

**Workgroup 2 Meeting
Virginia Housing Center, Glen Allen, VA
July 20, 2016, 9:30 a.m.**

Summary Notes

Cindy Davis – Welcome and introductions.

Additional Discussion

Billboard reconstruction Chip Dicks

Reason: Chip Dicks provided an overview of billboard reconstruction. Interpretations vary from locality to locality. Question for discussion under the Rehab Code, if a structure was built in 1975, and all we are doing is replacing the structure with the same building materials and same pole, then under that circumstance it would seem you would be able to get a building permit going through the process and be able to put the pole back as it was. It is not being any less safe than it was before. It is a replacement pole for the one that was compromised by age of the pole or by a storm.

Mr. Dick's explained that a previous workgroup discussed the safety upgrade issue, but this is not related to the safety upgrade issue. The safety upgrade issue has been resolved. Input on this repair situation is needed. Mr. Dick's further explained that this is a VDOT driven process, every locality in Virginia is subject to this Statewide Billboard Repair Ordinance, this legislation, that every billboard company has to apply to VDOT first to have these repairs made and then they go to the locality for a building permit. He further explained that the building official has a right to object and to say that the billboard should not be repaired, it is a building code official determination it is not a local zoning determination. If the building official objections are considered then VDOT will issue the final decision after considering the building code officials perspective.

Comments:

Cindy Davis asked if there was any difference whether the billboard is located on VDOT right-of-way or private property or does this particular legislation apply across the board?

Chip Dicks replied that it applied across the board.

Bob Adkins stated why you would replace a failed structure with the same type?

Chip Dicks replied that VDOT requires you to do that and asked why wouldn't you upgrade the structure to meet current safety standards?

Mike Toalson asked if VDOT has ever allowed a non-conforming structure to be upgraded to the current safety standards?

Chip Dicks stated that VDOT personnel previously allowed that, however, current personnel won't allow it. The law has not changed and regulations have not changed. The reason this has become an issue that VDOT changed personnel and their interpretations have changed.

Robby Dawson asked if they currently have an appeal process for this VDOT interpretation?

Chip Dicks stated there was an appeal process through VDOT under the Administrative Process Act, but as you know, you appeal the decision and there is about 12-15 applications pending now where VDOT has approved the repair but the local building code officials have said they want the poles upgraded.

Sean Farrell asked about what is non-conforming about these billboards that VDOT classifies them as non-conforming?

Chip Dicks stated that non-conforming signs can be categorized for many reasons. It could be spacing standards, was off the road and now is on the road because of road construction, zoning, etc.

Sean Farrell replied because none of the examples you mentioned is because of the material that is assembled, it seems to be height and proximity.

Glenn Dean asked if he heard correctly saying you go to building officials and sometimes you get a permit and sometimes you don't. Was there any consideration to an interpretation request to the Technical Review Board, which would have the effect of codes statewide? When dealing with building officials are any discussions with placing like with like materials?

Chip Dicks replied they are not making anything less safe we are putting same pole with like materials. This is not universal to every building official.

Ron Clements asked if the Rehab Code would allow you to use the same material or material equivalent to what was used in 1975. Asked if the language could be tweaked?

William King believed it was straightforward, wood pole replacement with a similar pole.

Emory Rodgers – Ron Clements and Johnna Grizzard are in accord with me. VBCOA has a committee going through dozens of code changes, your issue needs to be on the agenda. We can't help with VDOT issues. Ron Clements has said that under the Virginia Rehab Code, a building official could tell what you are getting.

Johnna Grizzard mentioned that VDOT regulations came into effect around the same time as the Rehab Code became mandatory. Under the definition of repair, reconstruction is included.

Ron Clements replied that we may need to clarify some dimensions and material.

Ron Adkins stated that if he went into a structure, and spotted a structural failure, he would require an evaluation to verify that it is a safe structure.

Chris Snidow said they require a field drawing.

John Walsh asked what problem we are trying to solve? He hears the building official is not issuing a permit because they are not upgrading the pole. The code that VDOT interprets is that the code does not allow you to upgrade. He thinks the first issue is an educational issue and the next one is a code issue. He is confused on what we are trying to do.

Chip Dicks stated that if the issue with VDOT, is not worked out, we will see legislation next year. The rehab code is where we are trying to find education and if it is a code interpretation, we should ask for an opinion from TRB.

Kenney Payne stated as a Code Academy Instructor, that this is definitely an educational issue.

Chip Dicks wrapped up stating that most billboards have wooden poles and are close to the ground. With steel poles you need structural engineering. Thank you all very much for your input.

C-103.3(2) cdpVA-15 Proponent: College Laboratory Sub-workgroup
Vernon.hodge@dhcd.virginia.gov

2012 Virginia Construction Code
103.3 Change of occupancy

Reason: This proposed code change attempts to address the limiting factors of MAQs within facilities by answering the following questions: How do we increase MAQs beyond those already allowed while still incorporating an acceptable level of safety, protection, and/or fire resistance ratings? How do we apply these requirements to existing buildings? and How do we accomplish the first two without a large re-write of the code?

