidays, she said she struggled to find parking where parking was limited, and not all locations were accessible by bicycle or transit.

Chair Enea asked if the proposed amendment to parking requirements was a State requirement. Director Ayers advised that State legislation and policy supported moving away from single-occupant vehicle travel to reduce greenhouse gas emissions and preserve air quality globally. However, the specific policy to eliminate guest parking for multifamily residential developments was a local program that the City Council adopted in the City's Housing Element.

Chair Enea then asked if the zoning regulations could be amended in the future if the State's housing element requirements went away. Director Ayers advised that generally, zoning regulations could be amended and re-amended.

Chair Enea announced that the public hearing would remain open and was continued to November 28, 2023.

## **8. COMMUNICATIONS**

There were no communications from staff or Commissioners.

*[Remainder of page intentionally left blank.]*



**9. ADJOURNMENT**

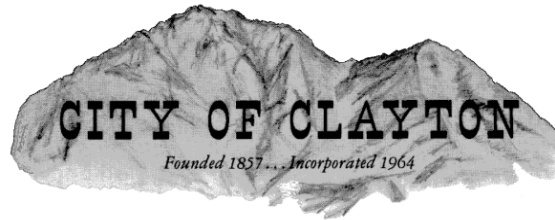
The meeting was adjourned at 7:40 p.m. to the next regular meeting of the Planning Commission on November 28, 2023.

Respectfully submitted:

\_\_\_\_\_  
Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

\_\_\_\_\_  
Richard Enea, Chair



## **AGENDA REPORT**

**To:** Honorable Chair and Planning Commissioners

**From:** Dana Ayers, AICP  
Community Development Director

**Date:** November 28, 2023

**Subject:** Agenda Item 7.A  
Recommendation on Amendments to Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law

---

### **SUMMARY**

This is a continued 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 resume the public hearing and accept written and spoken testimony, close the public hearing, and adopt the attached Resolution recommending City Council approval of the amendments to CMC Title 17 (Zoning) and the Zoning Map as outlined in Exhibits A and B to the Resolution.

### **BACKGROUND**

At its regular meeting of November 14, 2023, the Planning Commission opened the public hearing on proposed amendments to CMC Title 17 (Zoning) to implement General Plan Housing Element and Land Use Element policies, make limited administrative process changes, and update the Zoning Ordinance to align with certain State statutes pertaining to land use. The public hearing was continued to tonight's meeting to provide a second opportunity for public comment.

## **PROJECT DESCRIPTION**

The Zoning amendments before the Commission for consideration at tonight's meeting would implement commitments the City made in its adopted Housing Element to increase and diversify its housing stock, expand currently adopted density ranges of the Zoning Ordinance 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 codified permitting processes to reduce the length of the development entitlement process for new housing units, also consistent with adopted Housing Element and Land Use Element policy.

In addition to amendments to implement adopted policies of the Housing and Land Use Elements, amendments to the Zoning Ordinance text pertaining to density bonus and day care home regulations are also proposed to be amended or deleted to comply with State law. Miscellaneous amendments to clarify administrative appeal procedures where none are currently specified, and to correct an internal reference within Title 17, are also proposed to be captured with this phase of amendments to the code.

The November 14, 2023, staff report is attached to this staff report (see Attachment 2) and includes a description of the proposed amendments, as well as the legislative and policy bases for the proposed amendments. Attachment 3 is a summary of the changes proposed, with revisions to the November 14 version of the table highlighted in blue; these changes were made for internal code consistency (as noted in the table), are revisions to more closely mimic language of Density Bonus Law, or are other minor text edits. In addition to the changes highlighted in the table, a previously proposed amendment to CMC section 17.22.020 (Calculating Density for Residential Parcels with Sensitive Land Areas) to eliminate language removing a minimum density requirement, has been deleted from the table to avoid conflict with text of the General Plan Land Use Element.

## **ANALYSIS**

**Required Findings:** CMC section 17.56.060 gives authority to the Planning Commission to make recommendations to the City Council on proposed amendments to CMC Title 17. As written in that municipal code section, “[n]o recommendation for amendment shall be made unless the Commission finds that such proposed amendment, is in general conformance with the General Plan, if one be in effect at said time, and that the public necessity, convenience and general welfare require the adoption of the proposed amendment.” Zoning amendments are also subject to the procedures outlined in California Government Code sections 65854 through 65857 and must be considered at a public hearing before the Planning Commission in the Commission's capacity as an advisory body to the City Council on land use matters.

As described in the November 14, 2023, staff report, staff believes that the Planning Commission can make the findings necessary to recommend that the City Council make findings and adopt the proposed amendments to the CMC Title 17. Draft findings for the Commission's consideration are incorporated into the proposed Resolution attached to this staff report (see Attachment 1).

## **ATTACHMENTS**

1. Proposed Resolution (with Exhibits A and B)
2. November 14, 2023, Planning Commission Staff Report
3. Summary of and Rationale for Proposed Text Amendments to CMC Title 17 (Zoning), with changes from November 14, 2023, highlighted in blue
4. Clayton General Plan Housing Element (January 2023), online at [https://claytonca.gov/fc/community-development/housing/housing-element/Clayton\\_HE\\_Adopted\\_01172023\\_Tracked.pdf](https://claytonca.gov/fc/community-development/housing/housing-element/Clayton_HE_Adopted_01172023_Tracked.pdf)
5. City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments Draft EIR and Final EIR, online at [https://claytonca.gov/fc/community-development/housing/housing-element/DEIR\\_Clayton\\_6thCycle\\_HousingElement.pdf](https://claytonca.gov/fc/community-development/housing/housing-element/DEIR_Clayton_6thCycle_HousingElement.pdf) and [https://claytonca.gov/fc/community-development/housing/housing-element/FinalEIR\\_Clayton\\_HEU.pdf](https://claytonca.gov/fc/community-development/housing/housing-element/FinalEIR_Clayton_HEU.pdf)

**CITY OF CLAYTON  
PLANNING COMMISSION  
PROPOSED  
RESOLUTION NO. XX-2023**

---

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO CLAYTON MUNICIPAL CODE TITLE 17 (ZONING) TO IMPLEMENT ADOPTED GENERAL PLAN HOUSING ELEMENT POLICY, REZONE PROPERTIES IN CONFORMANCE WITH THE HOUSING AND LAND USE ELEMENTS, CLARIFY ADMINISTRATIVE PROCEDURES, AND ALIGN WITH STATE LAW**

**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 January 17, 2023, the Clayton City Council held a duly noticed public hearing to consider the recommendation of the Planning Commission and accept accepted written and spoken testimony, and following the public hearing, adopted Resolution No. 6-2023 amending the Clayton General Plan’s Land Use Element and the Housing Element for the 6<sup>th</sup> housing cycle (2023-2031), and certifying the Final Environmental Impact Report (State Clearinghouse No. 2022030086) that had been prepared to analyze the potential impacts to the environment that could occur as a result of the adoption of the General Plan amendments and related Zoning code amendments to implement the amended General Plan policies; and

**WHEREAS**, the adoption of the Housing Element for the 6<sup>th</sup> housing cycle met the requirements of State law contained in Government Code Title 7, Division 1, Chapter 3, Article 10.6 (Housing Elements), and the certification of the FEIR was in

compliance with the California Environmental Quality Act (CEQA; Public Resources Code section 21000 *et seq.*); and

**WHEREAS**, California Planning and Zoning Law, and specifically Government Code Section 65850, authorizes cities' legislative bodies to adopt ordinances to regulate land use and establish standards for development of lands within their boundaries; and

**WHEREAS**, the Zoning Ordinance of the City of Clayton is contained in Title 17 (Zoning) of Clayton Municipal Code (CMC), and the "Official Zoning Map of the City of Clayton" classifying properties within the City into zoning districts is incorporated into the Zoning Ordinance by reference in CMC section 17.08.010; and

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

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

**WHEREAS**, in accordance with Government Code sections 65854, 65090 and 65091, on or prior to November 4, 2023, notice of the November 14, 2023, Clayton Planning Commission public hearing to consider the amendments to CMC Title 17 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 sent via electronic mail to interested parties who had requested notice of public meetings pertaining to the Housing Element and its implementation, to owners' agents or owners of properties that were the subject of proposed Zoning Map amendments, and to other local agencies proximate to Clayton, special districts, public utility companies and local Native American tribes; and

**WHEREAS**, on or prior to November 18, 2023, notice of the November 28, 2023, Clayton Planning Commission continued public hearing to consider the amendments to CMC Title 17 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; was posted on the Housing Element and Public Notices pages of the City website at [www.claytonca.gov](http://www.claytonca.gov); and was sent via first class or electronic mail to interested parties who had requested notice of public hearings pertaining to the Housing Element and its implementation, to owners' agents or owners of properties that were the subject of proposed Zoning Map amendments, and to other local agencies proximate to Clayton, special districts, public utility companies and local Native American tribes; and

**WHEREAS**, on November 14 and November 28, 2023, the Clayton Planning Commission conducted a public hearing on the amendments to CMC Title 17 (Zoning) to implement adopted General Plan Housing and Land Use Element policy, rezone properties in conformance with the Housing and Land Use Elements, clarify administrative procedures, and align with State Law; and at that public hearing, 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 certified for the Housing Element Update and related Land Use Element and Zoning amendments (State Clearinghouse No. 2022030086) was prepared in accordance with the requirements of CEQA, and the Planning Commission has considered the information contained therein. The housing-related Zoning amendments recommended herein are within the scope of the project analyzed in the certified EIR or are regulations governing family day care homes that are exempt pursuant to CEQA Guidelines section 15274.
- B. The proposed amendments to CMC Title 17 (Zoning) implement adopted policies of the Housing and Land Use Elements of the General Plan, as amended by the City Council on January 17, 2023, including programs to provide greater flexibility in development regulations for multifamily housing, increase residential densities, reduce procedural requirements for housing entitlements, and rezone sufficient sites to accommodate the City's Regional Housing Needs Allocation (RHNA). Other amendments are identified to bring the Zoning Ordinance into compliance with California statutes with respect to density bonus provisions and regulations governing use of residential properties for small and large day care homes; or they are miscellaneous clean-up items intended to address outdated references or to extend the permit appeals process to an administrative fence permit for which no such process is currently specified in the municipal code.
- C. The proposed Zoning amendments serve the public necessity, convenience and general welfare. The adopted Housing Element identifies constraints to the construction and improvement of housing in the City, and the proposed Zoning amendments implement a selection of the programs and policies adopted 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 for residential development proposals 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 dwelling units.

- D. Implementing the goals, policies and programs in the adopted Housing Element through the proposed Zoning amendments 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 serves the public benefit and necessity for a broader spectrum of housing choices at multiple price points in Clayton, a housing market where 28 percent of households overpay for housing (Housing Element, Table 3-6). This diversity in housing stock also facilitates 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.
- E. The record of proceedings for this matter is located at the City of Clayton, City Hall, 6000 Heritage Trail, Clayton, California. The custodian of records is the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission hereby recommends that the City Council make the necessary findings and adopt an Ordinance amending Clayton Municipal Code Title 17 (Zoning) to incorporate the Proposed Amendments outlined in the attached Exhibit A and changes to the Zoning Map as identified in the attached Exhibit B.

*[Remainder of page intentionally left blank.]*



**PASSED AND ADOPTED** by the Planning Commission of the City of Clayton at a regular meeting on the 28<sup>th</sup> day of November, 2023.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

ATTEST:

---

Richard Enea, Chair

---

Dana Ayers, AICP, Secretary

**Planning Commission Resolution No. XX-2023**

**Exhibit A**

**Recommended Text Amendments to Clayton Municipal Code Title 17 to  
Implement Adopted Housing and Land Use Element Policy**

(Text proposed to be deleted is shown in ~~struckthrough~~ font. Text proposed to be added is identified in **bold**.)

<b>Recommended Amendment to CMC Title 17</b>	<b>Justification</b>
<p><u>Zoning map amendments</u> The following amendments are proposed to the Zoning Map referenced in CMC Chapter 17.08:</p> <ul style="list-style-type: none"><li>• 1578 Kirker Pass Road, Assessor’s Parcel No. (APN) 118-031-054, amendment from PD District to ID District</li><li>• 5555 Clayton Road, APN 118-101-025, amendment from PD District to ID District</li><li>• Diablo Creek Place, APN 118-230-002, amendment from PD District to Single-family Residential (R-15) District</li><li>• 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</li><li>• 6955 Marsh Creek Road, APN 119-080-009, amendment from Agricultural (A) District to Multiple Family Residential Low (M-R) District</li><li>• Clayton Road at Peacock Creek Drive, APN 118-370-073, amendment from PD District to Multiple Family Residential Medium (M-R-M) District</li><li>• 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</li><li>• 1970 Eagle Peak Avenue, APN 118-370-040 (portion), amendment from A District to M-R-M District</li></ul>	<p>The Zoning Map amendments would implement the following policies of the adopted Housing Element (HE):</p> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 5.3: Housing Distribution. Distribute affordable housing throughout all Clayton neighborhoods.</i></p> <p><i>HE Policy 5.4: Quality Living Environments. Avoid concentrating low-income housing in areas with high pollution loads and low levels of public services.</i></p>

Recommended Amendment to CMC Title 17	Justification
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.030</u></p> <p><u>Section 17.20.040 – Minimum Requirements Generally</u>  The minimum requirements in Sections 17.20.060 through 17.20.160 shall be observed in the multiple family residential districts; <b>however, no maximum lot coverage, minimum lot width, minimum lot depth, minimum setback or minimum open area requirement specified therein may require a development in the M-R-M or M-R-H district to have fewer than 16 units.</b></p>	<p>The proposed amendments would remove certain development regulations that could constrain buildable area and unit count while allowing development to occur within the density ranges specified in the General Plan. The revisions are consistent with and would implement the following HE policies and program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Amend the Zoning Code to include provisions for sites in the M-R-M (Medium Density Multiple Family Residential) and M-R-H zoning districts to allow at least 16 units regardless of density restrictions.</i></li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites.</i>  <i>Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards.</i>  <i>Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.050 – Lot Area per Unit</u>  <del>No</del> <b>Any</b> duplex, triplex, townhouse, apartment, or other multiple family building permitted in multiple family residential districts shall be erected or placed on a lot <del>having less than as follows in</del> <b>accordance with the lot area per unit standards described below:</b></p>	<p>The proposed amendments establish lot area per unit standards that align with the densities specified in the adopted Housing Element. These changes are consistent with and would implement the following HE policies and programs and text of the General Plan Land Use Element:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p>

Recommended Amendment to CMC Title 17	Justification
<p>A. <del>In the M-R District, six thousand (6,000) square feet.</del> <b>no fewer than</b> three thousand (3,000) square feet of land shall be provided for each dwelling unit;</p> <p>B. <del>M-R-M, six thousand (6,000) square feet.</del> <b>In the M-R-M district, no more than four thousand four hundred (4,400) square feet and no fewer than and one thousand eight hundred (1,800) two thousand one hundred (2,100) square feet shall be provided</b> for each dwelling unit; and</p> <p>C. <del>M-R-H, nine thousand (9,000) square feet.</del> <b>In the M-R-H district, no more than two thousand one hundred (2,100) square feet and no fewer than one thousand four hundred fifty (1,450) square feet shall be provided for each dwelling unit. Notwithstanding the foregoing, a minimum of and one thousand (1,000) square feet may be provided for each dwelling unit if all of the units in the development are affordable to low income households as defined in Health and Safety Code section 50079.5.</b></p>	<ul style="list-style-type: none"> <li>• <i>Revise the lot area regulation in Section 17.20.050 for the M-R-M zone to require a minimum of 10 units per acre and accommodate a maximum of 20 units per acre, and revise the lot area regulation for the M-R-H zone to require a minimum of 20 units per acre and accommodate a maximum of 30 units per acre.</i></li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City's Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p> <p><i>HE Program D-1: General Plan Amendments. Amend the General Plan to include policy language that allows for 100 percent affordable housing developments at 40 units per acre.</i></p> <p><i>Land Use Element / Residential Land Use Designations: 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 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</i></p>

Recommended Amendment to CMC Title 17	Justification
	<p><i>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.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.080 – Building Height</u></p> <p>No duplex, triplex, townhouse, apartment, or other multiple family building permitted in the multiple family residential districts shall exceed as follows:</p> <p>A. M-R, thirty-five (35) feet in height, <del>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.</del></p> <p>B. M-R-M, thirty-five (35) feet in height.</p> <p>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.</p>	<p>The proposed amendments are consistent with and would implement the following HE policies and program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Revise the development standards for the M-R zone to increase the maximum allowable building height to 35 feet within 50 feet of an abutting single-family residential district.</i></li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.100 – Interior Side Setback</u></p>	<p>The proposed amendments would reduce the building setback and distance requirements for multiple family residential buildings, allowing for more buildable area on a lot. These changes are consistent with and would implement the following HE policies and program:</p>

Recommended Amendment to CMC Title 17	Justification
<p>The interior side setback in multiple family residential districts shall be <del>fifteen (15)</del> <b>ten (10)</b> feet.</p> <p><u>Section 17.20.160 – Building Relationship</u></p> <p>Each building or structure shall be located at least <del>twenty (20)</del> <b>ten (10)</b> feet from every other building or structure <b>on-site</b>, 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.</p>	<p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>Amend the zoning code to decrease the interior side yard setback requirement for multi-family residential zones from 15 feet to 10 feet to align with smaller lot single-family residential zones.</li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p> <p><i>HE Policy 4.3: Policy Assessments. Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.150 – Open Area.</u></p> <p><b>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</b></p>	<p>The proposed amendments would establish a consistent landscape standard across all multiple family residential districts, reducing the current standard for the M-R District. This amendment is consistent with and would implement the following HE policies and program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>Revise CMC Section 17.20.150 (Multiple-Family Residential Zone - Open Area) to reduce the landscaping requirements for the multi-family residential zones.</li> </ul>

Recommended Amendment to CMC Title 17	Justification
<p>consisting of a combination of groundcover, shrubs and shading trees.</p> <p>The parcel shall not be occupied by buildings, structures, or pavement, but shall be landscaped, a minimum of as follows:</p> <p>A. <del>M-R</del>, 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.;</p> <p>B. <del>M-R-M</del>, 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</p> <p>C. <del>M-R-H</del>, 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.</p>	<p><i>HE Policy 4.3: Policy Assessments. Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p> <p><i>HE Policy 6.1: New Subdivisions. Require developers to incorporate sustainable practices into the design of subdivisions.</i></p>
<p>Chapter 17.22 – Residential Density Calculations for Residential Parcels with Sensitive Land Areas</p> <p><u>Section 17.22.060 – Exceptions</u></p> <p>The provisions of this chapter shall not apply to any property where the City amended the General Plan designation to Multifamily High Density Residential (MHD) <b>identified in the sites inventory of the General Plan Housing Element</b> in order to comply with state law to meet the City's <del>2007-2014</del> Regional Housing Needs Allocation (RHNA)</p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Update CMC Section 17.22.060 (Residential Density Calculations for Residential Parcels with Sensitive Land Areas – Exceptions) to add housing opportunity sites in the most recent Housing Element, in addition to sites identified in the previous Housing Element.</i></li> </ul>

Recommended Amendment to CMC Title 17	Justification
<p>obligations for the fifth housing cycle (2015-2022) or sixth housing cycle (2023-2031).</p>	
<p>Chapter 17.28 – Planned Development (PD) District</p> <p><u>Section 17.28.140 – Review Procedures/Development Plan Permit</u></p> <p>A. Hearing-Recommendation by Planning Commission</p> <ol style="list-style-type: none"> <li>1. After application filing, the Community Development Director shall determine if all submittal requirements have been met and if the application is complete. The Community Development Director shall then schedule the matter before the Planning Commission. The Planning Commission shall then hold a public hearing to review the Development Plan <b>Permit</b> application. Notice of the public hearing shall be given in the manner and for the time required by California Government Code § 65091.</li> <li>2. The Planning Commission shall review the Development Plan Permit request and <b>shall have authority to approve the request</b> <del>make a recommendation</del> with conditions, as warranted, <del>to the City Council</del> or to deny the request. <del>The recommendation</del> <b>Action of the Planning Commission</b> shall be by affirmative vote of not less than a majority of Commissioners present at a duly constituted meeting of the Planning Commission. A denial of the Development Plan Permit request by the Commission shall cease further consideration of the request for a period of one year following such denial, except in the following cases: <ol style="list-style-type: none"> <li>a. An appeal is filed pursuant to Chapter 17.68 of this title;</li> </ol> </li> </ol>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Streamline the site plan and development plan review processes, authorize the Planning Commission as the decision-making body for planned development permit approval, and make other procedural streamlining amendments to the Zoning Code as appropriate.</i></li> </ul>



Recommended Amendment to CMC Title 17	Justification
<p>b. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or</p> <p>c. When the permit request was denied for the reason that the proposed development would not conform to the General Plan and the General Plan has subsequently been amended in a manner which would allow the proposed development.</p> <p>3. The City Council <b>shall be the hearing body on appeals of decisions of the Planning Commission on Development Plan Permit requests. The City Council, on appeal,</b> shall review the Development Plan Permit request and <del>recommendation from the decision of the Planning Commission</del> <b>de novo.</b> After its public hearing and review, the City Council shall approve the request, with conditions, as warranted, or shall deny the request. Action of the City Council shall be by vote of not less than a majority of the Council present at a duly constituted meeting of the City Council. A denial of the Development Plan Permit request shall cease further consideration of the request for a period of one year following such denial, except in the following cases:</p> <p>a. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or</p> <p>b. When the permit request was denied for the reason that the proposed development would not conform to the General Plan, and the General Plan has subsequently been amended in a manner which would allow the proposed development.</p>	

Recommended Amendment to CMC Title 17	Justification
<p>Chapter 17.28 – Planned Development (PD) District</p> <p><u>Section 17.28.190 – Termination.</u></p> <p>If within <b>twenty-four (24)</b> <del>eighteen (18)</del> months after the approval by the <b>Planning Commission</b> or City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.</p> <p>The Planning Commission or City Council, on appeal, may grant extensions to commence construction for not more than one year at a time upon showing of good cause.</p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Revise CMC Section 17.28.190 (Planned Development – Termination) to extend the Development Plan Permit expiration to 24 months.</i></li> </ul>
<p><b>Chapter 17.30 – Institutional Density (ID) District</b></p> <p><u>Section 17.30.010 – Purpose</u></p> <p><b>The intent and purpose of this chapter is to provide opportunities for multiple family residential to be developed on sites shared with other community service uses, under sponsorship of public, quasipublic, private nonprofit or community-based organizations.</b></p> <p><u>Section 17.30.020 – Permitted and Conditional Uses</u></p> <p><b>A. The following principal uses and their accessory uses are permitted in the ID District:</b></p> <ol style="list-style-type: none"> <li><b>1. Duplex, triplex, townhouses, apartments and other multifamily structures;</b></li> <li><b>2. Supportive housing and transitional housing;</b></li> <li><b>3. Churches, synagogues, temples and places of worship.</b></li> </ol> <p><b>B. The additional uses are conditionally permitted in the ID District, except that no use permit is required when the use shares a site with a principal permitted use and is housed within a building that encompasses no more than 25 percent</b></p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Establish a Religious Institutional Overlay zone or similar mechanism to allow residential development on properties with an established religious use at a minimum density of 20 units per acre.</i></li> <li>• <i>Establish a zoning overlay or other mechanism to allow affordable housing developments at a maximum density of 40 units per acre on properties occupied by a religious institution.</i></li> </ul> <p><i>Land Use Element / Residential Land Use Designations:</i></p> <p><i>Institutional Density (10.1 to 30 Units Per Acre) – This designation is intended for development of various forms of housing under sponsorship of public or quasi-public agencies. A density range of 10.1 to 30 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</i></p>

Recommended Amendment to CMC Title 17	Justification
<p>of the floor area of the building(s) that house the principal use or uses:</p> <ol style="list-style-type: none"> <li>1. Child day care center or adult day care facility;</li> <li>2. Private school;</li> <li>3. Administrative and professional offices.</li> </ol> <p>C. The following uses are conditionally permitted and may be allowed in the ID District upon granting of a use permit pursuant to the procedures in chapter 17.64 and sections 17.60.040, 17.60.050 and 17.60.060 of this title:</p> <ol style="list-style-type: none"> <li>1. Congregate care and convalescent care facilities;</li> <li>2. Employee housing providing accommodations for six (6) or fewer employees;</li> <li>3. Residential care facilities for seven (7) or more persons;</li> <li>4. Parolee homes.</li> </ol> <p><b><u>Section 17.30.030 – Minimum Requirements Generally</u></b></p> <p>A. Residential development or a mixed use development with both residential and nonresidential uses in the ID District shall be subject to the development regulations of the M-R-H District, including minimum setback, building relationship and open area requirements, and maximum building height requirements. Maximum lot coverage shall be 75 percent. Notwithstanding the foregoing, no maximum lot coverage, minimum setback or minimum open area requirement specified for the M-R-H District may require a residential development to have fewer than 16 units.</p> <p>B. Nonresidential development in the ID District shall be subject to the building height and setback regulations of the LC District.</p> <p>C. Parking for residential and nonresidential uses shall comply with the regulations in chapter 17.37 of this title.</p>	<p><i>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</i></p>

