

CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES
November 5, 2020 – 10:00 a.m.

Thursday, November 5, 2020

Agenda Item 1. Call to Order

Chair Julie Lee called the meeting of the California Building Standards Commission (CBSC) to order at 10:01 a.m. The meeting was held via Zoom and teleconference hosted by the CBSC.

Roll Call

CBSC Staff Member Pamela Maeda called the roll and Chair Lee stated a quorum was present.

Commissioners Present:

Undersecretary Julie Lee, Chair
Juvilyn Alegre
Elley Klausbruckner
Erick Mikiten
Rajesh Patel
Laura Rambin
Kent Sasaki

Commissioners Absent:

Peter Santillan
Aaron Stockwell

Pledge of Allegiance

Chair Lee led the Commission in the Pledge of Allegiance.

Chair Lee gave the instructions regarding public comments and teleconferencing.

Agenda Item 2. Comments from the Public on Issues Not on this Agenda:

Chair Lee advised the Commission may receive public comments on matters not on the agenda. Matters raised may be briefly discussed by the commission and/or placed on a subsequent agenda. No action may be taken by the Commission on items raised during this agenda item.

Questions or Comments from the Public:

No questions or comments from the public.

Agenda Item 3. Executive Director Report:

Executive Director Mia Marvelli recapped where we are with the 2021 triennial code adoption cycle. IAPMO published its 2021 Uniform Plumbing Code and Uniform Mechanical Code in February of 2020. The International Code Council (ICC) is publishing its various I Codes in October. She thanked ICC for giving staff and the state agencies an early electronic draft so that they could begin to review the model code updates. The ICC stated the International Fire Code softcover will be available this week, the International Building Code will be available next week, and the International Residential Code and the International Existing Building Code will be available mid-December. The California Building Standards staff will coordinate with the agencies. As soon as we receive them, we will get those out to you. In the meantime, we can continue to utilize the draft PDF provided by ICC.

On October 28 staff conducted a virtual rulemaking training for the state agencies that propose building standards in Title 24. There were approximately 40 attendees, consistent with years prior when the training was conducted. This was done Virtual and recorded so it can provide training for new state agencies staff.

The 2021 triennial code cycle timeline has been posted to our website. It is under the Rulemaking tab at the top of the website.

On September 24, 2020, a coordinating council meeting was conducted. The various state agencies discussed the 2021 triennial code cycle timeline and the building standards being contemplated by the various state agencies. There were approximately 90 participants. One topic on the agenda was to address a petition the Building standards Commission received to consider full adoption of the 2021 edition of the International Existing Building Code, which would include the work area compliance methods found in Chapters 6 through 13. These chapters are currently not adopted by the Commission or printed in the 2019 edition of the California Existing Building Code, which is Part 10 of Title 24. It may be necessary for the subcommittee of the Commission, the Code Adoption Committee, to review the 2021 International Existing Building Code to hear testimony from state agencies and stakeholders to see if full adoption or printing of these chapters should be considered this rulemaking cycle.

Another topic is every three years the Commission reconstitutes the six code advisory committees. A call for applications was issued on November 2 and there is a 30-day window for application submittal. The final due date is December 4. Once staff receives all the applications and the supporting documentation, we will collate the applications and prepare them for the Code Adoption Committee's review. A subcommittee of the Commission will review those applications; that meeting is tentatively scheduled for January 21. Once the Code Adoption Committee Subcommittee meets and selects

their recommended code Advisory Committee nominees the Commission can appoint the Code Advisory Committee Members at a future meeting scheduled for February of 2021.

January 21, we have a Code Adoption Committee meeting to select the Code Advisory Committee Members.

February 18, we have a Commission meeting and at that meeting the nominees will be appointed by the Commission for the six Code Advisory Committees.

Additionally, what is occurring during this fall/winter is staff and the state agencies are conducting workshops for the 2021 cycle. Please be sure and subscribe to the various state agencies databases to be invited to the workshops.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Agenda Item 4. Commission Committees:

Chair Lee stated Agenda Items 4a and 4b provide an opportunity for the Commission to add or remove members and appoint a chair for each standing committee. The Commission last selected and appointed members for its two standing committees back in January of 2020. Since we have two new commissioners, we thought it would be appropriate to open their membership again. Each committee may be comprised of one to five commissioners and meets on an as-needed basis.

