

2007 IBC Q & A

Q 1 Is it true that California has adopted IBC 2006?

A Yes. The IBC was adopted this week and the timeline is posted at http://www.bsc.ca.gov/prpsd_chngs/documents/2006/1-1-08%20timeline%2010-05-06.pdf

Q 2 When is San Diego expected to adopt it?

A 2 We expect to commence the formal adoption process August 2007 with an effective date for the local amendments to coincide with the State mandated CBC applicability date on Jan 1, 2008. Effective date is supposed to be Jan 1, 2008 based on a 7/4/07 publication date for all parts of the State code

Q 3 Will there be an equivalent California version, perhaps titled "2007 California Building Code"?

A 3 Yes the new code will be the 2007 California Building Code which is based on the 2006 IBC and includes

Q 4 Is there a website with more info?

A 4 Yes. Go to <http://www.bsc.ca.gov/index.html> and look under Recently Approved Changes in Code Standards as well as Proposed Changes in Code Standards as there may be a lag time in posting of updates.

Q 5 I plan to submit a phased project where the foundation, building frame and remainder of the building will be submitted for a partial permit. Can the balance of work architectural portion be approved under the 2007 CBC if it is submitted in 2008?

A 5 Yes. The project can be vested for compliance with the 2001 CBC if one of the partial permits was submitted in 2007. The work submitted in 2008 may be designed to comply with the 2007 CBC.

Q 6 I have a phased housing subdivision that is approved as a part of the Master Plan program. Does my master plan have to be updated for the new codes? Can I pull permits for future phases in 2008 under the 2001 CBC?

A6 Master plans that will be used as a basis for permit issuance of projects whose application is submitted on or after January 1, 2008 shall comply with the 2007 codes.

Master plans where phases are to be submitted in 2007 remain valid until the application for a phase designed per that master plan expires, one year after submittal.

New phases for which applications are submitted in 2008 shall comply with the 2007 codes however applications submitted in 2007 are vested in the 2001 codes until the application expires after 1 year.

Q 7 Does my vesting tentative map vest me for compliance with the code in effect when the map was approved?

A 7 No. Health and Safety regulations are regulate based on the building permit application date. Building permits are processed under the ministerial building permit process. Section 18938 of the Health and Safety Code requires that the new codes shall apply to all occupancies within the state 180 days after publication of the code which was set at July 4, 2007. Tentative maps only vest the land use regulations.

Q 8 I have a valid permit and need to make plan changes to my project. Do the changes made in 2008 have to comply with the new codes? May I comply with the new

A 8 No. If the changes are made to the project do not involve an increase in the floor area or height of the building then the proposed plan changes are vested under the original code.

Q 9 I have a valid permit and need to make plan changes to my project. May I make my changes to comply with the new codes?

A 9 Yes. However the entire project is subject to re-review for compliance with all the new codes. Selectively choosing to use provisions from the new codes is not permitted and is not appropriate since the new codes include both more and less restrictive requirements when compared to the 2001 codes.

Q 10 My permit or permit application will expire next week. Will I have to resubmit my project to comply with the new coedes?

A 10 Please refer to Information Bulletin 117 for more information as well as Section 129.0218 and 129.2019 for expiration of building permits. When an application expires please refer to Section 129.0211 for more information. They can be found at <http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art09Division02.pdf>.

Q 11 Will the City of San Diego allow projects submitted in 2007 to comply with the new codes and can a building permit issued for projects under the new codes be issued in 2007?

A 11 Yes. On a case by case basis, and based on available staffing and workload conditions, an application to use the new codes may be made by applying for the use Use of Alternate Materials, Design, or Construction Methods pursuant to Section §129.0109 of the SDMC. The application process can take up to 8 weeks and will require a comprehensive report showing how the project will comply with the new codes and shall highlight specific code requirements applicable to the project that differ from the 2001

Codes. The process is designed to identify large picture issues that require interpretation or an alternative design.

The formal plan check process may commence after this initial review period. It is expected that the standard turnaround times will not apply and that it will take longer to review such projects under the new codes. Capacity for this review is limited and it is offered on a case by case basis.

A building permit can be issued in 2007 for projects approved for complying with the 2007.

Q 12 Do deferred submittals have to be designed to comply with the new codes and referenced standards if they are submitted in 2008 for projects approved under the 2001 codes?

A 12 No. Deferred submittals are vested under the codes applicable to the project for which they are a part.

Q 13 Will there be official public noticing of what the City's adoption policies will be?

A 13 Yes. The City of San Diego will be providing a copy of the proposed changes to organizations representing stakeholders and posting the proposed changes on the DSD web site. The Process will commence with an informational item before the Technical advisory Committee on October 10, a presentation for support before the Board of Building appeals and Advisors on October 29, followed by a presentation before the Planning Commission on November 8 and a presentation before the City Council on November 22 or December 3.

It is expected that the effective date for local amendments may be delayed to early or mid February, however State mandated codes will be effective at the local level on January 1, 2008.

Information will be posted on the DSD web site and in the Permit Press newsletter.

Q 14 Typically, a City/County will grant an additional 180 day extension of a plan check when requested. Does your City/County grant this extension?

A 14 Yes. Municipal Code Section §129.0211 outlines the process for the closing of a Building Permit Application. The Building Official may extend a Building Permit application, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the applicant prevented issuance of the Building Permit. Updates to State mandated regulations do not constitute a condition beyond the control of the applicant.

A new application may be filed for a project prior to January 1, 2008 and the project will retain rights to comply with codes in effect at the time of the new application for a period not exceeding 1 year as outlined in the above referenced Section of the Municipal Code.

Q 15 If this plan check extension is granted, will the City/County request that the plans be updated to meet the then current building code, or will the extension be granted where the plans can remain to the code they were designed to?

A 15 Application closing date extensions pursuant to Section §129.0211 (c) do not require compliance with the codes in effect at the time that the extension is granted. need not

Q 16 Does your City/County currently have, or consider adopting, a “grandfathering” policy, whereby, for example, a repeat phased project would be grandfathered to the code that the model/master plans were designed and approved to?

A 16 No. Section 18938.5 (a) of the Health and Safety Code makes clear that the local effective date of State mandated codes will be based on the application date. Furthermore, the City of San Diego uses the deemed complete date for determining the application date to eliminate the submission of incomplete plans.

Q 17 If an applicant were to choose to cancel a plan check application or allow it to expire and submit a new plan check for the same development prior to the code update, does the City/County offer any reduction in plan check fees?

A 17 No. However, on a case by case basis and depending on the level of progress made during the initial review, and after evaluating the unique circumstances of the application, the Building Official may consider granting a reduced fee.

Plancheck fees are designed to sustain our fee for service process and obligate the Department to retain staff on hand to fulfill service obligations required for the building permit application. Staffing levels can not be sustained indefinitely and therefore to maintain service levels projects need to pay additional plancheck fees to extend the review period beyond one year.

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