

CALIFORNIA BUILDING STANDARDS COMMISSION

Meeting Minutes

January 18, 19, and 20, 2022

Tuesday, January 18, 2022

Agenda Item 1) CALL TO ORDER

Chair Julie Lee called the meeting of the California Building Standards Commission (CBSC) to order at 9:02 a.m. This meeting held remotely, consistent with Assembly Bill 361, (Rivas, Chapter 165, Statutes of 2021) to improve and enhance public access to state agency meetings during the COVID-19 pandemic.

ROLL CALL: CBSC Staff Member Pamela Maeda called the roll and Chair Lee stated a quorum was present.

Commissioners Present: Undersecretary Julie Lee, Chair
Juvilyn Alegre
Elley Klausbruckner
Erick Mikiten
Rajesh Patel
Laura Rambin
Peter Santillan
Kent Sasaki
Aaron Stockwell

Commissioners Absent: None

CBSC Chair Lee stated that a quorum was present, led the Commission in the Pledge of Allegiance and gave instructions regarding public comments and teleconferencing.

Agenda Item 2) Comments from the public on issues not on the agenda

No questions or comments from the public.

2021 TRIENNIAL CODE ADOPTION CYCLE, ADOPTING STATE AGENCY RULEMAKINGS

Agenda Item 3) State Historical Building Safety Board (SHBSB 01/21). Proposed approval of amendments to the 2022 California Historical Building Code, Part 8, Title 24.

Chair Lee noted that the SHBSB is an adopting agency. CBSC will take action to approve, disapprove, or return for amendment with recommended changes based on the proceedings by which the SHBSB adopted building standards. The CBSC will

consider the state adopting agency's written analysis justifying the approval pursuant to Health and Safety Code Section 18930 and hear public comments. Upon approval, these building standards will be codified and published into the 2022 California Building Standards Code, Title 24, California Code of Regulations. The SHBSB approved these regulations at their November 9, 2021, Board Meeting.

Chair Lee requested the representative from the SHBSB to present the proposal for Item 3.

Derek Shaw, DSA Supervising Architect and Executive Director for SHBSB, requested approval for the code change package. He noted that the package merely carries forward the existing provisions in the historical code into the 2022 California Historical Building Code without amendment. Also, the package has been subject to the appropriate 45-day public comment period and was approved by SHBSB at their public meeting on November 9, 2021.

Questions or Comments from the Commissioners:

Commissioner Sasaki asked a question: Have there been any discussions about any potential changes to the California Historical Building Code (CHBC)? In the past there has been some confusion about its application among not only design professionals but also building officials about when it can be applied. How it relates to local ordinances, for example. Some jurisdictions may have seismic retrofit or repair ordinances that are more stringent than the CHBC. Any thoughts on how to make it clearer to both design professionals and building officials about their status and how it applies?

Derek responded that he can certainly take this issue to the board. He does field public calls and from time to time this topic has arisen. At their board's last public meeting there was a desire to begin working on code amendments for the next cycle but, at this point, they are not ready, so the package today is much more limited.

Commissioners Patel, Klausbruckner, Mikiten, Santillan, Alegre, Stockwell and Rambin had no comments.

Motion: Chair Lee entertained a motion to consider the State Historical Building Safety Board's request for approval of their Rulemaking process for the 2022 California Historical Building Code, Part 8 of Title 24. Commissioner Sasaki moved to approve Item 3 as presented. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

2021 TRIENNIAL CODE ADOPTION CYCLE, PROPOSING STATE AGENCY RULEMAKINGS

Agenda Item 4) California Building Standards Commission

Chair Lee noted that the CBSC will take action to approve, disapprove, further study, or approve as amended the proposed code changes to various parts contained in the California Building Standards Code, Title 24, California Code of Regulations. Upon adoption, these building standards will be codified and published as the 2022 California

Building Standards Code, Title 24, California Code of Regulations. CBSC action will be guided by the nine-point criteria established in Health and Safety Code Section 18930.

Item 4a) California Building Standards Commission (BSC 04/21) Proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24.

Chair Lee requested the representative from the Building Standards Commission (BSC) introduce themselves and present Item 4a).

Irina Brauzman, BSC Associate Architect, gave an overview. She noted that the amendments are being made to clarify, implement, and make specific requirements relative to procedures for compliance with the CBSC Rulemaking process.

BSC's proposal was heard by the Building, Fire and Other (BFO) CAC in July of 2021, which recommended Approve for most of the proposals with the exception of Further Study on two items.

The first Further Study item is BSC 04/21-1, regarding California Administrative Code applicants' requirements in Section 1-209. The CAC suggested that the language be revised to have preference for a local government employee over a third-party consultant. BSC contacted several local authorities having jurisdiction to solicit their feedback on the suggested change and, based on the feedback received, it was deemed unnecessary to revise the language as it would provide some limits and discretionary determination of the Commissioners who provide the selection of the Code Advisory Committee members. The second Further Study item is BSC 04/21-6, regarding fee payment methods in Section 1-507. BSC accepted this recommendation and made editorial modifications to the Express Terms.

BSC received no public comments during the 45-day public comment period, from September 3, through October 18, 2021

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer, California Building Industry Association and California Business Properties Association, commented that they support the proposed changes.

Motion: Chair Lee entertained a motion to consider the California Building Standards Commission Rulemaking BSC 04/21 proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1 of Title 24. Commissioner Mikiten moved to approve Item 4a as presented. Commissioner Klausbruckner seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 4b) California Building Standards Commission (BSC 05/21) Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24.

Chair Lee requested the representative from BSC to introduce themselves and present Item 4b).

Brandon Estes, BSC Associate Construction Analyst, gave an overview. He summarized BSC's proposed new non-editorial amendments as follows:

Pursuant to the statutory requirements in AB 2913, BSC is proposing to extend the building permit expiration period from 6 months to 12 months.

BSC proposes to repeal California amendments regarding mass timber and cross-laminated timber construction and replace with identical unamended model code; to co-adopt a DSA amendment to Chapter 15, Roof Assemblies and Rooftop Structures. This proposal provides pointers to new sections that were added to 8SC-E7 which provide direction regarding seismic and wind design requirements for rooftop solar panels.

BSC was proposing to co-adopt DSA's proposal to move special inspection requirements from Part 10 to Part 2. However, DSA withdrew these proposals and therefore BSC withdrew the proposals as well.

Lastly, BSC is required to print the Swimming Pool Safety Act in Part 2.5 of the California Residential Code as a convenience to enforcement agencies. BSC also prints the Act in Chapter 31 of Part 2 of the California Building Code. The Act was amended in 2019; therefore, BSC is proposing to mirror these changes in Section 3109.2 to match the legislative text.

This BSC Part 2 submittal was heard by two CACs, the BFO CAC and the Structural Design Lateral Forces (SD/LF) CAC. The BFO CAC convened on July 7th, 2021, and recommended to approve on all items heard. The Structural Design Lateral Forces CAC convened on July 28, 2021, and recommended to approve on all items heard except for the two items proposed for co-adoption with DSA in Chapter 17, which received a Further Study recommendation. Following suit with DSA, BSC has withdrawn these two items from the Rulemaking package. BSC received no public comments regarding this Part 2 Rulemaking package.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Sarah Quiter, an attorney speaking on behalf of the University of California, commented specifically on Section 1613.1.2, which reads "*state-owned buildings, including those of the University of California*" They are requesting that, instead of the word "*including,*" that that word be changed to "*and*". The section would then read "*state-owned buildings, and those of the University of California.*"

Bob Raymer, California Building Industry Association and California Business Properties Association, commented that they support the proposed changes.

Questions or Comments from Commissioners and others:

Commissioner Sasaki wondered how BSC might address the UC attorney's comment and request regarding changing that one word. Looking at the section, it reads "*state-owned buildings, including those of the University of California, CSU and Judicial Council.*" Commissioner Sasaki wondered whether Judicial Council and CSU have the same issue?

Brandon explained the process: there was a CAC review, followed by a 45-day comment review, and BSC did not receive any comments on this specific wording question. There are other instances in the code where BSC has similar phrasing. His recommendation would be that BSC work with the UC system during the intervening code cycle and perhaps take a global look at this.

Commissioner Klausbruckner: If this were to pass, would one law override the other one?

Viana Barbu, DGS Counsel, responded that the original CA constitutional law that states that the UC system and other public universities are separate from state-owned buildings would not change. It would be better to address them all at once in the intervening code cycle.

Motion: Chair Lee entertained a motion to consider the California Building Standards Commission Rulemaking BSC 05/21 proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code Part 2, Title 24. Commissioner Sasaki moved to approve Item 4b as presented. Commissioner Santillan seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 4c) California Building Standards Commission (BSC 06/21) Proposed adoption of amendments to the 2019 California Residential Code for incorporation into the 2022 California Residential Code, Part 2.5, Title 24.

Chair Lee requested the representative from the BSC to present the proposal for Item 4c.

Timothy O'Malley, BSC Architectural Associate, gave an overview. He noted that two amendments are editorial, and one amendment addresses recent statutory requirements in building standards law regarding building permitting.

In Item 1, BSC proposes editorial modifications to match the same existing amendments in Parts 2 and 10 to correct pointers in Chapter 1, Section 1.1.3.2. The change is to correct the reference to amendments that are in Chapter 1 that distinguishes California amendment language from the model code.

In Item 2, BSC is also proposing to adopt the Subsection R105.5.1 to address recent statutory requirements regarding building permit extensions in Assembly Bill (AB) 2913, which amended Health and Safety Code Sections 18938.5 and 18938.6, which became operative on January 1, 2019. When this legislation was passed, CBSC issued

Information Bulletin (IB) 1903, which alerted local building departments to AB 2913 and its impact on enforcement precedence of the new requirements. The adoption of this regulation completes the implementation of AB 2913 and, as a result, local jurisdictions are able to adopt this amendment by ordinance.

In item 3, to align with California Building Code Chapter 31, BSC is proposing to reformat Appendix V to reflect language found in current legislation reflecting the Swimming Pool and Safety Act in Senate Bill (SB) 442. No changes to the regulation were intended with this action regarding the Pool Safety Act, there is no change in regulatory effect, and there is no fiscal impact.

The amendment language will be published in the 2022 edition of the California Residential Code (CRC) by means of the code adoption process and its triennial codes adoption cycle in July 2021. The BFO CAC recommended approval of these amendments from BSC's proposals in the addition of the 2022 edition of the CRC. There were no public comments to the BSC Part 2.5 Rulemaking package.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer, California Building Industry Association and California Business Properties Association, commented that they support the proposed changes.

Motion: Chair Lee entertained a motion to consider the California Building Standards Commission Rulemaking BSC 06/21 proposed adoption of amendments to the 2019 California Residential Code for incorporation into the 2022 California Residential Code Part 2.5, Title 24. Commissioner Mikiten moved to approve Item 4c as presented. Commissioner Patel seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 4d) California Building Standards Commission (BSC 08/21) Proposed adoption of amendments to the 2019 California Fire Code for incorporation into the 2022 California Fire Code, Part 9, Title 24.

Chair Lee requested the representative from the BSC to present the proposal for Item 4d.

Timothy O'Malley, BSC Architectural Associate, gave an overview. He noted that one amendment is editorial, and one amendment addresses the recent statutory requirements in building standards law regarding building permitting.

In Item 1: BSC proposes editorial modifications in Part 9, Chapter 1, Section 1.2.3.2 to match the same existing amendments in Parts 2 and 10 to correct the note distinguishing California amendment language from the model code language.

In Item 2, BSC is also proposing to adopt a new Subsection 105.5.1 to address recent statutory requirements regarding building permit extensions in AB 2913, which amends

Health and Safety Codes Sections 18938.5 and 18938.6, which became operative on January 1, 2019. In July 2021, the BFO CAC recommended approval of these amendments to the 2022 edition of the CFC. There were no public comments to the BSC Part 9 Rulemaking package.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer, California Building Industry Association and California Business Properties Association, commented that they support the proposed changes.

Motion: Chair Lee entertained a motion to consider the California Building Standards Commission Rulemaking BSC 08/21 proposed adoption of amendments to the 2019 California Fire Code for incorporation into the 2022 California Fire Code, Part 9, Title 24. Commissioner Klausbruckner moved to approve Item 4d as presented. Commissioner Rambin seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 4e) California Building Standards Commission (BSC 09/21) Proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24.

Chair Lee requested the representative from the BSC to present the proposal for Item 4e.

Irina Brauzman, CBSC Associate Architect, gave an overview. She noted that the majority of BSC’s amendments are editorial. In Chapter 1, BSC is proposing an amendment referencing a recently enacted statute relative to building permit expiration, which is consistent with many of BSC’s other Title 24 proposals.

BSC also has a few amendments in Chapter 3: to relocate or repeal most of the definitions; to coordinate with the latest edition of the referenced standard ASCE 41; and to clarify conditions in the prescriptive selection of the design method and remove redundant or contradictory regulations from structural observation, testing, and inspection. Most of these amendments are co-adopted with DSA, so the two agencies coordinated to have appropriate editorial amendments, most of which have no intended change in regulatory effect.

BSC’s proposal was heard by the SD/LF CAC in July 2021, which recommended Approve for most of the proposals with the exception of two items recommended for Further Study and two items recommended for Disapproval. BSC accepted all the recommendations and, in coordination with DSA, made further editorial modifications to items recommended for Further Study and withdrew the proposals regarding definition of “repair.”

BSC received no public comments during the 45-day public comment period that ran from September 3, 2021, through October 18, 2021.

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 Lee entertained a motion to consider the California Building Standards Commission Rulemaking BSC 09/21 proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code Part 10 of Title 24. Commissioner Sasaki moved to approve Item 4E as presented. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 4f) California Building Standards Commission (BSC 07/21) Proposed adoption of amendments to the 2019 California Referenced Standards Code for incorporation into the 2022 California Referenced Standards Code, Part 12, Title 24.

Chair Lee requested the representative from the BSC to present the proposal for Item 4f.

Irina Brauzman, CBSC Associate Architect, gave an overview. She remarked that all of CBSC’s amendments are editorial and have no change in regulatory effect.

BSC proposes to amend the Cross-Reference Table by updating the chapter titles and its associated sections to Title 24. This table serves as a non-regulatory aid to the code user.

BSC’s proposal was heard by the BFO CAC in July 2021, which recommended Approve for all the proposals. CBSC received no public comments during the 45-day public comment period that ran from September 3, 2021, through October 18, 2021.

