

**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 01-19)

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.

The Division of the State Architect has not relied on any data, studies, reports, or similar document that was not identified in the Initial Statement of Reasons.

The Division of the State Architect held a 15-Day public comment period to address conflicting and incomplete rationale included in the 45-Day Statement of Reasons. The revised language published in the 15-Day document was intended to help the public better understand the nature of changes proposed in Items 11B.09 and 11B.19. Five comments were submitted during the 15-Day public comment period; these comments are presented within this section – separate from the 45-Day comments – since the 15-Day revisions address only the Statement of Reasons and not the Express Terms.

Regarding Item 11B.09,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-211 Drinking fountains,
11B-211.4 Bottle filling stations.**

Provides scoping provisions for bottle filling stations with an exception for detention and correctional facilities.

Commenter(s): Liliana Vasquez

Commenter(s) Recommendation: 15-Day Comment - Support

Agency Response: Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.09,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS***

**Section 11B-211 Drinking fountains,
11B-211.4 Bottle filling stations.**

Provides scoping provisions for bottle filling stations with an exception for detention and correctional facilities.

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

Commenter(s) Recommendation: 15-Day Comment - The commenter recommends removing the exception. There is no legitimate reason to deny accessible features to staff members, attorneys, medical personnel and others who may work in or visit these portions of the facilities.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. These comments do not address the 15-Day comment period amendment to the initial statement of reasons.

Regarding Item 11B.19,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS***

Section 11B-250 Circulation.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Liliana Vasquez

Commenter(s) Recommendation: 15-Day Comment - Support

Agency Response: Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Bill Zellmer, Sutter Health

Commenter(s) Recommendation: 15-Day comment - A 4 inch raised circulation path at medical facilities presents a significant hazard for those with medical conditions that make it difficult to move their legs, knees, hips, etc.

Agency Response: Agency Response: DSA respectfully declines to amend its proposal in response to these comments. These comments do not address the 15-Day comment period amendment to the initial statement of reasons.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Michal Healy, Santa Clara Unified School District

Commenter(s) Recommendation: 15-Day Comment - Please consider adding graphics to the code sections where truncated domes may be placed in relation to curbs, access pathways and vehicle pathways.

Agency Response: Agency Response: DSA respectfully declines to amend its proposal in response to these comments. While these comments do not address the 15-Day comment period amendment to the initial statement of reasons, DSA will retain and may consider this proposal in a future rulemaking.

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.

Proposed amendments clarify existing accessibility requirements of the CBC.

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.

Regarding 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.

1.9.1.3 Application of Final Express Terms.

Amend to cite the proper Government Code Section for DSAs authority to regulate public housing and direct the code user to the definition of public housing.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.01,

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*BLENDED TRANSITION*) of Final Express Terms.

This proposal replaces the term “pedestrian access route” with “circulation path,” and includes additional amendments for clarity.

Commenter(s): Alejandra Warner, City of San Diego

Commenter(s) Recommendation: Use definition that does not conflict with the Public Right of Way Guidelines.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The commenter asserts conflict but does not identify specific conflict between the proposed code change to the California Building Code definition of “blended transition” and the Public Right-of-Way Accessibility Guidelines definition of the same term. DSA acknowledges the differences between the definitions but is

unaware of any conflict. DSA maintains these differences are necessary within the context of the California Building Code accessibility provisions which do not include regulations for street crossings or pedestrian access routes.

Regarding Item 2.01,

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*BLENDED TRANSITION*) of Final Express Terms.

This proposal replaces the term “pedestrian access route” with “circulation path,” and includes additional amendments for clarity.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.02,

CHAPTER 2 - DEFINITIONS

Section 202 – DEFINITIONS (*BOTTLE FILLING STATION*) of Final Express Terms.

DSA is proposing to provide a definition in California Building Code Chapter 2 for bottle filling stations based on the definition currently in the California Plumbing Code.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.03

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*CIRCULATION PATH*) of Final Express Terms.

This proposal clarifies that a circulation path describes all prepared surfaces for pedestrian travel, accessible and non-accessible, and includes an additional amendment for clarity.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Include “corridor” in this definition. Corridors are also circulation paths.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. A corridor may be considered as a “circulation path.” However, it is not DSA’s intent to list every element that may be a circulation path. The list of examples of circulation paths in the existing definition and proposed amendments is a non-exclusive list; other elements may be circulation paths as well as the listed elements.

Regarding Item 2.03

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*CIRCULATION PATH*) of Final Express Terms.

This proposal clarifies that a circulation path describes all prepared surfaces for pedestrian travel, accessible and non-accessible, and includes an additional amendment for clarity.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Include “crosswalks”, “sidewalks” or “pedestrian crossings” in this definition. Corridors are also circulation paths. Crosswalks, which are the extension of sidewalks and walks over vehicular roadways, are often overlooked as being part of pedestrian circulation paths.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. “Sidewalks” is proposed by DSA to be listed among the examples of elements that are considered as a “circulation path.” However, it is not DSA’s intent to list every element that may be a circulation path. The list of examples of circulation paths in the existing definition and proposed amendments is a non-exclusive list; other elements may be circulation paths as well as the listed elements. Crosswalks and pedestrian crossings over public vehicular roadways are not within the California Building Code’s scope of application as described in Chapter 1, Division I, Section 1.1.3 and Division II, Section 101.2.

Regarding Item 2.03

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*CIRCULATION PATH*) of Final Express Terms.

This proposal clarifies that a circulation path describes all prepared surfaces for pedestrian travel, accessible and non-accessible, and includes an additional amendment for clarity.

Commenter(s): Stubbie Barr, Independent Accessibility Advocate

Commenter(s) Recommendation: Include “crosswalks”, and “pedestrian crossings” in this definition. Corridors are also circulation paths. Crosswalks, which are the extension of sidewalks and walks over vehicular roadways, are often overlooked as being part of pedestrian circulation paths.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The list of examples of circulation paths in the existing definition and proposed amendments is a non-exclusive list; other elements may be circulation paths as well as the listed elements. Crosswalks and pedestrian crossings over public vehicular roadways are not within the California Building Code's scope of application as described in Chapter 1, Division I, Section 1.1.3 and Division II, Section 101.2.

Regarding Item 2.03

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*CIRCULATION PATH*) of Final Express Terms.

This proposal clarifies that a circulation path describes all prepared surfaces for pedestrian travel, accessible and non-accessible, and includes an additional amendment for clarity.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.04,

CHAPTER 2 - DEFINITIONS

Section 202 – DEFINITIONS (*CURB RAMP*) of Final Express Terms.

This proposal amends the definition of “curb ramp” to replace the term “pedestrian way” with the term “prepared surface.”

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.05,

CHAPTER 2 – DEFINITIONS

Section 202 – DEFINITIONS (*DETECTABLE WARNING*) of Final Express Terms.

This change better describes the intended purpose of detectable warnings.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.06,

CHAPTER 2 - DEFINITIONS

Section 202 – DEFINITIONS (*DRIVE AISLE*) of Final Express Terms.

This proposal adds a new definition for “drive aisle.” This term is used in proposed language in Section 11B-250 and the definition of “vehicular area.”

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.07,

CHAPTER 2 - DEFINITIONS

Section 202 – DEFINITIONS (*DRIVEWAY*) of Final Express Terms.

This proposal adds a new definition for “driveway.” This term is used in proposed language in Section 11B-250 and the definition of “vehicular area.”

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.08,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PEDESTRIAN WAY*) of Final Express Terms.

This proposal rescinds the Division of the State Architect’s adoption of the definition for “pedestrian way.” The term “circulation path” provides greater specificity and is consistent with terminology used in the 2010 ADA Standards for Accessible Design.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.09,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC HOUSING*) of Final Express Terms.

This proposal clarifies the definition of “public housing” by repealing redundant language and adding a note to provide code users guidance on programs that provide housing.

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

Commenter(s) Recommendation: Support

The following commenters and organizations are represented by Disability Rights California as being in support of this proposal:

Nancy McPherson, State Director
AARP California

Anthony Tusler,
About Disability

Jordan Lindsey, Executive Director
The Arc California

Jia Min Cheng, Senior Staff Attorney
Bay Area Legal Aid

Ralph Black
Sacramento, California

William F. Pickel, CEO
Brilliant Corners

Pat McGinnis, Executive Director
California Advocates for Nursing Home Reform (CANHR)

Judy Wilkinson, President
California Council of the Blind

Jeff Thom, Governmental Affairs
Director

California Council of the Blind

Christina Mills, Executive Director

California Foundation for Independent Living Centers (CFLIC)

Lilibeth Navarro, Founder & Executive Director

Communities Actively Living Independently & Free (CALIF)

Sharon L. Rapport, Director,
California State Policy Corporation for Supportive Housing

Ardys DeLu, MSW

Rebecca Williford, Managing Attorney
Disability Rights Advocates

Susan Henderson, Executive Director
Disability Rights Education and Defense Fund (DREDF)

Sydney Pickern, Staff Attorney
Disability Rights Education and Defense Fund (DREDF)

Christopher H. Knauf, Director of
Litigation

Disability Rights Legal Center

HolLynn D’Lil

Coalition of Disability Access
Professionals

Erin Scott, Executive Director
Family Violence Law Center

Caroline Peattie, Executive Director
Fair Housing Advocates of Northern
California

Sheela Gunn Cushman, Individual

Lindsay Imai Hong, CA Director
Hand in Hand: The Domestic Employers
Network

David Zisser, Associate Director
Housing California

Darin Lounds, Executive Director
Housing Consortium of the East Bay

Scott Chang, Director of Litigation
Housing Right Center

Nancy Becker Kennedy, Co-Founder
IHSS Consumers Union

Norma Jean Vescovo, Interim
Executive Director
Independent Living Center of Southern
California

Jan Lemucchi, Resource Development
Manager
Independent Living Center of Kern
County

Amber Christ, Directing Attorney
Justice in Aging

Claire Ramsey, Senior Staff Attorney
Justice in Aging

Allie Cannington, Manager of
Advocacy & Organizing
The Kelsey

Michelle Uzeta, Esq.

Law Office of Michelle Uzeta

Ian Nevarez, Associate Director
Lanterman Housing Alliance

Denise McGranaham, Senior Attorney
Legal Aid Foundation of Los Angeles

Susan Corry, Founder
Lively Hood Housing

Tim Elder, President
National Federation of the Blind of
California

Renee Williams, Staff Attorney
National Housing Law Project

Melissa A. Morris, Staff Attorney
Public Interest Law Project

Ugochi-Anaebere-Nicholson, Directing
Attorney
Public Law Center

April Marie Wick, Executive Director
Resources for Independent Living

Aaron Carruthers, Executive Director
State Council on Developmental
Disabilities

Madeline Howard, Senior Attorney
Western Center on law & Poverty

Peter Mendoza, Chairperson
State Independent Living Council

Carol Wolfington, Individual

Natalie Byrne, Individual

Margie Donovan, Individual

Darryl Evans, Individual

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.09,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC HOUSING*) of Final Express Terms.

This proposal clarifies the definition of “public housing” by repealing redundant language and adding a note to provide code users guidance on programs that provide housing.

Commenter(s): Robert Raymer, California Building Industry Association (CBIA)

Commenter(s) Recommendation: Support

The following coalition of organizations is submitted by Robert Raymer as being in support of this proposal:

American Institute of Architects

California Apartment Association

California Association of Realtors

California Business Properties Association

Building Owners and Managers Association of California

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.09,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC HOUSING*) of Final Express Terms.

This proposal clarifies the definition of “public housing” by repealing redundant language and adding a note to provide code users guidance on programs that provide housing.

Commenter(s): Tim McCormick California Building Officials (CALBO)

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.09,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC HOUSING*) of Final Express Terms.

This proposal clarifies the definition of “public housing” by repealing redundant language and adding a note to provide code users guidance on programs that provide housing.

Commenter(s): Bill Hecker, AIA, Hecker Design, LLC

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.09,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC HOUSING*) of Final Express Terms.

This proposal clarifies the definition of “public housing” by repealing redundant language and adding a note to provide code users guidance on programs that provide housing.

Commenter(s): Richard Skaff, Executive Director, Designing Accessible Communities

Commenter(s) Recommendation: Support

The following submitted substantially similar supporting comments:

Ellen Buckingham RN, CDDN

Roger D. Petersen

Stephanie Watts

Terri McDonald

Ashley Hernandez

Jullian Cassianis

Howard Chabner

Ruby Elaine Edgar

Susan Verde

Chandra Hauptman

Joe Green

Regina Brink,

President

ACB Capital Chapter of the California
Council of the Blind

William Hanifan

Scott Richmond,

Association of California State
Employees with Disabilities

Walter Park,

Founding Director, SF Mayor’s Office on
Disability, Retired

Jay Allen,

Chair, California Agencies for the Blind
& Visually Impaired

Caroline Peattie

Executive Director

Fair Housing Advocates of Northern
California

Belinda Stradley

Donna Brown

Zach Karnazes

Nikki Diaz

Randy Hicks,

Vice President, Californians for
Disability Rights Inc.

Ardys DeLu, MSW

Terri McDonald

Gloria Aceves

Stephanie Watts

Debra Thompson

Laura Hagerty

Connie Arnold

Disability Right Advocate

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 2.09,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC HOUSING*) of Final Express Terms.

This proposal clarifies the definition of “public housing” by repealing redundant language and adding a note to provide code users guidance on programs that provide housing.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Eliminate Items four and five in the public housing definition. Transient lodging and housing may be publicly or privately funded.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The definitions of public housing and a place of public accommodation are the starting point when scoping the various types of housing regulated by Chapter 11B. These definitions clarify which facilities are privately funded and facilities that covered under programs on behalf of a public entity. After determining the applicability of the definitions the scoping and technical sections address the requirements for the various types of housing regulated by Chapter 11B.

Regarding Item 2.10,

CHAPTER 2 - DEFINITIONS

Section 202 DEFINITIONS (*PUBLIC USE*) of Final Express Terms.

Repeal of the term “*public use is the provision of housing programs*” is being proposed in conjunction with the overall proposed code changes for the various public housing provisions in California Building Code Chapter 11B and Chapter 1, Section 1.9.1.3. The terminology proposed for repeal is unnecessary and confusing.

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

Commenter(s) Recommendation: Support only if the definition of “public housing” is adopted.

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.01,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

Section 11B-202 Existing buildings and facilities

11B-202.4 Path of travel requirements in alterations, additions and structural repairs. of Final Express Terms.

This proposal clarifies that “primary function” is a major activity for a facility.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.02,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS,
COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-203 General exceptions,
11B-203.8 Residential facilities. of Final Express Terms.**

Reference to Chapter 11A, Division IV repealed and replaced with reference to Sections 11B-809 through 11B-809.12.

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

Commenter(s) Recommendation: Approve as amended - Replace “and adaptable features” with “or residential dwelling units required to provide adaptable features.

Additional comment urges future analysis of this section to indicate common areas that are available to other residents should be equally available to people with disabilities; and that floors serving accessible dwelling units must have the same common features equitably distributed.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. Maintaining the “and” between conditional language for dwelling units with mobility features and those with adaptable features continues the unintended effect of applying the provisions of this section only when both types of units are provided on a floor. DSA intends the provisions of this section apply when either type of unit is provided on a floor.

Regarding Item 11B.03,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-205 Operable parts,
11B-205.1 General of Final Express Terms.**

Provides requirements for electrical outlets in residential dwelling units at corner work surfaces to alleviate conflict with the electrical code.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.03,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-205 Operable parts,
11B-205.1 General of Final Express Terms.**

Provides requirements for electrical outlets in residential dwelling units at corner work surfaces to alleviate conflict with the electrical code.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Replace “work surface” with “counter” and require only one outlet to be within reach range at corner work surfaces.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The term “work surface” is generally used in the scoping and technical sections applicable to residential dwelling units. Replacing the term “work surface” with “counter” at only this location would cause confusion. This proposal is intended to alleviate the conflict with the electrical code that requires outlets at 4 feet apart at inside corners. It also addresses the requirement in the Fair Housing Accessibility Guidelines for an outlet located three feet from a wall that puts one outlet in this location within an accessible reach range.

Regarding Item 11B.03,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-205 Operable parts,
11B-205.1 General of Final Express Terms.**

Provides requirements for electrical outlets in residential dwelling units at corner work surfaces to alleviate conflict with the electrical code.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Exception 9 does not seem to be an exception. It specifies where one receptacle should be located at a corner. Omit the words “shall be” for clarity.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The opening paragraph in this section provides the general requirement for operable parts to comply with Section 11B-309. Exception 9 alleviates

that requirement and therefore is an exception the general requirement. Omitting “shall be” in the exception would not require an outlet at 36 inches from the wall which is in a reach range that is accessible.

Regarding Item 11B.04,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS***

Section 11B-206 Accessible routes

11B-206.2 Where required,

11B-206.2.3 Multi-story buildings and facilities

Exception 4 of Final Express Terms.

Reference to Chapter 11A, Division IV repealed and replaced with reference to Sections 11B-809 through 11B-809.12.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.05,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS***

Section 11B-206 Accessible routes,

11B-206.7 Platform lifts,

11B-206.7.6 Guest rooms and residential dwelling units of Final Express Terms.

Reference to Chapter 11A, Division IV repealed and replaced with reference to Sections 11B-809 through 11B-809.12.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.06,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-208 Parking spaces,
11B-208.1 General of Final Express Terms.**

Provides requirements for electric vehicle chargers to be installed at an accessible parking space assigned to a resident.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.07,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-208 Parking spaces,
11B-208.2 Minimum number,
11B-208.2.3 Residential facilities of Final Express Terms.**

Repeals note to provide accessible parking space at the request of resident that is operational and not enforceable by building officials.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.08,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-208 Parking spaces,
11B-208.3 Location,
11B-208.3.2 Residential facilities of Final Express Terms.**

Reference to Chapter 11A, Division IV repealed and replaced with reference to Sections 11B-809 through 11B-809.12.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.09,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-211 Drinking fountains,
11B-211.4 Bottle filling stations. of Final Express Terms.**

Provides scoping provisions for bottle filling stations with an exception for detention and correctional facilities.

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

Commenter(s) Recommendation: The commenter recommends removing the exception. There is no legitimate reason to deny accessible features to staff members, attorneys, medical personnel and others who may work in or visit these portions of the facilities.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. Section 11B-203.7 alleviates the requirement for accessibility in detention and correctional facilities in the common use areas used only by inmates or security personnel. The exception in Section 11B-211.4 reiterates the requirements in Section 11B-203.7.

Regarding Item 11B.10,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-224 Transient lodging guest rooms, housing at a place of education and social service center establishments,
11B-224.8 Social service center establishments of Final Express Terms.**

Reference to Section 11B-224.6 is repealed to alleviate conflict with 2010 ADA Standards for Accessible Design and clarify the scoping requirements for social service center establishments.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.10,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-224 Transient lodging guest rooms, housing at a place of education and social service center establishments,
11B-224.8 Social service center establishments of Final Express Terms.**

Reference to Section 11B-224.6 is repealed to alleviate conflict with 2010 ADA Standards for Accessible Design and clarify the scoping requirements for social service center establishments.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.11,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-226 Dining surfaces and work surfaces
11B-226.4 Baby changing tables. of Final Express Terms.**

The term “baby diaper changing stations” is proposed to replace “baby changing tables” to alleviate confusion with California Government and Health and Safety Code.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.12,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-228 Depositories, vending machines, change machines, mail boxes, fuel dispensers, and electric vehicle charging stations,
11B-228.2 Mail boxes of Final Express Terms.**

Reference to Chapter 11A, Division IV repealed and replaced with reference to Sections 11B-809 through 11B-809.12.

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

Commenter(s) Recommendation: The commenter recommends reviewing the language in the next rulemaking cycle. Chapter 11A requires accessible mailboxes in elevator buildings and for ground floor units. The second sentence can be read to override the first sentence rather than making clear that 5% is the required minimum.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The provisions for mail boxes is sourced from the 2010 ADA Standards for Accessible Design. The opening paragraph in this section addresses the locations where mail boxes are provided in areas other than residential facilities. The requirements then provide a more specific requirement for mail boxes in residential facilities. The California amendment in this section requires that mail boxes must be provided for accessible units with adaptable features in addition to the residential dwelling units with mobility features. The requirement for accessible mail boxes to be provided for ground floor accessible dwelling units with adaptable features is consistent with the Fair Housing Accessibility Guidelines.

Regarding Item 11B.13,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-228.3.2 Minimum Number of Final Express Terms.

NOTICE TO THE READER: Items 11B.13, 11B.27, and 11B.44 regarding scoping and technical requirements for electric vehicle charging stations will be heard at the California Building Standards Commission's meeting tentatively scheduled for August 13-14, 2020. These items will not be heard at the commission's meeting tentatively scheduled for July 13, 14 & 15.

Regarding Item 11B.14,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-233 Residential facilities,
11B-233.3 Public housing facilities of Final Express Terms.**

Provides note for senior citizen housing regulated by the California Civil Code and repeals reference to Chapter 11A, Division IV that is replaced with reference to Sections 11B-809 through 11B-809.12.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.14,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**Section 11B-233 Residential facilities,
11B-233.3 Public housing facilities of Final Express Terms.**

Provides note for senior citizen housing regulated by the California Civil Code and repeals reference to Chapter 11A, Division IV that is replaced with reference to Sections 11B-809 through 11B-809.12.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Provide a note to clarify that housing at a place of education and social service center establishments must comply with Section 11B-233.3 whether public or private.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The definitions of public housing and a place of public accommodation are the starting point when determining the various types of housing regulated by Chapter 11B. These definitions clarify which facilities are privately funded and facilities that covered under programs to provide housing on behalf of a public entity. After determining the applicability of the definitions the scoping and technical sections address the requirements for the various types of housing regulated by Chapter 11B.

Regarding Item 11B.15,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS,
COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section of 11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.1 Minimum number: new construction.

11B-233.3.1.2 Residential dwelling units with adaptable features.

11B-233.3.1.2.6 Public housing facility site impracticality.

11B-233.3.1.2.6.1 Single building with one common (lobby) entrance.

11B-233.3.1.2.6.2 Test number one, individual building test

11B-233.3.1.2.6.3 Test number two, site analysis test

11B-233.3.1.2.6.4 Test number three, unusual characteristics test

11B-233.3.1.2.6.5 Additional requirements of Final Express Terms.

Incorporates the provisions for site impracticality tests into Chapter 11B previously adopted by DSA.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.16,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.2 Residential dwelling units for sale of Final Express Terms.

Provides scoping provisions from the United States Code of Federal Regulations, 28 CFR Part 35, Section 35.151(j)(2) for facilities with residential dwelling units that will be offered for sale to individual owners.

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

Commenter(s) Recommendation: Support

The following commenters and organizations are represented by Disability Rights California as being in support of this proposal:

Nancy McPherson, State Director

AARP California

Anthony Tusler,

About Disability

Jordan Lindsey, Executive Director

The Arc California
Jia Min Cheng, Senior Staff Attorney
Bay Area Legal Aid
Ralph Black
Sacramento, California
William F. Pickel, CEO
Brilliant Corners
Pat McGinnis, Executive Director
California Advocates for Nursing Home
Reform (CANHR)
Judy Wilkinson, President
California Council of the Blind
Jeff Thom, Governmental Affairs
Director
California Council of the Blind
Christina Mills, Executive Director
California Foundation for Independent
Living Centers (CFLIC)
Lilibeth Navarro, Founder & Executive
Director
Communities Actively Living
Independently & Free (CALIF)
Sharon L. Rapport, Director,
California State Policy
Corporation for Supportive Housing
Ardys DeLu, MSW
Rebecca Williford, Managing Attorney
Disability Rights Advocates
Susan Henderson, Executive Director
Disability Rights Education and Defense
Fund (DREDF)
Sydney Pickern, Staff Attorney
Disability Rights Education and Defense
Fund (DREDF)
Christopher H. Knauf, Director of
Litigation
Disability Rights Legal Center
HolLynn D'Lil
Coalition of Disability Access
Professionals
Erin Scott, Executive Director
Family Violence Law Center

Caroline Peattie, Executive Director
Fair Housing Advocates of Northern
California
Sheela Gunn Cushman, Individual
Lindsay Imai Hong, CA Director
Hand in Hand: The Domestic Employers
Network
David Zisser, Associate Director
Housing California
Darin Lounds, Executive Director
Housing Consortium of the East Bay
Scott Chang, Director of Litigation
Housing Right Center
Nancy Becker Kennedy, Co-Founder
IHSS Consumers Union
Norma Jean Vescovo, Interim
Executive Director
Independent Living Center of Southern
California
Jan Lemucchi, Resource Development
Manager
Independent Living Center of Kern
County
Amber Christ, Directing Attorney
Justice in Aging
Claire Ramsey, Senior Staff Attorney
Justice in Aging
Allie Cannington, Manager of
Advocacy & Organizing
The Kelsey
Michelle Uzeta, Esq.
Law Office of Michelle Uzeta
Ian Nevarez, Associate Director
Lanterman Housing Alliance
Denise McGranaham, Senior Attorney
Legal Aid Foundation of Los Angeles
Susan Corry, Founder
Lively Hood Housing
Tim Elder, President
National Federation of the Blind of
California
Renee Williams, Staff Attorney

National Housing Law Project
Melissa A. Morris, Staff Attorney
Public Interest Law Project
Ugochi-Anaebere-Nicholson, Directing
Attorney
Public Law Center
April Marie Wick, Executive Director
Resources for Independent Living

Aaron Carruthers, Executive Director
State Council on Developmental
Disabilities
Madeline Howard, Senior Attorney
Western Center on law & Poverty
Carol Wolfington, Individual

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.16,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.2 Residential dwelling units for sale of Final Express Terms.

Provides scoping provisions from the United States Code of Federal Regulations, 28 CFR Part 35, Section 35.151(j)(2) for facilities with residential dwelling units that will be offered for sale to individual owners.

Commenter(s): Robert Raymer, California Building Industry Association (CBIA)

Commenter(s) Recommendation: Support

The coalition of organizations is submitted by Robert Raymer as being in support of this proposal:

American Institute of Architects
California Apartment Association
California Association of Realtors
California Business Properties Association
Building Owners and Managers Association of California

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.17,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.4 Residential dwelling units for sale of Final Express Terms.

Repeals redundant term “public housing facilities”. The current provision limits the requirements to existing public housing facilities where alterations are planned.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.18,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-247 Detectable warnings and detectable directional texture

11B-247.1 Detectable warnings.

11B-247.1.2 Where required.

11B-247.1.2.5 Hazardous vehicular areas of Final Express Terms.

Repeals the term “hazardous vehicular areas”. Incorporates the provisions for blended transitions.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.18,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-247 Detectable warnings and detectable directional texture

11B-247.1 Detectable warnings.

11B-247.1.2 Where required.

11B-247.1.2.5 Hazardous vehicular areas of Final Express Terms.

Repeals the term “hazardous vehicular areas”. Incorporates the provisions for blended transitions.

Commenter(s): Michael Ellars

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Eugene Lozano Jr., Committee on Access and Transportation, California Council of the Blind, Inc.

Commenter(s) Recommendation: Support and approve with amendment to add an Exception 6 that allows existing transitions between non-raised circulations paths and vehicular traffic may remain when detectable warnings complying with Section 11B-247 and 11B-705.1 are provided.

The following submitted substantially similar comments:

Margie Donovan

Debra Thompson

Terri McDonald

Frank Welte

Joe Green

Michael Ellars

Donna Brown

Rob Turner

Stephanie Watts

Natalie Byrne

Gloria Aceves

Laura Hagerty

Regina Brink,

President

ACB Capital Chapter of the California Council of the Blind

Jeff Thom,

Governmental Affairs Director

California Council of the Blind

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. DSA staff have discussed with the primary commenter the proposed amendment to add Exception 6. The commenter explained the intent of proposed Exception 6 is to protect and preserve existing installations of detectable warnings at transitions between non-raised circulation paths and vehicular traffic in the absence of alterations to the existing facility. Staff explained the provisions of the California Building Code are enforced when new construction or alterations occur, and enforcement by

building officials typically occurs subsequent to issuance of permit. Staff also noted that absent new construction or alterations, the building code generally permits existing buildings and facilities to remain if they were constructed in compliance with the code requirements in effect at the time of original construction or alteration. Finally, staff noted existing provisions in Chapter 11B, Section 11B-108 require maintenance of existing features required to be accessible to and usable by persons with disabilities.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Suggest that a railing at 27” maximum can be used instead of a curb as an option to a raised sidewalk.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. During development of this proposed amendment, DSA discussed with focus groups, in public meetings, and with individual interested parties the possibility of using railings at a cane-detectable height of 27 inches maximum as an alternative to raised circulation paths. Feedback from advocacy organizations and individuals who are blind or visually impaired indicated single rails installed near the 27-inch maximum height for cane detectability pose a hazard for people using guide dogs. Comments indicated guide dogs are trained to avoid obstructions but that railing installed at about 27 inches is above the height of most guide dogs who don't recognize such railing as a barrier. When a guide dog passes under such a railing it places the person being guided into a hazardous situation. In consideration of these comments, DSA has elected not to propose the use of railings as an alternative to raised circulation paths.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Stubbie Barr, Independent Accessibility Advocate

Commenter(s) Recommendation: Consider adding an exception for physical separation by means other than raising the walkway such as a warning curb, guard/guardrail, hand/toe rail, landscape buffer, fence, k-rail, furniture, etc.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. During development of this proposed amendment, DSA discussed with focus groups, in public meetings, and with individual interested parties the possibility of using various elements as alternatives to raised circulation paths. Feedback from advocacy organizations and individuals who are blind or visually impaired indicated the inconsistency of using various separating elements created difficulty understanding and moving through or using such walking areas. In consideration of these comments, DSA has elected not to propose the use of various other elements as alternatives to raised circulation paths.

Regarding Item 11B.19,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS***

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Are physical separations required where wheel stops are provided? Are rolled curbs acceptable? Is a 4 inch raised curb considered an acceptable physical separation?

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. In response to the commenter's questions DSA notes that wheel stops are not a raised circulation path and would not be an acceptable alternative. Also, rolled curbs are not addressed in DSA's proposal – only raised circulation paths. Where curbs are provided at the edge of a raised circulation path, curbs with well-defined edges are generally considered most detectable for people who are blind or have visual impairments. Finally, a solitary raised curb not a part of a raised circulation path is not consistent with, nor an identified substitute for a required raised circulation path.

Regarding Item 11B.19,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS***

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Revise Exception 2 to not require physical separation where stop traffic control is provided.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. A sidewalk which transitions to cross a roadway or a major commercial driveway with yield or stop control are well-recognized locations which present a hazard to people who are blind or visually impaired. The US Access Board's Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way provides guidance that detectable warnings should not be provided at crossings of residential driveways and should be provided at commercial driveways with yield or stop control. DSA's proposal is consistent with this concept. While the Access Board's guidelines are not enforceable standards, the US Department of Transportation recommends use of the guidelines as best practice for covered pedestrian facilities. Similarly, the California Department of Transportation (CalTrans) incorporates design standards that call for detectable warnings at curb ramps where sidewalks transition to street crossings.

Regarding Item 11B.19,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Exceptions 3 and 4 are unnecessary due to the fact that these requirements are addressed in other Chapter 11B sections.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. DSA believes proposed Exceptions 3 and 4 provide additional clarity to code users.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Alejandra Warner, City of San Diego

Commenter(s) Recommendation: In Exception 1, for new construction, consider the same criteria for circulation paths crossing accessible parking stalls and require only the transition at access aisles to be flush.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. DSA will retain and may consider this proposal in a future rulemaking.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Cory Cabral, Certified Access Services

Commenter(s) Recommendations Suggest adding that where the circulation path and vehicular traffic are physically separated by a 4-inch curb or railing raised circulation paths are not required to be raised.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. During development of this proposed amendment, DSA discussed with focus groups, in public meetings, and with individual interested parties the possibility of using railings at a cane-detectable height of 27 inches maximum as an alternative to raised circulation paths. Feedback from advocacy organizations and individuals who are blind or visually impaired indicated single rails installed near the 27-inch maximum height for cane detectability pose a hazard for people using guide dogs. Comments indicated guide dogs are trained to avoid obstructions but that railing installed at about 27 inches is above the height of most guide dogs who don't recognize such railing as a barrier. When a guide dog passes under such a railing it places the person being guided into a hazardous situation. In consideration of these comments, DSA has elected not to propose the use of railings as an alternative to raised circulation paths. Also, during discussions DSA received comments that solitary raised curbs not a

part of raised circulation paths are a tripping hazard to anyone and not a predictable element for people who are blind or visually impaired.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-250 Circulation Paths of Final Express Terms.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas.

Commenter(s): Michael Ellars

Commenter(s) Recommendations The proposed wording introduces a possible conflict with Section 11B-303.5 that requires a curb, handrail or guard at a vertical change in excess of 4 inches.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. Existing Exception 1 to Section 11B-303.5 indicates a “warning curb is not required between a walk or sidewalk and an adjacent street or driveway.” DSA understands Exception 1 is typically enforced to not require a warning curb adjacent to parking areas. DSA will retain this comment and will consider an amendment in a future rulemaking cycle.

Regarding Item 11B.20,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 3: BUILDING BLOCKS**

**Section 11B-304 Turning space
11B-304.2 Floor or ground surfaces of Final Express Terms.**

This proposal clarifies that detectable warnings are not permitted at floor or ground surfaces in turning spaces.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.21,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 3: BUILDING BLOCKS**

Section 11B-305 Clear floor or ground space

11B-305.2 Floor or ground surfaces of Final Express Terms.

This proposal clarifies that detectable warnings are not permitted in clear floor or ground space.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.22,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

Section 11B-404 Doors, doorways, and gates

11B-404.2 Manual doors, doorways, and manual gates.

11B-404.2.4 Maneuvering clearances.

11B-404.2.4.4 Floor or ground surface. of Final Express Terms.

This proposal clarifies that detectable warnings are not permitted at floor or ground surfaces in door maneuvering clearances.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.22,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

Section 11B-404 Doors, doorways, and gates

11B-404.2 Manual doors, doorways, and manual gates.

11B-404.2.4 Maneuvering clearances.

11B-404.2.4.4 Floor or ground surface. of Final Express Terms.

This proposal clarifies that detectable warnings are not permitted at floor or ground surfaces in door maneuvering clearances.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.23,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES***

Section 11B-404 Doors, doorways, and gates

11B-404.2 Manual doors, doorways, and manual gates.

11B-404.2.9 Door and gate opening force of Final Express Terms.

This proposal corrects a drafting error that inadvertently required a turning space at the door and omitted the requirements for operable parts.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.23,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES***

Section 11B-404 Doors, doorways, and gates

11B-404.2 Manual doors, doorways, and manual gates.

11B-404.2.9 Door and gate opening force of Final Express Terms.

This proposal corrects a drafting error that inadvertently required a turning space at the door and omitted the requirements for operable parts.

Commenter(s): Nathan Woods

Commenter(s) Recommendation: Section 11B-404.2.7 applies to the force required to activate door and gate hardware. Section 11B-404.2.9 applies to the force required to open doors and gates. Jurisdictions have interpreted that Section 11B-309.4 supersedes Section 11B-404.2.9 despite the specific requirements for door opening force in Section 11B-404.2.9.

Agency Response: Agency Response: DSA respectfully declines to amend its proposal in response to these comments. This proposal does not include amendments to Sections 11B-309.4, 11B-404.2.7 or the main paragraph in 11B-404.2.9 – amendments are limited to item c of the Exception to Section 11B-404.2.9.

Regarding Item 11B.24,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES***

Section 11B-405 Ramps

11B-405.7 Landings.

11B-405.7.1 Slope of Final Express Terms.

This proposal clarifies that detectable warnings are not permitted at ramp landings.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.25,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES***

Section 11B-406 Curb Ramps, blended transitions and islands

11B-406.3 Parallel curb ramps of Final Express Terms.

This proposal clarifies the requirements where a parallel curb ramp has only one sloping segment.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.25,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES***

Section 11B-406 Curb Ramps, blended transitions and islands
11B-406.3 Parallel curb ramps of Final Express Terms.

This proposal clarifies the requirements where a parallel curb ramp has only one sloping segment.

Commenter(s): Brian McCusker

Commenter(s) Recommendation: Suggest providing a stipulation that when a parallel curb ramp provides a route crossing a hazardous vehicular way 48-inch level landings may be required.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. Parallel curb ramps require a minimum 48-inch by 48-inch turning space with a maximum slope of 1:48 under existing Section 11B-406.3.2 Curb Ramp, Landings. The turning space is used to exit the parallel curb ramp to cross a roadway, and after crossing a roadway to enter a parallel curb ramp to reach the elevation of the sidewalk. This existing provision adequately addresses the submitted comment.

Regarding Item 11B.26,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

Section 11B-406 Curb Ramps, blended transitions and islands
11B-406.5 Common requirements.
11B-406.5.10 Diagonal curb ramps of Final Express Terms.

This proposal clarifies the requirements for diagonal curb ramps.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.27,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

NOTICE TO THE READER: Items 11B.13, 11B.27, and 11B.44 regarding scoping and technical requirements for electric vehicle charging stations will be heard at the California Building Standards Commission’s meeting tentatively scheduled

for August 13-14, 2020. These items will not be heard at the commission's meeting tentatively scheduled for July 13, 14 & 15.

Regarding Item 11B.28,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

11B-502 Parking spaces

11B-502.4 Floor or ground surfaces of Final Express Terms.

The proposal clarifies that detectable warnings are not permitted in access aisles.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.28,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

11B-502 Parking spaces

11B-502.4 Floor or ground surfaces of Final Express Terms.

The proposal clarifies that detectable warnings are not permitted in access aisles.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.29,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

Section 11B-503 Passenger drop-off and loading zones

11B-503.4 Floor or ground surfaces of Final Express Terms.

