



PLAN REVIEW COMMITTEE

SACRAMENTO VALLEY ASSOCIATION OF BUILDING OFFICIALS

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Plan Review Committee Results for March 2006		
Subject: Accesible Controls and Switches in Apartments	Yes	No
1. Does your jurisdiction require the controls and/or switches to be within the reach ranges as stated in 2004 California Electrical Code Section 404.8 in accessible apartments for the following:		
a. Exhaust fans above kitchen ranges/stoves?	16 (73%)	6 (27%)
b. Under cabinet mounted microwave ovens?	13 (62%)	8 (38%)
Subject: Contractor Verification		
2. During your jurisdiction's permitting process, does your jurisdiction verify that contractors:		
a. Have a current contractor's license?	21 (88%)	3 (13%)
b. Have a current workers compensation policy?	19 (83%)	4 (17%)
c. If exempt from workers compensation, are not employers?	15 (63%)	9 (38%)
d. Are who they say they are?	16 (67%)	8 (33%)
e. Are licensed to do the work they propose to do?	20 (83%)	4 (17%)
Subject: Canopy/Overhang Requirments for B Occupancies		
Background: 2001 CBC 2001 CBC Section 1105B.3.2 item #4 requires that B occupancy professional medical and dental offices shall be made accessible and shall also comply with the section 1109B as for I occupancies. 1109B.2 requires that at least one accessible entrance shall be protected from the weather by a canopy or roof overhang incorporating a passenger loading zone with a 5' x 20' access aisle adjacent and parallel to the vehicle pull-up space.....		
3. Does your jurisdiction require this weather protected entrance for B occupancy dental offices?	12 (52%)	11 (48%)
4. Does your jurisdiction require this weather protected entrance for B occupancy medical offices?	12 (52%)	11 (48%)
Total Spokesperson Responses		24 out of 41
Total Responses		37

Comments by Spokespersons

In response to questions 1a and b, Chapter 1 of the code allows flexibility.

In response to questions 2a-e, the building permit application has a signature line that the applicant must sign that verifies all of the above is true.

In response to question 3, most dental facilities (outside of Yuba City) don't need to admit patients for more than a couple hours at most, therefore the exception to 1109B2 could be used.

In response to question 4, if it can be shown that all of the requirements to the exception to 1109B.2 can be met the canopy would not be required.

1.a. In those units required to be fully accessible.

2. We do check these things, but do not verify with a 3rd party.

An exception allowed on Overhangs. If it is not feasible to install the overhang on existing Bldgs. we will always insert a picture and letter of statement in the Bldg. folder as to why it was not required. IE: Public right of way obstruction/fire.

#1 (a) Good question, it never occurred to us. #1(b) We have not had any that come with microwaves. #2 (d) Verification is not always checked, usually not on over the counter permits.

It seems as a jurisdiction we are all over the board on #2 Contractor verification. I could only put in yes but just as many NO responses came for questions C,D,E. The other questions were unified and consistent.

1.a and b - Per 2004 CEC art. 404.8C(1) ...intended to be used by the occupants of the room or area to control lighting and receptacle outlets, appliances or cooling, heating or ventilating equipment, shall not be more than 48 inches above the finished floor or working platform. I recognize that the Fair Housing Act specifically exempts appliance controls from the requirements of accessibility, however, it seems that in the case of "fixed in place" appliances the CEC is more restrictive.

2. The wording required by the state on the permit card is very specific and requires the applicant to "sign under penalty of perjury". Health and Safety Code 19826 "However, no city or county or its employees shall be responsible for determining the truth or accuracy of the declarations, and no monetary liability on the part of, and no cause of action for damages against them, shall arise from their failure to verify the truth or accuracy of the declarations". We have added to our permit a line that requires the name of the applicant to also be printed so that if legal action is required it is clear whos' signature we are looking at. The only weak link seems to be that we do not ask for identification to determine that the person that is signing the permit is who they say they are.

3. and 4. We have no choice. The law is the law.

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- 1.a. No projects received since code change, but enforced per 2001 CEC.
 - 1.b. Not part of apartment projects.
 - 2.b. If license is current, then workers comp is current by default - no direct check made.
 - 2.e. Generally not, but on occasion, yes.
 - 3 and 4. Facilities always comply with exception to Section 1109B.
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3&4. The accessibility would be required per 1109B.2 for new construction, unless the exception of this section was met. Accessibility under this section would be required for existing construction if the valuation allowed, or if they were over the threshold.

Comments by Non Jurisdictional Spokespersons

Connecting conventional switches to the hood fans results in voiding of the hood warranty, which most apartment Owners want to avoid. We see the switch connected by the property manager when requested by the tenant. All the wiring and boxes are installed with the hood for easy-to-make modifications when requested by the tenant. Upon request, microwaves are provided by the property manager for placement on the countertop. Microwaves attached to hoods are difficult to use by wheelchair bound people.

However, most B dental and medical offices in our jurisdiction qualify for the exception to 1109B.2.

We require all contractor information, but we do not verify it.

PRC Supported Response Questions #1A & 1B

YES

The PRC recognizes that the Fair Housing Act specifically exempts appliance controls from the requirements of accessibility, however, CBC section 101.3 and CEC article 89.6 would both imply that the most restrictive requirement shall govern. In the case of "fixed in place" appliances the CEC is more restrictive.

2004 CEC article 404.8C(1) [For HCD 1/AC] "...is intended to be used by the occupants of the room or area to control lighting and receptacle outlets, appliances or cooling, heating or ventilating equipment, and shall not be more than 48 inches above the finished floor or working platform."

PRC Supported Response Questions #2A thru 2E

NO

The wording required by the state on the permit card is very specific and requires the applicant to "sign under penalty of perjury". Reference Health and Safety Code 19826 *"However, no city or county or its employees shall be responsible for determining the truth or accuracy of the declarations, and no monetary liability on the part of, and no cause of action for damages against them, shall arise from their failure to verify the truth or accuracy of the declarations"*. It would be prudent for jurisdictions to add a line to the permit for the applicant to print his/her name under their signature and request some form of identification. If legal action is necessary it would then be clear whose signature is on the application and the jurisdiction could then testify as to who signed the application. The PRC would also recommend a review by your city attorney or county counsel prior to implementation of any policy or procedure.

PRC Supported Response Questions #3&4

YES

The PRC agrees that CBC section 1109B.2 is applicable to all group B occupancies that contain medical and dental facilities and that do not comply with the exception of CBC section 1109B.2. The PRC would like to point out that this exception is often misinterpreted and that there are three parts to this exception. CBC section 1109B.2 Ex: states: *"Clinics and other medical facilities that are not intended for patient stays of 24 hours or more, and that are located above the first story of a building, and that do not have a dedicated entrance from the exterior of the building at the first story."* In order for this exception to be applicable, all three conditions must be present to invoke the exception as follows:

- Less than 24hr stay.
- Are located above the first story.
- Do not have a dedicated entrance from the exterior on the first story.

Thank You,

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