IRC Committee Hearing Agenda
May 22, 2019 2pm-5pm
City and County of Denver, Room 4i5

1. Roll Call and Introductions

2. Discussion and voting on Staff Block Vote packaged proposals
   (All proposals that are marked with an X on the summary spreadsheet)
   Pull #85 and #83 to be heard with #389 AM 10-0

3. Discussion and voting on Chapter 1 Administrative Provisions of IRC and/or DBC-IRC
   a. #270: DBC-IRC Section R101.2 - Withdrawn
   b. (P155)474: IRC Section R101.2 Tabled until next hearing.
   c. #92: DBC-IRC Section R101.2 (includes IEBC) Tabled until next hearing
   d. #86: DBC-IRC Section R102.4.1 Disapproved

4. Discussion and voting on Chapter 2 Definitions for DBC-IRC and/or IRC
   a. #95: DBC-IRC Definitions
   b. (P127)445: IRC Definitions

5. Discussion and voting on Chapter 3 of DBC-IRC and/or IRC
   a. (P128): IRC Section R302...
   b. (P48): IRC Section R302.6
   c. #389: DBC-IRC Section R305.1
   d. #390: IRC Section R310.2.2
   e. #270: DBC-IRC Section R313/P2904
   f. #297: DBC-IRC Section R315.1...
   g. #312: DBC-IRC Section R315.8
   h. #P21: DBC-IRC Section R327

6. Discussion and voting on Chapter 4 for DBC-IRC and/or IRC
   a. #271: DBC-IRC Section R401.1

7. Discussion and voting on Chapter 7 for DBC-IRC and/or IRC
   a. #403: IRC Section R702.7
   b. #402: IRC Section R702.7.3

8. Discussion and voting on Chapter 9 of the DBC-IRC and/or IRC
   a. #300: DBC-IRC Section R903.2.6
   b. #301: DBC-IRC Section R903.2.6
   c. #313: DBC-IRC Section R905.3.9

Please note that any items that we do not get to in this hearing will be automatically transferred to the next scheduled hearing date and will be the first items on the agenda for that hearing.
Proposal # 158 (Block Vote Item)

Public Testimony in Support: Currently Denver only retained some of IRC definitions, this proponent is asking for these definitions to be placed in 2018 IRC Chapter 1. We still need these from the IRC, just trying to not amend it out as had been previously done. Reviewed to Denver Admin Provisions, this topic common to IRC is not included in there.

Public Testimony in Opposition: We would have to adjust “Delete R103-R14 except for the following sections” If we try to itemize it will become a long list.

Committee ok with this one.

Proposal # 89 (Block Vote Item)

Public Testimony in Support: This proposal adds a new Denver amendment to address a common wall construction type that is used for nearly all townhouse projects in Denver but isn’t specifically addressed in the IRC. Was presented at National Group B Hearings and was approved there.

Public Testimony in Opposition: None

Questions from the Committee to Proponent:
1. This is just clarifying correct.
   a. Its more of an amendment to address wanting the 2R Wall to extend.
2. What about air gap?
   a. If there is an air gap this says it should be filled with wood.

Committee ok with this one.

Proposal # 83 (Block Vote Item)
Pulled from Block Vote

Denver has many unsafe basement alterations proposals with compromised ceiling heights. This proposal addresses ceiling heights.

Public Testimony in Support: None

Public Testimony in Opposition: None

Committee Discussion: Committee concern about the ability of this proposal to stand alone.

83 and 389 requested to be heard together.

Proposal # 85 (Block Vote Item)
Pulled from Block Vote

Committee Discussion: Committee decided this item needed further discussion regarding requirements associated with railing and homes with 3rd story party decks.

Proposal # 53

Public Testimony in Support: Proponent- Housing crisis in Denver. Can’t build Tiny Homes without these provisions. Gives the groundwork for us to have a tiny home.

Committee ok with this one.

End of Block Vote

85 & 83 Pulled from Block Vote.

Vote on Block Vote Items – Approve as Modified, by removing 83 and 85,

Staff Comment: Suggest making a staff note that the intent is to modify R103 and R114, not to delete these without reproducing in our amendments.

Motion for AM 10-0 Passes
Proposal # 92 & P155 Tabled and #40 to be first at next hearing. Vote 10-0 Passes

Proposal # 86

Public Testimony in Support: To correct overburdensome paperwork. Keep all physical requirements, remove written notice to notify adjacent properties. Drags out the application process. Can delay the entire process up to 21 days. To remove admin burden of applicant and decrease the delays in application process.

No other city in country that does this for 1-2 family dwelling.

There is another proposal to amend Chapter 33. Notices only required in 2 scenarios. That is what inspector wants: Scrapes and Shoring.

Public Testimony in Opposition: None

Questions from the Committee to Proponent:

1. Why is that requirement even in the code?
   a. When we adopted Chapter 33 it wasn’t addressed as an individual item.

2. Why is the written notice requirement there?
   a. It is in the model code language for commercial excavation. Trickles down to IRC, no consideration for 1-2 family homes.

