



# City of Alameda

## Staff Report

**File Number:**2016-3303

Planning Board

**Agenda Date:** 9/12/2016

**File Type:** Regular Agenda Item

**Agenda Number:** 7-A

Recommend that the City Council Approve the City of Alameda Housing Element Annual Report and Implementation Priorities. Approval of an annual report is not subject to review under the California Environmental Quality Act (CEQA), nor is an annual report defined as a “project” under CEQA. No future review is required.

To: Honorable President and  
Members of the Planning Board

From: Andrew Thomas

Assistant Community Development Director

### BACKGROUND

Per Government Code § 65300 et seq., every city and county in California is required to maintain a General Plan. The statute requires that each city and county in California address issues that are of State-wide importance in the General Plan, and the State has determined that:

- Provision of housing for all segments of California society is a matter of statewide importance;
- Availability of an adequate supply of housing affordable to all segments of society is critical to the State's long-term economic competitiveness and quality of life; and
- Local zoning provisions play an important role in the State's ability to provide housing.

The City of Alameda should also be ensuring that Alameda's planning and development policies and regulations provide for the full range and diversity of housing types needed to accommodate California's diverse population, including seniors, families with disabilities, and lower income households.

In July of 2014, the City Council adopted an updated Housing Element for the period 2015-2023 consistent with the requirements of the State of California Government Code § 65300 et seq. The 2015 Housing Element and State Government Code require that the City report annually to the State of California, on forms provided by the State, on the City's annual progress on Housing Element

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implementation. The required 2015 annual report has been completed and is attached as Exhibit 1.

Further, the 2015 Housing Element includes Program 1.1, which requires an annual public hearing by the Planning Board to consider the annual report to the State and

“...consider improvements to the development review process and requirements to ensure that processes and requirements do not create unnecessary costs or delays and increase the cost of housing in Alameda.....”

Based upon the annual review, the Planning Board may recommend to the City Council any changes to the City’s development regulations necessary to support Housing Element implementation.

### DISCUSSION

Based on staff’s annual review of housing development in Alameda, staff finds that:

- The City of Alameda is producing a diversity of housing types to meet its Regional Housing Needs Allocation (RHNA), including multifamily housing, senior housing, universally designed units, and housing for lower income households; and
- The City’s regulatory policies and ordinances and project review processes are not causing any undue constraint on housing development in Alameda, nor are they constraining housing development for any particular segment of the community.

The following sections describe the current housing being developed and a brief assessment of each of the major ordinances that govern housing development in Alameda.

### **Housing Construction Forecast: 2015-2023:**

As the result of a robust regional housing market, strong Alameda community support for new housing opportunities to meet Alameda’s diverse housing needs, and the zoning amendments completed by the City in 2010 (Density Bonus Ordinance) and 2012 (site specific re-zonings and Multi-family Overlay Ordinance) to bring the City of Alameda zoning regulations into conformance with State Law, the City of Alameda’s regulatory structure and development review process is producing a variety of new housing units. If the existing economic conditions continue over the eight-year planning period, the City will exceed its eight-year RHNA of 1,725 for the 2015-2023 period.

**Table 1: Housing Pipeline 2015-2023**

	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
<b>Projects Approved, Completed, or Under Construction</b>										
Cardinal Point II: (Multi-family Senior Housing)	25									25

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Alameda Landing (194 multi-family units and 91 single-family units)	54	120	111							285
Marina Shores (39 multi-family units and 50 single family units.	29	60								89
Del Monte (360 and 20 senior units.)			75	75	75	75	80			380
2437 Eagle Ave (21 multi-family units)				21						21
Alameda Point Site A (800 multi-family units)				100	150	150	150	150	100	800
Boatworks (multifamily and single family)				82	100					182
1435 Webster Street (multifamily units)			9							9
2100 Clement (52 multi-family units.)			30	28						52
<b>Total</b>	<b>108</b>	<b>180</b>	<b>225</b>	<b>307</b>	<b>325</b>	<b>225</b>	<b>230</b>	<b>150</b>	<b>100</b>	<b>1,843</b>

In addition to the housing pipeline projects described above in Table 1, which are completed, under construction or already approved, the City has received applications for three other major projects:

Alameda Landing Waterfront. The City has received a preliminary application from the Catellus Development Company to change the plan for the Alameda Landing Waterfront. The Alameda Landing Master Plan calls for an 8 acre park, 400,000 square feet of office, and approximately 10,000 square feet of ground floor retail. Catellus would like permission to change the plan and construct an 8 acre park, 375 housing units, a hotel, and approximately 10,000 square feet of ground floor retail. They are also exploring possibilities to retain Starlight Marines four tug boats at the site. An environmental assessment of the proposed project is underway. An Environmental Impact Report (EIR) was prepared in 2006 for the original plan.

