FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS,
OF THE
DIVISION OF THE STATE ARCHITECT
STATE HISTORICAL BUILDINGS SAFETY BOARD

REGARDING PROPOSED CHANGES TO
CALIFORNIA HISTORICAL BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24,
PART 8 AND PART 2 (CHAPTER 34)

UPDATES TO THE INITIAL STATEMENT OF REASONS: Any updates to the initial statement of reasons are included in DSA/HB proposed changes as follows.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS: The DSA-HB has determined that the following proposed regulatory actions would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATIONS:
Any objections or recommendations made and DSA-HB **change(s) to accommodate are** included in DSA-HB final statement of reasons as follows:

General Amendments to Chapters 8-1 through 8-10

The State Historical Building Safety Board (the Board) is proposing to make several recurring, non-substantial or grammatical amendments throughout the entire Part 8. The amendments do not change the regulatory effect from the 2001 CHBC. For clarity and consistency the following recurring changes are proposed:

- Amend State Historical Building Code (SHBC) to read 'California Historical Building Code (CHBC)';
- Amend this code, such regulations, these regulations, or this Chapter to read 'the CHBC.

CHAPTER 8-1
ADMINISTRATION

SECTION 8-101
TITLE, PURPOSE AND INTENT

8-101.1. Title.
The Board is proposing to amend "State" and insert "California". The statute, Health and Safety Code Section (H&SC§) 18950-18961 is called the State Historical Building Code (SHBC). For clarity to differentiate between the statute and the regulation the 1998 regulation was titled the California Historical Buildings Code (CHBC) and thus this section was in conflict with the current title of the statute. The proposed language adds clarity and specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

8-101.2. Purpose.
The Board is proposing to amend the word 'structures' to 'properties.' The Board is proposing to repeal the word "alternative" as it is redundant in this context. The intent of this section is to provide solutions, not alternatives. The Board is proposing to adopt the phrase "to promote sustainability." The language has been amended to reflect recommendations proposed by the California Energy Commission to tighten the existing language that allows a complete exemption from Title 24, Part 6. This proposal recognizes that energy and sustainable practices are an essential part of all California building regulations. The proposal in this section supports a proposed amendment in Chapter 8-9. The proposed language adds clarity and specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

8-101.3. Intent.
The Board is proposing to amend 'It is the intent' to 'The intent' for clarity and consistency.

SECTION 8-102
APPLICATION

8-102.1. Application.
The Board is proposing to adopt the word 'shall' in the second sentence to indicate the necessity in using the CHBC in combination with the regular code when providing solutions to make possible the preservation of qualified historical buildings. The Board is proposing to repeal "building" from the first sentence. The proposed language aligns the code with H&SC§ 18955, the definition of a qualified historical building or property that includes types of constructions that are not buildings. Deleting the word "building" eliminates numerous conflicts within the code. The Board is proposing to repeal the word "alternatives" and associated language as it is redundant in this context. The intent of the code and this section is to provide solutions, not alternative to code issues. The Board is proposing to amend the language to adopt "by any agency with jurisdiction and." The proposed language brings the code into conformance with the language in H&SC§ 18954 which was changed in 2003 to include the phrase. This language also brings existing and previously applied intent from H&SC§ 18956 into the code. The amendment is made to eliminate confusion over which agencies are required to apply the code. The proposed language adds clarity and specificity for the user to existing application of the CHBC. The amendments above add clarity and specificity for the user and do not change the regulatory effect from the previous versions of the CHBC.

8-102.1, Sub Item #1.
The Board is proposing to amend sub-item #1 to provide clarity and specificity for the user to identify that the State and local enforcing agencies must apply the provisions of the CHBC. The amendment does not change the regulatory effect from the 2001 CHBC.

8-102.1, Sub Item #2.
The Board is proposing to adopt sub-item #2 to provide clarity and specificity regarding the responsibility of state agencies to apply the code. This language brings the intent of H&SC§ 18954 and §18959(a) into the code where previously the Board relied on the statutory language for enforcement. The amendment does not change the regulatory effect from the 2001 SHBC.

8-102.1.1. Additions, Alterations and Repairs.
The Board is proposing to move sub-item #1 of this section into the main text and repeal sub-item #2. The first amendment is done since the second is repealed. Sub-item #2 is redundant to language in Chapter 8-7, Section 8-704. The amendment does not change the regulatory effect from the 2001.

8-102.1.2. Relocation.
The Board is proposing to repeal the word "alternative" as it is redundant in this context. The intent of this code is to provide solutions, not alternatives. The Board is proposing to adopt language to make the phrase "qualified historical building or property" consistent with the definition in Chapter 8-2. The Board is proposing to amend the language for clarity and specificity. The amendment does not change the regulatory effect from the 2001 CHBC.

8-102.1.3. Change of Occupancy.
No change proposed

8-102.1.4. Continued Use.
The Board is proposing to adopt language from prior editions of the California Building Code (CBC) to the code. This language has been previously applied by the Board from the CBC provision. Current editions of the International Building Code (IBC) do not provide the clarity for application of this provision. The amendment does not change the regulatory effect from the 2001 CHBC.

8-102.1.5. Unsafe Buildings or Properties.
The Title is amended to include "or Properties." The Board is proposing to adopt language to make the phrase "qualified historical building or property" consistent with the definition in Chapter 8-2. The phrase 'shall be limited to' is amended to 'need only address' the correction of unsafe conditions. The Note is proposed to be omitted as it is redundant to Chapter 8-7 provisions in Chapter 8-7. The Board is proposing to make these editorial amendments for clarity and specificity and have no change in regulatory effect.

8-102.1.6. Additional Work.
The Board is proposing to adopt the language of this section to provide clarity and specificity to a long standing Board precedent established through the appeal process. The Board has determined additional work that would be mandated under the regular code because of proposed work is not required for qualified historical buildings and properties. Regular code, state and local ordinance have built-in requirements to upgrade or bring additional parts of a building up to the current code standards. The Board has used the term "triggers" as it is used, "proposed work triggers additional work." SHBSB precedent is recognized under H&SC§ 18960 (C) (1), (2), (3) and as specified in H&SC§ 18944.7. The Board precedent is cited: SHBSB Case number 940901, the ruling established a ministerial

function of the code. The date of adoption, I18950. The motion states: "Where a trigger of a competing code or ordinance is reached, then the SHBC governs (for historical buildings and properties) and its life safety provisions apply." The specifics of the case were over the application of the Alquist/Priolo Act. Where a building was under a seismic upgrade process the Alquist/Priolo Act requires that the building within a certain distance of the fault (near fault) trace be upgraded to regular code in all respects or demolished. The Board vacated that requirement. This proposed amendment provides clarity and specificity to be consistent with current application of the CHBC. While the language appears to amend the regulatory effect, no regulatory effect has been made to the CHBC.

8-103.1. Authority.
The Board is proposing to clarify this section by changing the wording to 'administer and enforce' citing the appropriate section of H&SC. The Board is proposing to amend 'moving' to 'relocation'. The Board is deleting the words 'when so elected by the private property owners' for clarity. The amendments do not change the regulatory effect from the 2001 CHBC.

8-103.2. State Enforcement.
The Board is proposing to clarify this section by changing the wording to enforcement and citing the appropriate section of H&SC. These amendments do not change the regulatory effect from the 2001 CHBC.

8-103.3. Liability.
See General.

SECTION 8-104
REVIEWS AND APPEALS

8-104.1. State Historical Building Safety Board (SHBSB).
See General.

8-104.2. SHBSB Review.
The Board is proposing make a amendment that reflects the permissive language of H&SC§ 18960(c)(4) by changing 'shall' to 'may' and precedent of the Board in not attempting to recover costs of reviews. This amendment does not change the regulatory effect from the 2001 CHBC.

8-104.2.1. State Agencies.
The Board is proposing to adopt language to clarify and provide specificity on the responsibility of state agencies to apply the code. The language is brought from H&SC§ 18961 where previously the Board relied on the statutory language for enforcement. H&SC§ 18961 mandates that a state agency consult with the SHBSB. While the language appears to amend the regulatory effect, no regulatory effect has been made to the CHBC.

8-104.2.2. Imminent Threat.
The Board is proposing to adopt language to clarify and provide specificity on the responsibility of state agencies to apply the code. The language is intended to clarify their authority given in H&SC§ 18961 where previously the Board relied on the statutory language for enforcement. The intent of the statute section gives the Board authority to comment on and consult with state agencies that have jurisdiction during declared emergencies, where their actions affect qualified historical buildings and properties before demolition. While the language appears to amend the regulatory effect, no regulatory effect has been made to the CHBC.

8-104.3. SHBC Appeals.
The Board is proposing to make a amendment that reflects the permissive language of H&SC§ 18960 (c) (4) by changing 'shall' to 'may' and precedent of the Board in not attempting to recover costs of appeals. These amendments do not change the regulatory effect from the 2001 CHBC.

8-104.4. Costs for Board Action and Informational Material.
The Board is proposing to eliminate the language indicating who shall be contacted for review and appeals process of cost estimates, availability of the codes, hearings, informational and background material and Board decisions. The amendment does not change the regulatory effect from the 2001 CHBC.

8-104.5. Local Agency Fees.
The Board is proposing to renumber '8-104.5' to '8-104.4' due to section 8-104.4 (Costs for Board Action and Informational Material) being eliminated. No other changes are proposed to this section.

SECTION 8-105
CONSTRUCTION METHODS AND MATERIALS

8-105.1. Repairs.
The Board is proposing to amend 'this code' to 'the CHBC' for clarity and consistency. The amendment does not change the regulatory effect from the 2001 CHBC.

8-105.2. Alternatives to the California Historical Building Code.
The Board is proposing to repeal the word "alternative" as it is redundant in this context. The intent of this code is to provide solutions, not alternatives. The amendment does not change the regulatory effect from the 2001 CHBC. The Board is proposing to make other editorial corrections which have no change in regulatory effect for clarity and consistency.

SECTION 8-106
SHBSB RULINGS

8-106.1. General.
The Board is proposing to repeal language to better reflect the statutory intent of H&SC§ 18960(c) (2) in providing past appeals and decisions as precedence. The Note is eliminated due to the lack of progress on the proposed appendix document. The amendments do not change the regulatory effect from the 2001 CHBC.

CHAPTER 8-2
DEFINITIONS

The Board is proposing to make this section consistent throughout with an editorial amendment in the language from "fire extinguishing system" to "automatic sprinkler system". The amendments do not change the regulatory effect from the 2001 CHBC. In all definitions the section number and alphabetical lettering for each definition is repealed to conform to the IBC format for definitions.

ADAPTIVE REUSE.
The Board is proposing to repeal the definition of Adaptive Reuse. This term is defined by the National Park Service and need not be repeated in the CHBC.

ALTERATION.
The Board is proposing to amend the language for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect.