Item 4a. Appeals Committee

Chair Lee stated the Appeals Committee is comprised of Juvilyn Alegre, Elley Klausbruckner and Kent Sasaki, who serves as Chair of the Appeals Committee. The purpose and responsibility of the Appeals Committee is to work with the Executive Director to determine the appropriate course to administer a valid appeal pursuant to the regulations in the California Administrative Code, Part 1 of title 24. She then asked if any other commissioners wished to serve on the Appeals Committee. No other commissioners volunteered.

Chair Lee continued by asking Commissioner Sasaki if he wished to continue as Chair of the Committee.

Commissioner Sasaki replied affirmatively, adding, he would prefer to be on the Code Adoption Committee because he has substantial experience and interest in the Existing

Building Code, which will be discussed as part of reviewing whether to adopt the remaining chapters of the 2021 IEBC.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to keep the Appeals Committee as is with Commissioner Sasaki as the Chair. Commissioner Klausbruckner moved to approve Item 4a as presented. Commissioner Alegre seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin and Sasaki.

Item 4b. Code Adoption Committee

Chair Lee stated the Code Adoption Committee is comprised of Elley Klausbruckner, Peter Santillan, Erick Mikiten and Rajesh Patel, who serves as Chair of the Code Adoption Committee. The Commission reconstituted this committee January of this year, but since there are two new commissioners, we thought it would be appropriate to open its membership again.

As Executive Director Marvelli mentioned, it may be necessary for the Code Adoption Committee to meet and review the 2021 International Existing Building Code. Additionally, later this year a Code Advisory Committee call for applications will be sent out to reconstitute the six code advisory committees for the 2021 triennial code adoption cycle.

The purpose and responsibilities of the code adoption committee are to identify means of improving the code adoption process, early participation in the model code process and review and nomination of members for the code advisory committees.

Chair Lee asked if any other commissioners would like to serve on the Code Adoption Committee.

Commissioner Sasaki asked, currently there are four members of the Code Adoption Committee and I think during Mia’s report she said there can be up to five. Can there be more than five? One, we have new commissioners so we would want to give them

an opportunity to be on this committee if they are interested; but also, there is more importance to this committee because of the issue of reviewing the 2021 IEBC and potentially adopting all of the chapters in that building standard.

Ms. Marvelli replied, I think we need to keep it at five or less because of a majority quorum of the Commission. Regarding Bagley-Keene, the rules for that are if there are three or more members of a state body that are meeting that will need to be a public meeting, so that will occur anyway.

Commissioner Patel asked, is it possible to create a sub subcommittee to work on the IEBC?

Ms. Marvelli replied, we certainly could do that. You raise a good point, because we have done that in the past with the exterior elevated elements subcommittee, which was necessary for once or twice and it was very specific. We certainly could have a special subcommittee just for the International Existing Building Code, absolutely.

Commissioner Rambin stated, being new to the Commission all these committees are new to me as well. I appreciate Commissioner Patel's inquiry about a subcommittee regarding the International Existing Building Code because I share Commissioner Sasaki's particular interest in that. I would perhaps be interested in a subcommittee to look at the International Existing Building Code but trying to focus my involvement on that specifically.

Commissioner Sasaki stated, if we did have a subcommittee for review of the IEBC would that be a subcommittee of the Code Adoption Committee and therefore, we would still have to limit it to five?

Ms. Marvelli replied, it could just be a special subcommittee of the Commission independent of the Code Adoption Committee.

Commissioner Sasaki stated he would be interested on being on that subcommittee.

Ms. Marvelli stated, I am hearing that there are a few of you that would prefer a subcommittee just to address the IEBC. We need to finish up with the Code Adoption Committee selection and if there are going to be any changes to that committee. Then we could possibly have a motion to create an IEBC subcommittee and then there could be members that choose to be on that committee.

Ms. Marvelli then asked Ms. Barbu if that was appropriate and doable at this commission meeting.

Ms. Barbu replied, I think that is appropriate; I am not sure it is doable at this Commission meeting because there was no agenda item for this idea of a separate subcommittee from the two that were on the agenda. I think if one of the Commissioners wants to make a motion to create a subcommittee and put that agenda

item on the next agenda for the next meeting that would probably be the safest route. There could be discussion under this item to create this new subcommittee, but I would suggest not voting on that today since it was not on the agenda.

Commissioner Mikiten suggested we see whether there would actually be more than five people who would want to be on the Code Adoption Committee and then make a determination.

Ms. Marvelli replied, I think what the discussion was is to create an actual different subcommittee independent of these other subcommittees and have it just reviewed the IEBC. But as Ms. Barbu pointed out, that cannot be created until the next commission meeting because we need to put an agenda item on a future agenda.

Ms. Barbu stated, just to clarify, that subcommittee would then report to the Commission, not to another committee.

Commissioner Mikiten stated, if the subcommittee that is independent for the International Existing Building Code has to report to the main committee; the Code Advisory Committee then takes that and is the one that actually makes the decision on that because it's in their purview. All of that might be unnecessary if all five commissioners want to be on the Code Advisory Committee and we could deal with that just internally.

Commissioner Sasaki stated, it sounds like, though, that both I and Commissioner Rambin would like to be part of the evaluation of the IEBC. Because there are four currently on the Code Adoption Committee, we both cannot do that.

Commissioner Rambin interjected, just to clarify, I am not interested in being on the Code Adoption Committee, I am interested in evaluating the International Existing Building Code for adoption. That is a clarification. I have a specific interest in evaluating that code, adding further complication.

Ms. Marvelli stated, I think what we need to do is just address the Code Adoption Committee selection and who wants to be on that committee.

Commissioner Sasaki stated, when is the next Commission meeting and would there be time to actually do the review of the IEBC?

Ms. Marvelli stated, currently, we have a December meeting scheduled and we could put that on the December meeting agenda, create the subcommittee, and then after that have a subcommittee meeting at a future time.

Michael Nearman, Deputy Executive Director, added, in the agenda this item is identified as a Commission subcommittee item. Because the subcommittees are comprised of commissioners only, not public members, is it still the case that because this developed an additional subcommittee of the original committee but part of this

agenda item that this would then have to move to another meeting? Or could they take action because it's related enough to the item that was on the agenda and the fact that only Commissioners would be selected?

Ms. Barbu replied, the Bagley-Keene Act really speaks to the public's right to be notified of what the Commission is planning to do and what actions they are planning to take. Even though they may not vote on the item they are entitled to notice. This is a new idea that was not contemplated in the agenda for this meeting so I suggested the safest route would be to notify for the next agenda.

Commissioner Rambin stated, I would like to hear what the other Commission members think about the idea of the subcommittee. I am perfectly willing to defer to Commissioner Sasaki's expertise to act on the standing Code Adoption Committee to evaluate the Existing International Building Code. In my experience, the key issues in there are structural related issues so I think that is very appropriate. If there is no interest from other commissioners to have a subcommittee to evaluate that code, I would defer and keep things just as they are.

Commissioner Sasaki stated, appreciate your comments Commissioner Rambin. I would like to be added to the Code Adoption Committee.

Commissioner Klausbruckner stated, my suggestion is the Commissioners that are interested are coming from the private industry, and I would suggest having a well-balanced committee with AHJ Commissioners as well participating in that since it sounds like it is going to be a controversial issue. My suggestion is when we put that subcommittee together that we bring in more commissioners with jurisdictional background as well to balance it.

Commissioner Sasaki stated, the Code Adoption Committee would be evaluating the IEBC.

Commissioner Klausbruckner stated, then my suggestion is that I would step down to allow Commissioner Rambin on this committee.

Commissioner Rambin stated, thank you, Commissioner Klausbruckner. Again, being new to the Commission, I am still sort of wrapping my head around the roles and responsibilities here and I was reluctant to join any of the subcommittees. Reviewing the applications for the Code Advisory Committee sounds like it can be quite a task, in addition to evaluating the International Existing Building Code. I was not actually interested in being on the committee.

Commissioner Klausbruckner stated, you might form this code adoption committee and it can, I am guessing, it might be reconstituted later when the evaluation of the code action committee subcommittees is being evaluated.

Ms. Marvelli stated the plan is that we have a meeting scheduled on January 21 for the Code Adoption Committee to meet and select the Code Advisory Committee Members; so that is happening in January.

The review of the International Existing Building Code would also need to occur sometime around that time. Just because of the timing of the cycle and the availability of the codes it would be a good amount of work for this committee.

Commissioner Sasaki stated, Commissioner Klausbruckner, if you are able to continue serving on the Code Adoption Committee.

Chair Lee continued by asking Commissioner Patel if he wished to continue as Chair of the Code Adoption Committee. Commissioner Patel replied affirmatively.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Motion: Chair Lee entertained a motion to add Commissioner Sasaki to the Code Adoption Committee and to keep Commissioner Patel as the Chair. Commissioner Klausbruckner moved to approve Item 4b as presented. Commissioner Mikiten seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Rambin and Sasaki.

2019 INTERVENING CODE ADOPTION CYCLE PROPOSED RULEMAKINGS

Agenda Item 5. Division of the State Architect – Accessibility (DSA-AC 01/19)

Chair Lee stated Item 5 was proposed adoption of amendments to the 2019 California Building Code Chapter 11B, item numbers 2.01, 2.03, 11B.18, 11B.19 and 11B.38, Part 2 of Title 24. The Commission's action at the July meeting was Further Study Required on these items. DSA revised the code changes based on the July Commission meeting feedback and an additional comment period was conducted.

Chair Lee asked the DSA representative to introduce him/herself and present Item 5.

Ida Clair, Acting State Architect, and principal architect for the accessibility regulations at DSA headquarters introduced herself and Derek Shaw, supervising architect of access. She began the presentation by thanking the Commission for the opportunity to

present the remainder of DSA's regulatory amendments related to accessibility for the 2019 intervening supplement of Chapter 11B of the California Building Code.

Ida Clair continued, DSA remains fully committed to the development of accessibility regulations that serve the needs of the disability community. To ensure that proposed and amended regulations will meet these needs DSA conducted an extensive outreach program of five sessions from January to May 2019 when we assembled a taskforce of stakeholders to address amending scoping regulations for detectable warning surfaces. Stakeholders included the blind and visually impaired disability advocates, individuals who use wheelchairs, design professionals and code enforcement entities. These discussions are the basis of the proposed amendments to the regulations for detectable warning surfaces that are presented today.

Our proposed and amended regulations were also presented and discussed with DSA's Access Code Collaborative (ACC) in four all-day sessions from May through October 2019. Concurrently with ACC discussions, DSA conducted its outreach to the public on the proposed accessibility amendments; these meetings were held on July 9 and September 19. Comments and feedback on the proposed amendments at these public stakeholder forums were brought back to the ACC for further consideration. I will clarify the July 9 and September 19.

Derek Shaw will begin the presentation for discussion and comment to our code change proposals related to the scoping and technical requirements for detectable warning surfaces.

Derek Shaw gave an overview, on five items related to our current rulemaking cycle. Each one of these are related to each other and together they form a sub-package of items within our code proposals to address clarifying existing requirements for detectable warning placement and modifications to affect that.

These items had been Further Studied by the Commission at the July meeting. DSA has gone out to an additional 45-day comment period for the public for two of these items, that would be for the definition of circulation path, Item 2.03, and also for the scoping requirements in Section 11B-250, that is item 11B.19, regarding the issue of placement of detectable warnings more specific and expressed within the building code.

Questions or Comments from the Commissioners:

Commissioner Patel stated, I do believe that making those language changes and working with the public again, does help accomplish your goal of clarifying when detectable warnings are required.

Commissioner Mikiten stated; I think the revisions and clarifications were worth the wait. If you could just briefly state the fact that the Access Board has removed detectable warning from the ADA except for public rights of way and transit platforms due to a lot of conflicting of commentary from people with mobility disabilities versus people with vision

disabilities, and then people using the areas with detectable warnings for other purposes.

Derek Shaw replied, the detectable warnings requirements were incorporated into the 1991 or 1994 ADA standards. Subsequently they were suspended by the US Department of Justice under their adoption of the ADA standards. They were suspended while further study was conducted to assess some of the public comments that the feds had received during that initial time period. Eventually, this suspension was lifted, and they were back in play again. But then the next step was that the 2010 ADA standards, that is in essence the second edition of the federal ADA standards, the 2010 ADA standards came out and within those standards the scoping and application of detectable warnings was limited within the ADA standards to only at transit boarding platforms.

DSA persisted with the detectable warnings requirements that have been in place in the California Building Code Chapter 11B for decades now; we have not changed our position, that being that detectable warnings are important and necessary.

DSA, with this proposal, we are proposing to focus on that language to repeal the term “hazardous vehicular areas” primarily because of the confusion and various interpretations that are made of that language and instead, we have restructured our requirements for detectable warnings for those areas that are currently covered under the hazardous vehicular areas. Where our current language describes hazardous vehicular areas, it is specific to where a walk crosses or adjoins a vehicular way. “Adjoining” we take to understand that that is running side by side with the vehicular way and “crossing” is crossing the vehicular way. By and large that scoping has now been revised, recrafted and rewritten in our proposal and it is contained within our proposal for item 11B.19. DSA has gone further in this Section 11B.19 and made specific the implied preference from the hazardous vehicular area’s language, that the separation be providing a physical separation.

DSA has maintained and made more specific that preference by incorporating into the lead paragraph in Section 11B-250.1 the requirement that physical separation is required between circulation paths that are contiguous to vehicular traffic and the vehicular traffic itself. We have also crafted a number of exceptions.

At this time DSA is still of the opinion that detectable warnings are very important and necessary for the benefit of people who are blind or visually impaired. We have taken steps in other sections that have already been approved by the Commission regarding detectable warning placement at parallel curb ramps. If you will recall, our proposals for detectable warnings at parallel curb ramps had the effect of requiring a space free of detectable warnings to allow passage by persons who use wheelchairs so that they may pass through the parallel curb ramps without going over long extents of detectable warnings.

Commissioner Mikiten stated, was there any consideration given to considering or incorporating any requirements on crossing bikeways? I am seeing here in Berkeley, for example, and on big tech campuses, the very minimally separated bike circulation pads adjacent to parking spaces or other pedestrian paths that seem like if that proliferates could be quite a hazardous situation. Maybe that is something you are considering for future rulemaking, but I wanted to ask about it.

Derek Shaw stated DSA did not consider nor address the issue of circulation paths crossing or adjoining bicycle paths. We certainly will continue to be mindful of the issue and at some point, in the future we may choose to address that.

Commissioner Mikiten stated, Yes, I would encourage that, at least maybe starting with dedicated bike paths that are not for pedestrians and horses and so forth, and where a dedicated pedestrian path crosses those. That is where I see the most problem.

Another question. There was a concern from at least one commenter that in the Exception 3 it says that at locations where circulation paths cross driveways or drive aisles, circulation paths shall not be required to comply with this section and detectable warnings shall not be permitted. That statement could imply that a curb ramp or blended transition along that circulation path would not have a detectable warning. Is there something else here that I am missing that sort of trumps that statement there that that says no to technical warnings for that particular circulation path?

Derek Shaw replied, where curb ramps are provided other scoping sections that are not proposed to be amended express the scoping requirements as well as the technical requirements for detectable warnings at curb ramps. The issue here with Exception 3 is that going back to the to the original conversation at the federal level about detectable warnings, there has long been a difference of opinion about the placement of detectable warnings along streets where driveways cross.

Commissioner Mikiten stated, that makes sense. I understand and completely agree that when you have these multiple driveway entrances it becomes completely meaningless to someone who is detecting those with a cane to understand what they are basically trying to communicate. The architect who is designing this site, or the civil engineer, is defining that walkway as a circulation path they could potentially see Exception 3 as saying that all along that circulation path that detectable warnings shall not be permitted.

The intention then simply saying that except at curb ramps in that Exception number 3 would further clarify. A question, if that clarification and direction to the designer to know that a curb ramp gets a detectable warning regardless of whether or not the circulation path upon which it is sitting does not otherwise need detectable warnings due to this exception?

Derek Shaw stated, yes. Exception 3 has no intent to exempt the detectable warnings that may be provided at curb ramps on both sides of a crossing; or even if the approach

was at the same level prior to entering the vehicle space DSA understands that detectable warnings would be required at those locations too.

Ida Clair stated, I think that it is important to understand that when we embarked on its clarity, we received a lot of comments from our stakeholders on how the regulations could be improved, and as the language evolved there were a lot of scenarios that were site-specific that tested the language. Through that discussion we determined that it would be advisable in conjunction with our stakeholders, the ACC and also our work internally. It is our goal to create a design guide that starts to use our Statement of Reasons on our regulations and starts to explain why we have amended the regulations as they are so that designers could use a design guide in the appropriate placement of them so that we could further their consistency and clarity. That there are a lot of site-specific issues that sometimes regulatory language has a very difficult time always applying, and so having an additional resource that is supported by our Statement of Reasons in rulemaking and is supported by a review of the Access Code Collaborative and our stakeholder group for the detectable warnings, that together, we could create a design guide that provides an assistive resource to reinforce the regulations as they were created. We hope that lends to the clarity and consistency of detectable warnings in the future.

