CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

***

TUESDAY, April 16, 2013

6:30 P.M.

Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517

Mayor: Julie K. Pierce
Vice Mayor: Hank Stratford

Council Members
Jim Diaz
Howard Geller
David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at **www.ci.clayton.ca.us**
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL***
April 16, 2013

6:30 P.M.

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Pierce.

2. **CLOSED SESSION**

(a) Conference with Legal Counsel - Anticipated Litigation (*Government Code Section 54956.9 (c))*
Initiation of Litigation (One Potential Case).

Report out of Closed Session: Mayor Pierce

7:00 P.M.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR**
Consent Calendar items are typically routine in nature and are considered for approval by the City Council with one single motion. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Mayor.

(a) Approve the minutes of the regular meeting of April 2, 2013. (View Here)

(b) Approve Financial Demands and Obligations of the City. (View Here)

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to "Do The Right Thing" public school students exemplifying the character trait of "Self-Discipline".

(b) Presentation: Clayton Community Library Foundation's Annual Report for 2012. (View Here)

(c) Proclamation declaring April 21-27, 2013 as "Clayton Community Library Volunteer Recognition Week" and recognition of Clayton's "Library Volunteers of the Year". (View Here)

(d) Presentation by District Attorney Mark Peterson regarding areas of mutual concern. (View Here)

6. REPORTS

(a) Planning Commission – Chair Keith Haydon.
(b) Trails and Landscaping Committee – No meeting held.
(c) City Manager/Staff
(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
(e) Other

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

8. PUBLIC HEARINGS - None.

9. ACTION ITEMS

(a) Introduction and First Reading of Ordinance No. 445 adding Chapter 15.92 to the Clayton Municipal Code regarding Universal Design to Facilitate Residential Development for Individuals with Disabilities in Projects Over Five Units. (Interim Community Development Director) *(View Here)*

Staff recommendations: **1)** Receive the staff report; **2)** Receive public comments; **3)** Approve a motion to have the City Clerk read Ordinance No. 445 by title and number only and waive further reading; and **4)** By motion, approve Ordinance No. 445 for introduction.

10. COUNCIL ITEMS – limited to requests and directives for future meetings.

11. ADJOURNMENT– the next regularly scheduled City Council meeting is May 7, 2013.

# # # # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 4-16-13

Agenda Item: 4a

TUESDAY, April 2, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Assistant to the City Manager Laura Hoffmeister, and City Clerk Laci Jackson

2. **CLOSED SESSION**- None.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR**- **It was moved by Councilmember Geller, seconded by Councilmember Shuey, to approve the Consent Calendar as submitted (Passed; 5-0 vote).**

(a) Approved the minutes of the regular meeting of March 19, 2013.

(b) Approved Financial Demands and Obligations of the City.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Report on Central Contra Costa Transit Authority (CCCTA) by Mr. Gregg Manning, CCCTA Board Member (City of Clayton's Board Representative).

Gregg Manning reported on the County Connection, Central Contra Costa Transit Authority (CCCTA). He stated the Board approved dropping "the" from their name so it will be County Connection. He explained they have new updated website and a new application called bus tracker which allows riders to get real time information. He stated information about Clayton's Route 10 is available on the CCCTA's website and noted the Board is finishing their budget planning for the next fiscal year.

6. **REPORTS**

(a) Planning Commission – Vice Chair Gregg Manning stated the Commission received public comments on an addition to a home on Zinfandel Drive and he noted the Commission will vote on this at their next meeting. He stated the Commission finished reviewing the Universal Design Ordinance and moved away from making the provisions mandatory.

5. **RECOGNITIONS AND PRESENTATIONS**

(b) Proclamation declaring April 9, 2013 as "National Service Recognition Day." Mayor Pierce acknowledged all volunteers throughout the country for their service to their communities. She also noted in 2012 the Mt. Diablo Silverado Council Muir District Boy Scouts donated 844 hours of service in Clayton.

6. REPORTS

(b) Trails and Landscaping Committee – Vice Chair Ryan Lowe stated the Trails and Landscaping Committee met and there are five new members. He stated staff provided numerous informational updates and a group picture was taken for the Clayton Pioneer and City website. He stated the Adopt a Trail program will now be spearheaded by Ted Suddereth and Don Fitzgerald. He stated the next meeting is planned for Monday, May 20th and will review the budget recommendations for FY 13/14.

(c) The City Manager reported he is proud to be a first time grandfather to Morgan Leah Napper. He stated starting this week the contractor will begin the street repaving project throughout the City. He stated the paving schedule is available on the City's website. He noted a replacement for the Community Development Director Charles Mullen cleared terms of employment, and will begin work on April 22. Charles has over 26 years of planning experience and is currently the Principal Planner in Lathrop which is the only planner position so he knows the hands on applications. He stated the oral board was impressed and he was the number one candidate. Lastly, he stated Saturday April 27th is the Clayton Cleans Up day and interested citizens are encouraged to meet at City Hall at 9am to help clean up the City.

(d) City Council

Councilmember Diaz attended the Creekside Arts Celebration at the Library, the CERT training for Fire Safety, and the East Bay Division of the League of California Cities meeting.

Vice Mayor Stratford stated the "Do the Right Thing" trait of the month is "Integrity."

Councilmember Geller attended the CBCA meeting and the Creekside Arts Celebration.

Councilmember Shuey stated the Fire Services Ad-Hoc Sub-committee will meet on April 15th at 7 p.m. at a location to be determined. He stated April 27th the Charter High School will be having their Comcast clean-up day.

Mayor Pierce attended the Scout District Awards of Merit, a Transportation Authority meeting, met with Contra Costa Times about the sustainable communities strategy. She also met with a Girl Scout for the replacement event for Clayton Counts Down which will be held on June 29th from 4-7 p.m. Lastly, she stated she sat on the Regional Housing Needs Assessment (RHNA) appeals body for ABAG.

(e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – None.

9. **ACTION ITEMS**

(a) Second Reading and Adoption of Ordinance No. 444 amending Chapter 13.12 of Title 13 of the Clayton Municipal Code relating to Stormwater Management and Discharge Control for compliance with the National Pollution Discharge Elimination System (NPDES) Program (Stormwater Pollution Prevention) Municipal Regional Permit (MRP) imposed by the California Regional Water Quality Control Board.

The Assistant to the City Manager stated at the last meeting the Council introduced Ordinance No. 444 and no public comments were received.

Mayor Pierce asked for Public Comments. No public comments were received

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 444 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 444 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Ordinance No. 444 (Passed; 5-0 vote).

10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 7:29 p.m.

# # # # #

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Agenda Date 4/16/2013

Agenda Item: 4b

Amended

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER (jg)

DATE: 4/16/2013

SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

4/12/2013 Cash Requirements Report	$ 92,891.84
4/12/2013 Cal Card - US Bank	$ 13,058.20
4/12/2013 Neopost - Postage	$ 300.00
4/15/2013 Intellibridge Partners	$ 9,780.00
Note: Amended Addition	
Total:	$ 116,030.04

Attachments:
Cash Requirements Report dated 4/12/2013 (4 pages)
Invoice – Intellibridge Partners (1 page)

City of Clayton
Cash Requirements Report
City Council 4/16/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Access One								
Access One	4/16/2013	4/2/2013	1356089	Long Distance, March 2013	$15.44	$0.00		$15.44
				Totals for Access One:	*$15.44*	*$0.00*		*$15.44*
Ace Sierra Tow								
Ace Sierra Tow	4/16/2013	3/25/2013	48179	towing 3/25/13	$25.00	$0.00		$25.00
Ace Sierra Tow	4/16/2013	2/28/2013	3046	service 2/28/13	$25.00	$0.00		$25.00
				Totals for Ace Sierra Tow:	*$50.00*	*$0.00*		*$50.00*
All City Management Services, Inc.								
All City Management Services, Inc.	4/16/2013	2/22/2013	30446	crossing guard svcs 2/10/13-2/23/13	$372.00	$0.00		$372.00
All City Management Services, Inc.	4/16/2013	3/22/2013	30851	crossing guard svcs 3/10/13-3/23/13	$465.00	$0.00		$465.00
All City Management Services, Inc.	4/16/2013	3/8/2013	30619	crossing guard svcs 2/24/13-3/9/13	$465.00	$0.00		$465.00
				Totals for All City Management Services, Inc.:	*$1,302.00*	*$0.00*		*$1,302.00*
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	4/16/2013	4/8/2013	April	library volunteer coordinator, April 2013	$900.00	$0.00		$900.00
				Totals for Arlene H. Kikkawa-Nielsen:	*$900.00*	*$0.00*		*$900.00*
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	4/16/2013	3/31/2013	0000619045	legals, planning	$282.24	$0.00		$282.24
Bay Area News Group East Bay (CCT)	4/16/2013	3/31/2013	0000619046	ads, PW, planning	$696.14	$0.00		$696.14
				Totals for Bay Area News Group East Bay (CCT):	*$978.38*	*$0.00*		*$978.38*
CalPERS Retirement								
CalPERS Retirement	4/16/2013	4/8/2013	3/24/13	City Council thru 3/24/13	$357.28	$0.00		$357.28
CalPERS Retirement	4/16/2013	4/8/2013	3/31/13	PPE 3/31/13	$20,294.53	$0.00		$20,294.53
CalPERS Retirement	4/16/2013	4/8/2013	13260015	Adjustment for Wendy Roden	$299.04	$0.00		$299.04
				Totals for CalPERS Retirement:	*$20,950.85*	*$0.00*		*$20,950.85*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	4/16/2013	3/28/2013	1278981	toner	$40.00	$0.00		$40.00
				Totals for Caltronics Business Systems, Inc:	*$40.00*	*$0.00*		*$40.00*
CCC Animal Svcs Dept								
CCC Animal Svcs Dept	4/16/2013	3/21/2013	ASD M5663	Animal Services Q4 FY 2012-2013	$14,525.50	$0.00		$14,525.50
				Totals for CCC Animal Svcs Dept:	*$14,525.50*	*$0.00*		*$14,525.50*
CCC Clerk Elections Division								
CCC Clerk Elections Division	4/16/2013	4/5/2013	1108	11/6/12 general election fees	$10,077.66	$0.00		$10,077.66
				Totals for CCC Clerk Elections Division:	*$10,077.66*	*$0.00*		*$10,077.66*
CCC Sheriff - Forensic Svc Div (Lab)								
CCC Sheriff - Forensic Svc Div (Lab)	4/16/2013	3/21/2013	CLPD-1302	Tests February 2013	$1,680.00	$0.00		$1,680.00
				Totals for CCC Sheriff - Forensic Svc Div (Lab):	*$1,680.00*	*$0.00*		*$1,680.00*

City of Clayton
Cash Requirements Report
City Council 4/16/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
City of Concord								
City of Concord	4/16/2013	3/29/2013	32102	Printing - 250 emergency booklets	$162.50	$0.00		$162.50
City of Concord	4/16/2013	3/13/2013	31655	vehicle maintenance	$1,258.75	$0.00		$1,258.75
City of Concord	4/16/2013	3/1/2013	31635	dispatch & router svcs February 2013	$13,285.00	$0.00		$13,285.00
				Totals for City of Concord:	*$14,706.25*	*$0.00*		*$14,706.25*
Clean Street								
Clean Street	4/16/2013	3/31/2013	70310	sweep fee March 2013	$3,500.00	$0.00		$3,500.00
				Totals for Clean Street:	*$3,500.00*	*$0.00*		*$3,500.00*
Concord Garden Equipment								
Concord Garden Equipment	4/16/2013	3/31/2013	445636	purchases	$1,051.70	$0.00		$1,051.70
				Totals for Concord Garden Equipment:	*$1,051.70*	*$0.00*		*$1,051.70*
Cop Shop Installations Inc								
Cop Shop Installations Inc	4/16/2013	3/12/2013	4925	VIN 185894, Unit 1736	$4,766.52	$0.00		$4,766.52
Cop Shop Installations Inc	4/16/2013	3/21/2013	4939	VIN 1389872, 182691 Unit 1735	$122.55	$0.00		$122.55
				Totals for Cop Shop Installations Inc:	*$4,889.07*	*$0.00*		*$4,889.07*
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	4/16/2013	4/1/2013	112	27 Employees EAP	$324.00	$0.00		$324.00
				Totals for CSAC Excess Insurance Authority:	*$324.00*	*$0.00*		*$324.00*
Data Ticket								
Data Ticket	4/16/2013	3/14/2013	45895	Citation Processing February 2013	$51.05	$0.00		$51.05
				Totals for Data Ticket:	*$51.05*	*$0.00*		*$51.05*
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	4/16/2013	4/6/2013	17567490	konica contract April 2013	$432.68	$0.00		$432.68
				Totals for De Lage Landen Financial Services, Inc.:	*$432.68*	*$0.00*		*$432.68*
Devils' Mountain Awards & Recognition								
Devils' Mountain Awards & Recognitio	4/16/2013	3/22/2013	14995	Plates lasered	$49.85	$0.00		$49.85
				Totals for Devils' Mountain Awards & Recognition:	*$49.85*	*$0.00*		*$49.85*
Globalstar LLC								
Globalstar LLC	4/16/2013	3/16/2013	1000000004614905	service	$43.87	$0.00		$43.87
				Totals for Globalstar LLC:	*$43.87*	*$0.00*		*$43.87*
Hammons Supply Company								
Hammons Supply Company	4/16/2013	4/5/2013	77154	supplies Grove Park	$105.30	$0.00		$105.30
Hammons Supply Company	4/16/2013	4/5/2013	77153	supplies City Hall	$221.90	$0.00		$221.90
				Totals for Hammons Supply Company:	*$327.20*	*$0.00*		*$327.20*
LarryLogic Productions								

City of Clayton
Cash Requirements Report
City Council 4/16/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
LarryLogic Productions	4/16/2013	4/3/2013	1319	city council meeting 4/2/13	$300.00	$0.00		$300.00
				Totals for LarryLogic Productions:	*$300.00*	*$0.00*		*$300.00*
Legal Defense Fund								
Legal Defense Fund	4/16/2013	3/7/2013	65141	Dues	$15.00	$0.00		$15.00
				Totals for Legal Defense Fund:	***$15.00***	***$0.00***		***$15.00***
Lexipol LLC								
Lexipol LLC	4/16/2013	3/1/2013	8539	daily training bulletins	$2,000.00	$0.00		$2,000.00
				Totals for Lexipol LLC:	*$2,000.00*	*$0.00*		*$2,000.00*
MailFinance (Neopost Leasing)								
MailFinance (Neopost Leasing)	4/16/2013	4/5/2013	N3910355	lease may 7, 2013-June 6, 2013	$113.60	$0.00		$113.60
				Totals for MailFinance (Neopost Leasing):	*$113.60*	*$0.00*		*$113.60*
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	4/16/2013	4/9/2013	413-1151-4	City Hall Maintenance April 2013	$150.00	$0.00		$150.00
Marken Mechanical Services Inc	4/16/2013	4/9/2013	413-1152-4	Library Maintenance April 2013	$150.00	$0.00		$150.00
				Totals for Marken Mechanical Services Inc:	*$300.00*	*$0.00*		*$300.00*
Melissa Roach								
Melissa Roach	4/16/2013	4/9/2013	CCP 3/30/13	CCP refund - Rain	$128.00	$0.00		$128.00
				Totals for Melissa Roach:	*$128.00*	*$0.00*		*$128.00*
Muir/ Diablo Occupation Medicine								
Muir/ Diablo Occupation Medicine	4/16/2013	4/9/2013	218032	prehire exam	$70.00	$0.00		$70.00
				Totals for Muir/ Diablo Occupation Medicine:	*$70.00*	*$0.00*		*$70.00*
Municipal Pooling Authority								
Municipal Pooling Authority	4/16/2013	4/8/2013	May	LTD/Life May 2013	$1,174.29	$0.00		$1,174.29
				Totals for Municipal Pooling Authority:	*$1,174.29*	*$0.00*		*$1,174.29*
Munimetrix Systems Corp								
Munimetrix Systems Corp	4/16/2013	4/19/2013	1304018	Image Flow Software Support 4/19/13-4/18/1	$1,579.00	$0.00		$1,579.00
				Totals for Munimetrix Systems Corp:	*$1,579.00*	*$0.00*		*$1,579.00*
NSP3								
NSP3	4/16/2013	1/25/2013	14043	supplies	$1,806.00	$0.00		$1,806.00
				Totals for NSP3:	*$1,806.00*	*$0.00*		*$1,806.00*
Peace Officers Research Assoc of CA								
Peace Officers Research Assoc of CA	4/16/2013	3/15/2013	56944	dues	$10.00	$0.00		$10.00
				Totals for Peace Officers Research Assoc of CA:	***$10.00***	***$0.00***		***$10.00***
PERMCO, Inc.								
PERMCO, Inc.	4/16/2013	4/8/2013	9957	retainer, general svc	$2,287.25	$0.00		$2,287.25

