



Final Transcript

STATE OF CA-DEPT OF GENERAL SERVICES: Access Code Stakeholder Forum

July 9, 2019/12:30 p.m. EDT

SPEAKERS

Ida Clair
Susan Moe
Derek Shaw
Debbie Wong

PRESENTATION

Moderator Ladies and gentlemen, thank you for standing by. Welcome to the Access Code Stakeholder Forum. At this time, everyone joining by phone is in a listen-only mode. Then, later, we will have comments. [Operator instructions]. As a reminder, the conference call is being recorded today.

I'll now turn the meeting over to the Acting State Architect, Miss Ida Clair. Please go ahead.

Ida Thank you. Welcome, everyone, to our first Access Stakeholder Forum for the 2019 Intervening Cycle for the California Building Code Accessibility Provision, Chapter 11B. We will be holding this meeting today, July 9th and tomorrow, July 10th. Tomorrow we will have the meeting as long as we have provisions to discuss, so the meeting may end early tomorrow.

A little bit about our activities to date, we started with the 2019 Intervening Code Cycle with a few ACC meetings, the Access Code Collaborative meetings. A little debrief on the Access Code Collaborative, as you know this is a representative group of stakeholders who assist us in our proposal development. They advise on proposals and language that we put forth and with their input we refine the language before we bring them into the proposals to you today.

We are seeking today further input on the proposals. Again these amendments are just proposals. They have to go through the entire rule-making cycle, which I will cover in a minute. A little bit about our ACC work, we presented proposals on May 9th and June 13th. The ACC discussed the proposals that we are presenting to you to the public today.

Our next Access Code Collaborative meeting is August 8th where we will be discussing additional proposals. The next public Access Stakeholder Forum, a meeting just like today, will be on September 19th where we will discuss the proposals that we discuss at the ACC on August 8th. Then, we will do our work to prepare our proposals for submission to the Building Standards Commission in December. Then, they process those proposals to the Access Code Advisory Committee of the Building Standards Commission. It is anticipated that the Access Code Advisory Committee meetings will be held sometime in February or March of next year.

Sue, can you put up the timeline please? For those of you who are viewing documents on Blackboard Collaborate, you will see that there's the Intervening Code Adoption Cycle. I will move up here to set this.

Our proposals are due in in December to the Building Standards Commission. The Code Advisory Committee meeting, specifically Access Code Advisory Committee, will be held sometime between February or March. Then we prepare our documents for a 45-day submittal review by the public and then the commission meeting will be in July and August of next year.

The publication period will be from August 2020 to December 2020 and then of course, sorry I'm having difficulty reading this, then they

will be out there published for six months and then the code provisions take effect July of 2021. All the provisions that we will be discussing today and the proposals we'll be discussing in September, if they move forward as part of our package and get approved by the Building Standards Commission, they will be effective July 1, 2021.

I advise you if you heard about this meeting through the grapevine and not directly from DSA, please consider subscribing to our list. You would go to our DSA webpage which is www.dgs.ca.gov/dsa. At the bottom of the page is a link to subscribe so that you can receive all these announcements for this code development cycle.

Ways to participate today is you can view the documents via Blackboard Collaborate. We have live closed captioning, and there is a web link in the agenda to receive that live closed captioning. We also have people in attendance from the teleconference and also in videoconference in the DSA regional offices in Oakland, San Diego, and Los Angeles, as well as here in person in Sacramento.

A little bit about meeting protocols, when we ask for comments, we will first take comments in the room here in Sacramento. Then, we will take comments for those in attendance at the DSA regional offices. Then, we'll take comments for those on the phone.

We ask that when you do comment to speak slowly, clearly, unlike what I'm doing now. I know I tend to talk fast so talk slower than I do. For those of you in the room, please get near to a mic as well as those in the videoconference, make sure that you're near a microphone so that the transcript can be processed. We have a transcript of today's meeting that we will post to our website later and speaking clearly and adjacent to a mic will assist in that.

Also, please remember to state your name before you speak so that we know to whom to attribute a comment. And also make sure that your comments are relevant to our proposals being proposed today. They shouldn't deviate and be expanded wider. We have a process to follow and that is on the comments that are being proposed today.

With that being said, again, welcome. I'd like to now make some introductions. Again, I'm Ida Clair, Principle Architect here at DSA and also Acting State Architect. We will go around the room, then to the video conference, and then the teleconference announcing who is in attendance today.

Sue, would you like to start?

Susan	Susan Moe, Senior Architect with the Division of the State Architects.
Debbie	Good morning, Debbie Wong, Senior Architect with DSA.
Sara	Sara Rafalson, EVGO
Cameron	Cameron Flynn, EVGO
Gale	Gale Bates, Code Resource.
Jay	Jay Hyde, Mogavero Architects.
Beth	Beth Maynard, Building Standards Commission
Taylor	Taylor Steele, Tesla
Andrew	Andrew Kosydar with the California Building Industry Association.
Derek	Derek Shaw, with the Division of the State Architect.
Jessica	Jessica Axtman, with the Division of the State Architect.
Ida	Now, we will head to the regional offices in Oakland. Can you announce yourselves, please?
Tessa	Tessa Lombardi with Basis
Ida	Thank you. We have no one, I believe, in San Diego. In Los Angeles, please announce yourselves. I think you're on mute. So you might—
Brooke	Brooke Murray, Long Beach Unified School District

Ida On the phone, please take turns announcing yourselves. Unmute yourselves.

Jessica Well, they're all on listen-only mode right now.

Ida Oh, got it. We could release it, right, take it off? Can you take it off listen-only mode and have people introduce themselves so we can capture those in attendance?

Moderator Certainly. This is the operator. I'm going to put the call in fully interactive mode. So, the lines will be open. One moment please.

Ida Thank you.

Moderator We have the lines open on the phone.

Emily This is Emily Withers. I'm with the Department of Housing and Community Development.

Todd Todd Stragier with Neff Construction.

Terry Terry McLean at Architect and a CASp.

Gene Gene Lozano, Access Code Collaborative.

Debra Debra Smith, AAA Company.

Faruk Faruk Sezer from City of Los Angeles.

Timothy Timothy Thimesch, CODAP, and Civil Rights Attorney.

Ida Is that everyone who's on the phone? Okay, thank you. I'm sorry? Okay. Thank you, if you could put it back in listen-only mode.

Moderator Okay.

Ida Thank you.

Moderator The telephone participants are back to a listen-only mode.

Ida With that being said, we'll get started. Susan, please introduce the proposals.

Susan Well, what we're looking at, the majority of our code change proposals that we're going to look at today are related to housing and then we have a few other miscellaneous proposals as well. Really, what we're doing, this is sort of a culmination of our continued research and development for our housing proposals. This is actually one of our proposals that the first one is on page 1 of your documents.

This is a proposal that we took before the Code Advisory Committee last year and they asked that we have DGS Legal take a look at this proposal before we proceeded with it, which is what we did and we got a ruling from DGS Legal. That's why we're now bringing this code change proposal forward again.

What we're looking at in this code change proposal, this is actually in Chapter 1 under Scope and Administration, the code change proposal what we're looking to here is actually striking the reference to Section 4450 and making that reference to Government Code Section 12955.1C [ph] and then we want to refer people to the definition for public housing that's in Chapter 2. Our reasoning when we take a look at this code change proposal, there's been a fair amount of confusion when people take a look at Chapter 11B and try to determine the applicability of that chapter for housing.

If you can take a look at Section 4450, in Section 4451, it says, this chapter shall be limited in its application to all buildings and facilities intended for use by the public. As I said, this really brings forward a lot of confusion because there are various types of housing that are regulated that are considered a place of public accommodation and that Social Service Center establishments and housing at a place of education.

Really what we're looking to here is the application to what we call public housing. In Government Code Section 12955.1C, that gives the Division of the State Architect the authority to develop regulations for public housing. So, what we're doing here is just

correcting this section and striking that reference to Section 4450 and instead leaving the sections or applications that is 12955.1C.

With that, we can entertain questions and comments.

Andrew [Indiscernible] here in—

Susan One reminder before everybody—

Andrew Andrew Kosydar from California Building Industry Association.

Susan —and really speak up.

Andrew So I know that there's a lot of history behind this and I've not been involved in it so please forgive me if these questions are more clear to the rest of the group. I just want to say that from the time that I've been involved in this, there are three things that really aren't clear to me as an individual, not necessarily to our organization. Then I'll speak a little bit about our organization.

One is it's not clear to me who established that there's a problem, and these questions don't have to be answered in this forum. They're just questions that I have. It's not clear to me who established that there is a problem. Was it DGS Legal who made the request for this change? I don't know.

The other thing that's not clear to me is there actually a problem? Was the fair amount of confusion established by a study, or was it a gut feeling, or what was the methodology to come up with identifying this as being a problem? It's not clear to me.

Then the third part is that would this proposed change actually fix the purported problem? These are the questions that I have when it comes around to this particular definition and I'm not saying it's good, bad, or ugly as an individual.

Now to put on my CBIA hat really quick, I know that we think that this renders the definition ambiguous and that it makes it less clear. One of the main reasons for that is we're concerned about the changes to the definition in Chapter 2 where DSA is proposing

adding a public entities housing program. That's it. That's all I wanted to say. Thank you.

Susan

Thank you. To respond to a couple of your comments, there are different reasons why the Division of the State Architect takes a look at code change proposals. Sometimes it might be by statute, it could be that staff finds an issue with a previous code change and we realize that we need to maybe make some amendments. Sometimes this actually comes from code users.

What happened with this particular change that we're looking at, that's what prompted this is because there is so much confusion out there when code users take a look at this section and it states in Section 4450, all buildings, structures, sidewalks, curbs, and related facilities constructed in the state by the use of state, county, or municipal funds. Well, the issue is—and you talked about the definition for public housing and that is not an item that we're looking at today. Whichever regulation we take a look at, whether it's the Fair Housing Act or it's the HUD Section 504 regulations, or it's the ADA and the 2010 ADA Standards, those regulations are not based solely on the use of public funds and that is what's causing the confusion.

It's not only building officials, it's also different public agencies that said this really causes some confusion when they're taking a look at public housing and whether or not Chapter 11B applies because if they base it strictly on the receipt of public funds, then there's an issue. There are other housing facilities that are constructed that the interpretation is that Chapter 11B wouldn't apply when in actuality it does.

Andrew

Susan, this is Andrew again. Thank you very much for attempting to answer my questions. With all due respect, I'm just going to push back a tiny bit.

Susan

Okay.

Andrew

That didn't answer my question. I was trying to figure out who established that there's a problem. It sounds as though it might be DSA thinks that there's a problem. Then, the other part of it was how was it established. It sounds as though, if I understood you,

that you're saying that you guys received phone calls, or I guess that's not clear.

It doesn't have to be answered. I'm not asking that it be answered in this forum. I'm just saying that I don't understand who established it and how it was established or that this would actually fix the problem. These are just questions that I have.

Susan Okay.

Andrew Thank you.

Susan Yes, and to answer your questions, we get phone calls, we get emails, get comments from when we do our training sessions. What happens when we repeatedly get these comments and these questions, obviously then we say, okay, there's an issue with this and this is not the proper application for Section 4450. So, the movement or the change comes from outside DSA and then we start to take a look at that and it just continues to build. Then we realize, yes, there's an issue here so we need to address it. Some of it also comes about just because of all the research that we've done in looking at the various federal regulations and what triggers the application of those federal regulations.

Anybody else? Any other comments in the room? Any other questions?

Andrew Thank you.

Susan No? We don't have anybody in San Diego. In Oakland? No? How about in Los Angeles? No? Lori, is there anyone that would like to make a comment on the teleconference line?

Moderator Yes, we have Tim Thimesch queuing up. Tim, your line is open.

Tim Hi, I'm sorry. That was inadvertent, withdrawn.

Moderator Thank you. I'll release you back to the call. [Operator instructions]. We have no one queuing up on the phone.

Susan Alright, well at this point—

Ida Sue, we have a few additional people. I'm not going to do it all throughout but since we've had a considerable amount of people join us, I figured we might take an opportunity to introduce themselves real quick so we can get them on. In the back?

Cory Cory Bullis on behalf of the Electric Vehicle Charging Association.

Bill Bill Zellmer with Sutter Health

Mark Mark Woods with Comcast.

Susan Okay.

Ida And in LA.

Susan Yes, Los Angeles? Do you mind identifying yourself?

Tracy Tracy Nishihira, Capitol Program Management working with Long Beach Unified School District.

Susan Okay, thank you.

Ida One more time on the phone.

Susan On the teleconference line, is there anybody who hasn't identified themselves on the teleconference line?

Moderator We have Shannon Mulhall queuing up. Shannon, your line is open.

Shannon Hi, yes, this is Shannon Mulhall, Americans with Disabilities Act Coordinator for the City of Fresno.

Susan Okay, well with that, like I said the majority of what we'll be talking about today are proposed code changes for housing.

The next item that we have on page 3 of the documents is the definition for bottle-filling station. This is another proposed code change where we were hearing from various school districts and different code users. They said, we have a situation where more and more these bottle-filling stations are being used and there isn't

anything specific in Chapter 11B that addresses bottle-filling stations. There are provisions in ANSI A117 that address these types of plumbing fixtures.

What we did, we took a look at the definition in the plumbing code and you can see there the plumbing code definitions and it talks about the plumbing fixtures connected to the potable water distribution system and has some other information there. We took a look at that and we thought, well, for purposes of the definition in Chapter 2, we're going to strike some of that language that's in the plumbing code [ph]. What we're saying is a fixture that is designed and intended for filling personal use drinking water bottles or containers, such fixtures may be separate from or integral to a drinking fountain. As we go through our code change today, you will see that there are some other provisions that go along with this definition for bottle-filling stations.

So, with that, I'll open it up to comments. Anybody? No comments in the room on bottle-filling stations?

Beth Beth with Building Standards Commission, just for sense, you're changing the plumbing part or you're changing—

Susan No, we're not changing because we don't have the authority to do anything with the plumbing code. All we're doing here is just showing some reference there to the definition in the plumbing code and then this is what we intend to use for Chapter 2. Yes.

Any other comments in the room? No? How about in Oakland? No? Okay, any comments in Los Angeles? No? How about on the teleconference line?

Moderator [Operator instructions]. We go to Terry McLean. Terry, your line is open.

Terry I want to say I support the change.

Susan Thank you. Anyone else?

Moderator We have no one else on the conference phone.

Susan Alright, thank you. All right, well for the next item, I am going to turn it over to Derek. This is on page 5 of your document.

Derek Great, thank you, Susan. The next item on page 5 of the code amendment document is a new definition for primary function. Currently the term primary function is utilized in Chapter 11B. I think it's in one location and that's in 11B-202.4 the exception that's specific to electric vehicle charging stations.

Now since we came out with our EVCS regulations for accessibility, we've received some comments and some feedback about the term primary function. I think a lot of code users know how that term applies within the ADA standards and that is the source for the term primary function. We have, however, we are proposing to introduce this definition that is based on the Title II and Title III facility's definition for primary function.

I'll go ahead and read this proposed change. The new definition for primary function, a primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to the dining area of a cafeteria, the meeting rooms of a conference center, as well as offices and other work areas in which the activities of the entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, and corridors are not areas containing a primary function. Restrooms are not areas containing a primary function unless the provision of a restroom is a primary purpose of the area, example being a highway rest stop.

Okay, so the language that we see here in the proposed definition for primary function combines language from the ADA Standards Part 36 and also the Part 35 of the ADA Standards. The language that were either in Title II or Title III that wouldn't necessarily be compatible with the use within the California Building Code. That language, if you did a comparison between the federal language and this proposed definition, you're going to see the omission of some of those terms, and nonetheless we've captured in whole the applicable portion of Title II and Title III.

I think, with that, I can entertain any questions on this item or comments. Anybody here in the room? No questions or comments here?

Taylor This is Taylor Steele with Tesla. I'm wondering if you can speak a little bit to the practical implications for EV charging stations and then specifically for an EV charging station, would that count as a primary function?

Derek The answer is, it depends. We see in 11B-202.4 the exception for electric vehicle charging stations but the parent section there, 11B-202.4 specifically talks about this path of travel requirements when an alteration is undertaken, an alteration to an existing facility. Now, the concept works really well and works in a lot of aspects in Chapter 11B but where we see the term primary function it is specific to the electric vehicle charging station.

In that exception, it tells us, and I'm going to paraphrase here, that you need not provide a path of travel to the acceptable electric vehicle charging station if charging, or parking, or vehicle storage is not the primary function. Then there's a second paragraph that tells you that you do need to provide an acceptable path of travel to the acceptable electric vehicle charging station where the parking, vehicle storage, or charging is a primary function.

So for example, if there was an existing vehicle fueling station, gasoline fuel we'll say, and an electric vehicle charging facility was going to be installed on the same site, let's say it was large enough where electrical and gasoline were not a concern, but we would recognize then that that existing fueling station, one of the primary purposes is to fuel. So, that is a primary function and so in that case, yes, the path of travel would be required to build an accessible EVCS.

Now by contrast, if we have an EVCS facility that is located in front of an office building, so we know that conducting business is the primary function in most office buildings and that the parking area is intended to support the one primary function in that being conducting business within the building, so then we can see then that neither the parking area nor the proposed elect vehicle

charging facilities would be considered a primary function and so an acceptable path of travel would not be required in that case.

I want to be real clear though, in using the term acceptable path of travel that is distinct, although there is some overlap, but in general it's distinct from the term accessible route. The requirements to provide an accessible route to the accessible electric vehicle charging station is unaffected if by any requirement either to or not to have to provide the path of travel.

Taylor That helps clarify. I think my one comment would be that it's still a little unclear as written, but that helped me.

Derek If the existing language in the exception for electric vehicle charging station, if you feel that's still unclear, please talk with me, or with Sue, or Debbie, or even Ida because we do make adjustments to the code as we go through the years we always want to make it as clear as possible.

Taylor Thank you.

Derek To the back, please.

Cory Thanks, Cory Bullis on behalf of Electric Vehicle Charging Association. I know you have to explain this a lot and I hate to make you do it again, but can you really differentiate between what is an accessible route versus the acceptable path to travel? Given that those terms get so easily conflated so often it would help to have a reminder.

Derek Absolutely, the terms do get conflated frequently and there's a long of history of that going back but let's just talk about what is required today both in the California Building Code but also quite similarly under the federal law, the ADA Standards, for an accessible route. An accessible route, is—and it's a defined term but I'll paraphrase it. In essence, it's the ground space over which a person using a wheelchair, or other mobility device, may travel to safely go to their destination.

This is a ground surface. Typically, you'll see it as a walk or a sidewalk. Inside of a building, an accessible route would include

corridors or even pathways. So those are all examples of accessible routes and those are necessary so a person in a wheelchair can get to their destination.

A path of travel, on the other hand, is a term of art. It's a term that is pretty specific to the accessibility field. It's a term that is based in federal law and has been with the California Building Code for many years.

Path of travel is a term that indicates that along the accessible route to your alteration, your area of alteration, that there are certain facilities that need to be accessible that serve the area of alteration. Those facilities would include the entrance to the building. They'd include your toilet rooms serving the area of alteration. Additionally, cell phones and signs, and drinking fountains serving the area of accessibility.

So you see that each of those elements in the path of travel are not specifically surfaces over which you travel. They may include ground or floor surfaces like in a toilet room, but not necessarily. It's having those listed elements as part of the path of travel being compliant with the current requirements of the building code when the path of travel obligations are triggered in Section 11B-202.4.

So, with regard to distinguishing between the EVCS that are part of primary function or that are not part of the primary function, then you see where they are not part of the primary function, then they're still required from the accessible route but there's no requirement for the accessible path of travel. Path of travel, if there aren't any deficiencies in those elements, would cost additional funds in the project that would increase the costs. You could see where determining whether it was part of the primary function or not is very important for a project.

Cory

Thank you.

Derek

Yes.

Gale

Yes, Derek, this is Gale Bates. Since this is a new definition, it might be good to, if you could, clarify it within your advisory manual

giving examples so that people will have a better understanding of the definition.

Derek Real good idea. Thanks.

Cameron Cameron Flynn from EVGO. One also clarification kind of related would be a bit more of a definition around technical infeasibility and the evaluation thresholds were pretty clear but there are small percentages of cases such as parking garages that are already filled to their code maximums and not much more that they contend with. It would be helpful, it's just more additional comments, to give a bit more understanding around what that is, maybe, clearer process, a consistent process across jurisdictions.

Derek Well technical infeasibility is a term that is defined in the building code. All our defined terms are in Chapter 2. Let me grab the code book, its right there in the back, and I'll read it for you. We can talk about it as we go.

The definition for technically infeasible, it's a little bit lengthy so I'll read it, typically at a brisk pace so let me know if you need me to slow down. I'll be mindful of our code capture as well.

Definition of technically infeasible, an alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

That's our definition. It sets a pretty high bar but this definition of technically infeasible also has its basis in the federal standards. In essence, the issue of technical infeasibility identifies those existing conditions that are extremely difficult, in this case they say little likelihood of being accomplished, because of the existing structural conditions.

Where we might see that in a regular building project, not necessarily EVCS, but we might see that in a regular building

project where you have an existing shop at the ground floor but that the entrance doorway is too narrow. Now, typically because doors were constructed with structural members on both sides of the door opening then making that door opening wider would necessarily mean that you would have to alter the structural member which we see here is a condition that may qualify for technical infeasibility.

Now, this definition is applied in Chapter 11B under a general or broad exception for technical infeasibility. This is an exception in Section 11B-202.3, exception 2 and what it essentially says is that where you have where the enforcing agency makes a determination that compliance with the regular requirements would be technically infeasible, then the building official can make that determination.

So what that typically requires is remember there's over 500 different code enforcement jurisdictions in California. So you're going to need to reach out to whichever jurisdiction your project is and discuss the issue. A lot of the building departments have a process by which you can request a determination of technical infeasibility and you can substantiate that and submit the request to the building official and then the official has to make the determination if it's appropriate.

Cameron

Thank you for that. I think my only comment on top of that would be is what happens most of the time is we'll get into an agreement to lease a specific number of charger stalls from a particular facility that's willing to rent to us so we can install charging onsite. It might be a parking structure and the only way to install the charger is to put it in the head of the stall which pushes the stall out into the drive aisle then shrinking the drive aisle down below code.

So, in that case, what we could do is try to change the orientation of the charger within that footprint but instead of doing two, we only do one charger or it pushes us into another person's property we don't have rights to in order to accomplish an accessible route. I'm kinda putting it out there. I want to see what we could do to help remedy that. I think it's a pretty common issue in the industry, and I don't have the answer for it but I just wanted to put that out there into the group for consideration.

- Derek I think that's great. I want to bring your attention to Section 11B-812.10.4 which is specific to the location of the electric vehicle charger. Now the exception 2 might apply to a lot of the facilities you just described. I'll read the basic requirements here for everybody and then I'll read the exception 2.
- The basic requirements in 11B-812.10.4 location, EV chargers shall be adjacent to and within the projected width of the vehicle space being served. Now Section 2 to that section says, for alterations and existing facilities where an accessible route or general circulation path is not provided adjacent to the head end of the vehicle space or access aisle, the EV charger may be located within the projected width of the access aisle 36 inches maximum from the head end of the space.
- So, if you're provided, if you have an existing parking space within an existing parking facility and you're converting the EVCS parking spaces to electric vehicle charging spaces, then the acceptable EV charging stations are going to have an access aisle adjacent.
- What this exception tells us is that in the existing facilities where you don't have space, at the head end, like the condition you described, then rather than being obligated to locate the electric vehicle charging equipment directly in front of the vehicle, this exception tells us that it may be in placed near the front of the vehicle, within 36 inches, but it could be in front of the access aisle. So, it's also very accessible to people who use wheelchairs in that case. That's just a little different from the basic [Indiscernible].
- Cameron That's very helpful. Thank you.
- Derek You're welcome.
- Cameron Can the charger— in the instance it would protrude into the access aisle, is that allowed, if it's technically feasible to push it? Is that, I know the access aisle has to be 18 feet deep by 5 foot wide.
- Derek If it is technically feasible and where you're dealing with existing frequently concrete structures—
- Cameron Right.

Derek Anytime where you have a structural member there it's a good candidate for a determination of technical infeasibility, but again, talk with your building official early in your project and try to get a good view. Five hundred different jurisdictions and we find that on a lot of questions there may be differing interpretations and opinions in different jurisdictions.

Any other questions or comments here in the room?

Mark Sir, I don't mean to be petty, but back earlier when you were talking—

Derek Sure, kindly state your name.

Mark Mark Woods. Just a slight clarification, when you were talking about technical infeasibility and door width being too small and that the structural frame usually on either side—I think you were talking about concrete, right? If it was concrete wall rather than a set frame.

Derek I think in that case, the example I used was a ground level shock. I didn't discuss the construction type.

Mark Well, so are you saying—this kind of took me by surprise and I'm hoping that I got it wrong—that if you have to widen this door, because on either side of the door, there's structural members in wood frame construction, in fact, all construction. So, if that's a structural member, then you can't widen any doors because they're all technically infeasible simply becomes they're structural members. That was my—that's where I was going. I know it's petty but

Derek Interior doors are rarely—

Mark I'm talking about all exterior doors.

Derek Yes.

Mark Let's just talk about exterior doors for now.

Derek It qualifies for consideration for a determination by the building official.

Ida I think we're talking about the main structure, like a—

Mark Primary structure.

Ida Primary structure, not just studs—correct?

Derek Yes. We're not just talking about studs.

Ida Right.

Derek However, the framing with jack and [indiscernible] are going to be those members as identified under federal discussions around the issue as an issue of technical infeasibility. But the wall framing is typically not a structural member.

Mark But the header and king studs and the trimmers, those are all structural members and that just.. Everybody's getting a call, saying oh, we can't do a door anymore because, you know, it's a structural member, so we can write it up and see if the building official will buy it. Is that what you're saying? Generally, the building official won't buy that.

Derek Remember, it's a little likelihood, so like the only official I believe would be well within their authority to assess the likelihood of making that alteration. No, I don't think the applicant can assume that because there's an entry-way with structural framing, or members for it, that they're automatically going to get it passed. I advise everybody who's designing to go ahead and talk to the building official as early as they can in the project to get a clear read.

Mark I just wanted to clarify that because I do- Having been a building official, I had to deal with that all the time.

Derek Thank you. Okay, any other questions here in the room or comments.

M No.

Derek Okay, let's go to DSA regional offices. Any comments or questions in Oakland? No.

Okay, and it looks like we have nobody in Los Angeles, San Diego. Any questions or comments on this side?

Ida There's nobody in san Diego.

Derek I misidentified that. I'm sorry. Los Angeles, no questions or comments on this side as well? No. It looks like we don't have anybody San Diego.

Alright, so if we could go to the phones then? Lori, if you could—

Moderator Yes, we have a comment from Tim Thimesch. Tim, your line is open.

Tim Hello, can you hear me okay?

Derek Yes, sir.

Tim Okay, so I'm very concerned about this change among all of them that are being presented today. I would first question why we're adding this expansive definition of primary function, which includes cafeterias and dining rooms and, etc., when the only use of this definition in the code pertains to electrical vehicle charging stations. It seems to me instead of adding a definition in the general definitions, we should be adding a short, explanatory definition at the EVCS portion of the code because we're not using the primary function definition anywhere in the code as it pertains to cafeterias, as it pertains to conference centers, as it pertains to offices.

This is a definition utilized by the ADA that restricts the path of travel obligation. And so here is my objection, under our code, an alteration to any part of the building including, say, the entrance of a certain size can trigger the obligation to provide path of travel obligations, like the bathroom and the drinking fountain and so forth.

In the ADA, the definition or the trigger for path of travel is much narrower. It has to be the main function of the building. For instance, an alteration in the kitchen is not going to trigger the obligation to provide path of travel obligations to the cafeterias—only the cafeteria dining room that's going to do that. So, the ADA is not as powerful. What I see here, is—or, here's my concern is that we're adding this definition now into our general definitions and it's going to start slipping in everywhere including with regard to our path of travel obligation.

Now, I'm not going to re-litigate what happened with electrical vehicle charging stations. Our community still maintains that it's diluted our code in violation of 4459 that they're really parking places. They're not storage. They're not anything else in that the state architect and the building standards had no right to violate that code section. Set that aside. It's going to have to be decided by a plaintiff withstanding in court some day and I don't mean to be inflammatory. But I'm just saying, if our only concern is clarifying electrical vehicle charging stations, put the definition there and leave out all this stuff referring to cafeterias and etc., because that's not what we're talking about. That's not why we're adding this definition.

Thank you very much.

Derek Thank you very much. Are there any other—

Moderator We do have an additional comment on the phone from Terry McLean, and we have Terry's line open.

Terry Hi, this is Terry. I kind of agree with that comment because it does seem a lot more expansive than it needs to be. I can see where the definition makes sense overall, but it doesn't in lieu of how we use it in our code. So, I would agree with him that that's something that may be a little more clear in the actual section as to what that means. That's my comment. Thank you.

Derek Thank you Terry. Any more comments on the telephone line?

Moderator We have nothing else on the telephone. Please continue.

Derek Okay, thank you. Okay, so I think with that I'll turn the presentation back.

Susan So, we're back to code change proposals that are related to housing. What we're looking at—and this is actually a concept that we've been working on for some time now—is that we will have an amicable separation between Chapter 11A and Chapter 11B. Because right now, DSA still adopts Division 4's characteristics of dwelling units from Chapter 11A and we still adopt the site and practicality test that's in Chapter 11A.

What we're proposing and either later on today or depending on how much time it takes or tomorrow, we'll actually be looking at the section that is referenced here. That is Section 11B-809.6 through 11B-809.12 and you're now on page 7 of the documents. What we're looking at here in this particular section is striking the reference to Chapter 11A, Division 4 and instead, providing the reference to Section 11B-809.6 through 809.12. What you would find is 11B-809.6 through 11B 809.12 are those provisions that are in Division 4 of Chapter 11A. However, you are not going to see that repeated word for word because what we did, we took those provisions, we did some research, we looked at that, we said, okay, we're going to carry that forward, we're going to make the language a little bit clearer and we're also going to use the numbering format that we use in Chapter 11B.

Anyway, basically what we're doing in this particular section is getting rid of that reference to Chapter 11A, Division 4. So, with that, we'll take comments. Any comments within the room? No? We got a thumbs up.

Mark Do I have to say my name?

Susan We got a thumbs up from Mark Woods, and we also got a thumbs up from Jay Hyde. And really, when we took a look at this, Andrew asked why we do some of the code change proposals that we do. At the federal level, there were a lot of comments from people that they would say, why can't you just have one set of regulations for housing as opposed to having the Fair Housing Accessibility Guidelines, HUD Section 504, and the 2010 ADA Standards? So,

obviously, there's nothing that we can do to make any modifications to those regulations at the federal level.

So, what we look at, we have, okay, well what can we do with Chapter 11B? If you were to look at Chapter 11B, what you would find is we adopted the 2010 ADA Standards as our model code, and we've also written in provisions that actually go beyond what's required in the Fair Housing Accessibility Guidelines, so at least if this code change moves forward, if you were doing a public housing project, you could just look at Chapter 11B.

That is our intent. So we're addressing some of those same concerns that we've heard at the state level where people would say, well, can't you just put all of this in one section of the code, leaving one portion of it, so you don't have to go back anymore? That's what we've done.

Any other comments? Anything else in the room?

- Gale Yes, well, I think it's a very positive note that you're headed in because one thing that happens when people start going back and forth between different sections of 11A and 11B, you pick up something out of 11A that really wasn't applicable for 11B, but you've read it and all of a sudden, you're trying to enforce that same item. So, I think it's very positive.
- Susan Thank you. Anybody else?
- Debbie So 11A makes an amendment to Division 4? Do we have to amend our sections accordingly?
- Susan We could take a look at that, but that wouldn't mean that we—
- Gale It's not mandatory.
- Susan No, it wouldn't be mandatory. Any comments in Oakland?
- Tessa This is Tessa Lombardi with Basis and we also appreciate this.
- Susan Okay, thank you.

- Tessa We find that with the building departments, it's very difficult to get them to go back and forth between Chapter 11A and B. So this will help us out.
- Susan Excellent. Thank you. How about in Los Angeles? No? Alright, with that, Lori, we'll turn it over to the phone lines.
- Moderator [Operator instructions]. I'm not getting any questions on the phone. Please continue.
- Susan Thank you. Next item we're going to take a look at, this is on page 9 of your documents. If you were to take a look at the 2010 ADA Standards, you would see there is an exception and what we see here in 11B-205.1, we see exception 3 and it just says reserved. Well, what we're proposing here is to actually reinstate that exception that you find in the 2010 ADA Standards and it says there, where two or more outlets are provided in the 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.
- Again, when we look at some of these code change proposals, this again is in response from what we're hearing from building departments and then, also taking a look at what is required in the electrical code. So, when you start taking a look at the spacing for outlets in a kitchen, in the electrical code, when you have an inside corner, you were limited to four feet. If you take a look at that, let's say at one portion of that inside corner you have an outlet that's a foot away from the inside corner, then you have another outlet that would be three feet away, it's within that outlet that's at three feet away. So, you wouldn't be able to make that accessible. But the other outlet that is only located a foot away from that inside corner, you're not going to be able to get that in any of the reach ranges.
- That's what we're looking at here. It's also directing our comments and it's from what we are hearing from building officials and code users. I'm just saying, how do we make this work and without this provision, how do we make that work in a kitchen and still comply with the electrical code? That's what we're looking at here. It's just reinstating a provision that currently exists in the 2010 ADA Standards.

With that, we'll open it up for any comments in the room.

- Bill The way I'm reading that, if you have four electrical outlets, one of them would not have to comply with the other three, would it?
- Susan Well, you have to take a look, because that's a space where two or more outlets are provided in the kitchen above a length of countertop that is uninterrupted by a sink or appliance, one outlet shall not be required to comply. So, you'd have to take a look the spacing on those outlets and where they're located. If you have four of them and it's in a countertop that isn't uninterrupted by a single appliance, you're correct. Only one would not be required to comply, but the other three would.
- Bill So, my initial reaction is I would want it to read the other way around and say one of them would have to be accessible and the other three not. Obviously, you didn't write it that way. Why is that?
- Susan Well, like I said, what we're doing, we're taking this directly from the 2010 ADA Standards. If we were to propose what you're saying and do the opposite of what the standards require, then we would potentially have an issue because we would drop lower than what the ADA Standards require.
- Bill Thank you.
- Susan Yes, any other comments in the room? How about in Oakland? No? Los Angeles? No? How about on the phone lines?
- Moderator We do have two comments, first from Tim Thimesch. Tim, your line is open.
- Tim Hi. I'm sorry, I don't have your name, but what the presenter said about the corner makes sense in terms of reach ranges and why that would mean to be non-accessible, but it seems to me, instead of doing this numerically, your exception should simply say that outlets located within a certain area of the corner shall not need to be made accessible.

There's no requirement that we match the ADA in terms of bringing our code down, which is what this is doing. I see the practicality, as you presented it, that sometimes you need to do this for the corner, but that's the way it should be written, not broadly that we're going to bring one outlet down for no reason at all unrelated to the corner. Thank you.

Susan Thank you.

Moderator We do have a comment from Terry McLean. Terry, your line is open.

Terry Just in support of the amendment.

Susan Thank you. Moving right along, we're now going to take a look at page 13, and what we're looking at here is Section 11B-206.2.3, and again, what we're looking at in this particular section is just removing that reference to Chapter 11A, Division 4 and replacing that with the reference to Section 11B-809.6 through 809.12, which would then give us all those characteristics that would be required within the dwelling units and these would be the adaptable dwelling units that are located on the ground floor.

That's a pretty simple change that we're proposing for that section. Any comments within the room? No? How about in Oakland? No? LA? No? On the phone lines?

Moderator [Operator instructions]. No one queuing up on the phone. Please continue.

Susan We're just moving right through, aren't we? Okay, now go on to page 15 and again, this is what we're doing here. This is Section 11B-206.7.6. This is the requirement for platform lifts and where they are permitted to connect levels within transient lodging guest rooms required to provide mobility features, and again, what we're doing here—or, just also residential dwelling units—and what we're doing again is striking that reference to Chapter 11A, Division 4 and replacing that with Sections 11B-809.6 through 809.12.

So, any comments in the room on that change? Again, you can see this is just—we're picking up all of those locations in 11B where

we have that reference to Division 4 from Chapter 11A. Anybody in Oakland? No? How about Los Angeles? No? On the phone lines?

Moderator Just a moment, we're checking on the phone line. [Operator instructions]. No questions on the phone. Please continue.

Susan Okay, thank you. Now, we're now on page 17 of our documents and what we're looking at here are the provisions for electric vehicle chargers. What we're proposing in Section 11B-208.1, in public housing facilities, what we're adding to our section is the statement that in public housing facilities electric vehicle chargers are permitting to be installed at an accessible parking space assigned to the resident. When a resident has an accessible parking space assigned to them and they decide that they would also like to have an electric vehicle charger at their parking space, then they can go ahead and reflect that at their parking space.

That's what we're proposing with this particular exception. Then, that means that at that accessible parking space that is at their residence, they can then use that to charge up their vehicle and they wouldn't have to go to another location to charge up their vehicle and then go ahead and move it because there would be a limitation on the amount of time that would be available to them to be able to charge up their electric vehicle. This way, they could just pull into their parking space and charge up their vehicle and there wouldn't be that time limitation for them.

Any comments or questions in the room?

M We support that.

Susan Okay, thank you.

Jay Does this change the number of electrical vehicle chargers required?

Susan Well, the electric vehicle chargers are not required by Chapter 11B. They are required by the Green Code.

- Ida So, the new building codes, the number that is required is only for new building. So, if this is at an existing facility, this is just permitting when chargers are installed.
- Let me clarify. If it's under the Green Building Code and a certain number are required, the Green Building Code doesn't speak to where they are required, I believe. So, to get that interpretation, you should go to BSC and get that clarification. We are just saying that whenever they're installed, whether it's existing or whether it's new, this exception would apply that you could install it. It would be best if you got that interpretation from the BSC as to contributing to the number because they write that code.
- Susan Then, also, when you look at this exception, when you read Section 11B-208.1, and it says under the general section for the purposes of this section, electric vehicle charging stations are not parking spaces, see Section 11B-228. So this gives the exception that even though this is a parking space, for that resident, they could install the charger at their parking space.
- Any other comments? Anything else in the room? No? How about in Oakland? No? Los Angeles? No? How about on the phone lines?
- Moderator We do have a comment from Tim Thimesch. Please go ahead; your line is open.
- Tim Thank you. My question was answered.
- Susan Okay.
- Moderator No further questions. Please go ahead.
- Susan Thank you. Page 13. What we're looking at here, when you look to the existing code language, there is a note and it says there, when assigned parking is provided, Chapter 11A indicates designated accessible parking for the adaptable residential zoning and shall be provided on request of residents with disabilities on the same terms and with the full range of choices. These examples are off-street parking, carport or garage that are available to other residents.

All we're doing here again is just striking that and rewriting that section as to state instead, 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 a full range of choices, off-street parking, carport or garage that are available to other residents. So, we're just getting rid of that reference to Chapter 11A.

Any comments in the room? No? Anything in Oakland? No? Los Angeles? No? Lori, do we have any comments on the phone line?

Moderator [Operator instructions]. We have no comments. Please continue.

Susan Moving on to page 21, and this is Section 11B-208.3.2. What we're doing in this particular section it's just getting rid of that reference to Chapter 11A, Division 4 and replacing that with the reference to Sections 11B-809.6 through 11B-809.12.

Any comments? No? No comments? No comment. Oakland? LA? No? How about on the telephones?

Moderator [Operator instructions]. No comments. Please continue.

Susan Page 23. Ida, we're going to break for lunch at twelve o'clock. Is there at some point that you want to take a break?

Ida I was just thinking about that. Yes, we could actually do it now. It's kind of midway.

Susan Yes.

Ida So, let's meet back at eleven and we'll go another hour.

Susan Perfect. Alright. Let's take a quick break, and we will reconvene at eleven o'clock and then we'll talk. We'll change it up a little bit. We'll talk about bottle-filling stations.

[Break]

Susan Moving right along, now we're going to change it up a little bit. Like I said, we're going to look at page 23 and really look at the

definition for a bottle-filling station. Now, we're going to take a look at the scoping provisions.

You can see what we are proposing here. The title currently is Drinking Fountains for this particular section, 11B-211 and we're proposing that instead it would say Drinking Fountains and Bottle-Filling Stations. And then, we're looking at adding Section 11B-211.4, bottle-filling stations and what we're saying there—where bottle-filling stations are provided, they show compliance with Section 11B-602.10 and then, we have an exception in detention or correctional facilities. Bottle-filling stations only serving holding or housing cells that are not required to comply with Section 11B-232 shall not be required to comply with Section 11B-211.4. Those would be the holding or housing cells that are not required to be accessible.

With that, we'll open that up to comments. Anybody in the room, any comments on this particular section? No? How about in Oak—nobody in Oakland; they're not back from break yet. How about Los Angeles? Any comments? No? How about Lori, on the phone lines, do we have anybody wanting to comment on this proposal?

Moderator Yes. [Operator instructions]. We do go to Terry McLean. Terry, your line is open.

Terry My first comment is on where it just says, where they are provided. I'm wondering if that should have a numerical value to it, thinking that, for example, if for some reason, say like a gym or something had four side by side, you wouldn't have to have to have all four of them compliant.

The second comment is there is a section elsewhere that you have a proposal about standing drinking fountains, which I think if you put that number on there, that would probably solve that. With that exception from the other thing should probably be moved here under the exceptions. Those are my comments. Thank you.

Susan Okay, thank you. Anyone else on the phone line?

Moderator No one else on the phone. Please continue.

Susan

Thank you. Alright. Moving on to page 25, what we're looking at here is correcting a drafting error in a reference to a section for social service center establishments. So, if we look to 11B-224.8, what it refers to there is social service center establishments shall comply with Sections 11B-224.1 through 11B-224.6 and Section 11B-233.3. Sections 11B-224.1 through 11-224.6, those are the sections that are related to transient lodging.

What we found in taking a look at this—for one thing, referring to those transient lodging sections, it creates a lot of confusion and in some cases, if you were to try to apply some of those provisions for transient lodging, you might potentially come up with fewer rooms that would be required to be accessible. So, what we're proposing is that we will repeal the adoption of those sections and then, what you would have to comply with is what's in Section 11B-233.3. In looking at that, and if we look at this particular section, 11B-224.8, really what the scoping provisions would cover is going to cover those sorts of say a homeless shelter where you have one big room with a lot of beds and it isn't really a residential dwelling unit.

When you look to that scoping provision, that's covered, but then, when it sends you over to that Section 11B-233.3, let's say you have housing facilities that may be like a little studio apartment or whatever, that that section is going to cover those types of social service center establishments and those types of facilities. When you look at Section 11B-233.3, it's going to cover the rooms that would be required to have mobility features, and it's also going to cover the dwelling unit mobility features, the dwelling units with communication features and those dwelling units that are the ground floor units that have adaptable features.

What we're doing here is just cleaning up this section and getting rid of what really is an incorrect reference. With that, we'll open it up to the room if there are any comments. No comments in the room? How about in Oakland? How about in Los Angeles? How about on the phone lines?

Moderator

We do have two comments on the phone. We'll go first to Faruk Sezer. Your line is open. Please go ahead.

Faruk, perhaps you have your phone line muted. We have your line open.

Faruk Sorry, I was muted. That's why you couldn't hear me. Can you hear me now?

Susan Yes.

Faruk Yes, hi everyone. I support the change, but in addition, I think keeping the social service center under 224 still could be confusing. Since it is referenced to 233, why not keep it under 233 and renumber the section?

Susan Thank you.

Faruk My comment. Thank you.

Susan Yes.

Moderator Our next comment from Tim Thimesch. Tim, your line is open.

Tim Yes. Dovetailing off what Faruk said, I'm going to flail around just a little bit, but it seems to me that group homes or maybe social service centers might sometimes be private and without public funding and maybe I'm casting too much concern here; I don't know as I sit here. But if there are such entities, then eliminating the reference to 224.1 through 224.6 is a reduction.

I can see how 233 on public housing might cover all of these subjects already, but it wouldn't cover these subjects if there's no public money involved or nothing fitting in with the definition of public housing. Maybe a social service center has no housing, for instance. Actually, I'm flailing about, because we are talking lodging. So, in any event, these are more questions and concerns that I'd love to hear be addressed. Thank you.

Susan A couple of things, for one thing, social service center establishments as homeless shelters are covered under two definitions. They're covered as a place of public accommodation and they're also covered under the definition of public housing. I

think what causes confusion for code users is the way that the 2010 ADA Standards and now Chapter 11B, how they actually work.

The way that I look at this is sort of like a set of specifications. You say it one time and you refer to it. So when you take a look at say the section on transient lodging, when you look at housing at places of education, depending on whether it's undergraduate or graduate students, it's going to refer you either to the transient lodging or it will refer you over to Section 233.3. If you go to 233.3, obviously, that is the section that is public housing, but if you look at the section that refers to it, it's for transient lodging.

The issue is all of those scoping and technical provisions that are specific to transient lodging are not going to be repeated in the code just because they're specific to housing at places of education. That also holds true for everything that's under public housing. So, you can have a private university, say Stanford University, they have graduates and faculty housing that then it refers you over to Section 233. When you take a look at 233 that is public housing.

Again, we're not going to repeat all of those scoping and technical provisions again in the code specifically because now it also applies to housing and place of education. So, that's really what we take a look at as well to these social service center establishments. We just aren't going to repeat those sections. We're just saying, refer to that when you look at the scoping and the technical provisions. Say it once and refer back to it, because otherwise, if you repeat it consistently, you're going to cause more confusion and potentially if there is a change in one location, you're not going to pick it up at the other location.

Any other comments on this particular code change? No?

Let's move along to something a little different. This is on page 27 and what we're looking at here, when you look to Chapter 11B, it doesn't require baby-changing tables, but there is government and health and safety codes that do now require in certain types of facilities baby diaper changing stations and that's in government code Section 50535 and 118506, and also in health and safety code 118506.

The only change that we're proposing in this section, 11B-226.4, is rather than continuing to call those baby-changing tables, we're going to change that to say baby diaper changing stations. This request actually came in from a code user, so that would keep us with the same terminology that's in government code and the health and safety code. That's the only change that we're making to this particular section.

Any comments within the room? Yes?

- Steve Hi, this is Steve from Genentech. I have a question in regards to those referenced government code sections. If I have a private office building with a cafeteria for employees only, is that applicable under the government code section?
- Susan The Government Code is applicable to states or local governments and then, the city and county facilities. You'd look to the health and safety codes.
- Steve Oh, I'm sorry—health and safety.
- Susan Yes. So look to the health and safety codes and I recall a similar business took a look at this, but this is more—I can't remember if it also covered office buildings, but it's things like restaurants—
- Steve Restaurants, yes.
- Susan Yes, yes. So, you have to just double-check what it says in the health and safety codes. Like I said, apart from memory, I can't remember exactly everything that it covers.
- Derek To follow up on that question, if an owner of a facility that was not required by using the government code or the health and safety code, if the owner desires to install a baby diaper changing station, would that baby diaper changing station still be regulated under Chapter 11B?
- Susan Yes. If they decide to put one in. Sure, under 11B it would be that. Yes. Any other comments/questions in the room? No? How about in Oakland? No. LA? No? How about on the phone line?

Moderator We do have two comments on the phone. We'll go first to Terry McLean. Terry, your line is open.

Terry Just a couple of comments, I guess. Do we want to put where baby diaper changing stations, blah, blah, blah, are provided? Then, the next comment is I know we just added the adult changing stations, so do we want to change the nomenclature for that as well? My comments. Thank you.

Susan Anyone else on the phone?

Moderator Yes, we'll go to Tim Thimesch. Tim, your line is open.

Tim Yes, hi. I don't see any substantive changes to the section here. My concern is that it not be construed as being overly substantive. I just think it would be helpful if you added to the rationale that the change per legislative purposes later interpretation, add to the rationale that this doesn't change the substantive requirements for changing stations and that's heights, etc., and the floor space.

Susan Alright. Thank you.

Moderator We have no additional comments on the phone.

Susan Thank you. Alright. Moving right along.

Gale Susan?

Susan Yes.

Gale I just have a comment for you under your rationale.

Susan Yes?

Gale You might want to take a look down there. You're indicating the government code section and then it says 'and 11-850' and I don't think you need to. The first 'and' is 11-50.

Susan Oh, got you. Yes. Yes, sorry. Thank you. Yes, you're right.

Next item up, on page 29, and this has more to do with our housing. So, mailboxes, go to Section 11B-228.2. That's the scoping provision for where the mailboxes are required, and again, all we're doing on this particular section is we're getting rid of that reference to Chapter 11A, Division 4 and again, replacing that with the reference to Section 11B-809.6 through 809.12.

So, any comments in the room on that? Yes?

Jay It's not a comment on the change. It's a comment on the whole section that that's quite different than what HUD requires for apartments, for example. I'd like to see us eventually get in sync with HUD because this is far less than what they require.

Susan Well, actually that's a good point, because if you take a look at this, if you look at that particular section—so, if you were to take a look at we're covering the units with mobility features, and then we're also covering those [cough] under 11A, Division 4, which would be consistent with what the Fair Housing Act requires and that's the amount of mailboxes that would be required for those units that—but, you're right.

Jay I'll send you some stuff.

Susan Okay, perfect. Yes, we'll take a look at that. If we need to tweak that a little bit, we'll go ahead and do that, but you're right. I mean, when you take a look at the Fair Housing guidelines, when you look at what's required, there are a lot of mailboxes that are required to be accessible. I know that HUD had some issues with the postal service because there were problems with postal workers bending over to those accessible mailboxes.

Any other comments in the room on that one? No? How about in Oakland? LA? On the phone line?

Moderator [Operator instructions]. We have no comment on the phone at this time.

Susan Okay. Page 31, what we're looking at here is Section 11B-228.3.2 and these are the electric vehicle charging stations. What we're proposing to add here is in that section, adding this language—in

public housing facilities, electric vehicle charging stations provided for common use of residents shall comply with Section 11B-228.3.2 and that would send you over to that table that gives you the scoping provisions for the number of those accessible electric vehicle charging stations that would be required.

Then, we're going to propose to add a note that states, electric vehicle charging spaces are also subject to the California Green Building Standards Code. Just to point people over to that because sometimes I think people don't necessarily look at what's the priority in the Green Building Codes.

We've already addressed electric vehicle charging where it's provided for a resident at their dwelling unit, but this will clarify that if you provide—and this would be aside from the electric vehicle charging stations that same idea as a sales or rental office, because you could provide a bank of these that are just for the common use of the resident.

Any comments in the room?

Cory On behalf of the Electrical Vehicle Charging Association, could you define public housing facilities? What is that specifically [indiscernible] in terms of housing units?

Susan So, public housing, those public housing facilities that are constructed or altered by, or on behalf of a public entity, state or local government, or if there is a public entity housing program, that's what's considered public housing.

I think sometimes what happens when people think of public housing, they automatically think well, that's the housing where somebody gets a Section 8 voucher and they can rent an apartment, but that's the definition for public housing.

Cory The way it's written before without this, was it just a feeling that they didn't capture it, capture public housing, so you're just trying to be more explicit to say that this applies to both public housing and other facilities or could you explain it more related to housing then? [Indiscernible]

- Susan Sure. I think what happened before, we didn't specifically address in public housing facilities when you had a bank of common use electric vehicle charging stations. Public housing is regulated in Chapter 11B, so that's what brought up this code change. We didn't specifically address that in those public housing facilities.
- That's why we wanted to make that really clear, because it really wasn't all that clear before. It talks about where they're provided on a site, but we just wanted to clarify in those public housing facilities, when you provide a bank of those, those are required to be accessible. We do address it for the electrical vehicle charging in the public housing facilities that are strictly for the use of that resident at their residential dwelling unit.
- Cory Thanks.
- Susan Any other comments? Any other—yes?
- Steve I have a question in regards to accessible EV charging base stations and the kind that's required for accessible EV charging spaces. They're required to have the ISA located at the bottom of the stall?
- Susan Well, actually no. Are you talking about the surface identifications?
- Steve Correct.
- Susan Right. For electrical vehicle charging base stations, you don't use the ISA as I recall for the surface identification. I mean, there are other symbols that you use because it's electric vehicle charging, but it's not the higher grade [ph].
- Steve Okay.
- Susan Okay? Any other comments, any other questions in the room? No? How about in Oakland? Los Angeles? Lori, do we have anyone wanting to comment on the phone lines?
- Moderator [Operator instructions]. We have no one queuing up on the phone.

- Susan Okay. I'm going to turn it over to Derek, and he is going to talk about the next item.
- Derek Thank you, Sue. Now the next item is that we're actually addressing the same section in the code for the section that Sue was just addressing. Here, this item is on page 33 of your document package. What we're proposing is to add language to make it explicit that the different levels of electric vehicle charging which provides different levels of service, do need to have an accessible component built in at each level of service provided.
- We're proposing to specifically say for each charging level, for instance level 1, level 2, DC back charge, etc., and then, we say each charging level provided shall be considered as a facility. So, this language together will assure us that we have accessibility at each EVCS charging level.
- Okay, with that, are there are any questions or comments to address those?
- Cory I was just wondering, if you could just walk us through, I guess, what is the reasoning for the differentiation between the different levels of charging? What is the problem you're trying to solve there as it relates to—
- Derek The essential issue here is where a service is provided to the public that service has to be provided in an accessible fashion. If it is important, so important so as to design an electric vehicle charging installation, if it's important enough to provide different levels of service to the general public, then it's important enough and required by the non-discrimination law states at a level that you provide accessibility to each of those levels it serves [ph].
- We use the term a facility within the building code. That helps to coordinate with the existing language where we're referring back to the table of required accessible electrical vehicle charging stations based on the total number of charging stations provided in the facility. That's sort of background to the problem we're trying to address and the way it fits into the code. Does that respond to your question?

Cory

Yes. I just have a follow-up comment. I'm sure others might want to chime in on this. Well, I have another question on DC Fast Chargers. There are in the industry right now is developing what you'd call an ultra-fast charger built in the DC Fast Charger family by filling higher voltage, higher power, and you have a range of that between—you'd use different DC Fast Chargers. You also have different ranges of kilowatts for your level 2.

So, I guess, this cut off between level 2 and DC Fast, perhaps not as clean as code written here. Also, how do you take into consideration new types of DC Fast Chargers? Is that higher kilowattage required and is that then considered a different facility, and therefore triggers this requirement here you are proposing? It's just implementation-wise, it would not be very clean and could be very challenging from an installation standpoint.

The other consideration that I would be fearful of is if one charging company goes in and—well, let me just back up and say, the charging industry isn't a model. Everyone has different business models. You have some companies that only sell DC Fast Chargers. Some that only sell level 2; some that sell both. So, if you have a scenario where one company goes in and sells some level 2 charging station to parking lots at Whole Foods, then, you have down the road another company come in and try to sell DC Fast Chargers then that just triggers a whole new set of requirements for their DC Fast Chargers. It might create a barrier for them to even deploy construction at all because what they were able to accomplish on the accessibility side, all that was taken up, be it at level 2, and it's going to be hard for them or too hard for them to do it on the DC Fast Charger side and vice versa.

You might also have situations then where the landlord or the building owner or whoever—somebody who's going to come in and offer them, hey, we'll sell you two DC Fast Chargers and two level 2 charging stations in your colocation, which could be a quarter a case, but it's still a potential reality. If you have two separate sets then requirements trigger for those two different facilities, you might have the landlord say, alright, we're just going to do all DC Fast Chargers or we're just going to do all level 2 charging stations, which definitely undercuts the value of the different use cases needed to support EV chargers.

Derek Well, Ida, did you want to—

Ida Yes, I wanted to ask the following questions for you, but first of all in that situation where you addressed two fast charging to a DC, because they're considered separate facilities and they both fall under the four or less number, basically you would provide accessibility in both if they're available for everyone. They're not reserved.

So, I guess, your question was addressing space, yes you need the access aisle for both, but if your question is addressing use, because they're considered two separate facilities, they're both available to all users. Does that make sense?

Cory Yes. I hear what you're saying. I guess, maybe using two and two isn't the most perfect example given the number of four. I'm just trying to illustrate an example where you're trying to install both chargers at the same area, whether one company is selling both or you have one company who sold one and then down the road, another company comes in and tries to offer more.

Susan Yes, and it's really related to the service they provided versus who's providing the service. So, my question to you and just to better inform your comment and to help address your comment, different levels of charging are determined more by the product the manufacturer is selling, not by the individual car, correct? In other words, time taken to charge is dependent upon the charger, not necessarily the car. Is that a correct statement?

Cory Yes.

W No.

Ida No? It's okay. That's what I was trying to clarify.

Cory No?

Ida So, what are the variables, I guess I'm saying, that we need to consider?

- Cory I can add a follow on comment. So, part of it—I don't think we disagree with the intent of the code changes. They're very well intended, but the reality is that there's also different connector types. There's CTS. There's CHAdeMO, there are J7072, and you have some cars that only take J7072 for level 2. They don't have DC Fast Charge capability. You have three different connector types, all different power levels. Some fit under level 1, level 2, level 3. You have Tesla.
- When you combine all of those different connector types, all of the different power levels and then you add to this other weird thing called Dynamic Power Sharing to the mix, which allows you to ramp anywhere from a level 2 charge right up to an ultra-high power charger in some cases and share it between cars, it seems that the technology's branching out into some of these different variables that are kind of hard to figure out what the best path forward is to achieve the intent of the code in every case without creating an accessible spot for every single variable. Does that make sense?
- I think this overall comment is that just given you kind of want to consider this one a bit more and we can provide color and written comment as well.
- Derek You're certainly welcome to.
- Ida Yes.
- Derek I think based on a part of the comment that was brought up just a moment ago about having the different kilowatt throughput and the different manufacturers are coming up with different levels of improvement, I'm just wondering within the industry, has the industry settled on classifications, which may include different levels of charging kilowatts, but still be considered of a common class like level one, level two and so on?
- Cory Not so much, and the other thing, too, is voltages are also changing. Now you have certain cars that charge at 800 volts or at 400 volts and only certain types of chargers will be able to work with those test battery packs and then on top of that, there's also port location of the cars and that's a little bit unrelated to this particular code section, but it just illustrates the challenge. There's

a port on the driver's side rear fender on some cars that are designed actually to park rear end, and then on the passenger side rear fender, and then the driver's side front fender and the middle of the bumper in front of the car.

Our challenge is trying to design publicly-accessible stations that keep serving all of those different types of vehicles, all of the different types of charging classifications. At least in our case for DC Fast and we have cable reach issues as well. The longer you [cough] cable, you get a voltage drop and power losses as a result.

I think in regards to this, it's a little bit sweeping. I think that the intent is very good and I think we largely agree with the intent. It's just we want to probably put a bit more effort into kind of how to approach this more comprehensibly I think.

Derek And please, the comments if you would.

Cory Absolutely.

Sarah I guess another clarifying question that I want to ask is on Ida's comment. Can you verify what you mean by different levels of service? Because to your question, different cars are not able to take DC Fast, for example, and different cars are and that depends on the car capability?

For example, I drive a Chevy Bolt. I could have gotten a Bolt that was Fast Charge capable or I could have gotten a Bolt that wasn't Fast Charge capable. You can get a Bolt and then that would have to only use the level 2, so it's very much dependent more so on the car than us providing a different level of service for different customers.

Ida That is very helpful and so we will—that's why take a transcript of the comments, but we'll reach out to you for further clarity to understand how we can best address this issue.

I do have a question though that when you are offering the different levels of charging, are you offering them all in one charger with different ports or are they different charge—like when you're building out a facility and you have that capability to vary, is it every

single charger is different or is it that you have one charger with different port options? So, really, what you're charging is one car and giving this car the option of how they want to charge, or is it that—

Derek Which connectors.

Ida Exactly, so that's like a help, because if you have one charger that has different force ports on it, then one accessible space, whoever's using it makes that choice. If your chargers are designed per port, that's where the facility question comes in. So, just considering that as well, that's another element to consider, because we already have the regulations that say considering the number of cars that can be simultaneously charged. So, if there's only one charger and it can only charge one car, but it has different port options, it still can only charge one car. Does that make sense?

Cory Yes.

Susan So is there a typical model that a manufacturer has? Is there port options or is it different charges of stations offering unique ports?

Sarah A lot of the lack of uniformity really takes place on the vehicle side. So, for example, if you look at one of our facilities nearby here like Southside Park, so, they are a Fast Charger and it has a CHAdeMO and a CCS adapter. But, where each connector can plug in is different because in the CHAdeMO location for where you plug in is different from where you can plug in on the CCS side. One of our challenges already—and we're not a manufacturer actually, we just develop and install the stations. We purchase from manufacturers to then deploy them, but we have to design the station for both of those different connectors. So, it's just the Fast Charger, if that makes sense. Whereas, I think like a Tesla has a different model and maybe Taylor can talk about that and then we can—at least, the power sharing thing is maybe what [indiscernible]

Taylor This is Taylor Steele with Tesla and I think the short answer to the question is that there is not a standard model. We just have too many manufacturers as well as installers or just charging providers on the market and a variety of connectors and a variety of

technologies. Each company has their own kind of strategies in what they're doing. There are some companies that will install equipment with a number of connectors. Not all of them serve the industry. There are some companies such as Tesla where we have vehicle fleet specific charge geometries, so we only install that, which is the equipment that we manufacture.

