

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT (DSA-AC)

REGARDING THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

2013 CALIFORNIA BUILDING CODE**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

The Division of the State Architect - Access Compliance (DSA-AC) is relying on the Initial Statement of Reasons regarding specific adoptions, amendments, or repeals to CCR, Title 24, Part 2.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The DSA-AC has determined that the proposed regulatory action WOULD NOT impose a new mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Name: Dan Conwell, AIA, NCARB, Sutter Health Facility Planning and Development
Jim Benney, RN, BSN, MPA, Sutter Health Facility Planning and Development
Ann M. Weaver, Project Manager, Harris & Associates
Dennis Dong, CHD Architects
Regina Konet, AIA, Konet Architecture
Russell Rocker, AIA, HGA Architects and Engineers
Scott Burnham, Silva Stowell Architects, LLP
Scott Paddon, Associate AIA, Boulder Associates Architects
Peter Oliver, Designer, NORR Associates
Victor H. Yanez, RA, URS Corporation
Michael F. Malinowski, AIA, President, Applied Architecture, Inc.
Bruce Playle, AIA, INDIGO/Hammond & Playle Architects, LLP
Duane R. Thomson, AIA, Architect

Section: General

Comment: Recommendations to approve the package submitted by the DSA-AC to align the California Building Code (CBC) with the 2010 Americans with Disability Act Standards (ADAS). Having a sole source of accessibility standards will greatly help to ensure correct accessibility implementation and will benefit all – from designers to the end users.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Mark Wood, CBO, CASp, California Certified Accessibility Specialists, Inc

Section: General

Comment: Recommendation to approve the package submitted by the DSA-AC intended for the 2013 California Building Standards Code and the 2013 California Administrative Code for all Californians. The effort by the DSA-AC to make one document that architects, building departments, contractors and building owners can use that will ensure compliance with both State and federal laws is commendable and long overdue.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Daniel Conway, California Restaurant Association

Section: General

Comment: The California Restaurant Association (CRA) asks that CBSC adopt the proposed modifications to the California Code of Regulations, Part 2. The CRA appreciates DSA-AC's work to bring California's building code into conformity with the 2010 ADAS and the effort to make the State codes much more user-friendly. The existing regulatory regime consists of conflicts between State and federal ADA requirements, which create forced violations leading to unnecessary litigation against businesses that are attempting in good faith to comply with the law. This action by the CBSC is long overdue, and will improve access compliance without limiting physical access.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Suzanne Furjanic, City of Santa Ana Public Works Agency

Section: General

Comment: DSA/CBC jurisdiction should end at the Public Right-of Way. Regulating standards should be kept completely separate to avoid confusion and possible contradiction.

With respect to PROWAG, there should not be any attempts to codify language from the draft document anywhere until there is final consensus and adoption of its content. Having said that, it seems the effort should first be focused in completing that endeavor, followed then by the appropriate codification for State and Local jurisdictions.

DSA-AC Change to Accommodate: DSA-AC proposed to amend sections in the 15-Day Express Terms relating to language incorporated from the proposed federal Public Right of Way Guidelines (PROWAG).

Name: Thomas Kennedy, AIA, CASp, Chief of Architecture and Engineering, California State University, Office of the Chancellor

Section: General

Comment: Mr. Kennedy agrees with the proposed amendments to the model codes, and recommends approval of the code development package with no revisions.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Dorit Fromm, SwanArch.com

Section: General

Comment: Ms. Fromm agrees with the proposed amendments to the model codes, and recommends approval of the code development package with no revisions.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Sally Swanson, Principal, CEO, Sally Swanson Architects, Inc.

Section: General

Comment: (1st 15-Day) Ms. Swanson agrees with the proposed amendments to the model codes, and recommends approval of the code development package with no revisions.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Jay Bond, Deputy Building Official, California State University, Fullerton

Section: General

Comment: Mr. Bond agrees with the proposed amendments to the model codes, and recommends approval of the code development package with no revisions.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Dana G. Wyatt, Director of Operations, Pacific Park on the Santa Monica Pier
Robert L. Lorenzini, Logistics Manager, LEGOLAND CALIFORNIA RESORT
Wendy Crain, General Manager, San Diego Coaster Company, San Diego
Raffi Kaprelyan, Vice President and General Manager, Knott's Berry Farm
John Reilly, SeaWorld, San Diego

Section: General

Comment: These are supporting statements from representatives of various amusement parks strongly urging CBSC to adopt the proposed modifications to the California Code of Regulations, Part 2. The adoption of the proposed modifications to the California Code of Regulations, Part 2

would fill the void in the current code for accessibility standards for recreational facilities and will facilitate compliance by establishing harmonious requirements between State and federal ADA requirements. The representatives also support the inclusion in the proposed code that allows for certain accessible elements in existing facilities in compliance with the 2010 CBC not be modified to comply with incremental changes when an area the path of travel serves is altered.

DSA-AC Change to Accommodate: These are supporting statements; DSA-AC is proposing no further changes in response to this comment.

Name: Kerwin Lee, AIA, CASp

Section: Chapter 1, Section 1.9.1.3 (Division of the State Architect) Application

Comment: Pointer to other legislative code is perhaps necessary, but is little help to users of the code. The language in the referenced codes is of little help because they are written in legal language and not code language. Adding pointers within the building code would be more helpful for the users.

DSA-AC Change to Accommodate: Section 11B-106.5 Definitions, lists all defined terms and directs the user to Chapter 2, Section 202 for their code definition. DSA-AC is proposing no further changes in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: Chapter 2, Section 202.1 Definition of ACCESSIBLE SPACE

Comment: The proposed definition should be amended to indicate that an accessible space is a space that complies with the “accessibility” provisions of the code. The entire building code and its provisions are not invoked for determination of compliance for an accessible space. As written, all code provisions, including those beyond accessibility requirements, would need to be evaluated for compliance.

DSA-AC Change to Accommodate: DSA-AC agrees that the entire code and its provisions are not invoked for determination of compliance for an accessible space. The DSA-AC15-Day Express Terms contained a proposal to amend the definition of ACCESSIBLE SPACE to clarify that only the accessibility provisions of the code need to be evaluated in determining compliance. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Tim McCormick, VCA Code Group, Inc

Section: Chapter 2, Section 202.1 Definition of ASSEMBLY AREA

Comment: The proposed definition conflicts with and overlaps the definition of assembly use in Chapter 3, Section 303. The proposed definition does not contain applicable and important exemptions for number of occupants. The definition should be deleted and these exemptions should be added to the scoping provisions of Chapter 11B.

DSA-AC Change to Accommodate: The 2010 CBC, Chapter 303 classifies structures or portions of structures into various groups based on occupancy. The 2010 ADAS, the new model code, contains scoping based on how a room or space is used. Adding conflicting scoping to Chapter 11B based strictly on occupancy would create confusion for code users and may

introduce conflicts with the 2010 ADAS. For example, for access purposes, there can be assembly areas within other than A occupancies, such as a conference room within a B occupancy. The proposed definition will contain the DSA-AC acronym indicating it is applicable for only access. DSA-AC is proposing no further changes to this definition in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: Chapter 2, Section 202.1 Definition of MEZZANINE

Comment: The proposed definition conflicts with and overlaps the definition of mezzanine in Chapter 5, Section 505. The proposed definition does not contain the applicable requirements of Chapter 5, and adds a new provision of sufficient elevation not found in existing code. The proposed definition should be deleted.

DSA-AC Change to Accommodate: The 2010 ADAS model code definition is applicable only for access. Adding conflicting scoping to Chapter 11B would create confusion for code users and may introduce conflicts with the 2010 ADAS. The proposed definition will contain the DSA-AC acronym indicating it is applicable only for access. DSA-AC is proposing no further changes to this definition in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: Chapter 2, Section 202.1 Definition of OCCUPANT LOAD

Comment: The proposed definition duplicates the existing definition in Chapter 10, Section 1002. The proposed definition should be deleted.

DSA-AC Change to Accommodate: DSA-AC agrees that the 2010 ADAS and 2012 IBC definitions of OCCUPANT LOAD are sufficiently similar, and that there is no need for a separate definition applicable only for access. The DSA-AC15-Day Express Terms contained a proposal to adopt the 2012 IBC definition rather than the 2010 ADAS definition. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: Chapter 2, Section 202.1 Definition of PATH OF TRAVEL

Comment: We oppose eliminating the language from the current CBC definition “that provides free and unobstructed access to and egress from a particular area or location for pedestrians and/or wheelchair users. A “path of travel” includes a continuous, unobstructed way of pedestrian passage”. We also oppose the proposed new language which limits Path of Travel only to existing sites.

DSA-AC Change to Accommodate: As used by the 1991 ADA Standards, the term *path of travel* has been associated with an accessible pedestrian passage way to an area of alteration within an existing facility. The term also includes the restrooms, telephones, and drinking

fountains serving the altered area. Within the same federal standards, the term *accessible route* was originally defined as: “A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.”

The 2010 ADA Standards have deleted the definition of *accessible route* and dedicated the entire Chapter 4 to describe the technical requirements of an accessible route. Under the 2010 ADA Standards, the term *accessible route* is used generally and applied to both new construction and alterations of existing facilities; the term *path of travel* is used specifically and applied only to existing facilities undergoing alteration.

Beginning in 1982 the California Building Code (CBC) used the term *path of travel* in a general way, similar to the use of the term *accessible route* in the ADA Standards. After issuance of the 1991 ADA Standards the use of the term *accessible route* in the CBC increased and over time became synonymous with *path of travel*.

In the early 2000s, as DSA sought USDOJ certification that the CBC accessibility requirements met or exceeded the requirements of the 1991 ADA Standards, it became increasingly apparent that the CBC’s use of the term *path of travel* was at odds with federal use of the same term. Beginning with the 2006 code amendment cycle, DSA-AC advanced code change proposals make the use of the terms *path of travel* and *accessible route* consistent with the 1991 ADA Standards.

DSA-AC’s current code change package achieves consistency with the ADAS on the use of the terms *path of travel* and *accessible route*. Further, by adopting the ADAS model code for Chapter 11B, Division 4, code users can be assured of consistency with the federal requirements applicable to accessible routes. DSA-AC’s proposed code language for the 2013 CBC provides clarity and consistency of use for all code users in differentiating the elements required to be accessible in new construction and alterations. DSA-AC is proposing no further changes to this definition in response to this comment.

Name: Kerwin Lee, AIA, CASp

Section: Chapter 2, Section 202.1 Definition of PUBLIC HOUSING

Comment: To align with the 2010 Standards and the American with Disabilities Act (ADA), the definition needs to include “all” housing associated with the places of education and not just public institutions. Currently the definition only includes “...owned and operated by a public entity ...” Under Section 36.406 (e) of the 28 CFR part 36, Subpart D, housing at places (Public-Title II and private-Title III) needs to be included, there will be a gap between the CBC and 2010 Standards.

DSA-AC Change to Accommodate: Under its statutory authority, DSA-AC promulgates the code for public housing; the Department of Housing and Community Development is responsible for promulgating the code for privately funded housing. DSA-AC is proposing no further changes in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: Chapter 2, Section 202.1 Definition of SITE DEVELOPMENT

Comment: We oppose eliminating the language from the current CBC that provides specificity as to the kinds of areas covered under site development (walks, sidewalks, ramps, curbs, curb ramps, parking facilities, stairs, planting areas, pools, promenades, exterior gathering or assembly areas and raised or depressed paved areas) including both on-site and off-site facilities. Omitting this definition will reduce accessibility below that which is currently provided.

DSA-AC Change to Accommodate: The scoping and technical sections of the proposed language of the 2013 CBC define the requirements for the various elements listed in the definition for site development; walks, sidewalks, ramps, curbs, curb ramps, parking facilities, stairs, planting areas, pools, promenades, exterior gathering or assembly areas and raised or depressed paved areas. Providing a list that is not comprehensive of all the elements that may be provided on-site or off-site causes confusion and potentially the argument that elements not listed are not required to be accessible. Eliminating the definition for site development provides clarity and consistency of use for all code users. DSA-AC is proposing no further changes in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: Chapter 2, Section 202.1 Definition of STRUCTURAL FRAME

Comment: The proposed definition conflicts with and overlaps the definition of primary structural frame in Chapter 2, Section 202, which includes more structural elements (floors & roofs). The proposed definition eliminates consideration of floors and roofs without any stated justification. It would be better to delete the proposed definition and locate considerations related to structural frame in the Chapter 11B scoping section.

DSA-AC Change to Accommodate: The 2010 ADAS model code definition is applicable only for access. Adding conflicting scoping to Chapter 11B would create confusion for code users. The proposed definition will contain the DSA-AC acronym indicating it is applicable only for access. DSA-AC is proposing no further changes to this definition in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: Chapter 2, Section 202.1 Definition of TECHNICALLY INFEASIBLE

Comment: The proposed definition relies on a newly added definition of structural frame which conflicts and overlaps with the existing definition of primary structural frame. The proposed definition of STRUCTURAL FRAME should be amended to be consistent with the existing IBC definition of PRIMARY STRUCTURAL FRAME, and the definition of TECHNICALLY INFEASIBLE should be amended to reference “primary” structural frame rather than structural frame.

DSA-AC Change to Accommodate: The 2010 ADAS model code definitions are applicable only for access. The proposed definitions will contain the DSA-AC acronym indicating they are applicable only for access. DSA-AC is proposing no further changes to this definition in response to this comment.

Name: Kerwin Lee, AIA, CASp

Section: Chapter 11A- Adoption Matrix

Comment: Delete any references or adoptions in Chapter 11A. There should be no adoption or references by DSA to Chapter 11A. This only creates confusion and does not align with the ADA. Chapter 11B should be a standalone chapter. Chapter 11A is written under a different set of standards, Fair Housing Act.

DSA-AC Change to Accommodate: In the 2010 CBC, DSA-AC adopted all of Chapter 11A, only one exception was excluded. The requirements for the provisions of Chapter 11A-Housing Accessibility are incorporated into the proposed language of the 2013 CBC to harmonize with the 2010 ADAS and maintain the current level of access in California. DSA-AC is proposing no further changes in response to this comment.

Name: John Paul Scott, AIA, CASp, CREATE Access, Architect/Consultants

Section: Chapter 11B in its entirety, and related revisions to Chapters 1, 2, 3, 4, 9, 10, 24, 33, 34, & 35

Comment: Mr. Scott agrees with the proposed amendments to the model codes, and recommends approval of the code development package with no revisions.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Kris Reyes, Director, External Affairs & General Services, Santa Cruz Beach Boardwalk
C. J. Hirschfield, Children's Fairyland
Wendy Crain, General Manager, San Diego Coaster Company, Belmont

Section: Chapter 11B in its entirety, and related revisions to Chapters 1, 2, 3, 4, 9, 10, 16A, 24, 30, 31, 33, 34, & 35

Comment: These are supporting statements from representatives of various amusement parks recommending approval of the code development package with no revisions.

DSA-AC Change to Accommodate: These are supporting statements; DSA-AC is proposing no further changes in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: 11B-106.5 Defined Terms

Comment: This proposed section duplicates information provided in Chapter 2, Section 202 and should be deleted. As an alternative, language could be amended to direct the reader to Chapter 2 without the need to list each word.

