

CALIFORNIA BUILDING STANDARDS COMMISSION MEETING MINUTES

October 17, 2024

Thursday, October 17, 2024

Agenda Item 1. Call to Order

Chair Miriam Ingenito called the meeting of the California Building Standards Commission (CBSC) to order at 10:01 a.m. This meeting was held in-person at the meeting location listed below and remotely through Zoom and teleconference.

Meeting Location:

CALIFORNIA DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION
12th FLOOR, HCAI CONFERENCE ROOM, 1237
2020 WEST EL CAMINO AVE., SACRAMENTO, CA. 95833

[Senate Bill 544, Chapter 216, approved September 22, 2023](#), authorizes some meetings to be virtual, and to have a physical address.

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, Kent Sasaki, Peter Santillan, James Haskin, Laura Rambin, Aaron Stockwell, Frank Ramirez, and Elley Klausbruckner attended in-person; Erick Mikiten and Juvilyn Alegre attended virtually.

Commissioners Absent: Rajesh Patel

CBSC Chair Miriam Ingenito led the commission in the Pledge of Allegiance. Deputy Director Kevin Day gave meeting instructions regarding teleconferencing and closed session.

Chair Ingenito moved to Agenda Item 2.

Agenda Item 2. Commission Business

Chair Ingenito shared some personnel updates. She introduced CBSC Executive Director Stoyan Bumbalov and stated this was his first commission meeting as executive director.

Chair Ingenito also announced her retirement from the State of California on October 18, 2024, after 27 years of service. She stated that Deputy Director of Government Operations Justyn Howard will take over as CBSC chair until the new undersecretary is appointed.

CBSC staff presented Chair Ingenito with a Certificate of Appreciation for her service with CBSC. The CBSC commissioners thanked her for her service.

Chair Ingenito moved into closed session.

Closed Session: CBSC and deputy attorneys general moved to a Zoom breakout room for the closed session. The main Zoom meeting, teleconference lines, and webcast remained open during the closed session.

Agenda Item 3. Closed Session Case Discussion

Pursuant to Government Code Section 11126(e)(1), the CBSC conducted a closed session for the purpose of conferring or receiving advice from the Office of the Attorney General regarding the case of Public.Resource.Org. (PRO) Inc. vs. California Building Standards Commission (CBSC).

Open session: Pursuant to Government Code Section 11126, CBSC reported no action was taken in closed session.

Chair Ingenito reported that the Department of General Services (DGS's) Office of Legal Services and the Department of Justice with the Office of the Attorney General gave an update on the PRO vs. CBSC litigation in the closed session.

Comments and questions from the public:

Kevin Dalley, a volunteer board member for Transport Oakland, expressed interest in the fire code and safe street design. The City of Oakland did not understand the International Code Commission (ICC) website, Title 24, and did not know that Title 19 existed, nor how it was relevant to the Fire Code. He will follow up with emails to ICC and the Office of the State Fire Marshal (SFM).

Comments and questions from the commissioners:

Commissioner Klausbruckner commented that the public can ask for informal interpretations from ICC and SFM.

Chair Ingenito moved to Agenda Item 4.

Agenda Item 4. Review and approval of meeting minutes

- a) June 27-29, 2023
- b) August 1-3, 2023
- c) December 14, 2023
- d) January 17-18, 2024
- e) April 16, 2024

Comments and questions from the commissioners:

Commissioner Santillan asked if the review process has changed and if DGS counsel reviews the meeting minutes.

Comments from CBSC executive staff:

Executive Director Stoyan Bumbalov explained that the process has changed to a summary of the minutes with the most important information recorded.

Deputy Executive Director Kevin Day stated that these meeting minutes are sent to commissioners and DGS legal counsel.

Chair Ingenito addressed the commission for approval of 4a: June 27-29, 2023, meeting minutes.

Motion: Chair Ingenito entertained a motion to consider the approval of the meeting minutes. Commissioner Sasaki moved to approve Item 4a. Commissioner Haskin seconded. Motion carried 9 yes, 0 no, 0 abstain, 1 absent.

Chair Ingenito addressed the commission for approval of 4b: August 1-3, 2023, meeting minutes.

Motion: Chair Ingenito entertained a motion to consider the approval of the meeting minutes. Commissioner Rambin moved to approve Item 4b. Commissioner Santillan seconded. Motion carried 8 yes, 0 no, 1 abstain, 1 absent.

