



**Agenda**  
**Planning Commission Meeting**  
**7:00 P.M. on Tuesday, August 28, 2012**  
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

**CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**

**Administrative**

- 1A. Review of agenda items.
- 1B. Chair Haydon to report at the City Council meeting on September 18, 2012.

**Public Comment**

**Approval of Minutes**

2. Approval of minutes from the meeting of July 10, 2012.

**Public Hearing**

3. **SPR 01-11, VAR 01-11, LLA 01-11, Toll Brothers, Diablo Estates at Clayton Subdivision, Northeast Corner of Rialto Drive and Regency Drive.** An amendment to Condition of Approval 5 of the Planning Commission Notice of Decision for the previously-approved Diablo Estates at Clayton subdivision. Condition 5 currently requires that escrow close for sale of the low-income affordable housing unit prior to the 20<sup>th</sup> (and subsequent) certificates of occupancy being issued for newly-constructed residences within the subdivision. The developer is requesting that Condition 5 be modified to allow the 20<sup>th</sup> (and subsequent) certificates of occupancy to be issued prior to escrow closing for sale of the low-income affordable housing unit.

**Recommended Action:** None - Item withdrawn. The applicant, Toll Brothers, has decided not to pursue this request at this time as they are hopeful to sell the affordable housing unit in a timely manner, consistent with the provisions of Condition 5 as currently written.

**Old Business**

4. None.

**New Business**

5A. Review Housing Element Work in Progress:

- 1) Implementation Measure V.1.1: The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.
- 2) Implementation Measure IV.3.3: The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities.

5B. Review Approved Planning Commission Meeting Procedures and Protocol.

**Communications**

- 6A. Staff.
- 6B. Commission.

**Adjournment**

7. The next meeting of the Planning Commission is scheduled for **September 11, 2012**.

Most Planning Commission decisions are appealable to the City Council within ten (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 oral 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. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present. Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, July 10, 2012**

**Call to Order**

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Dan Richardson, Vice Chair Haydon, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

Staff: Community Development Director David Woltering  
Assistant Planner Milan Sikela, Jr.

**Administrative**

1A. Selection of Chair and Vice Chair.

**Commissioner Johnson moved and Commissioner Manning seconded a motion to elect Vice Chair Keith Haydon as Chair of the Planning Commission. The motion passed 5-0.**

**Commissioner Johnson moved and Commissioner Richardson seconded a motion to elect Commissioner Manning as Vice Chair of the Planning Commission. The motion passed 5-0.**

1B. Review of agenda items.

1C. Commissioner Johnson to report at the City Council meeting on July 17, 2012.

**Public Comment**

None.

**Approval of Minutes**

2. Approval of minutes from the meeting of June 26, 2012.

**Commissioner Richardson moved and Vice Chair Manning seconded a motion to approve the minutes, as amended. The motion passed 5-0.**

**Public Hearing**

3. **UP 01-12, Use Permit, AT&T, 68 Nottingham Circle, APN 120-025-003.** A Use Permit request to consider amending a previously-approved Use Permit for an existing wireless communications facility. The currently-proposed modifications involve removal of six existing antennas located at the top of an existing 125-foot PG&E lattice tower and replacement of those antennas with six new antennas as well as installation of three new cabinets within the existing ground-level equipment enclosure. The purpose of the alterations are to upgrade the existing site with new technology that will allow for faster wireless data transfers and overall improved wireless service.

Chair Haydon recused himself from participating in the consideration and action on this agenda item as he is an employee of AT&T. He then left the meeting chambers.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Commissioner Johnson asked the following questions:

- If the project is approved, when will the upgrades to the wireless communications facility occur? *The representative of the applicant, Tom Johnson, responded that, if approved, the upgrades will occur within 60 to 90 days.*
- Have there been any modifications of the site since you received initial approval four years ago? *Mr. Johnson answered that only repairs have been performed on the equipment within the enclosure.*

Commission Richardson indicated that he was aware of "Project Lightspeed". *Mr. Johnson indicated that AT&T is working on a project called Longterm Evolution which involves new technology with the ability to perform higher data transfers.*

Commissioner Bruzzone asked is Longterm Evolution going to require upgrades? *Mr. Johnson replied that system-wide upgrades will be performed at all AT&T sites to allow for Longterm Evolution.*

Brin Owen, 49 Nottingham Circle, indicated the following:

