



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, January 8, 2013
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

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

Public Comment

Approval of Minutes

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

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.

Recommended Action: Receive background information from staff and provide direction.

Old Business

- 4. None.

New Business

- 5. None.

Communications

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

Adjournment

- 7. The next meeting of the Planning Commission is scheduled for **Tuesday, January 22, 2013.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present. Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
Clayton Planning Commission Meeting
Tuesday, 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.

Vice Chair Manning opened the public hearing.

The applicant, Jenna Caldwell, was present, but did not comment. There were no other public comments.

Vice Chair Manning closed the public hearing.

The consensus of the Commissioners was that the proposed project was compatible with the existing residence and satisfied the required Site Plan Review Permit standards for review.

Commissioner Johnson moved and Commissioner Bruzzone seconded the motion to approve Site Plan Review Permit SPR 05-12, with the findings of approval and condition of approval recommended by staff. The motion passed 3-0.

- 3B. **ENV 01-08, DP 01-08, MAP 02-09, Creekside Terrace Mixed Use Project, City of Clayton**, 1005 Oak Street, 1007 Oak Street, and a third non-addressed parcel west of and upslope from Mitchell Creek (APNs 119-050-009, 119-050-034, and 119-050-008). A review to consider a one-year extension on the Creekside Terrace Development Plan and Vesting Tentative Subdivision Map which were previously approved on July 6, 2010 with a subsequent one-year extension granted on October 25, 2011, extending the approval to January 6, 2013. This request is in accordance with Section 16.06.030 and Section 17.28.190 of the Clayton Municipal Code. The project site is located in the Town Center of Clayton, on the west side of Oak Street between High Street and Center Street. The project involves the redevelopment of two properties, which are currently developed, generally level, and serviced by utilities. The third parcel, located immediately to the west, is an upsloping undeveloped property with Mitchell Creek traversing the eastern edge of that parcel near the toe of slope.

The project would result in the construction of a two-story mixed-use building, incorporating a western-style architectural theme suggested for this area in the Clayton Town Center Specific Plan. The first floor is comprised of approximately 7,200 square feet of retail commercial space to be divided into approximately four to five for-sale commercial condominium units. The second floor includes seven for-sale residential condominium units. The residential units are one-bedroom and several of the units contain dens. A terrace is proposed on the creek (west) side of the second story. The project includes the previously adopted entitlements:

- Initial Environmental Study/Mitigated Negative Declaration (ENV 01-08);
- A Development Plan (DP 01-08); and
- A Vesting Tentative Subdivision Map (MAP 02-09).

Director Woltering distributed at the dais a letter dated December 11, 2012 received from Save Mount Diablo and then presented the staff report. Director Woltering indicated that this City-owned project was originally approved in July of 2010 and had been previously extended for one year to January 6, 2013. As allowed by the Municipal Code, a request for a further extension to January 6, 2014 was being requested. He indicated there were no changes to the project or the proposed mitigation measures. The letter stated that “[a]s long as the one-year extension does

not involve changes to the project or the agreed upon mitigation, we (i.e., Save Mount Diablo) have no comments at this time.” Director Woltering stated it is hoped that, as the economy improves, the City will find interested buyers for the subject property and it will be developed in accordance with the approved plans. He recommended that the Planning Commission approve the requested extension.

Commissioner Bruzzone asked the definition of “construction” to understand what the threshold would be for activating this approval. *Director Woltering responded that issuance of a building permit for the project and completion of substantial work in reliance thereon is the interpretation of initiating construction to activate the approval. Director Woltering added that the interpretation of substantial work completed in reliance thereon would be made by himself in consultation with the Contra Costa County Building Inspection Department.*

Commissioner Bruzzone also asked was the City carrying any ongoing costs for this project/property. *Director Woltering indicated that the City owns the land; otherwise, he is not aware of any other significant carrying costs.*

Commissioner Johnson asked whether there has been much buyer/developer interest in the property. *Director Woltering responded that interest has been limited but that the Project Architect, Robert Staehle, is in attendance and he has been a key source in seeking prospective buyers for this property. Director Woltering suggested that Mr. Staehle could also respond to this question.*

Vice Chair Manning opened the public hearing.

Robert Staehle, Project Architect, spoke to the Commission about buyer interest in the subject project. He indicated that, with the ongoing economic downturn, interest has been limited. He indicated that there had only been two or three parties that have shown interest. None of these parties have pursued the opportunity. He was hopeful that, when the economy improves, there will be much greater interest in this opportunity.

Jerry Davis, a resident on High Street, asked the Commissioners if all the concerns of prior meetings on this project are still being considered. *Vice Chair Manning responded yes, and that the proposed extension does not involve any changes to the project (i.e., conditions of approval and/or mitigation measures).*

Vice Chair Manning closed the public hearing.

The consensus of the Commissioners was that the approved project continued to meet the goals of the community at the proposed location and that, since the time of initial project approval, the poor economy has made it difficult to market the property for development.

