



ICC CODES - PUBLIC COMMENT FORM

FOR PUBLIC COMMENTS ON THE "2009/2010 REPORT OF THE PUBLIC HEARINGS"

- IBC - International Building Code (E, FS, G, S)
- IEBC-International Existing Building Code (EB)
- IFC-International Fire Code (F)
- IFGC - International Fuel Gas Code (FG)
- IMC - International Mechanical Code (M)
- IPC - International Plumbing Code (P)
- IRC - International Residential Code-Building (RB)
- IRC-International Residential Code-Plumbing/Mechanical (RP, RM)
- IWUIC- International Wildland-Urban Interface Code (IWUIC)

CLOSING DATE: All Comments Must Be Received by February 8, 2010. The 2009/2010 Final Action Hearings for the codes listed above, will be held May 14-23, 2010 in Dallas, TX.

1) Please type or print clearly: Public comments will be returned if they contain unreadable information.

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Jurisdiction/Company:	City of San Jose				
Submitted on Behalf of:	ICC Tri-Chapter (Peninsula, East Bay, Monterey Bay Chapters)				
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2) Copyright Release: In accordance with Council Policy #28 Code Development, all Code Change Proposals, Floor Modifications and Public Comments are required to include a copyright release. A copy of the copyright release form is included at the end of this form. Please follow the directions on the form. This form as well as an alternative release form can also be downloaded from the ICC website at www.iccsafe.org. If you have previously executed the copyright release, please check the box below:

2009/2010 Cycle copyright release on file

3) Code Change Proposal Number:

Indicate the Code Change Proposal Number that is being addressed by this Public Comment: FS20-09/10

4) Public Comment: The Final Action requested on this Code Change Proposal is: (Check Box)

Approved as Submitted (AS):
 Approved as Modified by this Public Comment (AMPC):
 Approved as Modified by the Code Committee as Published in the ROH (AM):
 Approved as Modified by Assembly Floor Action as Published in the ROH (AMF):
 Disapproved (D):

Attached Proposed Modifications and/or Reason Statements:

See Attached Individual Consideration Form

PLEASE USE SEPARATE FORM FOR EACH PUBLIC COMMENT
 SUBMITTAL AS A DOCUMENT ATTACHED TO AN EMAIL IS PREFERRED
 SEE BACK OF FORM FOR DIRECTIONS ON WHERE TO SEND PUBLIC COMMENTS

INDIVIDUAL CONSIDERATION FORM

FS20-09/10

705.8.6

Individual Consideration Agenda

This item is on the agenda for individual consideration because a public comment was submitted.

Public Comment:

Homer Maiel, PE, CBO, City of San Jose, representing ICC Tri-Chapter (Peninsula, East Bay, Monterey Chapters), requests Approved as Submitted.

Commenters' Reason:

In Baltimore, the committee disapproved the proposal stating: "The proposal is impractical to enforce based on verification of the conditions of an existing building." It is unfortunate that this misconception was not clarified during the testimony before the committee, but the way the proposal is written there is NO requirement to obtain or verify ANY information regarding the construction of the neighboring existing building. Instead, only dimensional information is necessary. The two pieces of information needed to apply this provision are the horizontal distance between the new and existing buildings, and a vertical distance between the roof of the lower building (new or existing) and openings in the exterior wall of the neighboring building (new or existing). In addition, only the new building or new addition to an existing building must comply with the construction requirements of this provision.

If the new building or the addition is taller than the neighboring existing building, then the windows of the new building or the addition will need to be rated; regardless of the type of the roof the existing neighboring building has. If the new building or the addition to an existing building is lower in height than the neighboring existing building, then the roof of the new building or the roof of the addition to an existing building will have to comply with these requirements; regardless of the ratings of the windows on the existing neighboring building. No verification of the construction of the roof or windows, or any other portion of an existing building are necessary to apply these provisions.

