



Agenda

Planning Commission Meeting

7:00 P.M. on Tuesday, March 26, 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. Vice Chair Manning to report at the City Council meeting on April 2, 2013.

Public Comment

Approval of Minutes

- 2. None.

Public Hearing

- 3A. **SPR 02-13, Site Plan Review Permit, Carmen Cordova, 428 Zinfandel Circle, APN 119-555-009.** A request for a site plan review permit to consider the construction of a two-story addition with a second-story balcony on an existing two-story residence. The addition is proposed to be approximately 728 square feet in area and 26 feet in height.

Recommended Action: Continue the public hearing to a date certain.

- 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.

Recommended Action: Provide direction to staff regarding the current draft Universal Design Ordinance, including items for clarification and additional consideration, and direct staff to either return with a final revised draft Universal Design Ordinance for final review by the Planning Commission or recommend that the City Council consider adopting the draft Universal Design Ordinance.

Agenda
Planning Commission Meeting
Tuesday, March 26, 2013
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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, April 9, 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.

PLANNING COMMISSION STAFF REPORT

Meeting Date: March 26, 2013

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Two-Story Addition at 428 Zinfandel Circle
Site Plan Review Permit (SPR 02-13)

REQUEST

A request for a site plan review permit to consider the construction of a two-story addition with a second-story balcony on an existing two-story residence.

PROJECT INFORMATION

Applicant/Location: Carmen Cordova
428 Zinfandel Circle
Clayton, California 94517
APN 119-555-009

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

Zoning: Single Family Residential R-12 District (12,600 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15303(a), Class 3 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: The public hearing notice posted at the notice boards and mailed to property owners within 300 feet of the project site on March 15, 2013 was incorrect. As a result, once the public hearing is continued to a date certain, staff will post a correct public hearing notice at the notice boards and mail the correct public hearing notice to property owners within 300 feet of the site.

Agency Referrals: The City Engineer had no comments. The Contra Costa County Building Inspection Department, Contra Costa County Fire Protection District, and Contra Costa Water District did not respond.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a site plan review permit in accordance with the standards of review in CMC Section 17.44.040.

CONTINUANCE OF PUBLIC HEARING

Due to an error in the public hearing notice for the project, the project must be re-noticed. As a result, the Planning Commission may review information and receive public testimony at the March 26, 2013 meeting, at the completion of which the public hearing should be continued to a specified future Planning Commission meeting date.

DISCUSSION

The applicant is requesting Planning Commission approval of a site plan review permit to allow the construction of a two-story addition with a second-story balcony on an existing two-story single-family residence. The addition is proposed to be approximately 728 square feet in area and 26 feet in height and has been designed with stucco siding and trim, asphalt shingle roof material, and a 4:12 roof pitch. As part of the project scope, work is proposed around the entryway which entails construction of a new entryway canopy and removal of the right slope of the main roof section that currently slopes downward into the lower roof section over the existing entryway. Furthermore, as part of installing the new stucco siding, the existing masonry treatments on the front elevation of the first floor around the garage doors, study, and living room will be removed. The location plan, vicinity plan, site plan, floor plan, roof plan, architectural elevations, and view elevations are provided as **Attachment 1**.

Setback Analysis

The project meets the R-12 District standards as shown below.

Required Setbacks	Existing Setbacks		Proposed Setbacks		Project Compliance
Front Setback 20'	South	20'	South	No Change	Yes
Side Setback 10' interior 20' exterior	West	14' 10"	West	No Change	Yes
	East	24' 5"	East	No Change	Yes
Rear Setback 15'	North	59'	North	53'	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
12,915 sq ft	3,640 sq ft	2,144 sq ft	2,342 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliance
12,915 sq ft	5,333 sq ft	3,112 sq ft	3,642 sq ft	Yes

Maintenance of Privacy and Views

Concerns have been raised by the neighboring property located directly adjacent to and west of the subject property (see **Attachment 2**). In summary, the concerns listed in the letter pertain to reduction of privacy, blocking of views, and lack of communication regarding construction of the addition.

In order to address concerns raised over impacts upon the views and privacy of neighboring properties, staff has outlined the following options for Commission consideration in rendering a decision at the next public hearing for the item:

- Option A
Approve the site plan review permit for the addition as it is currently being proposed.
- Option B
In order to address concerns raised regarding impacts upon the views and privacy of neighboring properties, removal of the second story balcony altogether or inclusion of a mitigating feature on the balcony such as enclosing the balcony on the left (west) side so that the view from the balcony would be only out from the rear of the residence toward the back yard of the subject property rather than from both the rear and left side of the residence where someone standing on the balcony could look into the residence and yard areas of the neighboring property to the west.
- Option C
The modifications listed in Option B above, as well as alterations to the windows on the second story of the left (west) side elevation of the residence; specifically, the proposed window on the left elevation over the tub in the master bathroom. Reduction of privacy impacts may be attained through use of opaque materials to allow light into the interior spaces but to obscure views through the window as well as requiring a reduction in the area of the window (i.e., a minimum sill height of six feet or more above the floor), in accordance with Title 24 regulations.
- Option D
A re-design of the project scope to reduce the massing of the addition as well as modifying (or removing) the balcony and/or altering the window components of the structure.

As part of project review, staff conducted a site inspection to the subject property on March 21, 2013 (see **Attachment 3** for photographs taken during the site visit). In order to better assist in understanding the project parameters, staff notes that the Commission may wish to conduct individual site visits prior to the next public hearing for this item.

Based on the above Options, and any other potential considerations and input from the Commission, staff is requesting that the Commission provide direction to the applicant and staff. As a result of the Commission's direction, staff will work with the applicant and prepare findings and conditions, as necessary, for review by the Commission in order for a decision to be rendered by the Commission at the next scheduled public hearing for this item.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Review the proposed plans and receive testimony;
- Consider possible options and alternatives;
- Provide direction to the applicant and staff; and
- Continue the public hearing to a date certain.

ATTACHMENTS

- 1 Cordova Addition Location Plan, Vicinity Plan, Site Plan, Floor Plan, Roof Plan, Architectural Elevations, and View Elevations, prepared by Mark Stoklosa Architect, Inc, date stamped March 14, 2013
- 2 Letter from Leona Montoya and Bill De Jong, dated March 20, 2013
- 3 Photographs taken during staff's site visit to subject property on March 21, 2013

SPR\2013\02-13.sr.pc.mtg.3.26.13.cordova.addition

MARK
STONKLOSA
ARCHITECT
INC.

ADDITION AND REMODEL OF THE
RESIDENCE AT 428 ZINFANCL CIRCLE,
CLAYTON, CA 94517
FOR MS. CARMEN CORDOVA

RECORD

MAR 14 2013

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

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BUILDING DEPARTMENT

PLANNING DEPARTMENT



OWNER: JAMES J. CORDON
440 UNIVERSITY AVENUE
SOUTH BRIDGE
BOSTON, MA 02127

ZONING: R-12

SITE AREA:
12,100 S.F.

EXISTING LIVING AREA:
NO EXISTING LIVING AREA

77'-0" x 24'-0" S.F.

ADDITION AREA:
12,100 S.F.
NO EXISTING LIVING AREA

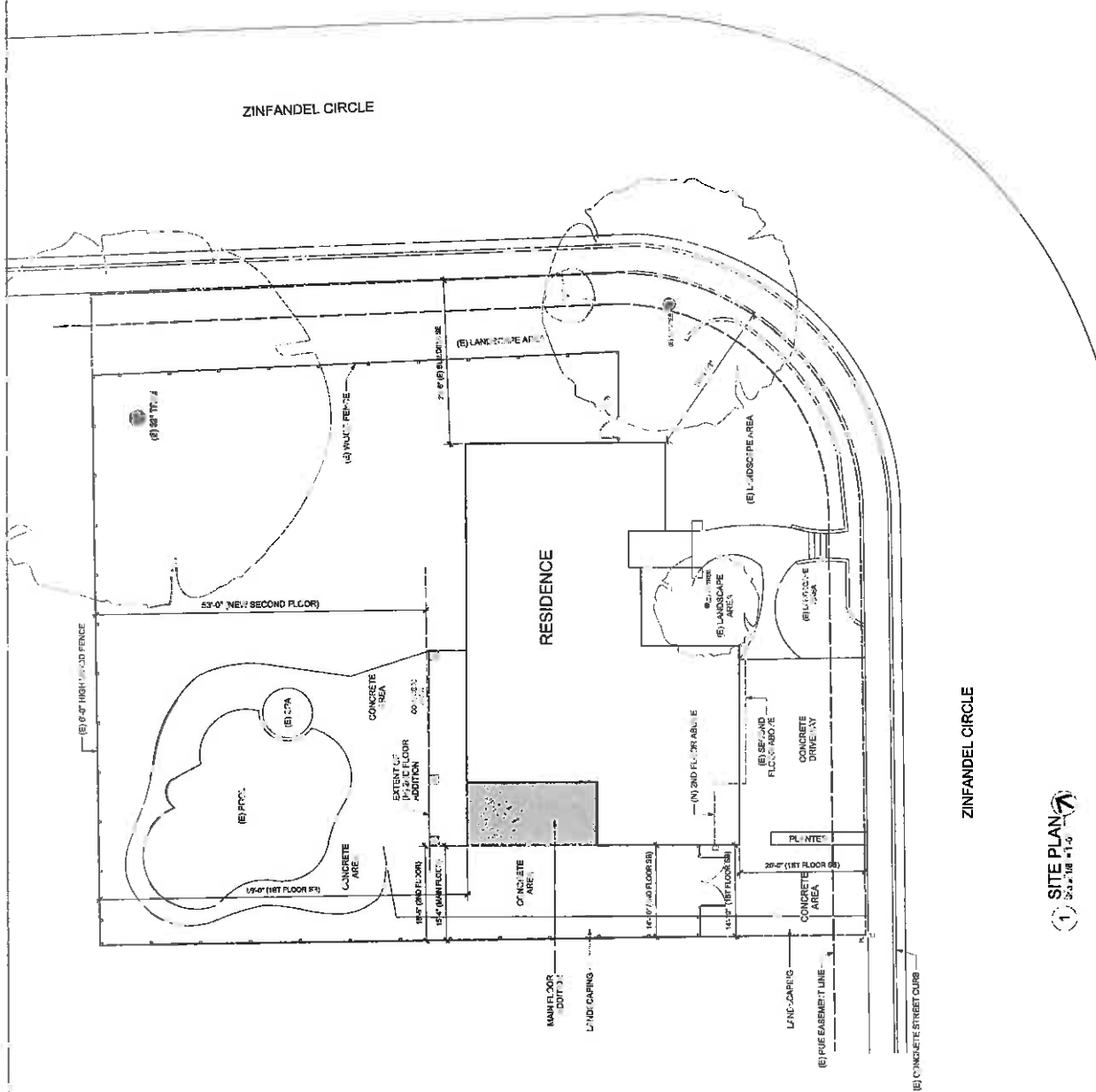
77'-0" x 24'-0" S.F.

