



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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BUILDING, FIRE AND PLUMBING COMMITTEE SUMMARY MEETING MINUTES

LOCATION: Spokane Fire Department Training Center
1618 North Rebecca Street
Spokane, Washington 99212

MEETING DATE: September 11, 2014

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	<p>Meeting called to order at 10:00 a.m. by Dave Peden.</p> <p><u>Members in Attendance:</u> Dave Peden, Chair; Dave Kokot; Ray Allshouse; Rod Bault; Steve Simpson; Jeff Peterson; Tana Senn; Jan Angel</p> <p><u>Staff In Attendance:</u> Tim Nogler, Managing Director; Joanne McCaughan; Krista Braaksma; Peggy Bryden</p> <p><u>Visitors Present:</u> G.F. Scheuremann, Lance Talley, Doug Powell, Traci Harvey</p>
2. Review and Approve Agenda	The agenda was approved as written.
3. Review and Approve Minutes of July 8, 2014	The minutes of July 8, 2014 were approved as written.
4. Work Plan for 2015 Code Adoption <ul style="list-style-type: none">• TAG Schedule	<p>Tim Nogler reported the 2015 codes are published with the exception of the Plumbing Code which will be coming out early next year. The staff has electronic and hard copies of the various codes. In the 2015 edition of the International Existing Building Code there is no Ch. 34 anymore. It refers you to the IEBC which is a separate code. We are not adopting a new method of regulating existing buildings. It is intended to work similar to Ch. 34. However this does mean we have an additional level of review. We do have some state amendments that address some specific provisions and definitions, etc. At this time we are looking at reviewing the IEBC under the Building Code TAG.</p> <p>We have done a recruitment for IBC TAG members and many current members are interested in continuing on this TAG. There are 15-16 TAG members. A good response was received from our request for the Building Code</p>

TAG.

Staff has estimated two meetings per month for the IBC and the IFC and a monthly meeting for the IRC. The committee reviewed an estimate of staff time in hours to illustrate what this means in workload. This shows the time needed to conduct each meeting for each TAG. We have estimated about 67 hours of staff time to go through the preparation, the participation and the follow-up. There is setting up the meetings, getting the notice out to everyone, updating the website, and linking the documents. During the course of the meeting we have to record decisions, keep the Web-Ex connections going, keep the phone connections going and assist committee members with facilitating the meeting and going through the material. After the meeting we have to document the decisions made, and update our worksheets. The volume of material we have to go through is immense. That looks like 737 staff hours a month for TAGs. This workload extends beyond four FTE to conduct this number of TAG meetings. We will need to address how we want to proceed through this session.

Tim continued to show the Committee the normal process for code review and adoption. By September we will have new codes published, we are in the code development process, have filed the CR-101, and we have a submittal deadline for new amendment proposals of March 1 by following SBCC policies and procedures.

The TAG process to review the code is done prior to filing the proposed rule by the end of July. This requires a Council decision by the June meeting, as the public hearings are scheduled in September and October. By law we have to adopt the new amendments and editions by December 1. Then they sit through a legislative session, before going into effect.

We have previously discussed the potential for an extended process. This extension may be necessary based on our deadlines. This would allow for the review to take place over an extended period of time and allowing us to schedule TAG meetings as we have staff time available to support those meetings. If we don't meet the deadline of December 1 then we have to wait another year, which puts us in 2016 and then wait until July 1 of the next year for the codes to take effect. This would put us into 2017

Tim then showed the TAG member list to the Committee

for their review. There are 18 positions in the Building Code TAG; 3 are still vacant. Many of these are designated as alternatives. These are the staff recommendations for how these appointments would go. Under the bylaws either the Council Chair or Committee Chair can make the appointments. Staff is suggesting the Committee review these today and get back with the Committee Chair to make the formal appointments. The three vacancies are general contractor, construction trades and insurance realtor appraiser. We are continuing to recruit for these positions.

The Committee then looked at the Residential Code TAG. Tim indicated there was a good group for this TAG and all the positions are filled. Many of these are returning members. We have submissions from the Home Builders. There is also a new manufacturer/supplier in the TAG. If the Council received requests from organizations that wanted to participate we could add them. As always these meetings are open to the public and we encourage participation.

In the Fire Code there are five vacancies. We are looking for a manufacturer/supplier, a general contractor, a fire protection industry rep., an alarm industry rep., and an architect. The architect is an important position and we will continue to recruit for it. These specialized experts are hard to get for this detailed review.

We are prepared to convene the TAGs for building, residential, and fire.

With the Plumbing Code TAG we will need to work on getting a preliminary edition of the 2015 code prior to convening that TAG. We will probably put a hold on that TAG for the time being. This is a nine position TAG and we have four vacancies. Jed Scheuermann with IAPMO indicated the electronic version of the 2015 edition can be forwarded to SBCC staff. The code should be published in January of 2015.

Ray Allshouse stated the new codes are available with the exception of the Plumbing Code. He also reminded the Committee to keep amendments to a minimum.

