

**CALIFORNIA BUILDING STANDARDS COMMISSION MEETING MINUTES**  
**June 27, 28, and 29, 2023**

**Tuesday, June 27, 2023**

**Agenda Item 1. Call to Order**

Chair Miriam Ingenito, Government Operations Agency Undersecretary, called the meeting of the California Building Standards Commission (CBSC) to order at 9:00 a.m. The meeting was held via Zoom and teleconference hosted by the CBSC.

**Roll Call**

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

Commissioners Present: Undersecretary Miriam Ingenito, Designated Chair  
Juvilyn Alegre  
James Haskin  
Elley Klausbruckner  
Erick Mikiten  
Rajesh Patel  
Laura Rambin  
Frank Ramirez  
Peter Santillan  
Kent Sasaki  
Aaron Stockwell

Commissioners Absent: None

Chair Ingenito led the Commission in the Pledge of Allegiance.

Acting Executive Director Kevin Day gave instructions regarding public comments and teleconferencing.

**Agenda Item 2. Commissioner re-appointments**

Chair Ingenito announced that Governor Gavin Newsom had reappointed Commissioner Laura Rambin to a four-year term. Ms. Rambin is a Principal Architect at Studio Bondy Architecture. She has more than 20 years of experience working with non-profit clients and designing preschool through 12th-grade educational environments throughout the Bay Area and Sacramento. She fills the Licensed Architect Member seat.

Chair Ingenito swore in Commissioner Rambin.

### **Agenda Item 3. Comments from the public on issues not on this agenda**

Richard Skaff, Executive Director of Designing Accessible Communities, commented on the importance of reasonable accommodation for the disability community and thanked the Commission for their efforts in that area.

Commissioner Mikiten suggested that the beginning of the third day is consistent with what the Commission has done previously, as it is a predictable time and also allows all the other people who are queuing and ready to comment on the first items of the agenda today to be able to do so without delay.

Connie Arnold, disability rights advocate, thanked the Commission for the accommodation of moving agenda items 23 and 24 to June 29th at 9:00 a.m.

Commission Members, staff and the public commenters discussed various options for using the Zoom meeting system, including closed captioning.

Acting Executive Director Kevin Day presented the additional request from Department of Housing and Community Development (HCD) to have agenda item 22 be heard first on June 29<sup>th</sup>.

Tim Thimesch, Civil Rights Attorney, and code user for 30 years. He asked if items 15 and 16, addressing all gender-neutral urinal compartment and the landing at the transfer shower, would be reserved for Thursday.

Acting Executive Director Kevin Day responded that items 15 and 16 are contained within agenda items 23 and 24 for HCD and Division of State Architect (DSA) and asked if one of the agencies could clarify.

Eric Driever with DSA responded and stated that the grouped items 15 and 16 are in agenda item 24.

Richard Skaff, Executive Director of Designing Accessible Communities, commented on not being able to see all the ZOOM participants and would need to be changed by the person who set-up the ZOOM to allow viewing all ZOOM participants.

Connie Arnold, disability rights advocate, commented on the same issue of not being able to see all ZOOM participants.

Commission Members and staff discussed, and the Commission Chair stated that it would be looked at.

Acting Executive Director Kevin Day stated, while the commission is taking the request for public accommodation CBSC received, a second request from HCD is contingent on

the first request. HCD requested to have agenda item 22 be heard on day 3, Thursday, June 29<sup>th</sup>. Kevin Day asked HCD to confirm this request. Jenna Kline with HCD confirmed this request.

The Commission approved the requests to hear agenda item 22 first and then agenda items 23 and 24 on Thursday, June 29<sup>th</sup>.

#### **Agenda Item 4. Executive Director Report**

Acting Executive Director Kevin Day presented a brief summary of the activities that have transpired during the 2022 Intervening Code Adoption Cycle:

- In the last 6 months, CBSC staff have administered 30 rulemakings.
- Agencies held workshops from late Spring to early Fall 2022, followed by five Code Advisory Committee meetings.
- Public comment periods were conducted in Spring 2023.
- The Commission will take action on 18 of the 30 code packages during the June 2023 meeting and in August 2023 will take action on the remaining code packages.
- CBSC staff will work with various publishers to get the intervening code supplements for the 2022 edition of Title 24 published by January 1, 2024.
- Kevin Day thanked the CBSC Staff, all state agency participants, 50 plus code advisory committee (CAC) members and leaders for their dedication and professionalism to get to this phase of the process.
- He also thanked Jay Whisenant, who has participated in some capacity since 1991, and indicated earlier this year that this was his last code cycle on CBSC's CAC.
- Kevin Day gave an update on CBSC personnel: CBSC Executive Director (ED), Mia Marvelli, stepped down on May 14, 2023, to take another position. Former CBSC Executive Director Jim McGowan has agreed to step in, as a Special Consultant, to advise both the Commission and CBSC staff over the next several months, and to help DGS Deputy Director, Brent Jamison, and the Commission with the recruitment and hiring of the next Executive Director.

#### **Agenda Item 5. Review and approval of meeting minutes**

a) April 7, 2022

**Motion:** Chair Ingenito entertained a motion to consider approval of the April 7, 2022, meeting minutes. Commissioner Rambin clarified that she was in person during this meeting, rather than a virtual attendee. Commissioner Rambin moved to approve the minutes, with the above clarification. Commissioner Sasaki seconded. Motion carried 9 yes, 0 no, and 1 abstain, per roll call as follows:

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

b) October 20, 2022

**Motion:** Chair Ingenito entertained a motion to consider approval of the October 20, 2022, meeting minutes. Commissioner Patel moved to approve. Commissioner Klausbruckner seconded. Motion carried 8 yes, 0 no, and 2 abstain, per roll call as follows:

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

c) January 19, 2023

**Motion:** Chair Ingenito entertained a motion to consider approval of the January 19, 2023, meeting minutes. Commissioner Mikiten moved to approve. Commissioner Alegre seconded. Motion carried 7 yes, 0 no, and 3 abstain, per roll call as follows:

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

## **Agenda Item 6. Commission Activities**

a) Mia Marvelli (honor years of service)

The Commissioners personally thanked Ms. Marvelli for her years of service as Executive Director to the Commission and presented to her a Certificate of Appreciation. The Commissioners and several members of the public also expressed their appreciation. Ms. Marvelli thanked them for their comments.

b) Katrina Benny (honor years of service)

The Commissioners and members of the public also personally thanked Ms. Benny, who served as CBSC Office Manager for many years. Ms. Benny thanked them for their kind words.

## **Agenda Item 7. Board of State and Community Corrections (BSCC 01/22)**

Proposed approval of amendments to the 2022 California Administrative Code, Part 1, and the California Building Code, Part 2, Title 24.

Chair Ingenito introduced the item.

Ginger Wolfe and Lindsay Tu, BSCC Regulations Coordinators, gave the presentation and asked for Commission approvals.

Lindsay Tu provided a brief overview. She noted that Title 24, local hotel and juvenile detention regulation revision and rulemaking, had received State Fire Marshal's approval on the nine-point criteria analysis. They are seeking CBSC approval as follows:

- California Administrative Code, Chapter 13, Article one, Section 13-102 and 2-1013; California Building Code, Part 2, Title 24, Section 1231 Minimum standards for the adult local detention facilities.
- BSCC complied with the requirements and proposed changes for a 45-Day public comment period from March 10<sup>th</sup> through April 24, 2023, and received no public comments regarding the proposed changes.
- Title 24 adult rulemaking file was submitted to the California Building Standards Commission on May 11, 2023, and placed on meeting agenda for final Commission approval.
- The terminologies and definitions in Part 1 of Section 13-102 were updated and outdated charts removed to stay relevant, consistent, and current with industry best practices.
- Changes in adult Title 15 regulations and other proposed changes in Section 13-1 and 13-2 also include design-related requirements.
- Changes and updates to the provisions for facilities to comply with the applicable disability laws, including Title 2 of the Americans with Disabilities Act, have also been added.
- Proposed changes to Section 1231.3.5 have been inserted to ensure that facilities take into consideration the design criteria that the beds must not have perforations and are securely fastened to a wall with no space in between.

### **Comments and questions from the Commissioners:**

Commissioner Klausbruckner noted that the term “inmates” was replaced with “incarcerated persons” and “incarcerated people.” She asked if that was done intentionally. In addition, she noted that “incarcerated persons” and “incarcerated people” are used interchangeably and suggested that the terminology be edited to stay consistent.

Lindsay Tu responded that it was intentional. “Inmate” or “inmates” are outdated terms that appear punitive in nature; thus, BSCC decided to adopt the term “incarcerated” as it is more contemporary and removes the punitive nature in the terminology.

Commissioner Santillan asked about the apparent name change for the organization.

Lindsay Tu responded that the former Correction Standards Authority has officially changed to the Board of State and Community Corrections (BSCC).

## **Comments and questions from the Public:**

Richard Skaff commented that he had not heard of the BSCC previously and asked that the Commission directs the various code writing agencies to inform the disability community when those agencies want to make changes that affect their community.

Lindsay Tu responded that BSCC has not implemented any regulations or changes to affect the disability community. She clarified that Section 6.9c has language that complies with federal and state disability laws and regulations, including Title 2 of the American with Disabilities Act. The proposed changes do not affect the ADA.

Ginger Wolfe added that their workgroup included a disability rights attorney when they discussed their suggested changes.

Viana Barbu, Department of General Services Legal and Counsel to the Commission, clarified that BSCC is a self-approving agency and has different authority than some of the other agencies that come before the Commission for approval. BSCC actually carries out their own process and has their own self-approving authority. They come before the Commission for approval for publication purposes only. She suggested that any public comments or concerns go directly to BSCC rather than the Commission.

Acting Executive Director Kevin Day advised that the disability community reach out directly with BSCC.

Connie Arnold spoke in support of Mr. Skaff's comments and voiced her hope that stakeholders with disabilities, which is a wide-ranging population, will have their concerns heard.

Commissioner Sasaki asked for further explanation of the Commission's approval processes in relation to the changes proposed by BSCC.

Acting Executive Director Kevin Day explained that BSCC is called an adopting agency, which means they run their own rulemaking process. They also run their own workshops and public comment periods and their board adopts their Title 24 building standards. They then bring those adopted building standards to the Building Standards Commission for approval of their process and to ensure that they met the intent of the Administrative Procedures Act and compliance with building standards law. CBSC's staff process is to review, and the Commission's is to approve so that BSCC can then move forward and publish their standards in Title 24.

Commissioner Haskin recommended that BSCC revisit the language in Section 1231.2.14, as the phrase "both female and male inmates" at the end of the sentence is now "all incarcerated people" but not in the living area of either.

