

Plan Review Committee Results for November 2005

Subject: Accessibility	YES	NO	% Yes	% NO
Given: A Proposed subdivision of 20 SFD's each including a single work space accessed by a door immediately inside and adjacent to the house front door. All lots share a common driveway and parking that is distributed throughout the subdivision (See attached site plan and floor plan). Proposed uses for the workspace are Attorney, Architect, Engineer, Tax Consultant, or Notary office.				
1. Would your jurisdiction identify the "workspaces" as a "B" occupancy and require an occupancy separation?	15	30	31%	62%
2. Would your jurisdiction require accessible path of travel from the street/parking to each "workspace"?	23	21	47%	43%
3. Would your jurisdiction allow access from the public way to the "work spaces" via the common driveway?	24	20	49%	41%
4. Would your jurisdiction require an accessible bathroom for each "workspace"?	20	23	40%	47%
Subject: Home Theaters				
5. Does your jurisdiction require that the minimum natural light requirements of CBC section 1203.2 be complied with for home theater and media rooms?	34	11	71%	23%
6. Does your jurisdiction require that the minimum natural ventilation requirements of CBC section 1203.3 be complied with for home theater and media rooms where no mechanical ventilation system is provided?	45	2	92%	<1%
Total Responses	49			

Question #1 thru 4 Comments

1. Currently our Municipal Code does not allow for the mixed use residential indicated above in 1,2,3, and 4. If we did, consensus amongst inspectors and B.O. would be as marked above.
2. The first 4 questions would be based upon whether or not the work space was intended to be accessed by the public, or used by the resident only.

3. Home occupations that have a Use Permit condition of no on-site clientele and no employees (i.e. only occupants of the house are the employees) do not require accessibility compliance. As soon as the Use Permit indicates on-site clientele, the parking/path/entrance/work space/bathroom all need to be compliant.
4. Zoning would allow a minor business use as a home occupation. If this was a sales office for a model home, then we would treat as a B and require accessible restroom, parking and path of travel.
5. We treat the units as R occupancy.
6. Are these home occupancies not open to the general public or is the general public going to be using them?
7. The first question wouldn't require a separation if the "B" occ. space does not exceed 25% per 301.2 # 2.2.
8. #4 the house bathroom could be used for this purpose. This type of development would be required to have a use permit and all conditions would be placed on the permit.
9. To answer this, I would have to know what percentage of the floor space this area represented; however, if every unit had an office there would have to be other considerations by planning such as parking. Not enough info.
10. Yes/no answers, while necessary for this forum are generally too black and white for the real world. I would ask a lot of questions about this submittal before I started writing. To insure the proper application of the regulations, to meet the intent, you must correctly understand the nature of the occupancy.
11. Much of the determination for the first 4 questions would depend upon whether the public comes to the site for business. If it is a notary where the public would be coming for business then all 4 questions would be yes. If the live workspaces are for occupant office use only then the answers are all no.
12. Home businesses of this nature are allowed under the zoning code.
13. There are a lot of maybes as answers depending on further details about the situations. Most have fuzzy edge that can change the answer either way. For example, is the workspace a home occupancy and do clients come to these. It is implied they do so accessibility would seem to be required, but we have home occupancies that are allowed as part of a R-3 situation where clients do not visit.

14. Questions 1 - 4, our jurisdiction does not allow customers at "home occupancies" eliminating the H/C access and separation.
15. The scenario as shown above will be dependant upon your specific ordinances and how it affects like occupancies allowed to have a commercial within a residential space. I see the floor plan as not being different than any single family home, which is set up as a home business. accessibility will be dependant upon whether the general public is allowed to access the space. Once this happens its room is now a place of public accommodation and is subject to the access regulations. The CPC requires that all places of business be provided with restrooms, this may differ per jurisdiction as it relates to adopting Sections of the CPC or the CBC. Restrooms are required for employees, and as such as a lone proprietor of a business they would have access to the restroom provided within the residential use. The parking issue only depends upon whether the planning department of each jurisdiction requires parking for the general public. The CBC does not require parking but only address access to parking if provided. One must be careful when determining this type of occupancy and need to decide which code requirements will be necessary based upon how the occupancy is used and local ordinances currently in place for like occupancies.
16. These are RESIDENTIAL home-based businesses. The owner is assumed to be the only "employee" and does not necessarily need an accessible restroom, path or parking. Are they zoned for commercial or residential? Does it matter? Would a judge rule otherwise? Who knows?
17. Per CBC sec 302, exception 2.2, it may be a B occupancy but no occupancy separation is required. I would treat these as home offices (which is what they are). ADA (& perhaps CBC) may require accessible path of travel. I would not require individual accessible bathrooms as long as the owner has a key for the pool and it's accessible bathroom at all times available.
18. #4 need more information to determine a proper answer.
19. If they are designed as work/live units and the public will be entering to avail themselves of the services offered then they would have to comply with the accessibility requirements.
20. My comments for the first four questions are assuming there would be no employees. I would then treat it as a office in a home. If there are employees or if this is the only place they can meet with clients, I would have to answer, "yes" to the first 3.

21. As presented this so called workspace would only be allowed as a home office. The proposed expanded use description you have listed above would not meet the intent of the home office and would require a B occupancy with zoning or use permit along with all code requirements as such.
22. Re: questions 1-4. I currently have a project under consideration for this and I don't know the answer yet.
23. 1. If these workspaces could be considered "home occupations" under our zoning regulations, the accessibility requirements wouldn't apply. Whether or not they could be would depend on additional information not provided.
4. There is no requirement to provide a restroom for customers of these types of businesses.
24. Work conducted solely by the resident in the "workspaces" would be considered a residential use. Only if the general public also conducted business at such "workspaces" would we consider it as a "B" occupancy. Then it would be required to conform with applicable CBC 11B requirements.
25. I answered these comments as if these were actual live/work units. And being marketed as such. I would not answer the same way for a person with a bedroom converted to a office for the standard 'home-business', i.e. family daycare.
26. Question #1 we would consider the use accessory to the dwelling and not require a separation if the Workspace was to only be used by the people living in the house.
27. 1 to 4 assumes zoning code has provision for "in home" use. If the zoning code allowed separate tenants in the commercial and residential rooms then the answers would change to yes. The entry layout, however, for security and privacy reasons, would seem to make this option impractical.
28. Questions 1-4 - yes, unless the workspace is going to be like a home office set-up and no business dealings with the public on the site, then I'll consider the workspace as just plain residential living space used as an office.
29. 1. The workspace can only be accessed through the living area of dwelling. Proposed businesses activities present minimal hazard and would only take place when workspace is occupied.
2. Each workspace must be accessible from the street/parking areas.
3. Access from the common driveway would only be allowed as a primary means if it could not be provided in another manner that provided a greater degree of safety.
4. They are serving the public -- accessible bathroom required.

30.#1) No. Home office space does not warrant a "B" occupancy classification. No exterior door in this example. Not stated to be zoned as a home business or as open to the public. As presented, this would be an accessory use to the R-3 (ONLY).

2) No. Accessibility is triggered in the public path of travel, not for a SFD.

3) Again, accessibility is not required for R-3 occupancies (at this time).

4) No.

Comment: If this was zoned and approved as a home business and had a separate access door we would trigger accessibility to the place of business open to the public. The type of uses given in your example would trigger an accessible restroom and path of travel. An exception to this would be a drop off service type transaction (i.e. MA & Pa home occupation shoe repair business where you would fill out a card and drop off the work).

31. This is more of a home business than a stand-alone business. I would consider this to just be part of the dwelling, similar to someone giving piano lessons in their front parlor--not really a true "B" occupancy.

a. We wouldn't require it. We would advise the applicant of potential exposure for discriminating against those needing accessibility if he didn't.

b. I can't see why not. Maybe I'm not understanding the question.

c. No. We don't require accessibility for single-family dwellings.

Question #5 & 6 Comments

32. Unless the room is clearly non-adaptable to any other use (sloping floor, fixed seats, permanent stage, etc.), we would view the room as just another habitable room within the dwelling that could easily be used for a variety of proposed or future uses.

