

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

**(DSA-AC 01-21)**

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

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS**

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

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

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

- Amending existing California accessibility amendments.
- Codifying non-substantive editorial and formatting amendments.

**Item 2.01**

**Chapter Chapter 2 DEFINITIONS Section(s) 202 DEFINITIONS  
Access Aisle**

**PURPOSE AND RATIONALE:**

DSA-AC is proposing to amend the definition of ACCESS AISLE for clarity by repealing the word “pedestrian” and replacing the word “parking” with “vehicle.”

Comments received by the Division of the State Architect indicate the word “pedestrian” in the definition is confusing to code users and creates questions about locating detectable warnings in compliance with Chapter 11B where access aisles are approached from walks or sidewalks via perpendicular curb ramps, parallel curb ramps, or blended transitions. Despite existing code provisions that specify the location of detectable warnings at curb ramps and blended transitions, and that prohibit detectable warnings within access aisles and at driveway and drive aisle crossings, commenters question the need for detectable warnings where a pedestrian crosses from one pedestrian area (i.e. walks, sidewalks, curb ramps or blended transitions) to another pedestrian area (i.e. access aisles).

Access aisles accommodate the needs of pedestrians – movement through the access aisle and as an approach to accessible parking, electric vehicle spaces, and accessible

passenger drop-off and loading zones. Access aisles also accommodate the spatial requirements for the use of vehicle-mounted wheelchair lifts; in this regard, access aisles also serve as vehicle areas. In practical use, access aisles are both pedestrian and vehicle areas. The Division of the State Architect believes repealing the word “pedestrian” will alleviate this confusion.

The second change to the definition replaces the word “parking” with the word “vehicle.” This change acknowledges that access aisles are required not only at accessible parking, but also at accessible electric vehicle spaces, and accessible passenger drop-off and loading zones.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

DSA has further considered this item and retains the proposed language.

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**Item 11B.01**

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING**  
**DIVISION 1: APPLICATION AND ADMINISTRATION**  
***11B-108 Maintenance of Accessible Features***

**PURPOSE AND RATIONALE**

The Division of the State Architect is proposing to amend this section to include the various types of facilities regulated by Chapter 11B, public buildings, public accommodations, commercial buildings and public housing. Currently only public accommodations are required to comply.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

DSA has further considered this item and retains the proposed language.

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**Item 11B.02**

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING**  
**DIVISION 2: SCOPING**  
***11B-206.4 Entrances***

**PURPOSE AND RATIONALE**

The Division of the State Architect is proposing to amend this section to relocate provisions from Section 11B-206.4 to Section 11B-207. This proposed amendment would include

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exits under accessible means of egress rather than inclusion in the section for entrances.

This proposed amendment is in response to code users who stated that the requirements for exits is overlooked because of the current provisions that place exits in the scoping sections for accessible routes and entrances.

**CAC Recommendation:**

Further Study

**Agency Response:**

Disagree

DSA has additionally studied this item, public comments and Code Advisory Committee comments. Public comments and committee comments were supportive or neutral on the proposed changes in this item. Accordingly, DSA has determined additional revisions to this item are not needed and has retained its previously proposed language.

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**Item 11B.03**

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING**  
**DIVISION 2: SCOPING**  
**11B-207 Accessible Means of Egress**

**PURPOSE AND RATIONALE**

The Division of the State Architect is proposing to amend this section to relocate provisions from Section 11B-206.4 to Section 11B-207. This proposed amendment would include exits under accessible means of egress rather than inclusion in the section for entrances.

This proposed amendment is in response to code users who stated that the requirements for exits is overlooked because of the current provisions that place exits in the scoping sections for accessible routes and entrances.

The proposed amendment restores language from prior Chapter 11B editions that required an accessible means of egress from the level of exit discharge to the public way.

Elements that provide for accessible means of egress such as areas of safe refuge, assisted rescue and safe dispersal are regulated in Chapter 10.

In proposed exception #4, at doors to stairways that are not required to comply with Section 11B-404 the provisions for door hardware and door opening width are regulated in Chapter 10 as a means of egress. These are consistent with the provisions in Chapter 11B.

The reference to a smoke proof enclosure is proposed to be repealed and not carried forward in this exception because a smoke proof enclosure can include a ramp that is accessible.

**CAC Recommendation:**

Further Study

**Agency Response:**

Accept

DSA has additionally studied this item, public comments and Code Advisory Committee comments. Chapter 10, Section 1009 is relied upon for the accessible means of egress that includes: areas of safe refuge, areas of assisted rescue and area of safe dispersal, therefore, in the opening paragraph the requirement for the accessible means of egress to continue to the public way is removed. Exception 4 is revised to clarify the requirement for doors that only provide access to stairways. Exception 5 is revised to retain the provisions for exits in excess of those required by Chapter 10 that are more than 24 inches above grade.

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## Item 11B.04

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

#### ***11B-224.7 Housing at a place of education.***

##### **PURPOSE AND RATIONALE**

The Division of the State Architect is proposing to amend the title and repeal the reference to multi-bedroom housing units in Section 11B-224.7.2.

The requirement for an accessible route throughout the unit with mobility features is a requirement of the 2010 ADA Standards for Accessible Design not the Fair Housing Act.

As read, Section 11B-224.7.2 would not be applicable to efficiency, studio or one-bedroom units that are accessible with adaptable features. These types of units are regulated by the Fair Housing Act (FHA) and Fair Housing Accessibility Guidelines (FHAG). Amending this section will ensure consistency with federal regulations and provide clarity for code users.

Chapter 11B in Section 11B-233.3.1.2 provides scoping that aligns with the FHA and FHAG.

The requirements for an accessible route in accessible units with adaptable features is in Sections 11B-809.6 through 11B-809.12.

##### **CAC Recommendation:**

Further Study

##### **Agency Response:**

Accept

DSA has additionally studied this item, public comments and Code Advisory Committee comments. Section 11B-224.7.1 is from the 2010 ADAS that is used as model code for Chapter 11B therefore no amendments to this section is proposed. In Section 11B-224.7.1 the word “dwelling” was added in response to Code Advisory Comments for clarity.

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

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

No documents relied upon.

### **STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS**

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

The proposed building standards clarify accessibility provisions contained in the 2019 California Building Code. Accessibility is required by the federal Americans with Disabilities Act and corresponding California statute and regulations; lack of consistent scoping and technical requirements creates confusion for code users, building officials, and building and facility owners.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

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

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

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

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

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

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

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

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

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

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

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- A.** The creation or elimination of jobs within the State of California.  
The Division of the State Architect has determined that the proposed action has no effect.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.  
The Division of the State Architect has determined that the proposed action has no effect.
- C.** The expansion of businesses currently doing business within the State of California.  
The Division of the State Architect has determined that the proposed action has no effect.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
The Division of the State Architect has determined that the proposal establishes the minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

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

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

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

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

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

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