



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: December 17, 2013

Agenda Item 6E

Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

Department: Community Development / Building Division
Prepared By: Mike Jorgensen, Building Official [Signature]

Subject: ***POLICY EXEMPTING CERTAIN MINOR ALTERATIONS AND REPAIRS FROM REQUIRING BUILDING PERMITS.***

Fiscal Impact: Implementation of this policy is expected to result in an estimated \$30,000 reduction in fees annually.
001-000-34121-000-00000 Building Plan Check Fees (-\$12,000)
001-000-32210-000-00000 Building Permit Fees (- \$18,000)

Summary: Staff recommends that Council approve Policy No. _____. This written policy is intended to clarify what types of changes, alterations or repairs are to be considered of a "minor nature" and establish consistent guidelines for exempting certain minor repairs and alterations from requiring permits to construct.

Background: The California Building Code and the California Residential Code in general require that a written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

These codes also allow for permit exemptions when "Changes, alterations or repairs of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency".

Discussion: City staff provided an update on the 2013 California Building Codes at the October 1, 2013 council meeting and proposed approaches to streamline and simplify the building permit process. City staff brought forward a number of changes to local amendments to State building codes in order to reduce the regulatory burden on permit applicants. Additionally, the possibility of incorporating a broader code interpretation of projects deemed to be minor work was also discussed.

The City Council directed staff to prepare a written policy that identifies and defines the types of small projects with changes, alterations or repairs of a minor nature to be exempt from permits and bring back to Council for further consideration.

The policy developed has been crafted to exempt certain small projects that have been carefully evaluated and determined to be minor in nature while not affecting structural features, egress, sanitation, safety or accessibility.

Staff believes that the parameters and limitations established for these projects will reduce unnecessary regulation while not impacting or diminishing safety to building occupants. The written policy will allow for a uniform, consistent and fair administration of building code requirements for applicants.

Eliminating the need for permits for these minor improvements reduces the regulatory burden on property owners and contractors while allowing the building division staff to spend time on more significant projects deserving greater attention.

The elimination of permits for certain minor projects is expected to reduce revenues collected from reviewing and permitting these projects by an estimated \$30,000 annually.

Recommended

Action: STAFF RECOMMENDS THAT the City Council

1. Approve City Policy No. _____ titled "Exempting Certain Minor Alterations and Repairs from Requiring Building Permits"

Attachments: 1. City Policy No. _____

Notification: None

Attachment – 1

Attachment “1”

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POLICY AND PROCEDURE

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|---|---|
| Subject: Exempting Certain Minor Alterations and Repairs from Requiring Building Permits | Index: Administration General Number: 102-10 |
| Effective Date: December 17, 2013 | Prepared By: Community Development (Building Division) |
| Supersedes: N/A | Approved By: |

1.0 PURPOSE:

The purpose of the City's "Exempting Certain Minor Alterations and Repairs from Requiring Building Permits" Policy is to:

- 1.1 Provide relief from the permit process for certain alterations or repairs determined to be minor in nature.
- 1.2 Establish project scope limitations which do not adversely impact structural features, egress, sanitation, safety or accessibility of the public or building occupants.
- 1.3 Establish clear guidelines to provide for the fair and consistent application of this policy.

2.0 ORGANIZATION AFFECTED:

City Building and Planning Divisions

3.0 REFERENCES:

- 3.1 State of California Code of Regulations (Title 24)
- 3.2 2013 California Building Code
Chapter 1, Division I, California Scope & Administration, Section 1.8.4.1
Chapter 1, Division II, Scope & Administration, Section 105.2
- 3.3 2013 California Residential Code
Chapter 1, Division I, California Administration, Section 1.8.4.1
Chapter 1, Division II, Administration, Section R105.2

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4.0 **POLICY:**

This written policy intends to clarify what types of changes, alterations or repairs are to be considered of a "minor nature" and establish consistent guidelines for exempting certain minor repairs and alterations from requiring permits to construct.

- 4.1 The California Building Code and the California Residential Code in general require that a construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- 4.2 The California Building Code and the California Residential Code both contain provisions that exempt certain work from permits.

4.2.1 The California Building Code includes exceptions:
Work exempt from permits as specified in Chapter 1, Division II, Scope and Administration, Section 105.2.

4.2.2 The California Residential Code includes exceptions:
Work exempt from permits as specified in Chapter 1, Division II, Administration, Section R105.2.

4.2.3 These codes also allow for permit exemptions when:
Changes, alterations or repairs of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency.

