practicing architect

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CONVENTION REPORT

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PRESIDENT'S MESSAGE
Richard E. Shields, FARA

The 1979 Convention is now recorded in the archives of the Society. This issue will document the many things that took place. As predicted, the Convention was a great experience and very successful due to the efforts of the Illinois State Council.

The exhibitors' displays were outstanding. Many worthwhile products were shown for the membership. The architectural and student design panels showed many new and creative imaginations. Tours and seminars were well attended and received with interest, and everyone obtained some thoughts for their practice when returning home.

The fellowship, as always, was at a high level, and friendships were again made that will last for years to come.

I want to inform you that the 1980 Convention is underway, and we are looking forward to a great convention in November, in Los Angeles.

I am looking forward to 1980 as a growing year for the Society in establishing its position on various issues, as well as strengthening the Society as a whole.

THE FOUNDER'S CORNER
Wilfred J. Gregson, FARA

Oil price increases and resultant inflation could spell troubles for our profession. We found out in 1929 that we were not in great demand.

It would be well to discover factors to overcome stormy weather. Even if the gloomy predictions of the economists of a recession should have been exaggerated, a study of procedure will be helpful. Collect your bills as soon as possible. (In a depression, bill collection is extremely difficult.) Cash is better deposited in several rather than in one bank. Surplus funds should be in U.S. Government Bonds. (They draw interest as may not be the case with other types.) Despite the paucity of business there exist innumerable opportunities in a depression which may be overlooked by the faint-hearted. There are always people who make money at the bottom.

Find them. Convince them that now is the time to build using extra insulation, double glazing, solar heat, solar air conditioning, and solar heated swimming pools. Get an advance on your fee. Explain that your pencil moves faster when fed. Federal programs designed to end the depression will probably be initiated. Bargains are available when money is scarce. Be prepared. Keep in mind that capital is the key to success.

A sign that I saw in a store has stayed with me these many years:

Count that day lost.
Whose low descending sun Sees profits shot to hell
And business done for fun.
Keep alert and avoid the contagion of depression blues!

1980 OFFICERS ELECTED

As reported to the Annual Meeting at the National Convention, Richard E. Shields of Pennsylvania will be serving his second term as our President in 1980. Reelected as President-elect is G. Robert Johnson from Illinois.

The other 1980 Society Officers are: Sidney Epstein (Illinois), Vice President; Arnold Schaffner (Illinois), Recorder; Fred H. Prather (Illinois), Treasurer; Wayne C. Bryan (Illinois), Director; Bertrand Johnson (New Jersey), Director; Donald McKerchar (Florida), Director; Chester A. Stark (Illinois), Archivist; and Alex A. Gravesen (Florida), Regent-at-Large.

They are all very active members with considerable experience in national Society affairs. This experience and their demonstrated talent provides an excellent start toward a successful 1980 for ARA.
ANNUAL MEETING

“We've been told by those who attempt to project our future that this is a period of change and a period of growth. When we have a period of change that's also a period of challenge because as things change you have to change with them and that gives you the challenge. If things are changing that's when we're called upon; architects, planners, and engineers; to give guidance to the change that takes place.”

Richard E. Shields, President

President Richard Shields called Annual Meeting of the Society to order at 8:50 am on Saturday, October 20, 1979. ARA Founder Wilfred Gregson gave his customary eloquent and relevant invocation.

Treasurer Wayne Bryan reported that the Society was in satisfactory financial condition with adequate operating cash in the bank and bill payment current. He noted that this was primarily due to committees staying within their budgets and the Executive Board taking prompt and appropriate action to cut expenses when it appeared this summer that dues and advertising revenue would not equal the budget projection.

In his capacity as the 1979 Convention General Chairman, Wayne Bryan reported that it appeared that the 1979 Convention would accomplish its mandate to remain financially self-sufficient. Full registrations totalled fifty members and thirty wives, with day registrations swelling attendance at general affairs to over ninety. The seminar programs also appeared to draw a considerably better audience than the number of full registrations would suggest. Member comment indicated that the speakers and subject matter were well received.

Arnold Schaffner, the 1979 Convention Exhibit Chairman, reported that we had 32 exhibitors with two having double-booths and that the “Ad-Book” had over 50 advertisers. Based upon the most current expense projection the Convention should be financially in the black.

