

Dear State Architect:

Why have you ignored 350 comments opposed to the access reducing changes in CA's access standards and are going forward against our opposition. THE CITIZENS OF CA HAVE SPENT MANY YEARS WORKING ON THE CODES THAT WORK FOR THE MAJORITY OF CALIFORNIANS WITH DISABILITIES AS WELL AS THE SENIOR POPULATION.

Why are spending time and money to change things that have already been established in the code? This is ridiculous and un acceptable!!

I have attached a letter from CDR listing all the problems. Please DO NOT MAKE THE PROPOSED CHANGES.

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**COMMENTS ON THE 45-DAY EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT (DSA-AC)

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

2013 CALIFORNIA BUILDING CODE**

I/We oppose the following changes proposed by DSA which contrary to legislative intent will reduce accessibility for persons with disabilities below what is currently provided under the 2010 CBC and relevant enabling legislations (California Government Code, Health & Safety Code, and Civil Code). Specific comments on the applicable sections are as follows:

1. Path of Travel

~~*PATH OF TRAVEL is a passage that may consist of walks and sidewalks, curb ramps and pedestrian ramps, lobbies and corridors, elevators, other improved areas or a necessary combination thereof, that provides free and unobstructed access to and egress from a particular area or location for pedestrians and/or wheelchair users. A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. In existing buildings, when alterations, structural repairs or additions are made, the term "path of travel" also includes the sanitary facilities, telephones, drinking fountains and signs serving the altered area.*~~

PATH OF TRAVEL. [DSA-AC] See Chapter 11B, Section 1102B: An identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term "path of travel" also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.

Comment: We oppose eliminating the language from the current CBC definition ***"that provides free and unobstructed access to and egress from a particular area or location for pedestrians and/or wheelchair users. A "path of travel" includes a continuous, unobstructed way of pedestrian passage"***. We also oppose the proposed new language which limits Path of Travel only to existing sites.

2. Accessible Routes

~~*1114B.1.2 Accessible route of travel. When a building, or portion of a building, is required to be accessible or adaptable, an accessible route of travel complying with Sections 1102B, 1114B, 1124B, 1133B.3, 1133B.5, 1133B.7 and 1133B.8.6 shall be provided to all portions of the building, to accessible building entrances and between the building and the public way. All walks, halls, corridors, aisles, skywalks, tunnels, and other spaces that are part of an accessible route shall comply with the applicable provisions of this code. Except within an individual dwelling unit, an accessible route of travel shall not pass through kitchens, storage rooms, restrooms, closets or other spaces used for similar purposes. At least one accessible route within the boundary of the site shall be provided from*~~

~~public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect accessible buildings, facilities, elements and spaces that are on the same site. At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility. An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.~~

~~Where more than one route of travel is provided, all routes shall be accessible. Unless otherwise indicated, the minimum clear width of an accessible route shall not be less than 36 inches (914 mm) except at doors complying with Section 1133B.2 or obstructions complying with Figure 11B-10. If a person in a wheelchair must make a turn around an obstruction the minimum clear width of the accessible route shall be as shown in Figure 11B-5E(a) and (b).~~

~~Exception: Where an elevator is provided for vertical access, only one elevator is required. Where more than one elevator is provided, all elevators shall be accessible. See Section 1114B.1.1 for a list of code sections applicable to accessible routes of travel.~~

Comment: We oppose eliminating the language from the current CBC **“Except within an individual dwelling unit, an accessible route of travel shall not pass through kitchens, storage rooms, restrooms, closets or other spaces used for similar purposes”**. This change will reduce accessibility below that which is currently provided.

3. Site Development

~~SITE DEVELOPMENT. [DSA-AC] “On-site” and “off-site” work, including, but not limited to, walks, sidewalks, ramps, curbs, curb ramps, parking facilities, stairs, planting areas, pools, promenades, exterior gathering or assembly areas and raised or depressed paved areas.~~

Comment: We oppose eliminating the language from the current CBC that provides specificity as to the kinds of areas covered under site development (walks, sidewalks, ramps, curbs, curb ramps, parking facilities, stairs, planting areas, pools, promenades, exterior gathering or assembly areas and raised or depressed paved areas) including both on-site and off-site facilities. Omitting this definition will reduce accessibility below that which is currently provided.

