

April 11, 2016

Mia Marvelli, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833

RE: Reconsideration of Item 11B.25
California Code of Regulations, Title 24, Part 2
2015 Triennial Code Adoption Cycle

Dear Ms. Marvelli:

The Division of the State Architect's (DSA) proposed Item 11B.25 will be reconsidered by the California Building Standards Commission (CBSC) at its April 19, 2016 public meeting. This amendment involves clarifications and amendments to the current California Building Code (CBC) requirements for the clear width of sidewalks and walks.

DSA's proposal restructures current 2013 CBC Section 11B-403.5.1 to clarify the requirements for the clear width of walking surfaces. This involves:

- Carrying forward of Exception 1 without amendment;
- Relocating Exceptions 2, 4, and 5 to the main paragraph without technical changes;
- Reorganizing the existing requirements of Exception 3 for sidewalks and walks as new subsection 11B-403.5.1.1 with additional amendments.

Exception 3 currently allows the reduction of sidewalk width to 36 inches during alterations without restrictions on the length of the reduced width section when an enforcing agency finds that compliance would be an unreasonable hardship. Proposed amendments include:

- Retention of the 48 inch minimum sidewalk width;
- Retention of the 36 inch minimum reduced sidewalk width;
- Addition of a 24 inch maximum length of reduced width sidewalk;
- Removal of the requirement for a finding of unreasonable hardship in recognition of the new limitations on the length of reduced width sidewalk sections.

This change is intended to minimize the need for state and local agencies to obtain easements from adjacent property owners. It also provides relief from the current administrative requirement that for each use of the exception an enforcing agency must determine that compliance would create an unreasonable hardship.

At its January 19-20, 2016 meeting, the CBSC approved this item with an additional amendment to new subsection 11B-403.5.1.1. The additional amendment added the word "technically" before the word

“infeasible”, resulting in the term “technically infeasible.” Existing CBC Section 11B-202.3 Exception 2 currently provides for and regulates design issues which are technically infeasible; when utilized, this exception requires enforcing agencies to determine that compliance with the applicable requirements is technically infeasible prior to allowing alternative designs. DSA subsequently determined the CBSC’s additional amendment, contrary to the intent of the original proposal, would require an enforcing agency to make a determination that compliance with the requirement for 48 inch minimum width of walks and sidewalks is technically infeasible before the 36 inch minimum reduced width may be utilized. The CBSC amendment represented a substantive change from DSA’s proposed language and exceeded the regulatory authority for code changes during a public hearing.

The language of Item 11B.25 which will be reconsidered by the CBSC on April 19, 2016 is identical to the final express terms for this item without additional revision. DSA respectfully requests the commission’s approval of this item.

I am available to respond to any questions or comments about this item, either prior to or at the upcoming meeting.

Sincerely,

Dennis J. Corelis
Deputy State Architect
Division of the State Architect