

NOTE: THE COMMUNITY EQUITY COMMISSION MEETING WILL BE HELD  
**IN-PERSON** AND VIRTUALLY VIA ZOOM (link is below).

Please note, individuals may attend in-person or virtually via Zoom. Doors will open 30 minutes prior to the start of each meeting. Due to the ongoing pandemic, occupancy will be limited to 25 attendees per meeting to accommodate social distancing. While masks are recommended, proof of vaccination will be required for individuals who wish not to wear a mask. Failure to provide proof of vaccination will require a mask to be worn while in City Hall.

You are invited to a Zoom webinar.

When: October 13, 2022 05:30 PM Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84890683898>

Or One tap mobile :

US: +13126266799,,84890683898# or +16469313860,,84890683898#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 309 205 3325 or +1 346 248 7799 or +1 386 347 5053 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782

Webinar ID: 848 9068 3898

International numbers available: <https://us02web.zoom.us/j/84890683898>

**Persons interested in making their views known on any matter on the agenda should send an email with their comments to the Assistant City Manager at [amuskopf@claytonmo.gov](mailto:amuskopf@claytonmo.gov). All comments received will be distributed to the entire Commission before the meeting.**

**Community Equity Commission  
October 13, 2022 at 5:30 PM  
City Hall, 10 N. Bemiston Avenue  
Clayton, MO 63105**

Agenda

1. Welcome and Roll Call
2. Approval of September 8, 2022 Minutes
3. Reflection: Land Acknowledgement
4. Discussion and Recommendation on Neighborhood Indentures Ordinance
5. Update on Housing Subcommittee Recommendation
6. Update on Letter to Faith-Based Ex-Officio
7. Subcommittee Updates
  - a. Communications
  - b. Law Enforcement
8. Old Business
  - a. Public Comments from September 8, 2022 Meeting
  - b. Meeting with Members of Kirkwood Human Rights Commission
9. Introduction on City's Disability Inclusion Programs and Activities
10. Public Comment
11. Comments from Members
12. Next Meeting: Thursday, November 10 at 5:30 pm
  - a. Update from St. Louis County on Historical Marker
13. Adjourn

**The City of Clayton  
Community Equity Commission  
Virtual Zoom Meeting  
September 8, 2022 at 5:30 PM**

Minutes

The meeting was called to order at 5:34 pm.

**Roll Call**

Present: Ben Uchitelle (Chair), Stuart Berkowitz, Lauren Rodriguez-Goldstein, Chris Schmiz, Shantay Bolton, Frances Pires, Ted Wheeler, and JoAnna Schooler (ex-officio).

Additional: Alderwoman Susan Buse, Alderman Gary Feder, City Manager David Gipson, and Assistant City Manager Andrea Muskopf

**Approval of August 10, 2022 Minutes**

Stuart Berkowitz moved to approve the minutes. Chris Schmiz seconded the motion. Minutes accepted and approved.

**Housing Subcommittee Presentation and Discussion**

Chris Schmiz moved that the Board of Aldermen change the zoning in neighborhoods that have a legacy of duplexes to allow for the development of new duplexes going forward while affording the existing duplexes the same rights to change or modify their building as single-family dwellings. Ted Wheeler seconded the motion. All were in favor.

**Neighborhood Indentures Update**

Alderman Feder provided an update on the neighborhood indentures.

**Update on Letter to Religious Community Leaders**

Chair Uchitelle shared that approximately 23-26 letters were mailed out to religious community leaders. No responses have been received to-date.

**Subcommittee Updates**

Updates on the work of the subcommittees were provided.

**Old Business**

City Manager Gipson is awaiting an update from Kirkwood on availability to schedule a coffee meeting with members of their Human Rights Commission and members of the Community Equity Commission.

**Public Comments**

City Manager Gipson reviewed the public comments from the August 10, 2022 meeting.

**Public Comment**

Kathleen Gund stated that she strongly supports the Housing Subcommittee's recommendation and that the Old Town neighborhood within Clayton serves as a case study, which shows that the recommendations work well and contributes to the community.

**Comments from Members**

City Manager Gipson stated that the City did follow-up with the request to assist Unity Christ Church with relocating within Clayton but it has been difficult to find a location that meets the assembly requirements.

**Next Meeting Date**

The next meeting is scheduled for October 13 at 5:30 pm.

**Adjourn**

Having no other business, the meeting adjourned at 7:02 pm.

DRAFT



What it is and why it's important

# LAND ACKNOWLEDGEMENT

# WHAT IS A LAND ACKNOWLEDGEMENT?

- Land acknowledgements honor a place's Indigenous people - past and present – as the original stewards of this land and recognize the history that brought us to where we are today. They are typically offered at the beginning of public events or meetings.
- At events in St Louis, we typically acknowledge the Osage Nation, Missouriia, and Illini Confederacy.
- Framing the acknowledgement in present tense reminds the audience that Native people are still here. Indigenous people didn't just live here in the past - there are over 80,000 American Indians living in Missouri today.\* Land acknowledgments are meant to recognize how European settlers benefited from the history of colonization, removal, and genocide of Indigenous people.
- Land acknowledgements can be a starting point for reflection.

\*American Community Survey [ACS], 2017

# WHY IS AN INDIGENOUS LAND ACKNOWLEDGEMENT IMPORTANT?

- In countries such as New Zealand, Australia, Canada, and among Tribal Nations in the U.S., it is commonplace, even policy, to open events and gatherings by acknowledging the traditional Indigenous inhabitants of that land. While some individuals and cultural and educational institutions in the United States have adopted this custom, the vast majority have not.
- The U.S. Department of Arts and Culture has called on all individuals and organizations to open public events and gatherings with acknowledgment of the traditional Native inhabitants of the land:

*“We call on all individuals and organizations to open public events and gatherings with acknowledgment of the traditional Native inhabitants of the land.”\**

- Acknowledgment is a simple, powerful way of showing respect and a step toward correcting the stories and practices that erase Indigenous people’s history and culture and toward inviting and honoring the truth.

\*<https://usdac.us/nativeland>

# LAND ACKNOWLEDGEMENT & REFLECTION FOR CLAYTON

*We begin this meeting by acknowledging that we are on the traditional homelands of Osage Nation, Missouriia, and Illini Confederacy.*

*We pay respect to elders both past and present, and we thank them for their hospitality and stewardship of this land.*



BILL NO.

