



DATE: Oct. 13, 2017

TO: The Hon. Alameda Mayor Trish Herrera Spencer, Vice Mayor Malia Vella and Councilmembers Marilyn Ezzy Ashcraft, Frank Matarrese and Jim Oddie

FROM: Lisa Vorderbrueggen, *BIA|Bay Area East Bay Executive Director For Government Affairs*

RE: Proposed Universal Design Ordinance

Dear Mayor Spencer, Vice Mayor Vella and Councilmembers,

As an organization whose more than 400 members develop, construct and sell residential homes throughout the Bay Area, BIA|Bay Area has serious concerns about the cost implications of Alameda's proposed universal design ordinance. While providing for the needs of the Bay Area's disabled residents is an important community issue, it must be balanced against the far broader housing shortage and affordability crisis.

Mandating "visitability" for 100 percent of new homes in Alameda will not only potentially add tens of thousands of dollars to the cost of every house, it will also induce sprawl as developers are forced to shift to the larger footprints necessary to accommodate the mandatory universal design components on the first floor. According to the California Building Industry Association, 80 percent of single-family homes built in California today are two and three-story dwellings, which will present significant design constraints to the inclusion of accessible path-of-travel and the inclusion of interior clear-space requirements in the ordinance. The design constraints are far more significant in townhomes.

The builders' two main options for accommodating the new regulations have serious drawbacks: Reduce densities to less than 18 units per acre or install accessible elevators. The first will yield fewer units and only luxury projects will be financially viable. The second adds about \$80,000 to the cost of each unit, which also drives up the price of the homes. The third unintended consequence is that mandating ground-floor living features favors single-story homes at a time when most communities are planning higher density multi-story development patterns that make more efficient use of public transportation and other public services.

Among BIA's other concerns:

- For flood damage protection, most jurisdictions require a differential of 24 to 36 inches between the street and the structure's concrete pad to allow for drainage. However, CBC Chapter 11A states that the slope of an accessible ramp cannot exceed 1-in-12. This means a builder will need at least 36 feet of ramp (not including 48" landings at the bottom, top and at changes in direction) to handle a 36" rise from the street to the front door. For a single-family house, this presents an enormous design challenge as most existing front yard and primary entry designs would fail to meet this standard. It also presents a significant marketing challenge for the builder, as most homebuyers will not want an entryway with a large ramp such as the one described here.
- The draft ordinance appears to expand the California Housing and Community Development Department's multi-family accessibility building standards (CBC Chapter 11A) into single-family houses. Was this Alameda's intention? If so, did the city intend to require all 125 universal design items listed in the chapter? This would represent a significant cost to the builders and, ultimately, the homebuyers.
- With respect to the 30 percent requirement, builders would very likely have to toss out their model home designs and start from scratch. Access to the primary living level would almost certainly have to be done through

an accessible elevator that can accommodate the clear space requirements for a wheelchair user at a cost of at least \$80,000, according to BIA members familiar with these products. Combined with the other mandatory universal design features, the added expense could easily top \$100,000 per unit.

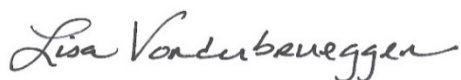
- Most homebuyers are disinterested in universal design features. For example, KB Home in Southern California offered up to 80 universal design options. Out of 10,000 units sold, only five buyers chose these options. Buyers are especially concerned about the impacts of universal design features on the resale values of their homes, especially that of highly visible wheelchair ramps and large accessible bathrooms. As baby boomers age, the market may change but until it does, homebuilders cannot sell what buyers won't buy.
- We appreciate the waiver provision in the draft ordinance. However, subjecting developers to yet another discretionary, public hearing process in order to secure decisions on highly technical issues best decided by qualified engineers will subject housing projects to more uncertainty, delays and costs. If this ordinance goes forward, we would ask that you give your engineering department staff the authority to grant such waivers.
- We also ask that if this ordinance is adopted, the city exempt all development proposals currently in the project application pipeline. Asking developers to redesign the homes and factor the added costs this late in the process will delay indefinitely or outright kill much-needed housing.

Earlier this year, the California Housing and Community Development Department set aside pursuit of more stringent statewide universal design building codes following the release in January 2017 of "California's Housing Future," a major analysis which found that regulations and overly restrictive building codes account for a share of the increased housing costs and have an impact on affordability.

Just how bad is it in California? See the attached chart prepared by Bankrate.com, which shows that California not only ranks dead last in affordability behind Hawaii and New York but by large margins. Put another way, for every \$1,000 increase in the cost of a home, another 15,328 California households are priced out of the market. As calculated by Zillow, Alameda's median home value has already increased \$42,000 in the past year from \$880,000 to \$922,000 and is predicted to rise another \$18,000 by August 2018, which will further widen the affordability gap.

If Alameda adopts this ordinance, it will become the most far reaching, mandatory universal design law in the entire state of California. The state has already rejected the regulatory route due to concerns about excessive cost. We urge Alameda to consider more targeted and less costly ways to provide residential accessibility for the disabled community. While well-intentioned, the ordinance will significantly drive up housing costs for thousands of people and make homeownership even less attainable at a time when it is already at crisis levels.

Sincerely yours,



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CC:

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