

**CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES**

December 18, 2013 – 10:00 a.m.

1. CALL TO ORDER

Chair Batjer called the meeting to order at 10:00 a.m. at 400 R Street, First Floor Hearing Room, Sacramento, California 95814.

ROLL CALL

Commissioners Present: Secretary Marybel Batjer, Chair
Steven Winkel, Vice-Chair
Sheila Lee
Cheryl Roberts
Kent Sasaki
Richard Sierra

Also Present: Jim McGowan, Executive Director
Michael Nearman, Deputy Executive Director
Leann Pressley
Alex Holtz
Enrique Rodriguez

Chair Batjer announced that a quorum was present.

PLEDGE OF ALLEGIANCE

Commissioner Roberts led the Commission in the Pledge of Allegiance.

2. CHANGE IN THE EFFECTIVE DATE OF THE PUBLISHED 2013 BUILDING EFFICIENCY STANDARDS (TITLE 24, PARTS 1 AND 6) AND 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (TITLE 24, PART 11)

- a) Presentation by California Energy Commission staff proposing a change in the effective date of the recently published 2013 California Administrative Code, Part 1, Chapter 10; and 2013 California Energy Code, Part 6.
- b) Consideration of a change in the effective date of the recently published 2013 California Green Building Standards Code (CALGreen), Part 11, in whole or in part.

Chair Batjer announced that the Commission would receive testimony on items 2a and 2b simultaneously.

David Ashuckian, California Energy Commission (CEC), Deputy Director of the Efficiency Division, read a statement requesting the change in the effective date from January 1, 2014 to July 1, 2014. The CEC had voted unanimously for the change because of overwhelming comments from the building industry that they do not have a complete set of performance, compliance, and software tools; also they have not received

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the necessary training to fully understand and use the public domain compliance software.

Mr. Ashuckian elaborated on the software and its release dates.

Commissioner Lee asked about CEC's training plan for the public. Mr. Ashuckian replied that the CEC plans to provide training for building officials and other officials on the active software. The CEC has worked with its software development contractor, arranging to devise training processes that will take place over the next six months up until July 1, 2014. The CEC training contact is Pedro Gomez, Manager of the Building Standards Implementation Office.

Another Commissioner ascertained with Mr. Ashuckian that training will also be available to energy modelers, design professionals, architects and others involved. He added that the public domain software and private software need to be developed in parallel because they validate each other.

Commissioner Lee noted that people will no doubt be submitting projects early in 2014 that will use the new 2013 regulations. She asked if the CEC foresees any issues, were the California Building Standards Commission (CBSC) to approve the proposal. Mr. Ashuckian responded that the CEC has a number of local jurisdictions who are building their homes to 2013 standards regardless of the delay, and the CEC is working with them to ensure they understand the process.

Commissioner Roberts ascertained with Mr. Ashuckian that there are plenty of communications to the users about the appropriate code to use. Another CEC official stated that they are providing plenty of guidance on how the compliance documentation is to be prepared.

Michael Nearman, Deputy Executive Director, noted that the CBSC is preparing an information bulletin to be distributed to a wide number of individuals following the meeting. They are also working with the publisher to prepare history notes that will go into the affected codes.

A Commissioner asked about the effect on anyone who has broken ground, residential or commercial, prior to the final adoption of the new code. The answer was to build to the current code.

Commissioner Sierra said that the CBSC bulletin will itemize each of the codes and explain which codes would be used in their places until the effective date of the change in Part 1, Part 6, and Part 11. He added that from the CEC's perspective, any permits applied for up until July 1, 2014 will continue to be subject to the 2010 code currently in effect.

At this point Chair Batjer requested representatives from the affected state agencies to come forward and offer comment.

Mr. Glenn Gall, Office of Statewide Health Planning and Development (OSHPD), Regional Supervisor of the Building Standards Unit, stated that the proposed change would not really affect the occupancies regulated by OSHPD. The majority of those are high occupancies which are exempt from the Energy Code provisions. For the Green Building Standards Code, OSHPD has only adopted voluntary measures. For the

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occupancies that are beholden to OSHPD requirements that are under local jurisdiction – typically free-standing clinics – OSHPD would defer to them regarding implementation of this change.

Mr. Bob Chase, Division of the State Architect (DSA), Deputy State Architect, stated that DSA’s involvement with the proposal involves K-12 public schools and community colleges. DSA saw no problem with the delay of the Energy Code.

Ms. Emily Withers, Department of Housing and Community Development (HCD), State Housing Law Program, stated that HCD is responsible for residential occupancies. HCD has no problem with the Energy Code delay as long as the applicable portion is clear to the users. CALGreen would have some references in the Cool Roof section. For the Administrative Code, users can also refer to the 2010 version. The section in the CALGreen Code relating to light pollution could be delayed in its entirety.

CBSC staffer Mr. Enrique Rodriguez had worked closely with the CEC and HCD to analyze the potential impacts of the delay in the CALGreen Code effective date. They determined that there would be impacts to the energy-related code sections, which could be easily identified and delineated. The CBSC was thus in support of the CEC’s request.

Public Comment

Mr. Bob Raymer, California Building Industry Association (CBIA), Senior Engineering Technical Director, indicated that he was also representing a 12-member industry coalition. He referred the Commissioners to a letter from the coalition supporting the proposal. Mr. Raymer stated that as indicated by CEC staff, the problem is not with the content of the standards – it is with the compliance documentation requirements not yet being fully functional. CBIA and its consultants have been beta testing the software with CEC staff. Mr. Raymer cited some software that is not yet up and running and some that has a few bugs.

He continued that the vast majority of CALGreen will go forward on January 1, which is not a problem for industry. As CEC staff had already indicated, industry has been working with the CEC to thoroughly adopt the program; it is already implemented in a number of projects in the Folsom area.

A Commissioner ascertained with Mr. Raymer that nothing would prevent a user from implementing the new code provisions; validation in the Data Registry may not be possible, but a user would not have to undo anything if a set of drawings were turned in on January 2. Mr. Raymer cited such an example with Elliot Homes of Folsom, which is already implementing the new code provisions.

Mr. James Zhan, San Francisco City and County Department of Building Inspection, supported the delay to the 2013 Energy Code. However, he opposed the Green Building Code delay. The City and County of San Francisco had enacted its own version of that code in 2008, before the 2010 CALGreen regulations were enacted. If the 2013 CALGreen Code is not in effect, the old San Francisco Building Code Chapter 13C will expire, meaning that it can only enforce the less strict 2010 CALGreen. The Board of Supervisors will have to scramble to enact a temporary measure which will take three months to go into effect, to re-enact the 2010 San Francisco Green Building Code – a huge inconvenience for the building community.

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Commissioner Lee responded that the proposal for the changes in CALGreen is only related to the energy code requirement. So on January 1, 2014, the rest of the CALGreen Code will still be effective. Mr. Zhan responded favorably. Another Commissioner mentioned that it is probably only 1-2% of the entire document that will be impacted.

Chair Batjer suggested for a CBSC staff member to meet with Mr. Zhan to clarify the specific areas of code that will be delayed.

Ms. Catherine Kniazewycz, Director of Architecture at the University of California Office of the President, spoke in favor of the proposal. She had previously testified before the CEC that without the delay, problems would ensue for the University, given that the software is not quite complete and the training for the engineering community is not ready. Still, they are fully in favor of the change in the code. Ms. Kniazewycz added that the University of California has at least 15 buildings that are going to be designed early next year that will follow the code.

Mr. Matthew Hargrove, California Business Properties Association, stated that this organization is very much in favor of both agenda items. They really need help out in the field with training and compliance issues, and requested both the CBSC and the CEC to send staff to help them comply with the complicated regulations.

Mr. Bob Latz, California Building Officials (CALBO), spoke in support of the proposal. He stated that CALBO members are asking for very clear direction on how to re-enact the 2013 codes that are in place. CALBO has been active in training local municipalities and jurisdictions in how to adopt the codes through the CBSC; they wish to be an information resource and to be informed on proper procedure for the locals.

Commissioner Lee commented that there may be many jurisdictions similar to the City of Santa Clara: when they adopted the code, they did not adopt the energy code or the Green Building Standards Code.

Jim McGowan, Executive Director, suggested that Mr. Latz consult with his counsel; this is a local ordinance issue as to the lawfulness of implementation.

Commissioner Comment

Vice-Chair Winkel observed that the situation had been very well handled, and that the instructions for using the performance-based software were almost done. It would be an error to go ahead with something that does not function. Also, education needs to be in place before people use the software. Last, the procedures for getting the local adoptions in place can be addressed during the delay.

Commissioner Roberts agreed that the situation had been very well handled by CBSC and CEC staff; they will be able to provide valuable help. The delayed implementation is by far the best option.

MOTION: Commissioner Sierra moved to accept the California Energy Commission's proposal to postpone the effective date to July 1, 2014 for the 2013 California Energy Code, Part 6, and the California Administrative Code, Part 1, Chapter 10. Vice-Chair Winkel seconded. Motion passed unanimously.

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Vice-Chair Winkel commented that he wished to make sure to address the concerns of the City of San Francisco in the second motion.

MOTION: Vice-Chair Winkel moved to accept the postponement of affected provisions within the 2013 California Green Building Standards Code (CALGreen), Part 11, to July 1, 2014, as identified by the Department of Housing and Community Development and the Building Standards Commission in consultation with the California Energy Commission. Commissioner Lee seconded.

Vice-Chair Winkel suggested inserting the phrase, "...affecting energy provisions only..." Commissioner Lee agreed.

Mr. Holtz provided legal clarification for making a minor amendment in terms of notifying stakeholders. Staff should produce an information bulletin to be issued by the following day.

AMENDED MOTION: Vice-Chair Winkel moved to accept the postponement of the affected energy provisions only within the 2013 California Green Building Standards Code (CALGreen), Part 11, to July 1, 2014, as identified by the Department of Housing and Community Development and the Building Standards Commission in consultation with the California Energy Commission. Commissioner Sierra seconded. Motion passed unanimously.

3. FUTURE AGENDA ITEMS

There were no suggestions from the Commissioners or the public.

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

There were no comments from the public.

5. ADJOURN

MOTION: Commissioners motioned and seconded to adjourn the meeting. The motion was unanimously approved.

Chair Batjer adjourned the meeting at 11:06 a.m.