# ADDITIONAL 15-DAY EXPRESS TERMS AND RATIONALE FOR PROPOSED BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT REGARDING THE 2022 CALIFORNIA BUILDING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 (DSA-AC 01/22)

No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 or 45 days before the agency adopts, amends, or repeals the resulting regulation.

Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9 (Government Code Section 11346.8(c)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, double strikeout, italics and ellipsis. Double underline will be indicated by parenthetical notes within the text. The notes will not be codified or published in the code.

## LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright.
* Unmodified California 45-day amendments appear in *underline and italic* and *~~strikeout and italic~~.*
* California additional 15-day amendments appear in *double underline and italic* and *double strikeout and italic*.
* Ellipsis ( ...) indicate existing text remains unchanged.
* **Rationale**: The justification for the change is shown after each section or series of related changes.

## ADDITIONAL 15-DAY EXPRESS TERMS

### ITEM 9-4 Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section

***11B-213.3.1 Toilet compartments and urinal compartments.*** *Where only toilet compartments are provided, they shall comply with Section 11B-213.3.1.1. Where both toilet and urinal compartments are provided, they shall comply with Section 11B-213.3.1.2*

***11B-213.3.1.1 Toilet compartments.*** *Where toilet compartments are provided, at least five percent of the toilet compartments, or five percent of the combination of toilet compartments and urinals, but no fewer than one toilet compartment 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 Toilet compartments*** [begin double strikeout] ***and*** [end double strikeout] [begin double underline]***with*** [end double underline]  ***urinal compartments.*** *Where both toilet compartments and urinal compartments are provided, at least five percent of toilet compartments, but no fewer than one, shall comply with Section 11B-604.8.1 and at least ten percent of urinal compartments, but no fewer than one, shall comply with Section 11B-605.5. In addition to the toilet compartments required to comply with Section 11B-604.8.1 and urinal compartments required to comply with Section 11B-605.5, 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. At all compartments not required to comply with Section 11B-604.8 or Section 11B-605.5, compartment doors shall be in-swinging and self-closing. All individual compartments shall be identified with a sign complying with Section 11B-216.8.3.*

***11B-*213.3.2 Water closets.** Where water closets are provided…

***11B-*213.3.3 Urinals.** Where one or more urinals are provided, at least 10 percent but no fewer than one shall comply with *Section 11B-*605.

***11B-*213.3.4 Lavatories.** Where lavatories are provided, at least *10 percent but no fewer than* one shall comply with Section *11B-*606 and shall not be located in a toilet *or urinal* compartment.

**Rationale:** A commenter noted during the 45-day comment period that sub-section 11B-213.3.1.2 Toilet compartments and urinal compartments was indented relative to sub-section 11B-213.3.1.1. This was a typographical error and DSA did not intend to change the indentation or priority of one sub-section relative to the other. DSA also proposes to retitle the sub-section, removing the word “and” and replacing it with the word “with” to avoid identical titles at this sub-section and the section above at 11B-213.3.1.

**Notation:**

Authority: Government Code 4450

Reference(s): Government Code Section 4450 through 4452, 4456, 4457, 4459, 12955.1, and 14679. Health and Safety Code Sections 19952 through 19959.

### ITEM 11-2 Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section *11B-*233 *Public housing* facilities

***11B-233.3.1.2.1 Elevator buildings.*** *A residential building with one or more elevators shall have an elevator serve all floors with a residential dwelling unit* [begin double underline] *primary* [end double underline] *entrance and all floors with common use* [begin double strikeout] *spaces* [end double strikeout] [begin double underline] *areas* [end double underline]*. Elevators shall comply with Section 11B-407. Residential dwelling units on floors served by an elevator shall be adaptable.*

***Exceptions:***

1. *A building with only an elevator that serves a parking garage or building entry level not containing residential dwelling units to the first ground floor above grade containing residential dwelling units.*
2. *A building with a multi-story residential dwelling unit with an elevator within the unit.*

**Rationale:** The Division of the State Architect is proposing to amend this section to include the descriptor “primary” when describing which entrances must be served by an elevator. The Division of the State Architect is also proposing to replace the word “spaces” with “areas” to align with terminology used in other sections of this chapter.

Public comments received during the 45-Day Public Comment period stated that the section could be read to include secondary entrances and that such an intrepretation would exceed the requirements of the Fair Housing Act. The Division of State Architect agrees that it was the intent of the code language to align with the Fair Housing Act and is amending the language for clarity.

Public comments received during the 45-Day Public Comment period also pointed out that the phrase “common use spaces” was not generally used in other sections of Chapter 11B but that “common use areas” was used. The Division of the State Architect agrees with the comment and is amending the word “space” to “area” for consistency.

**Notation:**

Authority: Government Code 4450

Reference(s): Government Code Section 4450 through 4452, 4456, 4457, 4459, 12955.1, and 14679. Health and Safety Code Sections 19952 through 19959.

### ITEM 15-1.1 Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-605 Urinals, Sub-section 11B-605.4 Flush controls.

***11B-*605.4 Flush controls.** Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with Section 11B-309 except that the flush control shall be mounted at a maximum height of 44 inches (1118 mm) above the finish floor. *Urinals provided in urinal compartments* [begin double strikeout] *shall have*[end double strikeout] [begin double underline] *and with* [end double underline] *hand operated flush controls* [begin double underline] *shall have the controls* [end double underline] *located on the open side of the urinal.*

**Rationale:** The previously proposed sentence structure could have been intrepreted to require hand operated flush controls at urinals in compartments. DSA intended to allow both hand operated and automatic flush devices at urinals in compartments and is amending the language for clarity.

**Notation:**

Authority: Government Code 4450

Reference(s): Government Code Section 4450 through 4452, 4456, 4457, 4459, 12955.1, and 14679. Health and Safety Code Sections 19952 through 19959.

### ITEM 15-4 Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-605 Urinals, Sub-section 11B-605.5.4 Toe Clearance, Exception.

***11B-605.5.4 Toe Clearance.*** *The front partition and at least one side partition shall provide a toe clearance of 9 inches (229 mm) minimum above the finish floor and 6 inches (152 mm) deep minimum beyond the compartment-side face of the partition, exclusive of partition support members. Partition components at toe clearances shall be smooth without sharp edges or abrasive surfaces. Compartments for children’s use shall provide a toe clearance of 12 inches (305 mm) minimum above the finish floor.*

[begin double strikeout]***Exception:*** *Toe clearance at the front partition is not required in a compartment where the maneuvering clearance in front of the urinal is 66 inches (1524 mm) deep minimum. Toe clearance at the side partition is not required in a compartment greater than 66 inches (1676 mm) wide.* [end double strikeout]

**Rationale:** DSA has further coordinated with the proposed Plumbing Code language changes and notes that full height walls or partitions are required, therefore the exception to allow toe clearance under walls or partitions is not needed and DSA proposes to strike the language as it could be perceived as conflicting.

**Notation:**

Authority: Government Code 4450

Reference(s): Government Code Section 4450 through 4452, 4456, 4457, 4459, 12955.1, and 14679. Health and Safety Code Sections 19952 through 19959.