



## INFORMATION SHEET

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**NO. DA-06**

**DATE** : September 2, 2014

**CATEGORY** : Disabled Access

**SUBJECT** : Pending Permit Applications Filed Under Previous Codes

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**REFERENCE** : **2013 California Building Code (CBC)** Chapters 1, Section 1.1.9; 11B, Sections 11B-202.4, exception 2; 11B-213.3.1; 11B-213.3.4; 11B-604.3.2  
**2010 CBC** Sections 1115B.3.1; 1115B.4.1  
**2010 ADA Standards for Accessible Design** Sections 213.3.1; 213.3.1.4; 604.3.1  
**1991 ADA Accessibility Guidelines for Buildings and Facilities** Sections 4.16.2; 4.22.4

### DISCUSSION:

The San Francisco Department of Building Inspection in its review of plans and construction of new buildings and additions and alterations to existing building is charged to perform these reviews under the code which was in force at the time of permit application. As a result, many applications now being processed will be reviewed under previous codes and are not required to comply with the changes that have been implemented in the 2013 CBC Chapter 11B. As of January 1, 2013, California has adopted the 2010 ADA Guidelines for Accessible Design as the model code for Chapter 11B and this has resulted in changes to the requirements that may require larger floor space allocated for the design of both single accommodation and multiple user toilet and bathing facilities. Specifically, the 2013 CBC no longer allows lavatories or any other obstruction to be placed in the 60" x 56" clear space around a water closet, nor does it allow a lavatory to be placed within a water closet compartment. It also has changed the requirement for an additional ambulatory accessible stall to be included when there is a total of 6 toilet compartments or (new) a total of 6 toilet compartments and urinals. This latter change will result in many Men's toilet facilities having to expand by 3".

Currently the CBC has an exception in Chapter 11B-202.4 that allows the five elements of the primary accessible path of travel to remain non-compliant if they were "constructed or altered in compliance with the immediately preceding edition of the California Building Code..."

In discussion with The Division of the State Architect, it is very unclear as to how long this exception will remain in the CBC. It is possible that this exception will not be included in the 2016 CBC and all toilet facilities constructed under codes prior to the 2013 CBC will have to be retrofitted to meet the new standards when required by Chapter 11B-202.4 This may result in the required enlargement of many single accommodation as well as multi-user toilet and bathing facilities.

Additionally the U.S. Department of Justice has stated that if the “date of last application for a building permit or permit extension is received by State, County or local government” is after March 15, 2012; then the project is subject to the requirements of the 2010 ADA Guidelines for Accessible Design. The above noted exception to the California Building Code may offer little or no defense in any subsequent litigations that might arise from non-compliance (please consult your legal counsel to clarify and determine your particular liabilities).

The problems associated with expanding toilet and bathing facilities in existing occupancies are considerable and unpleasant at best. By designing facilities to the new standards, the design professional will potentially save their clients the large associated costs and inconvenience of having to alter these facilities in the near future.

Therefore, in an attempt to prevent future problems and liabilities and in order to promote what is now considered the minimum standard of accessibility, the San Francisco Department of Building Inspection strongly suggests that all permits filed under previous code cycles adhere to the new regulations for toilet and bathing facilities in Chapter 11B of the 2013 CBC. As these regulations are more restrictive, there is nothing to prohibit this.

This information sheet shall serve as constructive notice, and no allowances will be made if the current exceptions are removed from the code and the facilities are not in compliance, regardless of how recent the construction.

Note: The California Building Standards Commission released an Emergency Supplement to the California Building Code effective August 1, 2012 that prohibits lavatories from being placed within the 60” x 56” clear floor space for a water closet per Section 1115B.4.1 Accessible Water Closets. Any application submitted after this date must comply with new requirements.

*Tom C. Hui*

*9/2/14*

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Date

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