- Existing AT&T wireless communications facility does generate more noise than anticipated.
- Can hear a constant droning sound emanating from the facility when I stand in my yard, especially at night when ambient noise levels are reduced.
- Had previously contacted AT&T regarding the noise and was told that AT&T would perform acoustic monitoring and report back to me but I never heard back from them.
- Do not think AT&T adequately addressed my concerns over noise.
- Would request that additional upgrades to mitigate noise be included since AT&T is proposing to install more cabinets within the equipment enclosure.
- Part of the problem may be that the equipment enclosure has an open top which allows the noise to impact neighboring properties.
- Noticed that a wireless communications facility equipment enclosure located nearby on Pine Hollow Road has a roof on it. Perhaps a roof could be placed on the subject equipment enclosure.
- Request that the City work closely with AT&T to mitigate noise levels.
- Want to commend AT&T on doing a good job installing and maintaining the landscaping around the equipment enclosure.

Michael O'Brien, 68 Nottingham Circle, owner of the subject property on which the cellular facility is located, indicated the following:

- Have enjoyed working with AT&T.
- To AT&T's credit, they have installed acoustical walls within the equipment enclosure to mitigate noise.

- Although the topography appears to be level in the area of the neighborhood within proximity of the subject site, the equipment enclosure is actually located below the level of my residence and Mr. Owen's residence. Given that the equipment enclosure is not roofed and that surrounding residences are higher in elevation than the equipment enclosure, the noise emanating from the equipment enclosure travels out from the top of the enclosure and is easily heard by surrounding property owners.
- An acoustical study taken from the sides of the equipment enclosure would not be accurate in gauging the level of noise generated from the site; the noise study should also be taken from above the enclosure to accurately measure the level of noise.

Commissioner Bruzzone indicated that noise level information should be gathered at different heights in order to accurately capture on-site noise generation.

Director Woltering indicated that staff would seek to ensure that AT&T captures noise generation at varying heights around the equipment enclosure when the noise study is conducted.

Commissioner Johnson suggested that the equipment enclosure could possibly be enclosed at the top to mitigate noise generation.

Director Woltering indicated that, if we find a need to substantially modify the equipment enclosure (e.g., install a roof), we would bring the proposal back to the Planning Commission for review.

Michael O'Brien asked what is a comparable type of noise that would be 55 decibels at the property line, as required by the General Plan Noise Element? *It was indicated that 55 decibels would be the approximate level of noise generated by a sewing machine.*

Mr. Johnson indicated the following:

- AT&T is already coordinating with a sound engineer to conduct the noise study.
- We will coordinate with Mr. O'Brien to schedule a time to conduct the noise study.
- Can do both day and night studies to include ambient noise levels.
- Have concerns regarding constructing a roof over the equipment enclosure, indicating that the level of heat would rise dramatically, causing the cooling system to work constantly which would result in even higher levels of noise being generated from the site.

Commissioner Richardson indicated he would not support taking action on the item until the noise study is completed.

By consensus, the Planning Commission directed staff and the applicant to conduct a noise study to be taken at varying heights around and above the enclosure; and that the noise study should be conducted with staff and concerned neighbors present.

**Commissioner Richardson moved and Vice Chair Manning seconded the motion to continue Use Permit UP 01-12 to a date uncertain. The motion passed 4-0.**

Chair Haydon returned to the meeting chambers.

**Communications**

6A. Staff.

Director Woltering recommended that the next Planning Commission meeting on July 24, 2012 be cancelled and tonight's meeting be adjourned to the meeting of August 14, 2012.

6B. Commission

By consensus, the next regularly-scheduled meeting of July 24, 2012 was cancelled.

**Adjournment**

7. The meeting was adjourned at 7:40 p.m. to the regularly-scheduled meeting of August 14, 2012.

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Submitted by  
David Woltering, AICP  
Community Development Director

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Approved by  
Keith Haydon  
Chair

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## Memorandum

**To:** Chair Haydon and Planning Commissioners

**From:** David Woltering, Community Development Director *DW*

**Date:** August 28, 2012

**Subject:** Agenda Item 5A Review Housing Element Work in Progress

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The purpose of Agenda Item 5A is to update the Planning Commission on work staff is completing as part of the Housing Element implementation effort. Staff will summarize current work efforts and receive comments from the Planning Commission on this work.