DSA-AC Change to Accommodate: This is the 2012 IBC model code format and proposed 2013 CBC format. DSA-AC is proposing no further changes in response to this comment.

Name: John Robinson, CEO, California Attractions and Parks Association, Inc.

Section: Chapter 11B, Division 2 – Scoping Requirements
Chapter 11B, Division 10 – Recreation Facilities

Comment: California Attractions and Parks Association requests that DSA-AC adopt the 2010 ADA Standards regarding recreation facilities into Chapter 11B of the CBC without substantive change.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes to these divisions in response to this comment.

Name: Janice L. Miller, Vice President, Legal and Business Affairs, Universal Studios Hollywood,
Universal Citywalk Hollywood

Section: Chapter 11B, Division 2 – Scoping Requirements
Chapter 11B, Division 10 – Recreation Facilities

Comment: California Attractions and Parks Association requests that DSA-AC adopt the 2010 ADA Standards regarding recreation facilities into Chapter 11B of the CBC without substantive change.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes to these divisions in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-201.1 Scope, Exception, Structural Impracticability

Comment: The proposed definition for Structurally Impracticable does not include the limitations in application that are contained in the federal 28 CFR, Appendix B to Part 36 – Preamble as published by the federal Department of Justice. The Department cites specific examples regarding the application of the Structurally Impracticable exception as follows:

“The limited structural impracticability exception means that it is acceptable to deviate from accessibility requirements only where unique characteristics of terrain prevent the incorporation of accessibility features and where providing accessibility would destroy the physical integrity of a facility. A situation where a building must be built on stilts because of its location in marshlands or over water is an example of one of the few situation in which the exception for structural impracticability would apply. This exception to accessibility requirements should not be applied in situations which a facility is located on “hilly” terrain or on a plot of land upon which there are steep grades. In such circumstances, accessibility can be achieved without destroying the physical integrity of a structure, and is required in the construction of new facilities.”

The definition and 11B-201.1 exception should be revised to include these limitations.

DSA-AC Change to Accommodate: Although the cited federal language is advisory and does not establish technical requirements appropriate for the building code, DSA-AC finds this recommendation may have merit and will study and evaluate the federal language for inclusion in the reference document with advisories under development by DSA-AC.

Name: Michael Mankin, Architect, CASp

Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-201.1 Scope, Exception, Structural Impracticability

Comment: We oppose this exception as written. The exception as written appears to apply to both newly constructed and altered buildings. California has never allowed an exception of this type for newly constructed buildings. The exception must also include the federal guidance material on its application as described above.

DSA-AC Change to Accommodate: DSA-AC agrees that the federal requirements from § 35.151 of 28 CFR Part 35, (a), (2), (i) be included. The DSA-AC15-Day Express Terms contained a proposal to amend § 11B-201 – Application, 11B-201.1 Scope. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-202.3, Alterations, Exception 2

Comment: The exception should include a reference to the definitions in Section 202 for both Technically Infeasible and Structural Frame.

DSA-AC Change to Accommodate: Definitions are adopted and become an integral part of the CBC. Adding a reference is redundant. DSA-AC is proposing no further changes in response to this comment.

Name: Tim McCormick, VCA Code Group, Inc

Section: 11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs

Comment: This section should be amended to read “one primary accessible path of travel” and “one primary entrance”. Use of the adjective “primary” in front of entrance and path of travel has historically caused confusion in scoping requirements. Some local enforcement agencies interpret “primary” to require multiple accessible paths of travel from all site arrival points. Others view “primary” to require a single accessible path of travel from the most frequently used arrival point. Now is the time to address this confusion and clarify that “primary” means “one”.

DSA-AC Change to Accommodate: DSA-AC agrees that the existing 2010 CBC requirements of this section would benefit from additional clarification. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the new proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Janis Kent, CASp, Stepping Thru Accessibility

Section: 11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs

Comment: (1st 15-Day) The verbiage regarding “Primary Function Areas” should be retained. If restrooms are being altered not necessarily as a barrier removal project, it appears this section would require a 20% additional amount to be spent on other path of travel items. By revising this section to apply to “alterations to a primary function area”, it would not include the additional 20%. Left as is, it is a grey area as to what the CBC requires.

DSA-AC Change to Accommodate: When a building or facility undergoes an alteration, whether limited or broad in scope, the 2010 CBC, Section 1134B.2.1 currently requires the specific area of addition or alteration to comply with all applicable accessibility regulations for new construction. The obligation to provide an accessible primary entrance to the building or facility and primary path of travel to the specific area of alteration must be met, whether or not the alteration involves a “primary function area”. This includes the sanitary facilities, drinking fountains, signs, and public telephones serving the area, subject to the valuation threshold parameters established in Exception 1. Relief from path of travel requirements for specific types of accessibility barrier-removal projects only is provided by the 2010 CBC, Section 1134B.2.1, Exception 3. Maintaining the 2010 ADAS application of path of travel requirements to only “primary function areas” would be a reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Mankin, Architect, CASp

Susan Chandler, President, CDR (Californians for Disability Rights) Inc.

Peter Margen, Principal Consultant, Margen + Associates

Dennis and Joanne Sharp, A Sharp Design Consultants

Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-202.4 Path of Travel Requirements in Alterations, Additions, and Structural Repairs, Exception 2.

Comment: We oppose exception 2. The “grandfather” clause would not require upgrading the path of travel for newly remodeled facilities and reduces scoping and application currently provided under California law. If passed, disabled people would miss out on increased van accessible parking, better door closing time, better signage, lowered reach ranges to controls and operating mechanisms, etc. An exception to allow grandfathering in restrooms was passed last summer as a compromise position. We vehemently object to any further erosion of the requirements as proposed in this exception.

DSA-AC Change to Accommodate: To minimize the possibility for confusion, the DSA-AC15-Day Express Terms contained a proposal to amend 11B-202.4 Exception 2. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kerwin Lee, AIA, CASp

Section: 11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs, Exception 8.

Comment: This exception has never been defined properly. Now that the “Valuation Threshold” has been moved to the definition section, the term needs to be identified. The maximum obligation (20%) is a limitation. After that, greater than 20%, it becomes an “unreasonable

hardship”, which should be defined (moved up) in this section. Compliance with this exception is optional.

The main reason to make the exception optional is that if the building is in full compliance, no additional expenses are created. Also, if an owner chooses to spend more than 20% to fix the building, this should be permitted.

DSA-AC Change to Accommodate: The CBC establishes minimum requirements for the provision of accessibility; a building owner may choose to provide additional accessible elements. This section assures that when the construction cost of a project is below the valuation threshold, twenty percent, if necessary, is spent on path of travel accessibility upgrades outside the area of the project. DSA-AC is proposing no further changes in response to this comment.

Name: Martin Cooper, City of Foster City

Section: 11B-203.2 (General Exceptions) Construction Sites

Comment: As currently proposed 11B-203.2 would conflict with 11B-201.4 and Government Code Section 4451. The ISOR states 11B-201.4 Construction Support Facilities is under development and therefore should be modified so that the proposed section does not conflict with California standards carried over from the 2010 CBC.

DSA-AC Change to Accommodate: 11B-201.4 is a requirement to provide access applicable to construction support facilities “not directly associated with the actual processes of construction”. 11B-203.2 is a general exception from the requirement to provide access applicable to structures and sites “directly associated with the actual processes of construction”. These two sections are consistent with one another, and do not create a code conflict. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-203.10 (General Exceptions) Raised Refereeing, Judging, and Scoring Areas
11B-203.11 (General Exceptions) Water Slides
11B-203.12 (General Exceptions) Animal Containment Areas
11B-203.13 (General Exceptions) Raised Boxing or Wrestling Rings
11B-203.14 (General Exceptions) Raised Diving Boards and Diving Platforms

Comment: We vehemently oppose these exceptions to accessibility. These are all public accommodations which existing California law provides that people with disabilities have full and equal access. This is clearly a reduction in accessibility.

DSA-AC Change to Accommodate: The selected model code for the 2013 California Building Code (CBC), Chapter 11B is the *2010 ADA Standards for Accessible Design* (ADAS). Within the model code, sections 203.10 – 203.14 provide a series of exemptions from compliance with the 2010 ADAS and from being on an accessible route for portions of recreation facilities – raised refereeing, judging, and scoring areas; water slides; animal containment areas; raised boxing or wrestling rings; and raised diving boards and diving platforms. It is important to note the exceptions apply only to the identified elements. Other elements of associated recreation facilities require compliance with the 2010 ADAS to the extent indicated. These exceptions have

been retained by DSA-AC without change except for renumbering the sections to conform with the format of the International Building Code – the selected model code for the 2013 CBC in general.

Development of the exceptions proposed in 11B-203.10 – 11B-203.14 began 20 years ago at the national level. In 1993 the US Access Board began the process of developing guidelines for recreation facilities which included these exceptions. This process included establishing an advisory committee, preparing and publishing several drafts of the guidelines with each draft incorporating responses to received public comments, and conducting public hearings at which public comments were received. The results of this process are known as the *ADA Accessibility Guidelines for Recreation Facilities* and were published in the *Federal Register* on September 3, 2002.

Concurrent with the development of the *ADA Accessibility Guidelines for Recreation Facilities*, the provisions, including the exceptions referenced by the commenters, were incorporated into the *ADA and ABA Accessibility Guidelines*. These new guidelines were subject to a similar development process as the recreation facilities guidelines, including a multi-year development period, public hearings, and opportunities for public comment. The results of this process are known as the *2004 ADA and ABA Accessibility Guidelines*. It is the ADA portion of these new guidelines, the *2004 ADA Accessibility Guidelines* which provide the technical requirements for the 2010 ADAS.

DSA-AC does not agree with the commenters that general exception 11B-203.12 constitutes a public accommodation. This exception is applicable to “Animal containment areas that **are not** for public use...” Animal containment areas which **are** for public use would not be entitled to utilize this exception. For example, where pedestrian paths for the public are provided at state or county fairs’ livestock exhibits, accessible routes would be required.

DSA-AC believes general exceptions 11B-203.10, 11B-203.13, and 11B-203.14 exempting raised refereeing, judging, and scoring areas; raised boxing or wrestling rings; and raised diving boards and diving platforms recognize the unique characteristics inherent in these elements which are typically accessed by stair or ladder. These unique characteristics have not been previously addressed by the CBC and DSA-AC believes it is reasonable to incorporate the national standards to address these few and limited elements.

DSA-AC believes general exception 11B-203.11, exempting water slides, recognizes the unique configurations inherent in these facilities. These unique configurations have not been previously addressed by the CBC. Providing an accessible route to the top of water slides could require extensive ramping or elevators, of which the relative costs and benefits have not been yet evaluated as required by the nine point criteria.

DSA-AC believes the exceptions referenced by the commenters are not unreasonable, arbitrary, unfair, or capricious based on the lengthy history of the development of these exceptions, the significant public participation, and the adoption by the USDOJ making these exceptions applicable to the entire United States. DSA-AC is proposing no further changes in response to these comments.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-206.2.1 (Accessible Routes) Site Arrival Points

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Daniel Larson, CASp, DPL Consulting and Inspection Services, Inc
Jay Hyde, SVABO Code Development Committee, Accessibility Sub-Committee

Section: 11B-206.2.3 (Accessible Routes) Multi-Story Buildings and Facilities

Comment: Language should be added to this section to clarify the requirements for mezzanines located in single-story and multi-story buildings and facilities. See related proposed change to 11B-206.2.4.

DSA-AC Change to Accommodate: DSA-AC agrees that the requirement for access to mezzanines is not clear, but does not agree that this is the best location to add clarifying language. DSA-AC proposed an amendment to 11B-206.2.4 in the 15-Day Express Terms which clarifies that mezzanines are required to be connected by an accessible route to building or facility entrances. DSA-AC is proposing no further changes in response to this comment.

Name: Daniel Larson, CASp, DPL Consulting and Inspection Services, Inc
Jay Hyde, SVABO Code Development Committee, Accessibility Sub-Committee
Janis Kent, CASp, Stepping Thru Accessibility

Section: 11B-206.2.4 (Accessible Routes) Spaces and Elements

Comment: Language should be added to this section to clarify the requirements for access to mezzanines from building or facility entrances.

DSA-AC Change to Accommodate: DSA-AC agrees that the requirement for access to mezzanines is not clear. In the 45-Day Express Terms, DSA-AC proposed to eliminate 2010 ADAS, Section 206.2.4, Exception 3, which exempted mezzanines from the requirement to be connected by an accessible route. DSA-AC proposed an amendment to 11B-206.2.4 in the 15-Day Express Terms which clarifies that mezzanines are required to be connected by an accessible route to building or facility entrances. DSA-AC is proposing no further changes in response to this comment. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-206.2.5 Restaurants, Cafeterias, Banquet Facilities and Bars, Exception 3

Comment: We vehemently oppose this exception 3 which would reduce access to only 25% of dining areas in new or existing sports facilities.

DSA-AC Change to Accommodate: The primary use of facilities with tiered stadium type seating is the viewing of the performance or sport activities being presented. While Section 11B-206.5 Restaurants, Cafeterias, Banquet Facilities and Bars requires that an accessible route be provided to all dining areas, this exception balances the general requirement against the functional need for tiered dining seating in sports facilities to provide adequate site lines. Both the

current and proposed codes recognize the unique requirements for these specialized assembly areas and require a small percentage of total seating to be on an accessible route. The requirement for 25% of tiered dining areas to be on an accessible route and for all tiers to be provided with the same services is consistent with this approach. Additionally GC§ 11346.45 requires that DSA-AC involve all parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. The proposed change from the nationally accepted model code language would represent a 300% increase in the requirements and has not been adequately noticed. DSA-AC may consider this portion of the proposal in the development of future rulemaking packages.

Name: Rick Traversi, CA Department of Corrections & Rehabilitation

Section: 11B-206.2.8 (Accessible Routes) Employee Work Areas, Exception 1

Comment: This 2010 ADAS provision provides an exception to the requirement for an accessible route in employee work areas that are less than 1000 square feet and defined by permanently installed partitions, counters, casework, or furnishings. DSA-AC is proposing to delete this exception; CDCR would like to maintain the exception with an amendment making the exception applicable only to existing buildings. In many CDCR facilities this work area configuration complied with the code in force at the time of construction, but if there are alterations in these areas there is insufficient space to meet the current requirement.

DSA-AC Change to Accommodate: Current 2010 CBC provisions do not provide an exception to the requirement for an accessible route within employee work areas that are less than 1000 square feet. Providing an exception in the 2013 CBC would be a significant reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-206.3 Accessible Route of Travel

Comment: We oppose eliminating the language from the current CBC "Except within an individual dwelling unit, an accessible route of travel shall not pass through kitchens, storage rooms, restrooms, closets or other spaces used for similar purposes". This change will reduce accessibility below that which is currently provided.