Commissioner Mikiten stated, clarifying some of these, what will come up inevitably with new language, some of these nuanced areas, it may be that this is not the appropriate place to make that sort of clarification, that it is in the curb ramps section that that would better sort of clarify that. And I think your comment about the design guide is true, that is very useful.

Question regarding the fact that vehicle charging devices and stations often will have not just a control oriented in one direction or another, which is what Exception 6 starts to address, that idea of orientation. But rather that there may be a button on the left side that releases a handle or that starts the charging action and things like that, it gets very complex. What degree did this language take into account the great variety of different charging station units and whether that is something you would address further in the future?

Derek Shaw replied, the language that talks about the orientation, in Exception 6 it says "At each electric vehicle charging station complying with Section 11B-812 ..." Those are the accessible ones. "... where the charger and its controls are oriented toward the vehicle space it serves and the charger's clear floor spaces for operable parts and point-of-sale devices are at the same elevation as the vehicle space ..." That language was intended very well to address the variety of charger configurations and where their controls and electrical connectors may be located. The language here is primarily intended to address where you have the charger that is approached in essence from within the vehicle space or immediately adjacent to it.

Commissioner Mikiten stated, I think that is a useful element to have in there. I think for that, and what we discussed before, actually having diagrams, certainly in the advisory

manual, but I would strongly encourage some clarifying diagrams to be included in the code as well in the future.

Chair Lee stated, before we move on, we are going to take a 10-minute break so that our captioners can switch over. When we come back, we will conclude with Commissioner comments from Commissioners Sasaki, Alegre and Rambin. It is 11:33 now, we will be back by 11:43. Thank you.

A recess was taken.

Chair Lee called the meeting back to order at 11:43 a.m. and the meeting resumed. She stated, just to recap we are on Item 5, the Division of the State Architect Accessibility Rulemaking, DSA-AC 01/19, proposed adoption of amendments to the 2019 California Building Code. Commissioner Sasaki any comments?

Commissioner Sasaki stated, primarily to thank all the participants. Clearly, DSA has put a tremendous amount of effort and time going through listening to our comments from the last Commission meeting addressing stakeholder comments.

Commissioner Rambin stated, I would just like to reiterate Commissioner Mikiten's comments about some diagrams to explain these conditions. Not having been part of the history of the process I was trying to visualize when each of these exceptions would be applied and I agree that it would be very helpful to have some diagrams to help illuminate the designers when they are applying these exceptions.

Questions or Comments from the Public:

Natasha Reyes with Disability Rights California stated, we have submitted written comments on these items so I will just speak briefly on 11B.19. We strongly support adopting this language as-is. But as pointed out by Commissioner Mikiten, we do think there are some points for clarification in Exceptions 3 and 6, including helpful diagrams, so we would like to see the Commission direct DSA to address these points in the next code cycle. We also strongly support the comments submitted by the California Council of the Blind.

Eugene Lozano, Chair of the Committee on Access and Transportation for the California Council of the Blind. We are in support of all five items that are under discussion this morning. This is an issue that is dear to our heart and we feel in certain ways it is a life and safety matter, providing warnings where appropriate as to where you are entering a vehicular area. I would like to strongly support on behalf of the organization the item 11B.18, changing the title of Section 11B-247, of changing that from "Hazardous vehicular areas" to "Blended transitions." Hazardous vehicular areas, when it was put into the ADA guidelines, it was to address that vehicular areas where hazardous.

The circulation paths, Item 11B.19, we feel very much that is advancing access, providing a greater deal of safety by having raised circulation pathways when they are adjoining vehicular areas. This provides a clear demarcation of where you are to walk as a blind person, by having that elevation difference. And we have, as has been commented, concerns about Exceptions 3 and 6. We feel that even though detectable warnings reference for curb ramps and blended transitions can be found in the Exception 1 and can be inferred, even though it might be considered to be redundant we feel that the citations should be included in 3 and 6 so that it is clear to the reader that detectable warnings are required at a terminus, at the crosswalk, and long blended transitions.

In full support of this item and would like to see it in the next edition of the DSA reference Advisory Committee manual.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting.

Mike Nearman stated, yes, we did get a number of comments that were sent in during the notice period for this meeting. Initially for the meeting for October 13 we received four comments from three commenters; and then since the notice for this revisited Commission meeting on the 5th we received one more comment. I will briefly touch on these. Two of the commenters actually were on the phone, that would be Natasha Reyes from Disability Rights and then also Gene Lozano from the blind community.

