



## Final Transcript

### **STATE OF CA – DEPT OF GENERAL SERVICES: ACC Task Force Meeting**

January 31, 2018/9:00 a.m. PST

#### **SPEAKERS**

Ida Clair  
Vidal Medina  
Carol Loeffler  
Ernest Wuethrich  
Jihee Lee  
Jessica Axeman  
Susan Moe  
Dara Schur  
Arfaraz Khambatta  
Stoyan Bumbalov  
Bob Raymer  
Hannah Barker  
Debbie Wong  
Soojin Hur  
Gary Layman  
Eugene Lazano  
Derek Shaw  
Greg Bourne  
Lewis Springer  
Kaylan Dunlap

[Some microphones were not as loud or clear as others making speakers difficult to hear. Background noise such as coughing, independent conversations, or shuffling of papers made some speakers difficult to hear. Participants speaking over one another made transcription difficult. Not all spelling of names could be verified.]

## PRESENTATION

- Moderator Ladies and gentlemen, thank you for standing by, and welcome to the ACC meeting. All participants are in a listen-only mode. [Operator instructions]. As a reminder, the conference is being recorded.
- I'll now turn the conference over to our host, Ms. Ida Clair. Please go ahead.
- Ida Welcome, all. Thank you. I apologize for the late start. We will do our best to stick to the agenda and the time on the agenda. Before we get started, I do want to make some introductions. I do appreciate you all being here again and for accommodating this cozy room. Our other room was taken, so thank you for that.
- Some new guests. We have Vidal who was on the phone last meeting, but has joined us here in person. Do you want to just say hi to everyone?
- Vidal Hello.
- Ida Vidal is one of our disability advocates representing disability advocates. Let's see. Who else is new? We have Soojin. Do you want to say a little bit about yourself?
- Soojin I'm an architect in the CASp, and I've been working with [audio disruption].
- Ida Soojin is replacing Rachelle Golden who took a new job and felt she couldn't ask for time off and accommodate, so Michelle may join us later on the ACC as this process moves on, but she did have to resign. So, Soojin, thank you for stepping in, especially at this late date in the process. There will be a lot of learning for you today in absorbing all this information.
- Anyone else? Oh, Brandon is here representing Building Standards Commission just kind of listening in as our guest, and I think Irene Walela is also joining us from the Department of Rehab, but she's not here yet. So, they may be in and out. I think you said you weren't going to be here all day. Just so you know in the future, there's always the option to listen in.
- Brandon Yes, I saw that last minute.

Ida And, you're always welcome to be here as well. So, let me know if it gets warm in here because I'm already getting warm. You're warm? It's warm. Can you see if someone can adjust this?

Jessica I just put it down a couple of minutes ago, so it might take a little bit.

Ida I'd like to leave the door open to get some circulation, but hopefully it won't be too noisy out there.

Okay, that's all that I have for introductions.

Susan Ida, do you want—I don't know if it would be helpful for Soojin and Vidal for other people to identify themselves?

Ida Yes. Thank you. Hello. I feel like we're all family already now, and these people have stepped in. So, I am Ida Clair from State Architect DSA. I'll start.

Carol You didn't pause, Ida.

Ida I didn't pause. You're right, and I'm usually really cognizant of that. So, thank you.

Greg Why don't we just start and go around this way?

Vidal Okay, well, I'm Vidal, as they said earlier. Vidal Medina from Fresno, California. I represent consumers in five counties, and I work for Resources for Independence Central Valley, one of the 28 ILCs in California.

Carol I'm Carol Loeffler and I represent individuals with disabilities, and my personal disabilities, and then I'm also an occupational therapist and a designer.

Ernest My name is Ernest Wuethrich. I am certified access specialist with an architectural firm in Santa Rosa.

Lewis I'm Lewis Springer. I'm an architect in CASp. I represent the design team.

- Jihee Hi. I'm Jihee Lee. I'm an architect also and CASp. I work for the University of California, and I represent building owners.
- Jessica I'm Jessica Axtman, and I'm an analyst with DSA.
- Susan I'm Susan Moe. I'm a senior architect and a certified access specialist. This year, I've gained enough credits. I'm now a professional member of the National Association of ADA Coordinators.
- Dara Congratulations. I'm Dara Schur. I'm an attorney with Disability Rights California, which is a statewide nonprofit advocacy group, and I also was nominated to Independent Living Centers in Southern California, and I'm here as a disability advocate.
- Arfaraz I'm Arfaraz Khambatta. I am the deputy director of the San Francisco Mayor's Office on Disability, and I'm here representing the code enforcement groups.
- Stoyan I'm Stoyan Bumbolav. I'm with HCD managing the state housing program, and struggling with [audio disruption]. I'm not a voting member, I'm a what's it called, ex officio. [audio disruption] on the phone, so it's good we can see our faces now.
- Sue Stoyan is also a certified access specialist. And passed the CASp exam on the first time out.
- Bob Does that mean a huge bump in pay?
- Bob I'm Bob Raymer. I'm senior engineer and technical director with the California Building Industry Association. I represent the residential and commercial construction industry.
- Hannah Hannah Barker representing individuals with disabilities. I live in LA and am in the hospitality and gaming industry.
- Kaylan I'm Kaylan. I've met Soojin before. I'm representing the individuals with disabilities, but I work for Evan Terry & Associates as an access specialist. I'm a CASp, and last summer I got my ADA coordinator certification.
- Dara Congratulations.

- Kaylan I live in Alabama so just you know Vidal. I'm not a California resident. I live in Alabama, but I do a lot of work here.
- Debbie Good morning. Debbie Wong, senior architect with the Division of the State Architect, and I'm also a CASp.
- Soojin I'm Soojin, again. Thank you for having me today.
- Gary Gary Layman. [Audio disruption] Oroville. I'm a CASp. I'm here at the accountable access committee to represent code enforcement.
- Eugene I'm Gene Lozano from Sacramento. I'm a retired rehabilitation counselor and worked at the California State University of Sacramento. I'm representing persons with disabilities, and my specialty is those who are blind or have no vision.
- Derek I'm Derek Shaw. I'm a senior architect with the Division of the State Architect.
- Greg I'm Greg Bourne, facilitator for the ACC. Thanks, everybody, for coming. I was kind of making us go a little bit late finding—I've never seen it this crowded down here before trying to find a parking spot, but you all made it or most of you did, so better for you than me.

Let's go through the agenda really quickly, and then we'll just launch in and try to make up for a little bit of our lost time. I just have a couple things to say about activities since the last meeting. Then, we're going to move into finalizing the charter. Hopefully everybody received the different versions. We had the clean version, we had a large-font version, and we had the tracked changes version.

So, hopefully you all saw those. I'm going to try to move through that as quickly as we can so we can get onto the code change proposals. We'll take a break after we discuss the charter, give everybody a little chance to stretch. Then, we're going to move into the code change proposals, and you can see them there. I'm not going to try to highlight each one of them. There are many.

We'll break for lunch, and again, we'll try to have you out of here no later than 4:30. So, it's a pretty simple agenda, but lots on there that we want to try to get through in terms of code changes.

We've talked a little bit since the last meeting about how to present that so that it's easily accessible for those who are not necessarily access experts in the particular code that we're looking at, and so I think we'll try to make that as clear as possible for the proposed changes. There's some language this time, which we did not have last time, so hopefully that will help move it along as well.

Since the last meeting, we've also put together the planning committee, and the folks that have been put forward to represent industries with disabilities are Hannah, so thank you for that, and Jihee Lee for the building owner facility folks, and Ernest for CASp and that group. So, the three of you, we appreciate you being willing to do that.

Now, given the timing with the holidays, with having to get the agenda out in time, with that group coming together, the group has not yet done anything, but going forward, that group will be kind of the liaison to the whole group in terms of reviewing agendas, being that connection to the stakeholder group.

So, we'll talk more about that as we move forward, but thank you, all, for agreeing to do that, and I think it will be a very helpful piece. So, thanks for that.

I think that's primarily it. Anything else that you can think of? The other thing is because microphones are kind of spread out, if you can, please project when you speak as well as possible so that the mics will pick that up for anybody who might be listening in. Yes.

Susan Since this is being recorded, when you make a comment, it would be very beneficial if you'd state your name because that will show up in the transcript whenever you want to make a comment

Greg Great. Thanks for that reminder.

Ida Yes. Sorry.

Greg Okay, Good.

Jessica I was going to say the same thing.

Greg Okay. Thanks. So, any other comments on the agenda or what we're trying to accomplish today?

Okay. Very good. So, let's look at the charter, and what I have in front of me is actually the tracked changes version. Let's see what version comes up here. So, I think maybe the thing to do is go through it section by section just to make sure everybody is good with how the changes have been made.

Let me just ask, did everybody have an opportunity to review the charter coming into today? Okay, good. That will be very helpful.

So, first of all, there were not a lot of changes in the purpose, just a few small language changes. Does anybody have any problems with the purpose as stated? There it is being shown on the wall here as well for those that are able to utilize that as a way to go through this. Okay, nothing on the purpose. Fine.

Then, basically moving onto the DSA role and authority. The main thing that was stated there, I don't think this was a—just a minor change. DSA is a regulatory agency. It is not an advocacy group. As such, DSA is required to follow statutory mandated procedures and proposed regs within their scope of authority consistent with state law.

So, that's just fairly similar to what was said before. It's just a slight modification, and then I think the last one that was added, which is DSA has many stakeholders and local authorities with technical assistance and training, which is one of the things that was brought up at the last meeting.

So, yes, Jihee.

Jihee This is Jihee, Question on the fifth bullet, University of California. . Doesn't that depend on funds what kind of funds the project is involved? We do access for University of California.

Greg I know. Let's identify that the fifth bullet being this is an enforcement entity only for public schools, community colleges, state buildings. California State University, the University of California, all other buildings and facilities enforced by other entities using local building departments that are outside the DSA's statutory enforcement authority.

The question has to do with all buildings in the UC system, correct.

Ida [Speakers off mic].

Greg Okay. Derek.

Derek I was just going to comment on that issue. I think that that bullet point is accurate within the context of enforcing the accessibility.

Ida Yes.

Derek The other portions of the building code, I don't think that bullet point speaks to it.

Greg Thanks for that clarity. Anything then, is everybody fine with that section as it reads, or any issues with that? Okay. Good.

Let's go on to the organizational structures. Not a lot to be changed here. It primarily just lists the number of people representing different stakeholder groups. We did add a clarification that says CBC regulations addressing to that was a clarity in the second line. DSA is considering a wide range of views and perspectives in developing CBC regulations and directing accessibility. That was just a point of clarification. Then, as it's required by building standards law.

I think then we added DSA headquarters, principle architect down below, and if we scroll up a little bit, we talked about the planning committee comprised of three members to be established to work with a facilitator and be able to work around scheduling and important group dynamics as needed.

Ida I can clarify. Myself, Sue, Debbie, and Derek, we are all technically all ex officio. Sometimes I'm not able to be here like I won't be here this afternoon because I have to drive to Bakersfield for an all-day thing tomorrow. So, ex officio, we don't vote, but it's decided, so it's not always three, so I just wanted to clarify why it says principle architect or senior architect.

Greg Anything on that? Okay, let's move on then to the next section, which is the ACC role, and here we moved the sentence in the first paragraph that said nevertheless the ACC is intended to offer both informal guidance and feedback on DSA's regulation development as well as formal recommendations for DSA's consideration, and that was picked up—yes, actually that was a removal, I guess just to clarify the breadth of what the ACC would be participating in.



Then, if we look at the bullet underneath, I think it's pretty straightforward. We did the second one, create transparency related to the discussion of the proposed amendments and recommendations made by the ACC for the rulemaking record. That was an expansion of what was there just to bring more clarity to that.

Then, if you look at the next paragraph, if we can scroll up, we added a sentence there. It is the intent of DSA that ACC members to the best of their ability represent the interest of the broader stakeholder groups, not solely their own interest, but those specific organizations. Then, we added the ACC is encouraged to work with their representative group to identify necessary code changes. That came out of last time's discussion.

So, the intent would be that you would interact with folks that you represent. Yes, Bob.

Bob Bob Raymer. I like all of this, by the way, particularly the two items that say get the word out to the groups that you're representing, but in the context of this looking at later the communication that we'll get to in a minute, there seems to be some direction under the communication where it says don't share the link to the drop box, which I understand.

I guess my simple question is with regard to the code change proposals, am I allowed to discuss those code change proposals with other groups? Am I allowed to share it with other groups, but not necessarily give them access to the drop box?

Ida Absolutely. The access to the drop box is so that we know who has access, and because when you put the information in there it's public, so you can download and email it to facilitate some discussions.

Greg Great. Thanks for clarifying that. Anything else? Okay. I think that's it. I think we moved what used to be that next paragraph if you're looking at the tracked changes version. If any ACC member cannot participate in a meeting she or he may appoint an observer. I think we moved that to the meeting section. We moved it from this section to the other, but it's still there.

Any thoughts or questions on the ACC role? Yes.

- Susan This is Susan Moe. In response to Bob's comment, would it be good to clarify that? Meaning that you can't share the link—
- Greg So, you can share information.
- Susan Yes.
- Greg Sure. Yes, Eugene.
- Eugene I had a similar question. Under the decision area, was that if any of us who had submitted a submission form for a proposed amendment, can be then share the information with a code similar—I mean, like I submitted something for scope and language for curb ramps, but I did that when we had Holland DeLille [ph], and because I interpreted that this was in a secured box that when I saw the proposal for the curb ramp scoping language that I couldn't share that with her.
- So, I couldn't get her input, and I don't know what her reaction would be to the proposal. I can speculate. If it is, in the case like that permissible, I would agree that it should be somewhere maybe in the decision making section to state that you can do that.
- Ida That's fine. We'll just find an appropriate place in the charter to address both issues that the link is not public, but any information that can be shared. Does that address—?
- Eugene Yes. It would address clarification that I would know that it's something I could have spoken with her about.
- Ida Sure. It's just always important to realize, and maybe this is something that we need to address that all items are drafts until they are actually submitted, so just to be cautious—I don't want to say cautious, but I'd say if you're getting collaboration to provide input to bring it here, then that's how we'd appreciate you sharing it rather than just distribution saying here are proposals because they're not our proposals until they're actually ready for submission.
- So, Derek, do you—
- Derek Sure. Just to add to that, each of the proposal development forms clearly identifies at the top of the form that it's a development form, so it is representing the item that is under development, and your comments and

participation in this are really important to the development of each of these items.

Greg Yes, Eugene.

Eugene Not to belabor this, but if I contacted Holland, I would need clarity on what I would consider confidential and for her not to, or something not to distribute that anywhere, just since it was just to work on that proposal. So, I understand that it would be a draft and to be cautious if you are sharing that. That's all.

Ida I would like to add that maybe this is something—thanks, Eugene—for discussion is that when they are shared with your for discussion here and not submitted directly to the public that I think it would be beneficial if all those comments also came through you because I think it encourages your representation of the group, and it limits any emails, I think, coming directly to us.

We're fine having those emails, but I would encourage that in order to really work on that representation that they discuss a lot of these also with you so that you can bring those perspectives forward. It kind of reinforces the engagement.

Greg Anything else? Okay. Let's then move on to the decision making section, and there was some language added here to clarify based on our conversation last month.

So, now the ACC will operate using a collaborative approach to decision making and will strive to reach unanimous support on recommendations. However, if unanimous support is not achieved on a specific issue, the meeting transcript will reflect the full range of perspectives held by the majority as well as the minority. An executive summary will be produced by the ACC planning committee within ten days after the ACC meeting for inclusion in the rule-making records so all viewpoints can be documented in the process.

Does that make sense? Okay, yes, Bob.

Bob Bob Raymer. On the third paragraph, in the second sentence it says these opportunities include, and all these are very correct, but I'd like to point out you seem to have missed the first one that you usually deal with the public, both you and HCD, go out to their stakeholders prior to sending

something to the BSC for distribution of the CAC. You usually have a stakeholder group or your stakeholders, you send the stuff. You have any comments?

So, is that something you would want to indicate here? It's sort of a fourth venue that you guys vet stuff with. Just food for thought.

Ida Thank you. We do have two meetings scheduled February 22<sup>nd</sup>, and help me out on the other—April 12<sup>th</sup>? March 12. No April 12<sup>th</sup>. February 22<sup>nd</sup> and April 12<sup>th</sup> because the ACC meetings occur today and in March. Derek, is that pre-cycle, and is there that opportunity?

This is more in a formal process once they're submitted is I think the intent here, but we do encourage you to participate in our public meetings because there's an opportunity for you at that time for anyone who does comment who were able to connect as your representative constituency group, they can comment directly to us that we can also when they're identified, have them identify also who contacted you.

But, yes, Derek, did you want to add to that?

Derek That was the point. Pre-cycle versus cycle.

Ida Exactly. The code adoption cycle doesn't really take into consideration pre-cycle activities, but there is an opportunity that you can bring that up, and we can add that in there just so it's clear, but separate.

Greg Is that okay with everybody? Okay. We'll make that add. So, Bob moved us into that third paragraph which there was basically no change to speak of in the second paragraph. Any other comments on the third paragraph that we were just talking about?

Then, we can move onto the fourth one, which is a new—an ACC member may comment in support or opposition of any proposed code amendment. During this, there are several opportunities for public comment. The comments may be submitted to the DSC in any format permitted by the DSC.

The comment is made, the ACC member agrees to indicate as part of the comment whether the comment is personal or made in conjunction with the constituency group so that DSA may address all public comments with

the appropriate level of diligence and research. DSA encourages all comments be submitted no later than the 45-day public comment period.

So, that added clarification since the last time you saw it. Any comments on that addition?

Ida

Can I just elaborate on that? This is Ida. The reason why we made this difference between personal and constituency between all recognized members of the ACC, which means we represent constituencies. So, we don't want to participate in personal opinions coming from you, so we'd like it clarified because there is that association so that any comment you make is not attributed to the group if it is a personal comment and vice versa. If it is to the group, then you're actually recognizing that it's the representation.

Greg

Okay. Good. Moving on then to the next section, length of service. Here there was quite a bit of discussion last time just to provide more clarity here, and there was a proposal made, and now it's incorporated in.

The length of service for stakeholder representatives on the ACC is staggered initially to ensure overlap among members for continuity and institutional memory. After the initial term is identified below, each representative will serve three-year terms.

The following six initial ACC positions will serve a term ending, and we actually this was specifically moved to the date December 31 of '18 meaning basically this year, and there were individual disabilities to folks from that community, one disability advocate, one design professional, one building facility owner rep, and one code enforcement rep.

Then, the follow interesting seven initial ACC positions will serve a term ending June 30, 2020, and basically the counterparts to the folks I just mentioned. So, there was just additional clarity there.

DSA proposed its initial assignment of terms, and the ACC agreed with the designations for stakeholder groups with more than one representative. Those representatives will confer to determine who serves which term in the event that a member is unable to complete service. The selected alternative may be called to serve for the remainder of that term.

So, I think the one thing I'd like to highlight there is that we decided that within—so, for example, we have four reps of individuals with

disabilities, two would rotate off after this year. The other two would go to the end of the term, the idea being you four would get together and decide which two are going to rotate off this year, and which would rotate off in 2020.

The reason we did that, and we waited on that, is so you can get a little bit of the flow for how this process is working because after a meeting or two, you may decide I'm fine with going to 2020, or hey, it's more time than I thought, so I'd like to be the person that opts out after the end of this year.

So, this gives you an opportunity to kind of see the flow and decide who wants to be in which position. Elsewhere it's discussed where you can apply at any time and that there is a way to continue, but at least that's what's in this phase. Does that—yes, Carol?

Carol The clarification that I wanted to have is how many total positions will be part of the group at all times? Are there 13 total at all times? Okay. So, then the clarification then is the 6 that are no longer members, would it—say that 6 get selected again, those 6 would have December 31<sup>st</sup> to 2121 as the time that they end, and then the second would have 2023?

Ida Yes. So, after that date, it's a three-year term, and it's the way we are in the cycle now because the ACC works according to the Building Standards Commission code development cycle, and we got started a little late, so that's why these initial terms are short, but the intent is every three years would then cover two cycles.

Carol So, then basically you're not having the whole group start at the same time. You're having basically half and half.

Ida Correct.

Carol Some of them have been members, and new people will be coming in that will fill in that total number of 13.

Ida Correct, and initially because you do have the opportunity to serve two terms, I think we have that clarification in there, when you're making this decision later on this year, you may be volunteering that you want to be one of the December 31, 2018 but sign up again, so your term is actually four and a half years as opposed to two and a half or three years.

- Carol So, the initial term for the people that end in 2018, if they are selected again, this initial term doesn't count as a term.
- Ida No, it would count as your first term, and then that would be your second term.
- Carol Okay. The most that person could get is four and a half years.
- Ida Correct, and then we do have provisions that as long as you cycle off, you can come back on.
- Greg Basically, the term ends July 1 to June 30. Is that the cycle?
- Ida Yes.
- Greg Because we never fully—until we said that—we probably ought to say that it's annualized July 1 to June 30.
- Derek It's on an 18-month cycle, so—this is Derek. So, the second group is going to have a term from July 1 through June 30 three years later. The first group, their initial term, the shortened term ends on December 31, 2018, this year. Then, the follow-on group and any holdovers that would like to participate, that would go from January 1, 2019 through December 31, 2021.
- Greg So, it's actually operating on a calendar year is what you're saying.
- Ida It's operating on—
- Derek Two different calendar years. One calendar [audio disruption] the other is July 1<sup>st</sup>.
- [Speakers off mic].
- Greg Dara and then Jihee. We'll just come down the row.
- Dara I think it would be helpful to see specifics that people can serve two terms.
- Greg I thought we had that in somewhere.
- Bob It's I think the next paragraph.

- Ida So, then if it's not we'll address it, but I thought it was in there.
- Greg I thought it was, too, but we'll look as we go.
- Dara The other question I have is, the other thing I think it would be helpful to be explicit about, which I heard you say was that people can apply at any point during the cycle to be in line or as an alternate. I think it'd be helpful to be explicit about that.
- Greg We had that in there at one time. It may have been deleted in the edit that you can apply at any time.
- Dara Great. Then, I still have some questions about the alternates, and we had some discussions about that. I think the concern of a number of us was that the alternate to the extent possible represent the same constituency and bring the same expertise as the person who's coming off. For those of us in the facility who are still advocating in the community, not just any person with a disability. It might be someone in the blind community or in the deaf community or someone with experience in a particular interest.
- I think we couple that and say a selected alternate is opposed to the selected alternate, and then to be clear that the alternate who's selected, to the extent possible, will reflect the experience and interests of the person who's coming off.
- Ida So, I know that we had stipulated previously, and we had discussed among DSA that we're going to put the application on the ACC page so that we can receive applications ongoing, and then when we actually have a call for members, there would a deadline to say if you're interested in this session or to be considered it would be at this date.
- At the time, this is a DSA process that we're working on. It's not clarified in the charter right now, and I don't want to get into a lot of discussions with that because we have a full agenda, but maybe the selection process we can look at amending it again later on this year after everyone has had some time to serve, but right now it is the process that we've just been through with CTEABOR [ph] and their associates.
- So, I don't want to say no, but I don't want to spend the time hashing that out right now about the alternate just because we have a full agenda, but I think that we can revisit that once we get our proposals to the CAC and we



have a little more time freed up in our schedule. Then, we'll see how this works, but I think this first year is still a group in progress.

Greg The one thing I was saying from the last meeting was the discussion about if somebody rotating off has one area of impairment, but a group has not been represented might fill in to just provide diversity. Is that counter to what you're saying? I thought that came out of the conversation as well along the lines of hearing impaired versus visually impaired, and you want to get diversity. I don't know, but it seemed like that was part of that conversation.

Dara I think that is part of the conversation, but [audio disruption]. Some of us have experience in commercial facilities. Some of us have experience in housing facilities. It'd seem like you'd want some diversity in substantive expertise in addition to representation of the facility specific [audio disruption] community. I'm not quite sure how those all go together, so I don't have a problem with deferring that discussion.

I would appreciate if we are specific that people can apply at any time, and that maybe it would just be better if we said a selected alternate leaving open what that selection process is. The selected alternate sounds like a predetermined thing to me.

Ida This is Ida. I can give you an example would be that our alternates are identified when we—actually we don't have representation because of the example of that, but we usually identify the alternate in advance so that they are kind of waiting in the wings and know that if someone is asked to step off, someone will step in. Some of our alternates actually in the replacement were not actually available to do that. So, like I said, this is still a work in progress.

I think our goal though is to accept the invitations or the applications for the ACC all the time, and then you know that's where we're looking at all of you to actually reach out to your representation and say I think you'd be good for this. Apply.

Then, it could be something when we revisit later, the applications, having those discussions with you because there has been that outreach rather than just having this—again, we're still working on this initial to see how that goes to determine how we address that later, I would say.

Greg It might be as simple as saying something like at the end of this, to maintain desired diversity or something like that.

Ida That's always been our goal.

Greg Exactly. So, maybe that would keep the door open—

Dara Diversity and making it clear that people can apply at any time. Maybe that's the place to start. I appreciate leaving the selection process on the parking lot.

Ida We realized that, for example, this term we didn't really have anyone with hearing impairment apply, and we recognize that that's important, so we've been working with Irene. She's given me her list of individuals for her hearing impaired community and deaf community so that I can do outreach as well as then encourage them to apply on the ACC

So, we're constantly looking for that balance, and we actually would hope that you encourage others that you're reaching out to to apply as well.

Dara By the way, this was Dara speaking. Sorry.

Greg Jihee, and then Ernest. Thanks for your patience.

Jihee This is Jihee. Just clarification. I thought our member total was 14. Is that because we didn't include ex officio there, or what is the difference?

Ida Correct. So, [indiscernible] and a member of DSA will always be apart because we bring that code development expertise, and as ex officio, we don't necessarily—it's part of the ACC, but not necessarily considered in, I don't want to say votes, but in that representative group because we represent the government side of code development.

Greg Ernest.

Ernest This is Ernest. Just looking through Derek's question about the two consecutive terms, it is in—

Derek It's under removals.

Ernest Yes, it's under removals.

Ida Did it jump somewhere else?

[Speaker off mic].

Ida While we're discussing that.

Derek It's kind of out of place under the removals. It should be under length of service. I'm not quite sure how it got to where it is, but yes, that's an easy fix. Thank you for noting that.

Greg Eugene.

Eugene I think it's under this section, length of service, that has if somebody has to step down, then their position is filled by an alternate. Earlier we talked about—I think that when we go through this process for this one-time for staggering that let's say just use the four of us represent the disability community.

The two that are not continuing after December that if somebody in that category needs to step down for whatever reason, the priority be given to one of the people that had to step down because they have some history and to maintain the continuity in that term cycle rather than bringing in an alternate who has to be brought up to speed if he doesn't know a lot of the history.

Greg The language that we're referring to that was in the wrong section, it was under removal and should be here, actually reads ACC members may serve two consecutive terms, after which they must wait one three-year cycle before being considered again for membership, unless the stakeholder group they represent does not advance two prospective members, which retain the balance of breadth of interests represented in the ACC.

So, it's very possible if the people—to use the example you're mentioning, if the two people that rotate off at the end of December wish to serve the next cycle, they can do so. So, they're not terminated necessarily; it's they would start their second cycle right after.

Eugene But, I'm not talking about that. I'm talking about you're in your term, and—like Rachel who had to step down. An alternate was brought in to fill her position. Let's say we had already gone through the process selecting in that category. I think there's two people in that category, and

the one person who had to step down after December—what I'm trying to say is that the priority should be bringing one of those people in that started in the process that got eliminated.

Greg Okay, so let's see if I understand. I think I understand that if somebody needs to be replaced that they be replaced by somebody who might have been in the process before that has an understanding of what's been going on. Is that correct?

Eugene Yes, before an alternate.

Greg Before an alternate. Okay.

Eugene So, you have somebody who already is maintaining some history and continuity in that code cycle.

Greg Right.

Ida I'm a little unclear on that. So, someone decides to step down, and then as an alternate we bring them back? Or, someone—

Eugene No, no.

Greg I mean, in practice, I think it would kind of be that way, so Carol do you have a clarification on that?

Carol I have a clarification I think. This is Carol. My clarification would be say the disability advocate that is serving until June 30, 2020 decides to step down some time this year, then that disability advocate whose term ends December 31<sup>st</sup> is the first person that's offered to be on until 2020.

Greg Yes. You got it. Thank you for that.

Carol So, that the people that are leaving in 2018, if somebody's leaving in 2020, and you still have people that are here until 2018 that alternate position is offered to those people first as to whether or not they wish to continue to 2020.

Then my other clarification would be say, for instance, the person ending 2018, and they decide to leave, I would say we offer a position of the alternate to the people in 2020 in case they want to get out earlier, just to

have an option to get out earlier. Then, a new alternate would be placed in that 2020.

Greg This is probably one of these things that we just need to let it play out. I think we can note the suggestion. It may be, for example, somebody is ended December 30 this year. They've done so because they feel like they don't have enough time, and let's just say six months later, an opening comes up. They can be offered that slot and say are you willing to come back. They can either say no, I'm still too busy, but at least that could be the first attempt, right? I think that's what's being suggested.

So, why don't we try to capture that in some way and then just kind of see how things roll out. Is that okay?

Ida Derek?

Derek I guess I was wondering, and I'm seeking clarification on this, is for the member that Gene was describing who have left the collaborative, we have I guess two basic groups of people that would be leaving the collaborative. We'd have one group of people that are termed out, in other words their term of service has reached its end with the first term ending December 31, 2018, and then the overlapping but second term ending June 30, 2020. So, that would be one group of people that are leaving the collaborative.

The other group of people are divided, I guess, into two groups then. We have people who they say, like Rachel I think. She wasn't able to provide the necessary service and time commitment to participate, so she voluntarily withdrew. Similarly, for people who are involuntarily withdrawn. Gene, are you speaking of the first group, the people who have termed out that might be able to be invited to fill a position later?

Eugene No.

Derek So, you're speaking of the people who voluntarily or involuntarily left the group.

Eugene Yes, they left, and then Carol very concisely—

Greg I think we have the concept. We'll figure out a way to capture that.

Ida I would like to say that from DSA's perspective, we have had advisory boards in the past, and part of the mission of this group in its new genesis as a collaborative group is that we really want to encourage and engage additional people to step forward, so while we respect the time, I think that setting up the terms of service of saying you can re-up once but then have to cycle off is a measure so that we ensure that we get a continuous opportunity for more people to engage.

So, that's the only reason why I want to stipulate the ability of crossing a position kind of gets confusing. We can handle those on an individual basis, but setting up the charter so that the spirit of the ACC encourages new participation I think is important because that's one of the directives that came through in the survey and the study and one of the comments that we've received in the past about getting new people involved in continuous phases. This fluctuation between 18-month cycles I think assists in getting the seasoned professionals with new professionals up to speed.

Greg Okay. So, then a couple things kind of working there that we can try to figure out a way to—

Ida Right. Then, people can always come back after their three-year cycle.

Greg Sure. Okay. Good. Anything else on this section? Let's move to the section on meetings, and there have been two paragraphs added here to clarify, and basically the first sentence remains the same—yes, Dara, go ahead.

Dara Never mind. Sorry. Go ahead.

Greg Whatever it is, we'll be getting to it. So, it basically says tentative meeting dates will be scheduled at the start of each code development cycle to optimize coordination that's been done. There are two types of meetings, and then there's two rather lengthy bullets were put in to clarify.

One, code development meetings are pre-cycle activities where work on code development proposals DSA has identified as proceeding through the rule-making process are presented to the ACC for input and feedback. Code development meetings are designed as face-to-face events, however video or phone conferencing options may be provided as needed.

Then, the second bullet is pre-development workshops are held after code change amendments have been submitted to the DSA for formal rule-making. Pre-development workshops allow for last-minute review of minor edits to code language. If necessary for review to potential code change proposals by ACC members, planning for upcoming pre-cycle activities, orientation of new members, reflection on past code development meetings, and miscellaneous information.

Then, the third bullet is issues that are not determined to be materially relevant to code development meetings will be addressed either at pre-development workshops or in written format and uploaded to the online repository, the ACC, DSA box.

So, let's stop there before we go on to see if there are any comments on the clarification of these two types of meetings. Okay. Dara and then Eugene.

Dara Gene can go first.

Greg Eugene.

Eugene The last paragraph in the last sentence I believe about things that are I guess not relevant to the area that's been talked about. I'm not clear the intent of that sentence. Can you clarify that?

Ida I think that anything that's related to code development and needs to be part of the rule-making record will always be discussed at meetings. This would be, at least the way I see it is, informative stuff about ACC operations. It could be information about an orientation process with new members.

In other words, some of our communication may be just by bring it to the table. We'll send you an email that this is informatory or informational, but if it's relevant to code development, it will be discussed here. In other words, we won't be debating code development issues with the group via just written input. It would likely be in a collaborative forum where it can be collaborated. Anyone at DSA have anything else to add to that?

Greg Eugene, did that clarify it for you?

Eugene So, that information would go into the box.

Ida Correct.

Eugene Okay. It's just I worried—I'd seen that, but it wasn't clear.

Greg Thank you. Dara.

Dara I'm a little puzzled by the term pre-developmental workshop. I think we're talking about two different sets of things. One is workshops to develop minor edits, or meetings necessary to develop any edits is something that is already in the code proposal process, which to me, isn't pre-development. It's something different.

Then, a whole range of other things that are pre-development. What are we going to do next cycle? How are we going—you know, membership—whatever? All the things that come up that are pre-development to the next cycle, and they seem to me to be in different types—

Bob Post-development.

Dara I don't want to say important, but they call for different kinds of meetings, I think. I'm just wondering if we should separate those out. It seems that those people involved in developing the code development, the codes that are introduced in the cycle we definitely want to be involved in any comments on changes to those codes during the cycle. That might be different than needing to figure out the new codes that will be in the next cycle. I was just wondering if there is some way to separate those.

Greg Do you have a specific recommendation on how to do that?

Dara I might just call them post-developmental workshops and then pre-developmental workshops.

Greg Well, pre-adoption workshop.

Dara Right.

Ida We can look at changing the terminology. This is Ida. Thank you for that. We struggled with that as well just in understanding of where we are in the phase of what we're doing. With the BSC, there's like pre-pre-cycle activities, pre-cycle activities, and code development activities, and so that terminology kind of shifts.



The three-year cycle at least ensures that you can see something through from pre-pre-cycle to pre-cycle to development if you introduce it, however, it does give you the opportunity still to—I mean, even if you introduce something and then term off, we can make arrangements and maybe we can address this where you're welcome to come and address the ACC as a courtesy and see it through if that's what needs to happen.

It's very difficult with the code development cycle the way it is to balance pre-pre-cycle, pre-cycle, and code develop on a continuous basis that ensures you're here because that would take two cycles, technically, or potentially, or one and a half cycles potentially.

So, we can look at changing the terminology. Our intent is that the group needs to be together for pre-cycle activities like today. Today's meeting is a pre-cycle code development meeting. What we move into once we submit our code change proposals to the code advisory committee is the pre-development workshop for the next submission. That's how we separated it and determined it.

So, in other words, we're able to tweak perhaps just a little bit what's been submitted because we can't make any significant changes, but we're planning for the next code cycle.

Eugene

That's really helpful.

Ida

So, that's the understanding of where we are today and where we will be after May.

Dara

Thank you. That makes more sense because part of it seemed like post-development and most of it seemed pre-development. Just a little piece of it is post-development.

Ida

Right. It's a little piece is post-development, and we didn't tie it to cycles. You notice the words are not cycle-driven. It's development driven, and that's really because the understanding that there isn't a whole lot we can change after—

Derek

This is Derek. If I can just add a little bit to that. I think, Ida, you captured it very well, but I think the difficulty that we have with the terminology that was used to describe these two different types of meetings kind of reflects our advanced position where the activities of the

ACC and the activities of DSA in conducting its very early research in identification of potential code change proposals, all of this work happens so far ahead of the Building Standards Commission's pre-cycle—well, pre-pre-cycle, pre-cycle, and actually during the code amendment cycle, under the Building Standards terminology.

So, we're just so far out in front of their work, and by necessity. Of course, we have to prepare our submittals to the Building Standards Commission, so a lot of our work happens well before the Building Standards Commission's code amendment cycle begins.

Dara This is Dara. Can I ask one more question? I understand your [audio disruption] of some opportunity in the middle [audio disruption] like there's an alternate cycle something like an intervening code cycle, so I'm trying to understand how that fits in.

Ida I guess for the terms of the ACC, we have it's called code cycle, whether it's tri-annual or intervening is not necessarily materially relevant to the ACC. We have an opportunity to introduce code provisions every 18 months. BSC terms them tri-annual code cycle and intervening code cycle because the code is developed every three years. A new entire code is introduced, and we need to adopt the new entire code in its entirety from the previous cycle.

So, that's their terminology. It doesn't necessarily materially change what we do. So, as it's our schedule, we'll not really be any different from the tri-annual to the intervening code in ACC terms. We're looking at code change proposals and processing them in the same way.

Derek That's correct. You know, really, the only difference because the Building Standards Commission's code adoption cycles and their intervening code cycles is that during the code adoption cycle, they're adopting the model code, and I'm going to get into this in a little bit in an overview that we'll be presenting shortly.

In essence, the Building Standards Commission adopts the model codes, which are typically the International Building Codes and the [indiscernible] codes for [indiscernible] mechanical. They adopt those as the model code, and then California, various California agencies make amendments to those model codes. It's a little different from what we do at DSA because primarily in Chapter 11B, we utilize the 2010 federal

ADA standards for accessible design as our model code, and that doesn't change every three years.

So, our work and our code change proposals can go in during either of the two Building Standards Commission cycles, and we don't distinguish very much any difference in importance or our breadth of the proposals that we can submit during those two code cycles.

Dara That's helpful, but if I understand it, it means you have an opportunity every 18 months to put forward a proposal, not every three years.

Ida Correct. So, when we submit to the Building Standards Commission the proposals that we're discussing today, and obviously they're in process, but what we proceed to submit to the Building Standards Commission in May for the Code Advisory Committee, after May we will be starting on code change proposals for the next submission, which is 18 months later, not three years later.

So, you do have the opportunity in the three-year cycle to participate in two code change cycles to see through any potential changes.

Greg Carol.

Carol This is Carol. A suggestion maybe might be to make it more clear at the start of each 18-month code development cycle so people realize that it's an 18-month cycle that ACC is working on.

Ida Thank you for that. I think—Greg, correct me if I'm wrong, the detail in the charter sets the framework. When we start our discussions and let you know what we're doing and what we're talking about, it's how we term them because it's difficult because it's every 18 months, I think it's difficult to tie them to code development and pre-development in our charter, which is technically supposed to be not our framework for working.

So, we will send a schedule of all this terminology when we start every code change cycle to tell you whether it's a code development meeting or pre-development meeting. Does that make sense because that is constantly be hard to identify that because it will be—

Carol It won't always be 18 months.

Ida Yes. I mean it is always 18 months, but it starts on January, then July, then January, then July. It's difficult to tie it to the terminology.

Greg In terms of changing this though you kind of picked up on, Dara and I think Bob added a little, too, on just how maybe to clarify the language a little bit. You verbalized something, and people said yes, that makes sense. So, do you have a sense of how you might just clarify the terminology from pre-adoption or pre—I don't know.

Ida I don't know if I can tell you—

[Speakers off mic].

Ida Now that we've explained it does that make it more clear what we're doing? Really, the last-minute review of minor edits, that's occurring from the previous code cycle where we have the opportunity to flesh that out or flesh that out with the ACC, but we're really working on—

[Speakers off mic].

Greg So, with the verbal explanations, are you all fine with the language as is?

Dara This is Dara. I am.

Greg Very good. That's great to know. We'll leave it as is. At least it's clarified.

I think everything else in that section has already been there or was moved here because it felt like it was better here. For example, if an ACC member cannot participate in a meeting he or she may appoint an observer, and then the member is responsible who wasn't able to attend to read the transcript of the missed meeting prior to participating in the following just to be up to speed. Dara.

Dara Two things. One, I realized I forgot to ask this question earlier. When do you anticipate you'll select which members are serving the shorter term and the longer term?

Greg Right. So, what I think I was trying to verbalize earlier that came from our last meeting is that it can actually happen at any time from here on out. I think what we discussed in the December meeting was let's get into this process a little bit, see how it flows, and we give everybody a little bit of a

chance to say hey, this works with my schedule or not, and that might help determine who goes and who doesn't.

If everybody's up for staying the whole time, then maybe you flip coins or do whatever to determine who rotates off at the end of this year, but presumably if you're interested in participating, you'd just start a second term after that and just make your intentions known that you want to do your second term. Does that make sense?

Ida I would clarify that perhaps, for all of you to understand which terms you want, we would say by September of this year to know whether or not you want to cycle off or start your second term so that we know who we need to replace. Is that enough time for you guys to work with us and determine that by September you should know—

Greg If you know before, I mean if you all meet and say hey, we're already pretty clear, but I think the idea of waiting a little longer is just to see how it flows, so I think September gives you enough time to figure it out. So, we'll say by September, but if for some reason you all decide in June or July what you're going to do, fine.

Dara This is Dara. I want to revisit this person filling in for us, and the reason I want to do that is because I'm just trying to be cognizant what it's like with 15 people who are trying to schedule meetings and things that happen in people's lives, like a judge sets a trial date I can't control or whatever it is.

