

**Division of the State Architect**

**STATE HISTORICAL BUILDING SAFETY BOARD**

**Thursday, December 7, 2006**

**10:00 a.m. - 5:00 p.m.**

Division of the State Architect  
1102 Q Street, Third Floor Conference Rooms A and B  
Sacramento, California

**Board Members Present**

Alan Dreyfuss, CA Preservation Foundation  
Stephen J. Farneth, CCAIA  
Dan Chudy, CaLBO  
Ron Bergeson, Dept. of Housing and Community Development  
Alberto Bertoni, State Historical Resources Commission  
Tim Brandt, Dept. of Parks and Recreation  
Dan DiCicco, OSHPD  
Wayne Donaldson, State Historic Preservation Office  
Fred Turner, Seismic Safety Commission  
Joe Hall, American Planning Association  
Dick Hastings, League of CA Cities  
Cherl Kasai, Department of Rehabilitation  
Kenneth Knott, OSHPD  
Don Moeller, CELSOC  
Gloria Scott, Caltrans

**Guests**

Mark Cox, Office of Historic Preservation  
Roy Noble, OSHPD  
Ken Luttrell, SEAOC

**Staff Present**

Richard T. Conrad, FAIA, Executive Director  
Thomas A. Winter

**Call to Order/Roll Call**

Mr. Alan Dreyfuss called the meeting to order at 10:00 a.m. He asked participants to identify themselves before speaking, and board member took turns introducing themselves.

**Approval of Minutes**

**October 13, 2005**

Mr. Dreyfuss drew attention to the minutes of the October 13 meeting and welcomed comments.

**A motion was made and seconded to approve the October 13, 2005 minutes as presented. The motion was carried unanimously.**

One person pointed out the agenda refers to the "October 13, 2006" minutes, and the correct year should be 2005.

### **Staff Report**

Mr. Wayne Donaldson reported that on August 4, 2006, the State Historic Resources Commission honored the Board for consistently applying the code and promoting its use through educational workshops and conferences, and providing technical assistance, interpretation, and rulings to enhance the protection of historic properties in California. He congratulated the Board and passed the resolution around.

Mr. Winter reminded Board members to sign their travel expense reports and attach receipts.

Mr. Winter said that in reviewing the files, he noticed that Board members have not been signing their oaths of office and travel authorization forms. He asked Board members to sign and return the forms that will be provided by the staff.

Mr. Winter noted the statute says Board members are to be appointed every four years. Mr. Winter recommended that the Board establish a formal policy.

Mr. Dreyfuss suggested contacting the sponsoring organizations and asking them to identify their appointed representatives and alternates.

Mr. Winter noted that Mr. Don Moeller is the first CELSOC representative to join the Board in years. He said Mr. Moeller is an expert in fire protection, and he welcomed him to the Board.

Ms. Gloria Scott advised that she was participating on a National Cooperative Highway Research program through the Transportation and Research Board to develop design and management guidelines for historic road corridors. She distributed a fact sheet about the panel's efforts. She noted the panel hopes Caltrans will use the guidelines to develop counterpart regulations

### **New Business**

#### **Adoption of Express Terms - Amendments to California Historical Building Code, Part 8, Title 24, Chapter 8-1 through Chapter 8-10**

Mr. Dreyfuss proposed reviewing the amendments chapter by chapter. He suggested focusing on substantive comments now and dealing with grammatical and editorial changes later. He suggested that Board members submit editorial comments to the staff.

Mr. Winter asked Mr. Richard Conrad to review the status of the rulemaking process and next steps.

Mr. Conrad drew attention to the Express Terms document describing the proposed amendments to the California Historical Building Code, Part 8 of Title 24. He noted the 45-day comment period concluded, the staff responded to each comment received, and the proposed changes are ready for approval by the Board. Because the changes are non-substantive in nature, Mr. Conrad said, the Board can issue a 15-day notice of their proposed adoption once they are approved. After the 15-day period, the amendments will be submitted to the Building Standards Commission for consideration at its January meeting.

Mr. Conrad said DSA will continue to work with the International Code Council to integrate the California amendments into the model code.