4. Guy Wires

~~1133B.8.2 Overhanging obstructions. Any obstruction that overhangs a pedestrian’s way shall be a minimum of 80 inches (2032 mm) above the walking surface as measured from the bottom of the obstruction. Where a guy support is used parallel to a path of travel, including, but not limited to sidewalks, a guy brace, sidewalk guy or similar device shall be used to prevent an overhanging obstruction as defined (see Figure 11B-28).~~

Comment: We oppose eliminating the language “Where a guy support is used parallel to a path of travel, including, but not limited to sidewalks, a guy brace, sidewalk guy or similar device shall be used to prevent an overhanging obstruction as defined (see Figure 11B-28)” which will reduce accessibility below that which is currently provided.

5. Structurally Impracticable

STRUCTURALLY IMPRACTICABLE. [DSA-AC] The rare and unusual circumstance where unique characteristics of the land or terrain prevent the incorporation of accessibility features into the

construction or alteration of a building or facility.

Comment: The proposed definition for Structurally Impracticable does not include the limitations in application that are contained in the federal 28 CFR, Appendix B to Part 36 – Preamble as published by the federal Department of Justice. The Department cites specific examples regarding the application of the Structurally Impracticable exception as follows:

“The limited structural impracticability exception means that it is acceptable to deviate from accessibility requirements only where unique characteristics of terrain prevent the incorporation of accessibility features and where providing accessibility would destroy the physical integrity of a facility. A situation where a building must be built on stilts because of its location in marshlands or over water is an example of one of the few situation in which the exception for structural impracticability would apply. This exception to accessibility requirements should not be applied in situations which a facility is located on “hilly” terrain or on a plot of land upon which there are steep grades. In such circumstances, accessibility can be achieved without destroying the physical integrity of a structure, and is required in the construction of new facilities.”

The definition and 11B-201.1 exception should be revised to include these limitations.

CHAPTER DIVISION 2: SCOPING REQUIREMENTS

11B-201 Application

11B-201.1 Scope. All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.

Exception: Structural Impracticability. Full compliance with these requirements shall not be required when the enforcing agency determines it is structurally impracticable to do so. If full compliance with these requirements would be structurally impracticable, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable. If providing accessibility in conformance with these requirements to individuals with certain disabilities would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities in accordance with these requirements. The details of the finding of structural impracticability shall be recorded and entered into the files of the enforcing agency and shall be subject to Chapter 1, Section 1.9.1.5, Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification.

Comment: We oppose this exception as written. The exception as written appears to apply to both newly constructed and altered buildings. California has never allowed an exception of this type for newly constructed buildings. The exception must also include the federal guidance material on its application as described above.

6. Technically Infeasible

11B-202.3 Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of ~~Chapter 2~~ Division 2, including 11B-202.4.

EXCEPTIONS 1. Reserved. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required.

2. Technically Infeasible. In alterations, where the enforcing authority determines compliance with applicable requirements is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. The details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency.

Comment: The exception should include a reference to the definitions in Section 202 for both *Technically Infeasible* and *Structural Frame*.

7. Path of Travel “Grandfather” Clause

11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs. Affecting Primary Function Areas. In addition to the requirements of 202.3, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope as determined under criteria established by the Attorney General. In existing transportation facilities, an area of primary function shall be as defined under regulations published by the Secretary of the Department of Transportation or the Attorney General. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:

1. A primary entrance to the building or facility,
2. Toilet and bathing facilities serving the area,
3. Drinking fountains serving the area,
4. Public telephones serving the area, and
5. Signs.

EXCEPTION: EXCEPTIONS: 1. Residential dwelling units shall not be required to comply with 202.4 11B-233.3.4.2.