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 Lee entertained a motion to consider the California Building Standards Commission Rulemaking (BSC 07/21) proposed adoption of amendments to the 2019 California Referenced Standards Code for incorporation into the 2022 California Referenced Standards Code, Part 12, Title 24. Commissioner Mikiten moved to approve Item 4f as presented. Commissioner Alegre seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Agenda Item 5. Division of the State Architect – Structural Safety/Community Colleges

Item 5a) Division of the State Architect (DSA-SS/CC 04/21) Proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24.

Chair Lee requested the representative from DSA to present the proposal for Item 5a.

Diane Gould, DSA Principal Structural Engineer, gave an overview of DSA’s California Administrative Code package, which reflects DSA’s proposals for amendments to the regulations for the California Administrative Code for the 2021 triennial code cycle. Regulations in the package provide clarity to the administrative provisions of the education code for K-12 public schools, community colleges and state-owned essential services buildings. In addition to editorial updates and revisions to clarify requirements, the work reflected in this package includes a modification to Section 4-330 to clarify the intent of the provision that construction must commence on all school buildings within an approved project within four years or else the approval is void for those school buildings which have not yet commenced construction.

DSA is also proposing modifications to Sections 4-508 through 4-510 in order to repeal language requiring fee payment because DSA has eliminated the fee requirement related to the submission of the required landscape documentation.

Before submitting its Rulemaking packages for Parts 1, 2 and 10, DSA performed extensive pre-cycle outreach by sharing its initial draft package with various stakeholders. The draft rulemaking packages were shared with the Structural Engineers Association of California (SEAOC), the American Institute of Architects (AIA), and the Coalition for Affordable School Housing (CASH), among others.

DSA held a public workshop on March 17th to solicit comments and feedback. In addition, DSA has a Public School Construction Collaborative (PSCC).

DSA’s Part 1 package was presented to the SDLF CAC in July of 2021. The recommendation from the committee was Approve for all proposals except for two items that were recommended for Further Study. The first item recommended for Further Study was DSA’s proposal to repeal the exception for 4-309(c)2B. After Further Study DSA determined that it still wishes to repeal this exception and the detailed explanation of the reasons can be found in the ISOR.

The second item recommended for Further Study was a proposal to add a title for Section 4-309(e). DSA withdrew this proposal before going out for 45-day public comment because it was intended to work with other proposals to adopt repair provisions in Chapter 4 of Part 10. Those proposals were withdrawn by DSA after

receiving recommendation for Further Study during the CAC meeting. DSA also went through this item in Part 1, which was related to those proposals. DSA's package went out for the 45-day comment period, which ran from September 3rd through October 18th of 2021, and no public comments were received during that time.

Questions or Comments from the Commissioners:

Commissioner Patel: With respect to Section 4-330, which was Item 3, which extends the time period for construction to commence from one year to four years, is it applicable retroactively to projects that already have approval but have not started? So, for example, if this becomes effective January 1st of 2023 and somebody had a project in for a school that was approved in 2022, would they then get four years to commence construction?

Diane Gould responded that these administrative provisions become effective 30 days after they are filed with the Secretary of State so they will go into effect sometime in February of this year. DSA will likely have to issue an Information Bulletin advising how this would be a transition. The intent is to not exceed the four years so they will probably need to track that.

Commissioner Ramin: How did the four years come about, and is there any concern as far as if a project is obtaining bond funding, is there any potential risk conflict with that being in place and creating a project that cannot get built because they do not have their funding in place?

Diane Gould responded that the current language is they have to commence construction within one year and then they can come back to DSA three times, each time as another year's extension. DSA is saying, that since they come back three times let's just make it four years from the beginning to cut out the paperwork.

Commissioner Sasaki commented that the four years, clearly makes sense when the commission on a three-year code cycle so obviously there would be a case where a school was approved under one code and by the time it starts construction there is another code that is applicable, so something to think about and maybe consider.

Commissioner Patel remarked that they put language in that they can withdraw post approval as necessary to address life safety concerns. So, if something does come up in a code cycle they can go back and make them change.

Commissioners Klausbruckner, Mikiten, Santillan, Alegre and Stockwell had no comments.

Questions or Comments from the Public:

No questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Division of the State Architect Rulemaking (DSA-SS/CC 04/21) proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24. Commissioner Ramin moved to approve Item 5a as presented. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 5b) Division of the State Architect (DSA-SS/CC 05/21) Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24.

Chair Lee requested the representative from DSA to present the proposal for Item 5b.

Diane Gould, Principal Structural Engineer, gave an overview. She noted that this is DSA’s California Building Code package. This package reflects DSA's proposals for amendments to the regulations for the CBC for the 2021 triennial code cycle. One item of note is that DSA co-adopts a large majority of its amendments to Part 2 along with OSHPD, especially within the A Chapters and Chapter 35 Reference Standards, among others. In order to improve and maintain alignment wherever feasible, DSA worked closely with OSHPD throughout this process, just as it has during past Rulemaking cycles, and will continue to do so in the future.

This package includes some proposals for editorial changes in order to improve clarity. In addition, there are also a few proposed changes in Chapter 16A that include early adoption of items that had already passed the main committee ballot of ASCE 7-22 at the time DSA was preparing this package and that have since been published.

For the masonry chapters, Chapters 21 and 21A, in response to public comment from John Chrysler with the Masonry Institute of America (MIA) and Kurt Sigurd with the Concrete Masonry Association of California and Nevada (CMACN), and in the pursuit of better alignment with the national reference standard TMS 402/602, DSA and OSHPD collaborated with John and Kurt to develop the proposals reflected in the Masonry Chapters 21 and 21A.

The majority of the work reflected there involves reorganizing existing amendment language modifying associated sections in TMS 402/602 and repealing CBC amendment language that was deemed to be sufficiently addressed by the TMS 402/602 intended to provide a better interface with it and to remove duplication of the TMS 402/602.

This Part 2 package before you underwent that same outreach process and refinement prior to presentation before the CACs in July. A portion of Part 2 package consisting of Chapters 1 through 15 and 30-32 were presented to the BFO CAC and then the remainder of the Part 2 package consisting of Chapters 16 through 26 and 35 were presented to the SDLF CAC in July of 2021.

The recommendations from both advisory committees were Approve for almost all items in this Rulemaking package, the exception being there were eight items that were recommended for Further Study or Disapproval by the CACs. There were five in Chapter 17A, two in Chapters 22 or 22A and one in Chapter 23.

DSA withdrew five of the eight proposals before going out for 45-day public comment and they are no longer included in this Rulemaking package. The concerns raised in the

other three were addressed through further modification of Express terms or coordination with interested parties before going out for public comments. That comment period occurred September 3rd through October 18th and DSA did receive a few public comments during that time documented in Final Statement of Reasons for Part 2.

DSA made some changes to its package in response to some of the comments and DSA submitted the updated proposals for a 15-day public comment period which ran November 1st through 16th of 2021. DSA received no objections nor further comment on those items during the 15-day comment period.

DSA has submitted an addendum to the final express terms. This is regarding withdrawing a proposal to add Item 3 in 2115.6 and 2104a1.3.9. This is an item regarding extension of grout placing time limitation of one and a half hours.

As DSA was developing proposals the suggestion to add the language regarding the one and a half hour time limitation was raised but then ultimately it was decided not to include, as the group believed the topic is sufficiently addressed in the TMS 402/602, and furthermore this proposed language might lead to conflict with ASTM standards. Therefore, the group decided to remove the proposal from the express terms.

The intent of this addendum is to correct the erroneous inclusion of that language regarding the one and a half hour time limitation in DSA's express terms for 2215.6 and 210481.3.9. If the Commission accepts our proposed addendum this would align DSA and OSHPD's express terms proposal for section 21048.1.3.9.

Questions or Comments from the Commissioners:

No questions or Comments from the Commissioners.

Questions or Comments from the Public:

Kurt Sigurd, Concrete Masonry Association California Nevada, stated that they would like to thank the Commission, DSA and OSHPD for their work on Chapters 21 and 21A to better align with TMS 402/602, and they support the amendments.

Motion: Chair Lee entertained a motion to consider the Division of the State Architect Rulemaking (DSA-SS/CC 05/21) proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24. Commissioner Mikiten moved to approve Item 5b as amended with the addendum. Commissioner Patel seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 5c) Division of the State Architect (DSA-SS/CC 06/21) Proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24.

Chair Lee requested the representative from DSA to present the proposal for Item 5c.

Diane Gould, Principal Structural Engineer, gave an overview. She noted that this is DSA's California Existing Building Code or CEBC package. This package reflects DSA's proposals for amendments to the regulations for CEBC for the 2021 triennial code cycle. DSA's code change proposals for Part 10 include carrying forward existing DSA amendments to the CEBC with and without modification, as well as some relocation or repeal of some definitions from Section 318, Part 10 to Chapter 2, Part 10. The package also reflects some editorial updates and revisions to clarify requirements.

In addition, there was a special code adoption committee meeting held on April 16th of 2021 on the topic of adoption of the 2021 IEBC Chapters 6 through 11 and 13. This was in response to a petition received from the AIA. During that public meeting BSC, DSA, OSHPD, HCD and the State Fire Marshal presented and discussed their position, and members of the public had the opportunity to participate and submit comments. Historically, the DSA Structural Safety Section has only adopted small portions of the CEBC, most of which originated in the old Chapter 34 of the California Building Code, Part 2 and those were moved over from Part 2 to Part 10 during the 2015 triennial code cycle when the IEBC became the model code for the CEBC Part 10. It is also important to recognize that DSA has regulations in its Admin Code Part 1 that were addressed earlier, and those regulations address work in existing buildings, in particular concerning when alterations or additions trigger rehabilitation of the existing building. So, DSA provisions in the Admin Code work in concert with DSA provisions in Part 10.

Prompted in part by the AIA petition, DSA has been working on a more holistic consideration of the CEBC for projects within DSA jurisdiction. DSA anticipates this effort to occur over multiple code cycles. DSA's goal will be to work towards organizing DSA's amendments to fit within the broader structure of the CEBC versus the current condition, where DSA has seven isolated sections containing DSA requirements in Sections 317 through 323. This rulemaking DSA proposed to remove DSA's specific definitions from Section 318 and instead incorporate the use of the Chapter 2 definitions where possible.

DSA does not currently adopt Chapter 4 of Part 10 which addresses repairs. DSA's Rulemaking package, presented to the Structural Design and Lateral Forces CAC in July of 2021, included proposals to adopt Section 401 regarding general repair requirements and Section 405 regarding structural repair requirements, and to co-adopt OSHPD's definitions of repair and substantial structural damage in Chapter 2.

However, upon discussion and review during the Structural Design and Lateral Forces CAC hearing, some of these proposals were recommended for Disapproval and/ or Further Study by the advisory committee. In response, DSA withdrew the proposals regarding repairs before going out for 45-day public comment and they are no longer included in this Rulemaking package.

The remainder of DSA's current Part 10 Rulemaking package, which DSA presents to you today, was recommended to be approved by the CAC. DSA went out for a 45-day comment period from September 3rd through October 18th of 2021 and no public comments were received on this Part 10 package.

As with Parts 1 and 2, DSA's Form 399 was approved and signed by our agency, as well as Department of Finance, and is included in this package. Also, in accordance

with the nine-point criteria, the State Fire Marshal has reviewed our proposals and provided written approval.

The addendum, regarding Section 319.1, Exception 2 seeks to correct the erroneous use of the word *local* in our express terms and an initial statement of reasons and instead replaces it with the word *governing* in order to provide the intended restoration of the original language and also to provide alignment with BSC's Exception Number 1 to this section.

Questions or Comments from the Commissioners:

Commissioner Sasaki applauded DSA for looking at moving the repair alteration and addition regulations, currently in the administrative portion of the code, into the CEBC. He further remarked that, as a user of the code, it is difficult to figure out which requirements apply, and it is great to have all the requirements in one place and the CEBC is the appropriate place to have those requirements.

There were no questions or comments from Commissioners Alegre, Klausbruckner, Mikiten, Patel, Ramin, Santillan and Stockwell.

Questions or Comments from the Public:

Mike Malinowski, representing American Institute of Architects (AIA): As you know, the State of California, like the rest of the world, is faced with a whole series of crises and emergencies. These range from climate crises to crises in housing and environment, fiscal crises, and layer upon layer of issues, and existing buildings play a key role in many of these complex considerations.

AIA believes, as has been stated in previous comments, that in California we are hampered by the failure to utilize the full power and flexibility of the multiple compliance paths that exist in the IEBC. These compliance paths create a unique and highly flexible framework which allows the repurpose, utilization, retrofit and improvement of our existing building stock and, as you all know, it is absolutely critical to addressing climate change as well as many of these other crises.

AIA thanks DSA, CBSC, HCD, CEC and the various other state agencies that have been working with AIA and look forward to progress on this topic in the upcoming mid cycle. The State Fire Marshal is playing a lead role because they are among the key state agencies, and AIA understands the complexity of making these changes, but AIA also wants to impress upon the commission the urgency of not letting this issue roll forward for three years, for six years. It needs to be corrected not in two full code cycles, but in the next major code cycle. AIA believes the interim code cycle that is going to start shortly is a great place to start the detailed work to try and incorporate as much of the flexibility and power that already exists in the international framework, and that AIA looks forward in the next full code cycle to putting these additional chapters into use in California. Because if California does not find ways to repurpose existing building stock, there is no way that California can address the urgency of all these multiple layered crises that are coming.

Motion: Chair Lee entertained a motion to consider the Division of the State Architect Rulemaking (DSA-SS/CC 06/21) proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California

Existing Building Code, Part 10, Title 24. Commissioner Klausbruckner moved to approve Item 5c as amended per the addendum dated November 2021. Commissioner Santillan seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Agenda Item 6) Division of the State Architect – Access Compliance (DSA-AC 01/21) Proposed adoption of amendments to the 2019 California Building Code, Chapter 11B for incorporation into the 2022 California Building Code, Chapter 11B, Part 2, Title 24

Chair Lee requested the representative from DSA to present the proposal for Item 6.

Eric Driever, DSA Principal Architect, gave an overview. DSA’s pre-cycle activity was included in the access code collaborative meeting on March 15, 2021; a public access stakeholder forum on April 13, 2021; and CBSC’s CAC held on June 16th and 17th, 2021. DSA now requests approval of the amended building standards for Chapter 11B of the California Building Codes.

Derek Shaw, DSA Supervising Architect, gave an overview. For Item 2.01, the definition of access aisle, DSA has sought to provide additional clarity to the definition by eliminating the word *pedestrian* so as to understand that the access aisle provides utility both for pedestrians and for vehicles. In striking the word *parking* and replacing it with the word *vehicle* DSA is acknowledging that the access aisle is provided not only adjacent to accessible parking stalls but also adjacent to accessible passenger drop-off and loading zones, as well as the accessible electric vehicle charging stations.

Item 11B.01 refers to Section 11B-108, Maintenance of Accessible Features. At its essence, DSA is expanding the requirement that accessible features required by the code, which currently are limited in the section to public accommodations, are expanding with this change so that they would apply to all project types that are regulated by Chapter 11B.

Item 11B.02 refers to amending Section 11B-206.4.1. This section is conducted in coordination with the next item, 11B.03, and these two together are intended to make clearer and more specific the accessibility requirements at entrances, as well as at accessible means of egress.

Item 11B.04 refers to housing at a place of education. DSA is seeking to amend Section 11B-224.7.2 to clarify that the existing requirements, which currently are directed towards multi-bedroom housing, apply to all types of housing units that are covered by Chapter 11B, and that this is specific to all accessible dwelling units with adaptable features.

Questions or Comments from the Commissioners:

There were no questions or comments from Commissioners.

Questions or Comments from the Public:

Nubyaan Scott, staff attorney with Disability Rights California (DRC) in the Civil Rights Practice Group, thanked the Commission and DSA for their work on these issues. She added: Regarding Item 2.01 and the definition change, they recommend that that be approved, as well as Item 11B.01 for Chapter 11B. They also recommend Item 11B.02, regarding Chapter 11B Division 2 scoping, be approved, as well as Item 11B.04, Chapter 11B Division 2 scoping. Regarding Item 11B.03, they have an issue with exemption 4. They strongly disagree with the change to exempt all accessibility provisions at doors that are providing access to interior or exterior stairways. Other people with disabilities will benefit from the 11B.04 door accessibility provisions and therefore they shouldn't be removed from the code. This change would result in a conflict with some provisions of the 2010 ADA standards for accessible design regarding accessible doors.

Eric McSwain expressed his objections to Sections 11B-206.4 and 11B-207.1. He has commented on this issue in letters since May of last year. First, when the change to 11B-206.4 was first proposed, the Statement of Reason was that Exception 1 pertains to exits, and code users had difficulty finding that code section because it was in a section called "entrances". And one of the main impetuses for modifying 11B-206.4.1 was to move the code language into the section called "exits." That is going to result in a loss or a reduction in access and, as was mentioned by the last commenter, will conflict with the 2010 ADA standards. I also think it will create conflicts within the California Building Code. He asked that commission not to approve these code changes.

Section 11B-206.2.4, which deals with accessible routes, says that at least one accessible route shall connect accessible buildings or facility entrances with all accessible spaces and elements within the building or facility. By definition, an element or space is accessible if it complies with Chapter 11B. Chapter 11B has numerous requirements for stairs; therefore, any stair that complies with those requirements is by definition accessible and, again, an accessible route is required to those stairs. One of the arguments against doors to stairways having to comply is that technical Section 11B-404.1 says that doors, doorways, and gates that are part of an accessible route shall comply with 11B-404. The technical requirements for doors are in 11B-404.

Lastly, if you approve the change to 206.4.1 Exception 1 and accept 207.1 Exception 4, we'll end up with a case where you're required to provide an accessible route to a stair. The stair is required to comply with 11B. An accessible route is required from the ground floor exit to the public way but the doors inside the building to the stairway are not required to comply with 11B. Requested that these provisions not be approved.

Tim McCormick, representing California Building Officials (CALBO), a group of about 450 city and county building departments who enforce these regulations every day, remarked that clarity is key for accessibility. CALBO support all the code changes that are being recommended here by DSA because they accomplish that goal, they give us the clarity. Regarding the ADA standards I think DSA has addressed this problem properly and urge the Commission to adopt all these amendments.

Follow-up questions or comments from the Commissioners:

Commissioner Rambin: Thinking about the door clearances upstairs, Chapter 10 actually requires tactile exit signage at those stairs, both at the door into the stair as well as the grade level exit door. Tactile exit signs have requirements for clearances that are specified in 11B. There are pointers in the section about tactile exit signage that refer to the signage section 11B, but they don't actually talk about the clearance required at the sign and I am wondering if there is the ability to add that pointer, or if that would have to come in the intervening code cycle?

Derek Shaw, DSA Supervising Architect, responded that while certainly it does impact and express regulation of some areas that are within the stair enclosure, the accessibility requirements for all signs are regulated through a different code path and that would be through the code path for scoping, specifically under the signs section. And then that points us directly to the technical requirements for the signs which do include the clearance for an individual to read the tactile sign, the 18X18 clearance outside of the door swing. DSA does not believe there would be any diminishment of that requirement as a result of the code changes proposed before you today.

Commissioner Rambin stated that she agreed that there is no diminishment for the requirement. She was concerned that it will be missed because now had this express statement that those exterior stair doors do not have to meet the requirements of 11B, and people will just miss that because the raised character braille section in 1013.4 doesn't mention specifically that clearance requirement. It mentions a bunch of other sections in signage but not that specific one for the clearance requirements.

Ida Clair, DSA State Architect, responded that the requirements are clear in the access code when it comes to tactile signage. I believe you are referring to a requirement in Chapter 10. There are overarching requirements in Chapter 10 that brings in Chapter 11B and there are clear requirements in Chapter 11B for scoping of those tactile signs and the clear floor space around the tactile signs that are required to read the signs.

Commissioner Mikiten: I think it is a good thing that the exceptions for entrances versus egress was relocated but why was it reworded in this way? Was it trying to clarify something? Because it seemed like the previous language has worked well historically, it is just sort of been in the wrong place. And then if you can also at the same time speak to the concerns that the callers had about agreeing with the 2010 ADA.

Ida Clair responded that, with regard to the way the requirement was previously written, there could be, in a smoke-proof enclosure, technically there could be a ramp as part of that and so it may be a part of an accessible means if the egress and the smoke cover enclosure were not providing the actual clarity that it needed. Regarding addressing the issues of the caller, DSA checked the requirements in Chapter 10 that were there for doors. DSA also has documentation from training that is provided by the US Access Board as well that addressed that with the ADA. There was coordination with the IBC and addressing Chapter 10 concerns and they concurred that the stairway doors did not need to have the maneuvering clearances, and the other items for doors are covered in Chapter 10.

Motion: Chair Lee entertained a motion to consider the Division of the State Architect – Access Compliance Rulemaking (DSA-AC 01/21) Proposed adoption of amendments to the 2019 California Building Code, Chapter 11B for incorporation into

the 2022 California Building Code, Chapter 11B, Part 2, Title 24. Commissioner Patel moved to approve Item 6. Commissioner Stockwell seconded. Motion carried 7 yes, 0 no, and 1 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki and Stockwell. “Abstain”: Mikiten.

Agenda Item 7) Department of Housing and Community Development

Item 7a) Department of Housing and Community Development (HCD 05/21)

Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24.

Chair Lee requested the representative from HCD to introduce themselves and present Item 7a).

Emily Withers, HCD Codes and Standards Administrator II, gave an overview. HCD’s Item 7a proposal is for adoption of the 2021 International Building Code, as directed by Health and Safety Code Section 17922. New amendments for the California Building Code, California Residential Code and California Existing Building Code were discussed at a combined HCD focus group meeting held on March 29, 2021. The express terms text, with any changes resulting from internal analysis, comments from stakeholders and recommendations from the CAC’s is currently before you, along with HCD's rationale for the changes.

HCD would also like to note that some sections are co-adopted with other state agencies. Chapters 1 through 15 and 27-35 and Appendices A through P were reviewed by the BFO CAC on July 7th through 8th, 2021 and approved for adoption - with the exception of Section 915.1, which is carbon monoxide detection general section. This section included a reference to the fire code, which is not adopted by HCD due to lack of regulatory authority. It is proposed for adoption by the Office of the State Fire Marshal (SFM). Chapter 11A, Housing Accessibility, was reviewed by the Accessibility CAC on June 16-17, 2021, and will be presented separately today following this presentation.

HCD's proposed changes for Chapters 16-26 were reviewed and approved for adoption by the Structural Design Lateral Forces CAC meeting on July 28-29, 2021. The CBC Rulemaking included a 45-day public comment period from May 28 to July 12, 2021. One comment was received related to HCD's proposed adoption of Chapter 31B, currently adopted by the California Department of Public Health (CDPH). This is related to public swimming pools and approving public pools in mobile home parks and special occupancy parks. Response to this comment is in the Final Statement of Reasons. HCD confirms that the CDPH will still review and approve the public swimming pool plans per Chapter 31B and HCD will issue the construction permit and perform construction inspections if the park is under HCD jurisdiction.

The CBC Rulemaking also included an additional 15-day public comment period, from November 1 through 16, 2021, related to the need to clarify intended adoption of

Section 3111.3, Photovoltaic Energy Systems, when non-adoption was not HCD's intent. There were no comments received for this public review period.

Many changes for the 2022 CBC are related to repeal of 2019 CBC texts addressing tall wood buildings that were early adoptions. Many chapters are proposed for adoption with or without changes to existing amendments from the 2019 CBC or without California amendments.

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions or Comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Department of Housing and Community Development Rulemaking (HCD 05/21) Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24. Commissioner Sasaki moved to approve Item 7a. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Patel, Ramin, Santillan, Sasaki, Stockwell and Mikiten.

Item 7b) Department of Housing and Community Development (HCD 1-AC 04/21)

Proposed adoption of amendments to the 2019 California Building Code, Chapter 11A for incorporation into the 2022 California Building Code, Chapter 11A, Part 2, Title 24.

Chair Lee requested the representative from HCD to introduce themselves and present Item 7b).

Veronica Turdean, HCD Associate Construction Analyst, gave an overview. HCD's proposal includes the adoption of the amendments to the 2019 California Building Code (CBC), Chapter 11A, for incorporation into the 2022 CBC, Part 2, Chapter 11A, as directed by Health and Safety Code Section 17922. New amendments for the CBC, Chapter 11A, were minimal and mostly editorial with no change in regulatory effect. The proposed changes were discussed at the Accessibility CAC on June 16, 2021. The text with proposed changes was made available to the public for a 45-day public comment period from August 13, 2021, until September 27, 2021. There was no subsequent public comment period. A total of four comments were received during the comment period and HCD responded to all accordingly in the Final Statement of Reasons. Those comments were in support and approval was recommended for the editorial change made and did not result in any changes for the express terms.

The first item is Section 1102A.2, Existing Buildings. This is an editorial modification to align with the Fair Housing Act (FHA). The FHA uses the terminology "after March 13, 1991" by using the existing terminology printed in 11A "prior to March 13, 1991", Chapter 11A is inconsistent with the intent of the FHA by not including the date of March 13, 1991. This editorial modification will remedy this minor inconsistency.

Second item, Section 1114A.7, Edge Protection. The reference to specific model code section numbers requires HCD to continuously monitor every sectional reference provided in the code. In response to the model code section renumbering in the 2021 International Building Code, HCD is proposing to reference Chapter 10 versus the specific section, and the chapter number will likely not change but the section has changed and may change again in the future.

Finally, the third item, Section 1134A.2, Number of Complying Bathrooms. So, grab bars are not required in Division 4 dwelling unit bathrooms. The inclusion of the grab bar installation references noted in Option one and Option two of this section implies that grab bars are required in Division 4 units. However, grab bars are not legally required in Chapter 11A, Division 4, Dwelling Unit Bathrooms. The presence of the current language referencing grab bar requirements has created confusion for code users, implying that grab bars are required in Division 4 dwelling units, as required in Division 3 building features, which is not supported by the current state of the law.

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions or Comments from the Public:

Nubyaan Scott, with Disability Rights California (DRC) and the Civil Rights Practice Group, recommended that the Commission approve all three items.

Motion: Chair Lee entertained a motion to consider the Department of Housing and Community Development Rulemaking (HCD 1-AC 04/21) proposed adoption of amendments to the 2019 California Building Code, Chapter 11A, for incorporation into the 2022 California Building Code, Chapter 11A, Part 2, Title 24. Commissioner Mikiten moved to approve Item 7b. Commissioner Rambin seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 7c) Department of Housing and Community Development (HCD 06/21)

Proposed adoption of the 2021 International Residential Code with amendments for incorporation into the 2022 California Residential Code, Part 2.5, Title 24.

Chair Lee requested the representative from HCD to introduce themselves and present Item 7c).

Tom Martin, HCD Housing Representative II, gave an overview. HCD's proposal for the 2022 Residential Code includes provisions for fall prevention, as directed by Senate Bill 280. HCD's fall prevention regulations were largely modeled after universal design provisions previously drafted by HCD and working groups convened by HCD specifically for the fall prevention proposal.

HCD convened a work group on March 3rd, 2021, largely reconvening participants from the Universal Design Work Group. A focus group meeting was held on March 9th, 2021, and a CAC meeting on June 16th and 17, 2021. HCD received two support letters

strongly supporting the adoption of Section R320 as an important first step in making additional housing accessible to people with disabilities and improving the ability of all individuals to live in housing of their choice and to age in place.

HCD has received a comment from Disability Rights California strongly supporting HCD's proposed inclusion of aging in place design and fall prevention provisions in the 2022 CRC. This letter also included some recommended text modifications as well as comments on location of the proposed text within the CRC. HCD would also like to note that SB 280 included text stating that the aging in place design features is limited to specific features.

Questions and comments from the Commissioners:

Commissioner Mikiten: For Section R327.1.1, reinforcement for grab bars, it references that the second and third floor of the dwelling shall comply with the section but sometimes an entry level might not be on the ground floor. The discussion in general about it being an entry level that these requirements apply to, I am wondering why main entry was not used and why floor numbers were used?

Emily Withers responded that HCD tried to follow Senate Bill 280 language the best it could and the language that they actually referenced is "ground floor." Because the definition of ground floor could be variable, HCD decided to go with that entry level.

Commissioner Mikiten: questioned that the "ground floor" is more of a defined reference level?

Emily Withers responded: Right. And then HCD also provided a definition in Chapter 2 defined the entry level in the CRC - because this terminology is being proposed for the CRC for the purposes of Section R327. Entry level is the floor or level of the dwelling unit on which an entry is located.

Commissioner Mikiten: commented that this may need to be looked at for further consideration because of site conditions, somebody might be able to argue, as being the entry, and it wouldn't create an equal sort of experience for people who need those accessible features. Question asked: was there a reason to specifically put "second and third" as opposed to saying "on one other floor" of the dwelling to comply with the section?

Emily Withers responded that Senate Bill 220 talked about provision of the 32-inch clearance and the width opening for one bathroom door and one bedroom door on the ground floor or, in the case of a two-or three-story single-family dwelling, on the second or third floor if a bathroom or bedroom is not located on the ground floor.

Commissioner Mikiten: Okay, He will re-look at that.

Commissioner Sasaki: No questions, but I understand the difficulty of taking whatever the senate bill or state law language is and trying to insert it into the Building Code.

Commissioner Mikiten: He looked at that again and for 98 percent of the cases it is self-explanatory, and suggest, in a future code round, maybe clarifying that. The building official would interpret this effectively as it is, but it could use a little clarification.

Questions and comments from the Public:

Nubyaan Scott, Disability Rights California (DRC) and Civil Rights Practice Group attorney, thanked the Commission and HCD for their work on these issues. Regarding R202 and the definition edition of the phrase “entry level”, DRC supports the addition of the definition but recommend that it be changed to read as follows: “for the purposes of Section R327, entry level is the floor or level of the dwelling unit on which an entry is located” and the change that is recommended there is to replace the word “*an*” with the word *any*. DRC thinks that this modification is necessary to clarify that there may be multiple levels or floors in a building that provide entry to the home. That selection of a particular entry is important when there are multiple options. Recommendations and comments around R327.1.1.1, documentation for grab bar reinforcement: The first comment is that DRC strongly supports providing information and/or drawings identifying the location of grab bar reinforcement in the operation and maintenance manual. That manual is the only document that is legally required to be provided to new homeowners by developers.

The second comment is DRC supports the goals of this section. However, the use of the phrase “entry level” may be confusing to developers and result in less accessible design. The definition of the phrase “entry level” that refers to “a floor or level on which an entry is located or on any entry level.”

Depending on the design of the residence there could be several levels with multiple entries. In order to accomplish the Commission's intended goal of increasing access and visit-ability DRC recommend changing the language in this section to “at least one bathroom on the most accessible entry level.” That would allow developers to identify and place features on a level of the home that would provide the most accessibility based on that home's overall design.

The last comment for this particular item is an apparent typographical error in the introductory paragraph. DRC thinks the last sentence should read “where there is no bathroom on the entry level at least one bathroom on the second or third floor of the dwelling shall comply with the section.” I think the word *the* is missing before the word *section*.

Regarding R327, DRC strongly recommend that the aging in place design and fall prevention provisions be reintegrated into Section R320 for accessibility. DRC oppose putting these provisions in a new section because DRC does not see a logical or functional reason to exclude them, as they are in fact accessibility features. The term “aging in place design” implies that these provisions are only relevant to older individuals. However, all components of these provisions, in other words reinforcement for grab bars, switch and control heights, interior door width and doorbell button or control height are all commonly recognized as accessibility features. They are universally functional and necessary for people with a variety of disabilities, regardless of age, and for that reason DRC does not see that there's an apparent useful purpose for re-categorizing or separating these provisions from existing accessibility provisions.

Regarding R327.1.1, reinforcement for grab bars, DRC does not support the addition of this provision. DRC likes the inclusion of reinforcement for an additional lower grab bar in the combination of a bathtub or shower situation.

Regarding R327.1.2, the electrical receptacle outlets, DRC supports the addition of this provision.

Regarding R327.1.3, for interior doors, DRC supports this definition with one proposed change. DRC thinks that this definition tracks with the definition in the California Building Codes 11B-404.2.3 but fails to include all of the technical components of the definition in the California Building Code. DRC urges the Commission to adopt that same definition, which is “a door opening shall provide a clear width of 32 inches minimum, clear openings of doorways with swinging doors shall be measured between the face of the door and the stop with the door open 90 degrees. Openings more than 24 inches deep shall provide a clear opening of 36 inches minimum. There shall be no projections into the required clear opening with lower than 34 inches above the finished floor or ground. Projections into the clear opening width between 34 inches and 80 inches above the finish floor or ground shall not exceed 4 inches.” DRC thinks that those additional sentences, that are pulled from CBC 11B-404.2.3, provide consistency and decrease ambiguity.

For instance, there are times when projections of the door frame can actually reduce accessibility of the door unless those other technical components are included, and that could result in the HCD’s and Commission’s goal of accessibility actually not being successful because a person is not following all the technical components for accessibility. DRC also thinks that maintaining two separate standards would increase the possibility that the intent will be misinterpreted, which would actually foster a lack of accessibility.

Lastly, for R327.1.4, doorbell buttons, DRC supports the addition of this provision. DRC particularly appreciates the inclusion of a lower doorbell in the event that doorbell controls with cameras need to be located higher.

Dara: Supports what Ms. Scott said and added that she appreciated the comment that was made by the Commission about access on the main entry in order to facilitate visitability and inclusion in the main living areas. It is a tough trade-off between that and no accessibility at all when the main entry is located up a flight of stairs.

Bob Raymer, California Building Industry Association (CBIA). strong supporters of the legislation that directed HCD to go forward with this and, just as a comment, while these regulations will clearly benefit those of us with disabilities, the regulations that the bill sponsored will basically apply to anyone who is aging and that is why CBIA support it for inclusion in the single-family dwelling positions. CBIA supports HCD’s adoption.

Additional comments and questions from the Commissioners:

Commissioner Mikiten: I have a couple of follow-up questions for HCD. What the caller from Disability Rights California brought up would solve part of my concern, which was the change to *any* rather than *an*. Can HCD talk about not changing the intent?

Kyle Krause, HCD Deputy Director for Codes and Standards, remarked that HCD appreciates the comments from Disability Rights California and the question that Commissioner Mikiten asked. HCD believes that this is a substantive change that would require further consultation with stakeholders. As Bob Raymer pointed out, this is not an

accessibility code, this is step one of providing some features that aid persons with disabilities to allow them to live in their homes longer.

Aging in place was the intent here and HCD feels that the numerous comments by Disability Rights California are too lengthy to endeavor to try to complete during this Rulemaking cycle and HCD will continue to work on these sections of new code in subsequent Rulemaking cycles.

Emily Withers added that Commissioner Sasaki made a very good observation, that sometimes when you're implementing statute it can be difficult, and one of the issues with this particular Section 17922.15 that was added to the Health and Safety Code was it included a phrase that said that, at the next triennial building standards Rulemaking cycle that commences, HCD shall investigate and propose building standards.

They also included this phrase that said, "promote aging in place design and you are limited to all of the following" and, because of that limiting language, HCD really could not go into talking about clearances at doorways, etc. HCD was very limited by what was stated in the bill.

Commissioner Mikiten: Can you explain a little more so, in the future I would assume that some of these things could be elaborated upon and defined further, especially based on questions that may come up in usage and application. At what point would HCD no longer be limited by the statute that drove this?

Kyle Krause: I think that really that is maybe not tested. I do, however, believe that HCD has the ability to work with stakeholders in future code adoption cycles to consider amendments to help clarify and -- especially as this code becomes effective next January 1st of 2023 and HCD got some feedback on implementation. I think it would be beneficial for HCD to receive comments from building officials, from architects, from building inspectors. I believe any subsequent Rulemaking cycle after approval would be an appropriate venue.

Commissioner Mikiten: No other questions – oh, that typo that was brought up in 327.1.1, that should comply with this section, where the word *this* is left out, is that correct?

Emily Withers: I concur with that.

Commissioner Patel: I appreciate the point that Commissioner Mikiten brought up. He is right, it is interesting because when I read the definition of entry level as a building official, I assumed it to mean any floor that you could enter a building at; so, if you had multiple entries on a hillside that you'd actually require bathrooms on multiple floors to have these grab bars or at least have the backing for the grab bars installed. My question is just one of implementation, is that the intent of HCD that this apply to multiple floors if there's multiple entry points to a house or just a single floor?

Emily Withers responded that R327.11 states "at least one bathroom on the entry floor level" so it is at least one.

Commissioner Patel: So, if I had multiple entry points would I require at least one bathroom on each of those entry point floors to have the installation?

Emily Withers: I would think it would be that because it is at least one, if you have one you would meet that requirement.

Commissioner Patel: could there be some sort of direction because, it says an entry level is the floor or level of the dwelling unit on which an entry is located. If you have an entry point at two different levels at the house and you had bathrooms on both levels, then you would have to have at least one bathroom on each level that meets the requirement.

The way it is set there is no definition of entry so it doesn't imply that an entry is only one location so if there's multiple entries in multiple floors, I would think that you'd have multiple bathrooms that have this requirement. If HCD means something different it would be good if they put something out, or if they agree it would be great if they put something out.

Emily Withers: The statute actually reads "the installation of support backing for the later installation of grab bars and one or more bathrooms." The statute is not really that clear either.

Kyle Krause, HCD Deputy Director: If I put my building official hat on, I would say that your interpretation is a reasonable interpretation so, if there are multiple ground floor entry points on more than one level, any level that has that entry level and a bathroom would require the backing. But HCD can endeavor to clarify that potentially in an information bulletin. It would be inappropriate for HCD to make any modifications during publication that were not approved by the Commission.

Commissioner Mikiten: Suggestion to look at the definition, by simply changing that in one location to say "entry level is a floor or level of the dwelling unit on which an entry is located" as opposed to the floor or level because you're starting with the definition that's implying that it's a single floor, but that's contrary to what we're saying, which is that the intent was potentially multiple bathrooms in different locations on any entry level. And rather than the DRC suggestion of changing it to *any* later just simply changing *entry level is the floor or level* to *entry level is a floor level* allows more flexibility and this interpretation would then apply to, as any level that is an entry. From what I am hearing, that sounds like it is the intent.

Kyle Krause: I hesitate to make a change on the floor for this. I think HCD clearly needs to look at this outside of this moment to make sure that we propose what we intended to propose. We have asked the Commission for approval, and we believe, based on the steps that we took with our stakeholders, the CAC, and public comments, that we are in a position to request approval and that's what we'd like to do at this point. We hesitate to make a sudden change without the time to consider the potential consequences.

Commissioner Sasaki: Timing-wise it kind of has to, in order for this to get into the code this cycle it has to be approved now, right? If, for example, we said "HCD, look at changing that definition of entry level," I do not think there is enough time. Am I right, Mia?

Mia Marvelli, CBSC Executive Director, remarked that, not knowing if this is substantive or not, it sounds like it warrants more of a discussion with the stakeholders and another comment period at the very least. So, we would be running up against a very short

timeline if this were further studied. I cannot say whether it can or cannot be done. I think it is more up to -- is it something that needs to be addressed this code cycle or could it be looked at in a future code cycle for changes?

Commissioner Sasaki: I guess my question is whether it can be addressed in an informational bulletin by HCD? As Kyle had suggested, it seems that it might be a reasonable way given the time limitations that the commission has at this point.

Mia Marvelli: Yes, that is correct.

Commissioner Sasaki: Move to approve with the amendment on the R327.1.1 Section, reinforcement for grab bars, first paragraph, the insertion of the word *this* in that section.

Emily Withers: I agree with that. It makes it a complete sentence.

Motion: Chair Lee entertained a motion to consider the Department of Housing and Community Development Rulemaking (HCD 06/21). Proposed adoption of the 2021 International Residential Code with amendments for incorporation into the 2022 California Residential Code, Part 2.5, Title 24. Commissioner Sasaki moved to approve Item 7c with the amendment cited above. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 7d) Department of Housing and Community Development (HCD 07/21)

Proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24.

Chair Lee requested the representative from HCD to introduce themselves and present Item 7d).

Tom Martin, HCD Housing Representative II, gave an overview. HCD's proposal for the 2022 Existing Building Code is very modest. HCD is bringing forward existing amendments and we have a few minor editorial changes and some re-numbering of two code sections to align with the new model code. The express term text, with any changes resulting from the CAC discussions and recommendations, internal analysis or other comments from stakeholders is currently before you, along with HCD's rationale for the changes.

HCD respectfully requests your approval for HCD's adoption of the 2022 California Existing Building Code.

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions or Comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Department of Housing and Community Development Rulemaking (HCD 07/21) Proposed adoption of the 2021

International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Klausbruckner moved to approve Item 7d. Commissioner Patel seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Agenda Item 8) Office of Statewide Health Planning and Development

Item 8a) Office of Statewide Health Planning and Development (OSHPD 03/21)

Proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24.

Chair Lee requested the representative from the OSHPD present the proposal for Item 8a.

Richard Tannahill, OSHPD Building Standards Supervisor, gave an overview on proposed amendments that were presented to the Hospital Building Safety Board, Codes and Processes Committee on November 5th, 2020, January 14, 2021, and March 11, 2021.

The proposed action is to make technical amendments to Title 24, Part 1, and include additional definitions for clarification, adding, and amending definitions related to integrated review as it is replacing collaborative review, and phased plan review. OSHPD is also adding a definition for start of construction, specifically for OSHPD projects, as the current definition does not align with OSHPD start dates. Amending timelines for resubmittal of smaller projects to better align with clients’ anticipated approval dates. Projects \$500,000 or less will now need to be returned for review within 45 days instead of the 90 days. Amending fee structures for smaller projects to more closely reflect the efforts required by this type of project, fees for projects under \$250,000 will be two percent in lieu of 1.64 percent. Since removing collaborative review and replacing with integrated view, the 1.95 percent fee for collaborative review will now apply to integrated review.

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions or Comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of Statewide Health Planning and Development Rulemaking (OSHPD 03/21) proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24. Commissioner Rambin moved to approve Item 8a. Commissioner Santillan seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Ramin, Santillan, Sasaki, Stockwell and Mikiten.

Item 8b) Office of Statewide Health Planning and Development (OSHPD 04/21)

Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Volume 1, Title 24.

Chair Lee requested the representative from the OSHPD present the proposal for Item 8b.

Richard Tannahill, OSHPD Building Standards Supervisor, gave an overview on proposed amendments that were presented to the Hospital Building Safety Board on November 5th, 2020, January 14, 2021, and March 11, 2021. The proposed action is to make technical amendments to Title 24, Part 2, Volume 1 and includes the following: Modifications to the OSHPD 2 banner to include OSHPD 2A and 2B. This is for skilled nursing facilities; 2A is for single story wood or light gauge metal frame skilled nursing facilities that must meet model code requirements; 2B is for all other skilled nursing facilities. If OSHPD 2 is shown without the a or b designation, it applies to both A and B. This definition is being added to Part 2, Volume 2 being presented later today. Another significant addition OSHPD is making is adding two new types of rooms for healthcare facilities--a procedure room and a Class 1 imaging room. The procedure room will be an intermediate level room between a treatment room and an operating room and can be accessed from a non-restrictive corridor. Imaging rooms will now be labeled as Class 1, 2 and 3. Imaging rooms Class 1 will be diagnostic, Class 2 for intermediate level procedures that are not considered invasive, and Class 3 allows for invasive procedures.

OSHPD has continued to have dialogue with California Department of Public Health about the Class 1 imaging rooms and it has been determined that services such as low risk needle-based procedures like biopsies, cavity drainage and microwave ablations will be allowed. So, in the future we will be making an amendment to allow these in a Class 1 imaging room.

Questions or Comments from the Commissioners:

Commissioner Patel: Question on changing the name from OSHPD to HCAI?

Richard Tannahill responded that OSHPD had already submitted the changes and they had been reviewed. When OSHPD staff were first notified of the change, they did not have a new name yet. Probably in the following code cycle OSHPD would be upgrading that accordingly.

Commissioners Mikiten, Santillan, Alegre, Klausbruckner, Patel, Stockwell and Ramin had no comments.

Questions or Comments from the Public:

Krystal Ouren, Canon Medical Systems, a member of the Medical Imaging Technology Alliance noted that they had submitted comments regarding the item that Mr. Tannahill was just discussing, Item 11 as it stood on the Commission Action Matrix.

We thank OSHPD (HCAI) for looking further into the need to allow low risk, needle-based procedures in imaging Class 1 rooms and we look forward to the pin that is forthcoming that will make that distinction. We hope it will also include the Class 2 imaging room requirement allowance for existing rooms not to meet the three-foot, six-inch clearance on both sides of the patient table where those rooms are existing pre-2022.

Motion: Chair Lee entertained a motion to consider the Office of Statewide Health Planning and Development Rulemaking (OSHPD 04/21). Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Volume 1, Title 24. Commissioner Klausbruckner moved to approve Item 8b. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 8c) Office of Statewide Health Planning and Development (OSHPD 06/21)

Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Volume 2, Title 24.

Chair Lee requested the representative from the OSHPD present the proposal for Item 8c.

Roy Lobo, OSHPD Principle Structural Engineer with HCAI, gave an overview on proposed amendments that were presented to the Hospital Building Safety Board Structural and Non-structural Regulations Committee on March 24, 2021. The proposed action is to make amendments to Title 24, Part 2, Volume 2 and includes the following: To provide amendments that are technical, both substantial and editorial, that also aligns where possible with DSA in the A Chapters and in Chapter 23. Several re-numbering and realignment with IBC and ASCE 7 changes. Modifications to the OSHPD 2 banner to include OSHPD 2A and 2B, and specific provisions for skill nursing and intermediate care facilities. Amendments to Chapter 16 and 16A, including early adoption of some ballots that passed the ASCE 7-22 main committee related to structural design, namely two-stage analysis procedures and buildings with extreme torsional irregularities. Adoption of ASCE 7-16, Supplement 3, and NEHRP 2020 provisions for use of the multi-period spectrum. Amendments to Chapters 17 and 17A, including relocating specific testing and inspection requirements, primarily related to shotcrete, and from the material chapters. Amendments to Chapter 18 and 18A, including modifications to ACI 318 for precast concrete piles, file anchorage, and modifications to the provisions for temporary pre-stressed rock and soil foundation anchors and earth retaining shoring. Amendments to Chapter 19 and 19A, including modifications to ACI 318 for shotcrete and testing of post-installed anchors. OSHPD have reorganized amendments to the masonry material, Chapter 21 and 21A, which included most prior amendments in these chapters to directly modify TMS 402/602 provisions. New amendments included new minimum masonry design compressor strengths and crowd pour height provisions, repeal of mass timber and tall wood

amendments and adoption of ICC model code on these items. OSHPD updated referenced standards in Chapter 35 to align with the 2021 IBC.

Then we received some comments during the 45-day public comment. Amendments by John Chrysler and Kurt Siggard from the Masonry Institute of America and the Concrete Masonry Association of California and Nevada were noted. These were for two sections, 2105.2 and 2105A.2, to revise the amendment to maintain f_m equals 2000 PSI as the trigger to require masonry prism testing, as given in the 2019 CBC Sections 2105.4 and 2105A.4. The amendment to the exception is withdrawn. The new amendment would have changed the f_m at which masonry prism testing is required, so that would have lowered that value. That amendment was withdrawn. OSHPD then received a 15-day public comment from Gabriel Acero and Cairo Briceno from SEAOC Seismology Committee. This was to Section 2105A.2. No changes were made to the currently proposed amendment as a result of this public comment. The proponent had proposed changes to the masonry compressor strength of 2000 psi to something less for the purpose of requiring prism testing in seismic design categories D, E and F.

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions or Comments from the Public:

Kurt Siggard, Concrete Matrix Association in California, and Nevada. Thanked Mr. Lobo and Mr. Hale for their consideration and hard work on chapters 21 and 21A and agreed with the amendments as presented.

Motion: Chair Lee entertained a motion to consider the Office of Statewide Health Planning and Development Rulemaking (OSHPD 06/21). Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Volume 2, Title 24. Commissioner Sasaki moved to approve Item 8c. Commissioner Alegre seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 8d) Office of Statewide Health Planning and Development (OSHPD 05/21)

Proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24.

Chair Lee requested the representative from the OSHPD present the proposal for Item 8d.

Richard Tannahill, OSHPD Building Standards Supervisor, gave an overview. Proposed amendments were presented to the Hospital Building Safety Board, Codes and Processes Committee on November 5, 2020, January 14, 2021, and March 11, 2021. The proposed action is to make technical amendments to Title 24, Part 10 and include the following: reorganizing and renumbering to align with the proposed International Code changes. Several pointers also had to be adjusted. Amended language to replace

an exception with a new subsection on pounding analysis for buildings that are adjacent to one another. We added alternate acceptance criteria for evaluation of foundations using ASCE 41 and adopted ASCE 41-17, Supplement 1, to address creation of the general response spectrum in ASCE 41 and application of the site-specific ground motion requirement in ASCE 7 to only apply to ground motion hazard for new buildings.

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions or Comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of Statewide Health Planning and Development Rulemaking (OSHPD 05/21) Proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Patel moved to approve Item 8d. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Agenda Item 9. Office of the State Fire Marshal

Item 9a) Office of the State Fire Marshal (SFM 03/21) Proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24.

Chair Lee requested the representative from the SFM present the proposal for Item 9a.

Andrew Henning, SFM Assistant Deputy Director, introduced the item. Greg Anderson, Chief Code Development Analysis Division with SFM, gave an overview and noted that SMF had reviewed some of the basic guidelines for submitting plans to SFM as well as incorporating the new legislation from SB 85. One intent of the legislation was to move some of the smaller state-leased buildings over to the local jurisdiction. The language of the bill spelled out which buildings would and would not go to the locals. The bill also included a list of specified state-occupied buildings and tasked SFM to define those. SFM’s Fire Life Safety Division worked with stakeholders that are doing plan review and inspection of the state buildings. After CAC meeting and different discussions SFM made some changes. Cal Chiefs and FPOs wanted to be very clear with their language so it would be easier for the local jurisdictions to know whether or not they were going to be under the authority of SFM or the locals. Last week SFM got the comments from UC. SFM is not in opposition to their comments. As you will see in their letter, they also agree that they still fall under the jurisdiction of SFM, which SFM have delegated to the UCs in a long-term agreement.

SFM is asking for approval of these proposals, and we will work with CBSC for the next cycle to clean up some of the language, so the UCs are separated out and not included in that same definition but still keep the same intent of what SFM is trying to do here, on who the authority is. This proposal does not have any conflicts with the intent of the section.

Questions or Comments from the Commissioners:

Commissioner Sasaki: comment related to the University of California and CSU. You might want to also look into the Judicial Council as to whether or not they have comments similar to UC. I know Judicial Council basically owns the court buildings in the State of California. So, as a suggestion when you are working out the language.

Commissioners Mikiten, Klausbruckner, Patel, Santillan, Alegre, Stockwell and Rambin had no comments.

Questions or Comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 03/21) proposed adoption of amendments to the 2019 California Administrative Code for incorporation into the 2022 California Administrative Code, Part 1, Title 24. Commissioner Sasaki moved to approve Item 9a. Commissioner Klausbruckner seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 9b) Office of the State Fire Marshal (SFM 04/21) Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24.

Chair Lee requested the representative from the SFM present the proposal for Item 9b.

Greg Anderson, Chief Code Development Analysis Division with SFM, gave an overview on what SFM has done and noted that all the work that SFM did in administrative code will also be carried forward for the state-specified buildings in Chapter 1 of different parts of Title 24.

SFM is repealing the work that was done in the intervening code cycle and adopting the model code. The big package is the tall wood buildings, which SFM brought in early for California. SFM is repealing all of it except the tables SFM had to format for California. SFM is repealing the California language and adopting the model code language. SFM brought in the energy storage systems early, so we are repealing that and bringing in the model code language, with the except for R3 changes in the fire code. SFM did modifications in that cycle so that they matched what is in the residential code, but that is in the fire code, which they'll speak to later. Mechanical parking structures, same

thing, SFM brought them in early and are repealing them. Same with special amusement parks.

SFM did a work group for the day care proposals, and this was brought in through legislation to say that large family day cares can be in a condo or an apartment building if they meet the egress, another requirement of the Building Code. SFM realized there were a lot more problems with the day cares, especially between Group E and the I-4. SFM tried to divide them appropriately and found that Group E could be more restrictive than the I-4, which is not what makes sense to the users, so SFM working with the Department of Social Services and numerous other stakeholders to draw a cleaner line and divide these out. The I-4 would be the ones with the infants and the toddlers. SFM is also changing this line. It used to be infants and toddlers, now SFM changing to between toddlers and children. And the problem with that is, in the statute, infant is defined, and toddlers is defined but there is an overlap in the definitions because the infant goes up to 24 months, but a toddler goes 18 months to 36 months. So, if you had a daycare with toddlers, you did not know if they would meet the legal definition of an infant. SFM changed where that break point is, at 36 months, to correlate with the definitions in statute.

Chapter 7A, you will see that most of it is editorial. It was a rewrite to make it cleaner so that SMF could get rid of some of the confusion. The rest of that SFM did in the fire code. SFM updated editions for NFPA standards. NFPA 10, all of the 13's, 72 is the big one and there is another list to that just to stay current.

Crystal Sujeski, Cal Fire SFM: Is now the time also to bring up the addendums? Before we get into voting?

Greg Andersen: Yes. The first addendum is because SFM language in Chapter 7A brought in the statute requirements for different zones in the wildland severity zones but there was an error in that, so SFM took it out because that needs to go to the work group before decisions are made. SFM did some public comments on this also. Based on other public comments SFM kept it the same. SFM did define, at the state level, that it is the very high, high, and moderate, which is currently the same and SFM getting ready for the next cycle so SFM can add the language.

The second amendment was a request from CBSC because somewhere in the translation of when they were posted one new section was not underlined. Again, it is just an editorial change to show you that it was underlined.

The Commissioners and the Commission staff collaborated to determine their preference for continuing the process on Item 9b, either to group items for rulemaking or vote on them individually. A decision was made to group some of the items and the rulemaking continued

Item 9b) Grouped Items 1

Greg Andersen: Group one, which is Chapter 1 Administrative, SFM is changing the code cycle that SFM is working on. Item 1-9, there is an editorial change. At the very top, in the brackets, SFM put 2018 IBC when it should be the 2021. In the text it is correct, in the express terms, but in the description, SFM used the wrong edition.

Chapter 1, SFM is adopting the 2021 codes. Going back to the grouped items, through the Title 24 there are specified state-occupied buildings and more clean-up. Chapter 3 Occupancy classification and use and institutional group. Most of this was just cleanup language. SFM just added the word *institutional*, so it is editorial, and in Item 3-6 SFM took out the higher education laboratories. SFM took out “ambulatory health care facility” because SFM just called the I-2.1 in California, so it is just an editorial cleanup. Going down to 4-1 and 4-2, Evacuation of Buildings. SFM added “other emergency conditions.” Based on things that happen in our world now we had to expand the scope. The last grouped item is 4-15.1 which is editorial change.

Commissioners and SFM continued to work through and clarify specific details.

Commissioner Rambin: Noted that in Item 4-1 SFM may want to change from “items 1 through 9” to “items 1 through 11”.

Greg Andersen: Confirmed that Commissioner Rambin is correct and that should be changed.

Chair Lee restated which items the Commission will now be taking public comment on: Item 9b; Chapter 1 Administration, Items 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10; Chapter 3, Item 3-1. (Skipping 3-6 because it is in a different section and will be covered later); Chapter 4, Items 4-1, 4-2 and 4-15.1.

Additional Questions or Comments from the Commissioners:

No additional questions from the Commissioners.

Questions or comments from the Public:

No questions or comments from the public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21). Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24 as follows: Item 9b: Chapter 1, Items 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10; Chapter 3, Item 3-1; Chapter 4, Items 4-1, 4-2 and 4-15.1; editorial amendment changing to number 11.

Commissioner Rambin moved to approve Item 9b for grouped items listed under motion and editorial amendment changing to number 11. Commissioner Klausbruckner seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 9b) Grouped Items 2

Chair Lee: Item 9b for grouped items and return to the SFM for an overview on Chapter 7, grouped items 7-8, 7-9; and Chapters 8 and 9, several items listed.

Greg Andersen, SFM: Chapter 7, Items 7-8 and 7-9 are editorial. SFM is adding a pointer to the California version of the mechanical code with updated code sections, and the California version of NFPA 25, which is published differently for our state. SFM is carrying those things forward. Chapter 9 contains a long list of editorial changes -

adding some new administrative language, California version, some pointers that had changed different sections; changes to 1207, updated with energy storage systems because it is now in 1207; down to 9-10, put in the required exterior entrance covers and things that are required by 11B, they should be sprinklered; Item 9-11, some cleanup language from the work group that SFM did in the intervening code cycle.

Item 9-12 currently says “sprinkler systems” and we wanted it to be clearer, so SFM added the word “*automatic* sprinkler systems”. Item 9-14, SFM is just carrying forward cleanup language. Item 9-19 and 9-20, editorial changes to change the language for adoption to the 22nd edition of NFPA 72 and the new changes that came for the kitchen or cooking areas. Same with the shower, so added some cleanup language there to assist with that.

Items 9-22 and 9-23, proposing to adopt the additional section and some editorial changes. Lots of editorial changes there that go all the way through 9-29. Item 9-32, just repealing our language and adopting the model code. Item 9-33, where there is the pointer to the plumbing code, SFM changed it to the residential code for the exception when they are using that as appropriate. Item 9-35, the last one of the group, which is repeal and replace with the model code language.

Chair Lee noted that Item 9b; Chapter 7, 7-8 and 7-9; Chapters 8 and 9, those listed on page two are now open for Commission discussion.

Questions and comments from the Commissioners:

Commissioner Klausbruckner: I have an editorial suggestion, possibly a typo, in 9-19, but it is not in any other sections in that table. If you look at page 87 of 144 of the final express terms, it is actually related to 29.11.3.4 on page 87 of 144 in the pdf file. Friendly amendment. to delete “or” in item four.

Greg Andersen: Yes, thank you.

Commissioners Patel, Sasaki, Alegre, Stockwell, Rambin, Mikiten and Santillan had no comments.

Chair Lee summarized the specific items open for public discussion:

Item 9b, sub-Items Chapter 7, Item 7-8 and 7-9; Chapters 8 and 9, Items 8-1, 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, 9-10, 9-11, 9-12, 9-13, 9-14, 9-19, 9-20, 9-22, 9-23, 9-24, 9-25, 9-26, 9-27, 9-28, 9-29, 9-32, 9-33 and 9-35.

Questions and comments from the Public:

No questions or comments from the public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24 as follows: Item 9b: grouped Items Chapter 7, Items 7-8 and 7-9; Chapters 8 and 9, Items 8-1, 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, 9-10, 9-11, 9-12, 9-13, 9-14, 9-19, 9-20, 9-22, 9-23, 9-24, 9-25, 9-26, 9-27, 9-28, 9-29, 9-32, 9-33 and 9-35.

Commissioner Klausbruckner moved to approve Item 9b grouped items with the SFM amendments and one addendum, Item 9-20, Section 29.11.3.4, Item 4. Commissioner Patel seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 9b) Grouped Items 3

Chair Lee: 9b of Chapter 7A and return to the SFM for an overview. This overview will be on Chapter 7A, Wildland Urban Interface (WUI) Work Group, covering all of Chapter 7A.

Greg Andersen: Working with the WUI Group for 7A, which is always a well-attended work group, to address the issues of the wildland interface areas and the wildland fires, specifically with Cal Chiefs and the Fire Building Officials with the local jurisdiction, to address their issues and most of that is a cleanup. SFM pointed out some items.

SFM have an amendment on the language under the scope to change that for the local jurisdiction, in the very high severity zones. SFM also did some public comments on this and received some good comments from Ventura Fire Department. They asked that SFM add the acronym of WUI in there, which we did. They also had other more numerous suggestions that SFM will take back to the workgroup as they are too substantive to be decided on the last minute.

In the last cycle we brought in the requirements for the UL 20 ASTM E2886 vents. For the WUI in 7A-24 for the vents SFM brought in a new standard for the vents. SFM then found out there was a problem with the scope of the standard. It did not cover vents on a sloped plane such as the roof ridge vents. SFM added the exception back in there for the screens until the scope is being modified, which they are working on right now.

Questions and comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions and comments from the Public:

Bob Raymer, representing the California Building Industry Association (CBIA) and the California Apartment Association is in strong support of the adoption of the Fire Marshal's Chapter 7A amendments. As you have noticed, for those of you that have been on the Commission for a number of years, the Fire Marshal has been doing a lot with Chapter 7A for a great many years now. Recently, bills were passed by Senator Stern and Assemblymember Friedman, strongly supported by industry, that will actually be expanding the application of the 7A building standard requirements to the high fire severity zones, not just the very high. But also, to the high, in addition, these bills direct HCD and the Fire Marshal to work with interested parties to see if they should be further expanded to the moderate fire severity zones. CBIA will be working closely with the Fire Marshal's Office and with HCD as the maps get done.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24, Chapter 7A.

Commissioner Mikiten moved to approve Item 9b (3rd of 8 votes). Commissioner Alegre seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 9b) Grouped Items 4

Chair Lee: Item 9b and return to the SFM for an overview on the next sections. This overview will be on Chapter 10, Miscellaneous Chapters on pages 4-5; and Chapter 35.

Greg Andersen: For Chapter 10, 10-1, SFM are just carrying forward existing amendments forward and some editorial changes. 10-3, SFM had a further study on that, this is just editorial change, SFM are moving the requirements from Section 103.5 to 1010.1.4 because this is specific for the door. 10-5, editorial change. 10-7, editorial and we added in a non-refrigeration room because there are specific requirements for refrigeration. 10-10, the calculations were incorrect for the standard for the millimeters, so this is just to correct the math. 10-15, changing the code section, so editorial. 10-17, on delayed egress SFM added in the smoke detection installed and the pointer, which was always the intent for delayed egress. So, it was just editorial and, cleaning up the language. 10-25, means of egress, editorial, changing the code sections and the pointer. 10-26, editorial change. 10-27, means of egress SFM added the maintenance in there for the fire escape, which are the big concerns on our maintenance. It needs to be kept clear and unobstructed and they should be looked at to maintain their working condition.

Miscellaneous Chapters, definitions of 2-1, we are just carrying that one forward. 2-8 Photovoltaic Ground Mounted System. This is a new definition because this has been an ongoing problem, even down at the national level, of what a panel system is out on the ground, and SFM needed to define it. 2-9, an independent photo panel structure designed to be usable space underneath them with a clear height of seven feet six inches. Again, SFM had added these definitions as we move forward to deal with the issues that come up. 11A-1, SFM does not adopt that chapter and the next chapter because that is not in SFM's scope of work.

Chapter 12, these are SFM adoptions. 13-1 and 14-1 are adoptions; same with 15-1. 16-1, SFM does not adopt. Other chapters of what SFM adopts or not adopting. 31-3.1, SFM did add the elevated PV support structures and have some pointers there, and exempted things for agricultural. SFM has also changed the testing standard because we have had an issue with PVs that are mounted in an open frame as a shade structure; the listing for 1703 is part of a roof assembly so it cannot comply because it is not part of a roof. So, SFM has added the former to the UL 61730-1 and UL 61730-2 to show it is fire rated because it is no longer part of this roof assembly.

Chapter 35, which is the SFM Referenced Standards. Adopted the new editions and standards. NFPA 72 is in a different group, that is now in I-2 and I-2.1. 35-13 has been moved to the bottom of page six.

Commissioner Patel asked about 35-12,

Greg Andersen – SFM has in a different group.

Chair Lee: Is SFM covering Chapter 10, miscellaneous chapters on page four and continuing on to page five; and Chapter 35 reference standards at the bottom of page five and continuing on to page six.

Questions and comments from the Commissioners:

Commissioner Klausbruckner: On 10-7, page 101 of the final Express Terms, you had deleted the last sentence of 1006.2.2.2, which is the refrigeration machinery room, and deleted something out of the model codes which allows, I believe, an increase in exit travel distances per section 1017.1. I was wondering, what was the reason for that? Was this editorial?

Greg Andersen: This was editorial. SFM not saying you cannot use it, it's still there in the table.

Crystal Sujeski: SFM did this to correlate with the ICC Correlation Committee. This was a proposal that had been taken out, and –

Greg Andersen: I believe this was with the ICC correlation. Sometimes this is a pointer, it is not a requirement. It still allows something specific in the table to be used.

Commissioners Alegre, Santillan, Stockwell, Mikiten, Rambin, Sasaki and Patel had no questions or comments.

Questions and comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24, Chapter 10, Items 10-1, 10-2, 10-3 10-5, 10-7, 10-10, 10-15, 10-17, 10-25, 10-26 and 10-27; Miscellaneous Chapters Items 2-1, 2-8, 2-9, 11A-1, 11B-1, 12-1, 13-1, 14-1, 15-1, 16-1, 16A-1, 17A-1, 18-1, 18A-1, 19-1, 19A-1, 20-1, 21-1, 21A-1, 22-1, 22A-1, 24-1, 25-1, 26-1, 27-1, 28-1, 29-1, 31-1, 31-3, 31-3.1, 31A-1, 31B-1, 31C-1, 31D-1, 31E-1, 31F-1, 32-1, 33-1, 34-1, and Items under Chapter 35, Reference Standards, 35-1, 35-3, 35-5, 35-6, 35-7, 35-8, 35-9, 35-10, 35-11, 35-14, 35-15, 35-16, 35-17 and Appendices A1-1, A2-1, and A3-1.

Commissioner Mikiten moved to approve Item 9b Commissioner Alegre seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Commissioner Sasaki remarked that it is clear that everyone who worked on this package, SFM obviously and BSC staff, thank you for all this hard work. It is a huge undertaking, to go through all these sections. Just reading off that stuff makes me exhausted. Thanks for all the diligence and hard work.

Item 9b) Grouped Items 5

Chair Lee: Item 9b and return to the SFM for an overview on the next sections. This overview will be on Item 9b, the Automatic Parking Garage Group, starting on page six,

and SFM were proposing to cover Automatic Parking Garage Group, Energy Storage Group, and the Elevator Work Group.

Greg Andersen: For the Automatic Parking Garage Group SFM is repealing amendments. The Elevator Work Group was cleanup language. It is all editorial changes that SFM were going to bring in after SFM borrowed the last proposals. SFM found out there were a couple little areas that needed to be cleaned up, change some of the pointers to the correct things.

Chair Lee: Item 9b is open for Commission discussions.

Questions or comments from the Commissioners:

Commissioner Patel: Did SFM get public comments on the energy storage system? There have been some concerns.

Greg Andersen: Yes, SFM did get some comments. I sat down with SEAOC and went through item by item, each one on the list. I believe they are in agreement with what SFM are doing. They would like some more changes but that would need to go to the next cycle. Some of their other concerns actually were – they just need to be explained to where it actually was, and it will all work out. So, I am quite comfortable with what SFM are doing and SEAOC, I believe, is on board. There were a few more things that SFM will still be working in the next cycle.

Commissioners who had no questions or comments: Alegre, Santillan, Stockwell, Mikiten, Klausbruckner, Sasaki and Rambin.

Comments and questions from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24, Automatic Parking Garage Group Items 2-7.2, 4-3.1, 9-9; Energy Storage System Group Items 2-2, 2-5, 2-7, 3-5, 4-11.2, 7-4, 7-7.0, 7-7.1, 9-7, 9-21, 9-30, 9-31, 35-13; and the Elevator Work Group Items 9-8, 9-11, 30-1 and 30-2.

Commissioner Patel moved to approve Item 9b Commissioner Santillan seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 9b) Grouped Items 6

Chair Lee: We now continue agenda item 9b and return to the SFM for an overview on the next sections. This overview will be on I-2 and I-2.1 Occupancy, starting on page 7; and then I-3 Occupancy and L Occupancy.

Greg Andersen: It is mostly editorial changes, and some changes SFM worked out with OSHPD. I will point out that 4-14 is actually a daycare proposal. It is on the other list also, so it is a duplicate. Most of it was cleaned up. We did take out the I-2 condition also because we do not have those here and it changes some of the pointers.

I will also point out that this is where the update on the reference standard for NFPA 13-22 edition and NFPA 72-22 edition is, which would affect all the occupancies.

With the I-3 group, more editorial changes; on 7-6, cleaning up some language. SFM already have other exceptions on the smoke barrier so that is being done.

Going on to the L occupancies, the model code has the higher education laboratories, which SFM does not have in California, so SFM are removing those. We have the group L occupancies. 10-23, that was just renumbering.

Questions or comments from the Commissioners:

There were no questions or comments from the Commissioners.

Comments and questions from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24, Item 9b: Items I-2, I-2.1, Occupancy; sub-Items 3-2, 3-6, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13, 4-15, 5-3, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-13, 7-5, 7-6, 7-10, 9-16, 9-17, 9-18, 9-23, 9-24, 9-25, 9-26, 10-4, 10-6, 10-9, 10-10, 10-11, 10-12, 10-13, 10-14, 10-16, 10-18, 10-20, 10-21, 10-22, 10-24, 27-2, 35-4 and 35-12; I-3 Occupancy Items 4-11, 5-9, 5-10, 7-6; L Occupancy Items 3-3, 4-13.1, 10-23 and 27-1.

Commissioner Sasaki moved to approve Item 9b Commissioner Rambin seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Item 9b) Grouped Items 7

Chair Lee: Agenda item 9b and return to the SFM for an overview on the next sections. This overview will be on Item I-4, the Child Care and Daycare Group, Special Amusement Areas Group, Tall Wood and Heavy Timber Group and Photovoltaic Group.

Greg Andersen: SFM gave an overview on the I-4 Child Care and Daycare Group. SFM tried to divide the group E daycare and the group I-4 daycare. I do want to point out we have addendum A, which had the definition of childcare, that was inadvertently not underlined on the final express terms. There are no changes in the language, it is just showing that it is underlined.

Title 25 and working with Department of Social Services--the new term that is preferred instead of daycare is "childcare." SFM has been going through the codes and trying to change that. There is a lot of definition and verbiage that is being changed. Also, SFM changing Group E, trying to divide that. The toddlers and younger belong in group I-4 childcare but there is an exception for a number of six or less.

In Chapter 10, If you have a daycare group it currently shows a two-hour separation and SFM reduced that to one hour because for the day cares, that makes sense. Other than

that, it was trying to clean up the current language and the regulations, to divide them accordingly. Otherwise, the regulations were pretty much the same for both.

Special Amusement Area Groups. Again, SFM repealing the early adoption, adopting the model code.

Tall Wood and Heavy Timber Group, which is a big package that SFM adopted earlier, SFM repealing and adopting the model code, except for the tables mentioned previously.

Photovoltaic Group, we only have the two sections. SFM are adding an exception for sprinklers. You do not need sprinklers for the solar if there is no other use underneath it or if it's there where it's widely spaced and air can go through there, you wouldn't be able to catch the heat set up in the sprinkler system anyway, and that would be allowed by the AHJ.

Questions and Comments from the Commissioners:

Commissioner Ramin: I appreciate the SFM becoming in alignment with the state licensing requirements, as far as the definitions of infants and toddlers. I do think that part of the reason for the age overlap was to give institutions flexibility. Most of the schools that I work with that have a preschool program that includes toddlers have an age requirement that those children be at least two years old before they can attend, when they are a little more mobile and also potty trained.

I worry that some of the requirements will place a burden financially on those institutions, but I do appreciate that you are getting things in alignment, and everything is copacetic. I would hope that licensing would actually have a different category for those "in-between" toddlers. That would make it much clearer.

That said, in Item 4-15, I think there is a conflict. This is regarding the egress requirements for rooms used for I-4 childcare requiring an exit to the exterior. It has an exception for one hour rated corridors. However, I think that conflicts with Table 1020, which allows a non-rated corridor in I-4 occupancies that are fully sprinklered. I do not think that got amended. It did for I-2 but not for I-4.

Greg Andersen responded that it does require the sprinkler system. Because this one is specific, it would allow it. And part of this came up with schools that have daycare and that requirement for the direct exiting can be an issue. But they--and with the new regulations, schools do not have to have a rated corridor that they have fire sprinklers in the wider corridors--we should have plenty of width to do that. And in Chapter 1, if you have a specific requirement it takes precedence over the general.

So that is the way SFM was looking at this because, otherwise, it is still requiring. SFM will continue to look into this to see if we can get it a little cleaner, though. Thank you for pointing that out.

Commissioner Ramin: Okay, so what you are saying is that if you have a toddler classroom, an I-4 classroom in a school, an E-occupancy school that is fully sprinklered, and there are no exterior exits, you will not have to rate the corridors?

Greg Andersen: As long as you meet those requirements—well, it is a one hour rated corridor with 60 minutes, so the schools that could now be non-rated would still have to be rated if they do not have the direct exiting.

Commissioner Ramin: Okay, but only in this particular I-4 instance? In Table 1020, I-4 occupancies do not have to have rated corridors if they are sprinklered.

Greg Andersen: No, it still says one hour. Table 1020.1, I-4 is spelled out specifically, “greater than six without sprinkler not permitted, with sprinkler system one hour.”

Commissioner Ramin: I was looking at the final express terms. Maybe that is an update?

Crystal Sujeski: That is true, SFM did not modify table 1020.2 but the existing requirement is for I-4’s without sprinkler systems to be one hour.

Greg Andersen: (Mr. Andersen checked his reference documents for the correct model code)

Commissioner Ramin: I only have the 2018 version of the model code and it is a zero rating for I-4 with a sprinkler for corridors and table 1020.1, and it was zero in the current code.

Crystal Sujeski: SFM overlooked that change. The intent is that the I-4, if they do not have a direct, that they would require the one-hour corridor. That was the intent of the work group.

Commissioner Ramin: So, addressing that conflict is something that would have to be picked up in the intervening code cycle?

Greg Andersen: Correct.

Commissioner Ramin: Okay. I only had one other comment and it is editorial. On item 10-8, in Section 1006.2.2.8, I believe “that between more than 10 children” the word *that* just needs to be deleted.

Greg Andersen: Yes, delete “*that*.” Yes, that would be acceptable.

Commissioner Patel: Based on what was said, are you planning to come back with that as an emergency measure for I-4 or were you actually going to wait for the intervening code cycle?

Greg Andersen: it would be intervening because it is an exception that allows you to use a corridor. Because before, it was always direct access, but this is to look at something that would be an exception to that, with the rated corridor. Currently, SFM is looking at this at schools. The change to have them non-rated is very new so most of the schools already have rated corridors.

Commissioner Ramin: I think that makes sense because it is clear in that specific section that deals with exiting, with that use that it is a one-hour corridor.

Commissioners Patel, Klausbruckner, Mikiten, Santillan, Sasaki, Alegre and Stockwell had no comments or questions.

Questions and Comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) Proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24, Item 9b: Items under I-4 Childcare and Daycare Group 2-3, 2-4, 2-10, 3-4 (305.2 and 305.2.1), 3-7 (308.5 and 308.5.1), Item 3-8, 310-3, 4-14, 4-15, 4-15.1, 4-16, 4-17, 4-18, 5-6, 5-7, 9-15, 9-17, 10-8; under Special Amusement Areas Group Items 2-6, 2-9.1, 2-9.2, 4-11.1, 10-19, 35-2; under Tall Wood and Heavy Timber Group Items 1-11, 2-7.1, 2-7.3, 2-11, 5-1, 5-2, 5-4, 5-7, 5-12, 5-14, 6-1, 6-2, 6-3, 6-4, 7-1, 7-2, 7-3, 7-11, 7-12, 9-34, 9-35, 17-1, 17-2, 23-1, 23-2, 31-2, 35-2.1; and under Photovoltaic 9-8 and 9-11.

Commissioner Rambin move to approve Item 9b) with one editorial comment in Item 10-8. Commissioner Patel seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Greg Andersen requested, as a Point of Order, an overall vote of Item 9b in its entirety.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 04/21) proposed adoption of the 2021 International Building Code with amendments for incorporation into the 2022 California Building Code, Part 2, Title 24. **This motion incorporates the entirety of Item 9b, including the addendums.**

Commissioner Klausbruckner move to approve Item 9b in its entirety, with the amendments previously stated. Commissioner Santillan seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Rambin, Santillan, Sasaki, Stockwell and Mikiten.

Chair Lee: The Commission will take up tomorrow morning at 9:00 a.m. with agenda item 9c, the Office of the State Fire Marshal.

Adjournment at 4:59 p.m.

Wednesday, January 19, 2022

Agenda Item 1) CALL TO ORDER

Chair Julie Lee called the meeting of the California Building Standards Commission (CBSC) to order at 9:05 a.m. The meeting was held via Zoom and teleconference hosted by the CBSC.

Roll Call

CBSC Staff Member Pamela Maeda called the roll and Chair Lee stated a quorum was present.

Commissioners Present: Undersecretary Julie Lee, Chair
Elley Klausbruckner
Erick Mikiten
Rajesh Patel
Laura Rambin
Peter Santillan
Kent Sasaki
Aaron Stockwell

Commissioners Absent: Juvilyn Alegre

Chair Lee led the Commission in the Pledge of Allegiance and gave instructions regarding public comments and teleconferencing.

2021 TRIENNIAL CODE ADOPTION CYCLE, PROPOSING STATE AGENCY RULEMAKINGS (continued)

Agenda Item 9) Office of the State Fire Marshal

Item 9c) Office of the State Fire Marshal (SFM 05/21) Proposed adoption of the 2021 International Residential Code with amendments for incorporation into the 2022 California Residential Code, Part 2.5, Title 24.

Chair Lee requested the representative from the SFM present the proposal for Item 9c.

Greg Andersen, SFM Code Development Analysis Division Chief, gave an overview. This section does not have a grouped items because it corresponds with the changes that SFM did in the building code. The overview includes work that SFM did with the workgroups, with the daycare, energy storage and especially the WUI Group. There is one editorial correction that Commissioner Rambin pointed out in Item 1-4, which should be 1 through 11, not 1 through 9. A lot of the changes are editorial.

Item 3-4, CRC code had a requirement for residential fire sprinklers in the regulation that came from Section P2904, which SFM does not adopt and does not print. It was reprinted in that section but has not been updated, so we are updating the sprinkler

standards as they have evolved to the newer edition. This also will allow intermediate temperature sprinkler heads for residential.

SFM is repealing and replacing the requirements for the energy storage systems.

In 3-9, there were changes in the statute and SFM is reprinting the new statute there.

Item 3-10, SFM addendum. This is for the WUI regulations, the same addendum that SFM did for the building code to change the language for the local areas for the high severity zones.

All the regulations that you approved in the building code for the WUI are printed here also.

Questions and comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions and comments from the Public:

Sarah Quiter, an attorney for the University of California (UCOP): Comments on 1-4, in Chapter 1, Section 1.11.1. Specifically, the new definition being proposed for specified state-occupied buildings to include properties leased by the University of California, consistent with comments made yesterday.

The University would seek a change to not be considered a state-specified, state-occupied building because the University of California has a unique constitutional status. UCOP recognized the Commission's vote yesterday to consider a global change on how the University of California properties are treated under the code during the mid-cycle updates.

The University is willing to work with the Commission and SFM on appropriate language during the mid-cycle review. This comment is consistent -- I know that UCOP sent a letter on an item in Chapter 9a -- and we would also carry those comments with respect to the mid-cycle review.

Bob Raymer, California Building Industry Association (CBIA): strong support of the adoption of the Fire Marshal's changes to the California Residential Code for the reasons that CBIA stated yesterday.

Commissioner Sasaki: Before I move to approve, I just want to note, based on the comments from the attorney for the University of California and those changes, that it might be because state owned is everywhere, in all parts of the code and it could be a significant undertaking in changing and adjusting that language.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 05/21) proposed adoption of the 2021 International Residential Code with amendments for incorporation into the 2022 California Residential Code, Part 2,5, Title 24. Commissioner Sasaki moved to approve Item 9c as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Klausbruckner, Mikiten, Patel, Ramin, Santillan, Sasaki and Stockwell.

Item 9d) Office of the State Fire Marshal (SFM 06/21) Proposed adoption of the 2021 International Fire Code with amendments for incorporation into the 2022 California Fire Code, Part 9, Title 24.

Chair Lee requested the representative from the SFM present the proposal for Item 9d.

Greg Andersen, SFM Code Development Analysis Division Chief, gave an overview of the fire code, which will be grouped. SFM gave an overview of the general areas. The daycare proposals that we also had in the building code. The model code brought in regulations for mobile food preparation vehicles. This is not covered by SFM, it is covered by HCD, so SFM repealed those sections.

Same changes for the state-specified buildings, and SFM appreciates the comment from the UC's. SFM did have some tense anchoring requirements that were brought in.

The energy storage systems - for that section SFM brought in some new changes that ICC adopted for the '24 codes for vehicle impact protection. That was approved in Group A.

SFM has Reference Standards that were updated.

There is a big change in Chapter 49 for the WUI regulations. SFM worked with the Board of Forestry, Cal Chief FBOs and local authorities to bring all the regulations to one place for the officials. It is mostly pointers and excerpts from other regulations but trying to make it convenient for the code users to find all the regulations in one spot. SFM expanded on some things. SFM added Appendix P for the community fire hazard evaluation. It is not adopted as it would have to be adopted to the locals, but it is to work as a guide for the locals if they choose. It also has pointers for the new things that are happening with the subdivision review survey, the general plan safety elements, defensible space, and vegetation management. As SFM continues to work on the issues with the wildland fires, SFM found it important to bring it to one spot.

SFM has editorial updates. SFM repealing and replacing the tall wood buildings, energy storage systems, mechanical parking structures and special amusement areas and, of course, there are a large number of editorial and formatting changes to match the new edition.

SFM continues to delete Chapter 38 for the higher education laboratories, because SFM has the group L occupancies.

Commissioner Klausbruckner: Did you say that you are removing the L occupancy?

Greg Andersen: No, we are removing the higher education laboratories because we have the L occupancy.

Greg Andersen: Chapter 1 is fairly straightforward. It is SFM's editorial changes, things that were brought in. State-specified buildings. SFM removed pointers to the mobile food preparation vehicles.

Chapter 2 is SFM's definitions. SFM brought in photovoltaic definitions there.

Chapter 3, SFM had the sprinkler updates that was discussed earlier. SFM bringing the new changes in P2904 and adding them to 313.

Questions and comments from the Commissioners on Item 9d, Chapters 1,2 & 3:

Commissioner Mikiten: As a matter of order, would make sense for simplicity if the commission wanted to consider handling each one as a discussion and then voting on the entire set as one?

Discussion and agreement on the above process.

Questions and comments from the Public on Item 9d, Chapters 1, 2 and 3:

There were no comments from the public.

Greg Andersen: Chapter 4 is basically renumbering, so editorial.

Chapters 5 through 6 - most of this is editorial. There's repeal and replace of the gas detection. SFM had an addendum in there also.

Chapter 10 is editorial. Chapters 10 and 11, SFM updated the requirements for accessibility, for the size of the wheelchair, to match with 11A and 11B.

Chapter 49 - SFM worked with the Board of Forestry, the Fire Officials and Cal Chiefs to put all of this in one location. This will be a great tool for the local jurisdictions and the building officials as we move forward addressing the wildland fire issues.

Crystal Sujeski: There is one edit that needs to be made on item 9-20. It is the same item that was made in the building code under 29.11.3.4, Item 4, to delete the word "or."

Questions or comments from the Commissioners for Item 9d, Chapters 4, 5 through 9, 10 and 49:

Commissioner Klausbruckner: It is the first "or" in that sentence (see Sujeski comments above) that needs to be struck.

Commissioner Patel: Thank you to the Fire Marshal's Office for all their work on Chapter 49 -- very helpful for building officials.

Commissioner Rambin: On item 49-3, Section 4901.2. I think there is a *the* that needs to be deleted, so "reduce *the* likelihood of life and property loss due to wildfire." I compliment the State Fire Marshal's Office on this chapter and all the work that you put into it.

Commissioners Sasaki, Stockwell, Santillan and Mikiten had no questions or comments.

Questions or comments from the Public for Item 9d, Chapters 4, 5 through 9, 10 and 49:

Larry Williams, Ventura County Fire Department: First of all, thanked the Commission and the State Fire Marshal's Office, specifically Chief Andersen and Crystal, for their work in reviewing the lengthy comments that we submitted, not only to Chapter 49 but also to Chapter 7A of the Building Code and the Residential Code.

Ventura County Fire Department looks forward to working with the State Fire Marshal's Office on the rest of our comments in future improvements of the code.

Jeff Isaacs, Moraga-Orinda Fire District Fire Marshal: commented on Section 4907, Defensible Space, Item 49-24, the proposed amendment to Section 4907.3 of Chapter 49. It requires that hazardous vegetation around all structures in SRA be maintained in accordance with Public Resource Code Section 4291. Does the Commission intend for this requirement to apply to publicly owned as well as privately owned buildings? If not, will the defensible space requirements of Section 3.07 of Title 19 of the California Code of Regulations, which is also referenced in Section 4907.3, apply to publicly owned buildings?

Health and Safety Code Section 13146 assigns to local government agencies, including fire protection districts, the responsibility for enforcing the regulations of the State Fire Marshal, and Health and Safety Code Section 13811 assigns to fire protection districts the responsibility for fire prevention and suppression of structure fires on SRA lands that are within their boundaries. Is it the Commission's intent that local government agencies, including fire protection districts, may enforce the requirements of Section 4907.3 in SRA or is enforcement authority reserved for Cal Fire?

Bob Raymer, California Building Industry Association (CBIA) and also speaking on behalf of the California Business Properties Association and the California Apartment Association: CBIA strongly support the Fire Marshal's changes to Chapter 49. The Board of Forestry is in the process of updating their fire safety development standards so CBIA can expect to see a lot of changes in this in the future and CBIA looks forward to working with the Fire Marshal down the road.

Commissioner Sasaki asked Greg Andersen to respond to Mr. Isaac's comments.

Greg Andersen: Certainly. The scope of the building code actually does not extend beyond the building. SFM has pointers to the law and the regulations but as far as who enforces that, that would fall upon statute and the regulations created by the Board of Forestry through Title 14. SFM cannot answer those questions. SFM has provided the tools to get you to the correct regulations and the law that would correspond with those requirements.

Crystal Sujeski: editorial correction in 49-24, in 4907.3 requirements, number 4, it should say "Title 19, Division 1, Chapter 1 not Chapter 7."

Chair Lee requested the representative from the SFM present the remainder of the proposal for Item 9d.

Greg Andersen: Chapter 80 is SFM's adoption of the reference standards, which correlates with the changes that we did in the building code including NFPA 72, to the '22 edition.

SFM repealing and replacing the Energy Storage Systems Group with the model code, with the addition of the vehicle impact protection that was approved for the '24 codes in Group A.

Elevator Work Group, those are editorial changes mostly, with re-numbering and of course to match what is in the building code.

The Special Amusement Chapters, it is repeal and replace. There are a couple of additions where SFM put in the requirement for anchoring for the special amusement,

like the bounce houses, to ASTM 5234 for anchoring, and there is a note on there in Item 31-4 for water-filled vessels, to use those as anchoring it has to be approved by the manufacturer. This was noted by the fire service that there is a lot of issues with evaporation. They have had incidences where the anchoring has failed because of this.

Section I-2 and I-2.1, a lot of editorial changes, removing Condition 2. Because of some conflicts, there was a deletion of the ICC regulations in 9-13. SFM coordinated all these changes with OSHPD. There were some other sections where SFM repealed amendments and adopted the model code because they had matched it.

For I-4, childcare, and daycare, those are the same changes that SFM did through the work group and for the building code.

Which leaves us with tall wood buildings, which is a repeal and replace of the model code.

Questions and comments from the Commissioners regarding Item 9d, starting on page 5 of the attachment and going through to the end:

Commissioner Patel: On the anchorage for the temporary structures in 31-4, was there any cross-reference in the building code that would take us to these requirements? Or are these just in the fire code, regarding the water-filled vessels.

Greg Andersen: This is for temporary, so that falls into the fire code.

Commissioner Patel: Agreed, but it comes through the building department and the building official to review the structural. Is there any pointer that goes to this? I just want to make sure that people are aware that these requirements are here.

Greg Andersen: I do not believe that SFM did, but it is something that can be brought into the next cycle.

Crystal Sujeski: I think that the model code and in the building code when it mentions tents it references back to the fire code.

Commissioner Patel: Okay, I will take a look at it too.

Commissioner Klausbruckner: I have a question on 3-7.0, which is the storage of lithium-ion and lithium metal batteries. You mentioned that everything is pretty much adopting the model code except for the vehicle impact sections but that appears to be a new section, and I was wondering where it came from. How did it come about? Section 322, storage of lithium-ion and lithium metal batteries.

Crystal Sujeski: This is a proposal that was recently heard in the ICC Group A and approved, it is called the preliminary approval stages and it was proposed for the fire code.

Commissioner Klausbruckner: Has it gone through the public vote?

Crystal Sujeski: Yes, it went through the CAC hearings, the public comment phase, and then the public comment hearing.

Commissioner Klausbruckner: So, you are going to bring it in early?

Crystal Sujeski: Yes.

Commissioner Klausbruckner: Follow-up question--is this section exempting lithium-ion and lithium-metal batteries out of chapter 50? In other words, if they follow these regulations, they do not need to follow chapter 50 because you guys have not added an exemption in chapter 50 saying "surge of lithium-ion and lithium metal batteries, in accordance with Section 322, as an exception in chapter 50?"

Crystal Sujeski: We did not add anything to Chapter 50.

Commissioner Klausbruckner: So, both applies, technically. So, this is added regulations in addition to whatever chapter 50 requires?

Crystal Sujeski: Correct.

Commissioners Stockwell, Mikiten, Rambin and Santillan had no comments or questions.

Questions and comments from the Public regarding Item 9d, starting on page 5 of the attachment and going through to the end:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the full package of the Office of the State Fire Marshal Rulemaking (SFM 06/21) proposed adoption of the 2021 International Fire Code with amendments for incorporation into the 2022 California Fire Code Part 9, Title 24. Commissioner Klausbruckner moved to approve Item 9d as presented. Commissioner Stockwell seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call as follows:

Commissioner Sasaki: I do have one comment, based on Commissioner Patel's comment about temporary structures and anchorage. I was looking at the CBC, there is a whole section on temporary structures that includes anchorage requirements. The Fire Marshall may want to take a look at that code cycle, about how the anchorage works with that chapter.

The following Commissioners voted "Yes": Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 9e) Office of the State Fire Marshal (SFM 07/21) Proposed adoption of the 2021 International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24.

Chair Lee requested the representative from the SFM present the proposal for Item 9e.

Greg Andersen: Part 10, most of this is maintaining the issues that we have in the existing code. As you know, SFM is working for the next cycle, with the work group, to address the chapters that are not printed, but with the time and the work that needs to be done it is not part of this group. SFM did editorial changes, added the pointers to the WUI area and then the general adoption.

Questions and comments from the Commissioners:

Commissioner Rambin: Same editorial comments in 1-5, adding 10 and 11 to that list.

Commissioners Patel, Klausbruckner, Mikiten, Stockwell, Santillan and Sasaki had no questions or comments.

Questions and comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 07/21) proposed adoption of the International Existing Building Code with amendments for incorporation into the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Rambin moved to approve Item 9e as presented. Commissioner Mikiten seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Item 9f) Office of the State Fire Marshal (SFM 08/21) Proposed adoption of amendments to the 2019 California Referenced Standards Code for incorporation into the 2022 California Referenced Standards Code, Part 12, Title 24.

Chair Lee requested the representative from the SFM present the proposal for Item 9f.

Greg Andersen: Part 12 is very easy. In an earlier cycle SFM changed the reference in Chapter 7A to ASME 2768 and SFM have a note in there of things that were previously approved under reference center 12-7a-5 are acceptable. That is still there but all the new materials that would be tested, they no longer need 12-7a-5, so we are repealing it.

Questions and comments from the Commissioners:

There were no questions or comments from the Commissioners.

Questions and comments from the Public:

There were no questions or comments from the Public.

Motion: Chair Lee entertained a motion to consider the Office of the State Fire Marshal Rulemaking (SFM 08/21) proposed adoption of amendments to the 2019 California Referenced Standards Code for incorporation into the 2022 California Referenced Standards Code, Part 12, Title 24. Commissioner Mikiten moved to approve Item 9f as presented. Commissioner Klausbruckner seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Klausbruckner, Mikiten, Patel, Rambin, Santillan, Sasaki and Stockwell.

Agenda Item 10) Executive Director Report

Mia Marvelli, Executive Director: congratulations, and gave an overview of where BSC is at in the code cycle. The Commission has essentially taken action on approximately 45 code packages since December. Mia Commended the Code Advisory Committee

members for volunteering their time and their efforts to review every single code change and providing a recommendation. And thank you to the BSC staff for all their hard work. Commissioner Sasaki: agreed and supported what Mia said. He comments that it is really a remarkable and tremendous effort amongst everybody, including Mia and her staff and including the Chair, to get this done in a pretty extraordinary and trying time. Thanked everybody's efforts in that regard.

Executive Director Marvelli: BSC working on getting the final express terms, with the notation that they are approved by the Commission and posted to BSC's website.

BSC staff will include any editorial changes and addendum items before BSC files those with the Secretary of State. Then BSC puts them on the website.

BSC has already engaged with the three publishers. BSC has been working with them for a number of months.

BSC has already started to talk about code changes for the intervening cycle. BSC will have a coordinating council meeting, in late February-early March.

The intervening code cycle workshop phase can begin anytime and will start in February or March. BSC sending out notification to the state agencies that the Rulemakings will be due to BSC in December of next year.

Chair Lee: This item was opened up for Commission discussion.

Commissioner Patel: Thanked BSC staff for their excellence and colleagues on the Commission how much I appreciate their expertise and working with them.

Commissioner Klausbruckner: echoed the sentiments that Mia expressed, as well as Commissioner Patel. Could there be room for improvement? Always. I will suggest something in the future agenda item that might help smooth the process a little bit better.

Commissioner Mikiten: echoed everybody's sentiments, to everybody involved in the process. The only other I'd like to add is at the beginning of the Commission meeting, what the schedule is, exactly how long we have until a particular state agency has an order to potentially do a further study.

Commissioner Santillan: echoed all the sentiments for all of the wonderful work that the California Building Standards Commission does, Mia and all of her staff, and all of the other state agencies. Commissioner Santillan encouraged all of the stakeholders to pay attention to the meeting dates, when the process starts, to echo the thoughts of Commissioner Mikiten, and encourage your participation from the beginning and follow through.

Commissioner Sasaki: No further comments, just congratulations to everybody.

Commissioner Stockwell: echoed everybody's sentiments about the great job the Building Standards Commission and staff did.

Commissioner Rambin: echoed all the compliments to the adopting and proposing agencies and to BSC.

Agenda Item 11) Future agenda items

Chair Lee: Do any of the Commissioners have any items they wish to have placed on future agendas?

Commissioner Klausbruckner: opened up for discussion. The Commission has three options – Approve, Disapprove and Further Study. A lot of times with the deadlines given the commission does not have an option for Further Study.

Commissioner Mikiten: responded to the same concerns. If there is something that the commission, as a subgroup, could do to help staff to work on that.

Commissioner Patel: Supports that suggestions and broaden it by having a subcommittee just look at the process.

Chair Lee: entertained a motion regarding forming a subcommittee to improve on the procedural process.

Viana Barbu, BSC counsel: point of order on this issue. Just needed to be clarified whether the commission is talking about an official subcommittee or just a little subgroup. Two people in a subgroup are not subject to the Bagley-Keene Act; three people in a subgroup is a subcommittee and it falls under the scope of the Bagley-Keene Act with public open meetings.

Commissioner Klausbruckner: Preferred a formal subcommittee. More than 2 commissioners looking at the process.

Chair Lee: The commission has two subcommittees the Appeals Committee, which comprises of Commissioners Sasaki, Alegre and Klausbruckner, and then also the commission has a Code Adoption Committee and is made up of Commissioners Patel, Klausbruckner, Santillan, Mikiten and Sasaki.

Commissioner Mikiten: the Code Adoption Subcommittee would be appropriate. And also suggested that, at the beginning of every meeting, we could preface the entire meeting with a statement of exactly how much time is left, of how much time would it take for Further Study for a simple versus complex item.

Executive Director Marvelli: acknowledged that it is worth the discussion with the subcommittee but said there are a lot of things in the law that require the timing and is really mandated by law. But what might be helpful is to have this subcommittee discussion, so we can lay all that out and then look for streamlining opportunities.

If the Commission takes a position other than approve; for example, Disapprove or Further Study, they also need to provide in writing why it does not meet the nine point criteria and why they are sending that back. These are just some things that we can talk about in that subcommittee, to fully explain that.

Commissioner Mikiten: this is a very good point, especially with it being a subcommittee, that the public then has an opportunity to weigh in on what they see as the challenges.

Commissioner Santillan: encouraging stakeholders to participate in the process, and from the beginning it is important. He supported what Commissioner Klausbruckner said, the idea, and I am just what is allowed by statute.

Commissioner Klausbruckner: recommended that the existing Code Adoption Subcommittee take a closer look at the process and the formatting with which the agencies are proposing their changes and see if there's room for improvement, whereby it makes the process easier for Commissioners to evaluate the proposed changes and be allowed to have more flexibility with Further Study options, as far as some of the sections that they have concerns.

Commissioner Mikiten: Questioned if the commission actually needed to offer a motion to send it to the subcommittee.

Commissioner Klausbruckner: If a motion is required to send this back for further study to the Code Adoption Subcommittee.

Viana Barbu, BSC Counsel: You do not necessarily need a motion, but I think a motion would be helpful because it would clarify exactly the intent of what the committee's supposed to look at and maybe what the Commissioners expect the committee to do about it.

It could be a motion which would make it clear, on the intention, and also make sure that all the Commissioners have the same understanding. If you want to leave it more kind of generic for the moment you could just have a discussion for clarity today.

Commissioner Klausbruckner: Made a **motion** for the Code Adoption Subcommittee to attend several meetings where they evaluate the process as well as the formatting, to see if there may be improvements in the process, in the procedures, and in the formatting, to help Commissioners have more options, as far as disapprovals of subsections or parts of the proposed changes or further study of parts of the proposed changes.

Commissioner Mikiten: added a friendly amendment to that, that we also have the subcommittee gather public input into the process as well. And also add my second to the motion.

Chair Lee: it is moved and seconded that the Code Adoption Subcommittee convene several meetings to evaluate the process and formatting for improvements to procedures, to help the Commissioners have more options regarding the Approval, Disapproval or Further Study of the proposals presented to them and, furthermore, to gather public input on the process.

Commissioner Patel: Can we discuss potentially how we could include Commissioners Stockwell and Rambin in this process.

Commissioner Rambin: attend the meeting essentially as a member of the public.

Commissioner Mikiten: now wondering whether we just want to have a special Commission hearing.

Viana Barbu, BSC Counsel: other Commissioners can attend as members of the public and provide input but maybe the intent is to have almost all the Commissioners participate then a special meeting on that issue, like a preliminary special meeting for that purpose, and then narrower tasks to the subcommittee later.

Commissioner Sasaki: In this whole process we want to remember the bigger and broader and the more official we make it, the more difficult it is to simply discuss the issues.

Commissioner Patel: If we had a larger meeting just to set the agenda for the subcommittee, kind of identify which things you want to work on and then ship those off to the smaller committees to help that out.

Commissioner Mikiten: The meeting as a largely information-gathering endeavor, in terms of the public participation, it gives us an opportunity to get all of that information in, to hear from each other as well as agencies, and then assign some detailed study to the Code Adoption Subcommittee. It is the idea of being more inclusive.

Chair Lee: motion to convene the Code Adoption Subcommittee, but actually decided to convene a special meeting of the full Commission.

Commissioners and BSC staff discussed whether or not a formal motion should occur today, as this discussion occurred inside the future agenda item.

Commissioner Klausbruckner: withdraw my previous motion.

made a new motion to have a formal meeting with the entire Commission to discuss the process and provide some direction for the Code Adoption Subcommittee to study further possible changes to the process or formatting, to help the Commission in their pursuit of voting Approve, Disapprove or Further Study.

Commissioner Mikiten: Second.

Chair Lee: It is moved and seconded that this proposal be approved. Is there any further discussion from the Commissioners regarding this motion? Hearing none, we will now have a roll call vote.

Motion carried 7 yes, 0 no, and 0 abstain, per roll call as follows:

The following Commissioners voted "Yes": Klausbruckner, Mikiten, Patel, Ramin, Santillan, Sasaki and Stockwell.

Agenda Item 12) Adjourn

Motion: Chair Julie Lee entertained a motion to adjourn. Commissioner Santillan moved to adjourn the meeting. Commissioner Klausbruckner seconded. Motion carried with 7 yes, 0 no, and 0 abstain, per simultaneous voice vote.

The following Commissioners voted "Yes": Klausbruckner, Mikiten, Patel, Ramin, Santillan, Sasaki and Stockwell.

The meeting was unanimously adjourned at 10:41 a.m.