

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE
REGARDING THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

2007 Code Cycle

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

UPDATES TO THE INITIAL STATEMENT OF REASONS

The Division of the State Architect – Access Compliance (DSA-AC) is not relying on any new data or any technical, theoretical or empirical study, report, or similar documents other than that which was contained in the original Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DSA-AC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with §17500) of Division 4, Government Code. GC§ 4450 requires DSA-AC to develop proposed building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

SUMMARY OF OBJECTIONS OR RECOMMENDATIONS

ITEM 11 – JEAN TESSMER – RECOMMENDATION – AMEND

(1104B.3.4 Wheelchair spaces – Table 11B-1 Wheelchair Seating Spaces)

Jean Tessmer 1ST 45-day public hearing statement (May 12, 2008 Teleconference)

Glaring problems with Item 11 (1104B Auditoriums, Assembly Halls, Theaters and Related Facilities; Table 11B-1-Wheelchair Seating Spaces). Stadium seating rise a little higher probably to a UFAS Standard which increases the number of seats.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Ms. Tessmer's recommendation is not specifically directed at the DSA-AC's proposed action. DSA-AC originally proposed this amendment to require that the sign or marker at accessible aisle seats include the International Symbol of Accessibility and to include a reference to the applicable signage code sections. Ms. Tessmer's recommendations address increasing the number of required accessible wheelchair locations in assembly occupancies for possible consistency with Uniform Federal Accessibility Standards (UFAS), Section 4.1.2 (Accessible Buildings: New Construction, (18) Areas.

DSA-AC has determined that the new recommended proposed code change is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. However, DSA-AC finds Ms. Tessmer's proposed recommended code change may have merit, and will consider this proposal in the development of future rulemaking packages.

ITEM 12 - JEAN TESSMER – RECOMMENDATION – AMEND

(1104B.4.3 Participation areas – Subsection 4.1.1.)

Jean Tessmer 1ST 45-day public hearing statement (May 12, 2008 Teleconference)

Under 1104B.4 (Stadiums, grandstands, bleachers, athletic pavilions, gymnasiums and miscellaneous sports-related facilities), subsection 4.1.1 *The seat shall be rigid.* I would like to add: *‘the seat shall also resist 250 lbf at any point.’* So that if someone is pulling on it they do not pull down to the floor.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Ms. Tessmer’s recommendation is not specifically directed at the DSA-AC’s proposed action. DSA-AC originally proposed this amendment to be consistent with the general terminology used elsewhere in Chapter 11B. The word “must” is being replaced with the word “shall”, which does not create a change in regulatory effect. Ms. Tessmer’s recommendation is to further amend this subsection to add a new requirement for swimming pool lift devices.

DSA-AC has determined that the new recommended proposed code change is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. However, DSA-AC finds Ms. Tessmer’s proposed recommended code change may have merit, and will consider this proposal in the development of future rulemaking packages.

ITEM 13 - EUGENE LOZANO - RECOMMENDATION - APPROVE AS AMENDED

ITEM 13 - DONNA POMERANTZ - RECOMMENDATION - APPROVE AS AMENDED

ITEM 13 - BERNICE KANDARIAN - RECOMMENDATION - APPROVE AS AMENDED

(1104B.5 Dining, banquet, and bar facilities)

Comment #1: Eugene Lozano 1ST 45-day public hearing written statement

(Reference in 1104B.5 #3) Sec. 1133B.5.4.9 (Hazards) refers to a 2” curb that is used on ramps to prevent wheelchair wheels from going off the edge. What is required on the edge of a raised or sunken area is a minimum 6” warning curb which complies with Sec. 1133B.8.1 Warning curbs. A 2 inch curb is inadequate to give warning to a person who is blind or visually impaired that they are approaching the edge of a raised or sunken area. A 2” curb can be easily misinterpreted as an uneven walking surface and will not discourage a person who is blind or visually impaired from continuing to walk forward. A minimum 6” curb definitely discourages a person who is blind or visually impaired from going forward and alerts them that they need to check the surface ahead for the potential danger of a drop-off. This is why Sec. 1133B.8.1 was put into Title 24 to warn persons who are blind or visually impaired of abrupt changes in level. The use of a 6” warning curb, 1133B.8.1, addresses the safety needs of all persons with disabilities while the 2” curb, 1133B.5.4.9, only addresses the safety needs of persons who use wheeled mobility devices. Therefore, change reference number Sec. 1133B.5.4.9 Hazards to Sec. 1133B.8.1 Warning curbs. Criteria 3, 4, and 5.

Comment #2: Donna Pomerantz 1ST 45-day public hearing written statement

Warning curbs is a minimum six (6) inch warning curb. What is currently being proposed is the section which refers to the wheels of a mobility device not rolling over the edge as a result of a two (2) inch curb on ramps. This is Section 1133B.5.4.9 Hazards. A two (2) inch curb is not a deterrent for a person with vision impairment or who is blind as we would naturally step over it in the hopes of continuing on our way as we traverse uneven surfaces on a daily basis. However, a six (6) inch curb would definitely cause us to intuitively stop and check the other side for some kind of a drop off or unsafe path immediately causing us to find the safe path of travel. Therefore, change reference number Section 1133B.5.4.9 Hazards to Section 1133B.8.1 Warning curbs. This would ensure safety for people with all disabilities. Criteria 3, 4, and 5.

Comment #3: Bernice Kandarian 1ST 45-day public hearing written statement

Curbs to warn people with low vision, whom I represent, need to be minimum six-inches high, preferably with a contrasting color or brightness. Whether or not they are using a white cane, a two-inch curb is

easily missed and becomes a tripping hazard. Therefore, change reference number Section 1133B.5.4.9 Hazards to Section 1133B.8.1 Warning curbs. Criteria 3, 4, and 5.

DSA-AC CHANGE(S) TO ACCOMMODATE: DSA-AC is proposing to further amend the language of this section to better reflect the intent of the original proposal. The changes to address the recommendations of Mr. Lozano, Ms. Pomerantz and Ms. Kandarian are non-substantive and clarify without materially altering the requirements contained in the original text. DSA-AC further amends the cross reference to include existing code language for conditions where open edges of raised or sunken areas are to be protected as required by the California Building Code. DSA-AC further amended this section in a 2nd 45-day public hearing, Item 13 to accommodate the 1st 45-day public hearing written statements of Mr. Lozano, Ms. Pomerantz and Ms. Kandarian.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None

ITEM 13 -- EUGENE LOZANO – RECOMMENDATION – APPROVE

(1104B.5 Dining, banquet and bar facilities.)

2nd 45-day public hearing written statement

Comment(s): We agree with the proposed modifications as submitted on Item 13, Section 1104B.5 Dining, Banquet and Bar Facilities and request that this section be recommended approved.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Supporting comment

ITEM 13 – CHRIS LAWRENCE - RECOMMENDATION – AMEND

(1104B.5 Dining, banquet and bar facilities; Item #3. Raised or sunken areas)

2nd 45-day public hearing written statement

Comment(s): I have the following comments regarding the proposed changes to Section 1104B.5:

1. It should be clarified weather or not **all** raised or sunken areas of a particular establishment are to be accessible if there are multiple locations and/or levels.
2. It should also be clarified weather or not dance floors or other entertainment areas are included within this Section.

DSA-AC CHANGE(S) TO ACCOMMODATE: To clarify intent of regulatory text, and address both of Mr. Lawrence's questions, DSA-AC is removing the strikeout on the word 'All' only.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None

ITEM 19 - RICHARD SKAFF – OBJECTION

(1115B.3 Toilet facilities; 1115B.3.1 Multiple-accommodation toilet facilities)

Richard Skaff 1ST 45-day public hearing oral statement (May 12, 2008 Teleconference)

I am opposed, for a couple of reasons to two code changes proposed by DSA-AC submitted for supposedly clarification. Both of these have to do with multi-use bathrooms. They are supposedly a clarification which I believe are a change in reduction to existing code language that describes a requirement for sinks, accessible sinks, in multi-use bathrooms, and how many must be accessible. I believe there is presently language that requires them all to be accessible and the clarification language proposed being put forward by DSA-AC clarifies that language to indicate that only a minimum of one is required to be accessible. I believe this is a reduction in existing access codes, under Title 24, and based on relative recent legislation that states it is not allowed to reduce existing access requirements. I suggest that it is not only inappropriate but illegal to make this change.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Existing code language indicates the technical standards for making a lavatory accessible. Existing code language doesn't provide scoping for the number of lavatories which must be accessible. The California Building Standards Commission Accessibility Code Advisory Committee recommended that a minimum of one lavatory be accessible in multiple-accommodation toilet facilities. Consistent with the scoping requirements for other sanitary facilities fixtures, e.g. urinals, water closets, bathtubs, showers, etc.; DSA-AC is attempting to clarify requirements for lavatories by requiring a minimum of one accessible lavatory in multiple accommodation toilet facilities.

ITEM 23 - RICHARD SKAFF – OBJECTION

(1115B.8 Accessories; 1115B.8.1 Mirrors)

Richard Skaff 1ST 45-day public hearing oral statement (May 12, 2008 Teleconference)

The same kind of requirement 'clarification language' is being proposed by DSA-AC for multi-use bathroom mirrors. Indicating that at least one mirror must be accessible when presently it is understood that, and typical that, all mirrors in a multi-purpose bathroom must be accessible. Again, I believe this is a reduction in existing access codes, under Title 24, and based on relative recent legislation that states it is not allowed to reduce existing access requirements. I suggest that it is not only inappropriate but illegal to make this change.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Refer to Item 19

ITEM 34 - JEAN TESSMER – RECOMMENDATION – AMEND

(1117B.9 Accessible sinks; #2 Each accessible sink... & #3. Faucet controls ...)

Jean Tessmer 1ST 45-day public hearing statement (May 12, 2008 Teleconference)

Comment #1: 1117B.9 (#2 *Each accessible sink...*) - My worry is that if you provide 19" that's horizontally from the rim of the sink edge under the sink you will have to remove the trap for every single lavatory produced in the United States. The Standards like ADA and ADAAG call for 8" but you can get up to 11" with a really good sink. So I would, I think that might have been a mistake but my worry is that there is no sink that is going to meet that compliance.

Comment #2: 1117B. (#3. *Faucet controls ...*) - Reach distance to the faucet controls is not stated. So I would like to add 'Reach distance from front rim of lavatory or sink to faucet mounting hole shall be a maximum 17".' It is from in front of the sink and faucet holes that allow a person with a disability to reach easily to actually operate the paddle handle, or operate the lever handles for activate a sensor device. You really want to make sure sensor devices is also in this text not just faucets. Hands free faucets sometimes you have to go up to the neck of the spout to get it activated and that makes too far of a reach for persons with a disability.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Ms. Tessmer's recommendations are not specifically directed at the DSA-AC's proposed action. DSA-AC originally proposed this amendment to relocate the requirements for sinks from Section 1115B - BATHING AND TOILET FACILITIES (SANITARY FACILITIES) to a more appropriate location within Section 1117B - OTHER BUILDING COMPONENTS. In addition, DSA-AC amended this section to eliminate duplicative requirements for accessible kitchen sinks and noncommercial kitchen and counter bar sinks, and provide a single set of requirements for accessible sinks. This amendment does not create a change in regulatory effect. Ms. Tessmer's comments address two new issues related to knee space beneath the sink and reach range from the front edge of the sink to the faucet.

DSA-AC has determined that the new recommended proposed code changes are not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. However, DSA-AC finds Ms. Tessmer's proposed recommended code changes may have merit, and will consider these proposals in the development of future rulemaking packages.

ITEM 37 - JEAN TESSMER – COMMENT – AMEND

(1129B.3 Parking space size; #4 Slope of parking space and access aisle)

Remove reference to 1:50, 1:20, 1:12, and etc. units of measurement and replace that with a definition of (degree) or (percent) slope or incline with respect to gravity.

Jean Tessmer public discussion (Jan 15, 2008 Teleconference to CBSC Accessibility CAC)

Jean Tessmer 1ST 45-day public hearing statement (May 12, 2008 Teleconference)

The use of 1:50 or similar numerical values helps to illustrate a shape or the placement of a shape on a surface that has a value of 0:0. It does not represent the slope (or tilt), elevation or inclination of an object with respect to gravity. Using 1:50 or other similar numerical values assumes that shape will be placed on a surface that has perfect horizontal value of 0:0 to reflect its geometric shape. If you take the one unit to fifty and place it on a tilt it will not represent the shape of 1:50. Using measurements based on gravity assumes that given angle represented in percent or degrees is the tilt or slope in relation to gravity or true horizontal or vertical. Contractors will and do measure a curb height and proceed to build that geometric plane based on the 5 or 6-inch curb height measurement ignoring the factors like the sidewalk and roadway may already have a 5% slope that need to be added into the geometric value of 1:12. It has and still is being done. Ramps, cross slopes, and running slopes are inclines measured with respect to gravity. Gravity is one of the primary forces working against the effort to propel a wheelchair. The greater the incline the harder it is to overcome the vertical forces of gravity. The greater the cross slope the more difficult it is to propel the chair in a straight line. Some other forces to overcome while using a wheelchair are the drag of the surface due to instability or lack of firmness, wind loads, weight, and the endurance of the person.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: DSA-AC previously proposed to amend slope designations within various Chapter 11B and 11C sections to provide consistency for code users based on a recommendation by the CBSC Code Advisory Committee in January 2008. The proposed slope designation format reflects the 2006 IBC (model code) format currently used throughout the 2007 California Building Code. The code sections that DSA-AC is proposing to amend are listed under Express Terms Item #48 as related code changes. DSA-AC appreciates the extensive analysis and discussion of slope measurement definition that Ms. Tessmer has submitted; however, a specific change to the definition of slope has not been proposed in this rulemaking package.

DSA-AC agrees with Ms. Tessmer on the need for consistent slope designation throughout the CBC and has proposed such a change (see Item #48). DSA-AC has determined that a change to the definition of slope is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. However, DSA-AC finds Ms. Tessmer's proposed recommended code change related to the definition of slope may have merit, and will consider the proposal in the development of future rulemaking packages.

ITEM 45 JEAN TESSMER – RECOMMENDATION – AMEND

(1133B.4 Stairways; 1133B.4.1 Handrails, 1133B.4.1.1 Required handrails)

Jean Tessmer 1ST 45-day public hearing statement (May 12, 2008 Teleconference)

Comment #1: Your handrail height is not dated here and what I would like to see is OSHA and I guess CA OSH Standards are both posted here. Handrails for OSHA maximum height is 34" to the top. All right, in every facility you are going to have workers and those workers have to be able to use those handrails for safety. As a Safety Standard – 34" has to be the lowest that you can go to the top of the rail, in ADA. So I would like to suggest and also the mid-ranges for UBC or the IBC. I would like to strongly

suggest that the Safety of the railing is in there. Railing heights 34" and it is the most usable height, for people with disabilities. It's more usable and lower.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Ms. Tessmer's recommendation is not specifically directed at the DSA-AC's proposed action. DSA-AC originally proposed this amendment to coordinate with the egress requirements of Chapter 10 for the spacing of intermediate handrails. Ms. Tessmer's recommendation refers to the lack of consistency in handrail height requirements between the UFAS standards, currently adopted by OSHA for federal new construction projects, and the CBC. DSA-AC is not proposing to amend handrail height requirements in this rulemaking package.

DSA-AC has determined that the new recommended proposed code change is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. However, DSA-AC finds Ms. Tessmer's proposed recommended code change may have merit, and will consider this proposal in the development of future rulemaking packages.

Comment #2: Submitted illustration with comments: Cross section showing problem with 1133B.4.1.1. Required handrails – requiring an intermediate handrail in the 60" reduced width of stairs. The clearance for required egress exit from assemble areas will end up being 26 3/16" which may impeded exiting and life safety – NTS 10/01/07. Illustration also shows the following (Handrails & Steps):

- 2'--2 3/16" – Severely reduced egress width will impede life safety exiting.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE:

1st 45-day Change(s): DSA-AC is amending this section to be consistent with model code language from the 2006 International Building Code/2007 California Building Code which incorporated new Chapter 10 requirements for spacing of intermediate handrails. However, a corresponding change for Chapter 11B was not proposed during the 2006 Rulemaking. The proposed change would align the requirements for intermediate handrails in Section 1133B.4.1.1 with those in Section 1012.8.

2nd 45-day Change(s): During the 1st 45-day public hearing, Ms. Jean Tessmer asserts that DSA-AC's proposed amendment to the California Building Code (CBC) §1133B.4.1.1 and reference to CBC §1012.8 would cause exit stairs to be reduced to an unsafe width which impedes egress and life safety. Because the statements and drawing submitted by the commenter do not accurately reflect the requirements of CBC §1133B.4.1.1 and §1012.8, DSA-AC assesses that the originally-proposed amendment may be unclear. To clarify, DSA-AC is proposing to revise the language of this section to better reflect the intent of the original proposal.

DSA-AC originally proposed this amendment to coordinate with the intermediate handrail and egress requirements of Chapter 10 as adopted in the 2007 CBC. Compliance with CBC §1133B.4.1.1 and §1012.8 does not preclude compliance with other sections of the code regulating egress width and accessible egress width such as CBC §1005, §1007.3 or §1009.1. Compliance with CBC §1012.8 is currently required and enforceable with or without adoption of DSA-AC's proposed amendment.

The proposed amendment to CBC §1133B.4.1.1, as revised, calls for intermediate handrail(s) when required by CBC §1012.8. This is to assure that within the required egress width, a handrail is available to the user within 30 inches. This has the effect of creating several 30-inch-wide swaths of legitimate egress path, the width of which may be mathematically combined to achieve the code-required total egress width. Portions of the stair farther than 30 inches from a handrail are not counted towards the required egress width.

CBC §1012.8 was adopted unchanged from the *2006 International Building Code (IBC)*. The publisher of the model code, International Code Council provides the following commentary on this section of IBC:

"In order to always be available to the user of the stairway, the maximum distance to a handrail from within the required width must not exceed 30 inches (762 mm). People tend to walk adjacent to handrails, and if intermediate handrails are not provided for very wide stairways, the center portion of such stairways will normally receive limited use. More importantly, in emergencies, the center portions of wide stairways with handrails would be used more aptly to speed up egress travel rather than delay it by overcrowding at the sides with the handrails. This would especially be true under panic conditions. Without the requirement for intermediate handrails, the use of wide interior stairways could become particularly hazardous.

"The distance to the handrail applies to the "required width" of the stairway. If a stairway is greater than 60 inches (1524 mm) in width, but only 60 inches (1524 mm) are required based on occupant load (see section 1005.1), intermediate handrails are not required. Adequate safety is provided since every user is within 30 inches (762 mm) of a handrail.

"The criteria for monumental stairways deal with the very wide stairway in relation to the required width. While handrails on both sides of the stairway may be sufficient to accommodate the required width, the handrails may not be near the stream of traffic or even apparent to the user. In this case, the handrails are to be placed in a location more reflective of the egress path (see Figure 1012.8 for handrail locations for monumental stairs)."

International Code Council, *2006 International Building Code, Code and Commentary – Volume I*

ITEM 47 DSA-AC RECOMMENDATION – REVISE

(1133B.4 Stairways)

1st 45-day Change(s): DSA-AC is amending these sections and definitions to clarify the requirements for treads, risers and nosing's at stairs. Portions of Section 1133B.4.5 are being relocated and/or restructured to provide clarity and maintain consistency with Chapter 10. Language regulating stair riser heights is being copied from Chapter 10, Section 1009.3 into Section 1133B.4.5 to provide requirements for stair thread depths and riser heights in a single location. The permissible riser slope remains the same, but it is measured relative to the vertical rather than the horizontal consistent with Chapter 10. The projection of a nosing past the face of the riser below is being changed from 1-1/2" to 1-1/4" consistent with the requirements of Chapter 10. The definition of "Nosing" is being amended to include a reference to nosing at a landing similar to the Chapter 10 definition. The definition of "Open Riser" is being amended to correct a typographical error inadvertently incorporated into the 1998 CBC. The existing definition of "Riser" appears to describe the height of a riser rather than the riser itself, and is being replaced with a more accurate definition. The definition of "Tread Depth" conflicts with the method of measurement indicated in the ADA Standards and CBC Section 1133B.4.5.3. The definitions of "Tread Depth" and "Tread Run" are being deleted as these terms are not used.

2nd 45-day Change(s): DSA-AC is proposing to revise its original amendments to this section to provide additional clarity, consistent with the rationale for the original proposed amendments to this section. Language relating to the curvature at the leading edge of the tread has been relocated from proposed Section 1133B.4.5.1 to Section 1133B.4.5.3. Language consistent with Section 1009.3.3, permitting a beveled leading edge of the tread, has been added to Section 1133B.4.5.3. Language has also been added to proposed Section 1133B.4.5.3, reflecting Section 4.9.3 of the ADA Standards for Accessible Design which describes the required beveling at the underside of nosing's which projects beyond the face of the rise below. Finally, in Section 1133B.4.5.1, DSA-AC is proposing to replace the term *chamfered* with the term *beveled*, to be consistent with Section 1009.3.3. Related changes to Figure 11B-35 are proposed to be consistent with these proposed revisions

ITEM 47 -- EUGENE LOZANO – RECOMMENDATION – APPROVE

(1133B.4 Stairways)

2nd 45-day public hearing written statement (related code change Figure 11B-35)

Comment(s): We agree with the proposed modifications as submitted on Item 47, Sections 1133B.4 Stairways, 1133B.4.5 Stairs treads, risers and nosing, 1133B.4.5.1 Tread, 1133B, 4.5.2 Risers, 1133B.4.5.3 Nosing and request that this section be recommended approved. See also related code change to Figure 11B-35.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Supporting Comment

ITEM 48 - JEAN TESSMER – RECOMMENDATION – AMEND

(1133B.5 Ramps; 1133B.5.3 Slope)

Jean Tessmer 1ST 45-day public hearing statement (May 12, 2008 Teleconference)

Comment #1: 1133B.5.3 (Slope) I gave an example to your Division in Nov and Jan, and how it should be written. 1 unit vertical in 12 horizontal (8.22% slope) can be misinterpreted by a contractor. I have a lot of 13-1/2" sloped ramps, because they go up to the curb and measure that vertical distance 6" and then they go 1:12 - 6" ramps and totally ignore the fact that existing walkway slope of 5% and so it should be based on the gravitational of plum and level. I think you should not use the units to vertical units to horizontal because that can be confusing.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: See Item 37, DSA-AC Reason(s)

Comment #2: I have already mentioned this and it is not coming out at all in any of the preceding documents so I am submitting it again. I have written out various drawing both in Nov on all of this including the handrails in Nov and none of this is coming out at all and I'm not getting any responses, I'm not getting anything.

Submitted illustration with comments: Cross Section showing continuous ramp edge protector vertical clearance and vertical clearance to add to 1133B.5.3 Slope to allow individuals to propel themselves on the longer than 30 foot ramps. In addition add the 1.5" vertical clearance from the vertical surface supporting the handrail to reduce knuckles on hand rim scraping on post or other types of vertical surfaces. NTS 10/01/07. Illustration also shows the following:

- Handrail 34" to top surface per OSHA, ADA, IBC.
- Handrail vertical support POT or adjacent surface
- Continuous smooth edge protector. 1.5" from vertical surface supporting handrail and 1.5" high above ramp surface.

Illustration – Edge Protectors for Ramps - Submitted illustration during the 45-day public comment period which includes: 'Perspective Illustration of continuous smooth edge protectors on ramps.' Ms. Tessmer included on the illustration, the following:

- Continues Edge Protector on all Ramps shall be 1.5" (ADA requires 2" high minimum – 1.5" will clear hand rim space above protectors horizontal surface) high and 1.5" vertical clearance from under the surface of the handrail to the top of the 1.5" high continuous smooth edge protector, from the vertical surface of a wall or railing support post.
- New concrete ramps and landings

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Ms. Tessmer's recommendation is not specifically directed at the DSA-AC's proposed action. DSA-AC originally proposed this amendment to provide consistent terminology and method of slope designation throughout Chapters 11B and 11C. Ms. Tessmer's recommendation addresses a requirement for continuous smooth edge protectors at ramps, 1.5" from vertical surface supporting handrails and 1.5" high above ramp surfaces.

DSA-AC has determined that the new recommended proposed code change is not sufficiently related to the original proposal and that parties subject to the proposed regulations have not been adequately noticed. However, DSA-AC finds Ms. Tessmer's proposed recommended code change may have merit, and will consider this proposal in the development of future rulemaking packages.

Comment #3: I want to make a change to Item 48.10:

1133B.5.5.1 Handrails are required. ... 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 and 34 inches (864 mm) to the top of the handrails, shall extend a minimum of 1 foot (305 mm) beyond the top and bottom of the ramp and shall be parallel with the floor or ground surface.

Illustration – Edge Protectors for Ramps -- Submitted illustration during the 45-day public comment period which includes: 'Perspective Illustration of continuous smooth edge protectors on ramps.' Ms. Tessmer included on the illustration, the following:

- New 1.5" diameter handrail. Top of handrail at 34" absolute above finish ramp and landings.

That's it, I figure because at this point OSHA doesn't give you ... (cassette tape not clear), except to go lower but you can't go lower because that's your bottom number.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: See Item 45, DSA-AC Reason(s)

FIGURES 11B-18A, 11B-18B & 11B-18C – CHRIS LAWRENCE – AMEND

(11B-18A Double Parking Stalls, 11B-18B Single Parking Stalls & 11B-18C Diagonal Parking Stalls)
(Related Code Change to Item 38)

15-day public hearing written statement (June 02, 2008)

(Related Code Change: 1129B.3 & 1129B.4) - As a member of the Access Committee, I receive the notification of this proposed change via email. My suggestion is as follows:

Figures 11B-18A, 11B-18B, and 11B-18C note that the 12" high lettering within the access aisle is to be white. In many areas, white paint on concrete pavement during a bright day has very little contrast. Please consider the option of "a color contrasting with the parking surface..." for this lettering, as is noted for the access isle striping.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: WITHDRAWN

At the California Building Standards Commission meeting held on May 21, 2008, the Commission approved DSA-AC proposed emergency building standards (DSA AC EF 01/08) concerning California Code of Regulations, Title 24, Part 2, the California Building Code (Accessible Parking). The standards were filed with the Secretary of State on June 5, 2008. Effective date of this regulatory change is July 1, 2008.

DSA-AC finds Mr. Lawrence's proposed recommended code change may have merit, and will consider this proposal in the development of future rulemaking packages.

FIGURE 11B-35 - WARNING STRIPING AND HANDRAIL EXTENSIONS (Related change to Item 47)

1st 45-day: DSA-AC is amending this figure to be consistent with the proposed code changes to Sections 1133B.4.4, 1133B.4.5.2 and 1133B.4.5.3. The contrasting striping at each stair tread is being revised graphically to clarify the required location. The permissible riser slope remains the same, but it is shown measured relative to the vertical rather than the horizontal. The projection of a nosing past the face of the riser below is being revised from 1-1/2" to 1-1/4". The dimension line indicating the height of the top of the handrail gripping surface above the stair nosing has been relocated to clarify the code requirement.

2nd 45-day: DSA-AC is further amending this figure to coordinate with amendments to Sections 1133B.4.5.2 and 1133B.4.5.3. A diagram depicting a solid vertical riser is being added, as well as, diagrams depicting both a rounded nosing and a beveled nosing.

FIGURE 11B-35 – EUGENE LOZANO – RECOMMENDATION – APPROVE

(Warning Striping and Handrail Extensions)

2nd 45-day public hearing written statement (related code change to Item 47)

Comment(s): We agree with the proposed modifications as submitted on Figure 11B-35 Warning striping and handrail extensions and request that this section is recommended **approved**. See also related code change to Item 47.)

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: Supporting Comment

FIGURE 11B-35(a) – CHRIS LAWRENCE

(Stairs)

2ND 45-day hearing written statement (related code change Figure 11B-35(a))

Comment(s): I have the following comments regarding the proposed changes:

Figure 11B-35 (a) - I believe the reason that treads have historically had a 1" deep over-lap, as in figures 'b' and 'c', is that the over-lap allows a more stable footing on the next riser up. This is a question of ergonomics that should be researched before including figure 'a'.

DSA-AC CHANGE(S) TO ACCOMMODATE: None

DSA-AC REASON(S) FOR MAKING NO CHANGE: To be consistent with the 2007 California Building Code (CBC) Section 1009.3.3, DSA-AC proposed to revise the maximum permissible nosing dimension from 1 ½ inch to 1 ¼ inch. DSA-AC also is proposing to amend Figure 11B-35 to coordinate with Section 1133B.4.5; in reference to the nosing requirements in Section 1133B.4.5, Figure 11B-35 illustrates several complying stair riser/nosing conditions: (a) vertical riser without a nosing; (b) sloped riser integral with the nosing; and (c) vertical riser with a nosing sloped at the underside.

Mr. Lawrence's comment appears to address Figure 11B-35(a) – vertical riser without a nosing – and suggests inclusion of an approximately 1-inch nosing. DSA-AC maintains this figure accurately illustrates Chapter 10 and 11B stair nosing requirements applicable to public buildings, public accommodations, commercial buildings and publicly funded housing.

In Group R-3 occupancies and R-2 individual units, Chapter 10 does require stair nosings, however only under limited conditions – where a tread depth of less than 11 inches is provided. Projects subject to Chapter 11B are all required to provide a minimum tread depth of 11 inches per 1133B.4.5; hence provision of nosings at these stairs would be optional.

Safety issues for tread depth and nosings are discussed in the publisher's commentary:

“The minimum tread depth – the horizontal distance from the leading edge (nosing) of one tread to the leading edge (nosing) of the next adjacent tread – is typically limited to no less than 11 inches. The minimum tread depth of 11 inches is intended to accommodate the largest shoe size found in 95 percent of the adult population, allowing for an appropriate overhang of the foot beyond the tread nosing while descending a stairway. Tread depths under 11 inches could cause an abnormal overhang (depending on the size of the foot) and could force users to descend a stairway with their feet pointing sideways in a crab-like manner. Based on research of geometrical possibilities of adequate foot placement, the rate of misstep with comfort and energy expenditure, it was found that the 11-inch minimum tread depth and maximum 7-inch riser height resulted in the best proportions for stairway construction.” *2006 International Building Code Commentary – Section 1009.3.*

“Exception 4 allows revisions to the standard 7 inches/11 inches riser/tread requirements for Group R-3 and any associated utility (such as barns, connected garages or detached garages) and within individual units of Group R-2 and their associated utility areas (such as attached garages). This increase is allowed because of the low occupant load and the high degree of occupant familiarity with the stairways. When this exception is taken for stairways that have solid risers, each tread is required to have a nosing with a minimum dimension of ¾ inch and a maximum dimension of 1 ¼ inches where the tread depth is less than 11 inches.” *2006 International Building Code Commentary – Section 1009.3 Exception 4.*

FIGURE 11B-37 – STAIR HANDRAILS

2ND 45-day: DSA-AC is amending this figure to reflect current 2007 CBC, Section 1133B.4.2.2 requirements for handrail extensions at stairways. The figure has been revised to show 12 inch minimum extensions aligned in the direction of the stair run, instead of turned at 90 degree angles.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The DSA-AC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation. In order to increase public participation and improve the quality of these regulations DSA-AC involved parties who would be subject to these proposed regulations in public discussions. The purpose of the public discussions was to receive reasonable alternatives to these regulations from the public. Public discussions held as follows:

CBSC Accessibility Code Advisory Committee	DSA Advisory Board (DSAAB)	DSAAB Access Committee	PUBLIC Hearing
Dates Held	Dates Held	Dates Held	Dates Held
01-15-08 Public discussion	10-23-07 Public discussion	09-01-07 Public discussion	03-28-08 -- 05-12-08 45-day comment period
01-16-08 Public discussion	10-24-07 Public discussion	10-01-07 Public discussion	05-31-08 – 06-16-08 15-day comment period
	04-17-08 Public discussion	11-11-07 Public discussion - Canceled	07-03-08 -- 08-25-08 2 nd 45-day comment period
		01-17-08 Public discussion	
		02-07-08 Public discussion	
		03-27-08 Public discussion	
Participation via Teleconference was available Participation via Video Conference was available for the DSAAB & DSAAB Access Committee meetings in the following locations:			
<u>Video Conference</u> DSA – Oakland 1515 Clay Street, Suite 1201 Oakland, CA 94612 (510) 622-3101	<u>Video Conference</u> DSA – Los Angeles 700 N. Alameda Ste. 5-500 Conf. Rm 5-599 Los Angeles, CA 90012 (213) 897-3995	<u>Video Conference</u> DSA – San Diego 16680 W. Bernardo Dr. Conf. Rm. A San Diego, CA 92127 (858) 674-5400	

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES: (Government Code Section 11346.9(a) (5))

DSA-AC has made a determination that this proposed regulatory action will not have an adverse impact on small business. DSA-AC has determined that no reasonable alternative considered by DSA-AC or that has otherwise been identified and brought to the attention of DSA-AC would be more effective in carrying out the purpose for which this action is proposed, or would lessen any adverse impact on small business.