

BUILDING STANDARDS COMMISSION

MEETING MINUTES

June 20, 2017

**1. CALL TO ORDER**

Chair Batjer called the meeting to order at approximately 10:11 a.m., 400 R Street, First Floor Hearing Room, California Victim Compensation Board, Sacramento, California.

**ROLL CALL:**

Secretary Marybel Batjer, Chair  
Steven Winkel, Vice Chair  
James Barthman  
Larry Booth  
Elley Klausbruckner  
Erick Mikiten  
Kent Sasaki  
Rajesh Patel  
Peter Santillan  
Juvilyn Alegre

Commissioner Barthman led the Commission in the Pledge of Allegiance.

Chair Batjer announced that Commissioner Klausbruckner was reappointed by Governor Brown for another four-year term on the Commission, and she and Commissioner Alegre were both confirmed by the California Senate.

**2. REVIEW AND APPROVAL OF THE JANUARY 27, 2017 MEETING MINUTES**

**Questions or Comments from the Commissioners:**

No questions or comments from the Commissioners.

**MOTION:** Chair Batjer entertained a motion to consider approving the meeting minutes from January 27, 2017. Commissioner Barthman made a motion to approve, and it was seconded by Vice Chair Winkel. The vote was unanimous to accept the motion.

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

There were no public comments made.

#### **4. CALIFORNIA BUILDING STANDARDS COMMISSION STRATEGIC PLAN**

Mia Marvelli, Executive Director, Building Standards Commission (BSC), stated the BSC Strategic Plan was originally discussed at the December 2016 commission meeting and has been returned to today's agenda for further discussion. She stated BSC staff is requesting that the Commission consider creating an ad hoc subcommittee to review and suggest updates to the CBSC Strategic Plan, which has not been updated since 2009. The executive staff and the subcommittee would review significant changes that have occurred since 2009 and discuss what changes should be incorporated into the strategic plan. Those changes would be brought before the Commission at a subsequent meeting. Ms. Marvelli asked for volunteers for the subcommittee, and Commissioner Booth and Commissioner Barthman volunteered.

#### **Questions or Comments from the Commissioners:**

No questions or comments from the Commissioners.

#### **Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to form a strategic plan ad hoc subcommittee consisting of Commissioner Booth and Commissioner Barthman. Commissioner Santillan made a motion to approve, and it was seconded by Commissioner Sasaki. The vote was unanimous to accept the motion.

#### **5. READOPTION OF EMERGENCY BUILDING STANDARDS**

Chair Batjer stated there are three state agencies requesting readoption of their exterior elevated elements (EEE) emergency regulations that the Commission approved at its January 27, 2017 meeting. Pursuant to the Administrative Procedures Act, emergency regulations are effective for 180 days. A readoption will extend the emergency regulation language 90 days, allowing the state agencies additional time to complete the certified rule-making process. The regulatory language is not open for discussion; however, during the public comment period for the certifying rule-making process, the regulatory language may be challenged and modifications may be proposed. The EEE subcommittee met May 25, 2017. The Commission created a webpage dedicated to the EEE subcommittee resources, with a link located on page 2 on today's agenda.

a) Gary Fabian, Associate Architect, California Building Standards Commission (CBSC), provided an overview on the three agencies' request for readoption of the emergency regulations. He stated today's request is not seeking to amend the language of the existing emergency regulations, but merely requesting a time extension in order to conduct matters pertinent to the certifying rule-making process. Readoptions are permitted by Government Code Section 11346.1. BSC staff is requesting a 90-day readoption of the emergency regulations filed as BSC EF 01/17, which amended the California Building Standards Code, Part 2 of Title 24, California

Code of Regulations; and the California Existing Building Standards Code, Part 10 of Title 24, California Code of Regulations. The emergency regulations modified these code sections specific to the enhancement of design, construction, and inspection for EEEs and specified nonresidential buildings, including provisions in Chapters 1, 16, and 23 of Part 2 and Chapter 1 of Part 10. The emergency regulations were partially based on an early draft edition of the 2018 International Building Code (IBC) and the International Existing Building Code (IEBC). This readoption is being submitted to continue the emergency adoption that was approved by the Commission on January 27, 2017 and effective upon filing with the Secretary of State on January 30, 2017 and currently set to expire July 29, 2017. He stated CBSC staff is requesting a 90-day extension of the approved emergency regulations due to the time required to facilitate the 45-day public comment period as well as other regulatory requirements pursuant to Government Code Sections 11346.2 and 11347.3, which will extend the expiration date until October 27, 2017.

He advised what has been accomplished to date is as follows: Information Bulletin 17-01 was issued on February 2, 2017, which explained the details of the emergency building standards approved by the Commission. A subcommittee met on May 25, 2017 to allow any new information to be provided in order to assist the certified rule-making process. However, staff is waiting to receive a final draft publication of the ICC model code for 2018, which will contain provisions similar to the emergency provisions in place, so that the text can be considered in the rule-making to provide consistency and uniformity. There is also the need to conduct one or more public comment periods and conclude the certifying rule-making process thereby making these provisions permanent.

#### **Questions or Comments from the Commissioners:**

Commissioner Santillan asked when the model code will become available.

Mr. Fabian advised early October is the expected time frame to receive the model code in draft form, not the final text.

#### **Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the California Building Standards Commission's request to readopt the exterior elevated elements emergency regulations approved by the Commission on January 27, 2017. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Santillan. The vote was unanimous to accept the motion.

b) Emily Withers, Codes and Standards Administrator II, Department of Housing and Community Development (HCD), stated many HCD activities related to exterior elevated elements were coordinated with BSC, so she will not repeat the same information previously provided by Mr. Fabian. She stated HCD requests approval for a 90-day readoption of emergency regulations filed as HCD EF 01/17, which amend the 2016 California Building Code

(CBC) and the 2016 California Existing Building Code (CEBC). These emergency regulations, based on draft versions of the 2018 model codes, are specific to the enhancement of design, construction, inspection, and maintenance to exterior elevated elements for residential buildings and include sections in Chapters 1, 16, and 23 of the CBC and Chapter 1 of the CEBC. The readoption will ensure that the emergency regulations remain effective until October 27, 2017. She advised HCD will be requesting a second extension to ensure the regulations remain in effect until permanent adoption. HCD has issued Information Bulletin 2017-01 informing interested parties of the emergency regulations, and a revised bulletin will be issued if the regulations are approved for readoption.

**Questions or Comments from the Commissioners:**

Commissioner Booth asked whether maintenance was not specifically in the code prior but now a maintenance requirement will be part of the code.

