

**PROPOSED
CITY OF ALAMEDA UNIVERSAL DESIGN ORDINANCE
September 28, 2015**

Section 1 - Purpose:

A. The purpose of this ordinance is to 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 projects within the City of Alameda to:

- 1) Facilitate the development of residential dwelling units that are usable and safe for occupancy by persons with disabilities and that support aging in place;
- 2) Incorporate universal design principles into residential dwelling units that would enhance residents' ability to remain in their homes during periods of temporary, developing, or permanent disabilities or frailties;
- 3) Accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability; and
- 4) Establish clear, easily understood universal design requirements for each new housing development to provide certainty for the development community and eliminate the need for project by project negotiations regarding universal design.

B. Universal design, as defined by the National Endowment for the Arts, goes beyond the mere provision of special features for various segments of the population. Instead, universal design emphasizes a creative approach that is more inclusive – one that asks at the outset of the design process how a product, building, or landscape can be made both aesthetically pleasing and functional for the greatest number of users. Residential developments resulting from this approach are more likely to serve a wider array of people: individuals who have temporary disabilities, people who have permanent disabilities, and anyone whose functional abilities change with age.

C. The promotion and preservation of the public health, safety, and general welfare of the people of the City of Alameda and the property situated therein have made necessary the adoption of a universal design standard for residential development in order to adequately safeguard life, health, property, and general welfare.

D. The purpose of this ordinance is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this ordinance.

Section 2 - Findings:

A. Pursuant to _____-- Section _____, the City Council of the City of Alameda hereby finds that the provisions of this ordinance are reasonably necessary because:

- 1) Seventeen percent of Alameda's present population are seniors, and 11.4 percent are persons with disabilities. These numbers are higher than the national averages for either population.
- 2) Sixteen (16) percent of respondents to the City of Alameda's Social Service and Human Relations Board's Community Needs Assessment of 2012, identified themselves or a family member as a person with a disability, and 32 percent of respondents believe that services for people with disabilities are the highest need. Furthermore, the number of respondents to this survey represents a statistically significant percentage of the city's total population.
- 3) The population of seniors is growing at an unprecedented rate locally as well as nationally, and is expected to double within Alameda County between 1990 and 2020. Persons over 65 years of age comprise 11% percent of the county's population and represent its fastest growing segment.
- 4) Whether due to disability or age, individuals with mobility difficulties or other functional limitations or access needs often require special accommodations to their homes to allow for continued independent living.
- 5) The Pew Research Center reports a 10.5% increase in multi-generation households from 2007 to 2009, and the national home builder Pulte Group's 2012 survey found that 32% of adult children expect to eventually share their home with a parent.
- 6) According to a 2000 AARP survey, more than ninety (90) percent of persons age sixty-five (65) and older would prefer to stay in their current residence as long as possible. One key method to promote continuing independence in the home is to build and incorporate a number of architecturally friendly design features into new homes as they are built.

B. Pursuant to the City of Alameda's Certified Housing Element of 2015-2023, and in order to provide housing that is universally accessible, the City has elected to consider amendments to its Zoning Ordinance to require universal design elements in all new residential development projects of five (5) or more units.

C. The City Council of Alameda hereby finds that the provisions of this ordinance are reasonable to enhance the full life cycle use of housing without regard to the physical abilities or functional needs of a home's occupants or guests, and in order to accommodate a wide range of individual preferences and functional abilities.

Section 3 - Definitions:

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

- A. "Accessible residential dwelling" means a residential unit subject to the requirements of this ordinance by virtue of being within the scope of this ordinance as defined in Section _____ of this ordinance.

