

DSA Access Compliance Code Appeals

DSA — 2011 CALIFORNIA ACCESS COMPLIANCE REFERENCE MANUAL CODE APPEALS

Introduction

Section 6 – Code Appeals: When accessibility code interpretation or code application disagreements occur in DSA's regional offices, a Code Appeal Process (CAP) is available. CAP (formerly RIP) is a formal method to resolve project-specific disputes by the issuance of official interpretations by DSA. This section contains selected DSA code appeal determinations.

DSA Access Compliance Code Appeals

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DSA INTERPRETATION

The Rapid Interpretation Process (RIP) provides technical support to the Division of the State Architect's (DSA) four regional offices by processing official interpretations for the California Building Code (CBC) or other applicable standards, laws, or regulations. The process is intended to provide accurate, effective, and timely dispute resolution assistance by issuing project specific interpretations of regulations enforced by the DSA. Interpretations are developed utilizing a discipline specific interpretation committee, and the interpretations rendered by the committee represent the official position of DSA.

Interpretation Number: 6-06 DSA/AC
Subject: Multistory Fitness Center
DSA Application Number:
Code Edition: 2001 CBC
Issue Date: 10-13-2006

QUESTION:

Does the installation of the exterior elevator, as shown in this design, comply with provisions of CBC 1114B.1.2 which indicate that the accessible route shall, to the maximum extent feasible, coincide with the route for the general public?

RESPONSE:

For the newly constructed multistory fitness center (Building 24), the installation of the exterior elevator, as shown in this design, does not comply with the provisions of CBC 1114B.1.2.

The accessible route does not coincide with the route for the general public, to the maximum extent feasible. If an interior route for the general public is provided, then an interior route accessible to persons with disabilities shall also be provided.

BACKGROUND:

DSA application numbers 01-106990 & 01-106898 are for two projects at the XXXXX College located in XXXXX, California. The first project (XX-XXXXXX) is the construction of a new 2 story fitness center (identified as Building 24), containing less than 10,000 square feet per floor. The second project (XX-XXXXXX) is the construction of a track and field, bleachers, softball field, field lighting, portables, a concession building, modernization of a two story gymnasium, and an exterior elevator. The combined construction costs for both projects total approximately 7.5 million dollars. The DSA regional office previously approved both projects, and is now questioning whether the XX-XXXXXX project (Building 24 fitness center) complies with the

California Building Code. The new two story fitness center (Building 24) contains an interior stair located approximately in the center of the building connecting the first and second stories.

An accessible route is provided to both stories via a new freestanding exterior elevator located in a courtyard adjacent to the existing gymnasium (identified as Building 22), utilizing a series of exterior walks and exterior elevated walkways to connect to the fitness center. The elevator appears to provide an accessible route connecting both stories of the gymnasium, serves to provide an accessible route to the new athletic fields which are approximately at the same level as the second story of both buildings, and also provides an accessible route connecting both stories of the fitness center (Building 24).

Upon the DSA regional office's determination that the design of the accessible routes for Building 24 did not meet the minimum building code requirement, the college retained the services of XXXXX XXXXX XXXXX, Inc. to complete an independent review of the disputed accessibility issues. XXXXX XXXXX XXXXX, Inc. provides compliance services for businesses and public entities to enhance or achieve compliance with the Americans with Disabilities Act and related legislation.

The DSA regional office asserts non-compliance with CBC Section 1114B.1.2, which requires the accessible route to coincide with the route for the general public, to the maximum extent feasible. The basis for this determination is that the new two story fitness center (Building 24) contains an interior circulation stair connecting both stories; however, the accessible route requires the occupant to leave the building, travel to a separate outside structure, take an elevator, travel back to the building, and then re-enter it. The route the general public can take at the centrally located interior stairs, to travel from one story to the other, is approximately 25 feet. The accessible route to travel to these same points utilizes exterior walks, the exterior elevator, and exterior elevated walkways appear to exceed 300 feet.

The applicant relies on an independent opinion issued by XXXXX XXXXX XXXXX, Inc. dated September 5, 2006 to support their position that this design is compliant. The opinion indicates several points as follows:

- (1) The use of the exterior elevator provides greater accessibility for the physical education programs, when viewed in their entirety,
- (2) The elevator will provide the most direct route.
- (3) Stairs are not to be considered in a discussion of comparability.
- (4) The route for the general public does coincide with the route of the exterior elevator, in that the exterior elevator is the route for the general public, both with and without disabilities.
- (5) The exterior elevator provides the most direct route between adjacent buildings and programs.
- (6) The floor area of the fitness center (Building 24) is less than 10,000 square feet, and therefore does not have to comply with the maximum distance of 200 feet from circulation stairs to an accessible elevator (CBC 1003B.1).

ANALYSIS:

CBC Section 1114B.1.2 indicates the accessible route shall, to the maximum extent feasible, coincide with the route for the general public. The ordinary dictionary meaning of *coincide* is *to*

occupy the same place in space; to occur at the same time or occupy the same period of time; to be identical or correspond in nature, character or function.

Regarding XXXXX XXXXX XXXXX, Inc. point (1), DSA agrees that the installation of the exterior elevator provides greater accessibility for certain physical education programs; however, there is no challenge or assertion of non-compliance related to the installation of this elevator.

Regarding XXXXX XXXXX XXXXX, Inc. point (2), DSA agrees that the elevator will provide the most direct route for some areas, but disagrees that it provides the most direct route for Building 24 (the newly constructed two story fitness center).

Regarding XXXXX XXXXX XXXXX, Inc. point (3), DSA disagrees that the interior circulation route (stairs) are not to be considered in an examination of comparability when assessing whether the accessible route, to the maximum extent feasible, coincides with the route for the general public.

Regarding XXXXX XXXXX XXXXX, Inc. point (4), DSA disagrees that the exterior elevator is the route for the general public for Building 24 when establishing coincidence for accessible routes. The accessible route of the exterior elevator does not coincide with the interior circulation stairs connecting stories for the general public, to the maximum extent feasible.

Regarding XXXXX XXXXX XXXXX, Inc. point (5), DSA disagrees that the exterior elevator provides the most direct route between adjacent buildings and program(s) insofar as the new construction of the multistory fitness center (Building 24), and the program(s) contained within it, when considering the coinciding standard for routing.

