



Final Transcript

STATE OF CA – DEPARTMENT OF GENERAL SERVICES: ACC Task Force Meeting

August 14, 2018/9:30 a.m. PDT

SPEAKERS

Ida Clair
Lewis Springer
Greg Bourne
Gene Lozano
Carol Loeffler
Bob Raymer
Gary Layman
Dara Schur
Susan Moe
Debbie Wong
Ernest Wuethrich
Kaylan Dunlap
Arfaraz Khambatta
Vidal Medina
Kyle Krause
Hannah Barker
Soojin Hur
Derek Shaw
Jessica Axtman
Jihee Lee

PRESENTATION

Participants speaking over one another made transcription difficult at times and is indicated with [Speakers off mic]. Not all speakers' voices could be identified at all times. Participants in Oakland were particularly difficult to hear.

Moderator Ladies and gentlemen, thank you for standing by. Welcome to the ACC Task Force Meeting conference call. [Operator instructions]. As a reminder, this conference is being recorded.

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

Ida Thank you. Welcome, everyone, to our ACC meeting. Our goal today is to discuss the comments from the Code Advisory Committee meeting where we received items for further study. So, not all proposals will be discussed today. There were some that were approved and submitted, and because they were approved and submitted, we won't be discussing them.

DSA staff has been working diligently since the Code Advisory Committee meeting in addressing some of these issues so that we can have an opportunity to bring some revisions to you based on their comments and have the ACC comments.

Before we proceed with the agenda, I just want to acknowledge who's here. I am Ida Clair. Let's go around the room, and at least we can get it on the record.

Lewis Lewis Springer.

Greg Greg Bourne, facilitator.

Gene Gene Lozano representing persons with disabilities, specifically those with visual impairments.

Carol Carol Loeffler representing person with disabilities.

Jessica Hannah, the video conferencing needs to be muted, and you need to call on the teleconference line.

Hannah Okay.

Jessica The IT person should have set that up.

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Hannah They were not here when I got here.

Jessica I'll go give him a call.

Hannah Okay.

Jessica Mute this.

Bob Bob Raymer with the construction industry.

Gary Gary Layman building owner/facility rep and building/construction industry.

Dara Dara Schur with Disability Rights California and disability advocate.

Susan Susan Moe, senior architect, DSA.

Gonzalo Gonzalo Juarez with DSA's communication.

Debbie Good morning. Debbie Wong, senior architect with the Division of the State Architect.

Ida Derek Shaw is also joining us today. He is out attending to a printing issue for those here. Let's go to Oakland. Who's in Oakland?

Ernest Ernest Wuethrich, representing CASp.

Ida You're just speaking now. It's going to pick you up on the mic that I believe is suspended from the ceiling. So, you're just talking into the phone. You don't have to turn on the video conference. So, is he not on the phone?

Ernest We're on the phone.

Ida You're not on the phone, okay. We will make sure that you get on the phone.

Ernest No, we are on the phone.

Ida You are? So, you're not pressing the video conference button on your remote?

Ernest No, on the remote it's muted.

Ida Oh, great.

[Speaker off mic].

Ida Exactly. That makes no sense.

Susan Maybe it would be better if he hung up the phone and went through the videoconference equipment.

Ida No, because that's where we get the feedback.

Susan Oh, I see.

Ida Hold on tight. We will get you troubleshooted in a minute. Sorry, we will be working on these kinks as we progress. Hannah will need to come in a minute.

Who do we have on the phone calling in?

Kaylan This is Kaylan from Birmingham.

Ida Thanks. Hi, Kaylan.

Arfaraz This is Arfaraz Khambatta representing code enforcers calling from San Francisco.

Ida Welcome, Arfaraz.

Vidal This is Vidal Medina calling from Fresno representing advocates.

Ida Hi, Vidal.

Vidal Hi.

Kyle This is Kyle Krause, Department of Housing, assistant deputy director codes and standards.

Ida Hi, Kyle. Anyone else?

Hannah Hi, this is Hannah. I'm here. I think I got it right. Out of LA.

Ida Great. Thanks, Hannah. We see you, so that's great. I think we will get the phones in Oakland working because that's the way they should be working.

Soojin Soojin in Oakland office.

Ida Okay, we're still getting feedback from the Oakland office, and we're not from the LA office, so are we sure that the TV videoconference equipment is on mute?

M It's on mute.

Ida Okay, that's fine. What did you just do?

Adam [Audio disruption]. We're unmuted on the TV now.

Ida Hold on a second. Those of you on the phone, are you able to hear Los Angeles when they're speaking? Los Angeles, can you speak? Sorry, Oakland, can you speak?

Ernest Hi.

M Hello.

Ida Those on the phone, can you hear Oakland?

Vidal Yes.

Kaylan It's hard to understand what they're saying.

[Speaker off mic].

M You can hear them—

Ida I don't know why because LA's not.

[Speakers off mic].

Ida That's through the videoconference equipment.

- Ernest We just hung up the phone because it was creating the feedback. You guys can hear us fine now.
- Ida So, if those of you on the phone who can't hear Oakland when they're speaking, please let us know, but right now, you're telling us you can hear them okay, correct?
- Vidal Yes, Fresno.
- Ida Alright, so everyone take a deep breath. We can get started now. Troubleshooting. We'll still have a little bit more troubleshooting to do in the future with one office, but okay, we can work on it.
- Alright. So, we presented our proposals to the Code Advisory Committee meeting on July 24th and 25th. We did receive some comments back from them that were for further study. None of our proposals were disapproved, and all the further study items were basically short term, which means that we can address them before 45 days, make some changes—if we feel they're necessary, make some changes to the proposed regulations, and then proceed with those changes into the 45-day comment period.
- Formal rulemaking, we have not had our date yet for submission I don't believe, but it is likely to begin next month, so we only have a couple weeks, I think, to actually get our entire package together and submit for formal rulemaking. They usually do the access one first in case we need two 45-day comment periods. So, there's time to accommodate.
- Just to clarify a 45-day comment period is when there's a substantial change to a regulation, a 15-day comment period after the initial 45 if it's more an editorial or non-substantial change, but bsc accommodates access by allowing sufficient time for two 45-day cycles if we need them for public comment.
- We do have a revision to the agenda today. There are two items that we are not prepared to bring forth to you today because we're still in our further study mode. We will definitely aim to get those to you as soon as possible. We have a few meetings scheduled while we're still trying to work on some of the language and some of the revisions. It's just due to the short nature of July 24th, 25th to today and the items that were available for further study. We're just still working on these.
- Dara Is that 11B-10 and 11B-16?

- Ida No. It's 11B-07, which is the 233.3.2—
- Dara Is it an exception?
- Bob No, the code language. It's 11B-07.
- Ida Alright. So, that's one that will be tabled, and we will try to bring that to you. If we can convene at another meeting real quick, we can. If not, it will have to be generated to be ACC, so you'll get a heads up of the language in an email and written comments, and then we can determine how to proceed from there.
- Dara Maybe even just a phone call.
- Ida Right, or a phone call or whatever, but we will try to get that to you before 45 days so that we will actually have an opportunity to have the ACC comment on that language.
- The other item is 1.02, which is the government code 4450 provision, which we have been asked to seek legal opinion on, and we're still pursuing that as well. So, we're not prepared to discuss those today, but everything else on the agenda, we are, so we will move on forward.
- Yes, Dara.
- Dara Well, based on my notes from the meeting, I thought there were two other items that were tabled further study. Maybe my notes aren't accurate. One was 11B-10, and one was 11B-16.
- Ida Okay, 11B-10 was approved, and we actually reconciled our list with the list from the Code Advisory Committee meeting sent to us from DSA, and we were both aligned on that one.
- Dara Okay.
- Ida Then, the other one.
- Dara Was 11B-16—
- Bob I think they approved the dispersion one—

- Ida Yes, so 604.8.1.2 is the dimension from the rear wall locating the door in the side wall compartment, and that one was approved.
- Dara Sorry, my notes were just not clear.
- Ida That's okay.
- Dara Then, one other one I wanted to ask about was 11B-13, which was approved, but they asked for some input about accommodations. So, not necessarily today, but I just wanted to know if we were planning something on it. You can maybe include it in whatever you send out. That was employee—no.
- Debbie No. It was vision lights in security personnel.
- Dara My notes said they wanted to be sure that accommodations would be provided to employees, so I don't know if that's something you would do in a comment, or in an advisory manual.
- [Speaker off mic].
- Ida We can discuss that. Since it's approved, I'd rather moved on to—
- Dara Okay. Just trying to go through my notes. They were combined from two different people on two different days, and Gene has his hand up.
- Ida Okay. Beginning with that, did you want to say anything?
- Greg I do, but I just wanted to let you know Gene had a comment on this.
- Gene A question about item—I can't seem to find my list of the items that we're going to be going over today. It's item 11B.04 on that list
- Ida Yes.
- Greg This afternoon in the 1:30 time slot.
- Ida Yes because we're not discussing the two previous items that were initially on the list, it may move up, but it is on the list to be discussed.
- Gene The agenda—I apparently left it home, so I wasn't certain—

- Ida So, let us know how we can best assist you today if we are not being clear.
- Gene Maybe before we start any of the sections, like when we start the first section we're going to go through, maybe you could tell what items are going to be discussed.
- Ida Sure, no problem.
- Gene Thank you.
- Greg The only thing I would add just in terms of what's happened since last meeting, we did compare meeting summary, which was intended to capture where there were agreements or where there were still some concerns. We sent that around to everybody. We got a few comments. We revised the report or the summary based on those comments. So, that was sent out to you so that everybody could kind of see how DSA was going to move forward with those. So, just wanted to make sure everybody's aware of that process. Dara.
- Dara I'm sorry. Maybe I didn't catch that lunch, but I was really confused by one of the addendums in Section 11B-05. It says it's striking the word with, but I don't quite understand that because it doesn't make sense without it. So, it was in 11B-05. I didn't get a chance to catch that.
- Ida So, our text, they—Sue, do you want to explain this one? It's a grammatical thing.
- Susan Yes, because if we left that, we had two "withs" because we don't need that because it says how many housing facilities with residential dwelling units shall comply. You said it was 11B-05?
- Dara Yes, the text said in both initial terms, the word "with" is indicated existing language and proposed to be deleted.
- Susan Yes, just the second "with."
- Dara Just the second one. Okay.
- Susan Yes, the second one.
- Dara Okay. I was confused. Okay.

Greg Anything else along those lines?

Dara Thank you.

Greg Okay, are we ready to launch into the—

Ida We are. Okay. So, the first item is adult changing facilities that we're going to be discussing, item B-12. Debbie, are you discussing—

Debbie Yes.

Ida So, for Gene's purposes, let's discuss the general—this item was set aside for further study, the whys, and then if there's any code change.

Debbie Should I read what we cropped off, for example? Should I read everything?

Ida I wouldn't read everything. I would just address the singular issue and then the item that relates to that issue even though the whole—

Debbie Why don't I give it a try, and then you let me know.

Ida Sure. That's good.

Debbie The first item is 11B-12, and that's the scoping for adult changing facilities. The exception has been removed, and the reason for that removal is that exception is relation to a provision that we had removed prior to that.

Ida Do you want to bring that up so that they can read it, Sue?

Dara So, this is 2.9.1.

Ida We will bring up the change. I'm sorry, I just realized that we haven't brought up the change.

Debbie It says in an existing commercial place of public amusement with an existing adult changing facility in compliance with Section 11B-813, shall will not be required to comply with Section 11B-249.1.2. Then, we're just waiting for the documents to appear on the screen.

Susan See, I got my eyes fixed with cataract surgery, and I'm supposed to be able to see better. There we go. Let's see. Right here.

[Speakers off mic].

Ida Right because they the instructions that shows the before. We're showing the proposed change.

[Speakers off mic].

Ida Yes, actually.

Greg If you could identify what page in the document this item is, that would help direct people there.

Debbie Greg has asked me to reference the page.

Susan It's page 39.

Debbie Thank you, Sue. This is on page 39. It's item 11B-12. This is the scoping provisions for the adult changing facilities, and what's been removed is the exception. The reason for that removal is that exception was related to a subsection that we removed. So, it was like a clerical error.

The next change is same page, under scoping, 11B-249.1.2. So, we've replaced the word "an." Let me read it. Newly constructed commercial places of public amusement shall provide an—the word "an" has been replaced with no fewer than one adult changing facility in compliance with Section 11B-813. Yes.

[Speaker off mic].

Ida She has moved forward from—sorry, Jessica. There you go. Oh, wait. It's there. I'm sorry. Go ahead.

Debbie Those are the two changes for 11B-12. Are there any questions, or is that—

[Speaker off mic].

Debbie Are there questions on this?

Bob Yes. Bob Raymer. I understand the discussion that went on at the CAC. I'm just thinking if I'm a building official or a designer, I'm definitely going to provide one. The question here is can the building official, since it's no fewer than one, I'm thinking it's clear enough, but are you going to run into an instance where the building official may want three as opposed to one. It seems to me that it's clear as long as I provide one, I'm good to go.

Ida Yes, this follows very typical language that's already in the building code when we specify that a minimum of one is required. I don't believe—I mean, in code language, there's no requirement for the jurisdictional entity to require more.

Bob This is enforceable, right.

Gary Yes. There would no gray interpretation on that.

Bob Great.

Debbie Are there any other questions? Oakland? LA?

Hannah No questions.

Greg Anybody on the phone? Okay.

Dara Are we going to get a consensus of the meeting because I just thought that's part of these changes?

Ida Is that good to move ahead and try to get that consensus as we discuss them?

Greg I think so.

Ida Yes, let's do that.

Greg So, does everybody concur with the proposed change?

Room Yes.

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- Greg We have yeses in the space here. Any other folks want to weigh in on this? Does everybody support this? Anybody who does not?
- Vidal Yes.
- Kaylan Yes.
- Ernest Yes.
- Debbie Okay, we can move onto 11B-12.01. The definition, the first sentence of the definition of commercial place of public amusement—what page is this, Sue?
- [Speakers off mic].
- Ida That's not on our agenda list, so I apologize, but we are discussing 12.01.
- Sue Page 39 of 72.
- Ida And 1 of 8 in the new packet
- Debbie Page 39. I will read the after definition. Commercial place of public amusement, an auditorium, convention center, cultural complex, exhibition hall, permanent amusement park, sports arenas, theater or movie house for which the maximum occupancy is 2,500 or more, for the facility.
- So, definitions are important for the application and use of the term, so we made slight changes that really clearly convey that—for example, the removal of the word “or” in front of theater, that makes it more clear and conveys that the 2,500 requirement applies to all the listed facilities and not just the theater or movie house.
- Greg Gene.
- Gene Since we're talking about this sentence, on the 24th, the committee talked about the language about maximum or more. That suggests that the occupancy load to be 2,500 or more, so to get rid of the maximum. That was something we asked to be restudied.
- Derek Gene, this is Derek. On that item we did further study that particular point from the Code Advisory Committee, and actually the suggestion, the

suggested use of the term occupant load was inappropriate for use in this kind of a definition. Occupant load is a very specific term that is tied to fire and life safety issues. It also has an effect on the nature of construction of the building.

In this case, where we have the areas of assembly, assembly areas, you also have other ancillary spaces that are provided in addition to the program, auditorium space, or convention center space.

For example, if you go into a movie theater, you'd have a large lobby area which often has a snack bar out in front. Well, the patrons of the snack bar will line up within the lobby area, yet they recognize that this lobby area would have an occupant load. Now, the problem with attempting to add occupant load there would not recognize that the people who are buying popcorn at the snack bar are the same people who have just vacated their seats in the theaters by and large.

So, it would have skewed the numbers quite a bit in adding counted occupants if we were to shift the term occupant load to maximum occupancy.

- Gene I understand that, but the general concept is the issue—that was a suggestion, but to clarify that it was 2,500 or more that that was the minimum, and that was one of the things we would get rid of the world maximum and clarify. The concept was to just make it clear. That was the consensus of the committee.
- Derek DSA further studied that point of their suggestion and found the suggestion wanting.
- Gene I don't see a change of any kind.
- Ida We did make a change, Gene.
- Gene Not with maximum—
- Greg Let me take a stab at this if I could. It's not maximum occupancy a term of art which a building has to declare our maximum occupancy is X. That's why using the term the maximum occupancy designated by the facility will be 2,500, so it's that or more. Does that make sense, Gene?

- Gene See, I—okay, just my understanding was that if you had less than 2,500, this requirement would not pertain. It would apply if you have 2,500 or more, whatever that might be. The thing is when you put the word maximum—
- Greg That's a kind of term of art. For example, if a building says our maximum occupancy declared for safety is 2,400 it would not apply. The maximum occupancy declared has to be 2,500 or more. Does that make sense?
- Ida There's three ways to do it. You base it on the number of occupants. You can base it on occupancy. You can base it on occupant load. So, three very defined terms. If you base it on occupants, it's whatever number of occupants can be in that space at a time, and so it's not related to the facility.
- If you base it on occupant load, you actually add more people than are required for a facility—maximum occupancy, when you actually look it up in a collegiate definition, which is the way that the code is supposed to work when occupancy is not defined, it does say the maximum number—I forget what the little term was, but we looked it up, and it actually was the appropriate definition.
- For instance, our sign in here in this conference room says maximum occupancy 44. That doesn't mean that there's 44 occupants in here. It doesn't necessarily mean for this room that occupant load is 44—
- [Speaker off mic].
- Ida That means we can't exceed 44 occupants in this room, and so when we use the term maximum occupancy, it means a specific thing, and that maximum occupancy is for facilities that can hold 2,500 or more people. So, a facility that has 2,700 as its maximum occupancy would be required to have one. If it's a facility that has 2,400 for its maximum occupancy, would not. It's actually the appropriate term to use because the other two actually start to mean different things.
- A building official, I think it's clear, would understand what this term means in effectuating the code.
- Gary Absolutely. CALBO would agree with this because in facilities simulating an amusement park, you have many different buildings, so they

each have an occupant load, but your occupancy is going to be that that's in the park.

Ida Right. In a place like Disneyland, they actually shut down the park when they reach a maximum occupancy of a number of tickets sold.

Greg Dara.

Dara I don't think anybody is—well, I don't want to speak for Gene, but what I understand people are saying is not a quibble about the term. It's that it is the way code enforcement is looking at it is different than how someone in the disability community is interpreting it. So, I hear what you are saying that this applies to any building where the designated load is 2,500 or more. So, a building that has fewer than the maximum occupancy, designated maximum occupancy of 2,400 isn't covered. A building that has a maximum occupancy of 3,500 is covered.

People think that the minimum is—when people think of this they think oh, this is the number of people that's the minimum required to trigger the code, to trigger the obligation. It just reads oddly if you're not used to the technical language, so I don't think anybody's quibbling over maximum occupancy versus whatever. They're quibbling over trying to understand the concept. The 2,500 is the threshold above which everything else is triggered.

Greg You just used a term that might clarify this. You said designated. What if you said it's not limited to designated maximum occupancy of 2,500 because that shows that it's a term of art. Does that clarify?

Dara It might, but I don't want to get us into some kind of trap. It looks like Gene's—

Gene I still think—

Dara It's unclear.

Gene It seems backwards. It just seems like it should say a minimum of 2,500 or more, 3,500 or more, but it's the minimum rather than a maximum. Maximum gives you the idea of you don't exceed. Just like here, 44, you don't go beyond 44. So, okay, I'll drop it.

- Ida No, I think what may help that I'd like to propose is that we do have a responsibility in the context of the code to address it in context with the rest of the code. Occupancy is an issue that's discussed outside of 11B and triggers certain things, so we do have to complement it, but we do perhaps have an opportunity in our advisory manual to clarify what we mean by maximum occupancy. There's an opportunity to do that, which then at least, it can be somewhere where there's a lay discussion on defining that term.
- Lewis Changing it to minimum would really confuse a lot of things because there's so much—sorry, this is Lewis Springer. I represent the design community. Maximum occupancy is a very common term in the—
- [Speaker off mic].
- Lewis We use it everywhere. So, changing it to minimum would actually confuse everybody.
- Dara Let me say, if it isn't possible to designated maximum, I think the idea of addressing it in the advisory manual so that other people reading the code besides building officials would just be a little clearer that this means that the threshold, the minimum level for which an adult changing room is required is when there is a maximum occupancy of 2,500 or more. That's what we're saying. The minimum maximum occupancy has—I'm trying to break—so, clarifying in the advisory that a facility is required if at a minimum, the maximum occupancy load is determined to be 2,500.
- I think everybody agrees with the concept and what we're doing. It's just trying to understand the application. At least I'm now clearer on that. I don't know about other people, and I think an advisory would be helpful if we can't use the word designated.
- Greg Jessica.
- Jessica I just wanted to remind everybody if they could state their name again. I know once you get into a conversation and if only one person could talk at a time. When we go back to the transcript it gets a little muddy. So, just state your name and one person at a time.
- Dara That was Dara Schur talking.
- Jessica Thank you.

- Greg So, checking in with Oakland, LA, and on the phone, any comments on this? I can see they're—I guess your discretion whether you're going to put it in the manual or just add the word designated, but whatever seems to work. Is everybody comfortable with leaving it in DSA's hands to deal with that? Carol.
- Carol I wanted to suggest, I know that there's a—this is Carol Loeffler. The section definition, and perhaps maximum occupancy could be in that section and defined because everything you're saying is exactly true. You muddy the water, it'd be like me saying—it's like quantifying maximum occupancy in numerous instances. [Audio disruption].
- Ida We're not going to do that at this time because it's not been introduced initially, so at this triennial code cycle, we would not be able to do that.
- Carol What about in that one thing when you were talking about your—
- Ida Advisory Manual?
- Carol Yeah
- Ida That is not regulatory. We're able to elaborate and provide clarity in an advisory manual, but we're not in a regulatory section.
- Carol I get it.
- Bob They seem to be indicating that they'll do that.
- Ida I've thrown it out there as an option to clarify for those lay individuals who are perhaps not code technical language understanding that concept.
- Dara We could reference in that the definition, which again might be helpful to people, perhaps. I'm trying to bridge the gap between what I think and the right idea and how it's understood. This is Dara.
- Ida I do want to clarify that we did revise this a little bit. It previously said the maximum occupancy is determined to be 2,500 or more, and we changed it to maximum occupancy is 2,500, like a sign would say, or more. So, we think removing determined to be would seem to be arbitrary actually providing greater clarity.

Greg Good. Gene.

Gene I'm for DSA working it out [audio disruption], and if they would consider the suggestion in the advisory manual. I understand it a little better now that it's been explained. Just an editorial comment, general. The code should be readable to all parties, whether you're a code enforcer or a developer, or whether you're a person, an advocate, or so forth, it should be a lot more clear, and that should be concept not forgotten. It's not just for an exclusive group of people. Thank you.

Greg Thank you, Gene. So, does anyone in LA, Oakland, or on the phone have any heartburn with proceeding with this by defining this or discussing it, clarifying it in the advisory manual? Anybody opposed?

Soojin No.

M No.

Greg Okay. Thank you. Next code revision.

Jessica I'm going to take one second because Jihee actually cannot speak.

Debbie So, next is Chapter 11B—

Greg Wait one second.

Jessica Julio?

Moderator Go ahead.

Jessica Jihee is on the line, but she just placed in a listen-only mode. Can we get her moved over to the host line?

Moderator Just a second. Actually, she is on the host line.

Jessica She is?

Moderator Yes.

Jessica Okay, thank you.

Moderator You're welcome.

Jihee Hello, can you hear me?

Jessica Yes, we can hear you, Jihee.

Jihee Hi, everyone.

Ida Hi, Jihee.

Jihee Hi.

Greg Okay, we're going to move onto the third item.

Debbie The next items are under features, 11B-813.2 features. The first change is at 11B-813.2.1, adult changing table. We have removed the word "one." It now reads adult changing table shall be fixed to the floor or a wall and shall comply. So, for that second and third table, they also need to be fixed to the floor. Any questions on that?

Dara I'm just trying to catch up with you.

Debbie That is under features, 11B-813.

Susan It's on page 40 of the document.

Greg That doesn't align with what was handed out today where we have one of one. We're in two of eight, I think is what it is under features, and then under features, there's a number of things. Adult changing tables, and then there's signs, clearance side operations—let's see. So, under clearance.

Ida It's under adult changing table where the yellow—

Greg Got it.

Ida Previously, it said one adult changing table shall be fixed to the floor. The reason why we changed it is that if a facility chooses to add more, and they only fix one, it's problematic. So, by changing it to adult changing table shall be fixed to the floor, all of them need to be fixed.

[Speakers off mic].

Debbie The next one is under clearance, 11B-813.2.1.2 clearance. We've added code language that clarifies how we want or how the clearance at the table is to be measured. So, added text occurs at the very end of the clearance, and it reads end side clearances shall be measured from the outermost extent of the table. Floor or ground surfaces of clearances shall comply with Section 11B-302. I believe that's the level, and changes in level are not permitted.

So, we recognized that those tables have accessories attached to the sides of them, outside of the changing table surface. Most likely they're going to be safety rails. So, we are requiring the measurement of the clearance be measured from the outermost, which would add the safety rails or any attachment outside of the changing work surface.

Greg Yes, Bob.

Bob Bob Raymer. While I like the original language because if you're familiar with other parts of the accessibility standards, you would have taken this for granted, but this makes it more clear. I know the CAC had an issue, so this is fine.

Greg Any other comments on this? Everybody's accepting the added clarity?

Dara Yes.

Hannah Yes.

Debbie Okay, the next item—

Greg Okay, hold on. I'm not hearing any opposition. Then, we'll move forward with that. Thank you.

Debbie The next item is door swing, and that's 11B-813.2.10 door swing. I will read what it read before the revision. Doors shall not swing into the clear floor space or clearance required by any fixture.

So, the change is—this is the new proposal. A door in any position shall be permitted to encroach into the turning space by 12 inches maximum. Where a clear floor space complying with Section 11B-305.3 is provided within the room, beyond the arc of the door swing, shall be permitted to swing into the clear floor space, clearance required for any fixture, and clearance required for adult changing tables.

This provision was added so that the requirement and provision for an adult changing facilities is more consistent with other similar types of facilities, i.e. unisex, single-user family type toilet facilities which allow this provision, which is found under 11B-603.2.3 exception 2. Are there any questions?

Ernest Yes. This is Ernest in Oakland.

Greg Proceed.

Ernest Okay. So, essentially the changes reverses it from door shall not swing into the clear floor space to what we see in single user bathrooms where it can, the door can swing into the clear space.

Debbie Yes because this is essentially a single-user family-style toilet facility where this provision, as an exception, is allowed. Yes because it requires privacy latch. So, the exception is under 603.2.3 exception 2, and it reads where the toilet room or bathing room is for individual use and a clear floor space complies with, and it goes on.

Ida I think Ernest still has additional comments.

Ernest No. That clarified it.

Greg Any other questions or comments? Dara.

Dara I don't have a problem with the change, but I'm wondering if something is missing from this last sentence because it says where clear floor space complying with 11B is provided within the room beyond the access of door swing, door shall be permitted to swing into the clear floor space, clearance required for any fixture, and clearance required for adult changing station.

It's a confusing sentence. Is there something missing, or is that just technical language?

Bob Bob Raymer. It makes it clear. You need to have clear space, but you can have disruptions, temporary disruptions or whatever, so I like it the way it's kind of mirroring the single-use.

[Speakers off mic].

Derek One thing about that language and, Dara, I kind of zeroed in on that, too, when I heard it is that I think in the source section for the single-user toilet room, which is where we lifted a lot of this language, I think we say shall be permitted to swing into the clear floor space or clearance required for any fixture.

Now, in applying it to the adult changing facility, we've moved the conjunction, the "or," and changed it to "and" between the second and third items in that list, so I think maybe we did lose something there by taking the "or" out. For consideration, maybe we should say into the clear floor space or clearance required for any fixture.

Dara That would be clearer for me.

Derek And clearance required for adult changing tables.

Dara Or, this says the door can swing into any one of these three things. It can swing into the clear floor space, it can swing into the clearance required for a fixture, and it can swing into the clearance required for the table. It seems like the third one is an "or."

Ida Maybe we change the "and" to "or."

Dara Which is what you said is in the original.

Derek That raises the question, and we hear this sometimes in the similar language construction. Does the building official get to allow it in either A or B or C? Now, the intent is you can swing the door into all of those three elements that—

Ida Got it.

Gary This is Gary Layman with CALBO. With this being an "and," that clarifies it right there that it can swing into all of them, not just one of them.

Derek It does read just a little differently than the single-user toilet room.

Gary Yes because if the "or" was in there, then it would indicate that you could only go into one of them.

Ida So, then is it better to add a comma after fixture? The ever comma debate whether or not a comma is required with three items. Does that provide clarity by adding a comma?

[Speakers off mic].

Dara Actually I know there's a word for that comma but now I can't remember what it is.

Greg So, comma or not? Do we have a grammatician [sic]?

Ida Well, I think that's the problem is that when it's three words, not two. I think either could be grammatically correct. I think the comma emphasizes the pause, so if you're reading it, it should say door shall be permitted to swing into the clear floor space, clearance required for any fixture, and clearance required for adult changing facilities. So, it gives you the opportunity to pause instead of—

Greg Let's put a comma in there.

Dara It's actually called either an Oxford comma or a serial comma. I could Google it.

Greg So, you raised this issue. Would you like to see a comma in there or not? Would that help make it clear?

Dara I'd prefer to have it there, but whatever they think—

Greg Okay. Anybody want to weigh in on this on the phone or in Oakland or LA?

Kaylan What was the final—?

Ida I personally am a fan of three or more having the comma. I know others prefer—

[Speakers off mic].

Gary --if it's not three or more, you don't put a comma.

Hannah I agree.

Greg Okay, we're going to put a comma in after the word fixture. That's the deal. Okay? Next.

Debbie Next, privacy latch 11B-813.2.11.

[Speakers off mic].

Debbie So, it used to read doors to adult changing facilities should have privacy latches. We've added the word each in front of the door so that it reads each door to an adult changing facility shall have a privacy latch. Any questions?

Ida That prevents one door having multiple latches the way it was written before because it says doors shall have privacy latches.

Debbie Also, an adult changing facility may have more than one door into—so, we're saying should you have more than one door into the adult changing facility, privacy latch shall be provided.

Greg Is everybody okay with that change?

Gary Yes.

Kaylan Yes.

Gary Gene.

[Speakers off mic].

Gary Okay, Gene does have a comment here.

Gene No issues with what you've described. Just for my education or to learn, the active code committee as part of you sit on that committee was to look at 11B-813.1, and in that sentence there is the phrase or other similar private rooms, and it had been recommended to eliminate that phrase because unless there was—identified in other similar rooms. It says it would be a building or a single-user restroom, which is already there, so will it be the same as before.

I'm not trying to be—I'm just asking what action did you take because this would have to be looked at for study.

Derek Gene, this is Derek. The location for the adult changing facility is something that, of course, had its source in the legislation. Then, through our adult changing committee, we discussed that as well. Through the discussion, there were some other locations where adult changing facilities were being provided already. Those locations included adjacent to or within medical areas at large amusement parks. Other private rooms were also discussed as well.

So, in that we recognize that they might be provided at some place that we wouldn't normally think of as a single-user toilet room, so we elected then to stay as close as we could to the legislative language, which provides for within other similar private rooms. That was our thinking.

Ida The requirement is to have a toilet fixture and lavatory are still required per the regulation.

Gene Yes. That was the reason that one of the committee members pointed out we're talking about basically just a restroom. Just for consideration, this is not a regulatory thing, a suggestion is with your advisory manual perhaps, just having something that kind of gives the emphasis on other similar private room might be.

Derek We can take a look at that.

Gene At least for the lay person. The last one is 11B-813.1.3, and that's the one with height and adjustment operation. I think—

[Speakers off mic].

Gene Yes, and in that, in the beginning it says the height should be adjusted—well, it says power. That's basically what I'm getting to, the word power, and the committee felt that power should be defined. Does that mean person-powered, manually, or is it electrical power, and anything about backup power if it is electric? We have, this committee, also has brought up that defining it, and I'm assuming that since it wasn't brought up that it's still power without defining what kind of power or backup.

Derek Gene, this is Derek. Yes, the committee here, the ACC did certainly discuss the issue of power. If you recall in our first draft, I think we had included electrically powered, and then our ACC said well, it could hydraulically powered or pneumatically powered or other forms of power.

So, then we pared down the language to just simply say powered, recognizing the different types of power that might be used.

With regard to the emergency backup of power, yes we did consider that at the ACC meetings. I think we were even discussing this pretty early on as well among the staff, but given that this was an area for which there would be assistance as designed and as seen by the legislature, we felt that trying to introduce a battery backup system requirement to the table would be going above and beyond what really would be necessary.

We recognize that the individual who was utilizing the table would typically have attendants accompanying them who could provide assistance in an emergency situation.

Debbie Gene, the power, whatever mechanism that's powered still has to comply with 11B-309. That's the tight grasping controls and device requirements.

Dara Which means if you're—

[Speakers off mic].

Debbie Hand crank device or mechanism.

[Speakers off mic].

Derek But, yes, 11B-309 is the requirement that is applicable to all controls, and that tells us that the controls have to be operable with one hand and not to require tight grasping, pinching, or twisting of the wrist and operable with a maximum of five-pound force.

Gene I'm sorry, I don't remember, but in that section, did we after power put in there complying with 308?

Ida Yes.

Greg It's 309. It's in there.

Gene Okay. Thank you.

Greg Okay. Any other comments?

- Carol I just have a question. Going back to the one that we were talking 11B-813.1 location, and it talked about or other similar private rooms, you had mentioned that there would be medical facilities that are part of the park or something like that. So, within that medical facility, would that be that—like, say for instance, I required an adult changing facility, and I had passed out at the park. So, they brought me to the medical room, and then I required to be changed. Would that be considered an other similar private room?
- Derek It is an example of where an adult changing facilities have been located to date.
- Carol Okay.
- Derek If you were to go today to one of these amusement parks, that is the position you would likely encounter. We are not requiring that they be required as part of a first aid station or medical station, however, we recognize that they may be closely located to first aid or medical stations.
- For any facilities that are built, once we do get language into the code, it's this language, then those facilities for the adult changing station and would be consistent in that they would have table, they'd have a toilet, they'd have hand washing, and a lavatory or sink. So, those are the things as well as the other items required.
- Carol But, a similar private room would not have a toilet.
- Derek If it doesn't have a toilet, you may encounter it today, but if it was built after this language is adopted, that would not be a compliant facility.
- Carol Let me rephrase this so I understand. So, what you're saying, what I'm hearing I should say, is that if I were to go to a room that's private that did not have a toilet, there would not be an adult changing facility there. So, my example is say I passed out and was in the first aid station that there is no toilet in that first aid station, but there could be an adult changing facility in that first aid station.
- Derek If you were to go out today, then yes, that's a possibility. Remember, the game changes entirely once the code is adopted because that tells us that anything that is—

Carol Right, but the sentence here, the way it's written and I'm reading it, it's not saying a toilet has to be in that room. It says an adult changing facility must be in a similar private room.

Derek That's how all the next two pages work into and interrelate with this one sentence. We need to consider the whole package here because any place where you are going to build an adult changing facility will have to have a toilet.

Carol I don't see that written somewhere though.

Dara It is.

Carol It is somewhere else that I'm not seeing it?

Derek Remember, we say go to the section just above. That's 11B-813, and it says adult changing facilities shall comply with Section 11B-813. Now, in using the code, that tells the code user that every subsection or sub-subsection underneath that needs to be compliant. So, now we turn to the next page in your document. Then, we see where we talk about the features.

So, here we see that the adult changing facility has to provide this long list of features within—

Carol They don't have to have a toilet.

Derek Yes, they certainly do. It's called a water closet. It's right in the middle of the page, Section 11B-813.2.2.

Carol I don't see that. Why do they call it a toilet room then?

Derek It's thousands of years since the evolution of code—

[Speakers off mic].

Bob This is Bob Raymer. I can explain it to you. So, 50, 60 years ago, they didn't like saying the word toilet because it offended some people so the term water closet was used. This goes back to 1927 when they first had the old ICBO building code from 1927. I'm not kidding you. People were offended by saying the word toilet.

- Carol But, they could call it a room with a toilet.
- Bob Now they can, but that's where water closet because it was a tank of water for the toilets.
- Carol Okay.
- [Speakers off mic].
- Carol But, that's still not telling me that that changing table has to be in a water closet
- Derek This is not the room, but it's the porcelain fixture.
- Carol Right, but why do you need a water closet?
- Bob That is the toilet.
- Carol I know, but why do you need a toilet if you're changing someone on a changing table.
- Hannah They might have soiled something in the process, perhaps, that needs to be in a toilet.
- Carol Not—
- Derek It is. It is a requirement that we heard from the users of adult changing facilities that it's a primary requirement because they disposed of human waste from their bodies into the toilet including the garments. You don't flush diapers and the like.
- Carol Okay, as opposed to having a separate area where they can dispose of that.
- Kaylan This is Kaylan. Can I insert a comment from the task force? Some people on the task force also commented that there would be a need for the caregiver to have somewhere to take care of business.
- Carol Alright. That makes sense. Okay. Alright. That's the deal. Thanks.
- Greg Gene, you had a comment.

- Gene Yes. Just, again, back in '30s and so forth when they changed toilet to water closet not to offend anyone, was that same logic of changing sink to lavatory.
- Bob I have no idea. I can tell you that it's a point of confusion. The Energy Commission for the better part of the year thought a water closet—this goes back to '81—they thought a water closet was where you kept the water heater. So, that's what happens when you put several engineers in mechanical engineering jobs. Yes, it was strange.
- Greg So, we've arrived at 10:45, which is our designated break time. Is this a good time given the flow of code, or is there another one or two to finish up this section? What do you think?
- Ida I think—
- [Speakers off mic].
- Greg Okay, good. So, again—
- [Speakers off mic].
- Greg Hold on. Please, speak. Somebody on the phone just said something.
- Vidal Yes, this is Vidal from Fresno. I want clarification for one of—for capacity. It's 11B-813.2.1.4.
- Greg On capacity. Okay.
- Vidal I kind of remember we had a discussion on this. The minimum weight on here it says 300 pounds, but is there a maximum? Did they consider having a maximum to see the weights of whoever will be using these? As far as usability, is there a maximum?
- Derek Vidal, this is Derek. The capacity is referring to the maximum capacity of the table itself, so a person who weighed up to 300 pounds could utilize the table with no concerns.
- Vidal With the lift working, with it raising and lowering, or raising.
- Ida Correct.

- Vidal Okay, so you can be over 300 pounds, and it would still be operational.
- Derek It's not required that a business owner provide a table that's maximum rated capacity will exceed 300 pounds, however, we know that typically when machinery is designed, it usually includes a safety margin, which usually exceeds the rated capacity.
- Greg Bob, and then Gene.
- Bob Just real quick, depending on what table is used, you'll probably always have a manufacturer's do not exceed weight for a particular table. Everything will be at least 300, and like you said, there's usually a fudge factor that goes along with that.
- Greg Gene.
- Gene I don't have the section number, but there is a thing in 813 about signage, and in there it says there's to be a sign in there in the room near the table from the manufacturer that states what is the maximum capacity. So, I believe cross-referencing your concern of the user knowing how much that table can lift is addressed in that sign that they must post, which is compliant to visual signage requirements 216.2 I think in the scoping on signage. So, it's addressed, I believe.
- Bob It is. It's in there.
- Ida So, we require that the table hold a minimum of 300 pounds. They can specify a table that holds more, essentially, but to meet the minimum requirement, it has to have a rated capacity of 300 pounds.
- Greg Okay, Carol.
- Carol I want to back to the toilet room. Can we make a change in the way the sentence is written?
- Greg Go ahead and suggest what you have in mind.
- Bob What section number?
- Carol It's 11B-813.1 location. The way it's currently written, if you take the toilet room, and you move it over to a later place, it would be read as adult changing facilities shall be provided within a unisex, single-user, or family

room or other similar private toilet rooms. So, the toilet room would include both the unisex and other similar private.

Greg You want to change the word “or” to “and.”

Carol No. I want to moved toilet between private and room, or add it between private and room if we want to do it that way. So, within a unisex toilet room or other similar private toilet room.

Derek This relates very much to language that we discussed in the development of this particular section. What your suggestion would allow would be for adult changing facilities to be provided within multiple accommodation toilet facilities.

Carol No. It would be a similar private toilet room as opposed to a similar private room. A similar private room could actually have three toilets in it, right? It could have space for three people to be in a private room. I’ve been in one of those, but if you then really identify it’s a private toilet room, maybe that would be more specifically that it was—

Derek We believe that the requirements requiring a toilet fixture, a water closet, will assure that there’s a water closet within this room.

Carol In a similar private room.

Derek Within the similar private room. Yes.

Carol Then, why do you have to have unisex toilet room then? I still don’t understand.

Derek Because that is one type of toilet room that’s referenced in other places of the code.

Carol And, it’s call a unisex toilet room?

Derek It’s called unisex, single-user, or family.

Carol Toilet room. Then, where is the code where it says similar private room? Where is that referenced?

Derek For that we would just default to the ordinary dictionary meaning of those terms. So, private, or similar room.

Carol Okay. I just think adding toilet would make it a lot more clear. That's all. Thanks.

Greg Okay. Any other comments on the adult changing facility before we take a break?

Dara I did have one question. I just want to clarify in your list on the agenda, you said 11B-12.03, which is the figure, and I just didn't know if there were any changes to that.

Ida I think we did that in addressing the language of covering the extent of the table.

Dara Okay.

[Speakers off mic].

Ida So, we make no change to the figure.

Dara Okay.

Ida Thanks for catching that.

Dara I just wanted to make sure we're not missing something. Thank you.

Bob Thanks for putting the table on there. That's really been helpful for us.

Greg Okay. Anything else? Let's take a 15-minute break, which means we'll start up just about nine minutes after 11:00.

Bob With transfer showers?

Greg With whatever is next. Public housing and related amendments?

Bob We're not doing—oh, there's some public housing here.

Greg There's one left. Okay, 15 minutes. We'll see you shortly.

[Break].

Greg Okay, our 15 minutes is up. So, let's continue, and I think we have one aspect of public housing that needs to be—

[Speakers off mic].

Greg Okay, who's going to be leading that discussion?

Ida We were discussing the—so, the first two items we will not be discussing, but 11B-09, which is the March 13th—

[Speaker off mic].

Greg Is that in this 1 to 18?

Susan Well, we didn't make any changes to this since the Code Advisory Committee hearing. At this time, we're gathering more data, but we're not proposing any changes.

Ida So, we're just bringing it up to the floor in the sense of if anyone wants to add additional comments.

Bob I'm not understanding quite what the codes are the committee had as an issue here. I know some of their concerns are hard to articulate, but do you what the problems are?

Ida I think the concern was not with language but that there was some opposition, so they sent it back for further study, which is actually what we're doing through discussion and wanting more data. So, we are in the process of gathering data to support our position, but DSA's position has not changed, and neither has regulatory language that we're proposing with that right now.

Susan This is Susan Moe. From what I understand, there is a lack of understanding of what is required by the federal regulations, and I think the question that came from Dan Kaiser he was wondering if there was a cutoff date that is required by the ADA in the standards, and there is no cutoff date. In other words, if you had a building that was constructed prior to March 13, 1991, and it's part of a public entity's housing program, then you would be required to make 5% of the units accessible and 2% of the units with communication features.

That trigger date of March 13, 1991 comes in for covered multifamily dwellings, and it would apply to a building even for first occupancy prior to that date, then alterations would not be triggered.

Ida In the other units.

Susan Right, the other accessible units with adaptable features. I think there is so much confusion and lack of understanding in general when it comes to housing regulation that I think that was part of the problem.

Bob You were providing that clarification here.

Susan Well, what we're really doing is understanding that there is a blend there of regulation when you look at this particular code section that really needs to be picked apart. I think the other thing where I'm hearing that there seems to be some confusion, when you look at the one section that says that you can use technical infeasibility, however, if you want to fight technical infeasibility what is required is that alternate units are going to be constructed.

I think what people are looking at when they look at that they think that can allow technical infeasibility for all of those ground floor units, and they don't fully comply with what would be required for those units. So, I think that there's some real confusion there, and what we're looking at doing is picking apart those regulations and putting them in their proper section so you would be in compliance then with what the standards required. Then, you would also be in compliance with what the Fair Housing Act requires. Right now, it puts a much higher level of access on those ground floor units that were constructed prior to March 13, 1991 than can typically be achieved.

Greg Okay. Dara.

Dara I don't think you're accomplishing the goal. I think this is very confusing, and that's some of the reason I'm really concerned about it in addition to the fact that I think it's a cutback and that you don't have to do it, and the fact that you are doing it is a problem.

Putting that aside because obviously that train has left the station in terms of what you're going to do, I still think it is very confusing because I think you've over-deleted and changed some sections that have meaning beyond what you're trying to accomplish.

So, let me see if I can give you an example. You've now taken out technical infeasibility for adaptable units completely, and I don't think that

that was your intent, but if you read the exception, the technical infeasibility section under 233.3.4, you now only provided technical infeasibility for mobility inside three units, but not for adaptable units. I don't think that was your intent completely.

Ida

Well, technically there is no technical infeasibility for adaptable units because by putting this March 13th date, anything built after March 13, 1991 would have had to been built in compliance with FHA. So, there's no technical infeasibility there.

Anything built before, by introducing this date wouldn't apply because it's already understood it's difficult to make those units adaptable, and that's the reason why the FHA has that cutoff date, especially since for those units, there's reasonable modification provisions under FHA that apply regardless of date and that for all those covered multifamily dwellings that are not necessarily reserved for individuals with disabilities, it lets people who don't have disabilities live in them, and they can just be adapted, which is what the regulations require for those after the date.

So, making these wide-bearing changes on the occasion that somebody with a disability or disabled condition, FHA already provides that as a reasonable accommodation catered to that individual. So, making these changes to all these units when it's not—an individual with a disability may not live in there actually requiring a cost that's placing a burden on these units. That's what FHA recognizes.

Susan

The way the section reads right now, where it does cite technical infeasibility, I think what happens, what I'm hearing from various jurisdictions and code users, when they look at that, they see they can just grant technical infeasibility and not necessarily provide, construct an alternate unit.

The way that this is written right now, by including those ground floor units, you would have to—you're saying it's technically infeasible. You can't just pick and choose and say well, within the units these are the things that I'm going to do. The way the code reads, you would have to construct, in compliance with Division 4, Chapter 11A, an alternate unit.

Dara

Yes, and you can do that outside.

Susan

But one for one.

- Dara Yes, but you can do it outside. Now it's taking away that option.
- Ida No, not outside. The building code does not apply outside.
- Susan No, it's within the boundary.
- Ida Within the boundary of the site.
- Dara You know I wish—I'm sorry. I don't know if Arfaraz is here, but—
- Ida He's on the phone.
- Dara But, there is a provision that allows you to build this elsewhere.
- Ida Not in the building code.
- Susan She is correct that is—
- Ida Not in the building code. As you operate your housing program, you can do that, but it's not invoking technical infeasibility in the context of the code. In the context of the code, it's addressed per project, per site. It's not addressed in the context of the program access. That's not the way the building code is written.
- Dara I'm not talking about program access. Anyway, I also think we have—it is not at all clear that 222.3.4.3, which requires adaptable features to be maintained applies to vacated buildings the way it's now written, and it should.
- Ida Can you clarify? I'm a little confused about that.
- Dara You've taken out the adaptable features language in 3.4.1, alterations to vacated buildings, and it's not clear that it's now thought that 3.4.3 also applies to vacated buildings unless you're talking about a gut and remodel.
- Ida Well, it has to be built for first occupancy as a residential—with that date. So, a vacated building built before March 13, 1991 would be required to provide the—
- Dara I'm talking about a building built after '91 would still be required to maintain adaptable features, and it's not clear that that applies to these buildings.

- Susan Maintenance of, if you look at 11B-233.3.4.3, it does not apply to the maintenance prior, but if you look at that, the multifamily dwelling units with adaptable features constructed for further occupancy after March 13, 1991 shall be maintained in compliance with the accessibility standards in effect at the time of construction.
- Dara Right. I'm saying you've taken out the language in 3.4.1 saying residential dwellings with adaptable features shall be provided in compliance with anything. In the absence of making it clear, in 3.4.3 it's not clear that it applies to 3.4.1 and 3.4.2.
- Greg Would you have a specific suggestion on what—
- Dara At a minimum it should say—it should somehow make clear that it applies to 3.4.1 and 3.4.2.
- Susan I'm not quite understanding.
- Dara If you have a building, even if I can see your point about '91, it is not clear to me where the 3.4.3, which says multifamily dwellings must have adaptable features after March 1991 shall be maintained in compliance, it is not clear to me that that section applies to both of the paragraphs above it, which are alterations to vacated buildings and alterations to individual dwelling units.
- Susan You mean that they have to be maintained in compliance with the code?
- Dara They have to be maintained in compliance with this sentence. Multifamily dwelling units with adaptable features constructed for occupancy—that sentence applies to those two paragraphs.
- Susan The other two paragraphs where we have alterations to vacated buildings and alterations to individual residential dwelling units. Are you thinking of once those are altered, the maintenance of those accessible features? I guess I'm not quite clear on what you're asking for there.
- Dara I believe that where a building is vacated or where you're altering residential dwelling units, the other units in the building, if it was built after '91, still have to have the adaptable features maintained. Correct?
- Susan Right.

- Dara But, it's not clear that that sentence that sets out that requirement applies to both of those.
- Susan Well, if you're looking at the exceptions, where any portion of the building's exterior is preserved, but the interior of the building is removed, including all structural portions of floors and ceilings, and a new building is constructed behind the existing exterior, then it's just considered a new building—
- Dara I'm not talking about that paragraph, Sue. I'm talking about alterations to vacated buildings and alterations to individual residential dwelling units. By deleting the references to adaptable units in those paragraphs, it's no longer clear that that sentence in 3.4.3 applies. We need to be explicit in that last sentence in 3.4.3 applies, including to buildings covered under 3.4.1 and 3.4.2.
- Greg So, you're saying the last sentence under 3.4.3 should also apply to sections in here, and it does.
- Susan That's what we're trying to, again, what we're doing here. In 11B-233.3.4.1 is what's required under the standards, and 11B-233.3.4.2 again is what's required under the standards. The reference to accessible units with adaptable features are in a section that, again, we're trying to split apart [audio disruption] ADA Standards. [Audio disruption] bring those out.
- Dara I understand that.
- Susan So, the reference back in 11B-233.3.4.3 to either of those two sections would not be helping us to accomplish what we're trying to accomplish.
- Dara By deleting the references that exist in those sections to adaptable units, someone could be led to believe that if they do the 5% and 2% they have no obligation then to maintain the adaptable features in the other units, which is not your intent, but that's how it now reads. I think a cross reference would really help make it clear that in these two situations when they're obligated to produce the mobility and sensory units that does not mean—they still have the obligation if it was built prior to '91 to maintain the adaptable features.

Ida I think it might clearer to understand that the entire section under 233.3.4 alterations, all these provisions are kind of identifying not different types of buildings, but different types of scenarios, but they work in concert, and the provision in 233.3.4.3 does apply to the other two depending on the date that triggers the adaptable features because the section title says “Alterations to Residential Dwelling Units with Adaptable Features.”

You could have that if the date applies in a vacated building. You could have that in an individual—well, technically 233.3.4.2, individual residential dwelling units. But no, because that applies to the 5%, 2%. This section applies specifically to all the other ones, even if they occur in those buildings because it all falls under that same section.

Dara I appreciate the intent. I’m just saying because you have taken out the references to adaptable units in those two sections, I am really concerned that people are now going to construe them as not requiring the post ’91 building as an obligation to maintain adaptable features in the other units.

Ida There are other provisions in the code that require the maintenance of accessible features.

Dara You say it specifically here. Why don’t you just include it—

Ida Because it’s clarifying the date because for those adaptable units, we’re saying built before the date they don’t have to do it, those after they do, but it still applies to the adaptable units. The other two sections don’t cover adaptable units.

Dara I understand that, but they’re in buildings with adaptable units, and this is talking only about alterations to units with adaptable features. I’m suggesting in those buildings they also continue to have an obligation, so I would just add to 3.4.3 including the buildings covered under 3.4.1 and 3.4.2 to make it clear that this section applies to those sections as well because you’ve deleted any reference to adaptable features.

So, someone doing those mobility units in an existing or vacated building may think they no longer have an obligation in the other units to maintain accessible features.

Ida I’m going to propose this to Gary to—I mean, he’s our code official representative. They enforce the code.

Gary This is Gary Layman, a representative of CALBO and the construction industry, and in reviewing this as a plans examiner or a building official, in the text of this code, those sections are alterations to existing vacated buildings, which were technically constructed prior to because they didn't require any adaptable features. Once we get into the other, then that's saying alterations to residential dwelling units or whatever with adaptable units, plus we have 11A, which also falls in play with everything, which indicates that specifically in it that there has to be maintained of the accessible features or [indecipherable].

So, that's how we would review this when we look at it in plan review stage and the inspection stage in the construction industry.

Dara But, vacated buildings might have been built after '91.

Gary Absolutely, so it indicates if you have a vacated building, and it was, then it still has to comply with all the features that were there. It's not exempting—

Dara It doesn't say that in this section.

Susan No, but again if you go to 11B-233.3.4.3, that last sentence, multifamily dwelling units with adaptable features constructed for first occupancy after March 13, 1991 shall be maintained in compliance with accessibility standards in effect at the time of construction.

So, if you do have a vacated building, they completely vacate the building, it was constructed after March 13, 1991, it's now public housing, so they have to maintain all of those ground floor units in compliance. In addition, what they would have to do, they would then have to take a look and make 5% of those units have mobility features and 2% would need to have communication features. So, they would have an obligation beyond the maintenance of those ground floor units to provide the other types of units with mobility and communication features.

Greg Does anybody else want to weigh in on this conversation?

Arfaraz Yes, this is Arfaraz representing code enforcement agencies. For public housing, the scoping requirements obviously stem from Chapter 11B, Division 2, and not from Chapter 11A, Divisions 1 and 2. So, I agree that we should make it really clear in Division 2 of Chapter 11B as far as what is required for these units with adaptable features because I don't believe

that code enforcement agencies are referencing Chapter 11A scoping for public housing projects.

I do concur that we may have been overzealous in striking out some of this language that will add to the confusion that we all agree already exists. As I look at the strikeouts on 11B-233.3.4.1—I take that back. I was referencing the knockout in the exception under 11B-233.3.4. The knockout begins with for units with mobility features, and I believe it wasn't DSA's intent to strike that out, but again, I defer to DSA on responding to that.

I would restate my initial opposition to this because any technical infeasibility allows for alterations to be made to the maximum extent feasible, and by that I mean in alterations where kitchen cabinets have been replaced, those kitchen cabinets under the current code are replaced to the maximum extent feasible when other technical infeasibilities are documented for a project.

By inserting this new language, there will be no incentive to provide kitchen cabinets that comply with the adaptable features that benefit a lot of the population occupying public housing units that age in place.

Also, grab bar backing is an easy thing to do when walls are exposed. That is, again, something that developers would have no incentive to put in. Grab bar backings, as we know, help a lot of the elderly when those units need to be adapted at a later date without putting the burden on organizations that are running these housing programs to then open out walls and put in the required reinforcement after the fact. So, doing it as part of the alteration project would be more cost effective for the jurisdiction or for the organization that's running the program. Fixture replacements is another thing that can be done to the maximum extent feasible without achieving full compliance.

So, under the current code or under the 2013 California Building Code and the 2016 California Building Code, there were a lot of adaptable features that for projects under those two code cycles, which went in and have benefited residents in these public housing facilities, both persons with disabilities and elderly residents, which will no longer be the case should this change be made for the 2019 code cycle.

Susan

I think that this really, from the interpretation that Arfaraz is using for this particular exception, if you actually read through what this exception says,

and it says in compliance with Section 11B-809.2, 809.3 or 809.4 units with mobility features is technically infeasible or where it is technically infeasible to provide an accessible route to a residential dwelling unit, entities shall be permitted to alter or construct a comparable residential dwelling unit to comply with Section 11B-809 through 809.4 or Chapter 11A, Division 4 provided that the minimum number of residential dwelling units that's required by those sections as applicable is satisfied. That requires a one-to-one—

Ida On the site. Not on another site.

Susan With an accessible route. The issue is for other jurisdictions as they read through that code section, they read it as it's written, and what we're hearing is they're finding that there are projects that are not moving forward because of this provision. There are also projects that are not making use of say the tax credits from the Treasurer's Office because of that particular provision because they're not saying oh, we're just going to go and pick and choose what we think would be technically infeasible in these units. They are complying with the section as written.

Ida Arfaraz, in addressing your question where you say it's cost effective to do this at construction for all these adaptable units where it's not required under federal law, I have a question. Do all these units then get—is it a senior housing project where then all these units are occupied by seniors, and why is it that it needs to be a requirement to do this in the code as opposed to a requirement of the project because of the nature of the project, or as requirement by a local ordinance because you have a lot of individuals who perhaps have this need in this specific facility?

Understand that while we're trying to address these provisions, we're addressing this requirement for the state of California, and FHA does have reasonable modification provisions, which removing drywall and installing a backing for one unit is reasonable. I can see where perhaps if you have a whole entire senior facility and every unit needs it, that may be cost effective, but that could be a condition for the project. Why does it have to apply to every single adaptable unit in the State of California on the off chance someone's going to need it when reasonable modifications already cover that?

I mean, you're saying it's cost effective, but how is it cost effective for every single public entity in the State of California to do this for every single adaptable unit on the off chance someone needs it while we're

adding all these fully accessible units, and we're adding the communication units as required?

Arfaraz

Here in San Francisco we have data that we've collected on grievances received from residents living in facilities where they have a hard time getting their reasonable accommodation requests approved by the entity that's managing the property. The primary concern for those organizations is the cost of the reasonable accommodation request where they don't believe it's that reasonable, and most of these entities are running a very tight ship just in terms of budget.

It's definitely more cost effective to do these as part of the larger cost construction project than it is to do it on a case-by-case basis every time a resident makes such a request.

Now, we've collected such data just from the population that this county serves. I'm sure there's data available California-wide that shows some of the challenges to responding to reasonable accommodations request, too, and I urge DSA to review that data once it's made available to them.

As the Code Advisory Committee suggested that additional data be sought and provided, I would occur with that approach. I think I made that request at one of our initial ACC meetings when I presented data from San Francisco County, and I urged DSA to share the data that it had received from other jurisdictions across California.

Ida

Arfaraz, so, the question that I have to address for you is I think that actually understanding when we're talking about cost effectiveness for these types of facilities, I think you would have to agree that while it is difficult maybe for some entities to be responsive to reasonable accommodation requests that they're required under law, that perhaps installing a grab bar or the backing for a grab bar would likely satisfy a reasonable accommodation request.

How do you address this issue when the bigger issue is requiring and achieving an accessible route into all these various dwelling units that would be considered transitioning into covered multifamily dwelling units because those costs are not reasonable? Including this requirement is the issue that we need to discuss.

It's not the backing on grab bars that's easy to accommodate when the studs are stripped. When there is no accessible route provided to these

ground floor units, and it's difficult to achieve, would you not agree that that is where there are significant costs that we are imposing throughout the State of California by stipulating this requirement?

Arfaraz

No. I think we're comparing apples and oranges here. We're throwing the baby out with the bathwater. I think that's the term. There is a great benefit to trying to include some of these adaptable features that benefit our elderly residents and residents with disabilities who aren't necessarily in those five mobility units but living in other units, and they would rather have a roof over their heads given the housing crisis that we have in California than wait for a mobility unit to be made available.

So, yes—allow me to respond to your question. While I agree that providing an accessible route of travel to these units is in many cases more infeasible than providing grab bar backing. I think requests for grab bar backing probably are requests that come in more often more so than providing a ramp to multiple units.

Grab bar backing isn't the only thing. Even kitchen cabinets. Most of the alteration projects require the replacement of kitchen cabinetry because they're rotted out after 30, 40 years of deferred maintenance.

So, that is the norm. That's the reality on the ground, and by taking away this opportunity to put in new kitchen cabinetry that to the maximum extent meets the requirements of Division 4 of Chapter 11A, we're now kicking that can down the road by another 40 years, and that's what's so unfortunate about this code change because it now puts the financial responsibility to respond to reasonable accommodation requests on the small providers as part of their operating budget, which is minuscule as compared to the construction budget of an alteration project.

Susan

Arfaraz, going back to that code section, again, there are jurisdictions where they are attempting to comply with that exception as written, which was required comparable dwelling units with mobility and accessible and adaptable features. It isn't just putting in backing. It's a unit on an accessible route and all the requirements in Division 4, Chapter 11A, which means 32-inch clear width door openings. It means maneuvering clearances at the doors. It means potentially larger bathrooms.

So, I see what you're saying and how you're apply this provision in San Francisco, but in other jurisdictions they're choosing to comply with the code as written.

The other thing is if you do have units, and all you're going to do is remove kitchen cabinets, it potentially doesn't rise to what the code requires when it's alterations to individual residential dwelling units because it talks about where a bathroom or a kitchen is substantially altered and at least one other room. So, again, as we read through this and other jurisdictions are attempting to comply with the code as written, it's creating issues.

Ida

I do have a question because when we're talking about cost effectiveness, and DSA's responsibility technically to all stakeholders in addressing all issues, if there is a requirement to create an accessible route to all ground floor units, as you believe this does state, we're not talking about the interiors. We're talking about if a unit needs to be altered and a main key is to create an accessible route to the ground floor units.

Costs that occur during construction affect housing costs in the jurisdiction in which it's happening. So, to say that it has to happen for all units increases the cost of that housing, of proving that housing, of eventually renting that housing. We're adding more money into those costs in order to recoup them later.

So, how is it cost effective when we're putting in so much money into the construction end on the off chance that someone needs it instead of handling it on the reasonable modification end to address it? By not requiring all this additional work on the off chance of someone needing it and providing all of it, accessible routes, cabinets, wider spaces, wider doors, grab bars, the backing, all of it, providing all of it in each single adaptable unit, how is that cost effective to the conditions for housing in San Francisco if that money is being spent initially?

Does that not trigger the ability and affordability of housing in San Francisco instead of addressing it through reasonable accommodation methods for those facilities built before 1991?

Dara

I can answer that. Arfaraz, go ahead. This is Dara.

Arfaraz

Well, Dara, by all means feel free to respond to that question as well. I would just say to Ida that the cost of accessibility has always been used as an excuse to not provide it. I don't think that's something that DSA or we as a group should do as it is too expensive to provide accessible features.

I also want to address the other issue that's been repeated through this conversation about comparable units, or rather substitute units, having to be provided on the same site. I would refer you to the advisory that's in the DSA Access Manual that's put out by the US Department of Justice which says that factors to be considered in comparing one dwelling unit to another should include the number of bedrooms, amenities provided within the dwelling unit, types of common spaces provided within the facility, and the location with respect to community resources and services such as public transportation and civic, recreational, and mercantile facilities.

To me, that alludes to the fact that you could have a substitute unit provided in the same locality with respect to community resources and not necessary on the same site. So, I'm not sure if DSA is suggesting that that US DOJ advisory is limiting a substituted unit to be on the same site.

Ida

That is what the Department of Justice allows for our housing program to do with the housing program in its entirety. The advisory manual, with all due respect, Arfaraz, is not the building code. The building code stands on its own. The advisories that are provided we include the DOJ advisories as well as DSA advisories because it's the basis of the document that we use, but all those advisories do not come into code language and can be enforceable in the context of the building code.

I do want to clarify because I do believe you misconstrued my comment. I am not saying that access is too costly. I'm saying to make over and above access improvements that are not going to directly benefit every individual with a disability is very costly when there are provisions in the code that require the necessary access as well as provisions in federal law that require reasonable modifications tailored to that individual when it's needed.

So, I just needed to clarify my comment because I don't believe that access is too expensive. In fact, in our training, we emphasize in our housing training how in new construction and for facilities built after that March 13, 1991, it costs no more to build an accessible unit or very little more to build an accessible unit versus one that's not accessible, but that's because that's where the site was either designed that way after 1991 or is initially designed to take into consideration all those accessibility requirements.

Before March 13, 1991, we're trying to address the issue of making all these units accessible that are not required to be accessible under federal law, and that puts an additional amount and cost burden on public entities and the housing costs in general when there's no direct one-to-one correlation that they're going to be used by individuals with disabilities because the mobility units are going to be provided, the communication units are going to be provide, and reasonable modification exists.

Arfaraz The mobility units are designed for persons using mobility devices like wheelchairs. As you know, Ida, a person with a disability isn't necessarily always someone who uses a wheelchair. Different kinds of folks fall into that category, and they benefit from the adaptable features in these units. So, by saying that—

Ida --from all the doors—

Arfaraz I'm sorry. I allowed you to complete. I'd ask that you'd offer me the same courtesy. Thank you.

Ida Go ahead.

Arfaraz I would also point to Section 11B-233.3.1.2.5—

Dara Could you say that again?

Arfaraz I'll say that slower this time, 11B-233.3.1.2.5, and I know this is in a different section under—or, it's in the same section on new construction. It talks about site impracticality for the number of adaptable residential dwelling units, but in that section, we provide, or I should say DSA has provided six elements that are required to comply. That includes the grab bar reinforcement complying with 609, doors complying with 404, electrical receptacles complying with 308, toilet and bathing facilities complying with 809.4, and kitchen sink and removable cabinets complying with 606.2.

So, there was a middle ground, and it goes back to my point of striking the entire section and throwing the baby out with the bathwater. There could have been some kind of middle ground that DSA could have proposed here for buildings built before March 13, 1991. Rather than going that route, DSA chose to remove the need to provide any kind of adaptable features even to the maximum extent feasible in any of these units that

were being altered for buildings built before March 13, 1991, and that's the unfortunate part here. Thank you.

Greg Dara, go ahead. You've waited.

Dara Arfaraz, I have one question, and then I have a comment. What was the site for the DSA advisory about location factors to be considered? Do you recall?

Arfaraz The advisory that I was referring to earlier for the DOJ advisory is under 11B-233.3.4, which is a substituted dwelling unit must be comparable to the dwelling unit that is not being made accessible.

Dara Okay, and then I just want to piggyback on what you just said because I think it is really critical here. There is a way to do this that doesn't—let's concede for a moment that there are some cities where this is creating a problem even though for other cities it's benefiting thousands of people. We saw how many units San Francisco was getting.

Ida We saw how many units were benefited. We did not see how many people.

Dara I can tell you that most—that he is absolutely right. The number of people out there who need those types of features and can't get them and will move into units in and for accommodations and modifications that don't get them is enormous. It is a huge benefit to be providing that number of adaptable units. It is huge. It benefits a huge number of people, and we can talk in a minute about what kind of data we should be collecting because I think that's among that data that we should be collecting and not just the data about what cities are finding, but we should be talking about the number of people who need these units that aren't getting them.

I think what Arfaraz is proposing makes a whole lot of sense, which is at least there's a middle ground which is that you require adaptable features that are subject to site impracticality. So, at a minimum in pre-'91 buildings, they can do these six elements of adaptability even if they can't do a fully-accessible route.

Ida They can't do that right now because it's too substantial of a change in this code cycle, the proposed change. Now, moving backwards, we could either move with this so that it gives some relief in all the requirements,

and then looking forward we can discuss that in a future code cycle and enter into further discussions.

Again, you're correct. Data is important, and we should be looking at all this data because for me, when I'm looking at the number of adaptable units that are being provided that are not guaranteed to issue to someone who's going to benefit when there's reasonable modification is really impacting housing costs in California.

Susan

That other things that's important to note is the ability to use a site impracticality test is very rare. You very seldom get to a site impracticality test, and if you are going to use the site impracticality test it's at the time of new construction. It's not when you're coming back in and making alterations to a facility. What it's recognizing is when you can determine that your project does need one of those site impracticality tests, then it is still requiring some of those elements to be accessible, but if you look at what HUD says and what it talks about with those site impracticality tests, like they say on their training sessions, it is very rarely used, and it's at the time of new construction.

Greg

So, at this stage, we just have to agree to disagree on some of these sayings, but there are points of clarification that I think you were suggesting earlier that might be, so maybe that could be on the table without I hear Ida saying you're committed to this at this stage, but maybe a suggestion on clarification would be helpful. It sounds like data collection for the next cycle—

Dara

I'd like to talk about that for a minute if we could.

Greg

Bob, you wanted to say something earlier before we do that.

Bob

I want to concur with Ida that at this point, all of this is done through the Code Advisory Committee. DSA is now into kind of a mode of trying to either tweak or withdraw what the Code Advisory Committee sent back to them. They have sort of limitations. They can choose to not take the advice from the Code Advisory Committee and roll the dice at BSC in December, but the fact here is that they're limited.

With the discussion that's going on here is maybe there needs to be some substantive change made to this which would probably best at the intervening code cycle that would be coming up. I'm not sure if DSA can even consider that right now. It's possible, but the Code Advisory

Committee is going to get upset that DSA's now bringing forward a change that didn't go before them. Our job here is kind of narrow today.

Dara

The alternative is to pull it in for long-term of the study to see if we can come up with some language that's better. It is not that we have to pass this [audio disruption]. Let me just say I'd like to understand a little bit more about the kind of data that you're thinking of gathering just to make sure that we can figure how to get a wide range of data.

I think, for example, as Arfaraz has suggested that data on the number of people who seek and are unable to get without going to an administrative agency or court reasonable or physical accommodations as well as modifications to their units, reasonable modifications that is confusing because ADA refers to accommodations, and the Fair Housing Act refers to modifications, so physical changes to the units, which is supposed to be paid for by a landlord in public housing, and some of those housing are often not, are rejected, I think more often than they are granted judging just by the number of people we represent annually who've come to us saying they've been unable to get that accommodation. That is a substantial number.

I'm just thinking that we should be gathering information on cities who like San Francisco, who have in fact gotten a lot of units that are, in fact, utilized. We should be getting information about people who unable to get housing that meets their needs because there aren't modifications available, and they aren't being made.

We should get data about what it might take to propose something that would allow for modifications with some exceptions if you have a pre-'91 building. I just think those are all reasonable pieces of data to be gathering and not just hearing from those cities that have some developers telling them they're not going to do a project. I think that's a restricted piece of information that doesn't give us the whole picture.

Arfaraz

I would just add to that. I'd also be very interested to see some kind of data in terms of how much more money does it cost to provide grab bar backing when the wall is any way exposed because you're dealing with dry rot to begin with. How much more does it cost to provide kitchen cabinetry that meets the adaptable features requirement when you're replacing kitchen cabinetry anyway?

How much more expensive is it really to provide these five adaptable features that I mentioned earlier that was listed in another code section? Sue, I wasn't suggesting that—I just referenced those five elements from another code section, and I wasn't really talking to site impracticality. I'm fully aware of how difficult it is to prove that on a new project.

I think we should really pull this and maybe look at it on the next code cycle because right now we're trying to push through something where we haven't really collected sufficient data or just in terms of cost, in terms of people effected, so we have some work to do. Rather than push this through and then amend it in the next code cycle, I think we should do a better job of collecting data and then moving forward. Thank you.

Greg Any other comments to this? Derek.

Derek Arfaraz, if an accessible route is required to an adaptable unit, and then considering that data that isn't provided for the city or county of San Francisco, do you have any sense of the several thousand units which were [audio disruption] adaptable units provided with a compliant accessible route?

Arfaraz Yes. As a matter of fact, I do, and just given the nature of the urban environment of this county, there's a lot of vertical development, which means most of these buildings already had elevators to begin with. There are some projects that are non-elevator buildings as well, and I recognize that there would be other jurisdictions where you don't have that many elevator buildings and that it's more of a horizontal development.

Like I said, Derek, I'm sure the data would vary from county to county as we move across the state, but rather than rely on just data that you've received from me, maybe we need to do a little more data collection across a sample set of counties across the state so we get a clearer picture of what's happening.

Just going back to the five elements I referenced earlier, accessible route of travel was not one of them you may have noticed. These were all adaptable features that happen within the units themselves. So, just want to highlight that point, too. We're talking about five specific elements that could have been a good middle ground to go to.

Derek Right, and a good middle ground might be something for us to consider, but since you did note that you did have a good sense of what level of

accessible routes were provided to those units, is that something you could share with us today?

Arfaraz Well, why don't we put it on my list of data collection to do, and I'd be more interested in seeing DSA's list of data collection before we move forward on this proposal.

Derek Okay. So, when you note those units as adaptable, does that designate those—

Arfaraz Yes. Those units that are noted as adaptable have an accessible route primarily because they're in an elevator building.

Susan Were those units, Arfaraz, were those also—because understand that when we look at this and we look at the provisions in the code, we look at how the code is complied with. Did you just decide that these are the elements that we will make adaptable within those units, or did you go item by item through Division 4 and determine which units you could make adaptable in compliance with Division 4 and which ones you could not make adaptable, you provided a comparable unit for those?

Arfaraz So, the comparable unit is provided. Well, let me talk about comparable units separately, but as far as going through Division 4 of Chapter 11 A and determining what is technically infeasible and what can be made adaptable to the maximum extent feasible, that is something that as a code enforcement agency, we would work closely with the architects of record on what they're presenting to us during the planned review stage or even before we embark in plan review during the pre-application stages of the project so that they know what they're getting into and where they would need to document their technical infeasibility.

The substituted units are largely provided in the smaller six, ten-unit buildings that are non-elevator buildings where additional units are being constructed typically by the same developer within the same locality, and those are referenced as part of the technical infeasibility on that alteration project.

Susan In other words, in complying with the code as written, San Francisco has interpreted differently than other jurisdictions because as I said in other jurisdictions they go with this exceptions as written. In other words, let's say you had a building with 150 ground floor units in it constructed prior to March 13, 1991, what other jurisdictions are looking at is not going and

saying well, this is the handful of features that we can provide in those units, and we're not offering comparable units because we're just going to go with what we consider technical infeasibility.

The other jurisdictions are reading this section as written and determining that they will make modifications to fewer units because there's an issue with providing a one-to-one comparable unit, and they're reading this as written where it says you need to comply with the features in Division 4 for those units with adaptable features. They're not picking and choosing. They're looking at all of the requirements in Division 4 as this section is written.

Dara Let me clarify because I didn't understand Arfaraz to say that. What I heard Arfaraz say, Arfaraz, you should just see if I got you right. They require compliance with all of Division 4 unless it's technically infeasible, in which case they allow comparable units.

Ida That's the way the code is written.

Dara That's what I understand Arfaraz is doing. Is that correct?

Arfaraz That is correct, Dara. Compliance is required with all those units, required with Division 4 in Chapter 11A unless it is deemed technically infeasible, and in that case, they would have to document that on the construction documents along with the proper documentation, and as an equivalent facilitation, they may provide a substituted unit. Yes.

Ida With all due respect, Arfaraz, that may be what you require, but the building code does not require that to be put on the drawings. In addition, every other jurisdiction, the building code is the site, and we don't consider opposing a program of a public entity when we address the building code on a site, so that comparable unit would have to be built on the same site.

We need to move on from this. I just want to just state something real quick. There is lack of clarity in the code right now. We have this being interpreted six different ways to Sunday. Arfaraz has demonstrated the way he interprets it for his jurisdiction. Other jurisdictions interpret it as written. Other jurisdictions actually refer to the reference and interpret it that it's not required. Clarity is lacking, and to allow this to continue for another 18 months until we can agree on what we're willing to find as a happy medium, it still doesn't solve the issue we have at hand today.

Clarity is needed, as I stated. We can still move forward to try to understand and look at proposals as to is there a happy medium for these public housing entities when they are adapting adaptable features. We can't do that right now because that has not been vetted through the process, but the answer in providing the clarity is what's being proposed because it's confusing right now.

So, an assumption that all these units are going to be required to be adaptable is an incorrect one if we don't address this issue because it all depends on how it's being interpreted jurisdiction by jurisdiction. Our goal here is clarity with the initial intent of what we intended and which is what is in compliance with federal law taking into consideration perhaps the requirements for multistory units that 11A provides that is not provided in FHA requiring the 5% and 2% and bringing the clarity to what that minimum requirement is.

We can always explore it in the future having additional amenities provided based on the consideration that you have, but the problem at hand is not being solved by kicking this can down the road for another 18 months. It's just not.

Greg Thank you. Gary, you may have the last word on this.

Gary I don't always necessarily like to have the last word, but in this one here I totally agree with what Ida said with clarity being in the building department and enforcement side of everything. One thing, Arfaraz, I understand what you're saying, but all jurisdictions are different, and that's why we have municipal codes.

So, you have the ability to take the code and made amendments to that code that fit your environment, and so that's kind of where I would put it that if you want something more than what the code indicates, which we need clarity, then there are municipal codes that you can put that in.

Arfaraz Thanks, Gary. I respect what you said, and I totally agree that enforcing agencies across the state will look at technical infeasibilities slightly differently because the building code does provide enforcing authority with that ability to make that determination. I would point to 11B-202.3 and the exception 2 where it says in alterations where the enforcing authority determines compliance with applicable requirements as technically infeasible, the alteration shall provide equivalent facilitation or

comply with the requirements to the maximum extent feasible, which is basically what I've been saying all along.

It also goes on to say that the details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency. Ida, I recognize that different enforcing agencies may have different mechanisms to record and enter into their files the determination of technical infeasibility, and they're not necessarily required to record that information on the construction documents. They may record it elsewhere, but the building code clearly points to enforcing agencies recording that and entering that into the files of the enforcing agency. So, that's where I was coming from.

Susan I would like to make one final clarification because, and I appreciate that, Arfaraz, but then understanding the specific rules over the general. Yes, it does talk about technical infeasibility, but when you get into the residential dwelling units, then it gives you a more specific requirement for what's required.

Arfaraz Yes, absolutely.

Greg Okay. Thank you, all. Now, what I'm going to suggest is we jump to lunch rather than going into some of the transfer showers and related amendments. I think we could use a break anyway. So, how about if we go from 12:20, which it currently is, to 1:15. Just a little less than an hour. Does that work for everybody?

Ida Yes.

Greg Let's plan on picking up at 1:15 on the next topic. Dara.

Dara Well, those of us who are representatives of the disability community, the disability advocates, and the people who specifically represent disability communities, if we could maybe stay here and talk for a few minutes to select our representatives. That's a discussion that hasn't happened, and we need to decide that before this afternoon as to who's going to take what term. Maybe you could just lay out what's involved in that, and then we could have that discussion. Everybody else could go to lunch, and we'll join you in a few minutes.

Greg

At 1:15. Okay, just so everybody's aware on the ACC, the idea is as we've noted in some emails, we need to know who's representing—of the representatives of the different stakeholder groups, who is going to continue on through the end of next year, and who's going to rotate off at the end off this year.

Now, the implications are you can appeal for then or request that you continue for another three years. Everybody can do two terms. So, if somebody actually just has come to the conclusion that this is too much work, and pretty much at the end of this year I'm ready to be done with this, then that's fine, but if other people—if it's just a matter of everybody would want to continue, then it's really just a matter of who's going to take this first term that ends at the end of this year, and who's going to take the second term that ends at the end of next year.

Both groups can say hey, I want to do my second three-year term, so it's really just a matter of I guess if you say that those are going to continue through the end of next year and you anticipate continuing for three more years, you're going to have four years or four and a half, and the other folks are going to have three and a half because you can go a half year and still get three more.

So, does anybody have any questions about that? So, we're looking for as individuals with disabilities from a stakeholder group perspective, Hannah, Kaylan, Carol, and Gene, two of you would need to be willing to rotate off officially at the end of this year. Two would commit through the end of next year, and then whoever's rotating off this year, you can decide yes, I'd like to re-up for the next three years.

Then, within the disability advocate community, that's Vidal and Dara. Same decision for you. One of you would rotate off at the end of this year, the other the end of next year. Is that clear?

Dara

Rotating off at the end of this year or next year just means you start your next term.

Greg

Exactly.

Dara

Okay.

Greg

Very good. I'll leave it with you then. Thank you all for taking the time to do that.

Gary Do we fill out an application again?

Greg We will get clarity. I don't think that needs to happen, but we'll get clarity when we have that discussion later in the day whether it requires an application or just an acknowledgement that I'll continue. So, we'll figure that out.

Dara That'd be really helpful to know.

Greg Absolutely. Good. Take care.

[Break].

Kaylan Hi, all. This is Kaylan. I'm back on.

Greg Okay, great. We're just waiting for a couple people in Oakland, and then we'll get started.

Vidal This is Vidal. I'm back.

Greg Thank you.

Jihee Jihee is back, too.

Greg Okay.

Ida Are you guys hearing everything okay on the phone in this new set up?

Kaylan The sound from Oakland from the remote room, there's an echo to it. I can't understand what they're saying.

Ida Alright. So, we'll work on the Oakland room. We don't know—

Kaylan The other people on the phone sound crystal clear.

Ida Awesome. I think then we're getting closer. It's always good to have everyone in the room when we're really hashing out a lot of initial stuff, but the sessions are really—

Gary Arfaraz, are you on the phone?

STATE OF CA-DEPARTMENT OF GENERAL SERVICES

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Arfaraz Yes, sir. I'm back.

Gary Did you get that email I sent over?

Arfaraz Gary, I didn't see an email come in from you earlier—well, as of 10:20 this morning.

Gary I sent it this morning. It was response to ours yesterday. I agreed. From your and I's discussion, and I was kind of in this year and rolled over—

Arfaraz That's right. So, I didn't realize you were responding to my email because it seemed like you were responding to Dara's email, but maybe I misconstrued that.

Gary Okay, thank you.

Greg Okay, we're going to go ahead and start. We've given about five minutes grace period, actually six. So, who is leading the discussions on this? We are ready.

Susan Sorry.

Greg So, hopefully, the other folks will join us soon, but we've given a few extra minutes. I think we should go ahead and start. Who is leading the transfer shower conversation? Sue, okay.

Susan Actually, there are only two items on the transfer showers that came up were the table and the location of the control. So, as far as the table, we aren't planning to make any changes to what was originally submitted. The whole concern came up with this idea that if you had one room— Jessica, if you would scroll down a little bit further. Thank you.

That was the concern is the total number of guestrooms provided.

Ida Gene had initial issue, and he's not here for this discussion. I think he should be.

Greg Yes, Gene needs to be here for this.

Susan For everybody else, the concern was when are you going to have a transient lodging guestroom, a facility that only has one transient lodging guestroom?

Ida We need to hold this discussion and wait until Gene gets back.

[Speaker off mic].

Ida Well, yes. We can address—

Greg Just out of curiosity, what is the other issue?

Susan The location of the controls.

Ida Even the miscellaneous items, it should be everyone here.

Susan That actually wasn't Gene at the Code Advisory meeting that had a question about the controls. That was Richard Skaff.

Ida Let's make sure to give maybe a few more minutes for people to return, but we can move ahead that if there's time permitting, we would like to be able to debrief about the past year and to take suggestions for improvement. Obviously, we still have to have a discussion about the ACC member term limits. I'm assuming, hopefully, those people have identified themselves and what they plan to do.

If we don't have enough of a session to debrief this past year, we will try to do another date in November to wrap this up which wouldn't be an all-day meeting hopefully. It would just be to get feedback. Again, if we could do it today, it'd be great, and then it wouldn't necessitate another meeting.

Greg Well, there were a lot of different items listed under transfer showers and related amendments, but if there's only two, it might move quite quickly.

Ida We listed everything because the whole transfer showers came back in bulk, but we made only changes to the one section, which I think addressed the concern, so then we can open up because what happened at the CAC meeting, time was running short, so they addressed the scoping requirements for the transfer showers and then said because we had concerns with the scoping whether to send back the entire transfer showers requirements back for further study, but they didn't have any specific issue with each individual provision, really just with this first one in scoping. That's correct, right?

- Susan Yes, that's it.
- Ida So, as a result, that's why all them were listed as further study, but we don't have any proposed change or issue that they had questioned, and that's what we're trying to address today.
- Greg Got it. We've started, but then we've held up because we were talking about transfer showers, and we felt you all needed to be here. So, once you're settled in here, we'll go back to that.
- Dara Sorry about that.
- Ida That's alright. Is everyone back now?
- Greg It looks everybody's is.
- Ida Alright. So, I did want to clarify that many items here listed on the transfer showers, I just mentioned this, but I'll say it again for everyone who's now returned.
- At the CAC meeting, transfer showers was the last item heard. We were running out of time. We addressed the scoping requirements. They had some questions on scoping, and then they agreed to send the entire transfer shower package back for further study because they didn't really have time to go through individual provisions. It was determining whether or not it was proceeding with scoping because their requirements for transfer showers actually do not differ from the ADA Standards.
- So, we did address a scoping issue taking into consideration their concerns, but we did not provide for any change in the individual transfer shower technical requirements, A, because there were no comments or no comments were received, and B, because we're still maintaining that as the model. Now, Sue, go ahead.
- Susan The caution that came up and what we're discussing is the table, and we aren't proposing to make any changes to the table. The concern is it says here the total number of guestrooms provided, and the very first line says if you have one guestroom, and we know—I don't know that you would ever find a transient lodging facility that only has one guestroom, but really what we're trying to attempt here in this table is aligning the table with the ADA Standards and what has been required by the California Building Code.

What this would do if you only have one transient lodging guestroom, then that one room that you had could have either a bathtub or a transfer-type shower, but then when you start providing more guestrooms, if you have 2 to 25 guestrooms, then you'd have to have one room that either had a bathtub or a transfer-type shower and then one room that would have to have one of the alternate or one of the roll-in type showers, so that would give you a total of two rooms as opposed to what's currently required in the California Building Code, and that's only one room.

Then, in that next category, we do the same thing where we're actually adding to the number of rooms, and then that aligns us with the table in the 2010 Standards and the current provisions in Chapter 11B.

Greg

Questions. Gene.

Gene

If you were not at that meeting, there was a lot discussion by some of us about just specifying transfer shower or accessible bathtub rather than specifying a roll-in shower. I agreed that what's being proposed will ultimately give a greater number of restrooms with accessible bathing facilities. Ultimately, this will do that, but the single one is still a problem for me and several other people, and I guess I still don't understand why you can specify a transfer shower for one, but you specify a roll-in shower as long as it complies with the same so that it can be used by people transferring.

I heard, and have mistakenly heard, no you can't put in a roll-in shower there because it doesn't go with ADA, but I don't find anything in the ADA that whole section that says it must be a transfer shower for the single guestroom. So, I and a few others—

Then, just for other people that weren't there, there's a lot of controversy on the 36 by 36-inch transfer shower saying it's less usable. I don't know about that. I'm not even taking that on, but I just still have a problem when you have a roll-in shower that's probably constructive. You can bring your wheelchair alongside it with a brake so that it doesn't move, doesn't get hit by the water, and you're on the seat, and go for it.

I can't understand. I still have a problem why a 36 by 36-inch shower is being specified when that will deny the people who can't transfer into a small shower like that to use it when those who can't transfer and use 36 by 36 can use a properly constructed roll-in shower, especially if the

controls are supposed to be along the wall rather than across the way, across where the shower head is. So, I'm still having that problem, and that's still an issue with the disability community.

Ida I think what probably is the best way—Sue, if you wanted to respond.

Susan I think in looking at this, it's understanding that—and, I hear what you're saying, Gene, but when you look at a roll-in shower, whether it's a standard or an alternate type roll-in shower, and looking at the different bathing facilities that could be provided, and what we heard from persons who use mobility devices, it's not the one-size will fit all.

So, in looking at that transfer-type shower, it's also understanding that there are people who might use a walker and might just only have limited mobility, or maybe they do use a mobility device, but they also may use crutches. So, in looking at this, what we realized we're not in compliance for one thing with what is allowed permitted by the ADA Standards in all the rest of the country, and we're actually denying this type of a shower compartment to those who really prefer that type of shower.

Ida Part of our objective here as well DSA has the responsibility to be in compliance with federal standards, and what has been relayed to us is that in order to do that, many design professionals, access specialists, and such were actually telling—if they were just designing transient lodging projects, what they were doing was providing an accessible tub and a roll-in shower in each room or in two rooms already because they wanted to be in compliance with the federal standards because according to the federal standards, one room is required to have the bathtub or the transfer shower.

So, they felt limiting and not being able to provide the transfer shower because it was, in essence, not recognized in California law as a substitute for a tub. The discussion here, our goal here was to come up with a solution that so minimally impacted the requirement and yet addressed the issue that some many people felt needed to be addressed in order for building owners or facility owners and design professionals to feel like they've done their due diligence under the federal standard.

We did that by increasing the numbers of the transient lodging facilities that are required because they were doing that anyway. By only applying and meeting the federal standard with that one-room transient lodging facility which has still yet to be demonstrated to us that it exists, so I understand that your concept is in principle. Our concept is in addressing

and recognizing a table that makes sense while still increasing accessibility and protecting facility owners, design professionals, and giving additional options to individuals who are seeking these facilities.

All those gains compared to the one-unit transient lodging facility is meeting that standard seem like such a significant gain, and so it just seems a bit—to have a discussion centered around that one-unit transient lodging facility not providing that equivalent access is just difficult to have a discussion about that because it's not the objective of this measure. This measure is to protect facility owners, protect individuals with disabilities, increase choices, and increase accessibility.

Greg

Dara.

Dara

So, I was at that meeting or for a large part of it, and I heard one, I think we're mixing apples and oranges because I think there are several different concerns on the table. One concern is the single guestroom, which does happen in guest houses and boarding facility kind of places where they might have a single guestroom.

Ida

They are actually—

Dara

Right, but I mean that's through transient occupancy, not through permanent occupancy. There are—

Ida

That is exempt of the building code.

[Speaker off mic].

Ida

And under federal standards, too.

Dara

According to the experts I talked to there are these facilities out there. I don't know what to tell you that have a few rooms, and maybe only one of them is rented out on a transient basis.

Derek

What is being done with the other rooms? The owner occupies them?

Dara

They may have longer-term tenancy.

Ida

That's fine. We're not saying the facilities don't exist. We're saying that the standards don't apply to those facilities. They're not required to meet this.

Dara Well, anyway, there seems to be difference of opinion of that. Putting that aside, I heard two major issues come up at that meeting, and I don't think you've addressed either one of them.

The first was you could provide, and I know this is done all over the place, a design that meets both the transfer shower that is a transfer shower that meets the ADA requirements but is also a roll-in shower. I think there are ways to do a design that meets both, and that's certainly what our expert tells us, Bill Hecker, because he says he does this at a number of places where you include a transfer bench in the roll-in shower, and therefore you can meet both. That I think is the proposal that was on the table from the advocates for the single room.

The bigger concern I heard expressed because I agree with you. What you are trying to do, which is to provide more options and additional options, is a really positive thing that I think most of us support in a very significant way. I'm not disagreeing with that.

What I heard for the first time at that meeting that I hadn't understood before is the long history of opposition to the particular transfer shower you picked, which is the 36 by 36 as opposed to a different transfer shower that is more accessible to more people. That is what I heard a number of people in the audience and on the access committee talking about is why a 36 by 36.

If you're going to add a transfer shower option in addition to the tub, why are you proposing one that there is a long history of opposition to instead of one that other people believe is a more accessible transfer shower?

Ida Well, because our initial—

Kaylan This is Kaylan. Can I ask a question to that?

Ida Sure, Kaylan. Go ahead.

Kaylan I got distracted on that last comment. Why are they saying that the transfer shower is not good?

Gene Okay, some of the issues were brought up with the controls. Having the controls on the opposite side from the wall where the folding seat is people can reach out, and they may not have good balance and fall or be

unable to right themselves up because of reaching over there. It could be somebody with limited use of the upper extremities or short length of their upper extremities, and they were saying the solution would be having the controls right on the back wall where the seat is adjacent to so that you would just, like in a roll-in shower, that you could use it.

It was that and also some of them because of their devices can't clearly get into a move around with something as small as a 36 by 36.

Dara They referenced a time—I don't know when it was—years ago.

Gene It was 30 years ago or so.

Dara Yes, there have been apparently attempts previous times when the 36 by 36 shower was rejected with significant opposition to it as not being effective. I mean, they talked about hundreds of people opposing it and it being rejected.

Gene It's true. I was there.

Dara So, I think the issue isn't that you provide a transfer shower alternative. It's that you need to provide a better transfer shower alternative.

Derek There is one huge problem, and everybody ought to understand that [audio disruption]. There is only one transfer shower that's permissible under the ADA Standards, one and only one.

Now, the retort to that is that under the terms of equivalent facilitation that DSA could endeavor to provide other designs, such as a modified roll-in shower, but at best, it would be speculative as to whether those other designs are equal or better than the ones provided and what's allowed under the ADA Standards. So, we really are down to the tub and the transfer shower.

Dara I guess what I heard from people is they felt very strongly that there are equivalent and better options that would mean far more people could use them.

Derek If any of those people or any of those groups of people would like to obtain some sort of declaration of equivalence from the authoritative source, and that would be the US Department of Justice, then we could consider those. Really we can study this, we can poll people, and yet

despite all of the opinions and the polls that we might generate, we're still left with California state law which tells us that at minimum we must comply with the ADA Standards.

Dara Or, provide greater accessibility. That's the other piece you keep forgetting, and provide greater accessibility.

Ida Yes, but that is a subjective term. In the context of this discussion, every time we introduce—not every time because it's not that it's happened often. The provisions that we're introducing now are to address two objectives that we have outlined. It is not to substitute any change into the existing roll-in showers that we have. It's not providing any of those alternatives.

So, that discussion—the transfer shower and that discussion we have not had the multitude of people coming forward in the hundreds. It's not an equivalent. This hasn't gone to public comment yet. This is addressing these a specific issue. This is not a discussion as to whether the transfer shower is equivalent to the roll-in. This is a discussion of should the transfer shower in transient lodging facilities be an available option to a tub. That is the framework of the discussion understanding that the role in provisions has not—

Dara I didn't say anything about roll-in. I'm talking about a better transfer shower.

Ida Right, but we can't do that at this stage, so the issue at hand that we're discussing is this concept of meeting the minimum federal standards, which people are providing anyway in addition, so understanding that it's doing a great service in providing additional accessibility but increasing options because we have heard that as an option.

Prior discussions were not centered around the topic of providing an option of the transfer shower to the tub. It was providing what is the difference between a transfer shower and a roll-in and which is better. I'm saying that the discussion here is a different discussion, and yes, the direction is still trying to go back to the old discussion.

We need to be discussing this issue because this is the statement of reasons that we're trying to move forward. Our concern is our responsibility in meeting minimum federal standards and from hearing from others that the transfer shower provides a unique need that is not

provided in the other two options available while still preserving the other two options, and also not provided in the tub.

- Susan It's also not only in looking at this type of a transfer-type shower, it also meets the MCA-117 [ph] provisions, it meets the Fair Housing Act guidelines, it meets the Uniform Federal Accessibility Standards, and the 2010 ADA Standards. So, it aligns with all those other guidelines and standards as well.
- Ida There's a concept here that in understanding that when a transient lodging facility gives people coming from all over the United States that are used to having this option in 49 other states, but they come to California and they request it, and it's not available. Tourism is also another big industry, plus the option should be there. We should be welcoming. We should have this option. That's part of the concern.
- Greg So, if I'm hearing what you're saying is any discussion of a different type of transfer shower needs to come in the future because it hasn't been part of the discussion here.
- Ida Exactly.
- Greg So, it seems like it's something that needs to be tabled for future code cycles.
- Ida Not necessarily because we're not—what we're providing is discussing the transfer shower option. We're not discussing what are the technical features that transfer showers should provided because in this context, we are bringing in the federal standards in their entirety to meet our objectives of meeting this requirement of the federal standards.
- Derek Recalling back to 2003, we've actually received a determination by the US Department of Justice that the old style 42 by 48-inch transfer shower that we previously included as an option in the building code is not equivalent. It was clearly stated. It's documented. It has been posted on our website. I believe it's still posted on our website, but I may be wrong on that.
- Greg Gene.
- Gene What could help put this to rest with the disability community if there was actually more than just a 45-day comment period, but a public hearing that all these different people, alleged people, on both sides would appear to

talk about this whole issue. Since there doesn't seem to be the feds don't have anything scientific objective research to show this. This is all anecdotal.

Earlier we had the discussion about the needed data and things like that. That hard data is what is needed to put this to rest because you all know that the history of California is that this state has been the leader in access, and the disability community does not want to see it roll back to the minimum ADA. That is the issue, and this state has been looked at by the disability community around the country as a leader in the hope that we would continue having that access and providing for anyone with disabilities coming in.

It's still accessible, and you could argue that—well, not being an attorney, and I know that you don't think that program access, but showering is a program, a function it takes in a lodging facility, and this whole idea of not even providing a shower that's usable for the greatest number of people is a reduction.

If you really want to finally get this settled and let the chips fall, it's having a public dialog for people from all sides that can talk about this and get scientific research. If it means approaching a university to get a graduate or a doctoral thesis done on it, let's get it done so this can be—to let it go ahead and say well, we can always change it later on with the data. These places will have these showers that will still deny a segment of the disability community from taking a shower.

Ida With all due respect, Gene, and I understand that, but in the context of this proposal, we have yet to hear somewhere where this could occur, this one-unit transient lodging facility.

Dara We're not talking about that right now. We're talking about the choice—

Ida But, we are. That's the provision. That's on the table. We're discussing this as an alternative to an accessible tub. If we want to debate the adequacy, let's debate the accessible tub versus the transfer shower because that's the debate we should be having. That's where it's only permitted is when you can have an option between a tub and a shower. That's the only way this can be permitted.

[Speakers off mic].

Derek

The alternative is not a different transfer shower at this point. the alternative is not permitting the 36 by 36 and getting compliant with the federal standards, which means every place where in the building code right now for one-unit transient lodging where they have constructed rooms with roll-in showers, they're in noncompliance with the federal standard, and the building code forces them to be in noncompliance with the federal standard without additional work above and beyond the building code.

The building code, and we've heard this quite a bit over the last few years, needs to incorporate the relevant federal standards. I think we've heard that also from DRC on other issues, but on this issue, what we're arguing against is we're arguing against the size of a shower that's popular among segments of the disability community.

Now, we recognize the disability community is not a model of the community, that they are individuals, that they have different wants, desires, dreams, and aspirations, and to have this need to provide, at the minimum, the ability for the hoteliers and the contractors and the building officials be able to products or projects that comply with the federal standards, and it's very [audio disruption]. That's what this is all about.

Kaylan

This is Kaylan. Nobody sees my hand raised.

Greg

Go ahead, Kaylan, and then Carol will follow you.

Kaylan

Understanding that the roll-in shower has one requirement, and those have to always be provided and that the non-roll-in shower options right now in California are only a tub. So, by adding in the non-roll-in shower option to be a tub or a transfer shower opens up my possibilities and other people like me.

So, right now, when I go to California and stay in a hotel room, which is quite often, I don't like a roll-in shower for a lot of reasons, so my only option is a tub. I do believe that there's a segment of the disability community that's not being served by not providing a transfer shower as an option when they don't want a roll-in shower.

Greg

Okay, thank you. Carol.

Carol

The other thing that I'd really like to make reflect is that prior to this, that transfer shower was never even an option, and the fact now that we are

separating that this one person did have to be an option, and now for 2 to 25, I have that option for that transfer shower whereas prior to that, I only had an option for a roll-in shower.

So I think that taking a look at this that I now have greater opportunities, flexibility like Kaylan was saying. I don't like tubs, so I prefer this option for having a shower in which I can sit because the roll-in shower doesn't allow me that option, and it's way too big, and your concern that I heard earlier was that I have to reach and do my controls. Well, I would never put it on the back wall because I have to stand on the outside of the tub or shower area, turn on that shower and tub in order for it to get the temperature in which it needs to be for me to be in there. I have to be able to turn it off so that I can step into that shower and then be able to turn it on.

The smaller distance allows all of that, and the location in which it's placed is necessary for my safety. I think that that's something else to consider is going back to what I said, we now have an option for one even though that rarely exists, we have that option now for one, and then for 2 to 25, it has an option that is 100% of what I see. So, I see that this is much more global, much more encompassing, a safer alternative than what it was prior. Thank you.

- Greg Thanks. Any other comments on this? Okay, thanks for everybody's input on that.
- Dara I don't know that we've gotten—I think that two of these we forgot to get a vote.
- Greg Yes, I mean we're at that stage in the process where I think as a team it's good to get people's temperature on this, so we can do that. What was the other one that we missed?
- Bob The last one on the—
- Dara The March 13, 1991 date.
- Greg Yes, and that was reposted in the last meeting summary. I'm not really sure we moved the needle on that. There were a few people who didn't like that direction that reiterated their point of view, and I didn't really hear anything new in that reiteration.

- Dara Are we just going to use the same [audio disruption] to try to represent what the council has said we did at the last meeting? Unless we change it.
- Greg That's kind of—would you like to see that?
- Dara It's fine if there's an agreement that we'll just say the committee's position is the same as it was last time since there's no changes.
- Greg Yes. Is everybody okay with that? Can everybody on the phone hear what was just transpiring?
- Vidal Yes.
- Greg Okay, so the idea is for the last conversation—I'm sorry we didn't bring closure to that—the idea is we'll reflect kind of the same balance of support or lack of support for the public housing issue we discussed, and if you're fine with that, it sounds like it kind of held the status quo for the most part. On this issue, I think also do we want to—are people fine with proceeding with this as it was discussed, particularly since the issue of the design of the transfer shower really can't be included in this conversation at this point? This is more about the difference between a tub and a shower?
- Dara I'm fine with going with the same vote as last time, but what I heard Gene request is that we hold some hearings going forward just to see—
- Greg Just a public dialog.
- Dara A public dialog about what the options could be for showers that met multiple needs that might be a better alternative in the future.
- Bob Hopefully, the time being they'll be going forward with what they've proposed today.
- Dara That's right. We'll do the same votes as before.
- Greg Okay, so DSA will proceed with the change as proposed. Any other conversations? Any other points of view? What was the second item?
- Susan It's 608.2.1. The question that came up with this particular item—
- Dara Item number?

Susan Oh, sorry, 608.2.1.

Dara But, 11—

Susan It's 11B.17, and what we did here, and this some of what, Ida, what we heard from the Code Advisory Committee, the change that we made here is we wanted to be sure that we picked up the scoping for these types of showers because not only should a transfer-type shower be allowed in a transient lodging guestroom, the change that we made here to this particular section in 11B-213.3.6, we added the last sentence that says where two or more accessible showers are provided—oh, I'm sorry.

I'm reading what the old—it's getting later in the day.

Ida I was wondering—

Greg It's page two of three in the handout from today.

[Speakers off mic].

Susan What we're doing here we've added a sentence that we raised to scoping in 11B-213.3.6, and what we're saying is transfer-type shower compartments shall be permitted in transient lodging guestrooms, multi-bedroom housing units in undergraduate student housing, and residential dwelling units and shall not be permitted at other locations to meet the requirements of Section 11B-213.3.6.

Then, we repeat that same sentence in Section 11B-608.2.1 under the technical requirements for shower compartments, and what that would provide for in medical facilities if you have patient bathing room, and there's a shower compartment associated with that, it would have to be a roll-in type shower. Or, let's say you have common area toilet and bathing facilities maybe in an office building or some other type of facility, you'd have to provide a roll-in type shower—

Ida Facility like a locker room.

Susan Right, locker rooms, but it really limits the location where these transfer-type showers could be provided or school facilities. Let's say you had a dormitory, and you didn't have the multi-bedroom housing units, the

undergraduate student housing, common floor bathing facilities and that dormitory building, then you would have to provide a roll-in type shower.

Derek The effect of that is to limit where you can use the 36 by 36 transfer shower because we heard very clearly the concern about these stingy building owners that are only going to want to build the minimum shower that they have to, and if we did not have our [Indiscernible] intent from the very beginning of this proposal to apply the 36 by 36 transfer shower to any other facility besides the residential type of facility.

Ida Or the transient lodging.

Derek Or transient lodging. So, we went ahead and wanted to clarify that point in response to all the comments we heard here in this room, from the public, and also at the CAC.

Greg Any questions or comments on this? Does everybody support moving forward with this recommendation?

Dara I don't know at the moment.

Greg Okay.

Kaylan This is Kaylan. I think that clears the case. It's really helpful.

Gen I'll abstain.

Greg Okay.

Derek In short, for many other facilities beside the transient lodging guestrooms, multi-bedroom housing units and undergraduate student housing, the current code requirements, which require the provision of a roll-in shower will remain unchanged.

Ida In this [Indiscernible], the option for a tub is still in there as well for those other facilities.

Derek [Indiscernible].

Dara I guess what I'm confused about is this makes sense for things that are governed by the table, right, which refers to—

Ida The table is only governed by the transient lodging.

[Speakers off mic].

Susan At a place of education, it applies there as well.

Dara The table applies. The two additional situations you've added that allow this shower are multi-bedroom housing units, undergraduate housing, and residential dwelling units. So, it seems to me like you're now allowing this table to apply to all of those. Are we expanding the option to do a transfer shower instead of a roll-in shower in some of these facilities?

[Speakers off mic].

Ida It's the shower versus the tub were provided already in all these facilities. We're trying to limit the transfer shower because in this area where the general public in California can use it, we're addressing that concern. In all those open areas where someone could go to a select facility and use the shower, we heard loud and clear no transfer shower. In those areas where they're going to go to the hospital or any kind of medical facility or a common-use restroom where there's a bunch of showers, they will not have the option for the transfer shower.

Dara I understand what you're saying, but the chart only applies to guestrooms, so it doesn't apply to multi-bedroom units, undergraduate student housing, and residential dwelling units.

Ida It does.

Susan It does apply to the multi-graduate.

Ida Because that follows transient lodging standards anyways.

Dara But, what we're really saying just so there isn't any confusion is that transfer-type shower compartments as an alternative to a tub, right, is only allowed in these, so maybe we should just say that as an alternative to a tub—but, nobody thinks—I'm not sure people in these other facilities are going to go to that table, so can we just make it clear as an alternative to a tub?

Ida What if we point to the table?

Susan You also have to take a look at what it says in 213.3.6, and there you can see if you go back to that paragraph in 11B-213.3.6, where bathtubs or showers are provided, at least one bathtub complying with Section 11B-607, or at least one shower complying with 11B-608 shall be provided, so you go to those scoping sections.

From there you go to the technical sections, so you have to understand how you follow the code path through, and when you follow that code path through, that's when you're going to see that okay, now if I look at 213.3.6, I look at these other areas where I am required to put a roll-in shower. As you follow your code path through, you're going to see aside from the transient lodging, that table, you're going to see where you could provide a transfer-type shower as an alternative to a bathtub.

So, you have to look at it from transient lodging to housing at a place of education to residential dwellings, and look also at 213.3.6 to look at the scoping for the bathing facilities.

Dara So, as you guys have repeatedly said following the code path creates confusion often in readers' minds because you have to go to so many sections, and I am concerned that this is going to be interpreted by people, particularly in residential dwelling units, in allowing this instead of a roll-in shower or in undergraduate student housing.

