



**City of
Santa Clara**
The Center of What's Possible

Building Division: 408-615-2440
Email: Building@santaclaraca.gov
Permit Center: 408-615-2420
Email: PermitCenter@santaclaraca.gov
Automated Inspection Scheduling System: 408-615-2400

CONSTRUCTION PERMITTING GUIDE FOR BUSINESSES MOVING INTO EXISTING BUILDINGS

A. If your business is moving into an existing non-residential building and NO construction is anticipated:

A.1. Please see the City of Santa Clara City Manager's Office/ Economic Development information page for general business information:

<https://www.santaclaraca.gov/business-development/economic-development>

A.2. Businesses must have a valid City of Santa Clara Business License:

Contact the City Finance Department/ Business Tax & License Division, City Hall, west wing upper level, 408-615-2310.

Please see the information on the City Finance Department/ Business Tax & License Division web page:

<https://www.santaclaraca.gov/our-city/departments-a-f/finance/business-tax-license>

A.3. Businesses must be approved for the location by the City Community Development Department/ Planning Division:

Contact the City Community Development Department/ Planning Division, City Hall, west wing upper level, 408-615-2450.

You may check the zoning of a property at this web page:

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/zoning>

*Confirmation of the zoning by the Community Development Department is required before business licenses can be approved.

Note: for any proposed changes to parking areas or drive aisles, provide existing and proposed site plans drawn to scale for Planning Division staff review and approval prior to any site changes.

A.4. Businesses must sign up for City Water Service:

Contact the City Water Department, City Hall, west wing lower level, to open or close an account: 408-615-2300.

Information on City water rates may be viewed here:

<https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/water-sewer-and-recycled-water-rates>

Please note: A State of California approved backflow prevention device may be required to be installed per the State of California Title 17 Code of Regulations:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/dwregulations-2016-09-23.pdf

Please note: the cost and time to install a new backflow prevention device, or to upgrade an existing backflow prevention device, may be substantial. Contact the City Water Department staff.

Please note: changes to a backflow prevention device may also require changes to fire sprinkler heads. Contact the City Fire Prevention Division staff.

A.5. Businesses must sign up for City Trash Service:

Contact the City Public Works Department/ Environmental Services Division, 1700 Walsh Avenue, 408-615-3080.

<https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/commercial-and-industrial-garbage-recycling>

A.6. Businesses must sign up for City Electric Service:

Contact Silicon Valley Power, City Hall, west wing lower level, 408-615-2300.

Information from Silicon Valley Power for businesses may be found here:

<https://www.siliconvalleypower.com/businesses>

A.7. Fire Prevention:

Contact the City Fire Department/ Fire Prevention/ Hazardous Materials Division, 1675 Lincoln Street, 408-615-4970.

The City Fire Prevention/ Hazardous Materials Division California Fire Code (CFC) Section 903.2 (3, Local Amendment) requires fire sprinklers to be installed in existing buildings for any change of occupancy or change of use of a building, when that change in use would place the building into a more hazardous division of the same occupancy group.

Please note: the costs to install fire sprinklers, if fire sprinklers are not already installed, may be substantial. This may include improvements to the water service to the building project site. Contact the City Fire Prevention/ Hazardous Materials Division staff and/or the City Water Department staff.

CFC Section 1103 Fire Safety Requirements for Existing Buildings and CFC Table 1103.1 define which Fire Code provisions apply to which (business) occupancy, the California Fire code may be viewed here: <https://codes.iccsafe.org/content/CAFC2022P2>
For further information please contact the City Fire Department/ Fire Prevention/ Hazardous Materials Division.

Information on fire permits may be viewed here:

<https://www.santaclaraca.gov/our-city/departments-a-f/fire-department/fire-permits-guidelines>

A.8. Disabled Access:

Contact the City Community Development Department/ Building Division, City Hall, upper level west wing, 408-615-2420.

When there is no construction proposed, disabled access for existing commercial buildings is (mostly) under the purview of the United States Department of Justice, Civil Rights Division, Americans with Disabilities Act (ADA).