3. Do you currently have to submit paperwork to the city twice when you have a demolition permit to notify neighbors?
   a. Yes, as the code is written you would submit in the permitting process and again at time of demolition. Only for 1-2 family dwellings.

Committee Discussion: None

Original Motion: As-Submitted (AS) Agree with scenario as a building inspector.

Support: None

Opposition: If this goes through you won’t get this notification on scrapes or shoring. This proposal deletes it wholesale.

Couldn’t co-exist with another proposal. Vote against approval, question why it’s in there, believe intent when put in is to give adjacent property owners heads up that something is happening to give them legal options if they don’t like that project going forward. Gives them time to do something.

In the case of demolition, you should notify neighbors, if we approve this it will affect the demolition process as well and won’t be part of the permit.

We would not only be changing required notification not be submitted to the city, but you also don’t have to notify your neighbors. Both processes would be affected by this change.

Think it was put in so that neighbors know if something could have negative impact also, encroachment issues. Notification is a good thing to leave in there

Final Motion: As Submitted (AS)

Final Vote: AS Fail 2-7-1

New Motion to Disapprove: Disapproval 7-2-1 Passes

Additional staff or committee comments for the record:
Proposal # 95

Amendment currently tries to define, but open to interpretation.

If there is no closet it can still be a sleeping room.

Requires life safety requirements for anything deemed a sleeping room. Enforce minimum code requirements for spaces where people are sleeping.

Public Testimony in Opposition:
Questions from the Committee to Proponent:
1. Does the code currently not have means of egress for sleeping rooms?
   a. Currently only if there is a closet and it is deemed a bedroom.
2. How is this different from habitable space?
   a. Habitable space is any room, living room, bedroom. These are more dangerous because you’re sleeping there. Don’t want this to trigger for common rooms.
3. What keeps someone from mislabeling a room?
   a. If they label a room as an office no closet, you’re not sleeping in there. Office with closet would be a sleeping room unless building official says it’s not.
4. If it’s that prevalent why is it not changed in IRC?
   a. One of most controversial. Problem of applicant looking for loophole. Sleeping room is not defined in base building code. Denver amendment has a current definition. If this doesn’t pass the preference would be to delete the other one.

Committee Discussion:
Great clarification. Makes it clear that you can have sleeping rooms that don’t have a closet and you will still need an emergency way out. Necessary change for life safety in sleeping rooms.

Support:
Opposition: Unintended consequences of buildings with offices.

Add definition something else might need that definition Study, Dining Room.

Becomes subject to interpretation by building official. Often on this generally the discretion of the building official is better. Poor discretion of applicants. Retreat may have closet but part of master bedroom, putting discretion on building official.

Final Motion: As Submitted (AS)
Final Vote: AS 7-1-1
Additional staff or committee comments for the record: None

Proposal # P127
Public Testimony in Support: Current definition requires yard or public way on 2 sides. Original intent townhouse has 4 sides and 2 sides should be public way. Currently doesn’t say how much (percentage wise) has to be public way. Long standing practice in Denver 1 open face, back side 50% yard or public way. Need for this is that we get some crazy geometries wrapped around corner of the lot, not traditional row homes. Corner conditions where one-unit sneaks behind the next unit. Suggested 50%. Instead of saying “side” use the term 4 principle sides. No bump outs included.

Public Testimony in Opposition: None
Questions from the Committee to Proponent:
1. Define public way as ...?
   a. Defined term in the code: street or alley. Making sure public alleys were included.
   b. Clarify – Park – Public Way definition – Any street alley or other parcel of land leading to a public street.

Committee Discussion:
Seeing more of the non-conventional configuration shown in proposal due to zoning code changes. Not uncommon configuration in Denver. Could see life safety issues with not having a fully open front or back.

As long as the side is 50% or more open. Doesn’t say the full length of 2 sides. This is how we interpret it now.

From a life safety standpoint this would be a condo and would be reviewed by commercial.

Additional items that define the townhouse, independent access, means of egress. Not sure that this fits the criteria of townhouse.

It doesn’t currently say how much of the side needs to be considered in the IRC commentary. The way I read it; it would be difficult to say this doesn’t fit the definition of townhouse. Traditionally a townhouse has been defined with independent access. Unusual designs with elements overlapping.

Original Motion: As-Submitted (AS)
Support: None
Opposition: None
Final Motion: As Submitted (AS)
Final Vote: AS 9-0-1 (1 abstain)
Additional staff or committee comments for the record:

Proposal # P128
Public Testimony in Support: Proponent - Exterior Walls, Townhouses to be considered separate buildings. Now they need to be separated by exterior walls. Townhouses defined as dwelling units 3 or more.

