COUNCIL AGENDA: 11-06-07
ITEM: 4.4

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: See below

DATE: October 22, 2007

Approved Paul Krutt Date 10/24

COUNCIL DISTRICT: City-Wide
SNI AREA: All

SUBJECT: Approval of an Ordinance amending Title 24 of the San Jose Municipal Code adopting the 2007 California Building Standards, CCR Title 24, Parts 2, 3, 4, 5, 8, and 10, and International Existing Building Code Appendix Chapters A2 and A3, and adopting certain local amendments to the technical provision relating to certain structural design requirements, compliance with FEMA regulations, fire sprinkler regulations, and other building and plumbing requirements.

RECOMMENDATION

Approval of an Ordinance to amend Title 24 of the San Jose Municipal Code:

1. To adopt the 2007 editions of the California Building Code (CBC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Historical Building Code (CHBC), California Existing Building Code (CEBC) and the International Existing Building Code Appendix Chapters A2 and A3.

2. To adopt local amendments regarding certain structural design requirements, compliance with FEMA regulations, fire sprinkler regulations, and other building and plumbing requirements.

OUTCOME

Approval of the Ordinance will ensure consistency of the City of San Jose's Building, Electrical, Mechanical, Plumbing, Historical Building and Existing Building Codes to state standards and ensure that City codes provide additional protection of the health, welfare, and safety of local residents required due to local climatic, geological, and topographical conditions.

BACKGROUND

Prior to 2000, there were three model codes in the United States. The model codes were published by three code making organizations - the International Conference of Building Officials (ICBO), the Building Officials and Code Administrators International (BOCA) and Southern Building Code Congress International (SBCC). In 1994, ICBO, BOCA, and SBCC created the International Code Council (ICC) to develop a single set of comprehensive and coordinated model construction codes for use throughout the United States. By 2000, a complete set of construction codes was published by the ICC. Upon its publication in 2000, most of the states adopted the combined and comprehensive International Codes. In 2007, California and Hawaii became the last states to adopt the International Code Council model codes as the official state building related codes.

On January 30, 2007, California adopted and approved the 2007 edition of the California Building Standard Codes. The 2007 California Building Standard Codes will apply to any building or structure for which application for a building permit is made on or after January 1, 2008. While the 2007 CBC is based on the 2006 International Building Code, the 2007 CMC and 2007 CPC are still based on the 2006 Uniform Mechanical Code and the 2006 Uniform Plumbing Code respectively.

The State of California allows local municipalities to modify the state adopted building standards to make them more restrictive (not less), provided certain express findings are made that the proposed modifications are necessary due to special local climatic, geological, or topographical conditions that can affect the health, welfare, and safety of local residents. Any local amendments must be made prior to the effective date of State Codes (January 1, 2008).

Staff proposes to adopt local amendments regarding certain structural design requirements, compliance with FEMA regulations, fire sprinkler regulations, and other building and plumbing requirements due to the following express findings:

1. The San Francisco Bay area region is densely populated and located in an area of high seismic activities. San Jose is bounded by the Hayward and San Andreas faults capable of producing major earthquakes.
2. Concern for fire-life safety associated with a structural failure due to a seismic event considering the increasing number of tall buildings in the region, the use of new structural systems, the poor performance of certain materials, the separation between adjacent buildings, and the quality of construction.
3. Need to keep important and critical buildings and structures operational during an emergency such as a major earthquake.
4. Sever seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department resulting to meet the fire and life safety needs of the community.
5. The local geographic, topographic, and climatic conditions pose an increase hazard in acceleration, spread, magnitude, and severity of potential fires in the City of San Jose, and may cause a delayed response from emergency responders, allowing further growth of the fire.

The Building related codes that will be adopted in this proposed ordinance are:

- 2007 California Building Code - CCR Title 24 Part 2
- 2007 California Electrical Code - CCR Title 24 Part 3
- 2007 California Mechanical Code - CCR Title 24 Part 4
- 2007 California Plumbing Code - CCR Title 24 Part 5
- 2007 California Historical Building - CCR Title 24 Part 8
- 2007 California Existing Building Code - CCR Title 24 Part 10
- 2006 International Existing Building Code, Appendix Chapters A2 and A3

ANALYSIS

Participation in the Code Adoption Process and Uniformity in Local Code Amendments

The City of San Jose was well represented during the state adoption process. The City's Chief Building Official and Fire Marshal were key members of the State Fire Marshal's Core Committee that reviewed all proposed state amendments to the 2006 International Building and Fire Codes. Additionally, Building and Fire staff members were significant contributors in the state's various working groups that reviewed the 2006 International Codes and recommended state amendments to the Core Committee.

To establish uniformity in adopting code amendments in the Bay area, City staff worked with other local jurisdictions by participating in the Tri-Chapter Uniform Code Program. The cities and counties that participate in this program stretch from Contra Costa County in the north to San Benito County in the South. As a result of this program, eight technical amendments are being proposed. These amendments will be adopted uniformly in the neighboring cities and counties with some local variations. At both regional and state levels, Staff will continue to assume a leadership role in order to reduce individual differences between cities in Silicon Valley.

Green Buildings

The California Building Standards being adopted do not address the requirements for the design and construction of green buildings. However, the California Building Standards Commission recently created a committee whose task is to formulate the State's Green Building Codes. Staff will continue to maintain communication with state code officials in order to ensure that the City is aware of developments pertaining to green buildings.

At the local level, Planning, Building and Code Enforcement staff will continue to participate in developing a private sector green building program that will facilitate and streamline the process for "green" proposals. In addition, Staff continues to train on new developments in alternative energy and design developments to ensure that the City can process permits for "green" projects smoothly.

Summary of the Ordinance

The proposed ordinance accomplishes the following:

1. Adopt the 2007 edition of the California Building, Electrical, Mechanical, Plumbing, Historical Building and Existing Building Codes and the 2006 edition of the International Existing Building Code, Appendix Chapters A2 and A3 by a single ordinance.
2. Adopt local amendments to the California Codes.
3. Publish a unified administration section to codify the administrative requirements for all codes.
4. Change provisions relating to valuation of construction to only apply for the purpose of calculating construction taxes.
5. Update or eliminate cross-references to match current code language.

A complete copy of the proposed ordinance is attached. The Ordinance republishes all of Title 24 with updated provisions referencing the new California Building Code. The following is a summary of each of the Title 24's chapters:

Chapter 24.01 governs the Administrative provisions including definitions, procedures, interpretation, and authority.

Chapter 24.02 governs the issuance of Permits, including requirements, exemptions, applications, issuance, renewals and extensions, fees, inspections, certificates of occupancy, and appeals.

Chapter 24.03 adopts the California Building Code with the local amendments described below.

Chapter 24.04 adopts the California Plumbing Code with no local amendments.

Chapter 24.05 adopts the California Mechanical Code with no local amendments.

Chapter 24.06 adopts the California Electrical Code with no local amendments.

Chapter 24.07 adopts the California Existing Building Code with no local amendments.

Chapter 24.08 adopts Appendix Chapter A2 and A3 of the 2006 International Existing Building Code to supplement the California Existing Building Code.

CONSTRUCTION VALUATION PROVISIONS

Currently Section 24.01.290 of the San Jose Municipal Code requires that valuation of construction be calculated based on the "published valuation tables in the latest edition of the Building Standards magazine published by the International Conference of Building Officials." Before *August 21, 2006,* both building plan check and permit fees and construction taxes were based upon valuation of construction. Since *August 21, 2006*, building plan check and permit

fees are based upon the type and extent of construction and not its value, but construction taxes (*Building and Structure Tax; Commercial, Residential, Mobile Home Park Tax; and Strong Motion Instrumentation Program Assessment Tax*) are still based on valuation. In addition, as noted above, the International Conference of Building Officials has merged into the International Code Conference which now publishes the construction valuation tables.

The construction tax provisions found in Chapters 4.46, 24.01 and 24.02 of the Municipal Code that refer to the valuation performed by the Building Official must be revised to state the valuation is being performed for the purpose of the calculation of the taxes, not for the purpose of calculating the fees. The references will also have to be changed from the ICBO publication to the ICC publication.

Because the Building Division has been using the tables last published in April 2002, updating to the latest valuation tables would result in a substantial increase in the taxes calculated. Therefore, staff proposes to come forward in early 2008 with a discussion about how best to phase in the impact of the use of the new published tables. The Building Division will continue assess construction taxes based on the ICBO valuation table currently in use until the ICC tables are adopted.

SUMMARY OF AMENDMENTS

A. Technical Amendments

1. Structural Design (CBC Chapter 16)

   a. ASCE 7-05 Equation 12.8-5
   Modify CBC Standard ASCE 7-05 Equation 12.8-5 to increase the base shear level of buildings to a level consistent with previous editions of the building code.

   b. ASCE 7-05 Table12.8-2
   Modify CBC Standard ASCE Table 12.8-2 to add the design parameters for a Buckling Restrained Braced Frame system.

   c. ASCE 7-05 Equation 12.8-16
   Modify CBC Standard ASCE 7-05 Equation 12.8-16 to add the importance factor (I) to increase the design stability of essential buildings such as hospitals, fire stations, and police stations.

   d. ASCE 7-05 Section 12.12.3
   Modify CBC Standard ASCE 7-05 Section 12.12.3 to add requirements for seismic separation between adjoining buildings to allow the buildings to respond to earthquake ground motion independently.

   e. ACI 318 Equations 14-8 and 14-9
   Modify CBC Standard ACI 318 Equations 14-8 and 14-9 to increase the strength and serviceability of slender walls to a level similar to previous editions of the building code.

2. Concrete Construction (CBC Section 1704.4)

Modification to the CBC will require special inspections when the structural design of the footing is based on a specified compressive strength greater than 2,500 pounds per square inch.

3. Gypsum Board and Stucco (CBC Chapters 23 and 25)
   Modify the CBC to limit the use of gypsum wallboard and Portland cement or stucco as shear walls due to San Jose's specific geological condition (active seismic area).

