

Code Update Committee

Attendance: Ron Bergeson, HCD; B. Bell, Staff Counsel; T. Winter, Ex. Director; Dan Chudy, Calbo, Chair; Steve Farneth, AIA, Secretary; Bob Mackensen, County Supervisors; Roy Harthorn, CA Bldg. Contractors; Deb Denne', ASLA

Public: Cindy Heitzman, B.O. St. Helena; Larry Bruger, LADBS

(Paraphrased and edited from recorded tapes)

Item 1: Access Chapter 8-6 of CHBC.

TW: 1:6 for 13" short ramps as allowed in CHBC. Federal standard currently has 1:6 for 24". New federal standards will eliminate 1:6 steep ramps.

Recommendation that SHBSB leave the 1:6 for 13" ramp as is for now, with the comment that SHBSB revisit the issue in the future, perhaps to move that provision from preferred alternatives section to another section subject to the exceptions process.

No comments, item is not referred to SHBSB for action.

Item 2 (a): Interpretation allowed under H&SC 18960.

TW: Energy Code in Chapter 8-9 Mechanical, Plumbing and Electrical, Section 8-901.5. Need an interpretation of the word "should" in that section. Problem: How much are we asking designers to put into new equipment considering 8-901.5 exempts projects from Title 24, Part 6, CA Energy Code. Proposed language of interpretation in Board package. Interpretation of "should" needs to meet the stated intent and purpose of H&SC/SHBC.

Interpretations affect two projects that called in for consultation. St. Francis Hotel, leased space, changing the T.I. and that included modifications to the HVAC – question involved a HVAC unit that fits into a specific tight space, a new unit to meet SEER requirements would cause damage to historic fabric. In this case the HVAC should remain in place.

A second case involved T. 24, Part 6 requirements for multiple switching for lighting. The extra wiring would not cause damage to historic fabric, the switching should be done to meet energy code.

Dan Chudy: As an enforcement official I see it as the exemption is mandatory, the second sentence is not enforceable saying "should". What constitutes equipment and appliances, I don't consider wiring design as equipment or

Minutes
SHBSB Standing Committees
September 19, 2002
Page 2

appliances. That interpretation is not consistent with what the code says.
Opposed to that interpretation.

Denne: The code updates are on what kind of schedule?

TW: Ongoing. We can update ongoing.

RH: But the BSC publishes the code every third year.

Denne': Should we change the wording be changed to include wiring? Change the wording to include wiring as equipment. The words "should – shall – may" what level or intensity of implementation, recommend putting that in the definition. Interpretation is really a definition. The definition is good. For this set of rules this is where we intend to go with these words.

RH: I think I wrote this originally. Some changes in approval. Words added and should were changed. Original language had it as where appliances or equipment were replaced they shall comply with the regular code.

DC: I would see specific direction to the enforcement officials. Below that you would list exceptions. Say shall and list the exceptions.

DD: Its important not to be ambiguous, but it is ok to make a middle ground and let people work these things out. That's ok if its understood from the beginning.

TW: Important to remember. There are regulations, with a certain process. In a performance code the mandates need to kept simple in wording. Interpretation is able to be changed more readily. As circumstances come along that affect the regulation the interpretation is able to be flexible.

DD: Are you looking for a board blessing on this today? This interpretation?

TW: My thinking is this, interpretation could be left on a case by case basis.

What I'm suggesting is that there is another step, another level, and have the board create an official interpretation. There is precedent for this, DSA uses interpretation of regulation (IR) to good effect. Where IR becomes often used, many have been changed into regulation. Where they become outdated, they are eliminated or modified.

DD. We have precedent on the SHBSB. The is a definition of "consultation" as performed by the board.

DC: We can do that.

TW: This particular item is unclear enough, and the interpretation is need because the purpose as stated in H&SC to encourage energy conservation doesn't appear to have been applied to this section. I believe we need take that purpose and enforce it in the regulation. I'm suggesting that we are not prepared to make a regulation at this point, I think an interpretation should be made and see how it goes.

I would synopsise Dan to say that his interpretation is that the exemption is complete.

DC: yes

TW: I don't see it as a complete exemption because it ignores the "encourage" statement in H&SC. I see my interpretation as fulfilling our mandate in statute.

Minutes
SHBSB Standing Committees
September 19, 2002
Page 3

Steve F: As a practical matter I don't think I've ever seen an owner who didn't want to conserve energy. I don't see the interpretation as necessary since the owners have always wanted to conserve energy.

TW: In this particular case the T.I. isn't necessarily the owners cost or savings because of construction costs vs. operation costs and who pays what.

Bob M: The problem is the word should. Is there a way to word this more precisely? (suggested wording)

TW: I believe the interpretation covers that. (reads wording)

DD: Wording by overriding consideration is arbitrary, subjective. One persons \$10,000 is another's \$1500.

BM: It's just a little better than "should".

TW: I'm really not interested in changing the regulation.

SF: You're looking for a consistent way to respond to these kinds of questions.

TW: Right. In the long run, I see the Ex. Dir making too many value judgments, there should be guidance, and it should be published. Available. A median between the prescriptive needs in the code and letting everyone decide for themselves.

DC: It may be a good stop gap measure, but if you don't change the code, how are people going to find out about interpretation and not just read the code at face value. You're exempt. Simple. There's no triggers out there to send anybody to find anything further. It says that, but it does really mean what it says?

RH: The two sentences could be re-written to be combined and make it say exempt and exception, where new appliances are installed, etc.

DC: There are opportunities to make it read better.

RH: This is valid discussion, the code wording doesn't really work as it was initially intended. I expected new equipment to meet energy code.

TW: To restate, the preference of the committee is to re write the regulation on these two points to make it more definite on how "should" includes exceptions to relate to energy conservation.

A final comment, I would like to bring back the issue of interpretations to the board to discuss how they would fit within our code program, at some future date. Considering the distribution issues of interpretation, it is still desirable to take advantage of board interpretations to alleviate the workload of regulation rulemaking which is acting as an impedence to clearing up code issues for users and enforcement alike.

RH: I second that comment. Other agencies have memorandums of interpretation and that often evolve into regulations.

DD: There are also graphic interpretation workbooks on some codes.

Item 2 (b): Non-historic, non-compliant plumbing fixtures. Discussion of what to do with these.

Minutes
SHBSB Standing Committees
September 19, 2002
Page 4

DC: This section covers Mechanical, Plumbing and Electrical. When it comes to plumbing fixtures, it seems to me that it is neither an appliance or equipment. There isn't really a connection here. If it's a qualified building using the SHBC, our typical interpretation is that we can exempt fixtures from compliance due to this section.

DD: There is a component of historic here, if the fixture came from another location isn't there an issue with whether it came from the building or not? This hasn't been a part of the "code" but doesn't it relate here?

SF: Yes, it gives the design team an option to keep significant features.

RH: There are various levels of other review that can bring up the historic issues. Landmarks and other historic boards.

Others: various comments on historic nature of features and plumbing fixtures

TW: I'm not sure I understand where we're going here, would someone synopsise?

RH: I don't have my plumbing code here, but isn't a fixture change tied to change of use? Water conservation of fixtures is a statute that says selling water wasting fixtures is not allowed. It doesn't discuss putting in used ones? I'm wondering if the exemption is already built-in?

BM: Can we modify the energy code section to read appliances and fixtures?

TW: I would like to get something that says the Board backs the ability to reuse fixtures and save old ones – perhaps citing our general purpose, and intent to protect historic fabric. ... or perhaps using reconstruction?

SF: I believe it would be good to talk about resource conservation, because there are local ordinances that, for instance on the SF Conservatory of Flowers, the City wouldn't let us use old growth redwood to replace old growth redwood. Statute prohibits the use of that material, it would be good to exempt such prohibitions in the light of historic preservation.

TW: These are good points, I'll make some additional investigations and bring back some recommendations for regulation changes to address these issues.

Defer Item 3 and 4 due to limited time for this committee meeting.

Item 5: To simplify the nomenclature of the SHBC vs CHBC.

TW: I recommend that the regulations be called the California Historical Building Code as a distinction to the statute which is called the State Historical Building Code.

BM: Would be good to make that distinction.

RHastings: Problem with the statutes?

TW: Not that I can see. We have the right to write, we can call them what we want.

RHastings: I have no problem with that. I think the users can benefit, its differentiated.

DC: We wouldn't change the board name?

Minutes
SHBSB Standing Committees
September 19, 2002
Page 5

TW: No, the Board is titled in statute.

BBell: Is there any reason to call the regulations the California Historical Building Regulation?

TW: I think the term code is better for most users since this particular set of regulations is created as "building code" and it is better to conform to that model.

Consensus to recommend Item 5, a change to CHBC to the Board.

End of Committee Meeting