

From: [Connie Arnold](#)
To: CBSC@DGS
Cc: [Connie A](#); [Dara Schur Director of Litigation](#); [Nubyaan Scott](#)
Subject: Re: Connie Arnold Public Comments on Division of the State Architect Proposed Title 24, Part 2 DSA-AC (01/22) and HCD 1-AC (01/22) Access Code Package Proposed Changes Due Monday, April 24, 2023
Date: Monday, April 24, 2023 2:01:55 AM
Attachments: [2023-04-24CArnoldDSA-AC_HCD_CodeProposalPubComments.pdf](#)
[2023-04-24CArnoldDSA-AC_HCD_CodeProposalPubComments.rtf](#)
[Turning Space Excerpt - 2017_a117.1_commentary.pdf](#)

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.

April 24, 2023

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Sent via email to cbsc@dgs.ca.gov and/or the
e-Comment form: dgs.ca.gov/BSC/e-comments

Re: Connie Arnold Public Comments for DSA Package-2022 Intervening Code Cycle with Added Yellow Highlights

Dear California Building Standards Commission:

Please accept the following public comments as my own on the current Division of the State Architect (DSA-AC) proposed code changes regarding the 2022 California Building Code, California Code of Regulations, Title 24, Part 2 (DSA-AC 01/22) and the Department of Housing and Community Development (HCD 1-AC 01/22) proposed amendments to the 2022 edition of the California Building Standards Code, Title 24, Part 2, proposals.

I support the public comments made by Disability Rights California (DRC) on the proposed building code changes. Additionally, I support the comments of other members of the disability community who have been involved in the code development process and who seek to ensure disabled access and housing accessibility is not reduced, but ensure true accessibility to the built environment for the disability community.

ITEM 1

Chapter 2 DEFINITIONS, Section 202 BLENDED TRANSITION

DSA proposes to use a ratio term for the slope, so the terminology used is consistent with code sections.

Connie Arnold's Comments - I support DRC's "support" position since this change is just clarifying slope in ratio terms.

Comment:

I support DRC's comment "We support this proposed change this proposed change in order to promote consistent language throughout code sections. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), and 18930(a)(8)."

ITEM 2

Chapter 2 DEFINITIONS, Section 202 ELEVATOR BUILDING

Item withdrawn.

ITEM 3

Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE

Section 406 MOTOR-VEHICLE RELATED OCCUPANCIES, Sub-Section 406.2.3 Accessible parking spaces. Where parking is provided, accessible parking spaces, access aisles and vehicular routes serving accessible parking shall be provided in accordance *with Chapter 11A or Chapter 11B, as applicable.*

Connie Arnold's Comments – I have a concern for the where entities such as car races or farm events like at pumpkin patches, Halloween events, or special events that are using dirt parking lots for annual events, but not having the adequate count of accessible parking spaces, including van accessible spaces, associated with use of dirt areas turned into parking lots for ad lib event parking that fails to provide the proper number or count of accessible parking spaces not addressed in the code. Otherwise, I support DRC's "support" position for code clarity.

Comment:

I support DRC's comment "We support this proposed change as it provides clarification as to cross references and helps to ensure accessibility. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), and 18930(a)(8)."

ITEM 4

Chapter 10 MEANS OF EGRESS, Section 1009.2 Continuity and components.

Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components:

1. Accessible routes complying with ...

...

10. Exterior areas for assisted rescue complying with Section 1009.7 serving exits at the level of exit discharge.

11. Safe dispersal areas where they are allowed under Section 1028.5.

Connie Arnold's Comments – Where safe dispersal areas exist, they need to ensure room for occupants in larger motorized wheelchairs and scooters along with space for pedestrians, patrons, guests, inpatients, school-age children are seeking refuge from danger in designated safe dispersal areas because the dangers are becoming diversified and not just from fire, but can include natural disasters and/or acts of violence. I support DRC's "support" position with my additional comments herein.

Comment:

I support DRC's comment "We support this proposed change proposed change as it is consistent with California Building Code 1028.5 exceptions. Additionally, I appreciate the specific technical requirements requiring accessible routes to connect to accessible exits served by safe dispersal areas (SDAs). See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 5

Chapter 10 MEANS OF EGRESS, Section 1009.8.2 Directions. Directions for the use of the two-way communication system, instructions for summoning assistance via the two-way communication system and written identification of the location shall be posted adjacent to the two-way communication system. Signage shall comply *with Chapter 11A, Section 1143A or Chapter 11B, Section 11B-703.5* requirements for visual characters.

Connie Arnold's Comments – Directions and instructions must be placed at eye level or at a level that seated persons in wheelchairs, scooters, or similar mobility devices can view, read, follow, and access any two-way communication systems, directions, and instructions. In meeting requirements for individuals with disabilities, proper character size, color contrast, and access by seated persons in wheelchairs or scooters and individuals with visual impairments shall provide meaningful access to ensure persons' safe egress. I support DRC's "support" position with my additional comments as a person with a significant disability and motorized wheelchair user.

