

Item 1 Roll Call of Members

Joe Hall, CCAPA	Mike Paravagna – Dept of Rehab
Gloria Scott - Caltrans	Stephen Farneth, FAIA - CCAIA
Tim Brandt - DPR	Roy Harthorn - Contractor
Fred Herman - SCC	Richard Hastings – League of Cities
Richard Conrad, FAIA - DSA	Dan Chudy, PhD - CalBO
Robert Mackensen – Assoc of Counties	Alan Dreyfuss, AIA - CPF
Deborah Denne' - CCASLA	Lauren Bricker, PhD - SHRC
Thomas Winter, Exec. Director	Mary Crawford, DSA Staff
Guest: Bill Pennington, California Energy Commission	

Item 2 Election of Officers

Joe Hall: Nomination committee: Only two meetings held in 2003 the current officers haven't been tasked with a lot of work Joe contacted each of the current members about continuing their current positions. The recommendations are as follows: Alan Dreyfuss, as Chair; Dan Chudy as Vice Chair; Stephen Farneth, as Secretary. These candidates have a good working relationship, they also have a broad experience as the Executive Committee for working with staff.

Joe moves the nominees as stated. Gloria second.

Other nominations – Richard Conrad recommends the slate of officers be elected by acclamation.

Approved

Item 3 Minutes of the 2.20.03 Meeting

Tim Brandt, correction on page 3 under Sub Item 2B. Tim's statement should read: The Metro Rail is across the street and this is to be a ticket office and shelter.

Motion to accept minutes as amended, Dick Hastings

Fred Herman, Second

Approved

Item 6 (B) (moved up in agenda to accommodate Mr. Pennington)

Status of the SHBC, Presentation by Bill Pennington, Manager of the Buildings and Appliances Office of the California Energy Commission.

Welcome Mr. Bill Pennington:

Thanks for the invitation to come and talk to the SHBSB.

The Energy Commission is interested in seeing that whenever possible energy efficiency improvements are made when there are renovations to existing buildings where the improvements doesn't any harm to the historical value of the building. That's our motivation the when renovations are made that the mechanical system or the lighting system could be improved. Perhaps the windows where the impacts are not obvious or noticeable. Maybe there are aspects that are more difficult that need to be taken into account so we aren't suggesting that the historical value be reduced but we are interested in having as serious a look as possible at what kind of energy improvements could be made during rehabilitations.

The Energy Commission has just been through a lengthy 2 year process to upgrade the building standards, the Energy Code (Part 6 of Title 24). One thing we changed of the many other things was to propose an amendment to the scope section that basically that provided a blanket exemption for historical buildings. That amendment would be to give the building official the determination if the energy requirements would affect the historic value of the building. The idea was to remove the blanket exemption with a determination. That was proposed.

Just before the adoption your staff contacted us indicated that the proposal was inappropriate (e-mail to Energy Commission staff was included in the board package) for a couple of reasons. What we understood was that there was too much discretion given to the building official as to what would be appropriate for historical buildings, and often times there are projects that aren't under the jurisdiction of local building officials.

So we decided to leave the old language alone and not adopt new requirements. Since we were in the final days of our rule making we decided no time to try to modify the language to something that worked. At this point the standards will remain the same with the blanket exemption. We would like to see if we could work with your executive director and the board to find a clearer message to designers that they should be taking a serious look at what kinds of energy efficiency improvements are possible without harming the historical nature of the property. We would like to see if there is a way to do that. It probably makes more sense for us to amend the CHBC than it does to amend Part 6 or perhaps do amendments at the same time.

In looking at the CHBC regulations the exemption is clear, but a second sentence states that when adding new equipment or appliances should comply with the energy standards. There's a couple of things that appear to be areas for improvement. First it only mentions appliances and equipment and there are other kinds of efficiency improvements that could be made. The word added is problematic. What does added mean? Is that replacements or increased numbers of appliances or equipment? The word should makes this requirement voluntary. It seems like the state could do better at making energy savings an obligation. Your staff may have other ideas I haven't heard yet.

Questions from the board

Stephen Farneth (SF) I support the work the EC is doing to update the energy code. Is there any data that suggests that anyone is taking advantage of the exemption in the CHBC? The reason I ask that is that in my experience energy efficiency is always very high up on a clients interests especially with the interest in sustainability. I find that the clause in our code only gives a little more flexibility in achieving energy savings.

BP We did have some commentary in workshops early on in the process that there are situations where the exemption has been a problem. But specifically we don't have any data that supports those comments.

Roy Harthorn (RH) The second sentence was added 6 or 7 years ago as a part of the rewrite as a change with the word "shall" and the committee worked over that language – the feeling that the mandatory language would run against other provisions in the code that supported preservation of historic buildings and the shall would make for conflicts that might mandate expensive analysis and potential replacement of large pieces of equipment that would endanger other historical aspects of the building. The committee struggled with the language but decided to put some encouragement in the code to improve what was a blanket exemption. The intent was to just prompt the owners and designers to think about energy savings.

Alan Dreyfuss (AD) We are concerned about using the mandatory as having the opposite affect by demanding that any new equipment meet code. When some equipment is being considered and it is impossible to meet the energy code because of some historic fabric issues, then the owner would decide not to make incremental improvements because it could be left as is, rather than being upgraded to the degree possible. Does that make sense? It could be discouraging to encourage complete compliance rather than partial. My experience is the same as Steve's in that owners are looking for energy savings.

Robert Mackensen (RM) We might be able to deal with ambiguity of the word added by changing it to installed. That might solve a problem.

Tom Winter (ED) I recommend we consider this item as a part of Item 6 where we will be discussing our activities for 2003/04. I would remind you that some of you were present at the code committee meeting where I proposed some changes to the energy exemption section of the CHBC. That proposal was to provide an interpretation to narrow the broad exemption without changing the regulation completely. That was rejected because the committee didn't like the idea of an interpretation.

The question I have is what the scope of the help the EC might provide as the board is charged with writing code and staff is myself. The EC may have more resources, what kind of help may be offered.

BP We would like to see this thought through and could provide some assistance.

Fred Herman I would like to go back to where SF was coming from. Is there a problem? What is the problem? What are we addressing because I don't see any incentive to ignore the energy costs and use what can be used. Owners want these improvements.

Joe Hall (JH) The only issues I've seen is over dual pane windows where vinyl is available and wood replacements are getting to be more difficult to find new or repair. The walls and other elements are being done.

Lauren Bricker (LB) A slightly different point of view. Is there any thought of putting out some brochures about the compatibility of historic preservation and energy efficiency? The kind of here are ways to do it kind of things, educational efforts.

BP We do put out design manuals that describe the standards and the intent. We also put out a newsletter and that might be a way to provide additional information to the public, a joint interpretation of the regular standards and what the exemption means.

RH As a member of the code committee and having had involvement with this section in the past I would be happy to participate in any discussions to look at these issues. I would be happy to help with any publications.

Thanks to Mr. Pennington for his comments.

Return to the agenda order.

Announcement: A tour of the Stanford Mansion SHP is being offered by Richard Hastings during the lunch break.

Item 4 Staff Report

(A) Budget Status: The SHBSB has \$56,000 in general fund that will be available until 6/30/04. To 11/20/03 there has been approx. \$13,500 expended. Funds have been expended at the rate of about \$4000 a month that means if the same continues there will be funding available through the end of the 2003/04 FY. There is no plan to request any general fund for FY 2004/05 as DGS is planning on requesting no general funds, all of DGS will be fee for service. The state architect has requested the SHBSB to design a business plan that creates a fee for service funding basis. The problem with fee for service continues to be that it is possible to find services to fund staff doing state related work, but difficult to find fees for local government programs with our statutory limitations. Some areas that may have potential to fund staff are the energy code, accessibility and historic schools. Those programs could fund staff work, but leave little in the way of funding for such things as appeals, and board activities.