Mr. Wayne Donaldson asked if the state's adoption of the model code will lessen any of the current protections for historic buildings. He expressed concern about potential implications with respect to the Americans with Disabilities Act (ADA) and California Environmental Quality Act (CEQA) on historic buildings. Mr. Donaldson said that when regulations and ordinances change in a way that lessens existing protection, a CEQA review is required to identify possible environmental impacts.

Mr. Dreyfuss commented that he was aware of concerns about the structural provisions in the model code with respect to lateral load standards.

Mr. Conrad noted the Chapters 7 and 8 will be left pretty much as they are now, so there will be no lessening of existing protections. He added that in the past, revisions to building codes have been found exempt from CEQA review.

Mr. Winter suggested asking staff legal counsel to research the possible CEQA implications.

Mr. Dreyfuss noted there may be some changes in Chapter 6 that could trigger additional CEQA review. He proposed conducting that analysis and then deciding what to do.

Mr. Dreyfuss recommended submitting grammatical changes in writing to Mr. Conrad and Mr. Winter.

Mr. Dreyfuss commented that the legend on the first page of the Express Terms document was incomplete because it does not explain double underlining and double strike-throughs. He clarified that language with double strike-through is to be deleted, strike-through with no underlining is deleted, a single underline with no strike-through is included, and a single strike-through with double underlining means the language was deleted in the first pass and re-inserted in the second review.

With respect to Chapter 8-1, Mr. Dreyfuss noted the Board had previously decided to

change the word “alternative” to “solution” throughout the document, but the resulting language is not correct. He cited the last sentence in Section 8-101.2 as an example. Mr. Dreyfuss suggested going back to “alternative” because that term is well understood, or revising the “solution” language to say “solutions that are reasonably equivalent to regular code.” After some discussion, Board members recommended using “alternative.”

**A motion was made and seconded to use “alternative” instead of “solution” throughout the document. The motion was carried unanimously.**

Mr. Dan Chudy drew attention to Section 8-102.1.6, “Additional Work,” and suggested specifying “regular code” or “other code.” He proposed changing “access” to “accessibility” in the second sentence. Board members expressed support for these changes.

Mr. Dreyfuss recommended beginning the first sentence with, “When work is undertaken on a qualified historical buildings . . .” Mr. Chudy suggested adding “work undertaken” at the end of the sentence. After some discussion, the Board decided to not to insert that language, noting the section is entitled “Additional Work” and undertaking work is implied.

Mr. \* asked what happens if a local jurisdiction requires a structure to be brought up to current accessibility codes as part of a remodel project. Mr. Dreyfuss recommended clarifying exceptions to ADA compliance requirements.

Mr. Dreyfuss proposed voting to approve the all the changes to Section 8-1 at one time.. Mr. Donaldson suggested keeping a list and reviewing the items at the end of the meeting. Mr. Conrad stated that he and Ms. Scott were taking notes. Mr. Dreyfuss asked if Board members had any other proposed changes.

Mr. Chudy drew attention to the end of Section 8-103.1, “Authority,” and recommended retaining “when so elected by the private property owner.” Mr. Dreyfuss said that language appears elsewhere in the document; he clarified that Section 8-103.1 simply says the local authority shall administer and enforce provisions of the code.

Mr. Winter noted the language was left in the 2005 revision. He agreed with Mr. Chudy that the language should be retained. Mr. Fred Turner observed that the purpose of amendments is to clarify, not to make substantive changes, and deletion of that language would constitute a substantive change. He recommended keeping the language.

Mr. Dreyfuss pointed out the language is included in Section 8-102.1, Subparagraph 1. Board members concluded there was no need for the language in Section 8-103.1.

Mr. Dreyfuss said he had a number of grammatical changes to Section 8-105.2 that he would provide to the staff. He noted the new title for that section is “Alternatives to the

California Historical Building Code.”

Mr. Winter recommended referring to the page numbers at the bottom of the Express Terms document.

Mr. Dreyfuss noted the other two changes proposed by Mr. Chudy fall into the nature of editorial changes, and he confirmed the consensus of the Board supporting those revisions.

Board members asked if the Building Standards Commission would make further revisions, and Mr. Conrad responded that the Commission usually adopts the language proposed. He said the Commission staff will review the rulemaking file for format and consistency, but the Commission relies on the code-promulgating agencies to conduct a detailed review of all the regulations.

Mr. Dreyfuss asked if there were any other comments regarding Section 8-1. Hearing none, he directed Board members’ attention to Section 8-2.

Mr. Chudy observed that the definition of “addition” refers to “historical building,” and the definition of “alteration” refers to “qualified historical buildings,” and he asked if there was a reason for the difference. Mr. Dreyfuss said there are other instances he noticed where the word “qualified” had been struck out. Mr. Winter noted there were a few places in the structural section where “qualified” did not make sense.

Mr. Dreyfuss clarified that the word “addition” means new construction and “alteration” applied to existing construction.

Mr. Chudy noted that in the definition of “alteration,” the word “a” should be left in after “A modification to.” He recommended defining “property,” and observed that in some instances, the word “property” seems to be used synonymously with “building.”

Mr. Winter said the phrase “qualified historical building or property” clarifies that point. Mr. Chudy noted that there are references to square footage limitations for “buildings or property” that might not be appropriate for “property.” Mr. Winter recommended keeping the broader designation because it covers structures and other kinds of property.

After some discussion, Mr. Chudy proposed deleting all references to “building” or “buildings” throughout the text. Board members agreed that the word “building” was superfluous because “property” includes buildings.

One Board member suggested adding definitions of “accessibility” and “sustainability,” noting those terms are mentioned in the intent language. Mr. Dreyfuss expressed his opinion that the term “accessibility” was readily understood. Mr. Winter noted the code has an entire chapter devoted to accessibility.

Mr. Donaldson said it might be helpful to define “sustainability.” He suggested using language developed by SHPO and other organizations. After some discussion, Mr. Chudy proposed not including a definition of “sustainability,” and that the Board develop a written policy defining what the Board considers sustainability as it applies to qualified historical buildings. Board members endorsed this approach.

**A motion was made and seconded that the Board develop a written policy on sustainability as it may relate to qualified historic buildings. The motion was carried unanimously.**

Mr. Conrad suggested engaging other interested parties in the policy development process. Board members agreed not to wait a whole year to meet and approve the policy. They discussed potential meeting dates and locations.

Mr. Dreyfuss asked if Board members had any further comments on the definitions section. Mr. Winter pointed out the revisions to the definition of “enforcing agency.”

Mr. Dreyfuss direction attention to Chapter 8-3.

Mr. Chudy commented that the “permit or approval” language in Section 8-301.2 is very broad, and noted there are many kinds of permits that do not relate to occupancy. He suggested leaving “building permit” in. Mr. Dreyfuss observed that there are a few other instances where the word “permit” appears by itself; he added that he had the same concern. After some discussion, Board members decided to retain “building permit.”

Mr. Chudy noted that most of the language in the last part of Section 8-302.2 was moved to the subsequent list under “Provided,” but the words “or other condition” were omitted from the first item after “fire hazard.” He recommended inserting “or other condition.” Mr. Dreyfuss agreed that keeping the language was consistent with the existing intent. Board members agreed to add “or other condition” in Provision 1.

Mr. Chudy commented that Provision 2 should be rewritten more clearly and should include “S,” “F,” and “U” occupancies. He noted that the proposed language could discourage adaptive reuse.

**Mr. Donaldson made a motion, seconded by Mr. Chudy, to delete Provision 2.**

Mr. Dreyfuss suggested incorporating Provision 1 into the paragraph above rather than listing it separately, and Board members agreed.

Mr. Dreyfuss proposed replacing “fire hazard” with “distinct hazard.” After some discussion, Board members decided on the following: “fire hazard, distinct hazard or other condition detrimental to the safety of the occupants.”

**The motion was carried unanimously.**

Mr. Chudy noted that use of the term “property” in Section 8-302.4, “Maximum Floor Area,” is confusing. He cited a large mine shaft as an example of “property” to which maximum areas should not apply. He proposed deleting “or property” from the second line and “or properties” from the fourth line.

Mr. Chudy noted the same issue applies to Section 8-302.5, “Maximum Height.” He suggested omitting “or property.” Participants discussed look-out towers, the Watts Tower, and other historic structures. They decided to include “or property” in this section.

Mr. Conrad commented that “historic” and “historical” seem to be used inconsistently. Mr. Dreyfuss suggested deferring discussion on that issue.

Mr. Dreyfuss questioned the intent of the Exception under Section 8-302.4. Board members recommended clarifying the intent by drafting separate exceptions for buildings with sprinkler systems and buildings with residential occupancies.

In Section 8-302.5.1, Mr. Dreyfuss proposed changing “occupancy buildings” to “occupancies.” Board members recommended replacing “located.” There was general discussion about the intent of Section 8-302.5.1. Mr. Dreyfuss asked the staff to restate this section in a clearer manner. He clarified that the intent is to allow for sprinkling of stories only about 75 feet in height, and only for nonresidential and nonhazardous occupancies. A Board member cited 8-412 for sample language. Board members discussed how the provision would be applied.

One Board member noted that Section 8-302.3 indicates occupancy separation can be reduced by having a sprinkler system throughout the entire building in accordance with “the regular code,” followed by a citation to different requirements for historical buildings. He asked which code provides guidance on sprinkler systems. Mr. Dreyfuss said Section 8-410 provides guidance as to how the regular code applies to historical buildings. He proposed eliminating “regular code” and the word “See,” and saying “in accordance with Section 8-410.”

Mr. Dreyfuss drew attention to Section 303.4.1. He noted the intent is that this exiting device only be used for residential occupancies where the occupant load is less than 10 persons and the length of the exit device is limited. He said he would redraft this provision over the lunch break.

Mr. Donaldson questioned use of the undefined term “dwelling” throughout this section. Mr. Dreyfuss noted there may be instances of historical dwelling units that are not currently residential occupancies.

Mr. Winter observed that the underlining and strike-outs appear to be reversed in this section.

Mr. \* said the last sentence in Section 8-303.6 should start, "Residential occupancies." At 12:20 p.m., the Board recessed for lunch. Mr. Dreyfuss reconvened the meeting at 1:15 p.m.

**(At this point there is a gap in recording after lunch.) The tape begins in progress of reviewing Chapter 8-7:**

During the gap in the recording a discussion of the effect of the changes proposed to the Lateral Loads, Section 8-706.1 and subsequent changes for reference to the 2006 IEBC did not meeting the goals of the Board for this rulemaking. Comments received during the 45 day public comment period raised issues that the Board could not resolve at this meeting. The Board then determined it necessary to delete all of the proposed changes to Chapter 8-7 in regards to lateral loads. They proposed to return those portions of the Chapter back to the 2001 language. The Board also determined to create a committee to study the changes necessary to bring the lateral load portions of the chapter into conformance with the design basis of the 2006 IEBC. They also determined to begin the process of making those changes and in creating the language for another rulemaking as soon as possible. This was a part of the final motion by the board along with discussion of various other portions of the Chapter noted as follows.

Mr. Fred Turner noted that even though some adobe buildings have survived past earthquakes, there is no reliable ground motion data for many of the sites, and ground motion is highly variable. He recommended not basing code decisions on a few buildings without instrumentation to document their actual performance. Mr. Turner suggested asking legal counsel to confirm that the reference to the 1994 UBC complies with the nine-point criteria. He pointed out it could be difficult to find copies of this out-of-print version.

Mr. Conrad observed that the law is clear that the State Historical Buildings Code is an alternative to regular code, and the nine-point criteria allow alternatives.

Mr. Turner questioned deletion of the word "structures" from Section 8-701.1. Mr. Dreyfuss pointed out that "structures" is double-underlined, meaning it will be included.

A Board member drew attention to the word "shall" in Section 8-701.3, noting this has been interpreted to impose seismic retrofit on buildings that would not otherwise be required to have these upgrades. He observed that the terms "structural upgrade" and "reconstruction" are both quite broad, and this code is supposed to be a voluntary document.

Mr. Turner referred to Section 8-703.1 and noted that only the portion of the structure affected by the alteration must be evaluated for structural capacity under the CHBC. He recommended clarifying that the provisions may apply only to portions of buildings by adding the words "or portions thereof" at the end of Section 8-701.3.

Board members proposed adding wording clarifying that nothing prohibits phasing of projects.

Mr. Dreyfuss suggested changing the title of Section 8-701.3 from “Scope” to “Application.”

Mr. Ron Bergeson reported that he had received a number of calls recently about condo conversions involving historic buildings in Santa Barbara. He noted that many of the provisions in Chapter 8-7 focus on engineered buildings, but this is can be a problem for old buildings that were never engineered and for which engineering may not be feasible. He said local building officials are applying both regular code and the California Historical Building Code. Mr. Bergeson recommended clarifying that not all provisions apply, such as the lateral load requirement, and that engineering judgment can be substituted for an analysis in some cases.

Board members discussed application of the code regarding archaic materials and methods.

Mr. Dreyfuss observed that the issue was whether an analysis should be required when no structural changes were being proposed for a change in use or ownership. Board members acknowledged that condominium conversion projects often involve political issues as well as structural issues.

Mr. Dreyfuss suggested moving the provisions in Sections 8-705.1 and 8-705.2 describing the evaluation of structural capacity to Section 8-703.1, the structural survey section. Board members agreed these provisions should be removed and renumbered as Sections 8-703.1.1 and 8-703.1.2. Mr. Dreyfuss noted that Sections 8-705.1.2 and 8-705.2.2 will become 8-705.1 and 8-705.2, respectively.

One Board member expressed concern about the term “in perpetuity” in Section 8-705.2.2. Mr. Dreyfuss indicated that was old language that should be deleted, and Board members concurred.

**Without objection, Board members approved Chapter 8-7 with those revisions. (Including discussion during the missing part of the tape recording).**

Mr. Dreyfuss drew attention to Chapter 8-8.

Board members discussed the code citations in Section 8-805.1. They concluded all references to the 2006 IEBC and its design values should be removed, and Tables 8-8A and 8-8B should be retained.

One Board member asked for clarification that the testing procedures described in Section 8-805.2.2 apply to above-ground masonry, not basements. Mr. Dreyfuss observed that the provisions apply to the area between floors and roof, and outer stone Wythes would not apply to basements. He recommended adding an additional

sentence clarifying that this provision applies to above-grade walls. A Board member recommended looking at basement retaining walls as well.

Mr. Dreyfuss pointed out that Section 8-806.3 includes sod and rammed earth walls with adobe.

Mr. Turner noted that the shear values in Section 8-806.5 should be changed back to existing language.

Board members had no other comments on Section 8-8.

Mr. Dreyfuss suggested going back to Section 8-4, on Page 13.

Mr. Dreyfuss proposed ending the first sentence in Section 8-401 with “fire protection of qualified historical buildings or properties.” Others agreed.

Mr. Dreyfuss said he had some grammatical revisions to Section 8-402 and 8-402.1. Board members noted “it’s” should be changed to “their.”

Mr. Turner asked why the street-main side of the building is specified in Section 8-402.1, and Board members noted this was consistent with code. They recommended substituting “supply main.”

A participant questioned the reason for the two-sprinkler-head limitation in the last sentence before the sentence in parentheses, and Board members explained that the intent was to allow very small sprinkler systems to use a standard approach. They discussed whether a ¾-inch line was adequate for two sprinkler heads. After some discussion, Board members proposed deleting the proposed language.

A Board member noted the citations to parts of Section 8-410 in Sections 8-402.1, 8-402.2, and 8-402.3 should all be changed to “Section 8-410,” without the subparts. Mr. Dreyfuss pointed out the words “is provided” at the end of Item 2 in Section 8-402.2 was redundant. He suggested changing the third item to say “as approved by the enforcing agency.”

Board members talked about the provisions regarding interior finishes. Mr. Donaldson suggested eliminating the language in Section 8-403 allowing existing finishes unless they become a “distinct hazard,” noting this could open the door for remodels. Ms. Scott said intumescent paint can be approved as an alternative. Mr. Donaldson objected to removing the language about an “approved fire retardant” and recommended restoring the original language. After some discussion, Board members agreed to keep the original language of Section 8-403.

**A motion was made and seconded to keep the original language of Section 8-403. The motion was carried unanimously.**

Mr. Dreyfuss suggested revisiting this issue later.

Board members reviewed and discussed the proposed revisions to Sections 8-408 and 8-410.

Mr. Dreyfuss noted the wording of the Exception under Section 8-410.1 was confusing. Mr. Winter said the Exception should read, "When a life-safety system or other technologies are approved by the enforcing agency." Mr. Chudy noted the intent is that other alternatives besides sprinkler systems may be approved to mitigate the distinct fire hazard.

After some discussion, Mr. Dreyfuss suggested replacing the "Exception" paragraph by adding the following language to Section 8-410.1: "Any building that cannot be made to conform shall be deemed to be in compliance if provided with an automatic fire sprinkler system or a life-safety system or other technologies as approved by the enforcing agency." Board members approved this wording.

One person pointed out that a shortage of exits could be a "distinct hazard" that fire sprinklers do not mitigate. He suggested making this an exception. Board members decided to move the language from Section 8-410.3 to Section 8-410.1 as a new exception.

Mr. Don Moeller suggested changing Items 1 and 2 under Section 8-410.2 to refer to the numbers of stories rather than floors above and below the fourth floor. Mr. Dreyfuss proposed saying "buildings four floors or less" and "five stories or more" in Items 1 and 2, and changing Item 3 to read, "Buildings with floors above 75 feet," and this wording was accepted by Board members.

Mr. Dreyfuss noted the wording of the Exception under Section 8-410.2 was confusing. Mr. Winter proposed listing the specific code exceptions. After some discussion, Board members decided to revisit this section later.

Mr. Dreyfuss drew attention to Section 8-411 and the reference to systems "accepted" by the local authority, and he suggested clarifying for what purpose they would be "accepted," such as "accepted as alternates." Board members recommended deleting "or proven." Mr. Dreyfuss proposed the following: "Fire alarm systems . . . may be accepted by the enforcing agency to address areas of non-conformance." There was general consensus in support of this language.

Mr. Moeller recommended deleting "and properties" from the first line of Section 8-412. Other participants agreed.

Mr. Dreyfuss welcomed comments on Chapter 8-5.

Mr. Dreyfuss noted the word "a" should be deleted from Section 8-502.2 before "the occupants." Board members reviewed and discussed the Chapter 8-5 provisions regarding fire escapes.

Mr. Dreyfuss directed attention to Chapter 8-6. He noted that the Exception under Section 8-603.4, regarding power-assisted doors, will be eliminated.

Board members reviewed Chapter 8-9, beginning on Page 35.

Mr. Winter talked about the application of the new energy conservation requirements in Section 8-901.5. Mr. Dreyfuss suggested inserting “non-historic” between “new” and “lighting” at the beginning of the second sentence. Mr. Winter drew attention to the “historically accurate” language in Section 8-903.2.7. After some discussion, participants agreed to insert “non-historic” as proposed by Mr. Dreyfuss.

Mr. Dreyfuss observed that Section 8-903.2 should be retitled “Residential Occupancies.” He noted that Sections 8-903.2.7 and Sections 8-903.2.8 are nearly identical, and suggested combining them.

Board members had no comments on the remaining provisions in that chapter or in Chapter 8-10.

With respect to Appendix A for Chapter 8-1 on Page 42, Mr. Dreyfuss recommended rewording the two sentences as a single sentence: “When modifications must be made to qualified historical buildings and properties, the CHBC is intended to work in conjunction with the United States Secretary of Standards . . . .”

Mr. Dreyfuss suggested that the committee vote to approve all the changes discussed.

**A motion was made and seconded to approve all the changes proposed. The motion was carried unanimously.**

### **Adjournment**

Mr. Dreyfuss thanked everyone for attending. There being no further business, the meeting was adjourned at 5:00 p.m.