Encinal Terminals: The City has received an application for a Master Plan and Density Bonus for a residential mixed use development on the Encinal Terminals site north of the Del Monte Building. The application proposes 589 housing units 160 boat slips, and approximately 50,000 square feet of non-residential uses. An (EIR) is being prepared.

Alameda Marina: The City has received an application for a Master Plan for a residential mixed use development on the Alameda Marina site on Clement Avenue. The application proposes 610 housing units, which would include 152 affordable senior units (25% of the total). The applicant is not requesting a density bonus. The plan also includes between 100,000 and 160,000 square feet of maritime commercial uses and 550 boat slips. An EIR is being prepared for the project.

All three proposals are currently being evaluated by the City for consistency with the City's General Plan and Zoning Ordinance, and any existing entitlements.

## Design Review Ordinance

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The Housing Element includes programs and policies (Program 1.3 and 3.1) that emphasize the need to expedite the development review process for projects that include affordable housing and special needs housing. Prioritizing and expediting the design review process for projects with affordable housing should continue to be prioritized.

In 2015, the Planning Board approved the final designs for the Eagle affordable housing project and the 2100 Clement Avenue project with nine affordable housing units. In both cases the Planning Board processed the design review applications without causing unnecessary delays for the development process.

### **Universal Design Ordinance**

Housing Element Program 4.2 establishes the need for a Universal Ordinance to better serve the City's senior population, residents that wish to "age in place", and the 16% of Alameda families that report living with a family member with a disability.

Earlier this month, staff released a "preliminary draft Universal Design Ordinance" (See Exhibit 2) to a subcommittee of the Planning Board and Commission on Disability Issues. Formal hearings on the draft ordinance before the Planning Board are expected this fall, with final Council consideration in the end of 2016. The draft ordinance, once adopted, will replace and streamline the current efforts to negotiate project specific universal design requirements on a project-by-project basis, which has been relatively successful since 2012.

On August 31, 2016, staff met with the Planning Board/Commission on Disability Commission Joint Subcommittee to review the Preliminary Draft Ordinance. From staff's perspective, the comments received were very helpful, and staff is working on a revised draft Ordinance for review by the Joint Subcommittee in mid to late September. Staff believes the Joint Subcommittee will be able to make a final recommendation to the Planning Board in late October or early November 2016. If all goes well, the Planning Board will be able to put the City Council in position to consider the Universal Design ordinance in December 2016 or January 2017.

### **Inclusionary Housing Ordinance**

Although not required by State law, the City of Alameda adopted an Inclusionary Housing Ordinance in 2003, which requires that 15% of all units in projects of 10 or more units must be deed restricted for very low (4%), low (4%) and moderate (7%) income households. Projects with between five and nine units can pay an in-lieu fee instead of providing affordable units.

As the result of the Inclusionary Housing Ordinance, the Density Bonus Ordinance (described below), and the City Council-imposed 25% inclusionary housing requirements for City-owned land at Alameda Point, the projects in Table 1 above will result in 370 deed-restricted housing units for very low-, low-, and moderate-income units.

The State of California Department of Housing and Community Development (HCD) considers

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inclusionary zoning regulations to be a "constraint" on housing production because it places a financial burden on the for-profit housing development community, which provides the majority of the new housing in California. As a result, HCD requires that the City of Alameda annually review its ordinance to ensure that it is not constraining housing development. Given that the City is actively producing housing to exceed its RHNA obligation of 1,725 units, staff finds that the Inclusionary Housing Ordinance has not been a constraint on housing development in Alameda.

Over the last year, a number of residents have suggested that the City should amend its ordinance to either increase the number of affordable housing units required in each development and/or add a new requirement for "work force" housing, that might include housing for household making between 120% and 150% of the area wide median income. Others have suggested that a more comprehensive update is needed to re-evaluate and potentially increase the 15% requirement.

The City's current inclusionary requirement for 4% very low, 4% low and 7% moderate-income units ensures that each project does not automatically qualify for affordable housing density bonus and development standard waivers under the Density Bonus Ordinance. If a developer volunteers to provide, or the City requires 5% very low income, 10% low-income, or 10% moderate-income units, the City must provide the developer with specific density bonuses and waivers from City of Alameda development standards (e.g. height limits, open space requirements, etc.).

Over the last four years that the Density Bonus Ordinance has been in place, most developers in Alameda who have requested density bonuses and/or waivers, have chosen to increase their very low-income housing requirement by 1% to 5%, which qualifies them for a 20% density bonus. Therefore, the number of affordable units is increased by 1%, the project size increases by 20% and the overall percentage of affordable units in the project ends up being somewhere around 13%.

A new "workforce" requirement could be added to the Inclusionary Ordinance, which would increase the City's requirements over the existing 15% deed restricted units, without changing the relationships between the Inclusionary Ordinance and the Density Bonus ordinance. (The new workforce requirements would not "trigger" density bonuses.) Additionally, the City could discuss changing the existing 15% requirement to change the relationship between the Inclusionary Ordinance and the Density Bonus Ordinance. Different ratio requirements could result in fewer or more density bonus applications or change the size of density bonuses granted.

