



STATE HISTORICAL BUILDING SAFETY BOARD

3/27/2025

Subject: *Executive Director Review of Appeal for the property at 53385 Pioneer Town Road, Pioneertown, CA 92268*

Authority of the State Historic Building Safety Board (hereafter the Board)

Pursuant to Health and Safety Code Section 18960(c):

The [Historic Building Safety] board shall also act as a review body to state and local agencies with respect to interpretations of this part [Part 2.7 of the Health and Safety Code (aka. The Historic Building Code)] as well as on matters of administration and enforcement of it. The board's decisions shall be reported in printed form.

(1) Notwithstanding subdivision (b) of Section 18945, if any local agency administering and enforcing this part or any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of this agency representing a building standard wishes to appeal the issue for resolution to the State Historical Building Safety Board, these parties may appeal to the board. The board may accept the appeal only if it determines that issues involved in the appeal have statewide significance.

(2) The State Historical Building Safety Board shall, upon making a decision on an appeal pursuant to paragraph (1), send a copy to the State Building Standards Commission.

Code Development and Appeals Advisory Committee Guidance

On 19 April 2024 the Board created the Code Development and Appeals Advisory Committee (hereafter the Committee), in part, to consider and advise the Board regarding appeals. The Committee may receive and provide recommendations to the Board on appeals. The Committee may not act on behalf of the Board. The Committee may recommend: "Denial of the appeal"; "Approval of the appeal" or "further study" by the appellant". The Committee may make additional recommendations to either the appellant or the local jurisdiction as deemed appropriate by the Committee. Committee recommendations must be based on majority vote of a quorum. Additional information may be provided to the Board by the Committee to substantiate the Committee's recommendations. Based on committee discussions and recommendations, appellants may select to continue the appeal to be heard by the Board or withdraw the appeal. In considering the facts of the appeal, the committee must consider whether the structure or property is a qualified historic building or property, as defined. Pursuant to Health and Safety Code 18960(c) the Committee must also determine if the issues involved in the

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appeal have statewide significance. These recommendations must accompany the Committee's findings to the Board.

Appeal Documents

On 17 March, 2025 staff received an appeal submitted by Mr. Joeseeph Santiago relating to a building permit issued in the County of San Bernardino, permit No. SFR-21-00730 dated 09/28/2022, expiring 3/27/20223. The permit is to relocate a single-family residence. Related permits included in the appeal are SFR-2021-00731 and ACCR-2020-00334 for a detached ADU and detached garage respectively.

The appellant has submitted DSA Form 162 Historical Building Code Appeal and supplemental documents relating to the appeal. Not all subject building permits issued by San Bernardino County have been received. All documents were emailed on 17 March 2025. Documents provided to staff were submitted in three separate emails with attachments in no specific organized fashion. For ease of reference by the Committee, staff has organized the supplemental documents including page separators with descriptions.

The County of San Bernardino provided a staff report created to inform the San Bernardino Building and Safety Board regarding a hearing for the subject property. That report is provided in the Committee packet both in its original unaltered form as well as a separate copy submitted by the appellant with appellant commentary and annotations. The appellant has also provided some fragmented information regarding Historic registries and a presentation with other supplemental information and appeal information.

Description of Issues Being Appealed

The appellant is appealing the revocation of the building permits based on numerous references including Health and Safety Code 18954, 18961 and the California Historic Building Code (CHBC) Section 8-102.1.2, 8-102.1.5, 8-103.1, 8-105.1, 8-218, 8-303.7, 8-801.3 and Chapter 8-9. Supporting documents include an annotated copy of the staff report dated February 3, 2025 regarding the subject permits which details staff recommendations and findings. Comments and annotations are provided by the appellant. Additionally, a copy of the staff report was provided by the county which is not annotated for committee reference.

The appellant asserts that action was taken by the county without consultation of the State Historic Building Safety Board (SHBSB). Note that no regulation or law is known to require consultation of the SHBSB by a local entity prior to taking action, whether ministerial or by board action. The SHBSB may be consulted by local enforcement authorities but is not required. The appeals process by nature is to appeal an action taken by a local jurisdiction. Without the determination by the Board of "statewide significance" the Board may not take action.