NEW LIVING AREA:
12,100 S.F.

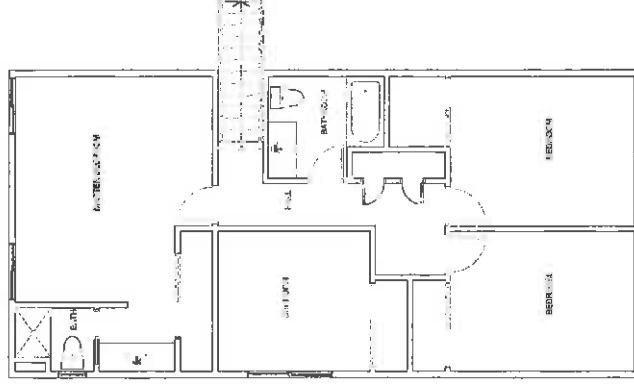
AREA OF GARAGE:
17'-0" x 7'-0"

HEIGHT:
10'-0" (4')

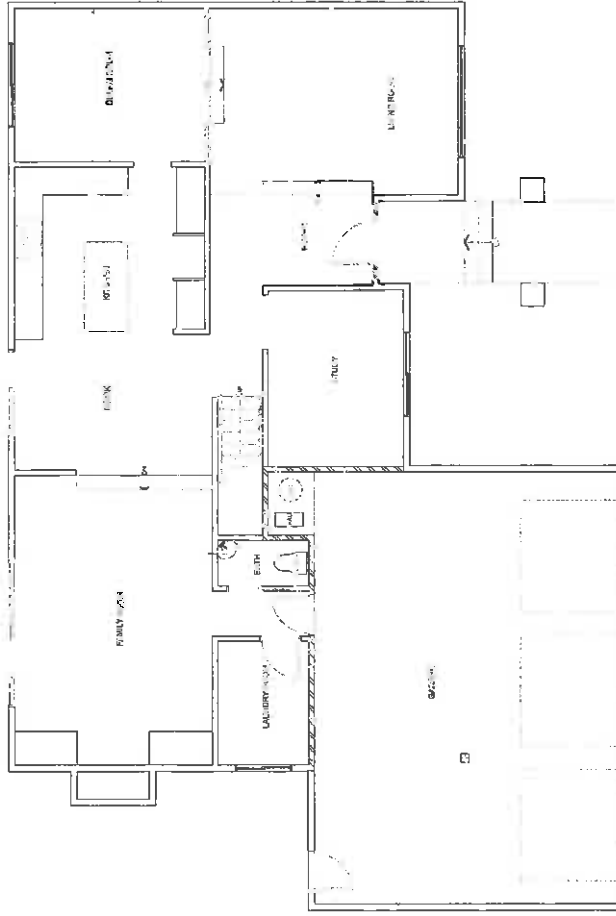
ALLOWABLE HEIGHT:
9'-0"



1 SITE PLAN 1-0



2 EXISTING 2ND FLOOR



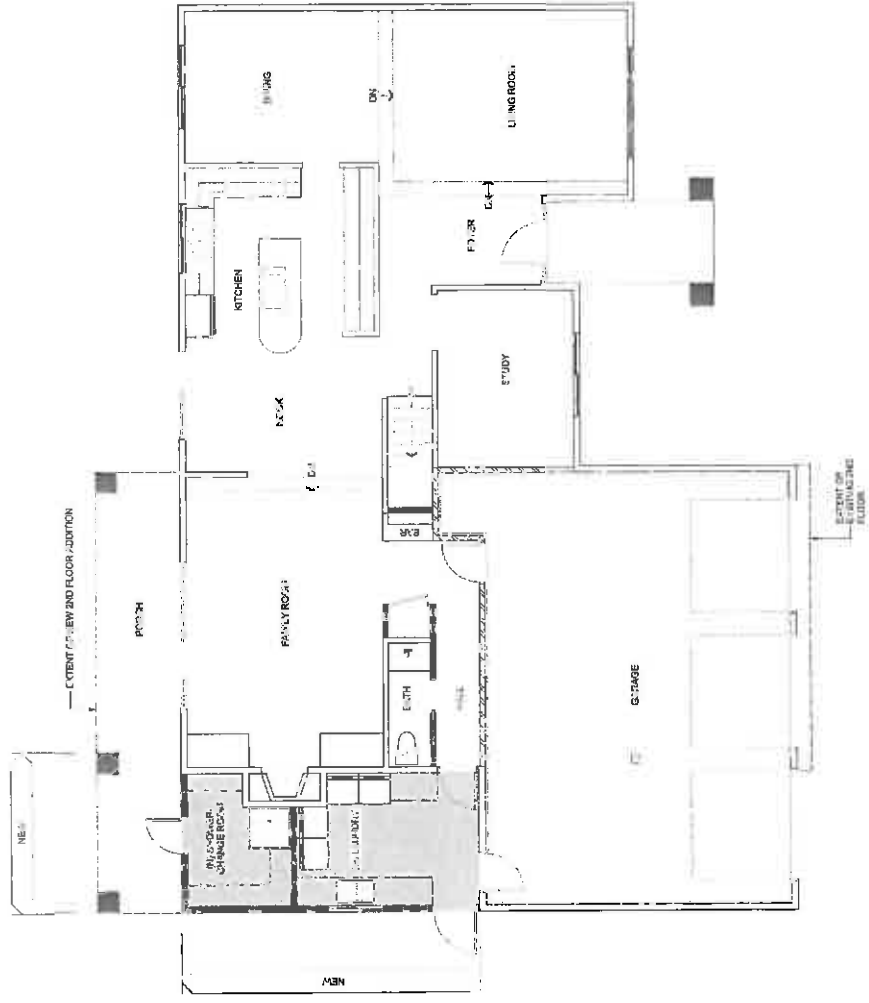
1 EXISTING 1ST FLOOR

ADDITION AND REMODEL OF THE
RESIDENCE AT 428 ZINFANDEL CIRCLE,
CLAYTON, CA 94517
FOR MS. CARMEN CORDOVA

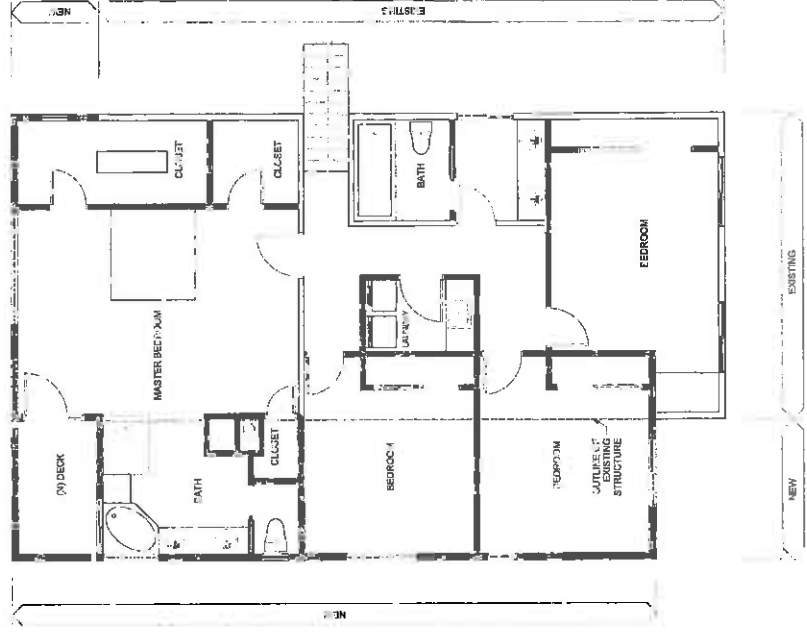
MARK
STOKLOS
ARCHITECT
INC



EXISTING FRONT VIEWS FROM ZINFANDEL CIRCLE



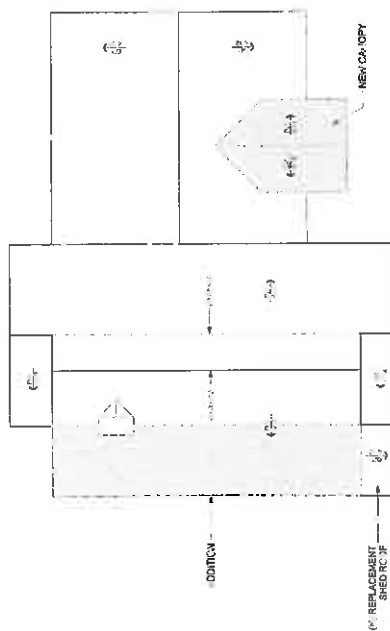
2 PROPOSED 1ST FLOOR
Scale: 1/8" = 1'-0"



1 PROPOSED 2ND FLOOR
Scale: 1/8" = 1'-0"

MARK
STOKLOS
ARCHITECT,
INC

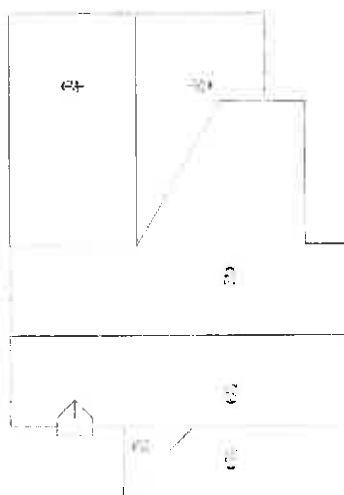
ADDITION AND REMODEL OD THE
RESIDENCE AT 428 ZINFANCL CIRCLE,
CLAYTON, CA 94517
FOR MS. CARMEN CORDOVA



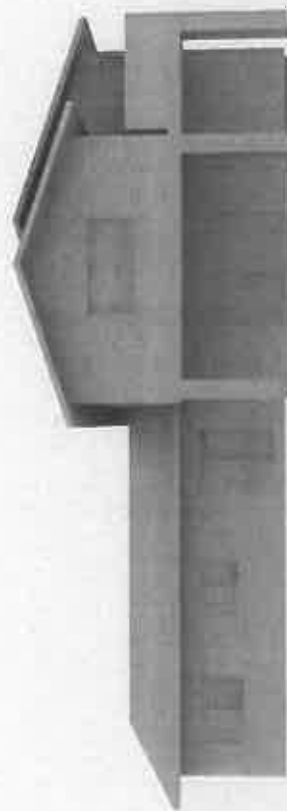
1 PROPOSED ROOF PLAN

ROOF MATERIALS:

EXISTING = 4:12
PROPOSED = 4:12



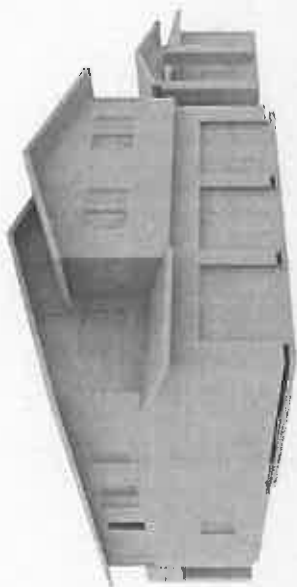
EXISTING ROOF PLAN



REAR VIEW-2



REAR VIEW-1

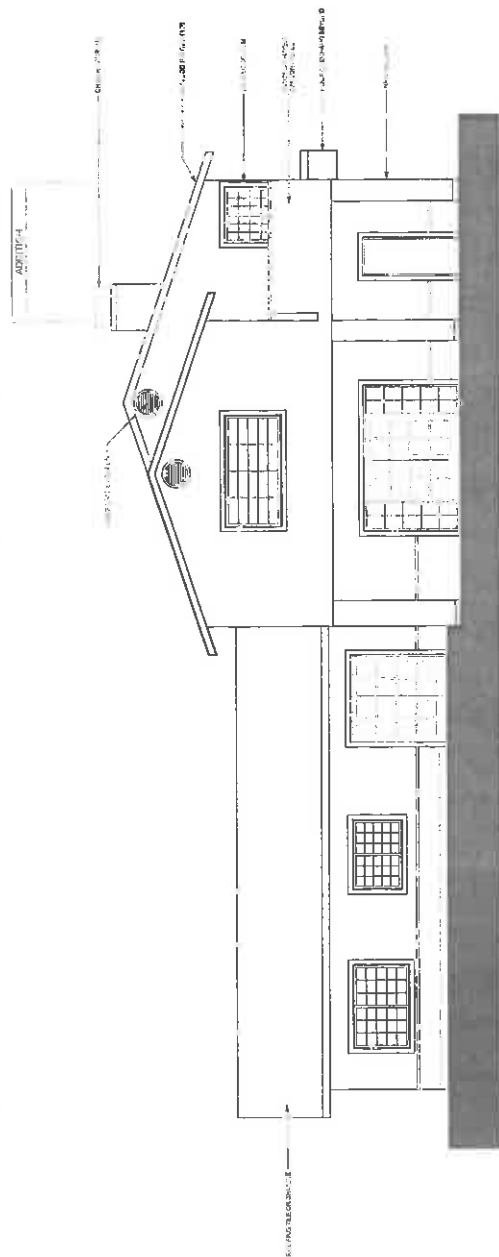


FRONT VIEW-2



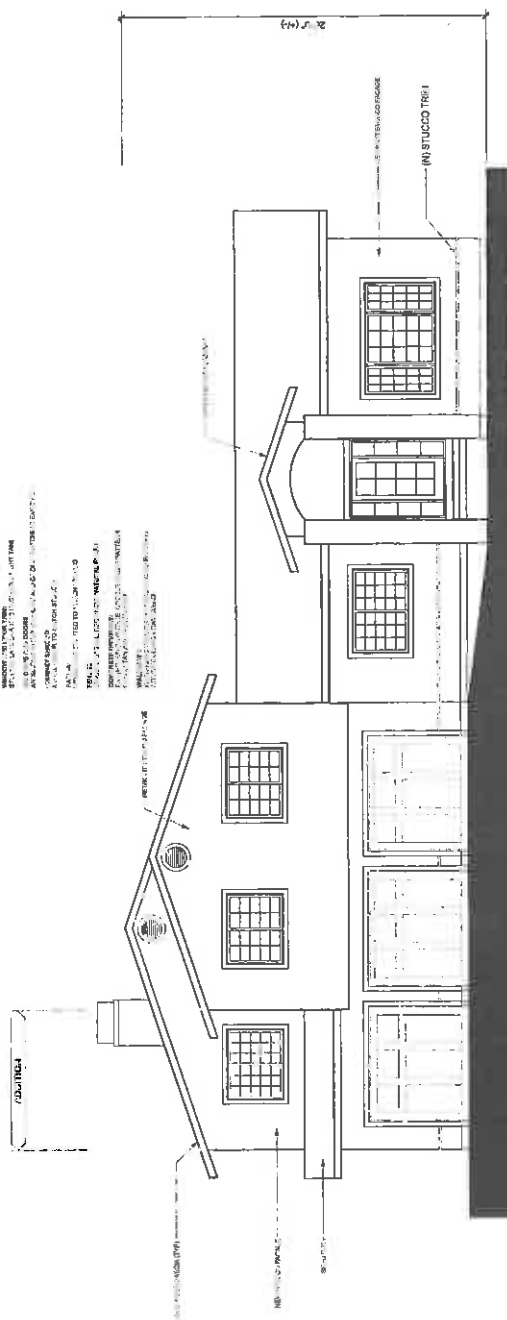
FRONT VIEW-1

ADDITION AND REMODEL OF THE
RESIDENCE AT 428 ZINFANCL CIRCLE,
CLAYTON, CA 94517
FOR MS. CARMEN CORDOVA



PROPOSED REAR ELEVATION

2.

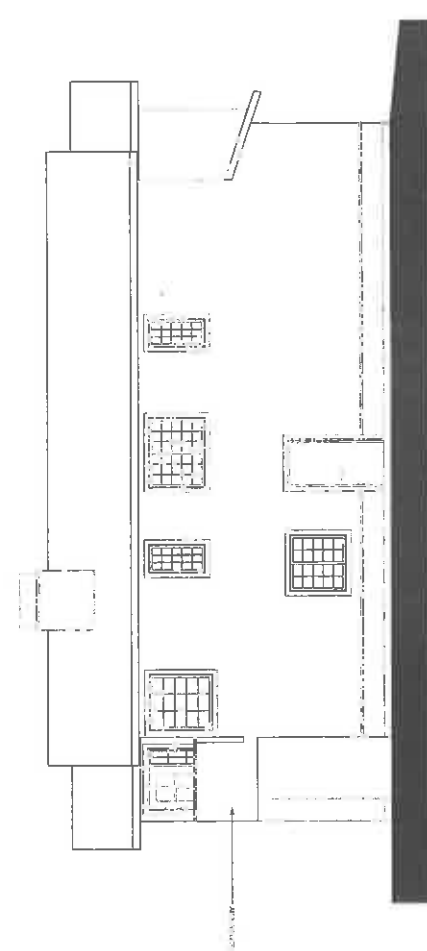


PROPOSED FRONT ELEVATION

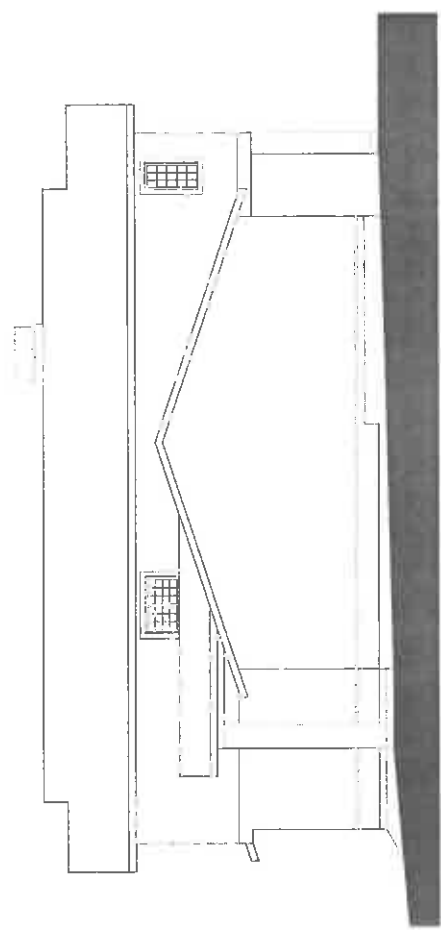
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ADDITION AND REMODEL OF THE
RESIDENCE AT 428 ZINFANDEL CIRCLE,
CLAYTON, CA 94517
FOR MS. CARMEN CORDOVA

MARK
STOKLOSA
ARCHITECT,
INC



1 PROPOSED LEFT ELEVATION-WEST
SCALE 1/8" = 1'-0"



2 RIGHT ELEVATION-EAST
SCALE 1/8" = 1'-0"

RECEIVED

March 20, 2013

City of Clayton
Public Planning Commission
6000 Heritage Trail
Clayton, CA

MAR 21 2013

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

RE: Proposed addition to 428 Zinfandel Circle

We live at 434 Zinfandel Circle, and were aware that the above-mentioned property had been purchased as of November 7, 2012. To date, the new owner – Carmen Cordova – has not yet taken up residence on the property, and it is only very recently that my husband has met her, though I myself have not yet had the opportunity to do so.

It came therefore as a bit of a shock to discover that Ms. Cordova has already had extensive remodeling plans drawn up and filed with the City Office. We were taken aback at the scope of her plans and by the fact that our first clue to her intentions was the receipt of the Public Hearing Notice two days ago. At no time previous to this did Ms. Cordova approach us to discuss her plans with us. While, we assume she has the right within city ordinance to make changes to her property, it would have been nice if she'd put us in the loop from the beginning, particularly since her plans will have a drastic effect on *our* property.

As a two-story structure, her home presents privacy issues for us – issues we willingly took on when we purchased our home 20 years ago. Because the existing structure is set well back from our fence line, we were able to landscape in such a fashion as to derive as much privacy as possible given the layout of our respective homes. Yes, it was always possible to look out the existing upstairs windows and therefore down into our yard, but because these windows are bathroom/bedroom windows, they are not usually places to pause and admire the view. Our previous neighbors respected that.

However, by putting in an enormous two-story addition that extends from close to the front of her house all the way to the rear, the structure will be higher and ten feet closer to our fence, with the unpleasant effect of looming over us. Of greater consternation to us are the proposed balconies, which will extend beyond the back of the house, effectively blocking *our* view of the hills and the old Easley winery. In addition to blocking our view, the balconies will be a further invasion of our already precarious privacy, as they are designed for precisely no other reason than to linger and look out.

While I can understand that Ms. Cordova is probably looking forward to nice views from her balcony, most of her view will consist of our kitchen and backyard and the backyard of the neighbor directly behind her. She might have a bit of a

view of the old winery, but again --- it will be at the expense of ours. These concerns don't even begin to address the noise and upheaval that will ensue when actual construction begins.

Again, Ms. Cordova is apparently within the law, or she would not have been allowed to file her plans with the City Office, but it really would be have been nice if she'd talked to us and heard our concerns before it became a *fait accompli*. It would have been the neighborly thing to do, and we wouldn't be left feeling like somebody pulled a fast one on us. We would like to see these issues addressed, and we would love to convince Ms. Cordova that she could manage without, at the very least, those balconies.

Leona Montoya
Bill De Jong
434 Zinfandel Circle
Clayton, CA 94517

672-5541











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

ZOA\2012\02-12.sr.pc.universal.design.3.26.13

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	Purchaser Opt-out Option
15.92.160	Enforcement
15.92.170	Severability
15.92.180	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,**~~or~~ **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—~~Not Mandatory to Install:~~ ~~The following items for the accessible entrance on the primary entry level shall be installed Specified installations related to a primary entrance in a visitable residential dwelling as described in Subsection B below.~~
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, 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—~~Not Mandatory to Install:~~ ~~Specified installations related to interior routes in a visitable residential dwelling as described in Subsection B below.~~ None.
- 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—~~Not Mandatory to Install: Specified installations related to the powder room, bathroom, or other facilities in a visitable residential dwelling as described in Subsection B below.~~ The following items for the primary floor powder room/bathroom entry and facilities shall be installed:

1. Blocking for grab bars consistent with 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, 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 installations related to a kitchen in a visitable residential dwelling as described in Subsection B below. The following items for the kitchen and facilities shall be installed:

1. Sink controls consistent with 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, 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:~~ Specified installations related to a common use room in a visitable residential dwelling as described in Subsection B below. 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—~~Not~~ Mandatory to Install: ~~Specified installations related to a bedroom in a visitable residential dwelling as described in Subsection B below.~~ 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—~~Not~~ Mandatory to Install: ~~Specified installations related to miscellaneous areas of a visitable residential dwelling as described in Subsection B below.~~ 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—~~Not~~ Mandatory to Install: ~~Specified installations related to general components in a visitable residential dwelling as described in Subsection B below.~~ The following general component items shall be installed:

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. Hand-activated door hardware complying with CBC Chapter 11A.
3. 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.

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 Opt-out Option

The purchaser(s) may file a letter with the City of Clayton and with the developer with their desire to forgo or and 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.

15.92.160 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.

15.92.170 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.

15.92.180 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).

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



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 1/2-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 1/2-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.

**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: 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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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~~new homebuyers~~ 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: ~~Specified~~Mandatory 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"), ~~or~~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").

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: Specified Mandatory 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: Specified Mandatory 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).

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:

David Woltering, AICP
Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7343
dwoltering@ci.clayton.ca.us

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 1853, Incorporated 1966

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 December 2012, 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 1/2-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 1/2-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.
- 7.90.050 Exemptions.
- 7.90.060 Standards—Primary entrance.
- 7.90.070 Standards—Interior routes.
- 7.90.080 Standards—Primary floor powder room/bathroom entry and facilities.
- 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>)

Resources

Housing & Community Development
www.hcd.ca.gov
916-324-5107

Dublin Municipal Code, Chapter 7.90
<http://www.codepublishing.com/ca/Dublin/Dublin07/Dublin0790.html#7.90>

California Building Industry Association
www.cbia.org
916-443-7933

California Building Standards Code 17922 & 18925

www.bsc.ca.gov

Division of State Architect
www.dsa.dgs.ca.gov/UniversalDesign/default.htm
916-445-8100

California Health & Safety Code Section 17959.6, October 2005
www.leginfo.ca.gov/calaw.html
916-263-0916

AARP
www.aarp.com

Universal Design Alliance
www.universaldesign.org

Wikipedia
www.wikipedia.org/wiki/universal_design

Lowe's
www.lowes.com/lowes/lkn?action=howTo&p=CommLib/UnivDesDef.html

The Center for Universal Design
www.design.ncsu.edu/cud/index.htm

Note:
The information used in this handout was taken from the web-sites listed.

UNIVERSAL DESIGN INFORMATION

CITY OF DUBLIN



100 Civic Plaza
Dublin, CA 94568
925.833.6620



What is Universal Design?

"The intent of Universal Design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible, at little or no extra costs. Universal Design benefits people of all ages and disabilities." -Ron Mace, Design Pioneer & Visionary of Universal Design

Statistics show that you or a family member will undergo a physical transition at some point in your life. Whether it's a temporary impairment, like a broken bone, or a permanent disability, you or a loved one will be faced with change. The simple process of aging naturally increases our dependency on others. Universally designed features allow us to move through these changes and still enjoy equal opportunities, self-determination, self-respect, and quality of life.

When building or remodeling, it's more cost-effective to add many Universal Design features during the planning stage.

There are a number of design features that can be built for little or



no cost. Their addition at the beginning saves the need for future retrofits.

Can I Get Universal Design in My New Home?

The City of Dublin requires certain Universal Design features to be installed in all new Single-Family homes. (See the Dublin Municipal Code, Chapter 7.90.)

You may obtain a copy of the City's checklist of mandatory installations and mandatory offer options from the City's Building & Safety Division.

What Do Examples of Universal Design Features Include?

- No-step entry
- Wider interior doors and hallways
- Audio & visual doorbell
- At least one bathroom or powder room on the primary entry level
- Hand-held adjustable shower head
- Kitchen on an accessible route of entry.

What are the 7 Principles & Guidelines of Universal Design?

As defined by the Center of Universal Design:

- Equitable Use
- Flexibility in Use

- Simple and Intuitive Use
- Perceptible Information
- Tolerance for Error
- Low Physical Effort
- Size & Space Approach and Use

Why Should I Consider Universal Design?

- Overall cost: It is less expensive to add many Universal Design features during construction than after the building is complete.
- Lever handles on doors: Opening



your front door is easier with lever handles when your hands are full than with old-fashioned knobs.

- Rocker light switches: It is easier to turn lights on/off if you are carrying groceries or holding a baby.
- Adjustable closet rods: Use the rod in the lower position so little ones can reach their own clothes, then raise the rod as they grow.

**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 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 — 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

Plng Comm\Minutes\2013\0108

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

ZOA\2012\02-12.sr.pc.universal.design.1.8.13

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-homebuyers 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: ~~Specified~~Mandatory 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"), ~~or~~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").

