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Subject: 45 Day Comment to DSA Proposed Code Changes.
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California Code of Regulations, Title 24, Part 2

ITEM 11

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

Chapter 11B, Section 11B-233.3.1.2.1

Division of the State Architect

This comment is intended for review during the 45-Day Comment Period

For the most part I recommend approval of this item. There are two sections that I recommend for amendment as follows.

Nine Point Criteria.

(1) The proposed building standard conflicts with the Fair Housing Accessibility Guidelines.

(6) The proposed building standard is vague in part.

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 an elevator within the unit.**

The opening sentence in Section 11B-233.3.1.2.1 conflicts with the Fair Accessibility Guidelines (FHAG) and doesn't use terminology consistent with the current code language.

The FHAG requires an elevator that serves all floors to provide access to the single-story units and the **primary entry level** of multistory dwelling units.

As proposed, an elevator would be required to serve entrances beyond what the FHAG requires.

For example, a multistory dwelling unit could have an entrance serving the second story of the unit in addition to the primary entry on the first floor.

If both entrances to the unit are on a floor served by the elevator, the second-story spaces would be required to provide accessibility beyond what the current code requires.

Sections 11B-233.3.1.2.4 and 11B-233.3.1.2.5, items 1 through 3, provide the requirements for the primary entry level. The proposed code language needs to be consistent with these sections and use the term “primary entry.”

The opening sentence uses the term “common use spaces.” Section 11B-203.8 excludes floors not served by an elevator for units with adaptable features. The term used in that section is “common use areas.” For clarity and consistency with the current code, use “common use areas.”

This is a recommendation for revising the opening sentence in Section 11B-233.3.1.2.1.

In a building with one or more elevators, the elevator shall serve the single-story units, the primary entry level of multistory units, and common use areas.

Section 11B-233.3.2.1 Exception 1

Following is a question and response from the *Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act*.

23. If a covered building has a building elevator that serves some, but not all, of the units in the building, is it covered by the design and construction requirements?

This is a portion of the response to the question.

When an elevator is provided only as a means of providing an accessible route to dwelling units on a ground floor that is above grade, below grade, or at grade and does not provide access to floors that are not ground floors.

I recommend replacing exception 1 with the response to the question provided by HUD and US DOJ. The response to the question is more comprehensive than the code language in Exception 1.

Thank you for considering this amendment to the proposed code change.

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