

DRAFT

Date: _____, 2017

To: Joint Meeting of the Planning Board and Commission on Disability Issues

Re: Public Hearing to Consider a Resolution Recommending that the City Council Adopt a Universal Design Ordinance

BACKGROUND

General Plan Housing Element Policy HE-4 Program 4.2 “Universal Design Ordinance” adopted in July 2012 requires that the City Council consider adoption of a Universal Design Ordinance to support housing opportunities for seniors, residents aging in place, and residents with disabilities. The attached draft Universal Design Ordinance is the product of five years of City of Alameda experience integrating universal design features into new housing developments in Alameda and the work of a joint subcommittee composed of Commission on Disability Issues (CDI) members Lord-Housman, Kenny, Deutsch, Brillinger, and Aghapekian and Planning Board members Sullivan and Burton.

The draft ordinance:

- Establishes a uniform set of universal design requirements for new residential developments in Alameda.
- Sets clear and consistent standards to be uniformly applied to all new housing developments and processes to adjust requirements as necessary to address site specific or project specific conditions.
- Balances the need to ensure accessible housing for current and future generations of Alameda residents with the need to avoid further escalation in housing costs caused by local land use regulations.

ANALYSIS

Draft Alameda Municipal Code (AMC) Section 30-18 Universal Residential Design Ordinance (Exhibit 1) is comprised of the following regulations and standards:

Section 18.1 "Purpose" describes the purposes for regulating housing design to accommodate the needs of people throughout their life cycle and people with mobility constraints. The draft Resolution (Exhibit 2) includes addition findings to support these regulations and standards and enumerate the public benefits of these residential development regulations.

Section 18.2 "Definitions" provides definitions for specific terms that are unique to this Ordinance. Any terms that are already defined in AMC 30-1 "Definitions" are not repeated in AMC Section 18.2.

Section 18.3 "Scope, Application and Exceptions" states that the Ordinance applies to all new housing units developed in Alameda, with the following specific exceptions:

- i. rehabilitation or expansion of an existing residential unit,
- ii. reconstruction of an existing residential unit destroyed due to fire or natural disaster,
- iii. new residential units added to or within an existing structure,
- iv. New residential units in projects of five units or less where the units are located directly above ground floor commercial space and accessed by a stair case.
- v. Any single new residential unit accessed by a stair case and located above a single accessible unit that meets the requirements of subsection 4.b Universal Design of these provisions.

Therefore, the requirements of this ordinance:

- Do not apply to a new accessory unit built within an existing structure, but they do apply to a new detached structure or cottage constructed to accommodate an accessory dwelling unit.
- Do not apply to new "walk-up" residential units constructed above a new ground floor commercial space in residential projects of five units or less. In 2016 the Planning Board and City Council approved a single "walk up" unit above ground floor commercial in a project at Park Street and Blanding Avenue. A larger nine unit project above ground floor commercial space approved in 2016 at 1435 Webster Street included elevators.
- Do not apply to any new "walk up" residential units constructed directly above a ground floor accessible unit, provided that the ground floor unit meets all the accessible requirements of subsection 4.b.

Section 18.4 "New Construction Requirements" establishes the uniform standards and requirements that apply to all new residential units governed by the ordinance.

Visit ability. Section 18.4.a establishes standards to ensure that every new unit built in Alameda subject to this ordinance can be visited by a person with mobility issues. Section 18.4.a requires that a visitor can get to and through front door, access a room in which to visit and a ground floor open space, and use the bathroom without having to negotiate stairs. The other bedrooms and bathrooms, the kitchen, and all other spaces within the home may be on upper levels accessed by stairs. The definition of "accessible entry" provides flexibility to allow use of alternate entry into the accessible ground floor spaces, if the design of the new home includes a "primary" entry accessed by a raised front porch, which is a common architectural feature in Alameda and recommended by in the City of Alameda Residential Design Guidelines.

Universal Design. Section 18.4.b requires that any residential project with five or more units must ensure that 30% of the units include specific features to ensure that the units are "*usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible.*" Section 18.4.b. requires that 30% of the units provide an accessible route of travel from the front door to an accessible kitchen, an accessible bedroom, an accessible common area, an accessible bathroom, and an accessible laundry facility. Additional bedrooms and bathrooms may be provided on an upper level accessed by stairs.

Optional Features. Section 18.4.c. requires that any residential project that includes an on-site sales office must also provide a "menu" of additional features that the buyer of the unit may choose to purchase to make his/her home more accommodating of a personal disability. The "menu" shall be created and presented to the Planning Board concurrently with the discretionary permits for the project.

Section 18.5a "Waivers"- Section 18.5.a allows the Planning Board to adjust the requirements as necessary to address site specific or project specific conditions such as: site specific design solutions, affordable housing costs, hardship caused by topographical conditions on the site; site size or configuration, conflicts with other adopted local, regional, state or federal policy objectives, and/or legal constraints.

It should be noted that any project that qualifies for a State Density Bonus waiver will also qualify to request a waiver from the provisions of this ordinance if those provisions make it physically difficult to fit the total number of units on the site or if the added requirements make it financially difficult to provide for affordable housing.

Section 18.5.b includes a list optional features that applicants might consider incorporating, but that are not required by the Ordinance. These items may also be used as part of a request for a waiver. If an applicant is requesting a waiver or reduction of one of the Ordinance requirements, the applicant might offer to compensate for the waiver by installing items from the "optional list".

Impact of the Draft Ordinance on Housing Costs:

In 2017, rising housing costs are the single largest challenge confronting the City's Housing Element goals to provide housing for all socio-economic segments of the Alameda community. For this reason, the City must carefully consider any new development regulations that increase the cost to construct housing which may result in a corresponding increase in housing costs for future renters or buyers of new housing in Alameda.

In response to the Planning Board questions about the potential financial impact of these new provisions on housing costs, staff contacted local for-profit and non-profit housing developers for information and insight. The following findings are the result of this research:

- It is very difficult to assign a specific dollar cost to each provision of the ordinance because construction costs vary over time, site specific conditions (site size, site topography) can make it more or less expensive to meet these requirements, and project specific design features will impact the cost of meeting these requirements. For these reasons, the draft ordinance includes the ability to adjust the requirements as necessary to address site specific issues. (See subsection 18.5.a.iii)
- The draft ordinance is unlike any other universal design adopted in California, and it is customized to specifically address Alameda conditions, goals and needs. For this reason, it is not possible to examine the impact on costs in other cities that have adopted similar ordinances. Alameda's relatively flat topography reduces the need for stairs between the public right of way and the front door of new residential units which minimizes the additional costs to provide accessible access to the front door of a new unit. However, Alameda's high land costs results in the need to keep lot sizes small to minimize housing costs. Therefore competing local, state and regional development regulations that cause the need for larger lots will increase housing costs. Examples of such regulations include regional water quality regulations that require that all storm water run-off be treated on site in bio-swales before being discharged into the regional storm water system and San Francisco Bay, local city regulations requiring on-site automobile parking, and/or local city regulations requiring on-site open space. For these reasons, the draft ordinance includes provision to examine these potentially competing requirements and ensure that access requirements do not result in increased lot sizes, which will in turn result in higher housing costs. (See subsection 18.5.a.iv)

- Elevators provide access for people with mobility issues, but they are expensive. Larger residential projects are able to spread the cost of the elevator over a large number of residential units and larger buildings are either required to provide an elevator by the California Building Code or an elevator is deemed necessary by the project proponent to avoid the need for project residents to climb stairs to access their residential unit. However, the "walk up" unit, which is accessed by a stair case and is located above a ground floor unit or ground floor units provide a more affordable housing unit, because the unit does not need to share the cost of an elevator. In small affordable housing projects and small mixed use infill projects, the ability to avoid the cost of an elevator can be critical to the financial feasibility of the project. For these reasons, the draft ordinance provides an exemption for small residential projects of five units or less when the units are located above ground floor commercial space. The ordinance also allows a "walk up" unit above a ground floor accessible unit, which will allow for a stacked townhome configuration. (See subsection 18.3.c.iv and v)
- Requiring a ground floor sitting area or bedroom and bathroom in every future townhome (per Section 18.4.a Visit ability) will increase the amount of land area needed to build townhomes in Alameda, which will increase the cost to build townhomes in Alameda. To lessen the financial impact on townhome projects, the draft ordinance includes a waiver for townhomes constructed over a ground floor accessible unit (see subsection 18.3.c.v).
- Requiring that townhome projects provide a bedroom, kitchen, bathroom and sitting area on the ground floor of 30% of the townhome units will significantly increase the amount of land needed for the townhomes subject to the 30% rule. To partially mitigate this problem, the ordinance:
 - Allows project with a mix of multifamily buildings (apartments) and townhome buildings to meet the entire 30% requirement in the multifamily buildings.
 - Provides a waiver for townhome units constructed above a ground floor accessible apartment.
 - Provides an opportunity for project specific waivers and/or adjustments to the requirements.

ENVIRONMENTAL REVIEW

A Universal Design Ordinance will implement action programs within the City of Alameda General Plan Housing Element, which was approved by the City Council in July 2014. The environmental impacts of adoption and implementation of the Housing Element were evaluated and disclosed at the time of the adoption of the Housing Element. No further environmental review is required.

RECOMMENDATION

Hold a Public Hearing and Approve a Resolution (Exhibit 2) Recommending that the City Council Adopt the Universal Design Ordinance (Exhibit 1)

Respectfully submitted,

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Exhibits:

1. Draft Ordinance
2. Draft Resolution