2. If the required elements of a path of travel have been constructed or altered in compliance with the accessibility requirements of the 2010 California Building Code, it shall not be required to retrofit such elements to reflect the incremental changes in this code solely because of an alteration to an area served by that path of travel.

Comment: We oppose exception number 2. The “grandfather” clause would not require

upgrading the path of travel for newly remodeled facilities and reduces scoping and application currently provided under California law. If passed, disabled people would miss out on increased van accessible parking, better door closing time, better signage, lowered reach ranges to controls and operating mechanisms, etc. An exception to allow grandfathering in restrooms was passed last summer as a compromise position. We vehemently object to any further erosion of the requirements as proposed in this exception.

8. Wholesale Exemptions from Accessibility.

11B-203.10 Raised Refereeing, Judging, and Scoring Areas. Raised structures used solely for refereeing, judging, or scoring a sport shall not be required to comply with these requirements or to be on an accessible route.

11B-203.11 Water Slides. Water slides shall not be required to comply with these requirements or to be on an accessible route.

11B-203.12 Animal Containment Areas. Animal containment areas that are not for public use shall not be required to comply with these requirements or to be on an accessible route.

11B-203.13 Raised Boxing or Wrestling Rings. Raised boxing or wrestling rings shall not be required to comply with these requirements or to be on an accessible route.

11B-203.14 Raised Diving Boards and Diving Platforms. Raised diving boards and diving platforms shall not be required to comply with these requirements or to be on an accessible route.

Comment: We vehemently oppose these exceptions to accessibility. These are all public accommodations which existing California law provides that people with disabilities have full and equal access. This is clearly a reduction in accessibility.

9. Dining Facilities

11B-206.2.5 Restaurants and Cafeterias. Restaurants, Cafeterias, Banquet Facilities and Bars. In ~~restaurants and cafeterias, restaurants, cafeterias, banquet facilities, bars, and similar facilities,~~ an accessible route shall be provided to all dining functional areas, including raised or sunken dining areas, and outdoor dining areas.

EXCEPTIONS: 1. In alterations of buildings or facilities not required to provide an accessible route between stories, an accessible route shall not be required to a mezzanine dining area where the mezzanine contains less than 25 percent of the total combined area for seating and dining and where the same decor and services are provided in the accessible area.

2. **Reserved.** In ~~alterations, an accessible route shall not be required to existing raised or sunken dining areas, or to all parts of existing outdoor dining areas where the same services and decor are provided in an accessible space usable by the public and not restricted to use by people with disabilities.~~

3. In sports facilities, tiered dining areas providing seating required to comply with 11B-221 shall be required to have accessible routes serving at least 25 percent of the dining area provided that accessible routes serve seating complying with 11B-221 and each tier is provided with the same services.

Comment: We vehemently oppose exception 3 which would reduce access to only 25% of dining areas in new or existing sports facilities.

10. Bar and Dining Counters

11B-226.3 Dining Surfaces Exceeding 34 Inches in Height. *Where food or drink is served for consumption at a counter exceeding 34 inches (864 mm) in height, a portion of the main counter 60 inches (1525 mm) minimum in length shall be provided in compliance with 11B-902.3.*

Comment: This is unchanged language from the 2010 CBC, however as written in conjunction with the proposed changes for seating requirements, if a counter is provided 34 inches or less in height, a minimum length of 60" is not required. The section should be revised to specify that a 60" minimum width is required under all conditions.

11. Table Seating & Knee Clearance Under Objects

11B-902 Dining Surfaces and Work Surfaces

11B-902.1 General. Dining surfaces and work surfaces shall comply with 11B-902.2 and 11B-902.3.

EXCEPTION: Dining surfaces and work surfaces for children's use shall be permitted to comply with 11B-902.4.

11B-902.2 Clear Floor or Ground Space. A clear floor space complying with 11B-305 positioned for a forward approach shall be provided. Knee and toe clearance complying with 11B-306 shall be provided.