Recommended Amendment to CMC Title 17	Justification
<p><b><u>Section 17.30.040 – Minimum Lot Area per Residential Unit</u></b>  <b>No more than four thousand four hundred (4,400) square feet and no fewer than one thousand four hundred fifty (1,450) square feet shall be provided for each dwelling unit in a residential development or a mixed use development with both residential and nonresidential uses. Notwithstanding the foregoing, a minimum of one thousand (1,000) square feet may be provided for each dwelling unit if all of the units in the development are affordable to low income households as defined in Health and Safety Code section 50079.5.</b></p>	
<p>Chapter 17.37 – Off-street parking</p> <p><b><u>Section 17.37.030 and Schedule 17.37.030A (excerpt) – Off-street parking space requirements</u></b></p> <p>A. Parking and Loading Space Schedules. Off-street parking spaces shall be provided in accordance with Schedule 17.37.030.A. Off-street loading spaces shall be provided for non-residential uses in accordance with Schedule 17.37.030.B or as required by the Planning Commission. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation (e.g., stairs, elevators).</p> <p>B. Parking Schedule with Public Parking Easement. In lieu of the parking space requirements provided in Schedule 17.37.030.A, the number of off-street parking spaces required for projects meeting all of the criteria listed in</p>	<p>The proposed amendments would extend the term of the parking waiver period for commercial uses on properties in the Town Center for the duration of this 6<sup>th</sup> housing cycle, and would reduce off-street parking requirements for residential uses city-wide. Excessive parking requirements reduce buildable area and increase construction costs, which can negatively affect the economic viability of residential development and mixed use development that contributes to the vibrancy of the Town Center. The amendments proposed are consistent with and would implement the following HE program and policy:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Revisit parking requirements for single-family residential uses to base requirements on the number of bedrooms in a unit instead of having the minimum standard of four per unit, and revise codified parking standards for multifamily residential uses to eliminate requirements for covered and guest parking.</i></li> </ul> <p><i>HE Policy 4.3: Policy Assessments.</i></p>

Recommended Amendment to CMC Title 17	Justification
<p>subsections 1—3 below shall be in accordance with Schedule 17.37.030.C.</p> <ol style="list-style-type: none"> <li>1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).</li> <li>2. The project involves new construction and/or addition(s) of retail, restaurant, service, or office uses.</li> <li>3. The City Council accepts an offer of a public parking easement from the property owner. The public parking easement allows the general public to park in the off-street parking facility when any business establishment operating on the property is not open for business.</li> </ol> <p>C. Waiver Period. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, <del>2022</del><b>2030</b>, a waiver period extending through June 30, <del>2022</del><b>2030</b> is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1—4 below is reduced in accordance with Schedule 17.37.030.D.</p> <ol style="list-style-type: none"> <li>1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).</li> <li>2. The parcel is located within the planning area of the Town Center Specific Plan (as amended).</li> <li>3. A building permit (if required) for the project has been issued within two (2) years of project approval. Construction and a final building permit inspection are completed within one year of the issuance of the building permit. These time periods may be extended once up to six (6) months by the Planning Commission upon a showing of good cause.</li> </ol>	<p><i>Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p> <p>A parallel amendment to section 17.16.140 (parking standards applicable to single-family residential zoning districts) is proposed for consistency with those amendments described for single-family residential uses in Table 17.37.030A.</p>

Recommended Amendment to CMC Title 17	Justification
<p>4. City Council approval is granted for any individual project in which the requirement for more than seventy-five (75) parking spaces is waived.</p> <p>D. Monitoring of Spaces During Waiver Period. The Director shall monitor the amount of retail, restaurant, office, and personal service development within the planning area of the Town Center Specific Plan (as amended) during the waiver period. The Director shall determine the number of parking spaces which would have been required in accordance with Schedule 17.37.030A. Upon determining that new retail, restaurant, office, and personal service development has occurred or has been proposed, or other reductions in parking space requirements have been granted for which the aggregate number exceeds two hundred (200) reduced spaces, a report shall be presented to the Planning Commission. The Planning Commission shall review the report and make any appropriate recommendations for consideration by the City Council. This report shall include an assessment of the existing parking conditions in the planning area of the Town Center Specific Plan with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial development in Town Center.</p> <p>E. Director Determination. Where the proposed use classification is not specified herein, the Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.</p>	

Recommended Amendment to CMC Title 17	Justification
<p><u>Excerpts from Schedule 17.37.030A</u></p> <ul style="list-style-type: none"> <li>○ Use Classification: Single-Family Dwelling Required Off-Street Parking Spaces: <del>4 per unit (2 must be fully enclosed and 2 may be tandem).</del> <b>2 per unit, at least 1 of which must be covered, plus 1 covered or uncovered space per unit with 5 or more bedrooms. No more than 2 required spaces may be tandem.</b></li> <li>○ Use Classification: Small Lot (&lt;4,000 sq. ft. net lot area, Multifamily General Plan designation) Required Off-Street Parking Spaces: 2 per unit <b>(1 must be covered and 1 may be tandem).</b> <del>(2 must be fully enclosed and 1 may be tandem).</del> <del>0.5 per guest parking per unit.</del></li> <li>○ Use Classification: Duplex Dwelling Required Off-Street Parking Spaces: 2 per unit (1 must be covered and 1 may be tandem). <del>0.5 guest parking per unit.</del></li> <li>○ Use Classification: Multiple-Family Dwelling – Studio 1 per unit <del>(covered).</del></li> <li>○ Use Classification: Multiple-Family Dwelling – 1 Bedroom 1.5 per unit <del>(1 must be covered).</del></li> <li>○ Use Classification: Multiple-Family Dwelling – 2+ Bedroom 2 per unit <del>(1 must be covered).</del></li> <li>○ Use Classification: Multiple-Family Dwelling – <del>Guest Parking</del> <b>0.5 per unit.</b></li> </ul>	

Recommended Amendment to CMC Title 17	Justification
<p>Chapter 17.16 – Single Family Residential (R-10, R-12, R-15, R-20, R-40 and R-40-H) Districts</p> <p><u>Section 17.16.020 - Parking</u>            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 <del>four (4)</del> <b>two (2)</b> automobiles. Each space shall have dimensions of at least ten (10) feet by twenty (20) <b>feet</b>, and two (2) of the spaces must be covered.</p>	
<p>Chapter 17.44 – Site Plan Review</p> <p><u>Section 17.44.030 - Exemptions</u></p> <p>Any new development meeting one of the following characteristics shall be exempt from a Site Plan Review Permit. Such exempt development may directly apply for a building permit which is administratively reviewed by staff.</p> <p>A. Construction not meeting one of the criteria listed above.</p> <p>B. Construction receiving specific design authorization pursuant to an approved:</p> <ol style="list-style-type: none"> <li>1. Development Plan Permit;</li> <li>2. Vesting Tentative Map;</li> <li>3. Development Agreement.</li> </ol> <p>C. Type 1 and Type 2 accessory dwelling units and junior accessory dwelling units ministerially approved in accordance with Chapter 17.47; provided, that Type 2 accessory dwelling units shall also require an ADU Permit in accordance with the requirements of Chapter 17.47.</p>	<p>The proposed amendments are consistent with and would implement the following HE policies and program:</p> <p><i>HE Policy 1.5: Facilitate Reinvestment.            Make it easy for homeowners to reinvest in their properties by having staff-level review processes for the home renovations and additions that meet minimum development standards.</i></p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Streamline the site plan and development plan review processes, authorize the Planning Commission as the decision-making body for planned development permit approval, and make other procedural streamlining amendments to the Zoning Code as appropriate.</i></li> </ul> <p><i>HE Policy 4.3: Policy Assessments.            Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p>



Recommended Amendment to CMC Title 17	Justification
<p><b>D. Additions to an existing residence in a single-family residential district or residential planned development district; provided, that the addition complies with all of the development regulations of the zoning district in which the residence is located.</b></p>	
<p>Chapter 17.44 – Site Plan Review  Section 17.44.040 – Standards of Review</p> <p>The factors to be reviewed by the Planning Commission (or City Council upon appeal) shall include, but are not limited to:</p> <ul style="list-style-type: none"> <li>A. Conformity with the General Plan and any applicable Specific Plan (e.g. Town Center, Marsh Creek Road).</li> <li>B. Conformity with any applicable City adopted architectural and/or design standards (e.g. Oakhurst Country Club, Oakwood Subdivision, Clayton Station).</li> <li>C. Preservation of general safety (e.g. seismic, landslide, flooding, fire, traffic).</li> <li>D. Maintenance of solar rights to adjacent properties.</li> <li>E. The reasonable maintenance of the privacy of adjacent property owners and/or occupants.</li> <li>F. The reasonable maintenance of existing views of adjacent property owners and/or occupants.</li> <li>G. The new development, taken as a whole, need not be identical, but should be complementary with the adjacent existing structures in terms of materials, colors, size, and bulk.</li> <li>H. Design standards for manufactured homes shall be in accordance with Section 17.36.078 of the Municipal Code.</li> </ul>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Amend the CMC, including but not limited to Titles 16 (Land Development and Subdivision) and 17 (Zoning), to remove Planning Commission and/or City Council discretion to increase objective standards (e.g., on-site parking or open space/landscaping) and/or reduce allowed density for residential development.</i></li> </ul>

Recommended Amendment to CMC Title 17	Justification
<p>Notwithstanding the foregoing, the Planning Commission (or City Council upon appeal) shall not require, as a condition of approval of the site plan review permit, that the project be reduced to a density below the minimum density specified by the General Plan land use designation of the property. The Planning Commission (or City Council upon appeal) shall also not require that the development meet a standard for lot coverage that is lower than the maximum standard of the zoning district in which the development is located, nor that the development meet higher standards for minimum setbacks, landscaping, off-street parking, distances between buildings than are specified for the applicable zoning district.</p>	

### Other Municipal Code Amendments, Clean-ups, or Updates

Proposed Amendment	Justification
<p>Chapter 17.90 – Affordable Housing Density Bonus Requirements</p> <p><u>17.90.010 – Title and Purpose</u></p> <p><b>The purpose of this Article is to establish a program in accordance with California Government Code § 65915 <i>et seq.</i> to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law.</b> This Chapter shall be known and may be cited as the Affordable</p>	<p>California’s Density Bonus Law (Government Code § 65915 <i>et seq.</i>) encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions, incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing. Government Code § 65915(a) requires that local governments adopt an ordinance that specifies how compliance with State Density Bonus law will be implemented. The City’s density bonus regulations are codified in chapter 17.90, Affordable Housing Density Bonus Requirements.</p>

Proposed Amendment	Justification
<p>Housing Density Bonus Requirements Ordinance of the City of Clayton and is adopted to comply with California Government § 65915.</p> <p><i>Sections 17.90.020 through 17.90.170 are proposed to be deleted in entirety and replaced with the following text:</i></p> <p><b><u>17.90.020 – Applicability</u></b></p> <p><b>A. General. All proposed housing developments that qualify under California Government Code § 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code § 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code § 65915, as it may be amended from time to time.</b></p> <p><b>B. Compliance. The applicant shall comply with all requirements stated in California Government Code § § 65915 through 65918. The requirements of California Government Code § § 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.</b></p> <p><b>C. Excluded development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code § 65915.</b></p> <p><b>D. Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code § 65915. Any changes to California Government Code § 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any</b></p>	<p>The proposed amendments to CMC chapter 17.90 would replace much of the text of the City’s current density bonus provisions and instead adopt the State Density Bonus Law by reference. As amended by these revisions, chapter 17.90 would provide that density bonuses and other affordable housing incentives required by State law (including but not limited to Government Code § 65915 <i>et seq.</i>) would be available to applicants on the terms and conditions specified in State law. Adopting State Law by reference would ensure that all incentives, concessions, and other provisions allowed under State Law for qualifying affordable housing developments would by default be incorporated into municipal code, without the need for the City to initiate municipal code amendments each time the California statute is amended. This approach of referencing statute also allows for better efficiency in City staff resources.</p> <p>The proposed revisions also implement adopted Housing Element policy 3.2:</p> <p><i>HE Policy 3.2: Assistance and Incentives. Facilitate the development of lower- and moderate-income housing by offering developers incentives such as density bonuses, streamlined entitlement and permitting processes, City participation in on- and off-site public improvements, and flexible development standards.</i></p>

Proposed Amendment	Justification
<p>ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.</p> <p>E. Replacement Housing Requirement. Pursuant to subdivision (c)(3) of California Government Code § 65915, an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.</p> <p><b><u>17.90.030 – Density Increase and Other Incentives</u></b></p> <p>A. General. If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code § 65915 <i>et seq.</i>, the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code § 65915 <i>et seq.</i>, and incentives or concessions also as described in California Government Code § 65915 <i>et seq.</i></p> <p>B. Density Bonus Units. Except as otherwise required by California Government Code § 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.</p> <p>C. Market-rate senior citizen housing developments. Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code § 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.</p> <p><b><u>17.90.040 – Physical Constraints and Parking Waivers</u></b></p> <p>A. Physical Constraints. Except as restricted by California Government Code § 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of</p>	

Proposed Amendment	Justification
<p>development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:</p> <ol style="list-style-type: none"> <li>1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;</li> <li>2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of § 65589.5, upon health and safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;</li> <li>3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or</li> <li>4. The waiver or reduction of the development standard would be contrary to state or federal law.</li> </ol> <p>B. Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code § 65915(p), as that section may be amended from time to time.</p>	

**17.90.050 – Retention of Density Bonus Units.**

Consistent with the provisions of California Government Code § 65915 *et seq.*, prior to a density increase or other incentives being approved for a project, an appropriate method of ensuring the continued availability of the density bonus units has been determined by the City.