Comment:

I support DRC's comment "We support this proposed change as it provides clarification as to cross references and helps to ensure accessibility with my added comment and feedback. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), and 18930(a)(8)."

ITEM 6

Chapter 10 MEANS OF EGRESS, Section 1010.1.4 Floor elevation.

Exceptions:

...

5. Exterior decks, patios or balconies that are part of *adaptable or accessible* dwelling units, have impervious surfaces and that are not more than 4 inches (102 mm) below the finished floor level of the adjacent interior space of the dwelling unit. *See also Chapter 11A, Section 1132A.4 or Chapter 11B, as applicable.*

Connie Arnold's Comments – In relation to exceptions for exterior decks, patios, or balconies in adaptable or accessible dwelling units, nothing in the code should allow newly constructed housing to be granted an exception, variance, or exception. Nor should any building code deny the rights of persons with disabilities equal access or the right to programmatic access where an entities' owner can provide products such as rubberized threshold ramps cut to size to eliminate barriers created by an exception or variance that allows unlevel 4" surfaces or landings to remain intact. Persons with disabilities are to be afforded equal access to the built environment. I support DRC's "support" position generally, but I oppose the exception if it applies to new construction or for any building code which would deny equality of access to

persons with disabilities.

Comment:

I support DRC's comment with my additional comments opposing any exception for new construction or any denial of equal access "We support this proposed change as it provides clarification as to cross references and helps to ensure accessibility. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 7

Chapter 10 MEANS OF EGRESS, Section 1028.5 Access to a public way.

6. At facilities regulated by Chapter 11B, an accessible area within the space required by Exception 1 shall be provided for a minimum of 2 percent of the facility occupants served by the safe dispersal area. For each occupant, the accessible area shall provide clear ground space complying with Section 11B-305. Accessible routes complying with Chapter 11B, Division 4 shall connect the accessible area with all accessible exits served by the safe dispersal area.

Connie Arnold's Comments – The proposed minimum 2 percent of a facility occupants for safe dispersal area egress is too little. The DSA-AC ISOR Part 2, Title 24 discusses the "Model Code," as a basis or of justification for the need for the proposed exception, but the model code, written by a private organization cannot take precedence over state law. Any change endangering the lives of persons with disabilities in times of emergencies that puts such individuals at risk of losing their lives exposes a business to tremendous liability. A programmatic evacuation plan is required by the ADA.

Our modern age requires planning for many types of disasters and violence requiring a higher minimum percentage for safe dispersal areas for facility occupants including, but not limited to, educational settings (exception # 2 listed), correctional facilities (exception # 5 which also provides 7 sq. ft. per person, not 5 sq. ft.), public accommodations, congregate settings like nursing homes, or facilities this change impacts. I am unsure of all of the occupancies this code change impacts or I would list out impacted all occupancies.

Comment:

I support DRC's comments with my added similar comments "We strongly support this proposed change as DRC states that "it is consistent with California Building

Code 1028.5 standards and provides more safety to people with disabilities during an emergency. I, like DRC states, appreciate DSA proposing specific technical requirements for an area within the safe dispersal area (“SDA”) to provide accessible features to accommodate people who use mobility devices, and others.

However, I personally urge DSA and the Building Standards Commission to increase the 2% requirement to at least 5% for the following reasons stated by Disability Rights California (DRC).

First, the SDAs are sized based on 5 sq. ft./human occupant, but manual wheelchair users usually take up 10 sq. ft. (i.e., 30"x 48") per occupant. In addition, users of power wheelchairs or scooters may take up even more square footage. We also note that even prison facilities use at least 7 sq. ft./human occupant.

Second, as stated by DRC, I “know that in many buildings regulated by 11B, there are likely to be higher percentages of people who use mobility devices. In particular, residential dwelling units (public housing) covered by Chapter 11B require at least 5% Accessible Units with Mobility Units. In addition, most state housing programs require at least 15% Accessible Mobility Units generally and 50% Accessible Mobility Units in senior housing. Therefore, the number of individuals using mobility devices in public housing is likely to be much higher than 2% and the accessible areas in the SDAs will not be sufficient. Similarly, other facilities regulated by 11B such as hospitals, skilled nursing facilities, and other group settings, often have a very high percentage of people using wheelchairs and other mobility devices.

Thus, the inadequate per-person square footage factor combined with the higher population of people with mobility disabilities, means that 2% does not provide adequate space to provide safety to wheelchair users. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4).”

ITEM 8

Chapter 11A, Section 1150A Site Impracticality tests. [DSA-AC proposes to rescind its adoption of Section 1150A and Subsections 1150A.1 and 1150A.2 in their entirety.]

Connie Arnold’s Comments – I support DRC’s “support” position per mention of future code change discussions with parts of Chapter 11B-233.3.1.2.6.

Comment:

I support DRC's comment "We support this change because the provision is redundant. Site impracticality is already addressed in Chapter 11B-233.3.1.2.6. Therefore, this duplicative section is unnecessary. As DSA notes, they inadvertently failed to delete this when incorporating these same provisions into Chapter 11B. This does not change the site impracticality test for buildings covered by 11A.

