

CALIFORNIA BUILDING STANDARDS COMMISSION MEETING MINUTES
August 1, 2, and 3, 2023

Tuesday, August 1, 2023

Agenda Item 1. CALL TO ORDER

Chair Miriam Ingenito, Government Operation Agency Undersecretary called the meeting of the California Building Standards Commission (CBSC) to order at 10:01 a.m. This meeting was held in-person and via Zoom hosted by 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
Kent Sasaki
Commissioner Haskin
Rajesh Patel
Aaron Stockwell
Laura Rambin
Juvilyn Alegre
Peter Santillan

Commissioner as a Public Member-Attended Virtually:
Elley Klausbruckner

Commissioners Absent: Erick Mikiten
Frank Ramirez

CBSC Chair Miriam Ingenito led the Commission in the Pledge of Allegiance.

Commissioner Klausbruckner will be participating as a member of the public remotely. The rules of the Bagley-Keene Open Meetings Act do not allow members of the commission in another location unless it is open to the public.

Acting Executive Director Kevin Day discussed a few housekeeping items, Public Comments, and the Zoom instructions. CBSC summarized the written comments received by 5:00 p.m. on July 24, 2023, during the proceedings of this meeting.

Kevin Day stated that CBSC meetings operate under the requirements in the Bagley-Keene Act in government code sections 11120 through 11133 and to perform a technical review of the code changes pursuant to Health and Safety code section 18930.

Agenda Item 2. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Chair Ingenito invited the public to make any comments about items not on this agenda.

The public that addressed the Commission:

Michael Malinowski, representing AIA California, stated that he was interested in items 14, 15, and 16.

Chris Walker, of the California Sheet Metal Air Conditioning Contractors, representing about 600 union contractors throughout the State of California, stated that they are doing their best to implement the Governor's vision of 6 million heat pumps by 2030.

Acting Executive Director Kevin Day discussed receiving similar comments and is working on an information bulletin to address the topic.

Agenda Item 3. EXECUTIVE DIRECTOR REPORT

Acting Executive Director Kevin Day provided a summary of the activities that have transpired during the 2022 Intervening Code Adoption Cycle. He expressed gratitude to the CBSC staff and all the State Agencies for their cooperation and collaboration.

CBSC received a request from Linda Hutchins-Knowles with the Electric Vehicle Charging Coalition for all to hear Agenda item 16, which is the Department of Housing and Community Development HCD 04/22 Part 11 at a specified date and time. Additionally, they received the request from Mr. Malinowski with the AIA to hear agenda Item 14 BSC 04/22 Part 11, and agenda Item 15 DSA 01/22 Part 11 at a specified date and time.

Chair Ingenito opened the item for discussion by the Commissioners. The Chair expressed her expectations that they will be able to get through Agenda Item 1 through 13 today. They would take up 14, 15, and 16 on Wednesday, August 2nd at 9:00 a.m.

Questions of Comments from the Commissioners:

Commissioner Sasaki began by agreeing with moving those items.

Questions or Comments from the Public:

There were no questions or comments from the public.

Agenda Item 4. REVIEW AND APPROVAL OF MAY 5, 2023, MEETING MINUTES

No comments were made from the May 5, 2023, meeting minutes.

Motion: Chair Ingenito entertained a motion to approve the May 5, 2023, meeting minutes. Commissioner Patel moved to approve. Commissioner Stockwell seconded. Moved and seconded that the May 5, 2023, meeting minutes accepted without amendment. Motion carried with 7 yes, 0 no, per roll call vote.

The following Commissioners voted "Yes": Sasaki, Ramin, Stockwell, Alegre, Santillan, Patel, Haskin.

Agenda Items 5 through 16 – State Proposing Agency Rulemakings for the 2022 Intervening Code Adoption Cycle

Chair Ingenito expressed that CBSC will take action to approve, disapprove, return for further study, or approve as amended the proposed code changes to various parts contained in the California Building Standards Code Title 24 California Code of Regulations. The CBSC will be guided by the 9-point criteria established in Health and Safety Code Section 18930. CBSC will consider proposed code changes and recommendations from various committees.

Agenda Item 5. Office of Statewide Health Planning and Development (OSHPD 04/22)

Proposed adoption of amendments to the 2022 California Electrical Code, Part 3, Title 24.

Chair Ingenito requested the representative from the office of the Statewide Health and Planning and Development Office introduce themselves and present Item 5.

Agency Representative Jamie Schnick, Senior Electrical Engineer in the Building Standards Unit at OSHPD, proceeded to outline the proposal for 2022 Intervening California Electric Code Part 3.

Chair Ingenito thanked Jamie Schnick for the overview and then opened the item for discussion.

Questions or Comments from the Commissioners:

Commissioner Patel made a comment that the CAC expressed some concerns regarding Items 1 through 5 and that some of the definitions from NFPA 99 should be reviewed and discussed with the State Fire Marshal. He asked whether OSHPD was able to ask the State Fire Marshal (SFM).

Commissioner Sasaki asked a question about adopting the specific sections of 2023 NEC Model Code Language. He also wanted to know if there are any California Electrical Code provisions that still use NFPA 99 language and requirements.

Jamie Schnick responded no.

Questions or Comments from the Public:

Ted Tiffany, a member of the public, praised the Commission for taking healthcare microgrid applications into account. Additionally, he commended Steve Goodman, Walt Vernon, and the OSHPD board for taking these modifications into consideration.

Chair Ingenito concluded the public comment portion and turned Item 5 back over to the Commission.

Motion: Chair Ingenito entertained a motion to consider the Office of Statewide Health Planning and Development (OSHPD 04/22) proposed adoption of amendments to the 2022 California Electrical Code Part 3 Title 24. Commissioner Patel moved to approve. Commissioner Sasaki seconded. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

The following Commissioners votes “Yes”: Patel, Santillan, Haskin, Alegre, Stockwell, Sasaki, Rambin.

Agenda Item 6. Office of Statewide Health Planning and Development (OSHPD 05/22)

Proposed adoption of amendments to the 2022 California Mechanical Code, Part 4, Title 24.

Chair Ingenito requested the representative from OSHPD to provide an overview of the item.

Agency Representative Lawrence Enright, Senior Mechanical Engineer for OSHPD Building Standards Unit, proceeded to outline the proposed amendments.

Chair Ingenito thanked Lawrence Enright for the overview. Chair then opened Item 6 for discussion.

Questions or Comments from the Commissioners:

Commissioner Haskin had one question on Item 1 of Section 324.0 Diesel Powered Emergency Generators.

Questions or Comments from the Public:

Commissioner Elley Klausbruckner suggested removing local AHJ and replacing it with authority having jurisdiction (AHJ).

Chair Ingenito concluded the public comment portion and turned Item 6 back over to the Commissioners and asked for any further comments.

Commissioner Patel commented in agreement with Commissioner Klausbruckner to strike the word local before authority having jurisdiction (AHJ) and Section 324 because OSHPD 3 sometimes comes to the locals for approval.

Motion: Chair Ingenito entertained a motion to approve the package with the amendment to remove the word local in Section 324 and spell out authority having jurisdiction. Commissioner Patel moved to approve. Commissioner Haskin seconded. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Agenda Item 7. Office of Statewide Health Planning and Development (OSHPD 06/22)

Proposed adoption of amendments to the 2022 California Plumbing Code, Part 5, Title 24.

Chair Ingenito requested the representative from the Office of Statewide Health Planning and Development introduce themselves and present item 7.

Agency Representative Lawrence Enright, Senior Mechanical Engineer for the OSHPD Building Standards unit, proceeded to outline the proposed amendment for the 2022 California Plumbing Code Part 5.

Chair Ingenito thanked Lawrence Enright for the proposal. Chair then opened the item for discussion.

Questions or Comments from the Commissioners:

No comments from commissioners

Questions or Comments from the Public:

There were no questions or comments from the public.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 7; OSHPD 06/22 proposed adoption of amendments to the 2022 California Plumbing Code Part 5, Title 24. Commissioner Rambin moved to approve. Commissioner Stockwell seconded and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Kevin Day on a point of order pointed out that they missed on the last item, it was approved with a friendly amendment which needed a 9-point criteria justification. Commissioner Patel and Commissioner Haskin agreed on criteria 6 vague and ambiguous to clarify the language.

Agenda Item 8. Office of the State Fire Marshal (SFM 04/22)

Proposed adoption of amendments to the 2022 California Electrical Code, Part 3, Title 24.

Chair Ingenito requested the representative from the Office of the State Fire Marshal to introduce themselves and present Item 8.

Agency Representative Andrew Henning, Assistant Deputy Director at the CAL FIRE Office of the State Fire Marshal. He proceeded to outline the proposed amendments for Parts 3, 4, and 5 of Title 24 of the California Code of Regulations.

Agency Representative Crystal Sujeski, Acting Division Chief of Code Development and Analysis stated Article 89 was amiss during the triennial.

Questions or Comments from the Commissioners:

No comments from commissioners **Questions or Comments from the Public:**

Ted Tiffany, a California Citizen Designer, thanked the SFM for looking into the A2L refrigerant issue. He expressed the importance towards decarbonization goals and getting the OEM manufacturers to develop more heat pump technologies with advanced refrigerants.

Commissioner Elley Klausbruckner asked if they were only looking at SFM 04-22 and not 05-22.

Chair Ingenito answered that it is only Item 8 then concluded this public comment portion.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 8; 04/ 22 requests for approval of the adoption to the 2022 California Electrical Code Part 3, Title 24.

Commissioner Sasaki moved to approve. Commissioner Alegre second and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

The following Commissioner voted “Yes”: Stockwell, Sasaki, Patel, Santillan, Rambin, Alegre, Haskin.

Agenda Item 9. Office of the State Fire Marshal (SFM 05/22)

Proposed adoption of amendments to the 2022 California Mechanical Code, Part 4, Title 24.

Chair Ingenito requested the representative from the SFM present and explain the proposal for Item 9.

Agency Representative Crystal Sujeski, Acting Division Chief for Code Development Analysis from CAL FIRE Office of the State Fire Marshal (SFM) requested approval for amendment proposals for Part 4.

Chair Ingenito thanked Crystal Sujeski for the presentation then opened the floor to questions from the Commissioners.

Questions or Comments from the Commissioners:

No comments from commissioners Chair Ingenito opened the floor to questions from the public on Agenda Item 9.

Questions or Comments from the Public:

Bob Raymer, representing the California Building Industry Association (CBIA), expressed strong support for the adoption.

Commissioner Elley Klausbruckner suggested amending the code to replace “refrigerating machinery room” with “refrigeration machinery room” and “refrigerating systems” with “refrigeration systems” for consistency. Examples of Sections 5-29, 5-33, and 5-39 were given to point to the code.

Greg Andersen of the Office of State Fire Marshal discussed the use of approved language and the consideration of friendly amendments.

Andrew Klein representing Air Conditioning, Heating, and Refrigeration Institute (AHRI) noticed that there was a hole in the code specifically for high-probability commercial refrigeration systems. Those systems must follow ASHRAE 15. He asked to consider it a friendly amendment to Part 4.

Robert Glass from Daiken Comfort Technologies expressed his concern that he submitted some comments containing two editorial corrections and one additional in items 5-12 where the last part of that sentence said the value specified in section 1104.6.6 (2)b and the final revision from the UMC where the value specified was struck out, and just says below the refrigerant detection set point. He requested to have that added to the proposals in accordance with the 2024 UMC.

Commissioner Elley Klausbruckner had another amendment on page 6 of 33 under Section 609.1.1. She requested that “approved and listed by a California State Fire Marshal's Office that culminates” be removed.

SFM office is in agreement with Commissioner Klausbruckner.

Chair Ingenito acknowledged SFM comment.

Hugo Aguilar from IAPMO informed that he is available to answer any questions as to what went on in the UMC cycle process and what the board decided on the latest language.

Chair Ingenito concluded the public comment portion and turned Item 9 back over to the Commission for any questions or comments.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 9, Office of the State Fire Marshal (SFM 05/22) Proposed adoption of amendments to the 2022 California Mechanical Code, Part 4, Title 24.

Discussion between Commissioners, Legal counsel and BSC Staff regarding aligning with the 2024 UMC and verify the printed version, while also addressing friendly amendments and clarifying the use of the term “refrigerating.” SFM stated that this was addressed by IAPMO and addressed the A2L refrigerants.

Chair Ingenito concluded this public comment portion and turned back to the Commissioners to entertain a motion.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 9: Office of the State Fire Marshal (SFM 05/22) proposed adoption of amendments to the 2022 California Mechanical Code, Part 4, Title 24.

Commissioner Haskin clarified that the amendment that they were looking for to remove the comma after the word “approved” under Item 4-2 Section 609.1.1.

Motion: Chair Ingenito entertained a motion to approve Item 6 with the single amendment based on the 9-point criteria. Commissioner Haskin moved to approve. Commissioner Sasaki seconded and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Agenda Item 10. Office of the State Fire Marshal (SFM 06/22)

Proposed adoption of amendments to the 2022 California Plumbing Code, Part 5, Title 24.

Chair Ingenito requested the representative from the Office of the State Fire Marshal to introduce themselves and present Agenda Item 10.

Agency Representative Crystal Sujeski, CAL FIRE Office of the State Fire Marshal proceeded to outline the proposed amendments for Part 5.

Questions or Comments from the Commissioners:

Commissioner Patel had a question regarding Item 3. The latest edition of NFPA 37 is 2021; Commissioner Patel asked why the State Fire Marshal chose the 2018 edition.

Questions or Comments from the Public:

There were no questions or comments from the public.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 10; SFM (SFM 06/22) Proposed adoption of the 2022 California Plumbing Code Part 5, Title 24. Commissioner Santillan moved to approve. Commissioner Patel seconded and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Agenda Item 11. Department of Housing and Community Development (HCD 02/22)

Proposed adoption of amendments to the 2022 California Plumbing Code, Part 5, Title 24.

Chair Ingenito requested the representative from the California Department of Housing and Community Development introduce themselves and present Agenda Item 11.

Agency Representative Randall Enrico, a District Representative with the State Housing Law Program of HCD, gave an overview and proceeded to present HCD’s proposal for the 2022 Intervening Cycle.