ORDINANCE NO.

**AN ORDINANCE AMENDING THE CLAYTON CITY CODE AND  
DECLARING DISCRIMINATORY HOUSING RESTRICTIONS INVALID  
AND VOID.**

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**WHEREAS**, both state (213.040, RSMo.) and federal (42 U.S.C. §§ 3601-19) laws bar discriminatory housing practices based on race, color, religion, national origin, ancestry, sex, disability or familial status; and

**WHEREAS**, the Ordinances of the City of Clayton (Sec. 225.030) have long prohibited discriminatory housing practices based on race, color, religion, national origin, ancestry, sex, gender identity, sexual orientation, disability, lawful source of income or familial status; and

**WHEREAS**, Section 213.041, RSMo. provides that no declaration or other governing document of a homeowners' association shall include a restrictive covenant in violation fair housing requirements, and makes associations perpetuating any subdivision declaration or governing document that includes an illegal restrictive covenant liable for failing to amend and restate such document without the illegal restrictive covenant; and

**WHEREAS**, the City of Clayton and its volunteer citizens have undertaken a successful program to rid our community of the stain of antiquated discriminatory provisions, and the responsible leadership of homeowner and subdivision associations have taken the steps necessary to reform and restate their governing documents and make their neighborhoods more welcoming and inclusive; and

**WHEREAS**, there nonetheless remain offending restrictive provisions in some covenants or indentures where members of the governing body are unable to take appropriate steps to bring their governing documents into conformity or where governing bodies have been dormant or vacant; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Clayton want to do all they can to see to it that any offensive restrictions which may still be extant are invalidated and effectively expurgated;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:**

**Section 1.** Article II of Chapter 225 of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Section, initially to be designated as Section 225.035, to read as follows:

**Chapter 225. Human Rights**

**Article II. Discriminatory Practices**

**Section 225.035. Discriminatory Restrictive Covenants Declared Void**

If any declaration, indenture or other governing document applicable to any dwelling or area in the City of Clayton includes a discriminatory restrictive covenant or provision in violation of Section 225.030, above, that restrictive covenant or provision is invalid, void and of no force or effect whatsoever.

**Section 2.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section 3.** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 4.** This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

**Passed by the Board of Aldermen this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Mayor

Attest:

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City Clerk

# Recommendation on Housing Background Research

Clayton Community Equity Commission

June 9, 2022

# HUD Definition of Affordable Housing

- For renters, affordability means paying less than 30% of their income on housing, including rental and utility payments.
- For homeowners, affordability means paying less than 30% of their income on mortgage, utility, property taxes, and insurance payments. HUD uses Area Median Income (AMI) categories to provide a baseline definition of household income to support their housing policy and analysis.

# How are “workforce” and “middle-income” housing different from “affordable” housing?\*

“The term ‘workforce housing’ is most often used to indicate a program targeted at households that earn too much to qualify for traditional affordable housing subsidies. The largest rental subsidy program, [housing vouchers](#) funded by the U.S. Department of Urban Development (HUD), targets families making up to 50% of the median income for their metropolitan area (AMI). Households earning up to 80% of AMI are eligible to live in Low Income Housing Tax Credit ([LIHTC](#)) properties. Relative to these programs, workforce housing is most commonly intended for households with incomes between 80 and 120% of AMI.

The term ‘workforce’ housing is not only imprecise, it is [controversial](#): many poor households who receive federal housing subsidies [are employed](#), so why are those subsidies not considered “workforce” housing? While ‘middle-income housing’ would be more precise language, it raises some politically awkward questions.”

-- Brookings, “Workforce Housing and Middle-Income Housing Subsidies: A Primer” October 29, 2019

<https://www.brookings.edu/blog/up-front/2019/10/29/workforce-housing-and-middle-income-housing-subsidies-a-primer/>

# Clayton Housing Snapshot\*

- 6,208 housing units
- 91% housing occupancy
- 41% renters | 59% homeowners
- 41% of renters are cost-burdened (paying >30% of income for rent)
- ~875 renter households are cost-burdened
- Median home value: \$633,400
- Median rent: \$1,249 per month
- 669 new housing units built in 2015-2019
- 93% of new build units were in multi-family buildings

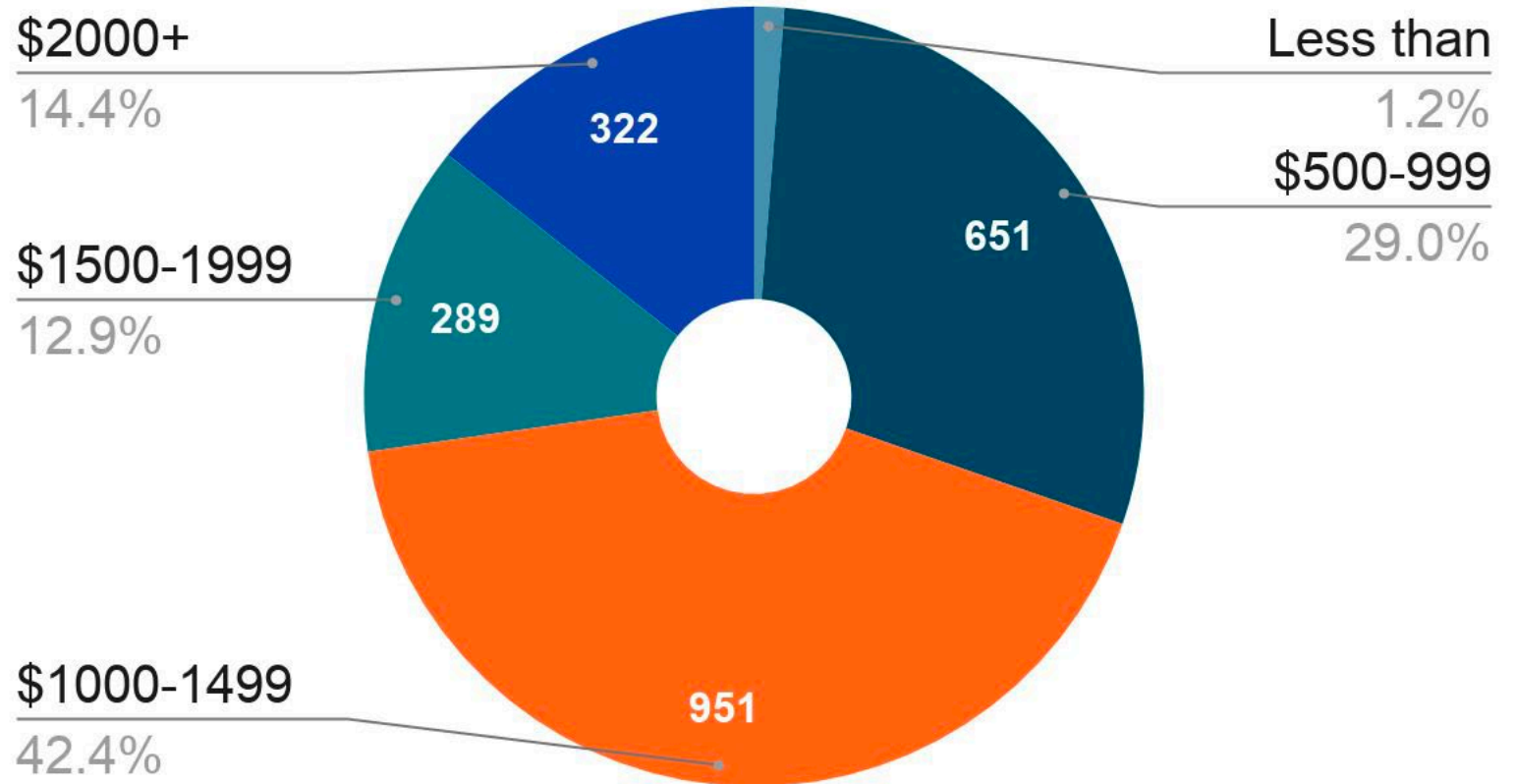
\*Affordable Housing Report Card, presentation to Clayton Equity Commission Update, January, 2022, Cristina Garmendia, Principal URBNRX

# Clayton Rental Market vs. STL City & County

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- Median rent in Clayton - \$1,249
- Median rent in City - \$828
- Median rent in County - \$983

Clayton Rental Market: Gross Rents in 2019



Clayton currently has 21 subsidized housing units:

1 Housing Choice Voucher + 20 Project Based Section 8



Median Rent in Clayton of \$1,249 affords rental options for households at 80% AMI.

In 2019 Clayton passed an ordinance prohibiting landlords from discriminating based on source of income (SOI), people at 80% AMI are not currently eligible for housing subsidies.

## St. Louis Metro Area Affordable Housing

St. Louis Affordable Housing Report Card, 2021 - <https://capture.dropbox.com/GYjojk7kqtvGhMM8>

**For each income group, based on a 3-person household, we have identified the best match for affordable housing costs using the thresholds available from the American Community Survey:**

Screenshot

- **0-30% AMI:** Affordable housing for families with incomes less than \$22,400 costs less than \$549 per month.
- **31-50% AMI:** Affordable housing for families with incomes between \$22,400 and \$37,350 costs less than \$999 per month.

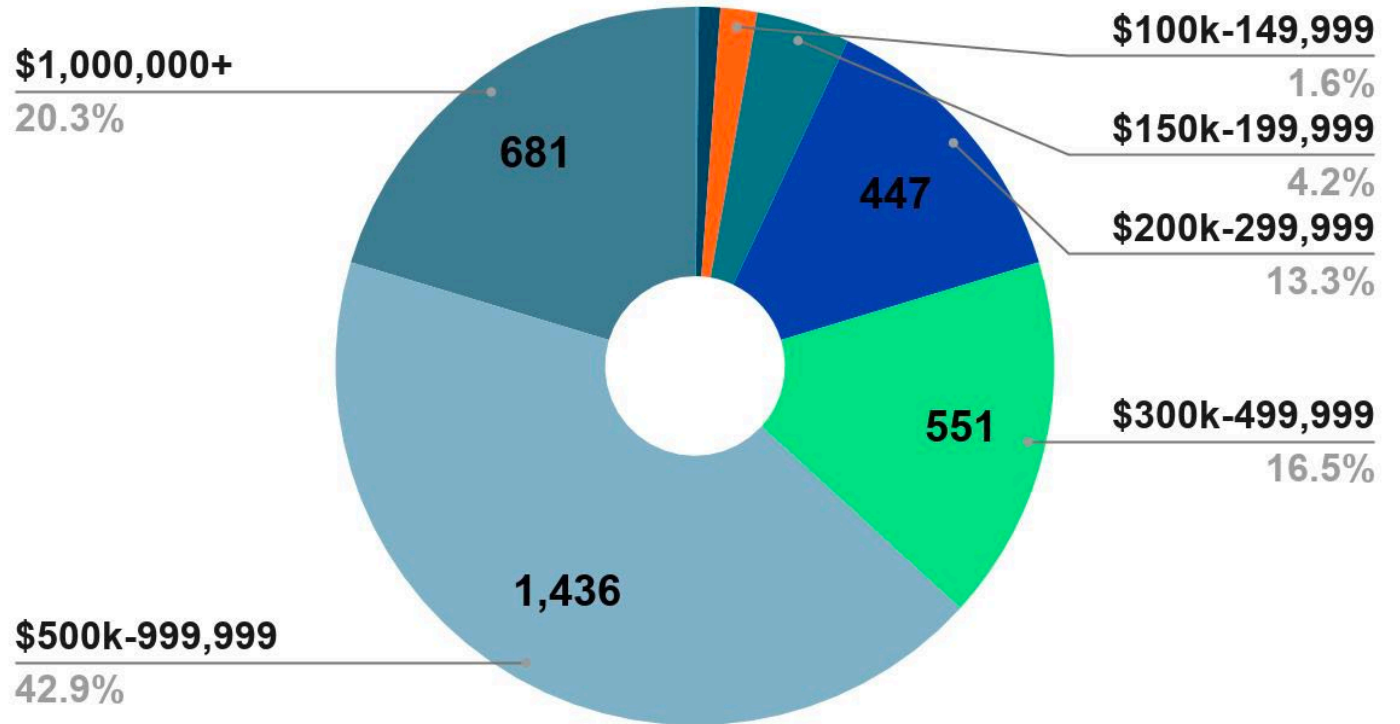
- **51-80% AMI:** Affordable housing for families with incomes between \$37,350 and \$59,700 costs less than \$1,499 per month.
- **81-100% AMI:** Affordable housing for families with incomes between \$59,700 and \$74,700 costs less than \$1,999 per month.