We note, however, that there may be some concerns with parts of Chapter 11B-233.3.1.2.6. We hope to discuss these concerns during the next cycle. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 9

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-213 Toilet facilities and bathing facilities.

11B-213.2.4 Multi-user all-gender toilet facilities. Where multi-user all-gender toilet facilities are provided, they shall comply with Section 11B-213.3.1.

Connie Arnold's Comments – This is a new area of public accommodations to ensure all persons have access to toilet compartments and facilities serving "All Genders." Although more needs to be done, we have made significant progress, but hope to make sure people with disabilities with use of one-hand, mobility limitations, and use larger motorized wheelchairs can access public restrooms without struggle. I support this code proposal and will work for future proposals for disabled access. I support DRC's "support" position and comments in their letter dated April 24, 2023.

Comment:

I support DRC's comment "DSA's efforts to clarify accessibility requirements in Gender Neutral Restrooms where there are both urinals and toilet stalls. Without such clarification efforts, code users and building code officials would be left without specific accessibility standards, which could result in significant negative impacts for the disability community. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

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

Connie Arnold's Comments – I support DRC's "support" position and comments.

Comment:

I support DRC's comments "We support DSA's efforts to clarify accessibility requirements in Gender Neutral Restrooms where there are both urinals and toilet stalls. Without such clarification efforts, code users and building code officials would be left without specific accessibility standards, which could result in significant negative impacts for the disability community. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-213.3.1.2 Toilet compartments and 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.

Connie Arnold's Comments – This is a new area of public accommodations to ensure all persons have access to toilet compartments and facilities serving "All Genders." Although more needs to be done, significant progress has been made, but I hope to make sure people with disabilities with use of one-hand, mobility limitations, and use larger motorized wheelchairs can access public restrooms without struggle by consideration of accessible stall door opening assist devices or options. I strongly support this code proposal and want to work on future code proposals. I support DRC's "support" position.

Comment:

I support DRC's comment "We support DSA's efforts to clarify accessibility requirements in Gender Neutral Restrooms where there are both urinals and toilet stalls. Without such clarification efforts, code users and building code officials would be left without specific accessibility standards, which could result in significant negative impacts for the disability community. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

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.

Connie Arnold's Comments – I support DRC's "support" comments in their letter dated April 24, 2023.

Comment:

I support DRC's comments "We support DSA's efforts to clarify accessibility requirements in Gender Neutral Restrooms where there are both urinals and toilet stalls. Without such clarification efforts, code users and building code officials would be left without specific accessibility standards, which could result in significant negative impacts for the disability community. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 10

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-216.5 Parking.

11B-216.5 Parking and electric vehicle charging facilities. *Signs identifying parking spaces and signs within parking facilities shall comply with Section 11B-216.5. Signs identifying electric vehicle charging spaces and signs within electric vehicle charging facilities shall comply with Section 11B-216.5.*

Connie Arnold's Comments – I support DRC's "neutral" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position of neutrality which states "We are neutral on this proposed change as it provides clarification and helps to ensure accessibility, but we are concerned about the size of the lettering on the signage intended for use by drivers with visual impairments. Presently, character height is allowed to be as small as 1 inch, which is inaccessible to drivers with certain visual impairments that make it possible for them to drive, but difficult for them to read signage. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-216.5.2 Electric vehicle charging spaces. Signs identifying Electric Vehicle Charging Spaces shall comply with Section 11B-812.8.

Connie Arnold's Comments – I support DRC's "neutral" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We are neutral on this proposed change as it provides clarification and helps to ensure accessibility. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-216.5.2 11B-216.5.3 Parking and electric vehicle charging facilities. Signs within parking and charging facilities shall comply with Section 11B-216.5.2 11B-216.5.3.

Connie Arnold's Comments – I support DRC's "neutral" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We are neutral on this proposed change as it provides clarification and helps to ensure accessibility, but we are concerned about the size of the lettering on the signage intended for use by drivers with visual impairments. Presently, character height is allowed to be as small as 1 inch, which is inaccessible to drivers with certain visual impairments that make it possible for them to drive, but difficult for them to read signage. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-216.5.2.1 11B-216.5.3.1 Signs intended for use by pedestrians. Signs intended for use by pedestrians within parking and charging facilities, including directional or informational signs indicating parking sections or levels, shall comply with the requirements of Section 11B-216.

Connie Arnold's Comments – I support DRC's "neutral" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We are neutral on this proposed change as it provides clarification and helps to ensure accessibility, but we are concerned about the size of the lettering on the signage intended for use by pedestrians. Presently, character height is allowed to be as small as 5/8 inch, which is inaccessible to pedestrians with certain visual impairments. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-216.5.2.2 11B-216.5.3.2 Additional signs. Signs within parking facilities containing parking spaces complying with Section 11B-502 shall comply with Section 11B-502.8.

