I. **Introduction:**

On July 15, 2016, the City received a request for an administrative interpretation regarding the requirement for the railing height for the private residential balcony, within unit # 303 in the Seabreeze Mixed Use Complex, located at 123 Bjune Drive, Bainbridge Island, Washington. The request was in response to a Home Owners Association request for a City interpretation as to whether a 42” railing height or a 36” railing height was applicable for the private residence balcony. The administrative interpretation application was accepted and assigned project number PLN 50606 ADM (Permit). Additional documents and photos were provided in July, 2016. The Department of Planning and Community Development began processing this Permit and researching records regarding the construction and approval for the Seabreeze Mixed Use Complex. This interpretation is pursuant to Bainbridge Island Municipal Code (BIMC) 18.03.090.
II. Factual Background:

The Seabreeze Mixed Use Complex included three buildings and was constructed under Bainbridge Island Building Permit # BLD12991 COM. All three buildings, Building A, B, and C were submitted, reviewed, and processed as one permit and under a unified construction plan set. Unit #303 was constructed as part of Building C. The permit application for the Seabreeze Mixed Use Complex was submitted on June 24, 2004, and was issued on May 20, 2005. The City records indicate that the construction occurred through 2008, and that the final inspection for Unit 303 was conducted and approved on February 15, 2008, with the entire Seabreeze Mixed Use Complex showing a final inspection date of February 26, 2008. The Seabreeze Mixed Use Complex was submitted, reviewed, and approved under the 1997 Uniform Building Code, with the 2000 Washington State Amendments.

III. 1997 Uniform Building Code – Guardrail Height:

The 1997 Uniform Building Code specifically determines the required height of guardrails, within Chapter 5, General Building Limitations, Section 509 Guardrails. The building code requires guardrails to be 42 inches in height, with exceptions for residential occupancies to be 36 inches in height as depicted below.

1997 UNIFORM BUILDING CODE

CHAPTER 5, GENERAL BUILDING LIMITATIONS

SECTION 509- GUARDRAILS

Section 509.2 Height. The top of guardrails shall not be less than 42 inches (1067 mm) in height.

Exceptions:

1. The top of guardrails for Group R, Division 3 and Group U, Division 1 Occupancies and interior guardrails within individual dwelling units, Group R Division 3 congregate residences and guest rooms of Group R, Division 1 Occupancies may be 36 inches (914 mm) in height.

The approved construction plans, Sheet A 0.02 (see Attachment A), defined the residential occupancy as Residential Group R, Division 1 occupancy for the Seabreeze Mixed Use Complex, levels two, three, and four. The occupancy for the residential units would allow a 36” railing height for guardrails within individual dwelling units. The approved construction plans, Sheet A 20.09 (See Attachment B) specifically identifies the guardrail height of 36 inches for Unit 303 balcony. Additionally, the approved construction plans, Sheet A 50.01 (see Attachment C) depicts a building section for the residential balcony with a 36 inch guardrail with wood cap, called out on the plans. The Seabreeze Mixed Use Complex permit building was reviewed, constructed, inspected, and approved for a minimum guardrail height of 36 inches for the Unit 303 balcony.
IV. 1997 Uniform Building Code – Guardrail Openings:

The code interpretation also addresses if the utilization of the wood cap, located on top of the guardrail and consisting of a wood rail with widely spaced brackets, at a total height of 42 inches above the private residential balcony deck, could be considered as part of the guardrail. The wood cap, to qualify as part of the guardrail must be compliant with The 1997 Uniform Building Code Chapter 5, General Building Limitations, Section 509 Guardrails specifically related to allowable openings within guardrails, under Section 509.3 Openings. The building code requires that all guardrails must be constructed so that a 4 inch sphere cannot pass through the railings/guardrails, with exceptions as depicted below:

**1997 UNIFORM BUILDING CODE**

**CHAPTER 5, GENERAL BUILDING LIMITATIONS**

**SECTION 509- GUARDRAILS**

**Section 509.3 Openings.** Open guardrails shall have intermediate rails or an ornamental pattern such that a sphere 4 inches (102 mm) in diameter cannot pass through.

**Exceptions:**

1. The open space between the intermediate rails or ornamental pattern of guardrails in areas of commercial and industrial-type occupancies which are not accessible to the public may be such that a sphere 12 inches (305 mm) in diameter cannot pass through.

2. The triangular openings formed by the riser, tread and bottom element of a guardrail at the open side of a stairway may be of such a size that a sphere 6 inches (152 mm) in diameter cannot pass through.

In evaluation of the residential balcony, neither exception for the openings requirement would be applicable for the guardrails located at Unit 303. For the wood cap to be considered as part of the guardrails, the maximum openings between the bottom of the wood cap and the top of the 36” guardrail must be small enough such that a 4 ½ inch sphere cannot pass through.

The distance between the bottom of the wood cap and the top of the 36” guardrail has been determined to have an opening of at least 4 ½ inches (see Attachment D) with intermediate rails and supporting brackets at even wider spacing. The wood cap and associated brackets or intermediate rails, as designed and constructed would allow a 4 inch sphere to pass between the guardrail and the bottom of the wood cap, and therefore would not meet the requirements of contributing to the guardrail height. To meet the definition of guardrail, the addition of compliant intermediate rails or an ornamental pattern as cited in the 1997 Uniform Building Code, Section 509.3 would be required. The opening size exempts the wood cap from being included within the total guardrail height and establishes that the guardrail height is at 36 inches above the balcony deck. Raising of the balcony deck would not be consistent with applicable building codes.
V. CONCLUSION

Based on the interpretations contained above, the Building Official determines that pursuant to the 1997 Uniform Building Code, Section 509.3, Exception 1, the minimum guardrail height is 36 inches for the residential balcony for Unit 303, located at 123 Bjune Drive, Bainbridge Island, Washington. The wood cap, located on top of the guardrails, as constructed, would allow a 4 inch sphere to pass through and as presently exists, would not be able to be considered as part of a guardrail or contributing to the guardrail total height. As constructed, additional raising of the balcony deck floor would not be consistent with meeting the minimum 36 inch guardrail height requirement.

DATED THIS 19th DAY OF August, 2016.

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James Weaver, City Building Official

Appeal Procedures:

BIMC 2.16.020(P) provides that any appeal of a interpretation set forth herein are made to the City’s Hearing Examiner. Any appeal must be filed with the City Clerk within 14 days of the date of this decision.

Attachments:

A. BLD12991COM – Approved Construction Plans-Sheet A 0.02
B. BLD12991COM – Approved Construction Plans-Sheet A 20.09
C. BLD12991COM – Approved Construction Plans-Sheet A 50.01
D. Photo of Unit 303 Balcony Guardrail and Wood Cap