For some of us, we're working very closely with someone who is kept up to speed, and for those of us particularly who come from a particular constituency, but I'd hate to think that my constituency wouldn't have an opportunity for a vote just because I was ill one day or because a judge set a trial date that I couldn't control.

It seems to me that if the alternative is to catch a [audio disruption], and I had an opportunity to meet with them in advance they could cast a vote for me. I just would like to feel like we all that opportunity because things happen in life.

Greg Indeed.

Susan This is Susan Moe. I think there needs to be some clarity here because it's not as though we're going to take a vote. Everybody is going to express

their opinions, and there might be some dissent, like we said before, but it's not—this group isn't voting as such.

Greg

I think in striving for, I think, part of what we said here is we're going to work towards having unanimous support, but in essence we're going to be asking the room is everybody good with this, and somebody may say no, I'm not really comfortable with that. So, I think that's Dara's point is that you'd want to have that in a room. If she's not here, and she's the only one that feels that way, then it's having a conversation.

So, I totally understand what you're saying, and the way that I've typically done this over the years is either live with this, and then if somebody's not here and they don't have a representative because that's also possible is that somebody doesn't have somebody, is that there would be an effort made to run that decision past you before it's considered done. That can either happen potentially before a meeting if it's all real clear, or it might have to happen after.

The challenge of this is that if somebody—the way you could do this is say if you have somebody who is totally conversant with the issues and can well represent your position, that's fine, but if that's not available, then what we're trying to avoid is having somebody come in who really hasn't been part of any conversation, doesn't know what we've agreed to in the past, and now is put in a position of trying to represent that constituency. it really just can't be done.

So, Bob.

Bob

Bob Raymer. This is specifically of my issue of point 7. I'm speaking to the last paragraph. On March 7<sup>th</sup>, as we did our Google poll, I was one of those that has an issue with March 7<sup>th</sup>. Our quarterly board of directors will be in town, and I'm going to have to miss the morning session. I'll be here for the afternoon session. I'm pretty sure that's the case.

I'm going to have Matthew Hargrove [ph] attend the morning session as my observer, and he's very conversant in the adult changing facility issues, and the point here is I think it's along with what Dara was mentioning is that he's going to be sitting over there. He will not be taking direct participation in the deliberations, which means my seat is going to be effectively empty. He can take notes for me, but he can't necessarily speak on my behalf or on the industry's behalf.

So, it kind of raises the question if I have between now and the March 7<sup>th</sup> meeting, and I look at the agenda for March 7<sup>th</sup> once it's finalized, and I see in the morning session adult changing facilities may be there, who knows. Should I prepare a written comment for an item to provide, or is he allowed to at least read something I've prepared for him, or is he just supposed to stay over there and take notes for me?

Greg All good questions to clarify. Just from my perspective, I would be comfortable revising it a little bit to say that if you can adequately prepare a representative of your constituency to participate in the conversation, they may do so. If not, you can send an observer.

How do you all feel about that?

[Speaker off mic].

Greg You say you do like the idea? Is anybody opposed to that idea?

Ida I'd like to say I am fine with it. I think our point here is that we hope as part of DSA that everyone here who made a commitment to collaboration and some certain guidance on speaking and understanding that if an issue becomes debated hotly that all these individuals have a commitment to do that in a collaborative manner.

Greg Then, if you abide by all the ground rules—

Ida Exactly, which also means they need to be aware of them.

Greg Absolutely.

Ida If we expand it to that, whether it's reading a prepared statement or—I understand there's a validity in a point of view from the people that come in here, and I understand that there's issues where you perhaps can't be here, but—

Greg We could specify.

Ida We do want that collaboration to continue, so that expectation needs to be here. So, maybe that's what we need to expand about because I'd like for our facilitator to be able to say that's not collaborative.

Greg I think we could say that if the person's fully prepared, maybe just say by that fully prepared, we mean on the issues, on the history of the issue, like the technical aspect of the issue, the history of the issue, and the ground rules. Those three things so that they're fully prepared to come in and fill us in. Is everybody okay with that? Is DSA okay with that?

I think that could work, and I would, of course, if somebody's not complying, then obviously I'd—just like I would in any situation.

Ida Greg, I'm hoping that we can—I know that we started late, but there's so much on our agenda that we need to get to.

Greg We'll move on, and we'll shorten our break. Anything else on this? Okay, then, we're going to modify that paragraph for that.

Removal of a person. Hopefully, everybody has had a chance to read this. It'll save a little bit of time if I just don't read it. It's pretty lengthy. I'm presuming everybody said earlier you have read it. Does anybody have any concerns about this? Eugene, and then Bob, and then Dara.

Eugene Gene. Number 2, I believe attendance there, then it says you can only miss no more than—you can be considered for removal if you miss more than one development code meeting and miss one pre-development workshop, so it implies that you are expected to participate in all those meetings, but given at least one that you can miss.

Greg One of each.

Eugene One of each. Now, when you get down to the area, item A, and this is under 2, if you participate in a code development meeting, and you participate by telecommunications by a telephone, even if you're actively participating, you're considered to having missed that meeting.

Now, B, if you participate by the telephone, telecommunications conferencing, and it's for a pre-development workshop, that's not considered as a miss. I don't understand why—ideally face-to-face, but there might be circumstances that you may need to stay in your local community. Maybe you have your employer has you going to some kind of meeting that you need to be at in the evening or the next day. It just doesn't make it possible to go to the—



However, you can participate the full length of the meeting by telephone. So, I don't understand why you can be penalized to miss if you're participating in that. In a sense, for me, a totally blind person, the telephone or sitting here is basically the same thing. So, whether you're showing videos or things like that, I'm just questioning that you're being penalized if it's out of your control that you can't come in person, but you can sit in a meeting, and it's like you're being penalized.

Greg Ida, do you have a fairly brief rationale on why the differentiation between these two.

Ida Right, so in addressing this issue, collaboration is what's important here, and part of that collaboration extends to just getting to know people on this group during lunch, before, after, whatever. It's not a requirement to engage, but it is an opportunity to have that collaborative process, and thank you, Gene, I do recognize that for you, it's probably not extremely different being in a teleconference and being here.

I do think that the opportunity to engage person-to-person is important, and so that's where we wanted to set an expectation that if we have the meeting scheduled in advance for the 18-month cycle, and the commitment is there, and it's reserved, this is where we want you, preferably. The teleconference is an option, but it's really kind of setting the responsibility and the expectation that we want you here.

We can see how this goes, but I think it's important for our collaborative effort that an individual's not consistently checking in on the telephone and participating in a teleconference. There is just the collaboration that occurs from being person-to-person. So, we understand that things come up, but there's also the expectation that the dates will be pre-determined in advance for the 18-month period. So we expect you to reserve them and participate.

We've also taken into consideration that the meetings as we grow together and go through our first cycle that there is an understanding and an expectation. So, in some ways, I'd like to leave this provision in here as an expectation, and then determine at the end if we need to amend the charter in that way, but DSA wants you here collaboratively, and that's a very important part of the collaboration process for us.

Greg With that said, let me just point out the language, which I think is important in this conversation. It says in the lead in that removal will be

considered. It does not say it will absolutely result, so I think there seems to be built into this some mitigating—to Eugene’s point—that there might be some mitigating circumstances where intended to come but got sick that day, and another time their car broke down.

It’s not the intention to remove people for those kind of things, so I think it’s more important to focus on the will be considered because it doesn’t say you shall be removed if this happens.

Eugene I understand that, and you’re right. It says considered, but I still—I don’t know, I’m sorry. It still has a little tone that’s punitive. You’re being punished, and I would rather see your consistency will be needed. If you you’re going to participate in telecommunications regardless which meeting it is, then you’re going to be considered missing. Both being missed or consistency there because they all seem to have equal importance, the workshop and the development code meetings, so it’s just—

Greg Consistency between those two.

Eugene Yes.

Greg I think Dara and Bob, and then Carol.

[Speaker off mic].

Bob I have two very specific points. You seem to have answered one. What happens during the code development, the stuff we’re in right now, what happens if someone’s sick and would rather do it by phone as opposed to risking giving everybody else the flu? You’re basically saying though you have the ability to consider if that’s a good reason to stay home, thank you, as opposed to coming here.

The second question I’d like to raise is in my specific case. Next month, I’m going to miss a half of a meeting. Does that count as a full miss?

Ida It’s as you said. This is really setting parameters for an expectation. That’s really our goal here.

Greg What I ever put in these kinds of things in charters, it’s not to be punitive. It’s just to be clear that if somebody very clearly is just not participating in good faith or is just not coming to meetings, there’s a vehicle for that

person being removed, just to find somebody that will come and participate and be a good participant. It's not intended to be punitive.

With that said, I think that's the spirit behind this. Dara.

Dara I appreciate the spirit, and I appreciate the value of seeking full, engaged participation and networking. I still think this language is unrealistic given the lives that most of us lead, those of us who are volunteering our time or those of us who are competing professional considerations. I try very hard to ensure that I'm here at every meeting, but as a result, I've had to miss two meetings where there were important votes on another state body that I sit on, and it's just not—I get Google polls from you and them at the same time.

Greg I know.

Dara It's like, I don't know how—they're both bodies trying to set meetings for large numbers of people. It's just not always possible, and I'd just feel more comfortable if the language was not as restrictive. If it simply said, I actually think that attendance by teleconference, by video conference, or with a prepared alternate should count as attendance at a meeting. It's the best, I think, some of us can do given illnesses, disabilities, competing professional considerations, whatever.

Greg I think that can work with the exception that, potentially, with the exception of the alternate because if, all the sudden, you have the alternates coming to the meetings instead of the other person, it really doesn't work. That's kind of like bringing somebody into the process that didn't go through the process be on the committee, so I think that's problematic, but we can or we could make this more general by just stating a number of meetings.

Like, if you miss more than a quarter of the meetings in a year or in some timeframe, then you're subject—if you want to do something like that and just make it more—

Dara How about consistently misses meetings?

Greg You can say consistently. That's a little more open to interpretation than having something quantitative, but it does kind of meet the spirit of it I guess. Soojin. I'm sorry, Carol.

- Soojin This is Soojin. How many meetings are we talking about in the 18-month cycle?
- Ida What we have expected right now is definitely three, which was December, this meeting, and the March meeting is firm. April is a tentative meeting depending on what our provisions, if anything changes. Then, pre-development meetings are two, I think, or three. Two. We haven't determined what those are yet. We're getting there, but I believe there are two or three in the fall.
- So, we're talking about out of seven meetings, five of them you'd need to be here, which would hopefully be predetermined in advance. Again, we're working this out.
- I'd like to suggest for the sake of time that we take in these comments. We understand we'll discuss it and see how we're comfortable because we want to have individuals that have applied and been her. So, I don't know that we're going to solve this right now, but thank you for your comments, but we really need to get to our code development now.
- Greg We're pretty close to being done but, Carol, do you still have a comment?
- Carol If I could, I'd appreciate it. I agree with the fact that any definition of what kind of a meeting, it appears to be that you're giving more credit to code development meetings, and I would say that they're equal. I agree that we should have a definitive because consistently could mean two in a row, or it could mean one here and one when it's really critically important.
- So, I think as far as my concern it's looking at the definitive nature that you might have, I agree with, but I would make them—
- Greg Dara, last comment on this, and then we're going to move to the next topic. We're going to try to wrap it—I'm sorry, Derek. I didn't see your hand come up.
- Derek Okay, I thought you had acknowledged me earlier.
- Greg Go ahead.
- Derek There is a distinction between the code development meetings and the pre-development meetings. The code development meetings are where the

ACC members provide the most value to DSA during our development of code proposals to be submitted ultimately to the Building Standards Commission. This is the core purpose of the group. That's why there's a distinction between that.

Then, the pre-development workshop types of meetings, those are additional meetings, and we remember that at our first meeting there was some concern about having a more aggressive schedule where we had more meetings scheduled, and we reduced that considerably in response to that expressed preference.

So, unfortunately it compresses the amount of activities that need to occur during all of the meetings, but the impact is probably felt most strongly during the first meeting, the code development meetings, which is what we're going on now. You can see that Ida's getting a little nervous. I'm getting a little bit nervous because we're not getting to the heart of this meeting.

Ida It's the purpose of why we've assembled.

Derek Yes, so I'm going to cut my comment off there.

Greg Okay. Dara, quickly, and then we'll try to wrap this up in five minutes.

Dara Well, I think two quick points. One is I think I heard someone at a previous meeting open this to telephonic charter, telephonic meetings in between if we need to cover things. Just to consider that when you manage those with scheduling.

Secondly, I remain concerned about the line in this paragraph. It's very vague. It says the member doesn't act in good faith and demonstrates a lack of willing or unwillingness to work in a collaborative manner. I'm not sure who's deciding that, how it's interpreted, [audio disruption]. If there's a perception of that happening, and somebody goes and talks with the person and gives them an opportunity, sets some expectations.

I'm really concerned about the ability of that being exercised in an arbitrary way. I think there's some of us who feel it already has been exercised in an arbitrary way in the removal of [indiscernible], and I would urge us to not necessarily at this meeting, but just to provide more structure for that and some clarity in that obligation to have a person and set some after the meetings, outside of the meetings, clarified expectations

and give people an opportunity to stay on and just clear about whether this [indiscernible] has some input in it.

Ida So, I just want to offer that the ground rules have been established for our participation. I think we look to that in some ways as our gauge for collaboration.

Greg From my perspective, if I felt somebody was not really working in the spirit of what we're trying to do, if it was a consistent pattern, I would always try to talk to that person outside the meeting and just say—but, given that, I understand your concern.

What I would suggest is to you is I think we've heard concerns about this. I would say I'll work with DSA to redraft this section, and we'll send it out along with the other changes we've talked about and try to deal with it offline. I think we can do that because I think we kind of understand the spirit of what you guys are saying around this.

So, let us work on that, and as we do with all these changes, what I would suggest is we won't be bringing the charter back after this meeting. There are a few minor, and maybe not so minor from the perspective of some, but a few changes we're going to make. We'll send that out to everybody and try to put a deadline via email to respond if you have any concerns and try to deal with it that way.

Hopefully, we'll be close enough now that we've gone through it again to really kind of know if there are any concerns, what they are, and try to deal with it. Is that okay with everybody?

So, if we could—okay, quickly. Eugene.

Eugene [Speaker off mic].

Greg I would basically be asking does anybody have any heartburn with anything that's in here, which is what I'm about to do with this next section, and just say yes, if there's something there that concerns you, please let us know. Otherwise, yes, I would expect some confirmation that you concur with what's there. Okay?

Eugene Yes

- Greg Okay, so I think moving onto communications, I think actually we've already addressed this in some of the previous, but I would just ask if there's anything here that you feel has not been previously addressed because we did talk about the repository and the ability to communicate openly with public documents. Is there anything else? Dara?
- Dara I just need some additional clarification. I've circulated an alternative proposal to one of the proposals that was here today. They didn't respond and indicated they would meet with me when we talk about it in March, but I did ask that, and I appreciate that, I will do that. So, this isn't really so much about that particular proposal, but I asked that my alternative be distributed to the group and was essentially told it hadn't gone through them yet, so I'm just a little unclear about when we can distribute things to the group for discussion. It's about an item we're talking about today, so I'm just a little confused.
- Greg Sure. Shall we set a timeframe? Say, a proposal submitted to the DSA within seven days, ten days, whatever is a reasonable amount of time, can vet it, after which a decision is made—is that the kind of thing you're looking for to make sure it's consistent with—
- Ida No, because that's not always enough time. It's the practice of where we need to investigate it all, and we need to respect the time of the individuals here. We will commit to having information that ACC needs to review seven days in advance. The opportunity to discuss further with the ACC may end up occurring with regard to your proposal. We have part of it, which we said okay, we agree. Part of it is being tabled until March.
- If there comes a point in time where we have a difference in opinion already established in the existing, that may be something that may not proceed in this code cycle, but in our—I'm trying to get the terminology—the meetings after that we can flesh it out further.
- Some of these proposals, an opportunity for amendment and change does not mean that it needs to go 100% all the way or it's dead. It may be part of it can proceed, part of it needs further discussion, and we'll proceed maybe in the next code cycle.
- So, that's our discussion right now specific with your proposal. We have stated we'd like to talk with you further because March is another opportunity to make those changes, make those amendments, and bring it to the ACC, but we need the opportunity to review some additional

information, which we requested from you before we can actually bring it here.

As you can see, our time is always limited. We have a lot of code change proposals. We understand your proposal is important to you, but there are others that are important, that DSA considers important, that another individual here may consider important, and fleshing them out without having the DSA understand them completely in advance is not going to be a beneficial use of time.

Dara I appreciate that it is a new proposal, and I certainly appreciate the opportunity to meet with you and bring it back in March, but I'm just—if I can think about what I can say about the proposal on the table if I disagree with them. You won't circulate my disagreement in advance. Does that mean I can't bring up those concerns at the meetings?

Ida No, you can discuss what's in the proposal if you disagree. Absolutely. We have not disagreed with anything in our proposal. We said part of your proposal needs further study, and we'd like to pursue that with you. There may be a time that we have the opportunity to discuss anything that we disagree. Right now, we consider your proposal still in development.

We agree that part of it can move forward. We just need more information, and then it can be discussed in March, but for you to bring it forward to them without us having any history is very difficult to get everyone up to speed and chime in on it as appropriate if we haven't had the opportunity to do our due diligence through our statutory authority to determine if—we have to do our job.

Dara I will do my best to respect your preferences. I have my proposal for part of responding to yours. They were an integral part of kind of agreeing to what you were you doing, and I'll do my best to try and put that out of the discussion, but I don't see them as separate issues, so I'll do my best.

Susan I think the other issue is in order for everybody at least to have an opportunity to look at whatever is going to be presented at a particular meeting, especially for these code development items, we want to give it time to get out to everybody in advance, and that's why we sent out the agenda and all the proposals that we were going to discuss today.

So, we don't want to send out something two days in advance of the meeting because—and, that's in respect to everybody that's participating.



Everybody should have an opportunity to have a few days to look at a particular bit of information to really let that settle in and be able to review it and provide their comments.

Greg Derek.

Derek Along those same lines, and kind of—

[Speaker off mic].

Derek We'd also want to make sure that any of the items for discussion that are presented to the collaborative that they are concepts, ideas, potential code changes that actually have a possibility of making it through the cycle. We don't want to present you with non-starters, and we can't determine whether an item is a potential or a non-starter without undergoing our due diligence to study those aspects of the proposal ahead of time and well ahead of time so that we can then distribute them out to the members.

Greg Thank you for that, Derek, and Arfaraz you're next, and then Eugene, and then we have to move on, but I think maybe I don't totally understand this, but there may be a differentiation between a new proposal and a comment to an existing proposal. I understand what Dara's saying I have some comments to an existing proposal, and maybe those should be treated differently than a new proposal, which requires complete vetting.

So, maybe we can talk about that over the break and come back to that one if we could offer it as your next.

Arfaraz Thank you. This is Arfaraz. Could you provide some kind of clarification on what's a finite amount of response time once something's been proposed? How much time is sufficient to do your due diligence before we can expect a response? Is it two weeks? Three weeks? Two months? Three months?

Ida Derek, do you want to take this over?

Derek Sure. I can reply to this. It is very difficult for us to establish a definite timeframe in which to conduct our initial vetting process. As you might imagine, it's dependent on a number of factors, including workload in the office, availability of staff, as well as the complexity of the amendment because significant amendments certainly are very much like a new proposal, so in those cases, there's really not a big distinction in the

amount of vetting that would be necessary by DSA staff. So, it's real tough for us to give you a firm commitment?

Arfaraz How about a range?

Derek Well, I don't know.

Ida Here's a perfect example. We have been working with Dara on amendments to public housing, some of which we have identified. We've broadened discussions with her. We've had a couple meetings now already, but it's been going on now for six months maybe because we originally had a teleconference. Then, we assembled ACC. We met with you again to discuss it further.

So, for the proposals that she's suggesting, she provided additional amendments on Monday. We said some of these we totally agree. Some of these you cite some information that supported. We need that information supported so we can read it. So, we'll bring those changes in March if we do it.

So, that's in process, and we're identifying when we're going to do it. Something like a proposal perhaps that Gene is working on, there was scoping provisions, which we already worked on for sidewalks, which we're addressing, but part of his proposal also addresses a different issue, and right now we've determined that that's really going to take extensive research, so it won't proceed, but we will be looking at it for the next code cycle.

So, it's one proposal, but since submitted, we've said part of it okay, part of it at this time we can investigate it, but we're working with you. It's not like it's on hold. It's not that it's not going to happen, but Derek I know has been in discussions with Gene on the next proposal, and where we're going we need to meet with Gene independently. We need to do some further research. We need to do all that, so it's all—but, we're communicating with individuals.

It's not going to be a specific time. We will tell you we can proceed with this. We can't proceed with this right now. We'll look at it at this time.

Arfaraz Thank you for those examples. In both those examples, it seems like DSA is effectively communicating with Dara and Gene, and my question is what's a reasonable amount of time that I can actually expect a response

that yes, you received their proposal and we're reviewing it, or hey, we have questions on your proposal. We don't quite understand it. Is that two weeks? Three weeks? Two months? Three months?

Susan

After we met with Dara because there were some other issues that—and we probably had about an hour and a half meeting and went through several issues, and then immediately after that, I think within a day or so, emailed what we were looking for in our code change proposal for a definition. We set a timeframe and said you need to have this information back to us by January 16<sup>th</sup> I believe it was.

I understand that people are very busy, and we really appreciate because we understand that you are all volunteers, but we didn't get those recommendations back until late Sunday night. So, we don't have a whole lot of time. There were a couple of things, like Ida said, we agreed with, and there are some things that we need more information, and there's some things that we'll look at for the March meeting. So, when we have an expectation, we give you dates.

Ida

Thank you, Sue. If you send us those change proposals, we will acknowledge we received it, especially if you're on the ACC because we understand for that, so you will receive an acknowledgment. Thank you, we received your proposal.

We will be able to determine pretty quickly whether or not it fits in our schedule for this code cycle, obviously not this code cycle because we've already moved forward, but next code cycle. If you get it in now, we will tell you we can plan on it yes, we can plan on it no. Before we decide we need more information. We'll be in communication with you.

Arfaraz

Perfect. That's exactly—

Ida

It won't be an exact timeframe, but an acknowledgment and discussion will commence.

Arfaraz

Thank you, Ida. I just wanted to say I sent a code change proposal in November, and I haven't gotten a response yet, and I was wondering if maybe it's three months timeframe, when I should expect a response that you've received it, and so far, there has been no response. Maybe it's lost in email. It would be useful for me to know if I need to resend this because we've gone past three months' time, and I should have received a notice saying that we've received it.

Ida Thank you for that. I recall now that you probably did, and I'm not quite sure where that is, so thank you for acknowledging that for us.

Greg Eugene is actually next.

Eugene Not to hold this up, but I talked to someone about my proposal for clarification—

[Audio ends abruptly].

Moderator You're back in the main conference now.

Ida Thank you.

Moderator You're welcome.

Greg Okay, we're ready to go.

Susan Okay, well, thank you everybody. This is Susan Moe, and we're going to take a look. As we said before, there are eight code change proposals, but we're just going to cover the ones that have some pretty significant impact because the other ones are just some language and terminology clean up.

So, the rationale for this code change proposal, there are a couple of things because this is provision that applies to alterations. One of the things that we saw here when you read through the code text it talks about alterations to public housing facilities. Well, what we're proposing is to get rid of alterations to a public housing facility and just leave that as alterations because potentially these alterations could be whatever the existing building is that will become public housing, so that's one of the things that we're looking at.

The other thing that we're looking at in this code change proposal is you're familiar with Chapter 11A and the Fair Housing Act and the guidelines. There is a trigger date for when projects are required to comply with the Fair Housing Act and Chapter 11B—the Fair Housing Act, the guidelines in Chapter 11A.

That trigger date is March 13, 1991. So, if you have housing projects that were constructed for first occupancy as housing after that date, then those would have to be in compliance with the guidelines of Chapter 11A, but

let's say you had a project, a building that was constructed prior to that date, and you're going to do alterations to that project, and you are going to turn that into housing, that Chapter 11A and the Fair Housing Act guidelines would not apply to that facility because it was constructed prior to that trigger date of March 13, 1991.

As we were going through the rule making for the 2012 rule making cycle, and in retrospect and in looking at those particular code sections, what we realized is that we needed to make a change to Chapter 11B. For the units that would be the acceptable units with adaptable features, we really need to incorporate that trigger date of March 13, 1991 in Chapter 11B, and that is the other portion of this code change proposal.

So, basically, let's say you had a facility, and it was constructed prior to March 13, 1991, and a public entity has determined working with a nonprofit, or even on their own behalf, that they're going to take this facility, and they're going to convert it into some sort of public housing.

Well, then what they would have to do 5% of the units would have mobility features, and 2% of the units would have communication features. None of the ground floor units would be required to be accessible with adaptable features if it was constructed prior to that date.

So, the way it is right now in Chapter 11B, that same facility would have to have some acceptable units with adaptable features. What we're finding is inadvertently going beyond what the Fair Housing Act guidelines in Chapter 11A require because for these type of units we're aligning ourselves with those regulations, we're finding that there are projects that potentially are not going forward. So, what we're ending up with is we're not getting any accessible units at all because these projects are not going forward because it is too onerous to provide more than the 5% of the units and the 2% of the units with mobility features as well as all the other units and make those accessible with adaptable features.

So, that's what we're looking at is aligning ourselves with those regulations. Yes.

Arfaraz

Has DSA conducted any kind of data collection on how many projects are not going forward as a result of these requirements?

Susan

You know, in looking at something like that, it's really difficult to get that sort of data collection because who are you going to ask for that data?

Ida I'd actually like to identify we've been working with the Treasurer's Office and the Tax Credit Allocation Committee, and they have said that a lot of their tax credit projects because of the cost of adaptable features requiring an update they don't move forward because the tax credits that they're given and because of the cost of the project itself, the ability to make the adaptable features into the facility trap the project, so then they lose out on the opportunity of having full accessible units as well. Those projects stay private, and they don't have to apply to Fair Housing at all.

So, a lot of the tax credit projects that are alterations are taking existing facilities that are older than the Fair Housing Act requirements and making them public housing projects, and wherever the Fair Housing Act the adaptable units would not need to comply, of course, we still need the accessible, and we still need the communication, the fully accessible communication, but requiring those facilities to in addition have make up for the adaptable units, in many instances traps the project, and they're not going forward.

Arfaraz Ida, you just made a correlation between public housing and projects receiving tax credits. Are you saying that every project that receives tax credits automatically is providing some kind of housing program?

Dara They're required to by the tax credit regulations. Accessibility is required—

[Speakers off mic].

Greg Excuse me. We just need one conversation at a time. One conversation at a time, please.

Arfaraz Then, the other point is that the current code already has a provision for when it's technically infeasible or where it is technically infeasible to provide an accessible route to a residential lower unit, the entity shall be permitted to alter or construct comparable residential dwelling units.

So, there's already a provision in the code where something is technically infeasible, but where it's not technically feasible or to the greatest extent possible, if you're replacing let's say as an example, you're replacing kitchen cabinetry, and you have the ability to make that kitchen cabinet adaptable, this code change will now remove that requirement, which think about the vast population of people who are in public housing and

who are coming into disability and aging, they don't have the choice of waiting for one of those 5% mobility units to become available. They would rather take any adaptable unit from the 93% of the other units in, let's say an elevator building, rather than say I'd rather be homeless and wait until a mobility unit becomes available.

So, my point is that the effect that this code change will have on the population that relies on public housing in California will be huge, and it will be a negative effect. That's just my comment.

Kaylan Could you repeat that explanation about the 2% and 5%, please?

Susan Sure. So, basically what would happen, those projects that we were talking about? Let's say, again, we have a project that was constructed before—whatever the facility is. It could be any sort of a building.

Somebody is going to take an old warehouse. They're going to convert that into housing, so if they are going to do that as part of a public program, 5% of the units would have to have mobility features, 2% of the units would have to have communication features, but none of the units would have to be, under the Fair Housing Act guidelines, none of those other units they wouldn't have to do anything to those.

So, as Ida said, what's happening then for some of these projects, aside from the Treasurer's Office, we've also gotten comments from some of the consultants who are doing housing projects down in Southern California, and they're saying basically the same thing that there are a lot of these projects that are not going forward because it's just too onerous to make those modifications to all the ground floor units.

So, then what happens you have this it's no longer on the behalf of the Title 22 entity. It could be a private developer. They're going to use their own pot of money. They're going to build these housing units in this old warehouse building. None of those will have to be made accessible.

Ida It's no longer a public housing project because it's too cost-prohibitive to make it a public housing project because of the accessibility requirements.

Susan Right.

Kaylan So, is it the owner or the entity that's deciding to not move forward?

- Ida Correct.
- Susan Understand though, if you take a look at Chapter 11B, if it's a brand new project, and it's a public housing facility, 5% of the units would have to have mobility features, 2% would have to have communication features. Because we've picked up the scoping previously from Chapter 11A, all the other ground floor units would have to be accessible with adaptable features.
- Greg So, we have a queue of Dara, then Bob, then it's Soojin, and then back to Arfaraz.
- Dara I'm not totally sure I understand the impact of this, although I'm also a little concerned about the little bit of anecdotal evidence. We don't know how widespread the problem is, and there's also great benefit to targeting limited federal and state and local dollars for projects that do have broader accessibility so if it doesn't go to the first tax credit project, it will go to a different tax credit project, so that worries me a little less.
- I think the bigger issue is that I think I agree that it's already an exception which says you have to do this unless there's a problem, and then you can do it to the extent feasible, then that's a much better outcome than saying never have to do it for that old building.
- Susan I think the issue is when you read that particular section, and you read through 202.4, you'll see there's an exception in there, and as you follow that code pass-through, that's technical because Stoyan and I have talked about this before. That provision for technical infeasibility doesn't because there's that exception in 202.4 for residential assisted living facility.
- Arfaraz According to the technical infeasibility in that exception on the screen over there.
- Susan But, that's for if you take a look that, that's for units with mobility features. Oh, you're right. You do have the option to provide a unit—that's for if you have—and, actually that's another change that we're proposing to make because in reality, let's say you have a project, and the entire project has multistory dwelling units. You aren't able to substitute a dwelling unit on a single level for one of the multilevel dwelling units.



That means that 5% of those dwelling units will have residential elevators within the dwelling unit. That's not required with the provisions under the units with adaptable features.

Greg Bob, you're next up.

Bob I'm going to give you a series of examples that I need you to respond to, and this applies to the two previous issues we discussed right before lunch, and then I'll get into the alteration issue.

The first one is a single-family home development. Let's say KB Home, Lennar, or Shea Homes is building 100 homes. Each home is on an individual lot, and they decide right now we're going to put solar on each roof, and it gets \$3,000 to \$4,000 from either the state, or there's a state program and a federal program, that they can go to.

Let's say for these half-million-dollar homes, they get \$3,000 to help reduce the cost for the solar system. Is that considered public housing?

Ida See, that's exactly the kind of conversation that we had when we were trying to do all the research to determine that definition because for a while there in Sacramento as a private homeowner, you could get a grant from the city because they were worried about the drought. So, you got a pot of money from the city could change out all you landscaping and put in drought-resistant landscaping.

Now, you have some public money. Does that trigger—what does that trigger?

[Speakers off mic].

Bob Same project, but forget about the solar. Now, a local jurisdiction, let's say Rocklin, adopts an ordinance to say for all new single-family home developments, 10% of those homes have to be made available for purchase at a lower, what's called inclusionary housing, where the home is made available for purchase at a reduced price.

Now, the builder, who went ahead and raised the price of the other homes, but that 10%, the local jurisdiction may say you know, we understand it's going to cost more for these, and to try to make things sort of even out, we'll increase the number of units you can build by one house per acre or whatever, sort of a density bonus.

But, once again, the fact that the jurisdiction is not putting any money, per se, into the project, but they're saying you can build more units than you normally could because we want to help offset the cost if now you're going to sell these 10% of homes for a much lesser price than the market rate would be. Would that be considered public housing?

Susan Yes, if it's a program.

Derek The thing is, Bob, it's already considered public housing because the density bonus is in-kind fund.

Ida And, it is a housing program by the city to—

[Speakers off mic].

Ida So, those units that are set aside would have the application to be—not every single one would need to be made accessible.

Bob Right, but you're talking about the 2% and the 5% of those but not fully accessible and all that?

Ida Correct, 5% would need to be fully accessible whatever percentage is reserved as—

Bob As part of that program.

Ida As part of that program.

Susan Another example, we heard from a redevelopment agency down in Southern California, and this redevelopment agency had a housing program. They were building 94 multistory, single-family residences. The fellow from the redevelopment agency was complaining because he said he understood that 5% of those units would have to have a residential elevator within the unit because under the 2010 ADA Standards, if it's a unit with mobility features, you have to have an accessible route throughout the unit.

So, he was trying to figure out anything that he could do so they didn't have to put elevators in there, and he said he was arguing with their building department because the building department understood the

requirements, and they told him no, you're going to have to put elevators in 5% of those homes.

Ida Or, build single-story units.

Susan We said to them, build single-story units. He said I can't do that because the developer can't do that because of the size of the dwelling units. He said there isn't enough area on the site to be able to do that. So, we explained okay, 5% of those units will have to have a residential elevator within the unit.

Bob Now let's go to the final alteration question I have. The Ghost Ship warehouse tragedy that happened in Oakland two years ago, 36 people lost their lives, and what happened for those of you who aren't familiar, there was an abandoned warehouse. It was basically an occupancy dedicated to be a warehouse, and there were a number of illegal residential—I don't want to say this was not blind, but there were residential-type occupancies throughout sort of the mezzanine level in the Ghost Ship warehouse.

So, to access all this, you had to walk down old palettes of wood to go down in, and then the struggling artists would then go across the bottom of the warehouse area, and then they'd have to basically go up a stairway on the far side. This was the only access point to a mezzanine where there were sort of cordoned off areas where they could sleep. They had some light bulbs. All the stuff was basically hooked into one or two outlets, dozens and dozens of extension cords.

A terribly dangerous thing, and the reason why I bring this up is that because of this, the legislature right now is trying to figure out ways to promote bringing these types of illegal residential occupancy-type areas up to code. What they don't want to do is they don't want to just go to San Jose, Oakland, Berkeley, or whatever and kick these people out onto the street. What they want to do is try to bring it up to code.

In some cases, the jurisdiction, regardless of what happens in the legislature, the jurisdiction may want to incentivize that warehouse owner or that other shell occupancy owner to bring things up to code, and they may give them expedited permitting process or some type of financial incentive to get this stuff going.

Right now, in Oakland, they're under the impression that we do not have to provide disabled accessibility for an upgrade of this type, but it sounds like you do.

Susan If it's a housing program, if that's their housing—

Bob Oh, I don't think they'd call it a housing program. I think they call it a substandard permit violation where they basically say look, you're the warehouse guy, bring this up to speed, but my view is yes, you have to comply with disabled access in this case, and I told them you can't get around it. It's a designated civil right, etc., so the bottom line here is it's not a—they're going to have to comply with this kind of stuff. They going to need input from DSA before they go too far with the legislature down the wrong path there. So, I'm going to hook you guys in with that discussion.

Ida Even an example like that where there's this potential upcoming of all these projects that are going to be brought in, right now, their responsibility under federal law is 5% ,2%; 5% fully accessible, 2% communication. There is no requirement for that to be anything else because all these buildings are old, and they take into consideration that it may be difficult to do that.

Existing California requirements in Chapter 11B say all those other units have to be made adaptable. This is the question that we're posing here right now. If we align ourselves with the federal requirements—right now California is a little bit more excessive, there's this option. If it's too cost-prohibitive to bring in all those units in that rehab because the adaptable portion of it makes it cost-prohibitive, it could be that that project doesn't move forward at all. So, not only are we missing out on adaptable feature units, you're missing out on fully accessible units, and you're missing out on the opportunity for a community to redevelop what it needs to redevelop.

So, that's what we're trying to put in perspective here. We have been told by the Tax Credit Allocation Committee that when they give tax credits, once they realize there was a misconception at the California Tax Credit Allocation Committee that all these projects were 11A projects, which means none of those adaptable features would have had to have been put up.

We clarified for them no, this is public housing because you are administering a housing program, Mr. Treasurer's Office. That's when they came back to us and they said how many of these projects are now not going to move forward because it's too cost-prohibitive for these projects that are alterations of older facilities to incorporate those adaptable features? Therefore, they're just not moving forward. Those tax credits are going to another project.

This is not a sampling. So, when you're talking about statistics, we're getting feedback on housing program developers who are saying this is happening over and over again, so where we don't have an actual statistic and numbers to compare, we're trying to listen to what they are saying and balancing—are we going to get more access and fully accessible units if we relax the requirement on adaptable features for older facilities, or we hold out so there's more adaptability everywhere else?

That's what we're balancing here, and I think what's important to realize is that we do have these laws that were taxed last year specifically, which are trying to incentivize.

Bob The sensory units.

Ida Exactly. They can really make an effect on increasing fully accessible unit availability.

Bob I'm going to put the committee's staff in touch with you and Dara because I think they need to hear from both of you that this is not something that can be prioritized that right now you're dealing with the fire and life safety issues there, and then maybe down the road, we'll get to this other stuff. I'm not taking a position on this, but I'm just thinking that under existing regulations, they're flirting with something that's already lost. They need to understand that.

[Speaker off mic].

Bob No, this is the Senate Governance and Taxation Revenue Committee whatever. Anyway I'll put you in touch with someone from the staff when I get back to the office tomorrow morning, but this conversation they come up five proposals, and the first three will go right in the face of what we're talking about here.

Greg Okay, so the queue now is Stoyan and Soojin, Arfaraz, Dara, and Lewis.

Stoyan

Talking about statistics, there are two types of statistics that we collect. The first one is there are several developers and several consultants that work in these public housing projects related to alterations. So, we now communicate with them, so our information at DSA, [audio disruption], but the projects from the HCDEF [ph], they are projects [audio disruption] because they don't get the funding to comply with the current requirements.

The second type of statistic, HCD writes the checks, but HCD doesn't have statistics how many of these projects base on the money how many of the projects are no longer available. So, we're trying to get this information. If we get it, we will share it with you. We're just trying because these projects are not stipulated by the number of dwelling units. They are like I'll give you the check; you do whatever. If we get the information, we'll share it with you.

I shared with my friends last week the City San Francisco is a unique jurisdiction. We don't have complaints, everybody's happy. I guess these folks are doing great job educating their developers, but the City of San Francisco is only one I'm aware of that enforces a lot of these exceptions. Everywhere else there are measured complaints about my project needs the exceptions, but it's not allowed by the [audio disruption] jurisdiction.

I don't have the answer why it's happening, but based on the phone calls we're getting, based on our education and outreach, this is the information we get.

Susan

I think as we looked at it before because you already follow the code paths when you start taking a look at exceptions and what's allowed, and as I said before, when you at 202.4, and you see that exception, that technical infeasibility would not be allowed.

Greg

So, let's continue through the queue, but then let's get back to what you're suggesting to change here so we can be clear about that. Soojin, you're next.

Soojin

I just wanted to add that I just yesterday had this conversation with my client saying, I don't think we can move forward with the project [audio disruption] conversation. I have two projects ongoing right now that are having this discussion.

Greg Arfaraz.

Arfaraz So, exceptions in 11B-202.4 says that alterations to residential units combined with 11B-233.3.4.2 are not required to provide [audio disruption] identified in 11B-202.4. Is that correct?

Susan Right.

Arfaraz So, that's indicating the need to provide improvements as it's defined 11B-202.4. The exception in 11B-233.3.4 more directly seeks tom when it's infeasible, to provide an accessible path of travel to a unit that's covered.

So, I think as Stoyan pointed out, there is an exception in the code. That exception may be reputed by other jurisdictions. Maybe they're not aware of it. Maybe Susan should take her education program on the road and educate some of these jurisdictions I would suggest, Ida.

Susan Actually, the answer to that, once we finished up and got our public housing class all put together, one of the first jurisdictions that we did training for that came to our class in Riverside were the people from Los Angeles.

Arfaraz I want to speak briefly to what Bob mentioned regarding the Oakland warehouse project. I live in Oakland, pretty familiar with the tragedy there. There are programs where code—what's the term I'm looking for—code upgrade program. The one that I can think of off the top of my head is [indiscernible] upgrades. You can have [audio disruption] upgrades, multiunit residential building which doesn't trigger accessibility requirements.

[Speakers off mic].

Arfaraz Right, and it doesn't make it a housing program, per se, and therefore doesn't meet the current definition, the proposed definition. It doesn't meet the current definition of public housing, so I would argue that if it doesn't meet the definition of public housing, then those requirements don't stand.

Susan We actually had that very conversation with the Department of Justice a couple of years ago to clarify all that because we were having discussions with HCD, and we wanted to be really clear, and that's what we came up

with when we put that in our advisory manual, but you know, we're really getting off topic. We have a lot to cover.

Greg So, let's take Dara and then Lewis, and then let's go through all of this because we need to focus back on the suggested changes. So, Dara.

Dara Let me just—I'll try to make this brief. I don't support the change [audio disruption], but I also think that when we're about 11B, we're talking about contributions by government to the housing [audio disruption].