Regarding XXXXX XXXXX XXXXX, Inc. point (6) DSA would like to point out the intent of CBC 1003B.1 with regard to elevator or ramp placement. CBC 1003B.1 contains a provision limiting the travel distance from each stair to each elevator (or ramp) to 200 feet maximum for buildings having floors with over 10,000 square feet. Although it can certainly be applied to buildings that have only one stair, the primary reason for this code change that appeared in the 2001 CBC is to address *larger* buildings that have multiple interior stairs that are used for general circulation, and to specifically address when more than one accessible elevator shall be installed by indicating a maximum distance relationship of elevator locations to stair locations in these larger buildings. The effect of this code change does not necessarily trump the requirement that accessible routes shall, to the maximum extent feasible, coincide with the route for the general public in buildings that are 10,000 square feet or less. In fact, one could easily assert that since a 200 foot limit is for buildings of over 10,000 square feet per floor, then something actually less than 200 feet would be appropriate in smaller buildings. In other words, it could simply be considered more feasible for the distance between routes to coincide *more* closely in small buildings, than in large buildings, however the code provides no specificity in this regard.

Nevertheless, the point to be made here is that the concept of the accessible route *coinciding with the route for the general public* does not necessarily mean the *distance* to be traveled is the only consideration. As the definition cited above indicates, *coincide* also means to *correspond in nature, character or function*. Therefore, it could be said that distance, character, and function either considered together or separately is what generally establishes coincidence, and the further that the two routes begin to depart from one another, insofar as these three basic meanings, the more difficult it is to concur that this performance standard has been met.

In this particular case, the general public merely walks up a centrally located open 25 foot long interior stair. However, persons with disabilities actually have to leave the building, travel to a separate outside structure, take an elevator, travel back to the building, and then re-enter it. This point forms the basis for our conclusion.

It is already established that elements such as ramps and elevators or other circulation devices shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps or stairs may have to travel compared to the general public. In lending further support to this decision we look to the United States of America v. Penn's Landing Partners and Brennan Beer Gorman¹ in the United States District Court for the Eastern District of Pennsylvania. In Civil Action 02-7463, within the Consent Order and Final Judgment, it is clear that the route for the general public is, in fact, considered the non-accessible route. When non-accessible routes exist (such as stairs), that is the route used in establishing whether the accessible route coincides with the route for the general public. In the Exhibit 1 Violations List the following items are noted (emphasis added):

Access to the Terrace from the Restaurant.

11. [(a)] *The restaurant has **direct access to the terrace (with dining tables) via a flight of interior stairs. The accessible route does not coincide with the route for the general public. Individuals who are unable to negotiate the stairs must leave the restaurant to access the terrace** via an exterior ramp at the front of the hotel. Standard section 4.1.3(1), in conjunction with standard Sections 4.3.1 and 4.3, requires that "the accessible route shall, to the maximum extent feasible; coincide with the route for the general public." The restaurant cannot have sunken seating sections without an accessible route to them. (Standard 5.4)*

(b) *Boardwalk to Main Hotel and Restaurant Front Entries on Dock St. - **The accessible route from the public sidewalk (Boardwalk) to the Restaurant entry does not coincide with the more direct stair route the general public can take** from the Boardwalk. The accessible route requires wheelchair users arriving from the northern approach to the Boardwalk to use a lengthy route of Boardwalk, switchback ramp and walkway that is far longer than the direct route via stairs that the public can use. The general public can use the stairs to the north of the switchback ramp to the main entry level. (Standard 4.3.2)*

(c) *Boardwalk to Restaurant Terrace - **There is no accessible route via ramp or elevator between the Terrace and the Boardwalk. The obvious route for the general public between the Terrace and Boardwalk (5'-8" level change) is the stairs** located in the middle of the length of the Terrace. The route does not coincide to the maximum extent possible with the route the general public can take from the Boardwalk. (Standard 4.3.2)*

(d) *Boardwalk from the Garage - **The route does not coincide to the maximum extent feasible with the route the general public can take from the Garage to the Boardwalk. (Standard 4.3.2) The general public using the garage can exit the garage directly to the Boardwalk as pedestrians from either the first floor or basement floor via one flight of stairs** down or up respectively. Additionally, there are no accessible exits from the Garage nor an accessible route to an exit. (Standard 4.1.3(8)(ii) and 4.6.3) Accessible pairs of parking stalls are located adjacent to the elevators on the Basement floor and floors 2-5. The*

first floor accessible stalls are located adjacent to the opposite (north) end vehicular entry to the garage (Walnut St.) Disabled customers going to the Boardwalk from accessible stalls would have to traverse the full length of the sloped garage, and exit via the sloped vehicular exit lane. A vehicular lane is not an accessible route, except at a crosswalk.

*(e) Access from public transportation - Columbus St. sidewalk to Dock St Front Entry - **The accessible route from the sidewalk and public transportation to the entry does not coincide to the maximum extent feasible with the route the general public can take. (Standard 4.3.2) The accessible route shown from the sidewalk on Columbus St. requires wheelchair users to go around the south, east, and half the north sides of the courtyard driveway, rather than the more direct route from the sidewalk on the north side of the courtyard. The north side from the sidewalk appears to be a non-compliant ramp slope (but not designed as a ramp with handrails), and the walk lacks curb ramps enabling a wheelchair user to cross the valet driveway opening.***

In citing this case within *Enforcing the ADA: A Status Report from the Department of Justice*², July–September 2002, the Department of Justice indicated that the U.S. Attorney for the Eastern District of Pennsylvania negotiated a consent decree with Penn's Landing Partners, the owner and developer of the Hyatt Regency Hotel at Penn's Landing in Philadelphia, and the architectural firm of Brennan Beer Gorman that resolves violations of the ADA's requirements for new construction. Similar to the circumstances being considered for this interpretation, the violations were identified in a compliance review while the hotel was under construction. Among the design changes agreed to by the parties were, among others, the following:

- The accessible route from the terrace to the restaurant **would approximate in length and convenience the route provided by steps to the general public;**
- To the extent feasible, accessible routes between various elements of the hotel and the adjacent public ways, including the promenade along the river, would coincide with those for the general public, and there would be improved accessibility in employee work areas;

In addition, the developer paid a civil penalty of \$15,000 and Brennan Beer Gorman, the architectural firm, paid a civil penalty of \$25,000. Further, Brennan has agreed to provide additional ADA training to its architects specializing in hotel design.

