



Final Transcript

STATE OF CA – DEPT OF GENERAL SERVICES: Access Code Collaborative

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SPEAKERS

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Hanna
Andrew
Debbie Wong

PRESENTATION

Participants who were farther away from the microphone were more difficult to hear. Transcription was difficult at times due to background noise, coughing, and shuffling of papers. Participants speaking over one another made transcription difficult as well.

Moderator Ladies and gentlemen, thank you for standing by. Welcome to the Access Code Collaborative call. At this time, all participants are in a listen-only mode. [Operator instructions]. As a reminder, this conference is being recorded.

I would now like to turn the conference over to our host, Ida Clair. Please go ahead.

Ida Thank you. Good morning, everyone. Welcome back to the Access Code Collaborative and the start of a new code cycle. This is our intervening code cycle, and I think our package probably starts to appear a little hefty, but I think a lot of it is just moving from one section to another, so it's hopefully not so overwhelming to absorb and process, but we will be discussing today housing code provisions, and if time permitting, we will address a few others that we have on the horizon or other miscellaneous provisions that will be coming in June.

I believe then we'll have a public meeting, and then we will bring any comments from the public meeting back to the Access Code Collaborative some time in July, correct. Then, we'll have another public meeting, and then if we need to we'll have another one in October.

I will have Derek cover the formal rulemaking timeline in a little bit, but first of all, I'd like to introduce our new facilitator, Mr. Bradley Morrison-Forbes. He will be joining us for the entirety of this code cycle, and so I will turn it over to Brad—do you go by Brad?

Brad Brad.

Ida Okay, to Brad.

Brad Okay, thanks, Ida. I appreciate it. Good morning, everybody. Welcome. Glad you all made it here. I'd like to go over a few things before we get started just to kind of bring you up to speed here a little bit.

First of all, we have the agenda written here. We also have paper copies for anybody. The same thing will be written over here, and I'll be going through this, so if we have any changes to make, we'll make them to the flip chart here and just keep everybody apprised of any changes that we decide to make during the day.

I've taken the liberty of writing up the ground rules that exist as part of your charter, as part of this group, so I'll be watching for those and just quietly reinforcing them. If I see something, I'll give you a heads up and let you know exactly what we need from you in terms of the ground rules, but it should be okay. I'm expecting everybody is familiar with them. So, we'll just go ahead and go from there.

Let's see. One of the things Susan Moe and I have discussed is that we may, in order to kind of move this along easily, we might group some of the items together, the review items that we're looking at for proposed code changes. Some of these items show the citation or reference change, and so what we're going to do is take those as a group and just let everybody know what the particular change is. It just refers to that citation. Then, we will take anything out that has a little bit more substantive issue that we want to discuss. Okay?

So, if you have any questions along the way, please indicate by turning your name tag to the side like so, and I'll be happy to kind of acknowledge your question as soon as there's a break in somebody's speech. We'll do that as part of our process.

What I'd like to do is go around the room. I realize many of you have been to these meetings before, but what I'd like to do is to get a sense of who you are and familiarize myself with your names. So, if you wouldn't mind, I'll start here with Jihee.

Jihee

Jihee.

Brad

Jihee. We'll go around the room and get everybody's name and who you're with today.

Jihee

Hi. Jihee Lee, again. Nice to see you all. I'm representing facility owners.

Brad

Okay. Thanks, Jihee.

Gene

I'm Gene Lozano. I represent the interests of persons with disabilities, and I would request that if anything on the screen that you're pointing to that you read it out loud, since I'm totally blind.

Brad

Will do, Gene. Thank you. Is it Gene or Eugene?

Gene

I go by Gene.

Brad

Gene. Okay, thanks, Gene. Appreciate it.

Gary Gary Layman, CALBO, California Building Officials, representing building officials.

Brad Thanks, Gary. Appreciate it.

Ernest I'm Ernest. I'm representing certified access specialists.

Brad Thanks, Ernest.

Kaylan I'm Kaylan Dunlap. I'm representing people with disabilities, but I'm also a CASp.

Susan A CASp is a certified access specialist.

Brad Great, thank you. Appreciate it.

Soojin Soojin Hurr representing building and facility owners.

Brad Thanks, Soojin.

Arfaraz Arfaraz Khambatta. I'm with the County of San Francisco representing code enforcement officials.

Brad Thanks, Arfaraz.

Natasha Hi. I'm Natasha Reyes. I'm sitting in for Dara Schur today. We're both from Disability Rights California. We're a disability rights advocate.

Brad Thanks, Natasha.

Suzanne Hi, Suzanne Hempfield here with California Housing and Community Development within the policy and housing division.

Brad Thanks, Suzanne.

Lewis Lewis Springer, I'm an architect and a CASp, and I represent the [audio disruption].

Brad Thanks, Lewis.

Derek Derek Shaw. I'm with DSA.

Brad Thanks, Derek.

Ida Ida Clair. I'm with DSA.

Brad Thanks, Ida.

Susan Susan Moe with DSA.

Brad Great. Thanks, Susan. Appreciate it. Okay. Does anybody have any questions before—?

Susan I think we might have a couple people on the phone.

Brad Okay, so first of all, for the phone folks, I just want to make sure that you can hear me and hear what I'm saying. If you have any questions, please direct them to the moderator, and we'll get that message in here as quick as we can. I'll get closer to the microphone if I have to. Go ahead.

Ida Hannah? Is Hannah able to participate by—?

Hannah This is Hannah. I represent people with disabilities.

Ida Thanks, Hannah.

Brad Thanks, Hannah.

Ida Is Hannah the only one on the phone?

Susan Is there anyone else on? Kyle Krause, are you on the line?

Ida Well, Suzanne is here.

Susan He thought he might still call in.

Ida My question is there anyone else on the ACC? I think we're all here.

Susan I think so.

- Ida If Hannah requests to speak, how is it best to acknowledge that she wants to address the group since she's on the phone?
- Brad Just ask. We'll hear her voice, and we'll acknowledge it in that case. Okay, so does anybody have any questions before we get started? Yes, Gene.
- Gene I'd like to reinforce it's helpful for me if when each of us speak that we identify who we are. I'm guilty of [audio disruption].
- Brad Okay.
- Gene It helps me discern—
- Moderator Pardon the interruption. This is your AT&T moderator. If you're speakers could get closer to the microphone, it is very difficult for your phone callers to be able to hear the speakers that are further away from the microphone.
- [Speaker off mic].
- Brad Okay, so let's speak up a little bit. We just adjusted one microphone. Go ahead, Gene, do you want to try again?
- Gene I'm just asking if, again, reinforcing what's been said already that when people speak up they first identify themselves with their names so that I can—it would help to associate a person's name with their voice just to get reacquainted. It's been a few months.
- Brad Okay. Sounds good. We'll do the best we can, Gene. Don't hold us to perfection, but we'll do the best we can.
- Gene I'm guilty of—
- Brad Me, too. Okay, great. Thanks, a lot. Derek—
- Derek Actually, Sue had gotten my point. I was just going to suggest that everybody speak loudly and clearly, not only for the people participating through AT&T, but also so that our transcript can be adequately captured.
- Brad Okay, great. Sounds good. We have a new visitor here.

Ida I'm going to put him up here right next to you.

[Overlapping voices].

Brad Welcome, Andrew, California Building Industry Association right?

Andrew Yes.

Brad Okay, great. So, that's about it. Are there any questions before we start? The format on anything? Everybody knows where the restrooms are? Through the door right here. Refreshments in the back. Just when you feel like it, get up, and move. That's okay.

We will take organized breaks throughout the day. Our first one is coming after the first slew of changes. Okay? Yes, Derek.

Derek Brad, would you be so kind to ask our first half who didn't get a chance to check in early around the perimeter of the room to introduce themselves?

Brad Oh, I'm sorry. Yes.

Debbie Good morning. Debbie Wong, DSA.

Brad Hi, Debbie. Sorry, we missed you in the first round there. Anybody else? I think Jessica's here. Okay, we'll get Jessica when she comes back in. Thanks a lot. Sorry, Debbie.

Why don't we go ahead and get started? What I'd like to do is start by introducing Susan here to talk a little bit about the activities since the August 14th meeting.

Susan Thank you. This is Susan Moe, DSA, and what we've been doing since the last Access Code Collaborative meeting, what we've put together is a Detectable Warnings Regulations task force because we realized that detectable warnings are one of the items in the code that I think are more difficult for people to try and figure out where they need to be located, and there's quite a few issues around the requirements for detectable warnings.

So, our intent when we put together this task force, what we really wanted to understand was how persons with low vision or no vision how they were able to take cues from those detectable warnings as they navigated through their environment, but then we also needed to understand how users of mobility devices, how they were impacted by the placement of some of those detectable warnings. So, this is one of those items where we look at it from two different perspectives, like I said, how people are impacted and how they navigate using those detectable warnings.

Then, we also had code users and building officials who were a part of this group because we wanted to hear from them, too, what were they seeing in plans that were submitted and that they had to review for people who were trying to figure out where do we put these detectable warnings, and what's the right placement for it.

We had a series of five meetings. We started at the end of January, and we just finished up at the beginning of May, and the participants we had people with low or no vision, people who use mobility devices, there were code users, there were some architects, and then also building officials. It was a really helpful series of discussions because it really starts to help you to understand some of the more minute issues when you start taking a look at where these detectable warnings are placed and how people actually interact with those.

So, our next steps, what we're going to do because we had a fair amount of information that was submitted, there were questions from building officials. They also submitted some plans. There was some research papers that were submitted.

So, what we're going to do is digest that information and then potentially develop some proposed code changes for what we can do and what we might address in Chapter 11B for the scoping and maybe not too much for the technical provisions because some of that realigns with the federal requirements, so there might not be a whole lot that we can do with those provisions, but at least we're going to start taking a look at are there some code changes that potentially we might be able to take a look at in this code cycle.

Then, once we get those proposed code changes put together, then we'll bring that to you at a future collaborative meeting. So,

that's what we were doing with the Detectable Warnings Regulations task force.

Then, what happened in our last rulemaking cycle, and really as I take a look at this and what's going on with the housing provisions, I think it's a continuation of where we started in the 2012 rulemaking cycle and how we're sort of moving step-by-step—oops, our screen went blank. Oh, no. We have to sign back in. Don't watch. Did anybody watch when I put my password in?

So, what happened, and like I said, as I look at this with our scoping and technical provisions for housing, we actually started back in 2012, and I think every rulemaking cycle we've been sort of moving forward with what we're doing with our regulations for housing.

What happened in the last rulemaking cycle, we did have some provisions that were adopted by the Building Standards Commission, but we have four items that were withdrawn. Two of those items were definitions. One was the definition for public housing; the other one was the definition for public use. Then, we had an administrative section, and we're looking at the citations for our authorities, and then the final item that we were taking a look at in the scoping provisions, it talks about when residential dwelling units are offered for sale so that the other items that were withdrawn.

What's happening with that, the 29th of this month, we have a meeting scheduled, and that meeting is with the group of stakeholders who were intimately involved with that discussion of those four items. So, we're going to bring that back to that group, have discussions over those four items, and then we'll bring that forward in one of the future collaborative sessions.

So, what we are doing today on a lot of these housing provisions that we're going over, like I said, it's sort of that continuation of where we're moving Chapter 11B as we take a look at what's happening in housing because in the 2010 of the California Building Code, DSA adopted all of Chapter 11A. Well, then when we went to the 2012 rulemaking cycle, we realized we couldn't do that because there were issues with the common areas that it would no longer work to adopt all of that in 11A.

So, at that point, we brought in the scoping provisions for the number of units, the ground floor units. We also continued the adoption of Division IV in Chapter 11A, and then the adoption of the site impracticality test, and now we're sort of moving into that final phase of bringing those provisions into Chapter 11B, so then we won't adopt any of Chapter 11A. So, that's what we're going to go over when we go over our housing code change proposals today.

Basically, that's where we are. Next, I'm going to turn it over to— oh, do you want to see if there's any—

Brad

Yes, Lewis.

Lewis

Are there meeting notes available for the Detectable Warnings task force to look at?

Susan

Yes. We have all the transcripts, and we have all the information. What we can do is we can share that link. It's all uploaded into the box.

Ida

I thought it was on our website, too, is it not?

Susan

I don't think it's on our website, but all of that is available in the box.

Lewis

Okay

Susan

So, yes, we can share that with you.

Lewis

Perfect.

Brad

Anybody else? Any other questions for Debbie while she's up?

Susan

Or, Susan.

Brad

Susan, I'm sorry.

Susan

I don't have a name tag. How can you tell?

Ida

We're getting one for you right now.

[Overlapping voices].

Brad Thank you, okay. By the way, Jessica is here. Jessica, would you like to introduce yourself?

Jessica I'm Jessica Axtman.

Brad Also the person with the lunch order. So, very important. Okay, great. So, now that you've heard from Susan, let's move onto Derek and hear a little bit about the formal rulemaking.

Derek Thanks, Brad. I'm Derek Shaw with DSA. Next, I wanted to go over—

[Speaker off mic].

Derek What I'm going to go over today are some of the general aspects of the rulemaking cycle. Now, DSA is one of many state agencies who propose code changes to the Building Standards Commission, and while I know a lot of folks have gone through a lengthier discussion of our place in the rulemaking cycle, this one is going to be a bit briefer, and hopefully for anybody who's new here today, this will provide some level of insight. Of course, we're always available to answer any questions you may have about the rulemaking process.

Okay. So, Sue, can you—

[Overlapping voices].

Susan Just let me go back to that and scroll back up. Yes, this is what we want to share. There we go. That's the first one. You want to see the entire slide.

Derek Yes. That would be great. We do have a series of slides here today. I'll be going through each of the points and, Gene, I may not read word-for-word what's on the screen, but my intent here is to paraphrase, at the least, everything that's on the screen.

Okay, so, the first slide is Code Adoption Cycles. There are two types of code adoption cycles. They are the triennial, in other words every three years cycle, and the intervening code cycle. During these code cycles, state agencies can propose changes to

Building Standards. This is regulated under California Building Standards law, and it requires all of the submitting agencies to submit their code change proposals to the Building Standards Commission for review and approval prior to actually being codified, included in the printed version of the code.

Each building code has a three-year lifespan. So, we've had the 2013 code, we've had the 2016 code, and the 2019 code is in the process of being published right now. That's going to take effect January 1, 2020.

Now, the triennial code adoption cycles, those correspond and precede, usually by one year, the actual named or dated editions of the code. So, for the 2019 code that's coming up, those changes were proposed and approved during the 2018 triennial code cycle. The code cycles are designated by the California Building Standards Commission. Sometimes you'll see that abbreviated to CBSC, and sometimes it's simply BSC, but in either case, they're still referring to the same body, the California Building Standards Commission.

Now, the intervening code cycle is the one that's in between. It's the code cycle that's in between. It's offset by 18 months. So, the intervening code cycle is what we're working on right now. We're just at the beginning of the process, and ultimately, each intervening code cycle leads to a series of code changes that are approved and that are printed for the building codes on the blue changes. They're issued as a supplement to the basic edition of the code, 2019, for example.

Okay, now the Building Standards Commission has published a timeline for the 2019 intervening code adoption cycle. That timeline identifies significant dates throughout the cycle. This is just a little bit blurry, so do we have printed ones?

Susan Oh, yes, actually—

[Overlapping voices].

Susan There you go.

Derek

That's a little better. Okay, good. So, the timeline starts out in January 2019, and it ends with the effective date of the supplements to the code in July of 2021. So, that's the full extent of the timeline. We are within this code cycle right now. The first section of this timeline identifies January 2019 through December 2019 as the time period for state agency workshops. This is generally considered the pre-cycle time period.

In December, the agencies, including DSA, will be submitting our first formal proposals, well our first proposals of the code changes, and we'll be submitting those in December of this year. Those will then be complied by the Building Standards Commission.

They'll be made available to the Building Standards Commission Code Advisory Committees, and there are, I believe, five or six the code advisory committees, and they handle different issues. One of the committees is for access, and so our access proposals are reviewed before this code advisory committee of the Building Standards Commission.

These code advisory committee meetings are going to be scheduled in February and March of next year, and then during those code advisory committee meetings, we have the opportunity to receive comments from the code advisory committee members as well as any public comments that come in at that time.

DSA, as well as the other agencies, we then take those comments, we study the comments, and we consider how those may affect our various proposed code changes. We can make revisions at that time and prepare for our first formal submitting to the Building Standards Commission.

So, then our next submittal is the first formal submittal. That time period is going to be towards the end of March and April of next year, and after those submittals, that kicks off our 45-day comment period. This is a time period where the code proposals are posted online, they're sent out to interested parties, and anybody and everybody can submit comments to the Building Standards Commission about our proposals.

The Building Standards Commission then receives those comments. They retain their copies of it, but they also forward

copies over to the agencies, to us. So, then, we can start to study those comments that are coming in from the public. We can determine whether the comments warrant changes to our code change proposals, and then make any changes if we feel they're necessary.

If we do make changes at that time period, after the 45-day comment period, then any changes would necessitate either another 45-day comment period if they're significant changes, or if they're very minor changes, then only an additional 15-day comment period would be necessary. So, those either 15 or 45-day comment periods are always the opportunity for the public to comment.

Once we get done with the last 15-day comment period, then we at DSA, then we go ahead and make any provisions that are necessary. We will then submit our package for review at the formal hearing of the Building Standards Commission. The commission meeting on the timeline is projected to be somewhere in July or August of 2020.

Now, during that commission meeting, that's where the commission has the opportunity to discuss aspects of the code change proposals, the public will have the opportunity to present any additional comments either in person or via teleconference to the Building Standards Commission, and then the Building Standards Commission will take action on each of our items. They can approve our items, they can reject our items, or they can send it back to us or the other agencies for additional study, for further study.

So, those are the typical actions that occur at the Building Standards Commission. We, of course, are hoping for approval of all of our items, and we usually get pretty close to 100% approval, but sometimes we have items that aren't ready to be accepted, or they may have other good comments that come in from the public that call into question the appropriateness of some aspect of our proposals.

Okay, so that's in July and August of 2020. Then, we have an approximate six-month publication period, and that's where the Building Standards Commission staff, the state agency staff there

are busy working with the publishers, the International Code Council, IAPMO and the electrical code writers, to prepare the drafts to incorporate the approved code changes. At the end of that six-month approximate period, then we have a publication date, and the publication date has to be at least 180 days before the effective date.

So, that publication date is going to be in January of 2021, recognizing that then, six months later or 180 days later, is going to be the effective date, and that would be July 1, 2021. So, that's the timeline of the entire code cycle.

Alright, so as part of the development of the code change proposals, DSA always has to be very aware of what we can and can't do, and we want to make sure to share that with our collaborative here today just so that we're all understanding of what our abilities are and what our limits are here.

DSA does have the authority to write accessibility regulations for the built environment, for public accommodation, commercial facilities, public buildings, and public housing within the State of California. DSA does not have authority beyond these types of projects, public accommodations, commercial facilities, public buildings, and public housing. DSA also doesn't have the authority to write building code requirements for the State of Nevada or any other location outside of California, but we specifically have the authority here.

Second point is that DSA is a regulatory agency. We're not an advocacy group. Certainly our mission is to have regulations to ensure the built environment is accessible and usable by people with disabilities, but DSA does not carry out advocacy roles. There are a lot of advocacy organizations that do a very good job of advocating for the people with disabilities including advocating certain building code changes or requirements, and we receive code change proposals from advocacy organizations pretty regularly.

DSA develops accessibility regulations based on several sources. First of all, based on executive action. So, if there is, for example, an executive order by the governor, then if it impacts DSA and our regulations for accessibility, we would take that as a starting point

to develop code changes. Legislative mandate is another source for our building code changes, and so that would be where the legislature has passed a bill, and it's been signed in to law. So, that may create the starting point for one or more sets of code changes.

Then, much more common for us is that DSA becomes aware of a demonstrated need in the building code. That's usually identified by DSA ourselves, or it's proposed by others, which includes you or any other members of the public.

For each of the code change proposals that we do develop and that we do carry through to a formal proposal, DSA is required by Building Standards law to evaluate the impact of the accessibility regulations on all stakeholders.

Now, certainly, we would be evaluating the impact for the benefit of people with disabilities, but we also need to be sure to also consider the other stakeholders such as building owners, tenant organizations, code users such as architects, engineers who are using the code as a source for design, and building officials who are using the code to enforce the regulations. So, we need to make sure we consider all of those players when we're developing our code changes.

DSA does have enforcement authority. Our enforcement authority is kind of similar to the enforcement authority that is given to the city and county building officials within their respective jurisdictions, but DSA's enforcement authority is only for enforcement at public schools kindergarten through twelfth grade, community colleges, state buildings, University of California, and California State University projects. All of the other buildings and facilities get enforcement by other entities, generally the city and county building departments.

Okay, next slide. What is the demonstrated need?

Ida

Can I just clarify something just for a little bit of perspective? Can you go back one slide? Thank you. I just wanted to illustrate some of the actions that we've taken based on executive action with our regulations for electric vehicle charging. The governor issued executive action to expand electric vehicle charging infrastructure in the State of California. Because it was going to be so widely

spread, we determined we needed to write those accessibility regulations, which of course, are unique to California.

Legislative mandate, as you all know, that was the adult changing facility. The legislature had passed that, and we were charged with writing those regulations.

Then, demonstrated need, which Derek will cover in a minute, we have a lot of our regulations are demonstrated need, and they come from proposals that, you know, certain unique ones that we have in California are really for clarity. Baby changing tables, we've addressed those. We're going to be addressing water bottle fillers. So, we'll see that we get a lot of questions, and so therefore, we realize that there's a need to provide that clarity.

Derek

Great. Thank you, Ida. Gene.

Gene

A question just about the executive order and the legislative mandates. Let's say you get those executive orders, like the electric vehicle charging station, and the adult changing is legislative mandate, and it actually goes through the process. Can it actually get to the Building Standards Commission and be decided not to accept the accessibility code? If the legislature has gone and the governor signed it as a legislative mandate, or it's an executive order from the governor, can it actually die at the very end?

Ida

If the regulations are not clear, they can. It doesn't prohibit accessibility to those services because under federal law access is still required. What we provide is that clarity so that there's clarity and consistency, but it would not have prevented, say adult changing facilities from being accessible come the effective date which would have been January 1, 2020 for new facilities. There just would not have been any clarity as to how to provide that accessibility.

The same with electric vehicle charging. The charging infrastructure would have been provided, but there wouldn't have been necessarily clarity and consistency in providing accessibility to those charging stations, so access still would have been required. Did you want to add anything to that, Derek?

- Derek No, I think that covers it quite well.
- Andrew This is Andrew Kosydar with CBIA, I would only add that it just depends on how the legislation or the executive order is worded. If it's one of those things where it says hey, this agency shall consider it and look into it, and see if it's necessary versus this agency shall propose to BSC, X, Y, and Z. So, it's important to see what the legislation and the executive order says.
- Gene I was just wondering, let's say the legislation is prescriptive basically like a technical code simply saying the curb ramp is to have the running slope not to be any greater than 1:12 because it's already in the building code, but just say it didn't exist, it clearly specifies it like it is.
- Ida We actually do have a reference to that. Parking designations in California are actually specified in statutes, correct?
- Derek For the signage requirements?
- Ida And, on the floor, the markings. They're actually specified in statute, and we then memorialize them in building code because that way there's enforcement of them at the local level. So, that can happen, yes.
- Derek You know, sometimes the legislation is not something that DSA, as an agency, would have proposed otherwise. So, for example, there is an exception that was written into the ADA Standards for Accessible Design that provided an exception to providing an accessible route to—
- Susan Press boxes.
- Derek Press boxes.
- Gene Oh, yes.
- Derek Now, DSA had not intended to carry that exception into the building code, however, the legislature saw fit to mandate that exception in the building code, and so DSA then carried that exception into the building code. So, that's an example where even though we may

not always agree with the legislation, we're still obligated to carry out the wishes.

Gene But, in that case, the Building Standards Commission could not have basically killed it if they had wanted to.

Derek I don't know the answer to that.

Gene Okay. That's all.

Ida I think the clarity is that the Building Standards Commission is required to determine that DSA has followed the regulatory process and ensured that all stakeholders have actually had participation in the regulation. They could actually take objection with some wording, but in essence, it still would not invalidate that issue because it's a law. Regulations clarify and make specific laws, so just because a regulation is not put in place does not invalidate enforcement of the state law.

Gene Thank you for all the clarity. I appreciate it.

Derek Alright. So, I'm going to handle the rest of this presentation at a quick clip just because I'm starting to go a little bit over time here. So, what we're considering here at DSA and what the ACC must consider in working with DSA is whether the issue that's being brought to us is an enforcement operation or regulatory issue.

So, for example, an enforcement issue might be some aspect of the code that is not being enforced by the various jurisdictions. An operational issue is where sometimes we get comments that say that a hotel where a person tried to stay was not reserving their guestrooms with mobility features for people who needed those guestrooms. We would then look to see that the code requires those to be provided, but the reservation of those for people with disabilities is an operational issue. Or, is it a regulatory issue? Is there something wrong or deficient about the code that doesn't address the problem that's been brought up?

So, we're always asking if advocacy or training can produce the desired result by that accessibility. A lot of times, when we look at enforcement, DSA can see that additional training and the sharing of information with the building officials can help to improve the

enforcement, or advocacy, for example. Can advocacy help hoteliers to understand the proper procedure to make their rooms available to those who need them? That could be maybe another way to address problems with accessibility that we've become aware of.

Or, will building bundling code change address the issue? That's where we come in. When we make the decision that a building code regulation is necessary, we're looking to see that the regulation can be enforced, that the language is clear, and it will be readily understandable by the designers as well as the building officials.

Will the regulation create unintended or potentially negative consequences? Sometimes we get a proposal which sounds like a great idea, but we need to make sure that we don't jump too quickly to advocate or to support that code change. We need to make sure that we don't run into any unintended consequences, and it's a regulation that's reasonable to all who are impacted. That I had mentioned before.

Andrew Andrew again. I'm new to the street, so when do you guys evaluate the cost? So, if you are given a regulation, at what point is that considered in the process?

Derek Well, the cost is always considered from the time that we either initiate or identify a deficiency in the code or when we get a proposal from an individual or group. So, we're constantly evaluating the cost. Sometimes we're evaluating it more in general issues, but by the time we get to the formal submittal of the item for the 45-day comment period, we are preparing the economic and fiscal impact statements, which obligate us to identify the cost, if there are any

Andrew So, does this group consider cost [audio disruption]?

Derek Well, we don't look at the detailed calculations of cost. DSA may reach out to some people here who have particular insight into cost estimating for particular projects or aspects of code development, but I think we should always be mindful that a lot of code requirements do have costs associated with them, so we need to consider it. Ida.

Ida If I can just add to that. I think, in some ways that goes to item 6, is the regulation reasonable to all who are impacted. We have stakeholder representation, and if anyone is aware of those types of concerns, they need to voice them here because that way this is the floor where everyone else listens and determines reasonableness.

Cost is sometimes taken into consideration, and if a stakeholder has that concern, they should voice it, not that it's going to make or break a regulation, but it least that's what this forum is for.

Andrew Thank you.

Derek Okay, let's check for understanding that we're all on the same page about DSA's role. Here we have a graphic that is a kind of decision tree. The first segment in the graphic asks the question, is the issue already addressed in the California Building Code, the CBC. That's a yes or no question.

If it's yes, if the issue is already addressed and adequately addressed, we don't have any additional need to amend the code. If the issue is not addressed yet in the building code, or if the existing language in the code is not appropriate to the problem, then we would then proceed to the next question.

Would a new CBC regulation address the issue, and can the regulation be enforced by the building departments? If the answer to that question is yes, that's great. We can proceed. If the answer to that question is no, in other words, would a new CBC regulation address the issue, then we would typically look to other outside partners that we can work with to hopefully address the issue through other means.

So, for example, the California Commission on Disability Access, the CCDA, California Commission on Disability Access, we have ongoing dialog with them to address issues, especially with regard to businesses. The Department of Rehabilitation is another state agency that we work with quite a bit, and we discuss pertinent issues. Or, we have educational programs that we are conducting or that we partner with other outside parties.

So, what is the defined work here at the ACC in working with DSA? DSA will be sharing our draft priorities with the ACC for the ACC's feedback, and the ACC may present proposals to DSA to consider. Two, DSA finalizes its priority list for the code cycle, and we plan for how the ACC can assist in its development. In other words, which items do we want to bring to the collaborative here and continue to discuss?

So, in that case, number three, ACC and DSA can discuss and deliberate the individual proposals, and the ACC seeks consensus on their recommendations to DSA. Of course, we want the ACC to be as much in agreement as possible when review and feedback is given to DSA.

Then, finally, number four, ACC works to provide input and feedback on proposals as they move through the code cycle. Now, we have a graphic that sort of illustrates the iterative nature of developing code provisions, and here similar to what we've already said, it starts out with a good idea or a demonstrated need that's provided to DSA.

Then, we start to study the proposal. We engage with the ACC, we engage with public outreach, and this may happen several times in sequence. Then, ultimately, DSA continues ahead with the item. Then, DSA prepares a formal proposal with the submittal going to the Building Standards Commission.

Next slide, please. Of course, as we mentioned earlier, it goes to the Building Standards Commission Code Advisory Committee. The code advisory committee provides review and comments. Those comments are then considered by DSA, and it goes into another iterative cycle where we're refining the proposed regulatory language.

Eventually, as long as we continue to believe that it's a good proposal, then we'll refine it and develop it for final submittal to the Building Standards Commission, and if they approve it, wow, we get a regulation, and it makes it into the building code some months later and becomes effective six months after that.

I think that ends it.

- Brad Thanks, Derek. Anybody have any questions for Derek?
- Jihee Derek, all the work we did up through last year for the 2019 cycle, then the new publication is happening June or July this year? When is it coming in?
- Derek Yes, the codes will be published by July 1st, and they'll take effect January 1st of next year.
- Brad Okay. Kaylan.
- Kaylan Quick question. When does the advisory manual come out?
- Susan I'm working on that right now, so I'm hoping within the next probably month I'll have that put together.
- Derek Our goal generally is to have it come out concurrently with the printed edition of the code or just prior to it, but approximately that same time.
- Brad Are we ready to move on? Ready to move into some proposed code review? I'm sorry, Debbie.
- [Overlapping voices].
- Debbie --quick review for you guys. This is for transitioning ACC members, and it's a timeline. This graphic that I have up is a timeline, and it has three timelines: ACC activity, Group A which is Hannah, Kaylan, Gary, Vidal, Lewis, Soojin, and I was going to say Plan B, Group B is Dara, Eugene, Arfaraz, Bob, Dara, Jihee, and Ernest. From west to east the span was 2017 to 2023.
- So, now I'm going to go through the different timelines. The ACC activity—so, this timeline represents the minimum of five meetings that you're going to be involved in, and we're right here.
- So, for each term, you'll be involved with two code cycles, and back in September 2018, I guess it's the word, but when I was doing my research, you guys caucused about who would be part of Group A which means that you have a shorter first term, and then Group B which you guys will have a longer first term, and Group A—term one ends at December 2018, and you have all decided to continue

your involvement for term two because according to the charter, you guys were permitted to participate in up to two consecutive terms.

Then, Group B, so this affects you because your first term, which ends in June 2020 is coming up in a year, so at that point, you need to decide whether you're going to continue on with another term or decide maybe to find a successor that you want to further your stakeholders' interest and prepare them and inform them and share with them the activities we have involved.

Ida Can I just add to that? I wanted Debbie to illustrate this just so you're aware that this is your opportunity as you're doing your outreach to ask individuals hey, have you applied on the ACC. Are you interested in representing the stakeholder group? If you are, why don't you listen in on just some of our meetings because you can participate in listen-only mode and see what it's like and what we do?

If you're interested, I'm not going to continue, or if you are great, but if you don't have the ability to continue for a second term, we really want to encourage you to cultivate the next group of applications for your constituency group. From those applications, we will select an individual to replace you.

So, just keep that in mind and know that as you do your outreach that if you are not planning to continue according to the cycle— obviously, we welcome that you do, but if you don't, then it's incumbent upon you to really foster the next generation of participation from your constituency group in here, in the ACC.

Debbie If you want details, you can read the charter. We have all the details written you there, and I wanted to note that today's the first working meeting. The second is June 13th. Those are working meetings where in-person involved participation is preferred, and then we have August 8th, October 24th, and March 26th. Yes, Gene.

Gene Those dates, have they been issued? I haven't seen an email that said—

Ida No, I haven't communicated that. We did a Doodle Poll, and what we did was we looked at who could participate in both meetings,

and tried to balance those who couldn't participate today—there were a lot of meetings dates that were actually a tie, and so we looked at to vary the participation and be sensitive to the fact that if you weren't able to make a previous meeting, then part of the selection was that you would make the next one. So, that's how we determined those dates, so those dates have been determined, and we will send an email to everyone and let them know.

Gene It's not an issue. I just—last I heard, June 5th, and I had changed going to a conference because I thought it was June 5th, and so now June 13th. That's all. I was just trying to find out if they were definite dates that had been sent out. That's all.

Ida We will send that out.

Debbie Any other questions? Yes, Arfaraz.

Arfaraz [Speaker off mic].

[Overlapping voices].

Arfaraz I just wanted clarification on the August 8th. I know that the original Doodle Pool said it might be a Sacramento meeting or a videoconference. When you send this clarifying email, could you also clarify whether or not it's a videoconference or in Sacramento?

Debbie It likely will be because only the first two meetings are preferred to be in person because those are the real code-developing, working meetings.

Arfaraz Okay. All I'm saying is if you would clarify that would be great.

Ida Just to add to that. Sometimes we won't—I mean, it's our intent probably to make them a videoconference meeting at this point. It all depends on what happens at the public meeting to determine whether or not there's beefy issues to discuss we find that need to be addressed in person. So, it's our intent to have it videoconference, but confirmed sometimes is difficult.

Arfaraz When is the earliest you could confirm that?

Ida Likely after the public meeting, which is June? July?

Susan July 9th and 10th.

Ida July 9th and 10th. We have a two-day public meeting. Like I said, like last time, our plan is to do a videoconference because we hope that this group has done its job and really kind of fleshed out a lot of the issues, but we do need to defer to a public process.

Arfaraz Okay. So, at the earliest, we can expect four weeks before the August 8th meeting.

Ida Yes.

Brad Gene.

Gene Then, when you send all that, like, the dates of July 10th and 11th, if you can provide us all those dates and things so we can plan them in our schedules.

Ida Absolutely. Yes, I'll include all of the public meetings as well.

Debbie Okay. Thank you.

Brad Thanks, Debbie. Appreciate it. Any other questions before we move into the code review? How's everybody doing? Okay? We're running just a little bit behind, and I think we can make it up because we have this new sorting idea that we're going to present and see if that can speed it up a little.

With that, I'm going to turn it over to Sue and have her talk a little bit about a combination of articles that we're going to look through really quickly.

Susan I'm thinking what we can do in the first group of items—thank you. This first group of items, what we'll do because some of these, all of this is reference. So, it's just a one-item change where we're just actually just changing a code reference, so it's not really anything that we have to do a lot of discussion on.

So, when you take a look at this particular item, this is Section 11B-203.8, you can see here, and again, this is going along with what we're doing where we're moving away from our adoption of Chapter

11A, Division IV, so what we're doing in this particular section is 11B-203.8. So, you can see what the ~~strikeout~~ is Chapter 11A, Division IV, so we're getting rid of that. Instead, what this section is approved, how this would read is adaptable features compliant with Section 11B-809.6 through 11B-809.12.

Later on, after lunch, we're going to over—we're not going to go item-by-item through that section, but then we'll start to talk about how we pulled in all those requirements from Division IV into Chapter 11B.

The next item, 205.1. What we did with this item, this one is a little bit different. If you go to the 2010 ADA Standards, there's actually an exception there, and it's exception number 3. Currently, if you read through what's in Chapter 11B, it says reserved because when we went through the rulemaking in 2012, we did not adopt that section.

So, what we're proposing, the way this language would now read is where are two or more outlets are provided in a kitchen above a length of countertop that is uninterrupted by a sink or appliance, one outlet shall not be required to comply with 11B-309.

Now, what I've uploaded into the box in addition to these provisions are two floor plans, and what those floor plans represent is what's required by the electrical code. What we found in hearing from code users is in order to comply with the electrical code and meet those provisions, it was near impossible to make every outlet within a residential dwelling unit to make every outlet accessible.

So, what we'll do, let's go through these few items that we're looking at, and then when we're done with these few items, then we'll open all this up to discussion as opposed to just asking it item-by-item.

Next one is item number 11B-206.2.3. This is another where all we're doing here we're striking the reference to Chapter 11A, Division IV, and instead you're going to see that it would read, this says residential dwelling units with adaptable features complying with Section 11B-809.6 through 11B-809.12, so it's just a change in the reference.

Next item up, 11B-206.7. Same thing. We're just getting rid of that reference in Chapter 11A, Division IV, and replacing that with Section 11B-809.6 through 809.12.

Next item, and this is addressing public housing. What we're looking at here, because it's a change public housing, what they can do is at their residence request electric vehicle charging space and stations. So, what we're saying here is if they do that in public housing facilities, electric vehicle chargers are permitted to be installed at an accessible parking space assigned to the residents.

So, in other words, where a resident has an accessible parking space that's assigned to them, they could also have their electric vehicle charging station there if they so choose because what happens with electric vehicle charging stations when they're at other locations, they're not considered parking spaces, so you can't do that overlap.

What we're saying here is in public housing facilities, but specifically if it's assigned to the resident, then they could have that electric vehicle charging station at their accessible charging space.

Jihee

Susan, are you taking questions now?

Susan

We were just going through just a couple more. I only have one more, and then we can do questions.

Okay, the next one up, if you take a look at this particular section, it talks about when assigned parking is provided that Chapter 11A indicates the designated accessible parking for the adaptable residential dwelling units shall be provided on request of residents with disabilities. On the same terms, it was a full range of choices, and that's off-street parking, carport, or garages that are available to other residents.

What we're proposing is that we're just going to rewrite that note, and then we would say when accessible parking spaces are assigned to a resident, additional accessible parking may be required on request of residents with disabilities on the same terms and with the full range of choices that would be off-street, carport, or garage that are available to other residents. So really, all we did there, again, we got rid of that reference to Chapter 11A.

We'll open it up for questions.

Brad Okay, so Jihee.

Jihee The one for 208.1, this is about parking.

Susan Yes.

Jihee You know that additional section proposed to add, does that apply to in general residential facilities that exception, or do we need that? People could do it—do we need to say their permitted to do so? These days electrical charge all you need is just an outlet in the wall, so is that some special, you know, category where we have to actually specify that like that?

Susan Really, what we're addressing here is in public housing facilities, and I think our intent here is that we want to make it very clear because when we look at the provisions for parking, it says there that electric vehicle charging stations are not parking spaces.

So, we wanted to add this to make it clear that you could—because without this exception, potentially in a public housing facility, when someone has an accessible parking space that's assigned to them, and then they also want electric vehicle charging, then as it reads now under parking, they couldn't overlap those two spaces.

Brad We'll go to Lewis and then Derek.

Lewis In redoing all these codes, if you're designing a public housing facility, is now everything in Chapter 11B, and you don't go to Chapter 11A at all?

Susan Yes. If this gets approved, as you are doing a public housing project, you would just look to Chapter 11B. Part of the reason for—like I said, this is sort of a continuation of our process, and what we were hearing from code users is that this is so confusing. Can we just have one code that we take a look at? Then, understanding that that question always comes up at the federal level between the Fair Housing Guidelines and the ADA Standards in Section 504 for HUD. Well, we can't do anything at that level,

but what we could do when we looked at this we thought for Chapter 11B, we can incorporate it all into Chapter 11B.

Lewis So, if you're doing a private housing facility, you can still fall under both Chapter 11A and then any public accommodation that's within that housing would still fall under 11B.

Susan It depends. What you'd have to do is sort of overlay the two. So, let's say you were doing an apartment complex, 100% privately funded, you would look to Chapter 11A, but now they have a sales rental office. Then, you look to the place of public accommodation in Chapter 11B.

Lewis Okay.

Brad Okay. Derek followed by Arfaraz followed by Gary.

Derek Great, thank you. I just wanted to briefly add on to Sue's response to Jihee's question. Yes, currently in the building code, and this is broadly applicable to those types of projects that are covered by 11B, but right now no, you're not permitted to install electric vehicle charging equipment so as to create an electric vehicle charging station in an existing accessible parking space because you can see what happens then is that the use of that space, which is initially 100% for parking, now becomes diluted, and it becomes available for the electric vehicle charging. So, that takes away some of its usefulness as parking.

So, that's why we have the language already in the code that we see in Section 11B-208.1 that says for the purposes of this section, electric vehicle charging stations are not parking spaces. Then, the proposed new exception here reverses that for the public housing facilities where the parking space is assigned to the resident.

Brad Thanks for that clarification. Arfaraz.

Arfaraz I just want to voice my support to this because in public housing facilities, a lot of times you may not have parking facilities provided one-to-one for each resident, and so it's important to make that distinction where it says the parking space that's assigned to a resident.

The other situation is you may not have one-to-one for each dwelling unit in a public housing facility, and they sometimes create, some designers will create a pool of electric vehicle charging stations separate from parking spaces as [audio disruption].

So, hopefully that—

Susan And, we do, after a break, we have another section that we'll be taking a look at that it does address electric vehicle charging stations in a public housing facility where they're not assigned to a resident, and they're just for the common use of the residents. So, like I said, after the break, we'll take a look at that section.

Brad Gary.

Gary I don't know, my comment isn't on this, so I was just putting it out to comment on that section. Is this the time to do that?

Susan Yes.

Brad What section, Gary?

Gary I'd like to open up for discussion on the Section 11B-205.1 with the exception 3 for two or more outlets that are provided in a kitchen over a length of countertop that is uninterrupted by a sink or appliance. One outlet shall not be required to comply with 11B-309. If that could be changed not to just—we agree with that totally, however, if it could be a percentage like 50% in lieu of just one because some of those compliant countertops are utilized for appliances, such as toasters and microwaves, and then can be set back in a corner that isn't going to be accessible because that corner isn't.

At the same time, it would be able to coincide with 11B-809.12 which is 36 inches. That way the ability to use the electrical code for distances that go in the outlets and also the ability to provide additional outlets along that countertop that may not be within reach. So, just wanted to open that up.

Brad Gary, your suggestion is to change this to 50% in order to give the flexibility to—

Gary Yes, a percentage like that would be able to give the flexibility.

Brad Alright. Does anybody want to respond to that?

[Overlapping voices].

Derek Yes I do. I think on this item, we brought in the explicit language from the ADA Standards, and that only allows for one outlet not to be required to comply with 11B-309. If we were to use other language such as any percentage, the project designers would still be required to comply with the ADA Standards, so even if we changed it, the project designers are still only going to be limited to one outlet because they'd have to comply with the ADA Standards. So, it might not be consistent with the ADA Standards if we were to change this.

Gary I see.

Ida I know that Arfaraz is first.

Arfaraz Actually, just to follow up on Derek's point, I think with mobility units, as you rightly point out, only one outlet is allowed to be inaccessible, convenience outlets, like the ones you described. So, if you have three or four, then the ADA only allows one, and by putting in 50%, it would be less restrictive in mobility units.

However, the idea of 50%, I think is a good one if we want to introduce that as a description for what used to be, still is 1136A where it says—I don't have the exact language off the top of my head, but it's vague at best, but the language you are suggesting is from ANSI perhaps with 50% comes from ANSI if I'm not mistaken.

So, it might be a good idea to have that for the adaptable units, but not so much for the mobility units where the ADA would be more stringent.

Brad Okay. Your suggested code change to that was—

Arfaraz I'm supportive of accepting it as it's being proposed on the screen.

Brad You're okay with this, but you're suggesting that we might want to look at 1136, did you say?

Arfaraz It's 1136A which speaks to—

[Overlapping voices].

Arfaraz In covered units and what we're bringing into 11B, we could massage that language per Gary's suggestion.

Brad Okay.

Ida I just wanted to clarify that in reading this. These were all presented as housing proposals, however, this section is not specific to housing, so this could be a kitchen that's applied anywhere, correct?

Susan Correct.

Ida So, understanding that and giving everyone perspective, I'm not sure if that was the actual intent or not, but in understanding that, I'm hearing two proposals that we could have one standard that's 11B, and then for the adaptable units a different standard, but understand that there's also a third here because this also covers kitchens that are not in housing. If we need to be specific, we need to address that issue as well. Is there a problem also for a kitchen that's not in a housing facility?

Brad There's a complication there. Alright, Gene, I see your hand. You're in queue. I'm going to go to Ernest who's been waiting for a while.

Ernest This is not—this isn't in regards to this specific topic. This is something separate, so if anyone has anything—

Brad Okay, so Jihee, did you want to speak on this topic?

Jihee Yes.

Brad Gene, we'll move to Jihee to let her speak on this particular topic.

Jihee The conflict is with the electrical code. Is it just a height—?

Susan No, what happens—what I did there is actually two floor plans and then the actual electrical code and requirements, and I uploaded those to the box. So, any of this information that we're going over today including those floor plans, you can look at there because what happens with the electrical code, from the inside corners, there's requirements for the limitation on the spacing, and you can only go four feet between the two outlets.

So, your problem is when you're looking at that inside corner, let's say you go two feet and two feet, when you have the depth of a cabinet that is two feet, and you try and pull up to that, and now it's difficult—right.

Or, let's say you don't space them two feet apart from that inside corner. Maybe you put one on one corner at three feet and the other one at a foot away from that inside corner, now again, you have an issue where you have an outlet there that in order to comply with the electrical code, you're going to have an outlet that isn't going to be accessible.

