

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING  
ARTICLE 30-18 (UNIVERSAL RESIDENTIAL DESIGN) OF CHAPTER  
XXX (DEVELOPMENT REGULATIONS) TO ADJUST UNIVERSAL  
DESIGN REQUIREMENTS FOR TOWNHOUSE DEVELOPMENTS

WHEREAS, the City Council desires to remove development barriers to the construction of townhomes while continuing to promote universal residential design.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: AMENDMENTS TO ALAMEDA MUNICIPAL CODE

Article 30-18 (UNIVERSAL RESIDENTIAL DESIGN) of Chapter XXX (DEVELOPMENT REGULATIONS) of the Alameda Municipal Code, is hereby amended as follows (underlined for additions and ~~strikeout~~ for deletions):

**30-18 UNIVERSAL RESIDENTIAL DESIGN.**

**30-18.1 Purpose.**

The purpose of this section is to:

- a. Promote and preserve the public health, safety, and general welfare of the people of the City of Alameda with mobility issues or who may develop mobility issues with age by ensuring equal access to housing for people ~~born~~ with mobility issues, ~~people that develop mobility issues as the result of disease, accident, injury, military service, or age~~ without significantly impacting housing costs and affordability.
- b. Ensure that people with mobility issues are able to visit the homes of their friends and family members who may not have mobility issues.
- c. Enhance the full life cycle use of housing, without regard to the functional limitations or disabilities of a home's occupants or guests, in order to accommodate a wide range of individual preferences and abilities, in all new residential development within the City of Alameda.
- d. Incorporate design features into residential dwelling units that enhance residents' ability to remain in their homes during periods of temporary, developing, or permanent disabilities.

- e. Implement the City of Alameda General Plan Housing Element policies to provide housing that meets the City's diverse housing needs.

### **30-18.2 Definitions.**

For the purpose of this section, the following terms shall have the following definitions:

*Accessible feature* means standards which allow a broad range of people to enter, maneuver within and use a room, space, fixture, or other improvements ~~for features or fixtures, designs, or other improvements, which are equal to or exceed~~ meet the minimum applicable requirements Chapter 11A of the California Building Code, ~~as may be amended.~~

*Accessible bathroom* means a room containing a water closet (toilet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub that includes accessible features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended, and that including blocking within the walls to support future installation of grab bar/hand rails.

*Accessible bedroom* means a room containing a bed and can be used for a resident or guest to sleep that includes accessible features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

*Accessible common use room* means a room commonly used by residents or guests to congregate that includes accessible features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

*Accessible entry* means an entrance that may be used by a visitor to the residential unit that includes accessible features ~~meets or exceeds the minimum requirements of Chapter 11A of the California Building Code, as may be amended.~~

*Accessible exterior access* means an exterior accessible route from the public right-of-way to an accessible entry ~~that is consistent with the requirements of CBC Chapter 11A as may be amended.~~

*Accessible interior access* means an accessible route ~~consistent with the requirements of CBC Chapter 11A as may be amended~~ from the accessible entry to the living, eating, sleeping, common use or bedroom, and/or bathroom or powder room facilities located on the primary entry level.

*Adaptable internal stairs* means internal stairways and stairs with a minimum width of thirty-six (36") inches ~~wide,~~ top and bottom landings that provide a clear floor area that is a minimum of forty-eight (48") inches in the direction of the stair run, and the full width of the stair for the docking of a chair lift, and includes suitable and appropriate outlets at the bottom and top of the stairs to provide power for a future chair lift. Such outlets shall be located on the side of the stair that would have the lift, or one (1) on each side if the chair lift could be installed on either side.

*Accessible kitchen* shall mean a room or space designed to be use for cooking and the preparation and storage of food and containing a refrigerator, a sink, a stove and oven that includes accessible features or fixtures, ~~designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.~~

*Accessible powder room* means a room containing a water closet (toilet) and lavatory (sink), but no shower, bathtub, or combination bathtub/shower, that includes accessible features or fixtures, ~~designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code as may be amended and that including~~ blocking within the walls to support future installation of hand rails.

