



Community Development & Neighborhood Services

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BUILDING REVIEW BOARD

October 31, 2013

1:00 pm – 3:00 pm

City Council Chambers

300 LaPorte Avenue

AGENDA

1. Approve minutes from the September 26, 2013 Meeting

2. Roles and Functions of the Board - Review

3. Follow-Up Reports:
 - 2012 I-Code Work Session with City Council

4. Other Business
 - None

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| FORT COLLINS BUILDING REVIEW BOARD Regular Meeting – September 26, 2013 1:00 p.m. | |
| Council Liaison: Karen Weitkunat | Staff Liaison: Mike Gebo (416-2618) |
| Chairperson: Alan Cram | |

A regular meeting of the Building Review Board was held on Thursday, September 26, 2013 at 1:00 p.m. in the Council Chambers of the Fort Collins Municipal Building at 300 Laporte Avenue, Fort Collins, Colorado.

BOARD MEMBERS PRESENT:

Alan Cram
 Andrea Dunlap
 Justin Montgomery
 Rick Reider
 Torey Lenocho
 George Smith
 Mike Doddridge

STAFF MEMBERS PRESENT:

Melanie Clark, Staff Support to the Board
 Mike Gebo, Chief Building Official
 Paul Eckman, Deputy City Attorney

ROLL CALL

The meeting was called to order and roll call was taken.

1. APPROVAL OF JULY 25, 2013 MINUTES:

Smith expressed concern regarding the way in which the minutes expressed Cram's concerns regarding nuisances. Cram replied that the minutes captured the idea of his comments.

Smith stated the minutes did not reflect his information request regarding the number of nuisance codes written and how many were patrol versus complaint from Beth Sowder and Polly Lauridsen. Gebo replied the information would be included in the next set of minutes.

A motion was made by Dunlap to approve the July 25, 2013 minutes as amended. Montgomery seconded the motion.

Vote:

Yeas: Dunlap, Reider, Smith, Cram, Lenocho, Montgomery

Nays: None

Abstain: Doddridge

2. 2012 INTERNATIONAL CODE REVIEW

Gebo presented information pertaining to 2012 I-Code review efforts. He stated that the work was done in conjunction with a Code Review Committee and that the review included the International Residential Code (IRC), International Building Code (IBC), Fuel Gas Code, Mechanical Code, and Energy Code, the latter three of which are subsets of the Commercial

Building Code. Gebo noted that the IRC allows a builder to build detached single-family dwellings, duplexes, and townhomes and that all other structures are built under the IBC. Gebo added that the City is currently operating under the 2009 Codes and local amendments which were implemented in January, 2010. He discussed the energy efficiency requirements of the new codes and stated that the average homeowner could expect to see an annual savings of about \$100 should all recommended pieces be adopted.

Gebo discussed the construction waste management changes and noted the differences between deconstruction and demolition. He stated that there appears to be some support for moving forward with enhancing construction waste management to require recycling for additions and remodels up to 5,000 square feet.

Gebo stated that there has been a great deal of discussion related to the IRC. He mentioned that the committee has suggested the possibility of developments being planned around sprinkling each home in the hopes of having narrower streets or fewer fire hydrants as some type of trade-off. He detailed the residential sprinkler system plan noting the system uses potable, constantly moving water and the system has been designated as plumbing so as to avert freezing concerns. Gebo discussed the life-saving aspects of residential sprinklers. Smith and Gebo had a discussion regarding the related statistics that were presented. In terms of sustainability regarding residential sprinklers, studies show 57% fewer injuries and 32% less property loss when sprinkler systems are present.

Gebo discussed the sprinkler requirement for multi-family structures noting sprinklers are only required for living spaces, not including attics, which could be a problem. Also, the use of vinyl siding has become an issue. Gebo suggested multi-family units should be required to meet the National Fire Protection standard 13 which requires attic sprinkling and the elimination of vinyl siding. He detailed the cost differential between the standards and noted the committee agreed with that suggestion. Additionally, there seems to be more support for requiring duplexes and townhomes to be sprinkled.

Reider asked about the difference between the P2904 system, which can be installed by a plumber, and the 13R system. Gebo replied 13R is considered a stand-alone system and has a separate tap from other potable water. Additionally, a great deal of design goes into those systems and a special sprinkler-installer contractor license is required.

Reider asked if one system is dramatically better than the other. Gebo replied the P2904 and 13R are similar; the P2904 probably more closely resembles the 13D system which is the dwelling unit stand-alone sprinkler system. The 13R requires sprinkling of large closets, attached garages, etc., which the P2904 does not.

Cram asked about drywalling or sprinkling crawl spaces when there are mechanicals in that space. Gebo replied the IRC addresses under-floor space, such as unfinished basements, with the use of I-joists, which burn quickly, by requiring sprinklers in that area, sheetrocking of the ceiling, or the use of dimensional lumber. He stated the committee opted to leave that requirement in the suggested code for adoption.

Smith noted there is a spray chemical retardant available for the TJIs. Gebo replied there is a rated I-joist and foam materials that can be applied.

Reider asked if this applies only to new construction. Gebo replied in the affirmative.

Reider asked if there is a sprinkler requirement for a crawl space with no mechanical equipment. Gebo replied in the negative and clarified that only areas with mechanical equipment or areas with the intended use of storage require sprinklers.

Doddridge asked if the City has put together any information regarding the average square footage of new single-family homes. Gebo replied he uses a standard reference house: a 2,000 square foot, 2-story home with a 1,000 square foot unfinished basement, valued at about \$250,000.

Cram asked how home additions would be considered. Gebo replied this applies only to new buildings, not to additions or alterations. Energy efficiency requirements would need to apply only to the addition, not to the rest of the house.

Lenoch noted the City currently has the right to require smoke detectors in existing bedrooms even if they are out of the scope of a remodel permit. He stated the spirit of this and that of the fire-suppression system would be the same and asked if these codes could ultimately encroach into the remodel arena. Gebo replied it would be difficult for that to happen and stated he would never support that, nor would he support sprinkling just additions.

Cram asked how the water lines on the second floor are made freeze-proof. Gebo replied the lines and sprinkler heads would be interior wall-mounted. Cram stated that needs to be an important clarification.

Montgomery asked if licensed plumbers are allowed to design and install the systems or if the design would happen elsewhere. Gebo replied a licensed plumbing contractor would be required to install the system and would be allowed to design the system, which would be plan reviewed and inspected through the City.

Montgomery asked if it would make sense for the licensed plumbers to receive a certificate related to design. Gebo replied that could be done administratively.

Montgomery asked if sprinkler systems would be the only option or if a builder can elect additional fire-suppression tactics. Gebo replied the Code is written such that sprinklers are required with one-hour property line fire walls; should Council remove the sprinkler requirement, the rating will be moved to a two-hour rating.

Doddridge asked about the fact that smaller plumbing operations may not have experience with the design or installation of the systems and expressed concern regarding the January 1, 2014 implementation date. Gebo replied there are not a lot of small companies that know about this; therefore a possible later implementation of this aspect may make sense to allow for training.

Doddridge asked about the homeowner affidavit which allows a homeowner to construct his own home or finish his own basement. Gebo replied a certified sprinkler installer would be required at that point.

Smith expressed concern about requiring an individual to hire a contractor for a self-completed project and asked if another system, other than the one requiring training, exists. Gebo replied he does not believe there is another system and noted few homeowner builders do absolutely everything. He noted a homeowner builder could certainly solder a copper system however.

Montgomery asked if any of the new changes for the Energy Code make the local amendments not necessary. Gebo replied in the negative and discussed some of the Energy Code considerations.

Cram expressed concern about the payback time when considering the annual energy cost savings versus the increased initial costs. Gebo replied the cost of construction has been the largest concern across the board and the payback range could be around ten years. Cram expressed concern about the raised fee structure which was never represented to the Board.

Doddridge asked about the total cost of all the Code changes for a standard reference house. Gebo replied it is in the \$8,000-10,000 range, including the sprinkler.

Smith asked about the egress window requirement. Gebo replied egress windows must be placed at least 24 inches above the floor due to fall protection regulations.

Smith asked about deconstruction. Gebo clarified deconstruction involves the systematic removal of all components and recycling of all possible components. He went on to discuss the current understanding of the term which means all hazardous materials must first be eliminated, some materials may be reused and recycling of possible materials.

Cram stated the committee has suggested the energy saving requirements need to be addressed carefully so as to not push people out of the housing market. Additionally, he stated he would like to recommend the non-use of sprinklers in single-family residential construction.

Doddridge stated he would support the sprinkler requirement for duplexes and townhomes.

Smith made a motion, seconded by Dunlap, that the Building Review Board generally supports the I-Code amendments as proposed, with the exception of the sprinkling of detached single-family homes and the Energy Codes due to the cost-benefit analysis.

Montgomery asked if the Board is then suggesting a local amendment to not adopt the 2012 International Energy Conservation Code. Gebo replied that is an option but noted some of the Codes are cross-referenced which brings up occasional difficulty but could be worked around.

Lenoch expressed concern regarding construction waste materials and additional cost. Cram noted the energy issue is slightly different in that the return on investment is becoming less and less.

Board members discussed amending the motion to include these concerns.

Gebo expressed appreciation for relying on the Code Review Committee and stated the energy issue would be discussed there. He suggested a more general motion.

