



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, November 13, 2012
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. Commissioner Johnson to report at the City Council meeting on November 20, 2012.

Public Comment

Approval of Minutes

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

Public Hearing

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

Recommended Action: Approve, with conditions.

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

Recommended Action: Recommend Approval to City Council.

Old Business

- 4. None.

New Business

- 5. None.

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Communications

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

Adjournment

- 7. The next meeting of the Planning Commission is scheduled for **November 27, 2012.**

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.

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Minutes
Clayton Planning Commission Meeting
Tuesday, October 23, 2012

Call to Order

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

Present: Chair Haydon, Commissioner David Bruzzone, Commissioner Sandra Johnson, Commissioner Dan Richardson

Absent: Vice Chair Gregg Manning

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela

Administrative

1A. Review of agenda items.

1B. Commissioner Richardson to report at the City Council meeting on November 6, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of September 25, 2012.

Commissioner Richardson moved and Commissioner Johnson seconded a motion to approve the minutes, as presented. The motion passed 4-0.

Public Hearing

3A. **SPR 03-12, Site Plan Review Permit, John Lazar**, 208 El Molino Drive, APN 119-472-001. A site plan review permit to consider a proposed second-story balcony to be located on the rear of a two-story single-family residence. The balcony measures approximately 200 square feet in area and is located approximately 10 feet above ground level.

Community Development Director Woltering presented the staff report.

Commissioner Bruzzone asked if a portion of the proposed balcony would extend beyond the existing rear wall of the residence. *Director Woltering indicated that a small portion of the balcony would extend beyond the rear wall of the home approximately two to three feet and added that the proposed rear setback for the project is approximately 40 feet while the required rear setback is 20 feet.*

Chair Haydon asked if staff had received any comments in response to the public hearing notice. *Assistant Planner Sikela responded that no comments had been received.*

Commissioner Johnson asked if this was a removal or extension of the existing balcony. *Director Woltering responded that the project entailed removal of the existing balcony.*

The public hearing was opened.

Commissioner Richardson asked the following questions:

- Where will the new balcony be attached to existing residence? *The representative of the applicant, Conrad de Jesus, indicated that the balcony will extend out from the side elevation of the residence.*
- Will the new balcony be attached to the lower roof of the residence? *Mr. de Jesus responded "No."*

The Commissioners concurred that the balcony appeared appropriate at the proposed location and was complementary with the residence in terms of design and selected colors.

The public hearing was closed.

Commissioner Richardson moved and Commissioner Johnson seconded the motion to approve Site Plan Review Permit SPR 03-12, with the findings of approval and conditions of approval recommended by staff. The motion passed 4-0.

3B. **UP 02-12, Use Permit, Safeway Inc., 5431 Clayton Road, APN 118-031-056.** A use permit to consider a proposal to allow displays of seasonal items such as plants and other promotional merchandise, periodic sales by local charities, and placement of five vending machines in front of the Safeway store in the Clayton Station shopping center. The displays, sales, and vending machines will not interfere with the minimum path-of-travel area of 48 inches as required by the Uniform Building Code.

Assistant Planner Sikela presented the staff report.

Commissioner Bruzzone asked why the original condition of approval was established to require a use permit in the first place. *Assistant Planner Sikela responded that it was established to address concerns regarding clutter and unattractive aesthetics.*

Chair Haydon asked if any time limits were being proposed for the outdoor display areas. *Director Woltering indicated that, while various merchandise would be rotated through the outdoor display areas, the intent was that the display areas and vending machines would be permanent. From staff's perspective, we want to assign areas for displays and vending machines to be located, but we do not want to limit duration. Assistant Planner Sikela added that, while we want to provide a clean, attractive storefront, we also want to allow some flexibility for the applicant to adjust displays as needed throughout the year.*

The public hearing was opened.

The representative of Safeway, Mary Davi, indicated the following:

- The intent is to use the approved display areas and vending machines throughout the year.
- We request that the minimum 55-inch path-of-travel width being recommended by staff be reduced to 48 inches.

Chair Haydon asked if there will be any clothing for sale in the display areas. *Ms. Davi indicated that there will be no clothing for sale in the display areas.*

Commissioner Bruzzone emphasized that management of the outdoor shopping cart storage area will be important and that Safeway should be vigilant about ensuring that carts are put away. *Ms. Davi indicated that she will inform the store and local area managers regarding being thorough and diligent about putting the carts away correctly.*

Commissioner Richardson indicated the following:

- The display area to the right of the west entrance may be too close to the shopping cart storage area for customers to be able to conveniently retrieve and return carts.
- I prefer the 55-inch path-of-travel proposed by staff in order to ensure the functional movement of people and shopping carts in the areas around the displays and vending machines.

Commissioner Johnson concurred with Commissioner Richardson that the proposed outdoor display area to the right of the west entrance may interfere with the ability of customers to conveniently retrieve and return shopping carts. She suggested that this display area could be eliminated or re-located.

The public hearing was closed.

Commissioner Johnson and Chair Haydon both agreed with staff's proposal to require a minimum 55-inch path-of-travel width in order to avoid congestion.

Commissioner Bruzzone mentioned concerns about the display area to the right of the west entrance being too close to the outdoor shopping cart storage area.

Director Woltering indicated that an option for Commission consideration is to remove the display area to the right of the west entrance or re-located the display area to the left of the west entrance in order to be further away from the outdoor shopping cart storage area.

Commissioner Johnson agreed that the area to the right of the west entrance is a more spacious area but is less visible to patrons.

Chair Haydon suggested that a trial run would be appropriate to gauge the impact that locating the display area to the right of the west entrance would have upon the outdoor shopping cart storage area.

By consensus, the Commission indicated support of requiring a 55-inch path-of-travel and that the applicant would appropriately adjust the display area to the right of the west entrance to ensure safe and convenient ingress and egress for patrons to the outdoor shopping cart area.

Commissioner Richardson moved and Commissioner Bruzzone seconded the motion to approve Use Permit UP 02-12, with the findings of approval and conditions of approval recommended by staff. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Woltering gave an update regarding revisions to the General Plan Noise Element and Municipal Code Noise Regulations. He indicated that staff has reviewed Noise Elements from Saratoga, Los Gatos, St. Helena, and Contra Costa County to look at ways of amending the General Plan and Municipal Code to take into consideration and address noise impacts in mixed-used commercial/residential areas like the Town Center. Soundproofing through construction techniques and operational characteristics are some of the mitigating mechanisms that could be analyzed as part of noise mitigation. Once staff research has been completed, options will be presented for consideration by the City Council. The options may range from no change at all to a comprehensive update of the Noise Element and Noise Regulations in the Municipal Code.

6B. Commission.

Commissioner Richardson indicated that, in the spirit of full disclosure, he met with Director Woltering regarding a shed that he is proposing to construct on his property.

Chair Haydon indicated that he would be missing the upcoming Clayton Business and Community Association (CBCA) meeting and asked Commissioner Johnson and Commissioner Richardson to provide the summary of tonight's Planning Commission meeting at the CBCA meeting.

Adjournment

7. The meeting was adjourned at 7:55 p.m. to the next regularly scheduled meeting of November 13, 2012.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Keith Haydon
Chair

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**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: November 13, 2012

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Second Story Balcony at 3 Seminary Ridge Place
Site Plan Review Permit (SPR 04-12)

REQUEST

A site plan review permit to consider a proposed second-story balcony to be located on the rear of a two-story, split-level, single-family residence.

PROJECT INFORMATION

Applicant/Location: Toll Brothers
3 Seminary Ridge Place
Clayton, California 94517
APN 119-640-017
(See **Attachment A** for Location Map)

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

Zoning: Single Family Residential R-10 District (10,000 square-foot minimum lot area).

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

Public Notice: On November 2, 2012, a public hearing notice was posted at the notice boards and mailed 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.

BACKGROUND AND ANALYSIS

The applicant is requesting Planning Commission approval of a site plan review permit to consider a proposed second-story balcony to be located on the exterior side and rear of a two-story, split-level, single-family residence. The balcony measures approximately 600 square feet in area and is located approximately 13 feet above ground level.

In July 2011, the Planning Commission approved the site plan review permit for the 24-lot Diablo Estates at Clayton residential subdivision. Since receiving Planning Commission approval, the developer, Toll Brothers, has been in the process of constructing the approved residences within the subdivision. The dwelling unit on Lot 9—a two-story, split-level, single-family residence—was approved with a proposed exterior staircase on the exterior side elevation of the residence (see **Attachment B** for the original superseded plot plan for Lot 9). The developer is now proposing to construct a second-story balcony along the exterior elevation of the residence which will extend around to and along the rear elevation (see **Attachment C** for the updated plot plan; **Attachment D** for an enlargement of the balcony portion of the updated plot plan; and **Attachment E** for the floor plan and elevations of the balcony). The balcony is proposed to connect the top of the exterior staircase and wrap around to the rear elevation of the residence where it will be anchored to the rising upslope in the rear yard of the subject lot.

The balcony colors and materials of the supports, railings, and deck are proposed to be integrated with the colors and materials of the residence. Staff has provided a condition that all colors and materials of the balcony components (deck, supports, railings) be integrated with the colors and materials of the residence. Given the prominence of this elevation of the residence being located adjacent to the entryway to the Diablo Estates at Clayton subdivision at the intersection of Rialto Drive and Seminary Ridge Place, this condition will ensure complementary visual integration and aesthetic consistency with adjacent existing structures.

Setback Analysis

The existing rear setback to the residence is 21.5 feet and existing exterior side setback is 36.7 feet. The proposed rear setback after the balcony is constructed will be 15 feet from the rear property line, complying with the R-10 District rear setback of 15 feet, and 49 feet from the exterior side property line, complying with the R-10 District exterior side setback of 20 feet.

Section 17.36.030 of the Municipal Code exempts open stairways from setback requirements as long as such structures “do not obstruct the light and ventilation of any adjoining parcel of land.” Since the stairway to the balcony does not create a light or ventilation obstruction, the stairway portion of the project would qualify for this exemption and would not be counted against the required setbacks. Furthermore, the top landing of the staircase would be no closer than 49 feet to the exterior side property line while the residence itself would be even closer to the exterior side property line with a 36.7-foot exterior side setback.

