

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC)
REGARDING THE 2019 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

(DSA-AC 01-19)

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

California Government Code Section 4450 directs the State Architect to develop and submit proposed building standards to the California Building Standards Commission (CBSC) for approval and adoption pursuant to Health and Safety Code Section 18935 for the purpose of making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

This proposed regulatory action by DSA-AC will provide greater consistency and clarity for code users by:

- Amending existing California accessibility amendments.
- Relocating existing requirements from Chapter 11A to 11B for dwelling units with adaptable features.
- Adopting new California accessibility amendments for circulation paths.
- Codifying non-substantive editorial and formatting amendments.

ITEM 1.01

CHAPTER 1 - SCOPE AND ADMINISTRATION

DIVISION I - CALIFORNIA ADMINISTRATION

SECTION 1.9 - DIVISION OF THE STATE ARCHITECT

1.9.1 Division of the State Architect - Access Compliance.

1.9.1.3 Application

REASON:

The Division of the State Architect is proposing to amend this section to delete the term “private housing available for public use” and the reference to California Government Code Section 4450 for the following reasons:

- Section 4450 states “all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities”.
- Section 4451 states *“this chapter shall be limited in its application to all buildings and facilities stated in Section 4450 intended for use by the public, with any reasonable availability to, or usage by, persons with disabilities, including all facilities used for education and instruction, including the University of California, the California State University, and the various community college districts, that are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state”*.
- The application of these Government Code sections and the term *“private housing available for public use”* creates confusion for code users when determining the application of California Building Code Chapter 11B to public housing. Code users typically understand *“private housing available for public use”* to be one of the types of housing regulated as a place of public accommodation. Those types of housing are social service center establishments, transient lodging and housing at a place of education; California Building Code Section 1.9.1.2 *Application* is the appropriate citation for places of public accommodation.
- In the context of the California Building Code definition of public housing and the application of Chapter 11B, receipt of public funds is one of any number of methods that a public entity may use in the administration of a public housing program. Citing California Government Code Section 4450 creates confusion for code users who interpret the application to only apply to facilities that receive public funds.
- The more specific Government Code Section for the application cited in California Building Code Section 1.9.1.3 is California Government Code Section 12955.1(c) which states *“regulations adopting building standards necessary to implement, interpret, or make specific the provisions of this section shall be developed by the Division of the State Architect for **public housing**”*.

This code change proposal is intended to provide consistency and clarity for code users when applying California Building Code Chapter 11B to public housing projects. This item was removed for consideration during the 2018 rulemaking cycle at recommendation of the California Building Standards Commission’s Code Advisory Committee in order for the Division of the State Architect to request an opinion from Department of General Services legal counsel. The Division of the State Architect requested an opinion from the Department of General Services, Office of Legal Services and received the following analysis and conclusion.

Analysis of Amendment. The rationale for this amendment is largely to bring the California Building Code Chapter 11B in line with historic interpretation and application of Chapter 11B to “public housing”, a defined term. This revision clarifies the application of the proper government code reference for public housing from California Government Code Section 12955.1(c). The continued citation of California Government Code Section 4450 confuses the application of California Government Code Section 12955.1(c) to private housing for public accommodation, a different type of housing. Repealing the reference to California Government Code Section 4450 would not allow for the Division of

the State Architect to provide a lesser standard of accessibility than that required by federal regulations and standards, since this change is not substantive. This change only clarifies the scope of application, to be consistent with Division of the State Architect policy and California statute. Greater or equal protection than the federal standards is required by California Government Code Section 12955.1(c), and is not affected by this amendment. The proposed amendment seeks only to clarify its application to “public housing”, a defined term in the regulations.

Conclusion. This amendment does not affect any substantive accessibility standard, so it does not enhance or diminish accessibility.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.01

CHAPTER 2 - DEFINITIONS

SECTION 202 – DEFINITIONS (*BLENDED TRANSITION*)

REASON:

The current definition of “blended transition” was sourced from the United States Access Board’s *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* and includes the term “pedestrian access route” which is not used in California Building Code Chapter 11B. This proposal replaces the term “pedestrian access route” with “circulation path,” and includes additional amendments for clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.02

CHAPTER 2 - DEFINITIONS

SECTION 202 – DEFINITIONS (*BOTTLE FILLING STATION*)

REASON:

DSA is proposing to provide a definition in California Building Code Chapter 2 for bottle filling stations based on the definition currently in the California Plumbing Code. The language in the definition from the plumbing code that is not included in the proposed code change is better suited to the plumbing code requirements and is unnecessary in the definition proposed for inclusion in California Building Code Chapter 2 related to accessibility. This proposed code change is related to proposed amendments in Sections 11B-211.4 and 11B-602.10.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.03

CHAPTER 2 – DEFINITIONS

SECTION 202 – DEFINITIONS (*CIRCULATION PATH*)

REASON:

The current definition of “circulation path” was sourced from the United States Department of Justice’s *2010 ADA Standards for Accessible Design*. The Division of the State Architect has received numerous inquiries about whether this term refers to accessible or non-accessible surfaces. This proposal clarifies that a circulation path describes all prepared surfaces for pedestrian travel, accessible and non-accessible, and includes an additional amendment for clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.04

CHAPTER 2 - DEFINITIONS

SECTION 202 – DEFINITIONS (*CURB RAMP*)

REASON:

The current definition of “curb ramp” refers to “A sloping pedestrian way intended for pedestrian traffic...” The defined term “pedestrian way” is proposed for repeal as part of this rulemaking package. The term does not adequately describe the type of walking surface used in a curb ramp as it allows the possibility of sloping natural surfaces to be classified as curb ramps.

This proposal amends the definition of “curb ramp” to replace the term “pedestrian way” with the term “prepared surface.” This amendment is consistent with the Division of the State Architect’s intent that the term “curb ramp” is applied to constructed rather than natural elements.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.05

CHAPTER 2 - DEFINITIONS

SECTION 202 – DEFINITIONS (*DETECTABLE WARNING*)

REASON:

The current definition of “detectable warning” was sourced from the United States Department of Justice’s *2010 ADA Standards for Accessible Design*. This definition does not adequately inform the reader of the intended purpose of detectable warnings. This change better describes the intended purpose of detectable warnings.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.06

**CHAPTER 2 - DEFINITIONS
SECTION 202 – DEFINITIONS (*DRIVE AISLE*)**

REASON:

This proposal adds a new definition for “drive aisle.” This term is used in proposed language in Section 11B-250 and the definition of “vehicular area.”

