

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 11A ONLY
(HCD 02/10)**

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

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

During this rulemaking, HCD has made some substantive and non-substantive changes. Substantive changes modify the originally intended regulatory effect. Non-substantive changes address grammatical, editorial language revisions or ambiguities.

HCD has made non-substantive revisions and editorial corrections to the following section after the 45-day public comment period that ended on June 27, 2011: Section 1124A.8.

No changes were made after the subsequent 15-day public comment period that ended on August 3, 2011.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3))

The following is HCD's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change.

In each case, HCD has evaluated the submitted comments and provided the responses below.

COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW.

(The text with proposed changes clearly indicated was made available to the public from May 13, 2011, until June 27, 2011.)

NOTE: *The complete text of each comment may be reviewed at the following internet address:*
http://www.bsc.ca.gov/prpsd_chngs/pc_10_comment.htm

1. COMMENTER: Eugene Lozano, Jr. (EM-1)
California Council of the Blind
4537 Sycamore Avenue
Sacramento, CA 95841
lozanoe@csus.edu

COMMENT: EM-1. Section 1124A.8:

The commenter requested amendment of the proposed language, and submitted preferred modifications for Section 1124A.8.

The commenter expressed a concern that a minimum of 2-inch characters would create an inconsistency with the requirement in Section 1143A.8, which states the maximum character height is two inches. The commenter stated that the requirement for a maximum of two inches for the character height is based on scientific research that finds that raised characters become illegible tactilely when exceeding this measurement. The commenter also noted that if the height of the character is less than two inches, it results in a problem for people with low vision seeing the characters from a distance.

HCD RESPONSE:

HCD agrees with this comment and has modified Section 1124A.8 by clarifying that raised characters shall be two inches in height, not a minimum of two inches.

2. COMMENTER: Sharon Toji (EM-2)
2386 E. Artesia Blvd.
Long Beach, CA 90805
accesscomm@earthlink.net

COMMENT: EM-2. Section 1124A.8:

The commenter agrees with Mr. Lozano (see EM-1) and expressed a concern that if two inches is the minimum height for tactile characters, and the character could be larger, it would violate federal standards. The commenter believes that two inches should be adequate character size for persons with reduced, but usable vision.

The commenter also requested the addition of new language clarifying that both the star and the floor designation character must be translated into Braille, and the translation for the star should state "Main."

HCD RESPONSE:

HCD agrees with the commenter regarding the minimum height for tactile characters and has modified Section 1124A.8 by clarifying that characters shall be two inches in height, not a minimum of two inches. (Also see response to EM-1.)

The proposed language in Section 1124A.8 requires the raised five-pointed star to be placed on the main entry level, and Contracted Grade 2 Braille, conforming to Section 1143A.9, to be placed below the corresponding characters and the star. Additionally, Section 1143A.8 states that when raised characters are required, they shall be accompanied by Contracted Grade 2 Braille.

Although Section 1124A.8 appears to be sufficiently clear as written, per the commenter's suggestion, HCD has modified the section by clarifying that the Braille translation of the star shall state "Main"; this modification is consistent with Section 1116B.1.14.

3. COMMENTER: Eugene Lozano, Jr. (EM-3)
California Council of the Blind
4537 Sycamore Avenue
Sacramento, CA 95841
lozanoe@csus.edu

COMMENT: EM-3. Section 1124A.8:

The commenter resubmitted his comment regarding Section 1124A.8 (see EM-1) and added new language supporting the recommendation made by Ms. Toji regarding the Braille translation of the star (see EM-2).

HCD RESPONSE:

HCD has modified Section by 1124A.8 by clarifying that the Braille translation of the star shall state "Main"; this modification is consistent with Section 1116B.1.14. (Also see response to EM-1.)

COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD.

(The text with proposed changes clearly indicated was made available to the public from July 19, 2011, until August 3, 2011.)

NOTE: *The complete text of the comment below may be reviewed at the following internet address:*
http://www.bsc.ca.gov/prpsd_chngs/pc_10_comment.htm

A. COMMENTER: Eugene Lozano, Jr. (EM-A)
California Council of the Blind
4537 Sycamore Avenue
Sacramento, CA 95841
Lozanoe@csus.edu

COMMENT: EM-A. Section 1124A.8:

The commenter expressed a concern that Section 1124A.8, as written, requires both characters and symbols to be raised, but there is nothing to specify how high the star is to be raised. The commenter also noted that currently Section 1143A.8 requires characters (letters and numerals) to be raised a minimum of 1/32 of an inch high, but these sections are mute as to how high symbols (e.g., a star) are to be raised. The commenter expressed an opinion that if Section 1124A.8 remains as written, a sign fabricator could create a sign that has the characters raised a minimum of 1/32 of an inch and then interpret the specification to mean that only the thickness of the paint to depict the star is needed. Additionally, the commenter believes that the danger is the creation of a star that technically meets the letter of the code, but is not legible or usable by tactile readers. The commenter suggested that there must be a sentence added to Section 1124A.8 that specifies the measurement for both characters and stars, and proposed new language clarifying that both characters and the star shall be raised a minimum of 1/32 of an inch.

HCD RESPONSE:

HCD acknowledges and appreciates the comment received; however, HCD believes that the language initially proposed in Section 1124A.8 covering the requirements for characters and the star is sufficiently clear as written.

HCD also believes that character, as a term, includes any written or printed letter, number, or other symbol. Section 1143A.8 provides mandatory measures regarding raised characters and pictorial symbol signs, including requirements for the height of the raised characters, so it is not necessary for the same measures to be duplicated in Section 1124A.8. Therefore, HCD is not proposing to make any further changes at this time