I think it's appropriate to show that programs are accessible to individuals with disabilities, and it doesn't worry me if some developers can't get the tax credit money because the tax credit program is always completely over-subscribed, and if some developer doesn't get it, some other developer will, and that government money will go towards housing that is open to everybody, and [audio disruption] on it to say people with disabilities don't need to apply because it's not accessible.

So, I just think we need to go back to basic principles in these discussions, and I just wanted to put that out there.

Greg Thank you. Lewis.

Lewis I'm kind of confused by your example of using a warehouse and changing it into housing. To me, that's not—yes, it's an old building, but it's an old housing unit. It's not like you're taking an apartment building and changing it. You're doing a change in use from warehouse to residential. To me, that would trigger brand new building, no matter when the building was built.

Susan No.

[Speakers off mic].

Ida Not under the Fair Housing Act.

Susan Or, Chapter 11A.

Lewis Oh.

Ida First off, you can see if after March 13, 1991—



Lewis That's not occupancy as a residential unit. That's any occupancy.

Susan Any occupancy. Old barns. We had a question from somebody in Oakland. They had an apartment complex. They were converting the garages into residential dwelling units. They were constructed prior to March 13, 1991.

Ida Can I clarify a comment that Dara made? Your comment where you said individuals with disabilities need not apply, I think that speaks to our case that more of these facilities would have fully accessible units so that they can apply. Are we wanting to go for full accessibility and full adaptability, or at minimum full accessibility so that more housing can move forward?

So, I just want to make it clear that it's not that the existing facilities are not accessible anymore. It's that there's not the combination of both fully accessible and adaptable. The fully accessible is always required. That's what we're trying to relax is the adaptable portion of it so that these facilities can move forward with accessible units.

If we don't, then a lot of facilities just don't even have to have any accessibility at all. They move onto another project.

Susan Consider that when you take a look at the units with mobility features, they provide a higher level of access than the units that are required under the Fair Housing Act or Chapter 11A.

So, anyway, why don't we just scroll down, and we can take a look at the strikeouts and underlined, and I think we don't have to read through all the existing.

So, Debbie, if you don't mind scrolling. Back up a little bit. Thank you. A little bit further. I might be pointing you in the wrong direction. There is it. Thank you.

Just in general, for this particular one like I mentioned before, if you're going to do an alteration, I think what happened when we were going through this rule making in the 2012 cycle, we used the public housing facility terminology a little too often, and if you take a look at this particular text, as it reads right now, it would say alterations to a public housing facility.

Like I said before, you can make alterations to an existing building that isn't a public housing facility. The way this reads right now, it wouldn't be triggered. So, what we're proposing here is to say alterations shall comply with Section 11B-233.3.4. It doesn't make any difference if it's a public housing facility or not. You buy an old building, you're going to make modifications, it's public housing. Alterations would be applicable.

So, then as we scroll down a little bit further, then if we take a look at the exception, and this is again going back to changing that trigger date of March 13, 1991, in this section then we would strike the reference to Chapter 11A. Instead it would say, where compliance with Section 11B-809.2, 809.3, or 809.4, is technically infeasible, or where it's technically infeasible to provide accessible routes to a residential dwelling unit, the entity shall be permitted to alter or construct a comparable residential dwelling unit.

Again, you can have a multilevel dwelling unit regulated as in the Fair Housing Act in the guidelines in Chapter 11A, but it doesn't require an elevator or comparable unit.

Then, if we take a look at alterations to vacate a building, again, this is just some redundant language because this whole section is public housing, so we don't need to continue the use of public housing or that phrase. Correct. Then, we're trying to keep the language consistent throughout all these various sections when we get rid of that phrase that's used repeatedly.

Then, again, a strikeout the language we'd get rid of is residential dwelling units with adaptable features shall be provided in compliance with Section 11B-233.3.1.2. Then, there is an exception, and actually this exception is just moved to another location.

So, that exception instead of being under this portion is just further down in the document because what would happen if you did have an old building, and basically you've kept the exterior of the building, but you basically gutted that building, and you're going to rebuild the interior, even if it was constructed prior to March 13, 1991, then you would have to provide the ground floor units that are accessible with adaptable features.

Like I said, that exception has just been relocated into a different section. So, Jessica, if you wouldn't mind scrolling a little bit further.

So, again, we get rid of public housing facilities, and we get rid of the reference here 11B-233.3.1.2. That is the scoping that is for the accessibility units with adaptable features, the ground floor units in 11B, so whenever you see that, we're getting rid of that reference.

Now, if we go down to this new section, what you're going to see there—and this is consistent—just a touch. There you go. Perfect.

This is consistent with the language that's in Chapter 11A. So, the way this would read now is Section 11B-233.3.4.3, alterations to residential dwelling units with adaptable features, and it says the building standards in this chapter do not apply to the alterations, repair, rehabilitation, or maintenance of residential dwelling units with adaptable features complying with Chapter 11A, Division IV for units with adaptable features constructed for first occupancy prior to March 13, 1991.

Multifamily dwellings shall be maintained in compliance with the accessibility standards in effect at the time of construction. In other words, if you have an apartment building constructed after that date, you decide you're going to freshen it up, and you're going to put in some new appliances. Maybe you're even going to take out the kitchen cabinets. When you replace all that, even though it was constructed after that date, and alterations aren't applicable, you couldn't alter that to a lower standard than what was in effect at the time of construction.

Then, we have that exception that we moved, and it basically says where any portion of the building's exterior is preserved, but the interior of the building is removed, including all structural portions of floors and ceilings in a new building intended for use as public housing is constructed behind the existing exterior, the building is considered a new building for determining applications with the Chapter. So, that's basically it in a nutshell. Yes.

Arfaraz

I have two comments.

Susan

Sure.

Arfaraz

In 11B-233.3.4.2, we talked about potential alterations. These do not include normal maintenance or appliance or fixture updating. So, you can go in and change your oven range, our dishwasher, your microwave, and you're not going to trigger any of these requirements irrespective of the age of the building. That's one.

Then, the second comment would be 99% of alterations that our jurisdiction looks at to public housing projects were originally built before the date of March 13, 1991. We're talking about now thousands of units that would otherwise be providing adaptable [indiscernible] and kitchens that would usually help the population that reside in those units no longer receiving those adaptable features.

We always from these tenants how difficult it is to just request a reasonable accommodation from the organizations that that are running these programs on behalf of the public entity and the challenges they face because there's a portion of our office that deals with these complaints on a regular basis, and I can give you that data, artifacts going back several years on how difficult that is.

These code changes are going to compound that because you have an opportunity where you're spending hundreds of millions of dollars in alterations, and now 95% of the units that are being altered will be altered without the implementation of adaptable features where not infeasible.

I strongly recommend to this group and to DSA that you reconsider or put off to another code cycle the implementation of this date requirement because it will have a huge impact on the public housing across the state and all alterations projects that [audio disruption].

Ida

Can I add a comment? Thanks for that, Arfaraz. I would like to incur to you and Gary as code officials to reach out to your jurisdictional entity and try to get a sampling from throughout the state [audio disruption]. This would be very beneficial because I know you're speaking from also the perspective of where you're involved in San Francisco, which is quite progressive and quite advanced in terms of promoting accessibility.

So, because we're looking for further data as this is being brought forth for discussion, we encourage you to reach out to your rest of the state to help us determine the impact of this.

Arfaraz

Is there a timeline by which you would require this?

Ida

If we could some way have it by our March meeting that would be really helpful.

- Arfaraz I was just thinking that's really not feasible to get feedback from how many jurisdictions do we have, by—
- Ida I'm not requesting all of them.
- Arfaraz That feedback should have been done before we even move forward with this proposal. That's why I'm suggesting DSA put off until the next code cycle the implementation of this code change until sufficient data has been gathered from 500-plus jurisdictions across the state.
- Greg Gary.
- Gary Arfaraz, I totally respect what you do say, but once again, I'm going to kind of agree with Ida in a sense just because you're in San Francisco, and I'm in Oroville. So, the funding and ability of San Francisco to provide data is much different than what it would be in Oroville for us. When it comes to the adaptability and the expenses is we're not just looking at applying kitchen counters. We're looking drive side clearances and maneuvering clearances as well.
- So, when you're looking at those, those are structural. Those aren't just counters that we're replacing or whatever, so what I see in this, and what I'm saying to make that change because we're both code enforcement, we're going to be discussing this amongst ourselves, and I'll be reaching out to [indiscernible], but with that, is there is the element that we have to deal with knowing that okay, now there's all this structural element that has to go along with this.
- Susan In addition to those units required to be on an accessible route.
- Gary This would give greater accessibility this way with the exception than we would without it.
- Arfaraz We already have a technical infeasibility provision, Gary, that we can provide for structural infeasibility. On a lot of these older projects [audio disruption] in San Francisco, and they were a new version request that [audio disruption] specifically for adaptable features.
- So, I think that's a way to look at these and put in these provisions in the code that specifically address these older buildings as far as adaptable features go rather than going all or nothing because the nothing involves

taking away 95% of the housing stock and then hoping that by taking away that requirement for 95% of the housing stock we're going to generate additional projects that will give you the 5% chunk of mobility units. The numbers just don't add up.

Susan Well, for one thing, we don't know whether the numbers add up or not because we don't have more data. Again, that might be for San Francisco, but when you look at these code provisions, it's statewide, and you keep talking about using the provisions for technical infeasibility, but again, going back to that code path, you would see there that exception, and it says residential dwelling units shall comply with Section 11B-233.3.4.2, and when you look at that, they have to be on an accessible route. You don't get any—

Arfaraz Unless they're infeasible.

Susan No. You don't get that exception.

Ida Also, just for clarity, the technical infeasibility, that's different. The technical infeasibility tells you construct a separate unit that is feasible. It doesn't say you can't do it. You have the ability to not do it at all.

Arfaraz What our housing agency has been doing to document where something is technically infeasible, as an example, the jurisdiction is providing a loan program to the acquisition of distressed housing in the county. Meeting adaptable requirements and meeting the path of travel to a unit requirements and the mobility requirements, for that matter, within some restoring buildings that are being acquired here is totally technically infeasible. So, like what the housing agency is doing in this case is documenting the technical infeasibility on the [audio disruption] and coordinating to the comparable unit within their existing housing stock as one that meets the mobility requirements, which is maybe providing [audio disruption] off the 5% requirement in the ADA Standards.

Susan Then, they're doing a combination of program access, and you have to understand here's a difference with the ADA and the 2010 standards and triggering the California Building Code.

Ida I think the important thing is that you may—how do I say this? You, as a program access component, you may have found an opportunity to work around the CBC, but that's not necessarily the way the CBC is designed to be directed.

Arfaraz I don't think we're working around the CBC. I think we're—

Ida Yes, and we can—I think at this point, we have the input. We need to work further. If we can get some data perhaps we can talk about this further in March. We'd like to encourage you to get some more data. We are doing the same. We have some meetings coming up where we are gathering some additional data, so this have been introduced. We have some comments, and if we can wrap this up, we can get to the next one.

[Speakers off mic].

Greg We just have one more comment on this from Hannah. Did you still want to—?

Hannah Oh, I was just going to say in terms of Los Angeles, I'd say a good 65% of the buildings were built prior to '91 because it takes me forever to find an apartment.

Greg Thanks. Okay, so I think then we're finished with that for today. We're going to process some of this outside the meeting for March. Let's see how far we can get on the adult changing facilities before our break. Thank you, Susan.

Susan Oh, you're welcome.

Derek The next item is under Chapter 2, definitions, a couple of counts.

Greg Okay, we're moving to the next topic.

Ida Guys, we're moving to the next item.

Derek Okay, good. Thank you. Sorry. I gave you the wrong reference on that.

So, at our last meeting, we introduced the legislative mandated requirement for adult changing facilities, and DSA is writing accessibility requirements to apply to the adult changing facilities so that as the law becomes effective, then we have good guidance, we have good standards so that the facility operators understand what it is that they need to do in order to comply with the law and the building codes.

So, we've certainly developed it, a pretty good amount since our last meeting, and I'll try to go through this pretty quickly recognizing that we've already gone through some of this material, but please, as we get to good stopping points, I'll call for questions or comments as we go along because it is a little bit lengthy.

So, first of all, we wanted to look at the definitions that are going to be—well, the draft of the definitions associated with the adult changing facility. First of all, commercial place of public amusement is a specific term that's used in the legislation, and it's being used in our proposal here.

Consistent with the legislation, we're looking at language such as an auditorium, convention centers, cultural complex, exhibition halls, amusement parks, sports arena, or theater or movie house for which the maximum occupancy is determined to be 2,500 or more people, and then we have some examples of cultural complexes, and we also say what a commercial place of public amusement does not include. It does include, and this is consistent with state law and the legislation, it does not include any public or private higher education facilities or district agricultural associations.

Of course, nobody really knows what a district agricultural association is, so we move down to our next definition, and the district agricultural associations are regulated in the California Food and Agricultural Code. Just for a point of reference, district agricultural associations would include facilities such as the state fair, some county fairs, and other similar types of organizations and facilities.

So, rather than trying to make a list of the—I think there were 52 different designated district agricultural associations, we simply refer people over to the Food and Ag section and let them track it down if they need to. We don't expect that that's going to be a real big need for code users or enforcers.

Then, lastly—

Greg

Eugene.

Eugene

I'm sorry. Why would education institutions, like I'm thinking the UC system, not be included when they have stadiums that have more than 2,500 occupants in large facilities?



Derek

I don't know. Bob.

Bob

I can answer that. The AB-662 was a bill that went through the legislature, both assembly [audio disruption], and as bills go through quality committees, the next stop on the legislative route is appropriation committees, and in appropriation, they don't necessarily look at the cost it's going to have on the private sector, but they clearly look at the cost that it's going to take to either develop the rig or implement the rig on state-owned and leased facilities. This was an exemption that got put in there that, in my view, has no reason being in there, but to basically get through appropriation committees you have that provision.

That's very factual, but it's rather disheartening. You have tons of stuff on UC and CSU, higher education campuses that you would definitely anticipate something like this being needed, but here we are.

Derek

So, Bob, is it fair to say that is the sausage of law making?

Bob

Yes it is.

Derek

Yes, it's an ugly process. So, then the last definition that we have drafted here is for an adult changing facility itself, and it says, and this is fairly consistent with the language in the statute. The facility is for use by persons with disabilities who need help with diapering. We didn't want to deviate too far on these fundamental definitions. Are there any other questions about the definitions before we move to—?

Bob

A lot of the stuff is verbatim from the [indiscernible].

Derek

Okay, good. Let's go ahead and move on then. So, the next section we go to is 11B-249, and remember we said in Division II, which includes all of the 200s, in this case 249, that those are scoping requirements.

So, the scoping requirement for the adult changing facility is that the—well, I'll go down the positive scoping, and then I'll come back up to the exception. First of all, wherever adult changing facilities are provided, each adult changing facility needs to comply with Section 11B-813, and 11B-813 is where we find the technical requirements, and we'll get to those in a little bit, but basically that says if a facility provides a multitude of adult changing facilities, they need to be accessible and usable and comply with the technical requirements in 11B-813.

Then, we get here in the next section down, 11B-249.1.2. This is our triggering scoping for new construction, and the provisions here are from the legislation as well where a commercial place of public amusement is newly constructed on or after January 1, 2020, an adult changing facility shall be provided in compliance with Section 11B-813, just one facility.

Then next section down is the scoping for the alterations of commercial place of public amusement, and it says where the commercial place of public amusement is altered on or after January 1, 2025, and either requires a building permit or the cost of the alteration is \$10,000 or more, an adult changing facility shall be provided in compliance with 11B-813. Just a second, Bob, please.

Okay, so anyhow, those are our fundamental scopings. We'll go back up to the exception here. The exception here, and this reflects some language from the statute. An existing commercial place of public amusement with an existing adult changing facility in compliance with Section 11B-813 shall not be required to comply with Sections 11B-249.1.2 or 11B-249.1.3.

Here what we've done is we have clarified from the legislation that the existing adult changing facility needs to be in compliance with the accessibility and usability that we're identifying here in the technical requirements. In our view, the development of this, having a commercial place of public amusement simply having a table inside of a room like maybe a first aid room or something, just isn't going to provide the sort of accessibility that is necessary for these facilities.

So, that's all the scoping requirements. I think here would be a good moment to stop and take some questions on this. Bob.

Bob

Two points. I'm going to make a technical suggestion and then a sort of process suggestion. The first technical tweak applies to both 1.2 and 1.3 where for new construction you're saying it's newly constructed on or after January 1<sup>st</sup>, and 1.3 where you're suggesting it's altered on or after January 1, 2025. That's inconsistent with Health and Safety Code. I can give you a citation if you want.

The way bundling standards are implemented in California, as you're probably well aware, they apply to the building standards that were in effect on the date you submit your permit application to the building department, and that's Health and Safety Code 18938.5.

So, it would a relatively minor tweak to basically sort of rewrite each of these so that it basically says for newly constructed units in which the permit application is submitted to the building department on or after January 1, 2020. Then, similar language for the altered stuff for 2025.

Derek Then, to summarize, if I'm hearing you correctly, you're saying replace the construction dates and tie-ins with the permit application dates.

Bob Yes, because newly constructed is vague and ambiguous, so you're going to have a hard time getting through the nine-point criteria. Your existing regs, all of your other stuff, that's how it gets applied on a daily basis.

Derek Sure.

Susan Bob, did you say that was Health and Safety?

Bob Health and Safety Code 18938.5. That was the first one I ever worked on back in 1985. I had brown hair, and I was a lot younger.

The second point that I'd like to raise and this is sort of a procedural concept for DSA to consider. This is a new thing, and between now and January 1, 2020, you have this cycle, one cycle, to take care of the adult changing facility regs for newly constructed structures, entertainment facilities.

Between now and January 2025, you have four regulatory proceedings in which you can take care of the requirements for existing facilities that are out there. Given that this is going to be a major undertaking, and once it gets away from this group and out in the public domain, I can tell you given yesterday's chat with the theater industry, the Chamber of Commerce, a host of others, it's probably a wise move for DSA to consider bifurcating these for now and consider going forward with the adult changing facility regs for newly constructed units in this code cycle.

Then, keep working on this for probably the next one or two cycles for existing buildings simply because if you put it all together now, the risk of having a couple hundred different parties that are angry showing up at Building Standards Commission in December, increases exponentially. I just think it's administratively doable for the new stuff this time around, and perhaps spreading the workload out for the existing stuff for the intervening cycle, and maybe the tri-annual after that.

- Greg So, that would be more a tactical choice.
- Bob A tactical suggestion, but one again, it's up to you guys.
- Derek At this point, and through our work so far, we don't anticipate any significant differences when we're contemplating the existing facilities undergoing alterations simply because the minimum requirements for accessibility are built into the technical requirements. We've noted that. I know Sue's taking notes, and I'm taking notes, too.
- Bob The reason why it's in the theater group yesterday just pounded this right into me, and that is the proposal that you have here, and yesterday I didn't know it was okay to share it with them, so basically I just said off the top of my head, you're going to want clear space at the table, kind of a U-shaped clear space. I didn't give them precise definitions, but I also told they could have the turnaround or the T entry way access, the usual accessibility stuff.
- For an existing structure that's out there that got built 20 years ago, but holds a permit or has a \$10,000 of upgrade to it, this is going to be incredibly complex, but it's something you have proposed for new construction. This is going to cost a whole lot of money.
- Derek It will certainly cost. We have no misconceptions about that. We are ready to weather the storm just simply because it's legislation and it's mandatory, and we would I think not find too much fault with our rationale on a lot of proposals.
- But, you know, we weather the storm each time. Some more tumultuous than others.
- Greg We have a couple of comments, Gary, Eugene, and then Jihee.
- Gary Bob read my notes.
- Greg Okay, very good. Eugene.
- Eugene Just for my clarification, when it's an altered facility, it would be multi-stall restrooms as well as family-use restroom alterations they would have to put this in. Is that correct?

- Derek Those are both example of alterations, but alterations will not be limited to just toilet room alterations. They might be choosing to put in, oh I don't know, maybe seats.
- Gary Any alteration on the facility.
- Derek Yes, any alteration.
- Eugene Okay, so I'm thinking where this table would be put in. It'd be in a restroom, and I'm just trying find out—I just want to clear up that it's not restricted to one type of restroom. It can be to all restrooms.
- Derek Well, we'll be getting into that with the technical requirements, and those are coming up just as soon as we get done with the scoping here.
- Eugene I just wanted to clarify that—my understanding is scoping is where, and that's where I'm getting this. Where is the need as well as new construction?
- Derek I really do think you're going to understand a lot better once we read what that portion of the code says. I can tell you right away the location. It says adult changing facilities shall be provided within an enclosed unisex toilet room or other similar private room.
- Eugene That's for new construction.
- Derek Yes. That would apply to both.
- Greg Jihee.
- Jihee The exception, to me, do we need that sentence because basically it's saying if you're compliant already, you're complaint with 813 already, so then we don't need it. Do we need that whole exception?
- Derek We would say yes, depending, but yes it is necessary. First of all, it's reflected in the legislation that if you have an existing adult changing facility, then you don't need to provide more.
- Jihee Yes, that's kind of—

Derek Sometimes with code enforcement where something says that you need to provide one then it could be multiplied each time there's an alteration, so we thought it was important and made sense.