(B) Reading File: Staff explains letters and other items in the board package that indicate some of the staff and executive committee actions since 2/20/03.

(C) Historic School Program: Staff explains two sections (Appendix L and M) of the procedures to be used when the SHBC is to be applied to conversion of existing buildings to public schools.

(D) SHBC statute revision 2003. Staff and the state architect have created a document that explains what the intent of the changes to the statute (H&SC 18950-61) signed into law in September 2003. There are sections in the code that the meaning remain unclear. That leaves certain sections in the SHBC statute unclear and open for interpretation – good or bad. With the new revisions to the SHBC the executive director and the State Architect who wrote the revisions have here published the intent of the changes to the SHBC statutes.

DD You might query John Henderson, Ray or some of the early documents for the early intent documents.

(E) Projects: Staff explained two projects. The McGowan Residence in Los Angeles and the Ronald Regan Library is installing the 1970s Air Force One into a new building in Ventura County. The issues involved the determination that the object, the airplane, is a historic object and is therefore under the jurisdiction of the SHBC in California. The object is will continue to be owned by the Air Force who designated the plane as historic.

Item 5

Alan Dreyfuss (AD) Appeal to the SHBSB regarding a denial of building permit for a stair in proximity to the property line. There a couple of issues here. The first on is whether this is a qualified historical building for the purposes of the SHBC.

Tom Winter (TW) Summary the project. On behalf of the owner. This is a project that will relocate the Manning House who was the first mayor of Huntington Beach to the property of the Warner House in Huntington Beach also a historical property. The Manning House (MHs) is to be placed on the rear portion of the Warner House (WHs) property. The MHs is to be located raised a story and sitting on a frame that is partially the garage of the WHs. The issues involve the rear door from the utility room of the MHs the owner desires that that door access the ground and the second issue is to have a "historic" appearing overhead electrical service installed on the MHs. In both issues the City of Huntington Beach (the city) has code issues involved with each.

Dan Chudy (DC) So this was a one story house and its to be put up on this second story?

TW There are photos in the board package and I have photos on the screen.

Deb Denne' (DD) So the building has lost its historic site context completely.

Ken Knott (KK) Did the city rule that the new location that the buildings remain historic?

TW In your package there is documentation from the planning department that supports the move and buildings remain listed.

DD When you move a property it loses its historic site context.

AD It will be listed where, on a local register?

TW Yes

Richard Hastings (RH) In Sacramento there were many raised building that remained on the register. Even though in this case many of us would have questions about the way it is to be situated. It's up to the locals as to whether it is to be a historic structure. We have no authority to make such a designation, we can only determine if it has been designated.

?? It could never not be the first mayors house.

AD It could be so changed that it wouldn't represent the first mayors house.

?? It appears they aren't doing that.

AD Richard is correct, no matter what I think, it is a decision of the city. So I believe the first question is answered by the city itself. The second question is that the non-conformance of the stair is not created by a historic condition, it is created by the decision over how it is located. I question whether the problem is created by the owners decision of how to locate the MHs.

Steve Farneth (SF) But isn't it on an existing garage structure?

AD Proposed to be. There is nothing historic about the garage and the MHs.

SF But aren't they trying to align the MHs and the back wall of the garage? And that sets the location of the stairs and it isn't for historic purposes.

?? I think the project squeezes the lot lines on both sides.

?? You don't need that stair.

Richard Conrad Its not required, but it is desired for non required purposes.

What is the purpose?

TW Lets go back and follow the Items I've outlined in the agenda.

We've established Item C. For Item B, statewide significance, we need to use the revised copy that was handed out at the meeting. I have 5 sub items and I recommend we discuss them in order. 1) establish whether the function of the door is covered by the SHBC. 2) review the jurisdictions positions 3) establish whether the elec service is covered by the SHBC 4) Establish that the owner may bring these issues as appeals 5) that no similar issues have been appealed.

