



ENGINEERING

Tel 919.647.0000 Fax 919.715.0067

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

December 13, 2019

Chad Askew
Housing Studio
333 West Trade Street, Suite 300
Charlotte, NC 28202

**RE: 2018 NC Building Code, Section 508.2.2
Allowable Height Location for an Accessory Use**

Mr. Askew:

This letter is in response to your December 12, 2019 request for formal interpretation that I received by email on December 12, 2019. Your question in my own words is:

Can an "accessory occupancy that would be limited by Table 504.4 to a specific height be located above that height if the primary occupancy of the building is allowed to be a greater height?"

It is interesting that the 2018 IBC Commentary does directly state that the accessory occupancy can be located on stories other than those allowed by Table 504.4 (Exhibit "C") and provides an example very similar to the situation shown in Exhibit "A". It is also interesting that the code language in Section 508.2.2 does not state that; it simply states that the building height is regulated by the primary occupancy, which makes logical sense. I would conclude that it does not specifically address the location of the accessory occupancy because the accessory occupancy is intended to be used primarily by the same occupants that utilize the primary occupancy. With that in addition to the area limits of Section 508.2.3, the code is expecting no additional risk to be presented to the occupants of the building.

As you noted in a follow-up email dated December 13, 2019 (Exhibit "D") the intended use of the Sky Lounge is for the residents of the apartment building which makes is ancillary to the primary occupancy.

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH, NC 27699-1202 | WWW.NCDOI.COM/OSFM

Conclusion:

If a space meets all the other requirements of Section 508.2 for accessory occupancy spaces and the space is ancillary to the primary occupancy, then the accessory occupancy can be located on stories above those normally limited by Table 504.4 and Table 504.3. The proposed Sky Lounge in Exhibit "A", for example, can be located on the 5th floor of the proposed Type IIIA building because the NFPA 13 sprinklered Group R-2 (primary occupancy) is allowed by Table 504.4 to be 5 stories.

Note: All code section and table references in this letter are from the 2018 edition of the NC Building Code unless noted otherwise.

As a matter of reference, a copy of your letter requesting a formal interpretation and all attachments you submitted with that request are included with this letter.

Please call if you have comments or questions.

Sincerely,



Carl Martin, RA
Chief Code Consultant

cc: File
Robbie Davis, Chairman – BCC
Daniel Priest, BCC - Chairman Building Code Standing Committee



December 12, 2019

Mr. Carl Martin
Chief Code Consultant
Office of the State Fire Marshal
1202 mail Service Center
Raleigh, NC 27699-1202

Dear Mr. Martin,

RE: Formal Interpretation Request for The Park Multifamily Project, Chapel Hill, NC

The Housing Studio is requesting a Formal Interpretation per attached Appendix 'E'. This project has been reviewed by NCDOT as requested by Chapel Hill, NC code enforcement. Since the initial review there has been multiple correspondence between the Housing Studio and NCDOT which I have enclosed as Exhibit 'B'. I have also attached copies of several pages from the 2018 NCBC as well as the 2018 IBC code commentary. Exhibit 'A' contains drawing that further illustrates the area of the project in question.

The issue in question involves the location of an A-2/A-3 occupancy on the fifty level about podium as part of the R2 multifamily project.

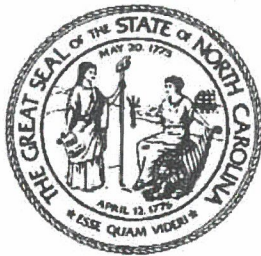
We appreciate your help so we can submit the final Appendix 'E', Appeal of NCDOT Decision to NCBC, for the January 2020 appeals meeting.

If you need any additional information, please advise us as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Askew', with a long horizontal line extending to the right.

Chad Askew, AIA
Senior Associate
Housing Studio. PA



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**

325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0009

APPEAL TO NCDOI/NCBCC Hearing Date _____ / _____ / _____

GS 153A-374, GS 160A-434 GS 143-140, GS 143-141
Formal Interpretation by NCDOI _____ Appeal of Local Decision to NCBCC _____
Appeal of Local Decision to NCDOI _____ Appeal of NCDOI Decision to NCBCC X

APPELANT Chad Askew PHONE: (704)877-1495
REPRESENTING: Housing Studio
ADDRESS: 333 West Trade Street, Suite 300
CITY: Charlotte STATE: NC ZIP: 28202
E-MAIL: caskew@housingstudio.com FAX: (704)343 -9380

North Carolina State Building Code, Volume 2018 NCBC - Sections 302.1, 508, 508.2 Accessory Occupancies

REQUEST ONE: Formal Interpretation by NCDOI Appeal of Local Decision to NCBCC
 Appeal of Local Decision to NCDOI Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

Project: The Park at Chapel Hill, NC

Five story R-2, apartments above one story podium with three-hour horizontal separation
Primary Occupancy- R-2, Apartments
Construction Type- 3A
Fully sprinklered- 13

Exhibits (attached):

Exhibit 'A': Drawing A1.45,
 Enlarged Sky Lounge Floor Plan and Occupancy Numbers
 Drawing A3.07,
 Fifth Floor plan of building with fire areas and location of area in question
 Drawing A5.06,
 Partial Building Elevation
 Drawing A5.09
 Partial Building Elevation

Exhibit 'B': Correspondence between Housing Studio and NCDOI Reviewer. This information is assembled with latest correspondence first, initial correspondence last.

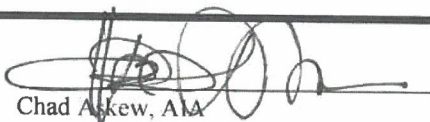
REASON:

Background) The Apartment R-2 project is 5 stories above podium. R-2 is the primary occupancy of the project, 3A construction with full NFPA 13 sprinkler system over a podium of 1A construction also with full NFPA 13 sprinkler system. The small Sky Lounge is located on the fifth floor above podium within the R-2 Fire Area 'B'. This assembly space meets the 2018 NCBC requirements of Sections 302.1 and 508.2 relative to Accessory Occupancies as indicated below:

- (1) Section 302.1 requires that multiple occupancies shall comply with Section 508. Note that Section 303.1.2 does not apply because the assembly space is greater than 750 SF and greater than 50 persons, thus not qualifying as a Small Assembly space. Therefore, it must comply with all four requirements of Accessory Occupancies to avoid being classified as either separated or non-separated occupancies.
- (2) Per Section 508.1, each portion of the building shall be individually classified and where the building contains more than one occupancy, it shall comply with Sections 508.2, 508.3, or 508.4. Per Section 508.2, Accessory Occupancies *shall comply* with 508.2.1 through 508.2.4.
- (3) Per Section 508.2.1, Accessory Occupancies shall be individually classified per Section 302.1 – The Sky Lounge is individually classified as A-2/A-3. Requirements must apply to each portion based on that occupancy classification – egress, etc. *that are not modified by Section 508.2* comply with Assembly Occupancy requirements.
- (4) Per Section 508.2.2, allowable height and number of stories shall be based on the *main occupancy of the building* per Section 504 – for R-2, Construction Type IIIA, and sprinkler protection per NFPA 13, Table 504.3 permits 85 ft and Table 504.4 permits 5 stories. 5 stories and 65 ft is proposed.
- (5) Per Section 508.2.3, allowable building area shall be based on the *main occupancy of the building* and aggregate accessory occupancies shall not exceed 10 percent of the floor area of the story in which the accessory occupancy is located – the total fire area of the floor containing the Sky Lounge and R-2 occupancy is approximately 53,000 square feet and the Sky Lounge is approximately 2,600 square feet which is less than 5% of the total fire area of that floor. The Accessory Occupancy also shall not exceed tabular values for non-sprinklered buildings – allowable area is 14,000 SF for A-2/A-3 and the proposed is only 2,600 SF; allowable area for R-2 is 72,000 SF and the proposed is only 53,000 SF.
- (6) Per Section 508.2.4, no separation of occupancies is required in general, but Exception 2 does require that the 1-hr FRR separation between dwelling units and other dwelling units and occupancies is provided per Section 420. This is shown in Exhibit 'A'.