ARCHITECTURAL SIGNIFICANCE.
The Board is proposing to repeal the definition of Architectural Significance.

BUILDING.
The Board is proposing to amend the language for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no regulatory effect.

BUILDING STANDARD.
The Board is proposing to amend the language of this section with the adoption of a definition of "building standard". The definition of building standard within building standards code does not provide a scope that fits the purpose and application of the SHBSB. The term is used in Chapter 8-10, Historical Districts, Sites and Open Spaces where the CHBC has authority. The regulatory effect of this amendment gives the user clarity and specificity on the definition of "building standards" in the context of the CHBC.

The CHBC and SHBC are applied on a regular basis to standards other than building standards. Ongoing examples include standards of bridge structures governed by the American Association of State Highway and Transportation Officials (AASHTO) and California Department of Transportation Standards. In the past, the Board has applied and enforced CHBC Section 8-302.1 that addresses issues related to zoning and land use.

To clarify this authority the SHBC, portions of H&SC 18951, 18952, 18954, 189560-18961 is reproduced in this section.

CHARACTER-DEFINING FEATURE.
The Board is proposing repeal the word 'structure', amend the word 'historic' to read 'historical' and amend the word 'a' in the first sentence to read 'an' for clarity and consistency in this code.

CONSERVATION.
This definition was omitted per the comment of the Division of the State Architect. This term may conflict with other usage such as "energy conservation". The term conservation in a historic preservation context is defined by the National Park Service.

CULTURAL RESOURCE.
The Board is proposing to amend the word 'structure' to read 'property', for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect.

DISTINCT HAZARD.
This definition was modified per the comment of the Division of the State Architect: Add the phrase "or public right of way" at the end of the first sentence.

DISTRICT.
The Board is proposing to repeal this definition. The CHBC definition of this word does not differ from the common usage within historic preservation terminology. The amendment has no change in regulatory effect.

Enforcing Agency. **Section 8-206 – E.** This definition was added per the comment of the Division of the State Architect. Authority Having Jurisdiction, local agency with jurisdiction. These terms are often used and used interchangeably throughout the CHBC.

FACILITIES.
The Board is proposing to repeal this definition. The CHBC definition of this word does not differ from the common usage within historic preservation terminology. The amendment has no change in regulatory effect.

FIRE HAZARD.
This definition was modified per a comment from Page and Turnbull: Change wording to "Any condition ~~or act~~ which increases, or ~~an increase~~ contributes to an increase in the hazard…

"The Board is proposing to amend the words 'may increase' to read 'an increase in' in the first sentence for clarity and consistency in this code. The amendments have no change in regulatory effect.

HISTORICAL FABRIC OR MATERIALS.
The Board is proposing to amend the word 'HISTORIC' in the title to 'HISTORICAL' and amend 'historical property' to read 'qualified historical property' for clarity and consistency in this code.

HISTORICAL SIGNIFICANCE.
The Board is proposing to amend the word 'historic' to read 'historical' for clarity and consistency in this code.

IMMINENT THREAT.
The Board is proposing to amend the word 'structure' to read 'qualified historical building' or 'property' or 'property' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect.

INTEGRITY.
Section 8-210-I INTEGRITY. This definition was modified per the comment of the Division of the State Architect. The definition of a qualified historical building or property needs to be consistent throughout the CHBC. The "historic period" needs to be quantified to match the definition of "Period of Significance" included in Chapter 8-2. Change "historic" to "historical" for consistency.

LIFE SAFETY EVALUATION.
The Board is proposing to amend the words 'building or structure' to read 'qualified historical building or property' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect.

LIFE SAFETY HAZARD.
The Board is proposing to adopt a definition for 'Life Safety Hazard' for clarity and specificity in this code. Distinct Hazard and Life Safety Hazard, while having the same definition, are used separately in the code. To assure the user that the two terms have the same meaning this definition is adopted and referenced to 8-205. The amendment has no change in regulatory effect.

OBJECT.
The Board is proposing to delete the definition of Object. The CHBC definition of this word does not differ from the common usage within historic preservation terminology. The amendment has no change in regulatory effect.

PERIOD OF SIGNIFICANCE.
The Board is proposing to amend the words 'historic building, property' to read 'qualified historical building or property' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect.

PRESERVATION.
The Board is proposing to amend the words 'historic property, building or structure' to read 'qualified historical property or building' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect.

QUALIFIED HISTORICAL BUILDING OR PROPERTY.
This definition was modified per the comment of the Division of the State Architect. Change first sentence of definition of Qualified Historical Building or Property. Leave "structure" and omit "property."

The Board is proposing to adopt a new sentence to cross-reference Health and Safety Code 18955. The Board is proposing to amend the words 'structure' to read 'property', adopt the words 'place, location' in the 2nd sentence. The Board is proposing to amend 'designated buildings or properties' to read 'qualified historical building or properties' and delete the words 'official' or 'officially adopted' in the 3rd sentence. The Board is proposing to include the words 'qualified' before the words 'historical' in the 3rd sentence. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. This amendment has no change in regulatory effect. The Board is proposing to amend the language for clarity and specificity in this code. The section name is amended to be consistent throughout the code. These amendments have no change in regulatory effect.

The H&SC§ 18955 (the SHBC definition of a qualified historical building or property) was amended in 2003 legislation. The definition provided here is consistent with the current legislative language. The amendment provides clarity for the user in determining what constitutes a qualified building or property under the CHBC. The modified language repeals confusion over the term "officially adopted" where the statute mandates only buildings or properties deemed of importance by an appropriate jurisdiction. The Board has consistently interpreted the definition to mean any action by a jurisdiction that indicates the building or property is deemed of significance. This may include adding them to registers, but also actions by jurisdiction staff that determines significance or eligibility locally. This amendment has the effect of making the regulation consistent with the statute. The proposed language adds clarity specificity for the user for application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

RECONSTRUCTION.
Modify the definition of Relocation. The definition has a redundant phrase.

Response: Modify this section to read:
The Board is proposing to amend the word 'structure' to read 'property' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. The proposed language adds clarity specificity for the user for application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

REGULAR CODE.
The Board is proposing to delete the word 'structure' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. The proposed language adds clarity specificity for the user for application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

REHABILITATION.
The Board is proposing to amend the words 'or structure' to read 'property or building' and adopt the word 'qualified' to read 'qualified historical,' for clarity and specificity. The use of the phrase "qualified historical building or property"

is proposed to be used consistently throughout the CHBC. The proposed language adds clarity specificity for the user for application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

RELOCATION.
The Board is proposing to amend the word 'structure' to read 'building for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. The proposed language adds clarity specificity for the user for application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

REPAIR.
No change proposed

RESTORATION.
The Board is proposing to amend the word 'or structure' to read 'property or building' for clarity and specificity. The use of the phrase "qualified historical building or property" is proposed to be used consistently throughout the CHBC. The proposed language adds clarity specificity for the user for application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

STRUCTURE.
No change proposed.

TREATMENT.
The Board is proposing to adopt a definition for 'treatment' for the purpose of clarity and specificity. Treatment is used in a preservation context within the code. The proposed language adds clarity specificity for the user for application of the CHBC. The adoption does not change the regulatory effect from the 2001 California Historical Building Code.

CHAPTER 8-3
PURPOSE AND SCOPE

SECTION 8-301
PURPOSE AND SCOPE

8-301.1. Purpose.
The Board is proposing to amend 'this chapter' to read 'the CHBC', changing the word 'alternatives' to 'solutions' and deleting the phrase 'buildings or structures designated as' to add clarity and consistency for the user of this code to existing application of the CHBC. The word "designated" is not used in the definition Section 8-218. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-301.2. Scope.
The Board is proposing to repeal "building" from the first sentence. The proposed language aligns the code with Health and Safety Code §18955, the definition of a qualified historical building or property that includes types of constructions that are not buildings per se. Deleting the word "building" eliminates conflicts within the code. The Board is also proposing to adopt in the 1st sentence the words 'or approval'. The proposed language adds clarity and specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

Agencies that approve, rather than permit, fall under the authority of the State Historical Building Code (SHBC). The 2003 amendments to the SHBC (H&SC §18954), "or other local agency" clarifies long standing precedent of the SHBC. Adopting the words "or approval" in the CHBC eliminates a conflict with the SHBC.

SECTION 8-302
GENERAL

8-302.1. Existing Use.
The Board is proposing to amend the language to change 'this chapter' to read 'the CHBC' to add clarity and specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

8-302.2. Change in Occupancy.
This section was modified by comment of Heritage Architecture, and from discussion by the SHBSB at the 12-7-06 public hearing. Section 8-203.2.2 relating to relative hazard and reference to the 2006 IEBC were omitted. The

comments found no use for the section and considered it to be a place where AHJ could enforce more prescriptive standards that intended by the proposed language.

The Board is proposing to adopt language to make the phrase “qualified historical building or property” consistent with the definition in Chapter 8-2, throughout the code. The Board is proposing to amend the language to provide clarity and specificity in this code.

The word “prevailing” is stricken and “regular code” remains to conform to the definitions of regular code in Section 8-219. These amendments have no change in regulatory effect. These amendments are made in other places in this chapter. These amendments do not change the regulatory effect from the 2001 CHBC.

The Board is proposing to amend the language to provide clarity and specificity on the requirements of changing occupancies. Existing language includes fire fighting personnel. The purpose of this code is to provide reasonable safety of the occupants and users (Health and Safety Code §18951). The jurisdiction is given the opportunity to determine whether a proposal for a change of occupancy provides for safety of the occupants. Providing for the safety of the occupants and users provides sufficient safety for emergency personnel. It is nearly impossible to determine a level of safety for fire fighting personnel due to the nature of their work. The proposals will reduce confusion and increase usability of this code consistent with previous interpretations by the Board. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

The Board is proposing to amend the language in the last sentence for clarity and specificity. The code user cannot be expected to make a clear determination of what other condition may be a hazard. The phrase “Does not create a fire hazard or condition detrimental to the safety of …” leaves the user many options as to what it means. The Board proposes to reference standards of occupancy and relative hazard common in the industry. The Board proposes to do this with a simple rating. The user is also guided to the references for the rating, current and past editions of codes for existing buildings that contain tables of relative hazard between occupancy groups for a number of conditions. The proposals will reduce confusion and increase usability of this code consistent with previous interpretations by the Board and users. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-302.3. Occupancy Separations.
The word “approved” is redundant and deleted. The word “prevailing” is stricken and “regular” inserted to conform to the definitions of regular code in Chapter 2. The amendment has no change in regulatory effect. This change is made in other places in this chapter.

The reference to a new section is adopted in this section. Currently the CHBC has no definition of automatic sprinkler system and relies on the regular code definition of “automatic” and the sections of the CBC that relate to the requirements of sprinkler systems in specific occupancies. The adoption of the reference relates the exception for using sprinkling to the NFPA standard required. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-302.4. Maximum Floor Area.
The current language has the phrase “historical building(s)”. The Board is proposing to “amend the language” to read “qualified historical building(s) or property or properties” to be consistent with the definition in Chapter 2. The word “prevailing” is stricken and the word “regular” inserted to be consistent with the definitions in Chapter 2. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendment does not change the regulatory effect from the 2001 California Historical Building Code.

