

BUILDING STANDARDS COMMISSION

MEETING SUMMARY

July 21, 2015

**1. CALL TO ORDER**

Chair Batjer called the meeting to order at approximately 10:30 a.m., 400 R Street, First Floor Hearing Room, California Victim Compensation and Government Claims Board, Sacramento, California.

**ROLL CALL:**

Commissioners Present:

Secretary Marybel Batjer  
Steven Winkel, Vice-Chair  
James Barthman  
Elley Klausbruckner  
Kent Sasaki  
Rajesh Patel  
D. Malcom Carson  
Cheryl Roberts  
Pedro Santillan

Vice-Chair Winkel led the Commission in the Pledge of Allegiance.

**2) INTRODUCTION AND SWEARING-IN OF NEWLY APPOINTED COMMISSIONER:**

Commissioner Santillan was sworn in as a commissioner.

Commissioner Santillan stated he works for Laborers' Local 1309. He's the business manager and financial secretary, and he also represents contractors.

**3) PROPOSED EMERGENCY STANDARDS ADOPTIONS AND APPROVALS:**

Secretary Batjer stated Item No. 3 is regarding the reduction of water used for outdoor landscape, irrigation, and administrative requirements.

**a) The Division of the State Architect:** These proposed building standards would add, amend and/or repeal building standards relative to water efficiency effecting a reduction in outdoor irrigation water usage relative to Chapters 1, 2, 3 and 5,

CALGreen, Part 11 of Title 24. This proposed emergency rulemaking is intended to supersede the emergency building standards approved by the Commission at its May 29, 2015, meeting.

Chet Widom stated we've been in a serious drought condition for close to four years now. They, along with other agencies, were instructed to initiate actions in order to start the process immediately. He stated he would like the commission to recognize the state's condition and allow them to go forward with some regulations for the K-12 and community colleges.

**Questions or Comments from the Commissioners:**

Commissioner Klausbruckner asked if K-12 schools were covered in the May meeting.

Mr. Widom stated they were, but there's a difference between the four agencies. They are the proposing and enforcing agency. He stated in the May meeting they said they would come back with the details of how they would enforce this with the school district.

Dennis Corelis stated they are superseding the prior emergency finding and adoption because DSA was not able to adopt their changes until the Department of Water Resources did.

Mr. Widom stated the Department of Water Resources is not going to approve their final draft until August, and it's confusing and changing as they all go along, but he thought they have what DWR is proposing.

Jim McGowan stated it is an emergency that supercedes the previous emergency, so it's taken as a whole. It's not just the amendments that they are looking at for emergency.

Commissioner Klausbruckner asked about the differences between what was approved back in May and now with their model water landscape ordinance.

Jim McGowan stated it's not like rulemaking where they amend a prior rulemaking that had been previously approved by the commission. The certifying rulemaking will happen on the back end of the process. It's creating a new emergency to supercede the previous emergency that was approved by the commission.

Vice Chair Winkel asked if it was a substitute motion in a sense.

Jim McGowan said it could be looked at that way, but it's a new emergency they are considering. He stated for clarity they show the previous emergency and the new emergency.

**Questions or Comments from the Public:** No

comments or questions from the public.

**i) Action for Finding of Emergency:**

**MOTION:** Secretary Batjer entertained a motion to consider DSA's finding of emergency. Commissioner Roberts made a motion to approve and it was seconded by Commissioner Sasaki. The vote was unanimous to accept the motion.

**ii) Action for the Adoption of the Proposed Regulations:**

Chet Widom stated the Department of Water Resources established statewide regulations which are referenced in the CALGreen code and are in the process of modifying the model water efficiency, MWELo, and the evapotranspiration. The changes also affect the hardware, sprinklers, as well as the metering requirements for all landscaping.

Mr. Widom stated he believes the evapotranspiration of .55, which was a decrease from .7, is going to be adjusted to .45 by the Department of Water Resources in their final regulations. The Housing and Community Development agency amended their part of the CALGreen code for new residential buildings to evapotranspiration of .55. OSHPD is not responsible for anything outside the skin of the building. OSHPD is going to seek approval by the local agencies before they give approval of their projects. DSA decided to adopt the amended CALGreen code with a evapotranspiration of .65.

Mr. Widom stated they are looking at defining the sites of the schools and will ensure it's not problematic.

Mr. Widom stated the following are requirements for schools: New and refurbished landscaping for all new campuses must comply with DSA and MWELo requirements. Playing fields and educational gardens and other educational spaces are designated as special landscape areas and have a lot more freedom.

Mr. Widom stated the easiest and best way is to self-certify, and have a licensed architect, licensed landscape architect, or a licensed civil engineer self-certify upon submission of the drawings that the design is in accordance with the MWELo requirements, and upon completion to certify it has been completed in accordance with MWELo or CALGreen requirements. It's anticipated the process will go into effect on October 1st, but it's not set because they have a long way to go. They have

established a fixed fee of \$500 per project.

Dennis Corelis stated the special landscaped areas means edible plants, planting areas used for educational purposes, recreational areas, areas irrigated with recycled water, water features using recycled water, and where the turf provides a playing surface or gathering place. That's the change from the original packet. It's a clarification tailored for schools.

Secretary Batjer asked if "gathering place" has ever been defined.

Mr. Widom said their definition is amphitheater.

Mr. Corelis stated they are redefining it to make it clear they adopted the MWELO except for the fact they are changing the evapotranspiration to .65.

**Questions or Comments from the Commissioners:**

Vice-Chair Winkel thought the planting areas used for educational purposes should be underlined in the proposal because it's new text. He also wanted to know where in the text of the code does something point to the definitions of special landscaped areas.

Mr. Corelis stated it says, "See MWELO requirements." It refers to that extensively.

Commissioner Carson wanted to know if they had a cost analysis for how much water is projected to be saved versus what the fiscal impact to the entities that need to comply with it would be.

Mr. Widom stated he assumes DWR has done those factors.

Commissioner Sasaki asked why the word "alterations" was struck on page 1.

Mr. Corelis said an example of the rehabilitation of 5,000 square feet of landscape that's turf now would save about 110,000 gallons a year in water. The cost is not the issue; it's saving the water.

Mr. Widom said the numbers they are hearing are between \$12 and \$15 a square foot.

Commissioner Sasaki stated they struck the word "alterations." Alterations cover a pretty broad area of work. Alterations play a big part in CBC, Chapter 34. It says construction can be repaired, altered, and added. He thinks striking the word "alterations" limits the coverage of the regulations.

Mr. Corelis stated they were considering building alterations as a trigger to additional rehabilitated landscaping areas. If existing landscape is altered, you must comply with MWEL0.

Commissioner Sasaki asked if they had done substantial studies to know that the ETAF of .65 is achievable and results in significant reduction of water use.

Mr. Widom stated they chose .65 to show a reduction, but the study was done by DWR.

Mr. Corelis stated there is some concern about the lower levels of .55 and they are trying to maintain the school programs as part of educational sports areas, teaching areas.

**Questions or Comments from the Public:** No

comments or questions from the public.

**ii) Action for the Adoption of the Proposed Regulations:**

**MOTION:** Secretary Batjer entertained a motion on the action of the DSA's proposed changes to the subject building standards. A motion was moved by Commissioner Sasaki and seconded by Vice Chair Winkel. Commissioner Sasaki also made a motion to accept the changes that have been brought forward by DSA. Vice-Chair Winkel seconded it. The vote was unanimous to accept both motions.

**b) The Division of the State Architect:** These proposed building standards would add Sections 4-501 through 4-507 as Group 3 of Chapter 4, California Administrative Code, Part 1 of Title 24. These proposed administrative requirements are pertaining to Sustainable Construction of Public Schools & Community Colleges and include general requirements, definitions, self-certification of drawings and specifications, and associated fees.

Mr. Corelis stated it's the tools to do all the things they need. It establishes DSA's ability to require the plans be submitted to track them, establishes the \$500 fixed fee, establishes the level of documentation that is required, and that a self-certification individual complies with MWEL0, and at the completion, they prepare a certificate of completion that's required by MWEL0 to certify the work has been done in compliance with MWEL0.

**Questions or Comments from the Commissioners:**

No comments or questions from the commissioners.

**Questions or Comments from the Public: No**

comments or questions from the public.

**i) Action for Finding of Emergency:**

**MOTION:** Secretary Batjer entertained a motion to consider DSA's finding of emergency. Commissioner Roberts made a motion to approve and it was seconded by Commissioner Carson. The vote was unanimous to accept the motion.

**ii) Action for the Adoption of the Proposed Regulations:**

Mr. Corelis stated in Item No. 1, DSA was concerned that development of these document packages might impede projects moving forward, so they are modifying their language by providing additional time and not requiring the documents to be completed prior to the award of a contract, as they normally do. They are striking the word "awarding" before a contract, so they are saying the document must be complete prior to the start of the construction.

Mr. Corelis stated in Item No. 2, because DSA is not going to be doing change order review, change document consideration, the language is inappropriate. So they are striking provision 4-511 and 4-512 in their entirety from the proposed amendments.

**Questions or Comments from the Commissioners:**

Vice-Chair Winkel asked regarding 4-511 and 4-512 whether the proposal is to strike them completely.

Mr. Corelis said, "Yes."

Vice-Chair Winkel said under 509(b) it says, "The architect of record, a licensed landscape architect, or civil engineer." He thought it should be "The landscape architect or civil engineer of record" as well. He said it seemed like he could certify the drawings even if he didn't do them.

Mr. Widom said Vice-Chair Winkel was right.

Mr. Corelis said as the architect of record, they end up being responsible for them.

Vice Chair Winkel asked if they would consider "The architect, licensed landscape architect, or civil engineer of record."

Mr. Widom and Mr. Corelis said they would be agreeable to making that modification.

**Questions or Comments from the Public:** No

comments or questions from the public.

**ii) Action for the Adoption of the Proposed Regulations:**

**MOTION:** Secretary Batjer entertained a motion to consider DSA's finding of emergency. Commissioner Barthman made a motion to approve and it was seconded by Vice-Chair Winkel with a minor amendment. In Section 509(b), Vice-Chair Winkel proposed to change "architect of record" and "a" to read "the architect, licensed landscape architect, or civil engineer of record will self-certify" and so forth. Commissioner Barthman accepted it.

Commissioner Patel asked if they wanted to amend self-certification to match them.

Vice-Chair Winkel said it's his intent to match them.

Commissioner Klausbruckner said it would be 507 and 509.

Vice-Chair Winkel said they are adding "architect, licensed landscape architect, or civil engineer of record," and so forth and it would be the same in both of the definitions in the text.

Mr. Widom agreed with the changed wording.

**ii) Action for the Adoption of the Proposed Regulations:**

The vote was unanimous to accept the motion.

**5. FUTURE AGENDA ITEMS**

The commissioners nor the public had any items to discuss.

**6. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THE AGENDA**

No public items to discuss.

**7. ADJOURNED**

Meeting ended.