4. Existing Structures (CBC Chapter 34)
   Modify the chapter to comply with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA requirements) to allow building owners to avail of possible Federal Funds in a disaster or emergency.

B. Fire Sprinkler Regulations (CBC Chapter 4 and 9)

The CBC sections pertaining to fire sprinklers are modified to maintain current standards and to require fire sprinkler systems in townhouses.

C. CBC Appendices

Modify the CBC by adopting Appendices C, I and J to address Agriculture Buildings, Patio Covers, and Grading respectively.

D. Plumbing Fixtures (CPC Chapter 4)

Modify the CPC by deleting Sections and Table that are in conflict with Chapter 29 of the CBC.

E. Reclaimed Water Systems (CPC)

Modify the CPC by adopting Chapter 16 Part 2 to address Reclaimed Water Systems.

F. Administrative Provisions

The proposed ordinance will continue to have a single set of administrative provisions for all six codes. The proposed Ordinance contains the updated portions of administrative provisions to further streamline permit issuance, plan check and inspection provisions of the codes.

EVALUATION AND FOLLOW-UP

The approval of this ordinance will not impact current performance measures. However, due to significant changes in the codes, staff and the design professionals will need time to adjust and be familiar in the application of these new codes. Current performance levels are expected to slightly decline in the first six months.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

In the Bay Area, the City of San Jose is in the forefront in identifying amendments to the 2007 California Building Standards and informing the public of these proposed amendments. Staff presented the proposed local amendments to design professionals, developers and contractors in roundtable meetings held last August 23 and 24, and September 14. These proposed local amendments are also posted in the City's web site (www.sanjoseca.gov/building) and were sent via email to stakeholders and all attendees to the roundtable meetings and training session. Information about the new codes adoption is published in the City's web site and in the "Development News", a monthly electronic newsletter published by the City of San Jose's Planning, Building and Code Enforcement Department.

Last September 29, a free training session was conducted to introduce design professionals, developers and contractors to the significant changes between the 2001 and 2007 California Building Codes as well as the proposed local amendments to the California Building Standards. Another training session is scheduled on November 3, 2007.

Staff, in its September 2007 report to the Community and Economic Development (CED) and the Public Safety, Finance and Strategic Support (PSFSS) Committees, provided a timeline for the adoption of the 2007 California Building Standards that included roundtable meetings and training sessions to assist the customers in understanding the code changes. Additionally, staff will present a summary of the proposed Ordinance with local amendments to the PSFSS and CED Council Committees on October 19, 2007 and October 22, 2007 respectively.

☐ **Criterion 1**: Requires Council action on the use of public funds equal to $1 million or greater.
(Required: Website Posting)

☒ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

The relevant sections of the proposed ordinance were coordinated with the Fire and Public Works Departments. This memorandum and proposed ordinance were coordinated with the City Attorney's Office.

CEQA

Exempt - PP07-221.

for Laurel Prevetti

Joseph Horwedel, Director
Planning, Building and Code Enforcement

For questions please contact Edward Tolentino, Building Official, at (408) 535-7791.

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 24 OF THE SAN JOSE MUNICIPAL CODE TO ADOPT THE 2007 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL CODES, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA HISTORICAL BUILDING CODE, AND 2006 INTERNATIONAL EXISTING BUILDING CODE WITH CERTAIN EXCEPTIONS, MODIFICATIONS AND ADDITIONS

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City may adopt the provisions of the California Building, Plumbing, Mechanical, Electrical, Existing Building, Historical Building Codes, and International Existing Building Code, with certain amendments to those provisions which are reasonably necessary to protect the health, welfare and safety of the citizens of San Jose because of local climatic, geological and topographical conditions; and

WHEREAS, on November, 2007, the City Council made factual findings set forth in respective sections of Title 24 of the San José Municipal Code relating to the amendments made to the California codes; and

WHEREAS, the factual findings made then continue to be valid and relate to the amendments made to the California codes in this adoption; and

WHEREAS, this Ordinance was found to be categorically exempt from environmental review, per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, and Section 21.08.500 of the San Jose Municipal Code, on October 11, 2007, under File No. PP07-221.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 1. Title 24 of the San Jose Municipal Code is amended in its entirety to read as follows:

TITLE 24
BUILDING CODES

Chapter 24.01
ADMINISTRATION

Part 1
General

24.01.100 Purpose.

The purpose of this Title is to provide for the administration and enforcement of the building, plumbing, mechanical, electrical, the existing building, and historical codes adopted by the City of San Jose.

24.01.110 Scope

The provisions of this Title shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the City.

24.01.120 Exemption for Pending Applications.

A. The provisions of the 2007 edition of the California Building Code, the California Plumbing Code, the California Mechanical Code, the California Existing Building Code, the California Electrical Code, the California Historical Building Code, and The 2006 International Existing Building Code as adopted and amended herein, shall not apply to any building or structure for which application for a building permit was made prior to January 1, 2008. Such buildings or structure shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions of this Chapter in effect at the date of said application.

B. All other applications shall be processed in accordance with the provisions of the 2007 edition of the California Building Code, the California Plumbing Code, the California Mechanical Code, the California Existing Building Code, the California Electrical Code, the California Historical Building Code, and 2006 International Existing Building Code as adopted and amended herein.

24.01.130 Compliance with Title provisions required

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the City, or cause or permit or suffer the same to be done, in violation of this Title or in violation of any of the provisions of the Codes adopted hereunder.

Part 2
Definitions

24.01.200 Definitions.

The definitions set forth in this Part shall govern the application and interpretation of this Title.

24.01.208 Alter or Alteration

"Alter" or "Alteration" means a change or modification in construction or building service equipment.

24.01.211 Administrative Authority

"Administrative Authority" is the Chief Building Official or a regularly authorized deputy.

24.01.215 Approved.

"Approved," as to materials, types of construction, equipment and systems, refers to approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

24.01.218 Approved Agency

"Approved Agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the Building Official.

24.01.224 Building Code

"Building Code" means the California Building Code, or CBC, 2007 edition, based on 2006 International Building Code promulgated by the International Code Council, including the appendix thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations and in this Title.

24.01.227 Building Official

"Building Official" means the Chief Building Official, or a regularly authorized deputy.

24.01.230 Building Service Equipment

"Building service equipment" refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities *essential to the occupancy of the building or structure for its designated use.*

24.01.228 Department

"Department" means the Department of Planning, Building and Code Enforcement.

24.01.230 Director

"Director" means the Director of Planning, Building and Code Enforcement.

24.01.233 Electrical Code

"Electrical Code" means the California Electric Code or CEC, 2007 edition, based on 2005 National Electric Code promulgated by the National Fire Protection Association, as amended and set forth in the California Building Standards Code, Title 24, Part 3 and in this Title.

24.01.236 Existing Building

"Existing Building" means a building legally erected prior to January 1, 2008 or one for which a legal building permit has been issued.

24.01.239 Fire Code

"Fire Code" is the California Fire Code or CFC, 2007 edition, based on 2006 International Fire Code promulgated by the International Code Council, including the Appendix thereto, together with those omissions, amendments, exceptions and additions there to as amended in the California Code of regulations and in the San Jose Municipal Code.

24.01.242 Listed and Listing

"Listed" and "Listing" are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

24.01.245 Mechanical Code

"Mechanical Code" is the California Mechanical Code or CMC, 2007edition, based on 2006 *Uniform Mechanical Code promulgated by the International Association of Plumbing and* Mechanical Officials, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations and in this Title.

24.01.251 Occupancy

"Occupancy" is the purpose for which a building, or part thereof, is used or intended to be used.

24.01.257 Permit

"Permit" is an official document or certificate issued by the Building Official authorizing performance of a specified building, plumbing, mechanical, or electrical activity or any combination of such permits issued jointly by the Building Official.

24.01.260 Plumbing Code

"Plumbing Code" is the California Plumbing Code, or CPC, 2007 edition, based on 2006 Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, including the appendix thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations and in this Title.

24.01.263 Repair

"Repair" is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance and/or sustained damage.

24.01.266 Structural Observation

"Structural Observation" means the visual observation by a registered design professional of the structural system, including but not limited to, the elements and connections at significant

construction stages, and the completed structure for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by Part 5 of this Ordinance, CBC Section 1704, and other sections of the Building Code.

24.01.269 Structure

"Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

24.01.272 Technical Codes

"Technical Codes" refer to those codes adopted by this Chapter containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined which include but are not limited to California Building Code, California Plumbing Code, California Mechanical Code, California Electrical Code, California Existing Building Code, California Historical Building Code, and International Existing Building Code.

Part 3
Existing Buildings and Building Service Equipment

24.01.300 Application of technical provisions to existing buildings and building service equipment

The provisions of this Part govern the application of the technical codes to existing buildings and building service equipment.

24.01.310 General

Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this Part.

24.01.320 Additions, Alterations or Repairs

Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

24.01.322 Additions, Alteration or Repairs: Unsafe Conditions

A. Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe.

B. An unsafe condition shall be deemed to have been created if an addition or alteration may cause the existing building or building service equipment to become structurally unsafe or overloaded; may not provide adequate egress in compliance with the provisions of the Building Code or may obstruct existing exits; may create a fire hazard; may reduce required fire resistance; may cause building service equipment to become overloaded or exceed their rated capacities; may create a health hazard or may otherwise create conditions dangerous to human life.

24.01.324 Additions, Alteration or Repairs: Height, Number of stories and Area

A. A building altered pursuant to a repair or alteration permit, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings.

B. A building plus new additions, shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

24.01.326 Additions, Alteration or Repairs: Compliance with Code Requirements

A. Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code, except when the addition or alteration will result in the existing building or structure being no more hazardous, based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

B. **EXCEPTION:** Alterations of existing structural elements, or additions of new structural elements which are not required by Section 24.01.340 of this Chapter and Section 24.01.350 of this Chapter and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced, and

2. The lateral loading to required existing structural elements is not increased beyond their capacity, and

3. New structural elements are detailed and connected to the existing structural elements as required by these regulations, and

4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and

5. An unsafe condition as defined above is not created.

24.01.330 Additions, Alteration or Repairs: Use of Same Materials

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire

resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations.

