

ORDINANCE NO. 2010-003

Adopted by the Sacramento City Council

February 16, 2010

**ADDING CHAPTER 15.154 TO TITLE 15 OF THE
SACRAMENTO CITY CODE (THE BUILDING CODE) RELATING
TO UNIVERSAL DESIGN (ACCESSIBILITY STANDARDS) 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 (Accessibility Standards) 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 23% 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 as well as those anticipating a disability 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. This is done 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 State of California 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.

As 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 in the Standard Single Family (R-1) Zone and Single-Family Alternative (R-1A) Zone. 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. Additionally, the seller shall provide to prospective purchasers a postage-paid, pre-addressed comment card that prospective purchasers may use to evaluate the effectiveness of this chapter and their experience with the seller. The comment cards shall be available in each brochure, at the model homes offering the universal design features, and at all sales offices associated with the development. The comment cards shall substantially comply with a form comment card approved by the building official and shall be addressed to the appropriate City staff designated by the building official.
- 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.
- F. The building standards contained in CBC Chapter 11A shall not apply to the universal design features under this chapter except where, and to the extent, stated in this chapter.

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.
- 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 either one or both 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;
 - 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 non-reimbursable costs to the seller.
- C. Any person aggrieved by the building official's decision under this section may appeal the decision to the building and fire code advisory and appeals board, the mechanical and plumbing code advisory and appeals board, or the electrical code advisory and appeals board, as determined by the building official. The appeal shall be filed, processed, and heard in the manner described in Chapter 2.48 for appeals to the building and fire code advisory and appeals board, Chapter 2.49 for appeals to the mechanical and plumbing code advisory and appeals board, or Chapter 2.50 for appeals to the electrical code advisory and appeals board. The proceedings on the appeal before the appeals board shall be de novo. The decision of the appeals board shall be final.

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 less than forty inches (40") wide and having a maximum slope of one (1) unit vertical in twelve (12) 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. Has 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 that is between forty-two inches (42") and forty-four inches (44") from the finished floor must be offered.
 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.
- H. Conduit for the future wiring of assistive technologies in all exterior walls consistent with the National Electric Code.
- I. Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

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.

This Ordinance shall take effect 180 days after its adoption and shall apply to all new construction subject to this chapter for which a building permit is issued on or after the effective date. Upon adoption of this Ordinance, the City Clerk shall cause a copy to be filed with the State of California Department of Housing and Community Development.

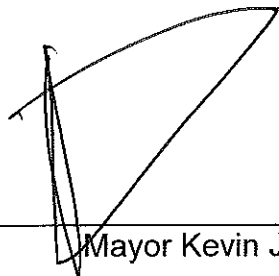
Adopted by the City of Sacramento City Council on February 16, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk

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