



CITY OF SACRAMENTO

DEPARTMENT OF ENGINEERING
915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 449-5281

CITY MANAGER'S OFFICE
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APR 23 1980

R. H. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

April 23, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed Regulations for the Accommodation of Physically Handicapped
Persons in Buildings and Facilities Used by the Public

SUMMARY:

Attached is a report to the Law and Legislative Committee outlining some of the
affects the subject regulations would have on the City and recommending that
the City be represented at a forthcoming hearing to be held by the State. The Law
and Legislative Committee approved the recommendation as follows:

AYES = 2

NOES = 0

ABSENT = 2

RECOMMENDATION:

It is recommended that the City Council permit City staff to participate in the
hearing on the proposed regulations, to be held by the Office of the State Architect,
to obtain clarification of and present additions to said regulations. Said hearing
to be held on May 7, 1980 at the Woodlake Inn, Sacramento, California.

Respectfully submitted,

R. H. PARKER
City Engineer

Recommendation Approved:

Walter J. Slupe, City Manager

APPROVED
BY THE CITY COUNCIL

APR 29 1980

OFFICE OF THE
CITY ENGINEER

RHP/hma

April 29, 1980



CITY OF SACRAMENTO

DEPARTMENT OF ENGINEERING

915 I STREET SACRAMENTO, CALIFORNIA 95814
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R. H. PARKER
CITY ENGINEER

J. F. VAROZZA
ASSISTANT CITY ENGINEER

April 17, 1980

City Council Law and Legislative Committee
Sacramento, California

SUBJECT: Proposed Regulations for the Accommodation of Physically Handicapped
Persons in Buildings and Facilities Used by the Public

SUMMARY:

The Office of the State Architect has proposed to make changes in the California Administrative Code regarding making buildings and facilities accessible to and usable by physically handicapped persons. This report outlines some of the affects these regulations would have on the City and recommends that the City be represented at a forthcoming hearing to be held by the State.

BACKGROUND:

This portion of the report outlines some of the areas of the proposed regulations that should have clarification, gives some examples of the affects these regulations would have upon the City and gives several proposed additions to the regulations.

1. The present laws and regulations for handicap access are much more general than those that are now being proposed by the State Architect. Specific cases are now given in much more detail that will affect facilities that have not been considered in the past.
 - a. Swimming pools must have an assistive device provided to assist wheelchair users in gaining entry into the pool (Sec. 115 (c)). Clarification should be given as to what is an assistive device. In the past an assistive device was not considered in the construction of pools.
 - b. Parking structures must have a minimum vertical clearance of 8'-2" where required for accessibility to handicapped parking spaces (Sec. 91 (e)). Present City design standards have a minimum vertical clearance of 6'-9" This regulation will significantly increase the cost of new structures. It would be extremely difficult to remodel the present garages to meet this standard.
 - c. Carpeting installed in areas accessible to the handicapped would need to meet many requirements (Sec. 102 (c)). Enforcement of this section is difficult if not impossible. Building permits are not now required for carpeting. The carpet is not now required to be installed for a final inspection on a building. This item would increase the cost of enforcement dramatically.

The enforcement agency should be exempted from involvement with checking carpeting requirements.

