

DATE ISSUED: March 9, 2004 REPORT NO. 04-051

ATTENTION: Honorable Mayor and City Council
Docket of March 10, 2004

SUBJECT: Status Report regarding the Affordable Housing Task Force's
recommendations pertaining to Accessibility and Universal Design.

REFERENCE: The Final Report of the Affordable Housing Task Force, dated June, 2003.

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE LAND USE AND HOUSING COMMITTEE.

BACKGROUND

On August 6, 2002 ("Housing Day"), the City Council declared a housing state of emergency within the City of San Diego, and directed the City Manager to pursue a variety of programs focusing on alleviating the affordable housing crises. The Council also directed the City Manager to form an Affordable Housing Task Force with the charge to return to the City Council within six months of their first meeting to provide recommendations to improve affordable housing options and strategies in the City of San Diego.

In June of 2003, the Affordable Housing Task Force completed their final report, and on June 18, 2003, that report was presented to the Land Use and Housing Committee. The Committee voted to accept the Task Force Report, close the public hearing, and provided specific direction to the City Manager, some of which included returning to the Committee with periodic status reports on a number of the Task Force's recommendations. This information report addresses those Task Force recommendations pertaining to Accessibility and Universal Design.

DISCUSSION

The Affordable Housing Task Force report contains approximately 60 separate recommendations addressing a wide variety of issues that contribute to the systemic housing problems facing the City of San Diego. This discussion includes an implementation status report on those four Task Force recommendations pertaining to Accessibility and Universal Design.

AFFORDABLE HOUSING TASK FORCE REPORT RECOMMENDATION 9A:

Task Force Recommendation - 25% of any and all public land, subsidies, redevelopment, collaborative funding mechanisms, bond proceeds, NOFA, etc. dedicated to affordable housing initiatives shall incorporate defined principles of universal design, accessibility for all, adaptability and visitability in all new housing, including townhomes. Should tracking measures show that there is little or no progress in number and percentages, then mandatory measures are recommended to be implemented.

Land Use & Housing Committee Direction - Refer this issue to TAC and SCRAB. Need to define and provide standards for universal design, accessibility, adaptability, and visitability. Need to look at providing incentives. Need to come up with a strategy on how to meet this goal. Include BIA in discussion (costs).

City Staff Implementation - The Technical Advisory Committee (TAC) of the Land Use and Housing Committee has established a subcommittee to review, research and provide recommendations to TAC pertaining to Universal Design, accessibility, adaptability and visitability. The subcommittee includes members of the disabled community as well as representatives from the Building Industry Association (BIA) and the American Institute of Architects (AIA).

The following is a summary description of the California Building Code and several other existing state laws which do require residential development to incorporate accessibility and universal design elements:

The California Building Code (CBC) contains a comprehensive set of accessibility/adaptability provisions covering multifamily residential projects of three or more units in apartment buildings, and four or more units for condominium buildings. In addition, all publicly funded residential projects including single family residences and duplexes must meet the same set of accessibility/adaptability provisions.

These provisions require ground floor dwelling units in non-elevator buildings and all dwelling units in elevator buildings to comply. Common use areas of such projects must be accessible and provide such features as accessible parking, accessible walks and sidewalks, accessible rental offices and recreational areas, and accessible building entrances.

Some of the mandated features within the affected dwelling units require the primary entrance to be accessible, an accessible path of travel within the unit, accessible light switches and outlets, all interior doors to be wide enough (2'-10") to permit a wheelchair to pass through, and lever hardware and adequate landing space. In addition, kitchens must be wide enough to permit a wheelchair user to maneuver and use appliances and other features. The kitchen sink and a portion of the counter must be accessible or be adaptable to allow a future tenant with a disability to modify the sink and counter to be accessible. At least one bathroom must provide adequate space inside and be adaptable to allow future installation of grab bars. Environmental controls such as switches and outlets must also be accessible in the affected dwelling units.

In addition to existing CBC provisions, there are three separate state laws recently adopted pertaining to universal design and accessibility for residential projects. Each of these laws includes certain requirements and/or incentives for providing universal design features or standards for accessibility, adaptability, and visitability in new residential projects.

1. Assembly Bill 1400. Housing: Accessibility: Ninety days after the Department of Housing and Community Development (HCD) develops and certifies guidelines and at least one model ordinance, but no sooner than July 1, 2004, for housing developments for which a building permit application is submitted on or after that date, a developer of any new for-sale residential housing development, including but not limited to a single family dwelling, duplex, triplex, townhouse, condominium, or other homes, shall provide to a buyer a list of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities at the buyer's expense. The bill includes a list of features and allows developers to provide any other features the developer deems necessary or appropriate to effectuate this law. Any willful violation of these provisions shall be punishable by a civil penalty of \$500.
2. Senate Bill 1025. Townhouse Accessibility: This bill revises the definition of discrimination to include prescribed requirements relating to multistory dwelling units in buildings without an elevator that consists of at least four condominium dwelling units or at least three rental apartment dwelling units. These types of projects are currently exempt from the CBC accessibility requirements.

All covered multifamily multistory dwelling shall have at least one building entrance on an accessible route. All covered multifamily multistory dwellings with a building entrance on an accessible route shall be designed and constructed in a manner that complies with all of the following:

- A. The public and common areas are readily accessible to and usable by persons with disabilities;
- B. All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons in wheelchairs.
- C. All premises within covered multifamily dwelling units contain the following features:

- i. An accessible route into and through the covered dwelling unit;
 - ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stalls, and shower seat;
 - iv. Useable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.
3. Assembly Bill 2787. Universal Design Ordinance: Grants authority for local governments to adopt visitability or universal design ordinances if they are substantially the same as model ordinances proposed by the Department of Housing and Community Development (HCD). HCD has formed focus groups related to the development of one or more proposed universal design or visitability ordinances for adoption by local governments. Isam Hasenin, the City of San Diego's Chief Building Official, is participating in these focus groups, and is working with HCD, the BIA, the AIA and representatives from the disabled community, and other State and local jurisdictions to draft a model universal design ordinance. Subsequent to State HCD development of this model ordinance, the TAC Accessibility subcommittee will use it as a guide for the development of a local ordinance for the city.-

AFFORDABLE HOUSING TASK FORCE REPORT RECOMMENDATION 9B:

Task Force Recommendation - Direct the Housing Commission, Planning Department and Development Services Department to provide information to developers regarding and encouraging construction of units incorporating universal design.

Land Use & Housing Committee Direction - Direct the Development Services Department to create a "universal design" kiosk (on the 3rd floor of DSC) for the display and distribution of information on incorporating universal design into new construction.

City Staff Implementation - The Technical Advisory Committee of the Land Use and Housing Committee has convened an Accessibility Subcommittee which includes members of the disabled community as well as the BIA and the AIA. The Subcommittee is currently working towards implementing the following universal design outreach programs:

- Creation of a universal design information kiosk for the third floor lobby of the Development Services Center. The kiosk itself will be a model for accessibility, by featuring the main screen information holders at "accessible" levels.
- A "Guide to Accessibility" brochure which outlines in layman's terms the basic concepts of creating accessible buildings, and explanations of the basic features such as doorways and light switches at proper levels. The brochure will also address the philosophy of how accessibility benefits the community as a whole.

- A City of San Diego “accessibility” logo, which draws attention to and promotes our commitment to accessibility for all.
- A section of the Development Services Department web page will be devoted to accessibility, with a “button” from the front page featuring the logo. This section will house guidelines, current standards, the brochure and an overview of pending legislation.
- The Development Services Department’s Permit Press newsletter will regularly feature updates on accessibility and promote the program. The newsletter is published about six times a year and has a circulation of more than 6,000.

AFFORDABLE HOUSING TASK FORCE REPORT RECOMMENDATION 9C:

Task Force Recommendation - Direct staff to track the creation of adaptable housing projects in the City of San Diego and submit a status report to the City Council annually.

Land Use & Housing Committee Direction - Include this information in the Development Services Department monthly dwelling unit report to the City Council.

City Staff Implementation – Although the Development Services Department performs a rigorous, thorough and very detailed review of all multifamily projects to ensure that all the necessary accessibility/adaptability features are incorporated, it does not currently track the number of adaptable dwelling units separately. Staff will be assessing options to track these statistics ranging from manual counts by staff to modifying the Project Tracking System (PTS). Once a method is selected, the number of adaptable units will be reported as part of the Development Services Department’s monthly dwelling unit report to the City Council.

AFFORDABLE HOUSING TASK FORCE REPORT RECOMMENDATION 9D:

Task Force Recommendation - Expand the current TAC responsibilities to devise and effectively increase accessibility and adaptability in townhomes and residential developments of three units or less. This accessible housing TAC will report back to the City Council with recommendations within 6 months.

Land Use & Housing Committee Direction: TAC needs to officially designate a seat representing accessibility issues.

City Staff Implementation - Michael Conroy, a member of the Affordable Housing Task Force who represents the disabled community and accessibility issues, was officially appointed to TAC in September of 2003. In addition, as described in this report, TAC has established an Accessibility Subcommittee to address the accessibility and universal design recommendations from the Affordable Housing Task Force.

CONCLUSION

The accessibility and universal design recommendations of the Affordable Housing Task Force are either currently being addressed by the Accessibility Subcommittee of TAC, or have in some measure been implemented through existing codes and legislation, including the California Building Code and the three recently passed state laws discussed above.

The TAC and its Accessibility Subcommittee will continue to coordinate with the City of San Diego's Chief Building Official, HCD, the BIA, the AIA, representatives from the disabled community and other affected groups and stake holders to follow-up on these accessibility-related recommendations, and report back to the Land Use and Housing Committee as appropriate.

Respectfully submitted,

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CHRISTIANSEN/MJW: