

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

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.

Section: Government Code Section 4450.

California Government Code Section 4450 directs the State Architect to develop and submit proposed building standards to the California Building Standards Commission (CBSC) for approval and adoption pursuant to Health and Safety Code Section 18935 for the purpose of making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

This proposed regulatory action by DSA-AC will provide greater consistency and clarity for code users by:

- Repealing DSA-AC's adoption of the 2015 edition of the IBC.
 - Adopting selected portions of the 2018 edition of the IBC.
 - Carrying forward existing California accessibility amendments from the 2016 CBC into the 2019 CBC.
 - Amending existing California accessibility amendments.
 - Adopting new California accessibility amendments for adult changing facilities.
 - Codifying non-substantive editorial and formatting amendments.
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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 Application.

REASON:

- DSA is proposing to include the reference to Section 1.9.1.3 in Sections 1.9.1.1.1, 1.9.1.1.2 and 1.9.1.1.3. This amendment directs the code user to the definition in Chapter 2 for “*public housing*.” The definition, based on the American with Disabilities Act and the 2010 ADA Standards for Accessible Design, provides the clarity for the types of housing where Chapter 11B is applicable.
- DSA is proposing to repeal the reference to congregate residences and one- or two-family dwelling units in Section 1.9.1.1.3. Congregate residences and one- or two-family dwelling units are types of housing listed in the Chapter 2 definition of “*public housing*.” Congregate residences may also be regulated as a “place of public accommodation” when the use is a senior citizen center, homeless shelter or other social service center establishment. Therefore this language is redundant and inappropriate in this section.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

ITEM 1.02 – WITHDRAWN

ITEM 2.01 - WITHDRAWN

ITEM 2.02 - WITHDRAWN

ITEM 2.03

CHAPTER 2 - DEFINITIONS

SECTION 202 - DEFINITIONS

REASON:

DSA-AC is proposing to amend the definition of RISER for clarity and accuracy. A stair is commonly understood to have a landing at the top and a landing at the bottom with one or more risers between. The California Building Code definition of RISER defeats the common understanding of a stair because the definition distinguishes risers “between two adjacent stair treads.” Using this definition, the upright part between a tread and a landing is not recognized as a riser.

If a flight does not have risers, as defined, then it is not a stair, as defined, and handrails are not required. This is a problem because the 2010 ADA Standards for Accessible Design requires handrails at stairs with as few as one riser (as commonly understood). The proposed change will correct this issue and in turn, will require handrails at all stairs with as few as one riser.

DSA-AC is also proposing to repeal the adoption of the terms STEP and RISER. Their definitions are unnecessary as the ordinary dictionary meaning will suffice.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

ITEM 11B.01

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-203 General exceptions

11B-203.8 Residential facilities

REASON:

DSA is proposing to amend this section to delete the term “public housing.” This will provide for consistency in terminology with other sections of the code and remove redundant language.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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

REASON:

In the 2010 and prior editions of the CBC, scoping was provided for curb ramps at street intersections. DSA overlooked this section and did not bring it into the 2013 or 2016 codes. This code change proposal will restore the scoping requirement for curb ramps at street intersections.

CBSC-CAC Action: Short term further study.

DSA Response to CAC: Accepted. DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code.

Comments received at the Code Advisory Committee indicated the term “non-prohibited” was confusing. DSA has amended this section to provide an explicit exception for locations where pedestrian crossing is prohibited.

ITEM 11B.03

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-207 Accessible means of egress

11B-207.1 General

Exception 3

REASON:

DSA is proposing an amendment to include Exception 3 in Section 11B-207.1.

- This provision is currently in Chapter 10, Section 1009.1, Exception 1: “*Accessible means of egress are not required to be provided in existing buildings.*”
- This exception in Section 1009 of the 2015 International Building Code (IBC) has been relocated to Section 305.6 in the 2018 International Existing Building Code (IEBC). This section of the IEBC is not adopted by DSA for access compliance. The IBC is adopted as model code for fire/life safety therefore when the 2018 IBC is adopted this exception will not be in Chapter 10 of the California Building Code (CBC).
- By including Exception 3 in Section 11B-207.1 the provision will be carried forward and relocated in the 2019 CBC.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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

REASON:

DSA is proposing this code change as a related amendment to transfer type shower compartments.

- Where only one room is provided in transient lodging facilities either an accessible bathtub or transfer type shower compartment may be provided.
- In transient lodging facilities with 2 to 25 or 26 to 50 guest rooms the number of guest rooms with mobility features will align with the requirements of the 2010 ADAS and allow for either an accessible bathtub or transfer type shower compartment.
- The number of guest rooms with roll-in type showers required by the CBC is maintained in transient lodging facilities with 2 to 25 or 26 to 50 guest rooms.

- Including the requirements in the 2010 ADAS and maintaining the requirements in the CBC makes necessary an increase in the overall number of guest rooms with mobility features in both categories.
- This amendment also addresses questions from code users and will clarify where bathtubs and the various types of shower compartment are permitted.

CBSC-CAC Action: Further study.

DSA Response to CAC: Accepted. DSA has studied this item and has determined that no additional amendment to the table is necessary. 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.

ITEM 11B.05

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

11B-233 Public housing facilities

11B-233.1 General.

REASON:

DSA is proposing to amend this section to include the term “public housing” in the title of this section 11B-233.

Amending the title in the main section strengthens the link to the definition of “public housing” in Chapter 2.

The term “public housing” is proposed for deletion in the various scoping subsections to provide for consistency in terminology in other sections of the code and remove redundant language.

The phrase “*available for public use*” is proposed for repeal in the definition of public housing. The term lacks clarity for code users and is confused with the definition and requirements for places of public accommodation. The types of housing regulated as a place of public accommodation are facilities operated by private entities whose operation affect commerce and would not be considered public housing.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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.

REASON:

DSA is proposing to amend this section to delete the term public housing. This will provide for consistency in terminology in other sections of the code and remove redundant language.

An editorial change is proposed for Section 11B-233.3.1.2 to amend the reference to include Section 11B-233.3.1.2.6 for the site impracticality test.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

ITEM 11B.07 - WITHDRAWN

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.

REASON:

DSA is proposing to amend this section to delete “*public housing facility*.” The current provision limits the requirements to existing public housing facilities where additions are planned. An addition to an existing building may be undertaken as part of a program on behalf of a public entity that would then require compliance with Chapter 11B if the project meets the definition of public housing in Chapter 2. As written, existing facilities that are not public housing would be exempt from compliance with this section. The proposed amendment is also consistent with language in the 2010 ADA Standards for Accessible Design.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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.

REASON:

DSA is proposing the following amendments:

- DSA is proposing to delete the references to public housing facilities in Section 11B-233.3.4. The language as currently written would exempt alterations to existing buildings that are not public housing facilities. This allows for an alteration to existing buildings without triggering compliance with Chapter 11B. An existing building may not be a public housing facility; however the altered facility may meet the definition of public housing (by, for, or on behalf of a public entity). In addition this change aligns the language with the 2010 ADA Standards for Accessible Design that regulates alterations to existing buildings.
- DSA is proposing to amend Sections 11B-233.3.4, 11B-233.3.4.1, 11B-233.3.4.2 and related exceptions to delete the references to Chapter 11A, Division IV.
- A new Section 11B-233.3.4.3 is proposed to address alterations to residential dwelling units with adaptable features.
- In CBC editions prior to 2013 Section 1102A, that includes March 13, 1991 as the date that requires compliance with Chapter 11A, was adopted by DSA-AC for covered multi-family dwelling units. Currently DSA adopts Division IV of Chapter 11A for the dwelling unit features. In Division IV there is a note that requires compliance with Section 1102A which includes the trigger date of March 13, 1991 for alterations to covered multifamily dwelling units.
- DSA is proposing to make explicit the applicability of March 13, 1991 in Chapter 11B for alterations to multifamily dwelling units rather than by following the code path through Division IV in Chapter 11A. This proposed amendment aligns Chapter 11B with the Fair Housing Act Accessibility Guidelines.
- The exception in Section 11B-233.3.4.1, applicable to a building when reconstructed behind the shell of an existing building, is proposed for relocation under the new Section 11B-233.3.4.3. The phrase "*intended for use as public housing*" is proposed for repeal in the exception. This amendment aligns Chapter 11B with the requirements in Chapter 11A and the Fair Housing Act Accessibility Guidelines.

CBSC-CAC Action: Short term further study.

DSA Response to CAC: Accepted. DSA has gathered additional data from various building departments and housing successor agencies in response to a public commenter who remarked that the number of accessible units is diminished by this code change proposal. DSA has followed up with the commenter and has conducted additional research but has not been able to substantiate the commenter's assertion.

A representative from the California Department of Housing and Community Development (HCD) expressed that agency's support for this code change proposal at the code advisory committee hearing. HCD is the agency responsible for promulgating CBC, Chapter 11A Housing Accessibility which is based on the Fair Housing Act Guidelines.

The date of March 13, 1991, for covered multifamily housing constructed for first occupancy, is consistent with the requirements in the Fair Housing Act Guidelines. Covered multifamily dwelling must be maintained in compliance with the guidelines and are exempt from requirements for alterations.

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.

REASON:

DSA is proposing to amend this section to:

- Delete the reference to Chapter 11A. This section is specific to residential dwelling units with mobility features where an accessible route is required throughout the unit. In a multi-story dwelling unit with mobility features a residential elevator or platform lift is required to provide an accessible route to all finished floors within the dwelling unit. When the exception is used it allows for a single story residential dwelling unit to be provided in lieu of a multi-story residential dwelling unit. The single story unit must provide the same amenities as a multi-story dwelling unit. Chapter 11A requires an accessible route only to the primary entry of multi-story dwelling units in buildings with elevators or ten percent of multi-story dwelling units in buildings without elevators.
- Repeal the redundant language of *"In public housing facilities."* The main Section 11B-233.3 in the title and the opening provisions references public housing facilities. The continued use of *"public housing facilities"* in some cases also causes an unintended consequence and may relieve the requirement for compliance with Chapter 11B that is necessary.

This proposed amendment aligns Chapter 11B with the 2010 ADAS and the Fair Housing Act Accessibility Guidelines and will provide clarity and consistency for code users.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

ITEM 11B.11

CHAPTER 11B

DIVISION 2: SCOPING REQUIREMENTS

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

REASON:

2010 and prior editions of the CBC had scoping requirements for common use areas (various sections) and employee work areas (1123B and various sections). During the

2012 rulemaking cycle, DSA decided not to include scoping for common use and employee work areas because Section 11B-201.1 indicated “All areas...shall comply with these requirements.” which DSA understands to include common use areas and employee work areas. However, DSA has heard enough confusion on this issue to propose adding explicit scoping to clarify that common use areas and employee work areas are required to comply with the accessibility provisions of CBC Chapter 11B.

CBSC-CAC Action: Short term further study.

DSA Response to CAC: Accepted. DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. The CAC also suggested separating the scoping sections for common use areas and employee work areas. In response, DSA has reformatted the proposal to provide separate scoping sections.

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.

REASON:

DSA-AC is proposing new definitions, scoping and technical accessibility code requirements for adult changing facilities in response to Assembly Bill 662 (2015-2016) / California Health & Safety Code §19952.5. Consistent with statute, this proposal requires an adult changing facility at newly constructed commercial places of public amusement, as defined. This proposal also provides specific requirements for other adult changing facilities that are optionally provided. DSA convened an Adult Changing Facility Task Force which met five times in 2017 to solicit input on the scoping and technical requirements for these facilities.

CBSC-CAC Action: Approve as amended for definitions; short term further study for balance of items.

DSA Response to CAC: Accepted. DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code; this includes use of the term “maximum occupancy.” The CAC made several additional suggestions to improve clarity of the language and DSA has amended the express terms to address these issues.

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

REASON:

Existing section 11B-404.2.11 requires the bottom of at least one glazed panel on a door, where provided, be located 43 inches maximum above the finish floor. This height allows use of the vision panel by individuals seated in wheelchairs. Within detention and correctional facilities, vision panels are used by security personnel to make visual security checks into areas; these panels are not provided to permit other types of viewing. The existing exception for glazing panels, with the lowest part at more than 66 inches, is not adequate as correctional officers of lower stature would not be able to perform their duties of viewing into areas.

DSA-AC is proposing to add an exception to allow vision lights designed to be used only by security personnel. This proposed exception would allow for vision panels to be located higher than what the current code provision permits. Vision panels are essential functional elements of the security personnel's work area. The ADA Standards require compliance with limited accessibility provisions in employee work areas and typically do not apply to work elements used solely by employees. This proposal addresses the design of vision panels used only by security personnel for work and complies with the 2010 ADA standards for Accessible Design.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

ITEM 11B.14

CHAPTER 11B

DIVISION 4: ACCESSIBLE ROUTES

11B-405 Ramps

11B-405.9 Edge protection.

11B-405.9.2 Curb or barrier.

REASON:

During the 2012 Rulemaking Cycle, DSA-AC carried forward existing requirements for ramp edge protection curbs to be 2 inches high minimum, and combined this language with language from the 2010 ADA Standards for Accessible Design (ADAS) 405.9.2 which addressed the same element. Subsequently, DSA has received comments that the 2 inches high language can lead to designs that don't comply with the 2010 ADAS which require a curb or barrier which prevents a 4 inches diameter sphere from passing within 4 inches of the ramp surface. While it is possible to combine a 2 inches high curb with other elements such as a rail to comply prevent the 4 inch diameter sphere from passing within 4 inches of the ramp surface, some may interpret the current language to allow a 2 inches

high curb without other elements being provided in combination. This interpretation is inaccurate; a 4 inches high curb without other elements being provided in combination would be required to prevent a 4 inches diameter sphere from passing within 4 inches of the ramp surface. DSA-AC is proposing to amend the first sentence in this section to be consistent with 2010 ADAS 405.9.2 for greater clarity.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

ITEM 11B.15

CHAPTER 11B

DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS

11B-502 Parking spaces

11B-502.5 Vertical clearance.

Exception

REASON:

Existing section 11B-502.5 requires a vertical clearance of 98 inches for accessible parking spaces, access aisles and vehicular routes serving them. This section applies to van and car accessible parking in new and existing conditions. Vertical clearance in existing multi-story parking facilities is often inadequate to provide strict compliance with this requirement and requires the building official to determine the existing condition is technically infeasible to allow accessible parking with a vertical clearance lower than 98 inches.

DSA-AC is proposing to add an exception to allow a lower vertical clearance of 80 inches minimum for car accessible (but not van accessible) parking spaces, access aisles, and vehicle routes serving them in existing multi-story parking facilities. This proposal requires existing vertical clearances in excess of 80 inches and less than 98 inches to be maintained without reduction to provide the greatest vertical clearance possible in these existing facilities. 80 inches minimum vertical clearance at car accessible parking spaces, access aisles and vehicular routes serving them complies with the 2010 ADA Standards for Accessible Design.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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.

REASON:

DSA-AC is proposing to amend Section 11B-604.8.1.2 and Figure 11B-604.8.1.2 to revise the required location for out-swinging toilet compartment doors in the side wall or partition of an accessible toilet compartment. The current provisions require the door to be 4 inches maximum from the front partition. This proposal allows the toilet compartment door to be located in a variety of locations in the side wall or partition while maintaining equal or greater accessibility than the current CBC Chapter 11B requirements and the 2010 ADA Standards for Accessible design.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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.

REASON:

DSA is proposing this code change in response to users of mobility devices who prefer this type of shower stall. By not allowing the use of a transfer shower, in facilities regulated by Chapter 11B, persons with disabilities are denied an option that may better meet their needs. The transfer type shower stall allows for the mobility device to be placed outside of the wet area while using the shower compartment and provides for controls that are within reach range when seated. This amendment, if approved, will align the provisions for a transfer type shower compartment in Chapter 11B with the 2010 ADAS.

The provisions limiting the locations where transfer type shower compartments are permitted is in response to the comments of the Code Advisory Committee members for this item. A committee member asked if transfer type showers would be allowed in medical facility patient rooms. As proposed a roll-in shower is required where showers are provided in medical facility patient rooms.

CBSC-CAC Action: Further study.

DSA Response to CAC: Accepted. DSA has studied this item and has included scoping to clarify locations where transfer type shower compartments are allowed and where roll-in type showers are required.

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.

REASON:

DSA is proposing this code change as a related amendment to Section 11B-608.2.1 to address the requirements for grab bars in transfer type showers.

CBSC-CAC Action: Further study.

DSA Response to CAC: Accepted. DSA has studied this code change proposal and has determined that an elevation is not necessary to illustrate the requirements for this code section. The comments made in reference to related sections have been studied and addressed.

ITEM 11B.19

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.4 Seats.

REASON:

DSA is proposing this code change as a related amendment to Section 11B-608.2.1 to address the requirements for seats in transfer type showers.

CBSC-CAC Action: Further study.

DSA Response to CAC: Accepted. No comments were made specific to this code change proposal. The comments made in reference to related sections have been studied and addressed.

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

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.5 Controls.

REASON:

DSA is proposing two amendments to this section.

- The first amendment addresses controls that are a single lever design. Other types of controls such as a push button could meet the requirements for operable parts that are referenced to Section 11B-309.4. Therefore DSA is proposing to repeal the requirement that controls shall be a single lever design.
- The second amendment DSA is proposing is related the code change proposal in Section 11B-608.2.1 to provide the requirements for controls in transfer type showers.

CBSC-CAC Action: Approve as Submitted. 11B-608.5

DSA Response to CAC: Accepted.

CBSC-CAC Action: Further Study. 11B-608.5.1

DSA Response to CAC: Accepted. DSA has determined, after further study, to retain the code change proposal with the location of the shower controls as written. The location of the shower controls as proposed is consistent with the; 2010 ADA Standards for Accessible Design, Uniform Federal Accessibility Standards, Fair Housing Act Design Manual and the California Plumbing Code.

ITEM 11B.21

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.7 Thresholds.

REASON:

DSA is proposing this code change as a related amendment to Section 11B-608.2.1 to address the requirements for thresholds in transfer type showers.

CBSC-CAC Action: Further study.

DSA Response to CAC: Accepted. No comments were made specific to this code change proposal. The comments made in reference to related sections have been studied and addressed.

ITEM 11B.22

CHAPTER 11B

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-610 Seats

11B-610.3 Shower compartment seats.

REASON:

DSA is proposing this code change as a related amendment to Section 11B-608.2.1 to address the requirements for seats in transfer type showers.

CBSC-CAC Action: Further study.

DSA Response to CAC: Accepted. No comments were made specific to this code change proposal. The comments made in reference to related sections have been studied and addressed.

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.

REASON:

DSA has received legal advice that regulation of pedestrian traffic-control buttons is not within its authority to write building code provisions for accessibility. Rather, items such as pedestrian traffic control buttons are traffic control devices and properly regulated by the California Manual on Uniform Traffic Control Devices (CA MUTCD) which is maintained by the California Department of Transportation (CalTrans). Accordingly, DSA-AC is proposing to strike Section 11B-703.7.2.7.

DSA-AC notes that the CA MUTCD Chapter 4E provides standards and guidance for pedestrian control features, including Section 4E.12 (Accessible Pedestrian Signals and Detectors – Tactile Arrows and Locator Tones). This section requires pushbuttons to clearly indicate by means of tactile arrows which crosswalk signal is actuated by each pushbutton, tactile arrow location on the pushbutton, high visual contrast (light on dark or dark on light), and alignment parallel to the direction of travel on the associated crosswalk.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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.

REASON:

Current requirements in Section 11B-812.8.7 for identification signs at electric vehicle charging stations include language to provide for a minimum vertical clearance of 80 inches for signs located within an accessible route. This requirement is inconsistent with Section 11B-307.3 (Protruding objects, post-mounted objects) which provides protection

when signs are located in circulation paths. DSA-AC is proposing to amend Section 11B-812.8.7 to provide greater protection for people with people with visual disabilities consistent with the existing requirements in Section 11B-307.3.

CBSC-CAC Action: Approve as submitted.

DSA Response to CAC: Accepted.

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; Section 18928 of the Health & Safety Code mandates this proposed 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 2016 California Building Code. Accessibility is required by the federal Americans with Disabilities Act and corresponding California statute 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 or not and to what extent this proposal will affect the following:

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

The DSA-AC 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 DSA-AC has determined that the proposed action has no effect.

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

The DSA-AC 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 DSA-AC has determined that the proposal establishes 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.