Dave Kokot asked if the TAGs could take action on proposals that come in prior to March 1. Tim indicated we could act on these now; we don't have to wait until March 1. We do have different levels of review. We need to look at the provisions within the new edition that the

model code adopted first. Then evaluate the existing amendments and determine whether they are still needed in the new edition. Finally we look at any new amendments last.

Dave Kokot feels quite a bit was learned last time and we can do things a little more expeditiously this time. He feels within the Fire Code TAG we did a lot of assignments so there was quite a bit of work done outside the meeting and then members reported back at the meetings. This may allow for fewer meetings, which may allow staff more time for other things.

Tim indicated the schedule for TAGs would be to convene them this fall, then report to the Council in January, and again in March with a progress report, remembering the deadlines along the way.

Dave Peden asked Tim to share which staff are assigned to which TAGs. Krista has the Plumbing, Mechanical and Energy Codes; Joanne has the Fire Code and Tim has the Building and Residential Codes with the assistance of Joanne.

5. Interpretation Request

- City of Bellevue – Sprinklers in Type E Occupancies

Tim Nogler summarized this interpretation from Bellevue which refers to a previous interpretation that was issued by the City of Tacoma regarding daycares in existing church buildings. The local fire marshal had approved a permit for a new daycare with an occupant load of less than 50 in an existing church. The Fire and Building Code Section 903.2.3 requires fire sprinklers in all Group E educational occupancies, with an exception for Group E occupancies with an occupant load of 50 or less. Therefore the local fire marshal didn't require sprinklers. However, the State Fire Marshal would not issue the certificate of occupancy.

The Tacoma interpretation indicates occupant load is based on fire area and not on occupancy classification as stated in the code. Does that interpretation still stand? The answer is yes as required by the 2009 IFC and IBC. For the 2012 code this interpretation will supersede interpretation 11-05. The second question is: to use Exception 2 and allow an unsprinklered daycare, is fire separation required for Group E daycare with an occupant load of less than 50 when located in a mixed occupancy building? Are you counting the fire area as the basis for the occupancy or the occupancy classification? Churches are classified as a Group A, assembly occupancy and the

daycare is educational Group E. To answer no. 2 there are options. Fire separation is required for Group E daycare. The 2012 IFC 901.4.3 specifies that a building be divided into fire areas so as to not exceed the limits established for fire protection systems. The total occupant load of the building must be considered when a fire barrier is not provided. This would include the Group A portion of the building. Since no fire barrier was present, the occupancy would be based on the total occupant load of the building.

Answer B is no; the amendment to 903.2.3 allows for an exception to the requirement for sprinklers in Group E with an occupant load of 50 or less. The occupant load is based on occupancy classification and there is no requirement noted for fire barriers therefore the total occupant load of the building need not be considered.

Question 3 from Bellevue had to do with where sprinklers are required: for the Group E occupancy area, the fire area, or the entire building. The answer provided is where sprinklers are required coverage is intended for the Group E fire area.

Dave Kokot noted this interpretation was looked at by the Fire Code TAG in the last cycle and the TAG pretty much agreed that the fire area was implied; it didn't have to be stated because we were basing it off of the occupant load in which the E occupancy existed. The IFC refers to a minimum fire separation requirement. The IBC refers to the occupancy separation requirements and for an A-3 to an E there would not be any separation required. The conclusion was that was determined to be an error. In looking at the Building Code, under the same section it refers to 707.3.10, which describes the fire barrier separation requirements; a minimum of two hours between A-3 and E occupancies is specified. An errata was issued on June 6, 2011 for the Fire Code to correct that error. Based on that information it appears the intent of the code is there must be a minimum of two hour separation.. Dave believes the response for this should be the A option.

Lee Kranz, City of Bellevue, commented from a code enforcement perspective; they based their decision on the code language as written, and made decisions based on this amendment. Fire area is not mentioned in the amendment so it has been enforced the way it was written in 903.2.3. No other place in the code does he have to

consult an interpretation to enforce the code. The code should be changed to include the fire area requirement and remove the interpretation 11-05. There are provisions in the code in IBC 508 that are followed to determine whether or not a building qualities as a separated or non-separated use building. There are other sections of the code in 903 that determine whether a building needs to be sprinklered or not. He would vote for answer B as given. This answer is consistent with what is in the code.

Dave Kokot states that 508 refers to an occupancy separation, but that would violate the requirements in 901.4.3. He feels the code path is clear. Assistant Fire Marshal, Travis Ripley added that one takes fire areas into consideration as specified in 903. The code defines what constitutes a fire area and it is typically fire barriers, fire walls, or exterior walls that create separate fire areas. His understanding is if the code includes the language fire area, then he has to include the whole building unless there is a fire barrier or a fire wall between Group E and the adjacent occupancy.

Traci Harvey, with the Spokane Valley Fire Department, is familiar with this requirement and feels that answer A is more in keeping with the intent of the Fire Code. Having tracked this particular amendment over the years, it was originally written by the legislature with good intentions, but not necessarily with a cohesive code background. At this point we do have to look at the overall intent. Ch. 9 very clearly specifies fire area separation for these spaces in terms of sprinkler and fire alarm thresholds. It may be time to rewrite the 1997 language for consistency with the rest code. The overall intent of the code has been very clear especially with section 901.4.3 being placed in the fire code in 2012 defining 'fire area' and referencing the correct tables in the building code for the minimum requirements.