The City Council adopted the Clayton 2009-2014 Housing Element on April 20, 2010 and the State Housing and Community Development Department certified this Housing Element on July 15, 2010. This adopted/certified Housing Element has approximately 30 categories of required implementation measures. The City has made substantial progress toward adopting or moving forward many of the required implementation measures. For example, a High Density Residential General Plan land use designation was created and seven properties in the City were redesignated to that designation to facilitate the construction of higher density housing and, presumably, more affordable housing within the community. In addition, a Density Bonus Ordinance was drafted and adopted as was a Manufactured Housing Ordinance.

### Current Work Efforts

Presently, staff is working with Raney Planning and Management on addressing two more of the required Housing Element Implementation measures: 1) Measure V.1.1 regarding preparing and providing energy efficiency brochures to the community, and 2) Measure IV.3.3 regarding preparing and implementing a Universal Design Ordinance to help assure greater adaptability and accessibility of housing for persons with disabilities. Staff has attached a draft copy of a brochure on energy efficiency and a draft Universal Design Ordinance for Planning Commission review. The draft Ordinance will subsequently be finalized by staff and brought before both the Planning Commission and the City Council at noticed public hearings for consideration and adoption, if deemed acceptable. The draft brochure will be finalized by staff and made available both in City Hall and in the Clayton Community Library.

### Summary of Draft Energy Efficiency Brochure

The draft energy efficiency brochure includes voluntary measures that could contribute to a reduction in the use of non-renewable energy resources and in the reduction of energy use overall in both residential and non-residential projects. Examples of measures proposed in the brochures are as follows:

- Use of cool roofs.
- Use of Energy Star ceiling fans and appliances.
- Orientation of buildings to optimize the use of solar energy.
- Design of windows to collect prevailing breezes and provide cross ventilation.
- Use of on-site renewable energy sources such as solar, wind, geothermal, low-impact hydro, bio-mass, and biogas, as feasible and permissible.

### Summary of Draft Universal Design Ordinance

The purpose of this Ordinance is to facilitate greater adaptability and accessibility of housing for persons with disabilities. These disabilities include those related to aging and cycle-of-life issues affecting one's mobility and dexterity. With appropriate adaptations to housing, one can stay in the home longer, more safely, and with greater comfort.

The draft Ordinance does not prescribe mandatory installations, but rather mandatory requirements for a developer to offer installations. These mandatory offers of installation would help assure accessible entries and routes through a home to key locations such as the kitchen, bathrooms, bedrooms, and living areas. The developer would need to provide these options, if requested by the buyer.

### Attachments:

1. Draft Energy Efficiency Brochure
2. Draft Universal Design Ordinance



- Install roof/ceiling insulation to limit heat loss and gain through the top of conditioned spaces.
- Install high-efficiency unitary air conditioner(s) and heat pump(s) with minimum efficiency requirements specified in the 2010 CA Green Building Standards Code.
- Install a Direct Digital Control System on HVAC system(s).
- Install motion sensors on lighting systems that are capable of automatically turning off all the lights in an area no more than 30 minutes after the area has been vacated.
- Install automatic daylighting control devices to control lights in daylight zones in response to the availability of daylight.
- All permanently installed outdoor luminaires employing lamps rated over 100 watts shall either have a lamp efficacy of at least 60 lumens per watt or be controlled by a motion sensor.
- Use on-site renewable energy sources such as solar, wind, geothermal, low-impact hydro, biomass and bio-gas.
- Design steel framing for maximum energy efficiency to avoid thermal bridging (i.e., heat loss through conventional wood framing).
- Install lower solar heat gain coefficient (SHGC) glazing on windows to reduce the amount of solar radiation that is allowed into a building.

### City of Clayton Building Permit Process

The City of Clayton contracts with the Contra Costa County Building Inspection Department for construction plan checking and issuance of building permits. The Clayton Community Development Department first reviews construction plans for compliance with the Zoning Ordinance and engineering and stormwater requirements (if applicable), after which the plans are reviewed by the County Building Inspection Department for compliance with adopted building codes.