John Pankovich reported to the membership on the Awards Program. The professional entries submitted totaled 35 and from these the jury selected 16 for award citations. Concern was expressed over the continuing decline in the number of professional award entries received. It is hoped that the new design award recording and exhibition program undertaken with this year's awards, will provide additional stimulus to project submissions.

It was suggested from the floor that perhaps simplifying the material to be presented might encourage more offices to enter. In the general discussion that followed, two factors critical to a further reduction of presentation content surfaced: (a) there is a basic minimum which must be maintained and as this material is intended to be viewed by the membership and general public as a display of current architectural design, and (b) there must be some reasonable level of presentation work that a firm is willing to undertake in an attempt to attain national level award recognition or the award has no credibility. However, Chairman Pankovich has agreed to review the submission requirements during the coming year to see if any meaningful changes can be instituted.

The Student Award Program received only eight entries, but for apparently different reasons than the problems afflicting the profession program. The early scheduling of the Convention this year created time conflicts with some schools which normally schedule this as a fall semester problem. In addition the admissions from two schools were lost or delayed in transit. Although the judging was delayed for three days, this material still had not arrived by the end of the Convention. First and second place Awards only were awarded in this year's program. (See Awards review — this issue.)

Membership Committee Chairman Donald Mckerchar stated that we have gained 80 new members as a result of our membership development direct mail program. Fred Prather handled the task of mailing out over 21,000 pieces of mail during the early part of this year.

Richard Bonsinore stated that a closer and more personalized liaison with schools is important to membership. It was pointed out that volunteers are needed for this activity. President Shields stated that firms should send the addresses of their new employees to the Membership Committee Chairman for direct membership mailings.

It was proposed and approved by unanimous consent and decree that the following ladies be granted Honorary Membership in the Society of American Registered Architects.

Lillian Gregson
Marge Samuelson
Vida Chenault

President Shields moderated a floor discussion on the current status and expectations for statute of limitations legislation within the various states. It was noted that currently the period of limitation appears to run between 7 and 12 years. There did not develop any strong consensus for any particular time period, but there did seem to be a feeling that 12 years represented a maximum period.

It was also recognized that a "post time of discovery" limitation period, which represents the format that the legal profession traditionally prefers, is useless as it really represents no limitation at all. The New York Council stated that a statute of limitations bill for their state remains stalemated in committee, with little evidence of movement. Follow up discussion stressed that for such legislation to move it requires the broadest possible support of the building design and building...
construction professionals, committed to active lobbying.

During the general discussion of insurance problems it was stated that larger firms are permitted to set aside profits before taxes to provide their own Professional Liability self-insured program. This is a Federal rather than a State permitted tax allowance.

Harry Botesch reviewed his monitoring and reporting on OSHA over two years, including his own third party involvement in three different suits. OSHA mandates include architects, engineers, specifiers, etc., so it is important to read the bill to decipher and understand its provisions. In Court the judge will ask, "Professional, what can you say to defend yourself or your action?"

You had best be ready! An article by J. Norman Stark once provided the judge with the information required to dismiss him. He recommends a must reading, Designer's Guide to OSHA by Peter S. Hopf (McGraw-Hill).

Arnold Schaffner, G. Robert Johnson, and Dick Shields reviewed the current confusion in the field of "barrier-free"/"handicapped access" requirement compliance in light of the widely differing state and local codes and the varying degrees of enforcement. It was noted that the revised ANSI Standards are due to be issued early in 1980 and that this may provide some unifying point around which to clarify this situation.

G. Robert Johnson noted that in Illinois the new handicapped standards are being enforced through direct legal action against the architect or engineer where non-compliance is alleged. This is a condition which should be monitored and avoided in other jurisdictions, if at all possible.

President Shields again noted the need for Councils and individual members to get involved in the review process for local legislation and code revisions which affect the practice environment.

Alex Gravesen reported the results of the recent By-Laws referendum stating that all proposals had passed. (See details of By-Laws revisions elsewhere in this issue.)

SIX AMENDMENTS TO ARA BY-LAWS ARE PASSED IN 1979 REFERENDUM

The results of the mail referendum were reported by Alex Gravesen to the October 20th Annual Meeting of the Society. Ballots were received from 26% of the membership and all proposals were approved by positive response in excess of the two thirds majority required. The corrected text of the affected sections of the Society By-Laws will now read as printed below.