**Motion:** Chair Ingenito entertained a motion to consider approval of item 7, amendments to the 2022 California Administrative Code, Part 1, and the California Building Code, Part 2, Title 24. Commissioner Santillan moved to approve. Commissioner Klausbruckner seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

Chair Ingenito remarked that, regarding agenda items 8 through 24, and, as previously noted, items 22, 23 and 24 will be taken up on Thursday, June 29.

The Commission will be looking at taking actions to Approve, Disapprove, Return for Further Study or Approve with Amendments to the proposed code changes to various parts contained in the California Building Standards Code, Title 24 of the California Code of Regulations. Commission action will be guided by the nine-point criteria established in Health and Safety Code Section 18930.

Chair Ingenito continued to state the process of adoption and approval of the proposed regulations.

#### **Agenda Item 8. Office of the State Fire Marshal (SFM 01/22)**

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

Daniel Berlant, California’s Acting State Fire Marshal, provided a quick overview of SFM proposals. He noted that proposed regulations will amend Parts 1, 2, 2.5, 3, 4, 5, 9 and 10 of Title 24 of the California Code of Regulations.

Crystal Sujeski, SFM Supervising Deputy of Code Development and Analysis, gave an overview of Items 8 through 12, and Part 1 was clarified to understand the memorandum between SFM and the University of California. The last items 1-5 regarding specified state occupied buildings was unclear, and SFM cleaned up the language. Crystal asked for Commission approval of Part 1, agenda item 8.

#### **Comments and questions from the Commissioners:**

There were no comments or questions.

#### **Comments and questions from the Public:**

Richard Skaff expressed concerns about CalFire not having an ongoing advisory committee to propose code changes for the disability community. He asked that Chief Berlant make a special effort to facilitate inviting a group of people with disabilities to participate.

Connie Arnold concurred with Mr. Skaff's statement and asked that CalFire get in touch with Disability Rights California to address these issues from a stakeholder's perspective.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 8, SFM amendments to the 2022 California Administrative Code, Part 1, Title 24. Commissioner Sasaki moved to approve. Commissioner Klausbruckner seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

### **Agenda Item 9. Office of the State Fire Marshal (SFM 02/22)**

Proposed adoption of amendments to the 2022 California Building Code, Part 2, Title 24.

Crystal Sujeski provided the overview.

- Chapter 1: is very similar to Part 1, Agenda item 8. It clarifies the relationship between SFM and the UC system.
- Chapter 2: OSHPD/HCAI worked on the national level with ICC to remove the reference to Occupancy Group I-2.1 and moves forward with model code language for Ambulatory Care Facilities.
- Chapter 2: Flammable Gas amends the definition to bring in the ability for the A2Ls to meet the global warming potential goals in California. It was approved at the 2024 ICC code hearings for the building and fire code.
- Chapter 3: also amends and removes the reference to Group I-2.1 as well as the tables for High Hazard Group H2 and 3, which allow for those A2Ls flammable gases.
- Chapter 4: shows the bulk of the deletion of Group I-2.1 and another amendment the SFM collaborated with HCAI on was the Exit access in care suites.
- Chapter 5: deletes Group I-2.1 and the tables. It also has corrected text: "Regarding limitation, this was collaborated with DSA for an exception for Group E Laboratories. It was never the intent to limit the number of laboratories in Group E that are not classified as Group H."
- Chapter 7: has the deletion of Group I-2.1.
- Chapter 7A: the Wildland Urban Interface, cleans up the definition of Wildland Urban Interface areas.
- Chapter 7A: Sections 707A.5 through 707A.8, deletes the exception for fascia and architectural trims.
- Section 711A: has corrected text as printed in Chapter 7A, Chapter 49 of the California Fire Code and then reprinted it in the California Residential Code. SFM coordinated with Chapter 7A and Chapter 15 for roofing provisions that was sent out for Further Study before the initial public comment period from April 7<sup>th</sup>



through May 22<sup>nd</sup>. Those exceptions were placed back in and remain the path of compliance for Class A Roof in Chapter 15. Deleted the exception for fascia and architectural trims in Chapter 7A Section 707A.8. In Section 711A is out of the Government Code Section 51179 that is in Part 9 (of Title 24?) and printed in Chapters 7A and 49 of the California Fire Code and reprinted in the California Residential Code.

- Group I-2.1 is deleted from Chapter 8.
- The proposal in Chapter 9 corrects errors in Sections 903.2.1.2, 903.2.1.3, 903.2.3, and 903.2.7 to clarify that the language should say “not less than four-hour fire-resistant rating.”
- Coordination with Group I-2 occupancies for quick response sprinklers.
- The proposal in Section 907.3.3.1, Elevator emergency operation, clarifies that the hallway fire detection is for the activation of the recall.
- The proposal in Section 907.5.2.3.1, Public use areas and common use areas, makes more specific some areas that were in question as to when strobes are needed.
- An amended footnote for Table 911.1, allows for the use of Group A-2L.
- Chapter 10: Deletion of Group I-2.1. In Section 1010.2.4, Locks and latches, Group I-1 was replaced with Group R-2.1. In California, the model code Group I-1 is replaced with Group R-2.1.
- The proposal in Section 10.2.13.1, Delayed egress locking, deletes the model code language and adds a pointer to the existing requirements for fire sprinklers and fire detection in Group I-2 occupancy with delayed egress installed.
- The proposal in Chapter 15 is intended to correlate between Chapter 15 and Chapter 7A: for WUI areas.
- Chapter 35: Referenced standards is amended to include the latest editions of ASTM E108, NFPA 24, NFPA 409, and UL 790.

Crystal Sujeski asked for the Commission’s approval.

### **Comments and questions from the Commissioners:**

Several Commissioners congratulated Ms. Sujeski on her excellent presentation.

Commissioner Haskin noted that item 13 was listed as withdrawn and he wanted to verify whether it had already been withdrawn or is still being reviewed. Also, item 7-2, which had been noted for further study, he wasn’t able to find any response to that comment.

Crystal Sujeski responded that item 13 is still withdrawn. On item 7-2, SFM typically will do changes in a workgroup setting and get a consensus. The Wildland Urban Interface Workgroup continues to be well attended and SFM will address that further in the consensus forum during the next rulemaking cycle.

Commissioner Klausbruckner asked about item 9-6, Section 907.2.9.3. She suggested that this might be a major change, deleting the exception to item 3 still requiring smoke detection in Group R-2 occupancies when there's direct access to the outside. She asked for clarification and reason for this decision.

Crystal Sujeski responded that this came out of the California State Fire Marshal Advisory Committee. There was a need to make them smoke detectors, not smoke alarms, especially in the colleges. SFM wanted to have them interconnected with the fire alarm control unit and the deletion of exception 3 was recommended because the last paragraph addresses it already.

Greg Andersen, SFM Fire Chief, added that this was a specific change that is not for all Group R-2 occupancies. He clarified that it is very specific to universities and dorm situations.

Commissioner Klausbruckner noted that this was a life safety issue, even those that have direct access outside.

Greg Andersen stated that that was correct.

Commissioner Klausbruckner asked about Section 907.5.2.3.1. There seems to be common use areas requiring visible notification, and the impression is that the majority of these rooms are for public use or where occupants may not be too familiar with the particular area yet, items 12 and 14 are added, a shared office of two or more people or in a normally occupied storage room, which doesn't appear to be public, i.e., doesn't seem to be used as a public use area where people are not familiar with the area or space. She asked for explanation and justification for those two items.

Crystal Sujeski responded that, with the public use areas and common use areas, DSA had their own definition. There was a separate definition for Section 907 for the strobes.

Commissioner Haskin asked about the specific case with shared offices of two or more persons if they are required to have visible alarms, are they required to be in the room that they're in or can they be visible from that room?

Crystal Sujeski responded that the intent is they would be visible. If there is a glass wall and they are visible, then you don't need to install one in that room directly.

Greg Andersen added that the guidelines of how to install that and provide visible notification is actually in NFPA 72. One of the issues with the definition in Chapter 2 is the way it was being enforced in certain jurisdictions. If the visibility through a glass wall meets the requirements in NFPA 72, that would be appropriate.

Commissioner Haskin noted that common sense makes this very reasonable, but he's met a lot of code officials that take very strict interpretations and in the way it's written, it opens a lot of potential problems for contractors and for tenants moving in.

Commissioner Klausbruckner remarked that she takes full advantage of asking for interpretations from SFM. She suggested that Commissioner Haskin may want to get a formal interpretation from SFM.

Crystal Sujeski noted that, upon approval of this and before it goes into effect, SFM will be putting out an informational bulletin to help with the clarification of the newly listed items.

### **Questions and comments from the Public:**

Bob Raymer, California Building Industry Association, and the California Apartment Association, commented that they are in strong support of the Fire Marshal's proposed changes to Part 2 of Title 24, especially those in the Wildland Urban Interface items found in Chapter 7A.

Richard Skaff spoke in support of the proposed changes but expressed concerns with the visual alarm system. In his opinion, for the blind, deaf and mobility-impaired disability community, still today 99% of all fire alarm pull stations are inaccessible.

Paul Armstrong, American Wood Council, expressed his thanks for the great report and echoed Bob Raymer's comments about Chapter 7A criteria.

Connie Arnold reiterated what Richard Skaff had said about the importance of including persons with disabilities on committees that are dealing with codes that directly impact the members of the disability community.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 9, SFM amendments to the 2022 California Building Code, Part 2, Title 24. Commissioner Patel moved to approve. Commissioner Santillan seconded.

Discussion by Commissioner Haskin and Crystal Sujeski regarding upon the approval and before it goes into effect, the Fire Marshal will put out an Information Bulletin that will go through the advisory committee and executive process, but SFM can definitely add more to the intent in the Informational Bulletin to help with clarification of the new listed items.

Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

## **Agenda Item 10. Office of the State Fire Marshal (SFM 03/22)**

Proposed adoption of amendments to the 2022 California Residential Code, Part 2.5, Title 24.

Crystal Sujeski provided the overview on the following:

- Chapter 1: is related to what was done in the previous Part 2, Chapter 1 of Agenda item 8, and in the Administrative Code, Part 1.
- Chapter 3: has several sections. The first section, R328.5 and Table R328.5, intend to increase the kilowatt-hours of energy storage systems in use for each location on a residential property. This proposal was heard at the 2024 International Code Council (ICC) for the Fire Code and Residential Code. A comment at the hearing was made that California would be the leader to adopt this first and ICC would bring it back for 2027. After Further Study, one amendment was made for the dwelling unit
- Section R337 is basically a reprint of what's done in Chapter 7A in the building code, the section of Wildland Urban Interface for the residential code. SFM corrected some terms and definitions for Wildland Urban Interface areas and proposed a correlation with the roofing chapter within the residential code, as it was done in the building code. SFM deleted the exception for fascia and architectural trim and followed suit with the Building Code Section R337.11
- Section R337.11 is the introduction of a model ordinance for very high fire severity zone adoption for the locals. Further Study was done based on some typos and further clarifications. There were no further public comments on that issue.
- Chapter 9: is the roofing chapter that correlates with Section R337.
- Chapter 44: adopts the latest editions of ASTM E108 and UL 790.