### For More Information Contact:

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Community Development Director  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517  
(925) 673-7343  
[dwoltering@ci.clayton.ca.us](mailto:dwoltering@ci.clayton.ca.us)

### Additional Resources:

- *Contra Costa County:*  
[www.ccrecycle.org](http://www.ccrecycle.org)
- *CA Integrated Waste Management Board:*  
[www.calrecycle.ca.gov/GreenBuilding/](http://www.calrecycle.ca.gov/GreenBuilding/)
- *Go Solar Initiative (CA Energy Commission):*  
[www.gosolarcalifornia.org/about/index.php](http://www.gosolarcalifornia.org/about/index.php)
- *Cool Roof Rating Council:*  
[www.coolroofs.org](http://www.coolroofs.org)



# Energy Efficiency Measures Brochure

## City of Clayton Community Development Department

**Purpose:** This brochure is intended to provide an overview of some of the types of energy efficiency measures that designers, builders, and property owners may wish to consider during the planning and design process.

The measures presented in this brochure are considered voluntary in that they are not required by the 2010 California Green Building Standards Code, adopted by the City of Clayton. However, the City strongly encourages that each project within the City incorporate energy efficiency measures to the greatest extent feasible.

## Residential

### Site Planning and Design

- Orient buildings to optimize the use of solar energy with the long side of the house oriented within 30 degrees of south.

### Energy Efficiency

- Reflective surfaces, especially on roofs and walls, will minimize the amount of solar heat that penetrates a building. Cool roofs reflect a large portion of the sun's heat energy back into the atmosphere. Materials should be selected for both high reflectivity and high emissivity.
- Install ENERGY STAR qualified hard-wired lighting fixtures and appliances if an ENERGY STAR designation is applicable for the appliance.
- Install ENERGY STAR ceiling fans in all bedrooms and living areas.
- Install a whole-house fan with insulated louvers or an insulated cover.
- If cooling equipment is installed, select cooling equipment with a Seasonal Energy Efficiency Ratio (SEER) higher than 13.0 and an Energy Efficiency Ratio (EER) of at least 11.5.
- Install ductwork to comply with at least one of the following.

- Install ducts within the conditioned envelope of the building.
  - Install ducts in an underfloor crawl space.
  - Use ducts with an R-6 insulation value or higher.
  - Install ductwork which is buried in the ceiling insulation.
  - Design windows to catch prevailing breezes and provide cross ventilation. Install high windows, skylights or cupolas with securable low windows to create a stack effect that exhausts rising hot air and draws in cooler outdoor air.
  - Install energy-efficient windows (double-paned, low-conductivity frames and low-e coating).
  - Install a solar water heating system.
  - Install a solar photovoltaic (PV) system in compliance with the California Energy Commission New Solar Homes Partnership (NSHP).
- Or:
- Provide space on the roof surface and penetrations through the roof surface for future solar installation.
  - Provide vegetative or man-made shading devices to create exterior shading at least 18 inches in depth on south and west windows.
  - Use wall and floor materials that improve thermal mass to moderate indoor temperature swings (Concrete and other masonry products are ideal, having a high capacity for heat storage, moderate

conductance that allows heat to be transferred deep into the material for storage, and high emissivity to allow absorption of more radiation than that which is reflected.)

## Non-Residential

### Site Planning and Design

- When site and location permit orient the building with the long sides facing north and south.

### Energy Efficiency

- All equipment and appliances provided by the builder shall be ENERGY STAR labeled if ENERGY STAR is applicable to that equipment or appliance.
- Select one of the following for wall surfaces:
  - Provide vegetative or man-made shading devices for east-, south- and west-facing walls with windows, with 30 percent coverage to a height of 20 feet or top of exterior wall, whichever is less, for east and west walls.
  - Use wall surfacing with a minimum Solar Reflectance Index 25 (aged), for 75 percent of opaque wall areas.
- Utilize cool roofs to minimize the amount of solar heat that penetrates a building.

DRAFT

Chapter 17.100UNIVERSAL DESIGN**Section:**

17.100.010	Purpose and Intent
17.100.020	Findings
17.100.030	Definitions
17.100.040	Scope and Application
17.100.050	Exemptions
17.100.060	Standards: Primary Entrance
17.100.070	Standards: Interior Routes
17.100.080	Standards: Primary Floor Powder Room/Bathroom Entry and Facilities
17.100.090	Standards: Kitchen and Facilities
17.100.100	Standards: Common Use Room
17.100.110	Standards: Bedroom
17.100.120	Standards: Miscellaneous Areas
17.100.130	Standards: General Components
17.100.140	Standards: New Construction or Substantial Rehabilitation—Permissive Options
17.100.150	Enforcement
17.100.160	Severability
17.100.170	Effective Date

**17.100.010 Purpose and Intent**

- A. To facilitate the development of residential dwelling units that are visitable, usable, and safe for occupancy by persons with disabilities.
- B. To allow new homebuyers the option of incorporating universal design principles into their future homes in order to enhance their ability to remain in their homes during periods of temporary, developing, or permanent disabilities; and
- C. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.

**17.100.020 Findings**

- A. Pursuant to California Health and Safety Code Section 17959, the City Council finds that:
  - 1. According to the Clayton Housing Element, approximately 12.8 percent of City residents (16 years or older) have one or more disabilities. In addition, approximately nine percent of all Clayton residents are over the age of 65. Individuals with mobility difficulties may require special accommodations to their homes to allow for continued independent living.

2. The provisions of this chapter are reasonably necessary to serve these populations as well as those anticipating a disability by enhancing opportunities for the full life-cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests. This is done in order to accommodate a wide range of individual preferences and functional abilities.
3. The provisions of this chapter are substantially the same as the model universal design ordinance adopted by the State of California Department of Housing and Community Development and are not less restrictive than the requirements of the California Building Code as adopted by the City.

#### **17.100.030 Definitions**

For the purpose of this chapter, the following terms shall have the following definitions:

**Accessible:** Consistent with or as defined by the California Building Code, Chapter 11A.

**ANSI A117.1:** The most current version of the "Standard on Accessible and Usable Buildings and Facilities", commonly known as "ICC/ANSI A117.1", published by the International Code Council and American National Standards Institute, Inc.

**Bathroom:** A room containing a toilet (water closet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

**CBC, Chapter 11A:** Chapter 11A of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

**Common Use Room:** A room commonly used by residents or guests to congregate.

**New Construction:** The construction of a new building. New construction does not include additions, alterations, or remodels to existing buildings.

**Owner-Occupied:** Any residential dwelling unit not intended to be occupied as a rental dwelling at the time of application for the building permit.

**Powder Room:** A room containing a toilet (water closet) and lavatory (sink), but no bathtub or shower. It includes a compartmented powder room in which the fixtures are distributed among interconnected rooms.

**Primary Entry:** The principal entrance through which most people enter a building or residential unit, as designated by the Building Official.

**Rental:** Any residential dwelling unit not intended to be occupied by the owner at the time of application for a building permit.

**Residential Dwelling:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Visitable Residential Dwelling:** A residential unit subject to the requirements of this chapter by virtue of being within the scope of this chapter as defined in Section 17.100.040.

#### 17.100.040 Scope and Application

- A. **Unit Coverage.** All residential dwelling units which are, or are intended to be, owner-occupied or rental for which an application for a new construction building permit is submitted to the Community Development Department 30 or more days after the effective date of this chapter shall be visitable residential dwellings.
- B. **Unit Types:** New construction of all single-family, duplex, and triplex residential dwellings except for custom-built homes.

#### 17.100.050 Exemptions

- A. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship, or that equivalent facilitation is not available, an exception to that portion of the regulation shall be granted.
- B. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site, the size of the site, other site constraints, or legal constraints, and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.
- C. When the applicant adequately demonstrates and the Building Official determines that a residential dwelling unit is being reconstructed as a result of a disaster, an exemption to all or any portion of this chapter shall be granted.
- D. This ordinance shall not be applicable to any residential structure constructed if the primary entry of that structure is above grade because the primary entry is located over subterranean or grade-level parking.

#### 17.100.060 Standards: Primary Entrance

- A. **New Construction—Mandatory to Install:** Mandatory installations related to a primary entrance in a visitable residential dwelling do not exist.
- B. **New Construction—Mandatory to Offer:** The following options for the accessible entrance on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with 17.100.140:

**Comment [NPappani1]:** David the City of Fremont Universal Design Ordinance has the language I included here (i.e. "All residential dwelling units...") Many cities have different approaches. The City of Sacramento and the City of Dublin limited unit coverage to projects including more than 20 due. For example, Dublin's language for the "Unit Coverage" section is as follows:

"All residential dwellings units that are a part of a residential development project in excess of twenty (20) residential dwelling units for which an application for a new construction building permit is submitted to the Building Division after the effective date of this chapter shall be visitable residential dwellings."