Commissioner Johnson moved and Commissioner Bruzzone seconded a motion to adopt Resolution No. 05-11, thereby extending for one year the approved Development Plan for the Creekside Terrace project from January 6, 2013 through January 6, 2014. The motion passed 3-0.

- 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

Approved by
Keith Haydon
Chair

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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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Chapter 15.92UNIVERSAL 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~~~~new-home~~buyers 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, or are intended to be, owner-occupied or rental for which an application for a new construction building permit is submitted to the Community Development Department 30 or more days after the effective date of this chapter shall be visitable residential dwellings.
- B. Unit Types: New construction of all single-family, duplex, and triplex residential dwellings except for custom-built homes.

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—Not Mandatory to Install: ~~Specified~~Mandatory installations related to a primary entrance in a visitable residential dwelling as described in Subsection B below ~~do not exist~~.
- B. New Construction—Mandatory to Offer: The following options for the accessible entrance on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with 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 have a slope greater than one (1) unit vertical in twenty (20) units horizontal.
2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.
3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following:
 - a. Consistent with the requirements of CBC Chapter 11A; or
 - b. The width of the level area on the side to which the accessible entrance door swings shall extend twenty-four inches (24") past the strike edge of the door.
4. The exterior accessible entry door that is either:
 - a. Consistent with the requirements of CBC Chapter 11A, or
 - b. Have a thirty-four inch (34") net clear opening.
5. A second exterior door that is installed in a manner so that it is accessible as provided in this Section 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—Not Mandatory to Install: ~~SpecifiedMandatory~~ installations related to interior routes in a visitable residential dwelling as described in Subsection B below ~~do not exist.~~
- B. New Construction—Mandatory to Offer: The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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~~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"), ~~orand~~ 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—Not Mandatory to Install: ~~Specified~~**Mandatory** installations related to the powder room, bathroom, or other facilities in a visitable residential dwelling as described in Subsection B below~~do not exist.~~

B. New Construction—Mandatory to Offer: The following options for the accessible bathroom or powder room on the route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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—Not Mandatory to Install: ~~Specified~~**Mandatory** installations related to a kitchen in a visitable residential dwelling as described in Subsection B below~~do not exist.~~

B. New Construction—Mandatory to Offer: If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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—Not Mandatory to Install: ~~SpecifiedMandatory~~ installations related to a common use room in a visitable residential dwelling as described in Subsection B below ~~do not exist.~~
- B. New Construction—Mandatory to Offer: The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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—Not Mandatory to Install: ~~SpecifiedMandatory~~ installations related to a bedroom in a visitable residential dwelling as described in Subsection B below ~~do not exist.~~
- B. New Construction—Mandatory to Offer: If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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—Not Mandatory to Install: ~~Specified~~Mandatory installations related to miscellaneous areas of a visitable residential dwelling as described in Subsection B below~~do not exist.~~
- B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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—Not Mandatory to Install: ~~Specified~~Mandatory installations related to general components in a visitable residential dwelling as described in Subsection B below~~do not exist.~~
- B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 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 ~~or purchaser~~ determines that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a less wide accessible route is necessary, a functional alternative to ensure that all entries into rooms required to be accessible may be approved by the Community Development Director and, Building Official ~~or purchaser~~ if it meets at least one of the following requirements and if the hallway is not less than thirty-six (36") inches in width:

- a. The entry door to the room must be at the end of a hallway or passageway, or open directly from another room on an accessible route of travel, so that no turn of ninety degrees (90°) or more is necessary to enter the room.
- b. The hallway wall opposite the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]
- c. The hallway wall on the same side as the room must be inset enough to allow an area of at least eight inches (8") wide with at least a sixty-inch (60") run centered on the center of the entry door opening [e.g., an 8" by 60" notch or alcove.]
- d. The hallway wall directly opposite the room door must open to another room with at least a sixty-inch (60") opening on a level with the accessible passageway or hallway.

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

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

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 ~~at the earliest feasible time after the prospective purchaser is identified.~~
- B. The developer or builder of a visitable residential dwelling shall construct or install any requested features identified in this chapter unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder, 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 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 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).

**Chapter 7.90
UNIVERSAL DESIGN**

Sections:

<u>7.90.010</u>	Purpose.
<u>7.90.020</u>	Findings.
<u>7.90.030</u>	Definitions.
<u>7.90.040</u>	Scope and application.
<u>7.90.050</u>	Exemptions.
<u>7.90.060</u>	Standards—Primary entrance.
<u>7.90.070</u>	Standards—Interior routes.
<u>7.90.080</u>	Standards—Primary floor powder room/bathroom entry and facilities.
<u>7.90.090</u>	Standards—Kitchen and facilities.
<u>7.90.100</u>	Standards—Common use room.
<u>7.90.110</u>	Standards—Bedroom.
<u>7.90.120</u>	Standards—Miscellaneous areas.
<u>7.90.130</u>	Standards—General components.
<u>7.90.140</u>	Standards—New construction—Permissive options.
<u>7.90.150</u>	Enforcement.
<u>7.90.160</u>	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/>)

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(<http://www.codepublishing.com/elibrary.html>)

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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