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.07

**CHAPTER 2 - DEFINITIONS
SECTION 202 – DEFINITIONS (*DRIVEWAY*)**

REASON:

This proposal adds a new definition for “driveway.” This term is used in proposed language in Section 11B-250 and the definition of “vehicular area.”

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.08

**CHAPTER 2 - DEFINITIONS
SECTION 202 – DEFINITIONS (*PEDESTRIAN WAY*)**

REASON:

This proposal rescinds the Division of the State Architect’s adoption of the definition for “pedestrian way.” The term “circulation path” provides greater specificity and is consistent with terminology used in the 2010 ADA Standards for Accessible Design.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 2.09

**CHAPTER 2 - DEFINITIONS
SECTION 202 – DEFINITIONS (*PUBLIC HOUSING*)**

REASON:

DSA is proposing to amend the definition for “public housing” to:

- Include “*altered*” in the opening sentence. This proposed amendment aligns the terminology with the 2010 ADA Standards for Accessible Design.
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- Provide in the definition the reference to the Americans with Disabilities Act Title II Regulations in United States Code of Federal Regulations, 28 CFR Part 35, Section 35.102(a) for the application of the Americans with Disabilities Act to programs of Title II entities.
- Provide a note for the code user to refer to the *“Guide to Public Housing Regulated in Chapter 11B of the California Building Code”* and the *“California Access Compliance Advisory Reference Manual”* for additional information regarding the application of California Building Code Chapter 11B and what constitutes a housing program.
- Items 1 through 7 are proposed for revision, renumbering and repeal of item seven.
- Repeal of redundant language *“Publically owned and/or operated”* in items 1 through 5 proposed. Ownership and operation is not the only requirement for housing to be considered public. As stated in the opening sentence, a project that is constructed or altered *“by, for or on behalf of a public entity”* is public housing. Code users believe ownership and operation overrides the criteria of, on behalf of, when reading the items where *“Publically owned and/or operated”* is stated.
- Revise Item 6 to repeal “campus”. Housing serving places of education may be located on or off campus.
- Eliminating item 7 removes a term that is ambiguous and vague. Code users are confused with the term *“privately owned housing facilities made available for public use as housing”*. The term *“public use”* muddles the terminology with the types of housing that are regulated as places of public accommodation. Including *“privately owned housing facilities”* and *“as part of a public entity’s program that provides housing”* in the opening statement provides clarity for the various types of housing considered *“public housing”* currently in Item 7. Amending the language in the opening statement therefore requires the repeal of Item 7.
- DSA is proposing these amendments to clarify the definition based on questions received from code users.

CBSC-CAC Action: Further Study

DSA Response to CAC: Accept

DSA has studied this item and has determined that no additional amendment to the definition is necessary. The definition has been vetted by the Department of General Services, Office of Legal Services and is supported by members of the Access Code Collaborative, Disability Rights California, the Department of Housing and Community Development and the California Building Industry Association. Comments received at the Code Advisory Committee questioned the repeated language in the definition *“constructed or altered by, for, or on behalf of a public entity”*. The first use of this language refers to public housing that is constructed by public entities that is not part of a program that provides housing. Examples of that type of public housing include various types of employee housing provided by a public entity such as; barracks at forest fire stations, housing at fish hatcheries or housing in state parks. The second use of the repeated language in the definition refers to housing that is part of a public entities’ program that provides housing such as affordable housing programs.

ITEM 2.10

CHAPTER 2 - DEFINITIONS SECTION 202 – DEFINITIONS (*PUBLIC USE*)

REASON:

The Division of the State Architect is proposing to amend the definition of “public use” to repeal the last sentence in the definition. Repeal of the term “*public use is the provision of housing programs*” is being proposed in conjunction with the overall proposed code changes for the various public housing provisions in California Building Code Chapter 11B and Chapter 1, Section 1.9.1.3. The terminology proposed for repeal is unnecessary and confusing.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.01

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-202 Existing buildings and facilities

11B-202.4 Path of travel requirements in alterations, additions and structural repairs.

REASON:

California Building Code Section 11B-202.4 Exception 10 uses the term “primary function” to distinguish between alterations solely for the purpose of installing electric vehicle charging stations at facilities that are required or are not required to provide a path of travel. However, “primary function” is not defined in the California Building Code. The Division of the State Architect proposes to add clarifying language regarding the term “primary function” to Exception 10 consistent with the applicable portion of the definitions provided in the 2010 ADA Standards for Accessible Design.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.02

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-203 General exceptions

11B-203.8 Residential facilities.

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A. The features for the dwelling units in public housing facilities that the Division of the State Architect currently adopts in Chapter 11A have been revised

and reformatted for consistency with the numbering and format used in Chapter 11B. Sections 11B-809.6 through 11B-809.12 are the sections that contain those revisions that are included as part of an overall package of public housing code change proposals.

In addition, “and” is proposed for revision to “or” so that the provisions in this section apply when either type of unit is provided. As written, with “and” in the section the provisions apply only when both types of units are provided.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.03

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING ***DIVISION 2: SCOPING REQUIREMENTS***

11B-205 Operable parts

11B-205.1 General.

REASON:

The Division of the State Architect is proposing this code change to alleviate the conflict between the 2019 California Electrical Code, Title 24, Part 3 Sections 210.52 (C)(1) through (C)(5) and California Building Code Chapter 11B for the placement of electrical outlets. The outlet locations required by the electrical code create a conflict with complying with the reach ranges in Section 11B-308. At inside corners where the spacing in both directions can total no more than four feet at least one of the outlets is then located in a non-complaint location. Adding an additional outlet in a compliant location does not alleviate the requirement that all outlets must be located within reach ranges complying with Section 11B-308. Should this code change be adopted that would allow for one outlet that is not within reach range and one that is in such a location. In addition, this proposed code change aligns Chapter 11B with the 2010 Americans with Disabilities Act Standards for Accessible Design.

CBSC-CAC Action: Further Study

DSA Response to CAC: Accept

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. Comments received at the Code Advisory Committee questioned whether exception taken from the 2010 ADAS was too broad. DSA has amended this section to target the specific location at a corner work surface in a kitchen at residential dwelling unit with mobility features where the locations of accessible electrical receptacles conflict with the locations required by the electrical code.