24.01.332 Minor additions, alterations and repairs

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

24.01.340 Existing Building Service Installations

Building service equipment lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

24.01.350 Existing Occupancy

A. Buildings in existence on December 31, 2007 may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety.

B. A change in the use or occupancy of any existing building or structure shall comply with the provisions of Part 6 of Chapter 24.02 and Part 1 of Chapter 24.07 and Chapter 24.08 Part 1 of this Title and Chapter 34 of the Building Code.

24.01.355 Maintenance

A. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition.

B. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed.

C. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment.

D. The Building Official may cause a structure to be reinspected to determine compliance with this subsection.

24.01.360 Moved Buildings

Buildings, structures and their building service equipment moved into or within the City shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment.

24.01.365 Temporary Structures

A. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by a permit issued pursuant to CBC 3103.

B. Buildings or structures erected under a temporary structure permit need not comply with the type of construction or fire-resistive time periods required by the Building Code.

C. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

24.01.370 Historic Buildings

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the Building Official, provided:

A. The building or structure has been designated by official action of the legally constituted authority of the City as having special historical or architectural significance.

B. Unsafe conditions as described in this Title are corrected.

C. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

Part 4
Interpretation

24.01.410 Conflicting Provisions

A. When conflicting provisions or requirements occur between this Title, the technical codes and other codes or laws, the most restrictive shall govern.

B. When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. Where sanitation, life safety, or fire safety are not involved, the most restrictive provisions shall govern.

C. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

24.01.420 Alternate materials, methods of design and methods of construction

A. The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the Building

Official.

B. The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

C. The Building Official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use.

D. The details of an action granting approval of an alternate shall be recorded and entered in the Department's files.

E. The Building Official may require the applicant to arrange for the proposed alternate materials, methods of design and methods of construction be reviewed and evaluated by an outside agency designated by the Building Official at the applicant's expense.

24.01.430 Modifications

A. Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the Building Official may grant modifications for individual cases.

B. The Building Official shall first find that:

1. A special individual reason makes the strict letter of the technical code impractical;

2. The modification is in conformity with the intent and purpose of the technical code, and

3. Such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity.

C. The details of actions granting modifications shall be recorded and entered in the Department's files.

D. The Building Official may require the applicant to arrange for the proposed modification be reviewed by an outside agency designated by the Building Official at the applicant's expense.

24.01.440 Tests

A. Whenever there is insufficient evidence for determining compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the Building Official may require tests as evidence of compliance to be made at the applicant's expense.

B. Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall determine test procedures.

C. Tests shall be made by an approved agency.

D. Reports of such tests shall be entered in the Department's files.

E. The Building Official may require the applicant to arrange for the test procedures, methodology, results, reports, etc. to be reviewed and evaluated by an outside agency designated by the Building Official at the applicant's expense.

Part 5
Authority

24.01.500 Building Official powers and duties

A. The Building Official is authorized and directed to enforce all of the provisions of this Title, and the Technical Codes, excepting that the provisions of Chapter 9 of Building Code shall be enforced jointly with the Chief of the Fire Department. For such purposes, the Building Official and the Chief of the Fire Department, respectively, and their respective authorized representatives, shall each have the powers of a peace officer.

B. The Building Official shall have all of the following powers and authority subject to the direction and supervisory authority of the Director with regard to:

1. The authority granted to the "building official" by this Title and the CBC.

2. The authority granted to the "Administrative Authority" by this Title, the CPC and CMC.

3. The authority required to enforce the CEC.

24.01.510 Interpretations and policies

The Building Official shall have the power and authority to render interpretations of this Title and the Technical Codes and to adopt and enforce rules, policies, procedures and supplemental regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in conformance with the intent and purpose of this Title.

24.01.520 Deputies

In accordance with Department procedures, the Building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Department.

24.01.530 Right of Entry

A. The Building Official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this Title:

1. When necessary to make an inspection to enforce any of the provisions of this Title and the technical codes, or

2. When the Building Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this Title which makes the building or premises unsafe, dangerous or hazardous.

B. The Building Official shall adhere to the following procedures in making an entry:

1. If such building or premises be occupied, the Building Official shall present credentials to the occupant and request entry.

2. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

3. Should entry be refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

24.01.540 Stop Orders

When work is being done contrary to the provisions of this Title, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this Title, the Building Official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

24.01.550 Occupancy Violations

When a building or structure or building service equipment therein regulated by this Title and the technical codes is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

24.01.560 Authority to Disconnect Utilities

The Building Official or the Building Official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this Title or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

24.01.570 Authority to Condemn Building Service Equipment

A. When the Building Official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the Building Official shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, as appropriate.

B. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

C. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within twenty four (24) hours to the serving utility, the owner and occupant of such building, structure or premises.

D. When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this Title, the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

24.01.580 Connection after Order to Disconnect

No person shall make or suffer the connection from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Chapter 24.02
PERMITS

Part 1
General

24.02.100 Permits Required

Except as specified in this Part, no building, structure or building service equipment regulated by this Title and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

24.02.110 Work Exempt from Permit

A. A permit shall not be required for the types of work in each of the separate classes of permit as set forth in this Part.

B. Exemption from the permit requirements of this Title shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or City ordinances.

PROPOSED

24.02.120 Building permit exemptions

A. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m^2).

2. Fences not over six (6) feet (1829 mm) high.

3. Oil derricks.

4. Nonfixed and Movable fixtures cases, racks, counters and partitions not over five (5) feet nine (9) inches (1753 mm) high.

5. Retaining walls which are not over four (4) feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A Liquids.

6. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18925 liters) and the ratio of height to diameter or width does not exceed two to one.

7. Platforms, walks and driveways not more than thirty (30) inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.

8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than fifty four (54) inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons (18925 liters).

12. Replacement, repair or overlay of less than twenty-five percent (25%) of an existing roof within any twelve (12) month period.

13. Swings and other playground equipment accessory to detached one- and two-family dwellings.

B. Unless otherwise exempted by this Title, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

24.02.130 Plumbing permit exemptions

A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this Title.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. The installation of one and six tenths (1.6) gallons per flush or less water closets installed in existing residential dwelling units or existing commercial restrooms, when done as part of a City Water Conservation Retrofit Incentive Program. These exempted installations shall be limited to the replacement of non-water conserving water closets installed on existing roughed-in plumbing and shall not apply to water closet installations in new construction or addition, relocation or remodeling projects. Commercial restroom water closet replacements shall be made by a licensed Plumbing Contractor and shall comply with current accessibility requirements. Existing accessibility features may not be removed or diminished.

24.02.140 Mechanical Permit Exemptions

A mechanical permit shall not be required for the following:

1. A portable heating appliance.

2. Portable ventilating equipment.

3. A portable cooling unit.

4. A portable evaporative cooler.

5. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.

6. Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.

7. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.

8. A unit refrigerating system as defined in the Mechanical Code.

PROPOSED

24.02.150 Electrical permit exemptions

An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting.

4. Repair or replacement of current-carrying parts of any switch, conductor or control device.

5. Reinstallation of attachment plug receptacles, but not the outlets therefor.

6. Replacement of any overcurrent device of the required capacity in the same location, except service equipment.

7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

8. Taping joints.

9. Removal of electrical wiring.

10. Temporary wiring for experimental purposes in suitable experimental laboratories.

11. The wiring for temporary theater, motion picture or television stage sets.

12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty five (25) volts and not capable of supplying more than fifty (50) watts of energy, except in hazardous (classified) locations.

13. Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.

14. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

PROPOSED

Part 2
Application Requirements

24.02.210 Application

A. To obtain a permit an applicant shall file a completed application, in writing, on a form furnished by the Building Official for that purpose.

B. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans, diagrams, computations and specifications and other data as required in 24.02.220.

5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

6. Be signed by the applicant, or the applicant's authorized agent.

7. Give such other data and information as may be required by the Building Official.

24.02.220 Submittal Documents

A. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit.

B. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer.

C. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

D. **EXCEPTION:** The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Title.

24.02.230 Information on Plans and Specifications

A. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Title and all relevant laws, ordinances, rules and regulations.

B. Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

24.02.240 Architect or Engineer of Record

A. When it is required that documents be prepared by an architect or engineer, the Building Official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record.

B. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record.

C. The Building Official shall be notified, in writing, by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

D. The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

24.02.245 Deferred submittals

A. For the purposes of this Chapter, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.

B. Deferral of any submittal items shall have prior approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents together with any required additional fees for review by the Building Official prior to their installation.

C. Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building.

D. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Building Official.

24.02.250 Inspection and Observation Program

A. When special inspection is required by CBC Chapter 17, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the permit.

B. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

C. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

D. When structural observation is required by CBC Chapter 17, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

E. The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

Part 3
Permit Issuance

24.02.310 Issuance

A. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official as deemed appropriate. Such plans may be reviewed by other City departments to verify compliance with other applicable laws.

B. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Title and the technical codes and other pertinent laws and ordinances, and that the required fees have been paid, the Building Official shall issue a permit therefor to the applicant.

C. The Building Official shall endorse, in writing or stamp, the required plans and specifications.

D. Approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this Title shall be done in accordance with the approved plans.

24.02.315 Permits for Partial Construction

A. The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes.

B. The holder of a permit for partial construction shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

24.02.320 Retention of Plans

A. One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than ninety (90) days from the date of completion of the work covered therein;

B. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

24.02.330 Validity of Permit

A. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of any violation of, any of the provisions of this Title or the technical codes, or of any other law or ordinance.

B. Permits presuming to give authority to violate or cancel the provisions of this Title or of other City ordinances shall not be valid.

C. The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when there is a violation of this Title or of any other City ordinances.

24.02.340 Permit Expiration

A. Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

B. All permits shall expire by limitation of time and become null and void unless an inspection indicating substantial progress in construction has been requested and performed every 180 days or sooner.

