

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

August 15, 2018

10:30 a.m.

MEMBERS PRESENT: Vice Chairman Jim Nakai, Architect
Tom McDonald, Building A or B Contractor
Darin Tiffany, Engineer

MEMBERS ABSENT: Chairman Vince Colarelli, Citizen-at-Large
Edward Pine, 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
Matt Matzen, Permit Supervisor
Ryan Johanson, Director of Finance
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Vice Chairman Jim Nakai called the meeting to order at 10:33 a.m.

1. **CONSIDERATION OF THE JULY 18, 2018 BOARD OF REVIEW MINUTES**

A motion was made by Darin Tiffany to **APPROVE** the July 18, 2018 Board of Review Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

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

a) Technical Committee Minutes of August 1, 2018, with the exception of Item 10.b., which was under appeal.

A motion was made by Darin Tiffany to **APPROVE** the August 1, 2018 Technical Committee Minutes as written, with the exception of Item 10.b, which was under appeal, seconded by Tom McDonald; the motion carried unanimously.

b) Licensing Committee Minutes of August 8, 2018.

A motion was made by Darin Tiffany to **APPROVE** the August 8, 2018 Licensing Committee Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

3 DECISION APPEALS

- a) 950 Academy Park Loop – Joe Curro, Colorado Springs Police Department, requests a variance to ASCE-7-05, Section 13.1.4, Exemption 2, as referenced in the 2009 International Building Code, to allow Exemption #2 to apply to Seismic Design Category (SDC) C, where only SDC B was allowed. *This variance request was **DENIED** at the August 1, 2018 Technical Committee meeting. The engineer on the Technical Committee stated this would be the newest building that was built to the latest Code requirements, and if there was a seismic event that caused damage to this structure, it would be a great concern because this building should be the most structurally sound of all of the CSPD structures.*

Revised Appeal Procedure(s), as Implemented by this Board during its May 16, 2018 Board of Review Meeting: The Board of Review shall conduct a public hearing on the appeal. At the conclusion of the hearing, the Board of Review shall make appropriate findings and determine whether the Technical Committee’s or Licensing Committee’s decision, as applicable, shall stand, be overturned or modified. The Board of Review’s decision shall be considered final agency action for all purposes under Colorado law.

Those aggrieved by the decision of the Technical Committee’s or Licensing Committee’s decision, as applicable, may appeal the decision provided that a notice of appeal, stating the grounds for appeal, was filed in accordance with RBC101.7. The Department, upon receiving a perfected appeal, shall forward the record of the Technical Committee or Licensing Committee to the Board of Review, and the matter shall be set for a public hearing at the next available Board of Review meeting. The Board of Review may hear the appeal de novo or may limit the hearing to the issues identified in the notice of appeal. At the conclusion of the public hearing, the Board of Review shall determine whether there was substantial evidence in the record to support the Technical Committee’s or Licensing Committee’ decision, as applicable, and if so, then the decision must be affirmed. If there was not substantial evidence in the record to support the Committee’s decision, the Board of Review may overturn the decision or modify it.

All parties testifying were sworn in. Chris Stumm with DLR Group appeared and stated the reason for the appeal was because the occupancy codes in the International Building Code do not accurately identify a police substation. He stated a police substation was a patrol station and most of the time, it was not occupied. He stated should something happen to the substation, the operation of the facility would not be interrupted whatsoever, the operation would be moved to another location. Mr. Stumm stated the City had a Continuity of Operations Plan (COOP), wherein should something happen in any structure those operations would just be moved to another location. He stated they do not consider this structure as an “essential services building”. He stated the definition in the Code would pertain to a police headquarters building, which had a dispatch call center. Joe Curro with the Colorado Springs Police Department stated the headquarters building was also the host of the City server, the Police Chief, two Deputy Chiefs, four other divisions; some civilians, some police, and the canine unit. He stated there were four other police

substations, in addition to this structure. Mr. Stumm stated he believes the occupancy level should be an Occupancy Category II, in lieu of an Occupancy Category IV for this structure, because police substation was not an “essential facility.” Jay Eenhuis stated Table 1605, as presented to the board members, provides a definition for Occupancy IV which reads, “Buildings and other structures designated as essential facilities”, and includes “Designated emergency preparedness communications and operations centers, and other facilities required for emergency response.” Mr. Stumm stated the structure was initially categorized, when plans were submitted, as an Occupancy Category IV, but now, despite the Category IV designation, the Colorado Springs Police Department was requesting a variance to change it to an Occupancy Category II. He stated the differences would be for the lighting system, sprinkler system and mechanical system. Mr. Eenhuis clarified that the variance request was to allow the use of ASCE 7-05, Section 13.1.4, Exemption #2 for mechanical and electrical components in SDC (Seismic Design Category) B to be allowed in SDC C. He stated by utilizing an Occupancy Category Type II, along with the site class as determined by the soils report for this property, you run through the calculations that result in SDC A. However, using the Occupancy Category IV results in SDC C; therefore, this exemption would not apply.

Steve Horner, Technical Committee member, stated the variance before the Technical Committee was to allow the exception in the Code, even though the rules do not get you to the exception. He stated based on the soils type and the ground accelerations, he looked at the older USGS information, as well as the newer USGS information in the new Codes, and both Code cycles get you to the same spot of building to SDC C. He stated in looking at the structural drawings that were submitted, it was classified as a Building Occupancy Category IV, SDC C ; he believes that the structure was designed per those requirements since they were noted on the drawings. Mr. Horner stated in his opinion, to not design the critical mechanical equipment, lighting and sprinklers to the building category requirements seems short-sighted. He stated the structure, if designed and constructed correctly, should withstand the seismic event that might happen. He stated the building could be deemed unusable if the mechanical system fails or collapses, the sprinkler pipes break, or the lights fall down, so for design purposes, he had not heard anything from the structural engineer wanting to change the building occupancy category. Mr. Horner stated to design the building correctly, but not have the correct mechanical systems in place was not acceptable.

Mr. Eenhuis stated what had changed in the appeal was the justification for the variance, which was now the issue for discussion. Mr. Horner stated because of the occupancy, he believes this structure would fall into an Occupancy Category IV. He stated should there be a seismic event, the new building should be most reliable since it was built to the most current code. Chris Stumm stated the substation was currently in construction and in the framing stage, and installation of the mechanical system is set to begin.

When asked for RBD Staff’s opinion, Mr. Eenhuis stated staff’s opinion is the same as the International Code Council’s opinion which reads: In general, any facility which is utilized by first responders as a ‘base of operation’ in a given event or crisis would be defined as

‘essential facilities’, thus defined as Risk Category IV per Table 1604.5.

A motion was made by Darin Tiffany to **UPHOLD** the decision of the Technical Committee and **DENY** the variance request because the structure falls into a Category IV structure, seconded by Tom McDonald; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:09 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg