

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, August 15, 2025 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23260

- I. Roll Call **(TAB 1)**
- II. Approval of July 18, 2025 Minutes **(TAB 2)**
- III. Approval of Final Order **(TAB 3)**
 - In Re: Andrew Suddarth (David Williams)
Appeal No. 25-04
- IV. Approval of Final Order **(TAB 4)**
 - In Re: Khaleen Monaro
Appeal No. 24-06
- V. Letter from George Karsadi **(TAB 5)**
- VI. Public Comment
- VII. Appeal Hearing **(TAB 6)**
 - In Re: Fairfax County
Appeal No. 24-09
- VIII. Sub-Committee - Code Change Proposal Update/Discussion **(TAB 7)**
 - In Re: Appointment of Code Officials in VCC, VPMC, and SFPC
- IX. Secretary's Report
 - a. September 19, 2025 meeting update
 - b. Legal updates from Board Counsel

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair

(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair

(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler

(Virginia Home Builders Association)

J. Daniel Crigler

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

Alan D. Givens

(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

David V. Hutchins

(Electrical Contractor)

Christina Jackson

(Commonwealth at large)

Joseph A. Kessler, III

(Associated General Contractors)

R. Jonah Margarella, AIA, NCARB, LEED AP

(American Institute of Architects Virginia)

Eric Mays

(Virginia Building and Code Officials Association)

Joanne D. Monday

(Virginia Building Owners and Managers Association)

James S. Moss

(Virginia Building and Code Officials Association)

Elizabeth C. White

(Commonwealth at large)

Aaron Zdinak, PE

(Virginia Society of Professional Engineers)

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**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
July 18, 2025
Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060**

Members Present

Mr. James R. Dawson, Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Mr. David V. Hutchins
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. James S. Moss

Members Absent

Mr. Daniel Crigler
Mr. R. Jonah Margarella
Ms. Joanne Monday
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Elizabeth White
Mr. Aaron Zdinak, PE

Call to Order The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Chair Dawson.

Roll Call The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Review Board from the Attorney General’s Office, was also present.

Approval of Minutes The draft minutes of the May 16, 2025 meeting in the Review Board members’ agenda package were considered. Mr. Butler moved to approve the minutes as presented. The motion was seconded by Mr. Moss and passed with Ms. Jackson and Messrs. Givens and Hutchins abstaining.

Final Order Victor Valdez: Appeal No. 25-03:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order with an editorial change adding the following language at the end of lines 54 and 65.

because appeal rights are limited to building owners pursuant to VSFPC Section 112.5 Application for appeal.

The motion was seconded by Mr. Kessler and passed with Ms. Jackson and Messrs. Givens and Hutchins abstaining.

Public Comment Chair Dawson opened the meeting for public comment. Mr. Luter advised that Jamie Wilks, Madison County Building Official, had

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signed up to speak. After Mr. Wilks spoke and with no one else coming forward, Chair Dawson closed the public comment period.

New Business

Andrew Suddarth (David Williams): Appeal No. 25-04:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to a Notice of Violation – Unsafe Structure issued for the structure located at 1201 Porter Street in the City of Richmond.

The following persons were sworn in and given an opportunity to present testimony:

David Alley, Building Commissioner for the City of Richmond

Also present was:

Andrew Suddarth, Attorney for David Williams (owner)

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Andrew Suddarth (David Williams): Appeal No. 25-04:

After deliberations, Mr. Mays moved to dismiss the case because it was not properly before the Review Board because the structure had been demolished and no relief could be given by the Review Board. The motion was seconded by Ms. Jackson and passed unanimously.

Khaleen Monaro: Appeal No. 25-06:

Note: Mr. Mays recused himself from participation as a Board member in this hearing due to his being the building official for Prince William County and a party to this appeal.

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related a Notice of Violation issued for the structure located at 13959 Oleander Court in Prince William County.

The following persons were sworn in and given an opportunity to present testimony:

Khaleen Monaro, Property Owner

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Eric Mays, Prince William County Building Official

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Khaleen Monaro: Appeal No. 25-06:

Motion #1:

After deliberations, Ms. Jackson moved to uphold the County and local appeals board that a violation of VUSBC Section 108.1.1 *When applications are required* existed and a permit was required for the removal of the lower deck and installation of the new stairs. Ms. Jackson further moved to uphold Notice of Violation BCE2025-00357 issued by the County. The motion was seconded by Mr. Butler and passed unanimously.

Motion #2:

After deliberations, Ms. Jackson moved that the Review Board lacked authority to rescind or remove from public record a document created by a local building official, specifically the letter from Prince William County Building Official to Monaro dated January 22, 2025, due to the state record retention laws. The motion was seconded by Mr. Moss and passed unanimously.

Secretary's Report

Mr. Luter pointed the Review Board members to the copy of Review Board Policy #30 presented in the Review Board members' agenda package. After a brief discussion, Mr. Moss moved to re-adopt Policy #30 as written in compliance with §2.2-3708.3 of the Code of Virginia. The motion was seconded by Mr. Givens and passed unanimously.

Mr. Luter pointed the Review Board members to the copy of Review Board Policy #31 presented in the Review Board members' agenda package. After a brief discussion, Mr. Moss moved to re-adopt Policy #31 as written in compliance with §2.2-3708.3 of the Code of Virginia. The motion was seconded by Mr. Givens and passed unanimously.

Mr. Luter informed the Review Board of the current caseload for the upcoming meeting scheduled for August 15, 2025.

Mr. Bell provided legal updates to the Review Board members.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 1:30 p.m.

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135 Approved: August 15, 2025

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Vice-Chair, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board
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1 VIRGINIA:

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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
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7 IN RE: Appeal of Andrew Suddarth (David Williams)
8 Appeal No. 25-04
9

10 DECISION OF THE REVIEW BOARD
11

12 I. Procedural Background
13

14 The State Building Code Technical Review Board (Review Board) is a Governor-
15 appointed board established to rule on disputes arising from application of regulations of the
16 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
17 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
18 Act (§ 2.2-4000 et seq. of the Code of Virginia).
19

20 II. Case History

21 On October 28, 2024 the City of Richmond Department of Planning and Development
22 Review (City), the agency responsible for the enforcement of Part III of the 2021 Virginia Uniform
23 Statewide Building Code (VUSBC or VMC), inspected the structure located at 1201 Porter Street
24 in the City of Richmond and subsequently issued a Notice of Violation – Unsafe Structure (NOV)
25 on November 18, 2024 to David Williams (Williams), citing the following VMC Section:

26 "Report of Unsafe Conditions

27 106.1 US - Unsafe Structure
28

29 *This section shall apply to existing structures which are classified as unsafe.*
30 *All conditions causing such structures to be classified as unsafe shall be*
31 *remedied or as an alternative to correcting such conditions, the structure*
32 *may be vacated and secured against public entry or demolished. Vacant and*
33 *secured structures shall still be subject to other applicable requirements of*
34 *this code. Notwithstanding the above, when the code official determines that*
35 *an unsafe structure constitutes such a hazard that it should be demolished,*
36 *then the code official shall be permitted to order the demolition of such*

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37 structures in accordance with applicable requirements this code. An
38 existing structure determined by the code official to be dangerous to the
39 health, safety, and welfare of the occupants of the structure or the public
40 because of, but not limited to, any of the following conditions:

- 41 1. The structure contains unsafe equipment;
- 42 2. The structure is so damaged, decayed, dilapidated, structurally
43 unsafe or of such faulty
44 construction or unstable foundation that partial or complete collapse is
45 likely;
- 46 3. The structure is unsecured or opened;
- 47 4. The degree to which the structure is in disrepair or lacks
48 maintenance, ventilation,
49 illumination, sanitary or heating facilities or other essential equipment;
- 50 5. The required plumbing and sanitary facilities are inoperable.”
- 51
- 52

53 Williams filed an appeal to the City of Richmond Local Board of Building Code Appeals
54 (local appeals board). On March 19, 2025, the local appeals board upheld the decision of the code
55 official stating that “*The Local Board of Building Code Appeals determined that the provisions of*
56 *the code were enforced by the Code Official properly*”. On April 8, 2025, Williams, through
57 Andrew Suddarth, legal counsel, further appealed to the Review Board seeking to have the NOV
58 overturned.

59 While initially processing the appeal application, Review Board staff learned that on March
60 24, 2025 the structure located at 1201 Porter Street had been razed and removed; therefore, in
61 accordance with Review Board Policy #9, Review Board staff prepared the case for a preliminary
62 hearing as to whether the appeal is properly before the Board.

63 Appearing at the Review Board meeting for Suddarth was Andrew Suddarth, legal counsel
64 for owner David William. Appearing at the Review Board meeting for the City of Richmond was
65 David Alley, Building Commissioner for the City of Richmond.

66 III. Findings of the Review Board

67 A. Whether the appeal is properly before the Board.

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Suddarth argued that the structure had been demolished and understood that the Review Board would likely not be able to grant relief due to that fact, but he and his client wanted to exhaust all administrative remedies available to them.

The City argued that the structure had been demolished and the case was not properly before the Board.

The Review Board found that because the structure had been demolished no relief could be given by the Review Board; therefore, the appeal should be dismissed as not properly before the Board.

IV. Conclusion

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether the appeal is properly before the Board.

The appeal is dismissed as not properly before the Board because the structure had been demolished; therefore, no relief could be given by the Review Board.

Chair, State Building Code Technical Review Board

Date entered ____ August 15, 2025 ____

As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.”

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As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.” See Rule 2A:2(A) of the Rules of the Supreme Court of Virginia.

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1 VIRGINIA:

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3 BEFORE THE
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD
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7 IN RE: Appeal of Khaleen Monaro
8 Appeal No. 25-06
9

10 DECISION OF THE REVIEW BOARD
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12 I. Procedural Background
13

14 The State Building Code Technical Review Board (Review Board) is a Governor-
15 appointed board established to rule on disputes arising from application of regulations of the
16 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of
17 Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process
18 Act (§ 2.2-4000 et seq. of the Code of Virginia).

19 II. Case History

20 On January 23, 2025, the Prince William County Department of Development Services,
21 Building Development Division (County), the agency responsible for the enforcement of Part 1 of
22 the 2018 Virginia Uniform Statewide Building Code (VUSBC), issued a Notice of Violation
23 (NOV) to Khaleen Monaro (Monaro), for a deck on the property located at 13959 Oleander Ct., in
24 Prince William County, for construction without the required permits citing VUSBC Section
25 108.1.1 When applications are required and providing the following description:

26 *“Construction Without Permit – work done to deck without permits including but*
27 *not limited to stairs.”*

28 Monaro filed an appeal to the Prince William County Building Code Board of Appeals
29 (local appeals board). The local appeals board found that:

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30 *“Based on the testimony, Notice of Violation BCE2025-00357 was properly issued*
31 *and enforceable, and the Board upholds the Building Officials Notice of Violation.”*

32 On April 15, 2025, Monaro further appealed to the Review Board.

33 Appearing at the Review Board meeting for Monaro was Khaleen Monaro. Appearing at
34 the Review Board meeting for Prince William County was Eric Mays, Building Official.

35 III. Findings of the Review Board

36 A. Whether to overturn the decision of the County and the local appeals board that a
37 violation of VUSBC Section 108.1.1 When applications are required exists.

38 B. Whether to overturn Notice of Violation BCE2025-00357 issued by the County and
39 upheld by the local appeals board.

40 Monaro confirmed that the lower deck was demolished, and a new set of stairs were
41 constructed. Monaro argued that the contractor was the responsible party for the cited violations
42 related to the demolition of the lower deck and construction of the new set of stairs from grade to
43 the upper deck. Monaro further argued that she was not the responsible party. Monaro also argued
44 that the demolition of the lower deck did not require a permit as it was less than 16” in height.
45 Monaro further argued that the demolition of the lower deck and construction of the new set of
46 stairs from grade to the upper deck was on the approved plans and part of the swimming pool
47 permit. Lastly, Monaro argued that the county inspectors were aware of the work being performed
48 on the demolition of the lower deck and new set of stairs from grade to the upper deck and that the
49 county inspectors had inspected and approved the demolition of the lower deck and construction
50 of the new set of stairs from grade to the upper deck.

51 The County argued that the demolition of the lower deck and construction of the new set
52 of stairs from grade to the upper deck, was discovered while conducting a property search to
53 provide all permitting information related to the property to the Virginia Department of

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Professional Occupation Regulation, which had requested the information due to the complaint filed by Monaro on the swimming pool contractor. The County confirmed that, pursuant to Prince William County policy, the lower deck did not require a permit as it was less than 16” in height. The County argued that property owners are always the responsible party, especially when there is no contractor involved in a project, such as the case with this property as Monaro fired the pool contractor in mid-2023. The County also argued that the contractor did not apply for a permit for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck; therefore, no permit was issued for this scope of work. The County further argued that the scope of work for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck was not part of the swimming pool permit application or subsequent permit. The County argued that, in Prince William County, all decks require a separate stand-alone permit. The County also argued that no inspections of the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck were performed as no indication to that scope of work was indicated on any inspection reports by any inspectors during the swimming pool inspections.

The Review Board found that a violation of VUSBC Section 108.1.1 *When applications are required* exists and a permit was required for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck based on the photographic evidence in the record along with testimony provided by the County that all decks require a separate permit in Prince William County. The Review Board also found that the Notice of Violation BCE2025-00357 was properly issued by the County.

C. Whether the Review Board has the authority to rescind and direct removal from public record a document created by a local building official.

If so, then:

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D. Whether to rescind and direct removal from public record the Department of Development Services, Building Development Division letter dated January 22, 2025.

Monaro argued that the work performed in the basement, outlined in the January 22, 2025 final determination letter from the County (letter) was performed prior to her purchasing the property. Monaro further argued that the letter was defamatory and inflicted financial harm to her. Monaro also argued that the lack of a final inspection on the work performed in the basement did not constitute an unsafe structure. Lastly, Monaro argued that several inspectors had been in her basement over the years and no unsafe conditions had been cited.

The County argued that the abandon permit, related to the work in the basement, was discovered while conducting a property search to provide all permitting information related to the property to Virginia Department of Professional Occupation Regulation, which requested the information due to the complaint filed by Monaro on the swimming pool contractor. The County accepted the testimony that inspectors had been in her basement for other projects for inspections; however, indicated that the inspectors were not aware of the permit for the unpermitted and inspected work from the abandoned permit of a previous owner at the time of those inspections. The County argued that on April 16, 2014, based on an inspection report, the conditions of the basement at the time of that inspection were unsafe. The County further argued that no inspections were performed after the April 16, 2014 inspections and the permit was abandoned. The County further argued that the current condition of the basement is unknown and Monaro refuses to allow the County to conduct a safety inspection to confirm the current conditions of the basement. The County argued that the lack of permits and inspections for the work in the basement, coupled with the April 16, 2014 inspection report, means that there are potential unsafe conditions. The County argued that, due to having knowledge of unpermitted and uninspected work and potential unsafe conditions, the County had a ministerial duty to

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102 notify the property owner and to make the notice public record. The County argued that the
103 letter from the County was not an application of the code; therefore, the Review Board lacked
104 authority to rule on the letter. The County further argued that the letter is factually correct and
105 free of errors. Lastly, the County argued that based on the state record retention laws, the
106 Review Board could not order a locality to remove or destroy a public record.

107 Both, Monaro and the County, confirmed that the local appeals board heard the matter
108 related to Monaro's request to have the letter rescinded and removed from public record and
109 determined that the local appeals board lacked the authority to rescind and remove the letter from
110 public record; however, failed to memorialize that decision in its final written decision.

111 The Review Board found that that the Review Board lacked authority to rescind or
112 remove from public record a document created by the local building official, specifically the
113 letter from Prince William County Building Official to Monaro dated January 22, 2025 due to
114 the state record retention laws.¹

115 IV. Conclusion

116 The appeal having been given due regard, and for the reasons set out herein, the Review
117 Board orders as follows:

118 A. Whether to overturn the decision of the County and the local appeals board that a
119 violation of VUSBC Section 108.1.1 *When applications are required* exists.

120 B. Whether to overturn Notice of Violation BCE2025-00357 issued by the County and
121 upheld by the local appeals board.

¹ The Review Board declined to make a decision on the contents of the letter from Prince William County Building Official to Monaro dated January 22, 2025, rather the Review Board restrict its decision to whether the Review Board had the authority to rescind and remove from public record the letter from Prince William County Building Official to Monaro dated January 22, 2025. The Review Board also considered remanding the letter to the local appeals board for decision on the contents of the letter from Prince William County Building Official to Monaro dated January 22, 2025 but decided not to do so due to the statute of limitations.

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The decision of the County and local appeals board that a violation of VUSBC Section 108.1.1 *When applications are required* exists, a permit was required for the demolition of the lower deck and construction of the new set of stairs from grade to the upper deck, and the issuance of Notice of Violation BCE2025-00357, is upheld, based on the photographic evidence in the record along with testimony provided by the County that all decks require a separate permit in Prince William County.

C. Whether the Review Board has the authority to rescind and direct removal from public record a document created by a local building official.

If so, then:

D. Whether to rescind and direct removal from public record the Department of Development Services, Building Development Division letter dated January 22, 2025.

The Review Board lacks authority to rescind or remove from public record a document created by the local building official, specifically the letter from Prince William County Building Official to Monaro dated January 22, 2025 due to the state record retention laws.

Vice-Chair, State Building Code Technical Review Board

Date entered ____ August 15, 2025 ____

As required by VCC 119.9: “As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by

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149 filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event
150 that this decision is served on you by mail, three (3) days are added to that period.”

151 As required by Rule 2A:2(C): “Any party appealing from a regulation or case decision
152 shall file with the agency secretary, within 30 days after adoption of the regulation or after service
153 of the final order in the case decision, a notice of appeal signed by the appealing party or that
154 party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall
155 be the date of publication in the Register of Regulations. In the event that a case decision is
156 required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days
157 shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent
158 by registered or certified mail to the party's last address known to the agency.” See Rule 2A:2(A)
159 of the Rules of the Supreme Court of Virginia.

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GLK Construction Services Inc.

8307 Sabine St.
Alexandria, VA 22309
703.626.5262

July 22nd 2025

State Building Code Technical Review Board

GLK Construction Services Inc.
Re: Appeal No. 24-09

To whom it may concern,

I am writing this letter to you to complain about the homeowner (Mrs Cruttenden) who resides at 8418 Masters Court Alexandria, VA 22308.

I am in receipt of a mandated corrective work order dated May 16th 2025 by the State Technical Review Board that pertains to the outcome of the appeal hearing. It stated that I must comply with the outcome of the Corrective Work Order from the county that had a number of violations cited in it. The Findings of the Board has arguments for and arguments against every line item up for discussion. At the end of the decision, in Part IV Conclusion (G), it states "the review board grants the 90 day extension from the date of the final work order to correct items #3, 4, 6, 9, 10 and 11."

When I did some simple math I concluded that the 90 days would be up on August 14th. I thought that the work needed to be completed by August 14th and not started. Is that correct? If so I then realized I take the first two weeks off in August (August 1st-14th) and I will need to do the repairs before then in July. I mentioned to the county in a phone call with the supervisor inspector (Don Weyant) that I would be at 8418 Masters Court mid to end of July. I subsequently had a phone conversation, a couple of weeks after the appeal hearing with the Fairfax County attorney (Mr. Folz,) the County code compliance officer (Mrs. Smarr) and County Supervisor (Don Weyant). We discussed how I was going to rectify every line item that was on the corrective work order, to the detail of code compliance approval, and it was discussed by the parties mentioned on a group chat and agreed to by all and we moved forward. The county officials and I knew what I was going to do we just did not know when until I mentioned it to the County Supervisor a few weeks ago.

Fast forward to last Thursday July 17th 2025, I informed Mrs Cruttenden that I was planning on coming out to her property on Monday July 21st or even Friday July 18th if that would work for her. Along with letting her know when I was planning on starting, I sent her a zero sum proposal and contract that would anchor the corrective work order and bring the homeowner and I into compliance with the DPOR. To refresh your memory, there was never a signed contract given back to me for the initial work, and since I was fined by the DPOR for not having a signed contract, I wanted to have a signed contract for this new

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July 22, 2025

Page 2

work order. I think that is warranted and fair on my part. The DPOR looked over my proposal and contract when the homeowner filed a complaint against me with the DPOR and they concluded the proposal and contract met their requirements and I could continue to use them without anything to change. My proposal states that I would bring the current deck up to code compliance with Fairfax County deck code. Including this statement in my contract covers the CWO and the Review decision by the board. My contract is the same contract I used with Mrs Cruttenden before, that she did not sign and return to me. There were no surprises and the only change was that the cost to complete the CWO was zero and that the deck would be to code.

Mrs Cruttenden refused to sign my contract and said I was not allowed back onto the property unless she has a "walkthrough" with everybody and then she demanded I change all the language in my contract to read what she wants it to read and write in every violation and how the repair will be done for every violation "before" I can step onto her property to perform the final order that the board sent me. She is impeding my work. To the best of my knowledge and a final review of the order from the State Review Board, I was not instructed to do a walkthrough with the homeowner. I also did not see in the order that I had to comply with a list of demands from the homeowner above and beyond the work order before I can start.

I requested a 90-day extension at the meeting and the homeowner did not object. If she had demands and personal expectations she should of brought it up in the May 16th meeting and have it part of the conclusion. She did not have anything to add and she remained silent. When it came to having to formally inform the homeowner of when I would start work or how I would do my work, she did not ask for that either. I contend that if there is no requirement of me then I am not legally obligated to comply with her personal expectations or anything beyond the written order. Correct?

In conclusion, I had allotted this time period of July to comply with the work order and get the final inspection before I go on vacation in August. With Mrs Cruttenden blocking me from completing my obligation, I am formally informing you that I will not be able to comply with the May 16th 2025 board review letter and the upcoming August 14th 2025 due date.

I must mention and the Board must consider action against Mrs. Cruttenden for impeding and obstructing a board-mandated order. How can I comply if I cannot enter the property to comply? The board must allow me access to the property at once to rectify the violations. The board must grant me a waiver or permissible access stating that I am instructed and allowed on the property to conduct the work without fear of being arrested for trespassing.

One must keep in mind the appeal hearing was between the county and I, not the homeowner. Mrs Cruttenden was invited by the county to speak her part, but she is not part of the appeal, she is an observer. My communication on how to resolve the situation is between the county and I. I worked with the county to come up with a strategy and complied and coordinated with them. That is what I am required to do. I did that perfectly and I am still working with the county to comply. The county could have informed the homeowner of the agreement the county and I have but they chose not to. That is not my responsibility. To sum up, Mrs Cruttenden keeps obstructing the process and making

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July 22, 2025

Page 3

demands she cannot make. She did this with the final inspections and demanded things that were not needed by code. This is borderline harassment with a hint of criminality. Due to Mrs Cruttendens actions I am asking the following;

1. The board must inform Mrs Cruttenden that she is in violation and her personal demands are not part of the board review conclusion. Mrs Cruttenden must step aside and let the contractor complete the CWO unimpeded. The Board must inform Mrs Cruttenden the contractor is not required to do anything beyond the CWO.
2. Mrs Cruttenden or the board can remove me as the contractor of record and have another individual or company do the work order if we are at an impasse.
3. The board must grant me an extension of 60 days to complete the work order due to no fault of my own.

Thank you for considering my reasonable requests. I believe I have been transparent and eager to comply with the Board and I trust you can see my efforts and will help me resolve this matter in a timely manner.

Sincerely,



George Karsadi

Owner/President

GLK Construction Services Inc.

8307 Sabine St. Alexandria, VA 22309

Phone: 703-626-5262 Email: gkarsadi@cox.net

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
 Appeal No. 25-09

CONTENTS

<u>Section</u>	<u>Page No.</u>
Review Board Staff Document	43
Basic Documents	47
Documents Submitted by Fairfax County	57
Documents Submitted by Campbell Code Consultants	117
April, 2025 LBBCA Meeting Transcript	151

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
Appeal No. 25-09

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On February 14, 2025, the Fairfax County Department of Land Development Services (County), the agency responsible for the enforcement of Part 1 of the 2021 Virginia Uniform Statewide Building Code (VUSBC), denied a permit/plan review for BLDC-2024-00163 pertaining to the design of the project known as Eastgate Mixed Use submitted by Campbell Code Consulting (Campbell) which had only one exit. The determination of the County was that two exits were required due exit remoteness pursuant to VCC Section 1007.1.1 *Two exits or exit access doorways*.

2. Campbell filed an appeal to the Fairfax County Building Code Board of Appeals (local appeals board). The local appeals board “*approved*” the appeal finding that:

- a) *“The floor plan associated with the subject proposed apartment building satisfies the requirements of the subject code as to required means of egress afforded to the occupants of each dwelling unit.*
- b) *The specific provisions of the subject code include a number of prescriptive provisions that are subject to interpretation and subsequently their application to the subject building will result in differences of opinion as to a code-compliant means of egress arrangement on each floor of the building.*
- c) *The interpretation of those provisions by the appellant and their application to the subject apartment building was shown to be consistent with similar structures previously permitted and approved by Land Development Services.”*

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3. On May 6, 2025, the County further appealed to the Review Board asking the Review Board to vacate the local appeals board decision and uphold the decision of the County.

4. This staff document, along with a copy of all documents submitted, will be sent to the parties and opportunity given for the submittal of additions, corrections, or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County and overturn the decision of the local appeals board that a violation of VCC Section 1007.1.1 *Two exits or exit access doorways* exists in the design of Eastgate Mixed Use.

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Basic Documents

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Attachment 1: Building Official Decision

Chris Campbell

From: Riat, Jay <Jay.Riat@fairfaxcounty.gov>
Sent: Friday, February 14, 2025 4:33 PM
To: Chris Campbell
Cc: Nguyen, Tuong; Willham, Dan; Keith Kobin; Kacey Huntington
Subject: RE: [EXTERNAL]Potential Board of Appeals Matter

Chris,

Thank you for your patience while I reviewed this further with our team. I appreciate the detailed explanation and your point of view. The design occupant load when analyzing the space that includes the four units is 20. If this were the limits of the building then all spaces would have been considered and only a single exit would be required and remoteness would be a nonissue. Given the actual configuration of the building/spaces for this project, any and all spaces must meet the same requirement to allow a single exit/exit access. The design occupant load when considering a space that includes the fifth unit in addition to the four exceeds 20. This configuration of space would require two exits or exit access doorways which must meet the remoteness requirements of 1007.1.1. The analysis for compliance with 1006.2.1 does not stop here. We would then consider the sixth unit and so on. The language of the code section 1006.2.1 states "Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. You state in your write up that the county cannot arbitrarily pick a "space" since space is not defined. However, picking the four units as a space for a single point of analysis would actually be arbitrarily picking a "space" for analysis. Since Section 1006.2.1 specifically refers to "any space", the space including the five dwelling units is a valid space for analysis.

You also state that VCC 1006.2.1 Exception 3 allows one means of egress within and from dwelling units with less than 20 occupants. However, your statement left out the word "individual"; the code language reads "within and from individual dwelling units with a maximum occupant load of 20". Therefore, this only applies to the door between each individual dwelling unit and the corridor. It does not apply to a cluster of dwelling units that share a means of egress.

At this point your analysis should be done from any and all spaces as the code requires or provide a code path on how we can limit our analysis for the number of exits to the four units you have picked.

Where two or more exits are required, please see the code section below for their required remoteness.

1007.1.1 Two exits or exit access doorways.

Where two *exits*, *exit access doorways*, *exit access stairways* or *ramps*, or any combination thereof, are required from any portion of the *exit access*, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or *scissor stairways* shall be counted as one *exit stairway*.

Exceptions:

1. 1.Where interior *exit stairways* or *ramps* are interconnected by a 1-hour fire-resistance-rated *corridor* conforming to the requirements of [Section 1020](#), the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. 2.Where a *building* is equipped throughout with an automatic sprinkler system in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#), the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

Thanks.

Kind regards,

Jay S. Riat P.E., PMP, CBO

Director, Building Division

Building Official

Land Development Services, Fairfax County Government

Phone 703-324-1017 **Mobile** 703-609-0856

Web www.fairfaxcounty.gov/landdevelopment

Email Jay.Riat@fairfaxcounty.gov

12055 Government Center Pkwy – Suite 322

Fairfax, VA 22035-5500



Quick Links to help you navigate Land Development Services (LDS):

- [LDS Permit Library](#) – Access guides to navigate every record type in PLUS.
- [Letters to Industry](#) – Subscribe for LDS announcements, notices, and tech bulletins.
- [Meet With Staff](#) – Find a staff member to help you with the permit process.

From: Chris Campbell <chris@campbellcodeconsulting.com>

Sent: Monday, December 23, 2024 11:36 AM

To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>

Cc: Nguyen, Tuong <Tuong.Nguyen@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>; Keith Kobin <KKobin@HCM2.com>; Kacey Huntington <khuntington@HCM2.com>

Subject: [EXTERNAL]Potential Board of Appeals Matter

CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE OF FAIRFAX COUNTY GOVERNMENT. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Hi Jay,

I hope you are doing well and enjoying the holiday season so far.

I wanted to bring to your attention a permit review matter that our Client may end up taking to the Board of Appeals.

The project is called “Eastgate Mixed-Use” and is in for permit as BLDC-2024-00163. I’ve also attached a more detailed writeup explain the technical issue.

Quick recap of the situation to date:

1. Tuong Nguyen made a plan review comment regarding exit remoteness from one corner of the building.
2. The design team scheduled a call with Tuong and Dan Willham to discuss the comment. Our position was the design was compliant as submitted, citing the fact that exit remoteness is only

required when two exits are required, and that two exits are not required in this scenario. Tuong and Dan disagreed and stated that the unit entry door near the corridor intersection was too close to the corridor intersection point.

3. The design team moved the door to be further east and now past the corridor intersection point, hoping this would make the County more comfortable with the proposed arrangement.
4. We then submitted an ICC staff opinion request (see attached). Chris Reeves from the ICC agreed that our revised design was compliant.
5. We forwarded this revised design and ICC opinion to Tuong and Dan. Both said they still did not agree. Dan suggested I get another ICC staff opinion from Kim Paarlberg.
6. We sent the design to Kim Paarlberg at the ICC, and she agreed that the design was compliant. Dan responded that this still does not resolve his concerns.

So our current situation is that we have the architect, myself and two different ICC staff members who believe that revised design is code compliant, but we still have an outstanding permit review comment. After talking over the situation with the building owner, they are highly considering taking this matter to the Board of Appeals. Before going through that effort though, we wanted to bring this to your attention and ask if you could review the situation? I have already informed Dan that the building owner is considering this path.

Thanks in advance for any assistance you can offer.

Regards,

Chris

Chris Campbell, PE
Campbell Code Consulting



Phone 410.929.5242
Web www.campbellcodeconsulting.com
Email chris@campbellcodeconsulting.com

Need to chat? Book a meeting with me [here](#).
 Check out the latest discussions at www.buildingcode.blog

Foltz, Patrick

From: Kratzer, Kyle
Sent: Tuesday, April 15, 2025 3:03 PM
To: Willham, Dan; Foltz, Patrick
Cc: Riat, Jay
Subject: CDAPPL-2025-00004 Appeal Resolution
Attachments: Complete_with_Docusign_Appeal_2025-00004_Joh.pdf

Hi Dan,

Attached is a signed copy of the appeal resolution. Please let me know if you have any questions.

Thanks,

Kyle

Quick Links to help you navigate Land Development Services (LDS):

- [LDS Permit Library](#) – Access guides to navigate every record type in PLUS.
- [Letters to Industry](#) – Subscribe for LDS announcements, notices, and tech bulletins.
- [Meet With Staff](#) – Find a staff member to help you with the permit process.

Kyle Kratzer (he/him/his)

Code Specialist III

Land Development Services, Fairfax County Government

Phone 703-324-1516

Web www.fairfaxcounty.gov/landdevelopment

Email Kyle.Kratzer@fairfaxcounty.gov

12055 Government Center Pkwy – Suite 326

Fairfax, VA 22035-5500



RESOLUTION

WHEREAS the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Virginia Construction Code/2018 Edition.

and

WHEREAS an appeal has been timely filed and brought to the attention of the Board; and
WHEREAS a hearing has been duly held to consider the aforementioned appeal; and
WHEREAS, the Board has fully deliberated this matter; now, therefore, be it

RESOLVED, that the matter of

Appeal No. CDAPPL-2025-00004

In RE: Fairfax County, Land Development Services v. Chris Cambell

The appeal is hereby **Approved** (vote of 3-0-0 chairman not voting) for the reasons set out below.

1. The floor plan associated with the subject proposed apartment building satisfies the requirements of the subject code as to required means of egress afforded to the occupants of each dwelling unit.
2. The specific provisions of the subject code include a number of prescriptive provisions that are subject to interpretation and subsequently their application to the subject building will result in differences of opinion as to a code-compliant means of egress arrangement on each floor of the building.
3. The interpretation of those provisions by the appellant and their application to the subject apartment building was shown to be consistent with similar structures previously permitted and approved by Land Development Services.

FURTHER, be it known that:

1. This decision is solely for this case and its surrounding circumstances.
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear.

Date: April 11, 2025

Signature:

Signed by:

Dave Conover

0DFFDB519E374A1

Chairman, Board of Building Code Appeals

Note: Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219 or by calling 804.371.7150.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- ☐ Uniform Statewide Building Code
- ☒ Virginia Construction Code
- ☐ Virginia Existing Building Code
- ☐ Virginia Maintenance Code
- ☐ Statewide Fire Prevention Code
- ☐ Industrialized Building Safety Regulations
- ☐ Amusement Device Regulations

RECEIVED

May 6 2025

WTZ

OFFICE OF THE REVIEW BOARD

Appealing Party Information (name, address, telephone number and email address):

Jay Riat, Fairfax County Building Official 12055 Government Center Pkwy - Suite 322

Phone (703) 324 1017

Fairfax, VA 22035

Fax: 703 324 2665

Email Jay.riat@fairfaxcounty.gov

Care of: Patrick V. Foltz, Assistant County Attorney 703 324 2421, pfoltz@fairfaxcounty.gov

Opposing Party Information (name, address, telephone number and email address of all other parties):

Chris Campbell, Campbell Code Consultants

7834 Taggart Court

Elkridge, MD 21075 Phone: 410 259 1246 Email: chris@campbellcodeconsulting.com

Additional Information (required by the applicable code to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of the decision of local government appeals board (if applicable)

Additional Information (to be submitted with this application)

- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of May, 2025, a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signed by:

Jay Riat

Signature of Applicant: _____

FCDAF24AB966414...

Name of Applicant: Jay Riat, Building Official

(please print or type)



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

May 6, 2025

FOR SETTLEMENT PURPOSES ONLY

BY EMAIL

Travis Luter, Secretary
Technical Review Board
Travis.luter@dhcd.virginia.gov

**RE: Appeal from the Fairfax County Local Board of Building Code Appeals
4221 John Marr Drive (East Gate)
CDAPPL-2025-0004**

Mr. Luter,

My name is Patrick Foltz and I represent Jay Riat, the Building Official for Fairfax County. I am writing to appeal the decision of the Technical Review Board by order delivered on April 15, 2025 (enclosed).

This case concerns the proper number of exits required by the VCC. On February 14, 2025, the Building Official issued an opinion to Christopher Campbell, of Campbell Code Consulting, regarding the remoteness required by VCC Section 1007.1.1. The Building Official opined as follows:


- 1) Given the specific configuration of the East Gate plan, all spaces served by a proposed single exit/exit access must meet the single exit provisions of the code, which include limits to both occupant load and common path of travel distance.
- 2) In the East Gate plan, considering a space that includes five units and one proposed exit/exit access, the design occupant load exceeds 20 and requires two exits which must meet the remoteness requirements of Section 1007.1.1.
- 3) That, in the context of the review of this specific plan, the five-unit space is a proper method to analyze the load and remoteness requirement for the East Gate plan.
- 4) That Section 1006.2.1 Exception 3 does not apply to a cluster of dwelling units that share a means of egress.

Mr. Campbell timely appealed this decision to the Local Board of Building Code Appeals for Fairfax County ("LBBCA"). After considering the evidence and arguments, the LBBCA voted to uphold the appeal.

The LBBCA cited three reasons for its decision. First, the LBBCA generally concluded that the floor plan satisfied the requirements of the code as to required means of egress. Second, the LBBCA held that the Code was “prescriptive” and “subject to interpretation” thus inevitably leading to “differences in opinion as to a code-compliant means of egress.” Finally, the LBBCA held the proposed floor plan “similar structures previously permitted an approved by Land Development Services” without determining whether those designs *actually met the requirements of the Code*. None of these rationales address or apply the remoteness requirements or space analysis as contained in the Code.

Accordingly, the Building Official requests that the Technical Review Board accept this appeal, vacate the decision of the LBBCA, and uphold the decision of the Building Official. I can be reached at the above contact information or by email at Patrick.foltz@fairfaxcounty.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick V. Foltz', with a stylized flourish extending from the end.

Patrick V. Foltz

Documents Submitted
By
Fairfax County

(Page left blank intentionally)

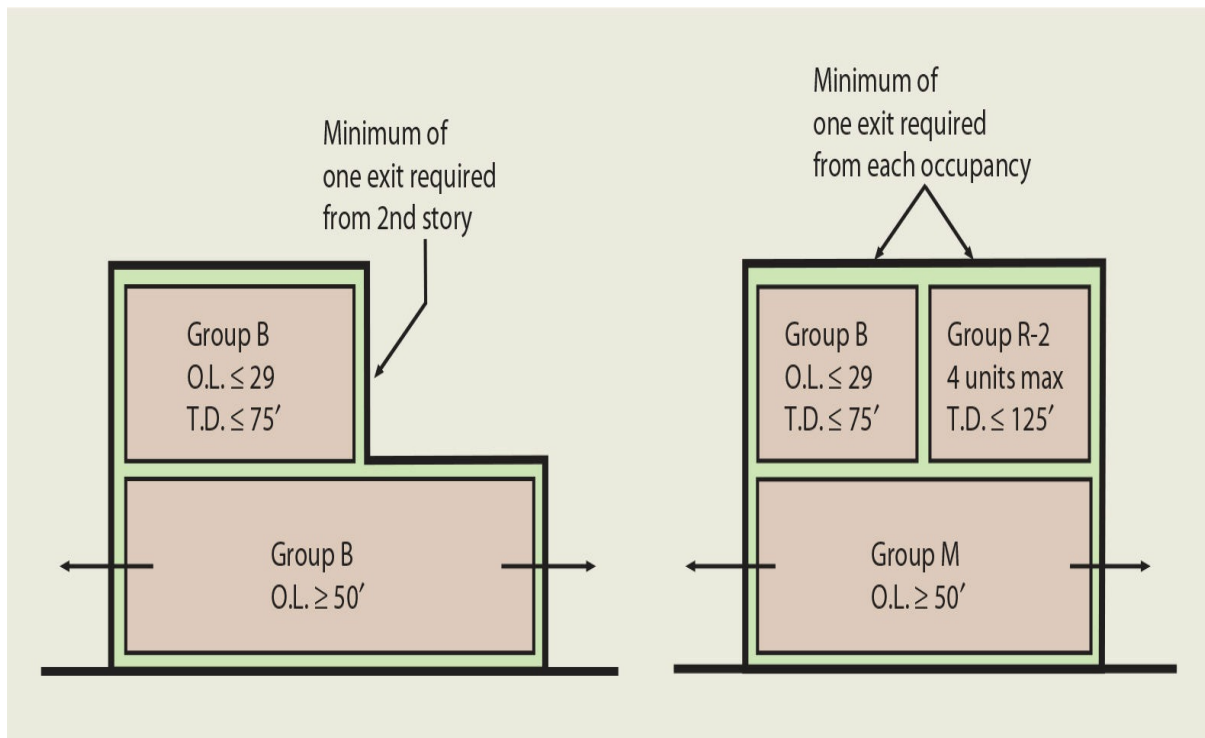
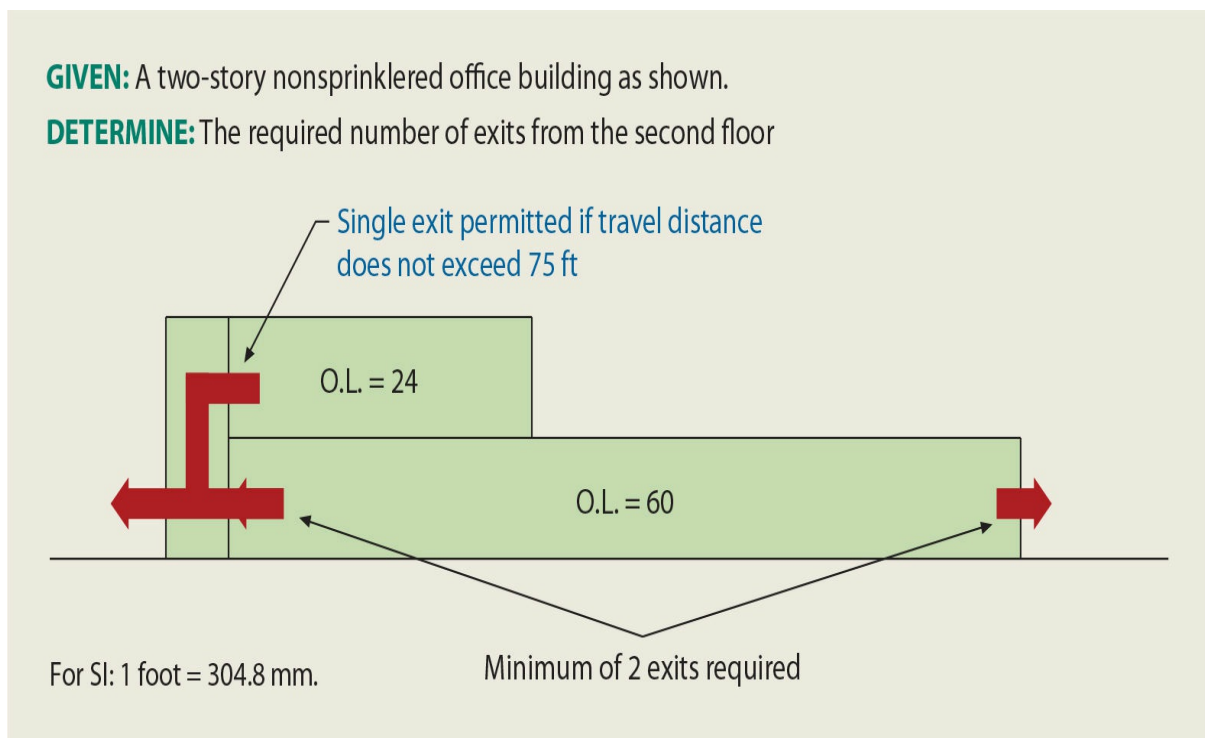


Figure 1006-5 Stories with one exit examples.



Application Example 1006-4

Section 1007 *Exit and Exit Access Doorway Configuration*

In addition to providing multiple means of egress, it is imperative that egress paths remain

available and usable. To ensure that the required egress is sufficiently remote, the code imposes rather strict requirements relative to the location or arrangement of the different required exits or exit access doorways with respect to each other. The purpose here is to do all that is reasonably possible to ensure that if one means of egress should become obstructed, the others will remain available and will be usable by the building occupants. As a corollary, this approach assumes that because the remaining means of egress are still available, there will be sufficient time for the building occupants to use them to evacuate the building or the building space.

1007.1.1 Two exits or exit access doorways. This remoteness rule in the IBC is sometimes referred to as the one-half diagonal rule. The one-half diagonal rule states that if two exits or exit access doorways are required, they shall be arranged and placed a distance apart equal to or greater than one-half of the maximum overall diagonal of the space, room, story, or building served. Such a minimum distance between the two means of egress, measured in a straight line, shall not be less than one-half of that maximum overall diagonal dimension. See Figure 1007-1 for examples of the application of this rule. It should be noted that, by definition, the term *exit access doorway* includes any point of egress where the occupant has a single access point that must be reached prior to continued travel to the egress door. See Figure 1007-2.

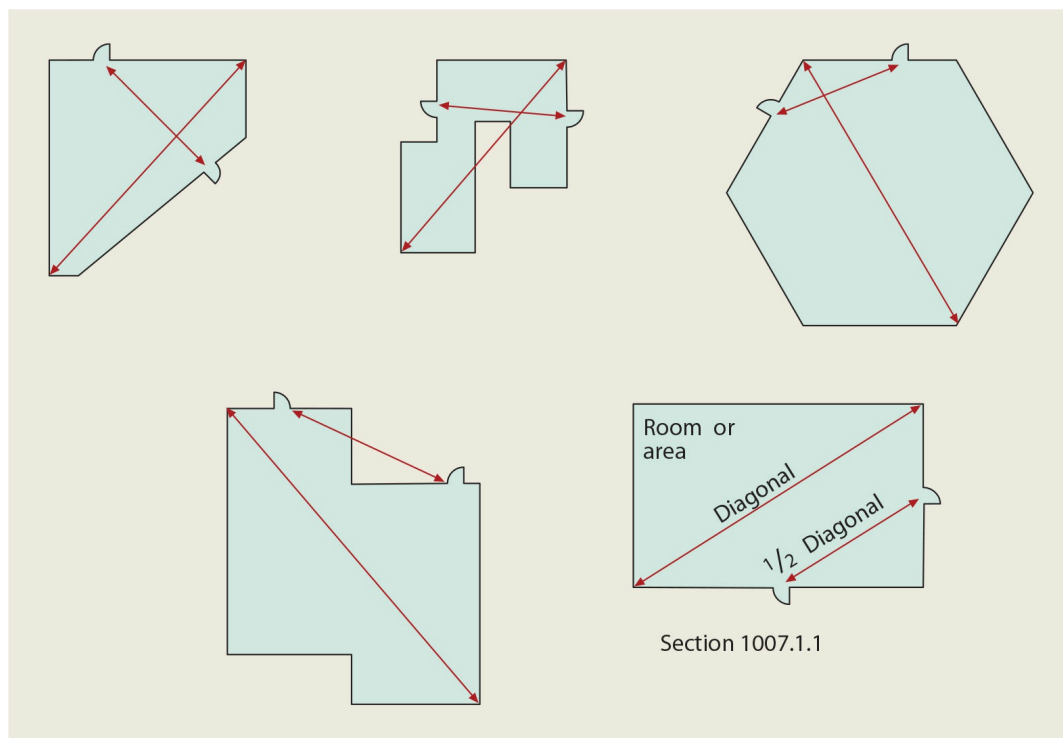


Figure 1007-1 Separation of exits or exit-access doorways.

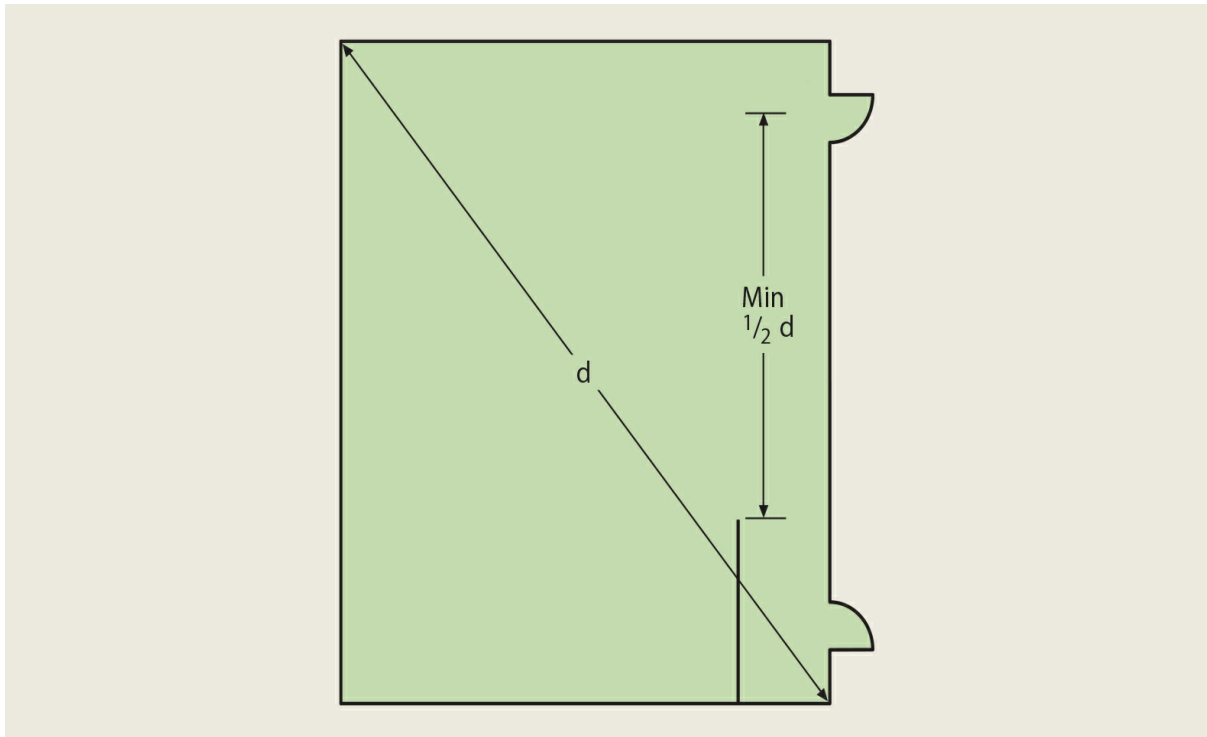


Figure 1007-2 Egress separation.

The use of the one-half diagonal rule has been beneficial to code users for many years. It quantifies the code's intent when the code requires that separate means of egress be remote. It does not leave the building official with a vague performance-type statement that can, in many instances, result in a situation where egress separation would be dictated more by the design or desired layout of the building rather than by a consideration for adequate and safe separation of the means of egress.

In applying the one-half diagonal rule to a building constructed around a central court with an egress system consisting of an open balcony that extends around the perimeter of the court, it is important to take the measurement of the diagonal from which the one-half diagonal dimension is derived at the proper locations. Refer to [Figure 1007-3](#) for examples.

CDAPPL-2025-00004
4221 John Marr Drive
Appellant Submission



Record Summary Report

Record No.: CDAPPL-2025-00004
Date: 2/25/2025 3:08:26 PM

Code Appeal

Record Summary

Record Number: CDAPPL-2025-00004 **Submittal Date:** 02/25/2025 **Issue Date:** 02/25/2025
Type: Code Appeal **Expiration Date:**
Project Name: Eastgate Mixed Use Apartments **Project Description:** New 6 story residential apartment building

Contact

Contact Type: Applicant
Full Name: Chris Campbell
Organization Name: **Email:** chris@campbellcodeconsulting.co Primary Number: 4102591246
Secondary Number:

Contact Address: 7834 TAGGART CT, ELKRIDGE MD 21075

Address

Premise Address: 4221 JOHN MARR DR
ANNANDALE, VA 22003



Record Summary Report

Record No.: CDA PPL-2025-00004
Date: 2/25/2025 3:08:26 PM

Parcel										
PARCEL NBR	LOT	BLOCK	SUBDIVISION	TOWNSHIP	RANGE	SECTION	LAND VALUE	IMP VALUE	AREA	PRIMARY
0711010103A3	0711 01	0103A3							520.00	Y
LEGAL DESCRIPTION: MICHAEL DEVL P CORP LOT 3 RESIDENTIAL COMPONENT OF 0711T01 0103A3										
Owner										



Record Summary Report

Record No.: CDA PPL-2025-00004
Date: 2/25/2025 3:08:26 PM

Application Specific Info

CODE APPEAL INFORMATION

Notice of Violation?: No
Is there a related record that you are appealing?: No
Appealed Code Deficiency Identified By: Tuong Nguyen
Code Edition: 2018 Virginia Construction Code
Design Deficiency Appealed: Single Exit/Exit Remoteness (See attached appeal)
Decision Rendered By: Building Official
Date of Decision: 02/14/2025

OWNERS AGENT

Owner Agent: No

Application Specific Info Tables

GEOGRAPHIC INFORMATION



Record Summary Report

Record No.: CDA PPL-2025-00004
Date: 2/25/2025 3:08:26 PM

Parcel Number	Attribute Name	Attribute Value	Last Refreshed On	Source
0711 01 0103A3	ZONING DISTRICT	PRM	02/25/2025	BLD.GISMGR.ZONING
0711 01 0103A3	FLOODPLAIN	NO	02/25/2025	BLD.GISMGR.FLOOD_PLAIN_RECORD
0711 01 0103A3	WATERSHED MANAGEMENT PLAN 100YEAR FLOODPLAIN	NO	02/25/2025	BLD.STWMGR.WATERSHED_MGMT_PLAN_FLOODPLAIN
0711 01 0103A3	ESTIMATED 70AC FLOODPLAIN	NO	02/25/2025	BLD.STWMGR.ESTIMATED_FLOODPLAIN_70AC
0711 01 0103A3	RESOURCE PROTECTION AREAS (CHESAPEAKE BAY PRES. AREA)	NO	02/25/2025	BLD.STWMGR.CHESAPEAKE_BAY_PRESERVATION_AREA
0711 01 0103A3	CONSERVATION EASEMENTS	NO	02/25/2025	BLD.GISMGR.EASEMENT



Record Summary Report

Record No.: CDA PPL-2025-00004
Date: 2/25/2025 3:08:26 PM

0711 01 0103A3	WATERSHED S	Cameron Run	02/25/2025	BLD.STWMG R.WATERSH EDS_WMP
0711 01 0103A3	SEWERSHED S	CAMERON RUN	02/25/2025	BLD.WWMM GR.SEWERS HED
0711 01 0103A3	OVERLAY DISTRICTS	COMMERCIA L DEVELOPME NT;HIGHWA Y CORRIDOR;S IGN CONTROL	02/25/2025	BLD.GISMGR .OVERLAY_D ISTRICTS
0711 01 0103A3	SOILS (2018)	95	02/25/2025	BLD.NVSWC DMGR.SOIL_ LINES
0711 01 0103A3	REVIEW JURISDICTI ON	Fairfax County	02/25/2025	BLD.SEWER_ REVIEW_AR EAS
0711 01 0103A3	ASBESTOS SOILS	NO	02/25/2025	BLD.NVSWC DMGR.ASBE STOS_SOIL
0711 01 0103A3	ZONING CASE	RZ-2023-MA- 00001;FDP- 2023-MA- 00001;SE- 2008-MA- 011	02/25/2025	BLD.ZONING _CASE



Record Summary Report

Record No.: CDA PPL-2025-00004
Date: 2/25/2025 3:08:26 PM

0711 01 0103A3	PROFFERS OR DEVELOPME NT CONDITION S	YES	02/25/2025	BLD.PLUS_Z ONING_APP LICATIONS
0711 01 0103A3	COMMERCIA L REVITALIZA TION DISTRICTS	ANNANDALE ,DISTRICT	02/25/2025	BLD.HCDMG R.COMMERC IAL_REVIT_ POLYS1
0711 01 0103A3	LDS CROSS CONNECTIO N INSPECTION AREAS	XC7	02/25/2025	BLD.LDSAM GR.CROSS_C ONN_INSPE CTION_ARE AS
0711 01 0103A3	EASEMENT TYPE	SANITARY SEWER	02/25/2025	BLD.GISMGR .EASEMENTS
0711 01 0103A3	EASEMENT TYPE CAT	STORM DRAINAGE/ STORMWAT ER MANAGMEN T	02/25/2025	BLD.STWMG R.STW_EASE MENT_POLY GONS
0711 01 0103A3	SEWER/SEP TIC		02/25/2025	APO-Parcel



Record Summary Report

Record No.: CDA PPL-2025-00004
Date: 2/25/2025 3:08:26 PM

0711 01 0103A3	LEGAL DESCRIPTIO N	MICHAEL DEVL P CORP LOT 3 RESIDENTIA L COMPONENT OF 0711T01 0103A3	02/25/2025	APO-Parcel
0711 01 0103A3	PUBLIC/WEL L		02/25/2025	APO-Parcel

Workflow

TASK	STATUS	STATUS DATE	ACTION BY	ASSIGN DATE	ASSIGN TO	COMMENTS
------	--------	-------------	-----------	-------------	-----------	----------

2/25/2025

- Application Submittal
- Prepare for Hearing
- Hearing
- Close Out

Documents

DOCUMENT	CATEGORY	DESCRIPTION	STATUS	UPLOAD DATE
2025-02-25 Eastgate Mixed Used Appeal-Compiled.pdf	Supporting Document		Uploaded	2/25/2025 3:05:55 PM
Attachment 1 Building Official Decision.pdf	Notice of Violation		Uploaded	2/25/2025 3:06:38 PM

Attachment 1: Building Official Decision

Chris Campbell

From: Riat, Jay <Jay.Riat@fairfaxcounty.gov>
Sent: Friday, February 14, 2025 4:33 PM
To: Chris Campbell
Cc: Nguyen, Tuong; Willham, Dan; Keith Kobin; Kacey Huntington
Subject: RE: [EXTERNAL]Potential Board of Appeals Matter

Chris,

Thank you for your patience while I reviewed this further with our team. I appreciate the detailed explanation and your point of view. The design occupant load when analyzing the space that includes the four units is 20. If this were the limits of the building then all spaces would have been considered and only a single exit would be required and remoteness would be a nonissue. Given the actual configuration of the building/spaces for this project, any and all spaces must meet the same requirement to allow a single exit/exit access. The design occupant load when considering a space that includes the fifth unit in addition to the four exceeds 20. This configuration of space would require two exits or exit access doorways which must meet the remoteness requirements of 1007.1.1. The analysis for compliance with 1006.2.1 does not stop here. We would then consider the sixth unit and so on. The language of the code section 1006.2.1 states "Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. You state in your write up that the county cannot arbitrarily pick a "space" since space is not defined. However, picking the four units as a space for a single point of analysis would actually be arbitrarily picking a "space" for analysis. Since Section 1006.2.1 specifically refers to "any space", the space including the five dwelling units is a valid space for analysis.

You also state that VCC 1006.2.1 Exception 3 allows one means of egress within and from dwelling units with less than 20 occupants. However, your statement left out the word "individual"; the code language reads "within and from individual dwelling units with a maximum occupant load of 20". Therefore, this only applies to the door between each individual dwelling unit and the corridor. It does not apply to a cluster of dwelling units that share a means of egress.

At this point your analysis should be done from any and all spaces as the code requires or provide a code path on how we can limit our analysis for the number of exits to the four units you have picked.

Where two or more exits are required, please see the code section below for their required remoteness.

1007.1.1 Two exits or exit access doorways.

Where two *exits*, *exit access doorways*, *exit access stairways* or *ramps*, or any combination thereof, are required from any portion of the *exit access*, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or *scissor stairways* shall be counted as one *exit stairway*.

Exceptions:

1. 1.Where interior *exit stairways* or *ramps* are interconnected by a 1-hour fire-resistance-rated *corridor* conforming to the requirements of [Section 1020](#), the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. 2.Where a *building* is equipped throughout with an automatic sprinkler system in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#), the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

Thanks.

Kind regards,

Jay S. Riat P.E., PMP, CBO

Director, Building Division

Building Official

Land Development Services, Fairfax County Government

Phone 703-324-1017 **Mobile** 703-609-0856

Web www.fairfaxcounty.gov/landdevelopment

Email Jay.Riat@fairfaxcounty.gov

12055 Government Center Pkwy – Suite 322

Fairfax, VA 22035-5500



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- [LDS Permit Library](#) – Access guides to navigate every record type in PLUS.
- [Letters to Industry](#) – Subscribe for LDS announcements, notices, and tech bulletins.
- [Meet With Staff](#) – Find a staff member to help you with the permit process.

From: Chris Campbell <chris@campbellcodeconsulting.com>

Sent: Monday, December 23, 2024 11:36 AM

To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>

Cc: Nguyen, Tuong <Tuong.Nguyen@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>; Keith Kobin <KKobin@HCM2.com>; Kacey Huntington <khuntington@HCM2.com>

Subject: [EXTERNAL]Potential Board of Appeals Matter

CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE OF FAIRFAX COUNTY GOVERNMENT. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Hi Jay,

I hope you are doing well and enjoying the holiday season so far.

I wanted to bring to your attention a permit review matter that our Client may end up taking to the Board of Appeals.

The project is called “Eastgate Mixed-Use” and is in for permit as BLDC-2024-00163. I’ve also attached a more detailed writeup explain the technical issue.

Quick recap of the situation to date:

1. Tuong Nguyen made a plan review comment regarding exit remoteness from one corner of the building.
2. The design team scheduled a call with Tuong and Dan Willham to discuss the comment. Our position was the design was compliant as submitted, citing the fact that exit remoteness is only

required when two exits are required, and that two exits are not required in this scenario. Tuong and Dan disagreed and stated that the unit entry door near the corridor intersection was too close to the corridor intersection point.

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So our current situation is that we have the architect, myself and two different ICC staff members who believe that revised design is code compliant, but we still have an outstanding permit review comment. After talking over the situation with the building owner, they are highly considering taking this matter to the Board of Appeals. Before going through that effort though, we wanted to bring this to your attention and ask if you could review the situation? I have already informed Dan that the building owner is considering this path.

Thanks in advance for any assistance you can offer.

Regards,

Chris

Chris Campbell, PE
Campbell Code Consulting



Phone 410.929.5242
Web www.campbellcodeconsulting.com
Email chris@campbellcodeconsulting.com

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Your ref
Our ref 23-078
File ref



Fairfax County Local Board of Building and
Fire Code Appeals
Herrity Building
12055 Government Center Parkway
Fairfax, VA 22035

7834 Taggart Ct.
Elkridge, MD 21075
United States of America
t +1 410 929 5242

www.campbellcodeconsulting.com

March 24, 2025

To the Fairfax County Local Board of Building and Fire Code Appeals:

Eastgate Mixed Use Apartment Project (BLDC-2024-00163) Appeal of Mr. Jay Riat's Decision on Single Exit Issue Rev.1

Introduction

We are appealing a decision from Mr. Jay Riat, the Fairfax County Building Official, related to the requirement for two means of egress from a portion of the Eastgate Mixed-Use Apartment project located at John Marr Drive in Annandale, VA. This condition exists on every floor in the building. In this appeal, we are showing a typical arrangement, but the appeal is intended to address the conditions on every floor. A copy of the decision from Mr. Riat is included in Attachment 1.

Background on Code Issue

The design team received an initial permit comment from Tuong Nguyen regarding a single means of egress from the plan southwest corridor of the building. The comment essentially stated that this area has an occupant load greater than 20 occupants and requires two remote means of egress (citing VCC 1006.2.1). Please see Figure 1 showing the original design.

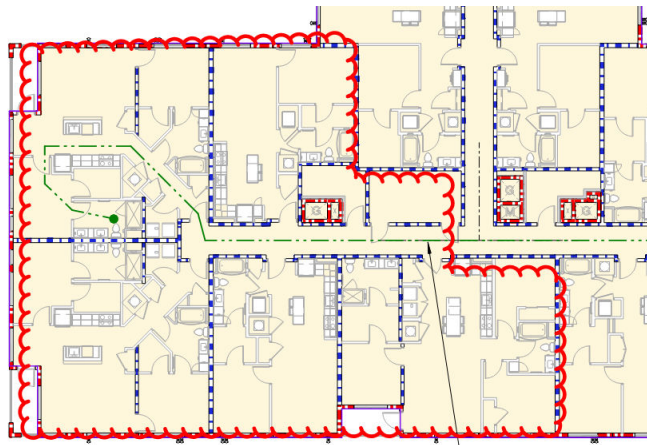


Figure 1: Original design. Red cloud shows area where Fairfax County believes a second exit is required.

The design team scheduled a call with Mr. Nguyen and the Fairfax County Deputy Building Official, Dan Willham, to discuss the comment. Our position was the design was compliant as submitted, citing the fact that exit remoteness is only required when two exits are required, and that two exits are not required in this scenario. Mr. Nguyen and Mr. Willham disagreed and stated that the unit entry door near the corridor intersection was too close to the corridor intersection point.

Code Basis for Design

The primary code requirement for this issue is VCC 1006.2.1, which governs when a second means of egress is required from a space. VCC 1006.2.1 contains two key provisions which make the original proposed design acceptable.

First, the charging text of VCC 1006.2.1 states (emphasis added):

*“Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or spaces **shall be determined in accordance with Section 1004.2.**”*

Table 1006.2.1 gives a limit of 20 occupants for Group R-2 occupancies. This means that if the occupant load of a space exceeds 20 in a Group R-2 occupancy, a second exit or exit access path is required. However, the method for calculating the occupant load must be performed in accordance with Section 1004.2.

If we refer to VCC 1004.2.1, the code states (emphasis added):

*“Where occupants egress from one or more rooms, areas or spaces through others, the design occupant load shall be the combined occupant load of interconnected accessory or intervening spaces. Design of **egress path capacity** shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel.”*

The words “egress path capacity” are critical in this requirement. The second sentence requires that when occupants egress from one room through another space, only the egress path capacity must be based on the cumulative occupants loads of all rooms and spaces. The code does not say that the number of exits must be based on the cumulative occupant load.

Note that the language of Section 1004.2.1 changed in the 2015 version of the IBC (which was then adopted by Virginia). Please refer to the following description on this code change from the 2015 IBC Significant Changes document. The full code change summary can be found in Attachment 2 (note that between 2015 and 2018 code cycles, Section 1004.1 became Section 1004.2, but code language remained the same).

The first sentence of Section 1004.1.1.1 indicates that where occupants egress from one space through another, the “design occupant load” is determined to be the combined or aggregate of the various interconnected or intervening spaces. This accumulated occupant load is to be used to establish many of the minimum requirements, such as the number of exits or exit access doorways that must be provided from the overall space, whether the doors must swing in the direction of egress travel, and the minimum component width of 36 inches or 44 inches for stairs and corridors. The second sentence indicates that it is only the egress capacity/width that is based on the accumulated occupants along that path of travel; the accumulation of occupants is not to be applied to items such as the number of means of egress.

This language clarifies the intent of VCC 1004.2.1: when occupants egress from one room through another space, the egress capacity is based on the accumulative occupant load, but the number of means of egress is not.

Applying this to the Eastgate project, when occupants leave a dwelling unit and travel through the corridor, the egress width of that corridor and any subsequent egress components must accommodate the accumulated occupant load, but a second means of egress is not required simply because 20 occupants are using a given segment of the corridor.

An applicable analogy could be a vestibule that is located at the main entry door to a space. Regardless of how many occupants are located in the main space, the vestibule itself only requires one means of egress. That’s because only the egress width/capacity is based on the cumulative occupant load, not the number of means of egress. In the same way, the number of exits required in this portion of the Eastgate project is not based on the accumulated number of occupants using this vicinity of the corridor.

Second, VCC 1006.2.1 Exception 3 states:

“In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where Section 903.2.8, Exception 1 or 2 is applicable.”

This is the exact situation presented in the Eastgate project, Group R-2 individual dwelling units with an occupant load of less than 20 occupants. Exception 3 is an exception to the full section of VCC 1006.2.1, meaning that if the exception applies, compliance with VCC 1006.2.1 is not required. It is unclear why Fairfax County believes this exception is not applicable to the Eastgate project.

Design Revision

While we felt that the original design was compliant as submitted, the design team relocated the door of eastern-most unit to be past the corridor intersection point, hoping to address Fairfax County’s initial concerns. Please see the updated design in Figure 2 and Attachment 7.

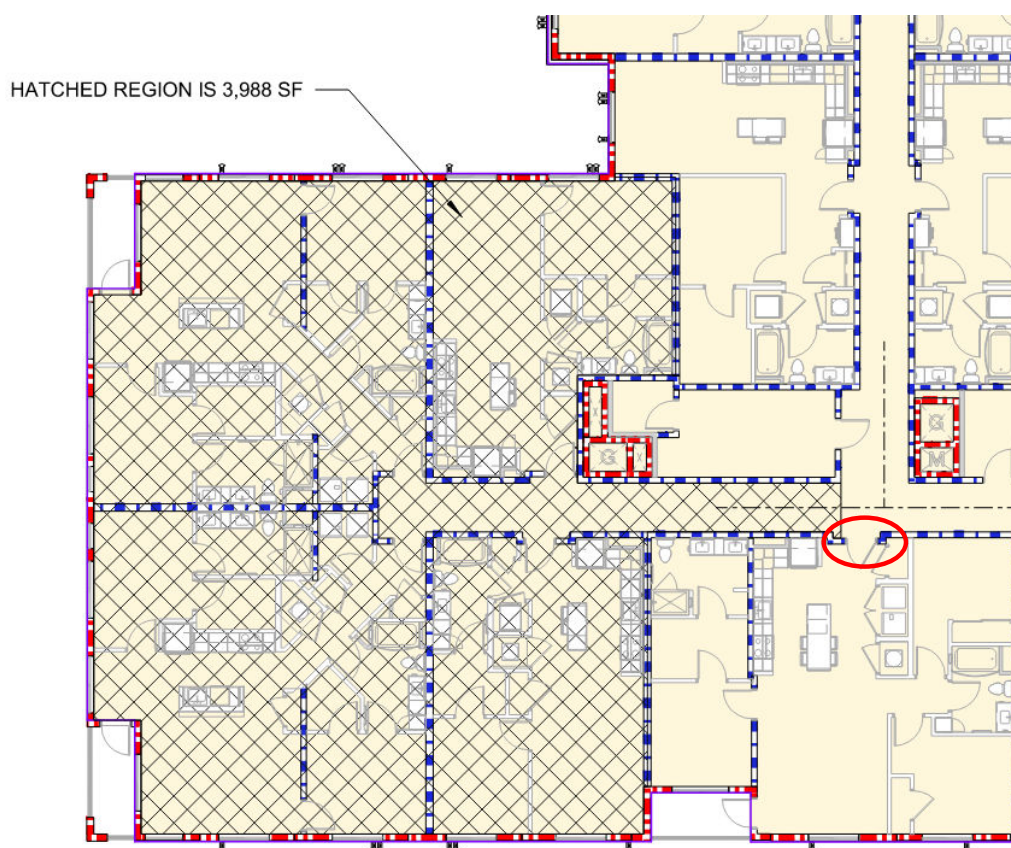


Figure 2: Updated design with relocated door (circled in red). Hatched region occupant load does not exceed 20.

Even with Fairfax County's approach to determining the number of required exits, this updated layout shows an occupant load of less than 20 occupants, which should satisfy the VCC 1006.2.1 requirement for a single exit from the space. Note that the hatched region is stopped just prior to the eastern-most unit in this updated layout, since occupants in that dwelling unit immediately have the choice of two exit access paths upon leaving the unit.

First ICC Code Opinion

Prior to resubmitting this updated design to Fairfax County, the design team obtained an opinion from Chris Reeves, Director of Architectural & Engineering Services at the International Code Council (ICC), developer of the International Building Code. Please see this opinion attached as Attachment 3. Mr. Reeves's opinion states that the revised layout complies with the requirements of Table 1006.2.1 for a single means of egress.

The design then submitted this revised layout and ICC opinion to Mr. Nguyen and Mr. Willham. Both staff indicated that the design was still noncompliant in their opinion. Mr. Willham suggested the design team get another ICC staff opinion from Kim Paarlberg.

Second ICC Code Opinion

The design team sent the revised layout to Kim Paarlberg, Senior Staff Architect, at the ICC, and she agreed that the design was compliant. Please find Ms. Paarlberg's response attached as Attachment 4.

Upon forwarding this second ICC opinion to Fairfax County, Mr. Willham responded that this still does not resolve his concerns.

Discussion with Fairfax County Building Official Jay Riat

Upon Mr. Willham's disagreement with the second ICC staff opinion, the design team raised the issue with the Fairfax County Building Official, Jay Riat. This included providing all past correspondence with the ICC to Mr. Riat.

Mr. Riat's response states that in his opinion, VCC Section 1006.2.1 applies to "any and all spaces" in the building. This means that, in Mr. Riat's opinion, the County can pick any portion of the building that they choose, and if that portion of the building has more than 20 occupants, two remote means of egress are required. Based on this, the original permit review comment remains.

After receiving this response from Mr. Riat, the design team has appealed this decision to the Fairfax County Board of Building Code Appeals.

Third ICC Code Opinion

For additional supporting evidence, the design team requested a code opinion from a third ICC staff member. Mike Giachetti, Manager of ICC Technical Services, agreed that the proposed design is compliant and does not require a second means of egress from the area in question. Please refer to Mr. Giachetti's response in Attachment 5.

Summary

The design team's primary argument focuses on five key items:

1. VCC Section 1004.2.1 states:

"Design of **egress path capacity** shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel."

This code requires egress capacity and width to be based on the cumulative occupant load, but not the number of means of egress. This is further clarified in the ICC Significant Code Changes document (Attachment 1).

2. VCC Section 1006.2.1 Exception 3 states:

"In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where Section 903.2.8, Exception 1 or 2 is applicable."

This is literally the condition presented on this project, egress within and from individual dwelling units with a maximum occupant load of 20. Despite our condition exactly matching this exception, Fairfax County will not accept the design.

3. We obtained opinions on the proposed design from three different senior staff members at the ICC. Each staff member provided a written opinion that the proposed design is compliant (Attachments 3, 4 and 5).
4. There are numerous Fairfax County projects in recent years that have been permitted and approved with a similar condition to the current design we have presented. This code requirement in the VCC has not changed, so it is unclear why Fairfax County is suddenly taking exception to this approach. Please see Attachment 6 for examples.
5. Fairfax County's opinion states that the County can pick any portion of the building that they choose, and if that portion of the building has more than 20 occupants, two remote means of egress are required. Based on the County position, it is almost impossible to design a building with a dead-end corridor arrangement. If the intent of the code was truly aligned with Fairfax County's position, why would the code allow a 50' dead end corridor and 125' common path in sprinkler-protected Group R-2 occupancies? Furthermore, based on the County position, numerous existing buildings with minimal dead end corridor arrangements would not comply. These are buildings that have been permitted, constructed and occupied in Fairfax County and would not be compliant based on this County position. Please see attached examples (Attachment 5) of recently permitted and approved Fairfax County projects that do not comply with the County's current interpretation.

We appreciate your consideration of this appeal and look forward to presenting our argument during the hearing.

Yours sincerely



Chris Campbell, PE
Principal & Founder

Enc:

- Attachment 1: Decision from Mr. Jay Riat
- Attachment 2: 2015 IBC Significant Changes Excerpt
- Attachment 3: ICC Staff Opinion from Chris Reeves
- Attachment 4: ICC Staff Opinion from Kim Paarlberg
- Attachment 5: ICC Staff Opinion from Mike Giachetti
- Attachment 6: Similar Fairfax County Projects
- Attachment 7: Updated Design

Attachment 1: Building Official Decision

Chris Campbell

From: Riat, Jay <Jay.Riat@fairfaxcounty.gov>
Sent: Friday, February 14, 2025 4:33 PM
To: Chris Campbell
Cc: Nguyen, Tuong; Willham, Dan; Keith Kobin; Kacey Huntington
Subject: RE: [EXTERNAL]Potential Board of Appeals Matter

Chris,

Thank you for your patience while I reviewed this further with our team. I appreciate the detailed explanation and your point of view. The design occupant load when analyzing the space that includes the four units is 20. If this were the limits of the building then all spaces would have been considered and only a single exit would be required and remoteness would be a nonissue. Given the actual configuration of the building/spaces for this project, any and all spaces must meet the same requirement to allow a single exit/exit access. The design occupant load when considering a space that includes the fifth unit in addition to the four exceeds 20. This configuration of space would require two exits or exit access doorways which must meet the remoteness requirements of 1007.1.1. The analysis for compliance with 1006.2.1 does not stop here. We would then consider the sixth unit and so on. The language of the code section 1006.2.1 states "Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. You state in your write up that the county cannot arbitrarily pick a "space" since space is not defined. However, picking the four units as a space for a single point of analysis would actually be arbitrarily picking a "space" for analysis. Since Section 1006.2.1 specifically refers to "any space", the space including the five dwelling units is a valid space for analysis.

You also state that VCC 1006.2.1 Exception 3 allows one means of egress within and from dwelling units with less than 20 occupants. However, your statement left out the word "individual"; the code language reads "within and from individual dwelling units with a maximum occupant load of 20". Therefore, this only applies to the door between each individual dwelling unit and the corridor. It does not apply to a cluster of dwelling units that share a means of egress.

At this point your analysis should be done from any and all spaces as the code requires or provide a code path on how we can limit our analysis for the number of exits to the four units you have picked.

Where two or more exits are required, please see the code section below for their required remoteness.

1007.1.1 Two exits or exit access doorways.

Where two *exits*, *exit access doorways*, *exit access stairways* or *ramps*, or any combination thereof, are required from any portion of the *exit access*, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or *scissor stairways* shall be counted as one *exit stairway*.

Exceptions:

1. 1.Where interior *exit stairways* or *ramps* are interconnected by a 1-hour fire-resistance-rated *corridor* conforming to the requirements of [Section 1020](#), the required exit separation shall be measured along the shortest direct line of travel within the corridor.
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Thanks.

Kind regards,

Jay S. Riat P.E., PMP, CBO

Director, Building Division
Building Official
Land Development Services, Fairfax County Government

Phone 703-324-1017 **Mobile** 703-609-0856

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From: Chris Campbell <chris@campbellcodeconsulting.com>

Sent: Monday, December 23, 2024 11:36 AM

To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>

Cc: Nguyen, Tuong <Tuong.Nguyen@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>; Keith Kobin <KKobin@HCM2.com>; Kacey Huntington <khuntington@HCM2.com>

Subject: [EXTERNAL]Potential Board of Appeals Matter

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Chris

Chris Campbell, PE
Campbell Code Consulting



Phone 410.929.5242
Web www.campbellcodeconsulting.com
Email chris@campbellcodeconsulting.com

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CHANGE TYPE: Modification

CHANGE SUMMARY: The determination of the cumulative design occupant load for intervening spaces, adjacent levels and adjacent stories has been clarified.

2015 CODE: 1004.1.1 Cumulative Occupant Loads. Where the path of egress travel includes intervening rooms, areas or spaces, cumulative occupant loads shall be determined in accordance with this section.

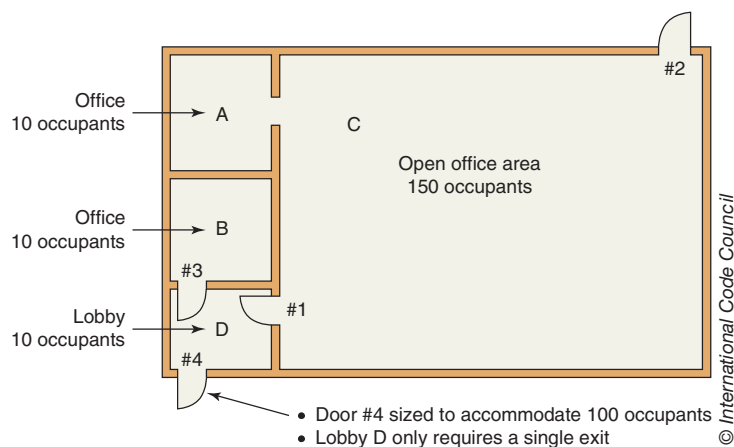
1004.1.1.1 Intervening Spaces or Accessory Areas. Where occupants egress from one or more rooms, areas or spaces through another others, the design *occupant load* shall be the combined occupant load of interconnected accessory or intervening spaces. Design of egress path capacity shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel.

1004.1.1.2 Adjacent Levels for Mezzanines. That portion of the occupant load of a mezzanine or story with required egress through a room, area or space on an adjacent level shall be added to the *occupant load* of that room, area or space.

1004.1.1.3 Adjacent Stories. Other than for the egress components designed for convergence in accordance with Section 1005.6, the occupant load from separate stories shall not be added.

CHANGE SIGNIFICANCE: Efforts have been made to clarify how the occupant load of a space that passes through another space is viewed when determining both the number of means of egress and also the capacity (width) of the egress system. It has now been emphasized that rooms that share an egress path must be reviewed based on the aggregate occupant load in order to establish many of the minimum egress

1004.1.1 continues



Cumulative occupant loads for intervening spaces

1004.1.1

Cumulative Occupant Loads

1004.1.1 continued

requirements. Each path of egress travel must be designed so the capacity of that path is capable of serving the accumulated occupant load that travels along that portion of the path.

The first sentence of Section 1004.1.1.1 indicates that where occupants egress from one space through another, the “design occupant load” is determined to be the combined or aggregate of the various interconnected or intervening spaces. This accumulated occupant load is to be used to establish many of the minimum requirements, such as the number of exits or exit access doorways that must be provided from the overall space, whether the doors must swing in the direction of egress travel, and the minimum component width of 36 inches or 44 inches for stairs and corridors. The second sentence indicates that it is only the egress capacity/width that is based on the accumulated occupants along that path of travel; the accumulation of occupants is not to be applied to items such as the number of means of egress.

The purpose of these changes is to reinforce the concept that the occupant load is assigned to each occupied area individually. Where there are intervening rooms, each area must be considered both individually and in the aggregate with the other interconnected occupied portions of the exit access to determine the number of means of egress and width of the exit access. Portions of the occupant load are accumulated along the egress path to determine the capacity of individual egress elements along those paths. However, once occupants from one area make a choice and travel along one of several independent paths of egress travel, their occupant load is not added to some other area to determine how many paths of travel are required from that different area.

Section 1004.1.1.2 recognizes that mezzanines may have independent egress similar to what is typical for a story. If the mezzanine occupants do not egress through the room or area it is a part of, then the occupant load is not added to the main room. If all of the occupants of a mezzanine must egress down through the main room, then their occupant load must be added to the main room or area. Where persons on the mezzanine have an option of egress paths, such as one independent exit and one through the room below, the occupant load may be divided among the available paths and the portion of the occupants exiting through the room below must be added to the occupant load of that space.

The method in which occupant accumulation is addressed where travel occurs between stories has also been revised. The 2012 IBC indicates that an occupant load from one story that travels through the area of an adjacent story must be added to that of the adjacent story where the egress travel is on an exit access stairway. The new provisions indicate that occupant loads from adjacent stories need not be added together, even in those situations where an unenclosed exit access stairway is utilized for required means of egress travel.

Attachment 3

Chris Campbell

From: Chris Reeves <creeves@iccsafe.org>
Sent: Tuesday, November 26, 2024 10:24 AM
To: Chris Campbell
Cc: Chris Reeves
Subject: RE: ICCTO-4235 Requirement for Two Exits From Residential Dwelling Units/Corridor

Chris Campbell,

Based on the revised drawing, the designated "hatched" area appears to comply with the requirements of Table 1006.2.1 for a single means of egress space. The designated area of 3,996.95 sf is assumed to have a design occupant load which does not exceed 20 occupants and a common path of egress travel distance of less than 125 feet.

If you would like to discuss this further, I can be reached directly at (888) 422-7233, X4309.

Sincerely,

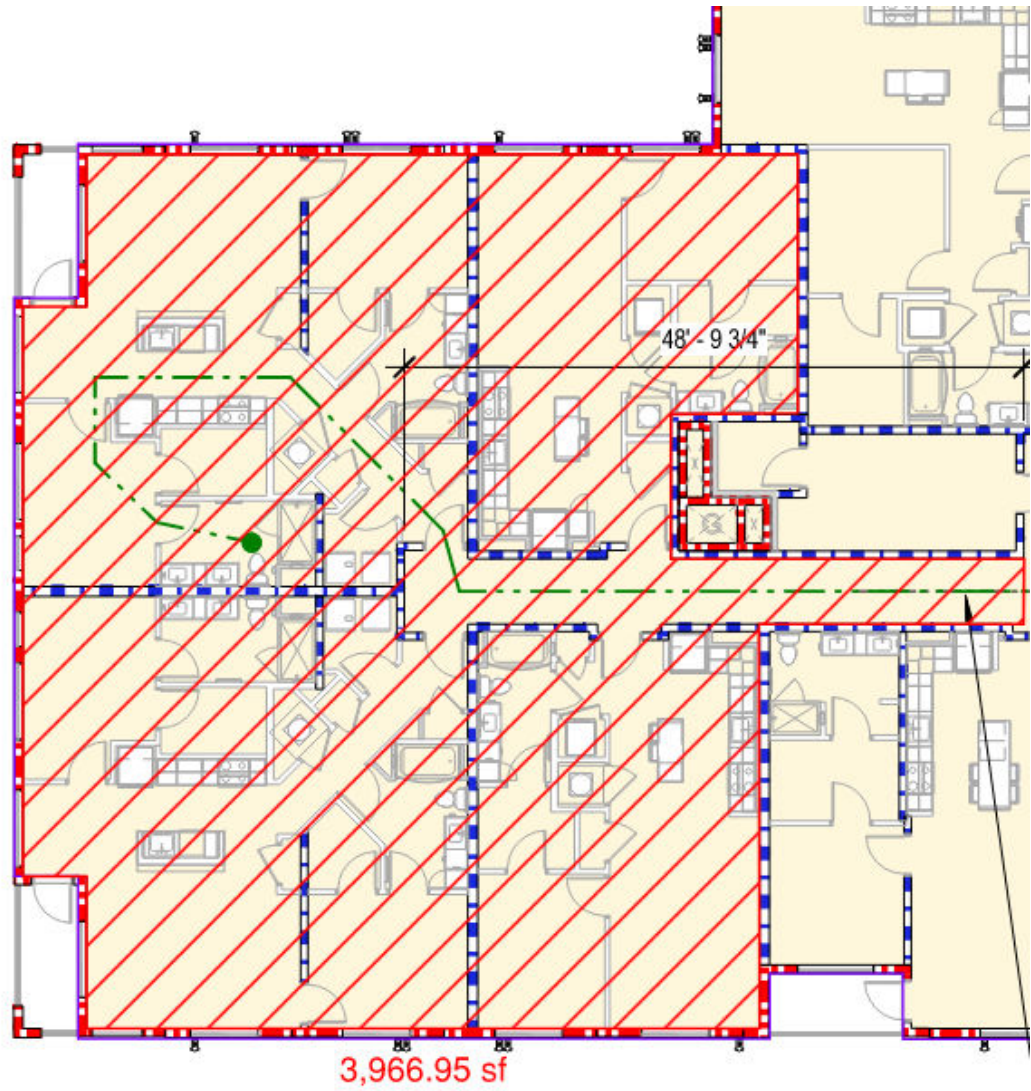
Chris Reeves

Christopher R. Reeves, P.E.
Director, Architectural & Engineering Services
 International Code Council, Inc.
 Central Regional Office
 888-ICC-SAFE (422-7233), x4309
creeves@iccsafe.org

From: Chris Campbell
Sent: Tuesday, November 19, 2024 2:59 PM
To: Chris Reeves <creeves@iccsafe.org>
Subject: FW: ICCTO-4235 Requirement for Two Exits From Residential Dwelling Units/Corridor

Hi Chris,

The architect has updated the plan by shifting the door location of one of the dwelling units and relocating the door to an electrical closet. See below. I have included the area measurement of what I believe would be the extent of "space" where one exit is provided. The area is under 4,000 SF so we should be under 20 occupants.



In your opinion, does this meet the requirements of 1006.2.1?

Thanks!

Chris

Chris Campbell, PE
Campbell Code Consulting

Attachment 4

Chris Campbell

From: Kimberly Paarlberg <kpaarlberg@iccsafe.org>
Sent: Tuesday, December 10, 2024 8:49 AM
To: Chris Campbell
Cc: Willham, Dan
Subject: RE: Question for you on IBC 1006.2.1

I agree, don't count the unit that has two ways to go right away.

Kim

From: Chris Campbell <chris@campbellcodeconsulting.com>
Sent: Monday, December 9, 2024 4:32 PM
To: Kimberly Paarlberg <kpaarlberg@iccsafe.org>
Cc: Willham, Dan <Daniel.Willham@fairfaxcounty.gov>
Subject: Question for you on IBC 1006.2.1

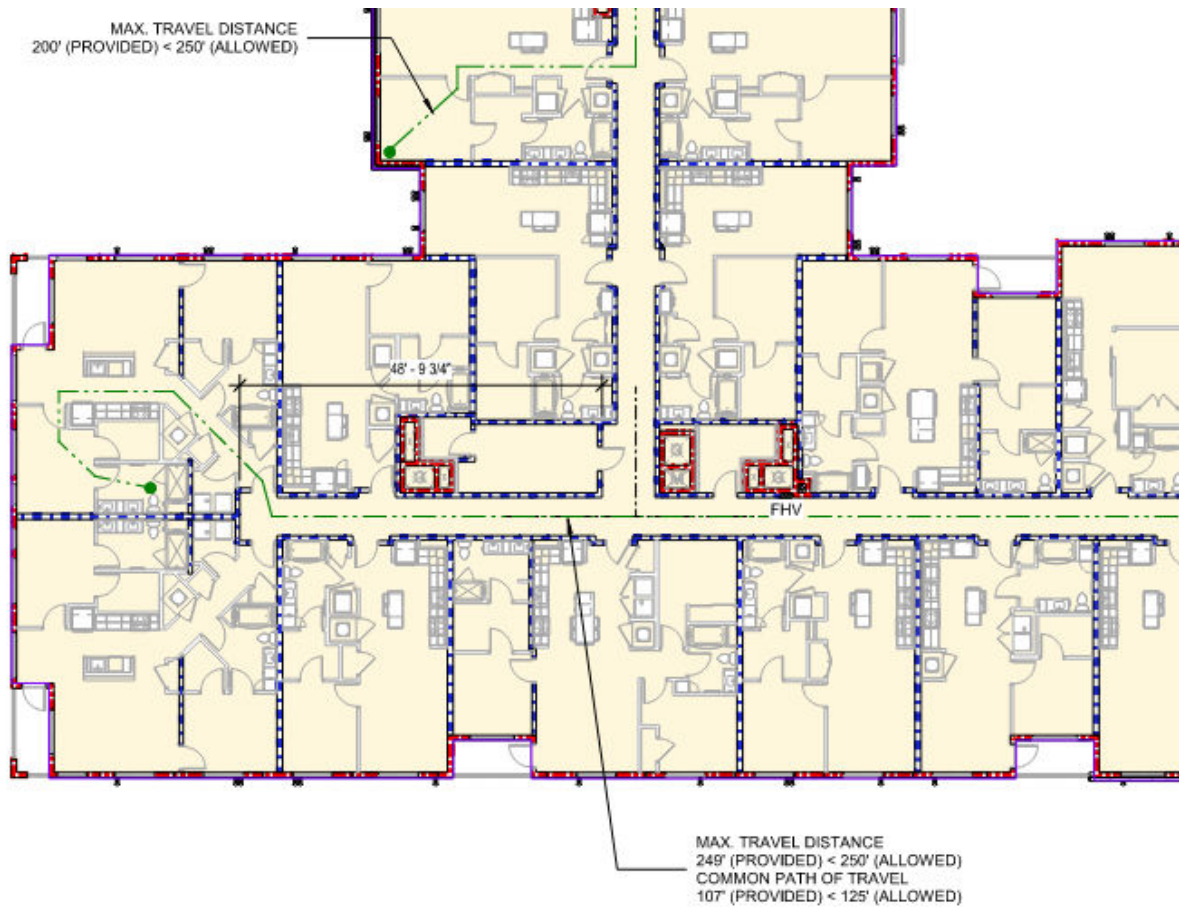
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Hi Kim,

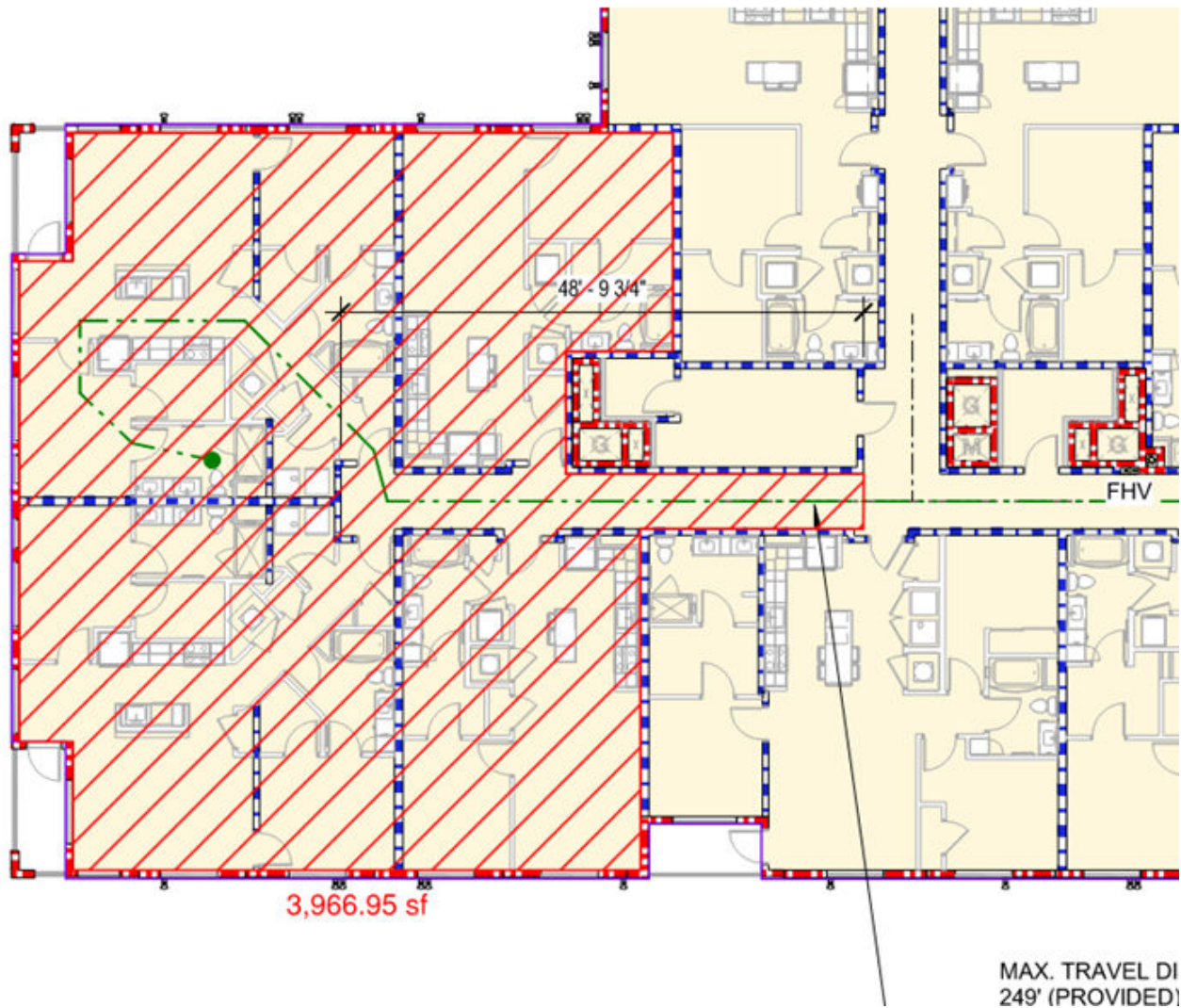
I hope you're doing well and having a good holiday season so far.

Dan and I are having another code debate and wanted to get your take.

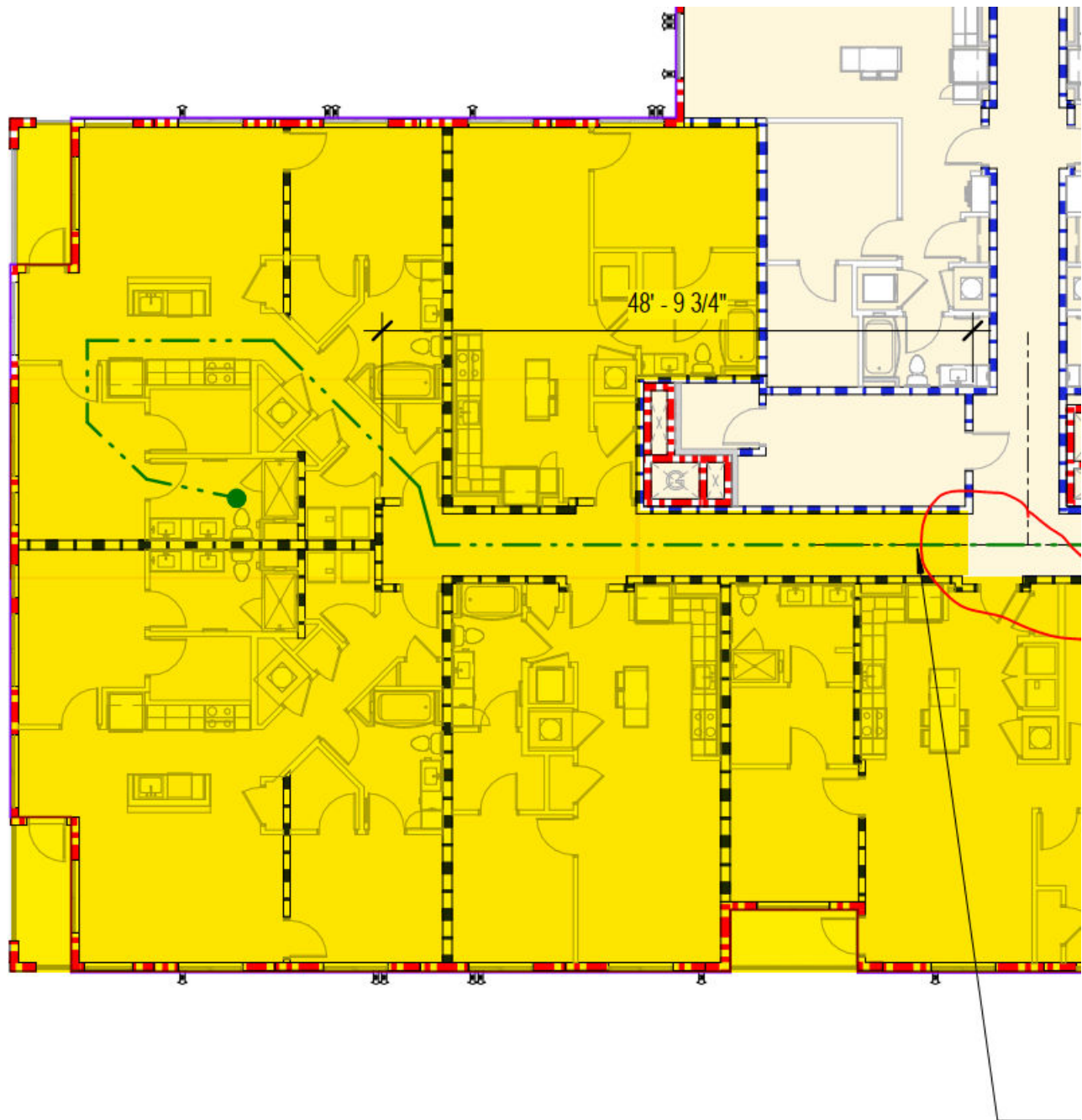
We are debating the application of 2018 IBC 1006.2.1 regarding number of exit access points from an R-2 occupancy. Here is a snapshot of the area in question:



1. My opinion is that for the purposes of applying 1006.2.1, you would measure this wing of the building as shown below. This area is less than 4,000 SF (and therefore less than 20 occupants), so a single exit access point is acceptable.



2. Dan's opinion is that the "space" measurement for the purposes of 1006.2.1 would be as shown below. This measurement incorporates an entire additional unit, is over 4,000 SF, and therefore over 20 occupants. Dan then believes a second exit access point is required from this space.



In my mind, the question is really hinging on the unit with an entry door right below the corridor intersection point. My take is that because occupants in this unit have zero common path immediately upon walking out of the unit, this unit should not be included in the “space” with only one exit. But Dan disagrees.

Would you mind letting us know what you think?

Chris

Attachment 5



Quick Consult – ICC Code Opinion

Submitted by: Christopher Campbell

Date Submitted: Mar 17, 2025

Title: 2018 International Building Code (IBC)

Section: 1006.2.1

Your Submitted Question

Single Exit From a Group R-2 Area

A Group R-2 apartment building is fully sprinkler protected per NFPA 13. Please refer to the attached typical floor plan (A0.25). The southwest corner of the building has a dead end corridor that is less than 50 feet. However, there is concern about the occupant load in this vicinity requiring access to two exits. Table 1006.2.1 limits R-2 "spaces" to 20 occupants before two exits or exit access doorways are required. We have measured what we believe is the "space" in this portion of the building as shown callout 3A on sheet A0.25. The hatched region measures approximately 3,988 SF. Based on an occupant load factor of 200 SF per occupant, this means there are fewer than 20 occupants in this "space." We have ended the hatched region at the corridor intersection point, as occupants have the choice of two exit access paths once reaching this point.

Does this arrangement comply with the requirements of IBC 1006.2.1?

ICC Code Opinion

Mr. Campbell:

This letter is in response to your correspondence, with attached drawing, regarding spaces with one means of egress. All comments are based on the 2018 International Building Code (IBC) unless otherwise noted.

The building in question is a Group R-2 apartment building which is fully sprinklered in accordance with NFPA 13. Based on your attached drawing, the southwest corner of the building (the hatched area) is shown to have four dwelling units that are located to the west of a corridor intersection point at which an occupant can choose to travel in two separate directions. The aggregate floor area of the four dwelling units and corridor to the west of the proposed intersection point (the hatched area) is indicated to be 3,968 square feet. The length of the dead-end corridor does not exceed 50 feet. The common path of travel from the most remote point of the furthest dwelling unit to the door to the interior exit stairway enclosure does not exceed 125 feet. You wish to know if a second means of egress is required from the aggregate space.

Admittedly, the IBC does not contain a definition for the term "space". In general, Section 1006.2.1, in conjunction with Table 1006.2.1, establishes the criteria for rooms or "spaces" which are permitted to have a single exit or exit access doorway. Table 1006.2.1 allows for individual dwelling units in a Group R-2 occupancy to be considered a space with one means of egress provided the dwelling unit has a maximum occupant load of 20 and has a common path of travel which does not exceed 125 feet. While a single dwelling unit is considered a space, a configuration of multiple contiguous dwelling units as proposed, in my opinion, just constitute an even bigger "space". As such, in my opinion, multiple units could be treated as a single dwelling unit and only require one means of egress from that "space" provided the aggregate occupant load of the multiple units did not exceed 20 and the common path of travel did not exceed 125 feet.

It should be noted that just because a code complying corridor is not otherwise considered a dead-end corridor for occupants entering the corridor does not relieve the applicability of the single means of egress "space" provisions of Table 1006.2.1. The occupant load from adjoining rooms, in my opinion, must be added to verify all converging occupants into a given space are provided the adequate number of means of egress.

Four dwelling units are indicated to discharge into the dead-end corridor leading to the corridor intersection point. The drawing indicates another dwelling unit whose entry/exit door appears to be right at the corridor intersection point. In my

opinion, the occupant load of this dwelling unit would not have to be included with the occupant load of the other four dwelling units to the west of the corridor intersection point. Using a rate of 200 gross square feet per occupant as specified in Table 1004.5 for a residential occupancy, the 3,968 sq. ft. aggregate space would have an occupant load of 20 people. Therefore, since the common path of travel does not exceed 125 feet and the aggregate occupant load does not exceed 20, only one means of egress would be required from the space.

A review of the drawing to determine the occupant load and common path of egress travel is outside the scope of this interpretation and shall be subject to the approval of the building official.

Sincerely,

Michael W. Giachetti, P.E.
 Manager, Technical Services
 ICC - Chicago District Office
 4051 W. Flossmoor Road
 Country Club Hills, IL 60478
 888-422-7233 x 4337
[\[mgiachetti@iccsafe.org\]](mailto:mgiachetti@iccsafe.org)<mailto:mgiachetti@iccsafe.org>
[\[http://www.iccsafe.org\]](http://www.iccsafe.org)<http://www.iccsafe.org>[smart-link](http://www.iccsafe.org)

Code opinions issued by International Code Council ("ICC") staff as part of its Quick Consult Service or otherwise are based on ICC I-Codes and Standards for phase I of this service. Phase II will include state custom codes. This opinion is based on the information which you have provided to ICC. 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 ICC. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of the applicable code.

ICC will make reasonable efforts to provide accurate information as part of any code opinion. However, ICC makes no guarantees or warranties, express or implied, as to the accuracy of any information provided, including, without limitation, any warranties of merchantability or fitness for a particular purpose. ICC will not be held liable for any damages or loss, whether direct, indirect, consequential, or punitive, that may arise through your use of any code opinion.

Attachment 6: Reference Fairfax County Projects

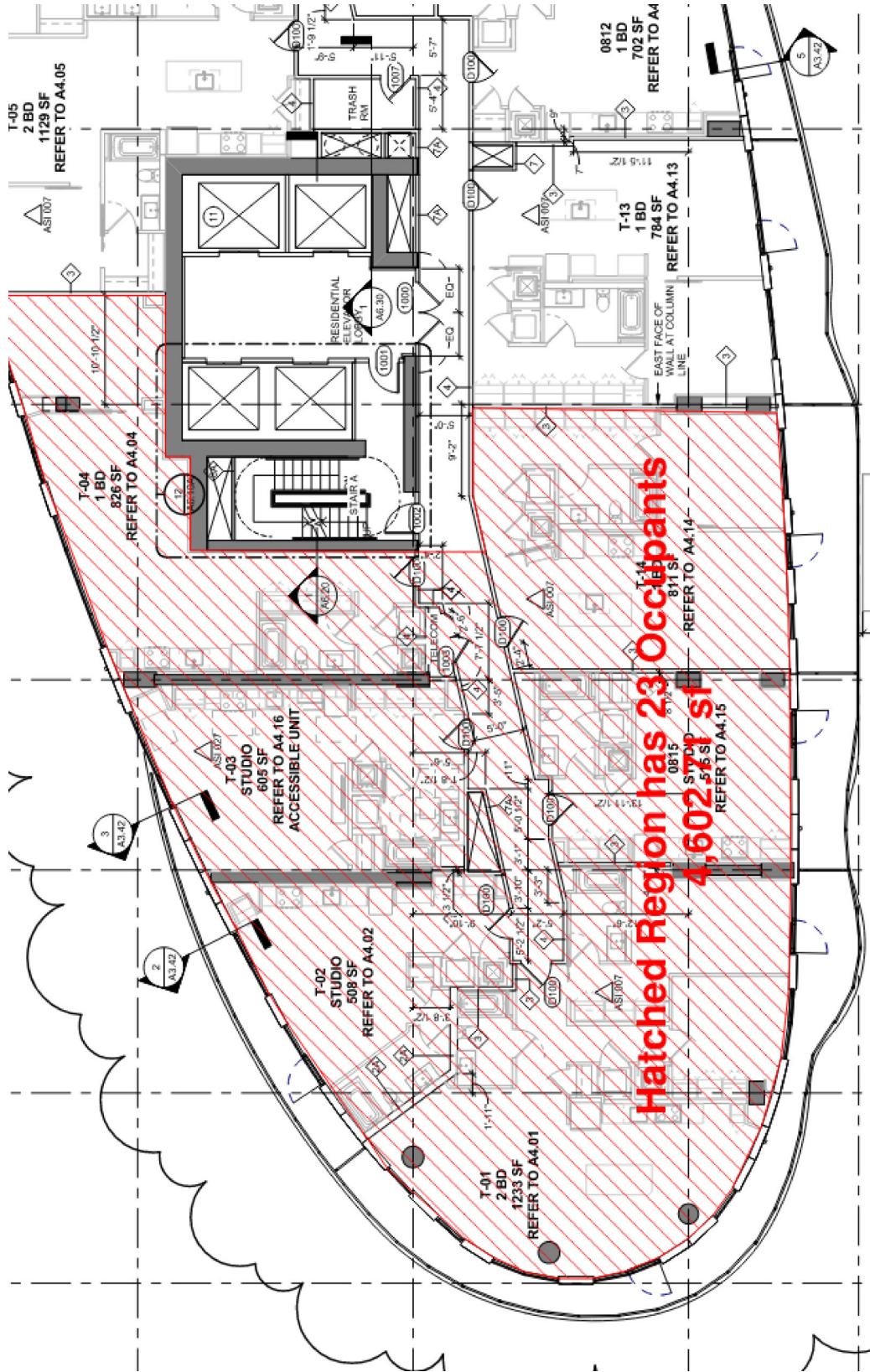
List of projects with similar dead end/single exit arrangement:

1. Elan at Tysons
2. The Boro A1 Tower
3. The Boro A2 Tower
4. Alta Crossroads
5. Tyson's Highland Building A

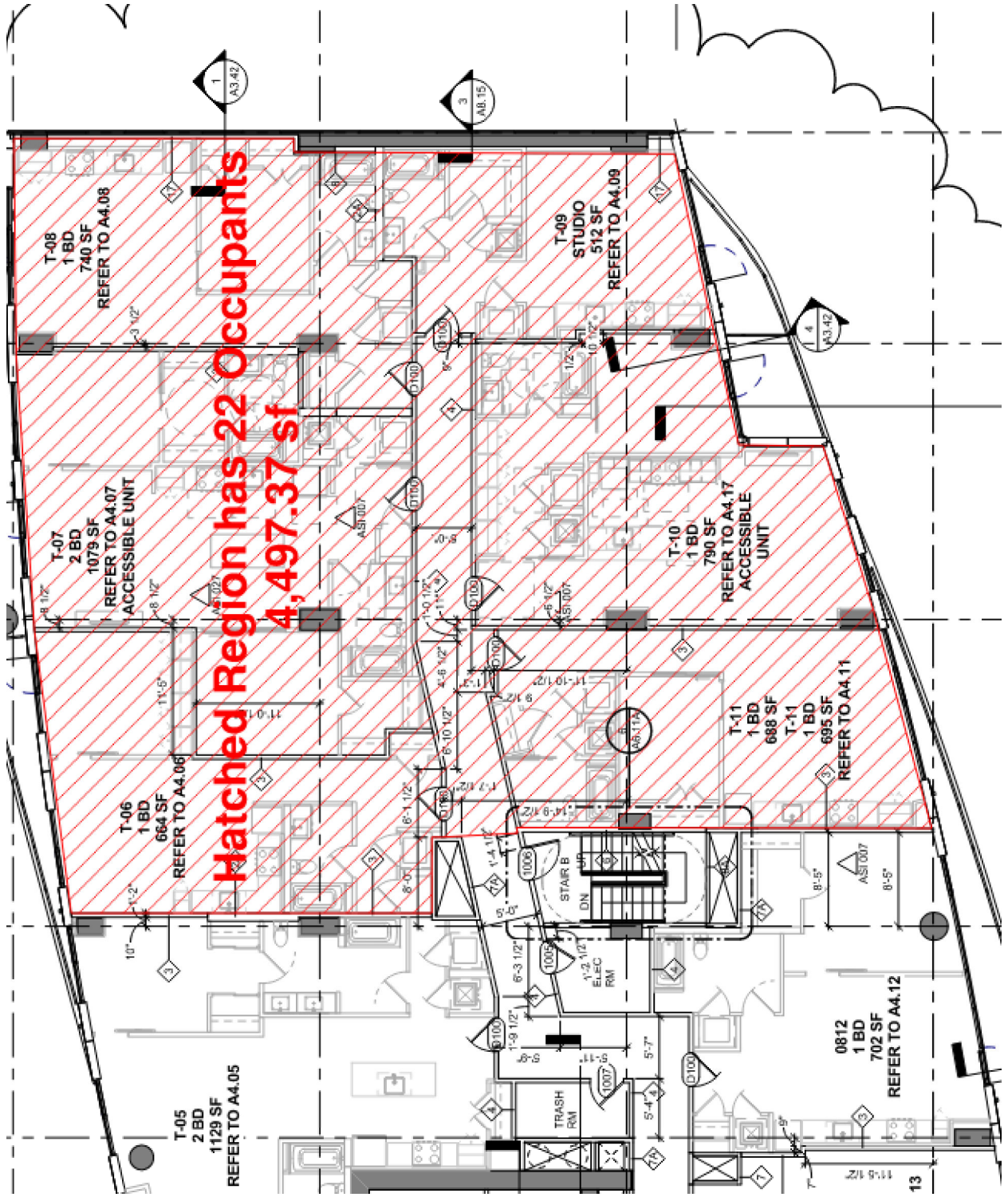
List of projects with minimal dead ends that would now be non-compliant based on Fairfax County's interpretation of defining a "space":

1. Brightview Alexandria
2. Brightview Innovation Center
3. The Boro A1 Tower

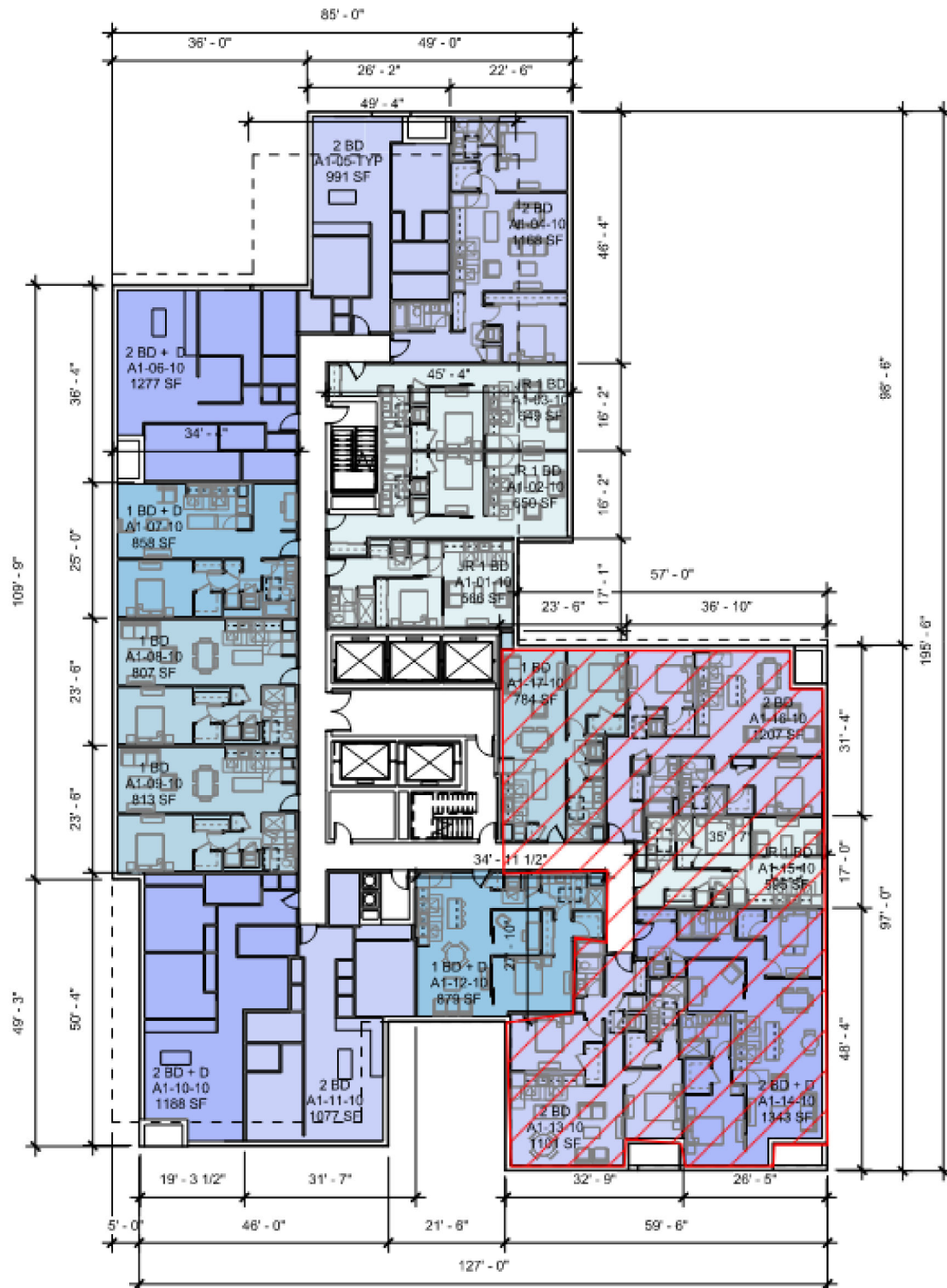
Elan at Tysons
Permitted, approved and occupied in Fairfax County



