

Draft for approval at the next meeting.

Minutes of SHBSB Meeting
April 28, 2004
The Presidio
San Francisco, CA

Agenda Item 1: Meeting brought to order by 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 Herman, SSC
Tim Brandt, DPR	Loring Wyllie, SEAOC
Richard Hastings, League of Cities	Ken Knott, OSHPD
Gloria Scott, DOT	Michael Paravagna, DOR
Tim Roardy, SFM – San Francisco	Deborah Denne', CCASLA
Stephan Castellanos, State Architect	Robert Mackensen, County Supervisors Assoc.

Staff

Tom Winter, Sr. Architect, Executive Director	

Introduction of Guests

Bill Hendricks – Chemco Co.	Mel Green, Str. Engineer
Matt Dillhoffer – Consultant	M.W. Donaldson, SHPO
Jim Cohen – Developer	Marsha Maytum – Architect
Tom Trost – Developer	Dan Wetherell - Architect

Agenda Item 2: Approval of Minutes of the November 20, 2003 meeting.

A question was raised about how the minutes are “transcribed” by staff. Staff explained that the minutes are more detailed than a summary, but can be characterized as a highly edited. The object is to convey the intent discussion. The responsibility of each member of the Board in reading and approving the minutes is to assure that the intent of the discussions are accurately portrayed.

Staff asks to confirm that the decision from the last meeting is approved so that all of the parties to that case may be notified and the decision filed with Building Standards Commission.

Move to approve the minutes
Fred Herman motion
Deb Denne' Second
Approved

Executive Directors Note _ Explanation of the process of creating the minutes. The tapes are edited by compressing and expanding the spoken language to eliminate gaps in wording, unintelligible parts of the tape (incomplete sentences, the tapes ends in the middle of a topic, members speaking to softly or over one another, side conversations, and extraneous noise), expressions of speech, and statements that do not contribute to understanding of the issues.

Generally, where the discussion relates to appeals that can be used as precedent, the tapes are edited less. Edits are not noted.. If an exact transcription is needed in the future, the tapes for all of the meetings going back to the early 80s (or earlier) are available.

Agenda Item 3: Staff Report

TEC's. Staff mentions that the Boards long time borrowed staff, Mary Crawford (Ainsleigh) has retired. Her retirement mandates the board members take on the responsibility of travel arrangements and reimbursements. Staff directs attention to instruction for TEC's.

FEMA Interim Policy. The Seismic Safety Commission received copy of a new policy from FEMA after the Paso Robles/San Simeon EQ. The issue is over FEMA restricting the eligibility for funding of public buildings needing restoration after an emergency.

Fred Herman: It's the precedent that is of concern. Projects like Oakland City Hall or SF City Hall would not be able to be restored, as they previously were, using FEMA money. This policy would require such buildings to be returned to their pre disaster condition. The precedent was what concerned SSC, OHP and others. FEMA has not responded.

Reading File

The reading file is discussed at each board meeting to review ongoing work and responses by the staff to issues that come to the office.

Soda Rock Winery. This case involves reestablishing a winery in Sonoma County. County use permit conditions required responding to any conditions Caltrans might impose. E-mail to Caltrans indicates that Caltrans must consider the use of the SHBC. The most interesting part of this case is its application to historic resources other than buildings, and the approval process mandated by Caltrans, both being subject to the SHBC.

Gloria Scott Caltrans representative explains that it is not clear if the historic features are in the Caltrans R/W or on the winery property. The district has asked for an opinion from their legal staff as to whether the SHBC applies. The traffic engineers are looking at some alternatives such as moving the roadway, and that brings in other issues. They are also considering an exception to the highway requirements.

Alan feels that the SHBC governs in this case. The winery can be reestablished as a historic use. The code clearly covers that historic use and be established without being incurring additional requirements. As to the historic wall, whether it's on Caltrans property or whether it is affected by Caltrans improvements, it is covered by the SHBC.

There was additional discussion by the Board that raised these issues: reestablishing the use still leaves the question of how to deal with any increase in use. The owner must prove that the resource is qualified by being historic. Generally the Board supports the position of the e-mail provided by the staff to Caltrans.

Pinecrest Forest Service Recreation Cabin #031101: This case involves correspondence with the owner and the neighbor of this cabin and an application for permitting replacement of a wood barn shake roofing, roof in-kind. In terms of fire risk, the cabin and roof are similar to the rest of the fuel in the area of the cabin, but the local FM feels that a fire in the cabin will spread brands from the roof. Staff feels a lot more than roof brands will be spread in that kind of event. Staff introduces Bill Hendricks, Chemco Products, who describes new processes and treatments of wood products that allow SFM Class A ratings. He offers that barn shake can be treated to meet the same requirements as those of tested ratings and Chemco can certify that the wood materials are treated the same as tested materials. He also offers to talk to the county – who the USFS is deferring to – to give them the information on new treatments and their ratings. He also answers questions of the Board regarding the toxicity of treatment materials and how their chemistry works to retard fire in wood products.

staff answers a question on the historic qualifications of the cabin as it is in a district of historic cabins.