Chair Ingenito addressed the commission for approval of 4c: December 14, 2023, meeting minutes.

Motion: Chair Ingenito entertained a motion to consider the approval of the meeting minutes. Commissioner Stockwell moved to approve Item 4c. Commissioner Mikiten seconded. Motion carried 8 yes, 0 no, 1 abstain, 1 absent.

Chair Ingenito addressed the commission for approval of 4d: January 17-18, 2024, meeting minutes.

Motion: Chair Ingenito entertained a motion to consider the approval of the meeting minutes. Commissioner Haskin moved to approve Item 4d. Commissioner Klausbruckner seconded. Motion carried 9 yes, 0 no, 0 abstain, 1 absent.

Chair Ingenito addressed the commission for approval of 4e: April 16, 2024, meeting minutes.

Motion: Chair Ingenito entertained a motion to consider the approval of the meeting minutes. Commissioner Klausbruckner moved to approve Item 4e. Commissioner Stockwell seconded. Motion carried 9 yes, 0 no, 0 abstain, 1 absent.

Chair Ingenito moved to Agenda Item 5.

Agenda Item 5. Comments from the public on issues not on this agenda

CBSC received no comments from the public on matters not on the agenda.

Chair Ingenito moved to Agenda Item 6.

Agenda Item 6. CBSC Strategic Plan Update

BSC Associate Governmental Program Analyst Laura Mills gave an overview of the CBSC Strategic Plan updates and commended the commissioners for their review of the plan. This update has put CBSC's dedication to diversity, equity, inclusion, and accessibility (DEIA) into CBSC's Strategic Plan.

Chair Ingenito stated that she co-chaired the governmental operations workgroup and was charged, along with the state's chief equity officer, to embed equity in all aspects of the state. She let the commissioners know that she appreciated their participation in providing comments. She had the GovOps equity officer review the plan, and they were incredibly impressed.

Comments and questions from the commissioners:

Commissioner Ramirez appreciated Laura Mills for working with the commissioners.

Comments and questions from the public:

Kendra Muller from Disability Rights of California (DRC) supported the equity and accessibility changes to ensure the statewide building code development and adoption process is equitable, inclusive, efficient and effective.

DRC made some recommendations for concrete solutions:

1. Vision and mission statements including the word "accessibility"
2. A2: Involvement in national codes by disability advocates and organizations, working groups and interest groups, by including disability advocates
3. D2: Encourages the inclusion of disability organizations
4. A3: Model off other states in provisions of their code
5. C3: Need for codes to be accessed without the costly subscription
6. B1: Including templates that are accessible

Motion: Chair Ingenito entertained a motion to consider approval of the CBSC Strategic Plan. Commissioner Ramirez moved to approve Agenda Item 6. Commissioner Rambin seconded. Motion carried 9 yes, 0 no, 0 abstain, 1 absent. Unanimous motion carries.

Chair Ingenito moved to Agenda Item 7.

Agenda Item 7. Legislative Report

DGS Legislative Consultant Melerie Michael, of the Office of Legislative Affairs, gave an overview of the legislative process and noted that the regular session had adjourned until December 2, 2024.

She gave a report on 12 bills that may have an impact to the CBSC:

1. AB 2910 (Santiago, 2024) was vetoed. It would have authorized Los Angeles to adopt alternative adaptive reuse regulations, and required the commission to approve or reject them.
2. SB 1152 (Limón, 2024) Requires SFM, before the next triennial, to propose updates relating to lithium battery systems, specifically in the context of communications utilities' backup infrastructure.
3. SB 597 (Glazer, 2024) Requires HCD to review, research, and develop recommendations for building standards regarding rainwater catchment systems for nonpotable uses in newly constructed residential dwellings and authorizes the department to propose related building standards for consideration by the commission. Requires a report to specified committees of the legislature by January 1, 2027. Authorizes HCD to expend funds from the Building Standards Administration Special Revolving Fund.
4. SB 1271 (Min, 2024) requires the State Fire Marshal (SFM) to adopt regulations that promote the fire and electrical safety of electric bicycles, powered mobility devices, and storage batteries commencing January 1, 2026.
5. SB 504 (Dodd, 2024) requires updates of defensible space and ember-resistant zone implementation timeframes.
6. SB 1091 (Menjivar, 2024) limits the cost of complying with the requirement to provide accessible path of travel for school projects that are approved by Division of the State Architect (DSA) to 20% of the adjusted construction cost of the project.
7. AB 869 (Wood, 2024) authorizes a distressed hospital loan program recipient to seek approval from HCAI for a delay of the January 1, 2030, seismic compliance deadline of up to 3 years. Requires HCAI/OSHPD to develop emergency regulations to carve out extensions beyond 2030 for certain rural hospitals.
8. AB 2866 (Pellerin, 2024) requires a licensed childcare facility or child daycare center with a swimming pool to have at least two safety features specified in the swimming pool safety act.
9. SB 552 (Newman, 2024) removes the definition of an approved safety pool cover and recasts that drowning safety feature as a manually-operated or power-operated safety pool cover to be accompanied by a label verifying that the cover meets specific standards. Also made changes to the definitions of and requirements for alarms.
10. AB 176 (Committee on Budget, 2024) education omnibus trailer bill - sections 33 and 34 require SFM to promulgate building standards for childcare centers no later than January 1, 2027.
11. AB 2579 (Quirk-Silva, 2024) extends the deadline for initial inspections of exterior elevated elements and associated waterproofing elements for buildings with 3 or more dwelling units until January 1, 2026.
12. AB 3281 (Judiciary Committee, 2024) amends Government Code 4459 to clarify that DSA can develop amendments or building regulations and propose them to the CBSC for adoption to ensure that no accessibility requirements of the California building standards code are to be modified except as necessary for 1) aligning with existing state regulations that provide greater accessibility and features, 2) meeting federal minimum accessibility standards of the federal Americans with Disabilities Act of 1990, or 3), and this part is new, aligning with a

provision improving accessibility and adopted in a national specification, published standard, or model code.

Questions or comments from the commissioners:

Commissioner Mikiten asked for background of the changes to Gov Code 4459 pursuant to AB 3281.

DGS Legislative Consultant Melerie Michael stated that she will provide some background in writing to CBSC staff to forward to Commissioner Mikiten.

Commissioner Klausbruckner was interested in AB 3281 and commented on both SB 1152 and SB 1271 with concerns. ICC has been loosening up regulations about batteries. There will be more lithium -based battery issues regarding fires and she hopes that SFM will take a closer look at these.

Comments and questions from the public:

HCAI Supervisor of Health Facilities Review Mia Marvelli stated that AB 3281 Gov Code 4459 is a hot topic. Legislation is helpful and provides guardrails to help align with national standards.

Chair Ingenito moved to Agenda Item 8.

Agenda Item 8. Executive Director Report

Executive Director, Stoyan Bumbalov gave a report addressing the following:

- CBSC staff updates.
- 2024 Triennial Code Adoption Cycle.
- Upcoming commission meetings in December 2024 and January 2025.
- New CBSC newsletter published in September 2024.
- CBSC is working on a new conference room for commission meetings and building six new cubicles in the existing conference room with an expected completion date of July 2025. Tentative location for April 2025 commission meeting will be 1500 Capitol Mall.
- BSASRF (Green Fund) condition.
- Changes to the CBSC website.

CBSC Associate Governmental Program Analyst Laura Mills gave an update regarding CBSC's website. She clarified that the options for CBSC staff to make changes are limited because DGS administers the website platform.

Chair Ingenito commented that the California government will be moving to a new platform that will be cleaner with more accessibility features.

Questions or comments from the commissioners:

Commissioner Sasaki asked if CBSC staff will follow up with Kevin Dalley regarding the public not being able to access the codes.

Commissioner Rambin stated the importance of education opportunities for building professionals.

Commissioner Klausbruckner stated that agencies often cannot provide interpretation on a model code that has not been amended by the agency.

Comments and questions from the public:

Kevin Dalley asked the best way to reach CBSC.

CBSC staff responded:

Deputy Executive Director, Kevin Day clarified that contact information can be found on the CBSC webpage.

Chair Ingenito moved to Agenda Item 9.

Agenda Item 9. Future Agenda Items

Questions or comments from the commissioners:

There were no questions or comments from the commissioners.

Chair Ingenito moved to Agenda Item 10.

Agenda Item 10. Adjourn

Motion: Chair Ingenito entertained a motion to adjourn. Commissioner Santillan moved to adjourn the meeting. Commissioner Sasaki seconded. Motion carried with 9 yes, 0 no, and 0 abstain.

Chair Ingenito adjourned the meeting.