Elan at Tysons (Part 2)
Permitted, approved and occupied in Fairfax County



The Boro A1 Tower
Permitted, approved and occupied in Fairfax County



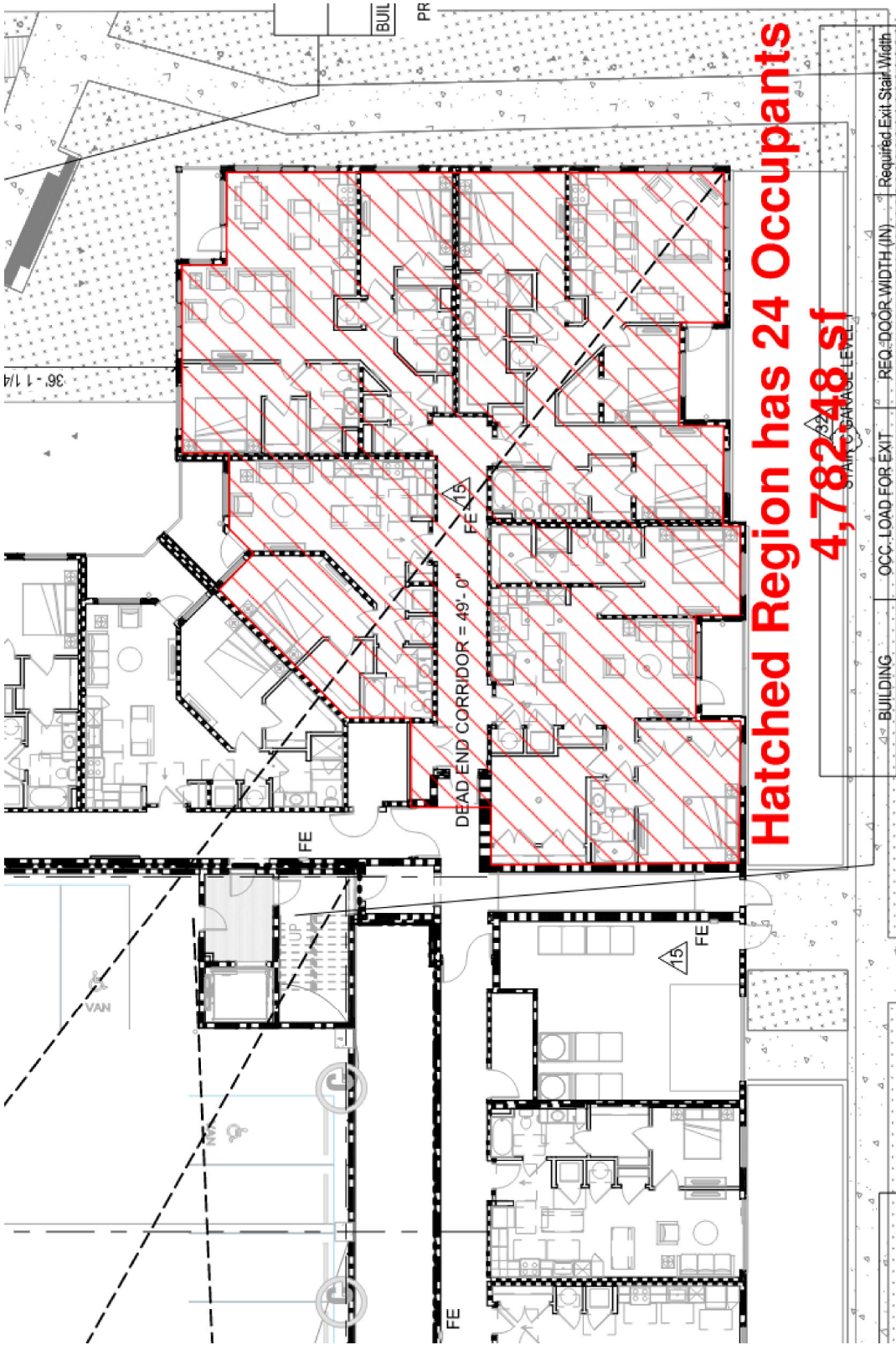
Hatched Region has 25 Occupants
5,077.68 sf

① LEVEL 10-13
1" = 30'-0"

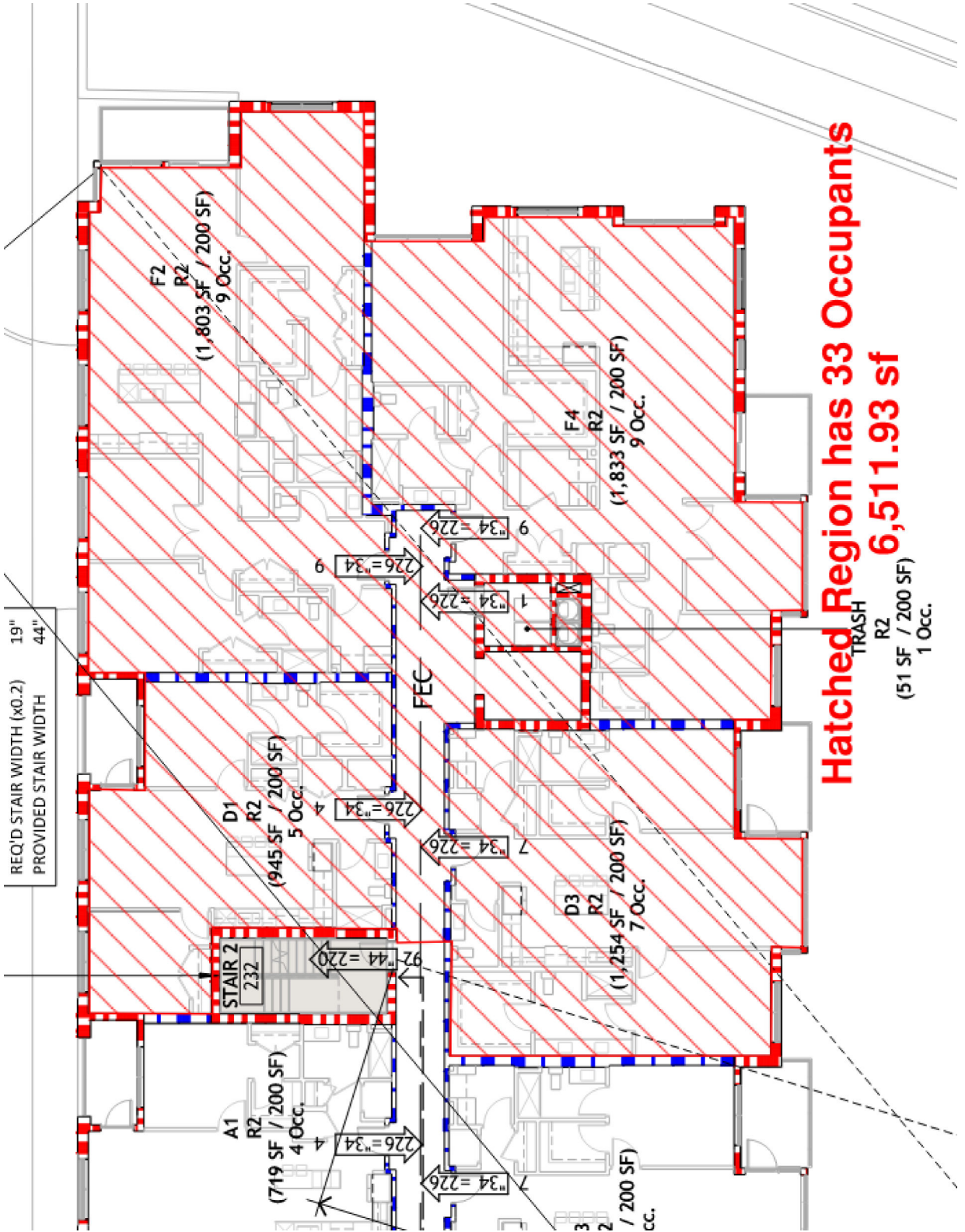
The Boro A2 Tower
Permitted, approved and occupied in Fairfax County



Alta Crossroads
Permitted, approved and occupied in Fairfax County



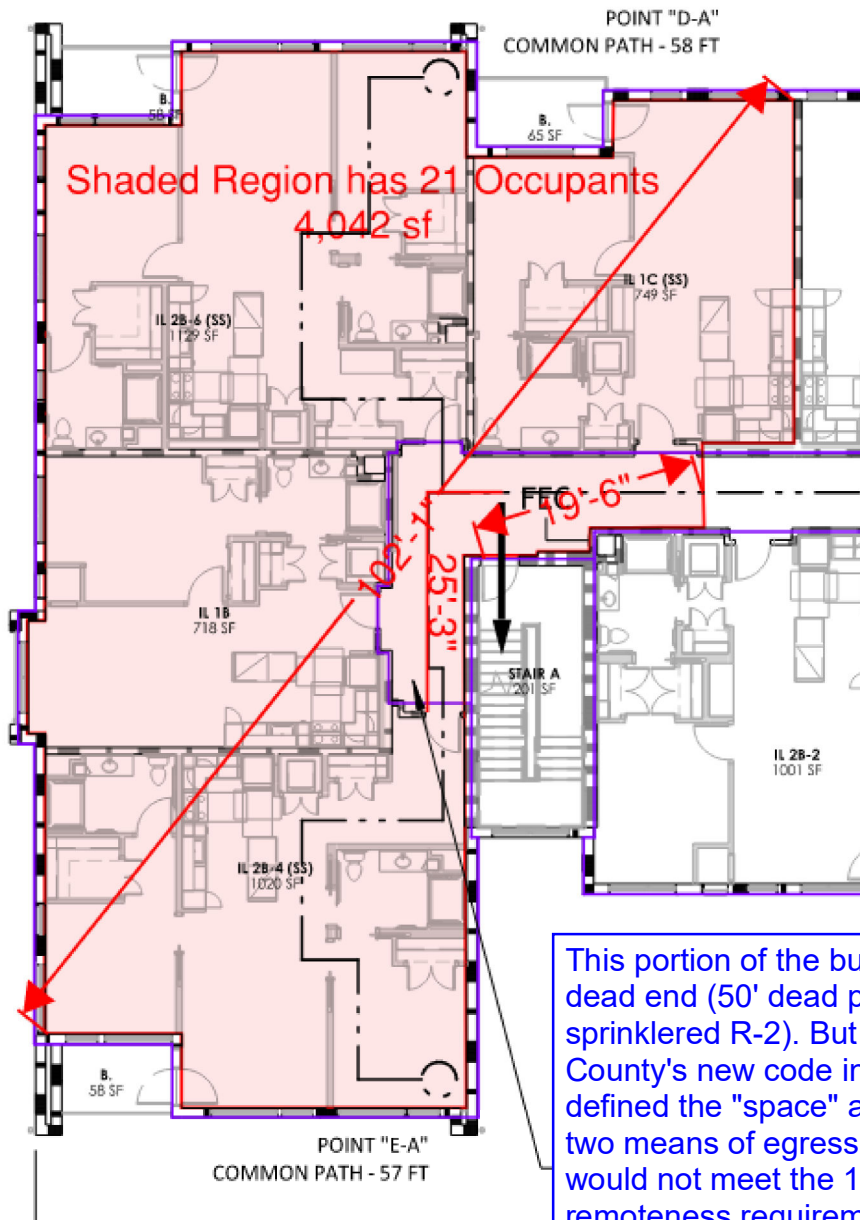
Tyson's Highland Building A
Permitted, approved and occupied in Fairfax County



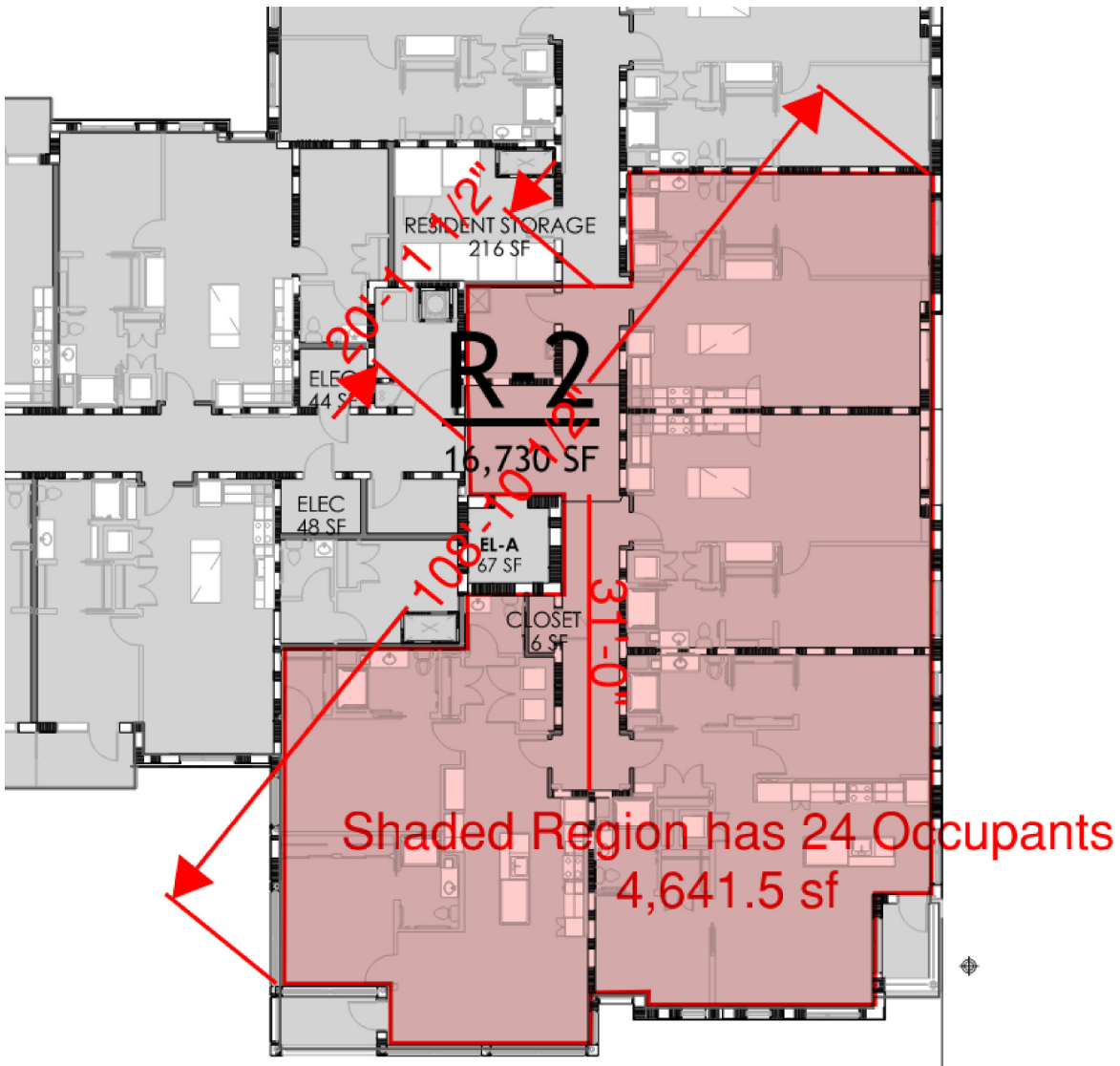
Hatched Region has 33 Occupants
6,511.93 sf

Brightview Alexandria

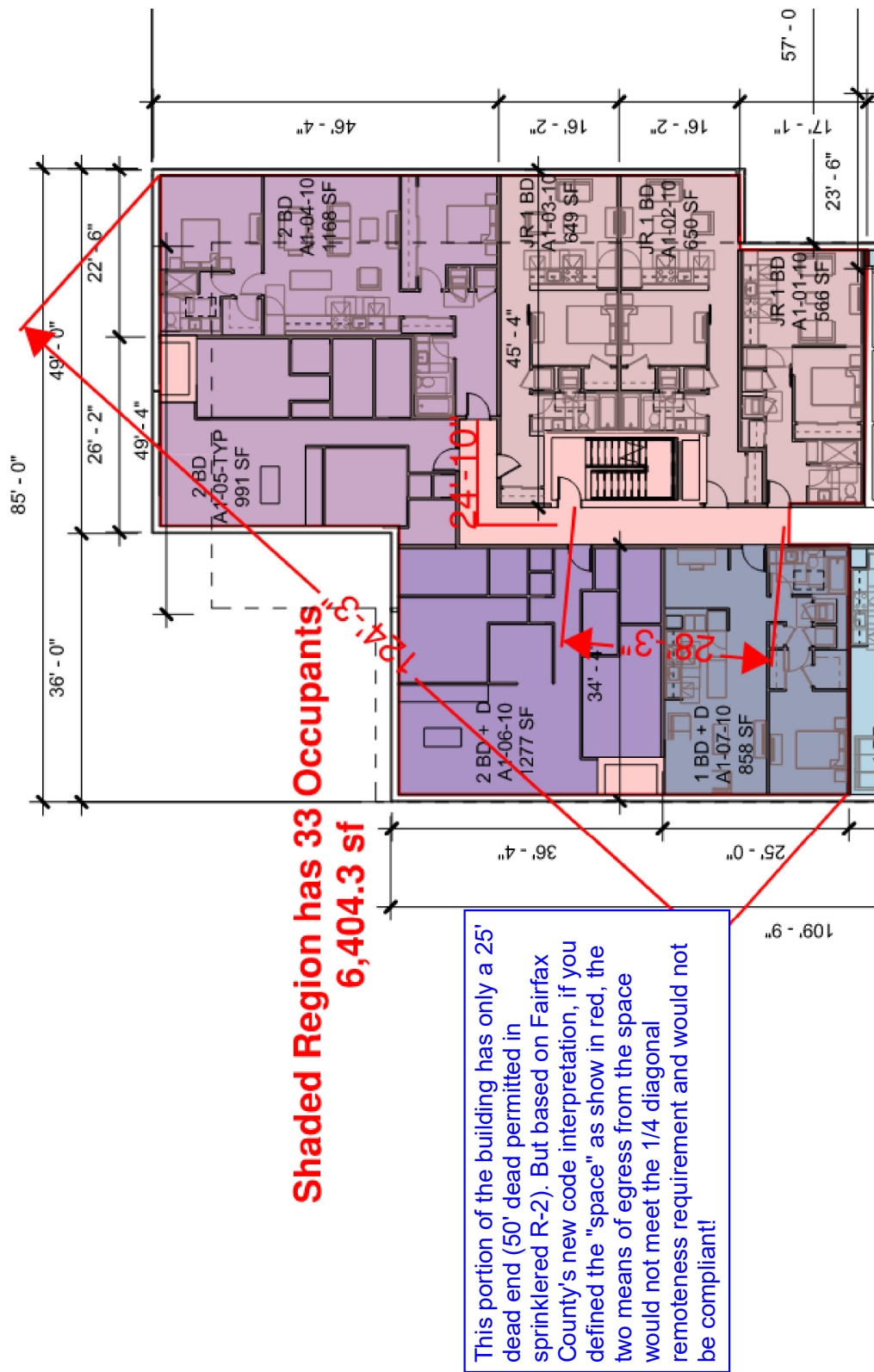
Permitted, approved and occupied in Fairfax County



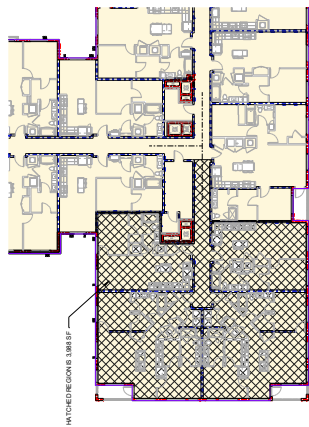
Brightview Innovation Center
 Permitted, approved and occupied in Fairfax County



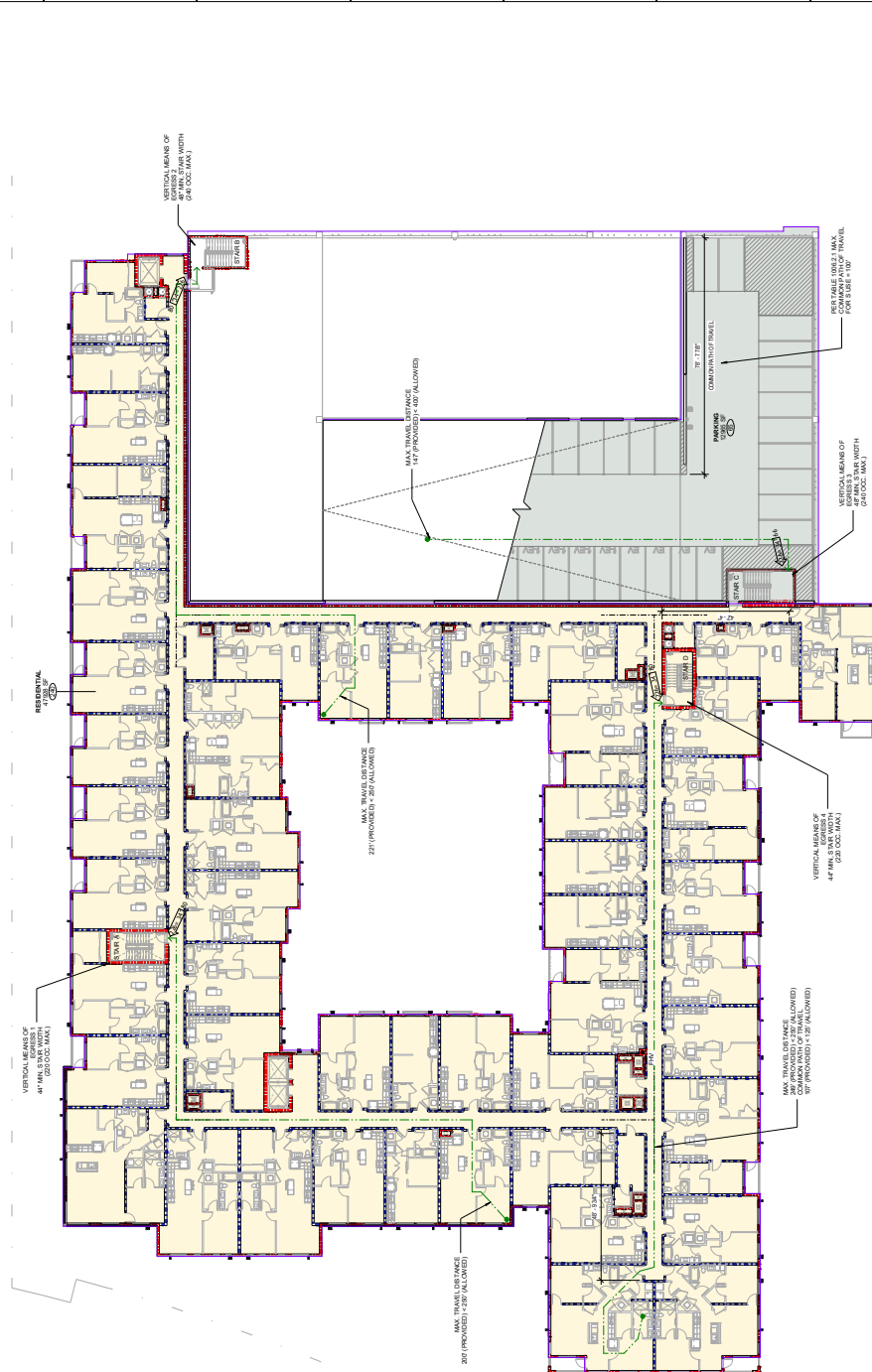
This portion of the building has only a 31' dead end (50' dead end permitted in sprinklered R-2). But based on Fairfax County's new code interpretation, if you defined the "space" as show in red, the two means of egress from the space would not meet the 1/4 diagonal remoteness requirement and would not be compliant!



OCCUPANCY LOAD - LIFE SAFETY PLAN (LEVEL 6)						
	Occupancy Type	AREA USE	AREA	OCC. FACTOR AREA	I.C.C. 2018 OCC AREA	OCC. LOAD
	E.M.U.					
	PARKING		1206 SF	200 SF	100000%	65
	S-2					
	BUSSEY HALL	INTERSECTIONAL	4709 SF	200 SF	100000% TOTAL	240
	TOTAL				60000 SF	305



3A LIFE SAFETY PLAN - LEVEL 6 SW CORNER AREA



9C|LIFE SAFETY PLAN - LEVEL 6

0.016	0.025	0.06" = 1.6"
-------	-------	--------------

LEGEND

- [illegible]

1

- WIDTH CALCULATED AT 2" PER OCCUPANT FOR STAIRS AND 15" PER OCCUPANT FOR OTHER EGRESS COMPONENTS. 32" MIN WIDTH REQUIRED FOR DOORS & 44" MIN WIDTH REQUIRED FOR STAIRS AND OTHER EGRESS COMPONENTS.
- ALL UNIT ENTRY DOORS ARE RATED 20 MIN.
- SEE ELECTRICAL UNIT PLANS FOR SMOKE DETECTORS AND ALARM DEVICES.
- REFER TO ELEC PLANS FOR EXIT SIGN LOCATIONS.

EASTGATE
MIXED-USE

4221 John Marr Drive, Annandale, VA 22003

hord | coplan | macht

ARCHITECTURE
LANDSCAPE ARCHITECTURE
PLANNING
INTERIOR DESIGN



PROCEEDINGS, CONFERENCE ON THE STATE OF THE ECONOMY AND THE PROSPECTS FOR IMPROVED COOPERATION IN THE MEDITERRANEAN AND AFRICA/ASIA/AMERICA DEVELOPING ECONOMIES, 1994, 1-4 JULY, 1994, CAIRO, EGYPT

[illegible]

A0.25

BUILDING PERMIT SET

© 2004 Hord Capital Markets, Inc.

CDAPPL-2025-00004
4221 John Marr Drive
Appellee Submission



County of Fairfax, Virginia

MEMORANDUM

STAFF MEMORANDUM TO THE LOCAL BOARD OF BUILDING AND FIRE CODE APPEALS

HEARING DATE: April 9, 2025

APPELLANT: Chris Campbell
Campbell Code Consultants
7834 Taggart Ct.
Elkridge, MD 21075

SUBJECT PROPERTY: Eastgate Mixed Use Apartment Project
4221 John Marr Dr, Annandale, VA 22003

CODE: 2018 Virginia Construction Code (VCC)

Staff Position

Staff respectfully requests that the Fairfax County Board of Building and Fire Code Appeals uphold the decision by the building official and plan review staff to require two exit access doorways, in accordance with [VCC Section 1006.2.1](#), and to require remoteness of these exit access doorways where two means of egress are required, in accordance with [VCC Section 1007.1.1](#), which states the following:

1006.2.1 Egress based on occupant load and common path of egress travel distance.

Two *exits* or *exit access doorways* from any space shall be provided where the design *occupant load* or the *common path of egress travel* distance exceeds the values listed in [Table 1006.2.1](#). The cumulative *occupant load* from adjacent rooms, areas or spaces shall be determined in accordance with [Section 1004.2](#).

Exceptions:

1. The number of *exits* from foyers, lobbies, vestibules or similar spaces need not be based on cumulative *occupant loads* for areas discharging through such spaces, but the capacity of the *exits* from such spaces shall be based on applicable cumulative *occupant loads*.
2. *Care suites* in Group I-2 occupancies complying with [Section 407.4](#).
3. In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual *dwelling units* with a maximum *occupant load* of 20 where the *dwelling unit* is equipped throughout with an *automatic sprinkler system* in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#) and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where [Section 903.2.8](#), Exception 1 or 2 is applicable.



Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 2 of 8

1007.1.1 Two exits or exit access doorways.

Where two *exits*, *exit access doorways*, *exit access stairways* or *ramps*, or any combination thereof, are required from any portion of the *exit access*, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or *scissor stairways* shall be counted as one *exit stairway*.

Exceptions:

1. Where interior *exit stairways* or *ramps* are interconnected by a 1-hour fire-resistance-rated corridor conforming to the requirements of [Section 1020](#), the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. Where a *building* is equipped throughout with an *automatic sprinkler system* in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#), the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

Exit access is defined as follows:

EXIT ACCESS. That portion of a *means of egress* system that leads from any occupied portion of a building or structure to an *exit*.

The combined portion consisting of the five dwelling units and associated corridor identified on the partial floor plan has over 20 occupants, which does not meet the requirements for a single exit in an R occupancy per [Section 1006.2.1](#). Therefore, two exits are required from that combined portion. [Section 1007.1.1](#) above states that whenever two exits are required, they shall be remote from each other, in this case, one-quarter the overall diagonal distance of the combined portion. There are no other exits or exit access doorways from the combined portion other than the shared corridor; all occupants must pass through the same corridor intersection to get out. This only provides one means of egress from the combined five dwelling units that consist of over 20 occupants (see dark yellow shaded area in Figure 1 below).

The intent of the code in requiring two remote means of egress is to limit the number of occupants that would be trapped by a fire event in a single location. This occupant load limit is 20 per [Table 1006.2.1](#). Furthermore, when two means of egress are required, they must be remote from one another as specified in [Section 1007.1.1](#) to ensure fire blocking one means of egress does not also affect the other (separated by one-quarter of the diagonal distance of the area served). A fire at the intersection of the corridor would trap over 20 occupants, which does not meet the intent of the code. Two means of egress are required from this combined space, and they must be remote from each other. The approximate actual dimensions for the remoteness measurement are illustrated in Figure 1 below:

Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 3 of 8

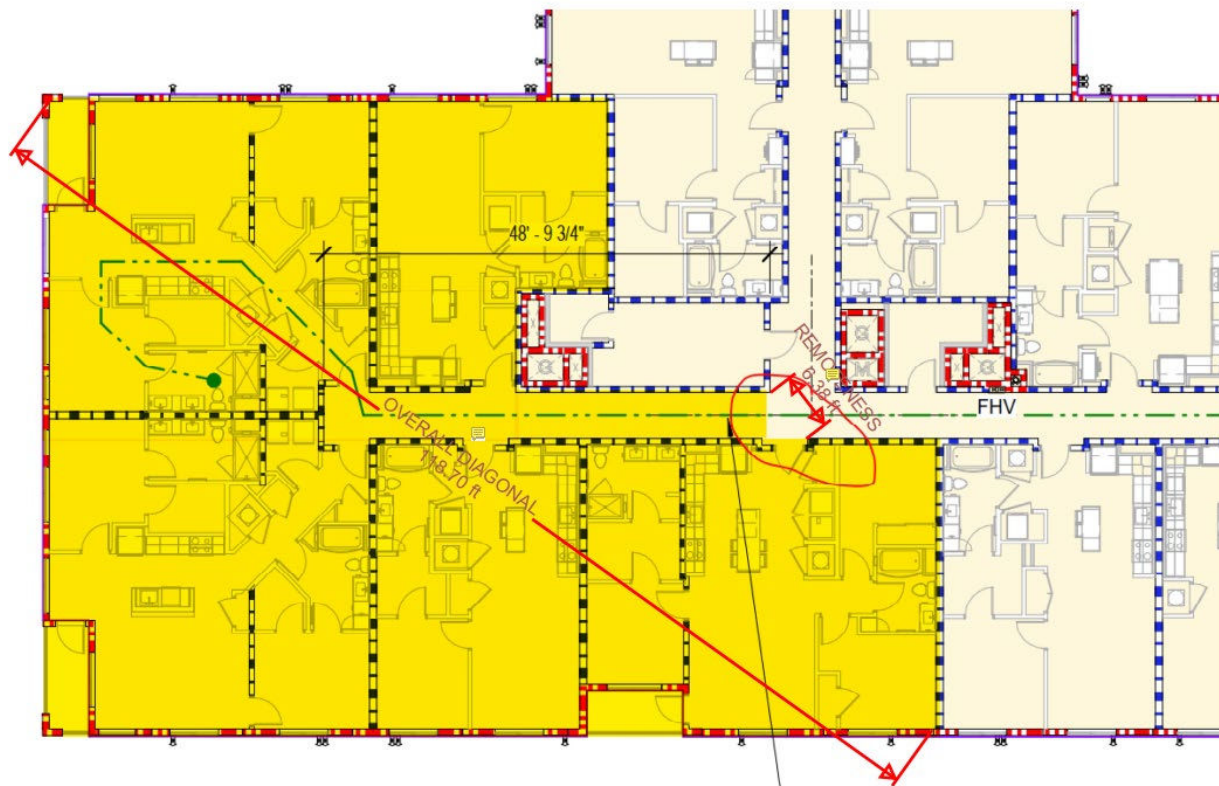


Figure 1

The appellant argues that the combined occupant load should not be used in this case for the determination of the number of means of egress. The dwelling units share a common corridor. The appellant argues that “only” the egress path capacity is regulated for intervening spaces, such as this common corridor. That is not what the code language says (see [2018 VCC Section 1004.2.1](#)). There is no “only” in this code language. Conversely, the first sentence explicitly states that the design occupant load shall be the combined occupant load of interconnected spaces but then adds that the egress path capacity shall also be designed for the combined occupant load:

1004.2.1 Intervening spaces or accessory areas.

Where occupants egress from one or more rooms, areas or spaces through others, the design *occupant load* shall be the combined *occupant load* of interconnected accessory or intervening spaces. Design of egress path capacity shall be based on the cumulative portion of *occupant loads* of all rooms, areas or spaces to that point along the path of egress travel.

Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 4 of 8

Furthermore, in the excerpt below (see Figure 2 below) from the Significant Changes to the IBC per Attachment 2 provided by the appellant, the text below describing the [2015 VCC Section 1004.1.1.1](#) (same as [2018 VCC Section 1004.2.1](#)) highlighted in green explicitly states that the “combined or aggregate” occupant load is to be used to establish “the number of exits or exit access doorways that must be provided from the overall space:”

The first sentence of Section 1004.1.1.1 indicates that where occupants egress from one space through another, the “design occupant load” is determined to be the combined or aggregate of the various interconnected or intervening spaces. This accumulated occupant load is to be used to establish many of the minimum requirements, such as the number of exits or exit access doorways that must be provided from the overall space, whether the doors must swing in the direction of egress travel, and the minimum component width of 36 inches or 44 inches for stairs and corridors. The second sentence indicates that it is only the egress capacity/width that is based on the accumulated occupants along that path of travel; the accumulation of occupants is not to be applied to items such as the number of means of egress.

The purpose of these changes is to reinforce the concept that the occupant load is assigned to each occupied area individually. Where there are intervening rooms, each area must be considered both individually and in the aggregate with the other interconnected occupied portions of the exit access to determine the number of means of egress and width of the exit access. Portions of the occupant load are accumulated along the egress path to determine the capacity of individual egress elements along those paths. However, once occupants from one area make a choice and travel along one of several independent paths of egress travel, their occupant load is not added to some other area to determine how many paths of travel are required from that different area.

Figure 2

The 2018 IBC Commentary expands on this as shown below (see green highlighted text), which states that “The design occupant load is the number of people intended to occupy a building or portion thereof at any one time”, and “If a portion of the adjacent room’s occupant load is to travel through the lobby, only that portion would be combined with the lobby occupant load for determining lobby egress (see Commentary [Figure 1004.2](#)). This is particularly important in determining the number of ways out of a space or off a story and the required capacity of those elements. In this project, 100% of the occupants must egress through the corridor intersection; there is no other means of egress from the combined five dwelling unit space.

Here is additional background from the 2018 Commentary:

1004.1 Design occupant load.

In determining *means of egress* requirements, the number of occupants for whom *means of egress* facilities are provided shall be determined in accordance with this section.

❖ The design occupant load is the number of people intended to occupy a building or portion thereof at any one time; essentially, the number for which the means of egress is to be designed. It is the largest number derived by the application of [Sections 1004.1](#) through [1004.8](#). Occupant density is limited to ensure a reasonable amount of freedom of movement (see [Section 1004.5.1](#)). The design occupant load is also

Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 5 of 8

utilized to determine the required plumbing fixture count (see commentary, [Chapter 29](#)) and other building requirements, such as automatic sprinkler systems and fire alarm and detection systems (see [Chapter 9](#)). The intent of this section is to indicate the procedure by which design occupant loads are determined. This is particularly important because accurate determination of design occupant load is fundamental to the proper design of any means of egress system.

1004.2 Cumulative occupant loads.

Where the path of egress travel includes intervening rooms, areas or spaces, cumulative *occupant loads* shall be determined in accordance with this section.

❖ When occupants from an accessory area move through another area to exit, the combined number of occupants must be utilized to determine the capacity that the egress components must accommodate. It is not the intent of this section to “double count” occupants. For example, the means of egress from a lobby must be sized for the cumulative occupant load of the adjacent office spaces if the occupants must travel through the lobby to reach an exit. Likewise, if an adjacent room has an egress route independent of the lobby, the occupant load of that room would not be combined with the occupant loads of the other rooms that pass through the lobby. If a portion of the adjacent room’s occupant load is to travel through the lobby, only that portion would be combined with the lobby occupant load for determining lobby egress (see Commentary [Figure 1004.2](#)). This is particularly important in determining the number of ways out of a space or off a story and the required capacity of those elements.



EXIT DOOR #1 DESIGN:

# OF OCCUPANTS FROM OPEN OFFICE	=	150
# OF OCCUPANTS FROM BUILDING OFFICE	=	20
# OF OCCUPANTS FROM LOBBY	=	10
TOTAL # OF OCCUPANTS (BY COMBINATION)	=	180

Commentary Figure 1004.2
COMBINED OCCUPANT LOAD FOR EGRESS DESIGN

1004.2.1 Intervening spaces or accessory areas.

Where occupants egress from one or more rooms, areas or spaces through others, the design *occupant load* shall be the combined *occupant load* of interconnected accessory or intervening spaces. Design of egress path capacity shall be based on the cumulative portion of *occupant loads* of all rooms, areas or spaces to that point along the path of egress travel.

Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 6 of 8

❖ An example of intervening spaces could be small tenant spaces within a large mercantile. It is common for banks or coffee shops to be located within large grocery stores. Another example would be a dentist's office where people in the staff and exam room areas would egress through the reception area.

As you can see from the commentary above for [Section 1004.2](#), the code fully intends for the combined occupant load of the interconnected spaces to be used to determine the number of means of egress required from the overall area being served. As previously mentioned, all of the occupants must egress through the corridor intersection since there is no other means of egress from the combined five dwelling unit space.

The appellant also argues that the dwelling units meet the exception 3 for a single exit in [Section 1006.2.1](#) repeated below:

1006.2.1 Egress based on occupant load and common path of egress travel distance.

Two *exits* or *exit access doorways* from any space shall be provided where the design *occupant load* or the *common path of egress travel* distance exceeds the values listed in [Table 1006.2.1](#). The cumulative *occupant load* from adjacent rooms, areas or spaces shall be determined in accordance with [Section 1004.2](#).

Exceptions:

1. The number of *exits* from foyers, lobbies, vestibules or similar spaces need not be based on cumulative *occupant loads* for areas discharging through such spaces, but the capacity of the *exits* from such spaces shall be based on applicable cumulative *occupant loads*.
2. *Care suites* in Group I-2 occupancies complying with [Section 407.4](#).
3. In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum *occupant load* of 20 where the dwelling unit is equipped throughout with an *automatic sprinkler system* in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#) and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where [Section 903.2.8](#), Exception 1 or 2 is applicable.

The appellant states that this exception exactly matches the condition in the project; however, the application of this exception to the combined five dwelling unit space is incorrect. This exception only applies to each dwelling unit individually, not in aggregate. These dwelling units share their means of egress via the common corridor. So, this only applies to the door from the dwelling unit into the corridor and not from the combined space including five dwelling units and shared corridor. Even as such, if it were to be applied a group of dwelling units in this project, it merely mirrors the same criteria as in [Table 1006.2.1](#), so it is moot.

The appellant has provided three ICC staff opinions regarding the applicability of the single exit criteria:

1. The first opinion from Chris Reeves is not relevant to the current appeal because it only considers four dwelling units with an occupant load of 20 people or less. The County comment is concerning the five dwelling units, with over 20 occupants.
2. The second staff opinion from Kim Paarlberg states that she would not consider the fifth dwelling unit in aggregate with the four dwelling units because it has two ways to go right away. The appellants question stated “the question is really hinging on the unit with an entry door right below the corridor intersection point. My take is that because occupants in this unit have zero common path immediately upon walking out of the unit, this unit should not be included in the “space” with only one exit.” This logic is flawed because having two ways to go is not equivalent to having two

Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 7 of 8

remote means of egress; instead, it is a determination for the end of the common path of travel. The requirements in [Table 1006.2.1](#) include both occupant load limits and common path of travel limits; it is not enough to only meet the common path of travel limits to qualify for a single exit, however, this ICC opinion has the effect of allowing just that. This approach is myopic and flawed because it effectively treats spaces of the building as if they were separate and not connected to each other (e.g., the four dwelling units vs. the building, minus the four dwelling units). Ignoring the four dwelling units when determining the occupant load is arbitrary and claiming that it is inappropriate to analyze the five dwelling units in combination or aggregate is illogical. One cannot just pick and choose spaces that are convenient and pretend that the remainder of the building does not exist; all portions of the building, both separately and combined, must meet the minimum code requirements, not just an arbitrary subset of the building considered separately.

3. The third staff opinion from Michael Giachetti mostly only addresses the four dwelling units on the dead-end corridor, which as previously stated is not the subject of this appeal. However, his response does mention whether to consider the occupant load of the fifth dwelling, together with the four on the dead-end corridor, for egress. It appears from his conclusions that he is still referring to egress from the dead-end corridor and four dwelling units only and not from the corridor intersection with the five dwelling units, since he refers to the space being only 3,968 sq. ft. with an occupant load of 20 people (coinciding with the four dwelling unit space). So, his conclusions related to this are also not relevant. In his reference to exception 3 for a single exit in [Section 1006.2.1](#), he states that, in his opinion, “multiple units could be treated as a single dwelling unit and only require one means of egress from that “space” provided the aggregate occupant load of the multiple units did not exceed 20 and the common path of travel did not exceed 125 feet. As previously mentioned above, if it were to be applied a group of dwelling units in this project, the same criteria as in [Table 1006.2.1](#) would be applied, resulting in no difference. He further states that “It should be noted that just because a code complying corridor is not otherwise considered a dead-end corridor for occupants entering the corridor does not relieve the applicability of the single means of egress “space” provisions of Table 1006.2.1. The occupant load from adjoining rooms, in my opinion, must be added to verify all converging occupants into a given space are provided the adequate number of means of egress,” which actually supports the County position that the combined occupant load of the aggregate spaces is applicable for determining the number of means of egress.

The appellant has provided examples of previous projects where this code violation was not caught by County staff. The appellant appears to expect County plan reviewers to be perfect and not make mistakes. Just because a violation was not caught on previous projects does not relieve the duty by the County to enforce those requirements when they are identified.

The appellant also argues that the intent of the 50' dead end limit should be coordinated with the designer's desire to maximize the occupant load of a space. The minimum code requirements are based on the impact they have on life safety and are not based on the applicability to any particular design or building layout. Dead end limits are set based on what a reasonable length of time would be to allow an occupant to search for an exit in an emergency but then have to double-back upon reaching a dead end, and they are not related to how much area or number of occupants can be allocated to dwelling units opening onto the corridor. For example, a dead-end corridor could include other spaces besides just dwelling units that have lower occupant loads, such as storage, mechanical, or electrical spaces, or the corridor may not necessarily have dwelling units on both sides continuously, where a 50' dead end would be physically possible and still have less than 20 occupants and less than 125' common path of

Eastgate Mixed Use Apartment Project
 4221 John Marr Dr, Annandale, VA 22003
 Page 8 of 8

travel. The code attempts to avoid dictating design as much as possible by allowing flexibility; as such, it is not surprising that the dead-end corridor limits are not coordinated to coincide with maximizing design occupant loads.

To summarize, the portion of the building containing the five dwelling units has over 20 occupants, which requires two remote means of egress, but only one means of egress is being provided. The appellants position that the combined occupant load cannot be used to determine the number of exits is severely flawed and contrary to the code language, as well as the spirit and functional intent of the code. Additionally, their claim that the exemption for a single exit from an individual dwelling unit also applies to a group of multiple dwelling units is equally flawed and contrary to the code language; although, it's moot since the same criteria still apply per [Table 1006.2.1](#). The ICC staff opinions provided are either irrelevant (pertaining only to the four dwelling units) or arbitrary and myopic in their application of the code and should be disregarded (only considers parts of the building separately but not when combined) or actually support the County's position that the combined occupant load of the aggregate spaces is applicable for determining the number of means of egress. Furthermore, identifying past projects that have been approved in error is not a basis for continued approval of those errors. All portions of a building must meet the minimum requirements of the code, both in part and in whole (not only in parts). The Gestalt principle that the whole is greater than the sum of the parts also applies to the design of buildings and code compliance. All the parts must work together in a compliant manner, not just separately in pieces.

Please uphold the decision of the building official to require two remote means of egress from the combined five dwelling unit space so that not just the letter of the code, but also the spirit and functional intent of the building code is met.

Appellant Position

The appellant's appeal application is provided separately.



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

May 30, 2025

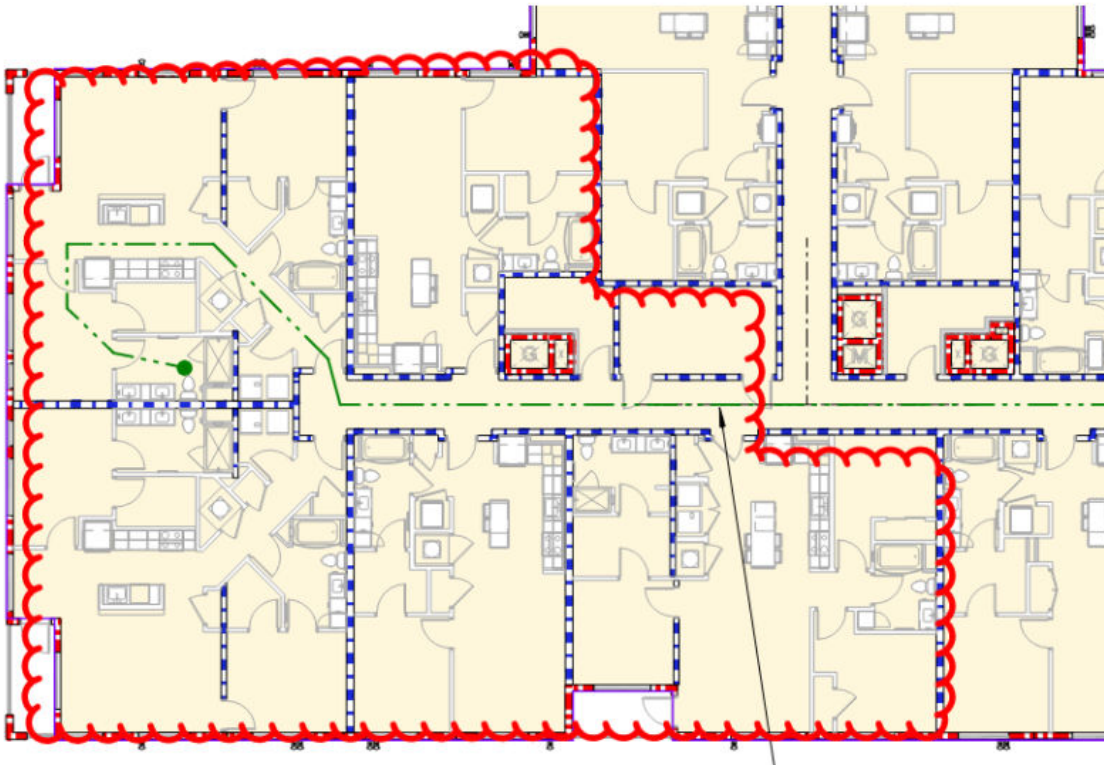
BY EMAIL

Travis Luter, Secretary
Technical Review Board

**RE: Appeal from the Fairfax County Local Board of Building Code Appeals
4221 John Marr Drive (Eastgate)
CDAPPL-2025-0004**

Mr. Luter,

My name is Patrick Foltz and my office represents Jay Riat, the Building Official for Fairfax County. This case originated with an appeal from a decision by Mr. Riat, the Fairfax County Building Official, related to the requirement for two means of egress from a portion of the Eastgate Mixed-Use Apartment project located at John Marr Drive in Annandale. This condition exists on every floor in the building. In its initial appeal, Campbell Code Consulting ("CCC") submitted the following diagram:



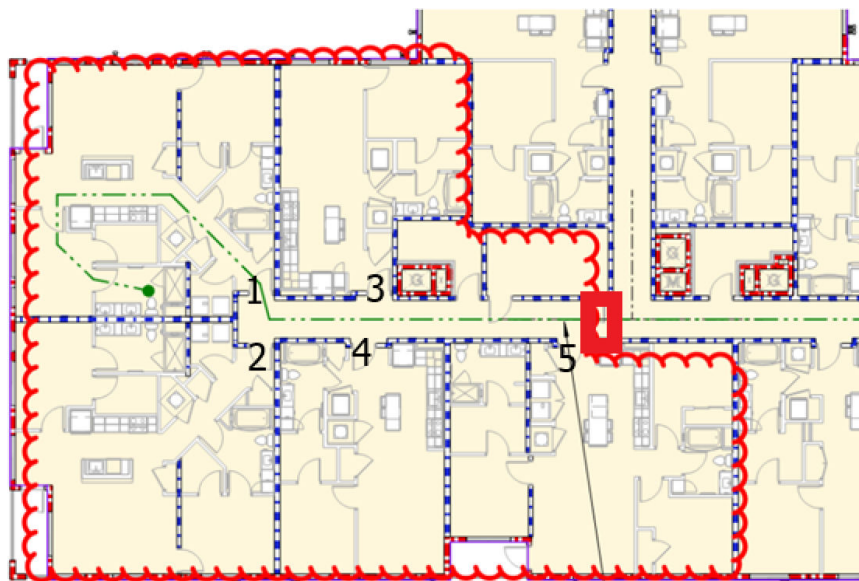
CCC received a comment from plan review indicating that, since the occupancy load for the outlined area exceeds 20 persons, two remote means of egress are needed to meet Table §1004.5 and §1007.1.1. CCC wrote to Mr. Riat requesting a decision on this application of the code. The Building Official opined as follows:

- 1) Looking at only the four units is not sufficient, any and all spaces must be considered to determine compliance with exits and remoteness.
- 2) In the Eastgate plan, considering a space that includes five units and one proposed exit/exit access, the design occupant load exceeds 20 and requires two exits which must meet the remoteness requirements of Section 1007.1.1.
- 3) That, in the context of the review of this specific plan, the five-unit space is a proper method to analyze the load and remoteness requirement for the East Gate plan.
- 4) That Section 1006.2.1 Exception 3 does not apply to a cluster of dwelling units that share a means of egress.

Mr. Campbell timely appealed this decision to the Local Board of Building Code Appeals for Fairfax County (“LBBCA”). After considering the evidence and arguments, the LBBCA voted to uphold the appeal.

Part of the intent and spirit of the Code is to limit the number of people who may be trapped by a single blocked fire exit. Pursuant to Table 1006.2.1., the maximum occupant load of a space with a single exit or exit access doorway for the R-2 Group Occupancy is 20 persons. At §1006.2.1, the Code states “[t]wo *exits* or *exit access doorways* from any space shall be provided where the design *occupant load* or the *common path of egress* travel distance exceeds the values *listed* in Table 1006.2.1.” (emphasis in original). This statement in the code is disjunctive – so long as the occupant load exceeds 20 persons, absent an applicable exception, the space will require two exits. So, because the design occupant load exceeds 20 persons, two exits are required. Both parties agree that the occupant load for the outlined space exceeds 20 persons.

Applying the Code, that exit is not just a single door; rather, it is a single space through which part or all of the occupant load must pass to exit the building. In the area shown in the previous diagram, the highlighted area is served by a single exit, the precise location of the exit being shown using an annotated version of the previous diagram on the following page:



Each apartment egress is labeled 1-5. Each opens into a hallway and all paths of egress must necessarily pass through space indicated by the red rectangle – that is the single fire exit serving these five apartments. If a fire covered or blocked that space, every resident of those five apartments would be trapped without a means of egress. To the right of the red rectangle, the hallway forks, leading to different egresses from the building. However, because more than 20 persons have to exit through the space covered by the red rectangle to escape, another remote means of egress is required to serve the entire occupant load.¹ Therefore, through straight application of the Code requirements, this design is not compliant.

CCC seeks to avoid this mathematical reality by way of an unprecedented reading of Code §1004.2.1. CCC’s initial appeal focuses on the term “egress path capacity” and how it must be calculated pursuant to Code §1004.2.1:

Where occupants egress from one or more rooms, areas or spaces through others, the design occupant load shall be the combined occupant load of interconnected accessory or intervening spaces. Design of **egress path capacity** shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel.”

CCC asserts that the second sentence “requires that when occupants egress from one room through another space, only the egress path capacity must be based on the cumulative occupants of all rooms and spaces.” CCC goes on to claim that “[t]he code does not say that the number of exits must be based on the cumulative occupant load.” (emphases in initial appeal).

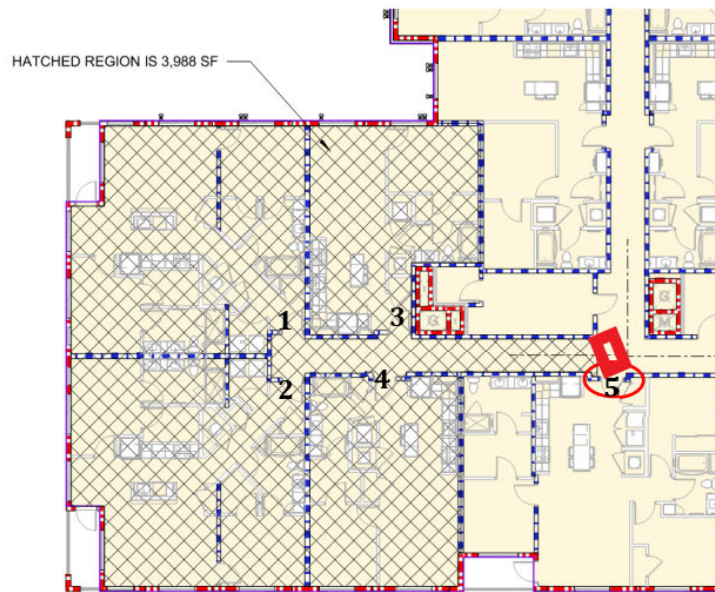
¹ The fork in the hallway does provide access to two different egresses; however, the hallway fork cannot provide two Code-compliant exits because the corridor is not wide enough to comply with the remoteness criteria required by §1007.1.1.

Essentially, CCC is removing from §1004.2.1 the requirement that all paths and spaces be counted in the aggregate to calculate the design occupancy load. The design occupant load and the cumulative occupant load are calculated using the “combined occupant load of interconnected accessory or intervening spaces” and the “cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel”, respectively. In both respects, the loads are aggregate calculations but, in the case of cumulative occupant load, the measurement aggregates all, not just one, of the paths of egress.

The aggregate reading fits neatly with the rest of the Code. The ICC code comment supplied by CCC at page 3 of its appeal further supports exactly this point – “the first sentence of 1004.2.1 indicates that where occupants egress from one space through another, the ‘design occupant load’ is determined to be the combined or aggregate of the various interconnected or intervening spaces. This accumulated occupant load is to be used to establish many of the minimum requirements, *such as the number of exits* or exit access doorways that must be provided from the overall space.”(emphasis added). This expressly establishes the connection between the design occupant load and the number of exits required. Since the occupant load of the space exceeds 20 persons, two Code-compliant exits are required.

This conclusion is entirely consonant with the rest of the ICC comment. The portion of the code comment provided by CCC stating “The second sentence indicates that it is only the egress capacity/width that is based on the accumulated occupants along that path of travel; the accumulation of occupants is not to be applied to items such as the number of means of egress” is in reference to *only the intervening space itself* (i.e., the corridor) and not to the combined aggregate overall space. CCC mistakes the number of exits required from the individual intervening space (1 exit) with the number of exits required from the aggregate combined overall space (2 exits). So, while the occupant load of the dead-end corridor by itself is less than 20 and does not require two exits explicitly just from the corridor, the occupant load of the combined aggregate overall space is over 20 and requires two exits from the larger overall space. Since no other exits are provided from this overall space besides the one at the corridor intersection, there is only one exit from the overall space and is therefore not compliant since the overall space has over 20 occupants.

CCC continues on to offer a redesigned fire plan moving the #5 egress, like so:



This redesign fails to solve the fundamental issue. Even though, according to CCC, the hatched area covers only 3,988 square feet, and therefore carries a design occupant load of fewer than 20 persons, the occupants in apartment #5 still must pass through the same narrow space (shown by the red rectangle) as the other four apartments must to access a fire exit. A fire in that space, or affecting that space, would still leave the occupants in all five apartments trapped without a viable means of egress. So, as with the original layout, the overall space encompassing the five apartments combined has over 20 occupants but still only a single means of egress.

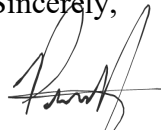
Finally, CCC proposes acceptance of the design based upon the following exception to VCC §1006.2.1:

3. In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual *dwelling units* with a maximum *occupant load* of 20 where the *dwelling unit* is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2 and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where Section 903.2.8, Exception 1 or 2 is applicable.

Even at first glance, this exception is inapplicable. For one, the exception permits one means of egress within and from an *individual dwelling unit*; not from a cluster of apartment dwelling units, where the proper factor is the design occupancy load of the spaces served by the exit. Second, even if the Board were inclined to apply the exception, the design at issue here exceeds the maximum occupant load of 20 permitted by the exception. So, for multiple reasons, CCC is foreclosed from claiming the benefit of this exception.

In the end, straight application of the Code dictates a single result – so long as those five apartments share the same single egress, the design violates the Code. Accordingly, the Building Official requests that the Technical Review Board accept his appeal, vacate the decision of the LBBCA, and uphold the decision of the Building Official. I can be reached at the above contact information or by email at Patrick.foltz@fairfaxcounty.gov. For reference, this letter also incorporates the staff memorandum submitted to the LBBCA and attached in the Board Packet. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick V. Foltz', with a stylized flourish at the end.

Patrick V. Foltz

Additional Documents
Submitted by
Campbell Code Consultants

(Page left blank intentionally)

Your ref
Our ref 23-078
File ref



7834 Taggart Ct.
Elkridge, MD 21075
United States of America

t +1 410 929 5242

www.campbellcodeconsulting.com

Mr. W. Travis Luter, Sr., CBO
Secretary to the State Building Code
Technical Review Board
Code and Regulation Specialist
Virginia Department of Housing and
Community Development (DHCD)

May 29, 2025

Mr. Luter,

**4221 John Marr Dr. Project (Appeal No. 25-09)
Supporting Documents**

Please accept the attached supporting documents on behalf of the ownership and design team in support of our position on the above-referenced appeal. The attached documents are the same as what we submitted to the Fairfax County Board of Building Code Appeals in advance of the April 11, 2025 hearing, at which the local Board voted to uphold our appeal.

We appreciate your review of these supporting documents and look forward to presenting our position at the State Technical Review Board.

Yours sincerely

A handwritten signature in black ink that reads 'Christopher Campbell'.

Chris Campbell, PE
Principal & Founder

Enc:

1. Original Fairfax County Board of Appeals Submission

Your ref
Our ref 23-078
File ref



7834 Taggart Ct.
Elkridge, MD 21075
United States of America

t +1 410 929 5242

www.campbellcodeconsulting.com

Fairfax County Local Board of Building and
Fire Code Appeals
Herrity Building
12055 Government Center Parkway
Fairfax, VA 22035

March 24, 2025

To the Fairfax County Local Board of Building and Fire Code Appeals:

Eastgate Mixed Use Apartment Project (BLDC-2024-00163) Appeal of Mr. Jay Riat's Decision on Single Exit Issue Rev.1

Introduction

We are appealing a decision from Mr. Jay Riat, the Fairfax County Building Official, related to the requirement for two means of egress from a portion of the Eastgate Mixed-Use Apartment project located at John Marr Drive in Annandale, VA. This condition exists on every floor in the building. In this appeal, we are showing a typical arrangement, but the appeal is intended to address the conditions on every floor. A copy of the decision from Mr. Riat is included in Attachment 1.

Background on Code Issue

The design team received an initial permit comment from Tuong Nguyen regarding a single means of egress from the plan southwest corridor of the building. The comment essentially stated that this area has an occupant load greater than 20 occupants and requires two remote means of egress (citing VCC 1006.2.1). Please see Figure 1 showing the original design.

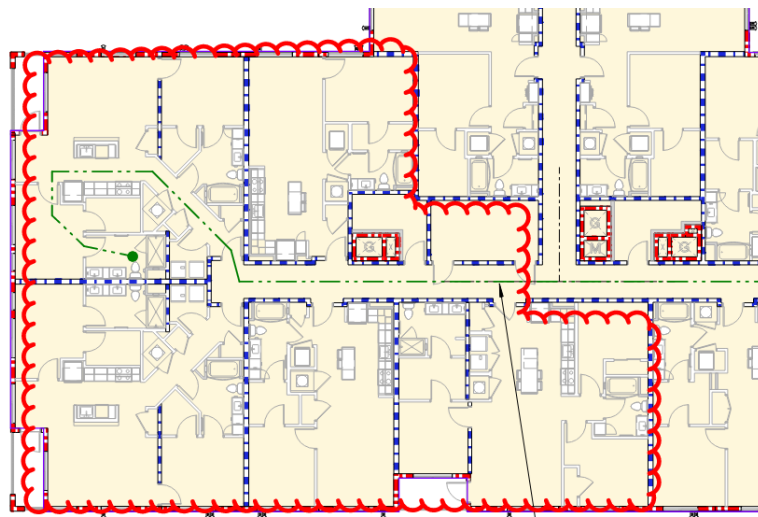


Figure 1: Original design. Red cloud shows area where Fairfax County believes a second exit is required.

The design team scheduled a call with Mr. Nguyen and the Fairfax County Deputy Building Official, Dan Willham, to discuss the comment. Our position was the design was compliant as submitted, citing the fact that exit remoteness is only required when two exits are required, and that two exits are not required in this scenario. Mr. Nguyen and Mr. Willham disagreed and stated that the unit entry door near the corridor intersection was too close to the corridor intersection point.

Code Basis for Design

The primary code requirement for this issue is VCC 1006.2.1, which governs when a second means of egress is required from a space. VCC 1006.2.1 contains two key provisions which make the original proposed design acceptable.

First, the charging text of VCC 1006.2.1 states (emphasis added):

*“Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or spaces **shall be determined in accordance with Section 1004.2.**”*

Table 1006.2.1 gives a limit of 20 occupants for Group R-2 occupancies. This means that if the occupant load of a space exceeds 20 in a Group R-2 occupancy, a second exit or exit access path is required. However, the method for calculating the occupant load must be performed in accordance with Section 1004.2.

If we refer to VCC 1004.2.1, the code states (emphasis added):

*“Where occupants egress from one or more rooms, areas or spaces through others, the design occupant load shall be the combined occupant load of interconnected accessory or intervening spaces. Design of **egress path capacity** shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel.”*

The words “egress path capacity” are critical in this requirement. The second sentence requires that when occupants egress from one room through another space, only the egress path capacity must be based on the cumulative occupants loads of all rooms and spaces. The code does not say that the number of exits must be based on the cumulative occupant load.

Note that the language of Section 1004.2.1 changed in the 2015 version of the IBC (which was then adopted by Virginia). Please refer to the following description on this code change from the 2015 IBC Significant Changes document. The full code change summary can be found in Attachment 2 (note that between 2015 and 2018 code cycles, Section 1004.1 became Section 1004.2, but code language remained the same).

The first sentence of Section 1004.1.1.1 indicates that where occupants egress from one space through another, the “design occupant load” is determined to be the combined or aggregate of the various interconnected or intervening spaces. This accumulated occupant load is to be used to establish many of the minimum requirements, such as the number of exits or exit access doorways that must be provided from the overall space, whether the doors must swing in the direction of egress travel, and the minimum component width of 36 inches or 44 inches for stairs and corridors. The second sentence indicates that it is only the egress capacity/width that is based on the accumulated occupants along that path of travel; the accumulation of occupants is not to be applied to items such as the number of means of egress.

This language clarifies the intent of VCC 1004.2.1: when occupants egress from one room through another space, the egress capacity is based on the accumulative occupant load, but the number of means of egress is not.

Applying this to the Eastgate project, when occupants leave a dwelling unit and travel through the corridor, the egress width of that corridor and any subsequent egress components must accommodate the accumulated occupant load, but a second means of egress is not required simply because 20 occupants are using a given segment of the corridor.

An applicable analogy could be a vestibule that is located at the main entry door to a space. Regardless of how many occupants are located in the main space, the vestibule itself only requires one means of egress. That's because only the egress width/capacity is based on the cumulative occupant load, not the number of means of egress. In the same way, the number of exits required in this portion of the Eastgate project is not based on the accumulated number of occupants using this vicinity of the corridor.

Second, VCC 1006.2.1 Exception 3 states:

“In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where Section 903.2.8, Exception 1 or 2 is applicable.”

This is the exact situation presented in the Eastgate project, Group R-2 individual dwelling units with an occupant load of less than 20 occupants. Exception 3 is an exception to the full section of VCC 1006.2.1, meaning that if the exception applies, compliance with VCC 1006.2.1 is not required. It is unclear why Fairfax County believes this exception is not applicable to the Eastgate project.

Design Revision

While we felt that the original design was compliant as submitted, the design team relocated the door of eastern-most unit to be past the corridor intersection point, hoping to address Fairfax County's initial concerns. Please see the updated design in Figure 2 and Attachment 7.

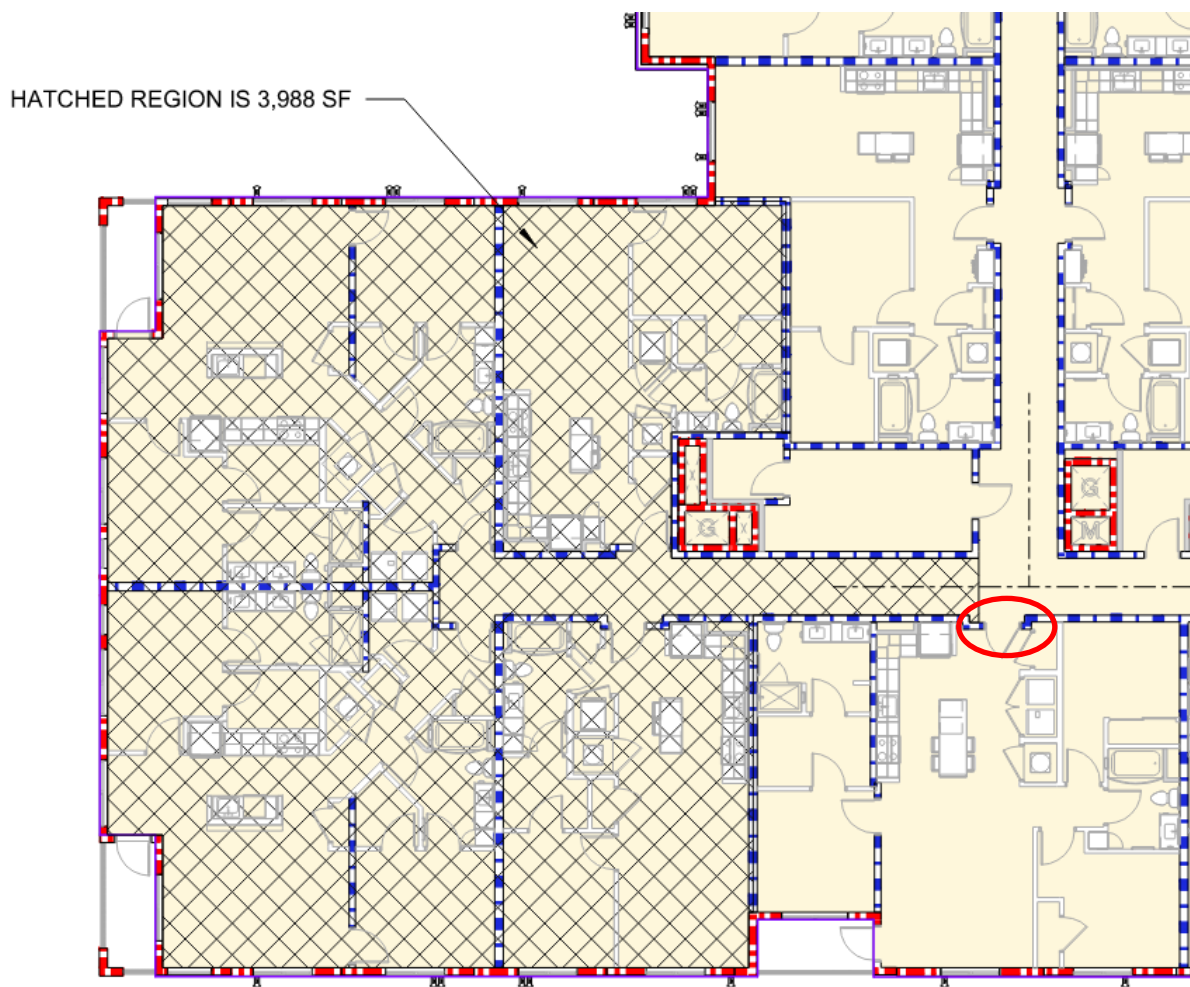


Figure 2: Updated design with relocated door (circled in red). Hatched region occupant load does not exceed 20.

Even with Fairfax County's approach to determining the number of required exits, this updated layout shows an occupant load of less than 20 occupants, which should satisfy the VCC 1006.2.1 requirement for a single exit from the space. Note that the hatched region is stopped just prior to the eastern-most unit in this updated layout, since occupants in that dwelling unit immediately have the choice of two exit access paths upon leaving the unit.

First ICC Code Opinion

Prior to resubmitting this updated design to Fairfax County, the design team obtained an opinion from Chris Reeves, Director of Architectural & Engineering Services at the International Code Council (ICC), developer of the International Building Code. Please see this opinion attached as Attachment 3. Mr. Reeves's opinion states that the revised layout complies with the requirements of Table 1006.2.1 for a single means of egress.

The design then submitted this revised layout and ICC opinion to Mr. Nguyen and Mr. Willham. Both staff indicated that the design was still noncompliant in their opinion. Mr. Willham suggested the design team get another ICC staff opinion from Kim Paarlberg.

Second ICC Code Opinion

The design team sent the revised layout to Kim Paarlberg, Senior Staff Architect, at the ICC, and she agreed that the design was compliant. Please find Ms. Paarlberg's response attached as Attachment 4.

Upon forwarding this second ICC opinion to Fairfax County, Mr. Willham responded that this still does not resolve his concerns.

Discussion with Fairfax County Building Official Jay Riat

Upon Mr. Willham's disagreement with the second ICC staff opinion, the design team raised the issue with the Fairfax County Building Official, Jay Riat. This included providing all past correspondence with the ICC to Mr. Riat.

Mr. Riat's response states that in his opinion, VCC Section 1006.2.1 applies to "any and all spaces" in the building. This means that, in Mr. Riat's opinion, the County can pick any portion of the building that they choose, and if that portion of the building has more than 20 occupants, two remote means of egress are required. Based on this, the original permit review comment remains.

After receiving this response from Mr. Riat, the design team has appealed this decision to the Fairfax County Board of Building Code Appeals.

Third ICC Code Opinion

For additional supporting evidence, the design team requested a code opinion from a third ICC staff member. Mike Giachetti, Manager of ICC Technical Services, agreed that the proposed design is compliant and does not require a second means of egress from the area in question. Please refer to Mr. Giachetti's response in Attachment 5.

Summary

The design team's primary argument focuses on five key items:

1. VCC Section 1004.2.1 states:

"Design of **egress path capacity** shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel."

This code requires egress capacity and width to be based on the cumulative occupant load, but not the number of means of egress. This is further clarified in the ICC Significant Code Changes document (Attachment 1).

2. VCC Section 1006.2.1 Exception 3 states:

"In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and the common path of egress travel does not exceed 125 feet (38 100 mm). This exception shall also apply to Group R-2 occupancies where Section 903.2.8, Exception 1 or 2 is applicable."

This is literally the condition presented on this project, egress within and from individual dwelling units with a maximum occupant load of 20. Despite our condition exactly matching this exception, Fairfax County will not accept the design.

3. We obtained opinions on the proposed design from three different senior staff members at the ICC. Each staff member provided a written opinion that the proposed design is compliant (Attachments 3, 4 and 5).
4. There are numerous Fairfax County projects in recent years that have been permitted and approved with a similar condition to the current design we have presented. This code requirement in the VCC has not changed, so it is unclear why Fairfax County is suddenly taking exception to this approach. Please see Attachment 6 for examples.
5. Fairfax County's opinion states that the County can pick any portion of the building that they choose, and if that portion of the building has more than 20 occupants, two remote means of egress are required. Based on the County position, it is almost impossible to design a building with a dead-end corridor arrangement. If the intent of the code was truly aligned with Fairfax County's position, why would the code allow a 50' dead end corridor and 125' common path in sprinkler-protected Group R-2 occupancies? Furthermore, based on the County position, numerous existing buildings with minimal dead end corridor arrangements would not comply. These are buildings that have been permitted, constructed and occupied in Fairfax County and would not be compliant based on this County position. Please see attached examples (Attachment 5) of recently permitted and approved Fairfax County projects that do not comply with the County's current interpretation.

We appreciate your consideration of this appeal and look forward to presenting our argument during the hearing.

Yours sincerely



Chris Campbell, PE
Principal & Founder

Enc:

- Attachment 1: Decision from Mr. Jay Riat
- Attachment 2: 2015 IBC Significant Changes Excerpt
- Attachment 3: ICC Staff Opinion from Chris Reeves
- Attachment 4: ICC Staff Opinion from Kim Paarlberg
- Attachment 5: ICC Staff Opinion from Mike Giachetti
- Attachment 6: Similar Fairfax County Projects
- Attachment 7: Updated Design

Chris Campbell

From: Riat, Jay <Jay.Riat@fairfaxcounty.gov>
Sent: Friday, February 14, 2025 4:33 PM
To: Chris Campbell
Cc: Nguyen, Tuong; Willham, Dan; Keith Kobin; Kacey Huntington
Subject: RE: [EXTERNAL]Potential Board of Appeals Matter

Chris,

Thank you for your patience while I reviewed this further with our team. I appreciate the detailed explanation and your point of view. The design occupant load when analyzing the space that includes the four units is 20. If this were the limits of the building then all spaces would have been considered and only a single exit would be required and remoteness would be a nonissue. Given the actual configuration of the building/spaces for this project, any and all spaces must meet the same requirement to allow a single exit/exit access. The design occupant load when considering a space that includes the fifth unit in addition to the four exceeds 20. This configuration of space would require two exits or exit access doorways which must meet the remoteness requirements of 1007.1.1. The analysis for compliance with 1006.2.1 does not stop here. We would then consider the sixth unit and so on. The language of the code section 1006.2.1 states "Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. You state in your write up that the county cannot arbitrarily pick a "space" since space is not defined. However, picking the four units as a space for a single point of analysis would actually be arbitrarily picking a "space" for analysis. Since Section 1006.2.1 specifically refers to "any space", the space including the five dwelling units is a valid space for analysis.

You also state that VCC 1006.2.1 Exception 3 allows one means of egress within and from dwelling units with less than 20 occupants. However, your statement left out the word "individual"; the code language reads "within and from individual dwelling units with a maximum occupant load of 20". Therefore, this only applies to the door between each individual dwelling unit and the corridor. It does not apply to a cluster of dwelling units that share a means of egress.

At this point your analysis should be done from any and all spaces as the code requires or provide a code path on how we can limit our analysis for the number of exits to the four units you have picked.

Where two or more exits are required, please see the code section below for their required remoteness.

1007.1.1 Two exits or exit access doorways.

Where two *exits*, *exit access doorways*, *exit access stairways* or *ramps*, or any combination thereof, are required from any portion of the *exit access*, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or *scissor stairways* shall be counted as one *exit stairway*.

Exceptions:

1. 1.Where interior *exit stairways* or *ramps* are interconnected by a 1-hour fire-resistance-rated *corridor* conforming to the requirements of [Section 1020](#), the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. 2.Where a *building* is equipped throughout with an automatic sprinkler system in accordance with [Section 903.3.1.1](#) or [903.3.1.2](#), the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

Thanks.

Kind regards,

Jay S. Riat P.E., PMP, CBO

Director, Building Division

Building Official

Land Development Services, Fairfax County Government

Phone 703-324-1017 **Mobile** 703-609-0856

Web www.fairfaxcounty.gov/landdevelopment

Email Jay.Riat@fairfaxcounty.gov

12055 Government Center Pkwy – Suite 322

Fairfax, VA 22035-5500



Quick Links to help you navigate Land Development Services (LDS):

- [LDS Permit Library](#) – Access guides to navigate every record type in PLUS.
- [Letters to Industry](#) – Subscribe for LDS announcements, notices, and tech bulletins.
- [Meet With Staff](#) – Find a staff member to help you with the permit process.

From: Chris Campbell <chris@campbellcodeconsulting.com>

Sent: Monday, December 23, 2024 11:36 AM

To: Riat, Jay <Jay.Riat@fairfaxcounty.gov>

Cc: Nguyen, Tuong <Tuong.Nguyen@fairfaxcounty.gov>; Willham, Dan <Daniel.Willham@fairfaxcounty.gov>; Keith Kobin <KKobin@HCM2.com>; Kacey Huntington <khuntington@HCM2.com>

Subject: [EXTERNAL]Potential Board of Appeals Matter

CAUTION: THIS EMAIL ORIGINATED FROM OUTSIDE OF FAIRFAX COUNTY GOVERNMENT. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Hi Jay,

I hope you are doing well and enjoying the holiday season so far.

I wanted to bring to your attention a permit review matter that our Client may end up taking to the Board of Appeals.

The project is called “Eastgate Mixed-Use” and is in for permit as BLDC-2024-00163. I’ve also attached a more detailed writeup explain the technical issue.

Quick recap of the situation to date:

1. Tuong Nguyen made a plan review comment regarding exit remoteness from one corner of the building.
2. The design team scheduled a call with Tuong and Dan Willham to discuss the comment. Our position was the design was compliant as submitted, citing the fact that exit remoteness is only

required when two exits are required, and that two exits are not required in this scenario. Tuong and Dan disagreed and stated that the unit entry door near the corridor intersection was too close to the corridor intersection point.

3. The design team moved the door to be further east and now past the corridor intersection point, hoping this would make the County more comfortable with the proposed arrangement.
4. We then submitted an ICC staff opinion request (see attached). Chris Reeves from the ICC agreed that our revised design was compliant.
5. We forwarded this revised design and ICC opinion to Tuong and Dan. Both said they still did not agree. Dan suggested I get another ICC staff opinion from Kim Paarlberg.
6. We sent the design to Kim Paarlberg at the ICC, and she agreed that the design was compliant. Dan responded that this still does not resolve his concerns.

So our current situation is that we have the architect, myself and two different ICC staff members who believe that revised design is code compliant, but we still have an outstanding permit review comment. After talking over the situation with the building owner, they are highly considering taking this matter to the Board of Appeals. Before going through that effort though, we wanted to bring this to your attention and ask if you could review the situation? I have already informed Dan that the building owner is considering this path.

Thanks in advance for any assistance you can offer.

Regards,

Chris

Chris Campbell, PE
Campbell Code Consulting



Phone 410.929.5242
Web www.campbellcodeconsulting.com
Email chris@campbellcodeconsulting.com

Need to chat? Book a meeting with me [here](#).
Check out the latest discussions at www.buildingcode.blog

CHANGE TYPE: Modification

CHANGE SUMMARY: The determination of the cumulative design occupant load for intervening spaces, adjacent levels and adjacent stories has been clarified.

2015 CODE: 1004.1.1 Cumulative Occupant Loads. Where the path of egress travel includes intervening rooms, areas or spaces, cumulative occupant loads shall be determined in accordance with this section.

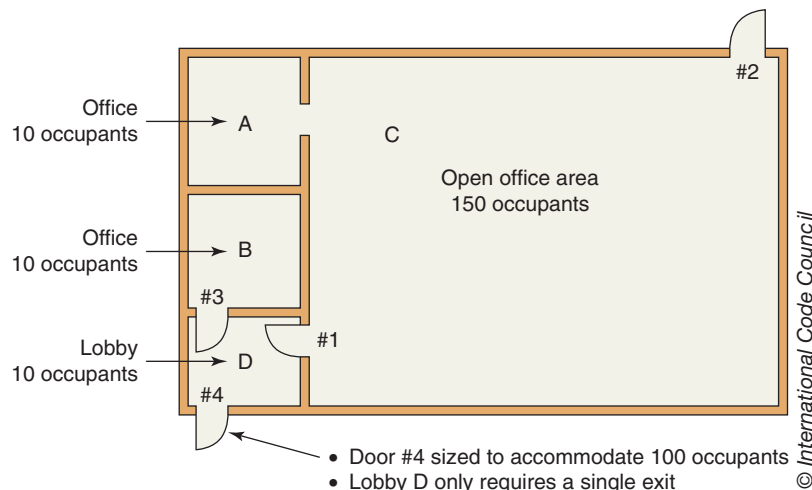
1004.1.1.1 Intervening Spaces or Accessory Areas. Where occupants egress from one or more rooms, areas or spaces through another others, the design *occupant load* shall be the combined occupant load of interconnected accessory or intervening spaces. Design of egress path capacity shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel.

1004.1.1.2 Adjacent Levels for Mezzanines. That portion of the *occupant load* of a mezzanine or story with required egress through a room, area or space on an adjacent level shall be added to the *occupant load* of that room, area or space.

1004.1.1.3 Adjacent Stories. Other than for the egress components designed for convergence in accordance with Section 1005.6, the occupant load from separate stories shall not be added.

CHANGE SIGNIFICANCE: Efforts have been made to clarify how the occupant load of a space that passes through another space is viewed when determining both the number of means of egress and also the capacity (width) of the egress system. It has now been emphasized that rooms that share an egress path must be reviewed based on the aggregate occupant load in order to establish many of the minimum egress

1004.1.1 continues



Cumulative occupant loads for intervening spaces

1004.1.1

Cumulative Occupant Loads

1004.1.1 continued

requirements. Each path of egress travel must be designed so the capacity of that path is capable of serving the accumulated occupant load that travels along that portion of the path.

The first sentence of Section 1004.1.1.1 indicates that where occupants egress from one space through another, the “design occupant load” is determined to be the combined or aggregate of the various interconnected or intervening spaces. This accumulated occupant load is to be used to establish many of the minimum requirements, such as the number of exits or exit access doorways that must be provided from the overall space, whether the doors must swing in the direction of egress travel, and the minimum component width of 36 inches or 44 inches for stairs and corridors. The second sentence indicates that it is only the egress capacity/width that is based on the accumulated occupants along that path of travel; the accumulation of occupants is not to be applied to items such as the number of means of egress.

The purpose of these changes is to reinforce the concept that the occupant load is assigned to each occupied area individually. Where there are intervening rooms, each area must be considered both individually and in the aggregate with the other interconnected occupied portions of the exit access to determine the number of means of egress and width of the exit access. Portions of the occupant load are accumulated along the egress path to determine the capacity of individual egress elements along those paths. However, once occupants from one area make a choice and travel along one of several independent paths of egress travel, their occupant load is not added to some other area to determine how many paths of travel are required from that different area.

Section 1004.1.1.2 recognizes that mezzanines may have independent egress similar to what is typical for a story. If the mezzanine occupants do not egress through the room or area it is a part of, then the occupant load is not added to the main room. If all of the occupants of a mezzanine must egress down through the main room, then their occupant load must be added to the main room or area. Where persons on the mezzanine have an option of egress paths, such as one independent exit and one through the room below, the occupant load may be divided among the available paths and the portion of the occupants exiting through the room below must be added to the occupant load of that space.

The method in which occupant accumulation is addressed where travel occurs between stories has also been revised. The 2012 IBC indicates that an occupant load from one story that travels through the area of an adjacent story must be added to that of the adjacent story where the egress travel is on an exit access stairway. The new provisions indicate that occupant loads from adjacent stories need not be added together, even in those situations where an unenclosed exit access stairway is utilized for required means of egress travel.

Chris Campbell

From: Chris Reeves <creeves@iccsafe.org>
Sent: Tuesday, November 26, 2024 10:24 AM
To: Chris Campbell
Cc: Chris Reeves
Subject: RE: ICCTO-4235 Requirement for Two Exits From Residential Dwelling Units/Corridor

Chris Campbell,

Based on the revised drawing, the designated "hatched" area appears to comply with the requirements of Table 1006.2.1 for a single means of egress space. The designated area of 3,996.95 sf is assumed to have a design occupant load which does not exceed 20 occupants and a common path of egress travel distance of less than 125 feet.

If you would like to discuss this further, I can be reached directly at (888) 422-7233, X4309.

Sincerely,

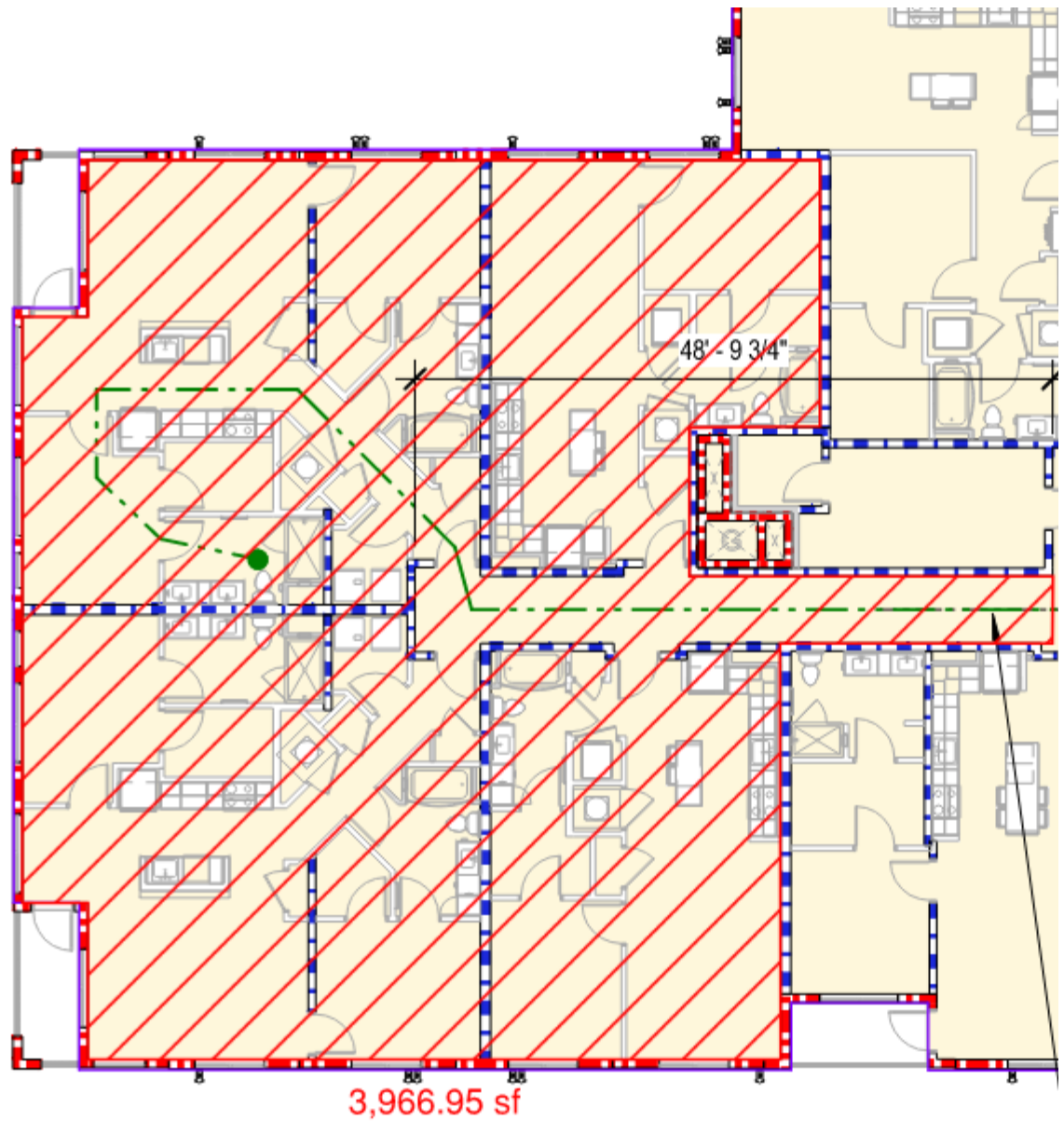
Chris Reeves

Christopher R. Reeves, P.E.
Director, Architectural & Engineering Services
International Code Council, Inc.
Central Regional Office
888-ICC-SAFE (422-7233), x4309
creeves@iccsafe.org

From: Chris Campbell
Sent: Tuesday, November 19, 2024 2:59 PM
To: Chris Reeves <creeves@iccsafe.org>
Subject: FW: ICCTO-4235 Requirement for Two Exits From Residential Dwelling Units/Corridor

Hi Chris,

The architect has updated the plan by shifting the door location of one of the dwelling units and relocating the door to an electrical closet. See below. I have included the area measurement of what I believe would be the extent of "space" where one exit is provided. The area is under 4,000 SF so we should be under 20 occupants.



In your opinion, does this meet the requirements of 1006.2.1?

Thanks!

Chris

Chris Campbell, PE
Campbell Code Consulting

Chris Campbell

From: Kimberly Paarlberg <kpaarlberg@iccsafe.org>
Sent: Tuesday, December 10, 2024 8:49 AM
To: Chris Campbell
Cc: Willham, Dan
Subject: RE: Question for you on IBC 1006.2.1

I agree, don't count the unit that has two ways to go right away.

Kim

From: Chris Campbell <chris@campbellcodeconsulting.com>
Sent: Monday, December 9, 2024 4:32 PM
To: Kimberly Paarlberg <kpaarlberg@iccsafe.org>
Cc: Willham, Dan <Daniel.Willham@fairfaxcounty.gov>
Subject: Question for you on IBC 1006.2.1

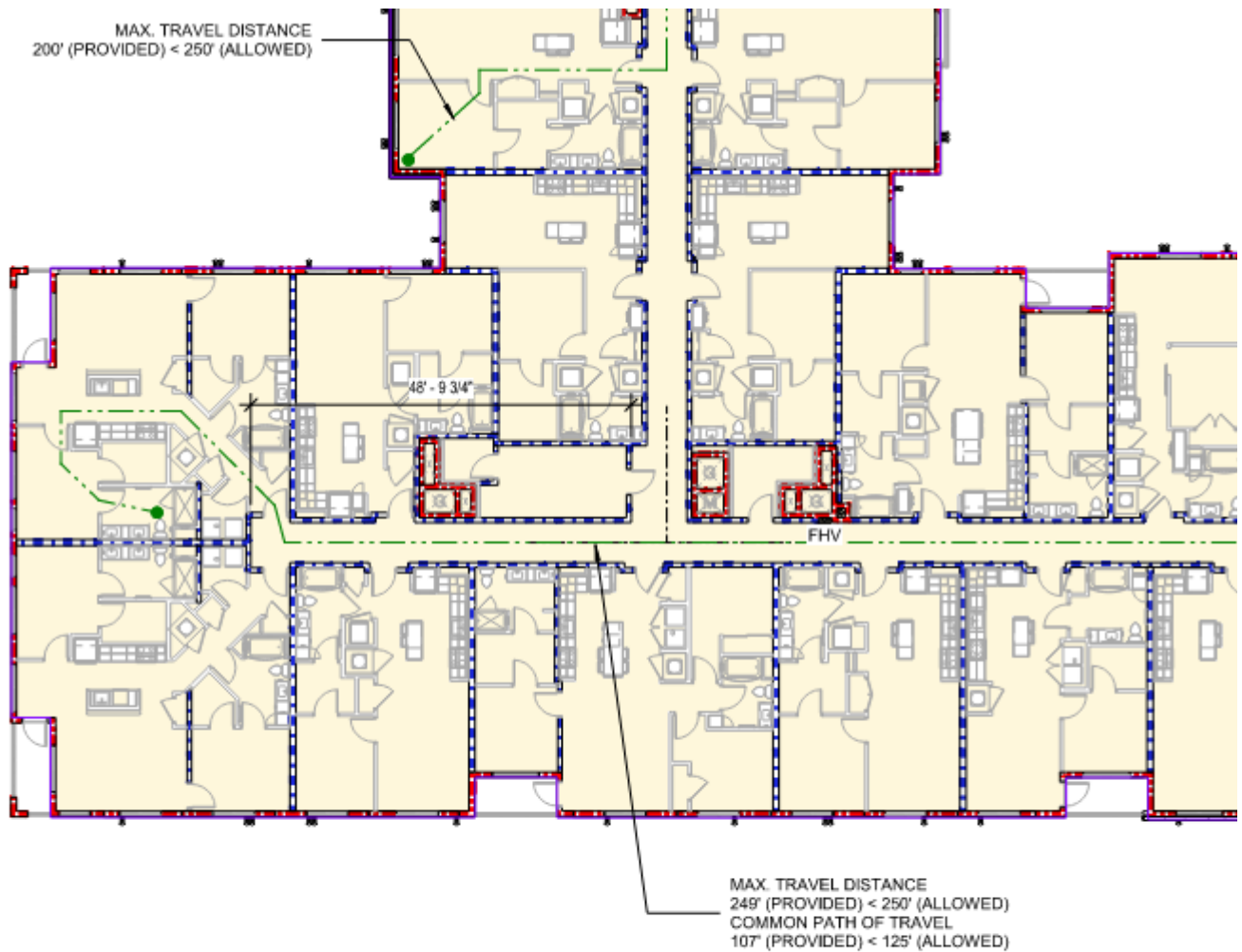
CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kim,

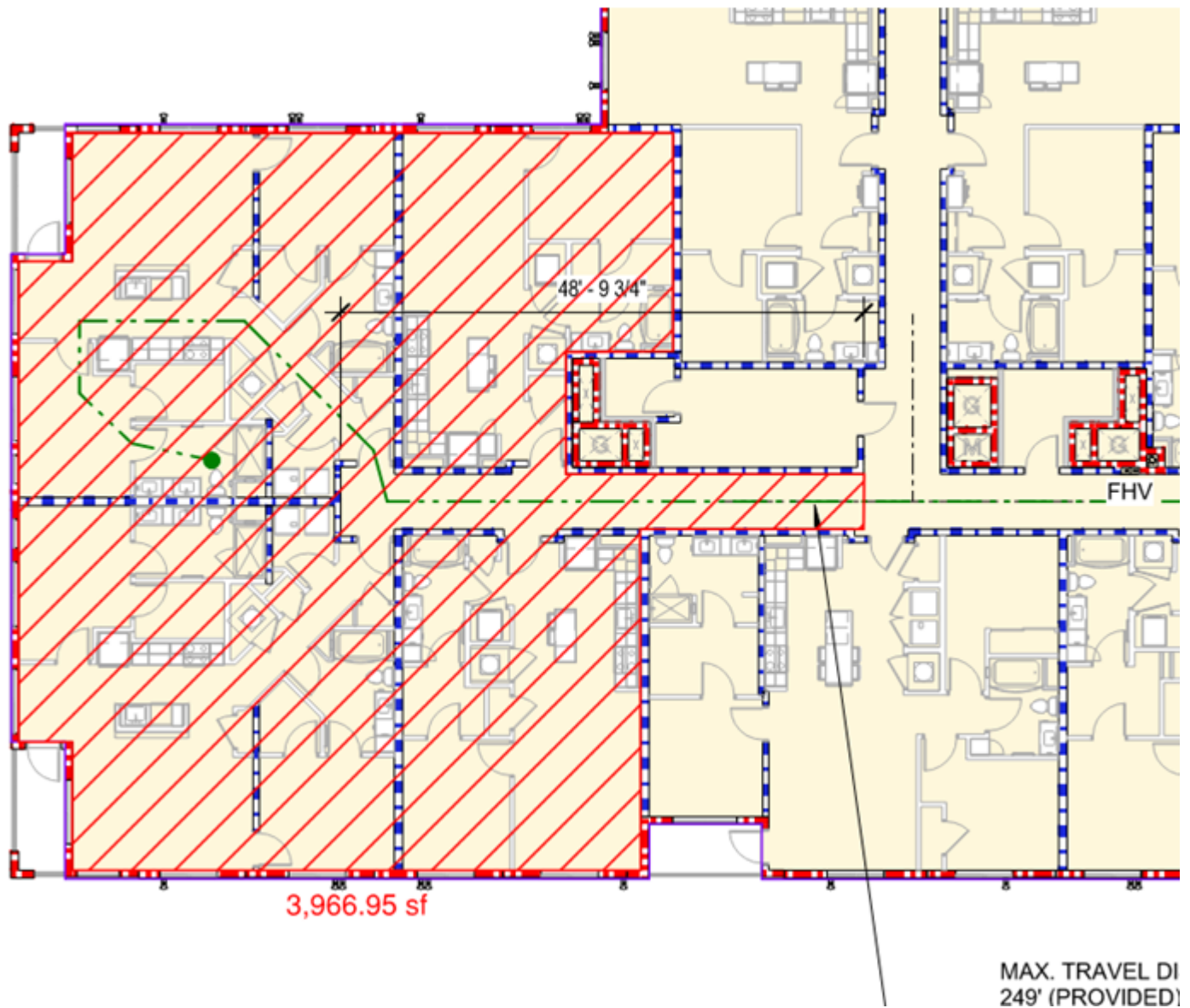
I hope you're doing well and having a good holiday season so far.

Dan and I are having another code debate and wanted to get your take.

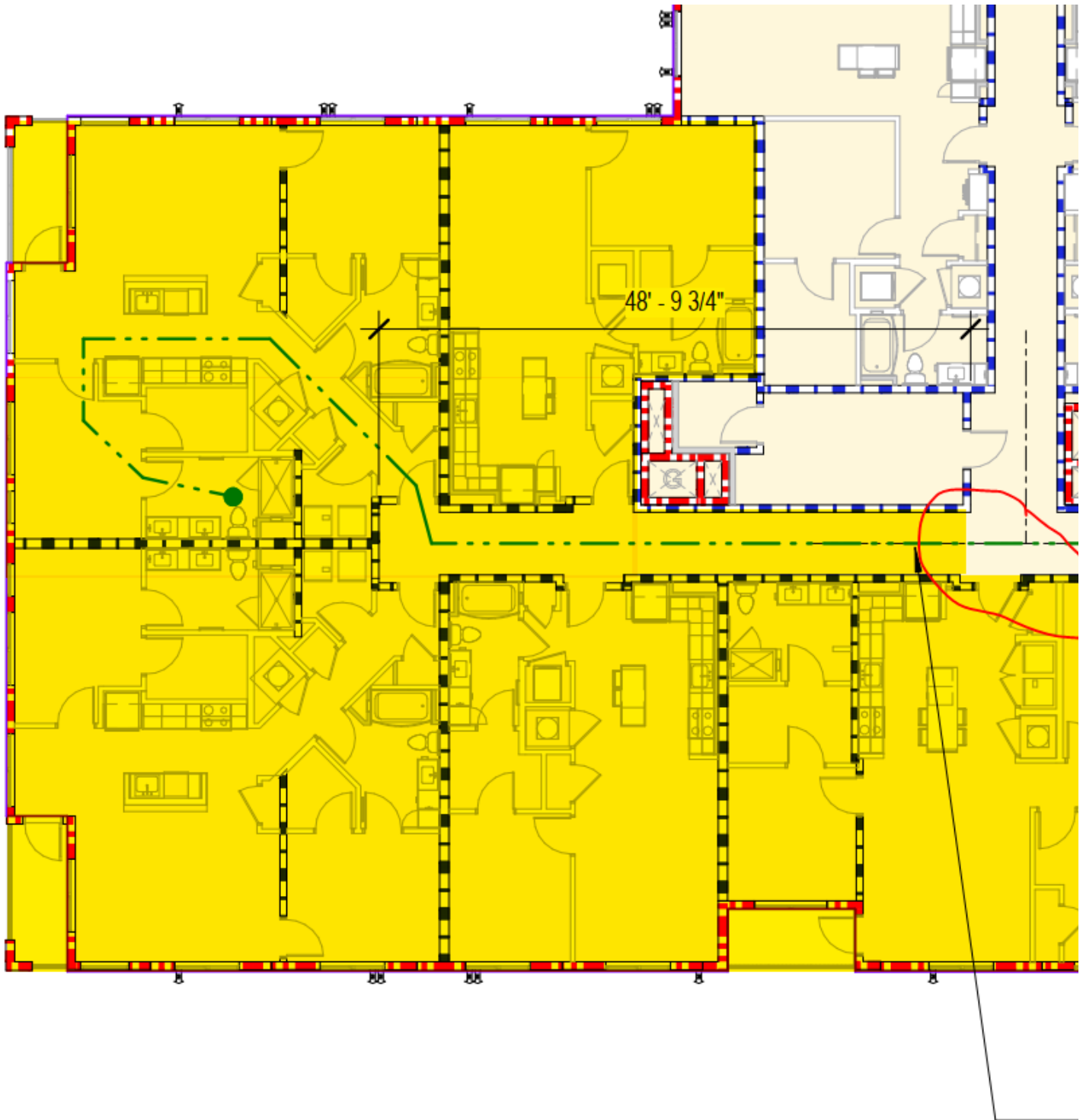
We are debating the application of 2018 IBC 1006.2.1 regarding number of exit access points from an R-2 occupancy. Here is a snapshot of the area in question:



1. My opinion is that for the purposes of applying 1006.2.1, you would measure this wing of the building as shown below. This area is less than 4,000 SF (and therefore less than 20 occupants), so a single exit access point is acceptable.



2. Dan's opinion is that the "space" measurement for the purposes of 1006.2.1 would be as shown below. This measurement incorporates an entire additional unit, is over 4,000 SF, and therefore over 20 occupants. Dan then believes a second exit access point is required from this space.



In my mind, the question is really hinging on the unit with an entry door right below the corridor intersection point. My take is that because occupants in this unit have zero common path immediately upon walking out of the unit, this unit should not be included in the “space” with only one exit. But Dan disagrees.

Would you mind letting us know what you think?

Chris



Quick Consult – ICC Code Opinion

Submitted by: Christopher Campbell

Date Submitted: Mar 17, 2025

Title: 2018 International Building Code (IBC)

Section: 1006.2.1

Your Submitted Question

Single Exit From a Group R-2 Area

A Group R-2 apartment building is fully sprinkler protected per NFPA 13. Please refer to the attached typical floor plan (A0.25). The southwest corner of the building has a dead end corridor that is less than 50 feet. However, there is concern about the occupant load in this vicinity requiring access to two exits. Table 1006.2.1 limits R-2 "spaces" to 20 occupants before two exits or exit access doorways are required. We have measured what we believe is the "space" in this portion of the building as shown callout 3A on sheet A0.25. The hatched region measures approximately 3,988 SF. Based on an occupant load factor of 200 SF per occupant, this means there are fewer than 20 occupants in this "space." We have ended the hatched region at the corridor intersection point, as occupants have the choice of two exit access paths once reaching this point.

Does this arrangement comply with the requirements of IBC 1006.2.1?

ICC Code Opinion

Mr. Campbell:

This letter is in response to your correspondence, with attached drawing, regarding spaces with one means of egress. All comments are based on the 2018 International Building Code (IBC) unless otherwise noted.

The building in question is a Group R-2 apartment building which is fully sprinklered in accordance with NFPA 13. Based on your attached drawing, the southwest corner of the building (the hatched area) is shown to have four dwelling units that are located to the west of a corridor intersection point at which an occupant can choose to travel in two separate directions. The aggregate floor area of the four dwelling units and corridor to the west of the proposed intersection point (the hatched area) is indicated to be 3,968 square feet. The length of the dead-end corridor does not exceed 50 feet. The common path of travel from the most remote point of the furthest dwelling unit to the door to the interior exit stairway enclosure does not exceed 125 feet. You wish to know if a second means of egress is required from the aggregate space.

Admittedly, the IBC does not contain a definition for the term "space". In general, Section 1006.2.1, in conjunction with Table 1006.2.1, establishes the criteria for rooms or "spaces" which are permitted to have a single exit or exit access doorway. Table 1006.2.1 allows for individual dwelling units in a Group R-2 occupancy to be considered a space with one means of egress provided the dwelling unit has a maximum occupant load of 20 and has a common path of travel which does not exceed 125 feet. While a single dwelling unit is considered a space, a configuration of multiple contiguous dwelling units as proposed, in my opinion, just constitute an even bigger "space". As such, in my opinion, multiple units could be treated as a single dwelling unit and only require one means of egress from that "space" provided the aggregate occupant load of the multiple units did not exceed 20 and the common path of travel did not exceed 125 feet.

It should be noted that just because a code complying corridor is not otherwise considered a dead-end corridor for occupants entering the corridor does not relieve the applicability of the single means of egress "space" provisions of Table 1006.2.1. The occupant load from adjoining rooms, in my opinion, must be added to verify all converging occupants into a given space are provided the adequate number of means of egress.

Four dwelling units are indicated to discharge into the dead-end corridor leading to the corridor intersection point. The drawing indicates another dwelling unit whose entry/exit door appears to be right at the corridor intersection point. In my

opinion, the occupant load of this dwelling unit would not have to be included with the occupant load of the other four dwelling units to the west of the corridor intersection point. Using a rate of 200 gross square feet per occupant as specified in Table 1004.5 for a residential occupancy, the 3,968 sq. ft. aggregate space would have an occupant load of 20 people. Therefore, since the common path of travel does not exceed 125 feet and the aggregate occupant load does not exceed 20, only one means of egress would be required from the space.

A review of the drawing to determine the occupant load and common path of egress travel is outside the scope of this interpretation and shall be subject to the approval of the building official.

Sincerely,

Michael W. Giachetti, P.E.
Manager, Technical Services
ICC - Chicago District Office
4051 W. Flossmoor Road
Country Club Hills, IL 60478
888-422-7233 x 4337
[mgiachetti@iccsafe.org|mailto:mgiachetti@iccsafe.org]
[<http://www.iccsafe.org>|http://www.iccsafe.org|smart-link]

Code opinions issued by International Code Council ("ICC") staff as part of its Quick Consult Service or otherwise are based on ICC I-Codes and Standards for phase I of this service. Phase II will include state custom codes. This opinion is based on the information which you have provided to ICC. 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 ICC. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of the applicable code.

ICC will make reasonable efforts to provide accurate information as part of any code opinion. However, ICC makes no guarantees or warranties, express or implied, as to the accuracy of any information provided, including, without limitation, any warranties of merchantability or fitness for a particular purpose. ICC will not be held liable for any damages or loss, whether direct, indirect, consequential, or punitive, that may arise through your use of any code opinion.

List of projects with similar dead end/single exit arrangement:

1. Elan at Tysons
2. The Boro A1 Tower
3. The Boro A2 Tower
4. Alta Crossroads
5. Tyson's Highland Building A

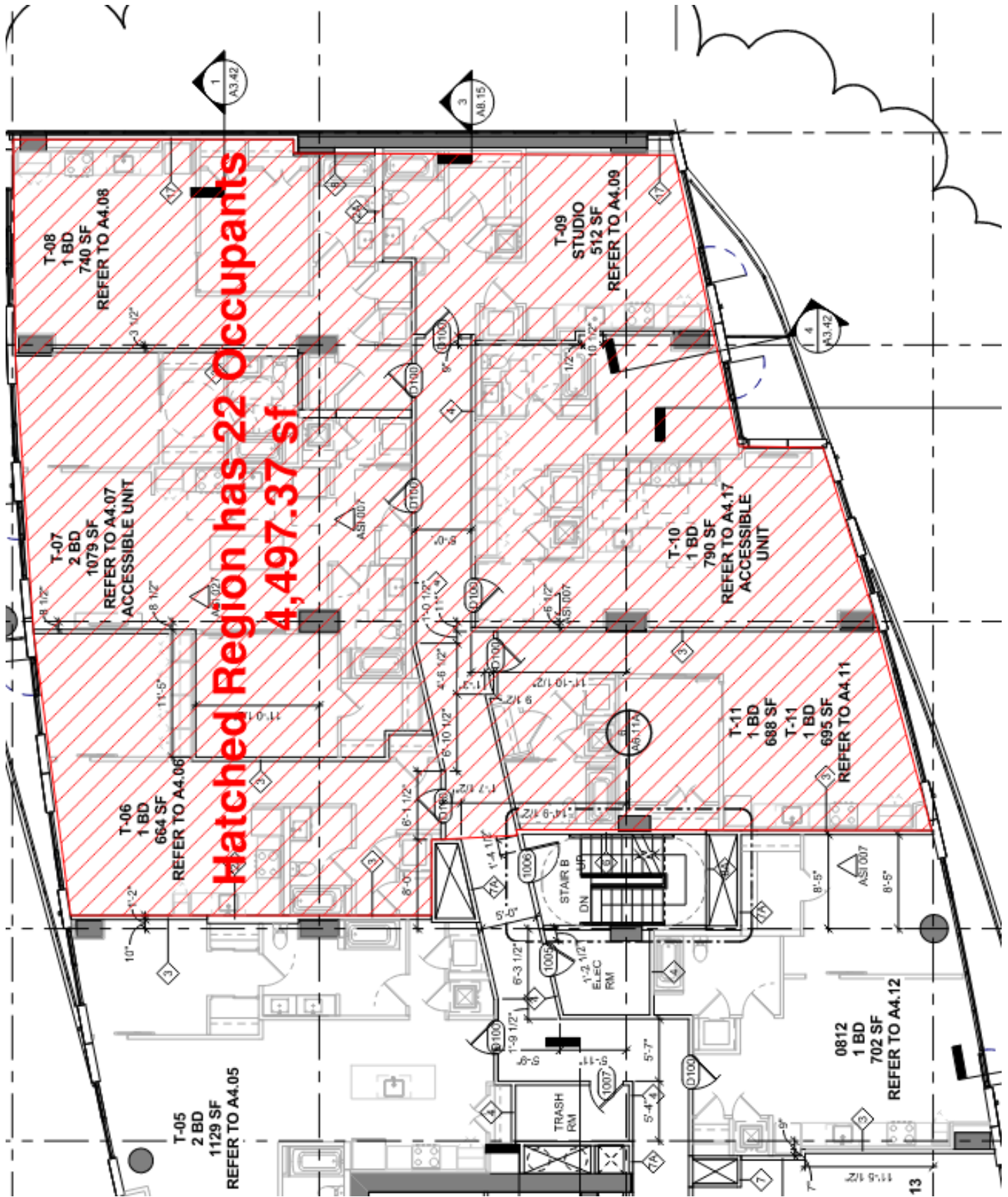
List of projects with minimal dead ends that would now be non-compliant based on Fairfax County's interpretation of defining a "space":

1. Brightview Alexandria
2. Brightview Innovation Center
3. The Boro A1 Tower

Permitted, approved and occupied in Fairfax County

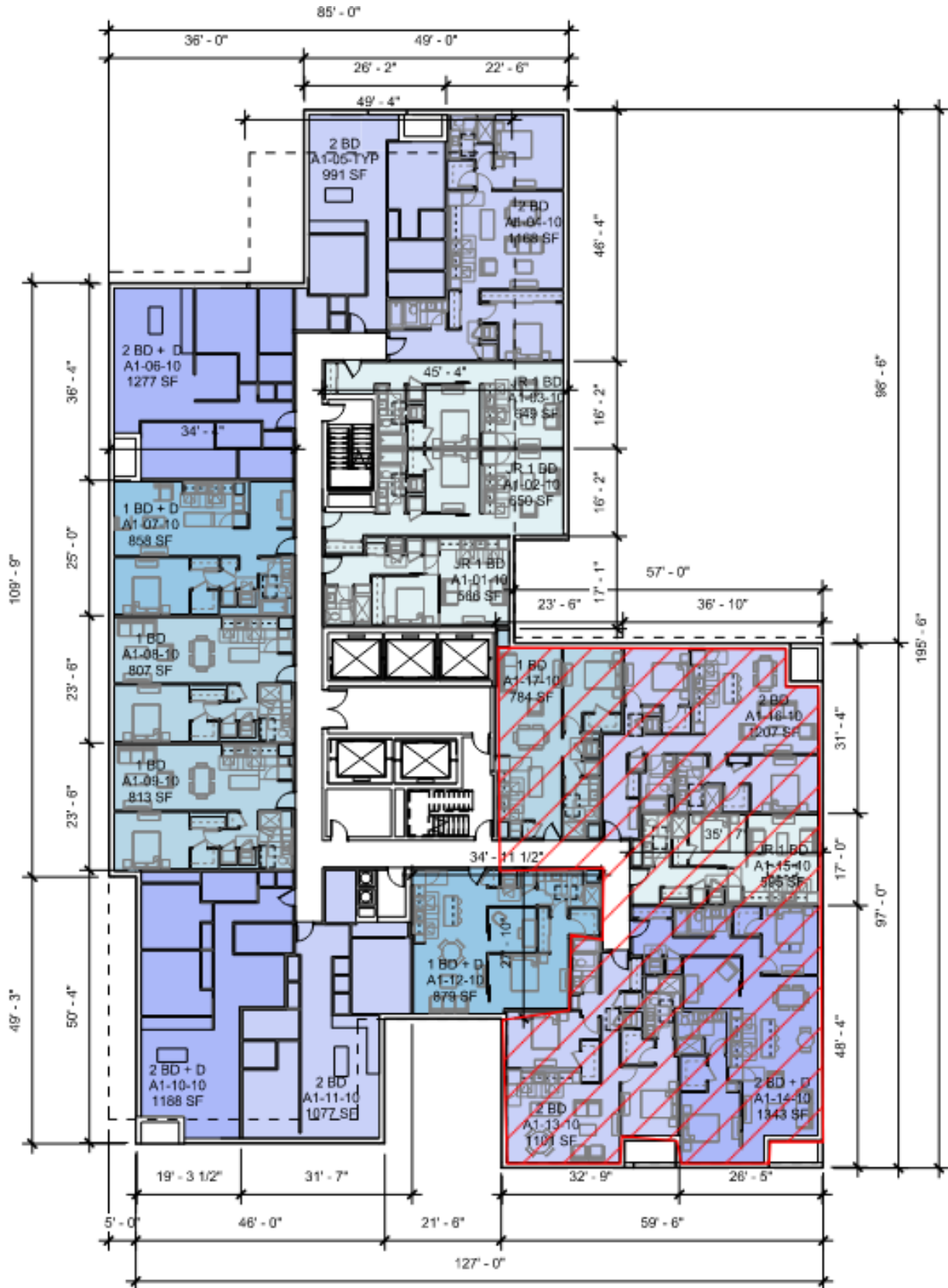


Elan at Tysons (Part 2)
Permitted, approved and occupied in Fairfax County



The Boro A1 Tower

Permitted, approved and occupied in Fairfax County

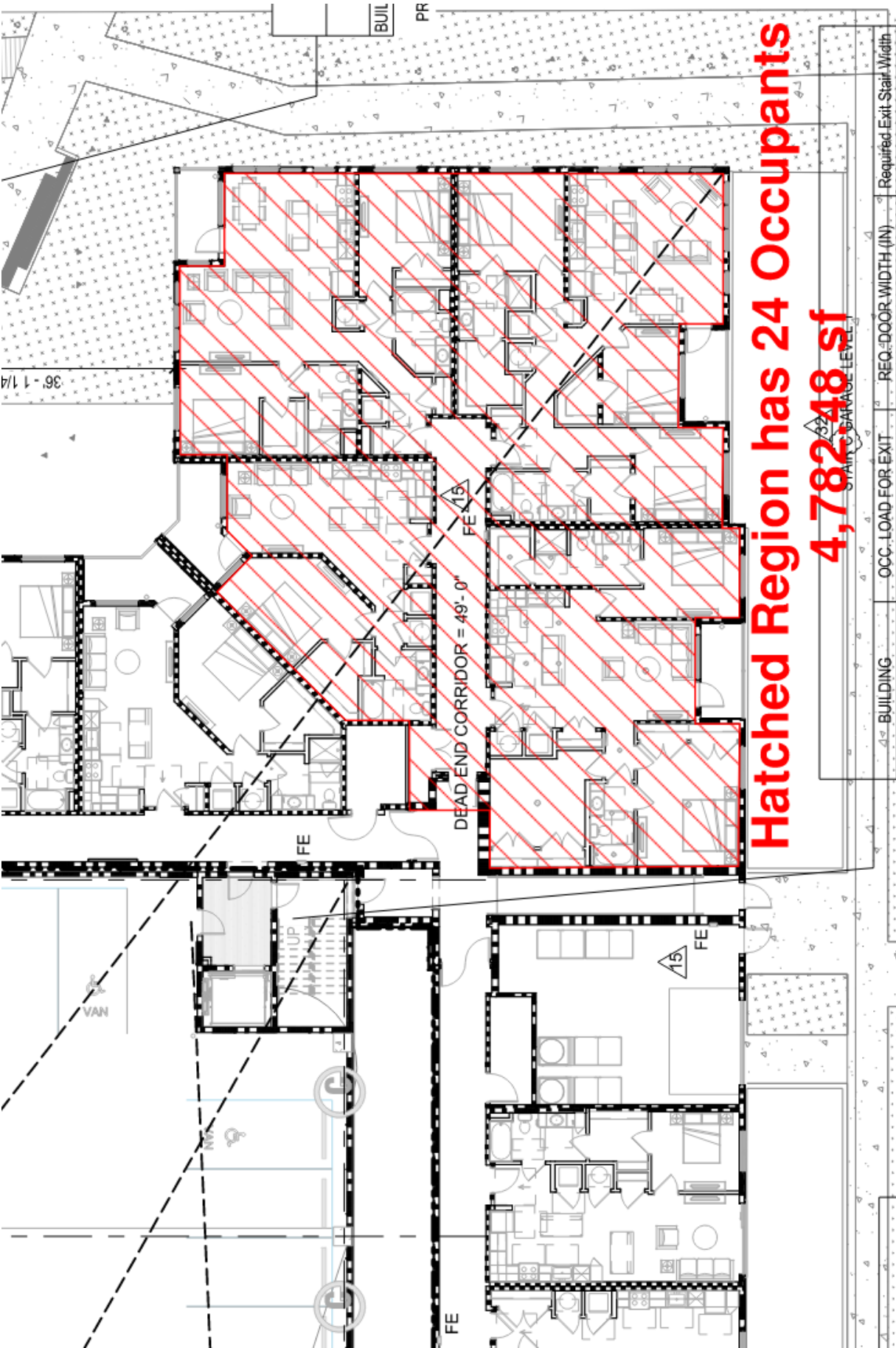


Hatched Region has 25 Occupants
5,077.68 sf

① LEVEL 10-13
1" = 30'-0"

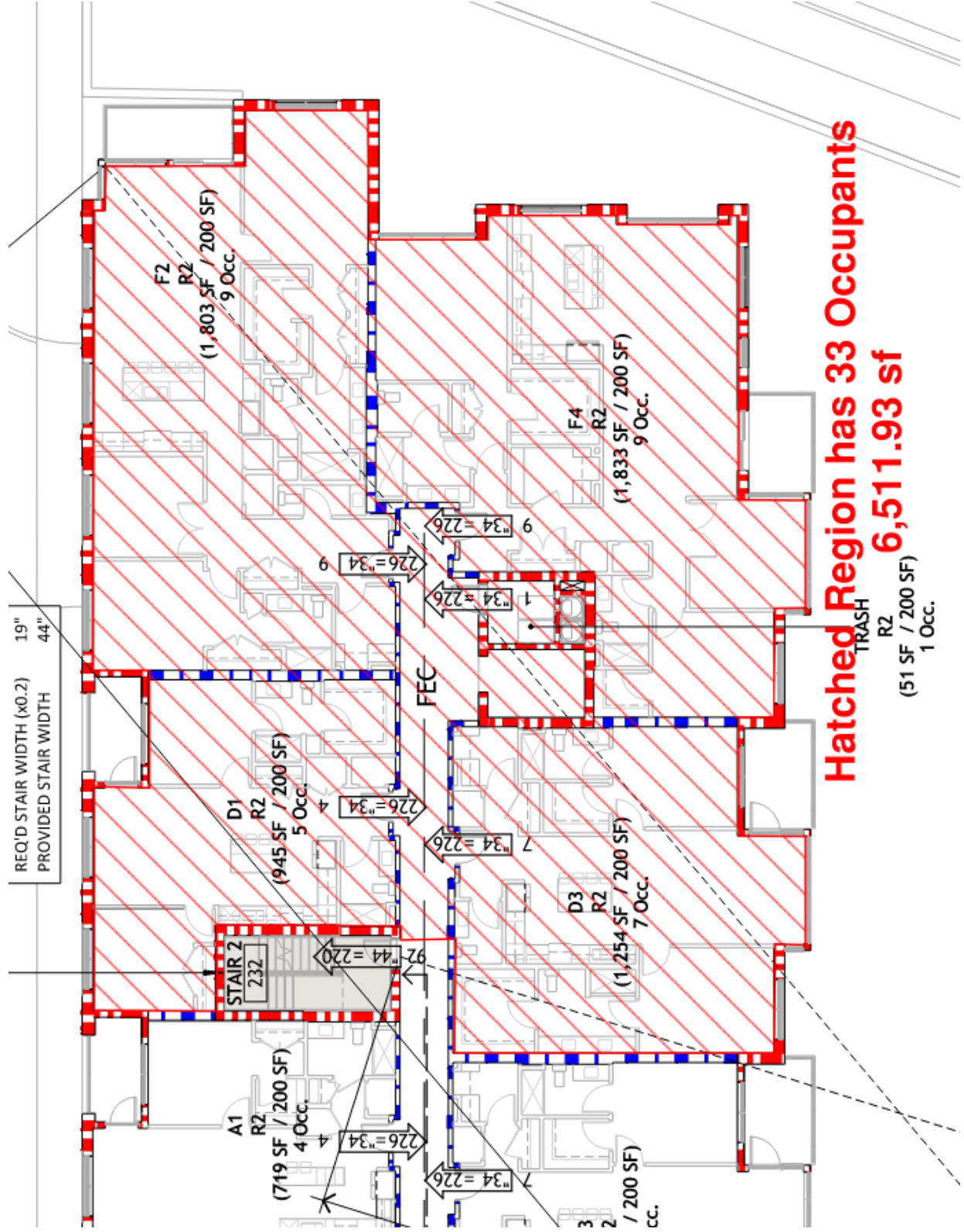
Permitted, approved and occupied in Fairfax County





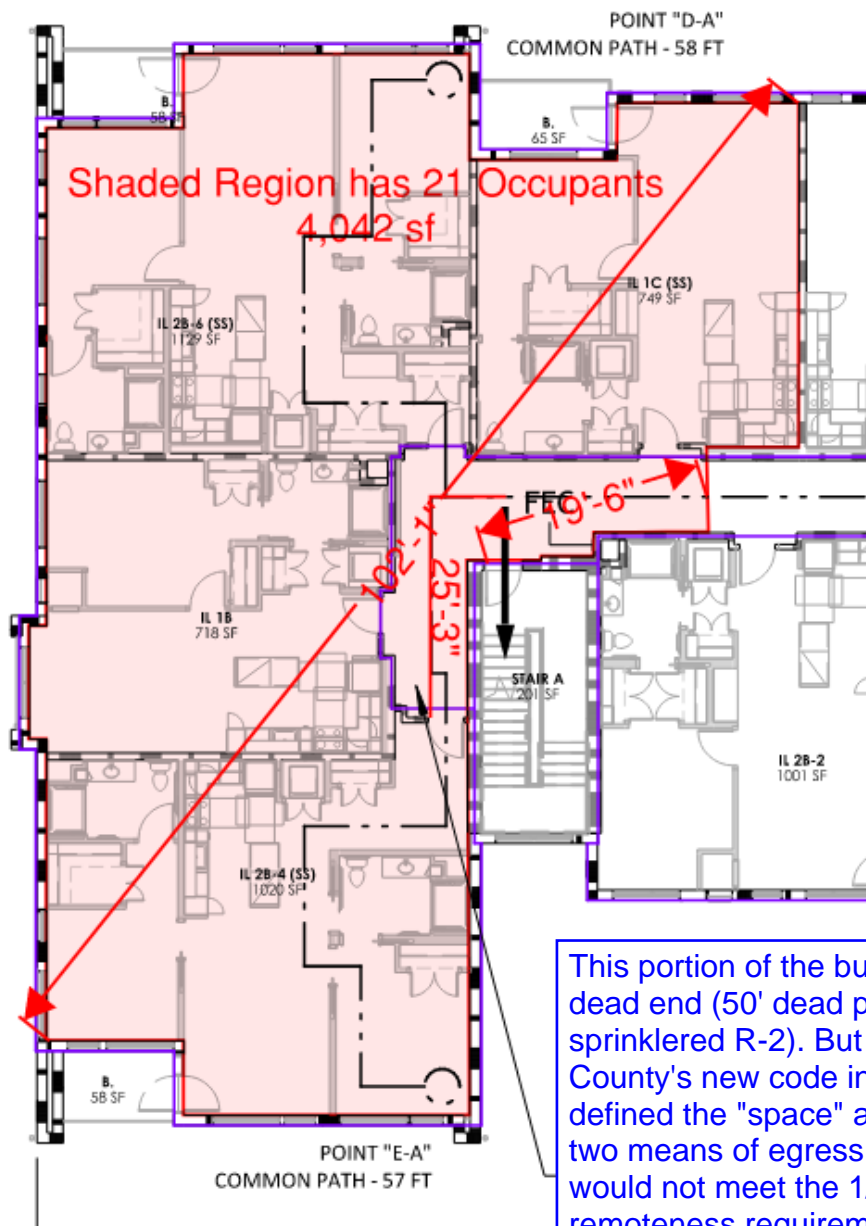
Tyson's Highland Building A

Permitted, approved and occupied in Fairfax County



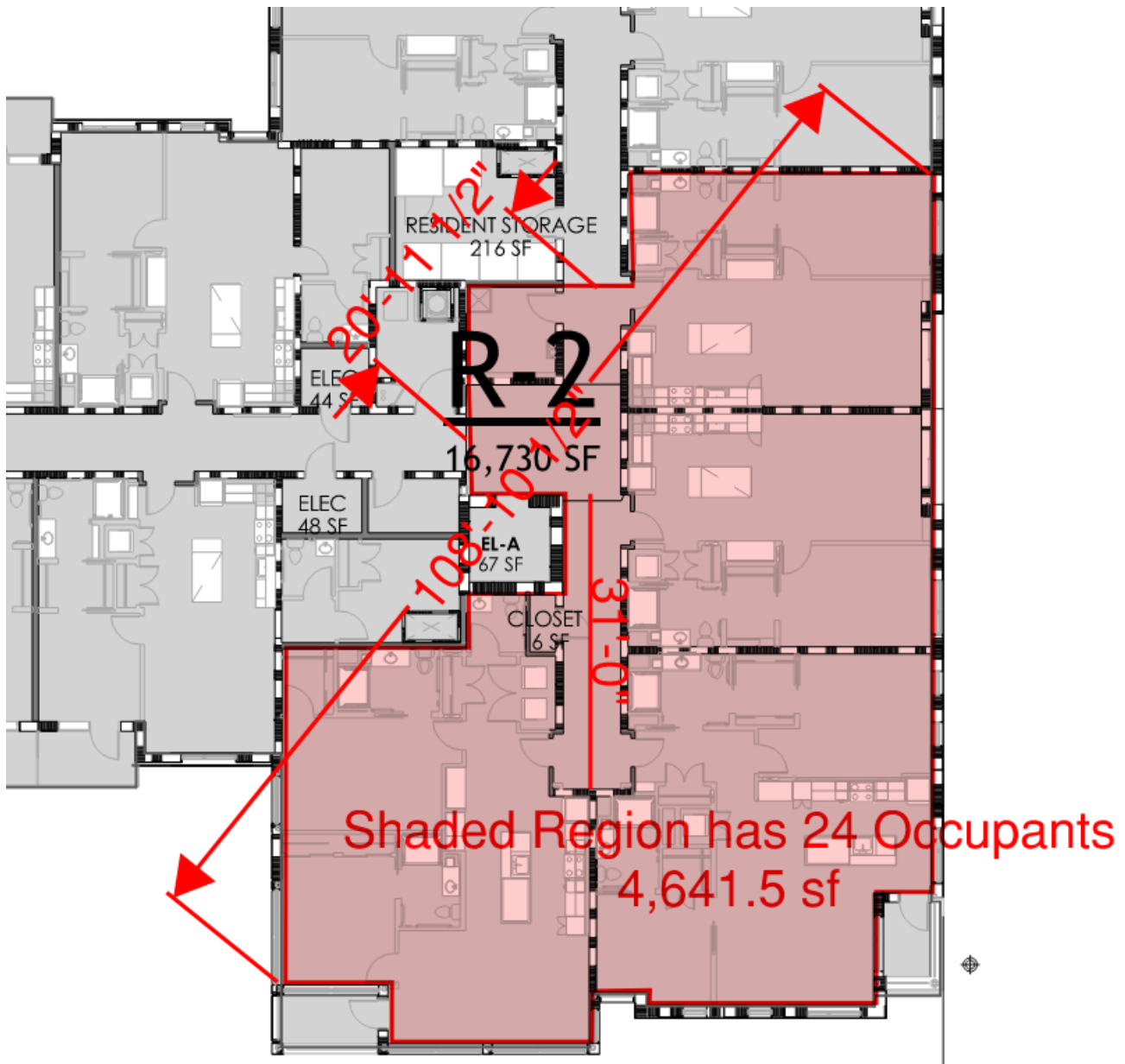
Brightview Alexandria

Permitted, approved and occupied in Fairfax County



This portion of the building has only a 25' dead end (50' dead permitted in sprinklered R-2). But based on Fairfax County's new code interpretation, if you defined the "space" as show in red, the two means of egress from the space would not meet the 1/4 diagonal remoteness requirement and would not be compliant!

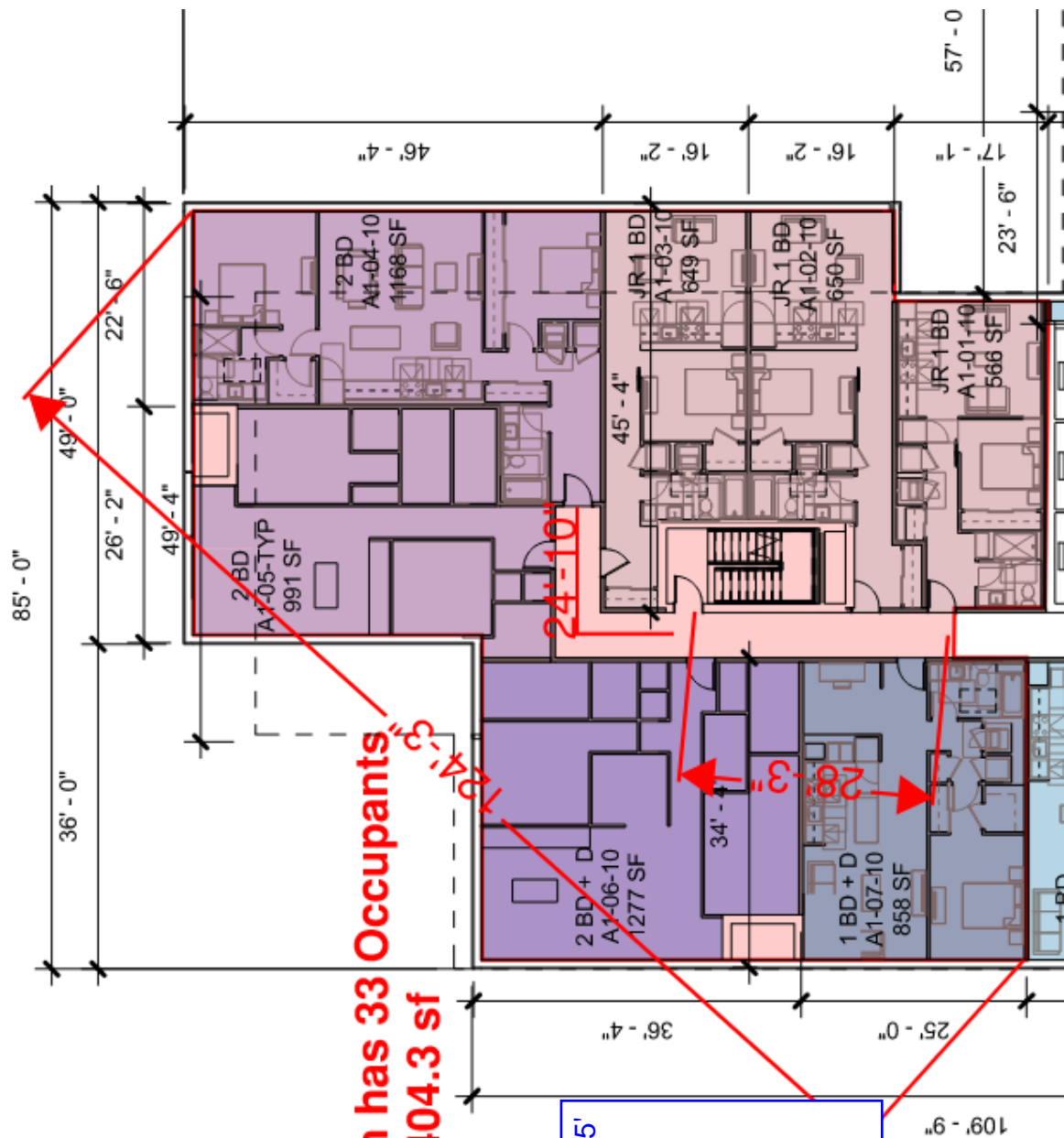
Brightview Innovation Center
Permitted, approved and occupied in Fairfax County



This portion of the building has only a 31' dead end (50' dead end permitted in sprinklered R-2). But based on Fairfax County's new code interpretation, if you defined the "space" as show in red, the two means of egress from the space would not meet the 1/4 diagonal remoteness requirement and would not be compliant!

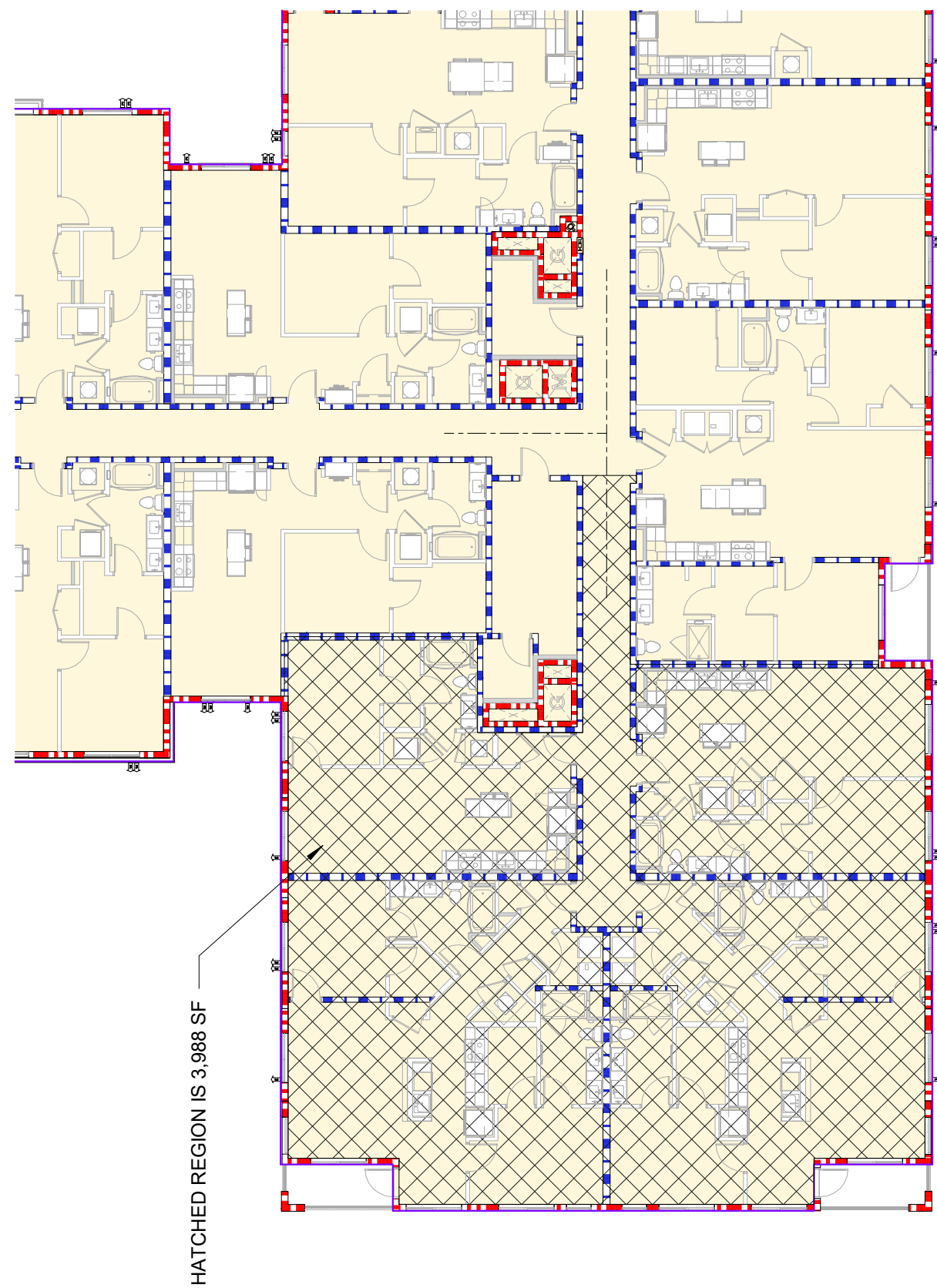
The Boro A1 Tower (Additional Example)

Permitted, approved and occupied in Fairfax County



This portion of the building has only a 25' dead end (50' dead permitted in sprinklered R-2). But based on Fairfax County's new code interpretation, if you defined the "space" as show in red, the two means of egress from the space would not meet the 1/4 diagonal remoteness requirement and would not be compliant!

OCCUPANCY LOAD - LIFE SAFETY PLAN (LEVEL 6)								
	Name	Occupancy Type	AREA USE	AREA	OCC. FACTOR	AREA	ICC 2018 OCC AREAS	OCC. LOAD
LEVEL 6								
		PARKING	PARKING	12865 SF	200 SF	PARKING		65
	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	47928 SF	200 SF	RESIDENTIAL		240
	TOTAL			60893 SF				305



40:15	40:25	1/16" = 1'-0"
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LEGEND

LIFE SAFETY SHEETS ARE ATTACHED TO BE PRINTED IN COLOR. FIRE RATING OF WALLS IS IDENTIFIED WITH BLUE (1 HOUR) AND RED (2 HOUR). BLACK OR WHITE WALLS ARE ASSIGNED TO HAVE NO RATING

1 HOUR FIRE RATED WALL (TYPE VARIES) 2 HOUR FIRE RATED WALL (TYPE VARIES) 3 HOUR FIRE RATED WALL (TYPE VARIES)

EXIT DISCHARGE

RGE

JISHER CABINET

VALVE CABINET

RE EXTINGUISHER
UNDED 027 MAY 1966

JOSE CONNECTION

Flow & Direction

Y TO LIVE

LOAD

GENERAL NOTES:

1. WIDTH CALCULATED AT .2" PER OCCUPANT FOR STAIRS AND .15" PER OCCUPANT FOR OTHER EGRESS COMPONENTS. 32" MIN WIDTH REQUIRED FOR DOORS & 44" MIN WIDTH REQUIRED FOR STAIRS AND OTHER EGRESS COMPONENTS.
2. ALL UNIT ENTRY DOORS ARE RATED 20 MINS.
3. SEE ELECTRICAL UNIT PLANS FOR SMOKE DETECTORS AND ALARM DEVICES.
4. REFER TO ELEC PLANS FOR EXIT SIGN LOCATIONS.

40:15	40:25	1/16" = 1'-0"
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4221 John Marr Drive, Annandale, VA 22003

ARCHITECT

Hord Coplan Macht, Inc.
1925 Ballinger Ave, Suite 525
Alexandria, VA 22314
p. 517.388.7761

STRUCTURAL ENGINEER
Structura
12358 Parklawn Drive, Suite
140 N. Bethesda, MD 20852
p. 301.987.9234

M/E/P ENGINEER
Henry Adams, LLC
600 Baltimore Ave.
Baltimore, MD 21202

CIVIL ENGINEERS
VIKA

2001 Lyons Corner, VA 22101
p. 703.442.7800

LANDSCAPE ARCHITECT
Hord Coplan Macht, Inc.
1925 Ballinger Ave, Suite 525
Alexandria, VA 22314
p. 517.388.7761

INTERIOR DESIGN
Hord Coplan Macht, Inc.
1925 Ballinger Ave, Suite 525
Alexandria, VA 22314
p. 517.388.7761

2 INSIGHT PROPERTY GROUP

EASTGATE
MIXED-USE

4221 John Marr Drive, Annandale, VA 22003

hord | coplan | macht

ARCHITECTURE

PLANNING

INTERIOR DESIGN



PROFESSIONAL CERTIFICATION: I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF VIRGINIA.

[illegible]Project Name
EASTGATE MIXED-USE

Project Number
221116.00

Date 00.00.2024

Scale

Drawing
LIFE SAFETY PLAN - LEVEL 6

9C LIFE SAFETY PLAN - LEVEL 6

149

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Fairfax County
Local Appeals Board
April 11, 2025
Meeting Transcript

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DIRECT RECORD MEDIA

Zoning Appeal Board Hearing

SM25-065

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C O N T E N T S

PAGE

Media transcript

3

D I S C L A I M E R

This transcript was prepared from an audio recording produced from a non-traditional recording device.

Although the transcription is largely accurate, in some cases it may be incomplete due to inaudible passages or unintelligible audio, as a result of the quality of the actual recording provided to the Contractor.

It is transcribed as an aid to the Court proceedings, but should not be treated as an authoritative record, as no court reporter was present for the proceedings.

1 P R O C E E D I N G S

2 MALE VOICE: Okay. We're going to hear
3 the -- let's see it's John Marr Drive, Chris Campbell and
4 I'm just going to pull it up here. Okay. So, good
5 morning.

6 MR. CAMPBELL: Good morning.

7 MALE VOICE: You were here earlier, so
8 take a moment to just give us an overview of your appeal,
9 and then I'll do the same for the County.

10 MR. CAMPBELL: And just to introduce
11 myself, I'm Chris Campbell. I'm the fire protection
12 engineer and code consultant, and this is Kasey (ph. sp.)
13 Huntington who's with (inaudible) who's the architect on
14 the project.

15 So as you've seen in our appeal today we
16 have a dead end corridor arrangement where there is
17 debate over access to one exit versus multiple exits
18 being required. We feel like we have two code sections
19 within Chapter 10 of the ICC that clearly supports our
20 position.

21 We've also obtained professional opinions
22 from three different ICC code experts. Each of those
23 three opinions agree with our proposed design, and we've

1 also been able to produce eight different projects that
2 have been recently -- and that's in the last couple years
3 -- permitted and occupied within Fairfax County that have
4 a very similar arrangement to what we are proposing.

5 So that's a brief overview. We feel like
6 the Code supports what we're doing and we have many, many
7 projects recently that have been approved with this
8 configuration.

9 MALE VOICE: Okay.

10 MR. WILHELM: My name is Dan Wilhelm. I'm
11 the deputy building official for Fairfax County. I also
12 supervise the commercial building plan reviewers. So in
13 our analysis of their project the area that concerns --
14 that comprises the five dwelling units the means of
15 egress from that entire area of the five dwelling units
16 converges at the corridor intersection and that
17 effectively limits egress from those five dwelling units
18 to basically one exit.

19 The occupant load for that -- those five
20 dwelling units is above the threshold permitted for a
21 single exit. But that is what is being provided, a
22 single exit from that space because anytime remoteness --
23 any time two exits (inaudible) are not provided, that's

1 basically equivalent to having a single exit from the
2 space.

3 Two of the staff opinions that were
4 provided addressed the four dwelling units. Our comment
5 is not regarding limiting to just the four, we're
6 concerned about looking at the aggregate area of the five
7 dwelling units where -- that's where the occupant load
8 threshold is above the limit.

9 The four it doesn't cross that threshold
10 and by itself would be allowed a single exit, but
11 (inaudible) the area keeps getting larger and there's
12 other units nearby that cause the occupant load of the
13 aggregate area to be exceeded.

14 MALE VOICE: Okay. So I'll (inaudible)
15 the issue is the Code has certain requirements in this
16 type of structure for egress and we're not dealing with
17 an existing building as most of the cases.

18 This is a design issue and so the
19 appellant is feeling like their design meets the
20 provisions of the USBC with respect to egress based on
21 the use of building and occupancy and it's the County's
22 contention that, no, it doesn't, it needs an additional
23 means of egress and, so the floor is yours.

1 If I've summarized that correctly, then
2 the floor is yours and we'll listen intently.

3 MALE VOICE: Okay.

4 MALE VOICE: And we do have all the
5 drawings and information that have been provided.

6 MR. CAMPBELL: Okay. I'd like to just
7 briefly summarize the two code sections we feel like
8 support our position, you all have them in the appeal.
9 I'll be very brief here.

10 The first one is VCC 1006.2.1 exception
11 three. This is copied on the second page of our
12 document, which is page 59 of the larger packet. I will
13 just briefly read the Code section here, this is
14 exception three, in group R-2 occupancy one means of
15 egress is permitted within and from individual dwelling
16 units with a maximum occupant load of 20 where the
17 dwelling unit is equipped with an automatic sprinkler
18 system in accordance with section, dot, dot, dot.

19 We are fully sprinklered with an NFPA 13
20 system in our building. And the common path of egress
21 traveled does not exceed 125 feet. We feel that this
22 design exactly meets that exception.

23 The measured common path is less than 125

1 feet from the most remote point within this grouping of
2 dwelling units. And Mr. Wilhelm is going to bring this
3 up I'm sure, that he thinks that that provision only
4 applies to an individual dwelling unit.

5 I would just bring your attention to the
6 Code language. One means of egress is permitted within
7 and from dwelling units with a maximum occupancy load of
8 20, right.

9 We read that to say you can have one door
10 out of the unit and a path to the exit from the unit can
11 be a single path as long as you meet those provisions.
12 So we feel that we exactly meet that configuration.

13 The second Code language I'd like to bring
14 up is VCC 1004.2 which is how you calculate the design
15 occupant load, and this is also copied in the appeal
16 document (inaudible) summarize (inaudible) more rooms,
17 areas or spaces (inaudible) others, the design
18 (inaudible) shall be the combined occupant load
19 (inaudible) accessory or (inaudible) spaces.

20 The second sentence then goes on to say,
21 design of egress path capacity shall be based on the
22 cumulative portion of occupant loads. We then provided a
23 document from the Code change commentary.

1 This is where -- any time the ICC changes
2 a code, they provide documentation explaining the Code
3 change. I'm going to quote from that code change
4 document.

5 The second sentence of this section
6 indicates that is only the egress capacity/width that is
7 based on the accumulated occupants along the path of
8 travel. The accumulation of occupants is not to be
9 applied to item such as the number of means of egress.

10 Our translation is that your egress width,
11 so how wide the door is, how wide the corridor, has to be
12 bale to accommodate the cumulative occupant load, but the
13 number of means of egress, so how many exit doors you
14 have, is not based on that.

15 And I think that's clearly supported in
16 that code change language. Those are the two code
17 sections. I do just want to briefly summarize the
18 timeline here. Our original design is shown on the first
19 page of our packet.

20 You can see the red clouded area that we
21 drew is the area in question and I want to draw your
22 attention to the fifth dwelling unit, which is the
23 eastern most dwelling unit within that region.

1 And you can see that the door to that
2 dwelling unit is located on the plan west side of the
3 corridor intersection point. So the County raised this
4 as an issue, we looked at it as a design team and we feel
5 like we made a good faith effort to adjust our design
6 based on the County's comments, right.

7 So if you compare this original design to
8 the updated design that we submitted, which is attachment
9 seven, you can see that we relocated that unit door plan
10 west so it is basically at the corridor intersection
11 point.

12 We also reconfigured the IT and mechanical
13 closets so that their access door is on the other portion
14 of the corridor. So we feel like we made a good faith
15 effort to address the County's comments.

16 To then support our updated design we
17 obtained not one, not two, but three ICC staff opinions.
18 Of all of those opinions we sent the ICC staff member
19 this entire floor plan and said, do you believe this
20 complies with the Code section in question.

21 So Mr. Wilhelm is trying to I think
22 disregard these ICC opinions based on the verbiage that
23 they're using, but all three of the ICC staff members saw

1 this entire arrangement, right, they saw exactly what
2 we're trying to do, there was no hidden nature about what
3 we were requesting, and they put in writing that in their
4 opinion this complies with Chapter 10 of the Code.

5 So, you know, in the abundance of
6 counselors there's (inaudible), right. How many code
7 professionals have to weigh in to say that this is
8 compliant before the County reconsiders their position?

9 That's a bit of a rhetorical question, but
10 in all seriousness, if we came in with 10 ICC opinions
11 would that -- would that change the County's position? I
12 don't know.

13 The final thing I'll add before turning it
14 over to Mr. Wilhelm is both my firm and Kasey's firm do a
15 lot of work in Fairfax County, so we went through our
16 project records and we found many, many projects in
17 recent years that have a very similar condition.

18 In Mr. Wilhelm's response he said we're
19 expecting the County staff to be perfect. We are not
20 expecting them to be perfect, certainly things get
21 missed, but this feels like they're changing -- they're
22 moving the goalpost, right.

23 There's so many examples of where this has

1 been permitted in recent years and suddenly now this is
2 non-compliant. This doesn't make sense. So I'll end
3 with this, based on Mr. Wilhelm's position, the way that
4 he wants to calculate where two exits are required, there
5 are buildings all over the county that if you applied
6 that position are non-compliant.

7 A large number of buildings would be non-
8 compliant based on his position, so we think we're in the
9 right here. We have three ICC staff opinions, we feel
10 like we made a good faith effort to address the County's
11 initial comments and they don't seem to want to agree
12 with that.

13 So that's why we're here and we'd love to
14 get any questions that you have.

15 MALE VOICE: All right. Thank you.
16 Questions? I have one -- I have two. One is just a
17 clarification, ICC still issues formal interpretations,
18 correct? So there's a difference between a staff opinion
19 and a formal interpretation of the Code?

20 MR. CAMPBELL: Correct. And they -- they
21 call that staff opinion versus a committee
22 interpretation.

23 MALE VOICE: Correct. The second one, and

1 I'm reading the exception to 6.2.3, and I guess -- I'm
2 wondering if it's -- if -- I'm going to ask if your
3 interpretation of that is the same as mine because
4 unfortunately my memory is so bad, my first code change
5 proposal was to a standard building code SBCCI 49 years
6 ago.

7 So I've spent way too many years looking
8 at code, but I look at this as the exception says --
9 first it says -- and I want you to see if you agree with
10 my exception -- or interpretation of this.

11 It starts off with within and from
12 individual dwelling units, which to me I'm saying that's
13 multiple units with a maximum occupant load of 20, and
14 then it says where the dwelling units -- unit is
15 equipped.

16 And my mind is starting to say where each
17 dwelling unit is equipped to kind of -- I'm going from
18 it's kind of a plural, multiple dwelling units, then it
19 speaks -- then the exception talks to a sprinkler in a
20 dwelling unit.

21 And then it goes back to the word common
22 path of egress, to me suggests common is multiple people
23 are using that. So I'm going from, if you will, as I

1 read that exception it's starting out I'm thinking
2 plural, multiple dwelling units, all leading -- the
3 egress leading somewhere.

4 Then I get confused because it talks about
5 a sprinkler in a dwelling unit, which says singular, and
6 then it goes back to plural to me, which is I'm thinking,
7 well, now, okay, with common -- common to me says we all
8 -- we're all together.

9 Am I interpreting this kind of the same
10 way you are? Do you find it confusing? It's a long way
11 of getting to a question.

12 MR. CAMPBELL: Certainly it is a bit
13 confusing, yes. And that is also a state amendment, by
14 the way. That is not ICC Code language, so there's a
15 little bit of nuance there.

16 I would bring your attention though to --
17 the debate here is really focused on does that fifth unit
18 get included in the area that we're talking about, and
19 the focus of that exception is the number of occupants,
20 whether it's more or less than 20, and the common path.

21 That fifth unit, based on our updated
22 design, as soon as an occupant leaves the dwelling unit
23 door their common path has ended because they immediately

1 have a choice of going up the north corridor or down the
2 west corridor, right.

3 So they immediately have the choice of two
4 exits as soon as you get out of the unit. Mr. Chair,
5 does that answer your question?

6 MALE VOICE: Yeah. Any other questions?
7 Mr. Wilhelm, (inaudible).

8 MR. WILHELM: So in response to the first
9 code section that was mentioned with the exception three
10 for egress from individual dwelling units, as was
11 (inaudible) it is a Virginia amendment.

12 It was put there to address, you know,
13 residential dwelling units that have, you know, their own
14 means of egress like, you know, four story townhouse
15 units or two over two, you know, condo units that have
16 independent means of egress.

17 And that's why it says individual
18 explicitly. So they felt like the Code didn't adequately
19 address those cases where you had independent means of
20 egress for individual dwelling units.

21 I would like to note that the requirements
22 regardless of whether you apply this to one or multiple
23 dwelling units are the same as in the table now, it's a

1 little redundant now, it didn't use to be that way.

2 A couple code cycles ago the limit for R-2
3 was actually 10 people, not 20, and that was recently
4 updated. This amendment never got removed. It's not
5 conflict, per say, but it's not needed anymore because
6 it's redundant.

7 It imposes the same requirements as it
8 would be imposed by the table, the same occupant load
9 (inaudible) the same (inaudible) and (inaudible)
10 sprinkler already required.

11 So whether you use the exception or not it
12 doesn't matter because the occupant load is the critical
13 question is that the area served by this bottleneck of
14 the corridor section is over the occupant load limit for
15 a single exit.

16 So in response to the second code question
17 about occupant load only applying to egress width when
18 you have (inaudible) space, to clarify what Chris is
19 saying is that the egress width is important, they had to
20 reemphasize that so that it was clear that occupants
21 moving through another space you still had to provide the
22 egress with -- for the number of occupants moving through
23 that.

1 What it's trying to clarify is that when
2 you look at the occupant load of say like the corridor
3 and you're trying to determine the corridor width you
4 don't look at the occupant load of the corridor and
5 double count the occupants of the people that are coming
6 through the corridor as the occupant load to the corridor
7 by itself.

8 You look at the whole aggregate area that
9 is served by that means of egress to determine the
10 occupant load, not just the corridor, so for example, if
11 you had other means of egress out the back of these
12 dwelling units or whatever spaces they are, like in the
13 examples they give in the commentary, they show a large
14 space and it egresses to a smaller space.

15 But that large space has a second exit out
16 the back, so you're not going to double count the
17 occupants when you determine the number of exits from the
18 corridor because that second exit is served out of the
19 larger space out the back.

20 And that's why they're saying you look at
21 the aggregate area when you're determining the number of
22 occupants. I'm not looking at just the corridor and
23 saying the corridor has over 20 people.

1 The corridor has a fixed area and I just
2 apply the same gross area factor required in the table
3 for just the corridor and that's the occupant load of the
4 corridor. I am looking at the corridor plus all dwelling
5 units around it as an aggregate area.

6 And that's how you determine the occupant
7 load for the aggregate area and the Code section
8 explicitly says that in the first sentence. You look at
9 the occupant load of the aggregate area and that's so
10 that you don't double count and just say, well, the
11 corridor has to have two ways out because I've got over
12 20 people egressing through the corridor, even if there
13 are exits out the back.

14 And then saying, no, you don't do that,
15 you look at the aggregate area. So you have to look at
16 the whole area served, not just the corridor, and those
17 other areas had (inaudible) it would probably be
18 (inaudible).

19 Here we don't. There are no exits out the
20 back. The whole aggregate area has one way out and
21 that's all there is. So if the Code did not say that,
22 then you could simply skirt around any occupant load
23 issue by providing an intervening space.

1 You could have 100 people and say, okay,
2 all these 100 people are going to exit this intervening
3 space and I don't have to count it anymore because now I
4 have an intervening space and the occupant load doesn't
5 matter, all that matters is (inaudible) travel.

6 That's not what the Code says. It's not
7 what the Code intended. The occupant load there is to
8 limit the number of people that are subject to the hazard
9 without a redundant means to get out.

10 These (inaudible) spaces are over that
11 limit. That's just the threshold. I mean, I credit the
12 design team for initially having, you know, the dead end
13 requirement where they had (inaudible) dead end, and they
14 improved it.

15 That's in the right direction. It needs
16 to go a little bit further still because there's still --
17 they still don't have remoteness. They got it to the
18 point of having -- of eliminating the common path of
19 travel issue because now once you get out of that fifth
20 dwelling unit, you do have immediate access to two ways.

21 But that's common path of travel. That's
22 not exit remoteness. So a fire in a corridor
23 intersection can still block all five units and that's

1 not the intent of the Code.

2 The intent of the Code is that one fire
3 will not block more than that specified in that table for
4 a single exit. They're over in that case. So like I
5 said, I do -- they moved in the right direction and
6 improved the plan, they just need to take it a little
7 further so that the -- they can get remoteness from those
8 five dwelling units or somehow reconfigure so their
9 occupant load is less.

10 The three ICC opinions that they mentioned
11 that say all -- say that their plan's compliant, two of
12 those only talk about the four dwelling units being
13 compliant, not all five.

14 So those -- those ICC opinions do not say
15 anything about the five dwelling units being compliant.
16 The one from Kim (inaudible) says that she would not
17 count the fifth unit where they have immediate access to
18 two ways to go.

19 So the effect that has is saying that
20 common path of travel is equivalent to providing
21 remoteness for two means of egress and that's not the
22 case. There are two components to being allowed to have
23 a single exit space.

1 One is common path of travel, the other is
2 being less than the occupant load threshold in the table,
3 so while they meet the common path of travel because they
4 have immediate access to two ways out, those five units
5 together as a space are over the occupant load.

6 So they don't meet the occupant load
7 requirement for a single exit even if they meet the
8 common path of travel. It's not enough to meet one and
9 not the other, you have to meet both at the same time to
10 have a single exit space.

11 To me the Code is pretty clear. I don't
12 think we're moving the goalpost. You know, this does get
13 missed and has gotten missed in the past as they provided
14 evidence of.

15 So that doesn't eliminate our duty as a
16 public entity to serve the public when we identify the
17 problem to enforce it. And it doesn't give them a pass
18 to repeat -- repeat the error.

19 So I don't know what else to say about
20 that. That's not justification to -- to not enforce the
21 Code because we missed something in the past. So I think
22 that addresses (inaudible).

23 MALE VOICE: Okay. Questions?

1 MALE VOICE: Yeah, I have -- help me
2 understand why with the new design we keep lumping unit
3 number five in with those first four. I don't -- I don't
4 see if in the (inaudible).

5 I see the four together behind one door.
6 The fifth one is out there with six and seven and eight
7 and however many more they have.

8 MR. WILHELM: Well, it's all part of the
9 same building.

10 MALE VOICE: I know, but --

11 MR. WILHELM: (Cross talk) space --

12 MALE VOICE: Why are you lumping five in
13 with the four when you're talking about --

14 MR. WILHELM: Why would you not?

15 MALE VOICE: -- the space? Why wouldn't
16 you lump six, seven and eight (inaudible)?

17 MR. WILHELM: You have to look at all of
18 them together. It has to work together, so --

19 MALE VOICE: Okay.

20 MR. WILHELM: -- when you're looking at
21 this to determine single exits, the most important part
22 to look at first is that threshold where you go from the
23 occupant load limit being less than table and to over the

1 table.

2 MALE VOICE: Yeah, no, I understand that
3 part. But I understand that people who are in these four
4 units, they all go through one door, not the person in
5 unit number five.

6 He's got his own separate door into the
7 hallway. I don't --

8 MR. WILHELM: They all go through the
9 hallway. There's no door there.

10 MALE VOICE: I can't get my head around
11 the fact -- I can understand the original design problem
12 because you had five units all -- people from five units
13 all going through one door.

14 But they redesigned it now so the fifth
15 unit's not even -- not even connected to the other four.

16 MR. WILHELM: It's part of the same
17 building -- it all shares the same means of egress. It's
18 --

19 MALE VOICE: Yeah. I --

20 MR. WILHELM: You can't just separate -- I
21 know it intuitively your mind wants to do that, to treat
22 the dead end separately as if it was like this
23 independent piece of whatever it is, but it's not.

1 It's an integrated with the building
2 whether it's a dead end or not, you know, you have to
3 look at everything around it, and therein lies part of
4 the problem that when you have a situation like this and
5 you start designing to the maximum occupant load for a
6 single exit, as soon as you go over that threshold you're
7 now -- this is the design problem, you now are presented
8 with a problem where now all of a sudden you have to have
9 remoteness from that space.

10 Not just access to two exits like common
11 path of travel. You have to have remoteness because any
12 time you are required to have two means of egress from
13 the space now those two means of egress all of a sudden
14 jump to being remote as well.

15 So that (inaudible) spread out by a
16 significant distance. And that's just what the Code
17 says.

18 MALE VOICE: That's only an issue if you
19 have two or more doors, but --

20 MR. WILHELM: You keep saying doors, so
21 the Code actually is --

22 MALE VOICE: Exits --

23 MR. WILHELM: -- (cross talk) access.

1 MALE VOICE: I'm using doors because
2 that's plain English, but okay, we'll say exit. But
3 still, you've got one exit for four units here.

4 MR. WILHELM: The --

5 MALE VOICE: One exit for four units,
6 which is okay with the Code.

7 MR. WILHELM: No, you have -- you have one
8 exit for five units because they all go to the same
9 corridor intersection. Even if you had two doors there
10 -- say you put doors in the corridor where the corridor
11 goes to the right across a page and the corridor goes
12 down the page, if you put doors there and even if it was
13 a separate building, you'd still have two --

14 MALE VOICE: I see where they're going,
15 but it's -- I see where you're going, but it's --

16 MR. WILHELM: (Cross talk) --

17 MALE VOICE: -- kind of --

18 MR. WILHELM: They're just too close
19 together.

20 MALE VOICE: Where does it say that though
21 in the Code?

22 MR. WILHELM: Where does it say what
23 exactly?

1 MALE VOICE: That they're too close
2 together. You agree that there's one exit for four units
3 here?

4 MR. WILHELM: Yeah, that's a separate
5 problem. That's not what they're appealing. That's not
6 a problem for them. They can have one exit for four
7 units because --

8 MALE VOICE: Okay.

9 MR. WILHELM: -- they're under occupant
10 load threshold. But --

11 MALE VOICE: (Inaudible) with the new
12 design you mean? New design.

13 MR. WILHELM: Meeting the requirement for
14 the four dwelling units doesn't get them off the hook for
15 meeting the requirement once you add the fifth.

16 MALE VOICE: Okay. I see --

17 MR. WILHELM: So you can't say --

18 MALE VOICE: You're talking about the unit
19 section outside of those doors.

20 MR. WILHELM: (Cross talk) now I am exempt
21 from making the whole (inaudible). You know, compliant
22 with part of the Code doesn't mean you get exempt from
23 other parts of the Code.

1 MALE VOICE: No, I -- I understand.

2 MR. WILHELM: (Cross talk.)

3 MALE VOICE: So you're not -- you're not
4 -- it's not an issue since they've redesigned this, it's
5 not an issue of having one exit for the four units.

6 MR. WILHELM: No, I don't care about the
7 (cross talk) --

8 MALE VOICE: You're saying it's the unit
9 section right there where the two exits are really --

10 MR. WILHELM: And that's --

11 MALE VOICE: -- close together.

12 MR. WILHELM: -- I don't care about the
13 two ICC opinions that opine on that.

14 MALE VOICE: Okay.

15 MR. WILHELM: Because I'm not concerned
16 with the four units. They solved that problem for the
17 four units only, but they didn't -- they're still over
18 the occupant load with the fifth unit.

19 MALE VOICE: Got it. But is there some
20 place in the Code that said the exit for the four units
21 here and the exit for unit number five that they have to
22 be so many feet apart?

23 I don't see that in here.

1 MR. WILHELM: It's in like one of the
2 first --

3 MALE VOICE: Is it?

4 MR. WILHELM: -- paragraphs of my --

5 MALE VOICE: I must have missed that, but
6 --

7 MR. WILHELM: So if you look at -- it's
8 1006.2.1, it's the first code section I quote in --

9 MALE VOICE: 1006.2?

10 MR. WILHELM: 2.1.

11 MALE VOICE: Okay. Load area --

12 MR. WILHELM: (Inaudible) that's occupant
13 load. My apologies.

14 MALE VOICE: I'm sorry.

15 MR. WILHELM: Let me go to the -- I think
16 it's the second one. 1007.1.1.

17 MALE VOICE: 1007.1.1, two exits or exit
18 doorways --

19 MR. WILHELM: So it says where any time
20 two exits are required, they have to be remote.

21 MALE VOICE: Equal to --

22 MR. WILHELM: And then I go on how I
23 calculate remoteness.

1 MALE VOICE: What's you're saying is
2 they're not remote?

3 MR. WILHELM: Yes.

4 MALE VOICE: They're adjacent to one
5 another.

6 MR. WILHELM: So the remoteness
7 measurement is basically slightly over the width of the
8 corridor because (inaudible) -- I don't know, 20 plus
9 occupants have to go through that little bottleneck at
10 that corridor of five and a half feet or six feet or
11 whatever that little teeny diagonal distance is.

12 All of them have to go through that
13 bottleneck and it's over the limit.

14 MALE VOICE: Right.

15 MALE VOICE: And the bottleneck is on --
16 if I make reference to their --

17 MR. WILHELM: Well, I actually show the --

18 MALE VOICE: -- redesign -

19 MR. WILHELM: -- bottleneck on my plan.

20 If you're looking at my drawing, on page 3 --

21 MALE VOICE: Page 91.

22 MALE VOICE: Page 91.

23 MALE VOICE: (Inaudible) computer.

1 Because it's not five feet wide there. I mean, that's --
2 it's --

3 MR. WILHELM: So I have a remoteness
4 measurement --

5 MALE VOICE: It's two hallways.

6 MALE VOICE: Yeah.

7 MR. WILHELM: Where the hallway comes in
8 and then the unit's door is right there. Everybody
9 converges right there in front of that unit door.

10 MALE VOICE: Right.

11 MR. WILHELM: So, you know, a fire there
12 would block more than 20 people.

13 MALE VOICE: Let's see. But you're
14 talking about the intersection of the two hallways too,
15 right? Right there. Right here.

16 MALE VOICE: Yeah. Right.

17 MALE VOICE: And you're measuring the
18 width from the --

19 MR. WILHELM: So that's the opening --

20 MALE VOICE: -- (cross talk) I remember
21 the --

22 MR. WILHELM: That's the opening --

23 MALE VOICE: -- (inaudible).

1 MR. WILHELM: -- pass through to get out.
2 They have no other choice but to go through that
3 restricted opening, which is called an access point in
4 the --

5 MALE VOICE: Right.

6 MR. WILHELM: -- Code. So if you look at
7 the definition of exit access doorway it'll say door or
8 doorway or access point where you have a restricted means
9 of egress.

10 So any -- any restricted means of egress
11 that you must pass through before you get to an exit is
12 an exit access doorway. So everybody converges right
13 there.

14 MALE VOICE: It's -- boy, how many inches
15 would you have to move that door to satisfy the Code?

16 MR. WILHELM: The Code says you have to --
17 see the overall large dimension of the highlighted yellow
18 area?

19 MALE VOICE: Yeah. Right.

20 MR. WILHELM: That's your overall diagonal
21 and for a sprinkler building you have to have -- the two
22 exits have to be separated in order to be considered two
23 separate exits.

1 MALE VOICE: Right.

2 MR. WILHELM: The Code quantifies that by
3 saying you have to be one quarter of that distance of the
4 overall diagonal of the area served. So this area is
5 118, so you're looking at a quarter of whatever 118 is.

6 So when you exceed the occupant load of
7 the table you have to have two exits and those two exits
8 have to be separated by that quarter diagonal distance.

9 MALE VOICE: Quarter diagonal --

10 MALE VOICE: So this is why you're lumping
11 five in with the four? Okay. Now I got it.

12 MALE VOICE: Yeah.

13 MALE VOICE: All right.

14 MR. WILHELM: So it's a big jump from
15 going to a single exit space to a two exit space, I'm not
16 denying that. But this is what the Code says is
17 (inaudible) and that is for a couple reasons.

18 One is the quarter diagonal distance gives
19 the building official something quantifiable that they
20 can enforce.

21 MALE VOICE: Right.

22 MR. WILHELM: They're not just leaving it
23 up to judgement and influences of the planet, whatever.

1 You have something that's enforceable that gives you, you
2 know, this has to be the minimum requirement.

3 Now, if it (inaudible) sprinkler it would
4 have to be half that diagonal.

5 MALE VOICE: Right.

6 MR. WILHELM: But for a sprinkler building
7 they give you a reduction and in Virginia you can go to a
8 quarter. ICC national level, actually it's a third.
9 It's even more, but Virginia reduces it even further to
10 only a quarter because that's what was kind of left over
11 from (inaudible) --

12 MALE VOICE: Right.

13 MR. WILHELM: -- when they transferred
14 over to -- so Virginia it's a quarter that diagonal.
15 Otherwise the exits aren't really independent and they're
16 not separate, you know -- one exit being compromised
17 could potentially compromise both exits in which case you
18 really only have one way out still.

19 And now you're over the occupant load, so
20 --

21 MALE VOICE: Even if they move the door to
22 -- or the exit for the four units back, it still wouldn't
23 solve the problem, right --

1 MALE VOICE: (Cross talk) --

2 MALE VOICE: -- because you'd still have
3 that --

4 MALE VOICE: Back meaning which way?
5 Right or left?

6 MALE VOICE: Back to the left.

7 MR. WILHELM: There's several design
8 scenarios that you could potentially --

9 MALE VOICE: I'm not trying to redesign
10 it, I'm just trying to understand --

11 MR. WILHELM: If you move that door for
12 the fifth occupant -- or for the fifth dwelling unit --

13 MALE VOICE: You mean the exit, not the
14 door, the exit.

15 MR. WILHELM: -- (cross talk) far enough
16 --

17 MALE VOICE: Right.

18 MR. WILHELM: -- but I think you would be
19 in the next -- the sixth dwelling unit by the time you
20 did that to get remoteness.

21 MALE VOICE: Yeah. Okay.

22 MR. WILHELM: Even if they moved it all
23 the way to the right to where the bathroom is, I don't

1 think it would meet the quarter diagonal dimension.
2 Anything further away improves it, but -- but to meet the
3 Code requirement you'd have to move it probably over
4 where the sixth dwelling unit is or something.

5 So like if the dwelling units on the
6 bottom row down here were all bigger and more spread out
7 --

8 MALE VOICE: Yeah.

9 MR. WILHELM: -- and this door was pushed
10 further apart, you'd still have the same area, but, you
11 know, it -- it may work that way, but then they -- their
12 whole plan for number of units and (inaudible) --

13 MALE VOICE: Right.

14 MR. WILHELM: -- goes --

15 MALE VOICE: Right. Right.

16 MR. WILHELM: -- (cross talk).

17 MALE VOICE: Yeah. Again, I didn't mean
18 to get into a redesign project here, I just wanted to get
19 my head around --

20 MALE VOICE: Yeah.

21 MALE VOICE: -- when it wouldn't be a
22 violation or problem.

23 MALE VOICE: Other questions?

1 MALE VOICE: I have one. I'm not a
2 commercial guy, but -- so I understand it's 25 percent of
3 the 118 is how far apart the two exits have to be?

4 MR. WILHELM: Yes. So -- so the Code
5 actually goes into quite detail on how you measure or
6 what you measure (inaudible) to and it's basically the
7 widest width between the two exit access points.

8 So like the farthest -- like I measured to
9 the farthest corner of the corridor corner down to the
10 farthest door jam of the -- this door where, you know,
11 all those people have to go through.

12 Not to the center line of the door or to
13 the nearest door jams as far as the separation between is
14 not to the nearest points, but it's the whole width that
15 people, you know.

16 MALE VOICE: So how far off is this 6.38
17 feet?

18 MR. WILHELM: Well, it's 118 -- 120
19 divided --

20 MALE VOICE: 29 --

21 MR. WILHELM: You're looking at like 29
22 feet.

23 MALE VOICE: 29 --

1 MR. WILHELM: 28 feet.

2 MALE VOICE: -- point something. Yeah.

3 MR. WILHELM: That's what I'm saying, it's
4 a big jump once you go from a single exit to a double
5 exit space and now remoteness is required because it's
6 quarter diagonal.

7 And I don't -- that's the Code
8 requirement.

9 MALE VOICE: Other questions?

10 MALE VOICE: I understand the problem.

11 MALE VOICE: No questions.

12 MALE VOICE: No questions.

13 MALE VOICE: Okay. Rebuttal.

14 MR. CAMPBELL: Thank you. I think we just
15 disagree with Mr. Wilhelm's interpretation of including
16 that fifth unit, right. The Code language -- if you go
17 to VCC 1006.2.1, which is the requirement that we're
18 looking at here.

19 It says, a room or space that exceeds the
20 occupant limit in that table, right. Clearly the fifth
21 unit is a different room than the other four units that
22 are down that corridor.

23 So that then becomes how do you define the

1 word space? Is it arbitrary? Is it based on the
2 location of walls? We would argue that the fifth unit is
3 a different space than the four dwelling units that are
4 down the dead end corridor.

5 Why do we say that? There is one hour
6 rate of construction between the fifth unit and those
7 other units down the corridor. We have a 30 minute rated
8 corridor wall separating that fifth unit from that other
9 space.

10 There's a fire resistance rated separation
11 between that fifth unit and the remainder of the dead end
12 corridor. In our mind that constitutes a different
13 space, so if you are lumping in the fifth units, then Mr.
14 Wilhelm has some valid points.

15 But we don't think you should lump in the
16 fifth unit, and that was the exact topic of discussion on
17 these ICC opinions. So just to remind you, Dan is trying
18 to discount two of these opinions.

19 We sent the entire revised plan to all
20 three ICC staff members, so they saw the location of this
21 fifth location, they saw the door, they saw the corridor
22 intersection point.

23 When we obtained the first ICC opinion it

1 was from a staff engineer Chris Reeves (ph. sp.), and I
2 presented that to Dan. Dan disagreed and he asked me, he
3 said, could you get an opinion from Kim (inaudible)?

4 Who is also a staff member at the ICC that
5 both Dan and I know. We obtained that opinion from Kim
6 (inaudible). Kim agreed with us and Dan didn't like it.
7 So we did what he asked us to do.

8 We got an opinion from the ICC staff
9 member that he trusts and he's disagreeing. We then got
10 a third ICC staff opinion. Remember, all three of these
11 people saw the location of the fifth unit, they saw the
12 configuration that we're proposing, so we're not trying
13 to hide anything here.

14 Dan -- what Dan is essentially saying is
15 that you should be able to draw a polygon around any
16 portion of the building that you want and if that polygon
17 has more than the limit of number of occupants you have
18 to provide two exits, right.

19 Mr. Chair, could I confirm that that's
20 Dan's position? Question for you --

21 MALE VOICE: Can you -- can you help out?
22 Was that your opinion that --

23 MR. WILHELM: That (cross talk) --

1 MALE VOICE: -- (cross talk) draw --

2 MR. WILHELM: -- (inaudible) area because
3 the Code says (inaudible) you have to apply the occupant
4 load to the aggregate area. You draw a polygon around
5 the aggregate area.

6 MR. CAMPBELL: Okay.

7 MALE VOICE: Okay.

8 MR. CAMPBELL: Thank you for confirming.

9 MALE VOICE: Sure.

10 MR. CAMPBELL: So the issue we have with
11 this is it just practically does not work, right. Let me
12 give you the most simplistic example I can. A
13 rectangular group R-2 dwelling unit with access to the
14 corridor.

15 As soon as you walk into the corridor you
16 can go left or right to two different exits. The Code
17 says that if that space has 20 or fewer occupants a
18 single exit is permitted.

19 I think we're all -- everyone's agreed
20 with that, right. According to Dan's position, I should
21 be able to draw a polygon anywhere around this plan and
22 if the occupant load within that polygon exceeds 20 you
23 need two means of egress, right.

1 So let me do that. This is how I'm
2 choosing to draw my polygon, I've now included a portion
3 of the corridor. If there's 20 occupants in the unit, I
4 now have 21 occupants within the polygon if I include the
5 portion of the corridor.

6 So according to Dan that means that these
7 two points have to be remote from each other in that
8 arrangement. They have to be the one quarter diagonal
9 remoteness, which it's never going to do that.

10 It's impossible, right. That is not how
11 the Code is applied. Let me give you another example,
12 let's say we're in a different -- let's say we're in a
13 business, an office occupancy (inaudible).

14 In a business occupancy the table limit
15 250 occupants before you needs a second means of egress,
16 right. So let's say I have a conference room right there
17 that's less than 50, I think everyone agrees that
18 complies, you can have one door out of that conference
19 room.

20 But let's say it just so happens that in
21 my particular office arrangement I have a private office
22 right next to the conference room like that. According
23 to Dan if I draw my polygon like this I now have more

1 than 50 occupants within the polygon, those two doors
2 have to be remote, right.

3 How many times in a typical office do you
4 see there's a conference room right next to a private
5 office? That's not how the Code is applied. Those are
6 separate spaces and they're going to be looked at
7 independently.

8 If we go back to the packet that we
9 presented on -- starting on page 84 we gave three
10 examples of where if you apply Mr. Wilhelm's position
11 it's almost impossible to meet the Code.

12 In the example on page 84 of the packet,
13 that is a residential setup with a 25 foot dead end, a
14 very short dead end. You're allowed up to 50, it's only
15 a 25 foot dead end.

16 But according to Dan if we draw our
17 polygon to include this unit where that unit entry door
18 is almost 20 feet past the stair, those two points would
19 not be remote. And that final unit is 20 feet past the
20 stair, right.

21 That's -- it's almost impossible to do any
22 dead end where the stair is not at the very end of the
23 corridor with the way that Mr. Wilhelm is interpreting

1 the Code. Two pages further, page 86 of the packet, the
2 same sort of thing.

3 In this case we have a 24 foot dead end
4 and this final unit is 28 feet past the stair door, and
5 if you include that polygon those two points are not
6 remote enough, right.

7 These are different spaces, and that's the
8 fundamental difference of how we're interpreting the Code
9 differently. I would suggest if you go with Mr.
10 Wilhelm's interpretation it's almost impossible to design
11 a residential building that has any level of dead end and
12 comply with what he's asking you to do.

13 So I don't think that's how you interpret
14 the Code. The natural way to divide up the space is
15 where the common path ends. That's what Kim (inaudible),
16 which is our second ICC opinion, that's what she agrees
17 with.

18 As soon as you get to that corridor
19 intersection point you end the space because at that
20 point you have a choice of two different exits. So I
21 think there's just a fundamental disagreement with how
22 we're applying the Code language here.

23 MALE VOICE: Okay. Dan.

1 MR. WILHELM: (Inaudible) Fairfax County
2 -- Okay. Whether you look at it as a room or space, the
3 Code doesn't say what a room (inaudible) -- it doesn't
4 say what a room or space is.

5 In fact, if you look at it from exits from
6 spaces it'll say a room, space or area. It uses all
7 these terms interchangeably. There is no fixed
8 definition for a room or a space.

9 I mean, we have a common definition. We
10 know what a room is, obviously, but what is a space? Is
11 it multiple rooms? Is it just a tenant space? Is it
12 where he claims it to be is where the common path of
13 travel dead ends?

14 That's not in the Code. There's nothing
15 in the Code that says spaces are treated independently
16 once you, you know, by -- separated by common path of
17 travel. We never analyze buildings based on separation
18 to common paths of travel.

19 The Code explicitly requires you to look
20 at the aggregate spaces, the aggregate rooms, the entire
21 area. So -- and that's what makes common sense. I mean,
22 the Code limits the occupant load for a reason and
23 because it wants to limit the number of people that it

1 puts in harms way.

2 It doesn't care that those people came
3 from one room or two rooms or 10 rooms. That -- that
4 doesn't matter. The harm is the number of people that
5 are affected by it.

6 And that's the number of the occupant load
7 in the table and the Code explicitly says you look at the
8 aggregate area of the combined space served by the means
9 of egress.

10 In this case the aggregate area is all
11 five units and the corridor. Everything behind that
12 bottleneck is the area served. Yeah, they have rated
13 walls that's required already in the Code.

14 Dwelling units, you know, so you're
15 protected from your neighbor, that's
16 compartmentalization. That's just another safety
17 component like sprinklers. There's nothing in the Code
18 that says if you -- if you provide what's required by the
19 Code of having one hour tenant separation or, you know,
20 dwelling unit separation walls and a 50 -- or a half hour
21 corridor wall that you get any kind of exemption from
22 this table.

23 It gives you -- it gives you -- you do get

1 the benefit, you know, from the sprinklers and your exit
2 separation is less. But all that stuff's already baked
3 in to the whole picture.

4 He's just pointed out other safety
5 features that are also involved, but they don't relieve
6 you or relieve us of the requirement to require two means
7 of egress from the space per the table.

8 The three ICC opinions, again, I'll
9 reiterate one more time, you know, two of those only
10 speak to the four dwelling units, which we don't -- we
11 don't have a problem with the four dwelling units.

12 It's the five dwelling units in
13 combination where this issue arises. So -- and then
14 Chris goes on and criticizes me for how I'm analyzing,
15 you know, floor plans with using a polygon.

16 That's just what aggregate area means.
17 You look at the combined spaces and you look at the means
18 of egress from that combined space. So it's not
19 impossible to have dead ends.

20 We've enforced this on other projects. We
21 missed it on the ones that he talked about and some of
22 them are really bad. In fact, some of them go back many
23 years back when the occupant load was only 10.

1 So that's twice as bad as it is now, and
2 we missed it. We didn't let it pass on purpose. It just
3 wasn't identified by the plan reviewer. It doesn't
4 relieve them from still having to comply with the Code.

5 They still have a non-compliant building.
6 Their clients have a non-complaint building. I would be
7 worried about that if I were the clients because it's not
8 compliant.

9 Just because we missed it doesn't get them
10 off the hook of past projects. So I don't know what else
11 to say about that. We do our best. You know, we try to
12 pick it up when we can.

13 And as far as saying common path of travel
14 defines (inaudible) space from another space, I applied
15 the Code as it is written for the aggregate area. The
16 examples that he gave about bumping the corridor out here
17 and there, the -- the Code I think is pretty clear.

18 I think we've applied the Code correctly
19 in this case.

20 MALE VOICE: I'll close the hearing and
21 ask for a motion and a second on the appeal to either
22 uphold the appeal or deny the appeal.

23 MALE VOICE: (Inaudible) uphold the

1 appeal.

2 MALE VOICE: Is there a second?

3 MALE VOICE: I'll second to have the
4 discussion.

5 MALE VOICE: Okay. We have a motion to
6 uphold the appeal and a second, so discussion.

7 MALE VOICE: Yeah. The County's done a
8 really good job of helping me get my head around what the
9 issue -- what your issue was here and I full understand
10 it, but that's not where I would draw my polygon.

11 I'd draw it around the four. That's -- I
12 mean, that's what it all boils down to. It just seems to
13 me common sense to do it that way and unless you can show
14 me somewhere in the Code book that my polygon would be
15 wrong and yours is right, I -- I have to go with them.

16 MR. WILHELM: All polygons have
17 (inaudible).

18 MALE VOICE: I'm just not --

19 MALE VOICE: (Inaudible) --

20 MALE VOICE: I think the testimony's
21 close, correct?

22 MALE VOICE: Yeah, it is.

23 MALE VOICE: It is.

1 MALE VOICE: I'm sorry, I invited that.

2 MALE VOICE: Is there new information? I
3 think we've heard about the polygon --

4 MALE VOICE: Yeah.

5 MALE VOICE: -- and --

6 MALE VOICE: And whether it's in the Code
7 book that, you know, you have to draw it this way and not
8 that way.

9 MALE VOICE: So if that's fundamental to
10 addressing, you know, this appeal, then, you know, I'm
11 willing to open the floor back up to both sides --

12 MALE VOICE: Don't you think it is?

13 MALE VOICE: -- to, you know, discuss what
14 -- where you're supposed to draw the polygon and where
15 aren't you.

16 MALE VOICE: Yeah. I thought it was, but
17 --

18 MALE VOICE: Yeah. I think we should open
19 the hearing up.

20 MALE VOICE: Okay. So I'm going to go
21 back to both the appellant and the appellee. I'm going
22 to let Dan, you know, respond to this question about
23 where you draw the polygon and then I'll give the

1 appellant the same opportunity.

2 MR. CAMPBELL: Thank you.

3 MALE VOICE: Because that seems like it is
4 -- well, since a motion maker made this is kind of
5 fundamental --

6 MALE VOICE: You want to boil it down to
7 something simpler that would be good.

8 MALE VOICE: Okay. Dan.

9 MR. WILHELM: So four versus five where
10 you draw the polygon, you have to draw it both places and
11 you have to check both places. So like I said before,
12 the four polygon -- the four units being compliant
13 doesn't really (inaudible) compliance with the five units
14 combined or the six units combined or the seven units
15 combined.

16 You have to look at all parts of the plan.
17 They're not separate buildings, they're not independent.
18 They all share the same means of egress. They rely on
19 each other.

20 They're all integrated together. There's
21 no logical reason to say they're separate. I know
22 mentally your mind kind of wants to do that because of
23 the spatial configuration because there's a dead end

1 there, and that's kind of a mental block for a lot of
2 people (inaudible) apparently -- but it's not.

3 From a spatial standpoint they're all --
4 they're all working together. It's all part of the same
5 building, so the fact that the four units would be
6 compliant by themselves does not relieve the requirement
7 for the combination with the five units to also be
8 compliant.

9 So compliance with part of the building
10 doesn't mean you get off on compliance with the rest of
11 the building. It all has to work together as a whole.
12 These are independent parts that operate independently.

13 The means of egress is shared. It has to
14 work together.

15 MALE VOICE: Yeah.

16 MR. WILHELM: So four, five, six, you got
17 to check them all. You can't just stop once you say --
18 get to a compliant thing and say I'm done, although
19 people -- I've heard people doing that, but you can't.

20 You have to look at the whole thing.
21 You're missing a big part of the problem if you do that.
22 You're not doing your due diligence. You're only doing
23 an incomplete analysis or an incomplete review and you

1 come into a premature answer.

2 MALE VOICE: Would you like to respond to
3 the question about where you draw the polygon?

4 MR. CAMPBELL: I would. And, Mr. Page
5 (ph. sp.), I agree, really this comes down to where do
6 you draw the polygon? Or another way to ask that
7 question is what is the space?

8 And I think we both agree the Code does
9 not define the word space, right. So there is some
10 subjectivity. That's why we -- I'm a design
11 professional, but I admit, I can make mistakes, that's
12 why we sought three other professional opinions.

13 Dan is trying to -- he keeps trying to
14 discount these ICC opinions. If I just bring your
15 attention to attachment five, which is the third opinion
16 we sought. I'll read verbatim my request --

17 MALE VOICE: Page number?

18 MR. CAMPBELL: -- it says --

19 MALE VOICE: Is this relevant to the
20 polygon issue?

21 MR. CAMPBELL: Yes, it is. The request
22 says, we have measured what we believe is the quote-
23 unquote space in this portion of the building as shown on

1 the call out provided.

2 Okay. We have ended the (inaudible) at
3 the corridor intersection point and occupants have a
4 choice of two exit paths once reaching this point. Does
5 this arrangement comply with the requirements of 1006.2.1
6 of the IBC?

7 So we're not trying to skirt the issue.
8 We're directly asking the ICC where do you end the space?
9 And if you read their opinion they agree where we ended
10 it. End it at the corridor intersection point and then
11 they stated, we feel like this complies with 1006.2.1.

12 So I think it's really just a disagreement
13 as to where you draw the space boundary. We admit it's
14 subjective, but we have made our best attempt to do that,
15 we sought three other professional opinions, they agree
16 with us.

17 The last thing I'll add is that if you
18 were to take Mr. Wilhelm's position (inaudible) in these
19 diagrams and the other projects I provided, it's almost
20 impossible to have any level of dead end in a residential
21 building.

22 So if you were to practically try to apply
23 his position, I don't think you can do it as current

1 construction techniques are being done in this area.

2 MALE VOICE: Okay. I'm back to
3 discussion.

4 MALE VOICE: Do we need to make another
5 motion or since we --

6 MALE VOICE: No, you don't --

7 MALE VOICE: (Inaudible) motion already.

8 MALE VOICE: You have a motion --

9 MALE VOICE: Alright.

10 MALE VOICE: -- and a second. If you
11 decide you want to change your mind you can withdraw your
12 motion and the seconder can do the same.

13 MALE VOICE: I made a motion and he
14 seconded it, so that's where we are right now.

15 MALE VOICE: Any other discussion?

16 MALE VOICE: I don't know if this is
17 appropriate, but I'll ask it anyways, is there a design
18 that would conform? And I think that's the point the
19 appellant was making, but --

20 MALE VOICE: That's --

21 MALE VOICE: -- that's not our job.

22 MALE VOICE: (Cross talk) our job is to
23 look at what's in --

1 MALE VOICE: (Cross talk) --

2 MALE VOICE: -- what the book says whether
3 the --

4 MALE VOICE: That's why I was tentative
5 about asking it.

6 MALE VOICE: And there's a reason why
7 every three years the book gets changed a little bit, you
8 know. Things --

9 MALE VOICE: Absolutely.

10 MALE VOICE: -- change, there's
11 interpretation --

12 MALE VOICE: Absolutely.

13 MALE VOICE: It would be more interesting
14 to do that part of it, but we don't.

15 MALE VOICE: No, that's not --

16 MALE VOICE: I'm an engineer. I'm sorry I
17 (inaudible).

18 MALE VOICE: Why don't you go to a code --

19 MALE VOICE: (Inaudible.)

20 MALE VOICE: -- a code hearing, you know.

21 MALE VOICE: I'm writing a code right now
22 (inaudible) --

23 MALE VOICE: (Inaudible) two months.

1 MALE VOICE: This is (inaudible) of my
2 mind.

3 MALE VOICE: Okay.

4 MALE VOICE: This is good.

5 MALE VOICE: So we have a motion, we have
6 a second --

7 MALE VOICE: We have a motion and a second
8 to uphold the appeal.

9 MALE VOICE: I have no more discussion to
10 add.

11 MALE VOICE: I have no more discussion.

12 MALE VOICE: (Inaudible.)

13 MALE VOICE: All those in favor.

14 MALE VOICE: Of upholding the appeal?

15 MALE VOICE: Of upholding the -- the
16 motion was to uphold the appeal. Okay. Three in favor,
17 zero against.

18 MALE VOICE: Three to zero. Okay.

19 MALE VOICE: Chairman not voting. Okay.
20 That concludes the -- thank you for your time and that
21 concludes the hearing.

22 (Whereupon, the recording ended.)
23

* * * * *

CERTIFICATE OF REPORTER

I, Stacy R. Mutter, do hereby certify that
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