DSA-AC Change to Accommodate: The provision for accessible routes to meet this requirement is located in the proposed language of the 2013 CBC, Division 2 Scoping Requirements, Section 11B- 206 Accessible Routes, 11B-206.3, Location: "Accessible routes shall coincide with or be located in the same area as general circulation paths. Where circulation paths are interior, required accessible routes shall also be interior. An accessible route shall not pass through kitchens, storage rooms, restrooms, closets or other spaces used for similar purposes, except as permitted by Chapter 10". DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-206.4.4.1 (Entrances-Transportation Facilities) Location

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-206.5.2 (Accessible Routes – Doors, Doorways, and Gates) Rooms and Spaces

Comment: This code section does not make sense. The attempt seems to be to include all doors rather than at least one as in the 2010 ADAS, however the amendment makes the section confusing. This section should be further amended to delete the phrase “complying with this code”.

DSA-AC Change to Accommodate: DSA-AC agrees that the entire code and its provisions are not invoked for determination of compliance for a door, doorway or gate to an accessible room or space. The DSA-AC15-Day Express Terms contained a proposal to change the word “code” to read “chapter”. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Bryan Moffitt, ADA Specialist, Schools Insurance Authority

Section: 11B-208.3.1 (Parking Spaces-Location) General

Comment: The language requiring the shortest accessible route has long been ingrained in the federal ADA Standards. However, in some parking areas, the shortest accessible route to the main entrance is from parking spaces located in the middle of the lot, requiring a crosswalk across vehicular traffic. There may be nearby parking adjacent to a pedestrian walkway which provides an accessible route to the main entrance not requiring crossing traffic. It appears at some point that there is a greater overall benefit to the individual with disabilities to have a safer route exclusively on a dedicated pedestrian walkway, rather than a shorter route that crosses vehicular traffic. The proposed 2013 CBC language uses the same language as the 2010 ADAS, so in the interest of achieving a certified California code there is not recommendation to change this language during this code cycle, however, this is an issue worth further study and evaluation in future code cycle review.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Moffitt’s recommendation to further study and evaluate this issue to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Kerwin Lee, AIA, CASp

Section: 11B-208.3.4 (Residential Facilities) Requests for Accessible Parking Spaces

Comment: This concept, which is from the Fair Housing Act and Chapter 11A, is not from the Americans with Disabilities Act and not found in the ADA. Including this, this is less restrictive than the 2010 Standard will not align with the ADA. Assigned and residential/dwelling parking should follow the standard ADA guidelines.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Lee's recommendation to delete this section to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-209.3.3 On-Street Bus Stops
11B-810.2 Bus Boarding and Alighting Areas

Comment: Our shuttles provide service in residential communities where the existing sidewalk/parkway (area between curb and the right-of-way line) is less than 8 feet. This requirement will prevent us from establishing new bus stops in Los Angeles County transit-dependent communities where services are very much needed. We request the flexibility to establish new bus stops where the existing parkway is less than 8 feet.

DSA-AC Change to Accommodate: DSA-AC proposing to correct the inadvertent strike-out of the mode code language that allows flexibility in the construction of bus boarding and alighting areas. DSA-AC proposed to amend this section in the 15-Day Express Terms by restoring "to the maximum extent practicable" in the proposed language of the 2013 CBC. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-210 Stairways

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Rick Traversi, CA Department of Corrections & Rehabilitation

Section: 11B-213.2 Toilet Rooms and Bathing Rooms
11B-608.2.1 Reserved (Transfer Type Shower Compartments)
Figure 11B-608.2.1 (Transfer Type Shower Compartment Size and Clearance)

Comment: Currently the 2010 CBC does not permit transfer type showers, and in the 45-Day Express Terms, the 2010 ADAS language permitting transfer type showers is shown in strike-out. CDCR is proposing to add scoping to 11B-213.2, in the form of Exceptions 5 and 6, permitting transfer type showers in detention and correctional facilities and proposing to remove the strike-out from the 2010 ADAS technical requirements for transfer type showers in 11B-608.2.1. Exception 5, permitting transfer type showers when roll-in type showers are technically infeasible, is being proposed because detention and correctional facilities are constructed with load-bearing concrete or CMU walls and it is technically infeasible to construct a compliant roll-in type shower compartment in many existing facilities due to location of existing load-bearing walls and lack of available alternate space. Exception 6, permitting transfer type showers when at least one roll-in type shower is provided, is being proposed because providing different types of accessible shower compartments permits inmates with a range of disabilities to have greater access; the roll-in type shower compartment may not provide as much access as a transfer type shower compartment for some disabled individuals.

DSA-AC Change to Accommodate: Current 2010 CBC provisions do not permit transfer type showers to serve as the accessible shower. Providing an exception in the 2013 CBC permitting transfer type showers to be used within detention and correctional facilities would be a reduction in access from current code requirements. Section 11B-202.3 provides an exception based on technically infeasible conditions that may be applicable in detention and correctional facilities when existing load-bearing walls prevent code compliance, eliminating the need for a new 11B-213.2, Exception 5. Further, when the code requirement for accessible roll-in type shower compartments is met, additional 36" by 36" showers may be installed at detention and correctional facilities, eliminating the need for a new 11B-213.2, Exception 6. DSA-AC is proposing no further changes to these sections in response to this comment.

Name: Daniel Larson, CASp, DPL Consulting and Inspection Services, Inc
Jay Hyde, SVABO Code Development Committee, Accessibility Sub-Committee

Section: 11B-213.2.1 Unisex (Single-Use or Family) Toilet and Bathing Rooms

Comment: Add language clarifying that at least one lavatory is required in a unisex toilet room. Add language clarifying that two water closets are not required to be installed in unisex toilet rooms, but rather installing two water closets is a design option.

DSA-AC Change to Accommodate: DSA-AC agrees that the provisions of this section could be misconstrued to require two water closets in a unisex toilet room. An amendment to this section was proposed in the 15-Day Express Terms clarifying that installing two water closets is a design option. The requirement for "not more than one lavatory" is 2010 ADAS model code language. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the proposed change to require "one" lavatory has not been adequately noticed, and will consider this portion of the proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-216.1 (Signs) General

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-216.2 (Signs) Designations

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Roger N Fish, Director of Design and Construction, San Francisco State University

Section: 11B-216.2 (Signs) Designations

Comment: Currently the 2010 ADAS requires signs identifying permanent rooms and spaces to comply with specific 11B-703 technical requirements. Add scoping language to 11B-216.2 requiring interior and exterior signs to identify permanent rooms and spaces, because it is not clear that signs are required to be installed at permanent rooms and spaces. The code is explicit in requiring signs at toilet rooms, exits and stairs; however, it is arguable that the code is requiring signs elsewhere.

DSA-AC Change to Accommodate: Currently neither the 2010 CBC nor the 2010 ADAS require interior and exterior signs to identify all permanent rooms and spaces. Adding scoping which requires signs at all permanent rooms and spaces would be an increase in access above the current code requirements, and would increase costs for construction projects. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B—216.6 (Signs) Entrances
11B—216.7 (Signs) Elevators
11B—216.8 (Signs) Toilet Rooms and Bathing Rooms
11B—216.9 (Signs) TTYs
11B—216.10 (Signs) Assistive Listening Systems
11B—216.11 (Signs) Check-Out Aisles
11B—216.12 (Signs) Amusement Rides

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-219.2 (Assistive Listening Systems) Required Systems

Comment: This section is too restrictive and would cause all meeting and conference rooms to have, at least, a portable assistive listening device despite the size of the meeting or conference room. The definition of an ASSEMBLY AREA does not provide the minimum number of people required to qualify as an “assembly area”.

DSA-AC Change to Accommodate: The 2010 ADAS, the new model code for access, contains scoping based on how a room or space is used; scoping is not based on 2012 IBC, Chapter 3, occupancy classifications. For access purposes, there can be assembly areas within other than A occupancies, such as conference or meeting rooms within a B occupancy. The proposed definition of ASSEMBLY AREA will contain the DSA-AC acronym indicating it is only applicable for access. The proposed amendment to this section is consistent with current 2010 CBC, Section 1104B.2 requirements for assistive listening systems. Further amending this section to provide a minimum number of people required for a space to qualify as an assembly area would be a reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-220.2 Point-of-Sale Devices

Comment: California Council of the Blind agrees with the inclusion of this new section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Daniel Larson, CASp, DPL Consulting and Inspection Services, Inc
Jay Hyde, SVABO Code Development Committee, Accessibility Sub-Committee

Section: 11B-224.3 (Transient Lodging Guest Rooms) Beds

Comment: The text of this section should be changed from “In guest rooms having more than 25 beds ...” to “In any transient lodging rooms having more than 25 beds ...” to clarify the application of this requirement.

DSA-AC Change to Accommodate: DSA-AC does not agree that the application of this requirement is unclear. This subsection falls under the section title “Transient Lodging Guest Rooms”, and is applicable to any transient lodging rooms with more than 25 beds. DSA-AC is proposing no further changes in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-226.3 Dining Surfaces Exceeding 34 Inches in Height

Comment: This is unchanged language from the 2010 CBC, however as written in conjunction with the proposed changes for seating requirements, if a counter is provided 34 inches or less in height, a minimum length of 60” is not required. The section should be revised to specify that a 60” minimum width is required under all conditions.

DSA-AC Change to Accommodate: GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the new proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Kerwin Lee, AIA, CASp

Section: 11B-233.3.1.2 Residential Dwelling Units with Adaptable Features

Comment: These concepts presented in this section are from the Fair Housing Act. The concept for “Covered Dwellings” and “Elevator Buildings” are not American with Disabilities Act (ADA) concepts and will not align with what is required by the 2010 Standards. The approaches for definition of public housing and multi-story building should be as defined under ADA. The same applies to “Site Applicability” as FHA requirements and not American with Disabilities Act (ADA).

DSA-AC Change to Accommodate: DSA-AC in the 2010 CBC adopted all of chapter 11A, only one exception was excluded. The requirements for the provisions of Chapter 11A-Housing Accessibility are incorporated into the proposed language of the 2013 CBC to harmonize with the

2010 ADAS and maintain the current level of access in California. DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-246.4 (Outdoor Developed Areas) Day Use Areas and Vista Points

Comment: California Council of the Blind agrees with the inclusion of this new section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-246.8 (Outdoor Developed Areas) Nature Trails

Comment: California Council of the Blind agrees with the inclusion of this new section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-247 Detectable Warnings and Detectable Directional Texture

Comment: California Council of the Blind agrees with the inclusion of this new section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Karen Gridley, Code Compliance Representative, Target Corporation

Section: 11B-247.1 Detectable Warnings
11B-247.1.2.2 (Where Required) Curb Ramps
11B-247.1.2.3 (Where Required) Islands or Cut-Through Medians
11B-247.1.2.5 (Where Required) Hazardous Vehicular Areas

Comment: Within the site boundary of public accommodations and commercial facilities, Target recommends that the CBSC not incorporate the proposed provisions for truncated domes at curb ramps, islands or cut-through medians, or hazardous vehicular areas, but instead maintain harmonization and consistency with the federal standards that require truncated domes only on the public way where the pedestrian access route is adjacent to or at intersection with a public vehicular right-of-way. It is the experience of Target that there is much inconsistency in application of the truncated dome requirement in California, particularly in accessible parking and access aisle areas of parking lots, to the point that it causes confusion in which way a person with visual impairments should go.

DSA-AC Change to Accommodate: DSA's primary objective in this code cycle is to integrate the requirements of the 2010 ADAS and the 2010 CBC. Currently 2010 CBC, Sections 1127B.5, and 1133B.8.5 require detectable warning surfaces at curb ramps and other hazardous vehicular

areas. Amending this section to eliminate the 2010 CBC requirements for detectable warnings within the site boundary of public accommodations and commercial facilities would be a significant reduction of access from current requirements.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-247.1.2.4 Bus Stops
11B-247.1.2.5 Hazardous Vehicular Areas

Comment: The inclusion of these sections is unreasonable due to the vagueness of the sections for bus stops and hazardous vehicular areas. There are no sketches indicating how to apply the standard to bus stops or hazardous vehicular areas. The inability to properly identify these locations and/or construct the necessary improvements to be in compliance with the standard is the reason we recommend to delete these sections and follow the draft Public Right of Way Guidelines.

DSA-AC Change to Accommodate: The locations for detectable warnings at bus stops and hazardous vehicular areas are determined when designing these improvements on a case by case basis. At bus stops where a square curb is provided detectable warnings are not required. These sections in the proposed language of the 2013 CBC are taken from the 2010 CBC. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Bryan Moffitt, ADA Specialist, Schools Insurance Authority

Section: 11B-247.1.2.5 (Detectable Warnings) Hazardous Vehicular Areas
11B-705.1.2.5 (Detectable Warnings) Hazardous Vehicular Areas

Comment: The requirements for detectable warnings at hazardous vehicular areas are being interpreted and applied inconsistently throughout the State. This is a recommendation to provide a more detailed definition and description of what constitutes a hazardous vehicular area.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Moffitt's recommendation to provide a more detailed definition and description of what constitutes a hazardous vehicular area to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Eric McSwain, Access Compliance Consultants, Inc

Section: 11B-247.1.2.5 (Detectable Warnings) Hazardous Vehicular Areas

Comment: This is a recommendation to provide a more detailed definition and description of what constitutes a hazardous vehicular area. Secondly, in this section, the phrase "if a walk crosses or adjoins a vehicular way . . ." should be changed to read "if a walk crosses or adjoins a hazardous vehicular way". The text of this section is written such that detectable warnings are required at all locations where a walk crosses or adjoins a vehicular way, whether it is hazardous or not. Detectable warnings are of questionable benefit; they provide a great nuisance and are potentially hazardous to individuals with mobility impairments.

DSA-AC Change to Accommodate: The 2010 CBC, Section 1133B.8.5 currently requires detectable warnings if a walk crosses or adjoins a vehicular way. Amending this language in the 2013 CBC would be a reduction in access from current requirements. DSA-AC finds Mr. McSwain's recommendation to provide a more detailed definition and description of what

constitutes a hazardous vehicular area to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Eric McSwain, Access Compliance Consultants, Inc

Section: 11B-247.1.2.5 (Detectable Warnings) Hazardous Vehicular Areas

Comment: This is a recommendation to add an exception to this section which exempts public sidewalk crossings of driveway aprons from the requirement for detectable warnings. Photos are available of locations where building officials have required detectable warnings at driveway aprons. The text of this section indicates it must be installed on each side of driveway aprons.

DSA-AC Change to Accommodate: DSA-AC finds Mr. McSwain's recommendation to provide an exception to this section which exempts public sidewalk crossings of driveway aprons from the requirement for detectable warnings to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-303.5 Warning Curbs

Comment: California Council of the Blind agrees with the inclusion of this new section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Len Swatkowski, Plumbing Manufacturers International

Section: 11B-306.3.3 (Knee Clearance – Minimum Required Depth), Exception 1

Comment: (1st 15-Day) Exception 1 is not necessary. The increase of knee clearance doesn't make sense since the lap height of a standard adult wheelchair is 27" and the arm rest height is 30" per the ADA website. Increasing from 27" to 29" (at the front edge of a counter with a built-in lavatory or at the front edge of a wall-mounted lavatory fixture) doesn't provide additional knee clearance and there isn't any clearance for the arm rest since it is above the 29" dimension.

DSA-AC Change to Accommodate: This comment was received during the 1st 15-Day Comment period. DSA-AC was proposing no change to Exception 1 in the 1st 15-Day Express Terms; the change shown was to 11B-306.3.3, Exception 2 for dining and work surfaces. DSA-AC is proposing no further changes in response to this comment.

Name: Janis Kent, CAsp, Stepping Thru Accessibility
Rick Traversi, CA Department of Corrections & Rehabilitation

Section: 11B-306.3.3 (Knee Clearance) Minimum Required Depth, Exception 2

Comment: The exception to 11B-306.3.3 requires a 19" deep by 27" high rectangular clear space below a sink. The way the exception is written it is not possible to install a sink that meets all this requirement. Knee and toe clearance under a sink should be similar to that required at a lavatory.

DSA-AC Change to Accommodate: Ms. Kent and Mr. Traversi are referring to a provision for accessible sinks carried forward from the 2010 CBC, Section 1117B.9, Item 2 into the Draft Express Terms prepared for the CBSC Code Advisory Committee (CAC) meeting held September 25-27, 2012. The proposed exception was discussed extensively by the CAC members, and per their recommendation was omitted from the 45-Day Express Terms. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-306.3.3 Minimum Required Depth, Exception 2

Comment: We oppose this change to seating at tables, counters, etc. which will limit knee depth to 8". This depth is totally inadequate in a drinking/dining situation as a wheelchair user cannot get close enough to the table to prevent spilling food or beverages on their laps. This is further supported by DSA proposing to adopt a full 19" depth at 27" AFF for bars and eating counters. The standard should consistently be 27" AFF minimum height for a minimum depth of 19".

DSA-AC Change to Accommodate: The exception in the proposed language of the 2013 CBC requires knee clearance 19 inches deep minimum at 27 inches above the finish floor or ground. The DSA-AC15-Day Express Terms contained a proposal to amend 11B-306.3.3 Exception 2 to be consistent with scoping requirements for all dining and work surfaces, not specifically built-in dining and work surfaces. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Rick Traversi, CA Department of Corrections & Rehabilitation

Section: 11B-306.3.4 (Knee Clearance) Clearance Reduction, Exception 1

Comment: This exception does not permit knee clearance to be reduced at sinks required to be accessible. It is not possible to install a sink that meets this requirement.

DSA-AC Change to Accommodate: DSA-AC is proposing to correct a coordination error by deleting this exception consistent with the recommendation by the CBSC Code Advisory Committee to delete 11B-306.3.3, Exception 2 in the Draft Express Terms document.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-307 Protruding Objects

Comment: We oppose eliminating the language "Where a guy support is used parallel to a path of travel, including, but not limited to sidewalks, a guy brace, sidewalk guy or similar device shall

be used to prevent an overhanging obstruction as defined (see Figure 11B-28)" which will reduce accessibility below that which is currently provided.

DSA-AC Change to Accommodate: DSA-AC proposed an amendment this section reflecting the regulatory language from the 2010 CBC requiring guy supports that are parallel to a circulation path to be protected by guy braces in the 15-Day Express Terms. See the full text of the resulting regulation (Final Express Terms) where the changes are clearly indicated.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-307.3.1 (Post-Mounted Objects) Edges and Corners

Comment: California Council of the Blind agrees with the inclusion of this new section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Bryan Moffitt, ADA Specialist, Schools Insurance Authority

Section: 11B-308.1 (Reach Ranges) General
11B- 604.9 Water Closets and Toilet Compartments for Children's Use

Comment: The Suggested Dimensions for Children's Use, Table 11B-604.9 is included in the proposed 2013 CBC, but the Children's Reach Ranges located under 2010 ADAS, Section 308.1 is not included. This is a recommendation to incorporate the children's reach range dimension to the greatest extent possible within the body of the standards to encourage their use in the design and construction of elementary school construction projects.

DSA-AC Change to Accommodate: The 2010 CBC, Table 1115B-1 currently indicates suggested children's dimensions for plumbing and plumbing related fixtures, therefore DSA-AC included the Suggested Dimensions for Children's Use, Table 11B-604.9 in the proposed 2013 CBC language. The 2010 CBC does not contain suggested children's reach range dimensions, therefore DSA-AC did not include Children's Reach Ranges located under 2010 ADAS, Section 308.1. However, DSA-AC finds Mr. Moffitt's recommendation to include suggested children's reach ranges to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities
Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-403 Walking Surfaces
11B-403.5.1 Clear Width, Exception 1

Comment: We oppose exception 1 which would allow reducing the width of a public sidewalk to 32" at a point without a determination of Unreasonable Hardship. The 2010 CBC allows a reduction to 36" minimum only in conjunction with a formal determination of Unreasonable Hardship from the Administrative Authority.

DSA-AC Change to Accommodate: DSA-AC is including an exception from the 2010 CBC which was inadvertently omitted, to address the 36 inch minimum width requirement at sidewalks. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Rick Traversi, CA Department of Corrections & Rehabilitation

Section: 11B-404.1 (Doors, Doorways, and Gates) General, Exception

Comment: This provision provides an exception to specific access requirements at doors, doorways and gates designed to be operated only by security personnel when a sign is posted stating "Entry restricted and controlled by security personnel". CDCR is proposing to add language to this exception which would further exempt detention and correctional facilities from the requirement for a sign. Within the secure perimeter of a detention or correctional facility, public visitors and inmates are under escort at all times and are given instruction on how to move within the institution and therefore would not require signage. It would not be possible for public visitors or inmates to operate doors controlled by security personnel as they are remote or key operated.

DSA-AC Change to Accommodate: DSA-AC proposed an amendment to this section in the 15-Day Express Terms which provides an exception for detention and correctional facilities to the requirement for signs at doors, doorways, and gates designed to be operated only by security personnel. Mr. Traversi provided convincing argument that within the secure perimeter of a detention or correctional facility, where public visitors and inmates are under escort at all times and given instruction on how to move within the facility, signs stating that entry is restricted and controlled by security personnel are not required. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Janis Kent, CASp, Stepping Thru Accessibility

Section: Table 11B-404.2.4.1 Maneuvering Clearances at Manual Swing Doors and Gates

Comment: (1st 15-Day) For latch side approach with closer, the footnote #4 should only be added to the push side clearance, not the pull side clearance.

DSA-AC Change to Accommodate: DSA-AC agrees that a drafting error was made in this table. Footnote #4 is not applicable to the proposed amendment requiring a 60 inch maneuvering clearance on the pull side of the door for a latch side approach. In the 45-Day Express Terms, DSA-AC proposed to delete footnote #4 for a pull side clearance at a door with latch side approach and closer. DSA-AC is proposing no further changes in response to this comment. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Neal Casper, California Certified Access Specialist
Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: Figure 11B-404.2.4.1 (k) Maneuvering Clearances at Manual Swinging Doors & Gates

Comment: This figure is in direct conflict with Table 11B-404.2.4.1 which states that 44" shall be provided plus 4" if a closer is provided. The table requires 48" of clearance rather than the 50" shown in the figure. Figure 11B-404.2.4.1 (k) should be revised to match the table.

DSA-AC Change to Accommodate: DSA-AC agrees that this figure is not consistent with the corresponding table. DSA-AC proposed an amendment to this figure in the 15-Day Express Terms which revises the clearance requirement to 48", reflecting the regulatory language of Table 11B-404.2.4.1. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-404.2.4.3 (Maneuvering Clearances) Recessed Doors and Gates
Figure 11B-404.2.4.3 (a) Maneuvering Clearances at Recessed Doors and Gates

Comment: This section and corresponding figure should be modified to specify 24 inches at exterior doors.

DSA-AC Change to Accommodate: DSA-AC agrees that this section and figure are not consistent with 2010 CBC, Sections 1133B.2.4.2 and 1133B.2.4.5. The DSA-AC15-Day Express Terms contained a proposal to revise the text and figure to indicate an 18 inch maneuvering clearance at interior doors and a 24 inch maneuvering clearance at exterior doors. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the changes are clearly indicated.

Name: Neal Caper, California Certified Access Specialist

Section: Figure 11B-404.2.6 (a) & (b) Doors in Series and Gates in Series

Comment: Figure 11B-404.2.6 (a) & (b) show 52" minimum between doors, however, 11B-404.2.6 states that only 48" is required. Existing 2010 CBC Figures 11B-30 & 11B-31 show 48" between doors. Revise the figures to show 48" consistent with the existing 2010 CBC.

DSA-AC Change to Accommodate: DSA-AC proposed an amendment to these figures in the 15-Day Express Terms which revise the clearance requirements to 48", reflecting the regulatory language of 11B-404.2.6. See the full text of the resulting regulation (Final Express Terms) where the changes are clearly indicated.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-404.2.6 (Maneuvering Clearances) Doors in Series and Gates in Series
Figure 11B-404.2.6 Doors in Series and Gates in Series

Comment: The dimension between doors in series was changed in the figure but not in the text of the section.

DSA-AC Change to Accommodate: DSA-AC agrees that this section and the corresponding figure are not consistent. The DSA-AC15-Day Express Terms contained a proposal to revise Figure 11B-404.2.6 (a) and (b) to indicate a 48 inch maneuvering clearance at doors or gates in series, reflecting the regulatory language of 11B-404.2.6. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the changes are clearly indicated.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-404.2.9 Door and Gate Opening Force

Comment: Item 3 of this section, regarding opening force allowable at a fire door, should have the word “minimum” replaced with the word “maximum”.

DSA-AC Change to Accommodate: DSA-AC does not agree that the word “minimum” should be replaced with the word “maximum”. The proposed amendment to this section, including the term “minimum opening force”, is consistent with the original 2010 ADAS language and consistent with current 2010 CBC, Section 1133B.2.5, Item 1 language. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Mark Wood, CAsp, California Certified Accessibility Specialists, Inc.

Section: 11B-404.2.9, Door and Gate Opening Force, Exception 2(c)

Comment: In Exception 2(c) to this section, the term “35 inches minimum” should be replaced with “35 inches maximum”.

DSA-AC Change to Accommodate: DSA-AC does not agree that the word “minimum” should be replaced with the word “maximum”. The proposed amendment to this exception is consistent with current 2010 CBC, Section 1133B.2.5, Exception 2(c) language. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-405.7.2.1 (Ramp Landings) Width

Comment: Both 2010 ADAS Standards and Draft PROWAG allow for landings to be as wide as the widest ramp run. Specifying a minimum top landing width of 60 inches is an arbitrary increase in the minimum width and this could pose a problem within the public right of way where space can be limited.

DSA-AC Change to Accommodate: The requirement for top landings at ramps to be 60 inches wide minimum is in the 2010 California Building Code. Deleting this section in the proposed language of the 2013 CBC would be a significant reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-405.7.3.1 (Ramp Landings) Length

Comment: Both 2010 ADAS Standards and Draft PROWAG allow for landing lengths to be a minimum of 60 inches in the direction of ramp run. Specifying a minimum length for the bottom landing of 72 inches is an arbitrary increase that may not be accommodated within the public right of way where space is limited.

DSA-AC Change to Accommodate: The requirement for bottom landings at ramps to be 72 inches in the direction of ramp run is in the 2010 California Building Code. Deleting this section in the proposed language of the 2013 CBC would be a significant reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-405.7.4 (Ramp Landings) Change in Direction

Comment: Both 2010 ADAS Standards and Draft PROWAG allow for landings that change direction between runs to be a minimum 60 inches by 60 inches. Specifying a minimum length 72 inches in the direction of downward travel from the upper ramp is an arbitrary increase that may not be accommodated within the public right of way where space is limited.

DSA-AC Change to Accommodate: The requirement for landings at ramps where the direction changes to be 72 inches in the direction of downward travel is in the 2010 California Building Code. Deleting this section in the proposed language of the 2013 CBC would be a significant reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-406 Curb Ramps, Blended Transitions and Islands

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Michael Apodaca, Public Works Manager of Public Services, City of Irvine

Section: 11B- 406.3 Parallel Curb Ramps
11B-406.3.2 Turning Space

Comment: The street grades dictate the slopes at the diagonal curb ramps. If turning space is required, the reconstruction of the intersections would not be compatible with the grade of the street and thus cause a safety hazard to vehicular traffic.

DSA-AC Change to Accommodate: This section requires a level landing at the bottom of a parallel curb ramp and does not address specific configurations at diagonal curb ramps. DSA-AC is proposing no further changes in response to this comment.

Name: Michael Apodaca, Public Works Manager of Public Services, City of Irvine

Section: 11B-406.5.3 (Curb Ramps, Blended Transitions and Islands) Landings

Comment: A 48 inch by 48 inch minimum is acceptable but regulations should also allow local agencies the discretion to determine whether there may be a need for a larger bottom landing area based upon pedestrian use at the intersection.

DSA-AC Change to Accommodate: The 48 inch by 48 inch landing is the minimum requirement, once that is met the local agency can choose to make the landing larger. DSA-AC is proposing no further changes in response to this comment.

Name: Terry L. Abbott, Chief, Division of Design, California Department of Transportation, (Caltrans)
Michael J. Penrose, Director, Department of Transportation, County of Sacramento
Roxanne Namazi, City of Davis
Robert Newman, City of Santa Clarita
Christophe J. Schneider, P.E., City Engineer, City of Santa Cruz Public Works
H.David Cordova, P.E., District 12 Design Reviewer, City of Santa Cruz Public Works
Jose Luis Caceres, Sacramento Area Council of Governments
Matt Carpenter, Director of Transportation Services, Sacramento Area Council of Governments
Herb Fredricksen
Edric Doringo, City of San Diego, Public Works Engineering
Alexandra Warner, City of San Diego, Public Works Engineering
Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works
Michael Mitchell, Principal Civil Engineer
Norm Hughes, City Engineer, City of Fremont

Section: 11B-406.5.3 (Curb Ramps, Blended Transitions and Islands) Landings

Comment: The proposed language would incorporate requirements conflicting with accessibility provisions which permit the slope of a sidewalk to be consistent with the slope of the adjacent roadway. The provision, as written, would require extra length to flatten for a top landing on the approaches to a parallel curb ramp when the sidewalk is on a grade. This section should be amended to exempt parallel curb ramps from the requirement for top landings.

DSA-AC Change to Accommodate: DSA-AC agrees that this provision, when applied to parallel curb ramps, conflicts with other accessibility provisions which permit the slope of a sidewalk to be consistent with the slope of the adjacent roadway. DSA-AC proposed to amend this section in the 15-Day Express Terms by adding an exception exempting parallel curb ramps from the requirement for top landings. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Terry L Abbott, Chief, Division of Design, California Department of Transportation, (Caltrans)
Herb Fredricksen
Jose Luis Caceres, Sacramento Area Council of Governments
Matt Carpenter, Director of Transportation Services, Sacramento Area Council of Governments
Christophe J. Schneider, PE, City Engineer, City of Santa Cruz Public Works
H.David Cordova, P.E., District 12 Design Reviewer, City of Santa Cruz Public Works
Robert Newman, City of Santa Clarita
Michael Apodaca, Public Works Manager of Public Services, City of Irvine
Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works
Panos Kokkas, Department of Planning & Public Works, Public Works Division, Woodland
Richard Shepard, City of Elk Grove
Norm Hughes, City Engineer, City of Fremont
Michael J. Penrose, Director, Department of Transportation, County of Sacramento

Section: 11B-406.5.8 (Curb Ramps, Blended Transitions and Islands) Counter Slope

Comment: This section, as written, conflicts with other technical requirements for the construction and maintenance of streets and roadways. CalTrans pavement preservation projects are not scoped to do extensive pavement reconstruction in order to accommodate the 48 inches at 5 percent slope provision.

