

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT
REGARDING THE 2022 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-AC 01/22)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

ITEM 1

Chapter 2 DEFINITIONS, Section(s) 202 DEFINITIONS, BLENDED TRANSITION

CBC Chapter 11B and the Americans with Disabilities Act Standards currently express slope in ratio terms, rather than percentages. Older editions of the CBC used percentages or would include both a percentage and ratio equivalent but moved away from this practice due to minor inaccuracies that created differences between the two numbers. The current definition uses percentage language that does not match standard Chapter 11B terminology. DSA proposes to use a ratio term for the slope, so the terminology used is consistent with code sections.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 2

Chapter 2 DEFINITIONS, Section(s) 202 DEFINITIONS, ELEVATOR BUILDING

The term “Elevator Building” is used throughout Chapter 11B in both technical requirements and in scoping requirements. Further, as used in Chapter 11B a building may contain an elevator but not be considered an “Elevator Building” if the elevator only serves a basement parking level and the first floor. This distinction is consistent with the Fair Housing Act. The definition will add clarity for code users.

This item is related to Item 11.

CAC Recommendation: Further Study

Agency Response: Withdrawn

Item withdrawn upon further study. Related Item No. 11 remains, with changes.

ITEM 3

Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY GROUP AND USE, Section(s) 406.2.3 Accessible Parking

CBC Section 406 provides information on the requirements for all motor vehicle related occupancies. The existing courtesy reference to direct the code users to Chapter 11A for accessibility provisions does not include a similar reference to Chapter 11B. The change would add a reference to Chapter 11B in addition to the existing reference to Chapter 11A.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 4

Chapter 10 MEANS OF EGRESS, Section(s) 1009.2 Continuity and components

Chapter 10, Section 1009.2 lists the requirements for an accessible means of egress, and alternate methods of providing egress, including safe dispersal areas. The proposed change adds a reference to Section 1028.5, which has more detailed requirements for safe dispersal areas than those found in Section 1009.2.

This item is related to Item 7.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 5

Chapter 10 MEANS OF EGRESS, Section(s) 1009.8.2 Directions

CBC Section 1009.8.2 provides information on the requirements for all signs at two-way communication systems. The existing courtesy reference does direct users to both technical sections in Chapters 11A and 11B but specifying Chapter 11B before the section number provides easier readability and flow.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 6

Chapter 10 MEANS OF EGRESS, Section(s) 1010.1.4 Floor elevation

Both Chapters 11A and 11B have additional requirements for doors at exterior decks, patios and balconies that are more restrictive than the requirements of Section 1010.1.4, Exception 5. The proposed change references both chapters, rather than just Chapter 11A.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 7

Chapter 10 MEANS OF EGRESS, Section(s) 1028.5 Exit discharge

CBC Chapter 10, Section 1028.5 requires the exit discharge provide a direct and unobstructed access to a public way. An exception allows a complying safe dispersal area shall be provided where access to the public way cannot be provided. The model code publisher, International Code Council, in its *2021 IBC Code and Commentary* explains that the exception to Section 1028.5 allows a safe dispersal area where direct and unobstructed access to a public way is not safe or not achievable because of site constraints or security concerns.

Model code for Section 1028.5 does not state that accessibility is required to safe dispersal areas. However, in its *2021 IBC Code and Commentary* the International Code Council explains that the area of 5 square feet per occupant required by Item 1 in this section, “would allow adequate space for standing persons as well as some space for wheelchairs or on stretchers.” The specific requirements for accessibility in or to safe dispersal areas are not provided in model code. California amendments in Item 5 address accessibility in correctional facilities.

DSA is proposing specific technical requirements for an area within the safe dispersal area to provide accessible features to accommodate people who use mobility devices and others. These features include an accessible clear floor area to accommodate 2 percent of the facility population using the safe dispersal area, and accessible routes to connect accessible exits served by the safe dispersal area.

Related to the changes in Section 1028.5, DSA is also proposing to add safe dispersal areas as a component of an accessible means of egress as allowed in Section 1009.2.

This item is related to Item 4.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 8

Chapter 11A HOUSING ACCESSIBILITY, Section(s) 1150A SITE IMPRACTICALITY TESTS

DSA made substantial changes to housing regulation section adoptions in the 2019 CBC. The adoption of Section 1150A was intended to be rescinded at that time but was overlooked. The section is no longer applicable, as it has been replaced by the application and scoping provisions of Divisions 1 and 2 of Chapter 11B, and the site impracticality tests were moved to Section 11B-233.3.1.2.6. DSA proposes to correct the oversight and rescind the adoption of Section 1150A and its subsections.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 9

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS,

COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-213 Toilet facilities and bathing facilities

The California Building Standards Commission and DSA are proposing code amendments to the California Plumbing Code requirements to accommodate the design of multi-user all-gender toilet facilities. A significant aspect of this type of toilet room design is the need to ensure privacy at toilet and urinal fixtures by locating them within privacy compartments.

Current accessibility requirements in CBC Chapter 11B provide accessibility at toilets within compartments for any user group whether the facilities are designated as gender-specific or all-gender. However, there are no current scoping or technical requirements for accessible urinals within compartments.

DSA is proposing scoping requirements for accessible urinals in compartments as ten percent of the total number of urinals in compartments, but no fewer than one. This ratio is identical to the current scoping requirements for urinals.

DSA is also proposing requirements that will assure sufficient clear floor space and maneuvering space within accessible urinal compartments so that a person using a mobility device can enter the compartment, use the urinal, turn around, and exit the compartment.

This item is related to Items 14, 15, 17 and 18.

CAC Recommendation: Approve

Agency Response: Disagree

Comments received during the CAC and as part of additional outreach after, indicated a need for additional changes to several sections. DSA has additionally studied this item and made further edits, which are included here. DSA confirms the proposed revision is appropriate for inclusion in the California Building Code.

ITEM 10

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-216.5 Signs, parking

No reference to signs for electric vehicle charging spaces currently exists in scoping Section 11B-216. DSA proposes to add a reference to the existing technical requirements in Section 11B-812. This allows the requirements to be referenced from either the scoping section for signs or the scoping section for electric vehicle charging stations.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 11

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-233.3.1.2 Residential dwelling units with adaptable features

Due to an unintentional oversight during the 2021 Triennial Code Adoption Cycle, DSA

neglected to include adjustments to CBC Section 11B-233.3.1.2 (Residential dwelling units with adaptable features) when requirements were transferred from Chapter 11A to Chapter 11B. DSA is proposing to amend the applicability of Section 11B-233.3.1.2 to be consistent with the applicability in its previous location under CBC Chapter 11A – buildings with three or more residential dwelling units.

This proposal also addresses a second issue. It is unclear when a building is considered an elevator building and current requirements for adaptable units in public housing are unclear and could lead to fewer adaptable units than required by the Fair Housing Act in an instance when units are on a floor that may not be directly served by an elevator. This proposal to clarify that all residential units on an accessible route are to be adaptable except for those units designed with mobility features.

CAC Recommendation: Further Study

Agency Response: Accept

Comments received at the Code Advisory Committee indicated that the language at “elevator buildings” needed further clarification. DSA has additionally studied this item and made further edits, which are included at 11B-233.3.1.2.1. DSA confirms the proposed revision is appropriate for inclusion in the California Building Code.

ITEM 12

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-249.1 Adult changing facilities, Alterations

DSA proposes to add scoping to provide adult changing facilities at existing public amusement facilities. Currently Chapter 11B only requires adult changing facilities at newly constructed places of public amusement. California Health and Safety Code Section 19952.5 requires adult changing facilities at both newly constructed and facilities renovated on or after January 1, 2025. DSA proposes to align the requirements of Chapter 11B with this Health and Safety Code section by adding additional scoping for projects undertaken at existing facilities.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 13

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, FIGURE 11B-406.3.2 PARALLEL CURB RAMPS

The location of detectable warnings at a parallel curb ramp bottom landing was changed in Section 11B-705.1.2.2.2 Parallel Curb Ramps, during the 2019 Intervening Code Adoption Cycle, to require detectable warnings to be located 6 to 8 inches back from the face of the curb. The corresponding figure for Section 11B-705.1.2.2.2 was updated, but the Figure 11B-406.3.2 was not updated and currently shows the detectable warnings at the face of curb. This change is proposed to correct the location of the detectable warnings to reflect the code language and make the two figures consistent.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 14

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-604.8 Toilet compartments

Though privacy latches are commonly provided at accessible and non-accessible water closet compartments, there currently are no scoping or technical provisions in Chapter 11B requiring privacy latches in wheelchair accessible and ambulatory accessible compartments within multi-user toilet rooms.

In this item, DSA is proposing technical provisions in Chapter 11B requiring privacy latches in wheelchair accessible and ambulatory accessible compartments within multi-user toilet rooms. The provision of privacy latches enhances security and privacy for users.

This item is related to Item 9.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 15

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-605 Urinals

There are currently no scoping or technical requirements for accessibility in CBC Chapter 11B specific to urinals located in compartments. Currently, the California Building Standards Commission and the Division of the State Architect are proposing amendments to the California Plumbing Code fixture requirements to address urinals located in privacy compartments.

DSA is proposing scoping and technical requirements for accessibility in CBC Chapter 11B that will provide access to urinals located in compartments to include sufficient clear floor space and maneuvering space for a person using a mobility device to enter the compartment, use the urinal, turn around, and exit the compartment. A figure is proposed to illustrate the requirements.

This item is related to Items 9, 14, 17 and 18.

CAC Recommendation: Further Study

Agency Response: Accept

DSA has additionally studied this item and has made revisions in response to the CAC recommendation. DSA further added Items 17 and 18, addressing toilet room signs and baby changing stations in accessible urinal compartments. DSA confirms the proposed revision is appropriate for inclusion in the California Building Code.

Comments received at the Code Advisory Committee indicated that the compartments were not large enough, urinal fixtures should be in a fixed location, and that doors

should be out-swinging. DSA is scheduling a public hearing to receive comments on items not heard by the CAC.

ITEM 16

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-809.10.6 Showers

Current language in Section 11B-809.10.6.1 (for transfer shower compartment size in adaptable dwelling units only) refers to compliance with Section 11B-608.1 which incorrectly references a minimum clearance of 36 inches wide by 48 inches deep, in further reference to Sections 11B-608.2 and 11B-608.2.1. The reference DSA proposes to strike refers to roll in showers at common use and public facilities, and the change will have no effect on those facilities. The Fair Housing Act requires clearance at showers in adaptable units to be a minimum of 30 inches wide by 48 inches deep. Existing language in Section 11B-809.10.6.3 currently requires a minimum clearance of 30 inches wide by 48 inches deep consistent with the Fair Housing Act. DSA is proposing to remove the reference to Section 11B-608.1 to correct the reference error which may lead to conflicting clearance requirements.

CAC Recommendation: Approve

Agency Response: Accept

ITEM 17

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-216.8 Toilet Room Signs

Comments received during public and focus group meetings indicated a need for signs to identify all-gender facilities. In addition, commenters identified the need to address signs on compartments where both individual toilet and urinal compartments are provided, to identify the type of fixture within each compartment. This language is to provide scoping requirements as to where and what type of signs are required, and reference to the requirements for accessible signs.

CAC Recommendation:

Not reviewed by the CAC

Agency Response:

Item added as a result of further study done under recommendation for Item 15. DSA is scheduling a public hearing to receive comments on items not heard by the CAC.

ITEM 18

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-226.4 Baby Diaper Changing Station in Urinal Compartments

During additional outreach after the CAC meeting, commenters noted that baby changing

stations should be similarly prohibited in accessible urinal compartments, the same as within accessible toilet compartments, because the station when deployed will block the required clear and maneuvering spaces.

CAC Recommendation:

Not reviewed by the CAC

Agency Response:

Item added as a result of further study done under recommendation for Item 15. DSA is scheduling a public hearing to receive comments on items not heard by the CAC.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

None required; California Health & Safety Code Section 19952.5 mandates this proposal action.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed building standards clarify accessibility provisions contained in the 2022 California Building Code. Accessibility is required by the federal Americans with Disabilities Act and corresponding California statutes and regulations; lack of consistent scoping and technical requirements creates confusion for code users, building officials, and building and facility owners.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The Division of the State Architect has not considered any reasonable alternatives to the proposed action.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to this proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Division of the State Architect has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

C. The expansion of businesses currently doing business within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The Division of the State Architect has determined that the proposal establishes the minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The Division of the State Architect estimates that the cost of compliance with these proposed regulations will be minimal. Clear and consistent scoping and technical requirements benefit code users, building officials, and building and facility owners.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The regulations proposed for adoption do not duplicate or conflict with federal regulations.