



**Town of Dewey Beach, DE
Sussex County Open Items List (DBE)-Conclusion**

Mr. Marc Applebaum -Town Manager

July 2, 2013

Marc,

Pursuant to your request, I offer the following observations/conclusions regarding the list of questions posed to Sussex County for the Ruddertown Project. This information stems from the meeting held in the Town offices on 7/2/13. Mr. Andy Wright, Sussex County Building Official, and Mr. David Sills, Developer and applicant, attended this meeting.

1. Documentation on the “conditions” as set forth in the approval from the Office of the State Fire Marshal and as stated in the Plan Review Report from Sussex County issued on 3/3/08?

A copy of the Fire Marshal permit that includes these conditions will be provided to Dewey Beach. It was stated that the conditions appear to be standard, boiler plate items typical of any project.

Conclusion: Our office finds this acceptable.

2. Documentation that confirms that the entire building is to be fully sprinklered. The approved construction plans appear unclear as to whether the PARKING GARAGE will be equipped with a sprinkler system.

Sussex County responded to this item by clarify that the parking garage is considered and OPEN parking garage as defined in the IBC (this information is not clear on the approved construction documents).

Conclusion: After further research of the issue by way of the 2003 IBC Commentary, I agree with this conclusion. It was further stated in the meeting that, although not required by the Building Code, the entire building, including the parking garage, is to be fully sprinklered. Item closed.

3. Documentation that confirms the Office of the State Fire Marshal received and approved the interior fit-out work (or if they need to). The SFMO Permit issued on 3/5/08 states SHELL and CORE ONLY. A subsequent letter dated 9/7/12 from State Fire Marshal Grover P. Ingle to Mr. David N. Sills, IV states that the current permit (2007-04-1162-SHL-03) will be extended for “the shell only.”

It was stated that Sussex County has this documentation. This item should be confirmed when the copy of the SFMO permit is received.

Conclusion: Our office finds this acceptable.

4. Documentation that the Office of the State Fire Marshal approved the doors on the top floor PLAZA area to swing in the direction opposite of egress travel. 2003 IBC section 1008.1.2 requires that egress doors be side-hinged and open in the direction of egress travel where serving an occupant load of 50 or more persons. The calculated occupant load for the PLAZA area is 209 as stated by the design architect on the approved construction documents.

It was explained to Dewey Beach that the door swing direction was consistent with the design intent of the architect. The thought was that it would permit occupants in the Condominium portion of the 4th floor to reach the Plaza in an emergency situation and then be rescued from the Plaza. It was further explained that the Plaza will be extended into Phase 2 (not shown on the current construction documents) and this extension will also provide additional means of egress for the Plaza.

Conclusion: It is my professional opinion that the direction of the door swing as depicted on the approved construction documents is in violation of IBC section 1008.1.2. Possible resolutions to this issue that were discussed involved the reversing of the doors, the redesign of the doors to allow for the doors to swing in both directions, or be modified to automatically open upon activation of the building fire alarm and/or sprinkler system. After further consideration, I remove the automatic door scenario as an acceptable option as it will not satisfy the intent of the code. As depicted on the approved construction documents, occupants on the Plaza (upwards of 200+ people) would have to open doors towards them to get to a protected stairway. Additionally, the proposed design seems to attempt to accommodate the Condominium occupants which is a much lower number than that of the Plaza. This is contrary to what the Building Code aims to achieve. Moreover, the Condominium occupants would already have direct access to a protected stairway within each side of the building. Future means of egress options for the Plaza cannot be considered for compliance for this phase (Phase 1). The applicant agreed to investigate the proposed door swing options. The possibility exists that the doors will remain as they are on the Sussex County approved construction documents. Our objection to this application of the code has been noted. This item will be revisited upon receipt of further information from the applicant.

5. Documentation for the building's compliance with ANSI/ASHRAE Standard 90.1 Energy Standard for Buildings as was stated would be provided in the letter from Davidson Associates to Mr. Charlie Wheatley, Sussex County Plans Examiner, and dated 1/24/08. It appears as though the documentation was sent via facsimile to Mr. Wheatley on 2/21/08, however only page 1 of 2 was provided to Dewey Beach.

It was explained that Sussex County requires a certification document from the project design professional for energy code compliance items. No physical inspections are conducted by Sussex County.

Conclusion: The ASHRAE standard is an acceptable energy code compliance model for this project as established by the Delaware Office of Energy (DNREC). Certification of the

installation is also permitted by the State of DE. Our office believes that inspections should be conducted given the scope and complexity of the project. These inspections allow for additional oversight of the project and help fully ensure compliance with the standard. Sussex County has final say on how, or if, such inspections are conducted. Our objections to this practice have been noted. This item is closed.

6. Provide documentation, if it exists, to confirm that all applicable requirements of the International Mechanical Code have been met based on a review of submitted construction documents. Need information on swimming pool area HVAC requirements, kitchen hood exhaust system and associated make-up air provisions.

It was explained that Sussex County has no enforcement authority, and chooses not to enforce, any provisions of the International Mechanical Code as it was not an adopted standard and is not referenced from the IBC.

Conclusion: A lengthy discussion was held with regard to the required smoke removal systems and the commercial kitchen hood system. Sussex County believes that all applicable requirements of the IMC will be addressed by the State Fire Marshal's Office during their inspections. It was pointed out that Sussex County does have the authority to enforce these IMC provision as they are referenced in the IBC as adopted by Sussex County (IBC section 1203). It was also noted that the SFMO has no authority to enforce, nor do they enforce, the IMC. Accordingly, many important issues are being overlooked. The applicant offered to provide certification letters from the design professionals/installers on these items. Our office believes that important aspects of the IMC, such as Make up air for the hood system, are not being addressed properly. Sussex County has final say on this matter. This item will be closed when the certification information is received.

7. Provide documentation on the required atrium smoke removal system as required in IBC Chapters 4 and 9. Atriums, by definition, exist in the swimming pool area and the front lobby area.

See response to Item #6.

8. Provide documentation that the terms of 2003 IBC 1612.4 (Design and construction-ASCE 24) have been met. Our office can find no information on the approved construction plans that indicate that any form of flood water mitigation will be provided.

The applicant offered to provide a certification document from the design architect regarding all applicable requirements of the ASCE standard.

Conclusion: Sussex County advised that it does not enforce any provisions of IBC Chapter 16, other than wind load provisions, even though this chapter has been officially adopted. Sussex County has the final say on this item. This item can be considered closed when the certification document is received.

9. Provide documentation that Sussex County approved the request for a code variance for the use of the 50' limit for dead-end corridors as cited from the 2009 IBC. The 2003 IBC limits dead-end corridors to 20' in section 1016.3.

Sussex County appears to have officially approved this item in May of 2013.

Conclusion: While no documentation was provided to Dewey Beach, Sussex County has final say on this item. This item can be considered closed.

SUMMARY

It is my professional opinion that the above noted items are either satisfied or will be satisfied prior to the issuance of a certificate of occupancy for phase 1 of this construction project.

With the appropriate personnel and regulations in place, projects of this magnitude can be managed in a much more efficient and predictable manner than this project. As a result of Dewey Beach relegating the enforcement of the Building Code to Sussex County, Dewey Beach no longer has a standing in the decisions regarding the final building product. It is recommended that the Town of Dewey Beach officially adopt the 2012 ICC Codes (as applicable) and regain control over the enforcement of those codes from Sussex County. Dewey Beach should control its own destiny on all construction projects within the Town and therefore, not be subject to interpretations and applications of code with which it may not agree.

Respectfully Submitted,

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