Munnetta's Mun Code has the following language:

"Fifteen percent (15%) of all owner-occupied, all rental, all owner-occupied and rental residential dwelling units for which a new construction building permit is submitted to the building department, except that one hundred percent (100%) of all designated senior housing residential projects shall contain all interior features of this chapter."

1. An exterior accessible route that is either:
  - a. Consistent with the requirements of CBC Chapter 11A; or
  - b. Not less than forty inches (40") wide and not have a slope greater than one (1) unit vertical in twenty (20) units horizontal.
2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.
3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following:
  - a. Consistent with the requirements of CBC Chapter 11A; or
  - b. The width of the level area on the side to which the accessible entrance door swings shall extend twenty-four inches (24") past the strike edge of the door.
4. The exterior accessible entry door that is either:
  - a. Consistent with the requirements of CBC Chapter 11A, or
  - b. Have a thirty-four inch (34") net clear opening.
5. A second exterior door that is installed in a manner so that it is accessible as provided in this Section 17.100.060 with a thirty-two inch (32") net clear opening.
6. Where at least one eyehole is provided in the accessible entry door, one shall be at standard height and a second one that is between forty-two inches (42") and forty-four inches (44") from the finished floor.
7. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two inches (42") and forty-eight inches (48") from the finished floor must be offered.

**17.100.070 Standards: Interior Routes**

- A. New Construction—Mandatory to Install: Mandatory installations related to interior routes in a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
  1. At least one accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.
  2. No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.
  3. Handrails installed in a manner consistent with CBC Chapter 11A on one or both sides of the accessible route, at the option of the purchaser.
  4. Handrail reinforcement installed on one or both sides of the accessible route.
  5. An accessible route with a minimum width of forty-two inches (42"). A thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), and a thirty-six inch (36") hallway width may be provided when all doors leading to any

bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36”).

**17.100.080 Standards: Primary Floor Powder Room/Bathroom Entry and Facilities**

- A. New Construction—Mandatory to Install: Mandatory installations related to the powder room, bathroom, or other facilities in a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: The following options for the accessible bathroom or powder room on the route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
1. At least one powder room or bathroom, at the option of the purchaser, on the primary entry level of a visitable residential dwelling which complies with the requirements of CBC Chapter 11A.
  2. Clear space in the bathroom or powder room that is either:
    - a. Consistent with the requirements of CBC Chapter 11A; or
    - b. Outside of the swing of the door and either a forty-eight inch circle, forty-eight inches by sixty inches (48” x 60”) or a sixty-inch (60”) diameter circle, at the option of the purchaser.
  3. A bathtub or shower meeting the requirements of ANSI A117.1
  4. Either of the following:
    - a. Grab bar reinforcement consistent with CBC Chapter 11A; or
    - b. Grab bars installed in a manner consistent with CBC Chapter 11A for the toilet, shower/bath, or lavatory, or any combination thereof, at the option of the purchaser.
  5. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.
  6. A lavatory or sink installed consistent with CBC Chapter 11A.
  7. A toilet installed consistent with CBC Chapter 11A.
  8. Removable cabinets under the lavatory/sink.
  9. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A.

**17.100.090 Standards: Kitchen and Facilities**

- A. New Construction—Mandatory to Install: Mandatory installations related to a kitchen in a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
1. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.
  2. One or more of the following, at the purchaser’s option:

- a. At least a forty-eight inch by sixty-inch (48" x 60") clear space in front of a stove at the base of a U-shaped kitchen;
  - b. At least a thirty-inch by forty-eight inch (30" x 48") clear space in front of the sink (counting open access underneath, if available);
  - c. At least one eighteen-inch (18") wide breadboard and/or at least eighteen inches (18") in counter space at a thirty-four inch (34") height, or any combination thereof, at the option of the purchaser.
3. Sink controls consistent with CBC Chapter 11A.
  4. Adjustable sink and/or removable under-sink cabinets consistent with Chapter 11A.
  5. Hood fan controls at light switch level or lower level.

**17.100.100 Standards: Common Use Room**

- A. New Construction—Mandatory to Install: Mandatory installations related to a common use room in a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
  1. At least one common use room, such as a dining room or living room, on the accessible route. Sunken or raised areas not exceeding fifty percent (50%) of the area of the room's floor space shall be permitted as an option of the purchaser in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entrance door.
  2. No sunken areas in a common use room on an accessible route.
  3. Standards related to access to and flatness of any other common area room on the primary entry level.

**17.100.110 Standards: Bedroom**

- A. New Construction—Mandatory to Install: Mandatory installations related to a bedroom in a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
  1. At least one bedroom on the accessible route of travel with all components meeting the requirements of Section 17.100.130. A closet shall have at least a thirty-two inch (32") net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with provisions for emergency escape and rescue and smoke alarms in the California Building Code.



**17.100.120 Standards: Miscellaneous Areas**

- A. New Construction—Mandatory to Install: Mandatory installations related to miscellaneous areas of a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
  - 1. If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entrance, either through the dwelling unit or around the dwelling unit.

**17.100.130 Standards: General Components**

- A. New Construction—Mandatory to Install: Mandatory installations related to general components in a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 17.100.140:
  - 1. Rocker light switches and controls installed pursuant to either of the following:
    - a. In all rooms required to be accessible and on the accessible route.
    - b. Throughout the balance of the residential dwelling unit.
  - 2. On an accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.

EXCEPTIONS: A thirty-four inch (34") clear doorway width may be requested from a hallway with a thirty-nine inch (39") width, and a thirty-six inch (36") clear doorway width may be requested from a hallway with a thirty-six inch (36") width.
  - 3. The width of the level area on the side toward which an accessible door swings consistent with CBC Chapter 11A.
  - 4. If the Building Official or purchaser determines that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a less wide accessible route is necessary, a functional alternative to ensure that all entries into rooms required to be accessible may be approved by the Building Official or purchaser if it meets at least one of the following requirements and if the hallway is not less than thirty-six (36") inches in width:
    - a. The entry door to the room must be at the end of a hallway or passageway, or open directly from another room on an accessible route of travel, so that no turn of ninety degrees (90°) or more is necessary to enter the room.
    - b. The hallway wall opposite the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]

- c. The hallway wall on the same side as the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]
- d. The hallway wall directly opposite the room door must open to another room with at least a sixty-inch (60") opening on a level with the accessible passageway or hallway.

NOTE: Doors or openings to the rooms required to be accessible may be wider and the notch or alcove smaller if equivalent access is not impeded. In addition, for a doorway at the end of a hallway or in other circumstances, the notch or alcove need not be centered on the doorway if equivalent access is not impeded.

- 5. Hand-activated door hardware complying with CBC Chapter 11A.
- 6. Flooring throughout the residential dwelling unit consistent with CBC Chapter 11A.
- 7. The installation of all receptacle outlets, lighting controls and environmental controls throughout the balance of the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code.
- 8. Standards pertaining to residential structures from ANSI A117.1 may be used throughout this chapter when CBC Chapter 11A does not contain specific standards or when the ANSI Standards are equivalent to the Chapter 11A standards.
- 9. Conduit for the future wiring of assistive technologies in all exterior walls consistent with the National Electrical Code.
- 10. Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

**17.100.140 Standards: New Construction or Substantial Rehabilitation—Permissive Options**

- A. The developer or builder of a visitable residential dwelling must offer an opportunity to select any of the features listed in this chapter to a prospective purchaser of a visitable residential dwelling at the earliest feasible time after the prospective purchaser is identified.
- B. The developer or builder of a visitable residential dwelling shall construct or install any requested features identified in this chapter unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder.
- C. The developer or builder of a visitable residential dwelling, at his or her option, may offer or utilize standards for structural or design features, components or appliances and facilities, including but not limited ANSI Standards, which meet or exceed Chapter 11A and which offer greater availability, access or usability, and these are deemed to be in compliance with this chapter.

**17.100.150 Enforcement.**

**Comment [NPapani2]:** Note some jurisdictions deleted the "Enforcement" section

- A. It is unlawful for any person or entity to fail to comply with the requirements of this chapter.
- B. The City may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this chapter, which are consistent with those applicable

for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law of the California Health and Safety Code, Sections 17910 et seq.; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.

- C. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.
- D. Whenever the Building Official or designee reinspects or otherwise takes any enforcement action against a residential dwelling unit which is governed by this chapter to determine compliance with this chapter, the Building Official may assess fees against the owner to recover the costs to the City according to a fee schedule established by the City. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this chapter or applicable state laws or regulations.
- E. The City may develop a means of providing public certification as to any residential dwelling unit's compliance with this chapter. No such certification shall be affixed to the residential dwelling unit or the property on which it is located without the authorization of the owner or renter.

