



PLANNING COMMISSION AGENDA

Regular Meeting

7:00 P.M. on Tuesday, June 27, 2017

Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Peter Cloven to report at the City Council meeting of July 18, 2017 (alternate Commissioner Bassam Altwal).

3. PUBLIC COMMENT

4. MINUTES

- 4.a. Approval of the minutes for the April 25, 2017 Planning Commission meeting.

5. PUBLIC HEARINGS

- 5.a. **VAR-01-17, SPR-02-17; Variance, Site Plan Review Permit; Castle Companies; Verna Way at Lydia Lane; (APNs: 120-043-037 and 120-043-038).** Review and consideration of a request from Castle Companies for the approval of the Verna Way Residential Subdivision Variance (VAR-01-17) and Site Plan Review Permit (SPR-02-17). The Variance request involves consideration of a reduction in the side setbacks from the edge of the shared vehicular shared access easement off of Pine Hollow Road for the residences on Lot 5 and Lot 6. The Site Plan Review Permit request involves consideration of the architecture, front yard landscaping, lighting, and fencing proposed for the construction of six detached single-story single-family residences. One single-story residence is proposed on each of the six lots that were created by the previously-approved six-lot tentative subdivision map for the Verna Way Residential Subdivision.

Staff Recommendation: Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony and, if determined to be appropriate:

- 1) Adopt Planning Commission Resolution No. 03-17 approving the Verna Way Residential Subdivision Variance (VAR-01-17); and
- 2) Approve the Verna Way Residential Subdivision Site Plan Review Permit (SPR-02-17) with the finding the Variance and Site Plan Review Permit were considered and evaluated in the previously-adopted Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **GPA-01-17, City of Clayton.** Review of the Fiscal Year 2017-2018 Capital Improvement Program Projects for Conformity with the Clayton General Plan.

Staff Recommendation: Staff recommends that the Planning Commission find the City's Capital Improvement Program Projects for the Fiscal Year 2017-2018 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment.

- 7.b. **ZOA-02-17, City of Clayton.** The City of Clayton is requesting a hearing to seek direction from the Planning Commission regarding the City Council's proposed modifications to a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code, which was previously heard by the Planning Commission on April 25, 2017.

Staff Recommendation: Staff recommends that the Planning Commission consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, motion to approve the City Council's proposed modifications to the Ordinance amending the City's Sign Provisions.

8. COMMUNICATIONS

- 8.a. Staff.
8.b. Commission.

9. ADJOURNMENT

- 9.a. The next regular meeting of the Planning Commission is scheduled for **Tuesday, July 11, 2017.**

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, April 25, 2017

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

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

Present: Chair Dan Richardson
Vice Chair Carl Wolfe
Commissioner Bassam Altwal
Commissioner Peter Cloven
Commissioner William Gall

Absent: None

Staff: Community Development Director Mindy Gentry
Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

None.

2.c. Vice Chair Wolfe to report at the City Council meeting of May 2, 2017.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the April 11, 2017 Planning Commission meeting.

Vice Chair Wolfe moved and Commissioner Gall seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

5. PUBLIC HEARINGS

5.a. **GPA-03-16 and ZOA-03-17, General Plan Amendment and Municipal Code Amendment, City of Clayton.** A request for consideration of an amendment to the Land Use Element of the General Plan regarding the determination of residential density calculations as well as an Ordinance pertaining to the associated changes to the Clayton Municipal Code for the purposes of determining residential density calculations for residential parcels with sensitive land areas.

The staff report was presented by Director Gentry.

Commissioner Altwal had the following questions:

- Since 98% of Clayton is built out, of the remaining 2% that is undeveloped, which of that 2% is sensitive land area? *Director Gentry indicated that, of the 2%, no parcel-specific site assessment of sensitive areas has been conducted. Some parcels may contain sensitive areas such as slopes and creeks while other parcels may contain such attributes as PG&E easements. However, PG&E easements would not constitute a sensitive land area.*
- Can there be a reduction in the amount of items being listed as sensitive land areas in proposed Section 17.22.030 – Determining Capacity? *Director Gentry indicated that the list being reduced or expanded is up to the Planning Commission.*

Vice Chair Wolfe asked if this amendment is based solely on the developable part of the land. *Director Gentry responded that was correct and added that part of the impetus for this amendment emerged from the Silver Oak Estates project (which is not being discussed at tonight's meeting since the Silver Oak Estates project is not on tonight's agenda) which, because of the physical constraints on the site, the developer could not meet the development range and product type required by the General Plan.*

Commissioner Gall had the following questions:

- What does the Regional Housing Needs Allocation (RHNA) obligation of 141 units mean? *Director Gentry indicated that the State of California allocates to regional governments—which, in the Bay Area's case is the Association of Bay Area Governments (ABAG)—the number of housing units that ABAG is required to plan for in the Bay Area and then, in turn, ABAG distributes the number of housing units to all communities within ABAG's jurisdiction. With regards to Clayton, ABAG has allocated an obligation of 141 units that Clayton has to demonstrate that there is adequate capacity within the community to accommodate the 141 units.*
- In Attachment A of the Planning Commission Resolution, on Page 2 of 3, under Residential Designations, it states that second dwelling units are exempt from the determination of residential densities; so does that mean that a second dwelling unit on a residential property would not be counted toward calculation of density requirements? *Director Gentry replied that, based on recent State mandates, the State has removed a lot of local jurisdictional control over the development of second dwelling units, which are now known as accessory dwelling units, and cities are now required to allow accessory dwelling units in residential districts. Second units would not to be included when calculating density.*

Commissioner Cloven had the following questions:

- There are two developments—Silver Oak Estates and High Street Townhomes—that would be potentially impacted by this Ordinance; were there any other possible future projects in Clayton that might be impacted as well? *Director Gentry indicated that currently no applications have been submitted to the City for projects that might be affected by this Ordinance.*

Commissioner Altwal asked who initiated this amendment? *Director Gentry indicated that this amendment was generated by staff as a method of rectifying inconsistencies when a project is unable to meet the General Plan density and product type requirements.*

Chair Richardson had the following questions:

- If the old Fire Station property were to be redeveloped, would the PG&E tower easement be counted toward density requirements as covered by this amendment? *Director Gentry indicated that this amendment would only apply to environmentally-sensitive land issues such as creeks and slopes and would not apply to power lines.*
- Am I correct in understanding that this amendment, when applied to pertinent developments, would actually result in fewer units being constructed on the project site? *Director Gentry indicated that was correct.*

The public hearing was opened.

Rod Padilla, 311 Saclan Terrace, indicated the following:

- Although he appreciated the City for trying to remedy the General Plan density inconsistency issue, he does not support approval of the amendment and urged the City to find another way to address this issue.
- When a prospective developer is looking at a project site, they know what already exists on that site and should respect the natural attributes of that site.
- The City should not be accommodating developers; developers should be accommodating the City.

Bill Jordan, 6690 Marsh Creek Road, indicated the following:

- This should be a developer-initiated amendment.
- Based on the feedback received by the community and City over the conceptual High Street Townhome project, the City should not be initiating this amendment.
- I hope that if, this Ordinance is approved, that there is still an option for a project developer to opt out of having to comply with these regulations and be allowed to use other methods of compliance such as density bonuses.

Mark Kelson, 29 Tiffin Court, indicated the following:

- I support this amendment.
- I think it is important to have a method of providing consistency between the General Plan and what is actually existing on the project site.
- When Clayton was established, the vision was to keep our community semi-rural and low density and this amendment provides a mechanism to help protect that vision.

Shirley Jensen, 301 Saclan Terrace, indicated that, now that she understands the components of the Ordinance, she supports the amendment.

Steve Crockett, 6001 Golden Eagle Way, indicated the following:

- He has concerns that the amendment is being proposed by the City in order to accommodate the development of the Silver Oak Estates project.

- The developer of the Silver Oak Estates project should be developing their property in accordance with Clayton's vision.

Chair Richardson indicated that the Silver Oak Estates project is not on the agenda tonight, so the merits of the project cannot be discussed. This public hearing is about the amendment only and how this amendment would apply to the development of future projects Citywide.

Laurel Crockett read passages from the General Plan Land Use Element and indicated the following:

- She is opposed to the amendment.
- Approval of the amendment will allow high density development to destroy our community.
- I do not understand why the City is proposing to amend regulations to help the developer of Silver Oak Estates construct a high density development in our community.
- This amendment does not comply with the rural character of Clayton and the vision of the General Plan Land Use Element.

David Shihabi, 177 Brandywine Place, indicated the following:

- He is opposed to the amendment.
- This amendment will bring high density housing and more people to our City and, yet, we do not have the infrastructure to handle this type of development and the increased traffic and other impacts it will bring to Clayton.

Ann Vestal, 1737 Indian Well Way, indicated the following:

- She is opposed to the amendment.
- This amendment will bring high density housing to Clayton which does fit in with our community.

Dane Horton, 100 Forest Hill Drive, indicated the following:

- He is opposed to the amendment.
- This amendment will bring high density to our City which will be a visual eyesore as well as impacting parking, traffic, and draining our water resources.

Nancy Topp, 175 Brandywine Place, indicated the following:

- She is opposed to the amendment.
- Been a Clayton residence for 20 years and moved because of the open space amenities.
- This amendment would bring to Clayton the type of development we see in San Francisco or Walnut Creek and would ruin the character of our community.
- We have very little retail space or retirement living opportunities in Clayton and we should be preserving our remaining developable land for retail and retirement development.

The public hearing was closed.

Director Gentry indicated the following:

- City staff introduced this amendment as way to decrease the density designation and number of units when sensitive land uses are present on a property.
- This amendment is a tool to allow a reduction in the proposed number of units in order to avoid a situation where a developer would have to construct higher density units in order to meet the density range on a particular piece of property that is constrained by sensitive land areas.

Commissioner Gall had the following questions and comment:

- So there is no high density housing being proposed as part of this amendment? *Director Gentry indicated that was correct as this amendment is only addressing how residential densities are calculated which would actually result in a less dense project on particular property that is constrained by sensitive land areas.*
- So this amendment would only be applicable to these sensitive areas? *Director Gentry indicated that was correct.*
- Would this amendment would actually assist in meeting our General Plan goals and objectives of preserving our rural character and encourage this balance of housing types and densities consistent with this rural character? *Director Gentry responded yes and added that we are also trying to achieve compliance with the densities and product types listed in the General Plan.*

Commissioner Altwal asked how much of the two percent of remaining developable land in Clayton is comprised of the Silver Oak Estates project site? *Director Gentry indicated that the Silver Oak Estates project site is the largest parcel of undeveloped land remaining, being approximately 14 acres in area, which would comprise approximately 30 percent on the remaining developable land in Clayton.*

Vice Chair Wolfe indicated the following:

- He appreciated the interest of the public in this amendment.
- There is a misunderstanding as to what we are trying to achieve with this amendment.
- We are not proposing high density housing.
- This amendment will go a long way toward lessening the density on applicable parcels of land.
- We are continuing the public's desire to preserve the rural character of Clayton and this amendment will provide us with another method of attaining this preservation of character.
- Projects will still have to come before the Planning Commission and City Council and be scrutinized on an individual basis.

Commissioner Gall indicated the following:

- He concurs with Vice Chair Wolfe's comments.
- This amendment will allow us to protect those attributes of Clayton we love such as slopes greater than 26%, creeks, and other sensitive areas which are part of the character of our community.

Commissioner Altwal indicated the following:

- He concurs with Vice Chair Wolfe's comments.
- This amendment will help us to meet the requirements of the General Plan and help reduce density on applicable parcels of land in Clayton.

Commissioner Cloven indicated the following:

- He is in support of the amendment.
- The amendment would not increase density but would actually reduce the number of units that could be built on particular piece of property.
- This amendment will assist in preserving the character of Clayton.

Chair Richardson indicated the following:

- When I moved to Clayton 30 years ago, I remember it being very different from today.
- I very much enjoy the rural character and quality of life in Clayton that includes such things as the sidewalks in the Town Center being stamped to look like wood and bringing our third grade children downtown to show them the beauty and history of our community as we pass on our legacy.
- We are always trying to find ways to carry our traditions and lifestyle forward as part of the vision of our community.
- It is an ongoing challenge to balance the rights of property owners to improve their property with what we as a community can accept on that property.
- This amendment allows a property that could be developed with 100 units to be developed with a less amount of units once the sensitive areas on the property are subtracted out.
- This amendment protects our environmental resources and removes impediments to meeting the housing requirements mandated by the State.

Commissioner Altwal moved and Vice Chair Wolfe seconded a motion to adopt Resolution No. 01-17 recommending City Council approval of:

- 1) **A General Plan Amendment to modify the calculation of residential densities and not require a minimum density for residential parcels with sensitive land areas (GPA-03-16); and**
- 2) **An Ordinance adding Chapter 17.22 to Title 17 "Zoning" determining the methodology of residential density calculations for residential parcels with sensitive land areas (ZOA-03-17).**

The motion passed 5-0.

- 5.b. **ZOA-02-17, Municipal Code Amendment, City of Clayton.** A request for consideration of a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code in order to revise the Sign Provisions to comply with the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*, to prohibit mobile billboards, and to incorporate other best practices.

Director Gentry presented the staff report.

Vice Chair Wolfe had the following questions:

- Does this amendment impact mobile billboards only or other types of signage as well? *Director Gentry indicated that this amendment would allow better control of temporary signage. Mobile billboards are a separate issue; something you would see in other communities as mobile billboards are not a something you see in Clayton and, as a result, are not a controversial issue.*
- What part of our Sign Provisions would be impacted by this amendment? *Director Gentry indicated that this would impact the Sign Provisions in their entirety.*

Commissioner Altwal had the following questions:

- How would this amendment apply to a vehicle with a billboard on it that was just driving through town? *Director Gentry indicated that enforcement would be dependent on the spirit of the law. From staff's perspective, there would be no issue if the vehicle was merely driving through town; however, if the vehicle was seen repeatedly over a short duration, there might be an issue.*
- What about a vehicle that parks overnight will an advertisement on it such as "Got Junk"? *Director Gentry indicated that vehicles advertising the vehicle owner's business would be exempt from these new sign regulations.*

Commissioner Cloven had the following questions:

- Did the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* touch upon allowing a jurisdiction to audit offensive messages on signage? *Director Gentry indicated that Reed vs. Town of Gilbert, Arizona did not pertain to first amendment rights for hate speech or messages regarded as distasteful.*

Commissioner Gall had the following questions:

- Did the City's legal counsel review this amendment? *Director Gentry responded yes.*
- With this amendment, we are not prohibiting the right to free speech are we? *Director Gentry indicated that this amendment would remove provisions on signs based on their content and would provide us with content-neutral provisions which preserves first amendment rights.*

Chair Richardson expressed support for the amendment.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Commissioner Altwal moved and Commissioner Cloven seconded a motion to adopt Resolution No. 02-17, recommending City Council approval of an Ordinance amending the City's Sign Provisions. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

None.

8.b. Commission

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 8:15 p.m. to the regularly-scheduled meeting of the Planning Commission on May 9, 2017.

Submitted by
Mindy Gentry
Community Development Director

Approved by
Dan Richardson
Chair

Community Development\Planning Commission\Minutes\2017\0425

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: June 27, 2017

Item Number: 5.a.

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to review and consider the Site Plan Review Permit, Landscape Plan, and Variance for the Verna Way Residential Subdivision (SPR-02-17, VAR-01-17)

Applicant: Castle Companies

REQUEST

The applicant, Castle Companies, requests a public hearing before the Clayton Planning Commission for the purpose of reviewing the Verna Way Residential Subdivision Site Plan Review Permit (SPR-02-17) and Variance (VAR-01-17). The Site Plan Review Permit request involves consideration of the architecture, front yard landscaping, lighting, and fencing for the construction of six detached single-story single-family residences. One single-story residence is proposed on each of the six lots that were created by the previously-approved six-lot tentative subdivision map for the Verna Way Residential Subdivision. The Variance request involves consideration of a reduction in the side setbacks from the edge of the shared driveway/access easement off of Pine Hollow Road for the residences on Lot 5 and Lot 6. The six-lot Verna Way Residential Subdivision is located on the south side of and fronting onto Verna Way at the intersection of Lydia Lane (APN: 120-043-038) and on the north side of and fronting onto Pine Hollow Road just east of Gibson Lane (APN: 120-043-037) on a 2.46-acre (in total) project site (see **Attachment B** for Vicinity Map).

PROJECT INFORMATION

Applicant: Castle Companies
12885 Alcosta Boulevard, Suite A
San Ramon, CA 94583

Acreage/Location: Total of 2.46 acres comprised of two existing lots (A tentative map for a six-lot subdivision was approved on August 9, 2016 (**Attachment C**) by the Clayton Planning Commission [Planning Commission Resolution No. 10-16]. The final map still requires review and approval by Clayton City Council). The two existing lots constituting the project site are:

1.12 acres
South side of Verna Way at the end of Lydia Lane
APN: 120-043-038

1.34 acres
North side of Pine Hollow Road east of Gibson Lane
APN: 120-043-037

Property Owner: MMA Homes 2013, LLC
100 School Street
Danville, CA 94526

General Plan Designation: Single Family Low Density (1.1 – 3.0 units per acre)

Zoning Classification: Single Family Residential R-15 District

Surrounding General Plan Designations: North: Single Family Low Density (1.1 – 3.0 units per acre)
South: Low Density Residential (City of Concord)
East: Single Family Low Density (1.1 – 3.0 units per acre)
West: Single Family Low Density (1.1 – 3.0 units per acre)

Surrounding Zoning Classifications: North: Single Family Residential R-15 District
South: Planned District (City of Concord)
East: Single Family Residential R-12 District
Single Family Residential R-15 District
West: Single Family Residential R-15 District

Environmental Review: Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration (ENV-01-16) prepared in accordance with the California Environmental Quality Act, was reviewed and adopted by the Clayton Planning Commission at the August 9, 2017 Clayton Planning Commission meeting (Planning Commission Resolution No. 09-16).

Public Notice: On June 17, 2017, a Public Hearing Notice was posted on the notice boards and mailed to property owners located within 300 feet of the project site.

Authority: Section 17.44.020 of the Clayton Municipal Code authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the standards of review in CMC Section 17.44.040.

Section 17.52.030 of the Clayton Municipal Code (Zoning Ordinance) authorizes the Planning Commission to approve a Variance.

BACKGROUND

On August 9, 2016, the Clayton Planning Commission reviewed and adopted the Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration (ENV-01-16), as memorialized in Planning Commission Resolution 09-16, and approved the Verna Way Residential Subdivision Tentative Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15), as memorialized in Planning Commission Resolution 10-16. As part of the Planning Commission's approval, a Notice of Decision was prepared outlining various project-related conditions of approval, one of which (Condition of Approval (COA) 15) required the submittal of a Site Plan Review Permit application for Planning Commission review of the architecture, front yard landscaping, lighting, and fencing proposed for the project. The applicant, Castle Companies, has now submitted a Site Plan Review Permit (SPR-02-17) application as well as a Variance (VAR-01-17) application for the Verna Way Residential Subdivision project.

The lot configurations shown on the site plan are generally consistent with the lot configurations reviewed by the Planning Commission during review and conditional approval of the Verna Way Residential Subdivision Tentative Map; however the lot lengths have been slightly modified on Lot 1 and Lot 2. The reason for this slight lengthening of Lots 1 and 2 (by approximately 25 feet) is to accommodate a stormwater detention basin at the front of each of those lots. Initially, a stormwater detention basin was proposed on each of the six lots in the subdivision. However, the revised stormwater detention basin locations being placed solely on Lots 1 and 2 is an improved design that staff supports. As a result, there has been a slight alternation in the lengths (north-to-south) of Lots 1 and 2, which will be reflected on the final map and contingent upon review and approval by the City Council (see **Attachment D**). Based on the timeline for approval of the final map, staff has provided a condition that the Verna Way Residential Subdivision Site Plan Review Permit (SPR-02-17) and Variance (VAR-01-17) approval is contingent upon approval of the Verna Way Residential Subdivision Final Map by the City Council.

SITE PLAN REVIEW PERMIT

Six single-story single family residences are proposed on each of the six lots established by the Planning Commission's tentative subdivision map approval. These lots will be finalized once the City Council has reviewed and approved the final map.

Included with the Site Plan Review Permit, the applicant also requests review of the front yard landscaping, lighting, and fencing proposed as part of the construction of the six detached single-story single-family residences. Please see **Attachment E** for the site plan, landscape plan, fencing, floor plans, roof plans, and architectural elevations. Separate analyses are provided below for the components of the project related to the Site Plan Review Permit.

Architectural Review

The applicant is proposing the following plans and elevations on each lot:

LOT NUMBER	PLAN NUMBER	ELEVATION TYPE	DESIGN VARIATIONS
1	2	Craftsman	Reversed Plan
2	2	Mediterranean	None
3	1	Farmhouse	None
4	2	Craftsman	None
5	2	Craftsman	Side Entry Garage
6	1	Farmhouse	Side Entry Garage

Lot 1 and Lot 4

The residence proposed for both Lot 1 and 4 is a Plan 2B with a Craftsman elevation which has four bedrooms, three-and-a-half bathrooms, and a two-car garage. The Craftsman elevation on Lot 1 is reversed. The residence is proposed with fiber cement shingle siding, fiber horizontal lap siding, horizontal board-and-batten siding on the gable roof ends, masonry wainscoting, composition shingle roof material, and a 5:12 roof pitch. The single-story residence is proposed at 3,503 square feet in area with a 120 square foot front porch, and is 22.5 feet in height.

The proposed design incorporates varying exterior colors and materials as well as utilizing articulation and visual interest with the projecting gable end roof elements over the garage and bedroom sections on the front elevation along with the gable dormer and window above the front entryway porch. The applicant is proposing to use horizontal board and batten siding for the gable roof ends on the side and rear elevations, providing architectural continuity for all four elevations. Interspersed and varied window sizes and types also serve to provide variety on all four elevations. In order to provide design consistency with the wainscoting component of the architecture, staff has provided a condition that the wainscot shall be extended to the good neighbor fence, where applicable, on the side elevation of the residence.

Lot 2

The residence proposed for Lot 2 is Plan 2C with a Mediterranean elevation which has four bedrooms, three-and-a-half bathrooms, and a two-car garage. The residence is proposed with stucco and stone veneer siding, a concrete tile roof with a 4:12 pitch, and metal accents. The single-story residence is proposed at 3,401 square feet in area with a 120 square foot front porch and is 19.5 feet in height.

The proposed architecture promotes a dynamic design through use of varying exterior colors and materials, arched Venetian windows utilizing a central columnar element, and a square turret element above the arched front entryway. Articulation is provided by a mixture of straight gable roof ends and hipped gable roof ends. An array of differing window sizes and types as well as the metal grilles above the garage and entryway also enhance visual interest on all four elevations.

Lot 3

The residence proposed for Lot 3 is a Plan 1A with a Farmhouse elevation which has four bedrooms, two-and-a-half bathrooms, and a two-car garage. The residence is proposed with vertical fiber cement board-and-batten siding, composition shingle roof material, and a 5:12 roof pitch. The single-story residence is proposed at 3,109 square feet in area with a 222 square foot front porch and is 21 feet in height.

The proposed design provides a unified appearance through a simpler approach to exterior siding which fosters a rural (“farmhouse”) feel especially with the emphasis on human scale and integrated outdoor spaces as is provided by the expansive front porch. Visual interest is provided through use of balustrades on the front porch and large double-hung windows placed adjacent to and in succession with each other in order to allow more light to enter interior spaces, further underscoring a connection with exterior spaces, as is typical with rural structures.

Lot 5

The residence proposed for Lot 5 is Plan 2BX with a Craftsman elevation which has four bedrooms, three-and-a-half bathrooms, and a two-car side-entry garage. The residence is proposed with fiber cement shingle siding, fiber horizontal lap siding, horizontal board-and-batten siding on the gable roof ends, masonry wainscoting, composition shingle roof material, and a 5:12 roof pitch. The single-story residence is proposed at 3,404 square feet in area with a 120 square foot front porch and is 22.5 feet in height.

The proposed design incorporates varying exterior colors and materials as well as utilizing articulation and visual interest with the projecting gable end roof elements over the side of garage and bedroom sections on the front elevation along with the gable dormer and window above the front entryway porch. The applicant is proposing to use horizontal board and batt siding for the gable roof ends on the side and rear elevations which provides architectural continuity for all four elevations. Interspersed and varied window sizes and types as well as the side entry garage also serve to provide variety on all four elevations. The garage being side entry in nature serves to provide a slight screening of the garage from public streets and sidewalks.

Lot 6

The residence proposed for Lot 6 is Plan 1AX with a Farmhouse elevation which has four bedrooms, two-and-a-half bathrooms, and a two-car side-entry garage. The residence is proposed with vertical fiber cement board-and-batten siding, composition shingle roof material, and both 5:12 and 7:12 roof pitches. The single-story residence is proposed at 3,109 square feet in area with a 222 square foot front porch and is 21 feet in height.

As with the residence proposed for Lot 3, the residence proposed for Lot 6 incorporates provides a unified appearance through a simpler approach to exterior siding which fosters a rural (“farmhouse”) feel especially with the emphasis on human scale and integrated outdoor spaces as is provided by the expansive front porch. Visual interest is provided through use of

balustrades on the front porch and large double-hung windows placed adjacent to and in succession with each other in order to allow more light to enter interior spaces, further underscoring a connection with exterior spaces, as is typical with rural structures. The garage being side entry in nature serves to provide a slight screening of the garage from public streets and sidewalks.

Exterior Colors, Materials

The exterior colors proposed for residences show good use of natural colors and earth tones as well as variety in terms of different color schemes being used for residences located next to each other (see **Attachment F** for exterior colors and materials examples). The Mediterranean elevation on Lot 2 is proposed with its own color scheme as are the Farmhouse elevations on Lot 3 and 6. The remaining Craftsman elevations on Lots 1, 4, and 5 are proposed with two color schemes. After discussing the issue with the applicant regarding which Craftsman color schemes would be used for which Craftsman elevations, staff proposes to leave that decision to the applicant and has provided a condition that no same two color schemes be used on adjacent lots.

Exterior Lighting

The applicant has also provided light fixture specification sheets for the three residential elevations proposed for the project (see **Attachment G**) with a different lighting design proposed for the Craftsman, Farmhouse, and Mediterranean elevations. The lighting proposed encompasses a variety of fixture types utilizing goosenecks, rectilinear shapes, and ornate lantern designs. The locations of the fixtures include on both sides of the garages, around the front door, and also adjacent to the side door, depending on the residence.

Summary of Architecture

Overall, the applicant has proposed architectural styles and structural materials that provide variety, presence, and curb appeal while simultaneously blending with existing surrounding neighborhoods through the use of single-story residences and natural, earth-toned exterior colors, showing that the applicant has given consideration to minimizing visual impacts to adjacent residential areas as well as public streets and sidewalks. By proposing a Craftsman elevation for Lot 1 and a Mediterranean elevation for Lot 2—both of which face Verna Way—a unique mixture of design styles are being used for two of the four most visible residences. Given that the Mediterranean elevation is only being proposed for one residence, a custom feel is being cultivated for the subdivision, further benefitting the project's design. The applicant has proposed a good mix of elevations for Lot 5 and Lot 6—Craftsman and Farmhouse, respectively—which face Pine Hollow Road. Further adding to the distinct individuality of the subdivision is the fact that these particular Craftsman and Farmhouse elevations utilize side entry garages, a unique feature proposed for these two residences only. Lot 5 and Lot 6 are also visible from Pine Hollow Road; therefore the unique design fostered by “side loaded” garages and the Craftsman and Farmhouse elevations placed adjacent to each other, the dynamic custom feel of the subdivision is further enhanced, which complements the street scene along Pine Hollow Road while concurrently integrating with surrounding existing residential areas.

Although the applicant has proposed composition shingle roof material on all residences in the subdivision except for the Mediterranean elevation, staff has provided a condition that all roof material be concrete tile in order to provide a higher quality roof material for the residences.

Setbacks

A setback analysis for the project is provided below. Staff notes that, on lots containing vehicular access easements, setbacks would be measured from the edge of the access easement rather than the property line, in accordance with Section 17.04.110 of the Clayton Municipal Code (CMC). For reference purposes to assist the Planning Commission in review of the setback analysis, the following minimum setback standards apply to detached single-family residences located in the R-15 District:

- Front: 20 feet
- Side (one side): 10 feet
- Side (total of both sides): 25 feet
- Rear: 15 feet

LOT NUMBER	FRONT SETBACK	MINIMUM SIDE SETBACK	AGGREGATE SIDE SETBACK	REAR SETBACK	COMPLIANCE WITH R-15 SETBACK REQUIREMENTS?
1	66'	10'*	25' (10' + 15')*	77'	Yes
2	67'	10'*	25' (10' + 15')*	77'	Yes
3	20'*	16'	33' (16' + 17')	80'	Yes
4	24'*	16'	36' (16' + 20')	72'	Yes
5	32'	4'	25' (4' + 21')	65'	Yes**
6	22'	6'	28' (6' + 22')	81'	Yes**

*Setback measured from the edge of the vehicular access easement, where applicable.

**Contingent upon conditional approval of the companion Variance (VAR-01-17) request for reduced side setbacks.

Residential Floor Area and Building Footprint Analysis

A residential floor area and building footprint analysis for the project is provided below.

LOT NUMBER	GROSS LOT AREA*	NET LOT AREA**	BUILDING FOOTPRINT***	FLOOR AREA***	COMPLIANCE WITH FLOOR AREA REQUIREMENTS
1	20,226 sq ft	17,871 sq ft	3,503 sq ft	3,503 sq ft	Yes
2	20,292 sq ft	17,922 sq ft	3,401 sq ft	3,401 sq ft	Yes
3	17,320 sq ft	16,260 sq ft	3,109 sq ft	3,109 sq ft	Yes
4	17,320 sq ft	16,260 sq ft	3,503 sq ft	3,503 sq ft	Yes
5	15,759 sq ft	15,124 sq ft	3,404 sq ft	3,404 sq ft	Yes
6	15,691 sq ft	15,001 sq ft	3,109 sq ft	3,109 sq ft	Yes

*Gross lot area includes all vehicular access easement areas within the lot.

**Net lot area is the remaining lot area after the vehicular access easement areas have been subtracted from the gross lot area.

***Porches and decks are exempt from residential floor area requirements when one of the longest dimensions is unenclosed

Fencing and Mailboxes

The applicant is proposing to construct good neighbor privacy fencing for the project. The wood fencing is proposed at six feet in height with overlapping fence boards punctuated by four-by-six posts with a top cap. Mailboxes are proposed to be installed by the applicant. The mailboxes for Lots 1, 2, 3, and 4 are proposed to be grouped together (“four gang mailbox”) and located along Verna Way near Lot 1. The mailboxes for Lots 5 and 6 are proposed to be grouped together (“two gang mailbox”) and located along Pine Hollow Road near Lot 6. As part of the Verna Way Residential Subdivision tentative map approval, a condition addressing mailbox location, design, and United State Post Office approval was required. Due to the increase in mail theft and for security purposes, staff has provided a condition of approval requiring the applicant to provide locking mailboxes for the project.

Stormwater

Stormwater runoff will be captured in on-site drainage pipes starting on Lots 5 and 6 (which are the highest lots in elevation) running north and downward to toward stormwater detention basins located on Lots 1 and 2 (which are the lowest lots in elevation). The trajectory of these pipes will be located along the east (outer) property lines of Lots 2 and 4 as well as the west (outer) property lines of Lots 1 and 3. The pipes will feed stormwater runoff from all six lots into the stormwater detention basins on Lots 1 and 2. Funding for the operation and maintenance of the stormwater detention basins will be the ongoing responsibility of the Homeowners Association (HOA), the establishment of which, along with covenants, conditions, and restrictions (CC&Rs), was conditionally required as part of the approval of the Verna Way Residential Subdivision tentative map. As part of the tentative map approval, in order to ensure that the stormwater detention basins are not modified in any way and are adequately maintained, a condition was required that the HOA shall be responsible for (including but not limited to) inspection, reporting, and maintenance of stormwater conveyance and treatment facilities as well as compliance with the new “Green Streets/Green Infrastructure” requirements that are required as part of the City’s recently amended Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Permit. The City Engineer has verified this as well.

TREES AND LANDSCAPING

Trees

Trees on Private Property

The applicant was conditioned as part of the Verna Way Residential Subdivision Tree Removal Permit approval to plant a total of 48 replacement trees (not counting the street trees proposed for planting in the public right-of-way) on the project site. In counting the total number of trees shown on the conceptual landscape plan, staff notes that there were only 47 trees, a shortfall of one tree from the 48 trees required for replacement purposes. As a result, staff has provided a condition that the applicant add one replacement tree in the private property areas of the project site, in accordance with Condition of Approval 21 in the Planning Commission Notice of Decision which conditionally-approved the Verna Way Residential Subdivision tentative map.

The tentative map approval for the project was conditioned to require that 24-inch box trees be planted. Although the applicant has provided wording on the conceptual landscape plan that all trees will be a minimum 24-inch box size, staff notes that the western redbud (“*cercis occidentalis*”) is shown the conceptual planting palette plant schedule at being 15 gallon in size. As a result, staff has provided a condition that all trees shall be 24-inch box trees.

Trees in the Public Right-of-Way

The applicant is also proposing to plant twelve trees (in total) in the public right-of-way, three trees in front of each of the street-fronting lots—Lots 1, 2, 5, and 6. The Maintenance Department reviewed the conceptual landscape plan and indicated the trees shown in the right-of-way are not consistent with the approved City street trees. As a result, staff has provided a condition that the applicant use trees specifically from the City street tree list, subject to the review and approval of City staff. Furthermore, staff has provided a condition that the six trees planted in the right-of-way along Pine Hollow Road be crape myrtle trees to match the existing crape myrtle trees located in the public right-of-way in front of the Pine Hollow Estates subdivision which is located directly adjacent to and east of the project site.

Tree Replacement

Currently, as proposed by the applicant and conditioned at the tentative map approval phase of the project, 48 replacement trees along with an in-lieu fee would mitigate the 105 trees that were conditionally-approved for removal as part of the Verna Way Residential Subdivision Tree Removal Permit (TRP-04-15). Included with the conditions of approval for the project’s Tree Removal Permit, the in-lieu fee would be paid prior to the removal of any trees or issuance of building permits. As addressed during the tentative map review phase of the project, the landscape plan, as conditioned, combined with the required in-lieu fee will mitigate the removal of the 105 trees.

Shrubs and Groundcover

The applicant makes good use of mixing the varieties of shrubs and groundcover. The overall planting theme will provide an assortment of colors, textures, and heights as well as being drought-tolerant. Staff has concerns that, due to the crisscrossing nature of the branch structure, the rockspray cotoneaster (“*cotoneaster microphyllus*”) has a tendency to capture and collect trash. As a result, staff has provided a condition that a different plant be used to replace the rockspray cotoneaster with review and approval by staff.

Biofiltration Planters

For the stormwater detention basins on Lot 1 and Lot 2, the planting types proposed by the applicant are considered to be compatible for use within biofiltration planters. As with the shrubs and groundcover proposed for the front yard areas outside of the stormwater detention basins, the vegetation proposed within the detention basins utilizes a range of colors, textures, and height. Also, the biofiltration plantings incorporate a double-benefit of being drought tolerant while also being able to survive in periods of excess water, given the fact that the proposed plantings are located in a detention basin that may accumulate water during a heavier period of rainfall.

Summary of Trees and Landscaping

Overall, as conditioned, the applicant has proposed an array of tree, shrub, and groundcover types that will complement the subdivision through use of varying colors, textures, species, and heights. Each lot is proposed with a slightly different mix of landscaping styles and planting locations, adding to the quality appearance of the project. It should be noted that, as part of the City's review of the finalized landscaping plans prior to issuance of building permits, staff will review the project to ensure compliance with the City's landscape water conservation standards and water efficient landscape regulations, in accordance with the requirements of Chapter 17.80 – Landscape Water Conservation Standards in the Clayton Municipal Code and as conditioned by the Verna Way Residential Subdivision tentative map approval. Staff has provided a condition that the project shall comply with all applicable requirements and regulations as they pertain to the Landscape Water Conservation Standards and the Water Efficient Landscape Ordinance.

VARIANCE

As part of the proposed project, the applicant has requested approval of a Variance to allow a reduction in the side setbacks from the edge of the shared vehicular access easement off of Pine Hollow Road for the residences on Lot 5 and Lot 6 which are the southernmost two lots in the Verna Way Residential Subdivision and front onto Pine Hollow Road. Given the volume of vehicular traffic on Pine Hollow Road, a shared vehicular access easement for Lots 5 and 6, in lieu of individual driveways for each lot, was required in order to minimize impacts to safety by allowing only one point of egress for vehicles to exit onto Pine Hollow Road without having to back out into oncoming traffic, which was further assisted by the side entry garages proposed for the residences for Lots 5 and 6. Furthermore, having one vehicular access easement would reduce the number of curb cuts and expanded hardscape areas associated with individual driveways. For required setbacks, the CMC treats a shared vehicular access easement similarly to a residential street, which is in contrast to a typical driveway, which can be located in a setback. This required vehicular access easement factored into the requested variance due to the how the setbacks are measured for vehicular access easements. Lastly, Section 17.37.090.D.1 of the CMC states that a new driveway serving a single-family dwelling shall not be placed on an arterial street unless alternative driveway locations are not available. Although Pine Hollow Road is identified as a collector street in the General Plan, it experiences a higher volume of traffic similar to an arterial street. As a result, the City Engineer required a single point of ingress and egress for Lot 5 and Lot 6 to minimize access points and eliminate vehicles from backing into traffic on Pine Hollow Road.

As mentioned above in the setback analysis, setbacks for the residences would be measured from the edge of the access easement rather than the property line, as applicable. As a result, the applicant is requesting a Variance to allow the residences on Lots 5 and 6 to encroach into their respective side yard setbacks. If the applicant was allowed to have driveways for each individual lot and without the presence of the required vehicular access easement, the residences on Lots 5 and 6 would comply with the minimum 10-foot side setback requirement if the setback were to be measured from the shared side property line between the two lots. However, with the access easement in place, the 10-foot minimum side setback would then be

measured from the edge of the access easement. As the residences' orientation and siting is currently proposed, the residence on Lot 5 would encroach eight feet into the 10-foot side setback, being two feet away from the edge of the access easement, and the residence on Lot 6 would encroach five feet into the 10-foot side setback, being five feet away from the edge of the access easement.

Per CMC Section 17.52.030, in order to modify zoning regulations such as lot width, a Variance is required and the Planning Commission must make certain findings, which are discussed below, before approval of any application. The findings are as follows:

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located.**

Other properties in the vicinity and in the R-15 District (and Citywide in general) are designed to be as safe as possible regarding the ingress and egress to and from the driveways of these lots. Also, as improvements are made to properties in Clayton, or in the case of new lots being established, the City seeks to reduce the number of curb cuts and hardscape areas, particularly on busy collector streets. Since Lots 5 and 6 as well as the adjacent public right-of-way areas would both benefit from increased safety, reduced curb cuts, and reduced hardscape areas, approval of this Variance would not constitute a grant of special privilege but, rather, would actually be consistent with the vision of a safer community, per the Clayton General Plan Safety Element. Based on this, approval of a Variance to allow the residences on Lots 5 and 6 to be located closer to the edge of the access easement than the required 10-foot side setback would assist in cultivating a safer circulation pattern for both of the residences as well for those traveling along Pine Hollow Road. Therefore, approval of this Variance would not be a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject properties are located.

- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.**

Lot 5 and Lot 6 front onto Pine Hollow Road and given the location of these lots adjacent to and being accessed from Pine Hollow Road (a frequently-traveled collector street), a shared vehicular access easement for both of these lots increases traffic safety by not allowing vehicles to back into traffic on Pine Hollow Road. Based on the safety benefits and need for this shared vehicular access easement, and the location of the access easement in relation to the siting and orientation of the residences on Lots 5 and 6, this would result in necessitating reduced side setbacks for each side of the residence that faces the shared vehicular access easement. By strictly applying the zoning regulations by requiring both residences to adhere to the 10-foot

minimum side setback would make placement of the residences on these lots in a manner similar to surrounding residences infeasible, constraining the buildable area of each lot thereby depriving the rights enjoyed by other properties in the vicinity.

- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.**

Part of the intent and purpose of the R-15 District, as well as other districts in Clayton, is to utilize driveway design to increase safety, reduce curb cuts, and reduce hardscape areas. A variance allowing the residences on Lots 5 and 6 to be located less than the required 10-foot minimum side setback would allow the use of one shared access easement rather than two individual driveways, in turn, would increase safety, reduce curb cuts, and reduce hardscape areas. These design provisions and this variance substantially meet the intent and purpose of the land use district because the project is in substantial conformance with the prescribed land use district, except for the setbacks from the vehicular access easement, which is required to improve safety.

RECOMMENDATION

Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony and, if determined to be appropriate:

- 1) Adopt Planning Commission Resolution No. 03-17 approving the Verna Way Residential Subdivision Variance (VAR-01-17); and
- 2) Approve the Verna Way Residential Subdivision Site Plan Review Permit (SPR-02-17) with the finding the Variance and Site Plan Review Permit were considered and evaluated in the previously-adopted Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration.

PROPOSED FINDINGS FOR VARIANCE (VAR-01-17)

Based upon the evidence set forth in the staff report, which includes relevant information from the project application, as well as testimony at the public hearing, the Planning Commission makes the following findings for the Verna Way Residential Subdivision Variance VAR-01-17:

1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located.

Other properties in the vicinity and in the R-15 District (and Citywide in general) are designed to be as safe as possible regarding the ingress and egress to and from the driveways of these lots. Also, as improvements are made to properties in Clayton, or in the case of new lots being established, the City seeks to reduce the number of curb cuts

and hardscape areas, particularly on busy collector streets. Since Lots 5 and 6 as well as the adjacent public right-of-way areas would both benefit from increased safety, reduced curb cuts, and reduced hardscape areas, approval of this Variance would not constitute a grant of special privilege but, rather, would actually be consistent with the vision of a safer community, per the Clayton General Plan Safety Element. Based on this, approval of a Variance to allow the residences on Lots 5 and 6 to be located closer to the edge of the access easement than the required 10-foot side setback would assist in cultivating a safer circulation pattern for both of the residences as well for those traveling along Pine Hollow Road. Therefore, approval of this Variance would not be a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject properties are located.

2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Lot 5 and Lot 6 front onto Pine Hollow Road and given the location of these lots adjacent to and being accessed from Pine Hollow Road (a frequently-traveled collector street), a shared vehicular access easement for both of these lots increases traffic safety by not allowing vehicles to back into traffic on Pine Hollow Road. Based on the safety benefits and need for this shared vehicular access easement, and the location of the access easement in relation to the siting and orientation of the residences on Lots 5 and 6, this would result in necessitating reduced side setbacks for each side of the residence that faces the shared vehicular access easement. By strictly applying the zoning regulations by requiring both residences to adhere to the 10-foot minimum side setback would make placement of the residences on these lots in a manner similar to surrounding residences infeasible, constraining the buildable area of each lot thereby depriving the rights enjoyed by other properties in the vicinity.

3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Part of the intent and purpose of the R-15 District, as well as other districts in Clayton, is to utilize driveway design to increase safety, reduce curb cuts, and reduce hardscape areas. A variance allowing the residences on Lots 5 and 6 to be located less than the required 10-foot minimum side setback would allow the use of one shared access easement rather than two individual driveways, in turn, would increase safety, reduce curb cuts, and reduce hardscape areas. These design provisions and this variance substantially meet the intent and purpose of the land use district because the project is in substantial conformance with the prescribed land use district, except for the setbacks from the vehicular access easement, which is required to improve safety.

PROPOSED FINDINGS FOR SITE PLAN REVIEW PERMIT (SPR-02-17)

Based upon the evidence set forth in the staff report, which includes relevant information from the project application, as well as testimony at the public hearing, the Planning Commission makes the following findings that the Verna Way Site Plan Review Permit SPR-02-17, as conditioned:

1. Is consistent with the General Plan designation and policies.

The project is consistent with the General Plan designation and policies since the project consists of the development of a six-lot single-family residential subdivision, an allowed use, within the Single Family Low Density designation site.

2. Meets the standards and requirements of the Zoning Ordinance.

The project meets the standards and requirements of the Zoning Ordinance and will be constructed in compliance with Site Plan Review Permit requirements, findings, and conditions of approval.

3. Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.

The project preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the project will be constructed in compliance with the Clayton Municipal Code, California Building Standards Code, and other agency regulations where applicable.

4. Maintains solar rights of adjacent properties.

The project will not block adjacent properties from direct sunlight from any angle of the ecliptic.

5. Reasonably maintains the privacy of adjacent property owners and/or occupants.

The project reasonably maintains the privacy of adjacent property owners and/or occupants since the project is comprised of residences that utilize single-story designs and comply with the setback requirements of the Clayton Municipal Code, including the setbacks allowed contingent upon approval of the companion Verna Way Residential Subdivision Variance (VAR-01-17) request.

6. Reasonably maintains the existing views of adjacent property owners and/or occupants.

The project reasonably maintains the existing views of adjacent property owners and/or occupants since the project complies with the setback requirements of the Clayton Municipal Code, including the setbacks allowed contingent upon approval of the

companion Verna Way Residential Subdivision Variance (VAR-01-17) request and is comprised of residences that utilize single-story designs that will not block views from adjacent properties.

7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.

The project is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk since the project is comprised of residences that have been designed with exterior colors and materials that architecturally complement the surrounding residences and the massing of the residences comply with all applicable zoning regulations and development standards for setback, building footprint, and residential floor area requirements, including the setbacks allowed contingent upon approval of the companion Verna Way Residential Subdivision Variance (VAR-01-17) request.

8. Is in accordance with the design standards for manufactured homes per Section 17.36.078.

The project consists of the development of a six-lot single-family residential subdivision which does not involve the construction of manufactured homes; therefore this finding is not applicable.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

PROPOSED CONDITIONS OF APPROVAL

1. The Verna Way Residential Subdivision Variance (VAR-01-17) and Site Plan Review Permit (SPR-02-17) shall be contingent upon approval of the Verna Way Residential Subdivision Final Map by the City Council.
2. No same two residential-color schemes shall be used on adjacent lots.
3. The wainscot shall be extended to the good neighbor fence on the side elevation of the residences where applicable.
4. Concrete tile roof material shall be used on all residences.
5. All mailboxes shall be locking mailboxes.
6. One additional replacement tree shall be provided in the private property areas of the project site.
7. All replacement trees shall be 24-inch box size.

8. All trees planted in the public right-of-way shall use trees specifically from the City street tree list.
9. The trees planted in the right-of-way along Pine Hollow Road shall be crape myrtle.
10. The rockspray cotoneaster shall be replaced with another planting type, subject to review and approval by staff.
11. All applicable landscaping conditions that appear in the August 11, 2016 Planning Commission Notice of Decision conditionally approving the Verna Way Residential Subdivision Environmental Review (ENV-01-16), Tentative Subdivision Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15) shall appear on the landscape plans submitted for building permit issuance.
12. The project shall comply with all applicable requirements and regulations as they pertain to the Landscape Water Conservation Standards and the Water Efficient Landscape Ordinance.
13. Four off-street parking spaces shall be provided on each lot; two covered spaces in the garage of each residence and two uncovered spaces which can be provided tandem or side by side in the driveways of each lot.
14. Any major changes to the project shall require Planning Commission review and approval. Any minor changes to the project shall be subject to City staff review and approval.
15. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
16. An encroachment permit shall be required for all work in the public right-of-way.
17. The Verna Way Residential Subdivision Variance (VAR-01-17) and Site Plan Review Permit (SPR-02-17) in accordance with the provisions listed in Chapter 17.64 of the Clayton Municipal Code.
18. The applicant shall indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions

ADVISORY NOTES

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; and (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall obtain the necessary approvals from the Contra Costa County Fire Protection District.
2. The applicant shall provide an adequate and reliable water supply for fire protection as set forth in the Uniform Fire Code.
3. The access driveway/roadway and turnaround improvements must be completed and inspected by the Contra Costa County Fire Protection District (CCCYPD) prior to construction on the two residential lots.
4. Development on any parcel in this subdivision shall be subject to review and approval by the CCCYPD to ensure compliance with minimum CCCYPD requirements.
5. Any future proposed residences are required to be protected with an approved automatic fire sprinkler system complying with the 2013 edition of NFPA 13D or Section R313.3 of the 2013 California Residential Code. A minimum of two (2) sets of sprinkler plans shall be submitted to the CCCYPD for both residences for review and approval prior to installation.
6. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
7. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards as well as pay all associated fees and charges.
8. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the City Engineer (Clayton Municipal Code Section 15.01.101) located at 5375 Clayton Road, Concord, 925-363-7433.
9. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department. All construction shall conform to the California Building Code.

ATTACHMENTS

- A Planning Commission Resolution No. 03-17
- B Vicinity Map
- C Verna Way Residential Subdivision Tentative Map, approved by the Planning Commission on August 9, 2016
- D Proposed Verna Way Residential Subdivision Final Map
- E Project Plans — Verna Way Residential Subdivision Site Plan, Conceptual Landscape Plan, Conceptual Planting Palette, Conceptual Planting Images, Conceptual Landscape Details, Architectural Plans including Floor Plans, Roof Plans, and Elevations
- F Verna Way Residential Subdivision Colors and Materials Examples (to be distributed at the June 27, 2017 Planning Commission meeting)
- G Verna Way Residential Subdivision Light Fixture Specification Sheets

ATTACHMENT A
CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 03-17

**A RESOLUTION RECOMMENDING THE CLAYTON PLANNING COMMISSION APPROVE THE
VERNA WAY RESIDENTIAL SUBDIVISION VARIANCE (VAR-01-17)**

WHEREAS, the City received an application from Castle Companies requesting review and consideration of the Verna Way Residential Subdivision Variance (VAR-01-17) to allow a reduction in the side setbacks from the edge of the shared access easement off of Pine Hollow Road for the residences on Lot 5 and Lot 6 which front onto Pine Hollow Road and are the southernmost two lots in the six-lot Verna Way Residential Subdivision (“Project”). The Project site is located south of Verna Way at the intersection of Lydia Lane and north of Pine Hollow Road east of Gibson Lane (APNs: 120-043-038 and 120-043-037); and

WHEREAS, on August 9, 2016 the City approved and adopted the Verna Way Residential Subdivision Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

WHEREAS, on August 9, 2016 the City conditionally-approved the Verna Way Residential Subdivision Tentative Subdivision Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15) for the subdivision and development of six single-family residences on the Project site; and

WHEREAS, one of the conditions of approval of the Project was that a shared vehicular access easement was required for Lot 5 and Lot 6 in the Project;

WHEREAS, the public hearing was duly-noticed for the Planning Commission meeting on June 27, 2017; and

WHEREAS, on June 27, 2017 the Clayton Planning Commission held a duly-noticed public hearing on the Verna Way Residential Subdivision Variance (VAR-01-17), received and considered testimony and evidence, both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby makes the following required findings for approval of the Verna Way Residential Subdivision Variance (VAR-01-17) for a reduction in the side setbacks from the edge of the shared vehicular access easement off of Pine Hollow Road for the residences on Lot 5 and Lot 6 in the Project.

1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located.

Other properties in the vicinity and in the R-15 District (and Citywide in general) are designed to be as safe as possible regarding the ingress and egress to and from the driveways of these lots. Also, as improvements are made to properties in Clayton, or in the case of new lots being established, the City seeks to reduce the number of curb cuts and hardscape areas, particularly on busy collector streets. Since Lots 5 and 6 as well as the adjacent public right-of-way areas would both benefit from increased safety, reduced curb cuts, and reduced hardscape areas, approval of this Variance would not constitute a grant of special privilege but, rather, would actually be consistent with the vision of a safer community, per the Clayton General Plan Safety Element. Based on

this, approval of a Variance to allow the residences on Lots 5 and 6 to be located closer to the edge of the access easement than the required 10-foot side setback would assist in cultivating a safer circulation pattern for both of the residences as well for those traveling along Pine Hollow Road. Therefore, approval of this Variance would not be a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject properties are located; and

2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Lot 5 and Lot 6 front onto Pine Hollow Road and given the location of these lots adjacent to and being accessed from Pine Hollow Road (a frequently-traveled collector street), a shared vehicular access easement for both of these lots increases traffic safety by not allowing vehicles to back into traffic on Pine Hollow Road. Based on the safety benefits and need for this shared vehicular access easement, and the location of the access easement in relation to the siting and orientation of the residences on Lots 5 and 6, this would result in necessitating reduced side setbacks for each side of the residence that faces the shared vehicular access easement. By strictly applying the zoning regulations by requiring both residences to adhere to the 10-foot minimum side setback would make placement of the residences on these lots in a manner similar to surrounding residences infeasible, constraining the buildable area of each lot thereby depriving the rights enjoyed by other properties in the vicinity; and

3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Part of the intent and purpose of the R-15 District, as well as other districts in Clayton, is to utilize driveway design to increase safety, reduce curb cuts, and reduce hardscape areas. A variance allowing the residences on Lots 5 and 6 to be located less than the required 10-foot minimum side setback would allow the use of one shared access easement rather than two individual driveways, in turn, would increase safety, reduce curb cuts, and reduce hardscape areas. These design provisions and this variance substantially meet the intent and purpose of the land use district because the project is in substantial conformance with the prescribed land use district, except for the setbacks from the vehicular access easement, which is required to improve safety.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 27th day of June, 2017.

APPROVED:

ATTEST:

Dan Richardson
Chair

Mindy Gentry
Community Development Director

ATTACHMENT B



VICINITY MAP

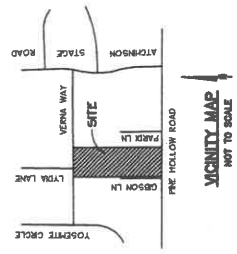
	<p>Verna Way Residential Subdivision Site Plan Review Permit SPR-02-17 Variance VAR-01-17 APN: 120-043-038 APN: 120-043-037 Total Project Site Area: 2.46 acres</p>	<p>(Not to Scale)</p>
--	---	------------------------------

TENTATIVE MAP

"VERNA WAY"

FURTHER DIVISION OF PARCEL 2 LLR-02-13

CITY OF CLAYTON
 CONTRA COSTA COUNTY, CALIFORNIA
 SCALE: 1"=30'
 DECEMBER, 2015
 SAMSON & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING
 2255 YORBAICO VALLEY ROAD - WALNUT CREEK, CALIFORNIA



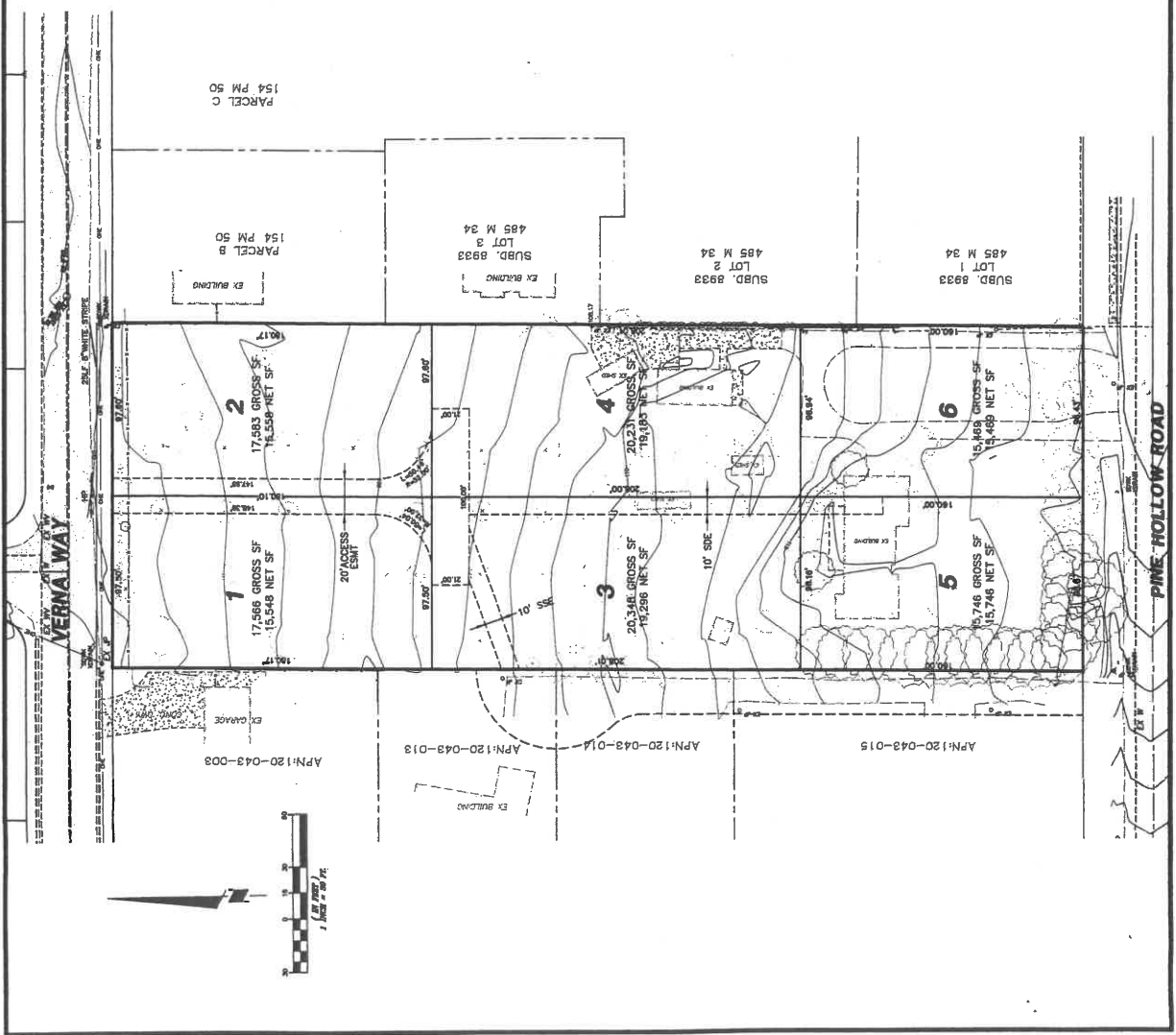
GENERAL NOTES:

1. OWNER: DAVE WINKELLEY
100 SLOAN STREET, LLC
2800 RICHMOND BLVD #202
SAN FRANCISCO, CA 94133
1. DEVELOPER: 100 SLOAN STREET, LLC
2800 RICHMOND BLVD #202
SAN FRANCISCO, CA 94133
2. CIVIL ENGINEER: DAVE SAMSON, P.E. #27784
SAMSON & ASSOCIATES
2255 YORBAICO VALLEY ROAD, WALNUT CREEK, CA 94598
(925) 857-3333
3. EXISTING ZONING: SINGLE FAMILY RESIDENTIAL (R-13)
4. AREA: 2.45 ACRES GROSS
5. NUMBER OF LOTS: 6
6. DENSITY: 2.45 DU/NET AC
7. MIN. LOT SIZE: 15,000 SF
8. A.P.N.: 120-043-037 & 038
9. ADDRESS: CLAYTON, CA 94517
10. SEWER: PINE HOLLOW ROAD, CLAYTON, CA 94517
11. WATER: CITY OF CONCORD
12. EXISTING UTILITIES BY FIELD SURVEY DATED 10-25-15.
13. SEE EXHIBITION PLAN FOR ALL EXISTING UTILITIES TO BE REMOVED.

RECEIVED

JUL 18 2016

CITY OF CLAYTON
 COMMUNITY DEVELOPMENT DEPT



SUBMISSION NO. 9419
 CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

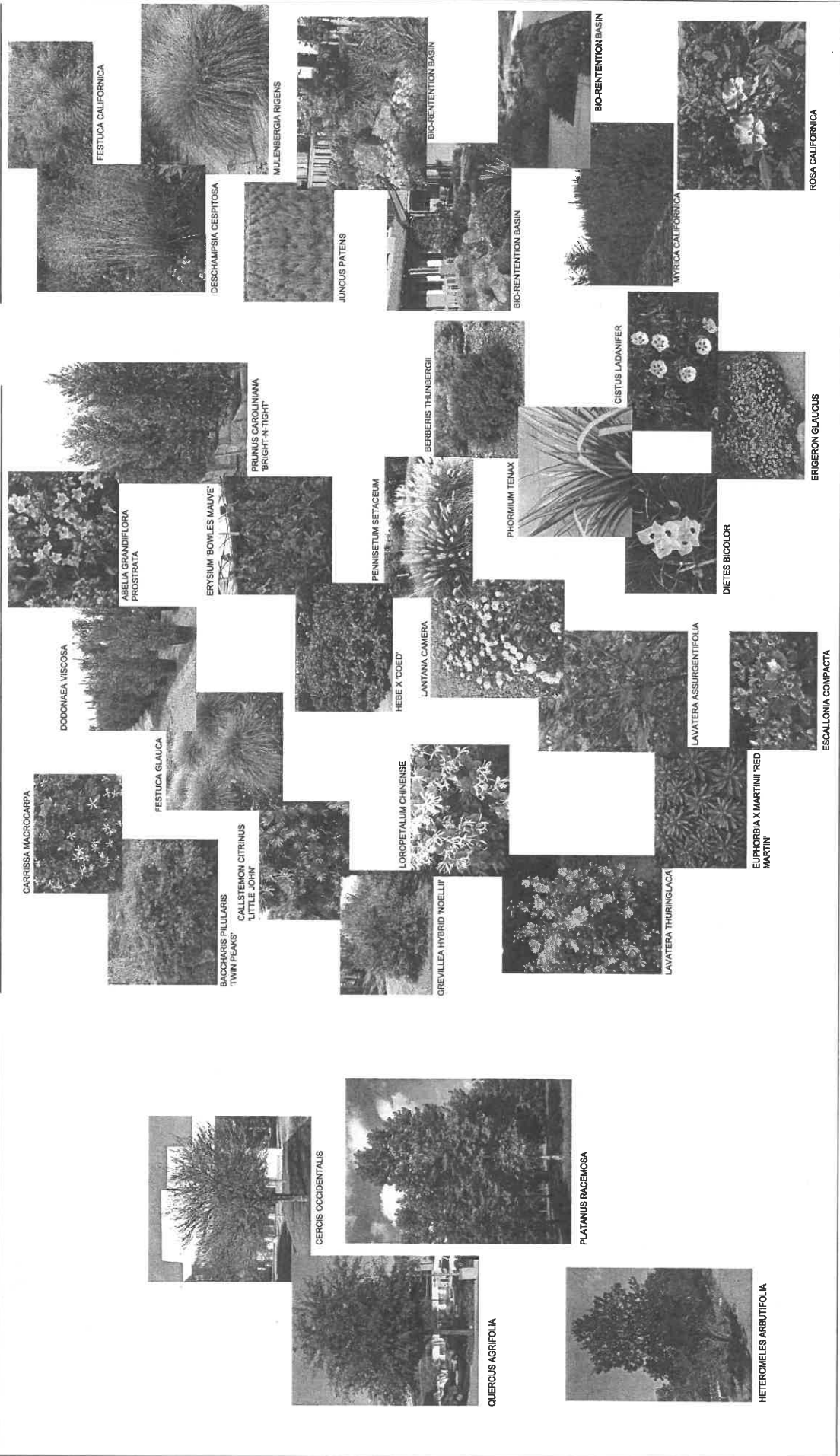
Isatson & Assoc. Inc.
 civil engineering
 land surveying
 2255 YORBAICO VALLEY ROAD, WALNUT CREEK, CA 94598
 (925) 857-3333

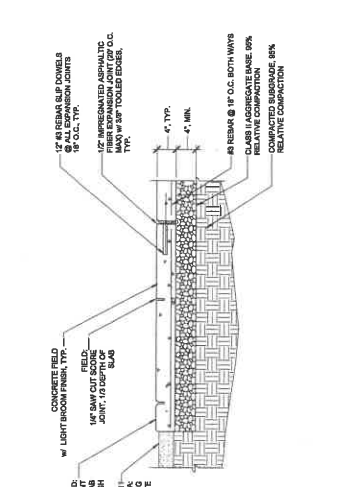
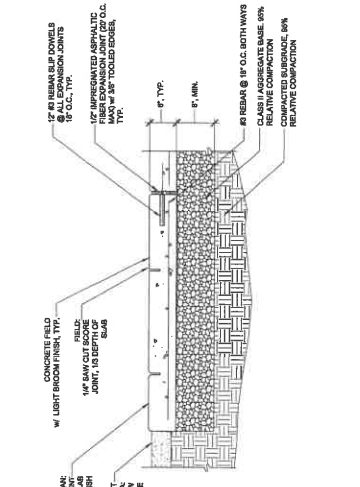
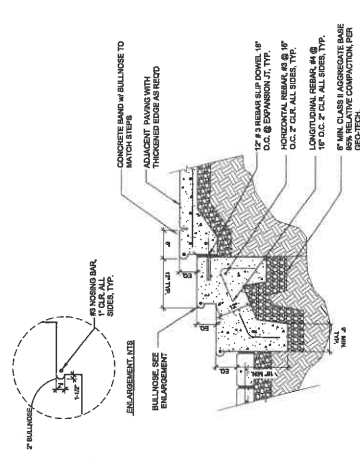
DATE: 12-15-15
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SHEET 1 OF 3

TREE IMAGERY

SHRUB & GROUND COVER IMAGERY

BIORETENTION IMAGERY





A 1'-1'-0"

B 1'-1'-0"

C 3/4'-1'-0"

D 1/2'-1'-0"

E 1/2'-1'-0"

F 1'-1'-0"

G 1'-1'-0"

H 1'-1'-0"

I 1'-1'-0"

J 1'-1'-0"

K 1'-1'-0"

L 1'-1'-0"

M 1'-1'-0"

N 1'-1'-0"

O 1'-1'-0"

P 1'-1'-0"

Q 1'-1'-0"

R 1'-1'-0"

S 1'-1'-0"

T 1'-1'-0"

U 1'-1'-0"

V 1'-1'-0"

W 1'-1'-0"

X 1'-1'-0"

Y 1'-1'-0"

Z 1'-1'-0"

AA 1'-1'-0"

AB 1'-1'-0"

AC 1'-1'-0"

AD 1'-1'-0"

AE 1'-1'-0"

AF 1'-1'-0"

AG 1'-1'-0"

AH 1'-1'-0"

AI 1'-1'-0"

AJ 1'-1'-0"

AK 1'-1'-0"

AL 1'-1'-0"

AM 1'-1'-0"

AN 1'-1'-0"

AO 1'-1'-0"

AP 1'-1'-0"

AQ 1'-1'-0"

AR 1'-1'-0"

AS 1'-1'-0"

AT 1'-1'-0"

AU 1'-1'-0"

AV 1'-1'-0"

AW 1'-1'-0"

AX 1'-1'-0"

AY 1'-1'-0"

AZ 1'-1'-0"

BA 1'-1'-0"

BB 1'-1'-0"

BC 1'-1'-0"

BD 1'-1'-0"

BE 1'-1'-0"

BF 1'-1'-0"

BG 1'-1'-0"

BH 1'-1'-0"

BI 1'-1'-0"

BJ 1'-1'-0"

BK 1'-1'-0"

BL 1'-1'-0"

BM 1'-1'-0"

BN 1'-1'-0"

BO 1'-1'-0"

BP 1'-1'-0"

BQ 1'-1'-0"

BR 1'-1'-0"

BS 1'-1'-0"

BT 1'-1'-0"

BU 1'-1'-0"

BV 1'-1'-0"

BW 1'-1'-0"

BX 1'-1'-0"

BY 1'-1'-0"

BZ 1'-1'-0"

CA 1'-1'-0"

CB 1'-1'-0"

CC 1'-1'-0"

CD 1'-1'-0"

CE 1'-1'-0"

CF 1'-1'-0"

CG 1'-1'-0"

CH 1'-1'-0"

CI 1'-1'-0"

CJ 1'-1'-0"

CK 1'-1'-0"

CL 1'-1'-0"

CM 1'-1'-0"

CN 1'-1'-0"

CO 1'-1'-0"

CP 1'-1'-0"

CQ 1'-1'-0"

CR 1'-1'-0"

CS 1'-1'-0"

CT 1'-1'-0"

CU 1'-1'-0"

CV 1'-1'-0"

CW 1'-1'-0"

CX 1'-1'-0"

CY 1'-1'-0"

CZ 1'-1'-0"

DA 1'-1'-0"

DB 1'-1'-0"

DC 1'-1'-0"

DD 1'-1'-0"

DE 1'-1'-0"

DF 1'-1'-0"

DG 1'-1'-0"

DH 1'-1'-0"

DI 1'-1'-0"

DJ 1'-1'-0"

DK 1'-1'-0"

DL 1'-1'-0"

DM 1'-1'-0"

DN 1'-1'-0"

DO 1'-1'-0"

DP 1'-1'-0"

DQ 1'-1'-0"

DR 1'-1'-0"

DS 1'-1'-0"

DT 1'-1'-0"

DU 1'-1'-0"

DV 1'-1'-0"

DW 1'-1'-0"

DX 1'-1'-0"

DY 1'-1'-0"

DZ 1'-1'-0"

EA 1'-1'-0"

EB 1'-1'-0"

EC 1'-1'-0"

ED 1'-1'-0"

EE 1'-1'-0"

EF 1'-1'-0"

EG 1'-1'-0"

EH 1'-1'-0"

EI 1'-1'-0"

EJ 1'-1'-0"

EK 1'-1'-0"

EL 1'-1'-0"

EM 1'-1'-0"

EN 1'-1'-0"

EO 1'-1'-0"

EP 1'-1'-0"

EQ 1'-1'-0"

ER 1'-1'-0"

ES 1'-1'-0"

ET 1'-1'-0"

EU 1'-1'-0"

EV 1'-1'-0"

EW 1'-1'-0"

EX 1'-1'-0"

EY 1'-1'-0"

EZ 1'-1'-0"

FA 1'-1'-0"

FB 1'-1'-0"

FC 1'-1'-0"

FD 1'-1'-0"

FE 1'-1'-0"

FF 1'-1'-0"

FG 1'-1'-0"

FH 1'-1'-0"

FI 1'-1'-0"

FJ 1'-1'-0"

FK 1'-1'-0"

FL 1'-1'-0"

FM 1'-1'-0"

FN 1'-1'-0"

FO 1'-1'-0"

FP 1'-1'-0"

FQ 1'-1'-0"

FR 1'-1'-0"

FS 1'-1'-0"

FT 1'-1'-0"

FU 1'-1'-0"

FV 1'-1'-0"

FW 1'-1'-0"

FX 1'-1'-0"

FY 1'-1'-0"

FZ 1'-1'-0"

GA 1'-1'-0"

GB 1'-1'-0"

GC 1'-1'-0"

GD 1'-1'-0"

GE 1'-1'-0"

GF 1'-1'-0"

GG 1'-1'-0"

GH 1'-1'-0"

GI 1'-1'-0"

GJ 1'-1'-0"

GK 1'-1'-0"

GL 1'-1'-0"

GM 1'-1'-0"

GN 1'-1'-0"

GO 1'-1'-0"

GP 1'-1'-0"

GQ 1'-1'-0"

GR 1'-1'-0"

GS 1'-1'-0"

GT 1'-1'-0"

GU 1'-1'-0"

GV 1'-1'-0"

GW 1'-1'-0"

GX 1'-1'-0"

GY 1'-1'-0"

GZ 1'-1'-0"

HA 1'-1'-0"

HB 1'-1'-0"

HC 1'-1'-0"

HD 1'-1'-0"

HE 1'-1'-0"

HF 1'-1'-0"

HG 1'-1'-0"

HH 1'-1'-0"

HI 1'-1'-0"

HJ 1'-1'-0"

HK 1'-1'-0"

HL 1'-1'-0"

HM 1'-1'-0"

HN 1'-1'-0"

HO 1'-1'-0"

HP 1'-1'-0"

HQ 1'-1'-0"

HR 1'-1'-0"

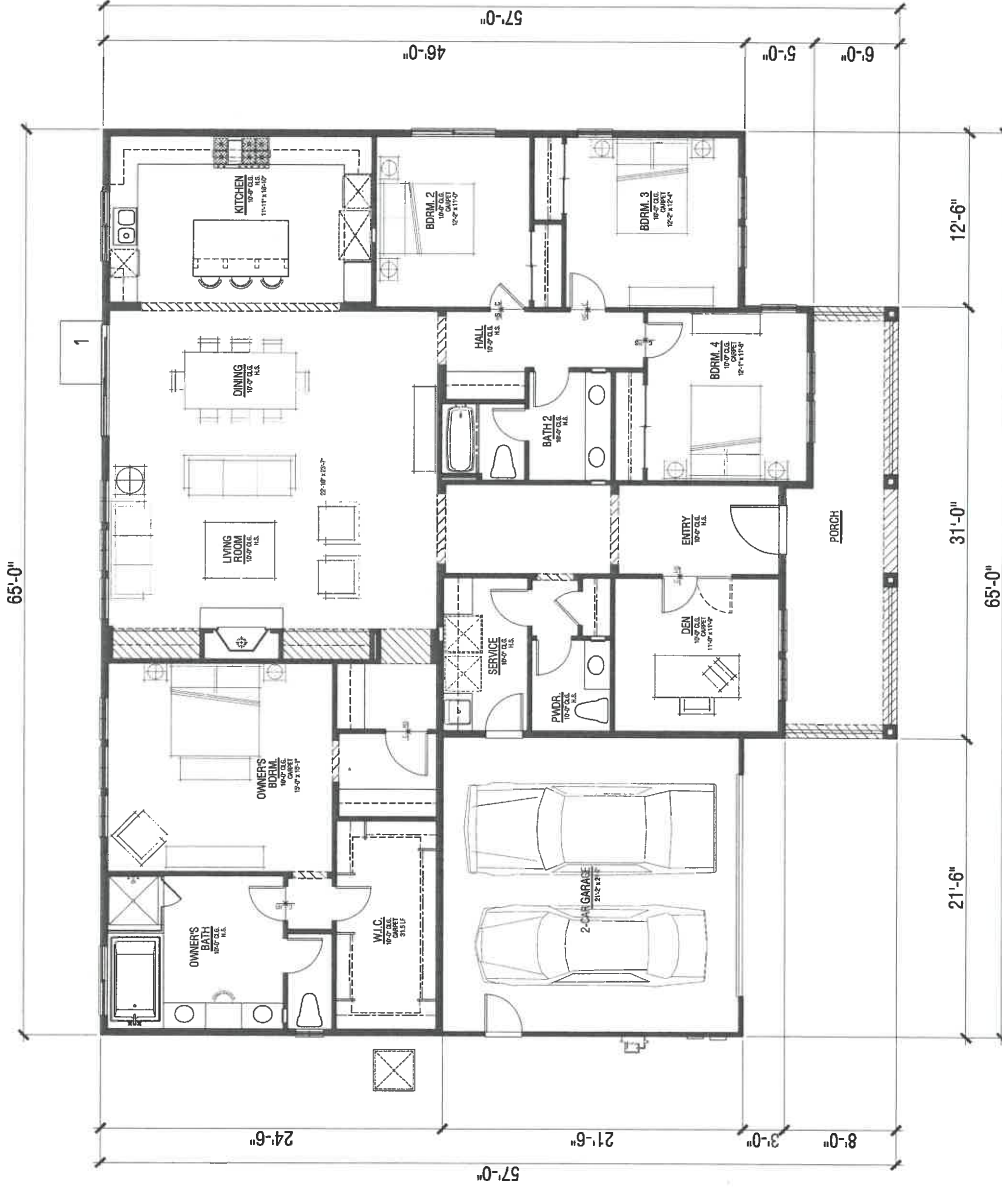
HS 1'-1'-0"

HT 1'-1'-0"

HU 1'-1'-0"

HV 1'-1'-0"

HW 1'-1'-0"



Project Summary	
Lot 1	Plan 2B(F)
Lot 2	Plan 2C
Lot 3	Plan 1A
Lot 4	Plan 2B
Lot 5	Plan 2B(X)
Lot 6	Plan 1A(X)

A = FARMHOUSE
 B = GRANITAMAN
 C = MEDITERRANEAN
 F = FARMHOUSE
 X = SIDE ENTRY GARAGE

Plan 1A

Floor Plan-Farmhouse

Lot 3

4 Bedroom | 2.5 Bath | Den

2-Car Garage

2,648 SF

Garage: 461 SF

Front Porch: 222 SF

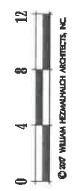
Total Coverage: 3,331 SF

VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
 CASTLE COMPANIES

April 14, 2017
1.1
2017041

WILLIAM HEDMANN ARCHITECTS, INC.
 3000 GARDENWAY, SUITE 200, SAN FRANCISCO, CA 94132
 415.774.1100 | www.williamhedmann.com



96

April 14, 2017
1.2
2017041

WILLIAM HEMALHANCH ARCHITECTS INC.
 2000 COLLETT PARKWAY SUITE 200 SAN JOAQUIN CA 95033
 200 HENRIK LARSEN SUITE 200 SAN JOAQUIN CA 95033
 916 251 9507 www.wmha.com

Plan 1AX

Floor Plan-Farmhouse

Lot 6

4 Bedroom | 2.5 Bath | Den

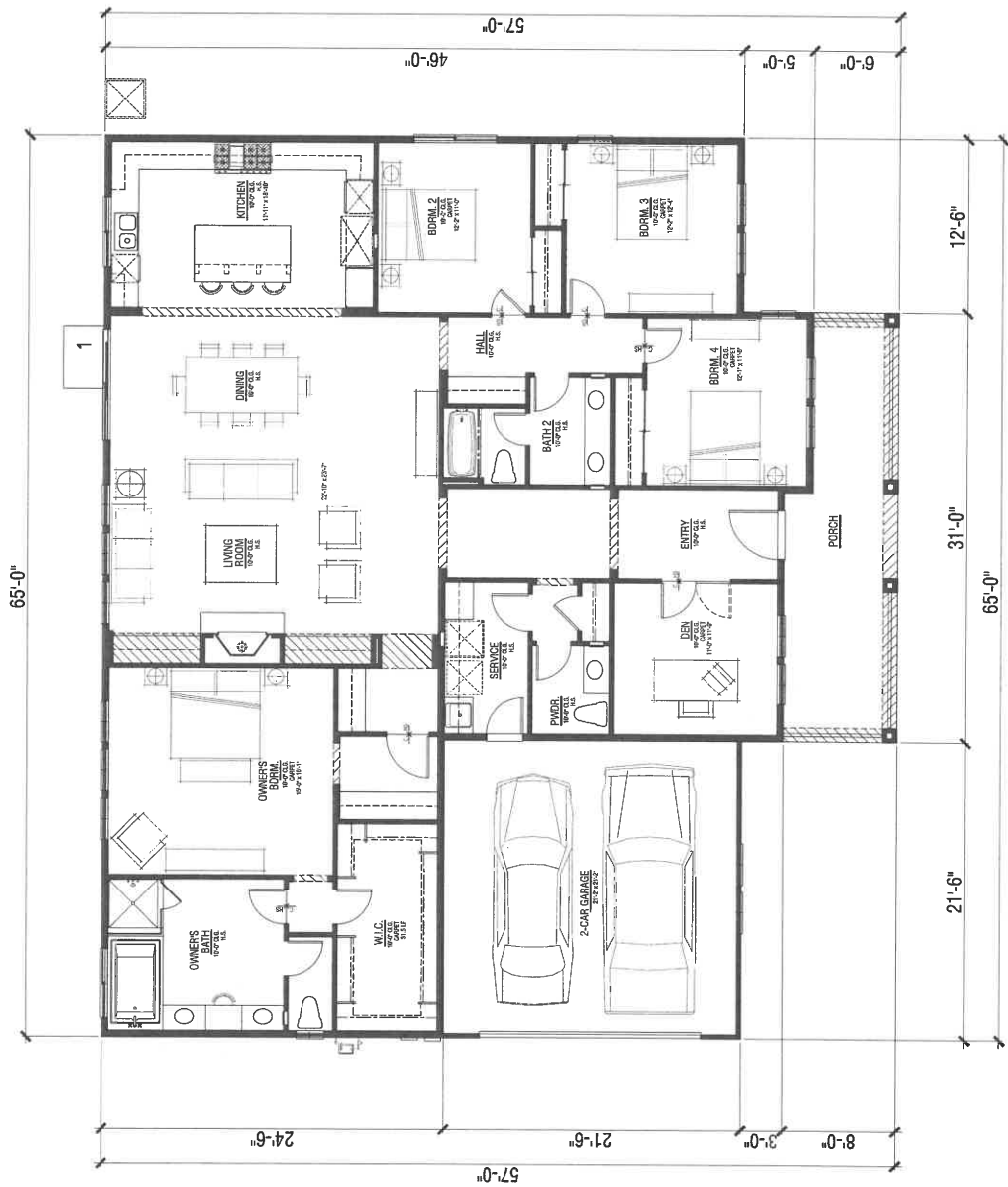
2-Car Garage - Side Entry

2,648 SF

Garage: 461 SF

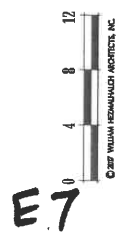
Front Porch: 222 SF

Total Coverage: 3,331 SF



VERNA WAY - SUBDIVISION 9419

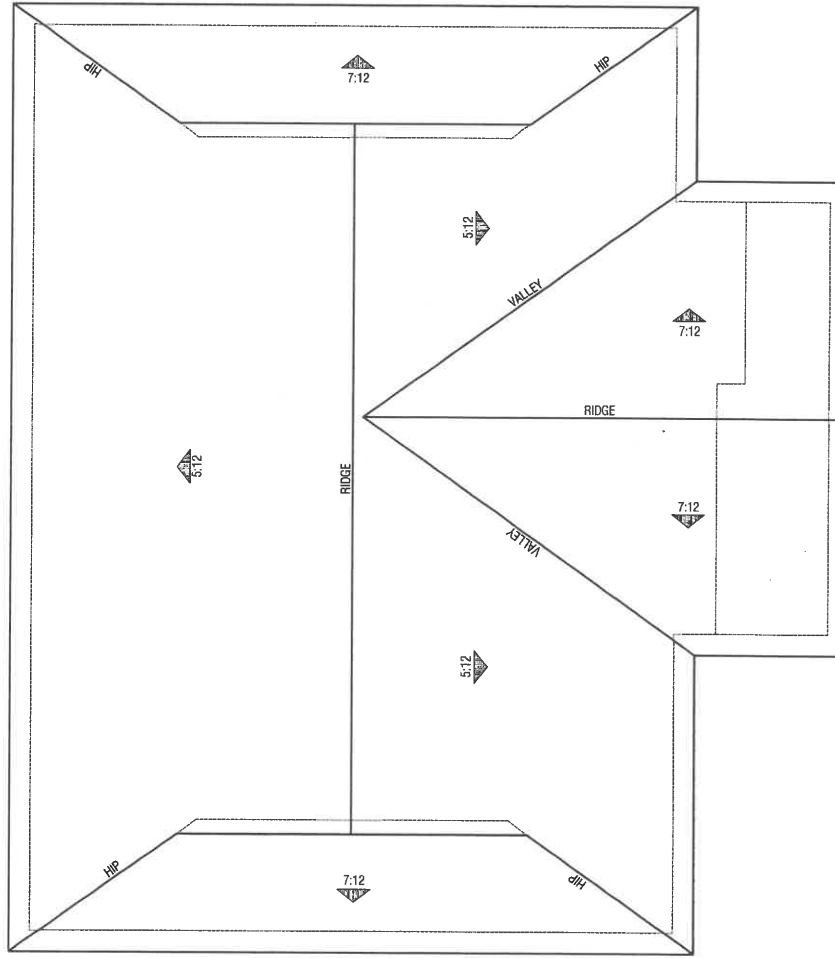
CLAYTON, CALIFORNIA
 CASTLE COMPANIES



April 14, 2017
1.3
2017041

WILLIAM HENNING ARCHITECTS
 5800 DUSTY PINEWAY SUITE 200 SAN RAMON, CA 94583
 925 250 8000 FAX 925 250 8529
 925 250 8002 www.williamhennig.com

Plan 1A
 Roof Plan-Farmhouse



VERNA WAY - SUBDIVISION 9419
 CLAYTON, CALIFORNIA
 CASTLE COMPANIES



April 14, 2017

1.4

2017041



WILLIAM HERZOG-HALCH
ARCHITECTS, INC.
6000 CRENSHAW PARKWAY SUITE 270 SAN FRANCISCO, CALIFORNIA 94131
3000 REDHILL AVENUE SUITE 200 SAN JUAN, CALIFORNIA 92078-5643
949 250 0007 www.willherz.com fax 949 250 1029

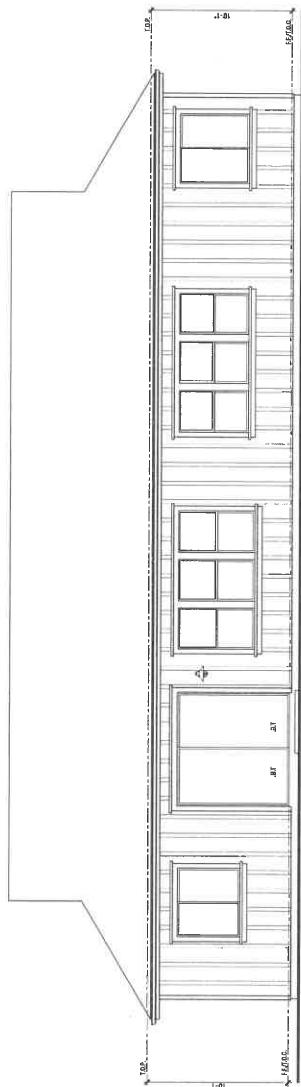
VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
CASTLE COMPANIES

0 4 8 12
© 2017 WILLIAM HERZOG-HALCH ARCHITECTS, INC.