The exception is modified to specify occupancies rather than the general classification of all historical buildings. The Board proposes language that provides additional options for creating safe occupancy by recognizing that in non-hazardous and residential occupancies the hazard to the occupants can be reduced to a reasonably equivalent level by alarm notification for evacuation from the building. The exception is limited to application for buildings that provide adequate exiting features conforms to regular code. The proposals will reduce confusion and increase usability of the CHBC. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do change the regulatory effect from the 2001 California Historical Building Code by providing an alternate to automatic fire sprinklers in limited situations.

8-302.5. Maximum Height.
This section was modified by the Board at the 12-7-06 public hearing to clarify whether both exceptions apply to the “unlimited area” or just the second.

The Board is proposing to adopt language to make the phrase “qualified historical building or property” consistent with the definition in Chapter 8-2, throughout the code. The Board is proposing to amend the language to provide clarity and specificity. The Board is proposing to repeal the word “designated” as it is unclear how a designated design relates to the definition of a qualified historical building or property. The word ‘designated’ is changed to read ‘qualified’

The simplicity of qualification for the SHBC conflicts with the definition of a qualified historical building or property. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-302.5.1. High Rise Buildings.

Comments adopted per State Fire Marshal comments: The definition of “high rise building” is revised. Revisions requested to sections 8-302.5.1 and 8-412 are for coordination with California Statutes relating to High-rise structures. Specifically Health and Safety Code 13210(b) *"High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.”*

This section was modified per the comment of the City of San Diego who suggested the term “fire barrier” be used in lieu of “area separation” to separate “sprinklered” from “non-sprinklered” floors or define what an area separation means. Looking at CBC, an area separation based on construction type would indicate a 4 hour separation with 3 hour openings. The problem with using CBC Section 504.6 is how to interpret construction for protected openings for elevators. In a practical application the elevator shaft would not be able to be completely protected. A CHBC defined “barrier” could address that issue.

This section was further modified by the Board at the 12-7-06 public hearing to clarify the phrase “non-residential and non-hazardous occupancy”. The phrase noted was omitted and replaces with specific occupancy categories for guidance to code users.

The Board is proposing to adopt language to provide the user clarity and specificity for building and structure types defined as “high rise buildings” in CBC, Chapter 4, Section 403.11. Buildings or structures meet that definition by having human occupancy on floors more than 75 feet above the lowest level having building access. An existing high rise building or structure is also defined by having been constructed before July 1, 1974.

Adopting this section to the CHBC provides users additional authority over and above that provided in CBC Section 403.11 to recognize and address the issues of upgrading qualified historical buildings to provide reasonable life safety for the occupants while protecting the qualified historical character that makes them important. CBC Section 403.11.4 gives the enforcing agency the authority to permit alternate means for providing reasonable life safety in these buildings.

Buildings or properties with floors higher than 75 feet have not here-to-fore been frequently identified as historical. The number of buildings or properties constructed after 1950 that meet the CBC definition of “high rise” increases every year and an increasing number are deemed of historical value. The issues involved in providing the requirements of CBC Section 403.11 through 403.25 impacts preservation of buildings or properties.

The most significant issue with the CBC requirements involves existing high rise buildings with construction Type IIN and Type IIIN that are required in CBC Section 403.24 to have automatic sprinklers installed on all floors. The proposed CHBC Section 8-302.5.1 provides an additional option of permitting installation of automatic sprinklers on only the floors above the 75 foot requirement. In considering the proposal, the Board proposes language that would in a general way include that in CBC Sections 403.13, 403.16, 403.17, 403.18, 403.21, 403.22, and 403.23. CBC Sections 403.15 and 403.19 would be subject to CHBC Sections 8-407 and 8-403. CBC Sections 403.14 and 403.20 that are not included in the CHBC proposal would be then be addressed by CBC Section 403.11.4.

The proposed language adds clarity specificity for the user to application of the CHBC. The amendments change the regulatory effect from the 2001 California Historical Building Code by adding additional authority to the user for addressing issues of interior and exterior amendments, preservation, restoration, and or rehabilitation of high rise buildings or properties. The overall effect of this section is to support the intent and purpose of the SHBC, Health and Safety Code, §18951 and 18953 to provide cost effective alternative regulations for the preservation of qualified historical buildings and properties.

8-302.6. Fire-resistive Construction.
No change proposed

8-302.7. Light and Ventilation.
No change proposed

SECTION 8-303
RESIDENTIAL OCCUPANCIES

8-303.1. Purpose.
The Board is proposing to amend the words 'alternative' to 'solution', change 'structures' to read 'properties', and change 'residential' to 'dwelling' to add clarity and consistency for the user of this code to existing application of the CHBC. These amendments do not change the regulatory effect from the 2001 CHBC.

303.2. Intent.
This section was modified per the comment of the Division of the State Architect. Change "historic" to "historical" for consistency.
The Board is proposing to amend "it is the intent" to read 'The intent' to provide clarity and consistency in this code. These amendments do not change the regulatory effect from the 2001 CHBC.

8-303.3. Application and Scope.
No change proposed

8-303.4. Solution Exit Definitions.
The Board is proposing to amend the word 'alternative' to 'solution' in the Title of this section as it is redundant in this context. The intent of this code is to provide solutions, not alternatives. This change provides clarity and consistency in this code. These amendments do not change the regulatory effect from the 2001 CHBC.

8-303.4.1. Exit ladder device.
This section was modified by the Board at the 12-7-06 public hearing to clarify when the limit of 25 feet applied, for all occupancies or just too residential occupancies. It was also moved from this section to Chapter 2, Definitions.

The Board proposes to adopt language to clarify and limit the use of exit ladders. The intent of the 2001 California Historical Building Code was to provide this solution for the limited use and had been a source of confusion in application. The change brings the section back to the original intent. This amendment does have a change in regulatory effect.

8-303.4.2. Fire escapes.
No change proposed.

8-303.5. Room Dimensions.
No change proposed.

8-303.6. Light and Ventilation.
No change proposed.

8-303.7. Alteration and Repair.
The Board is proposing to adopt language to make the phrase "qualified historical buildings or properties" consistent with the definition in Chapter 8-2, throughout the code. The amendments do not change the regulatory effect from the 2001 California Historical Building Code. The phrase "in existence" is redundant and is being deleted. The word 'structure' is replaced with the words 'building or property'. The Board is proposing to amend the language for consistency within the code, and provide clarity and specificity.

This section provides that any alteration or repair may be permitted that does not create a life safety hazard. The definition of a life safety hazard in this code is created for existing conditions. Conditions that are being altered or repaired need to be consistent with the intent and character of this code that will mitigate those kinds of hazards. The amendment has no change in regulatory effect.

8-303.7. Exiting.
No change proposed.

CHAPTER 8-4
Fire Protection

SECTION 8-401
PURPOSE, INTENT AND SCOPE

8-401.1. Purpose.
The Board is proposing to repeal the word 'alternatives' as it is redundant in this context and replace with the word 'solutions' in the code. The intent of this code is to provide solutions, not alternatives. The Board is proposing to amend the word 'structures' to amend to read 'properties' to make the phrase 'qualified historical building or property' consistent with the definition in Chapter 8-2, throughout the code.

8-401.2. Intent.
See General.

8-401.3. Scope.
No change proposed.

SECTION 8-402
FIRE-RESISTIVE CONSTRUCTION

8-402.1. Exterior Wall Construction.
This section was modified by the Board at the 12-7-06 public hearing to

This The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to clarify the standards for fire sprinkling to those required by occupancy, exposure and construction. This section prescribes how an exterior exposure fire system is to be installed but has created confusion by the users as to how a system shall be designed. The proposed language clarifies the design standard by referencing new language in Section 8-410.2.

The Board is proposing to amend language to clarify how a small exterior exposure system is designed. The proposed language allows the user to have an automatic sprinkler system that can be installed per the prescriptive requirements in this section with guidance from NFPA 13D. The original intent of this section is to provide an alternate design with no system engineering as required in NFPA 13D. The sprinkler heads and piping of the system are proposed to be "appropriate to the application" to assist the user in choosing those two parts to meet climatic and local environmental conditions. Exterior exposure systems of greater complexity than those prescribed are referenced to Section 8-410.2 where appropriate system design standard is prescribed. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-402.2. One-hour Construction.

Comments adopted per State Fire Marshall comments: Item #3 is stricken because SFM does not have an approval or certification of any intumescent paint product. While there are many products available, and some jurisdictions approve their use, any state code cannot approve or propose their use until a specific product receives SFM certification.

The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to make a specific prescriptive alternative for upgrading construction ratings of corridors. Intumescent paint has been approved in this application on a number of occasions but is little known. This proposal will provide an inexpensive and a less destructive solution to adding layers of materials to increase ratings that will also allow much of historical detailing to remain visible or look untouched. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do change the regulatory effect from the 2001 CHBC by providing an alternate to automatic fire sprinklers in limited situations.

8-402.3. Openings in Fire Rated Systems.
This section was modified per the comment of the Division of the State Architect. Change "historic" to "historical" for consistency.

The Board is proposing to amend the language of this section for clarity and specificity. The word 'Glazing' in the title is deleted. The Board is proposing to clarify the code for retention of historical transom windows and unrated doors in corridors that are required to be 1 hour rated. The need to achieve 1 hour ratings for these historical elements has

been proven to be reasonably achieved by the installation of automatic sprinklers. The Board is proposing to amend a section to Chapter 8-4 to clarify how an automatic sprinkler system applies to a building by occupancy and to take advantage of the three NFPA standards. Currently the CHBC has no definition of automatic sprinkler system and relies on the regular code definition of "automatic" and the sections of the CBC that relate to the requirements of sprinkler systems in specific occupancies. The amendment of the reference relates the exception for using sprinkling to the NFPA standard required. The proposed language adds clarity specificity for the user to existing application of the CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-403
INTERIOR FINISH MATERIALS

This section was modified by the Board at the 12-7-06 public hearing to

The Board is proposing to amend the language of this section for clarity and specificity. The proposal is to repeal the complete reference to "fire retardant" materials. Fire retardant is incorrect terminology; the correct term is flame spread. Use of fire retardant materials on existing finishes is not a practical solution to flame spread issues. The typical flame retardant leaves a film that is not permanent, can be washed off, and is tacky to the touch. The modified language also recognizes that the flame spread of many historical finish materials does not constitute a hazard. Where a hazard is recognized, the jurisdiction can request an analysis of the flame spread hazard and make a determination based on that information. The amendments have no regulatory effect.

SECTION 8-404
WOOD LATH AND PLASTER

No change proposed.