Businesses that provide goods or services to the public are called "public accommodations" in the ADA. Businesses that provide public accommodations are subject to the ADA.

The ADA requires businesses to remove architectural barriers in existing buildings and make sure that newly built or altered facilities are constructed to be accessible to individuals with disabilities. "Grandfather provisions" found in local building codes do not exempt businesses from their obligations under the ADA.

The Federal DOJ ADA website is:

<https://www.ada.gov/>

The Federal DOJ has a guide for small businesses:

<https://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm>

"Safe Harbor": If a business facility was built or altered in the past 20 years in compliance with the 1991 Standards, or if barriers to specific elements were removed in compliance with those Standards, a new business does not have to make further modifications to those elements—even if the new standards have different requirements for them—to comply with the 2010 Standards. This provision is applied on an element-by-element basis and is referred to as a "safe harbor."

The ADA requires that small businesses remove architectural barriers in existing facilities when it is "readily achievable" to do so. Readily achievable means "easily accomplishable without much difficulty or expense." This requirement is based on the size and resources of a business.

Priorities for barrier removal should be:

- a. Providing access to your business from public sidewalks, parking areas, and public transportation;
- b. Providing access to the goods and services your business offers;
- c. Providing access to public restrooms; and
- d. Removing barriers to other amenities offered to the public, such as drinking fountains.

Accessibility: Change of Occupancy (Classification) per the California Existing Building Code (CEBC):

CEBC 301.3 Change of Occupancy:

- Partial Change of Occupancy: Where a portion of a building is changed to a new occupancy, any alterations shall comply with:
- A facility that is altered shall comply with Chapter 11 of the 2022 California Building Code (CBC). (full disabled access)
- When an alteration affects a change to a primary function, the route to the primary function area shall be accessible.
- Scoping for alterations: Entrances, Elevators, Platform Lifts, Stairways and Escalators, Ramps, Toilet Rooms and Bathing Facilities, Dressing, Fitting, and Locker Rooms.

A.9. City Community Development Department/ Building Division- California Existing Building Code (CEBC)

Contact the City Community Development Department/ Building Division, City Hall, upper level west wing, 408-615-2420.

General information where no construction is anticipated, but some provisions may apply if an alteration or **change in occupancy classification** is proposed:

CEBC Section [A] 113.1 Violations. Unlawful Acts. It shall be unlawful for any person, firm, or corporation to repair, alter, extend, add, move, remove, demolish, or change the occupancy of any building...in violation of any of the provisions of this code.

CEBC Section 301.1 Administration. General. The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with Section 301.2, 301.3, or 301.4.

CEBC Section 301.3 Alteration, addition, or **change of occupancy**. The alteration, addition, or **change of occupancy** of all existing buildings shall comply with one of the methods listed in Section 301.3.1 or 301.3.2, as selected by the applicant.

CEBC Section 301.3.1 Prescriptive Compliance Method. (See CEBC Chapter 5 Prescriptive Compliance Method.

CEBC Section 301.3.2 Work Area Compliance Method. (See applicable CEBC Chapters 6 through 12).

(Note: the above CEBC provisions generally only apply when a person is proposing to repair, alter, **change the occupancy**, add to, or relocate an existing building. Consult the Building Division Plan Check staff for further information.)

B. If your business is moving into an existing building and construction IS anticipated:

B.1. Please see the City of Santa Clara City Manager's Office/ Economic Development information page for general business information:

<https://www.santaclaraca.gov/business-development/economic-development>

B.2. Businesses must have a valid City of Santa Clara Business License:

Contact the City Finance Department/ Business Tax & License Division, City Hall, west wing upper level, 408-615-2310.

Please see the information on the City Finance Department/ Business Tax & License Division web page:

<https://www.santaclaraca.gov/our-city/departments-a-f/finance/business-tax-license>

B.3. Businesses must be approved for the location by the City Community Development Department/ Planning Division:

Contact the City Community Development Department/ Planning Division, City Hall, west wing upper level, 408-615-2450.

You may check the zoning of a property at this web page:

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/zoning>

The Planning Division's construction permitting processes are defined here:

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/permit-application-process>

Please note that a change in use of a building or portion of a building may change the required number of parking spaces, please contact the Community Development Department/ Planning Division staff.

Please Note: for any proposed changes to parking areas or drive aisles, provide existing and proposed site plans drawn to scale for Planning Division staff review and approval prior to any site changes.

B.4. Businesses must sign up for City Water Service:

Contact the City Water Department, City Hall, west wing lower level, to open or close an account: 408-615-2300.

Information on City water rates may be viewed here:

<https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/water-sewer-and-recycled-water-rates>

Please note: a State of California approved backflow prevention device may be required to be installed per the State of California Title 17 Code of Regulations:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/dwregulations-2016-09-23.pdf

Please note: the cost and time to install a new backflow prevention device, or to upgrade an existing backflow prevention device, may be substantial. Contact the City Water Department staff.

Please note: changes to a backflow prevention device may also require changes to fire sprinkler heads. Contact the City Fire Prevention Division staff.

If you are anticipating work to be done to City water lines, the City Water Department Technical Documents are here:

<https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/technical-documents>

B.5. Businesses must sign up for City Trash Service:

Contact the City Public Works Department/ Environmental Services Division, 1700 Walsh Avenue, 408-615-3080.

<https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/commercial-and-industrial-garbage-recycling>

Changes to a commercial business location may require changes to trash and/ or recycling bins and/ or changes to trash enclosures.

Please see the City Public Works Department/ Environmental Programs Division Development Guidelines for Solid Waste Services:

<https://www.santaclaraca.gov/home/showdocument?id=63246>

B.6. Businesses must sign up for City Electric Service:

Contact Silicon Valley Power, City Hall, west wing lower level, 408-615-2300.

Information from Silicon Valley Power for businesses may be found here:

<https://www.siliconvalleypower.com/businesses>

B.7. Fire Prevention:

Contact the City Fire Department/ Fire Prevention/ Hazardous Materials Division, 1675 Lincoln Street, 408-615-4970.

The City Fire Prevention/ Hazardous Materials Division California Fire Code (CFC) Section 903.2 (2, Local Amendment) requires fire sprinklers to be installed throughout existing buildings or structures of Occupancy Groups A, B, E, F, I, L, M, R, S, and U, when additions are made that increase the building square foot by more than 1,200 square feet, or the building total square footage exceeds 3,600 square feet.

Please note: the costs to install fire sprinklers, if fire sprinklers are not already installed, may be substantial. This may include improvements to the water service to the building project site. Contact the City Fire Prevention/ Hazardous Materials Division staff and/ or the City Water Department staff.

CFC Section 1103 Fire Safety Requirements for Existing Buildings and CFC Table 1103.1 define which Fire Code provisions apply to which (business) occupancy, the California Fire code may be viewed here: <https://codes.iccsafe.org/content/CAFC2022P2>
For further information please contact the City Fire Department/ Fire Prevention/ Hazardous Materials Division.

B.8. Accessibility:

Contact the City Community Development Department/ Building Division, City Hall, upper level west wing, 408-615-2420.

Accessibility: Change of Occupancy (Classification) per the California Existing Building Code (CEBC):

CEBC 306 Change of Occupancy:

- Partial Change of Occupancy: Where a portion of a building is changed to a new occupancy, any alterations shall comply with:
- A facility that is altered shall comply with Chapter 11 of the California Building Code (CBC).
- When an alteration affects a change to a primary function, the route to the primary function area shall be accessible.
- Scoping for alterations: Entrances, Elevators, Platform Lifts, Stairways and Escalators, Ramps, Toilet Rooms and Bathing Facilities, Dressing, Fitting, and Locker Rooms.

Accessibility to non-residential buildings when there are alterations or additions proposed, is defined by the California Building Code (CBC) Chapter 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings, and Public Housing, and is enforced in the City of Santa Clara by the City Community Development Department/ Building Division.

CBC Section 11B-202 Existing Buildings and Facilities.

CBC Section 11B-202.2 Additions. Each addition to an existing building or facility shall comply with the requirements for new construction and shall comply with Section 11B-202.4.

CBC Section 11B-202.3 Alterations. Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of...Section 11B-202.4.

CBC Section 11B-202.4 Path of Travel Requirements in Alterations, Additions, and Structural Repairs. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided.

The primary accessible path of travel shall include:

1. A primary entrance to the building or facility.
2. Toilet and bathing facilities serving the area.
3. Drinking fountains serving the area.
4. Public telephones serving the area.
5. Signs.

(Note: please see CBC Section 11B-202.4 *Exceptions.*)

CBC Section 11B-202.4 *Exception #8* (sometimes referred to as an "unreasonable hardship" exception.)

When the adjusted construction cost, as defined, is less than or equal to the current valuation threshold, as defined, the cost of compliance with Section 11B-202.4 shall be limited to 20 percent of the adjusted construction cost of alterations, structural repairs, or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20 percent, compliance shall be provided to the greatest extent possible without exceeding 20 percent.

In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:

1. An accessible entrance.
2. An accessible route to the altered area.
3. At least one accessible restroom for each sex or one accessible unisex restroom.
4. Accessible telephones.
5. Accessible drinking fountains.
6. When possible, additional accessible elements such as parking, signs, storage, and alarms. The "current valuation threshold" as of 2023 is \$195,358.00.

Please Note: Regarding accessibility issues, businesses may benefit from hiring a California Certified Access Specialist(CASp).

Information of the California CASp program may be found here:

<https://www.dgs.ca.gov/casp#@ViewBag.JumpTo>

Disabled Access Compliance Reference Materials may be found here:

<https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials#@ViewBag.JumpTo>

B.9. City Community Development Department/ Building Division- California Existing Building Code (CEBC)

Contact the City Community Development Department/ Building Division, City Hall, upper level west wing, 408-615-2420.

General information where construction **IS** anticipated, and some provisions which may apply if an alteration or change in occupancy classification is proposed:

CEBC Section [A] 113.1 Violations. Unlawful Acts. It shall be unlawful for any person, firm, or corporation to repair, alter, extend, add, move, remove, demolish, or change the occupancy of any building...in violation of any of the provisions of this code.

CEBC Section 301.1 Administration. General. The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with Section 301.2, 301.3, or 301.4.

CEBC Section 301.3 Alteration, addition, or change of occupancy. The alteration, addition, or change of occupancy of all existing buildings shall comply with one of the methods listed in Section 301.3.1 or 301.3.2, as selected by the applicant.

CEBC Section 301.3.1 Prescriptive Compliance Method. (See 2019 CEBC Chapter 5 Prescriptive Compliance Method.

CEBC Section 301.3.2 Work Area Compliance Method. (See applicable 2019 CEBC Chapters 6 through 12).

(Note: the above CEBC provisions generally only apply when a person is proposing to repair, alter, change the occupancy, add to, or relocate an existing building. Consult the Building Division Plan Check staff for further information.)

General information about building permit applications may be found here:

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/building-division>

Many guides to many Building Division permitting, disabled access, building codes, and inspections questions may be found here:

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/building-division/information-bulletins-forms>

The application for a City Temporary Certificate of Occupancy (TCO) may be found here:

<https://www.santaclaraca.gov/home/showdocument?id=65228>

B.10. City Public Works Department/ Engineering Division

Contact the Public Works Department/ Engineering Division, City Hall, west wing upper level, 408-615-3000.

If your project requires any work in the city right of way, an encroachment permit will be necessary. The City Public Works Department/ Engineering Division web site may be found here:

<https://www.santaclaraca.gov/our-city/departments-g-z/public-works/engineering>

The City Public Works Department/ engineering Division Technical Documents may be found here:

<https://www.santaclaraca.gov/our-city/departments-g-z/public-works/engineering/technical-documents>

Disabled Access on the city right of way (public sidewalks, streets, etc.): If there are \$200k in construction permit valuation over the last 36 months, any required disabled access improvements on the city right of way must be completed prior to city approval of any request for a Temporary Certificate of Occupancy (TCO).