Jihee So, the intent to have exception of entire 309, because 309 also deals with clear floor space and operation, the hinging and all that stuff, the intention is to give exception of that whole—

Susan Right, and like I said, this is directly from as it reads in the standards.

Jihee Okay.

Brad Okay. So, Gene, are you on this topic, or do you have a new question?

Gene It's on this topic.

Brad It's on this topic. Ernest, I'll let Gene go, and then I'll come back to you. Gene, go ahead.

Gene I've gotten my answer partially with what Jihee said I wanted to find out is there ever a possibility that it is possible to have all these accessible? I'm just wondering with the wording, I was wondering if might have been assuming there's just to two just to say at least one is to be accessible, and if they could achieve two, then they

could do it. This sounds, by—it's saying that even if you could do 100%, we're telling you you can't do 100%. You have to have one that's inaccessible. I apologize, I don't understand fully there, and I'm just asking is there an option.

Brad Okay, let's get clarification. Do I see your—do you have a question?

Debbie No, I do not.

Brad Okay, Susan.

Susan Well, the other thing to take a look at because when we look at—and, correct me if I'm wrong on this, Gary—but, really to me what this is addressing is that one condition when you look at the electrical code when you have that inside corner, and you're trying to make those outlets accessible because then there are several other outlets that are required by the electrical code wherever you have, what, a 12-inch width of counter, and all of those would have to be accessible. So, really, what this is going to take care of is that inside corner.

Gene Okay, I apologize. I didn't know that there's—I didn't read that here that it said this is an inside corner. It just sounded like it could be a straight counter, and then have some outlets. So, without the pictures, you don't get that. That's all.

Brad That's okay. We got it. Thank you for the clarification there.
Derek.

Derek If I can additionally respond to Gene's question. The language in this exception does not say that one outlet shall not be accessible or shall not comply with 11B-309. The language says shall not be required to comply with 11B-309. So, the designer then, for that one outlet, where there's two or more, but for that one outlet then the designer could choose to not have one outlet comply with 309 and have the second or all of the other outlets in that same segment of countertop complying with 11B-309.

Gene Okay, I understand.

Derek But, it wouldn't prohibit from making them all accessible if that was their—

Gene Thank you. I apologize.

Derek Sure.

Gary I agree now. I just wanted to open it up for discussion and clarify that because we do have the 36-inch requirement back in 809.

Susan Yes, and that we're pulling in from the Fair Housing Guidelines because that was one of the items that wasn't in 11A that three feet from the inside corner.

Gary Yes.

Brad Okay. Let's move onto Ernest, and then we'll get to—

[Overlapping voices].

Arfaraz If I could respond to what Gene just said. This applies to where two or more outlets are provided, so as an example where you need at least one outlet on a 12-inch or more length of counter, that one outlet still needs to be accessible according to the ADA and this proposed exception.

Susan Yes, and potentially in a kitchen, you could have several of those outlets depending on appliances and sinks and how it's laid out, you could have more than one of those segments of those 12 inches, and every one of those then would have to be accessible.

Gene I got it. I was just reacting to Gene, that there's sometimes a shortage of electrical outlets. I was reading that you have one that's inaccessible that could be make accessible, but it's all been clarified now.

Arfaraz I might want to suggest for the group's consideration and for DSA's consideration to add or wall because you could have a section of a counter or a length of countertop could be between a sink and a wall, or it could be between an appliance and a wall as well, and sometimes you see shafts and ducts that kind of break up the

counter length. So, by adding that, it might offer greater clarification. Again, just throwing that out there.

Brad So, the suggestion was as well to where it says by a sink or appliance—

Arfaraz Or wall after appliance.

Brad After appliance. Okay, great. Thank you, Arfaraz. Appreciate it. Ernest.

Natasha Actually, sorry—

[Overlapping voices].

Natasha I just wanted to support—I think I heard, Derek, you mentioned that any change would then not comply with the 2010 ADA Standards, and Sue mentioned that 309 was also designed to comply with the FHA Guidelines. I really just want to emphasize that part that anything here should be compliant with the federal guidelines so if we expect that any proposed changes might affect that, we should review that.

Brad Thanks, Natasha. Derek, go ahead.

Derek Just to respond, thank you. That is part of what we always do, and it's part of that iterative cycle where we get comments about a proposal, and then we go back and we study the comments. We try to identify any unintended conflicts. A lot of comments come out, and they sound great, and we might potentially jump right on them and make the change, but we always want to make sure and take it very methodically to make sure we're still complying with all the applicable federal requirements.

Natasha We very much appreciate that.

Susan I also think that you have to understand and take into consideration that the way that I look at it, and it was really interesting, I was looking at something on Facebook the other day. They took this series of transparencies, and they did overlays, and one was yellow, one was cyan, it was all these different colors, and when

they got done, it was the portrait of the girl with the pearl earring, so it was overlay and overlay, and then the picture became clear.

So, when we look at all these regulations, it's also understanding that not every project has to comply with HUD Section 504 regulation because it's dependent on whether or not that particular project has received federal financial assistance. For all of these, it's a matter of doing that overlay.

Do the Fair Housing Act Guidelines apply? Does HUD Section 504 apply? Do the 2010 ADA Standards apply? So, you look at that from a federal level, and then you also start to take a look at that as the California Building Code, so it's always that overlay of regulations when you look at it for housing.

Brad Thank you. Okay, Ernest.

Ernest Unfortunately, this is anticlimactic, but this is—I reached out for feedback from the other CASPs and I just want to share that there was support, and I just want to read this. “Strongly support DSA’s effort to place all dwelling unit requirements for public housing in Chapter 11B as proposed. Relocation of requirements for 11A to Chapter 11B will greatly increase compliance with unique requirements for public housing and enable addressing lingering clarity of language issues in Chapter 11A.”

So, I just wanted to support—

Brad Supporting comments. Okay, great. Thanks, Ernest. Appreciate it. Any other questions?

Susan Hey, we’re actually not bad.

Brad Yes, we’re not bad. We got caught up there a little bit.

Jihee Are we doing all the—are you taking questions for all different sections now?

[Overlapping voices].

Brad We'll go through the process, and then we'll get your questions as we're on the screen. That will clarify it for everybody. Alright?

Any other questions before we go to break? This is your first major milestone. Okay, we're going to let you out of here for a few minutes. Let's do that. Why don't we take ten minutes?

Susan I think we can probably go 15 minutes.

Brad Okay, thanks for your hard work, 15 minutes. See you back here.

[Break].

Brad Okay, everybody. So, let's get seats.

Susan This process seems like it worked really well, so we're going to continue with this.

Brad Let me just check to make sure that's okay. Is this working for you, this whole idea of combining them and trying to look for the things that are problematic? Okay. So, we'll keep up with this for the next two sections. If you have any issues or questions, as part of the process, just raise your hand, and we'll try to address them.

Susan What we're doing with this particular section, this is another one of those where what we're doing here, again, just getting rid of that reference to Chapter—

Arfaraz I'm sorry—

[Overlapping voices].

Arfaraz I think we're doing great at combining these and getting comments, but when you get to the 809.6 through 809.12, I think we need to kind of get into a little bit of a flow here so that we can handle each one separately.

Brad Will do. That's part of this afternoon's session. I'll note that. Thank you. Appreciate it.

Susan

I think maybe what we can do with that one, Arfaraz, is again if we have some other [audio disruption] code reference, but spend the majority of that time on that particular section if you like.

So, this one we're taking a look now at 11B-208.3.2. Again, this is getting rid of that reference to Chapter 11A, Division IV and replacing it with Section 11B-809.6 through 11B-809.12.

The next item 11B-224, actually what we're doing with this, and this is another type of housing because this is social service center establishments, actually what we're doing with this particular section we're proposing to repeal the reference to Section 11B-224.1 through 11B-224.6, and those are the transient lodging scoping provisions because then going back and reading through what is the guidance document for the 2010 Standards and doing the research on this, we realized that for social service center establishments, we should only have the reference to Section 11B-233.3 because right now, the way this is written is causing some confusion, and in some cases, you might end up with a little bit less—some of the access requirements a little bit different in that Section 11B-224.1 to 224.6.

So, really what we're doing here is we're aligning this with the 2010 ADA Standards, and really for social service center establishments, it's going to cover those facilities where a short-term stay or maybe you have one large room with a bunch of beds, and it's just for overnight stays, but then this also in Section 11B-233.3, that covers facilities where you have let's say transitional housing, so you have maybe it's more so like an apartment or small residential dwelling unit. So, like I said, that's what we're looking at here is just aligning it with the 2010 ADA Standards and making it clearer.

Then, the next one, Section 11B-228.2. Again, what we're doing here, we're getting rid of that reference to Chapter 11A, Division IV and replacing it with Section 11B-809.6 through 11B-809.12.

Next item is 11B-228.3. What we're looking at here this is we talked about electric vehicle charging stations and parking spaces when it's assigned to a resident, but what we're looking at adding here, which I think, Debbie, if you would scroll down a little further. Actually, we're not removing anything in this section. We're actually adding this provision where it says in public housing

facilities, electric vehicle charging spaces provided for common use of residents shall comply with Section 11B-228.3.2.

So, when you have a public housing facility, and let's say they decide to put in 15 electric vehicle charging stations, then they were refer to that table in 11B-228.3.2 to determine how many of those would be required to be accessible because they are—these would not be assigned to any one resident.

Let's see, I think we just have one more item to go through, and then we'll come back. Okay, last one. Actually, this might be a good break point because the next item up the site impracticality, and that's a long section. So, let's go ahead, and we can answer any questions and then jump into that one.

Brad We'll start with Jihee.

Jihee That's fine, but I was thinking that maybe this is redundant because in Section 228.3.2.1 it's kind of in the same area, it covers common use areas, so I thought whether it's public housing or whatever housing there is, it's already covered as common use. Do you think we need that added sentence there?

Susan I think this just makes it much clearer when you're looking at those public housing facilities because like I said, we're addressing what's assigned to a particular resident, but we wanted just to make it very clear that in those facilities when you do have these electric vehicle charging spaces, and it is just for a group of residents, that they would have to comply. So, we just want to add that clarity.

Oh, and I forgot we missed one thing. For this one we want to provide a note that gives people pointers so they take a look at what's required in the California Green Building Standards Code.

Jihee Just one more. That one also, electric vehicle, that one saw another one that referring to senior—something—so, it refers to possibility of application by some other applicable code or something. Are we going to start doing that, like noting something could be subject to some other code? I don't think in other sections, in general, we don't see that, but I'm just—in this package, I see two proposed here, so I'm just wondering if that will be too much to put in in our 11B.

- Susan I know that we have—right off the top of my head, I'm not sure which other section.
- Jihee There was one for senior housing or something.
- Susan But, in the existing California Chapter 11B, I know that we had some notes in some other locations. I don't remember exactly where they are, but we'll talk about the one that you're looking at because it's just directing somebody over to the Unruh Act for senior housing. So, yes, they're not regulatory, but we just want to point somebody to—so they know that in addition, there are some provisions in the California Green Building Standards Code that do relate to accessibility.
- Brad Ida.
- Ida In 11B, they're not related to accessibility. They're related to the number based on parking that's required. So, they're only related to accessibility for 11A, and this is 11B. So, in understanding subject to the California Green Building Standards Code, the real difference is only that new facilities have a certain percentage of parking spaces that are required to be reserved for electric vehicles. In existing facilities, there is no requirement. I just wanted to clarify that that we don't have provisions for accessibility in 11B; 11A has that.
- Susan And, the Green Building Code.
- Ida Right, and then there's a regulation or note in the Green Building Standards Code that also says public housing is supposed to be referencing 11B so that there is no confusion with regard to the accessibility regulations when it come to public housing. In other words, the requirement is complementary.
- Susan The two kind of work together.
- Ida Yes. I guess based on that, if this note, because it's in 11B, it implies that there's something related to accessibility for 11B, and there really isn't. It's only based on the number of electric vehicles that you need to provide, so I do question this a little bit based on that. I think we need to think about it further.

So, if there's something else I'm missing, I just don't want to confuse an access requirement versus a minimum number requirement because the Green Building Code is not, in my opinion, very clear. There's a little and in parentheses that says it only applies to new facilities, and unless you read the preface, you're not going to get that from the Green Building Standards Code when it comes to electric vehicle charging.

So, by making this pointer, there may be an implication that someone may be installing EVCS in an existing facility and apply that number, and it's not related to access other than if you apply that number that access is required on that number. I'm curious if we need to make that. I think we need to explore that a little further.

Susan

Okay.

Debbie

Notes are not regulatory, correct?

Susan

Correct.

Brad

Okay. Arfaraz.

Arfaraz

Just to follow up on what Jihee said, is it really required to add in public housing facilities, and I think that it might offer clarity as you suggest, Sue, and what I'd like to, again, recommend for the group's consideration and DSA's consideration that maybe allowing for the fact that in public housing facilities, you may have these EV charging spaces for not just the residents' use but other people who work there, employees and such, so by just saying for residents' use, maybe it's being restrictive.

Susan

I think what we were looking at in the public housing facility, let's say you had some of those electric vehicle charging stations that might be at a sales rental office, so they you sort of look at that like that's one facility where you might have some of those. Then, you might have more of these electric vehicle charging spaces that are just for the use of residents, but yes, we can kind of investigate this a little further and see if we need to maybe rethink it and maybe tweak it a little bit more.

- Arfaraz Then, I had a question as far as the Green Building Codes, and I might have researched this myself, but is there a conflict between the building code and the Green Code in terms of here we clearly say that EVCS are not considered parking as we've discussed in the earlier section, but is there some kind of conflicting language in the Green Code that implies that EVCS are because that's the feedback we're getting from a lot of our applicants, permit applicants where they're saying that the Green Code conflicts with that, and I've been meaning to go back and research that myself, but I didn't have the chance. I was wondering if you had that opportunity or if you received any of that feedback.
- Susan I haven't heard that feedback, but I think the issue is when you take a look at this and you look at the requirements, and sometimes there's this idea that there's a conflict between the codes, but I think really what you need to take a look at is what is the Green Building Code addressing, and then you look at what 11B is addressing, and that is addressing access compliance.
- Then, you take a look at that, and then it's the understanding that in order to comply with both of them, yes you look to the Green Building Code and this is the number of these electric vehicle charging spaces and what's required, but then you look to what's required in 11B, and it's says okay yes, when you do that, you can't overlap those with parking spaces. So, it's sort of looking at the two of them together to see how do you comply with both of them.
- Brad There's no easy answer is there? Okay. Derek.
- Derek If I could just take you back on Sue's response, that's part of the reason why in 11B-208, we have the phrase for the purposes of this section, and so it's not our intent to imply that electric vehicle charging spaces are not parking for the purposes of the Green Code because that's an entirely different code, let alone not in this section.
- That is the issue that we sometimes come up with where we have a variety of state agencies that are all proposing building code, and their area of authority for proposing the building code doesn't always overlap, and we don't always coordinate as well as we might, but in this case, they're simply just two different related requirements.

Arfaraz Thank you.

[Overlapping voices].

Soojin I do have a quick question related to the mailboxes, 228.2. I understand that you're revising it to incorporate that new section, but because of the first sentence of the section where it says where mailboxes are provided in an interior location, and I know it's a separate sentence from residential facilities, and I understand the intent is to make mailboxes accessible regardless of location for residential facilities, but since we are touching this section up, I was wondering if we should make that a little bit clearer because I've gotten the—

Susan Oh, you mean like—

Soojin Yes, interior or exterior. Often public housing has mailboxes outside.

Susan You're right. In teaching some of these provisions, and when I go over the public housing provisions, I always tell people as you read through, you kind of break it down sentence-by-sentence, so first you look at that sentence where it talks about an interior location and you look at that. Then, you go to the next sentence where it talks about residential facilities, but yes we can take a look at that and see what changes in residential facilities where mailboxes are provided at interior or exterior locations.

Soojin Okay.

[Overlapping voices].

Susan Well, yes, and the issue is when you look at residential facilities, you have to provide a mailbox for every residential dwelling unit with mobility features, and you have to provide accessible mailboxes for every ground floor dwelling unit that's accessible with adaptable features.

So, it doesn't go by the 5%, no less than one, so potentially you could have let's say you have a building that has 400 units, and it has an elevator, so all 400 units you're going to have some with

mobility features and some that are accessible with adaptable features. That means you're going to have 400 mailboxes that are all required to be accessible.

Arfaraz I was just trying to suggest rather than adding in an interior location or exterior location, just simply striking the phrase in an interior location, and that way there wouldn't be that confusion that Soojin—

Susan Yes, but when you see that straight up, that's directly from the standards.

Soojin So, for other than residential facilities, that first sentence will apply, and that's from the standards.

Susan Yes.

Brad Okay. Kaylan.

Kaylan I 100% back what Susan just pointed out. We've had that same question for a long time, and when we consult with housing specialists, they don't have a clear answer for that, and I think that helps clear up a lot of that question.

Susan Okay.

Brad Appreciate it. Other comments? Okay, Sue.

Susan Yes, I guess next up we can go to 11B-233.3.1.2.6, and again, what we're doing here we're incorporating the site impracticality test, all of it now into Chapter 11B, so you're going to see that some of this we're striking out the existing 11B-233.3.1.2.6, and then we're pulling all of these provisions into 11B.

So, what I had to do, you know when you look at Chapter 11A, and I had to put together a table for myself. Arfaraz is laughing at this. I had to put together a table, and I then I took a copy of Chapter 11A, and I took a copy of Chapter 11B, and then I would have to go through 11A and mark it up, and follow that code path back and forth, and so I marked up all for the sections. Then, I marked it up with what's the comparable section in 11B and went through that

whole procedure, not only for the site impracticality test but for 809.6 through 809.12.

Then what I also did with this is checked it back against the Fair Housing Guidelines because 11A is sort of an alphabet soup of various regulations. There are some provisions from the New Horizon document. There's some of the Fair Housing Guidelines. There's some of 11B and some of the 2010 ADA Standards, so that's the process that I went through.

Without going through this item-by-item, we can just open this up for discussion and understand that the site impracticality test, it's my understanding in some of the training that HUD has for the Fair Housing Guidelines, it's very rare that someone is going to be able to this site impracticality test, and when they do that, they actually have to have a civil engineer, and there's a whole process that they have to go through in order to say that yes, we can't make it fully accessible, but at the minimum, we still have to have 20% of the units that are accessible. Then, it depends on whether or not it's a building with an elevator or buildings without elevators.

So, anyway, that's sort of the process that I went through, so we'll open that up for questions and for discussions.

Brad

Yes, Natasha.

Natasha

Thank you. I, first off, want to say we put forth this whole idea of making it easier to read and incorporating the language from 11A, and I appreciated hearing from you, Sue, that you not only compared 11A to 11B, but also then looked at the federal standards. So, with all of that in mind, we do have two suggestions with the idea of getting in line with those federal standards.

The first one is that there are actually some exceptions to site impracticality outlined in the FHA Guidelines. I'm counting two with two subcategories in them, and we plan on submitting a form that actually has all of that. It's just a few paragraphs, but I don't want to read it aloud here, but we just suggest including that language because otherwise it seems the way it's written, it would fail to capture some of the adaptable units that are required under the FHA.

So, that was one recommendation. Then, one more specific—let me just make sure I'm quoting the number correctly. Under 11B-233.3.1.2.6.3, this is test number two, site analysis test, and there are four numbers within that test.

In number two, the very last sentence says in no case shall less than 20% of the ground floor dwelling units be on an accessible route and comply with the provisions of 11B-809.6 through 809.12, and we think that that sentence is pretty important and wanted to actually pull that out and make it a number five so that it's clear that within this test as a whole, no less than 20% of those units should be on an accessible route. The way it's incorporated into this number two right now, it could read as just part of that one step rather than a separate requirement.

Susan Okay, whatever—being that that's a little bit more involved, and we're not necessarily going to capture all of it here that would be great if you submit that.

Natasha Sure.

Brad Thanks, Natasha. We'll look forward to your written comments. Other comments from staff on the suggestion? Okay, great. Arfaraz.

Arfaraz I just want to bring to the group's attention, since we're talking about public housing, and there's a program access element under Title II of the ADA 28, CFR Part 35. Under Subpart B, Section 35.130(b) number 4, I'm just going to read that off for everyone's benefit.

“A public entity may not, in determining the site or location of a facility, make selections that have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination. Number two, that have that the purpose or effect of defeating or substantially impairing the accomplishment of objectives of the service, program, or activity with respect to individuals with disabilities.”

So, I guess the point of raising that is since we're talking about public housing now, and since, in the past, site impracticality was in Chapter 11A with regard to market rate housing, we're now

including language that allows a public entity, for example, to say we can potentially select this site provided it passes these tests. My concern is does that put us at odds with the section that I just read in Subpart 4 of the ADA regulations?

Susan

Well, I think the other thing to take into consideration is looking at structural impracticability, which is in the standards because that talks about terrain and other issues, and really what this is doing, when you look to Chapter 11B, is this talking about the accessible units with adaptable features.

So, you're still going to have to provide 5% of the units with mobility features. So, in any event, whether you talk about—well, again, you'd have to look at the structural impracticability, but it's still going to require you to provide 5% of those units with mobility features, and then this is just the determination for site impracticability that allows for fewer units that are accessible with adaptable features.

So, really when you look at that, and I think that's kind of the tricky part when you look at 11B. Again, you go back to looking at that overlay of the different regulations and the two different types of units that are in 11B and what the requirements are for those.

Arfaraz

I understand what you're saying, and representing a jurisdiction that goes on site—

Susan

Yes.

[Overlapping voices].

Arfaraz

Again, I'm just stressing the concern that as we go through this process, we're not—either we at least, just like we note to see the Green Building Code, maybe we note that as a public entity, you need to look at the entire 35.130(b) to make sure you're meeting those requirements, too, that may be separate from these.

[Speaker off mic].

Arfaraz

It's in the Code of Federal Regulations, 28 CFR Part 35, Subpart B, Section 35.130(b), number 4.

Brad

Okay, thank you. Yes, Soojin.

- Soojin I just want to echo what Natasha said earlier. Thank you so much for clarifying and looking at so many different requirements and making it easier for everyone. In regards to Arfaraz's comment, I'm wondering—I may not be understanding this correctly, but I understand if the entity is selecting a site then it should follow that requirement, but for alterations, does this apply when it comes to old public housing?
- Susan No. If you're going to do this because that question has come up before when somebody was looking at renovations to an existing facility. This is right at the beginning when you're in the design phase. So, you don't want to go to an existing facility and say oh, I'm going to use the site impracticality test now. No. That's at the time of new construction.
- Soojin Does this have any effect of making 11B less than ADA in that case?
- Susan Well, again, you take a look at what the structural impracticability from what the standards allow, and we'll take a look at that section that Arfaraz, what he cited, but again, you take a look at this, when you look to what the 2010 ADA Standards require, it's 5% of the units with mobility features, 2% with communication features. The ones with the mobility features have to be on an accessible route.
- So, this is different when you look at the Fair Housing Guidelines and what they allow for site impracticality test, so again, it's that overlay and that interplay of those different regulations.
- Arfaraz But, we're introducing site impracticality that the ADA Standards don't have, and so if we were outside of California and just solely following ADA Standards and the ADA Regs, potentially a public entity would look at this section and say maybe in selecting the site for this new public housing facility, this site cannot be selected because it's on a grade of 15%, and maybe we need to select this, whereas in California, now we're introducing for public housing facilities, the possibility of an entity going through this test or tests and making that selection and thereby being in conflict with the regs themselves, with federal regs.

Susan

When you take a look at that and what is required, and even in 11B, and again, this is for the units that are accessible with adaptable features, and it's going to put a limitation on the number of those units that are going to be required to be accessible, but still in 11B, the 5% of those units that are required to have mobility features that it's consistent with the ADA Standards, those are going to have to be on an accessible route because when you look at the site impracticality test, depending on which test you use and which portion of it, because let's say you have a building with an elevator, and the elevator serves all floors in that building, then you don't get to use a site impracticality test. All of those are considered ground floor units. They all have to be accessible.

So, then you go through, and then you see at a bare minimum depending on when you go through this test, you're going to have to have at least 20% of the accessible units with adaptable features that are going to be required to be accessible.

Then, on top of that, you're going to look at all of these units building-by-building, and building-by-building, you're going to have to have 5% of those that would be required to be on an accessible route with mobility features. So, again, it's looking at the overlay of those different regulations to see how it all comes together.

Arfaraz

I hear your point but just to clarify the—11B-206 talks about connecting your building entrance to all site arrival points. Your site arrival points could include transit stops, parking that may on-street parking, loading zones, and so forth. By selecting a site that is along a street that has 15% grade, now the expectation is, and the building code provides an exception for sidewalks, running slopes to follow—

[Overlapping voices].

Arfaraz

So, now, you're allowing a public entity to A, purchase a site and select that site using public funds to build a public housing facility, create a 15% sidewalk slope, and expect a person with a disability to go up that slope before they get into this fully-compliant elevator building where all the units comply with applicable sections of the building code.

So, I think before you actually even enter the building where a barrier occurs, where you've potentially allowed a public entity to purchase a site that otherwise wouldn't be allowed for selection under ADA regs.

Susan

Well, really when you consider this, I mean we're talking about public housing. It could be a state-owned building, and the state-owned building is adjacent to a sidewalk, and the sidewalk is on a steep slope, and it recognizes that you're not going to be able to have a sidewalk in those conditions that's no longer 5%.

So, then you are going to have a sidewalk that's steeper, so maybe somebody comes up that sidewalk, or there's a mass transit bus stop, and to use that portion of the sidewalk, it's recognizing that you're not going to be able to do anything with that sidewalk, but as soon as you step off that sidewalk, and now it's a walk, then that has to be 5%, and in both cases, the sidewalk or the walk, the crosswalk have to be 2%.

So, I think it's just recognizing that yes, potentially—and, then you take a look at that sidewalk. If it's outside the boundary of the site, it's not going to be regulated by Chapter 11B or the 2010 ADA Standards.

So, you look at some of that, and in a hilly location, what are you going to do in San Francisco when you have a really steep sidewalk, and you're going to purchase a piece of property there, and you're going to build a housing complex? There's nothing you can do with the sidewalk, but once you enter into that site, and you have a walk, then you're going to look at how you make it accessible.

Derek

To add to Sue's comments on this, I think there's also the issue of determining what precisely is your site arrival point for any particular project. Certainly, for areas that are not on your site, for example, in the public right of way if it's offsite where you may have a bus stop, that's not a site arrival point for the purposes of 11B or the ADA Standards.

The ADA Standards and 11B require an accessible route to the public sidewalk, but beyond that connection point between your onsite accessible route and the sidewalk, which is in the public right

of way and offsite, once you get onto the public sidewalk that's in the public right of way and offsite, neither the ADA Standards nor the CBC 11B are going to cover that area that's offsite in the public right of way.

So, I think that's where you really have to distinguish carefully what precisely are your site arrival points, and those are going to be onsite. Now, I'm not suggesting that people don't get there by bus. It frequently happens all the time. It's just a matter of where the regulations apply and where is that demarcation point.

Brad We have two people in queue.

Andrew Can I go first, please? I have to make a phone call in a few minutes.

[Overlapping voices].

Andrew Appreciate that. I'm just curious. In the original code language, or that is currently in effect, I should say, within the language itself, not in the title, there is explicit reference to public housing, but then in the proposed language, you don't have that. I was just wondering why it was that that was excluded. It's only in the title as near as I can tell. It's nowhere within the language itself.

Susan What we did in this whole particular section, 11B-233, the section itself starts out public housing.

Andrew Right, so that's the same thing with the current code, so I was just wondering why you chose to strike it from within. I was wondering what the logic was there.

Susan What happened, what we were finding was a confusion with—used over and over and over again with public housing because there's other sections where we strike public housing out as well. We thought we're just going to put that in the very beginning in 11B-233.3 and it's public housing, so everything that follows below that, any of these 233s, it's all related to public housing.

Andrew So, I'll tell you as a neophyte that kind of threw me for a loop because at first I thought this was going to apply to all the—

[Overlapping voices].

Susan No.

Andrew Then, I have a second question. In the original code here, there's no reference to—if you scroll down just a little bit—there's no reference to sites located with difficult terrain or unusual characteristics. That's been added as well. Is there a reason why that was added?

Susan As I recall—

Andrew To narrow the scope, right, in terms of where this would be applicable.

Susan Right. As I recall when we went through all this, some of this like I said, comes directly from what we adopted in Chapter 11A, and some of it is from the Fair Housing Act Guidelines.

Andrew Thank you.

Brad Thanks, Andrew.

Suzanne I just wanted to echo some of Arfaraz's concerns. Anything that we can do to clarify this because there is conflict that we certainly see a confusion around ADA when you're talking about public funds and public entities and public housing. Anything that we can do to reinforce that, whether it's in a note would be great.

Susan One of the things that we did because starting back in 2011, I guess my main focus has just been digging and digging and digging into all these housing regulations, looking at HUD 504 requirements and the Fair Housing Act and the guidelines, and now I've started to take a look the Department of Agriculture and what they require for accessible farm worker housing because they get their own financial assistance.

Really, what you need to understand whether it's the Fair Housing Act, whether it's HUD 504 regulation, or whether it's the 2010 ADA Standards, they're not solely reliant on public funds. Now, I know over many decades, it's always said publicly-funded in Chapter 11B, and we're trying to move away from that. Fair Housing Act

Guidelines, it doesn't make any difference if you get federal financial assistance, if it's private, if it's public money, four or more dwelling units. If you get HUD 504 money, it's federal financial assistance. It could loans, it could be grants, it be low-income housing tax credits.

Suzanne There is a lot of debate in all of those buckets, and whether if you accept a dollar in funds, if you have 504 in everything.

Susan What I heard and what I found—

Suzanne Sorry, this is Suzanne.

Susan Yes, and talking to, I actually talked to two of the attorneys at HUD, one woman Jeanine Worden, and she clarified it for me. She said HUD does consider their low-income housing tax credits, they consider that federal financial—

Suzanne HUD doesn't administer that program.

Susan Well, they did have a low-income housing tax credit program. Now, the Internal Revenue Service, they don't consider their low-income housing tax credit federal financial assistance, however, when you go to their regulations, when those tax credits are administered by a public entity, state or local government of those housing authorities, now it triggers compliance with the ADA Standards.

So, that's understanding all that, and then when I talked to two of the attorneys who were intimately involved with the ADA at the outset, they said, one woman, Irene Bowen, who is an attorney who is retiring now, when I brought this up to her, she very nicely said read the rule. She said when you read through it, they use the terminology if it's significant or substantial assistance.

So, again, what's significant assistance? Could be anything. So, understanding all that, it's not—yes, you could get public funds, but it could be any number of things. A piece of property that a developer gets at below-market rate, so we have to take a look at all of those different—when you look at those different programs.

Suzanne I guess that I would just say that anything that we could do to make this clear is great because it's an expensive mistake and

devastating for access for people with disabilities, and my sense is that the standards you just discussed are not happening with a variety of public funds and even those that we don't think of as public funds.

Susan I think that is proven by the lawsuit in Los Angeles, and what we did do in our advisory manual, we expanded on the advisory in there to really clarify some of these provisions, and then we're trying to do that with training as well.

Brad Thanks, Suzanne. We'll go to Natasha.

Natasha Thanks. I really just want to jump in and say this is a great discussion. I think the big piece is that when we're talking about 504 and federal financial assistance, that includes any agency that gets federal financial assistance, all of their programs should then follow and comply with 504. We're not talking about just individual projects, but if an agency gets that assistance, then they should be implementing 504 in all of their programs.

Susan Actually, what I've done, I went to the HUD website, and they have two different publications for 2017 and their 2018 program. The most recent one that I took a look at is their 2018 program. When you go through that HUD document, it'll point you directly if it's this program, this is what you comply with for access. So, it goes program-by-program, and it points you directly to yes, you get federal financial assistance administered by HUD. What is that federal financial assistance for?

You might need at a community development block grant that is for job training. Well, that's not—they're not giving you that block grant for housing. So, like I said, I've gone through all of those to take a look at all these different programs and what it triggers for access compliance.

Natasha I'd just caveat that by saying all housing programs.

Brad Great. Thank you very much. Are there any more comments on 233.3.1.2.6?

Kaylan Say that three times fast.

Arfaraz I just want to counter Sue's point that a lot of public housing is, in fact, privately-owned and operated, but it's still on behalf of public entities that are administering programs. Therein lies the issue. As a public entity, we are now relying on these private entities that own and operate these facilities that house our housing programs, and that part is where the whole conversation about we're not receiving public funds, but I'm saying if the subsidy is involved, and so even going back to the concern site impracticality test—

[Overlapping voices].

Arfaraz But, that's where that whole issue comes up, so it's certainly, I think we should certainly make that note to kind of clarify that for public entities. It would really help.

Brad There was just a thing on the radio today about public housing in San Francisco and going towards private ownership of public housing, sort of abandoning public housing.

Arfaraz So, 99% of public housing in San Francisco is privately-owned.

Brad Wow.

Susan Yes. Alright, lunchtime, huh?

Brad Okay, so let's break for lunch. We'll take an hour for lunch. Be back here, can we just say 1:00 be back here?

Jessica I looked on the schedule, and it said 12:30, so I told downstairs that your food isn't going to be ready until 12:30.

[Overlapping voices].

Susan Oh, wow, you're right, 12:30. You were watching the agenda.

Brad We're moving pretty fast. Should we move onto the next section of review? You feel like going—

[Overlapping voices].

Susan Alright. Let's go to—how about we—

[Overlapping voices].

Brad That would be 233.3.1.

Susan Perfect. So, in 11B-233.3.1—there's too many 3s and 1s and 2s and 6s. Okay, what we did here, so in order to keep 233.3, so if we scroll down a little bit, what we're doing here is we're adding a note because what we've heard from different building officials, they said they were having projects that were submitted to their agency, and it was senior housing. People were missing that it needed to comply with the Unruh Act.

So, what we're proposing here is to put in that note and say that senior citizen housing may also be subject to Civil Code, Division 1, Part 2, Section 51.2, 51.3, and 51.4, and that is the Unruh Act, and that is applicable to senior citizen housing.

Jihee What does it cover?

Susan It covers depends on when it was built and the number of units, and it talks about access to the various units. The reason that we just put the note to refer people to this civil code, for one thing we don't have the authority to write regulations for that, and the other thing is I'm almost wondering with all the different laws and what's happening right now with housing, I can see where at some point because I know Gavin Newsom has talked about the graying of California, and I can see where potentially at some point they might revisit the Unruh Act for the senior housing, so that's to at least just make people aware that it's there so they know that that's another set of regulations when they're looking at housing projects that they need to comply with.

So, that's why we incorporated that note, and then in the off chance that the legislature does start to take a look at this particular section, and they decide that they want to make changes to it, and they revisit it, potentially even if we did have the authority, and we wrote any of this into the building code, we want to keep up with any of those changes that they might make. So, we just included that note.

Then, you can see that this is another section in 233.3.1.2 where we are striking the reference to Chapter 11A, Division IV, and instead we're referring to section 11B-809.6 through 11B-809.12.

So, do you want to take another section, or do you have any comments on this one?

[Overlapping voices].

Natasha I do have a comment, but it's actually not on a section that's proposed for amendment. So, we were reviewing the section with an architectural expert, Bill Hecker, just to go through and make sure we were, as lawyers, catching a lot of this. In that review, it seems that—

Brad What section?

Natasha So, this is on the very first page under exception 233.3.1.2.1, elevator buildings, and in fact, non-elevator buildings. What we noted was actually a conflict with the FHA definition. So, if you read the FHA definition, HUD is requiring that if you have a four-unit or more building with an elevator, then all of the units should then be adaptable, but the way we're reading the building code is that only floors served by the elevator then have to include adaptable units.

So, because of that slight difference, we're recommending a change, and I think this is again, one where we'll submit written comments to clarify it, but I just wanted to point that out that there seems to be an inconsistency with the Fair Housing definition.

Susan Okay.

Brad Great. Thanks, Natasha. Look forward to the written comments on that.

Kaylan Will the whole group get those comments as well? I think that'd be pretty helpful.

Susan Yes. What we can do is we'll upload those to the box under this meeting, put it under the meeting dates.

- Brad So, the written comments for this meeting will be uploaded to the box so you can access it.
- Arfaraz I did submit comments to DSA, only I didn't realize I should have sent it to everyone.
- Susan We'll talk about your comments today.
- Arfaraz Is it uploaded to the box for everyone?
- Susan Not, not yet, what we'll do is discuss all that, and then we'll upload it to the box after today.
- Arfaraz I did share it with our little code group there with Ernest and Gary, but no one else.
- Susan Yes, and I think when we go through that section, 809.6 through 809.12, we'll just cover those today. When I looked at your email, I thought this will be pretty easy to discuss when we talk about those sections today. So, we'll go over that.
- Brad It's coming up very soon. How about 233.3.4.2?
- Susan Alterations. This is an easy one. What happened, actually this is one that we wanted to pick out in our last rulemaking, and something happened when things were formatted, and the strikeouts disappeared. So, all we're doing on this one, when you look at alterations to individual residential dwelling units, we want to get rid of, again, because the public housing facilities is kind of redundant and used where it didn't need to be used.
- So, we're getting rid of this and reverting back to the language from the standards because we just want to say in the individual residential dwelling units, as opposed to saying in public housing facilities with individual residential dwelling units.
- The issue with this is you could have an existing building that you're going to convert some of the spaces in that existing building to residential dwelling units, and it's different when you look at the 2010 ADA Standards and Chapter 11B because the 5% of those units that would have mobility features would be required to be made accessible. It doesn't have that same trigger date of March 13,

1991 that you have in Chapter 11A for any of the other units because let's say this was a building that was constructed for some other use, and now it's being converted into dwelling units.

So, the way this reads right now, if it's a public housing facility, so we need to get rid of that because this would be applicable in that building whether it's currently a public housing facility or not. So, we're striking that in this particular section. Does that make sense?

Brad Everybody okay with that? Okay.

Susan No comments, questions on that? We're good?

Brad Okay, let's move onto 804.3.

Susan Okay, 804.3. This is another type of housing regulated by Chapter 11B, and this is housing at a place of education, and when you look in the CFR, this is actually in CFR 35.151(f)(1) and CFR 36.406(e)(1). As I was reading through the guidelines and doing some more of this research on this, I came across this, and I thought well, you know, if people aren't looking at the standards as well as the building code, they would miss this.

So, what we're proposing for this particular section is to say that in kitchens with multi-bedroom housing units and on floors containing accessible sleeping rooms with adaptable features in undergraduate student housing, at least one 30-inch wide minimum section of counter shall provide a kitchen work surface that complies with Section 11B-804.3.

So, this is just a provision for a housing at a place of education that we're pulling in to pick up that requirement because without that looking at—if you just went to the 2010 ADA Standards, well went to the standards, but didn't look at the CFR, you would miss that provision.

Brad Is that CFR education code, or is that—

Susan It's the Code of Federal Regulations.

Brad But, which part does it pertain—

- Susan It's in the 2010 ADA Standards.
- Brad ADA Standards. Okay, great. Sorry, Jihee.
- Jihee Susan, in Section 224, that's the housing for a place of education, it already refers to comply with 804, so is it redundant?
- Susan Well, this particular, that section of counter with the work surface with the knee and toe clearance, that isn't covered. So, it's in the CFR, but it's not specific in this section. So, 804 is there, but this particular provision for housing at a place of education is not.
- Jihee But, when it says to refer to 804, 804 is an entire section, so 804.3 is part of 804, so isn't that 30-inch requirement already covered?
- Susan But, if you take a look at this because it talks about in residential dwelling units required to comply with Section 11B-809, so it's understanding the scoping and how you get undergraduate student housing, and says it only have to comply with 224.1 through 224.6, so that's the transient lodging standards. If it's graduate students and faculty housing, then it sends you over to 11B-233, which then ties into the residential dwelling units.
- So, what we're pulling in here is what is required at undergraduate student housing because this isn't addressed for undergraduate student housing in that section 11B-804.3.
- Derek I just wanted to ask a follow-up clarifying question on that. So, then, in the proposed structure for this section, the first sentence talks about the residential dwelling units. The new sentence proposed to be added addresses transient lodging and further constricted to undergraduate student housing, so they're really two, if I'm understanding it correctly, they're really two different scoping and applicabilities.
- Susan Yes. When you start from the scoping, yes.
- Derek Okay. Thank you.
- Jihee I don't know. It just seems—because here in 224.7.1 it covers multi-bedroom housing units, that section, so if kitchens were provided, it sends you to 804. So, why do you need to distinguish

for the undergraduate student housing? This whole section covers the housing for place of education.

Susan Right, and I like said, if you were to read through this, and you just looked at the residential dwelling units, because if you look at the graduate students and faculty housing because then that sends you to 233.3, and that's the residential dwelling unit.

So, you're not picking up that requirement for the undergraduate student housing. If you start to follow the code path through and you look at this, you'll realize that that isn't—it's just like the turning space that's required in those kitchens or in the common-use kitchens on the floor that has this undergraduate student housing. So, in looking at this, it's a realization that we needed to pick that section up.

Brad Arfaraz.

Arfaraz It's just a clarifying question. The question is, are we talking about a kitchen that serves a dormitory or—?

Susan No, this would be a kitchen because what we did when we were looking at the scoping in the technical provision for student housing, what were finding is you're seeing more and more student housing where it has a kitchen and a bathroom and maybe three bedrooms in its own self-contained units. So, this would be the kitchen that was in that self-contained unit, that was in the multi-bedroom housing unit, and there is a definition in Chapter 2 for a multi-bedroom housing unit.

Arfaraz I see. Thank you for that. So, dormitories wouldn't fall into that definition, and the kitchens serving dormitories would just be common-use kitchens.

Susan Correct.

Arfaraz If those common-use kitchens don't have, let's say an oven or a range, then they would not require this kitchen work surface. Is that correct?

Susan Yes.

- Brad Thank you. Okay. Anybody else? Alright, we're moving on.
- Susan Let's just take one more.
- Brad Let's take—
- Susan It's 804, and this kind of ties in with this one because, again, this comes from those same CFR sections, CFR 35.151(f)(1) and CFR 36.406 (e)(1). Again, when you go back to that, the turning space, so if you have a kitchen within a multi-bedroom housing units, and on floors containing accessible sleeping rooms with adaptable features in undergraduate student housing, turning spaces complying with Section 11B-304 shall be provided because if you take a look, and actually what I did was I put together a document because this question came up before because people think that turning spaces are required everywhere. So, I put together a document that lists exactly where turning spaces are required.
- So, let's say you—
- M Can you share that?
- Susan Yes, I can share that with you. Just send me an email, and I'll shoot it back to you because what happens when you have that dormitory facility, and you have common-use kitchens, a common-use kitchen wouldn't require a turning space in it, but in this case, if it's that common-use kitchen on a floor that has dorm rooms, you would have to provide a turning space within the kitchen. That's just picking up that requirement from the CFR.
- Jihee This is an observation. I looked up ADA, and you're right. It's required for that, but I didn't see anything for like social services center like halfway housing or shelters. So, I'm just wondering why not? I don't know why they put it for that and not in—
- Susan I'm not sure.
- Ernest I had two comments come back asking about the rationale on these two asking if this was the correct rationale for the proposal.
- Susan Oh, you mean when looking at those two sections from the CFR?

Ernest Yes, and it says we're talking about work surfaces, and then we're talking about turns.

Susan Oh, the turning spaces.

Ernest Yes.

Susan Like I said, in looking at those two sections in the CFR, that's where we took it from.

Ernest Okay.

Susan Alright. Well—

W Ten more minutes.

Susan Ten more minutes. Actually—

[Overlapping voices].

Brad Maybe we should leave that for after lunch, go slowly downstairs.

[Overlapping voices].

Brad Maybe return here at 1:20. Would you like to try that?

Susan I think we could do 1:30 because you know what, from 1:30 to 3:00, if it even takes us that long to go over 809.6 through 809.12, I think we'll be okay to come back at 1:30. What do you guys think?

[Overlapping voices].

Susan Then, after we finish up that major section, then we just have those miscellaneous ones to go over.

Brad Okay, great. So, 1:30 be back here, and we'll start up with 809.6 to 809.12.

[Lunch].

Brad We'll go ahead and get started. I know that Soojin is going to be out until 2:00. I know that Gene has to leave here pretty quickly,

and I'm not sure about Suzanne, but I'm expecting her back. I haven't heard anything otherwise, but other than that, any objection to going ahead and getting started?

Gary I'm out of at 3:00.

Brad You're out at 3:00.

Gary Hopefully, we're done by then.

Brad Thanks for letting me know. I appreciate it. Okay, Gene, did you want to say something?

Gene I just wanted to ask if the opportunity might be available between now and 2:00 if I can make a comment about 809.10.7.4 and also 809.10.6.4.

Gary I want to become blind because—

[Overlapping voices].

Brad Given that you're going to have to leave here pretty shortly, is it okay if we take Gene's questions now.

Susan Sure. Actually, this is what we're going to be looking at right now is 11B-809.6 through 11B-809.12, so I think those sections that you talked about, Gene, are going to be in—

Gene Yes, .10.6.4, and then 10.7.4.

[Overlapping voices].

Derek I think that part of the nature of Gene's request is that he's leaving at 2:00, 26 minutes from now.

Susan Absolutely. That's why we're going to take your comments first because as I said before, I'm not going to go through this part of it section by section by section. So, let's go ahead. We'll take Gene's comments first, and then we can go over the comments that we got from Arfaraz.

So, Gene, if you don't mind, I'll just have you repeat that again—

[Overlapping voices].