Kenney Payne gave an overview of the proposal.

Comments:

Vernon Hodge stated after talking with Zack Adams and Chris Raha, only substantiated changes are needed and the comments can be placed in cdpVA.

Rick Witt stated that this is just an option since it is not mandated. I support this issue and there seems to be consensus and sees no reason why not to move this forward.

Cindy Davis – **Move forward with consensus**

C-117.2 cdpVA-15 Proponent: Ron Clements representing VBCOA VRC Committee and Kenney Payne representing AIA-VA
clementsro@chesterfield.gov and kpayne@moseleyarchitects.com

2012 Virginia Construction Code
117.2 Moved buildings and structures.

Reason: VRC Chapter 13 addresses moved buildings and structures. The existing requirements of 117.2 are still basically the same as they were prior to the adoption of the VRC. The section needs to be updated to address the scope of the VRC for existing buildings and VRC Chapter 13 specifically for moved buildings.

Ron Clements gave an overview of the proposal.

Comments:

Kris Bridges asked in the case of an Industrialized Building that is not recognized by Virginia, is that a moved structure?

Ron Clements stated that in VA, we have an Industrialized Building Safety Regulation.

Cindy Davis - **We will move forward as consensus**

CB-202(2) cdpVA-15 Proponent: Kenney Payne AIA-VA
kpayne@moseleyarchitects.com

2015 International Building Code
Section 202 Definitions
Area, Building.

Reason: “Building area” was intended only for calculations involving allowable area. However, when the actual words are applied to “real” buildings, it becomes questionable. Is the current BUILDING AREA definition equivalent to the aggregate FLOOR AREA? No. FLOOR AREA can actually exceed the BUILDING AREA!

Kenney Payne gave an overview of his proposal.

Comments:

Andrew Milliken asked where in these building codes does this apply? What scope is involved and what courts have been exempted before now?

Kenney Payne stated his agreement. In revised floor area definition, the floor area will stop. Upper volume of multi-story spaces are now in this proposal.

Glenn Dean asked Kenney if he had considered advancing this to ICC?

Kenney Payne stated he had not.

William Lloyd asked if the floor area calculated as floor space no matter how many stories?

Sean Farrell asked if changing the scope from building footprint to a total building area was consistent with the national approach? He stated it was just an observation.

Glenn Dean stated he had reservations.

Richard Potts – **Move forward as pending to carry over**

CB-303.1.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Building Code
303.1.1 Small buildings and tenant spaces.

Reason: The section is under the “Assembly” group, yet it is written as if it was an exception and requires one to classify such occupancies as “B”. Doing so, could potentially require more plumbing fixtures compared to classifying such occupancies as “A”. Why not allow the designer/owner some flexibility and allow classification as either an “A” or “B”? The 2009 IBC handled such spaces as an “exception” so the designer/owner had an option of whether to use the exception and classify such spaces as “B” or keep them classified as “A”.

Kenney Payne - gave an overview of proposal and asked that we delete 303.4 for today.

Comments:

Chris Snidow stated this should be an option. The change from occupancy to use.

Cindy Davis said we could leave accessory or subordinate and hope that accessory was understood.

William King asked what the occupancy would be in 303.1.2 Group B. He didn't feel it was clear.

Johnna Grizzard mentioned she supported this, just like the same issue with 303.3.

George Hollingsworth said he would support this change, it takes some of the confusion out. He suggested occupant load 50 or less.

Chris Snidow also suggested use.

Kenney Payne stated he was happy making this change if everyone was ok with it.

Chris Philips stated accessory is a relationship to the space. He recommended the language in 508.2 ancillary.

Kenney Payne stated he agreed with this.

Cindy Davis - **move forward as pending**

CB-304.1.1 cdpVA-15 Proponent: William King representing DBHDS Ad-hoc Group

William.king@alexandriava.gov

2012 Virginia Construction Code
304.1.1 Day support and day treatment facilities

Reason: This proposal was created by a work-group including representatives from the Virginia Department of Behavioral Health & Development Services (DBHDS) to address concerns on classification that have arisen with the location of licensed Day Support and Day Treatment facilities.

William King gave an overview of the proposal.

Comments:

Glenn Dean believed this deals with technical and format issues. He stated day support and day treatment are not defined terms in the building code, however, ambulatory health care is included in the code.

William Lloyd stated a need for a definition in chapter 2 that parallels that type of occupancy. Other than that, he thought it was awesome.

Johnna Grizzard didn't believe that not having a definition was going to be a deal breaker.

Kris Bridges asked if we could import DBHS definition of day support and day treatment?

Robbie Dawson asked for an example of people who would be at a day support facility?

Johnna Grizzard gave an overview as day support is intellectually disabled (mentally retardation); day treatment is adolescence that are emotionally disturbed.

Robbie Dawson asked how they are classified now? These are two different challenges and populations and they are grouping them into the same I-4 group?

Johnna Grizzard stated that day support is really a grey area. She doesn't see any problem with grouping them together. They are on the first floor and have no egress problems.

George Hollingsworth believes the ramp slope needs clarification.

Glenn Dean also believes this is a grey area, it feels like going in areas unintended.

Sean Farrell suggested it looks to him like an I-4, custodial care? Wouldn't this be a subsection of I?

William Andrews stated it is classified to B.

Chris Snidow stated that if the walkway is less than 1-20 slope, it becomes a ramp.

Andrew Milliken asked if we were talking about a small facility?

Johnna Grizzard stated she was on the workgroup. It is restricted Can you have a two story facility? You have to trust the occupant on this. There is more damage not to have any kind of provisions.

Rick Witt stated he would support moving forward as pending.

Cindy Davis - **Move forward as pending to answer questions raised today.**

Chris Snidow asked if there was anything in the Rehab code to address this?

Ron Clements stated he would support as pending.

CB-901.3 cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2015 International Building Code
901.3 Modifications.

Reason: Fire officials are responsible for applying the fire code on maintenance and periodic testing of the fire protection systems, plus local fire officials coordinate emergency responses to sites (including state). Local fire officials need to learn when a building official approve installing, disabling or removing fire alarms, sprinkler system, and other fire protection systems (including for renovation or demolition). The building official is the best source for properly authorizing substantial changes to fire protection systems.

William Andrews gave an overview of his proposal. Same language as in previous workgroups.

Johnna Grizzard stated she had sent some suggestions, however, she never received an answer.

William Lloyd said to move this forward, it is a reasonable requirement. It reminds the building official, if you are going to take out a fire protection system, you need to let the fire department know. It takes the burden off of the individual that owns the building.

Kenney Payne suggested it needed rewording.

Rick Witt said we are not installing. He supports making this pending and doesn't think it is necessary. You can't change behavior.

Emory Rodgers said disabling or removing is approved under the USBC, then the fire code requires if you put it out of service to notify them. He suggested moving forward as non-consensus. This has been placed in 2 workgroups for comments.

Brian Gordon stated we are supporting this concept, without addressing some of the issues, we would not support as consensus.

Glenn Dean said he disagrees with Bill, the building official doesn't own the fire system.

Cindy Davis – **Move forward as consensus for disapproval.**

Robby Dawson asked if we change language, what would happen to it?

Cindy Davis stated it would be a change that we would consider again.

CB-1008.1.6 cdpVA-15 Proponent: William King
William.king@alexandriava.gov

2012 Virginia Construction Code
1008.1.6 Landings at doors.

Reason: This new exception is designed to mimic the exception to IRC R311.7.6. This also coordinates with numerous exceptions contained within Chapter 10 that treat egress within individual dwelling units in a manner similar to that required by the IRC.

William King gave an overview of proposal. He was trying to clean up the language.

Comments: None
Cindy Davis - **Move forward as consensus**

CB-1023.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Building Code
1023.5 Penetrations

Reason: Generally, exceptions to exceptions are not a good idea (“are prohibited except” and then there is an “Exception” to the charging paragraph). Sentences that have more than a few commas (run on sentence) oftentimes require re-reading to make sure the meaning is understood and properly interpreted.

Kenney Payne stated he would like to withdraw his previous proposal, CB-202(2) and gave an overview of this proposal.

Comments:
Bob Adkins stated he loudly speaks against this code change.

Andrew Milliken stated he agreed, he is against this also.

Chris Snidow asked if it would be different if #7 was removed?

Jeff Morrow said the thing that seems to be missing is the serving of the stairway. With the wording we have now, we can run sprinkler piping on through one wall in the stairway into another wall, so we are penetrating the stairway again. It should be limited to stairway.

Ron Clements stated the building code does not require an exit stair shaft to be structurally independent.

Chris Snidow stated as a structural engineer, if it’s not necessary to be structurally independent, then you can bare structural streaming off it.

Kenney Payne stated you can and to be honest we do. We have been told that we cannot penetrate that membrane.

Sean Farrell said whatever penetrated it had to serve it and terminate within it. The language no longer states that.

Bob Adkins added the membrane penetrations needed to be protected. The more he reads this, the more confused he gets.

Cindy Davis – **Move forward as non-consensus with more work on it.**

CB-1407.10.4 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
1407.10.4 Full-scale test.

Reason: the added language is akin to the language used in IBC 703.3, allowing other methods and procedures to demonstrate compliance. The difference between 703.3 and these sections is that NFPA 285 has nothing to do with fire resistance – so, a simple reference to 703.3 would not be appropriate.

Kenney Payne provided an overview of his proposal.

Comments:

Rick Witt stated that the exception #2, is available now. He cannot support this.

Kenney Payne withdraws this proposal.

CE-R402.1.1 cdpVA-15 Proponent: Bruce Cornwall
bcornwall@culpepercounty.gov

2012 Virginia Energy Conservation Code
Table R402.1.1

Reason: R-49 has been the standard for ceiling insulation in our area in the national code for 4 years. Studies show that the added insulation will more than pay for itself in the life of the home.

No one to speak on this proposal.

Mike Toalson commented he had been directed to speak in opposition to this proposal. No additional value so we oppose this. We spent 4 hours on a sub-workgroup discussing the vision inspection option and we object to visual

inspection of whole house inspection. We would ask that it be labeled non-consensus.

Andrew Grigsby stated his I support R49 for attics and that it was a smart investment.

Charles Cottrell spoke strong support for this issue. Some places are going to R60 for attics and we need to bring our code to national code standards.

Walter Lucas stated if you added 4 inches of insulation, no one looked into changing the fasteners for the ceiling or sheetrock. Heel trusses or rafters may also be needed. The cost will be a lot more than \$150. He doesn't think you need to do it.

Mike Toalson stated they did move forward with some changes in 2012. We always support giving the homebuyer the option to move forward with more insulation if they prefer, we don't believe it should be the minimum.

Charles Cottrell said it doesn't require the full thickness throughout the attic and it doesn't require raised trusses or rafters.

Brian Gordon stated his opposition and hoped the proposal would move forward as non-consensus.

Cindy Davis stated it will **move forward as non-consensus**. We have a sub workgroup working on this and will continue to meet.

Chris Snidow asked about the payback?

Emory Rodgers suggested that the workgroup study the issue of duct testing instead of blower door testing.

CE-R402.4.1.2 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R402.4.1.2 Airsealing
R402.4.1.2.2 Visual inspection option.

Reason: There is no substitute for actual mechanical testing of the building. A visual inspection standard is no standard – as it cannot obtain a numerical value. Air leaks – even large ones – are not always observable during a visual inspection. It is precisely the hard-to-find leaks that are the problem. Most builders will address a visible hole. It is not difficult to build a tight house. But the only way to find the random problems is to test.

Andrew Grigsby gave overview of his proposal.

Comments:

Charles Cottrell stated that testing is very important. There is no human that can look at a house to see how many air changes there are per hour. We owe it to the consumer.

Cindy Davis - **Move forward as non-consensus**, however, our group will work on this issue.

CE-R403.2.2 cdpVA-15 Proponent: Andrew Grigsby

Andrew@leap-va.org

2012 Virginia Energy Conservation Code

R403.2.2 Sealing (Mandatory)

R403.2.2.2 Visual inspection option.

Reason: There is no substitute for a pressure test of the ductwork. Any person who actually has tested ductwork knows that, unless every inch of the entire duct system is readily visible, then only a mechanical test would have a hope of finding all of the leaks. It makes no sense to ask an inspector to crawl around the entire system hunting for leaks.

Andrew Grigsby gave overview of this proposal.

Comments:

Mike Toalson said we don't believe this should be the minimum. The cost will increase when it is mandated. I will make the commitment to bring it back to our group in hopes that we can keep working on this.

Cindy Davis - **Move forward as non-consensus**

CB-2308.4.1.1 cdpVA-15 Proponent: Matthew Hunter and John Catlett, representing American Wood Council

mhunter@awc.org and jcatlett@awc.org

2015 International Building Code

Table 2308.4.1

Reason: The update of Table 2308.4.1(1) Girder Spans and Header Spans for Exterior Bearing Walls is proposed. Updated spans address use of Southern Pine No. 2 in lieu of Southern Pine No. 1. Footnote "f" is added to clarify that header spans are based on laterally braced assumption such as when the header is raised.

Comments: None

Cindy Davis - **Moving forward as consensus**

CR-R602.7 cdpVA-15 Proponent: Matthew Hunter and John Catlett, representing American Wood Council
mhunter@awc.org and jcatlett@awc.org

2015 International Residential Code
Table R602.7(1)

Reason: The update of Table R602.7(1) Girder Spans and Header Spans for Exterior Bearing Walls is proposed. Updated spans address use of Southern Pine No. 2 in lieu of Southern Pine No. 1. Footnote “f” is added to clarify that header spans are based on laterally braced assumption such as when the header is raised.

Comments: None

Cindy Davis – **Moving forward as consensus**

CB-2603.5.5 cdpVA-15 Proponent: Kenney Payne, representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
2603.5.5 Vertical and lateral fire propagation.

Reason: Exception #3 makes Exception #1 (as currently written) obsolete because 2603.4.1.4 already requires the building to be sprinkled. So, if a building is fully sprinkled, one would use Exception #3, not Exception #1.