Residential Floor Area Analysis

Section 17.78.030.D.3 of the Municipal Code excludes balconies and other structures (stairways) from floor area calculations “where at least one of the longest dimensions is unenclosed.” Since the balcony and stairway are unenclosed, these structures would not be subject to floor area requirements.

Conclusion

Staff has reviewed the design aspects of the proposed plans relative to the standards for Site Plan Review Permits and determined that the project, as conditioned, is in conformance with the standards. The proposed findings listed below specifically address the standards.

RECOMMENDATION

Staff recommends that the Planning Commission approve Site Plan Review Permit SPR 04-12, based upon the following findings of approval and subject to the following conditions of approval.

Proposed Findings of Approval

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings that Site Plan Review Permit SPR 04-12, as conditioned:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Maintains solar rights of adjacent properties.
5. Reasonably maintains the privacy of adjacent property owners and/or occupants.
6. Reasonably maintains the existing views of adjacent property owners and/or occupants.
7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Is compatible with the neighborhood and surrounding land uses.

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

Proposed Conditions of Approval

These conditions of approval apply to the Updated Plot Plan Lot 9, submitted by Toll Brothers, date stamped November 7, 2012; and Franciscan – Plan 2 Lot 9, Deck Option and Franciscan – Plan 2, Tuscan – Exterior Elevations, submitted by Toll Brothers, date stamped November 7, 2012.

1. All colors and materials of the balcony components (deck, supports, railings) shall be integrated with the colors and materials of the residence.
2. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

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

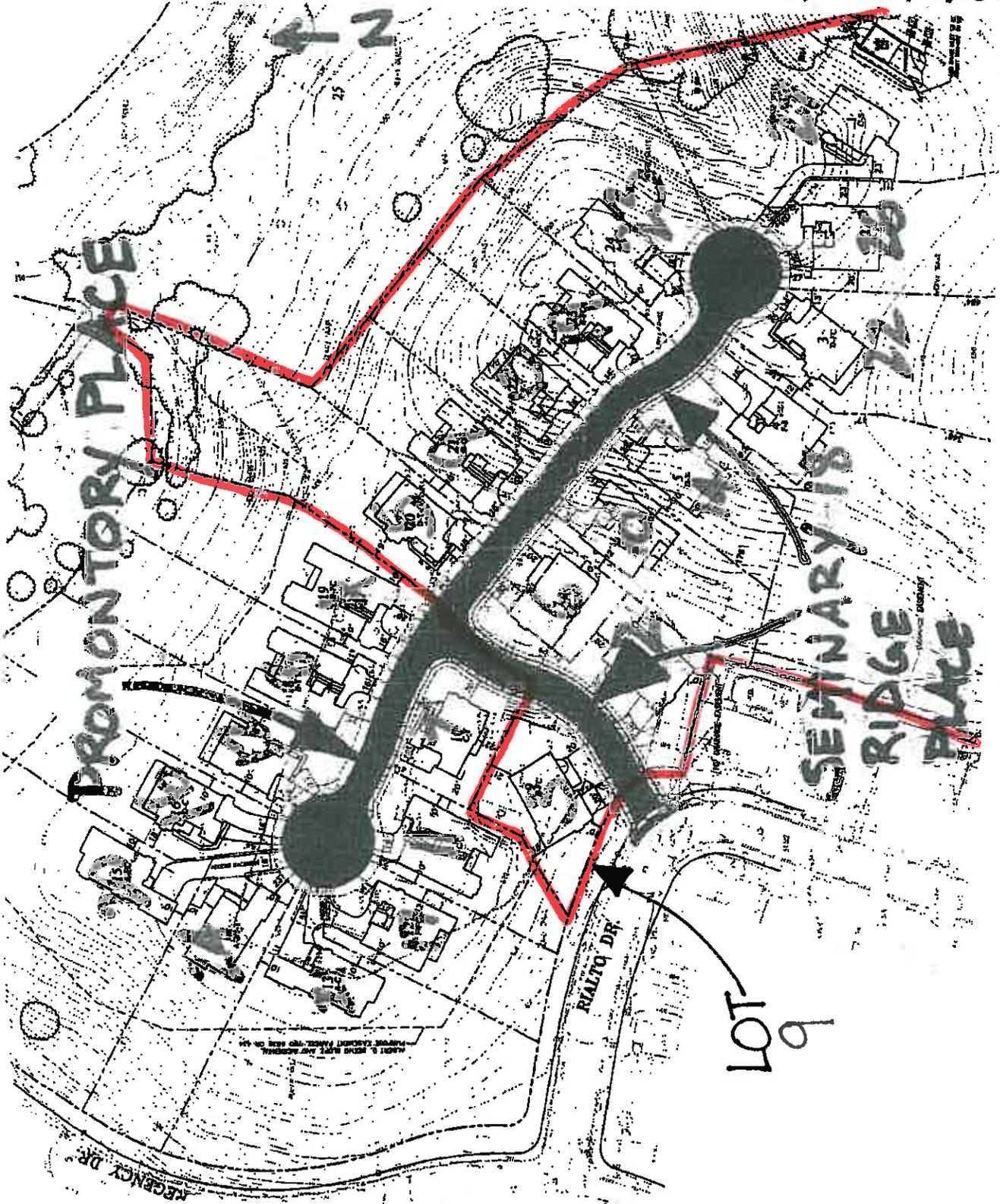
1. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards as well as pay all associated fees and charges.
2. This Site Plan Review Permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be null and void (CMC § 17.64.010-17.64.030).
3. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the City Engineer (CMC § 15.01.101) located at 5375 Clayton Road, Concord, 925-363-7433.
4. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
5. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
6. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&Rs) administered by a homeowners' association (HOA), additional requirements and/or approvals may be required by the HOA. Before proceeding with the project, it is advisable to check with the HOA to ensure any applicable requirements are met.

ATTACHMENTS

- A Location Map
- B Original Superseded Plot Plan for Lot 9, submitted by Toll Brothers, date stamped November 7, 2012
- C Updated Plot Plan Lot 9, submitted by Toll Brothers, date stamped November 7, 2012
- D Enlarged Updated Plot Plan Lot 9, submitted by Toll Brothers, date stamped November 7, 2012
- E Franciscan – Plan 2 Lot 9, Deck Option and Franciscan – Plan 2, Tuscan – Exterior Elevations, submitted by Toll Brothers, date stamped November 7, 2012

SPR\2012\04-12.sr.pc.11.13.12.diablo.estates.lot.9.balcony

ATTACHMENT A



CODE COMPLIANCE NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, AS AMENDED, AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL JURISDICTION.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO ANY EXCAVATION WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FOUNDATION DESIGN SPECIFICATIONS.
8. ALL STRUCTURAL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE.
9. ALL MECHANICAL, ELECTRICAL, AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL, ELECTRICAL, AND PLUMBING CODES.
10. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE ARCHITECT'S INTENT AND THE CALIFORNIA BUILDING CODE.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
12. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
14. ALL MATERIALS SHALL BE STORED PROPERLY ON THE JOB SITE.
15. THE CONTRACTOR SHALL MAINTAIN A CLEAN AND SAFE JOB SITE AT ALL TIMES.
16. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL JURISDICTION.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
18. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
20. ALL MATERIALS SHALL BE STORED PROPERLY ON THE JOB SITE.

F.L.R. PLAN DESCRIPTION NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL WALLS ARE 4" THICK UNLESS OTHERWISE NOTED.
3. ALL FLOORS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
4. ALL ROOFS ARE 2" POLYSTYRENE INSULATION ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
5. ALL CEILING ARE 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
6. ALL DOORS ARE 2" SOLID CORE UNLESS OTHERWISE NOTED.
7. ALL WINDOWS ARE 2" ALUMINUM UNLESS OTHERWISE NOTED.
8. ALL STAIRS ARE 8" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.
9. ALL MECHANICAL, ELECTRICAL, AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL, ELECTRICAL, AND PLUMBING CODES.
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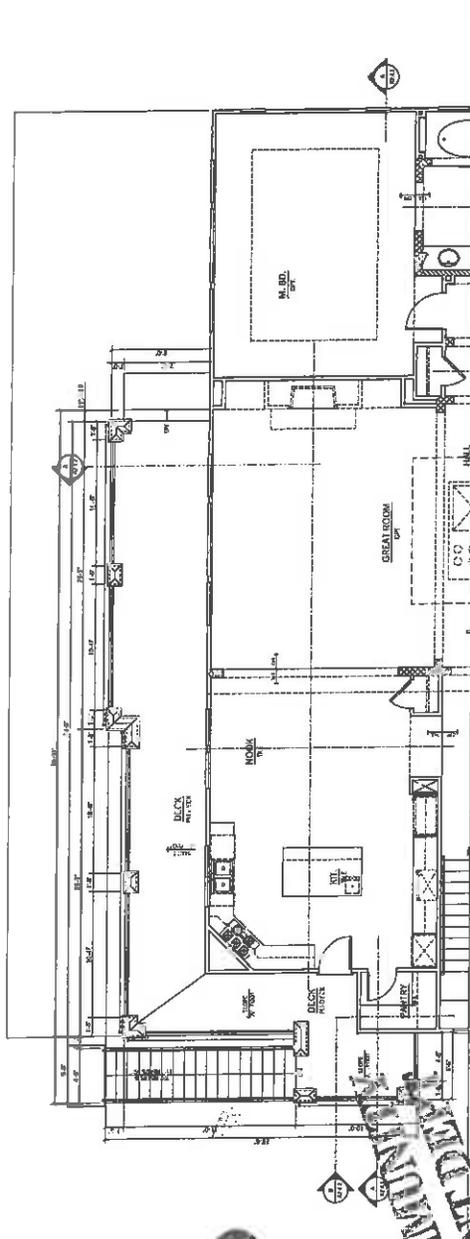
F.L.R. PLAN GENERAL NOTES

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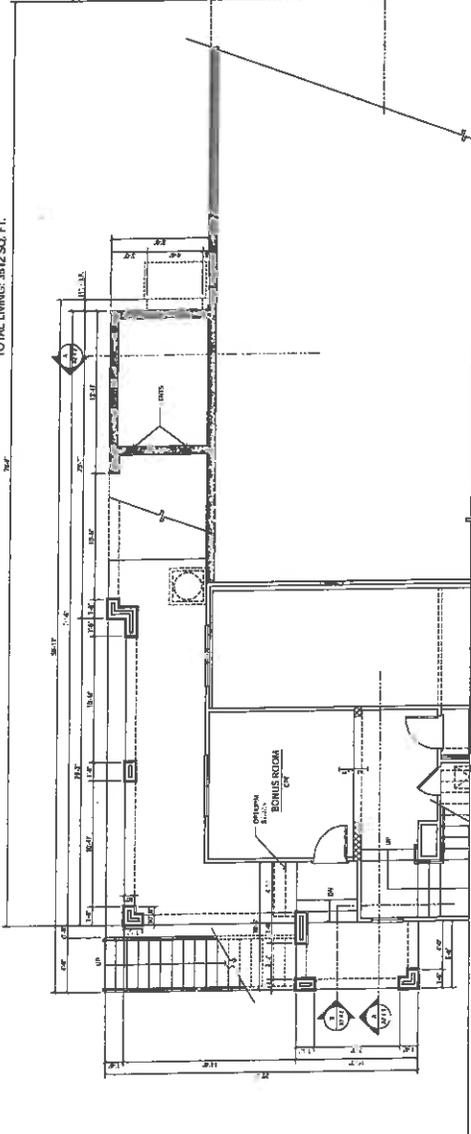
FRANCISCAN - TUSCAN (LOT 9)

UPPER FLOOR: 244 SQ. FT.
GARAGE: 317 SQ. FT.

FOR ADDITIONAL INFORMATION
SEE TUSCAN PLAN



MAIN FLOOR PLAN - DECK AT REAR OF HOUSE
FRANCISCAN - TUSCAN (LOT 9)
MAIN FLOOR: 3268 SQ. FT.
TOTAL LIVING: 3512 SQ. FT.



LOWER FLOOR PLAN - DECK AT REAR OF HOUSE
FRANCISCAN - TUSCAN (LOT 9)
UPPER FLOOR: 244 SQ. FT.
GARAGE: 317 SQ. FT.

ATTACHMENT E
(2 PAGES)

HUNT HAILE JONES
Architecture | Interiors
444 Speer Street, Suite 105
San Francisco, CA 94108
L 415-415-1300 | F 415-298-0261

Toll Brothers
2805 CROW COUNTRY PLACE
SAN BERNARDINO, CA 92423
P 951-855-5500
F 951-855-5501

DIABLO ESTATES
CLAYTON, CA

No.	Date	Revision
1	11/06/2012	ISSUED FOR PERMITS
2	11/06/2012	REVISIONS
3	11/06/2012	REVISIONS
4	11/06/2012	REVISIONS
5	11/06/2012	REVISIONS
6	11/06/2012	REVISIONS
7	11/06/2012	REVISIONS
8	11/06/2012	REVISIONS
9	11/06/2012	REVISIONS
10	11/06/2012	REVISIONS



Sheet Description	
Drawn	11/06/2012
Checked	11/06/2012
Drawn	11/06/2012
Checked	11/06/2012
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Checked	11/06/2012



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Architectural Planning Interiors
444 Canal Street, Suite 105
San Francisco, CA 94108
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415-774-1300 415-774-0988

Toll Brothers
2000 Chestnut Canyon Place
Saratoga, CA 95070
415-851-1000
415-851-9727

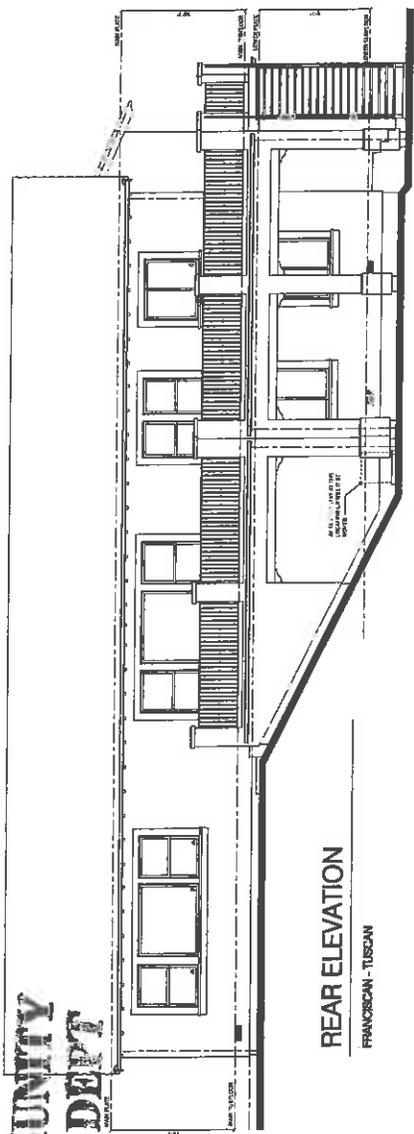
DIABLO ESTATES
CLAYTON, CA

No.	Desc	Revision
1	REVISION	11/06/2012 - PROGRESS SET
2	REVISION	
3	REVISION	
4	REVISION	
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6	REVISION	
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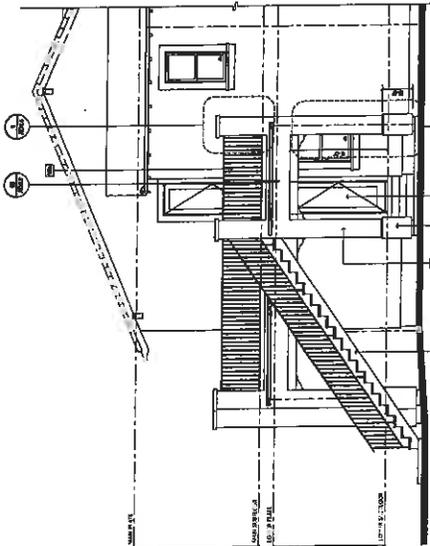
FRANCISCAN - PLAN 2
TUSCAN - EXTERIOR
ELEVATIONS
Scale: 1/4" = 1'-0"
Drawn: JH
Checked: JH
Date: 11/06/2012
Project: 12099

A2.9.3

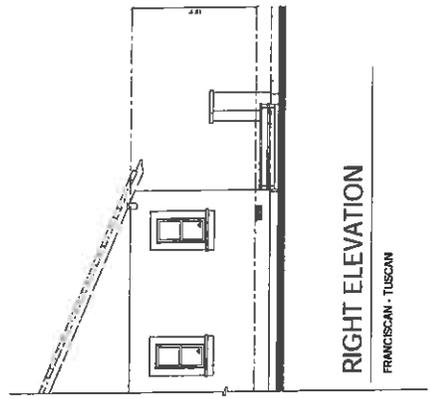
- ELEVATION NOTES**
1. REFER TO SHEET 12099 FOR GENERAL NOTES.
 2. REFER TO SHEET 12099 FOR FINISH SCHEDULE.
 3. REFER TO SHEET 12099 FOR WINDOW SCHEDULE.
 4. REFER TO SHEET 12099 FOR DOOR SCHEDULE.
 5. REFER TO SHEET 12099 FOR ROOF SCHEDULE.
 6. REFER TO SHEET 12099 FOR FLOOR SCHEDULE.
 7. REFER TO SHEET 12099 FOR CEILING SCHEDULE.
 8. REFER TO SHEET 12099 FOR WALL SCHEDULE.
 9. REFER TO SHEET 12099 FOR STAIR SCHEDULE.
 10. REFER TO SHEET 12099 FOR RAILING SCHEDULE.
 11. REFER TO SHEET 12099 FOR LIGHTING SCHEDULE.
 12. REFER TO SHEET 12099 FOR MECHANICAL SCHEDULE.
 13. REFER TO SHEET 12099 FOR ELECTRICAL SCHEDULE.
 14. REFER TO SHEET 12099 FOR PLUMBING SCHEDULE.
 15. REFER TO SHEET 12099 FOR GAS SCHEDULE.
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 23. REFER TO SHEET 12099 FOR SOUND SCHEDULE.
 24. REFER TO SHEET 12099 FOR VIBRATION SCHEDULE.
 25. REFER TO SHEET 12099 FOR AIR QUALITY SCHEDULE.
 26. REFER TO SHEET 12099 FOR WATER SCHEDULE.
 27. REFER TO SHEET 12099 FOR SEWER SCHEDULE.
 28. REFER TO SHEET 12099 FOR RAINWATER SCHEDULE.
 29. REFER TO SHEET 12099 FOR IRRIGATION SCHEDULE.
 30. REFER TO SHEET 12099 FOR LANDSCAPE SCHEDULE.
 31. REFER TO SHEET 12099 FOR SITEWORK SCHEDULE.
 32. REFER TO SHEET 12099 FOR UTILITY SCHEDULE.
 33. REFER TO SHEET 12099 FOR FOUNDATION SCHEDULE.
 34. REFER TO SHEET 12099 FOR STRUCTURE SCHEDULE.
 35. REFER TO SHEET 12099 FOR EXTERIOR SCHEDULE.
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 99. REFER TO SHEET 12099 FOR VIBRATION SCHEDULE.
 100. REFER TO SHEET 12099 FOR AIR QUALITY SCHEDULE.



REAR ELEVATION
FRANCISCAN - TUSCAN



LEFT ELEVATION - DECK OPTION
FRANCISCAN - TUSCAN



RIGHT ELEVATION
FRANCISCAN - TUSCAN

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CLAYTON COMMUNITY
DEVELOPMENT DEPT

PLANNING COMMISSION STAFF REPORT

Meeting Date: November 13, 2012

From: David Woltering, AICP 
Community Development Director

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

BACKGROUND

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

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

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

DISCUSSION

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

RECOMMENDATION

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

ATTACHMENTS

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

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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 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: Mandatory installations related to a primary entrance in a visitable residential dwelling 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: Mandatory installations related to interior routes in a visitable residential dwelling 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"). A thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), and a thirty-six inch (36") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36").

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

- A. New Construction—Not Mandatory to Install: Mandatory installations related to the powder room, bathroom, or other facilities in a visitable residential dwelling 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: Mandatory installations related to a kitchen in a visitable residential dwelling 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: Mandatory installations related to a common use room in a visitable residential dwelling 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: Mandatory installations related to a bedroom in a visitable residential dwelling 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: Mandatory installations related to miscellaneous areas of a visitable residential dwelling do not exist.
- B. New Construction—Mandatory to Offer: The following option 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: Mandatory installations related to general components in a visitable residential dwelling 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, 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, 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 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.
- 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.
- 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/ndi/
- *Universal Design Institute:*
<http://www.udinstitute.org/index.php>
- *California Department of Housing and Community Development:*
www.hcd.ca.gov/codes/sh/universaldesign.html



Universal Design Brochure

City of Clayton
 Community Development
 Department

What is Universal Design?

Ron Mace, FAIA, architect and founder of the Center for Universal Design at N.C. State University coined the term "universal design" and developed the following definition:

The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."

Purpose of this brochure: The City of Clayton's new Universal Design Ordinance, effective December 2012, requires builders to offer certain accessibility features to new homebuyers as an upgrade option. This ordinance gives homebuyers the option of purchasing homes that are visitable, usable and safe for all persons. This brochure lists optional universal design features potentially available for new homes.

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

DRAFT

Chapter 17.100

UNIVERSAL DESIGN

Section:

- 17.100.010 Purpose and Intent
- 17.100.020 Findings
- 17.100.030 Definitions
- 17.100.040 Scope and Application
- 17.100.050 Exemptions
- 17.100.060 Standards: Primary Entrance
- 17.100.070 Standards: Interior Routes
- 17.100.080 Standards: Primary Floor Powder Room/Bathroom Entry and Facilities
- 17.100.090 Standards: Kitchen and Facilities
- 17.100.100 Standards: Common Use Room
- 17.100.110 Standards: Bedroom
- 17.100.120 Standards: Miscellaneous Areas
- 17.100.130 Standards: General Components
- 17.100.140 Standards: New Construction or Substantial Rehabilitation—Permissive Options
- 17.100.150 Enforcement
- 17.100.160 Severability
- 17.100.170 Effective Date

17.100.010 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 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.

17.100.020 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.

17.100.030 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 17.100.040.

17.100.040 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.

17.100.050 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 shall 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, 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 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 shall be granted.
- D. This ordinance 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.

17.100.060 Standards: Primary Entrance

- A. New Construction—Mandatory to Install: Mandatory installations related to a primary entrance in a visitable residential dwelling 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 17.100.140:

Comment [NPappant1]: David, the City of Fremont Universal Design Ordinance has the language I included here (i.e., "All residential dwelling units..."). Many cities have different approaches. The City of Sacramento and the City of Dublin limited unit coverage to projects including more than 20 units. For example, Dublin's language for the "Unit Coverage" section is as follows:

"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."

Murrieta's Muni Code has the following language:

"Fifteen percent (15%) of all owner-occupied, all rental, all owner-occupied and rental residential dwelling units for which a new construction building permit is submitted to the building department, except that one hundred percent (100%) of all designated senior housing residential projects shall contain all interior features of this chapter."

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 17.100.060 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.

17.100.070 Standards: Interior Routes

- A. New Construction—Mandatory to Install: Mandatory installations related to interior routes in a visitable residential dwelling 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 17.100.140:
 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"). A thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), and a thirty-six inch (36") hallway width may be provided when all doors leading to any

bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36").

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

- A. New Construction—Mandatory to Install: Mandatory installations related to the powder room, bathroom, or other facilities in a visitable residential dwelling 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 17.100.140:
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.

17.100.090 Standards: Kitchen and Facilities

- A. New Construction—Mandatory to Install: Mandatory installations related to a kitchen in a visitable residential dwelling 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 17.100.140:
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.

17.100.100 Standards: Common Use Room

- A. New Construction—Mandatory to Install: Mandatory installations related to a common use room in a visitable residential dwelling 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 17.100.140:
 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.

17.100.110 Standards: Bedroom

- A. New Construction—Mandatory to Install: Mandatory installations related to a bedroom in a visitable residential dwelling 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 17.100.140:
 1. At least one bedroom on the accessible route of travel with all components meeting the requirements of Section 17.100.130. 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.

17.100.120 Standards: Miscellaneous Areas

- A. New Construction—Mandatory to Install: Mandatory installations related to miscellaneous areas of a visitable residential dwelling 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 17.100.140:
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.

17.100.130 Standards: General Components

- A. New Construction—Mandatory to Install: Mandatory installations related to general components in a visitable residential dwelling 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 17.100.140:
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 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 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.

17.100.140 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 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.
- 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.

17.100.150 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

Comment [NPappari2]: Note some jurisdictions deleted the "Enforcement" section

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 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.
- E. 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.

17.100.160 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.

17.100.170 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).