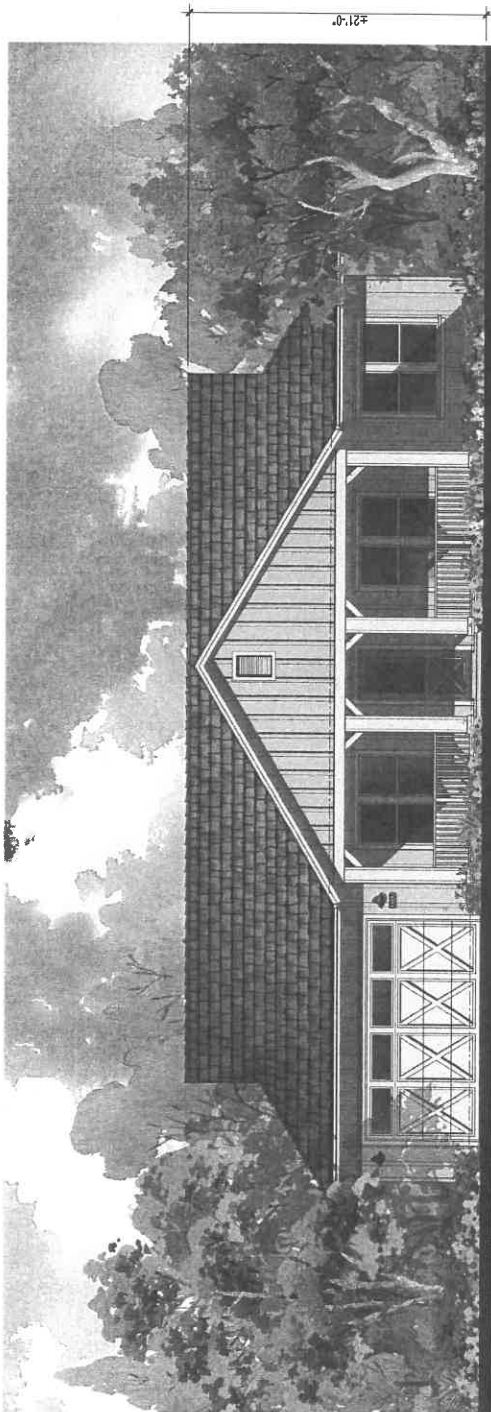
EQ

Plan 1A Elevation-Farmhouse



REAR

- Materials List
- Composition shingle roofing
 - Fiber cement board and 1x4 batten at 16" O.C.
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door with glazing
 - 2x8 fascia board
 - 2x4 over cut 2x8 barge board
 - Wood trim (windows, doors, corners)
 - Wood railing
 - Fiber cement column



FRONT

NOTE: ARTIST'S CONCEPTION; COLORS, MATERIALS AND APPLICATION MAY VARY.

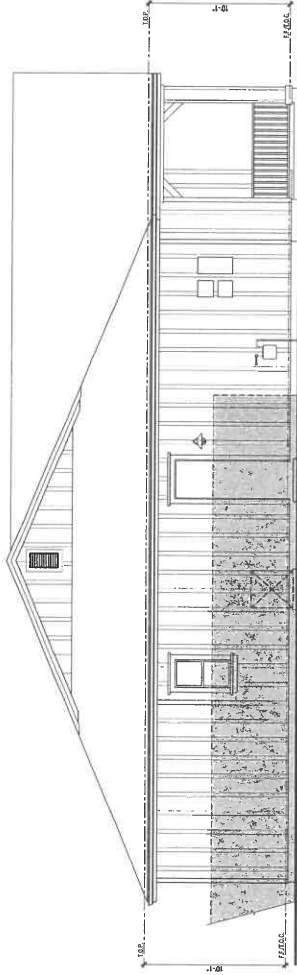
April 14, 2017
1.5
2017041

WILLIAM LEVY ARCHITECTS
 500 EASTSIDE PARKWAY SUITE 200 SAN ANTONIO, TEXAS 78202
 TEL: 214.252.1500 FAX: 214.252.1509
 WWW.WILLIAMLEVYARCHITECTS.COM

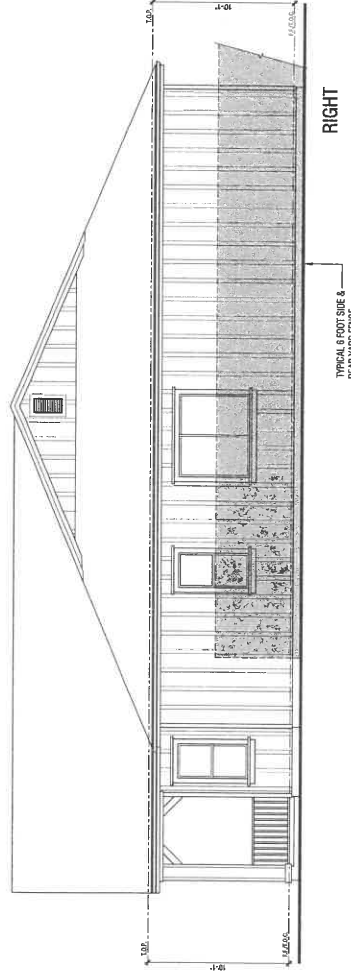
Plan 1A

Elevation-Farmhouse

- Materials List**
- Composition shingle roofing
 - Fiber cement board and 1x4 batten at 16" O.C.
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door with glazing
 - 2x8 fascia board
 - 2x4 over cut 2x8 barge board
 - Wood trim (windows, doors, corners)
 - Wood railing
 - Fiber cement column



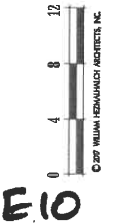
LEFT



RIGHT

VERNA WAY - SUBDIVISION 9419

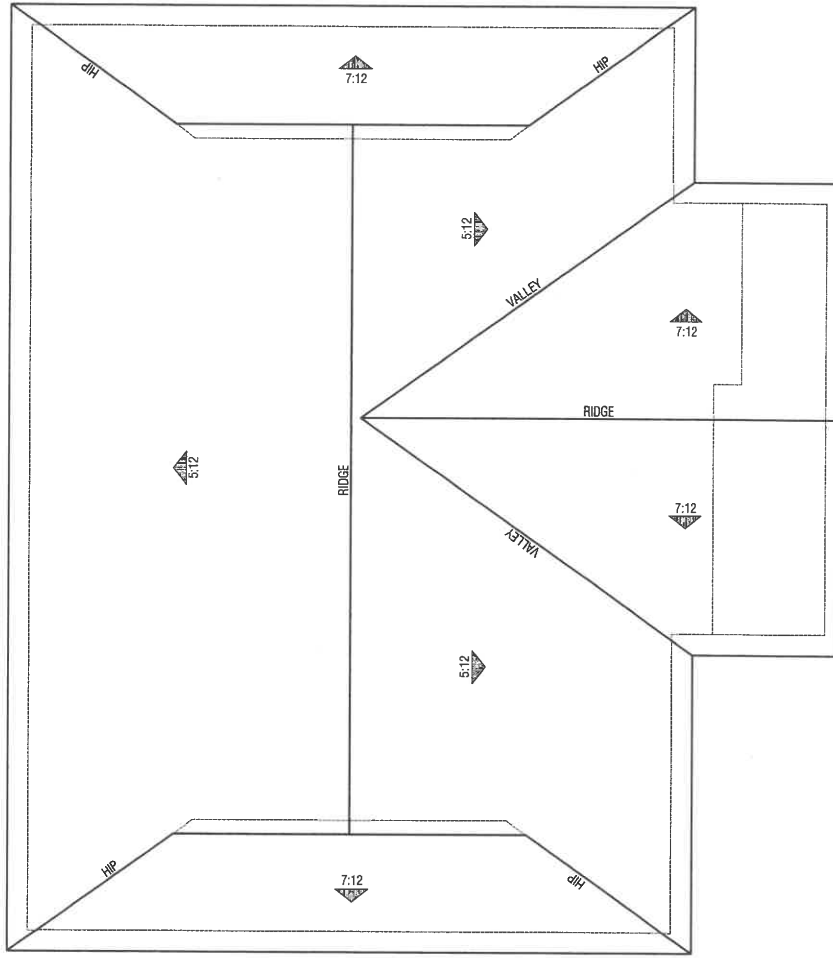
CLAYTON, CALIFORNIA
 CASTLE COMPANIES



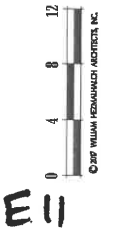
April 14, 2017
1.6
2017041

WILLIAM HENRICH ARCHITECTS, INC.
 300 DOWNEY PARKWAY SUITE 315 DOWNEY CALIFORNIA 90242
 300 SERRA LARSEN SUITE 200 SANTA ANA CA 92705-5045
 949 255 8827 www.williamhenrich.com fax 949 255 8329

Plan 1AX
 Roof Plan-Farmhouse



VERNA WAY - SUBDIVISION 9419
 CLAYTON, CALIFORNIA
 CASTLE COMPANIES

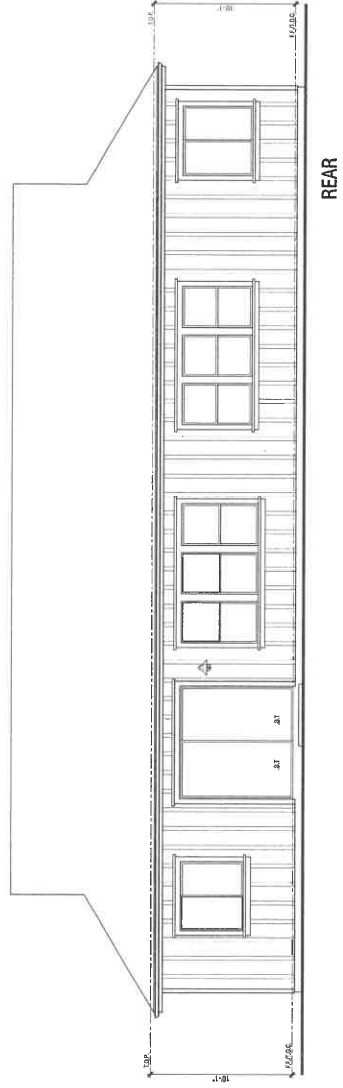


April 14, 2017
1.7
2017041

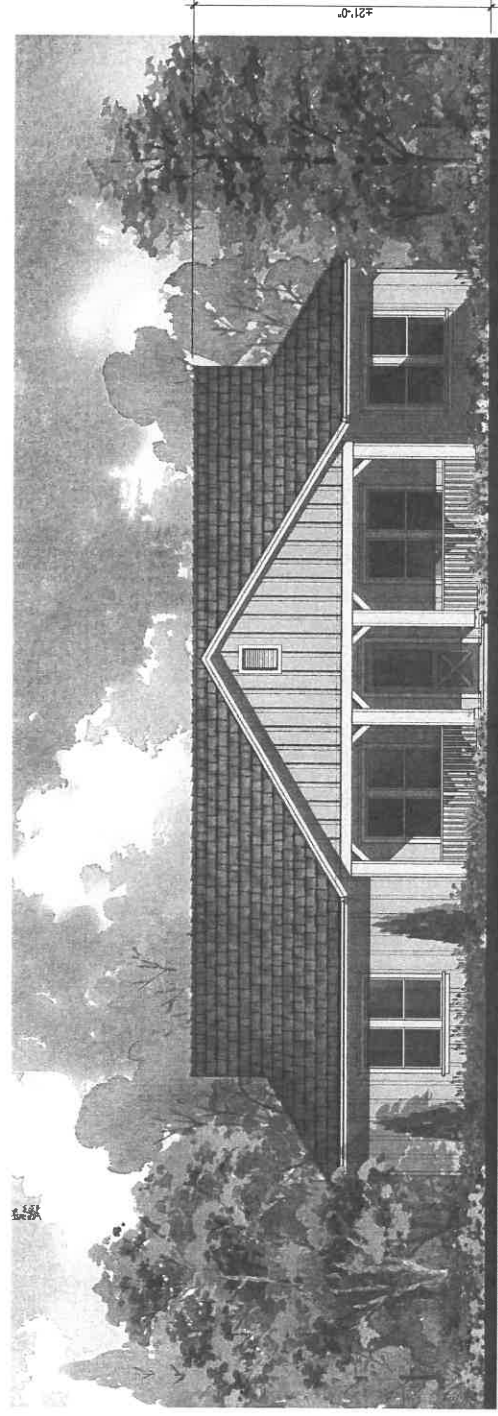
WILLIAM HENNINGSLAUGH ARCHITECTS, INC.
 388 LOCUST PARKWAY, SUITE 370, SAN RAMON, CALIFORNIA 94583
 TEL: 925.376.2500 FAX: 925.376.2502
 WWW.WHAMARCHITECTS.COM

Plan 1AX

Elevation-Farmhouse



- Materials List**
- Composition shingle roofing
 - Fiber cement board and 1x4 battens at 16" O.C.
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door with glazing
 - 2x8 fascia board
 - 2x4 over cut 2x8 barge board
 - Wood trim (windows, doors, corners)
 - Wood railing
 - Fiber cement column



FRONT

NOTE: ARTIST'S CONCEPTION; COLORS, MATERIALS AND APPLICATION MAY VARY.

VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
 CASTLE COMPANIES

E12

© 2017 WILLIAM HENNINGSLAUGH ARCHITECTS, INC.

April 14, 2017
1.8
2017041

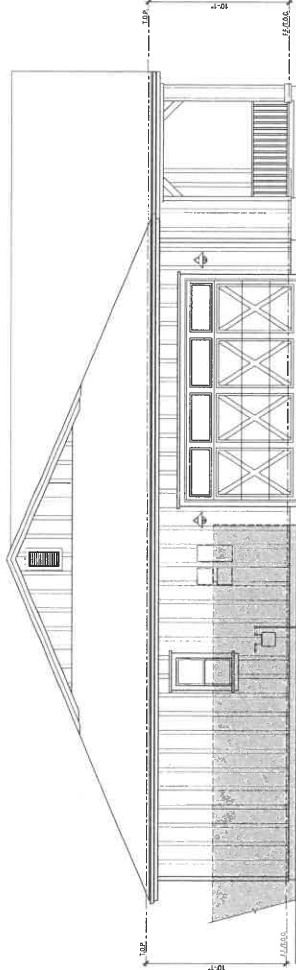
WILLIAM HEZVALHALCH
 ARCHITECT
 200 COSTUME FREEMAN AVENUE STE 110
 SAN JOSE, CA 95128
 TEL: 408.253.1538
 FAX: 408.253.1539
 WWW.WHARCHITECT.COM

Plan 1AX

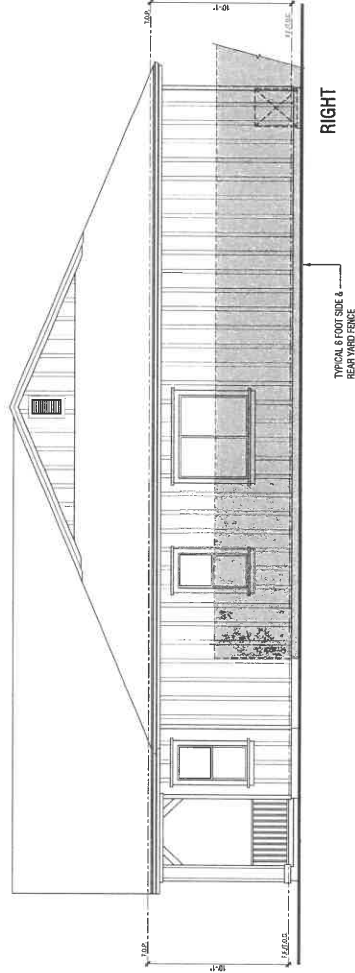
Elevation-Farmhouse

Materials List

- Composition shingle roofing
- Fiber cement board and 1x4 batten at 16" O.C.
- Insulated dual-glazed Vinyl Windows
- Sectional roll-up garage door with glazing
- 2x8 fascia board
- 2x4 over cut 2x8 barge board
- Wood trim (windows, doors, eaves)
- Wood railing
- Fiber cement column



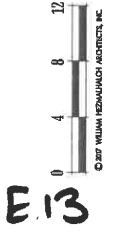
LEFT



RIGHT

VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
 CASTLE COMPANIES



April 14, 2017

2.1

2017041



WILLIAM HEZMALHALCH
ARCHITECTS, INC.
2000 PARKWAY SUITE 310 SHIRAZ CA 94588
949 440 7000
3800 ESCALANTE AVENUE SUITE 200 SAN JUAN CA 92078-5403
949 252 0001 www.williamh.com

Plan 2B

Floor Plan-Craftsman

Lots 1 (Reverse) & Lot 4

4 Bedroom | 3.5 Bath | Den

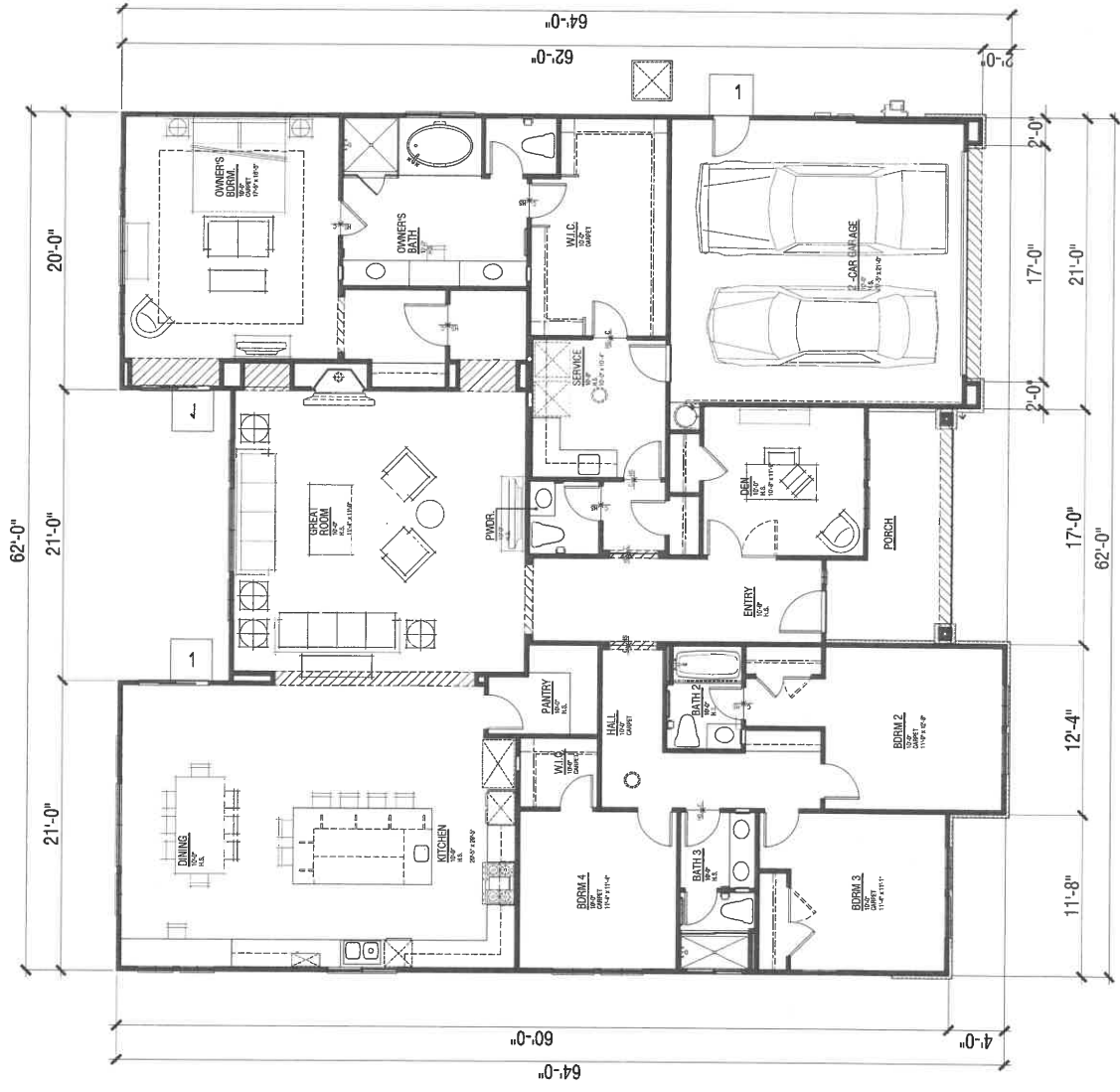
2-Car Garage

3,055 SF

Garage: 448 SF

Front Porch: 120 SF

Total Coverage: 3,623 SF



VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
CASTLE COMPANIES

E14



April 14, 2017
2.2
2017041

W
WILLIAM HEZVALHALCH
 ARCHITECT
 200 BOONVILLE PARKWAY, SUITE 100, SAN RAMON, CA 94583
 925.657.1700 FAX 925.657.1529
 10000 CALIFORNIA AVENUE, SUITE 200, SAN FRANCISCO, CA 94133
 415.255.2807 www.hezvalhalch.com

Plan 2BX

Floor Plan-Craftsman

Lot 5

4 Bedroom | 3.5 Bath | Den

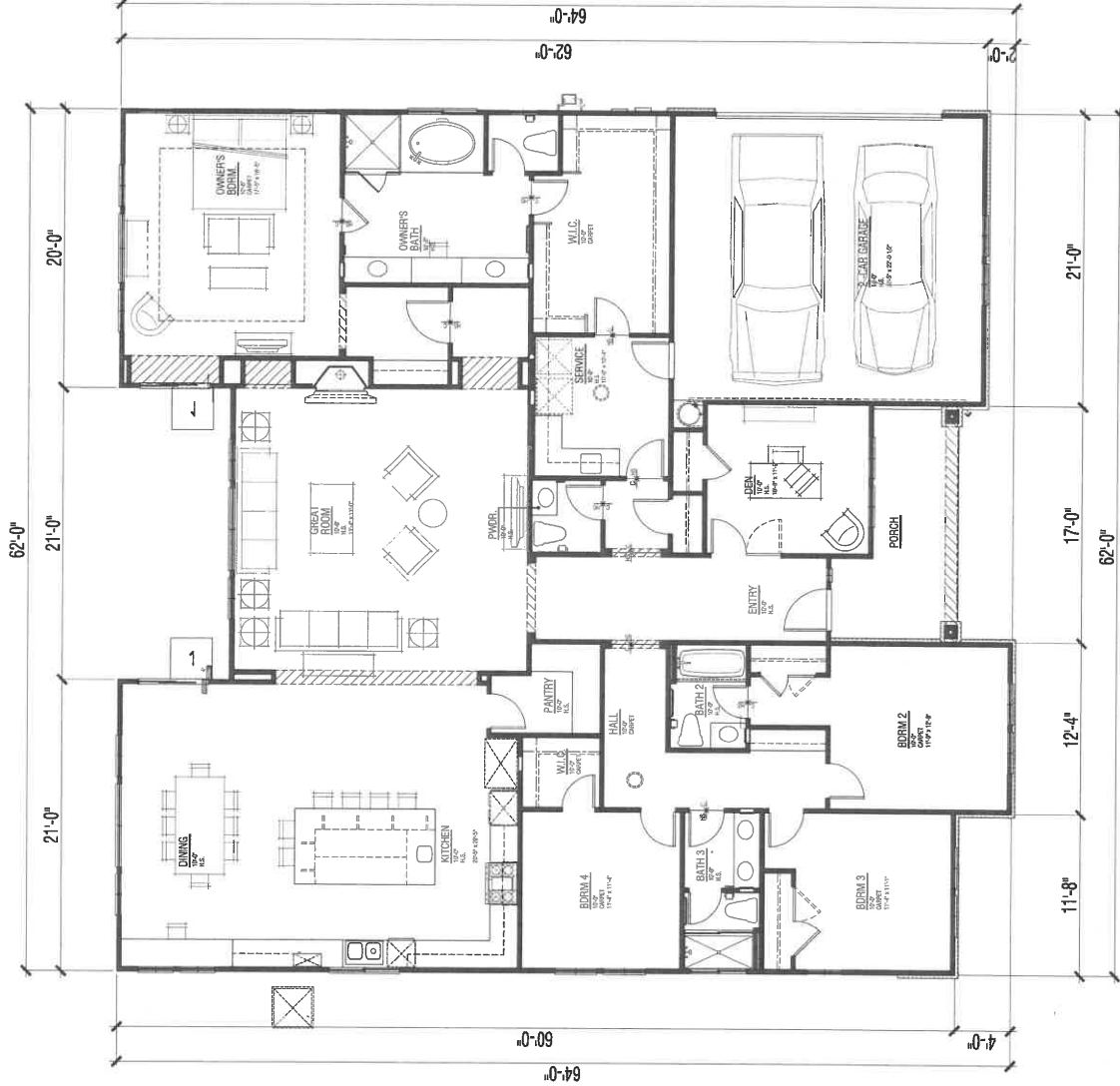
2-Car Garage - Side Entry

3,055 SF

Garage: 469 SF

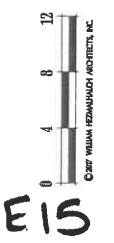
Front Porch: 120 SF

Total Coverage: 3,524 SF



VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
 CASTLE COMPANIES



April 14, 2017

2.3

2017041

W
WILLIAM HENRY LAUNCH
ARCHITECTS, INC.
600 COSTUME PROMENADE SUITE 105 SAN ANTONIO, CA 78202
389 ROSSELLI AVENUE SUITE 200 SAN ANTONIO, TX 78204
817 251 0001 www.williamhenry.com

Plan 2C

Floor Plan-Mediterranean

Lot 2

4 Bedroom | 3.5 Bath | Den

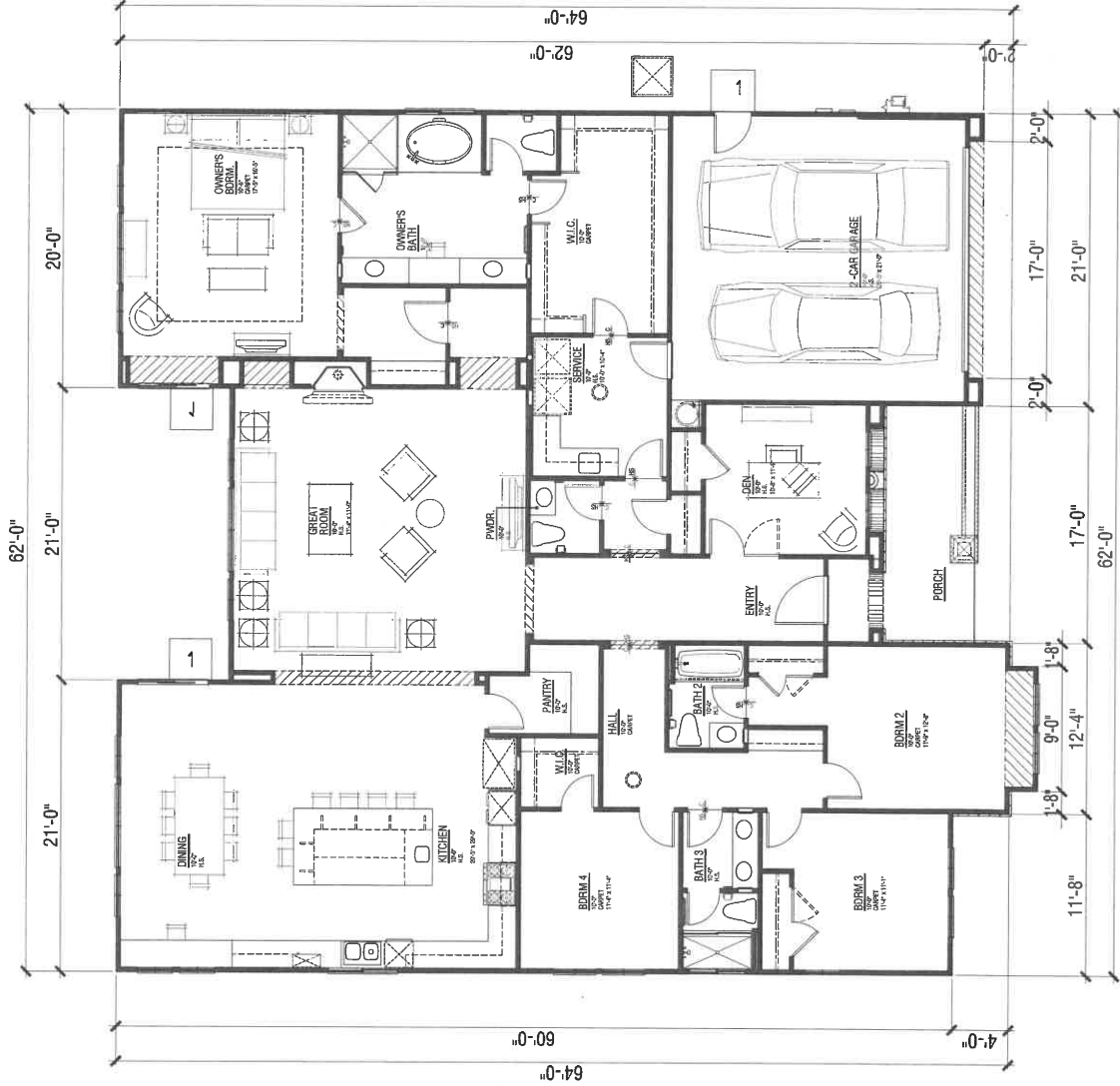
2-Car Garage

3,073 SF

Garage: 448 SF

Front Porch: 120 SF

Total Coverage: 3,521 SF

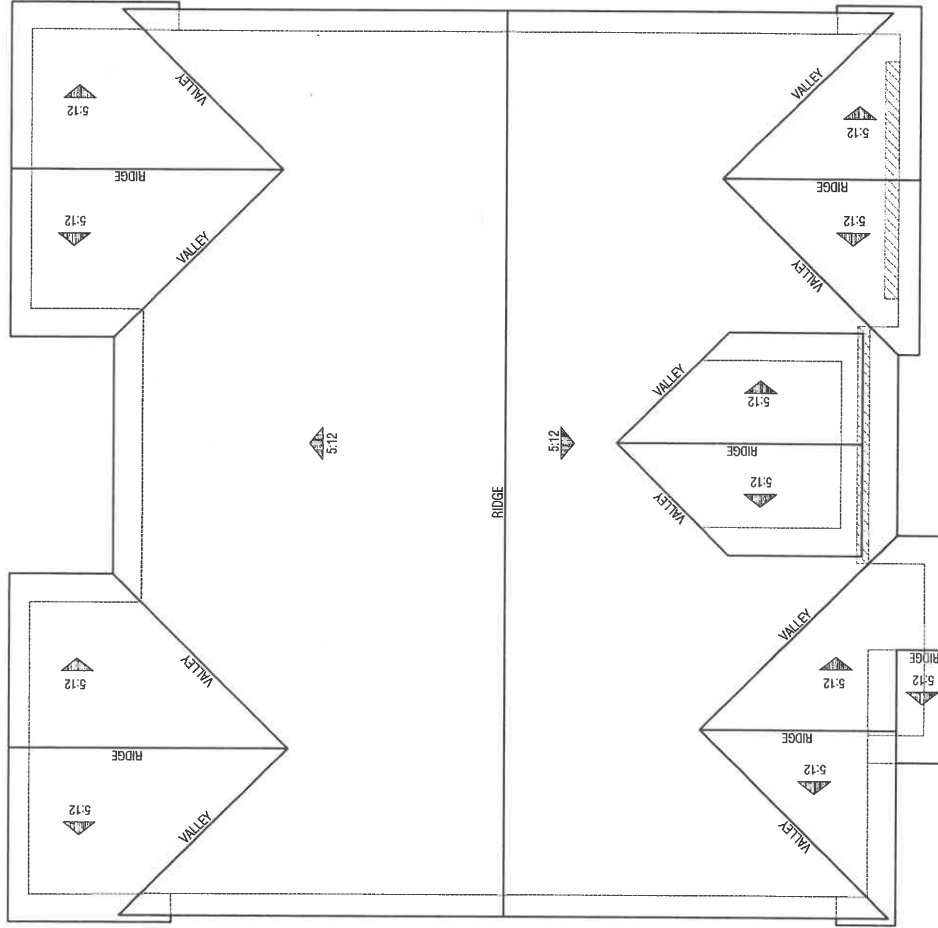


VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
CASTLE COMPANIES

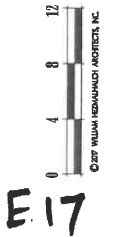


E16



Plan 2B
Roof Plan-Craftsman

VERNA WAY - SUBDIVISION 9419
CLAYTON, CALIFORNIA
CASTLE COMPANIES



April 14, 2017
2.4
2017041

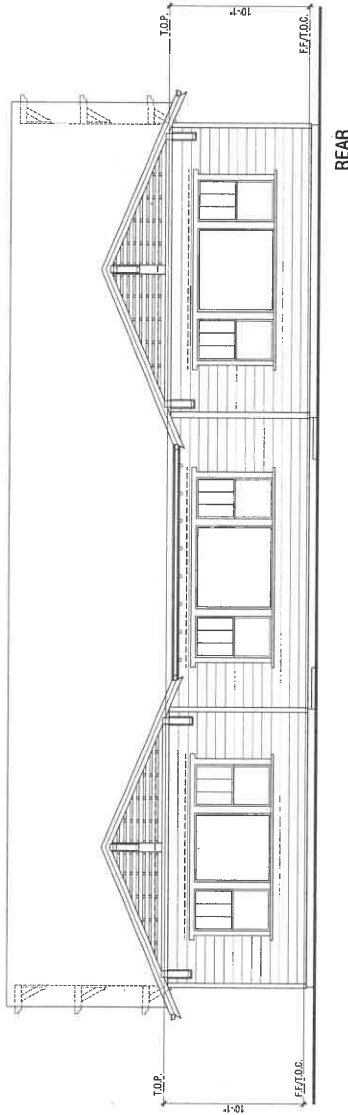
WILLIAM HENRICH ARCHITECTS, INC.
 1000 UNIVERSITY AVENUE, SUITE 200, SAN ANTONIO, TEXAS 78204
 2000 SCHAUL AVENUE, SUITE 200, SAN ANTONIO, TEXAS 78204
 TEL: 214.592.8007 WWW.WHARCHITECTS.COM

April 14, 2017
2.5
2017041

WILLIAM HEZMALHACH
 ARCHITECTS
 5000 CRENSHAW PARKWAY, SUITE 310, DANFORTH, CA 94526
 TEL: 925.462.1700 FAX: 925.462.1702
 800.451.7000 WWW.WHARCHITECTS.COM TEL: 925.462.1528

Materials List

- Composition shingle roofing
- Fiber cement horizontal lap siding - 8" exposure
- Horizontal board and batt - Gable siding
- Insulated dual-glazed Vinyl windows
- Sectional roll-up garage door with glazing
- 2x8 fascia board
- 2x4 over cut 2x8 barge board
- Wood trim (windows, doors, corners)
- Adhered stone veneer
- Wood outliners



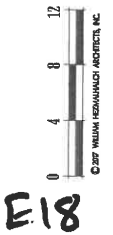
REAR



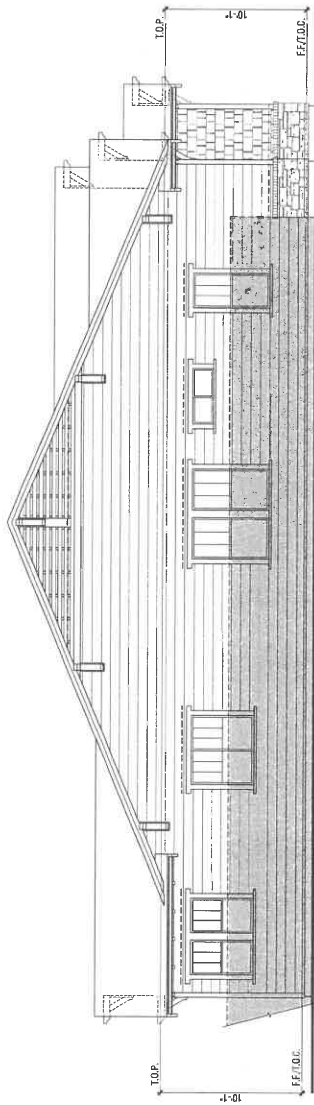
FRONT

NOTE: ARTIST'S CONCEPTION; COLORS, MATERIALS AND APPLICATION MAY VARY.

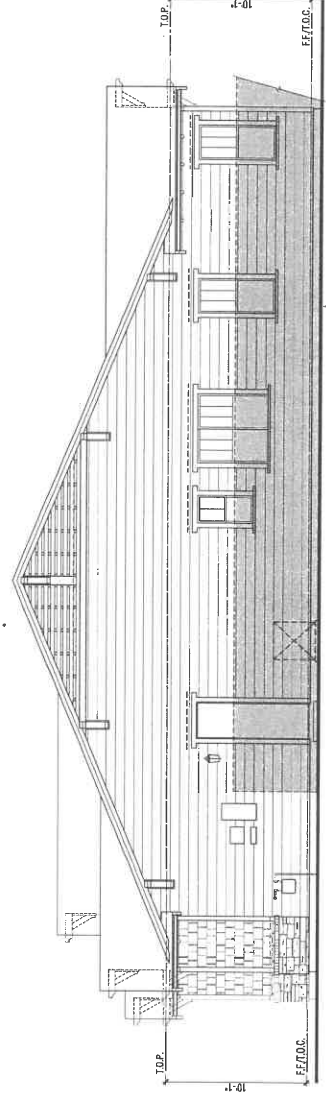
VERNA WAY - SUBDIVISION 9419
 CLAYTON, CALIFORNIA
 CASTLE COMPANIES



Plan 2B
 Elevation-Craftsman



LEFT



RIGHT

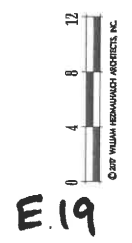
- Materials List**
- Composition shingle roofing
 - Fiber cement shingle siding
 - Fiber cement horizontal lap siding - 8" exposure
 - Horizontal board and batt - Gable siding
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door with glazing
 - 2x8 fascia board
 - 2x4 over cut 2x8 barge board
 - Wood trim (windows, doors, corners)
 - Adhered stone veneer
 - Wood outlookers

Plan 2B

Elevation-Craftsman

VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
CASTLE COMPANIES



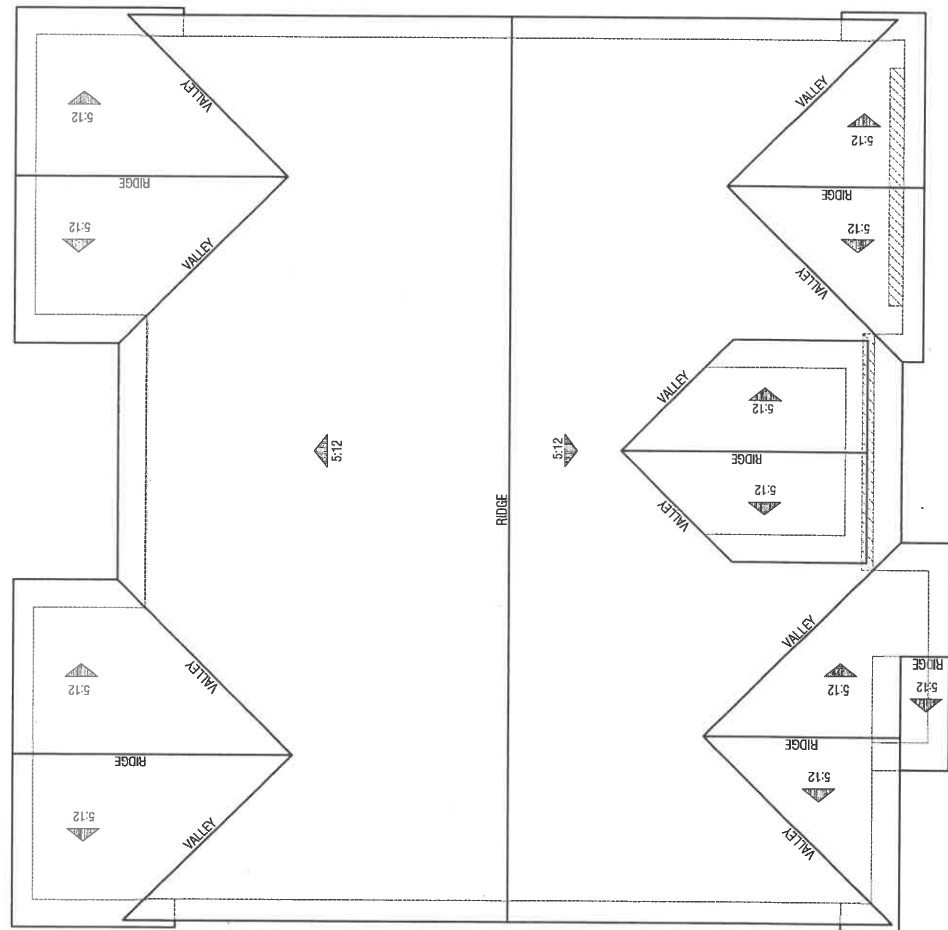
WILLIAM HERRMANN ARCHITECTS
 300 COSTUME PARKWAY SUITE 210 SAN RAMON CA 94583
 TEL: 925.376.1000 FAX: 925.376.1004
 2880 NEPALI AVENUE SUITE 200 SANTA ANA CA 92705
 TEL: 949.255.0001 WWW.WHARCHITECT.COM

April 14, 2017
2.6
2017041

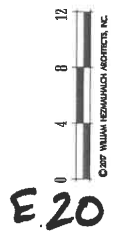
April 14, 2017
2.7
2017041

WILLIAM HEZMELACH ARCHITECTS, INC.
 5800 DIXIE PARKWAY SUITE 305 SAN FRANCISCO, CA 94134
 2000 REDWOOD AVENUE SUITE 200 SAN JOSE, CA 95128
 415.755.0027 www.wheza.com fax 415.755.0028

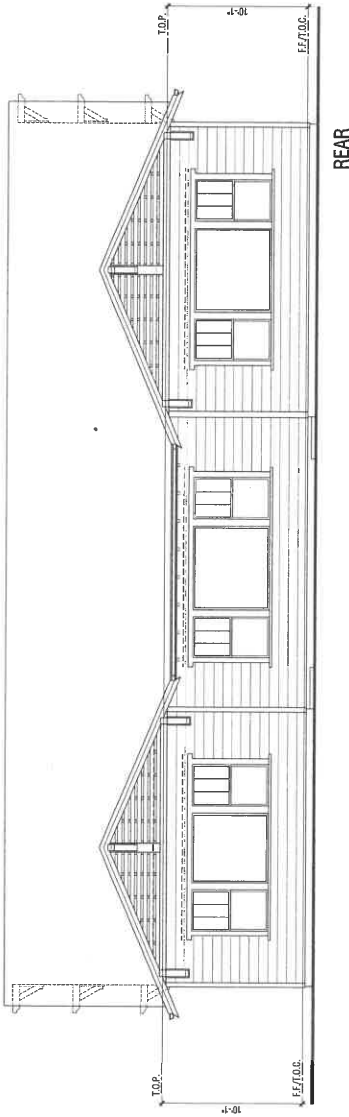
Plan 2BX
 Roof Plan-Craftsman



VERNA WAY - SUBDIVISION 9419
 CLAYTON, CALIFORNIA
 CASTLE COMPANIES

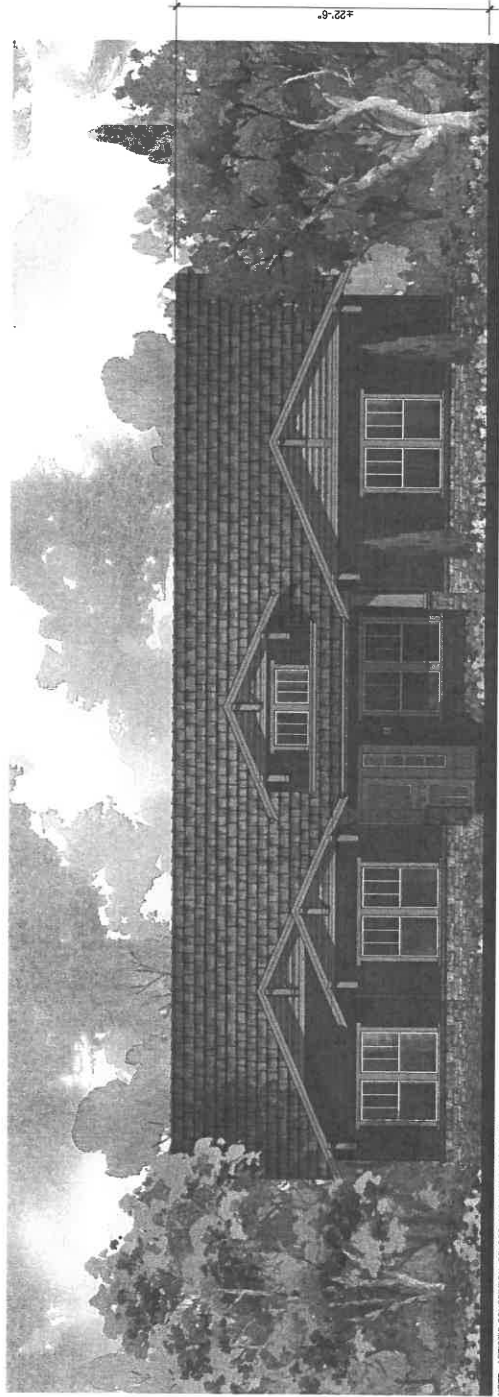


20 E



Materials List

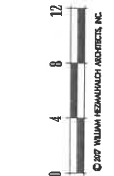
- Composition shingle roofing
- Fiber cement shingle siding
- Horizontal lap siding - 8" exposure
- Horizontal board and batt - Gable siding
- Insulated dual-glazed vinyl windows
- Sectional roll-up garage door with glazing
- 2x6 fascia board
- 2x4 over cut 2x6 barge board
- Wood trim (windows, doors, corners)
- Adhered stone veneer
- Wood outcrockers



NOTE: ARTIST'S CONCEPTION, COLORS, MATERIALS AND APPLICATION MAY VARY.

VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
CASTLE COMPANIES



WILLIAM HEZNAHALCH
ARCHITECT, INC.
500 S. GARDEN AVENUE, SUITE 200
SAN ANTONIO, TEXAS 78205
TEL: 214.520.5525
WWW.WILLIAMHEZNAHALCH.COM

April 14, 2017

2.8

2017041

Plan 2BX

Elevation-Craftsman

April 14, 2017

2.9

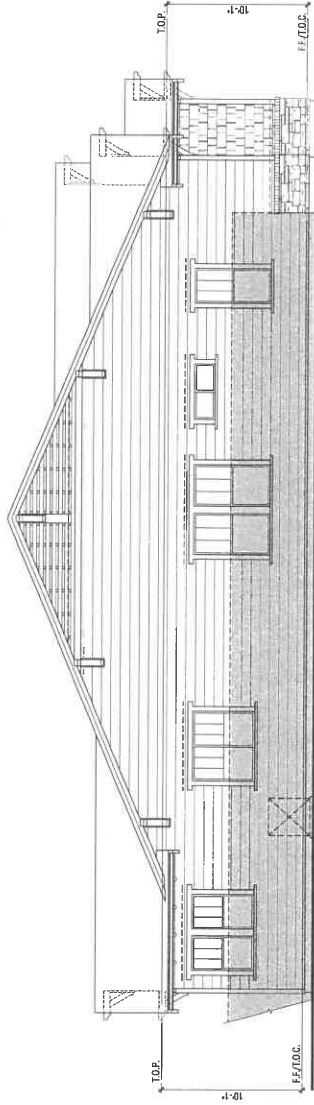
2017041

WILLIAM HEZMAHALCH ARCHITECTS INC.
 5000 CENTRE PARKWAY SUITE 105 SAN RAMON, CA 94583
 2000 HEZMAL ARCHITECT SUITE 200 SANTA ANA, CA 92705-5603
 949.250.2007 www.hezmal.com tel: 949.250.2529

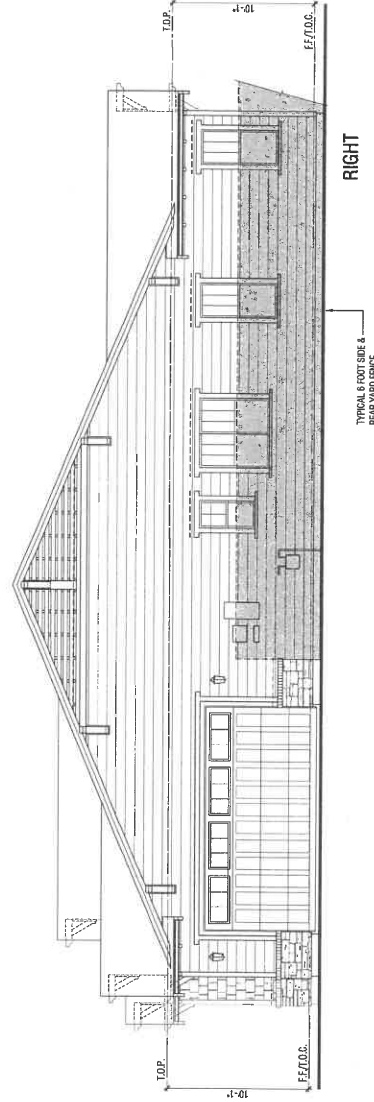
VERNA WAY - SUBDIVISION 9419
 CLAYTON, CALIFORNIA
 CASTLE COMPANIES

Plan 2BX
 Elevation-Craftsman

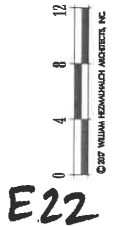
- Materials List**
- Composition shingle roofing
 - Fiber cement shingle siding
 - Horizontal board and batten - Gable siding
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door with glazing
 - 2x4 fascia board
 - 2x4 over cut 2x8 barge board
 - Wood trim (windows, doors, corners)
 - Adhered stone veneer
 - Wood outcrops



LEFT



RIGHT



April 14, 2017

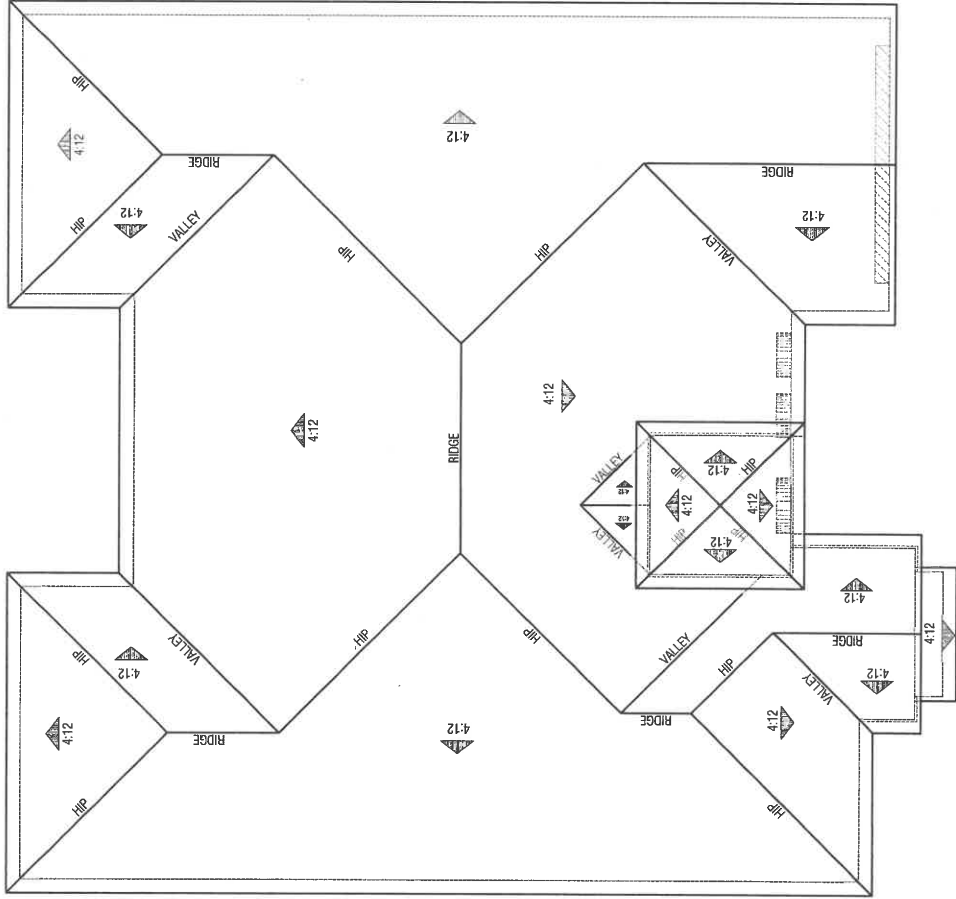
2.10

2017041

WILLIAM KEVIN HANCOCH ARCHITECTS, INC.
 500 ESCOBAR PARKWAY, SUITE 300 SAN RAMON, CA 94583
 925.739.4400 FAX 925.739.4402
 925.739.4401 www.wkharchitect.com

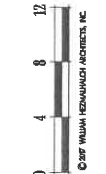
Plan 2C

Roof Plan-Mediterranean

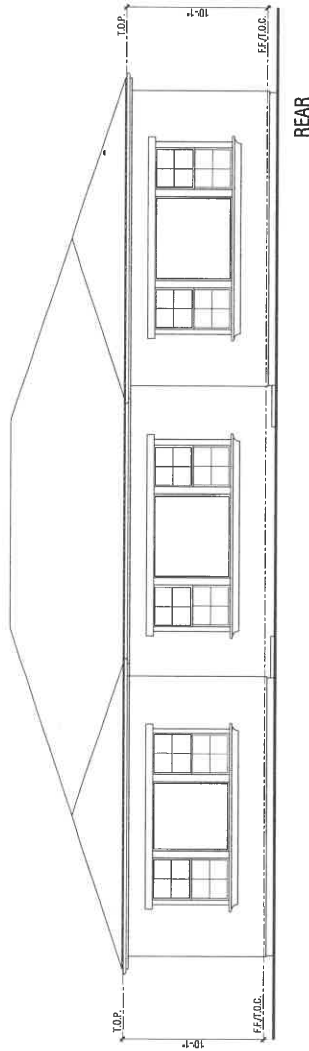


VERNA WAY - SUBDIVISION 9419

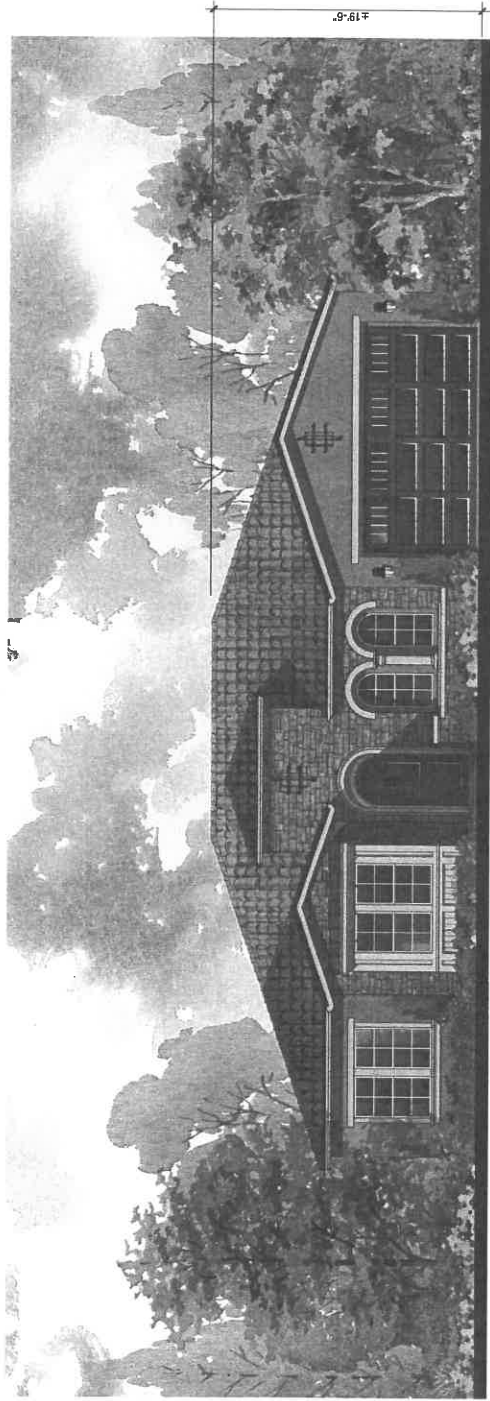
CLAYTON, CALIFORNIA
 CASTLE COMPANIES



E23



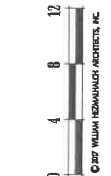
- Materials List**
- Concrete 'S' tile roofing
 - 3 Coat stucco
 - Adhered stone veneer
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door
 - 2x8 fascia board
 - 2x4 over cut 2x8 barge board
 - Stucco o/foam trim (windows, doors)
 - Prefabricated column
 - Metal grille



FRONT

NOTE: ARTIST'S CONCEPTION, COLORS, MATERIALS AND APPLICATION MAY VARY.