Kenney Payne gave an overview of his proposal. He would like to propose that Virginia consider allowing one story buildings to be exempt from this test.

Comments:

Glenn Dean asked that we give Kenney a victory.

Cindy Davis - **Move forward as consensus**

Cindy Davis gave an overview regarding a letter that was sent to Governor McAuliffe. It was in opposition to this, however, we have had no proposal from her.

William Lloyd said they should follow the process.

F-703.1 cdpVA-15 Proponent: Zachary Adams
adamz@vt.edu

2015 International Fire Code
703.1 Maintenance Option One or Option Two

Reason: While we agree it is imperative that the integrity of fire-resistance construction be maintained, to require an annual inspection imposes a substantial burden on the owner, especially where an extensive amount of square footage is occupied.

Rick Witt gave an overview of the proposal on Zach's behalf. He stated the real issue is to maintain. He asked for this to be pending and he will help with working on the language.

Comments:

William Lloyd – This does need a re-write by qualified people.

Cindy Davis - **This will move forward as pending.**

F-703.4 cdpVA-15 Proponent: Justin Biller
jbbiller@carilionclinic.org

2012 Virginia Statewide Fire Prevention Code
703.4 Testing

Reason: In particular, Health Care Facilities in Virginia are facing enforcement of this requirement as part of ongoing licensure/funding through State enforcement of NFPA 101, Life Safety Code, so it is also important that these requirements are consistent with local fire prevention code enforcement as well throughout the Commonwealth.

Justin Biller gave overview of his proposal to clarify this testing component.

Comments:

Robbie Dawson gave an overview of his suggested comment on cdpVA.

Justin Biller stated the issue is that 703.4 right now is only talking about horizontal vertical sliding doors. NFPA 80 deals with swinging doors as well.

William Lloyd said he thinks it is better suited in 703.2 that would relate to shutters, windows and swinging doors as well. Swinging doors do have to be inspected annually.

Rick Witt stated he didn't have any problems with where is trying to go, however, the language is not there. From the second sentence on is not required.

Justin Biller said it is inspected to NFPA80, we are not requiring additional inspections.

Rick Witt disagrees, he just went through an issue lately, the swinging doors were an issue at a church. Don't impart a new standard on something that is existing.

William Lloyd stated that NFPA80 has been in effect since the early 70's for windows, shutters and fire doors.

Cindy Davis – **Moving forward as non-consensus**

F-1030.1 cdpVA-15 Proponent: Andrew Milliken, representing Stafford County Fire Marshal's Office

amilliken@staffordcountyva.gov

2015 International Building Code
1030.1 General.

Reason: The intent of this proposal is to clarify that the requirements of emergency escape and rescue openings apply to R-4 occupancies.

Andrew Milliken gave an overview of his proposal.

Cindy Davis asked if everyone was in agreement with that intent to adding the R-4 language to this section?

Judy Hackler asked whether or not it would be a new classification or retrofit?

Cindy Davis – **Moving forward as pending.**

F-2311.7 cdpVA-15 Proponent: William Andrews representing city of Richmond Fire Marshal's Office

William.andrews@richmondgov.com

2015 International Fire Code
2311.7 Repair garages for vehicles fueled by lighter-than-air fuels.

Reason: The 2000 IFC Section 2210.1 and current state fire code Section 2311.7 required repair garages to comply with this section and the IBC. Repair garages for vehicles that use more than one type of fuel shall comply with the applicable provisions of this section for each type of fuel used.

William Andrews gave an overview of his proposal.

Comments:

Mike O'Connor asked if there was a definition for lighter than air?

Vernon Hodge stated that it was not a defined term.

William Lloyd stated he supported Bill's proposal. He had problems with this in Virginia Beach.

Sean Farrell stated he was not in opposition, but asked if this language was going into the SFPC? What is the intent? He also stated if we were not introducing technical code then his comment was not applicable.

Johnna Grizzard said she had problems with the grammatical language.

Bob Adkins stated he thought this was unenforceable.

Cindy Davis said it seems there is general support for this however, the sentence structure needs to be tweaked.

Emory Rodgers stated there seemed to be redundancy. It is still a little confusing.

Cindy Davis stated this will **Move forward as non-consensus**

F-3103.2 cdpVA-15 Proponent: Andrew Milliken representing Stafford County Fire Marshal's Office
amiliken@staffordcountyva.gov

2015 International Fire Code
3103.2 Approval required.

Reason: The intent of this proposal is to eliminate conflicting language regarding when a permit is required. Section 107.2 of the Virginia Statewide Fire Prevention Code indicates the criteria for when permits are required to be obtained from the fire official, including for temporary tents and membrane structures.

Andrew Milliken gave an overview of his proposal.

Comments:

Monty Willaford stated that a number of fire marshal's across the state agree this is a good idea as far as eliminating the conflict, we would like to keep the current language 3103.2 Approval Required in place and change the language to that of the table located in 107.2. We would certainly agree to going with the less restrictive numbers. We don't want any additional restrictions.

Sean Farrell stated the proposed base document retains this approval process but gives you a pointer.

Robbie Dawson added that he supported Chief Willaford's comments. Unstrike all of that.

Sean Farrell stated the base document takes out the requirement for permit. The 400 square foot is still there. It points you to the table. Approval is there for 400 or more but the requirement for a permit doesn't kick in until 900.

Emory Rodgers suggested we do this as pending then have an adhoc group to include building officials, fire officials and tent operators.

Cindy Davis said this was an operational issue, 3103.4 is the pointer. So it shouldn't be a problem. Leave as is.

Monty Willaford stated even going back and looking at those changes it doesn't meet what is in the table. It is still out of focus.

Linda Hale stated 107.2 really addresses the operation, it does not affect the maintenance of a tent that is going to be up for less than 180 days. It strikes that language out as well.

Johnna Grizzard said the general section 3103.4 all temporary tents and membrane structures are part of this section. Johnna asked if there was a need for maintenance of temporary tents?

William Lloyd stated he had two churches that erected tents and they stayed up the entire summer to accommodate the tourists in Virginia Beach. They need to be maintained.

Sean Farrell suggested taking the base document on cdpVA and see if this fits.

William Andrews said Table 107.2 also has the exceptions that's used exclusively for recreational camping purposes. This is an exception.

Ron Clements said this specific section is not setting up the maintenance without first obtaining a permit. All this section is doing is saying whether or not you need a permit. This section can go.

William Lloyd stated the only problem with this section is the fact that size or the numbers in the table do not match what is in 107.2.

Cindy Davis said we will **Move forward as non-consensus**

F-5003.3.1.4 cdpVA-15 Proponent: Mike O'Connor representing Virginia Petroleum, Convenient & Grocery Association
mike@vpcga.com

2012 Virginia Statewide Fire Prevention Code
5003.3.1.4 Responsibility for cleanup

Reason: The General Assembly has already empowered the Virginia Water Control Board to enact regulations and oversee the cleanup of petroleum based products from discharges from underground and above ground storage tanks.

Mike O'Connor gave an overview of his proposal.

Comments:

Robby Dawson stated he didn't care where the money came from for clean-up. You Mr. Business owner is responsible.

Anthony Milliken stated he agreed with Robby.

William Lloyd also agreed with Robby.

Monty Willaford mentioned not hurting the little guy, the fund when you can't identify the person responsible or when the little guy doesn't have funds to clean up spill.

Renee Hooper (DEQ) stated that with the Reimbursement fund, the owner operator does cleanup and then applies for reimbursement from the fund.

George Hollingsworth asked if we were open to what Robbie said about taking born out and putting in responsible?

Robbie Dawson asked if the fund is dry, then what?

Linda Hale stated that born by necessarily doesn't make you responsible for cleaning it up, DEQ has the reimbursement fund, but born by doesn't necessarily preclude you from being able to be reimbursed from it. You have to be able to pay out in order to be reimbursed by DEQ.

Monty Willaford asked who created the spill should be responsible for the spill. That person is responsible for cleaning up the environment.

Renee Hooper stated DEQ would do an initial analysis. She stated she had not heard about any problems in this area.

Ed Rhodes asked if the fund ever ran out of money?

Renee Hooper stated it had not, however, they are about 7 months behind in paying claims.

Anthony Barrero stated this was about responsibility. Follow the steps in DEQ website for cost recovery. We need to play with the language.

William Lloyd stated it does say that this section shall not be applicable. So it's removing those places that may want to or have the capability of doing that.

Mike O'Connor stated the private sector pays 6 cents to DEQ, should be a recognition for that money. This money comes out of their margin to be used for clean ups. We are only looking for the state statute that has the money.

Cindy Davis asked if we could get a volunteer to work with Mr. O'Connor. Robbie Dawson and William Lloyd volunteered. **We will leave this as pending.**

M-202(1) cdpVA-15 Proponent John Walsh representing VBCOA VMC Committee
John.walsh@richmondgov.com

2012 Virginia Maintenance Code
Structure Unfit for Human Occupancy, 602.2 Heat supply

Reason: Due to a recent ruling by the TRB that exempted owner occupied structure from the provision of the Unfit definition related to a heating source it is necessary to clarify the language and also to clarify the intent of the Board of Housing.

John Walsh gave an overview of his proposal. He worked with Mr. Phil Storey with the Legal Aid Justice Center for the language on this proposal.

Peter Askin with Phil Storey group gave an overview of his reason for non-consensus. We remain concerned that in this proposal it would be costly for the retrofitting requirement. The cost impact could be crushing to many low-income families.