Connie Arnold's Comments – I support DRC's "neutral" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We are neutral on this proposed change as it provides clarification and helps to ensure accessibility, but we are concerned about the size of the lettering on the signage intended for use by drivers and/or pedestrians. Presently, character height is allowed to be as small as 5/8 inch, which is inaccessible to drivers and/or pedestrians with certain visual impairments. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 11

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-233 Public housing facilities.

11B-233.3.1.2 Residential dwelling units with adaptable features. In facilities with buildings with three or more residential dwelling units, adaptable residential dwelling units complying with Sections 11B-809.6 through 11B-809.12 shall be provided as required by Sections 11B-233.3.1.2.1 through 11B-233.3.1.2.6. Adaptable residential dwelling units shall be on an accessible route as required by Section 11B-206.

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We strongly support this proposed change for consistency with HCD's requirements for 11A units and state law. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), 18930(a)(7), and 18930(a)(8)."

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 entrance and all floors with common use spaces. 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 a elevator within the unit.**

DRC's Proposed Edits:

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

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023 with DRC's proposed edits.

Comment:

I support DRC's comments and recommended edits "We have reviewed and considered the public comments of Sue Moe. We believe our proposed changes marked in **bold** above to 11B.233.3.1.2.1 are non-substantive, but may provide additional clarity and are adequate to respond to Ms. Moe's concerns. We note that "primary entry" is a term used in the FHA guidelines and preamble, and common use "areas" is consistent with the language in CBC Chapter 11A. We support the DSA-proposed language as-is, but would not object to formatting changes, as suggested above, for additional clarity.

Additionally, we respectfully disagree with Ms. Moe regarding the language in Exception 1. Because this applies to buildings covered by Chapter 11B, much of the language in Chapter 11A is inapplicable. This is one such example. Under Chapter

11B-206.2.3, “At least one accessible route shall connect each [story](#) and [mezzanine](#) in multistory buildings and [facilities](#).” Therefore, Ms. Moe’s proposed exceptions to 11B-233.3.1.2.2 are not appropriate, nor is the HUD/DOJ FAQ applicable. We also note that ADAG section 233.3.5 and 11B-233.3.5 both require the dispersal of Accessible Units throughout the building, so Accessible Units could not be provided exclusively on a ground floor of a multistory building. Therefore, we do not believe it is appropriate to modify exception 1.

Access Warning | Barracuda Networks

Barracuda Networks

[Barracuda Networks | Link Protection Block Page](#)

Access Warning | Barracuda Networks

Barracuda Networks

[Barracuda Networks | Link Protection Block Page](#)

Access Warning | Barracuda Networks

Barracuda Networks

[Barracuda Networks | Link Protection Block Page](#)

Access Warning | Barracuda Networks

Barracuda Networks

[Barracuda Networks | Link Protection Block Page](#)

However, we note that Exception 4 to 11B-206.2.3 (the other exceptions do not apply to residential dwellings) may be applicable in extremely unusual circumstances.

While Exception 4 would not support Ms. Moe’s proposed changes, DSA may wish to consider whether some change is appropriate since exception 4 to 11B-206.2.3 (the other exceptions do not apply to residential dwellings) may be applicable in extremely unusual circumstances, as discussed below.

11B-206.2.3 Exception 4 states,

“11B-206.2.3 Multistory Buildings and Facilities

...

Exceptions:

...

(4) In residential facilities, an accessible route shall not be required to connect stories where residential dwelling units with mobility features required to comply with Sections 11B-809.2 through 11B-809.4, residential dwelling units with adaptable features complying with Sections 11B-809.6 through 11B-809.12, all common use areas serving residential dwelling units with mobility features required to comply with Sections 11B-809.2 through 11B-809.4, all common use areas serving residential dwelling units with adaptable features complying with Sections 11B-809.6 through 11B-809.12, and public use areas serving residential dwelling units are on an accessible route.

As Bill Hecker explains:

“First, this provision will only apply in instances where the public housing project doesn't include an elevator. When can that happen? Primarily, when the project is a single-story building, but also when the building complies with the conditions of 11B-206.2.3 Exception (4) above.

However, it is difficult to imagine circumstances where Exception 4 would apply. The only possible situation—beyond the most basic single-story public housing design strategy—that might apply to 11B-233.3.1.2.2 could be the following Case Study.

Multi-Story Mixed-Use Building Case Study: A possible design strategy that might apply this Exception (4) and the multiple-ground floor dwelling exception without an elevator connecting each level could be where a publicly funded multistory "mixed-use" project has three stories proposed on a very steep lot in San Francisco. The project is an urban in-fill site along Lombard Street with no proposed off-street parking and the only site arrival points for the 3 separate accessible building entrances are from the sidewalk immediately adjoining each of the separate building floors as the project flows up the hill. The lowest story with 6 units nestled into the hillside and the middle story with 12 units

above that lower section also nestled into the hillside have only residential dwelling units without any common residential amenity spaces on either floor (no laundry, no trash rooms, no community room, no public restrooms, no leasing or maintenance office) and the upper building level houses only a retail tenant with an accessible entrance off the corner of Lombard Street and Leavenworth Street at the top of the hill. The site is such that there is no need for an exit stair tower on the alley side of the building as each individual level exits directly to grade on the side opposite the Lombard entrances. In this case study, a three-story residential mixed-use public housing building designed and constructed by the City of San Francisco housing authority would not appear to require an elevator or any accessible route connection between the 3 individual levels which are individually served by accessible approach routes from the Lombard Street sidewalk to building entrances and exits on each level because each level has its own accessible entrance and exit at grade and there is no need for a floor-to-floor connection for the operation of the housing or retail tenant programs.

