

**CALIFORNIA BUILDING STANDARDS COMMISSION**  
**MEETING MINUTES**  
**January 23, 2020 – 10:00 a.m.**

**Thursday, January 23, 2020**

**Agenda Item 1. CALL TO ORDER**

Chair Julie Lee called the meeting of the California Building Standards Commission (CBSC) to order at 10:12 a.m. at the California State Teachers Retirement System, First Floor Board Room, 100 Waterfront Place, West Sacramento, 95605.

**ROLL CALL:**

CBSC Staff Member Pamela Maeda called the roll.

Commissioners Present:

Acting Secretary Julie Lee, Chair  
Juvilyn Alegre  
Elley Klausbruckner  
Erick Mikiten  
Rajesh Patel  
Peter Santillan  
Kent Sasaki

Commissioners Absent:

None

Chair Lee stated that a quorum was present.

Commissioner Mikiten led the Commission in the Pledge of Allegiance.

Chair Lee gave instructions regarding public comments and teleconferencing.

**Agenda Item 2. COMMISSION APPOINTMENTS AND ACKNOWLEDGEMENTS**

Chair Lee recognized two Commissioners who have termed out.

Steve Winkel, who served as the Architect Commission member for 19 years, appointed by Gray Davis in 2000 and reappointed many times over the years. His knowledge of the interpretation of the Building Standards and a clear understanding of the California Code Adoption process has been and immense benefit to the commission. Mr. Winkle served as Commission Vice-Chair, a member of the Appeals Subcommittee and Code Adoption Subcommittee. Two of his noteworthy contributions were chairing the CBSC Green Building Committee, he worked to create a policy for the development of green building standards in California; the result was the first green building code in the nation. He also served on an Exterior Elevated Element Subcommittee assembled in response to the June 2015 Berkeley balcony failure to report information regarding balcony failures and make regulatory and

statutory regulations. Resulting in Emergency Building Standards to enhance safe construction of exterior balconies and stairs.

Larry Booth, who was appointed as the Licensed Contractor Commission member in 2014. The Commission has greatly benefited from his knowledge operating a mechanical contracting company. His experience over laps with other desired commissioner qualifications, building efficiency and application of the building standards codes. He served on the Appeals Committee as well as a special committee to enhance the rewrite of the CBSC Strategic Plan. The state was well-served by his guidance and commitment to produce sensible and usable state building standards.

### **Agenda Item 3. COMMISSION COMMITTEES AND VICE CHAIR (3a – 3c)**

#### **3a. Vice-Chair**

Chair Lee stated according to Health and Safety Code Section 18922, the Commission shall elect a Vice-Chair annually from among its members.

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

Commissioner Sasaki nominated Elley Klausbruckner or Erick Mikiten due to the length of their service and knowledge.

Commissioner Klausbruckner stated she would like to nominate Raj Patel and Erick Mikiten because they have more experience than I do. They seem to be the better candidates. I would like to nominate Commissioner Patel.

Commissioner Sasaki second the nomination of Commissioner Patel as Vice-Chair. He's been a Building Official for a long time, the President of CALBO and has lots of relevant experience.

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

Bob Raymer stated that the California Building Industry Association strongly supported a nomination of Commissioner Patel.

**Motion:** Chair Lee entertained a motion to consider the selection of Raj Patel as Vice-Chair of the California Building Standards Commission. Commissioner Santillan moved approval of the request as presented. Commissioner Sasaki seconded. Motion carried with 6 yes 0 no, and 0 abstain, per roll call vote.

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

Commissioner Patel said Thank you. I'm flattered, thanks for your confidence.

#### **3b. Appeals Committee**

Chair Lee stated that Agenda Items 3b and 3c provide an opportunity for the Commission to add or remove members and appoint a Chair for the standing committee.

The Appeals Committee has been comprised of Steve Winkel, Larry Booth, and Kent Sasaki, and the first two members have termed out. The purpose of the Appeals Committee is to work

with the Executive Director to determine the appropriate course to administer a valid appeal pursuant to the regulations in the California Administrative Code, Part 1 of Title 24.

**Questions or Comments from the commissioners:**

Commissioner Sasaki stated that he wished to remain serving on the committee. Commissioners Alegre and Klausbruckner stated that they wished to serve on the committee.

**Questions or Comments from the public:**

There were no questions or comments from the public.

**Motion:** Chair Lee entertained a motion to add Commissioners Alegre and Klausbruckner to the Appeals Committee. Commissioner Santillan moved approval of the request as presented. Commissioner Patel seconded. Motion carried with 6 yes, 0 no, and 0 abstain, per roll call vote.

