



**SUBJECT: Building and Fire Safety Department Instructions for Submitting Code Modifications (Practical Difficulties)**

**APPROVAL DATE:**

**QUESTION / ISSUE:** During the course of design or construction of a project it may be determined that it is impractical or exceptionally difficult to follow the prescribed technical code requirements to the letter and other means may be considered provided the intent of the technical codes is met.

**CODE PROVISIONS:** The Uniform Administrative Code authorizes the Building Official to grant code modifications for individual cases **whenever there are practical difficulties involved in carrying out the provisions of the technical codes**. The Building Official shall first find that a special individual reason makes the strict letter of the technical code impractical, and **the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity**.

Likewise, the Uniform Fire Code authorizes the Fire Chief to modify any provisions of the Fire Code upon application in writing from the owner, a lessee or a duly authorized representative **where there are practical difficulties in the way of carrying out the provisions of the code, provided that the spirit of the code shall be complied with, public safety secured, and substantial justice done**. The Fire Chief has the final decision-making authority on all technical fire code issues. The Fire Chief hereby designates the Fire Marshal and members of the Fire Safety Division to exercise the powers and perform the duties as set forth in the Fire Code. The Director of the Building and Fire Safety Department provides management oversight of the Fire Safety Division. Approvals are also subject to the approval of the Building Official whenever the code modification involves matters regulated by the Building Code.

**PROCEDURE:** The applicant must completely fill out a "Request for Code Modification" form. The applicant shall be the Design Professional (i.e., architect, engineer, etc.), the owner, a lessee, or a duly authorized representative as required by Building and Fire Safety. The information provided shall include the code requirement(s), the special reason that makes it impractical, the proposed modification(s), and the justification for the request. The applicant shall provide all supporting data, technical reports, product data sheets, drawings, sketches, computer modeling, calculations, etc. that substantiate and justify the request. The information provided shall be "project specific". The fact that a code modification was approved for one project does not guarantee its "blanket" acceptance for all projects. Each submittal shall be evaluated on the conditions and merits of the request for the specific project.

Once the Building and Fire Safety Department receives this information, a Plans Examiner will review it for completeness and will determine whether the request is **previously approved** (i.e. - similar or identical to a previous request) or **unique** (i.e. - never been asked before).

If the request is **previously approved**, then the Plans Examiner, in accordance with the Employee Empowerment Guideline, may process it without further review.

If the request is **unique**, the Plans Examiner will present the request to the group (Building Plans Examiners and/or Fire Safety Engineering), either at the next scheduled staff meeting or in a special impromptu meeting depending on the time constraints of the applicant and the project schedule. This will allow Building Plans Examiners and/or Fire Safety Engineering along with the necessary Building and Fire Safety Inspection personnel to be informed of each request and its

outcome by way of either direct involvement or meeting minutes. The group will discuss and present the request to the Building Plans Manager and/or Deputy Fire Marshal (if unavailable for the group meeting) for his/her concurrence or denial. The Building Plans Manager and/or Deputy Fire Marshal, at his/her discretion, may decide that the item be reviewed at a higher level with the Fire Marshal, the Fire Chief and/or the Director of Building and Fire Safety before making a final decision.

It is most common that these types of requests occur during construction, after permits have been issued. However, in the event that a "Request for Code Modification" is submitted during the design stages, prior to accepting plans and issuing permits, the final "accepted" request should be included with the permit drawings, either by reference or by copy directly onto the plans, depending on the actual timeframe.

**RECORD KEEPING:** Once the final decision is made, the request shall be signed with a copy to be returned to the applicant. Explanation(s) of refusal or condition(s) of acceptance as applicable shall be clearly indicated. File copies shall be kept and distributed as follows:

One copy shall go into the Code Modifications Binder kept in a central location in the Building and Fire Safety Department.

One copy shall go to the appropriate Senior Building Inspector and/or Senior Fire Safety Inspector responsible for the project.

The original paper copy shall also be scanned into the computer and filed under the appropriate permit(s) as a "Related Document" for future reference and shall be kept in the permanent Building and Fire Safety address file for archiving purposes.

Where practical, code modifications shall be reflected on the approved plans or revisions to the approved plans.