

## **BUILDING DIVISION**

## **PLAN CHECK NOTE**

From: Building Plan Check

PCN # 26

Date: 10-31-08

**Subject:** Open free-standing accessory structures (e.g. trellises, pergolas, gazebos, etc...)

**References:** 2007 California Building Code, NFPA 13

### **Background:**

The definitions from the CBC:

1. Building: Any structure used or intended for supporting or sheltering any use or occupancy.
2. Floor Area: The floor area of a building not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof above.

Webster's dictionary defines "roof" as:

1. The exterior surface and its supporting structures on the top of a building.
2. The top covering of something.

Per NFPA 13, section 8.14.12, a sprinkler head must be installed below a suspended open grid if it is less than 70% open. A grid that is less than 70% open will not trap enough heat to activate a sprinkler.

Pursuant to the Oakland Hills Fire of 1991, the office of the State Fire Marshall passed emergency legislation to prohibit non-rated roof coverings. The intent of this legislation was to address the spread of fire to adjacent buildings from flying embers.

### **Purpose:**

This policy addresses the criteria by which an open accessory structure will be reviewed as a building for conformance with the CBC requirements for type of construction, location on property, and roof flame spread requirements.

Compliance with the City of San Jose zoning code is not included in this policy. The designer is referred to Title 20 of the San Jose Municipal Code for setbacks, PD conditions, and other restrictions.

## **Findings:**

1. A roof that is open 70% or more will be deemed to be substantially open; therefore, the structure will not be regulated for location on property, occupancy separations, fire resistive construction, and allowable area.
2. A roof that is less than 70% open must meet all requirements of a covered building. However, a roof that is at least 50% open is deemed sufficiently open that the framing members cannot pass fire to one another, therefore the State Fire Marshall restrictions on a non-rated roof would not apply. Additionally, an open structure accessory to R3 occupancies shall be located no closer than 2 feet to property line or imaginary property line.
3. A roof that is less than 50% open must use materials that meet the flame spread requirements for roofs in accordance with CBC Table 1505.1, or are non-combustible. One-hour construction is required based on fire separation distance to property line, which is 2 feet for a structure that is accessory to an R3 occupancy.
4. Where the roof of an open structure is at least 50% open and is installed on buildings that are fire rated construction, the use of non-combustible construction is an acceptable substitute.