SECTION 405
OCCUPANCY SEPARATION

No change proposed.

SECTION 406
MAXIMUM FLOOR AREA

No change proposed.

SECTION 8-407
VERTICAL SHAFTS

The word "approved" is redundant and deleted. An automatic sprinkler system must be approved to be permitted. The amendment has no change in regulatory effect. This amendment is made in other places in this code.

SECTION 8-408
ROOF COVERING

The Board is proposing to amend the code to provide clarity and specificity for the user by omitting a part of the section, sub-item 1, which describes the performance of a roof covering. The performance of the roof covering is not regulated by code. The Board is proposing to amend the word 'historic' to read 'historical' for clarity and consistency in this code.

The Board is proposing to update the reference to Class "C" roof coverings to be consistent with current state requirements on the sale and use of wood roofing products, and inserting Class "B" fire retardant treated wood products. This code is concerned with the preservation of the character defining features as they are affected by the application of code. Fire retardant treated wood roofing products present an appearance that is consistent with the character of untreated wood roofing products. This amendment has no regulatory effect.

The Board is proposing to amend clarity and specificity for the user by amending language to be consistent with State Fire Marshal regulations regarding the use of fire retardant treated wood roof covering products in Class "A" roof assemblies. Recent changes and additions to wild land and urban wild land ratings and zones have created confusion as to the applicability of the CHBC to regulate roofing and wall systems on qualified historical buildings and structures. The State Fire Marshal permits Class "A" roof assemblies in all fire zones in California and the amended CHBC language will be consistent with that regulation. This code is concerned with the preservation of the character defining features as they are affected by the application of code. Fire retardant treated wood roofing products in Class "A" assemblies present an appearance that is consistent with the character of original untreated wood roofing products.

The Board is proposing to amend clarity and specificity for the user by amending language describing the correct procedure for amending this code due to local conditions as described in Building Standards Law. Jurisdictions with authority in wild land fire zones have banned installation of all wood roofing products through the use of local ordinance. Legal opinion on the subject of the authority of the SHBC/SHBSB has determined that the Board has authority to review the application of amendments, on a case by case basis, where the jurisdiction has applied the amendments without due consideration of the unique provisions of the SHBC/CHBC. The Board may review the jurisdictions decision through an appeal hearing based on the submitted documentation. This amendment is consistent with existing statute, Health and Safety Code Section 18959 (f). This amendment has no regulatory effect beyond the statute in the regulation.

SECTION 8-409
FIRE ALARM SYSTEMS

The Board is proposing to repeal the word 'alternative' as it is redundant in this code. The intent of this code is to provide solutions, not alternatives. The proposed language adds clarity and consistency in this code.

SECTION 8-410
AUTOMATIC SPRINKLER SYSTEMS

8-410.1.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend language to make the phrase "qualified historical building or property" consistent with the definition in Chapter 8-2, throughout the code.

The word "approved" is redundant and deleted. An automatic sprinkler system must be approved to be permitted. The amendment has no change in regulatory effect. This amendment is made in other places in this code. The Board is proposing to make this section consistent throughout with an editorial amendment in the language from "fire extinguishing system" to "automatic sprinkler system".

The Board is proposing to amend the language of this section for clarity and specificity with the amendment of a new section, 8-411- Other Technologies, in this chapter. The amendment is intended to provide the user the ability to take advantage of new technologies when automatic sprinklers are unfeasible or when other considerations make them unpractical. This amendment changes the regulatory effect of this section from the 2001 CHBC. In the Exception the Board is proposing to repeal the word 'alternative' as it is redundant in this code and replace with 'solution'. The intent of this code is to provide solutions, not alternatives. The proposed language adds clarity and consistency in this code.

8-410.2.

Comments adopted per State Fire Marshal comments: Revisions requested to section 8-410.2 are for coordination with recent SFM amendments approved by the Building Standards Commission (BSC) March 24, 2006. In the 2004 BSC annual rulemaking cycle, SFM updated NFPA 13 to the 2002 edition.

This section was modified per the comment of the Division of the State Architect for the following reasons: Sub-section 1. "fourth" is misspelled. Sub-section 4. Property line separations are designed to act in the same manner as physical separations. Exception. The term "the next higher" is not specific, the proposed wording adds specificity for the user. The Board is proposing to amend the title of this section by deleting the words 'Extinguishing System' and replacing with 'sprinkler' for clarity and specificity.

Comments were adopted from discussion during the 12-7-06 SHBSB meeting to change item 1 and 3 to better define where scope of the requirements. #1 Buildings of 4 stories or less and #3 Buildings with floors above 75 feet. The main provision of this section was modified to define "non-hazardous" occupancy by replacing that phrase with specific occupancy categories.

The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend language to clarify the use and provide the user greater flexibility and direction in applying the requirements for automatic sprinkler systems as allowed in this code. This amendment will change the regulatory effect of this chapter.

The provisions of the 2001 CHBC do not provide a definition, nor describe a standard for the design and installation of automatic sprinkler systems. The 2001 CHBC has 10 sections with provisions or exceptions for the use of

automatic sprinkler systems. The sections are not coordinated nor do they provide specificity to direct the user to the implications of the regular code having more than one standard.

The regular code describes different standards for the design of automatic sprinkler systems based on occupancy. The NFPA publishes the standards in the National Fire Codes, Volume 1. NFPA has 3 sprinkler standards with decreasing complexity: NFPA 13, NFPA 13R and NFPA 13D.

Existing building codes have generally created exceptions for deficiencies in code compliance based on occupancy, area, and exposure by the use of automatic sprinkler systems.

Where the NFPA 13R and 13D systems are used, a limitation of using those systems for multiple exceptions is proposed. The SHBSB life safety committee has studied the use of automatic sprinkler in multiple applications has determined that the next more stringent sprinkler design standard be used for multiple exceptions.

8-410.3.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to make this section consistent throughout with an editorial amendment in the language from “fire extinguishing system” to “automatic sprinkler system”. This section is renumbered from 8-410.2 to 8-410.3 with adoption of new language in 8-410.2.

8-410.4.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to make this section consistent throughout with an editorial amendment in the language from “fire extinguishing system” to “automatic sprinkler system”. This section is renumbered from 8-410.3 to 8-410.4 with adoption of new language in 8-410.2.

SECTION 8-411
OTHER TECHNOLOGIES

This section was modified per the comment from the City of San Diego: The section was reworded to add: “Fire alarm systems, smoke and heat detection systems, occupant notification and annunciation systems, smoke control systems and fire modeling, timed egress analysis and modeling, as well as other engineering methods and technologies may be accepted by the authority having jurisdiction when it can be shown or proved to provide equivalence to the minimum requirements of the regular code.” The wording was slightly modified to remove “minimum requirements” and further modified by the Board during discussions at the 12-7-06 public hearing. The intent of the section remains per the comment.

The Board is proposing to adopt new language of this section for clarity and specificity. The Board is proposing to adopt the language acknowledging new technologies that can be used to mitigate hazards where automatic sprinkler systems have been used previously. The language provides the user the ability to create a life safe alternative to building code requirements.

SECTION 8-412
HIGH RISE BUILDINGS

The Board is proposing to adopt new language for clarity and specificity for the user. The amended language acknowledges current application the regular code for buildings over the height of 75 feet that have affected the application of this code. This section refers to earlier sections in this Chapter that are specifically created for high rise buildings. The user will be able to rely on this section rather than having to work solely with regular code. This amendment does not change the regulatory effect of the code because the regular code has been applied.

CHAPTER 8-5
MEANS OF EGRESS

SECTION 8-501
PURPOSE, INTENT AND SCOPE

8-501.1. Purpose.
See General.

8-501.2. Intent.
The Board is proposing to amend the language to change ‘It is the intent’ to read ‘The intent’. The amendments do not change the regulatory effect from the 2001 CHBC.

8-501.3. Scope.
See General.

SECTION 8-502
GENERAL

8-502.1. General.
The Board is proposing to amend the language of this section for clarity and specificity by proposing to repeal the first sentence and amend with a portion of the language from 8-502.1 (General, Exception 3), because the repealed language is redundant.

The Board is proposing to repeal the exceptions in this sub-section and reformat them as individual provisions in sub-sections. Exception number three is moved to become the 'General' provision. The amendments do not change the regulatory effect from the 2001 CHBC.

8-502.2.
This section was modified from the comment of Heritage Architecture: The major change is that the stairway width was removed from the text. This will have a major negative impact on a historical building if the existing stairway width is required to be changed. "or width" was added to the section.

The Board is proposing to amend the language of this section for clarity and specificity. A portion of the language from Section 8-502.1, Exception 3, "Examples", is moved to and further amended to become this sections provision. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-502.3. Stairs.
The Board is proposing to amend the language of this section for clarity and specificity. A portion of the language from Section 8-502.1, Exception 3, "Examples" is moved and further amended to become the provision of this section. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-502.4. Main Entry Doors.
The Board is proposing to amend the language of this section for clarity and specificity. A portion of the language from Section 8-502.1, Exception 4, is moved and further amended to become the provision of this section. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-502.5. Existing Fire Escapes.
The Board is proposing to amend the language of this section for clarity and specificity. A portion of the language from Section 8-502.1, Exception 2, is moved and further amended to become the provision of this section. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-502.6. New Fire Escapes.
The Board is proposing to amend the language of this section for clarity and specificity. A portion of the language from Section 8-502.1, Exception 1, is moved and further amended to become a part of the provision of this section. All of Section 502.2 is moved to become a part of the provision of this section. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-503
ESCAPE OR RESCUE WINDOWS AND DOORS

The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to repeal the exception as it is redundant. For applications listed in the CBC Section 109.3 regulated by the Division of the State Architect/ SHBSB the word 'alley' is amended to read 'public way' for consistency with the IBC. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-504
RAILINGS AND GUARDRAILINGS

8-504.1.
The Board is proposing to adopt language to provide clarity and specificity. The Board, through long standing precedent, has supported the continued use of existing, non-conforming railings. Railings are a significant character defining feature of a qualified historical building or property, be it a Victorian house, commercial building or high-way Bridge. The Board ruled in the case of the Crocker Art Gallery (SHBSB Case #880502) and the Ross House (SHBSB Case #890301) that non-conforming low height of the railings could be mitigated using alternate means.

The new language links the continued use to distinct hazard as defined in this code. The amendment has no regulatory effect over past precedent and administration of the 2001 California Historical Building Code.

CHAPTER 8-6
ACCESSIBILITY

The Board is proposing to make amendments to this chapter to comply with California Government Code Section 4459(c) that requires the scope of accessibility regulations in the California Building Standards Code (Title 24) shall not be less than the application and scope of accessibility requirements of the federal Americans with Disabilities Act (ADA) of 1990 as adopted by the United States Department of Justice (DOJ). This requires certification of the CHBC by the Department of Justice. Certification will provide the most effective, recognized, and legal method for demonstrating that the California Building Code meets or exceeds the ADA requirements.

