

CITY OF SACRAMENTO
1231 I Street, Sacramento, CA 95814

Permit No: 0103334
Insp Area: 2

Site Address: 356 RIVER BEND CR SAC
Parcel No: 012-0010-024 356-366

Sub-Type: REM
Housing (Y/N): N

CONTRACTOR
SHRA

OWNER
HOUSING AUTHORITY CITY OF SACRAMENTO
SACRAMENTO CA
95812

ARCHITECT

Nature of Work: REHAB APARTMENT COMPLEX

CONSTRUCTION LENDING AGENCY: I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.)

Lender's Name _____ Lender's Address _____

LICENSED CONTRACTORS DECLARATION: I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with section 7000) of Division 3 of the Business and Professions Code and my license is in full force and effect.

License Class _____ License Number C000002504 _____ Date _____ Contractor Signature _____

OWNER-BUILDER DECLARATION: I hereby affirm under penalty of perjury that I am exempt from the contractors License Law for the following reason (Sec. 7031.5, Business and Professions Code; any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 8 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

I, as a owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professional Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his/her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he/she did not build or improve for the purpose of sale.)

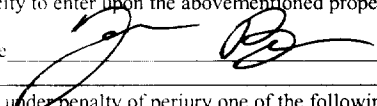
____ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.

____ I am exempt under Sec _____ B & PC for this reason: _____

Date 7-16-01 _____ Owner Signature 

IN ISSUING THIS BUILDING PERMIT, the applicant represents, and the city relies on the representation of the applicant, that the applicant verified all measurements and locations shown on the application or accompanying drawings and that the improvement to be constructed does not violate any law or private agreement relating to permissible or prohibited locations for such improvements. This building permit does not authorize any illegal location of any improvement or the violation of any private agreement relating to location of improvements.

I certify that I have read this application and state that all information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representative(s) of this city to enter upon the abovementioned property for inspection purposes.

Date 7-16-01 _____ Applicant-Agent Signature 

WORKER'S COMPENSATION DECLARATION: I hereby affirm under penalty of perjury one of the following declarations:

____ I have and will maintain a certificate of consent to self-insure for workers' compensation as provided for by Section 3700 of the Labor Code, for the performance of work for which the permit is issued.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier LEGION INSURANCE NEIGHBORHOOD PLANNING AND DEVELOPMENT SERVICES Number WC20043586 Exp Date 01/01/2001

____ (This section need not be completed if the permit is for \$100 or less) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date 7-16-01 _____ Applicant Signature 

WARNING: FAILURE TO SECURE WORKERS COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000) IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST AND ATTORNEY'S FEE.

THIS PERMIT SHALL EXPIRE BY LIMITATION IF WORK IS NOT COMMENCED WITHIN 180 DAYS.

FILE COPY

JOB SITE FILE

APPLICATION

**JOINT CITY / COUNTY ACCOMMODATIONS FOR
PHYSICALLY HANDICAPPED PERSONS APPEAL BOARD**

TO: C ALLEN
344-9307

**SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY
630 I STREET
SACRAMENTO, CALIFORNIA 95814**

Application
Joint City/County Accommodations for
Physically Handicapped Persons Appeals Board

- A. Owner: Sacramento Housing & Redevelopment Agency
630 I Street
Sacramento, CA 95814
- B. Agent: Tim Sullivan, Sky Engineering Inc.
2420 K Street, #250
Sacramento, CA 95816
- C. Address of Property: River Oaks Development
5th Street from McClatchy Way to Vallejo Way
- D. Occupancy: Apartments – R-1 Occupancies
- E. What the request is for:

To continue the remodeling program where 5% of the units are made accessible to the disabled and not remodel an additional 10% of the remaining first floor units to meet adaptability standards.

- F. Why is the request for the appeal being made:

The River Oaks Development is owned by SHRA, and is federally funded. The refurbishing consists of renovation of the interior, new drywall, new cabinets, painting and carpeting, new plumbing and electrical system. Exterior work includes new access to common facilities – Child Care Center, Community Center, computer training center, accessible parking, sidewalks, entrances, restrooms and all areas within the community facilities.

As a condition of financing, HUD requires 5% of the refurbished units be made fully accessible. This includes a ramped entrance, 32" clear doors throughout, accessible counter areas, bathrooms, electrical switching and receptacles.

The City of Sacramento is requiring that, in addition to the 5% required by HUD to be made fully accessible, 10 % of the ground floor units be made adaptable. This includes a ramp to each exterior entry door, accessible doorways, kitchen and bathroom spaces with sufficient maneuvering area, counter work areas that can be lowered and other adaptability requirements.

The expense of complying with the HUD requirement as well as the city's adaptable mandate is financially overwhelming. The added cost of adaptability will hamper the goal of upgrading this 45-year-old project that provides needed housing to many low-income families.

100 00 02 03.227 CONSTRUCTION DESIGN/111 (310) 000 1270 P. 3

The access ramps would extend out into a now level lawn area utilized as a play area for children. The ramps at each entrance will in effect brake up this area into small areas divided by a concrete ramp.