To explain the paragraph above, a graphical illustration is presented. In Fig. 1, a multi story building is erected adjacent to a property which has an existing one-story building. A real, legal property line is shown as "PL". In this situation if L is less than 15', any openings in the new building (wall facing the PL) that are less than 15' (dimension H) above the roof of the existing building, are required to be rated not less than ¾ hour. In Fig. 2, a new one-story building is erected next to an existing multi-story building. If L is less than 15' and there are openings in the existing building that are less than 15' (H dimension) above the roof of the new building, the roof of the new building is required to be minimum 1 hour construction for at least 10' from the exterior wall (X dimension). In Fig. 3, an addition, in form of more stories, is made to an existing building. This creates the same situation as Fig 1. In Fig. 4, an addition is made to a single story building that is adjacent to an existing multi-story building. This creates the same situation as Fig. 2.

As it can be seen from these cases, at no time verification of the conditions of an existing building is warranted. Only dimensions L and H need to be established.

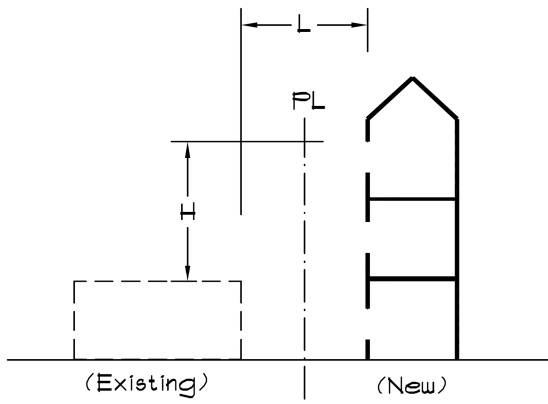


Fig. 1

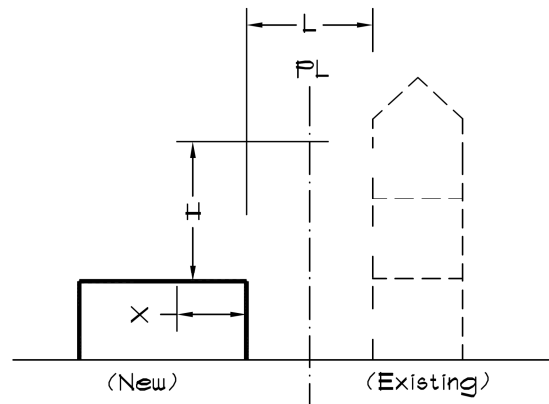


Fig. 2

— New Construction
 --- Existing Const.

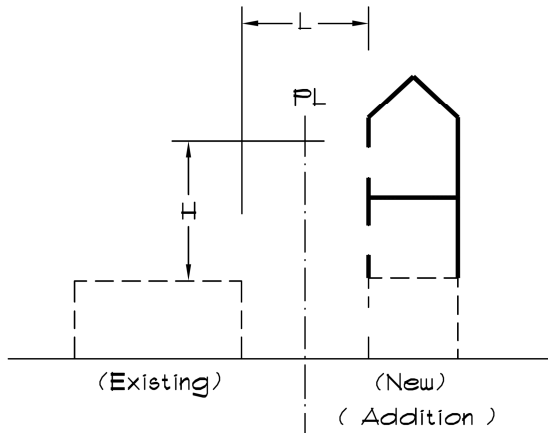


Fig. 3

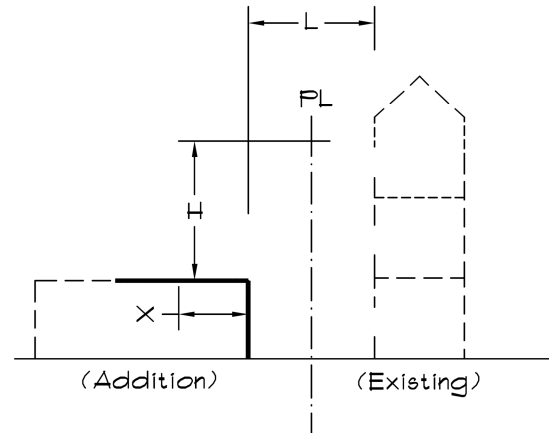


Fig. 4