11B-902.3 Height. The tops of dining surfaces and work surfaces shall be 28 inches (~~740~~ 711 mm) minimum and 34 inches (~~865~~ 864 mm) maximum above the finish floor or ground.

11B-902.4 Dining Surfaces and Work Surfaces for Children's Use. Accessible dining surfaces and work surfaces for children's use shall comply with 11B-902.4.

EXCEPTION: Dining surfaces and work surfaces that are used primarily by children 5 years and younger shall not be required to comply with 11B-902.4 where a clear floor or ground space complying with 11B-305 positioned for a parallel approach is provided.

11B-902.4.1 Clear Floor or Ground Space. A clear floor space complying with 11B-305 positioned for forward approach shall be provided. Knee and toe clearance complying with 11B-306 shall be provided, except that knee clearance 24 inches (610 mm) minimum above the finish floor or ground shall be permitted.

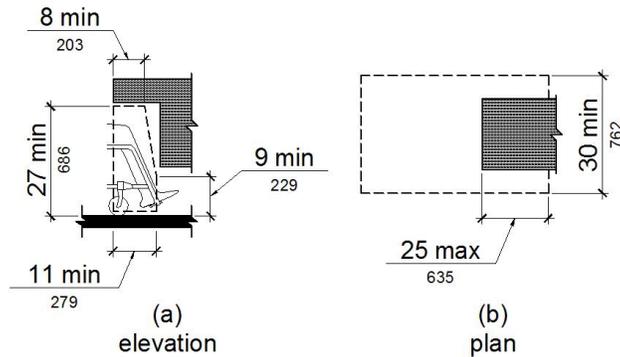
11B-902.4.2 Height. The tops of tables and counters shall be 26 inches (660 mm) minimum and 30 inches (~~760~~ 762 mm) maximum above the finish floor or ground.

11B-306.3.3 Minimum Required Depth. Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches (~~280~~ 279 mm) deep minimum at 9 inches (~~230~~ 229 mm) above the finish floor or ground, and 8 inches (~~205~~ 203 mm) deep minimum at 27 inches (~~685~~ 686 mm) above the finish floor or ground.

EXCEPTIONS: 1. At lavatories required to be accessible by 11B-213.3.4, the knee clearance shall be 27 inches (686 mm) high minimum above the finish floor or ground at a depth of 8 inches (203 mm) minimum increasing to 29 inches (737 mm) high minimum above the finish floor or ground at the front edge of a counter with a built-in lavatory or at the front edge of a wall-mounted lavatory fixture.

2. At built-in dining and work surfaces required to be accessible by 11B-226.1, knee clearance shall extend 19 inches (483 mm) deep minimum at 27 inches (685 686 mm) above the finish floor or ground.

11B-306.3.5 Width. Knee clearance shall be 30 inches (760 762 mm) wide minimum.



**Figure 11B-306.3
Knee Clearance**

Comment: We oppose this change to seating at tables, counters, etc. which will limit knee depth to 8". This depth is totally inadequate in a drinking/dining situation as a wheelchair user cannot get close enough to the table to prevent spilling food or beverages on their laps. This is further supported by DSA proposing to adopt a full 19" depth at 27" AFF for bars and eating counters. The standard should consistently be 27" AFF minimum height for a minimum depth of 19".

12. Sidewalk Minimum Width

11B-403.5.1 Clear Width. Except as provided in 11B-403.5.2 and 11B-403.5.3, the clear width of walking surfaces shall be 36 inches (914 914 mm) minimum.

EXCEPTION EXCEPTIONS: 1. The clear width shall be permitted to be reduced to 32 inches (813 813 mm) minimum for a length of 24 inches (610 mm) maximum provided that reduced width segments are separated by segments that are 48 inches (1219 1219 mm) long minimum and 36 inches (914 914 mm) wide minimum.

2. The clear width for walking surfaces in corridors serving an occupant load of 10 or more shall be 44 inches (1118 mm) minimum.