ARTICLE V, Section 2: delete entire subsection (E).
ARTICLE VI, Section 1: delete entire subsection (C).
ARTICLE VII, Section 1: delete line in table reading: "Honorary Members $12.00 - $12.00.
ARTICLE IX, Section 7. Minutes revise section to read as follows: "Minutes of the Board shall be recorded by the Recorder. The minutes shall be transcribed and a copy mailed to each member of the Executive Board, the Presidents of each recognized Council, the Chairman of each National Committee, and the editor of each official Society Publication within fifteen (15) days of the Board Meeting.
ARTICLE XIV, Section 5. How Conducted. "All ballots for general membership referendums shall be prepared, printed and mailed by the By-Laws Review Committee on the referendum mailing dates indicated. All excess ballots printed shall be promptly destroyed upon completion of the mailing."

"Ballots shall be received at the office of the Chairman of the By-Laws Review Committee. The Chairman shall tally the votes and forward his tabulation to the Board of Directors at the next regular Board Meeting."

ARTICLE XVI, Section 3. "Ninety (90) days prior to the Annual Assembly the Chairman of the Nominating Committee shall mail to each Regent and the President of each recognized Council or Chapter a list of the Committee's tentative slate of candidates for the coming year, together with a request for additional nominations. The names of additional candidates may be submitted to the Nominating Committee. . . . (Balance of Section to remain unchanged)

ARTICLE XVI, Section 5. General Methods Operation. "The ballots for election of the officers shall be prepared, printed and mailed by the Nominating Committee forty-five (45) days prior to the opening day of the Annual Assembly. The closing date for receipt of ballots shall be fifteen (15) days prior to the opening day of the Annual Assembly."

"Ballots shall be received at the office of the Chairman of the Nominating Committee. The Chairman shall tally the votes and forward his tabulation to the Board of Directors at the next regular Board Meeting."

Our new Honorary Members, (left to right) Vida Chenault, Marge Samuelson, and Lillian Gregson.
ENERGY USE REGULATION — 1980 AND BEYOND

Paul Gilson, PE

Mr. Paul Gilson is a registered professional engineer. In 1978 he retired from the DOE where he served as the Regional Director of Energy Conservation Programs and the Manager of the Appropriate Energy Technology Program. Currently he is the Chairman of the Illinois Energy Management Committee, National Chairman of the Building Energy Council Association of Energy Engineers, and a member of the firm of A. Epstein & Sons. Mr. Gilson was the moderator and a speaker for the Energy Conservation Seminar. The following remarks have been extracted from the text of his seminar presentation.

The reason that the Department of Energy representative could not be here today is that they are having their meeting of all of the parties that have been involved in the development of the new National Energy Building Code Standards which are proposed to be inflicted upon every community in the country sometime the early part of next year. They were supposed to have been released in August, were deferred to September, and now deferred to perhaps sometime this month.

The publication which has probably already gone to the Federal Register will be 1300 pages long. The time for public response — that in which you can read the published 1300 pages and then respond to the specifics of the regulations to the Department of Energy has been greatly reduced even though they told us back in the spring that they were going to give us six months to reply and they were going to hold hearings in major cities. They probably will still hold hearings, so watch your local newspapers. But only a two month period is going to be provided between the release of the proposed rules, as they call them, and the final rules. It'll be a busy two months: receiving all the comment, massaging it, and coming out with the final regulations reflecting what they are willing to change and what they are not willing to change. So that's how immediate this thing is.

This proposal planned for implementation next year, and attendant government actions, are going to hit you very hard in your designs: very hard in what you're going to be doing in the 80s and the 90s and the 21st century. We're in a particular phase in architecture and the prerogatives within the architecture and engineering of buildings, (for that matter anything which consumes energy) are going to be decided this year for many, many years to come. So keep your ears open, participate and speak out for or against it, if it's right and proper for the country — not just about its effects on our profession.

What's happening is happening in building structures and mechanical systems and electrical systems and for any one of us who build buildings to ignore the other professions that contribute to making a total energy efficient structure is not really practicing our profession, mechanical engineers, electrical engineers, structural, the architectural designer, the architectural engineer, the contractor, the client — we are all part of a system which will dictate whether our buildings can be acceptable under a crisis condition which will be with us for many years.