Questions or Comments from the Commissioners:

Commissioner Patel asked questions regarding the language of Item 3 and Item 7.

Questions or Comments from the Public:

Bob Raymer, with CBIA and CAA, expressed strong support for HCD’s adoption in Appendix M.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 11; the Department of Housing and Community Development (HCD 02/22) proposed adoption of the 2022 California Plumbing Code, Part 5, Title 24. Commissioner Sasaki moved to approve. Commissioner Haskin seconded and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Agenda Item 12. Building Standards Commission (BSC 02/22)

Proposed adoption of amendments to the 2022 California Plumbing Code, Part 5, Title 24.

Chair Ingenito requested the representative from the BSC introduce themselves and present Item 12.

Agency Representative Tom Martin, Staff Services Manager I of BSC, gave an overview of the proposal to the 2022 California Plumbing Code.

Questions or Comments from the Commissioners:

Commissioner Rambin thanked the BSC and DSA for addressing the issue of separate restrooms for different sexes in schools and providing guidance on the required number of fixtures.

Commissioner Haskin had a minor question under Item 1, regarding the definition of privacy compartment as to whether it should have both a water closet and a urinal or be separate.

Tom Martin answered that the intent is to have a privacy compartment for each water closet or urinal.

Commissioner Patel commented that he supports the change. He asked whether the code change only applies to the BSC occupancies and if the local jurisdictions who want to use this for other occupants that are not governed by any other state agencies like retail stores or office buildings, would they have to formally adopt this as a local amendment, or could they just use it when it gets published as part of the state code?

Kevin Day answered that they would need to formally adopt it. The intent of the code is to only apply to BSC occupancies.

Questions or Comments from the Public:

There were no questions or comments from the public.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 12, Building Standards Commission (BSC 02/22) Proposed adoption of amendments to the 2022 California Plumbing Code, Part 5, Title 24. Commissioner Rambin moved to approve. Commissioner Patel seconded and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Agenda Item 13. Division of the State Architect (DSA-SS 05/22)

Proposed adoption of amendments to the 2022 California Plumbing Code, Part 5, Title 24.

Chair Ingenito requested the representative from the Division of the State Architect to introduce themselves and present Agenda Item 13.

Agency Representative Eric Driever, Principal Architect for the Division of the State Architect, gave an overview of the proposed amendments to the 2022 California Plumbing Code for the 2022 Intervening Code Cycle. DSA proposed to allow for all-gender restrooms in schools and community colleges, aiming to reduce gender inequities and promote inclusiveness. BSA and DSA have monitored the development of model code proposals for the 2024 UPC, receiving feedback from stakeholders.

Chair Ingenito opened the floor for further discussions by the Commissioners.

Questions or Comments from the Commissioners:

No comments from commissioners **Questions or Comments from the Public:**

There were no questions or comments from the public.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 13, the Division of the State Architect (DSA-SS 05/22) Proposed adoption of the amendments to the 2022 California Plumbing Code, Part 5, Title 24. Commissioner Santillan moved to approve.

Commissioner Stockwell seconded and moved to approve. Motion carried with a unanimous roll call vote of 7 yes, 0 no, per roll call vote.

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

Chair Ingenito thanked the Commissioners for their work.

Motion: Chair Ingenito entertained a motion to recess until 9:00 a.m.

Wednesday, August 2nd to discuss Agenda Items 14, 15, and 16. Commissioner Sasaki moved to recess the meeting. Commissioner Santillan seconded. Motion carried with 7 yes, 0 no, and 0 abstain.

Chair Ingenito adjourned until, August 2nd.

Wednesday, August 2, 2023

Agenda Item 1. CALL TO ORDER

Chair Ingenito, Government Operation Agency Undersecretary called the meeting of the California Building Standards Commission (CBSC) to order at 9:00 a.m. on August 2, 2023. This meeting was held in-person.

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
Kent Sasaki
Commissioner Haskin
Rajesh Patel
Aaron Stockwell
Laura Rambin
Juvilyn Alegre
Peter Santillan
Frank Ramirez

Commissioner as a Public Member-Attended Virtually:
Elley Klausbruckner

Commissioners Absent: Erick Mikiten

Chair Ingenito requested Acting Executive Director Kevin Day to discuss a few housekeeping items, public comment, and Zoom instructions.

Chair Ingenito discussed Agenda Items 14, 15 and 16. Chair asked that during the public comment, for support first and then opposition. For Agenda Item 14, Chair asked the CBSC Staff and the Commissioners to break it into four separate motions.

Agenda Item 14. Building Standards Commission (BSC 04/22)

Proposed adoption of amendments to the 2022 California Green Building Standards Code, Part 11, Title 24.

Chair Ingenito requested the representative from the CBSC to introduce themselves and present Agenda Item 14.

Agency Representative Enrique Rodriguez, an Associate Construction Analyst with the CBSC gave an overview and proceeded to present the proposal. BSC 04/22 has been split into four separate grouped items: EV-related items, bird friendly, carbon reduction, and miscellaneous items. Enrique Rodriguez presented the electrical vehicle proposals for non-residential occupancies. He provided the context regarding public participation in this rulemaking.

Question or comment from the Commissioners:

Commissioner Sasaki asked, how are we going to do outreach to design professionals who are going to be utilizing the EV proposed changes?

Commissioner Rambin had a question about the new section dealing with the additions and alterations.

Commissioner Haskin commented on Table 5.106.5.3.1. He asked if there was any intention to correct the number of EVCS and then in parentheses EV capable spaces provided with EVSE.

Commissioner Patel asked about the addition and alterations section. What would be defined as an increase in power supply?

Commissioner Rambin asked a follow-up question: If you are adding parking, it is not based on an existing parking lot that has a hundred spaces.

Questions or Comments from the Public:

Enrique Rodriguez asked for clarification with regards to the timing to get into the intervening cycle if the Commissioners will choose further study.

BSC Staff Kevin Day explained that due to the timing in the cycle, a further study recommendation would mean recommending an action that the agency further study the proposal in a future code cycle.

Kevin Day proceeded to read the comment cards in support of Item 14.

Michael Malinowski expressed his agreement and commented that AIA California is working on educating everyone in the industry that needs help.

Lizzie Cootsona, Legislative Advocate, had a support comment on Item 14.

Mia Marvelli, former Executive Director of the BSC, expressed her support for the regulations.

Commissioner Elley Klausbruckner expressed her support on Item 14.

Joshua Cunningham with the California Resources Board commented that providing infrastructure is critical for electric vehicle drivers.

Bob Raymer, representing the Building Owners and Managers Association and the California Business Properties Association, expressed his strong support.

Joan Starr, an EV driver living in a condominium in El Cerrito, expressed the need for code changes to facilitate universal EV charging access and equity.

Matthew Nelson, Director of Energy Policy at Walmart, noted that Walmart announced their intention to build public EV charging stations at thousands of their stores and clubs by 2030.

Whitney Richardson, representing Electrify America on the West Coast, expressed their strong support.

Bryce Nebstitt emphasized getting a robust infrastructure, so everybody has an EV, as the car of choice.

Noelani Derrickson, representing Tesla, echoed others in thanking the BSC staff for their hard work. Tesla supports code items that provide flexibility for commercial buildings to comply with required infrastructure requirements.

Chair Ingenito opened the floor to members of the public in opposition of the agenda Item 14. No opposition from the public.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 14: Building Standards Commission (BSC 04/22) Items 1-1 through items 18-9 proposed adoption of amendments to the 2022 California Green Building Standards Code, Part 11, Title 24. Commissioner Sasaki moved to approve. Commissioner Rambin seconded and moved to approve. Motion carried with a unanimous roll call vote of 8 yes, 0 no, per roll call vote.

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

Agency Representative Beth Maynard, an Associate Construction Analyst with the CBSC proceeded to present Agenda Item 14 containing bird-friendly building design for the 2022 California Green Building Standards Code.

Questions or Comments from the Commissioners:

Commissioner Rambin expressed her thanks for adding this voluntary section of the code.

Commissioner Sasaki thanked the agency for adding this to the code.

Questions of Comments from the Public:

Chair Ingenito opened the floor to the public starting with comments in support of the bird-friendly regulations, items 2-1 to 20-6.

Mia Marvelli, former Executive Director of the CBSC, shared that these regulations have been in the works for many years.

Bob Raymer representing CBIA, BOMA, and the California Business Properties Association, expressed strong support for this package and congratulated the BSC staff for the proposal.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 14, the subsection pertaining to bird-friendly regulations items 2-1 to 20-6. Commissioner Rambin moved to approve. Commissioner Alegre seconded and moved to approve. Motion carried with a unanimous roll call vote of 8 yes, 0 no per roll call vote.

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

Irina Brauzman, Associate Architect with the CBSC, outlined a portion of the proposed amendment under Agenda item 14, a new mandatory and voluntary regulation because of four CALGreen Carbon Reduction Collaborative Recycled workshops held in 2022.

Chair Ingenito proceeded with questions and comments from the Commissioners.

Questions and Comments from the Commissioners:

Commissioner Patel voiced his concerns about the enforceability implementation that local government is going to have in assisting customers through this process. He expressed his support for the proposal and would like to hear from the public.

Commissioner Sasaki congratulated BSC on getting this proposal.

Commissioner Haskin commented that adding the reference table showing the reference standards and sections in item 14-1 is very helpful.

Questions or Comments from the Public:

Chair Ingenito started the public comment in support of the proposal.

Michael Malinowski representing AIA California.

Lizzie Cootsona representing StopWaste.

William Letty, a practicing architect in San Francisco and Vice President of Climate Action in America.

Scott Shell, an architect, and owner of EHTD Architects.

Mia Marvelli, a former Executive Director of BSC.

Webly Bowles, an Associate Director with New Buildings Institute.

Auri Bukauskas, a Senior Associate on the Carbon-Free Buildings team at the Rocky Mountain Institute.

Jennifer Gundy, Senior Manager for State and Local Advocacy for the USGBC.

Luke Lombardi, a Structural Engineer, and Sustainability Consultant for Buro Happold.

Avideh Haghighi, a Licensed Practicing Architect at ZGF Architects in Los Angeles.

Anish Tilak, a Licensed Architect and is working at the Rocky Mountain Institute.

Scott Morries, a residential real estate developer and direct Low Carbon Initiative.

Suyama Bodhinayake, a member of the AIA of California Climate Actions Steering Committee.

Ted Tiffany stated that this is an alignment of the embodied carbon measures in the U.S Green Building Council Standards.

Chet Widom expressed support for this proposed amendment.

Megan Kalsman, a researcher with the Carbon Leadership Forum (CLF), stated in favor of the CALGreen amendments.

Ismar Enriquez, a licensed architect in the State of California and the Director of Sustainable Design at Steinberg Heart.

Lauren Kubiak, a senior scientist at the Natural Resources Defense Council - San Francisco.

Don Horn, an architect who recently retired from the U.S General Services Administration as deputy director of The Office of Federal High Performance Green Buildings.

Hafsa Burt, a practicing architect both in Southern and Northern California.

Sharon Refvem, Vice-chair of California AIA Climate Action Committee and a practicing architect in Palo Alto.

Chair Ingenito opened the public comments for opposition.

Greg Mahoney, Chief Building Official for County of Sacramento, expressed his concern for the integrity of the code. The County Building Officials, Sacramento Valley Association of Building Officials are opposed to the proposed code change.

Brady Guertin, representing California Building Officials, stated that they have concerns with the current regulations.

Bob Raymer representing the Building Industry Association, the Business Properties Association, the Building Owners and Managers Association and the California Apartment Association. His comment was focused on Item 11, Section 5.409.1, the inclusion of the last sentence, which automatically reduces the threshold for LCA to 50,000 square feet starting on January 1st, 2026. They are respectfully requesting the BSC to withdraw.

Chair Ingenito turned to BSC staff to summarize written comments.

Kevin Day read the written comments from the public.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 14: Building Standards Commission (BSC 04/22) Proposed adoption of amendments to the 2022 California Green Building standards, Part 11, Title 24. The item is pertaining to the carbon reduction, which were 3-1 to 25-15. Commissioner Rambin moved to approve. Commissioner Stockwell seconded and moved to approve.

Commissioner Sasaki thanked everybody who testified pro and against. He appreciated the education that all the comments provided.

AIA responded that CALGreen has a built-in compliance option that are available for any CALGreen measure that a particular building inspector can require on any project.

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

Motion carried with a unanimous roll call vote of 8 yes, 0 no, per roll call vote.

Agency Representative Enrique Rodriguez with BSC presented the proposal for miscellaneous items. BSC proposed to make editorial corrections to existing code language pertaining to voluntary tiers and added new voluntary code section for Tier 1 prerequisite. 26-1 through 26-3 referred to the green CAM table. Item 27, BSC proposes to update existing checklist based upon the final proposed changes.

Questions or Comments from the Commissioners:

Questions or Comments from the Public:

There were no questions or comments from the public.

Linda Hutchins-Knowles sought clarification if they will be going to Agenda Item 15.

Chair Ingenito responded that Agenda Item 15 will be the first item after lunch.

Motion: Chair Ingenito entertained a motion to consider the Building Standards Commission (BSC 04/22) proposed adoption of amendments to the 2022 California Green Building Standards Code, Part 11, Title 24 pertaining to the miscellaneous items 26-1 through 27-1. Commissioner Haskin moved to approve. Commissioner Sasaki seconded and moved to approve. Motion carried with a unanimous roll call vote of 8 yes, 0 no, per roll call vote.

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

Chair Ingenito resumed on to Agenda Item 15.

Agenda Item 15. Division of the State Architect (DSA-SS 01/22)

Proposed adoption of amendments to the 2022 California Green Building Standards Code, Part 11, Title 24.

Chair Ingenito requested the representatives from the DSA introduce themselves and present Agenda Item 15.

Agency Representative Eric Driever, Principal Architect for Division of State Architect, and the DSA Sustainability Unit presented their proposal for the amendments to the 2022 Title 24, Part 11 California Green Building Standards Code for the 2022 Intervening Code Cycle. DSA’s Part 11 proposal covered three primary topics: embodied carbon reduction regulations, electric vehicle charging regulations, and CO2 monitoring.

Paul Johnson, Senior Electrical Engineer of DSA, presented and created a DSA specific section for EV charging to enhance schools’ flexibility to meet the needs of their constituents or students and faculty.

Michelle Golden, Senior Architect with DSA, proposed the installation of CO2 monitors in existing classrooms during alterations or additions proposed for existing buildings. DSA proposes to co-adopt with BSC their carbon reduction measures with the exception of using a trigger amount of 50,000 square feet for schools and community colleges instead of 100,000 square feet and enforcing mandatory measures in the green codes.

Questions or Comments from the Commissioners:

Commissioners Rambin, Patel and Sasaki thanked DSA and BSC for their proposal and presentation.

Questions or Comments from the Public:

Michael Malinowski congratulated DSA and Ida Clair for their courage and vision and moving forward with a plan like this for schools.

Dennis Corelis, a former Deputy State Architect with DSA, suggested to approve these provisions.

Danett Abbott-Wicker, a resident of Orange in Southern California, asked to approve Item 5 in HCD's code change proposal with an amendment that allows the developer to follow the voluntary Tier 1 or Tier 2 standards as an alternative to the basic standards.

Chair Ingenito responded that they are still on Item 15.

Kevin Day presented the written comments. They were addressing both BSC and DSA.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 15: Division of the State Architect (DSA 01/22) Proposed adoption of the Amendments of the 2022 California Green Building Standards Code, Part 11, Title 24. Commissioner Rambin moved to approve. Commissioner Alegre seconded and moved to approve. Motion carried with a unanimous roll call vote of 8 yes, 0 no, per roll call vote.

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

Agenda Item 16. Department of Housing and Community Development (HCD 04/22)

Proposed adoption of amendments to the 2022 California Green Building Standards Code, Part 11, Title 24.

Chair Ingenito requested the representatives from the HCD introduce themselves and present Agenda Item 16.

Agency Representatives Tyler Mayo, Title 24 Regulations Manager with the California Department of Housing and Community Development and Mitchel Baker, HCD's Assistant Deputy Director. Tyler Mayo presented HCD's authority for adopting Green Building Standards lies in Health and Safety Code Section 17928 to identify Green Building features determined by the department to be cost effective and feasible to promote greener construction. Health and Safety Code Section 18941.10 (a) (2) also allows HCD to propose mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces and multi-family dwellings and submit the proposed mandatory building standards to the BSC.

Questions or Comments from the Commissioners:

Commissioner Sasaki thanked HCD and all the participants for their hard work.

Discussion regarding Voluntary Tiers and Voluntary Measures by the Commission and HCD. A summary below:

Commissioner Rambin had one comment for clarification on Item 14 and the voluntary tiers for compliance: A project sponsor wants to add more EV chargers complying with one of the tiers that would meet the mandatory requirements.

Mitchel Baker with HCD responded that designers and builders can go in excess of even the mandatory requirements that would apply equally to voluntary measures.

Commissioner Haskin thanked HCD for their thorough presentation.

Commissioner Patel thanked HCD and stated that if they ever decide to renumber, he has their full support.

Questions or Comments from the Public:

Public comments regarding HCD 04/22 Proposed adoption of amendments. See list of commentors below:

Jacqueline Vera, a resident of Richmond, California.

Jared Johnson, Senior Manager for Policy, and External Relations for Acterra, expressed that providing equal access to EV charging is key to assuring EV adoption.

A resident in San Jose.

Brett Garrett, a resident of Santa Cruz and a steering committee member of the California Alliance for Community Energy.

Annette expressed agreement with the previous callers.

Bob Raymer representing California Building Industry Association and the California Apartment Association pointed out that HCD is getting rid of that 20-unit threshold.

Igor Tregub, a resident Berkeley and a member of the Berkeley Environment and Climate Commission.

Jared Manning from Burlington.

Lauren Tarpon speaking on behalf of Thesen & Associates.

Vanessa Warheit leads the national multi-state work of the EV Charging for All Coalition.

Alexia Melendez Martino who represents Plug-in America.

Miguel asked, if HCD is requiring connector cords be permanently affixed to chargers, HCD is creating a permanent tripping and safety hazard and reduces the availability of charger operation.

Agency Representative of HCD Mitchel Baker stated that they are not identifying any permanent connection between a vehicle and a receptacle or charger.

Bryce Nesbitt asked how important level 2 low power and EV ready we are. He suggested to focus on EV ready.

Jack Fleck, a resident of Oakland, associated himself with EV Charging for All.

Noelani Derrickson from Tesla asked about HCD's proposed code items 5-4 of the mandatory EV code sections and for Tier 1 and Tier 2 EV code sections.

Jesse Lee, a resident of Humboldt County, asked for a clarification to Item 5.

Dr. Jane Ward, a resident of the Town of Barnstable on Cape Cod in Massachusetts, thanked the commission for their leadership of the country in electrification of transportation.

Hanan Abdillahi asked the Commissioners to ensure EV equity for residents of new apartments and condos.

Chair Ingenito stated they would take a 10-minute break.

Chair Ingenito resumed the meeting and public comment on Agenda Item 16.

Sven Thesen echoed his support of Tesla's request to eliminate the J1772 requirement.

Lorianne Barber, a resident of Sonoma County, an EV owner, went to a great amount of trouble and expense to get EV charging in their parking lot.

Dennis Corelis, a former Deputy State Architect with the EVCAC Group leadership team in support.

Jenny Green, a resident of San Jose and a member of Mothers Out Front, stated we need EV charging equity for people who live in multi-family buildings.

Beverly Deschaux, President of the Electric Vehicle Association of the Central Coast, stated that the biggest obstacle is EV charging.

Miranda Wynn, a resident of Palo Alto, stated that if there is not an efficient and affordable way to charge an EV is not a practical choice.

Dwight McCurdy, co-leader of the EV Charging for All Coalition, was concerned about if it is fair and equitable for residents of multi-family homes to pay more for EV charging than residents of single-family homes.

Michelle Pierce stated that she had been driving electric since 2012. In 2019, she had to move into multi-family housing and there is a need to focus on equity and providing 100% of parking spaces in new multi-family housing.

Crystal from Kensington expressed they just want better health, a livable future and equity.

Linda Hutchins-Knowles, a member of the leadership team of the EV Charging for All Coalition, stated a clarification is necessary on Option B and the voluntary tiers.

Mitchel Baker responded that the construct of mandatory versus voluntary is designed to be very explicit. A designer or builder can exceed the requirements in the mandatory measures.

Sharon Refvem, the Vice-chair of California AIA's Climate Action Committee and an Architect member of the State CAC for CALGreen, and an EV driver and in support.

Kevin Day summarized the written comments received.

Commissioner Sasaki commented that they have three options: to approve, to disapprove, and put forward for a vote for further study. If they choose further study, the proposal will not make it into this intervening cycle. He stated that they can approve with amendments, but those amendments must be non-substantial. He asked whether it was a substantial change.

Mitchel Baker with HCD responded that it would be considered substantive. The contents of the mandatory provisions are not identical to the provisions in the voluntary measures. The proposal from some of the commenters is that an individual could apply the voluntary measures in lieu of the mandatory measures.

Commissioner Rambin asked whether a note that says these requirements when met voluntarily shall satisfy the mandatory requirements of section 4.106.4.2.2 be substantive.

Mitchel Baker responded that certain provisions that exist in the mandatory measures in section 4.106.4.2.2 that do not exist in the voluntary measures.

Chair Ingenito asked if the voluntary measures would be added on top of the mandatory.

Mitchel Baker responded that is essentially the case. The prescriptive requirements in the voluntary measures percentage increases that exist in the mandatory measures. If a local adopts, a voluntary option of the proposal, those provisions that are equivalent that only prescriptive changes the most stringent would apply. In the case of percentages, the higher percentages would apply. In the case where there are no provisions in that voluntary option, it would create that challenge.

Commissioner Santillan asked a question about the type of connector that is identified as there was a request to reconsider the specific connector.

Mitchel Baker with HCD responded that HCD is proposing that a certain percentage of chargers provided pursuant to the proposal that J1772 as the most universal connectors.

Commissioner Ramirez talked about equity and fairness as commented in the public comment. He asked, how does it deal with that issue of equity and fairness?

Mitchel Baker with HCD gave information on the existing building standard in CALGreen. HCD is proposing requirements for actual chargers for multi-family hotels and motels.

Commissioner Sasaki talked about working with stakeholders. Is that something HCD can do?

Mitchel Baker responded that they encourage all interested parties to participate in any upcoming workgroup or focus group meetings.

Motion: Chair Ingenito entertained a motion to consider Agenda Item 16, the Department of Housing and Community Development (HCD 04/22) Proposed adoption of amendments to the 2022 California Green Building Standards, Part 11, Title 24. Commissioner Patel moved to approve. Commissioner Santillan seconded and moved to approve. Motion carried with a unanimous roll call vote of 8 yes, 0 no per roll call vote.

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

Agenda Item 17. FUTURE AGENDA ITEMS

Questions or Comments from the Commissioners:

There were no questions or comments from the Commissioners.

Agenda Item 18. ADJOURN

Motion: Chair Ingenito entertained a motion to adjourn. Commissioner Haskin moved to adjourn the meeting. Commissioner Patel seconded. Motion carried with 8 yes, 0 no and 0 abstain, per simultaneous voice vote.

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

Chair Ingenito adjourned the meeting.

Thursday, August 3, 2023

No meeting on August 3, 2023, The California Building Standards Commission (CBSC) heard and took action on all agenda items and completed on August 2, 2023.