**17.90.060 – Application Procedure for Density Increase or Other Incentives.**

- A. **Application Requirements.** An application for a density increase or other incentives pursuant to this chapter for a housing development shall be submitted in writing to the Community Development Director to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:
1. A brief description of the proposed housing development;
  2. The total number of housing units and/or shared housing units (as defined in California Government Code § 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;
  3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
  4. The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;

Proposed Amendment	Justification
<p>5. The zoning, general plan designations, and assessor’s parcel number(s) of the project site;</p> <p>6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;</p> <p>7. The proposed method of ensuring the continued availability of the density bonus units;</p> <p>8. Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses; and</p> <p>9. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.</p> <p><b>B. Application Processing.</b> The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made pursuant to this chapter shall be considered by the Community Development Director or the Director’s designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code § 65915 <i>et seq.</i></p> <p>17.90.190 – Administrative Fee</p> <p>An administrative fee shall be charged to the Applicant for City review of all materials submitted in accordance with this chapter and for on-going enforcement of the provisions of this chapter. The fee amount shall be established by City Council resolution and will be described in the City of Clayton Master Fee Schedule. Fees will be</p>	

Proposed Amendment	Justification
<p>charged for staff time and materials associated with the following activities: Development review process; project marketing and lease-up; and, long-term compliance of the Affordable Housing Units.</p> <p>17.90.190 – Violation of Affordable Housing Cost Requirements</p> <p>In the event it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in a rental Affordable Housing Unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or the City in the event the tenant cannot be located), any excess rent charges. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.</p> <p>In the event it is determined that a sales price in excess of that allowed by operation of this chapter has been charged to an income-eligible household purchasing an ownership Affordable Residential Unit, the City may take the appropriate legal action to recover, and the Affordable Residential Unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any excess sales costs. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.</p>	
<p>Chapter 17.04 – Definitions</p> <p><u>Section 17.04.030 – Accessory Use</u></p> <p>"Accessory use" means a use incidental and accessory to the principal use of a lot, or a use accessory to the principal use of a building located on the same lot. An accessory use <del>generally means</del> <b>includes, but is not limited to,</b> the following types of uses: <b>large and small family day care homes, as well as,</b> detached garages, pool</p>	<p>The proposed revisions to chapter 17.04, 17.20 and 17.45 would update CMC for consistency with amended State law in Health and Safety Code section 1597.45, which allows small and large family day care homes as permitted uses by right in any residence in a residentially-zoned property. Health and Safety Code section 1596.46, which is currently referenced in CMC chapter 17.45, no longer gives authority to the local jurisdiction to impose zoning or other local regulations, beyond those of the life and safety standards of building and fire codes.</p>



Proposed Amendment	Justification
<p>houses or cabanas, storage sheds and other small single-story structures usually related to <del>the single family</del> a residential unit.</p> <p><u>Section 17.04.076 – Day Care</u></p> <p>"Day Care" means a facility that provides non-medical care and supervision of individuals for periods of less than twenty-four (24) hours. These facilities include, but are not limited to the following, all of which are required to be licensed by the California State Department of Social Services, or as the licensing authority may be amended from time to time by the State of California.</p> <p>A. "Child day care center" means a commercial or non-profit child day care facility designed and approved to accommodate children, including an infant center, preschool, sick-child center, and school-age day care facility. A child day care center may be operated in conjunction with a school or church facility, or as an independent land use.</p> <p>B. "Large family day care home" means a home that provides family day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside in the home, as provided by California Health and Safety Code § 1596.78. <b>Pursuant to California Health and Safety Code § 1596.45, a large family day care home is considered a residential use of property and ancillary to the residence in which it is operated.</b></p> <p>C. "Small family day care home" means a home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside in the home, as provided by California Health and Safety Code § 1596.78. <b>Pursuant to California Health and Safety Code § 1596.45, a</b></p>	<p>Health and Safety Code section 1597.45 reads as follows:</p> <p><i>1597.45.</i></p> <p><i>(a) The use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances.</i></p> <p><i>(b) A local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a small or large family daycare home.</i></p> <p><i>(c) Use of a home as a small or large family daycare home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.</i></p> <p><i>(d) A small or large family daycare home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.</i></p> <p><i>(e) The provisions of this chapter do not preclude a city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from</i></p>

Proposed Amendment	Justification
<p><b>small family day care home is considered a residential use of property and ancillary to the residence in which it is operated.</b></p> <p>D. "Adult day care facility" means a day care facility that provides care and supervision for adult clients.</p> <p>Chapter 17.20 – Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.030 – Permitted Uses – Principal</u>  The principal permitted uses in the multiple family residential districts shall be as follows:</p> <p>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>and the accessory structures and uses normally auxiliary or ancillary to those multifamily residences;</b></p> <p>B. Supportive housing and transitional housing;</p> <p>C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).</p> <p>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).</p> <p>E. Parolee homes only with a Conditional Use Permit (See Section 17.60.030.B.7).</p> <p>Chapter 17.45 – Family Day Care Homes  <b><u>[Delete in entirety.]</u></b></p>	<p><i>other homes with the same zoning designation, except as otherwise provided in this chapter.</i></p> <p><i>(f) For purposes of this chapter, “small family daycare home or large family daycare home” includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.</i></p> <p><i>(Amended by Stats. 2019, Ch. 244, Sec. 9. (SB 234) Effective January 1, 2020.)</i></p>

Proposed Amendment	Justification
<p>Chapter 17.36 – General Regulations</p> <p><u>Section 17.36.075 – Fencing Standards</u></p> <p>Fencing shall conform to the following standards:</p> <ul style="list-style-type: none"> <li>A. Front Setbacks. Fences shall not exceed a maximum height of thirty (30) inches within ten (10) feet of the front property line and a maximum height of six (6) feet in the remaining portion of the front setback.</li> <li>B. Interior Side Setbacks and Rear Setbacks. Fences shall not exceed a maximum height of six (6) feet on the interior side and rear property lines or anywhere within the interior side and rear setbacks.</li> <li>C. Exterior Side Setbacks. Fences shall not exceed a maximum height of six (6) feet and may be placed within the required exterior side setback or at the public right-of-way line.</li> <li>D. Corner Lots. Fences on corner lots shall conform with the restrictions on sight obstructions at intersections provided in Chapter 12.08.</li> <li>E. Driveways. Fences shall not exceed a maximum height of thirty (30) inches on either side of a driveway within the triangular areas formed by the edge of the driveway, the property line, and a line joining points on each of these twelve (12) feet from their intersection.</li> <li>F. Main Building Area. Fences shall not exceed a maximum height of eight (8) feet within an area in which a main building is permitted.</li> <li>G. Measurement. The height of fences shall be the average height of an eight-foot length of fence, measured from the lower of</li> </ul>	<p>This proposed revision to CMC would provide a process for appeal, in alignment with other permits identified in municipal code, for fence height exception requests. Current codified procedures for fence height exceptions do not provide an appeal process for situations wherein the Director cannot make each of the findings required in subsection K, and persons who do not agree with the administrator’s decision must litigate in court. The proposed amendment gives applicants and any appealing party an option to exhaust all appeals locally, before proceeding to litigation, and is consistent with other provisions of the municipal code that allow for applicants or interested parties to appeal permit actions to higher decision-making bodies.</p>

Proposed Amendment	Justification
<p>either the lowest adjacent ground level or the top of the footing of any retaining walls located within three (3) feet.</p> <p>H. Safety Fences. Safety fences and railings required by the Uniform Building Code are excluded from the height standards of this section.</p> <p>I. Barbed Wire. Barbed wire or other sharp materials shall not be used as a fencing material except on lands where agricultural grazing is actively conducted or where a use permit has been approved by the Planning Commission.</p> <p>J. Hazardous Locations. In no case shall any fence be located so as to cause a hazard to the movement of vehicles or pedestrians.</p> <p>K. Height Exceptions. The Director may issue an administrative use permit to allow a fence up to seven (7) feet in height in a rear setback or side setback of a lot in residential district. The Director may impose such conditions as the Director deems appropriate to mitigate any visual or other adverse impacts of the fence, including, but not limited to, requirements with respect to the height, design, and materials of the fence and landscape screening. Applications for an administrative use permit under this subsection shall be filed with the Director on such form as the Director prescribes, and shall be accompanied by a processing fee in such amount as established from time to time by resolution of the City Council. Prior to granting the administrative use permit, the applicant shall demonstrate and the Director shall find that:</p> <ol style="list-style-type: none"> <li>1. The issuance of such a permit is reasonably necessary by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable</li> </ol>	

Proposed Amendment	Justification
<p>property rights or the full use and enjoyment of the property;</p> <ol style="list-style-type: none"> <li>2. The fence will not create a safety hazard to pedestrians or vehicular traffic;</li> <li>3. The fence will not unreasonably interfere with access by police, fire, and emergency service personnel;</li> <li>4. The appearance of the fence is compatible with the scale, mass, design, and appearance of other existing buildings and structures in the neighborhood;</li> <li>5. The orientation and location of the fence is in proper relation to the physical characteristics of the property and neighborhood;</li> <li>6. The applicant has obtained the written consent of the adjacent property owner, unless the fence is adjacent to public right-of-way, in which case written consent is not necessary; and</li> <li>7. The fence will be of sound construction.</li> </ol> <p><b>The Director may refer a request for administrative use permit for fence height exception to the Planning Commission if, in the Director’s judgment, one or more of the findings in this subsection K cannot be made. The Planning Commission shall review the request in accordance with the permit procedures specified in section 17.64.110 of this title. The decision of the Planning Commission can be appealed in accordance with chapter 17.68 of this title.</b></p>	