VERNA WAY - SUBDIVISION 9419
 CLAYTON, CALIFORNIA
 CASTLE COMPANIES



E.2A

WILLIAM REMOUNDY ARCHITECTS, INC.
 580 ESCOPIE PARKWAY SUITE 770 SAN RAMON, CA 94583
 TEL: 925.255.1500
 FAX: 925.255.1507 www.williamremundy.com

April 14, 2017

2.11

2017041

Plan 2C

Elevation-Mediterranean

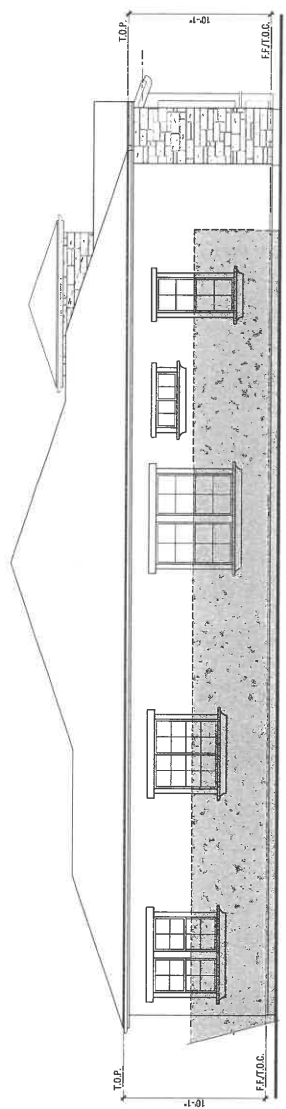
April 14, 2017
2.12
2017041

WILLIAM HEZMAHALCH
ARCHITECTS INC.
 6000 REDWOOD PARKWAY, SUITE 200 SAN FRANCISCO, CALIFORNIA 94121
 415.774.2200
 2005 REDWOOD AVENUE, SUITE 200 SAN ANTONIO, TEXAS 78248
 817.350.2007 www.wheh.com

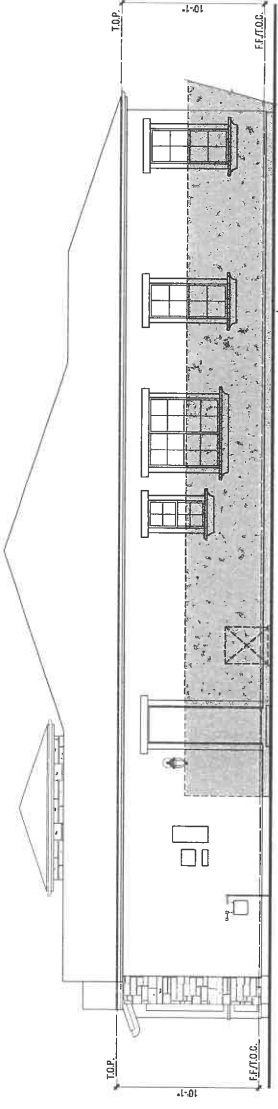
Plan 2C

Elevation-Mediterranean

- Materials List**
- Concrete "S" tile roofing
 - 3 coat stucco
 - Adhered stone veneer
 - Insulated dual-glazed vinyl windows
 - Sectional roll-up garage door
 - 2x8 fascia board
 - 2x4 over cut 2x8 barge board
 - Stucco or foam trim (windows, doors)
 - Prefabricated column
 - Metal grille



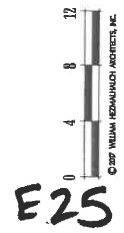
LEFT



RIGHT

VERNA WAY - SUBDIVISION 9419

CLAYTON, CALIFORNIA
 CASTLE COMPANIES



Forestdale Collection
 Forestdale 1 Light Outdoor Wall OZ
 49735OZ (Olde Bronze)

ATTACHMENT
 G

Project Name: _____
 Location: _____
 Type: _____
 Qty: _____
 Comments: _____



Ordering Information

Product ID	49735OZ
Finish	Olde Bronze
Collection	Forestdale Collection

Dimensions

Extension	6.50"
Height from center of Wall opening	8.00"
Base Backplate	4.50 X 8.25
Weight	3.50 LBS

Specifications

Material	Aluminum
Glass Description	Clear Seeded

Electrical

Voltage	120V
---------	------

Qualifications

Safety Rated	Wet
Warranty	www.kichler.com/warranty

Primary Lamping

Light Source	Incandescent
Lamp Included	Not Included
Number of Lights/LEDs	1
Socket Wire	150
Socket Type	Medium
Lamp Type	A19

Dimensions

Height	14.75"
Width	7.00"

Alternate Lamps

Lamp Included	Bulb Listing	Light Source	Max Wattage/Range	Bulb Product ID	Dimming
No	Alternate	INCA	60W	4071CLR	

CRAFTSMAN

RECEIVED

JUN 7 2017

CITY OF CLAYTON
 COMMUNITY DEVELOPMENT DEPT

Seaside Collection
Seaside Extra Large Outdoor Wall Lantern in OZ
 9142OZ (Olde Bronze)

Project Name: _____
 Location: _____
 Type: _____
 Qty: _____
 Comments: _____



Ordering Information

Product ID	9142OZ
Finish	Olde Bronze
Available Finishes	BK, NI, OZ
Collection	Seaside Collection

Dimensions

Extension	13.50"
Height from center of Wall opening	10.25"
Base Backplate	5.50 DIA
Weight	1.30 LBS

Specifications

Material	Aluminum
----------	----------

Electrical

Voltage	120V
---------	------

Qualifications

Safety Rated	Wet
Warranty	www.kichler.com/warranty

Primary Lamping

Light Source	Incandescent
Lamp Included	Not Included
Number of Lights/LEDs	1
Max or Nominal Watt	100W
Socket Wire	150
Socket Type	Medium
Lamp Type	A19

Dimensions

Height	16.50"
Width	12.00"

Alternate Lamps

Lamp Included	Bulb Listing	Light Source	Max Wattage/Range	Bulb Product ID	Dimming
No	Alternate	INCA	100W		

FARMHOUSE

RECEIVED

JUN 7 2017

CITY OF CLAYTON
 COMMUNITY DEVELOPMENT DEPT

Salisbury Collection
Salisbury 1 Light Fluorescent Outdoor Wall Light-
R

11002RZ (Rubbed Bronze)



Dimensions

Height	19.50"
Width	8.00"

MEDITERRANEAN

Project Name: _____
 Location: _____
 Type: _____
 Qty: _____
 Comments: _____

Ordering Information

Product ID	11002RZ
Finish	Rubbed Bronze
Collection	Salisbury Collection

Dimensions

Extension	10.75"
Height from center of Wall opening	6.75"
Base Backplate	5.75 X 9.50
Weight	5.70 LBS

Photometrics

Kelvin Temperature	2700K
--------------------	-------

Specifications

Material	Aluminum
Glass Description	White Linen

Electrical

Voltage	120V
---------	------

Qualifications

Safety Rated	Wet
Title 24	Yes
Warranty	www.kichler.com/warranty

Primary Lamping

Light Source	Compact Fluorescent
Lamp Included	Included
Number of Lights/LEDs	1
Max or Nominal Watt	18W
Socket Wire	105
Socket Type	GU24
Lamp Type	GU24
Bulb Product ID	4044

RECEIVED

JUN 7 2017

CITY OF CLAYTON
 COMMUNITY DEVELOPMENT DEPT

PLANNING COMMISSION STAFF REPORT

Meeting Date: June 27, 2016

Item Number: 7.a

From: Mindy Gentry *MGS*
Community Development Director

Subject: Review of the FY 2017/18 Capital Improvement Program Projects for Conformity with the Clayton General Plan (GPA-01-17)

Applicant: City of Clayton

DISCUSSION

Section 65401 of the California Government Code requires the Planning Commission to determine if projects proposed in the City's Capital Improvement Program (CIP) for the upcoming fiscal year are in conformity with the General Plan. Projects in the City's 2017/18-2021/22 CIP that may be undertaken during the Fiscal Year 2017-2018 are listed below. Additionally, citations from the Clayton General Plan are provided related to the particular project's conformity with the General Plan.

1. ADA Compliance Program (CIP No. 10394A)

Each fiscal year the City sets aside \$6,000 of its annual Gas Tax revenues to build up sufficient funds to perform handicap ramp corner curb cuts on public sidewalks. In addition to installing these ADA ramps where none exist, federal standards as to ramp specifications were modified in July 2008 requiring revamping of existing ramps when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing ADA public parking spaces to current standards. This particular project fund is utilized by the City to annually accumulate income and to build reserves for projected future costs. For FY 2017-18, \$20,000 will be transferred to the El Portal Drive Restoration Project, which includes the installation of eight handicap ramps, for the ADA compliance portion of the street improvement project. At the close of FY 2017-18, it is projected that the project account will have a balance of approximately \$9,200.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

2. Utility Undergrounding (CIP No. 10397)

Each year, PG&E is required by the Public Utilities Commission to set aside funds for the undergrounding of overhead utility lines. The money set aside is distributed by PG&E to local agencies on a proportional basis. Since the cost of undergrounding is so high (minimum of \$1,000,000 for approximately 300 feet), this project was created to accept and accumulate these funds until enough is available to undertake a project. In FY 2017-18 the City expects to receive approximately \$21,000 in funding from PG&E's Rule 20A funds, although no project expenditures are planned at this point for FY 2017-18. In addition to the annual allocation, the City is authorized to borrow a 5-year advance, currently estimated to be \$103,660. Including the FY 2017-18 annual allocation estimate total, estimated reserves available for a utility undergrounding project will be approximately \$445,072 as of June 30, 2018.

These program improvements conform to the General Plan by supporting the primary Goal of the Community Facilities Element "To provide for an efficient infrastructure and facility plan and program for improvement of existing infrastructure." and Policy 1d "Identify private utility plans including program for undergrounding."

3. El Molino Drive Sanitary Sewer Improvement (CIP No. 10422)

This project was originally established as part of the FY 2011-12 CIP budget to construct modifications to existing deficient sanitary sewer mains to prevent potential sewer overflows in areas adjacent to Mt. Diablo Creek. The project would entail pipe enlargement and construction of a bypass line in El Molino Drive. Total revised estimated project costs of \$552,000 are expected to be funded by a reimbursement agreement with the City of Concord from its joint sewer enterprise fund wherein property owner parcel assessments in Clayton are deposited. Total project expenditures to-date for engineering, planning, and design are approximately \$48,500. The project is expected to transition from the design phase to construction on the bypass portion in FY 2017-2018 and be completed by the end of the fiscal year.

These program improvements conform to the General Plan by supporting the primary Goal of the Community Facilities Element "To provide for an efficient infrastructure and facility plan and program for improvement of existing infrastructure."

4. Collector Street Rehabilitation Project (CIP No. 10425)

The scope of this project includes pavement resurfacing and treatment on various collector streets throughout the City and entered the initial planning and design phase in FY 2014-15. This project is to be funded by federal Local Street and Road Shortfall Fund monies (STP monies) totaling \$385,000 expected to be received in FY 2017-18. This federal grant requires a local match of 11.5%, for which Gas Tax monies totaling \$45,000 were previously earmarked. The STP federal grant monies can only be used on a collector or arterial street (rather than on a residential local street). Preliminary internal plans have identified Keller Ridge Drive since construction on the previously contemplated street, Regency Drive, was completed in FY 2012-13. It is estimated total initial planning and design project costs from inception to-date will be \$54,000.

It is projected an additional \$141,000 in gas tax funds will be necessary during FY 2017-18 to complete the rigorous design and bid requirements of the federal grant application process, resulting in a total of \$195,000 local gas tax monies being allocated to this project. The Collector Street Rehabilitation project is expected to be completed during FY 2017-18. It is expected Keller Ridge Drive can be repaved from Eagle Peak Avenue to Golden Eagle Way; and perhaps further depending on favorable unit bid pricing. Additional costs to extend the repave project through Kelok Way are projected to be an additional \$150,000 to be funded by Gas Tax fund reserves. As such the FY 2017-18 proposed budget includes \$526,000 for this project, bringing total project costs to an estimated \$580,000.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

5. El Portal Drive Restoration Project (CIP No. 10439)

The initial stages of the 2016 Arterial Rehabilitation Project identified significant voids under a portion of the El Portal Drive street pavement requiring urgent stabilization. This additional work was added as a change order to the scope of the 2016 Arterial Rehabilitation Project with total remedial El Portal Drive stabilization costs of approximately \$54,000. On February 21,

2017, after the adoption of the FY 2016-17 budget, the City Council added the El Portal Drive Restoration Project to the City's Capital Improvement Program. An analysis by the City Engineer concluded that, while portions of the pavement on El Portal Drive were in good condition (PCI of 65), the first 900 feet east of Regency Drive had failed and needed to be reconstructed. In addition, the south side curbs and sidewalk have raised and settled creating an uneven sidewalk surface and an unprotected drop off to the adjacent creek bed.

Following stabilization of the El Portal Drive subgrade, additional work was identified as being necessary to reconstruct the surface improvements, particularly the pavement and sidewalk areas. The total estimated cost of this additional work, including the construction of a safety rail along the back of the sidewalk where the ground drops steeply into the adjoining creek, was estimated to be \$250,000, funded by Measure J Local Streets Maintenance monies. Since the entire width of this segment of the street is to be repaved, the City is also required by state ADA requirements to reconstruct the handicap ramps at each of the eight (8) intersections along the project length. This additional ADA compliance work would be funded by a \$20,000 transfer from the ADA Compliance account (CIP No. 10394A). This project is projected to be completed during FY 2017-18 with total estimated project costs of \$300,000.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

6. Clayton Community Park – Field 1 Rehabilitation Project (CIP No. 10440)

In response to feedback from local soccer and baseball groups and following an on-site assessment of the premises, rehabilitation of the lower baseball/softball field (Field #1) at Clayton Community Park has been planned in FY 2017-18. The Maintenance Department estimates cost of the rehabilitation project will be approximately \$50,000, which will be funded by unallocated CIP fund interest earnings. The City anticipates this project to commence and be completed during FY 2017-18.

The maintenance of Clayton's parks conforms to the General Plan by supporting Policy 2c of the Open Space/Conservation Element to "Review each park/greenbelt area for maintenance needs."

7. 2018 Pavement Rehabilitation Project (OBAG 2) – (CIP No. 10441)

The One Bay Area Grant, or "OBAG 2," is a pass-through of federal funds from Contra Costa Transportation Authority for "local streets and roads preservation." As incorporated into the grant application, the scope of this project includes pavement rehabilitation of twenty-one (21) local neighborhood streets totaling 645,000 square feet of pavement with the Pavement Condition Index (PCI) of the proposed streets varying from 60 to 70. The work consists of crack sealing and base failure repairs prior to micro-surfacing of the pavement surface. The OBAG 2 grant will provide funding of up to \$308,000. A \$60,000 local match is required, which would be funded by Measure J local monies. The City anticipates this project to be completed in FY 2017-18.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

8. North Valley Park Playground Rehabilitation Project – (CIP No. 10442)

In response to feedback from residents in the community and following an on-site assessment of the premises, rehabilitation of the North Valley Park tot lot and surrounding premises is planned in FY 2017-18. Replacement of the resilient play surface, originally completed in FY 2000-01, is estimated to cost \$50,000, with the equipment, freight and installation of the new play apparatus estimated to cost \$79,500. Projected to cost \$36,300, the installation of three (3) shade structures similar to those at the Clayton Community Park Picnic Area #5 will provide much needed shelter from the sun given the absence of mature shade-providing trees in the park. This brings the total cost of the rehabilitation project to \$165,800. The North Valley Playground Rehabilitation project will be funded from two sources. The Open Space In-Lieu impact fee balance designated for “active areas” will provide \$142,000 in funding for the project, with the remaining \$23,800 in funding coming from unallocated CIP interest earnings. The City anticipates this project to commence and be completed during FY 2017-18.

The maintenance of Clayton’s parks conforms to the General Plan by supporting Policy 2c of the Open Space/Conservation Element to “Review each park/greenbelt area for maintenance needs.”

The above proposed CIP projects represent a total projected Capital Related Expenditure in FY 2017-18 of \$2,471,256 in public monies to maintain and improve the infrastructure of this community.

As a result of the above projects and related General Plan review and analysis, staff concludes that the CIP projects that may proceed in Fiscal Year 2017-18 are consistent and in conformity with the Clayton General Plan.

CEQA

Pursuant to the California Environmental Quality Act (CEQA), Section 15061(b)(3) it can be seen with certainty that there is no possibility that finding the Capital Improvement Program in conformance with the General Plan may have a significant effect on the environment, it is therefore not subject to CEQA, and, additionally, since this is a consistency finding, the previous environmental documentation for the General Plan is adequate CEQA documentation.

RECOMMENDATION

Staff recommends that the Planning Commission find the City’s CIP projects for the FY 2017-2018 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment.

ATTACHMENTS

- A. Excerpts from 2017/2018 - 2021/2022 City of Clayton Capital Improvement Program

ATTACHMENT A

CITY OF CLAYTON CAPITAL IMPROVEMENT PROGRAM FY 2017/18 to 2021/22

Budget Cost by Funding Source - FY 2017/18

#	Category	Project	Carry Forward	Gas Tax	Gas Tax ADA	Fed. Funds	Concord Sewer Fund	Measure J LSM & Co-op	Garbage Franchise	Open Space In Lieu fee	CIP Interest	PG&E Rule 20A	17/18 Project Totals
		Fund Balance as of 6/30/17		\$ 168,038	\$ 23,200	\$ (2,600)	\$ (48,500)	\$ 393,762	\$ 100,000	\$ 284,000	\$ 88,777	\$ 424,072	
		Estimated Revenue thru FY 17/18		\$ 355,303	\$ 6,000	\$ 693,000	\$ 552,000	\$ 312,500	\$ -	\$ -	\$ -	\$ 21,000	
		Estimated non-CIP Expenses in FY 17/18		\$ (158,553)	\$ -	\$ -	\$ -	\$ (29,494)	\$ -	\$ -	\$ -	\$ -	
		Funds Available for CIP in FY 17/18		\$ 364,788	\$ 29,200	\$ 690,400	\$ 503,500	\$ 676,768	\$ 100,000	\$ 284,000	\$ 88,777	\$ 445,072	
10337A	Facilities	Keller House Rehabilitation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10343	GHAD	Crow Debris Basin	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10347A	GHAD	Eagle Peak Slope Repairs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10348	GHAD	Keller Ridge Drive Area Slope Repair	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10349	GHAD	Community Park Slide Repair	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10361	Facilities	Stanley Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10370	Creeks	Creek Revitalization	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10375	Parks	Samuel Ct. Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10379	Streets	Pine Hollow Road - Upgrade	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10393	Parks	Skateboard Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10394A	Streets	ADA Compliance Program	\$ 23,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10395	Streets	Catch Basin Modifications	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10396	Streets	East Marsh Creek Road Signal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10397	Streets	Utility Undergrounding	\$ 424,072	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10400	Other	Downtown Economic Development	\$ 1,374,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10419	Parks	Community Park Lighting, etc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10422	Sewers	El Molino Drive Sanitary Sewer Impr.	\$ -	\$ -	\$ -	\$ 503,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 503,500
10423	Facilities	Library Upgrades	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10425	Streets	Collector Street Rehabilitation Project	\$ 54,000	\$ 141,000	\$ 385,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 526,000
10436	Streets	2018 Neighborhood Street Project	\$ -	\$ 223,788	\$ -	\$ -	\$ -	\$ 386,768	\$ -	\$ -	\$ -	\$ -	\$ 610,556
10439	Streets	El Portal Drive restoration Project	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 230,000	\$ -	\$ -	\$ -	\$ -	\$ 230,000
10440	Parks	Clayton Community Park - Field 1 Rehab	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ 50,000
10441	Streets	OBAG 2 - 2018 Pavement Rehabilitation	\$ -	\$ -	\$ 305,400	\$ -	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 365,400
10442	Parks	North Valley Park Playground Rehab.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 142,000	\$ 23,800	\$ -	\$ 165,800
		Total CIP Expenditures in FY 17/18	\$ 1,926,072	\$ 364,788	\$ 20,000	\$ 690,400	\$ 503,500	\$ 676,768	\$ 50,000	\$ 142,000	\$ 23,800	\$ -	\$ 2,471,256
		Fund Balance as of June 30, 2018	\$ -	\$ -	\$ 9,200	\$ -	\$ -	\$ -	\$ 50,000	\$ 142,000	\$ 64,977	\$ 445,072	

Red denotes projects completed in FY 16/17

Green denotes active projects funded in FY 17/18

Blue denotes active projects funded prior to FY 17/18

Brown denotes non-active projects used for accumulating income dedicated for future projects

2017/18-2021/22 Capital Improvement Program

Category	Project Number	Project
Streets	10394A	ADA Compliance Program

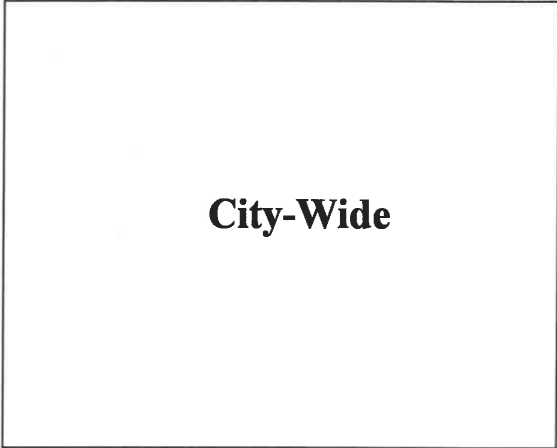
DESCRIPTION - LOCATION

Construction of various improvements.

COMMENTS

As needed to comply with ADA standards as determined by City's transition plan

\$28,000 transferred to CIP 10424 in FY 14/15
 \$20,000 transferred to CIP 10439 in FY 16/17



Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$500,000	\$500,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							\$500,000	\$500,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Gas Tax	\$3,200	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$466,800	\$500,000
Total	\$3,200	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$466,800	\$500,000

City of Clayton

2017/18-2021/22 Capital Improvement Program

Category	Project Number	Project
Streets	10397	Utility Undergrounding

DESCRIPTION - LOCATION

Underground overhead utility lines at undetermined locations.

COMMENTS

City Wide

Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design								
Final Design								
Construction							\$3,000,000	\$3,000,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL							\$3,000,000	\$3,000,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Unfunded							\$2,471,000	\$2,471,000
PG&E Rule 20A	\$424,000	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000		\$529,000
Total	\$424,000	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000	\$2,471,000	\$3,000,000

City of Clayton

2017/18-2021/22 Capital Improvement Program

Category	Project Number	Project
Streets	10422	El Molino Drive Sanitary Sewer Improvements

DESCRIPTION - LOCATION

Construct modifications to existing sanitary sewer mains to prevent potential sewer overflows in areas adjacent to Mt. Diablo Creek .



COMMENTS

Includes pipe enlargement and construction of a bypass line in El Molino Drive; funding from CIP 10400, Downtown Economic Development, returned as Concord has agreed to fund the bypass work (including preliminary design work) from annual sewer fees. Details still being worked out.

Preliminary design costs totaling approx. \$64,000 to date (FY 2004-2009) were tracked in the Development Impact Fees fund (304), temporarily covered by a General Fund loan authorized by the City Council in FY 2004-05.

Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design	\$10,000							\$10,000
Final Design	\$38,500	\$13,500						\$52,000
Construction		\$445,000						\$445,000
CM/Inspection		\$45,000						\$45,000
ROW Acquisition								
Other								
TOTAL	\$48,500	\$503,500						\$552,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Concord Sewer Fund	\$48,500	\$503,500						\$552,000
Total	\$48,500	\$503,500						\$552,000

2017/18-2021/22 Capital Improvement Program

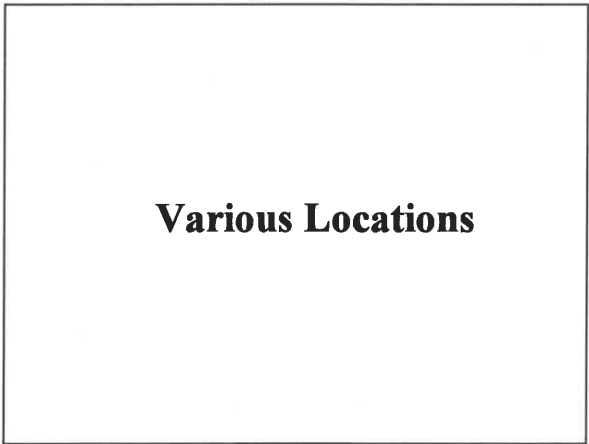
Category	Project Number	Project
Streets	10425	Collector Street Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various collector streets throughout City.

COMMENTS

Local Streets & Roads Shortfall (LS&RS) funding is federal requiring extensive processing for construction approval. Gas Tax amount covers city share as required by federal funding.



Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design	\$45,000							\$45,000
Final Design	\$9,000	\$11,000						\$20,000
Construction		\$499,000						\$499,000
CM/Inspection		\$25,000						\$25,000
ROW Acquisition								
Other								
TOTAL	\$54,000	\$535,000						\$589,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
LS&RS		\$385,000						\$385,000
Gas Tax*	\$54,000	\$150,000						\$204,000
Total	\$54,000	\$535,000						\$589,000

2017/18-2021/22 Capital Improvement Program

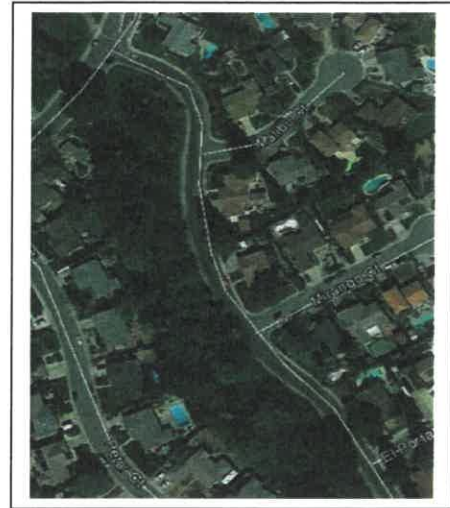
Category	Project Number	Project
Parks	10439	El Portal Drive Restoration

DESCRIPTION - LOCATION

Stabilization of subgrade and replacement of pavement and curb/gutter and sidewalk with the addition of a safety railing along the back of sidewalk including the removal and replacement of eight ADA ramps.

COMMENTS

Subgrade stabilization completed in FY 16-17.
Remaining work to be completed in FY 17-18.



Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design								
Final Design	\$28,000							\$28,000
Construction	\$22,000	\$235,000						\$257,000
CM/Inspection		15,000						15,000
ROW Acquisition								
Other								
TOTAL	\$50,000	\$250,000						\$300,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Measure J LSM	\$280,000							\$280,000
ADA – CIP 10394A	\$20,000							\$20,000
Total	\$300,000							\$300,000

2017/18-2021/22 Capital Improvement Program

Category	Project Number	Project
Parks	10440	Clayton Community Park Field No. 1 Restoration

DESCRIPTION - LOCATION

Rehabilitation of lower baseball/softball Field (Field No. 1)



COMMENTS

Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design								
Final Design								
Construction		\$50,000						\$50,000
CM/Inspection								
ROW Acquisition								
Other								
TOTAL		\$50,000						\$50,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Garbage Franchise Community Enhancement Fee		\$50,000						\$50,000
Total		\$50,000						\$50,000

2017/18-2021/22 Capital Improvement Program

Category	Project Number	Project
Parks	10441	OBAG 2 – 2018 Pavement Rehabilitation

DESCRIPTION - LOCATION

Pavement Rehabilitation of numerous Streets (pavement repairs, crack sealing and microsurfacing).