Bob Make sure you have at least one.

Jihee So, in this scoping, it doesn't mention anything about how many, meaning it's just one no matter the scale of the facility.

Derek One.

Jihee Just one.

Derek Okay

Greg Go ahead, Bob.

Bob I don't want to focus on this, but you just sort of raised a question. If I have a large facility that was built looking ahead for the existing stuff, it's not uncommon to pull multiple permits for like a sports stadium each year. The exceptions there, I'm kind of reading as I say, if I down the road have built my—if I've put in my one adult changing facility in my sports arena, this seems to tell me that if I go and pull another permit six months to eight months down the road for something else, I'm going to have to build a second one.

Derek You don't have to build a second one. You may optionally decide to build one. One is required.

Bob One is required. Got it.

Greg Hannah.

Hannah That's what I wondering.

Derek Okay. Great. Gary, I'm sorry.

Gary Shouldn't there be a consideration to distances like what we have in the funding zone or shopping centers?

Derek The adult changing facilities are a very unique feature, and the user group as far as we've been able to determine with our outreach and our focus

group is a fairly limited population. So, we had explored distances. We had explored scoping to require more than one based on acreage in a facility, and we really just didn't get the kind of feedback that would tell us that those aspects were going to be necessary for our proposal.

So, at this point, we figured this is a good starting point, and we can massage it going forward.

Greg One more question. Carol.

Carol So, if I needed to use this table, and I'm adult and somebody has to change me, and I just had a major mess, but the place where I can be changed is at the entry to Disneyland, but I'm in the park really far away, so is that person really going to take me all the way to the entry of Disneyland? No.

Why can't we state somehow in the same—because to me that's a public health hazard right there, so is there a way that we can imply somewhere that a facility shall have so many relating to the same number of bathrooms, like the location of their bathrooms.

Derek We could, and that's technically doable within the building code, however, we have to understand that the legislation, and they are the representatives of the entire population of California, have determined that an adult changing facility is what's required. While there is a—certainly we received some comments that having additional requirements for the scoping on the number of adult changing facilities would be desirable, we didn't see the kind of overwhelming comments that would have supported us proceeding into code development with it.

Carol Okay, so if I get overwhelming comments, does it come down before we go to present it, or do the overwhelming comments come after we present it, and they have 45 days?

Derek Well, there are a handful of different ways that it might play out in the future. If we were to see overwhelming commentary coming from the legislature, for example, where they recognize that maybe they erred and they wanted to see this enhanced, then they could get a similar bill passed.

By the way, just looking at this, this was passed pretty darn quickly compared to a lot of other legislation. Another manner might be if DSA were to receive overwhelming comments, and it really would have to be big, for us to make the decision to deviate from what state law is and to

exceed it significantly. When the legislature puts down legislation that is specific about accessibility requirements, we have to take that real seriously, and that includes as a baseline and as a limit, too.

Carol Okay. That helps.

Derek But, these are all things in the short term. If in the longer term, if these start to get implemented, and a couple years down the road, we just simply find that the ability to service the population that requires these kinds of facilities is not having their needs met, then again, these sort of feedback points can be received by us.

Carol Okay. Thank you. I appreciate that.

Greg Vidal, and then Dara.

Vidal Where I'm coming from is from looking at population as getting older. Sometimes that's associated with the need for that, not always. People with disabilities also have that. One of the things that when you talk about input, talk about surveys, sometimes people don't answer the survey realistically because they choose not to go to these places.

They may not go because there is not changing room close by, and that's the reason they're going to not even bother with the survey, but I think as a population, we need to look at—as a society, kind of look at what's happening to our population, getting older, more disabilities, you have a lot of the veterans disabled. You have a lot of things that could mean that they need these changing rooms.

The other thing is that a lot of folks are becoming more aware of being independent, becoming more independent and enjoying the life like everyone else is doing. So, that means they may be going out to these places, and that might be a deterrent, or they may just get more vocal. So, that's kind of one of the things that I think is being said here is that sometimes not hearing an issue or a complaint or a desire that something be done a little bit better doesn't mean it shouldn't be.

Derek Absolutely. This is the sort of thing that leads to subsequent amendments to the code quite often. When we were conducting our focus group, we were working specifically with users of these types of facilities, with suppliers who I was pleasantly surprised were very sensitive to the user groups, as well as their attendance, too.



So, we really tried to get the best cross-section of participants in that that we could. We're always mindful about the aging population and the need for increased independence, so I guess at this point, we found that we think this is approximately a pretty good range of the requirements.

Greg But, there is a process to bring it back.

Derek Oh, sure. We can make amendments to the building code in subsequent—

Greg Eugene, we have a couple people before you, so it's Dara, Arfaraz, and then Kaylan and then you.

Dara I just want to say that I appreciate your effort to the legislature. You specifically said at least one, which seems to me that you're finding a new way to respond to Carol's comment [audio disruption].

Greg Thank you. Arfaraz.

Arfaraz Quick statement for Carol's comment and Gary's comment before that. I can imagine a sports arena, like a football stadium, can have a home side and a visitor side, and to expect you to choose to sit in the opposite team's side, if you will, just because that's where your child or adult child can be accommodated if that's where the adult changing station is, that seems to be limiting, to say the least.

Greg Kaylan.

Kaylan To that point, taking your point in your published advisory manual suggests putting it in centralized location or somehow suggesting that they consider where they're putting it and not just sticking it over in a corner far, far away.

Derek You bring up areal good point, Kaylan, that our advisory manual can be very helpful in helping owners and designers be able to manage what their expectations are out of a project like installing these facilities. Of course, it doesn't carry the full weight of the code, but it a lot of times serves as a good starting point to help understand what might be the more immediate needs.

If we find that the needs are shifting and recognizing that we're on a code cycle, that sometimes means that a good idea comes in, we carry it

forward, but it might not take effect until two and a half or three years later. Sometimes we utilize the advisory manual also there to convey more of that sort of information. That's a good suggestion. Thank you.

Greg Eugene.

Eugene To continue on from Kaylan's—I was going to say maybe trying to explain it looking at the whole Disneyland as a whole thing of 2,500 people-plus, but looking at it that there are individuals to the extent that the facilities there at Disneyland where there's more than 2,500 people there so that looking it individually, those units within needing that facility, not just looking at the whole park as one because I can tell you that single-user restrooms at Disneyland, there's less than six in the whole place and that's the most popular.

That's a different thing, but that could be a likely spot to put them in. So, I'm just saying that's something to think about as sub-parts of their facility when there's multi-events located at those [audio disruption] not that the whole park needing just one.

Greg Carol, do you want to speak about—?

Carol The last thing that I'm not really sure where I found it because I remember seeing it that there was something—baby changing stations sometimes leave their door open, so somebody's using that accessible stall, and they can't.

Derek We have that in the code.

Carol Did I read in a different one that the clear space for accessible radius is if the table is in the down position?

Derek Yes.

**M** You cannot encroach upon that clear space that you're talking about.

Carol If the table was down—

Derek Carol, the answer is yes, and it's in the technical requirements that we're getting to.

Carol Okay.

- Derek We'll be talking about that in just a moment, but yes the short answer is yes.
- Greg Soojin.
- Soojin I just wanted to say that it may not be best practice what we have here, but I do recognize that the building code is a minimum standard [audio disruption]. It's a good start.
- Greg Good, thanks. Dara.
- Dara It's important that expanding this so that it was tied either with scope of number of users. I would just note this talks about 2,500 or more, and Disneyland has 311,000 people daily. So, I just think—I mean, I just Googled really quickly, and it's in excess of 300,000 a day, so I think it's just worth giving some thought, not just in the advisory manual but in the scoping to tie the number of stations, given that that legislature said at least, [audio disruption] serving only 2,500 people, I think it is worth giving some thought to the scoping that we're tying in to geographic distances, or to number of users in a give day, or something
- Kaylan Some kind of acreage.
- Derek We can look into it. We did explore the concept of acreage before, and we ran into difficulties when you compare a facility like Disneyland based on acreage versus something like the outdoor safari type of facility, which has lots of acres, and people drive through, but of course, most of that acreage is for the animals.
- But, you're really driving right through the same physical space, so that's—it was something—please be assured it is something that we have explored, but unable to reach any sort of consensus among the focus group of the industry folks and users and attendance and manufacturers of the tables. We just simply couldn't even come close to a consensus on the issue of applying it more broadly.
- Dara So, maybe it's number of users then in a geographic location. [Audio disruption]. Its not even in the same ballpark.
- Arfaraz How do you propose coding requirements after 2025 applied to alterations at Disneyland and California Adventure?

Susan And Golden 1 Arena.

Arfaraz Are they two separate parks are kind of sharing the same geographic boundaries, are they treated as two separate parks that need their own individual adult changing facilities?

Derek I think California Adventure and Disneyland, they're co-located sort of. It probably would up to a building official determination in the way this is drafted right now.

Lewis You can't really travel between the two.

[Speakers off mic].

Derek So, they'd probably be two separate facilities, probably.

Greg Okay, I suggest before we fly off to—do you think we should take a break now, or do you think we can make progress in ten minutes and then take a break? Ten minutes?

Derek I'm really not going to get too much into the details of the technical requirements, but just understand that the technical requirements would apply anywhere where an adult changing facility is provided, whether it be minimally required or where a facility provides it above and beyond their minimal requirements.

So, each of the adult changing facilities is going to be provided within an enclosed unisex toilet room or other similar private room. We'll see what the requirements for water closet fixture and lavatories, it's not just going to be a bare, unplumbed room. There is need for hand washing. There is need for disposal of human waste, and so these are functions that work just like a toilet room.

So, the mandatory elements that we see under 11B-813.2, we're going to require the adult changing table. The adult changing table with a minimum size of 70 inches minimum length and 30 inches minimum in width is what we have there. Clearance around the table 30 inches minimum width side clearance provided along the entire length of one side of the table.

Then at both ends, and these are for the attendants that assist the person up onto the table, at both ends of the adult changing table, clearance shall be provided being 36 inches wide and as wide as the table plus as wide as the additional 30 inches of clearance that's along the side of the table. So, it is, as Bob had mentioned earlier, it ends up being a U shape clearance around the table on three sides minimum.

Greg Eugene, can we just finish these, and then come back. Can you just hold it? There might be an answer to your questions.

Eugene No, it isn't.

Greg Okay, then go ahead.

Eugene Not that I know of. Is there a figure that goes along with that?

Derek We have not developed any figures to date.

Eugene I think it might be a good idea.

Derek That's a good idea. Jessica, if you could scroll to that, please. Now, for the adult changing table, the height needs to be adjustable, and so we want a low height of no higher than 17 inches above the floor, and that is so the attendants who are moving a user of the facility don't have to bend over too far, and they don't have to lift up too high.

Remember, the height that required for accessible seating is typically 17 to 19 inches, so the 17-inch maximum height of the minimum height of that range falls right in line with the other existing code requirements.

Now, that table goes from a maximum of 17 inches above the floor up to a minimum of 38 inches above the floor, and just for reference and for comparison, remember that's within two inches higher than a typical counter top that's provided for workspace for other uses.

Okay, so of course, the adjustable table can go down lower than 17 inches, and it can go up higher than 38 inches, but the range of 17 to 38 inches is really what we wanted to preserve here as a minimum requirement for the adjustability.

Capacity of 300 pounds, and the obstructions—Carol, you had touched on this a little bit earlier. When deployed, changing table shall not obstruct

the required width of an accessible route except as allowed by 11B-307.2. That allows 4 inches to project into an accessible route. So, that might be something even as simple as a thermostat if the accessible route was right along a wall.

Carol What about a garbage can?

Derek It would clearly exceed that.

Carol That's what we're finding is happening.

Derek We find that a lot. Sometimes facility owners allow people to move their garbage cans around so it infringes on door maneuvering clearances and other required spaces in the code. We would say it's a violation of the requirement for maintenance of accessible features, which we have in the code already, but it's really a problem with the operators where they're putting anything that's not supposed to be in these spaces.

Carol Then, I will want to add when you do the waste receptacle.

Derek Okay. Alright. So, then now that we're past the table itself, then we look at the other features that would be required within the room, and that's a water closet or toilet fixture. No fewer than one, so one minimum.

A lavatory, only one lavatory there. We don't want to get into a situation where this can be looked at as a multiple accommodation toilet room, and the limits for a single-user toilet room under the ADA Standards would be no more than one, so we wanted to be consistent there with the single-user toilet.

You need a waste receptacle, no fewer than one waste receptacle, and Carol, you had a comment about that.

Carol I just wanted to add that the waste receptacle cannot obstruct the required accessible guides. Then, there's also receptacles for female products that are getting in the way as well. So, if those could be identified that those do not get in the way of that.

Derek Alright. Now, the accessible route requirements anywhere in Chapter 11B, you can't. You're prohibited from obstructing a required accessible route. You're prohibited from—

Carol Well, the waste receptacle is going to get in the way, so people are going to put it there because they already do, and so it's interfering. What you're saying is we can't say that that waste receptacle must not infringe upon the—

Derek We can. We can do that, but typical drafting of code language really frowns upon saying the same thing over and over and over again because if an action is already prohibited—

Carol It's not.

Derek It is.

Carol The waste receptacle is not prohibited.

Derek Yes, it is. You can't put anything in an accessible route that obstructs the required width. It's preserving the required accessible route width that is protected under the building code.

Carol Okay, and the radius?

Derek The turning space, we have a requirement here. That's the next item up for the turning space to be provided.

Carol But, there's nowhere in the code that limits the waste receptacle from being in the turning space.

M I think, 11B-304.

Derek I believe that is true.

Carol Do you have that?

[Speaker off mic].

M Needs clearance, it could kind of go under there.

Carol Nobody that I work with, no environmental services person accepts that. They're like well, we can move this wherever we want.

Derek No, they are in error, and they're putting the building owner at risk.

- Carol                    Okay. So, they've done that. That waste receptacle must never be within the turning radius.
- Derek                    Turning space. They can use a circular turning space, but there's also another option for what's called the T-shaped turnaround space, but either one of those can be provided in most places where we often think of as just a circle, a radius.
- Carol                    The law says anything that's removable cannot be placed in there because you have to preserve the accessible space at all times.
- Derek                    It's called maintenance of accessible features.
- [Speakers off mic].
- Derek                    That's in section 11B-108.
- Carol                    Thank you.
- Derek                    You're welcome.
- Greg                     Let's go ahead and grab the three comments we have now, and then maybe we'll take a break before we finish up. Lewis.
- Lewis                    My comment is you're talking about an adjustable height table, but there's no provisions in there about how that's adjustable, so if you have a small woman trying to lift a man, should there be a provision so that's defined [audio disruption] not a manual sort of table.
- Derek                    We had thought of it as being electric or pneumatic or other powered adjustability. We really hadn't even contemplated the idea that—
- [Speaker off mic].
- Derek                    That's not going to work when you have a 300-pound person.
- Lewis                    Correct. That's why I think it's part of the language.
- Derek                    I understand.
- Debbie                   It's either fixed or adjustable, those were the terms that came up during our workshop, fixed or adjustable.



- Derek But, Debbie, I think Lewis does bring up a good point there that you can have adjustability like some futons are adjustable or the angle of the back, but they're adjustable by putting in a peg.
- Ida Manually.
- Susan Or a hand crank.
- Derek Or a hand crank or something like that, but having a powered adjustability—it's pretty important.
- Carol [Speaker off mic].
- Derek Something like that. I don't know exactly what.
- Lewis Just talking about it, having to go from 17 inches, you'd have to make that—with somebody on it.
- Jihee With somebody on it, or before somebody gets on?
- Derek The idea is that attendant will transfer the individual onto the table, probably at a low height, so they're not lifting up too high. They transfer on at a low height, and they hit the button. The table comes up to a working height, and then the person is given the assistance.
- Greg Gary.
- Gary I'm on the same page as Lewis, but at least he's the designer that's going to have to design it. Obviously, enforcement is bad for design, but this is going to be an interesting one because the ability to construct something that way, so it will probably be a manufactured item.
- Derek And, there are manufacturers.
- Gary [Speaker off mic].
- Lewis Actually it's like a medical table like you'd see in a doctor's office that can raise you up and down.
- Derek There are manufacturers that exist right now today who are providing these adjustable tables specifically for adult changing purposes.

- Kaylan I think you look to the medical equipment standards for that to get that verbiage about accessibility.
- Derek Okay, that's a good idea. Thanks, Kaylan.
- Greg So, Kaylan, you're up, or is that your comment? Then Eugene.
- Kaylan That's not my only comment. I liked Eugene's comment about a figure, particularly with the clearances around the table. My question would be is there going to be a gap around it like there is with the medical equipment standards, or would that clearance need to directly abut the table, or the table's surface?
- Bob Right now, it's just the immediate perimeter how you have it up there. You have that U shape, the two sides, and then you have the turnaround or the T approach, and that's the only reference.
- W What is the gap for?
- Kaylan In the medical equipment, sometimes the under pieces of the exam table might stick out a little bit. It might cause a little bit of a gap transferring from one surface to another.
- Derek They start the measuring point for the clearance from the furthest projection either of the table or any portion of the underneath.
- [Speakers off mic].
- Derek Okay. That makes sense.
- Greg You want to make a technical point.
- Sue Quick one. I think if we go back and take a look at some of our transcripts from the task force meetings, I think some of the attendants said they needed that gap between the mobility device and the table when they assisted someone.
- Kaylan You get a lot of information if you look at the report from the medical equipment community.
- Derek It's identical to the medical community.

- Greg Thank you. Eugene, and then Soojin.
- Eugene Talking about the table, the width you said 30 inches minimum. I thought at the last meeting we had there was some discussion of it being much wider, 31 inches to 36. I was just wondering if that's being entertained to come up with an adjustment to that 30 inch width of the table. That's the first thing.
- Derek We explored the possibility of requiring greater width, but we recognize that door widths are 32 inches minimum clear, so 30 inches in width is going to accommodate nearly everybody. It really will.
- Eugene The other thing was getting back to the adjustability, I assumed that the table would be somewhat like the medical examination table being adjustable, but I'd say for at least new construction making that hardwired rather than some something with a battery.
- You see that a lot of the infrared devices for flushing toilets and so forth that are retrofits that are battery, you have constant, and I pushed hard and got it into the code a reference that is an option that the battery went off, and you find they're not working, and then you have to wait, and there's a help phone, and you have a to get [audio disruption]. You had to wait until a plumber could come in to make the changes, and the acceptable stall then was possibly not usable for an hour or so.
- So, I would say at least work to get something in there that it's hardwired so that it's a guarantee that there's some electrical power to the adjustability there.
- Then, I don't know, this is jumping ahead a little bit, but when we get to the signage area, I have a question on signage.
- Greg Good. Soojin.
- Soojin I have a comment. I was thinking under capacity instead of adult changing tables supporting 300 pounds, maybe table and adjusting mechanism should support that weight. That would imply that the person's on the table when they're adjusting it properly.

Another question I had personally is sideways it would be very difficult to try to transfer the person onto the table, so can we think about adding a clearance under the table [audio disruption].

Derek

Well, keep in mind, these are out at amusement locations and theaters, and I think there's a significant difference between what we see at a hotel bed, which has the provisions for a personal lift and having the legs of the personal lift extend under the table. I just don't think you're going to find people taking their personal lifts along with them as they're going from ride to ride at Disneyland.

So, it kind of has to be self-contained, and it has to be ready to use right there in the facility. Three-hundred pounds, yes, that's a sizable weight to transfer, and when we were going through our focus group on this issue, we found that some users are just fine with one attendant, some users travel with two attendants depending on their needs, and I think it's probably best that they determine what their need is.

These are not intended for independent use. These are facilities that are intended for assisted use, so since we can't really determine for everybody globally what assistance may be necessary, and the facility operators are not providing the attendants to give that assistance, it really is going to fall upon the individual user.

I made a note about the hardwired portion, Gene, and we're going to be looking into that.

Greg

We'll take Carol and then we'll break.

Carol

In our discussion I brought up the fact that I thought it was 30 maximum, so Gene I want to thank you. The 31 inches is pretty standard for an adult lift changing table, and to go the next one down is 23, so I understand the 30, and I'm accepting the 30 because that allows about 31 inches. An adult can get placed inside there.

I also agree on the hardwiring, and yes in fact, one person can go into that and use an adult changing table themselves. They do not have to have an attendant, so it's again our perception that it can't be done independently, and a 300-pound person could actually go in alone.

Derek

Sure. We don't make that perception.

Carol I just wanted to say that you're not always going to have somebody that can do those things with you. You might be by yourself. So, I'm thinking about what the facts are. What do you call this room?

Derek Adult changing facility.

Carol No, the room is called a—I learned it today. Not a single-user. A single-user room. Okay. Thank you.

Greg Thank you for that discussion. Let's take a ten-minute break, and let's see if we can get through this and a few others.

[Break].

Greg Okay, here we go. Moving on.

Derek Okay. So, continuing with the adult changing facilities, let's go ahead and just quickly go over the balance of the technical requirements we have here, and 11B-813.2.5 would require the turning space within the room, 11B-813.2.6 required clear floor spaces where the fixture and turning space shall be permitted to overlap. That's the same thing that we see in the toilet room requirements.

The door swings, we say here that the door swings shall not swing into the clear floor space or clearance required for any fixtures. The door to the adult changing facility shall have privacy latches. That's the same requirement that we see in the single-user toilet rooms, and I'll make sure you're the first one.

Kaylan Should that be latches to the [audio disruption]?

Derek Yes, it is, and we had noted that, but that's a good catch, definitely.

Then, the signs. We're going to require signs as consistent with the statute. We have required a room identification sign compliant with 11B-216. It shall be provided at entrances to adult changing facilities, and then second, if the commercial place of public amusement has a central directory, then the central directory shall indicate the location of the adult changing facility.

Gene, if you could hold just for a moment, we only have two more of these, and then we'll be entertaining questions and comments.

Then, there are other elements that might be provided, might not be provided. They're optional elements. The ones that we were looking at earlier are required elements in the adult changing facility.

So, now we go down to another section that talks about optional elements, and here we just say where they're provided, they're going to have to comply with the requirements in the section. So, if a shelf is provided, no fewer than one shelf, and compliance of Section 11B-603.4 shall be located adjacent to the adult changing table. Then, here for accessories, if they're provided, no fewer than one of each accessory would need to comply with Section 11B-603.5.

So, I can take questions and comment on this. Gene.

Eugene

I think Ernest was next.

Derek

I'm sorry.

Ernest

Just a quick question about—so, it sounds like in some of these cases, it might be a single-user facility with the water closet, the lavatory, and this adult changing table. I'm not familiar with exactly what the [audio disruption] table looks like. If it's something that folds up like a baby changing table. If it's that large, does it just always stay down, and will that be a potential for tripping conditions, or does that not exist in a single—

Kaylan

I can show you a picture.

Bob

I had the same question.

Kaylan

I'll pass my tablet around.

Bob

Is it like a Murphy-style thing that not only can swing down, but can go up and down?

Derek

They do, but they tend to be very expensive because all of your gearing is within a portion that's up against the wall. So, they do make the swing down one, but probably the more economical choice is to go to the floor mounted units, and most of the mechanics there are located under the table.

- Ernest                   What that be a tripping condition?
- Derek                   Typically not because it's typically going to fall within the cane-detection zone.
- Kaylan                 It's similar to an exam table, a height-adjustable exam table.
- Ernest                   Okay.
- Greg                    There's a picture coming around. Jihee, you were up next.
- Jihee                    I have a similar related question and something else. So, depending on what's available type of table, whether it's foldable or stands mounted from the floor, the clearances around it and turning radius is you're talking about when it's in folded down position, and we need clearance around it within the room.
- Derek                   Yes.
- Jihee                    With the requirement around it, it has to be all with the table set up. Correct? Turning radius is still needed outside of the table area even though I'm guessing the person who's on the table transferred from the wheelchair already will need—
- Derek                   They need to get adjacent to the table in order to utilize the table, so they'll have had to use the turning space and the accessible route to get there first.
- Jihee                    That makes sense. On the signage, could we add a language saying like when we have like inaccessible restrooms, we have a directional sign needed to indicate where an accessible restroom is or acceptable entrances. Should we add language saying where the adult changing restroom is, the area where like a cluster of restrooms where we might look to have adult changing stations?
- You know like in our proposal, we just basically find one, and we may need to—some have to travel so far. So, not only just having one central directory indicating where it is. If you end up in a restroom area where it's not there, then perhaps you know right away where the actual changing station is, direction signage.

- Derek                    Of course, you can write that into the code. It's possible to write that into the code, but I start to think ahead of how that would play out, and where you're at a large facility where you might have dozens and dozens of different toilet rooms throughout the facility, are you going to direct them back in all cases back to the one?
- Jihee                    We talked about in a realistic facility where one may not be adequate, but it's only right now requiring minimum standards, so basically we're just saying [audio disruption] requiring one, so everybody kind of had issue with that, so at least having a sign saying where it is, if you're standing in front of a group of restrooms where it isn't, that should help that person to navigate to where you need to go.
- Derek                    I can't say with certainty say how every person who needs the facility is going to proceed. I just can't.
- Greg                    Why don't we take that as an idea, and we'd have to work it all out. So, what we need to do is get back to the main points here. Eugene, you're next, and then Lewis and Soojin.
- Eugene                I have a question. For these signs, which has been raised putting braille on them, is there a name that you're proposing to give it to add onto the signs?
- Derek                    Well, they're called adult changing facilities in the code, and that is also a fairly standard terminology that's used.
- Eugene                Then, I would say, because I know having dealt with sign fabricators, they're going to want something specific, the language, because they want to be certain that they're putting the correct text. I would say adding something at the end there that says what it should say so that they can know how to integrate like when they are told that it's going to be in a single or unisex, all-gender, family restroom, they know which sex to put on the signage in that 12-inch [audio disruption].
- That is something I know some places will be totally separate independent places, but then others will be integrated with these restrooms. I think it would help the sign fabricators.
- Maybe the other recommendation might be [audio disruption] just dealing with the signage so that in a future code cycle, there may be something about how there's the ISA for inaccessible restrooms where the sign or



entrances where there's signs directing you to the accessible entrance. I think just looking at all the visual and the tactile signage questions that might come up.

Derek We can explore those.

Greg Very good. Soojin. Oh, Lewis was next.

Lewis On your shelf and your other accessories, when I first read it I was really confused. If provided, no fewer than. Do we need the words no fewer than? I mean obviously if it's provided, there's going to be one.

Derek Well, no fewer than one means the same thing as a minimum of one.

Lewis But, if you don't provide anything than there's none, so there's going to be at least one.

Derek There doesn't have to be. Did you know—a fun code fact—did you know that there's no requirement that we've been able to find that requires lavatories in most toilet room areas? I know it sounds disgusting, but except for employees in restaurants, there's no requirement. Did you know that there's no requirement to provide paper towels in toilet rooms or toilet seat covers?

Eugene California is one of the few states that you find them in almost all of them.

Derek So, what we do in the code—

Lewis If you provide them, there will be at least one.

Derek What we're saying here is at least one has to comply with the accessibility requirement that we already have in the code. You can provide three and still only one of them would need to comply with Section 603, I think.

Lewis I see.

Greg So, would it be clear to say at least on, to your point, rather than saying—

Lewis Exactly. When I first read it I was like oh I have to provide a shelf no fewer than one, which needs to meet the—

[Speakers off mic].

- Soojin                    Could there be potential misuse of this room? There's nothing that [indiscernible] the operator to limit access say by giving out key cards, or I don't know, could it be open to everybody? There's a pretty big potential it could be misused, that room with a sizable table. Is there any language in the law?
- Derek                    There's no language in the law that addresses that issue. That is an issue that we discussed during our focus group meetings, and there was a split opinion of that. Clearly, some facility operators don't want their equipment to get torn up, but at the same time, limiting access to accessible features is, in most cases, prohibited under other accessibility requirements and features.
- Soojin                    Would it be a violation if it's a place where you purchase a ticket, and at that time providing a key card to the room? Would that be a violation of that code?
- Susan                    It's a violation of Title V of the act because you can't charge somebody to use an accessible feature.
- Kaylan                   It's not something that they can't enforce through the building code. That could be something that CCDA could cover through their training and outreach to the businesses.
- Greg                     Soojin I don't think you were suggesting it was paid for. It was just a way to get a key code to get in, right?
- Derek                    So, when a person who goes to the theater to see a play or a performance, I think as I understood your comment, could they also be provided with a card key to give access to the room.
- Soojin                    Free of charge.
- Arfaraz                   [Audio disruption] also they can go the same process because putting special requirements on a certain segment of your patrons then that is kind of discriminatory one could argue.
- Greg                     Okay. Arfaraz, you're next.
- Arfaraz                   So, I had a question about the turning overlap if there's required floor space, clearances of fixtures, and turning space. I apologize if you already

covered it when I stepped out briefly, but just for my clarification, when you say clearance required turning floor space, are you referring to the required clear floor space in this section?

Derek We're referring to—for example, at a lavatory, you have a required clear floor space.

Arfaraz Okay, clear floor space for plumbing fixtures.

Derek For a lavatory. When you look at a water closet, ADA terminology calls it a clearance, but it's a required floor space that is required to be clear. They just happen to call it clearance, so our language is intended to be consistent with other parts of Chapter 11B and the ADA.

Arfaraz Is the turning space the turning space required in a restroom, or is it the turning space required under 11B-813.2.5?

Derek Well, the turning space required under 11B-813.2.5. They're the same dimensions. You can make a circle or a T shape.

Arfaraz So, that's kind of a repetition because that requirement already stems from division states. Was that an issue for some reason as well?

Derek Well because remember this is a facility, and we need a full specification for what goes into this facility, and while we have said that the location of the adult changing facilities shall be provided with an enclosed unisex toilet room, in which case those provisions already occur, but it's the second part that says or other similar rooms, and that's where we need to capture that.

Arfaraz Okay. Then, the final part of that question was a baby changing station when they're in an open position, we require that it not impede the accessible route to the fixture. I don't see a similar requirement here.

Derek Look under 11B-813.3.1.5, obstructions. That was intended to be very similar to the baby changing table provision.

Arfaraz Could you say that section for me again?

Derek Sure, 11B-813.3.1.5. It's the last sub-item under the mandatory element of adult changing tables.

Arfaraz I don't have a 3.1.5.

Kaylan It's under obstruction.

Arfaraz Oh.

Greg Are we finished, Derek?

Dara Let me just say, I kind of liked the suggestion about putting a sign in the bathroom where you can find—it's kind of like if you have a handicapped entrance, you post a sign where the handicapped access is.

Susan Disabled access.

Dara I like that, and I just think giving people more information about this is something we could require, and it might just be that it's not any place they list locations of restrooms, but it just lists the location of the adult changing facility, so not just the central directory. There are a lot of malls that have a bunch of directories or signage where the restrooms are, and it would be fair to say if they have any directory or signs indicating where the restrooms are it should include the location of the adult changing facility.

I think that would be helpful, particularly given that there may only be one depending on what you do with our input, and in a large facility [audio disruption] they have no clue where it is, so somebody could wander for a long time, so I think requiring signage any place showing where the restroom is would just be a very inexpensive way to let people know how to find it in a large facility.

Arfaraz Dara, are you suggesting striking the word central from that sections.

Dara I'd have to look at the language.

Derek We've noted that there is more than one person who has made that suggestion, so we'll run with that. We'll look at that.

Greg Okay, Gene, and then Gary.

Eugene I was just wanting to go back to Carol's earlier concern about the place to put the waste since it might possibly be moved around, is there a possibility of specifying or working on something to have them set into

the wall like some of the paper towel dispensers are, having a unit or something put into the wall so that you don't have something to keep moving around and be an obstruction?

Derek That would be the only example in Chapter 11B. A toilet room accessory or similar accessory like in the adult changing rooms where that was a mandatory requirement of the code. It would be very unusual. Is it possible? Sure, it's possible to write in just about anything in this code.

Eugene I just think it might some concern with access because that whole problem of paper towels and things in there with he units that move around blocking, as you mentioned, the inside of a door to get in and out of restrooms. I've been places where a person using mobility devices, wheelchairs particularly, have been trapped in the bathroom because of that, and they can't move it because they don't have the strength to do that.

So, I'm just thinking maybe we should start looking at that, those things to see if there's some way of putting it into the wall while still providing some access so they're not in the way.

Derek If we wanted to go down that road, then it would probably be not specific for the adult changing facility but that something that would have a more global view.

Eugene Yes, in the future.

Greg Okay. Gary, do you still have something?

Gary [Speaker off mic].

Greg Great. So, I think we can declare a victory on the adult changing facility. A lot of great comments, so you'll be seeing a revised version of that next time around.

Let's move to, I guess next on the list would be the transfer shower. Is that correct?

Susan It is.

Greg So, we have about 45 minutes left to go through code changes. Let's see if we can bang it out.

Susan Oh, this will be easy.

Greg Famous last words.

[Speakers off mic].

Greg Absolutely.

Dara Are these items have come back up for further discussion [audio disruption]? Is that what's going to happen?

Bob Like on March 7<sup>th</sup>?

Derek Well, they might. Now, keep in mind that we now have had three meetings in a row where we've had a list of code change proposals that we desired to discuss, and we have not reached the end of the list in any of our meetings, and I predict we won't today either.

So, DSA will be carrying on in the absence of ACC input on some of these items. Yes, we will just have to make the decisions as we go along. If we find that it would be more beneficial to our overall code package to look at some of these other code change proposals that we haven't had the chance to discuss at all, in lieu of coming back and talking about these, then we might take that route as well, or instead.

Dara [Speaker off mic] because I thought the purpose was to see if we had consensus and minority report.

Greg Well, if in fact, if we get through two or three of these in that 2:45 timeframe, if these in fact do go faster, then presumably, even if we have seven or eight of these left, that's not a full-day meeting. So, presumably, some of these more complex issues come back with the next—I would presume the next round of recommendations.

Let's see how far we can make it. That's my understanding of what we're trying to do.

Derek Sure. I'm just saying I don't know what the agenda will look like next time. It could go in either of those two directions or maybe something else.

- Greg Okay, let's jump into the transfer shower.
- Arfaraz Greg, I just want to say that we don't really need to read the changes, revisions at a meeting per se because if we just read it [audio disruption], or you just wanted review to ensure that everyone's concerns have been addressed.
- Greg I think typically what happens similar to the charter, there would be some changes made, they'd be put out to you, and then we go through and say okay, does it look good, or do you have any—I mean, with the more complex ones. It's just an interim process, I presume, and that's exactly how it would happen.
- Arfaraz I was responding to Derek's concern about we don't have enough meetings to cover everything, all the code changes we need to cover. One way of reverting back to the group would be okay, after our January 31<sup>st</sup> meeting, get the revisions we made to public housing, to accessible changing stations, so on and so forth.
- Derek It seems like a good idea to me, although I'm not going to be the decision maker on this, but it seems like a good idea that in preparation for the March meeting that we, like we did for this meeting, that we send out all of the code change proposals that we're developing at any level, even if we don't get a chance to talk about them at the meeting. At least then, you're informed, and you have the next set.
- Greg Let's move to the next topic. Eugene, quickly.
- Eugene Okay, I just want to ask. I want certain clarification. These drafts, I stress draft proposals, it's okay for us to circulate them to people that we feel can provide input in the different communities we're involved so we can then respond to them?
- Derek Ida said that that was okay. She emphasized it's a draft.
- Eugene Not something to introduce, but I mean if we at least put that when we share them people, our constituents, so I just wanted to be certain we can do that.
- Greg Yes.

Susan

Alright. Transfer shower. For as long as I can remember, the option for a transfer shower has not existed in Chapter 11B in my life of being a code user on the outside, and definitely after coming to DSA. We've been talking about this for a while, and what we've heard from various persons who have come to our meetings, and I've heard this in some of our training sessions, the question has come up repeatedly.

Especially what we're looking at is what we've heard from users of mobility devices that they're rather frustrated that in California this option for a 36 by 36-inch transfer shower, say when they're going to check into a hotel room, anywhere across the United States, this is allowed. It's not allowed in California.

So, we started to take a look at this and started to think about okay, understanding when you're not someone who uses a mobility device, you try to do the best that you can to think about how someone who does a mobility device what they need and how the design of a shower compartment can impact their use of that shower compartment.

Another thing especially was the Access Board starting putting the videos on their website, and they actually showed this is how someone uses a transfer shower and how they can leave their mobility device outside the shower compartment itself, and then transfer onto a seat. Then, when they do use that transfer shower, even though you might think wow 36 by 36, that's kind of tight, but think about somebody who's sitting on that seat, and they want to reach forward, and they want to reach the shower controls or the handheld shower, they want that close to where they're seated within that shower compartment.

They don't necessarily want to use the type of shower compartment where you have to roll your mobility device into that shower compartment, and then you're going to try and use the handheld shower, or you're going to try and turn the controls on, and it can be difficult to keep your mobility device dry.

Then, I started to think about the different types of mobility devices. If somebody's using a walker or for some people that are able to use crutches, they use a mobility device, so they'll use a motorized wheelchair, but they're also able to walk just enough, not great distances, but they can just get up enough and potentially uses crutches and be able to transfer.



So, the more we started to think about this and started to take a look at it, we just thought you know, we need to write this into the California Building Code, so we're not removing an option that would be a more viable option for persons using mobility devices.

So, basically, if you went through these various code change proposals that we have here, and we have 608.2.1, 608.3.1, 608.4, 608.5, 608.7, and 608.10. All of those are addressing the different requirements for the 36 by 36-inch transfer shower, whether it's the location for the seat or for the controls, and basically what we've done here we have pulled these provisions directly from the ADA Standards.

You can see here now, if you were to take a look at this section, 608.2, you would see that there was an exception there that said reserved, so what we're going to do at 608.2.1, strike that reserved, and instead again we take the language from the standards and incorporate all the provisions for the 36 by 36-inch transfer shower.

The other change that we made because we've had this question repeatedly—Jessica if you would open up 224.4—I'm sorry 224.2. If we take a look at this, because what happened, people would ask the question okay, if I have the total number of required rooms, and then I see the number of rooms that are required with roll-in showers. Then it says the minimum number of required rooms without roll-in showers, well what does that mean?

So, if you scroll down a little bit further, you can see what we intend to do with this portion of the code is what we've done is we're putting in a footnote in this table. So, then when you take a look at that minimum number of required rooms without roll-in showers and, Jessica, if you would scroll back down, then you can see what we're proposing. There's footnote number one, and there's a footnote number two.

If you scroll just a touch further, then you can see it says provide either a bathtub compliant with Section 11B-607 or a transfer type shower compartment with 608.2.1. Then, footnote two, you can provide either a standard roll-in type shower compartment or an alternate type roll-in shower compliant with Section 11B-608.2.3.

So, we're clarifying the table so people can figure out which type they need to use, and then we're incorporating the transfer shower into Chapter 11B.

So, with that, comments. See how easy? Yes.

Kaylan

This is Kaylan. My first word I wrote down on my notes last week was yay. This opens the question—could you go back up a little bit to the top of the chart? When somebody's trying to find ADA Standards and CBC in smaller facilities, there's a difference between ADA requirements and CBC, and smaller facilities end up having to provide more accessible rigs because of the difference.

I don't know if this is an opportunity to clean that up. It's not what you have there, but I guess my question would be how did that come about and why.

Susan

You mean before—

[Speakers off mic].

Susan

That we had to go back and figure out when that code change was made, and I think the other part that is confusing the way it is right now is when people look at this, they'll say I need the minimum number of—in California—they'll say I need the minimum number of rooms with roll-in showers, the minimum number of rooms required without roll-in showers, but in California the only other option you would have is an accessible bathtub.

So, I think there was always that confusion, too, and then we were hearing from people where they would say we're just altering small hotels, and the architect felt it would be better. We need X number of rooms with mobility features, and let's say it was eight rooms. The architect has decided I think it would be better I'm just going to make all eight of those rooms have the roll-in showers, and we won't specify any bathtubs in those rooms.

There's a whole lot of confusion over this, so hopefully with those footnotes and incorporating the transfer shower back in, we get that other option for people and can clarify this, but we can take another look at that table and see if we need to tweak a little bit more.

Gary

Doesn't federal [audio disruption]?