G. Code or State agency regulating the subject on which the appeal is being made:

- HUD regulations require full accessibility to 5% of the units in the project.
- The California Building Code requires units to be made adaptable when major renovation work is done with California State funds (publicly funded). The State regulations do not assume there are other accessible units as is the case at River Oaks.
- California Building Code sections involved and ramifications are as follows:

The 1995 California Building Code utilizes funding sources to determine accessibility requirements. There are three basic funding sources: public, private and federal. After extensive research into the laws that have jurisdiction over this and all projects constructed with Sacramento Housing and Redevelopment Agency (SHRA) Comprehensive Grant Program funds, we have concluded that publicly funded housing regulations do not apply to SHRA's modernization work. However, privately funded housing regulations and federal regulations do apply. Our reasoning is delineated below.

Exhibit A

Section 101.17.11, 1., 1.1,

The appropriate application of Chapter 11B *Publicly Funded Housing*, is stated in Section 101.17.11, 1., 1.1, and applies to "All buildings, structures, sidewalks, curbs and related facilities constructed by the use of state, county or municipal funds of any political subdivision of the state." No California State funds are used on SHRA Modernization projects. Therefore, this section (accessibility requirements of Publicly Funded Housing) **does not apply** to this or any other project undertaken by SHRA's Modernization Division.

Exhibit B

Section 101.17.9,

However, since our interpretation is that federal regulations and privately funded housing regulations do apply, please see Section 101.17.9 HCD 1 – Department of Housing and Community Development, which states "Access and adaptability requirements for the physically disabled shall apply to all **newly** constructed privately funded covered multifamily dwelling units...." The same section continues, "These regulations **do not apply** to the repair of, rehabilitation of or addition to privately funded apartment houses...." Our interpretation is that this chapter applies to new construction, not modernization of existing buildings.

Since SHRA Modernization work is federally funded, the U.S. Department of Housing and Urban Development (HUD) sets the requirements for accessibility. We are required by HUD to make 5% of all dwelling units fully accessible. A private consulting firm was retained at the request of HUD to survey the accessible units in the Agency's housing

stock. The findings from that report show that we currently provide fully accessible units in 13% of our housing stock, exceeding HUD's requirement to make 5% of all our units accessible.

We are continuing to add an additional 5% to specific developments, which do not already have 5% of their units accessible, as modernization funds become available. Historically, the availability of accessible units has been far greater than demand (approximately 2.2% of our applicants). However, should the demand for additional units become greater than the facilities we have available, our commitment is to either:

- Construct and/or modify units to meet the need, or
- Provide Section 8 Tenant-Based Assistance to accommodate the need.

Exhibit C

Section 1111 B.1 – General

Group R occupancies shall be accessible or adaptable as provided in this chapter. Public-use and common-use serving adaptable dwelling units shall be accessible. Exception: when the enforcing Agency determines that compliance with any regulation under this section would create an unreasonable hardship, an exception shall be granted when equivalent facilitation is provided.

Exhibit D

Section 206 – Definitions

“Equivalent Facilitation” is an alternate means of complying with the literal requirements of these standards and specifications that provide access in terms of the purpose of these standards.

Exhibit E

Section 222 – Definitions

Unreasonable hardship exists when the enforcing agency finds that compliance with the standards made the specific work of the project unfeasible, based on an overall evaluation of the following factors:

1. The costs of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility gained or lost.
5. The nature of the use of the facility under construction and its availability to persons with disabilities.

Exhibit F

Section 1134 B - Accessibility for Existing Buildings

The state regulations prior to the adaptability requirements was 5% of all units be fully accessible (same as current HUD financing requirement). The Building Industry of

California (BIA) initiated a change in the regulation which resulted in the current requirement of all first floor units be constructed with adaptable features.

The basis of this appeal is that an unreasonable hardship exists and that equivalent facilitation is being provided. All requirements of an unreasonable hardship are met in this program. This is demonstrated as follows:

1. "The Cost of Providing Access"
The cost of providing full access to 5% of the units is substantial. The estimated cost of constructing adaptable units exceeds 20% of construction costs.
2. "Cost of all Construction Contemplated"
The construction costs per unit are approximately \$55,000 per unit.
3. "The impact of Proposed Improvements on Financial Feasibility of the Project"
The combination of fully accessible units required by HUD and the adaptable units required by the city is an unreasonable physical requirement and a financial burden that in effect will delay completion by 2 years or prevent the completion of all units. HUD is satisfied with 5% accessible units, but may not choose to fund the adaptable features in the remaining ground floor units.
4. "The Nature of Accessibility Gained or Lost"
SHRA has found that 5% of the units that are fully accessible are more than enough to provide housing for disabled applicants. With this experience, additional adaptable units will not be needed, therefore, no accessibility will be lost by not rebuilding adaptable units.
5. "The Nature of the Facility Under Construction and Its Availability to Persons with Disabilities"
In this situation the complex is existing, not under construction, but being remodeled. The complex is very available to persons with disabilities and the Agency is making every effort to remove architectural barriers at the complex. All community facilities have been remodeled to meet disabled access standards, 5% of all units refurbished thus far have been made completely accessible. The complex is on a public transit line, parking for the disabled has been provided and the site walkways have been made accessible.

In acknowledging that an unreasonable hardship exists, equivalent facilitation must be provided. In this case the 5% fully accessible units provide equivalent facilitation. As mentioned earlier in this report, state regulations at one time required 5% of all new units be made fully accessible. It was decided that this requirement was too restrictive, i.e., 5% was more units than were needed. The state then altered the regulation to require 100% of all ground floor units be adaptable. An adaptable unit is much easier to achieve when constructing new units than trying to adapt a unit that has existed long before these requirements were adopted.

HUD has maintained the 5% requirement and does not require or recognize adaptable units.

The Sacramento Housing and Redevelopment Agency respectfully requests the board agree that, because the refurbishing of SHRA's dwelling units is federally funded, then HUD, not the City Building Department, should set criteria for accessibility/adaptability requirements. If the Board does not agree with this conclusion, then we request that the requirement of adaptable units by the City of Sacramento is an unreasonable hardship and recognizes that 5% of units fully accessible is equivalent facilitation.

August 31, 1998

Joint City/County
Accommodations for Physically Handicapped Persons
Appeals Board

Dear Members of the Board:

We are appealing to the Board to determine to what extent (if any) SHRA should be required to provide adaptable dwelling units in addition to the accessible dwelling units already in existence and planned for the future. Currently, SHRA is in compliance with Section 504 of the Rehabilitation Act of 1973 and the Uniform Federal Accessibility Standards (UFAS). The U.S. Department of Housing and Urban Development has made a formal determination that SHRA is operating its activities in compliance with Section 504. Additionally, we feel that we are in full compliance with the 1995 California Building Code and its latest revisions.

If the Board does not agree with this position, then we would request that you consider our master plan as equivalent facilitation to any other requirements that the City of Sacramento Department of Planning and Development feels that we must adhere to.

Since SHRA Modernization work is federally funded, the U.S. Department of Housing and Urban Development (HUD) sets the requirements for accessibility. We are required by HUD to make 5% of all dwelling units fully accessible. A private consulting firm was retained at the request of HUD to survey the accessible units in the Agency's housing stock. The findings from that report show that we currently provide fully accessible units in 13% of our housing stock, exceeding HUD's requirement to make 5% of all our units accessible.

24 Code of Federal Regulations (CFR), Part 8.23 (b)(1), states "... Once five percent of the of the dwelling units in a project are readily accessible to and usable by individuals with mobility impairments, then no additional elements of dwelling units, or entire dwelling units, are required to be accessible..."

Our Master plan is to continue to add an additional 5% to specific developments, which do not already have 5% of their units accessible, as modernization funds become available. Historically, the availability of accessible units has been far greater than demand (approximately 2.2% of our applicants). However, should the demand for additional units become greater than the facilities we have available, our commitment, as part of our master plan, is to either:

- Construct and/or modify units to meet the need, or
- Provide Section 8 Tenant-Based Assistance to accommodate the need.

24 CFR, Part 8.23 (b)(2), states, "HUD may prescribe a higher percentage or number than that prescribed in paragraph (b)(1) of this section for any area upon request therefor by any affected recipient or by any State or local government or agency thereof based upon demonstration to the reasonable satisfaction of HUD of a need for a higher percentage..."

At the River Oaks Development, we have made or will be required to make twenty-five percent of our ground floor units fully accessible. The City of Sacramento Department of Planning and Development has indicated that they would like an additional ten per cent of our ground floor units adaptable. We believe this is not the best use of our limited available funds. 24 CFR, Section 8.25, mandates "...that the needs of eligible qualified individuals with handicaps may be accommodated proportionally to the needs of non-handicapped individuals..." Adding eight adaptable dwelling units will result in a reduction of funding for other vital services and requirements that SHRA must provide.

Section 4450 of the California Government Code mandates the State Architect to "...develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities." Section 4451 (a) then goes on to the limitations of the State Architect's mandate by stating, "Except as otherwise provided in this section, this chapter shall be limited in its application to all buildings and facilities stated in Section 4450 intended for use by the public...that are

constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state." The residential units in question are not for public use, and are not being modernized using state, county or municipal funds. Section 4452 reiterates the intent of the Legislature by saying, in part, "...building standards published in the State Building Standards Code relating to access by the physically handicapped and other regulations adopted by the State Architect pursuant to Section 4450 ... to insure that buildings, structures and related facilities covered ...are accessible to...where the general public is concerned." Again, these are private residences, not public use facilities.

Because of the above compelling reasons, and others we feel to numerous to mention here, the Agency respectfully requests that the Board grant our request, and not be required to provide 10% adaptable units in addition to the 25% accessible units already constructed or which will be constructed as required by our federal mandate.

Thank you for your consideration
Respectfully,

WILLIAM ENYEART, JR.
Program Manager - Modernization Division

WE:jb

cc: Jack Christ
Anne Moore
file 9601.CORR