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

**3c. Code Adoption Committee**

Chair Lee stated that the current Code Adoption Committee was comprised of Elley Klausbruckner, Peter Santillan, Steve Winkel, and Raj Patel, who serves as Chair. The purpose and responsibilities of the Code Adoption Committee are to identify means of improving the code adoption process, early participation in the model code process, and review and nominate members for the Code Advisory Committees.

**Questions or Comments from the commissioners:**

Commissioner Patel stated that he wished to continue as Chair. Commissioner Mikiten stated that he wished to serve on the committee.

**Questions or Comments from the public:**

There were no questions or comments from the public.

**Motion:** Chair Lee entertained a motion to add Commissioner Mikiten to the Code Adoption Committee and to continue with Commissioner Patel as Chair. Commissioner Klausbruckner moved approval of the request as presented. Commissioner Santillan seconded. Motion carried with 6 yes, 0 no, and 0 abstain, per roll call vote.

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

**Agenda Item 4. REVIEW AND APPROVAL OF MEETING MINUTES (4a & 4b)**

**4a. April 17, 2019 meeting minutes**

Chair Lee entertained a motion to approve the April 17, 2019 meeting minutes.

**Questions or Comments from the commissioners:**

Commissioner Sasaki noted typos on the third paragraph of page 15: “signal” should be “single”, and “verses” should be “versus.” On page 16 at the top, the sentence should read, “Motion #3 would be to amend the definition of unsafe.”

**Motion:** Chair Lee entertained a motion on the April 17, 2019 meeting minutes. Commissioner Patel moved approval of the request as presented. Commissioner Klausbruckner seconded. Motion carried with 5 yes, 0 no, and 1 abstain, per roll call vote.

The following Commissioners voted “Yes”: Alegre, Klausbruckner, Patel, Santillan, and Sasaki, with Commissioner Mikiten voting “Abstain”.

#### **4b. July 17, 2019 meeting minutes**

Chair Lee entertained a motion to approve the July 17, 2019 meeting minutes.

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

There were no questions or comments from the commissioners.

**Motion:** Chair Lee entertained a motion on the July 17, 2019 meeting minutes. Commissioner Mikiten moved approval of the request as presented. Commissioner Sasaki seconded. Motion carried with 6 yes, 0 no, and 0 abstain, per roll call vote.

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

#### **Agenda Item 5. Comments from the Public on Issues Not on this Agenda**

Chair Lee advised that the Commission may receive public comments on matters not on the agenda. Matters raised may be briefly discussed by the commission and/or placed on a subsequent agenda. No action may be taken by the commission on items raised during this agenda item.

#### **Questions or comments from the public:**

There were no questions or comments from the public.

#### **Agenda Item 6. CODE ADVISORY COMMITTEE APPOINTMENTS**

Chair Lee stated that CBSC staff would present Fire Official applicants for two Code Advisory Committees. The Commission would discuss, deliberate and take action to appoint Code Advisory Committee members. Starting with 6a the Accessibility Committee, Michael Nearman, Deputy Director of the commission provided an overview of the selection process and the need for the Fire Officials.

Michael Nearman, Deputy Director of the CBSC, gave an overview of the Code Advisory Committee selection process. Agenda item 6 is broken into three sub-items and will pause after each to allow the commission process to take place. He stated that during the intervening cycles, it is typical to see fewer packages submitted than for a triennial. Due to the lack of model code adoption during the cycles, the agencies typically address statutory and regulatory changes that need to be picked up during the intervening cycle. This process with fewer

packages usually results in the need for ad hoc committees – a combination of two standing committees – because sufficient material had not been submitted to justify calling a short meeting with all members attending.

For that reason, for the 2019 intervening cycle we have combined four of the standing code advisory committees into two ad hoc committees. Their content is based mainly on the regulations the agencies submitted for the cycle.

The first ad hoc is a combination of the Green Building Standards Committee and the Plumbing, Electrical, Mechanical, and Energy Committee. They tend to address similar provisions in California.

The second ad hoc is a combination of the Building, Fire and Other Committee and the Structural Design Lateral Forces Committee. They were combined mainly for the content of the agency submittals addressing tall wood and mass construction. A Governor's order looking to increase the use of wood materials and other products in construction. The agencies were aware the model code has developed regulations for tall wood mass timber for the 2021 IBC in California the code will not change until January 1, 2023. So as a stop gap for the interim, the agencies have proposed the regulations from the model code into California's Code as amendments in hopes of getting those provision in place and functioning earlier than the 2023 date.

