

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Arlington County  
Appeal No. 05-1

Decided: March 18, 2005

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

In August of 2004, Rolf Jensen and Associates ("RJA"), a fire protection engineering firm, received disapproval from representatives of Arlington County's USBC and fire departments of a request to eliminate the manual fire alarms in renovations to the Doubletree hotel, located at 300 Army-Navy Drive.

RJA's request to eliminate the alarms was based on a provision in the International Building Code ("IBC"), a nationally recognized model building code incorporated by reference into the USBC, which does not require manual fire alarms in newly constructed hotels if an automatic sprinkler system is provided and other safeguards are met.

In December of 2004, RJA appealed the disapproval to the Arlington County USBC appeals board, which heard the appeal in January of 2005 and ruled to approve the request to eliminate the manual fire alarms.

Arlington County appealed to the Review Board in February of 2005 seeking reversal of the County USBC board's decision and reinstatement of the disapproval to permit the removal of the manual fire alarms.

The Review Board heard the County's appeal in March of 2005 with all parties present. The timeframes for appeal both to the

County USBC board and to the Review Board were met and no other jurisdictional or procedural issues were present or raised.

### III. FINDINGS OF THE REVIEW BOARD

The issue before the Review Board is whether the USBC permits the removal of the manual fire alarms in the renovation of the Doubletree hotel given that a new hotel could be constructed without the manual fire alarms.

The USBC sets out specific requirements for alterations to existing buildings in Article 2 of Part II addressing the rehabilitation of existing buildings. Section 122.4 under Article 2, entitled "Reconstruction, alteration or repair[,]" states:

Reconstruction, alterations and repairs shall not result in an increase in hazard to the occupants. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure. Work shall be done in such a way so as not to lower existing levels of health and safety. The installation of material and equipment that is neither required nor prohibited need only comply with the USBC requirements that regulate a safe installation. Material and equipment may be replaced with material and equipment of a similar kind or with greater capacity in the same location. Used material and equipment may be used as approved by the building official.

In applying Section 122.4 to the issue before the Review Board, the manual fire alarms would be permitted to be removed if such

removal would not result in an increase in hazard to the occupants or lower existing levels of health or safety.

Arlington County argues that the removal of the manual fire alarms would increase the hazard to the occupants and lower existing levels of safety since in newly constructed hotels the allowance for the elimination of the manual fire alarms under the IBC is predicated on the requirement that a quick-response or residential type of sprinkler is provided in the automatic sprinkler system.

The Review Board does find that Section 903.3.2 of the IBC requires quick-response or residential sprinklers within the guest rooms in new hotels. In addition, testimony from the parties and documents in the record of the appeal indicate that there is agreement that the guest rooms in the Doubletree have standard sprinklers and do not have quick-response or residential sprinklers.

Since the Doubletree hotel now has manual fire alarms and standard sprinklers in the guestrooms and since RJA is only proposing to eliminate the manual fire alarms without changing the sprinklers to quick-response or residential type sprinklers, and further, since RJA has provided no evidence indicating how the removal of the manual fire alarms is not a reduction in existing levels of safety and an increase in the hazard to the occupants, the Review Board finds that the removal of the manual

fire alarms will in fact lower existing levels of safety and increase the hazard to the occupants. Therefore, based on the evidence submitted, the proposed alteration does not comply with Section 122.4 of the USBC and cannot be approved.

The Review Board does note that the proposed improvements to the Doubletree hotel by RJA included new alarm system features and other safety enhancements which were not evaluated to determine if they increased the levels of safety and lowered the levels of hazards to the occupants and may have resulted in equal levels of safety and hazards before and after the renovation of the facility. Therefore, the Review Board further notes that this decision does not preclude RJA from reevaluating the project to provide evidence substantiating that their renovations, when viewed in their totality, do comply with Section 122.4. Any such evaluation would be submitted to the Arlington County building official for review and approval, or if unapproved, to the Arlington County USBC board on appeal.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the Arlington County UBSC board to be, and hereby is, overturned and the decision of the Arlington County USBC department in

disapproving the removal of the manual fire alarms to be, and hereby is, reinstated.

The appeal is granted.

/s/\*

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Chairman, State Technical Review Board

5-20-05

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Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

**\*Note: The original signed final order is available from Review Board staff.**