*California Building Code* means the current version of the California Building Code as adopted by the City Council of the City of Alameda.

*Habitable Space* means a space in a building for living, sleeping, eating or cooking, including bathrooms, powder or toilet rooms, closets, halls, storage and utility spaces but excluding garages.

*Laundry facilities* means an area that is designed to accommodate facilities for the washing and/or drying of clothes.

*Townhouse* means a building with attached dwelling units, each with separate, direct, ground floor exterior access, sharing one or more common walls with other units in the same building.

*Universal design* means the specialized design of the built space, products and indoor and outdoor environments to be usable by the greatest number of people with the widest a reasonable range of abilities or disabilities, ~~to the greatest extent feasible.~~

*Visitability* means enhancement of the ability of a residential dwelling unit to meet the basic needs of a wide range of guests to enter and use critical portions of the home, ~~to the greatest extent possible,~~ through specific design choices and decisions.

### **30-18.3 Scope, Application, and Exemptions.**

- a. This section shall apply to any new tentative map, design review, conditional use permit, site development, master plan, building permit or other ~~land-use entitlement for the approval of a development that includes one or more new residential dwelling units submitted to the Community Development Department after the effective date of the ordinance from which this section is derived.~~ All such entitlements approvals shall contain conditions sufficient to ensure compliance with the provisions herein.
- ~~b. All plans submitted for a building permit for a residential development subject to this section shall include construction details and plans showing conformance with the applicable sections of this section.~~
- e b. The provisions of this section do not apply to:
  1. Rehabilitation or expansion of an existing residential unit,

2. Reconstruction of an existing residential unit destroyed due to fire or natural disaster,
3. Accessory dwelling units,
4. Addition of five (5) or fewer residential units to or within an existing structure,
5. Addition of five (5) or fewer new residential units above ground floor commercial space or a parking structure without an elevator, and
6. New residential units located directly above a ground floor unit that meets the requirements of subsection 30-18.4.b.

c. Townhouse buildings with units having less than 150 square feet of ground floor habitable space may apply the following partial exemptions to the provisions of this section:

1. New residential units in a project of ten (10) or more units are exempt from all but the following provisions: 30-18.4.a.3, 30-18.4.a.4, 30-18.4.b, and 30-18.4.c.
2. New residential units in a project with fewer than ten (10) units, are exempt from all but the following provisions: 30-18.4.a.3, 30-18.4.a.4, and 30-18.4.c.

d. All plans submitted for a building permit for a residential development subject to this section shall include construction details and plans showing conformance with the applicable sections of this section.

~~d. Any determinations regarding the application of these provisions by the Community Development Director may be appealed to the Planning Board consistent with the requirements of Section 30-25.~~

### **30-18.4 New Construction Requirements.**

- a. *Visitability.* To ensure that all new residential dwellings units subject to the provisions of this section meet the basic needs of a wide range of guests to enter and use critical portions of the home, all units subject to this section shall include the following features:
  1. An accessible exterior access to an accessible entry;
  2. An accessible interior access from the accessible entry to an accessible powder or bathroom, accessible common use room or an accessible bedroom, and adaptable internal stairs;
  3. Blocking within the walls to support future installation of grab bar/hand rails in all bathrooms; and
  4. If ground floor open space is provided, then an accessible path of travel to the open space shall be provided.
- b. *Universal Design.* To ensure that a share of all new dwelling units are usable by ~~the greatest number of people with the widest~~ a reasonable range of abilities or disabilities, ~~to the greatest extent feasible, thirty (30%) percent of all new residential units in a residential development of five (5) or more units shall include the following features:~~

1. An accessible exterior access to an accessible entry;
  2. An accessible interior access from the accessible entry to an accessible bathroom, an accessible common use room, an accessible bedroom, accessible kitchen, accessible common or private open space, accessible laundry facility, and adaptable internal stairs;
  3. In determining the number of universally designed units required by this subsection, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.
- c. ~~Optional~~ Required List of Alternative Features. Any residential development that includes an on-site sales office in which a buyer may purchase a unit prior to completion of construction of the unit must offer buyers the opportunity to select and purchase additional universal design features from a pre-approved list of offered features. The seller of the residential dwelling units shall prepare a brochure or checklist of the additional universal design features and pricing for the features that will be offered. The brochure or checklist shall be reviewed and pre-approved by the Planning Board Director concurrently with the ~~discretionary~~ building permits for the development. The office shall have an accessible exterior access to the primary entrance, and be fully accessible per the Americans with Disabilities Act (ADA).