Mike Nearman read in the comments: Christina Stevens from HGA, written comment concern is that the way the code is worded will cause a reduction in accessibility as outlined below. The wording of the proposal for Section 11B-250.1 Exception 4 is unclear with regard to where to install the domes. The section should specify that the required pedestrian walkway shall remain clear of truncated domes where the walkway and the vehicle way run parallel (with the domes delineating) and that the domes may not encroach on the required pedestrian route width. If 36 inches of truncated domes are installed on the walkway side of a flush 48-inch walkway such that there is 12 inches of flat surface and 36 inches of domes, most people, and especially those who have mobility challenges, crutches, chairs, walkers, et cetera, and/or balance issues, will walk further out into the drive aisle, thus exposing them to risk and reducing their net level of access. Then they offer suggested language to be added to number 1 that adds the additional language to the end of the sentence that says: Where a parallel walkway and vehicular way conditions, the subject circulation path required width remains clear of detectable warnings.

Written comment from Eric McSwain. Mr. McSwain is from the Access Compliance Consultants, Incorporated, he is a CASp member, and he says: Dear Commission Members. I am writing to express my objections to the proposed changes to CBC Chapter 11B, specifically those related to the definition of circulation path. The scoping section, 11B-250 circulation paths. These new requirements appear to me to be deceptively simple and I think the potential negative impacts will far exceed any

perceived gain. One of my biggest concerns is that the definition of circulation paths fails to clarify that the circulation paths in question are limited to ways of passage provided for pedestrians only. In addition, 11B-250.1 is slated to apply to circulation paths that are contiguous to vehicular traffic. How much separation is required between a circulation path and a vehicular way before they are no longer contiguous? An inch, a foot, three feet? When I exit a retail establishment and walk to my car, I almost always walk across a parking lot, which includes drive aisles and parking spaces. Seldom, if ever, are walks provided to all parking spaces. How will the proposed change impact these areas that provide for combined pedestrian and vehicular circulation? Certainly, the entire parking lot cannot be elevated to any benefit and will elevated walks be required for all parking spaces? That seems like a ludicrous, albeit possible project given the proposed wording. Requiring sidewalks to be elevated above onsite vehicular areas also strikes me as potentially problematic, particularly in existing facilities. Proposed 11B-250.1 Exception 4 allows for the installation of detectable warnings in lieu of raised circulation paths. Please consider, for example, a typical strip mall or small retail establishment where the parking lot pavement abuts the back of the public sidewalk. Will detectable warnings be required along the length at the back of the sidewalks? I am opposed to requiring elevated circulation paths. While they may benefit people, who are blind I think they are just as likely to create tripping hazards for those who have low vision. They may also reduce access or create hazards for wheelchair users or other mobility impairments. Lastly, if elevated circulation paths are to be required, please consider calling them walks instead of circulation paths. The definition of the former is sufficiently broad to include all manner of exterior pedestrian routes and the latter is quite often misunderstood and misapplied. Either way, please change whichever definition is used to clarify that it refers to pedestrian-only routes. Otherwise, we would be left with a standard that appears to require all areas where pedestrians may walk to be elevated. Sincerely, Eric McSwain.

Chair Lee thanked BSC staff and asked if there were additional commenters on the telephone.

Alex Warner, City of San Diego, Accessibility Advisory Board, commented on Item 5, wanted to congratulate the Division of State Architect for all the work they have done clarifying this item. We know that this is a very challenging item for everybody, public entities and private designers and developers. But it is a good start where we are providing more information and guidance on detectable warnings.

Chair Lee stated she would turn Item 5 back over to the Commissioners and entertain a motion to consider the Division of the State Architect's proposed adoption of amendments to the 2019 California Building Code, Item Numbers 2.01, 2.03, 11B.18, 11B.19 and 11B.38.

Commissioner Mikiten stated, I have a couple of follow up questions for DSA. One is that idea of the parallel curb ramp that we approved in July as part of the DSA package and the requirement for having a path that you can get past the detectable warnings that are going toward the street direction at the curb ramp. Was there consideration for

this new idea of a parallel circulation path and vehicular way and wanting to, when they are at the same level, prevent people being forced to go over that because that pedestrian or that circulation path is only, say, four feet wide?

