IRC Committee Hearing Agenda
June 12, 2019 2pm-5pm
City and County of Denver, Room 4i5

1. Roll Call and Introductions

2. Discussion and voting on **Chapter 1 Administrative Provisions of IRC and/or DBC-IRC**
   a. P155: IRC Section R101.2
   b. #92: IRC Section R101.2 (includes IEBC)
   c. #40: IRC Section R101.2 (also heard in IFC and IBC committees)

3. Discussion and voting on **Chapter 3 of DBC-IRC and/or IRC**
   a. #85: IRC Section R312.1.2 (previously pulled from block vote)
   b. #310: DBC-IRC Section R313/P2904
   c. #297: DBC-IRC Section R315.1...
   d. #312: DBC-IRC Section R315.8
   e. P21: DBC-IRC Section R327

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

5. 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

6. 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

7. Discussion and voting on **Chapter 27 of the DBC-IRC and/or IRC**
   a. #306: DBC-IRC Section P2716

8. Discussion and voting on **Chapter 30 of the DBC-IRC and/or IRC**
   a. #307: DBC-IRC Section P3003.9.2
   b. #308: DBC-IRC Section P3005.2.4

9. Discussion and voting on **Chapter 31 of the DBC-IRC and/or IRC**
   a. #309: DBC-IRC Section P3103.1
   b. P38: IRC Section 3111.1

10. Discussion and voting on **Chapter 36 of the DBC-IRC and/or IRC.**
    a. #305: DBC-IRC Section E3601.2

11. Discussion and voting on **Appendix Chapters of the DBC-IRC and/or IRC**
    a. #183: IRC Appendix F

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.

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Proposal # 85

**Public Testimony in Support:**
Proponent - Proposal to address a change in respect to guard height for stairs, porches, balconies or landings, shall be not less than 36 inches.

**Public Testimony in Opposition:** None

**Questions from the Committee to Proponent:**

1. As written, this would apply to interior as well, was that the intention? Would this apply to open interior windows?
   a. Only where guards are required not to get into windows.
2. Would this be for roof top hot tub?
   a. They would be required to raise the guard or separate the item.
3. Is there anything here that takes in to account the walking area?
   a. There is charging language that describes and details when a guard is required.
4. What about countertops?
   a. We don’t want to have a grey area, intent is to be clear that you don’t build it if it’s an adjacent fixed platform.
5. How thick can a guard rail be before it’s considered horizontal?
   a. This proposal does not address that.
6. Why not just allow it, if you get too far above it, it won’t calculate out to make the railing work. Don’t have them integrated into the design
   a. This would just give another design option.
7. How would you address the concern of a building on a hill side, you would be introducing the same level of danger as an upper floor?
   a. When a story is counted is already addressed in the code, just wanting to address the roof decks without overreaching.
8. Currently basement is counted as a story in IBC, so 1st story could be the basement?
   a. Proponent open to amending.
9. Is the true intent to address built in items?
   a. Yes, intent is not to include furniture but the built-in elements.

**Original Motion: As-Submitted (AS)**

**Support:**
Addresses a safety hazard.

Like the proposal but needs some modifications, would like to look at Windowsills & Fall Protection for code language from IRC.

**Modification #1:** Change the first story finished floor to read “above the finished floor of the first story above grade plane” No 2nd for this modification, so Modification #1 dies.

**Modification #2:** Replace the word “abutting” with “built-in adjacent raised horizontal surface”- modification has a 2nd

Moderator opened the floor to proponent to verify this is within the intent of his original proposal. Proponent- Independent guard integral with floor but not without the guard, don’t want to create a loophole.

**Vote on Modification #2:** 0-9 Failed

**Modification #3:** Change abutting to built-in abutting

**Vote on Modification #3:** 9-0 Passes

**Modification #4:** Located... greater than 72 inches above the finished grade or other surface below
shall be not less than 36 inches. 2nd.

Committee discussion:
Regarding the actual requirement: OSHA standard looks at 6ft as when it would become a fall hazard. OSHA determined that 6ft is when someone can get seriously hurt from a fall.