These thresholds are nearly identical for homeowner housing costs as reported in the American Community Survey, with the exception of the lowest income bracket where we use the cost threshold of \$599 instead of \$549.

# Clayton Home Values vs. STL City & County

- Median home value in Clayton - \$633,400
- Median home value in City - \$138,700
- Median home value in County - \$198,800

Clayton: Value of Owner-Occupied Households

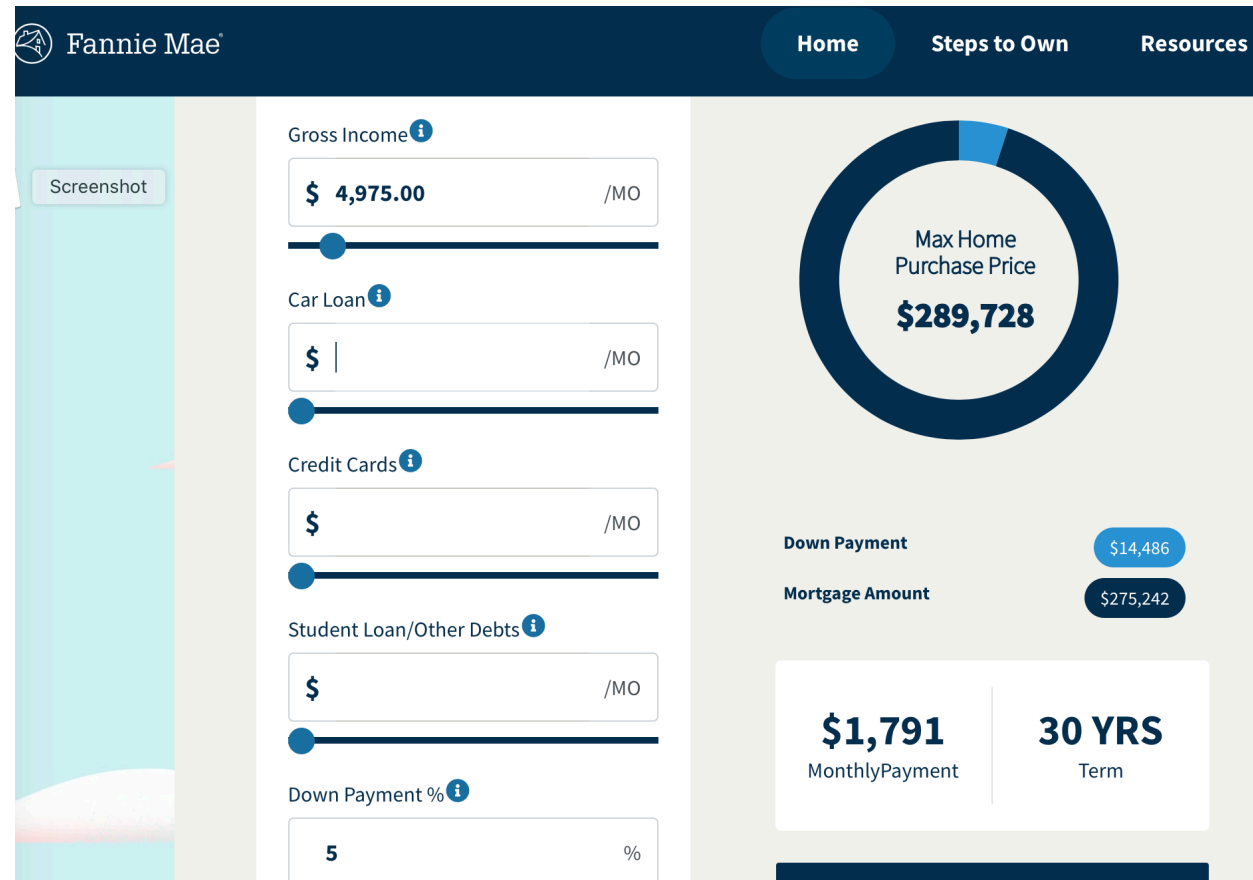


*Clayton has no affordable options for home buyers*

Median Home Value in Clayton of \$633,400 is out of reach for households at 80% AMI.

Even assuming 5% down, no debt and a favorable credit rating, the maximum home purchase price for a gross income of \$59,700 is calculated by Fannie Mae to be \$289,728.

## St. Louis Metro Area Affordable Housing



# Input from Developers about PUD Credits for Affordable Housing

*Green Street Real Estate Ventures & Midas Capital*

- Land costs in Clayton are very high.
- Need to demonstrate project can hit certain returns to get financing on front end:
  - Need public support in the community
  - Need institutional partners who are invested in the area to collaborate
  - Need a developer who is willing to get below market return (~6%)
  - Need transparency in city approval processes; developers and lenders are looking for certainty of execution
- Affordable Housing Points in PUD are not a strong incentive since there are other, easier and less costly ways to gain points.

# Brookings Institution recommendations for improving economic diversity of housing options in wealthier communities

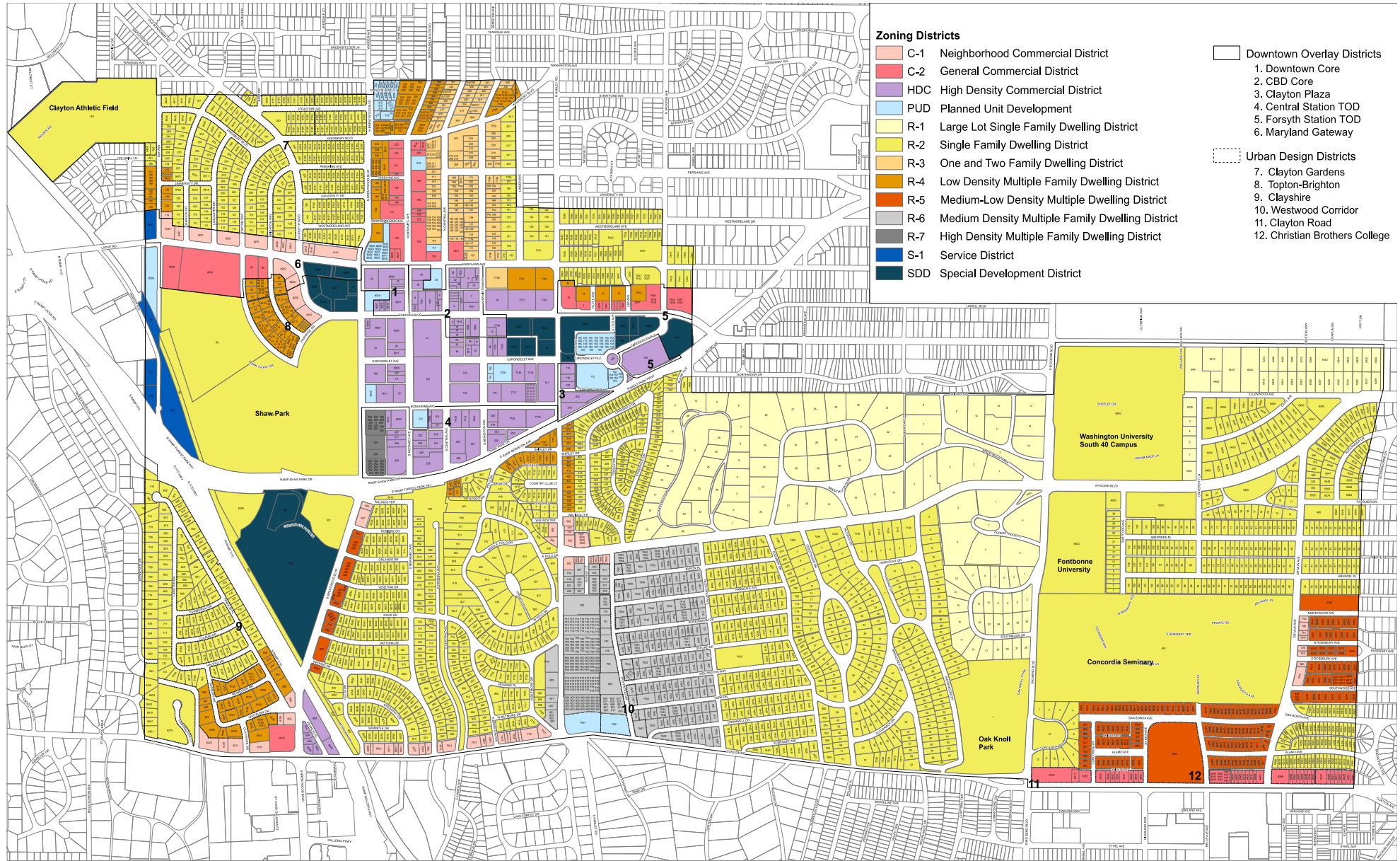
- Consider taking steps to allow small apartment buildings by right in all neighborhoods (e.g., University Hills). Minneapolis and Oregon have already taken such steps.
- Streamline housing development process to make it shorter, simpler, more transparent and less uncertain, particularly for multi-family buildings.

# Can these recommendations apply to Clayton?

- Davis Place was originally designed as mix of single family and two-family homes. It has since been re-zoned as single-family only. This means that those two-family homes can be converted into a single-family residence but cannot be replaced by another duplex. Further, existing two-family homes cannot be modified or replaced by another two-family dwelling.
- Two-family homes in Clayton can bring economic benefit to the City in terms of real estate taxes and well as a larger economic multiplier in the community in terms of local spending – i.e., two families buying groceries, visiting restaurants, picking up dry cleaning, as well as other goods and services commonly consumed in the local community.
- We are likely to see more families seeking multi-generational housing options in the future as Boomers age and more companies employ remote workers.
- Allowing for more multi-family homes in Clayton is something that should be considered in future city planning. However, an immediate first step is to secure a place for the duplexes that already exist. This would require changes to the some of the zoning rules for Davis Place.

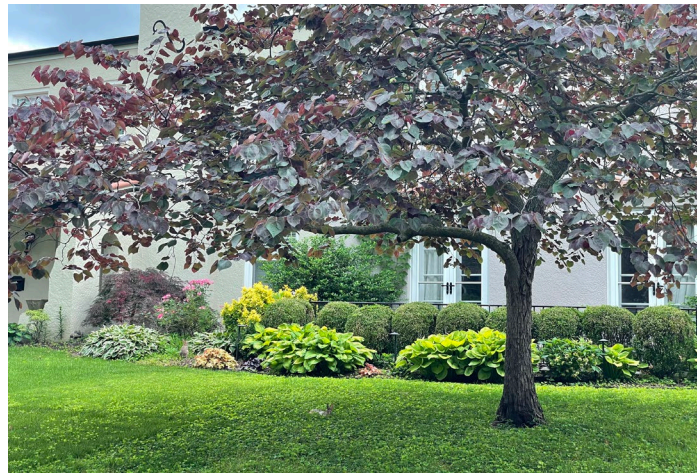
# Additional consideration from the community

- Clayton resident, Barbara Finch, sent an email recommending among other things that that ADUs (accessory dwelling units) should not be limited to family members and/or employees who work on the property. This should also be considered.
- The Clayton code refers to ADUs as “Granny Flats,” which can be considered offensive. The recommendation is to change the language throughout to ADUs.



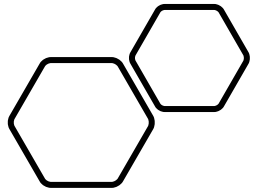


# Davis Place Duplexes



# Davis Place Duplexes





# Davis Place Duplexes



# Clayton Neighborhoods Currently Zoned Single- Family

- Clayshire
  - Clayton Gardens
  - Davis Place
  - Polo
  - Moorlands (east of Glenridge)
  - Claverach
  - Old Town (Linden eastward)
  - Wydown Forest
  - Carrswold
- Brentmoor Park
  - Forest Ridge
  - Tuscany Park
  - Southmoor
  - Skinker Heights
  - Ellenwood
  - Hillcrest
  - DeMun/Hi-Pointe (east of DeMun on San Bonita & Alamo)

# Clayton Neighborhoods Allowing More Than 1 Dwelling Unit

- Old Town (N Bemiston, N Central & N Meramec)
- Moorlands (west of Glenridge)
- Demun/Hi-Pointe (west of DeMun on San Bonita & Alamo)
- Topton/Brighton/Parkside
- North Polo (Shirley Dr)