The Federal Department of Justice, Code of Federal Regulations (CFR), Part 36 – Non-discrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Sec.36.603, outlines the procedure for certifying a code. The effect of certification is stated in CFR, Sec.36.607(a)(1), Effect of certification, which states, “A certification shall be considered a certification of equivalency only with respect to those features or elements that are both covered by the certified code and addressed by the standards against which equivalency is measured.” Certification provides the user of this code greater confidence that when the provisions are followed there is additional evidence that the facility is compliant with ADA.

The area of alternatives to which the DOJ certification applies is directed at “alteration of facilities” for ADA entities that fall under Title III - Public Accommodations. Title III entities are defined in ADA as businesses and non-profit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs, transportation services, factories and warehouses.

The alternates of the CHBC may be applied to all of the ADA titles as well as all of the ADA scope. The Board is proposing to amend language to the chapter that will limit the application of some of the provisions where they may be applied to alterations on Title III facilities. The proposed amendments align the CHBC with the provisions for historic properties, minimum standards, as described in the ADA Standards for Accessible Design (previously known as AADAG), 36.405 – Alterations: Historic Preservation, 4.1.7 of appendix A.

The CHBC applies to barrier removal described in CFR, 36.304 – Removal of Barriers, and CFR, 35.305 – Alternatives to barrier removal.

Businesses that serve the public are required to remove physical "barriers" that are "readily achievable," which means easily accomplishable without difficulty or great expense. All of the provisions of Chapter 8-6 apply to the removal of barriers in qualified historical buildings and properties.

The CHBC provisions are available for use by all entities described under the ADA Title II: State and Local Government Activities. Title II covers all activities of State and local governments. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities. All of the provisions of Chapter 8-6 apply to delivery of Title II programs in qualified historical buildings and properties.

SECTION 8-601
PURPOSE, INTENT, SCOPE

8-601.1. Purpose.
The Board is proposing to amend the language of this section for clarity and specificity. The original language using “buildings and structures” is redundant. The term “facility” is adopted to be consistent with the word as used in ADA documentation. The amendment has no change in regulatory effect.

The Board proposes to repeal the language “any reasonably equivalent” from this section. The DOJ questioned the language as being confusing to the reader in that enforcing agencies would be forced to accept a proposed design as equivalent when the ADA guidelines mandate the historical preservation minimums. The amendments change the regulatory effect from the 2001 California Historical Building Code and as required for certification.

8-601.2. Intent.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend the language to change 'It is the intent' to read 'The intent'.

8-601.3. Scope.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend two new sub-sections, Item One and Item Two to the existing provision as follows:

8-601.3, Sub Item #1.
The Board is proposing to amend the language of this section for clarity and specificity. Sub Item #1 is adopted to clarify the application of this chapter to buildings and properties that physically haven't existed for a period of time and are being reconstructed as replicas. The application is directed towards Title III entities. A historical note to the provision for application of the SHBC to reconstruction in Health and Safety Code Section 18951, "It is the purpose of this part to provide alternative to regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or properties". The phrase in parenthesis "including related reconstruction" was inserted into the code in the 1970s through discussions with the Department of Rehabilitation over language in SB 912 that would amend the SHBC in relation to disabled access. Quoting from the minutes of the June 8, 1977 meeting of the State Historical Building Code Advisory Board: "In regard to SB 912, the Department of Rehabilitation objected to the word reconstruction because they believe that reconstruction means the total recreation of a building. Mr. Girvigian explained that the reason for placing this word in a legal statue was to prevent the assumption by local building officials that this code would not apply to reconstruction which is related to restoration. A compromise was reached which inserted the words "(including related reconstruction)" after the word "restoration".

The creation of replicas is a treatment that is often used by Title II entities for interpretive purposes. By this provision, publicly owned buildings and properties may not use the CHBC as authority for alternates to ADA requirements as they apply to reconstructions or replicas. Title II program entities can look beyond the CHBC for guidance in regards to reconstruction of qualified historical buildings and properties.

This amendment will have the regulatory effect of limiting the ability of private owners and public entities to use the CHBC for alterations to access requirements new construction which is to be reconstruction/or replicas of non-extant qualified historical buildings or properties. Where Title III entities are engaged in altering a facility, reconstruction or not, the historical preservation minimums will be the requirements.

601.3, Sub Item #2.
The Board is proposing to amend the language of this sub-section for clarity and specificity. This provision directs the user to the definition of "alteration" as it is used in accessibility. The 2001 CHBC does not provide specificity as to what initiates (triggers) the requirements for providing accessibility. Alteration of a qualified historical building or property has been the initiator of ADA requirements despite not being defined in the CHBC. The amendment changes the regulatory effect from the 2001 CHBC to conform to ADA requirements.

8-601.4.
The Board is proposing to amend the language of this sub-section for clarity and specificity. This language provides the user the scope of application of the CHBC under ADA. The 2001 CHBC does not differentiate between the ADA titles which have individual and unique requirements. To fully gain the benefit of the CHBC, the scope of the project must be considered and matched to the ADA requirements. The ADA titles are described briefly in the section and the reader can refer to DOJ materials for more detailed information. Using the ADA titles to scope the ADA requirements has allowed use of the majority of the 2001 CHBC provisions. As noted earlier, the certification of Chapter 8-6 applies only to Title III entities where alterations are undertaken, the remainder of the CHBC provisions apply to Title II and Title III Barrier Removal as noted in the new language. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

SECTION 8-602
BASIC PROVISIONS.

8-602.1. Regular Code.
The Board is proposing to amend the language of this sub-section for clarity and specificity. The Board is proposing to amend 'persons with disabilities' to read 'people with disabilities' for consistency with the CBC accessibility provisions. The Board is proposing to amend a reference for the reader to follow to the "regular" code for Title 24, California Building Code (CBC), for accessibility. In California the building code for access is CBC, Chapter 11B. The Board is amending the word 'qualified' to read 'qualified historical' for consistency with other amendments to this code. The amendment has no change in regulatory effect.

8-602.2. Alternative Provisions.
The Board is proposing to adopt the word 'qualified' to read 'qualified historical' for consistency with other amendments to this code. The amendment has no change in regulatory effect.

8-602.1, Sub Item #1.
This section was modified from a comment from Heritage Architecture: The term "qualified historical significance" is not defined and may cause confusion to the enforcing agency. This should read "historical significance."

The Board is proposing to repeal the word 'alternative' as it is redundant in this code. The Board is deleting a reference to Section 8-603 referring to 'preferred alternatives'. The amendment has no change in regulatory effect.

8-602.1, Sub Item #2.
The Board is proposing to repeal the language of Sub Item #2 for clarity and specificity. The language of Sub Item #2 is stricken from the code to comply with comments from DOJ for the certification process. Alternate provisions for access should not be applied on a priority basis. The amendments do change the regulatory effect from the 2001 CHBC to conform to state and federal laws.

8-602.1, Sub Item #~~3~~ 2.
The Board is proposing to amend the language of Sub Item #3 for clarity and specificity. The numbering of Sub Item #3 of the 2001 CHBC is renumbered to be Sub Item #2. The language of this item is amended with the adoption of two prescriptive provisions that give the user guidance when gathering documentation required validating decisions made in applying the alternatives in this chapter. The amendment has no change in regulatory effect.

8-602.1, Sub Item #4.
The Board is proposing to repeal the language of Sub Item #4 for clarity and specificity. Sub Item #4 of this section is repealed from the code to comply with comments from DOJ for the certification process. The amendments do change the regulatory effect from the 2001 CHBC to conform to state and federal laws.

SECTION 8-603
ALTERNATIVES

The Board is proposing to amend the language of this section for clarity and specificity. The language of the section title is amended by striking "preferred" to comply with comments from DOJ for the certification process. Alternate provisions for access should not be applied on a preferred basis. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

8-603.1. Alternative Minimum Standards.
The Board is proposing to adopt new sub-section 8-603.1 (Alternative Minimum Standards) to comply with comments from DOJ. The basic alternate to the ADA standards are the minimum building standards to be applied to all qualified historical buildings or properties as defined in the referenced part of ADA. This sub-section and the new standard are specifically directed to ADA Title III entities, the subject of DOJ certification. The breadth and scope of ADA Standards for Accessible Design and the opportunity for changes in those standards gives reason for this code to reference rather than quote the standards. The user is directed to use the federal document to gain the greater perspective of the DOJ information. The regulatory effect of this section is the basis for DOJ certification of the CHBC. The alternative minimum standards are prescriptive minimums for ADA Title III entities. There is no "lesser" compliant standard. ADA Title III entities will have fewer alternatives solutions to access compliance. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

8-603.2. Entry.
The Board is proposing to amend the language of this section for clarity and specificity. The numbering of "sub-section 8-603.1, Entry" of the 2001 CHBC is renumbered to be sub-section 8-603.2. A cross-reference to 8-603.3 is corrected to the new numbering of 8-603.4.The Board proposes to repeal the language, "Alternates listed in order of priority are:" to comply with comments from DOJ. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

8-603.2, Sub-item #1.
No change proposed

8-603.2, Sub-item #2.
No change proposed

8-603.2, Sub-item #3.
The Board is proposing to amend the language of this section for clarity and specificity. The Board proposes to amend language to comply with comments from DOJ. This item mirrors requirements to provide a notification system at a secondary entrance. The CHBC requirement for an "entrance not used by the general public" is modified by this item. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

8-603.3. Doors.
The renumbering to this section is modified due to inserting previous sections. The amendment has no change in regulatory effect. Sub-items #1, #2, #3 and #4 are un-amended.

8-603.3, Exception.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend the language of this exception to conform to ADA standards and to comply with comments from DOJ. As explained previously, this exception allows language of the 2001 CHBC to be applied to ADA Title entities where appropriate. The regulatory effect of this exception is to adopt specificity to the scope of where the provisions of 8-603.3 apply. The amendments do change the regulatory effect from the 2001 CHBC to conform to state and federal laws.

603.4. Power-assisted Doors.
The re numbering to this section is modified due to inserting previous sections.

8-603.4, Exception.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend the language of this exception to conform to ADA standards and to comply with comments from DOJ. This exception allows previous language of the CHBC to be applied to ADA Title entities where appropriate. The regulatory effect of this exception is to add specificity to the scope of where the provisions of 8-603.4 apply. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

8-603.5. Toilet Rooms.
The numbering to this section is amended due to inserting previous sections.

8-603.6. Exterior and Interior Ramps and Lifts.
The numbering to this section is amended due to inserting previous sections.

8-603.6, Sub Item #1.
The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend the horizontal distance required of the specified ramp. The language of this item will conform to ADA standards and comply with comments from DOJ. The amendments do change the regulatory effect from the 2001 CHBC to conform to state and federal laws.

