

**CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES**

July 20, 2011

1. CALL TO ORDER

Secretary Leslie Lopez, Interim Chair, called the meeting to order at 10:00 a.m. at the Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California.

ROLL CALL

Commissioners Present:

Leslie Lopez, Interim Chair
Anna Caballero, Chair (arrived at 12:46)
Isam Hasenin, Vice-Chair
James Barthman
Tony Hoffman
Stephen Jensen
Danielle Paxson
Jeffrey Schnurr
Doug Williams
Steven Winkel

Also Present:

David Walls, Executive Director
Theresa Boron-Irwin, Legal Counsel to CBSC
Stephanie Davis, Executive Assistant
Jane Taylor, Staff Senior Architect
Michael Nearman, Staff Architectural Associate

Chair Lopez led the Commission in the Pledge of Allegiance.

2. APPROVAL OF THE APRIL MEETING MINUTES

MOTION: Commissioner Barthman moved approval of the April Meeting Minutes. Commissioner Winkel seconded. Motion carried unanimously.

3. SPECIAL RECOGNITION FOR DAVE WALLS, CBSC EXECUTIVE DIRECTOR – Postponed

4. SELECTION OF CBSC COMMITTEE MEMBERS – Postponed

5. UPDATE ON TRACKING OF LOCAL ORDINANCES FILED WITH CBSC & POSTED ON CBSC'S WEBSITE

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Mr. Walls reported that a new page on the CBSC website shows all local ordinances that have been received and filed. There are approximately 270 in number.

Staff is receiving a high amount of feedback as people look at the page and call in.

6. CURRENT CODE ADOPTION CYCLE

Mr. Walls noted that the CBSC is at the point of adopting the first round of proposed changes to the 2010 Codes. Some comment periods are continuing and will be addressed at the October meeting.

7. PROPOSED PERMANENT ADOPTION AND CERTIFICATION OF

EMERGENCY STANDARDS: The Commission will take action on the following items to approve, disapprove, further study, or approve as amended any of the proposed code changes based on Health and Safety Code 18937. The Commission will consider each agency's final proposed changes and justifications, and comments submitted during the public comment periods where applicable. Agency rulemaking documents and information relating to these documents may be found at the following website location at least five days before the meeting: http://www.bsc.ca.gov/prpsd_chngs/pc_emrrm.htm

a) Building Standards Commission (BSC EF 01/11): Permanent adoption and certification of emergency regulations in the California Green Building Standards Code, Title 24, Part 11, regarding light pollution reduction, which was the subject of a petition filed based on potential public safety issues. This section is also proposed by Division of State Architect, which is taking CBSC's lead in this action with its submittal (DSA-SS EF 01/11).

b) Office of the State Fire Marshal (SFM EF 01/10, SFM EF 02/10, SFM EF 03/10): Permanent adoption and certification of emergency regulations in Part 2, the California Building Code, Part 2.5, the California Residential Code, and Part 9, the California Fire Code. The proposals limit the maximum allowable concentration of propylene glycol and glycerin in water solutions in residential fire sprinklers in accordance with a recent NFPA research report.

c) Office of the State Fire Marshal (SFM EF 01/11, SFM EF 02/11, SFM EF 03/11): Permanent adoption and certification of emergency regulations in Part 2, the California Building Code, Part 2.5, the California Residential Code, and Part 9, the California Fire Code. The proposals allow the installation or continued use of battery operated smoke detectors when outside work or other specified minor work is performed on residential occupancies.

Mr. Walls stated that these three items were adopted by the Commission at the April meeting; they have gone through the public comment period and are now ready for permanent adoption.

Ms. Taylor presented **Item 7a** and noted that the emergency had been modified during the public comment period and a slight editorial fix had been done.

Mr. Pat Splitt, App-Tech Inc., thanked Commission staff for their help on the item, of which he had been the petitioner.

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MOTION: Vice Chair Hasenin moved approval of BSC EF 01/11 with the amendments. Commissioner Winkel seconded. Motion carried unanimously.

Mr. Kevin Reinertson, Office of the State Fire Marshal (OSFM), presented **Item 7b** and noted that there had been no public comments.

MOTION: Commissioner Jensen moved approval of SFM EF 01/10, SFM EF 02/10, and SFM EF 03/10. Commissioner Williams seconded. Motion carried unanimously.

Mr. Reinertson presented **Item 7c** and stated that it was a rule-making package regarding power connections and interconnections to smoke alarms. OSFM had made modifications to the item in response to comments from the public.

MOTION: Commissioner Winkel moved approval of SFM EF 01/11, SFM EF 02/11, and SFM EF 03/11. Commissioner Barthman seconded. Motion carried unanimously.

8. PROPOSED EMERGENCY STANDARDS ADOPTIONS AND APPROVALS:

The Commission will take action on the following item to approve, disapprove, further study, or approve as amended any of the proposed code changes based on Health and Safety Code 18937. The Commission will consider each agency's proposed changes and justifications, and comments submitted during the public comment periods where applicable. The public may comment on any proposed code changes. Agency rulemaking documents and information relating to these documents may be found at the following website location at least five days before the meeting:

http://www.bsc.ca.gov/prpsd_chngs/pc_emrrm.htm

a) Department of Housing and Community Development (HCD EF 01/11):

Proposed emergency regulations in Part 2, the California Building Code and Part 2.5, the California Residential Code. The proposals allow the installation or continued use of battery operated carbon monoxide detectors when outside work or other specified minor work is performed on residential occupancies.

i) Action for finding of emergency

ii) Action for the adoption of the proposed regulations and for permanent adoption and certification

Mr. Doug Hensel, HCD, presented the item. Senate Bill 183, the Carbon Monoxide Poison Prevention Act of 2010, mandated the installation of carbon monoxide alarms in all existing dwelling units. The item clarifies confusion between statute and regulation.

Mr. Bob Raymer, California Building Industry Association (CBIA), stated that enforcement provisions had been left out of the State carbon monoxide requirement. Putting this item into the Building Code achieves uniformity.

MOTION: Commissioner Williams moved approval of the finding of emergency for HCD EF 01/11. Commissioner Winkel seconded. Motion carried unanimously.

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MOTION: Commissioner Williams moved approval of the adoption of the proposed regulations and for permanent adoption and certification of HCD EF 01/11. Commissioner Winkel seconded. Motion carried unanimously.

9. PROPOSED CODE ADOPTIONS AND APPROVALS: The Commission will take action on the following items to approve, disapprove, further study, or approve as amended any of the proposed code changes based on the criteria established in Health and Safety Code 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 CAC recommendations submitted during the public processes. No new issues or new information challenging the proposed code changes may be presented to the Commission in the adoption of the following proposed regulations. Comments and information received during the public comment periods are located at the following: http://www.bsc.ca.gov/prpsd_chngs/pc_10_annual_cycle.htm

a) California Green Building Standards Code

i) California Building Standards Commission (BSC 02/10): Proposed amendments to the 2010 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11).

ii) The Division of the State Architect – Structural Safety (DSA-SS 03/10): Proposed amendments to the 2010 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11).

iii) The Department of Housing and Community Development (HCD 01/10): Proposed amendments to the 2010 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11).

Ms. Taylor stated that quite a few changes were being made to the Code – mostly cleanup and clarification. CBSC had introduced a new division for existing building alteration and addition, patterned somewhat after the City of Los Angeles' ordinance. The effect will be to bring more buildings into compliance with green building standards, saving the State energy, greenhouse gas emissions, etc.

CBSC had received support during the public comment period for the general concept of including these alterations and additions into the green building code for commercial buildings.

Staff had submitted cleanup items in an addendum that follows the express terms in the Commissioners' agenda books. Other changes were editorial, providing continuity between existing building regulations.

Mr. Raymer expressed the CBIA's support for the modified green building standards.

Mr. Gary Rynearson, Green Diamond Resource Company and California Redwood Company, stated that he was supportive of the modified standards, and suggested modifications for the Rapid Renewable section. This section did not appear to be tied to anything else in the document.

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He also expressed a concern with an item listed under the Rapid Renewable section. Under the 45-day notice of Section? 4.404.3 under Building Systems, the language regarding eliminating sawn-wood products is overly strong.

MOTION: Vice Chair Hasenin moved approval of BSC 02/10.
Commissioner Barthman seconded. Motion carried unanimously.

Ms. Theresa Townsend, Division of the State Architect (DSA), stated that regarding **Item 9a)ii**, DSA is not doing any code adoption additions to clarify for schools. She mentioned the separate addendum for cleanup, none of which are regulatory.

MOTION: Commissioner Winkel moved approval of DSA-SS 03/10.
Commissioner Barthman seconded. Motion carried unanimously.

Mr. Shawn Huff, HCD, stated that there were no new mandatory provisions in the package for **Item 9a)iii**. He explained a correction to the appendix for electrical charging systems.

MOTION: Commissioner Barthman moved approval of HCD 01/10 as amended. Commissioner Jensen seconded. Motion carried unanimously.

b) California Building Standards Commission

i) California Building Standards Commission (BSC 01/10): Proposed amendments to the 2010 California Building Code (California Code of Regulations, Title 24, Part 2).

ii) California Building Standards Commission (BSC 03/10): Proposed amendments to the 2010 California Administrative Code (California Code of Regulations, Title 24, Part 1).

iii) California Building Standards Commission (BSC 04/10): Proposed amendments to the 2010 California Mechanical Code (California Code of Regulations, Title 24, Part 4).

Ms. Taylor presented **Item 9b)i**. She stated that the initial package was very small and consisted of amendments to the California Building Code that were in response to comments that came in prior to the Code Advisory Committee.

MOTION: Commissioner Barthman moved approval of BSC 01/10.
Commissioner Jensen seconded. Motion carried unanimously.

Ms. Taylor stated that **Item 9b)ii** was the rewrite and reorganization of the Part 1 Standards, long overdue. Comments were received from companion State agencies, which were all accepted. BSC introduced a new item to cover appeals that may come before the Commission.

Mr. Walls added that the process for using monographs had been changed. Ms. Taylor also said that positions had been added to two of the Code Advisory Committees.

Ms. Jennifer West, California Municipal Utilities Association (CMUA), thanked the staff for working with the CMUA to add local government water efficiency officials to the two committees.

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Mr. Raymer stated that he supported adoption of the BSC's Part 1 regulations.

MOTION: Commissioner Jensen moved approval of BSC 03/10.
Commissioner Williams seconded. Motion carried unanimously.

Ms. Taylor stated that **Item 9b)iii)** addressed a problem with the Mechanical Code in the 2010 adoption regarding duct insulation; a table had been re-inserted.

MOTION: Commissioner Williams moved approval of BSC 04/10.
Commissioner Paxson seconded. Motion carried unanimously.

c) Office of State Fire Marshal

i) Office of State Fire Marshal (SFM 01/10): Proposed amendments to the 2010 California Building Code (California Code of Regulations, Title 24, Part 2).

ii) Office of State Fire Marshal (SFM 02/10): Proposed amendments to the 2010 California Residential Code (California Code of Regulations, Title 24, Part 2.5)

iii) Office of State Fire Marshal (SFM 03/10): Proposed amendments to the 2010 California Electrical Code (California Code of Regulations, Title 24, Part 3)

iv) Office of State Fire Marshal (SFM 04/10): Proposed amendments to the 2010 California Fire Code (California Code of Regulations, Title 24, Part 9).

Mr. Reinertson presented Part 2 and Part 9 of **Item 9c** in combination. They addressed several issues of statewide significance, as well as some cleanup language. The significant modifications have to do with large factory and warehouse buildings: namely, 400' travel distances and firefighter operations.

Mr. John Gould, OSFM, described modifications made to elevators. OSFM will be deleting existing Amendments 3006.5.1 – 3006.5.5 that dealt with the shunt trip issue. OSFM proposed replacement of the sprinklers in the elevator shafts and machinery rooms, with signage and smoke detection.

Mr. Reinertson described a modification going back to mechanical exhaust ventilation that reinstates model code language.

Mr. Raymer, speaking in his capacity as Chair of the Code Advisory Committee, addressed the 400' issue: the committee was very impressed with the time and effort that had gone into this issue. He expressed the hope that they would pursue this at the national level.

Mr. Daniel Leacox of Greenberg Traurig, representing Otis Elevators, stated strong support of the amendments to Part 2 regarding the alternative of smoke detectors versus sprinklers in defined elevator spaces.

Mr. Tom Harvey, San Francisco Fire Department Fire Marshal, complimented OSFM and all those involved with the process. They had come up with a common-sense approach. The SF Fire Department had been very concerned with public and firefighter safety on elevators with the shunt trip.

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Mr. Justin Beal, Fresno City Fire Department, spoke about the mechanical smoke exhaust issue. He objected that removing the language, "...where approved by the Fire Code official..." takes away the Fire Code official's authority to disapprove the use of mechanical smoke exhaust systems in lieu of smoke and heat vents.

Mr. Reinertson responded that the language being removed allows a fire official or the OSFM the ability simply to deny a project. The mechanical ventilation provisions that OSFM is moving forward are an alternative. Fire services are typically moving in that direction.

Vice Chair Hasenin took issue with this philosophy. He raised the question, Are we at the point where an engineered mechanical system is always just as good as smoke and heat vents?

Mr. Ian McDonald, So Cal FPOs and member of the Task Force, responded that there is a lack of effectiveness in many cases with the smoke and heat vents. A Fire Code official would have to approve the location of smoke and heat vents, which should be installed so that the fans are located near the high-piled combustible storage area so that smoke and super-heated gases are not dragged through the warehouse, thus spreading the fire.

Mr. Kevin Scott, International Code Council, explained that the 2007 Code allowed for 400' travel distance if a building had sprinklers and smoke and heat vents. Multiple fire tests and actual fires have shown that in a building with sprinklers, smoke and heat vents typically will not open on their own. Thus the increase in travel distance provided no benefit. That's what started this whole project.

Mr. Scott continued that the Fire Code official can say "no" to mechanical exhaust; he cannot pick that one over smoke and heat vents. If the issue is local control, it isn't there anyway; the code has many options on how to do things. Whatever option is chosen must meet the code requirements.

Mr. Stephan Kiefer, City of Livermore and California Building Officials, stated that there dozens if not hundreds of very complicated design options in building components that they review every day. He supported the language as proposed by the State Fire Marshal.

Commissioner Winkel stated that the speakers' responses answered the question raised by Vice Chair Hasenin. We are not talking about a dubious substitution for a tried and true system; the language perhaps should read "preferred alternative" rather than "acceptable alternative" in reference to mechanical systems.

Further, building and fire officials jointly or individually have all the power they need to review and approve or disapprove these sorts of systems. The rewritten language doesn't obligate the official to accept the mechanical system.

Mr. Raymer noted that local officials can still write local amendments to the Fire Code.

Vice Chair Hasenin stated that he was convinced that this change would improve the circumstances for everyone, especially firefighters.

MOTION: Commissioner Winkel moved approval of SFM 01/10 as submitted with the additional amendment. Commissioner Williams seconded. Motion carried unanimously.

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MOTION: Commissioner Williams moved approval of SFM 04/10 as submitted with the additional amendment. Commissioner Winkel seconded. Motion carried unanimously.

Mr. Reinertson stated that modifications to SFM 02/10 were very minor.

MOTION: Commissioner Winkel moved approval of SFM 02/10. Commissioner Barthman seconded. Motion carried unanimously.

Mr. Reinertson stated that the modifications to the electrical code were purely editorial.

MOTION: Commissioner Barthman moved approval of SFM 03/10. Commissioner Winkel seconded. Motion carried unanimously.

d) Office of Statewide Health Planning and Development

i) Office of Statewide Health Planning and Development (OSHPD 01/10):
Proposed nonstructural amendments to the 2010 California Administrative Code (California Code of Regulations, Title 24, Part 1).

ii) Office of Statewide Health Planning and Development (OSHPD 02/10):
Proposed structural amendments to the 2010 California Administrative Code (California Code of Regulations, Title 24, Part 1) and to the 2010 California Building Code (California Code of Regulations, Part 2).

iii) Office of Statewide Health Planning and Development (OSHPD 03/10):
Proposed nonstructural amendments to the 2010 California Building Code (California Code of Regulations, Title 24, Part 2).

iv) Office of Statewide Health Planning and Development (OSHPD 04/10):
Proposed amendments to the 2010 California Electrical Code (California Code of Regulations, Title 24, Part 3).

v) Office of Statewide Health Planning and Development (OSHPD 05/10):
Proposed amendments to the 2010 California Mechanical Code (California Code of Regulations, Title 24, Part 4).

vi) Office of Statewide Health Planning and Development (OSHPD 06/10):
Proposed amendments to the 2010 California Plumbing Code (California Code of Regulations, Title 24, Part 5).

Mr. Glenn Gall, Building Standards Unit of Office of Statewide Health Planning and Development (OSHPD), stated that **Item 9d)i** was an additional definition in administrative regulations, used as a basis for fees for hospital projects.

MOTION: Commissioner Paxson moved approval of OSHPD 01/10. Commissioner Winkel seconded. Motion carried unanimously.

Mr. Gall noted that **Item 9d)ii** was both a structural and a non-structural package, in administrative regulations as well as building standards. It is part of an ongoing effort for OSHPD's retrofit requirement for existing buildings to be better integrated into the International Building Code (IBC) standard format.

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MOTION: Commissioner Paxson moved approval of OSHPD 02/10.
Commissioner Williams seconded. Motion carried unanimously.

Mr. Gall said that **Item 9d)iii** involved various restructuring and coordination, as well as some additional service clarifications for minimum design requirements, for hospital outpatient services. It also adds a new concept for skilled nursing facilities, with the idea of implementing culture change.

MOTION: Commissioner Winkel moved approval of OSHPD 03/10.
Commissioner Paxson seconded. Motion carried unanimously.

Mr. Gall stated that **Item 9d)iv** involves changes to the California Electrical Code.

MOTION: Commissioner Barthman moved approval of OSHPD 04/10.
Commissioner Schnurr seconded. Motion carried unanimously.

Mr. Gall said that **Item 9d)v** was an update of the Sensitive Areas table in the Mechanical Code for application to hospitals and outpatient facilities.

MOTION: Commissioner Barthman moved approval of OSHPD 05/10.
Commissioner Williams seconded. Motion carried unanimously.

Mr. Gall said regarding **Item 9d)vi**, that OSHPD has reinserted the Plumbing Code table in a maintainable format, having it enforceable by both OSHPD and local jurisdictions consistently.

MOTION: Commissioner Barthman moved approval of OSHPD 06/10.
Commissioner Jensen seconded. Motion carried unanimously.

e) The Division of the State Architect

- i) The Division of the State Architect – Structural Safety (DSA-SS 01/10):**
Proposed adoption of non-structural amendments to the 2010 California Plumbing Code (California Code of Regulations, Title 24, Part 5) and the 2010 California Referenced Standards Code (California Code of Regulations, Title 24, Part 12).
- ii) The Division of the State Architect – Structural Safety (DSA-SS 02/10):**
Proposed nonstructural amendments to the 2010 California Referenced Standards Code (California Code of Regulations, Title 24, Part 12).

Mr. Richard Conrad explained that the two items update the standards for earthquake-actuated gas shutoff valves and excess flow gas shutoff valves.

MOTION: Commissioner Barthman moved approval of DSA-SS 01/10 and 02/10. Commissioner Jensen seconded. Motion carried unanimously.

f) The Department of Housing and Community Development

- i) The Department of Housing and Community Development (HCD 03/10):**
Proposed to the 2010 California Building Code (California Code of Regulations, Title 24, Part 2), 2010 California Residential Code (California Code of Regulations, Title 24, Part 2.5), 2010 California Electrical Code (California Code

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of Regulations, Part 3, 2010 California Mechanical Code (California Code of Regulations, Title 24, Part 4) and 2010 California Plumbing Code (California Code of Regulations, Title 24, Part 5).

Mr. Huff stated that HCD was proposing to provide clarification regarding the intent, purpose, and qualifications of the local Appeals Board.

MOTION: Commissioner Paxson moved approval of HCD 03/10.
Commissioner Jensen seconded. Motion carried unanimously.

10. REPORT ON COORDINATING COUNCIL MEETING

i) Report on 2012 Code Adoption Cycle

Mr. Walls reported that the 2012 cycle would be triennial, with a June start to keep on pace to meet the January 2014 effective date.

The Code Advisory Committees will be meeting at that time, and we have put an application online to start hearing from interested parties. The Code Change Committee, made up of Commissioners, will be reviewing and making recommendations for all those slots (there are six Code Advisory Committees). The Code Advisory Committees will be appointed by the full Commission in January.

Mr. Kiefer made some general comments regarding the code adoption process. California Building Officials appreciate and support the good work of the Commission and the State agencies. In particular they applaud the ongoing efforts of the Commission, HCD, and DSA in minimizing changes to the model codes.

California Building Officials ask that the other agencies, in particular the OSFM, follow this lead and spend the next year conducting a thorough review of all of its existing amendments, rather than following the practice of adding more and more amendments with each code cycle.

Mr. Reinertson responded that he was creating a workgroup to vet rulemaking packages and provisions/revisions, between the core group and the fourteen-plus workgroups.

ii) Ad Hoc Committee

Mr. Walls announced the Coordinating Council had decided that each State agency would appoint an individual to sit on the Ad Hoc Committee, to ensure that everything is proposed in the same way.

11. FUTURE AGENDA ITEMS: The Commission may discuss and set for action on future agendas, procedural and substantive items relating to state building regulatory programs, Commission policy, and administrative matters.

There was no discussion.

4. SELECTION OF CBSC COMMITTEE MEMBERS

Chair Caballero, who had arrived, requested to take up this item at the next meeting.

3. SPECIAL RECOGNITION FOR DAVE WALLS, CBSC EXECUTIVE DIRECTOR

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Having had the opportunity to work closely with Mr. Walls, Chair Caballero described him as an incredible talent; exceptionally even-tempered; very dedicated to his work; and able to take complex issues, put them together, and get consensus among a variety of different people.

She read from a letter from Governor Brown recognizing Mr. Walls. She noted that there was also a Senate resolution commemorating his many years of hard work.

Vice Chair Hasenin and several Commissioners expressed their appreciation.

Mr. Walls came forward and mentioned that this had been a tough decision. He thanked everyone for giving him the opportunity to serve in the position. It had been a pleasure to work with the Commissioners past and present, and he thanked all who had supported him. Mr. Walls also thanked his wife who had been with him through it all.

12. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA:

The Commission will receive comments from the public at this time on matters not on the agenda. Matters raised at this time may be briefly discussed by the Commission and/or placed on a subsequent agenda.

Mr. Kiefer thanked Mr. Walls for the positive change he had made to this entire process.

Speaking on behalf of the CBIA and BOMA, Mr. Raymer said that they would miss Mr. Walls very much. He had done a wonderful job and always remained amiable, even in difficult situations.

Mr. Hensel stated that he and Mr. Walls had begun working in State service at the same time. He spoke of Mr. Walls' focused desire to do what's good for the people of California.

Mr. Reinertson spoke on behalf of Chief Hoover in extending congratulations on Mr. Wall's retirement. He commented that Mr. Walls continues to be an inspiration.

Mr. Tom Enslow of the California State Pipe Trades Council spoke of Mr. Walls' professionalism and ability to work with stakeholders.

Mr. Eric Emblem, Western States Council of Sheet Metal Workers, told Mr. Walls that he did a wonderful job. Mr. Emblem particularly appreciated his quality of being approachable – which is very much needed in government.

Mr. Scott commemorated the fantastic job Mr. Walls had done. His integrity and honesty were irreproachable.

Ms. Carol Loeffler, Disability Access Advocate on the Building, Fire and Other Committee, spoke of how a leader doesn't state that he is a leader; he demonstrates that he is a colleague. She had seen this continuously from Mr. Walls.

Mr. Richard Conrad, past CBSC Executive Director, stated the Mr. Walls had a skill set that was extremely well-suited to his position – both technical knowledge and collaborative skills.

13. CLOSED SESSION: Personnel Matter – for the Commission to consider the appointment of a public employee. (Gov. Code, § 11126(a), Health & Safety Code, § 18925.)

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Chair Caballero noted that the webcast would end at this point.

12. ADJOURN

Chair Caballero adjourned the meeting at approximately 2:15 p.m.