The Housing Studio's design is based on the above summarized code requirements and meets those requirements and the letter of the Code. This was supported by an interpretation from the International Code Council. While it is understood the ICC interpretation is not binding on the AHJ, it is a valid and applicable interpretation since the NCBC does not modify the IBC Sections in question. Furthermore, the relevant code language does not change from the 2015 IBC to the 2018 IBC and the 2018 IBC Commentary provides clarification of the intent regarding how to determine allowable height when a building includes an Accessory Occupancy. This is shown in Exhibit 'C' page 7.

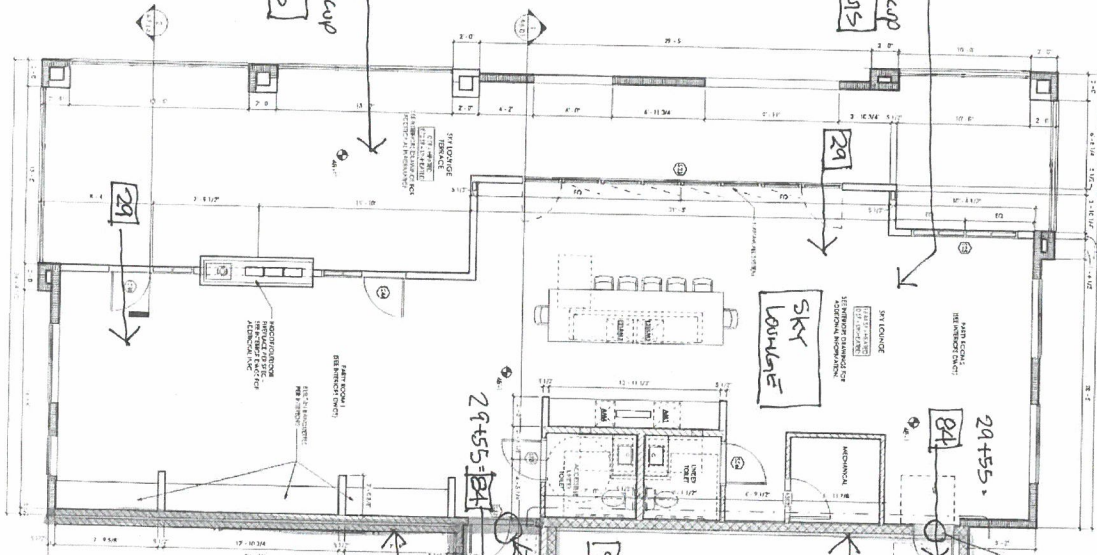
Signature:


Chad Askew, AIA

Date: 12/12/19

APPEAL TO NCDOI/NCBCC
FORM 3/14/17

ENLARGED SKY LOUNGE PLAN - REFERENCE



NO.	REVISIONS	DATE	BY	CHKD.	DESCRIPTION
1	ISSUED FOR PERMITTING	08/14/2018	JL	MS	ISSUED FOR PERMITTING
2	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS
3	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS
4	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS
5	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS

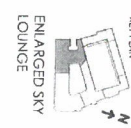
AMENITY NOTES

- ALL AMENITY AREAS SHALL BE FINISHED TO THE SAME STANDARD AS THE APARTMENT UNITS.
- ALL AMENITY AREAS SHALL BE FINISHED TO THE SAME STANDARD AS THE APARTMENT UNITS.
- ALL AMENITY AREAS SHALL BE FINISHED TO THE SAME STANDARD AS THE APARTMENT UNITS.
- ALL AMENITY AREAS SHALL BE FINISHED TO THE SAME STANDARD AS THE APARTMENT UNITS.
- ALL AMENITY AREAS SHALL BE FINISHED TO THE SAME STANDARD AS THE APARTMENT UNITS.

AMENITY AFFINANCE SCHEDULE

NO.	REVISIONS	DATE	BY	CHKD.	DESCRIPTION
1	ISSUED FOR PERMITTING	08/14/2018	JL	MS	ISSUED FOR PERMITTING
2	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS
3	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS
4	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS
5	REVISED FOR COMMENTS	08/14/2018	JL	MS	REVISED FOR COMMENTS

A1.45



KEY PLAN
ENLARGED SKY LOUNGE



THE PARK AT CHAPEL HILL APARTMENTS - PHASE 1A
VOLUME 2A: CIVIL - LANDSCAPE - ARCHITECTURE - INTERIORS
CHAPEL HILL, NORTH CAROLINA

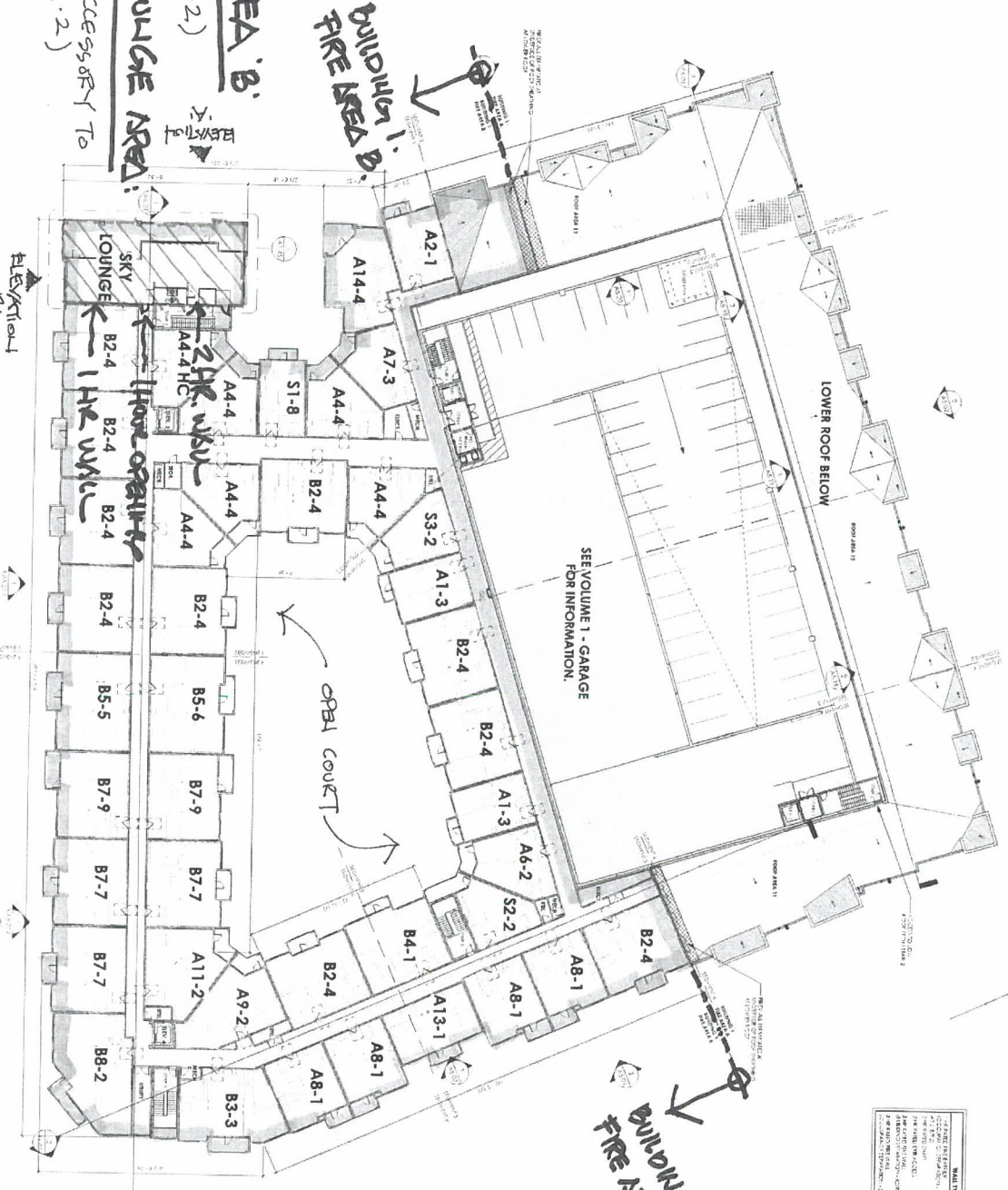
HOUSING STUDIO
201 Westmore Street, Suite 202
Chapel Hill, NC 27514
Tel: 919.966.1144
www.housingstudio.com

EXHIBIT "A"

TOTAL FIRE AREA 'B'
 = 153,038 SF (R.2)

TOTAL SKY LOUNGE AREA:
 = 2,556 SF (ACCESSORY TO R.2)
 $\frac{2,556 \text{ SF}}{53,078 \text{ SF}} = 4.8\%$

5th FLOOR ABOVE 3-HR. RADIUM (R.2 OCCUPANT / TYPE 3A CONSTRUCTION) (FOLLOWS SPRINKLER SYSTEM)



REVISIONS	
NO.	DESCRIPTION

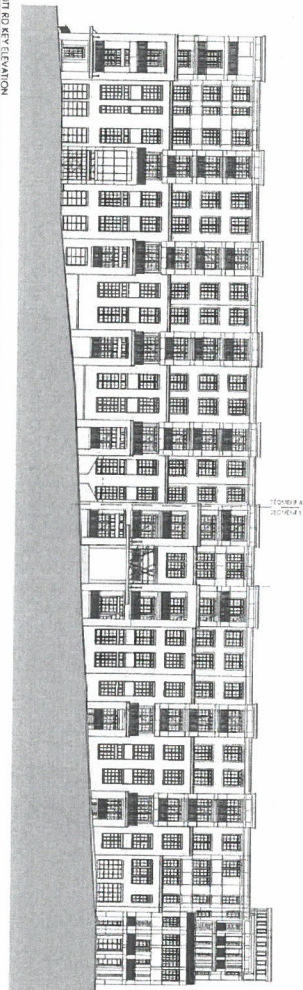
KEY PLAN
 5TH FLOOR - KEY
 A3.07



THE PARK AT CHAPEL HILL APARTMENTS
 VOLUME 2A: CIVIL - LANDSCAPE - ARCHITECTURE - INTERIORS
 CHAPEL HILL, NORTH CAROLINA



ELLIOTT RD ELEVATION

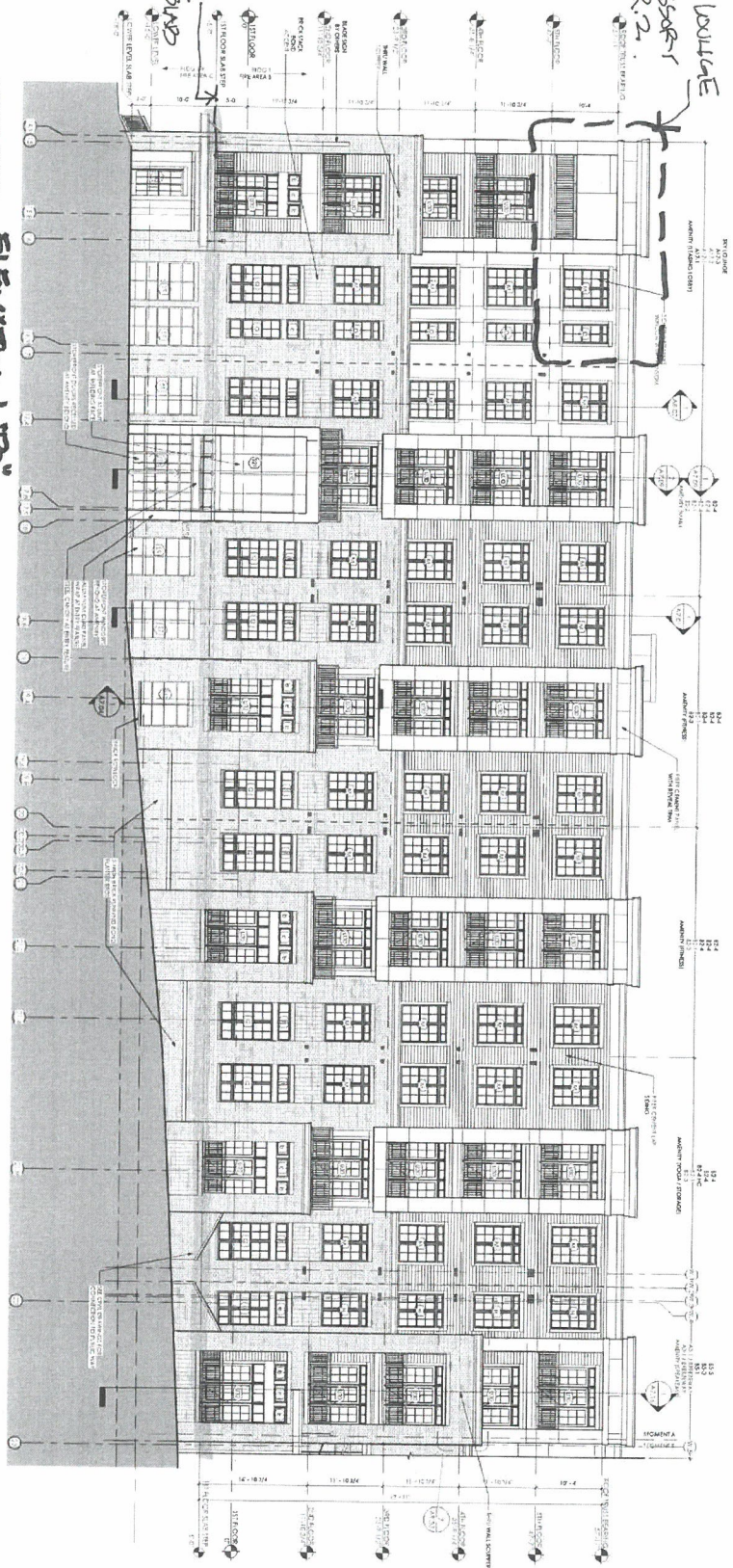


GENERAL ELEVATION NOTE

1. THIS ELEVATION IS FOR THE EXTERIOR OF THE BUILDING ONLY. ALL INTERIOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECTURAL FINISH SCHEDULE.
2. ALL MATERIALS AND FINISHES TO BE USED SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
6. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
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8. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
9. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

* SKI BOULDER ACCESSORY TO R.2.

3 HR CONCRETE FLOOR SLAB



ELEVATION 'B'

A5.06

ELLIOTT RD - ENLARGED ELEVATIONS



THE PARK AT CHAPEL HILL APARTMENTS - PHASE 1A
 VOLUME 2A: CIVIL - LANDSCAPE - ARCHITECTURE - INTERIORS
 CHAPEL HILL, NORTH CAROLINA



EXHIBIT "A"

Larry Walters

From: Chad Askew
Sent: Tuesday, December 03, 2019 9:40 AM
To: Martin, Carl
Cc: Larry Walters
Subject: Re: The Park at Chapel Hill, Multifamily Code Resolution

Thanks so much Carl.

Larry,
Would you please work to prepare this with the form Carl provided? Thanks.
Chad

Sent from my iPhone

On Dec 3, 2019, at 8:41 AM, Martin, Carl <Carl.Martin@ncdoi.gov> wrote:

Chad,

The appeal would now come to me as the Chief Code Consultant. A pdf of the appeal form can be found at:

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Documents/BCC_Documents/AppealsandFormalInterpretations.pdf

But, I have attached a MS Word copy that is easier to use if you have Microsoft. The appeal should include all supporting documentation. Do not assume that I have copies of anything.

Carl Martin
Chief Code Consultant
<image001.png>

<image006.jpg>

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0009

“Consistency” as defined by Miriam Webster – “harmony of conduct or practice with profession”

From: Chad Askew <caskew@housingstudio.com>
Sent: Monday, December 2, 2019 4:06 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Larry Walters <lwalters@housingstudio.com>
Subject: FW: [External] RE: The Park at Chapel Hill, Multifamily Code Resolution

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EXHIBIT "B" - PAGE 1 1

Carl,

I am limiting this email to just you, Larry and myself. I think we've proven ourselves over the years to be fair and reasonable in how we interpret the code and that we try not to misapply code to our benefit. We feel really strongly that we have interpreted the code correctly here and now have both a life and fire safety code consultant (though not NC licensed, they are licensed in multiple other states) and the ICC itself agreeing with our interpretation. We believe 508.2.1 sends you to 302.1 which states Structures with multiple occupancies or uses shall comply with section 508, which states building height and area shall be determined by the *Main Occupancy of the Building*. ICC is saying they agree that this is the intended way to read the code. We certainly agree that NC DOI and the Fire Marshal's office have jurisdiction here and are not obligated to blindly agree with even ICC. However, we feel we've made a compelling case. It is also important to note that I believe this is language that was new to the 2015 IBC on which the 2018 NC code is based, therefore, it would be a new reference we are dealing with here.

If we wanted to appeal this decision, would we appeal that to you or to Barry Gupton or is the Chief Code Consultant that Bill references someone else in your office? We've not seen that exact title listed on the website in the directory so we are not sure whom Bill refers to. Please let us know the best way to proceed here if you don't mind. As always, we appreciate the support you and all the folks in your office have given us over the years. Thanks.
Chad

<image009.jpg>

From: Kirk, Bill <bill.kirk@ncdoi.gov>
Sent: Monday, December 2, 2019 3:34 PM
To: Chad Askew <caskew@housingstudio.com>; Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Larry Walters <lwalters@housingstudio.com>; Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: RE: [External] RE: The Park at Chapel Hill, Multifamily Code Resolution

Chad,

Section 508.2 sets the requirements for an area to be an accessory occupancy to the main occupancy of the building and not require separation; it's not to change the occupancy classification of the accessory area to the main occupancy classification. From section 508.2.1 the occupancy classification of the accessory occupancy is to be in accordance with section 302.1 and the requirements of the Code "shall apply to each portion of the building based on the occupancy classification of that space. The intent of section 508.2.1 is to classify the accessory occupancy and require compliance with the code based on the occupancy classification. Therefore, it's my decision that the proposed Sky Lounge's location does not comply with Table 504.4 of the Code by exceeding the story limitations of an A-3 Type III A construction.

The North Carolina Building Code Council determines the building code requirements for North Carolina. The Engineering and Codes Division in The Office of the State Fire Marshall under The Commissioner of Insurance of the State of North Carolina has the responsibility for the supervision of the State Building Code including interpretations of the Building Code. As the Chief Building Code Consultant in the Office of the State Fire Marshall the above is my interpretation of section 508.2.1 and how to apply that section to your proposed project. You may appeal this decision to the Chief Code Consultant if you disagree with this decision and choose to do so.

Bill Kirk, PE

EXHIBIT "B". PAGE 2

Chief Building Code Consultant
<image010.png>

<image007.jpg>

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0025

From: Chad Askew <caskew@housingstudio.com>
Sent: Wednesday, November 27, 2019 2:11 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>; Kirk, Bill <bill.kirk@ncdoi.gov>
Cc: Larry Walters <lwalters@housingstudio.com>; Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: [External] RE: The Park at Chapel Hill, Multifamily Code Resolution

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Bill, Carl,
Attached are the drawings that were provided to ICC for review. I believe they clearly and succinctly show the relationship of the Sky Lounge to the rest of the building and the grade plane and podium. Mr Ciesielski referenced these drawings in his review of our question to him. Thanks.
Chad

<image012.jpg>

From: Chad Askew
Sent: Wednesday, November 27, 2019 2:03 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>; Kirk, Bill <bill.kirk@ncdoi.gov>
Cc: Larry Walters <lwalters@housingstudio.com>; Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: RE: The Park at Chapel Hill, Multifamily Code Resolution

Bill, Carl,
We have received an interpretation from the ICC that is favorable to our reading of the code. I have pasted this interpretation below. I will also forward you the original e-mail chain for reference. IT is worth noting that we do need to rate the walls enclosing the assembly space 1 hour. While our drawings do indicate this, we have noticed that there is unrated storefront in this rated wall. We will amend the drawings to reflect rated windows, frames and doors. Please take a look at this and let us know if you have any follow-up questions for the ICC reviewer, Mr. Ciesielski. We respectfully ask that you consider ICC's intent as outlined here and allow us to maintain this element of the building as designed. Thanks again for your consideration and have a Happy Thanksgiving!
Chad

From: Thomas Ciesielski <tciesielski@ICCSafe.ORG>
Sent: Tuesday, November 26, 2019 4:39 PM
To: Larry Walters <lwalters@housingstudio.com>
Cc: Renee Testroet <rtestroet@iccsafe.org>
Subject: RE: 508.2 - 2015 IBC

EXHIBIT "B".PAGE 3

RE: 2015 IBC Section 508.2

Mr. Walters:

This code opinion is in response to your email correspondence requesting a clarification of Section 508.2 as it relates to accessory occupancies in buildings with more than one occupancy type. All comments are based on the 2015 International Building Code (IBC), unless noted otherwise.

In your question, you present a building design which has a Group A-3 occupancy space on the fifth floor of a podium building with a group R-2 principal occupancy. The construction type above the podium is 3A and the Group A-3 space floor area is less than 10 percent of the fire area in which it is located.

In general, the IBC recognizes that buildings designed for multiple uses may contain a main occupancy with minor spaces classified as a different occupancy that can be treated as part of the main occupancy for purposes of allowable building height and allowable building area. Sections 508.2.1 through 508.2.4 specify the provisions with which accessory occupancies must comply. In the specific case of a Group A-3 accessory occupancy in a Group R-2 main occupancy, the allowable building height and number of stories, as well as the allowable building area, shall be based on the main occupancy of the building. However, Section 508.2.4, which typically requires no separation between the main occupancy and the accessory occupancy, does not apply since Exception 2 requires a separation of Group R-2 dwelling units from each other and from accessory occupancies contiguous to them in accordance with Sections 420.2 and 420.3. As a conclusion about the specific scenario described in the question, it is permitted to evaluate the height of the building based on the main Group R-2 occupancy when the accessory occupancy is limited in size in accordance with Section 508.2.2.

Code opinions issued by ICC staff are based on ICC published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

"Copyright © 2019 International Code Council, Inc. All rights reserved."

If you would like to discuss this further, I can be reached directly at 888-422-7233, x 4310.

Sincerely,

Tom Ciesielski

Tom Ciesielski
Senior Staff Architect
International Code Council, Inc.
Chicago Regional Office
4051 W. Flossmoor Road
Country Club Hills, IL 60478
1-888-422-7233, x 4310
tciesielski@ICCSafe.org

<image013.jpg>

EXHIBIT "B". PAGE 4

From: Martin, Carl <Carl.Martin@ncdoi.gov>
Sent: Thursday, November 7, 2019 7:17 PM
To: Kirk, Bill <bill.kirk@ncdoi.gov>
Cc: Chad Askew <caskew@housingstudio.com>; Larry Walters <lwalters@housingstudio.com>; Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: RE: The Park at Chapel Hill, Multifamily Code Resolution

Bill,

I haven't seen the plans, but unless the assembly space in question meets 2018 NCBC, Section 303.1.2, item #1 I believe ICC will give the same response.

Acceptance of ICC's determination is dependent upon an accurate description of the situation being given to them and the logic provided by ICC for their response. ICC will need to know that the question is regarding the 2015 IBC.

Carl Martin
Chief Code Consultant
<image001.png>

<image008.jpg>

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0009

“Consistency” as defined by Miriam Webster – “harmony of conduct or practice with profession”

From: Chad Askew <caskew@housingstudio.com>
Sent: Thursday, November 7, 2019 8:57 AM
To: Kirk, Bill <bill.kirk@ncdoi.gov>; Larry Walters <lwalters@housingstudio.com>; Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: RE: [External] The Park at Chapel Hill, Multifamily Code Resolution

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Carl, Bill,

We have built this scenario in other jurisdictions which have supported our interpretation of the code, so it is surprising to us that NCDOI is taking this stance. If we engaged directly with the ICC and gained an interpretation from them that supports our position, would NCDOI accept that as evidence that we meet the letter of the code? If the response is in the negative, I don't want to waste everyone's time and effort pursuing that, which is why I ask what your response would be to an ICC ruling favorable to our position ahead of seeking it out. Thanks.
Chad

<image015.jpg>

EXHIBIT "B". PAGE 5

From: Kirk, Bill <bill.kirk@ncdoi.gov>
Sent: Thursday, November 7, 2019 8:15 AM
To: Larry Walters <lwalters@housingstudio.com>; Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Chad Askew <caskew@housingstudio.com>; Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: RE: [External] The Park at Chapel Hill, Multifamily Code Resolution

Larry,

Section 508.2 sets the requirements for an area to be an accessory occupancy to the main occupancy of the building and not require separation. From section 508.2.1 the occupancy classification of the accessory occupancy is to be in accordance with section 302.1 and the requirements of the Code "shall apply to each portion of the building based on the occupancy classification of that space." From the 2015 IBC Code and Commentary for section 508.2.1 it is my opinion that the intent of section 508.2.1 is to provide a procedure for non-separation of small ancillary areas in a main building; not to change the occupancy classification of the accessory area to the main occupancy classification. This is evident in the example of the commentary for section 508.2.1. Therefore, it's my opinion that the Sky Lounge's location does not comply with Table 504.4 of the Code by exceeding the story limitations of an A-3 Type III A construction. I hope this information will be helpful.

Bill Kirk, PE
Chief Building Code Consultant
<image010.png>

<image008.jpg>

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0025

From: Larry Walters <lwalters@housingstudio.com>
Sent: Wednesday, November 6, 2019 3:34 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>; Kirk, Bill <bill.kirk@ncdoi.gov>
Cc: Chad Askew <caskew@housingstudio.com>; Evelyn Weddle <eweddle@housingstudio.com>; Andrew M. Schneider, Sr., P.E. <aschneider@dandd.engineering>
Subject: [External] The Park at Chapel Hill, Multifamily Code Resolution

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11.06.19

Bill and Carl,

In an effort to resolve the issue of A-3 occupancy vs. Accessory Occupancy to R-2 for the Sky Lounge in this Chapel Hill Multifamily project we present the following;

EXHIBIT 'B'. PAGE 6

1. The project was originally submitted to NCDOT for review showing the Sky Lounge on the 5th floor, which was measured from 3 hour concrete podium, as A-3. And was correctly noted by the NCDOT review, 2018 NCBC code Table 504.4 will not allow A-3/R13 of Type 3A construction higher than the 4th floor above a 3 hour podium.
2. The Housing Studio will submit the corrected documents showing the Sky Lounge on the 5th floor above podium as Accessory Occupancy to the main building occupancy of R-2. We submit that we meet all the requirements for 508.2 Accessory Occupancies. The Sky Lounge is only 4.8% of the total fifth level Fire Area 'B' which contains the Lounge. The area of the lounge meets the requirement of 508.2.3, the lounge is less than 10% of Fire Area 'B' and does not exceed the tabular values for non-sprinklered buildings in Table 506.2 for A-3.
3. Table 504.4 allows R-2 Occupancy, construction type A3 with 13 sprinkler system to be 5 stories above the 3 hour podium which becomes a separate building.
4. The Sky Lounge will be separated from the adjacent R-2 per 508.2.4 exception 2 requiring separation between R-2 and accessory use of 1 hour.

We think the intent to use Accessory Occupancy to R-2 which is the primary occupancy of the building is appropriate for this configuration.

EXHIBIT "A"

Please see the attached drawings which graphically show the condition noted above and advise if you need additional information or would like to discuss.

As always we appreciate your time consideration in this matter.
<image017.jpg>

Larry Walters, AIA

<image018.jpg>

<Appendix E 2018 - Template.doc>

EXHIBIT "B" . PAGE 7

CHAPTER 5

GENERAL BUILDING HEIGHTS AND AREAS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter control the height and area of structures hereafter erected and *additions* to existing structures.

[F] 501.2 Address identification. New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of $\frac{3}{4}$ inch (19.05 mm). Where required by the fire *code official*, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

SECTION 502
DEFINITIONS

502.1 Definitions. The following terms are defined in Chapter 2:

AREA, BUILDING.

BASEMENT.

EQUIPMENT PLATFORM.

GRADE PLANE.

HEIGHT, BUILDING.

MEZZANINE.

SECTION 503
GENERAL BUILDING HEIGHT AND
AREA LIMITATIONS

503.1 General. Unless otherwise specifically modified in Chapter 4 and this chapter, *building height*, number of stories and *building area* shall not exceed the limits specified in Sections 504 and 506 based on the type of construction as determined by Section 602 and the occupancies as determined by Section 302 except as modified hereafter. *Building height*, number of stories and *building area* provisions shall be applied independently. Each portion of a building separated by one or more *fire walls* complying with Section 706 shall be considered to be a separate building.

503.1.1 Special industrial occupancies. Buildings and structures designed to house special industrial processes that require large areas and unusual *building heights* to

accommodate cranes or special machinery and equipment, including, among others, rolling mills; structural metal fabrication shops and foundries; or the production and distribution of electric, gas or steam power, shall be exempt from the *building height*, number of stories and *building area* limitations specified in Sections 504 and 506.

503.1.2 Buildings on same lot. Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building where the *building height*, number of stories of each building and the aggregate *building area* of the buildings are within the limitations specified in Sections 504 and 506. The provisions of this code applicable to the aggregate building shall be applicable to each building.

503.1.3 Type I construction. Buildings of Type I construction permitted to be of unlimited tabular *building heights and areas* are not subject to the special requirements that allow unlimited area buildings in Section 507 or unlimited *building height* in Sections 503.1.1 and 504.3 or increased *building heights and areas* for other types of construction.

SECTION 504
BUILDING HEIGHT AND NUMBER OF STORIES

504.1 General. The height, in feet, and the number of stories of a building shall be determined based on the type of construction, occupancy classification and whether there is an *automatic sprinkler system* installed throughout the building.

Exception: The *building height* of one-story aircraft hangars, aircraft paint hangars and buildings used for the manufacturing of aircraft shall not be limited where the building is provided with an *automatic sprinkler system* or *automatic fire-extinguishing system* in accordance with Chapter 9 and is entirely surrounded by *public ways* or *yards* not less in width than one and one-half times the *building height*.

504.1.1 Unlimited area buildings. The height of unlimited area buildings shall be designed in accordance with Section 507.

504.1.2 Special provisions. The special provisions of Section 510 permit the use of special conditions that are exempt from, or modify, the specific requirements of this chapter regarding the allowable heights of buildings based on the occupancy classification and type of construction, provided the special condition complies with the provisions specified in Section 510.

504.2 Mixed occupancy. In a building containing mixed occupancies in accordance with Section 508, no individual occupancy shall exceed the height and number of story limits specified in this section for the applicable occupancies.

60 feet (18 288 mm) in width, provided all of the following criteria are met:

1. Buildings containing Group H-5 occupancy shall be of Type I or II construction.
2. Each area used for Group H-5 occupancy shall be separated from other occupancies as required in Sections 415.11 and 508.4.
3. Each area used for Group H-5 occupancy shall not exceed the maximum allowable area permitted for such occupancies in Section 503.1 including modifications of Section 506.

Exception: Where the Group H-5 occupancy exceeds the maximum allowable area, the Group H-5 shall be subdivided into areas that are separated by 2-hour fire barriers.

507.10 Aircraft paint hangar. The area of a Group H-2 aircraft paint hangar no more than one *story above grade plane* shall not be limited where such aircraft paint hangar complies with the provisions of Section 412.6 and is surrounded and adjoined by *public ways* or *yards* not less in width than one and one-half times the *building height*.

507.11 Group E buildings. The area of a Group E building no more than one *story above grade plane*, of Type II, IIIA or IV construction, shall not be limited provided all of the following criteria are met:

1. Each classroom shall have not less than two *means of egress*, with one of the *means of egress* being a direct *exit* to the outside of the building complying with Section 1022.
2. The building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
3. The building is surrounded and adjoined by *public ways* or *yards* not less than 60 feet (18 288 mm) in width.

