

Historic Preservation Incentives for Qualified Historic Resources

California Building Code Flexibility:

- Qualified historic resources are unique in they are afforded flexibility and permitted exceptions under the 2019 California Building Code, Title 24, Part 8 California Historical Building Code, Chapter 8-1 Administration; and 2019 California Building Code, Title 24, Part 9 California Fire Code, Section 102 Applicability, [A] 102.6 Historic Buildings; and that these are written specifically to preserve the historic fabric, characteristics, and qualities; from being undermined and jeopardized.
- The application of these code provisions aren't arbitrary or optional, and governing officials and code enforcement agencies having jurisdiction are required under California State Law to grant allowances and exceptions. The authority for use of the CHBC is vested in Section 18950 through 18961 of the Health and Safety Code. Section 18954 states, "The building department of every city or county shall apply the provisions of alternative building standards and building regulations adopted by the CHBC Board pursuant to Section 18959.5 in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, relocation or continued use of a qualified historical building or structures."
- In the 2019 California Historical Building Code, Chapter 8-1 Administration, Section 8-101.1 Title, Purpose, and Intent, "... The CHBC requires enforcing agencies to **accept any reasonable solutions** to the regular building code, when dealing with historical buildings or properties." This language is reiterated in Chapter 8-3 Use and Occupancy, Section 8-303 Residential Occupancies, 8-303.1 Purpose. Further, Section 8-102 Application, 8-102.1 Application, paragraph 1. continues, "... local enforcing agency shall apply the provisions of the CHBC in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, relocation or continued use of a qualified historical building **when so elected by a property owner.**"
- The California Historical Building Code, Chapter 8-3 Use & Occupancy, Section 8-303 Residential Occupancies, paragraph 8-303.1 Purpose "... requires enforcing agencies to accept any reasonably equivalent alternative to the regular code when dealing with qualified historical buildings and properties." Further, paragraph 8-303.5 Room Dimensions "... rooms used for sleeping purposes may contain a minimum of 50 square feet (4.6 m²), providing there's a average ceiling height of 7' (2134 mm). Other habitable rooms need only be of adequate size to be functional for the purpose intended." Also, paragraph 8-303.6 Light and Ventilation, "Windows in habitable rooms shall have an area of 6 percent, or 6 square feet, whichever is greater. Windows in sleeping rooms shall be openable (see Section 8-503)."
- Further, 2019 California Historical Building Code, Chapter 8-5 Means of Egress, Section 8-503 Escape or Rescue Windows and Doors permits, "... every sleeping room below the fourth floor shall have at least one openable window or door approved for emergency escape which shall open directly onto a public street, public way, yard or exit court. Escape or rescue windows or doors shall have a minimum clear area of 3.3 square feet (.031 m²) and a minimum width or height dimension of 18 inches (457 mm) and be operable from the inside to provide a full, clear, opening without the use of a special tool."
- In the 2019 California Historic Building Code, Chapter 8-9 Mechanical, Plumbing, and Electrical Requirements, Section 8-901, Purpose, Intent, and Scope, 8-901.5 Energy Conservation, permits "Qualified historical buildings ... are exempted from compliance with energy conservation standards." Further, Section 8-902 Mechanical

continues, “8-902.7.2 Existing duct systems which do not comply with applicable requirements of the regular code and do **not**, in the opinion of the enforcing agency, constitute a safety or health hazard may remain in use.”

California Fire Code Flexibility:

- In CHBC Chapter 8-4 Fire Protection, Section 8-401.1 Purpose clearly states, “... The CHBC requires enforcing agencies to ***accept any reasonable equivalent alternatives*** to the regular code when dealing with historical buildings or properties.” Further, Section 8-401.2 Intent, goes on to state, “The intent of the CHBC is to preserve the integrity of the qualified historical buildings or properties while maintaining a ***reasonable*** degree of fire protection based primarily on the life safety of the occupants and firefighting personnel.”
- Further, in addition the 2019 California Building Code, Part 9 California Fire Code, Section 102 Applicability, [A] 102.6 Historic Buildings, supports and continues, “Historic Buildings where such buildings do **not** constitute a distinct hazard to life or property. Fire protection in designated *historic* buildings shall be provided with an approved fire protection plan as required in section 1103.1.1.” Section 1103.1.1 cites NFPA 914-915: Code for Fire Protection of Historic Structures. It also references Section 1103 Fire Safety Requirements for Existing Buildings, 1103.1.1 Historic Buildings, “... the fire protection plan shall comply with the maintenance and availability in Sections 404.3 and 404.4.”

Planning Entitlements & Incentives:

- Palo Alto Municipal Code Section 18.10.130 (b) Exemptions to gross floor area requirements are available for qualified historic residences pursuant to the definition of gross floor area in Section [18.04.030](#)(65)(D)(vii). Home improvement exceptions provide for additional square footage and certain other exceptions for historic homes pursuant to Section [18.12.120](#) (R-1 Chapter).
- Palo Alto Municipal Code Section 18.04.030 (65)(D)(vii) For residences designated on the city’s Historic Inventory as a Category 1 through 4 historic structure as defined in Section [16.49.020](#) any contributing structure within a locally designated historic district, or if individually listed on the National Register of Historic Places or California Register of Historical Resources, the following gross floor area exclusions apply.
 - a. New or existing basement area, including where the existing finished level of the first floor is three feet or more above grade around the perimeter of the building foundation walls; and
 - b. Up to 500 square feet of unusable attic space in excess of five feet in height from the floor to the roof above.
- Palo Alto Municipal Code Section 18.12.120 (a) Home Improvement Exceptions, Purpose, A home improvement exception ("HIE") enables a home improvement or minor addition to an existing single-family or two-family home, or accessory structure, or both, to be consistent with the existing architectural style of the house or neighborhood, to accommodate a significant or protected tree, or to protect the integrity of a ***historic structure*** in conformance with the Secretary of the Interior's *Standards for Historic Rehabilitation*. By enabling adaptive reuse of existing buildings, the home improvement exception promotes retention of existing houses within the city.
- Palo Alto Municipal Code Section 18.12.120 (a) (10) For any residence designated on the city's Historic Inventory as a Category 1 through 4 historic structure as defined

in Section [16.49.020](#) of the Palo Alto Municipal Code or any contributing structure within a locally designated historic district, to allow up to 250 square feet of floor area in excess of that allowed on the site, provided that any requested addition or exterior modifications associated with the HIE shall be in substantial conformance with the Secretary of the Interior's *Standards for Historic Rehabilitation*. The property owner who is granted a home improvement exception under this subsection (10) shall be required to sign and record a covenant against the property, acceptable to the city attorney, which requires that the property be maintained in accordance with the Secretary of the Interior's *Standards for Historic Rehabilitation*.

Public Works Flood Hazard Exception:

- Palo Alto Municipal Code Section 16.52.040 (a)(43) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. This term includes a structure which has incurred substantial damage, regardless of the actual repair work to be performed.

The term shall not include:

(B) Any alteration of an historic structure, provided that the alteration will not result in the termination of a structure's continued designation as an historic structure;

In short: Section 16.52.040 (a)(43)(B) exempts qualified historic structures from Public Works flood hazard requirements.