

ICC TRI-CHAPTER UNIFORM CODE COMMITTEE (TUCC)



NUMBER:

SUB-COMMITTEE: Ryan Clarkson (Livermore) and Frank Rainone (Sunnyvale)

APPROVAL DATE: DRAFT

REVISED DATE: 12-28-2007

SUBJECT: R-3 Occupancy - exterior window/door replacements.

CODE REFERENCES:

2007 CBC; Chapter 2, Table 704.8, Chapter 34, Sections 3401, 3401.2, 3403 and 3403.1 with exception #2

ISSUE:

The building code has historically permitted residential R-3 occupancies to have “unprotected openings” in exterior walls located 3’ or more from the property line.

The new code which went into effect (January 1st, 2008) does not allow any openings to 3’ from property line.

Table 704.8, footnote “g”, indicates that the area of unprotected and protected openings is not limited with a fire separation distance greater than 5’.

The question is how to regulate exterior window and door replacements for exterior walls to 5’ from property line.

**PROPOSED GUIDELINES/
INTERPRETATION:**

Chapter 34, Existing Structures, Section 3401.2, Maintenance, states; “Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed.”

- Device definition (Webster): A piece of equipment or a mechanism for a special purpose.
- Safeguard definition (Webster): A measure or device for preventing accident or injury.

NOTE: This device / safeguard could be a mechanism such as an openable window or door used for preventing accident or injury by providing the minimum level of egress, security, light and ventilation into habitable spaces.

Chapter 34, Existing Structures, Section 3403 Additions, Alterations or Repairs, Section 3403.1, Existing buildings or structures, states; “Additions or alterations to any building or structure shall comply with the requirements of the code for new construction.”

- Alteration definition (2007 CBC): Any construction or renovation to an existing structure other than repair or addition.
- Repair definition (2007 CBC): The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
- Renewal definition (Webster): The act of renewing: the state of being renewed: something renewed.

Based on the above definitions window and door replacements are “renewals” and are not an alteration, they are being renewed and are a repair for the purpose of its maintenance.

In addition to above, Section 3403.1, Exception #2, states in part; “Local ordinances or regulations shall permit the replacement, retention, and extension of original materials, and the use of original methods of construction, for any building or accessory structure, provided such building or structure complied with the building code provisions in effect at the time of original construction...”.

RECOMENDATIONS:

- All R-3 exterior window and door replacements (renewals) are to be treated as a maintenance item and regulated under the 2007 CBC, Section 3401.2 Maintenance *or* Section 3403.1, Exception #2.
- These openings “shall be maintained in conformance with the code edition under which installed” (2007 CBC, Section 3401.2 Maintenance). *Or* “the building code provisions in effect at the time of original construction” (2007 CBC, Section 3403.1, Exception #2).
- Property line setback distance and whether these openings are to be protected or unprotected shall not be a factor when replacing existing exterior windows and/or doors.