Ms. Withers stated the maintenance section was in Chapter 34 of the 2013 CBC, and when ICC reorganized the codes, the maintenance was put into the model property maintenance code, so it was not moved into the CEBC, but HCD felt it was important enough to keep that feature.

Commissioner Booth wanted confirmation that maintenance is now included.

Ms. Withers confirmed that it was.

**Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Department of Housing and Community Development's request to readopt the exterior elevated elements emergency regulations approved by the Commission on January 27, 2017. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

c) Diane Gould, Supervising Structural Engineer with the Codes & Standards Unit, Division of the State Architect (DSA), stated DSA's emergency building standards for the exterior elevated elements were included in the IB 17-01, which was issued by DSA on February 2, 2017. It explained the details of the emergency standards approved by the Commission on January 27, 2017. DSA attended the May 25, 2017 EEE subcommittee working group meeting. She stated DSA is awaiting the final draft publication of ICC's model code for 2018, which contains provisions similar to the emergency regulations already in place. Once the draft is received, DSA intends to collaborate with BSC and HCD to consider the text of the model codes in their certifying rule-making in order to provide consistency and uniformity. DSA also plans to conduct one or more public comment periods and then conclude the certifying rule-making

process. The request for readoption is not an opportunity to amend language but only seeks a time extension to allow adequate time necessary for the rule-making process. She stated DSA is requesting a 90-day readoption of the emergency regulations, which were filed as DSA-SS/CC EF 01/17, which amends the California Building Standards Code as well as the California Existing Building Code. These regulations modify the sections of these codes which are specific to the enhancement of design, construction, and inspection for EEEs for specified public schools and essential services buildings. This includes provisions in Chapters 1, 16, 16A, and 23, Part 2, as well as Chapter 1, Part 10. The emergency regulations are partially based on an early draft edition of the 2018 IBC and the IEBC. Approval of this readoption is necessary in order to continue the emergency regulations. Expiration date is July 29, 2017. She stated pursuant to Government Code Section 11346.1(h), DSA requests a 90-day reapproval and readoption on an emergency basis of the DSA-SS/CC EF 01/17 rule-making.

### **Questions or Comments from the Commissioners:**

Commissioner Patel asked what the next steps the Commission will take now that the May 25, 2017 EEE subcommittee meeting has taken place.

Ms. Marvelli stated the staff that is supporting the subcommittee is gathering the information that was supplied on the May 25<sup>th</sup> meeting and is in the process of posting it to the website, which is linked on this agenda. The subcommittee will review the information and use it to make their determination on whether there are further recommendations and will make the decision which Commission meeting to present it. A draft certifying rule-making timeline was provided at the May 25<sup>th</sup> subcommittee meeting and is available on the website. She stated there will be a 45-day comment period September through October, which will allow enough time to review the model code provisions previously discussed. If an additional comment period is needed, it will be in October to November. The goal is for the Commission to take action on the certifying rule-making in December.

### **Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Division of the State Architect's request to readopt the exterior elevated elements emergency regulations approved by the Commission on January 27, 2017. Commissioner Sasaki made a motion to approve, and it was seconded by Vice Chair Winkel. The vote was unanimous to accept the motion.

Chair Batjer stated the Commission will take action to approve, disapprove, further study, or approve as amended the proposed code changes to the 2016 edition of the California Building Standards Code, Title 24, of the California Code of Regulations. Upon adoption, these building standards will be codified and published as a 2016 intervening code supplement distributed by the publishers as blue supplement pages by January 1, 2018 and become effective July 1, 2018. The Commission's action will be guided by the nine-point criteria established in Health and Safety Code Section 18930. The Commission will consider each agency's proposed changes and

its justifications, the Code Advisory Committee (CAC) recommendations, and comments submitted during the public comment periods. The public may comment on any challenges to the proposals or the CAC's recommendations submitted during the comment periods. No new issues or new information challenging the proposed code changes may be submitted to the Commission in adoption of the proposed regulations.

**6. OFFICE OF THE STATE FIRE MARSHAL:** Proposed adoption of amendments to the 2016 California Electrical Code.

Greg Andersen, CAL FIRE, Office of the State Fire Marshal, presented the proposal package consisting of three items. He stated the first item brings the energy storage systems from the 2017 National Electric Code (NEC) early into the California code based on the current need in the industry. The next two items are updates on the NFPA standards. Mr. Anderson is asking for approval of the standards.

**Questions or Comments from the Commissioners:**

Vice Chair Winkel asked what the status is of the NEC adoption process and whether the proposal request is being moved forward ahead of the normal adoption cycle.

Mr. Andersen confirmed that they are bringing it in early.

Vice Chair Winkel wanted clarification that the NEC is on a different cycle and it has been finalized.

Mr. Andersen confirmed the NEC has been published.

Commissioner Klausbruckner asked whether the language being brought in is verbatim to the ICC, other than minor editorial changes, or has it been changed at all.

Mr. Andersen confirmed that it is verbatim.

Commissioner Patel wanted confirmation that the proposed changes refer only to the occupancies for the State Fire Marshal.

Mr. Andersen stated that it refers to all occupancies.

Ms. Marvelli clarified that the State Fire Marshal has authority for all fire life safety, so it would be applicable to all occupancies.

**Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Office of the State Fire Marshal's proposed adoption of amendments to the 2016 California Electrical Code. Commissioner Klausbruckner made a motion to approve, and it was seconded by Commissioner Barthman. The vote was unanimous to accept the motion.

**7. DIVISION OF THE STATE ARCHITECT (DSA-SS/CC 03/16):** Proposed adoption of amendments to the 2016 California Mechanical Code.

Jim Gibbons, Construction Supervisor, Division of the State Architect, Codes and Standards Unit, stated DSA is proposing adoption of supplemental amendments to the 2016 edition of the California Mechanical Code, which is Part 4, Title 24, of the California Code of Regulations, applicable to public elementary and secondary schools, community colleges, and state-owned or state-based essential services buildings. In the amendment package, DSA is carrying forward the amendments in the current 2016 California Mechanical Code and has proposed to attach the DSA-SS and DSA-SS/CC banner to two existing California amendments to provide clarification to the reader. The PEME Code Advisory Committee recommended each of these be approved as submitted in February 2017. No public comments, objections, or recommendations were received during the 45-day public comment period ending in May 2017. The signed STD 399 has been provided, and there is no fiscal impact. He stated DSA requests the Commission approve and adopt the supplemental amendments to the 2016 California Mechanical Code identified as DSA-SS/CC 03/16.

**Questions or Comments from the Commissioners:**

Vice Chair Winkel asked whether this is basically a clarification of the scope rather than an expansion of the scope, and DSA is changing how the terms are expressed in the code rather than changing the code itself.