Various Locations

COMMENTS

Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design	\$2,600							\$2,600
Final Design		\$7,400						\$7,400
Construction		\$348,000						\$348,000
CM/Inspection		\$10,000						\$10,000
ROW Acquisition								
Other								
TOTAL	\$2,600	\$365,400						\$368,000

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Measure J LSM		\$60,000						\$60,000
OBAG 2	\$2,600	\$305,400						\$308,000
Total	\$2,600	\$365,400						\$368,000

2017/18-2021/22 Capital Improvement Program

Category	Project Number	Project
Parks	10442	North Valley Park Playground Rehabilitation

DESCRIPTION - LOCATION

Install new playground equipment,
shade structures and play surface



COMMENTS

Estimated Cost	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Preliminary Design								
Final Design								
Materials		\$122,800						\$122,800
Installation		\$43,000						\$43,000
ROW Acquisition								
Other								
TOTAL		\$165,800						\$165,800

Funding Source(s)	Prior Yrs.	2017-18	2018-19	2019-20	2020-21	2021-22	Future	TOTAL
Open Space In-lieu Impact Fee		\$142,000						\$142,000
CIP Interest Earnings		\$23,800						\$23,800
Total		\$165,800						\$165,800

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: June 27, 2017

Item Number: 7.b.

From: Mindy Gentry *MG*
Community Development Director

Subject: City Council Proposed Modifications to the Ordinance to Amend the City's Sign Provisions (ZOA-02-17)

Applicant: City of Clayton

REQUEST

The City of Clayton is requesting a hearing to seek direction from the Planning Commission regarding the City Council's proposed modifications to a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code, which was previously heard by the Planning Commission on April 25, 2017 (ZOA-02-17) (**Attachment A**).

PROJECT INFORMATION

Location: Citywide

Environmental: This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Public Notice: Per Government Code Section 56857, a public hearing is not required for the Planning Commission to consider the City Council's proposed modifications to the subject Ordinance.

BACKGROUND

The subject Ordinance was initially reviewed and considered by the Planning Commission during a public hearing on April 25, 2017. Following the public hearing, the Planning Commission recommended City Council approval of an Ordinance amending the Municipal Code Title 15, "Building and Construction", Chapter 15.08 – Sign Provisions (**Attachment A**).

The City Council conducted a public hearing on May 16, 2017 to review the subject Ordinance and, following the closure of the public hearing, the City Council expressed a concern pertaining to the allowable square footage for "temporary noncommercial signs" (Section 15.08.040G) (**Attachment B**). The Ordinance, as initially presented to both the Planning Commission and City Council, would allow up to thirty (30) square feet in area per parcel for temporary noncommercial signs. The City Council's concerns with this large amount of square footage stem from the historical discussion and the policy

direction during the last update of the Sign Ordinance, which restricted the size of campaign signs (now termed temporary noncommercial signs) to three (3) square feet, now termed as temporary noncommercial signs. Since the majority of the proposed revisions to the Sign Provisions were in response to the ruling by United States Supreme Court in the case of *Reed vs. Town of Gilbert, Arizona*, which determined the provisions of a municipality's sign code must be content-neutral, this distinction resulted in placing campaign signs and community event signs under the same umbrella as temporary noncommercial signs in the initially proposed draft of the City's Sign Provisions. During its May 16th hearing, the City Council expressed a lack of interest in increasing the size limit of these temporary noncommercial signs to the thirty (30) square feet from the current three (3) square feet due to the community's concerns regarding visual clutter during campaign season.

However, as an unintended consequence of this three (3) square-foot restriction, this would prohibit all of the City's community event banners (e.g. Oktoberfest, Library Book Sale, 4th of July, etc.) from being displayed at the City Council approved locations due to the size of the banners exceeding three (3) square feet. Therefore, staff has not only revised the Sign Provisions in regards to reducing temporary noncommercial signs from thirty (30) to three (3) square feet in area to address the City Council's concerns, but staff also added provisions regarding community event signs as being allowable up to twenty-four (24) square feet in area. *Reed vs. Town of Gilbert, Arizona* does not have any restrictions regarding government speech; therefore the City is allowed to create different parameters governing community events signs, separate from temporary noncommercial signs. For clarity, these proposed modifications are shown in a redline format utilizing the previously reviewed and considered 15.08 – Sign Provisions document (**Attachment C**).

Per Government Code Section 65857, any modification by the legislative body, in this case the City Council, of the proposed Ordinance not previously considered by the Planning Commission, shall first be referred back to the Planning Commission for a report and recommendation. Therefore, in compliance with this section of the Government Code, the City Council proposed modifications are being brought back to the Planning Commission for consideration and a recommendation regarding the reduction in square footage for temporary noncommercial from thirty (30) square feet to three (3) square feet as well as staff's recommendation to address the unintended consequences regarding community event signs.

RECOMMENDATION

Staff recommends that the Planning Commission consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, motion to approve the City Council's proposed modifications to the Ordinance amending the City's Sign Provisions (**Attachment C**).

ATTACHMENTS


- A. Excerpt from the April 25, 2017 Planning Commission Staff Report and Minutes
- B. May 16, 2017 City Council Staff Report and Excerpt of the Minutes
- C. Redline Changes to Chapter 15.08 – Sign Provisions with Proposed City Council Modifications

ATTACHMENT A

PLANNING COMMISSION STAFF REPORT

Meeting Date: April 25, 2017

Item Number: 5.b.

From: Mindy Gentry 
Community Development Director

Subject: Ordinance to Amend the Sign Provisions (ZOA-02-17)

Applicant: City of Clayton

REQUEST

The City of Clayton is requesting a public hearing to consider a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code in order to revise the Sign Provisions to comply with the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*, to prohibit mobile billboards, and to incorporate other best practices (ZOA-02-17) (Attachment A).

PROJECT INFORMATION

Location: Citywide

Environmental: This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Public Notice: On April 14, 2017, a public hearing notice was published in the Contra Costa Times and a public hearing notice was posted at designated locations in the City.

BACKGROUND

The United States Supreme Court ruled in the case *Reed vs. Town of Gilbert, Arizona* that the provisions of a municipality's sign code must be content-neutral (**Attachment B**). Portions of the Town of Gilbert's sign code were struck down by the United States Supreme Court due to the sign code subjecting ideological, political, and directional signs to different rules with respect to size, location, and length of display time. The Court found these rules to be content-based, as opposed to content-neutral, and did not meet the strict legal standard of serving a compelling governmental interest. The Court was clear that, as long as the regulation is not based upon a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs. These regulations apply to fixed versus electronic messaging, placement on public versus private property, commercial versus residential, and on-premises versus off-premise signs.

SIGNIFICANT PROPOSED CHANGES TO CITY'S ORDINANCE

In response to the United State Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* and other required updates, City staff is recommending amendments to the Clayton Municipal Code as it pertains to its Sign Provisions. A redline copy of the proposed amendments to the Clayton Municipal Code has been included as **Attachment C** to easily see the changes.

The major changes to the City's Sign Ordinance are as follows:

Content-Neutral

The majority of the proposed changes occur in Section 15.08.020 – Definitions in order to clarify and create definitions that do not distinguish between sign content such as ideological, political, or directional. These changes are specifically in response to the decision rendered by the United States Supreme Court on *Reed vs. Town of Gilbert, Arizona*.

Prohibition of Mobile Billboards

While this has not been an issue in the City of Clayton, staff is recommending this prohibition in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to improve the aesthetic appearance of the City. The prohibition of these types of signs have been upheld by the courts because the ordinances were narrowly tailored to significant government interests in traffic control, public safety, and aesthetics. Further, the proposed ordinance has left other adequate alternatives for advertising.

Clean Up Items

- Addition and deletion of zoning districts that have been removed or added since the last update to the Sign Provisions.
- Consistency in height for Monument Signs, Pole Signs, Commercial Entry Signs and Noncommercial Signs.
- Consistency with the prohibition of signs in the public right-of-way.

RECOMMENDATION

Staff recommends that the Planning Commission consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, adopt Resolution No. 02-17, recommending City Council approval of an Ordinance amending the City's Sign Provisions (**Attachment A**).

ATTACHMENTS

- A. Planning Commission Resolution No. 02-17, with attachment:
Exhibit 1 – Draft Ordinance Amending Chapter 15.08 – Sign Provisions
- B. United States Supreme Court Decision Syllabus
- C. Redline Changes to Chapter 15.08 – Sign Provisions

Commissioner Altwal indicated the following:

- He concurs with Vice Chair Wolfe's comments.
- This amendment will help us to meet the requirements of the General Plan and help reduce density on applicable parcels of land in Clayton.

Commissioner Cloven indicated the following:

- He is in support of the amendment.
- The amendment would not increase density but would actually reduce the number of units that could be built on particular piece of property.
- This amendment will assist in preserving the character of Clayton.

Chair Richardson indicated the following:

- When I moved to Clayton 30 years ago, I remember it being very different from today.
- I very much enjoy the rural character and quality of life in Clayton that includes such things as the sidewalks in the Town Center being stamped to look like wood and bringing our third grade children downtown to show them the beauty and history of our community as we pass on our legacy.
- We are always trying to find ways to carry our traditions and lifestyle forward as part of the vision of our community.
- It is an ongoing challenge to balance the rights of property owners to improve their property with what we as a community can accept on that property.
- This amendment allows a property that could be developed with 100 units to be developed with a less amount of units once the sensitive areas on the property are subtracted out.
- This amendment protects our environmental resources and removes impediments to meeting the housing requirements mandated by the State.

Commissioner Altwal moved and Vice Chair Wolfe seconded a motion to adopt Resolution No. 01-17 recommending City Council approval of:

- 1) **A General Plan Amendment to modify the calculation of residential densities and not require a minimum density for residential parcels with sensitive land areas (GPA-03-16); and**
- 2) **An Ordinance adding Chapter 17.22 to Title 17 "Zoning" determining the methodology of residential density calculations for residential parcels with sensitive land areas (ZOA-03-17).**

The motion passed 5-0.

- 5.b. **ZOA-02-17, Municipal Code Amendment, City of Clayton.** A request for consideration of a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code in order to revise the Sign Provisions to comply with the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*, to prohibit mobile billboards, and to incorporate other best practices.

Director Gentry presented the staff report.

Vice Chair Wolfe had the following questions:

- Does this amendment impact mobile billboards only or other types of signage as well? *Director Gentry indicated that this amendment would allow better control of temporary signage. Mobile billboards are a separate issue; something you would see in other communities as mobile billboards are not a something you see in Clayton and, as a result, are not a controversial issue.*
- What part of our Sign Provisions would be impacted by this amendment? *Director Gentry indicated that this would impact the Sign Provisions in their entirety.*

Commissioner Altwal had the following questions:

- How would this amendment apply to a vehicle with a billboard on it that was just driving through town? *Director Gentry indicated that enforcement would be dependent on the spirit of the law. From staff's perspective, there would be no issue if the vehicle was merely driving through town; however, if the vehicle was seen repeatedly over a short duration, there might be an issue.*
- What about a vehicle that parks overnight with an advertisement on it such as "Got Junk"? *Director Gentry indicated that vehicles advertising the vehicle owner's business would be exempt from these new sign regulations.*

Commissioner Cloven had the following questions:

- Did the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* touch upon allowing a jurisdiction to audit offensive messages on signage? *Director Gentry indicated that Reed vs. Town of Gilbert, Arizona did not pertain to first amendment rights for hate speech or messages regarded as distasteful.*

Commissioner Gall had the following questions:

- Did the City's legal counsel review this amendment? *Director Gentry responded yes.*
- With this amendment, we are not prohibiting the right to free speech are we? *Director Gentry indicated that this amendment would remove provisions on signs based on their content and would provide us with content-neutral provisions which preserves first amendment rights.*

Chair Richardson expressed support for the amendment.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Commissioner Altwal moved and Commissioner Cloven seconded a motion to adopt Resolution No. 02-17, recommending City Council approval of an Ordinance amending the City's Sign Provisions. The motion passed 5-0.

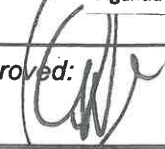
6. OLD BUSINESS

None.

ATTACHMENT B


Agenda Date: 5-16-2017
Agenda Item: 7a



Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: MAY 16, 2017

SUBJECT: PUBLIC HEARING TO CONSIDER THE INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 15.08 – SIGN PROVISIONS OF THE CLAYTON MUNICIPAL CODE (ZOA-02-17)

RECOMMENDATIONS

It is recommended the City Council consider all information provided and submitted, open the Public Hearing and take and consider all public testimony and, if determined to be appropriate, take the following actions:

1. Following closure of the Public Hearing, subject to any changes by the City Council, adopt a motion to have the City Clerk read Ordinance No. 475 by title and number only and waive further reading; and
2. Following the City Clerk's reading, by motion approve Ordinance No. 475 for Introduction to amend the Clayton Municipal Code Chapter 15.08 – Sign Provisions in order to comply with the United States Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*; to prohibit mobile billboards; and to incorporate other best practices (ZOA-02-17) (**Attachment 1**).

BACKGROUND

On April 25, 2017, the Planning Commission conducted a noticed public hearing and considered the subject Ordinance. No members of the public spoke during the public comment period. Following questions of staff and a discussion, the Planning Commission unanimously recommended approval of the Ordinance to the City Council (**Attachment 2**).

The United States Supreme Court recently ruled in the case *Reed vs. Town of Gilbert, Arizona* that the provisions of a municipality's sign code must be content-neutral (**Attachment 3**). Portions of the Town of Gilbert's sign code were struck down by the United States Supreme Court due to the sign code subjecting ideological, political, and directional signs to different sets of rules with respect to size, location, and length of display time. The Court found these rules to be content-based, as opposed to content-neutral, and did not meet the strict legal standard of serving a compelling governmental interest. The Court was clear that, as long as the regulation is not based upon a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs. These regulations apply to fixed versus electronic messaging, placement on public versus private property, commercial versus residential, and on-premises versus off-premise signs.

DISCUSSION

SIGNIFICANT PROPOSED CHANGES TO CITY'S ORDINANCE

In response to the United State Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* and other required updates, City staff recommends amendments to the Clayton Municipal Code as it pertains to its Sign Provisions. A redline copy of the proposed amendments to the Clayton Municipal Code has been included as **Attachment 4** to easily track the changes.

The major changes to the City's Sign Ordinance are as follows:

Content-Neutral

The majority of the proposed changes occur in Section 15.08.020 – Definitions, in order to clarify and create definitions that do not distinguish between sign content such as ideological, political, or directional. These changes specifically respond to the decision rendered by the United States Supreme Court on *Reed vs. Town of Gilbert, Arizona*.

Prohibition of Mobile Billboards

While this has not been an issue in the City of Clayton, staff is recommending this prohibition in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to maintain the aesthetic appearance of the City. The prohibition of these types of signs have been upheld by the courts because the ordinances were narrowly tailored to significant government interests in traffic control, public safety, and aesthetics. Further, the proposed ordinance has left other adequate alternatives for advertising.

Clean Up Items

- Addition and deletion of zoning districts that have been removed or added since the last update to the Sign Provisions.
- Consistency in height for Monument Signs, Pole Signs, Commercial Entry Signs and Noncommercial Signs.
- Consistency with the prohibition of signs in the public right-of-way.

ENVIRONMENTAL

This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

FISCAL IMPACT

There is no direct fiscal impact to implement this Ordinance.

ATTACHMENTS

1. Ordinance No. 475 with the following Exhibits: [16 pp.]
 - Exhibit A – Clayton Municipal Code Sections 15.08 – Sign Provisions
 - Exhibit B – Sign Illustrations
2. Excerpt from April 25, 2017 Planning Commission Staff Report and Minutes [4 pp.]
3. United States Supreme Court Decision Syllabus for *Reed vs. Town of Gilbert, AZ* [4 pp.]
4. Redline Changes to Chapter 15.08 – Sign Provisions of the Clayton Municipal Code [13 pp.]

ATTACHMENT 1

ORDINANCE NO. 475

AN ORDINANCE AMENDING CHAPTER 15.08 OF THE CLAYTON MUNICIPAL CODE REGARDING SIGN PROVISIONS

THE CITY COUNCIL

City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the City Council wishes to update its sign regulations to comply with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* and to incorporate other current best practices; and

WHEREAS, the City Council further wishes to eliminate mobile billboard advertising within the city in order to promote the safe movement of vehicular traffic, to reduce air pollution, and to maintain the aesthetic appearance of the city as recognized in *Showing Animals Respect & Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815 and other applicable law; and

WHEREAS, this Ordinance will ensure that City residents and others are able to exercise one's constitutional right to free speech subject to the City's substantial interests in traffic safety, aesthetics and otherwise ensuring the general health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment. Chapter 15.08 of the Clayton Municipal Code is hereby amended to read in full as set forth in Exhibit A, attached hereto and incorporated herein by this reference. As set forth in Section 15.08.020 of Exhibit A, the graphic attached as Exhibit B to this Ordinance shall be inserted into Section 15.08.020 in any codification of this Ordinance or the Clayton Municipal Code.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 4. CEQA. The City Council hereby determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a

significant effect or physical change to the environment.

Section 5. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

Section 6. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 2 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a noticed public hearing during a regular public meeting of the City Council of the City of Clayton, California held on May 16, 2017.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on June 6, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST

Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of the City of Clayton held on May 16, 2017, and was duly adopted, passed, and ordered posted at a regular public meeting of the City Council held on June 6, 2017.

Janet Brown, City Clerk

Exhibit A

Chapter 15.08 SIGN PROVISIONS

Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	Substitution
15.08.110	Enforcement

15.08.010 Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B. Create an attractive economic and business climate.
- C. Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D. Protect and enhance the rural atmosphere of the city.
- E. Minimize adverse effects on public and private property.
- F. Prevent excessive and confusing sign displays.
- G. Reduce hazards to motorists and pedestrians.
- H. Enable the fair and consistent enforcement of sign regulations.
- I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

- A. **Address Sign:** A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B. **Animated Sign:** A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components.
- C. **Awning:** A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D. **Awning Sign:** A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E. **Banner:** A temporary commercial or noncommercial sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building (see Sign Illustrations).

- F. **Billboard:** A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. **Building Marker:** A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. **Building Sign:** A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. **Canopy (or Marquee):** A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. **Commercial Center Entry Sign:** A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- K. **Commercial Sign:** Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- L. **Directory Sign:** A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- M. **Flag:** Fabric, banner, or bunting containing distinctive colors, patterns, or symbols.
- N. **Ground Sign (or Freestanding Sign):** A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- O. **Incidental Sign:** An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives.
- P. **Interior Sign:** A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.
- Q. **Kiosk Sign:** A sign located on a small freestanding structure which has three (3) or more surfaces.
- R. **Mobile Billboard:** Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.
- S. **Monument Sign:** A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).
- T. **Multiple Address Sign:** A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.

- U. Mural: A work of art, containing no commercial message, applied to and made an integral part of an exterior wall.
- V. Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).
- W. Noncommercial Sign: Any sign displaying a message that is not commercial.
- X. Noncommercial Location Sign: A sign identifying a noncommercial use.
- Y. Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.
- Z. Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.
- AA. On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.
- BB. Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.
- CC. Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).
- DD. Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.
- EE. Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property.
- FF. Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).
- GG. Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.
- HH. Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).
- II. Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.
- JJ. Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.
- KK. Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.
- LL. Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.
- MM. Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports,

poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one (1) time will be totaled.

- NN. Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.
- OO. Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.
- PP. String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, suspended from a rope, wire, or string in series, usually designed to move in the wind.
- QQ. Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.
- RR. Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).
- SS. Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).
- TT. Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days.
- UU. Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.
- VV. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).
- WW. Window Sign: A sign displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

- A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.
 - a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.
 - b. Any sign proposed for a property consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.
 - c. All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a Corner Lot or Through Lot where signage is being proposed along multiple property frontages)
2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
 - a. Master sign plans.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. Noncommercial locational signs.
 - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
 - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
 - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 Exempt Signs. The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.

- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. Temporary noncommercial signs on private real property, provided the aggregate signage displayed at one time does not exceed thirty (30) square feet in area per parcel.
- H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- I. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.
- J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.
- K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.
- L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.
- M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.
- N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.
- O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.

15.08.050 Prohibited Signs. The following signs are prohibited anywhere in the City:

- A. Animated signs.
- B. Flags used in a commercial manner or to advertise a business or its location.
- C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.
- E. Signs with lighting detrimental to surrounding property or prevents peaceful enjoyment of residential uses.
- F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.
- G. Roof signs.
- H. String pennants.
- I. Balloons and similar inflatable signs.

- J. Permanent signs mounted on fences or deck/balcony railings.
- K. Portable signs except as provided in Section 15.08.070 of this Chapter.
- L. Temporary signs are prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City.
- M. Signs located on private property without the property owner's approval.
- N. Off-site signs except for:
 - 1. Temporary noncommercial signs.
 - 2. Residential open house signs.
 - 3. Garage or yard sale signs.
 - 4. Signs attached to trees, shrubs, or other natural features.
- O. Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

- A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. No other non-exempt signs are allowed in these districts.
- B. Signs in the L-C District - Sign Permits. A sign permit is required in the L-C District for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.
- C. Signs in the L-C District - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C Districts in accordance with the following standards:
 - 1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.
 - 2. Monument signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable

aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.

3. Pole signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
 5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
 6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
 7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
 8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel or more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
 9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
 10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
- D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C District shall apply unless otherwise specified by a master sign plan.

15.08.070 Regulations for Special Signs.

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
 1. The sign shall include only the name of the neighborhood or district.
 2. Lettering shall not exceed eighteen (18) inches in height.
 3. The top of the letters shall not exceed six (6) feet in height.
- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
 1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.
 2. The sign may be a pole sign or monument sign.
 3. The sign shall not exceed eight (8) feet in height.

4. Lettering shall not exceed twenty-two (22) inches in height.
- C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:
1. Banner in lieu of permanent sign:
 - a. The banner shall be secured on all sides.
 - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
 - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
 2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
 - a. The banner may be a wall, window, or suspended sign.
 - b. The banner may only be displayed for up to thirty (30) days.
 - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.
- D. Pennants. Pennants are allowed in commercial districts subject to the following standards.
1. Only one (1) pennant may be displayed by any one (1) business.
 2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
 3. The pennant shall not exceed two (2) feet in width or four (4) feet in length.
 4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
 5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.
- E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:
1. Only one (1) portable sign may be displayed by any one (1) business.
 2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
 3. The sign shall not exceed three (3) feet in height or two (2) feet in width per face, except for an umbrella.
 4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
 5. The sign shall be displayed immediately adjacent to the business it advertises.
 6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.
 7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).
- F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:
1. A total of one (1) on-site sign and up to six (6) off-site signs.

2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
3. The signs shall not exceed three (3) feet in height or two (2) feet in width.
4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
6. No signs shall be displayed on private property without the prior consent of the property owner.
7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).

G. Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:

1. The signs may include building signs and ground signs.
2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
3. No ground or pole sign shall exceed eight (8) feet in height.

H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:

1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
3. The sign may be in the form of a pole sign or a wall sign.
4. The sign shall not exceed six (6) feet in height.
5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.

I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:

1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height or be located closer than every fifty (50) feet.
4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.

5. The dimensions of any sign shall not exceed eight (8) feet in length, nor eight (8) feet in height, nor a total area of sixty (60) square feet.
- J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

- A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

15.08.100 Nonconforming Signs.

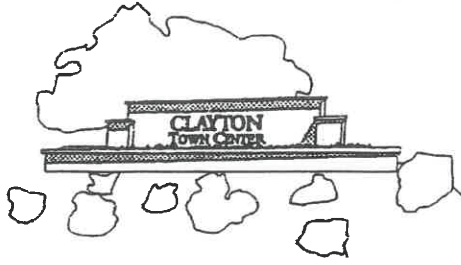
- A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B. Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

15.08.105 Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

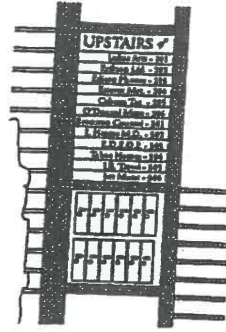
15.08.110 Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.

EXHIBIT B

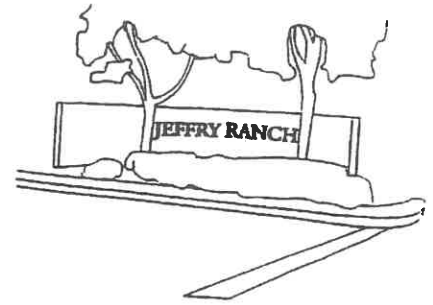
SIGN ILLUSTRATIONS



Monument Sign



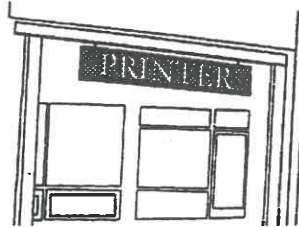
Directory Sign



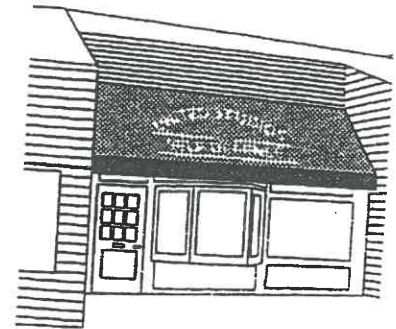
Neighborhood/District Entry Sign



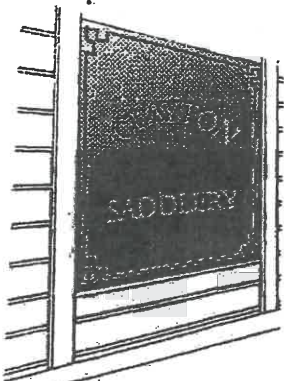
Wall Sign



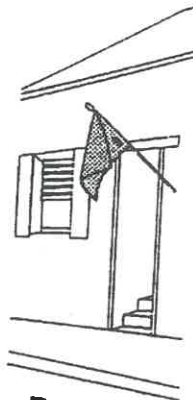
Suspended Sign



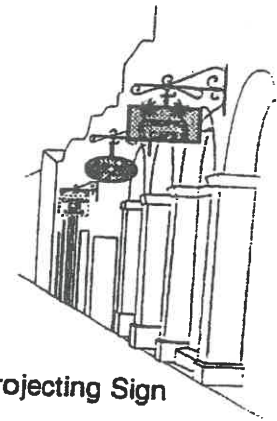
Awning Sign



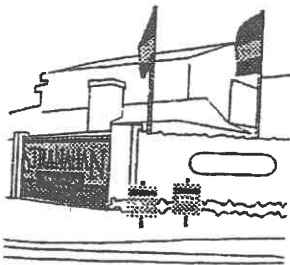
Window Sign



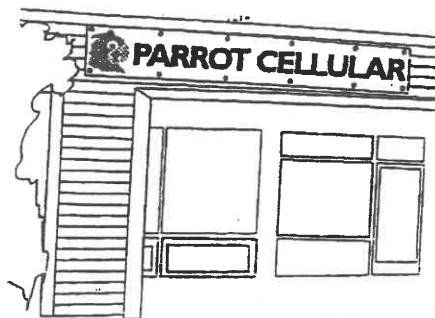
Pennant



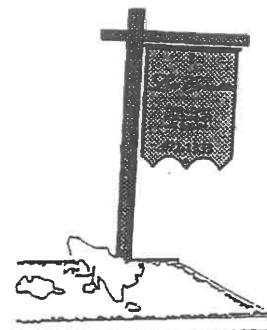
Projecting Sign



Subdivision Marketing Signs



Banner



Pole Sign

PLANNING COMMISSION STAFF REPORT

Meeting Date: April 25, 2017

Item Number: 5.b.

From: Mindy Gentry *MG*
Community Development Director

Subject: Ordinance to Amend the Sign Provisions (ZOA-02-17)

Applicant: City of Clayton

REQUEST

The City of Clayton is requesting a public hearing to consider a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code in order to revise the Sign Provisions to comply with the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*, to prohibit mobile billboards, and to incorporate other best practices (ZOA-02-17) (Attachment A).

PROJECT INFORMATION

Location: Citywide

Environmental: This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Public Notice: On April 14, 2017, a public hearing notice was published in the Contra Costa Times and a public hearing notice was posted at designated locations in the City.

BACKGROUND

The United States Supreme Court ruled in the case *Reed vs. Town of Gilbert, Arizona* that the provisions of a municipality's sign code must be content-neutral (Attachment B). Portions of the Town of Gilbert's sign code were struck down by the United States Supreme Court due to the sign code subjecting ideological, political, and directional signs to different rules with respect to size, location, and length of display time. The Court found these rules to be content-based, as opposed to content-neutral, and did not meet the strict legal standard of serving a compelling governmental interest. The Court was clear that, as long as the regulation is not based upon a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs. These regulations apply to fixed versus electronic messaging, placement on public versus private property, commercial versus residential, and on-premises versus off-premise signs.