**17.100.160 Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Clayton hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**17.100.170 Effective Date.**

This ordinance shall take effect and will be enforced thirty (30) days after its adoption, provided that a copy of the ordinance has first been filed with the State of California Department of Housing and Community Development in accordance with Health and Safety Code Section 17959(b)(2).

# Memorandum

**To:** Chair Haydon and Planning Commissioners

**From:** David Woltering, Community Development Director *DW*

**Date:** August 28, 2012

**Subject:** Agenda Item 5B Review of Approved Planning Commission Meeting Procedures and Protocol

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The purpose of Agenda Item 5B is to provide the Planning Commission an opportunity to review and possibly update its approved procedures and protocol for conducting a Planning Commission meeting. Staff has attached a copy of the formal Planning Commission Meeting Procedures and Protocol document that the Commission adopted on March 9, 2010. Since that time, there are new Commissioners who have joined the Planning Commission. Therefore, it would seem very appropriate to review this document.

Attachment: Planning Commission Meeting Procedures and Protocol document, dated March 9, 2010



**CITY OF CLAYTON  
PLANNING COMMISSION**

**PLANNING COMMISSION MEETING PROCEDURES AND PROTOCOL**

Date Introduced for Adoption: February 23, 2010

Date Adopted: March 9, 2010

In accordance with Clayton Municipal Code Section 2.12.030 Election of Officers – Adoption of Rules of Business – Public Record, the City of Clayton Planning Commission formally adopted at its March 9, 2010 meeting the following procedures and protocol as a basis for guiding the conduct of its meetings:

The Procedures and Protocol for an Agenda Item Discussion at Clayton Planning Commission Meetings should be as follows:

1. The Chair should clearly announce the agenda item number and what the subject is. The Chair should then announce the format that should be followed.
2. The Chair should invite the appropriate people (e.g., staff, committee members, etc.) to report on the item, including any recommendation they might have.
3. The Chair should ask members of the Planning Commission if they have any technical questions of clarification regarding the report(s). The Chair should provide time for these questions and for appropriate responses.
4. The Chair should invite public comments at this point, and if this is a formal public hearing item, the Chair should formally open the public hearing before receiving the public's comments. If there are a larger number of persons wanting to provide comments, the Chair may establish a time limit for individuals commenting or use other measures to help assure that all persons are heard.\* At the conclusion of the public comments, the Chair should announce that the public comment period has concluded or, in the case of a public hearing, that the public hearing is closed.
5. The Chair should invite general discussion of the Commissioners of the information received to this point on the agenda item. The Chair should encourage the participation of all the Commissioners in this discussion. After general discussion of the information received, the Chair should invite a motion from the Commissioners. The Chair should defer from making the motion unless the other Commissioners are reluctant to make the motion. The Chair should announce the name of the Commissioner who made the motion.
6. The Chair should determine if any member of the body wishes to second the motion. The Chair should defer from making the second unless other Commissioners are reluctant to make the second. A second is not an absolute requirement for a vote on a matter, so the Chair may proceed forward with a vote even though a second had not been made.

7. The Chair should make sure that everyone understands the motion. This can be accomplished in one of three ways:
  - a. The Chair can ask the maker of the motion to repeat it;
  - b. The Chair can repeat the motion; or
  - c. The Chair can ask the Secretary of the body to repeat the motion.
8. The Chair should invite discussion of the motion by the Commissioners. When the discussion has ended, the Chair should announce that the Commission will vote on the matter. At this point, the Chair may repeat the motion to make sure all are clear on the matter before the vote.
9. The Chair should then call for the vote. The Chair may ask simply for the “ayes” and the “nays”. If members of the body do not vote, then they should “abstain”. A simple majority determines whether the motion passes or is defeated.
10. The Chair should announce the result of the vote and what action (if any) the Commission has taken.

\* Other measures include having staff meet with applicants in advance of meetings to establish time limits on the length of presentations, use speaker cards to better determine the number of speakers that will need to be accommodated, use of a timer to enforce the established time limits, asking for a show of hands to determine those in support of a particular position without individual speakers repeating the same position are all measures to better assure receiving input from larger gatherings of individuals within a constrained amount of time.

comdev/plngcomm/standard rules/meeting conduct procedures and protocol