

Chapter \_\_\_\_\_

**PROPOSED  
CITY OF ALAMEDA UNIVERSAL DESIGN ORDINANCE  
July 19, 2016**

Sections:

1. Purpose.
2. Findings.
3. Definitions.
4. Scope and application.
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8. Enforcement.

**Section 1 - Purpose:**

- A. The purpose of the design standards established by 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 & abilities, in all new residential development projects within the City of Alameda.
- B. To facilitate the development of residential dwelling units that are usable and safe for occupancy by persons with disabilities and that support aging in place;
- C. To 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; and
- D. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.
- E. 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 dwellings in order to adequately safeguard life, health, property, and general welfare.

- F.* 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. The City Council of the City of Alameda hereby finds that the provisions of this ordinance are reasonably necessary because:

- 1) Approximately fifty-four (54) million Americans have at least one disability, constituting the largest minority group in the nation;<sup>1</sup>
- 2) 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.<sup>2</sup>
- 3) Sixteen percent of respondents to the City of Alameda's Social Service and Human Relations Board's 2012 Community Needs Assessment identified themselves or a family member as a person with a disability, and thirty-two (32) percent of respondents believe that services for people with disabilities are the highest need.<sup>3</sup> Furthermore, the number of respondents to this survey represents a statistically significant percentage of the city's total population.
- 4) 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 sixty five (65) comprise eleven (11) percent of the county's population and represent its fastest growing segment.<sup>4</sup>
- 5) 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.
- 6) Research shows that over the lifespan of a new, typical housing unit, that **25-60% of those units will house a disabled person**. Additionally, **53-91% will have a disabled visitor** over the course of the unit's lifetime.<sup>5</sup> Those numbers do not include people

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<sup>1</sup> 8/13/2012 Press Release, California State Independent Living Council, "Affordable, Accessible Housing Increasingly Out of Reach for People with Disabilities."

<sup>2</sup> Jess Anderson, "Homes for seniors, disabled made safer through city program," *The Alamedan*, 3/5/2013. <http://thealamedan.org/news/homes-seniors-disabled-made-safer-through-city-program>.

<sup>3</sup> Report from Special Joint Meeting of the City Council and Social Service Human Relations Board, Agenda Item 1.A., 10/2/2012, p. 27.

<sup>4</sup> Report & Presentation from County Supervisor Wilma Chan and Office of the County Administrator, Alameda County Human Impacts Budget Report Hearing, Alameda Boys & Girls Club, 3/21/2012. Note that the city's senior population exceeds the county's average as well.

<sup>5</sup> Smith et. al, 2008. <http://www.tandfonline.com/doi/pdf/10.1080/01944360802197132>. p. 300. Journal of the American Planning Association, Summer 2008, Vol. 74, No. 3.

with temporary disabilities, such as a broken leg or healing from surgery, which would greatly increase the numbers.

- 7) The Pew Research Center reports a 10.5% increase in multi-generation households from 2007 to 2009, and the national homebuilder Pulte Group's 2012 survey found that 32% of adult children expect to eventually share their home with a parent.<sup>6</sup>
- 8) The number of certified aging-in-place specialists in the country has more than doubled, to nearly 5000, since 2008.<sup>7</sup>
- 9) 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.
- 10) Research consistently shows that mandatory requirements are the most likely to have an impact and the desired outcome. For example, as of 2008, there were an estimated 33 mandatory and 24 voluntary programs that have been established in the US. To date, 30,000 visitable homes have been built with mandatory programs vs. less than 1,300 visitable homes with voluntary programs.<sup>8</sup>

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, graphic communication, building, or landscape can be made both aesthetically pleasing and functional for the greatest number of users. Designs 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 2015-2023 City of Alameda General Plan Housing Element, certified by the State of California Department of Housing and Community Development, requires that the City “Provide housing that meets the City’s diverse housing needs, specifically including affordable housing, special needs housing, and senior housing.” (Goal #2) To implement Goal #2, the Housing Element states that the City should “Encourage and support residential opportunities for senior citizens, including senior housing projects, multifamily housing projects with accessible and small housing units, assisted living projects, and in-law projects”, and should “Consider amendments to the Zoning Ordinance to require universal design elements in all new housing projects of five or more units.”

D. 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

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<sup>6</sup> “Three Generations Under One Family,” *AARP Bulletin*, April 2013, p.18.

<sup>7</sup> “Three Generations,” *AARP Bulletin*, April 2013, p.16.

<sup>8</sup> Smith et. al, 2008. <http://www.tandfonline.com/doi/pdf/10.1080/01944360802197132>. p. 300. *Journal of the American Planning Association*, Summer 2008, Vol. 74, No. 3.

abilities or functional needs of a home's occupants or guests, in order to accommodate a wide range of individual preferences and functional abilities.

- E. Pursuant to Health and Safety Code Section 17959, the City Council of the City of Alameda hereby finds that the provisions of this ordinance are in accord with the State's model universal design local ordinance adopted by the California Department of Housing and Community Development.

### **Section 3 - Definitions:**

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

"Accessible" means standards for features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A or 11B of the California Building Code, Chapters 11A & 11B.

"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 4 of this ordinance.

"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.

"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. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

"Bedroom" means a room containing a bed and can be used for a resident or guest to sleep in.

"Common use room" means a room commonly used by residents or guests to congregate.

"Constructing or construction" means all new, residential construction for which a building permit is required per local ordinance. New construction does not include additions, alterations, or remodels to existing residential buildings.

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation for not more than one family, or as defined by the California Building Code.

"Half bath" means a room containing a water closet (toilet) and lavatory (sink), but no bathtub or shower. It includes a compartmented powder room in which the fixtures are distributed among interconnected rooms.

"New construction" means the construction of a new building. New construction does not

include additions, alterations, or remodels to existing buildings.

“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.

“Residential development” or Residential development project” means a development project that contains one or more residential dwellings.

“Residential dwelling” means a building that contains one or more dwelling units and that is used, rented, leased, let, or hired out to be occupied exclusively for living purposes.

“Special design feature” means any feature, fixture, design, or other improvement which increases the visitability, accessibility, or utility of an accessible residential dwelling or any portion thereof for any person with a temporary or permanent disability or any condition commonly occurring as a result of aging related to mobility impairments, sight impairments, hearing impairments, height impairments, cognitive impairments, or environmental sensitivities or any other potential or actual impairment.

“Substantial rehabilitation” means the reconstruction of the primary entry, hallway, or one bathroom or half bath on the route from the primary entry, when that reconstruction is required to be consistent with the most current version of the California Building Standards Code.

“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 concurrent modification and, in housing, incorporating the use of building products or features that have been placed differently, selected carefully, or omitted to accomplish these ends.

“Universally designed residential dwelling” means a residential unit subject to the requirements of this ordinance by virtue of being within the scope of this ordinance.

“Visitability” means enhancement of the ability of a residential dwelling unit to meet the basic needs of all residents and guests to enter and use critical portions of the home, to the greatest extent possible, through specific design choices and decisions.

#### **Section 4 - Scope and application:**

- A. Unit Coverage. This ordinance shall apply to all residential dwelling units that are a part of a residential development project in excess of five (5) residential dwelling units for which an application for a new construction building permit is submitted to the Planning Department after the effective date of this ordinance.
- B. Existing Residential Units Exempt. The provisions of this ordinance do not apply to rehabilitation or expansion of existing residential units.
- C. Conditions of Approval. Any tentative map, conditional use permit, site development review

or master plan subject to this ordinance shall contain conditions sufficient to ensure compliance with the provisions herein.

- D. Construction Plans. All plans submitted for a building permit for a residential development subject to this ordinance shall include construction details and plans showing conformance with the applicable section of this ordinance.

## **Section 5 – New Construction Requirements:**

- A. Building permit plans for all residential units subject to this ordinance shall include:

1. Blocking in walls within the walls of each bathroom.
2. Suitable and appropriate outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

- B. Building permits plans for twenty percent (20%) of all units in a residential project subject to this ordinance shall include:

1. An exterior accessible route from the public right of way to the primary entry that is either: consistent with the requirements of CBC Chapter 11A; or not be less than forty (40) inches wide and not have a slope greater than one (1) unit vertical in twenty (20) units horizontal.
2. An accessible entrance on the primary entry level. The exterior accessible entry door that is either: consistent with the requirements of CBC Chapter 11A, or has a thirty-six (36) inch net clear opening. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following: consistent with the requirements of CBC Chapter 11A; or 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.
3. An accessible route consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level, half bath or bathroom, a common use room, a bedroom, and the primary kitchen. The accessible route shall provide a minimum width of forty-two (42) inches. A thirty-nine (39) inch hallway width may be provided when all doors leading to any bathroom, half bath, common use room, or kitchen, that must be accessible 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, half bath, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six (36) inches.
4. A bathroom accessible from the accessible route that includes internal clear space that is either: consistent with the requirements of CBC Chapter 11A; or 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.

5. A kitchen accessible from the accessible route that includes a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A and one (1) or more of the following: 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 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 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.
6. A bedroom accessible from the accessible route that includes blocking along the walls of the bedroom to allow for the future installation of grab-bars.
7. Laundry hook-ups on the accessible route of the primary floor or on an accessible route within the building.
8. All interior doors or openings for rooms and routes of travel along the main accessible route are accessible and consistent with CBC Chapter 11A.  
EXCEPTIONS: A thirty-four (34) inch clear doorway width may be requested from a hallway with a thirty-nine (39) inch width, and a thirty-six (36) inch clear doorway width may be requested from a hallway with a thirty-six (36) inch width.
9. The width of the level area on the side toward which an accessible door swings shall be consistent with CBC Chapter 11A.
10. If the building official determines that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a narrower 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 if it meets at least one (1) 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 (90) degrees 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 (8) inches wide with at least a sixty (60) inch run centered on the center of the entry door opening [e.g., an eight (8) by sixty (60) inch 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 inch 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.

#### 11. General Requirements:

- a. 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 on the nearest whole number
- b. 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.
- c. Standards pertaining to residential structures from ANSI A117.1 may be used throughout this ordinance when CBC Chapter 11A does not contain specific standards or when the ANSI Standards are equivalent to the Chapter 11A standards.

### **Section 6 ---Obligation to Offer and Install Universal Design Features:**

- A. Residential developments subject to this ordinance that include an on-site sales office in which a buyer may purchase a unit prior to completion of construction of the unit, must offer, and if accepted, installed at the request and cost of the purchaser/owner, if requested any of the features required by Section 5. B. of this ordinance. The developer or builder of a Residential Dwelling unit covered by this ordinance must offer an opportunity to select any of the features listed in Section 5.B of this ordinance to an owner or prospective owner of a residential unit at the earliest feasible time after the owner, purchaser, or prospective purchaser is identified.
- B. The seller of the residential dwelling units shall prepare a brochure or checklist of the additional universal design features or "options" listed in Section 7 that may be purchased by the buyer and installed by the seller during construction of the specific unit to be constructed by the seller to be sold to the buyer.
- C. The developer or builder of a Universally Designed 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 to 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.

### **Section 7 - 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; 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 8 - Enforcement:**

A. It is unlawful for any person or entity to fail to comply with the requirements of this chapter.

B. 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.*; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.

C. Remedies under this paragraph/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 re-inspects 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.