Any future discussions about future amendments will also need to consider the following factors:

- Since the market rate units in the project subsidize the costs of the affordable units, an increase in the cost of housing development may result in higher housing costs for the non-deed restricted units in each development.
- Increasing the inclusionary housing requirement could increase the cost of housing

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development such that it serves to reduce the private sector's ability to produce housing, which could result in less market-rate and less affordable housing being constructed.

- The ordinance might be amended to allow more flexibility for senior affordable housing or more flexibility for creative partnerships with the Alameda Housing Authority.
- Any future amendments might consider new standards related to home ownership and rental housing for low income households.

Initiating a public discussion of the Inclusionary Housing Ordinance, and then processing the necessary amendments through the public process will require a substantial commitment of city staff and City Planning Board, community, and City Council time and resources. If the Planning Board or City Council believes that the City should initiate this effort, staff would recommend that the Planning Board and City Council complete the current effort to adopt the Universal Design Ordinance first before starting the Inclusionary update. To start the inclusionary update at this time, will result in further delay to the current efforts to complete the Universal Design Ordinance and other existing City initiatives.

### **Secondary Unit Ordinance**

Housing Element Program 4.1 establishes the need to support secondary units for small households and seniors. Sometimes referred to as "in-law units" or "granny flats", these small one-bedroom or studio units built on properties that are already occupied by a single-family home in an existing neighborhood provide an excellent way for a community to add small, affordable units that are attractive to young residents, seniors, and/or residents with a disability.

In 2015, the City of Alameda did not add any secondary units to the housing stock.

In 2016, the City Council held a public hearing to review a series of 2015 Planning Board-recommended changes to the City ordinance to facilitate secondary units. The Council requested that staff consider a number of additional changes and return at a future date for final Council consideration of the ordinance. Meanwhile, a number of significant changes to the State of California regulations regarding secondary units are under active consideration by the State Legislature, which would impact the City of Alameda's ordinance. For that reason, staff has chosen to allow time for the State Legislature to complete its deliberations before making any final recommendations to the Planning Board or City Council for changes to the local ordinance.

### **Density Bonus Ordinance**

In 1979, the State legislature enacted the Density Bonus Law, (Government Code Sections 65915-

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65918) to address the shortage of affordable housing in California. The statute requires that when a developer offers to construct a certain percentage of the units in a housing development for low- or very low-income households, the city must, upon request of the developer, grant the developer one or more of the following:

- A density bonus to help cover the costs of the affordable units. State law specifies exactly how many additional units must be provided.
- Incentives and/or concessions from City standards to help cover the costs of the affordable housing.
- Waivers from city's development standards, such as the AMC Section 30-53 Prohibition on Multifamily Housing, to enable the project to physically fit on the property.

In 2010, in compliance with State law, the City adopted Section 30-17 Density Bonus Ordinance. The provisions of the City's Density Bonus Ordinance are largely dictated by State law; therefore, the City is not able to fundamentally change any of the basic requirements.

To improve public understanding and implementation of the local ordinance, the Planning Board recommended, and the City Council adopted, a series of amendments to the ordinance in June 2015, related to the application submittal requirements.

At this time, staff does not have any suggested changes to the ordinance.

### **Parking Ordinance**

Residential parking requirements for housing projects with five or more units continues to be a source of much debate and discussion for each project. The public review of each project must ensure that:

- The project does not provide too much parking, which increased development costs and encourages automobile ownership, use and traffic.
- The project provides enough parking for its residents so that the adjacent neighbors will not be impacted by the project.

Although these discussions have been difficult, and occasionally not everyone agrees with the final decision, these decisions have not been constrained or unreasonably restricted by the Parking Ordinance, because the Parking Ordinance allows the Planning Board and City Council to customize the parking plan for each project.

At this time, staff does not have any suggestions for improving the parking ordinance.

### **Conclusion**

Staff finds that the City is producing new housing consistent with its State of California RHNA obligations. Although the City is making progress to address housing needs, the City's regulatory

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framework governing housing development can continue to be improved to facilitate high quality, diverse, housing for the Alameda community. The implementation priorities for the next year should be:

- Continue to expedite the review of projects that include affordable housing, including Encinal Terminals and Alameda Marina,
- If application is submitted, decide whether to pursue a new residential mixed use development plan for the Alameda Landing project, and
- Complete the Universal Design Ordinance.

#### ENVIRONMENTAL REVIEW

Approval of an annual report is not subject to review under the California Environmental Quality Act (CEQA), nor is an annual report defined as a “project” under CEQA. No future review is required.

#### RECOMMENDATION

Recommend that the City Council approve the City of Alameda Housing Element Annual Report and Implementation Priorities.

Respectfully Submitted By:

Andrew Thomas, Assistant Community Development Director

Exhibits:

1. Annual Report
2. July 19, 2016 Draft Universal Design Ordinance



# DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## CITY OF ALAMEDA ANNUAL HOUSING ELEMENT PROGRESS REPORT

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### **Contact Person:**

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### **Reporting Period:**

January 1, 2015 to December 31, 2015

### **Submitted to:**

Department of Housing and Community Development  
Division of Housing Policy Development  
P.O. Box 952053  
Sacramento, CA 94252-2053

-and-

Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044



# ANNUAL ELEMENT PROGRESS REPORT

## *Housing Element Implementation*

(CCR Title 25 §6202 )

**Jurisdiction** City of Alameda

**Reporting Period** 1/1/2015 - 12/31/2015

**Table A**

### Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information								Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure  R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
Stargell	5+	R	16	15	1		32		TCAC, HOME, RDA	Inc	
Alameda Landing	5+	O			7	58	65			Inc	
Marina Shores	5+	O			3	15	18			Inc	
(9) Total of <b>Moderate and Above Moderate</b> from Table A3 ▶ ▶ ▶						4					
(10) Total by income Table A/A3 ▶ ▶			16	15	11	77					
(11) Total <b>Extremely Low-Income</b> Units*											

\* Note: These fields are voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## *Housing Element Implementation*

(CCR Title 25 §6202 )

**Jurisdiction** City of Alameda

**Reporting Period** 1/1/2015 - 12/31/2015

**Table A2**

### Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c )(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity					
(2) Preservation of Units At-Risk					
(3) Acquisition of Units					
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary

**Table A3**

### Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for <b>Moderate</b>						0	
No. of Units Permitted for <b>Above Moderate</b>	4					4	

\* Note: This field is voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## *Housing Element Implementation*

(CCR Title 25 §6202 )

**Jurisdiction** City of Alameda

**Reporting Period** 1/1/2015 - 12/31/2015

**Table B**

### Regional Housing Needs Allocation Progress

#### Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2014	2015									
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	444		16								16	428
	Non-deed restricted												
Low	Deed Restricted	248		15								15	233
	Non-deed restricted												
Moderate	Deed Restricted	283	1	11								12	271
	Non-deed restricted												
Above Moderate		748	54	77								131	617
Total RHNA by COG. Enter allocation number:		1,723											
Total Units ▶ ▶ ▶			55	119								174	1,549
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

<b>Jurisdiction</b>	City of Alameda
<b>Reporting Period</b>	1/1/2015 - 12/31/2015

**Table C**

**Program Implementation Status**

[illegible]

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

<b>Jurisdiction</b>	City of Alameda
<b>Reporting Period</b>	<u>1/1/2015</u> - <u>12/31/2015</u>

**General Comments:**





**Table C - Program Implementation Status****01/01/2015 - 12/31/2015**

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 1.1: Annual Review of Policies and Programs</u>	<p>Hold an annual public hearing in February or March before the Planning Board to review and consider improvements to the development review process and requirements to ensure that processes and requirements do not create unnecessary costs or delays and increase the cost of housing in Alameda. The review shall include an assessment of at least: inclusionary housing (AMC Section 30-16), density bonus (30-17), multifamily overlay (30-18), Measure A (30-52), Design Review (30-36), and off-street parking (30-7). The review will address impacts on housing costs, adequate incentives, and flexibility of the ordinances. The review will also include a review of the Annual Progress Report on the Housing Element implementation in the format required by the California Department of Housing and Community Development as defined by Government Code Section 65400(a)(2)(B). Based upon the annual review and the Annual Progress Report, the Planning Board will make a recommendation to the City Council recommending any changes to the City's development regulations necessary to support Housing Element implementation or immediately institute any changes in the Planning Board or City staff procedures or processes that are within the jurisdiction of the Planning Board or staff.</p> <p><i>Quantified Objectives: Complete Annual Review and Hold Annual Public Hearing.</i></p>	<p><i>Annually monitor</i></p>	<p>The Planning Board held its first annual review at a publicly noticed public hearing on September 14, 2015. The hearing was delayed from March to September due to the large number of housing projects and other development entitlements that were processed by the City staff and the Planning Board in the first half of 2015.</p> <p>Staff plans to hold the second annual public review in February or March of 2016.</p>
<u>Program 1.2: Inventory of Housing Sites</u>	<p>Continue to maintain an inventory of available housing sites with residential zoning designations for public information purposes on the City website.</p> <p><i>Quantified Objectives: Update inventory regularly.</i></p>	<p><i>Ongoing</i></p>	<p>The housing sites inventory is included in the City's Housing Element, which is available on the City's website.</p> <p>As sites are developed, the Community Development Department continues to revise the inventory list and provide an updated list for the website.</p>

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<p align="center"><u>Program 1.3</u> <u>Affordable Housing</u> <u>Development Review</u> <u>and Processing</u></p>	<p>Facilitate the development of affordable housing, and provide for development projects of 50 to 150 units in size, routinely coordinate with property owners, and give high priority to processing subdivision maps that include affordable housing units. Give priority to permit processing for projects providing affordable housing, and housing for seniors, persons with developmental disabilities, and other special needs groups. Improve development review/processing procedures to minimize, to the extent possible, the time required for review of development projects. This reduction in time will reduce the cost to developers and may increase housing production in the city. The City will utilize the Development Review Team to ensure projects are reviewed in a timely manner.</p> <p><i>Quantified Objectives: Complete Design Review process in three months if no other entitlements required, and subdivision approvals within six months if no other entitlements required.</i></p>	<p align="center"><i>As projects are processed through the Community Development Department</i></p>	<p>In 2015, the City staff and Planning Board continued to expedite the review of affordable housing projects. 2437 Eagle Avenue, a 21-unit affordable housing project, and Del Monte, a 31-unit affordable senior housing project, were both expedited.</p> <p>The Planning Board continued to use Planning Board subcommittees, as necessary.</p>
<p align="center"><u>Program 2.1</u> <u>Inclusionary Housing</u> <u>Ordinance</u></p>	<p>Continue to implement the citywide 15 percent inclusionary requirement.</p> <p><i>Quantified Objective: Provide at least 15% affordable housing in all new housing projects with over nine units.</i></p>	<p align="center"><i>Ongoing</i></p>	<p>In 2015, all residential projects with 10 or more units included at least 15% affordable housing in accordance with the City's Inclusionary Housing Ordinance. In some cases, such as the Del Monte project, the project applicants voluntarily increased the number of affordable units beyond the 15% minimum to avail themselves of density bonuses or waivers, under the Affordable Housing Density Bonus ordinance.</p> <p>In 2015, the Planning Board approved base entitlements for Del Monte with 18 moderate-income units and 31 low- and very low-income units; 2100 Clement with eight affordable units (5% very low-income, 4% low-income, and 8% moderate-income); and Alameda Point Site A with 128 very low and low-income units and 72 moderate-income units. All three of these projects were approved to go beyond the 15% affordable housing requirement.</p> <p>In 2015, the City processed and closed nine BMR units. Applications continue to be accepted and processed for eligible buyers as units are released by developers.</p>

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 2.2 Funding for 5-year Pipeline Projects</u>	<p>Continue to maintain and update a 5-Year Affordable Housing Pipeline Projects Report. Continue to seek available funding from state and federal sources for which the projects identified in the 5-Year Affordable Housing Pipeline Project Report are eligible, and for other eligible projects. Pipeline projects include rental housing affordable to extremely low-, very low-, and low-income households.</p> <p><i>Quantified Objective: Update the 2010–2015 Report for the period of 2016–2021, and provide financial assistance for one 100 percent affordable housing project biannually.</i></p>	<p><i>Ongoing, as projects come forward and as funding is available</i></p>	<p>The City's current 5-Year Affordable Housing Pipeline Projects Report covers 2016–2021. The report was presented to City Council in 2015.</p> <p>In 2015, the Housing Authority acquired the land, secured funding, and commenced construction for Stargell Commons, a 32-unit affordable housing project.</p>
<u>Program 2.3 Affordable Housing Unit/Fee (AHUF) Ordinance</u>	<p>Continue to administer the AHUF to support the development of new and rehabilitated housing affordable to very low- and low-income households, and periodically adjust the housing impact fee to keep pace with inflation.</p> <p><i>Quantified Objective: \$50,000 collected annually for affordable housing.</i></p>	<p><i>Ongoing</i></p>	<p>In 2015, the City collected \$9,560.48 for affordable housing.</p> <p>In 2015, the fee was adjusted to keep pace with inflation by the City Council as part of the annual Fee Ordinance adoption.</p>
<u>Program 2.4 Public Private Partnerships</u>	<p>Facilitate the development of affordable housing through public-private partnerships, creative land use strategies, and expedited City permitting and decision making.</p> <p><i>Quantified Objective: Facilitate one new public private partnership project every other year.</i></p>	<p><i>Ongoing</i></p>	<p>In 2015, the City continued two public-private partnerships:</p> <ol style="list-style-type: none"> <li>1. A partnership between Tim Lewis Communities and the Alameda Housing Authority for the construction of 31 very low- and low-income senior affordable units at the Del Monte project site.</li> <li>2. A partnership between the Housing Authority and Resource for Community Development for construction of 32 affordable units at Alameda Landing (Stargell Commons).</li> </ol>
<u>Program 2.5 Preservation of At-Risk Housing Units</u>	<p>Continue to monitor the status of all affordable housing projects and, as their funding sources near expiration, work with owners and other agencies to consider options to preserve such units. The City will also provide technical support to property owners and tenants regarding proper procedures relating to noticing and options for preservation.</p> <p><i>Objectives: Monitor existing units annually.</i></p>	<p><i>Ongoing</i></p>	<p>There were no projects at risk of converting in 2015.</p>

