



Final Transcript

**STATE OF CA-DEPT OF GENERAL SERVICES: Public Hearing for
Access Code Development**

October 20, 2016/9:30 a.m. PDT

SPEAKERS

Dennis Corelis
Derek Shaw
Ida Clair
Susan Thomas

PRESENTATION

Moderator Ladies and gentlemen, thank you for standing by, and welcome to the Public Hearing for Access Code Development. All phone lines are in a listen-only mode. [Operator instructions]. As a reminder, today's conference is being recorded.

I'll now turn the conference over to Dennis Corelis. Please go ahead.

Ida Ryan, if you could hold on a second, we need to actually increase the volume. Try it now.

Dennis Alright. We're all set.

Moderator Okay. Go ahead.

Dennis Thank you. Good morning. This is Dennis Corelis with the Division the State Architect. I want to thank everyone for their comments we have received prior to the meeting and for participating in today's meeting. You also have the opportunity after the meeting to send comments in.

We're here today to discuss the proposed code change language for amendments that DSA has selected for the 2016 code amendment cycle. These proposals, after reviewing comments through meetings such as this one, may be submitted to the California Building Standards Commission in December 2016. Formal review and comment on amendments that make it through our vetting process will begin in January of 2017.

There will be a public hearing before the California Building Standard Commission's Code Advisory Committee in March of 2017. After final amendments to the language based on comments from the Code Advisory Committee and stakeholders, the proposed amendments will be considered

for approval by the Building Standards Commission in June of 2017. The approved amendments will be included in the 2016 California Building Code supplement that will be effective July 1, 2018.

The amendments we are discussing today are our initial draft of proposed language to implement these proposed changes to the accessibility standards. The proposed language that we're talking about today is, by no mean the final language, and in fact, this discussion is going to help us get the language in better shape to go forward. The code change proposals will be presented individually for review and comment. Each proposal will be presented in a format that clearly identifies the current code language, the proposed changes to the provision, and the code text that would be applicable if amended as proposed.

In addition, the rationale for each code change will be presented.

Documentation regarding the proposed changes has been provided to you in advance along with the notice of this meeting. No additional proposals have been added to this package since the information was sent out.

We're asking that we limit our discussion to these actual proposed agenda items so that the language for each amendment can be analyzed and discussed by all stakeholders.

At the completion of the discussion of these items, we can address any items that are not on the agenda depending on the time that's left. If your suggested code change item is not one of the items on the agenda for today, it has not been selected at this time for consideration in this code development cycle.

Each individual that identified a potential code change will receive notice via email on the status of the item under consideration and whether it can be addressed in a future code development cycle. We anticipate that we will send out notices by the end of this calendar year.

We're now going to begin discussing each of the items individually. We will present the item and then open up the phone lines and our video conference sites and our physical site here for comment. Thank you.

Derek, would you like to proceed?

Derek

Thank you, Dennis. Today, we're going to be going through the code items that have been presented in the meeting materials. This document has been available on DSA's Access 2016 webpage, and if you don't have

it, you're certainly welcome to go there, take a look, and follow along.

We're also providing this document on our WebEx connection, and we'll be scrolling through this as we go.

The first item is regarding the definition of the term "Accessible Route".

We have received suggestions from the public commenters that the current definition of Accessible Route should be revised for a consistency with the model code language, and within the International Building Code, which is used as the model code for a bulk of Title 24, Part 2 Division, Volume 1.

The definition relies on compliance with the requirements found in Chapter 11. Because the Division of the State Architect and the Department of Housing and Community Development draft replacement Chapters 11A and 11B in place of Chapter 11 in the International Building Code, we looked to this definition in the International Building Code, but then slightly amended that to cater to the unique qualities of the California Building Code.

With this, we're proposing to strike the entirety of the current definition and replace it with a definition that would simply read "Accessible route, a

continuous path that complies with this code”. Just as background, in researching this item, we found that going back through at least 1997, that the more lengthy definition that we currently have in the code or its precedents has been consistent through at least 1997.

So, I guess at this time we’d like to open it up to comments from—first of all we’ll go to our home location here at DSA’s headquarters. Then, we’ll go to the other physical location at DSA’s offices in Oakland, Los Angeles, and San Diego. Then, after that, we’ll go out to our telecommunications and request any comments in that manner. So, first of all, are there any comments here in the room at DSA’s headquarters?

Stoyan Bumbalov

I’m with HCD. We recently submitted recent comments probably this past week, but I just want to outline our issues with this proposal and a few others. This is a definition we co-adopt with DSA, and it’s not on the DSA [audio disruption]. We tried to initiate the conversation about adopting the model code definition in the previous two or three code cycles, and we didn’t receive enough support from our stakeholders and DSA.

Again, we will provide more detail in our comment, but I want to say that we don't necessarily disagree with the definition; we just feel that it was sent out too late, and we don't have enough time to react and discuss with our stakeholders to follow the procedure of rulemaking with an intent to propose amendments to the building code for this code adoption cycle. So, again, we will give you more details in our comment.

Derek

Wonderful. I think that's great, and, you've probably hit on an item that I'd like to clarify right up front here for our entire audience. We have two more scheduled public meetings where we'll be discussing our proposed code changes, so there will be additional opportunities for people here in the room to provide verbal comments as well as to submit comments by email to us at the DSA Access 2016 email address. So, we can certainly take those comments, and just so that you know that we do have more time to receive these comments, and follow up with them.

Stoyan Bumbalov

The problem is if we start looking in our practice right now, the final submittal is in December, and if we start looking at this proposal, you are delaying the process. We can't start it yet. We can't give any consideration to the definition,; so if we start right now, we don't have time. If we leave it alone, we may end up effective July 1, 2018 having

two definitions for accessible route, one for housing, one for other facilities.

Derek Good. Thank you.

Dennis Derek, I have one more—this is Dennis. I would also like to note that we've received some email comments from stakeholders prior to the meeting, and these will be attached to the comments and the transcript of this meeting, so ones that have come in prior to the meeting, we will attach them to the transcripts.

Stoyan Bumbalov Are you going to be reading those then, or will you be appending those to the transcripts?

Dennis I'll think we'll be appending to the transcripts. Some of the folks that commented may be calling in. We'll see how that goes.

Derek Very good. Okay. Are there any other comments here in headquarters office? No. Seeing none, I'd like to then go, and I see we have Kerwin Lee in Oakland. Do you have any comments on this item, Kerwin?

Kerwin Any comments here in Oakland? No comments from this side. Thank you.

Derek Thank you. Now, I'm looking at the video screen and video conferencing. I don't see anybody in Los Angeles, but if there is somebody in Los Angeles that has comments, please let us know. Perhaps, you're out of camera range. No?

Hearing none, going onto San Diego office. Again, here I see no attendees in San Diego, but if someone's out of camera range, please speak up if you have any comments on this item. No? I hear none.

So, we'll go to the teleconference line now. AT&T, can you let us know if there's anybody in the queue.

Moderator [Operator instructions]. We do have a couple questions. The first one comes from HolLynn D'Lil. Please go ahead.

HolLynn Thank you for this opportunity. Can you hear me?

Dennis Yes, HolLynn. Go ahead.

HollLynn So, we have not received the transcript from the last meeting, which is important if we're going to pretend that we have any kind of dialog here.

Dennis There's a transcript that can be found on our website, HollLynn.

Derek It's not yet been posted.

Dennis It's going to be posted.

HollLynn I'm sorry. What did you say?

Derek This is Derek. We are processing that transcript right now, and it will be posted within the next couple of days on our website and will be available for everyone.

HollLynn Thank you. Also, we never had a clear set of criteria. There was a list that Dennis sent out, I think to a few people, and I had concerns about them that I expressed at the last meeting, and I was told by Dennis that they would be changing that criteria, but we never received a new list of criteria by which you use to judge which proposals you would put in this cycle.

So, I still think we deserve and should have the list of criteria that you use to make your decisions.

Derek HolLynn, do you have comments on the particular code change item that we're discussing?

HolLynn You mean I can't talk about any of my other concerns.

Dennis We'd like to go through all these items first, HolLynn, so we can give everybody an opportunity to comment on each item. I know you had some concerns, and I just saw your email this morning. I haven't had a chance to go through it in detail, but we would like to get through all the items, and then later in the agenda, if there are any other items, we'll have an opportunity to talk about general things that aren't all these items, if that would—

HolLynn So, what is up right now?

Dennis We're talking about the definition for accessible route. I know you had some concerns about that.

HolLynn Yes, I do. Thank you. Excuse me, I'm pulling it up. Sorry, it's going to take a minute.

Dennis Just to help a little bit. This is Dennis, again. This item was a petition item that was sent to the Building Standards Commission and one of the items that DSA agreed to have up for consideration this cycle. So, that's kind of the genesis of this—

HolLynn I have a general concern about what you've done here in that I think you need to make a big distinction between the model code and the civil rights laws that drive the state architect's role in creating accessible environments for everybody. You keep relying and referring to model code language, which is written by a private organization, not a government organization. It doesn't have the access to the public that government codes do. So, you try to say you want to model you language after the model code, and strip out language that comes directly from California government code, which says that the environment has to be accessible to and usable by persons with disabilities.

This seems to me and to a lot of us, this is an attempt on the State Architect to have model code written by a private organization supersede

federal and state civil rights laws. That is just totally unacceptable, so I think there's a concerted effort on your part throughout all these code changes to refer only to this code and strip out any language that refers to the legal enabling legislation that really is civil rights for people with disabilities.

That's my objection to what you're doing here and to all the places where you take out any reference to California civil code, and California government code that prohibits discrimination, and you want to go to have the model code be the lead model for what is in effect, in reality, is the enactment of our civil rights, and you can't do that. It's illegal, and it's inappropriate, and it's subversive.

Dennis Thank you for that comment, HolLynn, and again, this was done as requested by the petition submitted by Ms. Barbosa and her associates, so we will definitely take a look at your concerns.

HolLynn Well, I'm one of the people that was represented by Ms. Barbosa, and that was not our intent that you would go to model code language at all.

Dennis That was what was requested. We will definitely take a look at that.

HollLynn Thank you.

Dennis You're welcome.

HollLynn I don't think that was what was requested. You should take another look at that.

Dennis Ryan, is there another caller?

Moderator The next question comes from the line of Natasha Reyes. Please go ahead.

Natasha Reyes Hi. This is Natasha Reyes. I work with Disability Rights California. We submitted some emailed comments after the September teleconference and wanted to reiterate our general comment that these changes should be consistent with the HUD Alternative Accessibility Standards, which follow the 2010 ADA Standards with some exceptions as outlined in the link we provided in our email. Specifically, the definitions being amended here don't align with the HUD Alternative Standards, which follow the 504 regulations.

So, we really urge you to take another look at what those definitions are.

We will be following up with written comments to explain that, and we just want to make sure that you're following federal guidelines to the extent that California state law doesn't already go beyond what those minimum federal requirements are.

Dennis Natasha, thank you very much. We'll be looking for those comments. We appreciate you bringing that to our attention. I'll be looking forward to those comments. Thank you.

Natasha Reyes Okay. Thank you.

Dennis Ryan, is there another caller?

Moderator We have no further questions or comments.

Dennis Alright. Well, thank you. We will be looking at these items. Derek, could you go on to the next item, please?

Derek

Okay. The next item concerns the definition of the term “Accessible”.

Currently, the definition states that “Accessible: is a site, building, facility, or portion thereof that is approachable and usable by persons with disabilities in compliance with this code”.

We are proposing to amend that definition, and if the amendment is adopted, then this definition of accessible would read: a site, building, facility, or portion thereof that complies with this code. During consultation with stakeholders, our office had received a number of comments that had indicated that the term “persons with disabilities” was derogatory and requested it be removed from the definition. We also received other comments that indicated that the building code should seek closer alignment with the federal standards. While we were not aware of any issues with the term “persons with disabilities” as being derogatory, we took that input and those comments and sought to amend the definition of the term accessible.

So, if we can take any comments on this particular item, we’ll start out here at the headquarters office in Sacramento. Are there any comments on this item?

M [Speaker off mic] the same comment I already said about the timeframe about the definition.

Derek Okay. Good. Thank you. Any other comments here in the room? No? We'll go to Oakland. Kerwin, do you have any comments on this one?

Kerwin Lee No. No comments on this one.

Derek Okay. Thank you. Los Angeles? Hearing no comments, we'll go to San Diego. Any comments there? No comments from San Diego. We can next go to the teleconference line and open it up for comments from that source. Ryan.

Dennis Do you have any folks waiting to comment, Ryan?

Moderator We do have two people that have queued up. [Operator instructions]. First one comes from HolLynn D'Lil. Please go ahead.

HolLynn Thank you. Once again, I see the same thing I saw in the definition of accessible route in that you're trying to give model code language equal weight, which is created by a private organization. You're trying to give it

equal weight with the mandate of California and federal civil rights laws by eliminating important language, and I can't believe that—I'm sure if you did a poll, if you really were concerned whether or not persons with disabilities is derogatory in any way, you would reach out to the disabilities community and all the organizations and ask their opinion. But, you've used probably one person's opinion as an excuse to once again try to make the model code supersede federal and state law by eliminating any reference to people with disabilities.

It's something we ask you to stop doing. Stop trying to make California Building Code a model code, which is written by a private organization and is not open to the public as access standards should be by federal and state law.

Dennis

HolLynn, this is Dennis. I want to thank you for your comments, and again, language is by no means finalized, and this is one of the reasons we're having this meeting is to get comments such as yours because I was quite frankly surprised that someone would think this was a derogatory term. We will definitely take that under consideration along with the comments from HCD, but that's the reason we're having this meeting.

This is not meant to be final language, and please don't ascribe those motives to us that you're saying we have intentions to try to diminish what you're talking about, but we will take your comments under advisement.

Thank you for them.

HolLynn Thank you.

Dennis Ryan, another commenter please.

Moderator Okay. It comes from the line of Ruthee Goldkorn. Please go ahead.

Ruthee Good morning, everyone. This one really grabbed me. What the heck? It's absurd. There should be no consideration for eliminating the descriptor of persons with disabilities.

It's a description. It's not a label, it's not racist, it's not anti-Semitic. It's not anti-anything. It is a description. I don't think you should give any consideration whatsoever. Drop the idea of this being derogatory. It is not.

[Indiscernible] represents so many different disability organizations that everybody laughed. They thought that was the funniest thing in the world. Do not give this consideration. These are laws to protect people with disabilities to have equal access, equity, and availability of programs, services, and the physical plant in the built world.

That's the idea. That's why the law was written. That's why the building standards were developed in order to implement the civil rights statutes.

It's laughable. It is positively laughable that persons with disabilities is even on the table. Do not consider this. Consider this to be someone who has no idea, who has no background, who has no anything, and is just looking at oh well you know, labeling people is bad. It's not a label.

Ladies and gentlemen, this is a description, and you must describe certain minorities and particular manners in order to protect their civil rights. So, please, no consideration. Just, no. Thank you very much. I appreciate your time.

Dennis

Ruthee, thank you very much for your comments. I appreciate them.

Ryan, do we have any other commenters, please?

Moderator We have one more. It comes from the line of Natasha Reyes. Please go ahead.

Natasha Reyes Hi, thank you. Again, with Disability Rights California. We just wanted to again reiterate our comment that these definitions should, throughout 11B, be consistent with the broader definitions in state and federal law, and specifically the phrase approachability and usability by people with disabilities is a very important concept that shouldn't be lost in these definitions.

At the end of the day, it comes down to writing codes that affect real people who are going to be living in buildings that are made to follow this code. So, we just want to keep those people in mind as we write these definitions and really make sure that the idea of approachability and usability for people with disabilities is built into the code and is clear who these accessibility standards are for.

Dennis Thank you very much, Natasha.

Derek Ryan, are there any other people in the queue?

Moderator We have no other people in queue.

Derek Alright. Real good. We'll go ahead and move on then to the next item.
The next item concerns the definition of "maximum extent feasible".
Currently there is not a definition of this term in the building code, and we
have proposed to incorporate a new definition that is derived from the
Americans with Disabilities Act language.

So, I'll go ahead and read this. If adopted, the definition for "maximum
extent feasible" would read as follows: "The occasional case where the
nature of an existing facility makes it virtually impossible to comply fully
with applicable accessibility standards to a planned alteration. In these
circumstances, the alteration shall provide the maximum physical
accessibility feasible. Any altered features of the facility that can be made
accessible, shall be made accessible. If provided accessibility and
conformance with this section to individuals with certain disabilities, for
example those who use wheelchairs, would not be feasible, the facility
shall be made accessible to persons with other types of disabilities,
example those who use crutches, those who have impaired vision or
hearing, or those who have other impairments."

Okay. Do we have any comments on this item here in Sacramento?

Okay, seeing none, I would like to summarize a comment that we did receive on this item via email.

The commenter here indicates that this definition possibly contains technical requirements that would be more appropriately located within Chapter 11B of the code and not within the definitions. They indicate that it's difficult for a building official to enforce qualified requirements which are presented in the context of the definition, so they are encouraging us to take this language, craft it into positive requirements within Chapter 11B. Additionally, the commenter states that the term such as occasional case is also difficult for a local building official to enforce, and it becomes a discussion of opinion with the designers.

So, I just wanted to read that for this item. Now, if we don't have any other comments on this item here in Sacramento, I'll go to Oakland. Any comments in Oakland?

Kerwin Lee

No comments here. Thank you.

Derek Okay. Thank you. I still don't see anybody in our Los Angeles office, but are there any comments coming from Los Angeles? I'm hearing no comments. Any comments from the San Diego office? No comments there.

Okay. Now, we can go to the teleconference line. Ryan, do we have anybody queued for this?

Moderator We do have a couple in queue. First one comes from the line of Rick Halloran. Please go ahead.

Rick Rick Halloran from Building Inspection, San Francisco. I'm a little concerned about the word virtually and also about the occasional case where the nature of an existing facility. Are we talking physical nature, nature of the business incorporated in the facility, etc.? I think maybe that language could be narrowed down a little bit to avoid the ambiguities that we always have arguments about. So, I'd appreciate it if you look at that. Thank you.

Dennis Thank you, Rick. We'll take your comment under advisement.

Derek Nature of existing facility.

Dennis Virtually and occasional he mentioned also as the problematic terms

Derek And, occasional.

Derek Okay. Real good. Thank you. Ryan, is there anybody else in the queue?

Moderator We do have two more in queue. The next one comes from the line of Ruthee Goldkorn. Please go ahead. Ruthee, you may have your mute button on.

Ruthee I did have my mute button on. I'm so sorry. Maximum extent feasible is a very broad statement and open to everybody's interpretation of what's feasible and even what's maximum. In the disability advocacy community, as you all know, have been saying for decades that minimum standards do not mean maximum accessibility, and everybody's like okay, so what is the maximum accessibility?

Well, you know, it depends upon where you are, what it is, and how it's used, and by whom. I think that concept applies here. I think that in

reviewing these at plan check, when you're going to be submitting plans because you have permits that have to be pulled for whatever it is you're going to be modifying, the plan check people, not the building official—building officials have nothing to do with plan check. They don't want anything to do with plan check. They don't have anything to do with the planning department. They don't want it, and this is another local issue that is never going to go away.

When permits have to be pulled and things have to be sent to plan check, those are the people that have to have the conversation with the property owner, the business owner, the corporation that runs the entire shopping center, whomever those principals are and understand that in order to maximize accessibility without putting the undo financial burden and all of the other disclaimers that everybody has when they don't want to and you can't make me, that you have to go and be very specific.

Okay, here's your building. This is what needs to happen in order to make a modification for accessibility, but you have these cinderblocks, or you have this low-bearing wall, or you have this doorway that you can't widen. What else are you going to do? How else can you make this happen?

Yes, I'm sorry, people with disabilities who use wheelchairs, you can't go here. That's not acceptable.

We reserve the right to refuse service to anybody because we can't widen the doorway can't fly because that violates the civil rights statutes. You do have these issues that abut each other. We get it. We understand it. We don't want to accept it sometimes, but we understand it, and to have municipalities, whether it's the city or a county or a village or whatever it is looking at this business and the permits that have to be pulled and the maximum extent feasible under the ADA definition.

I don't necessarily have an issue with the ADA definition. I think that it doesn't solve the problem; it doesn't address it necessarily. However, I don't know that you can, but everybody has to understand the flexibility and the usability factor. Everybody has to get it and how the civil rights of persons with disabilities fits the puzzle. These are not square pegs in round holes, and how you do that is a little bit complicated, but if you have people at the plan check department, and you have people who understand and have learned these things in their architecture schools, their design planning school, or whatever it is, that's going to help address this.

As I said, I don't have an issue with the state copying the ADA language. I know that that's your intent. Your intent is to eliminate anything that is specific in reference in California and make it all federal and make them come together. It doesn't necessarily work, but it's what we've been dealing with the last several years.

So, I think that you have to stop looking at the building official because they don't do anything until after something is done, and then if you have to redo it, that's not fair to the business, it's not fair to the disability community, and to specifically say gee whiz, I'm sorry. You wheelchair users can't come here is not correct.

Everybody's liability exposure is the size of the Grand Canyon if you say that, and no one is going to care about maximum extent feasible. So, all of these things have to be within the context of the civil rights statutes and not mutually exclusive or square pegs in round holes. Thank you very much for your time.

Dennis

Thank you, Ruthee, for your comment.

Derek Ryan, do we have any other people waiting to comment?

Moderator We have one more. It comes from the line of HolLynn D'Lil. Please go ahead.

HolLynn Thank you. In 1981, I put together a coalition of 30 individuals and organizations, and together we worked with the California Building Officials to come in with a mutual position paper 36 pages long on the first set of access standards in California Building Code. We deliberately put together a definition of unreasonable hardship because there's a phrase in law that references technical differences and unreasonable hardship and extreme differences, I think is the legal language.

So, we chose to define one of those terms, unreasonable hardship, and I helped put together the definition for an unreasonable hardship. The purpose was to give thought, to require the enforcing authority to give thought to why he would allow an exception or she would allow an exception. It had to consider the nature of the access that was lost. It had to consider—there were five criteria for it.

I can't remember them all right now, but it had to be very carefully thought out, and more importantly, it had to be documented and kept in the public files of the enforcing authority's office. There's an obvious reason for that because otherwise, building officials and enforcing authorities will be pressured by architects and builders and developers and designers to exempt them totally from the requirements of providing access for everyone to the built environment.

Since then, there have been many, many weakenings of that law, of that regulation. I think we're up to what, eleven exceptions now, and I think about four or five of them came from this state architect. But, the bottom principal is still there, and this new definition is just a blatant example of trying to go around the law. It's the State Architect's job to define these terms, but not in a way that just opens the door to blatant violations and exceptions.

For instance, you have to have a definition of virtually impossible, as was stated before. The definition also fails to require that the enforcing authority record and enter the details of the finding of virtually impossible into the files of the enforcing agency. It fails to provide a definition of virtually impossible, and the reason we need this is so they need

accountability by the enforcing authority, otherwise it's going to put, as Ruthee just said, it's a Grand Canyon of liability for everybody involved.

We also need—

Dennis HolLynn, excuse me for one second here. I'm not quite sure what you're talking about. Any time a building official makes a finding of unreasonable hardship or technical infeasibility, they must document that finding. That's in the technical provisions of the code right now.

I'm a little confused how this definition would remove that obligation by the building official or the plan checker. When you can't comply with the code, you must make that finding, if that's what you end up with, and you have to document it right now, and I don't think this definition—we're not trying to get rid of that requirement that they document their findings.

HolLynn Okay. So, this is part of the definition of technically infeasible?

Dennis Well, if you go into the code, when you say the provisions for making findings of technical infeasibility, they require that the government official document that, and that it go into the file. This can't make it, like you

were saying—I agree with you. The building official should not be able to do it casually.

HollLynn No, and we need a definition of virtually impossible. The other thing that really grates, Dennis, is you're separating out. You're trying to divide and conquer. It's a divide and conquer ploy to say everybody can have access except people in wheelchairs. That's just really low of you guys this time. That was really bad.

Dennis HollLynn, this was, again, a petition item and lacking any definition we went to the federal language, and we'll definitely take a look at it, but it was not our intent to do—I think you're ascribing a lot of ill intent on our part, and trust me, we are not trying to segregate people. This was federal language that they were trying to illustrate a situation, and again, I think perhaps there's a misunderstanding here.

HollLynn Well, there's been a misunderstanding with your office for years since Chet Widom became state architect and since you have destroyed access. We've given you lists of all the access that you've destroyed under his administration and asked you to rectify it, and you have refused to do so.

You're not doing it now. You have this opportunity now, and you're not doing it.

So, one of the issues that was sent in was sent in by Peter Margen because you're now saying the code says we have to have a safe path of travel from the boundaries of the property to wherever we need to go, where people need to go. We ask you to make sure to clarify so that means we don't have to travel behind vehicles, and you've ignored Peter's request and said you're not going to do it. It should be an emergency code change. If you're going make it—

Dennis HolLynn, let's talk about this after we go through all the provisions. We have not dismissed that suggestion. That's something that needs some discussion, and I agree that that's a valid thing to be looked at, and we are going to be looking at it, but that requires a lot more discussion than the time we have for this intermediate cycle.

HolLynn It should be an emergency code change.

Dennis Fine, but can we focus on this one, and then we can definitely talk about that item later on once we've done the actual proposals? Okay?

HolLynn Yes. I will continue and finish up my comment.

Dennis Thank you.

HolLynn It's purporting to help the disability community, but it operates by its wording to destroy, in effect, the entire structure, which past state architects have created, by the divisive [indiscernible] technically infeasible findings, which must be recorded, and you're saying that's not going to be true. I think that needs to be expressly put in this new definition that the recordings of such a finding have to be put in the record and kept there for public view. Otherwise, this is just a blanket exception.

Dennis Well, HolLynn—

Derek HolLynn, maybe I can address your concern with regard to these enforcement agencies, the building department being required to record these findings. Now, we tend to maintain that technical requirements should not be provided within the definitions of terms. The technical requirements should appropriately be within Chapter 11B for public

buildings and public accommodations of the commercial facilities and public housing.

So, we have existing language in the code, which we're not proposing to change at all, that does address the findings of technical infeasibility, and that's in Section 11B-202.3, Exception 2, and I'll read that for you here. Technically infeasible. In alterations, where the enforcing authority determines compliance with applicable requirements is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. The details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency.

We're not proposing to limit in any way the obligation of the enforcing agency to report their findings.

Dennis They must do it.

Derek I hope that can allay some of your concerns about this other definition of maximum extent feasible.

HolLynn

It does. I appreciate it, and this is the kind of dialog we need, and we haven't had it up until this moment. We've always been in a listening mode, and we say what we have to say, and we feel like you just kind of ignore what we have to say and go ahead and do what you want to do.

I appreciate this dialog and this discussion. We need this, and I thank you for it. I hope we can continue in that vein.

Dennis

I would hope to also.

Derek

Our intent here, and if I can explain here a little bit the meetings and teleconferences that we've had leading up to this point were very much focused on listening and receiving input. It has been our plan to take that input from the variety of sources, draft up first drafts of proposed code changes that incorporate a lot of those comments that we've received. Then, in this forum and beginning with this very meeting, to engage in a discussion on the benefits or the detriments of the support for draft amendments or the opposition to these draft amendments.

So, really this is our intent to have that discussion right here in this meeting and really in the next two meetings as well that will coming up in November. Okay, so we really do look forward to the dialog on this.

Dennis We want to thank you for your comments because we are listening to you.

HollLynn May I just say one more thing? Your notices did not indicate in any way that this would be any way different from the previous listening sessions. So, I think if you're really going to entertain dialog and encourage dialog, please let us know that is the situation.

Dennis Alright. Thank you for that because we could do a better job of communicating what we're trying to do. Thank you.

HollLynn And, get out the transcripts, and respond to us. I did hear you say earlier, Dennis, that you're going to be responding to our comments and proposals, what we suggested, code changes which are not being enacted.

Dennis Well, we are going to respond to everyone who sent us a comment or a suggestion. Some of them, for example, we have some that are very complex and have a lot of implications that require extensive study, as you

and I have discussed. We didn't have time this cycle to get a working group together and have that kind of discussion, but we want to do that. So, we're not proposing any complex ones that should be really studied in depth because to do that now, as you say, would shortchange the process, and would deny everybody the opportunity to really work through all the various issues.

So, there are many issues that were suggested that require a significant amount of study, and we're hoping to get started with those issues very shortly after, in the spring, so we can do it in a deliberate manner and let everybody get involved in it and give it the appropriate amount of discussion and research.

HolLynn

Well, I hope that you realize it doesn't take a lot of study to know that people with wheelchairs should not have to pass behind parked vehicles. I, myself, have almost been hit twice. I had to bang on the end of a pickup to keep him from backing up over me.

When we have to go behind parked vehicles; that is an issue that should not take any study. It's always been the assumption and the tradition that paths of travel would not require anybody to go behind a parked vehicle.

So, that should not take any further study. That should be an emergency code change. Thank you.

Dennis Thank you. Ryan, do we have another commenter on this item?

Moderator We have no one else in queue.

Dennis Thank you very much. Derek, could you go to the next item, please?

Connie Arnold What comment are we taking if I want to take a break?

Dennis What time is it now?

Connie Arnold I have a couple of comments on the entire packet. I don't want to go item by item.

Derek Do you have any comments on this particular item?

Connie Arnold Are we on accessible route?

Derek Maximum extent feasible.

Connie Arnold Oh, okay.

Derek I know that you had arrived a little bit after our opening statement. So, what we're doing, the way today's meeting is going to be structured is that initially we're going to go through each of the items one by one that we've posted online as our first draft of the code changes. Once we get to the end of this draft package, then we will go ahead and open up the discussion to other items that might be more general in nature or might be specific to other items that are not within our first draft of proposed code changes.

Connie Arnold My problems relate to all the proposed code changes generally speaking, but I haven't had time to review the entire packet. So, I would like to read into the record what my statements are, and I cannot stay until 4:00 today.

Dennis Is this the email that you sent us, Connie Arnold, because this is going to be attached to the record.

Connie Arnold Yes, but I want to go over it because I know that I'm going to ad lib some things. So, for instance, if you want to say that the definition of maximum

extent feasible, that is a really bothersome statement because it dismisses people with disabilities almost virtually by the statement because building officials and people in the industry are going to see that oh, we'll provide access to the maximum extent feasible. When you have more defined language that spells out what are the requirements and requires like what HolLynn said that you identify and justify why you can't do something, it just creates an image for people in the language saying well, provide access for wheelchair users to your best ability.

That concerns me because I'm very concerned about the code proposed changes. I have some nice things to say, too, but my concern is particularly whether the proposed code changes somehow are arising as a result of the CCDA, which is the California Commission on Disability Access, and its focus on reducing litigation in the state of California. So, therefore, when you create a list of what is litigated the most, then the State Architect can go ahead and propose codes that actually narrow down or water down those areas into a gray area, rather than being able to enforce our strong civil rights laws here in California.

California's been a leader in accessibility for persons with disabilities, and we have had a model code until the erosion began under Chet Widom, and

the whole movement since SD1608 happened with the creation of the California Commission on Disability Access, which has two roles: reduce disabled access and educate the building owners as to their obligations to provide wheelchair and disabled access and meet accessibility requirements.

Across this country, across the state of California, we have noncompliant building after noncompliant building, inaccessibility after inaccessibility. Litigation is the only means of driving the building owners into compliance with the law. So, you can write letters, you can do whatever, but ultimately, they don't want to lay out money despite tax credits and tax deductions for access improvement, so we have a real problem with the provision of access.

Dennis

Well, Connie Arnold, can I respond to your one statement? We talked to the California Commission on Disability Access, but there is absolutely no intent by the State Architect's Office to put code in place that would facilitate noncompliance. Our goal is to make regulations that are clear so people know what they have to do, and then you can hold them accountable for doing it. So, I resent the implication that we're in cahoots with the California Commission, and trust me, that's not our intent at all.

Connie Arnold

I hear what you're saying, but I personally would like to see this whole issue investigated and ask CCDA to investigate it to make sure the erosion of our reductions in code access over the past few years is not a result of the outcome of what research they've done on what are the items that are most frequently litigated because that impacts all of us with disabilities. The items are litigated because they're not accessible and people want to have access, and that's the bottom line.

I personally don't think it's right to vilify people with disabilities for enforcing their civil rights to have equal access in society, not when you have recalcitrant businesses, and we've had these laws on the books since 1981. If you really want to go back, we've had some since '69 and Title 24 since '81, and ADA since 1990. Still, millions upon millions of businesses are inaccessible throughout the state of California with no interest by the business community and the industry and the lobbyist to comply. They would rather see an erosion of code.

So, while I'm signing in outside to come to this meeting, I can hear a little conversation going on with staff telling somebody who had a question, well that would best be taken up by the CCDA. All I had to hear is

CCDA, and I'm like really? I don't know what the h*** they were talking about. They were telling somebody to take the issue to the CCDA because that was the best means of addressing the issue.

So, it sort of supports my viewpoint that people are being referred over there for changes they'd like to see in proposed code rulemaking. Now, I would like to read what I have to say, and I have looked at some. I did look at the feminine hygiene disposal unit issue a little bit, not as thoroughly as I needed time.

Derek Would you mind, Connie Arnold, holding your comments on that particular item? We'll be getting to that—

Connie Arnold Yes, I'll hold it, but I have an appointment at 1:00, and I figured I would get through this if we're going to go item by item. Then, my concern, if you want to get back to accessible route, is that we have a clear, safe, accessible route throughout shopping centers, malls, places, and buildings where you don't just don't put a parking space on a sidewalk and then it doesn't connect throughout the whole place.

So, have I had a chance to review this in less than a week? No, I haven't.

This is not the only issue that's of importance to the disability community that's going on in the erosion of our rights.

Derek

I assure you, we know there are many, many concerns from the disability community. We have several listening sessions, and we heard a lot of them, and we understand that day-to-day there are a lot of difficulties. As we look at government, at state government, different agencies, different offices, different positions have different responsibilities with regard to accessibility. Now, CCDA has theirs.

At the Division of the State Architect, our responsibility is to get into the building code good, clear language that can be enforced by building departments throughout the state. Now, there's over 500 different code enforcement authorities, building departments throughout the state, and you might imagine that with all the different people and the different building departments, that we're going to have different interpretations. Now, that situation brings a lot of difficulties with it, but that's what's stipulated under California state law is that each of these jurisdictions enforces the codes, and part of that enforcement activity is interpretation of the code.

Now, we see a way that we can help to get more accessibility by making the language of the code, the language of the accessibility requirements of the code more clear. That's a primary goal of ours as we go through each of these code development cycles. It's to help make that language clear because when you have clear language, the designers know what to do. The building department knows what to enforce and how to put that enforcement on the designers when the designers come in with new construction plans or altered plans for alternations.

So, a lot of our focus is on trying to make the language of the code more clear. I hope that gives you a little bit of an insight into one of our prime concerns and things that we can do to really help accessibility because we do truly believe that vague language in the code likely leads to noncompliance and non-accessibility. So, to the extent that we can, we really want to clarify that language of the code.

Dennis

To the extent that enforcement is based on someone's opinion, opinions will vary. As Derek said, I think there's 548 jurisdictions, we would rather it say do this, a reasonable person reads it and comes to the same conclusion of what needs to be done as opposed to saying just make that

accessible, and if that's the end of the requirement, it becomes very difficult to get consistency. So, that's why we always look for things that are clear, that tell people what they have to do with specificity, then the building officials and advocates and the public can hold the building owners and designers accountable for having done that.

Connie Arnold Well, here's the other issue. The State Architect sits on the CCDA, the California Commission on Disability Access, and it has different goals. Also, I would like to know why the State Architect and DSA feel they need to align Title 24 and disabled access codes with the model code. Rather than—

Dennis That was suggested by one of the petitioners, Connie Arnold, so we will take a look at that. That's why we're having this meeting, to get comments such as you're making. We didn't come up with this suggestion. This was proposed by users—

Connie Arnold I would like to know, for instance, when it comes to the codes being proposed, I would like to know who is the proposer of the code. So, if it says sanitary disposal unit, you could put Connie Arnold, a person with a

disability or disability rights advocate, wheelchair user is the proposer of the code.

I want to know who is the proposer of the code, so I can see who's proposing these suggestions. Is it a person with a disability? Is it an industry person? What has been their objective all along in meddling in our access codes? To make it better, or has it been to erode our codes?

So, I would like to know who, so when I see accessible route, a continuous path that complies with this code, and you're striking current code language of continuous, unobstructed path connecting accessible elements and spaces of an accessible site, building, or facility that can be negotiated by a person with a disability using a wheelchair, and that it's also safer and usable by persons with other disabilities.

Interior accessible routes may include corridors, hallways, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking, access aisles, curbs, ramps, crosswalks, vehicular ways, walks, ramps, and lifts.

Then, you're going to strike all that and just say that the proposed language is a continuous path that complies with this code.

Well, then they give a rationale for that. Well, I think it's you taking the specifics and going into the—

Dennis

No, Connie Arnold, you have to understand that there is an entire—I don't know how many pages— section on what it takes to make a route accessible. It's Division Four which goes in extensive detail and specific detail about what an accessible route looks like and what it has to do to be accessible. So, we're not getting rid of requirements. We're saying you need to go to the technical requirements, and it tells you exactly what the slope is, what the width has to be, the routing of that. Definitions tend to be difficult to enforce from a technical standpoint.

As one of the prior commenters said, when the plan checker, if they're talking to the architect, the architect says well how wide does it have to be? It can't be someone's opinion. It has to go, well you have to make it five feet wide, or you have to make it four feet wide. That gives specificity, and then if it's not five feet wide, there's a definite problem, and that can be resolved.

Connie Arnold

Well, I am not a 100% code expert. I rely on CODAP people, as do many people with disabilities, for these interpretations who have had years of experience.

Now, have I had years of experience as a user? I certainly have. Have I had years of experience to be able to give expert comments on these items? I certainly have. Do I sit every day and read the codes for accessibility since the 80s and actually apply them and do the construction? No, I do not.

But, I do know it's not that hard to know that a toilet can be 17 to 19 inches, and that's the range. These kinds of things. I know what my preference is. Unfortunately, a lot of people with disabilities are in the same predicament of relying on our code experts, and I can read this.

I read the part about the feminine hygiene disposal units, and I'm going to fight the word feminine when we get to it and change that to be more gender neutral because I believe it should be across the board in all restrooms because gender neutral bathrooms, as you know, have been signed into law by the governor. Whether somebody's had a sex change operation or not, some people may have a need for a sanitary disposal unit,

whether it's for feminine products or other similar items. So, I know we we're supposed to wait before I really get into it.

Anyway, I'm very concerned about who's the proposed author, whether these are going forward at the next meeting. Are they going forward for next year? What is the timeline for actual comment on all these because a week or less than a week is not enough time? I have other items that I have a letter to get out by tomorrow on another subject.

Derek Let me address that real quickly just so you can be assured. We have scheduled two more public meetings in November at which we will be taking additional public comments and having discussions about these items that are on the table.

Connie Arnold Do you have the dates because I'm going to be away?

Dennis The 5th and the 15th of November (later corrected to the 2nd and 15th)

Connie Arnold I might be able to do the 15th.