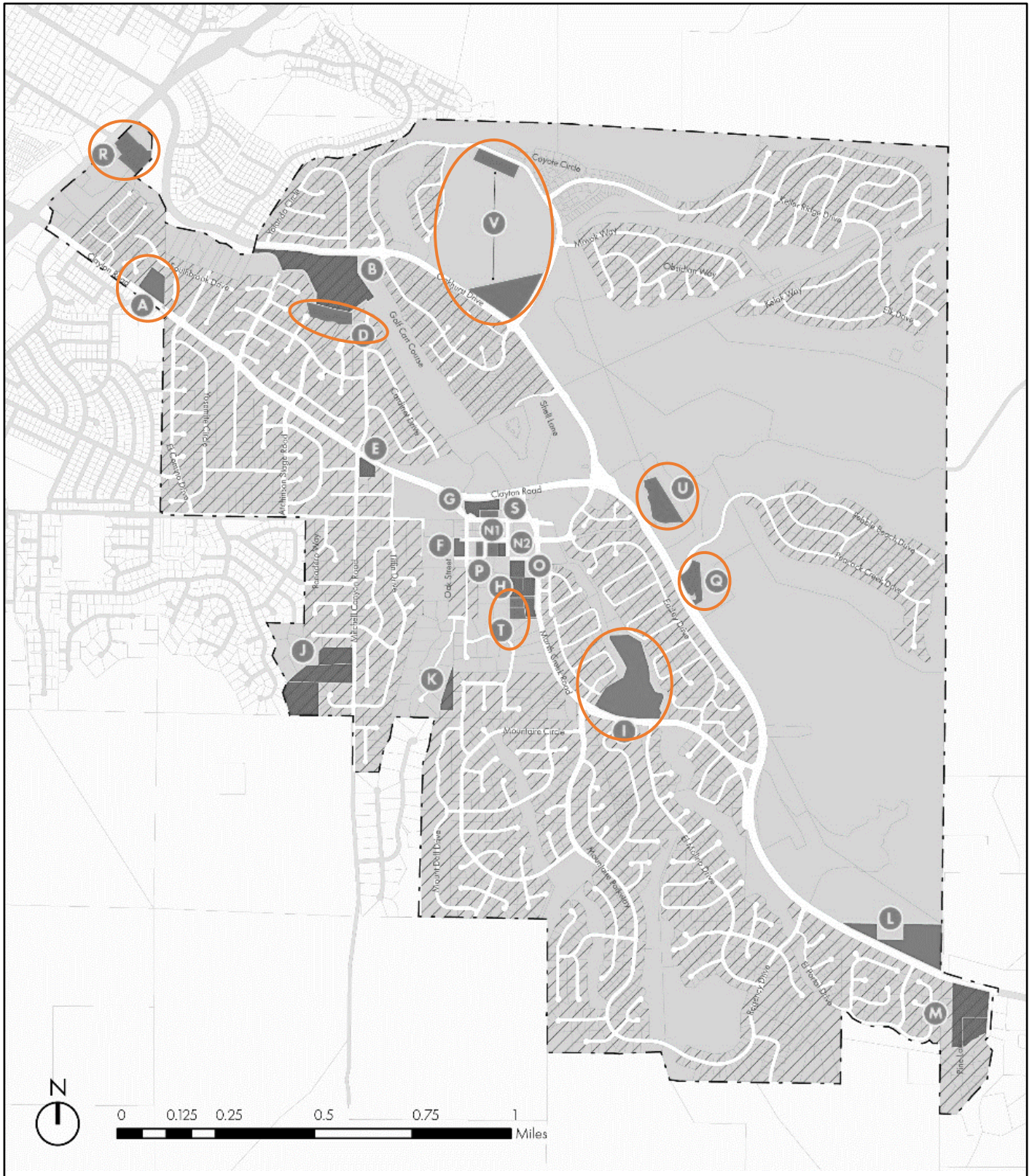
<b>Proposed Amendment</b>	<b>Justification</b>
<p>Chapter 17.08 – Zoning Map – Districts Established</p> <p><u>Section 17.08.020 – Districts Designated.</u></p> <p>The use of all land in the city situated within the districts delineated and shown on the map described in Section 17.08.010, and any and all subsequent amendments to said map, is subject to the regulations and provisions of this title. Land is classified for the regulation of its use as set forth in this title. The land use districts in Chapters 17.12 through 17.362 are established for all land within the city and the land use districts designated on the map herein referred to, which is made a part of this title, are established and classified in Chapters 17.12 through 17.362.</p>	<p>This is a primarily administrative revision to identify the correct references to land use zoning chapters.</p>



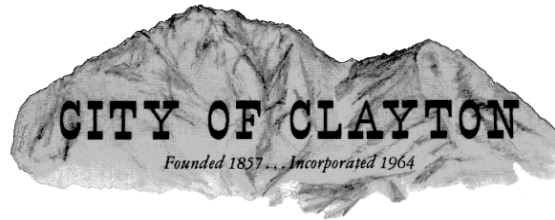
Planning Commission Resolution No. XX-2023

Exhibit B

Recommended Zoning Map Amendments



Housing Element Inventory Site	Address or Reference	Assessor's Parcel No.	Current Zoning District	Proposed Zoning District
A	5555 Clayton Road (St. John's Parish)	118-101-025	PD (Planned Development)	ID (Institutional Density)
D	Diablo Creek Place Open Space	118-230-002	PD (Planned Development)	R-15 (Single-Family Residential)
I	6955 Marsh Creek Road (Easley Ranch)	119-080-009	A (Agricultural)	M-R (Multiple Family Residential Low)
Q	Clayton Road at Peacock Creek Drive (Overflow Parking)	118-370-073	PD (Planned Development)	M-R-M (Multiple Family Residential Medium)
R	1578 Kirker Pass Road (Clayton Valley Presbyterian)	118-031-054	PD (Planned Development)	ID (Institutional Density)
T	6530 Marsh Creek Road	119-021-020, 119-021-019	PD (Planned Development)	M-R-H (Multiple Family Residential High)
U	Oakhurst Golf Course Driving Range	Portions of 118-370-017, 118-370-086, 118-370-087, 118-370-088	PD (Planned Development)	M-R-H (Multiple Family Residential High)
V	1970 Eagle Peak Avenue (Seeno Hill)	118-370-040 (portions)	A (Agricultural)	M-R-M (Multiple Family Residential Medium)



## AGENDA REPORT

**To:** Honorable Chair and Planning Commissioners

**From:** Dana Ayers, AICP  
Community Development Director

**Date:** November 14, 2023

**Subject:** Agenda Item 7.A  
Recommendation on Amendments to Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law

### **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**

Legislative Context: In accordance with Government Code section 65583, every California city and county must have a general plan, and every general plan must address eight mandatory elements, one of which is housing. The housing element of a general plan must:



...consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provisions for the existing and projected needs of all economic segments of the community. (Government Code section 65583)

The housing element of the general plan must have, at a minimum, all of the components listed in Government Code section 65583, which include but are not limited to a program of actions that the jurisdiction commits to implementing during the eight-year housing cycle to achieve the goals and policies of the housing element. Such actions must include, but are not limited to, actions to rezone properties as needed to achieve densities that would accommodate the jurisdiction's Regional Housing Needs Allocation (RHNA); removal of governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for people of all income levels and abilities; and incentives for construction of affordable accessory dwelling units. The housing element must also commit to affirmatively furthering fair housing by identifying and correcting disparities in access to housing for all persons, "regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act...and any other state and federal fair housing and planning law."

The housing element must be adopted every five to eight years by the legislative body of the city or county, following a process of community input and public hearings. The housing element is also the only mandatory general plan element that must also be submitted to the State Department of Housing and Community Development (HCD), who will review and certify the housing element upon finding that it is compliant with State law. Noncompliance with housing element legislation of the State could result in a jurisdiction's loss of eligibility for certain grant funds, fines and financial penalties, or loss of decision-making authority for certain housing development and housing planning projects.

City of Clayton Housing Element Update: The City Council adopted the updated Clayton General Plan Housing Element for the 6<sup>th</sup> 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 RHNA of at least 570 units, as assigned by the Association of Bay Area Governments, through 2031.

The adopted Housing Element (weblink provided as Attachment 3 at the end of this staff report), 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 Housing Element contains programs that commit the City to implementing efforts to not just increase but to diversify its housing stock, including policies in support of accessory dwelling units, upward shifts in the currently adopted density ranges of the General Plan and Zoning Code to foster multifamily housing options, and expanded flexibility in development regulations in multifamily residential zoning districts and sites owned by religious

institutions. The document also includes programs that commit the City to reviewing and updating its codified permitting processes to reduce the length of the development entitlement process for new housing units. Additional programs and policies adopted in the Housing Element are proposed in support of ongoing code enforcement and housing accessibility programs in the City, as well as, environmental sustainability in new construction.

With adoption of the Housing Element update, the Council also amended the Land Use Element of the General Plan to correspond to the Housing Element's housing plan, and to maintain the internal consistency among the elements of the General Plan. The housing-related amendments to the General Plan Land Use Element are described in Program D-1 of the adopted Housing Element. Amendments to the Land Use Element included amendments to the General Plan Land Use Diagram to change the land use designation of some of the sites identified in the Housing Element sites inventory to accommodate housing.

Following adoption of these General Plan amendments, Zoning Code amendments are necessary to implement the Housing and Land Use Elements, as amended.

## **PROJECT DESCRIPTION**

The Zoning Code amendments before the Commission for consideration at tonight's meeting would implement 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 codified permitting processes to reduce the length of the development entitlement process for new housing units, also consistent with updated Housing Element and Land Use policy.

In addition to Zoning amendments to implement adopted Housing Element policy, amendments to the ordinance text pertaining to density bonus and day care home regulations are also proposed to be amended or deleted to comply with State law. Miscellaneous amendments to clarify administrative appeal procedures where none are currently specified, and to correct an internal reference within Title 17, are also proposed to be captured with this review of the code.

Staff sees the proposed amendments to be considered at tonight's meeting as 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 RHNA, 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. (The Housing Element adopted by the City Council on January 17, 2023, was submitted to HCD on January 31, 2023. Following their review, HCD staff wrote a letter dated March 31,

2023, finding the adopted Housing Element needed additional revisions before they would certify it. City staff and the City's consultant are continuing to try to work with HCD staff to address HCD staff's outstanding concerns.) 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.

## **ANALYSIS**

Required Findings: CMC section 17.56.060 gives authority to the Planning Commission to make recommendations to the City Council on proposed amendments to CMC Title 17. As written in that municipal code section, "[n]o recommendation for amendment shall be made unless the Commission finds that such proposed amendment, is in general conformance with the General Plan, if one be in effect at said time, and that the public necessity, convenience and general welfare require the adoption of the proposed amendment." Zoning amendments are also subject to the procedures outlined in California Government Code sections 65854 through 65857 and must be considered at a public hearing before the Planning Commission in the Commission's capacity as an advisory body to the City Council on land use matters.

Staff believes that the Planning Commission can make the findings necessary to recommend that the City Council make findings and adopt the proposed amendments to the CMC Title 17. As detailed in Attachment 1 to this staff report, the amendments implement adopted policies of the Housing and Land Use Elements of the General Plan, as amended by the City Council on January 17, 2023, including programs to provide greater flexibility in development regulations for multifamily housing, increased residential densities, reduced procedural requirements for housing entitlements, and rezoning of sufficient sites to accommodate the City's RHNA. Other amendments are identified to bring the Zoning Ordinance into compliance with California law with respect to density bonus provisions and regulations governing use of residential properties for small and large day care homes; or they are miscellaneous clean-up items intended to address outdated references or to extend the permit appeals process to an administrative fence permit for which no such process is currently specified in the code.

Staff believes that the proposed zoning amendments serve the public necessity, convenience and general welfare. The adopted Housing Element identifies constraints to the construction and improvement of housing in the City, and the proposed Zoning amendments implement a selection of the programs and policies adopted 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 for residential development proposals while maintaining objective standards that would help to preserve aesthetic characteristics of the City (staff anticipates that development of enhanced objective design standards will occur in a future phase of amendments). 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 dwelling units.

Additionally, implementing the goals, policies and programs in the adopted Housing Element through the proposed Zoning amendments 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 serves the public benefit and necessity for a broader spectrum of housing choices at multiple price points in Clayton, a housing market where 28 percent of households overpay for housing (Housing Element, Table 3-6). This diversity in housing stock also facilitates 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.

Environmental Determination: On January 17, 2023, in accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, section 15000 *et seq.*), the Clayton City Council certified a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that analyzed the potential impacts on the environment that could occur with adoption of the Housing Element update and related amendments to land use regulations. The housing-related Zoning amendments as summarized above are within the scope of the project analyzed in the certified EIR. Regulations governing family day care homes are exempt pursuant to CEQA Guidelines section 15274.

## **CONCLUSION**

Staff recommends that the Planning Commission take the opportunity at tonight's meeting to review the proposed amendments to the zoning code, accept testimony, and provide feedback to staff before continuing the hearing to the Commission's next regular meeting of November 28, 2023. At the November 28 meeting, additional testimony will be invited, and following closing of the public hearing, the Commission will be asked to deliberate and make a recommendation to City Council on the proposed amendments.

## **ATTACHMENTS**

1. Summary of and Rationale for Proposed Text Amendments to CMC Title 17 (Zoning)
2. Summary of Proposed Zoning Map Amendments
3. Clayton General Plan Housing Element (January 2023), online at [https://claytonca.gov/fc/community-development/housing/housing-element/Clayton\\_HE\\_Adopted\\_01172023\\_Tracked.pdf](https://claytonca.gov/fc/community-development/housing/housing-element/Clayton_HE_Adopted_01172023_Tracked.pdf)
4. City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments Draft EIR and Final EIR, online at [https://claytonca.gov/fc/community-development/housing/housing-element/DEIR\\_Clayton\\_6thCycle\\_HousingElement.pdf](https://claytonca.gov/fc/community-development/housing/housing-element/DEIR_Clayton_6thCycle_HousingElement.pdf) and [https://claytonca.gov/fc/community-development/housing/housing-element/FinalEIR\\_Clayton\\_HEU.pdf](https://claytonca.gov/fc/community-development/housing/housing-element/FinalEIR_Clayton_HEU.pdf)

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in **blue font** the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

### Attachment 3

## Summary of and Rationale for Proposed Text Amendments to Clayton Municipal Code Title 17 to Implement Adopted Housing and Land Use Element Policy

(Text proposed to be deleted is shown in ~~strike through~~ font. Text proposed to be added is identified in **bold**.)