Crystal Sujeski concluded by asking for Commission approval.

### **Comments and questions from the Commissioners:**

Commissioner Patel asked about the maximum size of the energy storage systems that are allowed as long as they have a local ordinance in place that's more restrictive than this-they would maintain that local ordinance. Is that correct?

Crystal Sujeski answered that that's correct; they have the authority to do so.

Greg Andersen added that there was not a change to the maximum size of 2,120 kilowatt-hours. The aggregate maximum was changed. There can be multiple units.

Commissioner Patel asked if SFM is going to pursue this further in the next model code edition?

Greg Andersen responded yes. SFM is working with Structural Engineers Association of California (SEAOC) on this and will continue to do so.

Commissioner Klausbruckner stated that she was under the impression that this went through the ICC process and the fire code action committee. Is that correct?

Crystal Sujeski stated that it was heard, and it was not approved.

Commissioner Klausbruckner remarked that she had some concerns. Are we increasing the quantities of the aggregate kilowatt-hours based on separation distances, which is Section R 328.5 of the energy ratings? Ordinary combustibles and lithium batteries are very different. She is concerned about how the firefighters are dealing with these types of fires from lithium batteries verses ordinary combustibles. Also, regarding the detached garages or detached areas, it does not specify separation distances in most areas. Are there separation distances proposed for these detached garages or detached accessory structures?

Greg Andersen responded that SFM is only increasing the size of those that are not in the garage. In the attached garage it is the same. On the table it says, "detached garage or accessory dwelling structure is a minimum 10 feet away from the property lines and dwelling."

### **Comments and questions from the Public:**

Bob Raymer spoke in strong support of the Fire Marshal's proposed adoption of the amendments to Part 2.5 of Title 24 and especially supported the tweaks that are being made to the WUI standards in Chapter 3 with regard to the energy storage systems.

Paul Armstrong, American Wood Council, echoed Bob Raymer's comments of full support for the package. Regarding Commissioner Klausbruckner's concerns, it would be interesting to see what their responses are and certainly from the fire community as well.

Brad Fox, Assistant Fire Marshal, Santa Clara County Fire Department, spoke in support of LA County's public comment that was submitted on Item 9-2 regarding the maximum allowable quantities for the ESS systems. First, the maximum allowable quantities part of the Statement of Reasons references the table in the California Fire Code Section 1207.5 and is using that table as guidance for these thresholds. What's missing is the maximum thresholds for commercial systems in Section 1207.5, there are a lot of other requirements that go along with that such as explosion control, fire suppression, and fire detection. Section R328, along with the California Fire Code Section 1207.11, carves out a section for residential installations that have less stringent requirements. So, if a residential property wanted to install a system today that was 600 kilowatt-hours, they could do that. They would simply have to meet Section

1207, which is the appropriate place for a system of that size, not in the residential code.

His recommendation is to encourage those large systems and, just to put it into perspective, the 600 kilowatt-hours is roughly 45 Tesla Powerwall's which is a very large system.

To the Commissioner's question earlier, one of the members there was a representative of International Association of Fire Fighters (IAFF) and commented that the largest concerns from the fire service is explosion control, and the incident in Surprise, Arizona. Measures like explosion control are extremely important for the operations side of firefighting and they would like to see those requirements stay intact for these large systems.

The other point that LA County's comments correctly pointed out is that we look to the UL 9548 testing to ensure that these systems are safe. If one of them enters into thermal runaway, it's not going to propagate to other systems.

There is a concern that a fire that's not initially caused by the ESS units could lead to thermal runaway in the systems and, in that case, it doesn't matter if the system is 20 kilowatt-hours or 50 kilowatt-hours. It's the aggregate quantity that we're looking at.

Josh Costello, Los Angeles County Fire Department, stated that he was the one who, on behalf of the agency, submitted the Public Comment. He echoed the comments and support that Mr. Fox just provided. In addition, the explosion control, fire detection, and fire suppression that Mr. Fox mentioned, would have to be under the provisions that are applicable to occupancies other than R3 and R4, or what is referred to as the R3 and R4 carve-out in Section 1207 and in the California Residential Code.

Addressed Commissioner Klausbruckner's question regarding suppression operations, it's largely yet to be seen how these installations are going to fare in a residential application of fire suppression. Unlike the commercial regulations, which require that a fire mitigation team basically be on retainer or be brought in for these buyers, the residential component in R3 and R4 does not provide for that.

Commissioner Klausbruckner requested that Greg Andersen respond.

Greg Andersen pointed out that it does go through the UL 9540a test, which is where they raise the temperature to test for an external heat source. The proposed amendments are the newest additions of those testing standards that have been improved.

Greg Andersen also stated that SFM has concerns about lithium-ion batteries and the way firefighters must deal with these issues is an absolute concern. This amendment

was proposed by SEAC and Cal Chiefs through their workgroups. Cal Chiefs were very active on this, and it had their support as a proposing member. SFM wanted to bring this forward because it promotes the larger systems being moved out of the structures where people are living.

Commissioner Klausbruckner noted SFM is proposing something that's relatively new. It follows the agenda of possibly promoting solar and energy storage systems at the same time it could create a serious fire issue that we don't know or cannot predict until some of these systems are installed. She asked if the State Fire Marshal's Office can reverse the amendment, or do they have to wait for the next cycle to be able to change it?

Greg Andersen responded that the SFM can put in emergency regulations if it reaches the level of Building Standards Commission's "imminent danger of life."

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 10, SFM amendments to the 2022 California Residential Code, Part 2.5, Title 24. Commissioner Sasaki moved to approve. Commissioner Mikiten seconded. Motion carried 9 yes, 0 no, and 1 abstain, per roll call as follows:

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

### **Agenda Item 11. Office of the State Fire Marshal (SFM 07/22)**

Proposed adoption of amendments to the 2022 California Fire Code, Part 9, Title 24.

Crystal Sujeski gave the overview.

- Chapter 1 contains the state specified buildings in the MOU between SFM and the UC's.
- Chapter 2: Care Suite Business Group B, the High Hazard Groups H-2 and H-3, Group I-2.1, and Non-patient Care Suite have all been amended. The deletion of Occupancy Group I-2.1 is consistent with what has been done in the other parts. The proximate audience definition has deleted the reference to NFPA 1123 as the state did not adopt that. Regulations for fireworks are found in Title 19.
- Chapter 3: Corrected errata to the sprinkler section that references back to the California Residential Code.
- Chapter 4: Deleted Group I-1 and replaced it with Group R2.1, which is the California version of Group I-1.
- Chapter 6: SFM worked with HCAI / OSHPD for the clarification of where fuel storage, combustion engines and generators are found in different NFPA standards. It drives the code user to the correct scoping in Section 605.4 .
- Chapter 8: Different references to Group I-2.1, consistent with what was done elsewhere. Technical Bulletin 133, no longer valid in California, was removed.
- Chapter 9: was corrected to make it clear that Sections 903.2.1.2, 903.2.1.3, 903.2.3, and 903.2.7 should say "not less than four-hour fire-resistant rating."

- Corrected a printing error for Group R-4 and for Section 903.3.2 for the quick response sprinklers; deleted the language for Group I-2 occupancies that's consistent with the building code. Sections 907.262 through 907.523 deleted the reference to Group I-2.1.
- Public comment from a CAC member for further study to clarify with OSHPD on exception three to clarify the language and this was the same clarification in the California Building Code for Group R-2 College and Universities in Section 907.2.9.3.
- Section 907.3.3.1 hallway fire detection was made clear.
- Section 907.5.2.3.1, the public use areas, was corrected, replicating what was done in the California Building Code.
- Amended Table 911.1 footnote to allow for flammable gases moved to Chapter 10 and deleted the reference to the I2.1, Section 1010.2.13.1 the delayed egress locking system.
- Chapter 11: The proposed amendment addressing existing buildings is correlated with OSHPD on the Group I-2 separation between construction areas and minor work to make clear that those separations are regardless of the type of construction.
- Chapter 12: The proposed amendment clarifies the distinction between combustion engines and gas turbines and drives the code user to the correct NFPA standards.
- Chapter 12: The proposed amendments in Section 1207.11.4 and Table 1207.11.4 is the same as the proposal in the California Residential Code.
- Adopted Chapter 27.
- Chapter 33: relates to separations between construction areas, this was proposed in coordination with OSHPD for separations and existing Group I-2's regardless of construction type.
- Chapter 49: The proposed amendment provides consistency with Chapter 7A and Section R337 of the California Residential Code. It also corrects the term Wildland Urban Interface Area and brings in a model ordinance for very high fire severity zone adoption for the locals.
- Chapter 50: Section 5003.11, maximum allowable quantity per control area of medical gases, there is an exception for patient care use. Also, the proposed amendment correlates the adoption of those flammable gases for the A2L refrigerants and the low flammable refrigerant.
- Chapter 57: has two exceptions for flammable and combustible liquids in tanks.
- Chapter 80: adopted the latest editions of ASHRAE 15, ASTM E108; and adopted Technical Bulletin 116.
- The 2018 adoption of NFPA 22, the 2022 edition of NFPA 24, 409, 495 and the latest adoption of UL 790.

Crystal Sujeski concluded her presentation by asking for Commission approval of the amendments.



### **Comments and questions from the Commissioners:**

Commissioner Klausbruckner explained her decision to abstain was because of concerns with item 10-2.

### **Comments and questions from members of the Public:**

Bob Raymer indicated support.

Richard Skaff expressed his concerns regarding the safety of solar residential batteries. Many disabled persons have been given portable batteries and some have caught on fire. He wonders what CalFire is doing to protect the least mobile in the populace.

Paul Armstrong expressed full support for the packages.

Josh Costello echoed earlier comments related to SFM 03/22. Regarding emergency rulemaking this would be too late, as these systems are growing at an extremely accelerated rate and going into R3 structures, and least maintained as they age, will deteriorate further.

Connie Arnold expressed her concerns regarding the safety and long-term impact of these items.

Greg Andersen noted that the systems Mr. Skaff referenced are battery systems, not energy storage systems, as defined in the code. He referred to an informational bulletin and proposed legislation on standards for battery systems, including for e-bikes, wheelchairs, and other issues from batteries, so it is slightly different.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 11, SFM amendments to the 2022 California Fire Code, Part 9, Title 24. Commissioner Mikiten moved to approve. Commissioner Rambin seconded. Motion carried 9 yes, 0 no, and 1 abstain, per roll call as follows:

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

### **Agenda Item 12. Office of the State Fire Marshal (SFM 08/22)**

Proposed adoption of amendments to the 2022 California Existing Building Code, Part 10, Title 24.

Crystal Sujeski provided the overview

- Chapter 1: The proposed amendment clarifies the relationship between the SFM and UC’s.

- Chapter 3; The proposed amendment is a cleanup to delete the reference to Group I-1 and replace it with the California Group R-2.1.
- A new proposal brings new or what was previously not printed or adopted in California Chapters 6 through 11.
- Chapter 13: The SFM proposes to print, but not to adopt Chapter 13.
- Chapters 6 through 7 had many different subgroups that addressed the fire and life safety aspects of each. The proposals are in alignment with the standard of safety that is currently appreciated and maintained in California.

### **Questions and comments from the Commissioners:**

Commissioner Rambin thanked the State Fire Marshal for clarifying and implementing these changes to incorporate to the existing building code as it's been a real struggle for the design professionals to understand how to apply the codes to existing buildings.

Commissioner Haskin asked for an explanation for printing but not adopting Chapter 13, as it seems that would lead to more confusion and opportunities for conflict.

Crystal Sujeski responded that Chapter 13 is a performance method and thus, very subjective. The purpose of “print but not adopt” is to have it available to the locals in case they need to evaluate for alternate means. Chapter 13 used to be in the California Building Code as Chapter 34 and was removed when the existing building code came into play.

Commissioners and staff discussed precedents involving printing and not adopting code language.

Commissioner Klausbruckner expressed a concern about Item 12-1, which is a major change from the model codes or the ICC codes. She asked what occupancies would be affected with this and why are we deleting things like fire barriers.

Crystal Sujeski responded that item 3-2 provides the scope. She specified that historic buildings were removed from the conversation because we already have the California Historic Building Code, Part 8. The exception of Chapters 6 through 11 are not permitted in Groups R-2.1 or R-3.1, or high-rise buildings.

Item 12-1 was conceived through consensus that if you are having a portion of a building with a change of use, especially if it is for living or sleeping purposes, it should be separated from the rest of the building and not allowed any of the exceptions which currently are not allowed in the fire or building code.

Commissioner Klausbruckner: “Effectively you're applying what's currently in place for new construction to existing buildings?”

Crystal Sujeski: “Yes, for the portion of that work area.”

Commissioner Klausbruckner: “Change of occupancies F1 and S1, does it apply or is it just residential?”

Crystal Sujeski clarified that the workgroup did not want to limit it in scope to just the R2 or R3, so it would apply to any existing building, except for the ones I listed earlier that either there is a statute or precedent for the type of construction and the features that go along with that, for example, and H or I for the R2.1s.

Greg Andersen further clarified that this section refers only to fire sprinklers.

Commissioner Mikiten commented on the idea of pulling out the printing of something that is not being adopted and that has come up a couple of times in the past, and it is not abnormal thing to find in the code in a few places. He stated that he was comfortable with keeping it intact as is.

Commissioner Sasaki commented that there is a lot of new information in Chapters 6 through 11. He asked if there will be any outreach by SFM or CBSC staff to help stakeholders understand and implement the new chapters.

Crystal Sujeski responded that a webinar was produced that is available on the ICC Region 1 website. AIA has also put together several presentations and if approved, these new chapters will also be available through extensive outreach to inform and educate the stakeholders.

### **Questions and comments from the Public:**

Michael Malinowski, speaking on behalf of AIA California, an organization representing over 11,000 design professionals in California and throughout the world, expressed strong support for the amendments.

Chapter 13 is the only place in the code where life code efficiencies are presented in a numerical way. It is an extremely valuable tool. He encouraged the printing of Chapter 13 and supported the SFM, people on the Commission for their participation in the development of this challenging and difficult part of the code.

Justin Cervantes, Space Age Laboratories, expressed wholehearted support for the amendments. As Chair for the Fire and Life Safety Subcommittee, we left no stones unturned in our effort to ensure that these regulations prioritize life and safety to the current codes and regulation enforceable in California.

Paul Armstrong with American Wood Council also expressed full support.

Commissioner Haskin requested to remove item 14.

Viana Barbu, Legal counsel, requested to clarify the motion.

Commissioner Haskin clarified the motion was to move and approve first all, except item 14, and then vote on item 14 separately.

Commissioner Mikiten expressed his concern about voting on an item separately.

Viana Barbu recommended to ask the SFM whether removing and voting separately on an item would constitute some kind of consistency with other items in the package and recommended that the commissioners discuss first before voting.

Crystal Sujeski responded that item 14, Chapter 13, could potentially be a standalone item, and referenced back to an existing section in Chapter 1 that allows for alternate means and methods. Nothing in the other proposals would reference it directly.

Commissioners and staff discussed pros and cons for voting on items 1 through 13, and then a separate vote on item 14.

Greg Andersen further clarified that, regarding Item 14, the intent was to publish it, but not to adopt it at this time.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 12, SFM amendments to the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Haskin moved to adopt Agenda item 12 (sub-items 1 through 13) except sub-item 14 in Chapter 13. Commissioner Klausbruckner seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Motion:** Chair Ingenito entertained a motion to consider adoption of sub-item 14 (Chapter 13) only to the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Klausbruckner moved to approve. Commissioner Patel seconded. Motion carried 9 yes, 1 no, and 0 abstain, per roll call as follows:

The following Commissioners voted “Yes”: Mikiten, Sasaki, Rambin, Stockwell, Alegre, Ramirez, Patel, Klausbruckner and Santillan, voted “No”: Haskin.

### **Agenda Item 13. Building Standards Commission (BSC 01/22)**

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

Stephanie Surigao, CBSC Architectural Associate, provided the overview and requested approval of Chapter 1. The amendments are being made to implement and make

specific some of the requirements of the Bagley-Keene Open Meeting Act to apply those requirements to the BSC rulemaking processes.

The Act authorizes a state body to adopt reasonable regulations limiting the total amount of time allocated for public comment and for each individual speaker. BSC is proposing time limits for the following reasons: 1) time limits will ensure that all public commenters will have an equal amount of time to provide comment and 2) public comment time limits will assist the Commission and committee chairs to efficiently carry out obligatory business.

This item was heard at the CAC meeting in March 2023, and the BSC recommended that item 1-1 be implemented, but disagreed with CAC recommendations on items 2-1 and 3-1. Per item 1-1, BSC revised the language to add "specificity" regarding public comment time limits and how they are intended to be applied, as well as added language and the exception to include persons with disabilities. For items 2-1 and 3-1, BSC disagreed with the CAC recommendation since the CAC action was global for the whole Part 1 proposal.

#### **Comments and questions from the Commissioners:**

Commissioner Mikiten thanked staff for following up on this, especially the exception for people with disabilities.

Commissioner Santillan also thanked the staff and expressed his appreciation for the members of the public and stakeholders who bring information to the Commission and in full support.

#### **Comments and questions for the Public:**

Bob Raymer spoke in strong support of the approval.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 13, BSC amendments to the 2022 California Administrative Code, Part 1, Title 24. Commissioner Mikiten moved to approve. Commissioner Rambin seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

#### **Agenda Item 14. Building Standards Commission (BSC 03/22)**

Proposed adoption of amendments to the 2022 California Existing Building Code, Part 10, Title 24.

Irina Brauzman, CBSC Associate Architect, presented the overview and requested approval of the item. The majority of this proposal is administrative in nature, with no change in the regulatory effect, and is associated with the SFM proposal to adopt the

International Existing Building Code Chapters 6 through 11, and Chapter 13, for scopes within their authority, and those are listed in Section 1.2 of the California Existing Building Code. This proposal was heard at the CAC meeting in March 2023. During this meeting, CAC members raised their concerns about the language in item 3-1, specifically, the absence of references to the California Building Code in Section 6.1.1, so BSC added a pointer to Part 8 in that section. The CAC had a concern for item 4-1, related to misinterpreting the amended Section 701.1. BSC revised the proposed amendment to clarify that alterations to historic buildings and structures shall comply with the California Historical Building Code. BSC received no public comments during the 45-day public comment period that ran from April 7 through May 22, 2023.

**Questions and comments from the Commissioners:**

Commissioner Patel commented that SFM just adopted Chapters 6 through 11 and those apply to State Fire Marshal occupancies. He asked if BSC is not adopting Chapters 6 through 11, so this would not apply to non-residential occupancies outside of what SFM has jurisdiction of, but could a local jurisdiction adopt it if they wanted to?

Irina Brauzman clarified that BSC authority is for state buildings, and UC and CSU buildings only. All the model language applies to those types of occupancies.

**Questions and comments from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 14, BSC amendments to the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Sasaki moved to approve. Commissioner Mikiten seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Agenda Item 15. Division of the State Architect (DSA-SS/CC 02/22)**

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

Diane Gould, Principal Structural Engineer representing the Division of the State Architect Structural Safety Section, provided the overview for DSA’s 2022 Title 24, Part 1 package, as well as Part 2 and Part 10 packages, consist of editorial adjustments to address clarity and consistency, and do not represent significant changes in practice or regulatory effect. Also, no proposals in the Part 1 package would result in fiscal or economic impact.

DSA submitted their package for the 45-day public comment period, which ran April 7 through May 22 of 2023. No public comments were received during the 45-day public comment period.

**Comments and questions from the Commissioners:**

There were no questions or comments from the Commissioners.

**Comments and questions from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 15, DSA-SS/CC amendments to the 2022 California Administrative Code, Part 1, Title 24. Commissioner Haskin moved to approve. Commissioner Klausbruckner seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Agenda Item 16. Division of the State Architect (DSA-SS/CC 03/22)**

Proposed adoption of amendments to the 2022 California Building Code, Part 2, Title 24.

Diane Gould provided the overview and concluded by asking for approval of the amendments for DSA’s 2022 Title 24, Part 2. She reiterated that the proposals included for this Part 2 package, as well as Part 1 and Part 10 packages, consist of editorial adjustments to address clarity and consistency, and do not represent significant changes in practice or regulatory effect. Also, no proposals in the Part 2 package would result in fiscal or economic impact.

DSA submitted their Part 2 package for the 45-day public comment period, which ran April 7 through May 22 of 2023. DSA did not receive any public comments during that 45-day public comment period.

**Questions and comments from the Commissioners:**

There were no questions or comments from the Commissioners.

**Questions and comments from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 16, DSA-SS/CC amendments to the 2022 California Building Code, Part 2, Title 24.

Commissioner Mikiten moved to approve. Commissioner Santillan seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Agenda Item 17. Division of the State Architect (DSA-SS/CC 04/22)**

Proposed adoption of amendments to the 2022 California Existing Building Code, Part 10, Title 24.

Diane Gould provided the overview and concluded by asking for approval of the amendments for DSA’s 2022 Title 24, Part 10. She reiterated that the proposals included for this Part 10 package, as well as Part 1 and Part 2 packages, consist of editorial adjustments to address clarity and consistency and do not represent significant changes in practice or regulatory effect. Also, no proposals in the Part 10 package would result in fiscal or economic impact.

DSA submitted their Part 10 package for the 45-day public comment period, which ran April 7 through May 22 of 2023. DSA did not receive any public comments during that 45-day public comment period.

**Questions and comments from the Commissioners:**

Commissioner Patel noted that DSA-SS is proposing to make modifications to their amendments that are already in the code to clarify them but are not proposing to adopt Chapters 6 through 11. He asked whether Chapters 6 through 11 amendments would not be applicable to the occupancies that DSA-SS covers, which is basically K-12 schools.

Diane Gould responded that they would not be applicable to the structural provisions that apply to existing buildings. She clarified that structural approaches for existing buildings, at least from DSA’s perspective, are different than locals or the State Fire Marshal.

Commissioner Sasaki commented that from the questions of Commissioner Patel, who is a building official, that this information in the existing building code, particularly with the State Fire Marshal’s adoption of Chapters 6 through 11, makes it confusing for design professionals to understand what’s allowed for different sorts of buildings. This reinforces the need for good outreach to design professionals to make it understood what the requirements are.

Commissioner Rambin reiterated Commissioner Patel’s and Commissioner Sasaki’s comments. There will be confusion with State Fire Marshal regulating the Fire Life Safety requirements for K-12 Schools.



## Questions and comments from the Public:

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 17, DSA-SS/CC amendments to the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Rambin moved to approve. Commissioner Alegre seconded.

Commissioner Patel suggested, and Commissioner Rambin agreed, that it would be helpful if BSC would take the lead in developing a one-page information bulletin on what the different jurisdictional authorities are going to be to the existing building code. It's really hard to go through the matrices at the beginning of each chapter and figure out who has approved what sections of each individual chapter.

Kevin Day, Acting Executive Director, stated that he would be happy to help coordinate that with the other agencies.

Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

## **Agenda item 18. Office of Statewide Health Planning and Development (OSHPD 01/22)**

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

Richard Tannahill, OSHPD Deputy Division Chief, OSHPD Building Standards, presented the overview. He clarified that Agenda item 18 covers Part 1, Chapters 6 and 7 of Title 24.

The proposed amendments to the 2022 California Administrative Code Part 1 of Title 24 were presented to the Hospital Building Safety Board (HBSB), codes and processes committee on July 14, 2022, and October 13, 2022. Due to the subject matter, the Chapter 6 amendments were heard by the CBSC Ad Hoc CAC on March 1 and 2 of 2023. Chapter 7 amendments were heard by the CBSC Health Facilities (HF) CAC on January 31, 2023. OSHPD accepted the "approve as amended" and "further study" recommendations on most of the items and made appropriate changes before the 45-day public comment period. No public comments were received during the 45-day public comment period held April 7 through May 22, 2023.

Chapter 6:

- Item 1 proposed code changes incorporate Senate Bill 395, Chapter 489 statutes of 2021 into regulations.

- Item 2 incorporates Assembly Bill 1882, Chapter 584 statutes of 2022 into regulation.

#### Chapter 7:

- Chapter 7 amends Part 1 by providing clarifications and amending definitions related to managed projects and start of construction.
- Removes requirements for paper plan review submittals and provides clarification of the services allowed by the architect's license.
- Language for deadlines to upload drawings and return of back checks. Back checks are based on project cost.
- Amends fees for geotechnical and geo-hazard reviews that are non-refundable after the review has been completed, and editorial OSHPD name changes.
- Adding processes to review and build projects with no construction or a reduction in scope to be billed at cost.
- Adding a section to clarify responsibilities and ethics of the inspectors of records.

Richard Tannahill concluded by respectfully requesting Commission approval.

#### **Questions and comments from the Commissioners:**

There were no questions or comments from the Commissioners.

#### **Questions and comments from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 18, OSHPD amendments to the 2022 California Administrative Code, Part 1, Title 24. Commissioner Mikiten moved to approve. Commissioner Rambin seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

#### **Agenda item 19. Office of Statewide Health Planning and Development (OSHPD 02/22)**

Proposed adoption of amendments to the 2022 California Building Code, Part 2, Volume 1, Title 24.

Richard Tannahill provided the overview and concluded by requesting Commission approval. He noted that the proposed code changes are technical amendments. This proposal is for the 2022 California Building Code, Part 2, Volume 1. Proposed amendments were presented to the HBSB, codes and processes committee on July 14, 2022, and October 13, 2022. The proposed amendments were heard by the CBSC

Health Facilities Code Advisory Committee (HF CAC), on January 31, 2023. The HF CAC recommended approval on most of the code changes and approve as amended on a few changes. OSHPD accepted the approve as amended recommendations except one in item OSHPD 02-22-17-6 section 1228.2 following the CAC meeting, OSHPD verified the reference and found Chapter 6 to be correct.

No public comments were received during the 45-day public comment period held April 17 through May 22, 2023.

Proposed changes:

- Remove designations for OSHPD 2A and B, so OSHPD 2 will be the only designation for skilled nursing facilities.
- Add OSHPD 6 for chemical dependency recovery hospitals based on new law.
- Provide clarification on the definition of “patient room” to include overnight stays, not just licensing status.
- Add definition for “treatment room.”
- Refine language from previous editions for procedures in Class 2 Imaging rooms.
- Remove or clarify dimensions for pharmacy spaces and clarify finishes.
- Provide clarification on when a morgue is required.
- Add behavioral health observation in emergency departments.
- Remove the requirement for a bathtub to be in a Skilled Nursing Facility.
- Provide clarification and revision to psychiatric service spaces.
- Add requirements for chemical dependency recovery hospitals.

### **Questions and comments from the Commissioners:**

Commissioner Klausbruckner noted that there are instances where the language requires things at “a ratio of.” She recommended that, instead, the language uses “minimum ratio of” or “maximum ratio of.” She used as an example Item 17, Section 1229.14.1.8, mentioning that OSHPD may want to consider adding a minimum ratio for showers. It is the same for patient care support in Section 1229.14.3.

Richard Tannahill offered his appreciation for the comment and added that they will take the comment into consideration for future revisions.

### **Questions and comments from the Public:**

Connie Arnold stated that she has found recently, working with a patient in a facility, that skilled nursing facilities in general are not in compliance with disability accessibility and need to be brought into compliance with accessibility standards.

### **Additional comments from the Commissioners:**

Commissioner Mikiten wanted to confirm that the interim equipment item that formerly said “temporary” equipment is now used for the duration of the need for the equipment, not to exceed the duration of the construction project that it is related to. When you say “construction project” it refers to the time period of construction as opposed to meaning the building or the new building?

Richard Tannahill responded “yes” and added that temporary interim equipment was kind of redundant. Temporary equipment is for six months. Interim equipment is for the life of the construction or the need for that equipment onsite and is allowed to exceed the six months.

Commissioner Mikiten asked about “fixed” and “removable” equipment and the difference between the terms.

Richard Tannahill responded that removable equipment is fixed equipment that is detachable for either maintenance or to move for cleaning purposes. It’s fixed equipment that is detachable and can be moved out of place.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 19, OSHPD amendments to the 2022 California Administrative Code, Part 2, Volume 1, Title 24. Commissioner Mikiten moved to approve. Commissioner Alegre seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

### **Agenda item 20. Office of Statewide Health Planning and Development (OSHPD 03/22)**

Proposed adoption of amendments to the 2022 California Building Code, Part 2, Volume 2, Title 24.

Roy Lobo, Principal OSHPD/HCAI Structural Engineer, provided the overview. These amendments provide editorial and minor technical modifications to existing regulations for clarification and consistency. Some of the amendments were presented to the HBSB Structural and Nonstructural regulation committee on June 22, 2022.

The proposed amendments were heard by the CBSC, Ad Hoc CAC on March 1<sup>st</sup> and 2<sup>nd</sup>, 2023. The CAC recommended approval on most of the code changes and further study on a couple of code changes. OSHPD accepted the further study recommendations and make the appropriate changes prior to the 45-day public comment period. No public comments were received during the April 7 through May 22, 2023, 45-day public comment period.

Summary for Items 1 – 10:

- In the 2022 CBC structural requirements were split between OSHPD 2A, which applied to single-story wood and light frame construction, and OSHPD 2B for all others, is no longer required (as referenced earlier by Richard Tannahill in Agenda item 19).
- An exception has been added to the prohibition on the use of steel special cantilever column systems to permit its use for light structures such as canopies or covered walkways.
- Clarified the design seismic force requirements for interim equipment for uses greater than 180 days.
- Amended the requirements to have an independent peer reviewer when similar qualified staff is available within OSHPD.
- Added requirements for special assessment certification for alternate power systems for skilled nursing facilities, in conformance with new law AB 2511.
- Clarified that the approved agency performing tests and special inspections are required to be independent from the project inspector of record or the entity providing inspection services.
- Clarified the language in Chapter 19 for test acceptance criteria for tension testing of anchors not governed by concrete breakout failure, to be consistent with amendments that were made prior in chapter 19a.
- Clarified the language regarding where cleanouts are to be provided in masonry construction when required based on grout or heights.
- Amended the applicable performance of curtain wall systems using armor 501.4 following a seismic drift test for hospitals. These drift tests are not to be elastic drifts but are to be to the design risks.

Roy Lobo concluded by requesting approval of the amendments.

#### **Questions and comments from the Commissioners:**

There were no questions or comments from the Commissioners.

#### **Questions and comments from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 20, OSHPD amendments to the 2022 California Building Code, Part 2, Volume 2, Title 24.

Commissioner Sasaki moved to approve. Commissioner Alegre seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Agenda item 21. Office of Statewide Health Planning and Development (OSHPD 07/22)**

Proposed adoption of amendments to the 2022 California Existing Building Code, Part 10, Title 24.

Roy Lobo presented the overview and concluded by requesting approval of the amendments to the 2022 California Existing Building Code, Part 10 of Title 24. The proposed amendments provide editorial and minor technical modifications to the existing regulations for clarification and consistency. Some of these amendments were presented to the HBSB Structural and Nonstructural regulation committee on June 22, 2022.

The proposed amendments were heard by the CBSC, Ad Hoc CAC on March 1<sup>st</sup> and 2<sup>nd</sup>, 2023. The CAC recommended approve on all the code changes.

No public comments were received during the April 7 through May 22 , 2023 during the 45-day public comment period.

- Revisions were made in the “A” chapters to align with changes made to the 2021 IEBC restructuring of the requirements for smoke and carbon monoxide alarms.
- For buildings retrofitted to SPC 4D performance level in the existing amendment for the construction of the response spectrum and acceleration time histories which reference sections of the 2016 CBC were inadvertently left out. This amendment re-establishes the original amendment intent.
- Clarified the acceptance criteria for non-structural elements for buildings retrofit to SPC 4D where allowable drifts are exceeded. Those elements are limited to items identified in Chapter 6, Article 10 of the CEC for buildings removed from acute care service.
- Clarified that the use of firewalls is limited to freestanding buildings. A fire barrier may be provided if the building remains under OSHPD jurisdiction.

**Questions and comments from the Commissioners:**

There were no questions or comments from the Commissioners.

**Questions and comments from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of item 21, OSHPD amendments to the 2022 California Existing Building Code, Part 10, Title 24. Commissioner Mikiten moved to approve. Commissioner Rambin seconded. Motion carried 10 yes, 0 no, and 0 abstain, per roll call as follows:

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

Chair Ingenito stated that Agenda item 21 concluded commission work for Tuesday, June 27, 2023, the California Building Standards Commission (CBSC) heard and took action on Agenda items 1 through 21. The Agenda items were heard and completed sooner than expected. As a result, no items were heard on Wednesday, June 28, 2023, due to a request for accommodation for public comment related to a motion approved by the CBSC to continue Agenda Item 22 through 26 on Thursday, June 29, 2023.

**Motion:** Commissioner Haskin moved to adjourn, Commissioner Santillan seconded, and the Commission voted unanimously to adjourn for the day.

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

## **Wednesday, June 28, 2023**

California Building Standard Commission (CBSC) meeting did not meet on June 28, 2023, and resumed on Thursday, June 29<sup>th</sup>, 2023, at 9:00 am.

On June 27, 2023, the CBSC heard and took action on the agenda items 1 through 21. The agenda items were heard and completed sooner than expected. As a result, no items were heard on Wednesday, June 28, 2023, due to a request for accommodation for public comment and a related motion approved by CBSC to continue with agenda items 22 through 26 on Thursday, June 29, 2023, based on a public comment request to move those to Thursday, June 29, 2023.



**Thursday, June 29, 2023**

**Agenda Item 1. Call to Order**

Chair Miriam Ingenito, Government Operations Agency Undersecretary, called the meeting of the California Building Standards Commission (CBSC) to order at 9:00 a.m. The meeting was held via Zoom and teleconference hosted by the CBSC.

**Roll Call**

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

Commissioners Present: Undersecretary Miriam Ingenito, Chair  
Juvilyn Alegre  
Elley Klausbruckner  
Erick Mikiten  
Rajesh Patel  
Laura Rambin  
Frank Ramirez  
Peter Santillan  
Kent Sasaki  
Aaron Stockwell

Commissioners Absent: James Haskin

Acting Executive Director Kevin Day gave instructions regarding public comments and teleconferencing.

**Chair Ingenito:** Restated that the agenda items were actually heard in reverse order, i.e., first item 24, then 23, then 22. The order was reversed to better serve the needs of various participants.

**Agenda item 24. Division of the State Architect (DSA-AC 01/22)**

Proposed adoption of amendments to the 2022 California Building Code, Part 2, Title 24.

Eric Driever, DSA Principal Architect, introduced the proposals. DSA conducted pre-cycle activities which included meetings with DSA Access Code Collaborative (ACC). DSA met with the ACC on September 23<sup>rd</sup>, and again on November 4<sup>th</sup> and 7<sup>th</sup>.

DSA conducted a public access stakeholder forum on October 24<sup>th</sup>, and multiple meetings with the Disability Rights of California (DRC) Organization on September 30, 2023, October 21, 2023, December 9, 2023, and on January 6, 2024

CBSC ACCESS CAC met on February 2 and 3, 2024. Based on the CAC's recommendations DSA made changes to the proposals and conducted a public hearing

on March 23<sup>rd</sup> and received public input. The 45-Day public comment period was from March 10<sup>th</sup> to April 24<sup>th</sup>, 2023.

DSA considered all comments received and also conducted an additional 15-Day public comment period from May 10<sup>th</sup> to May 25<sup>th</sup>, 2023.

Michelle Davis, Supervising Architect, California State Certified Access Specialist, provided the overview.

- Item 1: changes CBC Chapter 2, Section 202, the definition of Blended Transition. DSA proposes to change the way the slope is expressed, removing the percentage term, and instead adding a ratio.
- Item 2: has been withdrawn.
- Item 3: changes CBC Chapter 4, Section 406.2.3 regarding accessible parking spaces. DSA proposes to add a reference to Chapter 11B and the term “as applicable.” The section already references Chapter 11A, this reference is simply to be more complete.
- Item 4: amends CBC Chapter 10, Section 1009.2 Accessible Means of Egress Continuity and Components. It adds Exception 11, which states “safe dispersal areas where they are allowed under Section 1028.5.”
- Item 5: amends CBC Chapter 10, Section 1009.8.2 Accessible Means of Egress. This is another change to the referenced Chapter 11A which is already in the code language. Proposed to add a reference to Chapter 11B.
- Item 6: is for CBC Chapter 10, Section 1010.1.4. This is another reference that already has Chapter 11A in the code language and amends it to also include Chapter 11B as applicable.
- Item 7: is for Chapter 10, Section 1028.5, Safe Dispersal Areas. Proposed and added exception number 6, which would allow an accessible area for a safe dispersal area to be provided for a minimum of 2% of the facility occupants.
- Item 8: applies to CBC Chapter 11A, Section 1150A. DSA is rescinding its adoption of Section 1150A, and the subsections 1150A.1 and 1150A.2, in their entirety.
- Item 9: amends Chapter 11B, Section 11B-213 and proposes requirements for multi-user all gender toilet facilities and they are in line with the proposed plumbing code changes that allow this type of configuration at toilet rooms.
- Item 10: changes Chapter 11B, Section 11B-216.5, Electric Vehicle Charging Facility Signs. DSA proposed to include terminology for electric vehicle charging facilities in the section that already regulates parking facility signs.
- Item 11: changes Chapter 11B, Section 11B-233.3.1.2, Residential Dwelling Units with Adaptable Features. This proposal serves to clarify what an elevator building must have for accessible and adaptable units.
- Item 12: changes Chapter 11B, Section 11B-249.1, Adult Changing Facilities Alterations. This proposal amends existing requirements for adult changing facilities to include facilities that undertake alterations after January 1, 2025. This requirement is needed to align with existing statute.

- Item 13: changes CBC Chapter 11B, Section 11B-406.3.2. It changes Figure 11B-406.3.2 to align with changes also made during the intervening code cycle in 2019, when the detectable warnings were pulled back from the face of the curb to allow for constructability issues. The figure has been changed to show the correct placement of the detectable warnings.
- Item 14: changes Chapter 11B, Section 11B-604.8, Toilet Compartments. This change amends the language of the doors for toilet compartments to include a requirement to have a privacy latch.
- Item 15: changes to Chapter 11B, Section 11B-605, Urinal Compartments is related to the requirements for multi-user all gender toilet facilities. DSA recognizes that all gender toilet facilities will likely require each fixture to be within its own privacy compartment and there are currently no regulations for accessible urinals within their own compartment.
- Item 16: CBC Chapter 11B, Section 11B-809.10.6, Showers. This strikes a reference to Section 11B-608.1 because the reference conflicts with the requirements of this section.
- Item 17: Section 11B-216.8, Toilet Room Signs. This is related to the proposals for multi-user all gender toilet facilities. It adds requirements for both the door sign and symbol at the entrance to the facility and adds additional fixture signs at each compartment.
- Item 18: also related to all gender multi-user toilet rooms, amends Code Section 11B-226.4 to prohibit baby changing stations within accessible urinal compartments.

Eric Driever added that in item 15, there was an addendum issue which strikes language.

### **Questions and comments from the Commissioners:**

Commissioner Mikiten commended DSA on the clear format used for presenting the code proposals.

Commissioner Mikiten raised a concern regarding item 6, the floor elevation; specifically, why a change to the existing four-inch exception was not proposed. He asked DSA if there has been a discussion on changing that and why the 4-inch exception is still allowed, since the entry door can't have the 4-inch exception. Commissioner Mikiten mentioned that architects are able to solve the associated waterproofing and support problems, but people with disabilities are not able to use decks and patios when there is a step there.

Michelle Davis responded that exterior decks and patios typically need waterproofing and are lower than the unit floor level so that water doesn't seep into the unit. DSA allows this exception for an infill of a different flooring material.

Commissioner Mikiten responded that, as a multi-family architect, what he sees happening is actually that exception allows people to lower, whether it's an exterior patio or a raised balcony, and create a 4-inch step. Per Commissioner Mikiten, the exception is almost asking for that, as opposed to there being a requirement that the surface be at the same level as the unit itself. What you end up with is an adaptable and accessible dwelling units that have a level entry at the front door, where they deal with the waterproofing just fine, and then a step at the rear door.

Eric Driever pointed out that this is a requirement of the Fair Housing Act, which suggests that it's really only in the adaptable units that this would take place, not in the mobility units, and will take up in future cycles.

Commissioner Mikiten asked about item 7, Safe Dispersal Area, why the low number of 2% of occupants? He requested DSA to look this further in future code cycles.

Michelle Davis responded that the 2% number is used for quite a few elements in the ADA. She clarified that it's 2% of the entire facility, not 2% of those users that are expected to use the same dispersal area.

Commissioner Mikiten asked about item 9, toilet compartments and urinal compartments. Section 11B-213.3.1.2 has toilet compartments with urinal compartments and the preceding sections use the term toilet compartments and urinal compartments. He asked DSA if they would be amenable to a friendly amendment for clarity?

Michelle Davis responded that DSA struggled with the naming of this section and were informed that it should not be identically titled to Section 11B-213.3.1 above, which was DSA's initial proposal. However, she stated that DSA is open to further changes for clarity. DSA is also willing to a friendly amendment in changing to toilet compartments and urinal compartments.

Commissioner Mikiten asked about item 12; specifically, if the \$10,000 threshold was a statutory requirement?

Michelle Davis clarified that it was.

Commissioner Mikiten asked about item 14; why are privacy latches and door pulls required only in accessible and ambulatory accessible stalls?

Michelle Davis responded that DSA only has the authority to regulate the accessible elements. The non-accessible stalls are outside their authority.

Commissioner Mikiten asked, on item 15, why the 67-inch turning space, used in 2017 ICC A117.1 is not used in California?

Eric Driever responded that the 2017 ICC A117.1 is not adopted yet, but DSA is tracking that. The 66-inch is rooted in the base requirement for clear space in compartments without total clearance. The typical water closet compartment has a base requirement of 60 inches, but this assumes that most wheelchair compartment toilet compartments do not have as critical a privacy concern. The approach was to make the 66 inches the base requirement, as opposed to 60, knowing that there would likely be no toe space and thereby it would need to be increased by 6 inches.

Commissioner Mikiten asked for further clarity on item 16, shower size, regarding requirements in Section 11B-608.1, following the shower size section.

Michelle Davis responded that by having the reference to Section 11B-608.1 we had conflicting requirements that were difficult to enforce from a code perspective, so we're seeking to remove the conflicts.

Commissioner Mikiten asked about item 17. Has there been a discussion about consolidating the terms "unisex" and "all gender" to avoid confusion in the future?

Michelle Davis responded that DSA followed the requirements for unisex toilet rooms. DSA would certainly be open to a shorter term that would be understandable and potentially more quickly read by somebody who is reading the tactile or Braille characters. However, to align with what's existing, DSA kept the same language.

Commissioner Mikiten asked a second question about item 17, suggesting "Urinal" and "toilet" are the words that are required for identifying the type of fixture within the compartment. Making a pictogram disallowed, was that the intent or was the intent to have the pictogram not be the only designator? Pictograms are very valuable ways to identify spaces. Suggested for a friendly amendment or look at pictograms further in the future.

Eric Driever responded that this was a challenge. The ambulatory stall opens out and placing pictograms on an out swinging door is an unsafe situation. Also, there was no adoptable pictogram that was universally accepted for a urinal.

Commissioner Mikiten requested that this be looked at regarding the pictogram and clarifying the language.

Ida Clair, DSA State Architect, further clarified that DSA felt it would either need to provide a pictogram that was acceptable to everyone or not have one at all.

Ida Clair also added feedback DSA received from its outreach that "all gender" was preferred, rather than "unisex." Unisex is a federal term, a federal requirement. It defines a single user restroom that is not defined by sex; whereas an all-gender restroom is a multi-user restroom considered used by all genders and not defined by the

plumbing code requirements that separate facilities by sex. There is a distinctive difference, and it also supports DSA's outreach and sensitivity to terminology.

Commissioner Sasaki thanked DSA and Commissioner Mikiten.

Commissioner Rambin echoed Commissioner Sasaki's comments. She asked about item 6 on the exterior decks. Could the reference actually be Section 11B-809.7 because that does address the exterior deck condition?

Eric Driever noted that the current proposals are trying to capture all of 11B, and DSA did consider specific references, but ultimately landed on the proposed languages as presented today.

Michelle Davis added that they felt there were multiple locations that could potentially be referenced, and they didn't want to inadvertently leave one out.

Commissioner Rambin stated that she understood and asked if there's a way to be more specific in future revisions. That would be helpful to designers, rather than having to search through the various sections of Chapter 11B to get there.

Commissioner Rambin on item 7:

- Part one of the question, the safe dispersal areas, in exception 6, where it says, "2 percent of facility occupants served by the safe dispersal area," may conflict with what you had said earlier about 2 percent of the facility occupants. That can be read two different ways. It might not be all the facility occupants that are going to the safest dispersal area, it could just be a portion served by specific exits. I want to be clear on how this is calculated. Is it the entire egress load for the entire facility or just those specific exit paths that are going to the safe dispersal area?
- Part two, if you're counting the occupant load times five square feet per occupant, that's the total square footage for the safe dispersal area or the total occupant load is the 2 percent and the 30 by 48 inches clear space within that safe dispersal area that's been calculated, or is it in addition to?

Eric Driever thanked Commissioner Rambin for the clarification and stated that it is intended to be 2 percent of the area and DSA will look at this percentage during future rulemaking cycles. In response to the five square feet, DSA did outreach to ICC and were early in our research for this and were informed that the "by five square feet" already assumes the percentage of the occupants would be either in wheelchairs or perhaps even in gurneys in an emergency situation, so the five square feet is a conservative number for the occupant. It is part of the already required five square feet per person.

Commissioner Rambin referenced item 11 and remarked that, in Section 11B-213.3.1.2, she would suggest that maybe it's "multi-user all gender toilet facilities with urinal compartments."

Commissioner Rambin further stated that if item 12 hadn't been a statutory requirement, she would have it folded into the other requirements for renovations and alterations to the building. That potential \$10,000 threshold, as Commissioner Mikiten clarified, as part of the statutory requirement, is a fairly nominal amount and it doesn't state where in the building those changes could be made, so it could involve adding an entirely new project to the scope of work.

### **Questions and comments from the Public:**

Connie Arnold spoke in support of the comments of Disability Rights California on all of the specific items that they've addressed:

- Item 1: support definitions concerning blended transitions.
- Item 2: supports has been withdrawn.
- Item 3: supports occupancy and accessible parking spaces.
- Item 4: supports safer spaces for emergency exits.
- Items 5 and 6: DRC supports the technical clarification.
- Item 7: support the safe dispersal area.
- Item 8: support the technical deletion of duplicate provisions.
- Item 9: support ensure access to restrooms including gender neutral restrooms.
- Item 10: support greater accessibility but it's kind of a neutral issue also because it depends on the typeface and the size of the signage.
- Item 11: support cleaning up language & support items 12 & 13.
- Item 14: support regarding the latch or lock-in restrooms privacy latch.
- Item 15: urinal compartments and gender restrooms, they provide the largest and most accessible bathroom space stall space required in California ever.
- Item 17: changes for accessible signage in every all-gender restroom to increase access.
- Item 18: support; the baby changing table should not be located in accessible urinal stalls in all gender restrooms or in, really, virtually any accessible restrooms.

Oppose:

- Item 16: strongly oppose. It's too small a shower transfer landing area to allow transfer to a shower seat in a shower stall setting by decreasing it to 30 inches from 36 inches. I have a power wheelchair and 30 inches is too narrow.

Connie Arnold made a comment about the standing request to start the meetings at 10:00 am.

Chair Ingenito responded and stated that meetings held virtual start at 9:00 am, and we did not receive a reasonable accommodation request for this meeting.

Connie Arnold responded and stated that a standing request was made by the disability community for all meetings to start at 10:00 am.

Timothy Thimesch commented that he supports DRC's presentation and commented on the following items:

- Item 16: specifically, by describing a video that clarifies why a 36" space is important and why 30" is not usable. DSA held many meetings and seemed unbending regarding the 30" size. DSA stated they had to keep adaptable units separate.
- It was proposed that we would have transfer showers and adaptable units that fully comply with Section 608.1 in terms of size. Why is that important? The other showers, roll-ins, and adaptable roll-ins, have 30" by 48" sizes have plenty of room, but transfers must be nailed in precisely. That's why we wanted it to fully comply with Section 608.1. Transfer showers took a long time to get into the code. Taking out the reference to Section 608.1 will result in a free for all regarding construction specifications.
- Regarding floor space, the 30" by 48" spacing referenced is reversed. The 30" is the width, 48" the length, not the reverse as is stated in the amendment. The language needs to be fixed; this will end up with unusable space. It was suggested to keep Section 608.1.

Chair Ingenito clarified that the presenter was asked to have all the content of the DSA on this item presented at once, but the commission does reserve the right to split out the items into as many motions as they care to do so. It was turned back over to the commission, the commissioners can choose based on all the testimony, including the public comments.

Bob Raymer, representing the Building Owners Managers Association and the California Building Industry Association (CBIA), spoke in support of the DSA and HCD's packages.

Mikia Freeman spoke in support of Disability Rights California (DRC) presentation and about her opposition to item 16.

Kendra Muller, a civil rights attorney at Disability Rights California (DRC), remarked that she comes to this in both her professional capacity and her lived experience as a wheelchair user. She clarified that the DRC comments are provided from substantial research, but also extensive discussion with the disability community.

Kendra Muller also formally requested accommodation to align the 10:00 a.m. meetings in person with the virtual meetings at 10:00 a.m. for disability matters.



Chair Ingenito thanked her for those comments and suggestions and stated that her requests will be taken into consideration for the next meeting.

Kendra Muller continued by stating that, overall, DRC is in support of the DSA proposal, but provided the following recommendations:

- DRC supports Items 1 through 6.
- Item 6: the four inches, is rather unclear within the statute, so there may be a need for further discussion in future code cycles.
- Item 7: strong support because it's consistent with the California Building Code Section 1028.5 standards.
- DSA noted that they are considering, for future rulemakings, to increase the scoping. DRC strongly supports that approach and urges DSA and the Building Standards Commission to increase the two percent requirement to five percent as stated by other individuals commenting here. Per DRC, there are three main reasons:
  - First, Special Disability Accommodation (SDAs) are size based, a 5 square foot per human occupant for a person standing up. However, manual wheelchair users usually take about 30" by 48" clear floor space, which is a total of 10 square feet per occupant.
  - Second, Analogous standards use percentages higher with the 5 percent minimum, including dressing rooms, spinning rooms, and locker rooms etc.
  - Third, we know that, in many buildings regulated by Chapter 11B, there's likely to be a significantly higher percentage of people who use mobility devices in residential dwelling units. Public housing requires at least five percent accessible units under Section 11B-233.3.1.1.

In conclusion, Kendra Muller stated that HUD is requiring 11-percent mobility units for projects in the City of Los Angeles, and most state housing programs require at least 15-percent mobility units and 50-percent in senior housing, which includes projects funded by tax credits. The number of individuals using mobility devices in public housing is simply going to be a higher number and they will all need a space and safe place to be if there is an emergency.

- DRC supports Items 8 and 9.
- Item 10: neutral on this proposed change as it stands but do support the need to provide specificity in signage. The character height that is too small to be accessible to drivers with certain impairments and noted that under criteria, 1-4. Specifically, the character height allowed is as small as 5/8 of an inch which DRC is in support of, and DRC supports this proposed change to clarify the difference between Chapter 11B and HCD requirements for 11A Adaptable Units.
- DRC supports Item 11 thorough 15.

- Privacy latches not indicating accessibility but understand that the privacy latches already have specific accessibility requirements. Those references would be in Sections 11B-404.2.7, 11B-309.1 and 11B-309.4.

DSA consider the following concerns in the next rulemaking cycle:

- First, we do object to the inclusion of the exception. The whole point of the proposal, including under the ICC, was to have the 66 plus minimum diameter and a reduction to 60 inches should not be allowed. The smaller turning space will definitely be a problem for people who use mobility devices, and it doesn't really take into account that issue.
- Second, we also believe that the "in front of" is not quite specific enough to ensure the proper location of maneuvering clearance; instead, we would suggest the phrase "to center." "Spaces shall be provided in front of the urinal and centered horizontally 17 inches to 18 inches from the center of the urinal."
- Item 16: strongly oppose. This change will result in a reduction in accessibility because the 30" by 48" shower provides inadequate clearance to effectively transfer. Further, it conflicts with other provisions that provide greater accessibility that should take precedence.
- Item 17: strongly support. We don't think pictograms need to be a universal ban. California Health and Safety Code Section 118600 and the California Building Code Section 11B-216.8 do have symbols that align with all gender restroom signage.
- Item 18: strongly support.

DRC thanked DSA for all their discussion and communication with the disability community.

Fiona Hinze, Independent Living Resource Center of San Francisco Public Policy Director, stated her strong support for all DRC comments and positions.

Connie Arnold spoke on behalf of Gene Lozano, who couldn't participate in today's hearing. Gene is in support of DRC's position with regards to DSA's 18 items, except for Item 16, which he feels needs to be sent back for Further Study.

- Item 10: Sections 11B-216.5.2, Electric Vehicle Charging Spaces, and 11B-216.5.3.2, Additional Signs, lack the specificity needed and must be cross-referenced to Section 11B-703.5, Visual Characters, with the exception of 11B-703. Need to be revisited during an upcoming cycle.
- Also, in the upcoming code cycle, Sections 11B-812.8 and 11B-502.8 need to be amended to specify a minimum character height and that characters are to comply with all other visual character requirements found in Section 11B-703.5.

Chair Ingenito asked the BSC Staff if there were any written comments.

Kevin Day responded that comments from DRC were received in advance of the meeting, which they summarized. In addition, Bob Raymer from the Building Industry Coalition submitted a letter in support of the DSA proposals.

**Questions and comments from the Commissioners:**

Commission Mikiten commented on allowing the public comment period to start and stop on individual items or Grouped Items in future meetings.

Commissioners Sasaki and Rambin agreed that there was a Grouped Items list that could be used in future meetings.

Commissioners deliberated on potential future methods for streamlining the code amendment process, especially for items that are more controversial in nature. The group deliberated on appropriate methods for setting motions.

**Motion:** Chair Ingenito entertained a motion to consider adoption of Item 24, DSA amendments to the 2022 California Building Code, Part 2, Title 24. Commissioner Mikiten moved to approve, except item 16, which would be returned for Further Study based on 9-point criteria 3 & 1. Commissioner Rambin seconded. Motion carried 8 yes, 0 no, and 1 abstain, per roll call as follows:

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

**Motion:** Chair Ingenito entertained a motion to consider adoption of the remaining items within DSA’s package AC-01/22, with their addendum, as amended with the title of Section 11B-213.3.1.2 to be “toilet rooms with toilet compartments and urinal compartments.” To Commissioner Mikiten moved to approve. Commissioner Klausbruckner seconded. Motion carried 9 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Agenda item 23. Department of Housing and Community Development (HCD 1-AC 01/22)**

Proposed adoption of amendments to the 2022 California Building Code, Part 2, Title 24.

Veronica Turdean, HCD Associate Construction Analyst, provided the overview. She noted that HCD’s proposal includes regulatory updates through a series of editorial modifications in Chapter 10 and revised language in Chapter 11A to align the 2022

California Building Code, California Code of Regulations Title 24, Part 2 with the Federal Fair Housing Act. She clarified that there is no intended change in regulatory effect for any of the proposed amendments.

- Item 1: Chapter 10, Means of Egress, Section 1009.2, Continuity and Components. This proposal replaces the reference to Section 1120A (now reserved) with a reference to Section 1119A, Interior Accessible Route. During the 2013 intervening code adoption cycle, HCD renamed Section 1119A to Interior Accessible Routes and repeated the language in Section 1128, then combined the requirements for the interior accessible route in Section 1119A. The reference in Chapter 10, Section 1009 was omitted, and the error was not fixed in the 2022 California Building Code.
- Item 2: Chapter 10, Means of Egress, Section 1010.1.1, “Size of Doors” aligns the 2022 CBC with the 2021 IBC language.
- Item 3: Chapter 11A, Housing Accessibility Section 1118A.1, deletes the reference to a specific section due to continuous changes to sections throughout the code and only references Chapter 10.
- Items 4 and 5: Amendments to Chapter 11A, Housing Accessibility, Section 1136A.1, Receptacle Height; and Section 1136A.2, Switch and Control Heights. HCD proposed to clarify the requirement related to kitchen countertop extensions in covered multi-family dwelling units, and to align the language related to countertop extension with the Federal Fair Housing Act (FHA). This modification does not change the reach range allowance as identified in Section 1138A.3.
- Items 6 and 7: Chapter 11A, Housing Accessibility, Section 1138A.3.1, Forward Reach, and Section 1138A.3.2, Side Reach were withdrawn.

Veronica Turdean concluded by requesting a Commission approval.

#### **Questions and comments from the Commissioners:**

None at this time.

#### **Questions and comments from the Public:**

Kendra Muller, DRC, stated that DRC supports Item 1; strongly opposes Items 4 and 5, and is neutral on Items 2 and 3.

DRC has done extensive research on Items 4 and 5 and strongly opposes both items under criteria 3. DRC believes Items 4 and 5 would decrease in accessibility, which is prohibited. Specifically, the reach ranges decrease is in violation of California Government Code Section 12955.1C, which provides that particular state regulations shall apply the same or greater protections than the federal standards. DRC urges HCD to withdraw items 4 and 5, enforce the reach range as written in existing code, and return these items for further research.

Commissioner Klausbruckner requested that HCD respond to DRC's comment.

Veronica Turdean responded by noting again that HCD is not changing anything and only elaborating on this language. HCD is required to meet or exceed the FHA requirements and that's exactly what HCD is doing.

Connie Arnold reiterated her support for DRC's comments.

### **Questions and comments from the Commissioners:**

Commissioner Santillan asked if items 4 and 5 can be taken up at the local level if a local jurisdiction wants to adopt something more stringent?

Veronica Turdean responded that local jurisdictions always have the option to adopt or not to adopt particular standards, and to have ordinances that are more restrictive than HCD's.

Commissioner Mikiten commented on some of the history of the various codes regarding countertop reach and clarified that since the 25½ inch extension is already in the code, he would make a motion to approve.

**Motion:** Chair Ingenito entertained a motion to consider adoption of Item 23, HCD amendments to the 2022 California Building Code, Part 2, Title 24. Commissioner Mikiten moved to approve. Commissioner Rambin seconded. Motion carried 9 yes, 0 no, and 0 abstain, per roll call as follows:

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

**Agenda item 22. Department of Housing and Community Development (HCD 03/22)** Proposed adoption of amendments to the 2022 California Building Code, Part 2, Title 24.

Randy Enrico, HCD District Representative II for the State Housing Law Program, provided the overview and concluded by requesting the Commissioner's approval for each item. He noted that the purpose of the amendments is editorial in nature, to align the building code and the residential code with the California Energy code and specified that there is no intended change in regulatory effect. These proposed amendments were presented to the Code Advisory Committee on March 1, 2023, and were approved by the committee as submitted. HCD did not receive any public comments during the 45-Day public comment period from April 7<sup>th</sup> to May 22, 2023.

- Item 1: Chapter 12, Interior Environment, Section 1202.3, Unvented Attic and Unvented Enclosed Wrapper Assemblies Amends Subitem 5.1, which was added at the request of the California Energy Commission during a previous code

adoption cycle. The Energy Commission added Section 1202.3.1, a related table to the 2022 California Building Code to cross reference energy conservation climate zone used by the International Residential Codes. HCD's conclusion is that the amendment is no longer needed.

- Item 2: Chapter 14, Section 1404.3, Vapor retarders, has a California Energy Commission amendment that references Vapor Retarder requirements in the energy code for low-rise residential buildings which may change with each code adoption cycle. That would require HCD to monitor the energy code for changes in each code adoption cycle. HCD believes this is not necessary.

#### **Questions and comments from the Commissioners:**

There were no questions or comments from Commissioners.

#### **Questions and comments from the Public:**

There were no questions or comments from the Public.

**Motion:** Chair Ingenito entertained a motion to consider adoption of Item 22, HCD amendments to the 2022 California Building Code, Part 2, Title 24. Commissioner Sasaki moved to approve. Commissioner Klausbruckner seconded. Motion carried 9 yes, 0 no, and 0 abstain, per roll call as follows:

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

#### **Agenda item 25. Future agenda items**

CBSC may briefly discuss and set for action future agenda items related to procedural or administrative matters, substantive state building regulatory programs, or CBSC policy.

#### **Questions and comments from the Commissioners:**

Commissioner Mikiten encouraged HCD to consider working with DSA on the Access Code Collaborative and look a little closer at the reach range issue that came up with the HCD proposal earlier today. One way that HCD could remediate the problems that result from FHA guidelines would be to lower the outlets, switches and controls that are mounted over a counter.

Chair Ingenito noted that the August BSC meeting will occur in person unless legislation is passed and signed before then. The statute that BSC currently works under expires tomorrow, June 30<sup>th</sup>.

Commissioner Mikiten also suggested that, since BSC is reserving a 3-day meeting period for August, maybe we can put the accessibility items on the first day to better accommodate the disabled participants?

### **Questions and comments from the Public:**

Nubyaan Scott, previously with DRC, noted that there is a law that allows for temporary virtual meetings. If there is a way to interpret the law for hybrid meetings, she would highly encourage that for members of the disability community. Some members experience significant burdens when travelling. She echoed Commissioner Mikiten's suggestion about moving accessibility items on the agenda to the first day of the 3-day session.

Kendra Muller, DRC, stated the code that allows teleconferencing by the Bagley-Keene Act, Government Code Section 11123.5, which did allow for teleconferencing before Covid 19. The Covid 19 provisions that are now being rolled back eliminate specific restrictions but not the teleconferencing option.

### **Agenda item 26. Adjourn**

**Motion:** Commissioner Mikiten moved to adjourn, Commissioner Klausbruckner seconded, and the Commission voted unanimously to adjourn.