*How would this fit into current zoning?*

## **Section 405.450 - Restoration of Damaged Non-Conforming Structures or Uses**

When a building containing a non-conforming use is damaged by natural or manmade disaster to the extent of sixty percent (60%) or more of its replacement value, it may only be restored in conformance with the regulations of the Zoning Code. When damaged by fire, explosion, flood, winds or other acts of God or the public enemy or by any other cause unrelated or unattributable to the owner to an extent of less than sixty percent (60%) of its replacement value, a non-conforming building may only be restored upon the issuance of a variance by the Board of Adjustment. A right to continue a non-conformity may be lost if the damage is done intentionally by the owner or on behalf of the owner. **Insert clause that duplexes grandfathered in single-family zones be allowed to rebuild as a duplex**

*How would this fit into current zoning?*

## **Section 405.440 - Non-Conforming Uses**

A. Any non-conforming use of part or all of a structure or any non-conforming use of land may be continued, so long as otherwise lawful, subject to the following provisions:

1. Ordinary repair and maintenance. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures wiring or plumbing may be performed on any structure.
2. Remodeling. No structure shall be remodeled unless the use thereof shall thereafter conform to all provisions of the Zoning Code. For purposes of this Section, the term "remodel" shall mean to reconstruct or relocate exterior walls, bearing walls or bearing partitions; or to substantially alter the exterior appearance of a building by adding or removing architectural elements by changing the roof line or by closing up or relocating door or window openings.
3. Expansion of use. No non-conforming use of a lot or building shall be enlarged, expanded or extended to occupy a greater area of a lot or building than was occupied on the effective date of this Zoning Code or amendment thereto and no additional accessory use, building or structure shall be established thereon.
4. Enlargement of building or structure. No building or structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner, unless such building or structure addition and the entire use thereof (both existing space and the addition) shall thereafter conform to all provisions of the Zoning Code. **Exempt duplexes**

*How would this fit into current zoning?*

## **Section 405.440 - Non-Conforming Uses**

5. Moving. No structure that is devoted in whole or in part to a non-conforming use shall be moved in the whole or in part for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and use thereof shall conform to all provisions of the zoning district in which it is located after being so moved.
6. Change in use. A non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a non-conforming use has been changed to any permitted use, it shall not thereafter be changed back to a non-conforming use.
7. Abandonment or discontinuance. In the event that the non-conforming use of any building or premises is discontinued for a period of one (1) year, regardless of any reservations of an intent not to abandon or resume such use, any subsequent use or occupancy of such structures shall comply with provisions of this Chapter including those of the zoning district in which the structure is located. **Insert exception for duplex in SF zoning**
8. Non-conforming accessory uses. No use which is accessory to a primary non-conforming use shall continue after such primary use shall cease or terminate.



# Historical Perspective

- According to multiple sources, single-family zoning originated in 1916 in the [Elmwood neighborhood of Berkeley, California](#) as an effort to keep minorities, specifically a Black dancehall and Chinese laundries, out of white neighborhoods.
- A Supreme Court decision in 1926, *Village of Euclid, Ohio v. Amber Realty*, declared that it was a legitimate use of the [police power](#) of cities to ban apartment buildings from certain neighborhoods:  
*“With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private house purposes; that in such sections very often the apartment house is a mere parasite, constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district.”*
- Undeniably, vestiges of disdain for multi-family housing linger to this day. As our City works toward its mission of being an “open, equitable, accessible and fiscally responsible government,” we would want to foster welcome acceptance of all our neighbors, regardless of the housing style they choose for themselves and their families.

# Clayton Community Equity Commission

## RECOMMENDATION TO THE BOARD OF ALDERMEN

### **Role**

*The Clayton Equity Commission was formed by Bill No. 6759. The body provides guidance to the Major, Board of Aldermen and the Clayton community on the issues pertaining to diversity, equity and inclusion.*

### **Guiding Principles**

*The CEC decided to begin its broader equity work by addressing racial equity with the goal of advising elected officials on how to prioritize and enact system change to reduce the impact of racism in our community.*

*The CEC recognizes that racism is ingrained throughout all facts of life in our nation and region, and that racial disparities define Black St. Louisans' quality of life across a range of indicators. Clayton is not immune to these problems, as both data and anecdotal evidence of Black residents' and visitors' experiences in our community makes clear. The CEC seeks to ensure Clayton is a community where St. Louisans of all backgrounds choose to live, work and play. To accomplish that purpose, CEC will focus on identifying policies and practices currently in place that reinforce inequities, and propose solutions to close these gaps.*

### **CEC Values**

*Impact, Community, Courage*

### **Background**

The CEC chose affordable housing as a focus area for 2022. Beginning with a review of Clayton's Affordable Housing Report Card presented by Cristina Garmendia, Principal URBNRX in January. This was followed by a meeting with representatives from Green Street Real Estates Venture and Midas Capital, two prominent developers involved with affordable housing in the metro area, to get their point of view on PUD credits as an incentive. We also did research on how to improve economic diversity of housing options in wealthier communities like ours. (See full *CEC Housing Report* attached)

### **Summary**

Part of being a vital, welcoming city is having diversity in housing stock. One of the recommendations for improving economic diversity of housing options in wealthier communities is to take steps to allow for more multi-family options.

The City of Clayton will be starting a comprehensive planning conference beginning in January 2023. We would hope that the CEC would be able to have a place at the table when it comes to zoning. However, we recommend that there are steps that can be taken now to keep the existing multi-family housing stock in neighborhoods like Davis Place which is now zoned as single-family.

Single-family zoning as it now stands in Davis Place means that those two-family homes can be converted into a single-family residence but cannot be replaced by another duplex. Further, owners of duplexes are not afforded the right to change or modify their structure in any significant way (e.g., add a sunporch) without losing their right to non-conforming status.

This stands in opposition to trends in housing going forward as we are more likely to see families seeking multi-generational housing as Boomers age and more companies employ remote workers.

In addition, two-family homes can certainly bring economic benefits in terms of real estate taxes as well as being a larger economic multiplier to local businesses – i.e., two families buying groceries, visiting restaurants, picking up dry cleaning and other goods and services commonly consumed nearby.

There are many reasons people choose to live in multi-family buildings, be they condos or rentals. In interviewing some of the residents who live in duplexes in Davis Place, we met the family of a doctor who was doing his residency at BJC. They had small children as did their neighbor in the adjoining home. The mom said it was a lifesaver for them, especially during COVID as the families extended into each other's safe circle and the kids were able to play together. The families covered for each other and helped each other out when they needed babysitters. When we met them all the kids from both families were playing in the yard as one mom supervised so her neighbor and friend could attend to other needs.

