



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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BUILDING, FIRE AND PLUMBING COMMITTEE SUMMARY MEETING MINUTES

LOCATION: DES Building, Presentation Room
1500 Jefferson Street
Olympia, WA 98501

MEETING DATE: October 10, 2014

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	Meeting called to order at 9:00 a.m. by Dave Peden. <u>Members in Attendance:</u> Dave Peden, Chair; Dave Kokot; Ray Allshouse; Tom Balbo; Rod Bault; Steve Simpson <u>Staff In Attendance:</u> Tim Nogler, Managing Director; Joanne McCaughan; Krista Braaksma; Peggy Bryden <u>Visitors Present:</u> Kraig Stevenson, G.F. Scheuermann, Justin Rogers, Suzanne Mayr, Stephan Thornton, Lee Kranz, Bob Eugene, Lance Talley
2. Review and Approve Agenda	The agenda was approved as modified.
3. Review and Approve Minutes of September 11, 2014	The minutes will be reviewed at the next meeting.
4. Proposed Rule <ul style="list-style-type: none">• Sprinklers in Group E, Daycare Centers	Tim Nogler reported this issue was discussed in Spokane a few weeks ago. The interpretation request from the City of Tacoma is asking if the requirement for sprinklers in Group E occupancies applies to the Group E occupancy or the Group E fire area. The Council previously proposed an emergency rule indicating this section is to clarify the code is talking about fire area, when calculating whether or not fire sprinklers are required. The issue is that this section is already open for public hearing on the school portables. It is one of our proposed rules. The base code language is the same in 2012 as in 2015 which requires automatic sprinklers in the Group E fire area where the fire area is greater than 12,000 sq. ft. There is an exception if you have an exit off of that level. We have a state law that revises this and states all schools shall be sprinkled if the occupant load is greater than 50. The only exception is school portables. The second part is looking at the proposed language we are considering that

addresses portables. The charging language says an automatic fire sprinkler system shall be provided for Group E occupancies. The exceptions are portables with occupant load of 50 or less as long as the cluster doesn't exceed (the proposed) 6,000 sq. ft. Exception 2 allows an occupant load to be greater if there are two exits. The question asked by the City of Tacoma was what happens if it is a mixed occupancy building. Do you count the fire area or do you count the occupancy? The discussion determined the rule needed to be changed so that it is clear. The proposal would have been to change that occupancy to fire area. This would be significantly more specific and restrictive in terms of a daycare (Group E) in an existing church (Group A).

The proposal was to enter into emergency rulemaking. However, in working with the Code Reviser's office we were informed that in order to do that we would have to withdraw the proposed rule that is currently open for public hearing. This is because we can't revise the same section that is already open for public hearing, without starting the process again. Thus the recommendation is we complete the rulemaking we are in on the portable school issue and revisit the fire area issue after we have filed the permanent rule. This would be in January. Tim then indicated taking public comment on this item would be okay.

Lee Kranz, City of Bellevue, said there are a couple of things he would like to comment on. There is some language in the 2012 IBC commentary Section 903.2 that speaks to the issue of fire areas and how they are to be used in determining whether sprinklers are required. Lee read this portion of the commentary. It is important to remember that the proper application is the determination of the hazard present. Just because the fire area has an occupant load exceeding the threshold does not indicate that sprinkler protection is required. Inserting the term "fire area" in Exception 3 would be in conflict with the intent of the code based on the definition of fire area in Section 202. The change being proposed is not necessarily going to resolve this issue. Small daycare/ preschool providers are trying to find space, typically in a nonsprinkled building. If we include the occupant load to the spaces they are not going to occupy, these spaces need to install a fire barrier. This also affects property owners

	<p>and landlords that are trying to rent those spaces.</p> <p>Lee noted he has made other suggestions that were sent to Tim Nogler for another way to resolve this issue.</p> <p>Lance Talley, WSFM office. He stated that the occupancy threshold has been set by the code as it says 35 sq. ft. per occupant in a daycare. When you look at the number 50, 1,750 sq. ft. is the result; that threshold has been set. The other thing he is confused about is “fire area”, particularly when he hears other fire officials talking against it. Are they saying then they want the whole church to be sprinkled? If it is a mixed occupancy where do you draw the line? All E occupancies will be sprinkled, unless they install a fire barrier. Our office believes the code allows for that. This will reduce the cost to the tenant if they don’t want to sprinkle the entire building. His office does support inserting the words “fire area”.</p> <p>Dave Kokot asked for clarification. Would Council action be required to remove this emergency rule provision?</p> <p>Tim responded the Committee would need to make a recommendation to the Council for action.</p> <p>Motion Ray Allshouse moved that the Committee recommend to the Council this issue be taken up in January 2015. Steve Simpson seconded the motion. The motion passed.</p>
<p>5. Interpretations</p> <p>Interpretation 13-05, Sprinklers in Lodging Houses</p>	<p>Tim Nogler said this interpretation is in conflict with what is in the rule. It was issued prior to the rule being finalized. What is in R101.2 does require sprinklers for lodging houses under the 2012 IRC. This interpretation indicates that it was not the intent to require sprinklers for owner occupied lodging houses. This interpretation is no longer applicable and generally we would issue another interpretation indicating this one is no longer applicable. This would be the only action needed by the Committee. However, SBCC did receive a request from the City of Spokane asking for an immediate rule change to this section to allow a one or two guest room lodging houses to be occupied without fire sprinklers. With the interpretation was a letter sharing the process they have been through in Spokane. On the one hand this interpretation is clearly no longer applicable because we have a rule in effect. On the other hand is the request from the City of Spokane.</p>

Motion

Ray Allshouse moved the interpretation 13-05 be no longer applicable. **Dave Kokot** seconded the motion. **The motion was carried.**

Spokane Request

The Spokane proposal was summarized by Tim Nogler, which was submitted by Mike Allen, a Spokane council member. Mike is suggesting an additional exception be provided for owner occupied homes that would allow one or two guest rooms to be permitted, and strike the reference to the fire sprinklers. Also, three to five guest rooms shall be permitted when fire sprinklers are installed. The biggest barrier to this was the IRC provision for fire sprinklers. The city is requesting this proposal be enacted immediately. It is up to the Committee for the recommendation to be made to the Council. Tim did respond to the councilman's letter indicating we would review and discuss the issue.

Dave Kokot commented he is on the task force that put this together and Spokane is apparently groundbreaking in this. A lot of other jurisdictions have been avoiding the lodging home issue. The task force spent a lot of time on the zoning code and building code across the state looking into what others are doing with this provision in the 2012 Code. For the most part, enforcement under the Residential Code has been on a complaint basis. No one is able to handle the code change, which is pretty substantial. The Zoning Code is easier because each jurisdiction has options. For instance, this particular method of renting a room in a house is illegal in Spokane unless you have a conditional use permit. Spokane now has 93 B&B businesses that are currently illegal. Spokane has put a moratorium on enforcement of this because they are in the process of making a zoning code change that could be done by the end of 2014. Spokane City Councilman Allen has is concerned there would be a gap if we went into regular rulemaking. It wouldn't be until July of 2016 at the earliest if the state code allows this particular code proposal. The Councilman would like to see the emergency rule put in place to allow the zoning code and building code to work together for these businesses to function in this location. The Councilman is also attempting to get some legislation through to facilitate this.

The language in this proposal appears to be a reasonable compromise. The original intent of this was more for a

bed and breakfast. However in Spokane we have a couple of large events that the hotels can't handle all the reservations needed for these events. It therefore is very easy to rent a room or two in a home allowing people a place to stay while in the city. Dave feels there will be public comment on this.

Ray Allshouse appreciates that Spokane is looking at this seriously and this does appear to be a legitimate need that should be addressed. He also feels public comment is needed.

Rod Bault wonders about the ADA requirements for these homes. **Tim Nogler** stated the ADA would apply as it would in hospitality. However, under the IBC and IRC we have defined lodging houses with five or fewer guest rooms as one or two family dwellings. In doing that the ADA provisions would not be applied.

Mike Ferry the building official for Grays Harbor County, states he has no concern when the state provides modification to suit Washington and the nation. However, this issue has been bounced back and forth over several code cycles and over several different discussion periods. He feels that making an emergency rule today on an issue that has had this history is not the best process for making amendments to the state code. He hopes the Committee would include this with regular code amendments but not be hasty. It may be great in larger cities but much of the state consists of smaller cities and towns. The smaller jurisdictions struggle with this type of change.

Bob Eugene, with UL, noted he doesn't see where the proposed amendment meets any of the five criteria to make it an emergency amendment. He feels a local amendment is not proper here. This rule went through all the appropriate hearings that were intended for the adoption of the IRC and IBC as a statewide amendment. Yet this has been sitting in the code for over a year.

Even if there is only one or two guest rooms it doesn't limit that to one or two guests. Those guest rooms could have two or four within each room. This brings visitors to the area where they are anticipating a hotel environment. The national model codes identify that this environment should be protected by at least a residential sprinkler application. The IBC is really substantially watered down in that it only deals with safety to egress in a building if there is a fire. Bob feels that taking this action would be

<p style="text-align: center;">Interpretation, City of Tacoma</p>	<p>irresponsible.</p> <p>Motion Ray Allshouse believes it is appropriate to look into this deeper before making a formal recommendation to the Council. Ray moved that the matter be studied further by the Committee then put the item on the agenda for the next Committee meeting. Rod Bault seconded the motion.</p> <p>Tom Balbo agrees with Ray and Tom would like to take on this task to review the matter and report back to the Committee.</p> <p>The motion carried.</p> <p>Tim reported the request came in earlier this week. They have a situation where an existing group R-2, a three story apartment building that was built prior to any ADA requirements with an elevator. Under the existing building code it states that any alteration shall not reduce or have the effect of reducing accessibility of a facility. City of Tacoma is asking can they issue a permit to remove the existing elevator or existing ramp. The suggested answer is no. The code requires the access be maintained. The alterations cannot reduce the accessibility. They must keep the elevator and the ramp as they are existing accessibility features of the building.</p> <p>Motion Dave Kokot moved to approve the interpretation as written. Ray Allshouse seconded the motion. The motion carried.</p>
<p>5. Staff Report</p>	<p>Tim Nogler reported the TAGs have been appointed and the list is on the website's meeting documents page. There are meetings scheduled for the IFC and the IBC to review the 2015 codes. Staff is working with ICC to get materials to distribute the to the TAG members.</p> <p>Tim urged the Committee members to review the procedures for the TAGs. The TAGs will discuss expectations at the first meeting for the TAG chair and the members of the TAG.</p> <p>Tim indicated there was a budget report that he would be giving at the Council meeting.</p>
<p>6. Other Business</p>	<p>None</p>
<p>7. Adjourn</p>	<p>The meeting was adjourned at 9:55 a.m.</p>