

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, August 28, 2012**

**Call to Order**

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

Present: Chair Haydon, Vice Chair Gregg Manning, Commissioner David Bruzzone, Commissioner Sandra Johnson

Absent: Commissioner Dan Richardson

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

**Administrative**

1A. Review of agenda items.

1B. Chair Haydon to report at the City Council meeting on September 18, 2012.

**Public Comment**

None.

**Approval of Minutes**

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

**Vice Chair Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as amended. The motion passed 3-1 (Vice Chair Haydon abstained since he had recused himself from the July 10, 2012 meeting during review of Item 3, the AT&T Use Permit UP 01-12, because he is an employee of AT&T).**

**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.**

Director Woltering indicated that the applicant, Toll Brothers, requested that the item be withdrawn at this time as the applicant is hoping to sell the affordable housing unit in a timely manner, consistent with the provisions of Condition of Approval 5, as currently written, for the Diablo Estates at Clayton project.

**Old Business**

4. None.

## New Business

### 5A. Review Housing Element Work in Progress:

- 1) Implementation Measure V.1.1: The City shall 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.

Director Woltering provided a review of the Housing Element work in progress and indicated the following:

- A substantial amount of work has already been completed toward satisfying the requirements of the 2009-2014 Housing Element, such as establishing a manufactured housing ordinance, initiating a density bonus policy, and designating seven properties within Clayton with a high density land use designation to encourage multi-family development.
- We are creating a brochure that outlines energy efficient measures and ways to conserve resources, as being presented this evening.
- We will be implementing a universal design ordinance to address the needs of individuals with disabilities and an aging population that prefers to remain in a single family residence safely and comfortably for longer periods of time.
- Staff seeks to receive comments from the Planning Commission on both the draft energy efficiency brochures and the draft universal design ordinance being presented this evening.
- He concluded by saying staff will finalize the energy efficiency brochure, taking into consideration the Planning Commission's comments, and then distribute the brochures to City Hall and the Library.
- The draft universal design ordinance will need further review by the City Attorney's office and then will come back to the Planning Commission and the City Council for consideration at noticed public hearings.

Chair Haydon asked that by having the brochures available, will we meet Housing Element requirements? *Director Woltering responded that completing the brochures and having them available to the public would help the City meeting the Housing Element requirements.*

Commissioner Johnson suggested that the draft brochure be modified to incorporate a definition of "cool roofs" in the wording.

Vice Chair Manning had the following comment and question:

- Concerned that "voluntary" measures may become "mandatory" measures.
- Is the County involved in this? *Director Woltering answered that the County prepared the draft resolution, received City comments regarding the draft resolution, and then, based on jurisdictional input, will finalize the resolution and take it to the Board of Supervisors for review.*

Commissioner Bruzzone asked would we be able to include water efficiency into this effort to make the community more aware of resource conservation? *Director Woltering indicated that the City has already implemented regulations addressing water quality and conservation via the State's C.3 Stormwater requirements and the City's landscape water conservation standards and guidelines.*

Director Woltering provided an overview of the proposed universal design ordinance, discussing the exemption section and the concepts of universal design, and indicated the following:

- The objective is to facilitate accessibility for those with disabilities.
- Approximately 12.8% of the community that is aged 16 years or older has disabilities.
- This would apply to production-oriented, developer-driven residential projects rather than individual custom homes or remodels.
- The focus is more on single family duplex and triplex projects.
- Developers would be required to offer these provisions to prospective homebuyers and show proof that these provisional options had, in fact, been made available to homebuyers.
- These provisions have been gleaned from a model ordinance drafted by the State Department of Housing and Community Development.
- The provisions would address such things as the primary entry design and interior routes to a powder room, bathroom, kitchen, or bedroom.
- The objective is to get people safely and comfortably into these areas of their home with the assistance of such features as "grab" bars, railings, rocker light switches, hand-activated door hardware, and counters and vanities that could be adjusted for people in wheelchairs.
- Section 17.100.140 provides relief for developers if the developer can show proof of hardship.

Vice Chair Manning indicated that the universal design ordinance is a good idea. He pointed out that it is very difficult to retrofit an existing structure to accommodate accessibility features. It is much better to include them with the initial construction.

Commissioner Bruzzone asked how does the ordinance relate to Americans With Disabilities Act (ADA) requirements? *Director Woltering replied that the ordinance supports ADA by bringing concepts of ADA design to homebuilding. The ordinance goes hand-in-hand with ADA.*

Commissioner Bruzzone recommended that there should be a protocol to assure the homebuilder complies with the requirements of the universal design ordinance and that the homebuyer is aware of the ordinance. *Director Woltering indicated that, if the ordinance is adopted, compliance with the ordinance would be achieved through conditions of approval. A supporting brochure would also be made available to the homebuyer.*

Commissioner Johnson indicated that the enforcement subsection could appear intimidating to homebuilders and homebuyers.

Vice Chair Manning indicated that not all of the items listed under enforcement appear appropriate in that section. He asked that staff review that section and modify it as needed to address his concern.

Chair Haydon asked why the term “visitable” is used? *Director Woltering answered that the ordinance is meant for visitors to the home as well as for occupants of the home.*

Chair Haydon indicated the following:

- Subsection headings could be changed to clarify that it is mandatory to offer the design accommodations and not mandatory to build the design accommodations.
- There should be a method of documentation established that allows the homebuilder to show proof that the options were offered to the prospective buyer.

Director Woltering thanked the Commissioners for their comments and questions.

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

Director Woltering introduced the item.

Chair Haydon read passage from the Approved Planning Commission Meeting Procedures and Protocol document.

Director Woltering stressed the importance of speaker cards being filled out and indicated that, for larger, more controversial items, staff would want to coordinate with the Chair regarding managing the meeting.

Assistant Planner Sikela indicated that, typically, for larger items involving many speakers, staff would use a timer that is color coded to inform the speaker when their time is up.

Chair Haydon indicated that we want to avoid the redundancy of consecutive speakers saying the same thing over and over and we want to control emotional audience responses such as applause or booing.

Commissioner Bruzzone asked how late public attendees to the meeting are addressed? *Director Woltering indicated that, if it seems warranted, the Chair could give a brief summary of the item for the benefit of the late-arriving group. This method can be adjusted as needed depending on the circumstance.*

Director Woltering thanked the Commissioners for their comments and questions.

## **Communications**

6A. Staff.

Director Woltering distributed a document provided by Assistant to the City Manager Laura Hoffmeister that gave a demographic breakdown of Clayton’s population based on age, gave an update of the Diablo Estates at Clayton project, and indicated that, on his trip to Germany and Denmark, he visited planning departments in two cities in Germany, attended a City Council meeting, and he and his wife had a power point of bicycle infrastructure that they observed in Denmark.

6B. Commission

None.

**Adjournment**

7. The meeting was adjourned at 8:36 p.m. to the regularly-scheduled meeting of September 11, 2012.



Submitted by  
David Woltering, AICP  
Community Development Director



Approved by  
Keith Haydon  
Chair

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