

**FINAL STATEMENT OF REASONS
FOR
PROPOSED AMENDMENTS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE**

**REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC)
INTO THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

Chapters 1, 2, 3, 4, 5, 9, 10, 11B, 11C, 16, 24, 27, 29, 30, 31, 31B, 33, 34 and 35

UPDATES TO THE INITIAL STATEMENT OF REASONS: None – Any updates to the initial statement of reasons are included in DSA/AC change to accommodate public comments.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS: The DSA/AC has determined that the following proposed regulatory actions would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATIONS:

Name: David F. Thorman, AIA, State Architect

Comment: General. DSA/AC proposes to update the model code language where required throughout this document to match the current published 2006 International Building Code language.

Reason: Model code language shown in this document was based on draft language made available to the State of California by the International Code Council. The final published model code language contains minor revisions or updates in various locations.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: David F. Thorman, AIA, State Architect

Comment: Application. DSA/AC proposes to remove the general application statement, “for applications listed in Section 109.1 regulated by the Division of the State Architect/Access Compliance”, and replace with the DSA/AC acronym, “[For DSA/AC]”, where required throughout this document.

Reason: This change is required for consistency with the Building Standards Commission format.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: HollLyn D’Lil

Comment: General. DSA did not comply with the requirement for public participation and review.

DSA/AC Change to Accommodate: No change required. The DSA Advisory Board – Access Committee held 6 public participation meetings in May 2006 at the DSA-HQ office in Sacramento with participation via video conference from DSA Regional Offices in San Francisco, Los Angeles, and San Diego. Teleconferencing capability was also available to interested individuals.

Name: Richard Skaff, Designing Accessible Communities

Comment: General. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Sharon Toji, Access Communications

Comment: General. Consistent Terminology - Sanitary Facilities: Since the defined term for toilet rooms, bath rooms, showers and lavatories is "sanitary facilities," why do some sections of the code refer, instead, to toilet rooms and bathrooms?

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Laura Williams, Californians for Disability Rights

Comment: Section 101.1. CDR OPPOSES the changes as presented. There is no clarity to the removal of the references to CA H&S Codes and there is no clear definition of "necessary California Amendments". The CA H&S Codes have many statutes protecting the rights of persons with disabilities and the right to access. CDR will remain opposed to any elimination of reference to the primacy of these statutes.

Comment: Section 101.3. CDR OPPOSES the proposed scoping language as it appears to be in conflict with the ADA definition of "facilities", appears to conflict with section 109.1.

Comment: Section 101.3.1. CDR OPPOSES the proposed changes unless additional language adds clarity of purpose and primacy.

Comment: Section 101.6. CDR IS OPPOSED to changes that may impact on the "maintenance and usability" of the accessibility features as required under state and federal codes, statutes and law.

DSA/AC Change to Accommodate: No change required. The California Building Standards Commission developed general scoping language for the State of California and located it in the new California Chapter 1, Section 101. Specific scoping language for specific agencies such as DSA/AC was relocated to new sections within Chapter 1, such as Section 109 designated for DSA/AC. This proposed change has no effect on accessibility requirements in California.

Name: David F. Thorman, AIA, State Architect

Comment: Section 101.1. DSA/AC proposes to revise the strike-out and underline formatting in this section to clearly differentiate the proposed new language from the existing 2001 CBC language proposed for repeal.

Reason: As presented in the current Express Terms, there is confusion about what language will actually appear in the 2007 California Building Code. Criteria #1.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: David F. Thorman, AIA, State Architect

Comment: Section 101.2. DSA/AC proposes to repeal the existing amendment to 2001 CBC Section 101.2.

Reason: As presented in the current Express Terms, the amendment proposed for Section 101.2 duplicates language proposed for Section 109.1. Criteria #1.

101.2 Purpose. *The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation; to preserve life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.*

(Relocated from 2001 CBC 101.2 Purpose, 3rd Paragraph)

~~[For DSA/AC] The purpose of this code is to ensure that barrier free design is incorporated in all buildings, facilities, site work and other developments to which this code applies and to ensure that they are accessible to and usable by persons with disabilities.~~

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Sharon Toji, Access Communications

Comment: Section 109.1.2. All privately funded public accommodations, as defined, and commercial facilities, as defined, shall be accessible to persons with ~~physical~~ disabilities as follows: . . .

Reason: The term "physical disabilities" is more limiting than the Americans with Disabilities Act. Access is not limited to those with "physical" disabilities. This term has been removed in other sections of the code.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item. See the full text of the resulting (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 202 Alley. OPPOSE – needs further clarification. Inaccessible alleyways render our communities unusable and inaccessible.

DSA/AC Change to Accommodate: No change required. To avoid duplication, DSA/AC proposes to repeal the 2001 CBC definition of alley and adopt the Chapter 10 model code definition of public way which includes streets, alleys and other parcels of land. This proposed amendment has no effect on accessibility requirements.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 202 Alternate Card Reader. OPPOSE, needs clarification. Send back for further study.

DSA/AC Change to Accommodate: No change required. Per IBC format, DSA/AC added a Chapter 2 reference to an existing Chapter 11C definition. This proposed amendment has no effect on accessibility requirements.

Name: David F. Thorman, AIA, State Architect

Comment: 202 Approved. DSA/AC proposes to correct a grammatical error in this definition in coordination with HCD.

Reason: DSA/AC is proposing to add the word "or" to this definition to clarify that approval may be by reason of accepted principles or tests by "national authorities or technical, health, or scientific organizations or agencies". Criteria #1.

APPROVED. . . .

[For DSA/AC] "Approved" means meeting the approval of the ~~enforcement~~ enforcing agency, except as otherwise provided by law, when used in connection with any system, material, type of construction, fixture or appliance as the

result of investigations and tests conducted by the agency, or by reason of accepted principles or tests by national authorities or technical, health, or scientific organizations or agencies.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 202 Area of Refuge. OPPOSE, needs clarification. Send back for further study.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding the use of areas of refuge and effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Laura Williams, Californians for Disability Rights

Comment: 202 Area of Refuge. CDR is very concerned with the application and use of “area of refuge” and that existing criteria often leave PWD’s in harms way rather than providing quick and efficient evacuation.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding the use of areas of refuge and effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 202 Disability. OPPOSES – the California Statue on the definition of disability contained in GC 12926 is the current standard. The word “substantially” is not found in the governing statue and should be removed from this section.

DSA/AC Change to Accommodate: No change required. The word “substantially” was inadvertently shown with the strike-out omitted. This was a typographical error in the “alternative format” document requested by Richard Skaff, and did not appear in the submittal package to BSC.

Name: David F. Thorman, AIA, State Architect

Comment: 202 Dormitory. DSA/AC proposes to repeal the 2001 CBC definition of ‘dormitory’ and adopt the 2006 IBC model code definition of ‘dormitory’.

Reason: DSA/AC is proposing this change consistent with the State Fire Marshal adoption of the 2006 IBC definition of ‘dormitory’. Criteria #7.

Section 202 – Definitions

DORMITORY. See Section 310.2.

~~[For DSA/AC] Dormitory is a room occupied by more than two guests.~~

Related Change to Section 202 – Definitions (Dormitory)

Section 310 – Residential Group R

310.2 Definitions. DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 202 Hotel (or Motel) and Motel. OPPOSED – Violates ADA Stds Sections 3.5 & 9, may impinge on the Civil Rights extended to person's with disabilities.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking. Scoping requirements are located within the text of code provisions, not found within definitions.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 202 Primary Entry Level. OPPOSE – Reduces existing CBC requirements for all ground floor entries and exits, see 1114B & 1127B.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking. Scoping requirements are located within the text of code provisions, not found within definitions.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 202 Public Entrance. OPPOSE – Follow-up with DSA, should not appear in the CBC.

DSA/AC Change to Accommodate: No change required. The model code reference was inadvertently shown with the strike-out omitted. This was a typographical error in the "alternative format" document requested by Richard Skaff, and did not appear in the submittal package to BSC.

Name: David F. Thorman, AIA, State Architect

Comment: 202 Sidewalk. DSA/AC proposes to add a reference to Chapter 11A in the last sentence of this definition in coordination with HCD. DSA/AC also proposes to correct a typographical error in the Chapter 11B reference. Criteria #1.

Reason: The reference to Chapter 11A, Section 1107A.23-W was inadvertently omitted during preparation of the rulemaking document. The reference to "Section 1102" is incorrect, and should read "Section 1102B". Criteria #1.
[For DSA/AC]

SIDEWALK. *[For DSA/AC] "Sidewalk" is a surfaced pedestrian way contiguous to a street used by the public. See definition for "walk". (As differentiated from the definition of walk in Chapter 11A, Section 1107A.23-W and Chapter 11B, Section 1102B.)*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: David F. Thorman, AIA, State Architect

Comment: 202 Townhouse. DSA/AC proposes to revise the Chapter 11A reference for this definition in coordination with HCD. Criteria #1.

Reason: DSA/AC and HCD previously proposed separate Chapter 11A references with differing language. To provide clarity, DSA/AC and HCD agreed to revise and combine the separate references.

TOWNHOUSE. . . .

[For DSA/AC] For applications required to provide accommodations for persons with disabilities, see Chapter 11A, Section 1107A.20-T.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kenneth Rohde, Erickson Retirement Communities (Supported by Aging Services of California)

Comment: 308.2 & 310.1, Table 503, 425.7.1 & 504.2, Table 1016. DISAPPROVE – The proposed revisions to the IBC differ from the previous CBC in that the Residential Care Facilities for the Elderly (RFCE) occupancies are now in two different groups of occupancies, I and R. Previously the occupancies were defined as R-2 and R-2.1. Now it is in two different chapters. I occupancies are institutional occupancies that include skilled nursing, By definition RCFEs are residential facilities, Hence all building occupancies for RCFEs should be placed under residential occupancies as it was in the previous code. To leave it as an I occupancy will correlate the occupancy with skilled nursing and all of the text modification that OSHPD adds to the I occupancies. It will additionally add conflict and ambiguities of the differences between RCFEs and skilled nursing. Additionally use of word “age” in Section 308.2 may be discriminatory. At issue is defining an occupancy based upon an occupant’s ability to exit a building based upon physical and mental conditions. Age is not a specific factor in this only health.

Recommended Change: Incorporate the listed provisions regarding RCFEs in Section 308.2 into Section 310.1 R-4 occupancy. The I-1 could be reclassified as R-4.1 or R-4.3. Table 503 (pg 100), Section 425.7.1 (pg 68), 504.2 (pg 101), and Table 1016 (pg 170) would need to be changed accordingly. Delete the word age from Section 308.2.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. The occupancy that this comment refers to is under the jurisdiction of the OSFM.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kenneth Rohde, Erickson Retirement Communities (Supported by Aging Services of California)

Comment: Section 310.1. DISAPPROVE – Section 310.1 refers to R-2.1 occupancies that are not part of the IBC, but part of the previous CBC (UBC version). Recommended change – Delete reference to R-2 occupancies and substitute R-4.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. The occupancy that this comment refers to is under the jurisdiction of the OSFM.

Name: Kenneth Rohde, Erickson Retirement Communities (Supported by Aging Services of California)

Comment: Section 310 and 504.2. DISAPPROVE – Continuing Care Retirement Communities (CCRC) as licensed by Community Care Licensing of DSS issue a Residential Care Facility for the Elderly (RCFE) license to all buildings of the community. CCRCs contain independent living apartments, duplexes, skilled nursing and assisted living. The assisted living building is generally for the more frail and cognitively impaired (early Alzheimer's) and situated in a separate building or wing from the remainder of the community; often contiguous to the skilled nursing facility. Personal care services are included. The independent living units are for the most physically and cognitively active residents of the community. Personal care services are not included and it is not a supervised environment like assisted living. In the past, since DSS issues a single RCFE license, the building code standards for both occupancies have been identical. The Independent Living Units should be considered as senior apartments with licensing standards regarding operations, financial reserves, etc, and without personal care services. Assisted Living is for the frail and moderately cognitively impaired. In practice, some independent living operators provide personal care services and others do not. In cases where operators do not provide personal care assistance, the resident is either transferred to the assisted living building of the community or the resident out sources home health care as a resident would in a senior apartment (R-2 occupancy). When the operator feels excessive home health or personal care services are needed, the resident, generally as a contractual provision in the life care contract, is required to relocate to a facility with a higher level of care (i.e. Assisted Living or Skilled Nursing).

Given the wide difference in type of residents of independent living vs. assisted living facilities, it would appear the Independent Living should be able to be constructed with the same code standards as a senior apartment building currently described in the building code with some added features (personal care services are not provided) and the Assisted Living building should have more stringent building standards as currently described in the building code.

Recommended Change: Section 310 (pg 45), the definition of Residential Care Facilities for the Elderly should be expanded into R-4 and R-4.1. R-4.1 being independent living units within a Continuing Care Retirement Community as licensed by DSS where the operator is not providing personal care services, The R04.1 occupancy should have the same restrictions as an R-2 (apartments) occupancy with the following additional provisions:

- 1) Fully automatic fire sprinkler system (Full NFPA 13).
- 2) Electronically supervised fully annunciated fire alarm system where actual rooms or units (not zones) are identified on the main fire alarm panel as well as monitored by a central station.
- 3) Building shall have at least on e fire wall.

Alternate Change: Classify the independent living portion of RCFEs (Continuing Care Retirement Communities) where personal care services are not provided by the operator as an R-2 occupancy. Note: For the independent living units only, the buildings would receive the additional story per Section 504.2 (pg 101) for the use of fire sprinklers.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. The occupancy that this comment refers to is under the jurisdiction of the OSFM.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: Section 412 & 412.1.6. OPPOSE – Restrictions remain in place long after technology has solved the 360 degree visibility issue. There is current technology available that will provide access to these sites that will not restrict 360 degree views.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding out-dated technology standards and access to buildings and facilities for people with disabilities under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 907.9.1 Visible alarms. OPPOSED to any reduction in existing CBC requirement.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 907.9.1.1 Public and common use areas. OPPOSE – do not remove item #11, “any other area for common use”. Although the wording would interpret the inclusion to any rational person, since there is a prescriptive list, there will always be some that attempt to limit to the prescriptive only. Please add back in as item #12, “any other area for common use”.

DSA/AC Change to Accommodate: No change required. DSA/AC removed the scoping requirement for common use areas from the list of examples, and more appropriately located it within the body of the scoping section. This proposed amendment clarifies accessibility requirements for common use areas.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 907.9.1.3 Groups I-1 and R-1. OPPOSE – reduces existing CBC requirements, and appears to not meet the minimum standards under ADA Stds section 9.1.3.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item. DSA/AC proposes to add an 11B reference to Table 907.9.1.3 which reads, “*Also see Chapter 11B Section 1111B.4.5, Table 11B-3, and Table 11B-4.*” See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated. A corresponding change was made to Part 9, Chapter 9, Table 907.10.1.3.

Name: Jim Abrams, California Hotel & Lodging Association

Comment: 907.9.1.3 Groups I-1 and R-1. The California Hotel & Lodging Association suggests amending the quoted language set forth under “Reason” below, to read as follows (deletions and additions indicated below are to the new 15-day language):

[For DSA/AC] ~~In addition to these requirements, see Chapter 11B Section 1111B.4.5, Table 11B-3, and Table 11B-4 set forth the requirements for visible and audible alarms in Group R Occupancies; those requirements are separate from, and not cumulative of, the requirements set forth in this table.~~

Reason: The 15-day language proposes to add the following sentence at the end of Table 907.9.1.3-Visible and Audible Alarms, which is set forth in Section 907.9.1.3:

[For DSA/AC] In addition to these requirements, see Chapter 11B Section 1111B.4.5, Table 11B-3, and Table 11B-4.

The use of the words “In addition to these requirements” implies that the requirements for visible and audible alarms set forth in Tables 11B-3 and 11B-4 are applicable 907.9.1.3. In other words, a reasonable person reading the proposed new language quoted above would fairly infer that the building in question must provide the number of visible/audible alarms in Table 907.9.1.3 plus the number of visible/audible alarms specified in Tables 11B-3 and/or 11B-4. This will result in far more visible/audible alarms being provided than intended.

For this reason, and based on the criteria of Health and Safety code Section 18930(a) highlighted below (and particularly criterion (a)(6)), the California Hotel & Lodging Association suggests that the proposed new 15-day language be amended as set forth above.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item. DSA/AC proposes to amend the 11B reference to Table 907.9.1.3 to read, “*Also see Chapter 11B Section*

1111B.4.5, Table 11B-3, and Table 11B-4.” See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated. A corresponding change was made to Part 9, Chapter 9, Table 907.10.1.3.

Name: Sharon Toji, Access Communications

Comment: **907.9.1.5 Group I-1, R-3.1 and R-4.** Amend to read, “*Protective social care facilities which house persons ~~which~~ who are hearing impaired, ...*” Reason: “Which” is for objects, not persons.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item as recommended. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Laura Williams, Californians for Disability Rights

Comment: **1002.1 Accessible Means of Egress**
1002.1 Area of Refuge
1002.1 Exit
1003.1 Applicability
1003.5 Elevation change
1007.1 Accessible means of egress required
1007.2 Continuity and components
1007.2.1 Elevators required
1007.3 Exit stairways
1007.4 Elevators
1007.5 Platform lifts
1007.6 Areas of refuge
1007.6.1 Size
1007.6.2 Separation
1007.6.3 Two-way communication
1007.6.4 Instructions
1007.6.5 Identification
1007.8 Exterior area for assisted rescue
1007.8.1 Openness
1007.8.3 Identification
1008.1.8.6 Delayed egress locks

CDR STRONGLY OPPOSES the use of “Areas of Refuge”, as in practice they may be places to die. CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding the use of areas of refuge and effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D’Lil

Comment: **1002.1 Accessible Means of Egress**
1002.1 Area of Refuge
1002.1 Exit
1003.1 Applicability
1003.2.10 (CBC)
1003.5 Elevation change
1007.1 Accessible means of egress required
1007.2 Continuity and components
1007.2.1 Elevators required
1007.3 Exit stairways
1007.4 Elevators

1007.5 Platform lifts
1007.6 Areas of refuge
1007.6.1 Size
1007.6.2 Separation
1007.6.3 Two-way communication
1007.6.3.1
1007.6.4 Instructions
1007.6.5 Identification
1007.8 Exterior area for assisted rescue
1007.8.1 Openness
1007.8.3 Identification
1007.9 Alarms/emergency warning systems/accessibility
1008.1.8.6 Delayed egress locks
1014.4 Aisles

Oppose – We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to protect the lives of persons with disabilities to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Laura Williams, Californians for Disability Rights

Comment: 1003.2.10 (CBC). Building Accessibility

CDR STRONGLY OPPOSES the strike out of the “other building” as this proposal will do.
CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages. Additionally, a new amendment containing references to additional means of egress requirements located in Chapters 11A and 11B is proposed for Section 1003.1.

Name: David F. Thorman, AIA, State Architect

Comment: 1007.6.1 Size. DSA/AC proposes to correct a typographical error by adding the DSA/AC acronym to the exception to this section. Criteria #8.

Reason: The DSA/AC acronym was inadvertently omitted during preparation of this document.

1007.6.1 Size. Each area of refuge ...

Exception: *[For DSA/AC] The enforcing agency may reduce the size of each required area of refuge to accommodate one wheelchair space that is not less than 30 inches by 48 inches on floors where the occupant load is less than 200.*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Laura Williams, Californians for Disability Rights

Comment: 1007.6.3.1.

CDR STRONGLY OPPOSES the removal of telephones to out lines.

CDR STRONGLY OPPOSES the use of “Areas of Refuge”, as in practice they may be places to dies.
CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding the use of areas of refuge and effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages. Additionally, provisions requiring two-way communication between a central control point or a public telephone system are now located in model code Section 1007.6.3.

Name: David F. Thorman, AIA, State Architect

Comment: 1007.6.3.1 Visible communication method. DSA/AC proposes to add a title to this section in coordination with HCD. Criteria #1.

Reason: HCD is proposing to bring forward the existing CBC Section 1118A.2.4.1 title for this section, and amend to read “Visible Communication Method”. This change will better identify the provisions contained in this section, and follow the new IBC format.

1007.6.3.1 1114B.2.2-4.2 Visible Communication Method. *[For DSA/AC] A method of two-way communication with both visible and audible communication shall be provided between each area of evacuation assistance and the primary entry. A button complying with Section 1117B.6 in the area of rescue assistance refuge shall activate both a light in the area of rescue assistance refuge indicating that rescue has been requested and a light at the primary entry central control point indicating that rescue is being requested. A button at the primary entry central control point shall activate both a light at the primary entry central control point and a light in the area of rescue assistance refuge indicating that the request has been received.*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Sharon Toji, Access Communications

Comment: 1007.7 Signage. Signs shall comply with Chapter 11A or Chapter 11B, Section 1117B.5.1 Items 2 and 3., as applicable.

Reason: If this means the applicable section of Item 3, then it should say so. This implies that either Item 2 or Item 3 might be applicable. Actually, both are applicable.

DSA/AC Change to Accommodate: No change required. The term “as applicable” as used in this sentence refers to whether the provisions for signage found in Chapters 11A or 11B are to be used, not whether items 2 or 3 are to be used.

Name: Laura Williams, Californians for Disability Rights

Comment: 1007.9 Alarms/emergency warning systems/accessibility.

CDR opposes the rigid adherence to old technology standards that allow outdated standards for [lack of] safety to remain in place.

CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding out-dated technology standards and effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: David F. Thorman, AIA, State Architect

Comment: 1007.9 Alarms/emergency warning systems/accessibility. In coordination with HCD and SFM, DSA/AC is proposing to withdraw a proposed amendment to this section which added a reference to Chapter 9, Section 907.9.1 and 907.9.2.

Reason: This section was relocated from Section 1114B.2.4 and contained a single reference to the technical requirements of NFPA 72, as amended in Chapter 35. The reference to scoping requirements contained in Chapter 9 is duplicative and unnecessary.

1007.9 Alarms/emergency warning systems/accessibility. *If emergency warning systems are required, they shall activate a means of warning the hearing impaired. Emergency warning systems as part of the fire-alarm system shall be designed and installed in accordance with NFPA 72, as amended in Chapter 35, and Chapter 9, Sections 907.9.1 and 907.9.2.*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 1008.1.1 Size of doors. OPPOSE – The word “unit” is too broad – this has to do with detention facilities and could be referring to a main entrance to a “pod” of cells instead of individual cells.

DSA/AC Change to Accommodate: No change required. The 2003 IBC Commentary on this item (unchanged for the 2006 IBC) indicates that exception 2 permits “continued use of doors to resident sleeping units “cells” in Occupancy I-3 according to current practices”. No indication is given by ICC that this exception applies to the main entrances to “pods” of cells.

Name: Laura Williams, Californians for Disability Rights

Comment: 1008.1.1 Size of doors. CDR STRONGLY OPPOSES standards that by their very design restrict and exclude persons with disabilities from full inclusion. A door width at 28 inches will preclude inclusion no matter where or what facility.

DSA/AC Change to Accommodate: No change required. The exception allowing a 28” door width applies only to individual cells in I-3 Occupancies which are not required to be accessible by Chapter 11B. There are no ‘visitability’ requirements associated with these cells.

Name: David F. Thorman, AIA, State Architect

Comment: 1008.1.1 Size of doors. DSA/AC proposes to correct a typographical error in Exception 2 of this section by adding italics to a proposed California amendment.

Reason: The pre-emptive editorial amendment proposed for this section should have been shown in italics. Criteria #8.

1008.1.1 Size of doors. . . .

Exceptions:

1. The . . .

2. **Other than those required to be accessible by Chapter 11B,** Door door openings to resident sleeping units in Group I-3 occupancies shall have a clear width of not less than 28 inches (711 mm).

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 1008.1.6 Thresholds. Oppose – Too broadly defined.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment under consideration in the development of future rulemaking packages.

Name: Laura Williams, Californians for Disability Rights

Comment: 1008.1.6 Thresholds. CDR STRONGLY OPPOSES any standard that presupposes that a ramp is a special accommodation and a step or stair is standard. A ramp serves every Californian in the process of negotiating a change of level. A step or stair can only serve some Californians and in its very design is discriminatory.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment under consideration in the development of future rulemaking packages.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1008.1.8.1 Hardware. OPPOSE – Reduces existing CBC. See 1126A.6, 1117B.6 and 1133B.2.5.2. CDR OPPOSES any reduction in current standards as this language appears to do.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item to remove specific Chapter 11A and 11B section numbers. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1008.1.8.3 Locks and latches. OPPOSE
CDR OPPOSES the striking of the requirement to provide key access to egress when there are bars or grills.

DSA/AC Change to Accommodate: No change required. This was a formatting error during preparation of the rulemaking documents. Repeal of CBC Section 1003.3.1.8 was inadvertently shown in the wrong location. It should have followed model code Section 1026.4 which includes similar language and provides the same level of fire and life safety protection. This is a fire and life safety issue under the jurisdiction of OSFM.

Name: Sharon Toji, Access Communications

Comment: 1008.1.8.6 Delayed egress locks. 5. . . . A tactile sign shall also be provided in Braille and raised characters, stating "KEEP PUSHING, DOOR WILL OPEN IN 15 [30] SECONDS. " which complies with Section 1117B.5.1 Item 1 ~~and 1117B.5.5 Item 4.~~

Reason: Section 1117B.5.1 Item 1 includes all items from 1117B.5.5 so there is no need to list it separately.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1010.6 Landings.
OPPOSE – Appears to reduce existing CBSC required landing requirements at doors.
CDR OPPOSES the striking of the definition of landings. This is one of the most violated access requirements statewide, and the elimination of level landings both interior and exterior or at both sides of a door [as applicable] should not occur. This would significantly impact the functionality of doors to safe passage.

DSA/AC Change to Accommodate: No change required. The note previously directing code users to the Chapter 11B requirements for ramps has been relocated to Section 1010. The requirements for ramps at buildings or facilities where accessibility is required are contained in Chapter 11B.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1010.6.5 Doorways.

OPPOSE – Appears to reduce existing CBSC required landing requirements at doors.

CDR STRONGLY OPPOSES the allowance of overlap in the maneuvering space and the clear landing space.

DSA/AC Change to Accommodate: No change required. The provision containing accessibility requirements for doors at ramp landings was relocated from Chapter 10 to Chapter 11B, Section 1133B.5.4.3 as part of the 2004 rulemaking cycle. No further amendment has been proposed as part of this rulemaking cycle.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1013.1-1013.3 (Guards). OPPOSE – By removing this section from Chapters 11A and 11B, future efforts to ensure the accessibility of guardrails, i.e. site lines, will be negatively affected.

DSA/AC Change to Accommodate: No change required. Provisions for guards (guardrails) that previously existed in Chapter 11B were duplicative of UBC model code provisions. The new IBC model code provisions in Section 1013 for guards have been adopted by and remain enforceable under DSA/AC.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil, Laura Williams

Comment: 1014.4.1 Aisles in Groups B & M.

Oppose – Removes existing employee access now required by CBC.

CDR STRONGLY OPPOSES standards that by their very design restrict and exclude persons with disabilities from full inclusion. An aisle width at 28 inches will preclude inclusion no matter where or what facility.

DSA/AC Change to Accommodate: Previous code language allowed aisles in food preparation areas to be 24 inches wide. The new model code increased the requirement for aisles width in food preparation areas to 28 inches. DSA/AC has proposed no change to the current Chapter 11B provisions except to align the new model code section reference. No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: 1020.1.6 Stairway floor number signs. Tactile floor designation signs in stairways. ~~(When accessibility is required, †Tactile floor designation signs that comply with 1117B.5.1 Item 1 shall be located at the landing of each floor level . . .~~

Reason: Who is to determine if accessibility is required? I believe that accessible signage is always required for spaces identified by numbers. Since floors are identified by numbers, doors leading from enclosed stairwells onto numbered floors require tactile identification.

DSA/AC Change to Accommodate: No change required. Applicable sections of Part 2, Chapters 1, 11A and 11B contain scoping language indicating when accessibility is required in buildings and facilities.

Name: Kenneth Rohde, Erickson Retirement Communities (supported by Aging Services of California)

Comment: Chapter 11A. Local jurisdictions have confused the permitted sizes of showers in residential units that are not publicly funded and excluded the 30 x 60 and 36 x 60 shower sizes for bathrooms under the application of Chapter 11A. Additionally local jurisdictions have required, due to the existing language in Chapter 11A and 11B of

CBC, that accessible showers are required in non complying secondary bathrooms when it is the only shower within the residential unit. This is regardless of the fact that the primary bathroom is fully accessible with other bathing fixtures.

Suggested Revisions:

- 1) Clarify sizes of showers in Chapter 11A – Group R occupancies to include 42w x 48d, 30d x 60w, and 36d x 60w (w/ 2' wing wall) as defined in Chapter 11B.
- 2) Provide corresponding text in Chapter 11A that matches 1111B.4.6.

DSA/AC Change to Accommodate: No change required. Non-publicly funded residential units are under the jurisdiction of Department of Housing and Community Development.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1101B.5 Construction and Manufacturing tolerances. Include some general statement to allow for acceptable construction tolerances when applied to dimensional requirements. Several Building Officials have recommended 2% to us.

DSA/AC Change to Accommodate: A new provision was added as Section 1101B.5 incorporating language from the ADA Standards related to construction and manufacturing tolerances. No further amendment is required.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 1102B Accessible Means of Egress
1102B Area of Refuge
1102B Exit
1114B.2 Egress and areas of refuge
1114B.2.1
1114B.2.2.1
1114B.2.2.2
1114V.2.2.3
1114B.2.2.4
1114B.2.2.4.1
1114B.2.2.4.2
1114B.2.2.5
1114B.2.3

Oppose – We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to protect the lives of persons with disabilities to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Sharon Toji, Access Communications

Comment: 1102B Common Use Areas. COMMON USE AREAS are public areas where the uses of the space is not limited exclusively to owners, residents or individual employees.
Reason: Agreement of subject and verb

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Jurgen Dostert, Sally Swanson Architects, Inc.

Comment: 1102B Common Use Areas. The proposed change does still not correct the original typo (the word “not” slipped in). Common Use should refer to areas which are restricted to owners, residents or individual employees, etc.

Common use and public use are different; however the current CBC definition makes them essentially the same, leaving us with no “name” to differentiate between a restaurant and an employee break room. See also ADAAG definition.

ADAAG: Common Use. Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants).

DSA/AC Change to Accommodate: An amendment to incorporate the ADA Stds definition of ‘common use area’ is included in BSC item 02/06 – Part 2 amendments related to the USDOJ ADA Certification of the CBC. No further amendment is required.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1102B Equivalent Facilitation. There currently is no provision in the CBC to allow for new technology. I propose the same language from the ADA, as follows, be included:

Equivalent Facilitation. Departures from particular technical and scoping requirements of this code by use of other designs and technologies are permitted where alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility.

Currently equivalent facilitation is only permitted when it's technically infeasible to comply, not if there better or different technology.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. This new proposed code change is related to items to be included in the Part 2 response to the USDOJ technical assistance letter in the effort to obtain certification of the California Building Code. DSA/AC will take this comment under consideration as it finalizes the Part 2 response package.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D’Lil

Comment: 1102B Guard (or Guardrail). Oppose – By removing this section from Chapters 11A and 11B, future efforts to ensure the accessibility of handrails will be negatively affected.
CBSC Criteria - #2, 3 and 4

DSA/AC Change to Accommodate: No change required. Provisions for guards (guardrails) that previously existed in Chapter 11B were duplicative of UBC model code provisions. The new IBC model code provisions in Section 1013 for guards have been adopted by and remain enforceable under DSA/AC.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D’Lil. Laura Williams

Comment: 1102B Primary Entry Level. Oppose – 1114B and 1117B already require all ground floor entrances and exits to be accessible (there can be more than one ground floor). CBSC Criteria - #1, 3, 4
CDR OPPOSES any reduction in scope – 1114B & 1117B already require all ground floor entrances and exits to be accessible (there can be more than one ground floor).

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: David F. Thorman, AIA, State Architect

Comment: **1102B Walk.** DSA/AC proposes to correct a typographical error in this definition.

Reason: The phrase "by the public" is incorrectly shown in strike-out; DSA/AC is not proposing to delete this language. Criteria #8.

WALK is a surfaced pedestrian way not located contiguous to a street used **by the public**. *(See definition for "sidewalk") (As differentiated from the definition of sidewalk in Section 202.)*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Sharon Toji, Access Communications

Comment: **1102B Walk.** WALK is a surfaced pedestrian way not located contiguous to a street ~~used~~ . . .

Reason: It appears that someone forgot to cross out the word "used."

DSA/AC Change to Accommodate: The phrase "by the public" is incorrectly shown in strike-out; DSA/AC is not proposing to delete this language. See the related comment by David F. Thorman, and change to accommodate.

Name: Sharon Toji, Access Communications

Comment: **1104B.3.4 Wheelchair spaces.** Each such seat shall be identified by a sign or marker. Signage notifying patrons of the availability of such seats shall be posted at the ticket office. Signs and markers shall comply with 1115B.5.1 Item 2 and Item 3.

Reason: All references to signs should include the relevant code sections.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: **1104B.4.3 Participation areas.** 4. Swimming pool deck areas ~~must~~ shall be accessible, (In all following sections, substitute "shall" for "must.").

Reason: "must" is not enforceable code language.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately

noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: 1110B.1.3 Checkstands. ...and shall be identified by a sign clearly visible to those in wheelchairs. The sign shall display the international symbol of accessibility in white on a blue background that complies with 1117.5.8 and shall state "This check stand to be open at all times for customers with disabilities," in text that complies with 1117.5.1 Item 2.

Reason: All signage requirements should refer to the appropriate sections of the codes. This prevents uncertainty and confusion on the part of designers and owners, and encourages uniformity that aids consumers.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1110B.1.3 Checkstands. I propose this be modified to not require the sign...*shall be identified by a sign clearly visible to those in wheelchairs. The sign shall display the international symbol of accessibility in white on a blue background and shall state "This check stand to be open at all times for customers with disabilities"*, if all check stands are accessible.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1111B.4.1 Distributing accessible motel rooms. Add "to the maximum extent feasible".

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Laura Williams, Californians for Disability Rights

Comment: 1114B.2 Egress and areas of refuge. CDR STRONGLY OPPOSES the continuation of policies and procedures that cost the lives and safety of Californians with disabilities. We believe that the State of California and specifically the State Fire Marshal have not taken the appropriate measures including researching possible effective means of egress from buildings for people with disabilities. We believe that to support these provisions will allow this failure to continue.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. The comment lacks specificity in identifying the adoption, amendment, or repeal of regulation that is being proposed. DSA/AC will take the concerns expressed in this comment regarding effective means of egress from buildings for people with disabilities under consideration in the development of future rulemaking packages.

Name: Jim Abrams, CA Hotels & Lodging Association
Thomas Daly, Hilton Hotels Corporation

Comment: 1114B.2.1 (CBC). OPPOSED to the decision not to bring forward 1114B.2.1 with Exceptions 1 & 2. This decision will increase construction costs of both new buildings and alterations in existing buildings by requiring areas of refuge on each floor.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment. Existing CBC Section 1114B.2.1, exception 1 exempts buildings or facilities having a supervised automatic sprinkler system from the requirement to provide areas of refuge. The 2006 IBC, adopted as the new model code for California, does not provide this same exception. DSA/AC finds no justification to reduce the requirements of the new model code even though an exemption was previously provided. Existing CBC Section 1114B.2.1, exception 2 exempts existing buildings undergoing alteration from the requirement to provide areas of refuge. The new model code does provide this same exception in Section 1007.1, exception 1, and DSA/AC has proposed to adopt this section.

Name: David F. Thorman, AIA, State Architect

Comment: 1115B.2.1 Accessible water closets. DSA/AC proposes to correct a typographical error in items #3 and #4 of this section.

Reason: Items #3 and #4 have been renumbered. The new numbers shown have been shown with underline. Criteria #8.

1115B.2.1 Accessible water closets.

1. *The height of ...*
2. *Controls shall be ...*

~~NOTES: -1.~~

3. *See the California Building Code, Chapter 11A, Section 1134A.7 for additional requirements for water closets in publicly funded housing and all nonresidential occupancies.*

~~-2.~~

4. *Automatic "spring to lifted position" seats are not allowed.*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1115B.2.1.1.1 Insulating waste and supply pipes. Add "or located in such a fashion that no one in a wheelchair could touch the pipes".

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: 1115B.5 Identification symbols. Unisex sanitary facilities shall be identified by a circle 1/4 inch thick (6.4 mm), 12 inches (305 mm) in diameter with a 1/4-inch thick (6.4 mm) triangle superimposed on the circle and within the 12-inch (305 mm) diameter, that contrasts, dark on light or light on dark with the circle. These geometric symbols shall be centered on the door at a height of 60 inches (1524 mm) and their color and contrast shall be distinctly different from the color and contrast of the door. . . .

Reason: When the triangle is the same color as the circle, which is often the case, it is essentially invisible to persons with vision impairments, and the restroom thus appears to be a facility for females rather than a unisex facility. This can be dealt with in an interpretive or technical assistance manual, or with a code change, but it was certainly the intent of the original code to have the triangle be distinct from the circle, and not "invisible." I consider this to be a very important item.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: David F. Thorman, AIA, State Architect

Comment: 1115B.6.1 Bathtubs. DSA/AC proposes to correct a typographical error in this section.

Reason: A forward slash was incorrectly inserted instead of a line space. Criteria #1.

1115B.6 Bathing Facilities. Where facilities for bathing ...

~~1115B.6.1 Bathtubs. Bathtubs required to be accessible shall comply with this section.~~

~~1. Floor space. Clear floor space ...~~

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1115B.6.2.1 Size. Resolve and clarify conflicts with ADAAG in the shower section pertaining to stall size and curb heights.

DSA/AC Change to Accommodate: Chapter 11B, Section 1115B was reorganized and amendments were made to incorporate ADA Stds provisions relating to shower size and curb heights. See BSC item 02/06 – Part 2 amendments related to the USDOJ ADA Certification of the CBC. No further amendment is required.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1115B.7.1 Multi-accommodation stalls. Change 18" from centerline of water closets to the wall, to 16"-18" from wall. This is consistent with new ADAAG and eliminates enormous day-to-day issues.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 4459(c) which indicates that the scope of accessibility regulations in the California Building Standards Code shall not be less than the application and scope of accessibility requirements of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice (USDOJ). DSA/AC has determined that the new proposed code change is not in compliance with the current requirements of the ADA Standards for Accessible Design. DSA/AC will reconsider this comment when new federal accessibility standards are formally adopted by the USDOJ.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: **1115B.9.3 Toilet tissue dispensers.** Add “these dispensers are not protruding objects when mounted on the wall surface”.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: David F. Thorman, AIA, State Architect

Comment: **1115B.9.3 Toilet tissue dispensers.** DSA/AC proposes to correct a grammatical error in the second sentence of this section.

Reason: The original proposed amendment to this section creates a grammatical error; DSA/AC is withdrawing the proposed amendment.

1115B.9.3 Toilet tissue dispensers. *Toilet tissue dispensers shall be located on the wall within 12 inches (305 mm) of the front edge of the toilet seat. Dispensers that control delivery or that ~~doe~~ not permit continuous paper flow shall not be used. See Figure 11B-1A.*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: **1116B Elevators.** I would like to see the new “Destination” elevator technology included in this section.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: **1116B.1.9 Car controls.** Identification for the visually impaired shall be as follows: . . . All control buttons shall be designated by 5/8-inch-minimum (15.9 mm) raised characters and standard raised symbols that conform to Section(s) 1117B.5.1, Item 1 1117B.5.2, 1117B.5.3, 1117B.5.5 and 1117B.5.7. immediately to the left of the control button. . . .

Reason: Most other references to the sign codes refer to the item (in this case Item 1) that covers the specific type of signage. If this reference is used, there is no need to list the separate parts of the code. See the referenced code below:

1117B.5.1 General

1. Identification signs. When signs identify permanent rooms and spaces of a building or site, they shall comply with Sections 1117B.5.2, 1117B.5.3, 1117B.5.5, 1117B.5.6 and 1117B.5.7. . . See also Section 1116B for additional signage requirements applicable to elevators . . .

DSA/AC Change to Accommodate: No change required. Section 1117B.5.1 item 1 references Section 1117B.5.6 (Braille) which is not applicable to this particular code provision.

Name: David F. Thorman, AIA, State Architect

Comment: 1116B.1.13 Hall lantern. DSA/AC proposes to correct a typographical error in the second paragraph of this section.

Reason: The second paragraph of this section has two occurrences of "2-1/2 inches". The first contains a hyphen; for consistency, DSA/AC proposes to add a hyphen to the second. Criteria #8.

1116B.1.13 Hall lantern. *A visual and audible signal . . .*

The visual signal for each direction shall be a minimum of 2-1/2 inches (64 mm) high by 2-1/2 inches (64 mm) wide and visible from the proximity of the hall call button.

The audible signal . . .

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Sharon Toji, Access Communications

Comment: 1116B.1.14 Doorjamb marking. Passenger elevator landing jambs on all elevator floors shall have the number of the floor on which the jamb is located designated by raised characters that are a minimum of 2 inches (51 mm) in height, and Grade 2 Braille, that ~~and conform to Section 1117B.5.1 Item 1. 1117B.5.5 and Grade 2 Braille that conforms to Section 1117B.5.6 located 60 inches on center . . .~~

~~The raised characters shall otherwise comply with Sections 1117B.5.3, 1117B.5.4 and 1117B.5.2. See Figure 11B-40C.~~

Reason: By referring to the general section on raised and Braille identification signs, (Item 1), there is no need to list all the sections separately, and to add the final sentence. It is all covered with the one reference. Uniformity in code reference will help eliminate confusion among persons attempting to understand the code.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: 1117B.5 Signs and identification. California's standards for signage are more stringent ~~and are significantly larger and wider than Federal law, Americans with Disabilities Act (ADA) than Section 4.30 of the ADA Accessibility Guidelines.~~

Reason: This statement is not only ungrammatical and inaccurate in its reference, but misleading. It is true that California Braille standards produce Braille words that "stretch out" further than the Braille produced by the Library of Congress standard (never cited in 4.30 ADAAG, which does not require any specific size or spacing for Braille). The Braille is not "larger" and the code itself is not "larger and wider," since code can't be "wider," although it could be "broader." Let's clear up this embarrassing garbled language! (And as soon as the new ADA/ABA is passed, California's code will be "significantly smaller and narrower" anyway!)

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Gene Lozano, Jr, California Council of the Blind

Comment: 1117B.5.1 item 4.3 Other signs and identification. We support the entire section 1117B.5.1.4 and would like to make an editorial revision to 1117B.5.1.4.3. We would like to insert into this section the section number 1116B.1.8 as follows:

4.3 Other signs and identification. *Tactile exit signage in Sections 1011.3 and 1011.3.2, tactile floor designation signs in stairways in Section 1020.1.6.2, tactile special egress-control device signs in Section 1008.1.8.6(5), elevator car control identification required in Sections 1116B.1.8 and 1116B.1.9, elevator doorjamb marking required in Section 1116B.1.14, and sanitary facilities signage required in Section 1115B.5 shall also comply with this section.*

This editorial amendment will reflect the requirement that there shall be a raised telephone symbol with accompanied Braille to identify the emergency handset on car control panels.

Reason: Section 1117B.5.1.4 fulfills the intent and spirit of SB 1242. If this section is adopted there will finally be some enforcement of the tactile signage requirements found in Title 24.

DSA/AC Change to Accommodate: No change required. This section is intending to cover visual and tactile signage. Section 1116B.1.8 does not contain requirements for signage.

Name: David F. Thorman, AIA, State Architect

Comment: 1117B.5.5 Raised characters and pictorial symbol signs. DSA/AC proposes to add metric equivalents to the dimensions in item 4 of this section.

Reason: This change is being proposed consistent with existing CBC format. Criteria #8.

1117B.5.5 Raised characters and pictorial symbol signs. *When raised characters ...*

1. Character type. *Characters on signs ...*

2. Character size. *Raised characters ...*

3. Pictorial symbol signs (pictograms). *Pictorial symbol signs ...*

4. Character placement. *Characters and Braille shall be in a horizontal format. Braille shall be placed a minimum of 3/8 inch (9.5 mm) and a maximum of 1/2 inch (12.7 mm) directly below the tactile characters; flush left or centered. When tactile text is multi-lined, all Braille shall be placed together below all lines of tactile text.*

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1117B.5.7 Mounting location and height. Add the words “Where permanent tactile identification signs...”.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately

noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communication

Comment: 1117B.5.7 Mounting location and height. ...Where there is no wall space on the latch side, including at double leaf doors, signs shall be placed on the nearest adjacent wall, preferably on the right. Signs shall be placed with the edge of the sign nearest the door jamb a minimum of 12 inches from the door they identify. In no case shall a sign be placed closer to a door it does not identify than to the door it does identify.

Reason: We are finding an increasing number of situations where the sign has to be placed so far from the door that it no longer has any connection to that room. That is misleading to everyone, both sighted and blind. It is preferable to have a visual sign in close proximity to the room it identifies, rather than a tactile sign two feet away, or next to a room it does not identify. The first consideration should always be safety, so that no one will be hit by the door while reading the sign.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communication

Comment: 1117B.5.7 Mounting location and height. ...Mounting location shall be determined so that a person may approach within 3 inches (76 mm) of signage without encountering protruding objects or standing within the swing of the door. Signs containing tactile characters shall be located so that a clear floor space of 18 inches (455 mm) minimum by 18 inches (455 mm) minimum, centered on the tactile characters, is provided beyond the arc of any door swing between the closed position and 45 degree open position.

Reason: Too many people read this as meaning that the sign must be located 3 inches from the door jamb. By extending the code with the measurable 18 inch space, it now becomes easy to measure the area for installing the sign. I really consider this an important public safety issue, since these signs excite the curiosity of sighted readers, as well as providing identification for persons who are blind, and a suddenly opening door could severely injure anyone up close reading or touching a sign. Perhaps the mention of the 18 inch space might remind designers and building owners not to install tack boards, lockers and tables too close to doors and to leave adequate space for tactile sign installation.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Sharon Toji, Access Communications

Comment: 1117B.2.9.2 General. Text telephones shall comply with the following requirements. . . . Directional signage shall comply with Section 1117B.5.1 Item 2 and 3.

Reason: The reference to the sign sections is too general. Too often, the assumption is that tactile and Braille signs are required -- particularly useless for the users of text telephones! The correct section of the code should always be referenced.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Richard Skaff, Susan Chandler, Connie Arnold, Marta Russell, Kathleen Berman, Noel Neudeck, HolLyn D'Lil

Comment: 1117B.5.8.1.2 Entrance signs. Recommend further study – remove the word "primary". Reduces existing CA T24 language. Keep other new wording. CBSC Criteria - #1, 3, 4 and 6

DSA/AC Change to Accommodate: No change required. This was a DSAAB Access Committee recommendation intending to clarify locations where ISA are required. Entrances to janitor closets, mechanical rooms, electrical rooms, equipment rooms, etc. are not required to be identified as accessible with an ISA. This language is in alignment with related provisions found in 1127B.3 regarding required locations of signs along an accessible route of travel.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1122B Fixed or built-in seating, table and counters. Add "this section does not cover freestanding furnishings, but is intended for built-in seating, tables and counters." This is an enormous issue in the field.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1124B.3 Carpet. Add wording to make clear this does not apply to "walk-off mats" intended to reduce slipping.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Dan Larson, CALBO

Comment: 1127B.5 Curb ramps. The second item of concern is the exclusion of truncated domes within curb ramps. Section 1127B.5. Currently this needed code language is only mentioned in the DOJ certification version of the proposed code revisions. We at CALBO know the importance to go forward with the ICC amendment package and do not in any way stop its process. We are concerned that if the ICC adoption process does get approved and the DOJ package does not for some reason, we will be, for a long time, without provisions in the code that are necessary in preventing unreasonable hardships per frivolous law-suites. DSA/AC has recommended domes within all curb ramps for many months now and has published a recommendation in their interpretive manual but fails to include this language in the actual current code. We are recommending that the revised language currently proposed in the DOJ version of the adoption process be included in both the ICC implementation and the DOJ code proposed amendments. This will allow code officials to finally provide consistency in implementation of this needed element for accessibility.

DSA/AC Change to Accommodate: DSA has proposed this code change for curb ramps in order to meet the current minimum federal standards. This change, in addition to the numerous others that are equally important, is needed due to the fact that several provisions in the California Building Code do not meet the minimum ADA requirements. Whether it is contained in the IBC package or the USDOJ package, the California Building Standards Commission can vote on these code change proposals on a per section basis.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1127B.5 item 5. Resolve and clarify conflicts with ADAAG in the curb ramp section pertaining to the profile and height of the lip at the intersection of ramp bottom and gutter.

DSA/AC Change to Accommodate: Chapter 11B, Section 1127B.5 was amended to incorporate ADA Stds provisions relating to curb ramps. See BSC item 02/06 – Part 2 amendments related to the USDOJ ADA Certification of the CBC. No further amendment is required.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1127B.5 item 8. Add language to Chapter 11 which agrees with the final ruling on detectable warnings on curb ramps which is finally adopted by the ADA. We have several clients who have been sued by individuals who have slipped and fallen on the ramps due to the detectable warnings.

DSA/AC Change to Accommodate: Chapter 11B, Section 1127B.5 was amended to incorporate ADA Stds provisions relating to curb ramps. See BSC item 02/06 – Part 2 amendments related to the USDOJ ADA Certification of the CBC. No further amendment is required.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1129B.3 Parking space size. Add “Dimensions are from center of line to center of line”.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1129B.3 item 1 Dimensions. Clarify how the length of an accessible parking stall is measured. We believe the intent is from the curb to the end of the striping but we have found interpretations where installed lengths run into the path of travel and are held back from encroaching by a wheel stop.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1129B.4 Identification of parking spaces. Change “have an additional sign stating van accessible, mounted...” to “have additional wording stating van accessible, mounted...”.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1129B.3.3 Arrangement of parking space. Add “In each parking area, **if required**, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways.”

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1132B.2 Parks and recreational areas. Simple statements that boat docks, campsites, beaches and trails and paths are required to be accessible leaves much to conjecture, debate, and subsequent litigation. Provide some parameters or remove the section, because in most cases it is prohibitively expensive or physically impossible to make these features accessible.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1132B.2 item 4 Boat Docks. How and to what standard “shall be accessible”?

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Dan Larson, CALBO

Comment: 1133B.1.1.1.1 & 1007.1. In review of the proposed documents being heard on October 16, 2006, the CALBO Access Compliance Committee is requesting that two issues be amended to Chapter 11-B. First, is Section 1133B.1.1.1.1 CBC (2001) which states as follows:

“1133B.1.1.1.1 All entrances and exterior ground-floor exit doors shall be made accessible to persons with disabilities. ...”

To be amended as follows:

1133B.1.1.1.1 All entrance doors shall be made accessible to persons with disabilities.

All ground floor exit doors shall comply with the provisions of Section 1007.1. Doorways ...”

Reason-

If the code goes forward without this change, there will be a direct conflict between Section 1007.1 as it relates to accessible means of egress and what is currently specified in Section 1133B.1.1.1.1. Section 1007.1 requires that the minimum number of accessible means of egress is to be not less than what is required for designed exiting from any building. This means that if 3 exits are required by design then a minimum of three are required to be accessible. This will allow designs to allow more doors within a building and not required all to be accessible. This is very typical scenario for a Manufacturing or Distribution facility. Many of these facilities have many additional doors provided that is not needed other than providing an additional convenient egress from the building. Many of these doors do not provide access to any public way but only to a parking lot or vehicular driveway. Section 1133B.1.1.1.1 would require that all doors provided (not necessary required) must be accessible. The wording in 1007.1 has been needed for many years to offset costs to buildings that are required to provide accessible exits that are not being used.

DSA/AC Change to Accommodate:

The Division of the State Architect and the State Fire Marshal do not perceive any conflict between CBC Section 1007.1 and 1133B.1.1.1.1. Further, the proposed CALBO amendment would reduce accessibility in California.

All entrances to buildings in new construction must be accessible to persons with disabilities.

Required exits also must be accessible to the extent required by code.

It should be acknowledged that it is extremely common for exits to also serve as entrances. In such cases, since all entrances are required to be accessible, those entrances would automatically serve as accessible exits.

DSA generally interprets the distinction between *entrances and exits* to be that entrances are a door that contains entry hardware in order to allow someone to enter a building or facility or a portion of a building or facility. However, for exit only doors, those without any entry hardware, an accessible means of egress must comply with the 1007.1 provisions if it is a required exit.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: 1133B.1.1.1.1 Exceptions 1 & 2. Section 1133B.1.1.1.1 Exceptions 1 and 2 require clarification. Is a required exit (say from a second floor) exempt from compliance if it directly and only serves a flight of exterior stairs that exit to grade? Exemption 2 appears to say yes, only if the exit is not required. Exception 1 can be interpreted in the reverse.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards

Comment: 1133B.1.1.1.1 Ex 4 Entrances. Remove the work “existing” buildings. All buildings should have this option.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. This new proposed code change is related to items to be included in the Part 2 response to the USDOJ technical assistance letter in the effort to obtain certification of the California Building Code. DSA/AC will take this comment under consideration as it finalizes the Part 2 response package.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1133B.2.3.2 Automatic doors. Add “Automatic doors are acceptable mitigation for level landings and strike-side clearance requirements.”

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1133B.4.2.5 Handrails. A range is required. The requirement of 1-1/2” is not possible on textured surfaces.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 4459(c) which indicates that the scope of accessibility regulations in the California Building Standards Code shall not be less than the application and scope of accessibility requirements of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice (USDOJ). DSA/AC has determined that the new proposed code change is not in compliance with the current requirements of the ADA Standards for Accessible

Design. DSA/AC will reconsider this comment when new federal accessibility standards are formally adopted by the USDOJ.

Name: Sharon Toji, Access Communications

Comment: 1133B.4.3 Tactile stair level identification signage. ~~Tactile stair level identification floor number signs signage.~~ Tactile stair floor designation level identification signs that comply with Section 1117B.5 Item 1 shall be located at each floor level landing in all enclosed stairways . . .

Reason: In another section of the code, (Section 1020.1.6) this was properly changed to reflect that what was actually being identified was the floor number. The two sections should be consistent in terminology.

DSA/AC Change to Accommodate: The DSA/AC concurs with this comment and proposes to further amend this item to align with related amendments to Section 1020.1.6.2. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Sharon Toji, Access Communications

Comment: 1133B.4.4 Striping for the visually impaired. The upper approach and the lower tread of each stair shall be marked by a ~~strip~~ stripe of clearly contrasting color . . . (throughout, substitute "stripe" for "strip.")

Reason: When you "stripe," you make or use "stripes," not "strips." The figure also refers to "stripes" rather than "strips."

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1133B.5.3 Ramp slope. Slope should be determined by the overall ramp, not if you can find a point in the ramp that is more than 8.33%.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates "No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action". Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: HollLyn D'Lil

Comment: 1133B.5.4.3. OPPOSED to the deletion of Chapter 10 requirement for 42" minimum clear when doors encroach onto ramp landings.

DSA/AC Change to Accommodate: No change required. This provision was relocated to Chapter 11B, Section 1133B.5.4.3 as part of the 2004 rulemaking cycle.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1133B.5.5.1 Ramp handrails. Change to add “and” after “except that at exterior door landings and handrails are not required on ramps less than 6 inches (152 mm) rise or 72 inches (1829 mm) in length”. This is consistent with ADAAG and the intent of the section is clearer.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: David F. Thorman, AIA, State Architect

Comment: 1133B.5.5.1 handrails at ramps. DSA/AC proposes to correct a typographical error in this section by changing the grip portion minimum dimension to read 1-1/4 inches instead of 1-1/2 inches.

Reason: The grip portion of the handrail is incorrectly dimensioned as not less than 1-1/2 inches (32mm) nor more than 1 1/2 inches (38 mm). The current CBC Chapter 11B language reads, “not be less than 1 ¼ inches (32 mm) nor more than 1 ½ (38 mm). DSA/AC is not proposing a change to this existing language, except to add hyphens consistent with other fractional dimensions in this chapter. Criteria #1 & 8.

1133B.5.5 Handrails for ramps.

1133B.5.5.1 *Handrails are required on ramps that provide access if slope exceeds 1 foot (305 mm) rise in 20 feet (6096 mm) of horizontal run (5% gradient), except that at exterior door landings, handrails are not required on ramps less than 6 inches (152 mm) rise or 72 inches (1829 mm) in length. Handrails shall be placed on each side of each ramp, shall be continuous the full length of the ramp, shall be 34 to 38 inches (864 to 965 mm) above the ramp surface, shall extend a minimum of 1 foot (305 mm) beyond the top and bottom of the ramp and the ends shall be returned. Handrails projecting from a wall shall have a space of not less than 1-½ inches (38 mm) between the wall and the handrail. Handrails may be located in a recess if the recess is a maximum of 3 inches (76 mm) deep and extends at least 18 inches (457 mm) above the top of the rail. The grip portion shall not be less than ~~4-¼~~ **1-1/4 inches** (32 mm) nor more than **1-1/2 inches** (38 mm), or the shape shall provide an equivalent gripping surface and all surfaces shall be smooth with no sharp corners. Handrails shall not rotate within their fittings. Any wall or other surface adjacent to the handrail shall be free of sharp or abrasive elements. Edges shall have a minimum radius of 1/8 inch (3 mm).*

Exceptions:

1. Handrails at ramps ...

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: 1133B.8.5 Detectable warnings at hazardous vehicular areas. “Hazardous” vehicular areas are not sidewalks or walkways that cross driveways or paths of travel in parking lot areas.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Christopher W. Raker, AIA, Raker Architects

Comment: **1133B.8.5 Detectable warnings at hazardous vehicular areas.** Add verbiage to indicate that what constitutes a hazardous vehicular area is the determination of the Building Official.

DSA/AC Change to Accommodate: No new code change is proposed to address this comment pursuant to GC§ 11346.8(c) which mandates “No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to GC§ 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action”. Additionally, 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 is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. In an effort to accommodate the new proposed code change, DSA/AC will take this comment under consideration in a future rulemaking.

Name: Kim Blackseth, State of California Building Standards Commissioner

Comment: **11B Figures.** Figures should be modified to reflect any above impacts

DSA/AC Change to Accommodate: Figures were revised as applicable to reflect text changes.

Name: David F. Thorman, AIA, State Architect

Comment: **1607.7 Loads on handrails, guards, grab bars and vehicle barriers.** DSA/AC proposes to relocate the Chapter 11A & 11B reference from this section to Section 1607.7.2 in coordination with HCD.

Reason: The reference to Chapter 11A & 11B originally proposed for section 1607.7 adds confusion to the scoping requirements for handrails, guards, grab bars and vehicle barriers. The proposed reference included in Section 1607.7.2 provides better clarity about which building components should comply with the requirements of Chapter 11A & 11B.

1607.7 Loads on handrails, guards, grab bars and vehicle barriers. Handrails, guards, grab bars ~~as designed in ICC A117.1 shall comply with Chapter 11A or Chapter 11B, as applicable,~~ and vehicle barriers shall be designed and constructed to the structural loading conditions set forth in this section.

1607.7.2 Grab bars, shower seats and dressing room bench seats. Grab bars, shower seats and dressing room bench seat systems shall be designed to resist a single concentrated load of 250 pounds (1.11 kN) applied in any direction at any point. [For DSA/AC] See Chapter 11A, Section 1127A.4 and Chapter 11B Sections 1110B.1.7 and 1115B.8.3 for grab bars, shower seats and dressing room bench seats, as applicable.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: David F. Thorman, AIA, State Architect

Comment: **Chapter 35.** DSA/AC proposes to correct a typographical error in this section by adding italics and underline to the entry for ANSI Standard S3.41-96 - American National Standard Audible Evacuation Signal.

Reason: This is an amendment to model code language. The italics and underline were inadvertently omitted.

CHAPTER 35 - REFERENCED STANDARDS

ANSI Standards.

S3.41-96 – American National Standard Audible Evacuation Signal.....907.9.2.1

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE (GC§ 11347.6)

The DSA/AC has not received comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY (GC§ 11347.6)

The DSA/AC has not received comments from the Trade and Commerce Agency.

STATEMENT CONFIRMING COMPLIANCE WITH GOV 11346.7.1

The DSA/AC has complied with requirements in making all documents in this rulemaking available to the public. All public Notices are posted on the CBSC website at: <http://www.bsc.ca.gov>, see 2006 Annual Code Adoption Cycle.

The 45-day Notice of written comment periods from:

- Sep 01 – Oct 16, 2006 addressing Parts 1 (CAC), 2 CBC (IBC & DOJ), 9 (CFC) and 12 (CRSC) and
- Sep 08 – Oct 23, 2006 addressing Parts 3 (CEC), 4 (CMC) and 5 (CPC)

were both mailed on Sep 06, 2006 to every person who filed a request for notice of regulatory actions with DSA/AC.

The 15-day Notice of written comment period from:

- Oct 26 – Nov 09, 2006 regarding Parts 2 CBC (IBC & DOJ), 3 (CEC) , (CPC) and 9 (CFC)

was mailed on Oct 25, 2006 to every person who filed a request for notice of regulatory actions with DSA/AC.