



SENT BY EMAIL: CBSC@DGS.CA.GOV

November 26, 2012

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833  
Attention: Jim McGowan, Executive Director

Re: Participation Comments for the Notice Dated October 26, 2012

Dear California Building Standards Commission:

We respectfully submit the following comments for consideration of suggested deletions and amendments to proposed modifications by the Division of the State Architect:

**SECTION 202- PROPOSED DEFINITIONS THAT SHOULD BE DISAPPROVED**

~~1. ASSEMBLY AREA. [DSA-AC] A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.~~

**Reason:** Conflicts with and overlaps other building standards for definition of assembly use in Section 303. Definition does not contain applicable and important exemptions for number of occupants. Expansion of requirements should occur in scoping provisions and not within text of definitions.

~~2. MEZZANINE. [DSA-AC] An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one third of the area of the room or space in which the level or levels are located. Mezzanines have sufficient elevation that space for human occupancy can be provided on the floor below.~~

**Reason:** Conflicts with and overlaps other building standards for definition of mezzanine in Section 502. Definition does not contain applicable additional requirements of Section 505 required in definition and adds new provision for sufficient elevation not found in existing code definition. Expansion of requirements should occur in scoping provisions and not within text of definitions.

~~3. OCCUPANT LOAD. [DSA-AC] The number of persons for which the means of egress of a building or portion of a building is designed.~~

**Reason:** Duplicates existing definition of occupant load in Section 1002.

~~4. **STRUCTURAL FRAME.** [DSA-AC] *The columns and the girders, beams, and trusses having direct connections to the columns and all other members that are essential to the stability of the building or facility as a whole.*~~

**Reason:** Conflicts with and overlaps existing definition of primary structural frame in Section 202, which includes more structural elements (floors and roofs). Eliminates consideration of floors and roofs without any stated justification. See proposed amendment to Technically Feasible to address location of term in code.

**SECTION 202-PROPOSED DEFINITIONS THAT SHOULD BE APPROVED AS AMENDED**

Suggested Revisions to the Proposed Text of the Regulations:

1. **ACCESSIBLE SPACE.** [DSA-AC] *A space that complies with the accessibility provisions of this code.*

**Reason:** Proposed building standard is unnecessarily ambiguous or vague, in whole or in part. Portion of code must be specified so that entire code and its provisions are not invoked for determination of compliance for an accessible space. As written, all code provisions, including those beyond accessibility requirements, would need to be evaluated for compliance. Intent is only those related to accessibility.

2. **TECHNICALLY INFEASIBLE.** [DSA-AC] *With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the primary structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.*

**Reason:** Proposed definition relies on a newly added definition of structural frame, which conflicts and overlaps with the existing definition of primary structural frame. Better approach would be to amend one definition consistent with existing definition used throughout the code and reference primary structural frame in this definition. See comments on deletion of definition for structural frame above.

**SECTION 11B-106.5-PROPOSED LANGUAGE SHOULD BE DISAPPROVED:**

Reasons: Proposed section should be deleted since it duplicates information already provided in Section 202. As an alternative, language could be amended to direct the reader to Chapter 2 without the need to list each word placed there for use with Chapter 11B.

**SECTION 11B-202.4-PROPOSED LANGUAGE TO BE APPROVED AS AMENDED**

Suggested Revisions to the Proposed Text of the Regulations:

**11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs.** *When alterations or additions are made to existing buildings or facilities, ~~an~~ one primary accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:*

1. ~~One~~ *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.

Primary as used in this section refers to the singular entrance or accessible path of travel that is most often used by persons with or without disabilities to enter the building or facilities.

Reasons: Use of the adjective “*primary*” in front of entrance and path of travel has historically caused confusion in scoping requirements under the 2010 CBC according to a recent survey we conducted. Some local enforcement agencies interpret “*primary*” to require *multiple* accessible paths of travel to all building and facility entrances from *all* site arrival points. Others view “*primary*” to require a single accessible path of travel from the most frequently used arrival point (i.e. parking, sidewalk, bus stop, passenger loading zone) to the most frequently used building or facility entrance. Proposed provision continues this ambiguity, which will result in inconsistent application, interpretation and enforcement. Now is the time to address this confusion of requirements.

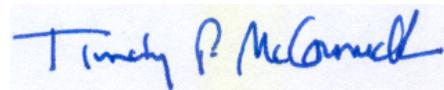
Proposed California Building Code does not contain definitions for “*a primary entrance*” or “*the primary accessible path of travel.*” Terms not defined in the building code use ordinarily accepted meanings such as the context implies. Webster provides the following guidance for the words “*a*”, “*the*” and “*primary*”:

- “*A*” when used before nouns denotes a single person or thing.
- “*The*” when used before a noun emphasizes one most outstanding or prominent.
- “*Primary*” is defined as first in importance.

It is axiomatic that the use of the adjective “*primary*” also indicates existence of other features that are secondary. We posit that the words “*a*” and “*primary*” constitute a singular item of major importance for an entrance or accessible path of travel and that it should be based on the use and characteristics of the existing building and facility. Suggested revision aims to meet this opined intent.

Sincerely,

VCA CODE GROUP INC.,



TIM MCCORMICK, P.E., C.B.O., CASP

DIRECTOR OF SPECIAL PROJECTS