Mr. Gibbons confirmed generally that is correct. He stated DSA is not changing any of the text of the code, only identifying more specifically, with the attachment of DSA's banner, that they formally adopt these two amendments.

**Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Division of the State Architect's proposed adoption of amendments to the 2016 California Mechanical Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Barthman. The vote was unanimous to accept the motion.

**8. DIVISION OF THE STATE ARCHITECT (DSA-SS/CC 04/16):** Proposed adoption of amendments to the 2016 California Plumbing Code.

Jim Gibbons, Construction Supervisor, Division of the State Architect, Codes and Standards Unit, stated DSA is proposing adoption of supplemental amendments to the 2016 edition of the California Plumbing Code, which is Part 5 of Title 24, California Code of Regulations, applicable to public elementary and secondary schools, community colleges, and state-owned or state-based essential services buildings. In this amendment package, DSA is carrying forward the amendments in the current 2016 California Plumbing Code and has proposed to attach the DSA-SS and DSA-SS/CC banner to two existing California amendments to provide clarification to the reader, with an editorial correction. The PEME Code Advisory Committee recommended each of these be approved as submitted in February 2017. No public comments, objections, or recommendations were received during the 45-day public comment period ending in May 2017. The signed STD 399 has been provided, and there is no fiscal impact. He stated DSA requests the Commission approve and adopt the supplemental amendments to the 2016 California Plumbing Code identified as DSA-SS/CC 04/16.

**Questions or Comments from the Commissioners:**

No questions or comments from the Commissioners.

**Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Division of the State Architect's proposed adoption of amendments to the 2016 California Plumbing Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

(A brief break was taken.)

**9. CALIFORNIA BUILDING STANDARDS COMMISSION (BSC 02/16):** Proposed adoption of amendments to the 2016 California Plumbing Code.

Kevin Day, Staff Services Manager, and Enrique Rodriguez, appeared on behalf of the California Building Standards Commission. Mr. Rodriguez, Associate Construction Analyst, stated BSC is proposing to amend the 2016 California Plumbing Code as follows: Item 1, amend Chapter 2 Definitions by adding a new term for "urinal hybrid." This new term aligns with the same term used in BSC's proposed California code updates. Item 2, amend Chapter 4 to align with the Energy Commission's Title 20 regulations. An editorial correction to water closets has been added and a new section is being added for urinal hybrid. Items 3 and 4, amend Chapters 6 and 7 by adding urinal hybrid to existing Tables 610.3 and 702.1.



Mr. Day stated Item 5 contains updates to BSC's new BSC-CG banner, an authority citation to more accurately represent the scope of BSC's amendments to graywater provisions, which are applicable to all nonresidential occupancies for which no other state agency has authority. Items 6 through 9 implement the mandate set forth in AB-2282, legislation enacted in 2014 that required BSC and HCD to consult with the State Water Resources Control Board and other stakeholders to research and develop mandatory recycled water building standards for indoor and outdoor use in jurisdictions that have recycled water available from a purveyor. The statute required BSC and HCD to propose these regulations during the 2016 intervening code adoption cycle. He stated also the 2015 trailer bill, SB 88, exempted the development of these regulations from the requirements set forth in the California Environmental Quality Act (CEQA), with an expiration date of July 1, 2017. Beginning in December 2015, BSC coordinated with HCD, the Department of Water Resources (DWR), and the Water Board to begin the research and development necessary to implement AB-2282. During these coordination efforts, it was determined that the DWR must also update their existing recycled water provisions contained in Chapter 16A of the California Plumbing Code to align with the current model plumbing code. Because of the overlapping subject matter of recycled water, the three agencies decided to hold joint workshops during the pre-cycle research phase so that the key stakeholders could provide feedback on all three agencies' proposals. He stated while large parts of BSC and HCD's proposals implement the statutory mandate of AB-2282, DWR's main objective is to repeal Chapter 16A and relocate these provisions with amendments into Section 1503 of the California Plumbing Code. Between June and November of 2016, BSC, HCD, DWR, and the Water Board engaged stakeholders during several pre-cycle workshops to conduct research and develop the proposed standards, and they received valuable input. In response to stakeholder concerns, as well as recommendations from the GREEN/PEME Code Advisory Committee, BSC withdrew the indoor element of the AB-2282 mandate to focus solely on recycled water building standards for outdoor landscape irrigation only.

Some stakeholders' comments address concerns with existing recycled water criteria provisions in Titles 17 and 22 in the California Code of Regulations, which are developed by the Water Board and are outside the scope and authority of BSC. During pre-cycle, the Water Board indicated that these titles would not be updated during the time frame of the 2016 intervening code adoption cycle. BSC has coordinated with the Water Board to ensure consistency with Titles 17 and 22, but lacks the authority to address some of the issues raised by the stakeholders. The Water Board has indicated their intent to update these elements of Titles 17 and/or 22 in the next one to two years, the rule-making activities that BSC will monitor to ensure consistency with Title 24. BSC will continue to coordinate with the Water Board, HCD, DWR, local water purveyors, and other key stakeholders on appropriate updates to Title 24 during future code cycles.

#### **Questions or Comments from the Commissioners:**

Commissioner Booth wanted clarification from Mr. Day that this item was for outdoor use of reclaimed water.

Mr. Day stated there are some elements in Part 5 that apply to other indoor uses, and amendments to those sections were made in coordination with HCD and DWR.

Vice Chair Winkel stated the language is confusing for the outdoor recycle supply system. He wanted clarification whether disinfected tertiary recycled water is something that is piped into the premises from off-site.

Mr. Day confirmed that is correct.

Vice Chair Winkel wanted confirmation that this is something that comes from a treatment plant.

Mr. Day confirmed that is correct. The statute specified that these regulations would apply only in jurisdictions that have access to recycled water from a local purveyor.

Vice Chair Winkel questioned whether this involves a limited number of projects.

Mr. Day confirmed that is correct.

Commissioner Santillan asked Mr. Day for further clarification on his comments relating to where BSC does not have jurisdiction.

Mr. Day responded that what was identified early in the pre-cycle is the amendments to the Plumbing Code and the proposed amendments pertaining to recycled water reference requirements that are located in other titles of the CCR, specifically Titles 17 and 22 that are developed by the Water Board, and those deal with water quality and other certain protections of other potable water sources. And while the code amendments reference those, BSC cannot change those, only for reference purposes.

Commissioner Booth asked whether there was anything in this code that establishes either a quality level or a liability for the purveyor that is supplying water for its ultimate suitability or is that left up to the designer of the facility that is taking the water and assumes that liability for the appropriateness of the use of that water.

Mr. Day stated it is his understanding that the water quality requirements are in Titles 17 and 22, which the water purveyors follow, and happen before construction pursuant to Title 24. He stated purveyors have systems in place to address liability.

Commissioner Booth wanted confirmation that the code is not changing or adding or detracting from any of those commercial relationships that exist between the building owner and the water purveyor.

Mr. Day confirmed that is not the intent of these regulations.

### **Questions or Comments from the Public:**

Michael Quiroz, representing Laborers' International Union of North America (LIUNA), provided some comments in response to some of the proposed items, specifically to some of the issues relative to Item 9. He stated LIUNA has been involved in this process since its inception. The challenge of having the legislature writing a code two years ago outside of a code process is not something that LIUNA supports. What the organization would like to see moving forward is the building standards process that takes into account the triennial, the intermittent cycles, and the complete inclusion of the stakeholders to add their input to these issues. He stated LIUNA has not been in support of AB-2282 due to the facts discovered in stakeholder meetings whereby indoor recycled water was not permissible by the Water Code along with other challenges with respect to the public's health and safety. The organization feels there is a significant portion of this bill that was eliminated from its intent. He stated he has recommended BSC staff to review again AB-2282 and find a specific area where it refers to a mandate as opposed to potential outdoor and indoor applications. With regard to the outdoor irrigation systems, there are similar actions posed as potential indoor, including but not limited to requiring purple pipe in the potential outdoor use of irrigation systems. He stated the scope of AB-2282 has been narrowed with regard to outdoor water, and that there are a lot of gray areas to what the actual specific amount of deferred recycled water that will be applying to the intent of these changes. During this process, it was discovered that a significant amount of recycled water is deferring the use of potable water. This was not factored in as one of the impacts on the intent of AB-2282. He stated he believes there is no compliance with the nine-point criteria, specifically with Items 4 and 5. He suggested Form 399 be published and available at the back of the meeting room. He discussed AB-1711, purple pipe infrastructure, cost requirements, Form 399, and Chapter 779. He requested Item 9 be returned back to the community in the next triennial code cycle to develop codes rather than having them legislated.

### **Questions or Comments from the Commissioners:**

Commissioner Santillan asked whether BSC staff has a response to any comments made by Mr. Quiroz.

Ms. Marvelli asked if there was one specific question in particular, since there were several comments made.

Commissioner Santillan stated there was not a specific comment.

Chair Batjer suggested addressing the request to provide the financial form.

Ms. Marvelli stated that information is available as part of the rule-making package in the commissioner's packets, and it is available to the public upon request.

Mr. Day stated in the pre-cycle coordination with the other agencies and stakeholders, BSC solicited feedback from the key stakeholders on the fiscal and economic impact this would have

on business, the economy, jobs, individual persons, state and local government, and they received valuable input, which was included on Form 399.

Commissioner Klausbruckner asked what types of projects would this affect.

Mr. Day clarified that BSC's proposed amendments to the Plumbing Code specific to the AB-2282 mandate would require recycled water to be used in nonresidential building site landscaped areas that are under BSC's authority for CALGreen. The scope of this mandate is limited to jurisdictions that have access to recycled water from a purveyor, and it would not include nonresidential buildings that are authorized by another state agency. It only includes the nonresidential buildings that the BSC-CG banner covers, and it would be the building site landscaped area. He stated the statute wanted there to be flexibility on the local government side in making determinations where it was technically feasible and cost efficient to provide recycled water to certain building site landscaped areas, so BSC has allowed that flexibility within their regulations.

Commissioner Sasaki asked for clarification that if he was designing an office building in a Sacramento development and in that particular area there was a supplier that could supply recycled water and plumbing was to be installed for that recycled water, would that plumbing solely be for outside irrigation.

Mr. Day stated the mandate being implemented is solely focused on recycled water from a purveyor for outdoor landscape irrigation. It would be worked out with the water purveyor and the local enforcement agency to determine that dual plumbing in those developments would be cost efficient or technically feasible.

Commissioner Sasaki wanted clarification on whether these new irrigation systems for recycled water could only be installed by a licensed contractor plumber.

Mr. Day stated the technical requirements, including installation and any licensing or certification required for installation, are currently in effect and not being changed in Title 24. He advised there are pointers to the existing requirements that are set forth in Titles 17 and 22; and in cases of outdoor landscape irrigation, Title 23.

Commissioner Sasaki wanted clarification whether landscaping contractors that currently install non-recycled water irrigation can now install this new recycled plumbing.

Mr. Day stated BSC does not have the authority to change any allowances for installation or certification, so that is the reason for the general reference pointing to requirements in Title 23.

Mr. Quiroz stated the Plumbing Code requires that a plumbing enforcer require a licensed contractor to install the system. They suggested this process go to CALGreen. He requested that one copy of Form 399 be printed during the lunch break and supplied in the back of the meeting room for the public.

Commissioner Barthman asked if the present statute requires that one hires a licensed plumbing contractor to make that installation.

Mr. Day stated he is not that familiar with the installation requirements since it is outside of BSC's authority. He said he could follow up with Commissioner Barthman after he coordinates with DWR.

Commissioner Barthman stated normally under the state contractor's license law, if you are a general contractor in three or more trades, you can do all fields, plumbing, electrical, underground, etc. He asked whether there was anything in the statute that would change that.

Mr. Day stated not in BSC's interpretation of it or in the promulgation of the regulations.

Commissioner Sasaki stated as he understands Mr. Quiroz's comments, the fact that now outside irrigation is within the Plumbing Code; therefore, the local jurisdiction is going to require a licensed plumber to install this recycled water plumbing.

Mr. Quiroz stated what makes things more complicated is the issue that came up during their proceedings in the development of this discussion, and that is the upstream/downstream issue of the second meter and the vague language for the proximity of this meter. He stated CALGreen was the better choice.

Mr. Day stated in response that BSC is proposing very similar amendments in CALGreen to reference and reprint in the Plumbing Code. That is the intent behind the new BSC-CG banner that was authorized by AB-341 of 2013. That required proposing agencies to reference and reprint where appropriate green building standards and other parts of Title 24. That was the purpose of enacting these requirements in both the CALGreen Code and the Plumbing Code.

Commissioner Booth asked whether this proposal applies to the use of recycled water inside of a commercial building rather than outside the building line.

Mr. Day confirmed that the mandate is limited to outdoor landscape irrigation recycled water only. There are some allowed uses for recycled water indoors, but those are not being mandated; those currently reside in the Plumbing Code.

Commissioner Klausbruckner asked for clarification whether this proposed change is related to new construction.

Mr. Day confirmed that is correct.

Commissioner Klausbruckner asked how this regulation affects existing buildings that have had major TI's done.

Mr. Day stated that the statute directed BSC to propose these regulations to be applicable to new construction of new building site landscaped areas, so depending on what the local jurisdiction

decides, it would not apply to additional, alterations, or new landscaped areas. It would have to be worked out between the local building department and the local water purveyor. Once the water purveyor agrees to provide recycled water to a development, that is when these regulations would be triggered.

Commissioner Mikiten asked for some elaboration on the CEQA exception.

Mr. Day stated during the legislative process when BSC was analyzing AB-2282, a determination was made that the development of these recycled water building standards would not be exempt from CEQA requirements in the Public Resources Code. BSC, in working with the Department of Finance, analyzed the cost, and what resulted was a trailer bill, SB-88. Due to California's emergency drought situation, Governor Brown enacted several executive orders that exempted CEQA from recycled water projects. In addition to that, what they rolled into SB-88 was an exemption for the development of building standards pursuant to AB-2282 that would exempt the development of building standards themselves from CEQA, so a CEQA study was not required in addition to the research and development in the stakeholder process. That exemption does become inoperative July 1, 2017; BSC was directed to have the adoption meeting prior to that date.

Vice Chair Winkel asked a question regarding trend lines and development pressures in tertiary treated water and whether there is a continuing pressure for development of those systems and how many projects in California are there that would actually use this provision.

Mr. Day stated during pre-cycle there was a lot of anecdotal information, and that might be something that local purveyors can answer with more specificity. As has been determined, this would have a much smaller scope of application than normal. It is initiated from the statute, which limited the scope of the applicability of the building standards to jurisdictions that have recycled water from a purveyor. He stated it's not the majority of new construction.

Vice Chair Winkel recommended that the BSC staff look instead to the Green Building Standards as a better place for this to reside. He stated looking at these proposals, they respond to the legislation.

Commissioner Santillan asked whether the availability of recycled water is a mandate.

Mr. Day stated the statute required BSC and HCD to research, develop, and propose for adoption mandatory recycled water building standards. That was the beginning of the mandate in AB-2282. That required these proposals to be taken through the entire cycle, including this meeting for adoption. Throughout that process, valuable feedback was received, and the scope of applicability has changed: the indoor element was withdrawn, and it was determined that the outdoor landscape was the focal point. As far as where it would be mandatory, from jurisdiction to jurisdiction, that is left up to the local water purveyor. Once they have determined locally that it is cost efficient and technically feasible to dual plumb outdoor landscaped building sites in nonresidential, that is when it is mandatory; if they determine it is not, then the statute regulations give them the flexibility to opt out.

Commissioner Santillan asked for confirmation that an owner of a new development won't be required to come in five years down the road and have to double plumb if it is not available at the time construction is being done.

Mr. Day confirmed that is the scope of the regulations.

Commissioner Sasaki asked for confirmation if he was a designer and he is following these amendments, would he have to check with the supplier or purveyor to find out whether or not they have recycled water available for a proposed project.

Mr. Day stated this would be handled during the entitlements process. Water purveyors have a system in place for when they do authorize the use of recycled water in new developments, so it would fall under whatever existing processes each local jurisdiction has and their relationship.

### **Questions or Comments from the Public:**

Jerry Desmond appeared on behalf of Plumbing Manufacturers International (PMI). He stated PMI has participated ever since the initiation of the working group meetings regarding AB-2282. With regard to showerheads, PMI is in support of the governor's regulations by the California Energy Commission in response to the drought, with a July 1, 2018 date for showerheads with a low-flow rate of 1.8 gallons per minute, and that applies to the products sold in California under Title 20. These regulations conform to Title 20 for what would be placed in the construction. PMI's members are manufacturing to meet that deadline. He stated PMI is in support of the regulations by all three agencies as they have presented them today. He discussed the involvement of PMI, member companies, and many stakeholders in the working group meetings. He stated PMI supports the recommendation that the Code Advisory Committee made on indoor application of the mandate and that it be referred for further study.

Bob Raymer appeared for the California Building Industry Association (CBIA) for residential construction and also the Building Owners and Managers Association (BOMA), and Business Properties Association for commercial construction. He referred commissioners to refer to page 8 of 13 on the express terms. He stated the initial version of AB-2282 was not well received by many organizations because it is felt that building codes put into statute creates a number of problems. The original version of the bill wanted 100 percent of all new residential and commercial buildings to have purple pipe in the trenches for landscaping and plumbing coming into the building, and it was felt it would be a waste of product because they were looking at centralized water systems. A large group involved in the legislative efforts got together and convinced the legislature to do many things, including rolling back the scope of the statute to direct the appropriate state agencies to develop building standards and put them in Title 24. The legislation then had language added, similar to Section 1501.1.1.1, that takes that initial scope from 100 percent and drastically narrows the scope of application to only those jurisdictions that have access to a centralized water recycling facility. He stated BSC and HCD staff further defined the language in the express terms that when recycled water is supplied, it is to be located within 300 feet. Not just if you are in a jurisdiction with a centralized water recycling facility,

but the infrastructure from that facility has to be within 300 feet of the perimeter of the project. He stated the scope is further reduced if the jurisdiction finds that it is not economically viable. The staff also modified their initial proposal, due to health and safety issues, and delayed bringing the purple pipe indoors in terms of a mandate. He stated that in his opinion you do not have to be a licensed plumber to put purple pipe in the trenches for landscape water purposes.

**Questions or Comments from the Commissioners:**

Vice Chair Winkel asked Mr. Raymer if he felt that these belong in the Green Code rather than the Building Code. He also asked if a tertiary treatment plant has got pipe 300 feet down the road and someone is building a commercial development, is it the developer's responsibility to pay for that connection.

Mr. Raymer stated the developer will be responsible for paying for the purple pipe within the perimeter of the project line.

Vice Chair Winkel wanted confirmation if he meant on the outside.

Mr. Raymer confirmed that is correct. He stated the water purveyor has to have it within 300 feet; however, if he does not find it economically viable to serve that particular project and to further extend that pipe within 300 feet to the project line, the project will not get served. This all happens in the entitlement process, so the water purveyor and local jurisdiction will have ultimate decision-making whether a project is referred. In response to the first question, he discussed cross-referencing.

**MOTION:** Chair Batjer entertained a motion to consider the California Building Standards Commission's proposed adoption of amendments to the 2016 California Plumbing Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was seven in favor and two abstentions to accept the motion.

(A break was taken.)

**10. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD 02/16):**  
Proposed adoption of amendments to the 2016 California Plumbing Code.

Appearing for Department of Housing and Community Development are: Emily Withers, Codes and Standards Administrator II; Beth Maynard, District Representative II, Codes and Standards; Stoyan Bumbalov, District Representative II. Ms. Maynard introduced the package. She stated a significant portion of HCD's proposals include code changes related to the implementation of AB-2282, including some provisions shared with BSC and DWR. HCD's initial proposal for single-family and multi-family residential buildings included a mandate for recycled water supply systems to be installed both indoors, for water closets and urinals, as well as outdoors, for landscape irrigation purposes; however, HCD has reduced the scope for outdoor use only due to direction from the governor's office and the stakeholders' concerns. She stated HCD also has some proposals that are not related to the AB-2282. HCD conducted an initial 45-day public



comment period from March 17, 2017 to May 1, 2017 in which seven comments were received from their stakeholders, one in support and six with recommendations. A subsequent 15-day public comment period was conducted from May 9, 2017 through May 14, 2017 in which no comments were received.

#### **Questions or Comments from the Commissioners:**

Commissioner Klausbruckner stated the commissioners just received the revised revisions to the staff report green matrix and yellow matrix, and she could only find one item in the green matrix that has changed. She asked what was changed.

Mr. Bumbalov answered it was mostly due to editorial changes to the table relating to numbering, and it was not related to the proposed expressed items.

Ms. Maynard confirmed also that for the yellow matrix it was relating to the item numbers themselves.

Chair Batjer wanted confirmation that these were editorial changes only.

Mr. Bumbalov confirmed that is correct.

#### **Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Department of Housing and Community Development's proposed adoption of amendments to the 2016 California Plumbing Code. Vice Chair Winkel made a motion to approve, and it was seconded by Commissioner Santillan.

#### **Questions or Comments from the Commissioners:**

Commissioner Klausbruckner stated on the economic impact statement it was notated, "None of the above, explained below," and there was no explanation. She asked HCD to provide more detail.

Ms. Maynard referred commissioners to page 3 of 8 in the final statement of reasons where there was a similar question asked, and the explanation provided was that it would save the costs compared to regular necessary retrofits.

Vice Chair Winkel commended the Commission staff and HCD staff for working together to develop the parallel proposals. He explained he is in favor of this measure because he thinks it properly belongs in the Plumbing Code from HCD's purview. The pointer aspect of it was taken care of by BSC and HCD in terms of pointing between the Green Code and the Plumbing Code. He stated if this gets expanded in the future, he would hope that BSC staff would consider

whether it is placed in the Green Code with a pointer back to the Plumbing Code versus where it is now; however, it may be an issue down the road. He stated the way he understands the language both white and purple pipe will be required, so there will be a major increase in cost because both systems will need to be installed.

Mr. Bumbalov explained the reason for the requirement for dual piping for landscaping. He stated HCD cannot require the connection to a recycled water pipe if they do not have the authority to do that. There are three exceptions. If the developer or builder uses one of these exceptions, there won't be any need for dual piping.

The vote was unanimous to accept the motion.

**11. DEPARTMENT OF WATER RESOURCES (DWR 01/16):** Proposed adoption of amendments to the 2016 California Plumbing Code

Rich Mills, Registered Engineer, in charge of the water recycling and desalination section, and Nancy King, Engineer, appeared on behalf of the Department of Water Resources (DWR). Mr. Mills stated he will give an overview of DWR's proposed amendments, discuss their authority, and how they will proceed in the next code cycle. He stated there are existing regulations in Chapter 16A that were first adopted by the DWR and first appeared in the 2010 California Plumbing Code. In 2009, when those amendments were adopted, the model code was revised and reorganized to try to address at least four different types of water; for instance, recycled water, which was in Chapter 16 of the model code, got shifted to Chapter 15 and merged in with other alternate water supplies, including graywater. He stated this intervening code cycle was an opportunity for DWR to be able to migrate the content to Chapter 15 and fit the current organization of the model code as well as to coordinate with other agencies. He stated the main goal was not to change the requirements that are in existence but simply to migrate them. During the course of the various stakeholder meetings, DWR was made aware of improvements or corrections that could be made to be consistent with other regulations. The Code of Regulations Titles 17 and 22, which are adopted by the State Water Resources Control Board, have regulations relating to recycled water and an overlap between the Plumbing Code and Titles 17 and 22. He stated there were nine sections where DWR made a substantive change from what is in Chapter 16A in the limited time available, as opposed to revising the content to maybe adjust it to resolve some identified issues. DWR submitted a package on May 26, 2017, which had their final express terms and final statement of reasons. However, at the end of preparing that package, California State Pipe Trades Council raised concerns about one of the proposed sections, and in response DWR removed one of the sentences regarding the requirement for certification of testers who conduct cross-connection control tests. This change triggered a 15-day public comment period, which extended it to June 10, 2017, which meant that that change could not be incorporated into the May 26<sup>th</sup> final express terms, so an addendum has been included today along with the express terms. The addendum has three sections that were proposed to change: two of them are housekeeping to help harmonize the language with BSC and HCD, and the other change was related to the sentence removal. He stated DWR is asking for approval of the May 26<sup>th</sup> package along with the amendments included in the addendum.

Mr. Mills discussed DWR's authority under which they operate, which is different from AB-2282. He stated their authority comes from the Water Code Section 13557, which states DWR shall adopt regulations to establish a state version of the Uniform Plumbing Code to provide design standards to safely plumb buildings with both potable and recycled water systems. DWR also has the authority to update those regulations as necessary. One of the distinctions is that their authority is not limited to any particular type of building or use, so any uses that are authorized by the State Water Board under Title 22, for example, how to do the plumbing, get covered by the existing standards in Chapter 16A. He stated that there were ten sections where it was determined that further study was worth considering. In the final statement of reasons, DWR has noted, in response to public comments, that they would consider those ten sections in the next code cycle and will do further study on those sections as well as ten other issues that they have come across. He stated the existing regulations have been effective in allowing recycled water to proceed. There are over 200 treatment plants in the state where recycled water is delivered to approximately 7,000 or 8,000 customers.

### **Questions or Comments from the Commissioners:**

Commissioner Booth referred to the final express terms, Chapter 2, Definitions, under Reclaimed Water, and asked whether DWR is now establishing the uniform criteria for the water; more specifically, if it was one of the changes.

Mr. Mills stated the uniform criteria is under Title 22 that is adopted by the State Water Board. DWR is basically pointing to the tertiary treatment standards that are defined in Title 22. He clarified DWR is not establishing the criteria for the treatment itself.

Commissioner Booth wanted confirmation whether DWR has established the criteria for what would be deemed acceptable tertiary water.

Mr. Mills stated that is not correct. The State Water Board's drinking water program defines the standards of treatment and the allowed uses of different levels of treatment. Those then get incorporated into permits that are issued to the agencies that do the treatment and to the recycled water purveyors. It is their responsibility to comply with permit requirements and to ensure that the customers are properly using the water.

Commissioner Booth asked for confirmation whether those technical requirements aren't outside of the amendments to the code DWR is proposing.

Mr. Mills confirmed that is correct.

Commissioner Patel asked for confirmation whether DWR removed a sentence regarding the inspection testing of the cross-connection.

Mr. Mills clarified it was referring to the qualifications of the person that does the cross-connection control testing. He stated under Title 22, separate from the Plumbing Code, the State Water Board requires that a person conducting a cross-connection control test needs to be

certified by the American Water Works Association, California-Nevada section, or by another organization that provides equivalent testing standards. The issue became the naming of a particular organization. DWR was basically copying the Title 22 language. Because of the overlap between the two regulations, DWR felt it was important that users of the Plumbing Code be aware of some of the conditions in another code, so there was cross-referencing. He stated there are other organizations that were concerned that they were not listed; however, DWR did not have the resources to investigate those organizations, nor can DWR supersede Title 22 regulations, so they felt it prudent to withdraw the sentence leaving Title 22 language in place.

#### **Questions or Comments from the Public:**

No questions or comments from the public.

**MOTION:** Chair Batjer entertained a motion to consider the Department of Water Resources' proposed adoption of amendments to the 2016 California Plumbing Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten.

#### **Questions or Comments from the Commissioners:**

Commissioner Santillan asked whether the signage referenced in the code is available in other languages other than English.

Mr. Mills stated the code does not require language other than English. It is at the purveyor's discretion in determining which other languages should be included.

Commissioner Santillan asked how many purveyors out there have recycled water.

Mr. Mills stated the agencies that are operating the 250 or so treatment plants may be the purveyors themselves or they may wholesale the water to other purveyors. The number of actual purveyors might be around 300 or 350 agencies that are taking the water from the treatment plant to the customer sites.

Chair Batjer asked a follow-up question regarding the signage in the express terms on page 8 of 16 showing diagrams without any words. She wanted clarification in terms of language.

Mr. Mills stated the express terms in certain areas do specify specific language.

Chair Batjer wanted confirmation that there is additional signage other than those that are in Figure 1503.9.

Mr. Mills confirmed that there is.

Michael Nearman advised that the motion regarding DWR's adoption of their express terms did not include the addendum.

Commissioner Sasaki stated he will amend his motion to include the addendum.

**MOTION:** Chair Batjer re-entertained a motion to consider the Department of Water Resources' proposed adoption of amendments, including the addendum, to the 2016 California Plumbing Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

**12. CALIFORNIA BUILDING STANDARDS COMMISSION (BSC 03/16):** Proposed adoption of amendments to the 2016 California Green Building Standards Code.

Kevin Day, Staff Services Manager, and Enrique Rodriguez, Associate Construction Analyst, appeared on behalf of California Building Standards Commission. Mr. Rodriguez stated BSC is proposing to amend the 2016 California Green Building Standards Code, also known as CALGreen. The proposed amendments are as follows: (1) add several definitions under Site Development for best management practices; (2) add new code sections to alert the code users for regulations currently in law that will help the Water Board in their requirements for projects that are greater than one acre; (3) amend the long-term bicycle parking provisions by adding some additional exceptions; (4) add clarification on light pollution reduction; (5) make amendments for showerhead flow rates to align with Title 20; (6) clarify the authority and then point the code user to the right code section for application regarding energy-related systems; (7) bring back a repealed 2010 CALGreen Code reference standard for commissioning reference standards with editorial edits and clarify its applicability for non-energy-related systems; (8) add specific tables related to mandatory light pollution reduction section; (9) make editorial changes and repeal unneeded sections relating to the water pollution prevention plan; (10) make editorial changes so that Tier 1 and Tier 2 requirements also apply to "alterations"; (11) create Tier 1 and Tier 2 checklists for mandatory provisions; Items 15 and 16, relating to urinal hybrids, amendments made similar to part 11.

Mr. Day stated Item 12 contains updates to BSC's authority citation to more accurately represent the scope of BSC's amendments to graywater provisions, which are applicable to all nonresidential occupancies which no other state agency has authority. These amendments correspond to what was previously approved in BSC's amendments to the California Plumbing Code. Items 13 and 14 contain amendments that correspond to those previously adopted in BSC's proposed amendments to the California Plumbing Code that implement AB-2282 for recycled water building standards for outdoor landscape irrigation. These amendments include definitions in CALGreen, Chapter 2, as well as the scope of the mandate in Chapter 5. Regarding the amendments to Item 13, the definitions are as follows: BSC would like to withdraw the proposed definitions for alternate water source and the definition for on-site treated nonpotable water. While these are existing definitions brought over by the California Plumbing Code, they are no longer used in BSC's proposed CALGreen language. This will ensure consistency with HCD and DWR and provide clarity for the code user.

**Questions or Comments from the Commissioners:**

Commissioner Klausbruckner asked for confirmation that two definitions are being withdrawn.

Mr. Day confirmed that is correct. He stated the two definitions were previously referencing terms in the CALGreen language that is no longer there, so it was an oversight to keep those definitions included.

Mr. Nearman advised the agency has the option to withdraw provisions at any time during their process. In this case because they have identified a missed reference, they would like to withdraw them. The motion from the Commission would be to approve the express terms as proposed by the state agency with removal of those definitions.

### **Questions or Comments from the Public:**

Michael Quiroz asked if there was a separate economic impact statement for this particular item.

Mr. Day confirmed there was a separate economic and fiscal impact statement provided for each proposal.

Mr. Quiroz asked the Chair or staff if there was any consideration of what those impacts may be.

Chair Batjer asked if Mr. Quiroz would like a copy.

Mr. Quiroz confirmed he would like a copy, but also asked for a brief overview of staff's interpretation of what that economic impact would be.

Mr. Day discussed the five sections, A through E, in Form 399, the economic impact. He stated the fiscal impact to local government has subsections as well that deal with the costs or savings to a state agency or a local agency. There are also two different exhibits that contain information that supports the 399 for both the AB-2282 and non-AB-2282 amendments in CALGreen.

Mr. Quiroz stated Mr. Nearman provided him with a copy for his review. He restated his concern whether there has been enough due diligence to meet the nine-point criteria, and his opinion is that BSC has not met that obligation. He discussed some of the vagueness in the proposal as well as the economic and fiscal and impact statement. He also discussed considering the use of direct potable recycled water. He stated the initial statement of reasons should include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimated. He stated the burden of proof is not on stakeholders to supply evidence as to whether or not it meets the financial obligations, since they are not held to that standard by statute. He reiterated that BSC has not met the obligation of the nine-point criteria.

**MOTION:** Chair Batjer entertained a motion to consider the California Building Standards Commission's proposed adoption of amendments to the 2016 California Green Building Standards Code, including the deletion of two definitions. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Booth. The vote was 8 in favor and 1 abstention to accept the motion.

(A break was taken.)

**13. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD 03/16):**

Proposed adoption of amendments to the 2016 California Green Building Standards Code,

Emily Withers, appeared on behalf of Department of Housing and Community Development. Mr. Bumbalov presented HCD's proposed changes to the 2016 CALGreen Code. He stated the proposed changes were discussed at the Code Advisory Committee meeting held on February 13, 2017, and the proposals were approved as submitted. Changes were made available for the public's review during a 45-day public comment period from March 17, 2017 through May 1, 2017. HCD received one comment in support of HCD's proposals from the California Electric Transportation Coalition, and it related to the proposal for electric vehicle (EV) charging infrastructure for new hotel and motel construction. There was no 15-day public comment period. He stated the changes to the proposals as follows: Modifications to Chapter 2, including one new definition and one definition modification; new mandatory provisions for installation of EV charging infrastructure for newly constructed hotels and motels, Section 4.106.4; some editorial modifications in the same section; reduction in minimum flow rate for showerheads from 2 gallons per minute to 1.8 gallons per minute; adoption of the new Section 4305.1, which is titled Recycled Water Supply System and refers to Chapter 15 of the California Plumbing Code; and some editorial modifications related to non-water urinals.

**Questions or Comments from the Commissioners:**

Commissioner Booth asked what the ratio is based on for the number of EV stations per parking area.

Mr. Bumbalov stated the number is 6 percent. There is a table for reference, and the requirement is based on the number of parking spaces. One EV charger is required for 10 and 25 spaces. There are no requirements for up to nine parking spaces. The table is the same as currently required by BSC for standard commercial buildings.

Commissioner Booth clarified that his question was whether it was the same table.

Mr. Bumbalov confirmed that it is.

Chair Batjer stated the table number is 4.106.4.3.1.

Mr. Bumbalov confirmed that is correct.

Vice Chair Winkel commented regarding the language in 11B, which is referred back to 4.1064.3.6, where it talks about "where provided." He stated there is confusion between the provision of rough-ins for future EV charging and then the provision of the striping. He referred to page 3 of 5 on 4.1064.3.1, the language above the chart, regarding the required EV spaces. He stated his concerns regarding the language being different between 11A and 11B, and it is confusing to users.

Mr. Bumbalov stated when DSA was developing the accessibility requirements in Chapter 11B, HCD coordinated with DSA during the last code cycle. He stated CALGreen made the definitions the same. For CALGreen, “EV space” refers to the space only without any charging equipment; however, DSA uses “electric vehicle charging space” which includes the equipment. He stated HCD follows 11B and does not have the authority to do anything regarding access to hotels/motels. He agreed there may be some confusion, and he was unaware how it is enforced; however, HCD tried to use the same terminology and definitions.

Vice Chair Winkel stated it is enforced with great difficulty and disparity.

Mr. Bumbalov stated HCD is open to ideas and suggestions.

Vice Chair Winkel stated this was an issue when it was originally adopted. These are spaces that are trying to be two things and end up being neither.

Mr. Bumbalov stated CALGreen does not require the paint or the marking. It requires something in the plan.

Vice Chair Winkel stated it becomes a difficult decision for designers and plan reviewers in that you might not stripe it, but you need to provide the space to be able to stripe it, so it is the same as laying out the parking lot with the EV spaces. You effectively end up losing a parking space, especially when you apply the 11B provision.

Mr. Bumbalov agreed with his comments, but stated he does not have the solution.

Vice Chair Winkel stated it has not been made worse, but it is still a very problematic set of provisions. He stated these proposals will work for this cycle, but he recommended HCD address the issues at the next cycle.

Mr. Bumbalov stated accessibility is always problematic, especially for something that is not required.

Vice Chair Winkel stated whether it is required or not, the issue is whether it is a parking space or is it a fueling station.

Mr. Bumbalov stated it is a work in progress.

Vice Chair Winkel stated, without revisiting everything, it is the best possible solution at this time.

### **Questions or Comments from the Public:**

Michael Quiroz expressed his frustration, as an EV owner himself, over the lack of standardization throughout the state regarding the types of charging stations available.



**MOTION:** Chair Batjer entertained a motion to consider the Department of Housing and Community Development's proposed adoption of amendments to the 2016 California Green Building Standards Code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Santillan. The vote was unanimous to accept the motion.

**14. FUTURE AGENDA ITEMS:**

Chair Batjer asked the Commissioners if anyone had any agenda items to be placed on future agendas.

**Questions or Comments from the Commissioners:**

Commissioner Barthman asked the commissioners to review the strategic plan, and if they have any ideas, to either contact him or Commissioner Booth.

**Questions or Comments from the Public:**

Amir Rudyan, owner and president of AVM Industries, expressed his concerns on issue number 5 of the emergency adoption of the code for waterproofing on horizontal decks.

Chair Batjer stated this is out of place on the agenda. After conferring with counsel, she advised Mr. Rudyan that the item he wishes to speak about has already been voted on and adopted; however, she can close agenda item No. 14, Future Agenda Items, and reopen general public comment for him. She requested he place himself back in the queue.

**Questions or Comments from the Commissioners:**

There were no questions or comments from the Commissioners.

Ms. Barbu stated Item No. 5 was only agendized for readoption of the emergency building standards, so the commenter's comment is more of a general public comment. She stated agenda item No. 5 is not open for discussion.

Chair Batjer stated she will reopen agenda item No. 3.

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

Amir Rudyan stated what has been proposed in the emergency regulations regarding waterproofing balconies will not help the situation. He asked why there is not outreach to companies like his that design, manufacture, and create these systems to ask for feedback.

Ms. Marvelli stated BSC has a large database of interested parties that is considered in their outreach. She encouraged him to contact BSC's office, using the information from today's agenda, to become a part of the database so he will be able to receive future notices of these

types of meetings as well as the meetings to research more regulations for the exterior elevated elements subject. She stated currently there are over 2,000 on the list, and they reached out to industry and conducted one meeting. These regs will go out for certified rule-making, and there will be a 45-day public comment period for public input. She encouraged him to contact BSC's office and provide any additional information. Mia Marvelli and Gary Fabian would be the appropriate contacts.

## **15. ADJOURN**

**MOTION:** Chair Batjer entertained a motion to adjourn. Commissioner Patel made a motion to approve, and it was seconded by Unidentified Speaker. The vote was unanimous to accept the motion.