There is no set rule, I guess, in the industry. As such, we have a lot of different types of charging stations across this variety of levels of service.

Ida So, if I may ask, just to better inform as well, how do each of your companies inform the user as to what's available for them when they're seeking charging they know. Is it through an app? Is that how I can find it?

Taylor I think at Tesla, we have that information both in the user interface of the vehicle. We have signage and specific branding that's relatively clear. We also have all that information on line and through our Tesla app.

Cameron Yes. Cameron from EVGO. I can kind of echo that. We have that information on our app as well. You can see what connectors are available or for use at each CHAdeMO or CCS, J7072 and we have partnerships with a couple of other OEMs to reflect that information in their vehicle interface as well.

Ida Okay, so like the typical model of someone seeking charging would be to find the information on their app before they go and find what they need to charge.

Cameron Exactly.

Ida Is that a typical statement?

Cameron Yes.

Ida But that helps somewhat just to understand, I don't know how building codes relate to apps, but I'm just saying is part of the question as to where they're seeking charging, where they find it,

how they find it. That would be the same for all users technically, okay.

Steve I have a question.

Ida Yes.

Steve Hi. We've been talking about the level 2 and the DC, but my question in regards to the level 1. From my understanding, typical wall outlets or level 1 chargers what happens in a garage, if we have existing wall outlets and people use them charge their cars, would that be construed as an EVCS?

Derek Each building official is likely going to have to deal with this, I hope, within their individual jurisdictions. In DSA, the jurisdiction, we would likely look at either the existing conditions or plans that are being submitted for our review and if we, for example, saw one receptacle located in front of a great number of parking spaces, we would probably make this determination that this was an example of electric vehicle charging station installation with facilities and we would require compliance with the building codes.

The building department has been reviewing plans for decades and decades, over 100 years at a lot of locations and so, you might imagine that yes, some of the applicants are very forthcoming with the information and some of them might try not to label certain things precisely what they are. The building officials have become aware of this over the years and scrutinize the plans and specifications pretty closely. I imagine they would apply that same level of scrutiny to electric vehicle charging as well.

Any other questions or comments about this one from here in the room? No? Okay, great. Okay, so we'll go ahead. Any questions or comments at all? Los Angeles? Any questions or comments? No? I don't see anybody in the San Diego location. Lori, do we have any questions or comments on the phone?

Moderator Yes, we have a comment from Terry McLean. Please go ahead.

Terry It's just a suggestion. Instead of the wording to change it to each charging level provided shall be considered separate facilities. I just think it might be a little bit clearer. That was it. Thank you.

Derek Okay, thanks, Terry.

Moderator We have no additional comments on the phone. Please continue. Pardon me, I do apologize. We do have another comment on the phone. It's from Tim Thimesch, and Tim, we have your line open.

Tim Thank you. I had a question, I think, Miss Terry McLean answered that and I think that would clean up that sentence because your scoping table refers to EVCS at a facility and now you're making the EVCS a facility. The use of the word facility in the code gets really confusing when people start arguing about it in court.

 I'm just wondering if you shouldn't say for each charging level and for each connector type. I think what's going to happen behaviorally if you make it tight, industry will follow you instead of industry trying to force you to follow them. If you make it so that they have to have access for each charging level and for each connector type, what you're going to see is each charging station will have all the options rather than multiplying out the stations to accommodate the code.

 I don't know if I'm being clear, but I just think you need to add that for each charging level and each connector type. Thank you.

Derek Anybody else on the phone?

Moderator We have no additional comments on the phone. Please continue.

Derek Thanks so much. Okay, I think with that, we'll go ahead and close this one. We'll go on to the next. Sue, back to you.

Susan Now, let's take a look at page 35. So, we're looking again at public housing and so code change proposals that we're looking at here. Again, what we're doing in more than one location, we're just getting rid of the reference to Chapter 11A, Division 4, and replacing that with Sections 11B-809.6 through 11B-809.12.

And then, we did one other thing in this particular section. What we're doing is actually adding a note. What we're saying is senior citizen housing may also be subject to Civil Code Division 1, Part 2, Section 51.2, 51.3, and 51.4. That is the UNRUH Act for senior housing.

What we heard from different code officials was the issue where projects would come in and they were taking a look at particular projects and the design professionals didn't realize that there were these provisions as there was this UNRUH Act and they overlooked that when they were designing their projects. So, we wanted to add that note just to give people a heads-up that we are looking at this and we're looking at the housing facilities. You also want to be sure that you take a look at what's required by the UNRUH Act.

Anyway, that's what we're doing in this particular section. So, with that do we have any comments in the room? No? How about in Oakland? LA? On the phone lines?

Moderator Yes, we do have a comment from Terry McLean. Your line is open.

Terry Just a question, I guess. Is there a reason we don't include what those items are on the senior housing? I think, if it's not in the code, the building department actually isn't going to enforce it anyway.

Susan Terry, that's a good point, but rather than incorporate that into the building code, should there be a change in that legislation, and we don't really have the authority for writing those regulations for the UNRUH Act into Chapter 11B, it's better, then, just to refer the code user over to those sections in the government code. I'm sorry is that government code or civil code?

Gale Civil code.

Susan Civil code. We felt that it's better just to refer the code users over to that, because potentially, there could be a change that then isn't incorporated or would be incorporated in the building code that then would have to be addressed in another rule-making cycle. So, for those reasons, we just pointed people to those provisions and we wanted to repeat it in Chapter 11B.

Any other comments on the phone?

Moderator We have no one else queuing up at this time. Please continue.

Susan Alright. Next item up, and again this goes along with our preparation for Chapter 11A. We're on page 39 of the document and what we're looking at here is the site and practicality. The way it reads right now you can see it, it's 11B-233.3.1.2.6, so those are the current provisions in Chapter 11B and we're proposing striking that and then incorporating all those requirements for the site and practicality test into Chapter 11B. So, we would no longer adopt that particular section from Chapter 11A.

Any questions, any comments on this particular code change?

Mark It's just a pure duplication of 11A?

Susan It's not a word for word duplication. What we did, again, we followed along with the numbering format that's in Chapter 11B and we kind of cleaned up the language a little bit. Other than that, it's basically what's in 11A, because we just wanted—when you look at the way the provisions are written in Chapter 11A, it isn't quite the same format as what's in 11B, but that's all we did. We just kind of cleaned up the language a little bit and then we renumbered it. So, we are consistent with our numbering format that's in 11B.

Mark But, the intent was to mirror 11A.

Susan Correct. Any other comments in the room? How about Oakland? LA? Any comments on the phone?

Moderator [Operator instructions]. I'll go to Dara Schur. Dara, your line is open.

Dara I'm just wondering since you have made some changes to the wording, if you have a red line version showing what the changes are from the 11A to what you've done here. That might be helpful in reviewing it rather than having to do it side by side.

Susan We can take a look at that.

Dara Thank you.

Susan Any other comments?

Moderator No additional comments on the phone. Please continue.

Susan We have a few more minutes until we hit 12:00, so why not cover a couple more? So, page 45 of your document, what we're looking at here, these are the provisions that cover residential dwelling units for sale, and what we're incorporating here is what you would find—it's in 2010 ADA Standards, but it's actually the Code of Federal Regulations, so that's it's at the front end of the ADA Standards, and what we're going to include in here is the provision that states buyer identified residential dwelling units for sale.

So, it says, the requirements of Section 11B-233.3.2 also applies to housing programs that are operated by public entities, were designed and construction of particular residential dwelling units take place only after a specific buyer has been identified. In such programs, the covered entity must provide the units that comply with the requirements for accessible features to those pre-identified buyers with disabilities who have requested such a unit.

So, we're pulling in that terminology from the CFR, and then what we're doing, we're going to strike that exception where it says existing residential dwellings or residential dwelling units acquired by public entities that will be offered for resale to individuals without additions or alterations shall not be required to comply with this chapter.

Well, compliance with Chapter 11B is required if you're doing construction or alterations or additions, so we're going to get rid of that exception because it really is unnecessary terminology because 11B isn't triggered until you submit for a building permit.

So, any comments or questions on that section?

Andrew I just wanted to say that we're in support of this particular amendment and that we're working with you at DSA on the definition of housing programs.

Susan There are two provisions that are not included in this package that we're working with the separate groups. We're going to do a little clean-up work on the definition for public housing, and then we'll work on the definition for public use. At a future stakeholder forum, we'll bring those two definitions forward for everybody to look at that and comment on those.

Any other comments in the room? Anything in Oakland? Nothing in LA? How about on the phone lines?

Moderator [Operator instructions]. We'll go back to Dara Schur. Dara, your line is open.

Dara Thank you. This is Dara Schur from Disability Rights California. We do support the addition of 3.2.1 regarding buyer identified units. We believe the exception should also be included to be fully compliant with the ADA 2010 Standards.

We are also working with the department on the public housing definition, but I thought I would just flag that one. Thank you.

Moderator No additional questions on the phone at this time or comments. Thank you.

Susan I think we have time for one more because this is an easy one. It's simple.

This is on page 47 of the document, and all we're looking at here in Section 11B-233.3.4.2, we're looking at striking public housing facilities with. Because, what we're looking at here is alterations, so potentially, you could have an existing building that isn't currently a public housing facility. Let's say that that building is going to undergo some alterations, and it will be used as part of the public entity's housing program or it's constructed to be altered by or on behalf of a public entity. The way this code or that section is written right now, if you have that existing building and it were not a public housing facility, then it wouldn't have to comply. So, all we're looking at in this particular section is getting rid of public housing facility with, and then it will say an individual residential dwelling

unit and it would have to be a building that is an existing public housing facility.

So, we get rid of that, and we just get rid of the language that's in the 2010 ADA Standards. So, any comments in the room on that particular code change? No? How about Oakland? Los Angeles? On the phone line?

Moderator We have no one queuing up on the phone. We do have a person queued up. It's Dara Schur. Dara, your line is open.

Dara Thanks again. I just wanted to note that we support this amendment assuming we can get a good definition of public housing program and public housing. So, just wanted to say that for the record. Thank you.

Susan With that, Debbie, do you want to do about one more code change to go through, and then maybe we'll break for lunch?

Debbie This is page 49 in your packet.

Ida This one may generate a lot of discussion, so it might be better to break now for lunch.

Susan And then do you want to take a full 90 minutes for lunch or do you want to come back in an hour?

Ida Where are we?

Debbie Halfway.

Ida So, if we take an hour, we might get through all of them today. So, if everyone is agreeable to an hour, there's an opportunity to get through them today.

Susan So, we'll come back at 1:00. So, everybody on the phone and in the regional offices, here in the room, we will reconvene promptly at 1:00 p.m.

[Lunch break]

Susan Hello, Lori. We're back. We are at 1:00. I can hear activity on the teleconference line, too. Lori, we're going to start up again. Hello, Lori.

Moderator Hello. This is Lori, the AT&T operator. We do have a request. We have someone who would like to see if they can make a comment on something that was already discussed. They're just wondering if they would be able to make a comment.

Ida What item is it, and how far back?

Moderator I'm not sure. Did you want me to open the person's line so you can speak with them?

Ida Yes, go ahead.

Moderator Just a moment. Thank you. We do have Gene Lozano's line open. Mr. Lozano, if you want to let them know what that pertains to. Thanks.

Gene Ida and Sue, it was just to deal with the electric charging facility, the category. I had a brief comment.

Ida Go ahead, Gene.

Gene I understand the intent, and since the input we got from the industry suggests that a little more study be put into it and perhaps maybe the next time the meeting you have where you bring proposals, maybe there might be some changes you might be able to provide. But I think a little more study might be desirable.

And a comment way down the road, not this code cycle, but this is related to it with the self-driving cars that a lot of them are going to be electric or are in development. We'll have to look into, you can't do anything about the vehicles, but the signage there will have to then become accessible for those drivers that are blind. Because a lot of people in the blind and lower vision community are interested in the self-driving cars, and that's all of my comments.

Debbie Thanks, Gene.

Moderator We're going to close his line now. Thank you.

Debbie Thank you. Hi, everybody. I'm Debbie Wong with, staff at DSA. This item is an exception to 11B-403.5.1, and this proposal is really to make a correction of an inadvertent error made during the 2012 rule-making. That was the big shift. That's when California's 11B was rewritten using ADA Standard as the base model code with California amendments.

That must have been an incredible feat, and inadvertent errors are going to be made. We enjoy a community of code users who like to inform us of those inadvertent errors, and this proposed proposal came from a code user.

Basically, as written to be clearer for accessible routes to accessible toilet compartments shall be 44 inches except for doors opening, etc. As written, the term accessible toilet compartment would include both wheelchair accessible compartments as well as ambulatory accessible compartments.

So, I would say there are two inadvertent errors to the drafting of this particular provision and it's that the wording is not very specific because this 44-inch requirement only applies to accessible routes for the wheelchair accessible compartments and not the ambulatory. Also, it was missed during the 2012 rule-making process, and you're not going to see it 2013 CBC. It's actually in the 2015, so it was added in during the 2015 blue sheets.

Going back to the rewriting of 11B, we're not, DSA not only changed the format, but also try to align the different terminologies. And that's where this inadvertent error came from because California 11B does not use accessible toilet compartments. It was termed differently. This is a federal language terminology, accessible toilet compartments, but ADA Standards make a distinction. There are two types of accessible compartments, one that is wheelchair and one that is ambulatory, but the way this provision is written, both wheelchair and ambulatory would be subject to the requirements and it is not. So, DSA [ph] performed a history.

Derek You've noted several times that this provision does not apply for accessible toilet compartments broadly. However, you haven't made any statements about why that might be.

Debbie But I'm not finished.

Derek Maybe you wanted to start out with what the status of the 2010 CBC provision was initially and then proceed from there.

Debbie I was going to give you a whole historical background because this is a California provision. It's been in existence since 1982 when California first codified its accessible provisions.

Derek What was?

Debbie This provision for the 44. What?

Gale The 44 goes way back.

Debbie It goes way back, and since the introduction of the '82 provision, it's always required. The 44 clear with access to the wheelchair accessible compartment, it's always been that. It's a requirement to provide 44-inch clearance to the approach to the wheelchair compartment stall, and it does not apply if you're ambulatory.

 But as it is written, it doesn't specify wheelchair accessible toilet compartment. It just reads accessible toilet compartment. As it's written, more than what is required would be subject to the provision.

Derek Required is in the code.

Debbie What do you mean?

Derek The code language today says accessible toilet compartment, so that's what's currently required. The 2010 and prior code did not require to be ambulatory.

Debbie So, this code amendment proposal is to make that correction.

Derek Ok.

Mark You got it.

Debbie Are you guys gaslighting me? There was an error, and we're going to fix it. I think it's important that the code either way, more access, less access, it should be accurate. And if you read back all the way back to 1982, this requirement is only to wheelchair accessible compartments.

Susan Do you want the rationale?

Debbie Not really because its ADA. Yeah what does the rationale say?

Ida We can take comments.

Debbie Comments from the group? San Diego? LA? How about phone lines?

Moderator We have a comment from Terry McLean. Terry, your line is open.

Terry A few comments. First is I think it probably wouldn't hurt to state that the access route is within the restroom, otherwise, that could be construed from the front door all the way through.

 It should say 44 inches, and it should be added minimum. Otherwise, it needs to be an absolute dimension, which is not obviously the requirement.

 And then my last comment is I guess I'm going to question why we would just do it to the accessible toilet and not to like the urinal and the sink and if there's a shower in the stall. Because just having that extra room if you're in a wheelchair trying to go through a restroom is probably preferred because you're trying to pass each other, and in a restroom is where you don't want to touch people if you will.

 But, those are my comments. Thank you.

Debbie You're right. It doesn't specify minimum. It's 44 inches set for door openings.

Gale That means it has to be exactly 44 and nothing less, nothing more.

Debbie [Indiscernible] shall be 44 except. Any other comments?

Mark Does anybody here in DSA know where this came from to begin with? Why in a restroom is the commenter saying that they might touch people in the restroom, and I kind of get that. But why is it 44 in a restroom, and 36 everywhere else?

Debbie I wondered the same thing, and I couldn't find rationale for that. But 44 was related to door clearances.

Mark Along those same lines, does anybody know why there's an exception to the requirement for a pull door, for an ambulatory stall to be 44 inches from the latch side approach?

Debbie That's coming up.

Mark Good. That's it. Thank you.

Debbie Anyone else?

Susan Is that it?

Debbie Yes.

Susan I think next up is Derek again.

Moderator We do have another comment from the phone.

Susan Okay, do you want to go ahead?

Moderator Yes, we'll open Tim Thimesch's line. Your line is open. Go ahead.

Tim I'm looking at the 2008 code, and I'd have to look at 4459 and see when that went into effect. I think it was 2008, but it just says the 44 inches applies to water closet compartments designed for use by persons with disabilities. In other words, it's not restricted to wheelchair accessible compartments.

So, the prime consideration that the DSA's going to want to make here is whether this allegedly existed prior to 4459, and if it didn't, then it has to leave it as it is. I'm going back to the 2002, and it says the same thing. It doesn't say wheelchair.

It just says designed for use by persons with disabilities, so I don't think the DSA has authority or the State Architect has authority to change this. Thank you.

Susan Thank you.

Derek Any other comments on the phone for that last item?

Moderator [Operator instructions]. No one is queuing up. Please continue.

Derek The next item is on page 51 of your package. Here we're proposing coordinated changes to both Sections 11B-502.3 and 11B-812.7. These changes are intended to allow the sharing of an access aisle to be shared or used by the accessible parking space on one side and by an accessible electric vehicle charging station on the opposite side of the access aisle.

The idea being that the access aisle requirements are quite similar, nearly identical between the accessible electric vehicle charging station vehicle space and the accessible parking spaces. So, we wanted to make it clear after fielding the question a number of times over the last few years about whether electric vehicle charging stations and parking may share the access aisle.

Right now in the code, it's strongly implied that no, they cannot share that, and that stated on the color markings requirements for the electric vehicle charging station versus the parking stall. But we saw no reason why we wouldn't promote the availability or the sharing of the access aisle there.

So, then in Section 11B-502.3, we're indicating that two parking spaces or one parking space and one electric vehicle charging space shall be permitted to share a common access aisle, and then 11B-812.7 we state that two vehicle spaces, those are electric vehicle charging spaces, or one parking space and one electric

vehicle charging space shall be permitted to share a common access aisle.

And then there's a related exception to Section 11B-812.7.2, and this has to do with marking or the access aisles in electric vehicle charging stations. The exception indicates that where one parking space and one electric vehicle charging space share the access aisle that the access aisle marking shall comply with Section 11B-502.3.3, those are the marking requirements for parking access aisles, and shall not be required to comply with Section 11B-812.7.2. Those are the access aisle marking requirements for electric vehicle charging stations.

With that, I can certainly field any questions or comments on this.

Gale I know it may be repetitive, but I think you picked it up in your conversation. I think it should say two electrical vehicle charging spaces. It may be repetitive, but if you just say two vehicle spaces, I know we're talking about charging since we're in the charging section, but I can just see it getting confusing. It's 812.7 at the beginning.

You actually said it as you were discussing it.

Derek I injected it. I was probably reading the sentence out of context. It was important to inject it in there, but I will take a look at your comment.

Gale But I think it's important to inject it there to keep the clarity of what we're really dealing with.

Cameron Actually, I have a question on behalf of Corey. He had to step out. I think I understand what you're saying but he just wanted to make sure because apparently some jurisdictions have been interpreting the code in a way that means the access aisle cannot be shared. I think you already touched on that. He just wants to confirm that this doesn't result in a situation where it makes those sharing of the access aisles would have to be a separate and accessible stall completely that doesn't connect with an ADA charging stall.

I'll try to capture the question right. Taylor, do you remember?

Taylor Yes, the intent of the question is really to make sure that there's no additional stall required based on this code, and I think your explanation cleared it all up there. There's no additional stall required. Just the fact that we can share accessible aisle between an EV accessible stall and a standard accessible stall.

Derek There are no increased nor diminished requirements for the installation of accessible charging stations at electric vehicle charging facilities, so these changes do not enhance nor diminish those requirements. It's simply to provide an avenue where if the condition allows this that you may share an access aisle between an accessible parking stall and an accessible electric vehicle charging station.

Now, because of the different width requirements for accessible parking spaces, accessible parking spaces are required to have an eight-foot wide access aisle for van accessible standard parking spaces. For van accessible parking spaces, the access aisle has to be eight feet wide. Now, that is an option that we see when we're in the electric vehicle charging stations, so you can provide an eight-foot wide access aisle for your van accessible electric vehicle charging station.

So, some people are going to go right to the idea, oh, wow, okay. So, I can put two van accessible, one van accessible parking, one van accessible electric vehicle charging station on either side of an access aisle. Almost, but no, you can't do that. The reason being is because the access aisle for vans only has to be on the passenger side. So, you can see that you wouldn't be able to share a van accessible parking and van accessible EVCS with that same common access aisle. But you could share a van accessible parking space with a standard accessible EV charging station in which the access aisle could be placed on either side of the vehicle so thereby [Indiscernible].

Taylor Provided that your access aisle is eight feet wide as opposed to the five?

Derek It wouldn't be required to be eight. It depends on the condition. If you're serving the van accessible then it would have to be eight feet wide.

Cameron Is the marking requirement [Indiscernible]—but I guess it's kind of a separate discussion on van accessibility on the passenger side. Because we've seen from some OEMs that they take position that their vehicles are actually designed to be backed in.

They had studies done on parking being safer if you back in and then you pull out when you're departing parking stalls, and we've seen that in some cities where they've done reverse-enabled parking like Redondo Beach. They just did a big thing like that.

Derek We have a little of that in Sacramento, too.

Cameron So, I'm wondering if there is like an interpretation that the passenger side could be on the left side of the stall as if the stall is designed to serve a vehicle that's designed to be backed in.

Derek Under federal law, there are no interpretations of this section. The standard design has been this way for parking for going on 40 years is that they are always designed as you head into the stall not backing in. That's the way the design has been brought forward over the years. I think at one point we even had explicit language that said that.

Cameron I think the only comment would be just to highlight the fact that some of the auto oems that are actually building the cars that we're trying to serve don't see it that way, so it's a challenge for us to try and provide a station that will work for that particular vehicle if that makes sense.

Derek That might be a new issue to us and we may have to look at an advisory to address that.

Gale Derek, I think back when we first started talking about vans, all of the [indiscernible] was always on the passenger side, but today's van that isn't the case. I have a feeling we're going to see a shift in this somewhere along the line before too far. Because I

understand one manufacturer of electric vans right now has doors on both sides.

Derek I think that's wonderful. I applaud progress, but the ADA Standards requires it on the passenger side.

Gale I know it does.

Derek So, that's [overlapping voices].

Gale We'll have to until ADA changes; that's for sure.

Derek We're always open to change. Any other questions here?

Susan We have the phone lines.

Derek We see nobody in Los Angeles, nobody in Oakland, and nobody in San Diego. So, Lori, is there anybody queued up on the phone line?

Moderator Yes, we have two comments on the phone. We'll go to Terry McLean. Please go ahead.

Terry My first comment is I think ADA does allow it to be on either side of the car for van accessible except when it's a diagonal parking. And then I'm going to question on the markings because I'm questioning whether it should be an exception or maybe an additional like a 2.1 because it's a requirement and not really an exception. I'm on the fence on that one, but just thought I'd throw it out there. Thank you.

Moderator And a comment from Shannon Mulhall. Shannon, your line is open.

Shannon I think logistically it makes sense having that access aisle be able to be shared between parking and EV charging stations, but I think there's a big concern that that's going to create greater confusion about the definitions and the numbers and the quantities. And so there may be a need for additional advisory information related to that.

Derek We can definitely consider that. We have a few avenues available to us for advisory information. We do have an advisory manual that

we publish on our website, and we do other training outreach as well. So, we can look at the different avenues for that.

Anybody else on the phones?

Moderator We have no one queuing up on the phone.

Susan We are now going to take a look at page 55 of the document, and we're back to bottle-filling stations. So, what we're looking at here is Section 11B-602, and again, we're going to change the title to say Drinking Fountains and Bottle-Filling Stations. And, we're going to add Section 602.10, bottle-filling stations shall comply with Section 11B-307 and 11B-309.

Then we have an exception there for bottle-filling stations are provided at a drinking fountain for standing persons. The bottle-filling station is not required to comply with the exception provided the bottle-filling station is located at the drinking fountain compliant with Sections 11B-602.2 through 11B-602.6. So, this is just another portion of the actual technical provision for what we're looking at for bottle-filling stations.

With that, I'm just going to open it up for comments. Anybody in the room? We don't have anyone in any of the regional offices. Lori, do we have anyone on the phone line that would like to comment on this?

Moderator Yes, we have two comments. Let's go first to Shannon Mulhall. Please go ahead.

Shannon No comment. Thank you.

Moderator Thank you. We'll go to Terry McLean. Go ahead.

Terry A couple comments. One I think I already talked about moving the exception to the scoping instead of putting it here. The other item is it refers to Section 307 and 309, but it doesn't refer to Section 308 which is for reach ranges and I think they should be compliant with that as well.

Susan Thank you, Terry. We'll take a look at that. No other comments?

Moderator No other comments on the phone. Please continue.

Susan One more comment in the room.

Steve I think I heard from an earlier comment about minimum number of bottle-filling stations, so carry that comment over to this.

Susan So, we'll take a look at the minimum number that would be required to be accessible of the number that's provided.

Steve Correct.

Susan Any other comments? Page 57, we're back to baby diaper changing stations. Again, what we're looking at here, we're just changing the exception. It says baby-changing tables, and our only code change proposal here is to change that to in the exception to baby diaper changing station.

Any comments on that one? We don't have anybody in the regional offices. Lori, are there any comments on the phone line on this one?

Moderator Yes, we'll go to Terry McLean. Please go ahead.

Terry The exception on this, it says it doesn't need to comply with 11-603.5. A baby's diaper changing station actually still does need to comply with the accessible route of that section. So, that should probably get updated somehow.

Susan Thank you. Anyone else on the phone?

Moderator No one else on the phone at this time.

Susan Moving on to page 59, this particular code change proposal came about after I had some discussions with some of the architects at the access board. What we found and in my discussion with them, understand that the figures are only illustrative, but they said that what they realized with this particular figure because if you take a look at this figure, you can see that the grab bar, this is in a

residential dwelling unit, you can see that the grab bar actually extends over the top of the lavatory.

And in discussing it with them, they said, well, we know that this is not correct because it says 18 inches minimum from center line of toilet to the edge of the lavatory. But they said in reality what you'd have to do is pair this up with the what's required for the amount of backing in the space that is required for a 24-inch grab bar at the back of that toilet.

Now, this would be in the units with mobility features, and the grab bars are not required to be installed at the outset but you do have to provide the backing for it. Once we started taking a look at this and then you realized the height of 34 inches to the top of the rim of the lavatory and then you're only allowed an inch and a half from the bottom of the grab bar to anything below it, and then you factor in the inch and a half for the size of the grab bar and the maximum height to have 36 inches that you can install the grab bar, and you can see the numbers are not going to work.

You'd have to be sure that you install that lavatory lower than 34 inches to the rim, but then you have the restrictions of the knee space at the front edge of the lavatory. So, we looked at this and we thought this is going to cause a bunch of issues and probably already has.

So, what we're proposing here is a code change where instead if you take a look at the figure, you would see that it would be 26 inches minimum. So, from the central line of the water closet to the edge of the lavatory in a residential dwelling unit, that's the only location where you can have the overlap of this lavatory on the clearance that's required around the water closet, then you can see that you could've overlapped that, but from center line of the water closet, you'd have to allow 26 inches instead of the 18 inches minimum.

So, we're looking here at not only changing the figure, but we'd make a change to the code language. Where it says 18 inches minimum, we would strike that, and instead, it's going to say 26 inches minimum. So, understanding that the figures are only

illustrative, then we needed to pick up that change in the code language as well.

So, that is what we're proposing for this particular code change. With that, I'll open it up for any comments in the room.

M We've made it work, but this will make it a lot simpler.

Susan Yes. I talked to people and they said, yes, if you pay attention, but you really have to pay attention to it, and you have to be sure. And then like I said, in talking to the access board, they said yes. One of the gentleman there said, yes, I have a bunch of changes that we realize that we have to make, but who knows when they're going to be able to go through a rule-making process again to make any amendments to that. So, we said, okay. We'll address it.

Anybody else in the room? Nobody in the regional offices. Lori, do we have anybody on the phone lines?

Moderator Yes. Terry McLean, we have your line open. Please go ahead.

Terry I just want to say I support that one. Thank you.

Susan Anyone else?

Moderator No other comments on the phone. Thanks.

Susan Next one, toilet compartment doors. This is for a door that is side opening whether in-swinging or out-swinging at a toilet compartment. So what we can look at here, when you look at the provision in the California Building Code, there is additional maneuvering clearance that is required in this type of toilet compartment over and above what the ADA Standards required. And what we could look at, potentially oftentimes what happens with this type of toilet compartment you could have multi-accommodation toilet rooms and then you'll have a whole row of toilet compartments that are not required to be accessible.

Then at the very end you'll have a toilet compartment that is your accessible toilet compartment, and then they'll use up that space at the end of the room because what else are you going to do with it.

So if you take a look at what we're saying here in our code change proposal, we're actually allowing—because if you look at what's required by the ADA Standards, you're limited on the distance for that door from that partition.

So I said okay well if we follow along, what's required in the ADA Standards so we're sure that we get that door located within that 54 inches, so the door location is going to stay the same but now you could actually extend out that partition. But sometimes it's just a partition and then you have a wall, and then potentially if you want you could put a lave down here. So in other words the door stays the same. This is a really deep toilet compartment. But then it allows you to put a lavatory down here and be able to make that work.

That's basically what we're doing is allowing that we're going to specify very clearly where the location of the door is, but you could actually increase the depth of that toilet compartment. And then that still is going to work for the way that door is located for the maneuverability for somebody with a mobility device.

So any comments? Any questions in the room? No? Yes.

- Steve Hi. Can I ask the question as far as- I support the proposed change. The question is if we were to utilize a restroom at let's say a safe [ph] room, and we want to put in a peephole in that door, what height would that vision light [ph] be required to be at?
- Susan Well is it a vision light or is it a peephole?
- Steve Well, it's a vision light.
- Susan Okay. If it's a vision light, then if there's a specified for the viewing surface and I think it's 43?
- Debbie 43 and then another one higher at 66 or something.
- Susan So if you put in a light, there is a specified—for the panel so that you could view into that. There is a limitation on that. Really what that aligns with, the sight lines for somebody seated in a mobility device is at 48 inches.

Any other comments on this one? Well there's nobody in the regional offices. How about on the phone line?

Moderator We'll go to Terry McLean. Your line is open.

Terry I'm beginning to sound like a broken record. First comment is in the language. It'll tell you door shall be located farthest from the partition. Then it goes on to tell you that the side door is farthest from the partition, the other one farthest from the partition. So I think you can strike out some of that language.

And then I'm just curious where the 54 inches came from because it seems like you already have the 60 inches and if you miss the door clearances on the inside—I mean you could probably put 12 inches minimum there. That would be from the end of the toilet to the strike-side of the door. But I'm just wondering where the 54 inches came from.

Susan So as I recall, when we were taking a look at this, we were looking at what's the ADA Standards, the minimum requirement there. So like I said, Terry, as I recall I think that's where we kind of drew that from. But I'd have to go back and take another look.

Terry But if their standard is based on those restrooms being quite a bit smaller, but that would be my comment because I think we're meeting it even without that 54 inches as long as you keep the 60 inches and keep the strike-side clearance. But anyways, yes, take a look at it. Thank you.

Susan Thank you.

Moderator And we go to Faruk Sezer. Faruk, your like is open.

Faruk Hello. Not on the code amendment development document but in the code book itself on page 584, we have the figure that shows the front partition and the door where it shows four inches maximum from the edge. And it also has alternate door location shown on the same figure. If that is the case that we are revising the language I think 54 inches also needs to be shown on this figure as well.

Susan Okay, thank you.

Moderator And we have no other comments on the phone.

Susan Debbie is up next.

Debbie So this code amendment proposal is 11B-604.8.2, ambulatory accessible compartment. And the proposal is put forth a code user and the proposal is to change this- this is a California amendment. The federal language requires 42 inches. So let's read what the requirement is first.

Susan Further down or—

Debbie Just right here. So toilet compartment doors shall comply, so this door to the end of the Ambulatory toilet stall is subject to 404, but when you provide a latch approach—Bob, this is the one that you asked about. So you provide a latch approach, you're given an exception. Federal language says 42 inches. But we have amended it to 44 inches. And so the code proposal is to revert back to the 42 inches federal requirements.

So I performed some research. First of all, California 11B does not address any kind of minimal clearance requirement as a latch approach to ambulatory compartments. This is a federal language. This is a federal provision. And we've—the State of California—amended it.

And so first of all, why is there an exception from 404 because if you consider this—if this door is subject to 404 for an out-swinging, that would require a minimum of 60 inches for a door maneuvering clearances.

During my research I contacted the access board. It's really interesting. The exception for 42 is provided for latch-side approach because first, the compartment doors are easily maneuvered because they're lighter. And so there's a higher level of maneuverability. And also the latch approach is the preferred approach for users so that's why the exception is provided.

But then the code, a code user submitted a code proposal to make this corrected. And so in our research—and where did that even come from, 34? So I actually was able to talk to the code specialist who was charged with this code section. So during the rule-making, the 2012 rule-making where the California 11B was rewritten, it is entered as model [ph] language. Yes, they hired a third-party access consultant – Evan Terry Associates, and they hired a group of California access specialists to perform a comprehensive analysis and comparison of 11B versus ADA federal language. And so, it was provided.

And I spoke with the code specialist who worked on this. This is a big California amendment. And I asked him about this. The 42 inches was changed to 44 inches to incorporate that provision which required 44 inches of clear width of the accessible route to the wheelchair accessible compartment that—thank you—and that's where it came from.

So it doesn't really apply because that provision for the 44 inches is already addressed in Division 4 Accessible routes in the exception. So that's what the proposal is to go back to the federal minimum of 42 inches because 44 inches doesn't apply because it's already addressed in accessible route.

That's it. Any questions in the room?

Steve I have a clarifying question. So these only apply to compartment doors. If I have full-height restroom compartments, then it would default to a 60-inch clearance?

Debbie You mean if it's not a compartment in a multi-compartment Toilet facility?

Susan You mean if you build it out with walls?

Debbie So their single-occupancy toilet rooms?

Steve Yes.

Debbie Well there would be other provisions that apply that would probably bring up the requirements for that space.

- Mark 60. I totally agree with what he's saying. All doors that are required to be accessible, this being one of them, in California is required to have 60 inches front as you stated. This was an exception to that rule. That's it. This is the only one that's allowed if it is specifically a compartment which this section is under which I think is absurd to begin with.
- And then secondly, once you change those to solid walls, as this gentleman expressed, now it has to be 60 because its no longer—well I don't know. I mean you could call it a compartment. It doesn't say in there that a compartment have to have skinny walls. So I don't know.
- Gale A light-weight door.
- Mark It's a door that should be 60 inches. So I know that's not going to happen. I just needed to vent.
- Debbie So you didn't buy the response from the Access Board on why the exception is?
- Mark It's an exception to the rules in the access board. The access board from the ADAS all other doors that are accessed from the latch-side are required to be 48 inches as a minimum. So they've made an exception to make it 42 inches, which I don't agree with that either. So I'm just venting here.
- Debbie You can also fill out a code amendment development worksheet. Okay. Any other comments from the room?
- Susan You could have a multiple-user toilet room and actually build the compartments with your typical framing.
- Gale You could because it doesn't really state anywhere that you can't.
- Susan No. A toilet partition could be a wall.
- Mark If you did that, that would take away the access board's reasoning that compartment doors are easier to open.

Gale Light-weight.

Mark In that case it would not be any different than the doors used to get into the restroom to begin with. So the whole thing is just a bunch of hooey if you ask me.

Debbie Okay. Any other comments from the room? Yes, Gale.

Gale The problem is that every design may have this ambulatory space in a different location. You may have a long path of travel back to the wheelchair compartment after you pass this. So you go 42 inches to 44 inches to 42 inches to 44 inches. It seems like we're going round and round in circles. And I think it's those—I just think it's going to be somewhat confusing to be honest with you to keep switching back and forth. To keep going back and forth I think we're going to go in a big circle with enforcement. I really do.

Debbie Even though it's accurate to the—

Gale Even though it is accurate to everything, I think we are where we are.

Debbie That's what I'm learning. How about anybody on the phone, any comments?

Moderator Yes we have two comments. We'll go to Tim Thimesch. Tim, your line is open.

Tim Yes, hi. Again, my earlier comments that this has existed, I'm looking at least back to 1998. This is pre-4459 where the code was frozen. Anything that we had that was beneficial prior to 2000 must be left alone. And so 44 inches for stalls designed for persons with disabilities—not restricted to wheelchair users but all persons with disabilities had to have that 44 inches, which by the way is compatible with our requirements for doors with a latch-side approach. All doors in California that have a latch-side approach have to have that 44 inches at least at the landing. Here where we're requiring a path all the way to the stall, 44 inches, to restrict that down to 42 inches is a reduction. It violates 4459 and the criteria that the building standards will consider in deciding whether to adopt this.

Susan Thank you, sir. Anyone else?

Moderator And a comment from Terry McLean. Terry, your line is open.

Terry Just a couple comments. One, I know we don't really put a clearance on this door because we have them for the wheelchair spaces, whether they're 32 inches or 34 inches, because I know trying to get a 32-inch door clearance door on these are difficult. They wind up having to be wider than 35 inches. But just to comment on if you're going to do them at 42 inches your figure in the center with the cloud on it still says 44. It should be changed to 42. But I agree. I think it should stay 44 inches just for ease of architects but making sure they follow it if nothing else. Thank you.

Susan Anyone else? Any comments?

Moderator No other comments on the phone.

Susan Thank you. Okay so we're going to go on to our next—controls. This code change proposal came about because of questions we had from several code users. The issue is the restricted area that we've prescribed in Chapter 11B for where you can put the—and they call it the shower spray unit, which is consistent with a shower head—so if you try and get the shower head, a diverter, and the faucet within that space, it can be very difficult to make that work.

So what we did, we took a look at this particular section, and in reviewing that we also—well you can go back up – oh a little bit further. Well actually this is good. We'll start from here.

So you can see we go from—we allow a space between 19 inches and 27 inches. That only gives us 8 inches to work with to try and get all of those parts and pieces within that 8 inches. We actually at first took a look at this and we were going to revert to what the ADA allows because the ADA would allow 27 inches all the way to the back wall.

So when we brought this proposed code change to the Access Code Collaborative, we heard from some of the users who use mobility devices, and they said the issue is if you allow that range to

go all the way to the back wall that when they tried to use the control sometimes they would bump it with their elbow and not get the result that they wanted. So we did a little bit of research and I took a look at the 2009 ANSI A117 and actually when you took a look at that—and if you wouldn't mind just scrolling down a little ways—what I look at there, they allow for a range from 16 inches to 27 inches. So that gives you what, nine inches to work with.

So then I started taking a look at the faucets, the diverters, the shower heads, and all the different varieties that you could find. And then I realized that sometimes you could find the diverter and the faucet and the computer control in one unit. Some of those were only like six inches to eight inches. They were pretty compact. And then you could also find it where it was that faucet, and then a separate diverter, and then the shower spray unit, the showerhead.

In looking at this I thought okay now it reaches at an extra three inches. Now you can make everything fit within that range. So what we're proposing here is to change that range, rather than from 19 inches to 27 inches but 16 inches to 27 inches.

And then as I started to read through our language, I thought there's some other issues here because in one sentence it refers to the installation of the shower faucets and controls. In another sentence it talks about location. It doesn't necessarily align with the 2010 Standards because if you look at the 2010 Standards there's only certain locations in transient lodging guestrooms where the seats are actually required to be installed.

And so I started to take a look at that and I thought okay we're going to clean up this language. So for one, it does comply with what the 2010 ADA Standards require when you do install a seat and shower compartment.

And then, we have some other language in there because you can see it talks about the operable parts. It says something to the effect that the handle of the water, the control, has to be within that range. I thought well that's already covered if you take a look at the operable parts. They have to be within that range where you install the diverter and the on/off faucet and all of that.

So basically what we're doing is we're kind of cleaning this section up, we're making the language consistent, and we're aligning it with what it is in the 2010 ADA Standards. This whole section that we're looking at striking here is actually incorporated into the code language because in looking at that where it says operable parts of the shower spray unit, including the handle and where it has to be installed, I thought this can be cleaned up. We can make it much more understandable and we can provide a range that will actually work.

So with that, are there any questions in the room? Any comments? No? Nobody's come back to the regional offices. Anybody on the phone line?

Moderator Yes. We'll go to Terry McLean. Your line is open.

Terry One, in support of making the change, and then my only other comment is when you do the dimension lines if you will extend the lines all the way over to the hatched area just so it's clear exactly where that's going to, that would probably be helpful. Thank you.

Susan Thanks.

Moderator There's nothing else on the phone at this time.

Susan Excellent. Let's move on to page 77. What we're looking at here, when I was looking at some of the provisions for housing at the place of education, and you looked to the 2010 ADA Standards, and you actually look at what's required in the CFR, what I found there it said in housing at the place of education—and when you look to where turning spaces are actually required, and the locations where turning space is required, because if you look at a residential dwelling unit, turning spaces are required in all the rooms other than closets. But if you look at a kitchen that is a common unit kitchen, a turning space is not required in that kitchen.

However, when you look at the CFR, it talks about housing at a place of education and it talked about the other graduate student housing. What it said there is you need to have—actually I take that back. This is the minimum section of the counter that requires

that knee and toe clearance under that work surface. So I think it's a little further on before we get to the turning space within those kitchens. But yes, the sorry, it's the next one. But you already have the preamble for that one.

So what we're looking at here we wanted to be sure because in a residential dwelling unit it is required that you have that portion of knee and toe clearance where you can do a forward approach. But that isn't required in a kitchen that we do see in a common use space. However, when we look at housing in a place of education, it is required in the undergraduate student housing. So I wanted to be sure to pick up what was in that CFR that's in the 2010 ADA Standards and be sure that we address it in the code because I could see where in this section that we're looking at and the next section would get overlooked.

So basically what we're doing here is we're pulling that in from the CFR that's in the 2010 Standard for kitchens within multi-bedroom housing units and on four [ph] containing accessible sleeping rooms with adaptable features in undergraduate student housing. That you do have to have that section of counter where you have that work surface that will give you the knee and toe clearance. So that's what we're looking at this code change proposal.

So any comments? Anything in the room? No? Nothing at the regional offices. How about anybody on the phone?

Moderator We'll go to Terry McLean. Please go ahead.

Terry I'm just going to question if it makes sense to say in residential dwelling units, blah, blah, blah, and in kitchens with multi-housing or multi-bedroom, then they shall instead of duplicating the information at the bottom. Just a comment.

Susan We can take a look at that. Any other comments on the phone?

Moderator No other comments on the phone. Thanks.

Susan Okay. Moving along to page 79, and this is actually the location where it talks about turning spaces. That's what we're looking at here is picking up that code language where it would require a

turning space in those particular types of kitchens. Because like I said, when you start taking a look at where turning spaces are required, this would be one location, unless you pick it up from the CFR you wouldn't realize that a turning space is required in kitchens within multi-bedroom housing units when it's undergraduate student housing.

So I just wanted to be sure to pick that up because I went ahead and did some research. If any of you want the document, you can email me and I'll send it back to you, where turning spaces are actually required because I think there's a lot of confusion that people think they're required in many more locations than where they're actually required.

So any comments on this particular item? No? Nobody in the regional offices. Anybody on the phone?

Moderator [Operator instructions]. We have no one queuing up. Please continue.

Susan Alright. Page 81. This is the last—until we look at those two definitions that I talked about earlier for public housing in public use—of the provisions that we're going to talk about today that's related to housing. From what this is, is those characteristics of a dwelling unit that are in Division 4 of Chapter 11A.

What I had to do in order to go back and forth and take a look at these provisions and try and make some sense of it, I actually put together a table and went section by section in Chapter 11A, and went back and forth, and then aligned it like I said before using the language that we use in 11A—or I'm sorry, in 11B—and then also looking at how we can align this with the numbering that we use in Chapter 11B. Basically if you were to go through this entire section and compare it back to 11A, you could see how we brought in those various provisions for Chapter 11A and incorporated it into Chapter 11B. So I mean I know that this whole section is a lot to digest, but that's basically what we're looking at here.

So any comments in the room? Any questions?

There are things like door maneuvering clearances that are a little bit different in Chapter 11A, when you're actually in the dwelling unit, and even at the main door that's the primary entrance into the dwelling unit. So like I said, I went back and forth and I actually put together a table so that I could go back and forth and look at the language and be sure that I could pick up everything in 11A. Because what you find when you look at Division 4 in 11A is even though it's the characteristics within the dwelling unit, it points you to sections that are in the common use spaces.

So it was going back and forth and back and forth just to be sure that I follow that code path to pick up those different references. You won't see this verbatim, just like what it said through Chapter 11A because sometimes it seems as though that the language from 11A was a little bit confusing.

So any questions?

Jay Hi. Just to be sure that the intention is we're just making changes from 11A at this point?

Susan One of the things that we didn't incorporate into this, into 11B, is that whole provision in 11A where the repositionable countertops and the exceptions and the use of the breadboard [ph]. Because it's required a certain number of repositionable countertops but then you get exceptions depending on the type of material that you use.

Jay Whether it's stone—

Susan Yes, stones, ceramic tile, and then it says an alternative for the knee and toe space is two breadboards. What we heard consistently from code users, and even from staff over HCD was that whole section was—the majority of the questions that they had over there were—or a lot of the questions that they had were related to that section. So, we did not incorporate that.

But like I said, we looked at all the dorm and in-room clearances—oh and then there is one thing that we added because the other thing that I did I went through the Fair Housing Guidelines. The guidelines are really kind of pretty light, but there was a provision in there that said from an inside corner it is required to have an outlet

three feet out from that inside corner. So that's been incorporated into here because that wasn't picked up in Chapter 11A.

But what you're going to find is really for the provisions that we have in these sections, and it's consistent with what's in Chapter 11A, it goes well beyond what's required by the Fair Housing Accessibility Design Guidelines.

So any other questions on this particular section? No? Nobody else in any of the rooms. Anybody on the phone line?

Moderator We do have four comments on the phone. We'll go first to Ally Watts. Please go ahead. Ally, we have the line open, perhaps you may have your phone muted. We're not getting a response. Oh go ahead.

Ally Sorry for the delay. I was adjoining and I was very thankful for the shower modification. I think that what is written with the 8x10 area for all of the shower components is too small and it's going to allow a lot more opportunity to make the selection that best suits the user to have choice of ones that can fit that space. So thank you.

Moderator Next we go to Terry McLean. Please go ahead.

Terry Oh yes, I just was commenting on the accessible routes and just making sure because I know we have issues in the main section of the code, and which Derek is aware of, where things that are considered exceptions may or may not be exceptions. So since this language is getting written, at this point it would probably be a good idea just to check to make sure that in the kind of same code language style that we typically use. Thank you.

Susan Next we go to Faruk Sezer. Faruk, your line is open.

Faruk I'd like to make a couple comments. I think since this newly will be incorporated into 11B, now it's the chance to correct a couple of areas. As you said in the beginning, a lot to digest. But my very first comment would be kitchen layout designs.

We have in these amendments the same as what we have in 11A, and this doesn't address pass-through kitchen for instance, and it

always creates confusion whereas 11B Division 8 allows pass-through kitchens, whereas adaptable features doesn't allow that or requires more space basically the distance from the face of the cabinets, which is another type of kitchen requires 48 inches. If it was a pass-through kitchen, per Division 8, you would have less, which is 40 inches. I think that can be incorporated.

Another thing that can be revisited is clear space required for appliances. By the architects I heard so many comments that 11B provides more accessibility when it comes to clear floor space because it does require 30 inches by 48 inches clear space right adjacent to the dishwasher, whereas 11A requires more adaptable [indiscernible] requires to be central lined that is almost impossible most of the cases. I think that needs to be revisited to correct it. That's all I have.

Susan

Thank you. Well and I think it's important to understand that when you look to Chapter 11B you're looking at two different types of accessible residential dwelling units. You're looking at the one with mobility features that just provide a bit greater level of accessibility than what's required in the accessible units with adaptable features where we're pulling in the characteristics from Division 4 in Chapter 11A.

We've actually had this discussion with HCD because when you look at a pass-through kitchen in Chapter 11A it does require 48 inches as opposed to 40 inches that's allowed in the residential dwelling units with mobility features. And then it's understanding that that 48-inch requirement that's in Chapter 11A actually came from a New Horizon document that was applicable prior to the Fair Housing Accessibility Guidelines becoming effective.

So we took a look at all that because you will find, like I said, in the residential dwelling units with mobility features there is actually things like turning spaces required in all the rooms. You actually get the 60-inch depth of the door maneuvering services. So like I said, in those units you get a bit higher level of accessibility.

Any other comments on the phone?

Moderator

Yes. We'll go to Tim Thimesch. Tim, your line is open.

Tim Yes, hi. Mine's as much a comment as a question. Going back to the earlier one that we're scoping within the general provisions that the turning space requirement in residential dwelling units only applies to certain types of undergraduate housing. Yet it seems that overlaps what we're doing here in 809 residential dwelling units. I think kitchens probably fall into residential dwelling units, and I imagine kitchens have to be an accessible route. Therefore they have to have the turning space.

So I guess I'm going back and checking to the prior one that we're doing scoping first of all within general provisions and then from a federal regulation, not from a state regulation, and that we appear to be reducing California access. So sorry that I'm kind of leaving the task at hand, but you've clarified I think how 809 and 804 work together. Thank you.

Moderator We do go next to Dara Schur. Dara, your line is open.

Dara Thank you. I kind of want to pick up a little bit about what Tim just said about reducing access. I understand that 11B provides more access often than 11A, but if there's circumstances where 11A provides more access we should not be adapting the lower access within 11B. We should be making sure that all the units meet—that where possible we don't reduce access.

Now I understand that mobility units are going to have a little bit higher accessibility than adaptable features but where possible we want to make the maximum accessibility. So I just am sort of reiterating that. I am concerned that we are very clear that we don't reduce the 11A standards in any way and that we ensure that they only apply secondary to the 11B standards. So if there's a conflict, it needs to be resolved in favor of greater access.

Susan Thank you. Any other comments?

Moderator We have no additional comments on the phone.

Susan Alright. I have nothing else for today. There's one item—

Moderator I apologize. We do have another comment coming on the phone. It's from Emily Withers, and we have Emily's line open.

Emily Hi. This is Emily Withers with Department of Housing and Community Development. First I'd like to thank Sue Moe for her pretty thorough job on transferring these 11A requirements to 11B.

I noticed there are a few differences and we'll probably go through them and highlight some of those differences. If we could have access to her cross-reference sheet that would probably be very helpful to everybody I think. But that's my comment for right now. It is a lot to digest. So that's why I don't have specific comments at this moment. But anyway, thank you, Sue, for doing a very thorough job.

Susan Thank you. Yes, I can send that cross-referenced document on.

Moderator There's a comment from Dara Schur. Dara, we have your line open.

Dara Yes, I think I'm building on what Emily just said. If we can have a version that shows—a redline version showing what language you changed from 11A. Not just a cross-reference but really here's the 11A standards, here's what you've inserted where the language is different. I think it'll make it easier on all of us to absorb what are substantial and thoughtful changes.

Ida Dara, just to address that, that's very difficult to do because of the format difference between 11A and 11B. 11A is unique authorship, 11B is based on the federal model. We have to modify our requirements and insert them where appropriate into the federal model of the 2010 ADAS and so it's very difficult to provide that cross-referenced document so you can compare the language, but to say we're marking up 11A it's not really something we can effectively do and have it relay the appropriate information.

Dara That means that every time I go through these pages of sections, I'm going to have to do a line word-by-word comparison between what you've inserted and 11A?

Ida Yes, everyone will. Yes.

Gale The only way you can—

Dara It seems silly for everyone to do it. If there was some way for one person to do it and share it.

Ida That's not the way the rule-making process goes. We can offer what- Sue has done it. If one person has done it, and so then it's up to the public to comment on the work that we have done here at DSA and we can provide an assistance document which is that cross-reference so that you can see where those changes are so you can compare. But that is unfortunately the way it needs to be addressed because that comparison has been done.

Gale Well, it's kind of like apples and oranges.

Susan Yes, and it took four years. Yes. Yes, it's taken four years to get to this point to go back and forth and put together that cross-referenced document and go section-by-section in 11A. Because like I said, sometimes you come across a circular reference. It references elements in the common use areas that are really applicable to what's going on within the dwelling units. I mean, yes, it took some pretty heavy research to get to this point.

Dara Yes, I just say normally when you make code changes they're red-lined, like in the 11B. And here you're taking 11A code that's in existence and you're giving us a version of it that's not red-lined, but we'll do our best.

Susan And we don't red-line. We do strike out and underline.

Dara Well that's what I mean by red-line, yes. That's the equivalent.

Susan And pretty much if we were going to do that, I would have to take Division 4 in Chapter 11A and put strike-out in the whole thing.

Gale All the way across.

Ida And I think what's important to understand, Dara—I'm not sure how much you participated in the transition from the 2010 to the 2013, but it is the same concept. We had a multitude of public meetings,

a numerous amount of public meetings in that transition because we went from original California authorship in language into implementing those requirements into model code language. It is a massive undertaking but DSA undertook this because we had overwhelming requests to do so in providing that additional clarity. So where it takes a lot of homework now to address it, the benefit is going to be greater in accessibility in the long run.

And again, we will provide the tool of a cross-reference so that it can ease in your understanding of the comparisons but it's really comparing almost two different languages because they're not written in a consistent manner. 11A addresses scoping and technical all in the same paragraph, so you can't really strike-out and underline, and 11B is not that way. So scoping is addressed in a separate division than the technical requirements. So there really is no apples to apples comparison. It really does take analysis and homework.

Dara So let me ask you then—oh, something you just said—I appreciate that it had to get re-written into new language. Did you, when you were doing this, also do a comparison with FHA? Because, 11A is supposed to be but it is not always compliant with FHA.

Susan That's taken like four years.

Dara So you did compare—so this language, the 11A language you're inserting you believe is compliant with FHA?

Susan Actually it goes beyond what the Fair Housing Guidelines require because if you look at—let's take door maneuvering clearances. If you were to take a look at a unit and a floor plan that would comply with the Fair Housing Guidelines—let's take for instance a bathroom—it doesn't require 18 inches as you approach the door for the door maneuvering clearing on the pull-side of that door. It does require that, and it does require a certain guess at maneuvering clearance when you look in Chapter 11A that's not required in the Fair Housing guidelines. So there's quite a bit when you look at Chapter 11A that goes well beyond what the Fair Housing Guidelines require.

- Ida I think it's also important to understand that 11A is not DSA authorship. Therefore, we can't just assume that it met the minimum FHA. Our minimum responsibility under our own authority in bringing those requirements into 11B is to ensure that we've checked this at a minimum they meet FHA because we are now taking ownership of that code language. So we had to do this study. We can't just make the assumption and bring it in saying 11A met it before. We didn't author it, so we can ensure that we're meeting our obligations.
- Dara That's reassuring. That's what I was hoping was going to happen. And I'm glad it's greater than FHA, which was pretty minimal and old at this point. So I'm glad it was greater than that and I'm glad that you have checked to be sure it met those standards. That was my concern, and you've addressed it so thank you.
- Susan Anything else on the phone line?
- Moderator We have no other comments at this time. Thanks.
- Susan So we only have one item left, and I'll turn it over to Derek.
- Derek Okay. Thanks, Sue. So the last item here is on the last page of your meeting documents on page 101. Here this is a non-substantive change. We're proposing to change the term parking space and instead replace it with vehicle space. In our current code language, in 11B-812, for electric vehicle charging stations, during the development of that language we took great care—not quite enough apparently—to distinguish between parking spaces and electric vehicle charging spaces.
- This one slipped through, I'm afraid to say, but we want to correct that and change this to vehicle space consistent with the regular terminology in Section 11B-812.
- Any questions or comments on this one here in the room?
- M A question from it. Does it become very clear then for counting of the number of accessible spaces required that it's included or not included?

Derek The areas where we are counting up the number of required accessible EVCS and the number of accessible parking is going to remain unchanged. We'll still have a separation of those two processes and that accessible parking stalls would still need to be calculated separately than accessible electric vehicle stalls. But, it doesn't change the clarity—it only makes incremental improvements in the clarity within Section 11B-812 and that's for consistency of the terms.

Any other questions or comments here in the room? Okay, we don't have anyone presently viewing in Oakland, or Los Angeles, or San Diego. So with that, let's go to the phones if we could.

Moderator Thanks. We have two comments on the phone. We'll go to Terry McLean. Go ahead please.

Terry I guess my comment is where it says, "The end of the," I would add in EVCS vehicle space just so it's consistent. That was it.

Derek Okay, thank you.

Moderator Next we'll go to Ally Watts. Please go ahead.

Ally Hi. I want to say that I appreciate this change. We do see confusion in applicants, and this is what we need. Thank you.

Derek Any other questions or comments on the phone?

Moderator Yes. We're going to go next to Dara Schur. Dara, your line is open.

Dara I just wanted to echo some of the thanks that have been given. I think this will be a really big improvement. So thank you.

Derek Anybody else on the line?

Moderator No one else on the phone is queuing up at this time.

Derek Okay. Real good.

Ida

So, we obviously ended early today. That means there will be no stakeholder forum tomorrow.

I do want to just issue a few reminders. First of all, the Access Code Collaborative has its next meeting on August 8th. If you go to the DGS website, or DSA website, and look on the Access Code Collaborative web page, you can actually put Access Code Collaborative in the search function and you will arrive at our web page. It will give information on the upcoming meeting and how you can listen in.

Again, that is not for live participation. The participation is limited to the representative stakeholders of the group but you can hear the discussion where we vet a lot of the proposals prior to bringing them here so that when they come here they're more ready for primetime I guess I should say. And so understand that that's August 8th.

Our next access public stakeholder meeting is scheduled for September 19th. That's the date we have reserved right now. It could be subject to change but I'm not aware of anything that would change it at this time. So please subscribe. Again, go to our web page. Go to the bottom of the web page and subscribe to our mailing list so you can receive our notices regarding our meeting.

Regarding the Access Code Collaborative, we take applications for membership on the Access Code Collaborative. It's ongoing and once you have an application on file we pull from that when we need to fill slots on the Access Code Collaborative, the representative stakeholder slots. After this code cycle half of them will turn over so we will be—half of them may turn over I should say. We will be looking for more members.

Also another notice. The DSA Advisory Manual is now posted for the 2019. Is it yet? Not yet?

Susan

It's been—we sent it over to be posted but if it's not yet, it should be very soon.

Ida

So look for it. The 2019 DSA Advisory Manual will be posted soon if it's not already posted.

We thank all of you for joining us today. We had a lot of new people participate which is extremely valuable. We've received a lot of valuable comments. We will evaluate the transcript and the notes and the video, and take all your comments into consideration, and revise our proposals if necessary.

Of course we vet them in making sure that there's a lot of requirements, and we vet from your comments. But, we really do appreciate your participation and look forward to continued participation. If you have any questions, you're always welcome to email me. My email's on the website. So thank you, all. I appreciate it.

Susan Yes, and if you have any comments after you've taken some more time to review the material, we'd really appreciate that if you want to email us whatever you think we might have to tweak a little bit.

Ida Oh yes, and one more thing. Also we do take proposals ongoing, but we are not accepting any new proposals for this intervening code cycle but we take proposals ongoing. Anything you submit could be considered for the 2021 building code of the process which will start next December.

Gale In a week or two.

Ida Not anytime soon. Understand that because of the public process we cannot introduce new proposals right now. We are limited to what we can work with as to what we've already proposed. But if it's fresh on your mind and it needs a change, you're welcome to submit that to us on the access stakeholder page. It's called the DSA Access 2019 web page. There is a form for a code change proposal. You can send it in. Thank you.

Derek As well as an email address.

Ida Yes.

Derek To which you can send it.

Susan Thank you.

Gale No. Thank you.

Susan Thank you, Lori, and thank you all of those who participated
patiently on the phone. I appreciate your contributions.

Moderator Thank you. You're welcome. Ladies and gentlemen on the phone,
you may disconnect at this time. The conference call has ended.
Thank you.