Linda Hale said she would not advocate for a space heater in lieu of appropriately maintained heating systems as a fire safe alternative.

John Walsh stated Mr. Storey is interpreting the maintenance code as a restrictive code such as what a building is required to have. All it requires is to maintain under the code in which it was built. This is a performance standard for rental dwellings.

Cindy Davis stated we will **Move forward with non-consensus.**

William Andrews stated he supported Mr. Walsh's proposal.

M-202(2) cdpVA-15 Proponent: Phillip Storey, representing Legal Aid Justice Center
phil@justice4all.org

2012 Virginia Maintenance Code
Section 202 Definitions
Structure Unfit for Human Occupancy

Reason: This proposal responds to a recent administrative appeal decision by the State Building code Technical Review Board (TRB), (Consolidated Appeals 15-12 and 15-13.) The appeals challenged the City of Richmond’s application of VMC Section 105.1 to threaten with condemnation owner-occupied homes it claimed met VMC Section 202’s definition of Structure Unfit for Human Occupancy (Unfit) because they lacked primary heating systems.

Peter Askin with the Legal Aid Justice Center gave an overview of the proposal in the absence of Mr. Phil Storey.

Comments:

Cindy Davis - **Move forward with non-consensus**

M-507.1 cdpVA-15 Proponent: Charles Wilson

Cwilson2@arlingtonva.us

2012 Virginia Maintenance Code
507.1 General

Reason: To include erosion prevention and insert the consistent use of the phrase stormwater runoff as widely used in the environmental area. And to address the threshold limit that is not addressed by the Department of Environmental Quality (DEQ).

Comments:

Brian Gordon opposes this code change.

Cindy Davis - **Move forward for consensus of disapproval**

R-101.5 cdpVA-15 Proponent: Kenney Payne representing AIA-VA

kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
101.5 Use of terminology and notes.

Reason: The entire paragraph has been converted to a list format, which is much easier to read and understand. Other than the new #7 and “Note” the text remains unchanged (except for “VEBC” in lieu of “VRC”).

Kenney Payne gave an overview of the proposal. He is presenting under adhoc group and as a speaker for VRC.

Comments:

Johnna Grizzard stated that we will not be presenting these code changes to the national level at this time.

Ron Clements said he will do some of these code changes at the national level.

Sean Farrell stated he wanted to clarify, we are just proposing to change the VA Rehabilitation Code to the Virginia Existing Building Code.

Cindy Davis stated we will **Move forward as consensus.**

R-102.2 (2) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
102.2 Scope

Reason: The reformatting of VRC 102.2 should make it easier to understand which code (VEBC or VCC) applies to which occupancies.

Kenney Payne gave an overview of the proposal.

Comments:

Bob Adkins said it looks like this is eliminating the option of using the VCC. Is this requiring VRC to be the dominant? He believes there should be a marker and thinks it is confusing.

Sean Farrell stated that if you design to the VCC and build to the VCC you are meeting the VRC requirements. You have complied with the VRC.

Vernon Hodge said you would have to put in another proposal to put the option back in.

Ron Clements stated you start at VCC Section 103.3 and it sends you to the VRC.

Chris Snidow asked if the VCC equals or exceeds the VRC, if he uses the VCC, is he complying with the VRC?

Cindy Davis – Yes, **we will Move forward as consensus**

R-202(1) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Existing Building Code
Section 202 Definitions, Alteration

Reason: Since the term “alteration” is used in the other compliance methods (Prescriptive, Performance, and Previous (proposed title under separate code change), and classifying alterations as Level 1, 2, and/or 3 is only required under the Work Area Compliance method, it could cause and has caused confusion since one generally cannot switch between compliance methods under a single permit unless otherwise approved by the building official.

Kenney Payne gave an overview of his proposal.

Comments: None

Cindy Davis said we will **Move forward as consensus**

R-202(2) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code
Section 202 definitions
Existing Building

Reason: There should be a way to address buildings that have been occupied, but have never been issued an “actual” certificate of occupancy. In some instances, there may not be any documentation, and in others, there may be a “document” but it is not an “official” certificate of occupancy. This code change attempts to address that question by saying at some point, a code official “approved” such occupancy, and therefore such buildings would be considered an existing building.

Kenney Payne gave an overview of his proposal.

Comments:

Bob Adkins said his building official is opposed to this proposal. He read an email from him. The language is permissive and will not be applied uniformly throughout the state. To assume a building constructed under the VUSBC that does not have a certificate of occupancy was “approved” by some other means is simply unsound decision making. This is not about “just missing a piece of paper.” If approved this will open the door to “approvals” given by others not reporting to the Building Official (e.g., Zoning Approval, a limited Fire Prevention Inspection conducted by a Fire House; a Tax Assessment) usurping the enforcement of the Building Code for building constructed without a Building Permit and issuance of a Certificate of Occupancy.