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: ~~Specified~~ Mandatory 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: ~~Specified~~ Mandatory 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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Tips on Building an Accessible Home

B. Duerstock

- Introduction
- Designing an Accessible House
- Designing the Master Bathroom
- Searching for Accessible Building Products
- Selecting Flooring
- Selecting a Builder
- Use of Assistive Technologies/The "Smart House"
- Frequently Asked Questions
- Other Accessibility Building Sites

I built my house in 2001. The process was arduous but I had an overall positive experience with building my own home. The reason I chose to build was because I needed accessible housing. For the past several years I lived in a two bedroom apartment spending way too much. I tried to find an accessible apartment with the amenities that I required such as a roll-in shower, but couldn't find any. There is a definite shortage of accessible housing in this country, which will only get worse in coming years with the aging of the baby boom generation. Likewise, there is an emerging interest in remaining in one's home and receiving at-home care rather than automatically going to a nursing home at the onset of any degree of physical disability. Two major reasons for being placed in a nursing facility is due to a lack of accessible physical accommodation in the home and an inability to receive at home nursing care. I realize that nursing homes have their place, but I applaud all efforts to allow a person with a disability to remain in their home all long as feasibly possible.

Finding a house that is handicap accessible or that could be easily modified is a crapshoot. I've received several e-mails from readers from around the country confirming the same thing. Often the few accessible houses become available upon the death of an elderly person who ended up needing their home modified later in life. These houses are usually adapted the easiest and cheapest way possible for the person to be able to remain living at home. Modifications may include a ramp built off the front door, a more spacious master bathroom that is wheelchair accessible, and perhaps a larger bedroom. These houses are at a premium and don't stay on the market long.

Using an electric wheelchair for several years, I had a good idea what I was looking for in terms of accessibility. So I thought I could rehabilitate a house to fit my needs. Unfortunately, this was more difficult than I expected. Accessibility involves more than just adding a ramp and removing the bathtub to make a roll-in shower. Often times, I found that modifying the bathroom meant substantially enlarging it. Thus, moving walls would subtract precious space from the bedrooms, closets, and/or hallway. Some houses lend themselves well to these adaptations - other houses just cannot be done effectively at all. Narrow doorways and hallways are also huge hurdles in many older houses. Other major obstacles include crowded kitchens, garages too small for a lift-equipped van, steps and sunken rooms, inaccessible light switches and door handles, lack of maneuvering room for opening doors, basement stairs, second stories, and inaccessible backyards. Finding the right house to be adapted can be as rare as finding one that is already accessible. Of course, depending on one's disability the criterion for access varies greatly. Since I am a quadriplegic, many accessibility features are needed and their specifications are stringent. For example, the controls in a roll-in shower must be at the right height and position or I can't reach them, having no hand function the controls also needed to be levers instead of knobs. These are only some of the details. Placement of handrails must be determined, the size of the shower area, and I run two showerheads -- an overhead and a handheld showerhead. The [ADA building codes](#) linked here detail many of these specifications. However, one must determine whether each requirement is helpful to you. For instance, I sit higher in a electric wheelchair than manual wheelchair users so my table height clearances are higher.

I came to realize that modifying a house to be accessible for me would essentially mean gutting it and creating an entirely new interior space. The cost of doing this would be comparable to building a new house and I also wouldn't need to worry about making the normal repairs requisite when purchasing an older home. Thus, building a house from scratch was the best option for me.

Designing an Accessible House

I want to note that anyone can build a house. It takes patience and above all attention to detail. As they say, "God is in the details." With that said, my first concern when building a house was where to put it. Again I was very particular about lot



location. I've always wanted a sunroom. I get cold very easy so I keep the house warmer than most. Therefore, I wanted a warm house without spending a lot to conventionally heat it. My sunroom faces due south to take full advantage of the sunlight. This serves two purposes, 1) I have a well lit and warm sunroom in the morning and in the afternoon and 2) I can use the sunroom as a solar collector for passive solar heating. Passive solar heating uses natural sunlight to warm your house. It doesn't involve solar panels or water reservoirs as heat sinks. All you need are windows where they can capture the sunlight during the day and less windows in the north where they will lose heat to the outside during the night. The principle is like a car with its windows rolled up on a sunny day. A good book about passive solar heating is "The Passive Solar House" by J. Kachadorian. It gives details about house design and placement and total area of windows to optimize solar heat. Too many windows will cause the house to be too hot during the summer and the loss of heat during winter and at night.

My south-facing sunroom is about 40 feet long by 10 feet deep. It has ample glass to collect sunlight throughout the day. It also has a ceramic floor to act as a heat absorber during the day and keep warm during the night. This helps heat the entire house as well. The sunroom windows also provide natural light.



When I decided to build my own house, I looked at many many house design plans. I got floorplans from builders, books, and the internet. I wanted a house that was completely accessible for me. I didn't want areas inside or out of the house that was unreachable to me. Even if I wasn't personally going to do the laundry, I still wanted to be able go in and move about in the laundry room. I didn't want areas that were off limits to me that included the yard.

I ended up finding a floorplan with the features that I had wanted on the internet. I needed four bedrooms and at least two bathrooms. I chose a one-story ranch to eliminate stairs, although using an elevator in a two-story house is possible. I modified the floorplan then to suit my personal needs and tastes using commercial house design software that was pretty inexpensive (Visual Home by Sierra). I don't think they make that software anymore. (Contact me if you would like a copy of the floorplan. I don't have complete blueprints to provide.) Once I was finished with my floorplan, I took it to a draftsman, who is an old high school teacher, to develop the final blueprints and check if there were architectural problems with my design. An architect is typically not necessary, as long as you have someone, like a draftsman or contractor, with knowledge and experience in house construction. My draftsman gave me very helpful recommendations, which I incorporated into the final blueprints that he created. Although the floorplan shows the overall configuration of the house, the blueprints specifies how the house is built, what materials and products are used, the exact dimensions of the house, and makes sure that the building codes are followed. That is why a professional is necessary. The typical charge for drawing blueprints is about \$1200-\$2000.

I feel that for a wheelchair user an open floorplan, in particular for the major living spaces like the living room, dining

area and kitchen, provides greater maneuverability. I also enjoy having the kitchen open to the living and dining room. Most of the time life at home revolves around the kitchen whether during mealtimes, entertaining guests, or getting snacks while watching TV. Also, whoever is cooking won't feel isolated from the rest of the household. Lighting covers more area in open designs instead of houses with series of small rooms. Hallways can be major impediments. My plan required a hallway but I tried to have one as convenient as possible. The hallway is short, 4' wide and straight. Narrow hallways with bends are more difficult to navigate.

In my kitchen a section of countertop overhangs the bottom cabinet 2 feet so I have a place where I can park me and my wheelchair. Since I use an electric wheelchair and am tall, I sit fairly high therefore I have the counter 36" high. That is the normal counter height, but it is likely too high for someone sitting in a manual wheelchair. Likewise, there is no cabinet below the kitchen sink so I can go underneath. The plumbing needed to be relocated so my knees wouldn't hit. This was particularly challenging because of the plumbing connected to the garbage disposal. We ended up using PVC plumbing instead of steel because it was more flexible.

Important! This house may not be the only house you live in. Keep in mind of general ADA building codes (wide entrances, door clearances, hallway widths) when designing your house. If you can maintain universal design principles as long as they don't inconvenience you, then the house's attractiveness and thus, resale value will be greater to potential buyers with different disabilities.

Designing the Master Bathroom

Great care must be taken when designing the master bathroom or the bathroom used principally by the household member with the disability. I require a roll-in shower, so that means the whole bathroom floor is tiled and sloped toward floor drains. The concrete subfloor in the bathroom was 1" lower than the rest of the house to allow the mortar and tile of the bathroom threshold to be flush with the bedroom carpet. I have two floor drains in my bathroom, one in the shower area and one in the middle of the non-shower floorspace for spillage. The shower area is approximately 3' by 6' sectioned off by an L-shaped shower curtain. The whole bathroom is 8' x 8.5'. However, bigger is better if you can afford it and especially if more than one person will be using it. I have a two-walled shower area versus three walls enclosing it. In my case, one wall has the above-the-head showerhead facing the bather. The other wall to the side of the bather has the pressure and temperature controls and another lower handheld shower within easy reach. Both showerheads can be turned on independently or at the same time. The current trend in baths is to have multiple showers. I would highly recommend it and in the long run will enhance the value of your home. Remember: plumbing cannot be in exterior walls if your climate has freezing temperatures!



Grab bars are very important, if not for you personally then to meet ADA building codes. It is a small matter to install 2" x 10-12" boards between the studs around the bathroom walls during construction. If the boards are centered at 36" from the floor, then grab bars or a wall-mounted shower bench can easily be installed later after the bathroom is drywalled and tiled. This website also has helpful information about accessible bathroom construction.

In the bathroom lavatory I used an accessible sink by Kohler (Invitation model) that has the drain positioned in the back to prevent a wheelchair user's knees from hitting the plumbing underneath. This product has worked wonderfully for me. The sink projects from the counter to be nearer to a seated person. The tail fin levers to the faucet are also within easy reach. I used a simple Formica laminated



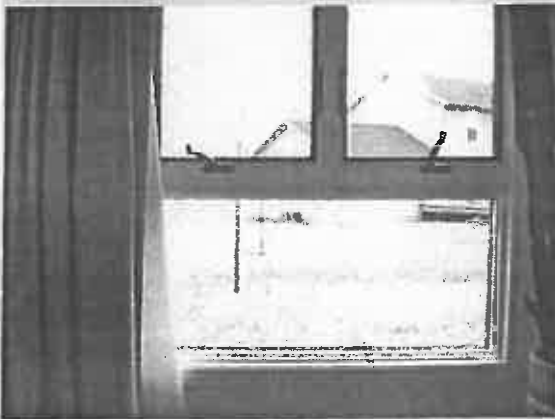
countertop that could be cut to size to fit the available wall space (5' long). The counter was installed 34" from the floor with ample space for leg room beneath. I personally don't like standalone wall-mounted sinks with narrow ledges in the master bathroom, because there's not enough room to place everyday items, like toothbrushes, shaver etc. However, I do have a wall-mounted sink in my half bathroom for access. I don't need to place toiletry items on that one.



It is nice to have plenty of cabinet and storage space in the bathroom. I have a floor-to-ceiling built-in bathroom closet with multiple shelves for all the grooming/bath items, extra towels and everything else you need. It is no different in construction than the bedroom closets except its size. It is 36" wide and ample size to hold all my disability paraphernalia.

Searching for Accessible Building Products

A good resource for appliances and building products to use in your accessible home is the Directory of Accessible Building Products which is a catalog of accessible products from different companies. The Directory is put out every year by the National Association of Home Builders (NAHB) Research Center.



I used 4'x4' casement windows by Andersen in the sunroom. Casement windows use cranks that I am able to open independently. Note: that below the casement windows I have a fixed 4'x2' window 6" from the floor. This positions the casement cranks at 32", so they are at the proper height. This makes for a 4'x6' window. If you take the time to shop, one can often find everyday appliances, fixtures, and products that lend themselves to be functional for persons with disabilities because of the wide variety styles that are available. For instance, I searched through the Amerock website and local hardware stores to find drawer handles that worked best for my hand limitations. I found an electric stove and oven that had buttons in the front that were within easy reach. I was able to do a lot of product searches on the web.

I will in the future list some of the building products that worked well for me and those that didn't.

Selecting Flooring

Several flooring options do not work well for wheelchair users. Plush carpets with thick underpads can feel to a manual wheelchair user like moving through sand. Tile, laminate, and vinyl flooring work well with wheelchair users. I recommend those types for kitchens, bathrooms, laundry rooms, and entry ways. As you know wheelchairs can track a lot of mud and water during rainy days. For the accessible bathroom with a roll-in shower 2" tile works really well. 1" tile has more grout that needs to be cleaned, in my opinion. Too large a tile and you may not have enough grout to provide sufficient traction on wet floor for able-bodied persons. Use the large tile for the walls or rooms with dry floors. (In the sunroom I have 12" tile.) Of course, there are other flooring options. Textured floor tile with raised surfaces may add needed traction.

I don't have much experience with wood flooring but am very impressed with wood laminate flooring. I've found it durable and attractive looking, plus it's cheaper than real wood and requires less maintenance. Now, some people insist on carpeting, they think it lends a warm, homey feel to a room plus is safer against falls. I'm one of those people. When installing carpet in a wheelchair accessible house, one must consider thickness or style of the carpet and how it's laid. There are many types of carpet. Look on the web to learn more about them. In short, there is plush (kind of like long

grass), cut pile (like cut grass), Berber (loops), a mixture of types, and commercial grade carpet. I would recommend staying away from plush carpeting. It's just too thick for proper maneuverability. The rest may work.

The problem with conventionally laid carpeting is that it tends to roll after constant wheelchair traffic. Heavy rolling wheelchairs cause carpets to bunch up, like when a dog gets up from a rug on a slick floor. Usually carpeting is installed by nailing it to a track at the edges of a room. Therefore, the carpet in the middle of the room is not adhered which causes the bunching up. The solution to this is to glue the entire carpet to the underpad. I've used cut pile carpet glued to the underpad in my house for a couple of years now. So far, no problem.

Only one additional thing to add is to make sure flooring installers make a seamless transition between different flooring types in your home. For wheelchair users, it's annoying and totally avoidable to have a threshold or 'bump' between rooms.

Selecting a Builder

What more can I say, but try to find a builder that will work with you and your specific needs. It is imperative to find someone who is up to the challenge on doing things differently, unless you can find a builder who already has experience building different types of accessible homes. "We've never built something like that before," should not be the definitive answer to a problem but the beginning to finding a solution. I used a tract home or production builder to build my house. If you can afford a custom homebuilder, then I would probably recommend that. Production builders make their money by putting up a lot of houses. So they are on a tight schedule and use a lot of different subcontractors who work on many houses for each phase of building your house. So details are easily overlooked, but it is these details that make a house truly accessible and usable. In addition, when you need a subcontractor to come back to fix a problem - and you will, they will already be on to their next project.

Important: PLAN AHEAD AND VISIT THE BUILDING SITE AS MUCH AS POSSIBLE. It wasn't easy for me to visit my house during construction because the driveway is often the last thing to be done. But using boards and manpower the contractor could get me in. Don't hesitate to inspect the house often and sometimes there might be a problem or overlooked issue that needs to be answered right away, so being present at the worksite is mandatory. Also use a camera or video camera to document the work-in-progress. Pictures are helpful documenting parts of the house. They aided me to figure out how I wanted the shower in the bathroom to be plumbed. It was crucial to decide—the location of the handles, how many shower heads, and that I wanted water to come from both heads simultaneously. Photographs also provide evidence if something goes wrong and the builder balks at fixing it. Luckily, I didn't have much problem with that.

In conclusion, your builder is there to help you build the house you want and can afford. You can't have all the answers, so you need a good contractor to guide you through the process. I didn't know a lot about building a house, but I knew what I wanted and did some homework and my contractor helped to answer my questions and offered me useful suggestions and options.

Use of Assistive Technologies/The "Smart House"

A smart home is one that has been wisely planned and designed to fit your particular needs. Like a wheelchair or computer, a house should be considered as one type of assistive technology, perhaps one's greatest aid for enabling one to perform daily tasks intelligently, easier, and independently. Access to enter one's own home is crucial, but if one cannot control their environment than that's only half the battle.

X10 devices are the easiest and most popular method of home automation. There are several websites detailing this technology and offering different types of X10 controllers and responders. [Smarthome.com](http://smarthome.com) is one of them. X10s work great in an apartment and rental housing but I feel that one should be able to design your own home so X10s aren't as necessary. The thermostat and wall switches should be within reach and operable by a wheelchair user. There are different types of thermostats out there designed to be operable for persons with hand limitations. I used outside carriage lights that are motion activated and light sensitive to automatically turn on at dusk. I used a motion sensor for the porch light that easily screws into the light fixture. Both were available at my local hardware stores. There are many automated devices that are available for a little extra. I bought Emerson overhead fans with remote controls so pulling the chain is not necessary. I mounted the remote control on the walls next to the light switches, which I can control fan speed, light on/off and dimming, and fan direction. Timers are also commonly available to activate lights, outside Christmas lights, and the lawn hose. For turning on table lamps in a room, I, like many have the power to all the top wall sockets (or bottom) in the living room controlled by a wall switch. This is practical for everyone for turning on several lights from a

single, convenient location. If you want turn on specific lights at certain time in the day then X10s might be the solution. I use X10s to control hard-to-reach appliances or turn on Christmas lights. You can also use automatic drapery openers to operate most pullstring curtains.

I do use some specialized environmental control devices. For instance, I use two voice-activated telephones by Justel, Inc., which is no longer in business. Quite a shame as their phone is a great product that is still unparalleled by any telephony device on the market in performance and price. I have one phone on my nightstand and the other in the master bath. Yes, I have a phone line in my bathroom. I spend a lot of time in there and most household accidents/falls occur in the bathroom. Extra phone, cable TV, and computer outlets are getting more commonplace and should not be considered as extras but make good planning on part of the homeowner with a disability. I am fortunate to have DSL access where I live; therefore when building I had Category 5 (cat 5) computer cable run to each bedroom and my study so I could plug the computer right into the wall without having to run cable throughout the house. Along with electrical, telephone, and cable TV cable, having Cat 5 cable running in your walls is the sign of the times and, believe me, well worth it if you own a computer. However, with wireless router the need for wiring every room in the house is unnecessary. (Speaker wire is also commonly run through the walls for whole house audio.)

DSL or cable broadband are nice because they doesn't tie up the phone line and much faster than phone modems. I have the DSL modem and network hub and cable TV access centrally located in one room. (If you have any questions about my computer wiring, [e-mail me](#).)

I also have installed an automatic door opener by Poweraccess that is very dependable but on the large side. This unit is used only for opening the door. There is a separate hydraulic door closer like you see on doors in public buildings. Single unit automatic opener and closers are available that attach to the door by an arm, which pushes and pulls the door opened and closed. I use this type of door opener by Keane Monroe at work and had very good experience with them. When building my house, I had the electrician prewire above the outside doors and the door latches so installing the door opener and electric lock strike later on would be easier and not require paying an electrician to come back and do it later. The automatic door opener installers will not do electrical wiring themselves.

In conclusion, if you have a need for home automation then do it. If some accessible modification improves your daily routine or safety or even if it just saves you some time compared to the conventional way, like having to walk more often, then it's probably worth doing. Accessible design takes in consideration of the needs of the owner to make life easier. An accessible house is the most functional (and aesthetically pleasing) aid that one can have for performing daily tasks.

Frequently Asked Questions

Q: When you built your accessible home, what did you do out the back door? Is there a patio or deck? Is the patio/deck flush with back door or is it raised off the ground a bit? We are in the process of building an accessible home and the side walk is flush in the front door, but the contractor says the back is raised and will require a deck.

I have a 12'x10' concrete slab patio in back. I have both a conventional door and sliding door going on to it with a zero grade threshold just like at the front door. But yes, you're correct that would raise the patio above ground level. The builder had to bulldoze and level my yard anyway, so I had them move earth to the edge of the patio on all sides. This does cause the yard to slope up toward the patio. On one side it is steeper than I prefer.

