

**MICHIGAN CONSTRUCTION CODE COMMISSION
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES**

P O. BOX 30254
Lansing, MI 48909

Walbridge Barton Malow, LLC,

Petitioner

Appeal Docket No.
CCC-PRD 09-002

vs

City of Romulus - Department of Building & Safety,

Respondent

ORDER OF THE MICHIGAN CONSTRUCTION CODE COMMISSION

Background:

The project that is the subject of this appeal is a multi-level addition to an existing parking structure at the L. C. Smith Terminal of Detroit Metropolitan Airport. The design of the addition calls for four parking levels with vehicle access through the existing Blue Deck west area. The design calls for the addition to share two existing egress stairs with the existing parking deck at each level. The foundation permit for the proposed addition was issued on January 29, 2008 by the City of Romulus. The permit holder is Walbridge Barton Malow, LLC. The building permit for the proposed addition was issued on May 23, 2008 (also) with Walbridge Barton Malow, LLC as the permit holder. Conditions of the plan review were cited as part of the building permit issuance. The permit holder appealed the plan review condition that the egress width shall be that prescribed by Chapter 10 of the 2003 Michigan Building Code. The occupant load of the addition requires more egress width than that provided at the two existing subject egress stairs. On October 28, 2008 the City of Romulus Construction Board of Appeals denied the appeal of the plan review requirement for adequate egress width for the two subject egress stairs in compliance with Chapter 10 of the 2003 Michigan Building Code, especially Section 1023.

Procedural Findings:

On consideration of the request dated November 11, 2008 and resubmitted on December 3, 2008 from Walbridge Barton Malow, LLC., Petitioner, a hearing before a panel of the Construction Code Commission was held December 22, 2008, at the Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan in accordance with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, Section 125 1516. Present were Mr. Paul Tantalo representing Walbridge Barton Malow, LLC, Mr. Joe Slajus representing Walbridge Barton Malow, LLC, Mr. Tom McCarthy representing Walbridge Barton Malow, LLC, Mr. Jeff Bresette representing Walbridge Barton Malow, LLC, and Mr. Randy McMahan representing City of Romulus.

Issue:

To appeal the decision of the City of Romulus Construction Board of Appeals denying the appeal of the plan review comments for the proposed parking deck addition that required egress width in compliance with Chapter 10 of the 2003 Michigan Building Code.

Findings:

Representatives of the petitioner offered testimony stating that the existing Blue Deck west parking ramp and the subject addition is very different from most parking ramps in that the users of the facility would not need to exit the facility all at once, due to transient and intermittent use of the airport terminal. A written exit analysis of the existing Blue Deck by Fire Protection and Code Consultants (Exhibit 4) states that a timed egress analysis was done using both the 2006 International Building Code and the 2000 NFPA 101 Life Safety Code. The 2000 NFPA 101 Code contains information regarding timed egress acceptability and exit (or egress) width. The proposed addition adds to the occupant load, thereby causing the existing exit stairs to have insufficient egress width per occupant, as prescribed by Table 1005.1 of the 2006 International Building Code (IBC). The proposed design does, however, meet timed egress allowances in the 2000 NFPA 101 Life Safety Code.

The respondent testified that the existing Blue Deck west parking ramp has deficiencies in egress width per occupant at the exit stairs if reviewed to current code (2003 Michigan Building Code) requirements. The respondent understands the petitioner's rationale of intermittent use of an airport parking deck. However, with existing egress width deficiencies the proposed added occupant load with the addition cannot be approved per 2003 Michigan Building Code, Section 104 11.

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The panelists asked the petitioner's representatives how the 2000 NFPA 101 Life Safety Code was used in the design of the parking ramp addition. Representatives of the respondent stated that it was used for timed egress allowances since this topic is not addressed by the International Building Code or the 2003 Michigan Building Code.

Conclusions:

The 2003 Michigan Building Code does not distinguish between constant and intermittent use of a parking ramp in relation to required egress width. The petitioner has submitted an analysis based on portions of two different codes – the 2006 International Building Code and the 2000 NFPA 101 Life Safety Code. Using only portions of these two codes does not meet or exceed the egress requirements as prescribed by Section 1023.2 of the 2003 Michigan Building Code. The petitioner has not submitted any information demonstrating that the design meets or exceeds the 2003 Michigan Building Code or that actual counts of intermittent use of the existing parking ramp were compiled.

Decision:

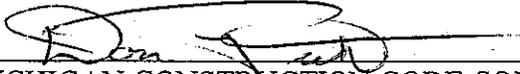
The appeal decision of the City of Romulus Construction Board of Appeals is upheld based on the fact that adequate egress width per occupant has not been included in the parking ramp addition in compliance with 2003 Michigan Building Code, Section 1023. The use of the 2000 NFPA 101 Life Safety Code for timed egress allowances does not meet the requirement of the 2003 Michigan Building Code, Section 1023.2 for minimum exit width based on egress width per occupant listed in Table 1005.1.

THEREFORE, it is ordered that the request to reverse the decision of the City of Romulus Construction Board of Appeals is denied. This order is binding on all parties unless appealed in accordance with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, Section 125.1518.

Portions of different codes (the 2003 MBC and 2000 NFPA 101) do not work together in this case. The 2003 Michigan Building Code does not distinguish between constant or intermittent use of a parking ramp. Nothing has been offered in the appeal that is at least equivalent to the requirements of the 2003 Michigan Building Code. Alternative means of compliance features has not been offered.

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-Actual numbers for occupancy would be helpful (recording occupant loads).



MICHIGAN CONSTRUCTION CODE COMMISSION
Don Pratt, Chairperson
Panel of Appeals

1/9/09
Date