This proposal clarifies that detectable warnings are not permitted at accessible passenger drop-off and loading zone access aisles.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.30,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS

Section 11B-504 Stairways

11B-504.4 Tread surface of Final Express Terms.

This proposal clarifies that detectable warnings are not permitted at stair treads.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.31,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

Section 11B-602 Drinking fountains of Final Express Terms.

This proposal provides the technical provisions for the installation of bottle filling stations.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.32,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

Section 11B-603 Toilet and bathing rooms of Final Express Terms.

The term “baby diaper changing stations” is proposed to replace “baby changing tables” to alleviate confusion with California Government and Health and Safety Code.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.33,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

Section 11B-604 Water closets and toilet compartments

11B-604.3 Clearance.

11B-604.3.2 Overlap of Final Express Terms.

The proposed changes to this section address the condition in residential dwelling units for the overlap of the grab bar at lavatories.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.34,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

Section 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 of Final Express Terms.

The proposed changes to this section revise the required location for out-swinging toilet compartment in the side wall of an accessible toilet compartment.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.34,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

Section 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 of Final Express Terms.

The proposed changes to this section revise the required location for out-swinging toilet compartment in the side wall of an accessible toilet compartment.

Commenter(s): Janis Kent, FAIA, CASp, Stepping Thru Accessibility

Commenter(s) Recommendation: This proposed language does not comply with the 2010 ADAS which specifically states compartment openings are located 4-inches from the adjacent partition/wall.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. California accessible toilet compartment depth requirements significantly exceed the federal requirements. By not requiring the limitation in the federal requirements of 4-inch maximum to the toilet compartment door from the end wall or toilet partition an even deeper accessible toilet compartment can be provided at the end run of non-accessible toilet compartments. This allows for the installation of a lavatory outside the toilet compartment. In addition, the minimum dimension required to the opening in the toilet compartment to allow for an out swinging door is consistent with the 2010 ADAS.

Regarding Item 11B.34,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

Section 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 of Final Express Terms.

The proposed changes to this section revise the required location for out-swinging toilet compartment in the side wall of an accessible toilet compartment.

Commenter(s): Michael Ellars

Commenter(s) Recommendation: This proposed language does not comply with the 2010 ADAS which specifically states compartment openings are located 4-inches from the adjacent partition/wall and it violates California Government Code 4450(c).

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. California accessible toilet compartment depth requirements significantly exceed the federal requirements. By not requiring the limitation in the federal requirements of 4-inch maximum to the toilet compartment door from the end wall or toilet partition an even deeper accessible toilet compartment can be provided at the end run of non-accessible toilet compartments. This allows for the installation of a lavatory outside the toilet compartment. In addition, the minimum dimension required to the opening in the toilet compartment to allow for an out swinging door is consistent with the 2010 ADAS.

Regarding Item 11B.35,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

Section 11B-608 Shower compartments

11B-608.5 Controls of Final Express Terms.

The proposed changes to this section revise the required area for the location of shower controls to accommodate the faucet, shower spray unit and diverter.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.36,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.1 General

11B-705.1.1.3 Color and contrast of Final Express Terms.

The proposed changes to this section revise the requirements for the color of detectable warnings.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.36,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.1 General

11B-705.1.1.3 Color and contrast of Final Express Terms.

The proposed changes to this section revise the requirements for the color of detectable warnings.

Commenter(s): Eugene Lozano Jr., Committee on Access and Transportation, California Council of the Blind, Inc.

Commenter(s) Recommendation: Support

The following submitted substantially similar supporting comments:

Valerie Ries-Lerman

Debra Thompson

Natalie Byrne

Stephanie Watts

Terri McDonald

D.B. Neyhart

Roselle Tamayo

Esmeralda Ortiz,

Certified Orientation and Mobility Specialist

The Blind and Visually Impaired Center

David Weller

Orientation and Mobility Specialist

Suzanne Balmaceda

Teacher of the Visually Impaired

Orientation and Mobility Specialist

West Contra Unified School District

Maya Delgado Greenberg

Orientation and Mobility Specialist

Joan Tolla

Teacher for the Visually Impaired

Andrea Thom

Frank Welte

Jeff Thom

Governmental Affairs Director

California Council of the Blind

Donna Brown

Wendy Scheffers,

Orientation and Mobility Specialist
Teacher of the Visually Impaired
San Francisco State University

Laura Hagerty

Gloria Aceves

Regina Brink,

President

ACB Capital Chapter of the California
Council of the Blind

Steve Macias

Executive Director

The Blind & Visually Impaired Center

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.36,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.1 General

11B-705.1.1.3 Color and contrast of Final Express Terms.

The proposed changes to this section revise the requirements for the color of detectable warnings.

Commenter(s): Mehdi Shadyab, City of San Diego

Commenter(s) Recommendation: Color 33538 of the SAE AMS-STD-595A labels this color as “Orange Yellow” to differentiate from other shades of yellow. The proposed text should use orange yellow rather than yellow.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The color of detectable warnings has historically been identified as yellow in the California Building Code. The accuracy of the selected color is determined by the standard’s color number. Revising the color name to “orange-yellow” may be confusing to code users.

Regarding Item 11B.37,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.2 Locations

11B-705.1.2.2 Curb ramps of Final Express Terms.

The proposal revises and clarifies the location of detectable warnings at parallel curb ramps.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.37,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.2 Locations

11B-705.1.2.2 Curb ramps of Final Express Terms.

The proposal revises and clarifies the location of detectable warnings at parallel curb ramps.

Commenter(s): Eugene Lozano Jr., Committee on Access and Transportation, California Council of the Blind, Inc.

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.37,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.2 Locations

11B-705.1.2.2 Curb ramps of Final Express Terms.

The proposal revises and clarifies the location of detectable warnings at parallel curb ramps.

Commenter(s): Michael Ellars

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.38,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.2 Locations

11B-705.1.2.5 Hazardous vehicular areas of Final Express Terms.

The proposed changes to this section repeal the term “hazardous vehicular areas” and incorporates the term “blended transitions”.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.39,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

Section 11B-802 Wheelchair spaces, companion seats, and designated aisle seats and semi-ambulant seats

11B-802.1 Wheelchair spaces.

11B-802.1.1 Floor or ground surface of Final Express Terms.

The proposal clarifies that detectable warnings are not permitted at floor or ground surfaces for wheelchair spaces.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.40,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

Section 11B-804 Kitchens, kitchenettes, and wet bars.

11B-804.1 General.

11B-804.2.3 Turning space.

The proposed changes to this section clarify that for turning spaces are required in kitchens located in undergraduate student housing.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.41,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

Section 11B-804 Kitchens, kitchenettes, and wet bars.

11B-804.3 Kitchen work surface of Final Express Terms.

The proposed changes to this section clarify that in kitchens within multi-bedroom housing units a section of work surface with knee and toe clearance is required.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.42,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.42,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS***

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

Commenter(s): Stubbie Barr, Independent Accessibility Advocate

Commenter(s) Recommendation: The proposed change to a 36-inch height above the finish floor for work surfaces is in conflict with Section 11B-804.3.2 and the 2010 ADAS.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. There are three different types of residential dwelling units regulated by Chapter 11B, units with mobility features, units with communication features and accessible units with adaptable features. The provisions for the units with mobility and communication features are regulated by both Chapter 11B and the 2010 ADAS. The provisions for the units that are accessible with adaptable features are sourced from Chapter 11A and are not regulated by the 2010 ADAS. Therefore, Sections 11B-804.3.2, 11B-804.4 and 11B-606.3 are not applicable to the residential dwelling units that are accessible with adaptable features.

Regarding Item 11B.42,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS***

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

Commenter(s): Stubbie Barr, Independent Accessibility Advocate

Commenter(s) Recommendation: The proposed change allows for a work surface depth of 25 ½ inches which directly conflicts with Section 11B-308.3.2 and the 2010 ADAS.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. There are three different types of residential dwelling units regulated

by Chapter 11B, units with mobility features, units with communication features and accessible units with adaptable features. The provisions for the units with mobility and communication features are regulated by both Chapter 11B and the 2010 ADAS. The provisions for residential dwelling units that are accessible with adaptable features are sourced from Chapter 11A and are not regulated by the 2010 ADAS. Therefore, the work surface depth of 25 ½ inches is allowed for residential dwelling units that are accessible with adaptable features.

Regarding Item 11B.42,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS***

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

Commenter(s): Matt Sigler, Plumbing Manufacturers International (PMI)

Commenter(s) Recommendation: PMI believes that the grab bar reinforcement requirements for bathtubs should be consistent with those currently required in Chapter 11A (specifically Section 1134A.5 Bathtubs).

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. DSA received comments from representatives of more than one authority having jurisdiction for plan review and inspection who stated that the backing required in Chapter 11A proved to be insufficient for the installation of accessible grab bars. The nominal dimension in Chapter 11A of 6 inches allows for backing materials of 5-1/4 inches to 5-1/2 inches. The Fair Housing Act Design Manual requires backing from 32 inches to 38 inches above the finish floor and doesn't allow a nominal dimension. If the bottom of the reinforced area is at 32 inches or less as is allowed by Chapter 11A and a grab bar is mounted at 33 inches the mounting plates will extend below the reinforced area by 1/2 inch or more. The Fair Housing Act Design Manual recommends backing at 30 inches to 38 inches above the finish floor and an additional 2 inches at either end in the horizontal dimension beyond what is required. To avoid a weak and unsafe condition enlarging the backing is critical.

Regarding Item 11B.42,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS***

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

Commenter(s): Matt Sigler, Plumbing Manufacturers International (PMI)

Commenter(s) Recommendation: PMI believes that the grab bar reinforcement requirements for showers should be consistent with those currently required in Chapter 11A (specifically Section 1134A.5 Bathtubs).

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. DSA received comments from representatives of more than one authority having jurisdiction for plan review and inspection who stated that the backing required in Chapter 11A proved to be insufficient for the installation of accessible grab bars. The nominal dimension in Chapter 11A of 6 inches allows for backing materials of 5-1/4 inches to 5-1/2 inches. The Fair Housing Act Design Manual requires backing from 32 inches to 38 inches above the finish floor and doesn't allow a nominal dimension. If the bottom of the reinforced area is at 32 inches or less as is allowed by Chapter 11A and a grab bar is mounted at 33 inches the mounting plates will extend below the reinforced area by 1/2 inch or more. The Fair Housing Act Design Manual recommends backing at 30 inches to 38 inches above the finish floor and an additional 2 inches at either end in the horizontal dimension beyond what is required. To avoid a weak and unsafe condition enlarging the backing is critical.

Regarding Item 11B.42,

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS***

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

Commenter(s): Matt Sigler, Plumbing Manufacturers International (PMI)

Commenter(s) Recommendation: PMI believes that the slope requirements for showers should be consistent with those currently required in Chapter 11A (specifically Section 1134A.6 Showers).

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. The maximum 1/4 per foot as proposed falls within the range of 1/8 inch per foot to 1/2 inch per foot as permitted by the plumbing code. The maximum slope of 1/4 inch per foot provides for an accessible slope at the shower floor.

Regarding Item 11B.42,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

Section 11B-809 Residential dwelling units of Final Express Terms.

The proposed changes to these sections provide the technical provisions for the residential units with adaptable features. If adopted, Division IV of Chapter 11A would no longer be adopted by DSA and referenced in various sections in Chapter 11B.

Commenter(s): Betsy Conron

Commenter(s) Recommendation: It is my understanding that there is a proposal to eliminate the requirement for a roll-in shower in Section 11B-809.4.

Agency Response: DSA respectfully declines to amend its proposal in response to these comments. Section 11B-809.4 is a section that is not proposed for amendment in this rulemaking cycle. The proposed Section 11B-809.10.6.1 allows for a 36 inch by 36 inch transfer type shower, a 30 inch by 60 inch roll-in shower, and a 36 inch by 60 inch roll-in shower. This allows a tenant three options for the type of shower compartment that best fits their needs.

Regarding Item 11B.43,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

**Section 11B-812 Electric vehicle charging stations
11B-812.3 Floor or ground surfaces of Final Express Terms.**

The proposal clarifies that detectable warnings are not permitted in vehicle spaces and access aisles.

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA is proposing no further changes to this section in response to this comment.

Regarding Item 11B.44,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

NOTICE TO THE READER: Items 11B.13, 11B.27, and 11B.44 regarding scoping and technical requirements for electric vehicle charging stations will be heard at the California Building Standards Commission's meeting tentatively scheduled for August 13-14, 2020. These items will not be heard at the commission's meeting tentatively scheduled for July 13, 14 & 15.

Regarding Item 11B.45, Division # 2 of Final Express Terms. The proposed changes to this section repeal and replace "parking" with "vehicle".

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

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA 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