We also met a man in his 80s who had lived in Clayton since he was a small child. He and his wife initially bought a duplex as an economic measure, so they could live in one half of the building while having rental income from the other. As time went on, they chose to stay and raise their children in that duplex as a lifestyle choice, explaining it was plenty spacious for all four of them. Now that the couple is advancing in age and no longer want to be responsible for maintaining such a large building, they sold the building to a younger couple who are also residents of Clayton – with the proviso that they could continue to rent their side of the duplex. As it happened, while we were talking the landlord was there fixing the kitchen sink for the older couple on a Sunday. It was clear there was a kindly connection between them.

In our open meetings, community members have come forward with other issues that we feel should be addressed. Currently our zoning documents use the term "Granny Flat" to refer to Accessory Dwelling Units (e.g., carriage house). This term can be considered offensive and should be replaced.

In addition, according to current rules for ADUs they only be used either by relatives or persons who are employed on the property. This rule seems archaic in today's world. For example, if a Clayton resident with an ADU has a close friend in another state whose child is attending graduate school at a nearby university, that "unrelated" child would not be allowed to live in the Clayton resident's ADU.

### **Recommendations**

1. The Community Equity Commission recommends that duplexes that are grandfathered in neighborhoods that have since been zoned as single-family be afforded the same rights to change or modify their building as single-family dwellings. This would include the right to replace a duplex with a duplex in the event of catastrophic damage to an existing structure.
  - a. Specifically, The Community Equity Commission recommends that the board of aldermen consider amending sections 405.440 and 405.450 of the City Zoning Code relating to "non- conforming uses" so that currently existing two- family duplexes are specifically excluded from restrictions contained in those sections of the code.
2. The CEC recommends that the term "Granny Flat" be replaced with Accessory Dwelling Unit (ADUs) in all zoning documents.
3. The CEC requests a place at the table when it comes to planning future residential zoning codes.

**October 13, 2022**

**PDF Attachments follow**

*CEC Housing Report BG*

(Copy for Clayton Connection with link to article. Visual screenshot of handwritten indentures, move in on restrictive language)

*Racial covenants were made illegal by the 1964 Fair Housing Act yet the language persists in deeds passed on unknowingly generation to generation. Ben Uchitelle is determined to change that. Find out more.*

## **Neighborhood Indentures: Words Matter**

As the Great Northward Migration worked through the first half of the 20<sup>th</sup> century, localities started to implement restrictive covenants and redlining, which created segregated neighborhoods and served as a foundation for the existing racial disparities in wealth in the United States. These covenants were in place throughout most of the neighborhoods in Clayton, including the Moorlands Addition.

While the 1968 Fair Housing Act finally made such covenants illegal, the restrictive language remained, passed down largely unnoticed in the deed documents from one generation to another -- a vestige of a shameful part of our history.

Ben Uchitelle, who is a lawyer, former Clayton mayor and current member of the Community Equity Commission (CEC), was determined to change that. Ben was insistent that racially restrictive language should be rooted out of our city.

“Words matter, and these words were especially painful and at odds with the welcoming community we aspire to be,” explained Uchitelle.

Thus began a collaborative effort between the CEC, Clayton City Manager David Gibson, Clayton City Attorney Kevin O’Keefe, and the residents from the various neighborhood associations.

The first step was to locate the actual indentures. Ben found an ally in his search in Charles Krull, president of Title Plant Operations at Metropolitan Title Data, Inc. Charles knew exactly how to navigate the labyrinth of county records to find the original neighborhood indentures, some of which dated back so far, they were handwritten.

*[maybe consider another quote from Ben or from Charles Krull]*

There are XX neighborhoods in Clayton, XX of which originally included racial restrictions in their indentures. As of (this date), the discriminatory language has either been purged or disavowed by the City of Clayton in all of them.

A lot of people came together to make this happen. The CEC, chaired by Ben Uchitelle, would like to thank everyone who worked so hard to ensure that we are living up to our mission of being a diverse, equitable, accessible and inclusive community.

BOARD OF APPEALS  
MOORLANDS ADDITION

Private Subdivision—Clayton, Missouri

APPEALS COMMISSIONERS TO RESIDE

EDWARD H. BROWN, Chairman  
1008 WESTERN BLVD.  
CLAYTON, MO. 63105

F. J. BRADLEY, Chairman  
1008 WESTERN BLVD.  
CLAYTON, MO. 63105

WALTER G. BROWN, Chairman  
1008 WESTERN BLVD.  
CLAYTON, MO. 63105

October 1, 1947

Mr. Edward A. Brown

Mr. F. J. Bradley

Gentlemen:

The enclosed report, etc., (originals to Mr. Bradley and copies to Mr. Brown), regarding colored people occupying living quarters as janitors, in basements of Moorlands apartment buildings, speak for themselves. You will recall that we ordered Mr. Karsales to employ an investigator to make a comprehensive report, which I think is quite complete. I find the charge of \$20.00 for that work is reasonable and it has my approval for payment.

Incidentally, the report checks pretty closely with the information I personally gathered. In having the investigator make an independent report, we will doubtless be able to use him as a witness if suits have to be filed.

The worst offenders in housing of colored families seem to be at 7848-48 York and 7828 Wydown.

Mr. F. J. Karsales, the attorney employed on the case, is trying to work out a solution of the matter with the owner and agent of 7848-48 York, without the expense, delay, etc., of a lawsuit if possible, and reports that Ardrester and the owner have agreed to expel colored family just as soon as they can find a white janitor. In this instance, we find that the colored janitor and his family have been living at this address for a number of years (some say 2 - some say 9 years.)

As to 7828 Wydown, where Floyd Smith is reported to live with his second wife and three children by his first wife, I have instructed Mr. Karsales to notify the owner and agent of the premises, and demand compliance with the restrictions, failing which Mr. Karsales feels that the owner and agent of this property could be joined in a suit with the owner and agent of 7848-48 York (in case Ardrester and Kingsfield do not comply with their agreements), to try to

E.A.S.  
T.J.H. Cont'd.

-2-

10-1-47

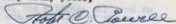
Force compliance with the Restrictions.

