

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

September 11, 2008

1. CALL TO ORDER

Chair Marin called the meeting to order at approximately 10:00 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
James Barthman
Susan Dowty
Tony Hoffman
Christina Jamison
Stephen Jensen
Michael Paravagna

Commissioners Absent:

Craig Daley
Richard Sawhill
Steve Winkel

Also Present:

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

2. APPROVAL OF THE MINUTES OF THE JULY 2008 MEETING

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

3. CBSC STRATEGIC PLAN UPDATE

Mr. Walls explained that Commissioner Sawhill worked with staff and committees to put together a draft Strategic Plan that has been provided to staff for comments. A timeline of draft revisions was handed out to Commissioners.

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4. THE GREAT SOUTHERN CALIFORNIA SHAKE OUT

The international conference will be held in mid-October. Chair Marin plans to attend and encouraged all Commissioners to attend as well.

Chair Marin reiterated the importance of these events to promote public awareness of earthquake preparedness.

5. EMERGENCY CODE CHANGE PROPOSAL

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

Mr. Walls explained that this item is currently in the 45-comment period after a delay.

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

Motion carried.

6. CODE ADOPTION APPROVALS:

- a) California Energy Commissioner (CEC 01/07) Approval of the 2008 Energy Efficiency Standards adopted by the Energy Commission earlier this year. The 2008 Standards focus on several key areas to improve the energy efficiency of new buildings and also include requirements that will enable demand reductions during critical peak periods. They are intended to be published as supplements to 2007 Part 1 and 6 concurrently with the 2007 code cycle amendments projected for a July 1, 2009 effective date.

Presented by Mazi Shirakh and Bill Pennington. The Energy Commission spent approximately three years working on the proposed changes, including holding a series of workshops and hearings to develop the draft codes. A goal of the CEC is to run on zero net energy by 2020.

Comments:

Bob Raymer expressed strong support by the commercial sector for the approval of the proposed adoption, indicating that it would bring an increase in energy efficiency of approximately 20 percent.

Jay Salazar, representing the California Building Officials Energy Committee, requested that the Commission recommend further study of this proposal due to a concern that CALBO will have challenges implementing these standards. He would also like to see a proposal that would address the concerns of local building officials through an organized representative group. Mr. Salazar further feels that the costs involved in the additional documentation has not been adequately analyzed. He also requested simplification of these standards.

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Chair Marin clarified that CALBO had a voice in the process of drafting these revisions. Mr. Salazar indicated that they attempted to make their concerns known while being viewed as a member of the public to provide comments. Chair Marin requested that Mr. Pennington respond to Mr. Salazar's concerns. Mr. Pennington stated that his group has been working through the various implementation forms and has been initiating one-on-one meetings with local chapters and building officials in an attempt to provide as much information as possible. In an effort to avoid delaying the adoption of this proposal, Chair Marin requested that a commitment be made by the Energy Commission to work with CALBO. Mr. Salazar requested that CALBO have a more prominent role in the development of the standards. Chair Marin stated that she will write a letter on behalf of the BSC to the chair of the CEC, to facilitate this process.

Commissioner Dowty requested an explanation of the efforts being made for simplification of the standards. Mr. Pennington responded that the standards involve many different people when building a structure. He would like to focus on breaking down the standards and the pieces for each individual involved.

Steven Kiefer of CALBO indicated that stakeholders at the local level believe the best course of action to get energy-efficient buildings is to simplify the regulations by having fewer and easier to understand regulations.

Chair Marin requested a motion for approval of this item. Moved by Commissioner Hoffman, seconded by Commissioner Paravagna.

Motion carried.

7. 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.

This item has been tabled to be heard at the October Special Meeting.

- b) Department of Housing and Community Development (HCD 02/07):**
Amendments to accessibility provisions in 2007 Part 2, Chapter 11A resulting in revising and reorganizing Chapter 11A language for clarification and compliance with state and federal law.

This item has been tabled to be heard at the October Special Meeting.

- c) Office of the State Fire Marshal:**

Kevin Reinertson, Tonya Hoover, and John Ghoul presented this item.

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- i) **(SFM 01/07):** Amendments to 2007 Part 2 necessary to maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 International Building Code and published as the 2007 California Building Code.

- ii) **(SFM 02/07):** Amendments to 2007 Part 4 necessary to maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 Uniform Mechanical Code and published as the 2007 California Mechanical Code.

- iii) **(SFM 03/07):** Amendments to 2007 Part 9 necessary to maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 International Fire Code and published as the 2007 California Fire Code.

Comments:

Jeff Tarter, Integrated Engineering Services, a participant in the process of the code rewrites, spoke in favor of these amendments.

Christine Tejada, Genentech, spoke in support of the express terms as proposed by the State Fire Marshal for Section 443 of the 2007 California Building Code.

Nelson Lao, DGA Architects, spoke in support of this item.

Lorin Neyer, Northern California Fire Prevention Officers, spoke on behalf of Northern and Southern California Fire Prevention Officers. She indicated that they had expressed concerns during the public comment period which were addressed by the State Fire Marshal. They still have a concern that the scoping is limited to areas in places of higher education. Ms. Neyer also mentioned that there is no amendment to Section 11 of the Building Code that would delegate authority to the local jurisdictions.

Tonya Hoover responded to the scoping question by indicating that a legal opinion was obtained regarding the regulations for L occupancies and the opinion is included in their proposal package.

In response to Commissioner Jamison's question as to why the amendments are necessary, Mr. Gould explained that labs have numerous people working in a controlled environment. Mr. Reinertson further explained that many of the labs are currently operating in a B occupancy and, in order to get them in the higher levels, they need the option of operating in an H-3 or L occupancy.

Rahn Verhaeghe expressed his appreciation to the Commission for its support in this effort and spoke in favor of the express terms.

Gail Bates, Code Resources, expressed his support for the L occupancy.

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Greg Gehlen, Housing Real Estate Executives, expressed his appreciation to the State Fire Marshal for their dedication and spoke in support of the express terms.

Christopher Draper, BayBio, express his support for the L occupancy.

Commissioner Hasenin expressed his support for the L occupancy.

Commissioner Jamison expressed her concern that local fire agencies are not supporting this package and requested more time to satisfy some of those concerns; bringing this item back in November.

Tonya Hoover addressed the concerns of the Fire Service with the assurance that SFM will continue to work closely with Fire and Building on all issues pertaining to life safety.

Moved for approval by Commissioner Hasenin and seconded by Commissioner Barthman that these items be approved with the commitment of the State Fire Marshal to address the issues of concern at the next meeting. **Motion carried.**

d) Office of Statewide Health Planning and Development:

Presented by Bill Zeller. The humidification aspect of Part 4 has been withdrawn.

- i) (OSHDP 02/07):** Proposed non-structural regulations in 2007 Part 2 to implement statutory requirements for rural general acute care hospitals and clinics, adopt national recognized standards for sound transmission in hospitals, and coordinate administrative requirements with Part 1, Title 24.
- ii) (OSHDP 03/07):** Proposed structural regulations in 2007 Part 2 to adopt supplement No. 2 of reference standard ASCE 7-05, adopt supplement No. 1 of reference standard ASCE 41-06, prohibit the use of precast concrete intermediate shear walls per reference standard ACI 318-08, and adopt a new standard for epoxy injection repair of concrete and masonry, ACI 503.7-07.
- iii) (OSHDP 04/07):** The proposed amendments in 2007 Part 3 clarify transfer switch requirements for health facilities.
- iv) (OSHDP 05/07):** Proposed amendments in 2007 Part 4 to clarify the heating, cooling, and ventilation requirements for hospitals; and to adopt requirements of nationally recognized guidelines.

Moved by Commissioner Barthman, seconded by Commissioner Hasenin that the amendments be adopted.

Motion carried.

8. UPDATE ON AGENCY PROPOSALS CONCERNING

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PEX TUBING IN PART 5

Mr. Walls updated the Commission by explaining that Energy Commission has requested a July 1 effective date, which gives BSC more time to get the PEX regulations done.

9. UPDATE ON THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S EFFORTS ON THEIR REVIEW OF THE IRC

Doug Hensel presented this item. A decision has not been made on whether to go forward with the adoption of the IRC. Comments have been received both in support and against adoption. HCD is evaluating what they can accomplish in the next code cycle and they hope to make a decision in the next month.

Steven Kiefer, CALBO, spoke in support of HCD and the state adopting a standalone IRC document.

10. LEGISLATIVE UPDATE:

a) Pending Legislation - No Action Taken on This Item

Tom Morrison reported that staff is monitoring six enrolled bills; AB2939, Senate Bill 588, Senate Bill 1258, Senate Bill 1386, Senate Bill 1473, and Senate Bill 1608.

11. DRAFT GREEN BUILDING ORDINANCE UPDATE

Steven Kiefer, CALBO, updated the Commission by reporting that the CALBO Green Committee is creating an ordinance that could be adopted at the local level. This would be a base template that local jurisdictions can use. This should be completed by the end of the year.

Bob Raymer, CBIA, requested that administration of the ordinance is also addressed for local jurisdictions in order to facilitate certification.

12. FUTURE AGENDA ITEMS

None at this time.

13. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Doug Hensel, HCD, requested that Chapter 16 of the Building Code be added as HCD's future agenda item.

14. ADJOURN

Madam Chair Marin adjourned the meeting at approximately 12:45 p.m.

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