

# City of Clayton Planning Commission



**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**

***Continued Public Hearing  
November 28, 2023***

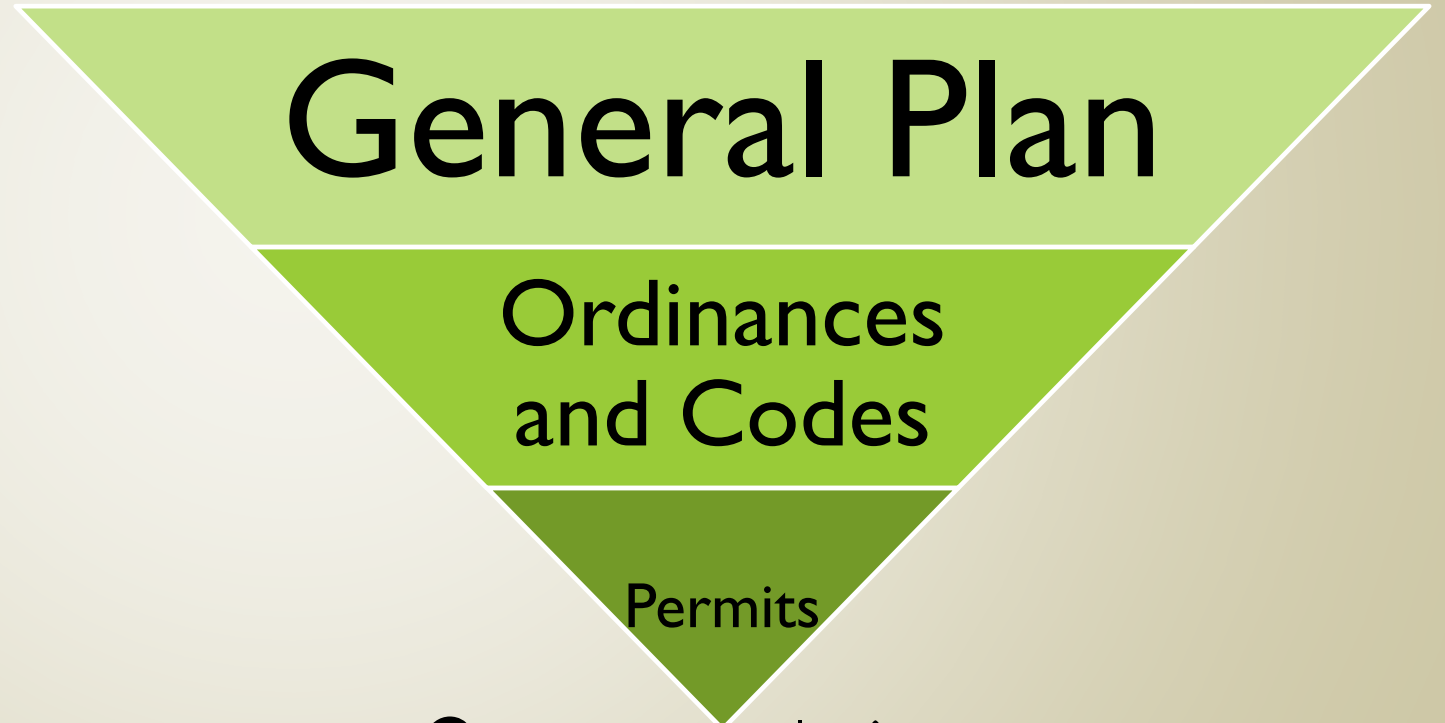


# Hierarchy of Planning Documents

Local planning is governed by a series of documents, starting with the broad vision, goals and guiding policies in the agency's **general plan**.

The general plan's goals and policies are implemented through more defined regulations and requirements in the agency's **codes and ordinances**.

Each specific **permit for development or entitlement** within the local agency must be compliant with local codes and consistent with the general plan.



# Hierarchy of Planning Documents

The City Council adopted amendments to the Land Use and Housing Elements of the General Plan on January 17, 2023 (Resolution No. 06-2023).



General Plan

Ordinances  
and Codes

Permits



# Hierarchy of Planning Documents

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General Plan

The proposed amendments to Clayton Municipal Code Title 17 (Zoning Ordinance and Zoning Map) implement the policies adopted by the City Council in Resolution No. 06-2023.



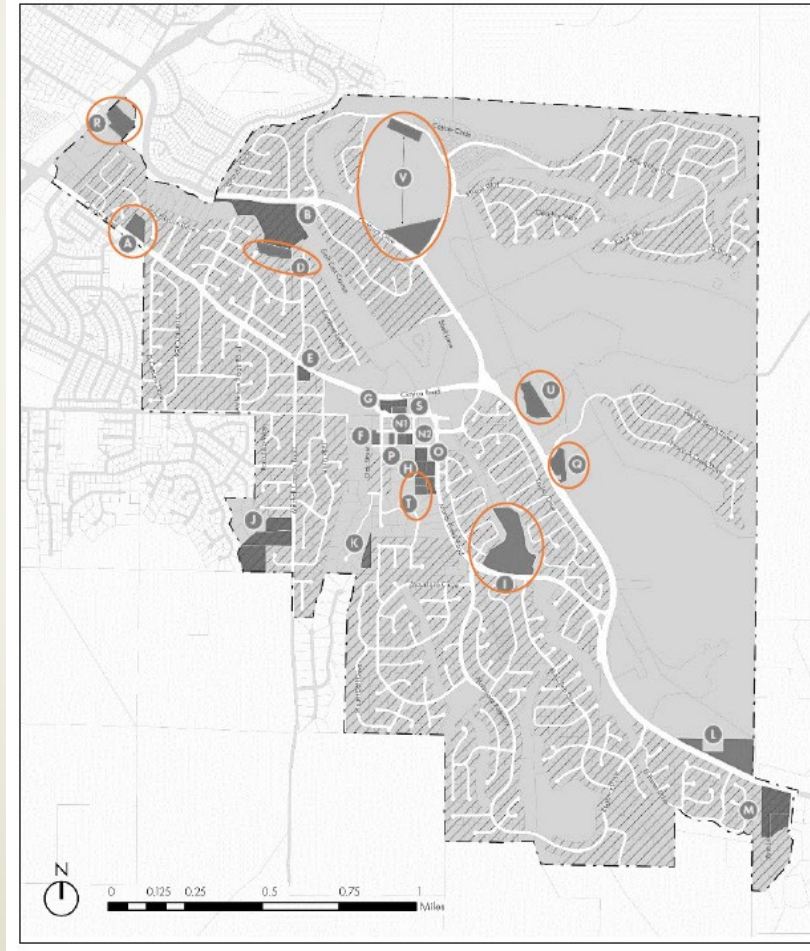
Ordinances  
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Permits



# Amendments to Implement Council Policy

*Zoning Map Amendments (Exhibit B to proposed Planning Commission Resolution) would rezone properties already designated by the City Council for residential land use in Resolution No. 06-2023, Exhibit F.*



# Amendments to Implement Council Policy

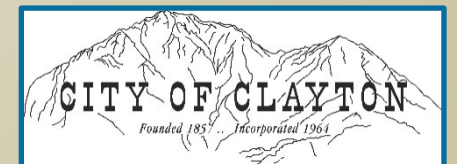
Zoning Text Amendments would implement policies adopted by the City Council as policies or programs in the amended Housing Element or Land Use Element (City Council Resolution No. 06-2023, Exhibits D and E).

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>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> Any 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> accordance with the lot area per unit standards described below:</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>



# Amendments to Comply with State Law

- *State Density Bonus Law – Proposed amendment would incorporate State law by reference, eliminating the need for frequent amendments to municipal code to comply with changes to California law (Government Code section 65915 et seq.)*
- *Small and Large Family Day Care Homes – Proposed amendment would remove local permitting requirements for small and large family day care homes, which State law (Health and Safety Code section 1597.45) defines as permitted uses of residential properties*



# Miscellaneous Cleanup Amendments

- *Allowance for Planning Commission review of certain fence height exception requests to be referred by the Community Development Director to the Planning Commission, and clarifying the appeal process for decisions on fence height exception requests*
- *Cleanup of outdated reference to the land use district chapter numbers in municipal code Title 17*





# Recommendation

That the Commission resume the public hearing and accept written and spoken testimony, close the public hearing, and adopt the Resolution (attached to the Staff Report) recommending City Council approval of the amendments to CMC Title 17 (Zoning) and the Zoning Map as outlined in Exhibits A and B to that Resolution.