With this much of a change committee felt it should be opened back up to proponent to confirm this was within his intent.

Proponent – Does not wish to make it more restrictive. Intent was to create a reasonable restriction without getting in to the 6ft. Trying to target more commercial tall urban style housing. Wanted to make it obvious that this is addressing roof tops, 3rd story party decks, not the deck off a kitchen.

Modification #1 Change to greater than 72 inches above finished grade.
Vote 7-1(1abstain)

Safety issue that needs to be addressed; not sure it is specific to Denver. Net result may just be that benches are installed after CO. We may end up with the same thing, but after the fact.

People won’t build 5 ft tall guards; they will just add after.

Parapet wall as horizontal wall would count towards this surface. We see this on roof decks. Would you now need an additional rail? You could not walk on the parapet wall. Would have to be a planter or something up against that parapet wall.

Vote for Main Motion: AM Passes 6-2-1 (1 abstain) (1 recuse)

Chapter 1 items:

Proposal #92
Public Testimony in Support: Proponent- More than one topic, 1 aspect of this is in the 2000 IBC it sends care facilities to be built in accordance with IRC, in scoping provisions it says you can build these as long as you provide Section P2409 sprinkler systems, those are not allowed in Denver. NFPA 13 D sprinklers required in Denver. Other aspect is item #1 exception for live work, this would be a change where IBC would allow a P2904 and we require a 13 R. Has to do with short term rentals, now licensed in Denver. 3rd type of use is lodging houses used as boarding houses 10 or fewer occupants. IBC only sends owner occupied lodging houses to IRC, IRC would require sprinkler protection. What term family means is it 2 individual and all blood relatives or a group of people whom are not blood related, congregate residence, changes the sprinkler requirements. Top is for new builds; a lot of these dwelling units are existing buildings. Second part put parallel requirements to put these in existing building code.

Right now, in terms of short-term rental, 2 unrelated folks would be in IBC congregate living. We turn a blind eye to that right now. Air BNB is important to Denver. Code needs to be brought up to today. Folks are renting basements with no egress. Bad dangerous situations. Trying to address in terms of existing buildings. 10 unrelated people changes sprinkler requirements, try to create opportunities for group living, not care facilities. A real need to create affordability, shelters aren’t the answer, but they are the solution to the transition for homelessness. Help fill a void that we have now.

Public Testimony in Opposition: None
Questions from the Committee to Proponent:

1. Heard it said that there are dangerous rentals currently on the market, existing residential construction not up to code. How this reads this is in support of allowing those dangerous spaces to continue to be rented without bringing them up to code with fire sprinklers. Is that correct?
   a. Last sentence of proposal addresses fire protection, compliant means of egress. Still requiring smoke alarm systems.

2. Isn’t there an exception that if you don’t have access to the walls, you don’t have to hard wire?
   a. Exception only comes in with alterations.

3. On lodging houses, it was mentioned about owner occupied, does this get rid of owner occupied?
   a. Yes

4. Is there another proposal to address IBC?
   a. Yes #489

5. How did you land on the numbers here? 10 rooms, 10 people
   a. Code says in some places 5 guests’ rooms, some it’s 10 occupants. Part of it may be that in IRC they don’t talk about occupant load, they talk about number of guest rooms. IBC opposite, they look at occupant load. Long conversations with Fire, reality this is a stretch, but Fire is not comfortable beyond a 5-bedroom home.

6. Separate standalone housing, for congregate living 2 roommates in a townhouse, is that being excluded?
   a. No not for 2 roommates. If you read definition in IBC for congregate living.

7. Question about specific intent of this proposal?
   a. Detached dwelling. Meant to limit to detached single family dwelling. Which isn’t defined in IRC. Assumed house would be single dwelling

Committee Discussion: None

Original Motion: A/S with Intent to Modify ASM

Support:

Modification #1 2nd – Item 2 end of that should be a colon not a period. Item 3 colon not a period. Item 1 on existing building code. Line 1 family dwelling not a defined term so family shouldn’t be in italics. 3rd line congregate residents not defined congregate living facility should be italicized. 2nd line on item 2 same thing as above.

