

**From:** [Eric McSwain](#)  
**To:** [CBSC@DGS](mailto:CBSC@DGS)  
**Cc:** [Clair, Ida@DGS](mailto:Clair_Ida@DGS)  
**Subject:** RE: PUBLIC COMMENT on PROPOSED BUILDING STANDARDS - Eric McSwain  
**Date:** Thursday, May 25, 2023 4:37:37 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

**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.

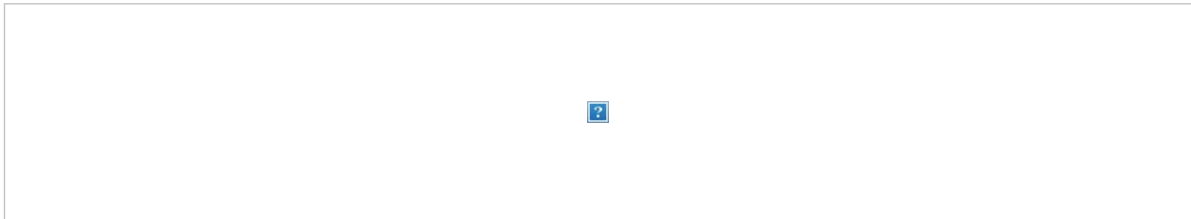
To whom it may concern,  
I would like to submit the following comments regarding proposed changes to CBC Section 11B-233.3.1.2.1.

Proposed Building Standard  
Title 24 Part #: Part 2  
Section #: (ET Item 11) 11B-233.3.1.2.1  
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):  
Further Study Required

9 Point Criteria Info:  
18930(A) 1

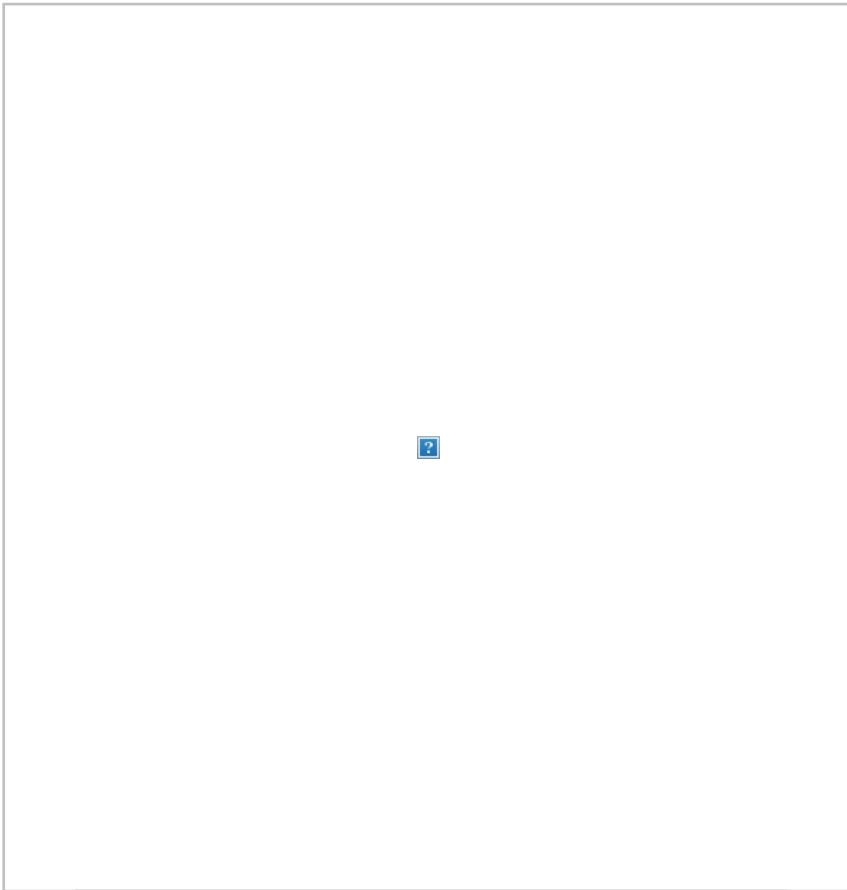
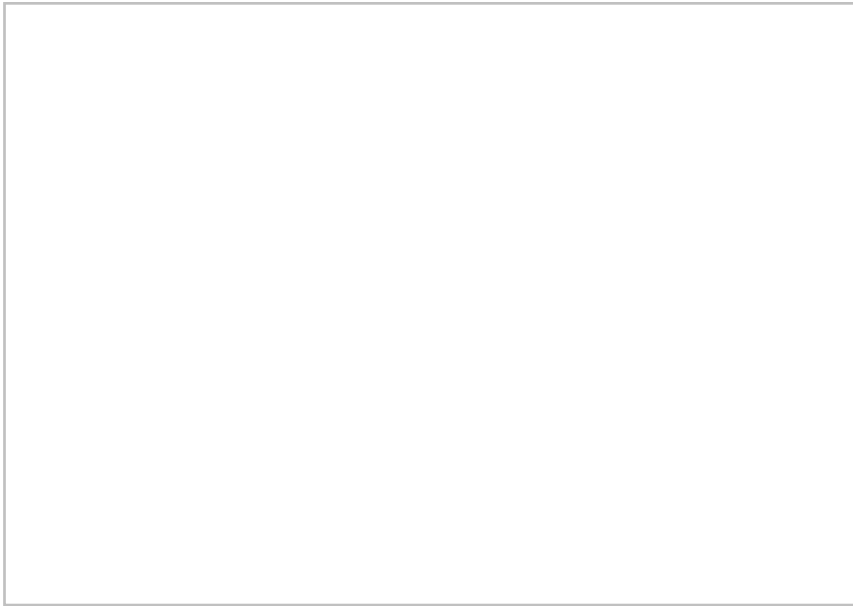
I have 2 concerns with 11B-233.3.1.2.1, which is proposed to be changed as follows:



1. This text ("...shall have an elevator serve all floors...") could be read to say that a residential building must provide at least one elevator that serves every floor that provides access to individual dwelling unit entrances and/or common use spaces. I imagine that is not the intent, but it wouldn't surprise me if some folks read it that way. Of course, buildings may be configured in such a way that, in order to access every floor, one must use different elevators. Please consider revising this section to provide clarity and reflect this possibility.
2. This section has been revised since the 45-Day comment period to call for an accessible route/elevator to be provided to floors that include primary entrances to dwelling units. The following was provided as the rational for this:



I have not had the time to consider this matter as fully as I would like, but I do not believe it is correct to say that the FHA only requires access to a primary dwelling unit entrance when an additional/secondary entrance is provided. In their 4/30/13 Joint Statement, HUD and the DOJ offer the following:



Please consider changing the first part of 11B-233.3.1.2.1 so that it reads as follows:

**11B-233.3.1.2.1 Elevator buildings.** A residential building with one or more elevators shall provide elevator service to all floors with a residential dwelling unit entrance and to all floors with common use areas.

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