33. Same as in answer #5. I apologize for my lateness. Have a good Thanksgiving,

34. Item #6 is yes regardless of mechanical ventilation.

35. A media room could be viewed as an A or B occupancy also. If it is less than 749 square feet it could be considered accessory to the R3 with no separation needed. The HVAC system would need to be designed per Chapter 12. Occupant load and exiting would need to be addressed as well.

36.5) Do not know of an exception. WOULD LIKE TO NOT REQUIRE NATURAL LIGHT TO A TRUE HOME THEATER/MEDIA ROOM!

- 37.6) Need some form of approved ventilation.
- 38.5. Natural light would not be required if it could be shown that media room/home theater was an exclusive use (ie. built-in; seating, studio recording equipment, movie screen). 6. We would require some form of ventilation (natural or mechanical). I had one applicant that installed a basement-recording studio. The rooms were occupied for hours at a time and tightly sealed to limit sound transmission. The rooms needed to be provided with an adequate amount of outside air and also a means to get rid of accumulated smoke. They installed a mechanical ventilation system that was dampened for sound and separate from the main dwelling's system.
39. We would allow no windows on media room if it was classed as an A or a B occupancy, in which case an occupancy separation and exiting would be needed. It could be considered accessory the R3 when it does not exceed 749 square feet so no separation needed but HVAC needs to be designed per Chapter 12 CBC.
40. Artificial light would be permitted.
41. Any space with habitation would require light and ventilation be code specification.
42. Light and ventilation: "No" on natural light. The use of the room dictates that no natural light is required nor wanted. Ventilation? Absolutely. It may be by natural or mechanical means; I assume the latter would be preferred by the end user.
- 43.5. See CBC 104.2.8 Alternate Methods.
- 44.6. Ventilation of some sort is necessary.
45. Question # 5&6 Natural light and ventilation can easily be obtained by windows that could be treated with "black-out" curtains or interior shutters. Consideration would be given to a room that had fixed, built in video and audio equipment, fixed seating or a sloped floor. We may allow mechanical ventilation and no natural light.

Our responses are not (based) on approval or not from the planning department or requirements or restrictions in the local zoning ordinance. It should be understood that approval by the planning department or acceptance in zoning regulation, does not exempt the requirements of the California Building Codes

The questions were intended to have assumed that the workspaces would have clients and/or employees using the workspaces.

PRC Supported Response Question #1

Yes

The workspace must be considered a B occupancy. However, the Building Official may grant modifications (under CBC section 104.2.7) to the requirements of the one-hour occupancy separation between the R3 and B occupancy. Because the B occupancy is accessed only through the R occupancy, the space does not lend itself to being occupied by someone other than the occupants of the R3. Therefore, the concern that occupants of the B adversely affecting the safety of the occupants in the R3 are similarly reduced. The committee recognized that another approach may be to consider the B occupancy an accessory space to the major use (R3) under CBC section 302.1 EX: 2.2 as it relates to the occupancy separation exemption.

PRC Supported Response Question #2

Yes

There are no exceptions for accessibility for a B occupancy located on the ground floor level.

PRC Supported Response Question #3

Yes

Provided that the driveway is the common path of travel to the workspace. If a second sidewalk were provided, the sidewalk would be required to comply with the path of travel requirements of CBC section 1133B.

PRC Supported Response Question #4

Yes

At least one-unisex accessible restroom would be required within the same building as the B occupancy as per CPC 413.0, Table 4-1 and CBC section 1115B.1.

PRC Spokespersons				DEC	FEB	MAR	APR	SEPT	OCT	NOV
Bruce	Silva	City of Angels Camp	brucesilva@cityofangels.org					X	X	X
Lisa	Hoffrogge	City of Auburn	lhoffrogge@auburn.ca.gov	X		X	X	X	X	
Bob	Latz	City of Citrus Heights	blatz@ci.citrus-heights.ca.us - blatz@lp2a.com						X	
Mike	Williams	City of Chico	mwilliam@ci.chico.ca.us							X
	Bldginspector	City of Colusa	bldginspector@colusanet.com						X	X
Mark	Wood	City of Davis	mwood@ci.davis.ca.us	X	X			X	X	X
Dennis	Canright	City of Elk Grove	dcanright@elkgrovecity.org						X	X
Rick	Renfro	City of Elk Grove	rrenfro@lp2a.com						X	X
Van	Luong	City of Folsom	vluong@folsom.ca.us	X	X			X	X	X
Scott	Howsden	City of Galt	showsden@ci.galt.ca.us	X				X	X	X
Keith	Gebhardt	City of Gridley	kgebhardt@gridley.ca.us	X		X	X	X	X	X
Todd	Cunningham	City of Lincoln	tcunningham@ci.lincoln.ca.us					X	X	X
Lumen	Arceo	City of Manteca	larceo@ci.manteca.ca.us	X		X		X	X	X
Tom	Coleman	City of Orland	tcoleman@cityoforland.com	X	X	X	X	X	X	X
Howard	Larnard	City of Paramount	seismicvalve@earthlink.net							
John	Brownlee	City of Placerville	jbrownlee@ci.placerville.ca.us					X	X	X
John	Mcguire	City of Pinole	jmcguire@ci.pinole.ca.us	X		X		X	X	X
Matt	Taliaferro	Nevada County	matt.taliaferro@co.nevada.ca.us							
Ken	Mace	City of Rancho Cordova	macek@cityofranhocordova.org							X
J. D.	Ellison, Sr.	City of Red Bluff	jellison@ci.red-bluff.ca.us					X	X	X
Bill	Nagel	City of Redding	bnagel@ci.redding.ca.us	X	X	X	X	X	X	
George	Kellogg	City of Rocklin	georgek@rocklin.ca.gov	X	X	X	X	X	X	X
Don	Little	City of Roseville	dlittle@roseville.ca.us	X	X	X		X	X	X
Ryan	Devore	City of Sacramento	rdevore@cityofsacramento.org	X	X	X		X	X	X
Michael	Whitaker	City of Santa Rosa	mwhitaker@srcity.org					X	X	X
Suzanne	Park	City of West Sacramento	suzanne.ramirez@ci.west-sacramento.ca.us	X		X	X	X	X	X
Bhu	Patel	City of West Sacramento	bhu.patel@ci.west-sacramento.ca.us					X	X	X
Shawn	Huff	City of Woodland	shawn.huff@cityofwoodland.org	X	X	X		X	X	X
Becky	Fraser	City of Yuba City	Bfraser@yubacity.net	X		X		X		X
Scott	Rutherford	Butte County	srutherford@buttecounty.net					X		
Russ	Williams	County of Sacramento	williamsr@saccounty.net		X	X		X	X	X
Virgil	Toothaker	El Dorado County	vtoothak@co.el-dorado.ca.us	X	X				X	
John	Roberts	Humboldt County	jroberts@co.humboldt.ca.us					X	X	X
William	Kelley	Plumas County	williamkelley@countyofplumas.com					X	X	X
Bob	Martino	Placer County	bmartino@placer.ca.gov					X	X	X
DeWayne	Starnes	Sonoma County	vstarnes@sonoma-county.org	X		X		X	X	X
Bob	Boyer	Sutter County	bboyer@co.sutter.ca.us	X	X	X	X	X	X	X
Don	Hoff	Town of Paradise	dhoff@townofparadise.com	X	X	X	X	X	X	X
Tim	Sharp	Yolo County	tim.sharp@yolocounty.org	X	X	X	X		X	X
Paul	Klein	Yuba County	pklein@co.yuba.ca.us	X	X	X	X	X	X	X

BUILDING DIVISION – POLICIES AND PROCEDURES

Effective Date: 05/05/2000

NATURAL LIGHT FOR HOME THEATER

RENE' M. BELIVEAU

CHIEF BUILDING OFFICIAL

ISSUE: Under what guidelines and conditions shall modifications to the natural light and ventilation requirements of Sections 1203.2 and 1203.3 of the 1997 Uniform Building Code be granted for the installation of Home Theaters?

BUILDING DIVISION ANALYSIS: *Recently there have been several building permit requests for Home Theater in previously unfinished basement areas. Issues have arisen concerning the relative difficulty and expense of installing the required windows in the foundation walls for the required natural light and ventilation. Many foundations within our jurisdiction are also constructed under the design and seal of an engineer and would require a new engineered analysis and design for any modifications.*

Section 1203.3 of the U.B.C. does permit the substitution of mechanical ventilation in lieu of natural ventilation.

There are no provisions within chapter 12 to modify the natural light requirements. However, installation of natural lighting may be considered counter productive to the intended use as a Home Theater. UBC Sections 104.2.7 (Modifications) does allow the Building Official authority to make reasonable modifications to the code requirements, providing he/she determines that there are practical difficulties in applying the strict letter of the code and that the proposed modification does not lessen any fire-protection requirements or any degree of structural integrity. U.B.C. Section 104.3.8 (Alternate materials, alternate design and methods of construction) also allows the Building Official to approve alternates provided that these alternates comply with the provisions of the code and are, for the purpose intended, at least equivalent to that prescribed by the code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

While not yet adopted, the 2000 International Residential Code, Section 303, exception 2, would permit the deletion of the natural light requirement provide the required mechanical ventilation is provided and the room does not require an emergency escape opening (bedroom egress window).

POLICY & PROCEDURE: As permitted Sections 104.2.7 and 104.3.8 of the 1997 Uniform Building

Code Home Theaters are hereby approved to be installed without the required natural light and ventilation subject to the following conditions:

1. A Home Theater is permanently installed prior to the final inspections and approval.
 2. A mechanical ventilation system capable of at least two air changes per hour during such times as the room is occupied, shall be permanently installed and maintained as required by section 1203.3 of the UBC.
 3. Artificial lighting capable of producing at least 6 foot-candles at a height of 30 inches above the floor level shall be permanently installed and maintained.
 4. The Theater Room shall not be used for sleeping purposes.
 5. A smoke detector is properly installed in the Home Theater area.
 6. An approved Battery operated Emergency lighting system shall be permanently installed and maintained.
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Last Revised: 09/19/2000



SAN DIEGO AREA CHAPTER

International Conference of Building Officials

Carlsbad, Chula Vista, Coronado, El Cajon, El Centro, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego City, San Diego County, San Marcos, Santee, Solana Beach, Vista

CHAPTER POLICY

Policy No. 301

THE SAN DIEGO AREA CHAPTER OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS APPROVES THE CONTENT OF THIS CHAPTER POLICY AND RECOMMENDS ITS ADOPTION BY THE MEMBERS OF THE CHAPTER CHECK WITH THE LOCAL INSPECTION JURISDICTION BEFORE BEGINNING ANY INSTALLATION BASED ON THIS POLICY

SUBJECT: HOME THEATERS	
CODE YEAR: 1998 CBC	CROSS REF: Section 1203.3, UBC Handbook
DRAFTED BY: Code Committee	COMMITTEE: Code
APPROVAL DATE:	REVISION DATE: December 18, 2001

QUESTION/ISSUE:

What occupancy classification should local building departments apply to home theaters?

POSITION:

A home theater should be classified as an R-3 occupancy. The building official may waive the requirement for natural light if it is evident to the building official that the room will not be used for any other purpose. Section 1203.3 permits the installation of a mechanical ventilating system in lieu of natural ventilation. A home theatre may contain cabinets for electronic equipment but not clothes closets. Home theaters should not contain fireplaces nor should they have direct access to a toilet room or bathroom. Rooms that are designed or remodeled into home theaters include features like sloped or stepped floors, insulation in interior and exterior walls, and provisions for sound and/or projection equipment. A home theatre is not a replacement for a living room, family room or den.

REASON:

A home theatre does not differ from a large living or family room with regards to the potential number of occupants. At times of parties and gatherings, living and/or family rooms may accommodate a large number of occupants and yet still be considered an R-3 occupancy with no additional consideration to exiting or fire protection. In addition, fire departments in many of the jurisdictions require annual inspections of A-3 occupancies. For a single-family residence, this may be too restrictive and impractical.

The room is intended to block out sunlight and outside sounds to create a theater like setting where the owner and guests can enjoy movies and music. If it is evident that the room will not be used for any other purpose, waiving the requirement for natural light should not diminish the occupant's healthful and livable conditions. The light and ventilation requirements are "carryovers from the beginning of this century when conditions in tenement houses were pitiful at best and downright unhealthy in most cases." (The Handbook to the Uniform Building Code)