Excerpt
Minutes

Clayton Planning Commission Meeting
Tuesday, August 28, 2012

Call to Order

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

Present: Chair Haydon, Vice Chair Gregg Manning, Commissioner David Bruzzone, Commissioner Sandra Johnson

Absent: Commissioner Dan Richardson

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Chair Haydon to report at the City Council meeting on September 18, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of July 10, 2012.

Vice Chair Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as amended. The motion passed 3-1 (Vice Chair Haydon abstained since he had recused himself from the July 10, 2012 meeting during review of Item 3, the AT&T Use Permit UP 01-12, because he is an employee of AT&T).

New Business

5A. Review Housing Element Work in Progress:

- 1) Implementation Measure V.1.1: The City shall provide energy conservation brochures at City Hall and the Clayton Community Library.
- 2) 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 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.

Director Woltering provided a review of the Housing Element work in progress and indicated the following:

- A substantial amount of work has already been completed toward satisfying the requirements of the 2009-2014 Housing Element, such as establishing a manufactured housing ordinance, initiating a density bonus policy, and designating seven properties within Clayton with a high density land use designation to encourage multi-family

development.

- We are creating a brochure that outlines energy efficient measures and ways to conserve resources, as being presented this evening.
- We will be implementing a universal design ordinance to address the needs of individuals with disabilities and an aging population that prefers to remain in a single family residence safely and comfortably for longer periods of time.
- Staff seeks to receive comments from the Planning Commission on both the draft energy efficiency brochures and the draft universal design ordinance being presented this evening.
- He concluded by saying staff will finalize the energy efficiency brochure, taking into consideration the Planning Commission's comments, and then distribute the brochures to City Hall and the Library.
- The draft universal design ordinance will need further review by the City Attorney's office and then will come back to the Planning Commission and the City Council for consideration at noticed public hearings.

Chair Haydon asked that by having the brochures available, will we meet Housing Element requirements? *Director Woltering responded that completing the brochures and having them available to the public would help the City meeting the Housing Element requirements.*

Commissioner Johnson suggested that the draft brochure be modified to incorporate a definition of "cool roofs" in the wording.

Vice Chair Manning had the following comment and question:

- Concerned that "voluntary" measures may become "mandatory" measures.
- Is the County involved in this? *Director Woltering answered that the County prepared the draft resolution, received City comments regarding the draft resolution, and then, based on jurisdictional input, will finalize the resolution and take it to the Board of Supervisors for review.*

Commissioner Bruzzone asked would we be able to include water efficiency into this effort to make the community more aware of resource conservation? *Director Woltering indicated that the City has already implemented regulations addressing water quality and conservation via the State's C.3 Stormwater requirements and the City's landscape water conservation standards and guidelines.*

Director Woltering provided an overview of the proposed universal design ordinance, discussing the exemption section and the concepts of universal design, and indicated the following:

- The objective is to facilitate accessibility for those with disabilities.
- Approximately 12.8% of the community that is aged 16 years or older has disabilities.
- This would apply to production-oriented, developer-driven residential projects rather than individual custom homes or remodels.
- The focus is more on single family duplex and triplex projects.
- Developers would be required to offer these provisions to prospective homebuyers and show proof that these provisional options had, in fact, been made available to homebuyers.
- These provisions have been gleaned from a model ordinance drafted by the State Department of Housing and Community Development.

- The provisions would address such things as the primary entry design and interior routes to a powder room, bathroom, kitchen, or bedroom.
- The objective is to get people safely and comfortably into these areas of their home with the assistance of such features as “grab” bars, railings, rocker light switches, hand-activated door hardware, and counters and vanities that could be adjusted for people in wheelchairs.
- Section 17.100.140 provides relief for developers if the developer can show proof of hardship.

Vice Chair Manning indicated that the universal design ordinance is a good idea. He pointed out that it is very difficult to retrofit an existing structure to accommodate accessibility features. It is much better to include them with the initial construction.

Commissioner Bruzzone asked how does the ordinance relate to Americans With Disabilities Act (ADA) requirements? *Director Woltering replied that the ordinance supports ADA by bringing concepts of ADA design to homebuilding. The ordinance goes hand-in-hand with ADA.*

Commissioner Bruzzone recommended that there should be a protocol to assure the homebuilder complies with the requirements of the universal design ordinance and that the homebuyer is aware of the ordinance. *Director Woltering indicated that, if the ordinance is adopted, compliance with the ordinance would be achieved through conditions of approval. A supporting brochure would also be made available to the homebuyer.*

Commissioner Johnson indicated that the enforcement subsection could appear intimidating to homebuilders and homebuyers.

Vice Chair Manning indicated that not all of the items listed under enforcement appear appropriate in that section. He asked that staff review that section and modify it as needed to address his concern.

Chair Haydon asked why the term “visitable” is used? *Director Woltering answered that the ordinance is meant for visitors to the home as well as for occupants of the home.*

Chair Haydon indicated the following:

- Subsection headings could be changed to clarify that it is mandatory to offer the design accommodations and not mandatory to build the design accommodations.
- There should be a method of documentation established that allows the homebuilder to show proof that the options were offered to the prospective buyer.

Director Woltering thanked the Commissioners for their comments and questions.

Ping Comm\Minutes\2012\0828-excerpt-universal design ordinance