DSA-AC Change to Accommodate: DSA-AC agrees that this provision, as written, conflicts with other technical requirements for the construction and maintenance of streets and roadways. DSA-AC proposed to amend this section in the 15-Day Express Terms by changing the 48 inch requirement to a 24 inch requirement. This change incorporates requirements consistent with the typical wheelbase of a standard wheelchair and the practical requirements of roadway construction and maintenance. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Terry L. Abbott, Chief, Division of Design, California Department of Transportation
Panos Kokkas, Department of Planning & Public Works, Public Works Division, Woodland
Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works
Richard Shepard, City of Elk Grove
Michael Mitchell, Principal Civil Engineer
Norm Hughes, City Engineer, City of Fremont
Robert Newman, City of Santa Clarita
Christophe J. Schneider, PE, City Engineer, City of Santa Cruz Public Works
Jose Luis Caceres, Sacramento Area Council of Governments
Herb Fredricksen
Roxanne Namazi, City of Davis
Michael Apodaca, Public Works Manager of Public Services, City of Irvine
Edric Doringo, City of San Diego, Public Works Engineering
Jose, Navarro
Michael J. Penrose, Director, Department of Transportation, County of Sacramento
Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-406.5.9 (Curb Ramps, Blended Transitions and Islands) Clear Space

Comment: This section, as written, incorporates general requirements that should only be applied to diagonal curb ramps consistent with the 2010 CBC and the 2010 ADAS.

DSA-AC Change to Accommodate: DSA-AC agrees that the technical requirements of this provision should only be applied to diagonal curb ramps. DSA-AC proposed to amend this section in the 15-Day Express Terms by changing the title to read "Clear Space at Diagonal Curb Ramps", and indicating in the text that the provisions of this section are applicable only to diagonal curb ramps. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Edric Doringo, City of San Diego, Public Works Engineering
Alexandra Warner

Section: 11B-406.5.10 Diagonal Curb Ramps

Comment: If the wings exceed 5 feet standard length then the 24 inches will push the crossing farther from the corners, therefore we request the code include maximum distance from the corner for location of the marked crossing.

DSA-AC Change to Accommodate: This section in the proposed language of the 2013 CBC is a requirement from the 2010 ADAS. DSA-AC is proposing no further changes in response to this comment.

Name: Edric Doringo, City of San Diego, Public Works Engineering
Alexandra Warner

Section: 11B-406.5.11 Grooved Border

Comment: Again the CBC is including in their language the requirement of landings on parallel curb ramps.

DSA-AC Change to Accommodate: DSA-AC has deleted the requirements for parallel curb ramps upper landings and is revising the location of the grooved borders for parallel curb ramps. The DSA-AC15-Day Express Terms contained a proposal to amend § 11B-406 – Curb Ramps, Blended Transitions and Islands. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Michael Apodaca, Public Works Manager of Public Services, City of Irvine

Section: 11B-406.6 Islands

Comment: This may require local agencies to obtain right-of-way that may or may not be available. The minimum 48 inch clearance should satisfy a cut through scenario and allow local agencies to determine the width based upon pedestrian use at the island.

DSA-AC Change to Accommodate: DSA-AC determined the clear width of the accessible route at the island should be 60 inches minimum to allow the passage of two pedestrians using mobility devices. Local agencies have the option of applying for a determination of technical infeasibility where it is not possible to accommodate an accessible route with a clear width of 60 inches. DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.2.1.2 (Elevator Call Buttons) Size and Shape

Comment: The requirements for 11B-407.4.6.2.4 for elevator car control buttons and 11B-407.2.1.2 for elevator call buttons are inconsistent. This section should be amended to include the provision for buttons to have a mechanical movement to ensure persons with visual impairments have a tactile cue that their call has been registered.

DSA-AC Change to Accommodate: DSA-AC agrees that the requirements for 11B-407.4.6.2.4 for elevator car control buttons and 11B-407.2.1.2 for elevator call buttons are inconsistent. DSA-AC proposed an amendment to this section in the 15-Day Express Terms which added the requirement for buttons to be activated by a “mechanical motion that is detectable”. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.2.3 (Elevator Landing Requirements) Hoistway Signs

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.2.3.1 (Elevators – Hoistway Signs) Floor Designation

Comment: This section requires floor designations on elevator jambs to comply with the provisions of 11B-703.2 and 11B-703.4.1 for signs. This section should be amended to include all of the sign specifications listed in the sign scoping section, 11B-216.2, specifically 11B-703.1 and 11B-703.5 should be added.

DSA-AC Change to Accommodate: Currently the 2010 CBC requires raised characters indicating the floor number on each jamb of elevator hoistway entrances; the raised characters are required to be white on a black background. The application of all the provisions of 11B-703.1 and 11B-703.5 to floor designations required on elevator jambs create internal contradictions; further study and public participation is needed to address this issue. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.2.3.2 (Destination-Oriented Elevators – Hoistway Signs) Car Designations

Comment: This section requires tactile car identification on elevator jambs to comply with the provisions of 11B-703.2 and 11B-703.4.1 for signs. This section should be amended to include all of the sign specifications listed in the sign scoping section, 11B-216.2, specifically 11B-703.1 and 11B-703.5 should be added.

DSA-AC Change to Accommodate: The 2010 CBC does not contain provisions for destination-oriented elevators. DSA-AC is concerned the application of all the provisions of 11B-703.1 and 11B-703.5 to tactile car identifications required on destination-oriented elevator jambs may create internal contradictions; further study and public participation is needed to resolve this issue. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.6.2 (Elevator Car Controls) Buttons

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.6.4 (Elevator Car Controls) Emergency Controls

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.7.1.1 (Elevator Car Control Buttons) Type

Comment: This section requires car control button identification to comply with the provisions of 11B-703.2 and 11B-703.3 for signs. This section should be amended to include all of the sign specifications listed in the sign scoping section, 11B-216.2, specifically 11B-703.1 and 11B-703.5 should be added.

DSA-AC Change to Accommodate: DSA-AC is concerned the application of all the provisions of 11B-703.1 and 11B-703.5 to the provisions for car control button identification may create internal contradictions, specifically regarding sign mounting height and button height; further study and public participation is needed to resolve these potential contradictions. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.7.1.3 (Elevator Car Control Buttons) Symbols

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.7.1.5 (Elevator Car Control Buttons) Button Spacing

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.7.2 (Elevator Car Controls) Keypads

Comment: This section contains requirements for keypads typically associated with destination-oriented elevators. This section should be amended to require characters and symbols located on keypads to be white on black keys. The elevator industry was supportive of the use of white characters and symbols on a black surface during the development of Administrative Bulletin No. AB-090 Destination-Based Elevator Control System Requirements for San Francisco.

DSA-AC Change to Accommodate: The requirements of this section are from the 2010 ADAS; the 2010 CBC does not contain provisions for destination-oriented elevators. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the new proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.9 (Elevator Car Requirements) Emergency Communication

Comment: This section requires emergency two-way communication systems to comply with the provisions of 11B-703.2 and 11B-703.3 for signs. This section should be amended to include all of the sign specifications listed in the sign scoping section, 11B-216.2, specifically 11B-703.1, 11B-703.4.1 and 11B-703.5 should be added.

DSA-AC Change to Accommodate: DSA-AC is concerned the application of all the provisions of 11B-703.1 and 11B-703.5 to the provisions for emergency two-way communication systems may create internal contradictions; further study and public participation is needed to resolve these potential contradictions. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.10 (Elevator Car) Support Rail

Comment: This section requires support rails to be provided on at least one wall of an elevator car. This section should be amended to require support rails on the rear and the two side walls of elevator cars. When a car is full of passengers, a person needing to use the support rail may not be able to reach it. Having three support rails, one per wall, ensures that a person needing them has access and safety

DSA-AC Change to Accommodate: DSA's primary objective in this code cycle is to integrate the requirements of the 2010 ADAS and the 2010 CBC; new or expanded requirements will be considered in subsequent code cycles. Currently 2010 CBC, Section 1116B.1.11 requires a single support rail on one wall of an elevator car, preferably the rear wall. Amending this section to require three support rails would be an expansion in access from current requirements. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-407.4.10.3 (Elevator Car Support Rail) Structural Strength

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-408.2.1 (LU-LA Elevators – Elevator Landings) Call Buttons

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-408.2.3 (LU-LA Elevators – Elevator Landings) Hoistway Signs

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-408.4.6 (LU-LA Elevators – Elevator Cars) Car Controls

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-409.2 (Private Residence Elevators) Call Buttons

Comment: This section should be amended to require compliance with the elevator call button requirements of 11B-407.2.1. All call buttons except for those for destination based elevators must be identical in their design and operation. Predictability is critical for persons with visual impairments when operating elevator controls.

DSA-AC Change to Accommodate: DSA's primary objective in this code cycle is to integrate the requirements of the 2010 ADAS and the 2010 CBC; new or expanded requirements will be considered in subsequent code cycles. The 2010 CBC does not contain provisions for private

residence elevators. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the new proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-409.4.6 (Private Residence Elevators) Car Controls

Comment: This section should be amended to require compliance with elevator car control requirements of 11B-407.4.6 and 11B-407.4.7.1. This section, as written, provides less access to car controls than found in either 11B-407.4.6 or 11B-407.4.7.1. Flush buttons have not been permitted in the CBC since 1989.

DSA-AC Change to Accommodate: DSA's primary objective in this code cycle is to integrate the requirements of the 2010 ADAS and the 2010 CBC; new or expanded requirements will be considered in subsequent code cycles. The 2010 CBC does not contain provisions for private residence elevators. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the new proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-409.4.7 (Private Residence Elevators) Emergency Communications

Comment: This section should be amended to require compliance with the emergency communications requirements of 11B-407.4.9. Predictability and harmonization is required throughout the code to ensure access is available to person with disabilities including those with visual impairments.

DSA-AC Change to Accommodate: DSA's primary objective in this code cycle is to integrate the requirements of the 2010 ADAS and the 2010 CBC; new or expanded requirements will be considered in subsequent code cycles. The 2010 CBC does not contain provisions for private residence elevators. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the new proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-410.8 (Platform Lifts) Restriction Sign

Comment: Currently 2010 CBC, Section 1116B.2.7 requires the restriction sign characters to be not less than 5/8 inch high. This section should be amended to require minimum 5/8 inch high characters.

DSA-AC Change to Accommodate: Currently 2010 CBC, Section 1116B.2.7 requires the restriction sign characters to be not less than 5/8 inch high. The proposed language of 11B-410.8 includes a requirement to comply with 11B-703.5 for visual characters. Table 11B-703.5.5 indicates that the minimum visual character height is 5/8 inch. To avoid unnecessary duplication, DSA-AC is proposing no further changes in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-502.3.3 (Parking Spaces – Access Aisles) Marking
Figure 11B-502.3.3 (b) Angled and Perpendicular Parking Identification

Comment: Please include precise location of where to measure the minimum 18 foot length of an angled parking stall in both the section text and corresponding figure.

DSA-AC Change to Accommodate: This section provides a description of the marking required to identify an access aisle at an accessible parking space. The text of 11B-502.2 requires accessible parking spaces to be 216 inches (18 feet) long minimum, and corresponding Figure 11B-502.2 (b) depicts how to measure the minimum length. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-502.6.3 (Parking Spaces – Identification) Location

Comment: This section specifies that the centerline of the parking sign must be a maximum of 12 inches from the center line of the stall. This is overly restrictive, unnecessary and cannot always be accomplished.

DSA-AC Change to Accommodate: Mr. Wood is referring to a provision for accessible parking spaces contained in the Draft Express Terms prepared for the CBSC Code Advisory Committee (CAC) meeting held September 25-27, 2012. The proposed requirement was further amended prior to inclusion in the 45-Day Express Terms. The 45-Day proposed language requires signs to be posted either immediately adjacent to the parking space or within the “projected parking space width at the head end of the parking space”. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Bryan Moffitt, ADA Specialist, Schools Insurance Authority

Section: 11B-503.3.3 (Passenger Drop-Off and Loading Zones) Marking

Comment: This is a recommendation to provide clarification for the location of truncated domes within marked access aisles at passenger drop-off and loading zones. It appears truncated domes should be placed at the bottom portion of the ramp on both sides to act as the detectable warnings and then mark the 5' by 20' access aisle in blue paint. Additional code language and diagrams would be beneficial in interpreting this section.

DSA-AC Change to Accommodate: The 2010 ADAS requires access aisles at passenger drop-off and loading zones to be marked so as to discourage parking in them. In the 45-Day Express Terms, DSA-AC proposed an amendment to the model code to require contrasting hatched lines a maximum of 36" on center, similar to access aisle marking required at accessible parking spaces. DSA-AC recognizes a variety of designs may be utilized to transition from the loading zone to a raised walk. Where this transition is accomplished by a curb ramp or blended transition, placement of detectable warnings is addressed in 11B-705. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-504.3 (Stairways) Open Risers

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Janis Kent, CAsp, Stepping Thru Accessibility

Section: 11B-504.3 Open Risers, Exception 1

Comment: (1st 15-Day) This exception, providing a ½” opening on the riser, does not meet the criteria of the 2010 ADAS which does not permit open risers

DSA-AC Change to Accommodate: A maximum ½ inch gap at the base of a riser does not constitute an “open riser”. This exception carries forward current 2010 CBC provisions found at 1133B.4.5.2 Risers, Exceptions 1 and 2. In the proposed 2013 CBC, the ½ inch maximum gap is consistent with both 11B-302.3 Openings, which allows a ½ inch maximum width elongated gap perpendicular to the direction of travel, and with 11B-504.7 Wet Conditions, which requires stair treads and landings subject to wet conditions to be designed to prevent the accumulation of water. DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-504.5 (Stairways) Nosings

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-504.8 (Stairways) Floor Identification

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-505.5 (Handrails) Clearance

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-505.6, (Handrails) Gripping Surface, Exception 1

Comment: Please clarify what the term “where handrails are provided” means. If a designer provides a guard that is designed at 32” off the ground, is that a non-compliant handrail or do we allow it as a guard? A non-compliant handrail is a guard not a handrail and therefore does not have to comply with the “where handrails are provided” criteria. This is a very difficult federal standard to enforce and we shouldn’t go there from a CBC standpoint unless we provide very specific guidance.

DSA-AC Change to Accommodate: This section provides an exception to the requirements for handrails only in locations where handrails are provided but not specifically required by Chapter 11B. Use of the exception is entirely optional. DSA-AC is currently working to produce a companion commentary document for the 2013 CBC, Chapter 11B which will provide additional guidance for specific access provisions. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-505.10 (Handrails) Handrail Extensions

Comment: This section reduces current accessibility standards which require handrail extensions for ramps at switchback and dogleg ramps. See 2010 CBC, Section 1133B.5.4.6.