The remaining two committees – the Access Code Advisory Committee and the Health Facilities Committee – are as originally configured and not part of the ad hoc configuration.

Mr. Nearman indicated that reference materials were included in the packets; behind tab 6, they show code ad hoc configurations and CAC membership for the initial CAC formulation from the Code Adoption Committee in 2018. The references are there for the selection process with the full makeup of the six committees.

There was one fire official that informed CBSC during preparation of the 2019 cycle that he was retiring and unfortunately, he was a fire official for the Access, Plumbing, Electrical and Mechanical Energy, and Green Building Standards committee. This was the loss of three fire official positions.

The need for two Fire Official positions on the ad hoc committees resulted in a call for application. CBSC received a total of eight applications from interested individuals. Of those applying for the Access Code Advisory Committee position, only one was qualified as a Fire Official; Janice Cheung, also applied for the Fire Official position on the Green/PEME CAC. The application is included under tab 6a.

Chair stated after the recap and reviewing of the Fire Official application for the ACCESSIBILITY Code Advisory Committee, I'll turn it over to the Commissioners.

#### **Questions or comments from the commissioners:**

Commissioner Sasaki confirmed with Mr. Nearman that Ms. Cheung was the only qualified applicant.

Commissioner Patel suggested putting Janice Cheung on the Accessibility Committee as the Fire Official member and Jeffrey Halpert on the Ad Hoc Green/PEME Committee as the Fire Official member.

**Questions or comments from the public:**

There were no questions or comments from the public.

**6a. ACCESSIBILITY Code Advisory Committee (6a – 6c)**

**Motion:** Chair Lee entertained a motion to select a Fire Official for the Accessibility Code Advisory Committee. Commissioner Patel moved to appoint Janice Cheung. Commissioner Santillan seconded. Motion carried with 6 yes, 0 no, and 0 abstain, per roll call vote.

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

**6b. GREEN/PEME AD HOC Code Advisory Committee**

Mr. Nearman stated that CBSC received a number of applications for the GREEN/PEME ad hoc advisory committee for the Fire Official position. Of the applications received, only two were qualified Fire Officials. One was Janice Cheung and the other was Jeffrey Halpert.

**Questions or comments from the commissioners:**

There were no questions or comments from the commission.

**Questions or comments from the public:**

There were no questions or comments from the public.

**Motion:** Chair Lee entertained a motion to select a member for the Green/PEME Code Advisory Committee. Commissioner Patel nominated Jeff Halpert. Commissioner Sasaki seconded. Motion carried with 6 yes, 0 no, and 0 abstain, per roll call vote.

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

**6c. HEALTH FACILITIES Code Advisory Committee, select Chair from existing members**

Mr. Nearman provided a quick overview of a Chair for the Health Facilities committee. He stated that the sitting Fire Protection Engineer on the Health Facilities Committee had informed CBSC that she was considering leaving the position, so CBSC issued a call for application. However, the individual then informed CBSC that she wished to continue; CBSC allowed this.

Additionally, CBSC was informed that the chairperson of the committee had taken a job with one of the state agencies and could no longer serve as Chair or a voting member of the Code Advisory Committee.

Mr. Nearman indicated that this is the reason for item 6c. The contents are the current applications. for the sitting Health Advisory Committee members to help with your selection for a new Chair.

**Questions or comments from the commissioners:**

Commissioner Sasaki stated that he had reviewed the applications and ranked the top three, with Bill Zellmer of AIA being the top candidate and long history of healthcare code experience.

Commissioner Mikiten agreed that Mr. Zellmer seemed to have a good balance of extensive experience in accessibility and health care.

**Questions or comments from the public:**

Mr. Bill Zellmer stated that he works for Sutter Health and previously worked at OSHPD. He is deeply involved with code requirements of health care facilities and has an obvious interest in ensuring that the codes keep up with the increasingly quick pace of health care. He pointed out that officially he is representing the Skilled Nursing Facilities, so it would be a better fit if he filled the Acute Care position. He would like to be considered for the Chair on the Health Facilities Code Advisory committee.

**Questions or comments from the commissioners:**

There were no questions or comments from the commission.

**Questions or comments from the public:**

Mike Malinowski, representing the American Institute of Architects (AIA) of California, spoke in favor of Mr. Zellmer; he is a well-known and respected architect and a member of AIA.

Peter Oliver (commenter over the phone) stated that he has worked with Mr. Zellmer in the past and endorses him.

**Motion:** Commissioner Sasaki made a motion to select Bill Zellmer as the Chair of the Health Facilities Code Advisory Committee. Commissioner Mikiten seconded. Motion carried with 6 yes, 0 no, and 0 abstain. The vote was unanimous to accept the motion.

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

Mr. Nearman expressed that the Executive Director and myself extend our appreciation to those who applied at the last minute. It had been a short call for application, and there had been quite a response. CBSC appreciated the interest and the effort. The willingness for volunteers to provide their time is admirable and a key element that makes the process work. We want to thank everybody personally.

**Agenda Item 7. Executive Director Report**

Executive Director Mia Marvelli provided an overview of the Commission’s business.

The 2019 edition of Title 24 went into effect on January 1 of this year and with that, we received a number of ordinances. The publishers – the International Code Council, IAPMO, and NFPA– will be issuing erratas that will arrive by the end of January or early February. You all can register your publications to receive those automatically. Commission members can also register their publication to receive the erratas and future supplements automatically. These do not come from Building Standards Commission, they come directly from the publishers.

CBSC thanked the staff of all the publishers; the development of the code is a huge undertaking and staff works hard to get them published on time.

When the new codes are published, the local jurisdictions begin processing and developing their local ordinances to make the code more restrictive or to add on regulations in their community. Of the 165 jurisdictions, each can supply more than one ordinance. CBSC is now reviewing around 200 documents. They have responded to about 88 local jurisdictions with letters which have been posted on our website. The ordinance number is posted on CBSC's website; it is not a live link, as many of the documents are emailed and scanned documents. We do have information on CBSC's website that allows you to send an email or call us to get a copy of the ordinance.

The intervening 2019 code cycle is ramping up. This will produce a supplement that will be published January 1, 2021, going into effect July 1, 2021. The CBSC staff received approximately 30 rulemaking packages in December and is processing and reviewing them, getting them ready for the Code Advisory Committee meetings which is why we needed to have fire officials added to some of those committees. The rulemaking webpage has a link to a list of tentative scheduled meeting dates. The accessibility meeting notice will go out tomorrow. All the rulemaking materials will be available on the website as of tomorrow afternoon.

The meetings are held February through March with the 45-day comment period in April and May. The commission will receive the rulemakings in July for review and approval. This will be a two-day commission meeting, but we are assessing to see if we need a third day depending on the number of packages and how the code advisory committee meetings go.

In terms of education and outreach, the guides have been updated for accessibility. They are available on our website in pdf format that can be downloaded. Videos that complement the guides are 10-15 minutes in length and provide more in-depth information; their topics are Title 24, About CBSC, the rulemaking process, and the code ordinance adoption process. The view hits on some of the videos are up to 1,200 to 1,300 hits. We think that this is a great venue to get the word out. We had a video we did with Stuart Tom and ICC for the Code Ordinance Adoption process and also in production is the nonresidential CALGreen video that will complement the nonresidential CALGreen guide. We have not picked a title for our 6<sup>th</sup> video and will probably have a survey in the next newsletter to see what would be helpful for constituents. It's a lot of hard work that we weave into the rest of the work we have. It's great. Thank you.

#### **Questions or comments from the commissioners:**

Commissioner Sasaki commented that the videos are a great use of technology for communicating with stakeholders.

Mr. Nearman noted that a Green Sustainability forum will be held on February 7.

Commissioner Patel commented that it was a great resource to have all the code adoption packages on the website. He asked if we are encouraging the jurisdictions to post their amendments on their websites.

Executive Director Marvelli replied that in the video, the guide, and the information bulletin, we requested that they supply a readable pdf, but there is no mandate at this point. Most of the local jurisdictions have them on their websites.

Commissioner Patel noted that at chapter meetings, local jurisdictions should be reminded that it is helpful for them to post them because they are not going to be on the CBSC's website.

**Questions or comments from the public:**

There were no questions or comments from the public.

**Agenda Item 8. Future Agenda Items**

**Questions or comments from the commissioners:**

There were not questions or comments from the commissioners.

**Questions or comments from the public:**

There were no questions or comments from the public.

**Agenda Item 9. Adjourn**

**Motion:** Chair Lee entertained a motion to adjourn. Commissioner Sasaki moved approval of the request as presented. Commissioner Santillan seconded. Motion carried with 6 yes, 0 no, and 0 abstain, per simultaneous voice vote.

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

Chair Lee adjourned the meeting at approximately 11:13 a.m.