

# ITEM 5-A

Date: July 25, 2017

To: Commission on Disability Issues

Re: Public Hearing on Final Revisions to draft Universal Design Ordinance

## EXECUTIVE SUMMARY

Over the last five years, the City of Alameda City Council, Planning Board, and Commission on Disability Issues have discussed the need to ensure that every new residential project in Alameda is designed to accommodate Alameda's current and future residents with mobility issues, including seniors aging in place. The attached draft Universal Design Ordinance (Exhibit 1) is the product of three Planning Board study sessions and the work of a joint subcommittee composed of Commission on Disability Issues (CDI) members Beth Kenny, Susan Deutsch, Arnold Brillinger, Anto Aghapekian and former member Audrey Lord-Housman and Planning Board members Sandy Sullivan and David Burton.

During this same five years, Alameda and the Bay Area have experienced an unprecedented housing affordability crisis. At prior Planning Board hearings on the draft Universal Design ordinance, Planning Board members identified the need to consider how the proposed new design regulations may or may not increase housing costs. On April 26, 2017, the Bay Area Building Industry Association (BIA) submitted a letter documenting its concerns about the impact of the draft ordinance on housing costs. (Exhibit 2). On June 12, 2017, staff sent a reply to the BIA explaining some of the aspects of the ordinance that are specifically designed to mitigate any potential impacts of the ordinance on housing costs. (Exhibit 3).

On June 26, 2017, the Planning Board considered the attached material and recommended that the City Council adopt the draft Ordinance (Exhibit 1).

At this time, staff would like the Commission on Disability Issues to make a recommendation on the draft Ordinance to the City Council.

## 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 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 mitigate further escalation in housing costs caused by local land use regulations, market conditions or other challenges to developing housing in the Bay Area.

## ANALYSIS

The draft Alameda Municipal Code (AMC) Section 30-18 Universal Residential Design Ordinance 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 4) includes additional findings to support these regulations and standards and enumerates 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:

- rehabilitation or expansion of an existing residential unit,
- reconstruction of an existing residential unit destroyed due to fire or natural disaster,
- accessory dwelling units
- new residential units added to or within an existing structure,
- new residential units in projects of five units or less where the units are located directly above ground floor commercial space or parking structure and accessed by a stair case, or
- 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.

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

Visitability. (The 100% Requirement) 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 the 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. (The 30% Requirement) 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, bedroom, common area, bathroom, and 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 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 as part of the approval process 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 qualify to request a waiver from the provisions of this Ordinance if those provisions make it physically difficult or impossible 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.

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)

Furthermore, the draft Ordinance is unlike any other universal design ordinance adopted in California because it establishes requirements that ensure construction of specific design features as opposed to the typical model ordinance that simply requires the developer to offer these features to a prospective home buyer.. 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 cost to provide accessible access to the front door of a new unit. However, Alameda's high land cost results in the need to keep lot sizes small to minimize housing costs. Therefore local, state and regional development regulations that cause the need for larger lots will increase housing costs. Examples of such regulations include: 1) 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, 2) local city regulations requiring on-site automobile parking, and/or 3) local city regulations requiring on-site open space. For these reasons, the draft ordinance includes a 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

## 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 recommend approval of the draft Ordinance to the City Council.

Respectfully submitted,

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Exhibits:

1. Draft Ordinance
2. BIA Letter
3. Staff's response to BIA
4. Draft Resolution