Vote on Modification – 10-0 Passes

Opposition: None

Final Motion: As Modified (AM)

Good change brings clarity as to how we deal with all these short-term rentals and similar items, only thing I would change is not limiting to attached dwelling units because of fire separation. Provides clarification for which code things fall under IRC or IBC.

Discussion about short term rentals. Short term is less than 30 days, or it goes over to lodging. Brings clarity regarding unrelated residents and transients without arguing over family definition. Concerns over strain on the community if there are more than 1 of these within your block, now you could have 50 people living in one block.

All residential occupancies are sprinkler protected. IBC congregate living is sprinkled. Not comfortable with taking that away.

Wouldn’t want apartments to be in this. We omitted sprinklers already and we are stretching the envelope, code is based on situation because of things that have happened, we are going way beyond that with this, because of affordability in Denver. If we go to townhomes and duplexes it would be scary to see what we end up dealing with

Modification #3 2.3 A congregate living facility with 5 or fewer sleeping rooms and 10 or fewer total occupants. – Motion dies for lack of a 2nd.

Limit the number of occupants per sleeping rooms. Think it can get to be an issue with 10 people. It should be based on the amount of sleeping rooms in the home. 2 per sleeping room.
Question is 10 or 5. Next proposal says 5. Creating something that is a non-sprinklered boarding house. 10 was based on zoning code that the committee looking at homelessness in Denver. I know it’s a stretch for everyone, but the number we came up with was trying to balance where can we feel safe and where is it affordable. A lot of single families cannot even come in under 5.

Can the code really police that? If 3 people end up in a bedroom, when you go in for building code it wouldn’t be easily discernable. Neighbor calls and complains to zoning. Zoning says only 2 per room.

Our concern is how it is in the code, that is where our liability to this ends.

**Final Vote:** AM with editorial changes 9-1 Passes

**Additional staff or committee comments for the record:** None

**Proposal # P155**

**Public Testimony in Support:** The intent of this proposal is to add clarity to the applicability to the International Residential Code (IRC) in situations when a group of non-related people are choosing to live together in what has traditionally been considered a single-family home.

**Public Testimony in Opposition:** Changes definitions, opens a new realm of things that would come to the IRC, last proposal addresses what this proposal is trying to change. Puts a lot of things into the IRC.

**Questions from the Committee to Proponent:**

1. What is the definition piece of this?
   a. Adding to the current definition which changes what buildings would go under IRC.

**Committee Discussion:** None

**Original Motion:** Disapprove (D)

**Support:**

We just dealt with this on last proposal on a more specific level. So, if we pass this, we create a conflict.

Without defining these there is no use limitation to this. Less than 5 bedrooms less than 5 people you can do whatever you want, no use limitations.

Currently there is an amendment to this section in Denver’s code, this is proposed to replace, 2nd part item 2 completely undoes what we did with sprinklers on last one. Conflicts with what we just did and opens unknowns.

Unrelated occupants could be a problem. Without family definition it’s not enforceable.

Moderator – Research and you are not allowed to define family in the code.

**Opposition:** None

**Final Motion:** Disapproved (D)

**Final Vote:** 9-1 Passes Disapproval

**Additional staff or committee comments for the record:**

#40 Requested to be tabled for next hearing. Glenn could jump in on this one. Problem is limits, what are we going to use?

**Some testimony heard for #40 due to committee member unable to attend next hearing.**

This is specific to Denver to address people struggling to find affordable daycare in Denver. Need to find a happy medium for fire and building and how we are regulating these. Very important topic to a lot of people in Denver. Hard time working with Fire to come to a comfortable place, without limiting too much.
Proposal # 310

Public Testimony in Support: P2904 sprinklers not allowed, just cleaning up code language.

Public Testimony in Opposition: None

Questions from the Committee to Proponent:

1. Is it your intention to change requirements for install of fire sprinklers?
   a. No changes here, just used Denver Code language and cleaned it up.

2. Seems to be requiring sprinklers for alterations.
   a. Existing home with attic above 3rd floor if you make that habitable.

Committee Discussion: Tabled until next meeting