

Draft Minutes of SHBSB Meeting
February 20, 2003

Agenda Item 1: Meeting brought to order by 2003 Chair Alan Dreyfuss

Roll Call of Members

Alan Dreyfuss, CPF, Chair	Dan Chudy, CALBO, Vice Chair
Stephen Farneth, CCAIA, Secretary	Joe Hall, AICP
Ron Bergeson, HCD	Fred Turner, SSC
Tim Brandt, DPR	Loring Wyllie, SEAOC
Richard Hastings, League of Cities	Ken Knott, OSHPD
Gloria Scott, DOT	Michael Paravagna, DOR
Randy Roxson, SFM	Phillip Choy, HRC

Staff

Tom Winter, ExDir	Barbara Bell, DGS Legal
Kathleen Yates, DGS Legal	

Introduction of Guests

Phil Favro, Fire Safety Consultant	Doug Nichols, City of Glendale
Stuart Tom, City of Glendale	Mike Haney, City of Glendale
Brian Heyman, FLS Chief, DSA	Dave Saylor, Homeowner, Glendale
Karen – with Mr. Saylor	Lloyd Fukuda, LA City Fire Dept.
Jimmy Hill, Chief Deputy Fire Marshal, LAFD	Cindy Heitzman, B.O. St. Helena
Maria Burke Lia, San Diego Old Town Trolleys	

Pre-Agenda Item

Alan and the Board recognize Dan Chudy for his service as Chair of the Board during the previous two terms. A certificate of appreciation is presented to day from the Board and DSA.

Agenda Item 2: Announcement of Officers for 2003

Chair Alan Dreyfuss, CFP
Vice Chair Dan Chudy, CalBO
Secretary Stephen Farneth, AIA

Agenda Item 3: Minutes from the September 19, 2003

Moved for approval Dan Chudy
Second Richard Hastings

Approved

Agenda Item 4: Appeals A and B
Underlying issues.

Alan Dreyfuss (AD) First, application of SHBC to local fire districts and regulations, second, the ability of a local jurisdiction to amend the SHBC as a minimum standard and increasing the standard. Third, historic buildings, are they exempt from amendments by local fire officials.

Whether or not the local jurisdiction can make amendments, the SHBSB this board does have the authority to review those amendments as they apply to historic buildings. That is the conclusion of the board. Is there any discussion from the board?

Kathleen Yates (KY) They have the ability to amend the code there is a mechanism in the statute. If it is based upon local climatic, geologic, seismic and topographic it is the same as if they amend the state building code. They file the amendment with the BSC. In this case they file the amendment with the SHBSB. It's an amendment to the SHBC. The fact that the SHBC has been amended does not say therefore because we amended the regulation (CHBC) that the SHBC does not still have the ability to interpret and review an interpretation an application of the code as amended.

Dan Chudy (DC) Do you have an opinion on these amendments as it applies to how model code is re-adopted every three years, the amendments must be resubmitted for every triennial adoption? Do they carry on through?

KY It is not clear, but it is possible to draw an analogy with BSC and assume that it is the same process with the SHBC. The writer didn't say, but there is nothing to say that it isn't the same.

AD I am trying to get to the immediate point that in the case of the appeals we have here today. There is question as to whether local jurisdictions can amend the SHBC we are certain they can. The SHBSB still reserves the authority to hear appeal on the code as amended. I am confident that we have the right to hear these appeals and make a decision.

Richard Hastings (RH) LA or Glendale has amended their code, the SHBC will not apply?

AD It's not that the amended code doesn't apply, but we still have the right to look at the issue on a case by case basis to assure that their amended code applies to this particular historic structure.

RH We override their decision.

AD That's our understanding. That we can hear the appeal and make a ruling.

DC We can also rule on alternate methods that might be equivalent to the local rules. That's important.

Randy Roxson (RR) That the local jurisdiction does have the ability to amend the SHBC by merely submitting findings to the SHBSB. I agree that we have the authority to hear the appeal, but not to make something that is less than the requirement of the local amendment. If there are alternatives, those alternatives must be equivalent to what the local amendment requires. I believe that if the local amendment state a class A roof that even if the SHBC allows a Class C, that the alternative roof must meet Class A standards and we can't fall back to the SHBC.

AD But we could find an alternative method?

Gloria Scott (GS) Was this finding filed with the Board? And did it state specifically what the conditions were for their findings? Is it in fact an amendment to the SHBC.

AD We have not received packages with amendments to the SHBC from either jurisdiction. But that we are treating that as a technicality because they can file simply, that they probably have filed with BSC. We have not challenged that, but that is a decision of the Board.

DC I would add that as a B.O. that does file amendments to CBC, we have not found anything that states that amendment must be filed with SHBSB, we send them to BSC and expect they route them to where they should go. I support taking their ordinances as amendments.

TW Explains the appeal process. These appeals are structured as they are to allow for their filing with BSC as precedent. Board decisions amend SHBC or add to the SHBC as precedent and they are filed with BSC for that purpose. They add at least as the specifics of the case warrants. This process has arranged for votes on each element of the process to allow for clear rendering of the case for filing with BSC.

Item 4 – Appeal A:

SHBSB CASE #010301, Lankershim Southern Pacific Station, North Hollywood.

Denial of a building permit for an alternative roof construction (wood roof) on a qualified historical structure in the City of Los Angeles.

Jurisdiction LA Fire Department.

Appellant is M2A Architects.

Sub Item 1 - Statewide significance and why this is a qualified historical building. No discussion to the issue was presented. Motion – R. Hastings, 2nd - Gloria Scott. Motion Approved.

Sub Item 2A – Chair. Call for discussion of the Authority of the SHBSB to hear this appeal.

No comments to the issue of whether the SHBSB was presented.

Motion – R. Hastings; 2nd – Dan Chudy

Sub Item 2B – Chair. Request staff for presentation of the facts of the issue for the owners representative.

Tom Winter (TW) Facts of the case are presented from the materials in the Board's package. Basic information is that the building is a 100 year old wood framed Pacific Electric rail station. The original tracks have been removed and the building will be used in conjunction with the new MTA rail transportation system. The proposal is to install a wood shingle roof, the historic roofing material.

DC Separation between this structure and others?

TW The width of a boulevard or the width of the parking lot.

?? The building use?

TW A shelter for the riders of the MTA.

Tim Brandt The Metro Rail is across the street and this is a ticket office and shelter.

The building is to be completely fire sprinkled according to the information in the Board package.

Chair calls for public testimony.

Jimmy Hill (JH), Fire Chief of Los Angeles

The wood roof would be in violation of the local ordinance in place since 1989. I will give you illustrations regarding the hazards our investigations have found and how we arrived at the conclusion and taken the action to ban wood shake roofing.

RH This is wood shake and shingles and this is a city wide ordinance?

JH Yes.

JH Presentation of the facts of the issue.

Video Tape of news broadcasts ca. 1989: The first video has several news stories from local LA TV stations covering a press conference called by a representative of the wood shake industry. The video shows a "test" roof of a few square feet of fire treated wood shake out in an open space. The test is designed to show how the treated shake is resistant to fire spread and is created by setting a lighted road flare on the treated wood roof mock up. As the flare continues to burn, so does the fire resistant wood. After the flare is removed the wood continues to show flame and smoke. The video's affect is to make treated wood shakes appear flammable in nature. One commentator notes "the demonstration didn't go as smoothly as planned. You can clearly see flames. That would alarm anyone, wouldn't it?" The rep explains that treated shakes should self extinguish. The news article goes on to explain that the wood roofing industry was planning on filing suit over the ordinance banning shakes and shingles after a "wild fire" had burned numerous homes a few months earlier, and "half of those homes had wood shingle roofs". Other TV channel newscasts had similar stories, one calling the wood shake industry "embarrassed" by the demonstration after the roofing didn't self extinguish in 10 minutes or more.

LAFD Exhibit: A presentation board with photos of a fire in which wood shake created flying brands that then caught other structures on fire.

RH So the concern is with flying of burning brands and not the proximity of adjacent buildings.

JH That is one of the problems with wood shake roofs. They represent a danger to adjacent buildings.

RH Does wood shake have a greater propensity to burn than flat shingles?

JH Yes they do.

JH This is a structure in Santa Barbara with wood siding and a wood shake roof – after a fire started in the pier below and communicated up the wood siding and onto the roof. Note that the fire is progressing against the prevailing wind as indicated by the blowing smoke. The shake is a fire treated wood shake material.

Stephen Farneth (SF) What was the age of the building?

Lloyd Fukuda (LAFD) The C of O was issued 10 months before the fire in 1986.

JH The building is sitting on a concrete pad on the pier. The aftermath of the fire leaves the wood siding completely gone.

JH There are materials that look like wood shake but meet the standards. Presents several samples of fire proof shake that are rated and accepted under LA ordinance.

Alan Dreyfuss I'm having a problem jumping back and forth between shakes and shingles. The appeal is over a wood shingle roof material.

Note from transcriber (TW): The Board is looking over the samples which seem to present a shake surface or a shingle surface, but actually are made to only be used with the wood shake appearance surface to the weather. The samples are black in color.

AD Other public testimony?

Phil Favro Representing Chemco, a fire retardant manufacturer for cedar roofing products. We have not direct interest in this particular building or installation. We were not involved in the lawsuit over the LA ban in 1989. That action was based on the fact that the city had not looked at test results or other data. Two reasons for a fire retardant roof; first protect a roof from a fire that comes onto the roofing of a building and second that the roof covering cannot transmit fire to another building or location. Treated shakes or shingles are fire retardant – they are not non-combustible. They support combustion only if an ignition source is present, remove the source and the treated material extinguishes, and this material won't give off burning brands. A treated roof will not burn through to the interior. These materials are subjected to fire testing both in a new condition and after an accelerated weathering test. They are also tested after weathering outside on anniversary dates going up to 10 years. Wood roofing products can be treated to meet different roofing classes. The Class C material has less fire retardant in the material than a Class B and both of those materials may be applied over either spaced or solid sheathing. The Class A system the wood roofing must be applied over a "Dens Dek " (sp) ¼" gypsum sheathing material sandwiched between fiberglass. The testing specified for certification of these materials indicates that no flying brands are allowed under a test wind of 18 mph. These materials meet the same tests and standards as any other building material and we are required to be weathered and no other materials are required to do that. The Chemco product passed the 10 year weathering test in 1992 and we continue to test the product quarterly. What is important to understand is that we meet the code, we meet the tests required by the code as any other material available. If someone wants to make the testing requirements tougher, then that is a fair way to proceed and we will test to those standards.

JH That and the conditions in LA are different from the tests, the wind test is at 18 mph and the winds in LA are typically higher. The valley where this project is located the winds are one of the higher wind areas.

AD Board Discussion and questions

Is the 13 year old ordinance against treated wood roofs?

When the video was made it was portrayed as a Class B pressure treated system. There are issues with the standards tests with material moisture at 12% where it is 4% dry, temperatures are under 90 degrees

The ordinance was passed august of 1989.

The material in one test after 5 years of weather supported flame for 23 minutes. During high winds there certainly would be burning flying brands. The Santa Barbara fire (noted before) where the material was a treated wood material the fire chief made a declaration that burning brands were falling off of that roof.

Would the 1835 adobe in Los Angeles Old Town be allowed to have wood roofs? And the answer is no, no building, no historic building. Is there more exposure in the valley or in the hills? The valley is just as exposed to wind and risk as anywhere, but in a hilly area with brush the risk is greater but the point is that a building like the one in question is an exposure from flying brands from the hilly areas. The city of LA has unique conditions that the ordinance was passed to deal with.

RR I don't believe the SHBSB has the ability to debate locations and other elements of this case since the local ordinance has been established and overrules the SHBC per the previous acknowledged part of Health and Safety Code.

AD We aren't challenging the ordinance or the right of LA to establish this higher standard due to conditions as expressed in H&SC. What we are doing is looking at the application of that higher standard to a specific case and seeing there is an alternate way of achieving that higher standard. H&SC allows this board to look at such alternatives to the ordinance based on the higher standard.

A question of how Glendale allowed a wood roof and side wall shingles on a historic house. The city allowed the materials with some additional fire protections such as fire sprinkling the attic and other modifications that made it equally as safe. The adobe roofing material was turned down what was the alternate material? Some kind of concrete material perhaps similar to the product presented here today.

The case structure is planned to be sprinklered on the interior. This project has offered to provide a manual fire sprinkler system on the roof. That would be in keeping with the previous CHBC (SHBC) to the 1998 CHBC where section 8-408 provided for a manual fire sprinkler system as an alternate to fire treatment.

DC How many fire zones are there in LA

JH We have a high severity zone and within the city there are several zones. Those zones are relative to severity of risk, height of buildings etc.

DC This building is located in what zone?

JH This is in a low risk zone – equivalent to C-2 or C-3 zone.

Fred Turner (FT) Is there any evidence that we have that discusses the historical equivalence issues like color and texture so that we can weigh what some of those may affect the historical significance of the building? Is there a report that identifies what the original shingles looked like specifically? Is it possible to match that with an equivalent material like have been shown today? Is the kind of roofing a historical significant issue?

AD Yes, in my opinion it is. To meet the Secretary of the Interior's Standards the roofing should be replaced in kind? If for some reason, like the LA ordinance disallowed it, the roof couldn't be wood, then a second choice is to use another material.

FT Then the policy of this board is to allow or consider the original material when it is possible.

AD That is the intent of the SHBC.

AD We are looking at this building in its particular context that's the advantage the SHBSB has over the ordinance.

?? Is there a cost difference between the alternate type of roofing and the wood shingle?

?? The costs are comparable and in fact the wood may be more costly.

(SF) Do any of the ordinances have any mention of historic buildings? Or is it a blanket ban? With a Class A treated wood installation it doesn't address the flying brand issue, but will a roof mounted fire sprinkler system? There are buildings in this state where the type of roofing is critical. What alternatives exist?

JH I don't think the deluge system is an answer.

AD Vote of the board to hear the Glendale presentation. I am closing the public testimony on this issue to hear the Glendale presentation and then come back to the first issue for board discussion.

Loring Wyllie (LW) Getting back to an earlier point. We are dealing with a specific building but we agreed that this issue is of statewide significance. The results of this appeal will affectively change our code and this ruling will be used for other cases?

AD On the other hand, if we decide that this LA building can have a wood roof it doesn't mean that another building in LA could have a wood roof. Another case would have to meet the conditions presented in this case. Scale, zone, proximity to other buildings.

Motion – RH To continue the LA appeal and hear the Glendale presentation.

2nd LW

Motion passes

The board continues the LA testimony and the Glendale FD presentation is heard out of order here. The minutes are presented "in order". The chair continues the Glendale presentation and brings the Los Angeles case back for board discussion.

Continue Board discussion:

SF Uphold the appeal to utilize roof construction pursuant to the 2001 CHBC with the following provisions: That the material be Class A; that all landscaping proposed on the site plan be fire retardant per LAFD requirements.

AD Friendly amendment to your motion? Class A assembly as opposed to class A materials.

SF Yes.

RH Second Motion

F Turner When you say landscaping do you mean any new structures will violate these conditions?

SF I didn't include that because I'm not sure how that would be administered.

RH The LA planning commission put a requirement on that if the parking lot were built upon the historic building would be required to be brought up to regular code requirements.

AD We are looking at a plan and that plan shows a parking lot on two sides of the building that what happens to that lot is beyond us.

LW Recraft the motion that there is an equivalence because of the open area around the building.

TW Let me read what I have: Allow the CHBC with conditions 1) Class A, 2) landscaping

RH Findings would be that there is opens space as parking surrounding the building, not in a high fire severity zone.

LW It seems that the LA ordinance is overly broad and Glendale is concentrating that authority in their high fire hazard zone.

SF Third finding is that this is a one of a kind situation.

FT Other factors that could be included: the building is fully fire sprinkled.

DC The wood roof is a character defining feature.

Call for question:

One opposed

Approved

Item 4 – Appeal B:
SHBSB CASE #120201, 2766 East Glenoaks Blvd., Glendale.

Denial of a building permit for an alternative roof construction (wood roof) on a qualified historical structure in the City of Glendale.

Jurisdiction Glendale Building and Safety.

Appellant is Dave Saylor, homeowner.

Sub Item 1 - Statewide significance and why this is a qualified historical building. No discussion to the issue was presented. Motion – ?? , 2nd - Gloria Scott. Motion Approved.

Sub Item 2A – Chair. Call for discussion of the Authority of the SHBSB to hear this appeal.

No comments to the issue of whether the SHBSB was presented.

Motion – Dan Chudy; 2nd – Loring Wyllie

Motion Approved

Sub Item 2B – Chair. Request for presentation of the facts of the issue. Public Testimony. The City of Glendale

Stuart Tom, Mike Haney and Doug Nichols – electronic presentation with notes handed out at the meeting. ST notes that much of the LA presentation he agrees with including that the proposed roofing material is FT shingles, but in this case the subject structure is located in a high fire hazard area. Similar issues of amendments created by ordinance on the basis of climatic, geologic and topographic conditions. DN acknowledges the SHBC, its purposes and how it relates to code for historical buildings but notes that local ordinance has created a high fire hazard area requirements. This additional language is created to protect communities and neighborhoods, where the regular code protects individual structures.

The position of the City of Glendale is that the ordinance has modified the CHBC to a higher standard...

Chair reopens the hearing on the Glendale Case. Continues with public testimony per above note regarding the order of presentations.

Dave Saylor (DS) Homeowner of the subject property and a fire captain with LAFD. This roof we are discussing is a Class A fire assembly and it would react no differently than any other house in that canyon. It would not be different and would not burn to the ground. The College Hills fire or the Oakland Hills fire – of the 3000 homes that burned down the vast majority - 80% - did not have wood roofs. In the case of the College Hills fire two houses of those had treated roofs, but it is not explained what caused those houses to burn down. When you are talking about Class A assembly roofing it is nothing like what is portrayed back in 1990 or 1989. When you look at the pictures it is very easy to see that the roof is a prominent part of the house. As a homeowner with a large investment in fixing it up I am concerned about the fire safety of the investment that is why I am proposing an expensive Class A roof assembly.

RH The existing photos show a shake roof.

