

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

CALIFORNIA BUILDING CODE – MATRIX ADOPTION TABLE CALIFORNIA CHAPTER 1 – GENERAL CODE PROVISIONS

Adopting Agency		B S C	S F M	HCD			DSA		OSHPD				C S A	D H S	A G R	D W R	C E C	C A	S L	S L C
				1	2	1/AC	AC	SS	1	2	3	4								
Adopt Entire Chapter																				
Adopt entire Chapter as amended (amended sections listed below)																				
Adopt only those sections that are listed below							X													
Chapter / Section	Codes																			
101	CA						X													
109.1	CA						X													

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

CALIFORNIA CHAPTER 1 – GENERAL CODE PROVISIONS

SECTION 101 GENERAL

101.1 Title. *These regulations shall be known as the California Building Code, may be cited as such and will be referred to herein as “this code.” The California Building Code is part 2 of 12 parts of the official compilation and publication of the adoption amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part incorporates by adoption the 2006 International Building Code of the International Code Council with necessary California amendments.*



The 2007 triennial edition of California Code of Regulations, Title 24 consists of 12 parts:

- Part 1 – California Building Standards Administrative Code
- Part 2 – California Building Code
- Part 3 – California Electrical Code
- Part 4 – California Mechanical Code
- Part 5 – California Plumbing Code
- Part 6 – California Energy Code
- Part 7 – California Elevator Safety Construction Code
- Part 8 – California Historical Building Code
- Part 9 – California Fire Code
- Part 10 – California Existing Building Code
- Part 11 – California Green Building Standards Code
- Part 12 – California Reference Standards Code

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; safety to 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.*

[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.



The general purpose of this amended model code is for health, safety and welfare, but the CBSC is amended further by additional specificity to include not only access to buildings and facilities, but also “usability” by people with disabilities. Although “usability” is broad encompassing performance language, it serves to indicate the required functional aspect of DSA-AC adopted provisions and statutory use of this code per CA Gov. Code §4451(d).

CA H&S Code §19955 et al. requires public accommodations and facilities constructed in this state with private funds to adhere to the accessibility provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. Under CA H&S Code §19958, city and county building departments have the responsibility to enforce the statutory requirements of CA H&S Code §19955 et al. and CA Gov. Code §4450 et al.

CA Gov. Code §4450(a) requires buildings and facilities constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall conform to the building standards published in the California Building Standards Code relating to access for persons with disabilities and the other regulations adopted pursuant to Section 4450. CA Gov. Code §4453 vests enforcement authority to the Director of the Department of General Services (generally delegated to the Division of the State Architect) where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

utilized for the construction of elementary, secondary, or community college projects. Additionally, CA Gov. Code §4453 vests enforcement authority to the governing bodies thereof where funds of counties, municipalities, or other political subdivisions are utilized except as otherwise provided above.

For projects governed by CA H&S Code §19955 et al. and CA Gov. Code §4450 et al., Section 4451(d) requires compliance not only with the California Building Standards Code, but also with the minimum federal design requirements of the Americans with Disabilities Act of 1990. Within its enforcement jurisdiction, the Division of the State Architect confirms compliance with the *ADA Standards for Accessible Design*.

101.3 Scope. *The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California.*



The California Building Code (CBC) accessibility provisions are applicable to new construction projects as well as alterations (as defined) of existing buildings and facilities. In alteration projects, these provisions apply to the area of new work, and include the path of travel requirements found in Section 1134B.2.1. The scope of work required by this code does not address all of the obligations required by civil rights laws.

101.3.1 Nonstate-regulated buildings, structures, and applications. *Except as modified by local ordinance pursuant to Section 101.8, the following standards in the California Code of Regulations, Title 24, Parts 2, 3, 4, 5, 6, 9 and 10 shall apply to all occupancies and applications not regulated by a state agency.*

101.3.2 State-regulated buildings, structures, and applications. *The model code, state amendments to the model code, and/or state amendments where there are no relevant model code provisions, shall apply to the following buildings, structures, and applications regulated by state agencies as referenced in the Matrix Adoption Tables and as specified in Sections 102 through 114, except where modified by local ordinance pursuant to Section 101.8. When adopted by a state agency, the provisions of this code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the State Legislature.*

Note: See Preface to distinguish the model code provisions from the California provisions.

1. *State-owned buildings, including buildings constructed by the Trustees of the California State University, and to the extent permitted by California laws, buildings designed and constructed, by the Regents of the University of California, and regulated by the Building Standards Commission. See Section 102 for additional scope provisions.*
2. *Local detention facilities regulated by the Corrections Standards Authority. See Section 103 for additional scope provisions.*
3. *Barbering, cosmetology or electrolysis establishments, acupuncture offices, pharmacies, veterinary facilities and structural pest control locations regulated by the Department of Consumer Affairs. See Section 104 for additional scope provisions.*
4. *Energy efficiency standards regulated by the California Energy Commission. See Section 105 for additional scope provisions.*
5. *Dairies and places of meat inspection regulated by the Department of Food and Agriculture. See Section 106 for additional scope provisions.*

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

6. *Organized camps, laboratory animal quarters, public swimming pools, radiation protection, commissaries serving mobile food preparation vehicles, and wild animal quarantine facilities regulated by the Department of Health Services. See Section 107 for additional scope provisions.*
7. *Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing, and other types of dwellings containing sleeping accommodations with or without common toilets or cooking facilities. See Section 108.2.1.1 for additional scope provisions.*
8. *Accommodations for persons with disabilities in buildings containing newly constructed covered multifamily dwellings, new common use spaces serving existing covered multifamily dwellings, additions to existing buildings where the addition alone meets the definition of a “Covered multifamily dwelling” and common-use spaces serving covered multifamily dwellings which are regulated by Department of Housing and Community Development. See Section 108.2.1.2 for additional scope provisions.*
9. *Permanent buildings and permanent accessory buildings or structures constructed within mobile home parks and special occupancy parks regulated by the Department of Housing and Community Development. See Section 108.21.3 for additional scope provisions.*
10. *Accommodations for persons with disabilities regulated by the Division of the State Architect. See Section 109.1 for additional scope provisions.*
11. *Public elementary and secondary schools, community college buildings, and state-owned or state-leased essential service buildings regulated by the Division of the State Architect. See Section 109.2 for additional scope provisions.*
12. *Qualified historical buildings and structures and their associated sites regulated by the State Historical Building Safety Board with the Division of the State Architect. See Section 109.3 for additional scope provisions.*
13. *General acute care hospitals, acute psychiatric hospitals, skilled nursing and/or intermediate care facilities, clinics licensed by the Department of Health Services, and correctional treatment centers regulated by the Office of Statewide Health Planning and Development. See Section 110 for additional scope provisions.*
14. *Applications regulated by the Office of State Fire Marshal include but are not limited to the following in accordance with Section 111:*
 - 14.1. *Buildings or structures used or intended for use as an:*
 - 14.1.1. *Asylum, jail.*
 - 14.1.2. *Mental hospital, hospital, home for the elderly, children’s nursery, children’s home or institution, school or any similar occupancy of any capacity.*
 - 14.1.3. *Theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.*
 - 14.1.4. *Small family day care homes, large family daycare homes, residential facilities and residential facilities for the elderly, residential care facilities.*
 - 14.1.5. *State institutions or other state-owned or state-occupied buildings.*
 - 14.1.6. *High rise structures.*

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

- 14.1.7. *Motion picture production studios.*
- 14.1.8. *Organized camps.*
- 14.1.9. *Residential structures.*
- 14.2. *Tents, awnings or other fabric enclosures used in connection with any occupancy.*
- 14.3. *Fire alarm devices, equipment and systems in connection with any occupancy.*
- 14.4. *Hazardous materials, flammable and combustible liquids.*
- 14.5. *Public school automatic fire detection, alarm, and sprinkler systems.*
- 14.6. *Wild land urban interface fire areas.*
- 15. *Public libraries constructed and renovated using funds from the California Library Construction and Renovation Bond Act of 1988 and regulated by the State Librarian. See Section 112 for additional scope provisions.*
- 16. *Graywater systems regulated by the Department of Water Resources. See Section 113 for additional scope provisions.*
- 17. *For applications listed in Section 109.1 regulated by the Division of the State Architect—Access Compliance, outdoor environments and uses shall be classified according to accessibility uses described in Chapters 11A, 11B and 11C.*
- 18. *Marine Oil Terminals regulated by the California State Lands Commission see Section 114 for additional scope provisions.*