City of Clayton
Cash Requirements Report
City Council 4/16/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	4/16/2013	4/8/2013	9958	diablo pointe construction inspection	$830.00	$0.00		$830.00
PERMCO, Inc.	4/16/2013	4/8/2013	9959	CAP Inspection, non-utility, refund already p	$83.00	$0.00		$83.00
PERMCO, Inc.	4/16/2013	4/8/2013	9960	2013 pavement rehabilitation project	$2,241.75	$0.00		$2,241.75
PERMCO, Inc.	4/16/2013	4/8/2013	9961	Oakhurst Open Space	$488.00	$0.00		$488.00
PERMCO, Inc.	4/16/2013	4/8/2013	9962	PG&E Gas Line, Dana Hills	$767.75	$0.00		$767.75
PERMCO, Inc.	4/16/2013	4/8/2013	9963	PG&E Tower Ridge Raising, Keller Ridge Dr	$927.75	$0.00		$927.75
				Totals for PERMCO, Inc.:	*$7,625.50*	*$0.00*		*$7,625.50*
pmsigns								
pmsigns	4/16/2013	3/27/2013	18024	change date on banners	$54.25	$0.00		$54.25
				Totals for pmsigns:	*$54.25*	*$0.00*		*$54.25*
Riso Products of Sacramento								
Riso Products of Sacramento	4/16/2013	4/3/2013	106535	kyocera contract 3/18/13-4/17/13	$94.86	$0.00		$94.86
				Totals for Riso Products of Sacramento:	*$94.86*	*$0.00*		*$94.86*
Rock & Waterfall Co								
Rock & Waterfall Co	4/16/2013	3/28/2013	110-96	waterfall maintenance	$650.00	$0.00		$650.00
				Totals for Rock & Waterfall Co:	*$650.00*	*$0.00*		*$650.00*
SPRAYTEC (Sprayer Sales Co)								
SPRAYTEC (Sprayer Sales Co)	4/16/2013	3/31/2013	11742	wastewater treatment maintenance March 201	$225.00	$0.00		$225.00
				Totals for SPRAYTEC (Sprayer Sales Co):	*$225.00*	*$0.00*		*$225.00*
Sprint Comm (PD)								
Sprint Comm (PD)	4/16/2013	3/29/2013	703335311-136	monthly service 2/26/13-3/25-13	$290.23	$0.00		$290.23
				Totals for Sprint Comm (PD):	*$290.23*	*$0.00*		*$290.23*
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	4/16/2013	3/29/2013	531409315-131	monthly service 2/26/13-3/25/13	$308.61	$0.00		$308.61
				Totals for Sprint Comm (PW & ADM):	*$308.61*	*$0.00*		*$308.61*
Western Exterminator								
Western Exterminator	4/16/2013	3/31/2013	1140536	service March 2013	$342.00	$0.00		$342.00
				Totals for Western Exterminator:	*$342.00*	*$0.00*		*$342.00*
				GRAND TOTALS:	**$92,981.84**	**$0.00**		**$92,981.84**

IntelliBridge Partners
Business Support + Consulting

One Firm. All Angles.

AUTHORIZED BY 3232 DATE 101-7419-04
VENDOR # 9780- ACCOUNT #
AMOUNT CITY MANAGER APPROVAL 04-15-13

City of Clayton
Gary Napper, City Manager
6000 Heritage Trail, 3rd floor
Clayton, CA 94517

ENTERED

Invoice No. *184418*
Date *Thursday, April 04, 2013*
Client No. *CICLAYTON.01*

Service Through~Mar 31, 2013

Title	Employee	Date	Hours	Rate	Amount
Community Development Director	Craig	3/1/2013	8	60	480
Community Development Director	Craig	3/4/2013	8	60	480
Community Development Director	Craig	3/5/2013	8	60	480
Community Development Director	Craig	3/6/2013	8	60	480
Community Development Director	Craig	3/7/2013	8	60	480
Community Development Director	Craig	3/8/2013	7.5	60	450
Community Development Director	Craig	3/11/2013	8	60	480
Community Development Director	Craig	3/12/2013	8	60	480
Overtime	Craig	3/12/2013	1.5	90	135
Community Development Director	Craig	3/13/2013	8	60	480
Community Development Director	Craig	3/14/2013	8	60	480
Community Development Director	Craig	3/15/2013	8	60	480
Community Development Director	Craig	3/19/2013	8	60	480
Community Development Director	Craig	3/20/2013	8	60	480
Community Development Director	Craig	3/21/2013	8	60	480
Community Development Director	Craig	3/22/2013	8	60	480
Community Development Director	Craig	3/25/2013	8	60	480
Community Development Director	Craig	3/26/2013	8	60	480
Overtime	Craig	3/26/2013	2.5	90	225
Community Development Director	Craig	3/27/2013	5.5	60	330
Community Development Director	Craig	3/28/2013	8	60	480
Community Development Director	Craig	3/29/2013	8	60	480

Current Amount Due $ 9,780.00

0 - 30	31- 60	61 - 90	91 - 120	Over 120	Balance
9,780.00	0.00	0.00	0.00	0.00	9,780.00

Please make your check payable Macias Gini & O'Connell LLP and remit to :
3000 S Street, Suite 300, Sacramento, CA 95816.
Please contact the following for billing questions:
(916) 642-7009
Federal Tax ID #27-0690011
PLEASE REFERENCE OUR INVOICE NUMBER ON YOUR REMITTANCE

CLAYTON COMMUNITY LIBRARY FOUNDATION

2012 ANNUAL REPORT

The Clayton Community Library Foundation, established July 1989, continues to be actively involved in support of the Clayton Community Library. The CCLF is an all volunteer, tax exempt, non-profit 501(c)(3) corporation. The purpose of the CCLF is to support the Library by providing a pool of volunteers and funds to provide books, materials, special programs and furniture not provided by City and County budgets. The City of Clayton owns the 15,500 square foot building and its furnishings. The Board of Directors of the Foundation serves as the City of Clayton Library Advisory Committee.

Clayton Community Library in-library volunteers donated 7,773 hours of library service in 2012. Our volunteers checked in and shelved returned books, repaired books and videos, provided computer assistance, tutored students and helped out where needed. Volunteers working in the library numbered 95 adults and 58 students. The Volunteer Coordinator oriented 11 adults and 23 students. Five adult and 14 student volunteer tutors assisted 29 students, one-on-one, for a total of 324 hours. Six adult and 6 student group-study tutors worked 591 hours assisting 43 students. Three Computer Helpers worked 232 hours assisting 54 patrons with use of the Internet and word-processing. Once again we had a Book Buddy,Gail Fitzgerald, who volunteered 42 hours reading to 128 children. The very popular "Paws to Read" had 136 children reading to 15 friendly, and very happy dogs. Even our paid Volunteer Coordinator volunteered 288 hours, or 24 hours a month. Based on the 2010 Independent Sector figure for the value of volunteer labor in California, $24.18 per hour, the total monetary value of library volunteerism is $187,951.14! Once again the Clayton Community Library has more volunteers than any other library in the County! Our library operates on 3/5ths of the normal staffing – our wonderful volunteers provide the rest of the staffing.

Other volunteers donated 1650 hours working on Used Book Sales and other Foundation related activities worth $39,897.97. Boy Scout Troop 464 provides man power to mover books for our book sales and the Clayton Garden Club maintains our flower boxes and other garden areas surrounding the library. We are truly a community library.

Our Volunteer Coordinator attended the Volunteer Fair at Clayton Valley Charter High School and had a table with several student volunteers. As a result 18 students signed up to become Library Volunteers.

We like to keep our volunteers happy, and this year Volunteer Coordinator, Arlene Kikkawa-Nielsen, planned three parties for the student volunteers – a Spring Ice Cream Social, and end of year/graduation pizza party and a holiday games and scavenger hunt party. The adult volunteers and staff enjoyed a Halloween party and the Lead Volunteers were entertained at a Holiday Luncheon at Jeanne Boyd's home.

The Seventeenth Birthday celebration included the Annual Meeting of the Clayton Community Library Foundation and the Volunteer Recognition Coffee on Saturday, March 3rd and the Creekside Arts Celebration "Clayton Library…Bringing People & Places Together" on the weekend of March 23th through 25th. On Friday, March 5th there was an artist's preview, two special guests named Lily and Dashiell, ARF therapy pet miniature schnauzer's, who were painted "live" by a local artist, refreshments, acoustic entertainment by The Relyks, and presentation of awards juried by Art Concepts Inc., The Hearst Gallery, and the Arts & Culture Commission of Contra Costa County. Festivities on Saturday and Sunday included ongoing sales and demonstrations by local artists and crafters. Activities and entertainment featured "plein air" painting; local Chupcan culture, presented by Jim Hale, Ethnobotanist & Wildlife Biologist; performance poetry; Diablo Taiko drums; storytelling

from the Oregon Trail and a middle eastern band with dancing. The net income from this weekend totaled $914.09.

Second grade classes from Mt. Diablo Elementary visited the library and received library cards. The very popular Book Club led by Sunny Solomon continues to meet at the Clayton Community Library.

The Clayton Community Library participated in the 4th of July Parade for the 14th year. The Summer Reading Program, "Dream Big –Read" was the theme of our entry. Organized by Arlene Kikkawa Nielsen, 40 students and 3 adults volunteered 311 hours to make our library entry another success. This year's entry featured 5 kids, 6 dogs, 1 miniature horse, 12 student teens and 23 adults. Total volunteer hours – 118 .

In 2012 the CCLF was able to generate $45,889.37 in income from a variety of sources, $8,341 of this represents the value of in-kind materials, in the form of used books and tapes/CD/DVDs donated for the booksale and diverted to the library collection. The Foundation maintained an average membership of 338 units in 2012, which brought in $8,700 in revenue. Used Book Sales grossed $16,535.75, down slightly from last year. United Way/LIC donations added $3,608.51, an increase from last year. Organizations donated $1,200: $300 from Clayton Valley Woman's Club and $900 from the Clayton Valley/Sunrise Rotary. Matching Gifts, donations and memorials in addition to account interest, merchandise sales, and fundraising activities complete our total revenue. We had several individual donations of $1,000.

CCLF spent almost $43,604.26 on library support. As mentioned in the previous paragraph, in-kind materials added to the collection from patron donations, valued at $8,341, represent a portion of this amount. In 2012 CCLF gave $23,008.58 for materials, books, cd's, DVD's and library programs. $10,720 was paid to the City of Clayton, which in turn pays our volunteer coordinator, a private contractor. Additional money provided insurance for volunteers, and volunteer recognition events.

CCLF spent $2,075.98 on library programs and special events. This included 8 major programs, craft supplies for the programs presented by our talented staff, and prizes for the Teen Reading Program, and for the Summer Reading Program.

We no longer count the number of readers signing up for the Summer Reading Program, because some signed up on line and we could not track those folks. However, 411 completed the program at the Clayton Community Library, more than 2011. We like to think it is due to our great prizes!

This was the fifth year for "Clayton Reads". Special programming focused on the book, "One Amazing Thing". CCLF purchased 150 copies of the book so they could be made available to the public to encourage everyone to take part in this event.

The Clayton Community Library Foundation thanks the City Council, Staff and the community, for all the support you have shown over the years. We think the Clayton Community Library is a terrific asset to the community and it is a good feeling to know that this community values its public library. The 2012 circulation at the Clayton Community Library was 195,672 a slight decrease from 2011. We believe eBooks is responsible for the slight decrease

in our circulation. The door count was 130,696. The money raised by CCLF enables the staff to schedule more programs and purchase additional materials and therefore attract patrons into our library to utilize library services

I want to invite any interested citizen to attend our board meetings and become involved in our work. We meet on the 3rd Wednesday of the month at 7:30 in the Library Story Room. We do not meet in December or July.

Joyce Atkinson, President

declaring
April 21-27, 2013
As
Clayton Community Library Volunteer Week

Agenda Date: 4-16-13

Agenda Item: 5c

WHEREAS, the Clayton Community Library has a total of 153 in-library adult and student volunteers whose work is essential to the support and functioning of library services; and

WHEREAS, In-library volunteers contributed 7,773 hours and Foundation volunteers contributed 1,650 in 2012, for a total of 9,423 hours, which is still the largest library volunteer program in Contra Costa County; and

WHEREAS, on July 4, 2012, 40 Clayton Community Library volunteers and patrons contributed 118 hours to promote the Library's Summer Reading Program at the downtown parade, highlighting the importance of summer reading and summer library visits; and

WHEREAS, 19 volunteer tutors spent 324 hours, one-on-one with 29 students to provide homework help; and in the Group Tutoring Sessions on Wednesday afternoons 6 adult and 6 student tutors spent 591 hours to provide help to an additional 43 students; and

WHEREAS, Clayton Community Library volunteers shelve all the materials at the library, check in returned materials, do all mending of materials, read to children, deliver books to homebound patrons, provide art and environmental education programs, and much more; and

WHEREAS, the Eigth Annual Creekside Arts Celebration was held to showcase local artisans, performance and environmental groups and to promote the education of such to the community as well as raise funds for purchasing library materials; and

WHEREAS, the Clayton Community Library Foundation contributed $43,604 in 2012 for volunteer support and recognition, library materials and furniture, programs for adults, teens and young children, and Creekside Arts Celebration expenses.

NOW, THEREFORE, I, Julie K. Pierce, Mayor, on behalf of the Clayton City Council, do hereby acknowledge, April 21-27, 2013, as Clayton Community Library Volunteer Week, and urge my fellow citizens to recognize that the Clayton Community Library volunteers are a gift to the community and thank the operational volunteers, tutors, book buddies, computer helpers, parade volunteers, Creekside habitat and garden volunteers, homebound deliverers, Creekside Arts Celebration volunteers, Creekside Artists Guild artists, Library Commissioners, Foundation members, and Board for their outstanding volunteerism.

Agenda Date: 4-16-13

Agenda Item: 5d

Contra Costa District Attorney's Office

Mark Peterson

- 28 years
- 110 Jury Trials
- 27 Murder Trials
- 5 Death Penalty Trials
- 15 years Concord City Council
  - 3 time Mayor
  - 150 million budget
  - 500 employees
  - 7 Departments

Mission Statement

- The mission of the Contra Costa District Attorney's Office is to seek justice and enhance public safety for all our residents.
- We do this by fairly, ethically, aggressively, and efficiently prosecuting those who violate the law, and by working to prevent crime.

Seek Justice
Serve Justice
Do Justice

District Attorney's Office

- 95 attorneys
- 27 Investigators and 4 CPA's
- 7 victim/witness
- 45 support staff /admin staff

- 174 authorized employees
- $30.7 million dollar budget
  - 4.5% of county GF monies

Office Priorities

- Always Prosecute Misdemeanors
  - Wilson's "Broken Window" theory
- Gang Prosecutions and Injunctions
- Realignment
- Crime Prevention
- Restore confidence in Office

Misdemeanors

- "Quality of life" crimes
- Vandalism, graffiti, drunk in public, petty theft, etc.
- Driving under the influence cases
- Domestic violence
- Misdemeanors filed 2011 – 11,000
- Felonies filed 2011 – 4,000

Gang Prosecution

- 2006 – 42 murders in Richmond
- 2007 – 47 murders in Richmond
- 2008 – 27 murders in Richmond
- 2009 – 47 murders in Richmond
- 2010 – 21 murders in Richmond
- (2010 – 32 murders in West County)
- Last 25 years – avg. 34 murders/year in Richmond
- 2011 – 27 murders in Richmond
- 2012 – 18 murders in Richmond
- Gang DA
- Injunctions

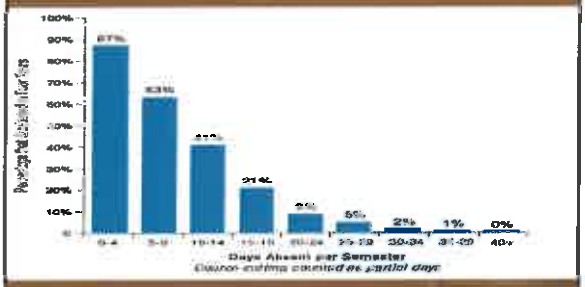
Realignment – Assembly Bill 109

- Changes where convicted felons are housed
- Persons that still go to state prison:
  - Serious Felony
  - Violent Felony
  - Sex Felony
- All others to county jails
  - Space issue
  - Housing issue
  - [redacted]
    $49,000 vs. $24,000
    Formula based on how many sent to state prison before/Population

Crime Prevention

- Gang Injunctions
- Electronic Monitoring
- Truancy Program
  - San Francisco DA office
- Contra Costa Truancy program begun
- At-risk youth program -future

9th Grade Attendance Predicts Graduation for Students of All Economic Backgrounds



Contra Costa DA Truancy Program

- Monthly meetings with school truancy officers
- Meeting with all school superintendents
- Program:
- Letters to parents of chronic truants
- Meetings prior to school year with chronic truants and parents
  - Liberty HS/Pittsburg HS/John Swett/Pinole HS
- Letters sent during school year to truants and parents
- Assembly meetings with students to discuss truancy, bullying, cyber-bullying, sexting, drugs, any other issues school would like us to address
- Day-time curfew ordinances
- Deputy District Attorney – assigned PT to Initiative
- Prosecution of cases in court against truant students and/or parents

Parents face charges over kids' truancy

One parent late, one a no-show to truancy arraignment

Truancy

2011 HIGHLIGHTS:

- 100 Jury Trials
- Felony Trial Team – 45 jury trials
- Homicides – 14 jury trials
- Sexual Assault Team – 12 jury trials
- Gang Unit – 214 Trial Days
- Domestic Violence Team
  - 92% Felony Conviction Rate
- Overall Felony Conviction Rate: 93.6%
  - No. 1 in the Bay Area
  - No. 3 in the State (2010 stats)
  - No. 6 in the State in Felony Jury trials (2010 stats)

Mission Statement

- The mission of the Contra Costa District Attorney's Office is to seek justice and enhance public safety for all our residents.
- We do this by fairly, ethically, aggressively, and efficiently prosecuting those who violate the law, and by working to prevent crime.

Questions?

CITY OF CLAYTON
Founded 1851 ... Incorporated 1964

Agenda Date: _____

Agenda Item: _____

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KENNETH CRAIG, INTERIM COMMUNITY DEVELOPMENT DIRECTOR

DATE: APRIL 16, 2013

SUBJECT: CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 15.92 TO THE CLAYTON MUNICIPAL CODE (CMC) REGARDING UNIVERSAL DESIGN TO FACILITATE RESIDENTIAL DEVELOPMENT FOR INDIVIDUALS WITH DISABILITIES IN PROJECTS OVER FIVE UNITS

RECOMMENDATION

Staff recommends the City Council receive public comment; have the City Clerk read the ordinance (**See Attachment 2**) by title and number only and waive further reading; following the City Clerks reading, approve the introduction and first reading of the Ordinance. Staff also recommends the City Council accept and approve the brochure (**See Attachment 3**).

BACKGROUND

On April 20, 2010, the City Council approved the Clayton 2009-2014 General Plan Housing Element. As a part of its certification of the Element, the State Department of Housing and Community Development (HCD) approved over 30 categories of implementation measures that Clayton must undertake. One of the Implementation Measures IV.3.3, states that the:

> "The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility for housing for persons with disabilities. If a universal design ordinance is determined feasible, the City will prepare an Ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities."

Staff hired Raney Planning and Management consultants and worked with the City Attorney's office to explore the feasibility of preparing both a universal design ordinance (UDO) and a universal design brochure. A Draft UDO and brochure was developed and is based on the City of Dublin's Ordinance (**See Attachment 4**) which has been in effect since November 2007. No other local cities to date have considered a UDO so no others were evaluated. The City of Dublin and the Draft Clayton UDO have been designed utilizing the

basic framework of the model universal design ordinance adopted by the State Department of Housing and Community (**See Attachment 5**).

Staff consulted with the architect Dan Hale, whose firm designed the Toll Brothers' Diablo Estate project as well as obtained input from Braddock and Logan and DR Horton who are currently building projects in the Dublin. Chief Building Official for the City of Dublin, Gregory Shreeve, was also consulted and provided valuable input in explaining Dublin's experience developing their UDO as well as their five years of on going implementation.

The Planning Commission held four public hearings and considered the comments from the various consulted parties along with additional information in its deliberation and development of the recommended Draft UDO and Brochure. From those meetings, staff received and incorporated various comments from the Planning Commission into the current UDO being presented to the City Council for consideration.

DISCUSSION

The purpose of the UDO is to facilitate greater adaptability and accessibility of housing for persons with disabilities. These disabilities include those related to aging and cycle-of-life issues affecting one's mobility and dexterity. The general concept is that with appropriate adaptions/modifications to housing at time of construction (when it is most cost effective to install), a person can stay in the home longer, more safely and conveniently, and with greater comfort.

One of the primary features of the proposed Clayton UDO is that it does not prescribe mandatory installations by developers at all but, rather, only mandatory requirements for a developer to offer various installation features. The developer would need to provide the options to all potential buyers and, if requested by the buyer, install them, but the buyer would have to pay for any added installation cost above the cost to provide what is offered in the developer base unit design.

The fundamental concepts incorporated into the Draft Clayton UDO are summarized as follows:

1. Applicable to owner-occupied or rental residential single-family, duplex, and triplex (but not custom homes and projects with primary entrances located over below-ground or grade-level parking) projects in excess of five units or more;
2. Undue hardship exemption provision eliminates the requirements offer;
3. No mandatory installation of any kind is required of the developer;
4. Mandatory offer only with all cost born by the buyer for any added features;
5. Mandatory offerings focus on accessibility of primary entrance, interior routes, primary floor powder room/bathroom entry and facilities, kitchen and facilities, common use room, bedroom, and miscellaneous areas;
6. Mandatory offerings of General Components including such items as rocker light switches, hand-activated door hardware, receptacle outlets, lighting controls and environmental controls, outlets at the bottom and top of stairs to facilitate the use of a

chair lift, accessible doorbells, hand-activated sink controls, and reinforcement for grab bars in the bathroom.

The primary differences between the Dublin UDO and the proposed Clayton UDO are:

A. The threshold for applicability for Dublin is a project in excess of 20 units versus Clayton at five units;
B. A lower level doorbell is a mandatory installation for Dublin and not for Clayton;
C. Grab bar reinforcements and disabled-friendly installation features are mandatory installation for Dublin and not for Clayton;
D. Sink controls are mandatory installations for Dublin and not for Clayton;
E. Hand-activated door hardware, rocker light switches, and specialized receptacle outlets are mandatory installation features for Dublin and not for Clayton.

Based on the experiences of the City of Dublin and the developers in Dublin, the staff and Planning Commission concluded that such an Ordinance is feasible for the City of Clayton and would not hinder residential development or impact housing cost and affordability.

The Planning Commission did, however, have significant discussions on whether the Draft UDO should include several mandatory to install elements that it felt would be cost effective and easy to install upfront and that would be most beneficial to the targeted user group (those with disabilities). These items included features such as lowered doorbells, provision of sink faucet controls, hand-activated door hardware, rocker light switches, more accessible receptacle outlets, and reinforcement for bathroom grab bars. It also considered a purchaser opt-out provision for all these features for any homebuyer who did not want these items installed in their home.

The discussion over whether to include these features included the appropriateness of requiring features that may not be desirable for the average homeowner in every home. They also discussed the problem associated with a developer having to prepare additional architectural plans in order to provide universal design options such as greater hallway kitchen, bathroom, and doorway clearances in the various models. And finally, they discussed the value in providing such features up front in order to make it cost effective for people with limitations as well as the possibility that emerging technologies could make many of the electrical-related improvements unnecessary since they can increasingly be controlled by applications on phones, computers, and tablets when accompanied by installation of more expensive switches, hardware and receptacles (**See Attachments 6a-d**). Upon further reflection of these issues and others at the meeting of March 26, 2013, the Planning Commission opted to recommend no Mandatory to Install provisions.

FISCAL IMPACT

Negligible. The Community Development Department is responsible for copying and distributing the Universal Design Brochure to developers and community organizations serving individuals with disabilities. Some staff time as well as printing cost will be associated with this responsibility and obligation.

CONCLUSION

After reviewing the Dublin UDO and their implementation experience, considering the cost and installation issues associated with implementation, looking at the potential impacts on the non-targeted homebuyer as well as evaluating the intent of providing disability friendly improvements, the Planning Commission is recommending the City Council approve the Clayton UDO with no mandatory options for installation and approve the accompanying brochure.

Attachments:

1. Planning Commission Resolution No. 01-13
2. City of Clayton Universal Design Ordinance No 445
3. Universal Design Brochure
4. City of Dublin Universal Design Ordinance
5. State Department of Housing and Community Development Model Ordinance
6. Planning Commission Staff Report (partial) and minutes from the meetings of:
    a. November 13, 2012
    b. December 11, 2012
    c. January 08, 2013
    d. March 26, 2013

CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 01-13

AMENDMENT OF THE CLAYTON MUNICIPAL CODE TO ADD CHAPTER 15.92 REGARDING UNIVERSAL DESIGN (ZOA 02-12)

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act ("fair housing laws") prohibit discrimination in housing against individuals with disabilities and require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities;

WHEREAS, fair housing laws require that cities provide individuals with disabilities (or their representatives, or developers of housing for people with disabilities) flexibility in the application of development regulations;

WHEREAS, cities are required to identify constraints to providing housing for individuals with disabilities and develop strategies for removing those constraints;

WHEREAS, the City of Clayton 2009-2014 General Plan Housing Element reflects the City's intention to encourage housing for those individuals with disabilities by including several implementation measures that specifically add regulations and practices that offer housing opportunities to individuals with disabilities, such as Implementation Measure IV.3.3:

"The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities;"

WHEREAS, Government Code section 65583 requires that the Housing Element address and, where appropriate and legally possible, remove governmental constraints on the maintenance, improvement, and development of housing for individuals with disabilities. This universal design ordinance, as described in the implementation measure above, will remove constraints to, and provide opportunities for housing for individuals with disabilities;

WHEREAS, the Planning Commission held a duly-noticed public hearing on the proposed Ordinance on November 13, 2012, December 11, 2012, and January 08, 2013 and gave due consideration to all testimony, comments, and documents received regarding the Ordinance; and

WHEREAS, the Planning Commission determined that the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Public Resources Code section 15061(b)(3) because it does not have the potential for causing a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve the attached Ordinance, based on the following:

SECTION 1. The Planning Commission finds and affirms the above-noted recitals are true and correct.

SECTION 2. The Planning Commission finds the following regarding the amendment of the Clayton Municipal Code to add Chapter 15.92 regarding Universal Design:

A. Conforms with the General Plan by satisfying the Clayton 2009-2014 Housing Element Implementation Measure IV.3.3 by requiring the offer of universal design features in specified housing units to make housing more accessible to those individuals with disabilities.

B. Is needed for the public necessity, convenience, and general welfare.

Adopted by the Planning Commission on March 26, 2013.

APPROVED

Keith Haydon
Chair

ATTEST

Kenneth H. Craig,
Interim Community Development Director

Attachment: Universal Design Ordinance

ORDINANCE NO. 445

AN ORDINANCE ADDING CHAPTER 15.92 TO THE CLAYTON MUNICIPAL CODE, REGARDING UNIVERSAL DESIGN TO FACILITIATE RESIDENTIAL DEVELOPMENT FOR INDIVIDUALS WITH DISABILITES

THE CITY COUNCIL
City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act ("fair housing laws") prohibit discrimination in housing against individuals with disabilities and require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities;

WHEREAS, fair housing laws require that cities provide individuals with disabilities (or their representatives, or developers of housing for people with disabilities) flexibility in the application of development regulations;

WHEREAS, cities are required to identify constraints to providing housing for individuals with disabilities and develop strategies for removing those constraints;

WHEREAS, the City of Clayton 2009-2014 General Plan Housing Element reflects the City's intention to encourage housing for those individuals with disabilities by including several implementation measures that specifically add regulations and practices that offer housing opportunities to individuals with disabilities, such as Implementation Measure IV.3.3:

"The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities;"

WHEREAS, Government Code section 65583 requires that the Housing Element address and, where appropriate and legally possible, remove governmental constraints on the maintenance, improvement, and development of housing for individuals with disabilities. This universal design ordinance, as described in the implementation measure above, will remove constraints to, and provide opportunities for housing for individuals with disabilities;

WHEREAS, the Planning Commission held duly-noticed public hearings on the proposed Ordinance on November 13, 2012, December 11, 2012, January 08, 2013, and March 26, 2013 and gave due consideration to all testimony, comments, and documents received regarding the

Ordinance; and

WHEREAS, the Planning Commission determined that the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Public Resources Code section 15061(b)(3) because it does not have the potential for causing a significant adverse effect on the environment.

WHEREAS, based on its consideration of the information nit received and its deliberation and discussion of the Ordinance, the Planning Commission adopted Resolution No. 01-13 on March 26, 2013, recommending that the City Council adopt the proposed Ordinance and approves the accompanying brochure.

WHEREAS, on April 16, 2013 the City Council held a duly-noticed public hearing and gave due consideration to all testimony, comments and documents received regarding the Ordinance; and

WHEREAS, the City Council finds the following regarding the amendment of the Clayton Municipal Code to add Chapter 15.92 regarding Universal Design:

A. Conforms with the General Plan by satisfying the Clayton 2009-2014 Housing Element Implementation Measure IV.3.3 by requiring the offer of universal design features in specified housing units to make housing more accessible to those individuals with disabilities.

B. Is needed for the public necessity, convenience, and general welfare.

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

SECTION 1. The above Recitals are true and correct and hereby incorporated in this Ordinance as if restated in full.

SECTION 2. Chapter 15.92, entitled "Universal Design" is hereby added to the Clayton Municipal Code to read as follows:

Chapter 15.92

UNIVERSAL DESIGN

Section:

15.92.010 Purpose and Intent
15.92.020 Findings
15.92.030 Definitions
15.92.040 Scope and Application

15.92.050 Exemptions
15.92.060 Standards: Primary Entrance
15.92.070 Standards: Interior Routes
15.92.080 Standards: Primary Floor Powder Room/Bathroom Entry and Facilities
15.92.090 Standards: Kitchen and Facilities
15.92.100 Standards: Common Use Room
15.92.110 Standards: Bedroom
15.92.120 Standards: Miscellaneous Areas
15.92.130 Standards: General Components
15.92.140 Standards: New Construction or Substantial Rehabilitation—Permissive Options
15.92.150 Enforcement
15.92.160 Severability
15.92.170 Effective Date

15.92.010 Purpose and Intent

A. To facilitate the development of residential dwelling units that are visitable, usable, and safe for occupancy by persons with disabilities.

B. To allow buyers of new homes the option of incorporating universal design principles into their future homes in order to enhance their ability to remain in their homes during periods of temporary, developing, or permanent disabilities; and

C. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.

15.92.020 Findings

A. Pursuant to California Health and Safety Code Section 17959, the City Council finds that:

1. According to the Clayton Housing Element, approximately 12.8 percent of City residents (16 years or older) have one or more disabilities. In addition, approximately nine percent of all Clayton residents are over the age of 65. Individuals with mobility difficulties may require special accommodations to their homes to allow for continued independent living.

2. The provisions of this chapter are reasonably necessary to serve these populations as well as those anticipating a disability by enhancing opportunities for the full life-cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests. This is done in order to accommodate a wide range of individual preferences and functional abilities.

3. The provisions of this chapter are substantially the same as the model universal design ordinance adopted by the State of California Department of Housing and Community

Development and are not less restrictive than the requirements of the California Building Code as adopted by the City.

15.92.030 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

Visitable Residential Dwelling: A residential unit subject to the requirements of this chapter by virtue of being within the scope of this chapter as defined in Section 15.92.040.

15.92.040 Scope and Application

A. Unit Coverage. All residential dwelling units which are a part of a residential development project in excess of five units, and are intended to be, owner-occupied or rental for which an application for a new construction building permit is submitted to the Community Development Department 30 or more days after the effective date of this chapter shall be visitable residential dwellings.

B. Unit Types: New construction of all single-family, duplex, and triplex residential dwellings except for custom-built homes.

C. Conditions of Approval. Any tentative map, conditional use permit, site development review or building permit master plan check subject to this chapter shall contain conditions sufficient to ensure compliance with the provisions of this chapter.

15.92.050 Exemptions

A. When the applicant adequately demonstrates and the Community Development Director and Building Official determine that compliance with any portion of any regulation under this chapter would create an undue hardship, or that equivalent facilitation is not available, an exception to that portion of the regulation shall be granted.

B. When the applicant adequately demonstrates and the Community Development Director and Building Official determine that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site, the size of the site, other site constraints, or legal constraints, and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.

C. When the applicant adequately demonstrates and the Community Development Director and Building Official determine that a residential dwelling unit is being reconstructed as a result of a disaster, an exemption to all or any portion of this chapter shall be granted.

D. This ordinance shall not be applicable to any residential structure that has its primary entry located over below-ground or grade-level parking.

15.92.060 Standards: Primary Entrance

A. New Construction—Mandatory to Install: The following items for the accessible entrance on the primary entry level shall be installed: None

B. New Construction—Mandatory to Offer: The following options for the accessible entrance on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with 15.92.140:
   1. An exterior accessible route that is either:
      a. Consistent with the requirements of CBC Chapter 11A; or
      b. Not less than forty inches (40") wide and not having a slope greater than one (1) unit vertical in twenty (20) units horizontal.

2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.
3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following:
    a. Consistent with the requirements of CBC Chapter 11A; or
    b. The width of the level area on the side to which the accessible entrance door swings shall extend twenty-four inches (24") past the strike edge of the door.
4. The exterior accessible entry door that is either:
    a. Consistent with the requirements of CBC Chapter 11A, or
    b. Have a thirty-four inch (34") net clear opening.
5. A second exterior door that is installed in a manner so that it is accessible as provided in this Section 15.92.060 with a thirty-two inch (32") net clear opening.
6. Where at least one eyehole is provided in the accessible entry door, one shall be at standard height and a second one that is between forty-two inches (42") and forty-four inches (44") from the finished floor.
7. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two inches (42") and forty-eight inches (48") from the finished floor must be offered.

15.92.070 Standards: Interior Routes

A. New Construction—Mandatory to Install: The following items for interior routes shall be installed: None.

B. B. New Construction—Mandatory to Offer: The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:
    1. At least one accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.
    2. No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.
    3. Handrails installed in a manner consistent with CBC Chapter 11A on one or both sides of the accessible route, at the option of the purchaser.
    4. Handrail reinforcement installed on one or both sides of the accessible route.
    5. An accessible route with a minimum width of forty-two inches (42"). Alternatively, a thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), or a thirty-six inch (36") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36").

15.92.080 Standards: Primary Floor Powder Room/Bathroom Entry and Facilities

A. New Construction—Mandatory to Install: The following items for the primary floor powder room/bathroom entry and facilities shall be installed: None

B. New Construction—Mandatory to Offer: The following options for the accessible bathroom or powder room on the route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. At least one powder room or bathroom, at the option of the purchaser, on the primary entry level of a visitable residential dwelling which complies with the requirements of CBC Chapter 11A.
2. Clear space in the bathroom or powder room that is either:
    a. Consistent with the requirements of CBC Chapter 11A; or
    b. Outside of the swing of the door and either a forty-eight inch circle, forty-eight inches by sixty inches (48" x 60") or a sixty-inch (60") diameter circle, at the option of the purchaser.
3. A bathtub or shower meeting the requirements of ANSI A117.1
4. Either of the following:
    a. Grab bar reinforcement consistent with CBC Chapter 11A; or
    b. Grab bars installed in a manner consistent with CBC Chapter 11A for the toilet, shower/bath, or lavatory, or any combination thereof, at the option of the purchaser.
5. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.
6. A lavatory or sink installed consistent with CBC Chapter 11A.
7. A toilet installed consistent with CBC Chapter 11A.
8. Removable cabinets under the lavatory/sink.
9. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A.

15.92.090 Standards: Kitchen and Facilities

A. New Construction—Mandatory to Install: The following items for the kitchen and facilities shall be installed: None

B. New Construction—Mandatory to Offer: If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.
2. One or more of the following, at the purchaser's option:
    a. At least a forty-eight inch by sixty-inch (48" x 60") clear space in front of a stove at the base of a U-shaped kitchen;

b. At least a thirty-inch by forty-eight inch (30" x 48") clear space in front of the sink (counting open access underneath, if available);
c. At least one eighteen-inch (18") wide breadboard and/or at least eighteen inches (18") in counter space at a thirty-four inch (34") height, or any combination thereof, at the option of the purchaser.

3. Sink controls consistent with CBC Chapter 11A.
4. Adjustable sink and/or removable under-sink cabinets consistent with Chapter 11A.
5. Hood fan controls at light switch level or lower level.

15.92.100 Standards: Common Use Room

A. New Construction—Mandatory to Install: The following items for common use room shall be installed: None.

B. New Construction—Mandatory to Offer: The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:
1. At least one common use room, such as a dining room or living room, on the accessible route. Sunken or raised areas not exceeding fifty percent (50%) of the area of the room's floor space shall be permitted as an option of the purchaser in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entrance door.
2. No sunken areas in a common use room on an accessible route.
3. Standards related to access to and flatness of any other common area room on the primary entry level.

15.92.110 Standards: Bedroom

A. New Construction—Mandatory to Install: The following items for bedrooms shall be installed: None.

B. New Construction—Mandatory to Offer: If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:
1. At least one bedroom on the accessible route of travel with all components meeting the requirements of Section 15.92.130. A closet shall have at least a thirty-two inch (32") net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with provisions for emergency escape and rescue and smoke alarms in the California Building Code.

15.92.120 Standards: Miscellaneous Areas

A. New Construction—Mandatory to Install: The following items for miscellaneous areas shall be installed: None.

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entrance, either through the dwelling unit or around the dwelling unit.

15.92.130 Standards: General Components

A. New Construction—Mandatory to Install: The following general component items shall be installed: None

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. Rocker light switches and controls installed pursuant to either of the following:
    a. In all rooms required to be accessible and on the accessible route.
    b. Throughout the balance of the residential dwelling unit.
2. On an accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.

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

centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]

d. The hallway wall directly opposite the room door must open to another room with at least a sixty-inch (60") opening on a level with the accessible passageway or hallway.

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

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

15.92.140 Standards: New Construction or Substantial Rehabilitation—Permissive Options

A. The developer or builder of a visitable residential dwelling must offer an opportunity to select any of the features listed in this chapter to a prospective purchaser of a visitable residential dwelling prior to the sale of the dwelling.

B. The developer or builder of a visitable residential dwelling shall construct or install any requested features identified in this chapter unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder, as verified and determined by the Community Development Director and the Building Official.

C. The developer or builder of a visitable residential dwelling, at his or her option, may offer or utilize standards for structural or design features, components or appliances and facilities, including but not limited ANSI Standards, which meet or exceed Chapter 11A and which offer greater availability, access or usability, and these are deemed to be in compliance with this chapter, as determined by the Community Development Director and the Building Official.

D. The City may develop a means of providing public certification as to any residential dwelling unit's compliance with this chapter. No such certification shall be affixed to the residential dwelling unit or the property on which it is located without the authorization of the owner or renter.

15.92.150 Enforcement.

A. It is unlawful for any person or entity to fail to comply with the requirements of this chapter.

B. The City may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this chapter, which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law of the California Health and Safety Code, Sections 17910 et seq.; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.

C. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.

D. Whenever the Building Official or designee re-inspects or otherwise takes any enforcement action against a residential dwelling unit which is governed by this chapter to determine compliance with this chapter, the Building Official may assess fees against the owner to recover the costs to the City and/or County Building Inspection Department according to an established fee schedule. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this chapter or applicable state laws or regulations.

15.92.160 Severability.

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

15.92.170 Effective Date.

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

Within fifteen (15) days after the passage of the ordinance, the City Clerk shall cause a copy of the ordinance, including the names of the City Council members voting for and against 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.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 16th day of April 2013.

PASSED, ADOPTED AND ORDERED posted at a regular meeting of the City Council of the City of Clayton on the___ day of May 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

_____
Julie K. Pierce, Mayor

ATTEST:

_____
Laci Jackson, City Clerk

APPROVED AS TO FORM:

_____
Malathy Subramanian, City Attorney

APPROVED AS TO ADMINISTRATION:

_____
Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 16th day of April 2013 and was duly adopted and ordered posted at a regular meeting of the City Council held on the ____day of May, 2013.

_____

Laci Jackson, City Clerk

Kitchen

- At least a 48 x 60-inch clear space in front of a stove at the base of a U-shaped kitchen.
- At least a 30 x 48-inch clear space in front of the sink (counting open access underneath, if available) and kitchen appliances.
- At least one 18-inch wide breadboard and/or at least 18 inches in counter space at a 34-inch height, or any combination thereof, at the option of the purchaser.
- Sink controls shall be operable with one hand, with no tight grasping, pinching or twisting of the wrist.
- Removable base cabinets directly under the kitchen sink counter area in order to provide clearance for wheelchairs.

Bedroom

- At least one bedroom on the accessible route of travel described below under "Interior Routes."
- A closet shall have at least a 32-inch net opening and adjustable closet rods and shelving.

General

- Rocker light switches and controls installed pursuant to either of the following:
  a. In all rooms required to be accessible and on the accessible route.
  b. Throughout the balance of the residential dwelling unit.
- Electrical outlets, light switches and environmental controls shall be provided within standard reach range (15 inches minimum to 48 inches maximum above the floor).

For More Information Contact:

Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7343

Additional Resources:

- *Institute for Human Centered Design*
  www.humancentereddesign.org
- *Center for Universal Design*
  www.ncsu.edu/project/design-projects/udi/
- *Universal Design Institute*
  http://www.udinstitute.org/index.php
- *California Department of Housing and Community Development*
  www.hcd.ca.gov/codes/shl/universaldesign.html

CITY OF CLAYTON
Founded 1857 – Incorporated 1963

Universal Design Brochure

City of Clayton
Community Development Department

What is Universal Design?

Universal Design can be defined as the design of products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

Purpose of this brochure: The City of Clayton's new Universal Design Ordinance, effective June 2013, requires builders to offer certain accessibility features to buyers of new homes as an upgrade option prior to sale. This ordinance gives homebuyers the option of purchasing homes that are visitable, usable and safe for all persons. This brochure lists universal design features as options available for specified new homes. The costs for the universal design options selected by a homebuyer will be the responsibility of the buyer. The design features presented in this brochure may be of useful consideration for all individuals contemplating residential construction work.

Universal Design Options

Accessible Route and Primary Entry

- Provide a route that has no steps, a surface that is firm, stable, and slip resistant, and has a minimum width of 36 inches from the point of arrival to the primary entrance.
- Primary entry door with minimum 32-inch net clear opening, measured with the door positioned at 90 degrees from closed position.
- Second exterior door with a 32-inch net clear opening.
- Eyeholes in the primary accessible entry door shall be as follows: one at standard height and a second one that is between 42-44 inches from the finished floor.
- At the primary accessible entry door, provide a doorbell that is between 42-48 inches from the finished floor.
- The floor or landing on each side of an exit door shall be level, and shall not be more than ½-inch lower than the top of the threshold of the doorway.

Interior Routes

- An accessible route connected to the primary entry with a minimum width of 42 inches. A 39-inch hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of 34 inches, and a 36-inch hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of 36 inches.
- Abrupt changes in level along any accessible route shall not exceed ½-inch. When changes do occur, they shall be beveled with a slope no greater than 1:2 (50%).
- Stairs shall not be part of an accessible route.
- Stairs along or adjacent to accessible routes shall have slip-resistant surfaces, and handrails on both sides that are 34-38 inches above the nosing of the treads.

Bathrooms

- At least one bathroom or powder room shall be provided on the primary entry level.
- Where the door swings into the bathroom or powder room, a clear maneuvering space shall be provided outside the swing of at least 30 x 48 inches within the room.
- Accessible bathtub or shower meeting the requirements of ANSI A117.1 (i.e., current version of Standard on Accessible and Usable Buildings and Facilities).
- At least one sink or basin 34 inches high maximum to the top of the rim with a 30 x 48-inch minimum clear space.
- Cabinets under lavatories are acceptable provided the bathroom has space to allow a parallel approach and the lavatory cabinets are designed with adaptable knee and toe space.
- A toilet with 17-19 inch maximum height, measured to the top of 2-inch high maximum toilet seat.
- Reinforcement around the tub and/or shower, and toilet for concurrent or future installation of grab bars.
- Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist.

Chapter 7.90
UNIVERSAL DESIGN

Sections:

7.90.010 Purpose.
7.90.020 Findings.
7.90.030 Definitions.
7.90.040 Scope and application.
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7.90.060 Standards—Primary entrance.
7.90.070 Standards—Interior routes.
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7.90.090 Standards—Kitchen and facilities.
7.90.100 Standards—Common use room.
7.90.110 Standards—Bedroom.
7.90.120 Standards—Miscellaneous areas.
7.90.130 Standards—General components.
7.90.140 Standards—New construction—Permissive options.
7.90.150 Enforcement.
7.90.160 Purchaser opt-out option.

7.90.010 Purpose.

A. The purpose of the design guidelines established by this chapter is to enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences or physical abilities.

B. The promotion and preservation of the public health, safety, and general welfare of the people of the city and the property situated therein have made necessary the adoption of a universal design standard for dwellings in order to adequately safeguard life, health, property, and general welfare.

C. The purpose of this chapter is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this chapter. (Ord. 21-07 § 1 (part))

7.90.020 Findings.

A. Pursuant to Health and Safety Code Section 17959, the City Council of the city of Dublin hereby finds that the provisions of this chapter are reasonably necessary because according to the City's Certified Housing Element, approximately thirteen (13) percent of the city's non-institutionalized residents have physical conditions that affect their abilities to live independently in conventional residential settings. Individuals with mobility difficulties may require special accommodations to their homes to allow for continued independent living.

B. The City Council of the city of Dublin hereby finds that the provisions of this chapter are reasonably to enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities.

C. Pursuant to Health and Safety Code Section 17959, the City Council of the city of Dublin hereby finds that the provisions of this chapter are substantially the same as the model universal design local ordinance adopted by the Department of Housing and Community Development. (Ord. 21-07 § 1 (part))

7.90.030 Definitions.

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

"Accessible" means as consistent with or as defined by the California Building Code, Chapter 11A.

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

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

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

"Common use room" means a room commonly used by residents or guests to congregate.

"Condominium" means as defined by the California Building Code.

"Custom-built home" means a single-family detached dwelling that is built to the owner's specifications and not part of a master plan check.

"Dwelling unit" means as defined by the California Building Code.

"Owner-occupied" means any residential dwelling unit not intended, at the time of application for the building permit, to be occupied as a rental dwelling.

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

"Primary entry" means the principal entrance used to enter a building or residential unit, as designated by the Building Official for purposes of compliance with this chapter.

"Rental" means any residential dwelling unit not intended, at the time of application for a building permit, to be occupied by the owner.

"Single-family residential dwelling" means as consistent with or as defined by the California Building Code.

"Substantial rehabilitation" means the reconstruction of the primary entry, hallway, or one bathroom or powder room on the route from the primary entry, when that reconstruction is required to be consistent with the most current version of the California Building Standards Code.

"Visitable residential dwelling" means a residential unit subject to the requirements of this chapter by virtue of being within the scope of this chapter as defined in Section 7.90.040. (Ord. 21-07 § 1 (part))

7.90.040 Scope and application.

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

B. Unit Types. New construction of all single-family, duplex, and triplex residential dwellings for which an application for a building permit is submitted to the Building Division after the effective date of the ordinance codified in this chapter shall be subject to this chapter.

C. Conditions of Approval. Any tentative map, conditional use permit, site development review or building permit master plan check subject to this chapter shall contain conditions sufficient to ensure compliance with the provisions of this chapter. (Ord. 21-07 § 1 (part))

7.90.050 Exemptions.

A. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship, or that equivalent facilitation is not available, an exception to that portion of the regulation may be granted.

B. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site and/or due to the size of the site and/or other site constraints and/or legal constraints and that no equivalent facilitation is available, an exemption to that portion of the regulation may be granted.

C. When the applicant adequately demonstrates and the Building Official determines that a residential dwelling unit is being reconstructed as a result of a disaster, an exemption to all or any portion of this chapter may be granted.

D. This chapter shall not be applicable to any residential structure constructed if the primary entry of that structure is above grade because the primary entry is located over subterranean or grade-level parking. (Ord. 21-07 § 1 (part))

7.90.060 Standards—Primary entrance.

A. New Construction—Mandatory to Install. The following items for the accessible entrance on the primary entry level shall be installed.

1. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two (42) inches and forty-eight (48) inches from the finished floor must be installed.

B. New Construction—Mandatory to Offer. The following options for the accessible entrance on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

1. An exterior accessible route that is either: consistent with the requirements of CBC Chapter 11A; or not be less than forty (40) inches wide and not have a slope greater than one (1) unit vertical in twenty (20) units horizontal.

2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.

3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following: consistent with the requirements of CBC Chapter 11A; or the width of the level area on the side to which the accessible entrance door swings shall extend twenty-four (24) inches past the strike edge of the door.

4. The exterior accessible entry door that is either: consistent with the requirements of CBC Chapter 11A, or has a thirty-four (34) inch net clear opening.

5. A second exterior door that is installed in a manner so that it is accessible as provided in this section with a thirty-two (32) inch net clear opening.

6. Where at least one (1) eyehole is provided in the accessible entry door, one (1) shall be at standard height and a second one (1) that is between forty-two (42) inches and forty -four (44) inches from the finished floor. (Ord. 21-07 § 1 (part))

7.90.070 Standards—Interior routes.

A. New Construction—Mandatory to Install. There are no mandatory installations related to interior routes in a visitable residential dwelling.

B. New Construction—Mandatory to Offer. The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

1. At least one (1) accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.

2. No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.

3. Handrails installed in a manner consistent with CBC Chapter 11A on one (1) or both sides of the accessible route, at the option of the purchaser/owner.

4. Handrail reinforcement installed on one (1) or both sides of the accessible route.

5. An accessible route with a minimum width of forty-two (42) inches. A thirty-nine (39) inch hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four (34) inches, and a thirty-six (36) inch hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six (36) inches. (Ord. 21-07 § 1 (part))

7.90.080 Standards—Primary floor powder room/bathroom entry and facilities.

A. New Construction—Mandatory to Install. When a powder room or bathroom is located on the primary entry level the following item(s) shall be installed in a visitable residential dwelling.

1. Grab bar reinforcement consistent with CBC Chapter 11A for the water closet (toilet) and shower or bathtub.

2. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

B. New Construction—Mandatory to Offer. The following options for the accessible bathroom or powder room on the route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

1. At least one (1) powder room or bathroom, at the option of the purchaser/owner, on the primary entry level of a visitable residential dwelling, which complies with the requirements of CBC Chapter 11A.

2. Clear space in the bathroom or powder room that is either: consistent with the requirements of CBC Chapter 11A; or outside of the swing of the door and either a forty-eight (48) inch circle, forty-eight (48) inches by sixty (60) inches or a sixty (60) inch diameter circle, at the option of the purchaser/owner.

3. A bathtub or shower meeting the requirements of ANSI A117.1.

4. Grab bars installed in a manner consistent with CBC Chapter 11A for the water closet (toilet), shower/bath, or lavatory, or any combination thereof, at the option of the purchaser/owner.

5. A lavatory or sink installed consistent with CBC Chapter 11A.

6. A water closet (toilet) installed consistent with CBC Chapter 11A.

7. Removable cabinets under the lavatory/sink.

8. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A. (Ord. 21-07 § 1 (part))

7.90.090 Standards—Kitchen and facilities.

A. New Construction—Mandatory to Install. When a kitchen is located on the primary entry level, the following item(s) shall be installed in a visitable residential dwelling:

1. Sink controls not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

B. New Construction—Mandatory to Offer. If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

1. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.

2. One (1) or more of the following, at the purchaser/owner's option: at least a forty-eight (48) inch by sixty (60) inch clear space in front of a stove at the base of a U-shaped kitchen; or at least a thirty (30) inch by forty-eight (48) inch clear space in front of the sink (counting open access underneath, if available); or at least one eighteen (18) inch wide breadboard and/or at least eighteen (18) inches in counter space at a thirty-four (34) inch height, or any combination thereof, at the option of the purchaser/owner.

3. Adjustable sink and/or removable under-sink cabinets consistent with Chapter 11A.

4. Hood fan controls at light switch level or lower level. (Ord. 21-07 § 1 (part))

7.90.100 Standards—Common use room.

A. New Construction—Mandatory to Install. There are no mandatory installations related to a common use room in a visitable residential dwelling.

B. New Construction—Mandatory to Offer. The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

1. At least one common use room, such as a dining room or living room, on the accessible route. Sunken or raised areas not exceeding fifty (50) percent of the area of the room's floor space shall be permitted as an option of the purchaser/owner in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entrance door.

2. No sunken areas in a common use room on an accessible route.

3. Standards related to access to and flatness of any other common area room on the primary entry level. (Ord. 21-07 § 1 (part))

7.90.110 Standards—Bedroom.

A. New Construction—Mandatory to Install. There are no mandatory installations related to a bedroom in a visitable residential dwelling.

B. New Construction—Mandatory to Offer. If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140:

At least one (1) bedroom on the accessible route of travel with all components meeting the requirements of Section 7.90.130. A closet shall have at least a thirty-two (32) inch net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with provisions for emergency escape and rescue and smoke alarms in the California Building Code. (Ord. 21-07 § 1 (part))

7.90.120 Standards—Miscellaneous areas.

A. New Construction—Mandatory to Install. There are no mandatory installations related to miscellaneous areas of a visitable residential dwelling.

B. New Construction—Mandatory to Offer. The following options shall be offered, and if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entrance, either through the dwelling unit or around the dwelling unit. (Ord. 21-07 § 1 (part))

7.90.130 Standards—General components.

A. New Construction—Mandatory to Install. The following item(s) shall be installed in all visitable residential dwellings:

1. Hand-activated door hardware not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

2. Rocker light switches and controls or light switches and controls meeting the requirements of ANSI A117.1 or CBC Chapter 11A.

3. The installation of all receptacle outlets, lighting controls and environmental controls throughout the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code.

B. New Construction—Mandatory to Offer. The following options shall be offered, and if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with Section 7.90.140.

1. An accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.

EXCEPTIONS: A thirty-four (34) inch clear doorway width may be requested from a hallway with a thirty-nine (39) inch width, and a thirty-six (36) inch clear doorway width may be requested from a hallway with a thirty-six (36) inch width.

2. The width of the level area on the side toward which an accessible door swings consistent with CBC Chapter 11A.

3. If the Building Official or owner/purchaser determines that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a less wide accessible route is necessary, a functional alternative to ensure that all entries into rooms required to be accessible may be approved by the Building Official or purchaser/owner if it meets at least one (1) of the following requirements and if the hallway is not less than thirty-six (36) inches in width:

a. The entry door to the room must be at the end of a hallway or passageway, or open directly from another room on an accessible route of travel, so that no turn of ninety (90) degrees or more is necessary to enter the room.

b. The hallway wall opposite the room must be inset enough to allow an area of at least eight (8) inches deep with at least a sixty (60) inch run centered on the center of the entry door opening [e.g., an eight (8) inch by sixty (60) inch notch or alcove.]

c. The hallway wall on the same side as the room must be inset enough to allow an area of at least eight (8) inches deep with at least a sixty (60) inch run centered on the center of the entry door opening [e.g., an eight (8) inch by sixty (60) inch notch or alcove.]

d. The hallway wall directly opposite the room door must open to another room with at least a sixty (60) inch opening on a level with the accessible passageway or hallway.

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

4. Flooring throughout the residential dwelling unit consistent with CBC Chapter 11A.

5. Standards pertaining to residential structures from ANSI A117.1 may be used throughout this chapter when CBC Chapter 11A does not contain specific standards or

when the ANSI standards are equivalent to the Chapter 11A standards. (Ord. 21-07 § 1 (part))

7.90.140 Standards—New construction—Permissive options.

A. The developer or builder of a visitable residential dwelling must offer an opportunity to select any of the features listed in this chapter to an owner or prospective owner of a visitable residential dwelling at the earliest feasible time after the owner, purchaser, or prospective purchaser is identified.

B. The developer or builder of a visitable residential dwelling shall construct or install any requested features identified in this chapter unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder.

C. The developer or builder of a visitable residential dwelling, at his or her option, may offer or utilize standards for structural or design features, components or appliances and facilities, including but not limited to ANSI standards, which meet or exceed Chapter 11A and which offer greater availability, access or usability, and these are deemed to be in compliance with this chapter. (Ord. 21-07 § 1 (part))

7.90.150 Enforcement.

A. It is unlawful for any person or entity to fail to comply with the requirements of this chapter.

B. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

C. Any violation of the provisions of this chapter shall constitute a misdemeanor and shall be punished as such in accordance with Section 1.04.030.

D. Enforcement pursuant to this section shall be undertaken by the city through its Community Development Director and the City Attorney.

E. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.

F. Whenever the Building Official or designee reinspects or otherwise takes any enforcement action against a residential dwelling unit which is governed by this chapter to determine compliance with this chapter, the Building Official may assess fees against the owner to recover the costs to the city according to a fee schedule established by the city. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this chapter or applicable state laws or regulations. (Ord. 21-07 § 1 (part))

7.90.160 Purchaser opt-out option.

The purchaser(s) may file a letter with the city of Dublin and the developer with their desire to forgo any or all of the mandatory installation features required under this chapter. Such letter shall relieve the developer of only those mandatory features listed in the purchaser(s) letter; all other mandatory items shall be installed. (Ord. 21-07 § 1 (part))

The Dublin Municipal Code is current through Ordinance 18-12, passed November 6, 2012.
Disclaimer: The City Clerk's Office has the official version of the Dublin Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: http://www.ci.dublin.ca.us/ (http://www.ci.dublin.ca.us/)
City Telephone: (925) 833-6600
Code Publishing Company (http://www.codepublishing.com/)
eLibrary (http://www.codepublishing.com/elibrary.html)

HCD Model Universal Design Local Ordinance (AB 2787)

I. Purpose and Intent

[To be provided by adopting local government]

II. Findings

[Required by H&SC section 17959—to be provided by local government]

III. Definitions. For the purpose of this *[ordinance/chapter]*, the following terms shall have the following definitions:

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

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

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

Building Department: As defined by the California Building Code.

Building Official: As defined by the California Building Code.

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

City/County Financial Assistance: *[if applicable, local government shall define consistent with local ordinances, and may include or exclude any local funds: local tax-exempt or taxable bonds, redevelopment agency funds, general funds, housing trust fund or impact funds, etc.]*

City/County Nonfinancial Assistance: *[if applicable, local government shall define consistent with local ordinances, and may include expedited or front-of-the-line permit processing, density bonuses or other discretionary zoning approvals, specified fee waivers, etc.]*

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

Condominium: As defined by the California Building Code.

Custom-built home: *[Local government shall define consistent with local ordinances.]*

Dwelling Unit: As defined by the California Building Code.

New Construction: *[Local government shall define consistent with local ordinances. However, the definition for "new construction" shall explicitly exclude "substantial rehabilitation" as defined in this ordinance.]*

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

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

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

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

Single-Family Residential Dwelling: *[Define consistent with local ordinances]*

Substantial Rehabilitation: The reconstruction of the primary entry, hallway, or one bathroom or powder room on the route from the primary entry, when that reconstruction is required to be consistent with the most current version of the California Building Standards Code.

Visitable Residential Dwelling: A residential unit subject to the requirements of this *[ordinance/chapter]* by virtue of being within the scope of this *[ordinance/chapter]* as defined in *[section IV, below, and "Standards" paragraphs]*.

IV. *Scope and Application*

A. Unit Coverage : *[___ percent (__%) of **OR All]*** residential dwelling units which are, or are intended to be, *[owner-occupied **OR** rental **OR** owner-occupied and rental]* for which an application for a new construction building permit is submitted to the Building Department 30 or more days after the effective date of this *[ordinance/chapter]*; and [___ percent (__%) of **OR** all] residential dwelling units which are, or are intended to be, [owner-occupied **OR** rental **OR** owner-occupied and rental] for which an application for a substantial rehabilitation building permit is submitted to the Building Department 30 or more days after the effective date of this *[ordinance/chapter]* shall be Visitable Residential Dwellings.

[NOTE: If less than 100% of any option is selected, the administrative process for identifying or determining which residential dwelling unit or units will be subject to the ordinance/chapter shall be specified in this ordinance/chapter by the city/county.]

B. Unit Types: New construction and substantial rehabilitation of the following types of residential dwellings shall be subject to this *[ordinance/chapter]*: *[The city/county must choose either B.1 or B.2, or an option which is substantially the same.]*

Option B.1. All single-family, duplex, and triplex residential dwellings except for custom-built homes.

Option B.2. All single-family, duplex, or triplex residential dwellings only in developments in which at least five single-family, duplex and triplex residential dwellings, or any combination thereof, are being constructed within a one-year period, except for custom-built homes.

V. Exemptions

A. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this *[ordinance/chapter]* would create an undue hardship, or that equivalent facilitation is not available, an exception to that portion of the regulation shall be granted.

B. When the applicant adequately demonstrates and the Building Official determines that compliance with any portion of any regulation under this *[ordinance/chapter]* would create an undue hardship due to topographical conditions of the

site *[and/or the size of the site] [and/or other site constraints] [and/or legal constraints]* and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.

C. When the applicant adequately demonstrates and the Building Official determines that a residential dwelling unit is being reconstructed or substantially rehabilitated as a result of a *[natural disaster] [any disaster]*, an exemption to all or any portion of this *[ordinance/chapter]* shall be granted.

D. This ordinance shall not be applicable to any residential structure constructed or substantially rehabilitated if the primary entry of that structure is above grade because the primary entry is located over subterranean or grade-level parking.

VI. Standards: Primary Entrance:

A. New Construction—Mandatory to Install: There are no mandatory installations related to a Primary Entrance in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options for the accessible entrance on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]:*

1. An exterior accessible route that is either:

a. Consistent with the requirements of CBC Chapter 11A; or

b. Not be less than forty inches (40") wide and not have a slope greater than one (1) unit vertical in twenty (20) units horizontal.

2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.

3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following:

a. Consistent with the requirements of CBC Chapter 11A; or

b. The width of the level area on the side to which the accessible entrance door swings shall extend twenty-four inches (24") past the strike edge of the door.

4. The exterior accessible entry door that is either:

a. Consistent with the requirements of CBC Chapter 11A, or

b. Have a thirty-four inch (34") net clear opening.

5. A second exterior door that is installed in a manner so that it is accessible as provided in this *[paragraph VI]* with a thirty-two inch (32") net clear opening.

6. Where at least one eyehole is provided in the accessible entry door, one shall be at standard height and a second one that is between forty-two inches (42") and forty-four inches (44") from the finished floor.

7. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two inches (42") and forty-eight inches (48") from the finished floor must be offered.

C. Substantial Rehabilitation: Any substantial rehabilitation of the primary external entrance shall comply with the requirements of *[subsection B of this paragraph VI]*, and all of the requirements and options in *[subsection B paragraph XIII]* applicable to the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*.

VII. Standards: Interior Routes:

A. New Construction—Mandatory to Install: There are no mandatory installations related to Interior Routes in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. At least one accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.

2 No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.

3. Handrails installed in a manner consistent with CBC Chapter 11A on one or both sides of the accessible route, at the option of the purchaser/owner.

4. Handrail reinforcement installed on one or both sides of the accessible route.

5. An accessible route with a minimum width of forty-two inches (42"). A thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), and a thirty-six inch (36") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36").

C. Substantial Rehabilitation: Any substantial rehabilitation of the interior route which leads to one primary floor powder room or bathroom shall comply with the requirements of *[subsection B of this paragraph VII]* and the requirements and options in

[subsectionB of paragraph XIII] applicable to the interior route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV].*

VIII. Standards: Primary Floor Powder Room/Bathroom Entry and Facilities

A. New Construction—Mandatory to Install: There are no mandatory installations related to the powder room, bathroom, or other facilities in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: The following options for the accessible bathroom or powder room on the route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]:*

1. At least one powder room or bathroom, at the option of the purchaser/owner, on the primary entry level of a Visitable Residential Dwelling which complies with the requirements of CBC Chapter 11A.

2. Clear space in the bathroom or powder room that is either:

a. Consistent with the requirements of CBC Chapter 11A; or

b. Outside of the swing of the door and either a forty-eight inch circle, forty-eight inches by sixty inches (48" x 60") or a sixty-inch (60") diameter circle, at the option of the purchaser/owner.

3. A bathtub or shower meeting the requirements of ANSI A117.1

4. Either of the following:

a. Grab bar reinforcement consistent with CBC Chapter 11A; or

b. Grab bars installed in a manner consistent with CBC Chapter 11A for the toilet, shower/bath, or lavatory, or any combination thereof, at the option of the purchaser/owner.

5. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

6. A lavatory or sink installed consistent with CBC Chapter 11A.

7. A toilet installed consistent with CBC Chapter 11A.

8. Removable cabinets under the lavatory/sink.

9. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A.

C. Substantial Rehabilitation: Any substantial rehabilitation of one powder room or bathroom on the route from the primary entrance shall comply with the requirements of in *[subsection B of this paragraph VIII]* and the requirements and options in *[subsection B of paragraph XIII]* applicable to that bathroom or powder room shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*.

IX. Standards: Kitchen and Facilities

A. New Construction—Mandatory to Install: There are no mandatory installations related to a kitchen in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIII]:*

1. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.

2. One or more of the following, at the purchaser/owner's option:

a. At least a forty-eight inch by sixty-inch (48" x 60") clear space in front of a stove at the base of a U-shaped kitchen;

b. At least a thirty-inch by forty-eight inch (30" x 48") clear space in front of the sink (counting open access underneath, if available);

c. At least one eighteen-inch (18") wide breadboard and/or at least eighteen inches (18") in counter space at a thirty-four inch (34") height, or any combination thereof, at the option of the purchaser/owner.

3. Sink controls consistent with CBC Chapter 11A.

4. Adjustable sink and/or removable under-sink cabinets consistent with Chapter 11A.

5. Hood fan controls at light switch level or lower level.

C. Substantial Rehabilitation: For any substantial rehabilitation of a kitchen on the primary entry level, there are no requirements either to install or offer any installations or components.

X. Standards: Common Use Room:

A. New Construction—Mandatory to Install: There are no mandatory installations related to a common use room in a Visitable Residential Dwelling

B New Construction—Mandatory to Offer: The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

1. At least one common use room, such as a dining room or living room, on the accessible route. Sunken or raised areas not exceeding fifty percent (50%) of the area of the room's floor space shall be permitted as an option of the purchaser/owner in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entrance door.

2. No sunken areas in a common use room on an accessible route.

3. Standards related to access to and flatness of any other common area room on the primary entry level.

C. Substantial Rehabilitation: For any substantial rehabilitation of a common use room on the primary entry level, there are no requirements either to install or offer any installations or components.

XI. Standards: Bedroom

A. New Construction—Mandatory to Install: There are no mandatory installations related to a bedroom in a Visitable Residential Dwelling.

B. New Construction—Mandatory to Offer: If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]*:

At least one bedroom on the accessible route of travel with all components meeting the requirements of *[paragraph XIII]*. A closet shall have at least a thirty-two inch (32") net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with provisions for emergency escape and rescue and smoke alarms in the California Building Code.

C. Substantial Rehabilitation: For any substantial rehabilitation of a bedroom on the primary entry level, there are no requirements either to install or offer any installations or components.

XII. Standards: Miscellaneous Areas

A. New Construction—Mandatory to Install: There are no mandatory installations related to miscellaneous areas of a Visitable Residential Dwelling.

B New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]:*

If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entrance, either through the dwelling unit or around the dwelling unit.

C. Substantial Rehabilitation: For any substantial rehabilitation of a miscellaneous area on the same floor as the primary entry, there are no requirements either to install or offer any installations or components.

XIII. Standards: General Components

A. New Construction—Mandatory to Install: There are no mandatory installations related to general components in a Visitable Residential Dwelling

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser/owner, if requested when installation is consistent with *[paragraph XIV]:*

1. Rocker light switches and controls installed pursuant to either of the following:
   a. In all rooms required to be accessible and on the accessible route.
   b. Throughout the balance of the residential dwelling unit.

2. On an accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.
EXCEPTIONS: A thirty-four inch (34") clear doorway width may be requested from a hallway with a thirty-nine inch (39") width, and a thirty-six inch (36") clear doorway width may be requested from a hallway with a thirty-six inch (36") width.

3. The width of the level area on the side toward which an accessible door swings consistent with CBC Chapter 11A.

4. If the Building Official or owner/purchaser determines that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a less wide accessible route is necessary, a functional alternative to ensure that all entries into rooms required to be accessible may be approved by the Building Official or purchaser/owner if it meets at least one of the following requirements and if the hallway is not less than thirty-six (36") inches in width:

   a. The entry door to the room must be at the end of a hallway or passageway, or open directly from another room on an accessible route of travel, so that no turn of ninety degrees (90°) or more is necessary to enter the room.

   b. The hallway wall opposite the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]

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

d. The hallway wall directly opposite the room door must open to another room with at least a sixty-inch (60") opening on a level with the accessible passageway or hallway.

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

5. Hand-activated door hardware complying with CBC Chapter 11A.

6. Flooring throughout the residential dwelling unit consistent with CBC Chapter 11A

7. The installation of all receptacle outlets, lighting controls and environmental controls throughout the balance of the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code.

8. Standards pertaining to residential structures from ANSI A117.1 may be used throughout this [*ordinance/chapter*] when CBC Chapter 11A does not contain specific standards or when the ANSI Standards are equivalent to the Chapter 11A standards.

XIV. Standards: New Construction or Substantial Rehabilitation—Permissive Options

A. The developer or builder of a Visitable Residential Dwelling must offer an opportunity to select any the features listed in this *[ordinance/chapter]* to an owner or prospective owner of a Visitable Residential Dwelling at the earliest feasible time after the owner, purchaser, or prospective purchaser is identified.

B. The developer or builder of a Visitable Residential Dwelling shall construct or install any requested features identified in this *[ordinance/chapter]* unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder.

C. The developer or builder of a Visitable Residential Dwelling, at his or her option, may offer or utilize standards for structural or design features, components or appliances and facilities, including but not limited ANSI Standards, which meet or exceed Chapter 11A and which offer greater availability, access or usability, and these are deemed to be in compliance with this *[ordinance/chapter].*

XV. Enforcement:

A. It is unlawful for any person or entity to fail to comply with the requirements of this *[ordinance/chapter]*.

B. *[Local option] The city/county may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this [ordinance/chapter] which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law, sections 17910, et seq., of the California Health and Safety Code; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.]*

C. Remedies under this *[paragraph/section]* are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.

D. *[Local Option]* Whenever the Building Official or designee reinspects or otherwise takes any enforcement action against a residential dwelling unit which is governed by this *[ordinance/chapter]* to determine compliance with this *[ordinance/chapter]*, the Building Official may assess fees against the owner to recover the costs to the *[city/county]* according to a fee schedule established by the *[city/county]*. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this *[ordinance/chapter]* or applicable state laws or regulations.

E. *[Local Option] [The city/county may/shall develop a means of providing public certification as to any residential dwelling unit's compliance with this [ordinance/chapter]. No such certification shall be affixed to the residential dwelling unit or the property on which it is located without the authorization of the owner or renter.]*

XVI. Severability. *[The city/county may adopt appropriate language.]*

XVII. Effective Date: *[The city/county may adopt appropriate language.]*

PLANNING COMMISSION
STAFF REPORT

Meeting Date: November 13, 2012

From: David Woltering, AICP
Community Development Director

Subject: Amendment of the Clayton Municipal Code to add Chapter 15.92 Regarding Universal Design (ZOA 02-12)

BACKGROUND

On April 20, 2010, the City Council approved the Clayton 2009-2014 General Plan Housing Element. Subsequently, on July 15, 2010, the State Department of Housing and Community Development (HCD) conditionally certified this Housing Element. This certification is based on the City of Clayton making a good faith effort toward enacting over 30 categories of implementation measures that are described in the Housing Element. One of the Housing Element implementation measures, Implementation Measure IV.3.3, states the following:

"The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities."

Staff has worked with Raney Planning & Management staff and the City Attorney's office to prepare both a universal design ordinance (See **Attachment 1**) and a universal design brochure (See **Attachment 2**) to distribute to developers and community organizations serving individuals with disabilities. An earlier draft of the universal design ordinance (See **Attachment 3**) was presented to the Planning Commission at its August 28, 2012 meeting. The Commission provided comments on this draft ordinance which are reflected in the minutes from that meeting (See **Attachment 4**).

DISCUSSION

Commission comments regarding the prior draft ordinance are addressed in the present draft in the following manner. The current ordinance, Chapter 15.92, has been modified to clearly state that certain universal design options are "Not Mandatory to Install," but "Mandatory to Offer," as requested by the Commission. The Enforcement Section, 15.92.150, has been modified to remove citations that are not directly pertinent to enforcement. Applicable projects will have conditions of approval that will require conformance with the provisions of this ordinance, including that the developer provides to the City proof that prospective homebuyers were offered the options specified in this ordinance. A draft universal design brochure has been prepared for review and comment by the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission review attached current draft universal design ordinance, Chapter 15.92, provide comments to staff regarding the ordinance, and, then, if the ordinance is acceptable, recommend City Council approval of the ordinance, with modifications, as determined necessary. Staff also requests comments from the Commission on the draft universal design brochure.

ATTACHMENTS

1 Universal Design Ordinance (Chapter 15.92)
2 Universal Design Brochure (Draft)
3 Universal Design Ordinance (Draft)
4 Planning Commission Minutes, dated August 28, 2012 (Excerpt)

ZOA\2012\02-12.sr.pc.unversal.design.11.13.12

Minutes
Clayton Planning Commission Meeting
Tuesday, November 13, 2012

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

Present:	Chair Keith Haydon, Vice Chair Gregg Manning, Commissioner David Bruzzone, Commissioner Sandra Johnson, Commissioner Dan Richardson
Absent:	None
Staff:	Community Development Director David Woltering Assistant Planner Milan Sikela

Administrative
1A. Review of agenda items.
1B. Commissioner Johnson to report at the City Council meeting on November 20, 2012.

Public Comment
None.

Approval of Minutes
2. Approval of minutes from the meeting of October 23, 2012.

Commissioner Richardson moved and Commissioner Johnson seconded a motion to approve the minutes, as presented. The motion passed 4-1 (Vice Chair Manning abstained since he did not attend the October 23, 2012 Planning Commission meeting).

Public Hearing
3A. **SPR 04-12, Site Plan Review Permit, Toll Brothers,** 3 Seminary Ridge Place, APN 119-640-017. A site plan review permit to consider a proposed second-story balcony to be located on the exterior side and rear of a two-story single-family residence. The balcony measures approximately 600 square feet in area and the balcony is located approximately 13 feet above ground level.

Assistant Planner Sikela presented the staff report.

Vice Chair Manning asked did staff receive any comments after distributing the notice for the public hearing? *Assistant Planner Sikela answered that no comments had been received.*

Commissioner Richardson asked why was an exterior staircase was located on the rear corner of the residence? *Director Woltering answered that the exterior staircase was for ingress and egress purposes since the split-level residence was two stories in height at the rear corner of the residence.*

The public hearing was opened.

3B. **ZOA 02-12, Municipal Code Amendment, City of Clayton.** Consideration of a Universal Design Ordinance which would require that design features are offered in specified single-family residential units to make those units more visitable, usable, and safe for occupancy by persons with disabilities. In general, the intent and purpose of the Universal Design Ordinance is to provide greater adaptability and accessibility of housing for persons with disabilities.

Director Woltering presented the staff report.

Commissioner Johnson indicated that the brochure can also serve as a guide for those upgrading their residences.

Vice Chair Manning agreed with Commissioner Johnson and added that if a project is submitted for approval, even a project as minor as a kitchen remodel, the brochure would be a good resource for applicants to know about.

Director Woltering indicated that an example of how the Universal Design Ordinance (UDO) would apply is the proposed Silver Oaks Estates subdivision. Any single-family residences, duplexes, and triplexes within the subdivision would be subject to the design parameters of the UDO with the prospective homebuyer incurring the cost of having UDO design upgrades included in the construction of a residence.

Chair Haydon confirmed that the prospective homebuyer who requests that the UDO design upgrades be included in the construction of the residence would then fund the construction of design upgrades, correct? *Director Woltering indicated that was correct.*

Chair Haydon and Vice Chair Manning suggested that the wording in the UDO brochure be clarified so it is understood by whoever is reading the brochure that the costs of the design upgrades selected by the homebuyer are the responsibility of the homebuyer.

Commissioner Johnson suggested that the brochure could also include language about the design features presented in the brochure being useful for consideration by all individuals contemplating residential construction work.

Commissioner Richardson indicated the following:

- The UDO is a wonderful addition to the City's Municipal Code.
- The language in the UDO should avoid implying that existing homes within Clayton are not "visitable."
- It is important that the design options be offered to the homebuyer well in advance of the sale of the home.

Commissioner Bruzzone suggested and the Planning Commission agreed that the language used in Section 15.92.140 of the UDO under "New Construction—Not Mandatory to Install" under Subsection A should be modified to be more clear and understandable.

The Planning Commission reached consensus on the following example for Section 15.92.060.A or a guide for modifying Subsection A throughout:

> "Specified installation related to primary entrance in a visitable dwelling as described below in Subsection B."

Commissioner Bruzzone noted that Subsections A and B under Section 15.92.140 seem somewhat vague with regard to describing when exactly the design features would be offered to a homebuyer and that clarification of the proposed language could be useful. Under Subsection A, it states that the offer of design features to a homebuyer be "at the earliest feasible time after the prospective purchaser is identified." The Commission agreed that "prior to the sale of the dwelling" would be acceptable replacement language.

Commissioner Bruzzone further suggested that, under Subection B, the wording should indicate that "the developer or builder shall construct or install any requested features identified in the Chapter unless inclusion of the features causes unreasonable delay in construction or significant unreimbursable costs."

The Commission agreed that it would be important to add language regarding who would make the determination of whether or not there is an "unreasonable" delay or "significant" unreimbursable costs. To address this concern, Director Woltering proposed the language "...as verified and determined by the Community Development Director."

Commission and staff discussion continued regarding methods of assuring that the developer and/or builder would indeed be able to offer the options listed in Chapter 15.92.

Director Woltering indicated that the UDO would be adopted and the related requirements would be part of a developer/builder due diligence in preparing an application and discussion topic at any pre-application meeting. Accordingly, the objective would be that the developer/builder would need to consider how to offer the design options, even as early as when the pre-application meeting with City staff occurs.

Director Woltering suggested that the item be continued in order to allow staff time to review proposed design options with local builders and developers to determine if any of the proposed options are overly-difficult, infeasible, or cost-prohibitive to offer to a prospective homebuyer. He would advise the Commissioners of his findings at the continued meeting and suggest any appropriate modifications to Chapter 15.92. He added that he would also incorporate the modifications provided by the Commission and provide an updated version of Chapter 15.92 at the continued meeting.

Commissioner Richardson moved and Vice Chair Manning seconded a motion to continue the item to a date uncertain to allow staff to conduct additional research and report back to the Planning Commission. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Woltering indicated the following:

- The regular Planning Commission meeting of November 27, 2012 would be cancelled and the next meeting of the Planning Commission would be December 11, 2012.
- At the December 11th meeting, the Creekside Terrace extension would be brought before the Planning Commission.

6B. Commission.

Commissioner Richardson indicated that he attended the November 8, 2012 TRANSPAC meeting and described the following discussions at that meeting:

- A consultant gave a presentation regarding the 680 freeway.
- An inventory and condition assessment of local highways and freeways was provided.
- There is a grant for van transportation available.

Chair Haydon asked if there were any updates on the Caldecott Tunnel. *Commissioner Richardson indicated that there were no Caldecott Tunnel updates provided at the TRANSPAC meeting.*

Adjournment

7. The meeting was adjourned at 8:41 p.m. to the regularly-scheduled meeting of December 11, 2012.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Keith Haydon
Chair

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PLANNING COMMISSION
STAFF REPORT

Meeting Date:	**December 11, 2012**
From:	**David Woltering, AICP** **Community Development Director**
Subject:	**Amendment of the Clayton Municipal Code to add Chapter 15.92 Regarding Universal Design (ZOA 02-12)**

BACKGROUND

On April 20, 2010, the City Council approved the Clayton 2009-2014 General Plan Housing Element. Subsequently, on July 15, 2010, the State Department of Housing and Community Development (HCD) conditionally certified this Housing Element. This certification is based on the City of Clayton making a good faith effort toward enacting over 30 categories of implementation measures that are described in the Housing Element. One of the Housing Element implementation measures, Implementation Measure IV.3.3, states the following:

"The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities."

Staff has worked with Raney Planning & Management staff and the City Attorney's office to prepare both a universal design ordinance, Chapter 15.92 (See **Attachment 1**) and a universal design brochure (See **Attachment 2**) to distribute to developers and community organizations serving individuals with disabilities. These documents were presented and reviewed by the Planning Commission at its meetings of August 28, 2012 and November 13, 2012. At those meetings, staff received and incorporated comments from the Planning Commission into the current iterations of these documents.

At the November 13, 2012 Planning Commission meeting, there was discussion about the timing and feasibility of offering some of the design features listed in proposed Chapter 15.92 by builders and developers to prospective buyers of new homes. Staff suggested, and the Commission agreed, that the discussion of the universal design ordinance be continued to a future meeting to allow staff to do more research regarding the general feasibility of implementing the listed design features proposed to be offered in the draft ordinance. Staff has completed additional research, and in the Discussion section of this report summarizes its findings and as well as options for consideration.

DISCUSSION

Architect Dan Hale of Hunt Hale Jones, whose firm designed the Diablo Estates at Clayton residential subdivision, reviewed the current draft universal design ordinance. His comments are summarized below. A primary concern of Mr. Hale's was related to meeting the clearances

suggested in the draft ordinance in areas such as hallways, kitchens, and bathrooms. The assumption was that an overall design option would need to be provided, if requested by a prospective homebuyer, for all the units being proposed. He suggested this could be challenging from a design standpoint and costly. He anticipated the difficulty and cost could lead to requests for exemptions and possible challenges from prospective buyers if requests were deemed infeasible. He did not anticipate a problem with design offerings such as rocker switches, lower door bells, disabled-friendly door handles and faucets. He suggested an option of requiring that a developer offer one or possibly two plan types, depending on the size of the subdivision, which could include the universal design features listed in the draft ordinance. In this manner, the objective of the City to have more visitable homes would be achieved while not requiring the developer/builder to prepare a separate set of universal design plans for all plan types. The plan type could involve the ground floor for a two-story home or a single-story home. He suggested this option could be a more feasible and less costly approach.

Staff also spoke with Mr. Gregory Schreeve, Chief Building Official for the City of Dublin. Mr. Schreeve helped draft Dublin's universal design ordinance, Chapter 7.90 (See **Attachment 3**) and has been implementing it since its adoption a couple of years ago. Similar to the current draft of the Clayton universal design ordinance, Dublin's ordinance is modeled after HCD's model universal design ordinance. Dublin also has a universal design brochure (See **Attachment 4**) that it uses to inform citizens of this ordinance. The Dublin ordinance is different from Clayton's draft ordinance in a number of areas, including the following:

- The threshold for applicability is a project in excess of 20 units and it indicates conformance with the requirements of this ordinance will be included as a condition of approval for specified entitlements (Section 7.90.040);
- A lower level doorbell is a mandatory installation feature (Section 7.90.060);
- Grab bar reinforcements and disabled-friendly faucets are mandatory installation features (Section 7.90.080);
- Sink controls are mandatory installation features (Section 7.90.090); and
- Hand-activated door hardware, rocker light switches, and specialized receptacle outlets are mandatory installation features (Section 7.90.130).

Mr. Schreeve indicated that, initially, during the process for consideration of the ordinance there was substantial opposition from developer interests. There were concerns about added costs and feasibility of offering many of the universal design features. These concerns were similar to those of Mr. Hale about modifying base design plans to satisfy clearance requirements. He indicated, though, that advocates for the proposed universal design standards argued that there would not be a need to alter the base home designs if the clearances were simply part of the base plans. Moreover, it was agreed that offering these features would apply only to ground floor areas and to projects in excess of 20 units. He indicated that developers of applicable projects, i.e., in excess of 20 residential units, know that they must comply with this municipal code requirement. Staff reminds the developers during pre-application meetings of this requirement, plans are checked when submitted for conformance with the universal design ordinance before being presented for Planning Commission review, conditions are attached to assure the requirements are satisfied, and a checklist is signed off at the time of final inspection. He indicates that the program has been very successful.