ITEM 11B.04

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING ***DIVISION 2: SCOPING REQUIREMENTS***

11B-206 Accessible routes

11B-206.2 Where required.
11B-206.2.3 Multi-story buildings and facilities.
Exception 4

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A. The features for the dwelling units in public housing facilities that DSA currently adopts in Chapter 11A have been revised and reformatted for consistency with the numbering and format used in Chapter 11B. Sections 11B-809.6 through 11B-809.12 are the sections that contain those revisions that are included as part of an overall package of public housing code change proposals.

CBSC-CAC Action: Approve as Submitted
DSA Response to CAC: Accept

ITEM 11B.05

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-206 Accessible routes

11B-206.7 Platform lifts.

11B-206.7.6 Guest rooms and residential dwelling units.

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A. The features for the dwelling units in public housing facilities that the Division of the State Architect currently adopts in Chapter 11A have been revised and reformatted for consistency with the numbering and format used in Chapter 11B. Sections 11B-809.6 through 11B-809.12 are the sections that contain those revisions that are included as part of an overall package of public housing code change proposals. In addition, “and” is proposed for revision to “or” so that the provisions in this section apply when either type of unit is provided.

CBSC-CAC Action: Approve as Submitted
DSA Response to CAC: Accept

ITEM 11B.06

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-208 Parking spaces

11B-208.1 General.

REASON:

The Division of the State Architect is proposing to amend this section to allow for the installation of an electric vehicle charger when an accessible parking space is assigned to

the resident. This code change proposal provides for a resident to use their parking space to charge a vehicle without having the inconvenience of charging their vehicle at one location and then having to move the vehicle to park.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.07

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 2: SCOPING REQUIREMENTS

11B-208 Parking spaces

11B-208.2 Minimum number.

11B-208.2.3 Residential facilities.

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A as part of an overall package of public housing code change proposals that if approved would make Chapter 11B a standalone chapter. Therefore, the reference to Chapter 11A in the note would no longer be necessary.

CBSC-CAC Action: Approve as Amended

DSA Response to CAC: Accept

DSA has additionally studied this item and has determined that the note provides a requirement that is operational and not enforceable by building officials. Therefore, DSA is proposing to repeal the adoption of the note rather than amending it. In addition, Chapter 11B addresses parking that is provided and not assigned. The request by a resident for an assigned accessible parking space is addressed as a reasonable accommodation in a joint statement provided by the Department of Housing and Urban Development and the U.S. Department of Justice, “*Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act*”. This statement provides for the responsibilities of the housing provider and the resident when a request is made for assigned parking spaces to accommodate a resident and is beyond the authority of building officials.

ITEM 11B.08

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 2: SCOPING REQUIREMENTS

11B-208 Parking spaces

11B-208.3 Location.

11B-208.3.2 Residential facilities.

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A. The features for the dwelling units in public housing facilities that the Division of the State Architect currently adopts in Chapter 11A have been revised and reformatted for consistency with the numbering and format used in Chapter 11B. Sections 11B-809.6 through 11B-809.12 are the sections that contain those revisions that are included as part of an overall package of public housing code change proposals.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.09

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS

11B-211 Drinking fountains

11B-211.4 Bottle filling stations.

REASON:

The Division of the State Architect is proposing this code change in response to requests from code users and facility owners. Bottle filling station provisions are addressed in the plumbing code and currently there are no specific provisions for accessibility for this type of fixture in California Building Code Chapter 11B. This proposed code change specifically addresses the scoping and technical provisions for bottle filling stations to provide for access compliance.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.10

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS

11B-224 Transient lodging guest rooms, housing at a place of education and social service center establishments

11B-224.8 Social service center establishments

REASON:

The Division of the State Architect is proposing to repeal the adoption of Sections 11B-224.1 through 11B-224.6 that create confusion when applying the provisions to social service center establishments. The transient lodging standards do not apply to social service center establishments under the 2010 ADA Standards for Accessible Design or Housing and Urban Development Section 504 Regulations. The proposed code change aligns Chapter 11B with the 2010 ADA Standards for Accessible Design and Housing and Urban Development Section 504 Regulations.

In addition, using the scoping Section 11B-233.3 and the technical provisions for residential dwelling units requires features that provide for greater access such as turning spaces within kitchens and the amount of storage required within reach ranges.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.11

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 2: SCOPING REQUIREMENTS

11B-226 Dining surfaces and work surfaces

11B-226.4 Baby changing tables.

REASON:

The Division of the State Architect is proposing to amend this section in order to use the same title for baby diaper changing stations consistent with California Government Code Section 50535 and Health and Safety Code Section 118506. Chapter 11B does not require baby changing tables; however, when provided they must be accessible. The California Government and Health and Safety Codes require baby diaper changing stations in specified facilities and under specified conditions.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.12

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 2: SCOPING REQUIREMENTS

11B-228 Depositories, vending machines, change machines, mail boxes, fuel dispensers, and electric vehicle charging stations.

11B-228.2 Mail boxes.

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A. The features for the dwelling units in public housing facilities that the Division of the State Architect currently adopts in Chapter 11A have been revised and reformatted for consistency with the numbering and format used in Chapter 11B. Sections 11B-809.6 through 11B-809.12 are the sections that contain those revisions that are included as part of an overall package of public housing code change proposals.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.13

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-228 Depositories, vending machines, change machines, mail boxes, fuel dispensers, and electric vehicle charging stations.

11B-228.3 Electric vehicle charging stations

REASON:

The Division of the State Architect has received comments from building officials and had discussions with electric vehicle charging station providers where it was suggested that lower charging level electric vehicle charging stations may be provided at accessible charging stations when higher level charging is provided at the rest of the charging stations in a facility. These suggestions are contrary to state and federal law which require accessibility at each new or altered facility. Current code language requires accessible charging stations at each facility. The Division of the State Architect is proposing clarifying language in Section 11B-228.3.2 to indicate that each combination of charging level and connector type provided constitutes a facility.

The Division of the State Architect is also proposing to amend this section to provide for accessible electric vehicle charging stations to clarify the requirements for charging stations located in public housing facilities.

CBSC-CAC Action: Further Study

DSA Response to CAC: Accept

The Division of the State Architect has additionally studied this item and has amended this proposal in response to public and committee comments. These comments indicate the lack of specific designations of “charging level” renders the language vague and subject to various interpretations. In response, the proposal has been amended to identify the three current designations of electric vehicle charging levels as: AC Level 1, AC Level 2, and DC Fast Charge. Should additional designations of charging levels enter into use in the future, the Division of the State Architect will revisit the specified designations and propose amendments as warranted.

