# REPORT TO COUNCIL
# City of Sacramento

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**915 I Street, Sacramento, CA 95814-2671**
**www.CityofSacramento.org**

**CONSENT**
**February 9, 2010**

Honorable Mayor and
Members of the City Council

**Title: City Universal Design Ordinance (LR09-019)**

**Location/Council District**: Citywide

**Recommendation:** 1) Review an **Ordinance** relating to universal design standards; and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted February 16, 2010.

**Contact:** Greg Sandlund, Associate Planner, (916) 808-8931; Carl Hefner, Chief Building Official, (916) 808-8779; Jim McDonald AICP, Senior Planner, (916) 808-5723.

**Presenters:** Not Applicable

**Department:** Community Development

**Division:** Planning

**Organization Number:** 22001111

**Description/ Analysis**

**Issue:** As part of the implementation of the 2008-2013 Housing Element, the City has developed a universal design ordinance that reflects comments from the Disabilities Advisory Commission, Planning Commission, Development Oversight Commission, internal staff discussions, and public input. This ordinance is intended to create more opportunities for an individual with a disability to buy a new home that incorporates universal design features. The ordinance would require builders to provide universal design features as an option available to the buyer.

Previous efforts by the City to adopt accessibility-related ordinances have been held in check due to concerns about changing building code standards. Under state law, cities and counties are not allowed to enact building standards unless a state statute specifically authorizes local regulation. On October 2005, the State's Model Universal Design Ordinance was certified by the Department of Housing and

Community Development. This model ordinance was created to ensure that universal design standards are consistent throughout the State and to make certain that the cost to builders would not be excessive. The City's Draft Universal Design Ordinance is based on this model ordinance.

The key components of the Draft Universal Design Ordinance are as follows:

- Applies to new residential developments of 20 units or more that consist of one or two unit dwellings in the Standard Single Family (R-1) Zone and the Single-Family Alternative (R-1A) Zone.
- Applies to at least one model in the development.
    - Buyer could select any of the options listed in this ordinance and the seller would be required to provide those options at the buyer's expense.
- If model homes are used, at least one model home would need to provide the features or show illustrations of those options on placards.
- Developments can be exempted from one or more of the mandatory options if:
    - There are topographic and or other site constraints (including site size); or
    - Compliance with a request would cause an unreasonable delay in construction or result in un-reimbursable costs to the builder/seller.

Outreach

Since September of last year, staff has conducted outreach to the Sacramento Housing Alliance (SHA), North State Building Industry Association (BIA), Resources for Independent Living, Eskaton, INC., and the Central Valley American Institute of Architects (AIA). Staff has included an October 8th letter of support from the North State Building Industry Association which can be found in Attachment 1.

Questions and comments from the Disabilities Advisory Commission, Planning Commission, Development Oversight Commission, internal staff discussions, and the public/stakeholders have been summarized in a frequently asked question format in Attachment 2. The source of each question is indicated in parenthesis. Below each question is staff's response.

Key Revisions

The revised draft Universal Design Ordinance can be found in Attachment 3. Since the original draft ordinance was available for public review in September 2009, the key changes have included:

- Clarifying that the ordinance applies to developments in the Standard Single Family (R-1) Zone and the Single-Family Alternative (R-1A) Zone.
- Establishing the maximum slope for exterior pathways at 1 to 12, versus referencing the California Building Code.

- Outlining an appeals process for the exemption granted by the Building Official.
- Requiring that the seller provide postage-paid comment cards (addressed to designated City staff) at the model home and any other sales office associated with the development.
- Adding the options of:
    - Conduit for future wiring for assistive technologies; and
    - Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

On October 15th, the Disabilities Advisory Commission recommended that there be a required evaluation 18 months after the ordinance takes effect that considers the five recommendations in an October 5th letter from the Sacramento Housing Alliance (Attachment 4), as well as other design features for individuals with disabilities. Staff recommends that Council adopt a resolution that outlines the process and criteria for the 18 month evaluation. The proposed resolution can be found in Attachment 5.

**Policy Considerations:** The proposed ordinance is consistent with the guiding vision of the 2030 General Plan, that Sacramento will be the most livable city in America. The ordinance is also consistent with the 2008-2013 Housing Element goal to "promote, preserve and create accessible residential development" (Chapter 9, Goal H-5).

**Environmental Considerations:** The adoption of the ordinance will establish an administrative process to support the City's housing policy and would not result in a direct physical effect on the environment. Therefore, the adoption of the ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA Guidelines Section 15061(b) (3)).

**Sustainability Considerations:** A universal design ordinance would be consistent with the Sustainability Master Plan's goal of providing a wide array of housing choices near jobs for a balanced, healthy City. The ordinance help create new homes that meet the needs of persons with disabilities, thereby creating more housing choices.

**Committee/Commission Action:** The Law and Legislation Committee met on January 19, 2010 and forwarded staff's recommendation with a unanimous vote for Council to approve the draft ordinance and associated resolution. No action was required from the Disabilities Advisory Commission, Planning Commission and Development Oversight Commission for adoption of this ordinance. The commissions' comments have been summarized in a frequently asked question format in Attachment 1.

**Rationale for Recommendation:** The proposed ordinance will create new accessible housing to meet current and future housing needs by allowing individuals with disabilities to purchase new homes with universal design features.

**Financial Considerations:** New building code requirements will require additional staff time and training. Existing staff resources will be used to administer this ordinance.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

Respectfully Submitted by: _____
CARL HEFNER
Chief Building Official

Approved by: For David Kwong _____
DAVID KWONG
Acting Director of Community Development

Recommendation Approved:

_____
RAY KERRIDGE
City Manager

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**Attachment 1**

Planning Communities. Building Dreams. BIA NORTH STATE BUILDING INDUSTRY ASSOCIATION northstatebia.org

October 8, 2009

Mr. Greg Sandlund
Associate Planner
City of Sacramento
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

**RE: Draft Universal Design Ordinance**

Dear Mr Sandlund:

On behalf of the North State Building Industry Association I am writing to express our support for your draft Universal Design Ordinance. In our review of the ordinance it appears that you have subscribed to the limitations placed upon local governments adopting their own UD ordnance as contemplated by AB 2787.

Under AB 2787 a UD option is at the expense of the buyer and is an option that we, as the home builder, must provide. In addition, it is our understanding that we will only be required to provide signage and graphic representations of the options, not a constructed unit adhering to the UD ordinance in our model complexes.

Given the state limitations and the City's appropriate implementation of this issue, we are pleased to support your draft and look forward to working with you to offer these options to our buyers. Should you have any questions or need additional information, I can be reached at 916.677.5717 or dennis@northstatebia.org.

Regards,

Dennis M Rogers
Senior Vice President
Governmental and Public Affairs

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**Attachment 2**

**Frequently Asked Questions**
About the Draft Universal Design Ordinance

1. **What is Universal Design? (Staff)**
   - Universal Design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design[1].

2. **Will everyone be able view the placards in the model home if it is not made accessible? (Public)**
   - State building code requires that all sales rooms, including model homes be accessible.

3. **Why does the ordinance only apply to 20 units or more? (Public)**
   - Projects of 20 units or more would have greater economies of scale and the greatest potential to handle any additional design requirements related to new options this ordinance may create, as well as additional site design flexibility.

4. **By applying the ordinance to 20 units or more, will that exempt most infill development? (Public, Development Oversight Commission)**
   - Most of the future growth in the City will be in the form of infill development and many of these developments are anticipated to be 20 units or greater. Staff will evaluate whether the ordinance can apply to developments of less than 20 units after the initial program is tested.

5. **Can the City require developments to build these features? (Public)**
   - State law governing the model ordinance requires that our local ordinance must be "substantially the same" as the model ordinance. Therefore, the City cannot require that universal design features are mandatory to install.

6. **When will the ordinance take effect? (Public)**
   - The ordinance will take effect 180 days after its adoption and filing with the Department of Housing and Community Development.

7. **Why are there no features offered for individuals with hearing or visual impairments? (Staff)**
   - One additional feature that will be offered by the ordinance is to provide conduit for the future wiring of assistive technologies (including those for individuals with hearing or visual impairments) in all exterior walls. Staff has found that it would be less costly to have conduit placed in the wall during construction of the home. Additionally, conduit, as opposed to specific wiring, would provide greater flexibility to install future assistive technologies, including those for individuals with hearing and visual impairments.

[1] The Center for Universal Design, North Carolina State University

8. **How will staff evaluate the success and effectiveness of the program when we report back in 18 months? (Planning Commission, Disabilities Advisory Commission)**
   - The ordinance would be evaluated by researching:
     - How many units were produced,
     - Workload impacts on staff.
   - Staff will survey:
     - Developers that were subject to the ordinance
     - Buyers and realtors of homes subject to the ordinance
       - Developers will be required to provide postage-paid comment cards at the sales office and model homes for prospective buyers to give staff feedback.

9. **Can the ordinance be evaluated in the future in order allow for edits and alterations as necessary? (Planning Commission, Disability Advisory Commission)**
   - Staff recommends that the City Council adopt a resolution requiring an evaluation 18 months after the ordinance becomes effective. If there is inadequate information available at that point (e.g. due to lack of development), the evaluation may be postponed for one year. Criteria in this evaluation will include:

     A. Whether the threshold for applying the ordinance should be five or more dwelling units in a residential development project, not twenty or more dwelling units.

     B. Whether the ordinance should require developers of residential development projects with four or less dwelling units to provide prospective purchasers a list of universal design features.

     C. Whether the ordinance should apply to all models in a residential development project, not just one model.

     D. Whether model homes should be constructed with universal design features rather than relying on placards to illustrate the available universal design features.

     E. Whether ordinance should specify that installing universal design features will become mandatory at a specific future date for residential development projects requiring at least one discretionary approval.

     F. Whether sellers of homes subject to this ordinance are charging exorbitant prices for universal design features.

     G. Whether other design features for individuals with visual and hearing impairments should be included in the ordinance.

H. Whether the ordinance should apply to other zones besides the Standard Single Family (R-1) Zone and the Single-Family Alternative (R-1A) Zone.

I. Whether the ordinance should be considered in the planning stages (tentative maps).

**10. What is the process/criteria for determining whether a project is exempt from this ordinance? Who makes the determination? (Planning Commission)**

- The Building Official convenes a committee (consisting of plan check staff) to review any exempted universal design features that could be exempted from this ordinance. The Building Official would make the final determination prior to issuing any building permits for the development. The applicant can appeal the committee's decision to an appeals board, consistent with Chapter 2.84 of City Code.

**11. What constitutes an "unreasonable delay"? (Planning Commission)**

- There are a variety of circumstances that can be considered a "delay". A representative of the Building Industry Association stated that any delay is unreasonable. Staff recommends the building official retain the authority to determine what a delay is on a case by case basis rather than give a specific amount of time.

**12. What prevents a seller from charging too much for features listed under this ordinance? (Planning Commission, Development Oversight Commission)**

- Staff will monitor whether this actually occurs by reviewing feedback from buyers. If this becomes an issue, staff can revise the ordinance to address this issue prior to the 18 month evaluation.

**13. Can the ordinance reference Calif. Building Code section 11A rather than cite specific details and dimensions in the ordinance? (Planning Commission)**

- Staff will use specific dimensions in the case of exterior pathways because the slope and building requirements under Calif. Building Code section 11A can be difficult to implement on single family lots.

**14. Can this ordinance be applied to all models in a subdivision? What are the potential impacts? (Public, Planning Commission, Disabilities Advisory Commission, Staff, Public)**

- Single family homes are not commonly built with no-step entries or accessible exterior routes. The minimum slope required for these pathways could create challenges in site design and construction. Initially, staff would like to evaluate any challenges builders might have in the Standard Single Family (R-1) Zone and the Single-Family Alternative (R-1A) Zone. Smaller lots may not have enough square footage to allow adequate sloping of exterior pathways and entryways. The 18 month evaluation referred to above will determine whether the ordinance should be expanded to other zones and/or all models in a development.

**15. How do we address subdivisions that are built on "spec", where homes are built before they are put up for sale and no "options" are offered (e.g. John Leonard townhomes in West Sacramento)? (Planning Commission, Development Oversight Commission)**

- Because "spec" homes would be built without options/upgrades, these developments would effectively be exempt from the ordinance. This issue would be considered in the 18 month evaluation. While, staff anticipates that subdivisions built on "spec" will be a small number of the total units built, this potential issue will be monitored as new residential projects come online.

**16. How are universal design features reviewed and approved in advance? Would the model subject to the ordinance need to have minimum structural features to accommodate a request for universal design features? (Planning Commission, Staff, Development Oversight Commission)**

- The universal design features would be reviewed and approved prior to the issuance of any building permits for a development.
- The base model subject to the ordinance would not be required to have minimum structural features (e.g. no step entrance and wide hallways). However a different version of that model that can incorporate all the features outlined in the ordinance would need to be approved in our plan check stage prior to issuance of building permits.

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**Attachment 3**

# ORDINANCE NO.

Adopted by the Sacramento City Council

## ADDING CHAPTER 15.154 TO TITLE 15 OF THE SACRAMENTO CITY CODE (THE BUILDING CODE) RELATING TO UNIVERSAL DESIGN FOR RESIDENTIAL DWELLINGS

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

SECTION 1.

Chapter 15.154 is added to Title 15 of the Sacramento City Code (the Building Code) to read as follows:

### Chapter 15.154
### Universal Design for Residential Dwellings

**15.154.010 Purpose and intent.**

The purposes of this chapter are:

A. To facilitate the development of dwelling units that are visitable, usable, and safe for occupancy by persons with disabilities;

B. To allow new homebuyers the option of incorporating universal design principles into their future homes that would enhance their ability to remain in their homes during periods of temporary, developing, or permanent disabilities or frailties; and

C. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.

**15.154.020 Findings.**

Pursuant to California Health & Safety Code section 17959, the City Council finds that:

A. As many as 23% of City residents have one or more disabilities, as noted in the City of Sacramento Housing Element. Individuals with mobility difficulties may

require special accommodations to their homes to allow for continued independent living. This chapter is reasonably necessary to serve this population as well as those anticipating a disability by enhancing opportunities for the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests. This is done in order to accommodate a wide range of individual preferences and functional abilities.

B. The provisions of this chapter are substantially the same as the model universal design ordinance adopted by the State of California Department of Housing and Community Development and are not less restrictive than the requirements of the California Building Standards Code as adopted by this title.

**15.154.030 Definitions.**

As used in this chapter,

"Accessible" means consistent with or as defined by the California Building Code, Chapter11A.

"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 American National Standards Institute, Inc.

"Bathroom" means a room containing a toilet (water closet), 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.

"CBC Chapter 11A" means Chapter 11A of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

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

"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.

"New construction" means the construction of a new building. New construction does not include additions, alterations, or remodels to existing buildings.

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

"Primary entry" means the principal entrance through which most people enter a building or residential unit, as designated by the building official.

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

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

"Seller" means a person who, either directly or through an agent, sells or offers to sell a dwelling unit that is subject to this chapter. A seller may be the residential development project developer, builder, or owner.

**15.154.040 Scope and application.**

This chapter shall apply to the new construction of residential dwellings in residential development projects totaling twenty (20) or more dwelling units in the Standard Single Family (R-1) Zone and Single-Family Alternative (R-1A) Zone. If the residential development project includes more than one model or type of residential dwelling unit, then only one of the models or dwelling unit types shall be subject to the requirements of this chapter.

**15.154.050. Obligation to offer and install universal design features.**

A. The seller of residential dwellings that are subject to this chapter shall prepare and provide to all prospective purchasers a brochure that identifies and describes the universal design features to be made available under this chapter and the dwelling units within the residential development project that are subject to the requirements of this chapter. Additionally, the seller shall provide to prospective purchasers a postage-paid, pre-addressed comment card that prospective purchasers may use to evaluate the effectiveness of this chapter and their experience with the seller. The comment cards shall be available in each brochure, at the model homes offering the universal design features, and at all sales offices associated with the development. The comment cards shall substantially comply with a form comment card approved by the building official and shall be addressed to the appropriate City staff designated by the building official.

B. If models are used in the marketing of residential dwellings that are subject to this chapter, at least one of the models shall be designed to accommodate the universal design features identified in this chapter, which model shall include placards on the walls illustrating the features listed in this chapter.

C. The seller of a dwelling unit that is subject to this chapter shall offer an opportunity to select any of the universal design features listed in this chapter to a purchaser or prospective purchaser of the dwelling unit at the earliest feasible time after the purchaser or prospective purchaser is identified.

D. If requested by a purchaser, the seller of a dwelling unit that is subject to this chapter shall construct or install any universal design feature identified in this chapter, at the purchaser's cost, unless an exemption is granted for that universal design feature under section 15.154.060.

E. In lieu of the standards established in this chapter, or when CBC Chapter 11A does not contain specific standards, the seller of a dwelling unit subject to this chapter, at his or her option, may offer or utilize standards for universal structural or design features, components, or appliances and facilities, including but not limited ANSI A117.1 Standards, that meet or exceed CBC Chapter 11A and that offer greater availability, access or usability.

F. The building standards contained in CBC Chapter 11A shall not apply to the universal design features under this chapter except where, and to the extent, stated in this chapter.

**15.154.060 Exemptions.**

A. A seller may apply to the building official for an exemption from one or more of the universal design features required to be offered under this chapter. The building official shall establish policies and procedures that provide for building official review of requests for exemptions under this section. The policies and procedures shall require the building official to provide a written decision within ten (10) calendar days of the filing of a completed request for the exemption. A copy of the decision shall be delivered to the seller personally or sent to him or her by certified mail, postage prepaid, return receipt requested. Requests for exemptions shall be submitted on a form prescribed by the building official.

B. The building official shall approve a request for an exemption of a universal design feature required by this chapter if the building official finds either one or both of the following:

1. That the seller has demonstrated that compliance with the requirement to offer and install a universal design feature under this chapter would create an undue hardship due to topographical conditions of the site, lot size, and/or other site constraints and that equivalent facilitation is not available;

2. That the seller has demonstrated that compliance with a request to install universal design features under this chapter would result in an unreasonable delay in construction or would result in non-reimbursable costs to the seller.

C. Any person aggrieved by the building official's decision under this section may appeal the decision to the building and fire code advisory and appeals board, the mechanical and plumbing code advisory and appeals board, or the electrical code advisory and appeals board, as determined by the building official. The appeal shall be filed, processed, and heard in the manner described in Chapter 2.48 for appeals to the building and fire code advisory and appeals board, Chapter 2.49 for appeals to the

mechanical and plumbing code advisory and appeals board, or Chapter 2.50 for appeals to the electrical code advisory and appeals board. The proceedings on the appeal before the appeals board shall be de novo. The decision of the appeals board shall be final.

**15.154.070 Universal design features—Standards--Primary entry.**

A. The following options for the accessible entry on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

1. An exterior accessible route that is either:

a. Consistent with the requirements of CBC Chapter 11A; or

b. Not less than forty inches (40") wide and having a maximum slope of one (1) unit vertical in twelve (12) units horizontal.

2. The accessible primary entry that is consistent with the requirements of CBC Chapter 11A.

3. The floor or landing at and on the exterior and interior side of the accessible entry door that is either of the following:

a. Consistent with the requirements of CBC Chapter 11A; or

b. The width of the level area on the side to which the accessible entry door swings shall extend twenty-four inches (24") past the strike edge of the door.

4. The exterior accessible entry door that is either:

a. Consistent with the requirements of CBC Chapter 11A, or

b. Has a thirty-four inch (34") net clear opening.

5. A second exterior door that is installed in a manner so that it is accessible as provided in this section 15.154.070 with a thirty-two inch (32") net clear opening.

6. Where at least one eyehole is provided in the accessible entry door, one that is between forty-two inches (42") and forty-four inches (44") from the finished floor must be offered.

7. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two inches (42") and forty-eight inches (48") from the finished floor must be offered.

B. Design Standards: All exterior access features described in this section shall adhere to any applicable City design review process, guidelines, checklist or policy.

**15.154.080 Universal design features—Standards--Interior routes.**

The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

A. At least one accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entry of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.

B. No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.

C. Handrails installed in a manner consistent with CBC Chapter 11A on one or both sides of the accessible route, at the option of the purchaser.

D. Handrail reinforcement installed on one or both sides of the accessible route.

E. An accessible route with a minimum width of forty-two inches (42"). A thirty-nine inch (39") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four inches (34"), and a thirty-six inch (36") hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six inches (36").

**15.154.090 Universal design features—Standards--Primary floor powder room/bathroom entry and facilities.**

The following options for the accessible bathroom or powder room on the route from the primary entry shall be offered and, if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

A. At least one powder room or bathroom, at the option of the purchaser, on the primary entry level that complies with the requirements of CBC Chapter 11A.

B. Clear space in the bathroom or powder room that is either:

1. Consistent with the requirements of CBC Chapter 11A; or

2. Outside of the swing of the door and either a forty-eight inch (48") diameter circle, forty eight inches by sixty inches (48" x 60"), or a sixty-inch (60") diameter circle, at the option of the purchaser.

C. A bathtub or shower meeting the requirements of ANSI A117.1

D. Either of the following:

1. Grab bar reinforcement consistent with CBC Chapter 11A; or

2. Grab bars installed in a manner consistent with CBC Chapter 11A for the toilet, shower/bath, or lavatory, or any combination thereof, at the option of the purchaser.

E. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

F. A lavatory (sink) installed consistent with CBC Chapter 11A.

G. A toilet installed consistent with CBC Chapter 11A.

H. Removable cabinets under the lavatory (sink).

I. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A.

**15.154.100 Universal design features—Standards--Kitchen and facilities.**

If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

A. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.

B. One or more of the following, at the purchaser's option:

1. At least a forty-eight inch by sixty-inch (48" x 60") clear space in front of a stove at the base of a U-shaped kitchen;

2. At least a thirty-inch by forty-eight inch (30" x 48") clear space in front of the sink (counting open access underneath, if available);

3. At least one eighteen-inch (18") wide breadboard and/or at least eighteen inches (18") in counter space at a thirty-four inch (34") height, or any combination thereof, at the option of the purchaser.

C. Sink controls consistent with CBC Chapter 11A.

D. Adjustable sink and/or removable under-sink cabinets consistent with CBC Chapter 11A.

E. Hood fan controls at light switch level or lower level.

**15.154.110 Universal design features—Standards--Common use room.**

The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

A. At least one common use room, such as a dining room or living room, on the accessible route. Sunken or raised areas not exceeding fifty percent (50%) of the area of the room's floor space shall be permitted as an option of the purchaser in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entry door.

B. No sunken areas in a common use room on an accessible route.

C. Standards related to access to and flatness of any other common use room on the primary entry level.

**15.154.120 Universal design features—Standards--Bedroom.**

If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

At least one bedroom on the accessible route of travel with all components meeting the requirements of section 15.154.140. A closet shall have at least a thirty-two inch (32") net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with

provisions for emergency escape and rescue and smoke alarms in the California Building Code.

**15.154.130 Universal design features—Standards--Miscellaneous areas.**

The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entry, either through the dwelling unit or around the dwelling unit.

**15.154.140 Universal design features—Standards--General components.**

The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, unless an exemption of this universal design feature is granted under section 15.154.060:

A. Rocker light switches and controls installed pursuant to either of the following:

1. In all rooms required to be accessible and on the accessible route.

2. Throughout the residential dwelling unit.

B. On an accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.

EXCEPTIONS: A thirty-four inch (34") clear doorway width may be requested from a hallway with a thirty-nine inch (39") width, and a thirty-six inch (36") clear doorway width may be requested from a hallway with a thirty-six inch (36") width.

C. The width of the level area on the side toward which an accessible door swings consistent with CBC Chapter 11A.

D. If the building official or purchaser determines that the accessible route and doorway width options prescribed by CBC Chapter 11A are not feasible and that a less wide 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 or purchaser if it meets at least one of the following requirements and if the hallway is not less than thirty-six (36") inches in width:

1. 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 degrees (90°) or more is necessary to enter the room.

2. The hallway wall opposite 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" notch or alcove).

3. 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" notch or alcove).

4. 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.

NOTE: 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.

E. Hand-activated door hardware complying with CBC Chapter 11A.

F. Flooring throughout the residential dwelling unit consistent with CBC Chapter 11A

G. The installation of all receptacle outlets, lighting controls and environmental controls throughout the balance of the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code.

H. Conduit for the future wiring of assistive technologies in all exterior walls consistent with the National Electric Code.

I. Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

SECTION 2. Severability.

If any section, phrase, sentence, or other portion of this Ordinance for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. Effective date and applicability.

This Ordinance shall take effect 180 days after its adoption and shall apply to all new construction subject to this chapter for which a building permit is issued on or after the effective date. Upon adoption of this Ordinance, the City Clerk shall cause a copy to be filed with the State of California Department of Housing and Community Development.

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**Attachment 4**

SACRAMENTO
HOUSING ALLIANCE

P:: 916.455.4900 | F:: 916.455.4917

October 5, 2009

Planning Commission
City of Sacramento
915 I Street
Sacramento, CA 95814

Re: Draft Universal Design Ordinance

Dear Honorable Planning Commissioners:

On behalf of the Sacramento Housing Alliance (SHA), we are submitting the following comments on Sacramento's Draft Universal Design (UD) Ordinance. SHA appreciates the City's effort in drafting a UD Ordinance that will address the often overlooked problem of accessibility in single family homes. SHA also appreciates City Staff meeting with us in our office on September 21, 2009 to discuss the Draft UD Ordinance. The ordinance provides a good base for raising the public's awareness of UD features and SHA has a number of suggestions to the ordinance to improve its effectiveness.

As many as 23% of the City's residents have one or more disabilities and by 2040, the population of people 65 and older in Sacramento County is estimated to increase more than 150%, while the number of those 85 and older is estimated to increase 300%. (Sacramento County Community System of Protection for Senior and Dependent Adults, Strategic Plan 2005.) Thus an effective UD Ordinance can help a significant number of people by addressing one of the housing challenges faced by these populations. The California Legislature declared that adding home modifications after construction far exceeds the cost of including barrier-free standards at the time of construction and often results in temporary displacement until modifications are complete. (Assembly Bill No. 2787 § 1, (2002).) Also, the social and financial costs of residential care settings often are excessive and impose additional costs for governmental assistance programs. (Ibid.) Incorporating our comments to the final UD Ordinance serves to fashion a more effective UD ordinance that will permit people who are aging or frail to remain with their families and in their own homes for longer periods.

For the past twenty years SHA has been on the forefront of advocacy for affordable and accessible housing in the greater Sacramento region. SHA is a coalition of organizations and individuals that includes non-profit and for profit developers, environmentalists, civil rights advocates, homeless service providers, architects, and business professionals. SHA works to break-down myths about affordable and accessible housing and highlight the

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importance of building communities with a range of housing types to meet the needs of people all along the housing spectrum.

**A. Suggested Revisions to the Draft UD Ordinance.**

1. **The threshold for applying the UD Ordinance should be five or more dwelling units in a residential development project, not twenty or more dwelling units. (*See* Draft UD Ordinance § 15.154.040.)**

The vast majority of services for people with mobility disabilities are located in the City's urban core. However, few infill projects located in the urban core will be subject to the UD ordinance unless the threshold is reduced to five dwelling units. By increasing the number of developments subject to the UD Ordinance, the City can more effectively raise awareness of UD features and more effectively serve the City's mobility disabled population. Additionally, locating these types of housing in the urban core provides greater opportunity for access to the public transportation that many people with mobility disabilities rely on.

2. The UD Ordinance should require developers of residential development projects with four or less dwelling units to provide prospective purchasers a list of UD features.

The UD Ordinance should reinforce current State law that requires developers to provide prospective purchasers a list of UD features. (*See* Health and Safety Code § 17959.6.) Requiring developers to provide a checklist of UD features furthers the goal of educating the public about UD, even if the developer is not required to offer such features. It is our understanding that this State requirement is often ignored and unenforced. Therefore, including this requirement in the UD Ordinance provides the City a local enforcement mechanism and another avenue for educating the public about UD.

*We suggest adding the following to Section 15.154.040 as a Part B*:

This Chapter shall also apply to the new construction of residential dwellings in residential development projects with four or less dwelling units, but only require such projects to provide prospective purchasers a list of universal design features in accordance with the California Health and Safety Code. (*See Health and Safety Code § 17959.6.)*

3. **The UD Ordinance should apply to all models in a residential development project, not just one model. (*See* Draft UD Ordinance § 15.154.050.B.)**

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Requiring only one model in a residential development project to comply with the UD Ordinance hinders the Ordinance's purpose. A prospective purchaser who favors UD should be able to choose among the available models in the development. This gives disabled people, and those who want to prepare for the future, choices of the size, style and price of their home. A prospective purchaser may be attracted to a development because of a particular model. If UD is not an option for that model, then the prospective purchaser may never learn about potential UD features. To accomplish the Ordinance's purpose, a prospective home purchaser should be informed about UD regardless of the model and be free to select any model and include UD features in that home purchase.

Our suggested revisions to section 15.154.050.B appear below in revision number four.

4. **If model homes are used to market residential dwelling units, each model or type of dwelling unit should be constructed with UD features rather than relying on placards to illustrate the available UD features. (*See* Draft UD Ordinance § 15.154.050.B.)**

Constructing model homes with UD features is crucial to educating prospective purchasers, developers, and City Building staff about UD. Illustrating UD features with placards does not fully convey the functionality, benefit, and look of UD. If placards were sufficient to educate prospective purchasers about certain home options and layouts, then model homes would be unnecessary for marketing a home. For example, it is difficult to comprehend the look and feel of walking through a forty-two inch wide hallway by reading a placard. Only by experiencing a forty-two inch hallway will a prospective purchaser be able to make an informed decision about purchasing such feature.

Furthermore, seeing and experiencing UD features will remove any stigma that may be associated with home options related to disabilities. Most, if not all, prospective purchasers are unfamiliar with UD. Walking through a model home and seeing UD features will demonstrate that UD features do not detract from the appearance of a home, and will raise awareness of useful features that could benefit the homeowner in the future. Such benefits include greater marketability on resale by being able to target people with mobility disabilities. Another benefit would be allowing a homeowner to care for a loved one with mobility disabilities, thereby avoiding the high costs associated with care facilities. A third benefit would be allowing a homeowner to stay in the home despite the onset of mobility disabilities.

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We recognize that UD is a relatively new concept unfamiliar to most people in the home construction field. Requiring developers to construct model homes with UD features provides important experience to developers and building inspectors so that they may effectively and efficiently construct or inspect homes with UD. In a sense, building model homes with UD gives developers the opportunity to work through any construction challenges associated with adhering to unfamiliar requirements. Also, building inspectors will become familiar with regulating the requirements so that they may better inform construction crews about best practices.

*We suggest revising section 15.154.050.B as follows (additions underlined)*:

If models are used in the marketing of residential dwellings that are subject to this chapter, at least one version of each ~~the~~ model~~s~~ shall be ~~designed to accommodate~~ constructed with all the universal design features identified in this chapter~~, which model shall include placards on the walls illustrating the features listed in this chapter~~ so that prospective purchasers may better understand how the universal design features are utilized and incorporated into the model.

5. **The UD Ordinance should specify that installing UD features will become mandatory at a specific future date for residential development projects requiring at least one discretionary approval; we suggest thirty months after the ordinance's effective date.**

Requiring developers to install UD features in the future will serve to focus developers on becoming educated about UD, and incentivize the creation of streamlined procedures to efficiently install UD. We recognize that mandating the installation of UD features now presents a challenge to a residential development community that is largely unfamiliar with UD. However, if developers know they will be required to install UD in the future, they will be motivated to educate themselves on UD and seek out the most efficient and cost effective practices for building with UD. If compliance with mandatory UD installation requirements appears too onerous for developers by the trigger date for mandatory installation, then developers can work with City Staff and seek an extension to the mandatory compliance date. Conversely, should constructing UD remain optional, developers will lack the incentive to learn about and, more importantly, market UD to prospective purchasers.

It is worth noting that developers who educate themselves about UD and develop efficient implementation procedures serve to benefit from this new knowledge. Several Cities and Counties are sure to enact UD ordinances in the future, and developers with UD experience will be positioned to enter and capture these new markets for UD.

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Furthermore, expertise in UD allows developers to market homes to a wider population of prospective purchasers, namely those with mobility disabilities or those who plan for a possible future with temporary or permanent mobility disabilities.

*We suggest adding the following to Section 15.154.040 as a Part C:*

> Thirty months from this Chapter's effective date and thereafter, developers of residential development projects seeking at least one discretionary approval or entitlement shall be required to install the options described in sections 15.154.070 through 15.154.140 of the City Code to at least 20% of the dwelling units in a residential development project. This requirement shall be in addition to the developer's obligation to offer and install, upon request, this Ordinance's universal design options to all prospective purchasers.

**B. Conclusion.**

Thank you for the opportunity to comment on the Draft UD Ordinance. By incorporating our revisions to the final UD Ordinance the City will be posed to effectively raise the public's awareness about UD while minimizing any costs to developers. More importantly, the City's aging and disabled population with will be better equipped to confront mobility disability issues in the future. We look forward to additional collaboration on this important legislation that will benefit many existing and future Sacramento residents. Please do not hesitate to contact me with any questions regarding this letter.

Yours truly,

Shamus Roller

cc: Greg Sandlund
Carl Hefner

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**Attachment 5**

# RESOLUTION NO. 2010-

## ADOPTED BY THE SACRAMENTO CITY COUNCIL

### FUTURE EVALUATION OF THE UNIVERSAL DESIGN ORDINANCE (LR09-019)

**BACKGROUND**

A. On November 18, 2008, the City Council adopted the 2008-2013 Housing Element, which included an implementation program to adopt a Universal Design Ordinance, consistent with the State of California Department of Housing and Community Development's model ordinance.

B. On February 16, 2010, the City Council adopted the Universal Design Ordinance.

C. To facilitate ongoing improvement of the ordinance the City Council directs Staff to conduct a formal evaluation of the Universal Design Ordinance 18 months after it becomes effective.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Staff shall evaluate the implementation of the Universal Design Ordinance 18 months after it takes effect based on the following criteria: impacts to staff workloads, unforeseen constraints to housing production, whether the ordinance is effective in providing accessible homes to prospective buyers, and whether homeowners are being charged a reasonable rate for universal design "upgrades."

Section 2. If there is inadequate information available at the 18 month period (e.g. due to lack of development), the evaluation may be postponed for up to one year.

Section 3. Based on the evaluation Staff will report to the City Council its findings and recommendations on the following modifications:

A. Whether the threshold for applying the ordinance should be lowered to five or more dwelling units in a residential development project.

B. Whether the ordinance should require developers of residential projects with four or fewer dwelling units to provide prospective purchasers a list of universal design features.

C. Whether the ordinance should apply to all models in a residential development project (not just one model).

D. Whether model homes should be constructed with universal design features rather than relying on placards to illustrate the available universal design features.

E. Whether the ordinance should specify that installing universal design features will become mandatory at a specific future date for residential development projects requiring at least one discretionary approval.

F. Whether additional design features for individuals with visual and hearing impairments should be included in the ordinance.

G. Whether the ordinance should apply to other zones besides the Standard Single Family (R-1) Zone and the Single-Family Alternative (R-1A) Zone.

H. Whether the ordinance should be applied in the planning entitlement process (e.g. tentative maps).