

**FIRE TECHNICAL ADVISORY COMMITTEE  
HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER  
1714 SW 34<sup>TH</sup> STREET  
GAINESVILLE, FLORIDA 32607  
January 28, 2020  
1:00 P.M.**

## **Minutes**

### **FIRE TAC PRESENT:**

Joe Belcher  
John Gatlin  
Jim Schock

Cheryl Edwards  
Brad Schiffer  
Bobby Dewar for Peter Schwab

### **FIRE TAC NOT PRESENT:**

Jeff Gross  
Joe Holland

Robert Hamberger  
Hamid Bahadori, Chairman

### **STAFF PRESENT:**

Mo Madani  
Justin Vogel  
Marlita Peters

Thomas Campbell  
Chris Howell  
Jim Hammers

### **MEETING FACILITATION:**

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: [facilitatedsolutions.org](http://facilitatedsolutions.org)

**Welcome:**

**Time: 1:00 p.m.**

Mr. Blair welcomed everyone to meeting of the Fire TAC.

**Roll Call:**

Mr. Blair performed roll call for the Fire TAC. A quorum was determined with 6 members present at roll call.

**Agenda Approval:**

Commissioner Schiffer entered a motion to approve the agenda for today's meeting as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 6 to 0.

**Approval of Minutes from September 24, 2019:**

Commissioner Schock entered a motion to approve the minutes from September 24, 2019 meeting as posted. Mr. Belcher seconded the motion. The motion passed unanimously with a vote of 6 to 0.

**To Consider and discuss the following Declaratory Statement:**

**DS 2019-078 by Ted Caplow of Grayscale Partners, LLC**

The petitioner was not present.

Mr. Madani presented the background on the petition and provided the full staff analysis as follows for the three questions presented.

**Question 1:** Do the dwelling units in Project A meet the definition of *townhouse* under the Florida Building Code?

**Question 2:** Do the dwelling units in Project B meet the definition of *townhouse* under the Florida Building Code?

**Question 3:** Do the dwelling units in Project C meet the definition of *townhouse* under the Florida Building Code?

**DS 2019-078 by Ted Caplow of Grayscale Partners, LLC (cont.):**

**Question 4:** If the answer is yes to one or more of the questions (1-3) above, does it follow that the townhouses in that project are subject to the Florida Building Code, Residential, and therefore not subject to the Florida Building Code, Building?

The following information was provided by the Petitioner:

**Option #1/Petitioner:**

We believe the answer to all four questions is yes.

We believe that in each of our projects A, B, and C, these dwellings meet each of the criteria in the definition of townhouse in R202: the dwellings are three stories in height. Each dwelling has its own means of egress. The dwellings are constructed in a group of two or more attached units. Property lines separate each unit. Each unit extends from foundation to roof. Finally, there is a yard on (at least) two sides of each unit.

Further, we believe the townhouses in each project meet the fire separation continuity requirements in R302.2.1. Our interpretation of this section for an elevated townhome is as follows:

- (a) In area where a common wall exists, the 2-hour fire resistance rating extends the full length of the wall, as required;
- (b) In area where the townhouse is elevated and structurally open beneath and no common wall exists, it is logical that the continuity of the fire separation would apply to the slab above the open portion. Each such slab in our projects will have (at least) a 1-hour fire resistance rating, thus maintaining a total fire resistance rating of 2-hours between townhouse interiors.

Further, we believe that the presence or absence of an easement across, under, or through part of the building has no effect on whether the dwelling unit meet the definition of townhouse under the Building Code, per the earlier finding of the Building Commission DS 2014-043, paragraph (12), and also per the townhouse definition in R202, which does not preclude easements.

Finally, we believe that any dwelling unit meeting the definition of townhouse under the Florida Building Code, as clarified by the Building Commission pursuant to this Petition, would be subject to the Florida Building Code, Residential, and not the Florida Building Code, Building.

**DS 2019-078 by Ted Caplow of Grayscale Partners, LLC (cont.):**

Clarification of the correct classification of these projects into the appropriate Building Code, Residential or Building, will have important benefits to these projects and to others, particularly in localities where lot widths and setbacks do not permit a separate driveway outside the building footprint, and where elevation for sea level rise creates an opportunity to use the space beneath the townhouses for parking and/or access.

Mr. Madani provided the following option from the staff:

**Option #2/Staff:**

**Question 1:** Do the dwelling units in Project A meet the definition of *townhouse* under the Florida Building Code?

**Answer:** The answer to Petitioner's question is no. The project in question does not meet the fire separation requirements of Sections R302.1, R302.2 and R302.2.1 of the 6<sup>th</sup> Edition (2017) Florida Building Code, Residential, which require that each townhouse be considered a separate building and be separated by a separate and continuous fire rated wall assembly meeting the requirements of zero clearance from property lines of Section R302.1 for exterior walls.

**Question 2:** Do the dwelling units in Project B meet the definition of *townhouse* under the Florida Building Code?

**Answer:** The answer to Petitioner's question is no. The project in question does not meet the fire separation requirements of Sections R302.1, R302.2 and R302.2.1 of the 6<sup>th</sup> Edition (2017) Florida Building Code, Residential, which require that each townhouse be considered a separate building and be separated by a separate and continuous fire rated wall assembly meeting the requirements of zero clearance from property lines of Section R302.1 for exterior walls.

**Question 3:** Do the dwelling units in Project C meet the definition of *townhouse* under the Florida Building Code?

**Answer:** The answer to Petitioner's question is no. The project in question does not meet the fire separation requirements of Sections R302.1, R302.2 and R302.2.1 of the 6<sup>th</sup> Edition (2017) Florida Building Code, Residential, which require that each townhouse be considered a separate building and be separated by a separate and continuous fire rated wall assembly meeting the requirements of zero clearance from property lines of Section R302.1 for exterior walls.

**DS 2019-078 by Ted Caplow of Grayscale Partners, LLC (cont.):**

**Question 4:** If the answer is yes to one or more of the questions (1-3) above, does it follow that the townhouses in that project are subject to the Florida Building Code, Residential, and therefore not subject to the Florida Building Code, Building?

**Answer:** Since the answers to Questions 1 through 3 are no, the answer to this question is also no. The design and construction of the projects in question are subject to the requirements of 6<sup>th</sup> Edition (2017) Florida Building Code, Building and not the requirements of the 6<sup>th</sup> Edition (2017) Florida Building Code, Residential.

**TAC Comments:**

Mr. Belcher questioned the drawings and whether these townhouses are separated by property lines.

Commissioner Schiffer offered additional information on fire walls and the open spaces shown below the units in the drawings.

**Public Comments:** None

Commissioner Schock entered a motion to accept Option 2, staff analysis as a response. Mr. Belcher seconded the motion. The motion passed unanimously with a vote of 6 to 0.

**To provide comments to the Rule Development Workshop “Rule 61G20-1.001, F.A.C.” of February 11, 2020 for the purpose of reviewing comments received regarding the proposed 7<sup>th</sup> Edition (2020) update to the Florida Building Code.**

**Comments Received:**

Mr. Blair explained the code modification process to the committee members, including the voting process.

Mr. Madani provided detail on reading the chart and the comments that were submitted for each TAC.

Mr. Campbell thanked the TAC members for their attendance at this meeting.

**Comments Received:**

**Gaspar Rodriguez:  
F-EB-Chapter 7-Comment #1**

Mr. Rodriguez provided detail on the requested changes to this section.

**Motion:** Commissioner Schiffer entered a motion to accept the comment as submitted. Mr. Belcher seconded the motion. The motion passed unanimously with a vote of 6 to 0. (AS)

**Bryan Holland:  
F-B-Chapter 6-Comment #1**

Mr. Holland was not present; however Mr. Madani explained the change being requested.

**Motion:** Commissioner Schiffer entered a motion to accept the comment as submitted. Mr. Belcher seconded the motion. The motion passed unanimously with a vote of 6 to 0. (AS)

**Bryan Holland:  
F-B-Chapter 9-Comment #1**

Mr. Holland was not present.

**Motion:** There was no motion entered. Action was No Affirmative Recommendation (NAR).

**Bryan Holland:  
F-B-Chapter 9-Comment #2**

Mr. Holland was not present.

**Motion:** There was no motion entered. Action was No Affirmative Recommendation (NAR).

**Bryan Holland:  
F-B-Chapter 10-Comment #1**

Mr. Holland was not present.

**Motion:** There was no motion entered. Action was No Affirmative Recommendation (NAR).

**Comments Received (cont.):**

**Bryan Holland:  
F-B-Chapter 10-Comment #2**

Mr. Holland was not present.

**Motion:** There was no motion entered. Action was No Affirmative Recommendation (NAR).

**Joe Belcher:  
F/SP-B-Chapter 30-Comment #1**

Mr. Belcher provided detail on the requested changes to this section. He advised that the Special Occupancy TAC deferred this comment to the Fire TAC and voted NAR for the Special Occupancy TAC to hear the Fire TAC decision.

**Motion:** Commissioner Schiffer entered a motion to accept the comment as amended to include 1020.1. Mr. Belcher seconded the motion. The motion passed unanimously with a vote of 6 to 0. (AM)

**Robby Dawson:  
F-B-Chapter 35-Comment #1**

Mr. Dawson was not present; however Mr. Madani explained the change being requested.

**Motion:** Mr. Belcher entered a motion to accept the comment as submitted. Ms. Edwards seconded the motion. The motion passed unanimously with a vote of 6 to 0. (AS)

**Brad Schiffer:  
F-R-Appendix Q-Comment #1**

Commissioner Schiffer provided detail on the requested changes to this section.

**Motion:** Mr. Belcher entered a motion to accept the comment as submitted. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 6 to 0. (AS)

**Comments Received (cont.):**

**Neil Burning:  
F-General-Comment #1**

Proponents were not present.

Mr. Madani explained the document received and the process that has already occurred on many of the modifications listed.

**Combined Public and TAC Comments:**

Chairman Schock stated that he felt moving away from the I Codes as the base document was a mistake and provided what he felt the effect on the State of Florida is going to be. He further stated that the Commission is obligated to follow the law, which he feels they have done. Chairman Schock feels that the proper approach for the coalition at this time is to revise the law or look forward to the next modification cycle as there were no details provided and he does not feel the TAC should re-litigate these modifications. He stated this should receive NAR.

Mr. Belcher requested statistics over the requested modifications.

Mr. Madani provided the data as requested.

Commissioner Schiffer stated he agreed with Chairman Schock's statement on the process. He asked Mr. Madani if he felt this document represents what was totally left behind, or did not adopt.

Mr. Madani stated he did not do a full analysis on the list of numbers (2018 I-Code changes), but he did look at the monographs on each. He provided the statistics of what has been included in the proposed 2020 FBC, those that are overlapping and those that are seismic. He said one third could possibly need to be reviewed.

Mr. Belcher stated that the group that put the list of modifications together (Coalition) will need to provide the proper documentation for the committees to review.

Mr. Campbell stated that the first draft of the 2020 FBC has been circulated to multiple stakeholders, and the Department has a contract with a building official and an engineer to review the draft for gaps. He stated if gaps are identified they would be brought to the committees for review.

**Motion:** There was no motion entered. Action was No Affirmative Recommendation (NAR).



**Staff Comments:**

Mr. Campbell advised the TAC that there will be another opportunity for comments prior to the April Commission meeting. He stated the deadline will be in the early part of March and there is a possible on-site meeting or conference call based on comments received.

**Adjournment:**

Mr. Blair thanked everyone for their participation.

Commissioner Schock entered a motion to adjourn. Mr. Belcher seconded the motion. The meeting adjourned at 1:56 p.m.