### **30-18.5 Waivers by Planning Board.**

- a. The Planning Board may consider granting a waiver to any of the provisions of this section if it is able to make one (1) or more of the following findings:
  1. The requested waiver is necessary to make the findings for design review approval;
  2. The requested waiver is necessary to support the provision of affordable housing units;
  3. ~~The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; or~~
  3. A waiver is requested pursuant to State Density Bonus Law; or
  4. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations.
- b. Requests for waivers shall be transmitted to the Commission on ~~Disability Issues~~ Persons with Disabilities for review and comment prior to the Planning Board consideration of the waiver.
- c. When considering a request for a waiver, the Planning Board and the project applicant may consider incorporating other features into the project to compensate for the loss of required features or to improve the accessibility of the units. Those features may include:

1. A wider front entry door of forty-two (42") inches in width.
2. Blocking within the walls of all hallways to support future installation of grab bar/hand rails.
3. Rocker light switches, electrical receptacles, and environmental controls placed at accessible heights throughout the units.
4. Removable base cabinets in all bathrooms and/or kitchens.
5. Accessible shower stalls or tubs in all bathrooms.
6. Accessible medicine cabinet and integral mirror in all bathrooms.
7. Accessible countertops with a thirty (30") inches wide workspace and/or one (1) or more fifteen (15") inch breadboards installed between twenty-eight (28") inches and thirty-two (32") inches in height in all kitchens.
8. Any other feature that improves the design of the unit to accommodate visitors or residents with physical or other disabilities in a way that makes it useable by ~~the greatest number of people with the widest reasonable~~ a range of abilities or disabilities, ~~to the greatest extent possible.~~

#### **30-18.6. Waiver by Building Official.**

- a. The Building Official shall grant a waiver to any of the provisions of this section if the requested waiver is necessary to avoid an undue and substantial financial hardship, as defined in the California Building Code, caused by any of the following conditions:
  1. Topographical conditions on the site.
  2. The size or configuration of the site.
  3. Other site or legal constraints, including but not limited to deed restrictions, easements, or other real covenants, and other reasonable project alternatives are not available.
- b. The Building Official's determination regarding the applicability of the waiver shall be subject to the appeal process outlined in AMC Sec. 13-80.8.
- c. Waivers granted by the Building Official shall be made in writing and shall list the specific provisions that the waiver applies to. A copy of the action shall be provided to the Planning Board at the next regularly scheduled meeting, and to any person or interested party that has requested notice.
- d. If necessary to grant a waiver pursuant to the above subsection, the Building Official may require partial compliance with any portion of the provisions waived.

### **30-18.6.7. Enforcement and Annual Reporting.**

- a. It is unlawful for any person or entity to fail to comply with the requirements of this chapter. The City of Alameda 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., as may be amended; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.
- b. The City of Alameda ~~Community Development~~ Planning Department shall report annually ~~to the City of Alameda Planning Board and Commission on Disability~~ on implementation of this section as part of the Housing Element Annual Report. ~~The Annual Report shall provide an opportunity for the Planning Board or Commission on Disability to recommend changes or revisions to this section to the City of Alameda City Council.~~

### **Section 2:** IMPLIED REPEAL

Any provision of the Alameda Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

### **Section 3:** CEQA DETERMINATION

The proposal is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3), the common sense exemption where it can be seen with certainty that the proposed zoning text amendment has no possibility of having a significant effect on the environment.

### **Section 4:** SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 5: AUTHORITY

This Ordinance is enacted pursuant to the City of Alameda's general police powers, Section 1-2 of the Charter of the City of Alameda, and Article XI of the California Constitution.

Section 6: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk



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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 17<sup>th</sup> day of June 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18<sup>th</sup> day of June 2025.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda