

From: [Eric McSwain](#)
To: CBSC@DGS
Cc: [Clair, Ida@DGS](mailto:Clair_Ida@DGS)
Subject: PUBLIC COMMENT on PROPOSED BUILDING STANDARDS - Eric McSwain
Date: Thursday, May 25, 2023 3:13:43 PM

CAUTION: This email originated from a NON-State email address. Do not click links or open attachments unless you are certain of the sender's authenticity.

To whom it may concern,

I attempted to submit the comments below using the online Public Comment Form, but it appears that it has not gone through for some reason. Perhaps I've exceeded the allowable word count?

Proposed Building Standard

Title 24 Part #: Part 2

Section #: (ET Item 9-4) 11B-213.3.1

Proposing State Agency: DSA-AC

This comment is intended for review during: 15-Day Comment Period

Your recommendation based on the criteria of Health and Safety Code Section 18930(a):

Approve as Amended

9 Point Criteria Info:

18930(a) 6

I have a number of issues with and suggestions to offer regarding 11B-213.3.1 and its subsections.

1. 11B-213.3.1 and its subsections, as proposed, are unnecessarily complicated. I suggest revised language that addresses this and all of the following concerns after Item 5.
2. The second half of 11B-213.3.1 states: "...Where both toilet and urinal compartments are provided, they shall comply with Section 11B-213.3.1.2. I have 2 issues with this:
 - a. Toilet compartments are covered in 11B-213.3.1.1. I see no reason to mention them again in 11B-213.3.1.2.
 - b. As written, 11B-213.3.1.2 will only apply where both toilet and urinal compartments are provided. Although unlikely, it is conceivable that only urinal compartments could be provided in a room or space. In that case, there would be no scoping language applicable to them.
3. **The proposed 15-Day change** calls for Section 11B-213.3.1.2 to be retitled "toilet compartments with urinal compartments". I expect "with" is intended to mean "alongside", "along with", or "as well as". But it could just as easily be read to mean "having". Of course, toilet compartments do not have urinal compartments within them, but one could read this scoping section to apply only when that is the case. The proposed section title is unnecessarily complicated and vague.
4. Regarding 11B-213.3.1.2, there is no need to repeat the requirement for ambulatory accessible

toilet compartments in this section. It is already stated in 11B-213.3.1.1.

5. 11B-213.3.1.2, which is a scoping section: 1. mandates technical requirements (in-swinging, self-closing doors), which scoping sections should not do, and 2. mandates those requirements for elements that are not currently regulated by Chapter 11B (non-accessible urinal compartments).

This is apparently done so that signs may be installed on the compartment doors.

I do not think it is necessary to mandate in-swinging, self-closing doors, especially on compartments not regulated by this chapter. If designers wish to avail themselves of (proposed) 11B-216.8.3, Exception, they may provide in-swinging, self-closing doors on all (non-ambulatory accessible) compartments. The freedom to make that choice should not be taken away.

Please consider revising the proposed sections as follows:

"11B-213.3.1 Toilet compartments and urinal compartments. Where toilet compartments are provided, they shall comply with Section 11B-213.3.1.1. Where urinal compartments are provided, they shall comply with Section 11B-213.3.1.2" Where both toilet and urinal compartments are provided, all shall be identified with a sign complying with Section 11B-216.8.3.

"11B-213.3.1.1 Toilet compartments. Where toilet compartments are provided, at least five percent but no fewer than one shall comply with Section 11B-604.8.1. In addition to the compartments required to comply with Section 11B-604.8.1, where six or more toilet compartments are provided, or where the combination of urinals and water closets totals six or more fixtures, toilet compartments complying with Section 11B-604.8.2 shall be provided in the same quantity as the toilet compartments required to comply with Section 11B-604.8.1."

"11B-213.3.1.2 Urinal compartments. Where urinal compartments are provided, at least ten percent, but no fewer than one, shall comply with Section 11B-605.5."

Thank you,
Eric

Eric McSwain, RA, CASp
ACCESS COMPLIANCE CONSULTANTS, INC.
811 El Capitan Way, Suite 230, SLO, CA 93401
c: (805) 550-5997 p: (805) 541-2745