ITEM 11B.14

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-233 Residential facilities

11B-233.3 Public housing facilities.

REASON:

The Division of the State Architect is proposing to amend this section to delete the reference to Chapter 11A. The features for dwelling units in public housing facilities that the Division of the State Architect currently adopts in Chapter 11A have been revised and reformatted for consistency with the numbering and format used in Chapter 11B. Sections

11B-809.6 through 11B-809.12 are the sections that contain those revisions that are included as part of an overall package of public housing code change proposals.

A reference note is also proposed for inclusion in this section to alert code users of the requirements in the California Civil Code for senior housing requirements that are often overlooked by design professionals.

CBSC-CAC Action: Approve as Amended

DSA Response to CAC: Disagree

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. Comments received at the Code Advisory Committee questioned whether the language in the note related to senior citizen housing should be mandatory rather than permissive. The commenter recommended that “may” should be replaced with “shall” in the note. Compliance with Civil Code, Division 1, Part 2 Sections 51.2, 51.3 and 51.4 may be required depending on the scoping described in the code. It’s possible that depending on the number of units provided that compliance with Chapter 11B is required but not the Civil Code.

ITEM 11B.15

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.1 Minimum number: new construction.

11B-233.3.1.2 Residential dwelling units with adaptable features.

11B-233.3.1.2.6 Public housing facility site impracticality.

11B-233.3.1.2.6.1 Single building with one common (lobby) entrance.

11B-233.3.1.2.6.2 Test number one, individual building test

11B-233.3.1.2.6.3 Test number two, site analysis test

11B-233.3.1.2.6.4 Test number three, unusual characteristics test

11B-233.3.1.2.6.5 Additional requirements.

REASON:

The Division of the State Architect is proposing to repeal the current Section 11B-233.3.1.2.6 Public housing facility site impracticality and adopt the *Chapter 11A, Division VI Site Impracticality Tests*. This amendment is a related item consistent with the intent to include the provisions related to public housing in Chapter 11B. The provisions are revised and rewritten for consistency with the format in Chapter 11B. The Division of the State Architect is proposing this code change in response to comments from code users who asked that one set of regulations be used for public housing projects. With this code change, and the related amendments in other sections, Chapter 11B becomes the set of regulations to refer to in the California Building Code for accessibility in public housing projects.

CBSC-CAC Action: Further Study

DSA Response to CAC: Disagree

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. DSA received an email from a commenter during the Code Advisory Committee hearing requesting a revision to Section 11B-233.3.1.2.6.3. The commenter asked that the accuracy of the slope analysis test provisions should read “*prepared*” rather than “*certified*”. DSA declines to make this revision to the proposed code change. The Fair Housing Accessibility Guidelines require certification by a professional licensed engineer, architect, landscape architect or surveyor of the slope analysis test.

ITEM 11B.16

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.2 Residential dwelling units for sale.

REASON:

The Division of the State Architect is proposing to amend this section for residential dwelling units that are offered for sale to individual owners.

The language in Section 11B-233.3.2.1 is taken from the United States Code of Federal Regulations, 28 CFR Part 35, Section 35.151(j)(2) for facilities with residential dwelling units that will be offered for sale to individual owners. Although this provision does appear to be operational it does provide the means for building officials to perform plan review and inspection for residential dwelling units required to comply with these sections.

The Division of the State Architect is also proposing that the exception be repealed. If an addition or alteration is not undertaken to a residential dwelling unit, then the building code is not triggered which makes the exception an unnecessary requirement.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.17

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 2: SCOPING REQUIREMENTS

11B-233 Residential facilities

11B-233.3 Public housing facilities.

11B-233.3.4 Residential dwelling units for sale.

REASON:

The Division of the State Architect is proposing to amend this section to delete “*public housing facility*.” The current provision limits the requirements to existing public housing facilities where alterations are planned. An alteration to an existing building may be

undertaken as part of a program on behalf of a public entity that would then require compliance with Chapter 11B if the project meets the definition of public housing in Chapter 2. As written, existing facilities that are not public housing would be exempt from compliance with this section. The proposed amendment is also consistent with language in the 2010 ADA Standards for Accessible Design.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.18

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING **DIVISION 2: SCOPING REQUIREMENTS**

11B-247 Detectable warnings and detectable directional texture

11B-247.1 Detectable warnings.

11B-247.1.2 Where required.

11B-247.1.2.5 Hazardous vehicular areas.

REASON:

The proposed changes to Sections 11B-247.1.2.5 and 11B-705.1.2.5 replace language requiring detectable warnings at hazardous vehicular areas with requirements for detectable warnings at blended transitions. Proposed language is intended to include requirements for detectable warnings at all locations covered by the current language for hazardous vehicular areas. These changes are intended to minimize confusion about the required placement of detectable warnings.

CBSC-CAC Action: Disapprove

DSA Response to CAC: Disagree

The California Building Standards Commission’s Code Advisory Committee expressed concerns about the similarity between the terms “flush transition” and “blended transition” and the possibility that code users may be confused; in response, DSA has confirmed that within the current code use of the term “flush transition” is limited to the exception in Section 11B-705.1.2.2. DSA has amended Item 11B.37 of this code package to eliminate the use of the term in Section 11B-705.1.2.2.

DSA has considered at length the comments of the committee and our response to committee action. Given the decades of comments and complaints received by our office about the language used for detectable warnings requirements at hazardous vehicular areas, DSA believes revising the requirements to instead refer to blended transitions provides significantly enhanced clarity. Additionally, use of the term “blended transition” is consistent with the United States Access Board’s *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (July 26, 2011). The Federal Highway Administration considers the proposed guidelines to represent best practices for accessibility issues in the public right-of-way not covered by currently adopted standards. Consequently, the California Department of Transportation and public works departments throughout California refer to the proposed guidelines as best practices. The effect is that terminology of the proposed guidelines and responsive designs are already familiar to, and in use by many architects, engineers and contractors statewide.

ITEM 11B.19

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING **DIVISION 2: SCOPING REQUIREMENTS** **11B-250 Circulation Paths**

REASON:

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas. The new language requires circulation paths, as defined, be physically separated from vehicular traffic (i.e. movement) with a 4-inch minimum raised circulation path – typically a walk or sidewalk – in all locations to enhance safety for people with visual disabilities; several exceptions are provided. In part, these requirements address conditions currently addressed as hazardous vehicular areas.

Exception 1 allows circulation paths to cross driveways or drive aisles without providing physical separation by raised circulation paths or other means and prohibits detectable warnings along the side of the crossing. Exception 2 indicates that within the public right of way, no separation is required where sidewalks and walks cross driveways without stop signs, stop lights, or yield signs. Exception 3 indicates compliance with Section 11B-250 is not required where curb ramps and blended transitions are provided with detectable warnings. Detectable warnings at curb ramps and blended transitions are already required by other provisions. Exception 4 indicates no separation is required between access aisles and the vehicle spaces or the drive aisle. Exception 5 indicates existing facilities may use detectable warnings to provide separation.

CBSC-CAC Action: Disapprove

DSA Response to CAC: Disagree

The California Building Standards Commission’s Code Advisory Committee expressed significant concerns about several aspects of this item. First, due to the similarity between the terms “flush transition” and “blended transition” code users may be confused; in response, the Division of the State Architect has removed references to “flush transition” from this proposal. Second, that this item would require detectable warnings along any circulation path adjacent to vehicle areas; in response, the Division of the State Architect notes the proposal primarily requires raised circulation paths adjacent to and through vehicle areas with detectable warnings allowed in some conditions; also, newly-revised language in Exception 1 explicitly prohibits detectable warnings along the side of circulation paths where they cross driveways and drive aisles. Third, the committee had concerns about the absence of a specific minimum height above the vehicle area required for raised circulation paths; in response, the Division of the State Architect has added a required minimum height of 4 inches to address these concerns.

The Division of the State Architect takes very seriously the comments of the committee and has well-considered our response to committee action. The language of this item has been amended to address the specific concerns of the committee. This proposal seeks to clarify and make specific the preference that pedestrian areas be physically separated from vehicular areas to the greatest extent possible for the safety of blind people and those

with visual impairments. Exceptions are provided to limit the impact on existing facilities by allowing detectable warnings as is currently allowed in the code. The requirement for physical separation by raised circulation paths (or planters or benches) will primarily impact designs for new construction, when the opportunity to include these features is most economical.

ITEM 11B.20

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 3: BUILDING BLOCKS***

11B-304 Turning space

11B-304.2 Floor or ground surfaces.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at floor or ground surfaces in turning spaces. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.21

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 3: BUILDING BLOCKS***

11B-305 Clear floor or ground space

11B-305.2 Floor or ground surfaces.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted in clear floor or ground space. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.22

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES***

11B-404 Doors, doorways, and gates

11B-404.2 Manual doors, doorways, and manual gates.

11B-404.2.4 Maneuvering clearances.

11B-404.2.4.4 Floor or ground surface.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at floor or ground surfaces in door maneuvering clearances. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.23

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

11B-404 Doors, doorways, and gates

11B-404.2 Manual doors, doorways, and manual gates.

11B-404.2.9 Door and gate opening force.

REASON:

The Division of the State Architect is proposing to amend this section in order to correct a drafting error made during the 2012 Rulemaking cycle when Chapter 11B was rewritten using the 2010 ADA Standards for Accessible Design as model language with California amendments.

- The 2010 California Building Code, Section 1133B.2.5 Door opening force, exception 2 permitted an exception to the door opening force requirement when specified conditions were met. Part “c” of this exception required compliance with Section 1117B.6. This section required the following: Section 1118B.4, clear floor or ground space for a forward or parallel approach; Section 1118B.5, forward reach, or 1118B.6, side reach; and activation force of operable parts not to exceed 5 pounds.
- During the 2012 rulemaking process a turning space provision was inadvertently applied to item “c” and the provision for activation force of operable parts was omitted.
- 11B-309 Operable parts, requires 11B-305 Clear floor or ground space, 11B-308 Reach ranges and activation force of operable parts not to exceed 5 pounds.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.24

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

11B-405 Ramps

11B-405.7 Landings.
11B-405.7.1 Slope.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at ramp landings. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.25

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

11B-406 Curb Ramps, blended transitions and islands

11B-406.3 Parallel curb ramps.

REASON:

Current Chapter 11B provisions address parallel curb ramps with two opposing sloping segments but do not address parallel curb ramps with only one sloping segment. Currently, this condition may be approved by building official as equivalent facilitation. This code change proposal explicitly allows parallel curb ramps to be provided with one or two opposed sloping segments.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.26

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 4: ACCESSIBLE ROUTES**

11B-406 Curb Ramps, blended transitions and islands

11B-406.5 Common requirements.

11B-406.5.10 Diagonal curb ramps.

REASON:

The Division of the State Architect regularly receives questions about whether parallel curb ramps may be used as diagonal curb ramps. While Figure 11B-406.5.10 illustrates a perpendicular curb ramp in a diagonal orientation, the text of Section 11B-406.5.10 does not address diagonal parallel curb ramps and does not prohibit their use. The proposed language clarifies this issue by explicitly addressing diagonal perpendicular and parallel curb ramps.

CBSC-CAC Action: Further Study

DSA Response to CAC: Disagree

The Code Advisory Committee suggested the new language would be better presented in the building code as a definition. DSA has additionally studied this item and any benefits from revising the proposed language to be included as a definition. DSA believes that locating this language within Section 11B-406.5.10 provides a greater level of clarity than if it were developed into a new definition in Chapter 2.

ITEM 11B.27

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS

11B-502 Parking spaces

11B-502.3 Access aisle

REASON:

Current California Building Code requirements do not directly address whether an accessible parking space and an accessible electric vehicle charging station may share an access aisle. Currently, California Building Code Section 11B-812.7.2 prohibits use of the “...blue color required for identification of access aisles for accessible parking...” – this language suggests shared use of the access aisle is not permitted.

The Division of the State Architect is not aware of any detriment to the shared use of the access aisle between an accessible parking space and an accessible electric vehicle charging station. The Division of the State Architect is proposing to explicitly state the access aisle may be shared, and the access aisle must be marked consistent with the requirements for access aisles at accessible parking spaces (Section 11B-502.3.3) – not access aisles at accessible electric vehicle charging spaces (Section 11B-812.7.2).

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.28

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS

11B-502 Parking spaces

11B-502.4 Floor or ground surfaces.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at accessible parking access aisles. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.29

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

11B-503 Passenger drop-off and loading zones

11B-503.4 Floor or ground surfaces.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at accessible passenger drop-off and loading zone access aisles. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.30

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 5: GENERAL SITE AND BUILDING ELEMENTS**

11B-504 Stairways

11B-504.4 Tread surface.

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at stair treads. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.31

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

11B-602 Drinking fountains

REASON:

The Division of the State Architect is proposing this code change in response to requests from code users and facility owners. Bottle filling station provisions are addressed in the plumbing code and currently there are no specific provisions for accessibility for this type of fixture in California Building Code Chapter 11B. This proposed code change specifically addresses bottle filling stations and the technical provisions to provide for access compliance.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.32

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

11B-603 Toilet and bathing rooms

REASON:

The Division of the State Architect is proposing to amend this section in order to use the same title for baby diaper changing stations consistent with California Government Code Section 50535 and Health and Safety Code Section 118506. Chapter 11B does not require baby changing tables; however, when provided they must be accessible. The California Government and Health and Safety Codes require baby diaper changing stations in specified facilities and under specified conditions.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.33

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 6: PLUMBING ELEMENTS AND FACILITIES**

11B-604 Water closets and toilet compartments

11B-604.3 Clearance.

11B-604.3.2 Overlap.

REASON:

The Division of the State Architect is proposing to amend this figure for the location of a lavatory within the water closet clearance in response to a discussion with the United States Access Board and comments from code users. The Division of the State Architect posed a question to the Access Board related to the figure and whether or not this indicates a compliant installation for the clearance required at the grab bar. The representative from the Access Board stated that the Access Board recognizes that the figure is incorrect and if and when amendments are proposed to the 2010 ADA Standards for Accessible Design one of the items they would propose to correct is this figure.

In addition, the representative stated that 2010 ADA Standards for Accessible Design Section 604.3.2 must be viewed in conjunction with 2010 ADA Standards for Accessible Design Section 604.5 Grab bars. In residential dwelling units backing is required for the future installation of grab bars, however when not using the provisions in both sections sufficient space and backing may not be provided to allow a compliant grab bar installation. Unless otherwise noted figures are not regulatory; the requirements for clearances at grab bars must be reviewed in conjunction with the mounting height for lavatories. Installing a lavatory at 34 inches to the rim does not allow for the required clearance below the grab bar.

The Division of the State Architect is proposing to amend an inaccurate figure and amend associated code language to provide clarity for the code user and for compliant installations of grab bars and lavatories.

CBSC-CAC Action: Further Study

DSA Response to CAC: Accept

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. Comments received at the Code Advisory Committee indicated that the increase in the dimension from the centerline of the water closet to the edge of the lavatory was confusing. DSA has amended this section to clarify that the increase in the dimension is to allow for a compliant installation of a grab bar on the back wall at the water closet.

ITEM 11B.34

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-604 Water closets and toilet compartments

11B-604.8 Toilet compartments.

11B-604.8.1 Wheelchair accessible compartments.

11B-604.8.1.2 Doors.

REASON:

The Division of the State Architect is proposing to amend Section 11B-604.8.1.2 and Figure 11B-604.8.1.2 to revise the required location for out-swinging toilet compartment doors in the side wall or partition of an accessible toilet compartment. The current provisions require the door to be 4 inches maximum from the front partition. This proposal allows the toilet compartment door to be located in a variety of locations in the side wall or partition while maintaining equal or greater accessibility than the current California Building Code Chapter 11B requirements and the 2010 ADA Standards for Accessible Design.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.35

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 6: PLUMBING ELEMENTS AND FACILITIES

11B-608 Shower compartments

11B-608.5 Controls.

REASON:

The Division of the State Architect is proposing to amend these sections in response to comments from code users to address the following issues:

- Section 11B-608.5.2 in one sentence refers to the installation of the shower faucets and controls and in another sentence the term location is used. The language is proposed for amendment to use consistent terminology within the section therefore installation is proposed to be replaced with location.
- Unlike the 2010 ADA Standards for Accessible Design, California Building Code Chapter 11B requires that seats be installed in shower compartments with the one exception for residential dwelling units. The 2010 ADA Standards for Accessible Design requires seats to be installed only in transient lodging guest rooms with mobility features and also includes the exception for residential dwelling units. DSA's proposed code change aligns with the 2010 ADA Standards for Accessible Design for the location of controls, faucets and shower spray units when seats are provided.
- The Division of the State Architect does not use the International Building Code or ANSI A117.1 Accessibility Standard as model code, however the range proposed in this code change is consistent with ANSI A117.1 and is more restrictive than the 2010 ADA Standards for Accessible Design.
- Complying with the more restrictive current requirements in Chapter 11B results in installations that are non-compliant when controls, faucets and the shower spray unit can't be accommodated in a control area that is 8 inches in width. Increasing the width of the control area is still more restrictive than the 2010 ADA Standards for Accessible Design and providing an additional 3 inches allows the few inches necessary to accommodate the controls, faucets and shower spray unit within the control area.
- Chapter 11B requires that the controls and faucets be installed with their centerlines at 39 inches to 49 inches above the shower floor. When a diverter and faucet is provided in one unit with an escutcheon the dimension between the diverter and the faucet is well within the control area but does not comply with the requirement for the centerline location. Removing the requirement for the dimension to the centerline of the controls would allow this type of unit to be installed that does provide for a compliant installation.
- Section 11B-309.3 requires operable parts to be within one or more of the reach ranges specified in 11B-308. The requirement that the handle of the shower spray unit is required within one of the reach ranges is redundant and unnecessary language and is therefore proposed for repeal.

CBSC-CAC Action: Approve as Submitted
DSA Response to CAC: Accept

ITEM 11B.36

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES

11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.1 General

11B-705.1.1.3 Color and contrast.

REASON:

Proposed changes to this section require all newly installed detectable warning surfaces to be federal yellow. This change would improve consistency of appearance and message for people with visual impairments.

Traditionally, color has been used to code safety information because of its ability to attract attention and evoke a rapid response. A standard color for all detectable warning surfaces is analogous to the typical highway application for color coding safety information and directions to allow a motorist to see and recognize a colored sign and respond immediately with the desired action. A single standardized color for detectable warnings helps alert pedestrians to the presence of detectable warnings and notify these individuals to take caution prior to entering a vehicular area.

Federal and state funded research has studied which detectable warning colors and patterns are visually detectable and conspicuous to pedestrians with visual impairments [such as Jenness, J. and Singer, J. (May 24, 2006). Visual Detection of Detectable Warning Materials by Pedestrians with Visual Impairments, Final Report, (Task Order 18 under Project DTFH61-01-C-00049). Westat, Rockville, MD. Federal Highway Administration, Washington, DC.]. The general conclusion from research agrees that a standardized color scheme is needed for single-color detectable warnings and that federal yellow is the best choice. Federal yellow provides a high level of conspicuity for a given level of luminance contrast.

When alterations to existing facilities occur and detectable warnings are subject to path of travel requirements the proposed exception allows existing installed detectable warnings to remain when they provide 70% contrast with surrounding walking surfaces.

This proposal also updates the reference citation for the required color. Federal Standard 595C has been superseded by SAE AMS-STD 595A.

CBSC-CAC Action: Further Study

DSA Response to CAC: Accept

The Division of the State Architect has additionally studied this item, public comments and Code Advisory Committee comments. A responsive amendment to Exception 1 of the proposal has been incorporated to specify replacement of less than 20 percent of existing detectable warnings where the color may be replaced in-kind must be based on a single contiguous location. This revision addresses concerns that proximate or nearby installations of detectable warnings (e.g. four corners of a street intersection) may be claimed as a “single location” in order to remain below 20 percent replacement and avoid triggering replacement of all detectable warnings at the single location with yellow detectable warnings in compliance with Section 11B-705.1.1.3.

ITEM 11B.37

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES

11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings.

11B-705.1.2 Locations
11B-705.1.2.2 Curb ramps.

REASON:

This change reformats Section 11B-705.1.2.2 to present detectable warnings requirements separately for perpendicular and parallel curb ramps. Revised detectable warning requirements are also provided for parallel curb ramps with one entrance/exit point (i.e. transition from the turning space to the gutter, street or highway) and those with two entrance/exit points – as may be found in parking lots where a median has accessible parking on both sides of an island. The amendment language requires the turning space to include a 36” minimum width passage without detectable warnings so pedestrians may travel through the turning space without passing over the detectable warnings. This provision responds to numerous comments from wheelchair users who experience pain when travelling over extended lengths of detectable warnings.

CBSC-CAC Action: Disapprove

DSA Response to CAC: Disagree

The California Building Standards Commission’s Code Advisory Committee had no significant concerns that were not addressed at the committee meeting about proposed Sections 11B-705.1.2.2, 11B-705.1.2.2.1 and 11B-705.1.2.2.2. During discussion of other items, the committee discussed potential confusion about the terms “flush transition” and “blended transition.” To alleviate potential confusion, DSA has additionally amended proposed Sections 11B-705.1.2.2.1, 11B-705.1.2.2.2 and other instances within Chapter 11B to omit the term “flush transition.”

The Code Advisory Committee expressed concerns about the lack of clarity of proposed Sections 11B-705.1.2.2.2.1 and 11B-705.1.2.2.2.2 and indicated it would be more understandable with figures to illustrate the provisions these sections; in response, DSA has provided a figure with two illustrations to clarify these sections. The committee also was concerned about the size of the turning space required by Sections 11B-705.1.2.2.2.1 and 11B-705.1.2.2.2.2. One commenter suggested it would be a burden on existing facilities. DSA notes the two exceptions provided in both of these sections specifically address work in existing facilities. In both sections, Exception 1 reduces the required depth of detectable warnings where it is technically infeasible to comply with the main requirements, and Exception 2 waives additional space requirements for the 36 inches wide portion of the turning space without detectable warnings when existing parallel curb ramps with detectable warnings are in compliance with the code requirements at the time of installation. DSA believes these exceptions mitigate to a great extent any burden on existing facilities that were already code-compliant and usable by persons with disabilities.

DSA believes these code changes are necessary to help alleviate the pain experienced by some wheelchair and mobility device users when they pass over detectable warnings.

ITEM 11B.38

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES
11B-705 Detectable warnings and detectable directional texture**

11B-705.1 Detectable warnings.
11B-705.1.2 Locations
11B-705.1.2.5 Hazardous vehicular areas.

REASON:

The proposed changes to Sections 11B-247.1.2.5 and 11B-705.1.2.5 replace language requiring detectable warnings at hazardous vehicular areas with requirements for detectable warnings at blended transitions. Proposed language is intended to include requirements for detectable warnings at all locations covered by the current language for hazardous vehicular areas. These changes will minimize confusion about the required placement of detectable warnings.

CBSC-CAC Action: Disapprove
DSA Response to CAC: Disagree

The California Building Standards Commission's Code Advisory Committee expressed concerns about the similarity between the terms "flush transition" and "blended transition" and the possibility that code users may be confused; in response, DSA has confirmed that within the current code use of the term "flush transition" is limited to the exception in Section 11B-705.1.2.2. DSA has amended Item 11B.37 of this code package to eliminate the use of the term in Section 11B-705.1.2.2.

DSA has considered at length the comments of the committee and our response to committee action. Given the decades of comments and complaints received by our office about the language used for detectable warnings requirements at hazardous vehicular areas, DSA believes revising the requirements to instead refer to blended transitions provides significantly enhanced clarity. Additionally, use of the term "blended transition" is consistent with the United States Access Board's *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (July 26, 2011). The Federal Highway Administration considers the proposed guidelines to represent best practices for accessibility issues in the public right-of-way not covered by currently adopted standards. Consequently, the California Department of Transportation and public works departments throughout California refer to the proposed guidelines as best practices. The effect is that terminology of the proposed guidelines and responsive designs are already familiar to, and in use by many architects, engineers and contractors statewide.

ITEM 11B.39

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS**

11B-802 Wheelchair spaces, companion seats, and designated aisle seats and semi-ambulant seats

11B-802.1 Wheelchair spaces.
11B-802.1.1 Floor or ground surface

REASON:

The proposed changes to this section clarify that detectable warnings are not permitted at floor or ground surfaces for wheelchair spaces. Additionally, the exception has been rescinded and restated in the parent section to provide additional clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.40

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS

11B-804 Kitchens, kitchenettes, and wet bars.

11B-804.1 General.

11B-804.2.3 Turning space.

REASON:

The Division of the State Architect is proposing to amend this section to provide the requirements in Chapter 11B from the United States Code of Federal Regulations, 28 CFR Part 35, Section 35.151(f)(1) and Part 36, Section 36.406 (e)(1) for turning spaces required in undergraduate student housing. Including this requirement in Chapter 11B provides that this provision, that may be overlooked by code users due to the fact that it is in the 2010 ADA Standards for Accessible Design and not in the California Building Code, will be enforceable by building officials.

