

Voluntary Accessibility Program Amendments

Community Planners Committee

September 22, 2009

Issue: Shortage of accessible housing

- California Building Code (CBC)
 - *Chapter 11A requires accessible housing design*
 - *Limited application*
- CA Assembly Bill 1400 (effective January 2006)
 - *Builders must offer “checklist” of universal design options to consumers for purchase in individual dwelling units*
 - *Does not meet need for affordable, accessible housing, or plan for future needs of housing occupants*
- TAC Accessibility Subcommittee
 - *Recommended incentive program to promote development of “age in place” and “visitability” units*

Purpose of VAP Program

- To encourage new residential design with accessibility features
- To increase the *number and range of accessible product types* in the local housing supply
 - Accessible units that can adapt to occupant needs during periods of temporary, developing, or permanent disabilities/frailties
 - “Visitable” units with an accessible primary level

Applicability

Voluntary Accessibility Program would apply to:

- Projects that are exempt from California Building Code (CBC) accessibility requirements
 - *Single dwelling units or duplexes*
- Projects where the voluntary program would achieve greater accessibility
 - *Townhomes/Multi-story units without elevators*

“Accessible Unit” in Townhome Project (under existing regulations)



Tier I Accessible Design

Adaptable/Livable Units

Comply with CBC accessibility requirements *AND*

- Provide kitchen on the primary accessible level
- Provide accessible entrance- max $\frac{3}{4}$ inch transition
- Provide accessible parking
 - Single dwelling units/duplexes shall provide 1 accessible space with additional 5 feet in width and max $\frac{1}{4}$ inch surface slope
 - Multiple dwelling units per CBC accessible requirements

Tier II Accessible Design

Visitable Units

Comply with modified set of accessible standards

– *To facilitate access to the dwelling unit*

- Provide accessible exterior route of travel
- Provide accessible entrance

– *To facilitate access within primary level of unit*

- Provide accessible kitchen, ½ bathroom, and 1 common use room (i.e. living room or family room)
- Provide accessible interior route of travel
- Provide accessible doors and electrical outlets

Proposed Incentive Program

- Incentives would apply based on *number* and *type* of (voluntary) accessible units
- Incentives:
 - 5 percent Floor Area Ratio (FAR) Bonus
 - Expedite Processing
 - 5 percent Density Bonus
 - Choice of Other Development Incentive(s)

Choice of Development Incentive

Additional options to facilitate accessible design:

- Parking
- Setbacks
- Lot Coverage
- Height
- Landscape

Parking Related Incentives

- Use of compact spaces for up to 50% of required parking spaces
- Reduced drive aisle width (if using standard spaces)
- *Reduced motorcycle facilities up to 50 % of required*
- Reduced driveway width
- Count tandem parking as two spaces
- Allow parking spaces to encroach into required setback on private driveway (if no conflict with visibility area)
- *Modification of Tier I accessible parking requirements*

Other Development Incentives

- Reduction of setback up to 10 percent
- Increase of lot coverage up to 10 percent
- Increase in height up to 10 percent
 - *To accommodate elevator or special access lift system only*
 - *May not exceed coastal height limit or conflict with FAA airspace protection requirements*
- Modification of landscape requirements to accommodate accessible route of travel

Incentive Program

1 Accessible Unit
(Tier I or Tier II)

- 5% FAR Bonus, or
- Choice of 1 Development Incentive

100% Tier II Units

- 5% FAR Bonus
- Choice of 2 Development Incentives
 - Only 1 incentive for units with adaptable entrance option-max 50%
- Expedite Processing

Incentive Program

Minimum 50% Tier I
Units/ Remaining
Tier II Units

- 5% FAR Bonus
- Choice of 2 Development Incentives
- Expedite Processing

100% Tier I Units

- 5% FAR Bonus
- Choice of 3 Development Incentives
- Expedite Processing
- 5% Density Bonus

Accessible Entrance (max $\frac{3}{4}$ inch transition)



Step Entrance



Code Amendment Process

- Technical Advisory Committee
 - Concept generated from TAC accessibility subcommittee
- Code Monitoring Team
 - Recommended approval (5/13/09)
- Community Planners Committee
- E-Blast/Public Review Period (through 11/1/09)
- Planning Commission
- City Council
- Airport Authority– consistency determination
- Coastal Commission – certification of amendments

Requested Action

- Staff requests that the committee provide a recommendation to the Planning Commission and City Council on the proposed *Voluntary Accessibility Program Amendments*

Contact Information

Please feel free to contact me with any follow up questions or comments:

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Extra Slides

Other Jurisdictions

- Rely on FHA, CBC, and reasonable accommodations ordinances for accessible housing
 - San Jose and Long Beach
- Murrieta adopted universal design ordinance (2006) *to require* new development to meet accessibility standards beyond CBC requirements
 - Includes exemptions for various project types
 - Allows Building Official to waive requirements based on hardship, undue burden, or site impracticality

Relationship to Reasonable Accommodations

Housing stock occupied prior to March 13, 1991 is exempt from FHA and CBC requirements

Reasonable Accommodations (Section 131.0466)

- Useful for remodel of existing dwelling units to meet needs of disabled occupants (reactive approach)

Voluntary Accessibility Program (VAP)

- Anticipates and plans for community needs for accessible housing prior to construction or occupancy of dwelling units (proactive approach)

Reasonable Accommodations

- Burden is on individual homeowner to make improvements
- Reasonable accommodation request:
 - Development must be used by disabled person
 - Must comply with zoning regulations to maximum extent feasible,
 - May not create undue burden on City or create a fundamental alteration of zoning program

Definitions

- *Accessible* means areas can be approached, entered, and used by persons with disabilities
- *Accessible route of travel* means a continuous and unobstructed path connecting all accessible elements and spaces for persons using a wheelchair

Accessible Route of Travel