Later I solved my sloping problem by adding a brick patio along the perimeter of my existing concrete patio slab. This brick patio serves two purposes. First, it provides a nice ramp with pretty good traction. Second, it provides a nice wheelchair-friendly walkway around the house that can be used all year. Of course, to maintain proper ramp steepness you have to have to allow for enough ramp length. The width of the walkway is four and a half feet wide.



Q: We were wondering how you were able to locate a contractor in your area that was able to deal with some of the "odder" changes to your home. We are looking to build but are having a hard time locating someone who has ANY knowledge about the kinds of changes we need, let alone any experience. Do you have any suggestions?

I scouted around for a builder and went to many model homes to see their workmanship and ask them about doing "customized" accessible floorplans. I asked friends who built and learned about the reputation of many builders. I also knew where I wanted to build and met some of my future neighbors and learned their experience building with many of the same builders and received tips about some of their common problems and recommendations. People like to talk about their houses, especially if there is something you like about it. For example, I learned many had flooding in their basements in that area.

As for accessible design, you'll have to be the expert in what features you need. No matter how experienced the builder is it's up to you to make the decisions. Afterall, you're paying for it. I feel that good builders will have built customized homes in the past and be able to tell you specifically the extra costs involved in using custom designs. Some builders in order to get you to sign a building contract will promise you accessible features but wrongly think they can take one of their own floorplans and simply modify it by making the bathroom bigger or adding a vanity that you can roll under. I feel in the long run, you won't be happy with the result and it may be more expensive.

Don't forget to visit the other interesting sites on the Links page!

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CITY OF DUBLIN
BUILDING & SAFETY DIVISION

City of Dublin Universal Design Check List

Based on the 2007 New Home Universal Design Option Checklist (AB 1400) &
Chapter 7.90 Dublin Municipal Code

INSTRUCTIONS

The Developer of a residential development project in excess of 20 units shall provide this form to all buyers of a new residential dwelling. The Developer should explain the form and options offered. Those options shall include all City Mandatory to Offer upgrades and any additional Universal Design upgrades that maybe offered by the Developer.

The Developer is responsible for providing a copy of this form to the City of Dublin Building & Safety Division, signed by the Developer's Representative and the Buyer(s), prior to final inspection of the dwelling. Occupancy of a unit will not be approved unless this form has been submitted to the City.

Please neatly print or type the following information:

Name of Development Cortons at Positano
Developer (Contact) Name DR Horton BAY, Inc. - Julie Nebozuk
Phone # 925-225-7485 Fax 925-225-7402
Address 6630 Owens Drive, Pleasanton, CA 94568

Property Address _____
Tract Number 8037 Lot Number 18

Home Buyer Name _____
Home Buyer Name _____

Part I includes those features related to exterior adaptations, doors and openings, interior adaptations, kitchens, and bathrooms or powder rooms.

Part II includes features, which apply to other parts of the house and are commonly requested or considered universal design features.

Part III provides space for details, or for any other external or internal feature that may be requested, if it is requested at a reasonable time by the buyer, is reasonably available, is reasonably feasible to install or construct, and makes the home more usable and safer for a person with any type of activity limitation or disability.

Part IV is an explanation of the laws governing the Checklist and use of the Checklist

PART I: General Exterior and Interior Components and Features

Feature	Status	Timing	Details	Cost
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1. Exterior Features

Accessible route of travel to dwelling from public sidewalk or
thoroughfare to primary entrance (as defined by the City)

Graded path*

Ramp*

Driveway to graded path

No-step entry (1/2" or less threshold)*

Accessible landscaping of at least one side yard
and rear yard

Accessible route from garage/parking to home's primary entry*

Accessible route from garage/parking to secondary entry

Other options offered by builder (List in Part V)

MO	BIW	_____	\$ _____
_____	-	_____	\$ _____
_____	-	_____	\$ _____
MO	BFo	_____	\$ _____
_____	-	_____	\$ _____
_____	-	_____	\$ _____
_____	-	_____	\$ _____

2. Exterior Doors, Openings, and Entries Features:

Minimum 34" clear primary entry doorway*

Minimum 32" clear secondary entry doorway*

Primary entry accessible internal/external maneuvering
clearances, hardware, thresholds, and strike edge clearances*

Secondary entry accessible internal/external maneuvering
clearances, hardware, thresholds, and strike edge clearances*

Primary entry accessible/dual peephole and doorbell

Primary entry accessible dual peephole (if provided)

Primary entry accessible doorbell (if provided)

Primary entry door sidelight/window

Accessible sliding glass door and threshold height*

Weather-sheltered entry area

Other options offered by builder (List in Part V)

MO	BFo	_____	\$ _____
MO	BFo	_____	\$ _____
MO	BFo	_____	\$ _____
MO	BFR	_____	\$ _____
_____	-	_____	\$ _____
MO	BIW	_____	\$ _____
MI	Included	_____	\$ _____
_____	-	_____	\$ _____
_____	-	_____	\$ _____
_____	-	_____	\$ _____

3. General Interior Features

Accessible route of travel to at least one bathroom/powder room,
kitchen, and common room*

Accessible route of travel: other areas*

42" wide hallways/maneuvering clearances with 32" clear
doorways on accessible route*

MO	BFo	_____	\$ _____
_____	-	_____	\$ _____
_____	-	_____	\$ _____

Feature Status Timing Details Cost

30" wide hallways/maneuvering clearances with 34" clear
doorways on accessible route*

Accessible hallway and doorway widths: other areas*

Accessible hardware, strike edge clearance, and thresholds for
accessible doorways*

Light switches, electric receptacles, and environmental and alarm
controls at accessible heights on accessible route/rooms*

Light switches, electric receptacles, and environmental and
alarm controls at accessible heights on primary floor*

Light switches, electric receptacles, and environmental and
alarm controls at accessible locations when over barriers*

Rocker light switches/controls on accessible route/rooms

Rocker light switches/controls on primary floor

MO	BFo	_____	\$ _____
MO	BFo	_____	\$ _____
_____	-	_____	\$ _____
MI	Included	_____	\$ _____
MI	Included	_____	\$ _____
_____	-	_____	\$ _____
MI	Included	_____	\$ _____
MI	Included	_____	\$ _____

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Feature	Status	Timing	Details	Cost
Visual smoke/fire/carbon monoxide alarm	_____	_____	_____	\$ _____
Audio and visual doorbell	_____	_____	_____	\$ _____
Audio and visual security alarm	_____	_____	_____	\$ _____
Closets on accessible route: adjustable (36"-60") rods/shelves	_____	_____	_____	\$ _____
Nonslip carpet/floor for accessible route	_____	_____	_____	\$ _____
Handrail reinforcement (1 side) provided in all accessible routes of travel/rooms accessible route	MO	BIW	_____	\$ _____
Handrails (1 side) provided in all accessible routes of travel/rooms accessible route	MO	BIW	_____	\$ _____
Handrail reinforcement (2 sides) provided in all accessible routes of travel/rooms accessible route	MO	BIW	_____	\$ _____
Handrails (2 sides) provided in all accessible routes of travel/rooms over 4 feet in length	_____	_____	_____	\$ _____
Handrail reinforcement or handrails installed in other areas	_____	_____	_____	\$ _____
Interior lifts/elevators:				
Interior stairway lift	_____	_____	_____	\$ _____
Interior elevator	_____	_____	_____	\$ _____
Electrical and reinforcement for future lift	_____	_____	_____	\$ _____
Electrical and location for future elevator	_____	_____	_____	\$ _____
Laundry Area, if provided on the primary entry level:				
Accessible route of travel	MO	BFo	_____	\$ _____
Accessible workspace	_____	_____	_____	\$ _____
Accessible cabinets	_____	_____	_____	\$ _____
Accessible appliances	_____	_____	_____	\$ _____
Other options offered by builder [List in Part V]	_____	_____	_____	_____

4. Kitchen Features (If Location is on the Primary Entry Level)

At least one kitchen on accessible route of travel	MO	BFo	_____	\$ _____
Adequate work/floor space in front of:				
Stove (specify 30"x48" or greater)*	MO	BFo	_____	\$ _____
Refrigerator (specify 30"x48" or greater)*	MO	BFo	_____	\$ _____
Dishwasher (specify 30"x48" or greater)*	MO	BFo	_____	\$ _____
Sink (specify 30"x48" or greater)*	MO	BFo	_____	\$ _____
Oven (if separate) (specify 30"x48" or greater)*	MO	BFo	_____	\$ _____
U-shaped kitchen space requirements* (can be used to meet above MO requirements)	_____	_____	_____	\$ _____
Other (specify 30"x48" or greater)*	_____	_____	_____	\$ _____
Accessible appliances (doors, controls, etc.):				
Stove	_____	_____	_____	\$ _____
Hood fan controls at light switch level or lower	MO	BIW	_____	\$ _____
Refrigerator	_____	_____	_____	\$ _____
Dishwasher	_____	_____	_____	\$ _____
Sink	_____	_____	_____	\$ _____
Oven (if not part of stove)	_____	_____	_____	\$ _____
Microwave/overhead at countertop height	_____	_____	_____	\$ _____
Other appliances	_____	_____	_____	\$ _____
Accessible countertops:				
All or a specified portion repositionable*	_____	_____	_____	\$ _____
One or more breadboards at 18" wide* and 34" max high or	MO	BFr	_____	\$ _____
One or more counter areas at 18" wide* and 34" high or	_____	_____	_____	\$ _____
One or more workspaces at 30" wide with knee/toe space	_____	_____	_____	\$ _____
Other features	_____	_____	_____	\$ _____

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Feature**Status Timing Details Cost****Cabinets:**

Base cabinets: pull-out and/or Lazy Susan shelves
 Wall cabinets: pull-out and/or Lazy Susan shelves
 Additional interior lighting
 Additional under-cabinet lighting
 Accessible handles/touch latches for doors/drawers
 Under-cabinet roll-out carts
 Other features