¹<http://www.usdoj.gov/crt/ada/pennland.htm>

²<http://www.usdoj.gov/crt/ada/julsep02.htm>

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DSA INTERPRETATION

The Rapid Interpretation Process (RIP) provides technical support to the Division of the State Architect's (DSA) four regional offices by processing official interpretations for the California Building Code (CBC) or other applicable standards, laws, or regulations. The process is intended to provide accurate, effective, and timely dispute resolution assistance by issuing project specific interpretations of regulations enforced by the DSA. Interpretations are developed utilizing a discipline specific interpretation committee, and the interpretations rendered by the committee represent the official position of DSA.

Interpretation Number: 7-06 DSA/AC

Subject: New High School Press Box

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 10-23-2006

QUESTION:

Is an accessible route required to a one story elevated press box that is less than 500 square feet in size?

RESPONSE:

Yes, an accessible route is required to a one story elevated press box that is less than 500 square feet in size.

BACKGROUND:

DSA application number XX-XXXXXX is for a new high school in XXXXX, California that includes bleachers with an elevated press box at a football/soccer field. The applicant wishes to utilize an exception contained in the *updated* ADA Accessibility Guidelines for Buildings and Facilities (ADAAG, 2004) which provides specific exception to the accessible route requirement for certain press boxes located in bleachers.

ANALYSIS:

In July 2004, the US Access Board completed a comprehensive *update* of ADAAG, along with an update of its guidelines for federally funded facilities covered by the Architectural Barriers Act (ABA). These new guidelines will *eventually* serve as the basis for updated standards that will be used to enforce the design requirements of the ADA and the ABA once they are adopted. However, they have not yet been adopted and until they are, the original ADA standards remain in effect.

Even when the updated ADAAG standards are adopted, any provisions providing exception to accessibility requirements would also have to be adopted by the California Building Standards Commission in order for them to be effective in California.

Currently, the CBC exceptions for accessibility are contained in CBC 1103B.1 & 1123B.2. These two sections provide accessibility exceptions for floors or portions of floors not customarily occupied, including, but not limited to, non-occupiable or employee spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways or freight (non-passenger) elevators, and frequented only by service personnel for repair or maintenance purposes; such spaces as elevator pits and elevator penthouses, piping and equipment catwalks, machinery rooms, in addition to observation galleries used primarily for security purposes. A school press box serving an athletic field for a public school does not qualify for any of the exceptions stated above. CBC 1133B.1.1.1.1 indicates that all entrances to buildings and facilities shall be made accessible to persons with disabilities. The CBC does not provide a waiver for this requirement in new construction.

Since this facility is not a multistory building, an elevator or ramp is not necessarily required, however an accessible route is. As indicated in CBC 1116B.2.3, a platform wheelchair lift may be provided as part of an accessible route to provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five persons. A press box of less than 250 square feet could be considered incidentally occupied, that is, it is generally only occupied during sporting events, and that due to its small size, it could be considered to house no more than 5 persons. Therefore, a ramp, elevator, platform wheelchair lift, or any combination thereof, could be utilized to provide an accessible route. Further, since the project may qualify for the use of a platform wheelchair lift, it would be possible to consider a *limited use elevator* as an alternative to a platform wheelchair lift.

Further, under Title II of the ADA, public entities must ensure that all newly constructed buildings and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities. Public entities may choose between two technical standards for accessible design: The current Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act, or the current Americans with Disability Act Accessibility Guidelines, adopted by the Department of Justice for places of public accommodation and commercial facilities covered by title III of the ADA. However, it should be acknowledged that the elevator exemption allowed for small multistory buildings under the current ADAAG, does not apply to public entities covered by Title II.

In lending further support to this decision, we look to a letter¹ sent to a member of the United States House of Representatives from the United States Department of Justice, Civil Rights Division. The letter directly discusses the construction of a press box constructed for a public high school, and in relation to compliance with the ADA, indicates the following: "...we infer that his school has chosen to design a traditional press box that is located above the viewing stands with an entrance well-above ground level. This design choice is permitted by the ADA, but it is not compelled by it." If the "school wants to comply with the ADA, but to avoid the cost of an elevator, the school should explore alternative press box designs." The letter is repeated below.

¹<http://www.usdoj.gov/crt/foia/tal769.htm>

August 5, 1998

The Honorable Gil Gutknecht
Member, U.S. House of Representatives
1530 Greenview Drive, SW
Suite 108
Rochester, Minnesota 55902

Dear Congressman Gutknecht:

I am responding to your inquiry on behalf of your constituent, xxxxxx, who wrote to you concerning the accessibility requirements applicable to a high school stadium press box.

The Federal law that applies to this situation is the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination on the basis of disability by public entities, including public school systems. The Federal regulations implementing the ADA, which took effect on January 26, 1992, require all new construction to be readily accessible to, and usable by, people with disabilities. A public school system may meet this requirement by complying with either the ADA Standards for Accessible Design, 28 C.F.R. pt. 36, App. A, or the Uniform Federal Accessibility Standards, 41 C.F.R. pt. 101-19.6. In addition to this Federal requirement, most State building codes now contain accessibility requirements that are similar to those implemented by the ADA. Because Mr. xxxxxx letter specifically mentions a law that became effective in January 1996, we infer that the action affecting him was initiated under the State building code.

The ADA does not contain provisions that specifically address the construction of "press boxes." The ADA merely requires that all new construction by covered entities must comply with the applicable requirements of the regulations. In general, these requirements would include an accessible route to an accessible facility and an accessible entrance. In a multi-story facility, an accessible means of vertical access must be provided to connect all levels. Although an elevator is the most common means of providing vertical access, ramps and (in certain-limited circumstances) platform lifts may also be used. See, § 4.1.3.(5), Exception 4, of the enclosed ADA Standards. If the press box is not part of a multi-story facility, a ramp may be used to provide access to the entrance. The ADA does not provide for a waiver of these new construction requirements.

