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GOVERNOR

Office of Louisiana State Fire Marshal
Code Enforcement and Building Safety

Department of Public Safety and Corrections
Public Safety Services



H. BUTCH BROWNING
STATE FIRE MARSHAL

June 8, 2015

Mr. Kevin Kinchen
DAMMON ENGINEERING. INC.
554 Old Spanish Trail
Slidell, LA 70458

RE: P0465406, Appeal 8565
Bev, Inc.
211 Cousin Street
Slidell, LA 70458

Code References:

NFPA 101 Life Safety Code, 2012 edition
IBC International Building Code, 2012 edition

Review Type:

Building Rehabilitation
Renovation

Occupancy Classification:

Assembly (>300 O.L.) (NFPA 101); Group _ (IBC)

Dear Mr. Kinchen:

This office is in receipt of your May 13, 2015 proposal regarding the construction type at the referenced facility. After review and evaluation of the information provided, the following observation(s) and determination(s) apply.

You attach a letter from Mr. Chuck Dammon, VP of Dammon Engineering, Inc., in which an explanation of field conditions is furnished and a request for equivalency is made. The supplemental information provided by you is regarded as your own statement as to the facts and conclusions contained therein.

You provide drawings containing information for reference. NFPA 101:12.1.6 limits the assembly occupant load at the second floor of the facility to not more than 300 persons based on Type III (200) building construction. The assembly occupant load calculated in accordance with NFPA 101:12.1.7, and as indicated on Drawing G1, results with a total of 405 persons.

The NFPA 101 Life Safety Code and the International Building Code require fire protection features that will provide a minimum acceptable level of safety. The features required by the code may be altered, substituted, or omitted if proposed alternative features can be determined to provide a level of safety equivalent to that required by the code.

Is Yours Working?

Smoke Alarms Save Lives! Savealife@la.gov

OFFICE OF LOUISIANA STATE FIRE MARSHAL
8181 INDEPENDENCE BOULEVARD, BATON ROUGE, LA 70806
(225) 925-4911 1-800-256-5452 Fax (225) 925-4593

You propose prohibiting the total occupant load of the second floor from exceeding 299 persons above the level of exit discharge. This office considers that your proposal is much more restrictive than minimum code provisions, since the maximum occupant load referenced by NFPA 101 Table 12.1.6 for determining acceptable construction type, represents the “assembly occupants” only.

As a matter of clarification, business (office) occupants and industrial (kitchen) occupants are not considered part of the assembly occupant load prescribed by Table 12.1.6 for determining acceptable construction type in buildings containing assembly occupancies. After a review of the information provided, please be advised that this office hereby **grants** your request under the conditions proposed and all of the following additional stipulations:

1. The total maximum occupant capacity for assembly, combining Banquet Hall and Balcony, at the second floor shall be set at 300 persons and posted by the inspecting officer upon final inspection. Signage shall state: BY ORDER OF STATE FIRE MARSHAL, TOTAL MAXIMUM OCCUPANT LOAD IS LIMITED TO 300 PERSONS.
2. A legal covenant, approved by the Office of the State Fire Marshal, shall be registered locally, forming a deed restriction. The restrictive covenant on the property, limiting the occupant load, shall extend to future owners, successors, and assigns in perpetuity and shall limit the maximum occupant load of the referenced assembly areas to not more than 300 persons. A copy of the covenant shall be on site at the final inspection by the state fire marshal inspector.
3. An OPERATIONAL PROCEDURE shall insure a maximum combined occupant load of 300 persons at the second floor Banquet Room and Balcony. The procedure shall be filed with the legal covenant forming the deed restriction.
4. This office reserves the right to rescind this determination and order the plans to be resubmitted for full review by this office, **if at any time** it is discovered that more than 300 persons occupy the combined areas of the second floor Banquet Room and Balcony.

Please be advised that this document represents a determination of equivalency based on state adopted laws, rules, regulations and codes governing the protection of life and property from the threat of fire in commercial buildings. This equivalency applies only to this particular installation and shall not be arbitrarily applied to other projects or similar facilities.

This determination shall remain valid as long as the conditions stipulated herein are provided and maintained, or otherwise revised by this office. **It is not the intent of this office to circumvent the power and responsibilities of other authorities having jurisdiction.**

Please note that the evaluation of your appeal by this office is based on NFPA 101, and the life safety and fire protection features of the IBC, ONLY. **The local building official is responsible for evaluating the facility for compliance with the requirements of the Louisiana Uniform Construction Code (LSUCC) in its entirety.** The determination made by this office is therefore not definitive in regard to LSUCC compliance.

Mr. Kevin Kinchen
June 8, 2015
Page 3

Please be advised that LRS 40:1730.23 mandates the enforcement of building codes by municipalities and parishes in Louisiana, as described by LRS 40:1730.28. In accordance with Act No. 391 of the 2011 Regular Legislative Session (R.S. 40:1730.23.H.), "A Parish or Municipality may accept determinations made by the State Fire Marshal as they pertain to life safety and fire protection as required in this part". As such, this determination shall be provided to the building official of the applicable jurisdiction for concurrence. **Contact the building official of the applicable municipality to coordinate compliance with the LSUCC.**

Please enclose a copy of this letter with any future correspondence pertaining to this project. If you have questions or need additional clarification, please feel free to contact this office.

Sincerely,



H. Butch Browning
State Fire Marshal

HBB/FLF/cm

cc: Bev, Inc.
Lawrence J. Delaune
St Tammany Fire Protection District No 1
City Of Slidell
New Orleans District Office