

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 economics 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 in 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.

Vice Chair Manning indicated the following:

- You will be missed, David.
- It was a pleasure 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:

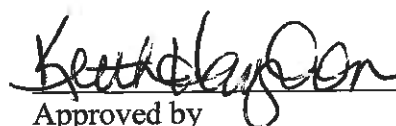
- I agree with all of the comments made by the other Commissioners.
- We have been impressed with your work from day one.
- You have a comfortable style that is very professional.
- San Bruno will be lucky to have you as their Community Development Director.

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