The owner is saying that he has a kitchen and utility room on a building that is laid out that if anything goes into or out of the kitchen the back door becomes essential. All of the front entrance configuration is required by the city. The fact that the building is sitting up a story is a city requirement for parking. They gave a parking variance for enclosed parking. From the owners point of view he is rescuing a house that has been moved to save it from demolition.

Explanation of what the city has discussed with TW. Some discussion of privacy and garbage and some additional information specific to the project application that could be included in the discussion later.

Defining issue is whether the function is historic or just the door. TW shows some photos of the vicinity.

City is concerned about privacy. There is an ordinance. There is some neighbor concern, but not the immediate neighbor.

DD What is the statewide significance of this issue isn't that a criteria?

TW That's what we are discussing.

RH Is the garage historic?

TW Goes with the historic house.

Robert Mackensen (RM) It seems that there isn't a privacy issue as long as there's windows, the stair doesn't seem to change it.

TW From the cities point of view you are crossing into a zoning issue.

?? That isn't the only issue.

TW We'll talk more about that when we get into the specifics of the issues.

We need to resolve if we're going to discuss the function of the door or just the door itself, 2) is the privacy issues outside of the jurisdiction of the SHBSB. Is there an argument that this is not an issue of statewide significance? If it isn't an issue of statewide significance we can't hear the appeal.

Roy Harthorne (RoyH) I think this issue is of statewide significance in the respect that I've had experience where we (as jurisdictions) created these kinds of not conformance problems with building and zoning and we've used alternative measures usually from within the regular codes but the SHBC adds credence to alternative measures and procedures. I think if a community is denying a property owner an alternative which achieves potentially equivalent safety its of statewide significance.

AD The title of Item B is confusing. It seems that what B is the ability of the board to hear this item these do all pertain can hear this item.

TW In statute there are only two gates to an appeal, qualified historical and statewide significance. I see not other limitations to access the board for an appeal.

AD The items in B don't work in statewide significance. Lets move this.

AD Let's vote on the qualified historical building.

Motion Alan Dreyfuss

Second Richard Conrad

Approved

AD As to whether the appeal is of statewide significance we can use Roy's comments, it has come up before and there are buildings that are raised or are moved.

RC This is intended then to allow further discussion?

AD We can't hear it if we don't find statewide signif.

DD Do we have a precedent?

RH Not that I can remember

DD Didn't we rule on a move of a carriage house that created a zoning issue?

RH That was a setback issue in Napa, but it was a single story and the issue was the rear and side yard setback.

RH This has some other unique situations that the other case didn't cover.

The carriage house was moved and converted to a B&B and the setback was 5 feet but the disputed placement was 3 feet.

AD So we have established that we will hear zoning appeals.

RH and DD Yes

TW In this issue I think it is mainly an issue of building code. The building is 5 feet from the PL and the stair is proposed to encroach into the minimum of 36 inches clear.

Gloria Scott (GS) The owner desires the stair it is not required. Without the stair the building meets the city requirements?

AD It is a building code issue because if the stair is built it is a violation of the UBC 36 inch to PL requirement. I think we have established the right of the board to hear this appeal.

RoyH The appeal entails reconstruction of an element due to a move of a qualified historical building and this issue can be expected to occur again.

Motion Roy Hawthorne

Second Richard Hastings
Approved

TW presents the owners point of view with some comments on the application of the CHBC.

The structure is cited to meet UBC and zoning code. 5 feet to the PL. UBC requires a 36 inch wide stair that leaves 2 feet clear.

?? Actually about 1 foot 7 inches because the UBC is a clear dimension.

TW The city allows a 30 inch wide clear to PL for a set distance not the whole property line and typically they allow that and we have some photos.

AD Can we take your word for it?

TW For eaves and chimneys they allow that necking down. I discussed with the city allowing a narrower stair or a protected stair.

?? A 2 foot wide stair.

TW The city has kept the mandate for a code stair. They also brought up the issue of walking up the stair giving someone the ability of view into the neighbors yard from what they described as various viewpoints. (White board is used to sketch the situation) I find the privacy issue interesting because the city has offered to allow construction of a 42 inch wide projecting balcony to keep the rear door operable. The owner hasn't been told me if the city is demanding any a construction type for that balcony. The balcony does keep the 30 inch clear space open I'm guessing for fire fighting operations. That seems to be inconsistent in some ways.

AD We have established the SHBSB can hear the issue, but we haven't decided if the stair is covered by the CHBC.

?? The new stair is not covered.

AD I tend to agree but there was a stair there to begin with, a landing and short stair and it still need a stair but it needs to be longer.

GS Does it still need a stair? It sounds from what is written up by the city that a stair is not a requirement.

AD The owner wants a stair.

GS To me that is different.

AD I agree, the city couldn't both require it and not allow it.

I would like to have some discussion on the point of whether the stair is covered under the CHBC.

SF A question, is the property line wall of the garage a new wall or an existing wall? When I look at the photo graphs I'm not sure the garage is off of the property line.

TW I'm not sure, but some of the garage will be new construction to accommodate the city required parking. He will have 4 under where the city requirement is 3 under and two out. I believe the old garage is the box in front.

SF The way I read this is there are 3 enclosed and one will go through the garage and come out. The dimension is 25 feet and you can't get 5 cars in that.

TW He only needs 4.

AD I see one in the old garage and three in the new. The added house adds to the parking.

RH I would suggest that the fact that historically the building had two exits and two means of access that it's a reasonable request to continue to have a second means of egress, it's beneficial from the life safety standpoint in case one exit is blocked. I think the issue is an appropriate request, I think it is. And I suggest we move along to how it is accomplished.

RC The fact that there was an existing stair doesn't seem to be the only thing here. Why doesn't he move the building enough to allow a 36 inch stair? I'm having a hard time believing there aren't alternatives other than the CHBC.

TW Let me offer some explanation. The garage is undersized currently and to take additional room out of it makes that aspect even worse. This project is up against multiple issues.

AD It appears to be the new construction that is driving this issue. Is there any reason why the house can't be moved forward?

RC That is an interesting thought but we are given a fixed scenario. The owner wants to do this project and is facing this situation that is a non-compliant condition on new construction that is hard for the SHBC to accommodate.

RH If we were to take the actions to not support this stair it would be a precedent on future project that would be a contact between our staff and a jurisdiction on a project that would be a half basement.

RC So that would be a new stair? More than a few steps.

AD Perhaps what RH is saying is that if you had an existing building with a non-compliant stair and you raised you would build a new stair and that would also be non-compliant. But that isn't what we've got here.

RC I don't think so either because it would be an existing situation that would be continued.

AD This is new structure, the location of the structure is driven by new construction not by historic construction, and the issue is being created by putting the historic construction up on new construction. Also we can create conditions into the decision that would qualify this situation differently from another.

RH Where are we again, are we into solutions or still on your earlier question?

AD We are still trying to answer the question of whether the SHBC applies to this situation.

DD This is kind of a mixed issue since the exit was existing and it is a health and safety issue. But, since the stair is new I believe this not a good precedent for the board to comment. Is there a way we could make a ruling that would recommend the city allow the stair, but the board would not make an official ruling because we can't comment on new construction.

RoyH We've referred to an existing stair that has gotten taller

GS That isn't reconstruction

AD If the historic building had been moved onto a new site at grade and that two or three step compliant porch was made non-compliant because of the location on the site there might be a question there that we could hear.

RM What's driving the location of the stair is the garage below which is the absolute maximum that will fit between the property lines. Not so much the location of the door. The historic use of the door is something that is part of the historic building and whether its new construction or not the work is still governed by the SHBC. We could make it a fire escape if we wanted to.

Lauren Bricker (LB) The other thing that may be coming into play is he may have been encouraged to set the historic building slightly back from the existing garage so the eave on the garage would still read. It really appears that since the old garage is so altered it might as well be new.

RoyH I think that if this was an existing building that had a porch or deck whether or not it would present any problem for the board. I suggest that section 1006.2.3 establishes a distance for an exterior stair is premised on the concept of compartmentalization of buildings between parcels to prevent the spread of fire between them. Hypothetically you could have buildings 3 feet to the property line having met the 6 feet between them. 3 feet to the property line having met the 6 feet between them. Here the zoning setback of seven foot six on each side of the property line giving 15 feet between the buildings. They have given a variance to 30 inches giving a net separation of 10 feet. My thinking is that there is a net separation that there is no harm. We have set conditions on appeal in the past to provide a property line that is for this purpose offset from the actual property line. We can condition it such that if a variance is granted in the future to the adjoining property then the stair might need to be removed.

?? If we were the city that might be fine. But I'm not sure we should solve their planning issues through the SHBC.

RoyH It would be a unilateral agreement.

?? Without the other property owner involved?

RoyH That's where it is a unilateral agreement.

RH We did that in Sacramento

DD If they decided to build on the other property then the first owner would be forced to remove the non-conforming stair.

AD Is this covered by the SHBC?

DD This takes the board into zoning.

RM This is an issue that involves a historic building and it is therefore a SHBC issue. We still govern although we make reservations about new construction.

The resource governs. [Side A of tape 2].

AD I think RM's point is well taken, this does involve a historic building, this is construction related to the relocation of the historic building and it is covered by the SHBC. Lets agree on that and move on to discuss the facts of the issue.

DD They have given us the situation as set by the proposal. We must review that information and give our finding based on that proposal. We also have a given in the past, other options that we feel are alternatives.

AD When we have offered other options we have felt there were no other options.

DD If we offer options there are other interpretations available for other cases in the future.

SF The problem I have with this is that this appeal comes at the end of a series of planning decisions that I find questionable and we're being asked to fix something that I'm not very comfortable doing.

TW I would take the opposite point of view as the owner is taking the maximum effort to save a historic building that is otherwise going to get demolished.

SF I can support that point as well, but the planning issues are making this difficult.

GS I noticed in the information that city staff has offered another alternative that would take a stair along the interior of the property to the ground. I see that he has another option.

RoyH I think there are a few specific code variances that I could support using the CHBC. One would be to allow a 30 inch stair, that was once the allowable stair in UBC as a means of exit. It was taken out as the required means and somewhere along the way it was lost as an option for non required stair. There are still narrower than code stairs in use as required exits, and they continue to work. The other is that it could be modified in some fashion to add protection. Sprinklers under the eaves, under the stair. And it could be conditioned as we discussed before.

RH Shouldn't we finalize our discussion of whether the SHBC applies?

AD I think we are discussing if we can override the city and approve this stair under the SHBC.

GS I don't think the SHBC applies as the stair is new construction.

AD SHBC addresses new construction. New construction shall follow the regular code.

RM The SHBC addresses those code issues like the width were new construction affects the historic fabric.

DC I would like to add that while the focus of this discussion has been on building code, and while I can support a lot of what RoyH has said, this is not exclusively building code. This also includes a lot of zoning requirements and this is not real clear and some of us don't believe this applies and some do, but I think that the SHBC applies only to the extent that we would deny the appeal based on the issues involving the planning and zoning. Typically the local community planning knows better what it needs in terms of planning, while the building department applies the building code uniformly community to community. I'm hoping to hear from Joe our planning member.

Joe Hall (JH) What you are dealing with are a set of side yard requirements and I've never heard of a city that had privacy rules for stairs.

DC We have one.

RH The public will comment

JH Our code doesn't deal with that. DC's comments are more what I believe. I think we would toss it back to the locals and not get involved in the zoning problems. There are some options.

RC This is the first mayors house. It could have been remodeled several time, but it doesn't make any difference as long as its significance is the first mayors house not architecturally significant. Another location for a door, or stair is appropriate to solving the problems.

GS The city has already provided an option on our Item 5 page labeled 2 A, items on that document 3 of 4 alignment of exterior staircase. "Staff recommends reorienting the stair ...(from city document)." Looking at the plan they would allow the balcony to act as the stair landing and keep the existing door location.

AD Unless there is more discussion I think we are ready to hear a motion.

Motion to deny the appeal Fred Herman

Dan Chudy second

No additional discussion on the motion

Approved

AD The second part of the appeal is regarding overhead wiring as opposed to under grounding of the wiring service.

RM The overhead wiring is a part of the site context or the setting which has been long compromised by the move. The setting was at the original site.

SF I would recommend that a part of our notes to the city building and planning be that they work together to find a solution that saves the building, makes a few adjustments that are zoning related and allows a solution. I think we are being asked not to rule on the whole question and rather than rule against essentially preserving the building that there is a solution. Perhaps not the one they brought to us.

RC I think we heard another solution.

TW For the notes, I'm not sure the board ever ruled the stair did fall under the SHBC? I didn't hear a vote.

AD We did find that the stair was under the SHBC since the stair made the historic egress work.

DD It maintained the historic egress.

TW I would like to get that formalized we had all of this discussion and no resolution of that issue.

DC I would agree that it is a qualified historical building and I would not go any farther than that.

AD We decided that it is a qualified historical building and as such we can hear the appeal. It doesn't apply to that stair.

AD Back to the electrical service

RM The wiring is a part of the setting and the setting is back at the original location.

Motion Dan Chudy to deny that appeal

Second Richard Conrad

Approved

Item 6 – Status of the SHBC Program

6 A Strategic Plan - Strategic priorities for the program

Discussion to finalize the strategic planning process started in 2002 with DGS. The board is asked to find the top 3 or 4 items from the list of strategies (page 7 of 7 of Item 6A in the board package).

Alan Dreyfuss suggests that the most basic responsibility is to the code and that two items, develop a schedule for code changes and expand the identification of specific alternatives are top priorities.

Agreement of the board that those are the most important.

Another suggestion is that training and consultation is very important as some appeals are made that indicate that there is a poor understanding of the code. Discussion indicates that working with our partners CPF on training sessions is another desirable.

The top 3 priorities are as follows:

- 1) Develop a schedule for code changes and a committee to work on changes
- 2) Expand the identification of specific alternatives to the regular code
- 3) Actively participate with stakeholder groups such as CPF, AIA, CALBO and other organizations to provide training workshops in the use of the code, and consultative services.

Bob Mackensen suggests that we tap into Jr. College programs that teach building inspection and plan checking.

TW to complete the strategic planning documents and send out to board.

AD suggests a code committee

DD suggests if necessary the board may be able to pick up some of the day to day responsibilities of the Executive Director.

RH Question to TW what chapters of the CHBC generate the most issues?

TW its pretty scattered, but the ones that come to mind are access and fire and life safety.

TW mentioned the initiative into bringing preservation into sustainability. That had generated a meeting where the outgoing agency secretary for State and Consumer Services Agency met with SHPO, and a subsequent meeting in Los Angeles that toured downtown and met with several building owners. The building owners were asked pointedly, "What could the state do to help the restoration of these great historical buildings?" The answer in both cases was to get the fire department to work with the SHBC.

AD I would think that egress is the most difficult issue, and is the place where the code could be worked on by generating additional specific alternatives.

[Item 6 B included earlier]

Item 6 C The status of the SHBSB

Staff assembled a document that summarizes what has been done, started or not addressed in the two and one half years since becoming executive director. That list includes issues that need to be addressed in the code to

keep it up to date, code changes that have been accomplished that are mostly editorial in nature, and tasks from the strategic plan.

Code issues include the reference to the now out of publishing 1994 UCBC, the energy exemption, reconstruction - structural, access and energy, high rise buildings, fire and safety - elevators, wood roofing, performance engineering, Chapter 10 – site, landscape and zoning, highways and other structures.

The executive director explains that the SHBSB is at a crossroads not unlike that faced in the early 1990s when the program went unfunded. This time the issues are magnified by California's budget crisis. The executive director expressed he feels that his efforts (and by implication those of state board members) to find support the board must be directed at the administration side of the government. The responsibility to work with outside organizations and the legislature lies with the board to work with their represented organizations to find ways to support the work of the board.

It is mentioned that in the past there was some desire of the board to be moved to another agency. AD notes that the state architect has expressed strong support for the board and keeping it in DSA, but the board needs to keep all options open and work to find whatever opportunities are available.

The discussion follows generally on incentives and how SHBC program could tap into that funding. FEMA, NPS, Federal Tax Credits, etc., the code gets used and SHBSB doesn't know about it.. But it needs to be tied back to the SHBC somehow or it doesn't benefit our program, which in turn doesn't provide benefit to developers or historic preservation.

Do building officials keep track of use of the SHBC, and FH has been keeping that because he is working on publishing something that would use his examples. DC notes that FH is probably the only BO that has kept any record of SHBC use.

Could CLG's take a look into that kind of thing? CLG's are traditionally under funded and over committed.

TW suggests that building and property owners haven't been a part of the SHBSB. It's the building owners who have the money and incentive to use the code and they get paid back for using it. Perhaps a list of property owners could be developed and they could be approached for interest in supporting the program.

AD notes that there are a few developers in each city that focus on preservation projects. Perhaps it would be useful to approach them about their organizations or ties to organizations that would benefit the board. TW suggests that a list of owners and SHBC users would be very useful.

Some discussion of approaching ICC for incorporation into that document and since the board is generating the code and it is sold in the CBC why can't the board recoup some of those dollars.

TW notes that the recent legislative update of the statutes initially included the words "for board activities" in the funding language and that was mandated to be removed during the legislative process. It is very difficult to explore funding the board from activities within state government without additional statutory language. It is also suggested that the members need to go back to their organizations and see if they can help support the SHBC cause.

AD suggests that idea is one that should be implemented and requests that each of the members do at least one action before the next board meeting. People need to start talking about the problem and that will provide pressure to find the funding somewhere.

TW requests some guidance on priorities for the time before the funding ends. The suggestions are to keep working on access and energy.

Adjournment

**Decision
of the
State Historical Building Safety Board
In the Matter of the
SHBSB Case #030901,
403 10th Street, Huntington Beach, CA**

These issues were heard at the meeting of November 20, 2003, agenda Item 5.

Issues

Appeal of the City of Huntington Beach to deny application of the State Historical Building Code to issues relating the project to relocate a locally listed historic residence (the Warner House) to the property of a historic residence (the Manning House). The project involves the move of the building, new construction and modifications to the garage of the Manning House to allow the moved building to be set on it as a second story, and modifications to the historic building as required by city zoning codes.

Issue 1. To appeal denial of permitting a non-historic, non-conforming stairs in proximity to the side yard property line that extend from grade to a landing for the historic rear entrance door.
Issue 2. To appeal denial of permitting electrical service connection via overhead wiring that approximates historic period connections.

Findings

Qualified Historical Building

Finding: The structure is listed on a local register of historical places.

Statewide Significance of the Appeal

Finding:

- 1) The appeal entails construction of an element due to a move of a qualified historical building.
- 2) Similar issues can be expected to occur in the future.

Authority

A. The SHBSB has jurisdiction to hear the issues in this case is based on Health and Safety Code (H&SC), Section 18960 (c) 1, 18959 (b), 18950, 18953 and 18954.

Decision on the Issues of the Case

The SHBSB denies the appeal on issue #1. No further comments or conditions were cited.
The SHBSB denies the appeal on issue #2. No further comments or conditions were cited.