



City of Alameda • California

June 12, 2017

Lisa Vorderbrueggen
East Bay Executive Director for Governmental Affairs
Building Industry Association, Bay Area
1350 Treat Boulevard, Suite 140
Walnut Creek, CA 94597

Dear Lisa:

Thank you and the members of the Bay Area Building Industry Association for your comments on the draft City of Alameda Universal Design Ordinance. Throughout this process, you and your members have been extremely helpful to us as we work through these difficult issues as a community. In the interest of working together to address these competing public policy objectives and continue to build a foundation for a productive partnership between the Building Industry and the City of Alameda, we have prepared the following responses to your letter for your consideration.

Housing Cost Crises: I am pleased to report that there is one fundamental objective that it appears that we all agree: the City of Alameda and the Bay Area cannot afford to further increase the cost of housing. We are all facing a housing cost crises. This crises is the result of a lack of supply of available housing, which has resulted in a dramatic increases in housing costs. Rising costs have resulted in longer Bay Area commutes, as more Bay Area employees are forced to look for cheaper housing further away, increased vehicle miles travelled and the resulting increase in greenhouse gas emissions, and increasing displacement and homelessness as existing residents are forced out of their homes due to rising rents and housing costs.

Housing for All: Despite these difficult times, we here in the City of Alameda are committed to ensuring that all new housing is constructed in a manner that ensures that each housing unit is adaptable for, and can accommodate, our residents in each phase of their lives. We strongly believe that working together, the Alameda community and the Building Industry will be able to design and construct new housing in Alameda that accommodates young families, families with a family member with disabilities, and seniors aging in place with mobility issues without raising construction costs.

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Unique Ordinance for a Unique City: We understand that no other city in California has adopted an ordinance similar to this ordinance. From our perspective, we are drafting an ordinance for Alameda, not for other cities in the State of California. Very few cities in California have Alameda's topography. We are a city without hills. We are a city with residential development sites that have little to no slope. A visit to Lennar's recently completed Marina Shores neighborhood, Tripoint's Alameda Landing neighborhood, and other residential building sites in Alameda reveals that the Building Industry is designing and building slab on grade foundations for new single family homes and new townhomes without more than a single stair or two leading to the front door from the sidewalk. A closer look at these developments show that with very slight modification to the path leading from the sidewalk to the front door, both of these builders were able to provide an accessible route to and through the front door to their townhome building without making any significant changes to the site grading or foundation design for the project.

Flexibility. We understand that each project is different, each site is different, each housing builder has different economic and financial objectives, and each architectural firm has different and new design ideas. We understand that building homes in the Bay Area is not easy. There are many challenges, many costs, and many interrelated permitting processes. We do not want to make the process of building homes more expensive, nor do we want to make it more complicated. For these reasons, our draft ordinance includes provisions that allow the home builder to use the existing, required Design Review permitting process to request adjustments to the requirements of our Universal Design ordinance to address unforeseen design, financial, topographical, permitting, or structural problems that are unique to the project. The draft ordinance allows a waiver of any provision of the universal design ordinance if the waiver is necessary to:

- i. enable a design solution for the proposed residential unit or units that is necessary to be able to make the findings for Design Review (AMC Section 30-35 and 30-36) approval;
- ii. support the provision of affordable housing units;
- iii. avoid an hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints; or
- iv. avoid a conflict with adopted local, regional, state or federal regulations.

The waiver is not a variance. A waiver from the universal design ordinance may be granted through the design review process for the project to create a better design, reduce costs to enable the project to meet its affordable housing requirements (all projects over 9 units in Alameda provide deed restricted affordable units), and/or avoid problems caused by site conditions or other state, regional or local regulations. (For example, potential conflicts might arise between Regional Water Quality Board requirements for on-site storm water treatment and these new universal design requirements.)

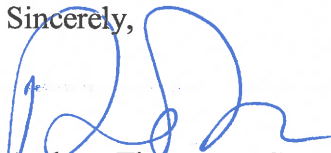
Stairs and People with Mobility Issues: Ultimately, we think the root of this issue is the following basic problem that the builders and the city must solve together: stairs are a major problem for people with mobility issues and every one of us as we age. In simple terms our draft ordinance addresses this fundamental problem in the following way:

- i. The 100% Objective (Visitability): New homes should not be designed to physically exclude people with disabilities from getting to the front door of the home and/or being able to enter. Furthermore, once the senior or Alamedian with a disability gets into the home, there should be at minimum a room to sit and visit with their neighbor and they should be able to go to the bathroom if necessary during their visit. This seems like a reasonable goal for all new homes in Alameda. Furthermore, our ordinance exempts:
 - a. rehabilitation or expansion of an existing residential unit,
 - b. reconstruction of an existing residential unit destroyed due to fire or natural disaster,
 - c. new residential units added to or within an existing structure, and
 - d. new residential units located above ground floor commercial space in buildings with five (5) units or less and new residential units located above a ground floor accessible unit

- ii. The 30% Objective (Livability) Our ordinance states that at least 30% of new Alameda housing stock should be housing that is not only “visitable”, but that a senior or an Alamedian with a disability may live in without major design changes because the unit is designed with the front door, the kitchen, the living room, a bedroom, and a bathroom on the same floor. Additional bedrooms and bathrooms may be located on upper floors accessed by stairs. To us, this seems like a reasonable goal for Alameda with our aging population, our citizens with disabilities, and our uniquely flat topography.

We hope this letter helps the BIA understand our universal design objectives and continues our ongoing discussions between the BIA and the City of Alameda as we work together to create more housing for all of the people of Alameda.

Sincerely,



Andrew Thomas, MCP and AICP
Assistant Community Development Director, City of Alameda