RECOMMENDATION

Staff suggests that the Planning Commission review the materials attached from the City of Dublin as well as the options presented in this report to facilitate the construction of universal design features in new housing here in Clayton. The Commission should discuss these options and then suggest to staff options/revisions to the City's current draft universal design ordinance. Options for consideration include establishing a unit number threshold for applicability of the universal design ordinance, requiring a certain number of plan types for offering or to have universal design features, and actually mandating those design features that appear of a lower cost and easier to install similar to Dublin. Based on the Commission's discussion and resulting direction, staff will modify and bring back the universal design ordinance to the Commission for a recommendation to the City Council.

ATTACHMENTS

1 Clayton's Draft Universal Design Ordinance, Chapter 15.92
2 Clayton's Draft Universal Design Ordinance Brochure
3 Dublin's Universal Design Ordinance, Chapter 7.90
4 Dublin's Universal Design Ordinance Brochure

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Minutes
Clayton Planning Commission Meeting
Tuesday, December 11, 2012

Call to Order
Vice Chair Gregg Manning called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Vice Chair Gregg Manning, Commissioner David Bruzzone, and Commissioner Sandra Johnson
Absent: Chair Keith Haydon, Commissioner Dan Richardson
Staff: Community Development Director David Woltering

Administrative
1A. Review of agenda items.
1B. Vice Chair Gregg Manning will report to the City Council meeting on December 18, 2012

Public Comment
None.

Approval of Minutes
2. Approval of minutes from the meeting of November 13, 2012.

Commissioner Johnson moved and Commissioner Bruzzone seconded a motion to approve the minutes, as presented. The motion passed 3-0.

Public Hearing
3A. **SPR 05-12, Site Plan Review Permit, Jenna Caldwell,** 5832 Verna Way East, APN 120-012-001. A site plan review permit to consider the proposed construction of a single-story addition on the rear of an existing single-story single-family residence. The addition is proposed at approximately 14 feet in height and 840 square feet in area.

Community Development Director David Woltering presented the staff report. Director Woltering indicated the addition is proposed at the rear of the existing residence and would not be visible from the street. He stated further that the proposed colors, exterior building materials, and architectural style of the addition would match those of the existing home. He concluded his presentation by stating that staff believed the proposed project conformed with the required Clayton Municipal Code standards for review and that staff was recommending approval of the project, subject to the recommended findings and conditions of approval listed in the staff report.

Vice Chair Manning noted that the height of the proposed rear addition wing was slightly higher than the existing wing (with the existing footprint of the home being an "L" configuration). The Vice Chair stated that he did not find that aspect of the project objectionable and, as a single story addition located on the rear of the home, it would have limited visibility from public streets and sidewalks.

3C. **ZOA 02-12, Municipal Code Amendment, City of Clayton.** Consideration of a Universal Design Ordinance which would require that design features are offered in specified single-family residential units to make those units more visitable, usable, and safe for occupancy by persons with disabilities. In general, the intent and purpose of the Universal Design Ordinance is to provide greater adaptability and accessibility of specified housing for persons with disabilities.

Director Woltering presented the staff report and indicated that, as requested by Commission, he had completed additional research since the November 13, 2012 Planning Commission meeting when the item was last reviewed by the Commission. The Commission had requested information regarding the development community's sentiments about the feasibility of offering the range of design options in the draft universal design ordinance. Director Woltering indicated that he contacted Dan Hale, Project Architect for the Diablo Estates at Clayton residential subdivision (a project that was approved and is now under construction). Mr. Hale had indicated concerns about the larger-than-standard clearances for areas such as hallways, kitchens, and bathrooms. His concern related to an applicant/developer having to prepare a second set of architectural plans for all of the model types that might be offered in the subdivision in order to provide universal design options to a prospective buyer. He suggested that, as a possible alternative, a single or perhaps two plan types have specified universal design features, depending upon the number of plan types being offered in a subdivision, or that a prospective homebuyer would have the option to request the features in those plan types. In this manner, the developer and design professional would not need to prepare alternative design drawings for all of the plan types. He further indicated that, while he was concerned about the wider clearances offered in the current draft ordinance, installing such amenities such as lower doorbells and front door peep holes, rocker switches, and disabled-friendly handles and hardware would not be difficult to do.

Mr. Woltering indicated that he also spoke with Gregory Schreeve, the Chief Building Official for the City of Dublin. Mr. Schreeve had helped draft the City of Dublin universal design ordinance and, since the time of the ordinance's adoption, has worked with Dublin's development community on the implementation of that ordinance. Mr. Schreeve indicated that, initially, there was strong developer opposition to the Dublin's proposed universal design ordinance. He indicated, however, that Dublin included a threshold of applicability that only residential development projects in excess of 20 units would be required to conform to the requirements of Dublin's universal design ordinance. He also mentioned that developers of projects that meet the threshold typically design their projects to satisfy clearance thresholds in order to avoid having to prepare a second set of architectural plans or prevent having to modify a structure later in the development pipeline. Lastly, Mr. Schreeve had mentioned that homebuyer acceptance of the wider clearance has been good.

Mr. Woltering indicated also that he had incorporated the changes suggested by the Commissioners at the November 13, 2012 meeting into the most recent iteration of the Clayton draft universal design ordinance.

Vice Chair Manning opened the public hearing.

There were no public comments.

Vice Chair Manning closed the public hearing.

Commissioner Johnson indicated that she was interested in the idea of establishing a threshold, but that the threshold should be lower for Clayton than what was put in place in the City of Dublin. She also indicated support for developers incorporating the clearance requirements into the residential plan early in the design process.

Vice Chair Manning indicated he had visited a manufactured home in Healdsburg, California, earlier this year. The manufactured home had wider clearances and felt spacious and quite comfortable. He said that he could imagine that there would be favorable buyer acceptance of the wider clearances, as Mr. Schreeve had indicated.

Vice Chair Manning indicated that he found the City of Dublin website helpful as well as sources cited in the City of Dublin universal design brochure that staff had provided as an attachment to the staff report. He indicated the Dublin approach was to place less information directly into their brochure and provide references (i.e., citations) for additional information.

Commissioner Johnson indicated she liked the thoroughness of the draft Clayton universal design brochure.

Commissioner Buzzone agreed with Commissioner Johnson that addressing the clearance requirements during the initial stage of design would be helpful.

Commissioner Bruzzone and the other Commissioners asked Director Woltering about the importance of completing this particular Housing Element implementation measure to adopt and implement a universal design ordinance? *Director Woltering indicated that, as one of the listed implementation measures in the adopted Housing Element, it should be implemented, if deemed feasible. However, assuring an adequately-designated and appropriately-classified amount of acreage to accommodate multi-family housing is an even higher priority. The City has already redesignated and reclassified certain properties to high density multi-family, which is helpful.*

The Commission indicated the following:

- We have an interest in obtaining additional information including a listing of projects in the City of Dublin that were designed to satisfy the wider clearances and that may have been built and could be visited.
- We would like to know if other communities in Contra Costa County have also adopted and implemented universal design ordinances.
- We would like an opportunity to speak with the Dublin Building Official, buyers of universal design homes, and developers working with the City of Dublin.
- We like to obtain more information on other communities in Contra Costa County that may have adopted and implemented universal design ordinances.

Director Woltering indicated that he would attempt to obtain the additional information being requested by the Commission.

Commissioner Johnson moved and Commissioner Bruzzone seconded the motion to continue this item to a date to be determined to enable staff to conduct further research on this matter and report back to the Commission with its findings. The motion passed 3-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff — None.

6B. Commission — None.

Adjournment

7. The meeting was adjourned at 8:21 p.m. The next meeting of the Planning Commission on **December 25, 2012 is cancelled.** The next regularly-scheduled meeting is on **January 8, 2013.**

Submitted by
David Woltering, AICP
Community Development Director

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Approved by
Keith Haydon
Chair

PLANNING COMMISSION
STAFF REPORT

Meeting Date: **January 8, 2013**

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

Subject: **Amendment of the Clayton Municipal Code to add Chapter 15.92 Regarding Universal Design (ZOA 02-12)**

BACKGROUND

On April 20, 2010, the City Council approved the Clayton 2009-2014 General Plan Housing Element. Subsequently, on July 15, 2010, the State Department of Housing and Community Development (HCD) conditionally certified this Housing Element. This certification is based on the City of Clayton making a good faith effort toward enacting over 30 categories of implementation measures that are described in the Housing Element. One of the Housing Element implementation measures, Implementation Measure IV.3.3, states the following:

"The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities."

Staff has worked with Raney Planning & Management staff and the City Attorney's office to prepare both a universal design ordinance, Chapter 15.92 (See **Attachment 1**) and a universal design brochure to distribute to developers and community organizations serving individuals with disabilities. These documents were presented and reviewed by the Planning Commission at its meetings of August 28, 2012, November 13, 2012, and December 11, 2012. At those meetings, staff received and incorporated comments from the Planning Commission into the current iterations of these documents.

At the December 11, 2012 Planning Commission meeting, there was discussion about receiving more information from the City of Dublin as well as contacting Contra Costa County communities about their efforts in preparing and implementing universal design ordinances. (Please refer to the Draft December 11, 2012 Planning Commission Minutes that are a part of the January 8, 2013 Planning Commission packet).

DISCUSSION

Staff has attached the City of Dublin's Universal Design Ordinance, Chapter 7.90 (See **Attachment 2**) and a copy of the staff report from the December 11, 2012 Planning Commission meeting (See **Attachment 3**) for reference purposes. It should be noted that Dublin's Ordinance was adopted in October of 2007 and became effective in November of 2007. Consequently, the City of Dublin has had approximately five years of experience implementing this Ordinance.

As requested by the Planning Commission at its meeting on December 11, 2012, staff has had further conversation with Mr. Gregory Shreeve, Chief Building Official, City of Dublin, and has been making contact with other Contra Costa County community staff members regarding their efforts to adopt universal design ordinances. Mr. Shreeve indicated he will forward a list of projects in which universal design features have been installed in Dublin. Staff will forward that list to the Commission when it is received. Given the holiday break, staff is still collecting information from other Contra Costa Community staff members on their efforts to prepare and implement universal design ordinances. At the Planning Commission meeting on January 8, 2013, staff will provide the information that has been received to date. Thus far, the communities that have responded to staff have not adopted universal design ordinances.

In addition to the update at the January 8th meeting to include information received from other Contra Costa County staff members, staff would like to continue its discussion with the Planning Commission regarding the following:

- The value/impact/feasibility of adopting a universal design ordinance in Clayton;
- Establishing a universal design Plan Type option requirement, based on the number of Plan Types proposed in a subdivision; and,
- Considering incorporating specific aspects of Dublin's Ordinance into Clayton's proposed Universal Design Ordinance:
    - 7.90.040.A Unit Threshold for Applicability.
    - 7.90.040.C Conditions of Approval.
    - 7.90.060.A.1 Mandatory to Install (Doorbell).
    - 7.90.090.1 Mandatory to Install (Sink Controls).
    - 7.90.130.1 Mandatory to Install (Hand-activated Door Hardware).
    - 7.90.130.2 Mandatory to Install (Rocker Light Switches).
    - 7.90.130.3 Mandatory to Install (Receptacle Outlets).
    - 7.90.160 Purchaser Opt-out Option.

RECOMMENDATION

Provide direction to staff regarding the matters reviewed with the Planning Commission.

ATTACHMENTS

1 Clayton's Draft Universal Design Ordinance, Chapter 15.92
2 Dublin's Universal Design Ordinance, Chapter 7.90
3 December 11, 2012 Universal Design Ordinance Staff Report

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Minutes
Clayton Planning Commission Meeting
Tuesday, January 8, 2013

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

Present:	Chair Keith Haydon
	Vice Chair Gregg Manning
	Commissioner David Bruzzone
	Commissioner Dan Richardson
Absent:	Commissioner Sandra Johnson
Staff:	Community Development Director David Woltering
	Assistant Planner Milan Sikela, Jr.

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative
1A. Review of agenda items.
1B. Chair Haydon to report at the City Council meeting on January 15, 2013.

Public Comment
None.

Approval of Minutes
2. Approval of minutes from the meeting of December 11, 2012.

Vice Chair Gregg Manning moved and Commissioner Bruzzone seconded a motion to approve the minutes, as presented. The motion passed 3-0-2 (Chair Haydon and Commissioner Richardson abstained as they did not attend the December 11, 2012 Planning Commission meeting).

Public Hearing
3. **ZOA 02-12, Municipal Code Amendment, City of Clayton.** Consideration of a Universal Design Ordinance which would require that design features are offered in specified single-family residential units to make those units more visitable, usable, and safe for occupancy by persons with disabilities. In general, the intent and purpose of the Universal Design Ordinance is to provide greater adaptability and accessibility of specified housing for persons with disabilities.

Chair Haydon opened the public hearing.

Community Development Director David Woltering presented the staff report and indicated the following:

- During research for the Universal Design Ordinance (UDO), staff utilized the City of Dublin's UDO as a template for drafting the City of Clayton's UDO and spoke with Chief Building Official Gregory Shreeve at the City of Dublin.
- Other than the City of Dublin, other jurisdictions contacted by staff either did not know of the UDO or did not respond.

- When I talked to Mr. Shreeve from the City of Dublin, he indicated that the reality is that homebuyers are not choosing the design options offered by the UDO. Mr. Shreeve added, however, that one of the advantages of the UDO is the raising of community awareness regarding making homes more livable for aging homeowners and visitable for disabled persons visiting the home. At the end of the UDO approval process, the Mandatory to Install items were preferred over the Mandatory to Offer items. The Braddock and Carla Rosa subdivisions are two developments in Dublin that the Clayton Planning Commissioners may wish to visit to observe residential units with UDO design options installed.
- Given the low number of additional housing units that are projected to be constructed in Clayton in the coming years, the Planning Commission should decide if the small amount of potential UDO units that would be constructed would warrant establishing of UDO requirements in the first place.
- If the UDO is to be adopted, we want to make sure the ordinance is not onerous. There is value in trying to find a middle ground.
- The proposed threshold for the UDO requirements to be triggered is for any projects over five units in size (six or more units).
- The Planning Commission could either choose to have Mandatory to Offer items codified in the UDO or Mandatory to Install items such as doorbells, sink controls, hand-activated door hardware, rocker light switches, and receptacle outlets.
- Staff would like to highlight that a purchaser opt-out option would be codified as part of the Mandatory to Install items listed in the UDO.
- Project-specific conditions of approval could also be used to bolster the UDO requirements.
- Based on Commission direction at tonight's meeting, staff would bring back a draft ordinance for further refinement.
- There have been concerns expressed by members of the City Council that the UDO may burden the development community. The Commission needs to consider whether the UDO is overly-regulatory.

Chair Haydon had the following comments:

- Requiring universal design options in every plan type would be cumbersome for developers. It would be more reasonable to have universal design options offered in only one plan type.
- I agree that Mandatory to Install items seem a better choice than Mandatory to Offer items in that the Mandatory to Install items are not as cost-prohibitive as the Mandatory to Offer items yet the Mandatory to Install items still meet the intent of the UDO which is to make homes more livable/visitable for the elderly and disabled.
- It is good to include the purchaser opt-out option for Mandatory to Install items.
- A definition for "Building Official" should be provided.

Commissioner Bruzzone had the following comments:

- I agree with Chair Haydon.
- Prospective homebuyers may be surprised by the cost of the universal design items.
- It might be difficult for the UDO to be successful.

Director Woltering indicated the following:

- When I talked to Mr. Shreeve, he had explained that, when the UDO became effective in Dublin, City employees practiced due diligence to inform everyone about the UDO.

- If established in Clayton, staff would inform all developers and applicants of the UDO so that it could be offered to prospective homebuyers. To assist in this endeavor, staff would provide the UDO brochure at the counter as well as make it available on the City's website.
- The Mandatory to Install requirements would allow for baseline design features to be provided.
- Our goal as a community is to decide if we feel the UDO is important to implement.
- The Uniform Building Code already provides for these design features, but community awareness is not there.
- The cost for inclusion of the universal design features, whether they are the Mandatory to Install items or Mandatory to Offer items, would be borne by the homebuyer.
- Our objective is to blend to UDO with our current City regulations.
- It is a matter of economies of scale—is it a boon to Clayton to enact such regulations given the low level of development activity in the City?
- It is up to the Planning Commission whether we should implement the UDO in its entirety; implement the UDO in a scaled-back version; or, do as the General Plan Housing Element Implementation Measure indicates and investigate the potential of enacting such an ordinance and, based on the Commission's evaluation, decide that it is not worth pursuing since the Uniform Building Code already provides for universal design features.

Vice Chair Manning indicated that it would be good to know what the City Council thinks of the UDO.

Commissioner Richardson asked would the UDO be required in the Town Center Specific Plan Area? *Director Woltering responded no, it would not be required in the Town Center Specific Plan Area since the UDO applies to first-floor residential and it is anticipated that future residential development within the Town Center will occur mostly on the second floor.*

Commissioner Richardson had the following comments:

- I think the UDO is a terrific idea.
- These types of groundbreaking improvement require facilitators to make the good decisions.
- Doing what is right is important.
- We should look at the design components of the UDO that would be lower in cost to construct, such as the Mandatory to Install items. For instance, grab bars would only require that blocking be placed inside the wall so that, at a later date and if chosen by the homeowners, grab bars could easily be installed.
- It is worth it to continue working on the UDO and to look at versions of the UDO that avoid financially burdening those who foot the bill on such design features.
- We need to find the balance between requiring certain design features and not impeding development.