Mr. xxxxxx did not describe the press box in his letter to you, but, because he specifically complained that he is being required to install an elevator to provide access, we infer that his school has chosen to design a traditional press box that is located above the viewing stands with an entrance well-above ground level. **This design choice is permitted by the ADA, but it is not compelled by it. Therefore, if Mr. xxxxxx school wants to comply with the ADA, but to avoid the cost of an elevator, the school should explore alternative press box designs.**

Mr. xxxxxx should also note that the ADA does not preempt the authority of the State of Minnesota to impose more stringent requirements on construction through its building code process. The interpretation and application of the State's accessibility code is a matter that Mr. xxxxxx must resolve with State code officials.

For your information, we note that the ADA Standards are based on the ADA Accessibility Guidelines (ADAAG) developed by the United States Architectural and Transportation Barriers Compliance Board (Access Board). The Access Board is now engaged in a total review of these accessibility guidelines. The Access Board anticipates that the revised guidelines should be published as a proposed rule before the end of this year.

If Mr. xxxxxx wants to address this issue with the Access Board, he may write to:

Thurman M. Davis, Chair
U.S. Architectural and Transportation
Barriers Compliance Board
1331 F Street, N.W.
Washington, DC 20004-1111

Copies of the Department's regulations implementing title II and title III of the ADA are enclosed for your reference. The ADA Standards for Accessible Design are published as Appendix A to the title III regulation.

I hope that this information is helpful to you in responding to your constituent.

Sincerely,

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division

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DSA INTERPRETATION

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Interpretation Number: 8-06 DSA/AC

Subject: Sanitary Facilities in Alterations Projects

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 11-1-2006

QUESTION :

1. When evaluating an alteration to an existing site that may have several accessible and non-accessible sanitary facilities, what is considered to be a reasonable distance per CBC 1115B, Exception, Item 1?
2. Does DSA have the authority to make this determination?

RESPONSE 1:

1. The building code does not provide a specific distance in determining what is or is not a reasonable distance. Therefore it is an interpretational issue to be determined by DSA on a case-by-case basis, depending on the various circumstances related to the project.
2. Yes, DSA has the authority to make this determination.

BACKGROUND:

DSA application number XX-XXXXXX & XX-XXXXXX is for the placement of new relocatable buildings at two existing high schools. The applicant objects to DSA's determination that the accessible sanitary facilities are not within a reasonable distance of the non-accessible sanitary facilities.

Further, the applicant contends several points as follows:

- (1) The regional office's determination is not consistent with CBC Section 1115B.2
- (2) The language in the code does not specifically specify a standard for *close proximity*, and therefore the distance should be consistent with other sections of the building code.
- (3) The potential cost mitigation to comply with an arbitrary standard is prohibitive.
- (4) Proximity should be appropriate to the site itself.

ANALYSIS:**Regarding the applicant's point (1), DSA believes that the determination is not relevant to CBC Section 1115B.2.**

CBC 1115B.2 indicates that where separate facilities are provided for persons without disabilities of each sex, separate facilities shall be provided for persons with disabilities of each sex also. Where unisex facilities are provided for persons without disabilities, at least one unisex facility shall be provided for persons with disabilities within close proximity to the non-accessible facility.

The first part of CBC 1115B.2 is addressing where separate facilities for each sex are provided, and extends this same for provision for persons with disabilities. This is generally intended to prevent the construction of non-accessible gender separated restrooms with an accessible unisex restroom. It is not to be construed to allow the construction of non-accessible sanitary facilities. The second part of 1115B.2 is addressing where unisex restrooms are provided, and extends this same for provision, in close proximity, for persons with disabilities.

In simple terms, this section is indicating that when you provide separate facilities, provide separate accessible facilities; and when you provide unisex facilities, provide accessible unisex facilities in close proximity.

DSA does not believe that 1115B.2 is relevant to the question. For the issue under consideration, it is more appropriate to look toward CBC 1115B.1 rather than reviewing this under 1115B.2, which is a section that mainly provides the standard for equitable separated and equitable unisex sanitary facilities, when they are provided. Since this issue does not concern gender separation or unisex provisions, for the purposes of this interpretation, the applicable standard for review will be CBC 1115B.1, and employ the use of the term reasonable distance.

CBC 1115B.1 indicates that sanitary facilities that serve buildings, facilities or portions of buildings or facilities that are required by the standards to be accessible to persons with disabilities, shall conform to certain requirements. The exception to this section indicates that in existing buildings or facilities, when the *enforcing agency* determines that compliance with any building standard under this section would create an unreasonable hardship, an exception to such standard shall be granted when equivalent facilitation is provided.

When equivalent facilitation is used, *all sanitary facilities are not required to comply with the building standards when the enforcing agency determines that sanitary facilities are accessible to and usable by persons with disabilities within a reasonable distance of accessible areas.*

Section 1115B.1 directly relates to the issue under consideration, in that it establishes a clear performance obligation in order to ensure that reasonable distances to sanitary facilities are provided. In this case, this section contemplates conditions where multiple existing sanitary facility locations are contained within an existing building or facility, and under a determination of an unreasonable hardship, allows an exception to the requirement of upgrading all the (multiple) sanitary facilities, provided the reasonable distance standard is maintained.

When taken in concert with CBC Section 1114B.1.2, which requires accessible routes of travel to coincide with the routes provided for the general public, the obligation becomes easier to understand, and therefore easier to interpret.

Regarding the applicant's point (2), DSA agrees that the language in the code does not specifically specify a standard for *reasonable distance*. DSA agrees that it is the school district that is legally responsible for accessibility compliance. DSA disagrees that the interpretation of the term *reasonable distance* solely rests with the school district merely because a specific distance is not indicated. DSA disagrees that the *reasonable distance* should be consistent with (compared to) other sections of the code, such as half the distance of the school property (similar to exit separation in CBC Chapter 10).

Pursuant to Government Code 4453(a), DSA is the entity that has enforcement authority over this project to ensure compliance with the regulations contained in Title 24, California Code of Regulations.

Pursuant to Education Code 17308(d), DSA has the authority to render interpretations of the regulations it is charged to enforce, for those projects under its jurisdictional authority as indicated in Government Code Section 4454(a), typically California public schools and any project utilizing state funding.

Pursuant to Government Code 4454(a), DSA must issue written approval stating that the plans and specifications for the project comply with the applicable regulations, and contained within those regulations is the performance standard for *reasonable distance* for persons with disabilities. The fact that a performance standard is not necessarily prescriptive is no reason to shift the determination of compliance with that performance standard away from the entity that has the legal authority to make such a determination. In this case, a determination by the DSA regional office has been made that this performance standard has not been met.

Regarding the assertion that *reasonable distance* could be considered half the distance between opposite corners of the school property, DSA believes that concept to be arbitrary, unrelated, and in a majority of cases would actually result in a violation of the building code, especially at larger school sites. The more appropriate measure of what a *reasonable distance* is would be to incorporate into the analysis guidance which is already contained in the accessibility standards in the state building code, and additionally, under similar standards contained in federal law.

That guidance is the routing standard taken from current federal regulation and subsequently incorporated into CBC Section 1114B.2.1. This routing standard serves to form a substantial basis for equal opportunity and equal benefit, two of the fundamentals concepts in designing buildings and facilities for persons with disabilities.

CBC Section 1114B.1.2 indicates the accessible route shall, to the maximum extent feasible, coincide with the route for the general public. The ordinary dictionary meaning of *coincide* is *to*

occupy the same place in space; to occur at the same time or occupy the same period of time; to be identical or correspond in nature, character or function.

Therefore interpreting *reasonable distance* must incorporate a comparison between the route provided for the general public, and the route provided for persons with disabilities. If these two routes are one in the same, a comparison is not needed. However, the point to be made here is that the concept of the accessible route *coinciding with the route for the general public* means the *distance* to be traveled is only one of the considerations. As the definition cited above indicates, *coincide* also means to *correspond in nature, character or function*. Therefore, it could be said that distance, character, and function either considered together or separately is what generally establishes the level of coincidence; the further that the two routes begin to depart from one another, insofar as these three basic criteria, the more difficult it is to concur that this performance standard has been met.

Regarding the applicant's point (3), DSA disagrees that the potential cost mitigation to comply with an arbitrary standard is prohibitive.

First, DSA does not consider *reasonable distance* to be an arbitrary standard. As previously indicated, it is considered to be a performance standard to be applied on a case-by-case basis depending on the particular circumstances related to the project. This same standard is also enforced under federal law by the United States Department of Justice.

Second, in these two cases, both projects are well under the disproportionate cost level of CBC 1134B.2.1 Exception 1. Therefore, any expenditure for accessibility would be limited to 20% maximum of the project's cost excluding the accessible upgrades. In these cases, since each project has a construction budget of \$50,000, the maximum required expenditure for accessibility, if needed, would be \$10,000 for each.

Regarding the applicant's point (4), DSA disagrees that the reasonable distance should be appropriate to the site itself. The distance a high school student can travel verses a first grade student is significantly different.

Reasonable distance is not contingent on only site specific issues, or is particular age ranges a sole consideration. Although once a reasonable distance is attained, it would be at the designer's discretion to provide a *more* reasonable distance based on the perceived needs of a particular age group. In other words, when the use of school facilities is analyzed, it is students, teachers, parents and grandparents that will typically use the facilities.

While many considerations could be taken into account, DSA would certainly review any documentation submitted which supports a reasonable distance determination.

In conclusion, for alterations to an existing school site where multiple sanitary facilities are located, when choosing which sanitary facilities to upgrade for accessibility, the main considerations to be taken into account are:

1. Which sanitary facilities serve the area(s) of alteration?
2. Does the route(s) for the general public to sanitary facilities coincide with the route(s) for persons with disabilities?
3. Considering the items above, is the distance reasonable?

For the specific projects under consideration, if the general public can access sanitary facilities, however persons with disabilities must travel 700 feet farther (round trip) to obtain the same accommodation, the questions to be asked are:

1. Is it proper to consider those sanitary facilities as serving the area of alteration (CBC 1134B.2)? In other words, would the general public tend to travel the 700 foot extra distance or would they choose the facilities that are 700 feet (round trip) closer? Keeping in mind that it's the sanitary facilities that serve the area of alteration which are the ones that are required to be upgraded.
2. Does the route for the general public coincide with the route for persons with disabilities (CBC 1114B.1)?
3. In making the decision to choose which sanitary facilities to upgrade for accessibility, is the distance to accessible sanitary facilities considered reasonable (CBC 1115B.1)?

In this case, and in consideration of the 3 questions above, our decision is to let the determination made by the DSA regional office stand.

Approved for distribution.

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Interpretation Number: 1-07 DSA/AC

Subject: Alterations: Hardwood Floor & Concrete Walkways

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 2-05-2007

QUESTION :

1. Is the removal and replacement of the entire existing hardwood floor in a multi-purpose assembly occupancy considered to be an alteration for the purposes of applying California Building Code (CBC) 1134B.2? Is such work considered to be cosmetic for the purposes of applying CBC 1134B.2.1, Exception 4?

2. Is the removal and replacement of exterior concrete walkways considered to be an alteration for the purposes of applying CBC 1134B.2? Is such work considered to be cosmetic for the purposes of applying CBC 1134B.2.1, Exception 4?

RESPONSE:

1. Yes, the removal and replacement of the entire existing hardwood floor in a multi-purpose assembly occupancy is considered an alteration for the purposes of applying CBC 1134B.2.1. Such work is not considered to be cosmetic for the purposes of applying CBC 1134B.2.1, Exception 4.

2. Yes, the removal and replacement of exterior concrete walkways is considered to be an alteration for the purposes of applying CBC 1134B.2.1. Such work is not considered to be cosmetic for the purposes of applying CBC 1134B.2.1, Exception 4.

BACKGROUND:

DSA application number XX-XXXXXX is for the removal and replacement of the entire existing hardwood floor (approximately 2,600 S.F.) in a multi-purpose assembly occupancy, exclusive of the stage. Additionally, the removal and replacement of over 4,000 S.F. of exterior concrete walkways is proposed.

The applicant indicates that the project is cosmetic work that is exempt from triggering accessibility upgrades based on CBC 1134B.2.1 Exception 4. Further, the project just replaces a rain damaged floor and corrects inadequate drainage at the exterior walkways.

ANALYSIS:CBC Section 202 Alterations

CBC Section 202 indicates that an alteration is *any change, addition or modification in construction...*

CBC Sections 1134B.2 & 1134B.2.1, Exception 4

CBC Section 1134B.2 applies to renovation, structural repair, alteration and additions to existing buildings and facilities. It identifies the minimum standards for removing architectural barriers and providing and maintaining accessibility to existing buildings and their related facilities. CBC Section 1134B.2.1 requires that all existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all the provisions for new buildings except that these requirements shall apply only to the area of specific alteration, structural repair or addition. In addition, a primary entrance to the building or facility, the primary path of travel to the specific area of alteration, sanitary facilities, drinking fountains, signs and public telephones serving the area must also comply with all the provisions for new buildings.

CBC Section 1134B.2.1, Exception 4 provides an exception to the above requirements. In order to qualify for the exception, projects must consist of heating, ventilation, air conditioning, re-roofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by the code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals, office equipment, etc. In general, the code does not consider this type of work to be alterations for the purposes of applying the accessibility requirements of CBC 1134B.2.1. Therefore, projects qualifying for the exception can proceed without activating new building compliance for the primary entrance to the building or facility, the primary path of travel to the specific area of alteration, sanitary facilities, drinking fountains, signs and public telephones serving the area.

The removal and replacement of existing hardwood floor:

The ordinary dictionary meaning of *cosmetic* is decorative rather than functional, ornamental, beautifying, done for the sake of appearance, and serving an aesthetic rather than a useful purpose.

A hardwood floor in a multi-purpose facility is a functional and constructed floor that is a horizontal interior component of the architecture of the building. Since the cosmetic element of a hardwood floor is its finish, a recoating (or refinishing) could be considered cosmetic work,

however its entire removal and replacement is not. This would be much more comparable to the example of *cosmetic* indicated in the code at CBC 1134B.2.1 Exception 4, which is *painting*.

In a quite similar but vertical scenario, utilizing the code example of *painting* as to what is considered *cosmetic*, the removal and replacement of wallboard is not considered to be cosmetic work, however the painting of it is. Since a similar example could be applied to floors, quite similar conclusions can be derived.

Therefore, the removal and replacement of a hardwood floor is a change in construction as defined in CBC Section 202 Alteration, and such replacement is not considered to be cosmetic work per CBC 1134B.2.1 Exception 4.

The removal and replacement of exterior concrete walkways:

For very similar reasons given above, exterior concrete walkways are a functional and constructed component of the architecture of the site. Exterior concrete walkways are not decorative rather than functional, and do not serve only an aesthetic rather than a useful purpose.

Therefore, the removal and replacement of exterior concrete walkways are a change in construction as defined in Section CBC 202 Alteration, and such replacement is not considered to be cosmetic work per CBC 1134B.2.1 Exception 4.

In conclusion, it should be noted that the regulations for alterations to existing buildings do not focus on why the alterations are occurring, but rather whether they are occurring or not. The presumption appears to be that since existing constructed elements are simply being removed and replaced with new materials under the pretext of maintenance or repair, that they are then exempt from triggering accessibility upgrades. However, such reasoning is not supported by what is defined in regulation as an alteration, which is *any change or modification in construction*.

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Interpretation Number: 2-07 DSA/AC

Subject: School Modernization: Children's Heights

DSA Application Number:

Code Edition: 1998 CBC

Issue Date: 2-08-2007

QUESTION:

1. In a kindergarten toilet room renovation, is the installation of a new 12" high toilet centered 18" from the wall a violation of the 1998 California Building Code?

RESPONSE:

No. In a kindergarten toilet room renovation, the installation of a new 12" high toilet centered 18" from the wall is not a violation of the 1998 California Building Code.

BACKGROUND:

DSA application number XX-XXXXXX includes kindergarten toilet room renovations which are now complete. The issue under consideration is the utilization of *suggested* alternate heights for children. In this case, a 12" high toilet seat was installed based on the fact that the primary users are small children (standard seat height is 17" to 19"); however the distance from the wall to the centerline of the toilet utilizes the standard dimension of 18" instead of the suggested 12" for children.

ANALYSIS:

1998 CBC Table 1115B-1

1998 CBC Table 1115B-1 contains alternate dimensions suggested for children. For kindergarten, the code suggests 12" for the toilet seat height, and 12" for toilet centering from the wall. It is important to note that the code required a determination of *unreasonable hardship*

in order to allow the 12" centering from the wall, however no determination of unreasonable hardship was required for a 12" seat height.

Here we have a design where the architect chose to provide a reduced toilet seat height based on the reduced stature of kindergarten children clearly allowed by code, and chose not to request a determination of *unreasonable hardship* for the toilet centering from the wall.

Standard dimensions could have been selected for these kindergarten toilet rooms at the architect's discretion, and standard dimensions would have complied with the building code. The 1998 CBC requirement for an *unreasonable hardship* request and determination for the toilet's 12" centering is persuasive, in that it lends reason why a design professional would have elected to not pursue such a request. This is coupled with the fact that the code doesn't indicate that all suggested dimensions for a particular fixture must be used in a consistent manner. The use of the word *suggested* in CBC Table 1115B-1 and 1115B.3 indicates something that is desirable, rather than mandatory.

The decision to reduce the seat height for children did not then cause the standard toilet centering from the wall of 18" to become a building code violation under the 1998 CBC.

While this project was approved under the 1998 CBC, it should be noted that the unreasonable hardship requirement was removed for the 2001 CBC as it pertained to toilet centering in the alternate dimensions suggested for children indicated at CBC Table 1115B-1.

While not an explicit mandatory code requirement, good design practice would certainly dictate that we remain consistent as we select the various alternate dimensions that apply to children. In other words, it is highly recommended that (1) the specifications chosen correspond to the age group of the primary user group and that (2) all the specifications of one age group should be applied consistently in the design and installation of water closets and other related elements to which alternate children's dimensions apply.

Since under the current 2001 CBC, unreasonable hardships are no longer required for any alternate dimensions suggested for children, in new construction, designers *should* provide this consistency since an opportunity to provide such consistency in design is quite easily achieved, though it is not necessarily required by the building code.

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Interpretation Number: 6-07 DSA/AC

Subject: Alterations: Removal of Roof Lights & Replacement of Skylights

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 5-03-2007

QUESTION :

Does the removal of monitor-type roof lights and the installation of new translucent skylight panels in their place, along with associated roofing and structural elements in the MP Building constitute an alteration per CBC 1134B.2.1?

RESPONSE:

The removal of monitor-type roof lights (structure and windows) and the installation of new translucent roof panels in their place, with associated structural work constitutes an alteration per CBC 1134B.2.1.

Reroofing is not considered to be an alteration per CBC 1134B.2.1, Exception 4.