_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____

Sink:

Repositionable height*
 Removable base cabinets under sink*
 Faucet* (not requiring tight grasping or pinching)
 Hose/sprayer feature
 Anti-scaid device
 Other features

MO	BFR	_____	\$_____
MO	BFR	_____	\$_____
MI	Included	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____

Contrasting Colors:

Edge border of cabinets/counters
 Flooring: in front of appliances
 Flooring: on route of travel
 Other features

_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____

Other options offered by builder [List in Part V]

5. Bathroom/Powder Room Features (if on the primary entry level)

At least one powder room on accessible route of travel
 Maneuvering Space (For bathrooms and powder room)

MO	BFR	_____	\$_____
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Maneuvering space diameter
 30" x 48" turning area*
 60" diameter turning area
 Clear space for toilet and sink
 36" x 36" clear use area
 30" x 48" clear use area*

_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____

Bathtub and/or shower (For bathrooms only)

Standard bathtub with grab bar reinforcement*
 Standard bathtub with grab bars*
 Accessible bathtub (size* and handles)
 Standard shower with grab bar reinforcement*
 Standard shower with grab bars*
 Accessible (roll-in) shower*
 Faucet* (not requiring tight grasping or pinching)*
 Offset controls for exterior use

MI	Included	_____	\$_____
MO	BIW	_____	\$_____
MO	BIW	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
_____	-	_____	\$_____
MI	Included	_____	\$_____
_____	-	_____	\$_____

Toilet (For bathrooms or powder room)

Standard toilet with grab bar reinforcement*
 Standard toilet with grab bars*
 Accessible toilet with grab bars*

MI	Included	_____	\$_____
MO	BIW	_____	\$_____
MO	BIW	_____	\$_____

Sink/Lavatory (For bathrooms or powder room)

Standard with under sink cabinets
 Standard with removable base cabinets* or
 Pedestal or open front*

MO	BIW	_____	\$_____
_____	-	_____	\$_____

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Feature	Status	Timing	Details	Cost
Accessories (For bathroom or powder room)				
Lower/accessible medicine chest		-		\$
Accessible counter space near sink		-		\$
Faucet* (not requiring tight grasping or pinching)	MI	Included		
Anti-scaid devices for sink		-		\$
Accessible handles/touch latches for doors/drawers		-		\$
Lower towel rack(s)	MO	BIW		\$
Lower mirror(s)	MO	BIW		\$
Contrasting floor color		-		\$
Fold-down/fixd shower seat(s)		-		\$
Accessible toilet tissue holder		-		\$
Hand-held adjustable shower spray unit(s)		-		\$
Other options offered by builder [List in Part V]				

Part II: Other Components and Features

6. Common Rooms Features (If on the Primary Entry Level)

Dining room on accessible route of travel*		-		\$
Living room on accessible route of travel*		-		\$
Den on accessible route of travel*		-		\$
Split-level common room with accessible route of travel*		-		\$
No split level common room*	MO	BFo		\$
A common room on the accessible pathway	MO	BFo		\$
Other options offered by builder [List in Part V]				

7. Bedroom Features (If on the Primary Entry Level)

One bedroom on accessible route of travel	MO	BFo		\$
Two or more bedrooms on accessible route of travel		-		\$
Closets have minimum 32" clear opening*	MO	BFo		\$
Larger "walk-in" closets		-		\$
Closets have adjustable (30"-60") shelves and bars	MO	BIW		\$
Other options offered by builder [List in Part V]				

8. Laundry Area Features (If on the Primary Entry Level)

Laundry area on accessible path of travel	MO	BFo		\$
Accessories:				
Accessible workspace		-		\$
Accessible cabinets		-		\$
Accessible handles/touch latches for doors/drawers		-		\$
Accessible appliances		-		\$
Other options offered by builder [List in Part V]				

9. Miscellaneous Areas (If on the Primary Entry Level)

Accessible route to miscellaneous areas such as patio or storage areas either through dwelling or around dwelling	MO	BFo		\$
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10. General Compliance

Door hardware consistent with Chapter 11A
 Rocker-light switches and controls meeting Chapter 11A
 Electrical outlet heights to Chapter 11A
 Flooring consistent with Chapter 11A CBC

<u>MI</u>	Included	
<u>MI</u>	Included	
<u>MI</u>	Included	
<u>MO</u>	BFr	\$_____

Part III: Additional Details, Components, or Features

A. External Features: Buyer Request (Any other additional external feature requested at a reasonable time by the buyer that is reasonably available and reasonably feasible to install or construct and makes the residence more usable for a person with activity limitations or disabilities in order to accommodate them). These may include features such as high-visibility address numbers, electronic garage door openers, additional lights, door bench or package shelf, oversize garage, zero-step house/garage entry, etc. (Attached as Part III.A: Yes No)

B. External Features: Builder Offer (Any other additional external feature offered to the buyer by the builder that makes the residence more usable for a person with disabilities or activity limitations in order to accommodate them). (Attached as Part III.B: Yes No)

C. Internal Features: Buyer Request (Any other additional internal feature requested at a reasonable time by the buyer that is reasonably available and reasonably feasible to install or construct and makes the residence more usable for a person with activity limitations or disabilities in order to accommodate them). These may include features such as lowered window sills (under 36"), additional lighting, "touch" luminous light switches, automatic internal lights, additional wiring for electronic features, lighted closets, air filtration systems, larger/more automatic thermostats, pocket doors, etc. (Attached as Part III.C: Yes No)

D. Internal Features: Builder Offer (Any other additional internal feature offered to the buyer by the builder that makes the residence more usable for a person with activity limitations or disabilities in order to accommodate them). (Attached as Part III.D: Yes No)

E. Variation from State Chapter 11A Standards: (Any mutually agreed-upon features with standards different than Chapter 11A of the California Building Code, including clearly identified deviations from those standards). (Attached as Part III.E: Yes No)

F. Additional features or requirements: (Any mutually agreed-upon features not covered by Chapter 11A of the California Building Code for which additional detail would be helpful to the builder and buyer, including clearly identified standards.) (Attached as Part III.F: Yes No)

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PART IV: EXPLANATION OF LAWS GOVERNING CHECKLIST AND USE OF THE LIST

The City of Dublin has adopted a Universal Design Ordinance that requires Developers to install or offer and install for purchase certain accessible features. The purpose of the Universal Design Guideline, 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.

The Ordinance is applicable to all residential dwellings units that are part of a residential development project in excess of 20 residential dwellings units, that are single-family, duplex and triplex units. All other unit types are regulated by Chapters 11A and 11B of the California Building Code.

California law, section 17959.6 of the Health and Safety Code, requires a builder of new for-sale residential units to provide buyers with a list of specific "universal design features" which make a home safer and easier to use for persons who are aging or frail, or who have certain temporary or permanent activity limitations or disabilities. A developer is not required to provide the listed features during construction or at any other time, unless the developer has offered to provide a feature and the buyer has requested it and agreed to provide payment.

All features covered by "Chapter 11A" of the California Building Code (Title 24, California Code of Regulations, Part 2) are identified by an asterisk (*) and must comply with that Chapter unless otherwise specifically provided. All features not in Chapter 11A must be selected and installed in a workman like manner by the builder unless they are further described in Part V.

Unless otherwise exempted by the City, the items listed as *Mandatory to Install* in Chapter 7.90 of the Dublin Municipal Code shall be installed in all residential dwellings units that are part of a residential development project in excess of 20 units. These items shall be installed at no additional cost to the buyer.

Mandatory to Offer upgrades listed in the Chapter 7.90 of the Dublin Municipal Code shall be offered to the buyer of each dwelling that is subjected to this chapter. The developer shall determine the option selection cut off dates and any additional cost to the buyer. The *Mandatory to Offer* items, are items that have been determined by the City to be reasonable 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.

Features listed may not actually be available or offered by the builder. In addition, certain items must be requested prior to certain phases of construction, as specified by the builder. The builder may provide estimated costs for the special features. The features must be installed and comply with Chapter 11A, unless the builder and buyer agree in writing to different standards than those in Chapter 11A and the differences are clearly disclosed in Part V. A builder is not required to install the listed features unless the builder offers them and both of the following occur: (1) the buyer requests them with the specified phase of construction, and (2) the buyer agrees to provide payment for the features. Any violation of this law is enforced by the local building department and local public prosecutors, and is punishable by civil penalties.

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The attached chart lists the specific features, which must be disclosed, as well as others commonly requested but not required by law. There are four categories for each feature:

- "Status": whether it is a standard ("S"), limited ("L"), and option ("O"), mandatory to install if provided ("MI"), Mandatory to offer ("MO"), or not available ("NA"), as determined by the builder, or City of Dublin Code.
- "Timing": by what stage in construction it must be requested (such as "any time", "before foundation", "before framing", or "before internal wall covering"), with actual times selected by the builder and approved by the City.
- "Details": whether or not there are additional details or specified modifications from the Building Code listed in the "Additional Details" section, Part V (e.g., "Yes" or "No").
- "Cost": optional labor and materials costs, which may be estimated by the builder.

Form Provided by Builder to Buyer:

Builder Initials/Date

Buyer Initials/Date

No Universal Design Features Requested:

Buyer Signature/Date

**Universal Design Features Identified
And Agreed To By Builder and Buyer:**

Buyer Signature/Date

Builder Signature/Date

A copy of this form shall be submitted to the City of Dublin's Building & Safety Division prior to permit final or occupancy.

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**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

ATTEST

Keith Haydon
Chair

Kenneth H. Craig,
Interim Community Development Director

Attachment: Universal Design Ordinance