Johnna Grizzard stated that the current definition is more lenient than the proposed definition. A zoning official doesn’t have jurisdiction when it comes to a building code.

Andrew Milliken believes this is a real issue, the word approved creates confusion. He thinks we should change the language.

Chris Phillips stated approved means approved by the building official.

Bob Adkins stated the language, as approved by code official or as defined in the building code, he thinks it may satisfy his building official.

Kenney Payne asked about the term “as approved”?

Cindy Davis said we will **Move forward as consensus adding “as approved by the building official”**.

Vernon Hodge - The building code as always required a certificate of occupancy since 1973. If the building doesn't have a certificate of occupancy, the building official is obligated to issue one immediately if he finds out that the building doesn't have one and was built after 1973. There should not be any post building out there without a certificate of occupancy. So if you are trying to change this to address an illegally constructed building. You can take care of that.

Sean Farrell stated this is the world that he lives in with code compliance and he can assure you that about 1% of the buildings out there don't have a certificate of occupancy. It goes into the category that Vernon Hodge explained where we have all the inspections, we have everything in place except the owner didn't come to the counter to pick-up a piece of paper. Most issues resolve around a permit that was issued but inspections were never obtained. The documented compliance was never achieved. He agrees with Vernon that we need to institute some kind of notice of violation or enforcement action in order to get there. He does have some of the same concerns that Eric has with this particular language. If we are assured that approved means the building official or authority having jurisdiction, and he always assumed that authority having jurisdiction was the jurisdiction. But if that is indeed the building official then he thinks an interpretation of that magnitude would satisfy Eric's concerns.

R-202(3) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code
Section 202 Definitions
Change of Occupancy.

Reason: 2012 VRC: A placeholder has been inserted to alert that a separate code change proposal is being submitted for consideration. If that code change is denied, then the existing VRC “change of occupancy” definition will remain.

Kenney Payne gave an overview of his proposal.

Comments:

Cindy Davis stated we will **Move forward as consensus**

R-202(4) cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Existing Building Code
Section 202 Definitions
Work Area

Reason: Per 2012 VRC 102.1 the Code of Virginia and General Assembly of Virginia declared. The application of those building code requirements currently in force to...rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place. Per the 2015 IEBC under “Effective Use of the IEBC”: Although many of these buildings are potentially salvageable, rehabilitation is often cost-prohibitive because compliance with all of the requirements for new construction could require extensive changes that go well beyond the value of the building or the original scope of the rehabilitation. To make the rehabilitation process easier, this code allows for options for controlled departure from full compliance with the International Codes dealing with new construction, while maintaining basic levels for fire prevention, structural and life safety features of the rehabilitated building.

Kenney Payne gave an overview of his proposal. This is a level 2 alteration. What is a reconfigured space? This is not a defined term in the code, but currently, has everything to do with what ends up being considered a work area.

Comments:

Chris Snidow asked if anyone had considered furniture and aisles in this definition?

Kenney Payne stated that this part of the code doesn't address this.

Bill King asked why is a 6' partition not a wall? In the federal government, everything is movable.

Chris Snidow stated he thinks what you are talking about is not a wall, but a partition. The way we look at it, if it's not tall enough to block the exit lights then they are partitions. You need to look at the individual situation.

Ron Clements stated if you think that where a wall is added, relocated or removed is better than re-configured and if you think this text is clearer than re-configured then I would move it forward. This language is clearer than re-configured.

Rick Witt stated if you pass this forward, you have the opportunity to come back after it is published and address some of the questions that you are speaking about such as partitions.

Cindy Davis said we will **Move forward as consensus**

R-301.1 cdpVA-15 Proponent: Kenney Payne representing AIA-VA
kpayne@moseleyarchitects.com

2015 International Existing Building Code
301.1 General

Reason: Tried to simplify the language when determining compliance methods, including taking an “exception” (which is actually a 4th compliance method) and giving it its own “section” like the other compliance methods. It also moves structural-related provisions from 301.1 to the structural part of the Section – which would now become 301.2. That way, all structural-related provisions are kept together and not spread around.

Kenney Payne gave an overview of his proposal.

Comments:

William King stated whatever the old provisions of the code, such as if it was built in 1975, forget all the provisions that have come passed this date. Prior to USBC you do whatever you feel like.

Johnna Grizzard stated this proposal was improving the existing language.

Ron Clements said he believed deleting the exception is a separate code change.

William King stated he thought this was an open modification. If we put this in as an exception to the language, as an option, then I believe that it becomes a Virginia Amendment with an allowance in there that actually becomes enforceable.

Kenney Payne asked if we left this as an exception with different language would this be acceptable?

Andrew Milliken asked if his proposal removed the subject to approval from the building official?

Vernon Hodge stated this was not enforceable language now because it is in the model code and it is administrative language.

Cindy Davis stated we would **Move forward as non-consensus with tweaking.**