8-603.6, Sub Item #2.
No change proposed

8-603, Sub Item #3.
The Board is proposing to amend the language of this section for clarity and specificity. The Board proposes to delete the item to comply with comments from DOJ. The provisions of the item are redundant to section 604 that covers the alternatives for access. The amendment has no change in regulatory effect.

SECTION 8-604
EQUIVALENT FACILITATION

The Board is proposing to amend the language of this section for clarity and specificity. The Board is proposing to amend language to make the phrase 'qualified' historical buildings or property consistent with the definition in Chapter 8-2, throughout the code. The Board proposes to repeal the provision regarding "unreasonable hardship" to comply with comments from DOJ. Unreasonable hardship is not provided in ADA. The last sentence, "Alternatives to Section 6-804 are permitted only where the following conditions are met" is superfluous and repealed. The items are the provisions of the section, not conditions. The amendment has no change in regulatory effect.

8-604, Sub Item #1.
No change proposed. .

8-604, Sub Item #2. The Board is proposing to amend Sub Item #2 by adopting language to include additional alternative design and/or technologies for access provided by experiences, services, functions, materials and resources through methods including, but not limited to, maps, plans, videos, virtual reality, and related equ9ipment , at accessible levels.

8-604, Sub Item #3.
The Board is proposing to amend language to make the phrase 'qualified' historical buildings or property consistent with the definition in Chapter 8-2, throughout the code. The Board is proposing to amend the language of this section for clarity and specificity. The Board proposes to repeal the language regarding "officially designated" organizations to comply with comments from DOJ. The provisions of the item provide the public and interested parties the ability to comment and be consulted without additional jurisdiction administrative requirement.

The Board is proposing to amend the language of this section for clarity and specificity. The Board proposes to adopt advisory language for the user with respect to providing documentation. This advisory proposes an additional location where the public can access and verify that the process of approving an alternate under the CHBC Access provisions has been completed. These amendments have no change in regulatory effect.

8-604, Note.
The Board is proposing to amend the language of this section for clarity and specificity. The Board proposes to adopt advisory language for the user with respect to the use of Section 604 for ADA Title III entities.

This advisory is adopted to comply with comments from DOJ. Equivalent Facilitation is not prohibited for Title III entities; however the DOJ certification does not extend to their use. Use of this item negates the purpose of using a "DOJ Certified" access section. The amendments do change the regulatory effect from the 2001 California Historical Building Code to conform to state and federal laws.

SECTION 8-605
EXCEPTIONS

The Board is proposing to repeal 8-605 (Exceptions) as it is redundant to section 8-604 and the word Exception is not consistent with ADA language. This repeal has no change in regulatory effect.

CHAPTER 8-7
STRUCTURAL REGULATIONS
SECTION 8-701
PURPOSE, INTENT AND SCOPE

8-701.1. Purpose.
See General.

8-701.2. Intent.
See General.

8-701.3. Scope.
The Board is proposing language to add clarity specificity for the user to existing application of the CHBC. The phrase "are to be" is repealed and replaced with the word "shall" to be consistent with the remainder of the code language. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-702
GENERAL

8-702.1.
See General.

8-702.2.
No change proposed

SECTION 8-703
STRUCTURAL SURVEY

8-703.1. Scope.
The Board is proposing language to add clarity and specificity for the user to existing application of the CHBC. The Board is adopting a new title for this section to read, 'Scope'. The first sentence is confusing as to how a survey is to

fall under this section, therefore, the Board is repealing the word 'Every' structure and adopting 'When a 'structure, to make clear that this sentence does not apply to every structure, but only to structures that must be evaluated due to another section of the CHBC or in response or in response to some other requirement. The Board is proposing to add the word 'qualified' to make the phrase "qualified historical structures" consistent. The word "document" is repealed and adopted to read "evaluate" with the intent of making clear that the structural survey shall provide the user with knowledge about the status and a required action, not to just acknowledge there are, or are not problems. An additional part is adopted to read 'where these members are relied on for seismic resistance' to the last sentence to make clear to the user where the seismic evaluation is required. These amendments do not change the regulatory effect from the 2001 CHBC.

8-703.2.
The Board is proposing to amend this section to add clarity and specificity for the user by adopting new language to include 'evaluating the structural capacity' for designing amendments to the structural system. The amendments do no change the regulatory effect from the 2001 CHBC.

8-703.3. Historical Records.
The Board is proposing to move section 8-706.2.2 and renumber as 8-703.3. The amendment does not change the regulatory effect from the 2001 CHBC. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-704
NON-HISTORICAL ADDITIONS AND NON-HISTORICAL ALTERATIONS

The Board is proposing to add language to make the phrase "qualified historical building or property" consistent with the definition in Chapter 8-2, throughout the code. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-705
STRUCTURAL REGULATIONS

8-705.1. Gravity Loads.
No change proposed.

8-705.2. Wind and Seismic Loads.
The Board is proposing to add language to make the phrase "qualified historical structure" for clarity and consistency. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-706
LATERAL LOAD REGULATIONS

8-706.1. Lateral Loads.
This section was modified per comment from E. Leroy Tolles, P.E., Ph.D., Fred Webster, Ph.D, P.E. and Wiss, Janney, Elstner Associates, Inc. The comments noted that the force levels for seismic were increased from the 2001 CHBC in the attempt to make the CHBC more compatible with the new CBC being adopted. The comments noted that In reviewing ASCE 7-05, the basis of the 2006 IBC, it is apparent that many of the lateral force provisions have the potential to greatly increase the required lateral design forces for historic buildings. For example, many historic buildings would not be considered redundant structures per the IBC; this provision alone would increase the lateral forces for design by 30%. Many of the other lateral force provisions in the IBC, while appropriate for new construction are not appropriate for historic structures. Changes in seismicity in the 2006 IBC also have the potential to further inflate the required lateral forces for design. The Board re-adopted the lateral design force provisions contained in the 2001 CHBC.

The Board is proposing to adopt language to make the phrase "qualified historical structures" consistent. The Board is proposing to amend language to add clarity and specificity for the user to existing application of the CHBC. The proposed language of the previous regular code (1997 UBC and UCBC) was based on seismic loads which had been reduced for design based on concepts developed in the 1960s. The new regular code (2006 IBC and IEBC) has new basis for design values, called "strength based". Where unreduced seismic forces are specified and ultimate material capacities are used for strength, the amendments in Section 8-706 are necessary for the CHBC to be compatible with the new regular code.

The amendments do not change the regulatory effect from the 2001 CHBC in that the effect on the evaluations and calculations will have differences, there will be little change in how this section affects the actual construction of seismic retrofit, rehabilitation, restoration of qualified historical buildings and properties.

The proposed amendments reflect the new regular code increases in the seismic loads for structures near active earthquake faults, called “near fault zones”. The modified language in Section 8-706 allows the user to use judgment and either increase forces or increase stability by other means for historic structures in near fault zones.

The amendments change the regulatory effect from the 2001 CHBC in that the effect on the evaluations and calculations will have differences, and there will be a change in how this section affects the actual construction of seismic retrofit, rehabilitation, restoration of qualified historical buildings and properties. The change will be to increase the structural capabilities of qualified historical buildings and properties within near fault zones.

8-706.2. Existing Building Performance.
No change proposed.

8-706.2.1.
The Board is proposing to amend language to add clarity and specificity for the user, to existing application of the CHBC. The phrase “threaten life-safety” is redundant. The adopted part to the second sentence clarifies where section 8-706.1 applies. The adoption of the final sentence adds additional clarity. The amendments do not change the regulatory effect from the 2001 CHBC.

8-706.3. Load Path.
No change proposed.

8-706.4. Parapets.
The Board proposes to amend the words ‘to the regular code’ and change to read ‘with regular code’ for clarity and consistency.

8-706.5. Historical Records.
The Board is proposing to repeal the provisions regarding historical records.

706.5. Non-structural Features.
For clarity and consistency the Board is proposing to adopt language to make the phrase “qualified historical structure” consistent. Section 8-706.6 is renumbered as 8-706.5 with the deletion of 8-706.5 (Historical Records). The amendments do not change the regulatory effect from the 2001 CHBC.

8-706.5.
Section 8-706.6.1 is renumbered as 8-706.5.1 with the deletion of 8-706.5 (Historical Records). The amendments do not change the regulatory effect from the 2001 CHBC.

CHAPTER 8-8
STRUCTURAL REGULATIONS

SECTION 8-801
PURPOSE, INTENT AND SCOPE

8-801.1. Purpose.
See General.

8-801.2. Intent.
See General.

8-801.3. Scope.
For clarity and consistency the Board is proposing to amend the word ‘historic’ to ‘historical’ and adopt and amend language to make the phrase ‘historic structures’ to ‘qualified historical structure’. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-802
GENERAL ENGINEERING APPROACHES

The Board is proposing to amend the word ‘Approach’ in the title to be plural (approaches).

Section 8-803
Non-structural Archaic Materials

For clarity and consistency, the board is proposing to amend the word 'historic' to 'historical'. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-804
ALLOWABLE CONDITIONS FOR SPECIFIC MATERIALS

For clarity and consistency, the board is proposing to amend the words 'in historic' to 'qualified historical' the amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-805
MASONRY

No change proposed.

8-805.1. Existing Solid Masonry.
This section was modified per comment from E. Leroy Tolles, P.E., Ph.D., Fred Webster, Ph.D, P.E. and Wiss, Janney, Elstner Associates, Inc. The comments noted that the force levels for seismic were increased from the 2001 CHBC in the attempt to make the CHBC more compatible with the new CBC being adopted. The comments noted that In reviewing ASCE 7-05, the basis of the 2006 IBC, it is apparent that many of the lateral force provisions have the potential to greatly increase the required lateral design forces for historic buildings. For example, many historic buildings would not be considered redundant structures per the IBC; this provision alone would increase the lateral forces for design by 30%. Many of the other lateral force provisions in the IBC, while appropriate for new construction are not appropriate for historic structures. Changes in seismicity in the 2006 IBC also have the potential to further inflate the required lateral forces for design. The Board re-adopted the lateral design force provisions contained in the 2001 CHBC.

The Board is proposing to amend language to add clarity specificity for the user to existing application of the CHBC. The maximum value of shear is adjusted to reflect the change in design basis from stress to strength. Three pounds per square inch is changed to nine pounds per square inch. Reference to UBC Standard 21-6 is changed to the most recent version of the IEBC. The amendment is consistent with the regulatory effect of changes in Section 8-706.1.

8-805.2. Stone Masonry.
No change proposed.

8-805.2.1. Solid-backed Stone Masonry.
This section was modified per comment from E. Leroy Tolles, P.E., Ph.D., Fred Webster, Ph.D, P.E. and Wiss, Janney, Elstner Associates, Inc. The comments noted that the force levels for seismic were increased from the 2001 CHBC in the attempt to make the CHBC more compatible with the new CBC being adopted. The comments noted that In reviewing ASCE 7-05, the basis of the 2006 IBC, it is apparent that many of the lateral force provisions have the potential to greatly increase the required lateral design forces for historic buildings. For example, many historic buildings would not be considered redundant structures per the IBC; this provision alone would increase the lateral forces for design by 30%. Many of the other lateral force provisions in the IBC, while appropriate for new construction are not appropriate for historic structures. Changes in seismicity in the 2006 IBC also have the potential to further inflate the required lateral forces for design. The Board re-adopted the lateral design force provisions contained in the 2001 CHBC.

Reference to UBC Standard 21-6 is amended to the most recent version of the IEBC. The amendment is consistent with the regulatory effect of changes in Section 8-706.1

8-805.2.2. Independent Wythe Stone Masonry.
This section was modified per comment from E. Leroy Tolles, P.E., Ph.D., Fred Webster, Ph.D, P.E. and Wiss, Janney, Elstner Associates, Inc. The comments noted that the force levels for seismic were increased from the 2001 CHBC in the attempt to make the CHBC more compatible with the new CBC being adopted. The comments noted that In reviewing ASCE 7-05, the basis of the 2006 IBC, it is apparent that many of the lateral force provisions have the potential to greatly increase the required lateral design forces for historic buildings. For example, many historic buildings would not be considered redundant structures per the IBC; this provision alone would increase the lateral forces for design by 30%. Many of the other lateral force provisions in the IBC, while appropriate for new construction are not appropriate for historic structures. Changes in seismicity in the 2006 IBC also have the potential to further inflate the required lateral forces for design. The Board re-adopted the lateral design force provisions contained in the 2001 CHBC.

Reference to UBC Standard 21-6 is changed to the most recent version of the IEBC. The amendment is consistent with the regulatory effect of changes in Section 8-706.1.

8-805.2.3. Testing of Stone Masonry.
Reference to UBC Standard 21-6 is amended to the most recent version of the IEBC. The amendment is consistent with the regulatory effect of changes in Section 8-706.1.

8-805.3. Reconstructed Walls.
No change proposed

SECTION 8-806
ADOBE

8-806.1. General.
No change proposed

8-806.2. Protection.
No change proposed.

8-806.3. Requirements.
The Board is proposing to amend language to add clarity specificity for the user to existing application of the CHBC. The provisions of this section have not been modified significantly since originally adopted. The Board is proposing amendments that will bring these provisions into conformance with current practice.

The addition of existing sod or rammed earth construction types clarifies questions brought to the Board as to how the user should apply the CHBC. The amendments do not change the regulatory effect from the 2001 California Historical Building Code.

8-806.3, Sub Item #1.
No change proposed

8-806.3, Sub Item #2.
The addition of "buildings or" to the provision is consistent with the general use of the Chapter on both buildings and structures. The amendments do not change the regulatory effect from the 2001 CHBC.

8-806.3, Sub Item #3.
No change proposed.

8-806.3, Sub Item #4.
The Board is proposing to amend the provisions for bond beams. Comments from users, design engineers with experience in adobe construction, have been to expand the scope of types of bond beams beyond reinforced concrete. Leroy Tolles S.E. and Fred Wilsea S.E. provided comments at the October 13, 2005 SHBSB meeting that specifying "reinforced concrete bond beam" even with the adopted phrase "or an equivalent design of other materials tends to direct the user to use towards a specific solution rather than a generic statement stating a performance goal. The proposed language includes the adoption of a generic statement, "equivalent structural element", and the last sentence with a performance goal.

For clarity and consistency the phrase 'two-story structures' is amended to read 'two-story buildings or structures'. The amendments do not change the regulatory effect from the 2001 CHBC.

8-806.3, Sub Item #5.
The anchorage of a bond beam is superfluous and is repealed.

8-806.4. Repair or Reconstruction.
No change proposed.

8-806.5. Shear Values.
This section was modified per comment from E. Leroy Tolles, P.E., Ph.D., Fred Webster, Ph.D, P.E. and Wiss, Janney, Elstner Associates, Inc. The comments noted that the force levels for seismic were increased from the 2001 CHBC in the attempt to make the CHBC more compatible with the new CBC being adopted. The comments noted that In reviewing ASCE 7-05, the basis of the 2006 IBC, it is apparent that many of the lateral force provisions have

the potential to greatly increase the required lateral design forces for historic buildings. For example, many historic buildings would not be considered redundant structures per the IBC; this provision alone would increase the lateral forces for design by 30%. Many of the other lateral force provisions in the IBC, while appropriate for new construction are not appropriate for historic structures. Changes in seismicity in the 2006 IBC also have the potential to further inflate the required lateral forces for design. The Board re-adopted the lateral design force provisions contained in the 2001 CHBC.

The Board is proposing to amend language to add clarity specificity for the user to existing application of the CHBC. The maximum value of shear is adjusted to reflect the change in design basis from stress to strength. Four pounds per square inch is changed to twelve pounds per square inch. The amendment is consistent with the regulatory effect of changes in Section 8-706.1. The proposed amendments reflect the advances in technology and knowledge over the life of this section. The amendments in Section 8-806 do not change the regulatory effect from the 2001 CHBC.

8-806.6. Mortar.
No change proposed

SECTION 8-807
WOOD

8-807.1. Existing Wood Diaphragms or Walls.
The Board is proposing to amend language to add clarity specificity for the user to existing application of the CHBC. Reference to UBC Standard 21-6 is amended to the most recent version of the IEBC. The amendment is consistent with the regulatory effect of changes in Section 8-706.1. The amendment does not change the regulatory effect from the 2001 CHBC.

8-807.2. Wood Lath and Plaster.
No change proposed

8-807.3. Existing Wood Framing.
The Board proposed to make an editorial correction by deleting the word 'percent' and replacing it with the symbol for percent (%). The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-808
CONCRETE

8-808.1. Materials.
The Board is proposing to amend language to add clarity and specificity for the user. The existing language of this section is confusing, the amendment is editorial. In the 2nd sentence the Board is proposing to amend the words 'remain with the architect' to read 'remain in place. The architect 'and amend the words 'engineer assigning appropriate values' to read 'engineer shall assign appropriate values' These amendments do not change the regulatory effect from the 2001 CHBC.

8-808.2. Detailing.
No change proposed.

SECTION 8-809
STEEL AND IRON

The Board is proposing to amend the words "most historical buildings.' to read 'most qualified historical structures' for clarity and consistency. These amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-810
HOLLOW CLAY TILE

This section was modified per the comment made by the City of San Diego: The last sentence to the section should be revised to read as follows: "hollow clay tile bearing walls shall be evaluated and strengthened as appropriate to resist both in plane and out of plane lateral loads and their ability to maintain support of gravity loads. Suitable protective measures shall be provided to prevent blockage of exit stairways, stairway enclosures, exit ways and public ways from falling wall debris as a result of an earthquake."

The Board is proposing to amend language to add clarity specificity for the user to existing application of the CHBC. The proposed amendment language provides additional direction to the user with a mandate to evaluate the specified aspects of this material for performance. The language of the last sentence is confusing, the change is editorial. The Board is proposing to amend the word 'historic' to read 'historical' for clarity and consistency. These amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-811
VENEERS

8-811.1. Terra Cotta and Stone.
This section was modified by comment from the City of San Diego: the word "mechanical" was added to describe anchors.

8-811.2. Anchorage.
No change proposed.

SECTION 8-812
GLASS AND GLAZING

8-812.1. Glazing Subject to Human Impact.
The Board is proposing to amend the word 'historic' to read 'historical' for clarity and consistency. The amendments do not change the regulatory effect from the 2001 CHBC.

8-812.2. Glazing in Fire-rated Systems.
No change proposed.

TABLE 8-8-A – ALLOWABLE VALUES FOR EXISTING MATERIALS

The Board is proposing to repeal Table 8-8-A to add clarity specificity for the user. The existing language of this section is replaced with reference to the 2006 IEBC throughout the code. The amendment is consistent with the regulatory effect of changes in Section 8-706.1. The amendment does not change the regulatory effect from that proposed in this revision of the CHBC.

TABLE 8-8-B
ALLOWABLE VALUES OF NEW MATERIALS USED IN
CONJUNCTION WITH EXISTING CONSTRUCTION

This section was modified per comment from E. Leroy Tolles, P.E., Ph.D., Fred Webster, Ph.D, P.E. and Wiss, Janney, Elstner Associates, Inc. The comments noted that the force levels for seismic were increased from the 2001 CHBC in the attempt to make the CHBC more compatible with the new CBC being adopted. The comments noted that In reviewing ASCE 7-05, the basis of the 2006 IBC, it is apparent that many of the lateral force provisions have the potential to greatly increase the required lateral design forces for historic buildings. For example, many historic buildings would not be considered redundant structures per the IBC; this provision alone would increase the lateral forces for design by 30%. Many of the other lateral force provisions in the IBC, while appropriate for new construction are not appropriate for historic structures. Changes in seismicity in the 2006 IBC also have the potential to further inflate the required lateral forces for design. The Board re-adopted the lateral design force provisions contained in the 2001 CHBC.

The Board is proposing to repeal Table 8-8-B to add clarity specificity for the user. The existing language of this section is replaced with reference to the 2006 IEBC throughout the code. The amendment is consistent with the regulatory effect of changes in Section 8-706.1. The amendment does not change the regulatory effect from that proposed in this revision of the CHBC.

CHAPTER 8-9
MECHANICAL, PLUMBING AND ELECTRICAL REQUIREMENTS

SECTION 8-901
PURPOSE, INTENT AND SCOPE

8-901.1. Purpose.
In the 2nd sentence the Board is proposing to amend the word 'alternatives' to read 'solutions'. The amendments do not change the regulatory effect from the 2001 CHBC.

8-901.2. Intent.
The Board is proposing to amend 'It is the intent' to read 'The intent' for clarity and consistency. The amendments do not change the regulatory effect from the 2001 CHBC.

8-901.3. Scope.
The Board is proposing to amend 'These regulations are to be applied' to read 'The CHBC shall be applied', change 'regular code' to read 'the regular code', change 'applications' to read 'compliance' and change 'desired by owners of'' to read required for' for clarity and consistency. The amendments do not change the regulatory effect from the 2001 CHBC.

8-901.4. Safety Hazard.
The Board is proposing to repeal the word 'alternative' as it is redundant in this code and replace it with the word 'solution'. The intent of this code is to provide solutions, not alternatives. The amendments do not change the regulatory effect from the 2001 CHBC.

8-901.5. Energy Conservation.
The Board is proposing to amend the language in the 1st sentence to change the words 'Historical building or structures…' to read 'Qualified historical buildings or properties…' for clarity and consistency. The Board is proposing to amend the language of this section from permissive language for installation of new appliances to mandatory. This amendment follows the general requirement of state regulation to limit the amount of energy usage by buildings after they are constructed. This language follows the purpose and intent of the State Historical Building Code to provide reasonable solutions where code requirements threaten the qualities that make a building historic. This amendment applies only to new energy consumptive elements being retrofitted into a historical building or property.

The California Energy Commission (CEC) is given the authority to regulate energy consumption in appliances in all buildings. The State Historical Building Code is given authority to regulate all aspects of work or construction for qualified historical buildings or properties. This section of the CHBC, is the authority for exemption of qualified historical buildings and properties from the regulations of Part 6 of Title 24, Section 100 (a) (3) (C) Exception. The CEC supports that exemption, but have expressed the concern that the CHBC should require qualified historical buildings and properties to conserve energy to the maximum that can be done within the intent of the CHBC.

Non-residential and Residential Manuals for Part 6 of Title 24, Historic Buildings – Lighting Standards have language regulating the energy efficiency of lighting in historical buildings. The language limits the exemption in Section 100(a) of Part 6 and goes beyond the regulatory effect of Section 8-901.5. That limitation has been modified by the amendment of language in the Manuals that states the authority lies in the SHBSB for the energy exemption, and the SHBSB has supported the limitation.

The CEC has provided comments regarding the definition of an "appliance" and have suggested that the scope of the word "appliance" is insufficient to cover all of the elements that might be regulated by this language. The Board is proposing to amend language to meet the CEC comments by the addition of "lighting and space conditioning system components, devices, appliances and equipment." The limitation of the exemption from California Energy Code is for "appliances" and is specific to those elements and not the entire building or complete building system. Complete envelope analysis will not be required. Where basic elements and character defining features such as windows cannot meet the prescriptive standards of California Energy Code, they will continue to be exempt.

The regulatory effect of the proposed amendment is to limit the exemption of qualified historical buildings and properties from energy compliance. The amendments do change the language of the CHBC but the regulatory effect is intended to be minimal from the 2001 CHBC. The major effect of this language will be to require the user to provide justification for the exemption of installation of appliances from California Energy Code. The Board intends that the required justification is not used to subvert the intent of the SHBC. The ultimate decision as to what is and what isn't exempt of California Energy Code is that of the SHBSB.

SECTION 902
MECHANICAL

8-902.1. General.
No change proposed.

8-902.1.1.
See General.

8-902.1.2.
No change proposed.

8-902.1.3.
No change proposed.

8-902.2. Heating Facilities.
No change proposed

8-902.3. Fuel Oil Piping and Tanks.
No change proposed

8-902.4. Heat-Producing and Cooling Equipment.
The Board is proposing to repeal the word 'alternative' as it is redundant in this code and amend it with the word 'solution'. The intent of this code is to provide solutions, not alternatives. The amendments do not change the regulatory effect from the 2001 CHBC

8-902.5. Combustion Air.

8-902.5.1.
No change proposed.

8-902.5.2.
The Board is proposing to amend the language to change '…regular code.' to read '…the regular code.' for clarity and consistency. The amendments do not change the regulatory effect from the 2001 CHBC

8-902.6. Venting of Appliances.

8-902.6.1.
No change proposed.

8-902.6.2
The Board is proposing to amend the language of this section for clarity and specificity. The amendment adds a provision to assure an enforcing entity that an existing masonry flue is in as good working order as it is in appearance from the exterior. Flue gases have acids that erode historical mortar often causing greater erosion on the interior than exterior. The amendment will have a minor regulatory effect to assure reused chimneys are structurally sound.

8-902.6.3.
No change proposed.

8-902.7 Ducts.
No change proposed.

8-902.7.1.
No change proposed.

8-902.7.2.
No change proposed.

8-902.8. Ventilating Systems.
No change proposed.

8-902.8.1.
No change proposed.

8-902.8.2.
No change proposed.

8-902.9 Miscellaneous Equipment Requirements.
No change proposed.

8-902.9.1.
No change proposed.

8-902.9.2.
No change proposed.

SECTION 8-903
PLUMBING

No change proposed.

8-903.1 General.
No change proposed.

8-903.1.1.
See General.

8-903.1.2.
No change proposed.

8-903.1.3.
No change proposed.

8-903.2 Dwelling-type Occupancies.
No change proposed.

8-903.2.1.
No change proposed.

8-903.2.2.
No change proposed.

8-903.2.3.
No change proposed.

8-903.2.4.
No change proposed.

8-903.2.5.
No change proposed.

8-903.2.6.
No change proposed.

8-903.2.7.
This section was omitted by the Board at the 12-7-06 public hearing to eliminate redundancy of this and the next provision. Section 903.2.8 accurately states the intent.

The Board is proposing to adopt the language of this section for clarity and specificity. Health and Safety Code §17921.3 gives the authority for allowing non-compliant "historical replicas and historic plumbing fixtures to be used in a historical context. This section is adopted in this code to allow the user an easy reference to the provision. The amendment has no regulatory effect.

8-903.2.8.
The Board is proposing to adopt the language of this section for clarity and specificity. Health and Safety Code §17921.3 gives the authority for allowing non-compliant "historical replicas and historic plumbing fixtures to be used in a historical context. This section is adopted in this code to allow the user an easy reference to the provision. The amendment has no regulatory effect.

8-903.3 Materials.
The Board is proposing to repeal in the 1st sentence the word 'Materials' by amending to read 'New non-historical materials…, repeal ' …except that the', the word 'The' amends this section to begin a 2nd sentence and further amend

the 2nd sentence to repeal the word '…authenticity…'. These amendments do not change the regulatory effect from the 2001 CHBC.

8-903.4. Drainage and Vent Systems.
No change proposed.

8-903.5. Indirect and Special Wastes.
No change proposed.

8-903.6. Traps and Interceptors.
The Board is proposing to repeal the word 'alternative' as it is redundant in this code and replace it with the word 'solution'. The intent of this code is to provide solutions, not alternatives. The amendments do not change the regulatory effect from the 2001 CHBC.

8-903.7 Joints and Connections.
No change proposed.

8-903.7.1.
No change proposed.

8-903.7.2.
No change proposed.

8-903.8. Water Distribution.
No change proposed.

8-903.9. Building Sewers and Private Sewage Disposal Systems. No change proposed

8-903.10. Fuel-gas Piping.
The Board is proposing to repeal the word 'alternative' as it is redundant in this code and replace it with the word 'solution'. The intent of this code is to provide solutions, not alternatives. The amendments do not change the regulatory effect from the 2001 CHBC.

SECTION 8-904
ELECTRICAL

8-904.1. General. The Board is proposing to amend the language to be consistent with other changes in this code. The Board proposed to repeal the word … note.' and amend by including these words '…permitted by this code, or approved by the authority having jurisdiction.' The amendments do not change the regulatory effect from the 2001 CHBC

8-904.1.1.
See General.

8-904.1.2.
No change proposed.

8-904.1.3.
No change proposed.

8-904.1.4.
No change proposed.

8-904.2. Wiring Methods.

8-904.2.1.
No change proposed.

8-904.2.2.
No change proposed.

8-904.2.3.
No change proposed.

8-904.2.4.
No change proposed.

8-904.2.5.
No change proposed.

8-904.2.6.
No change proposed.

8-904.2.7.
No change proposed.

8-904.2.8.
No change proposed.

CHAPTER 8-10
QUALIFIED HISTORICAL DISTRICTS, SITES AND OPEN SPACES

SECTION 8-1001
PURPOSE AND SCOPE

8-1001.1. Purpose.
8-1001.2. Scope.
8-1001.3. Applicability.
The Board is proposing to repeal the entire section 8-1001 (Purpose, Scope and Applicability) and repeal Sub-sections 8-1001.1 (Purpose) (8-101.2 (Scope) and 8-1001.3 (Applicability). The Board is proposing to adopt a new Section 8-1001 (Purpose and Scope) and adopt new Sub-sections 8-1001.1 (Purpose) and 8-1001.2 (Scope). The Board is proposing to repeal and adopt these provisions to conform to the format of the other chapters and sections. The repeals and adoptions do not change the regulatory effect from the 2001 CHBC.

SECTION 8-1002
APPLICATION

8-1002.1.
The Board is proposing to repeal the entire section 8-1002 (Site Relations). The Board is proposing to adopt a Section 8-1001 (Purpose and Scope). The Board is proposing to adopt new Sub-sections 8-1002.1 (Purpose), 8-1002.2 (Scope), 8-1002.3 and 8-1002.4. The Board is proposing to repeal these provisions to conform to the format of the other chapters and sections. The repeals and adoptions do not change the regulatory effect from the 2001 CHBC. The Board is proposing to separate the application provisions of the section to conform to the format of the other chapters and sections. The amendments do not change the regulatory effect from the 2001 CHBC.

The Board is proposing to adopt language to clarify and add specificity to the use of the code for building standards that apply to sites, districts and open spaces which are not covered under Chapter 8-3. The proposed amendments are intended to clarify a part of the code that has required numerous interpretation and decisions by the Board. Section 18956 of the SHBC gives the SHBC authority for application to all of the kinds of qualified historical buildings and properties that are noted in the definition of qualified historical building or property, Section 8-218 but not specifically addressed in other sections. The language is consistent with long standing precedent and appeal decision by the Board. The amendments have the regulatory effect of setting in place existing Board precedent.

SECTION 8-1003
SITE RELATIONS

8-1003. Site Relations.
The Board is proposing to adopt new language in 8-1003 (SITE RELATIONS) to conform to the format of the other chapters and sections. The Board is proposing to make editorial amendments that reflect the definition of a qualified historical building or property with the adoption of the word “building” and changing “urban” to “historic”. The adoption will make the section less confusing for the user. The adoption does not change the regulatory effect from the 2001 CHBC.

APPENDIX A

CHAPTER 8-1

The Board at the 12-7-06 public hearing modified this section to combine the two sentences for clarity. This section was also modified per a comment from Page and Turnbull to accurately reference the standards.

The Board is proposing to adopt language in Appendix A, Chapter 8-1 a cross reference to the United States Secretary of Interior Standards for the Treatment of Historic Properties and the Secretary of Interior's Guidelines for the Treatment of Cultural Landscapes.

CHAPTER 8-6
TABLE 1 – PROVISION APPLICABILITY

The Board is proposing to amend the language of the Appendix Chapter for clarity and specificity. The Board proposes to include the equivalent language in tabular form in the CHBC Appendix Table 1 (Provision Applicability) to provide the user the ability to see the scope of use of the various provisions to the Federal Titles where they apply. This table contains the same language in an alternate form. The adoption of the provisions of Chapter 8-6 in this format does not change the regulatory effect of the CHBC as proposed in this rulemaking.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE (GC§ 11347.6)

The DSA/HB has not received comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY (GC§ 11347.6)

The DSA/HB has not received comments from the Trade and Commerce Agency.

STATEMENT CONFIRMING COMPLIANCE WITH GOV 11346.7.1

The DSA/AC has complied with requirements in making all documents in this rulemaking available to the public. All public Notices are posted on the CBSC website at: http://www.bsc.ca.gov, see 2006 Annual Code Adoption Cycle.