SIGNIFICANT PROPOSED CHANGES TO CITY’S ORDINANCE

In response to the United State Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* and other required updates, City staff is recommending amendments to the Clayton Municipal Code as it pertains to its Sign Provisions. A redline copy of the proposed amendments to the Clayton Municipal Code has been included as **Attachment C** to easily see the changes.

The major changes to the City’s Sign Ordinance are as follows:

Content-Neutral

The majority of the proposed changes occur in Section 15.08.020 – Definitions in order to clarify and create definitions that do not distinguish between sign content such as ideological, political, or directional. These changes are specifically in response to the decision rendered by the United States Supreme Court on *Reed vs. Town of Gilbert, Arizona*.

Prohibition of Mobile Billboards

While this has not been an issue in the City of Clayton, staff is recommending this prohibition in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to improve the aesthetic appearance of the City. The prohibition of these types of signs have been upheld by the courts because the ordinances were narrowly tailored to significant government interests in traffic control, public safety, and aesthetics. Further, the proposed ordinance has left other adequate alternatives for advertising.

Clean Up Items

- Addition and deletion of zoning districts that have been removed or added since the last update to the Sign Provisions.
- Consistency in height for Monument Signs, Pole Signs, Commercial Entry Signs and Noncommercial Signs.
- Consistency with the prohibition of signs in the public right-of-way.

RECOMMENDATION

Staff recommends that the Planning Commission consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, adopt Resolution No. 02-17, recommending City Council approval of an Ordinance amending the City’s Sign Provisions (**Attachment A**).

ATTACHMENTS

- A. Planning Commission Resolution No. 02-17, with attachment:
Exhibit 1 – Draft Ordinance Amending Chapter 15.08 – Sign Provisions
- B. United States Supreme Court Decision Syllabus
- C. Redline Changes to Chapter 15.08 – Sign Provisions

Commissioner Altwal indicated the following:

- He concurs with Vice Chair Wolfe's comments.
- This amendment will help us to meet the requirements of the General Plan and help reduce density on applicable parcels of land in Clayton.

Commissioner Cloven indicated the following:

- He is in support of the amendment.
- The amendment would not increase density but would actually reduce the number of units that could be built on particular piece of property.
- This amendment will assist in preserving the character of Clayton.

Chair Richardson indicated the following:

- When I moved to Clayton 30 years ago, I remember it being very different from today.
- I very much enjoy the rural character and quality of life in Clayton that includes such things as the sidewalks in the Town Center being stamped to look like wood and bringing our third grade children downtown to show them the beauty and history of our community as we pass on our legacy.
- We are always trying to find ways to carry our traditions and lifestyle forward as part of the vision of our community.
- It is an ongoing challenge to balance the rights of property owners to improve their property with what we as a community can accept on that property.
- This amendment allows a property that could be developed with 100 units to be developed with a less amount of units once the sensitive areas on the property are subtracted out.
- This amendment protects our environmental resources and removes impediments to meeting the housing requirements mandated by the State.

Commissioner Altwal moved and Vice Chair Wolfe seconded a motion to adopt Resolution No. 01-17 recommending City Council approval of:

- 1) A General Plan Amendment to modify the calculation of residential densities and not require a minimum density for residential parcels with sensitive land areas (GPA-03-16); and
- 2) An Ordinance adding Chapter 17.22 to Title 17 "Zoning" determining the methodology of residential density calculations for residential parcels with sensitive land areas (ZOA-03-17).

The motion passed 5-0.

- 5.b. **ZOA-02-17, Municipal Code Amendment, City of Clayton.** A request for consideration of a City initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code in order to revise the Sign Provisions to comply with the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*, to prohibit mobile billboards, and to incorporate other best practices.

Director Gentry presented the staff report.

Vice Chair Wolfe had the following questions:

- Does this amendment impact mobile billboards only or other types of signage as well? *Director Gentry indicated that this amendment would allow better control of temporary signage. Mobile billboards are a separate issue; something you would see in other communities as mobile billboards are not a something you see in Clayton and, as a result, are not a controversial issue.*
- What part of our Sign Provisions would be impacted by this amendment? *Director Gentry indicated that this would impact the Sign Provisions in their entirety.*

Commissioner Altwal had the following questions:

- How would this amendment apply to a vehicle with a billboard on it that was just driving through town? *Director Gentry indicated that enforcement would be dependent on the spirit of the law. From staff's perspective, there would be no issue if the vehicle was merely driving through town; however, if the vehicle was seen repeatedly over a short duration, there might be an issue.*
- What about a vehicle that parks overnight will an advertisement on it such as "Got Junk"? *Director Gentry indicated that vehicles advertising the vehicle owner's business would be exempt from these new sign regulations.*

Commissioner Cloven had the following questions:

- Did the U.S. Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* touch upon allowing a jurisdiction to audit offensive messages on signage? *Director Gentry indicated that Reed vs. Town of Gilbert, Arizona did not pertain to first amendment rights for hate speech or messages regarded as distasteful.*

Commissioner Gall had the following questions:

- Did the City's legal counsel review this amendment? *Director Gentry responded yes.*
- With this amendment, we are not prohibiting the right to free speech are we? *Director Gentry indicated that this amendment would remove provisions on signs based on their content and would provide us with content-neutral provisions which preserves first amendment rights.*

Chair Richardson expressed support for the amendment.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Commissioner Altwal moved and Commissioner Cloven seconded a motion to adopt Resolution No. 02-17, recommending City Council approval of an Ordinance amending the City's Sign Provisions. The motion passed 5-0.

6. OLD BUSINESS

None.

(Slip Opinion)

OCTOBER TERM, 2014

1

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “justified without reference to the content of the regulated speech,” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

Syllabus

is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.*, warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

Syllabus

707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

ATTACHMENT 4

Chapter 15.08 SIGN PROVISIONS

Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	<u>Substitution</u>
15.08.110	Enforcement

15.08.010 Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B. Create an attractive economic and business climate.
- C. Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D. Protect and enhance the rural atmosphere of the city.
- E. Minimize adverse effects on public and private property.
- F. Prevent excessive and confusing sign displays.
- G. Reduce hazards to motorists and pedestrians.
- H. Enable the fair and consistent enforcement of sign regulations.
- I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

- A. Address Sign: A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B. Animated Sign: A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components. ~~This does not include a barber pole or time and temperature sign.~~
- C. Awning: A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D. Awning Sign: A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E. Banner: A temporary commercial or noncommercial sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building (see Sign Illustrations).

- F. Billboard: A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. Building Marker: A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. Building Sign: A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. Canopy (or Marquee): A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. Commercial Center Entry Sign: A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- ~~J.K. Commercial Sign: Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.~~
- ~~K. Community Event: An occasional and/or seasonal event open to the general public sponsored by a public/quasi-public institution or by a private party if the event promotes Clayton and its rural tradition. (Note: Such a community event typically requires a temporary use permit.)~~
- ~~L. Community Event Sign: A temporary ground sign, building sign, portable sign, or banner advertising a community event.~~
- M.L. Directory Sign: A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- ~~N.M. Flag: Fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government or political subdivision. Fabric, banner, or bunting signifying identification with any private or quasi-public institution or business is not considered a flag.~~
- ~~Personal Property Sale Sign: A temporary sign advertising a personal property sale.~~
- O.N. Ground Sign (or Freestanding Sign): A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- ~~P. Holiday Decorations: Temporary decorations, containing no commercial content, that celebrate or commemorate a holiday or season, including greetings, banners, announcements, and displays.~~
- ~~Q.O. Incidental Sign: A non-governmental~~ An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. ~~No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.~~

~~Integrated Development: A group of two (2) or more uses or parcels planned and developed in a joint manner with undivided or non-segregated parking facilities shared by them or that are governed by a common business, tenant, homeowner, or other association or by common conditions, covenants, and restrictions (CC&Rs).~~

R-P. Interior Sign: A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.

Q. Kiosk Sign: A sign located on a small freestanding structure which has three (3) or more surfaces.

S-R. Mobile Billboard: Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.

T-S. Monument Sign: A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

U-T. Multiple Address Sign: A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.

V-U. Mural: A work of art, containing no commercial message, ~~that is~~ applied to and made an integral part of an exterior wall.

V. Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).

W. Noncommercial Sign: Any sign displaying a message that is not commercial.

X. Noncommercial Location Sign: A sign identifying a noncommercial use.

X-Y. Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.

Y-Z. Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.

Z-AA. On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.

AA-BB. Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.

BB-CC. Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).

CC-DD. Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.

EE. Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property sale.

DD-FF. Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).

EE. ~~Political Sign: A temporary sign concerning a candidate, party, or proposition.~~

FF-GG. Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-

frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.

~~GG.HH.~~ Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).

~~HH.~~ ~~Public/Quasi Public Institution: A church, synagogue, or other place of worship, hospital, public school, private school, day care center, community service organization, social club, philanthropic organization or similar use.~~

~~II.~~ ~~Public/Quasi Public Institution Sign: A ground sign or building sign displayed by a public/quasi public institution.~~

~~JJ.II.~~ Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.

~~KK.JJ.~~ Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.

~~LL.KK.~~ Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.

~~MM.~~ ~~Service/Community Service Organization: Club or association not organized for profit but for the purpose of promoting community interests, patriotism, welfare of youth, and other like purposes.~~

~~NN.LL.~~ Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

~~OO.MM.~~ Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists ~~of~~ more than one section or module, all areas visible from any position at one (1) time will be totaled.

~~PP.NN.~~ Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

~~OO.~~ Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.

~~QQ.PP.~~ String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, ~~that is~~ suspended from a rope, wire, or string in series, usually designed to move in the wind.

~~RR.QQ.~~ Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.

~~SS.RR.~~ Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).

~~TT.SS.~~ Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).

~~UU.TT.~~ Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days. ~~constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.~~

~~UU.~~ Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.

VV. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).

WW. Window Sign: A sign, displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable Uniform California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.

a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.

~~b. Community event signs. (Note: A temporary use permit is typically required for the community event itself)~~

~~e.b.~~ Any sign ~~that is~~ proposed for a property ~~that is~~ consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.

~~d.c.~~ All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a

Corner Lot or Through Lot where signage is being proposed along multiple property frontages)

2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
 - a. Master sign plans.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. ~~Public/quasi-public institution~~ Noncommercial locational signs.
 - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
 - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
 - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 Exempt Signs. The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.
- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. ~~Political~~ Temporary noncommercial signs at on private real property, provided ~~that the sign aggregate signage displayed at one time does not exceed threethirty (30) square feet in area, is not displayed on public property or public right of way, is limited to one (1) sign per property for each candidate, party, or issue, and is removed within five (5) days after the election per parcel.~~
- H. ~~Signs that are displayed during the course of and at the site of a political event or demonstration, provided the signs are displayed no more than twenty four (24) hours prior to the event and are removed within twenty four (24) hours following the event.~~

- ~~I.~~ Holiday decorations that do not contain any commercial message, provided they are removed within seven (7) days after the holiday.
- J.H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- ~~K.I.~~ Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.
- ~~L.~~ Signs prohibiting trespassing provided the sign does not exceed two (2) sq. ft. in area.
- M.J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.
- N.K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.
- ~~O.L.~~ Flags, provided they are not used in a commercial manner or to advertise a business or its location.
- P.M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.
- ~~Q.N.~~ Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.
- R.O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- S.P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- T.Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.

15.08.050 Prohibited Signs. The following signs are prohibited anywhere in the City:

- A. Animated signs.
- B. Flags used in a commercial manner or to advertise a business or its location.
- C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.
- E. Signs with lighting ~~that is~~ detrimental to surrounding property or prevents peaceful enjoyment of residential uses.
- F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.
- G. Roof signs.
- H. String pennants.
- I. Balloons and similar inflatable signs.
- J. Permanent signs mounted on fences or deck/balcony railings.
- K. Portable signs except as provided in Section 15.08.070 of this Chapter.
- ~~L.~~ Signs that bear or contain statements, words, or pictures of an obscene, untruthful, or misleading character, except for political signs.
- M.L. Signs located within a public right of way or posted on utility poles or on any other public property, except when placed on such property by the public agency having jurisdiction. Notwithstanding the foregoing, private and political temporary signs are

~~prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City may be allowed by permit within the public right of way in accordance with and subject to terms, conditions and standards to be adopted by resolution of the City Council. Signs installed without a valid permit may be removed without notice, in addition to issuance of citation for Code violation.~~

~~N.M.~~ Signs located on private property without the property owner's approval.

~~O.N.~~ Off-site signs except for:

- ~~1. Political~~ Temporary noncommercial signs.
- ~~2. Community event signs.~~
- ~~3.~~ Residential open house signs.
- ~~4.~~ Garage or yard sale signs.
- ~~5.~~ Signs attached to trees, shrubs, or other natural features.

O. Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:

- ~~1. Public/quasi-public institution~~ Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
4. No other non-exempt signs are allowed in these districts.

B. Signs in the L-C ~~and P-A-O~~ Districts - Sign Permits. A sign permit is required in the L-C ~~and P-A-O~~ Districts for all non-exempt signs as follows:

- ~~1. Public/quasi-public institution~~ Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.

C. Signs in the L-C ~~and P-A-O~~ Districts - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C ~~and P-A-O~~ Districts in accordance with the following standards:

1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial

center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed ~~seventy~~eight (78) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
3. Pole signs (ground signs) shall not exceed ~~seventy~~eight (78) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel ~~nor~~ more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.

D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-~~15~~, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C ~~and P-A-O~~ Districts shall apply unless other-wise specified by a master sign plan.

15.08.070 Regulations for Special Signs.

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
 1. The sign shall include only the name of the neighborhood or district.
 2. Lettering shall not exceed eighteen (18) inches in height.
 3. The top of the letters shall not exceed six (6) feet in height.

- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.
 2. The sign may ~~ebe~~ be a pole sign or monument sign.
 3. The sign shall not exceed ~~ten-eight (108)~~ feet in height.
 4. Lettering shall not exceed twenty-two (22) inches in height.
- C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:
1. Banner in lieu of permanent sign:
 - a. The banner shall be secured on all sides.
 - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
 - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
 2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
 - a. The banner may be a wall, window, or suspended sign.
 - b. The banner may only be displayed for up to thirty (30) days.
 - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.
- D. Pennants. Pennants are allowed in commercial districts subject to the following standards.
1. Only one (1) pennant may be displayed by any one (1) business.
 2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
 3. The pennant shall not exceed two (2) feet in width ~~nor~~ four (4) feet in length.
 4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
 5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.
- E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:
1. Only one (1) portable sign may be displayed by any one (1) business.
 2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
 3. The sign shall not exceed three (3) feet in height ~~nor~~ two (2) feet in width per face, except for an umbrella.
 4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
 5. The sign shall be displayed immediately adjacent to the business it advertises.
 6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.

7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).

F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one (1) on-site sign and up to six (6) off-site signs.
2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
3. The signs shall not exceed three (3) feet in height nor two (2) feet in width.
4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
6. No signs shall be displayed on private property without the prior consent of the property owner.
7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).

G. ~~Public/Quasi-Public Institution Signs. Public and quasi-public institution signs~~
Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:

1. The signs may include building signs and ground signs.
2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
3. No ground or pole sign shall exceed ~~ten-eight (108)~~ feet in height.

H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:

1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
3. The sign may be in the form of a pole sign or a wall sign.
4. The sign shall not exceed six (6) feet in height.
5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.

I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:

1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height nor be located closer than every fifty (50) feet.
4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.
5. The dimensions of any sign shall not exceed eight (8) feet in length, nor ~~ten-eight~~ (108) feet in height, nor a total area of sixty-four (640) square feet.

~~J. Community Event Signs. Community event signs are allowed in all districts subject to the following standards:~~

- ~~1. No more than one (1) community event sign shall be displayed on a building, lot, or area.~~
- ~~2. The sign shall not exceed twenty four (24) square feet in area; ground signs shall not exceed seven (7) feet in height.~~
- ~~3. Hanging or suspended signs shall not exceed twenty (20) square feet in area and shall maintain a vertical clearance of at least eight (8) feet over a pedestrian area and may not be displayed over vehicular access.~~
- ~~4. A community event sign shall not be calculated as part of a building's or lot's maximum allowable signage as specified in Sections 15.08.060 and 15.08.080 of this Chapter.~~
- ~~5. Any portable community event sign is also subject to the regulations of Section 15.08.070 E 1-4 of this Chapter.~~

K.J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

- | B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- | C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

15.08.100 Nonconforming Signs.

- A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B. Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

15.08.105 Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

15.08.110 Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.

7. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 475 updating the Clayton Municipal Code, Title 15 Building & Construction, Section 15.08 – Sign Provisions, to comply with the United States Supreme Court's recent decision in *Reed vs. Town of Gilbert, AZ*, to prohibit mobile billboards, and to incorporate other best practices.

Mindy Gentry, Community Development Director, presented the report noting the United States Supreme Court recently ruled in the case *Reed vs. Town of Gilbert, Arizona* the provisions of a municipality's sign code must be content-neutral. Portions of the Town of Gilbert's sign code was struck down by the U.S. Supreme Court due to its sign code subjecting ideological, political, and directional signs to size, location, and length of display time regulations. The court was clear that, as long as the regulation is not based on a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs.

The majority of the proposed sign code changes are definitions in order to clarify and create regulations that do not distinguish between sign content such as ideological, political, or directional. Staff also recommends prohibition of mobile billboards; although this has not been an issue locally, prohibition is in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to maintain the aesthetic appearance of the City. Staff further recommends some clean-up language to the addition and deletion of zoning districts that have been removed or added since the last Sign Code update; consistency in height for monument signs, pole signs, commercial entry signs and noncommercial signs; and consistency with the prohibition of all signs in the public rights of way, with the exception of City-sponsored events.

Councilmember Pierce recalled last time the Sign Ordinance was updated there was a long drawn-out discussion about the size of what is now termed "temporary noncommercial signs," i.e., political signs, and others that are posted around town. Councilmember Pierce noted the proposed Ordinance has changed the size limit to thirty (30) square feet, whereas previously it was restricted to three (3) square feet. If the size of these signs is increased for posting on residential and non-commercial properties, there will be a public outrage as Clayton's current size restrictions are widely supported and admirably differentiate this city from others during election times.

Ms. Gentry responded that type of provision must be applied across the board severely restricting other types of signage by community organizations. She also noted thirty (30) square feet was a policy decision staff recommended pursuant to legal counsel advice that eighty (80) square feet was upheld in the courts; however, it is still possible the City Council has the ability to make a policy decision in terms of the square footage.

Councilmember Pierce indicated she would like to restrict that sign size, perhaps to four (4) feet at a maximum. Councilmember Shuey also recalled that historical discussion and would like to make a policy decision to reduce that sign size maximum, even though he noted it could be a legal risk. City Attorney Mala Subramanian advised the proposed reduction in sign size could be considered too small.

Councilmember Catalano inquired if banner sizes were also included in the proposed Sign Code Ordinance. Ms. Subramanian confirmed that banners are exempt in this section and covered under another section of the Clayton Municipal Code. She further indicated that a size modification suggested from 80 sq. ft. to 3-4 sq. ft. is a significant change to the proposed Ordinance, and therefore the Ordinance must go back to the Planning Commission for its review of the proposed modification as the provision is a part of the Zoning Code; the Commission can then make its recommendations to the City Council.

Councilmember Pierce added during a campaign season, Councilmembers receive a number of phone calls inquiring on where signs can be placed; she noted the current process of obtaining permits for the rights of way signs appear to be working.

Mayor Diaz opened the Public Hearing for public comment.

Dan Hummer, Stranahan resident, agrees with limiting the size of political signs.

Russ Remoy, 1843 Yolanda Circle, shared his concerns about high-density housing changing the character of Clayton. Mayor Diaz advised him those concerns would be allowed during the next item on the agenda.

Mayor Diaz closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to refer this item back to the Planning Commission for its further review on the sign size limit change to retain the existing 3 sq. ft. aggregate limitation in the Sign Provisions Ordinance (Passed; 5-0 vote).

- (b) Public Hearing to consider a proposed City-initiated General Plan Amendment to modify the determination of residential developable acreage and density calculations and to not require a minimum density on residentially designated property with sensitive land areas and the Introduction and First Reading of Ordinance No. 476 adding Section 17.22 – Residential Density Calculations for Residential with Sensitive Land Areas to Title 17 Zoning of the Clayton Municipal Code describing and determining how General Plan densities are calculated for proposed residential projects with sensitive land areas.

Community Development Director Mindy Gentry presented the staff report noting as a real life example, the proposed Silver Oak Estates subdivision project will discussed tonight as to why these amendments are being proposed. However, she noted that project is not on the agenda therefore staff recommends the ensuing discussion not focus on the merits or details of that project; it is merely a real-world example to illustrate the beneficial necessity of the proposed amendments.

Ms. Gentry advised the proposed Silver Oaks Estates project consists of 59 units which are comprised of seven single family homes, 28 town homes and 24 "Green Courts" in the terminus of Lydia Lane. The currently proposed project has been through various stages in the entitlement process since 2010. Due to City staff attrition and cursory review of the project, in 2016 it became apparent the proposed townhomes and green courts were not in conformance with the City's General Plan. The General Plan designation for the property is Single Family Medium Density which calls for 3.1 to 5 units per acre with a product type of single family detached homes. Consequently, the current General Plan would allow 43 to 70 units on the property. Although the proposed 59 units fits within that overall allowed density, the various single family detached product types do not; therefore, the proposed attached product type would only fit within one of three Multifamily General Plan land use designations. If the project applicant wanted to further pursue the proposed product type, a General Plan Amendment to multifamily low density would be required, resulting in a minimum unit count of 106 units, an increase of 47 units on the property above the proposed 59 units. Alternatively, if the project applicant tried to fit the proposed single family detached homes on the site resulting in a small lot single-family development of detached homes, it would likely occur with a zero lot line and/or minimal setbacks. Given the physical constraints of the property, it is questionable whether the parcel is large enough to even fit a detached

ATTACHMENT C

Chapter 15.08 SIGN PROVISIONS

Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	Substitution
15.08.110	Enforcement

15.08.010 Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B. Create an attractive economic and business climate.
- C. Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D. Protect and enhance the rural atmosphere of the city.
- E. Minimize adverse effects on public and private property.
- F. Prevent excessive and confusing sign displays.
- G. Reduce hazards to motorists and pedestrians.
- H. Enable the fair and consistent enforcement of sign regulations.
- I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

- A. Address Sign: A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B. Animated Sign: A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components.
- C. Awning: A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D. Awning Sign: A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E. Banner: A temporary commercial, ~~or~~ noncommercial, or community event sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building or street light pole (see Sign Illustrations).

- F. **Billboard:** A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. **Building Marker:** A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. **Building Sign:** A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. **Canopy (or Marquee):** A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. **Commercial Center Entry Sign:** A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- K. **Commercial Sign:** Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- K-L. **Community Event Sign:** A banner advertising a City of Clayton community event as defined by the City Council in its policies pertaining to the usage of signage in the public right-of-way per Resolution 46-2007 or any subsequent revisions thereafter.
- L-M. **Directory Sign:** A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- M-N. **Flag:** Fabric, banner, or bunting containing distinctive colors, patterns, or symbols.
- N-O. **Ground Sign (or Freestanding Sign):** A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- O-P. **Incidental Sign:** An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives.
- P-Q. **Interior Sign:** A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.
- Q-R. **Kiosk Sign:** A sign located on a small freestanding structure which has three (3) or more surfaces.
- R-S. **Mobile Billboard:** Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.
- S-T. **Monument Sign:** A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

- | ~~T.U.~~ Multiple Address Sign: A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.
- | ~~U.V.~~ Mural: A work of art, containing no commercial message, applied to and made an integral part of an exterior wall.
- | ~~V.W.~~ Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).
- | ~~W.X.~~ Noncommercial Sign: Any sign displaying a message that is not commercial.
- | ~~X.Y.~~ Noncommercial Location Sign: A sign identifying a noncommercial use.
- | ~~Y.Z.~~ Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.
- | ~~Z.AA.~~ Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.
- | ~~AA.BB.~~ On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.
- | ~~BB.CC.~~ Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.
- | ~~CC.DD.~~ Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).
- | ~~DD.EE.~~ Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.
- | ~~EE.FF.~~ Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property.
- | ~~FF.GG.~~ Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).
- | ~~GG.HH.~~ Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.
- | ~~HH.II.~~ Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).
- | ~~II.JJ.~~ Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.
- | ~~JJ.KK.~~ Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.
- | ~~KK.LL.~~ Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.
- | ~~LL.MM.~~ Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

- | MM.NN. Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one (1) time will be totaled.
- | NN.OO. Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.
- | OO.PP. Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.
- | PP.QQ. String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, suspended from a rope, wire, or string in series, usually designed to move in the wind.
- | QQ.RR. Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.
- | RR.SS. Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).
- | SS.TT. Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).
- | TT.UU. Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days.
- | UU.VV. Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.
- | VV.WW. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).
- | WW.XX. Window Sign: A sign displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

- A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the

property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.
 - a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.
 - b. Any sign proposed for a property consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.
 - c. All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a Corner Lot or Through Lot where signage is being proposed along multiple property frontages)
2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
 - a. Master sign plans.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. Noncommercial locational signs.
 - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
 - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
 - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 Exempt Signs. The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.
- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. Temporary noncommercial signs on private real property, provided the aggregate signage displayed at one time does not exceed ~~thirty~~ (30) square feet in area per parcel.
- H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- I. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.
- J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.
- K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.
- L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.
- M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.
- N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.
- O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q.R. Community event signs not exceeding twenty-four (24) square feet in area.-

15.08.050 Prohibited Signs. The following signs are prohibited anywhere in the City:

- A. Animated signs.
- B. Flags used in a commercial manner or to advertise a business or its location.
- C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.
- E. Signs with lighting detrimental to surrounding property or prevents peaceful enjoyment of residential uses.
- F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.
- G. Roof signs.

- H. String pennants.
- I. Balloons and similar inflatable signs.
- J. Permanent signs mounted on fences or deck/balcony railings.
- K. Portable signs except as provided in Section 15.08.070 of this Chapter.
- L. Temporary signs are prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City.
- M. Signs located on private property without the property owner's approval.
- N. Off-site signs except for:
 - 1. Temporary noncommercial signs.
 - 2. Residential open house signs.
 - 3. Garage or yard sale signs.
 - 4. Signs attached to trees, shrubs, or other natural features.
- O. Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

- A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. No other non-exempt signs are allowed in these districts.
- B. Signs in the L-C District - Sign Permits. A sign permit is required in the L-C District for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.
- C. Signs in the L-C District - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C Districts in accordance with the following standards:
 - 1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 3. Pole signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
 5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
 6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
 7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
 8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel or more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
 9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
 10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
- D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C District shall apply unless otherwise specified by a master sign plan.

15.08.070 Regulations for Special Signs.

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
 1. The sign shall include only the name of the neighborhood or district.
 2. Lettering shall not exceed eighteen (18) inches in height.
 3. The top of the letters shall not exceed six (6) feet in height.
- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
 1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.

2. The sign may be a pole sign or monument sign.
 3. The sign shall not exceed eight (8) feet in height.
 4. Lettering shall not exceed twenty-two (22) inches in height.
- C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:
1. Banner in lieu of permanent sign:
 - a. The banner shall be secured on all sides.
 - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
 - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
 2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
 - a. The banner may be a wall, window, or suspended sign.
 - b. The banner may only be displayed for up to thirty (30) days.
 - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.
- D. Pennants. Pennants are allowed in commercial districts subject to the following standards.
1. Only one (1) pennant may be displayed by any one (1) business.
 2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
 3. The pennant shall not exceed two (2) feet in width or four (4) feet in length.
 4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
 5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.
- E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:
1. Only one (1) portable sign may be displayed by any one (1) business.
 2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
 3. The sign shall not exceed three (3) feet in height or two (2) feet in width per face, except for an umbrella.
 4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
 5. The sign shall be displayed immediately adjacent to the business it advertises.
 6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.
 7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).
- F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one (1) on-site sign and up to six (6) off-site signs.
 2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
 3. The signs shall not exceed three (3) feet in height or two (2) feet in width.
 4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
 5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
 6. No signs shall be displayed on private property without the prior consent of the property owner.
 7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).
- G. Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:
1. The signs may include building signs and ground signs.
 2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
 3. No ground or pole sign shall exceed eight (8) feet in height.
- H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:
1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
 2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
 3. The sign may be in the form of a pole sign or a wall sign.
 4. The sign shall not exceed six (6) feet in height.
 5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
 6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.
- I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:
1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
 2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
 3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height or be located closer than every fifty (50) feet.

4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.
 5. The dimensions of any sign shall not exceed eight (8) feet in length, nor eight (8) feet in height, nor a total area of sixty (60) square feet.
- J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

- A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

15.08.100 Nonconforming Signs.

- A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B. Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

15.08.105 Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

15.08.110 Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.