Proposed Amendment	Justification
<p><u>Zoning map amendments</u></p> <p>The following amendments are proposed to the Zoning Map referenced in CMC Chapter 17.08:</p> <ul style="list-style-type: none"> <li>• 1578 Kirker Pass Road, Assessor’s Parcel No. (APN) 118-031-054, amendment from PD District to ID District</li> <li>• 5555 Clayton Road, APN 118-101-025, amendment from PD District to ID District</li> <li>• Diablo Creek Place, APN 118-230-002, amendment from PD District to Single-family Residential (R-15) District</li> <li>• 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</li> <li>• 6955 Marsh Creek Road, APN 119-080-009, amendment from Agricultural (A) District to Multiple Family Residential Low (M-R) District</li> <li>• Clayton Road at Peacock Creek Drive, APN 118-370-073, amendment from PD District to Multiple Family Residential Medium (M-R-M) District</li> <li>• 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</li> <li>• 1970 Eagle Peak Avenue, APN 118-370-040 (portion), amendment from A District to M-R-M District</li> </ul>	<p>The Zoning Map amendments would implement the following policies of the adopted Housing Element (HE):</p> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 5.3: Housing Distribution. Distribute affordable housing throughout all Clayton neighborhoods.</i></p> <p><i>HE Policy 5.4: Quality Living Environments. Avoid concentrating low-income housing in areas with high pollution loads and low levels of public services.</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.030</u></p> <p><u>Section 17.20.040 – Minimum Requirements Generally</u>            The minimum requirements in Sections 17.20.060 through 17.20.160 shall be observed in the multiple family residential districts; <b>however, no maximum lot coverage, minimum lot area per unit, minimum lot width, minimum lot depth, minimum setback or minimum open area requirement specified therein may require a development in the M-R-M or M-R-H district to have fewer than 16 units.</b></p>	<p>The proposed amendments would remove certain development regulations that could constrain buildable area and unit count while allowing development to occur within the density ranges specified in the General Plan. The revisions are consistent with and would implement the following HE policies and program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>Amend the Zoning Code to include provisions for sites in the M-R-M (Medium Density Multiple Family Residential) and M-R-H zoning districts to allow at least 16 units regardless of density restrictions.</li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites.</i>            Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</p> <p><i>HE Policy 4.2: Residential Development Standards.</i>            Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.050 – Lot Area per Unit</u>  <del>No</del> <b>Any</b> duplex, triplex, townhouse, apartment, or other multiple family building permitted in multiple family residential districts shall be erected or placed on a lot <del>having less than as follows in</del> <b>accordance with the lot area per unit standards described below:</b></p>	<p>The proposed amendments establish lot area per unit standards that align with the densities specified in the adopted Housing Element. These changes are consistent with and would implement the following HE policies and programs and text of the General Plan Land Use Element:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in **blue font** the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>A. <b>In the M-R District, <del>six thousand (6,000) square feet</del> and no fewer than three thousand (3,000) square feet of land shall be provided for each dwelling unit;</b></p> <p>B. <del>M-R-M, six thousand (6,000) square feet.</del> <b>In the M-R-M district, no more than four thousand four hundred (4,400) square feet and no fewer than <del>and one thousand eight hundred (1,800) two thousand one hundred (2,100)</del> square feet shall be provided for each dwelling unit; and</b></p> <p>C. <del>M-R-H, nine thousand (9,000) square feet.</del> <b>In the M-R-H district, no more than two thousand one hundred (2,100) square feet and no fewer than one thousand four hundred fifty (1,450) square feet shall be provided for each dwelling unit. Notwithstanding the foregoing, a minimum of <del>and one thousand (1,000) square feet</del> may be provided for each dwelling unit if all of the units in the development are affordable to low income households as defined in Health and Safety Code section 50079.5.</b></p>	<ul style="list-style-type: none"> <li>• <i>Revise the lot area regulation in Section 17.20.050 for the M-R-M zone to require a minimum of 10 units per acre and accommodate a maximum of 20 units per acre, and revise the lot area regulation for the M-R-H zone to require a minimum of 20 units per acre and accommodate a maximum of 30 units per acre.</i></li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City's Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p> <p><i>HE Program D-1: General Plan Amendments. Amend the General Plan to include policy language that allows for 100 percent affordable housing developments at 40 units per acre.</i></p> <p><i>Land Use Element / Residential Land Use Designations: 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 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</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
	<p><i>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.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.080 – Building Height</u></p> <p>No duplex, triplex, townhouse, apartment, or other multiple family building permitted in the multiple family residential districts shall exceed as follows:</p> <p>A. M-R, thirty-five (35) feet in height, <del>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.</del></p> <p>B. M-R-M, thirty-five (35) feet in height.</p> <p>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.</p>	<p>The proposed amendments are consistent with and would implement the following HE policies and program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Revise the development standards for the M-R zone to increase the maximum allowable building height to 35 feet within 50 feet of an abutting single-family residential district.</i></li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.100 – Interior Side Setback</u></p>	<p>The proposed amendments would reduce the building setback and distance requirements for multiple family residential buildings, allowing for more buildable area on a lot. These changes are consistent with and would implement the following HE policies and program:</p>



NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>The interior side setback in multiple family residential districts shall be <del>fifteen (15)</del> <b>ten (10)</b> feet.</p> <p><u>Section 17.20.160 – Building Relationship</u></p> <p>Each building or structure shall be located at least <del>twenty (20)</del> <b>ten (10)</b> feet from every other building or structure <b>on-site</b>, 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.</p>	<p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>Amend the zoning code to decrease the interior side yard setback requirement for multi-family residential zones from 15 feet to 10 feet to align with smaller lot single-family residential zones.</li> </ul> <p><i>HE Policy 2.1: Adequate Housing Sites. Maintain and implement land use policies and zoning regulations that accommodate a range of residential housing types that can fulfill local housing needs and accommodate the City’s Regional Housing Needs Allocation of at least 570 units.</i></p> <p><i>HE Policy 4.2: Residential Development Standards. Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction that are determined to constrain housing development.</i></p> <p><i>HE Policy 4.3: Policy Assessments. Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p>
<p>Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.150 – Open Area.</u></p> <p><b>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</b></p>	<p>The proposed amendments would establish a consistent landscape standard across all multiple family residential districts, reducing the current standard for the M-R District. This amendment is consistent with and would implement the following HE policies and program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>Revise CMC Section 17.20.150 (Multiple-Family Residential Zone - Open Area) to reduce the landscaping requirements for the multi-family residential zones.</li> </ul>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in **blue font** the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p><b>consisting of a combination of groundcover, shrubs and shading trees.</b></p> <p>The parcel shall not be occupied by buildings, structures, or pavement, but shall be landscaped, a minimum of as follows:</p> <p>A. <del>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.;</del></p> <p>B. <del>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</del></p> <p>C. <del>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.</del></p>	<p><i>HE Policy 4.3: Policy Assessments. Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p> <p><i>HE Policy 6.1: New Subdivisions. Require developers to incorporate sustainable practices into the design of subdivisions.</i></p>
<p>Chapter 17.22 – Residential Density Calculations for Residential Parcels with Sensitive Land Areas</p> <p><u>Section 17.22.060 – Exceptions</u></p> <p>The provisions of this chapter shall not apply to any property <del>where the City amended the General Plan designation to Multifamily High Density Residential (MHD) identified in the sites inventory of the</del> <b>General Plan Housing Element</b> in order to comply with state law to meet the City's <del>2007-2014</del> Regional Housing Needs Allocation (RHNA)</p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Update CMC Section 17.22.060 (Residential Density Calculations for Residential Parcels with Sensitive Land Areas – Exceptions) to add housing opportunity sites in the most recent Housing Element, in addition to sites identified in the previous Housing Element.</i></li> </ul>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>obligations for the fifth housing cycle (2015-2022) or sixth housing cycle (2023-2031).</p>	
<p>Chapter 17.28 – Planned Development (PD) District</p> <p><u>Section 17.28.140 – Review Procedures/Development Plan Permit</u></p> <p>A. Hearing-Recommendation by Planning Commission</p> <ol style="list-style-type: none"> <li>1. After application filing, the Community Development Director shall determine if all submittal requirements have been met and if the application is complete. The Community Development Director shall then schedule the matter before the Planning Commission. The Planning Commission shall then hold a public hearing to review the Development Plan <b>Permit</b> application. Notice of the public hearing shall be given in the manner and for the time required by California Government Code § 65091.</li> <li>2. The Planning Commission shall review the Development Plan Permit request and <b>shall have authority to approve the request</b> <del>make a recommendation</del> with conditions, as warranted, <del>to the City Council</del> or to deny the request. <del>The recommendation</del> <b>Action of the Planning Commission</b> shall be by affirmative vote of not less than a majority of Commissioners present at a duly constituted meeting of the Planning Commission. A denial of the Development Plan Permit request by the Commission shall cease further consideration of the request for a period of one year following such denial, except in the following cases:             <ol style="list-style-type: none"> <li>a. An appeal is filed pursuant to Chapter 17.68 of this title;</li> </ol> </li> </ol>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Streamline the site plan and development plan review processes, authorize the Planning Commission as the decision-making body for planned development permit approval, and make other procedural streamlining amendments to the Zoning Code as appropriate.</i></li> </ul>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>b. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or</p> <p>c. When the permit request was denied for the reason that the proposed development would not conform to the General Plan and the General Plan has subsequently been amended in a manner which would allow the proposed development.</p> <p>3. The City Council <b>shall be the hearing body on appeals of decisions of the Planning Commission on Development Plan Permit requests. The City Council, on appeal,</b> shall review the Development Plan Permit request and <del>recommendation from the decision of the Planning Commission</del> <b>de novo</b>. After its public hearing and review, the City Council shall approve the request, with conditions, as warranted, or shall deny the request. Action of the City Council shall be by vote of not less than a majority of the Council present at a duly constituted meeting of the City Council. A denial of the Development Plan Permit request shall cease further consideration of the request for a period of one year following such denial, except in the following cases:</p> <p>a. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or</p> <p>b. When the permit request was denied for the reason that the proposed development would not conform to the General Plan, and the General Plan has subsequently been amended in a manner which would allow the proposed development.</p>	

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>Chapter 17.28 – Planned Development (PD) District</p> <p><u>Section 17.28.190 – Termination.</u></p> <p>If within <b>twenty-four (24)</b> <del>eighteen (18)</del> months after the approval by the <b>Planning Commission</b> or City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.</p> <p>The Planning Commission or City Council, on appeal, may grant extensions to commence construction for not more than one year at a time upon showing of good cause.</p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Revise CMC Section 17.28.190 (Planned Development – Termination) to extend the Development Plan Permit expiration to 24 months.</i></li> </ul>
<p><b>Chapter 17.30 – Institutional Density (ID) District</b></p> <p><u>Section 17.30.010 – Purpose</u></p> <p><b>The intent and purpose of this chapter is to provide opportunities for multiple family residential to be developed on sites shared with other community service uses, under sponsorship of public, quasipublic, private nonprofit or community-based organizations.</b></p> <p><u>Section 17.30.020 – Permitted and Conditional Uses</u></p> <p><b>A. The following principal uses and their accessory uses are permitted in the ID District:</b></p> <ol style="list-style-type: none"> <li><b>1. Duplex, triplex, townhouses, apartments and other multifamily structures;</b></li> <li><b>2. Supportive housing and transitional housing;</b></li> <li><b>3. Churches, synagogues, temples and places of worship.</b></li> </ol> <p><b>B. The additional uses are conditionally permitted in the ID District, except that no use permit is required when the use shares a site with a principal permitted use and is housed with a building that encompasses no more than 25 percent</b></p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Establish a Religious Institutional Overlay zone or similar mechanism to allow residential development on properties with an established religious use at a minimum density of 20 units per acre.</i></li> <li>• <i>Establish a zoning overlay or other mechanism to allow affordable housing developments at a maximum density of 40 units per acre on properties occupied by a religious institution.</i></li> </ul> <p><i>Land Use Element / Residential Land Use Designations:</i></p> <p><i>Institutional Density (10.1 to 30 Units Per Acre) – This designation is intended for development of various forms of housing under sponsorship of public or quasi-public agencies. A density range of 10.1 to 30 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</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>of the floor area of the building(s) that house the principal use or uses:</p> <ol style="list-style-type: none"> <li>1. Child day care center or adult day care facility;</li> <li>2. Private school;</li> <li>3. Administrative and professional offices.</li> </ol> <p>C. The following uses are conditionally permitted and may be allowed in the ID District upon granting of a use permit pursuant to the procedures in chapter 17.64 and sections 17.60.040, 17.60.050 and 17.60.060 of this title:</p> <ol style="list-style-type: none"> <li>1. Congregate care and convalescent care facilities;</li> <li>2. Employee housing providing accommodations for six (6) or fewer employees;</li> <li>3. Residential care facilities for seven (7) or more persons;</li> <li>4. Parolee homes.</li> </ol> <p><b><u>Section 17.30.030 – Minimum Requirements Generally</u></b></p> <p>A. Residential development or a mixed use development with both residential and nonresidential uses in the ID District shall be subject to the development regulations of the M-R-H District, including minimum setback, building relationship and open area requirements, and maximum building height requirements. Maximum lot coverage shall be 75 percent. Notwithstanding the foregoing, no maximum lot coverage, minimum setback or minimum open area requirement specified for the M-R-H District may require a residential development to have fewer than 16 units.</p> <p>B. Nonresidential development in the ID District shall be subject to the building height and setback regulations of the LC District.</p> <p>C. Parking for residential and nonresidential uses shall comply with the regulations in chapter 17.37 of this title.</p>	<p><i>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</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p><b>Section 17.30.040 – Minimum Lot Area per Residential Unit</b></p> <p><b>No more than four thousand four hundred (4,400) square feet and no fewer than one thousand four hundred fifty (1,450) square feet shall be provided for each dwelling unit in a residential development or a mixed use development with both residential and nonresidential uses. Notwithstanding the foregoing, a minimum of one thousand (1,000) square feet may be provided for each dwelling unit if all of the units in the development are affordable to low income households as defined in Health and Safety Code section 50079.5.</b></p>	
<p>Chapter 17.37 – Off-street parking</p> <p><u>Section 17.37.030 and Schedule 17.37.030A (excerpt) – Off-street parking space requirements</u></p> <p>A. Parking and Loading Space Schedules. Off-street parking spaces shall be provided in accordance with Schedule 17.37.030.A. Off-street loading spaces shall be provided for non-residential uses in accordance with Schedule 17.37.030.B or as required by the Planning Commission. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation (e.g., stairs, elevators).</p> <p>B. Parking Schedule with Public Parking Easement. In lieu of the parking space requirements provided in Schedule 17.37.030.A, the number of off-street parking spaces required for projects meeting all of the criteria listed in</p>	<p>The proposed amendments would extend the term of the parking waiver period for commercial uses on properties in the Town Center for the duration of this 6<sup>th</sup> housing cycle, and would reduce off-street parking requirements for residential uses city-wide. Excessive parking requirements reduce buildable area and increase construction costs, which can negatively affect the economic viability of residential development and mixed use development that contributes to the vibrancy of the Town Center. The amendments proposed are consistent with and would implement the following HE program and policy:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Revisit parking requirements for single-family residential uses to base requirements on the number of bedrooms in a unit instead of having the minimum standard of four per unit, and revise codified parking standards for multifamily residential uses to eliminate requirements for covered and guest parking.</i></li> </ul> <p><i>HE Policy 4.3: Policy Assessments.</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>subsections 1—3 below shall be in accordance with Schedule 17.37.030.C.</p> <ol style="list-style-type: none"> <li>1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).</li> <li>2. The project involves new construction and/or addition(s) of retail, restaurant, service, or office uses.</li> <li>3. The City Council accepts an offer of a public parking easement from the property owner. The public parking easement allows the general public to park in the off-street parking facility when any business establishment operating on the property is not open for business.</li> </ol> <p>C. Waiver Period. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, <del>2022</del><b>2030</b>, a waiver period extending through June 30, <del>2022</del><b>2030</b> is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1—4 below is reduced in accordance with Schedule 17.37.030.D.</p> <ol style="list-style-type: none"> <li>1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).</li> <li>2. The parcel is located within the planning area of the Town Center Specific Plan (as amended).</li> <li>3. A building permit (if required) for the project has been issued within two (2) years of project approval. Construction and a final building permit inspection are completed within one year of the issuance of the building permit. These time periods may be extended once up to six (6) months by the Planning Commission upon a showing of good cause.</li> </ol>	<p><i>Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p> <p>A parallel amendment to section 17.16.140 (parking standards applicable to single-family residential zoning districts) is proposed for consistency with those amendments described for single-family residential uses in Table 17.37.030A.</p>



NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>4. City Council approval is granted for any individual project in which the requirement for more than seventy-five (75) parking spaces is waived.</p> <p>D. Monitoring of Spaces During Waiver Period. The Director shall monitor the amount of retail, restaurant, office, and personal service development within the planning area of the Town Center Specific Plan (as amended) during the waiver period. The Director shall determine the number of parking spaces which would have been required in accordance with Schedule 17.37.030A. Upon determining that new retail, restaurant, office, and personal service development has occurred or has been proposed, or other reductions in parking space requirements have been granted for which the aggregate number exceeds two hundred (200) reduced spaces, a report shall be presented to the Planning Commission. The Planning Commission shall review the report and make any appropriate recommendations for consideration by the City Council. This report shall include an assessment of the existing parking conditions in the planning area of the Town Center Specific Plan with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial development in Town Center.</p> <p>E. Director Determination. Where the proposed use classification is not specified herein, the Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.</p>	

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in **blue font** the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p><u>Excerpts from Schedule 17.37.030A</u></p> <ul style="list-style-type: none"> <li>○ Use Classification: Single-Family Dwelling Required Off-Street Parking Spaces: <del>4 per unit (2 must be fully enclosed and 2 may be tandem).</del> <b>2 per unit, at least 1 of which must be covered, plus 1 covered or uncovered space per unit with 5 or more bedrooms. No more than 2 required spaces may be tandem.</b></li> <li>○ Use Classification: Small Lot (&lt;4,000 sq. ft. net lot area, Multifamily General Plan designation) Required Off-Street Parking Spaces: 2 per unit <b>(1 must be covered and 1 may be tandem).</b> <del>(2 must be fully enclosed and 1 may be tandem).</del> <del>0.5 per guest parking per unit.</del></li> <li>○ Use Classification: Duplex Dwelling Required Off-Street Parking Spaces: 2 per unit (1 must be covered and 1 may be tandem). <del>0.5 guest parking per unit.</del></li> <li>○ Use Classification: Multiple-Family Dwelling – Studio 1 per unit <del>(covered).</del></li> <li>○ Use Classification: Multiple-Family Dwelling – 1 Bedroom 1.5 per unit <del>(1 must be covered).</del></li> <li>○ Use Classification: Multiple-Family Dwelling – 2+ Bedroom 2 per unit <del>(1 must be covered).</del></li> <li>○ Use Classification: Multiple-Family Dwelling – <del>Guest Parking</del> <b>0.5 per unit.</b></li> </ul>	

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>Chapter 17.16 – Single Family Residential (R-10, R-12, R-15, R-20, R-40 and R-40-H) Districts</p> <p><u>Section 17.16.020 - Parking</u></p> <p>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 <del>four (4)</del> <b>two (2)</b> automobiles. Each space shall have dimensions of at least ten (10) feet by twenty (20) <b>feet</b>, and two (2) of the spaces must be covered.</p>	
<p>Chapter 17.44 – Site Plan Review</p> <p><u>Section 17.44.030 - Exemptions</u></p> <p>Any new development meeting one of the following characteristics shall be exempt from a Site Plan Review Permit. Such exempt development may directly apply for a building permit which is administratively reviewed by staff.</p> <p>A. Construction not meeting one of the criteria listed above.</p> <p>B. Construction receiving specific design authorization pursuant to an approved:</p> <ol style="list-style-type: none"> <li>1. Development Plan Permit;</li> <li>2. Vesting Tentative Map;</li> <li>3. Development Agreement.</li> </ol> <p>C. Type 1 and Type 2 accessory dwelling units and junior accessory dwelling units ministerially approved in accordance with Chapter 17.47; provided, that Type 2 accessory dwelling units shall also require an ADU Permit in accordance with the requirements of Chapter 17.47.</p>	<p>The proposed amendments are consistent with and would implement the following HE policies and program:</p> <p><i>HE Policy 1.5: Facilitate Reinvestment.</i>  <i>Make it easy for homeowners to reinvest in their properties by having staff-level review processes for the home renovations and additions that meet minimum development standards.</i></p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Streamline the site plan and development plan review processes, authorize the Planning Commission as the decision-making body for planned development permit approval, and make other procedural streamlining amendments to the Zoning Code as appropriate.</i></li> </ul> <p><i>HE Policy 4.3: Policy Assessments.</i>  <i>Identify, assess, and, when appropriate, amend ordinances and policies that adversely affect housing cost.</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p><b>D. Additions to an existing residence in a single-family residential district or residential planned development district; provided, that the addition complies with all of the development regulations of the zoning district in which the residence is located.</b></p>	
<p>Chapter 17.44 – Site Plan Review  <u>Section 17.44.040 – Standards of Review</u></p> <p>The factors to be reviewed by the Planning Commission (or City Council upon appeal) shall include, but are not limited to:</p> <p>A. Conformity with the General Plan and any applicable Specific Plan (e.g. Town Center, Marsh Creek Road).</p> <p>B. Conformity with any applicable City adopted architectural and/or design standards (e.g. Oakhurst Country Club, Oakwood Subdivision, Clayton Station).</p> <p>C. Preservation of general safety (e.g. seismic, landslide, flooding, fire, traffic).</p> <p>D. Maintenance of solar rights to adjacent properties.</p> <p>E. The reasonable maintenance of the privacy of adjacent property owners and/or occupants.</p> <p>F. The reasonable maintenance of existing views of adjacent property owners and/or occupants.</p> <p>G. The new development, taken as a whole, need not be identical, but should be complementary with the adjacent existing structures in terms of materials, colors, size, and bulk.</p> <p>H. Design standards for manufactured homes shall be in accordance with Section 17.36.078 of the Municipal Code.</p>	<p>The proposed amendments are consistent with and would implement the following HE program:</p> <p><i>HE Program D2: Zoning Code Amendments</i></p> <ul style="list-style-type: none"> <li>• <i>Amend the CMC, including but not limited to Titles 16 (Land Development and Subdivision) and 17 (Zoning), to remove Planning Commission and/or City Council discretion to increase objective standards (e.g., on-site parking or open space/landscaping) and/or reduce allowed density for residential development.</i></li> </ul>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>Notwithstanding the foregoing, the Planning Commission (or City Council upon appeal) shall not require, as a condition of approval of the site plan review permit, that the project be reduced to a density below the minimum density specified by the General Plan land use designation of the property. The Planning Commission (or City Council upon appeal) shall also not require that the development meet a standard for lot coverage that is lower than the maximum standard of the zoning district in which the development is located, nor that the development meet higher standards for minimum setbacks, landscaping, off-street parking, distances between buildings than are specified for the applicable zoning district.</p>	

### Other Municipal Code Amendments, Clean-ups, or Updates

Proposed Amendment	Justification
<p>Chapter 17.90 – Affordable Housing Density Bonus Requirements</p> <p><u>17.90.010 – Title and Purpose</u></p> <p><b>The purpose of this Article is to establish a program in accordance with California Government Code § 65915 <i>et seq.</i> to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law.</b> This Chapter shall be known and may be cited as the Affordable</p>	<p>California’s Density Bonus Law (Government Code § 65915 <i>et seq.</i>) encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions, incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing. Government Code § 65915(a) requires that local governments adopt an ordinance that specifies how compliance with State Density Bonus law will be implemented. The City’s density bonus regulations are codified in chapter 17.90, Affordable Housing Density Bonus Requirements.</p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>Housing Density Bonus Requirements Ordinance of the City of Clayton and is adopted to comply with California Government § 65915.</p> <p><i>Sections 17.90.020 through 17.90.170 are proposed to be deleted in entirety and replaced with the following text:</i></p> <p><b><u>17.90.020 – Applicability</u></b></p> <p><b>A. General. All proposed housing developments that qualify under California Government Code § 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code § 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code § 65915, as it may be amended from time to time.</b></p> <p><b>B. Compliance. The applicant shall comply with all requirements stated in California Government Code § § 65915 through 65918. The requirements of California Government Code § § 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.</b></p> <p><b>C. Excluded development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code § 65915.</b></p> <p><b>D. Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code § 65915. Any changes to California Government Code § 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any</b></p>	<p>The proposed amendments to CMC chapter 17.90 would replace much of the text of the City’s current density bonus provisions and instead adopt the State Density Bonus Law by reference. As amended by these revisions, chapter 17.90 would provide that density bonuses and other affordable housing incentives required by State law (including but not limited to Government Code § 65915 <i>et seq.</i>) would be available to applicants on the terms and conditions specified in State law. Adopting State Law by reference would ensure that all incentives, concessions, and other provisions allowed under State Law for qualifying affordable housing developments would by default be incorporated into municipal code, without the need for the City to initiate municipal code amendments each time the California statute is amended. This approach of referencing statute also allows for better efficiency in City staff resources.</p> <p>The proposed revisions also implement adopted Housing Element policy 3.2:</p> <p><i>HE Policy 3.2: Assistance and Incentives. Facilitate the development of lower- and moderate-income housing by offering developers incentives such as density bonuses, streamlined entitlement and permitting processes, City participation in on- and off-site public improvements, and flexible development standards.</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.</p> <p>E. Replacement Housing Requirement. Pursuant to subdivision (c)(3) of California Government Code § 65915, an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.</p> <p><b><u>17.90.030 – Density Increase and Other Incentives</u></b></p> <p>A. General. If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code § 65915 <i>et seq.</i>, the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code § 65915 <i>et seq.</i>, and incentives or concessions also as described in California Government Code § 65915 <i>et seq.</i></p> <p>B. Density Bonus Units. Except as otherwise required by California Government Code § 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.</p> <p>C. Market-rate senior citizen housing developments. Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code § 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.</p> <p><b><u>17.90.040 – Physical Constraints and Parking Waivers</u></b></p> <p>A. Physical Constraints. Except as restricted by California Government Code § 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of</p>	

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:</p> <ol style="list-style-type: none"> <li>1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;</li> <li>2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of § 65589.5, upon health, safety, <del>or the physical environment</del>, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;</li> <li>3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or</li> <li>4. The waiver or reduction of the development standard would be contrary to state or federal law.</li> </ol> <p>B. Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code § 65915(p), as that section may be amended from time to time.</p>	



NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

**17.90.050 – Retention of Density Bonus Units.**

Consistent with the provisions of California Government Code § 65915 *et seq.*, prior to a density increase or other incentives being approved for a project, ~~the City and the applicant shall agree to an appropriate method of ensuring the continued availability of the density bonus~~ **units has been determined by the City.**

**17.90.060 – Application Procedure for Density Increase or Other Incentives.**

- A. Application Requirements. An application for a density increase or other incentives pursuant to this chapter for a housing development shall be submitted in writing to the Community Development Director to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:
1. A brief description of the proposed housing development;
  2. The total number of housing units and/or shared housing units (as defined in California Government Code § 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;
  3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
  4. The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>5. The zoning, general plan designations, and assessor’s parcel number(s) of the project site;</p> <p>6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;</p> <p>7. The proposed method of ensuring the continued availability of the density bonus units;</p> <p>8. Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses; and</p> <p>9. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.</p> <p><b>B. Application Processing. The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made pursuant to this chapter shall be considered by the Community Development Director or the Director’s designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code § 65915 <i>et seq.</i></b></p> <p>17.90.190 – Administrative Fee</p> <p>An administrative fee shall be charged to the Applicant for City review of all materials submitted in accordance with this chapter and for on-going enforcement of the provisions of this chapter. The fee amount shall be established by City Council resolution and will be described in the City of Clayton Master Fee Schedule. Fees will be</p>	

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>charged for staff time and materials associated with the following activities: Development review process; project marketing and lease-up; and, long-term compliance of the Affordable Housing Units.</p> <p>17.90.190 – Violation of Affordable Housing Cost Requirements</p> <p>In the event it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in a rental Affordable Housing Unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or the City in the event the tenant cannot be located), any excess rent charges. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.</p> <p>In the event it is determined that a sales price in excess of that allowed by operation of this chapter has been charged to an income-eligible household purchasing an ownership Affordable Residential Unit, the City may take the appropriate legal action to recover, and the Affordable Residential Unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any excess sales costs. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.</p>	
<p>Chapter 17.04 – Definitions</p> <p><u>Section 17.04.030 – Accessory Use</u></p> <p>"Accessory use" means a use incidental and accessory to the principal use of a lot, or a use accessory to the principal use of a building located on the same lot. An accessory use <del>generally means</del> <b>includes, but is not limited to,</b> the following types of uses: <b>large and small family day care homes, as well as,</b> detached garages, pool</p>	<p>The proposed revisions to chapter 17.04, 17.20 and 17.45 would update CMC for consistency with amended State law in Health and Safety Code section 1597.45, which allows small and large family day care homes as permitted uses by right in any residence in a residentially-zoned property. Health and Safety Code section 1596.46, which is currently referenced in CMC chapter 17.45, no longer gives authority to the local jurisdiction to impose zoning or other local regulations, beyond those of the life and safety standards of building and fire codes.</p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>houses or cabanas, storage sheds and other small single-story structures usually related to <del>the single family</del> a residential unit.</p> <p><u>Section 17.04.076 – Day Care</u></p> <p>"Day Care" means a facility that provides non-medical care and supervision of individuals for periods of less than twenty-four (24) hours. These facilities include, but are not limited to the following, all of which are required to be licensed by the California State Department of Social Services, or as the licensing authority may be amended from time to time by the State of California.</p> <p>A. "Child day care center" means a commercial or non-profit child day care facility designed and approved to accommodate children, including an infant center, preschool, sick-child center, and school-age day care facility. A child day care center may be operated in conjunction with a school or church facility, or as an independent land use.</p> <p>B. "Large family day care home" means a home that provides family day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside in the home, as provided by California Health and Safety Code § 1596.78. <b>Pursuant to California Health and Safety Code § 1596.45, a large family day care home is considered a residential use of property and ancillary to the residence in which it is operated.</b></p> <p>C. "Small family day care home" means a home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside in the home, as provided by California Health and Safety Code § 1596.78. <b>Pursuant to California Health and Safety Code § 1596.45, a</b></p>	<p>Health and Safety Code section 1597.45 reads as follows:</p> <p><i>1597.45.</i></p> <p><i>(a) The use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances.</i></p> <p><i>(b) A local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a small or large family daycare home.</i></p> <p><i>(c) Use of a home as a small or large family daycare home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.</i></p> <p><i>(d) A small or large family daycare home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.</i></p> <p><i>(e) The provisions of this chapter do not preclude a city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in **blue font** the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p><b>small family day care home is considered a residential use of property and ancillary to the residence in which it is operated.</b></p> <p>D. "Adult day care facility" means a day care facility that provides care and supervision for adult clients.</p> <p>Chapter 17.20 – Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts</p> <p><u>Section 17.20.030 – Permitted Uses – Principal</u>            The principal permitted uses in the multiple family residential districts shall be as follows:</p> <p>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>and the accessory structures and uses normally auxiliary or ancillary to those multifamily residences;</b></p> <p>B. Supportive housing and transitional housing;</p> <p>C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).</p> <p>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).</p> <p>E. Parolee homes only with a Conditional Use Permit (See Section 17.60.030.B.7).</p> <p>Chapter 17.45 – Family Day Care Homes  <b><u>[Delete in entirety.]</u></b></p>	<p><i>other homes with the same zoning designation, except as otherwise provided in this chapter.</i></p> <p><i>(f) For purposes of this chapter, “small family daycare home or large family daycare home” includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.</i></p> <p><i>(Amended by Stats. 2019, Ch. 244, Sec. 9. (SB 234) Effective January 1, 2020.)</i></p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

<b>Proposed Amendment</b>	<b>Justification</b>
<p>Chapter 17.36 – General Regulations</p> <p><u>Section 17.36.075 – Fencing Standards</u></p> <p>Fencing shall conform to the following standards:</p> <p>A. Front Setbacks. Fences shall not exceed a maximum height of thirty (30) inches within ten (10) feet of the front property line and a maximum height of six (6) feet in the remaining portion of the front setback.</p> <p>B. Interior Side Setbacks and Rear Setbacks. Fences shall not exceed a maximum height of six (6) feet on the interior side and rear property lines or anywhere within the interior side and rear setbacks.</p> <p>C. Exterior Side Setbacks. Fences shall not exceed a maximum height of six (6) feet and may be placed within the required exterior side setback or at the public right-of-way line.</p> <p>D. Corner Lots. Fences on corner lots shall conform with the restrictions on sight obstructions at intersections provided in Chapter 12.08.</p> <p>E. Driveways. Fences shall not exceed a maximum height of thirty (30) inches on either side of a driveway within the triangular areas formed by the edge of the driveway, the property line, and a line joining points on each of these twelve (12) feet from their intersection.</p> <p>F. Main Building Area. Fences shall not exceed a maximum height of eight (8) feet within an area in which a main building is permitted.</p> <p>G. Measurement. The height of fences shall be the average height of an eight-foot length of fence, measured from the lower of</p>	<p>This proposed revision to CMC would provide a process for appeal, in alignment with other permits identified in municipal code, for fence height exception requests. Current codified procedures for fence height exceptions do not provide an appeal process for situations wherein the Director cannot make each of the findings required in subsection K, and persons who do not agree with the administrator’s decision must litigate in court. The proposed amendment gives applicants and any appealing party an option to exhaust all appeals locally, before proceeding to litigation, and is consistent with other provisions of the municipal code that allow for applicants or interested parties to appeal permit actions to higher decision-making bodies.</p>

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>either the lowest adjacent ground level or the top of the footing of any retaining walls located within three (3) feet.</p> <p>H. Safety Fences. Safety fences and railings required by the Uniform Building Code are excluded from the height standards of this section.</p> <p>I. Barbed Wire. Barbed wire or other sharp materials shall not be used as a fencing material except on lands where agricultural grazing is actively conducted or where a use permit has been approved by the Planning Commission.</p> <p>J. Hazardous Locations. In no case shall any fence be located so as to cause a hazard to the movement of vehicles or pedestrians.</p> <p>K. Height Exceptions. The Director may issue an administrative use permit to allow a fence up to seven (7) feet in height in a rear setback or side setback of a lot in residential district. The Director may impose such conditions as the Director deems appropriate to mitigate any visual or other adverse impacts of the fence, including, but not limited to, requirements with respect to the height, design, and materials of the fence and landscape screening. Applications for an administrative use permit under this subsection shall be filed with the Director on such form as the Director prescribes, and shall be accompanied by a processing fee in such amount as established from time to time by resolution of the City Council. Prior to granting the administrative use permit, the applicant shall demonstrate and the Director shall find that:</p> <ol style="list-style-type: none"> <li>1. The issuance of such a permit is reasonably necessary by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable</li> </ol>	

NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

Proposed Amendment	Justification
<p>property rights or the full use and enjoyment of the property;</p> <ol style="list-style-type: none"> <li>2. The fence will not create a safety hazard to pedestrians or vehicular traffic;</li> <li>3. The fence will not unreasonably interfere with access by police, fire, and emergency service personnel;</li> <li>4. The appearance of the fence is compatible with the scale, mass, design, and appearance of other existing buildings and structures in the neighborhood;</li> <li>5. The orientation and location of the fence is in proper relation to the physical characteristics of the property and neighborhood;</li> <li>6. The applicant has obtained the written consent of the adjacent property owner, unless the fence is adjacent to public right-of-way, in which case written consent is not necessary; and</li> <li>7. The fence will be of sound construction.</li> </ol> <p><b>The Director may refer a request for administrative use permit for fence height exception to the Planning Commission if, in the Director’s judgment, one or more of the findings in this subsection K cannot be made. The Planning Commission shall review the request in accordance with the permit procedures specified in section 17.64.110 of this title. The decision of the Planning Commission can be appealed in accordance with chapter 17.68 of this title.</b></p>	



NOTE: This version of Proposed Amendments to CMC Title 17 highlights in blue font the revisions to the table presented to the Planning Commission at the November 14, 2023, public hearing.

<b>Proposed Amendment</b>	<b>Justification</b>
<p>Chapter 17.08 – Zoning Map – Districts Established</p> <p><u>Section 17.08.020 – Districts Designated.</u></p> <p>The use of all land in the city situated within the districts delineated and shown on the map described in Section 17.08.010, and any and all subsequent amendments to said map, is subject to the regulations and provisions of this title. Land is classified for the regulation of its use as set forth in this title. The land use districts in Chapters 17.12 through 17.362 are established for all land within the city and the land use districts designated on the map herein referred to, which is made a part of this title, are established and classified in Chapters 17.12 through 17.362.</p>	<p>This is a primarily administrative revision to identify the correct references to land use zoning chapters.</p>