ANALYSIS:

CBC Section 1134B.1 indicates the provisions apply to renovation, structural repair, alteration and additions to existing buildings.

CBC Sections 1134B.2 and 1134B.2.1 indicate that all existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all provisions of Division I, New Buildings, except as modified by this division. These requirements shall apply only to the area of specific alteration, structural repair or addition and shall include a primary entrance to the building or facility and the primary path of travel to the

specific area of alteration, structural repair or addition, and sanitary facilities, drinking fountains, signs and public telephones serving the area.

CBC Section 202 defines *alteration* as any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure other than repair or addition.

The code specifically indicates what work to existing buildings is exempt from 1134B application. CBC Section 1134B.2.1 Exception 4 indicates that projects which consist only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals, office equipment, etc., are not considered alteration projects for the purposes of accessibility for persons with disabilities and shall not be subject to this code.

In this project, the existing roof monitors are being removed and replaced with new translucent roof panels (skylights). Such work is a material change to the architecture of the building (an alteration) and is not considered to be reroofing.

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Interpretation Number: 8-07 DSA/AC

Subject: Student Housing Facility: Door Signal

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 6-01-2007

QUESTION:

Is it acceptable to have a wireless door signal device at the primary entrance in covered multifamily dwelling units subject to CBC Chapter 11A?

RESPONSE:

No, CBC Section 1106A.1 requires the door signal device be connected to permanent wiring.

ANALYSIS:

2001 CBC Section 1106A.1 (slightly revised in CBC 1132A.10 per the October 12, 2006 Supplement) indicates:

Every primary entrance to a dwelling unit in buildings containing three or more dwelling units shall be provided with a door buzzer, bell, chime or equivalent installation, mounted a maximum of 48 inches (1219 mm) above the floor, connected to permanent wiring.

The location of the term *equivalent installation* contained within this section is relevant, in that it strictly relates only to the type of audible device used. The intent of this term is that a bell, chime, buzzer, or some other equivalent form of audible device could be installed as an *equivalent installation*. In other words, it merely acknowledges that audible devices other than those listed could be considered, such as a horn or speaker.

The requirement for new construction is that the door signal device must be connected to permanent wiring. Such installations, as opposed to wireless installations, are typically maintenance free (never need batteries).

The use of a wireless installation as an alternative method to comply with a wired installation would have the effect of rendering the above mentioned code section useless and meaningless.

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Interpretation Number: 4-08 DSA/AC

Subject: Middle School Tables & Counters: Knee Clearance

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 4-18-2008

QUESTION 1:

Are alternate dimensions for children, specifically knee clearances, acceptable at all computer tables and counters used by students only, in a middle school with grades six through eight?

RESPONSE 1:

Alternate dimensions for children apply to facilities or portions of a facility used primarily by children 12 and younger. Generally, middle school students in grades six through eight can vary in age from 11 to 14. Taken as a whole, a middle school is not a facility used primarily by children 12 and younger. However, it is possible that there may be *portions* of a middle school used primarily by children 12 and younger. Alternate dimensions for children can be solely utilized only if it can be demonstrated that the specific portion of the facility is used primarily by children 12 and younger. See analysis.

QUESTION 2:

Are adult dimensions, specifically knee clearances, required for all computer tables and counters used by students only, in a middle school with grades six through eight?

RESPONSE 2:

In facilities or portions of a facility where it is not demonstrated that they are used primarily by children 12 and younger, adult dimensions are mandatory for at least five percent but never less than one. Additional tables and counters utilizing the alternate dimensions for children can be

used at the discretion of the school. Generally, middle school students in grades six through eight can vary in age from 11 to 14. See analysis.

ANALYSIS:

In 1986 the federal Access Board issued "*Recommendations for Accessibility Guidelines to Serve Physically Handicapped Children in Elementary Schools.*" The report included recommended modifications or additions based on children's sizes to certain sections of an earlier accessibility rule, the Uniform Federal Accessibility Standards. The recommendations were developed to assist states in designing and constructing accessible *elementary schools*. Many states and localities have applied these recommendations to newly constructed schools serving *grades one through six*.

The federal Access Board then issued final guidelines¹ to provide additional guidance to the Department of Justice and the Department of Transportation in establishing alternate specifications for building elements designed for use by children. These specifications are based on children's dimensions and anthropometrics and apply to building elements designed specifically for use by children *ages 12 and younger*. It ensures that newly constructed and altered facilities covered by titles II and III of the Americans with Disabilities Act of 1990 are readily accessible to and usable by children with disabilities. The guidelines provide alternate specifications based on children's dimensions as *exceptions* to specifications based on adult dimensions. Therefore as exceptions, the use of children's specifications is considered discretionary, not mandatory.

The ADA Accessibility Guidelines (as amended through 2002) Section 4.32.5 allows knee spaces at least 24 inches high at fixed or built-in seating or tables used primarily by *children ages 12 and younger*.

The CBC contains "*suggested*" dimensions for children's use in Table 1115B-1 and indicates a knee clearance of 24" for lavatories intended for elementary school aged children (children younger than 12). CBC Table 1115B-1 does not specifically address seating or tables for children's use.

In this case, the middle school in question contains grades six through eight. Sixth grade students are usually 11-12 years old, seventh grade students are usually 12-13 years old, eighth grade students are usually 13-14 years old. Taken as whole, middle schools with grades six through eight are not used primarily by children ages 12 and younger. However, there could certainly be portions of a middle school that are used primarily by children ages 12 and younger. For instance, tables and counters used only by students in a sixth grade classroom could be considered used primarily by children 12 and younger.

It is acknowledged that facilities containing multiple age groups of school aged children can present a challenge to designers in order to achieve compliance with the prescriptive standards. An analysis of how the school operates, the uses of particular rooms or spaces, and more importantly the ages of the students can all play a role in determining appropriate design decisions. There is indeed concern that designing facilities to solely serve one particular age group could have the effect of excluding those who are clearly entitled to the prescriptive standards for another.

¹ <http://www.access-board.gov/adaag/kids/final.htm#2>

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Interpretation Number: 5-08 DSA/AC

Subject: Ramp Handrails at 45-Degree Angle to Ramp Run

DSA Application Number:

Code Edition: 2001 CBC

Issue Date: 5-06-2008

QUESTION:

For a ramp with a slope of 1:12, can a handrail be installed at a 45 degree angle to the direction of the ramp run in order to avoid an exterior wall offset?