DS The existing roof was installed in 1970. The existing roof is ready to be replaced now or in the near future. There have been fires over the age of the house and there are several reasons why it hasn't burned or been damaged. It is a northern aspect, which gives the fuel a higher moisture content. Topography comes into play as the back of this property slopes up dramatically and the slope is such that a fire would go right by. Prevailing wind is also is such that wind will go down the canyon.

There is a dedicated street behind the property. The native brush starts above that street that looks like a road. The acme of the house roof sits below the level of the brush. There is a 6 million gallon water tank for gravity supply to two water hydrants nearby with lots of pressure.

Ken Knott (KK) How important is that wood roof to the historic nature of the house?

DS When you restore a home it needs to be done in a material that is the same as the original, in addition I want to install the roofing with a wavy coursing that matches the original.

RH Did you apply for a building permit? Did you appeal their decision?

DS I filled out the paperwork but when I mentioned this was a wood roof in their hazard zone the process ended there. I was offered an appeals process but it was clear I would not be granted a permit.

RH Normally we require all of the local appeals to be exhausted...

AD That is not required in our statute or code.

Stuart Tom (ST)The city would accede to the SHBSB determination and the city attorney acknowledges that. As well, city attorney noted that even though we have no building permit on file Mr. Saylor did do as noted and that was the same as a denial.

LW There is a lot of tree growth around the house.

DS Brush fires spread by ground fuel not by tree canopy.

LW I've seen fires spreading through the tree canopy

DS They go up, but aren't spread by the canopy.

FT Do you agree with the cities premise that their ordinance supplants the CHBC?

DS If that were true then any local ordinance could undermine the authority of the SHBSB. The intent of the legislature was to make them special and provide special treatment

FT I think that there must be equivalent safety involved.

DS That has been addressed by this being a Class A roof as far as test results are concerned. This isn't the same roof as those that have been shown in the fire department examples.

LW The house to the east has what kind of roof?

DS There is no other Class C or wood or combustible roof in the canyon.

RH Has there ever been a fire in the canyon?

DS According to records in 1964.

Mike Haney The ordinance talks about wood products. We don't agree that treated roofs have equivalence to other non-wood products. Also we have tree crown fires it isn't always from brush below.

AD I find it confusing that these roofs have Class A rating by ICBO and SFM. Can you explain why they aren't?

?? Look at the exhibit by Mr. Fisher the bottom paragraph that addresses the protocols of the testing. His question is: do the test "brands" match the flying brands from wild fires?

AD So you don't have any evidence that it is a hazard, you are saying that you don't have evidence that it isn't a hazard.

?? That is correct.

AD I'm wondering how you draw the line that one material such as wood will be worse in a conflagration than another material?

MH It been proven in wind driven fires that a wood product will continue the fire along where tiles won't. You need to think. It's still wood. We wish to discontinue the use of wood.

DC What I'm hearing is that this product has been certified and you saying that the test standard needs to be changed.

RR Minimum standards are what are promulgated by the state. Locals are able to raise those standards through ordinances. SFM recognizes the ability of locals to change and raise standards and SFM doesn't prohibit those changes. Remember, each jurisdiction is different in landscape, climate and fire protection. That is why I feel strongly about letting the local amendment stand.

RH Would the steepness of the roof change the hazard? If the roof is that steep a flying brand might just roll off of such a steep roof.

Ken Knott Question of the ordinance application to this re-roof.

?? The ordinance bans wood roofing materials, simply (reads ordinance). We have modified the ordinance as noted by RR for climatic, topographic, and geologic reasons within the City of Glendale we feel it is necessary to apply a higher standard.

Board Discussion

FT I'm finding the argument on the BO to be compelling. Paragraph 2 of page 2 of the letter from Stuart Tom in the board packet.

DC I'm also swayed by the part that states that neighboring homes would be at risk. I think there is some validity to the argument to the statements that the test standards are not in relation to the actual climate conditions. I continue to hear stories that the products don't perform as intended. That this property is located in a high fire severity zone leaves me to side with the local jurisdiction.

LW As a SE I worry about fire protection and whether the tests actually meet real world conditions. Perhaps fire departments are ahead of us on the wood situation.

AD I found the cities arguments persuasive. I like that they acknowledge the SHBC and SHBSB's ability to implement a decision. I like that they are only applying the standard to buildings in high fire zone areas. On the other hand I am troubled by the Class A rating of the new proposed material, that it is safer than the original material, that it is the only house with a wood roof. I find it difficult to believe that one Class A roof in an area will significantly increase the fire danger of the area.

DC Motion – The board deny the appeal and support the position of the City of Glendale.
Second Fred Turner

Approved with 4 opposing votes.

LW We need to have conditions and findings of fact.

AD High Fire area, city ordinance does not preclude SHBC application.

DC Motion

LW Second

Approved.

Phil Farvo One last fact: the product of a Class A roof must go through 5 actual years of weathering before it can be tested and listed in the state. That's SFM requirements.

Agenda Item 4 – Appeal C.
SHBSB CASE #090201, Casa De Aguirre, Old Town, San Diego.

Denial of a request for alternatives for exterior wall protection due to property line proximity on a “historical” reconstruction of a building.

City of San Diego, Development Review Department
Appellant: Maria Burke Lia for Old Town Trolleys

Sub Item 1 - Statewide significance.

Motion: Richard Hastings that this is an issue of statewide significance.

Second: Fred Turner

Approved

Sub Item 2 A. Qualified Historical Building

AD This building has not existed for how many years?

Maria Burke Lia (MBL) It was built in 1853 and was torn down in 1914 and the reconstruction is almost complete today.

RH How did you determine where the original foundations were located?

MBL On the basis of archeological investigation.

RH That’s the right answer.

AD It is a reconstruction of a building that didn’t exist for a period of time and it is also in a historic district, and could be looked at as a missing part of a historic district.

MBL Yes

AD Opens meeting for public input.

MBL Review the issues of QHB. It is within the NHR District that includes the SHP and an additional 6 blocks. It is a local historical site designated in 1970. Location of the Casa. Building on that site came under the cities historical board. Relevant that the SIS treatment of historic properties – there are 4 types of treatments – rehabilitation, restoration, preservation and reconstruction. So SIS has recognized reconstructions as historic properties. State Parks had plans to reconstruct this property. In terms of the city building dept. They have allowed the use of alternatives on this building to use the SHBC on three issues. Energy conservation standards, alternative compliance for disabled access and the use of non-tempered glass. Sites are also covered within the CHBC as well a section states that this code is to provide regulations for reconstructions and defines reconstructions.

AD To the Board

Ken Knott (KK) If this were a site in Old Town Sacto, any building other than a reconstruction would be denied.

GS This is an archeological site. When the designation was made this was a “site”. Anything that is constructed there, under the NR criteria may be compatible with but would be a non-contributor to the district. The SIS states that for code, reconstructions are essentially new construction. In the CHBC, non historical additions shall conform to the regular code. In this case this is an addition to the historic district.

AD There is something in the CHBC that addresses reconstructions.

GS if an existing building is damaged or eliminated, if the resource was designated historic is one thing, in this case when the district was created, the building was not present. Designations are made on the conditions at the time. This is adding to that district, something new. Even under the standards there are code considerations for new construction, SIS is providing for protecting any original fabric remaining. In this case there was nothing there.

AD For clarification, we are not here determining if this project meets the SIS. We are determining if it meets the criteria for QHB under the SHBC.

RH Under our code the intention was to allow reconstruction, even if we are allowing displacing the original fabric such as foundations in the ground. To allow these to be brought back. Particularly in the boundaries of a district.

Motion RH I would move that we consider this reconstruction as a historic building.

Second ??

DC Would you take a friendly amendment to say that we recognize this is a QHB.

TB OHP was requested to see what affect this designation would have on the Cal Register. Noted some issues that Cal Register wouldn't recognize a reconstruction a NRD might.

TW Basically, we aren't making a problem for the registers.

?? The city has already allowed that this is a QHB by granting use of the SHBC. I would say that we are going to support that decision.

LW What is the construction?

Paul Johnson (PH) The original was 24" of adobe, reconstruction is CMU with adobe veneer. And it meets regular code.

AD Call question.

Affirmative majority, opposed GS.

Approved.

Item 2 B. Facts of the Issue

MBL Verandah wall must project out to protect the end of the building

PJ This space between the buildings is a no-name street. It is used presently as a pedestrian walkway. It is a part of the State Park. The state park bounds on 3 sides. The wall in question is the north wall and its extension on each end that isn't historic.

MBL The projecting wall is very historically inaccurate and in conflict with the reconstruction. We have been trying to figure out a solution. The jurisdiction is saying they won't give a C of O if we haven't done everything we can to avoid having to build that wall. We've asked DPR for an easement, including an open space easement between the city, State Parks and the owner. If State Parks ever built on that space, the owner would install the wing walls and fire devices. There has been no response.

We come back to this board to use an alternative. That is to use a fire sprinkler system to be used in lieu of the wall. We took the issue to the city historical board and they supported the alternative construction.

Nabil The city has determined there are three kinds of historical projects, Rehabilitation or retrofitting, Relocation and Reconstruction.

Continue from tape 2. End of transcript tape. Tape 3

DC City of San Diego has experience. What's the opposition to an alternate for an exterior exposure sprinkler.

Nabil Perhaps it wasn't brought up to the plan checker.

DC This will be an open space (next to the property line). The sprinkler is a valid interpretation.