The vote on the motion was as follows: Yeas: Dunlap, Reider, Smith, Cram, Leno, Montgomery and Doddridge. Nays: none.

THE MOTION CARRIED.

Cram stated he would like Council to examine the entire package and commended Gebo on his work.

Cram requested that Gebo send a general synopsis of the Code Review Committee's recommendation. Gebo replied the Board could always hold a special meeting for additional input if necessary.

Meeting adjourned at 3:12 p.m.

Mike Gebo, Chief Building Official

Alan Cram, Chair



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Building Review Board Roles and Functions

City of Fort Collins Municipal Code

Administration

Chapter 2, Article III, Division 1 Boards and Commissions

Sec. 2-71 through 2-74 Meetings:

1. Quorum, (BRB a quorum is 4) or 3 or more members whichever is fewer and where Board business is conducted. (*3 BRB members together to discuss business is a meeting open to the public*). Chance meetings and social gathers where discussion of public business is not the purpose is not considered a meeting.
2. Meetings are open to the public, except upon affirmative vote by 2/3 of the quorum present, The Board may enter an executive session, closed to the public. Executive sessions Sec. 2-31 must be held during regular or special meetings and only for the purpose of discussing:
 - a. Personnel matters such as hiring through dismissal,
 - b. Complaints against City personnel,
 - c. **Conflicts of interest,**
 - d. Items relating to employee groups,
 - e. **Meetings with the city attorney regarding litigation,**
 - f. Consideration of real property acquisitions,
 - g. Electric utility matters.
3. No final legislative action can be taken in executive session.
4. Meetings shall be scheduled w/notice to the public. Regularly scheduled meetings are considered as notice given.
5. Meeting minutes shall be taken and are open to the public
6. Meeting notices are to be posted on the City's website and in the City Hall West lobby.

Chapter 2, Article III, Division 7 Building Review Board

Sec. 2-117 Creation of the Board

Sec. 2-118 Membership:

1. **Seven members** appointed by the City Council, three have experience in building construction.
2. **Four year terms**, no more than 2 consecutive terms.

Sec. 2-119 Functions:

1. To determine suitability of alternate materials or methods, to provide reasonable interpretations of the various adopted codes and to hear appeals.
2. To hear request for variances from Art 5 Title 9 CRS, (*State Law regarding accessibility of buildings*).
3. To hear all matters relating to the suspension or revocation of plumber or electrical licenses. (*Board may need to be augmented by 2 electricians or plumbers to hear these cases*)
4. Upon appeal, grant variances from Chapter 15, Article V (*Contractor licensing*) where the peculiar or exceptional practical difficulties or undue hardship upon the person regulated; when the applicant can demonstrate to the satisfaction of the Board other qualifications, provided such relief may be granted without substantial detriment to the public good and without impairing the intent of said Article.
5. To hear appeals of the International Property Maintenance Code (IPMC) and the Housing Code Chapter 5, article VI, Division 2 (*Rental Housing*)
6. To advise the City Council on policy matters pertaining to construction of buildings and licensing of contractors for all aspects of construction of buildings.

Sec. 2-120 Officers and Bylaws:

1. Annually elect a chairperson and such officers as needed
2. Adopt bylaws

Sec. 2-121 Minutes, annual report, work plan:

1. Board shall take and file minutes
2. On or before Jan 31st of each year the Board shall file a report setting forth the activities of the previous year.
3. On or before November 30th of each year the Board shall file a work plan for the following year.

**Chapter 5, Article II, Division 2
Buildings
Building Construction Standards**

Sec. 5-26 adoption of standards (2009 International Building Code (IBC))

Sec. 113 Board of Appeals:

Sec. 113.1 through 113.4 (*Note: Except for the IPMC, all other adopted building codes appeals processes are referenced to this section.*)

1. Empowered to hear and to decide appeals of orders, decisions or determinations made by the building official relative to the application or interpretation of the code.
2. determine suitability of alternate materials or methods of construction

3. granting permit extensions and reinstatements
4. Board shall render all decisions in writing.

Applications/hearings:

1. Building permit applicants or holder of a building permit can appeal any decision of the building official relative to the enforcement of the code, stating that such decision by the building official was based on erroneous interpretation of the building regulations or that alternate materials or methods of construction are equivalent to the code in structural strength, effectiveness, fire-resistance, durability, safety and any other pertinent factors.
2. The Board may rule in favor of the applicant when it finds that the decision of the building official was erroneous or that the alternate materials or methods of construction is equivalent to the code in structural strength, effectiveness, fire-resistance, durability, safety and any other pertinent factors.
3. The Board shall require that sufficient evidence be submitted to substantiate claims regarding the alternate methods and materials
4. Quorum of 4 members needed for any meeting.

Limitations of the Board:

The Board shall have no authority with respect to:

1. Administration of this code except as expressly provided
2. Waiving requirements of this code except as provided pursuant to this section
3. Modifying the provisions of this code or granting variances to this code
4. Approving alternate methods or materials except as provided in this section and based upon a specific appeal from a determination of the building official on an individual case basis
5. Modifying, interpreting or ruling on the zoning and land use regulations or other laws of the City except as expressly empowered.

**Chapter 5, Article II, Division 3
Structures and Premises Condition Code**

Sec. 5-46 adoption of standards (2006 International Property Maintenance Code (IPMC))

Sec 111 Appeals and Administrative Review:

Sec 111.1 through 111.8

1. The Board shall serve to provide final interpretation of this code and to review the code official's orders. Except as provided for in Sec 19-36 (*Municipal court for hearing of citations*)
2. Any person effected by an order of the official can seek relief from the Board
3. Filing and process procedures

**Chapter 5, Article VI, Division 1
Rental housing Standards**

Sec. 5-236 through 5-275

Sec. 5-259 Appeals:

1. Except for violations of 5-264 (*rental certificates of occupancy*) or 5-265 (*posting of inspection books*), the Board can hear appeals to the rental housing standard, and in accordance with procedures outlined in 5-46 (*Adoption of standards the IPMC*) and 5-47 (*IPMC as amended*)

**Chapter 15 Article V
Contractors**

Sec. 15-156 Duties of the Building Review Board

1. Hearing all matters related to the suspension or revocation of a supervisor certificate or license (*Ft Collins*) or registration of plumber and electrical license (*State*).
2. Upon appeal, to hear all matters and grant variances from this Article where the peculiar or exceptional practical difficulties or undue hardship upon the person regulated; when the applicant can demonstrate to the satisfaction of the Board other qualifications such as specialized training, education or additional experience, provided such relief may be granted without substantial detriment to the public good and without impairing the intent of said Article.

The following sections outline the BRB functions under miscellaneous conditions

**Chapter 9
Fire Prevention and Protection**

Sec. 9-1. Adoption of the International Fire Code (IFC), 2006 Edition

Sec. 9-2. Amendments, additions and deletions

108.1 Board of appeals established.

To hear and decide appeals of orders, decisions or determinations made by the fire code official, relative to the application and interpretation of this code (*IFC*)

Sec. 9-3 Appeals

A person has the right to appeal whenever the Fire Chief disapproves an application, refuses to grant a permit, for a claim that the fire code does not apply or is erroneously interpreted.

Chapter 5, Article VII Historic Buildings

Sec. 5-346. Adoption of standards (Uniform Code for Building Conservation (UCBC))

Sec 5-347 Amendments and deletions

Sec 207 To provide for final interpretation and to hear appeals of the UCBC and under the procedures outlined in Sec 5-27 (Appeals process of the IBC)

Chapter 5, Article II, Division 4 Moved Buildings

Sec. 5-61. Permit required for moving buildings on streets

Permit to be issued by the City Engineer

Sec. 5-65. Revocation of permit. Any holder of a permit (to move a building) which has been revoked may request a hearing before the Board, which shall make a final determination on the question.

Chapter 15, Article II, Division 2 Alarm Systems

Sec. 15-31. Required (Alarm business license)

Sec. 15-40 Grounds for suspension or revocation (of alarm business license)

Sec. 15-41 Procedures for suspension or revocation

The Board shall hear matters relating to the suspension or revocation and in the manner set forth for suspension and revocation of contractor licenses Sec 15-158

Chapter 15, Article VI Electrical Contractors

Sec. 15-172. License and registration required; suspension; revocation

(4)(b) The Board shall conduct any hearing relating to suspensions or revocation of an electrical contractor registration. May need to augment the board with 2 licensed electricians.

Chapter 15, Article X Plumbing Contractors

Sec. 15-306. General provisions, licensing and registration

License required to engage in the trade of plumbing

(4)(c) The Board shall conduct any hearing relating to suspensions or revocation of a plumbing contractor registration. May need to augment the board with 2 licensed plumbers.

Chapter 18 Mobile Home Park

Sec. 18-3. Construction permit required; application; fees; issuance; appeals

Permit require to create or alter a mobile home park

(e) The Board shall hear any person whose application for a permit (to construct or alter a mobile home park) has been denied.

Sec. 18-4. Inspections. Inspections are required for mobile home sets and mobile homes used as rental property.

Sec. 18-5. Notices of violations; hearings; orders The building official shall give notice of any violations.

(b) Hearings Any person affected by a notice can appeal to the Board.

Sec. 18-10. Mobile home rental units Mobile home rental units must comply with Sections 18-8(a) and paragraphs 18-8(c)(4) and (5) (*references to set-up, utilities, rental standards*)

(3)Violations are subject to the right of appeal before the Board.