BUILDING STANDARDS COMMISSION
MEETING MINUTES
July 13, 2020 – 10:00 a.m.
July 14, 2020 – 9:00 a.m.
July 15, 2020 – 9:00 a.m.

Monday, July 13, 2020

Agenda Item 1. Call to Order

Chair Julie Lee called the meeting of the California Building Standards Commission (CBSC) to order at 10:08 a.m. The meeting was held via Zoom and teleconference hosted by the CBSC.

Roll Call

CBSC Staff Member Pamela Maeda called the roll and Chair Lee stated a quorum was present.

Commissioners Present:	Undersecretary Julie Lee, Chair Juvilyn Alegre Elley Klausbruckner Erick Mikiten Rajesh Patel Peter Santillan Kent Sasaki Aaron Stockwell
Commissioners Absent:	None

Pledge of Allegiance

Chair Lee led the Commission in the Pledge of Allegiance and gave instructions regarding public comments and teleconferencing.

Chair Lee addressed the Commissioners about a request that was received by CBSC staff to have Rulemaking HCD 02/19 Item 5 heard Tuesday morning. Chair asked the Commission if they could accommodate the change to hear only Item 5 of the Rulemaking HCD 02/19 from Agenda Item 11 after Roll Call on Tuesday, July 14. The Commissioners all agreed to make the change to the agenda.

Agenda Item 2. Commission Appointments

Chair Lee announced Commissioners Patel and Santillan were reappointed on March 6, 2020 by Governor Newsom for another four-year term. New Commissioner Aaron Stockwell was appointed as a Public Member on March 6, 2020. The three Commissioners then freely took their oaths of service.

Agenda Item 3. Review and Approval of January 23, 2020 Meeting Minutes

Chair Lee asked the Commissioners if they had any comments regarding the January 23, 2020 meeting minutes.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Motion: Chair Lee entertained a motion to approve the January 23, 2020 meeting minutes. Commissioner Sasaki moved approved of the request as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes.": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell

Agenda Item 4. Comments from the Public on Issues Not on this Agenda

Chair Lee advised that the Commission may receive public comments on matters not on the agenda. Matters raised may be briefly discussed by no action may be taken by the Commission.

Questions or Comments from the Public:

Luke Rolling of KP Public Affairs on behalf of the International Code Council gave an overview: about how COVID-19, since March 2020 that ICC has addressed questions regarding how COVID-19 impacts building and safety model codes.

In an effort to better understand what may be coming down the line in code change proposals for the 2024 I-codes ICC has announced an ad hoc committee to collect data and other information. A call for nominations will likely go out in two to three months, late summer or early fall, and ICC looks forward to engaging with other stakeholders in the state.

Josh Jacobs with Underwriters Laboratories (UL) stated a change had been proposed to the California Green Building Standards Code around the material section in terms of embodied carbon and utilizing things such as environmental product declarations within the state to understand the carbon impact of products used in the state of California.

2019 INTERVENING CODE ADOPTION CYCLE PROPOSED RULEMAKINGS

Chair Lee gave a review on the next agenda Items 5-12 that The Commission will take action to approve/ disapprove further study or approve as amended the proposed code changes to the 2019 edition of the California Building Standards Code. Upon approval and adoption these building standards will be codified and published January 2021 as a supplement to the 2019 edition of the California Building Standards Code with an effective date of July 1, 2021.

The Commission action will be guided by the nine-point criteria established in Health and Safety Code Section 18930. They will consider each agency's proposed building standards and its justifications, Code Advisory Committee recommendations, comments submitted during the public comment periods and oral and/or written comment received at this meeting. The public may comment on any challenges to the proposals or Code Advisory Committee recommendations submitted during the comment periods. Note: No new issues or new information challenging the proposed code changes may be presented to the Commission in the adoption of the proposed regulations. The Commission may take action on the entire package, or if necessary, take separate action on individual items listed in the Commission Action Matrix.

Agenda Item 5. California Building Standards Commission (5a-5b)

Item 5a. California Building Standards Commission (BSC 03/19)

Chair Lee asked the representatives from BSC to present Item 5a, proposed adoption of amendments to the 2019 California Plumbing Code, Part 5 of Title 24.

Kevin Day, Staff Services Manager, BSC, gave an overview of the California Plumbing Code proposal that was heard by the Green Plumbing, Electrical, Mechanical Energy Code Advisory Committee on March 4 and 5, 2020. The Committee recommended "Approve as Submitted" on all items. BSC received no public comments during the 45-day public comment period. He gave a brief overview on four items:

Item 1, new code section, 420.3.1 and Table H-2 which reference existing provisions adopted by the California Energy Commission in their Title 20 appliance efficiency regulations, which are based on federal water sense standards. By aligning the plumbing code with existing standards in Title 20 there is no intended change in regulatory effect.

Item 2, amend Section 422.1, including a new exception, and Table A, which is also amended and renamed Table 4-1, to clarify the method by which occupant load calculations are used to determine plumbing fixture counts in specified, non-residential occupancies. The new exception allows the use of Table 4-1.

Item 3, BSC is proposing amendments that clarify provisions for initial and subsequent cross-connection tests in Sections 1502.3, 1502.3.2, 1503.3 and 1506.4, applicable to non-residential graywater and onsite-treated non-potable graywater systems.

Item 4, BSC proposes amendments in Chapter 16 for non-potable rainwater catchment systems, including the deletion of an existing California Table 1602.9.6. Amendments to Section 1605.3 and 1605.3.2 that clarify provisions for initial and subsequent cross-connection tests applicable to specified nonresidential rainwater systems.

Questions or Comments from the Commissioners:

Commissioner Patel and Klausbruckner thanked the staff and support the proposed changes.

Commissioners Mikiten, Santillan, Sasaki, Alegre and Stockwell had no comments.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association and the Building Owners and Managers Association of California stated they are in strong support.

Charles LaSalle representing WaterReuse California understood that the State Water Resources Board's Title 17 handbook should allow swivel-Ls and changeover devices when using recycled water based on AB 1180, which was signed into law in 2019, requiring the update of the Title 17 handbook to allow swivel-Ls and changeover devices when using recycled water.

Mia Marvelli stated: Mr. LaSalle's comment was pertinent to, I believe, the DWR rulemaking, which is Item 6 on the agenda, so I want to clarify that with the Commissioners and the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the CBSC's proposed adoption of amendments to the 2019 California Plumbing Code. Commissioner Klausbruckner moved to approve Item 5a as presented. Commissioner Sasaki seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 5b. California Building Standards Commission (BSC 04/19)

Chair Lee asked the representatives from BSC to present Item 5b, proposed adoption of amendments to the 2019 California Green Building Standards Code, Part 11 of Title 24.

Enrique Rodriguez, Associate Construction Analyst, gave an overview that BSC vetted the proposed code changes with stakeholders and interested parties, including various state agencies, and presented the code changes at the Green-PEME Ad Hoc Code Advisory Committee meeting that was held on March 4-5, 2020 to receive input. Then we held a 45-day public comment period that was from April 10 to May 26 to obtain

public input. BSC proposed to make amendments to the 2019 California Green Building Standards Code for inclusion in the 2019 California Green Building Standards Code Supplement. Key amendments proposed during this code cycle include increase to clean air vehicle parking percentages, increase to electric vehicle infrastructure percentages to increase percentages for both mandatory and voluntary provisions, update the light pollution reduction provisions, proposing new pre-rinse spray valve regulations.

Questions or Comments from the Commissioners:

Commissioner Santillan asked if there was anything that identifies the location of the parking spots in reference to the designated parking.

Enrique Rodriguez responded there is no specific location specified in the guide for the cleaner vehicle parking other than it is typically added where you have visitor parking spaces.

Commissioner Sasaki asked, the only item challenged was BSC 04/19 5-3 by Josh Jacobs. Refresh me what the issue was and how did you resolve that issue?

Enrique Rodriguez responded California Department of Public Health (CDPH), their standard for VOC limits based on California high performance goals and the listed testing agencies that we currently have in Cal Green, they are using CDPH.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association and the Building Owners and Managers Association of California stated they are in strong support of BSC's Part 11 proposal.

Josh Jacobs representing UL commented: The California Department of Public Health/DHLB/ standard method version 1.2 which is being updated in Item 5 of BSC, item 15 of BSC, DSA Item 4 and DHC Item 5 and 7 as well, is not the only thing listed, there are other programs listed there. This test program and the subsequent red stripe that is listed for Department of Public Health does not actually tell architects, designers, builders, code officials, how to show compliance to the VOC measures.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Mr. Nearman, yes comments were received.

Enrique Rodriguez stated Mr. Jacobs resubmitted the exact comments that were submitted for the 45-day comment period. Currently when you look at Cal Green UL is listed there as one of the acceptable measures for complying with this code section. But what is currently written in Cal Green and codified, it says, products certified under UL Green Guard Gold and formerly the Green Guard Children and Schools program. What was proposed is a UL Green Guard Gold 460. It appears to be a potentially more restrictive standard than what is currently codified in Cal Green for UL Green Guard so that could be problematic. BSC would like to entertain further discussions in the next

rulemaking cycle to then fully vet with the manufacturers, stakeholders and interested parties.

Motion: Chair Lee entertained a motion to consider the CBSC's proposed adoption of amendments to the 2019 Green Building Standards Code. Commissioner Sasaki moved to approve Item 5b as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Agenda Item 6. California Department of Water Resources (DWR 01/19)

Chair Lee asked the representatives from DWR to present Item 6 proposed adoption of amendments to the 2019 California Plumbing Code, Part 5 of Title 24.

Nancy King gave an overview: Richard Mills, he is retired from DWR and he was the former chief of the water recycling and desalination section for over 9 years. They presented agenda item 6. DWR last adopted recycled water plumbing water plumbing standards in the 2018 triennial code adoption cycle. It was published in the 2019 California Plumbing Code in Chapter 15. The current amendments, DWR Items 1-1 through 1-5, consist of clarifying provisions that distinguish the initial and subsequent cross-connection tests for recycled water systems. These changes are intended to have no regulatory effect, were in response to comments received in a previous code cycle. To make these changes we did coordinate with BSC and HCD in the sections that were co-adopted in Chapter 15. DWR had proposed an amendment, Item 1-2b. This provision was going to allow the use of a swivel-L or other changeover device to supply potable water to the dual plumbing systems during an interruption in recycled water service. This amendment was intended to conform to language that was anticipated to be adopted before now by the State Water Resources Control Board (SWRCB) as required by a new law. However, SWRCB is developing its cross-connection control policy handbook that would include the language and so DWR is withdrawing the proposed amendment.

Questions or Comments from the Commissioners:

Commissioner Sasaki asked: What is a cross-connection? I assume that is a connection between potable and recycled water.

Nancy King answered that is correct. The two systems generally remain separated. With the swivel-L, however, if a recycled water supply was cut off for some reason in order to supply whatever service they needed with water they would want to have a quick changeover device to do that. But you would still need to protect the potable water supply in which case that is why the handbook is being developed.

Commissioner Sasaki asked: And the cross-connection testing is just simply to confirm that the potable water system is not contaminated by recycled water; is that correct?

Nancy King answered: Correct. It is a test to look in the moment to see the two systems are separated. You would need to shut one off and test and then shut the other off and test, and there is a whole procedure within the plumbing code.

Questions or Comments from the Public:

Charles LaSalle with WateReuse California reiterated his previous comments. It is imperative that swivel-Ls not only be added to the Title 17 handbook but also be added in the plumbing code. Swivel-Ls are needed to increase dual-plumbed buildings and to meet our California statutory recycled water goals.

Commissioner Patel asked: A swivel-L is basically a pipe connection that allows you to switch over from the recycled connection or the potable water connection. Does that need to be codified in order for water utilities to be able to use a swivel-L or is it just a matter of having it published in your guidebook?

Richard Mills replied: The way the Title 17 requirements for cross-connection control as well as the plumbing code provide that there should not be any connection between the potable water system and recycled water systems. A swivel-L would by definition be connecting the potable water system at somewhere around the meter to the recycled water system on the water use side, so it would be in contradiction to the current regulations. AB 1180, and the Legislature instructed that a swivel-L or some other changeover device should be allowed with proper safeguards. The next cycle of the revisions of the plumbing code DWR would amend the plumbing code to bring it back within sync of SWRCB as well as with this new legislation.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the DWR's proposed adoption of amendments to the 2019 California Plumbing Code. Commissioner Klausbruckner moved to approve Item 6 as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Agenda Item 7. Division of the State Architect – Structural Safety/Community Colleges (7a-7b)

Item 7a. Division of the State Architect – Structural Safety/Community Colleges (DSA-SS/CC 03/19)

Chair Lee stated Item 7a was proposed adoption of amendments to the 2019 California Plumbing Code, Part 5 of Title 24. Chair Lee asked the representatives from the Division of the State Architect to introduce themselves and present Item 7a.

Ida Clair, Acting State Architect and Principal Architect for Sustainability, DSA, and Tav Commins, DSA Senior Mechanical Engineer presented: DSA is co-adopting amendments to the regulations of the California Plumbing Code for K-12 public schools and community colleges for the 2019 intervening code supplement along with the BSC. In the plumbing code we are adding a new subsection for pre-rinse spray valves that now require an integral automatic shutoff; and we are also adding Table H-2 that is reprinted from the California Code of Regulations Title 20. The items we are co-adopting with the BSC for the plumbing code are Item BSC 03/19 1-1 and BSC 03/19 1-2.

Questions or Comments from the Commissioners:

Commissioner Sasaki asked: Is that an overlap or is it maybe separate?

Ida Clair replied: DSA is the regulatory agency for K-12 public schools and community colleges; I am unclear why it is on the BSC's proposal as well. I would have to ask BSC staff to respond to that.

Michael Nearman, with BSC, replied that: In the description of applications effective for the BSC we have California State Universities, CSU, and colleges and the regents of the University of California. But we do not have the community colleges and the public schools included.

Commissioner Sasaki asked: I was just reading the write-up on BSC 03/19 and under applications affected it goes through all those but then it does say, California community colleges. So maybe that is a typo?

Michael Nearman replied, that is a typo, yes.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Plumbing Code. Commissioner Sasaki moved to approve Item 7a as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 7b. Division of the State Architect – Structural Safety/Community Colleges (DSA-SS/CC 04/19)

Chair Lee stated Item 7b was proposed adoption of amendments to the 2019 California Green Building Standards Code, Part 11 of Title 24. Chair Lee asked the representatives from the Division of the State Architect to introduce themselves and present Item 7b.

Ida Clair, and Paul Johnson presented: The amended Cal Green regulations for K-12 public schools and community colleges are triggered by new campus construction, new building construction and additions on existing campuses and new site construction. All amendments that DSA has proposed for adoption are a co-adoption of the proposals presented by BSC for Cal Green amendments for nonresidential construction. Our pre-cycle public outreach for this rulemaking cycle consisted of a workshop on September 4, 2019. This outreach was to stakeholders representing state agencies, representatives from school districts from across the state, design professionals of public schools, electric vehicle charging service providers and interested parties.

Paul Johnson stated: Each of these proposals is being co-adopted with BSC Item 1 for us is also the same as BSC Item 2 and it has to do with EV charging space calculations, and future EV charging spaces. Item 2 is the same as BSC Item 3, light pollution reduction exceptions in the Cal Green code. Item 3, again, is the same as BSC Item 4, the pre-rinse spray valves, which is the same as Part 5, which was just presented by Tav. Item 4 is the same as BSC Item 5 and that has to do with the VOC limits of carpet systems, carpet cushions and resilient flooring systems.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Josh Jacobs representing UL stated his comments were similar to what he sent in.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff stated Mr. Jacobs submitted the same comments during the 45-day comment period and prior to the meeting.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 Green Building Standards Code. Commissioner Mikiten moved to approve Item 7b as presented. Commissioner Santillan seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

A recess was taken.

Agenda Item 8. Department of Housing and Community Development (8a-8d)

Chair Lee stated the next four agenda items are the Department of Housing and Community Development, 8a-8d.

Item 8a. Department of Housing and Community Development (HCD 04/19)

Chair Lee asked the representatives from the Department of Housing and Community Development (HCD) to introduce themselves and present Item 8a.

Emily Withers gave an overview: HCD's proposed changes to the California Electrical Code had a pre-rulemaking public comment period instead of a focus group meeting and this lasted from September 11-25, 2019 and there were no public comments received. The code was presented to the California Building Standards Commission's (CBSC's) Plumbing, Electrical, Mechanical and Energy Code Advisory Committee on March 4-5, 2020. The Committee recommended "Approve as Submitted" on HCD's code change proposals for the 2019 California Electrical Code and HCD accepted the Committee's recommendations. The public comment period, the express terms text with any changes resulting from the Code Advisory Committee's recommendations were made available to the public for a 45-day public comment period from April 10 to May 26, 2020. No public comments were received on the proposed changes to the 2019 California Electrical Code. HCD has acknowledged and responded to all public comments in the final statement of reasons.

Questions or Comments from the Commissioners:

Commissioner Patel asked: I noticed on the definition for accessory dwelling unit (ADU) you mirrored the language, but there is a part A and part B to that definition. Part A is efficiency units and part B talks about mobile homes or manufactured homes. Is there a reason you left out that A and B in your definition?

Emily Withers replied: We try in the building standards not to duplicate statutory language and that was partially our reason for it. Putting in the government code reference the code user can go to that and see what type of units are appropriate for accessory dwelling units.

Commissioner Mikiten responded and asked: can you address the ADU where you have the reference to the government code section.

Emily Withers responded: We can drop the "for details" language.

Commissioner Mikiten responded: Yes, it would be clear and more consistent with the rest of the buildings codes to just have that "for details" not included.

Emily Withers responded: I am open to that amendment.

Commissioner Sasaki asked: Have there been any comments about the inspection on retroactive permits for an electrical system?

Tom Martin responded that the proposal was legislatively driven, and it gives the building official the option of doing a retroactive permit. It is not a mandatory retroactive permit by any means.

Commissioner Sasaki asked to go back over Commissioner Mikiten's proposed change. He stated looking at the Final Express Terms page 4 of 5, the definition for ADU at the end had a parenthetical says "(See Government Code Section 65852.2 for details.) He asked Commissioner Mikiten what was his proposal or change?

Commissioner Mikiten responded to drop the words "for details" to be consistent with citations in the code and clarity. This government code section is relating to primarily a state definition of ADUs accessory dwelling units for purposes of planning department approvals.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association and the California Apartment Association stated they are in strong support of HCD's adoption of these amendments for Part 3 as is.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider HCD's proposed adoption of amendments to the 2019 California Electrical Code. Commissioner Mikiten moved to approve with the editorial change to remove the two last words "for details" from the definition of accessory dwelling unit in Chapter 1, Article 100. Commissioner Sasaki seconded.

Commissioner Klausbruckner asked if the Commission should check with counsel regarding the proposed change to the wording.

Viana Barbu stated: The Commission may not make substantive changes to the text. I think this is just a clerical, clarification, editorial edit so I think that is fine if the proposing agency also concurs that it is just a typo-type correction.

Emily Withers responded: Deleting the words "for details" still leaves substantive information for the code user to direct their attention to the Government Code Section 65852.2.

Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 8b. Department of Housing and Community Development (HCD 05/19)

Chair Lee asked the representative from the Department of Housing and Community Development to introduce herself and present Item 8

Emily Withers gave an overview: that the information will be identical to the electrical code because these two codes moved forward at the same time and also the information, the item numbers that are in these codes, there was some change in item number between the electrical code and the mechanical code that are identical. the proposed changes for the mechanical code, we had a pre-rulemaking public comment period instead of a focus group meeting and that was during September 11-25, 2019 and there were no public comments received. CBSC's Plumbing, Electrical, Mechanical and Energy Code Advisory Committee on March 4-5, 2020. The Committee recommended "Approve as Submitted" on HCD's code change proposals for the 2019 California Mechanical Code and HCD accepted the Committee's recommendations. The 45-day public comment period from April 10 to May 26, 2020 there were No public comments received.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer, representing the California Building Industry Association and the California Apartment Association stated they are in strong support of HCD's proposed changes to the mechanical code.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider HCD's proposed adoption of amendments to the 2019 California Mechanical Code. Commissioner Mikiten moved to approve with the editorial change to remove the two last words "for details" from the end of the paragraph in Chapter 2, Article 203.0. Commissioner Sasaki seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 8c. Department of Housing and Community Development (HCD 06/19)

Chair Lee asked the representative from the Department of Housing and Community Development to introduce herself and present Item 8c.

Emily Withers gave an overview: HCD's proposed changes to the California Plumbing Code were discussed at a focus group meeting on September 13, 2019.

As far as the code advisory committee meeting the code was presented to the California Building Standards Commission's Plumbing, Electrical, Mechanical and Energy Code

Advisory Committee on March 4-5, 2020. The Committee recommended "Approve as Submitted" on HCD's code change proposals for the 2019 California Plumbing Code with the exception of one item. HCD accepted the Committee's recommendations; therefore, Item 06/19 3-1 related to utility connections for ADUs was changed from an exception to an informative note in the final express terms.