Vice Chair Manning had the following comments:

- I agree with Commissioner Richardson.
- Design features such as rocker light switches are a benefit to homeowners and occupants of any age or level of disability.
- My concern is that there is not enough development within Clayton to warrant implementation of the UDO.

Director Woltering indicated the following:

- I agree that the economies of scale are important to consider as we review the draft UDO and associated implications of establishing such an ordinance. There are projects that the UDO may be applicable to such as the proposed 59-unit Silver Oak Estates subdivision or, perhaps, future subdivisions that may be developed as part of the potential annexation areas east of Clayton.
- Staff has prepared a draft UDO brochure which would assist is raising awareness.

Commissioner Bruzzone had the following comments:

- I think the UDO is a great concept.
- The Mandatory to Install items are fairly inexpensive; however, alternatively, we want to ensure that costs are not prohibitive. We want to accommodate and facilitate development, not restrict it.

Chair Haydon had the following comments:

- There is definite value in the UDO.
- Like the brochure idea.
- We do not want to burden homebuyers.
- I agree that there is value in getting input from the City Council.
- We should utilize the Mandatory to Install items that are not as expensive and include blocking for grab bars as one of the Mandatory to Install items.
- Our objective is to try and create a balance.

Director Woltering gave an overview of the Planning Commission's direction to staff which, in summary, entailed the following:

- The Mandatory to Install items are preferred over the Mandatory to Offer items.
- Consideration should be given to reduce financial impacts to the homebuyer.
- Threshold requirement is omitted.
- Unit type requirement is omitted.
- Conditions of approval ensuring compliance with the UDO should be included.
- Utilize Mandatory to Install items, adding blocking for grab bars to the Mandatory to Install list.
- Mandatory to Offer items are omitted.
- Include the purchaser opt-out option.
- Modify both the brochure and draft ordinance and return to the Commission at a later date with the requested revisions for further review.

Assistant Planner Sikela indicated that the brochure, once finalized, could be attached to the application forms at the City Hall counter in addition to being available on the City's website.

Commissioner Richardson moved and Vice Chair Haydon seconded a motion to continue the item to a date uncertain to allow staff to make the requested revisions and return to the Planning Commission at a future meeting. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Woltering indicated the following:

- Received calls from developers interested in the Creekside Terrace property, Stanley property, and property located on the west side of Marsh Creek Road south of the Town Center.
- I have been offered and have accepted a position as the Community Development Director for the City of San Bruno. It has been a fantastic experience here and I wish to thank everyone who I have worked with here at the City of Clayton. Milan has been very supportive during my tenure here. The position in San Bruno is a growth opportunity. Various projects I will be working on include the Corridor Plan on El Camino Real and San Mateo Avenue, the Crossings Development which has hundreds of units, new Cal Train Station, new Bart Station, and projects related to the San Francisco International Airport which is located directly adjacent to and east of San Bruno. San Bruno is a beautiful community with many dynamic aspects that will be very challenging for me.

6B. Commission — None.

Vice Chair Manning indicated the following:

- You will be missed, David.
- It was a pleasure great working with you.

Commissioner Richardson indicated the following:

- It will be a great opportunity for you in San Bruno.
- I have thoroughly enjoyed working together.

Commissioner Bruzzone indicated the following:

- Thank you for the great work you have done for the City of Clayton.
- We will miss having you here.

Chair Haydon indicated the following:

- I agree with all of the comments made by the other Commissioners.
- We have been impressed with your work from day one.
- You have a comfortable style that is very professional.
- San Bruno will be lucky to have you as their Community Development Director.

Adjournment

7. The meeting was adjourned at 8:40 p.m. to the regularly-scheduled meeting of January 22, 2013.

Submitted by
Milan J. Sikela, Jr.
Assistant Planner

Approved by
Keith Haydon
Chair

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PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 26, 2013

From: Kenneth Craig
Interim Community Development Director

Subject: Amendment of the Clayton Municipal Code to add Chapter 15.92 Regarding Universal Design (ZOA 02-12)

BACKGROUND

On April 20, 2010, the City Council approved the Clayton 2009-2014 General Plan Housing Element. Subsequently, on July 15, 2010, the State Department of Housing and Community Development (HCD) conditionally certified the Housing Element. This certification is based on the City of Clayton making a good faith effort toward enacting over 30 categories of implementation measures that are described in the Housing Element. One of the Housing Element implementation measures, Implementation Measure IV.3.3, states the following:

> "The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined to be feasible, the City will prepare an Ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities."

Staff has worked with Raney Planning & Management staff and the City Attorney's office to prepare both a universal design ordinance (UDO), Chapter 15.92, and a universal design brochure to distribute to developers and community organizations serving individuals with disabilities. The Draft UDO is based primarily on the City of Dublin's Ordinance which was adopted in October of 2007 and has been in effect since November 2007. A City of Clayton Draft Ordinance and Brochure were presented and reviewed by the Planning Commission at its meetings of August 28, 2012, November 13, 2012, December 11, 2012, and January 8, 2013. At those meetings, staff received and incorporated comments from the Planning Commission into the current iteration of these documents.

At the December 11, 2012 Planning Commission meeting, there was discussion about receiving more information from the City of Dublin as well as contacting other Contra Costa County communities about their efforts in preparing and implementing universal design ordinances.

At the January 8, 2013 Planning Commission meeting, there was further discussion about the issues of Mandatory to Install vs. Mandatory to Offer, what should be included under the respective categories and where the UDO should go from here.

DISCUSSION

Staff is again providing the City of Dublin's Universal Design Ordinance, Chapter 7.90 (See **Attachment 2**) and a copy of the staff report from the December 11, 2012 and January 8, 2013 Planning Commission meetings (See **Attachments 3** and **4** respectively) for reference purposes.

As noted in the previous report, the City of Dublin has had approximately five years of experience implementing this Ordinance and several developers are implementing the Mandatory to Install components into their homes. The Mandatory to Install components can be viewed in current model homes for DR Horton's Cortona Subdivision located on Valentano Drive in Dublin as well as Braddock and Logan's Calarosa Subdivision located on Haggerty Drive in Dublin. Staff visited the subdivisions and several photos are attached for your consideration. Please see further discussion below.

At the January 8, 2013 Planning Commission meeting, staff requested that the Planning Commission continue its discussion with the regard to the following items and issues:

- The value/impact/feasibility of adopting a UDO in Clayton;
- Establishing a universal design Plan Type option requirement, based on the number of Plan Types proposed in a subdivision; and,
- Considering incorporating specific aspects of Dublin's Ordinance into Clayton's proposed UDO:
    - 7.90.040.A Unit Threshold for Applicability.
    - 7.90.040.C Conditions of Approval.
    - 7.90.060.A.1 Mandatory to Install (Doorbell).
    - 7.90.090.1 Mandatory to Install (Sink Controls).
    - 7.90.130.1 Mandatory to Install (Hand-activated Door Hardware).
    - 7.90.130.2 Mandatory to Install (Rocker Light Switches).
    - 7.90.130.3 Mandatory to Install (Receptacle Outlets).
    - 7.90.160 Purchaser Opt-out Option.
    - 7.90.080.A Reinforcement for Grab Bars

Upon discussion, the Planning Commission was in concurrence that the adoption of a UDO is a good idea and of value to the community. Finding the right balance between the Mandatory to Offer versus Mandatory to Install in the Ordinance was of key importance to ensure it was not too burdensome on the development community, thereby, discouraging future residential development and UDO implementation.

The Commission then directed staff to incorporate the following changes to the January 8, 2013 version of the Draft UDO from the Dublin Ordinance:

- Dublin Section 7.90.040.A. Unit Threshold for Applicability. Clayton Section 15.92.040.A has been revised to cover projects of Five or more units only.
- Dublin Section 7.90.040.C. Conditions of Approval. Clayton Section 15.92.040.C has been added with the same provision found in the Dublin Ordinance which requires Conditions of Approval be added to project conditions to ensure compliance with this Chapter.
- Dublin Section 7.90.060.A.1. Mandatory to Install (Doorbell). Clayton Section 15.92.060.A.1 has been added (moved from Mandatory to Offer).

- Dublin Section 7.90.090.1. Mandatory to Install (Sink Controls). Clayton Section 15.92.090.A.1. has been added (moved from Mandatory to Offer).
- Dublin Section 7.90.130.1. Mandatory to Install (Hand-activated Door Hardware). Clayton Section 15.92.130.A has been added (moved from Mandatory to Offer).
- Dublin Section 7.90.130.2. Mandatory to Install (Rocker Light Switches). Clayton Section 15.92.130.A has been added (moved from Mandatory to Offer).
- Dublin Section 7.90.130.3. Mandatory to Install (Receptacle Outlets). Clayton Section 15.92.130.A has been added (moved from Mandatory to Offer).
- Dublin Section 7.90.160. Purchaser Opt-Out Option. This section from the Dublin Ordinance has been added as Clayton Section 15.92.150.
- Dublin Section 7.90.080.A. Mandatory to Install (Grab Bar Reinforcement). Clayton Section 15.92.080.A has been added (moved from Mandatory to Offer).

Items for Clarification from Previous Meeting Discussion

Staff noted in reviewing and revising the Draft Clayton Ordinance as requested by the Planning Commission, that there were several similar items the Commission may want to consider including in the UDO given their similarity:

1. The Commission requested modification to the Draft UDO to require Mandatory to Install for Sink Controls and Hand-activated Door Hardware. In this vein, staff is seeking clarification in whether the Commission also intended to include the provision that is currently under Mandatory to Offer (Clayton Section 15.92.080.B. Primary Powder Room/Bathroom, Entry and Facilities) which states, "Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of California Building Code (CBC) Chapter 11A."

This item appears to be consistent with the intent of the Commission's actions requiring sink controls and hand activated door hardware per CBC Chapter 11A.

2. The Commission requested modification to the Draft UDO to require Mandatory to Install for the installation of all receptacle outlets, lighting controls, and environmental controls throughout the balance of the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code. In this vein, staff is seeking clarification in whether the Commission also intended to include the provision that is currently under Mandatory to Offer (Clayton Section 15.92.130.A.10. General Components) which states "Outlets at the bottom and top of any stairs to facilitate the use of a chair lift."

This item also appears to be consistent with the intent of the Commissions actions requiring receptacle outlets to be located per CBC Chapter 11A.

Additional Considerations

Staff discussed the implementation of Dublin's Universal Design Ordinance with Chief Building Official Gregory Schreeve, representatives from DR Horton construction staff as well as on-site with sales representatives at DR Horton's model home site in Dublin on March 2, 2013.

Because of the limited scope of the Mandatory to Install items, very little has changed with the appearance of a typical model home. No homes were available to view which had implemented any of the Mandatory to Offer items. Staff was advised by DR Horton sales staff that very few requests have been received for Mandatory to Offer items to date. Chief Building Official Gregory Schreeve confirmed that his staff has seen very few customer requested items through their plan check processes and they are issuing 800 building permits a year. This could very well be the result of the demographic that is purchasing homes in Dublin as well as the type of homes being offered.

Emerging Technologies

One other element that might be considered as the Commission moves toward finalizing a Draft UDO and, along with its recommendation to the City Council, is what role this Ordinance can play in utilizing emerging technologies in implementing the purpose and intent of the regulations. Increasingly, new technologies are cost effectively available that can provide substitutes for some of the Mandatory to Install and Offer items while providing similar, if not equal, usability features.

For example, new X10 remote components can automate existing electrical outlets, light switches, alarms, thermostats, garage doors, and man door locks. These automated features can eliminate the need for some disabled persons to have direct access to light switches and other controls, thereby eliminating the need to relocate them for all potential buyers. This technology involves installation of specialized receptacles, switches, and locks. Other such features include remote controlled window shades. All of these devices contain the ability to tie into your computer and/or cell phone (through applications) and allow a person to control these and other electronic features remotely. Many of these technologies are not considerably more expensive than some of the higher-end hardware being offered in the homes. Furthermore, many of these items can be found in local home improvement stores. The importance of these technologies in a UDO is they could potentially substitute for some of the Mandatory to Install items such as lower light switches, thermostats, door hardware, etc. that have raised some concerns with non-disabled buyers. This technology allows the home to be built for the typical user but also be usable for someone with a disability.

In my discussions with Mr. Schreeve, he indicated that these technologies were not as viable and/or available when they were developing their plans in 2006 and so, as a result, were not considered in their Ordinance.

Site Plan Design

One of the most important and easily fixable design hindrances to access and usability of a home for the disabled is the grading that permits non-step access from the street and/or driveway into the house and to backyard areas. This involves site grading considerations and development of zero grade thresholds (entry areas and patios at the same grade as the house foundation and developed with minimal or no thresholds) at front and rear door entries. These site plan design features are easier to accommodate for suburban style homes with generous front and rear yard setbacks like those permitted in Clayton. These types of grading issues can be harder to accommodate for projects with reduced front and side yards or projects located in hillside areas.

The City of Dublin reviews their projects at the Site Plan stages and identifies those lots which are capable of accommodating (minimum State established grade) zero grade thresholds, including which location (front door, back door, garage door) can accommodate the zero grade threshold. If a potential buyer requests to purchase of one of these properties, then it can be requested and provided as one of the purchase options.

Summary

The purpose and intent of the Draft UDO, per Section 15.92.010, is:

A. To facilitate the development of residential dwellings units that are visitable, usable, and safe for occupancy by persons with disabilities.

B. To allow buyers of new homes the option of incorporating universal design principles into their future homes in order to enhance their ability to remain in their homes during periods of temporary, developing, or permanent disabilities; and

C. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.

It is important to recall that the City is evaluating the viability of a UDO as a result of City Council direction based on goals that the HCD requested be placed in the City's Housing Element with its last update in 2009. Whereas the City is not obligated to adopt a UDO, it appears that the Draft UDO has some important features that could be beneficial for persons of limited mobility in newly developed homes in Clayton. The Ordinance does not place undue burden on the developer to either install or offer to install items such that it would hinder residential development. The adoption of the UDO would also be helpful in the City's work with the HCD in showing the good faith efforts in addressing housing issues of importance as identified by the State.

RECOMMENDATION

1. Provide direction to staff regarding the current Draft Ordinance including Items for Clarification and Additional Consideration; and
2. Direct Staff to return with either additional information or a final revised Draft Ordinance for City Council consideration.

ATTACHMENTS

1 Revised Clayton Draft Universal Design Ordinance, Chapter 15.92 (Revisions in Red)
2 Revised Universal Design Brochure (Revisions in ~~Strikeout~~)
3 December 11, 2012 Universal Design Ordinance Staff Report and Minutes
4 January 8, 2013 Universal Design Ordinance Staff Report and Minutes
5 Additional Accessibility Information, Dublin Checklist, and pictures from Dublin Model Home (2)
6 Planning Commission Resolution No. 01-13

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Excerpt
Minutes
Clayton Planning Commission Meeting
Tuesday, March 26, 2013

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

Present:	Chair Keith Haydon
	Vice Chair Gregg Manning
	Commissioner David Bruzzone
	Commissioner Sandra Johnson
	Commissioner Dan Richardson
Absent:	None
Staff:	Interim Community Development Director Kenneth Craig
	Assistant Planner Milan Sikela, Jr.

3B. **ZOA 02-12, Municipal Code Amendment, City of Clayton.** Consideration of a Universal Design Ordinance which would require that design features are offered in specified single-family residential units to make those units more visitable, usable, and safe for occupancy by persons with disabilities. In general, the intent and purpose of the Universal Design Ordinance is to provide greater adaptability and accessibility of specified housing for persons with disabilities.

The public hearing was opened.

Community Development Director Kenneth Craig presented the staff report.

Vice Chair Manning indicated the following:
- The "opt out" clause is very important to include with the draft Universal Design Ordinance.
- My concern is the "zero threshold" provision which would entail significant grading and engineering changes to the way a residence would be constructed and would impact the cut-and-fill of the property.

Chair Haydon indicated that the Planning Commission is moving away from the Mandatory to Install items.

Commissioner Richardson indicated the following:
- Developers should, in good faith, offer these items to a prospective homebuyer.
- The Universal Design Brochure is sufficient to inform applicants and developers about the Universal Design Ordinance.

Commissioner Johnson indicated that she does not to force developers to provide the Universal Design features. The other Commissioners concurred with Commissioner Johnson.

Commissioner Bruzzone indicated the following:

- The Universal Design features should be optional.
- The purpose of the Ordinance and Brochure is for public outreach in order to inform people of these options.
- Mr. Craig's discussion on emerging technologies is valid and should be considered.

By consensus, the Planning Commission directed staff to make the following modifications to the draft Universal Design Ordinance and Universal Design Brochure:

- Eliminate all Mandatory to Install features.
- Move all items to Mandatory to Offer.
- Remove the "opt out" clause.

Commissioner Richardson moved and Commissioner Johnson seconded a motion to recommend that the City Council consider approval of the draft Universal Design Ordinance and Universal Design Brochure. The motion passed 5-0.

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