C. Before work terminated pursuant to subsection B above can be recommenced, a new permit shall be first obtained, and the permittee shall pay new full permit fees.

24.02.345 Permit Time Extensions

A. A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit, if the permittee can demonstrate that, for good and satisfactory reasons, it is not feasible to commence the work within the required time.

B. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon payment of appropriate fees and a written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

C. Permits shall not be extended more than once, except that, the Building Official may approve a maximum of one additional extension of one hundred and eighty (180) days when the applicant demonstrates that special unusual circumstances exist. In this case, the Chief Building Official may require that additional fees be paid and plans be revised to partially or fully comply with the current codes.

D. Permit time extension when there are multiple permits on a single project must comply with all of the following:

1. For the purpose of permit expiration, all permits associated with a single project (i.e., same address, suite, portion of building) will be considered as one project. If an inspection has been performed on any of the permits for the project, all permits will be considered to have been extended for an additional 180 days. However, no permit more than three years old may be extended by the extension of another permit on the same project.

2. In order to extend a permit described in subsection 1, above, one of the permits must be extended subject to aforementioned limitations and payment of required fees. Additionally, an inspection indicating that the applicant has made substantial progress must be requested and performed on the permit that has been extended within 180 days, from the date of permit issuance.

24.02.350 Plan Check Expiration

A. All plan check submittals for which a permit is not issued shall expire by limitation and become null and void after 180 days.

B. Plans which have approvals for permit issuance that have expired may thereafter be returned to the permittee or destroyed by Building Official.

24.02.355 Plan Check Renewals and Extensions

A. All plan check submittals and approvals must be updated to meet this Title when the permit is issued one year or more after January 1, 2008.

B. When a plan check submittal or approval has expired, then it must be resubmitted and appropriate fees paid for review for conformance with the current codes

C. Plan Check Time Extensions for one-building projects must comply with the following.

1. A plan check submittal or approval may be extended one time for an additional 180 days by applicant making a written request to Building Official and paying appropriate fee.

2. Plan check submittal or approval for one-building projects shall not be extended more than once, except that, the Building Official may approve an extension of not

more than 180 days when the applicant demonstrates that circumstances beyond the control of applicant have prevented action from being taken. In this case, the Chief Building Official may require that additional fees be paid.

D. Plan Check Time Extensions for ongoing multi-building projects must comply with all of the following:

1. A plan check submittal or approval may be extended one time for an additional 180 days by applicant making written request to Building Official and paying appropriate fees.

2. If a permit for at least one building has been issued, then the plan check approval is valid for 180 days from the latest permit issuance date, subject to the above limitations. The plan check approval may be extended for an additional 180 day period by applicant making a written request to Building Official and paying appropriate fees, subject to the above limitations.

3. Plan check submittal or approval for multi-building projects shall not be extended more than once, except that, the Building Official may approve an extension of not more than 180 days when the applicant demonstrates that circumstances beyond the control of applicant have prevented action from being taken. In this case, the Building Official may require that additional fees be paid.

24.02.360 Suspension or Revocation

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Title and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of this Title.

Part 4
Fees

24.02.400 Fees established by City Council Resolution

All fees required pursuant to this Title shall be paid in the amount established set forth in the Schedule of Fees established by resolution of the City Council.

24.02.410 Permit Fees

The fee for each building permit shall be paid as set forth in the Schedule of Fees established by resolution of Council.

24.02.420 Plan Review Fees

A. When a plan or other data is required to be submitted, a Plan Review Fee shall be paid at the time of submitting plans and specifications for checking. The Plan Review Fee is separate and in addition to the Building Permit Fee.

B. The Plan Review Fee shall be as set forth in the Schedule of Fees established by Council.

C. Whenever a permit is requested for the construction of a single-family or duplex structure as part of a subdivision previously plan-checked and approved under Section 24.02.310B, a fee as set forth in the Schedule of Fees established by Council for each such structure shall be paid at the time of application for each such Building Permit.

D. Upon request to review plans on file, a fee as set forth in the Schedule of Fees established by Council shall be paid, if the plans for such building or structure must be obtained from the City records center.

24.02.430 Plan Review Time Extension and Renewal Fees

A. An applicant shall pay appropriate fees when requesting a plan review or approval time extension.

B. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay full new plan review fees. However, where said plans are resubmitted without change and there has been no substantial intervening change in codes, law or circumstance, as determined by Building Official, applicant shall only pay a refiling fee in the amount stated in the Schedule of Fees.

24.02.440 Investigation Fees for Work Without a Permit

A. Whenever any work for which a permit is required by this Title has been commenced without first obtaining the proper permits, a special investigation shall be made before any permit may be issued for such work.

B. The Investigation Fee in an amount set forth in the Schedule of Fees, in addition to the Permit fee, shall be collected whether or not a Permit is then or subsequently issued.

D. The payment of such Investigation Fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.

24.02.450 Fee Refunds

A. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

B. The Building Official may authorize the refunding of not more than eighty (80%) percent of the Permit Fee paid when no work has been done under a Permit issued in accordance with this Title.

C. The Building Official may authorize the refunding of not more than eighty (80%) percent of the Plan Review Fee paid when an application is withdrawn or canceled before any plan reviewing has been started.

D. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred and eighty (180)

days after the date of fee payment.

24.02.460 Fee Exceptions

A. Fees shall not be required for buildings erected for and owned by the United States of America, the State of California, or any of its political subdivisions, or by any school district or hospitals, where the City has no jurisdiction for issuance of permits.

B. However, if an applicant requests a plan review or permit for any of the aforementioned projects, full fees are charged.

Part 5
Inspections

24.02.500 General provisions

A. Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have continuous inspection and structural observation as specified in Chapter 17 of Building Code.

B. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Title or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Title or of other ordinances of the jurisdiction shall not be valid.

C. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

D. A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

E. All inspections specified herein shall be at the discretion of the Building Official and nothing in the California Building Code or in this Chapter shall be construed as requiring the City to conduct such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, neither the California Building Code nor this section shall be construed to hold the City or any officer, employee or representative of the City, responsible for any damage to persons or property by reason of making inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.

24.02.505 Inspection Record Card

A. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work.

B. The inspection record card shall be maintained and made readily available by the permit holder until final approval has been granted by the Building Official.

24.02.510 Inspection Requests

A. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection.

B. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

C. It shall be the duty of the person requesting any inspections required either by this Title or the technical codes to provide access to and means for inspection of the work.

24.02.515 Approval Required

A. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official.

B. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

C. The Building Official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Title.

D. Any portions of work which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

E. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

24.02.520 Required Building Inspections

The Building Official, upon notification, shall make the following inspections:

A. **Foundation inspection.** To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.

B. **Concrete slab or under-floor inspection.** To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

C. Protection of joints and penetrations in fire resistive assemblies shall not be concealed from view until inspected and approved.

D. **Frame inspection.** To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

E. ***Lath and/or wallboard inspection.*** To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

F. **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy or use.

24.02.525 Required Building Service Equipment Inspections

A. **General.** Building service equipment for which a permit is required by this Title shall be inspected by the Building Official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

B. **Operation of building service equipment** The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the Building Official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

24.02.530 Other Inspections

In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this Title or technical codes and other laws which are enforced by the Department.

24.02.535 Reinspections

A. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

B. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

C. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

D. To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the Schedule of Fees.

E. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

24.02.540 Special Inspections

Special inspection shall be provided in accordance with Section 1704 of Building Code. Additional special inspections may be required when deemed necessary by the Building Official.

24.02.545 Structural Observation

Structural observation shall be provided in accordance with Section 1709 of Building Code. Additional structural observation may be required when deemed necessary by the Building Official.

24.02.550 Connection to utilities

A. **Energy Connections.** Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this Title, until approved by the Building Official.

B. **Temporary Connections.** The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

Part 6
Certificate of Occupancy

24.02.610 Use or Occupancy

A. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

B. **EXCEPTION:** The following occupancies shall not require a certificate of occupancy:

1. Group R, Division 3,

2. Group U Occupancies.

C. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Title or of other City ordinances.

D. Certificates presuming to give authority to violate or cancel the provisions of this Title or of other City ordinances shall not be valid.

24.02.620 Change in Use

Changes in the character or use of a building shall not be made except as specified in the Building Code.

24.02.630 Issuance of Certificate

After the Building Official inspects the building or structure and finds no violations of the provisions of this Title or other laws, the Building Official shall issue a certificate of occupancy which shall contain the following:

A. The building permit number.

B. The address of the building.

C. The name and address of the owner.

D. A description of that portion of the building for which the certificate is issued.

E. A statement that the described portion of the building has been inspected for compliance with the requirements of this Title for the group and division of occupancy and the use for which the proposed occupancy is classified.

F. The name of the Building Official.

24.02.640 Temporary Certificate

A. If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

B. Applicant shall pay required fees prior to issuance of temporary certificate of occupancy.

24.02.650 Posting

The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

24.02.670 Revocation

The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Title when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this Title.

Part 7
Appeals

24.02.710 Appeals Jurisdiction

An applicant for or holder of a permit whose proposed solution for meeting the requirements of Title 24 of the California Code of Regulations is not approved or authorized by the Building Official may file an appeal with the Building Codes and Disabled Access Advisory Board.

24.02.720 Notice of Appeal

A. A request for appeal may be taken only by filing a written notice of appeal with the Secretary of the Board no later than the fifteenth (15th) day after the date the Building Official makes a written determination accepting, denying or modifying a proposed design solution regarding Building Code and/ or disabled access requirements.

B. Each notice of appeal shall include:

1. A description of the work or improvements proposed to be made or done;

2. A description of the proposed location of the work or improvements;

3. The reasons, in detail, why

(a) The decision of the Building Official should not be sustained; and

(b) The relief prayed for should be granted.

24.02.730 Request for Ratification

A. For purposes of this Chapter, "Request for Ratification" means a written request by the Building Official that the Board approve a proposed solution based upon a finding of "unreasonable hardship" as that term is used in Title 24 of the California Code of Regulations.

B. The Board must have approved a Request for Ratification, prior to the approval of plans or issuance of a permit which requires a finding of unreasonable hardship.

C. The Building Official shall place any Request for Ratification of a determination of unreasonable hardship on the Board's Agenda in accordance with the provisions of Section 24.02.750.

24.02.740 Filing Fee

No notice of appeal or request for ratification shall be accepted by the Secretary of the Board unless the appellant shall have first paid a filing fee as set forth in the Schedule of Fees established by resolution of the City Council.

24.02.750 Hearings

A. The Building Official shall place all matters for hearing on the Board's Agenda no later than ten (10) days prior to the meeting date on which the matter is set to be heard.

B. All requests for ratification and for appeal shall be in writing and shall contain sufficient information to allow the Board to make a determination on the request.

C. An appeal shall be heard the next regular meeting of the Board which is held not more than seventy-five (75) days after the notice of appeal is filed.

D. At such meeting, or at such later time as the matter may be continued by the Board, the appellant and the Building Official or any of his or her authorized representatives, shall be given a reasonable opportunity to be heard on the matter and to present relevant evidence.

24.02.760 Decisions

A. The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:

   1. The proposed design is satisfactory and complies with the intent of this Chapter; and

   2. The proposed design meets the requirements of Title 24.

B. Board decisions overruling the Building Official's decisions shall require four votes.

C. Board decisions ratifying the Building Official's requests for ratification shall require three (3) votes.

D. Should the Board render a decision contrary to that of the Building Official, then the decision of Board shall be deemed the decision of the Building Official.

24.02.770 Findings and Order

A. Within thirty (30) days following the conclusion of the hearing, the Board shall make written findings of fact, based upon the evidence received at the hearing to support its decision and shall issue an order affirming, modifying, or overruling the determination or order of the Building Official under appeal.

B. The decision of the Board shall be final and conclusive.

C. The findings and order of the Board shall include the following notice:

Notice to Parties

The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

D. The findings and order of the Board shall either be personally delivered or mailed to the appellant within thirty (30) days following the conclusion of the hearing.

Chapter 24.03
BUILDING CODE

Part 1
Adoption of CBC Provisions

24.03.100 Adoption of Technical Provisions of California Building Code

A. Except as otherwise provided for in this Chapter, the California Building Code, 2007 edition are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CBC has been filed for use and examination of the public in the Office of the City Clerk of the City of San Jose.

24.03.110 Portions of California Building Code which are not approved, adopted or incorporated by reference

The following portions of the "California Building Code, 2007 edition," or of the appendix thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter nor a part of the building code of the City of San Jose:

1. Section 108.4
2. Section 108.5
3. Section 108.7
4. Section 108.8
5. Section 903.3.1.2
6. Section 903.3.5.1.2
7. Section 2306.4.5
8. Section 2505
9. Section Table 2306.4.5

The following appendices are adopted:

A. CBC Appendix C, Agricultural Buildings.

B. CBC Appendix I, Patio Covers.

C. CBC Appendix J, Grading

24.03.120 Cross - References to California Building Code

The provisions of this Chapter contain cross-references to the provisions of the CBC, 2007 edition, in order to facilitate reference and comparison to those provisions.

24.03.130 Local Amendments

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the CBC and shall be deemed to replace the cross-referenced section of the CBC with the respective provisions set forth in this Chapter.

PROPOSED

Part 2
Special Detailed Requirements Based on Use and Occupancy
(CBC Chapter 4)

24.03.210 Findings

The amendments set forth in this Part are reasonably necessary because of the following local geological, topographical and climatic conditions:

A. San Jose is within a very active seismic area. Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department resulting in failure to meet the fire and life safety needs of the community.

B. The local geographic, topographic and climatic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the City of San Jose, and may cause a delayed fire response time, allowing further growth of the fire.

C. If not amended, section 402.8 if the CBC would allow omission of fire sprinkler coverage in certain areas of covered malls, high-rise buildings, building with atriums, stages and platforms.

D. The requirement for total fire sprinkler coverage set forth in the amendment is a more restrictive standard which will better prevent fire damage which can result from local conditions.

24.03.220 Covered Mall Buildings (CBC 402)

Subsection 402.8 of CBC Section 402 is deleted and replaced with the following:

402.8 Automatic sprinkler system. The covered mall building and buildings connected shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, which shall comply with the following:

1. The automatic sprinkler system shall be complete and operative throughout occupied space in the covered mall building prior to occupancy of any of the tenant spaces. Unoccupied tenant spaces shall be similarly protected unless provided with approved alternate protection.
2. Sprinkler protection for the mall shall be independent from that provided for tenant spaces or anchors. Where tenant spaced are supplied by the same system, they shall be independently controlled.

402.8.1 Standpipe system. The covered mall building shall be equipped throughout with a standpipe system as required by Section 905.3.3.

24.03.230 High-Rise Buildings (CBC 403)

Subsection 403.2 of CBC Section 403 is deleted and replaced with the following:
403.2. Automatic sprinkler system. Buildings and structures shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and a secondary water

supply where required by Section 903.3.5.2. A sprinkler water-flow alarm-initiating device and a control valve with a supervisory signal-initiating device shall be provided at the lateral connection to the riser for each floor.

24.03.240 Atriums (CBC 404)

Subsection 404.3 of CBC Section 404 is deleted and replaced with the following:
404.3 Automatic sprinkler protection. An approved automatic sprinkler system shall be installed throughout the entire building.

24.03.250 Stages and Platforms (CBC 410)

Subsection 410.6 of CBC Section 410 to be deleted and replaced with the following:

410.6 Automatic sprinkler system. Stages shall be equipped with an automatic fire-extinguishing system in accordance with Chapter 9. Sprinklers shall be installed under the roof and gridiron and under all catwalks and galleries over the stage. Sprinklers shall be installed in dressing rooms, performer lounges, shops, and storerooms accessory to such stages.

Exceptions:
1. Sprinklers are not required within portable orchestra enclosures on stages.

Part 3
Fire Resistance-Rated Construction
(CBC Chapter 7)

24.03.310 Findings

The amendment set forth in this Part is necessary because California Mechanical Code does not address dampers in hazardous exhaust ducts. Hazardous exhaust systems are designed to capture and control hazardous emission generated from product handling or process, and convey those emissions to the outdoors.

24.03.311 Section 716.2.2

CBC Section 716.2.2 is deleted and replaced with the following:

716.2.2 Hazardous exhaust ducts. Penetrations of structural elements by a hazardous exhaust system shall conform to Sections 716.2.2.1 through 716.2.2.4.

716.2.2.1 Fire Dampers. Fire dampers are prohibited in hazardous exhaust ducts.

716.2.2.2 Floors. Hazardous exhaust systems that penetrate a floor/ceiling assembly shall be enclosed in a fire-resistance-rated shaft constructed in accordance with Section 707.

716.2.2.3 Wall assemblies. Hazardous exhaust duct systems that penetrate fire-resistance-rated construction shall be enclosed in a fire-resistance-rated shaft from the point of penetration to the outlet terminal, except where the interior of the duct is

equipped with an approved automatic fire suppression system. Ducts shall be enclosed in accordance with Section 707 requirements for shaft construction and such enclosure shall have a minimum fire-resistance-rating of not less then the highest fire-resistance-rated wall assembly penetrated.

716.2.2.4 Fire Walls. Ducts shall not penetrate a fire wall

Part 4
Automatic Fire Sprinkler Systems
(CBC Chapter 9)

24.03.410 Findings

The amendments set forth in Parts 1 and 4 of this Chapter are reasonably necessary because of the following local geological, topographical and climatic conditions:

A. San Jose is within a very active seismic area. Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department resulting in failure to meet the fire and life safety needs of the community.

B. The local geographic, topographic and climatic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the City of San Jose, and may cause a delayed fire response time, allowing further growth of the fire.

C. This section adopts the latest standards currently listed by the State of California Fire Marshals Office for automatic fire protection systems and includes references to the amendments to the standards made in the California Fire Code.

D. The type of automatic fire sprinkler systems set forth in the amendment is a more restrictive standard which will better prevent fire damage which can result from local conditions.

24.03.415 Cross-References to California Fire Code

The provisions of this Part contain cross-references to the provisions of the California Fire Code or CFC, 2007 edition, in order to facilitate reference and comparison to those provisions.

24.03.425 Automatic Sprinkler Systems (CBC 903)

A. Subsection 903.2 of CBC Section 903 is deleted and replaced with the following:

903.2 Where required. Approved automatic sprinkler systems shall be provided in the following:

A. Throughout existing buildings and structures where an increase is made to the floor area that results in the building exceeding 10,000 square feet.

B. Throughout existing buildings that are greater than 10,000 square feet wherein a change of occupancy that is more hazardous per Chapter 34 of the building code is made.

C. Throughout buildings and structures that are four or more stories in height, regardless of floor area.

D. Throughout new buildings and structures that exceed 6,200 square feet.

E. In new buildings and structures described in sections 903.2.1 through 903.2.17.2.6.

Exceptions:

1. When approved by the Fire Code Official, spaces or areas of telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, when approved by the Fire Code Official and provided those spaces are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

2. Automatic fire sprinkler protection for fixed guideway transit systems shall be in accordance with Section 903.2.17.

B. Subsection 903.2.7 of CBC Section 903, to be deleted and replaced with following:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. Detached one- and two-family dwellings not more than three stories above grade plane in height with a separate means of egress, unless specifically required by other sections of this code or classified as Group R-4.

2. Group U private garages accessory to a Group R-3 occupancy, unless attached to a multiple single-family dwelling(s).

3. Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.

4. Pursuant to Health and Safety Code Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

5. Pursuant to Health and Safety Code Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-4.

C. Add the following subsection to CBC 903.2.7:

903.2.7.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

D. Subsection 903.3.1 of CBC Section 903 to be deleted and replaced with following:

903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1 or 903.3.1.3

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in the Fire Code except as provided in Section 903.3.1.1.1.