RESPONSE:

No, for a ramp with a slope of 1:12, a handrail is not acceptable at a 45 degree angle to the direction of the ramp run.

ANALYSIS:

Many persons with disabilities rely heavily upon handrails to pull themselves, maintain balance, and prevent serious falls. Ramps that do not have level landings at changes in direction can create cross slopes that will not meet the requirements for accessible routes of travel.

2001 CBC Section 1133B.7.1.3 indicates that surface cross slopes shall not exceed 1/4 inch per foot. In the example submitted, the 45 degree handrail compels the user to traverse the ramp in a diagonal fashion. At a 1:12 slope, such diagonal travel results in a cross slope that is not in compliance with the standards.

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DSA CAP INTERPRETATION

The Code Appeal Process (CAP) provides technical support to the Division of the State Architect's (DSA) four regional offices, and is intended to provide accurate, effective, and timely dispute resolution assistance by issuing project-specific interpretations of regulations enforced by the DSA. Interpretations are developed utilizing a discipline specific Statewide Team, and the approved CAP interpretations represent the official position of DSA.

CAP Number: HQ 01-2010AC04-01
HQ 02-2010AC04-02

Subject: Suggested Heights for Children

DSA Application Number: 04-109974

Code Edition: 2007 CBC

Issue Date: February 17, 2010

QUESTION:

(1) For facilities used solely by children under 12, CBC Table 1115B-1 "*Suggested Dimensions for Children's Use*" indicates an accessible toilet seat height of 15" for elementary school children. Can other dimensions be used, such as 14" minimum to 16" maximum for an accessible toilet seat height?

(2) For facilities used solely by children under 12, CBC Table 1115B-1 "*Suggested Dimensions for Children's Use*" indicates an accessible lavatory height of 29" maximum with minimum knee clearance of 24" for elementary school children. Can other lavatory height dimensions be used, such as 31" maximum for an accessible lavatory height, while maintaining 24" minimum knee clearance?

RESPONSE:

(1) Dimensions of 14" minimum to 16" maximum for an accessible toilet seat height can be used for elementary school facilities, where such toilets are used solely by children age 12 and under.

(2) Dimensions of 31" maximum to the rim or counter surface at an accessible lavatory, while maintaining a 24" minimum for apron and knee clearance, can be used for accessible lavatories

at elementary school facilities, where such lavatories are used solely by children age 12 and under.

DISCUSSION:

The Americans with Disabilities Act Accessibility Guidelines (ADAAG)

In 1986 the Access Board issued "Recommendations for Accessibility Guidelines to Serve Physically Handicapped Children in Elementary Schools." The report included recommended modifications or additions, based on children's sizes, to certain sections of an earlier accessibility rule, the Uniform Federal Accessibility Standards (UFAS). The recommendations were developed to assist states in designing and constructing accessible elementary schools.

Americans with Disabilities Act Accessibility Guidelines (ADAAG) as published in 1991 did not provide requirements based on children's dimensions. ADAAG as originally published only contained requirements based on adult dimensions. However, ADAAG included a provision (2.2 Equivalent Facilitation) which permits departures from ADAAG requirements that provide equal or greater access. While this provision may have served as the basis for departures from ADAAG in designing for access according to children's dimensions, designers and others sought more specific guidance and technical criteria in this area.

In 1992, new recommendations were developed through a research project sponsored by the Access Board. The project studied accessibility requirements for children with disabilities at a variety of facilities. The Center for Accessible Housing at North Carolina State University conducted this study which included a review of codes, standards, and guidelines, ergonomic studies and evaluation literature, and post-occupancy evaluations of children's facilities. This study focused on facilities serving pre-kindergarten and elementary school-aged children and, to a lesser extent, facilities serving infants and toddlers. The recommended guidelines developed from this study are known as "Recommendations for Accessibility Standards for Children's Environments".

In 1998, the Access Board amended ADAAG by adding guidelines for children's facilities. These guidelines add alternatives to the existing adult dimensions that can be used when designing building elements for children. The guideline provides alternate specifications based on children's dimensions as *exceptions* to specifications based on adult dimensions. As exceptions, these specifications are discretionary, not mandatory.

The California Building Code (CBC) and ADAAG

CBC Section 1115B.1.2 indicates where facilities are to be used solely by children, the specific heights and clearances may be adjusted to meet their accessibility needs. Table 1115B-1 contains *Suggested Dimensions for Children's Use*. In Table 1115B-1, DSA Access Compliance *recommends* dimensions as adequately serving the needs of children, and that those recommendations are based on the federal "Recommendations for Accessibility for Children in Elementary School" (reference similarly titled 1986 document above).

DSA acknowledges the further study performed by the Access Board subsequent to the recommendations it issued in 1986 and the ADAAG addition of specific guidelines for children's facilities in 1998. Since CBC Section 202 defines "*Recommend*" as not requiring mandatory acceptance, but identifies only a *suggested* action, dimensions other than those shown in CBC Table 1115B-1 can be accepted.

Dimensions of 14" minimum to 16" maximum for an accessible toilet seat height can be used for elementary school facilities, where such toilets are used solely by children age 12 and under. For water closets, once a specific age group is utilized for design, the specifications of that age group are to be applied consistently, including related elements such as water closet centerline, toilet seat height, and grab bar height.

A dimension of 31" maximum for an accessible lavatory height, while maintaining a 24" minimum for knee clearance, can be used for accessible lavatories at elementary school facilities where such lavatories are used solely by children age 12 and under.

In the two questions contained in the appeals, the alternate dimensions for children proposed by the applicant fall at or within the dimensions indicated or referenced in ADAAG (as amended through 2002) 4.16.1 Exception 1 and 4.19.2 Exception 1, even though they depart from suggested recommendations contained in CBC Table 1115B-1.

The alternate specifications based on children's dimensions have been incorporated into ADAAG as exceptions to technical requirements so that the alternate specifications function as permitted departures from requirements based on adult dimensions. The decision to utilize these exceptions will likely be determined by the designer, when based on the use of the facility the use of the exceptions is warranted.

Even though the decision to use the exceptions for children's dimensions in ADAAG is optional, if an exception is used, the technical specifications it contains or references must then be followed.

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