I'd kind of feel better if it was just undergraduate student housing, but residential dwelling units is a huge—that represents a lot of stuff, and I feel like we need to be really clear that this is only an alternative to a tub and not an alternative to a required roll-in shower.

Ida But, in residential dwelling units, there is no requirement to provide roll-in showers.

Sue No.

Ida It's only to provide a shower. The only option you can provide is roll-in, but you still an option to provide a tub.

Susan A roll-in shower is not required.

Ida It's not required in residential dwelling units. There's a scoping that says you must put a roll-in shower in a residential dwelling unit.

- Susan If you look at this, the other thought on that let's say you have somebody right now in a residential dwelling unit, and for whatever reason, they don't want a bathtub, and they don't want a roll-in shower, and they would prefer transfer-type shower, so if there were going to be alterations done to that residential dwelling unit, if it is public housing, and they have to submit it for permit, if they want a reasonable modification, and they want a transfer-type shower, they can't have it.
- Dara But, they could have a roll-in shower if they wanted one.
- Susan Well, they could have that as well.
- Ida As we had stated before, there are some individuals who prefer a transfer-type shower. As a modification, they should be able to be afforded the transfer-type shower in their unit.
- Dara We're talking about rental units, and we're talking about how they get—
- Ida The modification applies to what you need for your disability.
- Dara I'm talking about in that construction phase. You're now saying that public housing can't build roll-in showers?
- Ida No, they can still build them.
- Susan Sure.
- Ida It's not required right now to put in a roll-in shower. They can put in a tub. You could have a residential facility that has all accessible tubs.
- Dara But, they could also have a roll-in shower instead of a tub.
- Ida Absolutely. They have the option. What you provide as a bathing fixture is not specified for residential dwelling units at this time.
- Dara Okay.
- Susan Understand that public housing could be for rental or could be sale.
- Dara Right. I understand that. I'm worried about this being overly narrowly construed, but I can see that it's not a discussion we're going to get anywhere with right now. It seems like things are decided.

Greg You're looking just for some clarity or cross referencing in some of these cases.

Dara That's all I'm asking for, just clarity at this point.

Ida It's really the code structure that the more language we provide, in some ways it's been demonstrated, the harder it is to actually understand that when any change is made to the code where all changes need to take effect. It's kind of the way we even set up our conceptual drawings. The logic is reference it once, and reference it in an appropriate manner instead of creating the same repetitive detail over and over because if there's a change, then it creates that change.

The structure of the code is based on the ADA Standards for that reason as well to add that clarity.

Lewis Dara is your concern that it could be submitted a transfer shower instead of a roll-in shower? Could we just add after so it would say transfer-type shower compartment shall be permitted in lieu of a bathtub in transient—

Dara That is what I was asking for, just to make it clear.

Lewis Just so that everyone knows that it's not in lieu of a roll-in shower.

Susan Right now you could do a bathtub in lieu of a roll-in shower.

Ida That's the problem. There's no requirement to provide a tub or a shower, so if you're saying—

[Speakers off mic].

Dara There is in everything other than residential dwelling units.

Ida Right, which is why we're not permitting it anywhere else.

Dara That's why adding residential dwelling units to this paragraph creates a great deal of confusion.

Ida I'm not clear as to why, Dara.

- Dara Because now, you're going to have people believing that they can do— because it doesn't track, this section is supposed to only apply to guestrooms covered by the table.
- Ida No, not this section. This section applies to bathing facilities. We're trying to make sure that that transfer shower option is not permitted in every other location in California that the public can use and go in and use.
- Dara But, you're allowing it in a residential facility.
- Ida What is your understanding of what's required in a residential facility right now?
- Dara A transfer shower that is different than this particular shower.
- Ida No, no, no. When individuals design residential facilities, what are the bathing options?
- Dara That is part of my problem, Ida. I don't have a chance to go back and consult with architectural experts to understand what you're proposing because you've thrown in a whole new concept into this paragraph that I never saw before. I can't answer your question until I go back and consult with our expert because I never understood this provision or the table to apply to residential dwelling units, and now you've thrown it into some place where it was never mentioned before, and you're asking me to opine without consulting with my expert as to the information, and that makes me really uncomfortable to throw in residential dwelling units without making it clear what the alternatives are.
- Ida I respect your need to—
- Dara It's inappropriate in this paragraph.
- Ida That's fine. I respect the fact that you need to go back and consult with your expert, and that's fine. We're saying that our intent is to ensure that the transfer shower is not allowed in all these other types of facilities where you can still put in a tub. Those who understand the code understand that in residential facilities, the options there is no requirement to install one type of bathing fixture over another.

- Greg Okay, we have a couple of abstentions. Any other responses to this? Anybody opposed moving forward with it as it is? I'm seeing nodding heads where I can see nodding heads, and I'll take silence as no opposition. Okay. Thank you for that. Anything else? I guess were done with the transfer showers.
- Susan There was one other comment that came up what Gene talked about before, and that was the location for the controls. We did some research after the Code Advisory Committee hearing, and we realized that the controls really need to stay where they are, opposite the seat because that will put us in compliance with the plumbing code, and again with UFAS, with the 2010 Standards, and MCA-117. So, we wouldn't make any change to the location of course of the controls.
- Ida For the transfer shower.
- Susan For the transfer-type shower. That's it for transfer showers.
- Greg Anybody want to comment on the controls?
- Bob When I had my knee replacement, I had to use a shower seat, so it's good to have them right where they were.
- Dara You can hear it differently from different people.
- Greg Different people have different perspectives on that. Any other comments on this?
- Dara This is a change, or this is a no change?
- Greg This is a no change.
- Dara Which one—I'm sorry. I got a little lost.
- Greg That was on controls. Let's see, which—
- Dara Which number?
- Carol Thank you for—I'd like to acknowledge thanks for investigating that so you could demonstrate the value of where it's placed. Thank you.
- Greg Could you point number-wise to the control, Sue?

Susan Let me take a look, and I can tell you which one that is.

Greg Thank you.

[Speakers off mic].

Susan Yes, 11B.20, and it's code Section 11B-608.5.1.

Greg Thank you. So, we've finished with transfer showers. We have a couple miscellaneous items. Who's going to take the lead on those?

[Speakers off mic].

Derek 11B.02, I think that's the first item in the package that you received today—

Ida No, wait. We can't—

[Speakers off mic].

Dara Where are we? Sorry, I'm a little out of sorts.

Derek That was pedestrian street crossings, and Gene was keenly interested in that.

Greg Okay.

Dara So, where are you going, Derek?

Derek What's the other—

[Speakers off mic].

Derek Common use areas and employee work areas. The comments we received at the Code Advisory Committee were fairly minimal, but there was a strong suggestion—oh, by the way, that is the third item in the package that you received today. The code section is Section 11B-248, and that's item number 11B.11.

So, the comments we received on this item that the—

W What page?

Ida In the packet you received today, it's on the front page.

Bob Are we talking about pedestrian street crossings or employee work areas?

Derek Employee work areas.

Greg We moved to employee work areas—

Ida We're waiting for this one. Got it. Sorry.

Greg Turn the page back.

[Speakers off mic].

Derek The primary comment that we have received on this item is the suggestion that it would be more clear for scoping purposes for us to split the sentences that we had previously. Now, previously, we had in 11B-248.1 and simply said common use areas and employee work areas shall comply with this chapter.

So, what we've done is in response the Code Advisory Committee comments, we've split that into two separate sections, the first one being 11B-248.1 common use areas. We say common use areas shall comply with this chapter. Then, the next one, 11B-248.2 employee work areas. Employee work areas shall comply with this chapter.

So, there's no change in effect there. The revision that we have here is just simply for clarity.

Dara Great. Thank you.

Greg Everybody fine with that? Okay. The only remaining issue then is the curb ramps.

Ida Pedestrian street crossings.

Greg Pedestrian street crossings, yes. For those on the phone, we're waiting for Gene to come back, and then we'll proceed. So, we'll take a one-minute mini-break.

Dara Do you want to do the member terms? I don't mind waiting a minute or two since we're ahead of schedule.

[Speakers off mic].

Greg It looks like Derek is thinking that it might be a few minutes, so let's go ahead and talk about the term limits and proceed. So, the charter—

Bob Can we get an espresso machine for the next meeting?

Ida We have a café downstairs. We at least brought you that.

[Speakers off mic].

Greg We can give everybody a ten-minute coffee break, but I think that ten minutes would probably go onto twenty, and then—

[Speakers off mic].

Greg Yes, people might just leave. So, the term limits. Just to go over this, we've asked everybody, and maybe we can just go through that now to identify who is going to be rotating off at the end of this calendar this, and who would be rotating off the first term at the end of the next calendar year realizing that people can re-up for another three years. Now, one question that came up is that do people have to reapply, or do they just indicate that they would like to continue on for a second term.

Ida I believe in the charter it just means that they have the option to continue.

Greg So, that wouldn't require—I think somebody asked the question about filling out an application.

Ida No. It's just an agreement that they would like to continue for another three years.

Greg Okay. So, basically, we just need to know of those that are rotating off this year, whether you want to re-up, or whether you want to end your affiliation with the ACC given other considerations and time, etc. Maybe we can just do a quick rundown here to see—I know the individuals with a disability spoke, and I think the disability advocates have spoken

So, Dara and Vidal, have you guys made a decision?

Vidal Yes.

Dara Yes. I'm going to stay on for the longer term, and then potentially re-up at the end of the longer term.

Ida You're midway through your first term.

Dara Yes.

Ida So, you're on for another four and a half years.

Dara Yes. Sorry, Ida.

Ida When I put it in that perspective, some people say oh, it's that's long. So, we do it for your benefit to realize the time.

[Speakers off mic].

Ida You have the potential in 18 months to—

Greg Exactly.

[Speakers off mic].

Greg It may take people another 18 months to figure out whether or not they want—

[Speakers off mic].

Greg Some people have figured that out sooner than others.

Ida I just want to make sure I got the right—

Dara Vidal might talk, and so you should speak up.

Vidal I'm listening. I'm here. That was fine. After that time, we'll see if I'm still in the country.

Greg So, your term would rotate off the end of this calendar year, and you're saying you're not sure about whether you can continue.

- Vidal No. I will—I thought I would be—okay. Give it to me again. So, what happens?
- Greg You would be rotating off your first term at the end of this calendar year.
- Vidal Off. Okay.
- Greg Then, you can re-up for three more years, which would start in January '19.
- Vidal Oh, I see.
- Greg The question is when you rotate off out of this term at the end of this calendar year, do you want to re-up and commit to another three years, or would you rather leave the country?
- Vidal Leave the country. No. I thought there was only going to be one of us there at a time.
- Greg No. This is an opportunity—it's really just to stagger the term so that the whole ACC is not potentially rotating off at the same time. So, this staggering only occurs this very first time, and then after this you have a three-year term. In this case, you've had the year and a half that ends at the end of this year. So, the question is do you want to continue on for three more years.
- Vidal I thought Dara was going to do that.
- Greg Dara's term will end the end of next year, and then she will decide whether she wants to or not.
- Ida Vidal, a term is three years. During this initial session, we only made some of the terms 18 months so that we could stagger. There is an option to renew for an additional three years, so what we're saying is that if you sign up for your second term, you're first term was only 18 months. If you sign for your second term, it is for three years. After those three years, you will be required to get off the ACC for a minimum of three years, I believe.
- Vidal Okay, and you're fine with that, right?

- Ida Yes. In terms of the ACC, we're fine with everything that's being applied with this.
- Greg It's really your decision.
- Ida Yes.
- Vidal Alright. Yes, I would do that. I will do the three-year thing.
- Greg Okay, so you will continue.
- Vidal Yes.
- Ida We will give you an accounting for all those who are existing on the ACC and continuing when your end date is so that you know what you're looking at.
- Vidal Okay. Alright.
- Greg Now that we have, hopefully this set, we're going to go through the same process with the other groups. So, let's move to the individuals with a disability. Who is going to be rotating off in '18? Who's staying on until '19?
- Hannah This is Hannah. I volunteered to rotate off just to give the people that are actually in the industry more of a—because they—I don't know. So, I voted to step aside for now. I would like to continue, but I just don't know where I'll be in three years, to be honest with you, so I don't want to say yes and then have to break that commitment at this time.
- Greg So, basically at the end of December this year, you're stepping down from the ACC.
- Hannah It looks that way.
- Greg The only reason for the time crunch here is that if you were to stay then that means we don't have to replace you. If you're going to step down, we need the time to find a replacement for your position. So, would you like another week or two to think about whether you want to continue or not, or do you have a pretty definitive sense of that now?

Hannah Don't get me wrong. I'd like to stay. I just don't know if I can make that long of a commitment, so I don't know—

Greg It's also true that the provisions in the charter say that if at some point during your three-year term you need to resign, you simply let people know ahead of time, and there are alternates that can be pulled in. So, if you're saying yes I'd like to, but I'm not sure if I can be there for three years, you could go ahead and continue. Then, if it turns out your plans change, then there's a process to deal with that.

Hannah Okay, well we already voted, and I don't want to screw everybody else up.

Greg No, this only has a bearing on you because if you want to continue you can. It doesn't have a bearing on the other three people.

Hannah Oh, okay. I thought someone had to go.

Greg No. The idea is that somebody just has to be willing to say my term ends at the end of this year, and then I can re-up or not. All we're doing here is staggering terms. So, basically you're just—okay, let's see who else is going to leave.

Hannah Sorry.

Greg That's okay. Who's the other person that's going to say my term ends in 2018?

Hannah It was Kaylan.

Greg Kaylan. Okay. So, Kaylan, would you like to continue, or would you like to step down?

Kaylan Yes, sir. You are stuck with me.

Greg Okay, so you would like to continue. Excellent.

Hannah Same here. I changed my mind. Sorry.

Greg So, Hannah, you're saying you would like to continue.

Hannah Yes.

Greg Okay, that's great. That leaves Gene and Carol whose terms go through the 2019 timeframe. Yes?

Carol Yes.

Gene Yes. Then, I want to continue on with another term.

Greg Right, and you have a whole year to really make sure you want to do that, but we don't need to know that today.

Gene I'm convinced unless I die—

Greg Okay. Next, Arfaraz and Gary.

Gary I'm going to end my term this year, and continue.

Greg Okay, so Gary is a 2018 term and will continue. Arfaraz, you are through 2019. We next have I guess Soojin and Jihee, right?

Soojin I will end the term this year. Can I have a couple weeks to think about if I can continue?

Ida Yes, can you let us know probably September—or, Tuesday after Labor Day?

Soojin Sounds good.

Ida Thank you.

Greg So, we'll put pending. Good. Bob. It's you, Bob.

Bob I'm on until 2019, and at that point, I'll be turning into a private consultant in probably CBIA or FOMA [ph]. We'll find somebody else.

Greg Okay. We'll just note probably will change, but that's down the road.

Bob I'm really going to miss you guys.

Greg Let's see, the other group is Lewis and Ernest. You guys are kind of teamed together.

Lewis Are we teamed together?

Greg Yes.

Lewis I didn't know that.

Greg Yes, you guys were kind of put together at design professionals.

Ida Yes because there's only one position of each, so we do still need half the terms to shift off, so one of you needs to still determine—and, you're right. We weren't very clear.

Lewis I thought it was previously decided that my term ended—

Ida It was on the list.

Lewis I want to continue.

Greg Okay, so Lewis's term will end this year and will continue. Ernest, you're set to go through the end of next year. I think that's everyone. Thanks, everybody. It looks like there will be good continuity moving forward, and at this stage probably very good.

Dara The agenda asks about a call for applications.

Ida It would only be if we had actually an opening because the first time we do have in our charter that they can continue for three years. As of right now, we may have one opening if Soojin decides she didn't want to continue, and that would be for a—Soojin, you're a—

Greg Building owner/facility owner,

Soojin Building owner.

Ida So, that would be the opening.

Dara So, you're accepting applications for the next time.

Ida We accept applications all the time. They remain valid. The only time they would be changed if someone wanted to update it and requested us to remove the one that was one file.

Dara Okay.

Greg So, I think what we should do at this stage is go back to the agenda item, the pedestrian crossing. That will be the last technical issue or code issue to address. Then, it looks like we'll have a little time to—I know Ida wanted to just debrief a little bit about how you think things have gone this first year and a half, what can be done to improve processing of the ACC, so I think we'll have time to have that conversation.

Dara Greg, I think we talked about that including a discussion of the agenda planning group.

Greg Yes, talking about the planning committee, a coordinating committee, whatever it is we're calling it. Derek is going to lead us through the pedestrian street crossing piece.

Derek This was the first item in the package you received today. It is item 11B.02, and it's regarding the code Section 11B-206.2.19 pedestrian street crossings. This item was approved for further study.

Ida It was further study because I think [audio disruption].

Derek This was further study. The concern that was raised at the Code Advisory Committee was the term non-prohibitive. Now, recalling the last edition, we were saying that shall connect the walks or sidewalks at each non-prohibitive pedestrian street crossing. There was concern that non-prohibitive was vague and might lead to confusion, so what we've drafted before you today is we took out the non-prohibitive term from the main body of this requirement.

So, that last part of the first sentence says shall connect the walks or sidewalks at each pedestrian street crossing, and then we've added an exception down below to address the same non-prohibitive issue that we were addressing before. So, the exception says compliant with Section 11B-206.2.19, shall not be required where pedestrian crossing is prohibited by the appropriate administrative authority.

If you'll recall when we were addressing this item in previous meetings, I believe we discussed the idea that the Public Works Department or Caltrans on the public highways systems have the full authority to prohibit street crossings. That is generally done by providing a barrier and/or a sign indicating that it's a prohibited street crossing or a crossing that is prohibited.

What we've done is we've recognized that that's the reality of what these other entities can do in the crosswalk systems, and we've provided an exception which allows them to do so still within the code.

Greg Any questions? Gene?

Gene I'm in support of this.

Greg Great. Any other comments or questions?

Bob Good.

Carol The only comment that I would have is that I did some investigation with the highway patrol, and the area where I had a concern is where I cross [Indiscernible]. He said that that's a jurisdiction of the city, and you had mentioned it was only the highway patrol, so I wanted just to clarify.

Derek In most cities, they have a Public Works Department, so they are still part of the city governmental apparatus and it's the Public Works Department that takes care of the roadways within their jurisdiction, within the city's jurisdiction.

Carol But, in order to request a crossing, I have to go to the city, the government, not the Public Works Department.

Derek I don't know the process. It looks like Gary—

Gary I'm head of the Public Works Department in Oroville, so you would go to the Public Works Department. You'd bring it up to their attention, and they would run it through the channel to the city council, whatever a city has to get approval at that stage because it's a public street.

Carol So, it is still within the Public Works Department. He just told me the city. I just assumed that I would talk with the city government. What you're telling me is in Sacramento—

[Speaker off mic].

Carol I would go through the Public Works Department.

- Gary You would start there and provide a comment, and then they will run it up the chain.
- Carol Okay. Thank you. Thanks, a lot.
- Greg Gary, how many departments do you run?
- Gary All of them.
- [Speakers off mic].
- Gary It all falls in with my—if one doesn't get done, then it holds me up on the others.
- [Speakers off mic].
- Greg Thanks, everybody. I think it would be good—
- Dara There was still some discussion on this one about pursuing directional crossings and other things. Is that something the department is going to—
- Ida It's on the table for the next code cycle. We have already discussed that with Gene.
- Dara Just wanted to make sure we haven't dropped the ball on that.
- Greg Thank you.
- Dara That was a consensus opinion.
- Greg Yes. So, I think we just want to have, Ida, I think you'd like to just try to get some feedback.
- Ida So, we're at the agenda where we're approximately 35 minutes early, and that's because some of these items were not available for discussion today, but this does give us an opportunity to be able to address, debrief the year and not have another meeting at the end of this year when some terms will expire, but since everyone's pretty much continuing except perhaps Soojin, this won't be that great of an impact that we don't have a meeting to wrap up and capture those feelings from everyone who would be terming off, which they are not.

So, this is an open forum. We just ask that you—I don't that we don't have our nametags today, so take turns speaking. Let's talk about different things: the structure of the meeting, how we've prepared, how we've moved forward. Usually, you have mentioned we'll take your planning committee, usually DSA creates the agenda, and it's circulated.

I understand that the agenda for today's meeting was not. That's because we had a very short time since the Code Advisory Committee meetings, but that was something you wanted to speak to, Dara, is the planning group.

Greg Let's start the conversation there, and then we'll expand out from there, but currently the planning committee, Hannah, I think you're part of that, right?

Hannah Yes.

Greg Who else is on that?

Jihee I was on it, but I didn't do anything?

Ida I think it was Arfaraz, Jihee, and you, wasn't it, Bob?

Hannah It was Hannah.

Greg Right, Hannah, Jihee, and Arfaraz?

Arfaraz I'm not sure I was on it. If I was, no one told me about it.

Greg No, I don't think it was you, and I'm sorry I should know, but it's been three or four months so we've actually used it, so here's the idea behind—

Arfaraz I thought it was Ernest because Ernest did reach out to Gary and I—if this is the same planning committee we're talking about—

Greg I think it is Ernest.

Ernest Yes, I think he's right.

Greg Right. That's right.

[Speakers off mic].

Greg So, I mean I think it's fair to say that we've not asked a lot of that group yet. The design was to provide three people, a subset of the group, that we could easily connect with to say please check with your stakeholder group, any ideas you have on the agenda, or it could be on other topics. Given the stage of development of the ACC, primarily it was used just for agenda setting. As Ida said, we didn't really use it this last time.

The intent would be that we would send a draft, and let's just use the agenda as an example. We send a draft agenda to Hannah, Jihee, and Ernest. The three of you know who's on your subset. You would send the material out to them, give everybody two days, five days to respond with any ideas, and it could be other things, but primarily, it would be an agenda I think, although I could imagine using you as a conduit for other information gathering.

The key is the three people need to make sure you're going to send it out and kind of stay on top of that and get the feedback in whatever designated time we have.

Dara So, that probably means that you need to circulate by email pretty quickly, call for responses in a certain amount of time, set up a call within a certain amount of time as necessary among all the participants to discuss it and be prepared to report back with either a group consensus or divided opinion.

Greg Right. That's a good summary. In short, and I think everybody probably heard Dara, but it's a matter of taking the information, getting it out to people, yes we'll usually put timeframes on that because we want to get finalized agendas out to everybody a week ahead of time, which means we need to have a draft probably at least two or three weeks ahead of time. Then, that means Hannah, Jihee, and Ernest would be sending it out, following up with emails and phone calls as needed to get everybody's feedback.

So, are the three of you, Hannah, Jihee, and Ernest, are you interested in continuing to play that role as we call on you moving forward?

Dara I think if it's too much work, there might be other people willing to do it, but if you're interested in doing it, that's great.

Hannah Yes, if everybody's okay with that.

- Greg Well, we haven't really given you guys much of a chance to make this system work, but I think as we move into a new year, there will be more opportunities.
- Gene Is there a chance to have comment?
- Dara That means that, for an example, Hannah, if you do this, you're going to have to make sure you have everybody's emails and phone numbers and be able to set conference calls and all of that.
- Hannah I mean I'll do the best I can, but if I need assistance, I can reach out if that's okay with people.
- Dara Sure.
- Greg Sounds good. I think all of you should have the emails of everybody on your group, but if you don't and you need contact information, just let us know, and we'll provide it for you.
- Gene, you had a comment or a question?
- Gene Two requests and it's connected to the subject we're talking about. Can we get an updated roster of numbers, and in that include the planning committee or whatever the subcommittee is called and identify the three individuals with having one of the titles as the member—something that we all can refresh our memories when we're going to that list? Then, the other thing is—
- Dara Can I make a friendly amendment? Not just who the planning committee are, but who they are accountable to, or responsible for connecting with?
- Gene Yes, sure. I was just trying to get a membership roster with everyone's contact information and then identifying on that those three individuals that are [audio disruption].
- Greg And who is part of that group I think was Dara's point.
- Gene Sure. I have no problem with that at all.
- Greg We can do that.

- Gene The other thing was, and I remember you saying it's been a long time, but the final charter does it have the subcommittee in there that describes what its function role is?
- Greg I believe it does, yes.
- Gene I honestly don't remember, and I was just wondering if it was there, and if it was detailed just like you were giving an explanation of how it's to function. I think it should be in there if it isn't.
- Greg Good, well we'll double check that. Carol. I'm sorry, were you done?
- Gene Just eventually when the charter is officially finished and finalized, can we all get a copy?
- Greg Well, it has been finalized, and everybody should have had a copy sent to them.
- Gene I'm not saying an electronic copy.
- Ida It should be on the website.
- Greg It's on the website.
- Ida I think I sent that to you, Gene, yesterday when you requested a final copy of the charter.
- Gene Okay, I haven't seen one.
- Greg The charter was finalized some months ago, and everybody should have received a copy.
- Gene I just thought, not just on the website, but we all should directly get a copy, and that hasn't been accomplished for me.
- Greg Okay, great. Thanks.
- Carol Gene, since you're reminding me, one of the things that I think we talked about at the very beginning was a Dropbox or something where if we had something that we could put it in there, and that was where the charter was going to go or things that were important for us to read.

Ida We have that and everyone has access to it. I believe it's probably—do we know if the charter's on there?

Jessica I don't know if the charter is on there, but I can definitely throw it on there. I can resend the link to everybody.

Carol Thank you.

[Speakers off mic].

Greg Dara.

Dara I have two questions. One is on the contact list, I would find it really helpful if we could have phone numbers as well as emails. If someone has a particular objection to their phone number, that's fine, but as a default could we have the phone numbers and emails?

The second thing is I'd like some clarification about the scope of things to be circulated. So, I wanted to circulate to this group my comments on the next step in the process so this group would know where I stood when it went to the Access Committee. The decision was made that that's no longer part of the collaborative, but I would like to seek the group's permission to circulate comments that we all submit to the Building Standards Committee so we all know what we're doing since it's sort of a continuation of the work we've been doing in the—

Bob I can speak for myself. I like getting comments [audio disruption]. It's not necessarily ACC stuff. You have my email, so if you have a comment, send it.

Dara Right. I can see where we don't want to do a lot of unrelated things, but we're now tracking these same provisions through the Access Committee and the Buildings Standards which seems a continuation of our work. So, I'd like to just get some consensus among the group that that would be included among the things that would be appropriate to circulate.

Ida I think that what I would like to caution, however you decide on the information you want to receive from members. I would like to caution on being very sensitive to not copy in that email any additional party so that ACC members' emails are distributed to more individuals. I see it getting out of hand where people are emailing ACC individuals independently outside of the organization.

- Dara I think that's fine and I'm happy to have the department just circulate it to the list. I just want to make sure that however we do it, which should only be to the members, that we consider the continuation of our work to include our comments going forward.
- Greg Let's be clear about this because what I hear you saying if it directly relates to the conversations we're going to be having here, it's fine. If it's comments on something related but not necessarily what would be discussed here, you'd have a concern about that.
- Ida If there is discussion in email, I'd just like to be very clear to respect everyone's inbox, and understanding that it has to be relevant to the topic, not introducing new ones. In the course of, and for lack of a better word, we need to remain focused on the agenda and items that are at hand and not really exploring others until the time comes that that is appropriate to embark on a new—
- Bob If, however, with regards to the CAC and your comments that you're going to make there, I see a relationship to the ACC, but if you're looking to share comments with others in the context of the CAC meeting, that sort of isn't directly related to ACC, and I have to tell you. I love reading your comments. She has a lot of stuff we agree with, and that may not always be the case. We represent two very diverse sides here, but she had a lot of comments that she was raising that quite frankly I found myself up at the table with her saying yes.
- Ida I understand that, and I think our initial concern was that a lot of the issues that were raised were raised through the course of the discussion that were relatively new, so it would be a voluminous—with all due respect, your work was very thorough, extremely thorough, and very long. Not that that's a problem, but in understanding that it's going to a member and if it's not saying something that's new, that's a little intimidating to approach that.
- That would be my concern is that I think we set this up that if there is individual group comments that are bringing forth while they need to be relevant to the rulemaking at the point when it comes to the CAC, it's the point of saying these are the people I represent, and these are my comments and my concerns. Fine. I'm just concerned with a lot of information going around and not getting—if it's repetitive because the

opportunity to state the comments were already stated. Do you see what I'm saying?

Susan

I think we probably, too, as we move into the rulemaking cycle, when there are comments that would relate to our code change proposals, then I think we want to be careful, too, that we're following the procedures that the Building Standards Commission has set up. So, if there's a comment to the collaborative that's one thing, but when we actually get into the rulemaking cycle, then you want to be sure that if you want to comment on some of our code change proposals, it is necessary that you go through the process and submit those comments to the Building Standards Commission.

Dara

Let me just be clear. I had a very specific proposal. When I submit my comments either through rulemaking process, the Building Standards, or to the Advisory Committee, and they are on the topics, on the particular agenda items that we have been discussing here, that's what I'd like to be able to circulate to everybody here so they can see the follow-up on the agenda items we've been discussing here. I would just copy them on what I submitted to the rulemaking process just so that—and, I would appreciate getting the same thing so that I know the follow-through on the items that we've been discussing here as they move forward.

So, it's a very limited proposal. Only the items that we've been talking about here and just copying this group on the comments that we officially submit through the regular rulemaking process. Really limited.

Greg

Derek, I know you have something.

Derek

Sure. Just from your own discussion, Dara, just to let everybody know that the next stage for us is submitting our 45-day package to the Building Standards Commission. That's a 45-day opportunity for public comments to be received by the Building Standards Commission, and the Building Standards Commission posts all those comments on their website. So, another place where people could read those comments would be from or through Building Standards Commission website.

Dara

I know that, but there are often a huge number online, and I just thought we have a relationship, and we represent different constituencies, and it would be really helpful to me if we shared those among this group.

Ida That's fine. I guess maybe this is understanding that this is handled in some ways two different ways between the CAC and the BSC process because during the 45-day, BSC is in charge of posting and writing all those. They don't do that for the CAC. So, it's really being—I'm concerned that in any way we don't circumvent a process where an email gets circulated yet doesn't get sent to BSC, and then we're constantly checking to see if it's on there, is it not, and it does get quite voluminous.

So, I'm a little nervous because we're risking our regulatory process in doing this. CAC is different. Those are not posted by BSC, so maybe if there's a way we could address these differently so that anything that's circulated is not jeopardized by the fact that we're getting a comment that's not going through the process.

Dara Can't we just tell you that we've submitted it to BSC, and you'll see it on the cover page, and we're just copying this group?

Ida I am at the point right now where it just makes me a little bit nervous just because of looking at that. We do get a lot of comments in that 45 days, and keeping track of that—BSC had directed us that all comments go through them, and they handle it. It was the same way for the CAC.

Dara I know. I'm not excepting you to take any action. I'm just trying to share information in a helpful way because people—

Greg So, let's open this up to everybody else. The question I guess on the table is as ACC members, would you like to get comments that other members are making to the CAC I guess is the example related to topics specifically that you discussed. Bob has said yes, he'd like to see Dara's comments. Gary's shaking his head and Carol and Gene, so everybody in the room seems to be for that.

How do other people feel? Would you like to get those and then you can exchange those amongst yourselves, or it could come through DSA, I guess, but how do other people feel? Ernest and Soojin and others on the phone?

Kaylan This is Kaylan. I guess I just assumed that was already happening.

Greg Okay, you assumed it was already happening. Go ahead, Ernest.

- Ernest I think it would be great to get those comments in writing just because [audio disruption] like if Dara's off discussing something, and we're in a remote office, sometimes it gets a little bit difficult try to follow along and getting an opportunity to read it out after the fact could be really helpful.
- Greg Okay. Soojin.
- Soojin I agree. I cannot read through everything that I get, but having that option sounds like a good idea.
- Greg Okay. Hannah, you may not have been in the room when I was asking everybody would you like to be participating and receiving comments amongst yourselves on topics related to the ACC topics.
- Hannah Sure. Yes.
- Greg Okay.
- Ida Is it possible to propose perhaps a compromise in that especially because I really want to respect and follow BSC process as BSC's direction to us what we do is that, prior to CAC, we can set up a different system where there's communication knowing we may be able to address that because it's not posted comments, but once it's the formal rulemaking process, you're welcome to send an email to everyone saying I have posted a comment to the BSC. Look for it on their website instead.
- That way, BSC gets it, and we are not chasing documentation. Then, understanding whoever wants to get it because then it's not transmitting information that you're basically referring that I have placed a comment, it is on the BSC website.
- Bob They do a great job now.
- Ida They're very prompt.
- Bob They're doing a really good job now.
- Dara Do they post comments as they come in or only at the end?
- Bob As the stuff's coming in. The list will keep—you should check it every other day or so. I do.

[Speakers off mic].

Ida I don't want any comments sent to us that don't get sent to BSC.

[Speakers off mic].

Ida Exactly.

Dara This is proposing that we circulate emails amongst ourselves and it doesn't need to go through you, but if you'd rather—

Ida That still jeopardizes the process is my concern. That's all.

Dara So, we'll just send an email saying we posted something.

Ida Exactly.

Greg When it comes to the formal decision making process. Otherwise, you can send it around, and we're basically just seeing if anybody wants to opt out of this, and it sounds like so far everybody wants to do it. I guess we haven't heard from Jihee or Arfaraz.

Arfaraz I take no objection to sending out emails or receiving emails from fellow members.

Greg Thank you.

Vidal This is Vidal from Fresno. I don't have a problem as well.

Greg Thank you, Vidal.

Jihee Same from me. This is Jihee, and I'll chime in if I see comments I have an opinion on.

Greg Okay. So, it sounds like the door's open for you all to exchange comments so that you can understand each other's points of view better as it relates to ACC topics, however, when it comes to the formal rulemaking process, those will be posted on their site, and you'll just inform other people that you've posted something.

- Ida Or, that a comment was sent and will be posted. They don't do any actual—BSC doesn't [audio disruption]. I think it's best if we address some of this in an email and amend it to the charter or some kind of policies and procedures so it's very clear. Again, I am just really concerned with formal rulemaking. I'd like to review that in some method to make sure that we're not jeopardizing anything in that process.
- Greg I'll draft some language from the meeting summary, which you can review, and everybody can look at. Does that make sense?
- Carol I think the other concern that was addressed is that we might be inordinately emailing people about personal things and having it discussed among—we first were bringing this up when we first met, and that the concern was about what would be transpired in emails. I just want to thank everybody that that never happened. It was very much—emails that were received were very much related to what we were doing and what we were talking about in garnering opinions or ideas. So, I want to thank that collaboration that we have. Thank you.
- Greg Gene.
- Gene Just for clarification, you're hoping to draft something regarding the discussion to decide about [audio disruption] in an operational policy [audio disruption] the charter.
- Greg Yes.
- Gene Okay.
- Greg Let's turn the discussion to your sense of how things have gone this first year, year and a half. Do you like the way in which—I mean, I know DSA staff is working incredibly hard, I can tell that, to crank out on this latter stage all the language and code changes and getting everybody to comment and comparing it with other code. It's a humungous job. I think everybody appreciates that.
- Has this process worked where we've had the mods provided on the screen and just kind of working through them? Are there ways that can be more useful to you all, or has the system pretty much worked the way it is? Let's just be thinking about what, if anything, you might want to suggest that could either improve the efficiency or the effectiveness of our meetings. Bob.

Bob

First off, and I'm glad you got this—not the specific code change, but for those of you who only get involved with access regs, other agencies like the fire marshal or whatever, didn't form that stuff his way. They start off with this is how the current code is. This is the changes we would be making to the code.

Lastly, this is how it would look if this got passed. That makes it so easy, and I don't have to have four or five books in front of me, and with the fire marshal and DWR or whatever, I just wish they would adopt this way. So, this could be kind of a format that other agencies could use to really get through.

On the other scale of how things have gone this year, when I got vetted for this, to be honest, I had very low expectations. I even told the person that did it was like a 90-minute to an hour interview. I said you may not want to pick me because I've been in this thing so long. I'm about to retire in a couple years, and I'm just—

As it turns out, we may have gotten off to a bit of a slow start in regards to the charter, but things started working, and I think this provides a great way to have sort of a vetting of these proposals above and beyond the normal public process. It's currently the Access Advisory Committee from back in the 90s, but those things went on for days and days. This worked. Yes, we hit a couple bumps. The bumps aren't over, but long and short, this is working, and I like it.

One sort of suggestion going forward, and this is happening not just here but with most agencies. Today and tomorrow is the Plumbing, Mechanical, Electric Code Advisory Committee, and HCD, BSC, and DWR all adopt sort of the same stuff in the plumbing code, for example, R5. HCD and BSC did a great job of talking to each other, DWR not so much. It makes it difficult for the public trying to look at three separate code change proposals to figure out well, these two look different, but now what do we do. Do we like this one? Do we like these two? In fact, the agencies should talk.

The same issue pops up with ACD and the fire marshal, and of course, the same issue pops up with DSA and ACD when it comes to access regs relative to housing. So, I'm kind of assuming that there's going to be dialog between the two agencies as proposals that both of them need to jointly adopting are going forward. That's the only criticism I would have

at this point. There's always going to be arguments about we should do it this way, that way, but this group's worked.

Greg So, the suggestion is to talk—

Bob The agencies, in those instances, and sometimes it's rare, but in those instances where you have dual adoption by agencies, and like I said, in the plumbing code there's a ton of this where you have three and some cases four agencies adopting the same paragraph. Actually, five because DSA adopts some of the stuff, too, but for HCD and DSA on housing issues, there's a whole lot that both agencies adopt, and not to dive too far into this, but last week the Building and Fire Code Advisory Committee approved HCD's public housing definition. There's absolutely no changes to it at all. That's a problem because DSA is proposing significant changes to the public housing definition. So, I'm wondering what's this in front of me.

Greg So, are you saying the agencies need to talk to each other when they have dual—

Bob They need to do a better job, and that's something for the agencies to kind of deal with, but I'm looking at this, and quite frankly I was paying attention to the fire marshal stuff. I should have paid a lot more attention to the front of end of HCD's package. There's never been anything controversial in the front end. They always adopt the same stuff triennial after triennial. I'm looking at it, whoa.

Derek Bob, were they just carrying forward their existing recommendations?

Bob Yes, absolutely, with no changes whatsoever.

Derek One of the issues that has arisen over the last few years is that HCD has willfully declined to make accessibility amendments in the code, so that really makes difficult the issue of coordination. If you have one agency that is steadfast, and the other agency which seeks to move ahead, then really that starts to transfer some level of control over to that anchoring agency.

That's something that we've involved HCD in the discussion here. They've been fully aware of our code package since the beginning. That's why they have a seat at the table, though not today. Nonetheless, if they still choose not to move ahead with something—

Bob My reason for bringing this up is obvious. The same report that said it's going to be right around the corner, and it's illegal for BSC to go ahead and approve two simultaneously different definitions to the same words for similarly overlapping jurisdiction here, so this is a problem that needs to get taken care of relatively quickly.

Ida I'm not sure it's prohibited because of banners. If the definition is specific, they banner it, of course, to the agency.

Bob What we're going to have here is two side-by-side definitions that are bannered. Here's HCD's definition. HCD one and two for public housing, and DSA's definition for public housing, and—

Ida We're fully aware of that, and there's been a seat at the table who's also been fully aware of that.

Bob What I'm trying to just politely say is perhaps it's not—I'm not focusing necessarily on you, but somebody needs to tell both agencies to work together because now the public is sort of in a posture of what are we supposed to be doing here.

Susan Could I comment on that? I feel a little frustrated with this only because since 2012, we know fortunately I've been given the option that I could really focus my efforts on housing. I would have to say that since that time you're assuming that we're not talking and coordinating to HCD—

Bob I'm sorry if I gave you that impression.

Susan Right because I probably am on the phone to Stoyan and assessing items for HCD probably two or three times a week. We're constantly coordinating back and forth when questions come in. When we going to make changes to our advisory manual, we sent that over to HCD so they could comment on that. When we got our package together initially on what we were doing, we sent that over to HCD. We worked with them, and there are some things that we pulled.

So, we have really developed, up until very recently, a really good working relationship other than just in the last couple days when there's been some hiccups. We have developed a really good working relationship with HCD.

Bob I think my comments aren't—this is not a criticism of DSA. It's that all of the sudden, forget that you work for DSA. Consider yourself a member of the public like representing CBI, for example. I'm very interested in what both agencies are doing. I get the need to get a better explanation from Stoyan.

Why the difference? Yes, we have issues with public housing, and there was whole lot of work going on here, so I have to tell you, I didn't know about this until I'm actually up—I'm a voting member of the Building and Fire Code Advisory Committee, and I actually became aware of this as the committee was [audio disruption].

Like I said, I was looking at the second half of the package where all the real meat of all their [indiscernible] stuff and all their other housing stuff was, and this was in the package.

Dara What we're asking for is if DSA knows that there's a conflict that they let us know so we can address it with both agencies. I know you're communicating, but if there is an unresolved conflict, is there a way to let us know?

[Speakers off mic].

Ida They have already committed that if it's passed, then they were going to proceed with adopting our definition in the next code cycle. The problem is we were working through this with them during this time. It was our understanding, and that is, I believe, the comments made by Stoyan at the CAC.

Susan It wasn't Stoyan acting independently. He had talked to his upper management, so it wasn't as though he took this on himself to express the position that he expressed at the Code Advisory Committee. He had actually worked that through with his upper management.

Ida All our regulations are required to go to the State Fire Marshal for approval. It's a requirement of the BSC, so they have our concerns. They refused them.

Greg So, this is a very specific scenario. I'd like to move us past—

Dara Can I just ask one more question?

Greg Okay.

Dara Can I get at some point a list of other access provisions that you've adopted that HCD hasn't [Indiscernible]?

Bob You mean what was BFO? Is that what you're saying?

Dara I can get it after the meeting.

Derek It's 11B versus 11A. You can see a distinctly different format there. Actually HCD's format is based on older language that would have been largely reflected in 11B in 2010 and prior building codes. So, you'll see significant differences there.

Dara Okay.

Derek Even on issues as similar as the transfer showers, the 42 by 48 showers anything like that.

Greg So, I'd like to turn the conversation away from a specific scenario just to are there other things that we can do to make this more efficient, effective, etc. Dara, who else, Gary?

Gary I have to go move my car, but I'm happy with everything that's been going on and the collaboration and the understanding between everybody.

Greg Thank you. That's good to hear. We'll see you at the next meeting, whenever that is. Dara.

Dara I have found it a very helpful and informative process and have found it to be productive. There are disagreements. There are going to continue to be disagreements that come from different perspectives, but I found that I learned a lot, and I've found it very helpful to have this forum for hashing it out and trying to understand fully other people's perspectives. So, I think it's great.

My only minor request is—which, you've accommodated today, is if we're going to put stuff on the screen if I can get a hard copy even if it's just the beginning of the meeting so I can take notes on it. I find that really helpful. I know you try to get stuff out to us in advance when you can, and I really appreciate that. I know it's not always possible. Believe

me, I know it's not always possible, so I think it's a useful forum, and I appreciate the opportunity.

Greg Thank you. Let's go to some of our remote areas and, Ernest and Soojin and then Hannah. What are your thoughts on the process?

Ernest This is Ernest. The process has been great in terms of [Indiscernible], but just for the physical portion of being in a remote office right now has been—I think my preference would be—and, this is just based on me. I have the luxury that I can either go to Oakland or Sacramento. They're almost the same distance for me, and I think in the future I'll go to the Sacramento office the reason being there are times that you might have something up on the screen, but what we view is just the table for right now, so we're not able to necessarily see what you guys are speaking to. [Audio disruption] printed materials.

Ida I wish we would have known that sooner. You don't have the WebEx on the screen with the projector, the Zoom Meeting?

Ernest No, we have—

Ida Oh no. There was every intention for that to be there. That wasn't set up for you then.

[Speakers off mic].

Ida I am so sorry. I wish you would have—

Ernest The other request. The other thing is for the printed materials. That's something that we might not have in a remote office either which could be helpful.

Ida Yes, and I understand completely, and please note that the printed materials this morning we were able to get, but getting them out to everyone else sooner was really a challenge. We have been working up until yesterday and this morning on some of this work, so this really is a unique situation due to the time crunch.

In the future, however we proceed, if there is videoconference, there should be a Zoom Meeting with all the materials on there that you can read and the video conference. There should be both. So, I am so sorry. I wish we would have been alerted to that sooner.

Ernest [Audio disruption]. Thanks, that's all I have.

[Speakers off mic].

Soojin I had a really good experience, and thank you everyone for the good learning experience, but I thought perhaps, and not to put so much work on you guys or DSA. Maybe referencing relevant code sections [Indiscernible] have some background information so that everyone can review before the meeting so that we don't spend too much time going over some of the background knowledge, I guess, and focus on that discussion itself if it's possible. I would say let's try that.

Greg Thank you. Hannah.

Hannah I agree with what she said. Being an outsider, I'm just thankful everyone's been so welcoming, and thank you for laying out the basics even though I'm sure you all know it. It is still kind of new to me, and I appreciate the lay man.

Ida Hannah, did you have the Zoom Meeting today?

Hannah I do. Thankfully I do have that. One of them worked.

Greg Let's go to the phones. Let's start with Vidal.

Vidal Yes, I am here. I'd like to thank everybody. I like to thank the collaborative for allowing me the opportunity to really learn from experts, and it's been enlightening for me. I've been involved here locally with some issues with accessibility, but nothing like this, so this has been a really good experience, and I'm going to be excited about continuing.

I'd like to thank Jessica for the large print. One of the things about alternative materials, sometimes it's really difficult to get folks to do it, but she was great. The only suggestion on large print is when I make a copy of it, the page numbers are wrong. So, maybe the facilitator may want to have a large copy of the print that got sent out, let's say the copy to me because the pages were much different, but I figured it out. I knew how many pages were different, so I figured it out so it wasn't a big deal, but just in the future, that might be helpful to have that large print that is being sent out to one of the members or members, it could be more than one.

Greg That's a good point. Thank you. Anything else?

Vidal That's it for me.

Greg Okay.

Arfaraz This is Arfaraz still on the phone. Just wanted to thank the group. It's really been a pleasure working with all of you. I want to acknowledge DSA for all their hard work in getting this together. I do realize this is the first time we've done this with ACC, and as was mentioned, there was a rough start with the charter and all that, but it's just been such a pleasure working with all of you.

A special shout out to Stoyan, Kaylan, and Carol. I don't want to leave anyone out, but pretty much everyone, Dara. All of you have been great. I've learned so much from each one of you. I hope to continue to collaborate with you and better understand your perspectives. Also, just to understand where you're coming from and the perspectives of the groups you represent.

In terms of where we could perhaps tweak things a little would be I think it was Soojin who just said it might be a good idea to provide the background information ahead of time. We have a pretty diverse group here, some more technical than others, and I think that the non-technical folks can definitely benefit from getting provided some either better clarity of the rationale.

As I look at the reasons and the rationales provided to the Code Advisory Committee, I see they're more complete than they were obviously when we first reviewed them. I understand that those get revised and updated as time progresses, but that would definitely benefit the group as a whole.

Finally, I would hope that going forward, as we go through these items on the agenda there's some kind of summary after each meeting to kind of provide a synopsis of where consensus was achieved and not. I know we're not a voting body per se, but it would be—and, this is a suggestion that I'd like to propose maybe putting out where each person stands.

As I was reading through the summary notes that Greg provided us a couple of weeks ago and earlier, too, it wasn't always clear where the

members stood on each item, so that would be a recommendation I would have for the coming year.

One final shout out to Ernest, who's been helping with the planning committee and helping Gary and I get our thoughts across communicated to DSA. Thank you, all.

Greg Thank you, Arfaraz. I just want to address one thing you mentioned. It's actually purposeful that in doing meeting summaries to focus on the ideas and not so much who said them because a lot of times if you do minutes, and there is a recoding I guess, you can actually see exactly who said what, but what I found over the years of doing this work is that sometimes you end up focusing on the personality of the person who said it as opposed to the idea behind it. That's why it's actually very intentional to not say who but more focus on the ideas or where ideas differ so that the focus keeps on the ideas and where people don't agree.

I'm open to, if you as a whole group, want to do it a different way. I'm certainly open to that. I just wanted to explain to you why it is that way.

Arfaraz Understood. I think I take your point. I agree with you on that. Perhaps maybe it could just simply be so many people were in agreement, so many people weren't, and so many people felt they were neutral. So, maybe it's as simple as that and without naming names.

Greg Yes, we tried to do that last time, but maybe we can make it a little more quantitative. That's what I hear. Okay, thank you.

Dara Let me just say I have a slightly different opinion. We represent constituencies and I find it helpful to know which constituency is taking which position, but—

Greg No, there's pros and cons.

Dara I just wanted to put out a slightly different opinion than Arfaraz.

Greg Okay, thanks. Kaylan.

Kaylan Yes, sir.

Greg What do you think about all this?

- Kaylan I do like the suggestions about having some way to help non-code users chase down that code path, and being a non-code user that's a very good thing. I will say that attending meetings remotely is quite painful for me. It's really hard to read the room and understand what's going on and sometimes even the flow of things and what is being discussed when I'm not in the room.
- I understand that there's a need for this kind of remoteness sometimes, but if there's a way to make it go better, like somebody monitoring the Zoom—I don't like to interrupt, but I have to interrupt in order to place raise my hand and make my comments or ask my questions, so if somebody could monitor the Zoom chat or figure out some other way to bring the remote people into the discussion in an easier way.
- Greg Good. We can work on that.
- Ida We do have a new format coming again, which is Skype for Business, and we're not quite sure of what can be done with Skype for Business.
- Susan They did say we could use the Blackboard Collaborate.
- Ida Oh yes, we do have Blackboard Collaborate coming online, too.
- Susan We could use that now.
- Ida We might be able to. So, we're investigating new options for better participation for when we do have to remote. We are committed to when we're actually really hashing out initially to being in person. So, again, we'll reevaluate the remote options for the next session.
- Hannah This is Hannah. So, just regarding the group chat, my TV is literally right in front of my face, so if you want me to monitor the group chats and kind of intercede because I did see when Kaylan said raising my hand, and I saw when Jihee said that she as here, and no one else could see that. I didn't know if I should read that out loud, but since it's so close to me, I don't mind being the moderator of the chat.
- Ida She's volunteering.
- Greg There is technology that can improve on that, Kaylan, so I appreciate you raising that, and if the technology doesn't do it, we'll just figure out a

better way to slow down the conversation and make sure everybody's engaged, so thanks for bringing that up.

Kaylan That'd be helpful. The sound inside the room today was much, much better. I could actually hear everybody. I think I heard everybody in the room.

Greg Excellent. Anything else?

Kaylan Everybody on the phone was crystal clear. It's just those remote people.

Greg Okay, thank you.

Kaylan Thanks.

Jihee Hello, this is Jihee.

Greg Yes, Jihee.

Jihee I want to especially thank the technology like today I was able to join remotely because of my back problem. I realized that when I joined from home right now, I see the documents, but I don't see the faces.

Like when I joined the videoconference from Oakland office, we were able to see actually the faces and people participating, so it was really helpful. It felt like I was there in Sacramento when I was joined from Oakland, so the technology worked perfectly although we had some audio issues in the beginning, so I thought that setup was great.

Joining from home right now, I don't know if there's something I'm missing. I'm only able to view the documents, not the actual people.

Ida We do understand that, Jihee. From home it is a compromised experience in that you don't get to see the room, but again, we do have new options that we're exploring that are being offered to us under the DGS umbrella, so we'll see if that may be a possibility.

Jihee Yes, today was an exception. I'll always try to be in person, but I'm glad for the technology. Then, just overall comments about our group, I think everything is perfect. There's nothing more to improve. I learned a lot every day, every time I joined, so thank you.

Greg Thank you. I think we have everybody on the phone now, right? Is there anybody else? Then, anybody in the room yet who's not spoken that would like to comment. Gene.

Gene First, I'd like to thank again DSA for the accommodations they have provided me during this process as they've done over the many years. I really appreciate it, the time that Derek's given to it especially recording it onto CD for me. It's really been very helpful.

I want to chime in and agree with the comments, and I feel like Bob has summarized it pretty accurately the thoughts of how the committee—for things I know there's limited meeting times people have to meet. I would like to see as an option, not that it's perfect, but be an option that like after a 45-day comment period if there's issues that come up and DSA's trying to decide whether they heard some comments that might change the document, the proposal, and they are thinking maybe a 15-day comment, but maybe also they could maybe bounce off those thoughts to this committee for us to maybe give them feedback on things that they were thinking about some changes.

Perhaps, too, down the road as some other transfer showers or some other things that perhaps we look into actually conducting some informal public hearing or something that we can get information from the community, all stakeholders, not just one but all stakeholders on an item that might help us in our deliberations.

I realize that you do have, like was said, the communications with other state agencies. You can only do what you have control over, and it sounds like you have a working relationship with those agencies. I don't think any of us has had any doubt about that.

I would just suggest that when it's discovered or during the talks that, just using as an example, but maybe the definition of public housing you learn that another agency is looking at doing it, and maybe there's a difference between the two, and you've tried to work it out. Perhaps that would be helpful to share with us because there maybe some ideas the state agency has thought about that might change our thoughts on like a definition of public housing so that it could be exchanged.

If we could know that and be in the process, I think that could help, too, and I think it brings no only the sister agencies together, but I think, too,

HCD has some kind of informal rote that they send out mailings saying we're going to talk about these access issues. I get that occasionally, so from whatever they're getting from their segment of the disability community and other stakeholders, that could be helpful for us to learn about what they're doing.

I don't think this should be just DSA, but maybe a sister agency coming in and talking to us saying okay, this is what we are considering. There's some differences between what DSA's proposing. Here's our side, and here's what input we've gotten. I think that would give us a lot fuller understanding of the subject. Thank you.

Greg

Thank you. Carol, anything?

Carol

I think one of the nicest options, like everybody has voiced, is that there really a lot to learn. I think for me, part of what I value is that I am given the opportunity to express something, to belabor a point, and the ability to hear and understand the perspective has been really supportive of me and my learning. So, I want to express gratitude, especially to you, Derek, for a lot of the times making sure I understand everything. So, I think that that's really helped.

One of the benefits that I've had is that I'm on the access and the BSO, and have been on BSO for a number of years, and being able to see this process over the years and now being this really critical part of really fine tuning things I think has been beneficial.

I agree with Gene. I think that I would love to know what are the differences between the two. Why are there these differences? What could I understand better so that I could be a better advocate for what needs to be included? So, I would agree that that would be really helpful for my learning and understanding as well. I want to say thank you for selecting me.

Greg

Great. Thank you.

Lewis

I'll get the last word. I think the process has been great. I do like it actually best when all of us are in the same room. I think that actually works better than the remote meetings. Fortunately, I'm local, so I can get here easily. I know I sit on the CASI code discussion meetings, and I do that remotely, and it really is a disconnect when I'm not sitting in the room

with somebody, but I understand all you guys are distant, and if this is the best format we can use, then I'm all for it.

I do have a question. Do we have things that are on our agenda for when we reconvene? I know you guys are busy.

Dara Before we get to that, can I just ask a quick question which is ort of related? Do we know for sure when the BSC meeting is? Or, we don't know yet whether it's December or January?

Ida No, we have not yet given our date for submission. We assume that will be in September, but they have indicated that our meeting will be either December or January, and whether it's December or January, I'm assuming mid-December they'll probably forget the end, and come back early January to wrap it up.

Dara Just so it's no surprise to somebody, if it's December someone else in my office will be presenting because I'll be gone the whole month.

Ida They have not indicated to us yet.

Dara Okay.

Ida I do want, before—I want to say, too, I'll speak on behalf of DSA. Do you guys want to add any of your thoughts on this process worked at all?

[Speaker off mic].

Dara Sorry, I didn't mean to interrupt you.

Ida We've appreciated, and we've seen a change on how this has worked with our advisory groups in the past. I know that with any effort that you're putting your heart and soul into, it could seem like a lot of labor and a lot of hard work, but with that comes hopefully good results, and I think we've recognized that.

I gave a statement to the BSC and the CAC prior to presenting our work, and I reiterated the same thing that we found the process very beneficial that we strived for reaching some form of consensus, that we didn't sacrifice the perfect for the good, and that I believe we maintained respect for each other through the whole process, which to me is key because that's when you can really have a collaborative effort is when you

maintain that respect and keep it about the issues and not let it stray to anything personal.

On that note, so we look forward to continuing this process in the new year. I am going to say that I don't feel that we need another meeting this year to close this year out. I will say that we do have a couple of proposals that we may circulate, and if one is needed, we can always convene with the understanding that not everyone will likely be able to participate, but if we can reach some kind of common consensus on any revised proposals on an outstanding item in an email fashion, we could call it that that in-person meeting so it does for this triennial code cycle. We'll wait to see.

I do want to address a couple things. There's a change coming in the next code cycle because we won't have to be working on the charter, and we won't have to provide training, and we won't have to do this. We did have four meetings and one post-CAC meeting. I'm not sure how many meetings we'll need in advance.

I think we have been discussing exploring some task forces for some code change items for the next code cycle, so we're going to be working with that concurrently with CAC, but I will say that we may not have any meetings early next year because that's DSA's time to cultivate the proposals that we're moving forward and disseminate and decide how we're going to move forward with them.

So, on that note, any proposals that we also have to spend some time now on the proposals that we've received after they're approved to let people know where the status of the proposals are, not just from the ones submitted from this group but the ones that were submitted by all our constituencies. So, we still have a wrap-up process ourselves to go through and that will occur probably fairly soon I think on some of those issues.

Anyway, we do encourage that you do your outreach to you constituency groups, and that outreach really needs to be finding those issues that we can address and submitting those proposals on Form 665 that we have on our website, sending them in through the process. Filling those out as thoroughly as you can is always helpful as well. We'd like to receive those proposals by March because we will be determining after march which proposals we'll be moving forward with for the next code cycle, so just to keep that in mind.

Then, as well, cultivating new participation. I'm thrilled to hear that this wasn't such an excruciating experience, although it feels like a lot. That's hopeful, but understanding that if we have this time of three years now, or 18 months for some of you who may choose not to continue for an additional, three years to cultivate some new participation and get some interest, and that sometimes takes a while to get people to commit, so we don't just want to just wait for 18 months as a call for action, and you're convincing someone.

You really need to invest in your outreach in discussing your participation ongoing so that someone really fully understands what they're signing up for when you're looking for your future successors.

Other than that, I am done. Dara.

Dara In a number of the comments I submitted on this year's proposals, I also made suggestions for things to consider. Do you want me to turn those into more formal proposals as opposed to [audio disruption] what I already submitted?

Ida If you could, it would be helpful because our documenting process it really helps to have that form in place because we start working from those forms. If you put that on the form, it's just helpful.

Dara Okay, will do.

Ida Thank you. I know it's a lot of work. It's like homework.

Dara I've already captured it, but I'll do a formal.

Soojin This is Soojin. I have a question related to what you just said. Do we have a chance to introduce someone in [audio disruption]?

Ida So, we encourage them to submit an application. You are welcome to recommend somebody, but in respecting the process, when you do that it cuts our partner agencies with CCDA and DOR in actually evaluating all applicants, and it doesn't take into consideration perhaps another applicant that someone else may have determined is also suitable for that. So, a recommendation is worthwhile because we obviously want to know that you recommend somebody, but we would encourage them to submit an

application, and they would be evaluated according to the others who had also submitted.

Soojin

Okay, thank you.

Greg

Anything else? It's a quarter to 4:00.

Arfaraz

Just for the last item on the agenda is a Google Poll for dates in November, but it sounds like from what Ida just said that we, in all likelihood, won't need a date. Is that correct?

Ida

Correct. As we discussed the debrief today, at this time there is no meeting planned for November. We're going to handle the two or three outstanding items via email initially and try to garner some information with that. If we need to discuss further, we will set probably a phone call to do it.

Arfaraz

Okay, so may I suggest that in the remote chance that a phone call is necessary, can we look at if not a day then at least a week in November when that phone call might take place?

Ida

It actually probably—

Arfaraz

Just to clarify, the only reason I'm suggesting that is because I know as we get into November, it's the holidays, and people may have vacations getting planned over the next few months, so it kind of gives people a placeholder for a tentative phone call and/or meeting if one is necessary.

Hannah

Ida, we can't hear you anymore remotely.

Ida

--try to accommodate as many as possible, but we do have a time crunch for this issue.

Arfaraz

Okay. Ida, we didn't hear anything you said up until the last few words, so you might have to repeat that.

Ida

Okay. Hold on a second, Arfaraz. The November meeting will not happen because we did our debrief now. The call that we might need to schedule would be likely within the next three to four weeks before we have to submit our package to BSC for the 45-day. It's to discuss the outstanding items that weren't discussed today because we're still

performing our further study, and so we will come to some conclusion with that.

We will submit an email to everyone letting them know the status of those further study items. Then, if necessary we will schedule a phone call, try to get some options for having the most participation, but understanding that not everyone will be able to participate due to the time crunch.

We do want to be respectful of the ACC and its participatory process and make them aware of what our final proposal will say in the 45 days before you read it through the BSC process and give you an opportunity to comment. So, it won't happen in November. It will be much sooner.

Arfaraz Thank you.

Greg Google Poll for the February meeting is going to come later.

Ida Yes, I'm not sure when that will happen. Since we're not have new people, we—no, we don't know yet. So, some of that was really more a training and introductory process. Again, maybe for newer people, but because we're getting our proposals in in March, and there's some homework that we need to do, we may not get started until probably April, May starting that process. So, it will be a while.

Dara Can we have a meeting and get some input on which proposals to move forward with?

Ida Well, we have to vet them first—

[Speakers off mic].

Dara --possible candidates, and you can let us know in advance before you submit them so we can weigh in if we think something's missing.

Ida Yes, but understand that some of the proposals that we receive, we receive many, and some we are really unable because either—there's certain parameters we discuss.

Dara I know.

Ida We will bring all proposals moving forward to the group. So, this is the onset of hearing the new process, let's see how it goes. I can't make any

commitments right now because we haven't been through this process with the ACC. We were in a time crunch this time.

Greg We'll talk.

[Speakers off mic].

Dara You made it quite clear that we couldn't see every proposal because there were too many.

Ida There's tons.

Dara That's fine, but when you have a tentative slate—early when [audio disruption] it might be a useful time to get some in play. That was my—

Ida Okay, noted.

Lewis The March date is really kind of—

Ida That's when we get new proposals.

Lewis Is that a cutoff date for new proposals?

Ida It is if you want it considered for the next code cycle really because we have a lot of work to do. Derek

Derek We have changed our website, on the Access 2019 webpage, to indicate that we accept proposals on an ongoing basis. We don't really have a cutoff point for submitting proposals. It's just depending on how often those needs occur that we have to make a cutoff, an internal cutoff, but if you have something that—

Lewis I want to reach out to all—

Ida Absolutely.

Lewis --and say hey, listen this is the cutoff date for any proposals that might be considered for the next code cycle so that we can start getting stuff in.

Ida Be very clear that especially for code enforcers and design professionals, a lot of that even has to do with additional clarity. Do you know what I

mean? Like, you're not changing a new access provision or anything. You're really trying to address clarity. We're looking for those as well.

Lewis

Okay.

Greg

Gene.

Gene

I'm going to ask an awkward question. It's political. The longevity of ACC, I know you folks don't have a crystal ball, but we are obviously going to have a new governor this coming year after the next year has started. Is this collaborative in some kind of stone where it will carry over regardless whether we have the same or a new architect?

Ida

I will—we all respond to the new state architect. We don't know who that individual is going to be. We are committed to seeing the ACC moving forward. We find it to be a beneficial experience, and we will relay that information. Beyond that, I can't make any assurances. I can't.

Gene

Got it. That's actually more of an answer than I was thinking you could say. I have no issues with what you just said. That's the reason—I knew it was very awkward, but I thought just thinking long term whether the next code cycle is impacted.

[Speakers off mic].

Greg

Thanks, everybody. Enjoy the rest of your summer and fall.

Dara

I think, Greg, your facilitation has been very helpful.

Greg

Well, I appreciate that. Thank you.

Moderator

Ladies and gentlemen, that concludes our conference for today. Thank you for your participation and for using AT&T Executive TeleConference service. You may now disconnect.

Jessica

Thank you, Julio.