DSA-AC Change to Accommodate: The requirements of this section address handrail extensions at both stairs and ramps consistent with the 2010 ADAS model code language, and mitigate a potential hazard from the protrusion of the inside continuous handrail into the ramp landing. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-505.10, (Handrails) Handrails Extensions, Exception 3

Comment: Add language to this exception clarifying that a “hazardous condition” is where an extension would reduce the minimum required width of an accessible route or means of egress.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Wood’s comment may have merit and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-602.9 (Drinking Fountains) Pedestrian Protection

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Bryan Moffitt, ADA Specialist, Schools Insurance Authority

Section: 11B-603.5 (Toilet and Bathing Rooms) Accessories

Comment: The language of this section has changed from the 2010 CBC, Section 1115B.8.3, and now includes the phrase “within toilet facilities”. Is this intended as a specific clarification that the maximum height of 40” for operable parts of dispensers only applies in a restroom, but not in other settings which might have paper towel, soap or other dispensers?

DSA-AC Change to Accommodate: The requirements of 2010 CBC, Section 1115B.8.3 for accessories fall within Section 1115B which is applicable only to bathing and toilet facilities (sanitary facilities). DSA-AC added the phrase “within toilet facilities” to clarify the existing 2010 CBC requirement as it was brought forward into the 2013 CBC. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-604.2 (Water Closets and Toilet Compartments) Location

Comment: The 16 inch minimum to 18 inch maximum range for the center line of a water closet is not based on any scientific research that shows that these measurements are useable by persons with disabilities. This section should be amended to require the center line of a water closet to be located within a range of 17.5 inches plus or minus 0.5 inch from the side wall or partition.

DSA-AC Change to Accommodate: DSA’s primary objective in this code cycle is to integrate the requirements of the 2010 ADAS and the 2010 CBC; new or expanded requirements will be considered in subsequent code cycles. Currently 2010 CBC, Section 1115B.4.1, Item 1 requires the centerline of the accessible water closet to be 16 inches minimum and 18 inches maximum from the side wall or partition. Amending this section to require a range of 17.5 inches plus or minus 0.5 inch would be a significant change from current requirements. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Daniel J. Bartz, Kohler Company

Section: 11B-604.3.1 (Water Closets and Toilet Compartments – Clearance) Size

Comment: This section should be disapproved as amended, and the 2010 ADAS language adopted without amendment. The proposed requirement for a 48” by 60” maneuvering space located in front of the toilet will cause confusion for building authorities and building owners in the field. This change would deviate from the installation of standard size stalls and necessitate use and installation of customized stall sizes, which in turn will create significant variations in room sizes.

DSA-AC Change to Accommodate: The 2010 CBC, Section 1115B.3.1, Item 4.3, currently requires a 48” by 60” maneuvering space in front of the water closet. Eliminating the requirement for the 48” by 60” maneuvering space in the 2013 CBC would be a significant reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: Figure 11B-604.3.1 Size of Clearance at Water Closets

Comment: This figure uses the term “clearance” to describe the area identified elsewhere as “clear floor space”. Maintain consistency by describing the area indicated as clear floor space.

DSA-AC Change to Accommodate: The proposed requirements of 11B-604.3, 11B-604.3.1 and corresponding Figure 11B-604.3.1, and 11B-604.3.2 consistently use the term “clearance” to identify the 56 inch minimum by 60 inch minimum space required around a water closet. The term water closet “clearance” is used to differentiate this space from the 30 inch minimum by 48 inch minimum “clear floor space” required elsewhere in Chapter 11B. DSA-AC is proposing no further changes to this figure in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-604.3.2 (Water Closet Clearance) Overlap

Comment: This section permits shelves to encroach in the water closet clearance without defining how wide, how deep or how far off the finish floor the shelf is located. This should either be removed or address parameters for the installation of shelves.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Wood’s recommendation to further study and evaluate the issue of installing shelves within the water closet clearance to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-604.4 (Water Closets and Toilet Compartments) Seats

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Len Swatkowski, Plumbing Manufacturers International (PMI)

Section: 11B-604.6 (Water Closets and Toilet Compartments) Flush Controls

Comment: Provide language that clarifies the acceptability of flush controls mounted on the center of toilet tanks, or on the wall behind the toilet tank, which meet reach ranges specified in the CBC.

DSA-AC Change to Accommodate: The proposed change conflicts with provisions of both the 2010 CBC and the 2010 ADAS which require flush controls to be located on the open side of the water closet. DSA-AC is proposing no further changes in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-604.8.1.2 (Wheelchair Accessible Compartments) Doors
Figure 11B-604.8.1.2 Wheelchair Accessible Toilet compartment Doors

Comment: This section and corresponding figure are a reduction of current CBC requirements by allowing the landing at a pull door to be less than 60 inches. Although current CBC language has been misinterpreted for years, there was never a reduction for out-swinging compartment doors. Current language only says that it shall “not be less than” the more restrictive requirements of 2010 CBC, Section 1133B.2.4.2 and that the associated figures prevail.

DSA-AC Change to Accommodate: DSA-AC agrees that this section is not consistent with current 2010 CBC, Sections 1115B.3.1, Item 4.5 and 1133B.2.4.2. The DSA-AC 2nd 15-Day Express Terms contained a proposal to revise this section and corresponding figure to clarify that the required 48 inch minimum clearance between the door side of the compartment and any obstruction is applicable only when the approach is from the push side of the compartment door. Toilet compartment doors shall comply with 11B-404, specifically Table 11B-404.2.4.1, when the approach is from the pull side of the compartment door. This change will maintain the current level of accessibility provided by the 2010 CBC, and provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the changes are clearly indicated.

Name: Daniel J. Bartz, Kohler Company

Section: 11B-606.7 (Lavatories and Sinks) Sink Depth

Comment: This section should be disapproved as amended, and the 2010 ADAS language adopted without amendment. We disagree with the proposed requirement for sink compartment depth of 6-1/2 inches maximum. This requirement was dropped in the 2010 ADAS and the ICC/ANSI A117.1 on the premise that the knee and toe clearance requirements by default control the maximum depth of sink compartment.

DSA-AC Change to Accommodate: The 2010 CBC, Section 1117B.9, Item 2, currently requires a 6-1/2 inch maximum deep sink; however, DSA-AC finds Mr. Moffitt’s recommendation to further study and evaluate this issue to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Daniel Larson, CASp, DPL Consulting and Inspection Services, Inc
Jay Hyde, SVABO Code Development Committee, Accessibility Sub-Committee

Section: 11B-608.2.1 Reserved (Transfer Type Shower Compartments)
11B-608.3.1 Reserved (Transfer Type Shower Compartments – Grab Bars)
11B-608.5.1 Reserved (Transfer Type Shower Compartments – Controls)

Comment: The 2010 ADAS contains scoping and technical requirements for 36” by 36” transfer type showers; the 2010 CBC does not currently permit the use of transfer type showers. For various reasons presented, reinstatement of the transfer type shower for use in California would meet the needs of the disabled community.

DSA-AC Change to Accommodate: The 2010 CBC currently does not permit the use of transfer type showers. A proposal to reinstate the 36” by 36” transfer type shower for use in California was thoroughly discussed at the CAC meeting and rejected by Committee vote. Permitting the use of transfer type showers in the 2013 CBC would be a significant reduction in

access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Daniel J. Bartz, Kohler Company

Section: 11B-608.3.1 Reserved (Transfer Type Shower Compartments – Grab Bars)
11B-608.5.1 Reserved (Transfer Type Shower Compartments – Controls)

Comment: These sections should be disapproved as amended, and the 2010 ADAS language adopted without amendment. The use of transfer type showers should be permitted to provide the disabled community with more choices for greater accessibility.

DSA-AC Change to Accommodate: The 2010 CBC currently does not permit the use of transfer type showers. A proposal to reinstate the 36" by 36" transfer type shower for use in California was thoroughly discussed at the CAC meeting and rejected by Committee vote. Permitting the use of transfer type showers in the 2013 CBC would be a significant reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B- 609 Grab Bars
11B-609.3 Spacing

Comment: We oppose this section which would allow the placement of wall mounted items above grab bars located at the side of a toilet. Many people who transfer or people who are semi-ambulatory rely on having a clear area above the grab bar.

DSA-AC Change to Accommodate: The provisions of this section are carried forward from the current 2010 CBC, Section 1115B.7.4. DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.1 (Signs) General

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.2 (Signs) Raised Characters

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.3 (Signs) Braille

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.3.2 (Braille) Position, Exception

Comment: The exception to this section is not consistent with 2010 CBC, Section 1116B.1.9, which requires Braille to be located directly below the corresponding raised character or symbol. The current CBC requirement provides consistency and predictability as to where to find Braille in relation to raised characters and symbols on an elevator car control panel. This section should be amended to maintain the current 2010 CBC requirement.

DSA-AC Change to Accommodate: DSA-AC agrees that the requirements of the exception to 11B-703.3.2 are not consistent with 2010 CBC, Section 1116B.1.9. DSA-AC proposed an amendment to the exception in the 15-Day Express Terms which requires Braille on elevator car control panels to be located directly below the corresponding raised characters or symbols. This change will help to provide consistency and predictability for persons with visual impairments. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.4 (Signs) Installation

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.4.2 (Signs – Installation Height and Location) Location, Exception

Comment: Currently 2010 CBC, Section 1117B.5.7 requires tactile signs to be located on the wall at the latch side of the door they identify. Permitting the placement of signs on doors, rather than on the adjacent wall, breaks down the predictability as to where to find tactile signs.

DSA-AC Change to Accommodate: DSA-AC agrees that the requirements of the exception to 11B-703.4.2 are not consistent with 2010 CBC, Section 1117B.5.7. DSA-AC proposed to delete this exception in the 15-Day Express Terms to maintain the current level of access. This change will help to provide consistency and predictability for persons with visual impairments. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Sharon Toji, Access Communications

Section: 11B-703.4.2 (Signs – Installation Height and Location) Location, Exception

Comment: (1st 15-Day) This exception should be retained. However, if persons with visual impairments are very much against the exception, I would suggest that it be further amended and retained for purposes of equivalent facilitation when there is no suitable location adjacent to the door. This will actually enhance accessibility by providing a reasonable and cost effective way to solve many problems encountered when there are obstructions on the wall that do not allow for the correct mounting of accessible signage in close proximity to the doors they identify. It will avoid having to return to the local authority to gain individual permission for each door where this solution would provide the most accessible location for the sign.

DSA-AC Change to Accommodate: The requirements of the exception to 11B-703.4.2 are not consistent with current 2010 CBC, Section 1117B.5.7. DSA-AC proposed to delete this exception in the 15-Day Express Terms to maintain the current level of access. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that any further amendment of this exception has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.5.6 (Signs – Visual Characters) Height from Finish Floor or Ground

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.5.7 (Signs – Visual Characters) Stroke Thickness

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.5.10 (Signs – Visual Characters) Format

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.7.2.6 (Signs) Toilet and Bathing Facilities Geometric Symbols

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-703.7.2.7 (Signs) Pedestrian Traffic-Control Buttons

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Michael Apodaca, Public Works Manager of Public Services, City of Irvine

Section: 11B-705.1 Detectable Warnings

Comment: City of Irvine citizens have expressed concerns regarding the detectable warning surfaces. The dome size and spacing has made it difficult for some wheelchair users to negotiate the detectable warning surface. The City requests this be analyzed and reviewed by the appropriate party.

DSA-AC Change to Accommodate: DSA-AC recognizes the concerns of pedestrians using mobility devices when negotiating areas where detectable warnings are installed. The intent of a detectable warning surface is to warn persons with visual impairments that they are about to step out into a potentially hazardous area. DSA-AC will consider these comments in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-705.1.1.1 (Detectable Warnings) Dome Size

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B- 705.1.1.2 (Detectable Warnings) Dome Spacing

Comment: The text of this section would be deleted and replaced with a requirement for a center-to-center dome spacing of 2.4 inches, absolute. An absolute dome spacing of 2.4 inches provides greater underfoot detection for persons with visual impairments and greater ease for people with wheeled devices including wheelchairs and scooters to traverse the walking surface. Additionally, the spacing of domes should be an absolute 2.4 inches to take into account the +/- 0.05 nominal measurement for center-to-center dome spacing found in Part 12, Sections 12-11A.201 and 12-11B.201. The base-to-base measurement of 0.65 inch minimum has no bearing on domes that are spaced at 2.4 inches center-to-center when the base diameter is 0.9 inches.

DSA-AC Change to Accommodate: The proposed amendments to this section reflect the current 2010 CBC requirement for a nominal 2.35 inch center-to-center dome spacing, and incorporate the tolerance of +/- 0.05 inch currently in Part 12, Sections 12-11A.201 and 12-11B.201. In a related code change, DSA-AC has proposed to delete Part 12, Sections 12-11A.201 and 12-11B.201, as the tolerances will be reflected in the technical requirements of this section. The proposed center-to-center dome spacing range, 2.3 inches minimum to 2.4 inches maximum, falls within the 2010 ADAS model code range, 1.6 inches minimum to 2.4 inches maximum. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works

Section: 11B-705.1.1.2 (Detectable Warning) Dome Spacing

Comment: The full range of truncated dome spacing that is allowed in the model code (2004 ADAAG/2010 ADA Standards) and the current California Building Code must be maintained. Many jurisdictions in California have already set their standards and constructed many curb ramps with truncated domes spaced at 1.6 inches (41mm). Each jurisdiction must be allowed to choose the truncated dome spacing that works best for their constituents and their capital planning.

The public process that those jurisdictions undertook to develop and adopt their ADA Transition Plans for Curb Ramps and Sidewalks incorporate such standards and too much effort to achieve.

The higher density of truncated domes provided by the tighter 1.6 inches spacing provides greater redundancy. Greater redundancy reduces replacement costs over time due to damaged or missing truncated domes.

DSA-AC Change to Accommodate: The proposed amendments to this section reflect the current 2010 CBC requirement for a nominal 2.35 inch center-to-center dome spacing, and incorporate the tolerance of +/- 0.05 inch currently in Part 12, Sections 12-11A.201 and 12-11B.201. The proposed center-to-center dome spacing range, 2.3 inches minimum to 2.4 inches maximum, falls within the 2010 ADAS model code range, 1.6 inches minimum to 2.4 inches maximum. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B- 705.1.1.2 (Detectable Warnings) Dome Spacing, Exception

Comment: The center-to-center dome spacing specification for truncated domes installed in a radial pattern should be sent back for further study. Installing truncated domes in a radial pattern is a complicated issue, and the proposed exception does not address dome spacing for radial installs where tiles have been cut and joined.

DSA-AC Change to Accommodate: The proposed exception to this section will provide some relief now from the requirement for a 2.3 inch minimum to 2.4 inch maximum center-to-center dome spacing at radial pattern installations; however, DSA-AC agrees that this is a complicated issue and that additional study is needed. DSA-AC will consider these comments in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B- 705.1.1.3 (Detectable Warnings) Contrast

Comment: The 2010 CBC, Section 1121B.3.1, Items 8 (a) & (b) requirement for materials used to provide contrast to be an integral part of the surface should be maintained and added to this section. The 2010 CBC, Section 1121B.3.1, Items 8 (a) & (b) requirement for 70% contrast should be maintained and added to this section. Additionally, the contrast formula originally located in ADAAG, Appendix Section A4.30.5 should be added to the exception to this section to provide a means for determining the percent of contrast between surfaces. The word “walking” should be restored between “adjacent” and “surfaces”.