Gene Well, 11B-809.10.6.4. That area is dealing with the grab bar reinforcement. I am wondering whether there's any reason that we shouldn't have a 6.5.1 that actually is the specification putting grab bars elsewhere within Chapter 11B, how far the grab bar is to be from the wall, the inch and a half, and the diameter of the grab bar. I think just have a cross-reference to that section.

There's nothing there right now in public, and since this is all brand new, it seems to be appropriate to add something. I know that your focus is to transfer what's there from 11A, but since it's technically brand new items, I was thinking let's have a specification referral to grab bars so that it's all there.

Susan We could at least consider it.

Gene Okay, good, consider it. I guess that's the key word, consider. The other one was, it may be an explanation, but in 11B-809.10.7.4, which is the water closet seat. There, it's 15 inches to maximum 19 inches, which is I assume is the top of the actual seat.

Now, elsewhere in the 11B chapter, the seat of a water closet is a minimum of 17 to a maximum of 19. I would think it would be preferable to have consistency having that—I suppose, as you may recall several years ago, quite a considerable amount of debate over that discussion of the room over the height there, and it was even brought up if we have the lower max, you can have the seats for people who need to have lower amount you can do it, and that was the reason it was fought to keep lower, and we ended up with the 17 to 19.

So, I was just wondering is there a reason why we shouldn't just be consistent and in the same chapter having the same seat height?

Susan That's another one that we could take a look at because the thing is, again, when you take a look at these provisions because what we've done here is taken from Chapter 11A and sort of did a rewrite and put it into the formatting that you see in Chapter 11B, but yes, I think we could absolutely take a look at that particular provision. The only thing I would do is compare it back again to what's

required in the Fair Housing Guidelines because all of this we just kind of double check it against what's required.

Gene I understand the second half of this 11B is also the ADA which is a pain when having to compare with both.

Susan Yes, well at least we'll take a look at that and consider it sure.

Gene Thank you.

Susan So, that being said, when we took a look at these provisions, and in discussions with some of the code—

Gene Sorry.

Susan Oh, go ahead.

Gene Part of the same area, if you're looking at the water closet, there is the thing about the reinforcement for grab bars, but perhaps it should also cross-reference the [indiscernible] of actually getting specifications from elsewhere just like I said in the showers for the grab bar, the actual dimensions for the grab bars, and how far they should be from the wall.

Susan Yes, like I said, again, we can take a look at that. So, in looking at this, if any of you want, I'll be happy to send you, like I said what I did I took Chapter 11A and a copy of Chapter 11B, and I just kind of went item-by-item and did some red marks in there. Then, I had to put together a table so I could say okay, here's where it is in 11A, this is sort of a comparable section in 11B, just so I could kind of keep track of all this to figure out how to be sure that we covered what we needed to cover, and rework it and put it into this new section in Chapter 11B.

What I found, actually the person that I my main contact over at HCD is Stoyan Bumbalov, and we were typically talking to each other, if not every day, usually ever other day or at least once a week. What he explained, there were a couple of things.

When you look to Chapter 11A, what they require for one of the options that you have for a shower compartment is a minimum—well, at one point it was absolute 42 by 48 inches. Then, at some

point during the rulemaking cycle, it got changed to a 42 by 48-inch minimum dimension for the shower compartment. He said the issue that they were hearing, they were getting quite a few complaints, because people were saying that being it's minimum 42 by 48, they were coming up with some really odd-shaped shower compartments, and he said what they were finding depending on that shower compartment and where someone would put a seat in that shower compartment, and at some point if they decided to put the grab bars in because that's one of those features that's adaptable, they weren't really all that usable for persons who use mobility devices.

So, he said that was an area that if there ever was a time that they took a look at Chapter 11A, and looked at some of those provisions, that that potentially would be something that they would take a look at.

So, in the last code cycle, in Chapter 11B, what was approved by the Building Standards Commission is what's called a 36 by 36-inch transfer type shower, and that's another type of a shower compartment where you could transfer from your mobility device directly into the shower compartment, and you wouldn't roll your mobility device into either a standard or a roll-in type shower.

So, what we did in taking a look at these sections 809.6 through 809.12, we did not include the 42 by 48-inch minimum shower compartment that is in Chapter 11A, so that's one of the differences in what we did. So, what we refer to is the 36 by 36-inch transfer type shower that's in 11B, and if you look at the Fair Housing Act, the design guidelines what they say is a 36 by 36-inch minimum, and then you need to put the controls in such a way that somebody could turn that water on, and it won't be on a back wall so it shoots at them before they get into the shower compartment.

So, that's one of the things that we didn't include from Chapter 11A. The other thing that there's a lot of questions and confusion about, there's that provision in Chapter 11A for the repositionable countertop and the certain percentage of those that are required, but then there's an exception depending on the type of material that you use for the countertop, the tile and whatever.

Questions were coming up well, what about if we used solid surface material for those countertops, would that be something, a material that we could use that exception for. Then there was the whole thing with the two breadboards, and that came up, too, with the breadboards, and they said well, what about if you have a breadboard that is not attached. Okay, well, the building code regulates [indiscernible] that are connected or attached, so if you're going to substitute those two breadboards, they're going to have to be attached. You can't just add something that somebody pulls out, and it's not attached. So, we said you know what, we're not going to include any of those provisions in what we're doing in Chapter 11B.

Then, the other thing that we found when we looked at the Fair Housing Guidelines, there is that requirement that in order to have, if you have an inside corner of a kitchen, and you're going to have those outlets that are going to be accessible, you need to have them located three feet from that inside corner.

So, you can imagine for somebody in a mobility device, if you do a parallel approach, you have two feet of cabinet, but that outlet is going to have to be put back a foot beyond that, so then that's going to give you that extra dimension so you could actually pull up and do a side reach to that outlet.

So, those were the three different items that when you go through this document and these provisions, you will see you've looked at that and say well, that's different than 11A, and those other two items aren't even included in here.

Then, we got an email from Arfaraz, and we'll talk about that in just a second. Brad, do we want to entertain any comments or questions?

Brad Sorry, go ahead.

Andrew That's okay. As the neophyte, I was kind of a little confused. Did you copy stuff that was in 11A or mostly copy what was in 11A into then you're proposing to put that into 11B? Did I understand that correctly?

Susan Correct.

- Andrew So, would somebody then be subject to both 11A and 11B? In other words, since they're very similar in language, if somebody was building a residential building with adaptable features, do they then have to reference both 11A and 11B?
- Susan If it's public housing, you'd only look to Chapter 11B.
- Andrew But, if you're just using 11A, for example, say I don't know, you're building an apartment or something that's not public housing.
- Susan Then, you're not going to look at 11B.
- Andrew You won't at all?
- Susan You wouldn't be regulated by 11B.
- Andrew It'd just be 11A.
- Susan Right.
- Andrew But, in time though, there could be differentiation between the two.
- Susan You mean between—
- Andrew 11A and 11B. So, right now they're very similar, but in time, you are DSA and 11A, in theory, I mean this is projecting on the future, these two things could come to look very different.
- Susan Yes, and even now if you took a look at what the differences in the common areas and parking in 11A when you look at van spaces, it's one per every eight. If you look at 11B, it's one per every six. So, even at this point, there are some differences in some of those common areas between 11A and 11B.
- Andrew Okay.
- Derek Even though historically a lot of those provisions were the same ten years ago perhaps.

Andrew Could this—I'm sorry—just to continue for a quick second, and then I'll be quiet, could this lead to confusion because now you have two sets of codes that are similar but not quite the same?

Derek The code user is well advised to understand which parts of the standards apply to them, which parts of the California Building Standards apply to their particular project. The effort on this series of housing proposals where we're including comparable language in Chapter 11B and withdrawing our adoption of the similar language in 11A is intended to actually make it simpler so that if a designer is working on a public housing project, they go to 11B. That's all. Of course, federal regulations would also have to be complied with.

If a designer is working on a privately-owned housing project that would be regulated by 11A, then that's all they would have to look at is 11A.

Susan Now, the only thing would be, like I said before, if they were doing a project, and let's say somebody has 100% private funds. They're going to build an apartment complex, but they have a rental office in this facility. That rental office is a place of public accommodation, so then they still have to look at the requirements in 11B for what happens in that rental office.

If they didn't have anything like that, no rental office, none of that, nothing that is open to the public. It's only for the residents and their guests, 100% privately funded, the only thing they look at is 11A.

So, when you look to 11B, the types of housings that are regulated in 11B and in the standards is housing that's constructed or altered by, for, or on behalf of a public entity or as part of a public entity housing program. So, it would be like social service center establishments and housing at a place of education. The housing at a place of education and the social service center establishments, those could be used as public or private because they face public accommodations.

Andrew Thank you.

Susan You're welcome.

Brad Derek and then Arfaraz.

Derek Sue, in your example you had made reference to the rental office within a private apartment complex, am I correct that 11A currently includes a reference that says for—

Susan They refer to 11B.

Derek Yes, for public accommodations, go to 11B.

Susan They do that for the public accommodations. They also have a reference over for the detectable warnings, and I think the detectable warnings and curb ramps, but there's another reference that they point over to 11B as well from 11A.

Derek Thanks.

Brad Arfaraz, and then we'll go to Jihee.

Arfaraz I'm just kind of piggybacking on your question, and this is an example of privately-funded housing that may be receiving state tax credits from the Treasurer's Office, also commonly referred to as T-tax [ph]. DSA has a memo about clarifying that if they're a recipient of T-tax funds, or projects [audio disruption] funds should be scoped under Chapter 11B.

If this goes through, then only the "covered units"—we won't be using that term anymore for public housing—but, the adaptable units, mobility units, and communication units all the technical requirements will stay within Chapter 11B for recipients of the T-tax funding.

Susan Right, and when you look at the Tax Credit Allocation Committee, and when you look at their regulations, they used to—I haven't look at—it's usually every year that they tweak their regulations a little bit more.

Arfaraz They tweaked it again.

Susan Did they again? Well, they did it earlier this year, I think, didn't they?

- Arfaraz They have a requirement for a CASp—If I'm not mistaken.
- Susan Yes, depending on the points that you go after when you go for their tax credits, but they may reference over to Chapter 11B, and then there are some other things that because they used to have some portions in there on universal design, and we talked to Mark Stivers when he was over there, and we said well this is what universal design is, and some of those things that you're asking for is already built into the building code, so they did some tweaking and some cleanup on that.
- Okay, so—
- Brad Jihee
- Jihee Just clarification to make sure I understand correctly. So, before this new proposal, in 11B all the showers that are allowed under 11B is just two types, 60 by 30 and 36 by 36, the two types that are in 11B. With this new introduction with this public housing section, only under the public housing section has the 36 by 36 shower now as it is in this section.
- Susan Well, actually in the last code cycle, the 36 by 36-inch transfer type shower was approved.
- Jihee Okay, so we will have that?
- Susan Right. Well, it will be effective January coming up, but then the scoping in that allows it only in certain locations for the transfer type shower. If it's multi-bedroom housing units in undergraduate student housing, residential dwelling units, and transient lodging guestrooms—I'd have to double-check the scoping. So, it will be, so in other words, if this moves through and it's adopted, from here we're just referring to that section.
- Jihee Okay, and then just staying on the reinforcement for grab bars for showers for public housing that's proposed, so it's just saying we just need to reinforce all around, right? It doesn't have little [audio disruption]. It's just kind of all around.

Susan When you look through there it has it for the bathtubs, it has them for water closets, and it has them for shower compartments.

Jihee I just see shower guidelines.

[Overlapping voices].

Jihee All around. Okay.

Brad Do we have comments, or do we want to discuss—?

Susan Yes, actually, Arfaraz, do you want—Arfaraz sent—

Arfaraz Would you like me to just do a summary?

Susan Yes, if you would. So, Arfaraz sent an email, so he has some comments on the grab bars, and I'll take this and upload it into the box after today's session. So, go ahead.

Arfaraz When I was reviewing the proposed code amendments that Susan sent out to all of us a few weeks ago, I noticed that she and the DSA team had already some incorporated minor tweaks about the grab bar reinforcement and other areas, but my comments are just around grab bar reinforcement, which we typically saw only in Chapter 11A, and now it's being introduced afresh in Chapter 11B.

So, one of the thing I saw was that DSA had accounted for what a lot of code enforcement and building inspectors saw a lot which is that the way it was shown in Chapter 11A as far as the extent of the grab bar backing, it didn't allow for the installation of a grab bar at a future date in a code compliant location, and so I think for the most part, DSA has already proposed to extend that by two inches some areas, and I was just pointing out in this email where we might be more consistent between code language and figures or vice versa.

So, the original email was in color. This email is not. I did refer to my suggestions in red font. For those of you who are confused as to why you don't see red font, I'll bring you attention to it. Again, each of the five recommendations on the list. Gene, would it help if I read it out?

Gene Yes.

Arfaraz

So, the first recommendation was the code language indicates that grab bar reinforcement shall be 6 inches minimum nominal height. That's the verbiage. The corresponding proposed figures which are 11B-809.10.5.2 for the tub and 11B-809.10.7.3 for the water closet indicate the bottom edge of the reinforcement to be 30 inches and the top to be 38 which is 8 inches. So, I'm suggesting perhaps we can say 8 inches nominal. Is that a fair recommendation? So, that was one.

Number two is along the same lines. Again, this is in the shower where the shower, again, I think in this case both the figure and the code language ought to be revised to have 8 inches because currently the figure as shown still shows 6 inches minimum, and it doesn't account for the top being 38 inches. So, if we use the same logic we used for the tub and the water closet, and apply it to the shower, then this would become 8 inches minimum, 8 inches minimum nominal in the verbiage of the code.

Recommendation number 3 is with regard to figure 11B-809.10.5.2. There's no maximum dimension indicated for the bottom edge of the reinforcement required in the back wall of the tub, and this is a change from Chapter 11A which does have a maximum dimension, however, it doesn't take into account the 2 inches that DSA is intending to incorporate. So, my recommendation is to indicate 5 inches max from the edge of the tub to the bottom of the reinforcement on the back wall where the cursor is right now.

Susan

Actually, because it doesn't give a requirement for the height of the bathtub itself, so that actually that could be good because there was a question I think that came not too long ago versus what's the height of the bathtub, and there's no height of the bathtub. You kind work down from the grab bar. So, yes, that could make sense to have that. You work from the grab bar down, and then you'll get to the height that would be allowed for the top of the bathtub.

Arfaraz

I don't know if you heard about the built condition we discovered in our jurisdiction. Is that what you're referring to when you said you got a question?

Susan

It was an email that Dawn sent to Stoyan.

Arfaraz Okay. Then, moving onto recommendation—

[Speaker off mic].

Debbie Oh, thank you. Maybe it's in the text, but is this located, is this from the wall to the edge where it starts to [audio disruption].

Arfaraz Yes, that's right. Condition number four Debbie.

Debbie Oh, it is in there?

Arfaraz Yes. So, the first three recommendations are all about the height and elevation or the vertical dimension, and now the next two are in regard to horizontal dimensions. Number four says in the proposed code language and corresponding figure, 11B-809.10.5.2, at the control end of the wall, the reinforcement is to extend 24 inches minimum beyond the front edge of the tub. The proposed minimum length of reinforcement is insufficient from a future installation of a 24-inch minimum grab bar on the control end wall.

The recommendation is to revise that minimum required length of reinforcement to be 28 inches on the control wall.

Susan Okay.

Arfaraz Then, finally, recommendation number five is in proposed figure 11B-809.10.7.3, the reinforcement of the side wall is as stated as 42 inches extending 26 inches minimum beyond the front edge of the water closet and 12 inches maximum from the rear wall.

The proposed minimum length of reinforcement is insufficient for a 42 inch grab bar, and the recommendation is that the required length of reinforcement be revised to 46 inches minimum and 10 inches maximum from the rear wall to allow for future installation of grab bar.

I'm not sure if that addresses, Debbie, the original comment about, Debbie, was that about the tub that you were referring to on here?

Debbie I think so, but I'll talk to Sue about it later. It says from the front edge of the tub. It's in the text.

- Susan Yes. That makes sense because, like you said, with that bracket, to attach it taking into the consideration the length of the grab bar, but it's a little bit beyond that if it actually attaches to the wall.
- Jihee Bye, Gene.
- Brad Bye, Gene.
- Arfaraz Then, the final recommendation, which was not numbered, and it's just in a separate paragraph is just spacing—this is specifically on the control walls for showers and for tubs where you have a lot of piping, and depending on the type of backing that's used, if it's block, that's usually not a problem, but if they're doing metal straps, then you'd have the piping sitting right against those straps, and once the wall is covered, you have the maintenance guy going in and trying to respond a reasonable accommodation by the resident, and boom, they get the pipe.
- So, what we're doing is we're asking for the architects to show on the drawing a 1-inch spacing, and—
- Susan That we can take a look at.
- Gary A 1-inch spacing to what?
- Arfaraz A 1-inch spacing between the back of the backing and any piping to allow for future installation of the grab bar to account for the screws penetrating through the backing, but that one's kind of—I don't know if DSA wants to get into it, or just leave it alone.
- Susan Yes, that's more so like a coordination issue than a construction issue, but definitely your other suggestions for the height of the backing and the length of it so it's efficient in order to actually be able to install that grab bar.
- Gary Just to kind of table on that, is there will be a required space in between that anyway from [audio disruption]. That should already be caught during the course of construction and inspection.
- Lewis This would be the pipe right on the back of the wood backing. It's not really two metals.

[Overlapping voices].

Gary When there wasn't a backing—

Arfaraz It's more so in the case of the metal backing, but it could be with wood, too. The way we approach it is if they can't achieve that gap, then as an option because sometimes those spaces get really crowded. They really can't achieve that, so they just go ahead and install the grab bar anyway so that way some maintenance down the road is not going in and drilling through a pipe or something like that or damaging anything. They're more than happy to just install it at those locations where they're not able to achieve the 1-inch and leave the other walls blank, so that's kind of a middle ground.

Susan We've been hearing from some of the code officials that were working on housing projects down in Los Angeles, and they just said for constructability and just because they don't want to go back in putting grab bars, in a lot of these complexes, they're just putting grab bars in at the outset even though they're not required, it's only the backing, but they're just putting them in.

Arfaraz Yes, we're seeing that on some projects, too. The reality is, at least in the Bay Area, and I'm not sure if it's a state-wide phenomenon, but there are a lot of long-time public housing residents aging in place, and so the percentage of seniors within public housing is that much higher. In all likelihood, they do need grab bars, and that's why project sponsors are choosing to go ahead and install those grab bars because that's what they're hearing from their constituents.

Susan So, basically, like I said, what I did was I just went through Chapter 11A, went through item-by-item, addressed the accessible routes. It's different when you take a look through it in Chapter 11A if you have the primary entrance, and if you have secondary entrances and what you can do with those secondary entrances. Oh, go ahead.

Brad Derek.

Derek I'm sorry. I had a question kind of related to the other items that we just discussed. When we use the term nominal height, that term is going to be synonymous with the named height. Nominal equals

named. So, I guess in this case where we're using the term, the named element is the backing.

So, now if we use steel backing, steel studs, or scrapping, then your actual dimension and your named dimension or nominal dimension are generally the same, but when we get into lumber, now we have 2 by 6 or 2 by 8, and even with the 2 by 8, you're not going to reach an 8-inch actual dimension.

So, I'm just wanting to confirm that it's our intent to provide maybe in the current draft 5 ½ inches of actual dimension—

Gary Like the [audio disruption] before?

Derek Right now, we say 6 inches nominal height, which in the worst case is going to be dimensional lumber, so that's 5 ½ inches of vertical dimension. I just want to make sure that that's what we intend here versus actually wanting 6 inches minimum of actual dimension.

Gary Well, in the field when I see the backing, I don't accept 2 by 6 because that's 5 ½ and it says 6. So, the 5 ½ doesn't meet then 6, so then therefore we go with 2 by 8.

Derek Would it more clear—?

[Overlapping voices].

Derek Okay, would it more clear to abandon the word nominal in that case and just use an actual dimension.

Susan Yes.

[Overlapping voices].

Lewis I would assume 2 by 6 nominally is—

[Overlapping voices].

Lewis Because that's the way they refer to lumber.

Gary It isn't in actuality. When you look at the details, it shows that 6 inches minimum, and then therefore 5 ½ is not 6 inches.

- Lewis So, we need to get rid of the word nominal.
- Kaylan I think it's easier to get it wrong if you keep the word nominal.
- Lewis It needs to go away.
- Gary Well, it creates debate in the field is what it does because the nominal, [indiscernible] nominal lumber is—
- Derek Yes.
- Gary Then, you have to say well, you could say 6 inches. Is that 6 inches, or 5 ½, but it's nominal thought. Is it 6 inches—
- Andrew Does 11B use nominal anywhere else in terms of citing?
- Susan I don't believe it does, and really—
- [Overlapping voices].
- Susan I think what happens with the term nominal, it's a holdover because if you take a look—and, you know, this goes back to complying was the Fair Housing Accessibility Guidelines or complying with Chapter 11A because in Chapter 11A, the clear opening dimension at a door is 32 inches. If you look at the Fair Housing Guidelines, it's 32 inches nominal which will let you go to 31 5/8, so I think this use of nominal is just kind of a holdover from nominal that's used in the Fair Housing design manual.
- So, I don't have a problem—
- Derek It might be outdated.
- Arfaraz So, 11B-407 for elevators or 11B-411 for destination elevators because—[indiscernible] I did a quick word search.
- Susan Yes. Okay, so anyway, like I said, I went through this item-by-item, and if anybody—well, I'll just upload that table that I put together because, like I said, I had to go through that because when you look at Chapter 11A, and then you look at the primary entrances, and then you look at the doors within a dwelling unit and what's

required for maneuvering clearances because it's a little bit different than what's in Chapter 11B, and then it's totally different than what's in the Fair Housing design manual and the guidelines because within a dwelling unit, if you look at the Fair Housing Act in the guidelines, they don't even require maneuvering clearances at the doors.

Like in a bathroom, you have to be able to roll in and roll out of the bathroom. They also don't require levered hardware within the dwelling unit itself in the Fair Housing Act in the guidelines. So, really when you look to this, 11B and 11A go well beyond what the Fair Housing Act Guidelines require. Like I said, the only thing I've been able to find so far from the Fair Housing Guidelines that needed to be incorporated into this is that location for the electrical outlets three feet from an inside corner.

Brad

Yes, Natasha.

Natasha

I have a question for clarification. In Section 809.10.7.3 and also .7.2, so .7.2 is about the location of grab bars in a bathroom, and the first sentence says water closets shall be located within bathrooms in a manner that permits a grab bar to be installed on at least one side of the fixture.

Then, if you go down to number 1, .7.3, it says where water closets are not placed adjacent to a side wall, so if you read those together, it sounds like they're creating an exception, so I'm not sure if that's what was meant here. Basically, I'm reading an inconsistency and just wondering if we could get more guidance on how those two pieces are read together.

Susan

Well, I think when you take a look at one of these, one of those is the location of water closets where it's located in a manner that you can put a grab bar installed on one side, but then the other one is a different section where it's actually the reinforcement for grab bars.

One thing that you would see in the Fair Housing Act in the design manual in the guidelines, you can actually use floor-mounted grab bars, and you can use the drop down grab bars. So, it's just looking at one is the location of the water closet, and then one is the reinforcement for the grab bars. It's just indicating that there is a different method for installing those grab bars.

[Speaker off mic].

Arfaraz I had another question, but I do want to follow up on what Natasha just brought up. I'm trying to scan through the current version of 11A with regard to grab bars or a living unit being designed with pull down grab bars, for example. First of all, there's no length requirement for a pull down grab bar, not that I could find anywhere in FHA or 11A—

[Overlapping voices].

Kaylan I'm sorry to speak out of turn, but as a user, they're terrible because they're so short. You're forced to reach behind you, and you don't get a good, firm grip to push up or ease down.

Arfaraz I'll defer to you to make that recommendation, but I think the point I was getting at again was if code enforcement officials are supposed to verify that we have the necessary backing that can accommodate the future installation of a pull down grab bar, we need to understand where that pull down grab bar is going to be with respect to the center line of the water closet. Is it safe to assume then that this pull down grab bar which is a site grab bar should be 15 ¾ of an inch from the center line of the water closet?

Susan We can take a look at that.

Arfaraz Then, working back from there, therefore where should the backing be located to accommodate that future pull down grab bar?

Susan Yes. It's something we can consider and take a look at.

Gary There's a few different types of pull downs. So, there are those that will attach to the wall and fold down, and those that will attach to the floor and fold down.

Arfaraz You mean attach to the floor and fold up?

Gary Yes. Well, they'll attach to the floor, and they can fold out or just be there permanently. There are the folding ones that go there. If they're attached to the floor, the lightweight concrete doesn't have the structural integrity to hold the bar, so then therefore there's

either a steel plate, most likely put a steel plate in that location. I think what you were referring to was the kind behind the toilet.

Kaylan The weight from the wall that it stands on—

[Overlapping voices].

Arfaraz To make it usable, which is a requirement again 35.151. It should be accessible to and usable by a person with disabilities.

Susan But, again, now we have to be careful with that because understand we're looking at two different types of units, and we're looking at two sets of regulations, and there is a difference—I thought it was a real eye-opening experience.

If you go to YouTube, and you look for capital needs assessment, and you look for HUD, and they have a series I think it's like four different webinars that they did, videos that talk about the Fair Housing Act. I think it was—anyway, the presenter, I can't remember her name off the top of my head, and she said she had gotten a question from someone, and they said well, this unit that they had yes, it met all the requirement in the Fair Housing Act and the guidelines, and she said it's not accessible. She said those units are not meant to be accessible. They're usable. They have adaptable features. They don't have that same level of accessibility.

So, when you look at these two different types of units and we talk about some of these things, understand that a unit with mobility features is here with access, and a unit that's accessible with adaptable features is more like down here, so there's a little bit of a difference. There's differences in door maneuvering clearances, and the secondary entrance when you go out onto a patio what you can do with that.

So, there's differences, and there's no turning spaces required in every room in a unit that's accessible with adaptable features like there is in a unit with mobility features. So, there's just quite a few things that are a bit different between the two.

- Derek Is my understanding correct that the units with adaptable features have no counterpart whatsoever under the ADA or the ADA Standards?
- Susan Correct.
- Derek Okay, and that they're only regulated federally by the various HUD regulations.
- Susan Right, the Fair Housing Guidelines. Yes.
- Derek Okay. So, if we see the technical requirements for features in adaptable units, and if they don't meet the normal requirements that we've had up until now in Chapter 11B which reflects the ADA Standards generally, then that's okay. We're not infringing or falling below the requirements of the ADA Standards for those units, and we're not falling below our obligation under the Government Code 4450 to meet or exceed the ADA Standards.
- Susan Right, because we are exceeding the federal standards because it's exceeding what's required by the Fair Housing Act design guidelines, but two totally separate types of units.
- Derek Okay, good. Thanks.
- Brad Ernest, and then Soojin. Ernest, do you want to go ahead?
- [Speaker off mic].
- Soojin My question has to do with the grab bar length and the future width or, I guess, preparing for the future. If you look at the figure 11B-809.10.7.1, it shows the 36-inch minimum cleared [audio disruption] of the toilet between the side grab bar wall and the opposing wall next to the lav. Does that assume that in the future, the rear grab bar will be shorter than 36 inches?
- Susan Yes, and really when somebody—let's say you build out this unit, and somebody in the future decides that they want to have their grab bars installed, they might pick a different size grab bar that would meet their needs to have installed at that water closet, but you're right because you only have 36 inches there, so you're not

going to be able to put in a 3-foot grab bar because by the time you get the connectors on it, it's not going to work.

Soojin Okay.

Ernest I just had a question just for clarification about some of the graphics. So, for example, if you're looking at 809.10.5.2 maybe, it's just what I happen to be looking at. So, in the language itself, it talks about 30 inches minimum, 38 inches maximum. The graphics show the reverse. Am I misunderstanding that?

Soojin I think it's meant to be it's the maximum—it cannot be higher than 30 inches, so it has to come down as low as 30. So, if it's 32 inches, it would not meet the requirement at the bottom. Then, if you go lower than 38, you will not meet the requirement. That's why the graphic shows—

Susan Oh, I see what you're saying here. Looking at this, the 30-inch max there and the 38-inch minimum.

Ernest Yes, so I'm following what you're saying on that, and then I'm reading the text as I go with that, and then the language is flipped, but is that the intent of that?

Arfaraz So, which one is wrong is the question.

[Overlapping voices].

Susan Yes, 38 inches maximum above the finished floor. So, we have 38 inches minimum there.

[Overlapping voices].

Susan Oh, I see what you're saying, 38 inches maximum above the finished floor.

Ernest Now, if you look at the graphic—

Susan Then, 38 inches minimum. Got you. Yes, that's something I think I need to take a look at. I'll probably have to tweak that.

Ernest Because, I think it applies to all of them.

Susan Okay. I'll double check all that.

Ernest I was just scratching my head because I was going back to the conversation with Gene. I think we were talking about the minimum, maximum occupancy.

Susan Yes, I'll double check all that. You know what has been a little bit, since I took a look at this, and whenever I go back with a fresh set of eyes, it's like okay, I need to double check that and check that again and double check that against this.

So, yes, and it's always good when you set it aside, and then you come back because after a while, you just get blind to it. So, yes, I'll double check all that.

Anything else on—

Arfaraz I was just going to start at the beginning, so starting with 11B-809.7 accessible routes, exception 3. The exception 3 is not included in Chapter 11A, the new exception that we're adding. It says that accessible routes shall not be required to [indiscernible] not located at the primary entry level multi-story dwelling units. I guess my question is about what's considered the primary entry level. In an elevator building where you have—

Susan Multi-story dwelling units.

Arfaraz Well, you have multi-story dwelling units, but you're entering on one level, and the primary level is actually one story above.

Susan So, let's say you have a building with an elevator, and on the first floor you have all single-story dwelling units. On the second floor, you have two-story, multi-story dwelling units.

So, you're taking your elevator that goes up and down through the building. It goes up to the second floor. It gives you access to the first floor of the primary entry of that multi-story dwelling unit, but you're not going to get access up to the second floor of that dwelling unit. You're just getting access to the first floor of that multi-story dwelling unit.

Then, what you would have to do on that floor, you would have to have either a bathroom or a powder room and a kitchen on that floor. Really, all that allows for in a multi-story dwelling unit like that is visitability.

Arfaraz So, I guess my question is it wasn't in Chapter 11A, but I'm presuming that in your in-depth analysis you found it's critical we include this exception. What was your thinking and rationale in that?

Susan When, you look at Chapter 11A, it has that same provision that on the first floor of the multi-story dwelling unit, you have to have the kitchen and a power room or a bathroom, and the upper floors aren't required to be accessible.

So, this is just clarifying that requirement because there were questions that would come about well, what about those upper floors and that route, and just clarifying that if you have a multi-story dwelling unit, it's only going to that primary entry level, just to that first floor. So, it's just a clarification that it's really what is the same requirement in 11A, but it's not quite as clearly stated in 11A.

Arfaraz Likewise, exception 4 says accessible route is not required to machinery spaces. Machinery spaces are exempt for compliance with Chapter 11B requirements under 11B-203.5.

[Overlapping voices].

Susan Well, when you look at some of these like the decorative balconies and the machinery spaces, that goes back to checking this back against the design guidelines of the Fair Housing Act, and they don't require access to those two types of spaces.

Arfaraz Neither does Chapter 11-B under general exceptions.

Susan Right, but again, we're looking at different requirements here and some different types of units, so we just wanted to be sure that if you have a decorative balcony on one of these residential dwelling units, you don't have to provide access onto that decorative balcony.

Arfaraz Is there a definition for a decorative balcony?

Susan I don't think there is.

Arfaraz Should we provide one?

Soojin Yes.

[Overlapping voices].

Soojin That was my question.

Brad Okay, hold on.

[Overlapping voices].

Soojin Yes, related to decorative balconies, so much question, the Juliet balcony. How deep can it be? Does it have to be non-structural, like you cannot have live load on it? What does it mean by that?

[Overlapping voices].

Derek Not intended for occupancy.

Soojin One more question about the multi-story dwellings. I've seen dwelling units that is two-stories, but both floors are served by elevator and separate entrance. So, does that mean you can choose one to be the primary, either one and locate accessible kitchen and bathroom, or do we have to have the features on both floors, in that case?

Susan I would say you look at if you have—well, for one thing the route, you're not going to—you're entrance isn't going to pass through a bedroom. So, really, as you're looking at that, your primary entrance I would say is on the floor where you go in and there's a kitchen and a powder room or a bathroom. Then, if you happen to have it so that—so, let's say—sorry, are you saying this is a multi-story dwelling unit? Interior to that, it has a set of stairs?

Soojin No, this is kind of a fancy adaptable unit, I guess. Both levels will have doors to the corridor entering into living space, not bedrooms, and they're both served by a common elevator.

- Susan So, you don't have an elevator within the dwelling unit itself. There's an elevator outside the dwelling unit.
- Soojin Yes.
- Susan It goes to both floors of the multi-story dwelling unit.
- Soojin Which has interior stairs.
- Susan It has interior stairs. Then, do you have—is there a kitchen upstairs and a bathroom and a powder room downstairs?
- Soojin Well, I don't remember the details, but what we decided on is that only one level will have accessible kitchen, but we can choose either one to be the primary level. But I'm hoping that's correct.
- Susan I'd have to just take a look at that and what is the primary entrance into that because in the guidelines in 11A it doesn't address that kind of condition. So, I would say you'd have to pick what's your primary entry. So, if somebody is going to come and visit you, what door do they go to to go to your dwelling unit?
- Soojin I just have one more question related to visitability. I'm reading that for the elderly, for senior housing, a lot of people actually need access to their bedrooms because of the healthcare service or whatnot. So, more than a kitchen or a bathroom, they're needing visitability to the bedroom. So, I was just actually wondering if that has to be captured in any way.
- Susan Well, it wouldn't be because it's not the requirement in the units with adaptable features, but if it's public housing, you're going to have to have a percentage, 5% of those units that would have mobility features, and you have 5% of those units you have to have the accessible routes throughout the unit.
- Now, let's say the 5% of those units are all multi-story units. You're going to have a residential elevator in that unit with mobility features. So, now they're going to have access to the entire unit. It's different if you look at the unit with mobility features. If you couldn't do that, then you could provide an alternate single-story unit, but it would have to have the same amenities, and it would

have to have accessible routes throughout all of the rooms of the unit, other than the closets, and turning spaces in all those rooms.

So, at least in public housing, if you look at 5% of the units, they would have that level of accessibility.

Arfaraz Did you just say other than closets?

Susan Yes, and actually that came from the Access Board, and they said they don't consider a closet a room, and you don't have to have a turning space in that closet.

Arfaraz Even if you have a walk-in closet?

Susan Yes, even—and, it's in one of their webinars, and they have a slide on that, and I've talked to them at the Access Board, and they said they don't consider that a room.

Arfaraz But, it's an amenity. Not making it accessible, you're in violation of the regulation.

Susan Well, the door and everything—you have to have the 32-inch opening and all of that, but they don't require a turning space.

Arfaraz Oh, I see. You're talking about turning space.

Susan Yes. If it allows for user passage, and you can roll into that closet, you still have to have the 32-inch clear opening and everything. It's just that they don't require turning space in that closet.

Brad Natasha.

Natasha I think this goes back to my earlier comment about the confusion with elevator and non-elevator buildings and which units have to be accessible because my understanding of the HUD regulations, and then the FHA design manual goes into further detail, is that if you have an elevator in the building, then all of the units have to then be accessible.

Susan If that elevator serves every floor in that building. You could have a building with an elevator, let's say you have a parking structure with parking below, and you want to get from that parking to the first

floor, and maybe it's a four-story building. So, you pull in, you can park. The elevator is only going to take you from the parking up to the first floor. Then, that's the only floor that those units are going to be required to be ground floor units.

Now, let's say you have that same situation. You have parking, and you're going to take that elevator—it's a four-story building, but you only want to take your elevator to the first and the second floor. You can't do that. You'd have to take the elevator all the way up through the building, and then every single floor is a ground floor, and every one of those would have to be—they're considered ground floor units.

Arfaraz I think I know where Natasha's going.

Natasha I think that's how I'm reading the building code, but not—

Susan Yes, there's actually a figure for that. If you look in the design manual, it goes through all that step-by-step and the elevators, and specifically there's a figure in there like a section cut from a building. It shows that, and they said yes, if all you're going to do is access parking on a lower level, and you're only going to do that at the first floor—

Natasha But, I think that example is different from when we were talking about the single-story units and the multi-story units in a building, but we're not talking about the elevator just going from parking to ground floor, but just accessing any unit in the building.

Susan That could be different because then you'd have to take a look at does that elevator go from parking to a first floor, or does that elevator go all the way up through the building, and if it goes all the way up through the building, then every floor is considered a ground floor.

Arfaraz So, even if there are multi-story units in that building, let's say four-story, five-story building with an elevator going up to the fifth floor, in addition to those flats being served by that elevator, you also have attached to it, multi-story units that some of them are accessed from, let's say a courtyard level, and some of them are accessed up a flight of stairs to the primary entrance level now, which has to also be accessed via an elevator, in other words.

- Susan When we go through the design manual and you sort of take that through step-by-step and the graphics and everything that they have, and they show all these different layouts and how you might get from a second floor into a building and a lower level, and whether there's elevators, and if there's site elevators, and you just have to go through that and look at it item-by-item and see okay, if I'm going to put an elevator in, I'm only going from the sub-floor parking to the first floor. That's okay. If I go above that then I have to take that elevator up through the entire building, but it goes through that step-by-step when you go through the design manual.
- Arfaraz Should there be a definition for an elevator building or a non-elevator?
- Susan There is a—well, if you look in the design manual, it discusses that.
- Arfaraz I'm saying in the building code.
- Susan I don't think that we'd really necessarily need a definition for it. It's just a building with an elevator and a building without an elevator.
- Brad Soojin.
- Soojin If I may, if I can try to clarify, I think, your question. If there is a multi-story unit in an elevator building, say it serves all the floors. There could be a unit on third floor that has two stories, occupies third and fourth floor. The third floor is served by the elevator, and the elevator is closed off to the corridor. Then, this is a covered multi-story unit. It needs to be accessible on the primary entry level, but above that, it doesn't have to be. So, it's a covered unit in an elevator building, but not the entire unit is accessible on every floor.
- Susan Yes, and then multi-story units are only covered in the Fair Housing Act in the guidelines in a building that has an elevator. If you have—now, it's different than Chapter 11A. Let's say you have multi-story, like individual townhomes, and it's just the front door. You got up the sidewalk, and you walk right into the front door. Then, those ground floor units, even if they're multi-story, there's still a percentage of those that's in 11A and 11B that would be required to be accessible. If you have those types of townhomes,

the Fair Housing Act and the guidelines don't cover those because they're not an elevator building. They're an individual townhouse.

Arfaraz Where in the scoping section in 11B do we get that 10%?

Susan Oh, it's in 233—I can't remember exactly, but it's currently in Chapter 11B.

Arfaraz I have a comment on the next one which is 7.1 width and 7.2 changes in levels. The language for the exception under 10.1 that is the same language you have in 11B-403.5.1

Susan Yes. Again—

Arfaraz Can we just reference that exception 1 or reference 403.5.1 instead of repeating the language? I mean, the language was there in 11A because they didn't have that exception in there, but since we have it, we can just refer to 403.5.1 instead of repeating that.

Susan Yes, and if I remember correctly, we'd want to take a look at that because I think in 11B currently that there are other exceptions under that section, so we might want to take a look at that. I think that's why, just off the top of my head, thinking back on why that was written, so yes, we can take a look at that.

Arfaraz Likewise, changes on the levels, I guess we should be referencing—do we need to reference 405, 410, 407? I mean, at that point, why are we leaving out 407, 408, 409, and 411?

Susan Again, I'd have to double check my table and see because, like I said, when talking this over with Stoyan, he said he was in that process where he was pulling in more and more of what was in 11B and the standards, but didn't quite get all the way there. So, yes, I'll double check and take a look at that one, too, and go back and take a look at my table.

Arfaraz Okay.

Susan I'm trying to remember what's in 11B-408.

Arfaraz So, 408 is limited—

Susan Oh, yes, limited use, limited application.

[Overlapping voices].

Arfaraz I'm not sure if it's 408 or 409.

Susan I can't remember either off the top of my head. I don't memorize the code.

Ernest 11B-408 is—

Brad Do you have another comment?

Arfaraz Yes, I was just—since this is just like everything now, right?

Susan Yes.

Arfaraz So, moving on to 809.8, doors now. So, when I was reading this, I kind of found it a little confusing because you have a whole bunch of exceptions there, and you have exception 1a, 1b, 1c, 1d, all of the exceptions 2, 3, 4, and 5, and that changes the format that we are typically used to seeing in Chapter 11A where they kind of break it down by level landing for thresholds, maneuvering clearances.

Is there a reason we couldn't break it down into those top sections instead of just listing it as exceptions because whenever I see an exception, I'm like what is it an exception to? What's the primary requirement, and then read the exception there after it.

Derek I would suggest that the sub-paragraphs under exception 1 are not exceptions on their own. Those are a list of requirements that's invoked in the last phrase of exception 1. So, it's more similar to what we have for the powered entrances where you can't comply with the door opening force. We have a list of requirements if you have to exercise the exception in that case. I think that's the same sort of structure here.

Arfaraz That can be confusing itself.

Kaylan I'm going to wave my thing and not—

[Overlapping voices].

Kaylan And backup that last comment because I think the way that what Derek referenced is written, we think people misunderstand that [indiscernible] We agree to that.

Arfaraz My recommendation would be that we try and break it down by elements like define maneuvering clearance, and then if we can either reference the—since we're within the unit at this point, we can just say here are the requirements within the unit, just like Chapter 11A did for maneuvering clearance or secondary entrances.

Susan Yes, I think so. Secondary exit doors.

Arfaraz Just break it down by those categories. It'll be easier to follow if you will.

Susan Yes, I'll take a look at that. I mean, sometimes—yes, I'll take a look at it and see if we can potentially make it a little clearer.

Arfaraz Then, also being able to kind of reference the existing sections that are already in 11B, again just like I said earlier. For example, the opening force for a primary entry door and secondary exterior door shall be 8 ½ pounds under exception 3 whereas the code section that Derek just pointed or referenced was 11B-404.2.9 which only allows 5 pounds.

Susan Right, and it's different in 11A.

Arfaraz Correct. So, think about when we test doors after the building's being challenged, is it going from mobility unit to adaptable unit to adaptable unit to mobility unit, and the door technicians is going to be like okay, I can adjust this one to 8 ½ pounds, but this one has to be 5. If the unit entry doors would most likely be fire doors anyway, wouldn't it be just simpler to just reverse 211 before 4.2.9 now that we're already in here?

Derek Well, except for those poor public housing building owners who may be private parties who now all of the sudden have their existing facilities potentially out of compliance because of the new requirement that might invoke an alteration to those buildings.

We always have to be very, very careful when we start changing the requirements, either requiring increased or decreased requirements that have been in place for years. For many years, most recently we've been referring over to Chapter 11A, Division IV, those are the existing requirements for us here, and while we're relocating these requirements into 11B, we still need to be as cautious from DSA's view about putting existing buildings into potentially non-compliant situations, difficult situations when they choose to do alterations.

It ends up being an evaluation. If you're going to be inconveniencing in one way or the other, then you need to analyze those different inconveniences.

Arfaraz Fair enough. Moving onto Section 11B-809.9—I'm sorry I'm just monopolizing, but unless anybody else has questions, I don't see anyone's card up, but the other thing that we always noted is that the mobility unit requirements for kitchens allow for pass-through kitchens being 40 inches. Is there thought about allowing for that same exception here?

Susan No.

Arfaraz Okay.

Susan When you take a look at that because what you look at in 11A, it has other types of kitchens, and it's 48 inches, and that actually came from the New Horizon document, and these are actually discussions that we had with HCE because they said your pass-through kitchen, you can reduce that down to 40 inches, and 11A would have to be 48, two different types of units.

In 11B, if you look at that one particular type of a U-shaped kitchen, that's allowed under 11A to only have 4 feet between the appliances and the counter, you couldn't do that in 11B. You'd have to have 60 inches. So, it's just realizing that there's going to be some differences in the makeup of these units.

Arfaraz Okay, 11B-809.9.7 [audio disruption]. Within dwelling units, when a removable base cabinet is installed, does it make sense to have—?

Susan Yes, because sometimes they remove those base cabinets but they don't install the insulation underneath that.

Arfaraz Okay, so one thing we've been doing it, it's just for adaptable units is allowing them to install the insulation as part of the reasonable accommodation manual. They have that as an item that needs to be done when the reasonable accommodation to remove that base cabinet—

Susan Got it.

Arfaraz Okay.

[Speaker off mic].

Arfaraz To be honest, I haven't had a chance to go through the rest. I'm going to stop at this point and send you my comments.

Susan Oh, perfect. Okay. For anybody else, send us all your comments, and we'll start going through those, and sift through all of it, and see if there's any tweaking or some corrections that we need to make.

Soojin If I can ask a question related to U-shaped kitchen meaning that 60-inch clearance. In a kitchen shape that's nowadays quite creative with multiple angles or U-shapes and edges kind of like coming together, what's the intent of it? Are we intending to have 60-inch clearance like clear rings like a circle, or does it have to be any distance between cabinets, walls, appliances should be 60 inches?

Susan If you take a look at what's required for the units with mobility features, you'd have to that 60-inch of clearance. It requires a turning space, so it could be T-shaped, or it could be a circle. If you look at that kitchen in 11A you can see what's required there. Now, if it comes in at an angle, you're not going to maintain, as that angle comes in, you aren't maintaining that required width.

Soojin So, it needs to be 60 inches everywhere.

[Overlapping voices].

Susan So, yes. If you're not maintaining that, so if this is going to start moving the angle over, and you're going to make it U-shaped with an angle, then you have a problem because you need to maintain that 60 inches.

The other question that comes up every now and again what about if you have a larger kitchen, and then you put an island in the kitchen, then you're going to be turning around an obstruction, so you may have to take a look at that.

Arfaraz Those are the building block requirements from a 48 wide—

Susan But, it wouldn't be in these types of kitchens. It would be—well, I'd have to double check. I think we do have a turning around an obstruction in here. I'd have to check that.

Soojin The design guide for Fair Housing does have that 40-inch requirement around islands from the island to any surface, if you read it word-for-word. I know there's a lot of confusion around it like can it be to another cabinet or appliance, and then the other side is 36 inches for the width, or does that mean 40 inches all around it? I don't know if you had a chance to address that here.

Susan I'd have to go back and take a look. I think we did, but I'd have to refresh my memory. I can't remember what we did with that in these sections.

Brad Any more question or comments on 809.6 through 809.12?

Susan Well, we could take our break about five minutes early and come back around ten after, huh?

Brad Yes, let's do that.

Susan Then, we'll move onto—

[Overlapping voices].

[Break].

Brad Alright. I'll turn it over to Sue.

Susan Okay. So, we just had a handful of some miscellaneous items, so we're done with talking about housing for today. This first code change proposal that we're looking at, we get questions all the time, and what happens is because when you look in Chapter 11B, we have you see there are really restricted locations for where you can put the controls in the shower compartment, and what we're proposing here is that we would align our code with what's in the 2010 ADA Standards.

So, you couldn't locate the controls any further forward, but it just would expand that section further back to give you a greater area for a location for where you could put the shower controls. So, the reason we're addressing this is because we just heard so much from code users, and they just say with that restricted space, this is really difficult, and in most cases, they can't even get it to comply.

So, you can see there, you see that 19 inches minimum. That would go away and, Debbie, if you scroll down a little bit further, so there's the 19 inches minimum. We're proposing get rid of that. So, you scroll down a little bit further, or I think you probably have to go to the next slide maybe.

You can see we're just expanding that. We're not going any further forward, but we're going all the way back the same as what's in the 2010 ADA Standards. So, that's what we're proposing in this code change.

Derek Do you think it'd be a good idea to kind of get some feedback on the preferability at this time?

Susan Yes. For these few items that we have rather than doing the whole grouping, let's just go item-by-item. If we want, let's discuss this one first.

Debbie Do you want me to change slides, Sue?

Susan I think you can leave that here.

Debbie Okay.

Susan So, Lewis, you want to go first?

- Lewis When we're saying we can locate the controls above a grab bar because there are requirements that there cannot be anything within the 12 inches above the grab bar, and now we're locating controls above the grab bar, but yet there's really now exceptions in the code that allow you to put the controls above the grab bar.
- Susan Actually, there is in the code.
- Lewis Is there?
- Susan Yes. There's actually an exception where you could put a vertical grab bar within an inch of an half from the horizontal grab bar.
- Derek In section 11B-609.3 Spacing, the last sentence there says the space between the grab bar and projecting objects above shall be 12 inches minimum. Then, two exceptions are provided. The first one doesn't apply to that topic—oh, I'm sorry, yes. The first one does apply to that topic, and it says the space between grab bars and shower controls, shower fittings, and other grab bars above shall be permitted to be 1 ½ inches minimum.
- Lewis I missed that part. Thanks.
- Brad Anymore questions on this? Kaylan.
- Kaylan As a frequent user of these showers, particularly the roll-in shower, when the controls—if you're outside of California, and those controls are anywhere within that shaded spot, it's going to happen that somebody's elbow or head is going to bump that control and change that water temperature. I've said a lot of curse words in different hotel rooms. It's very frustrating, and if it's hard to pull that 19 to 27 off, maybe there's another number, but I do think it could be very dangerous to have somebody's elbow bump that water control and push it over to hot water.
- Susan So, maybe what we do, like you said, rather than getting rid of that 19 inches, maybe we just give me a few more inches but not get rid of the full 19.
- Kaylan I'm not convinced that it can't be done in that 19 to 27, but I can see where it could be challenging, but I would also encourage you to think about where that hose is connected to the wall, and whether

it's going to loop down and somebody get their arm or even their neck or head tangled up in that because that could also be very frustrating, and if that entanglement happens, that could also get looped around the temperature controls, too.

Susan Oh, got it. Okay. Alright. Maybe we want to take a look at that, and like you said, don't get rid of the 19 inches entirely, but maybe reduce it down to 15 inches minimum just to give a little bit more space there. Okay.

Brad Arfaraz.

Arfaraz Kaylan said she wasn't so sure it's not impossible to achieve it within the 19 and 27. As representing code enforcement and being able to see it in field, getting that every day, I can confirm that it is possible. We haven't heard anything about that not being an issue, but I don't see a good reason for us to change the code.

I think the 19 and 27 is a reasonable amount of space to be able to achieve that, and if they need a code deviation, then we could look at it on a case-by-case basis, but as for needing to change the code, I would be supportive of not because I understand the issues about not just potentially changing the temperature of the water but just being able to turn your torso—

[Overlapping voices].

Kaylan It can potentially put that control—not everybody leans against the wall for support.

Susan So, it can put them too far back.

Kaylan They can go too far back and get behind your head or behind your shoulder, but I do think adding the shower spray unit to clarify that those go with that is really going to help because we've had a lot of questions and discussion about that.

Arfaraz We get a lot of questions about the positive on-off. What is positive on-off [audio disruption]? You can Google that discussion online, and there are “accessible and code experts” that have weighed in, and each one has a different response there. So, if DSA wants to

take a stab at providing clarification to that, I think that would be most welcome.

Susan I remember Marsha Mazz talking about that, and I think I found something a long time ago, and there was something from a plumbing manufacturer where they talked about that a little bit because I remember her saying when they looked at that, and they went through the regulations trying to determine—

Kaylan Yes, we talked to Marsha and Rex about that, and I think they've also addressed publicly in one of their webinars.

[Overlapping voices].

Lewis I did a search on that and Googled to find out. They are specifying the codes and the pieces. You can find the pieces if you go to plumbing manufacturers, if you find the piece what that is. I just put it right into spec.

Susan Yes.

Lewis So, going back to the hose issue and where that loops down because that actually creates a lot of problems where that droops, and the other question I had was we can put it on an adjustable bar, but we don't really specify the maximum height of the adjustable bar, so if somebody has come in and raised it all the way to the top, and the next occupant comes in, and it's still raised to the top, you have to call somebody to come in and lower it down for you. So, what I've done on my drawings is I tell them that the maximum height is an adjustable bars so that it's within reach range.

Arfaraz I can see that. That's an excellent point for when you're in a public shower.

Lewis This was for a hotel.

Arfaraz Right, but I think in residential dwelling units, however, that if only one person's using that particular bathroom, and to have it within reach range for the family member or members that are in mobility devices is one thing, and then for someone like—

[Overlapping voices].

Arfaraz So, having that ability in a dwelling unit is—but, I totally see your point in a public—

Lewis I did it for a roll-in shower. The standard showers when we get to that, I did have to have it so it's fully-adjustable because it's on the other side of the wall, and everyone uses that shower.

Kaylan That pushes you into operational issues because in a hotel or somewhere like that, housekeeping is trained to raise it all the way up. I work with hotel clients a lot about training them, at least they know to keep them lowered, and I know that's not a building code issue, but it is a design issue though really, and the other thing about that hose and where it connects, even if that hose is still required length minimally, if it's 59 inches, and it's placed 7 or 8 feet off the ground, it's probably pushing or forcing somebody to kind of sit on the edge of the seat and balance, and it's kind of a dangerous and tenuous situation.

So, that placement, not just from [audio disruption] but where it's placed front to back from the seat, but even the height of it makes it a challenge. So, fine put it up higher, but put a longer hose in.

Arfaraz The other place where we can probably add more clarity is on, I think, one of you mentioned the height of 48-inch maximum for the operable part of the shower. What is that part? Is that—?

Susan What point does—?

Arfaraz What do you measure the 48—?

Susan Yes. Okay, alright. We'll consider all of those.

Kaylan Thank you. I could talk about showers all day long.

Susan Alright. Next.

Brad So, it's 604.8—

Susan Yes, that's it, 604.8 [audio disruption]. So, what we're looking at here, this was actually an item that was withdrawn in the last code

cycle, so what we're seeing here because what happens. We actually require a deeper toilet compartment than the standards do in California.

So, what we're saying here, if you have that side opening door like you have down here, that then you have to have it from the back wall to that door opening, 54 inches because sometimes what happens is you see these toilet compartments like in a multiple-accommodation toilet room where you have a bunch of just standards toilet compartments lined up, and they'll put in one of these types of toilet compartments, but take up that whole wall space.

Then, what that would allow for when you have situation like this where that's much deeper, you could put like a wall laved that would—let's say this actually pulls out however far. You could actually then have a lavatory back here, and then you just have to be sure that that door is—the opening for that toilet compartment for that partition is no more than 54 inches from that back wall.

So, like I said, we just pulled this because I think that before it said the strike portion of that toilet compartment door, and we're just saying the door opening shall be farthest from the water closet and shall be 54 inches minimum from the rear wall.

[Speaker off mic].

Ernest

What is the purpose of the 54-inch dimension? How is that created? How did you guys come up with 54 inches as that's the minimum requirement? I understand from previous conversations with the Access Board and trying to figure out what the history of the 4 inches was with the maintain a door maneuvering clear space and make sure that the door was on the corner opposite from the water closet. That's how my understanding is of how that was created. So, it feels really, just from my line of work, this one is just a real pain to see in the field. How was 54 inches determined?

Derek

Okay, so last code cycle when we were studying this issue initially, we recognized that the ADA Standards has a much smaller minimum dimension accessible toilet compartment than what we require here in California.

So, knowing that the requirement for the 4-inch style is in the ADA Standards, we just started added up the numbers working from that farthest corner of the compartment and then working our way backwards towards what is shown here as the strike side of the opening. That's how we came up with the 54 inches.

We received a late comment in the code cycle last year, and the commenter highlighted a fairly—well, a not uncommon alteration design that is seen in some cases. I won't say a lot of cases. It's not overly common, but it's a very reasonable designs in alterations to existing toilet rooms. They pointed out that in some cases where you're altering an existing toilet room, you may choose to change the orientation of the water closet so that instead of having it stack up to the upper part, the upper wall in the figure, but then you could turn it to the side that way and then enter still from the side.

So, it's consistent with this layout, but the difference being that the doors could be hinged closer to the water closet, so the door swing would be reversed in this case, and when you're providing excessive length beyond the opening and away from the water closet, then that becomes a possibility in design that the door maneuvering clearances are going to comply, so it's fairly usable.

So, we withdrew the item. We committed to conducting further study on it, and then coming back with a revised proposal, and this is our current draft of that. In this case, we would have backed off the overall length, minus the 4 inches, minus the 34 inches, and we might have fudged it an inch or two at that point, but that's basically how we came up with that.

Brad

Lewis and then Arfaraz.

Lewis

If I look at this diagram, and you're going to tell me it's 54 inches minimum, you better tell me it's in the toilet side of that because I'm going to assume that anything, if I have another toilet stall next to that, I have to have 54 inches to the face of that toilet stall because that's on the outside of this room. If it's on the inside of the room, that's a little bit different.

I want to get back to the problem with the 4 inches because I've had problems in the field where they met the 4 inch requirement because the toilet stall was actually 10 feet long. The problem was

the architect actually had drawn it correctly, and the 4-inch dimension ended up being 24 inches because there was an obstruction outside, but the contractor maintained the 4 inches which made the door not accessible because there was an element in the way.

Susan Actually, that's what this would address. So, this has to be 54 inches minimum. Then, you have your door opening, and when you don't have that 4 inches here, so this could either be on the wall of you could lean through that toilet compartment up further, but then you would be able to put that lavatory there, and you could do it in such a way that you'd still be able to maneuver and be able to get into that door and get the proper clearances around that door.

Lewis I guess I'm not understanding why we even need to have the 54 inches minimum. I don't know where that—because if it's the door issue, there's plenty of code issues that I can use to address that door. I don't even understand why we have to have the 54 inches minimum.

Derek As it is shown right now in the ADA Standards, it does require the 4-inch style. Now, I understand the example that you said where there was some—

Lewis It's multiple locations.

Derek Okay, but what happens is that in California, we have so much additional room that the rationale for utilizing the 4-inch style dimension, which is very justifiable under the ADA Standards, starts to become less important under the CBC because of the excessive length of the stall that we have here. So, we're providing a lot more room.

What we simultaneously recognize is that a lot of designs may have a—Sue had mentioned wall-hung lavatories, countertops, lavatories, too, that want to go along the opposite wall on the right side of—

Lewis Yes, because the partition that's on this side of that, I mean that could go anywhere.

Derek Yes, and it could go all the way to a wall.

[Overlapping voices].

Derek Yes, exactly, but that 4-inch style dimension remains. So, the requirement would be to have that door be within 4 inches of the end of the compartment, and we're saying that that's not always necessary, and it's not necessary for maneuvering to have a diagonal approach towards the water closet compartment. What we're saying is that if we start our opening 54 inches from the wall behind the water closet that we can achieve the adequate maneuvering as well as allow for other design options which could have a lavatory or other elements behind the door.

Lewis So, is the language then 54 inches within the compartment?

Susan Actually, if we scroll back up, it says from the wall.

Derek From the rear wall.

Lewis I would like to clarify that it's within the compartment so that if we are outside the compartment, you're not requiring 54 inches from the strike side of that door. It's only within the compartment.

Susan This requirement is within the compartment.

Lewis That's a different requirement than where that strike goes, the strike side of that. That's the minimum clearance requirement around the toilet.

Arfaraz --the dimension shown within the compartment.

Lewis The language also so that it's 54 inches on the inside of the compartment to that strike side.

Kaylan From literal code readers this is a good point.

Derek Sue, I would suggest we could consider that.

Susan Sure.

- Lewis Definitely change the location of that dimension to inside the compartment.
- Derek In the stall, okay. We could look at that.
- Susan We'll take a look at that, sure.
- Debbie This dimension is from the strike, or from the door opening?
- Lewis From the strike.
- Susan So, the door could be six feet away because it's just the opening here.
- Debbie This should be inside. So, we could have stuff out here.
- Lewis I imagine that there's another toilet compartment stall right next to it rather than just an open space, and really architects would look at that and say oh, I have to have 54 inches minimum, so all of the sudden, everything—
- [Overlapping voices].
- Lewis Well, the toilet stall next to it now has an 80-inch wide path leading to the—
- Susan Yes, we can take a look at that.
- Brad Thanks, Lewis. Arfaraz.
- Arfaraz I was just wondering if going back to Derek's explanation whether when you did your analysis the last time around, did you take into account average sizes of water closet lengths ranging from wall-mounted units with flush valves to floor-mounted units with a tank and different shapes and sizes and how far from the wall they go when coming up with the 54 inches?
- Derek Yes.
- Arfaraz So, you probably took into account the furthest possible that the wall would go and how it relates with the maneuvering space around the fixture.

- Derek Yes.
- Arfaraz Thank you.
- Brad Soojin.
- Soojin Real quickly, we have to design for 11B and also ADA, and ADA still has the 4-inch requirement. Are we getting a pass to ignore that for this?
- Derek Good question, and certainly it's hard to speak for the US Department of Justice, since they are, of course, the only ones to give a pass or to give a final determination of equivalency, but I would suggest that by the method that we analyzed the size of these compartments, and that when we are providing equivalent or greater spaces in an area where the minimum spatial dimensions are critical, if we're providing the same or more than we're going to meet or exceed the ADA Standards even if we're not holding to that 4-inch style. So, it's certainly arguable if you're challenged under federal standards.
- Brad Debbie, did you want to add—
- Debbie Yes, Soojin, Scott Windley of the Access Board is going to be guest speaking for June's CASp discussion group. We'll ask him that.
- Kaylan These figures are new, proposed new for the building code. Is that right?
- Derek Revisions to existing figures.
- Kaylan They're already—okay. There's definitely an advantage to having this layout because the ADA Standards don't show this layout, this figure layout. To your point, Soojin, it really drives home that there's a lot more space than what ADA Standards require.
- Derek Yes because the ADA Standards could have stopped at the dashed line there, at the extent of the clearance around the water closet fixture. So, yes, you see with the 60-inch minimum in front of the water closet, we exceed by about 3 feet.

- Ernest So, we're looking at it for when the compartment door is installed on the side. Are we going to have opportunity to see it as a front partition layout as well because when the partition is on the side wall, we're saying that this layout provides greater access, and I think it's mostly because we have the 60-inch dimension in front of the water closet which ADA doesn't?
- The same applies to the front layout because the ADA doesn't require 48 inches minimum clear from the toilet. The CBC does, so can we use the same logic in saying that we don't need the 4-inch style requirement for the front partition?
- Derek I guess in our discussions in-house, we've wanted to maintain that diagonal relationship between the entrance even on the end entering condition, that diagonal relationship between the entrance and the water closet because they should be diagonally opposed within the compartment. So, that's going to keep you close to that corner, the same corner.
- Ernest Isn't that written in the text though that it needs to be placed in the wall opposite of the water closet?
- Debbie I think it's furthest from the water closet if I remember correctly.
- Susan Then, when you look at it opening into the water closet because with this we're looking at a much deeper toilet compartment, but when you're looking at it opening in, then we still have that same width. Yes, it's a little bit deeper, but the width of the toilet compartment would be the same.
- Ernest But, we would still have the code requirement that a door could not swing into the water closet clear space, so you're still protected in that sense.
- Kaylan Not always.
- [Overlapping voices].
- Susan It's a difference of the door swinging in to the room itself and swinging into the toilet compartment.

- Ernest Yes, I'm talking about the toilet compartment. So, the toilet compartment door cannot swing into the clear space for a water closet.
- Derek Correct.
- Ernest So, I think it's one of those things I might need to sketch to best describe, but I think you'd still be protected either way if you have the text that protects you from saying it needs to be in the corner opposite essentially. You have 48 inches clear floor space or 48-inch clearance in front of the water closet. You're required to provide a clear floor space or a maneuvering clear space for your compartment door, so all those things remain intact for the door for a layout where the door is in front in the front partition.
- Derek I think I understand your point. I think we would have to additionally study it to assure ourselves of any impact and be sure that we didn't have unintended consequences with it.
- Susan That would have to be in a separate code change proposal.
- Derek It could be for this one. If we were making additional amendments to the same paragraph, we could probably leave it in.
- Lewis Is the 4-inch dimension required both in side and front opening doors?
- Derek Yes.
- Ernest That's what I was saying. I think in my personal opinion, and I could draft something up, I honestly think in the CBC we could remove it altogether and still be protected by all the requirements that are set forth by how the relationship between the door and the water closet needing to maintain the clear space for maneuvering clear space for the door itself, and that doors cannot swing into the clear space of the water closet.
- Lewis I mean, I can understand why when we're looking at this condition of a side outswinging door because if there's nothing in the code, that door could be slammed over all the way against the wall technically, but the problem with that would be you wouldn't have the clearance in front of the door to actually get into the stall.

Ernest Alright, so [audio disruption] maneuvering floor space regardless of the layout of the compartment.

Derek Yes, I think if we were to argue equivalents on making a change to the location of the end opening door, probably the biggest hurdle is going to be arguing that in the most extreme instance where the door—I have the figures here. I know we can't get it up on the screen real quickly or easily, but this is the figure that illustrates the current code requirement.

That's the end opening door. That's a 4-inch maximum style on the hinge side, but in the worst case, we'd look at simply flipping that door over and having it back up against the side wall here and be close to the corner, to this back corner here of the compartment.

So, the argument we would have to make is that proceeding through the doorway and then getting over to the other side of the compartment could be accommodated just as easily as the ADA Standards relationship that's established by the diagonal relationship.

Kaylan I think that's dangerous. I think people with larger mobility devices are going to get stuck in there. My chair has a fairly small footprint, and I've gotten stuck in one before.

Derek Oh, where the door was not diagonally opposed. I see.

Kaylan In a place without doors. I think you're going to have to look at that very carefully.

Derek Okay.

Susan Alright. Anything else on this particular item? No? Moving right along. Next, bottle filling correct. First we'll look at the definition. So, when looking at this, I took a look at the definition that's in the plumbing code, and it's not something that we adopt, so I thought okay. The reason that we're writing up some regulations for bottle filling stations, we're seeing these specified and used a lot, especially in school facilities. They're using a lot of these bottle filling stations.

So, what we're proposing here for a definition is a fixture that is designed and intended for filling personal use drinking water bottles or containers, and such fixtures can be separate from or integral to a drinking fountain. So, that's our definition.

Then, moving along to our code section, what we're proposing here is we have the scoping section and the technical section. So, first scoping section, and you can see we're proposing to change the title of this section to include bottle filling stations, and then we just say where bottle filling stations are provided, they shall comply with Section 11B-602.10. We have an exception there, though. In detention or correctional facilities, the bottle filling stations only serve in holding or housing cells not required to comply with Section 11B-232 shall not be required to comply with Section 11B-211.4.

Then, if we go a little bit further to the technical provision, here we say, again we changed the title so it's Drinking Fountains and Bottle Filling Stations, and then we say they have to comply with 11B-307 and 309, but then we have an exception, and we say where bottle filling stations are provided at a drinking fountain for standing persons, the bottle filling station is not required to comply with this section provided a bottle filling stations is located at the drinking fountain complying with Section 11B-602.2 through 11B-602.6.

So, that's what we're proposing for the bottle filling stations. Like I said, we're seeing those used a lot.

- Derek Sue, are there any other accessibility regulations yet on bottle filling stations?
- Susan ANSI A117, but it's not adopted yet.
- Derek Okay, and what approach do they take?
- Susan It's somewhat similar to this. They don't address the exception for the correctional facilities. So, it's pretty close to what this reads.
- Derek Then, just an additional question. What was your rationale for striking the 10-inch minimum bottle height portion of the definition?

Susan Oh, when I looked at that, I just thought was that really necessary that we limit the height of the bottle, and the bottle isn't regulated by the building code because it's not a fixed or built-in item, and did we really need that 10-inch in height in the definition.

Derek It might have impact in that it doesn't—of course, we don't regulate the height of the bottle. You're absolutely correct there, but by saying that it needs to accommodate a bottle that's not less than 10 inches in height, that sort of indirectly regulates the space within the bottle filling unit, and may provide some level of clearance that is near the person's head who is bending over to use the drinking fountain if they're combined at the drinking fountain. So, it's maybe something to think about.

Kaylan Can I ask a question?

Susan Sure.

Kaylan Do you think that leaving the 10 inches in there would—some code users would interpret this that there has to be a 10-inch space there, at least a 10-inch space there?

Derek The manufacturers are likely to accommodate a minimum 10-inch space. Now, I suppose, whether the bottle goes in like the base first, and then you rotate the bottle into a vertical position, that might allow a smaller opening.

Kaylan But, we know there's some creative code users out there.

Derek We work in a very creative field.

Susan We can take a look at that, and leave the 10-inches in, or not less than 10 inches.

[Speaker off mic].

Arfaraz The most common question we've received around bottle filling stations is if we don't an accessible drinking fountain complying with 602.blah, blah, can we provide a bottle filling station in lieu of that would be mounted at the right height, and all that, but that would be serving the area of proposed alteration.

We have said no. A bottle filling station is different. It's a plumbing fixture. A drinking fountain is a plumbing fixture in building code, and the ADA says where provided, one shall comply.

By now renaming these sections to say Drinking Fountain and Bottle Filling Stations, my fear is that the questions will now increase many fold because they'll say well it's the same section. I'm wondering if we could provide language that can make that distinction that they're distinct, separate. That's a recommendation.

Susan Yes, I mean, maybe look at what it requires for the path of travel, it doesn't say drinking fountain and bottle filling stations. It's drinking fountains.

Arfaraz Like we said earlier, we have creative code users.

Derek Arfaraz, just to let you know, in our jurisdiction, we take the same approach. We require accessible drinking fountains, if drinking fountains are provided, and accessible bottle fillers if they're provided.

Susan Yes, because they're two different—

Arfaraz Understood, and I think we're clear, too, that that's the right approach. It's just that if we can clarify it by adding a note, language to the code, that might help the code users out there.

Natasha I think that highlights—this is Natasha. I wanted to make a comment about 602.10 and the exception language. The way I'm reading this, where bottle filling stations are provided at a drinking fountain for standing persons, the bottle filling station is not required to comply with basically the section that requires accessibility.

Does that mean that if there's a bottle filling station that's combined with a drinking fountain, and it's at standing height, that there's not also an assessable bottle filling station?

Susan Well, that's what this is saying. What this is saying is if you provide bottle filling stations at a drinking fountain that's not required to comply with that section. However, you have to have the bottle filling station that does comply with 602.2 through 602.6. So, you would have to have one that is at the accessible drinking fountain.

Natasha Okay. I'm just trying to clarify that the way this is written, there is a standing drinking fountain/bottle filling, but there's also an accessible one that provides both the drinking fountain and the bottle filling.

Susan Yes.

Arfaraz I would say—oh, sorry.

Brad That's okay. Jihee, you're next.

Jihee I was just looking.

Arfaraz I think that could be misconstrued though because when you read that exception, so the section says bottle filling stations shall comply with the 307 is Reach Range, 309, Operable Parts. So, those are the requirements that are being asked for.

The exception is saying where bottle filling stations are provided at a drinking fountain for standing persons which is also known as the high drinking fountain, the bottle filling station is not required to comply with this section provided a bottle filling station is located at—and, now I'm going to paraphrase—at a low drinking fountain.

It's not saying anything about that bottle filling station that's being provided at the low, so what if it's being provided at a high/low, and it's located—I mean—

Kaylan Can I ask my question?

[Overlapping voices].

Kaylan So, you're trying to say that if you have a high/low unit where there are two separate or one element, that bottle filler needs to be at the low unit, and not only at the high unit.

Susan Right.

[Overlapping voices].

- Susan --high unit doesn't have to comply with reach ranges, but then you would have to provide one that does comply with all of that.
- Kaylan So, a high/low drinking fountain and bottle filler, the bottle filler can't be—and there's only one bottle filler—it can't be at the high unit.
- Susan Right. The only way it could be at that is if you also provided one at the drinking fountain that has to comply with 602.2 through 602.6.
- Arfaraz I'd like to suggest that an exception is unnecessary because—
- Kaylan Or, maybe this is the scoping instead of being in the technical section.
- Arfaraz A bottle filling station needs to be accessible. Period. End of story. There's no exception. Don't design it such that it's part of a high/low unit that it's located over a high unit. That's just poor product design.
- Susan Or, if you decide you're going to put two of them in at that type of drinking fountain, then that drinking fountain for a standing person doesn't have to be accessible. So, if you put a bottle filling station in there, that wouldn't have to be accessible. Then you would have to provide one that is accessible at that lower drinking fountain.
- Arfaraz Then, like Kaylan suggested, put it into the scoping section where more than one bottle filling station is provided, at least 50% comply with 11B-602.10.
- Susan Yes, we could take a look at it. We'll consider it.
- Kaylan We see this in the field quite often where they miss it, and it's just bad design when they stick it over the high one.
- Susan We'll consider it. We'll take a look.
- Jihee In reality, so we're talking combo units, right, drinking fountain and bottle filler. In reality, they're both in reachable height, so I mean, they're both accessible whether it's a combo unit with a low unit or a high unit because they don't get that high anyway.
- Soojin Well, you cannot reach over the high one and comply with 309.

- Derek You may be able to. In some cases you can because the high drinking fountain is required to be 38 inches minimum and 43 inches maximum.
- Soojin Right, so it may be that that reach obstruction is like 36 inches or something.
- Jihee But, it's not that deep, the drinking fountain.
- Susan Sometimes they are. In a combo unit, sometimes you have one that's deeper than the other one. So, the accessible one is not as deep as both, so they don't necessarily, the bowl on the front doesn't necessarily line up. Sometimes, they're offset.
- Kaylan These are being added as retrofit to the existing set of drinking fountains, so they just don't take the height of the high unit into account at all.
- Brad Soojin, and then Natasha.
- Soojin I think I agree with putting it in the scoping to make it clear that either at least one or a percentage of it being accessible because this exception is a little too restrictive that it sounds like you need to have it over the low drinking fountain, but in reality one should be able to have a separate bottle filler that's not attached to drinking fountains that's accessible, right? You would allow that, but that exception makes it sound like you must have it over the low drinking fountain.
- Susan In that situation where you do have one over the high, and you think you don't have to provide one at the low.
- Soojin Right, so I think scoping it to make it at least one or a percentage would make it clearer, and at least one should be accessible. Period. That's how you solve it, I think.
- Susan We can take a look at that.
- Jihee Or, consider just don't have them together. Just have a separate section for bottle fillers in scoping, both separate.

Derek What we find in a lot of the school projects that have been submitted to DSA is that they're retrofitting in a retrofit type of bottle filler, and these are designed specifically to be located above an existing drinking fountain. In a lot of cases, they use the bowl of the drinking fountain as the overflow basin for the bottle filler. So, that's why we're seeing a lot of them located above drinking fountains.

Brad Natasha.

Natasha I was wondering if this could be fixed by adding into the exception language provided a bottle filling station complying with, insert relevant section for the bottle fillers, is located at the drinking fountain complying with that section. So, that way you're talking about a bottle filling station that we're sure complies with the height requirements and other accessible requirements for the bottle filler, but it's also at a water fountain that is compliant.

Susan We can reword what that exception is stating.

Natasha I just think, as we talked about creative code users, having that extra little phrase compliant—

Susan Well, you know what, some of the issue is just understanding the code and the format and the language of it, and you know, looking at it just as how it's written. Sometimes we want to be careful because thinking back to what Chapter 11B used to look like, we're sticking with that same cadence of the code, but we'll take a look at it. We'll consider it.

Natasha I just want to put it out there. When we're done with this conversation, I do have a comment about the one in the middle 211.4, so when we get there, I have a comment.

Brad Let's take that—oh, that's coming up.

[Overlapping voices].

Brad We had that as a separate item. So, does anybody have anymore questions for the bottle filling station?

Natasha This is a bottle filling one.

- Brad Yes, but any other questions on the general topic of bottle filling?
No, okay. Let's move onto 211.4 which is going to be about bottle filling. This is a separate item.
- Natasha Sure. So, for 211.4, again we're talking about bottle filling stations, but there's an exception here for detention and correctional facilities, and I just wanted to point out that I know last code cycle, we had a big discussion, multiple discussions about exceptions for detention and correctional facilities that, here again, we're talking about places where it's not just staff, and first off, the idea that there is never going to be staff with disabilities is a problem, but also visitors.
- I know our office regularly has attorneys, and we have attorneys with disabilities who go to jails to conduct investigations or meet with clients. The idea that they're not going to have an accessible bottle filling station when there's a non-accessible one, it just doesn't make sense to me that you would put this exception here. It's not in the rationale why it doesn't have it.
- Susan Really, when we look at that, if they serve those detention cells that are not required to have mobility features, if you have other bottle filling stations that are out in the common use area, and they're not serving those cells that aren't required to have mobility features, then you'd still be required to make those accessible.
- Natasha I see.
- Arfaraz That exception doesn't say it that way then. It gives a pass to everything within the facility.
- Debbie How so?
- Arfaraz It says in detention or correctional facilities.
- Lewis Only in holding cells
- [Overlapping voices].
- Arfaraz Sorry. I have to have another cup of coffee.

- Natasha You have people who are coming in and out of the detention facilities that are not necessarily the people in the cells.
- Susan Correct, but if you're going to have—so, what this is addressing, if you put in a bottle filling station, and it only serves those holding cells, and those are not the cells that are required to have mobility features, it's not required to be accessible, but if you have a bottle filling station out in a public area, or in a common use area, it's not serving those cells, that's required to be accessible.
- Derek It's similar to the exception that you have for an accessible route serving those cells.
- Susan Right.
- Natasha So, we're talking about bottle filling stations inside of the holding cell that are not accessed by anyone outside of the holding cell.
- Susan Correct because they're only serving—
- Natasha These are cells that are not accessible.
- Susan Right.
- Kaylan Dare I say, they allow that?
- [Overlapping voices].
- Derek Have we heard of bottle fillers being installed in detention facilities?
- Susan No.
- Derek Okay. It seems like a lot of small parts that could easily be snapped off.
- Susan A tool.
- [Overlapping voices].
- Susan Alright. We only have two items left that we want to finish up before 4:15 because then we have our finishing remarks, but I think these next two items are going to be pretty easy.

So, next one up is the baby diaper changing station, and this request actually came in from a code user, and now if you— Chapter 11B doesn't require baby changing tables. It only requires that when they're installed, they have to be accessible, but now if you take a look at Government Code, and there's two sections in Government Code, 505.35 and 118506, and then there's also Health and Safety Code, and that's 118506 where it does require baby diaper changing stations in certain facilities.

So, all we're doing is doing a title change here. So, it's a baby diaper changing station that is aligned with the terminology that you would see in that Government Code and Health and Safety Code. So, all we're doing here is a title change. That's it.

Brad Okay.

Lewis Is there a scoping for when the baby diaper changing stations are required in the code because I know it recently got back in California?

Susan Well, 11B just says that when you provide it, it has to be accessible.

Lewis Doesn't the law now require it in certain locations, and should that be in the code?

Susan No, it's in the Government and Healthy and Safety Code.

Derek The law does require them, however, DSA doesn't have any authority to scope baby changing tables in general. However, when they are provided, we want to make darn sure there's accessibility provided.

Lewis Didn't a law pass that it is required in government buildings?

Derek Yes.

Lewis Being an architect, I need to know that that law actually got passed to know that I need to provide that in that facility.

Derek Yes, that's right.

Susan Just like others, they're typically—you don't have to provide toilet rooms for the public, but there are some facilities like barber shops, cosmetology facilities where it does require the toilet rooms for the public. So, it's the same thing. Then, you have to know that there are certain provisions in maybe Government Code or Health and Safety Code that do scope certain elements and that they are required.

Lewis That can't be part of the building code, just put that in that they're required?

Derek I'd like to finish my response, please. DSA does not have the authority to write that scoping, just as DSA doesn't have the authority to say you have to provide three water closets and two lavatories and a urinal. We regulate what happens when you do require it.

Now, should scoping be—

[Overlapping voices].

Derek Yes. Should they be clearly scoped somewhere in the building standards? Yes, they should. As far as I know, there's no state agency that can make global amendments to the plumbing code or the mechanical code or even the building code.

Lewis It doesn't mean that a plumbing or a mechanical issue.

Derek Or, even the building code for just general issues like that. I've asked the question numerous times to the Building Standards Commission, and they have not identified any sort of global authority possessed by any agency.

Brad Debbie.

Susan Yes, because we added a note that refers users to the Unruh Act for seniors, so I think that's a good thing. We have a note that points to—

[Overlapping voices].

Susan We already have it in the advisory manual.

Lewis Oh, perfect.

Susan Yes, it's already there.

Lewis For the baby diaper changing station, that it's required in these facilities?

Susan Yes, and the reference is already there in our current advisory manual.

Brad Arfaraz.

Arfaraz I just want to propose for DSA's consideration when you're developing the advisories in the advisory manual, should we include that a baby changing station shall comply with both 309 and 902. Most people don't connect the dots with 902 requiring the toe and knee clearance under the baby changing station.

Why that comes up is there are available, on the market, recessed units.

[Speaker off mic].

Arfaraz But, when they're allowed, you don't have the 19-inch depth, and they get caught at that section, and it's now like what do we now. Maybe we could used those recessed units and maybe create a recess below the recess to allow for the knee clearance. I don't know.

I defer to the design community to comply with those, but it's not very clear. I'm not saying it's not clear. I'm just saying they miss the fact that 902 requires the knee clearance of 19 inches or the toe clearance of 19 inches, and code users don't always make that connection.

Susan Okay. Alright. Last item of the day. This question has come up, and this is the figure for—this is section 604.3.2. It's moving onto the next page.

[Overlapping voices].

Susan

There we go, next slide. One more. Excellent. In a discussion with David Yanchulis at the Access Board, oh and Jim Pecht before he retired, and I asked him a question. I said, you know, something doesn't seem right with this figure because how can you have the grab bar extend over the lavatory.

They said well, we know that this is an error in our figure, but they said we're not going to be doing any amendments any time in the near future. It's just one of the things that we have on our list. So, what they explained to me is says 18 inches minimum from the center line of the water closet to the edge of the lavatory, but they said you also have to overlay it with the required length of that grab bar.

So, then if you scroll down, what we're proposing here is as figures are only illustrative. We know that they're not regulatory, but still people look at figures, and they think they can do that. So, what we're proposing here is actually to shift that lavatory over so it's beyond that grab bar, and then if you scroll down one more, then you can see what the final figure would look like, and it would be like this.

So, all we're proposing to do here is just to correct this figure and make it clear because when I first took a look at that, I thought okay, if we have 34 inches to the top of the lavatory, and we have an inch and a half to the underside of the grab bar, and then we have the grab bar, so how are we going to make all of that work. That's why—

Arfaraz

--at 33.

Susan

Well, yes, but then you look at the knee and toe clearance under the lavatory, and then like I said, in discussing it with the Access Board, they said we know. We know the figure is wrong, but it's not going to be fixed any time in the future. So, we thought, okay, at least we can fix it in Chapter 11B.

Derek

So, the big change for the 2004 ADAAG becoming 2010 ADA Standards of allowing the lavs and water closets to be closer to each other is defeated by the required length of the grab bar.

Susan

Exactly.

Derek Got it.

[Overlapping voices].

Lewis --to have the 18 inches minimum, is that because it's in the standards?

[Overlapping voices].

Susan You look at the 18 inches minimum, but they said the problem is you have to look at the requirements for the grab bar, too. So, then you start looking at the requirements for the grab bar and where that has to be installed, and now you do the lavatory, and again they said, we know there's a problem. There's an issue with it.

Lewis Okay, but literally, it has to be a minimum of 26 inches.

[Overlapping voices].

Lewis Oh, 24 plus the mounting hardware.

Susan What we've done here is we're not proposing to change the language of the code. We're just proposing to clarify the figure.

Arfaraz This is only specific to residential dwelling units as we know residential dwelling units you aren't required to actually install the grab bars, so it compounds the issue, but then it requires the code enforcement agencies and the design community to figure out where would this future grab bar go, and would it comply. We've seen some creative solutions where the top of the counter is at 33 inches for the users of those types of grab bars, the ones with the T.

Susan Okay, got it.

[Overlapping voices].

Arfaraz Six inches away to stay clear of the counter or the lav fixture. So, it can be done, but it has to be detailed out, so during plan review, we'll typically ask the architect to detail that out and think that through or increase the size of the unit or the bathroom.

- Susan Yes. So, like I said, at least we figured well, we can address it in Chapter 11B. So, that's everything we have for code change proposals. We did it. Yay. Woohoo.
- Arfaraz Real quick clarification on something. I'm looking at Derek and Sue. There's a toe clearance requirements for toilet compartments on one side panel, right, the—
- Susan Oh, yes.
- Arfaraz It doesn't specify which of the two sides it could be on. It could be on either side. It could be on the side that's closer to the water closet fixture, or it could be on the side that's opposite the water closet fixture. Is that correct? Neither the standards nor the building code specify which one it could be.
- Susan I think it's just a matter of providing—
- Derek It says at least one side partition shall provide a toe clearance of—
- Arfaraz So, either side, in your opinion.
- Derek Yes. That's what I would say.
- Susan Because then you just end up with that, if you don't need that in the [audio disruption] you're going to end up with that extra 6 inches in the—
- Arfaraz Right. I understand why it's there. I just want to know if there's anything preventing a design professional from providing it on the water closet side and not on the other side.
- Derek You can provide it on at least one—
- [Overlapping voices].
- Soojin Sorry. Going back to the grab bar, this is for mobility units, correct?
- Susan Right.
- Soojin So, does that mean it actually needs to be 24 inches? Like, even at 12 and at 24—

Susan We're just clarifying the figure. We're not proposing to make any change in the language, but like I said, in talking to the Access Board, they said you have to overlap both of these requirements.

[Overlapping voices].

Lewis I think it's a situation where the information that you're being given is irrelevant.

Soojin Right, but the requirement is to allow future installation of a 36-inch grab bar 24 inches from the center of the toilet. So, this is kind of—

Arfaraz Why not change that dimension to 24 and be done with it?

Susan What we'd have to do is then also change what's in the code language itself, the language in the standards. At this point, we just said, let's just clean up the figure, and at least make that correct.

Arfaraz But, the intent is to achieve that 24-inch clearance, so while you're cleaning it up just clean up both. I think that's my recommendation. I would second that if that was your recommendation.

Susan Yes, we could consider it. Yes.

Soojin I think if that's the intent, it's better to do it once rather 18 and the 24 language.

Susan Yes.

Lewis I'd make it 26 to allow for the mounting hardware.

Susan We could consider that because they say 18 inches minimum, so if we go beyond that—

Derek We'd still comply with the ADA Standards. That's not a problem. It is somewhat deceptive to see 18 inches minimum dimensioned out beyond the end of that grab bar. I looked at another figure, and it's 24 inches minimum there.

Susan We could do that. We could look at the code language as well and clean up all of it.

Brad So, let's talk a little bit about our next steps. It sounds like a lot of information going to the box, so the box app will contain a lot of the recommendations, and we encourage anybody here to also write in written recommendations if you have them after today, and we'll incorporate those in the box as well.

The next meeting will be on June 13th, correct? Did we say June 13th for the ACC? At that time, we will go over what—

Susan Well, we'll go over hopefully by that time we'll be able to go over whatever code change we're looking at for the four housing times that were withdrawn. I think we had some other miscellaneous items for electric vehicle charging stations. What was the other one? Detectable warnings. Oh, and 1.9, there's some scoping there.

Then, we'll see as we progress with this and how quickly we get your responses and what you were looking at for some of these provisions that we went over today for housing, and we'll start to review those and see what we incorporate into these changes.

Potentially, that might be not the June 13th meeting. That might be a subsequent meeting. We'll need to see how much we have to cover.

Brad Sounds like a full agenda. We'll be in contact with you. We won't let you get too far out of reach.

Arfaraz Sue, you mentioned, earlier that you were going to send us a link to the box that you're uploading stuff to.

Susan Yes, we'll send out that link again, and like I said, any of the documents we went over today, the PowerPoint presentation, and then what we'll probably do, we might do it as a separate folder as your comments start to come in, and then probably what—if we just put all your comments into the folder that is for a particular meeting, it might not be the best way to sort of capture all these different comments, so I'm thinking probably in the box what we'll do is set up separate folders, like one for bottle filling comments and one for the housing comments.

Then, as we start getting these emails and comments, we'll just start putting them in the folders so you can start taking a look at all of that. I'll start with that email that you send on the grab bars.

Derek To that end, would it be best for any comments that are submitted to group them all by those topics so we don't get comments from anyone that have some comments about grab bars and bottle fillers and some about the adjacent lav.

Susan Well, maybe our best way to do this is to group them by—I don't know if we want to group them by section number.

Derek I don't know. I'm just thinking that if we get a comment in, and it comprehensively comments on numerous items that we've presented here today that it wouldn't be easily categorized into one sub-folder.

Susan Yes, I see. So, I guess as you submit your comments like all the comments that you submit on housing, that we could just put in that one folder, but yes, I see what you're saying. Some of these other sections, you might want to say okay, this is the section on the door into the toilet compartment or reference that section number.

Derek Have that as one separate comment.

Susan Yes, then we can kind of keep them all together. It might be a little easier to manage that way.

Derek And to review.

Susan And to review them, yes.

Natasha Just to clarify for context. None of these are final until the group votes, or a final recommendation until there's a vote here.

Susan Well, we don't have a vote.

Natasha Okay, so how—

Derek Your comments are most valued and will impact our development of the code item. When we're ready to submit them—

[Overlapping voices].

Natasha Okay but at what will DSA say this is the language that we will be submitting?

Derek Well, we'll be submitting before the CAC, and that will be still an informal submittal. When we get the CAC comments back, we'll make more revisions, and then we'll develop our first formal submittal which is at the beginning of the 45-day comment period.

Natasha Okay.

Ida What we did last year was—it's not that there's a vote, but there is a determination that the ACC supports this submission as written. So, it's not like—it's more of a yes or a no, and it's really with an understanding of I'm fine with it as it is. I could've wanted more, but I'm fine with it as it is.

Natasha Sure, but there will be a meeting.

Ida There will be a meeting. You will be given the opportunity to say yes, I'm good with this, but it wouldn't be a vote per se. Does that make sense?

[Overlapping voices].

Derek Yes. It's cumulative also because if there is an item that, let's say it's a real simple item like changing from baby changing table to baby diaper changing table, and we don't hear any objection, we might not bring it up again to the ACC to take more of the time here. We will just proceed forward understanding that there weren't any objections, no serious objections to the issue.

Susan There's still the opportunity when we go to start holding the public meetings. You can participate in those public meetings as well.

Natasha Right.

Ida And, encourage your stakeholders.

[Overlapping voices].

Brad Alright. Thank you, everybody. We appreciate your time.

Derek We got through it all.

[Overlapping voices].

Ida Thank you, all, for coming.

Moderator Thank you, ladies and gentlemen. That does conclude your conference for today. Thank you for your participation and for using AT&T TeleConference Services. You may now disconnect.