



To: All Internal and External Stakeholders
From: Beth Culver, Building Official, Development Services Department
Date: October 16, 2019
File: **Code Interpretation Manual**

INTERPRETATION NUMBER: 2019-0001

TITLE: **Applicability of Worker Protection Standards**

CODE SECTIONS: § 4-18-1 Expedited Building Plan Review
§ 4-18-2 Work Protection Certification
§ 25-2-3 Residential Uses Described
§ 25-2-4 Commercial Uses Described
§ 25-2-6 Civic Uses Described
International Building Code (IBC), Definitions, current edition

PURPOSE: To clarify residential use and residential structure in regard to 4-18-1 Expedited Building Plan Review and for applicability of the requirements of 4-18-2 Work Protection Certification. (Ordinance No. 20170302-009)

IBC DEFINITIONS:

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

CODE REQUIREMENTS:

§ 4-18-1 - EXPEDITED BUILDING PLAN REVIEW.

(B) (3) Require certification under Section 4-18-2 (Worker Protection Certification) if the project is:
(a) Commercial and includes no residential uses;
(b) Over 75,000 square feet or exceeds \$7,500,000 in construction value; and
(c) Submitted by an applicant other than a nonprofit organization that is tax exempt under 26 U.S.C. § 501(c)(3) and operates within the planning jurisdiction.

§ 4-18-1 (C) If a building permit is associated with a site plan under Chapter 25-5 (Site Plan), the total square footage and construction value of all nonresidential structures and improvements included in the site plan shall apply for purposes of reviewing an application for expedited review of the building permit application under Subsection (B)(3)(b).

CODE INTERPRETATION:

DEFINITIONS AND TERMINOLOGY

Project - The total package submitted under one Plan review (PR) case number. One PR number can include multiple buildings, building permits, and separate review meetings, but is tied together as a single PR.

Residential use – A non-transient Dwelling Unit. Includes work types such as

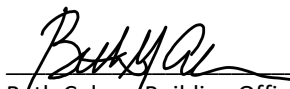
- *multifamily residential*
- apartments
- *condominium residential*
- *duplex residential*
- *retirement housing*
- *single family residential*
- *townhouse residential*
- *two-family residential*
- accessory dwelling units such as *casitas, accessory apartments, garage apartments, guest house*
- Institutional residences containing a dwelling unit or units such as assisted living, hospice center, *family home, group home class I, group home class II, residential treatment, transitional housing*, and long stay care facilities.

It does not include *group residential, timeshares, hotel-motel, bed and breakfast residential, cooperative housing, residence halls, fraternity or sorority houses, dormitories, or similar structures.*

Nonresidential structure - A structure that does not contain a *residential use* as described above.

PROCEDURE

1. *Projects* located within a site plan with an application date before the effective date of the Expedited Building Plan Review ordinance (March 13, 2017) are exempt from the requirements of 4-18-2 Worker Protection Certification in accordance with Local Government Code 245.
2. *Projects* submitted by an applicant that is a nonprofit organization that is tax exempt under 26 U.S.C. § 501(c)(3) and operates within the planning jurisdiction shall be exempt from the Worker Protection Standards requirement.
3. Remaining projects shall apply the descriptions above for *Project, Residential use, and Nonresidential structure.*
4. When a *project* contains a *residential use* it shall be exempt from the Worker Protection Standards requirement.
5. *Projects* that do not contain a *residential use* and are not located within a site plan with an application date that predates the ordinance adoption shall comply with Worker Protection Standards per 4-18-1(B)(3) and 4-18-1(C).
6. *Projects* required to comply with Worker Protection Standards as described above, that are located within a site plan that contains a *residential use*, shall determine the total square footage and construction value required for 4-18-1(B)(3)(b) of all *nonresidential structures* and improvements.



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