

CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES

January 20, 2016

RESUMED MEETING

Chair Batjer resumed the meeting at approximately 9:00 a.m.

ROLL CALL:

Commissioners Present:

Secretary Marybel Batjer, Chair
Steven Winkel, Vice Chair
Larry Booth
James Barthman
Elley Klausbruckner
Kent Sasaki
Rajesh Patel
Cheryl Roberts
Pedro Santillan
Erick Mikiten

Commissioners Absent:

D. Malcolm Carson

5) DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE

a) Division of the State Architect - Access Compliance (DSA-AC 01/15) Proposed adoption of amended access compliance provisions for incorporation into the 2016 California Building Code, Chapter 11B.

Dennis Corelis, Division of State Architect, Deputy State Architect; and Derek Shaw, Senior Architect were representatives for the Division of the State Architect.

Mr. Corelis stated the code adoption process carries forward provisions within the current code and reconciling them with changes in model codes. These develop additional regulations for building elements not directly addressed by the Americans with Disabilities Act standards. He stated they met with various interest groups and disability organizations and identified the accessible regulations for electric vehicle charging stations as a very high priority item. Because the code has no guidance on how to construct an accessible electric vehicle charging station either at the state or federal level that this was an item that needed to be addressed.

Mr. Corelis stated that a working group was established with the full range of state focus, and they met a total of eight times between September 2014 and April of 2015. They went into the

field with members and surveyed existing charging facilities in San Francisco and Sacramento and other locations in the state to understand the functional requirements when you're operating and plugging a vehicle in. He stated they provided detailed agendas and minutes for each session and they were made available to all members on the Internet application.

Mr. Corelis stated the proposed code amendments, including the EVCS provisions, were prepared by DSA and made available for public review and comment beginning in April and May of 2015. They held five public hearings. The provisions were submitted to the BSC. The proposal initially submitted included 130 items. Based on public comments, 17 items have been withdrawn for future long-term study. Fourteen items update matrix adoption tables, so they have no regulatory effect. Three of them correct references to the International Building Code model code Chapter 11 reference and they don't have a Chapter 11. They have a Chapter 11 (a) and (b). Seven of the items address new accessibility provisions for electric vehicle charging stations. Three of them address path of travel upgrades triggered by seismic mitigation projects. Two of them delete voluntary measures for use of the cleaner air symbol. Others deal with a range of issues.

Mr. Corelis requests the adoption of their 2016 code accessibility provisions. The standard form 399 has been approved by the Department of Finance, and the State Fire Marshal has reviewed the proposals to verify there is no negative effect. Mr. Corelis addressed some of the issues raised at the meeting the day before. DSA worked with the disability advocates to identify electric vehicle charging stations because many are not being installed in an accessible manner. DSA has worked closely with the Department of Rehabilitation and the California Commission on Disability Access to develop educational materials for business owners and working with checklists so people can assess their facilities and do their best to make them accessible. They are carrying forward a California definition that was originally put in in 1992. They first heard about the issue at the end of September, that there might be issues with words, "negotiated" as an example. Due to the timing of the comment, they are not able to do it during this code adoption cycle. In terms of the mention of provisions for showers that are going to force people to be scalded or under cold water, they disagree with that assessment. There are no changes except to narrow the type of facilities that they can be used in.

Commissioner Question:

Commissioner Booth asked if there was a code requirement for accessible EV charging stations currently. And he wanted to know if they were making a proposal to include those in the 2016 code.

Mr. Corelis confirmed they were.

Commissioner Booth asked what specifically they are providing in the provisions.

Mr. Corelis stated the installation is elective action by a building owner. Once the building owner decides to provide a charging station, then they have an obligation to make the first one a fully accessible van space. For example, when you have five stations, you have to provide the first as a van-accessible station and the second accessible station and then the other three are standard spaces.

Secretary Batjer stated the Energy Commission has given guidance on goals to meet the governor's goals of 1.5 million electric vehicles on the road by 2025. She wanted to know what the percentage is.

Mr. Corelis believes the current code is 3 percent, and they are proposing to go to 6 percent.

Commissioner Sasaki asked if Chapter 11B and the amendments they are proposing meet or exceed the requirements for the current ADA requirements.

Mr. Corelis stated there is no current ADA requirements. Commissioner Sasaki asked the question again.

Mr. Corelis said it exceeds the current ADA requirements because there are none.

Vice Chair Winkel said he believes the question is globally about Chapter 11B. He wanted to know what the certification was and is the California code equal to or greater than the ADA.

Mr. Corelis stated the certification is by the Department of Justice, and DSA was required by Government Code to submit a certification package to the DOJ by December 31, 2010. In 2013 the ADA was updated. The DOJ said they were going to set the submittal aside because it was an obsolete edition of the ADA. They resubmitted the certification package in April or May of 2014.

Derek Shaw said the last update he received a number of months back from the DOJ was that their package was currently under review.

Secretary Batjer said she would look into it because that was a long time to wait. She also asked what the impact was of not being certified.

Mr. Shaw said the benefit of being certified is that users of the California Building Code would be, within a court of law, that compliance with the building code established rebuttal evidence of compliance with the U.S. requirements under the Americans with Disabilities Act standards for accessible designs.

Commissioner Sasaki asked again if Chapter 11B and the amendments they are proposing meet or exceed the requirements for the current ADA requirements.

Mr. Corelis said it exceeds the current ADA requirements.

Commissioner Mikiten said his first point is about representation and protection of rights. He feels like 25 years after the adoption of ADA, a lot of people feel like they should be beyond needing to come out and say those things. He thinks there should be more safeguards in place to allow people to be more confident in our system, and he said it's wrong and not fair.

Commissioner Mikiten said his second point is about their scope as a commission. Their mandate is to adjudicate on the 9-point criteria. He said it's frustrating that they can't do much about the important and personal issues that come forth. Commissioner Mikiten's third point is

timing. He said it's frustrating that they are basically in a position of doing a thumbs up or thumbs down at the end of the process and thinks there may be some ways to change that. Commissioner Mikiten's fourth point is about process. It's clear the process is broken. He said a lot of effort has been made and it's still not working and it needs to change. Commissioner Mikiten wanted to know if the DSA staff, when reviewing a proposal from agencies, confirm that the proposing agencies are conforming with their government regulations from the guiding regulations, such as 4450, to have a stakeholder process prior to DSA proposing regulations. He asked if they recheck those background requirements.

Mr. Nearman stated when the agencies submit their rulemaking packages for consideration, staff's direction is to verify that the content of the proposed regulation is within the enabling legislation of that agency so they have the authority to propose what they have in their packets, so it is confirmed.

Commissioner Mikiten said it seems that confirming 4450 was followed is not part of what was described in terms of having the disability access committee or commission.

Mr. Nearman stated staff isn't required to go into the process that the agency went through based on their legislative authority. He stated they're there to confirm what they're proposing is within their legislative authority.

Commissioner Mikiten asked if it would be right to assume that by not confirming that the 4450 was followed, does it fall into the 9-point criteria if staff hasn't reviewed that underlying legislative requirement.

Mr. Nearman stated that one of the criteria talks about the agencies' proposals within their enabling legislation, and that's what they are confirming when they verify the provisions they've listed meet the law requirements.

Commissioner Mikiten asked if the last time the disability Advisory Committee convened was in June of 2013.

Mr. Corelis said his understanding is DSA uses a task force approach.

Commissioner Mikiten wanted to know if Mr. Corelis thought the task force worked.

Mr. Corelis believes they did identify the critical issues and consulted with people who are affected by the regulation.

Chair Batjer asked if they had any advisory committees.

Mr. Corelis said they have the task force and not any advisory committees.

Commissioner Mikiten said he was confused because 4450 requires that they do have a standing committee.

Mr. Corelis said he would have to defer to his legal counsel and he would have to check on it.

Commissioner Mikiten said he would like Mr. Corelis to check on it and he himself would check on it also and hopes staff will do that.

Vice Chair Winkel stated in his quick reading of 4450, there's a requirement to meet with at least one private organization representing persons with disabilities. It doesn't specify the advisory committee by name.

Mr. Corelis said that was his understanding as well. He said they try to do more than one organization.

Commissioner Mikiten wondered if they could create a subcommittee to facilitate this communication and to watch over the process as it's happening and to ensure that the people they're serving are heard.

Janette Banzon said it's within the purview of the Commission to think through what type of subcommittees they want to create.

Commissioner Mikiten stated he would like to propose they do that and have a group look into more detail at this issue.

Ms. Banzon stated it may require notice and doesn't think it's something they can vote on at the meeting.