- B. “ANSI A117.1” means the most current version of the “Standard on Accessible and Usable Buildings and Facilities,” commonly known as “ICC/ANSI A117.1,” published by the International Code Council and the American National Standards Institute, Inc.
- C. “Common use room” means a room commonly used by residents or guests to congregate.
- D. “New construction” means the construction of a new building. New construction does not include additions, alterations, or remodels to existing buildings.
- E. “Primary entry” means the principal entrance used to enter a building or residential unit, as designated by the Building Official for purposes of compliance with this ordinance.
- F. “Residential development” or Residential development project” means a development project that contains one or more residential dwellings.
- G. “Universal design” means the specialized design of the built space, products and environments to be usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, without the need for significant modification and, in residential development, incorporating the use of building products or features that have been placed differently, selected carefully, or omitted to accomplish these ends.

Section 4 - Scope and Application:

- A. This ordinance shall apply to part of a single family or multifamily residential development projects of five (5) or more residential dwelling units for which an application for a new construction building permit is submitted to the City of Alameda after the effective date of this ordinance.
- B. For all residential development of five (5) or more units, at least fifteen percent (15%) of the total residential units must include the universal design standards required by Section 5 – Universal Design Requirements. When determining the required of whole units that must meet the requirements of Section 5 - Universal Design Requirements, 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 to the nearest whole number. The 15% requirement shall apply to the entire residential development project including any bonus units granted through the Density Bonus Ordinance Section 30-17.
- C. Any tentative map, conditional use permit, site development review or building permit master plan subject to this ordinance shall contain conditions sufficient to ensure compliance with the provisions herein.
- D. When the applicant adequately demonstrates, and the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site; and/or the size of the site; and/or other site constraints; and/or legal constraints; and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.

Section 5 – Universal Design Requirements.

- A. To meet the requirements of Section 4. B, an accessible residential unit shall include the following universal design requirements identified in this Section.
- B. Accessible Primary Entrance Requirements. The primary entrance shall be designed to be “step free” with a path of travel from the public right-of-way that is a minimum of forty (40) inches wide with a slope no greater than one (1) unit vertical in twenty (20) units horizontal. The primary entrance shall provide a) a minimum thirty-six (36) inch net clear opening, b) a floor or landing at and on the exterior and interior side of the accessible entrance door with the width of the level area on the side to which the accessible entrance door swings shall extend twenty-four (24) inches past the strike edge of the door, and c) a doorbell that is between forty-two (42) inches and forty-eight (48) inches from the finished floor.
- C. Access to Living Facilities and Areas Requirements. The primary entrance shall provide access to a bathroom, sleeping area, common area, and kitchen facilities. Access to and within these spaces and rooms shall be step free and none of the rooms or spaces shall include raised or sunken surfaces. The primary route and/or hallway between the accessible door and the rooms and spaces shall include: a) handrail reinforcement installed on at least one side of the accessible route, and b) a minimum hallway width of forty-two (42) inches. A thirty-nine (39) inch hallway width may be provided when all doors leading to any bathroom, living, sleeping area, and kitchen have a minimum clear door opening of thirty-four (34) inches, and a thirty-six (36) inch hallway width may be provided when all doors leading to any bathroom, sleeping area, and kitchen have a minimum clear door opening of thirty-six (36) inches.
- D. Accessible Bathroom. The bathroom that is accessible from the primary entrance as required by Section C, shall include: a) clear space in the bathroom that is outside of the swing of the door and either a forty-eight (48) inch circle, forty-eight (48) inches by sixty (60) inches or a sixty (60) inch diameter circle, b) grab bar reinforcement installed for the water closet (toilet) and shower, and c) a shower meeting the requirements of ANSI A117.1.
- E. Kitchen Design. The kitchen facility that is accessible from the primary entrance shall include: facilities for storing, preparing and cooking food, and a) at least a forty-eight (48) inch by sixty (60) inch clear space in front of a stove at the base of a U-shaped kitchen; or b) at least a thirty (30) inch by forty-eight (48) inch clear space in front of the sink (counting open access underneath, if available); or c) at least one eighteen (18) inch wide breadboard and/or at least eighteen (18) inches in counter space at a thirty-four (34) inch height, or any combination thereof.
- F. Garage Design. If the accessible residential dwelling includes at least one dedicated parking space, that space shall be wide enough to accommodate access by a resident with disabilities.