Given that such a situation is highly unlikely and is akin to separate buildings, we don't believe modifications are necessary, but wanted to bring this to your attention. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), and 18930(a)(7), and 18930(a)(8)."

11B-233.3.1.2.2 Non-elevator buildings. Ground floor residential dwelling units. Ground floor residential dwelling units in non-elevator buildings shall be adaptable. A building may have one or more ground floors.

Connie Arnold's Comments – I support DRC's "strongly support" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We strongly support these proposed changes as they provide clarification and help to ensure accessibility. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), 18930(a)(7), and 18930(a)(8)."

ITEM 12

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-249 Adult changing facilities. 11B-249.1.3 On or after January 1, 2025, alterations to existing commercial places of public amusement which require a permit or for which the estimated cost is ten thousand dollars (\$10,000) or more shall provide no fewer than one adult changing facility in compliance with Section 11B-813.

Exception: Existing commercial places of public amusement with an existing adult changing facility in compliance with Section 11B-813 shall not be required to provide additional adult changing facilities.

Connie Arnold's Comments – I support DRC's "support" position, but I do not support the exception for large amusement parks that require extensive walking to access an adult changing station where financial interests are such that the entity has the means to provide greater amusement park restroom facilities and access for all members of the public such as Disneyland, California Adventure, Knott's Berry Farm, Magic Mountain, Sea World, San Diego Zoo, the San Diego Wild Animal Park and where rides and functions are not centrally located but are dispersed throughout a large area.

Comment:

I support DRC's comments "We strongly support these proposed changes as they expand accessibility, as required by statute. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 13

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 406.3.2, Figure 11B-406.3.2

The location of detectable warnings at a parallel curb ramp bottom landing was changed in Section 11B-705.1.2.2.2 Parallel Curb Ramps, during the 2019 Intervening Code Adoption Cycle, to require detectable warnings to be located 6 to 8 inches back from the face of the curb. The corresponding figure for Section 11B-705.1.2.2.2 was updated, but the Figure 11B-406.3.2 was not updated and currently shows the detectable warnings at the face of curb. This change is proposed to correct the location of the detectable warnings to reflect the code language and make the two figures consistent.

Connie Arnold's Comments – I support DRC's "support" position, but I want future efforts to focus on specifying yellow truncated domes as the specific required contrast color as it is the color most visible to persons with visual disabilities and is easily visible for everyone.

Comment:

I support DRC's comment "We support this change to prevent conflicts in the codes. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 14

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-604.8 Toilet compartments.

11B-604.8.1.2 Doors. Toilet compartment doors, including door hardware, shall ...

The door shall be self-closing and have a privacy latch. A door pull complying with Section 11B-404.2.7 shall be placed on both sides of the door near the latch. Doors shall not swing into the clear floor space or clearance required for any fixture. Doors may swing into that portion of maneuvering space which does not overlap the clearance required at a water closet.

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's position "We support these proposed changes in Sections 11B-604.8.1.2 and 11B-604.8.2.2. We were initially concerned about the need for language regarding making privacy latches accessible, but we understand that privacy latches as referenced in this code proposal already have specific accessibility requirements regarding pinching and gripping, etc. If so, it may be helpful to reference those here. See e.g., 11B-404.2.7, 11B-309.1, and 11B-309.4. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-604.8.2.2 Doors. Toilet compartment doors, including door hardware, shall comply with *Section 11B-404*, except that if the approach is to the latch side of the compartment door, clearance between the door side of the compartment and any obstruction shall be *44 inches (1118 mm)* minimum. The door shall be self-closing *and have a privacy latch*. A door pull complying with *Section 11B-404.2.7* shall be placed on both sides of the door near the latch. Toilet compartment doors shall not swing into the minimum required compartment area.

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's comment "We support these proposed changes in Sections 11B-604.8.1.2 and 11B-604.8.2.2. We were initially concerned about the need for language regarding making privacy latches accessible, but we understand that privacy latches as referenced in this code proposal already have specific accessibility requirements regarding pinching and gripping, etc. If so, it may be helpful to reference those here. See e.g., 11B-404.2.7, 11B-309.1, and 11B-309.4. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 15

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING Section 11B-605 Urinals.

11B-605.1 General. Urinals *not provided in urinal compartments* shall comply with ~~Section 11B-605~~ *Sections 11B-605.1 through 11B-605.4. Urinals provided in urinal compartments shall comply with Sections 11B-605.1 through 11B-605.5.*

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's comment "We strongly support the changes DSA made after further study. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

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 shall have hand operated flush controls located on the open side of the urinal.*

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023 including their proposed edits, but strongly urge a reduced flush control height that is easily accessible for wheelchair users with limited reach.

Comment:

I support DRC's comments and recommended edits "We strongly support the changes DSA made after further study, but we suggest the following additional language for clarity. Our proposed language below allows for the use of automatic flush controls, as reflected earlier in the code. We also urge DSA to consider reducing the height on the flush controls, which are too high for wheelchair users. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4).

DRC's Proposed Edits:

"Urinals provided in urinal compartments **where there are no automatic flush controls** shall have hand operated flush controls located on the open side of the urinal." "

11B-605.5 Urinal compartments. *Wheelchair accessible urinal compartments shall comply with 11B-605.5. Compartments containing more than one plumbing fixture shall comply with Section 11B-603.*

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023.

Comment:

I support DRC's comment "We strongly support the changes DSA made after further study. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

11B-605.5.1 Urinal location. *Urinals in compartments shall have the centerline of the urinal located 17 inches (432 mm) minimum to 18 inches (457 mm) maximum from the side wall or partition. Urinals shall be arranged for a left-hand or right-hand approach.*

Connie Arnold's Comments – I support DRC's "support" position per the reasons mentioned in DRC's letter dated April 24, 2023 including DRC's suggested clarifying language.

Comment:

I support DRC's comment "We strongly support the changes DSA made after further study. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), 18930(a)(5), 18930(a)(6), and 18930(a)(8). However, we believe that the "in front of" language is not specific enough as-is to ensure the proper location of the maneuvering clearance.

We suggest modifying the language to state,

"...space shall be provided in front of the urinal and centered horizontally 17"- 18" from the center of the urinal." This adds needed clarity." "

11B-605.5.2 Maneuvering clearance. A minimum 66 inches (1676 mm) wide and 66 inches (1676 mm) deep maneuvering space shall be provided in front of the urinal. A turning space complying with Section 11B-304 shall be provided within the compartment.

Exception: Where toe clearance complying with 11B-605.5.4 is provided, the required maneuvering space in front of the urinal fixture shall be permitted to be reduced to 60 inches (1524 mm) minimum wide and 60 inches (1524 mm) minimum deep.

Connie Arnold's Comments – I support DRC's "strongly support" position per the reasons mentioned in DRC's letter dated April 24, 2023 including DRC's comments about DSA engaging in discussions with advocates, but I strongly oppose the exception that reduces the turning and maneuvering space for reasons as noted by DRC. Reality is that larger motorized wheelchairs and larger scooter end-users need greater space for maneuvering and without it, persons with disabilities and seniors find ourselves moving back and forth unintendedly banging into walls, and tearing them up in some cases, which matters to the cost of continuing building repairs. I added yellow highlights to DRC's comments about not allowing a 60" exception for reasons identified.

Comment:

I support DRC's comments "We strongly support the changes DSA made after further study. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), 18930(a)(5), 18930(a)(6), and 18930(a)(8). We are very appreciative of DSA for

engaging in discussions with accessibility advocates.

We are extremely pleased with the expansion of the maneuvering clearance to 66 inches. Many existing code provisions that provide smaller clearance (such as 60 inches or even less) were crafted when manual wheelchairs or walkers were the primary devices used by people with mobility disabilities. Now, large numbers of people with mobility devices use larger power chairs, chairs with foot extensions, and scooters. Evidence shows that 66" is a minimal clearance for such devices.

Clearance should be based on actual experiential research with users of mobility devices. There is a wealth of research that has been done documenting the need for larger maneuvering spaces. See, e.g., "Space Requirements for Wheeled Mobility," <http://idea.ap.buffalo.edu/wp-content/uploads/sites/110/2019/06/spacerequirementsforwheeledmobility.pdf>. Other code agencies are considering increases to maneuvering clearances. See, e.g., "ICC A117.1—2017 Accessible and Usable Buildings and Facilities Commentary," attached. It contemplates larger turning radii that account for the mechanics of today's scooters and much larger power wheelchairs that provide independence to an expanded group of people with disabilities. The ICC proposal is for a 67-inch minimum diameter and a larger clear floor space.

Therefore, we also note that a reduction to 60 inches of maneuvering clearance should not be allowed, even when toe clearance is provided. The smaller turning space, even with toe clearance, is a problem for people using large mobility devices and does not provide adequate maneuvering clearance when taking into account that a urinal compartment may have very unsanitary conditions."

11B-605.5.3 Doors. Urinal compartment doors, including door hardware, shall comply with 11B-404 except that if the approach is from the push side of the compartment door, clearance between the door side of the compartment and any obstruction shall be 48 inches (1219 mm) minimum measured perpendicular to the compartment door in its closed position. Doors shall be located in the front partition or in the side wall or partition farthest from the urinal. Where located in the front partition, the door opening shall be 4 inches (102 mm) maximum from the side wall or partition farthest from the urinal. Where located in the side wall or partition, the door opening shall be 4" maximum (102 mm) from the front partition. The urinal compartment door shall be out-swinging, self-closing and have a privacy latch. Door pulls complying with Section 11B-404.2.7 shall be placed on both sides of the door near the latch. Doors shall not swing into the clear floor space at the urinal. Doors may swing into that portion of maneuvering space and turning space which does not overlap the clear floor space required at a urinal.