As to the colored janitors with wives and no children, I have instructed Mr. Marsalek to write the owners and agents along the lines already indicated in letters to the Armbruster Realty Company. However, both Mr. Marsalek and I think we should go a little slow on the cases where there are no colored children living - as the wives may be employed by the occupants of the building and come within the purview of the Restrictions covered by the following wording:

"No person not wholly of Caucasian blood shall acquire any estate or interest in any land in said tract, nor be allowed to occupy any building erected thereon, unless employed as servants in the family of an owner or occupant of anyone or more of said lots."

I suggest that both you gentlemen think the matter over so that we can discuss it further at the next meeting of the Board - and in the meantime, if agreeable to both of you, I suggest that Mr. Hargadon send to Mr. Marsalek a check for \$50.00, payable to Fred C. Schillinger, to cover the enclosed bill for investigation and report.

Very truly yours,



ROBERT C. POWELL

RCP:af1

(Encls.)



RE: COLORED FAMILIES LIVING IN THE WOODLAWN

The following report details the results obtained from an investigation conducted by the writer over a period of two last month in regard to the number of colored families living in the Woodlawn section, and more specifically just how many of said families have wives and/or children living with them.

Information was gathered in several ways-- namely, by visiting and talking to the families, to tenants in the various buildings, and to personal friends of the writer's who live in Woodlawn section.

Personal contact of the families themselves did not prove to be too profitable as it was extremely difficult to gain entry into their living quarters and thus observe at first hand the presence (either physical or in the form of tell-tale evidences) of wives or children. My only feasible approach to these men was in the guise of apartment-hunter-when-employment-disappeared, coming to "the man who leaves" about any actual or potential vacancies in the building, i.e., the janitor. The great majority of them were pretty brazen, or even crisy, which is no doubt a natural result of their having been treated on previous occasions of business by an infinite of other apartment-hunters. (I mention these things in some detail here because of the fact that in the preliminary conference between Mr. E. W. Harwood and myself it had been felt that this method would probably be the best for the gathering of accurate information.)

The other two methods-- namely, contact of tenants and friends of the writer's, proved far more profitable. It was necessary only to find people who were at the least indifferent toward, or preferably did have some degree of animus toward, their janitors. The great majority of these tenants feel strongly that their janitors are simply "going through the motions" and are performing only the unavoidable minimum of their allotted tasks. Such people are not only willing but even anxious to talk about their janitors.

Detailed information on each apartment building appearing on the list which was turned over to me by Mr. Humphreys follows hereinafter:

- 742-42 100th - - - - - E. Stimpald is owner and the Architectural Realty Company is agent. Charles Davis is the Janitor and his wife and three children live with him in the building. Of these children two are small, and one is a grown young woman.
- 744-43 100th - - - - - Great Investment Company is owner and the Metropolitan Realty Company is agent. The Janitor is named "Joe" and his wife lives with him. They have two grown children who do not live in building-- although naturally they often visit Joe and his wife.
- 745-41 100th - - - - - Peter Brown is owner and agent, Janitor is named "John". Married, living with wife, but they have no children.
- 746 100th - - - - - E. C. Peterson is owner and the Clayton Realty Company is agent. The Janitor is named "Bob". He does not live on the premises.
- 748 100th - - - - - Samuel Wasserman, owner. (Miss D'Archi's Co., agent. Janitor named "Jack". He is married).
- 749 100th - - - - - J.F. Parkdale, owner. Home Management Corporation, agent. Janitor in named "William". He is married and lives with his wife on the premises, but they have never had any children.
- 749 100th - - - - - John H. Friedlander is owner and agent. Janitor named Sam Johnson. Married and living with wife but they have no children yet. However, an informant explained that his sister's children are very frequent visitors.
- 750 100th - - - - - Frank Weights, owner. S. E. Rotenberg Company, agent. Joe Madigan, Janitor. Wife lives with him. They have no children.
- 751-48 100th - - - - - A. Kaufman, owner. (Mrs. - - - - - agent. Jack Wasserman, Janitor. Wife living with him. They have no children.
- 751-47 100th - - - - - Wallington Investment Company owner and agent. Janitor named James Lee. My informant said he has had a long conversation of Mr. "Alice" but never any children.
- 752 Westwood - - - - - Selma Silverman, owner. Agent unknown. This is only a six-family building and the Janitor does not live on premises.
- 752 Westwood - - - - - Gladys Silverman, owner. (Agent's)

- 708 Westwood (Cont'd): Anderson-Stocks-Buchanan Co., is agent. Janitor named "Felix", wife living with him. But they have no children.
- 707 Westwood-----Davis Hotel, owner. "Dear Health Co.", agent. William Hall, janitor. He is a bachelor.
- 800 Westwood-----Westwood Terrace, Inc., owner. Gray Management Corp., agent. Janitor, named "James". Lives with his wife. They have no children.
- 810 Westwood-----Sam and Marie Light, owners. Anderson-Stocks-Buchanan Co., agent. Janitor named "John". Lives with wife. They have no children.
- 7100 Hydeco-----C. Larkin, owner. Hartmann-Burton Co., agent. Janitor is named Floyd Dennis. He is married to his second wife and has three children by his first wife who live in the building with him and his wife and second wife.
- 7100 Hydeco-----E. J. Kishart et al., owners and rental agent. Janitor named "Joe". He has wife and two children. These children do not live in the building although naturally they often visit their parents.

**CONCLUSIONS**

Obviously, this is a pretty negative report in the sense that it furnishes the information that in only two out of the sixteen buildings investigated were there colored children actually living on the premises with their parents. I underline the word "living" for this reason. Many of my informants emphasized the point that there is a more or less constant stream of colored children "visiting" the janitors, and that these visits are often of extended duration--particularly during the warmer months. These children are usually the progeny of relatives or close friends of the janitors, and apparently in their cities such visits are the counterpart of trips to Michigan and Wisconsin for more affluent white citizens of St. Louis.

However, I am confident of the accuracy of this report. My informants all had unqualifiedly hostile views on their own houses, and I was always careful to discount anything told me by anyone who showed any tendency to "sweep-up" to my satisfaction.

You will note that I was not too meticulous in obtaining the full names of all the janitors. This is because the great majority of them are known only by their Christian names or nick-names. If it is desired to take further steps in this matter, however, such names could be easily enough obtained on application, or by other means.

Respectfully submitted,

(Signed) Fred G. Schilling  
 Attorney at Law  
 708 Chestnut Street  
 St. Louis 1, Mo.  
 MAY 1944.