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DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)



DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: INTRODUCTION: SEPTEMBER 1, 2009
PUBLIC HEARING: SEPTEMBER 8, 2009

CONTACT PERSON/PHONE: VICTOR Q. TORRES, (915) 541-4557

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities) of the El Paso City Code by deleting the prior adoption of Sections 5 through 13 of the Texas Accessibility Standards; deleting the City Of El Paso amendments to the Texas Accessibility Standards, Sections 4.1.3 (5) through 13.4.1; adopting and amending the 2003 International Building Code, Chapter 11, Section 1101; deleting the City Of El Paso amendments to the International Building Code, Chapter 11, Sections 1102 through 1114; reducing the amount of required Type A units from five percent to two percent; the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

BACKGROUND / DISCUSSION:

This change was initiated due to a call for industry comment on barriers to development of multi-family housing in the community to meet BRAC growth. The LRC held three meetings to discuss this issue, and comment from the Accessibility Advisory Committee and the multi-family housing providers were received. The most significant change proposed by this amendment is a reduction to the percentage of units in a multi-family housing complex which must be ADA accessible from 5% to 2%. The current City requirement is greater than that mandated by the State, and the request is to modify the provisions to mirror the statutory requirements.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Legislative Review Committee approved on August 20, 2009

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) FINANCE: (if required)

Development Services Department

Victor Q. Torres - Director

2 Civic Center Plaza - 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799

Mayor John F. Cook

City Council

District 1 Ann Morgan Lilly

District 2 Susie Byrd

District 3 Emma Acosta

District 4 Carl L. Robinson

District 5 Rachel Quintana

District 6 Eddie Holguin Jr.

District 7 Steve Ortega

District 8 Beto O'Rourke

City Manager Joyce A. Wilson

DEPARTMENT HEAD: _____

Victor Q. Torres
Victor Q. Torres, Development Services Director

OTHER: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ DATE: _____



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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.08 (BUILDING CODE), SECTION 18.08.170 (ACCESSIBILITY FOR PEOPLE WITH PHYSICAL DISABILITIES) OF THE EL PASO CITY CODE BY DELETING THE PRIOR ADOPTION OF SECTIONS 5 THROUGH 13 OF THE TEXAS ACCESSIBILITY STANDARDS; DELETING THE CITY OF EL PASO AMENDMENTS TO THE TEXAS ACCESSIBILITY STANDARDS, SECTIONS 4.1.3 (5) THROUGH 13.4.1; ADOPTING AND AMENDING THE 2003 INTERNATIONAL BUILDING CODE, CHAPTER 11, SECTION 1101; DELETING THE CITY OF EL PASO AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, CHAPTER 11, SECTIONS 1102 THROUGH 1114; REDUCING THE AMOUNT OF REQUIRED TYPE A UNITS FROM FIVE PERCENT TO TWO PERCENT; THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 18 (Building and construction), Chapter 18.08 (Building code), Section 18.08.170 (Accessibility for people with physical disabilities) of the El Paso City Code, shall be and hereby is amended to read as follows:

18.08.170 Chapter 11 Amended - Accessibility for people with physical disabilities.

Chapter 11 of the 2003 International Building Code shall be and hereby adopted in its entirety and is amended to read as follows:

Chapter 11

Accessibility

1101.1 Scope. The provisions of this Chapter shall control the design and construction of facilities for accessibility to physically disabled persons.

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code, the Texas Accessibility Standards ("TAS") of the Architectural Barriers Act (Chapter 469, Government Code) and the American National Standard of the International Code Council (ICC/ANSI A117.1 1998).

A. All buildings and structures and their associated sites and facilities including employee work areas shall be made accessible as required by this chapter.

B. The design and construction of accessible building elements shall be in accordance with this chapter and Sections 4.1 through 4.35 of the TAS or its successor and the requirements of this Chapter.

C. TAS, a copy of which, authenticated by the signature of the Mayor and City Clerk, and made a public record by resolution of the City Council, is on file in the City Clerk's Office and except as modified in this Chapter, is hereby adopted and shall be considered an integral part of the Building Code.

EXCEPTIONS:

1. Group R3--One and Two Family Dwellings. One and two family dwellings regulated by the El Paso Residential Code, Chapter 18.10, and their accessory buildings shall be exempt from the requirements of this Section.

2. Group R2 Occupancies. Group R2 Occupancies having not more than four units on a site are exempt from the requirements of this Section.

3. Group R1 occupancies. Group R1 Occupancies that are actually occupied as a residence by the proprietor and that have ten or fewer rooms on a site for rent or hire are exempt from the requirements of this Section.

4. Storage Mezzanines. Mezzanines used solely for storage shall be exempt from the requirements of this Section provided the area of the inaccessible level is less than 2000 square feet.

5. Uninhabitable Spaces. Uninhabitable spaces shall be exempt from the requirements of this Section. For the purposes of this Section, uninhabitable spaces shall mean those spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or non-passenger elevators, and frequented only by service personnel for maintenance purposes.

6. Religious Ritual Places. Places used primarily for religious rituals within either a building or facility of a religious organization such as baptisteries, chancels and/or altars, confessionals and similar places are exempt from the requirements of this Section.

1101.2.1 Maintenance of Facilities.

Any building, facility, dwelling unit, or site that is constructed or altered to be accessible or adaptable under this Section shall be maintained accessible/adaptable during its occupancy.

1101.2.2 Variances.

Any exemptions from or modifications of the requirements of the TAS obtained for any project through a variance granted by the Texas Department of Licensing and Regulation (TDLR) shall be deemed a variance under this chapter and approval of by the Construction Board of Appeals as described in City Code Chapter 2.30 shall not be required. The Development Services Department director may issue a conditional building permit, pending final determination from TDLR, provided the applicant submits proof that a variance application for the requested exemption or modification has been submitted to TDLR.

1107.6.2.1 Apartment houses, monasteries and convents.

Type A units and Type B units shall be provided in apartment houses, monasteries and convents in accordance with Sections 1107.6.2.1.1 and 1107.6.2.1.2.

1107.6.2.1.1 Type A units. In Group R-2 occupancies containing more than four (4) dwelling units or sleeping units, at least 2 percent but not less than one of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.

Exceptions:

1. The number of Type A Units is permitted to be reduced in accordance with Section 1107.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.

All type A units shall be provided with a roll-in shower and a permanent mounted folding shower seat meeting the specifications and requirements for roll-in showers and mounted folding shower seats in ACC/ANSI 1171.1 – 2003, Section 608.

Section 2. Except as expressly herein amended, Title 18 (Building and construction), Chapter 18.08 (Building code) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS ____ DAY OF _____, 2009.

THE CITY OF EL PASO:

ATTEST:

John F. Cook, Mayor

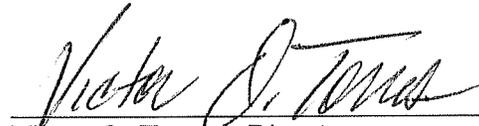
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Mark Shoosmith
Assistant City Attorney



Victor Q. Torres, Director
Development Services Department