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AR 14639

**SHUMAKE
ARCHITECTURE, PA**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	4/7/2017
File #	

April 07, 2017

Mr. Mo Madani,
Office of Codes and Standards
2601 Blair Stone Road
Tallahassee, FL 32399

DS 2017-019

**PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING COMMISSION**

Company: Shumake Architecture, PA
Address: 2907 W Bay to Bay Boulevard, Tampa FL 33629
Name: Robert C. Shumake
Title: Registered Architect/President
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Attorney: None

Reference: Florida Building Code, 5th edition, section 1029.1

1029.1 General

In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group R-2 occupancies in accordance with Tables 1021.2(1) and 1021.2(2) and Group R-3 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section.”

Substantial Effect on Petitioner:

As a Florida Registered Architect working with an R-2 occupancy, clarification regarding the code intention of these two sentences is necessary to assure that the building design complies with the requirements of the Florida Building Code (FBC).

Project Specifics:

Occupancy – R-2 Apartments

Construction Type: V-B

Area: 7,400 square foot per floor

Stories: 3

Sprinkler Status: Fully Sprinkled with an NFPA 13R system.

40% of building perimeter faces a public street which allows area modification to permit the proposed building area.



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The design includes two remotely located fire rated exit stairs that serve each floor and comply with the exit requirements of FBC chapter 10. Each apartment on each floor has access to both stairs.

The access corridor to the stair doors is fire rated.

The total travel distance from the furthest point in the apartment to the fire rated stair doors and the exterior public way is less than required by code.

The total travel distance from the furthest point in any apartment to the second fire rated stair door is less than required by code.

The building complies with FBC chapter 10 regarding all exit configuration requirements.

Question:

Does FBC 1029.1 require an emergency escape and rescue opening from sleeping units located on the second and third floors of an R-2 occupancy configured with two remotely located fire rated stairs, and otherwise complying with FBC?

Summary:

It is believed that the intent of FBC 1029.1 is to require emergency escape and rescue openings in Group R-2 or R-3 occupancies that qualify for the single exit stair configuration by the referenced Tables 1021.2(1) and 1021.2(2). In this case, the emergency escape and rescue opening will provide a second egress option should the other single main building exit be inaccessible in the event of an emergency.

This would be consistent with prior editions of the FBC as well as the current edition of the NFPA 101 Life Safety Code.

However, it is possible that the first pair of sentences of FBC 1029.1 could be interpreted to require emergency escape and rescue openings in sleeping rooms in a basement, or on the second or third floors of ALL R-2/R-3 occupancy types. Even R-2/R-3 occupancies that are over three stories tall and have two remote fire rated stairs per other FBC Chapter 10 requirements.

Such an interpretation would require a reading of the second sentence that acknowledges the R-2/R-3 component of the first sentence, while then ignoring the remainder of the first sentence.

As a Florida Architect tasked with protection of the public safety, health and welfare, adherence to the intent of the FBC is fundamental to our service. Therefore, any assistance in clarifying this Code requirement is appreciated.

Respectfully,

Robert C. Shumake, AIA, NCARB