2. Many areas of the proposed regulations need clarification. The following are some examples.
 - a. In alterations to buildings why must the "primary" entrance and "primary" path of travel be made to comply, as long as there is one entrance and one path of travel that complies (Sec. 84 (d) (3) (A))?
 - b. Reasonable availability, patently impractical and unreasonable hardship should be clarified and at least one good example should be provided for each (Sec. 84).
 - c. What would be the extent of compliance to an existing facility when a remodeling project cost exceeds \$50,000?
3. It appears that several areas should be added to the regulations.
 - a. In Section 104, Special Access Lifts, it would appear reasonable to add a paragraph saying in effect that lifts shall be usable without the use of a key or any special knowledge.
 - b. A Section 111 could be added that would require dressing rooms and special facilities, as in retail department stores, to be accessible to the handicapped.
4. In the area of appeals to the regulations several things need clarification. The City staff feels clarification and simplification of the appeals process is very important because with the additional detail of requirements provided in these regulations, there will probably be many appeals as to the application of these regulations on remodeling projects. There are three various appeal processes that could involve the City. If State funds are utilized for a City project and the City wishes to appeal, then the appeals process would be determined by the Director of the Department of General Services. If City funds were being used, the appeals process would be determined by the governing body of the City. If private funds are used for public accommodations, the appeals process is established according to the Health and Safety Code which sets up a local Handicap Access Appeals Board.
 - a. It is not clear that on projects using City funds whether a higher appeal can be made to the State if a decision rendered by the City is disliked (Sec. 86 (a) (2)).
 - b. Section 19957.5 of the Health and Safety Code states that there is no appeal to the decisions of the local Handicapped Access Appeals Board. Even though the Board is appointed by the Mayor, the Mayor does not have the opportunity to override the Board's decisions. This should be changed to allow for the normal appeals process to take place (Sec. 86 (a) (3)).

April 17, 1980

- c. The regulations state, in many areas that where in the opinion of the enforcement authority these regulations would cause a hardship to require compliance, that certain exceptions can be made. In remodeling projects there will be many of these hardship cases causing many request for an appeal hearing.

FINANCIAL DATA:

The Office of the State Architect has determined that, pursuant to Section 2231 of the Revenue and Taxation Code, no increased costs or new costs to local governments will result from these regulations as they do not increase the levels of compliance required above that required prior to January 1, 1973.

However, it appears that since the proposed regulations have become much more specific and cover areas that up to now the City has not been required to enforce, that there will be increased costs to the City in the form of additional enforcement and the handling of an increased number of appeals.

RECOMMENDATION:

It is recommended that the Law and Legislative Committee recommend to the City Council that City staff be permitted to participate in the hearing on the proposed regulations to be held by the Office of the State Architect to obtain clarification of and present additions to said regulations. Said hearing to be held on May 7, 1980 at the Woodlake Inn, Sacramento, California

Respectfully submitted,



R. H. PARKER
City Engineer

Attachment

RECEIVED
APR 7 1980

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE STATE ARCHITECT

CITY OF SACRAMENTO
ENGINEER'S OFFICE

Notice is hereby given that the Office of the State Architect, pursuant to the authority vested by Section 4450 of the Government Code, and to implement, interpret, or make specific Sections 4450 to 4458 of the Government Code, proposed to adopt, amend or repeal regulations in Title 21 and Title 24, of the California Administrative Code regarding making public buildings, structures, sidewalks, curbs and related facilities accessible to and usable by physically handicapped persons.

Notice is also given that any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations:

April 23, 1980, San Francisco, 9 a.m., Holiday Inn,
Van Ness and Pine, Emerald Room

April 28, 1980, Fresno, 9 a.m., Holiday Inn, 5090 Clinton,
Aloha Center

April 30, 1980, San Diego, 9 a.m., Sheridan-Harbor Island Hotel,
1380 Harbor Island Drive, Mission Court South

May 5, 1980, Los Angeles, 9 a.m., Los Angeles Convention Center,
1201 South Figueroa Street, Room 206

May 7, 1980, Sacramento, 9 a.m., Woodlake Inn, 500 Leisure Lane,
Empire Room A

The Office of the State Architect has determined that, pursuant to Section 2231 of the Revenue and Taxation Code, no increased costs or new costs to local governments will result from these regulations as they do not increase the levels of compliance required above that required prior to January 1, 1973.

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE STATE ARCHITECT

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A copy of the regulations may be obtained from the State Architect, P. O. Box 1079,
Sacramento, California 95805; telephone (916) 445-6285 or at the time and place
of hearings.

Dated: March 19, 1980

OFFICE OF THE STATE ARCHITECT



Barry L. Nasser
State Architect