

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT

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

PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND
PUBLICLY FUNDED HOUSING

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

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

Proposed Actions

DSA-AC proposes to update the California Code of Regulations, Title 24, Part 2 by:

- Affirm through the regular rulemaking process the Emergency Regulations proposed by DSA-AC and approved by the California Building Standards Commission on July 19, 2012. This action makes those amendments part of the 2010 California Building Code, Chapter 11B - Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Publicly Funded Housing, which will remain in effect through December 31, 2013.

Summary of Proposed Regulations

A summary list of the Emergency Regulations items, along with their corresponding 2010 California Building Code Chapter 11B section numbers, is provided below.

Item 1 – 1104B.3.9 Designated aisle seats

- Correction of a typographical error during the 2010 rulemaking cycle.
- The intent was to align the number of designated aisle seats required with the ADA Standards Section 221.4.
- The faulty language requires 10 or more times designated aisle seats than required by the 2010 ADA Standard or intended by the code revision.
- Suggested Resolution - correct language to the meet the original intent.

Item 2 – 1115B.4.1 Accessible Water Closets

- California's centerline dimension forces violation of the 2010 ADA Standards Section 604.2.

- Current California code requires an absolute dimension of 18" from the centerline of the water closet to the adjacent side wall.
- California regulatory agencies allow variance based on construction tolerances ranging between zero to approximately ½".
- 2010 ADA changed its prior 18" dimension to a range of 16" to 18", with no tolerances allowed outside of the range.
- Therefore a dimension of 18 ¼", which may be accepted by a California regulatory agency, violates the 2010 ADA.
- Violations of the 2010 ADA, even ones that do not reduce accessibility, are violations of California Civil Code § 54 (c) and may lead to lawsuits over technical violation for fractions of an inch.
- Suggested Resolution – adopt 2010 ADA range of 16" to 18" with an advisory to target the upper portion of the range.

Item 3 – 1115B.8.4 Toilet Tissue Dispensers

- Toilet tissue dispensers at accessible water closets cannot meet both State and federal requirements for mounting location.
- Current California code requires the front edge of the dispenser to be located no more than 36" from the wall behind the water closet and to be within 12" of the front of the water closet bowl.
- The ADA requires the dispenser to be located within a range measured from the front of the water closet bowl, which places the front edge of the dispenser greater than 36" from the back wall.
- Suggested Resolution – adopt 2010 ADA Section 604.7 requirements of a range measured from the front of the water closet bowl.

Item 4 – 1117B.1 Accessible Drinking Fountains

- 2010 ADA Sections 602.4, 602.5, and 602.6 provide greater accessibility through very detailed and complex requirements for the spout location and angle of the water flow for accessible drinking fountains.
- There are conflicts between the current California code and the 2010 ADA on these technical requirements.
- Suggested Resolution – adopt 2010 ADA requirements.

Item 5 – 1117B.3 & 1117B.5 Proportions of Characters for Visual and Tactile Signs

- There are conflicts between the current California code and the 2010 ADA in character proportions and fonts for both visual and tactile signs.
- Suggested Resolution – align with 2010 ADA requirements to eliminate conflicts.

Item 6 – 1117B.5.7 Mounting Location and Height for Signs

- Under certain circumstances tactile characters on signs complying with the current California code violate the mounting height requirements of the 2010 ADA.

- 2010 ADA specifies characters must be located within a range of 48” to 60” above the floor.
- California code specifies an absolute dimension of 60” from the floor to the center of the sign, making it possible to have characters above 60”, which violates the ADA.
- Suggested Resolution – align with 2010 ADA requirements to eliminate conflicts where they exist.

Item 7 – 1134B.2.1, Exception 5 Limited Acceptance of Items Constructed in Compliance with Previous Codes

- When an area within a building is being altered, the bathrooms, drinking fountains, telephones and signs along the path of travel from the primary entrance to the space being modified must be also be updated to meet current CBC accessibility codes.
- Approval of Items 2, 3 and 4 would trigger a requirement for modification of these elements, even if they had been recently upgraded to comply with the prior code. This would apply to small, non-functional variances down to fractions of an inch.
- Suggested Resolution – adopt limited exception for Items 2, 3 and 4 similar to 2010 ADA provisions allowing elements complying with the prior standard to remain until they themselves are altered.

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

- 2010 Americans with Disabilities Act Standards for Accessible Design (2010 ADAS) federal regulations, as adopted by the U.S. Department of Justice and known as the 2010 Standards for Title II and Title III Facilities; 2004 Americans with Disabilities Act Accessibility Guidelines (2010 ADAS/2004 ADAAG).

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

- No new prescriptive standards are being proposed.

CONSIDERATION OF REASONABLE ALTERNATIVES

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

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

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

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

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

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

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