

## **Section II**

# **LAND USE ELEMENT**

### **PREAMBLE**

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## **PREAMBLE**

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

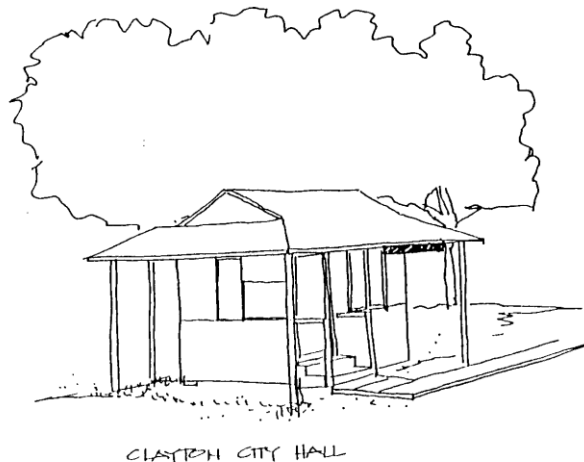
When an amendment to the Plan is considered, the proposed amendment must be considered in the context of the following goals, objectives, and policies and any such amendment must be shown to be consistent with them.

## **LAND USE ELEMENT**

### **GOALS**

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

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



## **GOAL**

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

### **Residential**

#### **Objective 1**

To retain the rural character of Clayton through a predominance but not exclusive use of single-family, low-density residential development balancing needs of the housing element and preservation of open space. (Amended by Resolution 21-81, dated 5/16/87)

#### **Policies**

- 1a Establish density designations based on terrain, circulation, adjacent uses and area characteristics.
- 1b Identify a variety of densities, which decrease as slope increases.
- 1c Permit limited high density areas.
- 1d Preserve historic structures and open space areas with uses such as community facilities, bed and breakfast facilities, or large single-family homes. (Amended by Resolution 43-95, dated 6/28/95)
- 1e Encourage the clustering of development to preserve open space. (Amended by Resolution 43-95, dated 6/28/95)

#### **Objective 2**

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

#### **Policies**

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

#### **Objective 3**

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

#### **Policies**

- 3a Promote annexation of all land area within the City's Sphere of Influence, provided there is no drain on current City resources.
- 3b Encourage Contra Costa County to follow the example of Santa Clara County and other progressive counties in establishing policies supporting city annexation within spheres.

- 3c The City should review its Sphere of Influence at least every five years and request a boundary amendment as needed. (Amended by Resolution 43-95, dated 6/28/95)

## **Commercial**

### **Objective 4**

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

### **Policies**

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

### **Objective 5**

To prevent strip development and other inappropriate commercial uses.

### **Policies**

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

## **Major Developments**

### **Objective 6**

To promote development of the Keller Ranch with Clayton.

### **Policies**

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

### **Objective 7**

To promote community amenities within the Keller Ranch development.

### **Policies**

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

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

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

**Objective 8**

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

**Policies**

8a Utilize map designation footprint to indicate development form.

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

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

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

**LAND USE DESIGNATIONS**

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

**RESIDENTIAL DESIGNATIONS**

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

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

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

Unless otherwise noted, the following uses are allowed in each of the General Plan residential categories, provided they meet the requirements of the underlying zoning

district, applicable specific plan policies and guidelines, and applicable general plan policies:

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

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

Additional uses allowed under each category are described below.

### **Rural Estate (0 to 1.0 Units Per Acre)**

This density range is intended for single-family estates, or horse set-ups on individual lots of an acre or more. Allowable uses include single-family homes, private stables and corrals with access to greenbelts and equestrian facilities, and accessory structures and uses normally auxiliary to them. Second dwelling units are also allowed.

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

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

This density range is intended for development of single-family houses on lots that range between 12,500 and 40,000 square feet. This designation has been the predominant density in Clayton. Uses allowed under this designation include single-family homes, and the accessory structures and uses normally auxiliary to them. Second dwelling units are also allowed.

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

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

This density is intended for and allows planned unit development (PUD) and single-family subdivisions. Development will range from a standard single-family subdivision to a zero lot line or single-family home. Accessory structures and uses normally auxiliary to them are also allowed, as well as second dwelling units.

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

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

This designation is an urban single-family density that will allow patio homes, zero lot line and cluster homes in a PUD development. Accessory structures and uses normally auxiliary to them are also allowed, as well as second dwelling units. Second dwelling units are also allowed. Development will require innovative design with a combination of development concentration and open space. Development intensity will permit individual parcel coverage of up to 75% provided common open space is provided. Development excluding recreational amenities shall not exceed total structural land coverage of 25%.