CBSC-CAC Action: Further Study

DSA Response to CAC: Disagree

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. Comments received at the Code Advisory Committee expressed concern that the sections cited in the statement of reasons are from the Code of Federal Regulations which are not in the 2010 ADAS. This provision is sourced from the 28 CFR part 35.151 and 28 CFR Part 36 Subpart D that with the 2004 ADA Accessibility Guidelines make up the 2010 ADA Standards for Accessible Design.

ITEM 11B.41

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING

DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS

11B-804 Kitchens, kitchenettes, and wet bars.

11B-804.3 Kitchen work surface.

REASON:

The Division of the State Architect is proposing to amend this section to provide the requirements in Chapter 11B from the United States Code of Federal Regulations, 28 CFR Part 35, Section 35.151(f)(1) and Part 36, Section 36.406 (e)(1) for work surfaces in undergraduate student housing. Including this requirement in Chapter 11B provides that

this provision, that may be overlooked by code users due to the fact that it is in the 2010 ADA Standards for Accessible Design and not in the California Building Code, will be enforceable by building officials.

CBSC-CAC Action: Further Study

DSA Response to CAC: Disagree

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. Comments received at the Code Advisory Committee expressed concern that the sections cited in the statement of reasons are from the Code of Federal Regulations which are not in the 2010 ADAS. This provision is sourced from the 28 CFR part 35.151 and 28 CFR Part 36 Subpart D that with the 2004 ADA Accessibility Guidelines make up the 2010 ADA Standards for Accessible Design.

ITEM 11B.42

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING **DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS** **11B-809 Residential dwelling units**

REASON:

The Division of the State Architect is proposing this code change in response to comments from code users who asked that one set of regulations be used for public housing projects.

The Division of the State Architect currently adopts Chapter 11A, Division IV, Dwelling Unit features for multifamily ground floor dwelling units with adaptable features. The Division of the State Architect is proposing to repeal the adoption of that section. The proposed code change provides for new sections, 11B-809.6 through 11B-809.12 in Chapter 11B.

The proposed code change relies on the provisions for the requirements in Chapter 11A, Division IV, Dwelling Unit Features as a foundation for Chapter 11B, Sections 11B-809.6 through 11B-809.12.

The scoping provisions for the number of ground floor units that are accessible with adaptable features is currently included in Chapter 11B and is carried forward. This code change proposal, if adopted would alleviate the need to refer to Chapter 11A for the technical provisions for accessible units with adaptable features.

The language in Chapter 11B, Sections 11B-809.6 through 11B-809.12 is written and formatted to align with the 2010 ADA Standards for Accessible Design that is used as model code for Chapter 11B.

Chapter 11A remains unchanged.

The Division of the State Architect has the statutory authority to regulate public housing and with this proposed code change, and the related amendments in other sections, Chapter 11B becomes the regulation to refer to in the CBC for accessibility in public housing projects.

CBSC-CAC Action: Further Study

DSA Response to CAC: Accept

DSA has additionally studied this item and confirms the proposed revision is appropriate for inclusion in the California Building Code. DSA has amended Sections *11B-809.8 Doors, 11B-809.8.3 Door maneuvering clearance and 11B-809.12 Electrical receptacles, controls and switches.*

- Section *11B-809.8* is amended to clarify that compliance with Section *11B-809.8* is required in addition to Section *11B-404.2*.
- Section *11B-809.8.3* is amended to clarify the requirement for the width of the door maneuvering clearance at doors within the dwelling unit.
- Section *11B-809.12* is amended to target the specific location at a corner work surface in a kitchen at accessible units with adaptable features where the locations of accessible electrical receptacles conflict with the locations required by the electrical code. The location of the electrical outlet at 36 inches from the wall at a corner work surface also complies with the requirement in the Fair Housing Accessibility Guidelines. In addition, the section is reformatted and amended to include the mounting height of electrical receptacles, controls and switches. Reformatting the section with listed requirements and exceptions will provide for ease of reading and clarity rather than including the provisions in one paragraph.

ITEM 11B.43

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS
11B-812 Electric vehicle charging stations
11B-812.3 Floor or ground surfaces.***

REASON:

The proposed changes to this section are for literal consistency with changes proposed for Sections 11B-304.2, 11B-305.2, 11B-404.2.4.4, 11B-405.7.1, 11B-502.4, 11B-503.4, and 11B-802.1.1.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.44

***CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS
11B-812 Electric vehicle charging stations
11B-812.7 Access aisle.***

REASON:

Current California Building Code requirements do not directly address whether an accessible parking space and an accessible electric vehicle charging station may share an access aisle. Currently, California Building Code Section 11B-812.7.2 prohibits use of the

“...blue color required for identification of access aisles for accessible parking...” – this language suggests shared use of the access aisle is not permitted.

The Division of the State Architect is not aware of any detriment to the shared use of the access aisle between an accessible parking space and an accessible electric vehicle charging station. The Division of the State Architect is proposing to explicitly state the access aisle may be shared, and the access aisle must be marked consistent with the requirements for access aisles at accessible parking spaces (Section 11B-502.3.3) – not access aisles at accessible electric vehicle charging spaces (Section 11B-812.7.2).

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

ITEM 11B.45

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 8: SPECIAL ROOMS, SPACES, AND ELEMENTS
11B-812 Electric vehicle charging stations
11B-812.9 Surface marking.

REASON:

DSA-AC is proposing to change the term “parking space” to “vehicle space” for consistency with the terms used in Section 11B-812.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

None required; California Health & Safety Code Section 18928 mandates this proposed action.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed building standards clarify accessibility provisions contained in the 2019 California Building Code. Accessibility is required by the federal Americans with Disabilities Act and corresponding California statute and regulations; lack of consistent scoping and technical requirements creates confusion for code users, building officials, and building and facility owners.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The Division of the State Architect has not considered any reasonable alternatives to the proposed action.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to this proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

C. The expansion of businesses currently doing business within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The Division of the State Architect has determined that the proposal establishes the minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The Division of the State Architect estimates that the cost of compliance with these proposed regulations will be minimal. Clear and consistent scoping and technical requirements benefit code users, building officials, and building and facility owners.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The regulations proposed for adoption do not duplicate or conflict with federal regulations.