

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
DIVISION OF THE STATE ARCHITECT (DSA-AC)
REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-AC 01/18)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

- US Access Board website: <https://www.access-board.gov/>

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The Division of the State Architect has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

ITEM 1.01

CHAPTER 1 - SCOPE AND ADMINISTRATION
DIVISION I - CALIFORNIA ADMINISTRATION
SECTION 1.9 - DIVISION OF THE STATE ARCHITECT
1.9.1 Division of the State Architect—Access Compliance.
1.9.1.1.1, 1.9.1.1.2, 1.9.1.1.3, 1.9.1.1.4

Summary of Comment on 45-Day Item: DRC urges disapproval of the proposed amendment. DRC states that the proposed amendment is meaningless without the revised definition of “public housing” and raises concerns that public funding is sufficient to require compliance with Chapter 11B.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. The definition in Chapter 2 of “public housing” that remains in effect is sufficient to convey the intent of the sections proposed for amendment in this item. References to public funds remains in the proposed amendments in Sections 1.9.1.1.1 and renumbered to 1.9.1.1.3. The Section 1.9.1.1.3 proposed for repeal is redundant terminology that is repeated in the definition “public housing”.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff	Vicki Amarilla
Ardys De Lu	Edgar Evans
Arlene Harriet Paige	Chris Anderson
Ellen Buckingham	T. R West
Gail Ryall	Charles Bean
Howard Chabner	P.K. Lopez
Jeane Stipanuk	Belinda Stradley
Lillibeth Navarro	Sheri Burns
Lois Sones	Mario Janesin
John Kotick	Lyn Goldfarb
Kristie Sepulveda-Burchit	Susan Verde
Carol Wolfington	Connie Arnold
S. Plourde	HolLynn D’Lil

ITEM 1.02 – WITHDRAWN

CHAPTER 1 - SCOPE AND ADMINISTRATION
DIVISION I - CALIFORNIA ADMINISTRATION
SECTION 1.9 - DIVISION OF THE STATE ARCHITECT
1.9.1 Division of the State Architect—Access Compliance.
1.9.1.1 Application.

Summary of Comment on 45-Day Item: DRC originally supported this code change proposal with the exception of the repeal of the reference to Government Code Section 4450.

DSA-AC Change to Accommodate: DSA-AC has withdrawn, at its discretion and for further study, this item after the Code Advisory Committee review that occurred on July 24-25, 2018.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff	Vicki Amarilla
Ardys De Lu	Edgar Evans
Arlene Harriet Paige	Chris Anderson
Ellen Buckingham	T. R West
Gail Ryall	Charles Bean
Howard Chabner	P.K. Lopez
Jeane Stipanuk	Belinda Stradley
Lillibeth Navarro	Sheri Burns
Lois Sones	Mario Janesin
John Kotick	Lyn Goldfarb
Kristie Sepulveda-Burchit	Susan Verde
Carol Wolfington	Connie Arnold
S. Plourde	HolLynn D'Lil

ITEM 2.01 – WITHDRAWN

CHAPTER 2 – DEFINITIONS
SECTION 202 – Definition of PUBLIC HOUSING

Summary of Comment on 45-Day Item: DRC strongly opposes the withdrawal of this item. The proposed definition would bring Chapter 11B into compliance with the 2010 ADA Standards for Accessible Design by including a reference to housing programs.

DSA-AC Change to Accommodate: DSA-AC has withdrawn, at its discretion and for further study, this item after the Code Advisory Committee review that occurred on July 24-25, 2018. The existing “public housing” definition that is carried forward in the 2019 Triennial Edition of the code is consistent with the 2010 ADA Standards for Accessible Design.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff	Vicki Amarilla
Ardys De Lu	Edgar Evans
Arlene Harriet Paige	Chris Anderson
Ellen Buckingham	T. R West
Gail Ryall	Charles Bean
Howard Chabner	P.K. Lopez
Jeane Stipanuk	Belinda Stradley
Lillibeth Navarro	Sheri Burns
Lois Sones	Mario Janesin
John Kotick	Lyn Goldfarb
Kristie Sepulveda-Burchit	Susan Verde
Carol Wolfington	Connie Arnold
S. Plourde	HolLynn D'Lil

ITEM 2.02 – WITHDRAWN

CHAPTER 2 – DEFINITIONS

SECTION 202 – *Definition of PUBLIC USE*

Summary of Comment on 45-Day Item: DRC supports this proposed code change only if the definition of “public housing” as written is approved.

DSA-AC Change to Accommodate: DSA-AC has withdrawn, at its discretion and for further study, this item after the Code Advisory Committee review that occurred on July 24-25, 2018.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff

ITEM 2.03

CHAPTER 2 – DEFINITIONS

SECTION 202 – *Definition of Riser*

Summary of Comment on 45-Day Item: DRC supports the proposed changes, which the Access Code Collaborative unanimously supported.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eric McSwain

ITEM 2.03

CHAPTER 2 – DEFINITIONS

SECTION 202 – *Definition of Riser*

Summary of Comment on 45-Day Item: The commenter recommends disapproval of this item. The commenter’s objections are based on two main points: 1) the proposed definition of RISER is wholly dependent on the existence of stair landings and “landing” is not defined; and 2) the rationale for this item uses the terms “the common understanding” and “as commonly understood” which diminishes the value of and need for the code.

DSA-AC Change to Accommodate: DSA-AC is proposing no further changes to this section in response to this comment.

With regard to the commenter’s first point, DSA’s proposal adds language to the definition of RISER which refers to (stair) landings; however DSA also retains the current language which identifies the riser as the upright part between two adjacent stair treads. This composition comprehensively describes the possible locations of stair risers and is consistent with the use of RISER in other chapters of the CBC, including Chapter 10 (Means of Egress). While the term “landing” is not defined, the model code – 2018 IBC Chapter 10, Section 1011.6 (Stairway landings) describes the required characteristics of landings.

To the second point, DSA’s use of the terms “the common understanding” and “as commonly understood” in the Statement of Reasons is a literary technique to distinguish between DSA’s existing definition of RISER and the use of the term “riser” throughout the balance of the CBC. The model code definition of STAIR is “A change in elevation, consisting of one or more risers.” This definition is adopted by the Building Standards Commission, the State Fire Marshal, the Department of Housing and Community Development, DSA Structural Safety, and the Office of Statewide Health Planning and Development. Within the context of the CBC, this definition supports the common understanding of RISER.

Finally, the commenter notes the 2010 ADA Standards do not define the terms “stair” or “stairway.” However, the US Access Board provides guidance that the “...Standards apply to any stairs that are part of a means of egress regardless of the number of risers.” (ref. US Access Board website *Guide to the ADA Standards*, Chapter 5, Stairways) The 2010 ADA Standards Section 505.2 requires handrails on both sides of stairs except as exempted under Section 210.1.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.01

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

Section 11B-203 General exceptions

11B-203.8 Residential facilities

Summary of Comment on 45-Day Item: DRC opposes the repeal of the term “public housing” in this section. Without the adoption of the amended definition of “public housing” in Chapter 2 repealing the term in this section creates confusion.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. Related proposed code changes clarify that Chapter 11B applies to “public housing” in the title of Section 11B-233.3. Repeal of the term “public housing” that is repeated in various sections eliminates redundancy and follows the format of the code. The existing “public housing” definition that is carried forward serves to clarify the types of housing regulated by Chapter 11B.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Hollynn D’Lil
Connie Arnold
Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem

Vanessa Riles
Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
Diane Moore
Richard Skaff
Bernadette Vilicich
Christy Crespín
Carol Bracco
Ben Rockwell
Susan Verde
Peter Margen

ITEM 11B.02

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-206 Accessible routes

11B-206.2 Where required

11B-206.2.19 Pedestrian street crossings

Summary of Comment on 45-Day Item: The comments are in support of this item.

DSA-AC Change to Accommodate: These are comments in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to these comments.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar comments:

HollLynn D'Lil
Connie Arnold
Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem

Vanessa Riles
Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
Diane Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.03

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-207 Accessible means of egress

11B-207.1 General

Exception 3

Summary of Comment on 45-Day Item: The commenters recommend disapproval of this item. The concerns raised by the commenters are; the safety for people with disabilities in times of emergencies and the need for a programmatic evacuation plan.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff

ITEM 11B.04

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-224 Transient lodging guest rooms, housing at a place of education and social service center establishments

11B-224.2 Guest rooms with mobility features

Table 11B-224.2 Guest rooms with mobility features

Summary of Comment on 45-Day Item: DRC recommends approval of this item. The proposed amendment doubles the availability of accessible showers in transient lodging facilities with 2–50 guest rooms.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. DSA is aware that transient lodging facilities where only one guest room is provided are not the norm. The amendment to the table for requirements addressing facilities with one guestroom is in alignment with the table in the 2010 ADA Standards for Accessible Design.

Name: HolLynn D'Lil, Connie Arnold

The following submitted substantially similar comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
Diane Moore
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde
Peter Margen

ITEM 11B.04

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-224 Transient lodging guest rooms, housing at a place of education and social service center establishments

11B-224.2 Guest rooms with mobility features

Table 11B-224.2 Guest rooms with mobility features

Summary of Comment on 45-Day Item: The commenters recommend disapproval of this item. Their concern is that allowing either an accessible bath tub or transfer type shower in transient lodging facilities with only one guest room is a lesser standard than what is currently required in Chapter 11B.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. DSA is aware that transient lodging facilities where only one guest room is provided are not the norm. The amendment to the table for requirements addressing facilities with one guestroom is in alignment with the table in the 2010 ADA Standards for Accessible Design.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff

ITEM 11B.05

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-233 Public housing facilities

11B-233.1 General.

Summary of Comment on 45-Day Item: DRC opposes the proposed amendment. This section should not be amended without the proposed definition for “public use” that is withdrawn.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. Repealing the redundant term “public housing” in related sections provides for consistent code terminology. Repealing the ambiguous term “available for public use” has no impact on the level of accessibility for public housing. The existing “public housing” definition that is carried forward and the amendment to the title of this section serve to clarify the types of housing regulated by Chapter 11B.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff

ITEM 11B.06

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-233 Public housing facilities

11B-233.3 Public housing facilities.

11B-233.3.1 Minimum number: new construction.

Summary of Comment on 45-Day Item: DRC supports this code change proposal with revisions. The concern is that repealing the term “public housing” leads to confusion and code language that is ambiguous and vague

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. Repealing the redundant term “public housing” in related sections provides for consistent code terminology. The proposed amendment to the title in Item 11B.05 serves to clarify the types of housing regulated by Chapter 11B.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:

Richard Skaff	V. Amarilla
Ardys De Lu	E. Evans
Arlene Harriet Paige	C. Anderson
Ellen Buckingham	T. R West
Gail Ryall	C. Bean
Howard Chabner	P.K. Lopez
Jeane Stipanuk	B. Stradley
Lillibeth Navarro	S. Burns
Lois Sones	M. Janesin
John Kotick	L. Goldfarb
Kristie Sepulveda-Burchit	S. Verde
Carol Wolfington	Connie Arnold
S. Plourde	HolLynn D’Lil

ITEM 11B.07 – WITHDRAWN

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-233 Public housing facilities

11B-233.3 Public housing facilities.

11B-233.3.2.1 Buyer identified residential dwelling units for sale.

Summary of Comment on 45-Day Item: DRC opposes the withdrawal of this item. California Building Code must include this proposed amendment in order to comply with federal law.

DSA-AC Change to Accommodate: DSA-AC has withdrawn, at its discretion and for further study, this item after the Code Advisory Committee review that occurred on July 24-25, 2018.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.08

CHAPTER 11B
DIVISION 2: SCOPING REQUIREMENTS
11B-233 Public housing facilities
11B-233.3 Public housing facilities.
11B-233.3.3 Additions.

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.09

CHAPTER 11B
DIVISION 2: SCOPING REQUIREMENTS
11B-233 Public housing facilities
11B-233.3 Public housing facilities.
11B-233.3.4 Alterations.

Summary of Comment on 45-Day Item: DRC supports the repeal of “to a public housing facility” in the first line of Section 11B-233.3.4. DRC opposes the remainder of the code change proposal for the following reasons.

1. Repeal of the references to the units with adaptable features in projects constructed after March 13, 1991 would allow for alterations to those units that does not require compliance with Chapter 11B.
2. Alterations to adaptable units constructed prior to March 13, 1991 is inexpensive and not burdensome.
3. Where there are issues of technical infeasibility allowing for comparable units is sufficient.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments.

- The proposed code change in Section 11B-233.3.4.3 clearly states that units constructed for occupancy after March 13, 1991 must be maintained in compliance with the accessibility standards in effect at the time of construction. If units constructed after that date do not comply with the California Building Code and the units are altered the alterations must be code compliant.
- Alterations to units constructed prior to March 13, 1991 typically require significant modifications to comply with the requirements in Division IV of Chapter 11A. The alterations would require the units to; be on an accessible route, provide 32-inch clear width at doors, provide compliant door hardware, have sufficient door maneuvering clearances, have outlets and switches within reach ranges, provide maneuvering clearance at water closets, lavatories, bathtubs and backing in the wall for grab bars, provide compliant kitchen cabinets and sinks. This list is not exhaustive; other elements may also require modifications.
- In existing facilities, funds are expended to provide adaptable features in ground floor units where a tenant may not need those features. DSA understands the impact of this proposed code change on the funds available for affordable housing projects in general. Projects are not moving forward or the number of units undergoing alterations are reduced due to the increased cost of altering the accessible units with adaptable features where such alterations are not needed.
- When technical infeasibility is invoked the alternate units with adaptable features must be provided one-for-one. In a facility with ground floor units where it's technically infeasible to make modifications this provision has significant financial impact and is far beyond the requirements of the Fair Housing Accessibility Guidelines.
- Chapter 11B would continue to require 5 percent of the units with mobility features and 2 percent of the units with communication features which is consistent with the HUD Section 504 regulations and the 2010 ADA Standards for Accessible Design. There is no restriction on the date of original construction for these types of units.

Note: The BSC Commission Action Matrix previously indicated Code Advisory Committee Action on Item 11B.09 (all four sub-items) as ST/FS (Short Term Further Study). This notation has been corrected to indicate FS (Further Study).

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.10

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-233 Public housing facilities

11B-233.3 Public housing facilities.

11B-233.3.5 Dispersion.

Summary of Comment on 45-Day Item: DRC opposes the repeal of “and adaptable features complying with Chapter 11A, Division IV.” DRC contends that adaptable units should be dispersed among the various types of residential dwelling units. In addition “in public housing facilities” should remain until such time as the proposed definition of “public housing” is adopted.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. The Fair Housing Act Accessibility Guidelines do not require dispersion of the various types of units as do the 2010 ADA Standards for Accessible Design. The proposed code change will align the requirements in Chapter 11B with federal regulations. The existing “public housing” definition that is carried forward serves to clarify the types of housing regulated by Chapter 11B.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.11

CHAPTER 1

DIVISION 2: SCOPING REQUIREMENTS

11B-248 Common use areas and employee work areas.

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar comments:

HollLynn D'Lil
Connie Arnold
Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem

Vanessa Riles
Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.12, RELATED ITEMS 11B.12.01, 11B.12.02 and 11B.12.03

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-249 Adult changing facilities;

CHAPTER 2, Section 202 – Definitions;

CHAPTER 11B

DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS

11B-813 Adult changing facilities.

Summary of Comment on 45-Day Item: The commenters support this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Note: The BSC Commission Action Matrix previously indicated Code Advisory Committee Action on Item 11B.12 (all four sub-items) as ST/FS (Short Term Further Study). This notation has been corrected to indicate FS (Further Study).

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.13

CHAPTER 11B
DIVISION 4: ACCESSIBLE ROUTES
11B-404 Doors, doorways, and gates
11B-404.2 Manual doors, doorways, and gates
11B-404.2.11 Vision lights.

Exceptions

Summary of Comment on 45-Day Item: DRC opposes this proposal stating that this is a reduction in access in jail facilities. DRC commented that the placement of vision lites in doors operated by security personnel in hallways and other locations is not a problem. Where vision lites provide the only view in a cell and are not provided it could exacerbate isolation and claustrophobia.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.14

CHAPTER 11B
DIVISION 4: ACCESSIBLE ROUTES
11B-405 Ramps
11B-405.9 Edge protection.
11B-405.9.2 Curb or barrier.

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.15

CHAPTER 11B
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS
11B-502 Parking spaces

11B-502.5 Vertical clearance.

Exception

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.16, RELATED ITEM 11B.16.01

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-604 Water closets and toilet compartments

11B-604.8 Toilet compartments.

11B-604.8.1 Wheelchair accessible compartments.

11B-604.8.1.2 Doors.

Figure 11B-604.8.1.2 Maneuvering space with side-opening door.

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: HolLynn D'Lil, Connie Arnold

The following submitted substantially similar comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.17, RELATED ITEMS 11B.17.01 and 11B.17.02

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.2 Size and clearances for shower compartments.

11B-608.2.1 Transfer type shower compartments.

DIVISION 2: SCOPING REQUIREMENTS

11B-213 Toilet facilities and bathing facilities

11B-213.3 Plumbing fixtures and accessories.

Summary of Comment on 45-Day Item: The commenters recommend disapproval of this item. They state that research is required to determine if a transfer type shower provides the equivalent level of accessibility provided in roll-in showers.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. DSA proposes to re-introduce the transfer shower as an alternate to an accessible bathtub to increase choice, and to meet the minimum federal requirements which we are required to do by state law. With this change, DSA proposes to maintain the minimum requirements for roll-in showers, and proposes an increase in the accessibility of transient lodging facilities by increasing the minimum number of units required to be accessible to 2 for facilities with under 25 units, in order to accommodate the transfer shower option.

Name: Jeff Foster

ITEM 11B.18, RELATED ITEM 11B.18.01

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.3 Grab bars.

11B-608.3.1 Transfer type shower compartments.

Figure 11B-608.3.1 Grab bars for transfer type showers.

Summary of Comment on 45-Day Item: Mr. Foster commented that the regulations do not permit grab bars to be located above the seat in a roll-in type shower compartment.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. The proposed code change is consistent with the 2010 ADA Standards for Accessible Design which allows a grab bar to extend over an L-shaped shower seat in a transfer type shower compartment. The overlap is limited by the absolute dimension of 18 inches that the grab bar can extend from the control wall.

Name: HolLynn D'Lil, Connie Arnold

The following submitted substantially similar or supporting comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.18, RELATED ITEM 11B.18.01

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.3 Grab bars.

11B-608.3.1 Transfer type shower compartments.

Figure 11B-608.3.1 Grab bars for transfer type showers.

Summary of Comment on 45-Day Item: The commenters recommend disapproval of this item. They state that research is required to determine if a transfer type shower provides the equivalent level of accessibility provided in roll-in showers.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. DSA proposes to re-introduce the transfer shower as an alternate to an accessible bathtub to increase choice, and to meet the minimum federal requirements which we are required to do by state law. With this change, DSA proposes to maintain the minimum requirements for roll-in showers, and proposes an increase in the accessibility of transient lodging facilities by increasing the minimum number of units required to be accessible to 2 for facilities with under 25 units, in order to accommodate the transfer shower option.

Name: Arfaraz Khambatta, Deputy Director, Mayor's Office on Disability

ITEM 11B.19

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.4 Seats.

Summary of Comment on 45-Day Item: Mr. Khambatta is requesting an amendment to the exception in this section which would make the installation of shower seats in residential dwelling units specific to transfer type shower and not roll-in showers. He states that this would align the exception to the 2010 ADA Standards for Accessible Design.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. In Section 608.4 of the 2010 ADAS it states that a folding or non-folding seat shall be provided in transfer type shower compartments. This section requires folding seats in roll-in type showers only in transient lodging guest rooms with mobility features, not in residential dwelling units. Section 11B-608.4 in Chapter 11B states that “a folding seat shall be provided in roll-in type showers”. The exception as proposed, although stated differently, is consistent with the provisions in the 2010 ADAS that requires backing only and not seats in either type of shower in residential dwelling units.

Name: HolLynn D’Lil, Connie Arnold

The following submitted substantially similar or supporting comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.19

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.4 Seats.

Summary of Comment on 45-Day Item: The commenters recommend disapproval of this item. They state that research is required to determine if a transfer type shower provides the equivalent level of accessibility provided in roll-in showers.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. DSA proposes to re-introduce the transfer shower as an alternate to an accessible bathtub to increase choice, and to meet the minimum federal requirements which we are required to do by state law. With this change, DSA proposes to maintain the minimum requirements for roll-in showers, and proposes an increase in the accessibility of transient lodging facilities by increasing the minimum number of units required to be accessible to 2 for facilities with under 25 units, in order to accommodate the transfer shower option.

Name: HolLynn D'Lil, Connie Arnold

The following submitted substantially similar or supporting comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.20, RELATED ITEM 11B.20.01

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.5 Controls.

Summary of Comment on 45-Day Item: The commenters expressed opposition to this proposal and their preference is that the controls should be located on the side wall rather than the wall opposite the seat in a transfer type shower. They state that “those with spinal cord disabilities and others typically have balance limitations”.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. Locating the controls on a side wall rather than the wall opposite the seat would create a conflict between federal regulations, the plumbing code and Chapter 11B.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.21

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.7 Thresholds.

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: HolLynn D'Lil, Connie Arnold

The following submitted substantially similar or supporting comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.21

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.7 Thresholds.

Summary of Comment on 45-Day Item: The commenters are in opposition to this proposal. Their concern is that a threshold discriminates against many users of wheelchairs.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. The proposed amendment aligns Chapter 11B with the 2010 ADA Standards for Accessible Design.

Name: HolLynn D'Lil, Connie Arnold

The following submitted substantially similar or supporting comments:

Jessica Bernard
Joanne Sharp
Guy Thomas
Susan Chandler
V. Vivona
Susan Privett
Savanah Adams
Sidney Cohen
Cody Williams
Mark Johnson
Keith Yokem
Vanessa Riles

Judith Smith
P. Mendoza
R. Goldkorn
K. Barajas
D. Moore
Richard Skaff
Bernadette Vilicich
Christy Crespin
Carol Bracco
Ben Rockwell
Susan Verde

ITEM 11B.22

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-610 Seats

11B-610.3 Shower compartment seats.

Summary of Comment on 45-Day Item: The commenters are in opposition to this proposal. Their concern is that a threshold discriminates against many users of wheelchairs.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments. The proposed amendment aligns Chapter 11B with the 2010 ADA Standards for Accessible Design.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.23

CHAPTER 11B

DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES

11B-703 Signs

11B-703.7 Symbols of accessibility.

11B-703.7.2 Symbols

11B-703.7.2.7 Pedestrian traffic-control buttons.

Summary of Comment on 45-Day Item: DRC opposes the repeal of this section and requests further study. DRC commented that this provision should remain in Chapter 11B until such time the CalTrans standards provide equivalent coverage.

DSA-AC Change to Accommodate: DSA-AC respectfully declines to amend its proposal in response to these comments.

Name: Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

The following submitted substantially similar or supporting comments:
Richard Skaff

ITEM 11B.24

CHAPTER 11B

DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS

11B-812 Electric vehicle charging stations

11B-812.8 Identification signs.

11B-812.8.7 Location.

Summary of Comment on 45-Day Item: DRC supports this proposal.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

N/A