DENVER AMENDMENT PROPOSAL FORM
FOR CPD INTERNAL PROPOSALS TO THE 2016 DENVER BUILDING CODE AMENDMENTS AND THE 2018 INTERNATIONAL CODES

2018 CODE DEVELOPMENT CYCLE

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Date: March 24, 2019

2) Proposals should be drafted in Word with the only formatting that is needed being BOLDING, STRIKEOUT AND UNDERLINING. Please do not provide additional formatting such as tabs, columns, etc.

Please use a separate form for each proposal submitted.

Is separate graphic file provided? ☐ Yes ☒ No

<table>
<thead>
<tr>
<th>Acronym</th>
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<tbody>
<tr>
<td>DBC-xxx</td>
<td>Denver Building Code–xxx code base</td>
<td>IMC</td>
<td>International Mechanical Code</td>
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AMENDMENT PROPOSAL

Please provide all of the following items in your amendment proposal.

**Code Sections/Tables/Figures Proposed for Revision:**

DBC-IEBC Sections 1402 - 1407

**Note:** If the proposal is for a new section, indicate (new).

**Proposal:** Delete without substitution.

**SECTIONS 1402 – 1407 CONCERNING THE REHABILITATION OF EXISTING BUILDINGS BUILT PRIOR TO 1965 IS ADDED AS FOLLOWS.**

**SECTION 1402**

**REHABILITATION OF EXISTING BUILDINGS BUILT PRIOR TO 1965**

**1402.1 Scope.** This Chapter may be applied to the rehabilitation of all existing buildings, structures, and utilities of any occupancy classification, except Group H Occupancy, which were built before January 1, 1965. This Chapter shall supersede all the requirements of this code that are in conflict with the provisions of this Chapter, except the requirements of Chapter 1 relating to unsafe buildings, structures or utilities.

**1402.2 Intent.** The intent of this Chapter of the Code is to allow for cost-effective and efficient renovation of existing buildings that are built before January 1, 1965 which may not meet the strict letter of present building and fire codes, but that still meet basic life safety standards.

**1402.3 Declaration.** It is hereby declared, as a matter of public policy, that the rehabilitation, preservation and restoration of older buildings, located within the City and County of Denver, are a public necessity and are required in the interest of the general welfare of the people. Special consideration shall be given to buildings that are structures for preservation or contributing structures in Districts for Preservation.
1402.4 Exception for the Rehabilitation of Existing Buildings. Buildings, structures and utilities conforming with Section 1402.1 of this code may be granted an exception from the requirements of this Code, concerning the repair, rehabilitation or change of use or occupancy of such building, structure or utility. No exception shall be granted unless the following conditions exist:

1. The building, structure or utility is built prior to January 1, 1965; and,

2. The building, structure or utility is structurally sound and the proposed repair, rehabilitation or change of use or occupancy will substantially improve the use, safety and welfare of the occupants. The Committee or Building Official, in making this decision, may request an engineer's or architect's report to determine the condition of the building, structure or utility.

SECTION 1403
REHABILITATION COMMITTEE

1403.1 Creation. There is hereby created the Rehabilitation Committee composed of 9 members who shall be appointed by the Mayor for terms of 2 years. The terms shall be staggered to allow for continuity. The Board members may petition to be considered for additional terms.

1403.2 Composition. The Committee membership shall consist of at least one representative of the following fields:

1. Architect with broad based experience in the field of architecture.

2. Contractor possessing a Building Contractor Class A or Class B license for the City and County of Denver.

3. Fire Protection engineer or degreed code consultant.

4. Preservationist, a person with expertise in historic preservation of buildings and structures.

5. Person with expertise in real estate, real estate development or real estate financing.

6. Person with expertise in accessible design or construction to represent the Commission of People with Disabilities of the City and County of Denver.

7. Person with expertise in the field of Mechanical, Electrical, Plumbing (MEP).

8. A registered professional engineer with expertise in lateral stability of structures and expertise in unreinforced masonry buildings.

1403.3 City Representation. The Building Official and the Chief of the Fire Prevention and Investigation Division or their designees shall be ex-officio members of the Committee, but shall have no voting power. A liaison to the Mayor's Office shall be established.

1403.4 Removal. The Mayor may remove any member of the Committee for cause, or when recommended by the chair. Cause may include, but is not limited to, absence from more than 3 meetings in a row.

1403.5 Vacancy. The Mayor may fill any vacancy for the remaining time of the term.

SECTION 1404 COMMITTEE ACTIVITIES

1404.1 Support. The Agency shall provide the Committee with a coordinator and secretary. The coordinator may be, but need not be, the Building Official or his designee.

1404.2 Meetings. There shall be at least one meeting per month unless there is no work for the Committee to conduct. A simple majority of the Committee shall be necessary to conduct business. Guidelines shall be established to govern the activities of the Committee. The Committee may hold meetings to inspect the physical condition of subject buildings. All meetings of the Committee shall be open to the public. At the meeting, the Committee and the applicant are encouraged to discuss the application, the requested variances and possible options and changes to the application in order to meet necessary health and safety requirements in a manner that is acceptable to all parties.

1404.3 Recommendation. The Committee shall make a recommendation as to any variances requested by the applicant and forward it to the Building Official. The Building Official shall grant the recommended variances within two (2) weeks after receipt of the Committee's recommendation unless the Building Official determines, by clear and convincing evidence, that the variance would cause imminent peril to life or property. Such a determination must be made in writing and forwarded to the applicant and the Committee. The Chief of the Fire Prevention and Investigation Division shall provide written comments concerning the variance to the Building Official. The Building Official shall consider any such comments when making such determination and make them part of the record. Failure to comply with present codes shall not, in and of itself, constitute clear and convincing evidence of imminent peril to life or property.

Policy Recommendations: The Board may recommend policies to the Building Official for his review and approval.
**SECTION 1405—APPLICATION AND FEE**

1405.1 Application Form. Prior to any action by the Committee, an application for a variance shall be filed with the Agency on a form approved by the Committee.

1405.2 Application Fee. A nonrefundable fee of $150.00 shall accompany the application. Checks shall be made payable to the Manager of Finance.

**SECTION 1406—APPLICATION REVIEW PROCEDURE**

1406.1 Submittal of Application. Application for a variance shall be submitted to the Building Official by the last Wednesday of the month. If the issues for a variance cannot be resolved by the first Wednesday of the month, the application shall be directed to the Rehabilitation Committee for its review and recommendation at their next meeting.

1406.2 Stay of Enforcement. The application for a variance shall stay enforcement of any outstanding order or denial unless the Building Official certifies that a stay of the order or denial would cause imminent peril to life or property.

**SECTION 1407—DECISION OF THE COMMITTEE**

1407.1 Acceptance. The decision on the application for variance shall be sent to the applicant and to the committee. Decisions shall be filed with the Clerk & Recorder as a matter of public record.

1407.2 Denial by Committee. A denial of a variance by the Building Official based on a Committee recommendation for denial may be appealed to the Board of Appeals under the Administrative Provisions Section 109.

1407.3 Denial by the Building Official. A denial of a variance by the Building Official contrary to the recommendation of the Committee because of clear and convincing evidence that the variance would cause imminent peril to life and property may be appealed to the Manager of Community Planning and Development. Upon an appeal, the Executive Director of Community Planning and Development shall decide whether the Building Official has clear and convincing evidence of imminent peril to life or property with which to deny the variance. If the Executive Director of Community Planning and Development determines that the Building Official has met the burden of proof, the Building Official’s denial of the variance shall be upheld.

1407.4 Denial by Chief of Fire Prevention. A denial of a variance by the Chief of Fire Prevention and Investigation Division, contrary to the recommendation of the Committee, may be appealed to the Manager of Safety.

1407.5 Period of Variance. Variance approved for the rehabilitation of existing buildings, structures, and utilities pursuant to this Chapter, based on the original application, shall be valid for a period of 2 years from the date of approval; after which period the variance shall lapse and become void unless a building permit has been issued within said period and is not thereafter cancelled.

**Note:** Show the proposal using *strikeout, underline* format. At the beginning of each section, one of the following instruction lines are also needed:

- Revise as follows
- Add new text as follows
- Delete and substitute as follows
- Delete without substitution

**Supporting Information:**

**Purpose:** There are no physical, environmental, climatic, or other customary characteristics for older buildings in the City and County of Denver that make this amendment, inclusive of all code sections, and Committee necessary.

**Reasons:** The Rehabilitation Committee is an archaic process that has outlived its usefulness. It has been extremely challenging to maintain the minimum required membership on the committee for many years. In addition, the committee has not met in over four years; further justifying is lack of utility. The IEBC is now a substantially improved document...
(compared to 2003) and the City of Denver has both Administrative Modification and Board of Appeals processes to address alternative compliance methods. Furthermore, in the past year, the Building Department and Denver’s Landmark Preservation team have worked hand-in-hand on at least three projects, and have aided design teams in finding appropriate paths forward that both meet the criteria of the IEBC and do not overly burden the owner with unnecessary retrofit costs. The Rehabilitation Committee therefore is an unneeded duplication for services already provided by the jurisdiction.

**Note:** The following items are required to be included:

**Purpose:** The proponent shall clearly state the purpose of the proposed amendment to physical, environmental and customary characteristics that are specific to the City and County of Denver (e.g., clarify the Code; revise outdated material; substitute new or revised material for physical, environmental and customary characteristics; add new requirements to the Code; delete current requirements, etc.).

**Reasons:** The proponent shall justify changing the current Code provisions, stating why the proposal is necessary to reflect physical, environmental and customary characteristics that are specific to the City and County of Denver. Proposals that add or delete requirements shall be supported by a logical explanation which clearly shows why the current does not reflect physical, environmental and customary characteristics that are specific to the City and County of Denver and explains how such proposals will improve the Code.

**Substantiation:** The proponent shall substantiate the proposed amendment based on technical information and substantiation. Substantiation provided which is reviewed and determined as not germane to the technical issues addressed in the proposed amendment shall be identified as such.

**Bibliography** (as needed): The proponent shall submit a bibliography when substantiating material is associated with the amendment proposal. The proponent shall make the substantiating materials available for review.

### Referenced Standards:

List any new referenced standards that are proposed to be referenced in the code.

### Impact:

**Note:** The proponent shall discuss the impact of the proposed amendment and indicate one of the following for each point below regarding the amendment proposal:

- The effect of the amendment proposal on the cost of construction; ☐ Increase ☐ Reduce ☒ No Effect
- The effect of the amendment proposal on the cost of design; ☐ Increase ☐ Reduce ☒ No Effect
- Is the amendment proposal more- or less-restrictive than the I-Codes; ☒ More ☐ Less ☒ Same

**Departmental Impact:**

This reference will be very helpful to Plan reviewers by cross-referencing critical provisions of Chapter 14 of the IBC.

**Note:** The proponent shall discuss the impact of the proposed amendment and indicate one of the following for each point below regarding the amendment proposal:

- The effect of the amendment proposal on the cost of review; ☐ Increase ☒ Reduce ☐ No Effect
- The effect of the amendment proposal on the cost of enforcement/inspection; ☐ Increase ☒ Reduce ☐ No Effect