Derek Shaw replied, we considered that condition in part of our outreach through our Access Code Collaborative as well as with our public engagement. These were some of the problematic conditions that we sought to address. Quite often building officials will interpret a long stretch of the walk that is at the same elevation as the adjacent vehicular way. If it has down ramps on both sides, they would consider that as a parallel curb ramp. Where you have an expanse of a walk or a circulation path that is at the same level as the vehicular area, especially in new construction, these are conditions that can be quite readily addressed in design

Commissioner Mikiten stated, understood. I think this is a good example of the DSA advisory manual addressing this situation with an advisory that describes exactly what you just said and that vehicular path, that is a completely no-go zone for detectable warnings. And for the circulation path, once you have a circulation path, an advisory would be to have enough width beyond the detectable warnings so that there is a parallel path available without having to traverse them. I would like to see that addressed, not just in the advisory manual, but in the code.

The other question that I wanted to follow up on is whether there is somewhere that describes what physical separation is sufficient or is needed between a circulation path that is parallel with a drive aisle. In particular I am thinking that a designer could on their site plan show a crosshatched area on their drawing that shows their four-foot-wide circulation path that is a foot away from what they show, with a stippled fill as a driveway and sort of skirt the intent that you have. I am wondering if there is something that we have not discussed that defines adjacency or whether that might be something that you think might be needed in the future?

Derek Shaw replied, well certainly we are open to looking for improvements in the future. That is always open to DSA as well as any of the other code proposing agencies. As to Mr. McSwain's comments, this kind of brings up one of the difficulties. But when DSA receives comments at such a late date our hands are usually tied by that point, and absent withdrawing the item we are not left with a lot of options. We are happy to remain mindful of those comments and to continue to study those issues. If we do find that amendments to the language would be appropriate, we would address that in a future rulemaking cycle.

Commissioner Mikiten stated, I think that plans examiners would look at that sort of adjacency in a reasonable way that would lead to the results that we all want to come out of this. But I was curious whether that was considered and maybe rejected.

The last comment that I have is actually a question, is whether you think that if we were to look at Exception 3: At locations where circulation paths cross driveways or drive aisles, circulation paths shall not be required to comply with this section and detectable

warnings shall not be permitted except at curb ramps or blended transitions. With those words “except at curb ramps or blended transitions” being added I wonder if that would be considered a non-substantial clarification that DSA would find acceptable because I feel like that could add clarity and make sure that a designer does not propose a curb ramp that is on what they define as a circulation path as been without a detectable warning?

Commissioner Klausbruckner asked Commissioner Mikiten if he could you repeat the suggested change.

Commissioner Mikiten stated, it says now: “At locations where circulation paths cross driveways or drive aisles, circulation paths shall not be required to comply with this section and detectable warnings shall not be permitted.” I am suggesting adding the words “except at curb ramps or blended transitions.” I could say complying with section 11B-247, which is where blended transitions are defined. I feel like that adds clarity to the intent but does not in any way change what that section says.

Derek Shaw replied, I would agree with you, I do not think that it changes the intent or the specifics about the language. I am concerned, however, based on a series of comments that we received earlier in this code cycle where we were really addressing some of these same issues, what is it that leads to a crossing? That did lead us to amending and presenting in Exception 1 the methods that curb ramps and blended transitions or blended transitions and cut-through medians, how they provide an interface with those areas of crossing where the circulation path crosses the vehicle areas. Again, the language is intended to refer specifically to where that crossing occurs and so in all cases that will be within the vehicle areas. Now, how you enter into the vehicle areas or exit from the vehicle areas is regulated elsewhere in the code by the detectable warning’s requirements for programs, blended transitions, and cut-through medians.

Commissioner Mikiten stated, Actually, I think that is a great point. Reading that, what is now Exception 1, I would say actually addresses that sufficiently for me.

Commissioner Klausbruckner stated, also one point, it would have created an exception within the exception if we had put that.

Commissioner Mikiten stated, I am satisfied with the Exception 1 that got added. That is all my comments, and I would like to put forth a motion for approval.

Motion: Chair Lee entertained a motion to consider the DSA’s proposed adoption of amendments to the 2019 California Building Code, Items 2.01, 2.03, 11B.18, 11B.19 and 11B.38. Commissioner Mikiten moved to approve Item 5 as presented. Commissioner Klausbruckner seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin and Sasaki.

Agenda Item 6. Future Agenda Items

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Agenda Item 7. Adjourn

Motion: Commissioner Sasaki moved to adjourn the meeting. Commissioner Mikiten seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin and Sasaki.

Chair Lee adjourned the meeting at approximately 12:26 p.m.