507.12 Motion picture theaters. In buildings of Type II construction, the area of a motion picture theater located on the first *story above grade plane* shall not be limited where the building is provided with an *automatic sprinkler system* throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by *public ways* or *yards* not less than 60 feet (18 288 mm) in width.

507.13 Covered and open mall buildings and anchor buildings. The area of *covered and open mall buildings* and *anchor buildings* not exceeding three *stories* in height that comply with Section 402 shall not be limited.

**SECTION 508
MIXED USE AND OCCUPANCY**

508.1 General. Each portion of a building shall be individually classified in accordance with Section 302.1. Where a building contains more than one occupancy group, the building or portion thereof shall comply with the applicable provisions of Section 508.2, 508.3 or 508.4, or a combination of these sections.

sions of Section 508.2, 508.3 or 508.4, or a combination of these sections.

Exceptions:

1. Occupancies separated in accordance with Section 510.
2. Where required by Table 415.6.2, areas of Group H-1, H-2 and H-3 occupancies shall be located in a *detached building* or structure.
3. Uses within *live/work units*, complying with Section 419, are not considered separate occupancies.

508.2 Accessory occupancies. Accessory occupancies are those occupancies that are ancillary to the main occupancy of the building or portion thereof. Accessory occupancies shall comply with the provisions of Sections 508.2.1 through 508.2.4.

508.2.1 Occupancy classification. Accessory occupancies shall be individually classified in accordance with Section 302.1. The requirements of this code shall apply to each portion of the building based on the occupancy classification of that space.

508.2.2 Allowable building height. The allowable height and number of stories of the building containing accessory occupancies shall be in accordance with Section 504 for the main occupancy of the building.

508.2.3 Allowable building area. The allowable area of the building shall be based on the applicable provisions of Section 506 for the main occupancy of the building. Aggregate accessory occupancies shall not occupy more than 10 percent of the floor area of the story in which they are located and shall not exceed the tabular values for non-sprinklered buildings in Table 506.2 for each such accessory occupancy.

508.2.4 Separation of occupancies. No separation is required between accessory occupancies and the main occupancy.

Exceptions:

1. Group H-2, H-3, H-4 and H-5 occupancies shall be separated from all other occupancies in accordance with Section 508.4.
2. Group I-1, R-1, R-2 and R-3 *dwelling units* and *sleeping units* shall be separated from other *dwelling* or *sleeping units* and from accessory occupancies contiguous to them in accordance with the requirements of Section 420.

508.3 Nonseparated occupancies. Buildings or portions of buildings that comply with the provisions of this section shall be considered as nonseparated occupancies.

508.3.1 Occupancy classification. Nonseparated occupancies shall be individually classified in accordance with Section 302.1. The requirements of this code shall apply to each portion of the building based on the occupancy classification of that space. In addition, the most restrictive provisions of Chapter 9 that apply to the nonseparated

EXHIBIT C · PAGE 3

504.3 Height in feet. The maximum height, in feet, of a building shall not exceed the limits specified in Table 504.3.

Exception: Towers, spires, steeples and other roof structures shall be constructed of materials consistent with the required type of construction of the building except where other construction is permitted by Section 1510.2.5. Such structures shall not be used for habitation or storage. The structures shall be unlimited in height where of noncombustible materials and shall not extend more than 20 feet (6096 mm) above the allowable building height where of combustible materials (see Chapter 15 for additional requirements).

504.4 Number of stories. The maximum number of stories of a building shall not exceed the limits specified in Table 504.4.

**SECTION 505
MEZZANINES AND EQUIPMENT PLATFORMS**

505.1 General. Mezzanines shall comply with Section 505.2. Equipment platforms shall comply with Section 505.3.

505.2 Mezzanines. A mezzanine or mezzanines in compliance with Section 505.2 shall be considered a portion of the story below. Such mezzanines shall not contribute to either the building area or number of stories as regulated by Section 503.1. The area of the mezzanine shall be included in determining the fire area. The clear height above and below the mezzanine floor construction shall be not less than 7 feet (2134 mm).

**TABLE 504.3*
ALLOWABLE BUILDING HEIGHT IN FEET ABOVE GRADE PLANE**

OCCUPANCY CLASSIFICATION	SEE FOOTNOTES	TYPE OF CONSTRUCTION								
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
A, B, E, F, M, S, U ⁱ	NS ^b	UL	160	65	55	65	55	65	50	40
	S	UL	180	85	75	85	75	85	70	60
H-1, H-2, H-3, H-5	NS ^{c,d}	UL	160	65	55	65	55	65	50	40
	S	UL	180	85	75	85	75	85	70	60
H-4	NS ^{c,d}	UL	160	65	55	65	55	65	50	40
	S	UL	180	85	75	85	75	85	70	60
I-1 Condition 1, I-3	NS ^{d,e}	UL	160	65	55	65	55	65	50	40
	S	UL	180	85	75	85	75	85	70	60
I-1 Condition 2, I-2	NS ^{d,f,e}	UL	160	65	55	65	55	65	50	40
	S	UL	180	85		65	55	65	50	40
I-4	NS ^{d,g}	UL	160	65	55	65	55	65	50	40
	S	UL	180	85	75	85	75	85	70	60
R	NS ^{d,h}	UL	160	65	55	65	55	65	50	40
	S13R	60	60	60	60	60	60	60	60	60
	S (13)	UL	180	85	75	85	75	85	70	60

For SI: 1 foot = 304.8 mm. → PER 508.2.2

Note: UL = Unlimited; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

- a. See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b. See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c. New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d. The NS value is only for use in evaluation of existing building height in accordance with the *International Existing Building Code*.
- e. New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies Condition 1, see Exception 1 of Section 903.2.6.
- f. New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *International Fire Code*.
- g. For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h. New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.
- i. See Table C102.1 in Appendix C for Group U agricultural buildings.

TABLE 504.4^{a, b}—continued
ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE

OCCUPANCY CLASSIFICATION	SEE FOOTNOTES	TYPE OF CONSTRUCTION									
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V		
		A	B	A	B	A	B	HT	A	B	
R-1	NS ^{d, h}	UL	11	4	4	4	4	4	4	3	2
	S13R	4	4							4	3
	S	UL	12	5	5	5	5	5	4	3	
R-2 <i>PRIMARY BLDG OCCUP</i> <i>PER 503.2.2</i>	NS ^{d, h}	UL	11	4	4	4	4	4	4	3	2
	S13R	4	4	4						4	3
	S (13)	UL	12	5	5	5	5	5	4	3	
R-3	NS ^{d, h}	UL	11	4	4	4	4	4	4	3	3
	S13R	4	4							4	4
	S	UL	12	5	5	5	5	5	4	4	
R-4	NS ^{d, h}	UL	11	4	4	4	4	4	4	3	2
	S13R	4	4							4	3
	S	UL	12	5	5	5	5	5	4	3	
S-1	NS	UL	11	4	2	3	2	4	3	1	
	S	UL	12	5	3	4	3	5	4	2	
S-2	NS	UL	11	5	3	4	3	4	4	2	
	S	UL	12	6	4	5	4	5	5	3	
U ⁱ	NS	UL	5	4	2	3	2	4	2	1	
	S ()	UL	6	5	3	4	3	5	3	2	

Note: UL = Unlimited; NP = Not Permitted; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

- a. See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b. See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c. New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d. The NS value is only for use in evaluation of existing building height in accordance with the *International Existing Building Code*.
- e. New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies, Condition 1, see Exception 1 of Section 903.2.6.
- f. New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *International Fire Code*.
- g. For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h. New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.
- i. See Table C102.1 in Appendix C for Group U agricultural buildings.

505.2.1 Area limitation. The aggregate area of a *mezzanine* or *mezzanines* within a room shall be not greater than one-third of the floor area of that room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the *mezzanine* is located. In determining the allowable *mezzanine* area, the area of the *mezzanine* shall not be included in the floor area of the room.

Where a room contains both a *mezzanine* and an *equipment platform*, the aggregate area of the two raised floor levels shall be not greater than two-thirds of the floor area of that room or space in which they are located.

Exceptions:

1. The aggregate area of *mezzanines* in buildings and structures of Type I or II construction for

special industrial occupancies in accordance with Section 503.1.1 shall be not greater than two-thirds of the floor area of the room.

2. The aggregate area of *mezzanines* in buildings and structures of Type I or II construction shall be not greater than one-half of the floor area of the room in buildings and structures equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1 and an *approved emergency voice/alarm communication system* in accordance with Section 907.5.2.2.

505.2.2 Means of egress. The *means of egress* for *mezzanines* shall comply with the applicable provisions of Chapter 10.

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**TABLE 506.2^{a, b}
ALLOWABLE AREA FACTOR (A, = NS, S1, S13R, or SM, as applicable) IN SQUARE FEET**

OCCUPANCY CLASSIFICATION	SEE FOOTNOTES	TYPE OF CONSTRUCTION								
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
A-1	NS	UL	UL	15,500	8,500	14,000	8,500	15,000	11,500	5,500
	S1	UL	UL	62,000	34,000	56,000	34,000	60,000	46,000	22,000
	SM	UL	UL	46,500	25,500	42,000	25,500	45,000	34,500	16,500
A-2	NS	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
	S1	UL	UL	62,000	38,000	56,000	38,000	60,000	46,000	24,000
	SM	UL	UL	46,500	28,500	42,000	28,500	45,000	34,500	18,000
A-3	NS	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
	S1	UL	UL	62,000	38,000	56,000	38,000	60,000	46,000	24,000
	SM	UL	UL	46,500	28,500	42,000	28,500	45,000	34,500	18,000
A-4	NS	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
	S1	UL	UL	62,000	38,000	56,000	38,000	60,000	46,000	24,000
	SM	UL	UL	46,500	28,500	42,000	28,500	45,000	34,500	18,000
A-5	NS	UL	UL	UL	UL	UL	UL	UL	UL	UL
	S1									
	SM									
B	NS	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
	S1	UL	UL	150,000	92,000	114,000	76,000	144,000	72,000	36,000
	SM	UL	UL	112,500	69,000	85,500	57,000	108,000	54,000	27,000
E	NS	UL	UL	26,500	14,500	23,500	14,500	25,500	18,500	9,500
	S1	UL	UL	106,000	58,000	94,000	58,000	102,000	74,000	38,000
	SM	UL	UL	79,500	43,500	70,500	43,500	76,500	55,500	28,500
F-1	NS	UL	UL	25,000	15,500	19,000	12,000	33,500	14,000	8,500
	S1	UL	UL	100,000	62,000	76,000	48,000	134,000	56,000	34,000
	SM	UL	UL	75,000	46,500	57,000	36,000	100,500	42,000	25,500
F-2	NS	UL	UL	37,500	23,000	28,500	18,000	50,500	21,000	13,000
	S1	UL	UL	150,000	92,000	114,000	72,000	202,000	84,000	52,000
	SM	UL	UL	112,500	69,000	85,500	54,000	151,500	63,000	39,000
H-1	NS ^c	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	NP
	S1									
H-2	NS ^c	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	3,000
	S1									
	SM									
H-3	NS ^c	UL	60,000	26,500	14,000	17,500	13,000	25,500	10,000	5,000
	S1									
	SM									
H-4	NS ^d	UL	UL	37,500	17,500	28,500	17,500	36,000	18,000	6,500
	S1	UL	UL	150,000	70,000	114,000	70,000	144,000	72,000	26,000
	SM	UL	UL	112,500	52,500	85,500	52,500	108,000	54,000	19,500
H-5	NS ^d	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
	S1	UL	UL	150,000	92,000	114,000	76,000	144,000	72,000	36,000
	SM	UL	UL	112,500	69,000	85,500	57,000	108,000	54,000	27,000

(continued)

require additional protection or separation from the balance of the building. Incidental uses are part of the occupancy and the presence of an incidental use in a building does not establish a mixed occupancy condition and as such is not required to comply with Section 508.

508.2 Accessory occupancies. Accessory occupancies are those occupancies that are ancillary to the main occupancy of the building or portion thereof. Accessory occupancies shall comply with the provisions of Sections 508.2.1 through 508.2.4.

❖ Buildings often have rooms or spaces with an occupancy classification that is different from, but accessory to, the principal occupancy classification of the building. When such accessory areas are limited in size, they will not ordinarily represent a significantly different life safety hazard. This principle does not apply where otherwise indicated in Section 508.2.4 for areas classified as Group H, I-1 or R.

The accessory occupancy must be ancillary to the principal purpose for which the structure is occupied. This means that the purpose and function of the area is subordinate and secondary to the structure's primary function. As such, the activities that occur in accessory use areas are necessary for the principal occupancy to properly function and would not otherwise reasonably exist apart from the principal occupancy. See also Section 311, Small Storage Spaces.

508.2.1 Occupancy classification. Accessory occupancies shall be individually classified in accordance with Section 302.1. The requirements of this code shall apply to each portion of the building based on the occupancy classification of that space.

❖ Under Section 508.2.1, each accessory use is to be classified in accordance with Section 302 in the appropriate occupancy classification. Code requirements such as means of egress, the provision of sprinkler protection and structural load are to be determined for this occupancy as if it were a main occupancy of the building. For example, an accessory lunchroom located in a business office regulated as an accessory occupancy would need to be protected with an automatic sprinkler system if the lunchroom's occupant load exceeds 100. In addition, any means of egress doors serving the lunchroom, from the lunchroom to the exterior exit doors, would need to be provided with panic hardware. The lunchroom would need to comply with all other code requirements applicable to a Group A-2 use.

Please note that Sections 508.2.2 and 508.2.3 state that height and area of the building are based on the main occupancy. Therefore, for determining the construction type for the total building, the building's floor area and height should be compared to the limits of Tables 504.3, 504.4 and 506.2 to determine the appropriate construction type. See Section 508.2.3 regarding the area of the accessory occupancy itself and see Section 508.2.2 regarding the height of the accessory occupancy itself.

When applying Chapter 9, many of the requirements for automatic sprinkler systems are based on the size of the fire area in which the occupancy is located. For instance, a Group A-2 occupancy requires a sprinkler system when the fire area is greater than 5,000 square feet (465 m²) or when the fire area has an occupant load of 100 or more. By understanding the definition of a "Fire area," if there is no rated separation of the accessory occupancy from the main occupancy, the fire area will be everything between fire barriers, fire walls or exterior walls, and therefore could, and most likely will, contain both the accessory occupancy area as well as the main occupancy.

Continuing with this example, suppose that a single-story business office of 23,000 square feet (2137 m²) contains a lunchroom that is 2,000 square feet (186 m²) and an occupant load of 134. The main occupancy is a Group B, and the accessory occupancy is a Group A-2. Because the Group A-2 occupancy has a floor area of less than 10 percent of the overall floor area of the single story, it could be regulated as an accessory occupancy, and there is no fire separation requirement between the Group A-2 and Group B. A Group A-2 occupancy is required to be provided with an automatic sprinkler system when it is either in excess of 5,000 square feet (465 m²) or 100 occupants. Since this fire area is 23,000 square feet (2137 m²), contains a Group A-2 occupancy with an occupant load of over 100 and is located within a fire area of greater than 5,000 square feet (465 m²), this fire area would need to be provided with an automatic sprinkler system throughout based on either of the two thresholds.

508.2.2 Allowable building height. The allowable height and number of stories of the building containing accessory occupancies shall be in accordance with Section 504 for the main occupancy of the building. **(SEE 2018 COMMENTARY)**

❖ See the commentary to Section 508.2.1 for accessory occupancies.

508.2.3 Allowable building area. The allowable area of the building shall be based on the applicable provisions of Section 506 for the main occupancy of the building. Aggregate accessory occupancies shall not occupy more than 10 percent of the floor area of the story in which they are located and shall not exceed the tabular values for nonsprinklered buildings in Table 506.2 for each such accessory occupancy.

❖ For accessory occupancies, the area of the building containing the accessory occupancy is based on the area of the main occupancy because accessory occupancies must be limited in size and pose a limited increased degree of hazard. The aggregate area within a story devoted to the occupancies that are designated as accessory occupancies must not be greater than 10 percent of the area of that story [see Commentary Figure 508.2.3(1)].

The area of the portion of the building devoted to an accessory occupancy must also be less than the tabular building area for nonsprinklered buildings

vided with panic hardware. The lunchroom would need to comply with all other code requirements applicable to a Group A-2 use.

Please note that Sections 508.2.2 and 508.2.3 state that height and area of the building are based on the main occupancy. Therefore, for determining the construction type for the total building, the building's floor area and height should be compared to the limits of Tables 504.3, 504.4 and 506.2 to determine the appropriate construction type. See Section 508.2.3 regarding the area of the accessory occupancy itself and see Section 508.2.2 regarding the height of the accessory occupancy itself.

When applying Chapter 9, many of the requirements for automatic sprinkler systems are based on the size of the fire area in which the occupancy is located. For instance, a Group A-2 occupancy requires a sprinkler system where the fire area is greater than 5,000 square feet (465 m²) or where the fire area has an occupant load of 100 or more. By definition, a "Fire area" includes everything between fire barriers, fire walls or exterior walls. Thus, if there is no rated separation of the accessory occupancy from the main occupancy, the fire area could, and most likely will, contain both the accessory occupancy area and the main occupancy.

Continuing with this example, suppose that a single-story business office of 23,000 square feet (2137 m²) contains a lunchroom that is 2,000 square feet (186 m²) and an occupant load of 134. The main occupancy is a Group B, and the accessory occupancy is a Group A-2. Because the Group A-2 occupancy has a floor area of less than 10 percent of the overall floor area of the single story, it could be regulated as an accessory occupancy, and there is no fire separation requirement between the Group A-2 and Group B occupancies. A Group A-2 occupancy is required to be provided with an automatic sprinkler system when it is either in excess of 5,000 square feet (465 m²) or 100 occupants. Since this fire area is 23,000 square feet (2137 m²), contains a Group A-2 occupancy with an occupant load of over 100 and is located within a fire area of greater than 5,000 square feet (465 m²), this fire area would need to be provided with an automatic sprinkler system throughout both the Group B and A-2 occupancies based on either of the two thresholds of the A-2 occupancy.

508.2.2 Allowable building height. The allowable height and number of stories of the building containing accessory occupancies shall be in accordance with Section 504 for the main occupancy of the building.

❖ The story location of an accessory occupancy is controlled by the main occupancy. For example, Table 504.4 would allow a sprinkler-protected Group B office building of Type IIIA construction to be six stories. A Group A-2 restaurant in that same building would be limited to locations on the lowest four stories. However, an accessory Group A-2 cafeteria for

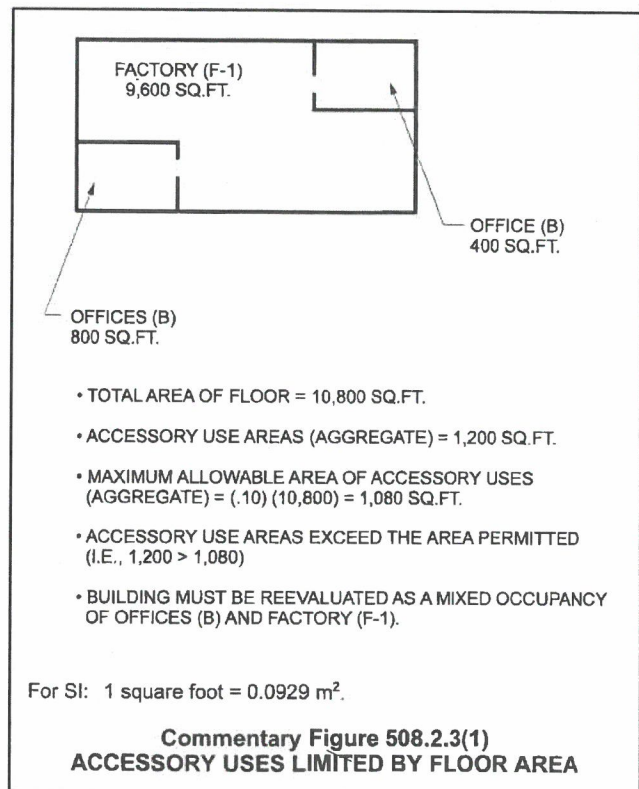
employees would be considered part of the Group B occupancy for determination of allowable height. Therefore it could be on any of the six stories.

508.2.3 Allowable building area. The allowable area of the building shall be based on the applicable provisions of Section 506 for the main occupancy of the building. Aggregate accessory occupancies shall not occupy more than 10 percent of the floor area of the story in which they are located and shall not exceed the tabular values for nonsprinklered buildings in Table 506.2 for each such accessory occupancy.

❖ The area of the building containing the accessory occupancy is limited in size based on the area of the main occupancy. The code imposes those limits on the assumption that with limited size the accessory occupancies pose a limited increase in the degree of hazard over the primary occupancy. The aggregate area within a story devoted to the accessory occupancies must not be greater than 10 percent of the area of that story [see Commentary Figure 508.2.3(1)].

The area of the portion of the building devoted to an accessory occupancy must also be less than the tabular building area for nonsprinklered buildings given in Table 506.2, based on the group classification that most nearly resembles the accessory occupancy under consideration. Area increases for street frontage based on the provisions of Section 506 are not allowed [see Commentary Figure 508.2.3(2)].

See also the commentary to Section 508.2.1.



Martin, Carl

From: Chad Askew <caskew@housingstudio.com>
Sent: Friday, December 13, 2019 9:04 AM
To: Martin, Carl
Cc: Larry Walters
Subject: [External] Re: Formal Interpretation for The Park, Chapel Hill, NC

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Carl, it is just a common area for residents that includes seating areas (think couches and soft chairs), pool table, community table and a kitchen area (coffee machine, frig, warming drawers...no cooking appliances). It is like a common living room for the residents of the community. It is unconcentrated assembly space. Thanks.
Chad

Sent from my iPhone

On Dec 13, 2019, at 8:36 AM, Martin, Carl <Carl.Martin@ncdoi.gov> wrote:

Exactly what is a "club room"?

Carl Martin
Chief Code Consultant
<image001.png>

<image004.jpg>

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0009

"Consistency" as defined by Miriam Webster – "harmony of conduct or practice with profession"

From: Chad Askew <caskew@housingstudio.com>
Sent: Friday, December 13, 2019 8:21 AM
To: Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Larry Walters <lwalters@housingstudio.com>
Subject: [External] Re: Formal Interpretation for The Park, Chapel Hill, NC

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Hey Carl,
The lounge is used exclusively by residents and staff. Not open to the public. It is used as a general club room similar to the main floor club space. Thanks!
Chad

On Dec 13, 2019, at 7:51 AM, Martin, Carl <Carl.Martin@ncdoi.gov> wrote:

Larry,

I received your request for formal interpretation yesterday and have started working on the response, but I have a couple of questions that will help with the response.

- 1) Is the Sky Lounge used exclusively by the residents of the apartment building in which the lounge is located and their guests?
- 2) How is the lounge are used (i.e. restaurant, sitting are, etc.)?

Carl Martin
Chief Code Consultant
<image001.png>

<image004.jpg>

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1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0009

“Consistency” as defined by Miriam Webster – “harmony of conduct or practice with profession”

From: Larry Walters <lwalters@housingstudio.com>
Sent: Thursday, December 12, 2019 2:00 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Chad Askew <caskew@housingstudio.com>
Subject: [External] Formal Interpretation for The Park, Chapel Hill, NC

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12.12.19

Carl,

Find attached three PDF files, Letter on letterhead and Appendix E for Formal Interpretation by NCODI request, Exhibit 'A' with drawings, Exhibit 'B' with e-mail correspondence and Exhibit 'C' with select pages from the 2018 NCBC, 2015 ICC and the 2018 ICC.

EXHIBIT "D"

PAGE 3

Take a look at the 2018 ICC for section 508.2.2, attached Exhibit 'C' Page 7, which offers some clarification from the 2015 ICC, 508.2.2.

Thanks again for you help, if there is anything else we can provide, please advise.

Have a great holiday,

<image005.jpg>

<image006.jpg>