Chair Batjer said she thinks it could fit under Item No. 12, which is future agenda items.

Ms. Banzon stated they can discuss it, but they can't vote on it.

Mr. Corelis said going forward they have a firm commitment to do this process for both the building codes and for the CASP regulation. They have announced a day-long focus group for the CASP regulation hopefully sometime in March.

Commissioner Patel stated 4450 does talk about the State Architect having to consult with the Department of Rehabilitation, and there's another section in the Government Code that requires the Department of Rehabilitation to have a Disability Advisory Committee that meets periodically during the year.

Mr. Corelis said they have been working with the Department of Rehabilitation in helping them prepare some of their materials that they distribute and helping to identify people to work with.

Vice Chair Winkel said they have their own Code Advisory Committee and they should look to them as part of the process.

Ms. Banzon stated there might be a conflict in having the Code Advisory Committee being a part of creating the regulation. You cannot create a reg and then adopt it. It has to be two separate bodies.

Commissioner Mikiten said the seismic mitigation issue is a challenging one. The limitation of a project that's over the roughly \$150,000 threshold is allowed to limit accessibility upgrades to 20 percent. There currently is no limit. He thinks if there was a guarantee of the accessibility upgrade work not exceeding a certain amount, then they would not be so fearful and they wouldn't resist doing their projects. He asked if there has been any consideration of a compromise, so rather than saying 20 percent, maybe 30 percent or 40 percent.

Mr. Corelis said going to a higher number than the 20 percent was not brought up that much. He said it's an elective by the owner to do seismic upgrades. He said they would have to give it further study.

Commissioner Mikiten wanted to know if they could make an adjustment between what it is currently, zero, and 20 percent.

Ms. Banzon stated they execute what the legislature creates, so the legislature writes the law and the Commission makes sure that whatever proposal comes before it complies with the law. She said it depends on how the law is written whether they can or not. She said it has to be part of a regulation. She doesn't think the Commission can create a number. They are only allowed to adopt the proposals submitted to it by the state agencies.

Commissioner Mikiten said they can approve as amended.

Ms. Banzon stated the Commission can require amendments, but it has to fit within the parameters of the law.

Vice Chair Winkel said the Commission has the right to make those kinds of amendments, and that while it might be in their purview, they are stretching it, and the level of change is too pervasive and large and thinks they would be ill-advised to do it in this process.

Ms. Marvelli said there could be a cost change to that and that wouldn't be representative of 399.

(Whereupon, a break was taken.)

Commissioner Barthman wanted to know what would be the ramifications if DSA's package was turned down.

Mr. Corelis said they would carry forward the current provisions in the 2013 code.

Commissioner Barthman wanted to know if it was going to be detrimental to the State of California as far as the disabled community is concerned or construction is concerned.

Mr. Corelis said it would create a great deal of confusion, and many that are intended to improve accessibility would be gone if the entire package were not to go forward. He thinks it would have severe negative consequences.

Commissioner Patel asked if not approving the entire package also would create an issue with them being consistent with the 2013 ADA requirements.

Mr. Corelis said he would have to study that more, but some of the proposals are intended to get in sync with the ADA provisions to correct prior rulemaking, so that may be an issue.

Vice Chair Winkel said they have the ability to divide the question so that they can look at individual or groups of changes, and is it accurate to say there's two sets of changes with varying levels of controversy, one of them being updates to the existing code provisions, whether ADA-based or just changes that are desired, and then the EV charging station. Are there two large groups of changes?

Mr. Corelis said he would say there is EV, the seismic mitigation as a separate issue, and many of the others are updates, carrying forward current definitions.

Vice Chair Winkel wanted to know how the EV charging station rules work. He said he didn't believe there was any changes in parking.

Mr. Corelis said there are no changes to parking.

Vice Chair Winkel asked, if there were four stalls, the first one would be an accessible size stall, but not signed as accessible, but signed as an EV charging station.

Mr. Corelis said that's correct. He said if there were 100 parking spaces and four would be accessible spaces and then four would be charging stations, you would have to have an additional accessible charging station.

Vice Chair Winkel said it's based on the assumption that those areas in the parking lot are not parking spaces but fueling stations.

Mr. Corelis said he conferred with the U.S. Access Board to determine if they were parking or something else, and they said they are not parking for purposes of computing your parking requirement. Charging stations carry their own requirements for accessibility that exceeds the requirement for parking.

Vice Chair Winkel asked if they turned down the proposal would it revert back to language that people are objecting to.

Mr. Corelis said even if they were to withdraw that item of the definition of "accessible route," that because the current code is moving forward, that would still be one of the definitions.

Vice Chair Winkel asked if the objectionable word "negotiated" would remain in the code.

Mr. Corelis said yes.

Commissioner Mikiten said his concern with not moving forward with something is they then would have nothing. He said he thinks it merits continued discussion and examination. He's concerned, as charging stations pop up all over the place, there's nothing guiding people or even trying to make them accessible. He said people are using them different than the code's intention.

He asked if the Vehicle Code had these charging station spaces defined as for special-use vehicles.

Mr. Corelis said the Department of Motor Vehicles was a participant in their working group and said it's their feeling that electric vehicle charging stations are zoned for special-use vehicles, which takes away the privilege to park there for unlimited time. If properly signed, a disabled individual would be the only person that could use that space, but they would have to respect the charging limits.

Commissioner Mikiten inquired as to who regulates the time limits if you have a placard.

Mr. Corelis replied that the Vehicle Code does. The placard does not extend to special-use zones.

Commissioner Mikiten asked if they wanted to change that in order to address some concerns between the electric vehicles and parking spaces to combine them into something that would become a newly defined type of space, what would the process be.

Mr. Corelis said they would have to amend it through the Vehicle Code. He said it has to be charging to be legally in the space, and after two hours, you're supposed to move the vehicle. If they wanted to grant a longer time, for example, they would have to do some amendments to the Vehicle Code.

Commissioner Mikiten said he thinks that merits some discussion on amending the Vehicle Code. He wanted to know if there was a work-around like having a sign that says "van preference space" that would indicate to the average user who is not disabled that they should think twice to use it.

Mr. Corelis said that the advisory sign was discussed and there were a lot of issues and you end up with a lot of signage there, and would it be confused with an accessible parking space that could be ticketed. He thinks it's a good topic for further discussion.

Commissioner Mikiten asked what the ISA communicator is.

Mr. Corelis said if it's an ISA, then you have to have a placard to fuel in that space. They are trying to refine the regulations as they get more experienced. They are going to come back to look at the provisions after they have some operating experience. The regulations require they are on an accessible route.

Commissioner Mikiten asked if the van accessible space out of the EV spaces is the closest to the building.

Mr. Corelis said no. They require it to be on an accessible route. If you have a lot of charging spaces, then the accessible ones have to be closest to the entrance of the accessible route.

Commissioner Mikiten said in terms of definition, you define an EV space and then an EV charging space, but the definition of EV charging space is one or more EV spaces, and it seems

redundant and potentially confusing.

Mr. Corelis said there's instances where you might have two EV spaces with one piece of equipment that can either charge one vehicle in the two spaces or sometimes they will have two cords so both vehicles are charging. He said you need to get the number of vehicles that can charge in order to get a proper count; otherwise, you're going to get an underprovision, so that's what they decided to do.

Commissioner Mikiten asked if the signs indicate that they are limited to two hours.

Mr. Corelis said not under the access regulation. There are other regulations in the Vehicle Code where you can designate your charging space for two-hour use or four-hour use. He saw one charging station for employees that provides a level 2 and it is on an eight-hour basis. You can tailor the time limit to your business.

Commissioner Mikiten said that maybe they should coordinate with the Vehicle Code requirements of signage and work something out with whoever is appropriate to make sure somebody is requiring the signs.

Vice Chair Winkel said it takes his car eight hours to charge. He said in his observation, the charging spaces are treated like parking spaces. He looks at the EV spaces as not having a limit on the time he can spend there.

Mr. Corelis said unless you have the proper signage, there is no limit.

Vice Chair Winkel said he agrees with Commissioner Mikiten, in that they need to move forward to coordinate both optional and mandatory signage that would be in the Vehicle Code because you get back to the discussion of whether this is a fueling space or parking space.

Mr. Nearman said the Commission, when it comes to the package, can move forward with all of it or only certain portions of the package or recommend other motions for it. For clarification, the green tables are the items that went through the process of no public comment or contentious. The items on the yellow table received comment. And the pink or salmon color are the items the agency decided to withdraw from the process.

Commissioner Mikiten asked Mr. Corelis to clarify when the second ISA kicks in.

Mr. Corelis said one charging station to four, you have to provide a van-accessible space; five to twenty-five, you have to have van space marked with an ISA, a second standard accessible space; twenty-six to fifty is van space marked with an ISA, a second standard accessible space, and an ambulatory space, which is a space that's 10 feet wide; fifty-one to seventy-five is one van space marked with an ISA and two standard accessible spaces that's available to all and two ambulatory; seventy-six to one hundred is van space marked with an ISA, the standard accessible space that's available to all is three, and the ambulatory space is three.

Commissioner Mikiten asked about the fire alarm exception on page 34 of 91. It's an exception for existing buildings to not relocate pull stations. He wanted to know why that was added.

Derek Shaw said the exception in Item 9.01 is carrying forward the existing language from the 2013 California Building Code. He said they confirmed with the State Marshal that accessibility is required at the fire alarm boxes to include an accessible route. He said they would be happy to look at the language and clarify or what the accessibility requirements are for the manual fire alarm boxes.

Commissioner Mikiten said he would like to see that happen.

Vice Chair Winkel said there are two ways to carry things forward, you can restate it or you line out or underline the things you want changed and place a quotation that says, "The balance of the text to remain unchanged."

Mr. Shaw said he is aware that they need to rethink their drafting process and intends to work closely with BSC staff to help with suggestions on how to make their package more clear.

Vice Chair Winkel said they could make subdivisions between the items they want to put on the table and items they have no intention of changing.

Vice Chair Winkel referenced page 51 of 91, additional exception, No. 10, 202.4, dealing with seismic upgrades. Hypothetically if he had \$400,000 in seismic upgrade, the second paragraph says any work which would be triggered to comply with the five criteria of 202.4 would be excluded from the adjusted cost, and there's a maximum of 20 percent, so the actual budget should be \$480,000.

Mr. Corelis confirmed that is correct.

Mike Stone, representing the National Electrical Manufacturing Association, said he's speaking in support of the accessibility proposal from the Division of the State Architect. He owns an electric vehicle. He said from personal experience, California needs a lot more charging stations.

Bill Zelmer works with Sutter Health and he's an architect. He said they're in the middle of fixing all of their buildings for access compliance. He said they want clarity of the building code. He is supporting the package because it provides clarity of the code.

Hannah Goldsmith, project manager with the California Electric Transportation Coalition, said she feels the DSA conducted an extensive public process to ensure all parties could contribute to the standards. She said there are zero regulations on the books governing the accessibility of EVCS. She supports the adoption as a good first step to ensure there are consistent statewide regulations regarding the accessibility of the electric vehicle charging stations.

Ms. D'Lil is representing California for Disability Rights, Coalition of Disability Access Professionals and Designing Accessible Communities. She stated she feels there have been some misleading statements that have been made. There were some 15-day language changes DSA came out with, none of which reflected any of their concerns. She said comments were sent in in July, and she hears today after September they couldn't make any changes. It seems to her that

their concerns weren't addressed and DSA wasn't going to make any changes after July and wonders what is the point of the public process. She said she would like to have a dialogue with the State Architect instead of having the written comments.

Ms. Goldsmith said the Government Code 11346.45 was repeatedly brought up by the disabled people. It applied to the Commission and their mandates and processes. Her understanding is if there's a code package that comes out and it's lengthy and complex, they have to consult those that are affected before publication. She said DSA did create a task force and feels Mr. Corelis did an excellent job of running the task force, but feels it did not lead to anything reflected in the code package. She had suggested making the accessible charging spaces green, but it was ignored. When there's four charging spaces, the abled people will have four opportunities and the disabled will have less than one opportunity to park. She said Mr. Corelis said there are no standards for EVCS. She said she pointed out that there are standards in the code for parking and charging your vehicle. Case law to back it up is Donald versus Sacramento Merchant Bank. DSA is saying "accessible route" is not a code change. But she says it is because it's scratched out and instead it has "to be negotiable" as determined by the enforcing authority.

Vice Chair Winkel said the stricken language is from the model code, and it says the accessible route defined in the IBC is the continuous unobstructed path that complies with Chapter 11. It doesn't say 11B, so that's stricken. Where DSA misled everyone is what is written is not a proposed change. If they turn down the proposal, the language would be the same as what Ms. D'Lil objected to.

(Whereupon, a break was taken.)

Ms. D'Lil said the State Architect says the charging stations are not parking and she believes it's word play. It is parking. It would be like saying going to Target is not parking, it's Targeting. She would like a trained body of code experts and have a dialogue with them before they publish anything on a code change.

Gale Bates said the package is not perfect, but you have to have a starting point. He would encourage the Commission to vote for the package.

Connie Arnold is a civil rights advocate. She feels there needs to be consideration for accessibility. She doesn't feel that calling electric vehicle charging stations not parking stations justifies moving the package forward. She doesn't feel the outreach to the disabled community is adequate in terms of what the code requires involving the disabled as active participants in the development of such codes. She thinks there are going to be more and more people buying electric cars and need more accessible electric charging stations. She would like them to send the regulation back and talk to the people it affects the most, the disabled.

Steven Jacobs said the first item he wanted to mention was Item

202 where there is a deletion of the words "a continuous, unobstructed path that complies with Chapter 11." In Chapter 11, the unobstructed accessibility path applied to entrance of the building from the public. This allows a single entrance to a building through a garage, behind cars, up elevators and down ramps in order to get where you're going. The second thing he wants

to address is his understanding of the 2013 regulation that was issued is creating a wide inspector negotiation to replace specific regulations in the code and it should be reversed or at least looked into. Third, the Commission can ensure effective disability input, input with the disabled community's support.

Damon Conklin, on behalf of the Electrical Charging Association, is in support of the accessibility proposed changes. He believes the proposed changes will provide some clarity. While it's not perfect, DSA has taken meaningful steps to ensure charging sites were accessible to disabled people and does not adversely impact smaller charging facilities. He says they are sensitive to the disabled community and appreciate their recommendations and look forward to working with them in developing future regulations. He urges the Commission to adopt DSA's proposed changes.

Dawn Anderson, an architect at CASP, is registered in two states as an accessibility specialist. She's an ADA coordinator, a combination of a building inspector and IOR inspector, and is on the Access Subcommittee. She says there are a couple of phrases that make her a little uncomfortable. She's heard, "Our hands are tied," and that's how she felt on the advisory committee. When the electric vehicle charging stations were presented to the committee, the Building Standards Commission staff said we had no action to take, that it was mandatory, and it was going to move forward. She said very few editorial changes were made based on the advice from the panel. It's also uncomfortable to hear that something isn't perfect and compromising. She said it's interesting to note who is being compromised and which party did not get the perfection that was needed. She said no landowner wants to have code changes changed and changed and changed. It creates chaos, ambiguity, and it diminishes the rights that people have as protected by our codes. She stated that the Department of Justice has backed off certifications. Her advisement to the Commission is that the electrical charging stations be taken out and put into further review.

Paula Beale and Marlene yielded their time to other people.

Sheila Gunn Cushman said she's been blind for 44 years. She's also involved in the Communities United in Defense of Olmstead and a member of the Disability Action Network of Hayward. She said 47 years of civil right legislation are about to be violated. She said the Disabilities Act was enacted in 1990 and has yet to be fully enforced. She said a bad law is worse than no law at all.

Alyssa Stinson, with the California Building Industries Association, is in support of the adoption of DSA's proposed building standards addressing disabled accessibility at EV charging stations. The California Business Properties Association, Commercial Real Estate, the American Institute of Architects, California Council, the Building Owners and Managers Association, California Retailers Association, the International Council of Shopping Centers, California Electric Transportation Coalition, Electrical Charging Association, and Plug In America all support the proposed regulations. They would like to commend DSA, and especially Mr. Corelis for conducting one of the most involved drafting proceedings in recent memory. She says there is no federal guidance on this issue and DOJ is years away from producing formal regulations for consideration by state and local entities.

Peter Morgan said he has been an accessibility specialist for the past 36 years. He said he

believes the current package has a lot of problems with it. He said there is a problem with Item 2.01 of the DSA package. DSA is proposing some changes to an adoption of the definition for "equivalency." He said equivalency in one person's mind is different than what is in another person's mind. He said under equivalency, there is no documentation requirement. He proposes to add the following language: "The detail of any findings of unreasonable hardship shall be recorded and entered into the file of the enforcing agency," which provides checks and balances for both the disabled community and the business community. If the Commission is unable to add that section, he would oppose this particular amendment. He's also in opposition to the definition for "reasonable portion" because that lacks any kind of responsibility or documentation in terms of the findings. He said the language "can be negotiated by a person with disabilities" is open to interpretation in terms of what negotiation means. The definition for "technical and feasibility" does not mirror the definition in the 2010 ADA standards, and DSA has added language which is the following: "And which are necessary to provide accessibility." That is highly subjective and he would like it to parallel the language in the 2010 ADA standards. There also needs to be a cross reference in this section to the definition for "structural frame." These work in concert. The language for "when applicable" is unclear. He said he's also in opposition to 11B-202.4, Section 2, existing building's path of travel requirements and specific sections dealing with exempting path of travel that may or may not meet the prior edition of the Building Code. When a building facility is undergoing an alteration, this section allows path of travel, meaning the arrival points, the route a person with disabilities takes to get into the building, the elevator, drinking fountains, telephones, et cetera, to meet the prior edition of the Building Code. He doesn't believe the exception should be allowed. He believes it's a reduction from the current standards. Section 11B-216, signs: DSA is proposing to remove the voluntary requirement for a cleaner air sign and cleaner air symbol. He doesn't think DSA should take it out. Item 11B.23: Scoping requirement for commercial facilities located in private residences DSA is proposing to strike the language "commercial facilities" and put "public accommodations" The language "commercial facilities" is the language in the ADA. He said he would be fine with commercial facilities and accommodations" Section 11B-403, Item 11B.25 dealing with clear widths and sidewalks: Previously in the CBC, the reduction of right-of-way width was allowed to go down to 36 inches with a determination of unreasonable hardship. It additionally says the width can be reduced where it's "infeasible." He believes "technically infeasible" is acceptable.

(Whereupon, a lunch break was taken.)

Public Comments:

Tim Thimesch, civil rights attorney for persons with disabilities, said 4459 is aimed at getting at getting certification. It allows the State Architect to propose to bring up to the ADA, not to propose to bring down anything already in the ADA. He said the State Architect doesn't have jurisdiction under 4459 to build on the regulations. Mr. Thimesch said the State Architect said ADA regulates services, and therefore the State Architect is bringing up the code. He said "services" are so broad, the State Architect can do anything he wants. 4459(a) says the State Architect's jurisdiction is limited to meeting the accessibility standards. The courts have the tools they need and the building officials have the tools they need to regulate vehicle charging stations, and there's no need to come up with new regulations. It appears these regulations are designed to limit the code.

John Paul Scott said he's in support of the Commission adopting DSA's proposed 2016 code changes. He commends the DSA staff, especially Mr. Corelis and Derek Shaw, in conducting fair and open stakeholder forums. He thinks it's unacceptable to wait three years for accessibility standards for EV.

MOTION: Vice Chair Winkel moved to subdivide the entire DSA 5A package into three parts: Part 1 being all other changes; Part 2, Exception 10 to 11B-202.4, which is the seismic cost provision; Item 3 being the electric vehicle charging station.

Mr. Corelis stated it's Item 11B-51 and related Items 11B-51.01-51.06.

It was seconded by Commissioner Mikiten to subdivide the entire DSA 5A package into three parts: Part 1 being all other changes; Part 2, Exception 10 to 11B-202.4, which is the seismic cost provision; Item 3 being the electric vehicle charging station. **The vote was unanimous to accept the motion.**

MOTION: Vice Chair Winkel made a motion about Part 1, on page 65 of 91, Item 11B.25, which is the clear width requirement modifications for sidewalks, 11B-403.5.1.1. He would like to add the word "technically" in front of the word "infeasible."

Mr. Corelis said they would be in favor of doing that.

It was seconded by unknown person to add to Section 1B-403.5.1.1 the word "technically" in front of the word "infeasible." The sentence will read "In alterations where existing conditions make provision of 48 inches minimum clear width technically infeasible."

Commissioner Mikiten wanted to know if they could have both "commercial facilities and "public accommodation," added for clarity.

Mr. Shaw said it was their intent to align with the explicitly statutory language in the ADA standards. The ADA language they rely upon references "public accommodations"

Commissioner Mikiten asked if there was something about the established California term "Commercial facilities," that precluded leaving it in.

Mr. Shaw said that a commercial facility that operates in a private residence could be one individual who works as a consultant on their computer and has no visitors. By retaining the reference and requirement for commercial facilities, they would obligate all areas of their private residence to comply with Chapter 11B. The "public accommodations" captures a different scope of coverage, which would be where the public transacts.

The vote was unanimous to accept the motion.

Vice Chair Winkel clarified Item 1 refers to all of the proposed changes in the Express Terms except those in Item 2, seismic provisions, and Item 3, electric vehicle provisions.

Mr. Corelis identified Item 2 as 11B.02 and related items, 11B.02.01 and 02.02.

Ms. D'Lil asked what those cover.

Vice Chair Winkel answered it is Item 10, Exception No. 10 to 11B-202.4. It's the seismic cost exception.

Vice Chair Winkel proposed inserting the item amended previously dealing with "technically infeasible." He asked whether that was included in the Item 1 vote.

Secretary Batjer stated it has already been voted on. It's two separate votes.

MOTION: Commissioner Klausbruckner made a motion to approve all items except for Items 2 and 3, and it was seconded by Commissioner Santillan. **The vote was 8-1 to accept the motion, eight in favor and Commissioner Mikiten abstained.**

Questions or Comments from the Commissioners:

Commissioner Sasaki wanted confirmation whether a building owner who wanted to do a voluntary seismic upgrade and it exceeded the threshold value, they would have to design and install the required five paths of travel or they would have to comply with that in their design.

Mr. Shaw confirmed that is correct.

Commissioner Sasaki asked whether the exception that is the subject of the motion would cap the cost of complying with these five elements at 20 percent.

Mr. Corelis stated what it would do is: If the cost was over 20 percent, it says you can spend no less than 20 percent.

Commissioner Sasaki asked if DSA has done any analysis or evaluation of seismic upgrade projects to understand whether this exception would affect a good percentage of upgrade projects and does the cost typically exceed 20 percent of the construction cost.

Mr. Corelis stated DSA has not done that kind of a comprehensive study; however, they have had discussions with structural engineers that say that people do not go forward with the project due to the cost.

Questions or Comments from the Public:

Ms. D'Lil stated this is a reduction in code that has been in place for a long time and a violation of Government Code 4459. She stated you have to be careful when you start talking about costs and making that as a consideration that would override a civil rights discussion and civil rights implementation.

MOTION: Secretary Batjer entertained a motion to consider accepting Item 2, seismic design cost provisions. Commissioner Sasaki made a motion to return this item for amendment with further study on a higher maximum threshold than 20 percent for the access

improvements and that DSA look into this in more detail to reach a more equitable balance between the necessity between California unsafe buildings to be upgraded and balance that with sufficient requirement for accessibility, and it was seconded by Vice Chair Winkel.

Questions or Comments from the Commissioners:

Vice Chair Winkel agreed that this is a difficult item to move forward without some additional data and is in favor of retaining the existing code.

Commissioner Mikiten added that this is an important provision because as an architect, he sees very unsafe conditions, so he recommends DSA to move quickly and include it in this code cycle so that by January 1, 2017 this will be included.

Secretary Batjer asked staff whether that was feasible.

Michael Nearman, Building Standards Commission stated that at this point in the cycle, there is not another opportunity for DSA to be addressing this further. This is a substantial change from what was being proposed. It would require a 45-day comment period, and that would impact the publication schedule and meeting the mandate for January 1st. He stated he believes this would have to be addressed during another cycle or as an emergency, if it could meet that requirement.

Secretary Batjer asked if DSA had a comment on the process as described.

Mr. Corelis stated they would be willing to look at all the options for this and concur that an additional study/discussion would be indicated. He stated it has been difficult to get building owners to admit they have an unsafe building when collecting data, and that is one of the issues they have to look at.

Commissioner Klausbruckner commented she is open to new data and information on whatever the cap percent is; however, she suggested not making it a certain number just to satisfy the Commission.

Commissioner Sasaki suggested one thing that can be done to research the cost of accessibility upgrades related to voluntary seismic upgrades is go back to projects that permitted and constructed and assess what the upgrade costs were, which don't have a cap for 20 percent.

Mr. Shaw asked for clarification if under an emergency item whether there is a prohibition against proposing an emergency item which has been recently proposed as part of the regular rulemaking.

Mr. Nearman stated he would have to go back and look at the procedures for emergency regulations; however, if there is a finding of emergency by the Commission, then it would go forward.

Mr. Shaw and Mr. Nearman will discuss this further at a future date.

Commissioner Santillan asked for clarification on whether adoption of the motion that's been put forth would mean that the code would revert back to the 2013 for this particular item.

Mr. Corelis confirmed that it would remain as it is presently configured.

Vice Chair Winkel stated he is deeply torn about this. He stated he is sensitive to the civil rights aspects that the opponents of the proposal raised; however, he is also the chair of a national committee charged by FEMA with implementing the national earthquake hazard reduction program standards into the model codes. He stated this issue relates to life safety, but the evidence that people are not doing voluntary seismic updates because of the amount of work to be done that is ancillary to it. The Commission has the ability to exceed the standards of the ADA, but that the standards proposed in this amendment are those that would apply to states outside of California who use the ADA as their accessibility standards. Consideration needs to be given to not violate ADA by reducing below 20 percent.

Commissioner Sasaki commented many jurisdictions are passing ordinances for mandatory seismic retrofitting of vulnerable structures.

Vice Chair Winkel stated the definition does not contain the word "voluntary." He stated San Francisco has a mandatory soft story mitigation, so under the new proposal the 20 percent cap would apply in that city.

Commissioner Klausbruckner clarified her earlier statement that the Commission is not looking for higher numbers to negotiate, whether it is 20 percent or higher, rather, they're looking more for statistics and numbers.

Questions or Comments from the Public:

Ms. D'Lil stated if it is a reduction in California standards, regardless of the ADA, it is a violation of Government Code 4459. There is also a tax credit of \$15,000 that can be utilized by businesses for barrier removal.

The vote was 6-3 to accept the motion, six in favor with three abstentions. Commissioners Winkel, Patel, and Santillan abstained.

Mr. Shaw stated this proposal and its related items inserts language and amends language in various locations throughout the CBC, and those locations are tied to DSA's item numbers. DSA's Item 11B.51 proposes new language in Section 11B-812; DSA's Item 11B.51.01 is a related amendment, and it proposes new definitions in Chapter 2, Section 202; CBC Section 11B-106.5 includes the list of defined terms and is part of Item 11B.51.02; DSA's Item 11B.51.03 proposes a new exception to Chapter 11B, Section 11B-202.4; DSA's Item 11B.51.04, related code amendment, proposes new language in Section 11B-208.1; DSA's related code amendment Item 11B.51.05 proposes amendments and new language in Section 11B-228; and DSA's related code amendment 11B.51.06 proposes to amend Section 11B-309.4 exception.

Questions or Comments from the Commissioners:

Vice Chair Winkel asked whether 11B.51.02 is included in the group of proposals.

Mr. Shaw confirmed that it was.

Questions or Comments from the Public:

Steven Jacobs commented on the deletion in Section 202 of the words "a continuous unobstructed path" that complies with Chapter 11 diminishes the obligation, in some cases, to give you accessibility to a main entrance when you have accessibility through a garage.

MOTION: Secretary Batjer entertained a motion to consider accepting Item 3, electric vehicle charging provisions. **Commissioner Booth made a motion to approve, and it was seconded by Commissioner Klausbruckner.**

Questions or Comments from the Commissioners:

Commissioner Mikiten stated he is torn about this motion. He stated after listening to public comments on both sides, it is clear to him it is not being done correctly. He is very hesitant to wait an entire year, after he did research on the number of charging stations that are in the state, and other states may look to California for guidance in the future.

Commissioner Booth agreed with Commissioner Mikiten with moving it forward. He stated he believes this to be not a static issue, so whatever is done today is going to have to change because of ever-changing technology. He stated not doing something is worse than doing something.

Vice Chair Winkel stated there has been testimony today that when there is no legal or code precedent, then the existing law governs. But because EV charging stations are not covered by any regulations, if you provide the necessary accessible parking spaces under the current code, you're done. These new provisions will get some accessibility dimensions on the code as part of providing EV stations. So the absence of the code is actually working to the detriment of access rather than having all stations because they fall back into being parking spaces.

He stated that there will be difficult and confusing enforcement issues regarding signage. He urged the State Architect, the disability community, and the Department of Motor Vehicles to get actively involved in a public service campaign about who can and should be using these spaces and dealing with accessible parking coupled with the EV.

Commissioner Klausbruckner reemphasized that not having this in the codes currently is going to make things worse for the disabled community. In response to a previous caller, a review of the signage can be done later on. She suggested processes be put in place to discuss at the end of this meeting in order for the disabled community to be better heard and to create a better environment for all groups to provide input. She stated moving this forward is a more positive change. The problem may be compounded down the road if this is taken out and people start adding EV stations and there being an issue of having to comply with the ADA regulations.

Commissioner Mikiten stated the physical requirements of space, slope, and accessible path of travel are very difficult to retrofit. He reiterated that the community needs to be a part of this process and hopes DSA and BSC staff can work with DMV and the Vehicle Code to sort out some of this finger pointing and get clarification on things like signage.

The vote was unanimous to accept the motion.

(Whereupon, a recess was taken.)

Mr. Shaw stated the proposal for the amendments to the Plumbing Code amend the informative notes that are at the lead of two sections and propose to update a code reference.

MOTION: Commissioner Booth made a motion to approve, and it was seconded by Commissioner Roberts.

Questions or Comments from the Public:

No questions or comments from the public.

Questions or Comments from the Commissioners:

Commissioner Santillan asked whether a Form 399 has been received.

Secretary Batjer confirmed it has been received and copies are available for the commissioners. She also confirmed that all 399s have been received for all packages.

The vote was unanimous to accept the motion.

Mr. Shaw stated the proposed amendments for the 2016 Existing Building Code move forward the language that they had in California Building Code, Chapter 34, on existing buildings and are essentially notes within the new 2016 Existing Building Code.

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: Secretary Batjer entertained a motion to consider the Division of the State Architect - Access Compliance's request for adoption of their proposed regulation for part 10 of 2016 California Existing Building Code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Santillan. The vote was unanimous to accept the motion.

7. OFFICE OF THE STATE FIRE MARSHAL

a) Office of the State Fire Marshal (SFM 01/14) Proposed adoption of the 2014 edition of the National Electrical Code with amendments for incorporation into the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3). As a proposing agency, the Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representative for Office of the State Fire Marshal is Andrew Henning, Deputy State Fire Marshal III Specialist, Code Development Analysis Division. He stated the Part 3 package for the Electrical Code is very similar to previous editions with only minor changes.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Mike Stone, National Electric Manufacturers Association, asked that his comment of support from yesterday's January 19, 2016 hearing be echoed on today's record.

MOTION: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for part 3 of 2016 California Electrical Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Klausbruckner. The vote was unanimous to accept the motion.

b) Office of the State Fire Marshal (SFM 03/15) Proposed adoption of the 2015 edition of the Uniform Mechanical Code with amendments for incorporation into the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4). As a proposing agency, the Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Andrew Henning stated they are moving forward with this package with primarily only editorial changes and carrying forward existing amendments.

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: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for part 4 of 2016 California Mechanical Code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Sasaki. **The vote was unanimous to accept the motion.**

c) Office of the State Fire Marshal (SFM 04/15) Proposed adoption of the 2015 edition of the Uniform Plumbing Code with amendments for incorporation into the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5). As a proposing agency, the Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Andrew Henning stated they are moving forward with this package with primarily only

editorial changes and carrying forward existing amendments.

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: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for part 5 of 2016 California Plumbing Code. Commissioner Roberts made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

8. CALIFORNIA BUILDING STANDARDS COMMISSION

a) California Building Standards Commission (BSC 01/14) Proposed adoption of the 2014 edition of the National Electrical Code with amendments for incorporation into the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3). As a proposing agency, the BSC staff is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for California Building Standards Commission (CBSC) are Laurie O'Brien, Architectural Associate, and Enrique Rodriguez, Associate Construction Analyst. Ms. O'Brien stated their Code Advisory Committee was held on September 9, 2015, where the committee members reviewed and approved as submitted all items proposed for this package. The CBSC staff reviewed and accepted all the Code Advisory Committee's recommendations. Most proposed code changes are editorial in nature. No opposition comments were received during the Code Advisory Committee review and 45-day public comment period.

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: Secretary Batjer entertained a motion to consider the California Building Standards Commission staff's request for adoption of their proposed regulations for part 3 of 2016 California Electrical Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten.

Questions or Comments from the Commissioners:

Commissioner Santillan had an editorial question. He asked whether it was noted that page 2 listed the former executive director.

Mr. Nearman clarified the intent was to acknowledge those who were part of the process. He stated it is appropriate to leave the name of Jim McGowan listed as he was the executive director for 90 percent of the cycle. **The vote was unanimous to accept the motion.**

b) California Building Standards Commission (BSC 02/15) Proposed adoption of the 2015 edition of the Uniform Mechanical Code with amendments for incorporation into the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4). As a proposing agency, the BSC staff is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Enrique Rodriguez stated the CBSC staff reviewed the 2015 Uniform Plumbing Code and proposed very few California amendments. The Code Advisory Committee meeting was held in September 2015 where committee members provided input and took action on proposed initial express terms with their recommendation to approve as submitted for all items. CBSC staff took the Code Advisory Committee's recommendations and carried forward existing initial express terms into the 45-day public comment period held in September 2015. CBSC proposes to adopt the model code and carry forward existing California amendments with some editorial changes

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: Secretary Batjer entertained a motion to consider the California Building Standards Commission staff's request for adoption of their proposed regulations for part 4 of 2016 California Mechanical Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Sasaki. **The vote was unanimous to accept the motion.**

c) California Building Standards Commission (BSC 03/15) Proposed adoption of the 2015 edition of the Uniform Plumbing Code with amendments for incorporation into the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5). As a proposing agency, the BSC staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

Laurie O'Brien stated their Code Advisory Committee meeting was held on September 9, 2015, where the committee members reviewed and gave recommendations on proposed amendments. CBSC reviewed their recommendations and further amended the initial express terms prior to preparing the package for the 45-day public comment period. There was one opposing comment received regarding onsite treatment, nonpotable water, and rainwater catchment systems. CBSC reviewed the comment and decided not to accept it in order to maintain accuracy and consistency with HCD's similar language. CBSC proposed a 15-day express terms to correct an oversight of the proposed adoption of Chapter 14, fire stop protection, of the 2015 Uniform Building Code; no public comments were received. Most of the proposed

code changes in this rulemaking package are editorial in nature.

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: Secretary Batjer entertained a motion to consider the California Building Standards Commission staff's request for adoption of their proposed regulations for part 5 of 2016 California Plumbing Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Santillan. **The vote was unanimous to accept the motion.**

d) California Building Standards Commission (BSC 04/15) Proposed adoption of amendments to the California Green Building Standards Code for incorporation into the 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11).

The representative for CBSC is Enrique Rodriguez, Associate Construction Analyst; and Yara Farr, Architectural Associate. Mr. Rodriguez stated CBSC staff held two workshops, and they worked closely with CalRecycle, California Air Resources Board, and the California Statewide Utility Codes and Standards team, and stakeholders to develop the proposed amendments for this code cycle. They held a Code Advisory Committee meeting in August 2015 where CAC members gave input, which was taken to further amend the initial express terms in preparation for the 45-day public comment period. There were no opposing comments received during that period; however, there was a support comment provided by the California Statewide Utility Codes and Standards team. Many of the proposed code changes in this rulemaking package are editorial in nature. One of the substantive changes was the EV infrastructure provision where the 2013 was further amended with the assistance of the California Air Resources Board. The other substantive change was taking the recycled content from 50 to 65 percent, basically in alignment with HCD.

Questions or Comments from the Commissioners:

Vice Chair Winkel asked a question regarding Item 22, page 17 of 26, whether there was anything in the discussion for the adoption that took place earlier that needs any editorial tinkering with these sections.

Mr. Rodriguez stated no, there are no items that need to be amended.

Commissioner Klausbruckner asked for clarification on page 13 of 26, Item 17, Section 5.410.2, whether the underlining represents new code language.

Mr. Rodriguez confirmed that it is a new proposal if it is underlined text.

Commissioner Klausbruckner asked for clarification on the terminology "all occupancies other

than I and L occupancies."

Mr. Rodriguez stated the California Energy Commission in Part 6 in their scoping provisions do not include for commissioning the I's and the L's as occupancies. Currently I's and L's would not have to be commissioned if they are 10,000 square feet or more; however, CALGreen applies to all occupancies throughout California where there is no other state agency has the authority. So this clarifies that new buildings with 10,000 square feet or more will have to be commissioned based on the CALGreen provisions.

Commissioner Klausbruckner asked what the history was as to why that was done.

Mr. Rodriguez stated he doesn't; however, he spoke with the State Fire Marshal, who has authority over the L occupancies, and asked them whether there were any issues if they included the L occupancies for commissioning, and they did not. OSHPD has authority for certain I occupancies, but other occupancies, such as elderly care, fall outside of OSHPD's authority. He stated this is to clarify I's and L's that are not governed by OSHPD or the Energy Commission.

Commissioner Mikiten asked who the agency was that created the term "universal waste."

Commissioner Klausbruckner stated DSA had defined "universal waste" and had asked them previously whether it was in conflict with the Fire Code with hazardous materials versus waste.

Mr. Rodriguez stated "universal waste" is defined in Title 23, California Code of Regulations, Chapter 23, Standards for Universal Waste Management. The term was added to CALGreen to make sure that certain projects that would be triggered based on the additions and alterations as defined in CALGreen capture that universal waste that is not being managed properly.

Mr. Nearman stated the term is defined in Title 22, not Title 23 as cited by Mr. Rodriguez.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider the California Building Standards Commission staff's request for adoption of their proposed regulations for Part 11 of 2016 California Building Standards Code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

9) OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

a) Office of Statewide Health Planning and Development (OSHPD 01/14) Proposed adoption of the 2014 edition of the National Electrical Code with amendments for incorporation into the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3). As a proposing agency, the OSHPD staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representative for OSHPD is Glenn Gall, Regional Supervisor, Building Standards Unit. He stated this package is a fairly generic triennial adoption. They have made some amendments to acknowledge some changes in the National Electrical Code (NEC), and they've also brought forward some language from prior code adoptions into this code for California-specific issues.

Additional clarification was provided for what hospital services provided in a skilled nursing facility are, and that is as a result of skilled nursing facilities in California housing a lot more ventilated patients, which requires a higher grade essential electrical system.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Jason Belden, Infrastructure Analyst with the California Association of Health Facilities stated that the skilled nursing trade has reviewed the amendments and supports OSHPD.

MOTION: Secretary Batjer entertained a motion to consider the Office of Statewide Health Planning and Development's request for adoption of their proposed regulations for Part 3 of 2016 California Electrical Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Roberts. **The vote was unanimous to accept the motion.**

b) Office of Statewide Health Planning and Development (OSHPD 06/15). Proposed adoption of the 2015 edition of the Uniform Mechanical Code with existing amendments moving forward from the 2013 California Mechanical Code for incorporation into the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4). As a proposing agency, the OSHPD staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24. (All items being challenged that are related to CEQA/Negative Declaration for Part 4 are not included).

Glenn Gall stated changes to the sections here are making their prior amendments fit into some of the rewrite of the Uniform Mechanical Code. They have had to shift around locations of some of the requirements that they are carrying forward due to some reformatting and new language in the Uniform Mechanical Code. Comments were received on this package, many of which were on portions of the code they are not proposing for new amendment; they were proposing on prior amendments that were being brought forward. The comments were outside of the rulemaking, and that was the response back to the commenters.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Randy Young, sheet metal worker with Local 104 representing. He urged this Commission to reject OSHPD's proposal, more specifically Section 602.6.1 based on Criteria 1 and 7. OSHPD is the only state agency not following model code as it pertains to the installation of flexible duct.

This provision would allow a medical facility to be less restrictive than any other nonresidential building within California. He stated OSHPD has failed to identify the inadequacy of the model code language. Flexible duct performs inadequately compared to rigid metal duct. An ASHRAE study from 2011 shows flexible duct pressure loss measurements perform adequate only when installed on a flat surface at less than 4 percent compression without any bends or turns. If OSHPD is suggesting 10 feet to be allowed for alignment, this leads him to believe that flexible duct will not be installed flat or compression sag/bends. In addition to efficiency loss, comfort issues, and poor air flow, flexible duct creates ventilation hazards that reduces indoor air quality and increases the risk of airborne disease transmission.

Tom Enslow appearing on behalf of the Joint Committee on Energy and Environmental Policy stated the main opposition to OSHPD's decision not to adopt new model code language that restricts a flexible duct for the reasons just stated. He stated OSHPD's reason for not adopting the new model code language is because it is superseded by existing OSHPD amendments, and that is not how the code adoption process works. The base model code is the newest edition of the Uniform Mechanical Code with any state amendments. If the new model code gets changed, then there needs to be new state amendments if there is going to be an amendment to that. What is being proposed here today is a new state amendment that does not adopt the model code language in the 2015 Uniform Mechanical Code.

David Diaz, sheet metal worker with Local 104, reiterated what the previous speakers stated. He stated he sits on the UMC technical committee, and this issue went through much debate. He does not see why the amount of ducting can't be the same in all buildings.

Questions or Comments from the Commissioners:

Vice Chair Winkel asked since 602.6.1 indicates there were no comments, the public comments received today are new.

Mr. Gall stated one of the commenters today gave OSHPD a written comment, and they responded back to that.

Vice Chair Winkel asked where that written comment was located.

Mr. Gall stated he has the summary sheet with all the elements and items.

Vice Chair Winkel asked whether the item number was 0615-52 for 602.6.1, flex duct.

Mr. Gall stated that is a California amendment that was adopted into the 1997 triennial adoption process and into the 1998 California Mechanical Code, so they've carried it forward since then. The only item they're adding to 603.4.1, length limitation, is a banner that says "Not permitted for OSHPD 1, 2, 3 and 4" because it conflicts with their previously adopted amendment.

Secretary Batjer clarified that they are only renumbering 602.6.1

Mr. Gall confirmed that is correct. All the language that is presented is not newly proposed; it is brought forward.

Vice Chair Winkel clarified the only proposal is renumbering. Mr. Gall confirmed renumbering and adding a banner.

Vice Chair Winkel asked for clarification that it is on page 10 of 14.

Mr. Gall confirmed that is correct.

Vice Chair Winkel asked whether there were public comments received about the length limitation.

Mr. Gall confirmed there were two public comments received opposing the adoption of the banner. The banner says "Not permitted for OSHPD." The five-foot limitation is not imposed on OSHPD facilities.

Vice Chair Winkel asked what comment numbers those were.

Mr. Gall stated it was comment number 16 on page 9 of 10 from Randy Young and Dion Abril.

Mr. Nearman clarified it was comment number 14 on the staff report.

Mr. Gall apologized and added it is number 16 on the final statement of reasons. He confirmed it is comment number 14.

Vice Chair Winkel asked for clarification that it is on page 9 of 10.

Mr. Gall confirmed that is correct.

(Whereupon, a recess was taken.)

Mr. Nearman clarified some confusion regarding locating written public comments. He stated the questioning was related to Chapter 6, Duct Systems, for OSHPD's Part 4 proposal. There was a renumbering in the model code which forced a renumbering for an existing amendment that OSHPD had related to flexible ducts. The renumbering went from 602.3.1 to 602.6.1, and that was the extent of the proposed modification to that section. Later under 603.4.1, the comments received were specific to the amendment that OSHPD has added to that length limitation that says "Not permitted for OSHPD 1, 2, 3 and 4." That was the area that was proposed for change and received public comment.

Questions or Comments from the Commissioners:

Commissioner Booth commented that the amendment is important to keep for a couple of reasons. Hospitals are probably the most dense above-ceiling spaces that installers have to deal with. There is a tremendous amount of structural impediments above the ceiling, and it is a very tough surface to thread a lot of services through. Also, knowing that hospitals change a lot things as there is new technology, it will be difficult to accommodate those changes. Hospitals are noisy environments, so anything you can do to reduce noise is important. Flex duct has

much better noise reduction; noise breaks out of the duct work above the ceiling instead of being transmitted into the space. Hard metal transmits noise into the space. He stated flex duct has a higher friction loss, which is what it takes to fan energy to push air down a pipe, and the more restrictive it is, the more fan energy you use. The flex duct is used at the end of the line when the air is moving slower, and the actual total friction loss between a 5-foot and a 10-foot section is negligible. He recommended maintaining the 10-foot limit.

Questions or Comments from the Public:

Jason Belden with the California Association of Health Facilities requested that the BSC adopt the amendments as submitted by OSHPD. He stated that the impacts become more cost prohibitive, and they're technically complex to accomplish that last 5 feet. He stated that accommodations that are in the current Building Code are adequate for their buildings.

MOTION: Secretary Batjer entertained a motion to consider the Office of Statewide Health Planning and Development's request for adoption of their proposed regulations for Part 4 of 2016 California Mechanical Code, excluding the sections related to CEQA/Negative Declaration. She asked when making the motion to include the sections listed on the green commission action matrix table to ensure that the sections related to the CEQA/Negative Declaration are not included in this proposed adoption.

Mr. Nearman stated to the motion maker that the first page of the green matrix action table has identified the sections that were included in the CEQA/Negative Declaration for Part 4.

Secretary Batjer clarified that item numbers and sections not included in green matrix action table are as follows: OSHPD 0615#38 (Section 407.4.1.4 exceptions 1 and 2), OSHPD 06/15#51 (Section 602.1).

Commissioner Booth made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was 8-1 to accept the motion, with Commissioner Santillan abstaining.

Secretary Batjer stated due to time constraints and their important nature, agenda item 10 will be heard at this time.

10. CERTIFICATION OF EMERGENCY BUILDING STANDARDS (MWEL0):

a) The California Building Standards Commission (BSC EF 01/15) approved by the Commission at its May 29, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in outdoor irrigation water usage relative to the 2013 California Green Building Standards Code, Chapters 2, 5 and A5 (California Code of Regulations, Title 24, Part 11).

As a proposing agency, the BSC staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representative is Mia Marvelli, Staff Architect for the California Building Standards Commission. Ms. Marvelli wanted to acknowledge Kevin Day, Staff Service Specialist I, who was unable to attend today. He has been handling the scheduling and coordination with all the state agencies regarding the emergency issues for the past six months. After approval of the emergency in May, the Department of Water Resources (DWR) updated their MWELo regulations. During the certifying rulemaking process, BSC and several of the other state agencies needed to modify that emergency to align with DWR's new regulation. There are changes from what the original emergency was to what is before the Commission in the final express terms. This was done through the 45-day public comment period by commenting on their own package and by receiving comments from interested parties. Some of the comments were not accepted, so they issued a 15-day review, where additional comments were received. Before the Commission today is a blend of the initial emergency and the modifications they proposed during the 15-day period. They request approval of this certifying package to make this emergency permanent in the 2013 code, and then it will be carried forward into the 2016 codes.

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: Secretary Batjer entertained a motion to consider the BSC staff's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 5, 2013 California Green Building Standards Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

b) Department of Housing and Community Development (HCD EF 01/15) approved by the Commission at its May 29, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in outdoor irrigation water usage relative to the 2013 California Green Building Standards Code, Chapters 2, 4 and A4 (California Code of Regulations, Title 24, Part 11). As a proposing agency, HCD is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

The representative for HCD is Stoyan Bumbalov. He stated Ms. Marvelli highlighted the most important things, so he requested approval.

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: Secretary Batjer entertained a motion to consider the Department of

Housing and Community Development's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 11, 2013 California Green Building Standards Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

c) Division of the State Architect (DSA-SS EF 03/15) approved by the Commission at its July 21, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to administrative requirements for Sustainable Construction of Public Schools and Community Colleges and include general requirements, definitions, self-certification of drawings and specifications, and associated fees relative to the 2013 California Administrative Code, Sections 4-501 through 4-507 as group 3 of Chapter 4 (California Code of Regulations, Title 24, Part 1). As a proposing agency, the DSA is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Teresa Townsend, Supervising Architect stated these regulations add an administrative section for the implementation of the DSA plan review enforcing the outdoor water regulations per Section 5.304.5 of the CALGreen code, also known as MWELo, Model Water Efficient Landscape Ordinance. The MWELo was passed in May 2015. During the 45-day public comment period, DSA received two comments: One was from DSA so that they could make the change in the MWELo, and there was one comment for support. They proposed new regulations in the 15-day period. Form 399 has been provided.

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: Secretary Batjer entertained a motion to consider the Division of the State Architect's request for adoption of their certificate of compliance and permanent approval of the proposed regulation for Part 1, 2013 California Administrative Code. Commissioner Klausbruckner made a motion to approve, and it was seconded by Commissioner Booth. **The vote was unanimous to accept the motion.**

d) Division of the State Architect (DSA-SS EF 02/15) approved by the Commission at its July 21, 2015 meeting: Certification of compliance and permanent approval of building standards pertaining to water efficiency effecting a reduction in outdoor irrigation water usage relative to the 2013 California Green Building Standards Code, Chapters 2, 5 and A5 (California Code of Regulations, Title 24, Part 11). As a proposing agency, the DSA is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Ms. Townsend referred to what Ms. Marvelli previously stated. She stated the MWELo was updated in December of 2015; therefore, DSA needed to do an update. Comments were received from the stakeholders, and they put out a 15-day comment period for that purpose.

Form 339 has been provided.

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: Secretary Batjer entertained a motion to consider the Division of the State Architect's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 11, 2013 California Green Building Standards Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Roberts. **The vote was unanimous to accept the motion.**

e) **Office of Statewide Health Planning and Development (OSHPD EF 01/15)** approved by the Commission at its May 29, 2015 meeting: Certification of compliance and permanent approval of building standards pertaining to water efficiency effecting a reduction in outdoor irrigation water usage relative to the 2013 California Green Building Standards Code, Chapter 3 (California Code of Regulations, Title 24, Part 11). As a proposing agency, OSHPD is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24

The representative for OSHPD is Glenn Gall, Regional Supervisor, Building Standards Unit. He stated these regulations are basically a pointer to the BSC regulations. OSHPD requested an extension of the emergency filing to stay in sync with the remainder of the state agencies proposing on the MWELo documents for landscape irrigation and water conservation. They received no comments. These items are enforced by the local building jurisdiction for buildings under their jurisdiction.

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: Secretary Batjer entertained a motion to consider the Office of Statewide Health Planning and Development's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 11, 2013 California Green Building Standards Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Santillan. **The vote was unanimous to accept the motion.**

Mr. Nearman clarified the intent was to hear all emergency certifications today; however, there was a time limit on the MWELo extension, so it was important to get through that area of the agenda today. If there is no remaining time today, there is time in the extension for the Energy Commission alignment for a future meeting.

9. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

c) Office of Statewide Health Planning and Development (OSHPD 05/15). Proposed adoption of the 2015 edition of the Uniform Plumbing Code with existing amendments moving forward from the 2013 California Plumbing Code for incorporation into the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5). (All items being challenged that are related to CEQA/Environmental Impact Report for Part 5 are not included). As a proposing agency, OSHPD is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24. (All items being challenged that are related to CEQA/Environmental Impact Report for Part 5 are not included in this Agenda. These items will be processed at a future Commission meeting TBD).

Glenn Gall said the proposal for adoption of our Part 5 of California Plumbing Code is to adopt model code and bring forward prior California amendments into that code. One change includes adding essential plumbing provisions in Section 321, and it requires a number of various types of pumps to be on the essential electrical system or on the emergency power system for continued operation of facilities.

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: Secretary Batjer entertained a motion to consider the Office of Statewide Health Planning and Development's request for adoption of their proposed regulations for part 5 of 2016 California Plumbing Code, excluding the sections that are related to CEQA/Environmental Impact Report. Item numbers and sections not included in the green action matrix table are as follows: OSHPD 0515#15 (Section 604.1), OSHPD 0515#20 (Section 701.1), OSHPD 0515#23 (Section 903.1.3), OSHPD 0515#31 (Section 1101.3.2), OSHPD 0515#33 (Section 1102.1.3). Commissioner Sasaki made a motion to approve, and it was seconded by Vice Chair Winkel. **The vote was unanimous to accept the motion.**

11. CERTIFICATION OF EMERGENCY BUILDING STANDARDS (CEC):

a) California Building Standards Commission (BSC EF 02/15) approved by the Commission at its October 21, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in indoor water usage relative to the 2013 California Plumbing Code (California Code of Regulations, Title 24, Part 5). Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. As a proposing agency, the BSC staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

Enrique Rodriguez stated before the Commission today is the certifying rulemaking to make

permanent the 2013 Plumbing Code emergency regulations approved on October 21, 2015. These regulations implement the reduction of indoor water use for specific plumbing fixtures and align with the Energy Commission's emergency regulation. A support comment was received within the 45-day public comment period.

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: Secretary Batjer entertained a motion to consider the California Building Standards Commission staff's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 5, 2013 California Plumbing Code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

b) California Building Standards Commission (BSC EF 03/15) approved by the Commission at its October 21, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in indoor water usage relative to the 2013 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11). Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. As a proposing agency, the BSC staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

Enrique Rodriguez stated before the Commission today is the certifying rulemaking to make permanent the 2013 CALGreen emergency regulations approved on October 21, 2015. These regulations align with the Energy Commission's emergency rulemaking. A support comment was received within the 45-day public comment period.

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: Secretary Batjer entertained a motion to consider the California Building Standards Commission staff's request for adoption of their certificate of compliance and permanent approval of the proposed regulation for Part 11, 2013 California Green Building Standards Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Sasaki. **The vote was unanimous to accept the motion.**

c) Department of Housing and Community Development (HCD EF 02/15) approved by the Commission at its October 21, 2015 meeting: Certification of compliance and permanent

approval of emergency building standards pertaining to water efficiency effecting a reduction in indoor water usage relative to the 2013 California Plumbing Code (California Code of Regulations, Title 24, Part 5). Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. As a proposing agency, HCD is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representative is Kyle Krause, Department of Housing and Community Development, State Housing Law Program, stated similar to the BSC, this proposal is a follow-up of the adoption of emergency building standards on October 21, 2015 to align Title 24 fixture flow rates with those adopted by the California Energy Commission in their appliance efficiency regulations.

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: Secretary Batjer entertained a motion to consider the Department of Housing and Community Development's request for adoption of their certificate of compliance and permanent approval of the proposed regulation for Part 5, 2013 California Plumbing Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Santillan. **The vote was unanimous to accept the motion.**

d) Department of Housing and Community Development (HCD EF 03/15) approved by the Commission at its October 21, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in indoor water usage relative to the 2013 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11). Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. As a proposing agency, HCD is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Kyle Krause stated this is also a follow-up to the adoption of the emergency building standards for the 2013 CALGreen to align Title 24 regulations with the appliance efficiency regulations adopted by the Energy Commission.

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: Secretary Batjer entertained a motion to consider the Department of Housing and Community Development's request for adoption of their certificate of compliance

and permanent approval of the proposed regulations for Part 11, 2013 California Green Building Standards Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Sasaki. **The vote was unanimous to accept the motion.**

e) Division of the State Architect - (DSA-SS EF 04/15) approved by the Commission at its October 21, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in indoor water usage relative to the 2013 California Plumbing Code (California Code of Regulations, Title 24, Part 5). Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. As a proposing agency, DSA is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for DSA are Jim Gibbons, Construction Supervisor, and James Hackett, Principal Structural Engineer for the Codes and Standards Unit. Mr. Gibbons stated DSA has proposed to make emergency amendment to the 2013 California Plumbing Code, Part 5, applicable to public elementary and secondary schools, community colleges or state-owned or state-leased essential services buildings. These include the adoption of three new amendments relating to water-conserving plumbing fixtures and fittings in response to the governor's April 2015 Executive Order and to align with the subsequent adoption of the California Energy Commission's emergency appliance efficiency regulations contained in Title 20. One was a pointer to the CALGreen code and the other to address reduced urinal flows.

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: Secretary Batjer entertained a motion to consider the Department of Housing and Community Development's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 5, 2013 California Plumbing Code. Commissioner Roberts made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

f) Division of the State Architect - (DSA-SS EF 05/15) approved by the Commission at its October 21, 2015 meeting: Certification of compliance and permanent approval of emergency building standards pertaining to water efficiency effecting a reduction in indoor water usage relative to the 2013 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11). Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations. As a proposing agency, DSA is requesting the Building Standards Commission approve the proposed regulations for publication into Title 24.

Ms. Townsend stated these regulations implement the reduction of indoor water for specified

plumbing fixtures and align with recently approved emergency regs adopted by the California Energy Commission in Title 20.

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: Secretary Batjer entertained a motion to consider the Division of State Architect's request for adoption of their certificate of compliance and permanent approval of the proposed regulations for Part 11, 2013 California Green Building Standards Code. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

OTHER BUSINESS

Secretary Batjer stated the Commission met in closed session on January 24, 2016. No action or votes were taken at that time. This closed session will be continued at a date yet to be determined, and it will be noticed when that date has been determined.

12. FUTURE AGENDA ITEMS:

Secretary Batjer asked if there were any agenda items to be placed as future agenda items.

Commissioner Mikiten proposed discussing at the next meeting the subject of creating a subcommittee of the Commission to facilitate communication and the process by which people with disabilities are allowed to have reasonable participation in the code creation process.

Commissioner Barthman suggested discussing the possibility of sending a staff member to some of the different public hearings for the agencies. He also commended Vice Chair Winkel for dissecting Agenda Item 5a.

Questions or Comments from the Public:

No question or comments from the public.

14. ADJOURNED

MOTION: Secretary Batjer entertained a motion to adjourn the meeting. Unknown speaker made a motion to approve, and it was seconded by unknown speaker. **It was passed unanimously.**