Lance Talley with the State Fire Marshal stated there are a couple of criteria they look at when inspecting daycares for life/safety issues. Their primary concern is the safety of the children, and then trying to accommodate their customers. They find a lot of the daycares are housed in churches for one or another reason and when they go into a church the total fire area must be considered. Usually the churches are trying to get around sprinkling the entire building. There are some things that can be done,

consistent with the code; one is a fire barrier could be put in to limit the occupant load in that fire area. The problem the fire departments have is considering the entire church as the total fire area. We tried to reduce that by using a fire barrier to separate the A and E occupancy. This has worked pretty well. There always seems to be something that is not clear or maybe a little gray area when looking at different codes, and when many people are involved in the interpretation. WSFM supports Dave Kokot's position and the draft response A.

Ray Allhouse asked Lance if it is reasonable to conclude, that the exception for sprinkling for the E occupancies less than 50 is not really about the E occupancy. The issue is the total occupancy in the fire area. So therefore in many instances if they are attempting to put this occupancy into an existing church that is not sprinkled, if it has more than 50 occupants it needs to be sprinkled. **Lance** responded there are three things that can be done. 1. Consider the church as the total fire area and sprinkle it; 2. Install a fire barrier to reduce fire area; if it comes in under 50 occupants they may not have to sprinkle it; 3. Look at another place to put the daycare. WSFM considers these three scenarios, and works with the customer to help them identify the best option. They try to make it as cost effective as possible, but the primary concern is the safety of the children in that occupancy.

Lee Kranz commented we are all interested in the safety of the children, but the thing is if the code is saying one thing we have to be consistent in the application of that code. He thinks it is a stretch to say the intent of Section 903.2.3 is to include fire areas. Should the Council file an emergency rule to change the code and include language about the fire area? We need to get the issue of fire barrier resolved. When the fire inspector comes in after the tenant improvements are complete, and requires a fire barrier there are significant cost impacts. We should identify this requirement before the permit is issued.

Jeff Peterson noted from personal experience with kids going to preschool, the church they attended was similar to a school portable and it would be very nice if the daycare had the same conditions as for a school portable.

Tana Senn, asked whether this would apply to a conditional use permit as well, if it was a temporary stay would a fire barrier be required?

Dave Kokot replied that conditional use permits are a zoning code requirement. In order to occupy and building compliance with the building code is required, so a certificate of occupancy would be obtained in order to comply with the current building code.

Dave Kokot went back to the original interpretation 11-05 stating what concerns him is that jurisdictions may not have properly applied this, although the answer in 2011 was pretty clear. It states “where fire barrier is not provided to separate occupancies, the total occupant load of the building should be considered.” That interpretation was approved by the Council. He is aware of some of the concerns of some jurisdictions in looking at an interpretation and understanding what the code is saying. However that is the status of the code. Interpretations are intended to provide direction on the intent of the code. He feels confident with the original interpretation and the code language. He believes that Answer A is correct.

Traci Harvey said listening to the comments and what the interpretation said, it is focusing very clearly on an A and E occupancy. If you take the same interpretation that Bellevue has done, it is based on the occupant load then what would be the difference between an A and E or an A and a F1 and an E. We are looking too much at the tree and not the forest. We have to look at this code section not just in relationship to A’s, but in relationship to every other type of occupancy that could possibly exist in that building.

Lee Kranz remarked that part of the frustration is that the amendment is saying one thing and then if the building/fire code official doesn’t know about the interpretation they are going to enforce it the way it is written. He would rather see the Council entertain the idea of doing an emergency rule rather than modifying the interpretation because that isn’t going to be as effective in the consistent application of the code.

Ray states a word of caution. We should not write code through interpretations; we should clarify code through interpretation responses.

Tim said if the Committee is willing to consider a rule change instead of an interpretation we could do that. Language would need to be developed.

Dave Kokot proposed the Committee have an emergency rule to have Exception 1 to read as follows: “Portable

school classrooms with an occupant load of 50 or less in the fire area calculated in accordance with Table 1004.1.2,” etc. Exception 2 to read: “Group E occupancies with an occupant load of 50 or less in the fire area calculated in accordance with Table 1004.1.2.”

Ray Allshouse seconded the motion given.

Tim said we would need to identify the amendment, publish the language, put it on the agenda and consider it at the October meeting.

The motion passed unanimously.

Dave Kokot moved that the Committee table Interpretation 11-05. **Ray Allshouse** seconded the motion.

The motion carried.

5. Staff Report

Tim Nogler reported there has been discussion about the proposed rule amending the requirements for solar panels based on areas in the state and their engineering reports. There was some legislative concern over that proposal and staff is responding to that.

There is an Executive Committee meeting at 11:30 a.m. today.

6. Other Business

None was given.

7. Adjourn

The meeting was adjourned at 10:49 a.m.