

STATE OF CALIFORNIA
GOVERNMENT OPERATIONS AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. HCD 04/13
Received 4/22/14

PARTICIPATION COMMENTS FOR THE NOTICE DATED MARCH 21, 2014
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: MAY 5, 2014

Date: 4-22-14

From:

Olivier Baviere
Name (Print or type)


(Signature)

-- City of San Jose, Building Division
Agency, jurisdiction, chapter, company, association, individual, etc.

200 E Santa Clara St, Ste T2 San Jose CA 95112
Street City State Zip

I/We (do)(do not) agree with:

The Agency proposed modifications As Submitted on Section No. 1102A.3.2

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Suggested Revisions to the Text of the Regulations:

Replace proposed HCD text: ADD:2- At least 1 kitchen shall be located on the primary entry level.

Proposed revision: ADD 2. All primary functional living areas within a dwelling unit shall be on an accessible level. Primary functional areas include the living room, dining room, kitchen, bathroom, and a sleeping area.

Reason: The proposed language is not complete without this proposed language and should be rewritten as proposed. Per H&S12955.1 (c) HCD shall develop standards that provide at least the same protection as federal standards. The Uniform Federal Accessibility Standards (UFAS) provide greater protection for the disabled when addressing multi-story dwelling units. UFAS section 4.34.2 (15) clearly describes the spaces which must be on an accessible route with similar language.

While the DOJ/HUD statement Q22 specifically required the kitchen facilities, they gave no basis for it. Although the answer to Q9 was for units with lofts of sunken areas, the response is so similar I would venture to argue they are treating them the same.

Otherwise HCD needs to accept the premise that a multi-story unit would only be visitable as written in the FHA Design Manual, page 4.9. It also makes no sense to treat a multi-story dwelling unit differently depending on whether or not the building has an elevator. HCD needs to go beyond just enforcing minimums and write things that make sense.

ACCESSIBLE ROUTES IN MULTISTORY DWELLING UNITS

"Multistory dwelling unit" is defined in the Guidelines as a unit "with finished living space located on one floor and the floor or floors immediately above or below it." Multistory dwelling units in buildings without one or more elevators are not covered by the Fair Housing Act; however, when multistory dwelling units are in buildings with elevators, the dwelling unit is covered and the story that is served by the building elevator must be the primary entry to the unit and must meet the requirements of the Guidelines. Where the primary entry level of a covered multistory dwelling unit contains either a raised or sunken area, that floor level is subject to the same requirements as discussed at "Lofts" and "Raised and Sunken Areas."

Even though many people with significant mobility impairments may choose not to live in such a unit, multistory units, where the primary entry level meets the Guidelines, allow people with disabilities to visit with friends and relatives who may choose to live in a unit with more than one floor. A resident with a disability may choose to live in such a unit and add a lift at his or her own expense.

In multistory units the story that is served by the elevator must:

1. be the primary entry to the unit,
2. comply with Requirements 3 through 7 of the Guidelines for all rooms located on the entry floor level, and
3. contain a usable bathroom or powder room.

If there is both a bathroom and a powder room on the entry level of a multistory unit, then the bathroom must meet Requirement 7 of the Guidelines and the powder room needs to meet only Requirements 3, 4, and 5 of the Guidelines. In cases where only a powder room is provided on the entry level, it is treated as a bathroom and must: 1. be on the accessible route, 2. have a door with a 32-inch nominal clear width, 3. meet the maneuvering and clear floor space requirements at toilets and lavatories, 4. allow the user to enter the room, close the door, use the facilities, and reopen the door to exit, 5. have reinforcing around the toilet for future installation of grab bars, and 6. have switches, outlets, and controls in accessible locations. See page 7.38 and powder room plans starting on page 7.81.