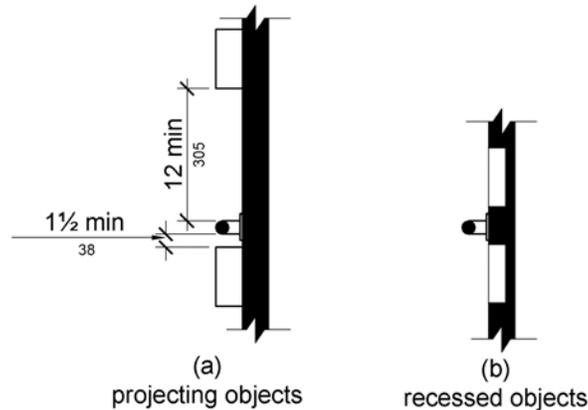
3. The clear width for sidewalks and walks shall be 48 inches (1219 mm) minimum.

4. The clear width for aisles shall be 36 inches (914 mm) minimum if serving elements on only one side, and 44 inches (1118 mm) minimum if serving elements on both sides.

Comment: We oppose exception 1 which would allow reducing the width of a public sidewalk to 32" at a point without a determination of Unreasonable Hardship. The 2010 CBC allows a reduction to 36" minimum only in conjunction with a formal determination of Unreasonable Hardship from the Administrative Authority.

13. Items Above Side Grab Bars

11B-609.3 Spacing. The space between the wall and the grab bar shall be 1½ inches (38 mm). The space between the grab bar and projecting objects below and at the ends shall be 1½ inches (38 mm) minimum. The space between the grab bar and projecting objects above shall be 12 inches (305 mm) minimum.



**Figure 11B-609.3
Spacing of Grab Bars**

Comment: We oppose this section which would allow the placement of wall mounted items above grab bars located at the side of a toilet. Many people who transfer, or people who are semi-ambulatory rely on having a clear area above the grab bar.

14. Gangway Ramps

11B-1003.2.2 Boarding Piers at Boat Launch Ramps. Accessible routes serving boarding piers at boat launch ramps shall be permitted to use the exceptions in 11B-1003.2.2.

EXCEPTIONS: 1. Accessible routes serving floating boarding piers shall be permitted to use Exceptions 1, 2, 5, 6, 7 and 8 in 11B-1003.2.1.

2. Where the total length of the gangway or series of gangways serving as part of a required accessible route is 30 feet (9145 ~~9144~~ mm) minimum, gangways shall not be required to comply with 11B-405.2.

3. Where the accessible route serving a floating boarding pier or skid pier is located within a boat launch ramp, the portion of the accessible route located within the boat launch ramp shall not be required to comply with 11B-405.

11B-1003.3 Clearances. Clearances at boat slips and on boarding piers at boat launch ramps shall comply with 11B-1003.3.

Comment: We oppose these exceptions for boarding piers and gangway ramps. The exceptions would create environments which are not accessible to wheelchair users or semi-ambulant individuals. Further, these facilities are currently required to be “accessible” under existing 2010 CBC and the Public Resources Code. The new exceptions are a reduction in access.

15. Hotel & Motel Bathrooms

~~Hotel and motel bathrooms beyond those specified in Section 1111B.4 shall provide the following features:~~

- ~~1. All bathroom fixtures shall be in a location that allows a person using a wheelchair measuring 30 inches by 48 inches (762 mm by 1219 mm) to touch the wheelchair to any lavatory, urinal, water closet, tub, sauna, shower stall and any other similar sanitary installation, if provided.~~
- ~~2. All bathroom entrance doors shall have a clear opening width of 32 inches (813 mm) and shall be either sliding doors or shall be hung to swing in the direction of egress from the bathroom.~~

Comment: DSA proposes to eliminate a requirement that has been in the CBC since 1982 which allows a wheelchair user to enter and in some case use the features of a non-accessible hotel room. This is an important requirement for hospitality suites, when families are staying at a facility, or when accessible rooms are unavailable. This is a reduction in accessibility and the existing 2010 CBC requirement should be included in the proposed changes.