



REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
October 8, 2009

Honorable Members of the Planning Commission:

Subject: City Universal Design Ordinance (LR09-019)

Location/Council District: Citywide

Recommendation: Review and Comment on the draft Universal Design Ordinance.

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: Greg Sandlund, Associate Planner, (916) 808-8931

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 draft universal design ordinance. In consideration of existing housing needs (as many as twenty three (23) percent of City residents have one or more disabilities) and anticipating the needs of our aging society, the City is committed to being proactive about making housing accessible to everyone.

The universal design ordinance is intended to create more opportunities for an individual with a disability to buy a new home that incorporates universal design features. By requiring builders to provide universal design features at the buyers option, this ordinance can provide awareness and appreciation of the universal benefits of an accessible home.

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 in order

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.
- 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 cost.
- If model homes are used, at least one model home would need to 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.


Staff is currently conducting outreach to the Sacramento Housing Alliance, North State Building Industry Association, Resources for Independent Living, Central Valley American Institute of Architects, and Eskaton. Additionally staff will be requesting input from the Disabilities Advisory Commission and the Development Oversight Commission. Staff will continue to add input and questions received during this outreach to the Frequently Asked Questions (Attachment 2) which will be posted on our website as it is updated. It is anticipated that the ordinance will be ready for Council adoption in the Winter of 2010.

Policy Considerations: The proposed ordinance is 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 would 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)).

Rationale for Recommendation: The proposed ordinance would 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: None

Respectfully submitted by: 
Greg Sandlund
Associate Planner

Recommendation Approved:

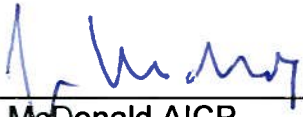

Jim McDonald AICP
Senior Planner

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Attachment 1

Frequently Asked Questions
About the Draft Universal Design Ordinance
10/8/09

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 design¹.
2. Can the features be built into the model home, instead of placards? **(Public)**
 - Yes, builders that provide the features in a model home will be better able to trouble shoot any challenges in providing of the universal design features.
3. 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.
4. 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 sophistication to handle any additional soft costs (primarily related to designing new options) this ordinance may create, as well as additional site design flexibility.
5. By applying the ordinance to 20 units or more, will that exempt most infill development? **(Public)**
 - Staff is researching single family infill development in recent years to determine the average size of a development. However, 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.
6. Can the City require developments to build these features? **(Public)**
 - After reviewing state law governing the model ordinance, staff is of the understanding that our local ordinance must be “substantially the same” as the model ordinance. Therefore, it is outside the authority of the City to require that universal design features are mandatory to install.
7. 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.
8. Why are there no features offered for individuals with hearing or visual impairments? **(Staff)**

¹ The Center for Universal Design, North Carolina State University

- The universal design features included in the draft ordinance are largely structural in nature that would be very costly to incorporate into an existing home. Non-structural improvements (textures, striping, lighting, etc) that can be made after the home is constructed would likely be more affordable than if they were requested as an option and are generally easier to retrofit into an existing structure/home.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**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 twenty three (23) percent 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 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 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 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.

Unless the contrary is stated or clearly appears from the context in which a word or phrase is used, the following definitions shall govern construction of the words and phrases used in this chapter.

"Accessible" means consistent with or as defined by the California Building Code, Chapter 11A.

"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. 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.

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.

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. The decision of the building official on the request for an exemption shall be final.

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 any one or more 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; or

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 nonreimbursable costs to the seller.

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 be less than forty inches (40") wide and not have a slope greater than one (1) unit vertical in twenty (20) 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. Have 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 shall be at standard height and a second one that is between forty-two inches (42") and forty-four inches (44") from the finished floor.

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.

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.

A. This Ordinance shall take effect 180 days after its adoption and filing with the Department of Housing and Community Development.

B. This Ordinance shall not apply to any development project for which, as of the effective date of this Ordinance, a building permit has been issued and is valid and not expired, or for which a building permit application has been submitted and is valid and not expired, or for which final approval of all discretionary entitlements under Title 16 (Subdivisions) and Title 17 (Zoning) have been granted and are in effect.