DSA-AC Change to Accommodate: DSA-AC proposed an amendment to this section in the 15-Day Express Terms which restored the word “walking” between “adjacent” and “surfaces”, and restored the requirement for materials used to provide contrast to be an integral part of the surface. The proposal to add a requirement to this section for 70% contrast, and corresponding contrast formula, is not incorporated due to prior public comments indicating the contrast formula is flawed. DSA-AC is continuing to study this issue and will consider these comments in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-705.1.1.3 (Detectable Warnings) Contrast

Comment: (1st 45-Day) The California Council of the Blind (CCB) is in support of the proposed 15-Day amendments to this section restoring the 2010 ADAS term “walking” and the 2010 CBC, Section 1121B.3.1, Item 8(a) requirement that the material used to provide contrast be an integral part of the surface. The CCB is opposed to the elimination of the exception to this section that was included in the 45-Day Express Terms document. In addition, 2010 CBC, Section 1121B.3.1, Item 8(a) provides a formula to measure visual contrast that should be added to this section. We understand that there have been concerns expressed that there may be some shortcomings with the formula which has been in the building code since 1994. The formula is necessary in order for building officials to have an objective means of determining visual contrast.

DSA-AC Change to Accommodate: DSA-AC did not indicate a proposal to eliminate the exception to 11B-705.1.1.3 in the 1st 15-Day Express Terms document. See the full text of the resulting regulation (Final Express Terms) where the inclusion of the exception is clearly indicated. Regarding the contrast formula, the current 2010 CBC, Section 1121B.3.1, Item 8(a) requires a 70 percent contrast between detectable warning surfaces and the adjacent walking surface. This section also provides a formula to calculate the contrast. In previous rulemaking cycles this commenter and others have described this formula as “flawed” and submitted code change suggestions advocating amendment of the contrast formula to limit the Light Reflectance Value (LRV) of the lighter color to 45 or greater. While the acknowledged shortcomings of this formula have been supported by previously submitted documents, DSA-AC has not received, nor is aware of any research or scientific studies which substantiate amending the formula as previously suggested. Additionally, standard procedures for building officials, designers and inspectors to verify an installation meets the 70 percent requirement have not been identified. At

this time DSA-AC believes there exists sufficient doubt as to the suitability and application of the contrast formula and in recognition of the critical studies has not carried forward the contrast formula as it currently exists. DSA-AC is proposing no further changes in response to this comment but remains willing to consider the issue in a future rulemaking cycle.

Name: Patrick Rivera, P.E., City and County of San Francisco, Department of Public Works

Section: 11B-705.1.1.3 (Detectable Warning) Contrast

Comment: Delete the proposed exception to this section. Federal studies on the issue of the effectiveness of color contrast for persons who are visually disabled indicate that the federal yellow color is most effective, even when the contrast with the adjacent surface is as low as 40 percent. Feedback from our constituents has confirmed the effectiveness of the yellow color in detectable warnings.

The model code (2007 ADAAG/2010 ADA Standards) and the current California Building Code do not require providing a 1 inch wide black strip at yellow detectable warnings. What is the justification for this requirement at only yellow detectable warnings and not other colors?

DSA-AC Change to Accommodate: The 2010 CBC in § 1121B.3, 8, (a) requires the 1 inch wide black strip at yellow detectable warnings where the contrast is less than 70 percent. The language of the proposed 2013 CBC specifies the locations where the 1 inch black strip is required providing consistency and clarity for code users. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Kerwin Lee, AIA, CASp

Section: 11B-705.1.1.3 (Detectable Warning) Contrast

Comment: The American with Disabilities Act (ADA) has never made reference to requiring Federal yellow as part of detectable warnings. This section (1121B.3) was added to the 2009 Supplement of the CBC to provide reference to the dimensional requirements for the domes and not the color. The section and color was associated with Transit Platforms, which fall under a DOT jurisdiction. This reference comes from the Department of Transportation (DOT), which uses this color value. The use of the yellow does not guarantee contrast. Yellow on a white surface will not comply with the Federal standard of 70% contrasting tabulations. The use of Federal yellow may be a requirement for DOT or other federally funded works, but not under the American with Disabilities Act (ADA). We should stay with the definition of contrasting in section 705.1.1.3 and not create confusion or limitation as to the color.

DSA-AC Change to Accommodate: The proposal to add a requirement to this section for 70% contrast, and corresponding contrast formula, is not incorporated due to prior public comments indicating the contrast formula is flawed. DSA-AC is continuing to study this issue and will consider these comments in the development of future rulemaking packages.

Name: Kerwin Lee, AIA, CASp

Section: 11B-705.1.1.3 (Detectable Warning) Contrast

Comment: Since contrasting has not been defined, the use of the 1-inch black strip should only be associated with the use of the DOR yellow where it came from. If this section is to be maintained, move Exception to 11B-705.1.1.5 Color.

DSA-AC Change to Accommodate: The 2010 CBC in Section 1121B.3.1, Item 8(a) requires the 1 inch wide black strip at yellow detectable warnings which do not adequately contrast with the adjacent walking surface. The language of the proposed 2013 CBC specifies the locations where the 1 inch black strip is required providing consistency and clarity for code users. The requirement for the contrasting strip will be maintained in 11B-705.1.1.3 Contrast. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Patrick Rivera, P.E., City and County of San Francisco, Department of Public Works

Section: 11B-705.1.1.4 (Detectable Warning) Resiliency

Comment: Expand the exception to include all exterior locations. The products available on the market that provide either resilience or sound-on-cane properties require replacement on a cycle that would be too burdensome for public entities to meet. The deleterious effects of UV, weather, vehicular traffic, heavy pedestrian traffic, pallet jacks, carts, etc. will result in rapid degradation of detectable warning materials that are able to provide the properties of resilience of sound-on-cane.

The model code (2004 ADAAG/2010 ADA Standards) and the current California Building Code do not require providing the properties of resilience of sound-on-cane at exterior detectable warnings.

DSA-AC Change to Accommodate: The 2010 CBC in Section 1121B.3.1, Item 8(a) requires warning surfaces to differ from adjoining walking surfaces in resiliency or sound-on-cane contact. The language of the proposed 2013 CBC specifies the locations where resiliency or sound-on-cane contact is required providing consistency and clarity for code users. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Apodaca, Public Works Manager of Public Services, City of Irvine
Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works

Section: 11B-705.1.1.5 Color

Comment: Colors other than yellow still provide a contrast in accordance with 11B-705.1.1.3. This revision allows the local agency to specify the specific color desired.

DSA-AC Change to Accommodate: Consistent with the 2010 CBC, the proposed language of the 2013 CBC allows for colors other than Federal Color No. 33538 to be used at curb ramps, islands or cut-through medians in 11B-705.1.1.5 Color, Exception. DSA-AC is proposing no further changes in response to this comment.

Name: Sharon Toji, Access Communications

Section: 11B-705.1.1.5 (Detectable Warnings) Color

Comment: (1st 15-Day) The 2010 CBC, Section 1121B.3.1, Item 8(a) contrast formula for detectable warnings should be retained. The only objection to the formula as it appears is that it is flawed when two dark surfaces are compared. We are proposing to the ANSI A117.1 Committee in January that an LRV no less than 45 for the lighter color be used with the formula to determine contrast. In the case of Federal Color No. 33538, the LRV is higher than 45, so the formula is not

flawed and can be used. There is no reason to delete the formula for this specific use. By retaining it in our code, we can then consider refining it for use with other materials.

DSA-AC Change to Accommodate: The current 2010 CBC, Section 1121B.3.1, Item 8(a) requires a 70 percent contrast between detectable warning surfaces and the adjacent walking surface. This section also provides a formula to calculate the contrast. In previous rulemaking cycles this commenter and others have described this formula as “flawed” and submitted code change suggestions advocating amendment of the contrast formula to limit the Light Reflectance Value (LRV) of the lighter color to 45 or greater. While the acknowledged shortcomings of this formula have been supported by previously submitted documents, DSA-AC has not received, nor is aware of any research or scientific studies which substantiate amending the formula as previously suggested. Additionally, standard procedures for building officials, designers and inspectors to verify an installation meets the 70 percent requirement have not been identified. At this time DSA-AC believes there exists sufficient doubt as to the suitability and application of the contrast formula and in recognition of the critical studies has not carried forward the contrast formula as it currently exists. DSA-AC is proposing no further changes in response to this comment but remains willing to consider the issue in a future rulemaking cycle.

Name: Kerwin Lee, AIA, CASp

Section: 11B-705.1.2 (Detectable Warnings) Locations

Comment: Whenever there is a dimension used in this section, the words “a minimum of” should precede. This will allow for some dimensional and design tolerance for the warnings.

DSA-AC Change to Accommodate: The language of the proposed 2013 CBC allows for construction and manufacturing tolerances except where the requirement is stated as a range. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Kerwin Lee, AIA, CASp

Section: 11B-705.1.2 (Detectable Warnings) Locations

Comment: Delete Section 705.1.5 Hazardous Vehicular Areas and 6 Reflecting Pools. Neither of these requirements is found in the 2010 Standards. The revised language for Section 705.2.5 Hazardous Vehicular Areas, provide no assistance in defining that it is and where it is required. If anything, more text was needed to help define this requirement. There is no need for detectable warnings at the edge of pools, since these usually drop off from the adjacent walking surface and are detectable by cane, like a curb.

DSA-AC Change to Accommodate DSA-AC finds Mr. Lee’s recommendation to provide a more detailed definition and description of what constitutes a hazardous vehicular area to have merit, and will consider this proposal in the development of future rulemaking packages. Eliminating detectable warnings as one of the methods of protection at the edge of reflecting pools may be a reduction in access from current code requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-705.1.2.1 (Detectable Warnings – Locations) Platform Edges

Comment: (1st 45-Day) The California Council of the Blind wishes to go on record in objecting to DSA-AC's failure to include an amendment to 11B-705.1.2.1 as part of the 15-Day Express Term document. The depth of detectable warning surface required at platform boarding edges should be further amended to read "24 inches to 36 inches". During its presentation to the Access Code Committee on September 25-27, 2012, DSA-AC stated this section would be revised to restore the current 2010 CBC, Section 1121B.3.1, Item 8(a) requirement. Now, the reason DSA-AC cannot require a 24 inch minimum to 36 inch maximum depth is that the ADA has required an absolute 24 inch detectable warning depth since 1990 and the State of California cannot go beyond what is in federal law. Since 1990, research has found a detectable warning surface greater than 24 inches in depth provides a higher level of access/safety for persons with visual impairments while still being usable by persons with mobility devices. The PROWAG reflects this research by requiring a minimum of 24 inch depth of detectable warnings which is evidence that a 24 inch minimum to a 36 inch maximum specification for detectable warnings for California should continue in the building code.

DSA-AC Change to Accommodate: Currently, 2010 CBC Section 1131B.3.1, Item 8(a) indicates detectable warnings of 24 inches to 36 inches width are to be applied at the edge of transit boarding platforms. In earlier drafts of its 2012 rulemaking package, and continuing to this day, DSA-AC has maintained the model 2010 ADA Standards requirement for the width of detectable warnings at the edge of transit boarding platforms to be 24 inches. The commenter is correct that at the September 25-27, 2012 Building Standards Commission's Code Advisory Committee meeting DSA-AC did indicate that the failure to include the range of 24 inches to 36 inches in this item appeared to be an oversight and that it would be addressed. However, upon further research DSA-AC has confirmed the 2010 ADA Standards for Accessible Design (2010 ADAS) Section 705.2 requires detectable warnings at transit boarding platform edges to be an absolute dimension of 24 inches wide.

The commenter refers to the guidelines provided in the US Access Board's Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) which indicates detectable warnings of 24 inches minimum in the direction of pedestrian travel. While DSA-AC has looked to the PROWAG for guidance helpful to preparing portions of its current code change proposal, DSA-AC notes the PROWAG has not yet been adopted by the US Department of Justice and at present is not an enforceable standard. Further, applications of the PROWAG specification that exceed the 24 inches minimum dimension would be in conflict with the 24 inches absolute dimension required by the 2010 ADAS.

DSA-AC will retain this proposal for consideration in future rulemaking cycles but is proposing no further changes at this time in response to this comment.

Name: Bryan Moffitt, ADA Specialist, Schools Insurance Authority

Section: 11B-705.1.2.2 (Detectable Warning-Locations) Curb Ramps

Comment: This is a recommendation to provide additional figures to illustrate the proper layout and positioning of truncated domes within curb ramps. Curb details similar to 2010 CBC Figures 11B-19 and 11B-20 would be helpful, but with the addition of the truncated domes to fully demonstrate a typical perpendicular and parallel curb ramps.

DSA-AC Change to Accommodate: This section contains the technical requirements for detectable warnings; the technical requirements for curb ramps are located in 11B-406. Figures 11B-406.2.2, 11B-406.3.2, 11B-406.5.3 and 11B-406.5.10 illustrate the general positioning of truncated domes within perpendicular, parallel and diagonal curb ramps. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works

Section: 11B-705.1.2.2 (Detectable Warnings – Locations) Curb Ramps

Comment: Allow a range of 24 to 36 inches of detectable warnings on curb ramps. The 24 inch depth of detectable warnings of truncated domes that is allowed in the PROWAG and as adopted by the FHWA must be allowed in order for the State and Federal access standards to be in full alignment. Many jurisdictions in California have already set their curb ramp design standards and constructed many curb ramps with truncated domes with the 24 inch depth. Each jurisdiction must be allowed to choose the truncated dome amount that works best for their constituents, their capital planning and the many construction projects completed to date.

The public process that those jurisdictions undertook to develop and adopt their ADA Transitions Plans for Curb Ramps and Sidewalks incorporate such standards and took much effort to achieve. Federal Studies have shown that 24 inches of detectable warnings are sufficient, and that is what most if not all of the nation is typically following.

DSA-AC Change to Accommodate: DSA-AC has adjusted the current requirement for detectable warnings to extend the full width and depth of the curb ramp excluding the flared sides to a depth of 36 inches in the direction of travel in the proposed language of the 2013 CBC. DSA-AC recognizes research which indicates significantly more people perceive detectable warnings of 36 inches compared to 24 inches in depth; 36 inches provides greater safety for persons with visual impairments. DSA-AC is proposing no further changes in response to this comment.

Name: Eric McSwain, Access Compliance Consultants, Inc

Section: 11B-705.1.2.2 (Detectable Warning-Locations) Curb Ramps, Exception

Comment: The exception to this section should be amended to state detectable warnings surfaces “may” be placed on the turning space at the flush transition between the street and sidewalk. If designers and building officials were given the flexibility to install detectable warnings on the ramped surfaces that provide access to the flush transition between the street and sidewalk, visually impaired individuals would be duly warned, and the walkway would provide significantly greater access to individuals with mobility impairments. This change would permit those closest to individual projects to determine what will work best for the specific circumstances.

DSA-AC Change to Accommodate: The intent of a detectable warning surface is to warn persons with visual impairments that they are about to step out into a potentially hazardous area. Detectable warnings placed inconsistently at parallel curb ramps, either on the flush transition between the street and sidewalk or on the ramped surfaces that provide access to the flush transition between the street and sidewalk, would create confusion for persons with visual impairments. Amending this language in the 2013 CBC would be a reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Terry L. Abbott, Chief, Division of Design, California Department of Transportation

Section: 11B-705.1.2.3 (Detectable Warnings - Locations) Islands or Cut-Through Medians

Comment: The requirement for detectable warnings at pedestrian islands or cut-through medians that are less than 96 inches in length is not clear. The Federal Highway Administration is

currently recommending a 24 inch minimum depth of truncated domes at either end of a pedestrian island or cut-through median with 24 inches of clear space in between; a minimum 6 foot wide minimum depth in the direction of pedestrian travel. This section, as written, would require a 36 inch minimum depth of truncated domes at either end with 24 inches of clear space in between; a minimum 8 foot wide minimum depth in the direction of pedestrian travel. In an already built-out public right-of-way environment, CalTrans may be faced with eliminating the pedestrian refuge island altogether due to this proposed provision.

DSA-AC Change to Accommodate: DSA-AC agrees that this provision is unclear regarding the requirement for detectable warnings at pedestrian islands or cut-through medians that are less than 96 inches in length. DSA-AC proposed to amend this section in the 15-Day Express Terms by adding an exception, for pedestrian islands and cut-through medians that are less than 96 inches in length in the direction of pedestrian travel, permitting detectable warnings 24 inches minimum in depth. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-705.1.2.3 (Detectable Warnings – Locations) Islands or Cut-Through Medians

Comment: (1st 45-Day) The word “minimum” should not be added after “36 inches”. Adding “minimum” to the text will potentially result in an installer putting in more than 36 inches of detectable warnings, for example 60 inches, which is not desirable for persons who use mobility devices and persons who need to know the precise boundary between the pedestrian and the vehicular ways. Also, the requirement for 36 inches of detectable warnings must be uniformly maintained at all locations where detectable warnings are installed.

DSA-AC Change to Accommodate: The proposed language of the 2013 CBC Section 11B-705.1.2.3 Islands or Cut-through Medians requires detectable warnings to be 36 inches minimum at the edge of pedestrian islands and cut-through medians. Amending the requirement for depth of detectable warnings at these locations beyond the proposed language of the 2013 CBC requires additional research and public input. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed and will retain this item for consideration in a future rule making cycle. DSA-AC is proposing no further changes in response to this comment.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-705.1.2.3 (Detectable Warnings – Locations) Islands or Cut-Through Medians, Exception

Comment: (1st 45-Day) A figure is needed that shows how to install detectable warnings where there is less than 96 inches in length versus when the length is 96 inches or greater. The figure will assist installers in understanding how the exception differs from the text found in 11B-705.1.2.3. The figure must be included as part of the regulation so that it can be enforced by building officials.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Lozano’s recommendation to add a figure to this section to have merit, and will consider this proposal in the development of future rulemaking packages.

Name: Patrick Rivera, P.E., City & County of San Francisco, Department of Public Works

Section: 11B-705.1.2.3 (Detectable Warnings – Locations) Islands or Cut-through Medians
11B-705.1.2.4 (Detectable Warnings – Locations) Bus Stops
11B-705.1.2.5 (Detectable Warnings – Locations) Hazardous Vehicular Areas
11B-705.1.2.6 (Detectable Warnings – Locations) Reflecting Pools
11B-705.1.2.7 (Detectable Warnings – Locations) Track Crossings

Comment: The 6 to 8 inches range of the location of the beginning of detectable warnings must apply to all applications. When located adjacent to a street or lane, a lane of vehicular traffic or the dynamic envelope of trolleys, streetcars or cable cars the spacing must be constituent with that which is adopted and promulgated by federal agencies such as the FHWA. Many jurisdictions in California have already set their standards and constructed many detectable warnings with a setback spacing of 6 to 8 inches. Each jurisdiction must be allowed to choose the truncated dome location that works best for their constituents and their capital planning. The public process that those jurisdictions undertook to develop and adopt their ADA Transition Plans for Curb Ramps and Sidewalks incorporate such standards and took much effort to achieve.

DSA-AC Change to Accommodate: The proposed language of the 2013 CBC in § 11B-705.1.2.2 Curb Ramps requires the location of detectable warnings to be 6 inches minimum and 8 inches maximum from the from the line at the face of the curb marking the transition between the curb and the gutter, street or highway. Expanding the requirement for locations of detectable warnings at other locations beyond the proposed language of the 2013 CBC requires additional research and public input. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned that a change at this time would not have been adequately noticed, and is proposing no further changes in response to this comment.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-705.1.2.4 (Detectable Warnings – Locations) Bus Stops

Comment: Both the 2010 ADAS and draft PROWAG guidelines do not require Detectable Warnings at Bus Stops. The inclusion of this section is unreasonable due to the vagueness of the section. There are no sketches indicating how to apply the bus stop standard. The inability to properly identify locations and/or construct the necessary improvements to be in compliance with the standard is the reason we recommend to delete this section and follow the DRAFT PROWAG Guidelines.

DSA-AC Change to Accommodate: The locations for detectable warnings at bus stops and hazardous vehicular areas are determined when designing these improvements on a case by case basis. At bus stops where a square curb is provided detectable warnings are not required. These sections in the proposed language of the 2013 CBC are taken from the 2010 CBC. Deleting this section in the proposed language of the 2013 CBC would be a reduction in access from current requirements. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-705.1.2.5 (Detectable Warnings - Locations) Hazardous Vehicular Areas

Comment: Both the 2010 ADAS and draft PROWAG guidelines do not define Hazardous Vehicular Areas. This proposed standard is too general and any driveway could potentially be a

hazardous vehicular area. Recommend deleting section and following the locations listed in the draft PROWAG.

DSA-AC Change to Accommodate: DSA-AC finds Mr. Kumar's recommendation to follow the locations considered hazardous vehicular areas in the draft PROWAG to have merit, and will consider this proposal in the development of future rulemaking packages. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Mark Wood, CASp, California Certified Accessibility Specialists, Inc.

Section: 11B-705.3 (Detectable Warnings and Detectable Directional Texture) Product Approval

Comment: This section should be deleted unless DSA is going to start approving detectable warning products by January 1, 2014.

DSA-AC Change to Accommodate: The provisions of this section are being carried forward from current 2010 CBC, Section 1121B.3.1, Item 8(a) and Section 1127B.5, Item 7. DSA-AC received other public comment that the elimination of this provision would be a reduction in access from the current level. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Kerwin Lee, AIA, CASp
Janis Kent, CASp, Stepping Thru Accessibility

Section: 11B-803.6 (Dressing, Fitting, and Locker Rooms) Mirrors

Comment: Add the word "minimum" before reflective. This will provide a design option to having a larger mirror and not an absolute dimension.

DSA-AC Change to Accommodate: DSA-AC inadvertently omitted the current language for mirrors to have minimum width and height dimensions. This section is being modified to incorporate existing provisions allowing mirrors to be larger than the minimum size. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kerwin Lee, AIA, CASp

Section: 11B-804 Kitchens and Kitchenettes

Comment: This is one of the reasons not to adopt or reference Chapter 11A for Kitchens. The ADA has a different concept and approach that needs to be followed. The ADA does not have a concept for an "alley" kitchen, which is recognized by FHA/Chapter 11A.

DSA-AC Change to Accommodate: DSA-AC in the 2010 CBC adopted all of chapter 11A, only one exception was excluded. The requirements for the provisions of Chapter 11A-Housing Accessibility are incorporated into the proposed language of the 2013 CBC to harmonize with the 2010 ADAS and maintain the current level of access in California. DSA-AC is proposing no further changes in response to this comment.

Name: Eric McSwain, Access Compliance Consultants, Inc

Section: 11B-805.4.1 (Medical Care and Long-Term Care Facilities) Beds, Exam Tables, Procedure Tables, Gurneys and Lounge Chairs

Comment: This is an unrealistic requirement. The US Access Board has produced Proposed Accessibility Standards for Medical Diagnostic Equipment which proposes clear spaces along medical equipment (and furnishings) that vary depending on the functionality of and approach to the equipment. In no case do they require the clear floor space to extend for the full length of the equipment unless the use of the equipment itself requires it.

DSA-AC Change to Accommodate: The provisions of 11B-805 were developed in coordination with the Office of Statewide Health Planning and Development (OSHPD). This section, and the CBC in general, regulate equipment fixed to the building rather than moveable furniture. During these extensive discussions it was determined that requiring a full-length 36 inch clear space on each side would not be problematic. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Eric McSwain, Access Compliance Consultants, Inc

Section: 11B-805.7 (Medical Care and Long-Term Care Facilities) Built-in Cabinets and Work Surfaces

Comment: It makes no sense that under 11B-203.9 employee work areas need only provide for approach, enter and exit, but under this section employee work areas within hospitals must be made fully accessible. The potential costs to medical facilities are extreme.

DSA-AC Change to Accommodate: The provisions of 11B-805 were developed in coordination with the Office of Statewide Health Planning and Development (OSHPD). This section refers to built-in work surfaces which, in a hospital setting, are typically shared by staff working the same shift or working back-to-back shifts. During extensive discussion it was determined that these were not personal employee work areas, but rather common use areas requiring accessibility. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates
Dennis and Joanne Sharp, A Sharp Design Consultants
Richard Skaff, Executive Director, Designing Accessible Communities

Section: 11B-806 Transient Lodging Guest Rooms

Comment: DSA proposes to eliminate 2010 CBC, Section 1111B.4.6, Item 1, a requirement that has been in the CBC since 1982, which allows a wheelchair user to enter and use the features of a non-accessible hotel room's bathroom. This is an important requirement for hospitality suites, when families are staying at a facility, or when accessible rooms are unavailable. This is a reduction in accessibility and the existing 2010 CBC requirement should be included in the proposed changes.

DSA-AC Change to Accommodate: This exception is not clearly defined for the code user to determine what is required to allow a user to enter the bathroom and touch the sanitary facilities in hotel or motel bathrooms that are beyond the number required to be accessible. DSA-AC has included in the proposed language of the 2013 CBC the exception from this section requiring bathroom doors to be either sliding or open in the direction of egress from the bathroom. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kerwin Lee, AIA, CASp

Section: 11B-809.4 (Residential Dwelling Units) Toilet Facilities and Bathing Facilities

Comment: If there is reference to Section 1134A, which has Options 1 and 2 associated with bathrooms, this will create confusion. If a designer or enforcer uses Section 1134A, the design would not comply with ADA standards

DSA-AC Change to Accommodate: DSA-AC, in the 2010 CBC, adopted all of chapter 11A; only one exception was excluded. The requirements for the provisions of Chapter 11A-Housing Accessibility are incorporated into the proposed language of the 2013 CBC to harmonize with the 2010 ADAS and maintain the current level of access in California. DSA-AC is proposing no further changes in response to this comment.

Name: Sree Kumar, Assistant Deputy Director, Design Division, County of Los Angeles

Section: 11B-810.2.2 (Bus Boarding and Alighting Areas) Dimensions

Comment: The majority of our buses provide service in residential communities where the existing sidewalk/parkway (area between curb and the right-of-way line) is less than 8 feet. This requirement will prevent us from establishing new bus stops in Los Angeles County transit-dependent communities where services are very much needed. We request the flexibility to establish new bus stops where the existing parkway is less than 8 feet.

DSA-AC Change to Accommodate: DSA-AC proposing to correct the inadvertent strike-out of the mode code language that allows flexibility in the construction of bus boarding and alighting areas. DSA-AC proposed to amend this section in the 15-Day Express Terms by restoring "to the maximum extent practicable" in the proposed language of the 2013 CBC. This change will provide clarity and consistency for code users. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Jay Hyde, SVABO, Code Development Committee, Accessibility Sub-Committee

Section: 11B-903.1(Benches) General

Comment: The existing language, as written, could be interpreted to require all benches on an accessible route, or located within spaces required to be accessible, to be accessible. This section should be amended to require accessibility only for "required" benches.

DSA-AC Change to Accommodate: Scoping analysis of Chapter 11B indicates not all benches are required to be accessible. Section 11B-803.4 requires at least one accessible bench in dressing, fitting and locker rooms. Section 11B-807.2.2 requires at least one accessible bench in holding cells and housing cells, when benches are provided. DSA-AC feels the scoping regarding accessibility requirements for benches is adequate; DSA-AC is proposing no further changes in response to this comment.

Name: Michael Mankin, Architect, CASp
Susan Chandler, President, CDR (Californians for Disability Rights) Inc.
Peter Margen, Principal Consultant, Margen + Associates

Section: 11B-1003.2.2 Boarding Piers at Boat Launch Ramps

Comment: I oppose these exceptions for boarding piers and gangway ramps. The exceptions would create environments which are not accessible to wheelchair users or semi-ambulant individuals. Further, these facilities are currently required to be “accessible” under existing 2010 CBC and the Public Resources Code. The new exceptions are a reduction in access.

DSA-AC Change to Accommodate: The current CBC does not address with specificity the requirements for boarding piers and boat launch ramps. This section, directly from the 2010 ADAS, provides clarity in determining the requirements for boarding piers at boat launch ramps for code users. GC§ 11346.45 requires that DSA-AC involve parties who would be subject to the proposed regulations in public discussions prior to publication of the notice. DSA-AC is concerned the proposed change has not been adequately noticed, and will consider this proposal in the development of future rulemaking packages.

Name: Eugene Lozano, Jr., California Council of the Blind

Section: 11B-1009.6 (Swimming Pools, Wading Pools, and Spas) Pool Stairs

Comment: California Council of the Blind agrees with the proposed amendments to this section.

DSA-AC Change to Accommodate: This is a supporting statement; DSA-AC is proposing no further changes in response to this comment.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The DSA-AC has determined that no reasonable alternative considered by DSA-AC or that has otherwise been identified and brought to the attention of DSA-AC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

In order to increase public participation and improve the quality of these regulations DSA-AC involved parties who would be subject to these proposed regulations in public forum discussions. The purpose of the public discussions was to receive reasonable alternatives to these regulations from the public. Public forums were held as follows:

- Forum No. 1 – 24 May 2012 in Sacramento
- Forum No. 2 – 31 May 2012 in Oakland
- Forum No. 3 – 7 June 2012 in Sacramento
- Forum No. 4 – 14 June 2012 in Los Angeles
- Forum No. 5 – 21 June 2012 in Sacramento
- Forum No. 6 – 10 July 2012 in San Diego
- Forum No. 7 – 17 July 2012 in Sacramento
- Forum No. 8 – 31 July 2012 in Sacramento

Interested parties were able to participate via teleconference. In addition, participation via video conference was available at the following locations:

Sacramento Regional Office
1102 Q Street, Suite 5100
Sacramento CA 95811

Oakland Regional Office
1515 Clay Street, Suite 1201
Oakland CA 94612

Los Angeles Regional Office
700 North Alameda Street, Suite 5-500
Los Angeles CA 90012

San Diego Regional Office
10920 Via Frontera, Suite 300
San Diego CA 92127

**REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES**

The DSA-AC did not receive any reasonable proposals for alternatives that would lessen any adverse economic impact on small businesses. No adverse impact to small business due to these proposed changes is expected.