



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: September 14, 2009

TO: Members of the Community Planners Committee

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Voluntary Accessibility Program Amendments

The proposed Voluntary Accessibility Program is intended to encourage accessible design in new residential development projects. The proposal was developed in concept by the Technical Advisory Committee (TAC) Accessibility Subcommittee. The goal is to increase the number of accessible housing units in the local housing supply by offering a variety of development incentives to facilitate this type of accessible design. Accessible housing will be important for the City to meet the needs of its aging population in accordance with General Plan policies to promote balanced communities.

Residential projects that are exempt or partially exempt from accessibility requirements in the California Building Code (CBC), such as single dwelling units or duplexes, would be eligible for this incentive based program. Any dwelling unit that is voluntarily designed to be accessible would be eligible for a development incentive or floor area ratio bonus. The number of development incentives available to a project would increase in accordance with the number of dwelling units voluntarily designed for accessibility, and the type of accessible design features included in the units (Attachment 1).

The program would result in two main accessible design types (Tier I and Tier II). Tier I dwelling units would be required to comply with the CBC (Chapter 11A) requirements for accessibility, with an additional requirement for multi story dwelling units to provide a kitchen on the primary accessible level. These dwelling units would be adaptable to meet the accessibility needs of individual occupants thereby enabling those occupants to remain living in their homes during periods of temporary, developing, or permanent disabilities or frailties; as opposed to the current situation where many homeowners and renters are displaced because their homes were not developed to be adaptable. Tier II dwelling units would be required to comply with a modified set of accessible design standards to create "visitable" units by facilitating access to, and access within, the primary level of a dwelling unit, which would include at a minimum a kitchen, a bathroom or half bathroom, and at least one common use room.

Much of the discussion that occurred during past TAC Accessibility Subcommittee meetings was related to the minimum design requirements, and whether Tier II “visitable” units should be required to provide a maximum three quarter inch transition at the entrance to the dwelling unit (similar to Tier I development). As proposed, Tier II projects may provide an adaptable entrance with a maximum 4 inch step; however, a greater number of incentives would be available to accessible projects designed with a maximum three quarter inch transition at the entrance.

The types of incentives available to eligible projects include a floor area ratio bonus, density bonus, expedited processing, or a choice of development incentive from a set menu that currently includes parking related incentives such as reducing parking space size, reducing parking aisle width, reducing required motorcycle or bicycle facilities, reducing driveway width, allowing parking in the portion of the driveway within a required setback, or allowing tandem parking to count towards the parking requirement. Other types of development incentives proposed include a reduction of setback requirements up to 10 percent, an increase in lot coverage up to 10 percent, an increase in height up to 10 percent (specifically to accommodate an elevator or special access lift system that may not exceed coastal height limit or airport related height limit), or a modification of the required landscape area. As proposed, development incentives would be limited to eligible units and may not be redistributed across the project as a whole. The Community Planners Committee is encouraged to provide input as to whether the proposed development incentives are appropriate, or whether there are additional incentives that should be incorporated to facilitate this type of accessible design.

Staff requests that the Community Planners Committee review the proposed Voluntary Accessibility Program Amendments (Attachment 2) and provide a recommendation accordingly. The Code Monitoring Team reviewed the draft amendments on May 13, 2009, and unanimously recommended approval with suggested edits that are reflected in the proposed draft. Additional stakeholder input will be obtained via an informal public review and comment period, prior to the item being scheduled for public hearings before the Planning Commission and City Council. Please contact Amanda Lee, Senior Planner, at (619) 446-5367 or ajohnsonlee@sandiego.gov for additional information.



Kelly G. Broughton
Director, Development Services

AJL

Attachments:

1. Voluntary Accessibility Program Table
2. Draft Code Language

Voluntary Accessibility				
	Expedite Processing	Choice of Development Incentive	FAR Bonus 5% per du	Density Bonus 5% per du
At least one dwelling unit voluntarily designed in accordance with Section 145.4004 (Tier I-for accessible living) (<i>Tier I unit(s) must include accessible entrance with max ¾ inch threshold</i>)		Choice of 1 incentive or FAR Bonus for the voluntary accessible unit(s) only		
At least one dwelling unit voluntarily designed in accordance with Section 145.4005 (Tier II-visitable) (<i>Visitable unit(s) must include accessible entrance with max ¾ inch threshold</i>)		Choice of 1 incentive or FAR Bonus for the voluntary accessible unit(s) only		
100% of eligible units voluntarily designed in accordance with Section 145.4005 (Tier II-visitable) (<i>At least 50% of the visitable units must include accessible entrances with max ¾ inch threshold; Up to 50% of the units may include adaptable entrances</i>)	X	1 incentive	X	
100% of the eligible units voluntarily designed in accordance with Section 145.4005 (Tier II-visitable) where <i>all visitable units include accessible entrances with max ¾ inch threshold</i>)	X	2 incentives	X	
At least 50% of the eligible dwelling units voluntarily designed in accordance with Section 145.4004 (Tier I-for accessible living), with remaining eligible units in accordance with Section 145.4005 (Tier II-visitable) (<i>Tier I units must include accessible entrances with max ¾ inch threshold; Tier II units may include adaptable entrances</i>)	X	2 incentives	X	
100% of the eligible units voluntarily designed to comply with Section 145.4004 (Tier I-for accessible living) (<i>All units must include accessible entrances with max ¾ inch threshold</i>)	X	3 incentives	X	X

Previous Concept From Subcommittee				
	Expedite Processing	Choice of Development Incentive	FAR Bonus 5% per du	Density Bonus 5% per du
100% of eligible units voluntarily designed to be "visitable" (<i>At least 50% of visitable units must include accessible entrances with max ¾ inch threshold; remaining visitable units may include adaptable entrances</i>)	X			
At least 50% of eligible units voluntarily comply with CBC for accessible living and remaining units voluntarily designed to be "visitable" (<i>The livable units and at least 50% of the visitable units must include accessible entrances with max ¾ inch threshold; remaining visitable units may include adaptable entrances</i>)	X	2 incentives	X	X

Chapter 14: General Regulations
Article 5: Building Regulations
Division 40: Voluntary Accessibility Program

§145.4001 Purpose

The purpose of the Voluntary Accessibility Program is to encourage residential development to incorporate accessible design features and meet the needs of as many users as possible. The intent is to increase the number of accessible dwelling units in the local housing supply by offering development incentives that facilitate this type of accessible design.

§145.4002 When Voluntary Accessibility Program Applies

- (a) Proposed residential development is eligible for this voluntary program as follows:
 - (1) Projects that are exempt from the accessibility requirements of the California Building Code.
 - (2) Projects where only a portion of the residential development is subject to the accessibility requirements of the California Building Code, or
 - (3) Projects where the required accessibility in accordance with the California Building Code would be less accessible than would be achieved through the Voluntary Accessibility Program.
- (b) In consideration of the benefit to the community, projects with dwelling units that are voluntarily designed to be accessible may be granted development incentives in accordance with Section 145.4003.
- (c) The Voluntary Accessibility Program does not apply to dwelling units requesting reasonable accommodations in accordance with Section 131.0466.

§145.4003 Voluntary Accessibility Program Regulations and Development Incentives

- (a) Development incentives specifically granted under the Voluntary Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require processing of a deviation from the underlying base zone.
- (b) The decision process for a development requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the development proposal.

(c) The *development* incentives available to a project shall be determined by the number of *dwelling units* that would be voluntarily designed for accessibility. Eligible voluntary accessibility program projects may be granted incentives in accordance with either (c)(1), (2), (3), or (4) as follows:

(1) Where a project includes at least one *dwelling unit* voluntarily designed in accordance with Section 145.4004 or Section 145.4005:

(i) The project may be granted either a *floor area ratio* bonus up to a maximum of 5 percent or a choice of one *development* incentive from Section 145.4003(d) for each *dwelling unit* that is voluntarily designed in accordance with Section 145.4004 or 145.4005. The *floor area ratio* bonus or *development* incentive is limited to units that are voluntarily designed in accordance with this program and may not be redistributed across the project as a whole.

(ii) For the purpose of Section 145.4003(c)(1), *dwelling units* shall be designed with an accessible entrance up to a maximum of three quarters of an inch in height differential between the exterior and interior landings.

(2) Projects with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4005 may be granted:

(i) A maximum of two *development* incentives from Section 145.4003(d) where *dwelling units* are designed with an accessible entrance at the primary level in accordance with Section 145.4005 (b)(1), or a maximum of one *development* incentive where an adaptable entrance is provided as an alternative in accordance with Section 145.4005(b)(2) for up to 50 percent of the units voluntarily designed in accordance with Section 145.4003(c)(2).

(ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* voluntarily designed in accordance with Section 145.4005, and

(iii) Processing through the City's Expedite Program.

(3) Projects with at least 50 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 and the

remaining eligible *dwelling units* designed in accordance with Section 145.4005 may be granted:

- (i) A maximum of two *development* incentives from Section 145.4003(d),
 - (ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* voluntarily designed in accordance with Sections 145.4004 or 145.4005, and
 - (iii) Processing through the City's Expedite Program.
- (4) Projects with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 may be granted:
- (i) A maximum of three *development* incentives from Section 145.4003(d),
 - (ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* voluntarily designed in accordance with Section 145.4004,
 - (iii) A *density* bonus up to 5 percent based on the pre-bonus number of *dwelling units* in the project voluntarily designed in accordance with Section 145.4004, and
 - (iv) Processing through the City's Expedite Program.

(d) Development Incentives

Where Section 145.4003 indicates that a project is eligible for one or more *development* incentives, an *applicant* may select from the following:

- (1) Modification of the applicable parking regulations in Section 142.0560 may be requested as follows:
 - (A) A reduction of the minimum dimensions for *off-street parking spaces* to a minimum of 7 feet- 6 inches wide by 15 feet long for up to 50 percent of the required *off-street parking spaces*, or
 - (B) A reduction of the drive aisle width to a minimum of 22 feet (if using standard parking space dimensions), or