Exception: *When located at the side wall or partition of a urinal compartment, the compartment door opening shall provide a clear width of 34 inches (864 mm) minimum.*

Connie Arnold's Comments – I support DRC's "strongly support" position per the reasons mentioned in DRC's letter dated April 24 ,2023 including engagement with the disability community, outward swinging doors, and future discussion of automatic stall openers or push assist devices that would aid users in opening toilet compartment stall doors.

Comment:

I support DRC's comments "We strongly support the changes DSA made after further study, including the larger turning space discussed above, outward-swinging doors, and clarifying the placement of urinals as discussed above. We are very appreciative of DSA for engaging in a discussion with accessibility advocates.

Further, we suggest that for future code cycles, DSA consider whether or not an automatic opener device (e.g. bottom and top push plates, or "open sesame" doors that provide a long unit that can be bumped anywhere along it in order to open a door) could be added to outward-swinging doors to increase accessibility for those who have difficulty using their hands to open doors. We also suggest that we should cross reference requirements that prohibit items such as toilet paper rolls and coat hooks from intruding into maneuverability spaces. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), 18930(a)(5), 18930(a)(6), and 18930(a)(8)."

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.*

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 (1676 mm) deep minimum. Toe clearance at the side partition is not required in a compartment greater than 66 inches (1676 mm) wide.*

Connie Arnold's Comments – I support DRC's "oppose" position of the toe clearance exception per the reasons mentioned in DRC's letter dated April 24 ,2023 end users of larger mobility wheelchairs and scooter would be exposed to greater occurrence of

contact unsanitary urinal compartment doors.

Comment:

I support DRC's comment "As noted above, we are opposed to a toe clearance exception because we believe that the maneuvering space should remain larger, since more space will likely be needed for people using large mobility devices to maneuver within a typically unsanitary location such as a urinal. To the extent that toe clearance is eliminated, sufficient toe clearance should be provided under the door because many people who use wheelchairs with foot extensions and have limited upper body mobility use their feet to open doors. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), 18930(a)(4), 18930(a)(5), 18930(a)(6), and 18930(a)(8)."

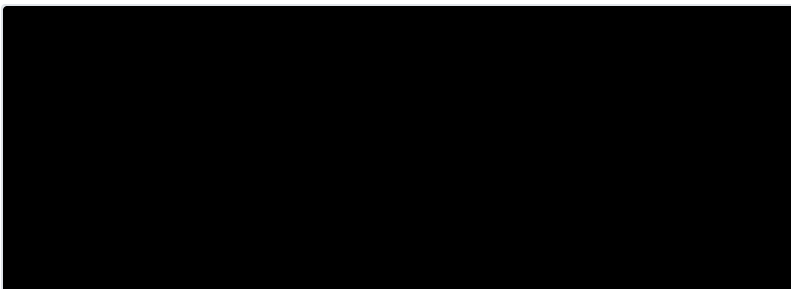
ITEM 16

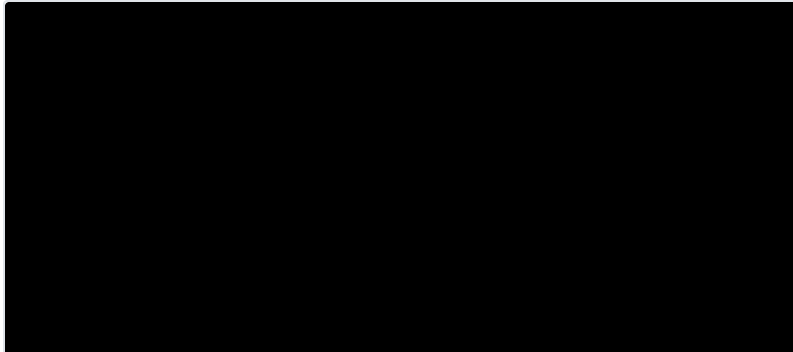
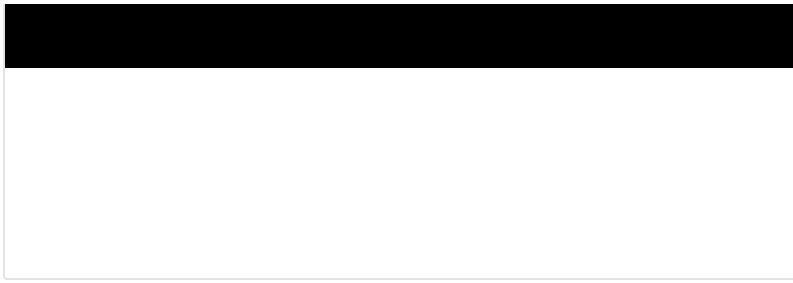
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-809.10.6 Showers.

11B-809.10.6.1 Size. *When one or more shower stalls are provided within the same dwelling unit, as least one shower stall shall comply with one of the following:*

1. *A transfer type shower compartment 36 inches (914 mm) wide by 36 inches (914 mm) deep with an entrance opening 36 inches (914 mm) complying with Section 11B-608.1; or ...*

Connie Arnold's Comments – I support DRC's "strongly oppose" position per the reasons mentioned in DRC's letter because the change reduces access to the built environment in public housing units generally under construction process now to address the housing shortage. Additionally, aging seniors want to age in place and persons becoming homeless are those over age 50 years old. See [Aging on the Streets: America's Growing Older Homeless Population](#) and <https://aisp.upenn.edu/wp-content/uploads/2019/01/Emerging-Crisis-of-Aged-Homelessness-1.pdf> and [More older Americans become homeless as inflation rises and housing costs spike](#)





More older Americans become homeless as inflation rises and housing cost...

In Montana and across the nation, homeless shelters report the worrisome trend that seniors are a growing propor...

Comment:

I support DRC's comment "We are strongly opposed to this proposed change as it reduces accessibility. This higher accessibility is appropriate in all of the units in public housing. To make this change would result in a reduction in accessibility because the 30x48 shower provides inadequate clearance to effectively transfer. Further, because it conflicts with other provisions, the other provisions which provide greater accessibility should take precedence. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

ITEM 17

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-216.8 Toilet Room Signs.

11B-216.8.2 Identification for all-gender multi-user toilet facilities. Geometric

symbols complying with Section 11B-703.7.2.6.3 shall be provided at the entrance to all-gender multi-user toilet facilities. In addition, a sign complying with Sections 11B-703.1 through 11B-703.5 shall be provided stating “ALL-GENDER MULTI-USER”.

Connie Arnold's Comments – I support DRC's “support” comments per the reasons mentioned in DRC's letter dated April 24, 2023 including the recommendation of pictograms to distinguish “toilet” and “urinal” stall types in “All Gender” or “Gender Neutral” multi-user toilet facilities for persons with intellectual and developmental disabilities.

Comment:

I support DRC's comments “We support DSA's efforts to clarify accessibility requirements in Gender Neutral Restrooms where there are both urinals and toilet stalls. We suggest that in future code cycles, DSA endeavor to identify and allow for universally-accepted pictograms that may be used to identify accessible toilet and/or urinal compartments, as such pictograms may increase accessibility for individuals with intellectual or developmental disabilities. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4).”

11B-216.8.3 Signs at toilet and urinal compartments. Where both toilet compartments and urinal compartments are provided, each individual compartment shall be identified with a sign complying with Sections 11B-703.1 through 11B-703.5. Signs shall identify the type of fixture within the compartment, either “URINAL” or “TOILET”. A pictogram identifying the fixture type within the compartment is not permitted.

Exception: A sign with tactile characters shall be permitted on an in-swinging and self-closing door at compartments not required to comply with Section 11B-604 or Section 11B-605.5.

Connie Arnold's Comments – I support DRC's “support” comments per the reasons mentioned in DRC's letter dated April 24, 2023 including the recommendation of pictograms to distinguish “toilet” and “urinal” stall types in “All Gender” or “Gender Neutral” multi-user toilet facilities.

Comment:

I support DRC's comment “We support DSA's efforts to clarify accessibility requirements in Gender Neutral Restrooms where there are both urinals and toilet stalls. We suggest that in future code cycles, DSA endeavor to identify and allow for

universally-accepted pictograms that may be used to identify accessible toilet and/or urinal compartments, as such pictograms may increase accessibility for individuals with intellectual or developmental disabilities. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4).”

ITEM 18

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-226.4 Baby Diaper Changing Station.

11B-226.4 Baby diaper changing station. Baby diaper changing stations shall ...

Baby diaper changing stations shall not be located in toilet compartments complying with Section 11B-604.8 or urinal compartments complying with 11B-605.5 within a multiple accommodation toilet facility.

Connie Arnold's Comments – I support DRC's "strongly support" position per the reasons mentioned in DRC's letter so baby changing stations are not located in toilet compartments and the need for further study and discussions on the topic of placement of baby changing stations which provides access for persons with disabilities who are parents including parents using wheelchairs or who are of short stature.

Comment:

I support DRC's comments but urge equality of access "We strongly support this change DSA made after further study and a discussion with accessibility advocates. We are especially supportive of ensuring that baby changing tables not be placed in toilet compartments. See HSC subsections 18930(a)(1), 18930(a)(2), 18930(a)(3), and 18930(a)(4)."

Additionally, I am in support of the separate comments provided by Disability Rights California dated April 24, 2023 on the Housing and Community Development (HCD 1-AC 01/22) proposed code changes to the 2022 edition of the California Building Standards Code, Part 2, Title 24 and have no additional comments at this time.

Respectfully,

Connie Arnold

Disability Rights Advocate 30+ Years

Elk Grove, California

Enclosure: ICC A117.1—2017 Accessible and Usable Buildings and Facilities
Commentary