4.2.4 Exemptions from permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of other provisions of law or this code. Changes, alterations or repairs are still subject to all applicable zoning regulations and process requirements.

- 4.3 In accordance with this policy the City of San Clemente has determined that the following Changes, Alterations or Repairs constitute work of a "Minor Nature" and shall be exempt from requiring permit:

4.3.1 Replacement windows and doors:

Replacement windows and doors having the same dimensions and operability as those being replaced and not requiring any change to the framing or opening size, and not requiring any change to exterior wall covering, siding and/or stucco waterproofing shall not require a building permit. Such replacements shall not result in reduction in natural light and ventilation or egress. Additionally, such replacements must still conform to all technical codes and applicable City, and State regulations including but not limited to weather-proofing, security, energy efficiency, disabled access and historic preservation.

4.3.2 The removal and reinstallation or replacement of existing water closets (toilets), and sinks:

The removal and reinstallation or replacement of existing water closets (toilets), and sinks in the same existing location shall not require a plumbing permit, provided such work does not involve the replacement or rearrangement of valves, pipes or fixtures. Such reinstallations and replacements must still conform to all technical codes, standards and applicable City, and State regulations including but not limited to water efficiency standards and accessibility.

4.3.3 The removal and reinstallation or replacement of garbage disposals or dishwashers (in residential occupancies only):

The removal and reinstallation or replacement of garbage disposals or dishwashers in the same existing location shall not require a plumbing permit, provided such work does not involve the replacement or rearrangement of valves, pipes or fixtures. Such reinstallations and replacements must still conform to all technical codes, standards and applicable City, and State regulations relating to water efficiency standards.

4.3.4 The removal and reinstallation or replacement of residential ovens, stovetop ranges, or microwave ovens (in residential occupancies only):

The removal and reinstallation or replacement of residential ovens, stovetop ranges, or microwave ovens in the same existing location shall not require a plumbing or electrical permit, provided such work does not involve the replacement or rearrangement of electrical or gas connections. Such reinstallations and replacements must still

conform to all technical codes, standards and applicable City, and State regulations relating to equipment efficiency standards.

4.3.5 The replacement of existing electrical light switches or receptacles:

The replacement of existing electrical light switches or receptacles in existing junction boxes with similar devices shall not require an electrical permit, provided such work does not involve the addition, extension, rearrangement or relocation of electrical wiring or junction boxes. Such reinstallations and replacements must still conform to all technical codes, standards and applicable City, and State regulations including but not limited to ground-fault circuit-interrupter protection, and arc-fault circuit-interrupter protection.

4.3.6 The replacement of existing surface mounted light fixtures:

The replacement of existing surface mounted light fixtures utilizing existing junction boxes shall not require an electrical permit, provided such work does not involve the addition, extension, rearrangement or relocation of electrical wiring or junction boxes. Such reinstallations and replacements must still conform to all technical codes, standards and applicable City, and State regulations.

4.3.7 The repair or replacement of pool and spa equipment: (in single family residential occupancies only):

The repair and replacement of pool spa equipment (heaters, pumps, filters) in the same existing location shall not require a plumbing or electrical permit, provided such work does not involve the replacement or rearrangement of electrical, plumbing or gas connections. Such reinstallations and replacements must still conform to all technical codes, standards and applicable City, and State regulations relating to equipment efficiency standards.

4.3.8 Repair of minor damage to gypsum-board drywall:

Minor repairs of gypsum-board drywall involving less than 20 square feet and not part of a required fire-resistive assembly or sound attenuation assembly shall not require a building permit.

4.3.9 Repair and reinstallation of roofing materials:

Minor repairs to roofs involving the removal, repair and reinstallation of less than 100 square feet of roofing materials shall be considered leak repair and not require a building permit. Roof

repairs shall not be broken up into a series of small reroofing projects for the purposes being exempt from building permit. Such repair must still conform to all technical codes, standards and applicable City, and State regulations including but not limited to roof material fire classification.

4.3.10 Relining sewer line on a private residential dwelling lot:

Relining existing sewer piping on private property to repair minor leaks shall be considered leak repair and shall not require a permit, provided such work does not involve the rearrangement or replacement of pipes, valves, connections or fixtures. Such work must still conform to all applicable City and State regulations. Any work beyond the property line on public property requires prior approval of Engineering/Public Works.

4.3.11 Re-plastering pools and/or spas accessory to a single family dwelling:

Re-plastering a residential pool and/or spa accessory to a single family dwelling shall not require a permit, provided such work does not involve the replacement or rearrangement of piping system, drains or inlets. Such work must still conform to all applicable City and State regulations.

4.3.12 Temporary tents associated with special event or special activity permits:

Individual temporary tents associated with special event or special activity permits not exceeding 120 square feet are exempt from a building permit provided individual tents are separated by at least 12 feet or groupings of individual tents without the required separation do not exceed an aggregate area of 700 square feet. Temporary tents must still comply with all applicable Fire Code and OCFA regulations.

4.3.13 Temporary stages and platforms associated with special event or special activity permits:

Temporary stages and platforms associated with special event or special activity permits not more than 30 inches above adjacent grade with an aggregate area not exceeding 120 square feet are exempt from a building permit, provided the stage does not contain any overhead structures.

4.3.14 Repairs to residential yard drainage systems:

Minor repairs and alterations of existing residential yard drainage systems are exempt from a permit provided the overall drainage pattern of the yard is not altered and provided the repairs and/or alteration of yard drain piping does not exceed 10 linear feet. Work must still comply with installation methods and materials required by the codes.

4.3.15 Installation of non-electric, light-weight foam building signage (i.e. foam letters):

Installation of individual light-weight foam letter building signage applied to the exterior of a structure with adhesive is exempt from a building permit provided the lettering is made of foam and attachment to the building face does not require mechanical fastening and the signage does not require electrical power. Any lighting associated with the signage shall require a separate electrical permit. Additionally, building signage must comply with all zoning requirements.

4.3.16 Repair and replacement of HVAC ducting:

Minor repair and/or replacement of existing worn or damaged HVAC ductwork shall be exempt from a permit provided the repair or replacement does not exceed 10 linear feet. Work must still comply with installation methods and materials required by the codes.

4.3.17 Repair and replacement of exterior wood trim:

Repair and replacement of exterior wood trim due to termite and/or dry rot damage shall be exempt from a permit, provided the repairs are limited to replacing existing fascia boards and window or door trim.

4.3.18 Repairing existing decks and patio covers:

Minor repairs of existing decks and/or patio covers due to termite and/or dry rot damage shall be exempt from a permit, provided the repair is limited to replacement (like for like same size and materials) of isolated deck boards or patio cover shade elements and the repair does not involve more than 100 square feet of replacement.

4.3.19 Installation of plug-in portable water features:

The installation of plug-in portable water features shall not require a permit, provided such work does not involve the addition, extension, rearrangement or relocation of electrical wiring or junction boxes. Any new electrical work (if required) shall obtain the necessary electrical permit.

4.3.20 Installation of garage door openers:

The installation of plug-in garage door opener shall not require a permit, provided such installation does not involve the addition, extension, rearrangement or relocation of electrical wiring or junction boxes. Any new electrical work (if required) shall obtain the necessary electrical permit.

4.3.21 Other minor projects:

The Building Official may consider and evaluate other minor work not specifically listed in this policy that is considered similar to those identified in this policy and as authorized in the code and conclude that such work is exempt from requiring a permit.

4.4 In accordance with California Building Code Section 105.2 and California Residential Code Section R105.2, State Codes also exempt the following work from requiring a permit.

Building:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses and structures such as portable shade cloth structures, provided the floor area does not exceed 120 square feet (11 m²). Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.
2. Fences not over 6 feet high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of footing to the top of wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

5. Detached decks, platforms or similar structures not exceeding 200 square feet in area (R-3 residential only), walkways, sidewalks and driveways that are not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below, and are not part of a required exit means of egress, and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work that does not involve electrical, mechanical or plumbing work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
13. Radio and television antenna, and flagpoles not over twelve (12) feet in height measured from grade.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.

3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

5.0 PROCEDURE:

- 5.1 Building Division staff will utilize this policy when reviewing applications.
- 5.2 Building Division will post the most current version of this policy on the City website.
- 5.3 The policy shall be periodically reviewed and updated by the Building Division as necessary.

6.0 DEFINITIONS:

The definitions of terms used in this policy are contained in State of California Code of Regulations (Title 24) including:

- Part 1 - California Building Standards Administrative Code
- Part 2 - California Building Code
- Part 2.5 - California Residential Building Code
- Part 3 - California Electrical Code
- Part 4 - California Mechanical Code
- Part 5 - California Plumbing Code
- Part 6 - California Energy Code
- Part 8 - California Historical Building Code
- Part 9 - California Fire Code

- Part 10 - California Existing Building Code
- Part 11 - California Green Building Standards Code
- Part 12 - California Reference Standards Code

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