

Article 5: Building Regulations

Division 40: Housing Accessibility Program

(“Voluntary Accessibility Program” added 5-18-2010 by O-19955 N.S.)

*(Retitled from “Voluntary Accessibility Program” to “Housing Accessibility Program” on
3-11-2022 by O-21439 N.S.; effective 4-10-2022.)*

§145.4001 Purpose

The purpose of the Housing Accessibility Program is to encourage accessible residential *development* above the requirements pursuant to the California Building Code, and to increase the number of accessible *dwelling units* in the local housing supply that meet long term housing needs by offering incentives that facilitate this type of accessible design for people of all abilities. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, as well as allowing those persons to visit neighboring *dwelling units*.

(Added 5-18-2010 by O-19955 N.S.; effective 6-17-2010.)

(Amended 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

§145.4002 When the Housing Accessibility Program Applies

- (a) The following residential *development* is eligible for the Housing Accessibility Program:
- (1) *Development of a multiple dwelling unit structure up to five stories* that provides an elevator to all *stories*.
 - (2) *Development* of multi-story townhomes or duplexes that exceed the accessibility requirements of the California Building Code (Chapter 11A) and include the following: a primary entrance, at least one accessible bathroom, at least one accessible *kitchen*, at least one accessible *bedroom*, and at least one accessible living room on an accessible route.
 - (3) *Development* exempt from accessibility requirements of the California Building Code (Chapter 11A).
- (b) *Development* with *dwelling units* receiving deviations for *reasonable accommodations* in accordance with Section 131.0466 are not eligible for the Housing Accessibility Program.

(Added 5-18-2010 by O-19955 N.S.; effective 6-17-2010.)

(Retitled from “When Voluntary Accessibility Program Applies” to “When the Housing Accessibility Program Applies” and amended 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

§145.4003 Housing Accessibility Program Regulations and Development Incentives

- (a) Incentives granted solely under the Housing Accessibility Program in accordance with Section 145.4003(e) shall not require approval 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) An incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program* and *development* regulations of the Environmentally Sensitive Lands Regulations.
- (d) An incentive shall not be granted where it conflicts with State laws and regulations.
- (e) The following types of *development* may be granted incentives in accordance with this section:
 - (1) A *multiple dwelling unit development* that provides an elevator to all floors in a *multiple dwelling unit structure* shall be entitled to three incentives listed in Section 145.4003(f).
 - (2) An accessible multi-story *dwelling unit* that exceeds the housing accessibility requirements of the California Building Code (Chapter 11A) and Section 145.4002(a)(2) by at least 25 percent of the total number of *dwelling units* shall be eligible for two incentives listed in Section 145.4003(f).
 - (3) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) by two accessible *dwelling units* shall be eligible for three incentives listed in Section 145.4003(f).
 - (4) A *development* that exceeds the requirements for the number of accessible *dwelling units* under the California Building Code (Chapter 11A) and Section 145.4002(a)(2) by three or more accessible *dwelling units* shall be eligible for four incentives listed in Section 145.4003(f).

(f) Incentives

An *applicant for development* eligible for incentives pursuant to Section 145.4003(e) may select from the following incentives:

- (1) *Setback* regulations may be reduced by up to 15 percent for the building with the elevator.
- (2) *Lot coverage* regulations may be exceeded by up to 15 percent.
- (3) A *floor area ratio* bonus up to a maximum of 25 percent for the building with the elevator.
- (4) The applicable maximum *structure height* regulations may be exceeded by up to 15 feet for the building with the elevator. The maximum *structure height* may not exceed height limit allowed within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within airport influence areas designated by the Federal Aviation Administration.
- (5) A *density* bonus up to 10 percent based on the pre-*density* bonus *dwelling units* for the entire *development*. This *density* bonus is in addition to any other *density* bonuses for which the *development* is eligible.

(Added 5-18-2010 by O-19955 N.S.; effective 6-17-2010.)

(Amended 2-17-2012 by O-20128 N.S.; effective 4-11-2012.)

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

(Retitled from “Voluntary Accessibility Program Regulations and Development Incentives” to “Housing Accessibility Program Regulations and Development Incentives” and amended 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)