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 2.6 Housing Choice Voucher Program (Section 8)</u>	<p>Continue issuing vouchers and encouraging property owners to participate in this rental assistance program.</p> <p><i>Quantified Objective: 1,600 households assisted annually.</i></p>	<p><i>Ongoing</i></p>	<p>The Housing Authority achieved its objective of assisting an average of 1,600 households in 2015. However, the lack of available rental units in Alameda showed a decline in the number of households assisted as the year went on. Even though vouchers were made available, recipients were not able to find available rental units for which to use the vouchers. The Housing Authority issued 114 fewer vouchers in December 2015, then in January 2015, with a steady month-over-month decline over the course of the year.</p> <p>Increasing the supply of rental housing in Alameda will facilitate the Housing Authority's ability to achieve the 1,600 households objective going forward.</p> <p>Landlord information meetings to educate landlords about the Section 8 program were held in 2015 to encourage participation.</p>
<u>Program 2.7: Utility Assistance Programs</u>	<p>Continue to provide funding assistance to qualified households in need of help with their electric bills. One program is a match-fund program for households with a shut-off notice, and one program assists with up to 25 percent of a monthly bill.</p> <p><i>Quantified Objective: Provide up to \$100,000 annually to households in need.</i></p>	<p><i>Ongoing</i></p>	<p>In 2015, \$76,564 was provided to assist Alameda households with their utility bills.</p>
<u>Program 2.8 Rent Review Advisory Committee</u>	<p>Continue to support the Rent Review Advisory Committee (RRAC) efforts to provide voluntary mediation between tenants and landlords in order to moderate rent increases for tenants of all income levels. The RRAC shall provide an annual report to the City Council on the number of cases reviewed each year, the outcome of those cases, and a recommendation for any additional City regulations or controls deemed necessary by the RRAC. The Alameda City Council shall annually review the RRAC report and take any steps deemed necessary or appropriate at that time.</p> <p><i>Quantified Objectives: Four households assisted annually</i></p>	<p><i>Ongoing mediation and annual reports</i></p>	<p>In 2014, the RRAC exceeded its objective by providing mediation for 33 households.</p> <p>A moratorium on rent increases over 7.99% and no-cause evictions was enacted in November 2015 while the City Council investigated rent stabilization options. The moratorium expired in March 2016, when a new Rent Review, Rent Stabilization and Limitations on Evictions Ordinance went into effect.</p>

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 2.9 Employee Housing</u>	Amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.	June 2015	This Zoning Ordinance amendment was completed in June 2014.
<u>Program 3.1 Special Needs Housing</u>	Work with public or private sponsors to identify candidate sites for new construction of rental housing for special needs populations, including persons with physical and developmental disabilities, and take all actions necessary to expedite processing of such projects. <i>Quantified Objective: Identify and support two special needs projects between 2014 and 2022.</i>	<i>As projects are approved through the Community Development Department</i>	In 2015, the 31-unit Del Monte affordable senior housing was approved with 100% universal design and Site A was approved with 20% universal design. In 2015, the Planning Board also required each housing project to ensure that some of the units in the project were universally designed to accommodate seniors aging in place, seniors with mobility issues, and/or residents with disabilities.
<u>Program 3.2 Homeless Shelter Funding</u>	Continue to provide funding assistance to the Midway Shelter, a 24-bed, service-enriched shelter for women and children, for a portion of the shelter's operating costs and for necessary capital improvements. <i>Quantified Objective: Provide up to \$40,000 annually to Midway Shelter.</i>	Ongoing	In 2015, the City exceeded its objective and granted \$82,263.46 to Building Futures with Women and Children / Midway Shelter.
<u>Program 4.1 In-Law Units and Senior Housing</u>	Continue to support the addition of secondary "In-Law" units for small households or seniors, and use Density Bonus Ordinance provisions to encourage senior housing opportunities on sites in proximity to retail and transit services. <i>Quantified Objective: One secondary unit per year, and two senior housing projects between 2014 and 2022.</i>	<i>As projects are approved through the Community Development Department</i>	The City did not approve any second units in 2015. In 2015, the Planning Board reviewed, and in 2016 the City Council will consider, a series of proposed amendments to the Secondary Unit Ordinance to reduce regulatory barriers to the creation of second units in Alameda.
<u>Program 4.2 Universal Design Ordinance</u>	Consider amendments to the Zoning Ordinance to require universal design elements in all new housing projects of five or more units. <i>Quantified Objective: Complete ordinance within one year of Housing Element adoption.</i>	June 2015	The ordinance was not completed by June 2015. In September 2015, staff circulated a draft Universal Design Ordinance for public review. Planning Board and City Council hearings are scheduled for 2016.
<u>Program 5.1: Annual Review of Policies and Programs</u>	Implement Program 1.1.		The City completed its 2015 annual report.

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 6.1 First-Time Homebuyer Program</u>	<p>Continue the First-Time Homebuyer Program which provides down payment assistance or makes it possible for eligible households to purchase Below Market Rate Units to low- and moderate-income first-time homebuyers. The program includes free homebuyer workshops. The workshops cover the complete home-buying process including: Overview of the Home-Buying Process, Credit and Budgeting, Qualifying for a Loan, the City's Down Payment Assistance Program, the Loan Application/Pre-approval Process, Selecting a Home, Role of the Real Estate Agent, Home Maintenance, and Foreclosure Prevention.</p> <p><i>Quantified Objective: One household assisted biannually</i></p>	<i>Ongoing, as funding is available</i>	In 2015, the City processed eight Down Payment Assistance payoffs. There was also a closeout of one CASA loan, which was converted to an amortized loan.
<u>Program 6.2 Alameda County Mortgage Credit Certificate Program</u>	<p>Continue to participate in the Countywide Mortgage Credit Certificate Program, which assists low- to moderate-income first-time homebuyers to qualify for mortgage loans.</p> <p><i>Quantified Objective: One to two households assisted annually</i></p>	<i>Ongoing</i>	In 2015, no households were assisted with the Mortgage Credit Certificate Program and four households were assisted with the refinancing program.
<u>Program 7.1 Housing Rehabilitation</u>	<p>Continue to administer owner-occupied and rental housing rehabilitation programs:</p> <ul style="list-style-type: none"> <li>• <i>Substantial Rehabilitation Program:</i> Continue to implement the City's Substantial Rehabilitation Program, which creates new rental units in existing vacant or underutilized residential structures.</li> <li>• <i>Housing Rehabilitation Program:</i> Continue the City's Housing Rehabilitation Program, which provides grants and low-interest loans to help low- and very low-income homeowners repair and improve their homes.</li> <li>• <i>Rental Rehabilitation Program:</i> Continue the City's Rental Rehabilitation Program, which provides low-interest loans to help property owners with low- and very low-income tenants repair and improve their units.</li> <li>• <i>Minor Home Repair:</i> Continue to implement the City's Minor Home Repair program.</li> <li>• <i>Accessibility Modification Program:</i> Continue providing grants and low-interest loans to assist eligible seniors and persons with disabilities in making modifications to their residences, allowing the</li> </ul>	<i>Ongoing</i>	In 2015, these programs assisted seven households: one project is in development for the Substantial Rehabilitation Program, three households were assisted with the Housing Rehabilitation Program, and three were assisted with the Rental Rehabilitation Program. In addition, 29 households were assisted with accessibility modifications.

Name of Program	Objective	Time Frame HE	Status of Program Implementation
	<p>individual to attain greater mobility and remain safely in their home</p> <p><i>Quantified Objective: Eight units rehabilitated annually for very low- and low- income households.</i></p>		
<p><u>Program 8.1 Amnesty Program</u></p>	<p>Continue the City's amnesty program, which provides a process to legalize and improve occupied, existing undocumented dwelling units.</p> <p><i>Quantified Objective: Three units legalized annually.</i></p>	<p><i>Ongoing</i></p>	<p>The City legalized one unit through the amnesty program in 2015.</p> <p>This program remains an effective process to legalize existing units in Alameda.</p>
<p><u>Program 9.1 Fair Housing</u></p>	<p>Continue to support fair housing by contracting with a fair housing contractor/provider to counsel tenants and landlords on their rights and responsibilities. Mediate landlord/tenant disputes, and investigate complaints of housing discrimination. Information about these services is provided by ECHO Housing, a non-profit organization, the Alameda Housing Authority, and the City of Alameda through referral services, brochures, fair housing and tenant rights programs, and the Section 8 program, at the City of Alameda and the Alameda Housing Authority customer service counters and on the City of Alameda and Housing Authority websites.</p> <p><i>Quantified Objective: Assist approximately 300 households annually with inquiries, complaints, audits, counseling, and conciliations.</i></p>	<p><i>Ongoing</i></p>	<p>In 2015, 285 households were assisted by ECHO Housing with inquiries, complaints, audits, counseling, and conciliations.</p> <p>In addition, all Housing Authority staff completed a fair housing training and continued to provide information to callers and clients throughout the year.</p> <p>Staff believes that significantly more people are obtaining resources and referral information through the internet. A new website was launched in 2015 to increase public outreach to ensure that Alameda residents are aware of the available services.</p>
<p><u>Program 10.1 New Housing TDM Programs</u></p>	<p>Require transportation demand management (TDM) programs and facilities in all new housing developments of 10 units or more to reduce local greenhouse gas emissions, vehicle miles traveled, and local traffic congestion. Coordinate existing and future transportation demand management programs to create cost effective and convenient transportation services between new residential development areas, regional transportation services including ferry, BART, and AC Transit, and on-island commercial districts, schools, and parks.</p> <p><i>Quantified Objective: Require of all projects over 10 units in size</i></p>	<p><i>Ongoing</i></p>	<p>In 2015, the City required TDM programs for all major new housing developments of 10 units or more. In 2015, the 2100 Clement project, Site A project, and Del Monte project each submitted TDM programs to the Planning Board for final approval.</p>

Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 10.2 Existing Neighborhood Transportation Improvements</u>	<p>Work with existing transit providers including AC Transit, the Water Emergency Transit Agency (WETA), and existing Transportation Management Agencies to improve transportation services for existing Alameda neighborhoods to reduce local greenhouse gas emissions, vehicle miles traveled, and local traffic congestion.</p> <p><i>Quantified Objective: Improved transportation services for all Alameda residents</i></p>	<i>Ongoing</i>	<p>In 2015, the City continued its work with AC Transit on a service extension plan, and with WETA to increase ferry service to Alameda. The new line is expected to start in 2016.</p> <p>As described above, the City also required TDM programs and supplemental shuttle services for all major housing projects.</p>
<u>Program 11.1 Transit Oriented Housing</u>	<p>Use density bonuses, maximum allowed parking requirements, and unbundled on-site parking requirements in new housing projects of 10 units or more, and require on-site secure bicycle parking for project residents to maximize densities on transit corridors.</p> <p><i>Quantified Objective: Require of all projects over 10 units in size.</i></p>	<i>Ongoing</i>	<p>In 2015, the City required all major housing projects with over 10 units to use density bonuses, parking maximums, and unbundled parking to maximize density on transit corridors.</p>
<u>Program 12.1 Sustainable Development</u>	<p>Implement the Green Building Code and develop incentives and requirements for energy efficient and sustainable new residential developments.</p> <p><i>Quantified Objective: Review progress annually.</i></p>	<i>Ongoing</i>	<p>No new incentives or requirements were created in 2015. The City did continue to comply with California Code and the Green Building Code.</p>
<u>Program 12.2 Promote Energy Conservation</u>	<p>Continue to offer residential customer energy services which include the following:</p> <ul style="list-style-type: none"> <li>• A weatherization cash grant program</li> <li>• A rebate program for compact fluorescent lights</li> <li>• A meter lending program</li> <li>• A rebate program for Energy Star refrigerators</li> <li>• A second refrigerator pickup program</li> <li>• Free energy audits</li> <li>• Energy Assistance Program to help low-income residents reduce their energy use</li> <li>• Implement the energy efficiency and conservation policies and programs in the Energy Element of the General Plan</li> </ul> <p><i>Quantified Objectives: Provide \$40,000 in energy services annually.</i></p>	<i>Ongoing, as programs are available</i>	<p>The City provided \$76,564 toward the Energy Assistance Program (Program 2.7) and \$4,881 toward Project EASE in 2015. In addition, \$389,369 in residential customer incentives were provided, including Alameda Municipal Power's standard refrigerator and freezer rebates, an improved LED rebate, and the 2015 citywide "Great Light Bulb Change Out" promotion, during which time Alameda Municipal Power mailed two LEDs to every household. The LED rebate and promotion were responsible for the increase in spending in 2015 compared to 2014.</p>



Name of Program	Objective	Time Frame HE	Status of Program Implementation
<u>Program 13.1 Public Notice and Participation</u>	Provide ample public notice and opportunities for public involvement in the public decision making process <i>Quantified Objective: Review procedures as part of annual report.</i>	<i>Ongoing</i>	A review of the public notice and involvement processes indicates that the City's processes are working. The City requires a 20-day notice for all projects. This exceeds state requirements by 10 days. In addition, the Planning staff has worked successfully with neighborhood groups to ensure that all interested parties are informed about upcoming hearings. The Community Development Department made changes to its website to make it easier for the general public to keep informed about current applications and upcoming public hearings. The City's public hearings have been well attended.
<u>Program 14.1 Design Concepts</u>	Develop preferred design concepts for important opportunity sites to improve certainty in the entitlement process similar to the design concepts prepared for the Webster Street Vision Plan, Civic Center Vision Plan, and North of Park Gateway Strategic Plan. <i>Quantified Objective: Review progress annually.</i>	<i>Ongoing</i>	In 2015, the City worked with the prospective developers of Neptune Lofts at 1435 Webster Street to provide preferred design concepts. The mixed-use project, which includes retail on the ground floor and nine residential units above, is expected to be approved in 2016.
<u>Program 15.1: Design Review</u>	Continue to administer and improve the Design Review Ordinance to ensure compatible new residential design in existing neighborhoods. <i>Quantified Objective: Review ordinance annually as part of annual review.</i>	<i>Ongoing</i>	In 2015, the Planning Board recommended a number of minor amendments to improve and streamline administration of the Design Review Ordinance. A hearing of the City Council will occur in 2016 to approve the recommended amendments.

Chapter \_\_\_\_\_

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

Sections:

1. Purpose.
2. Findings.
3. Definitions.
4. Scope and application.
- 6 Standards and Requirements
7. Exemptions.
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.