- Kaylan It's matching the ADA verbiage.
- Susan Like I said, that's why when we discussed this, we thought at the very least what we could do is put that footnote in there, and I think that would help tremendously.
- Derek Usually in the code it would be presented all on one page, and you wouldn't have to scroll to the next page to find the bottom of the table and the footnotes, so it should be all together and convey, I think, more clearly what is meant by without roll-in showers.
- Arfaraz This is Arfaraz. I just want to support what Susan just said. We're finding that a lot of our permit applicants are coming in and replacing tubs with roll-in showers, and there's some facilities that go all roll-in showers and no tubs. So, it's a good point that she brings up. Are we going to require tubs when no showers are being provided?
- Gary Federal requires—
- Susan Right.
- M Or transfer showers.
- Susan Yes.
- Arfaraz Okay.
- Susan Yes, because bear in mind that we cannot go lesser than what the standards require, so we couldn't change this table and require only roll-in showers or showers.
- Arfaraz Okay, then the second question is under transient lodging 11B-806.2.4 makes reference to roll-in shower compartments compliant with 11B-608.2.2 and 2.3, but there's no mention of 2.1, so are you going to insert 2.1 there as well?
- Susan We'll take another look at that, but that's the section for the roll-in showers because when you take a look—and, again, it's just a matter of taking a look at the different sections where the transfer shower would be in the technical requirements, and we won't go through every one of those, but then you need to take a look at 608.2.1, 608.3.1, 608.4.

Arfaraz I suppose 608 [audio disruption].

Susan Oh, gotcha. Sorry. Okay. Yes, we'll take a another look at that because it says it has to be compliant with 11B-603, but we'll be sure that those provisions because if we take a look at that, we want to be sure that we take a look at all that, the transfer shower. Thank you or that. Yes. We'll double check that and be sure that it refers you over to the proper section or that is also included for the transfer shower.

Greg Okay. Who's going next?

Stoyan I will stick with [audio disruption] a little bit from the table. The transfer shower, or lack of transfer shower in 11A because in the transfer shower we have 42 by 48 inch, and when it first adopted I was going to say I wasn't born. I was, but I wasn't.

The deal was based on the old files I'm digging into, the idea was putting 42 by 48 somehow during the years 42 and 48 minimum, so now we have a whole bunch of different sizes, and a lot of people complaining that the shower is not accessible, which it's really not, and 36 by 36 inches is a good option to have really a transfer shower. So, if you say it's accessible on that, we support what they do, and we will follow during the next code adoption cycle if this does succeed.

So, we'll go together with them, but we're not planning anything for this adoption cycle. So, again, we are in full support of that.

Susan Okay. Those are absolute dimensions when you look at the transfer shower. So, you get a construction tolerance, but bear in mind that's very minor dimensions, so that 36 by 36 is absolute.

Greg Okay. Anything else on the transfer shower?

[Speakers off mic].

Greg Okay, so let's move—I guess to contrasting stripes

[Speakers off mic].

Derek Okay, good. Over the last couple of years, DSA has received a number of comments about our requirement for contrasting stripes on the play

equipment that is provided on the transfer steps, and this is a contrasting stripe, the same that we would see on stairs.

Now, the comment, the several comments that we've received over the years were that the play equipment manufacturers were claiming that it was an alteration of their equipment and that therefore they would not be covered under the warranty for the play equipment because their product was being altered inconsistent with their design.

So, DSA is seeking additional input on this item. We've drafted it up because we want to be able to show you what the code language would look like if we did go ahead with this, but the basic thing is to remove the California only requirement for the contrasting stripe on the transfer steps of play areas.

Gene, do you want to take the first comment on this? I know you have a comment on this.

Eugene

The contrast stripe assists somebody with low vision to distinguish the different change in elevation, and often but not always, a lot of times if a person has low vision, they have impaired depth perception, so some people climb steps that looks like a ramp to them without anything to break it up so that they realize that is something that elevation changes.

I think with the 2013 code cycle, the stripe was put there because of the low vision community where parents with children with low vision said there was a safety need there as just as much as access for them. The thing that can be lost when it can add to the safety, this is identified, and this concerns in at least 4,000 legally low-vision children in California. Then you have other multi-disabled children that have vision problems, which I don't have those statistics.

There's a large number of people that have children that sometimes they don't even realize they have visual problems, and it hasn't come to their attention. This is a safety factor for the fully sighted, too.

There's a lot of safety research that shows the striping benefits person with full vision, not just low vision people. So, I really would like to see that, and the thing is I've suggested that rather than just automatically just removing it because individuals or possibly manufacturing associations announced either to task force in bringing all the stakeholders in to talk about it, and I think that's preferable, but the other one would be kind of

what the adult changing space coming up with new construction of the installation of new play equipment that has transfer steps being required by 2020 to have the stripe.

Then, do the similar one where altered, the alteration may because I don't know for a fact, but we have possibly some new steps are modular. These units where [audio disruption], and you put a new one in and see that they all get stripes. So, that's what I've shared, and those were my comments for now.

Greg So, the idea is deleting this contrasting stripes.

Eugene I'm saying retaining it right now, and let's do some other things.

Greg Okay, you're supporting retaining it. Vidal, and then Arfaraz. Go ahead.

Vidal Gene describes what I suffer from. I lose depth perception when those stairs are there, but I've learned how to use my cane to detect that. What we're talking about here is different. One of the things that can be used is an anti-slip device on steps so that can be seen, but it also suits the purpose of slipping on the edge of a step. I know there's some stadiums that have pretty steep seating that has them that way. It's a detector, but it's also used for slipping, so it prevents some slipping to occur.

That might be the way to get the manufacturers to do that. It suits a dual purpose. Sometimes just one reason isn't enough. In this case with steps, that could use a dual purpose. That might be something.

Greg Arfaraz.

Arfaraz If I'm reading the proposed code changed correctly, there is a rationale, but there are comments that DSA has received that reports that altering play systems to add contrasting stripes deletes the warranty.

We don't come across, at least in our jurisdiction, we don't come across too many alterations of play system that doesn't necessarily involve [audio disruption]. In that case it's a new system, but perhaps there are—

Derek What the manufacturers are saying is that applying a contrasting stripe onto their product voids the warranty because it's an after-market modification to their product.





Soojin In that case, [audio disruption].

Greg Okay, very good. Any further business on that?

Derek I think we've understood the sentiments of the committee. Excellent. Perfect.

Greg Okay, let's go to the accessible toilet compartments next, 11B-604.

Derek Okay, 604.8. Currently in the code, we have incorporated language from the ADA Standards. That language tells us that this is about toilet compartment storage. This is to for the accessible toilets. This part says storage shall be located in the front partition or the side wall partition farthest from the water closet.

Where located in the front partition, the door opening shall be four inches maximum from the side wall or partition farthest from the water closet. Where located in the side wall or partition, the door opening shall be four inches maximum from the front partition.

Now, in a practical sense, this means that in a multiple-accommodation toilet room, which quite often has a series of toilet stalls in it with the larger compartment, the accessible compartment at the end of the row, in a practical sense and a literal compliance with what we have in the code and the ADA Standards, generally leaves to a design where you're entering from the side wall or side partition of the compartment, and if the door is located within four inches of the end of that side wall, that puts it against a wall that's farthest away from the toilet fixture itself.

Now, this has been something that DSA recognized was different from the old ADA Standards because in the old ADA Standards they said go comply with this figure, and the figure illustrated an end opening toilet stall, and it showed I think a dashed line from that corner on the side compartment. I guess it showed the alternate location for a side entry door.

We've researched this a bit. We've reached out to the Access Board. The Access Board they say they look at this language, and they say well, if you're going to put the partition door that's on the end of the stall, then yes, the four inches maximum style width would apply.

However, if you're looking at the side partition of the compartment, and the door that's in the side partition, in their scenario would expand from wall to wall, they say you don't have an end partition, so therefore you're not limited to locating that partition door within four inches of the wall. They simply look at this last sentence here, which says where located in the side wall or partition, the door opening shall be four inches maximum from the front partition.

Well, of course, in those cases where you have a partition that spans from wall to wall, you don't have a front partition the way some people look at that, but you have a wall out there on the other end. So, the Access Board has commented that the four-inch limit wouldn't apply in that case.

We've taken this in. We recognize practical difficulty and the impact it has on a lot of toilet rooms because a lot of designers would like to place on that opposite wall the lavatory. It's kind of a typical location for them and that if that compartment door could be located further than four inches from that end wall, that the lavatories could be located there, and the economical design could be further. They could get the same amount of fixtures in the space.

Arfaraz [Indecipherable].

Derek Yes.

Arfaraz It would be easier for some folks in the room to get a better grasp of what you're saying if you show them the figure in the access manual. It's on page 243.

Derek It's getting the access manual first.

Arfaraz Doesn't everyone have a copy? We all got a copy. It was free. It's on page 243 if you have it.

Derek If you could help, Jessica, to locate the 2010 Standards.

[Speakers off mic].

Derek Oh, our guidance. Yes. Okay, got it.

Arfaraz You really didn't have to change the figure as well [audio disruption]. I'm happy to pass mine around if it helps.

Susan [Speaker off mic].

Derek Right, and what page was that on?

Arafaraz On, 243.

Derek Great, 243. That's a good suggestion.

[Speakers off mic].

Derek We're almost there.

Jessica I'll get there eventually.

Bob No pressure.

Susan There you go.

[Speakers off mic].

Derek That's the one. Great. So, this page figure is taken right from the 2010 ADA Standards for accessible [indiscernible], and you see here that they say that a door located in the end partition of the compartment can only be four inches away from this corner of the compartment. They call this [indiscernible], just to let you know. But, when they show this dashed door, which is the alternate position for access from the side wall, and here they say four inches maximum also. Now, just to point out a few significant differences that California has with their accessible compartments versus the compartment dimensions that are required under the ADA Standards, California accessible compartments are significantly longer, usually on the order of three feet or so longer. It's just a bigger requirement that we have in the building code, so we far exceed the federal standards on this issue.

The situation that I was describing, the scenario I was describing is where if this is the wall on the opposite side of the room, and instead of having an end door here, if instead these compartment walls or compartment partitions went all the way through this wall, then accessing through a partition door from the side, the question is whether that partition door has to be all the way within four inches of the wall here or if it could be permitted to be at some other dimension.

Now, the reason why it's typically required to be diagonally opposite from the water closet fixture, from the toilet fixture is for maneuvering space and getting into and out of the toilet compartment. An individual can come in straight, and then back into the area and do a side transfer. Similarly, here they can do a T-turn and position themselves for transfer to the toilet as well.

So, that's the question that's on the table. It's whether the four-inch style for the side door should also be limited to four inches maximum.

Greg Gary, and then Lewis and Dara.

Gary Just a comment. This is probably one of the most written up items that I do as an inspector as a CASp on existing buildings and as a building official of new construction, but I do find that when they do over exceed, not if it's five inches or six inches or so, but if it's sometimes you'll get a foot or two feet over, and the closer of the door then doesn't offer it. So, it opens so much that because of the enclosures on those doors where they have to be self-closing is from the hinge at the top.

Derek You're speaking of the gravity hinge?

Gary Yes.

Derek Okay.

Gary So, it prevents it from being self-closing. That's the issue that I would see coming up.

Derek How is it that it prevents it from being self-closing if you're using a gravity hinge on a side door when the partition is—?

Gary Because it opens too far.

Greg Okay, so this door would open too far out, and it would just stay open.

Derek Okay, so it's gone beyond the limit of the gravity hinge.

Greg Lewis, you're next.

- Lewis I'm all for getting rid of that design. There's enough requirements for the clear floor space and maneuvering space and the door access in and out whether it's in-swinging or out-swinging. That's the other thing that this doesn't show that if it's an in-swinging door, I've found lots of picture, I probably have 12 different drawings without configurations, and a lot of times the four inches, I write that up all the time. I've seen them 18 inches away because, you're right. With the latch right next to the door, but everything else complies except for four inches.
- Greg Dara and then Jihee
- Dara I can see on the side wall looking at the illustration why it has to be four inches, but if you're moving all the way down to the back wall, you might not have enough maneuvering room, so I think you have to be careful with that to ensure that there's enough maneuvering room inside the stall if you eliminated this requirement. I heard Lewis saying [audio disruption]. You have to be careful about that, I think.
- Lewis You have to meet all those requirements, the four inches.
- [Speakers off mic].
- Dara Right, but right now, you still can't come all the way down against the other wall because if they back up, they're going to bang into the toilet, so somehow you have to have some indication of where it can go.
- M [Speaker off mic].
- Derek Dara, if we were to look at this because this figure illustrates the ADA Standards and their compartment size, or the length of their compartment, is much less than what California requires. If we were able to establish a dimension out to this corner of minimum partition length, and then recognize in California we have a 34-inch partition door here, would that help us to maybe establish a minimum distance away from the water closet, the plumbing wall?
- Dara Yes. Whatever it takes to make sure you have enough maneuverability.
- Derek Yes, because we don't want it any closer to the plumbing wall.
- Dara Right.

Derek Okay.

Lewis I think that clarification really needs to be what the door is and what the clearance is around the door. I think that's more of an issue. I mean, if it's an out-swinging self-closing door, you need 18 inches on the pull side of that.

Derek The partition—

Lewis That's more the question that I get than anything else is it's the maneuvering space for that door and the four inches doesn't do anything. It's what's the door requirement.

Derek Just so you know with certainty, the partition door here is treated just like any other door, and the appropriate maneuvering clearances are required. However, a gravity hinge is not a door closure. So, where it's provided with just simply a gravity hinge, then you're not going to meet the requirement for the additional width to strike side clearances because you never get the closure and latch condition.

Gary But, if the door is still self-closure to meet the code.

Derek Yes.

Greg Jihee, go ahead.

Jihee I agree with Lewis. Because we have more requirements in California law, when you lay out, it never really comes into play. So, I'm happy to not see it in the corner. It doesn't do anything, at least for California.

Derek It sounds like when we have CASp going out and doing surveys that they're tagging this as a violation of the California Building Code.

Lewis Everything else is compliant. Door clearances are fine. The room clearances are fine except for that corner.

Gary Maybe with new construction, you can have them change out the whole panel [audio disruption].

Greg Sue, I'm going to jump you in the queue here if you have something to clarify.

- Susan Yes because there's been discussion about if the door swings in, and you look at the required maneuvering clearance for that door, first you have to stay clear of the water closet, but you also need to stay clear of the grab bar because that door maneuvering clearance if it's clear and unobstructed all the way up to 80 inches, so you'd have to—that maneuvering clearance cannot be overlapped by the grab bar. So, you have to look at all those controlling factors when you consider that door.
- Greg Ernest.
- Ernest The same thing that's been said, but my question is, is there something that—I mention this again, it's usually when I see it I see it with the in-swinging. So, you'll need to have something that 59-inch clear space for the water closet that that door can't swing over, so sometimes in the design, that four inches kind of saves a designer from accidentally pushing it too far over and the door swings into the water closet clear space.
- What was the original history before [indiscernible], the common deficiency that's found. Was there a real purpose that it was it on that side?
- Derek It's a federal requirement to begin with, so we really don't have a full history of the development of the federal requirement for this, but our understanding has been just that the door location was required to be, whether it's on the side wall or the end wall, was required to be diagonal to the water closet fixture.
- Ernest But, the four inches when it's on the side partition—
- Derek Was to force it to be as far away from the fixture as possible under the federal requirements. Now, California requires at least about that much more length of the water closet.
- Kaylan If the door swings in, California requires an additional 36 inches on top of that 59. So, that assures an even larger—
- Greg So, let's kind of pose it for this one, too. I mean I hear most people saying it makes sense to get rid of this. Is there anybody that thinks this should be kept in?
- Soojin I do have a question. If we can scroll up to figure 11B-604.8.1 [audio disruption]. I understand in-swinging we have enough requirements to

ensure that's it's furthest away, but if there's no compartment next to this accessible one, putting it in the middle of the stall, let's say, would that happen?

Derek That's exactly the question right now. I just have to ask you to use your imagination a little bit, but if this compartment were longer than it was minimally required to be, and the door stayed in the same position, let's say the compartment went out this far so that the end partition was out here, then yes, that would have the partition door in the middle area of the compartment because the wall would be out here. Then there's the partition panel up near the door.

Soojin If we don't have that extra space because it's not required for this configuration, all you need to have is 60-inches from the toilet, then looking at this diagram, without the 4-inch requirement, the door can be in the middle. It's not encroaching into anything, and that may be—

Arfaraz If I could speak to your question and pose it in a different manner. In figure A that you see on that screen, it's possible if you get the 4-inch requirement, it's possible to move that door opening all the way up to, and align it all the way with the edge of the water closet.

Derek Which is, my thinking is that's not a desirable condition. It limits accessibility.

[Speakers off mic].

Derek It might still meet the door requirements, so I could see that if we do go ahead with striking this portion of the language, maybe it would be a good idea to add additional language which helps to define how far away that partition door needs to be from this wall compartment.

Soojin Or, instead of dragging out the four-inch from the wall or partition, you can add it to say any obstruction, so having the lavatory and having four inches from the lavatory is in a way allowed. [Audio disruption].

Derek If this extended out to here like I was saying, and then you have a lavatory here along this other wall, that's a pretty common condition.

Lewis If you had 60 inches minimum to the inside of that door.

Derek From the water closet?



- Lewis From the front of the water closet. Then you have your 60-inch maneuvering space once you've gone in.
- Derek So, just because I don't—personal thing—I don't like to measure from the front of a fixture that may not have the benefit of a partition there to measure against, would you say that's 26 inches or so?
- Lewis What do you mean 26 inches?
- Derek What's the depth of a typical water closet?
- Lewis Twenty-seven.
- Derek Twenty-seven inches.
- [Speakers off mic].
- Lewis It can be longer.
- Gary Floor mounted is going to be 29 to 32 depending on—
- Lewis That's the fixture that you would select to go into something. Those are the things you have to coordinate all the time, but the critical dimension truly is from the front of the toilet to the side of that door so you have 60 inches of clearance.
- [Speakers off mic].
- Arfaraz I have a suggestion. How about putting in 12-inch minimum so that it can be less than 12 inches from the front edge of the water closet to the strike?
- Derek The strike is where the door comes in and strikes the partition wall.
- Greg Okay, well it sounds like you have some thoughts close to kind of deleting it, but a couple concerns that I think you've heard, maybe you do a 12 inch or leave it and add some more language.
- [Speakers off mic].
- Carol Thank you. I have three concerns. One of them is if we eliminate this picture, I get fatigued very easily, and I hate going to the bathroom where

the stall is way at the end, and the pictures that you have, if you eliminate this would sort of show that this is my preferred bathroom toilet area because it can be the first stall if they choose to make it. Eliminating this sort of implies everything has to be at the end, so my preference just from an energy conservation viewpoint is to leave this one.

My other question is somebody said that the door automatically swings closed. I've never been in a toilet room that—

Hannah Me either, actually.

Carol That is a concern if we have to write that in.

Derek In the men's room, the compartment door for the accessible compartment does swing closed. It doesn't latch.

Carol Does this apply to like the ninth bathroom like when you go in they actually have a door, or is it also then [audio disruption]?

Derek Partition panels?

Carol Toilet rooms.

Derek It would apply to both.

Carol Either one. Okay.

Greg Okay, well I think we've mined as many of these as we can today. It's 4:25, but at least we've made it through a couple of the bullets in the afternoon session so we can see what we have in front of us. That will help guide our agenda for the March meeting.

We did not get to today the discussion on the parking lot topic. I think there was a document sent out that highlighted some of those. Is there anything there that people want to make sure we specifically look at, and we can bring this back in March, of course. Is there anything that anybody felt was really pressing on the parking lot topic, which actually pre-dated my involvement with this? I just want to know if there's anything there we really need to be focusing on.

Otherwise, we'll just touch base with you next time and make sure you feel like everything's been covered.

Carol Can you verify what the date is?

Greg Yes. The next meeting is March 7<sup>th</sup>, and it's an all-day meeting, 9:00 to 4:00. Hopefully, everybody has that on your calendar.

Derek Is it 9:00 to 4:00 or 9:00 to 4:30?

Greg It's 4:30, yes. Thank you.

Jihee Is there an expectation from people who are volunteering for the committee for that?

Greg Yes, so I would like to connect up with the three of you, and maybe Ida and the five of us can get on the phone talk about next steps. I would presume we'd involve you in looking at the agenda and thinking about timing things, so yes. Plan on some kind of a—at least an email and probably a phone call. Does that make sense?

Jihee Is it Ernest?

Greg Ernest and Hannah and you, so the three of you. Yes.

Arfaraz Are the three of them going to reach out to additional in their group to get input on what should be on the agenda before they meet with DSA?

Greg You know, I think we probably need one call to just kind of organize and figure out exactly what it looks like, and then after that, yes, the idea is to get feedback from the other people in the small group being represented, so that can be on the agenda or any other topic that is put before the group. Does that answer your question?

We'll probably have one organizing call before just to make sure we know what we're doing, but yes, after that the expectation would be connecting back to the group probably a couple times between now and next meeting.

Arfaraz Thank you.

Greg Sure. Okay, thank you, all, for your attention and engagement, and I think we made quite a bit of progress even though there's a few left to do.

Susan Thank you to Josh, our AT&T coordinator. Thank you, Josh.

Moderator            You're welcome. Thank you.

Dara                    Thanks to Greg for facilitating.

Greg                    Have a great rest of the day.