



Code Crazy

SSA succeeds in supporting changes to National Model Building Codes.

By Mark Wright

There's a law so powerful that no legislature in the world can repeal it. It's called the law of unintended consequences. And its peculiar effects can sometimes best be seen by looking at the way building codes are applied to self storage facilities.

Building codes are meant to ensure that structures of various types are as safe as possible for their inhabitants. As SSA Code Committee consultant Andrew Klein, P.E., CEM, explains, building codes are "a way to make sure buildings are keeping up with best practices."

Klein, principal of A S Klein Engineering, PLLC, in Pasco, Washington, has been working with SSA for the past two years to translate Code Committee members' concerns into language that could be submitted to the International Code Council's National Model Building Codes during their latest development cycle.

The codes have a downside, unfortunately, in that they still require human—some would call it bureaucratic—interpretation at the state and local level.

"A lot of code examiners have a grey area, and it depends on how strict they are and who the code was written for," said Robert High, CEO of Robert High Development in Wilmington, North Carolina, who has spent countless hours arguing for or against some of those interpretations.

All over the U.S., self storage owner/operators and developers have similarly spent hours debating with code examiners, fire marshals and others over how specific language should, or should not, apply to self storage. A number of them reached out to SSA seeking help.

In Alaska, for example, Pat Salvucci, owner of Skagway Storage Company LLC, was planning to build new facilities in Skagway in response to growing demand there, but he faced several hurdles.

"Skagway is a small town, so getting building supplies is difficult," he explained. "Almost everything has to come in by barge. The nearest Home Depot is either

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Changes to the 2021 International Building Code increased the height of sprinklered self storage facilities from three stories to four stories, for buildings made of Type IIB materials (unprotected steel) and Type IIIB materials (noncombustible or fire-retardant-treated wood stud exterior walls and any interior construction). Image: Jeffrey S. Dallenbach, AIA, Managing Partner of San Antonio, Texas-based DALLENBACH • COLE ARCHITECTURE (formerly Archcon Architecture)

an eight-hour ferry ride or a 45-minute flight. Skilled labor also is in short supply and are very busy during the short building season.”

But Salvucci’s biggest obstacle turned out to be the code. “I would recommend that before anyone gets serious about building self storage, they have a discussion with their state or local fire marshal,” he said. “At first, [our state fire marshal] wanted fireproof walls as per the existing fire code, but when I presented him with the upcoming changes to the code, he approved my buildings without the fireproof walls. But all that took months, so I missed out on my window to put the buildings up this year and have to wait until next spring.”

Those changes he presented to the fire marshal were engineered by SSA, Klein, and the Code Committee. The changes to the 2021 International Building Code (IBC) especially focused on requirements pertaining to restrooms and fire sprinklers:

- An exception was added to IBC Section 2902.3.3 to permit an increase in the location (to greater than every other floor) and maximum distance of

travel (to greater than 500 feet) for restrooms. The location and travel distance must be approved by the code official.

- The maximum allowable height of sprinklered facilities made of Type IIB materials (unprotected steel) and Type IIIB materials (noncombustible or fire-retardant-treated wood stud exterior walls and any interior construction) was increased from three stories to four stories. The IBC continues to have total floor and building square-footage limits.
- Pursuant to modified IBC Section 903.2.9, storage facilities are exempt from the automatic sprinkler system requirement if: (1) the total fire area is 12,000 square feet or less; (2) the combined total fire areas are 24,000 square feet or less; (3) the facility is no greater than one story above grade plane; and (4) all storage spaces are accessed directly from the exterior.

It’s important to note, however, that these are changes to the IBC. In order to take effect in individual U.S. jurisdictions, they must be adopted by local and state governments—which SSA expects will happen over the next several years.

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Don't want to wait? You can do what Salvucci did in Alaska and request that officials deem the 2021 changes acceptable alternative methods of construction pursuant to section 104.11 of the existing IBC.