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

### **Multifamily Low Density (7.6 to 10 Units Per Acre)**

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as single family detached dwellings on smaller lots with a conditional use permit, that provide a development with

amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. Structural coverage, excluding recreational amenities, shall not exceed 40% of the site area. Second dwelling units are allowed.

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

#### **Multifamily Medium Density (10.1 to 15 Units Per Acre)**

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

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

#### **Multifamily High Density (20 Units Per Acre)**

This designation is intended for and allows two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

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

#### **Institutional Density (7.6 to 20 Units Per Acre)**

This designation is intended for development of various forms of senior housing under sponsorship of public or quasi-public agencies. The density of senior projects is not always equivalent to standard concepts of density; therefore, a density range of 7.6 to 20 units per acre may be permitted. Group dining, limited vehicles, medicine-dispensing services and other characteristics make this form of housing unique.

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

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

#### **Residential Density and Population Projections**

The 2010 census indicated that Clayton had an average population of 2.72 persons per unit for occupied units. Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

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

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

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

## COMMERCIAL DESIGNATIONS

The commercial designations, including uses and development standards are listed below. The development standards apply to the net acreage of the commercial parcels and exclude any areas dedicated for public right-of-way. (Amended by Resolution 05-2007, dated 2/6/07)

### **Town Center**

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

### **Uses**

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

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

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

1. Parcels 10,000 square feet or less: Up to one hundred (100) percent structural coverage.
2. Parcels between 10,001 and 40,000 square feet: Up to the percent structural coverage allowed by the following formula.
  - $X = 100 - 2(Y - 10)$
  - X is the Maximum Structural Coverage in percent
  - Y is the Square Footage of the Parcel in 1,000's of square feet



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

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

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

$$X = 100 - 40$$

$$X = 60$$

3. Parcels greater than 40,000 square feet: Up to forty (40) percent structural coverage.

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

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

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

### **Kirker Corridor**

Kirker Corridor represents the only commercial location in the city limits of Clayton that has regional potential. Nearly all of Clayton's sales tax dollars are lost to neighboring communities. The Kirker Corridor represents a series of sites that can serve to recapture a portion of that lost income, provide local control over the types of shops and facilities needed and reduce the extent of travel to commercial centers further away. The primary emphasis is on retail facilities although the complementary office and retail service uses are necessary for variety and market balance. Structural coverage shall not exceed thirty (30) percent of the site and height shall not exceed fifty (50) feet.

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

### **Uses**

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

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

### **Convenience Commercial**

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

## Implementation

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

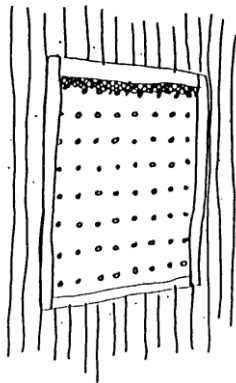
The size of Clayton and its commercially designated area provides a series of limitations on the extent of uses that can be permitted. Uses that do not fit into the categories mentioned, such as mini-warehouse, contractor yards and non-office industrial uses, may have to locate elsewhere due to the severe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

## PUBLIC AND QUASI PUBLIC FACILITY DESIGNATIONS

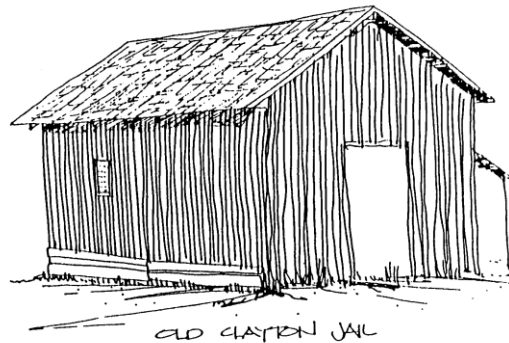
This designation applies to public and private school facilities, city facilities, fire district facilities, and other public and quasi-public uses. Day care facilities are consistent with this designation.

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

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



JAIL WINDOW:  
PERFORATED BROILER  
PLATE



## OPEN SPACE DESIGNATIONS

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

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

### 1. Private Open Space (PR)

This designation includes privately-owned open spaces. Typical examples in Clayton include the Oakhurst golf course and areas where development has been clustered to retain open space. Other examples include private recreational

facilities such as the riding club southeast of Clayton, the swimming pools at Marsh Creek Park Villas and Dana Hills, and the open space within Dana Hills and Westwood. These facilities allow individuals to expand their recreational opportunities at a cost and benefit to the users rather than the public at large. Such facilities should be promoted so long as traffic, noise and other related impacts are mitigated.

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

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

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

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

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

3. **Quarry (Q)**

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

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

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

4. **Agriculture (AG)**

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

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

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

## **ANNEXATIONS AND SPHERE OF INFLUENCE**

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

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

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

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

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