A question of how this new treated roof has fared in burning brand tests? Chemco roof passes a Class A with underlayment and Class A Stand Alone installation. It has passed a 10 year weathering test and has a SFM approval. Treated roofing works with Cedar Breather that has a Class A rating.

Santiago – Warner Manning House Move #030901: Final correspondence with the city over an interpretation of what the appeal means to the proposed project and an appeal at the city level.

Budget – Budget Item is still available. \$56,000 Staff doesn't know why it's still in the budget, as DGS has told us all year that 2003/04 was the last year.

Historic School Program – APT Codes Conference presentation by DSA on the procedures for using the SHBC on public schools. Staff applauds the DSA for putting the SHBC into the school program. Alan notes that J. Hackett had a very good presentation on the new procedures.

New Energy Regulations – Lighting Standards: Final resolution of the issue of SHBC and changes to Part 6 of Title 24. The Energy Regulations Use Manual will contain language directing the use to the CHBC and the SHBSB for any interpretation or requirements for new or replacement equipment.

Agenda Item 4: State of the SHBSB, Steve Castellanos, FAIA, State Architect

Steve discusses what is happening with the SHBSB within state government in general and General Services and DSA specifically. State government is in a time of transition and change.

The State Architect, Department and Agency have supported the SHBSB to the extent possible in the budget situation as has existed, have continued the funding tradition to the extent possible, and have recognized the issue of funding and submitted legislation in 2003 aimed at changing the SHBC statute to allow for a "fee for service" funding base. That part of the bill was removed in committee. The 2004/2005 Governors budget continues the \$56,000. Funding in the 2005/2006 Budget remains an unknown. The DSA will support its continuation.

There are many challenges to the provisions of the CHBC – Some of them are being discussed here today.

The SHBSB has decided through its Strategic Plan process that updating the CHBC is the highest priority.

As far as we know the Board has the ability to meet to conduct its business. The members of this board are empowered to write, interpret and modify the regulations. The Executive Director is employed by the DSA to support that effort. The challenge is to make good use of what is available and move forward. Form committees and set a schedule to meet to identify, prioritize and create solutions.

Alan comments that he is looking to pursuing with the staff in delineating a role for SHBSB in the new program of historic buildings and public schools. There may be a need for interpretations, appeals, and information to the school design community where the SHBS is a new part of the school design regulations within the Field Act. It would go hand in hand with the SHBSB educational programs.

Steve Farneth comments that having been on the Board for some time, he appreciates a State Architect that truly supports the SHBSB and recognition that we can provide value to the historic properties in the state.

Agenda Item 5: State Fire Marshal Code Proposal Urban Wildland Interface

Staff was made aware of a State Fire Marshal program to create a new section of code that is in response to urban or cities encroaching into the surrounding wildland – or Urban Wildland

Interface (UWI) and the problems that have been created by fire in these areas. The code proposal is attempting to regulate construction in high hazard areas of UWI – this will be new building code. Staff followed this process to make sure that it didn't conflict with the SHBC. These meetings were very informative and provided staff the chance to better understand how fire effects structures in these. The code proposals should be oriented towards new construction, but the proposed language does not specifically say "new" construction. Staff is looking for the Board to form a committee to help work on this issue.

Discussion ensues on how this proposal affects defensible space and the association of the work with UWI codes that are currently published.

Alan expresses concern with the affect on existing buildings. This code appears to be similar or the same as those in place in some communities. Staff should comment on drafts to express SHBSB concern that existing historical buildings fall under the SHBC.

Agenda Item 6: CBC Chapter 10 and 11 Changes to Access Signage

Ron Bergeson brought this item to the attention of the Board. These requirements have been added to the CBC and may affect historical buildings by the appearance of required new signs. Alan wonders whether the SHBC exempts new code requirements being applicable to existing historical structures. Staff believes that the new signage would fall under Chapter 6 Access alternatives and that the Board needs to address these types of new elements in CBC through new language in the CHBC. The volume of signs may have an effect on the appearance of a historic building. It is easily seen in newer buildings the kind of signage that is now required. staff recommends that signage be looked at by the SHBSB along with other elements of the CHBC.

The may be a need to add a sentence or so of guidance on how signage would be addressed as alternatives to the regular code.

Staff shall recommend any changes to the Board and get review comments by the Office of Universal Design. Staff will circulate suggestions by e-mail to the Board.

Agenda Item 7: Projects

a) Marysville Hotel, Marysville. This case involves an issue of parking requirements by the city on the development of this historic property. The city is asking for a number of parking spaces more than the developer feels are required and if the SHBC has any jurisdiction in this case. Letter by staff to city and responses by the city and developer are included in the Board package. Staff has the letter from the city included and wishes to have the Board help in responding to the questions from the city.

Alan has comments on the correspondence and feels that the cities questions can be answered fairly clearly.

Question 1, is the city required to apply the SHBC. Ans. YES

Question 2, is the project exempt from CEQA. Ans. NO

Question 3, is the project exempt from local zoning and use permits? NO

Discussion on the questions and answers confirms the answers to be essentially correct. Staff recommends that the letter be sent back with the questions reframed and the answers made to the those questions. The answers must include that alternatives are available under the SHBC.

b) City of Riverside: Energy Exemption in CHBC. This case involves a project and the energy exemption in the CHBC. Dan Chudy is asking for some feedback on how this part of the CHBC should be interpreted. The project involves a large historic barn – 3 stories in height. The barn is a contributing structure. A previous owner improved the barn without permit and never finished the work. The new owner wishes to convert the barn to a residence and has applied for a permit. The question is over whether insulation is required in areas where new materials are being installed over the historic. In this case, where a dropped dry wall ceiling is being installed under the currently open rafters, behind new dry wall finishes, etc. This would not affect historic fabric,

and in places where the historic fabric is to be exposed there is no requirement for insulation. The city is not asking for compliance with Title 24 nor calculations. The city is asking for insulation only where it can be easily installed behind new finishes. The city is asking for compliance with the Health and Safety Code that states “encourage energy conservation”. This discussion is limited to an interpretation over the words in CHBC Section 8-901.5 “should” and SHBC 18951 “encourage”, in regards to energy conservation measures.

Summary of the discussion:

Encourage is different from “it is required” – its not smart - not to, it wastes energy, but it’s your (the owners) choice.

How could you not degrade the building by insulating? If something like insulation is hidden behind new materials, how would that change the effect on the building (that isn’t affected by the new materials)?

When there is a change of use and non-historic elements are being inserted into the building there is entrée to requiring elements of the regular code, with consideration of alternatives using the CHBC to change the extent of the requirements where it affects historic fabric. A person needs to look at the non-historic (new construction/additions) part of the code.

You wouldn’t let someone frame a new floor except to regular code requirements for loads.

It is a change of use and the original use was not to be a habitation for humans.

It seems that the issue turns on what is addition and new construction. If the drywall is installed, it must be installed with the regular code required number of nails, etc. Insulation can be considered in the same way.

Dan thanks the Board for the comments.

c) Use of SHBC Health and Safety Code 18961.

The issue is about enforcement of the 18961 section. Several issues have come up that fall under the review of state projects, approvals, etc section of 18961. The question for the Board from staff is whether staff should pursue the review of state projects, in what manner and on a project by project basis or by query of departments?

Summary of the discussion:

The board should be doing the reviews. What is the impact on staff? The Board needs to look at ways to make this work. Funding? Funding would need to be done on a fee for service basis. There is a team in DGS looking at preservation issues and the funding issue could be addressed. Generally, the board supports staff making the initiative to enforce the statute in respect to reviews of state projects.

Staff to make a proposal to the board on a way to make this work better.

d) Issues involving non-building structures.

Staff asks the board, “What do we do with structures?” Bridges, roads, etc. that don’t fall into the specific sections of the CHBC. The CHBC states, Section 8-102.1, These regulations are applicable for all issues regarding building code compliance... . Staff strongly recommends that the board consider revision to the CHBC to address all of the items described in the definition of “qualified historical building or structure”. It is confusing to the public, staff, and agencies.

There was an issue with the Arroyo Seco parkway and the bridges. This is typical of the problem. Staff suggest that the first thing is to change Section 8-102.1 to encompass all of the types of qualified historical buildings and structures, and public works.

A suggestion is to go back and look at the statutes and see what is within them. At one time the board thought about calling the CHBC the California Resources Code. That seemed to be too confusing. Comment that other agencies may write their specific resource type of regulations. Caltrans is looking for a letter from the SHBSB to start a new set of historic roadway regulations.

Board recommends that staff start defining the issue, and start the process.

Mel Green Final Comment: The tendency of too many agencies to focus on just their mission. It is frustrating in the arena of code development that too many are very focused on just one aspect of a building or other type of regulation. The SHBSB has the opportunity to overview, to see a larger picture.

Ajournment.