STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

Washington State Energy Code Development

Standard Energy Code Proposal Form

May 2018

Log No. _____

Code being amended: ☒ Commercial Provisions ☐ Residential Provisions

Code Section # C502, C503, new C506

Brief Description:

Proposed code change text: (Copy the existing text from the Integrated Draft, linked above, and then use underline for new text and ~~strikeout~~ for text to be deleted.)

Modify definition as follows:

HISTORIC BUILDINGS. ~~Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.~~ Any building or structure that is one or more of the following:

1. Listed, or certified as eligible for listing by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register-listed, state-designated or locally designated historic district.

Modify section as follows:

C501.6 Historic buildings. ~~The building official may modify the specific requirements of this code for historic buildings and require alternate provisions which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings or structures that are listed in the state or national register of historic places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a national register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the national or state registers of historic places either individually or as a contributing building to a historic district by the state historic preservation officer or the keeper of the national register of historic places.~~ Provisions of this code relating to the construction, *repair, alteration*, restoration and movement of structures, and *change of occupancy* shall not be mandatory for *historic buildings* provided that a report has been submitted to the code official and signed by a registered design professional, or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.

Purpose of code change:

When the existing buildings chapter was created for the 2015 edition of the IECC, the way the IECC applies to historic buildings was also significantly updated. Multiple proposals were offered to address the deficiencies of the IECC in addressing historic buildings. The proposal that was ultimately adopted in the IECC was submitted by a collection of groups that included New Buildings Institute, the

American Institute of Architects and the National Trust of Historic Preservation. This was the solution that was preferred by historic preservationists as striking an appropriate balance between sustainability and historic preservation. It is important to note that the approach currently in the WSEC – where the code official may make modifications to the provisions for historic buildings - was addressed in testimony during the hearings for the 2015 IECC. Historic Preservationists universally rejected this approach, pointing out that building officials did not generally possess the expertise necessary to make such determinations.

The IECC approach utilizes a definition of "historic building" that has been adopted throughout most of the I-Codes, and consequently through the rest of the Washington codes. The WSEC approach creates a formal definition for "historic building" in Section 202 that is inconsistent with the definition used in the rest of the Washington codes. Additionally, the WSEC proceeds to effectively redefine historic building in C501.6 by setting a different set of criteria for the buildings that qualify for a potential accommodation. This language is contradictory since C506.1 is in some ways narrower than the definition that it references and, in some ways, broader. The charging language is also inconsistent with the way that preservation regulations apply the "qualifications" for a building being considered a historic building. These inconsistencies that WSEC inherits from the older IECC language have been resolved and corrected in the updated IECC language.

It is important to note that the Washington Association of Building Officials proposed the approach in the WSEC for the IECC, but ultimately supported the public comment that resulted in the approach adopted in the IECC and included in this proposal.

The Washington building code recognizes the importance of professional qualifications. This is not limited to just professions that require professional licensure like architects and engineers, but also for commissioning professionals. Historic Preservation is a highly technical field. Federal law sets minimum professional standards for various preservation professionals (36 CFR Part 61). The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. These qualifications require specialized graduate level degrees in the fields of historic preservation, history, architectural history or archaeology. Building officials generally do not meet these professional standards and therefore generally do not have the necessary professional knowledge to evaluate all of the situations where a WSEC requirement could have a detrimental impact on a historic building.

The provisions of the WSEC can be at odds with local preservation ordinances that prohibit certain alterations. Historic building owners can find themselves between one regulation that requires them to do one thing and another that prohibits that same thing. Navigating this conflict adds time and expense to projects that involve historic buildings, which is a barrier to the preservation of buildings. Even when those regulatory conflicts do not exist, many WSEC provisions would require changes that are detrimental to the historic building. This can also put code officials in a difficult situation and can add substantial time and expense of code implementation to resolve these conflicts.

I meet the federal requirements for architectural historian and historic architect – the two professional qualifications most relevant to historic preservation of buildings – and have a Master's degree in Historic Preservation. I have served on the Clark County Historic Preservation Commission (CCHPC) for 5 years and am the current chair. This professional training and experience have given me ample encounters with the challenges posed by the application of preservation standards by code officials. In the City of Vancouver (one of the cities in Clark County), code officials enforce the preservation regulations in place for buildings in certain historic districts. Alterations that to not conform to preservation standards, nor even to the preservation regulations in the code, are routinely approved by code officials. This is not necessarily due to negligence on the part of the officials, but to the fact that applying the standards and regulations require a sufficient background in historic preservation that the officials simply do not have. The local commission and the Department of Archaeology and Historic Preservation (DAHP: the state preservation authority) have frequently had to reach out to the City about these issues. If one of the largest, more sophisticated jurisdictions in Washington struggle with these

kinds of evaluations, then smaller jurisdictions with smaller staffs can hardly be expected to adequately and successfully take on the discretionary obligations imposed by the WSEC. Perhaps a jurisdiction like Seattle has the necessary expertise and qualifications on staff, but most jurisdictions do not.

Washington state often has better solutions than the model code language in the IECC. However, in this case, the solution in the IECC is superior, having been crafted with input from both sustainability and historic preservation experts. While this approach may lead to less energy savings from historic buildings, it also provides much better protection for those buildings. Energy efficiency can always be gained through other means, but damage to historically significant features of a historic building can never be truly reversed.

Your amendment must meet one of the following criteria. Select at least one:

- ☐ Addresses a critical life/safety need.
- ☒ The amendment clarifies the intent or application of the code.
- ☒ Addresses a specific state policy or statute. (Note that energy conservation is a state policy)
- ☒ Consistency with state or federal regulations.
- ☐ Addresses a unique character of the state.
- ☐ Corrects errors and omissions.

Check the building types that would be impacted by your code change:

- ☐ Single family/duplex/townhome
- ☐ Multi-family 1 – 3 stories
- ☒ Multi-family 4 + stories
- ☒ Commercial / Retail
- ☒ Institutional
- ☒ Industrial

Your name	Sean Denniston	Email address	sedenniston@yahoo.com
Your organization	self	Phone number	916-599-2327
Other contact name	Click here to enter text.		

Instructions: Send this form as an email attachment, along with any other documentation available, to: sbcc@des.wa.gov. For further information, call the State Building Code Council at 360-407-9278.

Economic Impact Data Sheet

Briefly summarize your proposal's primary economic impacts and benefits to building owners, tenants and businesses.

This proposal will reduce the cost of code compliance since project teams will not be required to meet or mitigate changes that are detrimental to the historic building. This proposal will also decrease the cost of code implementation since it removes the obligation to make determinations from the code official, saving both the staff time and the consultant fees that would be required to provide adequate, defensible determinations.

Provide your best estimate of the construction cost (or cost savings) of your code change proposal? (See OFM Life Cycle Cost **Analysis tool** and **Instructions;** use these **Inputs**. **Webinars on the tool can be found Here and Here**)

$Click here to enter text./square foot (For residential projects, also provide $Click here to enter text./ dwelling unit)

Show calculations here, and list sources for costs/savings, or attach backup data pages

Provide your best estimate of the annual energy savings (or additional energy use) for your code change proposal?

kWH/ square foot (or) Click here to enter text.KBTU/ square foot

(For residential projects, also provide Click here to enter text.KWH/KBTU / dwelling unit)

Show calculations here, and list sources for energy savings estimates, or attach backup data pages

List any code enforcement time for additional plan review or inspections that your proposal will require, in hours per permit application:

All questions must be answered to be considered complete. Incomplete proposals will not be accepted.