

Frequently Asked Questions

About the Universal Design Ordinance

1. What is Universal Design?

- 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. In laymen's terms, and as it relates to the proposed ordinance, it is the design of housing to allow anyone to access and live in a new home.

2. When will the ordinance take effect?

- The ordinance will take effect on August 16, 2010.

3. How are universal design features reviewed and approved in advance? Will the model subject to the ordinance need to have minimum structural features to accommodate a request for universal design features?

- The universal design features shall be reviewed and approved prior to the issuance of any building permits for a development.
- The base model subject to the ordinance shall 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 will need to be approved in our plan check stage prior to issuance of building permits.

4. Why does the ordinance only apply to 20 units or more?

- 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.

5. Will everyone be able view the placards in the model home if it is not made accessible?

- State building code requires that all sales rooms, including model homes be accessible.

6. What is the process/criteria for determining whether a project is exempt from this ordinance? Who makes the determination?

- 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.

¹ The Center for Universal Design, North Carolina State University

7. What constitutes an “unreasonable delay”?

- There are a variety of circumstances that can be considered a “delay”. The building official retains the authority to determine what a delay is on a case by case basis rather than give a specific amount of time.

8. Why doesn’t the ordinance reference Calif. Building Code section 11A rather than cite specific details and dimensions in the ordinance?

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

9. By applying the ordinance to 20 units or more, will that exempt most infill development?

- 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.

10. Can the City require developments to build these features?

- 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.

11. What features are offered for individuals with hearing or visual impairments?

- One feature that is 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. It is less costly to have conduit placed in the wall during construction of the home versus post-construction installation. 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.

12. How will staff evaluate the success and effectiveness of the program when we report back in 18 months?

- The ordinance will be evaluated by researching:
 - How many units were produced,
 - Workload impacts on staff.
 - Whether sellers of homes subject to this ordinance are charging exorbitant prices for universal design features.
- 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.

13. Can the ordinance be evaluated in the future in order allow for edits and alterations as necessary?

- The City Council has adopted 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 other 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 considered in the planning stages (tentative maps).

14. What prevents a seller from charging too much for features listed under this ordinance?

- 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.

15. Why is the ordinance not applied to all models in a subdivision?

- 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.

16. What if homes are built before they are put up for sale and no "options" are offered?

- Because “spec” homes would be built without options/upgrades, these developments are exempt from the ordinance. This issue will 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.