903.3.1.1.1 Exempt locations. In other than Group I-2, I-2.1 and I-3 occupancies, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system, in accordance with Section 907.2, that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistant-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.

3. In rooms or areas that are of noncombustible contents.

903.3.1.2 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D as amended in the Fire Code.

E. Subsection 903.3.5.1.1 of CBC Section 903 is deleted and replaced with the following:

903.3.5.1.1 Limited area sprinkler systems. Limited area sprinkler systems fewer than 20 sprinklers on any single connection are permitted to be connected to the domestic service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:

1. Valves shall not be installed between the domestic water riser control valve and the sprinklers.

   Exceptions: An approved indicating control valve supervised in the open position in accordance with Section 903.4.

2. The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13 or NFPA 13D.

F. Subsection 903.4 of CBC Section 903 is deleted and replaced with the following:

903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.

2. Limited area system serving fewer than 20 sprinklers.

3. Jockey pumps control valves that are sealed or locked in the open position.

4. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.

5. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.

6. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

Part 5
Single Room Occupancy Units (CBC Section 1208.4)

24.03.510 Authority

Pursuant to the authority set forth in California Health and Safety Code Section 17958.1, CBC Section 1208.4 is amended as set forth in this part.

PROPOSED

24.03.520 Single Room Occupancies (CBC Section 1208.4)

CBC Section 1208.4 is deleted and replaced with the following:

1208.4 Single Room Occupancies. Single room occupancies shall otherwise conform to the requirements of the CBC except as provided below:

A. The Single Room Occupancy (SRO) unit shall have a living room of not less than 150 square feet (13.9 m^2) of superficial floor area. An additional 100 square feet (9.3m^2) of superficial floor area shall be provided for each occupant of such SRO unit in excess of two.

B. The SRO unit shall be provided with a separate closet.

C. The SRO unit may be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light, ventilation and emergency egress conforming to this Title shall be provided.

D. Every building shall be provided with at least one water closet. Every hotel or subdivision thereof where both sexes are accommodated shall contain at least two separate toilet facilities which are conspicuously identified for male and female use, each of which contains at least one water closet.

EXCEPTION: SRO Hotel guest rooms may have one unidentified toilet facility.

E. Additional water closets shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional thereof, in excess of ten.

F. Every SRO unit shall be provided with a kitchen equipped with a kitchen sink; however, that single room occupancy living unit facilities and single room occupancy residential hotels may contain partial kitchen facilities so long as a sink is provided and laundry facilities and kitchen facilities are provided on each floor accessible from a public hallway.

G. Every SRO unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower; however, that single room occupancy residential hotels may contain partial bathroom facilities. If individual bath facilities are not provided, common bath facilities must be provided as follows:

1. Where private water closets, lavatories and baths are not provided, there shall be provided on each floor, for each sex, at least one water closet and lavatory and one bath, accessible from a public hallway.

2. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one for every additional ten guests or fractional number thereof in excess of ten.

3. Such facilities shall be clearly marked for "men" or "women". As an alternative, adequate unisex facilities may be provided.

4. Each sink lavatory and either a bathtub or shower shall be equipped with hot and cold running water necessary for its normal operation.

H. All SRO units shall comply with all applicable accessibility and adaptability requirements.

Part 6
Structural Design
(Chapter 16)

24.03.610 Findings

The amendments set forth in this Part are reasonably necessary because of the following local geological, topographical and climatic conditions:

A. Local Geological Conditions – The San Francisco/Bay Area region is densely populated and/or located in area of high seismic activities. San Jose is bound by two major faults such as Hayward and San Andreas faults capable of producing major earthquakes.

B. Due to the increasing numbers of tall buildings in this region as well as the increased concern for fire-life safety associated with such a seismic failure, the proposed modification to have a higher minimum base shear consistent with previous edition of the building codes need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Building Code.

C. Clarification on the design parameters for the Buckling Restrained Braced Frame (BRBF) system need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Building Code.

D. Considering that certain important and critical buildings and structures must be operational in the event of an emergency, the need to incorporate this modification into the code will help to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Building Code.

E. The seismic separation is necessary to permit adjacent buildings, or parts thereof, to respond to earthquake ground motion independently and preclude possible structural damage due to pounding between buildings and other structures. The need to incorporate this modification into the code will help to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Building Code.

F. The ACI 318-05 provision was found to grossly underestimate service load deflection. This update reduces the differences in serviceability provisions. The revision will essentially replace equations (14-8) and (14-9) with two new equations for service load out-of-pane deflection. The proposed modification to ensure that the design of slender wall must satisfy both strength and serviceability requirements need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the International Building Code.

24.03.620 Modification to ASCE 7-05, Section 12.8.1.1

Equation 12.8-5 in Section 12.8.1.1 of ASCE 7-05 is amended to read as follows:
$C_s = 0.044\ S_{DS}\ I \geq 0.01$.

24.03.630 Modification to ASCE 7-05, Table 12.8-2

ASCE 7-05 Table 12.8-2 is amended by adding the following:

TABLE 12.8-2 VALUES OF APPROXIMATE PERIOD PARAMETERS C_t AND x

Structure Type	C_t	x
Moment-resisting frame systems in which the frames resist 100% of the required seismic force and are not enclosed or adjoined by components that are more rigid and will prevent frames from deflecting where subjected to seismic forces:		
Steel moment-resisting frame	0.028 (0.0724)[a]	0.8
Concrete moment-resisting frames	0.016 (0.0466)[a]	0.9
Eccentrically braced steel frames and buckling-restrained braced frames	0.03 (0.0731)[a]	0.75
All other structural systems	0.02 (0.0488)[a]	

a – Metric equivalents are shown in parenthesis

24.03.640 Modification to ASCE 7-05, Section 12.8.7

Equation 12.8-16 of ASCE 7-05 Section 12.8.7 is amended to read as follows:

$$\theta = (P_x \Delta \underline{I}) / (V_x h_{sx} C_d) \qquad (12.8\text{-}16)$$

24.03.650 Modification to ASCE 7-05, Section 12.12.3

ASCE 7-05, Section 12.12.3 is amended to read as follows:
12.12.3 Minimum Building Separation. All structures shall be separated from adjacent structures. Separations shall allow for the maximum inelastic response displacement (Δ_M). Δ_M shall be determined at critical locations with consideration for both translational and torsional displacements of the structure as follows:

$$\Delta_M = C_d \delta_{max} \qquad (\text{Equation 16-45})$$

where δ_{max} is the calculated maximum displacement at Level x as defined in ASCE 7 Section 12.8.4.3.
Adjacent buildings on the same property shall be separated by at least a distance Δ_{MT}, where

$$\Delta_{MT} = [(\Delta_{M1})^2 + (\Delta_{M2})^2]^{1/2} \qquad (\text{Equation 16-46})$$

and Δ_{M1} and Δ_{M2} are the maximum inelastic response displacements of the adjacent buildings. Where a structure abuts a property line not common to a public way, the structure shall also be set back from the property line by at least the displacement, Δ_M, of that structure.

Exception: Smaller separations or property line setbacks may be permitted when justified by rational analysis.

24.03.660 Modification to ACI 318 Section 14.8.3 and 14.8.4

Delete and replace ACI 318 Section 14.8.3 and 14.8.4 as following:

14.8.3 – The design moment strength ΦM_n for combined flexure and axial loads at the mid-height cross section shall be

$$\Phi M_n \geq M_u \qquad (14\text{-}3)$$

Where:

$$M_u = M_{ua} + P_U \Delta_u \qquad (14\text{-}4)$$

M_{ua} is the moment at the mid-height section of the wall due to factored lateral and eccentric vertical loads, not including PΔ effects, and Δ_u is:

$$\Delta_u = \frac{5M_u l_c^2}{(0.75)48E_c I_{cr}} \qquad (14\text{-}5)$$

Mu shall be obtained by iteration of deflections, or by direct calculation using Eq. (14-6).

$$M_u = \frac{M_{ua}}{1 - \frac{5P_u l_c^2}{(0.75)48E_c I_{cr}}} \qquad (14\text{-}6)$$

I_{cr} shall be calculated by Equation (14-7), and M_a shall be obtained by iteration of deflections.

$$I_{cr} = \frac{E_s}{E_c}\left(A_s + \frac{P_u}{f_y}\frac{h}{2d}\right)(d-c)^2 + \frac{l_w c^3}{3} \qquad (14\text{-}7)$$

and the value E_s/E_c shall not be taken less than 6.

14.8.4 – Maximum out-of-plane deflection, Δ_s, due to service loads, including PΔ effects, shall not exceed $l_c/150$. If M_a, maximum moment at mid-height of wall due to service lateral and eccentric loads, including PΔ effects, exceed (2/3) M_{cr}, Δ_s shall be calculated by Equation (14-8):

$$\Delta s = \frac{2}{3}\Delta_{cr} + \frac{M_a - \frac{2}{3}M_{cr}}{M_n - \frac{2}{3}M_{cr}}\left(\Delta_n - \frac{2}{3}\Delta_{cr}\right) \qquad (14\text{-}8)$$

If M_a does not exceed (2/3) M_{cr}, Δ_s shall be calculated by Equation (14-9):

$$\Delta_s = \left(\frac{M_a}{M_{cr}}\right)\Delta_{cr} \qquad (14\text{-}9)$$

where:

$$\Delta cr = \frac{5M_{cr}l_c^{\,2}}{48E_cI_g}$$

Part 7
Structural Test and Special Inspections
(Chapter 17)

24.03.710 Findings

Local Geological Conditions – The San Francisco/Bay Area region is densely populated and located in area of high seismic activities. San Jose is bound by two major faults, the Hayward and San Andreas faults, that are capable of producing major earthquakes. Results from studies after the Northridge Earthquake indicated that a lot of the damages were attributed to lack of quality control during construction resulting in low construction quality. The proposed modification to improve quality control during construction need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the California Building Code.

24.03.720 Modification to CBC Section 1704.4

Section 1704.4 of CBC is amended to read as follows:

1704.4 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

EXCEPTIONS: Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less in height that are fully supported on earth or rock, where the structural design of the footing is based on a specified MPa strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:

   2.1. The footings support walls of light-frame construction;

   2.2. The footings are designed in accordance with Table 1805.4.2; or

2.3. The structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).

4. Concrete foundation walls constructed in accordance with table 1805.5(5).

5. Concrete patios, driveways and sidewalks, on grade.

Part 8
Gypsum Board, Gypsum Lath, & Cement Plaster
(CBC Chapters 23 & 25)

24.03.810 Findings

The amendment set forth in Parts 1 and 8 of this Chapter is reasonably necessary because of the following local geological and topographical conditions:

A. San Jose is within a very active seismic area.

B. Gypsum wallboard and exterior Portland cement plaster have performed poorly during recent California seismic events.

C. The shear values for gypsum wallboard and Portland cement stucco contained in the code are based on monodirectional testing.

D. The limitation on the use of these systems as set forth in the amendment until cyclic loading testing are performed and evaluated is a more restrictive standard which will better prevent damage which can result from local conditions.

24.03.820 General Design Requirements (CBC Section 2301.2)

CBC Section 2301.2, method 3 is amended to read as follows:

3. *Conventional light-frame construction in accordance with Section 2304 and 2308.*

24.03.830 General (CBC Section 2308.1)

CBC Section 2308.1 is amended to read as follows:

2308.1 General. The requirements of this section are intended for conventional light-frame construction. Other methods are permitted to be used, provided a satisfactory design is submitted showing compliance with other provisions of this code. Interior-bearing partitions, ceilings and curtain walls of conventional light-frame construction are not subject to the limitations of this section.

PROPOSED

24.03.835 Bracing (CBC Section 2308.9.3)

CBC Section 2308.9.3 is amended to read as follows:

2308.9.3 Bracing

A. Braced wall lines shall consist of braced wall panels which meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Wood boards of 5/8-inch (16 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) on center.

2. Wood structural panel sheathing with a thickness not less than 5/16-inch (7.9 mm) for 16-inch (406 mm) stud spacing and not less than 3/8-inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).

3. Fiberboard sheathing not less than 4-foot by 8-foot (1219 mm by 2438 mm) panels, except at boundaries and changes in framing, and not less than 1/2-inch (13 mm) thick applied vertically or horizontally on studs spaced not over 16-inches (406 mm) on center, with all edges blocked, when installed in accordance with Section 2306.4.4 and Table 2306.4.4.

4. Particleboard wall sheathing panels where installed in accordance with Table 2308.9.3(4).

5. Portland cement plaster on studs spaced 16-inches (406 mm) on center installed in accordance with Section 2510. Limited to one story structures of R-3 and U-1 occupancies. The maximum height-to-width ratio of the braced panels to be 1.5 : 1 and 2:1 for unblocked and blocked construction, respectively.

6. Hardboard panel siding when installed in accordance with Section 2303.1.6 and Table 2309.9.3(5).

For cripple wall bracing see Section 2308.9.4.

For methods, 1, 2, 3, 4, 5 and 6, each braced wall panel must be at least 48-inches (1219 mm) in length, covering three stud spaces where studs are 16-inches (406 mm) apart and covering two stud spaces where studs are spaced 24-inches (610 mm) apart.

B. All vertical joints of panel sheathing shall occur over studs. Horizontal joints shall occur over blocking equal in size to the studding except where waived by the installation requirements for the specific sheathing materials.

C. Braced wall panel sole plates shall be nailed to the floor framing and top plates shall be connected to the framing above in accordance with Table 2304.9.1. Sills shall be bolted to the foundation or slab in accordance with Section 1805.6. Where joists are perpendicular

to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

24.03.840 Table 2305.3.4

Table 2305.3.4 is amended to read as follows:

TABLE 2305.3.4
MAXIMUM SHEAR WALL DIMENSION RATIOS

TYPE	MAXIMUM HEIGHT-WIDTH RATIO
Wood structural panels or particleboard, nailed edges	For other than seismic: 3½:1 For seismic: 2:1[a]
Diagonal sheathing, single	2:1
Fiberboard	1½:1

a. For design to resist seismic forces, shear wall height-width ratios greater than 2:1, but not exceeding 3½:1, are permitted provided the allowable shear values in Table 2306.4.**1** are multiplied by 2*w/h*.

24.03.845 Section 2305.3.9

CBC Section 2305.3.9 is amended to read as follows:

2305.3.9 Summing shear capacities. The shear values for shear panels of different capacities applied to the same side of the wall are not cumulative except as allowed in Table 2306.4.1.

The shear values for material of the same type and capacity applied to both faces of the same wall are cumulative. Where the material capacities are not equal, the allowable shear shall be either two times the smaller shear capacity or the capacity of the stronger side, whichever is greater.

Summing shear capacities of dissimilar materials applied to opposite faces or to the same wall line is not allowed.

24.03.850 Section 2308.3.4

CBC Section 2308.3.4 is amended to read as follows:

2308.3.4 Braced wall line support. Braced wall lines shall be supported by continuous foundations.

Exceptions:

1. One-story buildings with maximum plan dimension not exceeding 50 feet (15240 mm), may have continuous foundations located at exterior braced wall lines only.

2. Two-story buildings with a maximum plan dimension not exceeding 50 feet (5240 mm) may have braced wall lines supported on continuous foundations at the exterior walls only, provided:

1. Cripple walls do not exceed 4 feet (1219 mm) in height.

2. Where the first story is supported on a raised wood framed floor, the interior braced wall panels are directly supported by either doubled joists, continuous 4x blocking or minimum 4x floor beams.

24.03.858 Section 2308.12.4

CBC Section 2308.12.4 is amended to read as follows:

2308.12.4 Braced wall line sheathing. Braced wall lines shall be braced by one of the types of sheathing prescribed by Table 2308.12.4 as shown in Figure 2308.9.3. The sum of lengths of braced wall panels at each braced wall line shall conform to Table 2308.12.4. Braced wall panels shall be distributed along the length of the braced wall line and start at not more than 8 feet (2438 mm) from each end of the braced wall line. Sheathing shall be fastened to studs, top and bottom plates and at panel edges occurring over blocking. Wall framing to which sheathing used for bracing is applied shall be nominal 2 inch wide [actual 1.5 inch (38 mm)] or larger members, spaced a maximum of 16 inches on center. Nailing shall be minimum 8d common placed 3/8 inches from panel edges and spaced not more than 6 inches on center, and 12 inches on center along intermediate framing members.

24.03.860 Table 2308.12.4

CBC Table 2308.12.4 to be deleted and replaced with the following:

TABLE 2308.12.4
WALL BRACING IN SEISMIC DESIGN CATEGORIES D AND E
(Minimum Length of Wall Bracing per each 25 Linear Feet of Braced Wall Line[a])

CONDITION	SHEATHING TYPE[b]	S_{DS}<0.50	0.50 ≤ S_{DS} <0.75	0.75 ≤ S_{DS} ≤1.00	S_{DS} >1.00
One Story	G-P[c]	10 feet 8 inches	14 feet 8 inches	18 feet 8 inches	25 feet 0 inches
	S-W	5 feet 4 inches	8 feet 0 inches	9 feet 4 inches	
Story below top story [HCD 1]	G-P[c,d]	*18 feet 8 inches[d]*	*NP*	*NP*	*NP*
	S-W[d]	*10 feet 8 inches*	*13 feet 4 inches[d]*	*17 feet 4 inches[d]*	*21 feet 4 inches[d]*
Bottom-story of three stories [HCD 1]	G-P	*Conventional construction not permitted; conformance with Section 2301.2, Item 1 or 2 is required*			
	S-W				

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

a. Minimum length of panel bracing of one face of the wall for S-W sheathing or both faces of the wall for G-P sheathing; h/w ratio shall not exceed 2:1. For S-W panel bracing of the same material on two faces of the wall, the minimum length is permitted to be one-half the tabulated value but the h/w ratio shall not exceed 2:1 and design for uplift is required.

b. G-P= fiberboard, particleboard; S-W = wood structural panels and diagonal wood sheathing. *NP = not permitted.*

c. Nailing as specified below shall occur at all panel edges at studs, at top and bottom plates and, where occurring, at blocking: For fiberboard and particleboard, No. 11 gage (0.120 inch) by 1½ inches long, $^{7}/_{16}$-inch head, galvanized nails at 3 inches on center.

d. *[HCD 1] Applies to detached one- and two- family dwellings only.*

24.03.870 Section 2308.12.5

CBC Section 2308.12.5, is amended to read as follows:

2308.12.5 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.12.4 or 2304.9.1. Wall sheathing shall not be attached to framing members by adhesives.

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inch (6096 mm) intervals along the top plate of discontinuous vertical framing.

Part 9
Existing Structures
(CBC Chapter 34)

24.03.1010 Findings

The amendment set forth in this Part is reasonably necessary because of the following local geological and topographical conditions:

A. San Jose is within a very active seismic area. Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire Department resulting in failure to meet the fire and life safety needs of the community.

B. The local geographic, topographic and climatic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the City of San Jose, and may cause a delayed fire response time, allowing further growth of the fire.

C. The adoption of the following amendments with allow for the more ready availability of FEMA assistance in compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

24.03.1020 Definitions (CBC Section 3402.1)

The following definitions are added to Section 3402.1 of CBC:

Substantial Structural Damage. A condition where:

1. In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or

2. The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than 30 percent of the total area of the structure's floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that required by the building code for new buildings of similar structure, purpose, and location.

24.03.1030 Repairs (CBC Section 3403)

A new Subsection 3403.5 is hereby added to CBC Section 3403 to be numbered and entitled and to read as follows:

3403.5 Repairs

3403.5.1 Scope. Repairs of structural elements shall comply with this section.

3403.5.1.1 Seismic evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

3403.5.1.1.1 Evaluation and design procedures. The seismic evaluation and design shall be based on the following procedures:

1. As specified in the building code (Chapter 16)

2. ASCE 31 Seismic Evaluation of Existing Buildings (for evaluation only)

3. ASCE 41 Seismic Rehabilitation of Existing Buildings.

4. The procedures contained in Appendix Chapter A2 and Appendix Chapter A3 of the International Existing Building Code (IEBC) and Appendix Chapter A1 of California Existing Building Code (CEBC) shall be permitted to be used as specified in Section 3403.5.1.1.3.

3403.5.1.1.2 CBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as "Ordinary" unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "Intermediate" or "Special".

2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 3403.5.1.1.2.

PROPOSED

TABLE 3403.5.1.1.2
ASCE 41 and ASCE 31 PERFORMANCE LEVELS

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note (a)	Note (a)
IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV.

3403.5.1.1.3 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor as specified in Section 3403.5.1.1.2.

3. In accordance with the applicable chapters in Appendix A of the International Existing Building Code and California Existing Building Code, as specified in Items (a) through (c) below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.

4.

(a) The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II_are permitted to be based on the procedures specified in Appendix Chapter A1 of CEBC.

(b) Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2 of IEBC.

(c) Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3 of IEBC.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 3403.5.1.1.2.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3403.5.1.1.2. Where ASCE 41 is used, the design spectral response acceleration parameters S_{xs} and S_{x1} shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the California Building Code and its reference standards.

3403.5.1.2 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

3403.5.2 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

3403.5.2.1 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

3403.5.2.2 Substantial structural damage to vertical elements of the lateral–force-resisting system. A building that has sustained substantial structural damage to the vertical elements of its lateral-force-resisting system shall be evaluated and repaired in accordance with the applicable provisions of Section 3403.5.2.2.1 through 3403.5.2.2.3.

3403.5.2.2.1 Evaluation. The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the code official. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the building code.

- Wind forces for this evaluation shall be those prescribed in the building code.
- Seismic forces for this evaluation are permitted to be the reduced level seismic forces specified in Code Section 3403.5.1.1.3.

3403.5.2.2.2 Extent of repair for compliant buildings. If the evaluation establishes compliance of the pre-damage building in accordance with Section 3403.5.2.2.1, then repairs shall be permitted that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage.

3403.5.2.2.3 Extent of repair for non-compliant buildings. If the evaluation does not establish compliance of the pre-damage building in accordance with Section 3403.5.2.2.1, then the building shall be rehabilitated to comply with applicable provisions *of the building code for load combinations including wind or seismic forces.*

Wind

The wind design level for the repair shall be as required by the building code in effect at the time of original construction unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the building code, whichever is greater.

Seismic

Seismic forces for this rehabilitation design shall be those required for the design of the predamaged building, but not less than the reduced level seismic forces specified in Section 3403.5.1.1.3. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

3403.5.2.3 Substantial structural damage to vertical load-carrying components. Vertical load-carrying components that have sustained substantial structural damage shall be rehabilitated to comply with the applicable provisions for dead and live loads in the building code. Undamaged vertical load-carrying components that receive dead or live loads from rehabilitated components shall also be rehabilitated to carry the design loads of the rehabilitation design. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

3403.5.2.3.1 Lateral force-resisting elements. Regardless of the level of damage to vertical elements of the lateral force-resisting system, if substantial structural damage to vertical load-carrying components was caused primarily by wind or seismic effects, then the building shall be evaluated in accordance with Section 3403.5.2.2.1 and, if non-compliant, rehabilitated in accordance with Section 3403.5.2.2.3.

3403.5.2.4 Less than substantial structural damage. For damage less than substantial structural damage, repairs shall be allowed that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage. New structural members and connections used for this repair shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

3403.5.2.5 Flood hazard areas. In flood hazard areas, buildings that have sustained substantial damage shall be brought into compliance with Section 1612 of the building code.

3403.5.3 Referenced Standards

Standard Referenced Number	TITLE	*Reference In Code* Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3403.5.1.1.1, TABLE 3403.5.1.1.2, 3403.5.1.1.3
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3403.5.1.1.1, 3403.5.1.1.2, TABLE 403.5.1.1.2, 3403.5.1.1.3

24.03.1040 Change of Occupancy (CBC Section 3406)
Subsection 3406.4 is amended to read as follows:

3406.4 Change of Occupancy. When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher seismic occupancy factor based on Table 1604.5; or where such change of occupancy results in a

reclassification of a building to a higher hazard category as shown in Table 3406.4; or where a change of a Group M occupancy to a Group A, E, I-1, R-1, R-2, or R-4 occupancy with two-thirds or more of the floors involved in alteration work and total accumulated work area exceeds 50% of the aggregate area of the building, the building shall conform to the seismic requirements of the Building Code for a new structure.

Exceptions:

1. Specific detailing provisions required for a new structure are not required to be met where it can be shown that an acceptable level of performance and seismic safety is obtained for the applicable occupancy category using reduced CBC level seismic forces as prescribed in Section 3403.5.1.1.3. The rehabilitation procedures shall be approved by the code official and shall consider the regularity, overstrength, redundancy and ductility of the lateral-load-resisting system within the context of the existing detailing of the system.

2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

3. Where the area of the new occupancy with a higher hazard category is less than or equal to 10 percent of the total building floor area and the new occupancy is not classified as Occupancy Category IV. For the purposes of this exception, where a structure is occupied for two or more occupancies not included in the same occupancy category, the structure shall be assigned the classification of the highest occupancy category corresponding to the various occupancies. Where structures have two or more portions that are structurally separated, each portion shall be separately classified. Where a structurally separated portion of a structure provides required access to, required egress from or shares life safety components with another portion having a higher occupancy category, both portions shall be assigned the higher occupancy category. The cumulative effect of the area of occupancy changes shall be considered for the purposes of this exception.

TABLE 3406.4
OCCUPANCY HAZARD CATEGORIES

RELATIVE HAZARD	OCCUPANCY CLASSIFICATIONS
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

PROPOSED

Chapter 24.04
PLUMBING CODE

Part 1
Adoption of CPC (Provisions)

24.04.100 Adoption of Technical Provisions of California Plumbing Code

A. Except as otherwise provided for in this Chapter, the California Plumbing Code, 2007 edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CPC has been filed for use and examination of the public in the Office of the City Clerk of the City of San Jose.

24.04.110 Portions of Uniform Plumbing Code which are not approved, adopted or incorporated by reference

The following portions of the California Plumbing Code or CPC, 2007 edition, or of the appendix thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter nor a part of the plumbing code of the City of San Jose: Chapter 1 with the exception of Section 101, Section 412.3, Section 412.5, Section 412.6, Table 4-1, Table A, Table 4-3, Table 4-4, Chapter 16 with the exception of Part II, and all of the Appendix with the exception of the following Appendix Chapters or portion thereof:

A. UPC Appendix A, Recommended Rules for Sizing Water Supply Systems

B. UPC Appendix B, Notes on Combination Waste and Vent Systems

C. UPC Appendix C, Additional Referenced Standards

D. UPC Appendix D, Sizing Stormwater Drainage Systems

E. UPC Appendix I, Installation Standards

F. UPC Appendix K, *Private Sewage Disposal Systems*

24.04.120 Cross - References to California Plumbing Code

The provisions of this Chapter contain cross-references to the provisions of the California Plumbing Code ("CPC") in order to facilitate reference and comparison to those provisions.

PROPOSED

Chapter 24.05
MECHANICAL CODE

Part 1
Adoption of CMC Provisions

24.05.100 Adoption of Technical Provisions of California Mechanical Code

A. Except as otherwise provided for in this Chapter, the California Mechanical Code, 2007 edition, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CMC has been filed for use and examination of the public in the Office of the City Clerk of the City of San Jose.

24.05.110 Portions of California Mechanical Code which are not approved, adopted or incorporated by reference

The following portions of the California Mechanical Code or CMC, 2007 edition, or of the appendix thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter nor a part of the mechanical code of the City of San Jose: Chapter 1 with the exception of Sections 101, 102, 103 and 104, and all of the Appendix Chapters or portions thereof.

24.05.120 Cross - References to California Mechanical Code

The provisions of this Chapter contain cross-references to the provisions of the California Mechanical Code ("CMC") in order to facilitate reference and comparison to those provisions.

Chapter 24.06
ELECTRICAL CODE

Part 1
Adoption of CEC Provisions

24.06.100 Adoption of Technical Provisions of California Electrical Code

A. Except as otherwise provided for in this Chapter, the California Electrical Code, 2007 edition, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CEC has been filed for use and examination of the public in the Office of the City Clerk of the City of San Jose.

24.06.110 Cross-Reference to California Electrical Code

The provisions of this Chapter contain cross-references to the provisions of the California Electrical Code, or CEC, 2007 edition, in order to facilitate reference and comparison to those provisions.

Chapter 24.07
CALIFORNIA EXISTING BUILDING CODE Part 1
Adoption of CEBC Provisions

24.07.100 Adoption of Technical Provisions of the CALIFORNIA EXISTING BUILDING CODE

A. Except as otherwise provided for in this chapter, the California Existing Building Code 2007 edition, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CEBC has been filed for use and examination of the public in the office of the City Clerk of the City of San Jose.

Chapter 24.08
INTERNATIONAL EXISTING BUILDING CODE

Part 1
Adoption of IEBC

24.08.100 Adoption of Technical Provisions of the INTERNATIONAL EXISTING BUILDING CODE

A. Except as otherwise provided for in this chapter, the International Existing Building Code 2006 edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the IEBC has been filed for use and examination of the public in the office of the City Clerk of the City of San Jose.

24.08.110 Portions of International Existing Building Code which are approved, or adopted or incorporated by reference

The following portions of the "International Existing Building Code, 2006 edition," or of the appendix thereto, are approved or adopted or incorporated in this Chapter by reference, and shall be deemed to be a part of this Chapter:

PROPOSED

A. Appendix Chapter A2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms.

B. Appendix Chapter A3, Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings.

PASSED FOR PUBLICATION of title this _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

_____
CHUCK REED
Mayor

ATTEST:

_____
LEE PRICE, MMC
City Clerk