The public comment period for the California Plumbing Code, the express terms text with any changes resulting from the Code Advisory Committee's recommendations were made available to the public for a 45-day public comment period from April 10 to May 26, 2020. No public comments were received on the proposed changes to the 2019 California Plumbing Code.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner asked: what was the reasoning behind the rewording of the language for the submeters?

Emily Withers responded: The directive in Senate Bill 7 was to conform to the language that was initially put into the water code. The initial statement in our plumbing code was that the water agencies were responsible for the installation of the submeters and that the water being provided would be measured and that was effective January 1, 2018. The directive in Senate Bill 7 for HCD to adopt similar regulations the directive is for the project developers and builders. Senate Bill 7 actually covered three different portions of code. There was a large civil code section that went into a lot of the rights and responsibilities of landlords and tenants, and then there was a water code section, and then there was a small section that was for the health and safety code, which actually is part of state housing law, and each one was worded a little bit different. As far as HCD of course we are not going to go into the billing aspects or necessarily the tenant responsibilities so we are focusing more on the installation, what type of devices would be approved. In the water code there was a listing of structure for occupancies that would be exempt from the submetering requirements.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association and the California Apartment Association stated they are in strong support of HCD's proposed amendments to the plumbing code. They also think HCD has done a good job of taking the statute from SB 7 and turning it into appropriate code language.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider HCD's proposed adoption of amendments to the 2019 California Mechanical Code. Commissioner Mikiten moved to approve with the editorial change in Chapter 2, Definitions, Section 203.0, that the words "for details" at the end of the paragraph are removed. Commissioner Santillan seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 8d. Department of Housing and Community Development (HCD 08/19)

Chair Lee asked the representative from the Department of Housing and Community Development to introduce herself and present Item 8d.

Emily Withers gave an overview: HCD’s proposed changes to the California Green Building Standards Code were discussed at a focus group meeting on September 9, 2019.

The code was presented to the California Building Standards Commission’s Plumbing, Electrical, Mechanical and Energy Code Advisory Committee on March 4-5, 2020. The Committee recommended “Approve as Submitted” on all HCD’s code change proposals for the 2019 Cal Green Code with the exception of one item. HCD accepted the Committee’s recommendations; therefore, Item 08/19-3-1 related to water submeters of individual dwelling units in multifamily or mixed-use residential/commercial buildings was changed to clarify application to rental units in the final express terms.

The express terms text with any changes resulting from the Code Advisory Committee recommendations were made available to the public for a 45-day public comment period from April 10 to May 26, 2020. Four public comments were received on the proposed changes to the 2019 Cal Green Code. No changes were made to the express terms for the 2019 Cal Green Code as a result of public comments. However, HCD is proposing a change to final express terms to reflect the formal department name for CALFIRE and this is in Item 08/19-4-1. Therefore, the Department of Forestry and Fire Protection will be identified as the resource for information on maintenance of defensible space around residences. This change was requested by the Office of the State Fire Marshal.

Tom Martin added: The definition of ADU will be the same as the other code sections, we will remove the “for details” at the end of the definition.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association and the California Apartment Association stated they are in strong support of HCD’s proposed amendments to the California Green Building Standards. They are also supporting the tweak they are making at the request of the State Fire Marshal regarding the placement of defensible space information into the maintenance handbook that all my members are required to pass along to new homebuyers.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded one comment was received. Mr. Jacobs submitted comment during the 45-day period and sent another comment during the time frame for the notice addressing the issue related to the Green Building Standards references for VOC.

Michael Nearman commented: Besides the section we referred to for the ADU's and the reference for details, I noticed in Part 11 under Submeter we also at the end of the water code reference in civil code we say, "for additional details." On page 2 for the Notes section under Item number 3, for new multifamily dwellings, the vehicle code reference says, "for further details." And then the last one is on 4.106.4.3 New hotels and motels, the same thing at the very end of the section. Did you want to include those as well or are those okay the way they are written?

Tom Martin stated: In those particular sections there are actual additional details in those code sections so I think it would be relevant to keep that in those definitions.

Michael Nearman acknowledged Mr. Martin's response and stated: Basically, I had noticed in the code there are a few other sections had a similar reference at the end of the citation and I was clarifying with HCD if they wanted to include those in the amendment to modify to remove those. Tom Martin from HCD clarified that those are important issues; they would like to maintain those for the reference to additional information. They are okay as written and the motion that Commissioner Mikiten started with seems to be appropriate and has all the detail we need.

Mia Marvelli stated: HCD has supplied an amendment for the name of CALFIRE. So that would be an additional approve as amend on this package. I ask through the Chair that Commissioner Mikiten consider his motion again to approve that item as well.

Motion: Chair Lee entertained a motion to consider the HCD's proposed adoption of amendments to the 2019 California Green Building Standards Code. Commissioner Mikiten moved to approve with the editorial change in Chapter 2, Definitions, Section 202, to drop the words "for details" at the end of the paragraph and included the proposed CALFIRE amendment from HCD. Commissioner Sasaki seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Agenda Item 9. Office of the State Fire Marshal (03/19)

Chair Lee asked the representatives from the Office of the State Fire Marshal (SFM) to introduce themselves and present item 9.

Greg Andersen gave an overview: For the 2019 intervening code cycle of the electric code proposal to from the tall wood building proposals. SFM are adopting this from the model code except for this section. Because the electric code runs on a different cycle, they did not address the issues with Romex, the cables, in what could be high-rise wood buildings. SFM are putting a limit in there until the NEC catches up with the new

regulations and the new type of construction. SFM also bringing in a couple of sections that we missed last time, just for adoption.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association stated they were in strong support of the Fire Marshal's proposed changes to the Electrical Code.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the SFM's proposed adoption of amendments to the 2019 California Electrical Code. Commissioner Klausbruckner moved to approve Item 9 as presented. Commissioner Sasaki seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

The lunch break was taken.

Agenda Item 10. Office of Statewide Health Planning and Development (10a-10e)

Chair Lee announced the next five items are the Office of Statewide Health Planning and Development rulemaking, agenda items 10a-e.

Item 10a. Office of Statewide Health Planning and Development (OSHPD 01/19)

Chair Lee asked the representatives from the Office of Statewide Health Planning and Development (OSHPD) to introduce themselves and present item 10a.

Richard Tannahill gave an overview: This proposal is for the 2019 Administrative Code, Part 1. The proposed action is to make technical amendments to Title 24, Part 1, and include and provide additional definitions and clarifications to operations and maintenance of hospital facilities and repair of essential equipment, provide additional definitions for construction phasing, project completion, changes in scope, electronic construction document review and fee structuring associated with project review and inspection, amendments to clarify the minimum qualification requirements for Class B hospital inspectors and to carry forward existing California amendments related to the administrative procedures regarding safety standards for health facilities to align with the 2019 Title 24 Parts 2 and 10. The Part 1 Administrative Code was presented to the Health Facilities Code Advisory Committee on February 25, 2020. All items received "Approve as Submitted" or "Approve as Amended." OSHPD accepted Committee

recommendations. OSHPD went through a 45-day public comment period from April 3-May 18. No additional public comments were received.

Questions or Comments from the Commissioners:

Commissioner Patel asked: On Item 4, which relates to the Building Energy Efficiency Program it looks like the change is so that the energy efficiency regulations apply to new projects and additions that increase volume. Is this meant to not apply to alterations for hospitals that do not need to then comply with the energy standards and does this also apply to OSHPD 3 occupancies?

Richard Tannahill responded: Yes, this does. The energy code does not require alterations for health care facilities to comply with the additional energy standards, so it does apply to new buildings and expansions only. It would only apply to the OSHPD 3 if it was not part of the actual hospital building. If they have the OSHPD 3 as a freestanding building or a separate clinic space then yes, they will apply even to alterations for OSHPD 3. I stand corrected. The definition in the energy code for health care facilities is any licensed healthcare facility, so any OSHPD 3 would be licensed, would not apply to alterations as well at this time.

Commissioner Patel stated: As a building official I was just concerned if an OSHPD 3 moves into an existing building and takes part of a floor for their clinic, would the energy then not apply to that new tenant?

Richard Tannahill stated: It depends on if there was an existing clinic space or not. If they were doing alterations for the licensed health care facility it would not apply. That is to avoid partial updates, like a piece of a building.

Commissioner Patel stated: For a typical building of another occupancy type, any change to that building would require them to meet the energy requirements for that alteration. It is just interesting. This is sort of different; it exempts them from having to do that.

Richard Tannahill stated: Yes, our revision is just aligning with the energy code.

Commissioner Klausbruckner stated: OSHPD has used language saying “may” such as “may include repairs needed after a disaster.” This is basically in Chapter 7, definitions of Maintenance and Substantial Compliance. Usually the work “shall” or “can” are used and do not leave it open-ended with the word “may.” Was there any discussion as to why OSHPD decided to use the word “may” in this language? Under Article 3, Approval of Construction Documents, “Plans may be submitted electronically …” not “shall.”

Richard Tannahill responded: In this case they are identifying different types of things that can be repaired or fixed and say it may include these. It is open-ended; it is giving examples in this case because under an emergency or maintenance there are a lot of variables.

Commissioner Klausbruckner stated: in the future you can say “shall include the following but not limited to,” more aligned with the standard code language.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider OSHPD’s proposed adoption of amendments to the 2019 California Administrative Code. Commissioner Mikiten moved to approve Item 10a as presented. Commissioner Sasaki seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 10b. Office of Statewide Health Planning and Development (OSHPD 02/19)

Chair Lee asked the representative from the Office of Statewide Health Planning and Development to introduce himself and present item 10b.

Richard Tannahill gave an overview: This proposal is for the 2019 California Building Code, Part 2, Volume 1. This proposed action is to make technical amendments to Title 24, Part 2, Volume 1, and includes clarification and use of OSHPD 1R as it relates to SPC or freestanding buildings, provides clarifications to earthquake anchoring, maintenance of specific hospital equipment within existing facilities and several housekeeping items.

Part 2, Volume 1 of the Building Code was presented to the Health Facilities Code Advisory Committee on February 25, 2020. OSHPD received “Further Study” on items 2/19-7-2 through 2/19-0-5. OSHPD amended the language for the 45-day public comment period. OSHPD removed regulatory language from these definitions to address the CAC’s concerns.

OSHPD received “Further Study” on items 2/19-21-1 through 2/19-1-3. OSHPD amended language for the 45-day public comment period. A public member request was made that these items did not apply to OSHPD 3; OSHPD was asked to verify these items applied to OSHPD 3. They did not apply so OSHPD left the language as-is. Verification at a CAC member’s request was made that a cleanup room was redundant. OSHPD went through a 45-day public comment period from April 3 - May 18, received two comments with which OSHPD agreed with. One of the items was withdrawn and one of them was just a grammatical amendment to the language and OSHPD made that change. OSHPD went through a 15-day public comment period and no further comments were received.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Connie Arnold stated: On the item on page 6 about the Bay and patient and uses of the term “access circulation aisle” and I was concerned about use of that term rather than overlapping with the path as found in the order.

Chair Lee asked Mr. Tannahill to address the comment.

Richard Tannahill responded: Around a patient care bed there it is required to have a 3-foot access aisle, so that is the circulation aisle that we are referring to. OSHPD are just saying they cannot overlap with the cubicle curtain; it must be outside or aligned with that 3-foot space so there is no obstruction within the access around the patient care area.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider OSHPD’s proposed adoption of amendments to the 2019 California Building Code, Part 2, Volume 1. Commissioner Sasaki moved to approve Item 10b as presented. Commissioner Stockwell seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 10c. Office of Statewide Health Planning and Development (OSHPD 04/19)

Chair Lee asked the representatives from the Office of Statewide Health Planning and Development to introduce themselves and present item 10c.

Bill Gow gave an overview: OSHPD’s proposed changes to the 2019 California Electrical Code. The proposed actions make editorial and minor technical modifications to the electrical building standards, defining the onsite fuel supply storage requirements for fuel cell systems used for general acute care hospitals will remove ambiguity from the code. The proposed standards provide clarification and consistency within the code, coordinate with the CBC, and align with national standards.

OSHPD proposed changes to Part 3 of the Electrical Code was presented to the Health Building Safety Board Administrative Process Code Changes and Standard Detail Committee on October 3, 2019 for their approval. All changes were approved. Changes were presented to the Green/PEME Ad Hoc Code Advisory Committee on March 4-5. The Committee recommended “Further Study” on all items based on the

removal of OSHPD 1R. OSHPD re-reviewed all proposed changes. Changes were made in Items 3-1 and 3-2 and Item 9-7 was withdrawn. OSHPD went through a 45-day public comment period April 10 - May 26; no comments were received. Item 2 was withdrawn based on comments from the State Fire Marshal.

Questions or Comments from the Commissioners:

Commissioner Patel stated: It looks like the CAC wanted to send everything to Further Study because of the OSHPD 1R banner. Can you maybe explain what went on there?

Bill Gow responded: OSHPD has five different building types, OSHPD 1-5. Hospitals are OSHPD 1, skilled nursing is OSHPD 2, clinics are OSHPD 3, correctional centers are OSHPD 4 and acute care psychiatric hospitals are OSHPD 5. OSHPD 1R is not a building type; it is a hospital that has been removed from acute care services. It is a building type designation used for OSHPD tracking purposes. 1R is not considered an occupancy and 1R has been removed from sections listed in Items 4, 7, 9, 1113 and 14. To discuss what happened at the CAC, the two OSHPD amendments, 3-1 and 3-2, OSHPD withdrew these amendments.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider OSHPD's proposed adoption of amendments to the 2019 California Electrical Code. Commissioner Mikiten moved to approve Item 10c as presented. Commissioner Alegre seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 10d. Office of Statewide Health Planning and Development (OSHPD 05/19)

Chair Lee asked the representative from the Office of Statewide Health Planning and Development to introduce himself and present item 10d.

Larry Enright gave an overview: The OSHPD proposed amendments to the 2019 California Mechanical Code are mostly editorial with some substantive changes. Key proposed amendments include SPC or freestanding definitions, general regulations, ventilation, and air including alignment of air change rates to national standards, exhaust systems, duct systems, boilers and pressure vessels, refrigeration.

Part 4 mechanical code was presented to the Green PEME CAC on March 3, 4 & 5. All items received "Approve as Submitted" or "Approve as Amended." OSHPD accepted

Committee recommendations. OSHPD went through a 45-day public comment period April 10 - May 26. We received various comments on Items 05/19-4-12 and 4-13 and response provided in the final statement of reasons.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner asked regarding a public comment that OSHPD is proposing lower minimum exchange rates for 100% outside air systems. She asked OSHPD to expand on the reasoning behind that. She stated: While California is moving towards greener, more environmentally safe standards this seems to add to the CO2 and I just wanted some explanation or some discussion on why 100% outside air system was chosen.

Larry Enright responded: The OSHPD amendments to the CMC Table 4-A have come into conflict with national standards. Point 7 of the Nine Point Criteria for Title 24 proposed building standards states: "The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate." ASHRAE 170-2008, ventilation for health care facilities, establishes the design minimums for air flow required for CMS, which is Medicare funding. OSHPD officially adopted ASHRAE 170 in the 2016 intervening code cycle. At that time IAPMO also included ASHRAE 170 as a ventilation requirement in the model mechanical code language. In its current state, Table 4-A in the California Mechanical Code allows air change rates that are below those listed in ASHRAE 170. Per request for interpretation from a California healthcare provider to the ASHRAE Technical Committee, the ASHRAE 170 Committee responded that they did not agree that a reduction in total air changes per hour for 100% outdoor air systems was a correct interpretation. In light of that interpretation, OSHPD, as the authority having jurisdiction, evaluated three options: 1) To remove the 100% outside air column; 2) Providing a footnote to point out the risk of failing to qualify for CMS funding; or 3) To not change the code. OSHPD determined that option 1 was the most appropriate.

Commissioner Klausbruckner stated: I think you are answering my question as far as there was a valid concern with these operating rooms and high-risk areas as far as patients. If it had to do with just following standards, usually rewrite codes. In the instance of a conflict usually the code supersedes the standard so that would have not been much of an argument but what you just provided to me is a good answer for my concern.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider OSHPD's proposed adoption of amendments to the 2019 California Mechanical Code. Commissioner Klausbruckner

moved to approve Item 10d as presented. Commissioner Alegre seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 10e. Office of Statewide Health Planning and Development (OSHPD 06/19)

Chair Lee asked the representative from the Office of Statewide Health Planning and Development to introduce himself and present Item 10e.

Larry Enright gave an overview: OSHPD’s proposed changes to the 2019 California Plumbing Code. Key proposed amendments include administrative updates, OSHPD 1R, update existing definitions and banners, plumbing equipment schedules, water heating equipment, medical gas source clarifications.

Part 5 plumbing code was presented to the Green PEME CAC on March 3, 4 & 5. “Further Study” received for Items 06/19-2-1 through 2-3. OSHPD left OSHPD 1R stricken from banner for these items. “Further Study” received for Items 06/19-9-1 and OSHPD amended to clarify the language. We went through a 45-day public comment period April 10 - May 26. No public comments were received for this period.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider OSHPD’s proposed adoption of amendments to the 2019 California Plumbing Code. Commissioner Klausbruckner moved to approve Item 10e as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Chair Lee stated: This is where we are going to end for today. Tomorrow morning at 9:00 a.m. we will pick up, as we discussed at the beginning of the meeting, on Tab 11 Item 5, related to the 36 by 36 showers, HCD 02/19 Item 5 on page 4 of the final express terms, then resuming on the regular agenda items.

Chair Lee recessed the meeting and invited everyone to join the Commission for Day 2 of the meeting Tuesday morning at 9:00 a.m.

Tuesday, July 14, 2020

Reconvene

Chair Lee reconvened the meeting of the BSC at 9:05 a.m.

Roll Call

CBSC Staff Member Pamela Maeda called the roll and Chair Lee stated a quorum was present.

Commissioners Present:

Undersecretary Julie Lee, Chair
Juvilyn Alegre
Elley Klausbruckner
Erick Mikiten
Rajesh Patel
Peter Santillan
Kent Sasaki
Aaron Stockwell

Commissioners Absent:

None

Chair Lee gave instructions regarding public comments and teleconferencing.

Agenda Item 11. Department of Housing and Community Development (HCD 02/19)

Chair Lee stated: As agreed upon at the beginning of yesterday's meeting, we will hear HCD's 02/19, Item 5, specific to 36 by 36 showers, as the first item this morning. This is found in Tab 11 of the binder and is Agenda Item 11. HCD's 02/19 Item 5 is on page 4 of the final express terms and then we will resume back to the regular agenda items.

Chair Lee asked a representative from the Department of Housing and Community Development to introduce himself and present Item 5 of Item 11.

Kyle Krause gave an overview; The proposal will help further align HCD building standards with national standards and guidelines. HCD's proposed changes to the CBC Chapter 11A were discussed at an HCD focus group meeting on October 3, 2019. The CBC Chapter 11A proposals were also presented to the BSC Accessibility Code Advisory Committee on February 11 - 12, 2020. The Accessibility Code Advisory Committee recommended "Approve as Submitted" for the proposed changes to Chapter

11A with one exception, the definition of Public Housing which HCD co-adopts with the Division of State Architect. The Code Advisory Committee recommended "Further Study" on this item and HCD, DSA and stakeholders worked together to further refine the proposed amendments to the definition of Public Housing, which is another item, and the amended definition received broad support. A 45-day public comment period was held from April 3 - May 18, 2020. HCD received public comments and analyzed each comment individually. Most of the comments were substantially similar. No changes were made to the final express terms as a result of public comments received. HCD has acknowledged and responded to all public comments received during the 45-day public comment period in the final statement of reasons.

You may hear testimony in opposition today to HCD's proposal for the 36-inch transfer shower. But the fact is that DSA, with the 36-inch transfer shower for units with mobility features, approved by this Commission during the 2018 triennial code adoption cycle, and HCD's proposal before you today, are in alignment with all national standards and guidelines and HCD has no valid argument why Chapter 11A should remain inconsistent with these other recognized standards.

Brandon Estes stated: HCD proposes to amend Section 1134A.6 SHOWERS to include a 36 inch by 36-inch transfer shower as an additional design option in the California Building Code, Chapter 11A. HCD proposes this amendment to align with the California Building Code Chapter 11B whereby the transfer shower was codified during the 2018 triennial rulemaking cycle and is currently permitted in units with mobility features subject to Chapter 11B. In addition to aligning with the California Building Code Chapter 11B, HCD proposes the option of the transfer shower to align with available standards including the 1984 Uniform Federal Accessibility Standards, the 1986 and later American National Standards Institute A117.1 standard the 1991 Americans with Disabilities Act Accessibility Guidelines, the 1991 Fair Housing Act Design Guidelines, the 1996 Fair Housing Act Design Manual and the 2010 American with Disabilities Act Standards for Accessible Design.

According to the United States Access Board the dimensions of the transfer shower are intentional and absolute so: 1) the user may reach the grab bars and shower controls while seated; 2) so that the back wall of the shower provides support while bathing; and 3) the shower controls may be reached from outside of the shower compartment. The Accessibility Code Advisory Committee recommended "Approve as Submitted" for this item. Commenters have expressed concern for this item even though it is included in Chapter 11B and all other accessibility standards.

Questions or Comments from the Commissioners:

Commissioner Mikiten stated: As an architect and as a wheelchair rider myself, having done many dozens of single-family custom showers for people with disabilities and it is different for everybody, I feel like the option of a 36 by 36 shower where the controls and the showerhead are in front of you rather than to the side spraying out into a 30-inch-wide space is better in a lot of ways for people who can transfer to a bench or a toilet. For the comment that staff had regarding alignment with 11B, I agree that whenever we can do that it does make sense by default unless there are different types

of uses. FHA and ADA do have it and so I think that is an important point and I think there is validity to including it for California. My question with to what degree did the voluminous comments that we have here come up that that was reduction in access during either the focus group or the CAC discussions?

Kyle Krause stated: We did not hear any substantial and significant comments that had supporting information to justify the opinion that this shower option would be the only one selected by builders and developers when building covered multifamily dwelling units. It is a regulation, and we are trying to align with other standards, including the Division of State Architect.

Commissioner Mikiten stated: Were there any discussions either with the focus group or the CAC in terms of providing this as a maximum percentage of showers, just as DSA has the matrix that we looked at last year that does not allow every shower to become this. If we are really trying to align why do, we not have percentages?

Kyle Krause stated: I think that is something that could be done in a future rulemaking; however, it was not part of the rulemaking before the Commission today and HCD did not enter into discussions with stakeholders regarding the concept of providing a ratio of a maximum number of 36-inch transfer showers.

Commissioner Santillan stated: I understand from your comments, Mr. Krause, that this exists in the code already and I am curious why it did not come up in the triennial cycle for HCD?

Kyle Krause responded: Because HCD did not engage with stakeholders during the 2018 triennial cycle to consider amendment of the shower size.

Commissioner Santillan stated: It already exists, you said, in another section in other agencies,' right?

Kyle Krause responded: Yes, in Chapter 11B promulgated by the State Architect for units with mobility features.

Commissioner Santillan stated: If it was the pleasure of the Commission to recommend further study would there be enough time for public comment?

Kyle Krause responded: For the current rulemaking cycle, no, it would have to go to future rulemaking activity to be considered.

Commissioner Sasaki stated: I looked at the four different options under the proposed 1134A.6; those four options have different sizes of shower stalls. The amendment is for a 36 by 36-inch shower stall. When I looked at these, I was simply looking at square feet of shower stall and the amendment is essentially 3 by 3 or 9 square feet. When I look at the other three options, they are larger square footages. 1.1 is 42 inches by 48 inches, which is 14 square feet; the other two options, 1.2 and .4, which are 30 inches by 60 inches, are 12.5 square feet. When I look at the different options clearly the new amendment, the 36 by 36, is by far the smallest square footage.

Commissioner Mikiten interjected in response to Commissioner Sasaki. He stated: The reality is that when people have a shower wheelchair, they transfer into the shower wheelchair that then goes into the shower. As far I have ever encountered in 30 years of doing this work nobody uses their regular day-to-day wheelchair in the shower, there is always a transfer involved. Sometimes it is assisted, there may be somebody out in the larger space of the room helping somebody to make that transfer, or the person may be doing it themselves and it may be easier in the space of the room rather than into a confined 36-inch space.

Commissioner Klausbruckner stated: Commissioner Mikiten, since it is your area of expertise, do you remember what the conversations were when this came before us during the DSA code changes?

Commissioner Mikiten replied: When it came to us from DSA I thought it was a good idea to provide that as an option for the reasons that I stated before, the many people I have encountered working very carefully with individual disabilities of a great range have preferred a situation that is much closer to the 36 by 36 than the 30 by 60.

Commissioner Mikiten stated: Is it possible for us, if DSA is available, to just get a little bit of background on the development process there and get a little more perspective on this?

Chair Lee stated: I do not see Ms. Clair being here so, Sue Moe, did you want to make a comment on behalf of DSA?

Sue Moe responded: When we looked at the transfer-type shower we did quite a bit of public outreach. We went to the access code as well as input during public meetings. When we went to the Code Advisory Committee, they recommended that we narrow the scoping just a bit, which we did. So, for the various types of roll-in showers in Code 11B where roll-in showers would be required are transient lodging guest rooms and undergraduate student housing at a place of education. What we heard from more than one user of a mobility device was that actually the transfer-type shower worked much better for them because they could leave their wheelchair outside of the wet area of the shower or whatever other mobility device they were using; they could transfer into that 36 by 36-inch shower.

Commissioner Mikiten stated: Susan, did we not have a table where it is like up to one of the transfer-type can be used when X number are required?

Sue Moe replied: That table is applicable to transient lodging guest rooms with mobility features and then that table is also used for undergraduate student housing at a place of education. So that is where the table comes in. But that table does not apply to graduate student housing at a place of education and it does not apply to public housing, the units with mobility features. So that is where the limitation comes in for the percentage of rooms that would be required to have a transfer-type shower. The other locations you could either use a paddle tub or you could use a transfer-type shower.

Questions or Comments from the Public:

Bob Raymer representing the California Building Industry Association and the California Apartment Association stated they strongly support HCD's amendments to Chapter 11A including the proposed Item 5 related to transfer-type shower stalls.

Dara Schur, Senior Counsel, Disability Rights California; I am also a member of DSA's Access Code Collaborative. We strongly oppose this change because it reduces accessibility, and it is a colossal rejection of accessibility under Government Code Section 12955.1(c) and (e). C prohibits future amendments- and was effective in 2001- prohibits amendments that reduce, diminish, accessibility requirements in the existing codes, even if they comply with federal law. So that reason alone makes it unlawful.

Tim Thimesch, civil rights attorney, stated he has been practicing for 30 years almost exclusively in the area of disabled rights. He is a member of Common Online Data Analysis Platform (CODAP), an organization that tries to express a voice for a wide member of individuals. I wrote public comments directed to DSA on May 18, 2020.

Chapter 11A does not provide a diagram for their transfer, it does not provide useful guidance as to how this will be configured, it does not adopt 11B, it does not adopt anything from ADA Accessibility Guidelines (ADAAG), it tries to work out its own definition.

Laurie Jones stated: I teach at Mariposa College and I worked in building inspection for about 15 years. The classes I have had in accessibility have a wheelchair turnaround radius of 60 inches so I can see how this one cannot accomplish that. I would not accept this change and at the very least create in a ratio so that some other size would be required at some point.

Ærin Watkins, community organizer with Community Resources for Independent Living in Hayward commented as follows: I represent nearly 2,000 individuals with disabilities who exist under low or extremely low incomes. I have heard many arguments against this order and support the representative of DRC.

HolLynn Dlil stated: This is such an important issue, and I would really like to support the comments of those who are concerned about the issue that the transfer shower does not accommodate everyone. As the representative from HCD said, it is for those who could stand. Well, obviously that leaves out a lot of people who cannot stand. So, there is no reason not to come up with a design that is usable by everyone.

I am asking the Commission to ask that HCD put together an advisory group composed of representatives of all various types of disabilities, hearing impaired, visually impaired, cognitively impaired mobility impaired and other disabilities so we have the full representation of the disability community being involved as they develop standards that impact the lives of people with disabilities, that is number one. We provided a lot of comment during the 45-day comment period.

Commissioners, you need to not only disapprove this item or send it back for further study, HCD needs to come up with an equitable process that involves people with disabilities and the development of access standards.

Eugene Lozano, representing the California Council of the Blind commented as follows: I am a member of the DSA Access Code Collaborative and the Building Standards Commission's Access Advisory Committee, which I am not representing either one of them. But my position while serving on this item, but also when it was brought up under DSA in the last code cycle, I could not support it. I support it being sent back for further study. and an entity, a body that is convened, a task force that focuses on actual scientific research, that we get objective information on the feasibility of a 36 inch by 36-inch shower stall.

Engracia Siguerna stated: A shower in an apartment, 36 by 36 would just be too small. Please bring it back, for further study with, a task force, a research team, involve the whole state.

Zach Karnazes, disability advocate and community organizer based in San Francisco stated: I am very concerned that during the month of July 2020, this is the 30th anniversary of the Americans with Disabilities Act. It should be a time of celebration for our community, the civil rights for accessibility that we have fought so hard for. I am not in agreement with the code changes.

Richard Skaff, Executive Director of Designing Accessible Communities, and a member of the Active Advisory Committee stated: I would oppose the 36 by 36-inch proposal for a shower by HCD. I opposed it when DSA brought it before the Building Standards Commission along with a group of representatives of people with disabilities and vulnerable seniors in the state of California.

Susan (public commenter) stated: I appreciate the opportunity to speak. I live here in Sonoma County. I just want to say that being disabled I could not utilize this shower. I would like to also comment that any of my immediate friends and friends in my larger community that are disabled also could not utilize this wheelchair. And most importantly I would like to point out as a disabled person I also do not know anyone that utilizes a transfer chair that brings them into their shower. There simply is not space in our homes to store them or to utilize them in this way.

Chair Lee stated: Thank you all for your comments; they were greatly appreciated. Thank you for your patience of waiting on the phone in order to be able to make your comments.

A recess was taken.

Chair Lee called the meeting back to order and asked BSC staff if there were any written comments submitted prior to the meeting regarding item 5.

Michael Nearman stated: We did receive about 20 comments with similar tone or similar note related to 1134A.6 transfer showers. Briefly, we summarize their comments in the

following: If building industry is given an option to choose, they will choose the cheaper, smaller option. These 36 inches by 36-inch shower size discriminates against people with disabilities, especially with grab bar and seating installations. The logistics involved using wheelchair and mobility aids, body size, chair size, transfer and shower assistance is not accommodated. Many commenters suggest people with disabilities should be part of the development of the code. Create a work group of people who are disabled. That is the end of the comments.

Chair Lee stated: Thank you. That concludes the public comment portion. Prior to turning it back over to the Commissioners, we have gotten a request from Housing and Community Development. Chair asked Kyle Krause to speak to the commissioners again.

Kyle Krause stated: First, I would like to really thank the Commission for the discussion on this item and some of the public commenters on the telephone that provided what I think is additional information. HCD really desires to align with national standards and guidelines and to have one set of building standards that are applicable to dwelling units, there has been additional information based on the discussion between the Commissioners and the public testimony. I think at this point HCD may have gotten this wrong and HCD would like to request to withdraw this item at this hearing at this time and look at this issue more carefully in future rulemaking activity. HCD does not want to reduce access. We deeply care about the accessibility needs of everybody. Building industry did not ask us to do this on their behalf, let me make that very clear. This is something where we were simply trying to propose building standards to align where possible and provide the same set of rules to builders and code users. But clearly this issue is not resolved so HCD requests to withdraw.

Chair Lee stated: Thank you, the Commission will withdraw this one. This does not require any action on the part of the commissioners.

Commissioner Sasaki stated: Before we move on, I want to thank HCD and Kyle. I think this is a really important issue, one that should be thought about closely because it can affect a lot of people.

Commissioner Klausbruckner stated: I was trying to visualize what a 3 foot by 3-foot shower looks like and this sheet of paper 8½ by 11, one length of this is about 1 foot. So, the shower is effectively 3 times the size of the sheet. And I also went and measured myself If I was holding my arms this way from elbow to elbow, and I'm only a 5-foot 3-inch person and I'm not disabled, and that is about 3 feet. I cannot imagine anyone in a wheelchair being able to use that shower.

Commissioner Mikiten stated: I want to applaud HCD for listening. I really appreciate your action to withdraw this. As a group in developing the building codes we are always trying to align codes for simplicity. One of our charges for everybody here is to make the code more usable for people and more enforceable for officials and so I think that is something that as you move forward, we need to keep in mind as well. In terms of doing more research on user preferences, contacting potentially the Idea Center at the University of Buffalo might be a starting point. They have done a lot of anthropometry

research that informed the changes to ANSI A117 three years ago, which have to do with wheeled mobility devices and reach ranges.

The 36 by 36 shower is one device that can solve certain problems, which are when you are in a 30 by 60 shower, which I appreciate Elley's comment about the 36 being small, but 30 is even smaller. And then you have got this curtain that is coming partly into that 30 inches so that is a problem as well and your curtain is here and your handheld shower is over here, spraying into the curtain and all over the floor. This creates a very hazardous condition and at that interface between the shower and the flooring you create water damage and rot in a wood floor. This is a really big problem in apartment dwellings that that we have seen over the years and have done remodels to. So, I understand you know the 36 with the shower, handheld in front of you, solves that problem.

I would suggest looking also at other states. I was in Oregon recently and the hotel there had the 36 by 36 ADA/FHA shower. And for me again, speaking personally, it worked much better than other hotel showers. So, think about why that works better. What I have done in my projects, which you could consider, is a very simple fix, which is with a 30 by 60 shower, provide in the control that is to the right of the user a diverter valve, and on the opposite wall a regular wall-mounted showerhead. What this does is that it allows a standing user who does not want to sit and use the handheld, or have it spray perpendicular to the shower long direction to still have a shower from above and the controls easily reached. And then the other problem of reaching in and turning on the water without getting wet, you simply move the diverter to the wall-mounted showerhead, and you get the temperature right, transfer into the shower, roll your wheelchair in, whatever your means is, and then divert it to the handheld once you have the handheld in your hand. It, I would say, would probably work for 99 percent of the people. The model code language might yield a very simple and probably $50 solution like that, that not only makes it better for people with disabilities but for somebody without a disability, who just wants to take their normal shower standing up, it is actually working better for them as well. And that is the idea of universal design. So, I will leave it at that, and I trust that you will go through a good process and maybe we can have something in California that everybody else will follow.

Chair Lee stated: Kyle Krause, can I ask that you clarify that you are only withdrawing item 5 in your package for 11 and not all of item 11?

Kyle Krause responded: That is correct, just this item regarding that 36-inch transfer shower. Yes, item 5.

Chair Lee stated: All right, thank you. Were there any other Commissioners that wanted to make a comment before we move on?

Chair Lee continued: Now we will take up the rest of Item 11 from the Department of Housing and Community Development rulemaking 02/19 proposed adoption of amendments to the 2019 California Building Code, Chapter 11A, Part 2 of Title 24. I will ask HCD to please introduce themselves and present item 11.

Kyle Krause gave an overview on chapter 11A Housing Accessibility. HCD's proposed changes were discussed at an HCD focus group meeting on October 3, again at a Code Advisory Committee meeting on February 11th and 12th. The accessibility code advisory recommended "Approve as Submitted" for all proposed changes except for the definition of public housing.

HCD held a 45-day public comment period from April 3-May 18 and received several comments and has responded to all the public comments during the 45-day public comment period in the final statement of reasons. Brandon will cover each of the items and give an overview. After that we respectfully request approval and adoption of the final express terms.

Brandon Estes stated: I will provide you with a brief description of HCD's proposal before you today starting with item 02/19-1-1. HCD proposes to co-adopt the definition of public housing with the Division of the State Architect. HCD has no authority for public housing but uses the term in the California Building Code chapter 11A. HCD does have authority for housing that is not public, therefore, it is important for HCD to adopt and clarify the meaning of public housing, as addressed by the California Building Code chapter 11B. In response to the CAC recommendation of further study, HCD and the Division of the State Architect (DSA) further refine the definition of public housing. Commenters expressed support for this item once amended. At this time, I will introduce Sue Moe with the Division of the State Architect who can go into a bit of background on this proposal.

Sue Moe, with DSA gave an overview on: The definition of public housing has really taken a significant amount of effort, research, outreach to HUD, Department of Justice and the various stakeholders including Disability Rights California, the building industry. This has been a while in coming because we realized when the 2010 ADA standards with the change and the inclusion of those standards used as model code under Chapter 11B we realized that we really needed to continue our research into what public housing is, due to the fact that DSA has the authority to regulate housing.

We really want to provide clarity for the code user and for our building officials who have the authority to enforce Chapter 11B so they can determine and potentially ask the questions when somebody submits a set of plans.

The other thing that was done in the definition, you will see that there is a note that was included. It is the program services and activities of public entity that trigger compliance with the ADA standards, and it is whether or not a public entity receives federal financial assistance. In that note, there is a reference to two documents. There is a guide to public housing regulated in Chapter 11B of the California Building Code that DSA has developed. And then we also wanted to make code users aware that currently posted on DSA's website, and we update it every time there is a code change, there is the California Access Compliance Advisory Reference Manual.

Brandon Estes, HCD, stated: I will move forward to item 02/19-2-2. HCD proposes an editorial amendment to Section 1112A, Curb Ramps on Accessible Routes, to provide a correct reference to figures 11A-3A through 11A-3L. Currently two sections reference

figures 11A-3A through 11A-3M, however, there is no 11A-3M. The CAC recommended “Approve as Submitted” and commenters supported this item.

Item HCD 02-19-3-1, HCD proposes an editorial amendment to Section 1132A.7, Type of lock or latch, updating the reference from section 1008 to Section 1010 due to renumbering in the model code. The CAC recommended “Approve as Submitted” and commenters expressed support for this item.

Item 4, 02/19-4-1, HCD proposes an editorial amendment to Section 1133A.2, Clear floor space, to replace the term “workspace” with the correct term “work surface.” “Work surface” is the term used in other parts of Section 1133A. The CAC recommended “Approve as Submitted” and commenters expressed support for this item.

Skipping over item 02/19-5 since that has been discussed we will move on to 02/19-6. HCD proposes to amend section 1136A, Electrical Receptacle, Switch and Control Heights by permitting countertops to extend an additional ½ inch from the current 25 inches to 25.5 inches from the wall. Commercially available kitchen base cabinets are typically 24 inches deep and commercially available countertops are often up to 25.5 inches deep. HCD has been receiving questions regarding the difference between the industry standard and what is permitted in the code, for many years. This amendment would not only align with industry manufacturing standards, but countertops are already permitted by the Fair Housing Act design manual to extend 25.5 inches from the wall, so this amendment would also align with federal standards. The CAC recommended “Approved as Submitted.” Comments from the public included approve as submitted, further study and approve as amended.

Chair Lee thanked Mr. Estes for the overview and called on the Commissioners for comments.

Questions or Comments from the Commissioners:

Commissioner Patel stated: My only comment is to express my appreciation to the agencies and the stakeholders for working on the definition of public housing. It has been a tremendous challenge, I think, for the enforcement community and our customers to be able to understand the limits of chapters 11A and 11B and how to properly apply them. Having a definition that all the stakeholders are buying into and understand is going to make going forward a lot easier so thank you for that.

Commissioner Mikiten stated: First I want to thank everybody, the stakeholders and HCD and DSA for rising to the big challenge of redefining this definition. I really appreciate the explanatory note that is added as well and the references to other documents. I really think that that not only says what you want to say but brackets it with useful background so that people can get a deep understanding and apply it correctly; this has been a challenge forever.

There was a public comment regarding a concern that a public agency could purchase an existing apartment, operate it, if they do not do any alterations it would not be included in the new definition of public housing. This was a comment from Chris

Hansen. What would be the process by which a purchase of an apartment and change to being public housing would sort of take place?

Kyle Krause from HCD replied: I think you are right. The code, the intent of the definition does only apply if something is being constructed or altered. So, the purchase of a building would not necessarily trigger the code application, it is really intended for construction projects.

Commissioner Mikiten asked: I think the answer then to that comment would be that it is under the funding sources and other agencies or regulations for operations that might determine public housing?

Kyle Krause stated: Yes, that is correct. There are still requirements for operating public housing or operating housing with public funds that would still apply outside of the building standards codes.

Commissioner Mikiten stated: Right. And as soon as they do an alteration this kicks in on top.

Kyle Krause replied: Exactly.

Commissioner Mikiten asked: Then the second comment regarding the electrical receptacle, switch, and control heights. I appreciate your addressing the reality of this. Again, it has been a longstanding challenge with inspectors in the field and not so much plan checkers. It delays projects and it is unnecessary. Many jurisdictions that I have dealt with are completely fine with this and recognize the reality, but it leads to lots of lost time and discussion, so I appreciate us just focusing on that.

Questions or Comments from the Commissioners:

Bob Raymer representing the California Building Industry Association stated: In this case I have also been asked to indicate support for the HCD proposals from the American Institute of Architects California Council, the California Apartment Association, the California Association of Realtors, the California Business Partners Association, and the Building Owners and Managers Association of California.

You may want to make specific note to the final statement of reasons by DSA, particularly pages 9 through 11and that of HCD's final statement of reasons pages 3 and 4, which gives a rather exhaustive list of what I have to characterize as massive level of support for this proposal.

Jeff Thom, California Council of the Blind, stated: I want to express my pleasure at the support for the change in the definition of public housing. We can look forward to a time when a person with low vision will have a far greater likelihood that he or she will have sufficient lighting in his or her housing accommodation.

Bill Hecker, architect, and accessibility consultant out of Birmingham, Alabama stated: I practice nationwide and have been an expert witness for the United States Department

of Justice, the US Department of Housing and Urban Development, on numerous cases related to housing accessibility.

I offer strong support of HCD's and DSA's joint proposal to amend the public housing definition in Chapter 2 of the California Building Code. As I understand it this proposal would bring the California Building Code into compliance with federal accessibility statutes including the Americans with Disabilities Act. The proposed amendments to the public housing definition clarify longstanding federal regulations and requirements for accessible housing developers. The changes actually track federal regulatory language and explicitly reference federal regulations to minimize potential confusion for code users. The DSA and HCD proposals include the note that I believe is even more beneficial in clarifying how this topic of public housing accessibility should be addressed within the context of the California Building Code. This will lead to greater compliance statewide with federal accessibility requirements, and in my opinion, results in more affordable housing accessibility to people with disabilities in California.

Valerie Feldman, attorney with the Public Interest Law Project, in Oakland, California, stated: In my 20 years of experience working with people in need of affordable housing I welcome the clarification to the definition of public housing so that as many accessible, affordable units as possible can be built to accommodate the overwhelming need in the state of California.
Darin Lounds, board president of the Lanterman Housing Alliance and executive director of the Housing Consortium of the East Bay stated: The Lanterman Housing Alliance represents supportive housing developers across the state that create and advocate for homes for people with developmental disabilities.

The Lanterman Housing Alliance supports the proposed amendments to the California Building Code related to the definition of public housing. These amendments that we support in Chapters 11A and 11B will bring the code into compliance with federal statutes and regulations to create more accessible housing across the state.

Claire Ramsay, Senior Staff Attorney with Justice in Aging stated: Justice in Aging is a national legal nonprofit that fights senior poverty through law, and we focus on health care, housing, and economic security for older adults. We are calling today to stress our strong support for the change in the definition of public housing and the joint amendment between HCD and DSA.

Tim Thimesch stated: I support parts of this proposal. There has been a lot said about the importance of public housing and the parts that I oppose have to do with the importance of public housing. Something is being withdrawn here and I will identify that for you.

The three things I want to hit on are where "owned and operated" is being removed, that is in the opening paragraph.

The first thing I am going to ask you though, is to pass this over. This is coming up in the following session from DSA on 11B. I heard HCD say, hey, we have nothing to do with public housing but our own section of the code, 11A, cites to public housing,

therefore, we should be able to propose something. Well, the problem with that is they use the definition just to restrict their definition of private housing. Here they are trying to also restrict the definition of public housing; we are really getting into DSA's jurisdiction here. Since DSA is bringing up the same thing we will be discussing this all over again, it makes most sense to have already voted on it in HCD's package. So, I ask you to pack it, pass it over.

I think the Commission and the extent it approves this, again I ask you to wait until DSA presents it. To the extent you approve it, I would not approve striking owning and operating at the top. That is a retreat from DSA's jurisdiction, it violates 4459A therefore it is criteria 2, so I asked you to disapprove that portion.

Item 7. DSA gives the explanation; I do not see HCD's explanation for why to strike item number 7. "Privately owned housing made available for public use as housing." They say that those are public accommodations, and their definition of public accommodation is inadequate. I would urge you not to permit striking of item 7 from the list.

As to the Note, they want you to strike "seismic strengthening." Now that has been part of the recipe for construction alterations for a long time. They have been fighting to get that out of the definition of alterations for a long time. And 4456 of the Government Code specifically defines this is your authorizing authority, this code specifically defines that it applies to structural repairs. And that is what a seismic strengthening is. Do not let them slip in seismic strengthening as an exemption to alteration. I do not know that that whole note is carefully considered, I would think about taking it out because it is going to limit how much access you get rather than broaden it.

Chair Lee thanked the members of the public who commented and asked BSC staff if there were any written comments submitted prior to the meeting?

Michael Nearman stated, Yes, there were. There were a number that were submitted for Part 11. This was from Natasha Reyes and a list of several others. They were addressing basically all the provisions within the submittal.
This comment was read into record.
Thank you for the opportunity to submit comments on proposed amendments in advance of the July 13-15, 2020 hearing. We write to reiterate our strong support of HCD item 1 section 202 Public Housing and DSA's 209 chapter 2, Section 202 public housing, as well as DSA's 11B.16, 11B 233.3.2. To the best of our knowledge there is no opposition to these proposals which are supported by HCD and DSA, California Building Industry Association, the American Institute of Architects, California Apartment Association, California Association of Realtors, California Business Properties Association, Building Owners and Managers Association of California, California Building Officials, and over 40 disability organizations and advocates representing individuals with mobility, hearing and vision disabilities, architectural experts, affordable housing developers and individuals including signatories to our letter and individual comments. The proposed change to the public housing definition provides needed clarification to ensure the state and individual code users are fully compliant with federal

and state law. We urge you to adopt the proposals as written, which are the outcome of a great deal of input from all stakeholders.

Additional Questions or Comments from the Commissioners:

Chair Lee stated: Thank you. That concludes the public comment portion. I would like to ask the commissioners if there is any follow up discussion.

Commissioner Mikiten stated: I would like staff to address the question that came up from Mr. Thimesch regarding striking "owned and operated." I am sure that there is an extensive background to this given the lengthy process and number of stakeholders that have looked at this.

Mr. Kyle Krause stated: HCD will solicit a response from DSA. I will add, as I did earlier, that the code provisions, including this definition, are applicable during construction or alteration, which is intended to apply these provisions at that time. Different things happen to buildings after they are constructed or altered that the building code does not intend to cover. Sue, do you have any additional comments on the striking of Item 7?

Sue Moe stated: Yes. When we looked at that, in talking to people at Department of Justice and really looking at program access and looking at what the ADA requires, it does not have to be owned and operated by a public entity. If you look at a public entity's program and you think about how expansive a program is, yes definitely it could be owned and operated by a public entity that is part of their housing program. But we did not need to have that limitation in the definition because just program access is so expansive. We felt that it got a little bit too restrictive and that is why we have not included owned and operated by a public entity.

Commissioner Patel stated: The last caller mentioned that it somehow would impact seismic retrofits. Do you have any comment on that?

Sue Moe stated: If an alteration is done and you take a look at that and you look at the impact of that alteration, yes, then potentially that will have an impact on what is being altered in a public housing facility. If there is construction or alteration, then the California Building Code is triggered.

Motion: Chair Lee entertained a motion to consider the Department of Housing and Community Development's proposed adoption of amendments to the 2019 California Building Code, Chapter 11A. Commissioner Mikiten moved to approve Item 11 with the withdrawal by HCD staff of Item 5. Commissioner Sasaki seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

The lunch break was taken.

Chair Lee reconvened the meeting at 1:36.

Questions or Comments from the Public:

Chair Lee stated: We received some emails over the lunch hour that there were commenters that were having some problems with the phone queue on the last items. We have let them know that the Commissioners have voted on it, but they would still like to have their comments recognized for the record, so we are going to spend a few minutes going back to the phones and letting people participate in the comment section so that that can be a part of our record. At this point I believe they have been told to get into the queue but if they have not please press one and then zero to get into the queue.

Dara Schur stated: Thank you for the opportunity to speak. We did have several people in the queue who were unable to speak on the public housing item, but since it is coming up again during the DSA portion of the agenda I will just make my comments then.

Agenda Item 12: Division of the State Architect – Accessibility (DSA-AC 01/19)

Chair Lee stated: Our next agenda item is Item 12 in the Division of the State Architect Accessibility Rulemaking 01/19, proposed adoption of amendments to the 2019 California Building Code Chapter 11B, Part 2 of Title 24. Before we have the DSA representative give us an overview, we are going to take these items in order of the final express terms. So, under tab 12 after the colored pages you will see page 1 of 42, the heading is Final Express Terms for Proposed Building Standards of the Division of the State Architect. We will start with item 1.01. We will take that as a separate item.

Chair Lee asked the representatives from the Division of the State Architect to introduce themselves and present Item 12.

Ida Clair gave an overview: The regulatory amendments related to accessibility for the 2019 intervening supplement of Chapter 11B of the California Building Code.

It is important to note that DSA joins individuals with disabilities and indeed all Americans in celebrating the 30th anniversary of the Americans with Disabilities Act, which was signed into law on July 26, 1990, by President George H.W. Bush. The 2010 ADA standards, and specifically the accessibility guidelines, are the foundational model of the accessibility regulations in the California Building Code. DSA remains fully committed to the development of accessibility regulations that serve the needs of the disability community.

To ensure that proposed and amended regulations will meet these needs DSA conducted an extensive outreach program of five sessions from January to May 2019 when we assembled a taskforce of stakeholders to address amending scoping regulations for detectable warning surfaces. Stakeholders included the blind and visually impaired, disability advocates, individuals who use wheelchairs design professionals and code enforcement entities. These discussions are the basis of the proposed amendments to the regulations for detectable warning surfaces that are

presented today. Our proposed and amended regulations were also presented and discussed with DSA's Access Code Collaborative in four all-day sessions from May through October 2019.

DSA also convened a series of meetings with a focus group of ACC members and the Department of Housing and Community Development with specific interest in the public housing amendments that are presented today.

These meetings were held on July 9 and September 19. Comments and feedback on the proposed amendments at these public stakeholder forums were brought back to the ACC for further discussion.

The proposed new and amended regulations being presented today were garnered from code change proposals submitted by various stakeholders or identified by DSA staff as needing change for clarity and consistency of code application. This is especially relevant for both the process of the incorporating all the applicable Fair Housing Act requirements relevant for public housing from chapter 11A to chapter 11B and the need to clarify the scoping requirements for the application of detectable warning surfaces.

Sue Moe will begin the presentation for discussion on DSA's code change proposals.

Item 12-1.01

Sue Moe stated: This item 1.01 addresses the application for public housing from section 12955.1(c). We brought this forward in a previous rulemaking cycle and when we went before the Code Advisory Committee, they requested we get an interpretation from DSA legal. What we are doing here is we want to clarify that public housing and private housing available for public use are two different items. What DSA proposed, rather than it saying, "public housing and private housing available for public use." Instead, the amended provisions would read "public housing" and then go on to say, "See Government Code Section 12955.1(c)" and then refer people over to the definition for public housing in Chapter 2.

The issue with citing Section 4450, that talks about building structures, sidewalks, curbs, and related facilities constructed in the state by the use of state, county or municipal funds, or the funds of any political subdivision. What we have found in the years that we have been researching the different federal regulations, whether it is the Fair Housing accessibility guidelines, or if it is HUDs, section 504. Or if it is the ADA, none of those federal regulations are solely dependent on the receipt of public funds. If you look at the Fair Housing Act and the guidelines it is four or more covered multifamily dwelling units. For HUD Section 504 regulations it is projects that receive federal financial assistance; and when you go to the HUD 504 regulations you can see all the different types of what they consider federal financial assistance. And when you look to the ADA the metric that they use is, significant assistance. This could be low-income housing tax credits; it could be a city that maybe has a piece of property that they are going to sell to a developer at less than market value so they can get some housing

constructed. It could be any number of means that a public entity uses for the application and administration of a program that provides housing.

This amendment does not affect any substantive accessibility standard, so it does not enhance or diminish accessibility.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Tim Thimesch stated: I had hopes that that last item of the HCD would be passed over and be considered in this as part of DSA's because I think this, which has to do with this item, which has to do with the scope of the interaction with the definition of public housing, which you just changed, should be considered together.

You will notice that between these two changes, all reference to public funds is being extracted from consideration as to what is public housing. What DSA enforces. Again, this is coming up in the CASp exam. These are efforts to separate public housing from enforcement. You might not see it, but 4450 should stay in this definition, it should not be taken out. By the way, 12955.1 just refers to public housing, it does not define it, so you are not gaining anything there.

Bob Raymer representing the California Building Industry Association and the six other industry groups in the coalition stated: In the sake of being brief I would just like to reiterate the comments made earlier this morning in strong support of the DSA proposal.

Dara Schur stated: We support this item only if the public housing definition is also adopted by DSA. We are very appreciative of the Commissioners' vote on the definition on the HCD agenda and we request the same result this afternoon when the definition comes up as part of the DSA agenda, not just the HCD agenda.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Chair Lee stated: We would like to go back to the Division of State Architect now and give them a chance to respond to the public comments.

Sue Moe responded: Considering Mr. Thimesch's comment and the comment that Dara made, to clarify that, the receipt of public funds could be one of those elements that a public entity uses. But we wanted to make it clear that is not the only thing. When you look to 12955.1(c) as it states there, regulations adopting building standards necessary to implement, interpret or make specific the provisions of this section shall be developed by the Division of the State Architect for public housing. And that is exactly what we are doing with our definition for public housing and these other code changes that we have put forth related to public housing.

Motion: Chair Lee entertained a motion to consider the Division of the State Architect's proposed adoption of amendments to the 2019 California Building Code. Commissioner Sasaki moved to approve Item 1.01 within Item 12 as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 12: 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10

Chair Lee asked the representatives from the Division of the State Architect to introduce themselves and present Item 12.

Derek Shaw gave an overview: Item 2.01 is an amendment to the existing definition of Blended Transition. Here the primary elements that we are trying to address are, one, revising it for better grammar. Secondly, to remove the term "pedestrian access route" which is not used within the other sections that are adopted by DSA-AC, and instead replace it with the more appropriate term "circulation path." And then third, to change from the term "pedestrian street crossing" to utilize the term "vehicular way" to indicate the level that is referenced there.
.
Item 2.02 is a new definition being proposed for Bottle Filling Station. This is in conjunction and coordination with scoping and technical requirements that are proposed elsewhere in this package.

Item 2.03 amends the existing definition of Circulation Path. To clarify that circulation path is a term that includes both accessible and non-accessible, prepared exterior or interior ways of passage. An accessible route is a circulation path, a non-accessible path is a circulation path, but a circulation path is not limited to only non-accessible prepared surfaces.

Item 2.04, here we are making a minor amendment to the existing definition of Curb Ramp and we are indicating that this is a prepared surface. This is as to distinguish other types of sloping surfaces, for example, natural features.

Item 2.05 is an amendment to the existing definition of Detectable Warning. Here we are adding language which will highlight that detectable warnings are for the purpose of warning persons with visual impairments of hazards on the circulation path.

Item 2.06 is a new definition for Drive Aisle. This definition reads a vehicular way provided within a parking facility that connects vehicular entrances, parking stalls, electric vehicle charging stations, passenger loading zones and vehicular exits. This definition is proposed in conjunction and coordination with several other proposals elsewhere in the package that address parking facilities, drive aisles and circulation paths.

Item 2.07 is a new definition proposed for the term Driveway. Like the preceding definition it is proposed in conjunction in coordination with several other code items that we will run into a little further on in the package. This definition reads as follows: "Driveway. A vehicular way providing access between a public way and a building, parking facility, or other off-street area. A driveway may provide access to drive aisles in a parking facility."

Item 2.08, DSA is proposing to strike the existing definition of the term Pedestrian Way. With the amendments in other parts of this package we will no longer be using the phrase "pedestrian way" and so we have no need to define it.

Sue Moe gave an overview: Item 2.09 as Dara Schur commented before, the definition of public housing goes along with the definition of public use. This is to clean up some of this terminology and proposing in that definition is just striking that sentence that refers to the public use.

Item 11B 2.10, Clarifying the definition of public use. Getting rid of that last sentence in the definition that it states, private housing available for public use.

Questions or Comments from the Commissioners:

Commissioner Patel asked: In the definitions for Circulation Path and Curb Ramp it seems like we are using the words "prepared surface" and I think it is intended to give clarity. Is there a definition for prepared surface?

Derek Shaw replied: No, there is not a definition for prepared surface, this is a term that is utilized in other definitions, I believe sidewalk and walk inclusive.

Commissioner Patel asked: Is it meant to be a prepared surface? If you use decomposed granite (DG) or if you use some other material, as long as you are building up that surface would you consider that a prepared surface?

Derek Shaw replied: Yes, decomposed granite would be considered a prepared surface. It would additionally need to comply with the accessible route requirements which would typically require that any decomposed granite be prepared with some sort of a binder so that it could remain firm, stable, and slip resistant.

Commissioner Patel asked: Is that term used anywhere else? Is it used in the federal guidelines or is that something that we came up with?

Derek Shaw replied: That is a term that has been used in California Building Code Chapter 11B for many years in other terms or in other contexts.

Commissioner Patel stated: My other question had to do with drive aisles. As part of the definition, we talk about a vehicular way connecting two things. The one thing I do not see is connecting a driveway and I am wondering if that would help. Because it seems like you have got drive aisle and driveway. You have got the driveway that is looking for the drive aisle to connect to it, should refer back to each other as well?

Derek Shaw replied: Typically, a driveway is not part of the parking area. In these definitions of driveway and drive aisle when taken together a driveway will connect you to a parking area, but then once you are within the parking area then it is the drive aisle that the car drivers will typically use to gain access to the parking spaces to the electric vehicle charging stations and so on.

Commissioner Mikiten stated: Between places where a circulation path is defined as something that is above a parking space or other element or a vehicular way versus a condition where you might have a flush transition or a change that needs a detectable warning. can you explain the change from pedestrian street crossing to vehicular way, is the intention to treat something like a service alley, the same as a street crossing?

Derek Shaw replied: Yes, it is, it is certainly related, but maybe less strongly related than many of the other elements regarding detectable warnings issue in general. Our proposal to strike the term “pedestrian street crossing” and replace it with the term “vehicular way” recognizes that blended transitions may occur at street crossings. But they may occur at other locations where the level of the sidewalk or walk is transitioned to the vehicular way, they may occur there. Now it depends on the geometry of that connection. The blended transition specific to those connections that have a grade of 5% or less. These would fall generally within the range of a walk or a sidewalk running slope, and this is where it is specifically related to the issue of detectable warnings. Here the code user will be able to recognize that connection.

Commissioner Mikiten stated: I guess I was getting caught up on the word blended, where I think like in a parking garage, we have a blended curve between a ramp going up and an approach. And a blended transition could be completely flat, we are defining it as 5% or less still so it could be flush.

Derek Shaw replied: Yes, it most certainly could be flush. Furthermore, it could transition from a walking surface to the vehicular area where both of them are at approximately the same elevation. For people who are blind or visually impaired it can be difficult to discern where the end of the walking surface stops and where the beginning of the vehicle surface occurs and so, therefore, the importance of linking it with the detectable warnings for the blended transition conditions.

Commissioner Mikiten asked: In the condition of a loading zone, if you have a vehicle pull up space, the parallel access aisle, and the sidewalk, we are defining that there is no detectable warning allowed in the vehicle parking space or the loading zone. But then the flush curb would be considered a blended transition then is that correct?

Derek Shaw replied: You have got the loading zone adjacent to it, which is like an access aisle but for the loading zone, and then outside of and beyond the loading zone then you transition to the sidewalk area through a blended transition is certainly possible. In fact, if you look at the existing figure in Chapter 11B that describes that loading and unloading zone you will see that the area that depicts the sidewalk does not illustrate a curb ramp or a blended transition. There are many ways to make that

transition from the loading zone to the sidewalk or walk that is there. It can certainly be made by a blended transition if it is treated appropriately.

Commissioner Mikiten asked: I am trying to figure out whether by changing these various definitions we wind up with a resulting change in that scenario where say on a street you have a pull-off or a loading zone; that is the first piece. The second piece is the loading zone and then the third piece is the sidewalk, and all are flush. Are we changing the location required for the detectable warnings as a result of the change of these various definitions, or can you have the ability to walk from the street if there is no car there, without knowing, right through the access aisle and into the street proper?

Derek Shaw replied: There is nothing in the definitions that would change that relationship. There is a proposal that is later in our package that addresses the detectable warning placement at parallel curb ramps, which could be used to make that transition from the loading zone to the sidewalk. In that other section there would be changes to the detectable warnings. However, the changes that are proposed in that other section still retain the requirement for a strip of detectable warnings, noting the transition between the turning space at the bottom of the parallel curb ramp and the vehicle area, in this case the loading zone.

Commissioner Mikiten stated: We are going to vote on 11B 2.10 this first and then move to item 29 later, that there is the potential for 29, disallowing detectable warnings in the pull-up space and in the access aisle, and then blended transitions, not requiring a strip of detectable warnings between the sidewalk and the access aisle. We have requirements for between a sidewalk or a pedestrian way and a drive aisle, but we are not addressing that with the parallel passenger drop-off and loading zone.

Derek Shaw replied: Currently in the building code and as far as I know unchanged through these proposals there is a requirement for detectable warnings at blended transitions, so that strip of detectable warnings helps to mark that transition between the pedestrian area. In your scenario going into the loading zone, at that transition, yes, there is the requirement in the code unchanged by our current proposal for detectable warnings.

Commissioner Mikiten asked: would that apply both to an access aisle and to a flush access aisle that is flush with the adjacent sidewalk as well as a flush sidewalk that is at the level of a parallel access aisle drop-off?

Derek Shaw replied: With our proposals that you will be hearing today we have come into a more standardized set of requirements for the placement of the detectable warnings. The primary rationale behind it is that those detectable warnings must be placed on the sidewalk or walking surface, sometimes augmented by the curb ramp in these cases, but between that and the vehicle areas. An access aisle or a loading zone are a little bit of both. When the language in the ADA standards and the California Building Code tells us that changes in level are not permitted, we need to recognize that includes all changes in level not just those changes in levels are identified as a section within Chapter 3 of the ADA standards or chapter 11B Division 3 of the California Building Code.

Division 3, which talks about changes in level. It tells us that up to a .25 inch can be handled with without any treatment, that being where you have a lower surface and a slightly raised service surface that is a .25-inch difference. The ADA standards and Chapter 11 of the building code tells us that that transition can be made with no ramp or beveled treatment at all.

Recognizing that the height of a detectable warning in California is .20 inches, certainly that is below the .25 of an inch threshold that we talk about in Division 3. The detectable warnings, or really any other changes in level within those zones, is a hindrance, it is an obstruction to the safe and proper use of those access aisles and loading aisles.

Commissioner Mikiten stated: Thank you. I completely agree with that and I am glad that the prohibition is going to be clarified later.

Questions or Comments from the Public:

Tim Thimesch stated: I wanted to address several items 2.03 Circulation Path, 2.04 Curb Ramp, 2.05 Detectable Warning, and 2.08, the striking of Pedestrian Way. A question, is 2.09 still on the table?

2.03 Circulation Path: The suggested revision would take us back. It would make our definition of circulation path less than that of ADAAG which does not restrict circulation paths to those that are accessible versus not accessible. 2.03, this is a reduction, it is outside DSA's jurisdiction under criteria number 2 and it should be rejected, as it lowers us in this instance below ADAAG 's definition.

2.04, oppose on criteria number 2, is it adds the word "prepared." A natural surface can act as a curb ramp in certain situations. In other words, they should have a formal program there. Adding the word "prepared" reduces enforcement. ADAAG has a much simpler definition is that it is a surface that rises up or passes through a curb. That is all they say. Adding this word "prepared" vastly complicates the ability to enforce these things. It provides counter arguments that Building Standards does not want to provide to defeat access.

2.05, the definition of detectable warning. This has support from the community of individuals with vision disabilities. In that sense I want to support it.

2.08, the striking of Pedestrian Way. Again, I mentioned the environmental impact report. I do not know all the implications of eliminating that. But I do see that it is still used in 11B's 303.5, pedestrian protection, that term, and it is also used in 7B 602.9, pedestrian ways. But I am not sure that definition should be eliminated until we understand how that impacts those two other sections.

The definition of public housing, my main objection was that note, saying that seismic strengthening is exempted will operate exactly like that. Recommend maintaining item 7 and strike the note.

Dara Schur stated: I promise to address the public housing definition. I really appreciate the Commissioners' votes on the HCD item and urge you to make the same decision on the DSA item.

I agree with the choice that Item 2.10 if we adopt the public housing definition in 2.09 because the exact same language will still be there. I also want to note that I think that the definition is much broader than the existing definition in terms of encompassing many of the types of housing and types of funding the note is accurate and very important for guiding code users to additional resources.

The definition of public housing is a huge step forward and we support the definition.

I would like to briefly address the comments by Mr. Thimesch on 2.05. I think he raised a good point about detectable warnings serving multiple portions of the disability community and they are important for that reason, and so I would like to change our earlier support position to an approach position on 2.05.

John Caprarelli, Building Official for the city of Santa Clarita stated: I have concerns regarding some of the items that will be coming up later, specifically 11B.18 and 19, but I felt the need to speak at this time regarding item 2.01, which is the definition of blended transition because this plays together with 11B.18 and 19 very closely. The definition of blended transition will read, if these changes are adopted, "A raised pedestrian crossing, depressed corner or similar connection, the intent of DSA is that the definition of blended transition applies to things like flush transitions, a loading zone, a passenger loading zone, that that would be considered a blended transition. When you look at the Public Right-of Way Accessibility Guidelines (PROWAG) the PROWAG has a figure of a blended transition. The Caltrans standard has a figure of a blended transition. When you look at those it is clear that they are talking about a street corner where you have that blended corner in multiple directions where the street rises up to meet the level of the sidewalk and that is what a blended transition really is.

This item 2.01 should be deferred until later when we talk about items 11B.18 and 11B.19 because this item is so closely related to those sections.

Connie Arnold stated: concur with Dara Schur and Tim Thimesch.

Item 2.01 and the blended transitions, I was concerned about removing "pedestrian access route." It seems like the circulation path and the separate definition for it is confusing.

Item 2.02 on the Bottle Filling Station. While it says that those fixtures can be part of or integral to a drinking fountain, I would hope it would not obstruct my clearance.

Item 2.03 on the circulation path, I would have the same concern that Tim Thimesch raised about access in terms of how it would impact access to stores and interior paths around merchandise and would hope that we do not see a change in that; and I would

not accept that change based on Criteria 2 and on the legislation at 4459(a) because we want to have access.

Item 2.05, I would say “path of travel” rather than “circulation path.”

Pedestrian way, item 2.08, “A route by which a pedestrian may pass.” you are a pedestrian passing on a route, even if the route is not a sidewalk, it is a hardened dirt type surface.

For item 2.10, having lived in a condo in the past, there were problems around the pool area or common use areas.

HolLynn Dlil stated: I have been working on accessibility standards since 1979 when I put together a coalition of 36 organizations and individuals and we came in together with CALBO on a 36-page mutual position paper presented to the Building Standards Commission for the very first set of access standards in California.

I would ask the Commission please to direct the agencies to do adequate community input work.

A recess was taken

Chair Lee called the meeting back to order and asked BSC staff if there were any written comments submitted prior to the meeting.

BSC stated: A couple of the people who commented on the phone sent in comments but there are two items we have not addressed yet. Mr. Thimesch addressed numbers 18 and 19, they will come up later.

Chair Lee stated: That concludes the public comment portion. I want to ask the Commissioners if they have any follow up discussion.

Commissioner Santillan stated: I would just like to ask representatives of DSA to respond on the comments made by some of the callers. Specifically, I heard the word ADAAG a few times. I just wanted to get the response back from DSA.

Commissioner Sasaki stated: I am listening to these commenters then I am looking through the package. Can you tell me whether most of those comments that were provided, particularly the earlier calls and Mr. Thimesch, were comments that were provided to either the 15 or 45 day?

Derek Shaw replied: Acting State Architect Clair in her opening statements. Our outreach included five sessions from January to May 2019. That was for a taskforce of stakeholders to address amending scoping regulations for detectable warning surfaces. Additionally, DSA’s Access Code Collaborative met in four all-day sessions from May through October 2019 to provide their comments on our draft proposals as well as to help assess public comments that were heard during our public outreach meetings.

And then additionally our public meetings, we conducted I think it was two public meetings that were that were open and broadly available to everyone.

Sue Moe added: The Access Code Collaborative (ACC) meetings are not strictly only for the people who serve on the ACC, the public can listen in. They do not comment during the ACC meetings because they are not one of the ACC members, but they can certainly listen in to all of those ACC meetings.

Commissioner Sasaki stated: Did a particular comment come up before by Mr. Thimesch. It is regarding the definition or the change to “circulation path” with the addition of I think the words accessible and non-accessible. He says based on his whatever litigation experience and court experience that the circulation path is a flashpoint word. I could understand that. I was just wondering, was that point ever brought up before that the amendment could pose some problems with just those simple words of accessible and non-accessible?

Derek Shaw replied, Mr. Thimesch submitting any comments of that general nature. We received comments from Mr. Thimesch, both verbally and his participation in some of the public outreach meetings, and in written form.

The term ‘circulation path’ is used in the ADA standards and in the same manner within the California Building Code chapter 11B we see that circulation path is broadly used. Regarding hazards, then certainly overhead hazards and other projecting hazards are prohibited on any circulation paths. If the ADA standards were interested in having the sections provided only on accessible routes, they would have used the terminology ‘accessible routes.’ Instead, they chose to use the broader term ‘circulation path’, which is inclusive of accessible routes, but it also includes non-accessible routes.

Commissioner Sasaki stated: I appreciate that. It is a difficult position that Commissioners are in. Commenters seem to have reasonable concerns about certain amendments. If those comments had already been provided in the past and been responded to then we the Commissioners could review those responses and judge for ourselves whether or not they had been adequately addressed or not, right?

Commissioner Mikiten stated: A circulation path might not be an accessible route, but somebody may still be on that circulation path and need/ deserve a separation between that and a vehicular way.

Regarding prepared surface. But I do wonder from the commenters about a camping setting that relies on a sloping, natural surface for connection and does not that provide access? I would want to make sure that by not preparing a surface people are not escaping from a requirement for access. The concern of the wording prepared surface would not affect whether or not a connection, an accessible connection is provided; is that correct?

Derek Shaw stated: I agree with that, it is correct. There is an entire section in Section 11B-206, and it goes into detail of where an accessible route is required. Chapter 11B,

Division 4 is all about the elements and the technical requirements for accessible routes.

Commissioner Mikiten stated: It seems like the condition between a circulation path to a loading zone or to an access aisle is not defined in that if in the 2.01 Blended Transition definition that was added, it seems like that would be necessary to be complete?

Derek Shaw replied: An accessible route is required from that loading zone. We know that some of the elements that can be provided as part of an accessible route are going to include walks and sidewalks and those are clearly prepared for pedestrian use. That would be reinforced by the proposed amendments to the definition of circulation path, which would include sidewalks and walks, whether they were accessible or not, and that the vehicle pull-up space before the drop-off aisle is clearly a vehicle space. The access aisle for parking spaces and the loading zone that is provided adjacent to the vehicle pull-up space are quasi elements, they are partly for use of pedestrians, but they are most closely associated with the vehicle areas there as well. Even in the current code without our proposed amendments, addressing detectable warnings or those amendments addressing the raised circulation paths, we still know that the code does require that that distinction of separation there.

Commissioner Mikiten stated: My concern here is that half of the time architects are going to throw in detectable warnings at the transition between a loading zone and a sidewalk, flush or sloping, and half the time they are not. For us as commissioners to fully understand this, it would be useful rather than to vote on items 1 through 10 here together would be to take the blended transitions out and discuss them as a group with all the other related elements, which are detectable warning locations item 38, drop-off item 29, detectable warnings item 28, circulation paths item 19, so that we can discuss them as related elements to make sure that they are complete, or to hold them as a group for further study if necessary.

Derek Shaw replied: DSA is prepared to present our items in whatever manner the Commission directs, and we are happy to do so.

Chair Lee stated: Commissioners, if we pull out item 2.01, are there any other items from 2.02 through 2.10 that we would like to pull out and discuss in a separate section or would you be good with going forward on the other ones as one group?

Commissioner Mikiten stated: I would say 2.03. Not that I see any issue with it but just that it is related; and if there is a word that we want to propose adding to clarify some other section it might be in this section. I would say just because it is related, 2.03 and 2.01.

Motion: Chair Lee entertained a motion to consider DSA's proposed amendments to the 2019 California Building Code. Commissioner Mikiten moved to approve DSA's Items 2.02 and 2.04 through 2.10 as presented. Commissioner Klausbruckner seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item: 11B.01

Chair Lee stated that this covers the scoping requirements for 11B-202.4 and we will take that one up singly, so could the representatives from the Division of the State Architect to introduce themselves and present Item 11B.01.

Derek Shaw gave an overview; Section 11B-202.4 Exception 10 is being proposed to add a new sentence which helps to clarify the term “primary function” as that term is used it currently in Exception 10 in two locations. Since we first incorporated Exception 10 into the code for the 2013 Building Code, we have received a few questions and comments about what precisely primary function means in this context of this existing exception. We had initially begun development of this item as a standalone definition for “primary function” and it was a standalone definition that stayed very close to the federal statutory language for primary function. However, because the concept of primary function is not utilized in chapter 11B of the building code as broadly as the feds do in the ADA standards for accessible design, we received some comments and feedback that it would be best to limit our definition to apply directly to the manner in which we use the term “primary function” in chapter 11B.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Gene Lozano with the California Council of the Blind commented; I am a carry over. I was in the queue for the public comment period from the last discussion on the detectable warning issue. I support this primary definition.

Tim Thimesch stated: Mr. Shaw is correct; this was put before the board before as a separate definition. There was fervent pushback on inserting into our code a part of the definition that is utilized in the ADA and ADAAG to exempt alterations from having to comply with path of travel requirements. The Commission pushed it back for further study. We oppose any effort to put this in the code and its better, more accessible path of travel offerings than ADAAG and for that reason we oppose it.

The discussion as to whether electrical vehicle charging stations (EVCS) are parking and whether it was ever correct to treat them specially.

It says alterations where fueling, recharging, parking and storage is a primary function shall comply to the maximum extent, et cetera. It is already defined that where these certain activities are the primary function of the alteration you do not have to comply with path of travel requirements except subject to the 20% limitation. I ask the Commission to reject this proposal.

Connie Arnold stated: I am opposed to this definition being added to the code. We are very much concerned of redefining EV electric vehicle charging stations to not be parking and where there are van accessible parking spaces that are in the EVCS section they should be accessible.

HolLynn Dlil stated: My comments about the electric vehicles, which is a travesty already in that the code as approved by the previous commission allows everyone to park in the accessible parking space for electric vehicle charging, which means that someone will always be parked there. I am opposed to this definition being added to the code.

Chair Lee thanked everyone for their comments and asked staff if there were any written comments submitted prior to the meeting on Item 11B.01. Staff responded no written comments were received prior to the meeting.

Chair Lee asked: DSA, did you have any follow up to any of the public comments?

Derek Shaw stated: DSA has conducted its public outreach with the highest level of decency and intent to get the input, the comments, the heartfelt feedback from all our affected stakeholders.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Klausbruckner moved to approve Item 11B.01 as presented. Commissioner Patel seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 12: 11B.02, 11B.04, 11B.05, 11B.08, 11B.12, 11B.14, 11B.15, 11B.16, 11B.17, 11B.42-58

Chair Lee asked the representatives from the Division of the State Architect to introduce themselves and present Item 11B.02.

Sue Moe gave an overview; This is one of several items that I look at like a tapestry, all these parts and pieces go together, and these various scoping provisions will also incorporate the provisions or the reference to the technical provisions for residential facilities. In Chapter 11B what you needed to do with what we call the accessible units with adaptable features, what you would have to do is go through the scoping in 11B. It would then direct you over to Division IV in Chapter 11A, which is the requirements for the characteristics for what is within the dwelling unit. In this particular section the only thing that we are proposing is to strike the reference to Chapter 11A, Division IV and instead refer to sections 11B-809.6 through 11B-809.12, which will then capture the technical provisions for the characteristics within those dwelling units.

Questions or Comments from the Commissioners:

Commissioner Mikiten commented: regarding a procedural question. There is a number of different proposals that are doing essentially the same thing in 11A to the new sections that are being carried over, especially duplicated, in 11B. DSA group those together as we go into the next one and we could vote on those as a group.

Commissioner Sasaki stated: Strong support of that because these are just taking what is in 11A and putting them in 11B.

Chair Lee stated: Division of the State Architect give us an overview on item 11B.42 starting on page 30 and going through the top of page 42, and then we will consider all those items along with Item 11B.02.

Sue Moe stated: we are looking at items 11B-809.6 through 11B-809.12 as well.

Sue Moe gave an overview; In Chapter 11B, DSA did not incorporate the repositionable countertops where you get an exception for not providing those depending on the material that you put on those countertops. Then a substitute for knee and toe clearance at a counter consisted of two 15-inch breadboards but when it said two 15-inch breadboards it did not give the depth of the breadboard.

The backing requirements in chapter 11A, at bathtubs and shower compartments should range from 32 to 38 inches, but then it says that that 6 inches is a nominal dimension. In the Fair Housing Act Design Manual is that for one thing it does not allow a nominal dimension, that must be an absolute dimension, and it recommends that that backing extend from 30 to 38 inches. DSA incorporated the grater requirement that is in the Fair Housing Act Design Manual and DSA received public comments on that particular issue as well as the floor drain receptor is a .25 inch maximum. The same commenter said that they would like for us to use a .5-inch maximum rather than a .25 inch for the slope to the floor drain receptor.

Then the two other things that we did, we really clarified the outlet locations and the depth of the countertops. So, what we are DSA provided for the depth of the countertops which is consistent with what was approved by HCD because in the accessible units with adaptable features you can actually use a 25.5-inch-deep countertop. In the units with mobility features you would be limited to 24 inches deep on the countertop itself. The Fair Housing Act Design Manual is actually a requirement that an electrical outlet needs to be 36 inches from an inside corner. DSA incorporated that into these sections.

Chair Lee stated: This is covering item 11B.02 on page 6 as well as 11B.42 through 11B.42-58, which are pages 30 through 42. With that I will ask each Commissioner for their input.

Commissioner Mikiten stated: Included is 11B.04, 11B.05 and 11B.08 have the change from the reference to 11A to change it to the new reference described for 11B.

Mr. Nearman stated: 11.12 also has that language in it on page 11.

Chair Lee stated: Division of the State Architect give an overview on 11B.04, 11B.05, 11B.08 and 11B.12.

Sue Moe stated: 11B.04, DSA just removing the reference to Division IV in chapter 11A. 11B.05, that again is removing the reference to chapter 11A Division IV. 11B.08, that would be the same thing, we are removing the reference to Division IV in Chapter 11A. 11B.12, that is the same thing, we are removing the reference to Chapter 11A, Division IV, replacing that with the reference to 11B-809.6 through 11B-809.12. 11B. 42-58 and that is another section that has references. that we are removing the reference to Division IV in Chapter 11A. And, in 11B.14. DSA including a Note there that says: "Senior citizen housing may also be subject to Civil Code, Division 1, Part 2, Sections 51.2, 51.3 and 51.4." Item 11B.15 the site impracticality test is what we currently adopt from Chapter 11A and we are just bringing that into Chapter 11B.

A recess was taken when connection to the BSC was lost.

When the meeting resumed Viana Barbu stated: The Building Standards Commission lost complete Internet connection, everything went down.

Mia Marvelli stated: CBSC lost complete network activity and were kicked out. CBSC adjourned the meeting and asked legal counsel.

Ms. Barbu stated: Adjourn the meeting.

Sue Moe stated: DSA gave an overview of 11B.02, 11B.04, 11B.05, 11B.08, 11B.12, 11B.14, 11B.14-1, 2 and 3, 11b.15, 11B.42 through 11B.42-58 and look at those references over to Division IV in chapter 11A

Chair Lee and Mia Marvelli recessed the meeting and invited everyone to join the Commission for Day 3 of the meeting Wednesday morning at 9:00 a.m.

Wednesday, July 15, 2020

Reconvene

Chair Lee reconvened the meeting of the BSC at 9:03 a.m.

Roll Call

CBSC Staff Member Pamela Maeda called the roll and Chair Lee stated a quorum was present.

Commissioners Present:

Undersecretary Julie Lee, Chair

Juvilyn Alegre
Elley Klausbruckner (joined at approximately 10:30 a.m.)
Erick Mikiten
Rajesh Patel
Peter Santillan
Kent Sasaki
Aaron Stockwell

Commissioners Absent:

None

Chair Lee gave instructions regarding public comments and teleconferencing.

Chair Lee stated: Tab 12, the Division of the State Architect's Item 11B.02. DSA provided some overviews of 11B.02, 11B.04, 11B.05, 11B.08, 11B.12, 11B.14 and11B.42 through 11B.42-58. All these items are grouped into Housing DSA gave an overview of some similar sections, 11B.14-1, 11B.14-2, 11B.14-3, 11B.15, 11B.15-1, 11B.15-2, 11B.15-3, 11B.15-4, 11B.15-5, 11B.16, 11B.17, 11B.33 and 11B.33-1.

Commissioner Mikiten stated: In the Final Express Terms and in the DSA code amendment development sheets, for example, 11B.15 it does not have the nomenclature that was just read, 15-1,15-2, 15-3 and so forth.

Sue Moe gave an overview; Yes, all of those, if we look to those particular items where it is like 14-1, -2, -3, item 11B.14 is all one item, as is item 11B.15. The designation of the dashes and the clarification for each one of those items like 15.1, .2, .3, that was all the procedure that Building Standards Commission staff used to separate out each individual item. DSA presented the entire package is interrelated.

Sue Moe gave an overview; Item 11B.14 public housing facilities we are proposing to remove the references to Chapter 11A, Division IV, dwelling unit features, and replacing that with Sections 11B-809.6 through 809.12. DSA proposed in this particular item is a reference to senior citizen housing that may also be subject to the civil code. That is Division I, Part 2 Sections 51.2, 51.3 and 51.4.

Item 11B.15, some of the scoping in Chapter 11B and then we adopt the remainder of the site impracticality test from Chapter 11A. DSA's proposal is that we would incorporate the site impracticality test into Chapter 11B. The site impracticality test and all the technical provisions from Division IV in Chapter 11A, the characteristics of the dwelling units, then Chapter 11B would be a standalone chapter for public housing and we would not be referencing Chapter 11A.

Item 11B.16. The buyer identified residential dwelling units for sale. This comes directly from the Code of Federal Regulations that is included in the 2010 ADA standards. DSA will incorporate this into Chapter 11B so building officials can ask the questions and enforce this section that is required by the Code of Federal Regulations and included in the 2010 ADA standards. The exception proposing proposed to strike where it says, "Existing residential dwellings or residential dwelling units acquired by public entities

that will be offered for resale to individuals without additions or alterations shall not be required to comply with this chapter." That is currently inherent in the California Building Code because if a public entity purchases homes and they decide just to turn them around and sell them and they are not doing an alteration or any type of construction, then chapter 11B would not be triggered.

Item 11B.17. DSA proposed striking "public housing facilities with".

Item 11B.33 has a range of installing a grab bar is from 33 to 36 inches, so you are going to install your grab bar to the top of the grab bar at 33 inches. Then you have got 1.5 inch for the grab bar itself and 1.5 inch that is required below the grab bar. So now you are down to 30 inches. So, then you can see the issue with a lavatory because a lavatory must be 34 inches or less. But now you have got a problem too with the lavatory because at the front edge of the lavatory you need to provide at the knee and toe clearance at 29 inches above the finished floor. The US Access Board has guidance documents, guides to the standards that are reviewed by US Department of Justice before they are published on the Access Board website. When you look at the guidance document from the US Access Board, they address this situation at least in their guidance document. DSA proposed rather than 18 inches minimum it would require from centerline of the water closet to the edge of the lavatory 26 inches minimum.

Chair Lee stated: The proposals are Tab 12 Final Expressed Terms taking up 11B.02, 11B.04, 11B.05, 11B.08, 11B.12, 11B.14, 11B.15, 11B.16, 11B.17, 11B.33 and 11B.42.

Questions or Comments from the Commissioners:

Commissioner Mikiten stated: I would like to vote on 11B.33 separately. Working on this very issue with the San Francisco Mayor's Office on Disability recently and the tremendous number of public housing facilities that they are involved in and working on and trying to clarify this with them by creating public bulletins that show how you can conform with this requirement. If you set the grab bar at 36 inches and it 1.5 inches thick and you need to have 1.5 inches below it, then that brings you down 3 inches, so the countertop or lavatory top would need to be at 33 rather than 34, which is quite doable if it is planned for. The Access Board sees that the diagram as problem, there may be other ways of solving this, but in California there is a way that makes this work. Barring an actual change from the Access Board that we are trying to conform to we need to make this change, which is why this should be a separate vote.

Sue Moe replied: As we have said before, one other avenue we always have is our DSA could clarify this in the advisory manual.

Commissioner Mikiten stated: The profession people really do look at that advisory manual so that is a good source. The things the Mayor's Office on Disability could even be excerpted and put into the advisory manual.

Chair Lee stated: We will now take public comments on 11B.02, 11B.04, 11B.05, 11B.08, 11B.12, 11B.14, 11B.15, 11B.16, 11B.17, and 11B.42.

Questions or Comments from the Public:

Natasha Reyes, Disability Rights California (DRC), stated: The incorporation of Chapter 11A into 11B, DRC fully supports DSA's incredible work in doing this and making the code easier to use for code users.

DSA stated that in doing this work they did identify parts of 11A that appeared not in compliance with Fair Housing Act (FHA's) design manual. Chapter 11A must comply with the FHA DSA should work with HCD to review Chapter 11A for compliance and make sure that Chapter 11A itself is in compliance; and, that any incorporated parts into 11B are also in compliance with the FHA.

On DSA item 11B.15, this highlights that point. DRC supports DSA's work in incorporating 11A into 11B.

On 11B.16. DRC in support of this item. It includes important changes that ensure broader accessibility, it brings this chapter into compliance with the 2010 ADAAG, as required by federal and state laws.

Bob Raymer, representing the California Building Industry Association, the California Apartment Association and the California Association of Realtors stated: in strong support of 11B.16. The language is effectively verbatim with the exception of the reference to a California section instead of a federal section. The remainder of the language is verbatim out of the Federal DOJ standards.

Matt Ziegler, Plumbing Manufacturers International (PMI) stated: PMI represents the manufacturers that produce over 90 percent of the plumbing fixtures and fixture fittings sold in the United States. Item 11B.42. issues that PMI has with the proposed text pertain to reinforcement for grab bar changes being made to bathtubs and showers. The proposed text does not account for when manufactured tubs include surrounding walls or manufactured shower that also includes reinforcement built into the walls, where the use of proprietary grab bars is installed. That reinforcement currently is based to provide sufficient reinforcement for grab bars as prescribed under Chapter 11 of the California Building Code. What these proposed changes will do for both the bathtub and the showers, it is going to cause those manufacturers to have to redesign their products to address their reinforcement.

The other issue that PMI has with the proposed text involves shower thresholds, regarding the slope of the shower board and the proposed change of a .25 inch, but yet we disagree with the analysis and the reason for making this change. Currently all industry standards by which manufacturers design their plumbing products are based on anywhere between a range of an eighth of an inch to a .5 inch per foot maximum. Limiting the slope to a .25-inch maximum slope without any technical justification for why is going to cause unnecessary costs upon the manufacturers of shower receptors and PMI asked that the Commission also consider a possible amendment or an exception to account for the slope of manufactured showers being allowed to have a .5 inch maximum per foot in any direction.

Jerry Desmond, Plumbing Manufacturers International, stated: On behalf of PMI, following up on Matt Ziegler's testimony and comments just noting that our issues have been presented verbally in the past in the 45-day comment period and PMI appreciates the consideration by the Commission.

Chair Lee thanked the commenters and asked BSC staff if there were any written comments submitted prior to the meeting.

Staff responded: None for these items. PMI did send in a comment.

Chair Lee asked if the State Architect wanted to respond to any of the commenters.

Sue Moe stated: Regarding the backing for the grab bars there were a couple issues. At the Access Code Collaborative from various building officials that there were issues that the provisions for the backing that was in chapter 11A was insufficient for when they went to install the grab bars. The Fair Housing Act design manual requires that the backing be between 32 to 38 inches, but they recommend that the backing extend from 30 to 38 inches. The issue when you look at chapter 11A, it uses that range 32 to 38 inches but then it says that that is a nominal, it is six inches nominal. If you use a nominal dimension that is going to probably take it down to 5.25, 5.5 inches. The receptor at the shower floor, DSA would be amenable to correct that and allow, rather than the .25-inch, .5 inch.

Chair Lee asked the Commissioners if there was any follow up discussion.

Commissioner Mikiten stated: The 6-inch problem that is becoming an 8-inch solution. That is a very common field issue that comes up, again, in the work with the Mayor's Office on Disability. Their recommendation is 10 inches in order to just give people the flexibility of installing it at different heights if there is a reasonable accommodation for moving it. The 8 inch per FHA design manual is going to lead to better field conditions.

I have never encountered anybody having an issue with the slope of a premade shower unit, but I was not aware that some are .5 inch rather than .25. Where does the allowance for that originate, if anywhere, if we were to consider continuing that?

Sue Moe replied: There is not a requirement in the Fair Housing accessibility guidelines for the actual slope on the shower floor. DSA would have an issue to instead allow the .5 inch rather than requiring .25 inch for the receptor for the drain itself.

Derek Shaw added: DSA is amenable to the .5 inch. If the Commission would like to approve as amended that may be a pathway that the Commission could utilize in order to get to that final result.

Chair Lee stated: Sue, can you point out for us exactly in the Final Express Terms, where that amendment would be made, please?

Sue Moe replied: under 11B.42.

Mia Marvelli stated: Is it on Page 37 or 42 in the Final Express terms at the bottom?

Sue Moe replied: particular section is 11B.809.10.6.2.

Chair Lee asked: strike out the .25 inch and you would say, the slope of the shower floor shall be no more than .5 an inch?

Sue Moe replied: .5 inch maximum.

Derek Shaw added: Just to clarify, that would be simply changing the .25 to a .5 but still retaining the words “per foot.”

Mia Marvelli stated: Just as a procedure issue here, it is possible this might have to go out for a 15-day public comment period.

Viana Barbu stated: point of order. The Commission may make amendments if it is a clerical error. This maybe a substantive change that would require the proposing agency to go back to public comment due to different opinions about the .5 inch versus .25 inch.

Commissioner Mikiten stated: The shower slopes discussed here is an existing industry standard of prefabricated showers that are currently .5 inch and allowed at .5 inch. If DSA were to suggest an amendment that added a short sentence that said that it is .5 an inch for prefabricated showers. That would be a clarification and would not be introducing a new requirement nor introducing a new change in the built environment.

Viana Barbu stated: DSA to clarify if they deem that to be considered a substantive change?

Derek Shaw stated: A special exception for premanufactured shower compartments would create a benefit at this time for the premanufactured industry while not providing a similar benefit to the site fabricated installers of shower compartments. DSA recognizes that the 11A regulations presently have a maximum slope allowance of .5 inch and that applies to premanufactured and site fabricated shower installations. DSA adopts at .5 inch per foot maximum, DSA feels that to change under the Commission's authority to approve as amended, that simply retains the regulations as they are presently in chapter 11A.

Viana Barbu asked: a clarifying question: Would there be stakeholders that would feel they did not have sufficient input for this change if it went from .25 inch to .5 inch

Ida Clair stated: DSA asked to bring over the requirement from 11A as presently exists and withdrawing this proposal and it remains as .5 inch. DSA cannot withdraw the entire proposal because we need to bring this language in from 11A to 11B. This is not a substantive request.

Commissioner Mikiten stated: The shower compartments section of 11A, section 1127A.5.3. It says, thresholds and roll-in shower compartments shall be.5-inch maximum in height and that the floor surfaces, the maximum slope of the floor shall be .25 inch per foot, so not.5.

Sue Moe replied: That is the correct language.

Commissioner Mikiten stated: Propose that we stay with the language of the .25 inch.

Mia Marvelli asked: When DSA brought over the language for slope, which is in Section 11B-809.10.6.2, that language as written in 11A has .5 inch, is that what I am understanding, and DSA changed it to .25 inch?

Commissioner Mikiten stated: No, we just confirmed that it was .25 inch in 11A, and it is remaining .25 inch.

Commissioner Sasaki asked: Did DSA addressed the question about grab bar reinforcement that Mr. Ziegler brought up?

Commissioner Mikiten stated: The problem occurs that if a premanufactured shower unit is replaced 10, 15, 20 years down the road, then there is no reinforcement in the wall, DSA can addressed this as well.

Sue Moe replied: Not all shower compartments are going to be constructed such that a premanufactured unit is going to be slipped into that space. There could be other materials that they use on the wall that would require backing in the wall.

Derek Shaw stated: Chapter 11A section 1134A.6 item number 2 is the section that regulates the floor slope in showers. And there it says the maximum slope of the shower floor shall be .5 inch per foot in any direction and shall slope to drain. Commissioner Mikiten was citing item 5 for Thresholds I believe that was the incorrect citation and that rather item 2 for the Slope should be the proper citation.

Commissioner Mikiten stated: Thresholds, just starting from the wrong place. The actual number that was skipped is 1127A.5.3.4.4, which is Floor. The maximum slope of the floor shall be .25 inch per foot in any direction.

Derek Shaw stated: That item under 1127 that would be for common use facilities. So that is a different requirement and that is not being proposed to be brought over from Chapter 11A to Chapter 11B. Rather we are bringing over Division IV, which begins with Section 1128A, and those are for the dwelling unit features.

Commissioner Mikiten stated: This highlights exactly what the challenges that code users have in going back and forth between the two sections with different numbering systems and so forth. Derek, can you then state again, to bring that .5 inch over and that would be your amended section for the new language?

Derek Shaw stated: DSA would revert to our earlier assessment that it was a .5 an inch per foot in 11A and that the Commission approve as amended to have this item reflect the .5 inch rather than the .25 inch as has been published.

Commissioner Sasaki asked: This is not a typo but there was a mistake in bringing over the 11A language or number into the proposed amendment, there is no material change, the same .5 inch is in 11A and .5 inch is proposed for 11B, correct?

Sue Moe replied: that is correct.

Chair Lee stated: The change from .25 to a .5 would be the amendment.

Motion: Chair Lee entertained a motion to consider the Division of the State Architect's proposed adoption of amendments to the 2019 California Building Code. Commissioner Mikiten moved to approve DSA Items 11B.02, 11B.04, 11B.05, 11B.08, 11B.12, 11B.14, 11B.15, 11B.16, 11B.17 as presented and in Item 11B.42 as amended to change Code Section 11B-809.10.6.2 to show .5 inch rather than .25 inch for the floor slope to reflect the current 11A requirement with no change. Commissioner Sasaki seconded. Motion carried 6 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 12: 2.01, 2.03, 11B.18, 11B.19, 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29, 11B.30, 11B.36, 11B.37, 11B.38, 11B.39, 11B.43

Chair Lee stated: The grouped items related to detectable warnings are items 2.01 and 2.03 that were skipped on the definitions. In addition are items 11B.18, 11.19, 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29, 11B.30, 11B.36, 11B.37, 11B.38, 11B.39 and 11B.43. Chair asked for an overview of these items from DSA.

Derek Shaw gave an overview: Item 2.01 proposes amendments to the existing definition of blended transition. There are amendments here that are proposed for grammar and that is relocating the language about the maximum grade of 5 percent or less. And there also is a proposed deletion of the term "pedestrian access route" to be replaced with the term "circulation path" and adding "or walk" to the existing language that discusses sidewalk.

The second item in the group is the definition of circulation path and here DSA is proposing to add the clarifying language of "accessible or non-accessible prepared" so that that definition would read: "An accessible or non-accessible prepared exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, sidewalks, hallways, courtyards, elevators, platform lifts, ramps, stairways and landings." The term 'circulation path' has long represented and it also represents under the ADA standards, which DSA has incorporated as our model code, it does represent both accessible and non-accessible ways of passage for pedestrian travel.

The word “prepared” the language there was added specifically by DSA to exclude natural surfaces that are not prepared for ways of passage, that are not prepared as walking surfaces.

Item 11B.18 DSA proposed in Section 11B-247.1.2.5 to strike the language that refers to hazardous vehicular areas. This existing language does address the scoping requirements which would allow detectable warnings at hazardous vehicular areas If the adjoining or crossing walk is not separated from the vehicular ways by curbs, railings, or other elements.

Item 11B.19 is a new scoping section that is proposed for Section 11B-250. Here we are generally requiring that circulation paths be physically separated from vehicular traffic. This leading sentence here captures much of the requirements that we formerly saw, as referenced on the previous item that we formerly saw in Section 11B-247.1.2.5 for hazardous vehicular areas, it is that requirement for separations.

Exception 1 tells us that at locations where circulation paths cross driveways or drive aisles, circulation paths shall not be required to be raised and detectable warnings shall not be permitted along the sides of the crossing.

Exception 2, this is specifically about locations where sidewalks and walks in the public right-of-way cross driveways without yield or stop traffic control. At those locations compliance with this section shall not be required. This exception is going to address those locations where you are in the public right-of-way and we often see quite a number of driveways that are oriented so that the vehicle crosses over the walk or sidewalk. Further limiting this exception is the phrase about being without yield or stop traffic control. Now commonly that refers to stop lights or stop signs that are located at the exit or entrance to a facility in coordination with the driveway. Those provisions of 11B-250.1 would not be required.

Exception 3 addresses curb ramps with detectable warnings that are complying with Section 11B-247.1.2.2 and blended transitions with detectable warnings complying with Section 11B-247.1.2.5 shall not be required to comply with the section.

Exception 4 addresses access aisles serving parking spaces complying with Section 11B-502, that is accessible parking spaces, accessible passenger drop-off and loading zones and accessible electric vehicle charging station vehicle spaces. These are also not required to comply with this section.

Exception 5 is specific to alterations to existing parking facilities. In these facilities that physical separation may be provided with detectable warnings complying with Sections 11B-247 and 11B-705.1 in lieu of raised circulation paths.

As a group, in combination with the last item, 11B.18 and this item 11B.19, we have helped to clarify the existing requirements that currently are under hazardous vehicular areas. DSA refined those to emphasize more that the physical separation by curbs is the preferable method of providing that, but that as an alternative that in various locations, detectable warnings may be used.

Additionally, some of the other comments had focused on the idea about cut-through medians and that the provisions in 11.19 do not address cut-through medians. A cut-through median is a term that is quite often used in roadway design and it speaks about the median that separates vehicle traffic lanes. A cut-through simply identifies the pathway of the accessible route through those. It creates a break in the median of the appropriate width to allow passage, and this is one of the key points to it, and it provides a ground surface level that is approximately equivalent to the roadway surface.

Those sloped surfaces are identified as blended transitions and they certainly are in DSA's judgment as well. Those ground surfaces would have to have a slope of 5% or less and those would be termed blended transitions. A straightforward interpretation to apply the blended transition provisions to the cut-through medians.

That infeasibility is accounted for in the code already. Here we would look to existing Section 11B-202.3, Exception 1. This is language that comes from the ADA standards for accessible design. DSA brought that language in directly when we had the rewrite of Chapter 11B that came out in the 2013 California Building Code and even prior to that DSA's accessibility provisions included the concept of technical infeasibility.

Commissioner Mikiten asked: You mentioned about singling out the Exception 2 with the yield or stop traffic control. Can you just speak a little bit more about why that is excepted out?

Derek Shaw stated: As one proceeds down sidewalks sometimes the sidewalks are going through commercial areas, sometimes they are going through residential areas. We all know that especially in residential areas, but also in a great number of commercial areas, the driveways are provided without stop signs or stoplights. It is very common, and it is utilized where the vehicle traffic is considered to be very low. In commercial property and you have a driveway that comes out, there the drivers are typically proceeding nose-first, whether they are entering or exiting the parking facility. So there again the low traffic rate is what is important there.

The detectable warnings will be placed at those curb ramps that are provided typically, that we did not want to invoke Section 11B-250 on those types of facilities, those are already covered in other areas of Chapter 11B.

Commissioner Mikiten stated: This is an example of how moving away from the terminology, which was very vague, of hazardous vehicular area, and specifying this better, I think will make the built environment more consistent for users, especially those with vision impairments, to be able to read the environment better and for code users to be able to interpret it more easily and not have a subjective term like hazardous vehicular area.

Question regarding Exception 4 the citation of access aisles, loading zones, and EV charging spaces, which are all important for having the detectable warnings not be in the users' way when making those fine adjustments, as you said, for transfer and so forth. The charging units themselves for an EV space that are in front of that EV

charging space, then it is possible that you would get out, as a wheelchair user, out of your electric vehicle, and into the access aisle that is serving that EV charging station and go up a then-required ramp, up this separation between the circulation path and the charging space, grab your charging unit and have to wrestle with this thick cord going down the ramp and then opposite back up the ramp. It seems like we are in this new scoping not addressing the important need for those actual chargers to be flush with the charging station or charging space and with that space's access aisle. Is there something else, another component?

Derek Shaw stated: The charger is located so that the base of the charging equipment is mounted on the surface that is at the same level as the vehicle space and then it is provided adjacent to the vehicle space so that there is very close proximity between the charger and the vehicle space and that the base of the charger is at the same level as the vehicle space itself. The accessible route that is going to be required there can utilize the access aisle that is adjacent to the chargers as a place for their clear floor space to be located so that the user can then operate the charging equipment and retrieve the connector and then take it back to their vehicle.

Commissioner Mikiten stated: There is an unintended consequence of the introduction of "circulation path." It will create the unintended consequence of requiring that when you provide the EV charging station or space with the access aisle space next to it, that somebody will get out of their car into that access aisle and be forced now to go up a ramp because of the introduction of "circulation path" requiring to be four inches above that charging space. A Target parking lot, that EV space has a charger right in front of it. Everything is on the same level as you described. With the introduction of the required separation of four inches now those chargers are going to be up four inches higher, requiring a connecting curb ramp. A user while holding this slightly already cumbersome device for plugging in the car and managing with a thick cable that is not always cooperative. Using two hands to push up a wheelchair and down a ramp while holding this device as opposed to being able to go on a flat and level connecting surface. It seems that the "circulation path" is creating that unintended consequence and I do not see that there is a way the code user can design around that.

Derek Shaw stated: There is one exception, but it is specific to alterations in existing parking facilities where EV chargers are installed. It allows the charger to be located within the projected width of the access aisle in the EV charging space. The access aisle can provide that same ground or floor space if the charging equipment is located adjacent to the access aisle. We recognize the current state of not providing safe separation between the pedestrian areas and the vehicle areas. While this may have an unintended consequence, I would suggest that DSA is certainly ready to monitor this very closely and to keep our contacts conversational and getting that sort of feedback as early as possible. If DSA finds that is a problem that cannot be addressed by good design then DSA is certainly willing to come back and reexamine this language, perhaps to write an additional exception in an upcoming code cycle.

Commissioner Mikiten stated: A suggestions that in your advisory manual DSA could provide advice that the EV charger unit be mounted at the same level as the parking space for just the ease of bringing the plug from the charger itself to the vehicle.

Chair Lee stated: time to take a break. Chair acknowledged that Commissioner Klausbruckner has joined, for the attendance roll. If DSA could do an overview of Items 20, 21, 22, 24, 28, 29 and 30, those are similar. DSA provided a summary of those and then turn it over to the Commissioners for further discussion.

A recess was taken.

Chair Lee reconvened the meeting and stated that items 2.01, 2.03, 11B.18, 11B.19, that pertain to detectable warnings that DSA already gave us an overview and asked DSA to continue with their overview of detectable warning items 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29 and 11B.30 then continue on with 11B.36, 11B.37, 11B.38, 11B.39 and 11B.43.

Derek Shaw stated: For items 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29 and 11B.30, each of these items are quite similar although they do address different elements. The similarity here is that DSA is proposing to be very explicit that detectable warnings are not permitted in these following locations. These are floor and ground surfaces of a turning space, floor ground surfaces of a clear floor or ground space, floor or ground surfaces within maneuvering clearances, landings at ramps, floor or ground surfaces at parking spaces and access aisles, floor or ground surfaces at vehicle pull-up spaces and access aisles, and also at tread surfaces. Very specific that detectable warnings are not permitted in these locations. The existing language in each of these sections has language which says currently that changes in level are not permitted with the following exception that says, “Slopes not steeper than 1:48 shall be permitted.” DSA is proposing here is to take that exception and to revise the language so we can write it in as a direct statement “Changes in level, slopes exceeding 1:48.” That is the language that takes the place of the struck “Slopes not steeper than 1:48 shall be permitted” in the Exception. We are striking that and then we are adding the clarification that detectable warnings are not required. The rationale is the same for each of them applied to the various locations.

Item 11B.36 has to do with the color and contrast of detectable warnings. DSA is proposing that the basic requirement for the color of detectable warnings be amended so that detectable warnings must be yellow. Exception 1 addresses circumstances where due to deterioration or other damage to existing detectable warnings that less than 20 percent of them at a single location is permitted to be installed in-kind. Exception 2 is provided to allow existing installed detectable warnings at curb ramps, islands, or cut-through medians may comply with 11B-705.1.1.3.2 in lieu of Section 11B-705.1.1.3.1. Section 11B-705.1.1.3.2 is the section that allows the color of detectable warnings to be something other than yellow. The last subsection of Item 11B.36 revises the reference to the standard that identifies the specific color of yellow. That has been revised at the federal level, it has been turned over from the federal government to the private standard setting body SAE.

In Item 11B.37 First DSA is providing a heading, a section number and a section heading for perpendicular curb ramps and a separate section number and heading for parallel curb ramps. The existing requirement that we have for perpendicular curb

ramps is that the detectable warnings be located so the edge nearest the curb is 6 inches minimum and 8 inches maximum from the line at the face of the curb; DSA is bringing that provision into the parallel curb ramps. DSA is making a few other discrete amendments here to get away from using the term “flush transition” and we will see some other proposals that address the same effort. DSA is introducing the term “demarcation line.” That provides a measurement point that helps to locate where the detectable warnings are required.

The second part of this item is new language, and it is a new concept for the accessibility provisions of the building code. Existing language in the building code, does address the detectable warnings requirements at parallel curb ramps. However, due to the nature of some designs what DSA found is that parallel curb ramps that being an element that has a downslope at both ends and then a long essentially level surface in between, it is called the turning space. If an individual would like to traverse through that turning space without having to go over the detectable warnings, they may do so by utilizing the required space that would be required to be free from detectable warnings. This addresses an issue for which the Access Board, the US Department of Justice and DSA has been aware of for a very long time and that being the physical impact to some people when they traverse over detectable warnings.

There are similar exceptions provided in both types of parallel curb ramps. Exception 1 in both of them addresses the technical infeasibility to provide the minimum width of turning space that would be required to accomplish this design goal. In those cases, then the depth of the detectable warnings may be reduced to 24 inches from the regularly required 36 inches depth of detectable warnings. For both of the two styles of parallel curb ramps Exception 2 addresses existing parallel curb ramps with detectable warnings in compliance with the code requirements in effect at the time of installation, shall not be required to provide a minimum of 36 inches wide portion of turning space without detectable warnings. Again, this only applies to existing conditions that were compliant when they were built.

Item 11B.38 is an item that corresponds with the earlier item that we discussed that strikes the section on detectable warnings requirements at hazardous vehicular areas and replace them with the scoping requirements for blended transitions. This item 11B.38 provides the technical requirements that correspond with those scoping requirements we discussed earlier.

Item 11B.39 This is about striking the language of the exception and rewriting it into the section just above so that it is a simple statement that “Changes in level, slopes exceeding 1:48, and detectable warnings shall not be permitted.” In this case it is in wheelchair spaces.

Item 11B.43 This is “Changes in level, slopes exceeding 1:48, and detectable warnings shall not be permitted.” This is already existing language and the text that we are proposing to strike would make the language identical to the several other items that share the same rationale.

Chair Lee thanked DSA for their overview and restated the items related to detectable warnings, 2.01, 2.03, 11B.18, 11B.19, 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29, 11B.30 11B.36, 11B.37, 11B.38, 11B.39 and 11B.43, that were open for Commissioner discussion.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Tim Thimesch stated: Criteria number two objection that this seeks to add words to the definition of circulation paths that are not found in ADAAG. In other words, trying to change the definition to not conform to ADAAG. The code section from the government code prohibits from doing anything but either coming up to ADAAG where its protections are stronger or preserving our protections were stronger. In this instance the words to be added to the definition, beyond what is in ADAAG, will lessen the protection.

The ADA provides for only one accessible route from site arrival points to the entrance but the code as, where more than one route is provided, all routes must be accessible. This addition of the word “preparation” to the definition, which exceeds ADAAG, which goes beyond what ADAAG says, reduces and says circulation routes that are not prepared, they are done with dirt or some other material, it does not count as prepared.

There is an exception under that same section, this is 11B-206.2.1, site arrival point. The exception is general circulation paths shall be permitted when located in close proximity to an accessible route. That is the real argument here is there is a concerted effort these days to go after non-provision of access unless it has been quote/unquote, constructed. The code does not read that way, the code reads that all areas of a constructed facility, not all constructed areas of a constructed facility.

The words that are being inserted here, especially the word “prepared,” are designed to reduce scoping. If you are going to touch scoping do it within scoping, especially in that code section I just cited, 206.2.1. There is no explanation from DSA here as to how circulation path is generally throughout the code and how it will affect each of those code sections. Asked the Commission to deny this addition, it goes beyond ADAAG, it violates criteria number two, DSA should respect that is not supposed to be reducing our code, that its mandate, its legislative mandate has been restricted by 4459A.

Jeff Thom, Governmental Affairs Director for the California Council of the Blind stated: 11B.18, 11B.19 and 11B.36. The Council strongly supports the raised circulation provisions of items 11B.18 and 11B.19. For the safety of all pedestrians, and especially those who are blind or who have low vision, we support Items 11B.18 and 11B.19.

Item 11B.36. This is a situation where best practice and consistency come together to form an excellent solution.

Bill Zellmer with Sutter Health stated: The comment is, trying to design for healthcare facilities we want to have a flat surface that goes from the parking lot right into the front door without having to step up a curb because the curbs tend to cause accidents. Could we have a blended transition that is 50 to 100 feet wide? That would resolve this issue.

John Caprarelli, Building Official for the City of Santa Clarita stated: I am also a certified access specialist and I sent a letter to the Commission on July 6 regarding these proposed changes. Unfortunately, the way these changes are worded will have numerous unintended and negative consequences.

The existing code language of Section 11B-247.1.2.5 reads: “If a walk crosses or adjoins a vehicular way and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by continuous detectable warning.” Notice the existing code mentions only blocks and not sidewalks. A sidewalk is defined as a surface pedestrian way continuous to a public street. This is a very important distinction in the current code. Where a public sidewalk crosses a driveway, the existing code does not require detectable warnings on the sidewalk on either side of the driver's crossing. Also, the Caltrans standards do not require detectable warnings at the sidewalk where it enters the crossing.

The proposed section 11B-250.1 includes Exception 2 which addresses sidewalks crossing driveways. But this exception only exempts the 4-inch raised path requirement and does not exempt the detectable warnings as Mr. Shaw confirmed.

The existing language of CBC 11B-247.1.2.5 also mentions curbs, railings, or other elements that can serve as a separation between blocks and vehicular areas with flush transitions. The proposed code change would remove this language and require circulation paths to be raised 4 inches minimum above vehicular traffic areas. Some exceptions would be provided in Section 11B-250.1, but these exceptions do not clearly allow for numerous types of safe and accessible designs.

I have enforced the building code for 14 years and lead accessibility training for 6 years. I have come to appreciate the value of building standards that are clear and internally consistent. Our state accessibility codes have improved greatly in this regard over the past decade. However, these two proposed changes, 11B.18, 11B.19 and the related changes that we are discussing this morning, do not uphold this principle and will add ambiguity and inconsistency to the code. During the development of these code changes there were numerous commenters, 22 by my count, who identified the proposed language as insufficient, unclear and in conflict with other code sections. In addition, the Access Code Advisory Committee disapproved these items.
I am respectfully asking the Commission to not adopt these changes but allow additional time for these provisions to be clarified and conflicts with other code provisions to be resolved.

Regina Frank stated: I am totally blind since the age of two; I have lived in California all my life. I am addressing Section B.18 and 19, the circulation paths and the raising of them. Our safety does depend on being able to determine where vehicular traffic is

moving and where the sidewalk is. If there is a way to implement this that will be able to take into consideration the things that have been raised here while putting paramount the safety of all pedestrians including seniors, children, and people with disabilities, especially those who are blind or have low vision.

Connie Arnold, disability rights advocate, stated: This is a really challenging situation, but I must agree with the comments made by Tim Thimesch regarding the definition of circulation path which is used in other items that we are detecting.

The word “prepared” was added to exclude natural surfaces as walking surfaces. The definition of circulation path and as it is used it violates Criteria 2 in the enabling legislation 4459A.

If there is a raised section of 4 inches minimum above the area where vehicular traffic occurs, and that is in 11B.19. What that is going to do in relation to accessible parking spaces or access aisle areas serving the electric vehicle charging unit and if it is going to impose a ramp. I would like to see it be referred back for further study with collaborators. I support the yellow detectable warnings.

Sharlene Ornelas member of the California Council of the Blind, stated: I agree with Jeff and Regina from the California Council of the Blind. The raised sidewalk path is very important to a person who is blind. While planters can be totally inconsistent height wise, especially planters by design and spacing between planters which makes it very difficult for a blind person to figure out exactly where they are intended to be walking and where they are not. Supporting the federal color yellow.

Dara Schur, Disability Rights California, stated: HCD withdrew the proposal for 36 by 36-inch showers, but it appears when you approved 11B.42 this morning that that can change the 36 by 36-inch shower option that was withdrawn by HCD. If you look at 11B-809.10.6.1, which is Item 42 on page 37 of the express terms of this morning's package, it still contains the 36 by 36-inch shower, which was I think put in to be consistent with HCD’s proposal, but that proposal has now been withdrawn.

Mike Gibbens, CASp, stated: I just wanted to voice my agreement with everything that John Caprarelli stated and just reasonings for asking for this package to go back for further consideration.

Shay Lynn, a member of the California Council of the Blind San Francisco chapter stated: I wanted to speak about circulation paths. I think it is really important that sidewalks be raised.

Natasha Reyes, Disability Rights California, stated: I would like to speak on three items in this package 11B.19, 11B.36 and 11B.37.

On 11B.19 we urge the Commission that if you consider this and choose not to move forward with the language as is that you require further study rather than outright rejecting it.

On 11B.36 we want to express strong support. As you have heard from others the federal yellow is the most effective color, this is shown clearly in studies.

On 11B.37 we also wish to express support for this proposal as it brings clarity to the code. We generally support this proposal for reasons stated in DSA's statement of reasons and we also support DSA's decision to move forward with this proposal in order to provide accessibility for multiple disability populations.

Eugene Lozano, chair of the Committee on Access and Transportation for the California Council of the Blind, stated: Many of the people in the blind and low vision community support items 18 and 19. The blended transition, which is replacing the hazardous vehicular area, is consistent with the federal requirements for blended transitions and would apply to any place where there is a blended or flush transition with the vehicular area, whether that is a parking lot or on-street parking or a parking lane there such as the gentleman was inquiring earlier from Sutter hospital about in front of the entrance there.

We are wanting to see that circulation paths are raised. Not mandating where they are but when circulation paths are constructed that they be raised.
The detectable warnings and the raised sidewalk are the equivalent to a traffic signal control device; that you know what it means, it is standardized, it is uniform. Predictability and consistency are one of the fundamental principles in travel for people who are blind or have low vision, part of the education having that.

The items 11B.28, 11B.29 and 11B.43 that are addressing the access aisle prohibiting the detectable warnings, that it is clearly understood. The thing we would like to see in those three items, 28, 29 and 30, is that it is much clearer that detectable warnings are permissible at the head of the access aisle where the transitions or the circulation path. It is referenced and alluded to in Item 19 Exceptions 4 and 3, but I think it needs to be clearly stated that that is where they are permitted. But otherwise, these other three sides of the access aisle or not to have detectable warnings.

As people have said, strong support of Item 36 for the value of the federal yellow.

Item 37, we are in strong support of that. That was a workout so that they could address the safety needs of people who use wheeled mobility devices so that they do not have to go over uneven surfaces including detectable warnings while traversing the general level landing of a parallel curb ramp. And it still would provide the detectable warnings, though a reduction from 95% detectability with 36 inches of depth, the detectable warnings to about 85%, but it still provides the needs of both populations and therefore we strongly support this.

Stephanie Watt stated: In support of Item 11B.19 in particular and of course 11B.36 as well. Raised sidewalks will reduce the risk that we incur as blind people of unintentionally straying into the street and likewise having motorists unintentionally drift into our path of travel.

Donna Pomerantz stated: I am a member of the Council of Citizens with Low Vision as well as a member of our state affiliate. I am in support of the federal yellow truncated domes. I as well am in favor of the raised sidewalks for a lot of the reasons that my colleagues have already stated.

Robert Wendt stated: I am visually impaired, and I am in support of both the federal yellow and the raised sidewalks.

Mike Gibbens stated: I am requesting the Commission to consider grouping or approving these items to alleviate these specific problems at this time that presently exist in enforcement. Those numbers just quickly are 20, 21, 22, 24, 28, 29, 30, 39 and 43 at my initial look.

Joel Isaac stated: Item 11B.19 when we are talking about raised circulation paths and then also the visibly detectable warning signs with the federal yellow, I can see how that would help. I urge you that 11B.19 and 11B.36 should be passed.

Chair Lee stated: At this time, we will take a lunch break. We will come back at 1:45 pm and turn it over to the Commissioners once again for any follow up discussion after all these public comments have been heard.

The lunch break was taken.

Chair Lee reconvened the meeting at 1:48.

Chair Lee recapped: Tab 12 and an overview from the Division of the State Architect regarding items 2.01, 2.03, 11B.18, 11B.19, 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29, 11B.30, 11B.36, 11B.37, 11B.38, 11B.39 and 11B.43 and then we heard public comment. BSC staff if there were any written comments submitted prior to the meeting,

BSC Staff replied: there were but they were identical to those who commented verbally. It was John Caprarelli the building official, he had emailed in his comment and then the diagrams. These have been distributed to all the Commissioners prior. And then the others were from Eugene Lozano addressing the desire for proof as submitted for the color and contrast and the other detectable warning item.

Chair Lee stated: That concludes the public comment portion. I am going to turn these items back over to the Commissioners for follow up discussion.

Commissioner Mikiten stated: Made a motion to approve all of the 11 sections that have to do with detectable warning locations and color and those numbers: 11B.20 which is turning spaces, 11B.21 at clear floor and ground space, 11B.22 at maneuvering clearances, 11B.24 at ramp landings, 11B.28 at access aisles, 11B.29 at loading zone access aisles, 11B.30 at stairway treads, 11B.36 for the federal yellow color, 11B.37 for curb ramp locations, 11B.39 wheelchair spaces, and 11B.43 at EV charging spaces. We had unanimous support motion for those to be approved.

Commissioner Patel stated: I would second that motion.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Mikiten moved to approve Items 11B.20, 11B.21, 11B.22, 11B.24, 11B.28, 11B.29, 11B.30, 11B.36, 11B.37, 11B.39 and 11B.43. Commissioner Patel seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Chair Lee stated: The remaining items under detectable warnings are Items 2.01, 2.03, 11B.18, 11B.19, and 11B.38. I will turn these items back over to the Commissioners and entertain a motion at this time to consider the adoption of these amendments.

Commissioner Mikiten stated: Made a motion for further study for these items 2.01, 2.03, 11B.18, 11B.19, and 11B.38. The basic definition works but it is not quite clear enough and it does not address some things like cut-through medians that the code user really has to extrapolate too much from what the definition is here. This very section of 2.01 in a depressed corner, raised pedestrian crossing, a cut-through median could be added to that and maybe some, some other potential conditions.

The blended transition is not clear enough as to its relationship to non-vehicular areas such as the access aisle and the loading zone access aisle. It is also not clear exactly how users should employ the detectable warnings at those blended transitions, depending on how that blended transition definition winds up playing out.

No reason to add the word "prepared" in there. I think DSA needs to think about what the benefit of that is. The charging station and its relation to the level of the EV space that it is serving. I think the accessible intent behind all of this is that those be at the same level, not requiring that a circulation path that goes in front of the vehicle, bring that up four inches, thereby creating a curb ramp in between the charging device and the vehicle.

The motion for items for further study as including DSA items 2.01 blended transition, 2.03 circulation path, 11B.18 changing hazardous vehicular area to blended transitions, 11B.19 circulation path scoping, and 11B.38 detectable warnings at blended transitions.

Michael Nearman stated: My point is that 2.04 that was part of the earlier group that was approved has that term "prepared surface" in it. I do not know if that is the term that you are concerned about as it goes forward, but it is also in that one, which was not included in this list you just gave us.

Mia Marvelli stated: For procedural purposes, that was voted on as approved. So, if we want to discuss that in a minute after this motion, we could do that.

Chair Lee stated: Commissioner Mikiten made a motion. Is there any further discussion or do I have a second?

Commissioner Sasaki stated: I have a question for Commissioner Mikiten. How is Item 38 tied in with the other four?

Commissioner Mikiten stated: If item 38 or if the other items change and blended transition is somehow altered, I wanted to make sure that this section can dovetail if necessary.

Commissioner Santillan stated: From a procedural point, if this gets rejected for further study does the State Architect have an opportunity to do further study before we adopt and finalize the intervening cycle, or does it have to wait until the triennial cycle?

Mia Marvelli replied: It would have to wait until the triennial cycle.

Commissioner Patel stated: I agree with Commissioner Mikiten, I think he made an excellent technical argument about all the issues that need to be discussed. I would second the motion.

Mia Marvelli asked Commissioner Mikiten we need nine-point criteria for the further study motion.

Commissioner Mikiten replied he would invoke number six, ambiguity.

Commissioner Klausbruckner asked: Question for DSA, there seems to be a lot of comments and discussion, were there the same questions or comments during the 30 day or the 45-day period? Were those issues and concerns posed to you during that time?

Derek Shaw replied: A variety of issues and concerns had been raised at all levels of our outreach efforts throughout the development process. This is a very new concept, and some parties were concerned about the imposition upon property owners to provide a raised circulation path throughout and to keep it separated from the vehicle areas through that means. But a lot of the specific comments that we heard today, presented verbally, or read into the record presented in written form, were relatively new comments.

Ida Clair stated: Detectable warnings in their overuse do not provide greater accessibility, they actually create lesser accessibility. The language we have in the code now is too broadly applied and it has done a disservice to individuals with vision impairments for far too long. It has also done a disservice to individuals with mobility impairments for far too long. In the undertaking with the taskforce where we really did in-depth study and got our understanding of the issues, we needed to address with the Access Code Collaborative in which we brought it to them and got good support.

We understand that there are still concerns but individuals with disabilities with vision impairments, those with mobility impairments, and specifically even the building officials, were on record. The representative from CALBO was on record that they supported these items. It is always going to be interpreted, it is just the nature of the building code as a whole. But we feel that with our efforts that we have, with the broad based support

that you heard from individuals with disabilities today, that this is an issue that is very important, and that we can progress based on the regulations we have written now to fine tune them in the future to clarify them through training rather than it is to hold back and wait, because we do feel that individuals with visual impairments and individuals with mobility impairments have dealt with the overuse and over-application of detectable warnings for far too long. If we wait only more of that will happen for the next three years until the next code is in effect.

Chair Lee stated: We have a motion and a second. It is moved and seconded and I will reiterate these item numbers 2.01, 2.03, 11B.18, 11B.19 and 11B.38 to be returned to DSA for further study on these items. Is there any further discussion from the Commissioners regarding this motion?

Commissioner Mikiten asked: I have a follow up question for further study, we have got meetings coming up in August, October, December, and January. Is there any reason that this set of items cannot be continued to be worked on and reintroduced at one of those meetings?

Mia Marvelli spoke on behalf of the BSC process, but I cannot speak for DSA and their ability to conduct further workshops on this. The process would not allow for a 45-day comment period between now and August to have substantive changes made to the regulations. Additionally, if it were to happen in October, we risk being able to publish this in time. To recap where we are in the process. This is for the supplement for the 2019 edition of Title 24. What you are taking action on here will be filed with the Secretary of State immediately after the August meetings. And then staff will work with the publishers to get these published on the blue pages that you see in your code books by January 1 of 2021 and they will become effective 180 days which is approximately July 1 of 2021. There is a possibility that we could do this at the October meeting but that would probably entail a lot of work between now and then on DSA's part and the Building Standards Commission would still have to notify and conduct at minimum a 45-day comment period on the items.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Mikiten moved to return Items 2.01, 2.03, 11B.18, 11B.19 and 11B.38 to DSA for further study. Commissioner Patel seconded. Motion carried 6 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Mikiten, Patel, Santillan, Sasaki and Stockwell. The following Commissioner voted "Abstain": Klausbruckner.

Derek Shaw stated: If the commission is interested in all or some portion of these further studied items moving forward within this code cycle I wonder if it would be possible to gauge, to hear any comments from the Commissioners, if we were to address this with a single word discreet amendment to Section 11B-250, that is the item on requiring the four inch raised circulation paths. We would view that as a non-substantive change because that is consistent with the intent and with our discussions

during our forums and public meetings. Would this allay the concerns of the Commission for the five items that were just voted upon?

Commissioner Sasaki stated: I do not have enough expertise in this area. I would think that the commenters and other folks who have questions or who have concerns would need to really vet that. Those are my comments.

Commissioner Mikiten stated: I would encourage DSA, if you can take all these comments and wordsmith your way into bringing it back, I think that would be great.

Commissioner Patel stated: For me it is the same.

Chair Lee stated: One of our callers on these items had mentioned that under Item 42 that we had approved there was a 36 by 36 shower section in there. We have talked to DSA and we wanted to provide DSA the opportunity to explain on page 37, 11B-809.10.6.1 under Shower Size. The Commission approved this section, and we want to have DSA explain for the stakeholders what this section means.

Sue Moe replied: Currently, if you look at the scoping provisions for bathing facilities in 11B-213.3.6, it says there where transfer type shower compartments are allowed and one of those locations is residential dwelling units. When you go to Section 233.3 that is where you are going to find the scoping for residential dwelling units and that would include the scoping for units with mobility features, units with communication features and the accessible units with adaptable features. The transfer type shower is already incorporated and has been approved in the triennial cycle in Chapter 11B. This was not a coadoption between DSA and HCD, so we feel that it is already in Chapter 11B. The transfer type shower is already within 11B.

Chair Lee stated: We are going to go back to 11B.03, 11B.06, 11B.07 and 11B.33. These are the remaining items grouped under housing. And I would like to get consensus from the Commissioners if you would be willing to look at these as one group that we could have a discussion about and take a vote?

Sue Moe asked: Is it possible that you might also like in this grouping to look at Item 11B.40 and 11B.41? These are also two items, it is a different type of housing because it is housing at a place of education, but at the Commissioners' pleasure would you also like to include those two items in this grouping?

Chair Lee stated: That is all right with me, does that work? Does anyone have any concerns about that? We will add 11B.40, and 11B.41 to this conversation.

No objections.

Item 12: 11B.03, 11B.06, 11B.07, 11B.33, 11B.40, 11B.41

Chair Lee asked the representatives from the Division of the State Architect to introduce themselves and present Items 11B.03, 11B.06, 11B.07, 11B.33, 11B.40 and 11B.41.

Sue Moe gave an overview Regarding Item 11B.03, this is the same provision that has already been approved that we included in 11B.42. One thing, when you look at what is required in the Fair Housing accessibility guidelines, it does require an electrical outlet three feet away from the wall for it to be accessible. The other issue is when you look at the electrical code and the spacing that is required for electrical outlets, potentially at a corner condition like this the outlets are required to be four feet apart. So potentially you could put two outlets and have those only two feet from an inside corner in both directions for those outlets. DSA is addressing here, is the four-foot spacing required, that at least one of those outlets would be accessible and we would not have to leave it up to the building official to cite technical infeasibility.

11B.06, in this particular exception what we are proposing here is that in public housing facilities, electric vehicle chargers are permitted to be installed at an accessible parking space assigned to the resident. When you look at section 11B-208 it very clearly states that parking spaces and electric vehicle charging stations are not to be combined.

Item 11B.07, this is again for residential facilities. And what we are looking at here, there is a Note that says, “When assigned parking is provided, Chapter 11A indicates designated accessible parking for the adaptable residential dwelling units shall be provided on requests of residents with disabilities on the same terms and with the full range of choices, (e.g., off street parking, carport or garage) that are available to other residents.” Proposing to strike that paragraph for two reasons, because we no longer adopt portions of Chapter 11A and additionally, this would be one of those items that is operational and not enforceable by a building official.

Item 11B.33, Overview was given before.

Items 11B.40 and 11B.41 are requirements in different types of housing and that is housing at a place of education. When you look at the Code of Federal Regulations (CFR) that is in the 2010 ADA standards you will find there that it says “In kitchens within multi-bedroom housing units …” Now they do not call it multi-bedroom housing units, but this would be in housing at a place of education. “… and on floors containing accessible sleeping rooms with adaptable features in undergraduate student housing, turning spaces complying with Section 11B-304, shall be provided.” And really what this is addressing is a requirement that potentially design professionals and building officials would overlook because it is in the CFR in the 2010 standards, but it is not included in the California Building Code. That is actually the same when you look at 11B.41 because what we are picking up there is, “In kitchens within multi-bedroom housing units and on floors containing accessible sleeping rooms with adaptable features in undergraduate student housing, at least one 30 inches wide minimum section of counter shall provide a kitchen work surface that complies with Section 11B-804.3.” DSA wanted to include in Chapter 11B so it does not get overlooked by design professionals and building officials.

Chair Lee stated that items 11B.03, 11B.06, 11B.07, 11B.33, 11B.40 and 11B.41 were open for the Commissioners discussion.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Dara Schur from Disability Rights California stated: Commented on 11B.07, regarding parking spaces for residents. Asked that this Note be rejected.

Chair Lee thanked Ms. Schur for her comment and asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Klausbruckner moved to approve Items 11B.03, 11B.06, 11B.07, 11B.33, 11B.40, 11B.41 as presented. Commissioner Mikiten seconded. Motion carried 6 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Mikiten, Patel, Santillan, Sasaki and Stockwell. The following Commissioner voted "Abstain": Klausbruckner.

Commissioner Mikiten stated: Two points of brief discussion. One is that I just want to reiterate that I think that inclusion in the DSA advisory document of the overlap. I do not know if that document gets updated regularly and reposted to the website or if there is a separate way to do this. So that is why I am supporting this. Second, I really appreciated the diagram that was included for the electrical outlets and who would suggest that the advisory have something similar. I have used similar diagrams to try to explain this set of conflicts to other architects, and even inclusion in the next round of code amendments of a diagram I think could be beneficial.

Sue Moe replied: Once all these items are adopted DSA will the DSA advisory manual.

Item 12: 11B.09, 11B.31

Chair Lee stated: Items regarding bottle filling stations, 11B.09 and 11B.31. And just for a note, there was a definition 2.02 that covered bottle filling station that we have already voted on.

Derek Shaw gave an overview: These items present new scoping and technical requirements for bottle filling stations. DSA did receive comments on this on the exception in item 11B.09 suggesting that the exception should be deleted; for the reason that when other people come into detention and correctional facilities, into areas that are only serving holding or housing cells not required to comply with section 11B-232, that other visitors come in to visit inmates. DSA disagreed with that comment and we refer to the general exception that is provided in Section 11B-203.7. This is a general exception applicable to detention and correctional facilities. Read into record "Detention and correctional facilities: In detention and correctional facilities, common use areas that are used only by inmates or detainees and security personnel and that

do not serve holding cells or housing cells required to comply with Section 11B-232 shall not be required to comply with these requirements or to be on an accessible route." DSA believes that the exception reinforces the exception that we have written into and are proposing in Item 11B.09.

Item 11B.31 would be the technical provisions for bottle filling stations. It is in coordination with the scoping sections in 11B.09.

Chair Lee stated that items 11B.09 and 11B.31, were open for the Commissioners discussion.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Mike Gibbens stated: on 11B.40 The Code Advisory Committee flagged this item.

Mia Marvelli stated: The item came up and DSA presented. The item was reviewed the last go-around and it was approved. Sue Moe presented the information on all those items.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Sasaki moved to approve Items 11B.09 and 11B.31 as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 12: 11B.10, 11B.11, 11B.32

Chair Lee stated: Commissioners if we would like to group a couple of more, we have 11B.10, which is social service center establishments, and then we have two items under baby changing tables, 11B.11 and 11B.32, and then we get into some plumbing ones. If we would like to do these three together, if that works for all of you, we could have the State Architect give us an overview on those three and do one vote on them. Hearing no objections to that we will ask the State Architect to give us an overview on 11B.10, 11B.11 and 11B.32.

Sue Moe gave an overview; Item 11B.10 is cleaning up a bit of a drafting error. The 2010 ADA standards for social service center establishments in the CFR's that are in the 2010 standards, it requires that social service center establishments comply with

section 11B-233.3. DSA is proposing striking the reference to Sections 11B-224.1 through 11B-224.6 and only referring to Section 11B-233.3.

In item 11B.11 and Item 11B.32, In Government Code Section 50535 and Health and Safety Code Section 118506 there are locations now where baby diaper changing stations are required. All we are doing in these two sections is a title change. Instead of saying "Baby changing tables" we are changing the title and throughout the sections to "Baby diaper changing stations".

Chair Lee stated that items 11B.10, 11B.11 and 11B.32, were open for the Commissioners discussion.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Mikiten moved to approve Items 11B.10, 11B.11 and 11B.32 as presented. Commissioner Alegre seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Item 12: 11B.23, 11B.25, 11B.26, 11B.34, 11B.35, 11B.45

Chair Lee stated: Items 11B.34 regarding side opening toilet compartment doors, 11B.35 regarding shower controls, and then four other items that have various topics 11B.23, 11B.25, 11B.26 and 11B.45. If there are no objections from the Commissioners, we can hear the overview from the Division of State architect on these and take one vote.

Chair Lee asked the representatives from the Division of the State Architect to present the items.

Sue Moe gave an overview Item 11B.34 DSA is proposing here, in the 2010 ADA standards it requires that the door opening shall be 4 inches from the front partition. If you look at the requirements in chapter 11B, a depth of this type of toilet compartment is much deeper than what is required in the 2010 ADA standards. DSA will comply with the standards for the location of the door opening, it is a much deeper stall, and

potentially if someone were to choose to make this stall even deeper at the end run of a length of toilet compartments, they could do so, and they would not have to put the toilet compartment door within 4 inches of that end toilet partition.

Item 11B.35, DSA have heard repeatedly from code users and design professionals that it is very difficult with the limited control area that you see in Chapter 11B for where you have to put potentially a diverter, the controls for the water, and also a shower spray unit for toilet compartments. DSA had several discussions at the Access Code Collaborative hearing and what DSA is proposing to add 3 inches to that control location wall.

Chair Lee stated: Derek Shaw for an overview on the remaining four and then we will open it up for discussion.

Derek Shaw gave an overview: Item 11B.23, this has to do with revisions to section citations that are located under the Exception to Section 11B-404.2.9 on door and gate opening force. The cited sections that are currently in the code, Sections 11B-304, 11B-305 and 11B-308, of these Section 11B.304 is for turning space, 11B-305 is for clear floor or ground space and 11B.308 is for reach ranges. DSA is proposing is the reference to Section 11B-309. 11B.309 includes by references in their subsections requirements to comply with 11B-305 for clear floor space, 11B-308 for height or reach ranges, and then of course the requirements that operable parts be operable with one hand and not require tight grasping, pinching, or twisting of the wrist and a maximum of five pounds of force required to operate. That is the replacement language.

Item 11B.25, this is clarifying language proposed for Section 11B-406.3 parallel curb ramps. DSA is proposing to clarify that a parallel curb ramp may be provided with one sloping segment or two opposing sloping segments. Currently in the California Building Code Chapter 11B and in the ADA standards for accessible design where parallel curb ramps are referred to, we only illustrate the type of parallel curb ramp that has two opposed sloping segments that comes down to a turning space in the middle and at the bottom.

Item 11B.26, is in Section 11B-406.5.10 diagonal curb ramps. DSA is proposing to clarify to add a clarifying sentence at the beginning of this indicating that “Diagonal or corner type curb ramps are perpendicular or parallel curb ramps that are oriented diagonally at an intersection.” This clarifies that either type, either the perpendicular types of curb ramp or parallel type of curb ramp can be used at the diagonal condition.

Item 11.45, DSA is correcting a drafting error where we had inadvertently used the word “parking” in the context of electric vehicle charging stations. Our intent since the inception of the EVCS regulations was to make a clear distinction between vehicle spaces for electric vehicle charging and parking spaces for parking.

Chair Lee stated that items 11B.23, 11B.25, 11B.26, 11B.34, 11B.35, 11B.45, were open for the Commissioners discussion.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Tim Thimesch commented on Item 11B.34 on the 4-inch style as well as 11B.35 on the shower controls. As the presentation argued, the elimination of the 4-inch style requirement has, once again, a construction objective saving expense, providing more room outside the front partition for sinks to be installed. To explain my argument under nine-point criteria number two. The 4-inch style requirement ensures that the door is located as far as possible from the front face of the toilet. ADAAG has this 4-inch style requirement, which as I said, provides greater access.

Item 11B.35 that is also under nine-point criteria number two. I am going to ask that you send it back for further study. The reduction of space down to, bringing the controls to 14 inches of the seat wall, those are the changing the location of the controls in the alternate roll-in. Not the standard roll-in but for some reason in the alternate roll-in; we did not hear an explanation. Controls typically come in a set; they are set on a plate. And while we might have a 48-inch maximum on that plate for the set of controls, the diverter, the hot, the cold water, any other exotic controls we have in the shower. While we typically have a maximum height of 48 inches it also provided for a centerline on that plate of between, it says here, 39 to 41 inches, and that ensures that the overall plate is within reach range. The revision, which suggests just any control can be 48 inches, does not provide for a maximum centerline.

Mike Gibbens stated: Item 11B.34 the 4-inch spacing standard was useless when it was adopted. The ADA standard, this was pulled out of the ADA provisions because it was in there, but the ADA toilets are basically a 60 by 60-inch box; it is actually 50 by 58 or 59. California since 1982 has required us to have a minimum of 48 inches in front of the toilet in all situations. And then when you provide equivalent facilitation it is not just the same it is better in all cases, the California standard. This is just something that needs to be taken out.

Connie Arnold stated: On 11B.34 I want to make sure that the stall is the widest that it can be so that you are measuring in a way that I think it is from the back wall, Derek Shaw so that a person in an electric wheelchair does not have to roll through whatever is unsanitary that could be on the floor in front of the toilet. I would oppose this proposal.

On 11B.35 on the alternate shower and mounting the controls on the front wall would be difficult to reach. Placing a group control as a set at 39 to 49 inches is higher than I am tall with the centerline the way it will be placed even it could be placed at 48. And whenever you put a maximum or minimum or it seems like builders build it. If you give them a range on grab bars at 33 to 36, well, they are going to put it most of the time, a lot of them at 36, which are not usable.

On 11B.45 the reference to electric vehicle charging stations (EVCS), they are not stalls, they are parking spaces and I object to any reference to EVCS as a stall or not in

any way a parking space, which it is. Need to make some changes to what is stated in those three sections 11B.34, 11B.35 and 11B.45.

Ernest Wuethrich, member of the Access Code Collaborative as a CASp representative stated: commented regarding 11B.34 about the 4-inch style for the toilet compartment. I am in support of the revision to the code.

Chair Lee asked BSC staff if there were any written comments submitted prior to the meeting. Staff responded no written comments were received prior to the meeting.

Chair Lee stated that items 11B.23, 11B.25, 11B.26, 11B.34, 11B.35, 11B.45, were open for the Commissioners discussion.

Commissioner Mikiten stated: Could staff address the concern that was voiced about the change from 48 inches to 49 inches in 11B.35 for the shower compartments.

Sue Moe stated: The controls need to be no higher than 48 inches, but no reference was made at 49 inches. That was an issue when DSA addressed the location of the controls, and DSA did so with the centerline of the controls.

Commissioner Patel stated: Erick, in the statement of reasons the bullet second from the end says Chapter 11B requires that the controls and faucets be installed with their centerlines at 39 inches to 49 inches above the shower floor. I think that is where the 49 came from.

Commissioner Mikiten stated: I think you are right.

Motion: Chair Lee entertained a motion to consider the DSA's proposed adoption of amendments to the 2019 California Building Code. Commissioner Mikiten moved to approve Items 11B.23, 11B.25, 11B.26, 11B.34, 11B.35 and 11B.45 as presented. Commissioner Klausbruckner seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Chair Lee stated: Before we move on to our next agenda item, Commissioner Klausbruckner had stated that if we had time at the end of our items to go back and revisit a definition that Derek Shaw was going to explain further on behalf of the Division of the State Architect. DSA provide a brief explanation.

Derek Shaw stated: For the consideration of the Commission that existing definitions that were not proposed for amendment in this code cycle do utilize the term "prepared surface." This is a term that has been in the California Building Code for decades now, it is it is not unusual. A prepared surface or a constructed element is just typically what the building code applies to. If you have got a lot of natural terrain with grade slopes but you do not intend to build anything in those areas of the site, then the building code does not put any requirements on those sites. The accessibility requirements are not

going to apply to great expanses of natural terrain unprepared unless you intend to build something in those areas, in which case you need to prepare the site to do what the code requires and that is to provide accessible routes. There are over five pages in chapter 11B, which describe the various requirements for accessible routes, where they are located, and what elements need to be connected by accessible routes.

DSA will be taking another look at those items that were voted for further study and DSA will be making some determinations on whether it would be possible for us to bring them forward during the remainder of this code cycle. Mia Marvelli had noted earlier that that we are very late in the code cycle and that DSA certainly does not have time for a 45-day comment period that would be necessary for any substantive changes.

Ida Clair added: Mia, unless you allow us to come ahead in October; DSA is willing to do the work but I know that is quite late so we will take your direction.

Mia Marvelli stated: We might have to look at the calendar offline and sort through that. Because it would involve what type of outreach you folks need to involve your stakeholders before we could schedule a 45 day if necessary.

Commissioner Mikiten stated: Thanks for that additional description and hopefully things can be clarified moving forward. Over the last three days there have been a variety of different comments and concerns regarding DSA's process and I just felt like I needed to respond to some of those callers' concerns. Some of the callers had mentioned and other people about three years ago that the accessibility working group that DSA had operational for years had been abandoned under the previous state architect and there were a lot of concerns about that. And I had discussions started with Secretary Batjer and now Acting State Architect Ida Clair and Executive Director Mia Marvelli about that and creating a new group to give voice and the opportunity for participation to people with disabilities in California. My argument was that people with disabilities have no lobbying organization like many professional or trade groups do. DSA embraced the idea enthusiastically and took every step in the creation of the Access Code Collaborative. They were careful and thoughtful about being inclusive of a variety of different stakeholders. I think when we had comments about lack of inclusion and lack of opportunity we need to remember and applaud DSA for creating this group. I wanted to recognize how responsive and inclusive DSA has been and thank you for what you have done.

Ida Clair stated: Thank you for those comments.

Agenda Item 13. Future Agenda Items

Chair Lee stated: Does any of the Commissioners have any future agenda items.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Tim Thimesch stated: Item 2.04 concerning prepared surfaces on the ramp. DSA suggested that “prepared surfaces” has long been an item of the code for quote/unquote decades. Ramps are defined as exceeding 5 percent. That is a path of travel for any part of an accessible route. You can break it down into walkways and other terms but anything that exceeds 5 percent is a ramp and then must comply with the requirements of a ramp. And paths of travel or routes, circulation routes, are provided whether or not they are constructed.

Connie Arnold stated: I would concur with what Tim Thimesch just said. But on the issue of surfaces and prepared surfaces I just want to reiterate, and this goes back to I think the ‘80s. Sometimes they were talking about surfaces being firmer, but they are still natural surfaces.

Agenda Item 14. Adjourn

Motion: Chair Lee entertained a motion to adjourn. Commissioner Sasaki moved approval of the request as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per simultaneous voice vote:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Santillan, Sasaki and Stockwell.

Chair Lee adjourned the meeting.