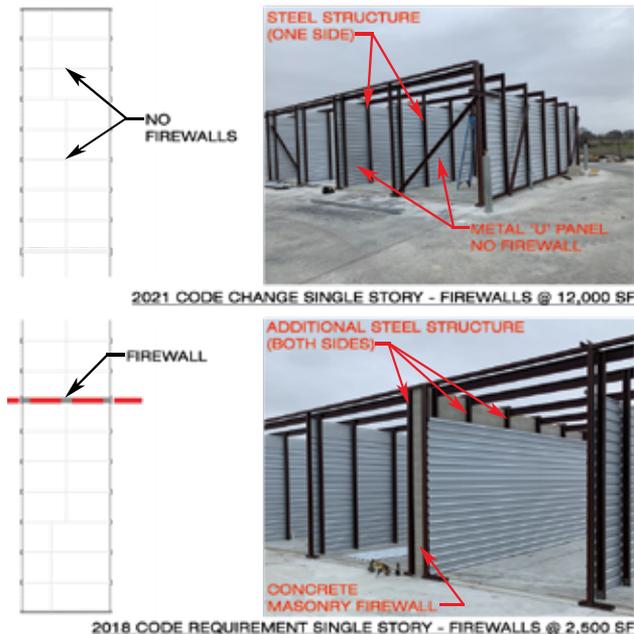
Noah Mehrkam, founder of Arcland, a Washington, D.C.-based real estate development and investment company, had three storage projects pending for which local jurisdictions wanted him to add restrooms to upper floors. After showing officials the 2021 code changes, he said, two of the jurisdictions accepted the changes, which enabled Arcland to eliminate six bathrooms across two projects.

"Put your best foot forward and give it a try if you have projects currently in permitting," Mehrkam advised. "One jurisdiction didn't accept the changes citing that the state would likely not adopt the IBC version for several years. You win some, you lose some."

Edd Haskins, owner of All Stor Self Storage in Austin, Texas, was in the process of designing a four-story facility nearby when "out of the blue came a requirement that we use fire proofing, which would have cost a ridiculous amount," said Haskins.

He took details of SSA's language changes to the fire marshal, but to no avail. "The fire marshal said that's

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These images from SSA Code Committee participant Jeffrey S. Dallenbach, AIA, Managing Partner of San Antonio, Texas-based DALLENBACH • COLE ARCHITECTURE (formerly Archcon architecture), illustrate an important difference between a structure designed to the current code (bottom) compared to one that will comply with Section 903.2.9 in the 2021 International Building Code as modified for self storage facilities.

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all well and good, but we haven't adopted 2021 yet, so we will have to hold you to the old code," said Haskins. "So, we made the decision to put the project on hold. It's in a high barrier of entry location, so we'll wait until the 2021 code is adopted."

Haskins, a former city councilman and mayor pro tem of DeSoto, Texas, near Dallas, said he understood the thinking behind Austin's position.

"Jurisdictions are looking to cover their backside first," he said. "This fire marshal wasn't going to be a crash-test dummy for this variance, and it's not unreasonable he didn't want to be that guy. We have a lot of codes that are well meaning for other land uses but that are patently idiotic for self storage."

SSA's code changes led to a brighter outcome for a storage project in Brookings, South Dakota. Jacob Mills, owner/manager of Access Storage in Brookings, contacted SSA on behalf of a neighboring owner who was facing rejection of their plans to build a new facility over 2,500 square feet without having fire sprinklers.

Mills explained that the fire-sprinkler requirement had never been an issue in Brookings, but the building code administrator was new and took a black-and-white view

of the language. Mills passed along SSA's 2021 code language to the project's architect in time for what turned out to be a successful appeals hearing.

"The board of appeals adopted the exception for self storage that is coming in the 2021 code, so it was great to have all that language prepared," he said. Had the city not made an exception, Mills said it would have cost the owner \$10,000 to \$20,000 to get the facility connected to water service and put in the sprinkler system.

Heath Mulkey, owner of Storage Structures Inc. in Villa Rica, Georgia, serves on SSA's Code Committee. He explained that a lot of municipalities just don't know better, so they lump self storage in with warehouses.

"The timing [of these changes] is great, because being able to add a floor will help projects be more financially viable," said Mulkey. "The fourth level enables us to get more revenue, and with building and land costs going up it's a very big deal to offset those expenses." ❖

For details on SSA's most recent building code successes, visit selfstorage.org/advocacy. And for further assistance, contact SSA SVP, Legal & Legislative Officer Joe Doherty at jdoherly@selfstorage.org.



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