Nabil I am just not familiar enough with this project to answer that question.

There has been discussion, but since this building wasn't existing before and whether it needs to meet the building code or not, and how much of the historic fabric are we affecting by adding a fire rated wall or not.

RH I don't see the need to sprinkler this situation. This is an open space and State Parks is bound to keep it open.

LW But we can't speak for State Parks.

RR SFM has responsibility to protect state property and property lines are important to the state, we can say nobody will build, but we never know that. Question: Exposure protection is a deluge system which is quite expensive.

Doug M Deluge systems are no longer manufactured, and can't be made any more. SHBC allows it but there is not equipment listed to do that.

PJ All of the buildings on the site are completely sprinklered.

TW One of the things that you will notice in the SHBC is that we don't cite any listings. When alternates are brought there is not listing cited or implied.

RR SFM requires that all equipment for fire systems be listed. State Law mandates that all fire alarm systems be listed by SFM there is no exemption listed under the law. I'd like to know where your law cites that your are exempted from SFM law.

TW 18956 (Section, Health and Safety Code)

AD If there is a system in a historic building that is not required

RR It must be SFM approved

AD if it is not required

Doug M There is an interpretation on that, voluntary systems.
?? That walkway has been open for a long time. I don't think it will be eliminated. First I don't think there needs to be a requirement on that site. I would propose two thoughts. We don't know what's going to happen on that site and alternately if the city of San Diego thinks something will be done the city can require a deluge system.

Nabil We had a property where we allowed no protection on such a situation, the Caltrans property, after some years they came in and built a building adjoining that unprotected wall.

??LW Then you are sprinklering the buildings?

MBL Yes, the interior, not the exposure.

?? Why don't you increase the regular sprinkling and call it good?

AD It looks like 80% of this wall has been taken care of. The only portions left are the windows away from the property line.

LW so what we are looking at is only the verandah openings.

DC Would the city be willing to offer the C of O if a building is built within that open space you will require the fire sprinkling if something is constructed.

Nabil not done before, but it doesn't look that serious. We sort of look at it as not being that serious, if a sprinkler system was put on it, it would probably be OK.

LW This is similar to parapet ordinances. Jurisdictions don't demand protection of parapets adjacent to taller buildings, but if the adjacent building is removed, the parapet must be strengthened or removed.

RR SFM isn't against alternate means, I would say that it needs to be a listed system. Staff counsel should rule on that issue.

AD Public hearing closed.

TB Has tom talked to Roni Clark, Superintendent of State Parks?

TW I am aware that discussions have been ongoing with DPR/Roni Clark and the owners of the property.

AD Motion?

DC Roof, What kind?

PJ Wood

DC I'll make a motion: That the protection wall at the exterior verandah be allowed to be omitted in lieu of one of two options: 1) Comply with the prescriptive requirements of CHBC 402.1 exterior exposure sprinklers; 2) or at the discretion of the city some kind of condition on the Certificate of Occupancy. At the discretion of the building official or fire official.

The condition that this open space area known along San Diego as an unnamed street remain as a pedestrian way and at such time as combustible construction takes place the building official would revoke the C of O or require a fire wall to be constructed along those verandahs.

Loring Second
 Discussion

RR I would support that based on any construction, not non-combustible.

DC I wouldn't consider that a friendly amendment.

RR If you build a building there, it would need to be fire protected.

DC My concern is that some a building is build that is combustible. A masonry building or drinking fountain is not a hazard.

RR So a State Park masonry building along the property line wouldn't kick in the requirement?

DC I wouldn't be concerned about it.

RR I would be concerned that State Parks be protected.

Nabil So that requirement is in addition to the sprinkler

DC One or the other.

Loring I have a problem that the second part of the motion is at the discretion of the jurisdiction. Where the city has never done this before, but it is routine in other jurisdictions to do retro active requirements. If the city doesn't go along there is no alternative.

AD I agree with Loring, if there is no fire marshal approved system, there is no alternative.

Loring I don't see any problem with this, but the State Park is a different jurisdiction and it won't come to the city building department.

RR The city would never see that project. We should just demand to protect both properties.

AD I am swayed by the fact that the Casa is fully sprinklered and that is not required.

PJ The sprinklers were added as a alternative using the SHBC.

Fred Turner We have a verandah constructed of wood. What is the potential of fire spread from landscaping to the construction.

PJ There is a landscaping plan restricting landscaping to minimal, or historic types. The verandah is sprinklered.

DC Withdraw the motion

Can the Chair make a motion?

K Yates The chair can make a motion or second.

DC That the SHBSB recognize that the presence of an existing NFPA 1313 fully sprinklered building including the verandah be equivalent to the required property line protection of CHBC 402.1. The appeal be upheld.

Loring Second

DC Findings: The building is open on all sides with limited exposure to vegetation 2) no adjacent proximity to buildings 3) the risk is rather low if the sprinklers fail.

Call for the Question

Abstain, Tim Brandt.

Approved (votes not noted)

Item 2.A, Issue 3a. (Exhibit labeled C-30 in board package, page 3)

Staff Request for interpretation of items related to reconstructions

Staff requests this as added findings to this appeal to be published as required under H&SC. This is to provide additional guidance to those who use the CHBC for reconstructions.

A quorum of the board still is in attendance.

Define access for the disabled for reconstructions. Staff recommends that the board limit access provisions to those that affect historic fabric per the federal law. It is clear to staff that historic fabric is not threatened on a reconstruction.

AD The problem I see is that the federal requirements are the same as our code and none of the provisions of our code can be implemented unless it threatens historic fabric. The code has recognized reconstructions as being under the code and if we remove access from applicability we are threatening to remove reconstructions entirely from our coverage.

TW There is a difference between state law and federal law. Under state law we give ourselves the right to make our own rules, under federal law they set the standards and state law must follow under that. How does the ADA define historic fabric is one of the questions and it stems from a provision that exempted historic transportation cars or trains. From that the DOJ made provisions to give historic preservation some alternatives. In my opinion we need to be careful not to stretch that mandate too far onto reconstructions. My recommended language is fairly broad but gives more guidance to users.

DC Is this just what is already stated in the chapter? This is additional guidance?

TW It is played out in a couple of reconstructions I've been made aware of that have used CHBC to put in non-accessible features, and it doesn't affect "historic" fabric.

Tim Brandt How did this affect use of the code for the Casa De Aguirre?

PJ This was based on accurate historical information. We reviewed this information with local disabled access advocates and as an alternative we came up with a removable handrail and step. 99% of the time the steps are there and access is provided in another entrance. We used an alternate entrance.

TW Since we are not an oversight agency of the code I feel we need to provide additional guidance to make sure our intent is expressed.

Mike Paravagna I think we need to be very clear with our intent on the ADA. Also for information there are two states rights suits before the supreme court over whether the federal government can impose such a right as ADA on state governments.

AD Lets look at this case. The applicant established an historic configuration and it was reviewed by the city and disabled advocates as required by the CHBC and they came up with a solution which is the manner in which it is supposed to work. This isn't stepping beyond the spirit of the code or the ADA.

LW If this was a new building that had nothing to do with historic then this building would not have the steps so anyone could come in at grade. But that changes the front of the historic reconstruction so they've come up with an appropriate alternative entrance. If this were to meet ADA fully then the front door wouldn't be allowed.

DC Sometimes you need an accurate representation of what the building was.

GS I think that depends on what the use is. If you are having a museum interpretation that's different than a building for a modern use even if it is a reconstruction.

AD Even in a building with a modern use the code allows another entrance within 200 feet.

TW It would be my intent to limit access alternatives and exceptions to reconstructed buildings.

AD The basic question becomes one of whether or not reconstructions constitute historic fabric. The ADA says historic fabric only and our code says historic significance.

SF I think it would need to be dealt with in the definition of reconstruction.

MP I think we need to be very careful to keep our code in compliance with ADA. There is a lot of problems with interpretations and the owners are finding out in the courts whether or not their building is in compliance.

AD The proposed language leaving in historic significance doesn't change anything.

Discussion ends on that comment.

Item 3b. Fire and Life Safety, Structural and Energy Code

Loring I don't think reconstructions are allowed to use archaic methodology.

AD They can't use archaic methodology because of the requirement that any alternative must affect historic fabric or significance and new structure can be hidden inside and not affect historic significance.

TW I remain uncomfortable with how we've progressed with the application of the SHBC in CHBC to reconstructions and I consider it a loose end that needs to be resolved.

Issue tabled.

Agenda Item 6 and 7

Travel restrictions on board travel. That means that the Santa Barbara meeting of the state conference will not be held in Santa Barbara. A meeting with an action item could not be held in that location. The only way we are authorized to have meetings is to have an appeal meeting. There is a topic of interest for members who might be in attendance at the Santa Barbara meeting in May. That involves Caltrans and the Arroyo Seco parkway. The board could have a discussion over the idea of getting involved in that issue. We will keep you posted on the possibility of such a meeting.

GS There are several properties with the same issues: the Cabrillio Freeway in San Diego, Cahunga (sp) Freeway in LA, Feather River Highway.

TW To that I would add that it has been the history of this board not to avoid an issue because some agency or entity does not want to participate. We may not want or need to wait for them to act, it is our choice. Our statute is written that it is not their choice to approve or disapprove an action by this board.