

February 13, 2017
Draft

SECTION 30-18 UNIVERSAL DESIGN ORDINANCE

18.1 - 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; and
- d. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.
- e. To improve housing affordability for people with disabilities by creating a wider range of usable housing options.
- f. To promote and preserve the public health, safety, and general welfare of the people of the City of Alameda and the property situated therein by the adoption of a Universal Design standard for dwellings in order to adequately safeguard life, health, property, and general welfare.
- g. To implement the City of Alameda General Plan Housing Element policies that require that the City "Provide housing that meets the City's diverse housing needs, specifically

including affordable housing, special needs housing, and senior housing."; and "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 "Consider amendments to the Zoning Ordinance to require Universal Design elements in all new housing projects of five or more units."

- h. 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.

18.2 - 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.

"Accessible Bathroom" means a room containing a water closet (toilet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub that includes 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.

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

“*Accessible Common Use Room*” means a room commonly used by residents or guests to congregate that includes 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.

“*Accessible Kitchen*” shall mean a room or space designed to be use for cooking and the preparation and storage of food and containing a refrigerator, a sink, a stove and oven that includes 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.

“*Accessible 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 that meets or exceeds the minimum requirements of Chapter 11A or 11B of the California Building Code.

“*Adaptable Internal Stairs*” means internal stairways and stairs with a minimum width of 36 inches wide, top and bottom landings that provide a clear floor area that is a minimum of 48 inches in the direction of the stair run, and the full width of the stair for the docking of a chair lift, and include suitable and appropriate outlets at the bottom and top of the stairs to provide power for a future chair lift. Such outlets shall be located on the side of the stair that would have the lift, or one on each side if the chair lift could be installed on either side.

“*Accessible Exterior Access*” means an exterior accessible route from the public right of way to the accessible primary entry that is consistent with the requirements of CBC Chapters 11A or 11B.

“*Accessible Interior Access*” means an accessible route consistent with the requirements of CBC Chapters 11A or 11B from the accessible primary entry to the living, eating, sleeping, and/or bathroom facilities located on the primary entry level.

“*Accessible Powder Room*” means a room containing a water closet (toilet) and lavatory (sink), but no shower, bathtub, or combination bathtub/shower, that includes 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.

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

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

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

18.3– Scope, Application, and Exemptions:

- a. This ordinance shall apply to any new tentative map, design review, conditional use permit, site development, master plan, or other land use entitlement for the approval of a development that includes one or more new residential dwelling units submitted to the Community Development Department after the effective date of this ordinance. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.
- b. All plans submitted for a building permit for a residential development subject to this ordinance shall include construction details

and plans showing conformance with the applicable sections of this ordinance.

- c. The provisions of this ordinance do not apply to the rehabilitation or expansion of existing residential unit or to new residential units added to an existing structure.

18.4 - New Construction Requirements:

- a. **Visitability:** To ensure that all new residential dwellings units subject to the provisions of this ordinance meet the basic needs of a wide range of guests to enter and use critical portions of the home, to the greatest extent possible, all new units subject to this ordinance shall include the following features:

- i. An Accessible Exterior Access to an Accessible Primary Entry;
- ii. An Accessible Interior Access from the primary entry to an Accessible Bathroom, an Accessible Common Use Room or an Accessible Bedroom, and a common or private open space; and Adaptable Internal Stairs.

- b. **Universal Design:** To ensure that a share of all new dwelling units are be usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, thirty percent (30%) of all new residential units in a residential development of five (5) or more units shall include the following features:

- i. An Accessible Exterior Access to an Accessible Primary Entry;
- ii. An Accessible Interior Access from the primary entry to an Accessible Bathroom, an Accessible Common Use Room or an Accessible Bedroom, and a common or private open space; and Adaptable Internal Stairs; and
- iii. An Accessible Interior Access from the primary entry to an Accessible Kitchen and an Accessible Laundry Facility.
- iv. 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

- c. Any residential development that includes an on-site sales office in which a buyer may purchase a unit prior to completion of construction of the unit must offer buyers the opportunity to select and purchase additional Universal Design features from a pre-approved list of offered features. The seller of the residential dwelling units shall prepare a brochure or checklist of the additional Universal Design features and pricing for the features that will be offered. The brochure or checklist shall be reviewed and pre-approved by the Planning Board concurrently with the discretionary permits for the development. The office shall have an Accessible Exterior Access to the primary entrance, and be fully accessible per Chapter 11A or 11B of the California Building Code.

18.5 Waivers:

- a. The Planning Board may consider granting a waiver to any of the provisions of this ordinance if it is able to make one or more of the following findings:
 - i. The requested waiver is necessary to enable a design solution for the

- proposed residential unit or units that is necessary to be able to make the findings for Design Review approval.
 - ii. The requested waiver is necessary to facilitate the development of a residential project with affordable housing units or has been submitted pursuant to Section 30-17 Density Bonus Ordinance.
 - iii. The requested waiver is necessary to avoid an undue hardship caused by topographical conditions on the site; the size of the site; and/or other site constraints; and/or legal constraints; and that no equivalent facilitation is available.
 - iv. The requested waiver is necessary to avoid a conflict with State or Federal regulations.
- b. When considering a request for a waiver, the Planning Board and the project applicant may consider incorporating the following optional features into the project to compensate for the loss of required features or to improve the accessibility of the units.
- i. Chapter 11a. compliant clearances, hardware, thresholds, dual peepholes, a doorbell, and entry door bench/package shelf on all exterior and interior doors throughout the unit.
 - ii. Grab bar reinforcement in all hallways.
 - iii. Rocker light switches throughout each unit
 - iv. Accessible heights for all light switches, electrical receptacles, and environmental controls in the unit.
 - v. Grab bar reinforcement in all bathrooms.
 - vi. Removable base cabinets in all bathrooms
 - vii. Accessible shower stalls in all bathrooms
 - viii. Accessible medicine cabinet and integral mirror in all bathrooms
 - ix. Lower towel racks and robe hooks and toilet tissue holder in all bathrooms
 - x. Full length mirror in all bathrooms,
 - xi. Removable base cabinets in all kitchens

- xii. Accessible countertops with a 30” wide workspace and/or one or more 15” breadboards installed between 28-32” high in all units.
- xiii. Under-cabinet lighting in all kitchens

18.6. – Annual Reporting and Enforcement:

- a. It is unlawful for any person or entity to fail to comply with the requirements of this chapter. The City of Alameda may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this chapter, which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law of the California Health and Safety Code, Sections 17910 *et seq.*; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.
- b. The City of Alameda Community Development Department shall report annually to the City of Alameda Planning Board on implementation of this section to the City of Alameda Planning Board as part of the Housing Element Annual Report. The Annual Report shall provide an opportunity for the Planning Board and the State Department of Housing and Community Development to recommend changes or revisions to this ordinance to the City of Alameda City Council.