I could start with a series of charts but I don't think that an astute audience of architects living in 1979 and going into the 80s need review all these figures because you already know. We're facing that crisis and we're going to have to respond to it. Our collective designs, architecture and engineering, must not merely please our clients and the communities which must view these structures but they are closely related to our foreign relations, our national integrity and our very survival as one of the few remaining democracies. So what you understand and how you react with energy conscious designs is a matter of public policy — not necessarily corporate policy, or client policy. The future designs of buildings including the selection of materials, the systems and the capabilities to utilize renewable energy sources will be dictated more by CIA studies, such as that Russia will go from an oil have to an oil have-not country by 1982, than by aesthetic trendiness and the schools of architecture.

The American Society of Heating, Refrigeration and Air Conditioning Engineers, with some provocation from the U.S. Department of Commerce, the U.S. Post Office Department and others, initiated a program to develop some kind of national consensus standard which could be adopted by local communities in addition to the normal code requirements to insulate some minimum level of energy integrity in future structures. So we took on that task several years ago and prepared ASHRAE Standard 90P which was released and adopted as ASHRAE Standard 90-75. This document is currently being reviewed for revision early next year as 90-75R. However, there were a number of people, principally in the architectural profession, who felt that the approach taken, which they defined as specific design restrictions, felt that ASHRAE Standard 90-75 was still too restrictive and unnecessary. They went to the Congress and said we need a national standard. They convinced the Congress to pass a law under Public Law 94385 which says that the Department of Housing and Urban Development shall develop a performance type standard which would establish the energy budget for any given structure in any part of the country for any building function or building type.

Now we are faced with two standards: a national consensus standard which was described as a prescriptive standard, which it really isn't, and the requirements for mandatory enforcement of a national standard by the Federal government acting through the states and local jurisdictions which will be supposed non-prescriptive and on a completely different basis. Thirty seven states have already adopted a standard which has a foundation traceable to ASHRAE 90-75 and they are now faced with a situation of a national standard which will supersede what the states have adopted.

Soon you're going to hear the word BEPS until your ears are ringing. It's Building Energy Performance Standard or Building Energy Budget. Hud is devising energy standards for building construction that are likely to alter the appearance, the shape, or the
...ENERGY USE

interworkings of every office building, hospital, school, factory or private home in the United States after February, 1981, which is the proposed implementation date. I might say that, except for those of us who were working in the government, very few people took note of this new law except a few professionals and certainly little was done about passing the information down to the profession. The mandate of the law is to draw up "Performance standards for new residential and commercial buildings which are designed to achieve the maximum practical improvements in energy efficiency and increases in the use of non depletable sources of energy."

The standards which are expected to be incorporated into building codes all over the country require that buildings be designed to meet an energy budget, that is they shall be built to operate without using more than a specific amount of energy per square foot of floor space depending on the purpose of the building and the climate where it is situated. Builders and architects are going to have to look at energy use as carefully as they do structure — as a design feature, not just as something that happens. Architects will be free to use any design, any material, as long as the finished product — the building and its systems — operate within the required energy use levels established for its function in its environmental part of the country.

Any standard certainly must be supported with research, with feasibility studies and with proof that this is an attainable standard, that it is reasonable, and it must stand up to any law under the scrutiny of the courts regardless of the urgency of the crisis. So the first phase was to establish base line data by examining existing buildings in terms of what they consume now as they are designed and operating, perhaps with some of the energy conserving actions that have been taken since 1973. Next to determine what could be done to a building, depending on its function, location, its age, its height and all the other characteristics to make it more efficient and then look at that from a standpoint of representing what buildings could achieve if they were built today under those revised standards. A contract was given to the AIA Research Corporation and they made a systematic survey of 1661 buildings to represent all structures built in 1975 and 1976 to determine how much energy was used by contemporary buildings (built since the 1973 oil embargo).

The range of use that was discovered was wide but the average single family house used about 69,000 BTUs per square foot of space for heating and cooling. By far the most energy demanding buildings were hospitals which averaged about 190,000 BTUs per square foot of heating, cooling, lights and other systems. By contrast the most efficient buildings were low rise apartment buildings which averaged about 43,000 BTUs per square foot. The DOE went and asked a number of architects about the specifics of 160 buildings. How would you redesign this building today to reflect energy conservation features they could think about without substantially altering the habits of the occupants, without changing the schedules, without seriously departing from the normally acceptable environmental standards. Currently, and probably continuing for many years, DOE has established various contracts to study in very great detail what is possible, principally using New York commercial buildings. To do in depth studies and model each of these buildings by computer, model its complete energy program on a simulated hour by hour basis over the 8760 hours constituting a climatic year. Those studies completed are available. Then they analyzed the data, categorized it and tried to explain the differences between new buildings which were almost similar in design and in use.

The strongest correlation between energy consumption and energy related building attributes appear to be these: Age of the building; hours of lighting (lighting in most commercial buildings is probably the largest energy consuming factor); hours of perimeter heat and cooling; types of perimeter system. They don't talk much about the interior ventilation system but it seems to be related to the thermal losses through exterior structure of the building.

This is some of what the computer told them. If you reduce the density from 100 square feet per person to 200 square feet per person in a commercial building, the energy use effect is less than 1%. In this simulation program, by cutting the occupancy in half, less than 1% energy is saved. Increasing the use of outside air from 20% to 30%, had an effect of somewhere between 1% and 3%. Increasing the indoor summer design from 75° to 80° (a 5 degree design temperature change) had an energy use effect of between 1% and 5%, say somewhere around 3 to 4%. Reducing night temperatures from 65° to 55°, still in that same category, 1 to 5%. Reducing the night temperature from 65° to 55° and the daytime temperature from 70° to 65°, which is now mandate under the Emergency Building Temperature prescription of the President, resulted in between 5 to 10% savings on this simulation. Increasing glass area from 35% to 50% in the building would increase somewhere between 8 to 10% the energy consumption. Changing lighting by one watt per square foot, either increasing it by one watt from 3 to 4 or from 3 to 2 the other way, an effect of about 10 to 15% in a commercial building in either savings or additional energy consumption.

I think it would be well to examine the impact of this program. What's this going to mean in terms of not just the ultimate building and its systems but in terms of engineering and administrative support for our design, permits and proof of compliance on inspections and all the other things.

First of all, how do you prove that your particular structure at the time of design is going to require over a typical year of 8760 hours of operation no more than 55,000 BTUs amortized over the 100 or 400,000 square feet of your building area. Well, that means some computer analysis of the building program, which means at the time of design you have to know the tenancy. Who is going to occupy the building, how many hours a day are they going to occupy it and consume energy, to what degree will computers be operating and requiring 24 hour a day with heating and cooling circulation and all the requirements
that go with chillers and air handling systems and all that and sometimes fans to support computer rooms as well as the energy for the computer themselves and the data processing equipment, office equipment, xerox machines.

Under the current development program the design energy budgets will be selected. It is anticipated that the individual design energy budgets will be selected for different classifications of buildings and for different climatic regions. It is anticipated that these design energy budgets will in some manner reflect source energy consideration as well as the sociological factor associated with the use of specific energy sources to given locations. It certainly stands to reason that this country is in greater jeopardy by somebody using 55,000 BTUs of imported oil per square foot for their building as opposed to someone who might be using local gas or solar energy to heat that building at the same 55,000 BTUs. So all of these things have to be massaged into the total context of an energy performance standard. This is just one and we can think of many, many more. The mechanical engineering profession has taken objection to this approach, not that it won’t serve some purpose in reducing energy consumption in new buildings, but it certainly has no affect on the existing building inventory which will for the next 25 years consume most of the energy. We still feel very strongly that the ASHRAE Standard 90-75 is the best approach at this time. It is not a prescriptive standard and it also has an option in it that if you want to take the BEPS approach you can analyze your total building in terms of its total consumption. We think some compromise will be effected in the near future. There has to be. But for now Congress was sold on an approach and they haven’t backed off from it. That approach must result in new laws, new regulations, new impositions on us as architects and engineers, but I would strongly suggest that you get involved in the review process. If there are any hearings in your area, study what they plan on doing. They want to hear from you and I know, having been on the other side of the fence, that no written comment, no statement made at a public hearing goes by the board. Every one of them is read, discussed by at least two or three people and a decision is made as to whether they are going to make a change in the direction of this comment. So every person particularly those who are most concerned and most knowledgeable like we, should have a direct impact on the eventual regulations. Now is the time to read them, study them and understand them.

Editor's Note: To update Mr. Paul Gilson's remarks and to verify the sense of urgency which he attempts to impart regarding DOE's energy performance standards, the following represent the latest reported developments at the time this issue went to press.

The DOE has announced that the BEPS will go into effect in March of 1980. The final proposed standards were to be published in the November 21 Federal Register and the DOE will allow ninety days for comment. By law the states are required to make compliance with these standards mandatory within six months. Because of normal legislative delays and political considerations this may slide back to January of 1981.

The enforcement provision of this program would prevent the residents of a non-complying jurisdiction from obtaining funds (grants or loans) from any federal program or federally assisted lending institution.

On the positive side the DOE has announced their intention to develop and distribute both manuals and computer programs which would establish equivalency relationships between the new standards and ASHRAE 90-75 standards.
1979 DESIGN AWARDS

GOLD MEDAL AWARDS

(left)
Guard Towers
Cook County Dept. of Corrections
Chicago, Illinois

Architect:
A. Epstein & Sons, Inc.
Chicago, Illinois

(below)
First Los Angeles Bank
Century City, California

Architect:
Maxwell Starkman & Assoc.
Beverly Hills, California

MEMBERS RECEIVE AWARDS

The ARA Gold Medal was awarded to Dwight Chenault of California for his continuous active service to the Society, dating back to the founding of the California Council, and to Donald Udin of Illinois for his efforts in serving as the editor and publisher of Practicing Architect. The 1979 Boulanger Award was presented to Past President Jerome Salzman of Illinois for his outstanding service to the ARA, as President Shields noted, "in the tradition of the late Jean Boulanger." President Shields awarded Presidential Citations to Wayne Bryan, G. Robert Johnson, and Fred Prather for their yeoman services in organizing the Chicago Convention. Everyone attending roundly applauded these awards, as they were well deserved.

Special Service Awards were made to William Baldwin, the President of the Illinois Council and host of the Convention; Alex Graveson for his outstanding work as Chairman of the By-Laws Review Committee; Ebbe Videnkien, as Chairman of the 1979 Design Awards Committee; Arnold Schaffner for his work on the Convention; Vida Chenault for her unstinting work in support of the Society; Wayne Bryan for his exceptionally competent performance as last year's Treasurer.

SYNERGY AWARD

World renowned Chicago architect Bertrand Goldberg, FAIA, FARA, was presented with the ARA Synergy Award at the concluding Awards Banquet, October 20th. President Shields cited Mr. Goldberg's continuous imaginative and humanistic approach to architectural problem solving, as evidenced by the progression of the work of his firm.
BLUE RIBBON AWARDS

(upper right)
Greeley Elementary School
Chicago, Illinois
Architect:
Thomas H. Kane
J. W. Sih and Assoc.
Chicago, Illinois

(middle right)
Mercy Health Center
Oklahoma City, Oklahoma
Architect:
Benham-Blair & Affiliates
Oklahoma City, Oklahoma

(lower right)
Peacock Alley
Rolling Hills Estates, California
Architect:
Maxwell Starkman & Assoc.
Beverly Hills, California

(below)
The Bradford Exchange
Architect:
D. Stewart McKerchar/
North Palm Beach, Florida
Weese, Hickey, Seegers & Weese Ltd.
Chicago, Illinois
RED RIBBON AWARDS

(right)
Dean A. McGee Eye Institute
Oklahoma City, Oklahoma
Architect:
Benham-Blair & Affiliates
Oklahoma City, Oklahoma

(below right)
Coast Federal Office Building
West Covina, California
Architect:
Maxwell Starkman & Assoc.
Beverly Hills, California

(below left)
The Galleria
Honolulu, Hawaii
Architect:
Maxwell Starkman & Assoc.
Beverly Hills, California

GREEN RIBBON AWARDS

(below)
Circuit Court of Cook County
Markham, Illinois
Architect:
Thomas H. Kane
J. W. Sih & Assoc.
Chicago, Illinois
(right)
DES Office & Graphics
Commonwealth of Massachusetts
Quincy, Massachusetts
Architect:
ESO, Inc.
Brookline, Massachusetts

(below right)
Bankers Box Company
Itasca, Illinois
Architect:
A. Epstein & Sons, Inc.
Chicago, Illinois

(below left)
Juschi
Beverly Hills, California
Architect:
Maxwell Starkman & Assoc.
Beverly Hills, California

(below)
Harold's Club
Lynwood, Illinois
Architect:
Duane E. Linden & Assoc.
Lansing, Illinois

(below)
Carson Pirie Scott & Co.
Forsyth, Illinois
Architect:
A. Epstein & Sons, Inc.
Chicago, Illinois
OSHA REPORT
Harry E. Botesch, FARAl

The mandatory provisions of the Occupational Safety and Health Act construction regulations were published in The Federal Register, April 17, 1971, Part II, pages 7340-7410. The Federal Register is the official medium for executive orders and proclamations. Hence, the Act, Construction Regulations and Safety and Health Standards, became law on the stated date.

It is a Creator of Professional Liabilities for Architects, Engineers, Specifiers. Part 15.18 — Safety and Health Regulations for Construction Safety Act included fifty eight (58) of the Federal Laws by reference in the regulations, leaving no doubt that all persons are subject to liability without exceptions.

There is no doubt that the statistics of health and safety injuries, work loss in the work place led to Congressional Action. Public demand indicated that working persons must perform in a safe and healthful working condition.

Each professional, regardless of his role in the construction process, should make both the Standards and Construction Regulations mandatory reading word for word. We are all professionals charged with a civil and statutory duty to exercise skill, ability, judgement, and taste; the degrees of duty and care are not merely anticipatory, but mandatory.

We professionals hold forth to the public that expertise in our abilities is exacting, therefore, the law states that we; therefore, will be held to an exacting focus of responsibility and monetary liability for decisions of design, materials and methods. No artistic license may be alleged to excuse poor or improper judgement or conduct; or dangers to be reasonably foreseen. We professionals must know that the broad scope of the regulations indicates we should read and carefully index for incorporation into drawings and specifications the methods, materials, and techniques embodied in the specific regulations. It is common practice for many offices to do just this in house; therefore, these practitioners need only maintain a current index of revisions and amendments as they become law.

General and specific requirements can be included under Division 1 of the specification format for each project as applicable.

It is advisable to note a particular area of the Act as follows: Definitions, Section 1518.32 (f) Competent person; (h) Designated person; (i) Qualified; (p) Shall, mandatory; (q) Should, recommended. Suitable, which fits, qualifies to meet or give purpose, occasions, conditions, functions, or circumstance.

Architects administering contracts, are knowledgeable, having ability relating to the subject matter, the work, or the project, become responsive to the act. Please do not ignore the regulations because they do not list responsibilities by professional rank, title, or position. Perhaps the following section may satisfy even the most unconvincing.

Section 1518.653 (a) Accepted engineering requirements (or practices) — Those requirements or practices which are compatible with standards required by a Registered Architect, a Registered Professional Engineer, or other duly licensed or recognized authority. Emphases are clearly stated in the script of this section.

The rules have been set down, we have a duty to read, understand, apply, and enforce the Act, Regulations, and Standards. The liabilities are now part of our professional life. Our documentation must be clear, precise, and understandable.

Action: The Labor Department’s Occupational Safety and Health Administration said it will reduce the 500-page Electrical Safety Rulebook to about 50 pages. Reason: so it will be easier for employers and workers to understand and comply with the rules.

This new rule is a part of OSHA’s “common sense” campaign to eliminate bulky, hard-to-follow regulations.

Suggested reading: “What to Do About OSHA,” published by the Chamber of Commerce of the United States; an insight into the area of Architect/Engineer as an employer.


In recent months, Eula Bingham, OSHA Head Administrator, after months of public hearings and reviews, has whittled down the Agency’s final list to 928 entries of the proposed 1,100 originally estimated to go of an estimated 5,000 standards.

The move in Congress to shorten and modernize the OSHA standards to make them more effective is still being pursued. Some of the standards removed are as follows:

Wood ladders rule consisting of many pages covering the design, use, and understanding of portable wood ladders. One of the observations noted says, “Black streaks in Western Hemlock shall not be considered as an irregularity.”

Rules that detail what height fire extinguishers must be mounted.

Rules dictating color codes for warning signs, describing insulating gloves, and rules on using ice with drinking water.

These and others were finally ruled for elimination as either unnecessary details already covered by other standards, obsolete, or covered by other Federal Agencies.

Our industry does not need regulations generated by the Federal Agencies to multiply safety regulations, conflicting with each other, increasing inspection or observation on site requirements. Much litigation can be brought about by these stipulations.

Even Senator Wendell Anderson, Democrat of Minnesota, the strongest supporter of job health and safety regulations, has had to concede that OSHA “has sometimes been an embarrassment.” Marshall and Bingham have launched the strongest effort so far to bring some respectability and reasonableness to OSHA. It certainly appears to this committee that they have a long way to go.
PRESERVATION, RETROFIT, AND ARCHITECTS
Wilbert R. Hasbrouck, FAIA

With the passage of the Preservation Act of 1966 historic buildings received some new interest. I won't go into the whole Act but there are a few points that are particularly relevant to current architectural practice. In broad terms, what the National Register and the Preservation Act do is that they identify buildings and sites of historic merit. The great majority of such buildings are cited for architectural merit or a combination of architectural and historic merit and, on occasion, there are some that serve as a George Washington structure which I think is important although only of interest to antiquarian specialists.

The Preservation Act of 1966 had some benefits for rehabilitation and retrofit which I don't think very many architects and even fewer owners and laymen realize. There are three kinds of benefits that directly affect project development and my examples today will illustrate some ways that architects can take advantage of programs within the Preservation Act of 1966. There are in reality three types of federal grants. Planning things is usually quite good. Under the Act you can get funding for planning a project that involves property and the space around it. You can occasionally get acquisition funds if it's a fairly minimal amount.

You can also get development funds—that is funds for tearing down a "modern" addition or site obstruction but this must be worked out and approved by the Department of Interior. Until about four years ago the only real source of work for architects was with not-for-profit preservation groups working through the Preservation Act of 1966 and funding through the federal grants. But then came 1976 and after years of lobbying the Tax Reform Act of 1976 was passed. The Tax Reform Act of 1976 was a major piece of legislation and there is a chapter concerning techniques of patronage to people who take it upon themselves to reuse and restore buildings.

In this Act Congress extended the tax incentive most generously to the preservation of historic buildings and as a result of these changes in the IRS Code the cost of rehabilitation of historic property can now be deducted from investors' income over a 50 month period. The National Advisory Commission on Rehabilitation has stated that it is a step forward toward solving most of our initial domestic downtown city problems. Sharing in the joy of all this are real estate developers and investors who join with the "preservationists" to celebrate the "preservation of our historic buildings." They cheered for good reason. The fact of the matter is that historic properties are likely to become the nation's favored tax shelters.

A simple example would be the conversion of an old factory into rental office space. The factory, for example, might have been originally built 50 years ago and thereby satisfy the Department of Interior's standards for historic preservation. Let's say for the sake of this discussion that the investor purchased such a factory building that is located in a site listed in the National Register, or maybe not, and because of the new tax methods for investors they can afford to spend an additional sum, say $1 million, on rehabilitation. Now under the Tax Reform Act he's allowed to depreciate the $1 million in rehab costs over five years at a rate of $200,000 a year. He can also deduct as depreciation an initial $1 million over the factory's remaining useful life which after the rehabilitation we might assume would be about 20 or 25 years and that deduction would then be $40,000 each year, again depending on the size, value of the land and the non-depreciating value of the improvements. So that for each of the first five years the investor in that factory building could deduct from his gross income $240,000 for a total deduction in five years of around $2,000,000 and of course he still has 20 years to deduct $40,000 a year in normal depreciation. Now I am certain that it is not necessary for me to go into the details concerning the very small equity that is required for investors to participate in such situations. Even if it were a single investor, and even at today's high interest rates, it is doubtful that an investor would be required to put up more than say $400,000 to participate in such a program. His $400,000 investment would get a full deduction of close to $2,000,000 in a few years plus a certain amount of cash flow and whatever other requirements he had built into the program. So here we have another tool that is useful to the architect in the restoration and rehabilitation of historic buildings in this case it's in a private sector.

Now what I advocate today, and practice in real life, is the combination of the grants which are available under the Preservation Act of 1966 and the tax shelter benefits available under the Tax Amendment of 1976. The grant of course covers the basic fees and the up-front costs and some of the renovation costs. The tax amendment, of course, provides a shelter to almost every investor including the architects as client. The key to all of this of course is that the building must be on the National Register. In our office we have developed a small part of our practice in acting as assisting consultants to clients in getting the building and/or areas onto the National Register very quickly, which is not particularly difficult when you understand what is being looked at and required by the Commission, and the building has some architectural merit.

Wilbert R. Hasbrouck, FAIA currently heads his own firm (Historic Resources) concentrating in consulting on architectural preservation. He is Past President and a Trustee of the Chicago School of Architecture Foundation and a member of the Association of Preservation Technology. The foregoing comments were extracted from his seminar presentation.
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Requests for a copy of the ARA Master File should be addressed to: Mr. Norman E. Hodge, ARA; Architects/Engineers West; 1675 Carr Street; Lakewood, CO 80215. Checks should be made payable to the Society of American Registered Architects.

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