- Derek We'll be doing those announcements ahead of time with the agenda, and we'll be sending those out to all of our interested parties.
- Connie Arnold So, are there going to be additional proposed codes at those meetings that you're going to give us five days to review, less than a week to review?
- Derek Like I'm pointing out here, we do have another month of time that you can review and submit your comments on these.
- Dennis We don't plan on adding any major items because that wouldn't give people sufficient time to study them.
- Connie Arnold So, this is the main packet, and there's not going to be another 22 items?
- Dennis No, there won't be 22 more items. There may be one or two additional items depending on comments that we get, but this is intended not to keep adding things so we can keep up with it. Our intent was that people who have time to look at these after the discussions that we're having today. We've gotten some really good comments today, and we're going to go back and look at the proposals in light of those comments.

That's why we have not just said at the last minute, this is what's going forward. Again, there's further opportunity to comment next spring because this does go to the Building Standards Commission, reviewed by their Code Advisory Committee, and many times we get comments at that venue that result in adjustments to what's been proposed. Or, sometimes things are withdrawn because they need further study, and it's pointed out to us by members of the Code Advisory Committee and sometimes the public at those hearings also.

So, this is not meant to be the final say on what's going to go forward. That's why we're having these discussions today to get comments from people such as yourself and other stakeholders.

Ida I just want to issue a correction to what Dennis said. The next two meetings are the 2nd and the 15th,

Dennis Oh, the 2nd. Excuse me. Thank you very much.

Connie Arnold The 2nd and the 15th?

Dennis The 2nd of November and the 15th of November. Similar to this. Thank you, Ida. I didn't have it in front of me.

Derek Did you have any—

Connie Arnold I might be here for both days. I want to say that first off I should say that any comments submitted from HolLynn regarding this packet, I'm 100% in agreement with, or Peter Margen or Richard Skaff if they've submitted anything.

Dennis We will attach your email, which I just saw this morning, to the transcript of this meeting and referencing this item that you you'll be making comment on. So, they'll be on the record.

Connie Arnold So, when you ask me about this accessible, like I said, I haven't reviewed the whole packet.

Dennis You do have time.

Derek You're certainly welcome to submit any additional comments if you think about them later on and would like to send them to us by email.

Connie Arnold But, I do want added who is the author who proposed the code change.

Dennis I'll have to check who's responsible [audio disruption]. Ryan, do we have any other commenters on this item?

Moderator We have no one queued up on the phone lines.

Dennis Alright. Thank you very much. Go on to the next item, Derek. We will probably take a break at 11:00.

Derek Before we go onto the next item, I see that we have a couple more people in our Oakland office and also I think in Los Angeles. Were there any comments that you might have from the Oakland office on this item of maximum extent feasible?

Kerwin Lee No comments from Oakland.

Derek Okay. Thank you. Los Angeles? No comment from Los Angeles.

Okay, great. Let's go ahead and go on to the next item. The next item is with regard to the definition of the word signs. Currently the definition reads, an element composed of displayed textual, symbolic, tactile, and/or pictorial information. We received a request, a code change suggestion to reintroduce one of the words that was in prior editions of the California Building Code in the definition of signage, and that was to add verbal to the list of different types of information.

We accepted that proposal. We've drafted it up here, so if this code change is adopted, then the definition of sign would read, an element composed of displayed textual, verbal, symbolic, tactile, and/or pictorial information. Are there any comments on this particular item here in headquarters office?

Connie Arnold

In here?

Derek

About this item, the definition of sign.

Connie Arnold

I personally haven't reviewed the packet, but it was already in the code, and I'm presuming that verbal also means like when they have street signs

up and they put a little microchip up there, somebody with [indiscernible] software on their cell phone can actually hear a description of—

Dennis That's not the meaning of verbal, Connie. That would be an audible sign.

Connie Arnold That would be audible? What is verbal then?

Dennis Verbal, actually I was confused about that myself. Verbal does not necessarily mean spoken. It means text.

Connie Arnold Well, I wondered if it meant text, but maybe verbal should be—I mean you could verbal in, but if you're going to put verbal in, why not put audible in there because somebody may put audible signs in, like I said [indiscernible] software packages at the street corner like in San Francisco. Somebody has a GPS and they follow that, and it gives them details about where they're standing.

Dennis I think, Derek correct me if I'm wrong, I think this came from California Council of the Blind, Eugene Lozano. So, that's where this request came from, Eugene Lozano with the California Council of the Blind. Again, this is an inadvertent deletion.

Connie Arnold

I don't see any problem with reinstating it, but I think I would add audible because that just sort of goes with the entire sequence with the kind of world we're developing. It also goes to, for instance, I personally and I don't know if I put this in my prior one, but I know I stated it at some of the stakeholder access meetings, that in classrooms, in community colleges and classrooms, they ought to have signage going across the board for emergency purposes.

For instance, a billboard, electronic billboard where if an emergency, there's a gunman in a certain building, you could lock down the classrooms or whatever or tell people don't go to X parking lot, there's a shooter out there. It should be able to run text across.

Now, if you're deaf you can see it. Now, if you're blind, you can't see it unless there's some other way of—but enough people in the room will know to be able to help the other person. Now, if we could have some audible aspect of that, then they might be able to take that and do some kind of thing that would then correspond with a cell phone or whatever. That's just a personal opinion.

Dennis Thank you. We will note that down.

Derek Any other comments here in the room? Not here in Sacramento.
Oakland, any comments on this item?

Kerwin Lee No comments from here.

Derek Okay, great. Thank you. Los Angeles? No comments from Los Angeles.
We still don't have anybody visible at our San Diego office, but
nonetheless, I'll open it up to San Diego. Any comments from San
Diego? Hearing none.

Ryan, if we could go to the teleconference.

Moderator [Operator instructions]. There are currently no questions in queue, sir.

Dennis Thank you, Ryan. Let's go to the next item.

Derek Alright, good. The next item regards the definition of technically
infeasible. Here we had received a petition to revise this definition for
consistency with model code language of the 2010 ADA Standards. The

petitioner noted that the current references to requirements which are necessary to provide accessibility is inconsistent with the ADA definition, and it makes it more difficult to interpret and enforce.

So, what we have done is we have taken the existing definition of technically infeasible, and we've kept it primarily, but we've struck and then added some additional language. So, the current definition of technically infeasible is an alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

So, then the amendments, if they are adopted, would affect really that last sentence of the definition. So, I'll go ahead and—I guess it's one sentence all together. So, I'll go ahead and read, if adopted, what this definition, how it would read. “An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural

conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements of this code.”

So, we’ve struck the language that would obligate compliance with the requirements for new construction because we need to recognize that Chapter 11B and the accessibility provisions address both new construction and alterations in existing buildings.

So, in general, when an element is altered, it needs to be brought up to the code requirements (for new construction). Those may differ if it’s new construction or it’s alterations, but where elements are replaced, then those are typically required to comply with the new construction requirements of the code.

Dennis

I believe that is stated in the code itself, not in the technical section, I think. It says that new work and alterations or additions will comply with the new construction requirements.

Derek Yes. That's right, and that's contained in the highest level of scoping requirement that's found in Chapter 11B, Division 2 where we address the high-level scoping, in general, for new construction and then for existing buildings and facilities in Section 11B-202. Do we have any comments here in the room on this item?

Connie Arnold I have a comment. My comment is this. My understanding that under the ADA that new construction must fully comply with access and that you cannot just make technical infeasibility and model for accessibility. So, for instance, when you have a building that is required to have an elevator, and it's built without an elevator, and the building official passes it through and gives it an occupancy permit, that's a problem, especially when a person with a disability shows up to the building and needs access. It's a new building.

I don't have time at the moment to study this language completely to see whether I agree with whether this replacement language is better than the old language. I wanted to—

Derek We're happy to receive your comments if you have some. If I can address your first statement—

Connie Arnold Yes, and I wanted to add something, too. Not just to know who proposed the petition for the code change, but what was the date the last time this code provision was changed?

Dennis I don't have that information.

Connie Arnold Okay. So, that would be something that would be good to know for all the proposals.

Derek Just to clarify. When a new building is built, it needs to comply with all of the new code requirements. Now, in the requirements applicable to new buildings, there are some buildings that, for example, a two-story office building is not required to have an elevator. So, full compliance with the new construction requirements in that space would not require an elevator to be provided in that building. That would be considered fully compliant if all other aspects of the building comply with the codes.

Connie Arnold So, let me ask you this. Then, my concern would be, when was the last change to this? Our goal here is provide access to persons with disabilities. We would hope that would be our goal, but you're giving us

an example of a building that doesn't have to comply with the new code. Our concern is every time we have a code adoption cycle, the codes change, and since there's been over the past few years, some reductions in code accessibility, and these new buildings don't have to comply with the older codes that would require better access, that makes it worse for people with disabilities.

Derek

Well, I'm not sure how that item may have been explained to you by your associates. As far as the elevator exception, as I just illustrated, that's been in the code since the 1982 accessibility requirement, or incorporated into the code. It's also provided in state law that certain buildings need not provide an elevator. It's also consistent with federal law, so full accessibility for the purposes of the building code does allow some new buildings to be provided without an elevator.

Connie Arnold

So, let me ask you this. That is an area for a code change because any new construction should provide access. I don't know what types of office buildings you're referring to that aren't required to have an elevator without going back and looking at the codes myself, but that concerns me. Are you talking about specific buildings like—what are you defining as this example you're giving?

Derek The exception that I was referring to, which has been in place for 35 years, tells us that—

Connie Arnold And, this is new construction?

Derek In new construction, that a multi-storied office building, other than the professional office of a healthcare provider and passenger vehicle service stations less than three stories high or less than 3,000 square feet per story. That would be an example of a whole class of buildings that would not be required to have an elevator.

So, if it's a two-story office building that's not a professional office of a healthcare provider, then that two-story office building would not be required to have an elevator. If it's a four-story office building that's not the office of a healthcare provider, and the square footage for each of the floors was, for example 2,500 feet, then that would also be another example of a building class that would not be required to have an elevator. These provisions are in state law. They are consistent with the ADA, and they've been in the building code for 35 years.

Connie Arnold Well, let's just say that the ADA Standards are less stringent than the California Accessibility Standards in the majority of cases, so I have concern about whether all these buildings are being built without access because that's an exclusion of people of disabilities. I realize that the code says that you don't have to make improvements in accessibility, but you can't decrease access.

So, I have a concern about this area then because of course, people will build to not provide any access. A lot of people will. There are some people that won't do that, but some people will. I'd like to know how many buildings have been constructed since the code went into effect without elevators that deny access to people with disabilities.

Derek Okay. These are certainly recognized as heartfelt concerns.

Connie Arnold So, I have to take time to see what develops, and I'm just giving you my adlib comment at the moment.

Dennis Thank you.

Derek Very good. Do we have any other comments on the definition of technically infeasible in the room? None here in the room. Oakland, any comments on this item?

Kerwin Lee No comments from Oakland.

Derek Okay. Thanks, Kerwin. I don't see anybody in the Los Angeles office, but is there anybody off camera that might have comments on this? No comments from Los Angeles. I don't see anybody in the San Diego office, but is there anybody off camera that might have comments of this? No comments from San Diego.

Ryan, do we have anybody queued up for this?

Moderator There are currently no comments from the phone lines.

Derek Thank you very much. Let's go ahead and go on to the next item then. The next item is concerning fire alarm boxes. These are sometimes called pull boxes, but these are oftentimes red in color, and they have a handle on it that people can pull the handle, and the fire alarm will then initiate. They start to project their horn and flash their flashers when appropriate.

Now, we had received some comments at the last code cycle's Code Advisory Committee of the Building Standards Commission, and the discussion at that time was that the accessibility requirements applicable to these fire alarm boxes was perhaps unclear. So, what we've done is we've proposed a couple of amendments that we think will make these requirements more clear.

So, the first of the amendments here—the old language in part read that manual fire alarm boxes shall also comply with Section 11B-309.4. Now, 11B-309.4 is the Chapter 11B provision that requires that controls and operating mechanisms be operable with one hand and not require tight grasping, pinching, or twisting of the wrist and that they're operable with five pounds maximum of force.

We are proposing to change that to require, more generally, compliance with Section 11B-309. Now, 11B-309 of course includes 11B-309.4, the operable parts requirement, but it has additional requirements as well. So, these would be new requirements expressed in the building code. So, these fire alarm pull boxes, manual fire alarm boxes would, in addition to operable with one hand, no tight grasping, pinching, or twisting of the

wrist, and five pounds maximum force, they would now have to, and this is going to be made clear, they would have to be provided within one of the reach ranges, either from front approach or from side approach, depending on the condition. They'd have to be provided with appropriate clear floor space at the manual fire alarm box. So, these would be what we consider to be a clarification of the requirements of the code.

Now, the second part of this item has an exception, and this exception has been in the California Building Code going back to 1982. The specific language has varied a little bit, but in essence this same exception goes back to 1982. The current language that in existing buildings, there is no requirement to retroactively relocate existing manual fire alarm pull boxes to a minimum of 42 inches, and a maximum of 48 inches from the floor level to the activating handle or lever of the box.

That's a pretty big exception. We had a number of comments back at the Code Advisory Committee meeting that we should go and take another look at that exception. It seemed to be an unreasonable exception. So, with this item, DSA is proposing to strike that exception. So, that exception would not apply if this language was adopted.

I think that probably covers this particular item. Are there any questions or comments about this particular item from here in the room?

Connie Arnold At this stage, I don't see a problem with the change without further investigation, but it looks like the Office of the State Fire Marshall was the person that partly proposed this, but fire alarm boxes should be accessible at an accessible reach range for persons with disabilities. So, I don't see a problem getting rid of any exception that would miscue any alterations that the fire boxes don't have to be accessible, that they would have to be accessible.

Derek Can we note that as your support for this item?

Connie Arnold I would say, at this stage, I don't see a problem with striking that exception.

Derek Of course, we would welcome any further follow-on comments that you might have.

Connie Arnold I will.

Derek Okay. Very good. Any other comments here in the room or questions?

No. Oakland, any comments or questions on this item?

Kerwin Lee No comments from Oakland.

Derek Okay. Thank you, Kerwin. Los Angeles, nobody's visible on camera. Is there anybody off camera that has comments or questions on this item? I hear none. San Diego, nobody's visible on camera. Anybody off camera that has comments or questions on this item? Nobody.

Ryan, let's go to the phones.

Moderator [Operator instructions]. We do have a question or comment from the line of Terry McLean. Please go ahead.

Terry McLean I recommend approval.

Dennis Thank you, Terry.

Derek Thank you, Terry. Did you have anything else on this item?

Terry No. That's it.

Derek Short and sweet. Great. Thank you.

Moderator There are no further questions or comments in queue.

Derek Okay. Good. Thank you very much. Alright, let's go ahead and go on to the next item. This next item appears in Chapter 10, and with this item we're correcting a bad code reference. Currently, in the building code, within Chapter 10, there is a reference to the model code Chapter 11, Section 1103.2.9.

Just to remind everybody, the International Building Code does have a Chapter 11, which provides building requirements for accessibility. Here in California, we discard Chapter 11 and instead the Department of Housing and Community Development writes Chapter 11A and our office, the State Architect's Office, writes Chapter 11B.

Here we're proposing to strike the reference to the Chapter 11, which doesn't occur in the California Building Code, and replace it with a reference to Section 11B-203.5. Just for the listeners and participants in

today's session, the Section 11B-203.5 is under the general exceptions and it specifically addresses the general exceptions at machinery spaces.

So, the main requirement here tells us that there shall be a floor or landing on each side of the door, and it needs to be at the same elevation on each side of the door. The exception number 6, where we're proposing this change says doors serving equipment spaces, not required to be accessible in accordance with, and we're proposing to change it to 11B-203.5, and serving an occupant load of five or less shall be permitted to have a landing on one side to be not more than seven inches above or below the landing on the egress side of the door.

Now, the general exception for machinery spaces is invoked here because there are some types of machinery spaces that have requirements to have different levels—generally a recess, a step-down condition—into these machinery spaces, often for the containment of fluids that may come out when an element is ruptured or damaged. So, I think with that, I'd like to open it up for any comments here in the room.

Connie Arnold

My comment on this one is just that I'm going to need to study this more before I can comment on it, and that I wanted a clarification in terms of

machinery spaces because community colleges teach a lot of different subjects. Would this in any way impact—because you're talking about a step and this kind of thing—impact student participation in areas involving machinery and identifiable equipment? So, I need to get a clarification on that.

Derek Okay, and I think we can because it's addressed explicitly in the code. Ida, if you wouldn't mind rolling up the comments on this to where we site 11B-203.5.

Connie Arnold I also have a friend who's also an auto detailer, and he's in a wheelchair. I just want to know if it would affect any spaces involving automobile places.

Dennis I think you introduced us to him at one point a couple years ago.

Connie Arnold Yes.

Derek The general exception for machinery spaces, it says this: spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment shall not be required to comply with

these requirements or to be on an accessible route. Machinery spaces include, but are not limited to, elevator pits or elevator penthouses; mechanical, electrical or communications equipment rooms; piping or equipment catwalks; water or sewage treatment pump rooms and stations; electric substations and transformer vaults; and highway and tunnel utility facilities.

So, no. This is not going to impact any of these areas where students are and there's student education occurring. I think your—

Connie Arnold What about automobile?

Derek Painter or detailer.

Connie Arnold Yes. He's an auto detailer.

Derek Yes. I don't think that auto detailing would fall into any of these categories that are listed in this exception.

Connie Arnold Thank you for the clarification. However, I will defer my comments.

Derek Okay. Good. Thank you, Connie Arnold. Any other comments here in the room or questions? None. Oakland, comments or questions.

John Paul Scott [Speaker off mic].

Dennis We haven't gotten to that item yet.

John Paul Scott [Speaker off mic].

Derek Okay. I suspect, John, that this is related to one of the other items that's being proposed here. Do you mind if we take that question in context in—

Dennis It's the next one.

Derek Thanks a lot. It is the next one here. No other comments from Oakland then? Okay. I see nobody in Los Angeles, but if there's anybody off camera that has a comment, please let me know. I don't hear anyone. If there's anybody off camera in San Diego who has a comment, please speak up. No. Okay.

Before we go to the telephones, what I'd like to do is to share with you one of the comments that we received last night late on this item. The commenter, if I can summarize a bit here, says if you want to maintain consistency, he's suggesting to either change the word machinery spaces in Section 11B-203.5 to align with the Chapter 10 use of the word equipment spaces. Or, in the alternative, use the wording of this section in exception 6. So, I think in that, he's concerned about the Chapter 11B reference to machinery spaces versus the Chapter 10 reference to equipment spaces.

Just to give a little bit more background than what we have in our document, the term machinery spaces is brought in directly from the 2010 ADA Standards for Accessible Design, and it's been incorporated into the California Building Code Chapter 11B. As part of that, and I did read an excerpt from that, I did read that section. We see what kinds of spaces are being described as machinery spaces, and they do include equipment rooms, elevators, dispense houses, and so on.

The Chapter 10 language and the exception which references equipment spaces—of course Chapter 10 is under the adoption of the state fire marshal, and their model code is not the ADA Standards for Accessible

Design; it's the International Building Code, so within that national model code as adopted by the State Fire Marshal, they use the term equipment spaces. So, I wanted to just give a little background on that.

Now, Ryan, if we could go to the phones and take any comments that might be queued up.

Moderator [Operator instructions]. We have one already. It comes from the line of Terry McLean. Please go ahead.

Terry McLean I recommend approval of correcting the code reference. Thank you.

Derek Thank you, Terry.

W [Speaker off mic].

M [Speaker off mic].

Connie Arnold That was for the adoption of machinery?

Dennis Yes. Are there any other callers, Ryan?

Moderator No one else in queue.

Dennis Alright. Thank you.

Derek Okay. Great.

Dennis Why don't we go to the next item, Derek, and then we'll take a break after that.

Connie Arnold I would like to ask that I have a chance to make my comments because I have an appointment in Rancho Cordova at 1:00 for my van lift, so I kind of have to go.

Dennis Why don't we do the next comment, and then you can do yours.

Derek I think we have a scheduled lunch break at 12:00, which is 40 minutes from now. If we can take this item, the path of travel item, and then, Connie Arnold, I remember you said that you wanted to address the product disposal units.

Connie Arnold Yes, I do.

Derek So, maybe we can take that one afterwards. Is that going to give you enough time to—?

Connie Arnold I think so, unless Dennis needs to use the restroom.

Dennis I'm fine. I'm okay. Not too much coffee this morning.

Derek Okay. Alright, real good. Well, let's go ahead and address the next item in order here. Then, following that, we'll take an item out of order.

So, the next item addresses Section 11B-202.4 and is specific to Exception 2. Now 11B-202.4 is where the path of travel requirements and alterations, additions, and structural repairs are specified. We're not proposing any changes to the basic requirements there. The proposed change has to do with Exception 2.

Now, currently, Exception 2 says if the following elements of a path of travel have been constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the

California Building Code, it shall not be required to retrofit such elements to reflect the incremental changes in this code solely because of an alteration to an area served by those elements of the path of travel.

One, a primary entrance to the building or facility. Two, toilet and bathing facilities serving the area. Three, drinking fountains serving the area. Four, public telephones serving the area. Five, signs. This draft proposal is proposing new language, a new sentence to occur right after that five item list, and this new language is intended to address some of the comments that we've received about the lack of specificity about the reference to immediately preceding edition of the California Building Code.

So, the language we're proposing to add after the five-item list: The language in this exception which refers to the "immediately preceding edition of the California Building Code" shall permit a reference back to one CBC edition only and is not accumulative to prior editions. So, do we have any questions or comments of this item here in the room?

Connie Arnold

My comment is that I have to study this further before I can comment.

Dennis

Let me just give you a sense of what the issue was with this. Some people were saying that the current language says I can go back one code. If that prior code says I can go back one code, then I can go back to another code, and they would keep going until that provision wasn't in the code. That is not the intent of this at all, and there were some people that were trying to apply it to reduce their obligations by just going back too far. So, this is our effort to clarify that this was not—you can't keep jumping backwards until you get to the point where this thing didn't come in. Our intent was not to free things forever.

So, this is telling people you can only go back one edition and no further, even though that earlier edition has the same language in it, but that doesn't apply in that case. You can't keep jumping backwards. You can only go back three years, for example. That's the max that you can go back.

Connie Arnold

Thank you for that explanation.

Dennis

Okay, good.

Derek

Thank you, Dennis.

Dennis You're welcome.

Connie Arnold I still am reserving my comment.

Dennis I understand. Not a problem.

Derek Now, our office has addressed this within our CBC advisory manual, and it's consistent with this understanding that we're reflecting here in the proposed language. In this we clarified that it's the preceding edition, and one preceding edition only. Now, John, I'm mindful of your question, I think that popped up last time, and I'll take a stab at preempting it here, but please let me know if there's additional clarity you need on this.

The question sometimes comes up what do we mean by preceding edition. The California Building Code is published as a triennial edition. So, we have the 2010 California Building Code, the 2013 California Building Code, and the 2016 California Building Code, which is going to be effective in just a couple of months.

So, within each of those three-year editions, there are oftentimes adjustments to the codes. Sometimes there are corrections because of misspellings or bad code references or amended language that is packaged as a supplement to the code. In other words, it takes out sections of the code and replaces them with the newly-adopted language. That can happen occasionally throughout the edition, or it can happen consistent with the Building Standards Commission's intervening code cycle, which occurs right in the middle of the three-year editions of the code.

So, John, I think to answer your question, our intent with this is by being able to look back to one edition. So, when the 2016 code is effective, then this exception, along with the clarification but even without it, the intent there is only to be able to look back to the 2013 code. So, we would be in the 2016 code, in this example, and we could only look back to the 2013 code.

But, we couldn't then use the language in the 2013 code, which says you can look back one edition, which would take us back to the 2010 code.

We don't want that at all. We want to say to look back one edition only.

We recognize that sometimes language changes during the edition of the

code. So, as I mentioned just a moment ago, the 2013 language changes sometimes.

In our jurisdiction, we enforce this provision of the code to allow compliance with any of the incremental changes that may have occurred within the prior edition. So, right now we're in the 2013 code. We could look back to the 2010 code, and it could be one of the several different variations that we're still under the 2010 code edition.

You know what I'd like to do, John, because you did have that question on the last item, let's go straight to Oakland, and John, if you have any other comments or questions about this, please.

John Paul Scott I just want to be clear then. With the Building Standards Commission's intervening code cycle, there's actually new material that's inserted or deleted and whether that makes the intervening code [audio disruption] edition that we're talking about. [Audio disruption].

Derek The way we enforce it, the designer could choose either. The designer could comply with the 2013 code language that incorporates the

intervening code changes, or it could comply with the initial publication of the 2013 code.

John Paul Scott Okay. That's what I needed to—

Derek Alright. Real good. Are there any other comments from the Oakland office?

Kerwin Lee No further comments.

Derek Okay. Great. Do we have any comments here in the room in Sacramento?
None. Okay. Good.

Los Angeles, I still don't see anybody there, but is someone's off camera who would like to comment, please let us know. None. San Diego, same situation. I don't see anybody on camera, but if there's anybody off camera that would like to comment, please let us know. I don't hear anyone.

Ryan, is there anybody on the telephone line.

Moderator We do have two people queued up. First one comes from the line of William Rehling. Please go ahead.

Derek Okay. Good. Mr. Rehling.

William Rehling Good morning, everyone. Sort of a newcomer from San Francisco and also doing a lot of advocacy work in Santa Barbara. Since I've been researching to get up to speed, it's great to hear some of my new heroes on the line, so good morning to everybody.

I was a little late pressing my button, so I do support this proposal but wanted to go back and comment on the issue of technical infeasibility very quickly. I've come across several comments from several architects in several different jurisdictions where they see technical infeasibility as an easier thing to get approved—they see it as a way to avoid having to go through a hardship determination, a way to avoid having to apply for alternate means or materials. So, to me, that says whenever you're revising the technical infeasibility sections that I'd just try to keep as tight a lid on that as possible seeing as somehow it's seen as an easier way to avoid providing full accessibility in working with your local jurisdiction.

You also were clarifying that some of the reasons given for the changes so far were to bring the CBC closer to the model code language, and you're referring to the 2010 ADAS, then right, as the model code.

Derek That is the model code that we use for Chapter 11B. Yes.

William Rehling That just prompted a question. Forgive the sideline. The most recent information on the DSA website was the request for certification to the DOJ from 2004, and the DOJ's initial response from 2004. Was the 2013 building code ever submitted for certification, and are there any plans to submit the 2016 code for certification? Has there been anything from the DOJ since October 2004?

Derek Will, DOJ did, in fact, submit to the US DOJ the 2013 building code for certification. We are still waiting response and their initial review of our item. We understand that they have not been focused on that item, but they have said it is still under review.

William Rehling So, when they do eventually respond, there will be ways in which the public will be able to see what they had to say. I assume that means

there's no reason to be applying for the 2016 until you hear back on 2013, right?

Derek Yes, we kind of see the 2016 code as having a series of discrete amendments that change specific portions of the 2013 code, but if the past is an example, then as we did back during the 2004, 2006 era, we did update our submittal to the US Department of Justice with subsequent amendments to the code. So, we think that once we get DOJ's initial assessment of the 2013 code, that at that time then, we would share with them the updates.

William Okay, and last question. Getting DOJ certification, that in no way precludes California from continuing to be more restrictive in certain areas. Correct?

Dennis Not at all.

William Rehling Great.

Derek In fact, under the Americans with Disabilities Act, and specific to the construction requirements for new and altered buildings, DOJ does state

specifically that there is no limitation or prohibition of states or other localities adopting provisions which provide greater accessibility than the federal standards.

William Rehling Great. Thank you very, very much. Appreciate, and look forward to meeting some of you in the future.

Connie Arnold Can I ask a clarification of the speaker? What is his name?

William My name is Will Rehling, R-E-H-L-I-N-G. I actually reside in San Francisco. I helped cofound an organization down in Santa Barbara because I spend a lot of time there, Accessible Santa Barbara. So, I have occasionally called Ms. D'Lil and Mr. Skaff, who I don't hear today.

Just basically, probably about two years now I've been reading and getting up to speed to be able to participate. Mr. Shaw knows I've been in touch with him a few times to talk about various issues. Definitely on the accessibility advocate side of the spectrum.

Connie Arnold Thank you.

Derek Ryan, is there anybody else on the telephone line queue?

Moderator We have one more. It comes from the line of Ally Watts. Please go ahead.

Ally Hi, everyone. I'm interested in a couple of items. One, I was wondering if we could clarify the item we reviewed just a few minutes ago, the language in the exception refers to immediately preceding edition of the CBC. I just have a little suggestion to think about.

Maybe we could phrase it in a way for easier clarity saying maybe limited to the one in effect immediately before the edition in effect at the time of application. I just have a feeling I needed to ask for an example when I read the draft, and I was hoping that we could add some verbiage to clarify or perhaps add an example, maybe mentioning that it was limited to the one preceding the one in effect at the time of application.

Dennis Ally, this is Dennis Corelis, and when we first drafted this, we thought the language immediately preceding edition was pretty clear, but because people then tried to expand its application by saying well, when I go to the immediately preceding edition, that language is still there and lets me go

to, again, the earlier preceding edition. So, that's why it was—and people were, quite frankly, abusing it and that was not our intent at all. We hope this language is—when we say the building official shall not permit it going beyond one immediate edition. That's a pretty clear direction to the building official that you can't keep hop-skipping backwards in the code.

Ally Watts Right. I was just hoping we could make it slightly clearer by saying that it's limited.

Dennis Like I said, if you have any suggestions on how it could be more clear, we would be happy to look at your—

Ally Watts Okay. If we limit it to the one in effect immediately before the edition in effect at the time of application, that might be easier to explain to someone who's bringing a project.

Dennis Alright.

Connie Arnold What's Ally's last name?

Dennis Watts. W-A-T-T-S.

Connie Arnold A-L-L-Y?

Ally Yes. Thank you. I appreciate the clarifications elsewhere in the code revisions. Thank you so much.

Dennis Thank you, Ally.

Derek Great. Thank you. Ryan, are there any other people queued?

Moderator No one else is in queue.

Derek Alright. That's great. So, now what I'd like to do is to take the next item out of order.

Connie Arnold Page 34, not 43.

Derek So, we'll be going and taking a look at the code item proposal that's on page 34 of 43 in the meeting documents.

Connie Arnold It's what you refer to as feminine hygiene disposal units.

Derek Ida, do you want to present?

Dennis Since you drafted this one.

Ida I did. So, we had a request—

Connie Arnold Yes, I requested it.

Ida By Connie Arnold that we indicate the location of feminine hygiene disposal units in an accessible toilet compartment so that they are easily accessible to the users when they are in the compartment. So, our location and the logic on where we have located these disposal units is that the toilet paper dispenser unit is regulated in the code in the specific location, and we do not want to revise that in any way.

Therefore, we located the disposal units as close as possible to the toilet paper dispenser unit. Of course, that requirement does not require feminine hygiene disposal units to be provided. It's when they are provided, the location is now specified.

Do we have any comments in the room? Actually, Connie Arnold, if you'll hold. I'll read those.

Connie Arnold Yes. Read it.

Ida That would be good. So, if the [audio disruption] is adopted, we would need to—right now 11B-604.7 deals with toilet paper dispensers only. In considering and in keeping consistent with the model code format, we would put the dispensers and the disposal units under 604.7 creating a sub-item for dispensers and 604.7.1 for dispensers and adding and not changing any requirement in that requirement, but adding 11B-604.7.2 Disposal units, which states feminine hygiene disposal units, if provided, shall comply with 11B-309.4, which is the requirement for operable parts and shall be wall-mounted 18 inches minimum and 20 inches maximum in front of the water closet, measured to the center line of the disposal unit. The disposal unit shall be located below the grab bar with the opening of the disposal unit 20 inches minimum and 22 inches maximum above the finished floor.

Any comments in the room?

Connie Arnold Of course, I have a comment.

Dennis I have a comment, too. Let me get mine first. I think we ought to say surface as opposed to wall because sometimes they'll be in a compartment that's a toilet compartment surface as opposed to a wall. I don't want people to try to use that as an escape hatch. It should be surface as opposed to wall.

Ida You mean in the wall-mounted description.

Dennis Exactly. It shall be surface-mounted as opposed to that. Go ahead, Connie Arnold, please. Thank you.

Connie Arnold Just a second. Well, I think you strike feminine, and you should put in sanitary. I think that these, as I said in my letter, these sanitary disposal units should be available in all types of bathrooms. As you see, we have a transgender community out there. We have seniors out there. We have people with disabilities out there, and you have women's restrooms, men's restrooms, unisex restrooms, gender neutral restrooms, which means essentially unisex restrooms, family restrooms.

People have a variety of sanitary disposal items, so as you see if you go to any store, Walmart or CVS or Walgreens or your local market, you'll see an expansion of feminine and both male and female products, disposal barrier products for people's bladder issues. That crosses genders.

Then, you have transgendered individuals that may not have a sex change operation, so they may go into the men's restroom, and they're transitioning, and they may still need to use sanitary disposal units. So, I'd like to see it say sanitary hygiene disposal units. That way, whether somebody has issues, whether they're men or female or there's a bladder issues, whether it's a feminine disposal issue like a tampon or sanitary napkin or urinary bladder pad or a Depends or whatever type of thing they need to dispose of, they can dispose of.

One of the things that I—I need to go and mock this up on a wall basically and see what I think. One thing that only would concern me would be about you know how I said my preference was for units that are all-inclusive recessed into a wall by a grab bar. You know they have those metal units where they have the toilet paper in there. They have the disposal units in there. They just seem to have everything in one unit.

Those are preferable items whereas the other items like you're showing in the mockup picture, which I think you could expand to show a mockup picture with a recessed unit into a wall or surface-mounted unit. You could say wall or surface-mounted unit; it would cover both. Then, I need to think about it a little bit more and make sure that this is—to me it's good.

It needs some adjustments, and I need to make sure that there aren't other adjustments out there from conversations I have with other people with disabilities that would impact further comments on this subject. But, it's a step forward to addressing a really important issue for myself, other women, and other people in general, seniors, persons with disabilities of either sex, so that's why I want to keep it more gender neutral so that it can go in any facility and can be used by people where they're changing out a barrier pad or they're getting rid of a sanitary napkin or a tampon or whatever, and whether I'd like to see something mocked up where it's a recessed unit.

I'm glad you're showing the toilet paper the way it is, but a lot of places, including places like Costco, they put these gigantic, dual-roll toilet papers. I either find above the grab bar or below the grab bar. They create

a problem, although when they're below the grab bar, as long as they're not too close to the grab bar, you can almost lean against them except if the screws aren't tight. If they fall apart on you because you leaned on it, you touched it, but they're hard to reach up inside and that kind of thing.

So, as far as this unit goes, it's the distance. I was trying to get a grasp on the distance to the center line from the front of the toilet that I wanted to see.

Dennis Part of the reason why it's positioned where it is is that it has to—

Connie Arnold It has to be in front of the toilet, for sure.

Dennis We have strict requirements for where the toilet paper outlet is, so you need to access that. So, it has to be coordinated with that.

Connie Arnold It has to be coordinated. I don't think it should be something that should be arbitrary. I think they should start installing them. You said it was electable, optional.

Ida The way the provision is written right now is if it's provided, it's required to be at this location.

Connie Arnold Okay. We just need to get more demand, right? Okay. Well, thank you for doing that. I have to say, and I'll see if I have anything. Just the other specific items that would go in those kinds of things. You could even label it with items allowed in the disposal unit.

Ida Thank you for your—

Connie Arnold That's why storage might—you're storage cavities could be—you have small ones or you have a little bigger ones. Thank you for doing this.

Ida Thank you for your comments, Connie Arnold. Are there any comments in Oakland? I see no one. Los Angeles? No one.

Connie Arnold They all went to lunch.

Ida San Diego? Ryan, could you please open the telephone lines? Are there any comments?

Moderator Okay. We do have one that's queued up. It comes from the line of Alan Gettelman. Please go ahead.

Alan Gettleman Good morning. My name is Alan Gettelman. I'm with Bobrick Washroom Equipment. I just wanted to let the committee know that I have submitted a comment that I will try and preface in this phone call, but I understand that it will be added to the transcript of the meeting. So, let me just say that in reading over the proposed Section of 11B-604 dispenser and disposal units, I see that it's unique and that it's adding to the accessibility standards positions for locating the feminine hygiene disposal unit. That is not covered in either the 2010 ADA or the 2009 ICC ANSI 117 standards, so I applaud the committee for trying to put more accessibility with their accessories into the standards.

I feel that the proposed language is considering only the application of individual surface-mounted or recessed napkin disposals together with a toilet tissue dispenser. I believe that the language overlooks and even excludes the wide use of the specified and installed partition-mounted or recessed combination units that go into the partition or go into the wall that combine the toilet tissue dispenser, a napkin disposal, as well as a seat cover dispenser.

The combination of all of those three accessories together with the horizontal grab bar that goes across the face of the unit, and in some jurisdictions where they've adopted the ICC standards for the 18-inch vertical grab bar, it's a real puzzle to put all of that in such a small place, but the combination unit does allow the application of all those units together with the grab bar for increased accessibility. I think that the information as I read in that standard now has a dimension of a height of the napkin disposal outlet to be 20 to 22 inches maximum height to the floor. That's going to be a problem for some of these combination units that have the disposal outlet higher than that but below the grab bar.

So, I am concerned about the fact that this rigid standard, also the rigid standard, 18 to 20 inches in front of the toilet is putting a lot of extra space in front of that toilet for accessories that's going to cause reach of someone into the area in front of the toilet. I'm suggesting that maybe they relook at the spacing both the height of the opening and the horizontal positioning of the unit in relationship to the toilet and maybe considering using some of the horizontal space alongside the toilet, not necessarily just in front of it for locating the napkin disposal and the tissue dispenser.

I'm suggesting three things, and then I will conclude. Number one is consider how to include the use of the partition-mounted and recessed combination units with the toilet tissue and feminine napkin disposal in determining the maximum height of the disposal units. Let's bring the combination units in, not just consider individual units.

Also, I suggest maybe if they haven't already, take a look at the 2009 ICC ANSI A117 standards that provide a wide, horizontal area that's between 24 inches from the back wall and 42 inches from the back wall so there's an area of about 18 inches there that allows the placement of dispensers. So, try and borrow from something that one of the other standards has done.

If that can't be done, number three, create an exception for this Section 11B-604.7 for the combination units that put all these accessories together. So, those are my comments, and those are my suggestions. They were put in an email that I sent last night to the DSA.

Dennis

Thank you.

Ida Thank you for your comments, Alan Gettleman.

Connie Arnold Can I get his last name?

Dennis Gettelman.

Alan Gettleman Gettelman. It's A-L-A-N, and it's Gettelman, G-E-T-T-E-L-M-A-N.

Connie Arnold G-E-T-T

Dennis E-L

Alan Gettleman E-L-M-A-N

Connie Arnold And, who are you with?

Alan Gettleman I'm with Bobrick Washroom Equipment. B-O-B-R-I-C-K, washroom like the men's and women's washroom, equipment incorporated. I'm vice president of external affairs. Bobrick is in North Hollywood, California.

Dennis Thank you very much.

Connie Arnold What is your phone number?

Alan Gettleman (818) 503-1629. You want my email address?

Connie Arnold Yes.

Alan Gettleman It's agettelman@bobrick.com

Connie Arnold B-O-B-E-R-I-C

Alan Gettleman B-O-B-R-I-C-K, like Bob and Rick. B-O-B-R-I-C-K

Connie Arnold Okay. Thank you.

Derek Mr. Gettelman.

Alan Gettleman Yes.

Derek This is Derek Shaw with DSA. I wanted to maybe take up the issue of the recessed units here, and maybe you can provide additional information for us.

Alan Gettleman Sure.

Derek It's been our experience that most of the recessed units that we run across are installed so that they project some amount, some distance, in front of a wall where they're installed.

Alan Gettleman Right.

Derek Do you have any recessed units that are tile-in, you might say, or that could be installed fully flush?

Alan Gettleman Bobrick does not, nor does anyone else in the industry. I have had extensive communication and I can send you an opinion that has been bought off by the US Access Board and the International Code Council that discusses this, I guess, instruction of about three-sixteenths of an inch of space into the one and half-inch absolute dimension for the wall clearance on the grab bar in front of these partition-mounted units.

The 2010 ADA Standards provide the absolute one and a half-inch wall space, and that was really written and adopted in 2004 and even before that, and it appears in the 2010 ADA. The ICC ANSI Standards, which were established in 2009, four or five years after the ADA had adopted that wall clearance, they have allowed as much as a one-quarter of an inch intrusion into that wall clearance.

I have opinions from both standard-setting bodies that have basically said it's a tradeoff, and we would never issue a violation because we think that the combination unit behind the bar adds more accessibility, and the miniscule reduction in space really doesn't prevent someone from accessing the accessories, and it provides the safety of someone not being able to slip their arm between the bar and wall or partition or the face of the unit.

So, it is an issue that comes up by inspectors who are out there with their one and a half-inch sticks, or some people are using a one and half-inch round marble, rolling it across the bar. If it falls through, they pass. If it's hung up, then it's a failure. I'm hearing from the ICC and the Access Board that they would never consider that a violation. I'd be happy to

send you a statement that we have on that because we get asked about that weekly.

Derek Okay, yes. That's great. That's really, Mr. Gettelman, just the issue that I was getting to as well and that potential conflict with the absolute requirements.

Connie Arnold This is Connie Arnold Arnold, and I'm a disability rights advocate. I live in Elk Grove. My email is ihss_advocate@yahoo.com. I like in India, H like in hotel, S like in Sierra, S like in Sierra, underscore advocate@yahoo.com. My mobile number is (916) 743-9007.

Alan Gettleman Wait a minute. You're going way too fast.

Connie Arnold Oh, (916)

Alan Gettleman Wait a minute. I'm in the middle of something else, and I have to get a whole bunch of writing things in front of me. Alright, let me have—first it was Terry Shaw.

Derek My name is Derek Shaw with DSA.

Alan Gettleman Oh, Derek Shaw. You're with DSA because you sent me the invitation
this morning.

Derek Yes.

Alan Gettleman I'm sorry. The other person who was interested in this.

Derek Connie Arnold Arnold.

Alan Gettleman I'm sorry. I can't hear.

Connie Arnold Connie Arnold Arnold. C-O-

Alan Gettleman Oh, Connie Arnold Arnold.

Connie Arnold Yes, and my email is I-H-S-S

Alan Gettleman I-H-S-S

Connie Arnold Underscore advocate.

Alan Gettleman Underscore advocate. Okay.

Connie Arnold At yahoo.com

Alan Gettleman At yahoo.com. Okay.

Connie Arnold My mobile number is (916).

Alan Gettleman (916)

Connie Arnold 743

Alan Gettleman 743

Connie Arnold 9007

Alan Gettleman 9007. Okay.

Connie Arnold I raised this issue as a proposed code change because I love the recessed units and because it's a need of people to have sanitary disposal units, and

oftentimes I'll find some units back behind the toilet or 50 inches away, but totally, completely unreachable. I think with the population and the changes going on for seniors and transgender and gender neutral restrooms and unisex restrooms, men's and women's, I'd like to see more of these. So, that was the reason I brought this up.

Now, DSA did a nice job of first round for some examples, however, what you were talking about is what I had been describing also about alongside the toilet where the unit is recessed into the wall compartment where it's a combination unit. I forgot that the sanitary seat covers were part of that—are my favorite units with all-in-one. So, I would like to see there be options out there that include that as well, even in the pictorial diagrams and the wording that DSA comes up with for these sanitary disposal units.

Keeping in mind that I really felt that it's not just sanitary napkins or tampons, but similar items because seniors and people with bladder problems have Depends, and I'm thinking all the names of the urinary incontinence supplies out there. Some people have catheters and things that they want to put inside those units that they'd be able to accommodate it and it be conveniently located so not to create an obstruction for people with disabilities. It is my favorite. The combo units are my favorite.

Alan Gettleman Well, why don't I do this, Connie Arnold, and I'll do this for you, Derek, too. Why don't I have some layouts prepared that will show how the combination units can be used alongside of a toilet that include both a napkin disposal and the toilet tissue and try and get it either within the seven to nine inches of the leading edge of the toilet for the toilet paper and where the napkin disposal would be, both horizontally and vertically. You can see it visually, and maybe that would be facts that could be worked into the next draft.

Dennis That'd be great. Thank you very much.

Connie Arnold That would be great. Thank you.

Alan Gettleman Okay. I volunteer to take that on.

Dennis Okay. Thank you.

Ida Thank you, Alan. Ryan, are there any other comments on the phone?

Moderator We do have one more in queue. It comes from the line of Terry McLean.

Please go ahead.

Terry I just want to let you know, Bobrick does in fact have a recessed unit that only has a toilet paper dispenser and the napkin disposal that could easily be located below the grab bar and then not have that issue with the inch and a half. So, that is available. Thank you.

Ida Thank you, Terry.

Dennis Thank you, Terry.

Ida Any other comments on the phone, Ryan.

Moderator We have no one else in queue.

Ida I believe now we can take a break. We will return at 1:00.

Connie Arnold Can I go ahead and discuss the rest of these items on my thing?

Dennis How much time do you think you need, Connie Arnold to do that?

Connie Arnold I don't know. Five minutes maybe.

Dennis Five minutes would be not a problem. Go ahead. Then we'll break at five after twelve.

Ida Yes.

Connie Arnold Just so whoever is doing the online dialog, I'm just going to read the letter that I submitted this morning, but it is available so maybe—

Dennis We will post it in the transcript. I have it right here.

Connie Arnold Okay. I wrote Dear Mr. Widom and Mr. Corelis, First I want to support the comments submitted by HolLynn D'Lil by email on October 19, 2016 regarding the proposed code changes in this adoption cycle as well as any comments received from Richard Skaff and Peter Margen now or in the recent past year. I want to thank you for the proposed code change regarding the concerns I raised about the disposal units for sanitary napkins and other similar items, but due to the short timeframe for comment of less than a week to review 43 pages of 22 code change

proposals, I will have to reserve my specific comments after I have had time to review that code change and the proposed wording. I would like to see any such sanitary disposal units be placed in restroom facilities for women and men, unisex, or gender neutral restrooms.

I'm very concerned about my safety and that of other wheelchair users needing a safe path of travel and route that doesn't require wheelchair users to pass behind parked vehicles. We should not be endangering lives by changing any well-understood design policy about paths of travel not requiring wheelchair users to cross behind parked vehicles, which would be unsafe. This issue was raised by Peter Margen in August, which was sufficient time for DSA to review and correct this item which should be considered for emergency rulemaking.

I've been almost hit by having to go behind a parked car, and it scared me to death because I was hit in the path by a vehicle, and it violates the code that requires the path of travel to be safe. This is not a new concept that requires any lengthy discussion, research, or investigation.

I would like to receive and I request a complete transcript of the last public meeting held September 21, 2016. I am demanding that DSA and the state

architect initiate a real dialog with the community rather than these listening sessions where they consistently ignore our concerns in developing their code change proposals. I am asking DSA and the state architect to inform me of what criteria they are using to select these code change proposals.

What are the criteria you are using? Why didn't DSA and the state architect provide me more time for review before this meeting? It is impossible to review proposed code changes on such short notice, even for code experts. I want to know from DSA if there will be more code change proposals for the meeting in November and how much time they will allow for review before another listening session. I think, Dennis said two, maybe two.

Dennis Yes, two more sessions on the 2nd and the 15th. Correct.

Connie Arnold I was one of the 49 people represented by attorney, Patricia Barbosa, who wrote you in March to ask that the DSA and the state architect restore access in a list of identified code standards that reduced access this last January 2016. I want to know why DSA and the state architect have not brought those code changes into compliance with the California

government code 4450, 4459, 11346.45, and California civil codes 54 and 55.

Why has this not been done, and I want to know why DSA and the state architect did not use this interim code cycle to make the corrections.

Again, why has this not been done? I want to know why the state architect and DSA think that the model code supersedes federal and state laws. I want answers that are not some double-talk to bypass these questions.

I'm very concerned about code change proposals being put forth in this code cycle that will reduce access for persons with disabilities and wheelchair users, and I'm wondering whether such code change proposals are being designed on the basis of what the California Commission on Disability Access, the CCDA, put forth research on specific items that are raised in disabled access litigation on a board that Chet Widom, the state architect, sits on that makes me believe and wonder that some items may be put forth to reduce accessibility, may be those items raised frequently in litigation rather than ensuring that our civil rights can have equal access to the built environment is protected by our strong Title 24 California accessibility standards.

Therefore, I would like to see some investigation as to whether our recent code development process coincides with, including but not limited to, the lack of restoration of reduced code standards for accessibility with information gleaned about trends in disabled access litigation [indiscernible] our disabled access code reduction seen in recent years under Chet Widom, the state architect and the Division of the State Architect.

One of the major goals for the California Commission on Disability Access, CCDA, was to identify what items were repeatedly brought up in disabled access litigation, which is the only real means to enforce our civil rights, that access to the built environment, to attempt to reduce disabled access litigation rather than ensure accessibility for persons with disabilities to have equal access and our civil rights protected after passage of SB 1608 accordingly.

The smaller goal of the CCDA was to educate businesses to gain compliance with disabled access laws from industry and the business community with the overall goal of reducing disabled access litigation. Identifying trends in ADA and civil rights litigation by the CCDA should not be the basis for the state architect and the Division of the State

Architect to propose building code changes that reduce disabled access so that those issues of accessibility cannot be raised in litigation, which directly impact my right to have equal access to the built environment and to function with the accessibility persons with disabilities need in society.

Recent reductions in disabled access building codes with the passage of DSA code change proposals is counter to providing and protecting the civil rights and disabled access needed by persons with disabilities. It is exemplary of a belief that the rights of persons with disabilities to be provided equal access, succumb to the interest of businesses and lobbyists to not deny those rights which is against the public interest and aging baby boomers, returning injured and disabled war veterans, wheelchair users, persons who are blind or low vision, persons who are deaf or hard of hearing, and all persons who need access to the built environment of all ages and backgrounds.

All reductions in disabled access codes proliferate a belief that persons with disabilities and our lives have little value where the cost to remove barriers exist, and this flies in the face of all other civil rights laws, which hold value that their enforcement is not seen as something to be traded

away based on some cost to the business community and their well paid lobbyists.

California's strong disabled access laws and civil rights laws have been a model to uphold and not destroy through measures that reduce our ability to function and participate in our community. Efforts by the state architect and the Division of the State Architect to make reductions in disabled access building codes is not only against the laws of our state but is morally and ethically unfair and against those pioneers who helped to create our gold standards for disabled access and accessibility in the built environment.

Seeing an eraser taken to the strong words that are our disabled access laws and call interesting for wheelchair access provided to a near maximum extent feasible or that the words referencing persons with disabilities is derogatory in building access codes is extremely distressing to me and my life and all persons similarly situated, and it is more than a red flag of our value in the community. It is a signal that our civil rights to have equal access to the built environment are being systematically demolished to again subject us to becoming hidden from society as in the old days.

Such actions, omissions, and treatment are beyond shameful and should be hauled in immediately in the name of justice for all. I hereby demand an immediate cease in this order to all such reductions in disabled access building code proposals, and I demand that all previous disabled access reductions be immediately restored for the benefit of persons with disabilities and the community as a whole.

I want to thank you for letting me read that into the public comments, and I sincerely, as an advocate, for the rights of persons with disabilities am constantly fighting access barriers wherever I go. So, I can't make every meeting, but access matters to me. Litigation is the only means for people to enforce code when people violate it.

You can talk to people, you can send letters, and they still don't comply because basically, they want to save the funds and not comply with access laws, so it is so frustrating trying to function, and of course getting older isn't helping either, in the built environment when it's not accessible. God forbid any of you ever face the obstacles that I have faced in my life, but I say these words because it is so vital to provide access to all people with disabilities.

It is not that I have just alone seen some erosion of access building codes, but other problems including dealing with in-home [indiscernible] services and home and community-based services for persons with disabilities are being devastated by new changes they're proposing with the overtime businesses and all this stuff. I have to go home and write a lengthy letter about an unreconciled, advanced-paid time sheet where people aren't getting time sheets that fail to submit and then they're being told they have an overpayment because they didn't submit time sheets they never received. It's like a catch-22, and there is so much going on out there.

I try to stay on top of it. I'm an IHSS expert, more to the disabled access code expert, although I'm kind of up there a little bit more than some people, but I wouldn't refer to me as a CASp or anything like that.

So, I want to thank you for the opportunity to speak today and for listening to me, and I'll leave these for you to distribute my letter to whoever you want to give it to.

Dennis

It'll be in the transcript, Connie Arnold. I will attach your email, and we have your comments that are read into the record.

Connie Arnold Thank you for that. So, now onto getting my van lift worked on.

Ida Thank you for your comments, Connie Arnold.

Connie Arnold Thank you for the sanitary disposal unit, and I think that it's going to be very helpful to speak with this gentlemen, Alan Gettelman, because the units that I was speaking of that I love the most are probably his units. I just didn't know it, the recessed units.

Ida Thank you for your comments, Connie Arnold. We will break for lunch now and return and convene at 1:30. That gives us an extra 15 minutes. At 1:30. Thank you.

Dennis Ryan, do we have anyone else on the line, or that's it?

Moderator No further questions on the line.

Dennis Okay, so we'll dial into you about 1:25. Is that okay?

Moderator One second here. Let me get us offline here.

Dennis Okay. Great. We can discuss the logistics.

[Break]

Derek This is a message to all of the participants who are listening in on the teleconference line, we've just gone through a little bit of a difficulty with our closed captioning. At this point we're re-established the closed captioning here in the headquarters office, but if we can get anybody to give us feedback on whether they're having any difficulties with their closed captioning at the remote location, that would be greatly appreciated. So, if you have any comments on this please get into the queue, and, Ryan, if you can bring forth any comments as soon as possible, that would be great.

Moderator Thank you. [Operator instructions].

Susan They'll have to refresh as well.

Derek Okay. Alright, so anybody who is following along with the closed captioning here, you're going to need to refresh the captioning window.

The refresh button is the circular button that shows an arrow going in the clock-wise direction in the upper left corner of the window. We'll wait just a moment to give everybody a chance to refresh their captioning window.

Moderator We have a question coming in from Michael Mankin.

Michael Mankin Can you hear me?

Derek Yes, Michael. Go ahead.

Michael Mankin Is there closed captioning somewhere?

Dennis Yes, there is.

Michael Mankin Where do I go to get that?

Dennis Do you have a copy of the agenda, Mike, handy?

Michael Mankin Yes.

Ida Yes.

Derek It's cutting out. Your voice is clipped, I'm only getting partial words every so often.

Ida [Indiscernible]. It's on the back page of the agenda.

Derek Let me try to go in that way. I'll try to get back to you as soon as I pick that up.

Ida Okay.

Dennis Shall we proceed?

Derek Alright, we can go ahead and proceed. Okay. Good. This is Derek Shaw with the Division of the State Architect. It's now 1:41 and we're going to go ahead and continue with our meeting today addressing the items for code development. The next item that we're going to take on here is on Page 18 of 43 in our meeting documents, and this is the proposed amendment for Section 11B-203.9, Employee Workstations.

Currently, we have scoping requirements in the California Building Code, in Section 11B-203.9, which specify a requirement for employee workstations. These requirements present an abbreviated list of accessibility provisions in Chapter 11B that are required at employee workstations.

It's come to our attention and through discussion in-house that the language of the code does not really clearly address the issue of whether switches and electrical receptacles within employee workstations are required to be accessible. And specifically we've heard feedback that where an employee workstation is a private office for one person, that there are regularly receptacles and switches that do need to be accessible. So, with this item DSA is proposing to make explicit that the employee workstations are required to locate receptacles and switches within the specified ranges, and further through an exception we clarify that where the controls and switches are part of workstation equipment that they're not required to comply with those reach ranges.

Now, the reach ranges that we see referenced in the suggested text for the proposed amendment, the underlying language there, we're adding

reference to 11B-308.1.1 and 11B-308.1.2, those are the required reach ranges for receptacles and for switches. And then we have following that the exceptions that says receptacles, controls, and switches that are an integral component of workstation equipment shall not be required to comply with 11B-308.1.1.

So, the end result of this will be that employee workstations will typically require the switches and the receptacles to be within the current code required reach ranges for those items, and then further we're clarifying that that will not apply to workstation equipment. Now, workstation equipment is already exempted from accessibility requirements within Chapter 11B, so this language, it's not really introducing anything new as far as an exception but will simply recognize the current status of workstation equipment.

So, if at this time we can field any questions or comments about this item, that would be great. We don't have any attendees right now at the headquarters office, so if anybody has any questions or comments, please let me know.

Hearing none, we'll go ahead and move on. I'm looking at the video conference screen right now in Oakland, and I don't see anybody on screen. But if anybody's off screen, can you please let us know if you have any questions or comments.

Hearing none, Los Angeles, I don't see anybody on screen, but if anybody's off screen and would like to provide a question or comment on this item, please let us know. Okay, I don't hear anyone.

The regional office at San Diego, I don't see anyone on screen. But if anybody's off screen and has any questions or comments on this item, please speak up. Okay, I hear none.

We'll now go to the telephone lines. And, Ryan, if you'll let us know if anybody's in the queue.

Moderator Certainly. [Operator instructions]. And no questions are coming in, sir. Please continue.

Derek Okay. Well, thank you very much. We'll go ahead and move on to the next item. This next items starts on Page 20 of 43, and this is regarding

the use of the term “passenger drop off and loading zone.” A little bit of background on this item, in the last code cycle we amended the language in the code to use the term “passenger drop off and loading zone” in place of the previous language “passenger loading zone.” Unfortunately, in doing so DSA overlooked several items where the old term “passenger loading zone” should have been changed.

So, with this item it’s a cleanup item and we’re seeking to also amend the phrase “passenger loading zone” to have it read instead “passenger drop off and loading zones.” This change occurs in several locations, it occurs in Section 11B-206.7.1, Site Arrival Points. It occurs in Section 11B-206.4.10, Medical Care and Long Term Care Facilities. It occurs in Section 11B-208.1, General, and that’s with regard to parking. And also it occurs in Section 11B-503.5, Vertical Clearance, with regards to passenger drop off and loading zones.

So, I think with that if we can take any questions or comments. Any questions or comments here in the room in Sacramento? No. Questions or comments in Oakland? I’m not hearing any. Questions or comments in Los Angeles? I’m hearing none. Questions or comments from San Diego? We have no questions or comments there.

Ryan, can we open up the telephone lines, please.

Moderator [Operator instructions]. We have a question coming from Terry McLean.
Please go ahead.

Terry McLean I recommend approval. Thank you.

Dennis Thank you, Terry.

Derek Thank you, Terry.

Moderator No additional questions.

Derek Okay. Alright, let's go ahead and move on to the next item. The next item starts on Page 22 of 43, and this item regards Section 11B-212.3 on the topic of Exposed Pipes and Surfaces under Sinks. In this draft amendment we are adding language which will require that in effect all sinks provided within an accessible room or space whose water supply and drain pipes are exposed shall comply with Section 11B-606.5.

Now, 11B-606.5 is the section which addresses the protection around the pipes and fitting underneath a sink, and so this is typically seen as the protection of the tail piece and the P-trap underneath a sink, as well as the connections for the water supply lines. The protection is provided to give protection against scalding or against extreme cold temperatures that can affect people who come in contact with that, and additionally it provides protection against rough or abrasive surfaces on those pipes under the sink.

So, what we're proposing to do is we have the existing language of 11B-212.3, and that's the scoping language for sinks. The existing language says "Where sinks are provided at least 5% but no fewer than one of each type provided in each accessible room or space shall comply with Section 11B-606." We're proposing to add the language which says "Where multiple sinks are provided in an accessible room or space, sinks whose water supply and drain pipes are exposed shall comply with Section 11B-606.5."

So, before we open up the lines for comments, we did receive a comment on this item that was submitted earlier today, and the comment was suggesting some alternative language to convey this same message here.

So, let's go ahead and do the polling of our DSA offices. We have nobody here at the DSA headquarters office besides staff, so that we don't have any comments on this item here. Oakland, any comments or questions? Hearing none from Oakland, Los Angeles, any questions or comments? Hearing none from Los Angeles, San Diego, any questions or comments?

Hearing none, let's go ahead and move on to the teleconference line.

Ryan, do we have anybody in the queue?

Moderator Michael McKin is in queue. Please go ahead.

Derek Okay.

Moderator Mr. McKin, your line is open. Please check your mute key. Okay, we're getting no response from that line.

Derek Okay. Alright, we'll wait just a moment just in case—

Michael Mankin There you go. Can you hear me?

Derek Yes, we can hear you, Michael.

Michael Mankin Okay. First of all, I totally objected to DSA's removal of all lavatories being accessible and only allowing one, that was a very bad change. When you're in an airport and you need to use the restroom and you go in to use the restroom, the only one that someone's often vomited in is the one that's the lower one, or the one that's in the stall. Usually you need more than one sink in a facility like that to wash your hands and take care of your hygiene. But the idea of just doing one sink, how would you know which sink, is it going to be you put a symbol on it, or is it just going to be pot luck? I think this is a terrible idea. Unless you do all of them I would say that it's a very bad idea to leave it up to the people using the restroom as a lavatory to just take pot luck on which one's got sharper basic stuff.

Derek I think that's the issue that we're addressing in this item, Michael.

Michael Mankin You're going to do all of them?

Derek The proposed language would require every sink to have protection around the pipes and water lines.

Michael Mankin Are you going to do anything about making more than one sink accessible?

Derek No, that's not proposed.

Michael Mankin Well, why not? Do you like to wash your hands when you go to the bathroom? I don't see why you don't want to make more than one lavatory accessible. I think it's totally inappropriate and it's just unbelievable. When people get sick do you know which stall they go into? The disabled stall. So, what does that leave you, nothing? I'll tell you what, it leaves you nothing. I've gone through LAX and not been able to find a single accessible restroom because there was a camper in every one waiting for a plane, changing clothes, reading the newspaper. So, I think you have some work to do there. I would say this is a good change, but it's irrelevant to what the need is and I think you need to expand this.

Derek Okay. Well, thank you, Michael. Ryan, do we have any other folks queued up?

Moderator Next in queue is Dawn Anderson. Please go ahead.

Derek Okay.

Dawn Anderson Can you hear me, guys?

Derek Hi, Dawn. Yes, we can hear you.

Dawn Anderson I just want to support Michael's position.

Derek Okay. Thank you.

Dennis Thank you.

Derek Ryan, do we have any other commenters?

Moderator No additional questions.

Derek Alright, thank you very much. We'll go ahead and move on to the next item. The next item is nearly identical to the one we just addressed, however, this section applies to lavatories, so these will be hand washing facilities within toilet rooms typically, or bathing rooms. Again, we have a portion of the number of lavatories are required to be fully accessible and the proposed change is to require every lavatory, the accessible ones and the ones that are not required to be accessible, to provide protection around exposed water supply and drain pipes.

Let's go ahead and ask for any comments on this item. Any comments here in Sacramento? No comments. Oakland? No comments. Los Angeles? No comments. San Diego? No comments in San Diego either.

Ryan, do we have any people in the queue?

Moderator We do not.

Derek Okay. Let's wait just a moment before we move on.

Moderator We do have a question coming in from Michael McKin. Please go ahead.

Michael Mankin I support the idea of protecting all of the sinks from sharp, abrasive hazards. I don't really think drain lines are all that hot in my experience, so you could slap your leg right up against them and it wouldn't make any difference, but there is sometimes, rarely, a burst on a pipe, and so doing them all I see as a benefit for anybody working in there or using it as a customer, so I'm fine with that.

Derek Okay.

Michael Mankin So, I think that you should look at expanding the number of sinks available with some kind of indication that there's more than one.

Derek Alright.

Dennis Michael, this is Dennis. We did do that for the toilet compartments in large capacity restrooms, I think that's a requirement now, that multiple compartments when you get over a certain number of fixtures in the room. And so you're suggesting that we might look at that for the sink count also then?

Michael Mankin Yes. And you've got to be pretty desperate to use a public restroom anyway, and people do it generally when they're sick, so you need more than one option in there to at least double your odds of finding one that's usable.

Dennis Okay.

Derek Alright.

Dennis Thank you very much, Michael.

Michael Mankin Sure.

Derek Ryan, do we have any other commenters in the queue?

Moderator We do not.

Derek Okay. Alright, well let's go ahead and then move on to the next item. This next item has to do with multi-story residential dwelling units. Now, this item is being proposed responsive to Fair Housing Act requirements

and covers multi-family dwellings that fall under the enforcement of Chapter 11B.

This item in essence requires that in multi-story residential dwelling units in buildings with one or more elevators, that the primary entry of a multi-story residential dwelling unit shall be on an accessible route on the floor served by the elevators and that at least one powder room or bathroom and kitchen shall be located on the primary entry level.

And this amendment also distinguishes then the multi-story residential dwelling units in buildings with no elevator, and in those buildings, in public housing facilities in non-elevator buildings we already have current requirements for 10% but not less than one on the ground floor multi-story residential dwelling units needs to comply with the following. And that's to: provide the primary entry of the multi-story residential dwelling unit on an accessible route, to provide at least one powder room or bathroom on the primary entry level, and that rooms or spaces located on the primary entry level shall be served by an accessible route and comply with Chapter 11A, Division IV – Dwelling Units Features. And then there's an additional section renumbering that is necessary because of the new section that we're incorporating into this item.

So, I think with that we'll go ahead and take any questions or comments on the item. We have nobody in attendance here in Sacramento, so we have no comments or questions here. Oakland, any questions or comments? No questions or comments there. Los Angeles, any questions or comments? Hearing none, I'll move on to San Diego. Any questions or comments? And no comments from San Diego.

Ryan, can you please open up the teleconference lines.

Moderator Thank you. [Operator instructions]. Next is Dawn Anderson. Please go ahead.

Ida [Indiscernible] having problems—

Dawn Anderson Hi, guys.

Derek Dawn, can you hold your comment just for a moment.

Dawn Anderson Sure.

Ida Okay. It's back on.

Derek Okay. We're ready to go. Please proceed.

Dawn Anderson Okay. I wanted to amend that proposal and also require that the grade exit on that level, if there is another exit, is also accessible. The intention and rationale behind that is many rear exits of covered multi-family are interpreted to be exempt from an accessible route. Is that possible to amend the proposal to include that?

Derek We'll certainly have to study it and see if we can possibly do so.

Dawn Anderson Thank you.

Moderator Thank you. Next in queue is Michael Mankin. Please go ahead.

Michael Mankin I have a subtle thing that I think you might be able to add, but often when there's a mailroom it's not clear the number of mailboxes that have to be within an accessible reach range, so I would look at that issue when there's a mailroom. When there's not a mailroom could we have the mail slot on an entrance at an accessible level when there's a mail slot at each unit?

Derek Okay. Michael, I think those are great comments. They are outside of the item that we drafted up here, but why don't we go ahead and agree that DSA will take that as an item for us to investigate for a change proposal.

Michael Mankin Alright. That's fine. I just think it needs to be looked at because it's been a problem in housing, that the mail slot's not reachable in mailrooms and then you're supposed to lower the mailbox to a lower unit, but often that doesn't happen or there's a battle for lower ones. It's a problem I think we need to look at long term.

Dennis Thank you, Michael.

Derek Michael, before you go can I ask you, is this occurring in private housing regulated by 11A?

Michael Mankin Yes.

Derek Okay.

Michael Mankin It is, but also the difference between 11B and 11A means basically who operates it on whose behalf. The building is often built in the private

sector and then often the city jumps in with public money, and if you're a builder you might get bought out while you're under construction. So, I think it's important to look at because really those two codes should not be that different. In housing, if you're building a building and you're halfway through it and some investor from somewhere else comes in and buys it and gets public money for the use of taking on that project, funding it and renting it, then you have a non-compliant building with a new owner. And it happens all the time during construction, I designed many buildings that were purchased during the course of construction. So, you can't deviate too far from private to public ownership of those buildings.

Derek Okay. We'll definitely research this a little bit. I'm getting some feedback here, although I can't confirm it with a code citation, I'm getting some feedback that 11B does require the mail slots to all be accessible.

Michael Mankin Okay.

Derek But I think we need to tie this down, and we'll certainly look into this, Michael.

Ida I can find it and come back to you. Okay?

Michael Mankin Alright, that's fine.

Derek Alright, we'll go ahead.

Dennis And one more question. Michael, this is Dennis. You had a concern about when there's a mail slot for the door to each of the units.

Michael Mankin Yes.

Dennis Are you worried about a receptacle to catch the mail, because I know with a lot of mail slots the mail goes through the slot and then falls to the floor.

Michael Mankin Right, right, it's not within their reach, and sometimes it's over an obstruction on the side, but usually it's in the door somewhere and I don't think it's regulated as to where they put it in. Obviously, a conscientious designer or architect would know how to do it, but it might be something that might be late coming in the design and could be constructed so that it's not reachable. And I've had no complaints about users, but I have complaints about developers who are dealing with the aspect of mail in public housing.

Dennis Okay. Thank you for that, and we'll take a look at it.

Michael Mankin Yes.

Derek Michael, just to let you know, we have located the scoping section for mailboxes in—

Michael Mankin Public housing.

Derek Yes, in 11B. That's in Section 11B-228.2. This would apply to public housing, which is of course regulated by 11B, and I'll go ahead and just read it here for you. 11B-228.2, Mailboxes. "Where mailboxes are provided in an interior location at least 5% but no fewer than one of each type will comply with Section 11B-309. In residential facilities where mailboxes are provided for each residential dwelling unit, mailboxes complying with Section 11B-309 shall be provided for each residential dwelling unit required to provide mobility features complying with Sections 11B-809.2 through 11B-809.4 and adaptable features complying with Chapter 11A, Division IV."

Michael Mankin I know that when there's a mailroom the packages are often put on the bottom, they're larger mail package mailboxes, somebody might use one or rent one for delivery of packages, and those are sometimes too low, and then sometimes the mail slots, a portion of them are too high, so they have to switch the location and then it becomes out of sequence. So, I'm glad that it's okay at the unit, but there's still some problem with mail I guess in those other arrangements.

Derek The oversize parcel bins?

Michael Mankin Yes. I think what happens is that stuff is pre-built to postal order standards, and those carriers are not allowed to lean over too far and there are issues there with their health in over reaching and carrying heavy boxes. So, those postal standards are a little bit at odds with the reality of how it needs to play out, so maybe it's not so much DSA's regs, it might be the postal regs that are interfering. I haven't looked at it in depth, but I just notice in dealing with access to these units that there are some issues regarding mail. So, I'll look at it and get back to you more specifically about those issues and then you can see if you can propose something.

Derek Yes, that sounds real good. And, Michael, if you have some proposed code change language that you might favor, we would certainly welcome receiving that from you.

Michael Mankin Okay.

Derek Alright?

Michael Mankin You bet.

Derek Thank you very much. Ryan, are there any other commenters in the queue?

Moderator We have one more at this time, and that's from Natasha Reyes. Please go ahead.

Natasha Reyes Hi. Thank you. So, I have two comments on this item. The first is since it does reference public housing facilities we wanted to take the opportunity to reiterate our comment from the September 1st forum, that Chapter 11B, that the scope should be clarified to make explicit that it covers all housing that's publicly funded, so any federal, state, or local

funding, and not just housing that's publicly owned. So, we want to make sure that that's clear for the scope of 11B.

Second, we want to know what the rationale was behind adding the kitchen requirement to buildings with one or more elevators but not adding the kitchen to non-elevator buildings.

Derek

I'm afraid I don't know the answer to your second question. I can certainly talk this over with Susan Moe, who's one of our senior architects who had worked on this item. I apologize, I don't have the answer to your second question.

I do want to let you know, though, that the comments that you have provided about the scope of applicability to public housing and then further to housing with public funds, we are certainly aware of it. We're focused on that. But it's something of a larger research project for us and so while we're not going to be addressing it in this current code cycle, we're going to study this and research it more, with the idea that we'd like to clarify that, make it right if it's wrong, and we want to make it right as soon as possible.

Natasha Reyes So, what's the timeline for considering that if it's not going to be considered in this round of changes?

Derek Well, the regular rule making cycles occur every 18 months.

Natasha Reyes Okay.

Ida Derek, I just wanted to reiterate that [indiscernible] to align with 11A and also Fair Housing Act requirements. Right now in multi-story public units without elevators the requirement is [indiscernible] FHA and 11A, so it's an alignment issue that we're including.

Dennis So, the reason for not having—

Ida The inclusion—

Derek Miss Reyes, Ida Clair has additional information for you here.

Ida In previous test cycles HCD had determined that in alignment with the Fair Housing Act in multi-story buildings with elevators a kitchen was required on the accessible level, but not for multi-story units or buildings

without an elevator. And so when they introduced that provision our provisions were inconsistent with that, and therefore that's why we are adding it also into our regulations so that it is consistent with 11A and the Fair Housing Act.

Natasha Reyes So that comes from the Fair Housing Act and 11A. Okay. Thank you.

Dennis You're welcome. Thank you, Ida.

Derek Miss Reyes, did you have any other comments or questions on this item?

Natasha Reyes No, that was it. Thank you.

Derek Okay. Great. Thank you.

Moderator We have one more in the queue, if you'd like to take it.

Derek Yes, please.

Moderator Thank you. That's from Dawn Anderson. Please go ahead.

Dawn Anderson My comment is that the state, when allocating federal funds, will distribute them through, and I don't know what that acronym is right now, I can't remember it, but the requirement is that the number of accessible units increases, and that's a California requirement and I can forward that information to you.

Derek Dawn, is that through the Treasurer's Office, the CTAC [ph] requirement?

Dawn Anderson That's right.

Derek Okay.

Dawn Anderson That's right. Perfect. And so I know that you're doing research in this area, so I just wanted to mention that that is something that many jurisdictions overlook and it's been problematic in many ways. So, that might be something to glean into, maybe not this rendition but a future one as we do our research.

Derek Okay. Well, we're certainly aware of the CTAC requirements. At this time DSA takes the position that in our enforcement of the building code and also in the other jurisdictions that are authorized under state law to

enforce the building code, that they are required to enforce the building code. The administrative regulations put out by the Treasurer's Office are separate and external to the building code, and it, frankly, is something that would probably be best enforced through the Treasurer's Office.

Okay?

Dawn Anderson No comment.

Derek Alright. Did you have any additional comments on this item?

Dawn Anderson No.

Derek Okay. Alright, well real good. Thank you. Ryan, are there any other people in the queue?

Moderator There are no additional questions at this time.

Derek Okay. Thanks. Alright, let's move on to the next item. The next item starts on Page 27 of 43. It's actually a one page item, so it starts and ends there too.

This item affects Section 11B-245.3, and just generally to let you know this has to do with the topic of public accommodations in private residences. In the last code cycle we made amendments that specified that public accommodations located in private residences were required to be accessible. We effected this change by amending reference to “commercial facility” and replacing it with the term “public accommodation.” There were a couple of instances of commercial facility that we missed in Section 11B-243.5 and as a cleanup and follow up to our last rule making cycle item we’re proposing to change the term “commercial facility” to the term “public accommodation.”

So, if this adopted, then Section 11B-245.3 would read as follows.

“Accessible elements required. The accessible portion of the residence extends to those elements used to enter the public accommodation, including the front sidewalk, if any, the door or entryway, and hallways, those portions of the residence, interior or exterior available to or used by employees or visitors of the public accommodation, including restrooms.”

So, I think with that we can open it up to questions and comments on this item. Do we have any questions or comments here in Sacramento?

Hearing none, Oakland, any questions or comments? Hearing none, Los

Angeles, any questions or comments? None. And then San Diego, any questions or comments there? Okay. We have no questions or comments from San Diego either.

Ryan, can we open this up to the teleconference, please.

Moderator Thank you. [Operator instructions]. Allowing a few moments, there's no questions in the queue. Please continue.

Derek Okay. Thank you. The next item affects Sections 11B-306.2.3 in Exception 2 and Section 11B-306.3.3 in Exception 2, and this topic generally addresses toe and knee clearance at picnic tables. A little bit of background on this item, current scoping requirements in Section 11B-226 tell us that 5% of dining and work surfaces are required to comply with Section 11B-902, that's required to be acceptable. And Section 11B-306.2.3 Exception 2 and Section 11B-306.3.3 Exception 3 require toe and knee clearance at dining and work surfaces were required to be accessible by Section 11B-226.1. However, that language in the code overlooks other typical dining surfaces in the form of picnic tables which are regulated further in the code under Section 11B-246.5. DSA is proposing to delete the reference in those two exceptions which limit the enhanced

knee and toe clearance spaces that apply currently to dining tables and work surfaces, and instead to broaden the applicability of those enhanced knee and toe clearances to also include picnic tables.

So, in the section on toe clearance, the exception says: “The toe clearance shall extend 19 inches minimum under built-in dining and work surfaces required to be accessible by Section 11B-226.1.” We’re proposing to strike the reference to Section 11B-226.1, and so that exception would read: “The toe clearance shall extend 19 inches minimum under built-in dining and work surfaces required to be accessible.” So, you can see that broadens out the applicability of the toe clearance.

The knee clearance exception is very much of the same form. So, the current language for knee clearance, exception 2 says: “A dining and work surface is required by Section 11B-226.1 and knee clearance shall extend 19 inches deep minimum at 27 inches above the finished floor or ground.” Here, we’re supposing again to strike the reference to Section 11B-226.1. So, with the amendments incorporated this exception would read: “At dining and work surfaces required to be acceptable knee clearance shall extend 19 inches deep minimum at 27 inches above the finished floor or ground.”

Okay, so I think with that we can see if there are any questions or comments on this item. Right now we don't have any visitors here in the headquarters office, so I don't think we have any comments or questions here. Oakland, any questions or comments? I'm hearing none. Los Angeles, any questions or comments? None. San Diego, questions or comments? And none for San Diego.

Ryan, could you please open up the teleconference line.

Moderator Thank you. [Operator instructions]. A question coming in from Michael McKin. Please go ahead.

Michael Mankin Hi. I hate to over-participate, but this one's buggy to me because are we talking about fixed picnic tables or loose chattel picnic tables? Because if we're talking about picnic tables and we're not talking about whether they're fixed or not, that's historically been out of balance from the building codes. But I would encourage you to go ahead with that change and to include it to dining tables in banquet bars and other restaurants. See, it's like Russian roulette trying to find a table that's accessible if they're not either laid out on a floor plan near the entrance where you're going to be received by the restaurant on asking for a table, or if the tables

are earmarked. Otherwise, you're relying on staff that is often transient in those positions, and often there's people sitting in those spots.

So, I'd like to know what your perspective is on your approach there. Are you talking about all picnic tables, fixed picnic tables, and if you're talking about all picnic tables and applying it to chattel, why doesn't this also include dining banquets in restaurants?

Derek

Michael, the California Building Code addresses building structures and their appurtenances, elements attached to those buildings and structures. It does not cover, well, I should say it would cover built-in dining surfaces, dining tables, and work surfaces, and just by the overriding scope of the building code the existing language does not coverable movable tables and work surfaces. So, we're not proposing any changes to that level of scoping, that's something that really is not adopted by DSA, it's adopted more by the Building Standards Commission and applies to the entirety of the building codes. So, with this change we're simply expanding the application of the existing enhanced toe and knee clearances, and with regards to picnic tables those would be those picnic tables that are attached, typically bolted down.

Michael Mankin Well, I don't see the purpose. I see no purpose in requiring unidentifiable picnic tables to be accessible if you don't even know where they are. So, I think you have to decide, is DSA going to take a leadership role and require some kind of code requirement that applies to the layout of a dining room and where the accessible seats are or not?

Now, for example, there is exit information during a fire alarm posted on the wall. It wasn't there in 1927, but they put it in there and now there is a requirement that leads people to safety in an emergency. I think the disabled public, people that are temporarily and permanently disabled deserve the same level of accommodation by the building code, and that is protecting people's availability to participate in a public environment in a safe and predictable way.

So, I would suggest that you require some posting of which ones are accessible or some way of managing movable objects by the use of signage and a layout of where they are that are accessible. But in the building code that will then play out, people will expect to see accessible picnic tables according to the layout in the room and they won't have to find out the hard way that they've just opened up a scar on their knee by sitting at an inaccessible table. That's what I suggest, that you be

proactive, and ambitious, and protect the public, because that's the role assigned to you by the legislature.

Derek

Michael, just to make sure that I understand your comment correctly, you're commenting on a related but separate item with regard to dining tables that are movable within a dining room?

Michael Mankin

Well, in a way I am expanding it to say, look, this code section applies without saying specifically to fixed items, and it doesn't apply to chattel. Almost all picnic tables are movable, in my estimation, I don't know how many are bolted to the concrete except in crime areas and the public park system. But why are you adding this requirement when it's not going to apply to hardly anything? Why not address the whole thing in writing an accessible environment by regulating it through signage or some kind of code requirement that says where the accessible seats are, chattel or not. I don't see where you're limited by law in protecting the public. I think it's your responsibility as a state agency.

So, I'm suggesting if you can put a sign up there that says when the alarm goes off head to the main floor, you're talking about people, they're more chattel than anything I know of. And if you can regulate people and their

behavior, if you can regulate the odds of their own environment so they can do what's necessary for their own safety and their own needs, that's my suggestion is that you look at the broader picture by expanding this to chattel.

Derek Okay. Real good. And, Michael, we've made note of the entirety of your comment here, and we're going to be taking another look at this. Okay?

Michael Mankin Okay. Thanks.

Derek Alright. Good. Thank you. Ryan, are there any other people in the queue?

Moderator There are not. [Operator instructions].

Derek Okay. Great. Thank you, Ryan.

Moderator We have a question that just came in.

Derek Okay, let's take it.

Moderator William Rehling, please go ahead.

William Rehling Hi. I just wanted to very quickly support what Mr. Mankin just said, and also ask about the comment that was made by staff on the scope of the code and when it covers movable objects or not. We go back forth on this, and looking at 11B-108, Maintenance of Accessible Features, DSA has a helpful comment in the online guide that “accessible routes that are obstructed by furniture, filing cabinets, or potted plants are not accessible to nor usable by persons with disabilities.” So, I haven’t had a lot of luck convincing building officials that this gives them authority to act on that sort of thing, blocking accessible routes, but I’m just wondering if you can comment on a DSA comment in light of the code scoping.

Derek Sure, sure. This is a common requirement between the ADA standards and the California Building Code. The accessible features that are required by Chapter 11B and in the building code, as well as under the ADA standards, they’re required by both the code and the standards to be maintained. In the example that you cite and that’s in our commentary manual, the accessible routes are required to be maintained. If the accessible route has a required minimum clear width, then that clear width needs to be maintained for the entirety of that route. Owners are obligated

to maintain that in order to still be in compliance with the building code and more specifically the Federal Americans with Disabilities Act.

William Rehling Okay. So, it's an exception then in a sense that arguably a building official in certain circumstances actually could say you can't have a potted plant there.

Dennis I know the fire marshal could tell you that if you put a potted plant in the required width of an exit, they would definitely probably write you up on that. And I think those officials have the same ability to tell a building owner that the pathway has to be 48 inches wide and you can't stack your cartons there, you can't put your chair there. I think that's totally within their purview. I'm curious when you say building officials don't want to do that, has that been your experience?

William Rehling Yes, specifically if it's not something that would have required a permit to install then putting it in later is not their purview to enforce.

Derek Will, I wonder if you might consider this discussion point with any building officials that you do end up discussing this with, certainly the acceptable route is required under a permitted new construction or

alteration, and so maintenance of that permitted element is critical. So, it would seem under their comments that if they viewed it with a new view, that they could in fact enforce to clear a space as the accessible route.

William Rehling Great. Thank you. That's helpful.

Derek Okay. Good. I'm glad. Alright, did you have any additional comments?

William Rehling No.

Derek Okay. Good. Thank you. Ryan, are there any other people in the queue?

Moderator There are no additional questions.

Derek We'll go ahead and move on to the next item. The next item starts on Page 30 of 43. And this item addresses Section 11B-404.2.4.3, specifically Figure 11B-404.2.4.3, and it does actually apply to A, B, and C. In the figures, and this is where our code change is proposed, we're doing two things here. First, we are addressing the strike side whole side clearances required at a recessed door or gate. Now, the text of Section 11B-404.2.4.3 tells us that where you have any obstruction provided

within 18 inches of the latch side at an interior doorway, or within 24 inches of the latch side of an exterior doorway and where that obstruction projects more than 8 inches beyond the base of the door, that there needs to be provided maneuvering clearances for forward approach to that door.

Now, the maneuvering clearances for forward approach are indicated in regulatory text, and they're also illustrated in figures earlier in the code, it's illustrated in Figure 11B-404.2.4.3a. And so we're proposing to amend Vignette A in Figure 11B-404.2.4.3 to duplicate the clearances illustrated for forward approach at the recess doors so that it will duplicate the forward approach clearances required at doors in general in the other part of the code. So, we're amending this to be consistent with other parts of the code.

The second thing that we're doing, and this applies to Vignettes A, B, and C in Figure 11B-404.2.4.3, the same set of figures, but here we've become aware that the dimension lines which dimension the depth of the obstruction, and right now they're noted as X is greater than 8, that the existing dimension lines are sometimes shown not to be measured from the base of the door. Well, we're proposing to amend those to correspond with the code text which tells us that the projection of more than 8 inches

is beyond the base of the door, so that implies that the measurement needs to start at the base of the door. So, these are dimensions for X is greater than 8, and all three of these vignettes are being amended to clarify that the dimension point does begin to be measured from the base of the door.

So, I think with that we can receive any questions or comments on the item. Questions or comments here in Sacramento? None. Oakland? No questions or comments there. Los Angeles? No questions or comments there. And San Diego, any questions or comments? No. No questions or comments there.

Ryan, could you please open up the queue?

Moderator Thank you. [Operator instructions]. And Michael McKin is in queue. Please go ahead.

Michael Mankin Historically, this has been checked by our department, 4 inches maximum depth, and the reason is that when you reach beyond your foot pedals 8 inches, and it depends on the hardware how much it extends, but if you have to reach 8 inches you run the risk of shifting your weight forward of the casters and tipping over and falling out of your chair. So, it's not very

possible to reach much harder than your foot pedals and you can over reach a little bit without throwing your weight beyond your casters, but in my experience we've had no problems at 4 inches, and I think that 8 inches would require some kind of study to validate.

All the wheelchair manufacturers do their own thing, there are a thousand different designs, and I think Richard's staff did a survey and there was some ridiculous number in the double digit, triple digit figures, a number of designs of wheelchairs, not to mention just the brands available, it's incredible, and they're all the time adapted by the users upon purchase. So, you can easily get caught off guard because in most doorways the wall is 4 inches, 6 inches, maybe 8 inches thick, but by the time you subtract the door thickness you don't have to over reach. If there's enough room to get in there sideways it's not as much a problem, but you have to often throw the door open against closer pressure, get your wheelchair in there before it shuts on you again.

And I think it requires much further study and I do not believe there's any history of having a problem at 4 inches, but I see no history of trying it out at 8 inches, no data, and I think it puts the users at risk. So, I would object to this dimension of 8 inches, yes.

Dennis Okay. Well, Michael, if I can give you a little background on this. I will need to go back and look at the previous codes to see if there is a reference to the 4 inches that you indicate.

Michael Mankin I don't think it's documented anywhere, except perhaps in [indiscernible] or it could have been on the old check list. But it's not a codified dimension, it's just a practice in plan review of not accepting doors in the office. And our history has been for 20 years of accepting 4 inches, and I don't know anyone in their right mind that would have it at 8 inches depth.

Dennis Okay. Well, the 8 inch depth, I'll share with you, is from the 2010 ADA standards for accessible design. If the 8 inch depth was brought in for the 2013 code when we utilized the 2010 ADA standards as our model code, and as I recall at that time we weren't aware of any other regulations which would affect the depth of what would constitute a recessed door or gate.

Michael Mankin Well, you can check with your older employees, because San Diego and San Francisco, I don't know about LA, but I can tell you that whatever the federal standard is, is not where we were. And I don't see the justification

for reducing the level of safety and usability in California, because otherwise we might as well just throw out the code and adopt the ADA, and as you know, almost everyone is against that. The only people that are against that are not disabled.

So, if you're going to start going through a series of reductions to the ADA I think you're going to be facing a lot of flak. And I would encourage you to do a little more research and not let the national model code, or the ITC model code, because I've been in that process and it's largely thwarted by so many fire and safety issues. The model code is a product of largely non-disabled participation, and what the ADA does is the access board is much more appropriate, but I don't know that they have the plan of view and construction knowledge and experience that California has.

So, I would say that I would oppose those on the basis of lack of history of using health marker. And I don't know how well that's standard, but since in place at 8 inches has played out but I can tell you a lot of people that are unable to lean over and do that we're going to have a difficult time opening those doors, and there is a safety factor in over reaching.

Derek

Okay. Well, just to reiterate here, we have the existing code text that does stipulate an 8 inch inflection point. Below 8 inches it's not considered a recessed door and above 8 inches where there's an obstruction within 18 inches of an interior door, or 24 of an exterior door that's considered a recessed door. And the maneuvering clearances for forward approach are then required to the door.

So, what we're proposing with this code change is merely to amend the figure to correct the dimension that's supposed to be correct that's supposed to be illustrating the 8 inches that's in code text.

Michael Mankin

Well, I appreciate re-aligning the drawings to code text, but I don't believe the code text was appropriate. Just try it, borrow a wheelchair and try it. Just try to open a door with an 8 inch pocket that you can't turn sideways on without leaning over beyond your foot pedals in a standard chair, and you'll see that it's very difficult to do. For one thing you don't have any traction to leaning forward, all your weight is on your front casters. So, what are you going to push on, you don't even have traction on your back tires. In a manual chair you can't do it. In an electric chair, usually people in electric chairs don't have upper body strength, can't lean over, and they have to coordinate opening that latch with moving the chair

forward. Those that can't do it, let's say those that can't are going to be out of luck if they can't turn sideways to open that door.

But I just think it's a dimension that's inappropriate, and that's just my opinion. I've been in a wheelchair most of my life, on crutches most of my life, but the last 20 years I've been in power wheelchairs, magnet wheelchairs, all kinds of wheelchairs I've borrowed, rented, and it's not very good when it's in a deep pocket because you can't get your weight behind the door to push it open. But then you back up and grab your chair for traction the weight of the door is against you. Without a closer, no problem.

Dennis

This is Dennis. I understand. What you're really saying is that perhaps the figure is a correction of this 8 inch number, but that if there's a cover on it should be less, like you mentioned 4 inches would be more appropriate, is what you're saying.

Michael Mankin

No, through a long history we haven't had a problem with it. I don't know what the feedback is on 8 inches. I didn't see it coming. I think we're dealing with an overwhelming number of changes when you reformat it in the last couple of cycles. So, I really think that anything beyond 4 inches

is quite difficult and I appreciate the realignment but generally I think the text should be realigned with the history of what has been in place for 20 years.

Dennis Was there a code requirement that was less than the 8 inches, as far as you know?

Michael Mankin No. In plan review we looked at obviously applying the building code, but when doors start showing up in deep pockets without strike side we would want strike side clearances and we weren't getting it in pocket doors. That depth created an obstruction for lining up with the door knob. Some people are not able to use both arms, so if the door handle is on the wrong side for your strength, like my left hand is 5x stronger than my right hand when it comes to pushing, and quadriplegics and paraplegics have trouble with those muscles. And so if that door is on the wrong side, you can't get it into the center of your approach, that's why it used to be 18 inches so that you could reach the doorknob depending on which side your strength was you needed to be able to reach across, at least to the middle, to get to the door knob. But if you push that door and it's on your weak side, you can't really reach across your chest if you can't get the door knob closer to the center of your approach.

Dennis I understand what you're saying about the geometry of approaching and how you actually activate the door. So, when DSA was applying the code as an agency we were seeking to get 4 inches or less, and it was just a matter of practice, is what I understand.

Michael Mankin Right. I don't know. There's always been a gap between the headquarters activity and the area managers not wanting interference with overseeing their staff, because there's a long history of those big structural people and at least now there are architecturally oriented, educated people in those regional offices now. But we pretty much had a lot of meetings with area staff periodically and we often got calls from area offices with these questions, and we would work together to unify our plan check process.

I don't know, I think what worries me is DSA's reduction of staff has left the fan reviewers out on a limb and I don't know if there's any consistency there or not, I don't know if you work towards that or not, but that was our long history of as long as I was there, since about '95 when I was active in a leadership role at headquarters we drew the line at 4 inches depth.

Dennis It's almost like this is a suggestion for a potential code amendment because DSA can do that, but we have 540-something jurisdictions and if we're trying to get consistency across the state it would be better to make it very explicit and then there wouldn't be any question of well, is that the plan reviewer's preference, or anything.

Michael Mankin Well, I'm in favor of unifying the drawing of the text, but I'm--

Dennis But that the underlying dimension is a problem for you.

Michael Mankin I think you're correcting the wrong part of the combination there.

Dennis Okay.

Michael Mankin That's my opinion.

Dennis That's something that we can look into.

Michael Mankin If you don't do that change I would support making them match. But I think it's a significant issue. Most of their access features boils down to access through doors. Without that you can't get into the building. It

doesn't matter about all this other stuff, you can't even get in there, you're an outsider. So, the door is our primary focus of access.

Derek Alright. Are there any questions or comments on this item, Ryan?

Moderator We have a question from Terry McLean. Please go ahead.

Terry McLean I'm just noting on the diagram for A, because of how the door would, it looks like it would just be flush with the wall and that's not necessarily always the case. So, I don't know if there's a way to maybe just adjust that dimension line down so it clearly looks like it's more to the door and not to the wall. Just a comment. Thank you.

Dennis Thank you, Terry.

Derek Okay. Good. Alright, do we have any additional people in the queue, Ryan?

Moderator No additional questions.

Derek

Alright. Good. Thank you. Let's go ahead and move on to the next item then. The next item is on Page 32 of 43, and this is applicable to Section 11B-502.6.4. What we're doing here is we're addressing questions that we've received numerous times here at the office, from building officials, from designers, and from persons with disabilities, about whether a border act, standard accessible and van accessible parking spaces, painted on the ground surface typically, whether the international symbol of accessibility, or the wheelchair symbol, is required to have a border around it, or if it's required not to have a border, or what? So, there's a lack of clarity in the code on this issue.

So, what we want to do is we want to clarify this issue, and we're proposing to add a sentence, the same sentence to two different sections, to Sections 11B-502.6.4.1 and 11B-502.6.4.2. Now, these two sections describe the ground surface marking, the parking space marking which incorporates the international symbol of accessibility. And the additional sentence that we're proposing to add would state that a border may be provided inside, at, or outside the minimum required ISA dimension.

Now, typically at the parking spaces the minimum required ISA dimension is 36 inches by 36 inches, and so what we're saying with this is

that if an owner elects to paint a border around the ISA, that is fine. If they elect not to paint a border around the ISA and just simply have a blue field with a white ISA icon, then that's fine too. But if they choose to paint a border that the border can be provided inside that 36 x 36 minimum size it can be painted outside of that 36 x 36 size or it can be painted right on top of the 36 x 36 minimum size.

So, I think with that we can take any questions or comments about this item. Do we have any comments here in Sacramento? No comments here in Sacramento. Oakland? No comments there. Los Angeles? No comments in Los Angeles. And San Diego? No comments in San Diego.

Ryan, do we have any people in the queue on this?

Moderator Several, and the first will come from Terry McLean. Please go ahead.

Derek Okay.

Terry McLean Just a comment of what I've actually seen in the field, a lot of times I'll see the blue border, the 36 x36, but sometimes you'll actually see the ISA considerably smaller. I don't know if there's a way to somehow make

note that it needs to be approximately the size indicated on this graphic, because otherwise people wind up just going back and throwing them in there and they're definitely too small.

Dennis We're not going to retain the proportionality of the—

Terry McLean Correct.

Dennis —with the size of the box. But we'll take a look at that.

Terry McLean I've literally seen the box at 36 and the wheelchair symbol about 12 inches.

Derek That's quite a difference.

Terry McLean Yes.

Derek Okay.

Dennis I see what she means, though.

Derek We could certainly take a look at that. My personal opinion is that it needs to be of the same proportions as are required in Figure 11B-703.7.2.1.

Terry McLean And, I would agree with you.

Derek Okay.

Dennis We just have to figure out some language that will make that clear.

Derek To convey that, yes. Okay. And, it may be, Terry, that addressing this concern might be more appropriate to include in a later item where we're addressing the required dimension in Figure 11B-703.7.2.1. However it shakes out, we definitely hear what you're saying and I think we all agree with you here.

Terry McLean Agreed.

Dennis Thanks for letting us know what's going on in the field because that's important.

Derek Okay. Did you have any additional comments on that?

Terry McLean No, I'm good.

Derek Thank you.

Moderator Thank you. The next question is from Michael McKin. Please go ahead.

Michael Mankin I do support and I do think the comment was very appropriate. I have seen it much smaller than the—with just a square outlining it with a large size and then a very small symbol. So, I want to support that recommendation for improving the language.

Derek Okay. Did you have any other comments on this?

Michael Mankin No.

Derek Thank you, Michael.

Moderator There are no additional questions.

Derek Alright. Real good. Now, the next item we have already addressed. This was with regard to the feminine hygiene disposal units. We discussed that item before lunch.

Dennis Why don't you see if there are any other comments on it because it's out of sequence?

Derek Because this item is out of sequence, I'd like to open up the teleconference line to see if anybody had any additional comments about this item just in case somebody missed it.

Moderator Thank you. [Operator instructions]. Allowing a few moments, there are no additional questioners in queue. Please continue.

Derek Okay, good. Thank you. The next item is on Page 36 of 43 and this item is specific to Section 11B-703.7.2.1. That section includes the figure for the international symbol of accessibility. Now, this section is referenced in various parts of Chapter 11B where an ISA, or international symbol of accessibility, some people think of it as the wheelchair symbol, where the ISA requires it, the size of it in some cases is very specific.

For example, the item we were just talking about a few minutes ago on the ground surface of an accessible parking space the size or required dimension on that is 36 inches by 36 inches minimum. There are other locations where the ISA can be utilized or is required to be utilized and other dimensions might apply.

But, to, I think in part especially with some of the comments we just heard, to help address the issue of the size of the international symbol of accessibility, we're proposing to add two dimension strings on two sides of the box which is the boundary around the international symbol of accessibility. These dimension strings would state required dimension both in the up and down direction on the left side of the figure and in the horizontal direction above the figure.

In the case of an ISA painted on the ground of an accessible parking stall, then the 36 inches minimum by 36 inches minimum would be the required dimension in that. We're thinking that this just provides additional clarity to help tie in the specific dimensions that are required to the figure of the ISA. We want to also expand our consideration of this a little bit to address the actual icon of the ISA, as well, as Miss McLean has noted earlier.

With that, let's go ahead and see if there are any comments or questions on this item. Here in Sacramento? No comments here. Oakland? No comments in Oakland. Los Angeles? No comments in Los Angeles. San Diego? No comments in San Diego.

We can take any comments that might be on the teleconference line, Ryan.

Moderator Thank you. [Operator instructions]. There are no questions on the phone lines.

Dennis Okay.

M We're going to take a brief break. Five minutes.

Derek We're going to go ahead and take a five-minute break.

[Speaker off mic]

Derek Yes, just about ten after three. We'll start again at ten after three in five minutes. Okay. Thanks and we should be able to finish this up shortly thereafter.

[Break]

Dennis Ryan, we're back. You all set?

Moderator Yes. Your lines are connected. You may proceed.

Dennis Thank you.

Derek Ryan, just to double check, is there anybody in the queue, presently?

Moderator There is no one in the queue.

Derek Okay. Thank you.

Moderator Thank you.

Derek

We don't want to cut anybody off here. Alright. So, the next item starts on Page 37 of 43. Here we are addressing the toilet and bathing facilities geometric symbols. In general, what we are seeking to do here is really two things. One, to amend the requirement in these sections to make clear that entrances to toilet and bathing facilities might be provided with a door, or in some facilities entrances to bathing and toilet facilities are not provided with a door.

The language that we've had has been pretty clear and directly applicable to those entrances that have a door, but we haven't really addressed the geometric symbols at entrances without a door. So, the second item—the second issue that we are trying to address here is really cleaning up the language, making it more understandable, and more clear.

What I'd like to do here is to—

Dennis

I just want to go over the final text and just go through it.

Derek

I think that's fine. I can go ahead and go through the final text on the meeting document. We're going to be looking through the section which has got the heading Code Text if Adopted. That's on Page 38 of 43.

So, go ahead and read through that. We have no amendments proposed for Section 11B-703.7.2.6 and only a portion of that section is shown just for context. So, that's toilet and bathing facilities geometric symbols, geometric symbols at entrances to toilet and bathing rooms...

This next section we have proposed to amend the language for clarity. I'll go ahead and read that. 11B-703.7.2.6.1 men's toilet and bathing facilities. "A triangle symbol shall be located at entrances to men's toilet and bathing facilities. The triangle symbol shall be an equilateral triangle one-quarter inch thick with edges twelve inches long and a vertex pointing upwards. The color of the triangle symbol shall contrast with the color of the door or surface on which the triangle symbol is mounted, either light on a dark background or dark on a light background." Then, there's an exception, but we don't have any amendments provided for the exception.

The next section where we do have amendments is 11B-703.7.2.6.2 women's toilet and bathing facilities. "A circle symbol shall be located at the entrance to women's toilet and bathing facilities. The circle symbol shall be one-quarter inch thick and twelve inches in diameter. The color of the circle symbol shall contrast with the color of the door or surface on

which it is mounted, either light on a dark background or dark on a light background.” Then, there’s an exception, but we don’t have any amendments to that exception.

The next section where we do have amendments, 11B-703.7.2.6.3 unisex toilet and bathing facilities. “A combined circle and triangle symbol shall be located at entrances to unisex toilet and bathing facilities. The combined circle and triangle symbol shall consist of a circle symbol one-quarter inch thick and twelve inches in diameter with a quarter-inch-thick triangle symbol superimposed on and geometrically inscribed within the twelve inch diameter of the circle symbol. The vertices of the triangle symbol shall be located one-quarter inch maximum from the edge of the circle symbol with the vertex pointing upward. The color of the triangle symbol shall contrast with the color of the circle symbol either light on a dark background or dark on a light background. The color of the circle symbol shall contrast with the color of the door or surface on which the combined circle and triangle symbol is mounted, either light on a dark background or dark on a light background.”

So, that’s the final language with the changes that we’re discussing here incorporated. Let’s go ahead and seek comments and questions about this.

Are there any questions or comments here in Sacramento? None here.

Oakland? I'm hearing none. Los Angeles? None. San Diego? None.

Ryan, can we open up the teleconference line for anybody who may be in the queue?

Moderator We have several. Next is Terry McLean. Please go ahead.

Terry McLean Just a note on the unisex, probably should note that it should be, the triangle—I'm blanking on what that's called already.

Dennis An equilateral triangle.

Terry McLean An equilateral triangle, yes. It should probably be equilateral as well because you could inscribe a non-equilateral triangle within the circle. Other than that I would approve it.

Dennis That's great.

Derek And we do have equilateral triangle under the men's symbol, but—

Terry McLean Not under the unisex only.

Derek Right.

Dennis Thanks for catching that. That's a good point.

Derek Any other comments on this?

Terry McLean No, not from me.

Derek Thank you, Terry.

Moderator Thank you. Our next question comes from Michael McKin. Please go ahead.

Michael Mankin I like the change, I think it's a great improvement. I do want to ask you how you measure the contrast. What are you talking about a 1% contrast, or 20%, 30%? I get the question I just don't know if you could talk to someone in the signage community that would give you a heads up on how to bracket that. That's something you should consider is what are you talking about when you talk about contrast.

Dennis Mike, this is a carrying forward of a long-standing provision and what they attempted to do saying light on a dark background or dark on a light background, but you're right, ideally we would have a more specific requirement and a way in the field to easily verify that it meets that. So, I think there are some technological improvements that we've heard about where you have small, portable contrast detectors now. So, that's something that we should look at, you're right about that.

Michael Mankin Okay. That's all.

Moderator Thank you. There are no additional questions. Again, there are no additional questions. You may continue.

W Thanks, Ryan.

Derek Okay. Since we don't have any other comments or questions on this, let's go ahead and proceed to the next item that starts on Page 40 of 43. Here what we're doing is we're going back and correcting an item that we overlooked in our last rulemaking cycle.

In our last rulemaking cycle we amended the height of a truncated dome of the truncated dome requirements to specify 0.2 inches in height. That reflects the federal standard for the height of a truncated dome. We, however, failed to amend the figure correspondingly to show a height of 0.2 inches. Here in the figure we're striking out the 0.18 to 0.22 inch range, which is shown and not consistent with the text of the code, and instead replacing with 0.2 inches, which is consistent with the text of the code.

This is really a pretty small and discrete proposed change here. Are there any comments on this item here in Sacramento? None. In Oakland? No comments. Los Angeles, any comments on this item? No comments, thank you. San Diego, any comments on this item? None from San Diego.

Ryan, do we have anybody who's waiting in the queue?

Moderator We have a few. First will come from Terry McLean. Please go ahead.

Terry McLean I recommend approval. Thank you.

Derek Thank you, Terry.

Moderator Thank you. Next is William Rehling. Please go ahead.

William Rehling Hi. I have a couple of questions. First, does anyone know what the manufacturers are already doing on this? Are they already manufacturing to this specification?

Derek They should be. The 0.2 inch detectable warning dome height is regulated under the 2010 ADA standards. It's regulated to be 0.2 inches in height. We had amended our code section in the last cycle to indicate 0.2 inches in height, but we failed to follow through and catch it on the Figure 2.

William Rehling Okay. So it's just a correction of the illustration. Second, I just want to take a second to thank Mr. McKin, again, for his participation. I did a sort by order, license number order on the cast list recently to see who the new ones were, and at the other end I noticed that cast number 001 was Michael McKin. So, he was with the office at that point and this was like the doctor in the movie injecting himself with the vaccine first to test it out. But, obviously, it's great to have somebody with that much experience weighing in.

Third, from my perspective, legally speaking, statutory law generally takes precedence over regulations including Title 24, it's really a regulation. So, I wanted to inquire on the status of government code 4460 which was that 1999 statute requiring testing of detectable warning and certification of detectable warning services.

Derek

The regulation which does require testing and listing of approved items did task the division of the state architect with establishing a testing and listing process for us to, through the use of independent testing laboratories, to verify that manufactures products met the provisions of the building code as well as by durability issues. We had initiated a study group which met over the course of two years and we had contracted with Underwriters Laboratories to provide technical assistance and to facilitate those meetings.

Unfortunately, we were not able to conclude our work at that time and we did then run into a shortage of funds within the office and we were unable to continue to work. So, that work has been on hiatus since. We are looking at this right now to restart that process and we're studying this to see when we can possibly restart this.

William Rehling Okay. Great. I'd like to encourage you to do that, both in general principles of statutory law being respected and/or changed if it needs to be revised, and we have a legislature for that.

The other reason I'm bringing this up is we're seeing increasing requests for bizarre alternatives to the required specifications for truncated domes. In Santa Barbara which has, actually a truly outstanding billing official on accessibility I have to say, nobody's perfect, and recently approved as an alternate material or method in a place where the code required a three-foot standard hazardous vehicle way, strip, all the requirements, as an equivalent alternate method a one-foot-wide strip of Mexican pebbles inserted in concrete.

So, on 100 different levels we disagreed with that but were overruled. I don't want to bring those complicated issues in there but there's a trend toward that. There's a lot of architects really don't like detectable warnings, they certainly don't like when they're required to be federal yellow. So, any back up would be helpful and if the DSA followed through on government code 4466 and was actually having materials tested and approved, I think it would make it a little harder for that kind of

bizarre equivalency argument to be made, three feet is the same as one foot and black pebbles are the same as federal yellow. It's, we all know that building officials have a lot of discretion, but there must be a limit.

I'm not asking you to comment on that particular situation, just giving the motivation why prodding you on a statute section at this point.

Derek

Absolutely. And, I share your opinion of such wild deviation from the specified requirements for detectable warnings. I do need, though, to point out that under California statute that the building officials and the various jurisdictions, and there are well over 500 code enforcement jurisdictions in California, are vested exclusively with the authority to enforce the code.

Now, in our enforcement jurisdiction and our enforcement jurisdiction addresses public schools K through 12, community colleges, state buildings and facilities, primarily, we wouldn't have accepted that design as an equivalent. However, we have no super-authority over the various other code enforcement jurisdictions to enforce our will in lieu of the local building official's judgment and determination.

William Rehling Correct. When you reach a point where—again, Santa Barbara actually has a building official who’s quite good so I hope this isn’t misinterpreted. You could, in theory, have a truly rogue building official who’s “interpretations” are just off the charts implausible, and you’re right, they do have jurisdiction.

The only remedy that I could see in those situations is an action by the attorney general to, as an injunction to that building official is not meeting their requirement to enforce the code. That, in fact, happened, as you probably remember, in Delmar and Mill Valley, and a few cities like that in 2002, 2003, that time period.

There really isn’t a private right of action to claim that a building official is not doing their job. But, it is a statutory mandate that they do apply and enforce the code, it’s just—so, I agree with you on the discretion and the jurisdiction, but every place where there’s discretion there’s always some kind of limit.

So, that’s—I don’t want to get into any more details of that one situation I was just trying to explain my motivation in bringing up the testing provision in government code 4460. So, thank you.

Derek Thank you, Will.

Moderator We do have one more remaining question if you're ready.

Derek Yes, please go ahead. That's from Michael McKin. Please go ahead.

Michael Mankin It is about the same issue and we talked about this in the past and I was surprised not to see it in the package, but you have a sentence in I think Part 5 of Title 24 Part 2, that says that no other perceptible warning—these regulations do not apply until DSA approves these standards. So, what you just said there is throw basically the baby out with the bath water. So, that's why you have a lot of people running amuck at the local level because you basically have in your own regulation, developed under statutory authority, a throwaway line that these regulations cannot be applied. So, you have to get rid of that one.

We talked about this before. It doesn't even take a whole 18 month process to get rid of an erroneous regulation like that. So, why isn't that on the table? I certainly sympathize with all of the detectable warning manufacturers and all the jurisdictions compromised by this lack of

appropriate and immediate correction of language that was put there because the regulations were adopted during a time before they were legally required to be an act of law. That has long passed. That has passed years ago. It is now an active requirement that you not use DSA detectable warning requirements.

So, I would say realigning the dimensions is a great idea if you have an active application, but the reason you have chaos [audio disruption] you have detectable warning manufacturers going broke, closing the doors, you have outside manufacturers from other states not even paying any attention to our regulations. So, that is priority one.

Dennis

Michael, I'd like to interrupt just for a moment here. You did mention something in Chapter 5 that is a statement that gives some sort of an exception to this. Would you mind sending me an e-mail which identifies that section number because I'm not familiar with it?

Michael Mankin

I will, especially if you'll add it to this and consider adopting it as an emergency correction, because it's threatening the life and safety of people with disabilities and it's obstructing justice here.

Dennis We definitely need to take a look at that then.

Michael Mankin Okay.

Moderator Thank you. We do have one more remaining question if you'd like.

Dennis Okay.

Moderator William Rehling's in queue. Please go ahead.

William Rehling Thanks. I just wanted to jump back in to say I am aware of at least one case where a fairly senior and well-known cast actually made the argument that Mr. McKin just mentioned, that because the DSA has not approved domes, therefore, there is no dome requirement in California. Now, I don't think that argument was accepted, I don't think it's accepted anywhere, but Mr. McKin is not the only person to notice that clause so I'm glad that he's going to forward that to you. Thank you.

Dennis Thank you, Bill.

Moderator At this time, there are no additional questions. Please continue.

Derek

Alright, great. Thank you. The next item starts on Page 42 of 43. It's applicable to Section 11B-812.5.2. This is within the technical requirements for electric vehicle charging stations, and specifically, this section addresses the accessible route to the EV charger and it's from the vehicle space to the electric vehicle charger.

The current language in the code in Section 11B-812.5.2 tells us that an accessible route complying with Section 11B-402 shall be provided between the vehicle space and the EV charger which serves it. Now, we received a couple of comments that had indicated that this language could be misinterpreted to require an accessible route to pass between the vehicle space and the electric vehicle charging equipment. That was not our intent with this language, our intent was that this required accessible route is to connect the accessible vehicle space with the EV charging equipment.

So, the proposal here is to replace the phrase be provided between and instead replace that with the word connect. So, if this text is adopted then this section would read, "An accessible route complying with Section

11B-402 shall connect the vehicle space and the EV charger which serves it.”

I think we can open it up to any questions or comments on this item. Any questions or comments here in Sacramento? No questions here. Oakland? No questions in Oakland. Los Angeles? None in LA. And, San Diego, any questions or comments? Hearing none from San Diego.

Ryan if we have anybody in the queue, we'd be welcome to take their comments.

Moderator [Operator instructions]. We have no one queuing up at this time.

Derek Okay. Real good. Let's go ahead and go on to the last item from our agenda list. Here, the applicable code section is Section 11B-812.8.1 and this is regarding identification signs for electric vehicle charging stations.

Currently, electric vehicle charging station identification signs are required to be provided to be in compliance with Section 11B-812.8. For EVs and electric vehicle charging station installations where there are four or fewer total electric vehicle charging stations, the current requirements indicate

that we're not required to provide an international symbol of accessibility at those facilities.

When we get to five or more electric vehicle charging stations then the requirement for the provision of the ISA is mandatory from there on out. There was some question about whether a van accessible sign is required to be provided at electric vehicle charging stations and we do point out that the existing provisions in Section 11B-812 do require identification of the van accessible spaces, but in general, it was our intent to not require the electric vehicle charging station, the accessible ones, to be identified by either an ISA or by a van accessible plaque or sign.

So, what we're doing is we're proposing to clarify this language by clearly and explicitly stating that signs identifying van accessible spaces where there are four or fewer total electric vehicle charging stations is not going to be required.

Okay. I think we can take any questions or comments on this one.

Questions or comments in Sacramento? None. Oakland? None. Los Angeles? No questions there. San Diego? No questions in San Diego.

Ryan, how are we doing on the phone? Anybody in the queue?

Moderator We have no one in queue.

Derek Okay. Let's wait a moment. Ryan, still nobody in the queue?

Moderator No.

Derek Okay. Thank you. I think with that we're going to close this portion of the meeting on the draft proposed code changes as we've reviewed this morning and earlier this afternoon. With the remaining time I think we can take any general comments, questions, suggestions, anything that might not have been addressed today. And, for that I'm going to turn this over to Ida Clair.

Ida There's no one here in Sacramento. Anyone in Los Angeles, do you have any comments on items not on the agenda or comments in general nature? Oakland? No one in Los Angeles. Oakland, do you have any comments of a general nature of items not on the agenda? No one in Oakland. San Diego, do you have any comments on items not on the agenda or comments that are general in nature? No one in San Diego.

Ryan, do we have anyone on the queue with a comment?

Moderator We have no one in queue. [Operator instructions]. We do have a question from Kathleen Yhip. Please go ahead.

Kathleen Yhip Good afternoon. I'm curious for those proposed code changes where individuals or entities sent in comments asking for changes, what happens to those?

Ida We will be—these are the provisions that we feel we can adequately address with great consideration in the duration of the time that we have left for this intervening code cycle. With the other provisions that were provided to us, or the other recommendations or code change proposals, we will be giving the proposer a response as to the status of their item. Some of those items will require further study and will be addressed in the next 18 months, in the next code development cycle.

Our code development cycles, as we have stated, last 18 months. We are near the end of this code development cycle, and once we complete this code development cycle we will begin another one and some of those

items may be on that list that require further study. But, we will let you know their status by the end of this year.

Kathleen Yhip So, is there the opportunity, particularly, where the proposed code changes represent a significant issue for the entity to bring those up again in future comment sessions for this code cycle?

Ida At this time, we are not considering. You're welcome to submit it now if it's something that is critical in nature that needs emergency requirements we could take a look at it. But at this time—have you already submitted your comment?

Kathleen Yes, we have.

Derek Was that the proposal regarding the accessible route width?

Kathleen Yhip That is correct.

Derek We got your proposal. It's certainly on our list and it is a significant proposal. We're wanting to provide all review and study of that item that

we can. Unfortunately, we just simply don't have the resources to pursue that with this current code cycle.

Kathleen Yhip I'm sorry, was that Derek?

Ida Yes, that was Derek.

Kathleen Yhip Okay, thank you.

Ida Ryan, are there any other additional comments?

Moderator We have no one else in queue.

Ida Okay. At this time the lines will remain open for the next 15 minutes, or 17 minutes till our close of our meeting which is 4:00. We will be here ready and waiting to listen if a comment arises. But, for those of you who choose to leave us at this moment, we appreciate your participation and thank you for participating in this process. Again, once again, the lines will remain open and we will close the lines at 4:00 which is the scheduled end of our meeting. Thank you.

Dennis Ryan, if anybody does call in can you please let us know right away?

Moderator Absolutely.

Dennis Great, thank you so much.

Ida Ryan, there's no one on the line?

Moderator No.

Ida Well, thank you for your assistance. I appreciate it.

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

Dennis Great. Thank you so much.