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The appellant is appealing various administrative actions made by the County of San Bernardino in their revocation of the permits that do not appear to be within the authority of the State Historical Building Safety Board's purview. For example, the appellant asserts that the county may not have provided due process in not demanding or allowing resubmittal within 90 days prior to revocation. Additionally, some annotations object to the county not considering the COVID Pandemic in their decision-making process. It is recommended that the portions of the appeal related to these actions not be considered in the appeal.

Qualifying Nature of the Buildings

The appellant has described the qualifying nature of the buildings in the submitted DSA Form 162. The appellant indicates that the county did not consider the qualifying nature of the buildings when revoking the permits. As indicated in the referenced San Bernardino staff report the county denies that the buildings are a qualified historic structure. Currently, San Bernardino does not have a Historic building committee or commission charged with the maintenance of a local historic registry or to review and consider claims of historic buildings or properties.

The supporting documentation submitted by the appellant include images of pages taken from reports and lists issued by the State of California, Department of Parks and Recreation Historic Resources Inventory for the single-family residence and the City of Huntington Beach Historic Resources Report dated May 4, 1987 for the detached ADU and detached Garage. It is noted that very few details connecting the buildings listed in the Historic Registries to those identified in the photographs is provided in the supporting documentation.

Submitted documents are photographs of pages from registries. No complete registry was provided. A complete historic structures report for each building was not provided, hence, making a determination of the exact nature of the historic fabric and nature of the buildings difficult. In the partial information provided relating to the historic nature of the buildings some references to local [Huntington Beach] context are made, bringing into question whether, when removed from the original context, the nature of the once qualified historic structure is still considered a qualified historic structure. Supplemental documents provided indicate the residence may have been relocated more than once. A complete history of the relocations has not been provided. For example, no bill of lading recording the relocation of the structure(s) from the address indicated the historic registry to the final location. The single-family residence has been relocated but, according to the aforementioned San Bernardino staff report the ADU and Garage have not yet been relocated. Precise tracking of the structures from one location to the next is not evident in the submitted supplemental information. The executive director makes no recommendations relating to the qualifying nature of the buildings to the Committee.

Description of Statewide Significance

The appellant indicates on the DSA Form 162, five enumerated reasons that issues included in the appeal should be considered of statewide significance. Items 1-4 relate

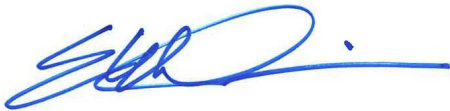
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the determination of a qualified historic structure. As indicated herein, issues relevant to this appeal relate to the relocation of a qualified historic structure and to what extent the historic fabric or structure is tied to its original context. Would a qualified historic structure lose its qualified status once removed from the context. Are there conditions for which this would not be the case? The executive director makes no recommendations to the committee relating to items 1-4. Other considerations are the state of reconstruction or disrepair of remaining historic fabric of the buildings. Item 5 asks the Board to consider whether a local jurisdiction may act on a permit without consulting the SHBSB. AS stated previously, no statute or regulation is known to require a local agency to consult with the SHBSB prior to taking action. Further, pursuant to Health and Safety Code 18957: "Nothing in this part shall be construed to prevent authorized building or fire officials from the performance of their duties when in the process of protecting the public health, safety, and welfare." The Executive Director recommends that the assertions made by the appellant in relation to item 5 are not accurate and therefore recommended to not be considered when determining statewide significance.

Recommendations

In summary, the Committee may consider the qualifying nature of the buildings and whether the relocation of these structures jeopardizes their reported previous qualified status. The Committee may also consider whether these issues relating to the qualified status is of statewide significance. However, these two issues may be considered moot when considering the nature of the appeal is related to administrative and apparent ministerial actions not within the purview of the SHBSB (i.e. revocation of building permits due to reported inaction and public safety). While it is typical that historic restoration requires longer construction durations due to the additional detailed work, neither the Health and Safety Code Part 2.7, the Historic Building Code, nor Title 24, Part 8 the California Historic Building Code limit such ministerial actions taken by a local jurisdiction nor is it required that longer permit schedules or special administrative procedures are a requirement of local jurisdictions based upon a qualified historic status of a building. It is therefore recommended, should the appellant wish to advance the appeal to the full Board, that the Committee recommend denial of the appeal.

Sincerely,



3/27/2025

Eric Driever,
Executive Director