101.4 Appendices. *Provisions contained in the appendices of this code shall not apply unless specifically adopted by a state agency or adopted by a local enforcing agency in compliance with Health and Safety Code Section 18938 (b) for Building Standards Law, Health and Safety Code Section 17950 for State Housing Law and Health and Safety Code Section 13869.7 for Fire Protection Districts. See Section 101.8 of this code.*

101.5 Referenced codes. *The codes, standards and publications adopted and set forth in this code, including other codes, standards and publications referred to therein are, by title and date of publication, hereby adopted as standard reference documents of this code. When this code does not specifically cover any subject related to building design and construction, recognized architectural or engineering practices shall be employed. The National Fire Codes and the Fire Protection Handbook of the National Fire Prevention Association are permitted to be used as authoritative guides in determining recognized fire-prevention engineering practices.*

101.6 Nonbuilding standards, orders and regulations. *Requirements contained in the International Building Code, or in any other referenced standard, code or document, which are not building standards as defined in Health and Safety Code Section 18909, shall not be construed as part of the provisions of this code. For nonbuilding standards, orders, and regulations, see other titles of the California Code of Regulations.*

101.7 Order of precedence and use.

101.7.1 Differences. *In the event of any differences between these building standards and the standard reference documents, the text of these building standards shall govern.*

101.7.2 Specific provisions. *Where a specific provision varies from a general provision, the specific provision shall apply.*

101.7.3 Conflicts. *When the requirements of this code conflict with the requirements of any other part of the California Building Standards Code, Title 24, the most restrictive requirement shall prevail.*

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

101.8 City, county, or city and county amendments, additions or deletions. *The provisions of this code do not limit the authority of city, county, or city and county governments to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 101.8.1. The effective date of amendments, additions, or deletions to this code of cities, counties, or city and counties filed pursuant to Section 101.8.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code.*

Local modifications shall comply with Health and Safety Code Section 18938(b) for Building Standards Law, Health and Safety Code Section 17950 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts.

101.8.1 Findings and filings.

1. *The city, county, or city and county shall make express findings for each amendment, addition or deletion based upon climatic, topographical, or geological conditions.*

Exception: *Hazardous building ordinances and programs mitigating unreinforced masonry buildings.*

2. *The city, county, or city and county shall file the amendments, additions, or deletions expressly marked and identified as to the applicable findings. Cities, counties, cities and counties, and fire departments shall file the amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.*
3. *Findings prepared by fire protection districts shall be ratified by the local city, county, or city and county and filed with the California Department of Housing and Community Development at 1800 3rd Street, Room 260, Sacramento, CA 95814.*

101.9 Effective date of this code. *Only those standards approved by the California Building Standards Commission that are effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. For the effective dates of the provisions contained in this code, see the History Note page of this code.*

101.10 Availability of codes. *At least one entire copy each of Titles 8, 19, 20, 24, and 25 with all revisions shall be maintained in the office of the building official responsible for the administration and enforcement of this code. See Health and Safety Code Section 18942 (d) (1) & (2).*

101.11 Format. *This part fundamentally adopts the International Building Code by reference on a chapter-by-chapter basis. Such adoption is reflected in the Matrix Adoption Table of each chapter of this part. When the Matrix Adoption Tables make no reference to a specific chapter of the International Building Code, such chapter of the International Building Code is not adopted as a portion of this code.*

101.12 Validity. *If any chapter, section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the state as stipulated by statutes, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of this code.*

SECTION 109 DIVISION OF THE STATE ARCHITECT

109.1 Division of the State Architect—Access Compliance.

General. *The purpose of this code is to ensure that barrier-free design is incorporated in all buildings, facilities, site work and other improvements to which this code applies in compliance with state law to ensure that these improvements are accessible to and usable by persons with disabilities. Additions, alterations and structural repairs in all buildings and facilities shall comply with these provisions for new buildings, except as otherwise provided and specified herein.*

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE



While the purpose of this code is for “usable” barrier-free design, the purpose of the enabling legislation is to discontinue architectural discrimination – an essential first step in fostering liberty and equality for persons with disabilities.

One must not forget that the CBC is only written to the extent possible by ultimately achieving a broad consensus of diverse stakeholders. The resulting code is a combination of both prescriptive and performance regulations that must be used as a tool to devise equitable, integrated opportunities for people with disabilities as might be available to others without disabilities. See CA Gov. Code §4450.

The provisions of these regulations shall apply to any portable buildings leased or owned by a school district, and shall also apply to temporary and emergency buildings and facilities. Temporary buildings and facilities are not of permanent construction but are extensively used or are essential for public use for a period of time. Examples of temporary buildings or facilities covered include, but are not limited to: reviewing stands, temporary classrooms, bleacher areas, exhibit areas, temporary banking facilities, temporary health screening services, or temporary safe pedestrian passageways around a construction site.



Temporary facilities and emergency construction are both required to comply with the CBC regulations for accessibility. See CA Gov. Code §4451(e).

In addition, to incorporate standards at least as restrictive as those required by the federal government for barrier-free design under (1) Title III (Public Accommodations and Commercial Facilities), Subpart D (New Construction and Alteration) and Appendix A (Americans with Disabilities Act Standards for Accessible Design) (see 28 C.F.R., Part 36), and (2) Title II (Public Entities), Section 35.151 (New Construction and Alterations) (see 28 C.F.R., Part 35) both from the Americans with Disabilities Act of 1990, and (3) under the Fair Housing Amendments Act of 1988. Some of these regulations may be more stringent than state law in order to meet the federal requirement.



Per CA Gov. Code §4451(d): “Until building standards are published in the California Building Standards Code and other regulations are developed by the State Architect and adopted by the California Building Standards Commission pursuant to Section 4450, buildings, structures, sidewalks, curbs, and related facilities subject to the provisions of this chapter or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall meet or exceed the requirements of Title III of Subpart D of the federal Americans with Disabilities Act of 1990.”

109.1.1 Application. See Government Code commencing with Section 4450.

Publicly funded buildings, structures, sidewalks, curbs and related facilities shall be accessible to and usable by persons with disabilities as follows:



Not only does publicly funded mean state funds, but it also means county funds, municipal funds or the funds of any political subdivision of the state. When funds are provided by other sources and transferred to a state, county, municipality or other political subdivision of the state, the entity that collects and controls the distribution of the funds becomes the funding source, and subject to the requirements of this section.

109.1.1.1 *All buildings, structures, sidewalks, curbs and related facilities constructed in the state by the use of state, county or municipal funds, or the funds of any political subdivision of the state.*

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

109.1.1.2 *All buildings, structures and facilities that are leased, rented, contracted, sublet or hired by any municipal, county, or state division of government, or by a special district.*



Leases per se, unless alterations occur, do not directly “trigger” construction code requirements. The lessee of public accommodations should be aware that readily achievable barrier removal is an ongoing obligation under the ADA and may require physical alterations to the building or facility in compliance with the accessibility provisions in the building code. For public entities, leasing should be focused on selecting accessible sites, buildings and facilities. The Department of General Services requires newly leased facilities, and lease renewals, to be accessible by first surveying the facility for code compliance and then making necessary corrections where public programs are provided and employee common-use areas, restrooms, break rooms, parking, etc.

109.1.1.3 *All publicly funded buildings used for congregate residences or for one- or two-family dwelling unit purposes shall conform to the provisions applicable to living accommodations.*



Refer to the California Building Code, Chapter 11B, Section 1111B.5.

109.1.1.4 *All existing publicly funded buildings and facilities when alterations, structural repairs or additions are made to such buildings or facilities. For detailed requirements on existing buildings, see Chapter 11B, Division IV.*

109.1.1.5 *With respect to buildings, structures, sidewalks, curbs and related facilities not requiring a building permit, building standards published in the California Building Standards Code relating to access for persons with disabilities and other regulations adopted pursuant to Government Code Section 4450, and in effect at the time construction is commenced, shall be applicable.*



Some construction such as parking lot resurfacing, re-stripping parking stalls, sidewalk repair and cabinet installations do not always require building permits. In such cases, the code in place on the date of any construction would be the effective code for such work. Refer to 2007 CBC, Appendix Chapter 1, Section 105.2 which may be adopted by the local jurisdiction.

109.1.2 Application. *See Health and Safety Code commencing with Section 19952.*

All privately funded public accommodations, as defined and commercial facilities, as defined, shall be accessible to persons with disabilities as follow:



Reference USDOJ Technical Assistance Letter #38 Date: 04/24/92 [DOJ File #: DJ 182-06-00043] Title III of the ADA establishes specific requirements for "places of public accommodation," which are facilities whose operations affect commerce and fall into one or more of twelve specified categories including restaurants, sales or rental establishments, and service establishments. "Commercial facilities" are facilities that are intended for nonresidential use and whose operations affect commerce. Commercial facilities that do not fall into one or more of the listed categories of places of public accommodation are only subject to the requirements of Title III for new construction and alterations (subpart D of the Department's regulation implementing Title III).

In existing facilities, the requirements for readily achievable barrier removal apply to "places of public accommodation" (including common areas serving a place of public accommodation), whether or not those facilities are also included in the definition of "commercial facility." Thus, those areas of an office building that are places of public accommodation are subject to the barrier removal requirement as well as the other requirements of Title III for places of public

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE

accommodation. Areas of an office building that are not places of public accommodation are only subject to the requirements for commercial facilities.

Exception: *Certain types of privately funded multistory buildings do not require installation of an elevator to provide access above and below the first floor. See Chapter 11B.*

109.1.2.1 *Any building, structure, facility, complex, or improved area, or portions thereof, which are used by the general public.*



The term "used by the general public" is frequently misinterpreted to mean only facilities which are publicly owned. However, the term actually means facilities made available to the public, and often includes privately owned buildings and facilities.

109.1.2.2 *Any sanitary facilities which are made available for the public, clients or employees in such accommodations or facilities.*



In new construction all sanitary facilities must be accessible; refer to Section 1115B. In existing buildings, refer to Section 1134B.

109.1.2.3 *Any curb or sidewalk intended for public use that is constructed in this state with private funds.*

109.1.2.4 *All existing privately funded public accommodations when alterations, structural repairs or additions are made to such public accommodations as set forth under Chapter 11B.*



When alterations, structural repairs or additions are made to existing buildings, the provisions of this code apply to the new work and path of travel requirements found in Section 1134B.2.1 which include sanitary facilities, telephones, drinking fountains and signs serving the altered area.

109.1.3 Application—public housing and private housing available for public use. See Government Code Sections 4450 and 12955.1(d).

109.1.4 Enforcing agency.



State and local enforcement levels of government could have overlapping jurisdiction under Title 24. For accessibility, in State-funded tenant improvements to State-leased facilities, the local jurisdiction must be aware of DGS' jurisdictional authority and DSA's jurisdictional approvals necessary for State-funded construction. See commentary, Section 109.1.4.1.

109.1.4.1 *The director of the Department of General Services where state funds are utilized for any project or where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.*



CA Gov. Code §4453(a) vests enforcement authority to the Director of the Department of General Services (generally delegated to the Division of the State Architect) where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary, secondary, or community college projects.

109.1.4.2 *The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.*

ACADEMY TRAINING MANUAL – ACCESS COMPLIANCE



CA Gov. Code §4453(b) vests enforcement authority to the governing bodies thereof when funds of counties, municipalities or other political subdivisions are utilized.

109.1.4.3 *The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized. “Building department” means the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.*

109.1.5 *Special conditions for persons with disabilities requiring appeals action ratification. Whenever reference is made in these regulations to this section, the findings and determinations required to be rendered by the local enforcing agency shall be subject to ratification through an appeals process.*



California statutes and the CBSC regulations allow Equivalent Facilitation for public accommodations or facilities built with private funds whenever a determination of Unreasonable Hardship is granted by the local enforcing agency or building department. (Reference CA H&S C. §19957)

When buildings and facilities are constructed with state, county or municipal funds, or the funds of any political subdivision of the state, administrative authorities may grant exceptions from the literal requirements of the building standards only when it is clearly evident that equivalent facilitation and protection that meets or exceeds the requirements under federal law are secured. (Reference CA Gov. C. §4451(f))

California Health and Safety Code §19957.5 provides that every city, county, or city and county may appoint a local appeals board to hear written appeals regarding the action taken by the building department.

109.1.6 *Authority cited. Government Code Section 4450.*

109.1.7 *Reference cited. Government Code Sections 4450 through 4461, 12955.1(d) and Health and Safety Code Sections 18949.1, 19952 through 19959.*