

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

September 21, 2022

9:00 a.m.

MEMBERS PRESENT: Vice Chair Christine Riggs, Architect
Vince Colarelli, Building A or B Contractor
Jeffrey Finn, Citizen-At-Large
Christopher Freer, Engineer

MEMBERS ABSENT: Chair Loren Moreland, Building A, B or C Contractor

RBD STAFF PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

The Board of Review meeting was conducted in a hybrid form, allowing Committee members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Hearing Room on the Upper Level, or virtually via a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

WORK SESSION:

Vice Chair Christine Riggs called the Board of Review Work Session to order at 9:00 a.m.

1. CALL TO ORDER

- a) Proposed 2023 Pikes Peak Regional Building Code (*non-action item; the 2023 Pikes Peak Regional Building Code will be presented for a vote and a recommendation for approval during the December 21, 2022 meeting; prior to that, the Board of Review will hold another work session in November*).

Roger Lovell appeared and stated Department staff has spent a great deal of time in preparing the proposed 2023 Pikes Peak Regional Building Code, and has given a Code presentation before all of the jurisdictions. The first public comment period opened on July 1, 2022 and ended on August 31, 2022; the public comments have been reviewed, reconciled and are now presented to the Board of Review. Any edits to the draft Code will be made during the month of September; then a second round of public comments will run for another 30 days. Once this process is completed and reconciled, the comments with a resulting 2nd draft of the Code will be submitted to the Board of Review for another

work session with a resulting regular meeting and a recommendation for adoption thereafter. The final Code will then go before all of the jurisdictions for approval with a target adoption date no later than June 30, 2023.

Chapter 1 Administration:

Mr. Lovell stated there is a minor change to Section RBC101.8, to replace “city attorney” with “Jurisdiction’s attorney or Department’s attorney, as applicable”. The Board of Review **APPROVED** said revision.

Further Mr. Lovell stated a request was made by a Department employee to amend the Code to require that all master residential plans be stamped by a licensed engineer to prevent a Code deficiency in one house to be carried on to multiple homes using the same master plan. Homes that get built throughout a development or a jurisdiction should have a higher level of design liability than a single home built on a single lot. The Board of Review **OPPOSED** this amendment to the Code, stating it is the responsibility of the contractor or homeowner, as applicable, to know the Code to prevent Code deficiencies of this nature in master plans or individual plans.

Chapter 2 Contractor Licensing:

The question of code of ethics implementation came up. John Welton stated the Department used to do in-house testing, but found it to be very labor intensive. Therefore, all contractor testing is now done through the ICC, which requires adoption of or attestation to a Code of Ethics. Next, the discussion focused on Section RBC201.6.6. Virginia Koulchitzka responded to a Board member’s question re: “name-based judicial record check” (f/k/a background check) procedures. She further presented that in the past 5 years, two applications were denied per Section RBC201.6.6 of the Code. Of the two, one was thereafter resolved after additional information / documentation was presented to the Department by the applicant. Vince Colarelli stated he sees this requirement in other jurisdictions, so he believes it is the standard in the industry.

Ms. Koulchitzka requested a revision to Section RBC201.6.6 of the Code to include the language of: “civil or criminal theft”. She established the foundation for this request as C.R.S. §38-32-127 and C.R.S. §18-4-401, *et seq.* The Code is written for the general public and not specifically for lawyers or others of legal decision-making authority to understand or interpret it. As a result, to avoid unnecessary interpretations thereto specific to whether civil or criminal fraud, constructive or actual, means civil or criminal theft, the requested revision is necessary. The revision to this Code section would be as follows: “... a felony, or for civil or criminal fraud, constructive or actual, or civil or criminal theft for work related to ...” The Board of Review **APPROVED** Ms. Koulchitzka’s request to amend Section RBC201.6.6.

Chapter 3 Construction Codes – Energy Conservation Codes:

Gabriel Hunt, Colorado Springs Utilities (“CSU”) appeared and stated although he is a licensed design professional, his current position does not involve taking responsible charge for building designs. He stated CSU offers incentives for builders to build above Code, and he is involved in forward planning on how CSU is going to meet its energy and natural gas infrastructure needs for long-term planning. He stated since CSU submitted its 2023 Budget, it has already had to amend the natural gas prices three times. The long-term natural gas prices are approximately 2.5 to 3 times what was planned for. Mr. Hunt stated CSU is nearing its delivery limit on its existing wholesale gas supply infrastructure, and the cost for providing additional gas service is expected to be more significant than what is currently being paid by customers. He stated Senate Bill 21-264 is pushing CSU to submit a clean heat plan where CSU is obligated to decarbonize emissions from natural gas sales; CSU is trying to figure out how to meet these goals and find a path forward. CSU’s current internal estimates on the opportunity costs for utilities that will have to be recovered from the 18,000 to 22,000 homes that will be built under this Code cycle or from their existing customers to be approximately \$30 to \$40 million, which includes increased natural gas commodity purchases, among other things. There are some opportunity costs that he would like the Board to consider in addition to some of the very important first house considerations that are there for affordability in our community. Mr. Hunt stated CSU did look at insulation levels through a simplified energy model, and was able to square up with what the Pacific Northwest National Laboratory report came up with for the energy savings; CSU extrapolated that across a typical customer load profile and some regression work that CSU has been doing in its gas forecasting to estimate the daily peak hourly demand. He stated through CSU’s Above Code Building Program, CSU is seeing contractors able to achieve homes with a HERS rating as low as the 58’s right now, which homes will qualify under the new Code provisions through the performance path, even if they do not meet the prescriptive path. Mr. Hunt stated historically CSU has not interacted in the Code adoption process; that is not CSU’s responsibility. CSU has stepped into this because there is enough change that it is significant. The Clean Heat Plan that CSU is required to submit on reducing natural gas emissions is a State requirement through the Air Quality Commission; it is a very aggressive goal. Part of the additional costs in the \$30 to \$40 million is an additional increase for CSU trying to offset the increased emissions and what it will have to pay in carbon abatement costs through programs to offset some of that change. If the State has adopted the 2021 International Energy Conservation Code, he believes CSU will have a politically difficult process at the State level in submitting its Clean Heat Plan if the community has not adopted the same International Energy Conservation Code, and some of the other front range communities do.

Marla Novak, Vice President of Government Affairs with the Housing and Building Association (“HBA”) appeared. She stated she is appearing today on behalf of Community Housing Affordability Taskforce (“CHAT”) that was put together at the Mayor’s request to talk about the Housing Affordability Challenge. She represents the

HBA on CHAT. Also appearing were Laura Nelson with the Apartment Association representing rental housing, and Kay Scott, Co-Founder of Affordable Housing Collaborative. Ms. Novak stated the Downtown Partnership, the Realtors and the Chamber are appearing with her on the affordable housing issue. She stated currently there is a shortage of 12,000 homes in El Paso County. She stated for every \$1,000 added to the cost of a home “knocks” out approximately 120 people in our community from purchasing a single home. Ms. Novak stated on behalf of the CHAT group and the 5-member community organizations and their members, they all are getting behind the hard work that the HBA Code Review Committee has done. These are the experts that use those Codes daily, work with them, know what the costs are, and try to keep homes affordable. They are behind those amendments proposed by the HBA Code Review Committee¹.

Jim Riggins appeared and stated he is an Energy Star New Home Inspector and Third-Party Energy Code Inspector for the Department. He stated his request today is the removal of amendments in Section RBC308 that modify either the commercial or residential prescriptive requirements or the commercial energy efficiency credit requirements. Strong evidence suggests that these amendments are unnecessary, detrimental to building owners, and also counter productive to Pikes Peak Regional Building Department. They create a prescriptive path loophole that essentially allows construction of the thermal envelope to the 2012 IECC levels. He stated “the amendments are equal to or weaker than the 2012 Code”. In practical terms, this loophole allows avoidance of 10 years’ worth of Energy Code improvements. The IECC already provides buildings with enormous flexibility for tradeoffs due to the total performance building path and the energy rating index options. The Pacific Northwest National Laboratory report shows that the move from the 2015 to 2021 IECC would create 646 jobs in Colorado the first year, and 18,345 jobs over 30 years. Additionally, the IECC update would lead to \$1,742,000,000 in energy cost savings over 30 years, while reducing carbon dioxide emissions by 20,301,000 metric tons (41,630 metric tons in the first year). Again, these benefits are diminished by gutting the 2021 IECC prescriptive path requirements.

Andy Sanchez with Vantage Homes appeared and stated the cost benefit to the buyer is greatly outweighed by the costs added to the home in comparison to the reduced operating expenses and utility costs. The return on investment for insulation is diminishing over time. Vantage Homes supports the draft amendments.

Rhett Osko with Classic Homes appeared and stated with regard to Section RBC308.4.19 Electrical and Communication Outlet Boxes, they have reached out to their energy rater about this item; the response is “I have heard of other authorities having jurisdiction and removing this requirement since it is incredibly costs prohibitive.” Mr. Osko stated they looked into the local purchase of these boxes, and it is 3.5 times what a typical electrical box vs. the specialty air sealed electrical box costs, and it has a 4-month lead time. The

¹ For the record, only one Code amendment was requested by the HBA Code Review Committee, which the Board of Review heard during this work session, as documented later in the meeting minutes,

average home has 20 boxes which is a great deal of back order(s). The energy rater stated even with these boxes installed in a home, air leakage will still occur within the thermal envelope. If the home meets the IECC's air leakage requirement without the specialized gasket boxes, then "proof is in the pudding". Why does it matter if the air is coming in around the holes around the electrical box or from some other place? What does our community gain from this requirement?" Mr. Osko stated Classic Homes is already dealing with other product shortages, so this would just add to that complication.

Christopher Jensen with Campbell Homes appeared and stated he would like to request an added amendment to Section 304.2 Interior Lighting Controls. This specific code requires light fixtures to have either occupant sensors or a dimmer control; he would like to add an exception for high-efficacy lighting fixtures.

Steve Schlosser with Classic Homes and also the HBA Code Review Chair, stated they support these amendments with the incremental steps that are in place to get to the Code adaptation. Their group has spent a great deal of time going through and analyzing the Code, the changes, and the costs to the homebuilding industry.

Josh Peterson with Vanguard Homes and also part of the HBA Code Review Committee appeared and stated Vanguard Homes supports the amendments. With interest rates rising, affordable homes are even more important. Saving money on utilities is not important if the average homebuyer cannot afford to buy the home.

Lindsey Williams with Challenger Homes appeared and stated Challenger Homes tries to provide affordable homes. If their buyers have to choose between being a first-time homeowner or the added insulation, they are going to choose the bare minimums. It is important that we get those people into homes, but with affordability and interest rates increasing, it makes it more difficult. Taking moderate steps to increase the efficiency of the homes is a better way to go than a large increase in making more homes energy efficient.

Scott Konnath with Aspen View Homes appeared and stated Aspen View Homes supports the amendments as presented. The new homes that these Codes will pertain to are approximately 1% of the homes in our community, and the greater concern should be the older homes in our community that are not energy efficient and use a great deal of gas for fireplaces, etc.

Vince Colarelli stated he would like to go back to the high efficacy lighting standard of 90% vs. 100%. Roger Lovell stated the 90% is a measure of the number of fixtures in the home. The unamended Code requires 100% of light fixtures to be high-efficacy; the draft 2023 PPRBC includes an amendment to reduce the requirement to 90% high-efficacy. John Welton stated a multi-lamp fixture still counts as a single fixture.

Mr. Lovell stated the Department would seek direction from the Board regarding the request for additional amendments to add an exception for high-efficacy lighting from

lighting controls.

Christine Riggs stated from a professional designer's point of view and the environmental code of ethics that she upholds as being an AIA member, she has a hard time looking at a Code that is proposing to reduce the energy standards. That being said, we need housing, and it needs to be affordable as well. She stated, personally, she does not like the changes to the prescriptive insulation tables, but the other amendments have a significant cost impact to the construction world and make sense to her. Mrs. Riggs stated having the unamended Code to refer to is very easy; it is very clear; you do not have to keep referring back to an amended Code for simple insulation values for the prescriptive method, and there are always alternative means of energy compliance.

Vince Colarelli stated he agrees that there is an environmental and social responsibility and obligation we all take on as professionals. That said, it seems to him as though the amendments as proposed by RBD staff are done so in light of a number of stakeholder concerns and a number of commercial related implications. He stated RBD staff has done a prudent job in doing so, and as a result he supports the recommendations that they have made at this point. Chris Freer agreed with Mr. Colarelli.

Jeff Finn stated housing affordability is a huge issue in our community; there is nothing that we can do about the interest rate, as it will have an impact on all of their businesses, including the design professionals and Energy Star Certifiers. He stated he does not want to participate in requiring all homes, all businesses, or every square foot of new construction to comply. He stated he appreciates the perspective of the \$800,000 homes as well as the \$300,000 because their homeowners can choose, if the market gets bad enough, which it very well could. Mr. Finn stated he is in support of the amendments as proposed.

Christine Riggs stated although she is not in favor of the amendments to the prescriptive values of the IECC, the Board of Review recommends **APPROVAL** of the amendments contained in Section RBC 308.

Ms. Riggs stated the Board of Review recommends an additional amendment to Section R404.2 Interior Light Controls, to add a fifth exception for high-efficacy fixtures or high-efficacy light source.

Section RBC303.4.2 Basic Design Wind Speed for Commercial Code:

David Sparks, Fountain Engineering, appeared and stated the Code that is being adopted references ASCE7-16; the previous version of the Code that was adopted references ASCE7-10. Between those two Code cycles, there have been a lot of studies and taken anemometer readings from all over the country determining that most of the country was 115 mph, with the exception of the west coast, which was 110 mph, and then the hurricane zone regions on the east coast which varied from 115 to 180 mph. At 130 mph, this is essentially saying our jurisdiction is similar to a hurricane region. 130 mph generates a

lot of pressure on the structure, whether residential or commercial. His suggestion in lowering the Basic Design Wind Speed was only to stay in line with those changes that have been made between ASCE7-10 and ASCE7-16. Additionally, all of Douglas County and the western edge of El Paso County used to be considered special wind regions by ASCE7-10, and in ASCE7-16 they have narrowed that closer to the mountains. None of El Paso County is considered a special wind region, and none of Douglas is if you go by ASCE7-16. He stated he understands that the goal is to have one wind speed for the entire region. To do so you would have to go to the highest level that will apply to this area that you are giving regional plan approval. Otherwise, you would be under designing as you go up into the mountains where you have down slope winds that can speed up. Mr. Sparks proposed using a reasonable wind speed per the currently adopted ASCE7-16 standards which reflect the reductions in speeds and reduction in special wind region areas across the country. A wind speed of 110 mph is more than appropriate based on these standards and the many years of research that have gone into them.

Jay Eenhuis stated historically the Pikes Peak Region has seen wind gusts over 100 mph; a wind gust of 101 mph translates Basic Design Wind Speed of 130 mph. We have been on the 130 ultimate number since the 2017 PPRBC adoption; however, if we convert the 130 ultimate speed to the nominal speed, the equivalent is 101 mph; the 100 mph nominal number was actually adopted back in 2005 with the adoption of the 2005 PPRBC. It has proven that those numbers have worked for the past 19 years. In looking at the current value of 130 mph, that means an actual wind speed of 101 mph, and there have been two events in the past year that have met or exceeded those values. The Department cannot support a decrease in wind design pressure of 28% when there is evidence even from this year of local wind speeds in excess of the current design parameters.

Jeff Finn, Christopher Freer and Vince Colarelli agreed to keeping the design wind speed at 130 mph. Vice Chair Riggs stated the Board of Review recommends keeping the 130 mph Basic Design Wind Speed as currently designated.

Section 306 Plumbing Code:

David Baer appeared and stated he commented on the manifold system for hot water vs. a stand alone one line that is insulated that would go back to the utility room to save on water usage, where letting one sink run for 2 minutes to get hot water and then running the next sink for 2 minutes to get hot water vs. having one line with a recirculating pump, with a timer that would keep the hot water in the system at all times. Mr. Baer stated he had this system in his home in Washington state, and it was common in that area. He stated he is not sure if this would add additional costs to install but would like to give the Department something to look into.

John Welton stated “give it time; it’s coming”. The 2018 IPC that we are currently on requires that fixtures be within a certain distance from the hot water source; currently it is 100’. That is also going to be a potential requirement moving forward in residential construction once the State of Colorado adopts the 2021 IPC, unless the State makes an

amendment to it. There will be upcoming requirements that the State will be looking at shortly when it reviews the 2021 IPC to include the residential chapters of the 2021 IRC. We will see some of these requirements depending on the plumbing system utilized for hot water distribution piping; it will require those fixtures to be within a certain distance from the hot water source.

2. **ADJOURN**

The Work Session adjourned at 11:05 a.m.

REGULAR SESSION:

1. **CALL TO ORDER**

Vice Chair Christine Riggs called the meeting to order at 11:07 a.m.

2. **CONSIDERATION OF THE AUGUST 17, 2022 BOARD OF REVIEW MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the August 17, 2022 Board of Review Minutes as written, seconded by Jeffrey Finn; the motion carried unanimously.

3. **CONSIDERATION OF TECHNICAL AND LICENSING COMMITTEES MINUTES**

Christine Riggs recused herself from Item 3.a., stating her husband was one of the variance applicants. Quorum was maintained.

a) Technical Committee Minutes of September 7, 2022.

A motion was made by Vince Colarelli to **APPROVE** the September 7, 2022 Technical Committee Minutes as written, seconded by Jeffrey Finn; the motion carried unanimously.

b) Licensing Committee Minutes of September 15, 2022.

A motion was made by Vince Colarelli to **APPROVE** the September 15, 2022 Licensing Committee Minutes as written, seconded by Jeffrey Finn; the motion carried unanimously.

4. **DECISION APPEALS**

There were no Decision Appeals.

5. **UNFINISHED BUSINESS**

There was no Unfinished Business.

6. **NEW BUSINESS**

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There was no New Business.

The meeting adjourned at 11:14 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/lfg

Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

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