

**STATE OF CALIFORNIA  
BUILDING STANDARDS COMMISSION  
MEETING MINUTES**

**October 27, 2008**

**1. CALL TO ORDER**

Chair Marin called the meeting to order at approximately 11:00 a.m. at the Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California.

**ROLL CALL**

*Commissioners Present:*

Rosario Marin, Chairperson  
Isam Hasenin, Vice Chairperson (arrival delayed)  
James Barthman  
Craig Daley  
Tony Hoffman  
Christina Jamison  
Stephen Jensen  
Michael Paravagna  
Steve Winkel

*Commissioners Absent:*

Richard Sawhill  
Susan Dowty

*Also Present:*

David Walls, Executive Director  
Tom Morrison, Deputy Director  
Teresa Boron-Irwin, Legal Counsel  
Michael Nearman, Architectural Associate  
Stephanie Davis, Executive Assistant

**2. APPROVAL OF THE MINUTES OF THE SEPTEMBER 2008 MEETING**

Chair Marin requested a motion to approve the Minutes of the July 17, 2008 meeting. Moved by Commissioner Paravagna and seconded by Commissioner Hoffman that the Minutes be adopted as revised. **Motion Carried.**

**3. EMERGENCY CODE CHANGE PROPOSAL**

**Office of State Fire Marshal (SFM EF 01/08 and 02/08)** Permanent adoption of emergency regulations to Parts 2 and 9 concerning I-2 occupancies above 75 feet.

Presented by Kevin Reinertson. No comments were received during the 45-day comment period.

**CALIFORNIA BUILDING STANDARDS COMMISSION  
OCTOBER 27, 2008 MEETING MINUTES**

Moved for approval by Commissioner Jamison, seconded by Commissioner Jensen.

**Motion carried.**

**4. 2007 ANNUAL CODE ADOPTION CYCLE PROPOSALS:** The following state agencies' proposed standards amend the 2007 California Building, Electrical, Mechanical, and Fire Codes as follows:

**a) Division of the State Architect - Access Compliance (DSA-AC 01/07):**

Amendments to accessibility provisions in 2007 Part 2, Chapter 11B with the broad objective to maintain building regulations in conformance with current state law and federally-recognized accessibility design standards.

Presented by Aaron Noble. A brief summary of the proposed amendments was provided.

Don Carter, America's Glass Association, spoke in favor of the amendment as a coauthor and on behalf of the disabled community.

Laura Williams, Californians for Disability Rights, spoke in favor of the five-pound door pressure opener and the allowance of a powered door opener.

Donna Pomerand, Council of Citizens with Low Vision International, spoke in favor of adopting the language in 1133B.4.4 and expressed her appreciation to DSA, however, she stated that she did have concerns with HCD's proposed amendment, which she will address during HCD's presentation.

(Richard Skaff - this portion was inaudible) Mr. Noble responded by saying that the language in the existing building code 1115B.3.1 lacks adequate scoping for lavatories, so DSA is seeking to clarify exactly what that scoping is and proposing to add at least five percent, but not less than one accessible toilet for places with large occupancies. A discussion was held regarding the possibility of increasing that percentage, as well as the usage of varying elevations. Chair Marin recommended that the Commission vote on what is presented today, rather than implementing a substantive revision requiring another notice period, and indicated that the Commission would like to see the next proposed revision contain language pertaining to at least five or more percent of accessible lavatories, as well as addressing the issue of the placement of the symbol of accessibility.

Commissioner Jensen made a motion that further study be made on this item, seconded by Commissioner Barthman. A discussion was held regarding the timeframe for further study and/or revisions. Commissioner Hasenin suggested hearing the opposing views of all the proposed amendments before voting. Commissioner Jensen withdrew his motion and Commissioner Barthman withdrew his second.

Richard Skaff indicated his opposition of the following proposed amendments:

Item 34 - 1117B.9, Accessible Sinks. Mr. Nobel explained that the requirements for accessible sinks in common areas have been combined and relocated into 1117B.9. Commissioner Hasenin agreed that this item is not specific enough and recommended that DSA provide clarification that counter and bar sinks are also covered.

**CALIFORNIA BUILDING STANDARDS COMMISSION  
OCTOBER 27, 2008 MEETING MINUTES**

Item 46 - 1133B.4, Stairways. Mr. Nobel explained that the term “clear visual contrast” pertains to color contrast, and “nonslip” pertains to slip resistance.

Item 47 - 1133B.4 Stairways. Mr. Nobel explained that the building code previously required a 1-1/2 inch maximum nosing. DSA proposes to be consistent with the Chapter 10 requirements of 1-1/4 inch maximum nosing, and further proposes that existing buildings not have a requirement to retroactively change existing 1-1/2 nosings to 1-1/4 inch.

Item 54 - Figures of Changes for Shower Stalls. Mr. Nobel explained that the 1/2 inch maximum threshold is not a proposed change as it is an existing threshold.

Byron Chapman, CARD, spoke on the push/pull power of 5 lbs or less. He indicated that all businesses should have had this in place since 1992 and also inquired as to the method of being notified of future comment periods for code change proposals. Chair Marin and Mr. Nobel provided details of the procedure of code changes.

Laura Williams, Californians for Disability Rights, requested that Item 19 - 1115B.3 Toilet Facilities be withdrawn for further research. Chair Marin indicated that this item is not underlined, therefore it is not a proposed change. Mr. Nobel explained that this item is currently in place and the confusion may be between water closets and lavatories regarding the five percent accessibility for occupancies with over 20 sinks. Chair Marin requested that because Item 23 is closely related, it be changed at the podium.

**Item 19** - Commissioner Daley made a motion that the Commission accept the clarification language of the addition of five percent of accessible lavatories. Commissioner Hasenin seconded the motion for purposes of discussion. Commissioner Daley made a motion that a finding be made that this item is a nonsubstantive change, seconded by Commissioner Hasenin.

**Motion carried with one objection.**

Richard Skaff indicated that signage requirements are already in place for remodels.

Michael Gibbons acknowledged the hard work of the Commission and expressed his concern about public comments.

**Item \_\_\_** - Commissioner Hasenin made a motion to keep the language as submitted by DSA and to request that this item be looked at in the next cycle. Seconded by Commissioner Winkel.

**Motion carried.**

**Item 34** - Commissioner Hasenin made a motion to keep the language as submitted by DSA. Seconded by Commissioner Winkel.

**Motion carried.**

**Items 46, 47, and 54** - Commissioner Paravagna made a motion to approve and adopt DSA’s accessibility changes. Seconded by Commissioner Barthman.

**Motion carried.**

**CALIFORNIA BUILDING STANDARDS COMMISSION  
OCTOBER 27, 2008 MEETING MINUTES**

- b) **Department of Housing and Community Development (HCD 02/07):** The proposed regulations will adopt, amend or repeal existing building standards and establish new building standards in Part 2 which will affect the following: residential occupancies and buildings or structures accessory thereto, state accessibility requirements, general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto, and permanent buildings in mobilehome parks and special occupancy parks.

Shawn Huff, Peter Solomon, and Doug Hensel with HCD presented the proposed package for the final express terms, incorporating Chapters 2, 5, 11-A , and 16.

Bernice Candarian, California Council of Citizens with Low Vision, spoke regarding the proposed language in Section 11-23.A.5, Striping.

Doug Hensel explained that going full length with the striping on stairways created problems with cast stairways and the imbed and believes that this should be given further study by DSA. However he agreed to go forward and match DSA's language, but would like to look at this again in the next rule-making cycle.

Richard Skaff spoke regarding Section 11-23.A, Interior Stairways and requested that the Commission reconsider the exceptions for risers, striping, and handrails for dwellings.

Mr. Huff explained that the language is not a new proposal, but existing language that is being clarified.

Mr. Skaff spoke regarding Item 30 - Showers, 11-34.A.6, Thresholds. Although he appreciates HCD's efforts, he opposes the two-inch lip for showers.

Commissioner Winkel acknowledged that this is an issue regarding water containment and wheel chair accessibility and that finding middle ground is difficult.

(inaudible) indicated that this item should not move forward because it doesn't resolve the issues at hand.

Commissioner Daley indicated that the language should be consistent with the Plumbing Code.

Mr. Hensel explained that HCD's goal with this item is to address the concern about water and to promote the installation of showers.

Commissioner Barthman pointed out that the language said two inches maximum, which means that the shower lip could be less.

Commissioner (inaudible) made a motion that the Commission express appreciation to HCD, but return it for further study. Seconded by Commissioner Winkel.

Commissioner Jamison indicated that she felt this proposal was an improvement and made a substantive motion to adopt and approve this item. Seconded by Commissioner Daley.

**Motion carried.**

A caller requested that the meeting room be set up in the future to prevent people from walking in front of the sign-language interpreter.

**CALIFORNIA BUILDING STANDARDS COMMISSION  
OCTOBER 27, 2008 MEETING MINUTES**

Donna Pomerand expressed her appreciation to HCD for accepting DSA's language related to the stair striping, although she still has some concerns that further studies could result in this item being reversed.

Laura Williams, Californians for Disability Rights, expressed her frustration that the item regarding the two-inch shower threshold was voted on prior to hearing callers' comments. She also commented on the poor telephone connection, which prevented her from hearing the motion that was carried. Ms. Williams further indicated her opposition to this item.

Richard Skaff spoke on Item 31 - Section 11-34.A.7, Water Closets, indicating his opposition as this is a reduction in access.

Mr. Hensel explained that this is actually an increase in area and will result in compliance with the Fair Housing Act of 36 inches in front and 48 inches across the water closet.

Kevin Jensen, architect from Corte Madera, California, spoke on the issue of not being given the opportunity to comment on the two-inch shower threshold before the vote was taken. He indicated that designing a shower with a two-inch threshold would be a challenge.

Laura Williams, Californians for Disability Rights, spoke regarding the 36-inch allowance in front of the water closet, indicating that this is not enough room for a person in a wheelchair, thus rendering these water closets inaccessible.

Vice Chair Hasenin explained that these provisions do not have to comply with ADA or ADAG and that this item is not intended to provide full access for all water closets. He also recommended discussing adding language in the future that would require a certain percentage of water closets be in compliance.

Michael Gibbens indicated that an adult wheelchair is 26 inches in width, not 32 inches, as the last caller stated.

Richard Skaff requested that the Commission not refer back to FHA, but rather development guidelines for California.

Bob Raymer indicated that California Building Industries Association supports HCD's proposal.

Commissioner Jensen made a motion that the entire HCD submittal of Items 18 and 21 be approved and adopted with the revision of the striping on the exterior and interior stairs and stairs other than within the units themselves. Seconded by Commissioner Hoffman.  
**Motion carried.**

**CALIFORNIA BUILDING STANDARDS COMMISSION  
OCTOBER 27, 2008 MEETING MINUTES**

Commissioner Barthman moved that Item 16 - Simplified Seismic Design be approved.  
Seconded by Commissioner Jensen.

**Motion carried.**

**5. UPDATE ON THE REVIEW OF THE INTERNATIONAL RESIDENTIAL CODE BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

Doug Hensel explained that a decision has not been made on whether to go forward with the adoption of the IRC. Some fact-finding has been conducted, and staff is working on an internal memo that is on hold pending a determination.

Commissioner Winkel and Vice Chair Hasenin encouraged the staff of HCD to make some progress.

Bob Raymer expressed his desire to see the IRC move forward, indicating that Chapters 3 through 10 would be a good starting point.

**6. UPDATE ON PEX**

Mr. Walls updated the Commission by explaining that the consultants recommended that the PEX EIR go back out for 30-day comment period, which began on October 16, due to issues regarding water quality. A final EIR should be received in December and brought to the Commission at the January meeting for approval.

**7. STRATEGIC PLAN UPDATE**

Mr. Walls explained that Commissioner Sawhill has been working on this and has received comments from the other members of the ad hoc committee, Commissioners Winkel and Dowty. The ad hoc committee will have a draft to the Commissioners by November 3, 2008. The Commission is then expected to have comments back to the committee by December 1, 2008, then compiled and brought to the Commission in January for action.

**8. FUTURE AGENDA ITEMS**

It was agreed that the November meeting not be held.

**9. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

Kevin Reinertson from the State Fire Marshal's office provided an update on the matter of areas of refuge by indicating that advancement is being made in the 2009 code that will impact this issue. The task force is still discussing this.

**CALIFORNIA BUILDING STANDARDS COMMISSION  
OCTOBER 27, 2008 MEETING MINUTES**

**10. ADJOURN**

Due to Chair Marin's early departure for another obligation, Vice Chair Hasenin adjourned the meeting at approximately 2:30 p.m.

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