

# ICC TRI-CHAPTER UNIFORM CODE COMMITTEE (TUCC)



## Meeting Minutes for April 18, 2024 VIRTUAL

### CALL TO ORDER:

Meeting was called to order at 1PM

### IN ATTENDANCE / INTRODUCTIONS:

Efrain Ruvalcaba, Butte County  
Jay Lewis, City of San Ramon  
Joseph Guzman  
Phuong Devries, City of Cupertino  
Alice Chen, Santa Clara County  
Kevin Zhang, Alameda County  
Brad Vedula  
Bret Wickham\*, Contra Costa County  
Freshta Pirzada  
Frank Kong, City of Walnut Creek

Roxanna Recinos-Serna, West Sacramento  
Betty Chan, City of Milpitas  
David Chung, City of Palo Alto  
Kerwin Lee  
Gale Bate  
Priscilla Ruiz  
Raymond Cheng, City of Fremont

\* Chairperson

### APPROVAL OF MINUTES:

### ANNOUNCEMENTS:

1. This wasn't an announcement but rather informal sharing between several jurisdictions. Several are or have moved to Accela. Accela has or is going to raise their prices substantially. If users want access to all data, they will need to move to Accela's cloud hosting. Some AHJs are using Accela ACA for small projects and DigE for larger projects. Some are using a 3<sup>rd</sup> party customization vendor. If anyone wishes to speak with them, please email me and I will link you.

### DISCUSSION ARISING FROM OLD BUSINESS:

1. Betty revisited the issue of all Residential occupiable spaces needing ventilation openings per CMC 405.5. She shared that this section applies to a floor-by-floor space rather than a room by room space. Please read the attached email for clarification by CMC code chair.

**405.5 Ventilation Openings.** Occupiable spaces shall be provided with a readily accessible ventilation opening openable to the outdoors. The opening shall be not less than 5 square feet (0.464 m<sup>2</sup>) or 4 percent of the occupied floor area. The openable area shall be based on free, unobstructed area through the opening.

## CODE DISCUSSION:

2. There was a lengthy and very useful discussion re preapproved ADUs which covered the following subtopics:
  - a. Can preapproved ADU plans be without a licensed design professional if they meet CRC or conventional construction? BPC section [5537](#) includes the 4 exceptions. These had seemed to apply to individual projects rather than a “master plan”. The consensus was unanimously yes for two different reasons. First, each ADU permit will be a standalone application with a specific site plan. Second, Efrain (Butte) shared that in the aftermath of the Paradise fire, they issued hundreds of permits based on repeated plans. This was an extreme case born of necessity but illustrates that it can be done.
  - b. The best approach is to be to have a licensed design professional involved but Betty reminded us that we can’t require that per AB1332. .
  - c. Consensus was that each application for a preapproved ADU (PDU – thank you Raymond!) have a general application with no site-specific notes. Once approved, each applicant must supply a site plan addressing slope, foundation, placement, fire, utilities etc as required. Raymond shared they made the mistake of allowing all permitted applicants to then join their PDU list. This has led to too many options and plans which are not ideally suited as PDUs.
  - d. Frank mentioned the applicant should sign a waiver for intellectual property, check with your counsel.
  - e. Some AHJs have used grant monies to hire design professionals to prepare PDU plans. Frank shared this was an RFP process.
  - f. Planning can subject ADU’s to design review if they subject other non PDU plans to the same review process.
  - g. Frank and Betty both shared that they have limited the ability for PDUs to be customized in response to site conditions. For example, Walnut Creek requires a maximum of 5% slope and minimum 10’ from existing residence. Milpitas requires no flood zone.
  - h. Bret asked if anyone requires a survey. Cupertino does when the structure is less than or equal to 5’ setback. Most AHJs on the call do not have survey requirements.
  - i. Roxanna again shared that despite the effort to create PDU plans and the cost savings offered by them, few in the Sacramento area have used them. Owners it seems value customizing their ADU more than saving time/money.
  - j. Raymond shared they have had several applications for new 5-6 unit multistory multifamily residences with single story ADUs attached. These ADUs become R2 instead of R3. The applicant wanted to satisfy all of the 11A requirements with the accessible ADU but Raymond reminded us that the ground floor units still have 11A requirements. Fremont is also seeing R2 garages and tuck under parking being converted to ADUs. Contra Costa has seen this too.

