

# TAKEN TO ACCESS



Question of the month:

**Q.** An exterior Barrier Removal Project is currently under construction at our facility. The project was reviewed and permitted by the city having jurisdiction. We submitted the approved drawings as a reference to a renovation project under OSHPD jurisdiction. OSHPD has commented that some elements under the BR project don't comply with accessibility requirements and expects modifications under our project. Can OSHPD staff place such requirement on our project?

**R.** They can per 2010 CBC 1134B.2.1. When providing a BR project as a reference or exhibit to show that path of travel obligations to a separate renovation project are being met, the project team must ensure that the BR project has remediated all deficiencies. Often under BR projects, if technically infeasible conditions apply, we are allowed to provide unorthodox solutions that may not meet the letter of the code but still provide equivalent facilitation. Under such circumstances, OSHPD may find it reasonable to address those conditions under the renovation project and seek a solution that meets both the intent and the letter of the code. Furthermore, OSHPD may conclude that the BR-project did not address all required elements pertaining to an accessible route and can request that the new renovation project continue to add needed features.

Announcements:

CA Guide Dog Board partners with Sutter Health and Canine Companions for Independence on Service Dog Education Service. Follow link below to see press release: [http://www.guidedogboard.ca.gov/about/press\\_20131108.shtm](http://www.guidedogboard.ca.gov/about/press_20131108.shtm)

## YEAR'S END

As the year comes to an end so does the applicability of the 2010 CBC for projects not yet submitted for plan review by December 31, 2013. Currently, many affiliates are in the process of submitting Barrier Removal (BR-projects) for plan review under the 2010 CBC by the December 31, 2013 deadline and construction for most of those projects will likely start and conclude in 2014.

The focus of many of these projects has been to provide an accessible route connecting bus stop and accessible parking to main entrances. Additionally some BR projects include providing accessible public toilet rooms, drinking fountains, public telephones and reception areas. Although the original purpose of these projects was to remove barriers, current and upcoming renovation projects can reference barrier removal projects to demonstrate path of travel compliance.

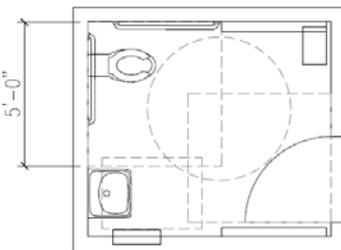
While upcoming renovation projects will be submitted under the 2013 CBC, section 11B-202.4 exception 2 provides a "safe harbor" provision: *"If the following elements of a path of travel that have been constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the CBC, it shall not be required to retrofit such elements to reflect incremental changes in this code solely because of an alteration to an area served by those elements of the path of travel."*

- Primary entrance to the building or facility
- Toilet and bathing facilities serving the area
- Drinking fountains serving the area
- Public phones serving the area, and
- Signs

Therefore, a path of travel that is fully compliant to the 2010 CBC will be an acceptable reference under renovation projects permitted under the 2013 CBC. Be aware, this safe harbor only applies to incremental changes... for supplemental requirements, the safe harbor does not apply.

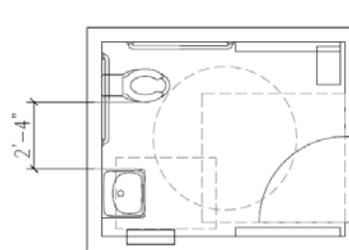
~~~~~

2013 CBC REQUIRES 60" MINIMUM BY 56" MINIMUM CLEARANCE AROUND A WATER CLOSET



TOILET A

2010 CBC 1115B.4.1 SUBSECTION 1 REQUIRES A 28" MINIMUM CLEARANCE FROM SIDE OF WATER CLOSET TO ADJACENT FIXTURE



TOILET B

Toilet B can satisfy the requirements of an accessible toilet room serving the area of alteration being permitted under 2013 CBC.

However, in a stand alone renovation of a toilet facility full compliance under 2013 CBC would be required as shown on the Toilet A layout.

For review of specific conditions be sure to contact FPS PAC.