Public Testimony in Opposition:

Questions from the Committee to Proponent:
1. Do you treat a townhouse building as one building or exterior walls as itself a dwelling?
   a. Policy currently requires line from the wall of separation those are used for fire separation. Bringing back what we would have done before it wasn’t deleted from the code. Need for this in Denver based on changes in geometry of these units. Intent of townhouse is to offer independence.
2. Struggled with this before with diagram. On the staggered units, why does the imaginary line go up and out. Is that so you can do a lower fire rating?
   a. Draw line straight out if you did that on 1R wall no openings would be allowed. Now I can put 25% openings with the imaginary line drawn on the diagram. Better fire separation.
3. Are there actual lines?
   a. In Denver we have zone lots. Fire separation can be measured to a lot line. If there are ownership parcels the building code doesn’t speak to those. We don’t regulate ownership parcels. Property lines aren’t on original drawings, so property lines come in later.
4. Fire Separation distance #1 says zone lot line. Would it need an amendment?
   a. Belongs in definition of lot line.
Committee Discussion:
Table until we can define lot, imaginary lines will make it difficult to enforce. Lot is defined but not as zone lot. Lot is specific to Denver.

We have zone lot only in Denver. We need to use Zone Lot to make this make sense. Overly harsh with duplexes.

Specific to townhouses, won’t apply to duplexes. Duplex exterior wall is nonrated. Back to original question on amendment to change the definition of lot.

Rumblings from Zoning that Zone Lot may go away.

Definition is open to interpretation. Portion or Parcel.

In Denver in plan review Commercial reviews townhouses, never consider property line lot line for fire separation. Would prefer not to add.

Original Motion: As-Submitted (AS)

Support:
Clarifies the intent is for Denver without adding new information.

Opposition:
Think this is missing something, any other jurisdiction would evaluate the exterior walls. Misinterpreting zone lot. Denver has 2 zone lots. Needs to be addressed.

If you follow imaginary line or parcel lines, then you come back and cut into tax parcels townhome owner could put an addition on that wouldn’t have the same flexibility.

You are affecting your neighbor’s property lines. Unless using actual property lines then you deal with whoever builds first.

Townhouse owner adds addition, they redraw line to have an open side on that, next homeowner wants to do that, the only requirement that it matches the property line. Redefine it and address the fire rating

Final Motion: As Submitted (AS)
Final Vote: AS 5-2

Additional staff or committee comments for the record:

Proposal # P48
Add exception to Structural Independence in regard to Exterior Common Wall Framing.

Public Testimony in Support: None
Public Testimony in Opposition: None
Questions from the Committee to Proponent: None
Committee Discussion:
Don’t know what exterior common wall framing is being referred to, not common to the units.

Language is confusing.

With what we did on block vote, requiring common wall to exterior sheathing it allows you to put double stud.

This is not needed; you can already do this within the current code.

This would allow double wall system exterior wall to be used as one assembly. Would still like to add the exception in order to allow designers to be able to utilize exterior common wall.
Original Motion: As-Submitted (AS) Fails for lack of second
Support: None
Opposition: None
Final Motion: (D) Disapproval
Final Vote: 7-2 Passes Disapproval
Additional staff or committee comments for the record:

Proposal # 389
Public Testimony in Support: Removes the impression that approval of a lower ceiling height will be considered by the building official.
Public Testimony in Opposition: None
Questions from the Committee to Proponent: None
Committee Discussion:
Modification – Change “May” to “Shall” (after 1990) 2nd – May is in junction with the piece that was removed
May is in addition to typical requirement. Model building code uses shall, better code language.
The new way that everyone has a right to make it 6ft 8 without any one discretion.
Replacing may was to place a limit.

Original Motion: A/S with Intent to Modify (ASM)
Support: Never approved for lower ceiling height. Unnecessary makes the requirement clear for designers and reviewers

Opposition:
Final Motion: As Submitted (AS); As Modified (AM); Disapproved (D)
Final Vote: Modification Passes 9-0 AM 9-0

Additional staff or committee comments for the record:

Proposal # 83 Withdrawn

Proposal # 390
Public Testimony in Support:
Item which we felt IRC needs clarification, Not proposing anything different than code says, just something that’s been misunderstood. Prevent and clarify the opening requirement for emergency escape window. Current code language 44 inches (rough opening and not actual opening of the height of the sill) IRC Commentary clearly says opening height of the sill. Advantage is that it will expel arguments over this in the field.

Public Testimony in Opposition: None
Questions from the Committee to Proponent:
1. Current wording says sill height. Clear opening sill height is unclear. Can you clarify?
   a. Trying to keep language as simple as possible.
2. Is your intent that 44 inches be measured to the bottom of the clear opening? Suggest modification to say bottom clear opening, remove sill. Bottom of the clear opening shall be no more than 44 inches?
   a. Intent is to make the language as clear as possible. Not opposed to changing to proposed language
Committee Discussion:
This was proposed in 2021 and was approved. May want to look at wording of that proposal that addresses this same issue.

Modification – Should Read “Where a window is provided.... The bottom of the net clear opening shall be not more than 44 inches.” Where the bottom of the net clear opening instead of windowsill. Remove Sill from the Title change to Window Net Clear Opening Height

Original Motion:  As-Submitted (AS)
Support: Matches what just happened at the code hearings.
Opposition:
Final Motion:  As Modified (AM)
Final Vote:  AM 8-0
Additional staff or committee comments for the record: