

# Access Code Collaborative Meeting – 2022 Intervening Code Cycle September 23, 2022

**Brad Morrison:** Thank you. Thank you, Richard. Appreciate that. Can I, I see Dara has been in queue for a little while.

**Gene Lozano:** I'm sorry to interrupt. After Dara I'd like to comment, but I just wanna let you know, apparent, I just checked to raise my hand and for some unknown reason, the system does not accept star nine for the phone. It just tells, as raising your hand, it just indicates, tells me the count is that there are two participants, not that my hand's raised to recognize. So, I may have to verbally ask to be recognized since star Command nine is not working. And then after Derek comments, I'd like to make a comment because I think there's a missing element of information.

**Brad Morrison:** Yeah. Okay. That sounds good. Thank you. Thank you, Gene. Okay, so let me circle back. We have four people in queue right now and I'd just like to address that. So, we'll listen to Dara. I'm not sure, Dara, if you wanna, add to the conversation where they have a separate question. But then we also have Derek and Ida waiting, behind Gene.

So, Dara, Gene, Eric, and Ida. Will, Derek and Ida will, be the order here. So, Dara, let me go to you and see.

**Dara Schur:** Yeah, thank you. I've been on the collaborative since the beginning, and the charter is quite clear. Just to clarify that if there isn't unanimous support, that the meeting transcript will reflect, I'm just gonna read you what the charter says. If the meeting transcript will reflect a full range of perspectives held by the majority as well as a minority, and we have off usually done that by voting, and we understood that was a process we used, an executive summary will produced by the ACC planning committee within 10 days of the meeting for inclusion in the rule making record so all viewpoints can be documented.

That's, that's been quite clear from the early meetings of the collaborative. So there does appear to be misunderstanding. The minority viewpoint is recognized or multiple minority viewpoints, and they are recorded, and they are forwarded to the bodies that consider this committees, thoughts, along with the majority proposal.

So, I don't think that that is a problem. I think that's misunderstanding. We have always allowed public per, the public to join these meetings. I would not be opposed to setting aside a short public comment period, with limits on time for those who might wanna add to our deliberations. I, I do agree that we do our best to represent a very broad range of constituencies, but they're not all represented here.

And we don't always know for sure what everybody in our constituency feels about things. And I might be helpful to have that input now rather than later in the process.

That would be a change, but it's one I'm not opposed to, and I think would be very manageable.

**Brad Morrison:** Thank you Dara. Appreciate that. Derek we. I'm sorry, Gene. Gene, would you like to go, please?

**Gene Lozano:** Well, I'm not gonna duplicate what Dara said about the minority vote being recorded and heard. But and I'm not trying to talk for staff, but in the past, in addition to the Access Code Collaborative meeting having this, DSAs had at least one, often two meetings for the public, the community, that was well advertised to go over the same documents before any submission was done so that they, the public has been given that opportunity to comment at things.

And it's been the whole community, not just the disability community industry, so forth. So, I assume that that's probably gonna happen this year. So that's happened. And in the past, we've never really, I think it's only recent, maybe the last year that the collaborative meetings were open to, usually there were closed and now, the community can at least hear what's going on during our meetings are when we met.

But, but we've never had it, a process during the ACC for the public to comment. That's always occurred during those meetings, additional meetings that DSA's had. Thank you.

**Brad Morrison:** Okay. Thank you, Gene. Appreciate that. Okay. Derek.

**Derek Shaw:** Brad, can I, pass my spot in the order here to Ida and?

**Brad Morrison:** Sure.

**Derek Shaw:** And still retain my spot after Ida in case I need to provide additional comments?

**Brad Morrison:** Very nice. We'll come right back to you, Derek. Thank you. Ida, go ahead.

**Ida Clair:** Thank you, Brad. Good morning, everyone. I apologize for my late arrival at this meeting and in the middle of this discussion. So, if I have mis in, if I've only heard partial comments and I'm commenting, and it may not be completely in context, please forgive me.

I did wanna respond to this process and the understanding of this process first. I want to correct Gene's comment in that our meetings have always been, from what I can recall and from day one, able to be listened into in the matter of transparency. So that option has always been provided.

We've also had a goal to put our transcripts, which we were able to get, in our initial meetings on our website. We, during the pandemic, we transitioned formats and so, many of them have been recorded. They've still been publicly able to be listened into, but getting them on our website, due to staffing issues and accessibility issues, we make them available upon requests cuz they require a lot of processing and that, and we don't have that individual presently to do that processing, but they are still available after the fact upon request. That's on our website, but also you can still participate. So, I did want to clarify that.

We did extensive research on our ACC. DSA is not subject to Brown ACT requirements because it's not a legislative body. It's also, so it's also not subject to Bagley-Keene for this rule making process. We're subject to Building Standards Law

And building standards law, we are still in pre-cycle activities here. We have not formally presented our proposals to the Building Standards Commission for formal rule making. So, the pre-cycle process is really, at the design of the state agencies in how we conduct our outreach. DSA has used the ACC successfully for four years to set the groundwork on our proposals.

This is an opportunity with a specified work group that's selected by partner agencies to be representative of a constituency group. And its engagement on the ACC is to take what's heard today and get additional impact from your constituency group. But it is no way intended to replace the public comment process that we will have, either late in October or early November in advance of our proposals advancing to formal process through the Code Advisory Committee meeting.

So, there's plenty of opportunity to present, to be able to, for the public to speak and comment. But the ACC work is actually foundational to DSA. DSA considers what they are presenting as proposals. They present it to the small group to kind of discuss initially and address any concerns, have people in, listen to each other.

Our group has studied the proposals and has come prepared to discuss the proposals in this environment. It's governed by the work of our charter and it's just one method that we engage with, in essence to the public. However, just a representative group from the public. It is not intended to replace the public process. It's just an additional step. It's a foundational step in advance of actually saying, okay, we're advancing these to the public now for comment, an opportunity to tweak, clarify with the representative group. So, I wanna be very clear that we invite people to listen in so that they can get a preview of the work.

We invite people to listen in to the ACC so that they can say, you know what? I wanna be in that group next time. We will have, some of you will be cycling off the ACC in summer of 2023. And if people are listening in and they're interested in being part of this foundational group prior to advancing the proposals, they can put in an application and be that person that creates that voice for that representative group.

And I do still wanna clarify as well that we don't take votes on it. We take a consensus opinion on whether or not the regulations kind of meet the approval as

written. But it's not really a voting process. For all those of you who are listening in, please refer to the ACC charter which kind of delineates a lot of the process in which we work, and that charter is collaboratively developed with our members.

So, I just wanted to clarify some of that, some of those requirements, in advance. Thank you.

**Dara Schur:** Ida I just, you weren't on the call, but I just read the provisions from the charter that allow for minority perspectives, and we have all {indiscernible}.

**Ida Clair:** I'm sorry, Dara. Can you please clarify what do you mean allow for minority perspectives?

**Dara Schur:** That the charter says specifically that while we strive for consensus, and I just put the page away, but let me get back to it. While we strive for consensus there is a minority perspective. If there is a minority or multiple minority perspectives, they are reported on and they are tracked and they're in the transcript and they are forwarded along with the majority opinion as the, our recommendations go forward. That's in the charter.

**Ida Clair:** Absolutely, and I'm not contesting that, Dara. Thank you for clarifying that specifically from the charter. When I said about a vote, it doesn't mean that the constituency group votes whether or not these items advance. It's what they provide is an opinion on the items which affords either support or an objection to the item.

But it's, this group does not vote on whether or not DSA determines that the proposal will advance. That's what I was trying to clarify by the terms of vote.

**Dara Schur:** Oh, sorry if I misunderstood you.

**Ida Clair:** That's okay.

**Dara Schur:** We don't have authority, we just {indiscernible}.

**Ida Clair:** We're talking same language, but kind of in a different manner. Yeah. thank you.

**Eric Driever:** Ida. Thank you.

**Ida Clair:** The opportunity to speak.

**Eric Driever:** Derek had responded to a concern that Richard had brought up earlier, probably prior to you joining.

**Brad Morrison:** Okay, thanks Ida. Thanks Eric. Okay Derek, back to you.

**Derek Shaw:** Okay, great. Thank you. Ida, thanks for all that information. I think you covered a lot of ground with that.

If I could maybe just summarize in sort of a conceptual understanding of the Access Code Collaboratives relationship to the public meetings that we have during our pre-cycle activities. I find it helpful to think of the Access Code Collaborative as being a consultative group to DSA in the pre pre-cycle activities.

The work of the ACC and collaboration with DSA. It helps us to be prepared to present code change proposals at our public meetings during the pre-cycle. As Ida had mentioned we were anticipating a public meeting, approximately one in a month from now, either late October or early November.

And so, it's the work that we do here today that is going to help us to hone our draft code change proposals so that we can discuss them at the public meeting and hopefully be able to address any unintentional language that we may have at in them at this point.

Okay. So, thank you Brad.

**Brad Morrison:** Thank you Derek. Richard. Come on in. Do you have a question, Richard?

**Richard Skaff:** Yes, thank you. I just wanted to say thank you to Derek and Ida and Dara. I was not aware that there was a next, there was going to be a public meeting where there would be an opportunity for anybody and everybody to speak to concerns or support what we had been working on. And I think that's great. So, I think my concerns are allayed. I also appreciate Dara's clarification about, and Ida's clarification about no voting, but minority opinions are noted and that's really important. Not that I hope or expect to be a member of that group, but that may be the case. And I think we need to hear and listen to those opinions. So, thank you for the clarification, everybody.

**Brad Morrison:** No problem. Thank you, Richard. Appreciate it. Eric looks like you have a question.

**Eric Driever:** Yeah, thanks. And hopefully we can, I know we're all, we have a long agenda today, so I wanna make sure we're timely. So really great discussion. I appreciate everybody's input. Thank you. I'll just mention, Richard, to your point about the public meeting. We did distribute a doodle poll. I think you had responded to that regarding the next meeting. We have gathered all of the results of that doodle poll and will make that final announcement on the public meeting shortly.

**Brad Morrison:** Great. Thank you, Eric. Well, that was, that discussion actually was a great segue to our agenda because that's the first item that we're gonna discuss is our charter. So just let me run through briefly today what our schedule looks like. We're here from 10 till three today. And it looks like we have a pretty packed agenda.

We have 14 items up for consideration in terms of code change language and proposals and things. And in the beginning, we're gonna talk a little bit. We're gonna take a little bit of time just to finish up on the discussion that we weren't able to get to in our last conversation together.

So, we'll be talking a little bit about the charter and the ground rules as part of our initial discussion. And then we'll segue into our code change proposals. So basically, the day is, there's kind of two blocks of time that we'll be working on these code change proposals. And we'll try and move through them as quickly as we can, but at the same time there may be active discussions, so you'll just have to bear with us and make sure that we get through it as best we can.

We'll try for a lunch break sometime around noon, and do a half hour, if that's okay. If everybody can get what they need in that half hour, that'd be excellent. And we'll try and time it with the discussion that we're having. So, we don't really have to either cut the discussion off or otherwise, you know, kind of will work for an extra-long time to get through something.

So, I will be cognizant of it. And at certain points of the day, we'll try and take some short breaks. So, there may be a break in this morning segment and then there'll definitely be one in this afternoon before we go to our lunch break. That those will just be quick 10-minute breaks for everybody just to get up and refresh and do whatever you need to do.

Okay. So, before we get started, does anybody have any other questions or any other information that we need to consider before we start? Okay. All right. I don't see any, why don't we start with the first part of our agenda, then? Let's talk a little bit about the charter. Can, Jessica, can you queue that up on your screen? The ACC charter?

**Jessica Axtman:** Yep. I will start that right now.

**Brad Morrison:** Has everybody had a chance to look at this? I don't know if everybody's had a chance and found it on the box database there. But if you haven't, it's successful in the box database. I'm sure any one of us could help you find this if you need to, to look it over for consideration.

But this is our charter, which it charters basically are foundational documents. They describe how organizations kind of consider kind of meet the world so to speak. It's how we allocate our time, how we consider our membership, how important decisions are made, how communication happens.

All these things are considered as part of this process. And so here we are with a charter and one of the founding goals here of ACC is really that we are a collaborative, and collaborative means that we work together. So, the whole idea of collaboration is that it's working together.

And so are the rules that we operate by tend to go a little bit further than you would in a normal committee or normal kind of meeting kind of process. It's a little bit further stretch. And the whole idea is that we really wanna listen to each other. We really wanna actively communicate. We wanna share feedback. We've heard from others and push forward to the best solution possible. And really what may be sort of difficult or complex discussions. So, let's move on to the next slide. I don't see a charter. Okay, so here we go. So, here's a definition that's you know the collaboratives can range.

I've worked with a lot of different collaboratives, and they tend to vary by area of interest or type of organization. There's many collaboratives between government and nonprofits and there's a lot of nonprofits working together. Businesses often do collaborations, but they have a whole set of rules they have to watch for in terms of competitive activity.

So, this particular collaborative is an area activity between government and citizens. And the whole idea here is we're truly trying to engage non stakeholders in the process. And we've kind of established the ACC in the decision-making process of both DSA and the California Building code and with regular meetings and regular interventions and discussions and deliberations about code language.

So, this is a formal process that we are part of, and it may mean that certain things like, that we've just initially discussed here about public meetings and public discussions and opportunities for comment just have to be able to fit into our process. And as you can tell from a day like today when we have 14 change proposals, there's the meeting's gonna move along in a pretty good clip.

So, just to give you a little warning, this is who we are and what we do. And our whole goal is to, as the statement says here is really to implement public policy and do the best we can with it. So, this is our role and it's pretty well established and explained in the charter if you look at the first few sections of the charter.

Okay. So how about the next slide? And as I mentioned before, so as part of collaboration, as part of our activity working together, we're looking for some things within that. And so underneath that term, there's some principles that we really want to see upheld. And that's the whole idea of participation and fully participating to the extent possible.

And that that's really asking all of you to share your judgment, your thoughts, your concerns about anything that really kind of comes before you and be willing to share it with the group. And there's opportunities for sharing both at our meetings like we'll do today. But there's also opportunities outside the meetings with direct comments and things that could be made to DSA in regard to particular issues or upcoming meetings or concerns about other issues entirely.

And even the possibility of initiating code change proposals from committee members, which there's a process for that. So, you could actually engage in that. But

that's what we mean by full participation. Is really we're asking of you to kind of step in with both feet and really share your thoughts and concerns about these issues.

One of the things that's underneath the idea of collaboration is that we're all really here to seek mutual understanding, which is really that we really have to kind of share the information with each other and understand that we see it in the same way and we're able to describe it in the same way.

So mutual understanding is a goal. And it's often as part of our process, we're not really here to advocate as much as we are to relate and to kind of communicate with each other about these issues and really and share our viewpoints in. We press for inclusive solutions. And these are the ideas that are addressed here.

And that could be shared in the meeting. And we wanna show that we are responsive to those needs and suggestions that are shared. So, the ideas that we're here to push for some of that inclusivity and make sure that these rules are designed with the greatest reach of the people that come into contact with them might have.

So as much as we can and use even our imaginations to kind of add to the solutions, I think this is a really important step here. And so that the ACC is by definition responsive to inclusion. Okay.

And then last but not least we all have a shared responsibility in the outcomes. So, if things are not said then that's part of a failure of the responsibility.

So please be sure to share your comments and if you do have concerns, just like Richard did today, that's, that's just fine. Please get them out there. Let's put them on the table and we'll find opportunities to see that they're enacted in some way, or if not enacted, we'll find a way to kind of, you know, make sure that they're understood by all.

Okay, Next slide.

Okay. So, here's just some guidelines for engagement. Make sure that you make room for everybody to talk and share. Share the time. We all have a limited amount of airtime in these meetings so please make sure you make that room. And it also is helpful too if we speak from our own experience. So, some people might have thought, or some people might have said is really not as well put as maybe this has been my experience or in listening to others. This is kind of how I relate to what they tell me. So, anything you can do to kind of share your experience as part of that information is really helpful.

And authenticity is very important. Authentically engage the opportunities to connect, share, and learn. Authenticity just means being yourself and being as genuine as you can and recognizing that once again, we're here to relate and communicate with each other to see if we can't get this language right and get these proposals shipped off to where they have to go in the amount of time that we have to weigh in on.



Okay? So, it's our opportunities and be especially careful to as part of that sharing, to recognize that this is a learning process and that we all can learn from each other as we share these things. And last but not least, that we're here as part of that shared responsibility, we all need to work for our shared success.

Next slide.

Okay. Well, here's consensus. And this is what came up as far as the. This is actually a goal with it set out in the charter. And you can see that when we, as Dara pointed out, when we cannot reach consensus, we really, and there's a process there that we'll go through when we really have to dive down into a decision.

And it may feel like we're trying to suppress the minority opinion, but really what we're trying to do is find common interests. So, by asking folks multiple questions, when it comes to a particularly difficult topic, it may seem a little bit, it may seem a little bit insensitive, but the whole idea is that we're looking for common interest and common points of agreement so that we're able to kind of get something close to consensus out of the meeting.

But when that's not possible and it often comes up, there's times when that doesn't happen, we will recognize that there are diverging viewpoints and that minority opinions will be expressed as part of that report out on the opinion.

So, and the thing is with consensus, usually there's a few symbols. The way you can do it is, I agree with it no problem. Sideways, I can live with it. It's not perfect, but I can live with it. And down it was really, I can't go along with this decision. So, oftentimes if we see the down we'll say, "let's talk a little bit more and see what we can come up with here." And maybe we can, there's a way here that maybe we can find agreement in some way. Okay? So, recognize consensus as a process. It's one of our goals. It's part of what we're here to do with each other. So, it will be something that you run into as part of the ACC.

Okay, next one. Okay. So as part of the charter as well, there's been some ground rules established, in one note too, this charter has been collaboratively developed by the members and staff from DSA. But if there is contrary opinion or things that could be clarified or done differently, bring that up as part of our discussion and we'll see about adding it to the rules that are here. But these are the established ground rules that we ask everybody to participate by.

And you'll see really, it's just makes comments, it makes a lot of sense to kind of follow these rules and recognize that it helps us in our process to work with our time more efficiently. So, listen intently, understand accurate, understand the views of others, and think about it in terms of accuracy. Are you really getting what that other persons saying? Number two, be respectful of each other and the right of each individual to openly express their point of view, even if it's indifferent, indifferent in many ways then your own might be.

And number three, seek to understand the interests of others. This gets at our interest questions. Sometimes, people will express a position and so it's often helpful to find out what's behind that position. What is really, what is this person really seeking and how can we understand it a little bit more openly so we can really kind of get at what a positive solution might be.

Last but not least on this section here. Test assumptions rather than assume you have a full understanding of another's perspective. And one way to do that is to ask a clarifying question. And it's plenty of opportunity to do that. Just raise your hand and ask to clarify something and I'm sure whoever's speaking will do the best they can to explain it.

Page two. I think this is number five. Allow room for each person to have opportunity to contribute discussion. So, let's make sure that everybody has a chance to speak.

Number six, ask for a brief break rather than engage in sidebar conversations if you need to speak to another member of the ACC during discussions. So rather than have side discussions going on during the meeting, it's sometimes helpful to ask for a break. There will be breaks during the day. In this particular item is probably more important than when it comes to an in-person meeting. So online we really don't have this problem, but should you need that time, ask for it. We can see if we can provide it. This again is more of in person meeting - silence or turn off your cell phones or refrain from texting other communications during meetings and that's just because it's often distracting to other people. But you know, obviously if somebody sends you a text or the kids need to be picked up from school, you gotta deal with it. So, we won't really enforce that too heavily when we see you in the room, but we will say something if we see you doing it a lot. Okay?

Let's see. Number 10. Ask any and all questions and be respectful of different levels of code knowledge of members. Yes. And so, some of you may be very familiar with code and code sections and the language. While others may struggle with it for a while until they pick it up and learn it to kind of participate in the discussion. So just be respectful of that and be aware that it's very complicated area. And there's a lot of specific information here that everybody might not have in including me your facilitator. So anyway, I'll say something should that happen.

And last but not least, acknowledge the need. I missed the last part of that. Acknowledge wait, acknowledge the need for disability sensitivity. So, let's just all be open with one another, recognizing that we all have an understanding of our own worlds but maybe not the worlds of others. And that we should ask questions and be open to what people share with us to get that information. So just be aware of that and be aware that we all need to be learning and open to others' experiences.

Okay. So, that's it for the ground rules. I'm whipping through these pretty quickly. Let me just take a break and just ask if anybody has any questions about the ground rules or anything that's been discussed so far.

Okay. Sorry if I'm just spinning through this but we have quite a full agenda today and I wanna make sure we get to them, but I also wanna answer your questions should you have any. Okay. Dara, I see your question.

**Dara Schur:** Yeah. You may just not have gotten to this yet. One of the things that the, is just a simple request. The charter indicates that a list serv will be circulated with all the contact information of all the members and the relevant staff and circulated. And I'm hoping to get that soon from DSA.

**Brad Morrison:** Okay.

**Dara Schur:** That was just it. And then I don't know if you want, have further stuff on the charter or if I should ask my second question now.

**Brad Morrison:** Oh, go ahead and ask. It might be a good way to introduce it. Go ahead.

**Dara Schur:** We've, we haven't come across this and I'm not saying we will this year, but my assumption that I wanna test is that the group could decide to amend provisions of the charter if they decided it needed further clarification or modifications. Is that correct?

**Brad Morrison:** Yes, I believe so.

**Dara Schur:** Alright Thank you.

**Brad Morrison:** Yeah. It's the idea is that it's a living document and the whole idea is that if there's needs to be updated or something needs new or different needs to be said or you know, done then that's, we should be open to that. So that's I think the idea behind it. And then recognize that these are the rules that we all live by so we can help to co-create them for a better experience.

**Gene Lozano:** Brad, Gene.

**Brad Morrison:** Gene? Yes.

**Gene Lozano:** And I'm sorry to interrupt since I can't raise my hands.

**Brad Morrison:** No, that's okay. That's okay. Gene. This works fine.

**Gene Lozano:** Okay. Just to follow up Dara's comment. I have no suggestions of amendments or anything to be made, but I think maybe we may want to discuss it on a future agenda. Looking at putting it into the charter, a process for how to amend the charter. I've seen that done with a lot of documents and so that at least people will know that there is a process to be followed. I think perhaps that's something we may wanna have a discussion in the future. Thank you.

**Brad Morrison:** Okay, Gene. Yeah, I'll make a note of that for a future agenda item, and we'll see if we can get a process established and have the group work through it as part of one of our meetings. Okay? Great, thank you. Anybody else?

All right, so why don't we go onto the next slide. Is there another one, in this batch? Here we are. The ACC charter and onto the next one. Okay.

So, you can see that we mentioned earlier the charters our foundational document. So, here's what they do for us. The purpose of the charter acts as a contract and engagement between stakeholders. And, you know, as contracts tend to need consent of all the parties. So really, we have to be able to kind of get into them like that. Okay. It defines the main stakeholders and so who we are and how we participate in this process and recognizing it's a very formal process. And then we have to be able to fit into that movement of the information to California Building Code.

It documents the reasons why stakeholders are making the effort. It defines the stakeholder length of service. So, if you look in the charter, the membership is there and how the different groups are selected at different time levels to make sure that there's a consistent group and meeting all the time, even though people are working their way on and off the group.

So, that's all defined in the charter. The charter also defines stakeholder commitment, engagement, and outreach. So, that really recognizes that each member of the ACC is not only here to express their views, but also to really solicit the views and ask for feedback from others and bring that feedback to the meeting.

So, it's an essential part of the ACC member role. And that's described in the charter as well. You know, it provides a shared understanding of the process. So, you can kind of get an idea of reading through the charter, kind of what we're here to do, how it works, where we engage, how we speak, how we kind of contribute, and really in some of the goals in terms of our working together, really kind of help to facilitate, the development of better code proposals. Okay.

And last but not least, establishes the terms of communication and engagement with each other. So again, that brings us here. It recognizes our role as an advisory body and also provides methods for how we can communicate and with each other. Like Dara just asked for the shared list, but also in communication as part of our formal meetings. Okay.

So, let's move on to the next step. Charter review and amendments, okay. That's part of our. Yeah, let's keep going. Is there another one? There we go. Questions? Any questions? Okay, let's, Jessica, would you just bring the formal document up? I don't wanna really wanna read through the formal document, but I just wanna kind of show everybody the layout. So, let's just take it, can you bring the charter back up again?

**Jessica Axtman:** I sure can.

**Brad Morrison:** Ok. And we'll just take it and take a run through it really quickly just to. I kind of spoke over a lot of the sections and in the charter, it's discussed very sequentially and so it really is laid out very clearly.

And there, it covers a lot of many things that we've just discussed but with specific information. So, as we scan down the first page, you can see purpose, the DSA role in authority, which is our, you know, our governing body here. They have a specific role when it comes to the California Building Code.

So, we move on to the ACC role, which is right here, and it establishes how the ACC fits into the DSA process. How that input is managed and what times and what cycles the code process and what kinds of meetings we have. It discusses our organizational structure, and in this case, it really is about the structure of the membership. So, you can see that the representative groups are listed and proportionally to try and get as many perspectives into the room as possible.

And we move on to the membership selection and length of service. So, members are selected as part of a process of reaching out and asking people to volunteer. But they're brought in, in different cycles. And here's the different groups. The representative groups are broken up through the different membership cycles, so that we're bringing on and bringing off representatives at the same time. And here's the, that's the first and then here's the second group.

And then a little bit more information about membership in terms of whether you're able to serve length of time; you can serve two terms. But you can take a term off and come back from another if you'd like. And then there's also a process to resign from the committee or be removed from the committee.

And then we'll talk a little bit our meeting. Another part of our structure is our meetings. These meetings that we're engaged in like today, are meant to kind of work through the process. And there's two kinds of meetings that we'll deal with. One are code development meetings, the other are pre-development workshops.

So, those are two kinds of meetings that we'll use. Next page. We go on to, oh yeah. So, a little bit more about the meetings and then we'll talk a little bit more about the ground rules that we just talked about. There's the 11 ground rules. And there's room for more should anybody have any suggestions. So, let's go on to the next page.

We just covered those. Decision making, here's the part that Dara was reading from today that really sort of establishes our goal in the collaborative in terms of a consensus. But there's also a very well written section that describes how we'll deal with differing and minority opinions as part of any discussion.

So that's there in the decision-making section and we move on to communications. And so, here's the listserv that we mentioned earlier. And we also have our DSA box. That's our database with a lot of the information, the past transcripts of meetings and meeting notes and information that's been shared at prior meetings.

And then we have rules in terms of, or suggestions here in terms of how people can communicate with each other. And, then really little advisory here about initiating contact with the media and recognizing that everybody has individual opinions but really, you're not there to really speak for the collaborative as a whole.

So, just be careful of that. You may wanna review that section. And then last but not least, here's how ACC members can initiate code change proposals. There's a regular processing here and the process is very well laid out as part of this charter. So, let's see. The last one I think is communication, right?

We go on to the next, section here. Oh, removal from the ACC. It should, should somebody stop attending the meetings or kind of falter in their performance in some way, here's a very clear section about how that process works in terms of removal. I haven't seen it happen since I've been here.

And then in last section there, DSA will definitely meet with anybody prior to taking any action because it's the last thing that anybody wants to do. So, I see Dara has a question. Let me just roll right to you Dara and see what you have to share.

**Dara Schur:** Oh, I'm sorry. I didn't mean to have my hand up.

**Brad Morrison:** Okay. Okay, thanks. Okay, well that's really it. That's the charter. A brief, concise, well written and very sequential. And just wanted to give you a little background information as well as reviewing the document itself but it's there for you. Should you have any questions, go there first and then bring them up to us and we will be happy, and I mean us as I'm the facilitator, but I'm also speaking for DSA staff who will probably take the initiative on responding to any questions that you might have. But I'm happy to kind of move your question forward. Okay. All right. So that's it for our preliminary discussion.

Any questions or comments or concerns?

All right. Okay. I'd say it's time we move into our code change proposal discussion. Derek, would you like to take the floor?

**Derek Shaw:** Okay. Well, thank you, Brad. I think I'd like to go ahead and share my screen then and may take me just a moment to adjust the documents on my screen, but I wanna make sure that everybody can see these well. Okay. Is there anyone who can't see the display of the DSA code amendment development form?

**Eric Driever:** Derek? Derek, may I? Do mind Brad if I just ask, I'm not sure that we've introduced Michelle Davis yet, who's our new staff member in Access Compliance. Am I correct in that assumption?

**Michelle Davis:** I think so.

**Brad Morrison:** So, I'll just, if I could, I'd like to introduce Michelle who I don't believe was at our last meeting. So, if Michelle, if you could turn your video on and maybe tell the group a bit about yourself before we get into the meat of the proposals.

**Michelle Davis:** Eric, I. My video is on.

**Eric Driever:** Perfect.

**Michelle Davis:** Can you not see me, okay?

**Eric Driever:** I can now. Yeah.

**Michelle Davis:** Okay, perfect. Cause I was having trouble with my camera initially. Yeah. Good morning, everybody. My name is Michelle Davis. I'm an architect and CASp. I have been working behind the scenes with DSA for a number of years and they were kind enough to bring me on board last month so, thank you.

**Eric Driever:** We're honored to have her.

**Brad Morrison:** Thank you, Michelle. Appreciate it. Welcome to the group.

**Michelle Davis:** Thank you.

**Brad Morrison:** Okay, Derek.

**Derek Shaw:** Okay, great. Thank you. And Eric, thank you for jumping in on that. Okay. So, I'm just sharing the screen here. I believe I've got the DSA code development form displayed here. If there is anyone having trouble viewing this, please let me know. Okay. So, the first item in our code change package and this starts on page one.

We're looking at proposing a minor amendment to the definition, the Chapter two definition for blended transition. Currently the definition includes a characterization of the grade of 5% as part of the definition for blended transition. And we're proposing to strike that characterization and instead replace it with the equivalent characterization saying slope of one in 20.

That's printed in the code as one colon 20. So, it's an equivalent measurement. It's just a different method of presenting the same information. Using this format of one in 20 is consistent with the generally used format in the California Building Code. And so, we're just seeking to be consistent with that formatting.

Are there any questions or comments on this item?

**Brad Morrison:** Okay. I'm not seeing any questions or comments.

**Derek Shaw:** Okay. Well, last chance if no other questions or comments, then I'll go ahead and move to the next item. All right. Let's go ahead and take a look at the next item. The next item is for CBC Chapter four, Section 406.2.3. For this item, Michelle Davis is going to do the presentation. So, Michelle go ahead and take over. I'll still operate the document here so let me know if you'd like in advance.

**Michelle Davis:** Thank you, Derek. For this change, DSA is proposing a change to California Building Code Chapter Four, Section 406.2.3, which has to do with parking and motor vehicle related occupancies.

This is the Chapter where architects and designers go to find out what other requirements they may have to when they're building a motor vehicle project. It was suggested that, well it was pointed out that section 406.2.3 currently references Chapter 11A, the housing accessibility requirements, but does not provide a similar reference to Chapter 11B.

And that was in fact correct and it should provide a reference. We feel it should provide a reference to both Chapters 11A or 11B as applicable. So that is the exact code change that we are suggesting that we would include a reference to both Chapters. Is there any questions on that? Richard had his up first.

**Brad Morrison:** Yeah, let's go Richard and then we'll go for Arfaraz. Okay?

**Richard Skaff:** I'm sorry. Am I supposed to go ahead?

**Brad Morrison:** Yeah, please go ahead, Richard. I'm sorry. I was just line up the queue.

**Richard Skaff:** Thank you. I just learned that the governor and the legislature decided that housing, multi-family housing no longer requires any parking.

Is that a fact? And I, that means do we even have to have a section on this issue? I guess if there is parking because somebody who's magnanimous and decides they feel they need to provide parking anyway whether they're required to or not should still have accessible parking. So, I guess that's important.

I, I'm wondering how we lost parking in multi-family housing. I don't understand how that happened. I just learned about that today.

**Brad Morrison:** Yeah. Fairly new lists. Let's go through the order here. Maybe somebody can share something, that they might know in that part of that discussion. If not, we'll ask it as a general question before we're done. Okay. Thanks, Richard.

Arfaraz. You are on mute. Arfaraz? There you are.



**Arfaraz Khambatta:** Sorry about that. Couldn't find my unmute button. I had a question regarding the matrix adoption table for Chapter Four. Is section 406.2.3 adopted by DSA? I'm looking at the 2022 code and I don't see it as being adopted. Is that also on the table to be modified?

**Michelle Davis:** There were some errors in printing that we are reaching out to the Building Standards Commission about. That may be just printing, literally printing errors that will be corrected. If they end up being more than that, then of course we would go through the process to do a code change. But, so yes, there are some printing errors.

**Arfaraz Khambatta:** So, would you then clarify if 406.2.3 is in fact adopted and it's simply a printing error?

**Michelle Davis:** Yeah, and unfortunately, I don't have my list of what the errors were right here in front of me, but I can get back to you on that.

**Arfaraz Khambatta:** All right. Thank you.

**Michelle Davis:** Mm-hmm.

**Brad Morrison:** Thanks, Arfaraz. Dara. Mute. Get your mute button. There you go.

**Dara Schur:** There we go. Sorry. You'd think after three years of this I'd be used to that.

Just to respond briefly to Richard's question, I need to go back and look at the final legislation, but I thought the reduction in parking included exemptions for parking for people with disabilities. That those were still required but I'm not sure what the final bills said. We were looking at that during those session and it had an exemption, but I'll have to check on the final outcome.

But in any event, yes, people will still be building parking and a lot of housing and so this we need these provisions.

**Brad Morrison:** Great. Thanks Dara. Ida? Ida, did you have a question?

**Ida Clair:** Sorry about that.

**Brad Morrison:** Yeah, it's okay.

**Ida Clair:** I just wanted to address that. In regard to Richard's comment, we don't have influence on the actions of the legislature, and this is provided to jurisdictional entities that prohibits the requirement for parking. It doesn't mean that it prohibits parking, so it just prohibits the requirement from what I'm reading.

I will also let you know that it is technically not in conflict with the ADA and the CBC because the applicable accessible parking only is required when parking is provided. In response to Dara's question, whether regard this doesn't prohibit accessible parking, I will defer to Dara and her engagement in the legislature and in this rule making. I just wanted to let you know that we don't have a mechanism to influence what the legislature does in that context.

**Brad Morrison:** Thanks, Ida. Derek?

**Derek Shaw:** Yes. I'd like to address Arfaraz's question about the adoption of this section. I just got onto the online version of the 2022 California Building Code, and it does not show adoption by DSA-AC of this section. However, that it really is of no consequence whether DSA adopts this section or not.

The point here is that the current language in the code provides the redirect. The courtesy reference we might say to Chapter 11A, which is where all of the requirements currently reside for housing accessibility and for other types of facilities that are regulated for accessibility by Chapter 11B. It would be inappropriate for a code user to utilize the accessible parking requirements in Chapter 11A if they in fact are designing a or working on a project that falls under the regulations of Chapter 11B.

So really all this change does is it says, hey, code user, go over to Chapter 11B to see what the scoping and technical requirements are for accessible parking. Which of course DSA fully adopts those technical and scoping requirements in Chapter 11B.

**Brad Morrison:** Okay, Thanks Derek. Arfaraz, did that answer your question?

**Arfaraz Khambatta:** So, in the 2019 CBC, DSA the matrix indicates that DSA has adopted 406.2.2, but not 2.3. In hearing what Derek just said, it seems like the matrix adoption table and what's been adopted by DSA is not relevant. I, while I accept his point of view, it does leap to confusion from the code user's perspective. So, with that, I'll just, state that for the record and just move on. Thank you.

**Brad Morrison:** Okay. Thanks, Arfaraz. Appreciate it. Okay.

**Derek Shaw:** Actually, Brad, if you don't mind. I believe I misspoke on this. So yes, 406.2.3, I was reading a different line on the matrix adoption table. Actually, it does show here in the 2022 code. The 406.2.3, this check mark where my cursor is located right now.

I'm gonna scroll up on the screen and we see that's the column for DSA-AC. So yes, we do adopt that section. Arfaraz, I apologize for misinformation.

**Brad Morrison:** Okay.

**Arfaraz Khambatta:** Thanks.

**Brad Morrison:** Thanks Derek.

**Derek Shaw:** Mm-hmm.

**Brad Morrison:** Dara, do you have another question? I see your hand up. I just didn't.

**Dara Schur:** I seem to be very bad about lowering my hand. I'll try and pay attention. Sorry.

**Brad Morrison:** That's okay. Okay. I just didn't wanna leave the discussion without you asking your question if you had one. Okay. So, I think we're good with this section. Derek, if you wanna move on to the next one.

**Derek Shaw:** Okay, great. Thanks. So, the next section is regarding CBC Chapter 10, Section 1028.5. And this is on the topic of safe dispersal areas. Currently a safe dispersal area can be used in a variety of facilities as when providing full access to the public way is obstructed or unavailable for other reasons.

Okay. And yet we don't have any scoping or technical requirements presently for particular features that can provide accessibility within the safe dispersal area. Now, the safe dispersal area, just as an example to help you contemplate this, is the safe dispersal area is used, quite often in prisons or in school facilities and other facilities where having the occupants of the building freely passed outside of the controlled bounds would not be legal generally. That they can use a safe dispersal area on these sorts of projects.

It's generally a large area that's separated from the buildings that are exiting. In a prison for example, that might be a yard area where the inmates could go in the event of an emergency. Life safety issue within one of the prison buildings in the schools. Similarly, a school football field or other play field is often used as a safe dispersal area. So, what we are proposing at this point, our draft proposal, I've actually snuck in an additional section. This was in the package of draft proposals that was distributed.

But in the future, assuming this item goes forward, we will separate out this Section 1009 portion of this item into a separate but still related item to section 1028. Okay? And so, what that does in section 1009.2, that's where they handle the scoping requirements for various elements. Here, for safe dispersal area, we are proposing to add identification of the safe dispersal areas were allowed in section 1028.5.

Now let's take a look at section 1028.5 and see how that relates. Okay, so section 1028.5 currently says the exit discharge shall provide a direct and unobstructed access to the public way. And there's an exception provided which says where access to a public way cannot be provided, a safe dispersal area shall be provided

where all of the following are met. And there are several existing criteria that are presented in the code today. The area shall be of a size to accommodate not less than five square feet for each person.

For other than Group E buildings, the area shall be located on the same lot not less than 50 feet away from the building requiring egress. For Group E buildings the area shall be located on the same lot at least 50 feet away from the building. Criteria three, the area shall be permanently maintained and identified as a site safe dispersal area.

Number four, the area shall be provided with a safe and unobstructed path of travel from the building. And the existing item five or criteria five is regarding correctional facilities. We are proposing to add a criteria number six to generally apply to all of the types of facilities that are regulated by Chapter 11B.

And it reads at facilities regulated by Chapter 11B, an accessible area within the space required by item one shall be provided for a minimum of 2% of the facility occupants served by the safe dispersal area. For each occupant the accessible area shall provide clear ground space complying with Section 11B-305 accessible routes complying with Chapter 11B.

Division four shall connect the accessible area with all accessible exits served by the safe dispersal area. So, I think this is generally self-explanatory, but what we're doing is we are recognizing that the five square feet per person is an aggregate requirement for the area within the safe dispersal, the area of the safe dispersal area. And that based on commentary provided by the model code writers, the International Code Council, they discuss the issue that included within this five square feet per person and remember that's for standing people as well as people who use wheelchairs or other mobility devices, that within the overall aggregate area, that a portion of that is, it accommodates people who use wheelchairs or gurneys in some cases. So, DSA is just simply specifying that for that portion of it, we wanna make sure that it has accessible features that will make that usable by people with disabilities. And we have fairly brief criteria on what that consists of. Additionally, we wanna make sure that people can travel from an accessible egress to the, or an accessible exit to the safe dispersal area. So that is going to require what we're all familiar with as a compliant accessible route.

**Brad Morrison:** Hey Derek, we have a couple of questions. You wanna take them now?

**Derek Shaw:** Yes, please. Now is perfect.

**Brad Morrison:** Okay, so we have Tim, Tim lined up here. Tim, and then Richard. Oh, Dara, and then Arfaraz. Okay. We have four questions.

**Tim McCormick:** Thank you Brad and thank you Derek. And I wanna say good job Derek, in explaining the need for this provision.

As the chair of CALBO's Access Committee, we have about eight CASp's from all over the state who will be responsible for enforcing this provision when it's written. We think this is a very important code change. Successful means of egress is something that is just as important as getting people in the building to use it is make sure they can leave safely.

And there are a number of times when the safe dispersal area is used on all types of facilities. Very common, as you noticed on schools and correctional facilities. We've seen it even on hilly sites for multifamily dwellings. And often when it is necessary because of topography, it does raise challenges for people in wheelchairs who do need that flat area to be able to safely wait until they can be taken to the next place to go for their safety.

The code does have existing provisions for this that are used, either in stairwells as areas of refuge or the exterior area of assisted rescue, which is designed typically to be right next to the building. And both of those types of rescue assistance areas have sizing limits that are identical. Existing ones are identical. However, one of our concerns with this is that even though the safe dispersal area by definition must be at least 50 feet of the away from the building, so it's gonna be the safest of those three options, it'll be the furthest away from any smoke or fire hazard. It's actually requiring more space, clear floor space than the other two are.

We think it's best in our recommendation be that they simply all be the same. If we believe that 2% is the right number, then it should be the same number for the area of refuge inside and it should be the same number for the area outside an exterior area of assisted rescue. Otherwise, we think this should match. The correctional issue I think also may have a different number, but we're concerned for just consistency to make sure it can be always understood and enforced properly, that the sizing is the same. We think from a practical standpoint of enforcement it makes a lot of sense that they're all the same.

People say, Okay, I have to have an area of a rescue whether it's inside a stairwell, immediately adjacent to the building or a safest dispersal area. It's all gonna be the size the same. We think that makes sense. We think it probably is right to you know, it's the same problem in three areas. It should have the same math to support it.

So very strongly support this idea. We think you've set it up very beautifully and well in the codes. You've done the scoping, the technical provisions. We just asked that for consistency and clarity that it's all the same. One of the reasons it should be the same too, is that an exterior area of assisted rescue, although it's commonly right next to the building, the code doesn't actually require it to be.

And so, some people may think there's a conflict with having a safe dispersal area 50 feet away and say, why isn't that also considered an exterior area of assisted rescue? It's in practice. The provisions that are in the building code right now for an exterior area of assisted rescue really envision it's going to be right next to the building. And they tell you how to protect that area from threats inside the building, from the fire rating of the walls of the openings. But it actually doesn't require it to be

right next to the building. So, we think there could be a conflict if the sizing were different. If the sizing is the same, there's no conflict.

So that would be our comments and thoughts on this section and we're glad to see it coming in the code because we believe it closes an important loophole to the safety of people with disabilities and the means of egress system.

**Derek Shaw:** Well, great Tim. Thank you very much. Tim, let me ask you, in contrasting the area for assisted rescue versus the safe dispersal area, my understanding has generally been that the safe dispersal area is generally provided for independent use whereas the area of rescue is intended of course for assistance, assisted rescue from those areas. Is that play into your comments?

**Tim McCormick:** I think that what you're saying is absolutely true, that it will be a shared area in the safe dispersal area. It's not just for persons with disabilities like it is in the area of refuge and exterior area, assisted rescue. However, the sizing of the clear floor spaces is still based on a number of people with disabilities needing them.

Right now, it's half a percent. It's one per 200 in the other two areas. And if DSA is saying, you know, it really should be 2%. Well then let's make them all 2%. So, I think that the sizing issue is independent of how they're both being used because in each case we're really only regulating in this code change.

We're only really regulating how many spaces we need to have a level clear floor space for people with mobility impairments. That's what we're trying to regulate. That answer to me should be the same in all three locations. So, if we're not happy with the half a percent we have on the other two code sections and we think 2% the right number, I think we should make them all 2%. I don't think there's a, you know, CALBO doesn't think that decision should be based on the demographics of people needing it. And, but it should be the same everywhere because it's the same problem in each three locations. So that's really our thought.

Also too, one comment I didn't make, but I should throw in here. I think this is a rule making limit problem for DSA, in a language where they can only say this for Chapter 11B, but we believe this should apply for all occupancies. Now, if DSA is not capable of making a rule without concurrence from State Fire Marshall and HCD to get everybody on board, we think the rule should go forward as written because it's important to get the biggest part of the problem solved, which is occupancies controlled by 11B. But in a perfect world, we'd like to see State Fire Marshall and HCD join with you on this code change, so it does affect all occupancies.

**Derek Shaw:** Okay. I can share with you that we have shared this draft proposal with the State Fire Marshall. Our initial quick read feedback from them was that they thought it was a good proposal and I believe they're studying it at this time for potential co-adoption.

**Tim McCormick:** That's great. That's good.

**Brad Morrison:** Thank you Tim. On to Richard.

**Richard Skaff:** Thank you. I have two questions. One is how did we come, how did you come Derek to the 2%? I'm not arguing. I'm just wondering, is it based on population that supports the 2%? Should it be more? So that's a question. And then the other question I have is, what types of 11B facilities have safe dispersal areas? If you could clarify that for me, Derek.

**Derek Shaw:** Sure. The, the 2% was included in this draft primarily to generate discussion of what the actual appropriate size might be. So, Tim has provided some commentary that I understand to be suggesting that alignment with the other existing code requirements for accessible areas be consistent among the safe dispersal areas, the area of refuge and the area of assisted rescue.

**Richard Skaff:** And I agree with that, but my question is, shouldn't we have some data to support the whatever percentage is finalized, finally decided upon? What the population is, for example in our jails and other similar types of occupancies.

**Derek Shaw:** Well, we can see in item or the criteria five for correctional facilities, they're looking at 5% of the occupants, right? And I don't know what the specific rationale is for that within the correctional facilities. I could speculate, but I don't know that's gonna be authoritative in any way for the discussion. If we were to propose a percentage that was in alignment with other comparable spaces, we probably would not need to generate any additional data to back that decision up.

The decision in, by inclusion from the model code has already really set that point and it's been based on the development of the model code. So, if we took that avenue, we probably wouldn't need any extensive additional data. If we were to use 2% or some other percentage that differed from the model code requirements, then yes, I would agree with you, Richard. We would need to document that more closely. At this point we're still generating discussions and trying to get a sense of whether we've overshot or undershot. And we'll let our research in part be guided by these, this feedback.

**Richard Skaff:** And then if you could ask, answer my other question about the types of 11B facilities that have safe dispersal areas. Thank you.

**Derek Shaw:** Certainly. Schools for example. I think Tim had provided the example of multi-family housing complexes. Certainly, public housing can take similar form to multi-family housing complexes that would be regulated in Chapter 11A. So those are a couple of examples there. It's not really limited to any particular facility type. It's available to really any facilities that are regulated by Chapter 10. Which really is just about all facilities.

**Brad Morrison:** Okay. Great. Thank you, Richard. Moving on to Dara.

**Dara Schur:** Thank you. I wanna support Tim in saying I think this is a really important provision that we should add to 11B. I know you don't have any control but suggesting it to 11A and working with Fire Marshal. I have a number of questions and concerns though. And I have consulted with Bill Heckert, our technical expert on some of this. Some of you know Bill, who's a federal and state access expert.

The first question I have is, I and I'm not an expert here, so what I understand this and judging from buildings I've been in, an interior area of refuge can sometimes be fairly small because of, it might be an outside landing on an otherwise enclosed stairway, or it might be some other places.

So, I don't, I can't really speak to the size of that, just judging from the buildings I've been in. But then exterior areas for assisted rescue, as I understand it, are areas of refuge because somebody can get out of the building, but they can't get to a public way. And it may not just be because it's blocked by a fence, but it may be because there isn't an accessible route from the exterior area of assisted rescue to an accessible space. So, I do think there are some significant differences as I understand it between exterior areas for assisted rescue and safe dispersal areas. The main one being that there may not be an accessible route out of the exterior area for assisted rescue. And that said, one of the things that we are concerned about here is making sure that this changes that we make here make it clear the relationship and this is probably belongs in 109.2, the relationship of the safe dispersal areas to the exterior areas of refuge.

I, think it's a little confusing where we're putting it, but it needs to be clear that they're not the same. They can't, they don't necessarily serve the same purpose or how they relate to each other. And I'm not sure that that is entirely clear here. So that's one question or concern that I have is, have we appropriately coordinated these two areas both of which are really important, but which serves slightly different functions because of the fact that there is no option necessarily in terms of an accessible route out of an exterior area for rescue.

And it is true that it often envisions exterior, assisted rescue. So, it includes assistance personnel as well as the individuals who have mobility issues. The second thing I wanna address is the number. I would really love to see some data. And the only comparison I can give you is that when we look at national, state, and local data for the needs of people with mobility disabilities, when we were working on the public housing accessibility provisions the standards that are being used, I mean the basic head requirements are 5% of the units have to be mobility units based on mobility, disability figures in the population.

But that in California given the size of the mobility needs for example, how is requiring 11% mobility units in public housing in LA because it is justified by the need. And so, I am concerned that we are not providing, that the numbers may be too low, and I would love to see data. I recognize that in some buildings it's not the same as a housing project, but they are covered by this.



And so, this would be way too low in a unit that had 11% mobility units. But not only that, we know from working with prison populations that there are significant numbers of people with disabilities in prisons. And if this applies to hospitals and it might, then there are significant number of people who may be coming out on stretchers or using mobility devices and may not be able to have egress.

So, I do think we need to, I really support this. I'm just asking for some additional clarity about how it relates and where it to go in terms of the relationship to exterior areas versus the rescue. And I am concerned about these numbers being too low. I understand their aggregate numbers that we are not envisioning, that every individual in that space has that same amount of space around them because standing people may need less.

But, knowing what I know about disability statistics in the state, this number does seem low to me. So, I just wanted to throw that out.

**Derek Shaw:** Okay. Good. Thank you. We'll be taking a look at that and reinforcing I think our rationale for whatever percentage ratios that may ultimately come out of this.

**Dara Schur:** I think there's really good census and other demographic data. Certainly, there isn't a housing arena, but it's statewide data about number of people's mobility disabilities from recent census and just, you know, we know what the housing requirement is. So, on its face, this will be too low. So, thank you.

**Brad Morrison:** Great. Thank you, Dara. Okay, moving on. Arfaraz.

**Arfaraz Khambatta:** Thank you, Brad. I have two comments. One's just a general comment and the others in line with my earlier question. The first one, being that section 1009 is only applicable in new construction and doesn't apply to existing facilities. So, everything we're discussing here is in relation to new construction. Just a general comment there.

And then the second thing I wanted to bring up here is again, a question regarding the adoption matrix and whether or not DSA will adopt section 1028.5, similar to the previous question I had on the last code amendment. Thank you.

**Brad Morrison:** Thanks, Arfaraz.

**Derek Shaw:** I think.

**Brad Morrison:** Derek, did you have a quick answer?

**Derek Shaw:** Sure. As far as the adoption question, at the very least we would be adopting this item number six or criteria six. As part of this we, there's no real need for us to adopt beyond the focused and narrow language that we need for accessibility.

Now that doesn't mean that these provisions, numbers one through five wouldn't apply. Those certainly apply for any facilities that are regulated under Chapter 10. So, they have the option of using a safe dispersal area when the top-level criteria in the exception is met. So, that's really less of an accessibility issue than it is a safe egress issue and that's firmly within the State Fire Marshall's authority and expertise. So, we will likely just be adopting the number six if this carries through.

**Brad Morrison:** Great. Thank you, Derek. Jihee?

**Gene Lozano:** Yes. I would just

**Jihee Lee:** Go ahead.

**Gene Lozano:** Okay. I would like.

**Brad Morrison:** Hold on Gene. Gene, hold on one sec. Let's get Jihee in here and I'll come to you next. Okay?

**Gene Lozano:** Yes.

**Brad Morrison:** Sorry about that.

**Jihee Lee:** No problem. I think I need better understanding of the section 1028.5. When I read this section, the question I have in my mind is that what they mean by public way.

So, this is not what you're proposing but I have some more general question about this section in Chapter 10. So, I looked at the definition of public way and it doesn't really describe whether the public way is assumed to be accessible or not. You know, there are cases where sites where it's not like very urban.

There are public ways where they're just vehicular. There's no sidewalks or anything. So, there isn't like real space where anyone could wait safely outside of sight if there is no accessible public way. So that's more like a general comment about this Section, egress section. So, I don't know. Maybe you could discuss with the people in charge of Section 10. But so that's question maybe some of you could explain more to me. And then the reaction, somebody already said this, the addition you're proposing and number six. My immediate reaction is, oh, that's good. 11B is great. So, you're referencing that but what about 11A? That was my first reaction. So, we probably need similar requirement for 11A, just as well as 11B.

What else did I? Yes. And then would this requirement show up in 11B section? Like would it, it's kind of reciprocal. There will be some section referencing this requirement somewhere in 11A, 11B itself? So those are some questions that have in my mind.

**Derek Shaw:** Okay. Okay. Well, I've displayed now the current definition of public way so I think that can be helpful to the full committee, or collaborative excuse me. And I'll go ahead and read it, public way. This is the definition for public way, a street alley or other parcel of land open to the outside air leading to a street that has been deeded, dedicated, or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet.

I think one of the things that's important to contemplate when we're talking about emergency egress from a building and the access, direct access to the public way, at that moment the most important consideration is getting people away from the building.

So, the safe dispersal area provides an alternative when you can't get to the public way. How can you get the people far enough away from the building to be so that they can be safe while the building is burning or other damage that may be going on emergencies? So that's the relationship I guess, of the safe dispersal area to the general requirement for the access to the public way.

**Jihee Lee:** Derek the question I was thinking about public ways, so, you know this section reads as, you know, in the main first sentence, it gives, it says the exit discharge shall provide the direct and unobstructed access to a public way.

**Derek Shaw:** Yes.

**Jihee Lee:** And then rest of the items, numbered items, they're all exceptions. Right? So.

**Derek Shaw:** No, there's only one exception.

**Jihee Lee:** One, two. One through six are not so.

**Derek Shaw:** No, those are not exceptions.

**Jihee Lee:** No. I mean.

**Derek Shaw:** They are criteria in order to utilize the single exception that is here.

**Jihee Lee:** Right.

**Derek Shaw:** Okay.

**Jihee Lee:** So, see if I'm reading this correct? So, let's say, you know, my project side will have direct access to public way, then I don't need to provide all these things in the lines where those criteria described. Right?

**Derek Shaw:** I'd take it a step further. According to the exception, since you've said that you can provide access to the public way, then you would not be entitled to utilize the exception at all. Because the first choice is to provide the direct and unobstructed access to the public way as we see here in the top-level requirement.

**Jihee Lee:** Right. But then, and then it gives you these other criteria if you cannot provide access to public way.

**Derek Shaw:** Yes.

**Jihee Lee:** Then you provide these accessible safety areas. Right?

**Derek Shaw:** Well, yes. If you cannot provide access to the public way, then you're permitted to use a, or you have to use a safe dispersal area. And the safe dispersal area has to meet all of these criteria as they apply to the particular facility.

**Jihee Lee:** So, the question then comes to my mind is if the public way is not accessible, the public way, which is our side of your site boundary happened to not be accessible, then are we clear? I mean, you know, how would the people with mobility challenges would, be safe in the public way. The public itself, public way itself is not accessible. I mean, do you follow me?

**Derek Shaw:** I do, yes. But you know in the midst of an emergency, having a pure compliance with the provisions that we have in Chapter 11B, but within the public way, that's I think less of a concern primarily because the first importance is to get away from the building. It's not so that you can travel between one facility and a store down the street. You literally just have to get far away, far enough away from the building. And given that as you rightly point out Jihee, the public way may not fully provide that full level of accessibility.

But we know pretty well that streets are going to be firm and stable and maybe slip resistant. So that provides a level of usability that while it may not comply fully with various provisions in Chapter 11B, it still serves the primary purpose of getting people to a safe distance away from the building.

**Jihee Lee:** Derek, sorry, take a little more time. So, you know the number one right under that main exception?

**Derek Shaw:** Yeah.

**Jihee Lee:** Five square foot requirement for each person.

**Derek Shaw:** Yeah.

**Jihee Lee:** That's for all type of facilities?

**Derek Shaw:** That's for any type of facility and it's for all people. It's not, it should not be understood as five square feet of space for each person with a disability.

No, that's not what it says. It's for each person. And so that certainly recognizes that some people will be fully mobile, and they can go to the area, and they can stand there and wait while they, while the response personnel are fighting the emergency.

**Jihee Lee:** So, let maybe, now I'm realizing this may be the case. So, if we add the new proposed item number six that only requires 2% of the occupant numbers. So that's actually programming less square footage area than number one above, right?

**Derek Shaw:** No, the 2% that's referenced in criteria six is of the number of facility occupants. So, it establishes the number of people that are going to be served by the safe dispersal area. It's not, it should not be understood as describing an area itself. Nor should it be understood as describing a portion of the area that's described up in item or criteria one.

It's simply establishing the number of the facility occupants or the percentage of facility occupants that will be using the safe dispersal area. And that once you have that number established then you can provide for each of those occupants a clear ground space within the full boundary of the overall safe dispersal area.

**Jihee Lee:** Well, let's for example, let's say there's 100 occupants in the building. If we didn't have the item six added, then this whatever the particular facility will be under number one, let's say. Then if it's 500 people and then the required square footage will be five times 100?

**Derek Shaw:** Yes, that's right.

**Jihee Lee:** But then if we go by the number six proposed, we just need to provide 2% of five per, 2% of 100 people? So that's only two people times five. That's less square footage. Am I following this right?

**Derek Shaw:** No. Well, I would say that attempting to multiply the 2% by the five square feet in the top criteria is not appropriate.

**Jihee Lee:** Oh.

**Derek Shaw:** Okay. Remember that top criteria is in aggregate. It's intended to accommodate area for standing people. Okay. Which might really only be about two and a half square feet. Okay. But it's large. For simple calculations, it's considered in aggregate. So, we have standing people that require a small amount of space to stand and then we have clear ground areas that can accommodate people in wheelchairs that have greater area that they need. And in addition, we see in criteria six that there also needs to be an accessible route that is provided not only to the boundary of the safe dispersal area but continuing into the safe dispersal area to provide an accessible route to those clear ground spaces that are provided.

So that gives it usability. That completes the full accessible route pathway from the accessible exit of the building all the way to the safe disperse area and then within the safe dispersal area to whatever extent is needed, to get to the clear ground spaces.

**Jihee Lee:** I don't want it to take up too much time now.

**Brad Morrison:** Yeah, this is it Jihee.

**Jihee Lee:** I'm still not. Yeah, sorry. Just I'd like to leave it at that I'm still not clear as a code user, how to calculate the space I need to provide between item number one and item number six.

**Derek Shaw:** Okay. Here's the real short, abbreviated version. Your first calculation is in item number one. That will define the minimum overall area for the entire safe dispersal area. Okay? That's the minimum. You can provide more if you want. But let's just talk about the minimum now. From that minimum portion of it, which we see down here, a portion of that is going to be used by people with disabilities, or it's gonna be made available for use by people with disabilities. So, we still have the overall area that's calculated from criteria one and then within that overall area you need to provide the facilities including the clear ground spaces and the accessible route to get to the clear ground spaces within the overall boundary the area calculated in item one.

**Jihee Lee:** Okay. I mean, it would be good to have an example but maybe I don't know if others could follow this. But I'm still confused, but we could move on to other items. Thank you.

**Brad Morrison:** Okay, Thanks Jihee. Appreciate it. We have five people in queue here, so I'm just a little concerned that we get to everybody before lunch. So, let's move on to Gene. He's not on the screen here but he had, did have a question. So, Gene, do you wanna come ahead with your question?

**Gene Lozano:** Hello? Can you hear me?

**Brad Morrison:** Yes.

**Gene Lozano:** Okay. Sorry. And first I apologize. I thought earlier that you were saying Gene and I thought you were recognizing me. I'm sorry.

**Brad Morrison:** It's okay. Gene. I'm glad to have you here. It's okay. So go ahead and ask your question.

**Gene Lozano:** I'll try to make this really concise. I agree with the comments that this should be across the board apply it be to Chapter 10 as well as Chapter 11A. With the criteria six, I also question whether 2% is the appropriate number and would like to see that looked at to see if there should be a higher percentage. And being that it

was commented this could apply to a hospital facility and it could be academic setting based on when I worked at Sac State.

The clear floor space 30 inches by 48 inches would address, yes, somebody using the traditional standard mobility device wheel one. But if we're going to be looking at, if it might, this might apply to hospitals. We're talking about gurneys and stretchers and we're talking about something getting into at least seven to eight feet in length when you're talking the two devices.

So, I'm wondering whether there should be something, maybe a measurement or something that is of a greater size than the clear floor space requirement. And I think that's in 11B-305 that we're referring to. So, I suggest seeing if maybe there needs to be some space designated that's of a larger dimension than the clear floor space. Thank you.

**Brad Morrison:** Okay. Great. Thank you, Gene.

**Derek Shaw:** Great, Gene. We'll take a look at that. Thank you.

Actually Brad, if you don't mind. I just wanted to circle back around. I realized I did not answer Jihee's question and then Gene referenced the same on the topic of applying it to Chapter 11A or to projects regulated by Chapter 11A, we simply have no authority to do that.

So, we won't be pursuing that. If HCD wants to develop their own criteria for facilities regulated by Chapter 11A, then they are authorized to do so. They have the authority to do so. And should they choose to do so, then I would imagine DSA would be more than willing to work with them to provide a harmonized text that possibly, if this is their desire, to provide harmonized text that would apply to both facilities regularly by Chapter 11A and 11B. I think State Fire Marshalls willingness to look at this is probably going to address more broadly than we have the authority to address here at DSA.

You know, we're limited to very specific facility types and so we need to respect that limit.

**Gene Lozano:** Well, I under, excuse me, Gene. I understood that that was totally out the realm. I was agreeing with Tim and that would be a desirable thing if the State Fire Marshall and HCD would also think about adopting this so they could be harmonized. I understand fully that your authorities only they do with 11B. That was understood. Thank you.

**Derek Shaw:** Great. Great. Thanks, Gene.

**Brad Morrison:** Great. Thanks Gene. Thanks Derek. Okay, Ida.

**Ida Clair:** Thank you. Great comments. So, a couple of questions. I actually have one comment, one question to Tim based on the comment he made earlier about the consistency, and I guess I was trying to figure out the consistency.

It, it's my understanding that areas of refuge, areas of assisted refuge specify a specific number of wheelchair spaces. And that, you know, depending on whether or not the facility is multi-story, that would occur where those stories are. And the requirement to get to the safe dispersal area would be that aggregate amount which is technically not really known unless you know the number of stories.

So, I'm kind of questioning application of consistency when I see that there's a variable change. So maybe I didn't understand your comment correctly, but I'm not sure that it's directly related in that regard. So, I'd like to have Tim an opportunity to explain that just so make sure that I understood it correctly.

**Tim McCormick:** Okay. Thank you, Ida. I think regardless of the location, the sizing of the areas for people in wheelchairs is always based on the occupant load at that location. So, to me it doesn't really matter. Yes, overall, in the building you would have it. For instance, in areas of refuge inside stairwells it would serve the number of occupants on each story, those areas of refuge.

For some California, since we have sprinkler buildings virtually all the time, we don't see the areas of refuge in the stairwells anymore. But for exterior areas of assisted rescue, which are not uncommon, it is based on the number of people coming out the door at that point that are going to be served.

I think that's very consistent with how the safe dispersal area works. The only difference is the safe dispersal area is pulling you further away from the building, for a different type of safety zone. But I think you do the math the same way. That's my point. So, thank you.

**Ida Clair:** Thank you for that clarity. I get it now. I think I was only thinking of the areas of refuge and not the areas of assisted rescue, so that's where I was losing it a little bit.

**Tim McCormick:** It's very similar to the exterior assisted rescue. It's just not next to the building. That's really the big difference.

**Ida Clair:** Okay. So, in regard to my next comment is, you know, just for consideration, I know that the 2% we're getting feedback on that information on the 2%, but I was noticing in the explanation Derek you were providing to Jihee, you were saying that item number one accommodates that size for everybody at five square feet. And our provision says of that square footage, you need to allow larger space for wheelchairs, but the overall size doesn't change. And so, I'm thinking that there might be a conflict. And so, in assisting with that 2%, maybe what if I'm reading this correctly, either one of the items could say in addition to the area required above 2% shall be, shall increase the area by this amount.



That way there is still greater opportunity for more people to be accommodated because they would, their number would be included in the five square feet already and then an additional for 2% at additional area. So that's just a thought because I'm not sure how we're going to really have a consistent application of what that 2% number should be.

And so, if maybe it's in addition to what's required in number one area, then it allows a little more flexibility. Just a thought.

**Derek Shaw:** Well, that's good. Thank you, Ida for the comment there. You know, I, when we were developing this draft for this item, we were able to refer to the IBC, their code in commentary on the safe dispersal areas. And they state quite clearly that the five square feet does include it. That it's an aggregate requirement and that in aggregate it accommodates spaces for wheelchairs and gurneys or stretchers. I'm sorry. Similar but not the same. But there would be of course nothing that would prevent us from re-crafting the language and providing the accessible areas in addition to the minimum five square foot aggregate area.

**Ida Clair:** Thanks for that, Derek. I appreciate that clarity.

**Derek Shaw:** Sure. You're welcome.

**Brad Morrison:** Okay. Thank you, Ida. Thank you, Derek. Anne you're up.

**Anne Riggs:** Thank you. I just like to say first, I definitely you know, support this change. Can you still hear me?

Derek Shaw: Yes.

**Anne Riggs:** Okay. Sorry. My video's freezing a bit. I support improving and increasing the access to accessible means of egress for occupant safety as has been mentioned before.

Putting on my design professional hat, I wanna point out that the biggest impact that this proposed code change has for design is basically. Currently how we use safe dispersal area is as a substitute for the public way when we're not able to get exiting occupants from a building to the public way. Oftentimes this happens, maybe we have a building in an urban site where one side of the exits can go to the street, but there are more required exits that have to go out the back of the building and there's no way to get to a street and we just have to provide an area away from the building.

So, in the past we would've applied the same principle to both the public way and the safe dispersal area. Where if for some reason not all of our exits had an accessible route to that dispersal area or the public way, we would provide an exterior area for assisted rescue. This happens a lot.

All of our entrances are gonna have an accessible route in new construction obviously. But oftentimes we'll have additional exits that are exit only. So, they're not required to have an accessible route to them as they're just exits. So, we might have a stair that egresses without an accessible route to the public way or the safe dispersal area.

So now, if we're gonna be using that safe dispersal area, that's no longer an option. It sounds like we cannot use the exterior area for as assisted rescue. We have to provide an accessible route to that safe dispersal area. So, I'm not opposing that. I just wanna point out that that is a pretty significant change that designers are gonna have to accommodate.

To me that's actually the biggest impact that this will have on the design of buildings. And I just, you know, maybe that's intentional. Maybe it's not. But someone mentioned, you know, maybe clarifying the relationship of the exterior area for assisted rescue. Maybe it is worth clarifying, you know, if it is intended that you can no longer use the area for exterior area for assisted rescue in conjunction with the safe dispersal area that that's clearly stated.

The next thing I wanted to mention, is that I, you know, just hearing everyone's comments about the size of the area that's provided, can you still hear me?

**Derek Shaw:** Yes.

**Anne Riggs:** Great. Just doing some quick math. You know five square feet is two feet by two and a half feet, which many standing persons, you know, if you're standing in a box that size, that's assuming that people are standing, you know, very close to each other. That's similar to, you know, the occupancy for, you know, the most crowded room that you would imagine. Maybe there's just a way of being a bit more inclusive. Maybe for occupancies where occupants are expected to need a little bit more room. Maybe for, you know, E1 and R2.1 occupancies. Maybe we add instead of five, it's maybe a seven. Just so there's more room generally, which includes people with a variety of additional space needs that could be using the space.

To my mind, the requirement to provide 2% of the area as an accessible space, to me what that means is that area, there's no requirement for the rest of the safe dispersal area to be, have a maximum slope or be perhaps on the accessible route. So, I guess I would wanna make sure that if people using mobility devices are trying to get to that area, that they're not having to wade through a sea of people standing right next to each other to get to that designated area.

Maybe the whole dispersal area should be 2% max so that, you know, whatever order people end up getting to the space, they're gonna be able to find a safe place with enough room for them and whatever needs they may have, whether they're in a mobility device or a gurney or all these things people have mentioned. Yep, I think that those were all my points.

**Derek Shaw:** Okay. Great. Well, and I can clarify at least one of your points here. It certainly is not our intent with this code change or any others to diminish the availability of using an exterior area of assisted rescue. That is a okay. That's, that certainly works currently with the structure of Chapter 10.

And of course, in Chapter 11B, we refer over to Chapter 11, I'm sorry, Chapter 10, for the accessible means of the egress specifically and means of egress in general. So, yes, we, there is no intent to diminish the availability of the exterior area of assisted rescue.

**Anne Riggs:** Oh, okay. Great. So, you could, I'll have to look at the code more closely and see if I can follow the requirements around. That's good to know.

**Derek Shaw:** Okay, good.

**Brad Morrison:** Great. Thank you, Derek. Thank you, Ann. Eric, you were up.

**Eric Driever:** Sorry, getting to the unmute button. I was contemplating lowering my hand. I think this has been really great discussion. Appreciate all of the input especially regarding the 2% area. We certainly wanna look at that and we'll be working with the State Fire Marshall as we progress forward.

I think the overarching comment I wanted to make is, has been made a couple of times, but that is DSA operates under certain authorities statutorily. Public way is outside of our authority. We don't regulate the public way and so that would not be something that we would be able to include in this proposal.

There is a mention about our adoption of 1028, of course 1028 as it relates to some of our other responsibilities; Fire Life Safety on schools, et cetera. We enforce what the State Fire Marshall adopts in terms of a Fire Life Safety review on schools. And so, Derek's comment regarding our perhaps our narrow adoption of item number six is spot on. DSA access which is a specific banner for adoption could adopt item number six while the State Fire Marshall can, would continue to adopt the remainder. And potentially item number six as well under that scenario. DSA would still be enforcing that on schools. And then there was an earlier comment about what types of facilities are enforced by 11B and that is all public accommodations and that doesn't necessarily limit it to a facility having potentially multiple types of requirements enforced upon it.

In multi-family housing for example there are public accommodations. The rental office and things like that are public accommodations. Whereas the apartments themselves, the units themselves are not public accommodations. So, just wanted to try to wrap in a few of the comments that, and questions that were out there regarding our authorities. That's it. Thank you.

**Derek Shaw:** Eric. If you don't mind, I'd like to I think clarify one point I think I understood you to make on that. And that was with regard to DSA regulations and

I'm paraphrasing here, applying to the public way. DSA is long been of the opinion that our regulations do apply to certain facilities within the public right of way. Now, the public way can certainly include roadways and DSA does not assert that we, that our regulations apply to the vehicle areas, the roadways themselves, but certainly sidewalks, curbs and related facilities are well within our authority and statute. And so, we've asserted that Chapter 11B fully applies to sidewalks, curbs, and related facilities.

**Eric Driever:** Agreed. Thank you.

**Derek Shaw:** Okay, great.

**Brad Morrison:** Thanks, Derek. Thanks, Eric. Okay, Dara,

**Dara Schur:** Thank you. This has been very informative. I just wanna go back to a couple of things and then respond to something that Eric just said. The standards for when you, as I read the codes and again this goes back to what Bill Heckert was saying about the need to coordinate this better with exterior areas for assisted refuge and {indiscernible}.

The requirement here for when you need a safe dispersal area is when there is not direct and unobstructed access to the public right of way. That says nothing about accessibility. Just says direct and unobstructed. That could include stairs. But the area of assisted rescue exterior has, is required when there isn't an accessible route between the exit and the public right of way, which is why it might be closer to the building. You might have, as I understand this and I envision it, you have an exterior exit and it opens onto a space that is accessible and then beyond it, you might have a couple stairs in an area, a safe dispersal area. Or you might have one where the whole thing is accessible, but you can't get further than that.

I just am still a little unclear about how we put these two things together because they have different requirements. So, it's certainly true that if there is, I mean, I just have to understand, and I don't, not sure I kind of totally wrapped my head around it yet, whether if you have a safe dispersal area that's fully accessible, all of it, you still need an exterior area of rescue?

It's not clear. I don't think the code is clear and it may be that, you know, we're only talking about making part of the safe dispersal area accessible. So, I think, maybe I'm just confused, but it feels like we need a little more clarification about the relationship of these areas to each other and the calculations.

In terms of the calculations and Jihee's questions, as I do the math, and I'm not good at math, so I could be wrong. If you take your example of a hundred people and 500 square feet, at 2% of that, you'd have to have a 100 square feet of the 500 square feet that would need to be accessible and flat, right? Under this new thing that's 2% of 500 square feet would be a 100 square feet. So that's how much of that 500 square feet would have to meet this requirement.

**Derek Shaw:** And Dara I'm sorry for interrupting, but I need to at this moment. Now that's not how the calculation would be applied to the safe dispersal area.

**Dara Schur:** Then I'm really confused by the wording. Can you explain?

**Derek Shaw:** Okay. All right. So, in Jihee's example, we assumed 100 occupants. Yes. Your first part of the calculation that the overall area, the safe dispersal area would need to be a minimum of five square, five square feet per person, which equals 500 square feet minimum in total. Now, a portion of that total needs to be provided for the accessible area in this draft. Of course, Ida has suggested other variations on this, but in this draft the 2% that is indicated in criteria six, that's 2% of the number of facility occupants. So now we go back to the 100 occupants assumed in this example and we know that 2% of that would be two occupants.

Okay. Now two occupants we see further down in item six, for each occupant, the accessible area shall provide clear ground space, which is the 30 inches by 48 inches area, or two and a half feet by four-foot area. It's 10 square feet, for each occupant. So, we would have 20 square feet that would be obligated for clear ground space. Now in addition to that, we would need an accessible route to the areas where the clear ground spaces are provided.

**Dara Schur:** So that's really helpful, Derek. Thank you. I should never try and do math and parse codes at the same time. They're both very challenging for me. That was really helpful.

That makes more sense. It makes me even more concerned about the 2% number. And while Eric is correct, that multi-family housing, you know, the public accommodation spaces are not the same as the number of units that the number of units reflects the number of occupants of the building that use the public accommodation spaces in the housing. That's why I went to that number as a factor in determining what's appropriate. And I also thought that a lot of Gene's comments about the modification need for people with disabilities is really important to think about. And I'm still a little confused about, you know, how these relate to each other, these areas, but also, I think, and kind of reinforce this, that the amount of square feet we're leaving for people without disabilities is very, very tight.

And especially if you feel a lot of large people, which is certainly how the population goes these days. So, I think, you know, the assumption that that's gonna be, you know, that there's gonna be plenty of space for these people with wheelchairs. It just, I'm still struggling with whether this is adequate, but some of that depends on the relationship of this to the exterior areas of egress in terms of whether they both serve the same exit or not. So, I do think this is a great idea, but still a little complicated for me.

**Brad Morrison:** Okay. Thanks, Dara. Appreciate it. Thanks, Derek. Okay, let's see. Tim.

**Tim McCormick:** There we go. {Indiscernible}. I had a couple comments here. I think it would be helpful if the first thing that DSA did was to add this to the right section in 1009.8, and they're not showing you the whole code section for brevity, but that section actually answers the question about whether or not you can use either a safe dispersal area or an exterior area of assisted rescue.

This is simply being added to the options you have. So, it's not eliminating one, it's simply adding another option. And that language is in 1009.2 I think where it actually says each required accessible means of egress shall be continuous in public way and shall consist of one or more of the following elements.

And I think Derek, that's the section you're adding those two, right? Number 11.

**Derek Shaw:** Yes, sir.

**Tim McCormick:** Right.

**Derek Shaw:** Well, it was the first part of this, yes. We added number 11 there. So that would be one of the components that may be used as part.

**Tim McCormick:** Yes. I think we kind glazed over that because it didn't seem to be that important, but actually it's very important because it's answering that question saying that you can use any one of them. You can use more than one. You can use them in combination, you can use, you know, you're not being restricted by anything. So, I think that that helps a lot. Because there's been so many questions on it, maybe there is a need for some language to make it even more clear, but I think that is what that code section says.

I think it does say that there are options. And you can use any one of the 11 to meet the obligation to an accessible means of egress and the exterior area of assisted rescue is an exception to going all the way to the public way. Just like the safe dispersal is an exception of going all the way to a public way.

Now that's a problem with the model code. Model code could say that a little better and I think we all recognize that's a problem with the model code. I'd also like to comment on Jihee's good comment of saying that sometimes we get an accessible route to an inaccessible public way, right? So, that's another code change.

Maybe that's a valuable code change to think about the future. That if we're saying we have an accessible route trying to get someone to a public way, that actually the public ways not accessible. I have a building like that right now where the public way goes by at 10% slope, pretty tough, but there is a little space right next to it, the transition space where they can sit and wait.

And maybe that's a code change to think about later but not necessarily now. So, but I think that is an issue that does come up sometimes. Those are my thoughts.

**Brad Morrison:** Great. Thank you.

**Tim McCormick:** Oh, one last thought. I'm sorry. One last thought. Probably the most important and I know Anne brought this up.

I think we're getting an accessible route to the safe dispersal area, but the reason we have a safe dispersal area from my experience, more often than not is because we have topography conditions. So, when we do that, and that's one of the reasons it won't be used as often, we're gonna, and I have a product with this exact problem right now, so I know what it is.

We're coming out on a very hilly side up the back. We're set a stairs on the ground floor. It's gonna come to a safe dispersal area and we're gonna have an accessible route to a point. But these location of these spaces that we're talking about, you know, the wheelchair spaces, which are gonna be 10 square feet each, Right?

Two and a half by four feet are gonna be 10 square feet each. Even though, you know, we're talking about five, but these spaces are gonna be 10 square feet each. They're gonna be located right at the end of the accessible route. They're gonna just be an additional level spot. And after that, the rest of the safe dispersal area is gonna continue at the six or 7% slope that's in the parking lot adjacent to it. Right? That's what's gonna happen. So, I think it's important that we limit this clear floor space to just the accessible spaces because otherwise I think this will become unusable. I don't think you can make a whole safe dispersal area a 2% issue. It won't work. You're using it because you have a topography problem lots of times.

And so, I think it's in, what you'll see designers do is simply make sure that these clear floor spaces are right at the end of the accessible route or depending on if you wanna say the beginning of it. So, when you leave the building, you have an accessible route to the safe dispersal area. And right where the safe dispersal area is you're gonna put these wheelchair spaces just for practical limits so that you can still make it work.

One thing that we may want to consider because of that, is that they're also out of the way for the rest of people coming. So maybe they need to have, like we do in the area of refuge inside, maybe we need to have, make sure we have a clear path around them for the rest of the safe dispersal area. So, I think that's a legitimate concern because they are gonna be at the beginning of the safe dispersal area.

I guarantee you that's gonna be the practical reality of it. So, we wanna make sure that they're also not gonna be harmed by the rest of the able-bodied people passing by to get to the safe dispersal area like we do in areas of refuge, stairwells. Those are, so that's the thought I wanted to add. I think we should think about how that plays out for those people who will most likely be at the beginning of the safe dispersal area.

**Derek Shaw:** Good. That's very helpful. Thank you, Tim.

**Brad Morrison:** Okay. Thank you, Tim. Okay, so we'll move on to Anne and then we have Eric and Michelle following Anne. Okay, go ahead Anne.

**Anne Riggs:** Just coming back to talk about the relationship between the exterior area for assisted rescue and the safe dispersal areas. So, code section 1009.7 exterior areas for assisted rescue is where it says, where the exit discharge does not include an accessible route from an exit to the public way, an exterior area of assisted rescue shall be provided. So, the only time that you would use an exterior area for assisted rescue is when there is not an accessible route from the exit to the public way. So, in order for us to also apply this to the safe dispersal area, I would maybe expect this section to say to the public way or the safe dispersal area.

However, in the new code change that's being proposed, it makes it, it sounds like we're definitely required to provide an accessible route to the safe dispersal area. And I think it would be confusing as to whether or not there is an exception to provide that route if you also provide an exterior area for assisted rescue. So, I think there is more clarity needed on that in the code.

**Derek Shaw:** It might be an issue Anne of applying the code sequentially. You know, your first challenge is whether you do have an ex the ability to create an accessible route beyond the building, typically. If not, then your exterior area for assisted rescue is the proper substitute there.

If and of course the exterior area of assisted rescue is outside of the building, it's visible to the emergency response personnel. And so, they can provide immediate and direct assistance to those people who need to egress from that area. If there is the possibility of having an accessible route to your safe dispersal area, then that is intended for more independent self-egress.

And I suspect that the sequence in Chapter 10 accommodates that application. If it doesn't, I think we have a bigger issue than what DSA could possibly solve by ourselves as a code proposing agency. We would certainly have to work with the State Fire Marshall, and they'd really have to be the lead on those code provisions.

Nothing wrong with us co-adopting with them. In either case we'd work collegiately with State Fire Marshall.

**Brad Morrison:** Great. Thank you, Derek.

**Derek Shaw:** Thank you.

**Anne Riggs:** Sorry.

**Brad Morrison:** Go ahead.

**Anne Riggs:** Our section that we're proposing, our change that we're proposing here is the one that's gonna require an accessible route to the safe dispersal area. So, it does seem like if it's not our intent, if it's our intent that there's an exception to that, then maybe we should be more clear about it.



**Derek Shaw:** Well, we do require an accessible route to the safe dispersal area. Yes.

**Anne Riggs:** Okay.

**Derek Shaw:** We, and the safe dispersal area can only be utilized when in the condition that's described in the exception where access to the public way cannot be provided.

**Anne Riggs:** Okay. Well, then there would be no logical situation where you could use an exterior area for assisted rescue in conjunction with the safe dispersal area because you would always have an accessible route. So, there would be no cause to provide an exterior area for assisted rescue.

**Derek Shaw:** I think in general that's sensible. I can imagine a condition where you might have several exits around a building and.

**Anne Riggs:** A different exit maybe. Yeah. But not at the one that's being served by the safe dispersal area.

**Derek Shaw:** Agreed. Yes.

**Brad Morrison:** Okay, great.

**Dara Schur:** I actually think you could just, because, sorry to jump in, I can imagine a situation where the terrain is such that you have one part of the accessible exit, the accessible part of this, be in an ER and then in and a sec that connects to a part of an assisted, an accessible part of a safe dispersal area, and then steps down to the remainder of a safe dispersal area.

So, I don't know. I think you might be able to do both because the standard for when they're one requires accessible route, and one just requires you can't get out. So, I don't know. I'm not an architect, but I think there might be some places where you could combine them.

**Anne Riggs:** Yeah, I think once you get to the safe dispersal area, then you've exited and you're, and now you're in the dispersal area and there's no longer a need for an exterior area for assisted rescue. It's my understanding.

**Brad Morrison:** Okay. Thanks, you guys. Let's go to Eric now. Eric, you're up. Is your mute on?

**Eric Driever:** It was. Sorry. Okay. I just wanted to be mindful of everyone's time.

**Brad Morrison:** Thank you. Appreciate that. Yeah, I've been watching it myself here. We have one more and then we'll go, we'll break for lunch. Anne, why don't you go ahead.

**Anne Riggs:** I was done.

**Brad Morrison:** I'm sorry Anne I meant Michelle. I'm sorry. Looked at the wrong box.

**Michelle Davis:** Well, and to be mindful of everyone's time, I'm just going to note that we could potentially work on developing language with the 2%, where 2% is a minimum number, except where the known occupants is greater, and then require that we provide enough space for all known occupants or something. And I'm just winging this right now. It would definitely need to be looked at carefully, but we might consider doing an either-or situation to cover facilities that have more than 2% occupants.

**Derek Shaw:** Good. Thanks, Michelle.

**Brad Morrison:** Great. Yeah. Thank you, Michelle. Thank you everybody. Great comments on this section here and we certainly didn't expect to get this amount of comments on it, or else we wouldn't have run into our lunch break. But what I propose now is that we reconvene here.

We'll take our lunch break and then we'll reconvene at one o'clock and move through as many of the remaining, proposals as we can get through today. And I think one of the things that we'll think about in terms of the afternoon session is that we'll, rather than try to include, incorporate a break into the timing, why don't we just let everybody take their own breaks when they need them and then we'll just try and keep the discussion moving as long as we can.

Just because I think we have; we're left with many items, and I don't think we're gonna get to them all today. So maybe Derek, if you wanna take a couple minutes with me as people leave for lunch, we can talk about any changes that we need to make in terms of the lineup. Okay?

**Derek Shaw:** Sure. I'll stay right here.

**Brad Morrison:** Okay. Dara, did you have a question before we go?

**Dara Schur:** I just wanted to update people on the parking question. The bill was AB 2097, which prohibits minimum parking near transit, but it exempts it. It does not override any requirements to ride either electric vehicle parking or parking for people with disabilities.

So, any requirements that currently exist for parking with people with disabilities would still be in place. I'm not sure that completely solves the problem, but there at

least is that language in the bill. And the governor did sign it. Just for folks' information it's AB 2097 signed last night.

**Brad Morrison:** Great. Thank you, Dara. Appreciate that. Okay everybody, we'll see you at one o'clock. Okay? Thank you. And, just, we'll be, we'll be here if you wanna come back.

## **LUNCH BREAK**

**Brad Morrison:** We've lined up the items that we think might, the first one is just a very quick one. It seems like it could be quick to do away with it pretty quickly, and then the second one will require a little more discussion so, we put that in that place. And then we've grouped other items to. So, the order's gonna be a little bit different from the package that you might have, and we'll just queue you up by the code section and that way you'll know where we are. And if anybody has any questions, don't be, don't hesitate to stop and say, hey, where is that document or which page is it on? That kind of thing. And I'm sure we'll make sure everybody's on board. Okay. There's Gene. Genes with us now, too. Looks like we're ready to go.

So, what we'll start with is the next item. And just before I start though, I just wanna remind you that we won't be taking a breakthrough this section. We're gonna work straight now till three. So, if you need to take a break, go ahead and take one. And then we'll just have to kind of move on and use that time as best we can.

We actually will probably stop about 10 minutes to three just to talk about our next meeting and any other kind of business like that. But for all intents and purposes, we're gonna dedicate this time to the remaining proposals that we have. Okay. So, let's start up with, what was number four Section, 1150A and its site impracticability tests.

**Derek Shaw:** Okay, great. Well, thank you so much, Brad. So, the site impracticality tests are on, they start on page nine of your packet of code change proposals. This is a pretty straightforward item. DSA, in the last rule making cycle, remember that we had, transferred our adoption of the division four requirements in Chapter 11A.

We transferred those over to Chapter 11B, for their application on public housing. We were informed by the Building Standards Commission that somehow, we didn't withdraw our adoption of one portion of Chapter 11A. That's the language in Section 1150A. And so, this is really a cleanup so that we can formalize our rescission of our previous adoption of Section 1150A. We're proposing to strike it in its entirety. And despite us withdrawing our adoption of Section 1150A, the Housing and Community Developments adoption will stay in place and is unaffected by our action. If you have any questions or comments, please let me know.

**Brad Morrison:** Okay. Dara, your first up.

**Derek Shaw:** You're muted.

**Dara Schur:** Sorry, I'm little confused because I don't know where they're adopted in 11A and I wanna make sure we're not eliminating,

**Derek Shaw:** No, Dara we've duplicated this language within Chapter 11B. So.

**Dara Schur:** But is that with the same numbers? Cause we adopted these same provisions with 11B numbers.

**Derek Shaw:** No, they're, they have different numbers, but the provisions are still the same.

**Dara Schur:** Okay. So let me just get to my notes for just a second. Cause there are exact same provisions exist in 11B.

**Derek Shaw:** 8 0

**Dara Schur:** 8 0 something, right?

**Derek Shaw:** Yeah.

**Dara Schur:** And those aren't being removed. Right?

**Derek Shaw:** No, no. Those are ours.

**Dara Schur:** 11B-233.3.1, blah, blah, blah. Those are staying, right?

**Derek Shaw:** Yes.

**Dara Schur:** Okay. So, there's just not a substantive change. These still use the 11A numbers and somewhere are in 11B and so they're going away. But they will stay in 11A, and we have the equivalent in 11B. Is that right?

**Derek Shaw:** Yes.

**Dara Schur:** Okay. Thank you. Just wanted to clarify. All right. I've no problem with this then.

**Ida Clair:** Really the effect in the code Dara, would be in the matrix adoption table 1150A will be unchecked under DSA-AC in 11A, but the text remains the same in both sections. It's just our adoption of an 11A proposal in 11A is going away because we already have them in 11B.

**Derek Shaw:** Yeah.

**Dara Schur:** Got it.

**Ida Clair:** So, it's basically in essence, the change of a check mark. Right, Derek?

**Derek Shaw:** It, it, yes.

**Ida Clair:** In the matrix adoption table.

**Derek Shaw:** It'll have no practical impact at all on any of our provisions in Chapter 11B. And it's what we should have done last time, but, and we thought we had, but we were informed by BSC that, that was not included.

**Dara Schur:** Thank you.

**Brad Morrison:** Ok. Thanks. Thanks, Dara. Arfaraz.

**Arfaraz Khambatta:** Yeah, I was a little confused reading this, too because it appears from what was circulated that the suggested text of the proposed amendment would essentially be removing section 1150A from the code. And it seems like the only intent is to uncheck the box in the adoption table. Is that right?

**Derek Shaw:** Well, no. Our intent, we couldn't care less about the adoption table. It's non-regulatory. It's, it is provided as a convenience to the code user, so they have a better insight into what sections have been or have not been adopted by various agencies. But the facts are, is that we move, we intended to remove our adoption of 1150A.1.2 and point, 1150A.1 and .2 in their entirety in the last rule making cycle when we duplicated the requirements of 1150A, A.2 within Chapter 11B.

So, we successfully duplicated them into Chapter 11B, but we were not successful in withdrawing our adoption in 11A.

**Ida Clair:** So, I do wanna clarify two things. It was not in the last rulemaking cycle. It was in the last intervening code cycle for 2019, because the last rulemaking cycle was the triennial. We did those changes in the last intervening code cycle, which essentially was sometimes like, well, depends on how you consider it, two of our efforts ago.

And, while Derek is correct, the intended result is really an unchecked of the, an uncheck of the adoption of the matrix adoption table for that section under DSA AC. We have to provide it in the rulemaking process because this is what rule making requires. When we un adopt something, we have to rescind the language in, under our authority.

But in, in the, when you're looking at the code, the result of the only change that is provided from your perspective as a user is an uncheck of the box in the matrix adoption table for this item in 11A.

**Arfaraz Khambatta:** Thank you, Ida. That answers my question.

**Ida Clair:** I didn't, none of that was an error? Right, Derek?

**Derek Shaw:** No, nothing. Except I appreciate you correcting me about the code cycle.

**Ida Clair:** Well, I didn't want them to go back to the last one and not see that there was something there.

**Derek Shaw:** All right. Great. Thank you.

**Brad Morrison:** Oh, right. Okay. So, it looks like a Jihee, oh no, you didn't have a Jihee, do you have a question?

**Jihee Lee:** Yes. So, see if I understand. So, our, we, this is this proposal to remove that whole site impracticality test from 11A and 11B.

**Derek Shaw:** No.

**Jihee Lee:** No?

**Derek Shaw:** No. It, this proposal will have no effect whatsoever on the way the code is presently printed. 11A will still have its HCD adoption of sections 1150A, 1150A.1, and 1150A.2.

If you recall two cycles ago, thanks Ida, we had duplicated the site impracticality test into Chapter 11B. Those will still stay there. All we're doing is a cleanup. It's very simple, very straightforward, and has no real effect on the current printing, an application of the code other than as, Arfaraz and Ida mentioned, one check mark in the matrix adoption table.

**Jihee Lee:** It's just on the adoption table.

**Derek Shaw:** Yes.

**Jihee Lee:** Okay. Thank you.

**Derek Shaw:** Okay. Any other questions or comments? Dara? Okay. I saw your hand up so I thought you may have a question. All right. Well, great. Shall we go on to the next one then? We do, we do need to make up time since we didn't get as far through our list, this morning as we had intended. So, the next, section is, 11B-237, and I will tell you which page that starts on if you guys get there first. And that's great.

**Brad Morrison:** Derek, I thought it was 233.3 point? Yeah, it's before the urine. We were gonna do this Section 11B-233.3.1.2, whatever title that is. That was.

**Derek Shaw:** Okay.

**Michelle Davis:** That's Residential Dwelling Units with Adaptable Features.

**Brad Morrison:** Okay.

**Michelle Davis:** And that was an add to the packet.

**Brad Morrison:** Yes.

**Derek Shaw:** Oh, okay. Here we then.

**Brad Morrison:** yeah.

**Derek Shaw:** Thank you. Appreciate it.

**Brad Morrison:** Then We'll move to the urinal section.

**Dara Schur:** {Indiscernible} get this. I didn't see it.

**Derek Shaw:** No, this item was not included in your packet. It wasn't ready for distribution at that time.

It is a very discreet item. What we are doing here, you'll see in section 11B-233.3.1.2. When we moved our provisions from Chapter 11A to Chapter 11B two cycles ago, on a number of items we made adjustments during that move to recognize the difference in scoping application in Chapter 11A versus the scoping application in Chapter 11B, as well as simultaneously of course respecting the Fair Housing Act.

Now in the previous application within Chapter 11A would have applied the requirements for residential dwelling units with adaptable features to buildings with three or more residential dwelling units. When we move that language over into 11B we failed to indicate that. And so instead, what we have right now is really language that suggests that all dwelling units on ground floors would have to be provided with adaptable features. This is far in excess of what the Fair Housing Act requires. And so, we're proposing to better align that with not only the Fair Housing Act but it's previous application under 11A.

**Brad Morrison:** Okay.

**Dara Schur:** Can I just? Sorry. These are adaptable units as defined by the Fair Housing Act, their definition of adaptable units?

**Ida Clair:** Correct. The 5% mobility units still come first under.

**Dara Schur:** Right.

**Ida Clair:** What the requirements are. These are in covered multifamily dwellings, which is the FHA term which addresses buildings with four or more residential dwelling units. However, 11A applies it to as few as three. So, in a public housing facility you would first apply 5% full mobility units regardless if it's single-family duplex buildings it's applied to the units. The, in new construction, the requirements for the units with adaptable features is a requirement of the Fair Housing Act and it applies to buildings with three or more residential dwelling units.

It doesn't apply necessarily strictly only on the unit which is, what was the language before we had to clarify when the adaptability of those units is required and that's when a building has three or more units.

**Dara Schur:** Ok. I'm going to have to think about this one. So yeah.

**Brad Morrison:** Are there any other comments on this issue?

**Dara Schur:** Can you send it out to us by email, please?

**Ida Clair:** Sure.

**Derek Shaw:** Yes. Michelle, would you please send that out to the full group here based on one of the distribution lists?

**Ida Clair:** And we also had one more item.

**Michelle Davis:** Yes, I can do that.

**Ida Clair:** There also was one more item that we hadn't sent out, correct? I think we had two.

**Derek Shaw:** Yes. So that's 11213.2. We would also send that out on the same email please, Michelle.

**Michelle Davis:** Yes.

**Ida Clair:** So just to clarify a little bit, we continue our work even after we send out information and even after we have this meeting scheduled.

And so, if there's something that we realize needs to be addressed in this context, we can add to it so that we can advance it further. So, I apologize that this wasn't sent out to you in advance but this kind of happened this week and sometimes we make those discoveries where we still have the opportunity of including them for consideration in our rule making, but not essentially in advance of like sending out the information to you where we need to do it a week in advance.



But we can send these out now and then we have further discussion at our next ACC meeting as well. But you're welcome to email us with any questions in the meantime.

**Brad Morrison:** Okay.

**Derek Shaw:** Any other questions or comments on this one?

**Brad Morrison:** Okay. That sounds like we should move on to the next. Okay. So now we have a group of items that all pertain to urinals. And we'll start with the next agenda item, which is the, now let's see, section 11B- 213.3.3. And that's the urinal compartments.

**Derek Shaw:** Okay. Okay. So that item begins on page 11 of your packet.

**Ida Clair:** Derek, I'm sorry for interrupting. Might it be better to start with 213.2, which was also the addition, which is the scoping for multi-user all-gender facilities? I think that clarifies why we're setting the stage for these respective changes.

**Derek Shaw:** Sure. And, and once we understand,

**Ida Clair:** but this was the other item that we neglected to include.

**Derek Shaw:** Yes. What we did include two of the related items but this one was not yet ready at the point where we distributed them. As a little bit of background, of course the all-gender, or the multi-user all-gender toilet rooms are becoming a preferred design from many places.

We're seeing them in being proposed for schools and other facilities and we're certainly aware of broader application for jurisdictions other than DSA's. And so, there's currently an effort in coordination between the Building Standards Commission, HCD, I believe, and DSA.

They've been studying issues within the plumbing code on amendments or exceptions that would allow the gender specific requirements, fixture requirements, in the plumbing fixture table in the plumbing code. Which generally requires a number of plumbing fixtures for men's facilities and for women's facilities. Well, for multi-user all-gender facilities, we can't really directly apply the men's and women's binary code requirements.

And so, what's being developed right now separately is a substitution or the ability to combine the counts that would be required for men's and women's and to combine them together for the purposes of having the appropriate number of fixtures in multi-user all-gender toilet rooms. Previously, the plumbing fixture table address men's and women's and under that concept, men and women together represented the entirety of the population. Okay?

Today we consider it differently. We consider many other gender identifications beyond simply men and women and yet we're still working with the total population here. So, the technique that is being developed right now for the plumbing code is to combine the men's and women's requirements and then understand that those would apply to multi-user all-gender toilet rooms where it's, where they choose to provide them, multi-user all-gender toilet rooms.

So, what we're looking at with these three proposals, this is the first of the three here, is how do we accommodate this new scheme of providing accessibility within multi-user all-gender toilet rooms? It's not required that multi-user all-gender toilet rooms are provided but when they are we need to have regulations on how to make them accessible.

So, what we've done is we've added a section here. This is all brand-new language. It is similar in many respects to the general toilet room requirements where you have multiple users and that's distinguished from our unisex or single user toilet rooms. So here what we say is where multi-user all-gender toilet rooms are provided, they shall comply with section 11B-213.2.4, that's self-reference. Lavatory shall be provided within the toilet room or outside the toilet room in close proximity to the entrance or exit of the toilet room. Privacy compartments for toilets and urinal shall be regulated in the same manner as toilet compartments and doors to privacy compartments shall have privacy latches.

Okay, so there's a few new concepts that folks might not be familiar with and it is specific to this new type of a facility; the multi-user all-gender facility. First of all, what we're seeing a lot of, and we see this even in gendered multi-user facilities where lavatories are, there's a desire to provide lavatories outside of the toilet room or within the toilet room, but in the case of the all-gender toilet room, separate from the partition or the compartments that are provided for all-gender use. So, the idea here is that we wanted to make sure that the lavatories were either within the room or just outside of the door to the toilet room.

Okay. Those are the most convenient use points. And they also provide benefit to people with disabilities, especially wheelchair users who wouldn't have to travel great distances between the time that they utilize the toilet compartments or urinal compartments, and the time they get to wash their hands.

Okay. Now privacy compartments for all-gender multi-user toilet rooms has some unique concerns. And there are concerns that were certainly in place previously, but I think the level of concern is heightened for these and that's the idea of privacy in these compartments.

So quite often, the proposals are for full height partitions, sometimes constructed as actually framed walls, but basically full height walls or partitions that provide full privacy within toilet and urinal compartments. Now, urinal compartments is an absolutely new concept that has not been addressed at all previously and in either the plumbing code as far as I know and in the building code it's not been addressed. And so, we wanted to make sure that the privacy compartments were going to be

regulated in the same manner as a toilet compartments. The alternative that is sometimes contemplated by building officials is whether they should be regulated as small rooms.

Okay. And, if they are regulated as small rooms, then that establishes what we currently have in the code. But that would essentially establish a single user toilet room. Okay. Or a unisex toilet room. We would refer to them in the code. And of course, that's the unisex or the single user toilet room is a different application than what we're really looking at here for multi-user all-gender toilet rooms.

And so that's a little bit of the background about the privacy compartments. And then just additionally we wanna make sure that they do have privacy latches, that is similar to the unisex single user toilet rooms. And it's also similar to any toilet compartment and a gendered toilet facility. You know, they all have latches. Okay?

**Brad Morrison:** We have a few questions. Derek, you wanna take them now as we go?

**Derek Shaw:** Sure.

**Brad Morrison:** Okay, good. So, let's start with Eric.

**Eric Driever:** Thank you. Thank you, Brad. I just wanted to sort of expand before we get too far into the overall concepts or the detailed requirements, the criticality of including multi-user all-gender restroom requirements within 11B.

And that is, there is currently, and I'm not sure the status of it right now, but there is legislation being considered that would permit local jurisdictions from, permit local jurisdictions in allowance of multi-user all-gender restrooms. So currently, just so that everybody understands, there is a prohibition through the plumbing code to have all-gender facilities. It is distinctly stated that there shall be separate facilities.

And then it further justifies that through its plumbing fixture calculations that must be completed, that Derek was mentioning, that there are separate men's and women's. And so, the importance of us advancing these requirements, whether it's this specific or based upon your feedback that there is a critical nature for us to include it to avoid local jurisdictions from being further at risk for not complying with the minimum standards of the CBC.

That, that was my comment. Thank you, Brad.

**Derek Shaw:** Thanks Eric.

**Brad Morrison:** Thanks Eric. Richard.

**Richard Skaff:** Thank you. Two things. Well, I guess one thing specifically, and that is actually two, doors to privacy compartments shall have privacy latches. If we're gonna provide that level of detail because I consistently see stalls with no pull handles, should we also include a statement about pull handles, if that's what's used?

My second point is at what point are we going to start including, and I would think here would be a perfect place, the requirement for at least some adult changing table facility. Would that be appropriate here? Thank you.

**Derek Shaw:** We, Richard, we do certainly have existing requirements for adult changing facilities, where they're provided. We have specific technical details for that.

We also have existing language that scopes them and requires them in new buildings. One of the other items we're gonna be getting into a little bit further down today is the item to require adult changing facilities within existing facilities. Now none of those scoping requirements would mandate that adult changing facilities be provided within the toilet rooms.

However, when they're provided, they need to be provided either in like a single-user toilet room kind of space or a space adjacent to a multiple user space. So, we've probably already addressed pretty thoroughly the mandates of statute for an adult changing facility. But if you don't mind, maybe we can talk about that issue as we get to that.

**Richard Skaff:** May I just quickly respond by saying, sure. We can talk about it later, but I think we also need to consider this being a special type of condition. And I want to hear from you Derek, about the reason why we aren't requiring it and we can discuss that later, but because we're dealing specifically with an unusual type of application here, I would strongly suggest, request that we consider having that within this requirement.

**Derek Shaw:** Okay. Well, let us please talk about it just a little bit more when we get to the other item. I think one of the great things about the way the structure of the building code works is that, and especially in Chapter 11B, we regulate a lot of different aspects of construction and sometimes those aspects of construction overlap within certain spaces and sometimes they don't.

You know, sometimes we're regulating a break room sink and regulating ramps. Well, those two areas don't generally overlap within a construction design. But when disparate elements within Chapter 11B are provided within the same areas, then we do have regulations that would all apply when they're located together.

And so, we of course recognize that we already have scoping for adult changing facilities, the multi-user all-gender toilet rooms. You know, we gotta be pretty careful here. We need to stick specifically I think with providing accessibility to those toilet rooms and then recognize that other parts of the code, when the design chooses to

provide adult changing facilities within the multi-user all-gender toilet rooms, then those additional requirements would apply to that same space.

Now, the statute for adult changing rooms does not require adult changing facilities in every type of facility, every type of use. They're only very narrow and very specific which we can get into a little bit more when we get to that item. I think Richard, you know, thank you very much for the suggestion about the pulls in addition to the latches. We'll definitely take a look at that and see how we can work that in if we can.

**Brad Morrison:** Okay. Let's, Okay, let's move on to Arfaraz.

**Arfaraz Khambatta:** Thank you. Brad. Derek, I can see why there was hesitation to release this for prime time, as you said. We, it is challenging for sure. We had a local ordinance that went into effect, that reference multi-user all-gender toilet rooms, or the requirement for that. And our building department has been created, I believe an information sheet to address that. But it has definitely caused confusion. Having said that, I think our intent is good here. However, I would suggest that we separate out scoping requirements from technical requirements.

We don't want to get into the nitty gritty of shall have privacy latches, shall have u pull, shall have, so on and so forth, because you don't see that for toilet compartments here. Right?

**Derek Shaw:** I would disagree.

**Arfaraz Khambatta:** Or do you?

**Derek Shaw:** Sure.

**Arfaraz Khambatta:** Maybe I missed. Let me see. For toilet compartment.

**Derek Shaw:** I think if you look at the unisex toilet rooms Arfaraz, you'll see some of the same general requirements.

**Arfaraz Khambatta:** Correct. But we're not talking about unisex. We're not talking about single accommodation toilet rooms. We're talking about multi-user toilet rooms now. And the requirements for toilet compartments in multi-user toilet rooms you go to 11B-604. Requirements for urinals, you go to 11B-605.

So, you're gonna see the requirement for the privacy latch for the door at the toilet compartment in 11B-604. You're not gonna see it in 11B-213 is my point. And so given the different elements, you know, like, I think what we need to be focusing on here for multi-user all-gender toilet rooms is how many urinal compartments need to be accessible.

**Derek Shaw:** Right.

**Arfaraz Khambatta:** Of course. That's in the subsequent or in the next code section that we'll be discussing.

**Derek Shaw:** Right.

**Arfaraz Khambatta:** And reference the technical requirements in what is it, Division six, or within division six. Rather than try and provide that direction here within the scoping requirements.

**Derek Shaw:** Okay. Well, for everybody's benefit, let's take a look at the context so we can confirm or not the consistency with the existing format. Okay. What I'm opening up right now is the section of the building code that addresses toilet rooms and bathing facilities. Let me get this to a good size where we can see a significant amount of the text.

Okay. So we are, I'm gonna have to try to flip back and forth between these two sections here. Actually, I think I can probably bring them up side by side if you bear with me just a moment. Just because your display might be different from mine, do you guys see the zoom display at the right side of my screen? Okay. I wanna get that out of the way for y'all.

Okay. All right, great. Okay, so here is the context for 11B-213. We, it proceeds from the very general and then next level is that it addresses the rooms, the toilet rooms and bathing rooms including the unisex single user or family toilet rooms and bathing rooms. Just for a quick point of reference, where this new language is proposed is going to be immediately following in this spot here.

It's gonna be immediately following the unisex patient bathing rooms and medical care and long-term care facilities. The next level of detail gets down to the detail of the actual plumbing fixtures. Here's where we start to establish the counts, the number of fixtures that are required. So, additionally, we, the first section talks about the compartments.

So, the fixtures and compartments are essentially scoped in these sections. Yes, we do have some amendments to the urinal section here which will address the new concept that I mentioned of urinals being provided within compartments. So, we needed some new language for that, but we already have ample language here under the toilet compartments that tells us, first of all, the need for the fully accessible, the wheelchair accessible toilet compartments and the ambulatory accessible toilet compartments.

And that's where we see this language that says in compliance with 11B-604.8.1, and section 11B-604.8.2 respectively. So those are the wheelchair accessible compartments and ambulatory accessible compartments. These would apply to not only men's and women's multiuser toilet rooms but when we get all-gender toilet rooms, they would apply there as well.

And so, this with the current item that we're discussing and the next two that are grouped with this item, we need to think of them all together. But this is sort of how the structure of the scoping is going to work out. Now, when we do look at, even if we look at the very model code language from the ADA standards for accessible design, we as well as a lot of the California language, we certainly do get into the business of talking about the detail of privacy latches for example.

The number of fixtures that are permitted or required within the rooms. And so, the language here has been crafted to fit in with the context in as similar of fashion as we can. Of course, there's plenty of room for adjustments here. But I just wanted to make sure that we understood that we really haven't deviated very far at all from the format of this section of the code.

**Brad Morrison:** Arfaraz. Is that okay?

**Arfaraz Khambatta:** So, here's what I was referencing, Derek. 11B-604.8.1.2 says, door shall be self-closing. A door pull complying with 404.27 shall be placed on both sides of the door near the latch and that's the only mention of latch. The only place where it says the door is required to have a latch is in the advisory, in the DSA advisory for that section. So that's why I thought it would be that, you know, and doors, and the fact that doors are required to have a pull on both sides. All that is in, in this section within 11B-604.8.1.2.

**Derek Shaw:** Sure.

**Arfaraz Khambatta:** So, providing that information now in scoping seems to be counterintuitive.

**Derek Shaw:** Okay. Well, I'm, I'm suggesting that we're not providing any extraordinary amount of detail in 11B-213.2.4 and that it is consistent with the other scoping provisions here for the rooms. Certainly, where we tie into 11B-604.8.1 is going to still be in place. We're trying not to upset the structure, the existing structure of the code but we have language already which tells us that where toilet compartments are provided and they're provided in multiple user toilet rooms, then we know 5% are gonna need to be wheelchair accessible.

And, where you have six or more, then you have to provide an additional ambulatory accessible. Scoping's pretty similar there. And I've tried to point out some of the similarities, certainly when, when we, look at the, the other two items. We'll get into the additional detail that is kind of grouped in in our development here.

**Arfaraz Khambatta:** So, toilet rooms and toilet compartments, Derek, obviously are two distinct elements.

**Derek Shaw:** Yes.

**Arfaraz Khambatta:** A toilet room and we've talked about, the code talks about toilet rooms clustered in the same area in exception three. But we're not talking about toilet rooms clustered together in a multiuser restroom. We're talking about toilet compartments that are toilet compartments, urinal compartments, and so forth within a multi-user all-gender restroom. So, I think there's a distinction there, right? So, we need to be clear about that.

**Derek Shaw:** Yes. Yes, we do. You know different jurisdictions have lacked the level of detail in the code that's necessary to distinguish between a toilet room with several toilet compartments versus a room with several single user toilet rooms in it.

Because once you have the partitions running all the way from the floor to the ceiling, it sure looks like separate rooms, right? You're leaving the common space of the multi-user toilet room and you're going into a compartment. But some building officials are wondering if those should be considered as single user toilet rooms.

There's not a lot of language in the code that gives us a hard distinction there. But an attempt to guide the code user to addressing those as compartments and rather than individual rooms is this draft language here that we've included in this draft of the proposal, wanting to make sure that's regulated in the same manner as toilet compartments.

You know, if we have suggestions about the specific concepts and details here, I'd certainly welcome the comments.

**Arfaraz Khambatta:** So, perhaps it would be, useful at this point to also include additional definitions in Chapter 2 if that's the intent of making that distinction between compartments and rooms.

Because, you know, like it's very common to see in, for example, luxury hotel, multi accommodation restrooms where you don't have toilet compartments necessarily, but you'll have a wall. That doesn't necessarily make that a toilet room. It's still a toilet compartment, at least the way I see it.

Because it has just one plumbing fixture in there typically. And the lavatories are outside of that room.

**Derek Shaw:** Yes. And really that design option we're trying to address at least here, because we think it seems from the work with HCD and the Building Standards Commission that, that design concept is very, has a lot of appeal and application for the multi-user all-gender toilet rooms.

You know, eventually it would probably be a good idea to expand something like that to all toilet rooms. But, at this point we were just looking at it within the context of the multi-user all-gender toilet rooms. Arfaraz, I tend to agree with you that even if you have the full height partitions, and even if they're constructed, if they're framed, I would still myself, I would categorize those as compartments and not as rooms.



However, we're certainly aware of a lot of jurisdictions who look at that and they say, no, those are toilet rooms. And since they have one toilet fixture in them, then it's a single user toilet room and you need to make 50% of them accessible. Okay? So that's a big difference versus what is become common in standard over many, many years, several decades, of the way that we apply accessibility to multi-user toilet rooms.

And that being that the first compartment is going to be a wheelchair accessible compartment. And when you get six compartments or a total of six toilet compartments plus urinals then you're required to have an ambulatory accessible compartment. So, applying that same scoping application to these, this other category of multi-user toilet rooms, we wanna work as closely with the context, the format of the code and provide our references back to the same basic points where we currently have them in the code.

**Brad Morrison:** You guys, we have eight people in queue, so I think we're gonna be talking about this topic for a bit. Can we move on to some other folks?

**Gene Lozano:** Greg, can you put gene in the queue please.

**Brad Morrison:** Oh, Gene. That would make nine. Okay. Gene, why don't we start with, well let me pull you in, Gene. Give a few people a chance to speak because they've been sitting here for quite a while and I'll pull you in, okay? Okay. And I'll let you know when it's time to come in. Let me, let's go to Tim.

**Tim McCormick:** Okay, Thank you Brad. So, our thoughts on this are that we need a definition for privacy compartment. That we have too many terms used interchangeably between toilet room, toilet compartment, privacy compartment, and we need something that more clearly shows how the lines are drawn. There's also concerns about what makes it a privacy compartment from the technical standpoint. And, the amount, you know, how are we regulating its actually privacy and somehow different.

And do we intend it to be understood as different from a toilet compartment? On a practical note, this concept's not used a new, it's certainly use commonly in certain jurisdictions now, locations for a lot of different type of uses. From the observation of how I've seen it used, the toilet compartments as they're normally considered, although there is a disagreement among building officials, as Derek noted, they are full height partitions, or they are either toilet compartment materials or actual walls with the door. So, when we have an all-gender bathroom, the toilet compartments are completely private. And one thing that's different about them than a standard toilet compartment is that when you close the door there is no possible gap to see through and see the occupant.

**Derek Shaw:** Like the gap between the bottom of the partition and the floor.

**Tim McCormick:** Oh, we're talking about the door. When the door latches. In a standard toilet partition, there's a slight gap between the latching panel and the door.

It could be an inch, could be half inch. Over time it could be even worse. So, you're actually able, often intended or not, the compartment see slightly into it on a small gap.

To me that is not a privacy compartment. So, I think there's concerns about how we classify things as privacy compartments in the restrooms that I've personally seen that have this setup. They don't have that type of a toilet partition. They actually have a wall or a door that closes so that when the doors close, it's not possible to see through the strike side of the door.

But I think all these things need to be answered with technical provisions that match somewhere in division six, so that the building officials know clearly what's in and what's out. I don't think there should be left a question about whether or not these are single accommodation toilet rooms within a bigger multi accommodation toilet room. I think that needs to be stated with plain language so that everybody can force this the same way. And those are our concerns.

**Derek Shaw:** Okay. I think that's great. And I think within the boundaries of accessibility we can certainly address some of those. However, we've been working along the, with the understanding that gender identification is not constitute a disability.

And so, the privacy compartments was a term that's being worked on currently in the context of the plumbing code. You know, it has more broad and general application. It would apply to any sort of compartment design. I agree with you, Tim. I think that the traditional compartment panels a lot of times they're what, plastic panels, or steel panels. You know, there are certainly gaps there between the panels, along the perimeter of the door panel and underneath and even above, for those that don't go fully to the ceiling. So, some of those issues I think we can address within the context of Chapter 11B. Some of them, Eric is working on working with Housing and Community Development and the Building Standards Commission on applying the plumbing, or on developing the plumbing language revisions. So that might be a better place to address some of those issues.

**Tim McCormick:** I understand your comment. I'm just concerned because we're introducing the term privacy compartment into the code here. And so, it needs something to define it better than just the words. And I understand that it could probably best be suited in the plumbing code and if the definition appears there that satisfies these things, it could be a reference building officials could use in saying whether or not it is a privacy compartment.

But sometimes there are also conflicts between the plumbing code and the accessibility code and things are defined, for instance, for common area or public use. They're very different for plumbing fixtures between the two codes. So, it's not always the first place someone will look for accessibility guidance. But I do think this is an issue. Best way to solve it is obviously for the rule makers to figure out. But we're noting it that there's a concern here about what constitutes it, but defines it, how to build it.

**Derek Shaw:** Okay.

**Eric Driever:** Brad, if I could just quickly clarify? One of our challenges, and we are working with Building Standards Commission on the all-gender facilities in the plumbing code. Also understanding that there is current legislation as I've mentioned that also is allowing for these. And so, while in the context of this meeting, it may seem like we are introducing it, certainly we are a party to the plumbing picture discussions, I think in the way that we are intending it for 11B is more reactionary than it, in trying to align with what's happening in other places of the code and in other legislation.

So, I by all means, I understand and agree that clarity is required. Our part of our charge is to put it in the correct context of where it belongs in the code. So, I appreciate the comments and just ask for your understanding that 11B isn't necessarily introducing the term.

**Tim McCormick:** Well, I don't know that they, I don't think it exists in the plumbing code there. That's my concern.

**Eric Driever:** I'm saying that there are currently moving pieces that are in action now, that are happening in parallel with what's being proposed here. I agree, it doesn't currently exist, but if those proposals move forward, it will exist simultaneously.

**Tim McCormick:** Well, that's fair. We just need something to hang our hats on.

**Brad Morrison:** Okay. Thanks, Tim. Thanks, Eric. Let me kinda keep it going here. We have Ernest coming up next, followed by Jihee, followed by Gene, Dara and then back to Eric and Ida. Okay. So, Ernest, why don't you go ahead.

**Ernest Wuethrich:** Did Ida have a clarification that you wanna get out?

**Ida Clair:** I wanted to add other comments later, but with regard to privacy compartments, while I understood what's being stated here, I don't understand that privacy really adds much to this language. It could just say compartments for toilets because or compartments for urinals. We, you know, compartments are generally understood for privacy.

And so, I think it starts to, I'm just throwing out there that if it's a new defined term, it may not need to be here. It could just be stated as {indiscernible}.

**Brad Morrison:** Yeah. Thanks. Thanks, Ida. Ernest {indiscernible}.

**Ernest Wuethrich:** Yeah, I just had a, I've actually never seen a urinal compartment yet. And I know that this is just going into the context of the, what we're looking at, for the multi-user all-gender toilet rooms. So, it's kind of interesting but one item that is in this language here indicates close proximity. And I don't recall seeing that

elsewhere in the code except for it triggered in my mind when we were talking about previously adult changing facilities, that language came up. I thought there was discussion around it related to, I had to look it up, I haven't dealt with adult changing facilities in practical use yet.

Coat hooks and shelves in adult changing facilities need to be provided in close proximity. Here we're introducing language that says that a lavatory needs to be provided in close proximity. Is there elsewhere in the code that close proximity is used and won't be too open to interpretation of how far that can really be?

**Derek Shaw:** I can think of other similarly expansive terms that are used in 11B. You know, for example, when we talk about the cluster of single user toilet rooms here in exception four. You know, what is a cluster? Well, the access board has issued the opinion that anything within a site line would, would satisfy that.

You know, we had contemplated the idea of having a very specific dimension, maximum dimension between the entrance or exit doors and the lavatories but recognizing that there really could be a lot of different configurations and designs of multi-user toilet rooms we didn't want to try to tie it down too much. Just simply lacking the, a likely to be broadly acceptable detail of that. So, this may not be ideal language, in close proximity, but it certainly does have other locations in the code where it's similarly used.

**Brad Morrison:** Okay. Thanks. Does that answer for your, Ernest?

**Ernest Wuethrich:** It, it gets the conversation going, I think.

**Brad Morrison:** Okay. Okay.

**Derek Shaw:** And we'll continue to be studying this and where we can, hone it or make it better.

**Ernest Wuethrich:** Yeah. I think because the specific, the only other specific instance I know of that indicates close proximity again is baby change, or excuse me, adult changing facilities that I'm aware of.

And in that case, those elements are being described within a confined space. This one is talking about near an exit, kind of close to the entrance maybe. So, I, it feels like it's there, it's using the same language, but it's being used in a broader context of how big that could, what that could really mean in a building.

**Derek Shaw:** Okay.

**Ernest Wuethrich:** Cool.

**Derek Shaw:** We've got notes to look into the issue of the term close proximity and we'll do so.

**Brad Morrison:** Great. Thanks. Thanks Derek. Thanks. Jihee.

**Jihee Lee:** So, this section, I mean we're trying to address the accessibility. I believe our existing code already specify all the scoping requirements and technical requirements already.

What I'm seeing here that's new we possibly need to add will be about the urinal compartment because it, here it just says same manner as total compartments. So, Derek, are you planning to add in technical section division six? What? That compartment size or whatever the requirement that you're expecting to see for the Urinal?

**Derek Shaw:** As soon as we get to the next two sections. We'll see that.

**Jihee Lee:** Gotcha.

**Derek Shaw:** Just take it one step at a time though.

**Brad Morrison:** We'll be there. You know it then.

**Derek Shaw:** {indiscernible} first, minor scoping then technical.

**Jihee Lee:** Thank you.

**Brad Morrison:** You're welcome. Thanks, Jihee. Thanks, Derek. Okay, let's bring in Gene. Gene has been waiting on the phone. Let's just have him come in right now. Gene, can you come in?

**Gene Lozano:** Yes, I'm here.

**Brad Morrison:** Okay.

**Gene Lozano:** This is going to come from, you know, where experience, from some individuals have asked me to bring it in my own personal experience. And this is coming from not the code user, the person who's design or anything but the end user. I think the removal of suggestion of illuminating the word privacy might be a good suggestion because the idea, what it has conjured up is, and I guess what it would be the room, a private room floor to ceiling room with a door with a lock on it that is totally private. The compartment, which it is, it's even with the part, kind of the partition thing, this has been brought up the gaps that needs and the, but there's also or above the side, not only looking in, but it's been report to me.

And I have had this personal experience too where people seen someone who's blind and who has for whatever reason can't maneuver with a little gap between the door and the little panel that it fits into, the latch can sometimes be moved, and you can pop open the door. I personally had that happen. Sac State campus police were involved.

We caught somebody doing that to me twice. And I've had other reports that from other blind individuals. So that is something that, and the concern is that through this having not opposing having this all-gender or co-ed multiuser, but that it may then give building owners the idea that there's no use for unisex or family restrooms.

Which provides the privacy, but it also, it provides a feature that you don't find in compartments very rarely, and that is the sink and a counter in there. And some individuals that I know that have {indiscernible} and colostomies say that they need to, after doing what they need to do, that they need to be close proximity to a sink, within a foot, a few feet not going out and into another room.

To common area. So that would be something those fixtures that they would be expecting with {indiscernible} of privacy compartment that they would be a sink and a counter that like people who are diabetics or think or have other medical aids, they need a private room sometimes to get inject insulin. That happens in these unisex rooms.

So that should be, the use of the compartment should be all inclusive. If you're going to have these multi-user all-gender ones and possibly then be the excuse of eliminating family unisex ones, signage, I guess then I would get, would the enter into the restroom? I'm talking about California, not the ADA signage that would say all gender but I'm talking about the, would the unisex restroom symbol be used here?

Being that it's used now on the single user restrooms when, and so, so the people know that it is a, you know, unisex, it almost conjures up that there might need being another symbol. In the restroom where you have the urinals compartment and privacy, whatever compartments, or these for toilet ones, it's, probably will be, need to be some kind of signage on the doors to identify them for a totally blind person, particularly. You know, you go into men's restroom, you find the urinals, the wing walls there and then the compartments and you know, that those are the toilets.

But if you're gonna have, now these put sometimes urinals into private compartments so that you go along, you know that, oh, I'm looking for a toilet. And you don't want to end up going into a urinal private room. Then you have to maneuver out of there to try to find another one. And it's just the speed up expedite.

So, it's another, I'll need signage on these doors, that is, with raised characters and braille to identify them clearly so that you don't have to do a lot more additional exploring particularly when you get into these large facilities potentially that could come up in an airports. This has come from end user, you know, concerns and things that should be thought about in the development of these requirements that I hear.

This is reactive and things will be refined later on. But I thank you for at least putting these notes for either this code cycle or future code cycle, considering these, some of these issues and there's others, but I'll stop talking. Thank you.

**Derek Shaw:** Great, thanks Gene. I've got notes here to look into the signage issues around the unisex all gender or I'm sorry, multi-user all-gender toilet rooms.

**Brad Morrison:** Great. Thanks, Gene. Thanks, Derek. Let's move to Dara

**Dara Schur:** I, this is a new area for me, but my understanding is that in multi-gender restrooms at the moment, there is no requirement that the urinals be in a privacy compartment or apartment. They could just have wing walls. Is that right?

**Derek Shaw:** There actually is as far as I know, there's no code language in any of the building standards. The building code, the plumbing code, mechanical code, in any of them that talk about specific technical or scoping requirements for all-gender multi-user toilet rooms.

**Dara Schur:** So, let say I'm really glad you guys are beginning this discussion and to hear that other code people are considering this discussion because this is the wave of the future and we do need clarity and I support these bathrooms if we can resolve these issues.

And I think it's great, even if we're a little bit ahead of what some of the other agencies are doing or moving on a single track, that we make clear that whatever is being done has to meet accessibility requirements and that regardless of whether it's a compartment or something else, it has to make basic, you know, accessibility requirements.

And the other thing I want, and so I, I think we wanna be thinking about, you know, urinals with wing walls and compartments and different kinds of compartments and making sure all of them are accessible in these single, in these multi-gender bathrooms. The other thing I wanna say is, I'm assuming that whatever numbers we put and percentages we put for accessible, they're not reduced because we're putting these two groups together. If there's a certain number of women's toilets required as well as urinals, that number can't be reduced just because you put them together in the same room.

Nor can you reduce the accessibility requirements just because you put them in the same room. It would have to be the same as if you had two separate bathrooms serving two different genders. I think that's, that's really important because, just thinking as a woman who, you know, is tired of waiting in really long lines, it's really important to make sure we have adequate toilet stalls. So that, those are my points. Thank you.

**Derek Shaw:** And currently in the plumbing fixture requirements, in the plumbing code, they do address the issue of potty parity. That was the term we've used in the

past. But the idea that in the plumbing code, the fixture requirements for the same number of men versus the same number of women, the women will have a require the women's toilet rooms have a requirement for additional toilets above and beyond what would be the sum of the required toilets plus urinals in the men's rooms.

But as I understand the efforts right now are to essentially combine what are the women's scoping requirements and the men's scoping requirements, and pool them all together to come up with the requirements that could be applied to an all-gender toilet room setup.

**Dara Schur:** Well, that makes sense. I just don't wanna reduce the overall number because we're doing that.

**Michelle Davis:** Well, and Derek, I think she was saying two accessible compartments.

**Dara Schur:** Well, I think both to be honest, I think it's clearly important that we not reduce the accessible compartments. But just speaking of someone who's spent a lot of time in long lines in public spaces, we should not be reducing the number of toilets overall or the number of toilet compartments available to women just because we're putting the women's and the men's in the same space. That's my point. And that's true in general as well as for the accessible requirements.

**Derek Shaw:** Okay. Good. Good. Thank you.

**Brad Morrison:** Thanks, Dara. Well said potty parity there.

**Eric Driever:** Derek you're sharing your screen on Teams.

**Derek Shaw:** Oh, I'm sorry. Thank you.

**Brad Morrison:** Okay. And let's see here. Why don't we move to Ida here. Let's go to Ida.

**Ida Clair:** Thank you. I have a couple questions, regarding this. So, Derek, I was just reading this a little more thoroughly as the discussion was happening and I have a question regarding the lavatories statement. The concept here is that it was my understanding that we have the requirements for single user facilities or family restrooms. They have their own requirements.

And with this effort in this scoping requirement, we were trying to equate multi-user all-gender toilet rooms similar to those provided for when they're multi-user required for separate sexes, male and female. And essentially outside of that, other than the items that we know arise, accessible toilet compartments, sorry, accessible urinal compartments which don't exist now that they're combined and signage, as Gene had brought up, which we don't specifically have right now in the code to identify a to a urinal compartment separate from a toilet compartment.



I do have the question regarding lavatories because 11B-213.3.4 states where lavatories are provided at least 10% but no fewer than one shall comply with section 11B-606 and shall not be located in a toilet compartment, which is federal language.

So, I'm a little concerned by allowing them inside the compartment, which essentially makes it a single user restroom, which I think in some ways confuses this further because what we're trying to clarify, we're now conflating again. I'm afraid that we might be violating federal requirements or the minimum, our obligation under the minimum federal law to meet the minimum federal requirements for all user facilities.

And so, I, I'm just throwing that out there and trying to.

**Derek Shaw:** Sure. I think that's a great point. I think there's maybe a different way to look at 11B-213.3.4. You know, here we see the language in 11B-213.3.4. I'll highlight it over here on the right side of the screen. And it says where lavatories are provided at least 10%, but no fewer than one shall comply with section 11B-606 and shall not be located within a toilet compartment.

Now, the way I read this is that certainly at least 10%, no fewer than one of the lavatories must be outside of the compartments, not located in the toilet compartment. I don't think that it prohibits the provision of additional lavatories within the toilet compartments. I can see how that, certainly would muddy the assessment of whether those are single user, a collection of single user toilet rooms or simply toilet compartments with lavatories in them.

**Ida Clair:** Because I think if they are in the compartments, we would need to point to the single user restrooms in order to meet all the clearance requirements. And so, I guess then now if maybe you can clarify why in this, based on this discussion that we've had today, that sentence is included and what the intent was. Why do we need to state that, I guess is the question. And I just wanna know from your perspective why it's in there.

**Derek Shaw:** Okay. Well.

**Eric Driever:** Can I clarify that we're not talking, that I think this is not talking about the compartment, rather the room?

**Ida Clair:** No, I'm talking about 11B-213.2.4, which says it could be provided either within or without, and I'm just wondering the

**Eric Driever:** the room?

**Ida Clair:** The reason why.

**Derek Shaw:** Yeah,

**Ida Clair:** Within the room or outside the toilet room. Okay. The room not the compartment.

**Derek Shaw:** As I mentioned initially.

**Ida Clair:** Got it.

**Eric Driever:** The broader room, not the compartment.

**Ida Clair:** Got it.

**Eric Driever:** Okay.

**Ida Clair:** Is that it, Eric?

**Dara Schur:** But I'm hearing

**Ida Clair:** We're like answering our own questions. Hold on a second. Dara. Derek, was that correct? Is that it's in the room and not the compartment?

**Derek Shaw:** Yes, it's in the toilet room. We're

**Ida Clair:** Thank you for that clarity.

**Derek Shaw:** We're very specific with that. However, I think it's still a very good question about why that sentence is located here in 11B-213.2.4. Now, I mentioned earlier that I thought it would probably be good to have broader application to all multiuser toilet rooms.

**Ida Clair:** Yes. In that case, yes.

**Derek Shaw:** Yeah.

**Ida Clair:** Okay, good. Cause that's where I was little. Then the only other thing, comment that I had is the last line that says doors to privacy compartments shall have privacy latches.

**Derek Shaw:** Yes.

**Ida Clair:** I'm afraid in some ways, sometimes there are requirements in the access code that can inadvertently be applied to all compartments in a multi-user restroom.

And we can only regulate what's accessible. So, I guess my question is why do we also have this here instead of putting it in the urinal compartment requirement and in the accessible urinal compartment requirement and the accessible toilet

compartment requirement? Because we can't provide the privacy latch requirement to the other ones that are not accessible. And I was just kind of curious why it's here instead of more in the technical standards.

**Derek Shaw:** I think we were making reference over to the, what essentially is the federal standard for unisex toilet rooms. And the last sentence in that section requires privacy latches to the unisex single-user family toilet rooms.

**Ida Clair:** Okay. But the room, again, so that this is also the clarity in what we are pro just discussing about the lavatory. There's a requirement for the room and a requirement for the compartment. And we do go on to discuss the compartments in 605 for urinals. So, adding it there would regulate only the accessible ones. We can't regulate the privacy compartments that are not accessible in the all-gender facilities.

**Derek Shaw:** Sure. No, I understood your initial comment.

**Ida Clair:** Okay.

**Derek Shaw:** I But you also asked why?

**Ida Clair:** No, and that's fine.

**Derek Shaw:** And I was telling you where it came from.

**Ida Clair:** Got it. Okay. But we could move it technically, right? So that it's not misconstrued in building officials tend to apply something that meant for accessibility everywhere.

**Derek Shaw:** Right.

**Ida Clair:** Even though I would say that's a good idea, but we just don't have the authority. Ok. Thank you.

**Dara Schur:** I'm sorry, I'm sorry to jump the queue, but this is sort of a flip side of what Ida had just said, so I wanna put it out. I think what I heard Gene saying very clearly is if we're moving, if we're adding language about putting the lavatories outside of the toilet rooms, we need to ensure that somewhere there is a unisex bathroom, a family bathroom somewhere with a sink and a compartment in it for people with disabilities who need that privacy because of their disabilities.

And I don't know enough about the code to make sure that's what we're talking about, but I think that is really, really critical if we're gonna. I'm in lots of bathrooms where the sinks are outside the bathrooms. I don't have a problem with that. But there needs to be a restroom, a room or a compartment that has a sink and a counter in it that has privacy somewhere near these toilets to fully serve people with disabilities.

So, I think, yes, we can talk about how we write it so that the sinks go outside, but we need to make sure that somewhere in this process, whether it's in the plumbing codes or the, our discussion of these rooms, or in the accessibility, we are including single user bathrooms with sinks and counters in them, whether they're family or whatever we called. So, I just, I thought that was a really important point.

**Derek Shaw:** And it is. It's a very good point, Dara. I would like to point out that currently in Chapter 11B, we do not mandate, unisex single user or family toilet rooms in any condition. We allow them, and when they're provided, then we regulate them. But it's at this point and for decades, it's been the designer's choice on that. I would think.

**Dara Schur:** I'm suggesting we revisit that as an important access issue.

**Derek Shaw:** I understand. I understand. However, it's a much bigger issue, I think, than what we're currently contemplating. It's an issue that probably would warrant something like a focus group to be convened by DSA because there are very specific needs that both Dara, you and Gene have brought up.

But, moving from not requiring unisex toilet rooms merely allowing them and then regulating them when they're provided. Moving from that stance to facilities must provide some number of unisex single user or family toilet rooms. That's a big difference. You know, this accommodation of all gender multi-user toilet rooms is fairly small, fairly discrete.

I mean, there are new issues that come about because of the configuration of these rooms, but the basic issues of accessibility are consistent with what we've had before for decades.

**Dara Schur:** Right. And I think the focus group is a great idea because yes, we haven't had this, but we also haven't had this big move to single gender multi-user bathrooms. And I think that's just gonna create more pressures or fewer single user bathrooms. And I just think we should be moving forward on both fronts, and I would highly support a focus group.

**Derek Shaw:** Okay. Well, focus group requires more time. And so, if we are to take up that issue, it would necessarily need to be under a future rulemaking cycle. We simply wouldn't have the time to convene a focus group in the short time that we have as the Building Standards Commission calendar moves ahead every day for us.

**Brad Morrison:** Okay. Thanks. Thanks, you guys, Ida, Dara, Derek. Let's move on to Michal.

**Derek Shaw:** Brad?

**Richard Skaff:** Her mic is, her mic is muted.

**Brad Morrison:** Michal you, I think your mic is muted. She just, it's now. Try it again.

**Derek Shaw:** Brad. I I'm gonna have to step away for just a moment.

**Brad Morrison:** Okay, Derek. Thanks.

**Derek Shaw:** I'll be back in two minutes. Okay.

**Brad Morrison:** We'll have Michelle step in if needed.

**Derek Shaw:** Thank you.

**Brad Morrison:** Michal. How we doing? Oh, you're,

**Michal Healy:** Can you hear me now?

**Brad Morrison:** Yes, now you're, now we got it. Okay.

**Michal Healy:** All right, great. So, it's pronounced Michelle,

**Brad Morrison:** I know, I saw Michelle. I'm sorry.

**Michal Healy:** I spell it weird. It's okay.

**Brad Morrison:** I'm, yeah, I'm sorry.

**Michal Healy:** I'm used to it. So, I represent K-12 schools, and I'm dealing with multi-user all-gender bathrooms as we speak.

So, I have lots of day-to-day experience with these. And thank you, first of all for really starting with this conversation because many of our schools, in fact, all of our schools K-12 now have a multi stall all-gender restroom available for students. So, this is very timely for us.

A few comments that I have, one I agree with Arfaraz when he said to remove the reference to the privacy locks. I think and latches, I think Ida said it also. I think it shouldn't be in this section. I also would strongly encourage the wording to not say privacy. We are not changing out our stall partitions, so the students are using exactly the same partitions that were in the height partitions that were in the existing either female or male restrooms.

So, I would recommend leaving that up to the designer as to if they want to go, you can buy toilet partitions that, you can't see that there's no gaps in, but they're very expensive. And if schools throughout California are gonna make this change and

many already are, we don't have the money to make that change, to tear out all the stalls and put in new stalls.

And our students seem to be working with it. We still have all female restrooms and male restrooms, and then we have our all genders. And then I have a question about the, let's see, the sinks outside. So, one of the things that we would really love the code in general to allow us to do is have the all-gender toilet urinal room with compartments and then have the sinks outside of it so that we can get those students out of the bathrooms as soon as possible.

So, that's something that we've been looking at with design and we'd really like to have that flexibility to be able to bring the sinks and the lavatories outside of those restrooms. As a district where also almost every school also has a single stall, single occupancy restroom available for students so they can have that privacy if they need it, and they can also always go to the nurse's office.

But we feel very strongly about not having privacy compartments that have walls that go floor to ceiling and doors that go down to the floor because we wanna be able to see what's going on and have, even if it's four inches, have some type of visual connection with the students who are in there in case something happens.

And I think there's a lot more conversations that can go on about that. But we are also looking towards all-gender locker rooms and creating dressing rooms. So, that one we are starting to plan, and we are having those, we're using toilet partitions and having those partitions so that you can't see.

But it might also be nice to think about in the future of how many dressing rooms for a locker room would have to be accessible. Right now, we're planning one in the room, but knowing that that is some place that the schools are probably going, that would be helpful to have that percentage, whether it's gonna be 2% or if it's gonna be the same percentage as restrooms and toilet rooms right now.

And then, my other comment and question is that if we put, and I hear what Dara is saying, and I think we definitely need to be clear about this, but I think what's gonna start happening is that there could be a possibility, and I know you're gonna address this in a future comment section but having a urinal and a toilet in the same accessible stall. So, if we have a stall big enough for the urinal and the toilet, then does that mean we have to do two of those or because we're having one compartment for two accessible fixtures, or do we have to duplicate that? And so, I think that's something that we'll definitely wanna discuss because I agree, no one wants to reduce the number of fixtures, but it's also really expensive.

And I agree with Gene that we need a different symbol for the doors. Our students created our all-gender toilet room signs, and we have a toilet on it. But we still have to put the door signs on it. And of course, the circle and the triangle mean male and female. And some of our students are offended by having to identify with either of those. So, I think that's most of my comments.

**Brad Morrison:** Great. Thank you, Michal. Appreciate that.

**Derek Shaw:** And I can address at least part of the comments that you have. We do currently have language in that's scoping in section 11B-222 that addresses dressing fitting and locker rooms. And so there we would require already 5% minimum to comply with Section 11B-803.

**Michal Healy:** Great.

**Brad Morrison:** Okay. Thank you both. Can we move to Eric now? Eric, here we is.

**Eric Driever:** Sorry about that again, just trying to get to my, mute and camera. Really appreciate all of the very lively discussion. Excellent input. Michal, I was surprised to hear that your privacy compartments are not, or your compartments are not privacy compartments, so to speak.

I understand that. There's some clarity needed both probably in the plumbing code, as well as duplicated language here to align the plumbing code language with 11B. I'd ask that we recognize that there are a lot of layered requirements again, and some of these suggestions relate more to the plumbing code and you are absolutely welcome to comment on those express terms.

If you go to the building standards code under their rule making tab and find their pre-cycle activities for 2022, you'll find the express terms for the plumbing code. They are primarily related to fixture counts and for the inclusion of, or the allowance for all-gender facilities. That the efforts that we're trying to focus on here obviously are the accessibility portions of that, the signage is of critical nature.

And Dara, I would appreciate further input on your perception of reducing fixtures. When you brought it up, I smiled bit because we, I hope it's comforting that we have these very same debates internally before we get to this point. And so, know that that is something we're concerned about as well but would appreciate maybe an expanded comment from you at some point. That's all.

**Brad Morrison:** Great. Oh, thanks Eric. Appreciate that. Richard.

**Richard Skaff:** Thank you. Couple of things. Dara, as far as your comment about potty parity, I agree. My concern is we haven't, people with disabilities have not had potty parity ever. And don't think that means I don't support what you're saying, it means I think we need to look at a way to assure potty parity for people with disabilities.

What I find with our minimum number of accessible stalls in a multi-use bathroom is that the accessible stall is used by the general public because it's more comfortable which leaves us nothing. And that happens on a regular basis. So, I think at some point having that focus group that Derek suggested, I think is an absolutely needed step that we have to talk about all these different issues related to bathroom issues.

I think that yes, the federal standards say they, the lavs should be, must be outside the stall. I think we should add in stalls a lav because the problem we have is privacy and the need for doing things that the general public, we don't wanna share with the general public. Many of us are incontinent and use, and I'm gonna have to talk about this, use catheters to cath ourselves and we have to wash our hands before we use the hardware on the stall door to go out. We'd like to wash our hands after we finish those procedures. So that's an issue.

Another issue that just came to light for me that we aren't speaking about with this new proposal is the need for opposite transfer sides. Not everybody going into a multi-use bathroom with only one accessible stall, whether it's a men's or women's bathroom, is able with an attendant to transfer only on, they may only be able to transfer going to one side. And we don't speak to that anywhere in the code. And that's another thing that needs to be within that focus group.

The issues, Michal brought up I think are really important. And I think the way we should maybe solve that for K-12 schools is by separating out the school requirements that would then be able to respond to what she raised. I'm not sure whether how she would feel, and others would feel about that, but it would help respond to school districts financial issue of dealing with things like stall walls and having to, you know, if we decide to change them in public accommodations, we might not need to do that in schools. Anyway, that's just something for further thought.

The other issue that Michal talked about was always having the availability of a single unisex bathroom. That works when you have a small school but when you have a multi floored school and one unisex bathroom available, the time it would take for a student to get to that bathroom possibly using an elevator might not be appropriate. You gotta take into account there are children like adults that are incontinent that may need to get to a bathroom quickly. So, you know, taking that into account, we might need to look at providing one on each floor as an option. And again, talking about putting all of that into a section for schools, K-12 schools.

And then door signage. We used to and we, I believe we still have a requirement that accessible features are supposed to have an ISA on them. Nobody does that. And that's another problem in multi-use bathrooms when there's only one wheelchair accessible stall. We need to look at an alternate sign to remind the general public what the larger stalls are designed and there for. So those are my suggestions. Interesting input. Thank you.

**Brad Morrison:** Thanks, Richard. I appreciate that. That's very thoughtful. Dominika.

**Dominika Bednarska:** It's actually Dominika, but

**Brad Morrison:** Dominika, I'm sorry.

**Dominika Bednarska:** This is my first meeting and so I may be speaking out of turn but just kind of following the thought. I also think expanding requirements for when



two accessible stalls might be required beyond the current requirements would be very helpful. Because oftentimes if the toilet in the one accessible bathroom is broken, I mean, I've had to walk home to use the restroom because I wasn't able to find an accessible toilet. Because there's also just plumbing issues and if that stall is out of service, I think the extent to which we could expand those might be good.

And I know the code doesn't really address things that are removable as access violations, but I just wanna mention that storing furniture and having large pieces of furniture in single user accessible stalls is a huge, huge problem for me as a wheelchair user. And like everybody, I know small businesses, especially restaurants and things like that tend to use them for storage. They really don't understand that those dimensions are there to meet a minimum standard of accessibility. And we're talking about really heavy things. They can't be easily removed from a restroom, and they basically render the restrooms inaccessible. And if there's any way that we could address that or at least some of that, that would be great.

**Dara Schur:** That's one of my pet pees. I've been thinking about creating laminated cards to leave in restaurants because that is the norm, not an exception.

**Dominika Bednarska:** Yeah, absolutely.

**Brad Morrison:** Great. Thank you, Dominika. Appreciate that.

**Derek Shaw:** Dominika, this is Derek. I can share with you that current language in the code in section 11B-108. It's titled, Maintenance of Accessible Features, would probably, I would say it does address the condition that you're describing where heavy objects, or any objects really are being stored within the accessible compartment.

Maintenance of accessible features says a public accommodation shall maintain an operable working condition. Those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities. Isolated or temporary interruptions and service are accessibility due to maintenance or repairs shall be permit. So, the spaces that are required within the accessible toilet compartment are considered accessible features and the public accommodation does have an obligation to maintain those free and clear. I know this.

**Dominika Bednarska:** Yeah, I'm familiar with the part of the code, but I don't think that restaurants and small businesses interpret it that way. And I think it would be good to just reiterate language in the code saying something like, you know, the accessible bathroom cannot be used for storage you know, or like items that are not easily removable should not be stored in the accessible restroom. Something because it's just not interpreted that way by businesses at all. It's a regular thing.

**Derek Shaw:** Good. Good. Okay. Well, thank you.

**Brad Morrison:** Well, thank you all. Thank you all for your comments today. I'm afraid we're gonna have to leave our code discussion right there just because we have to have a little bit of a discussion. We have nine minutes left in our meeting. We have to have a little bit of a discussion about our next meeting. So, Derek, is there anything else undone that you'd like to mention or finish before we have to move to the next part?

**Derek Shaw:** Well, I would just comment that we've left a number of items that have not been discussed today. And so, we will continue to move forward with those perhaps with changes that we feel are important and necessary as we proceed. We'll certainly want to discuss any of those items that we didn't have a chance to discuss today.

We'd like to discuss those at the next ACC meeting. And if you have comments on them, DSA would certainly receive any comments that were submitted to us on the draft proposals that you've already received and that we could have talked about today had we had more time.

**Brad Morrison:** Okay, great. Okay, good. Okay, sounds good. So, can we take the screen share off now and Jessica. I'm sorry. Do you have a comment?

**Derek Shaw:** No, no, I'm Okay. Screen share's off.

**Brad Morrison:** Okay, thanks. Thanks sir. Jessica, how are we doing on our scheduling for the November meeting?

**Derek Shaw:** You're muted.

**Jessica Axtman:** Thank you. Eric, sorry, I'm gonna make sure that we were okay with the date that was selected.

**Eric Driever:** Yeah, I believe we're all available on November 4th. Right.

**Jessica Axtman:** Okay. So, our next meeting is gonna be on November 4th.

**Brad Morrison:** November 4th, okay.

**Jessica Axtman:** Yes.

**Brad Morrison:** And, what's the timing? And is it the same type of thing as today, a zoom, a zoom meeting with, this time frame? Or is it something different?

**Jessica Axtman:** It is going to be zoom from 10 -3, again. The same time.

**Brad Morrison:** 10-3. Okay, great. So same thing on November 4th. Okay, great. Sounds good. Does anybody have any comments or questions? Any ACC members have any comments or questions on the meeting, next meeting coming up?

**Eric Driever:** So, I'd actually like to, you were just talking about the time. The meetings in the past if we could maybe have a brief discussion about that. The meetings in the past were set primarily 10-3 to allow folks time to travel when we were doing them in person. And so, we've continued that. And the poll obviously stipulated, 10-3, but I would open it up for maybe a quick brief poll, maybe a show of hands considering the amount of time that we spent today and the fact that we did not get through even half of our proposals, I don't believe. Correct.

**Brad Morrison:** You're right. Yeah. That somewhere {indiscernible}

**Eric Driever:** Perhaps our next meeting needs to extend maybe an hour on either side and if that's, or maybe it's an hour on one side, and if that's acceptable to the group, I think DSA of course would be amenable to that as well.

So, maybe a show of hands and I'll start strong an hour either side adding two full hours to this meeting. Is that with, maybe some appropriate breaks in between, recognizing we didn't have breaks. That would take us from 9-4. That's a fairly long meeting that I'm not sure everybody's up for. So perhaps just extending it one hour from 9-3 or from 10-4.

**Derek Shaw:** Hey Eric, this is Derek.

**Eric Driever:** Sure.

**Derek Shaw:** Would you like to give everybody a chance to remove their raised hand before you actually call for the full hand?

**Eric Driever:** That would be good. Yeah.

**Derek Shaw:** Great.

**Eric Driever:** Thank you.

**Dara Schur:** And can we make sure we don't miss Gene? Thanks.

**Eric Driever:** Yeah, absolutely. Gene. I'll give Gene the first opportunity.

**Brad Morrison:** Yeah. Let's Gene. Dominika, your hand's still up. And Gene, how about you? What do you think about that idea about the extending that hour, either on the beginning or the end of the meeting? Why don't you come in Gene?

**Gene Lozano:** Can you hear me?

**Brad Morrison:** Yeah, we can hear you.

**Gene Lozano:** Can you hear me? Okay? I'm okay with that. Actually, would prefer actually doing it from 9-4, but I can go with the majority.

**Brad Morrison:** Okay.

**Eric Driever:** Okay. So that's few hours. Great. Thank you, Gene. So, let's start there. How about 9-4 and a show of hands?

**Brad Morrison:** Show of hands, 9-4. Okay. So, we have,

**Eric Driever:** I can't see everybody, so if you could gimme a count.

**Brad Morrison:** I see five, out of 15. So that's a third of folks, but many of us are staff and you know, we're following. So, that's a significant number of actual ACC members there.

**Richard Skaff:** I think it's seven out of.

**Brad Morrison:** Yeah, it's up to seven. And Gene.

**Richard Skaff:** Seven. Including Gene.

**Brad Morrison:** In fact, yeah, in fact looks like all the ACC. Well, maybe not. I guess there's one, two, three that we don't. Arfaraz? Dominika are you there? Okay.

**Dominika Bednarska:** Yes, I'm here. It just is very inconvenient for me to start at nine.

**Brad Morrison:** you like the nine, That's, I think that's what we're asking about right now, is the nine to

**Dominika Bednarska:** No, I do not like the nine I was saying.

**Brad Morrison:** Oh, it's inconvenient. Oh, I'm sorry. It's inconvenient. I missed that one.

**Dominika Bednarska:** No, that's why I did not raise my hand.

**Brad Morrison:** Oh, okay. Gotcha. Okay.

**Eric Driever:** So, what is the count of ACC members that are available from 9-3? Or sorry, 9-4?

**Arfaraz Khambatta:** I'm not able to go to four. I don't mind starting earlier, maybe eight o'clock. But I really need to wrap up at three.

**Brad Morrison:** Okay. So, seven. Seven to three. Seven. Seven in favor of the nine. And then three.

**Anne Riggs:** I'd like to clarify that I'm flexible for any time.

**Brad Morrison:** Yeah, I think we're gonna go there next. We're gonna try the 10-4 next and we'll see how everybody sits with that. Okay. So why don't you take the hands down now. We'll try the 10-4 and see how we're looking in that one. And this goes, I believe Gene said he was good either way as did Anne, so let's see here.

**Ida Clair:** I need to depart for another meeting. So, thanks you all for participating. See you next time.

**Brad Morrison:** Thank you.

**Eric Driever:** I'll be in there in a moment.

**Brad Morrison:** Thank you. Okay, so what do we have here? 1, 2, 3, 4, 5, 6.

**Richard Skaff:** And Gene

**Brad Morrison:** And Gene. Seven. We'll get Gene in there. Ernest is, what do you think about the whole idea that the later start, 10-4? Is that any easier for you or Dara?

**Ernest Wuethrich:** I was waiting for 9-3 as the choice.

**Brad Morrison:** that's your first choice. Okay. Okay.

**Ernest Wuethrich:** But I'm flexible, of course.

**Brad Morrison:** Okay. And Dara, how about you?

**Dara Schur:** I'm flexible. November I'll be calling in from Hawaii, but I'll make it work whatever times we have. That'll be pretty early for me, but that's okay.

**Brad Morrison:** Okay. Sorry about that.

**Dara Schur:** I'd rather get it outta the way, so that's fine. I'll make whatever times work.

**Brad Morrison:** Okay. And, Dominika, this is your later start. Is that okay with you now?

**Eric Driever:** I think she had already stated.

**Brad Morrison:** Yeah, she'd already stated that that was okay. I'm thinking maybe if that's probably good. So maybe it looks like we're a little stronger by one or two votes on the 10-4.

**Eric Driever:** Okay.

**Brad Morrison:** Okay.

**Eric Driever:** So, let's, let's make it 10-4 and we'll try to, I know we were targeting heavy, heavy topics, but I obviously we are going to on the multi gen or all-gender multi-user, we will be carrying that into our next meeting. Clearly because we only got through the first section of that, even though there were some overlapping comments. So, we're not out of the woods yet on, you know, some of the larger proposals. So, it'll be good to

**Arfaraz Khambatta:** Eric and Brad?

**Brad Morrison:** Yes.

**Arfaraz Khambatta:** Might I suggest another, option rather than trying to make this adding an extra hour to an already long meeting given that our agenda is, are typically, pretty ambitious, why not just bite the bullet and try and split it up into two days and maybe do four hours each or something along those lines. It's more digestible, you know, rather than trying to squeeze in so much into one day. {Indiscernible} full option.

**Eric Driever:** Could Jessica, could you bring up and share the poll results? If I recall, there was a fairly sharp decrease from the fourth to the other alternatives in terms of attendance availability, and so that would be my concern there is that, if we have it on two days, that the availability for folks may not be there.

**Arfaraz Khambatta:** It just seems like, you know, we never really get through our agendas. So, you know, let's just accept that and plan for an additional day rather than, you know.

**Eric Driever:** I'm waiting for the, I appreciate the comment I need to see, for us to see the poll results so that if we're going to consider another day, we do it with our eyes open knowing who is not available. Jessica, are you able to share that?

**Jessica Axtman:** Yep.

**Eric Driever:** Thank you.

**Arfaraz Khambatta:** And the other option would be, throwing up other days, or sending out another doodle poll for another week. It doesn't have to be that same, doodle poll with the limited days that was provided then.

**Eric Driever:** Sure. So, as you can see, the fourth was the clear victor. Well, I guess, yeah, it was the pretty clear victor. We have four. I think one person did not respond there.

**Dara Schur:** Oh yeah, Nubyaan didn't. Oh, no. Nubyaan did. I said no, but I, this, there's too many important things on this agenda, so I'll call in from Hawaii.

**Eric Driever:** Okay.

**Dara Schur:** So, you can ignore my no. I'll just make it work.

**Brad Morrison:** Yeah. It makes {indiscernible}.

**Eric Driever:** So, the fourth is a yes for you then.

**Dara Schur:** Yeah. The fourth is a yes.

**Eric Driever:** Ok.

**Brad Morrison:** Arfaraz that's a good suggestion. I think maybe, but this meeting has pretty much materialized here. So, I think we need to kind of move ahead since we have so many people who are willing to do that day and then consider that idea of maybe a shorter meeting or more, you know, a lighter agenda or something like that for future meetings. Is that okay with you?

**Arfaraz Khambatta:** I guess it would have to be.

**Eric Driever:** I'm open to having a second meeting subsequent to the fourth as well. We can just that.

**Brad Morrison:** So maybe should go ahead as planned and then move for a follow up meeting with another doodle poll, and maybe make that timeframe a little shorter on the next meeting to see if that helps us in any way.

**Derek Shaw:** Brad, Eric? There might be another possibility here. Since we're not having in person meetings and we're continuing with remote meetings. Then having the, the meeting days, if it's a two-day meeting, having them on sequential days doesn't seem to be quite as necessary as it was when folks were traveling to Sacramento.

**Brad Morrison:** Sure.

**Derek Shaw:** So maybe on the second and the fourth? We had good feedback I thought on the second,

**Eric Driever:** Not that I'm going to be the deciding factor here, but I'm open to that. I am not available on the fourth, I mean on the second.

**Derek Shaw:** Okay.

**Arfaraz Khambatta:** And also, since we're not traveling to Sacramento as Derek points out, there's really no need to try and squeeze in two ACC meetings in the same week. Could we pick different weeks? It's hard for me to carve out, you know, six hours out of the week, and let alone do 12.

**Eric Driever:** Okay. So, so we'll just plan on the extra hour here on the fourth, and then we will send out a doodle poll for a secondary backup meeting. And if we don't need that meeting, then that's great. If we do need it, then it's at least calendared.

**Brad Morrison:** Great suggestion. Okay, let's do that.

**Eric Driever:** Perfect.

**Brad Morrison:** Okay everybody, thank you for your participation today. Really appreciate it. We're a little bit over time, but as you can see, we all had ability to comment here and address the issues as best we could. So, thank you all and we shall see you. Look forward to seeing you on November 4th. Thank you everybody who helped put the meeting together. Thank you.

**Derek Shaw:** Great. Thanks a lot.

**Arfaraz Khambatta:** Take care everyone. Good seeing you.

**Ernest Wuethrich:** Thank you very much.

**Brad Morrison:** Bye-bye.