



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawaii 96813

Ph. (808) 586-8121 (V) • Fax (808) 586-8129

MINUTES

Standing Committee on Facility Access Meeting

Location: Virtual Location Via Zoom
Date: September 9, 2021
Time: 10:30 a.m. – 12:00 p.m.

PRESENT: Marie Kimmey, Chairperson; Ron Awa, Scott Fleming, Michael Nojima, Board Members; Duane Buote, Rodney Kanno, Staff

- I. Chairperson Marie Kimmey called the meeting to order at 10:36 a.m.
- II. Staff and Board members introduced themselves.
- III. Members approved the meeting minutes of May 13, 2021 (M/S/P Awa/Nojima).
- IV. Old Business

A. Document Reviews and Implementation of Fee Schedule – Update

Duane Buote informed the Committee members that the Facility Access Unit (FAU) reviewed 215 projects from July 1 to September 9, 2021 of which 103 were new submittals. The FAU collected \$145,590 in fees during that same period.

V. New Business

A. Interpretive Opinion DCAB 2021-01 Wet Bars

Duane Buote explained that based on previous guidance from the U.S. Access Board and the Department of Justice (DOJ), breakroom sinks have not been viewed as kitchen sinks or wet bars based on the dictionary definitions.

Based on a more recent breakdown of definitions for kitchen, bar, kitchenette, kitchen sink, and wet bar, along with revised guidance from the U.S. Access Board and the DOJ the FAU is requesting a new interpretation on how to define sinks in these types of spaces. Duane Buote indicated that based on definitions of bar and wet bar the FAU could only consider a sink to be a wet bar where food or drinks are served, but kitchen sinks could be defined where the intended sole purpose is for food preparation or dish/utensil washing. The FAU looked at defining a kitchen sink versus a kitchen as two separate issues and decided to continue to utilize the fixed cooking element as the factor in determining when a space becomes a kitchen.

The DOJ and the U.S. Access Board both considered breakroom sinks to be a kitchen sink if it is used for food prep and dish washing. Both agencies indicated that it would be acceptable for this type of space to utilize the parallel approach exception in section 606.2.

Motion: The Committee approved the following ruling (M/S/P Fleming/Awa).

RULING – 2021-01 Wet Bars

ADAAG Section 606.2 Clear Floor Space

Where a space is not a kitchen or kitchenette because the space does not contain any fixed or built-in cooking elements, but the space contains at least one refrigerator, countertop with base cabinet(s) and sink, and the intended use for the sink is solely for food preparation and dish/utensil washing, the sink may be considered a kitchen sink and the parallel approach to the sink may be provided per exception 1 in ADAAG 606.2.

Where a space contains a countertop with base cabinet(s) and sink, and the intended use of the space is solely for serving food or drinks, the countertop and sink may be considered a wet bar and a parallel approach to the wet bar sink may be used per exception 1 in ADAAG 606.2.

[Ruling: 09/09/2021] (Auth and Imp: HRS §103-50)

B. Interpretive Opinion DCAB 2021-02 Recessed Elements at Grab Bars

Duane Buote explained that based on previous guidance from the U.S. Access Board and the DOJ recessed elements above or behind grab bars would have to be flush with the wall because protrusions are not allowed.

A consultant had contacted the U.S. Access Board and received new guidance that a mounting flange would be considered acceptable as long as it is within industry tolerance. Duane Buote indicated that the FAU contacted the U.S. Access Board and confirmed their revised guidance. The DOJ advised the FAU to contact the U.S. Access Board.

Duane Buote indicated that there were two things that concerned the FAU regarding the new guidance. The term "industry tolerance" is often used when identifying construction tolerances and the FAU wanted to minimize confusion with other tolerances addressed in the 2010 ADA Standards. The FAU chose to use the term Industry standard in the recommended ruling to help avoid confusion. The thickness of the flange that was proposed to the U.S. Access Board is 3/16 inch thick. The FAU was concerned that there would be potential for the thickness to make the grab bar unusable if a maximum thickness was not indicated. The FAU included wording in the recommended ruling to indicate the mounting flange protrusion be less than a quarter inch (¼").

Committee members asked for clarification on why less than ¼ inch was chosen for the maximum thickness. Duane Buote explained that the FAU will typically look at other measurements within the 2010 ADA Standards to utilize when coming up with a dimension requirement where it is not addressed, but there is a point where it would become a problem. In this case the FAU took the ¼ inch dimension from the accessible route maximum vertical level change, because it was close to the 3/16 inch measurement in the example proposed to the U.S. Access Board. Committee members indicated that the wording could be confusing and recommended changing the wording to "no greater than ¼ inch". The wording in the staff recommended ruling was revised per the Committee members suggestion.

Motion: The Committee approved the following ruling (M/S/P Fleming/Awa).

RULING – 2021-02 Recessed Elements at Grab Bars

ADAAG Section 609.3 Spacing

Where wall or partition mounted elements are provided and located such that:

- 1) The entire recessed element or a portion of the recessed element is within a required grab bar clearance OR
- 2) The recessed element goes behind a required grab bar

The “mounting” flange may protrude:

- 1) Into the top or bottom grab bar clearance
- 2) Into the space between the grab bar and wall surface

The amount of protrusion from the face of the “mounting” flange to the wall surface shall be within the industry standard for that component and be no greater than a quarter inch ($\frac{1}{4}$). Protrusions beyond the face of the “mounting” flange within the grab bar clearance are not allowed unless specifically permitted in ADAAG 609.3.

[Ruling: 09/09/2021] (Auth and Imp: HRS §103-50)

C. Discussion of Topics for 2022 Disability Access Conference

Marie Kimmey indicated that a topic on differences between ADA and the Federal Housing Act in multi-family housing would be a good topic. Ron Awa indicated that it would be a good idea if a matrix of accessibility requirements based on types of projects could be given to designers. Duane Buote indicated that he would look into finding that type of information and potentially including it in a future Access E-Bulletin.

VI. Open Forum

There were no items raised.

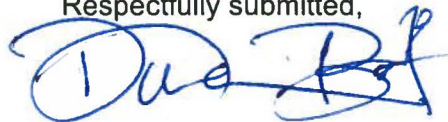
VII. Next Meeting

Next Meeting: TBD

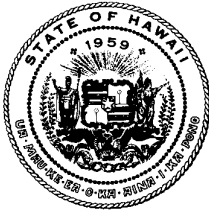
VIII. The meeting adjourned at 11:28 a.m.

Note: All votes were unanimous unless otherwise noted.

Respectfully submitted,



DUANE BUOTE



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AGENDA

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Location: Virtual Location Via Zoom

Date: September 9, 2021

Time: 10:30 a.m. to 12:00 p.m.

To join by PC or mobile device, click on the link below or copy and paste it into your browser window: <https://zoom.us/j/97328325871?pwd=NVNGU05iTHICUS9xa0hKZjNOVU9RQT09> and enter Meeting ID: 973 2832 5871 If passcode is requested use, Passcode: 542228

To join by phone, dial 1 253 215 8782 and enter Meeting ID: 973 2832 5871

- I. Call to Order
- II. Introductions
- III. A. Approval of Meeting Minutes of May 13, 2021
- IV. Old Business
 - A. Document Reviews and Implementation of Fee Schedule – Update
- V. New Business
 - A. Interpretive Opinion DCAB 2021-01 Wet Bar
 - B. Interpretive Opinion DCAB 2021-02 Recessed Elements at Grab Bars
 - C. Discussion of Topics for 2022 Disability Access Conference
- VI. Open Forum
- VII. Next Meeting: TBD
- VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Cindy Omura at (808) 586-8121 or dcab@doh.hawaii.gov as soon as possible, preferably by September 3, 2021. If a response is received after September 3, 2021, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternative formats such as large print, Braille, or electronic copy.