

CASA DE LUZ APPEAL OF FIRE WATCH NOTICE OF JUNE 3, 2019

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1701 Toomey Road

DSD - FINANCE

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I am asking the Building and Fire Code Board of Appeals to reverse the Building Official's decision to require a Fire Watch at 1701 Toomey Road following the Board's May 29, 2019 decision not to uphold the Building Official's decision to suspend the certificates of occupancy on 5/2/19.

The issue before the Board is simple. The Building and Fire Board Code did not have a quorum vote to uphold the Building Official's decision. No Board member moved to uphold the Building official's decision following the closing of the public hearing and questions to the appellant and City staff. Prior to Board decision, Board members asked City staff what would be next steps. City staff informed the Board that City staff would continue to work with the appellant on compliance. There was no mention of requiring a Fire Watch.

If the rear building is not sprinklered, then a fire department access road is required and existing vegetation, fences, gated entrance and other improvements must be demolished. This is not in dispute.

Casa de Luz has been trying to install a sprinkler system since 2013. This requires a building permit.

Casa's attempts to file a building permit application were consistently denied between 9/16/13 and 1/4/19 based on the Building Official stating that Casa did not have a certificate of occupancy for the rear building. If this was true, we would not have had an appeal hearing about suspending two (2) certificates of occupancy.

All City staff present in the 1/4/19 meeting finally agreed to accept a building permit application for sprinklers after Casa' attempting to secure this permit for more than five (5) years.

1. Casa was then told for the first time that it needed a structural engineer's report, and Casa hired a licensed engineer who provided the requested report.
2. Casa was told for the first time that it also needed an asbestos survey, and Casa hired a licensed contractor who supplied the requested report.
3. Casa's design team has passed fire department review, building review and zoning review.
4. The tap to the City water system has been permitted, inspected and approved.
5. The sprinkler piping system inside the building was installed in October 2018 as Casa closed for 10 days to accommodate the installation.
6. The pipe connecting the city water line to the sprinkler system was in the trench as of 5/17/19 and passed visual City inspection on Monday, May 20, 2019.
7. The design team authorized the placing of required sand beneath the pipe and the placement of soil to cover the pipe and tree roots and this was completed by 5/24/19.
8. The next steps involve connecting the pipe in the trench to both the water tap and the sprinkler system; performing all required testing; passing all required inspections; completing the balance of required improvements; and posting all approvals to the City record system.

The requirement for Fire Watch was not proposed by City staff at the December 12, 2018 hearing of the Building and Standards Commission where an order to vacate could have been issued. City staff did not recommend an order to Vacate and the Commission did not issue an Order to Vacate.

On behalf of Casa de Luz, I ask that you reverse the decision to require a Fire Watch on June 10, 2019 if all sprinkler connections are not completed and approved by then. The requirement of a Fire Watch from 7am to 9pm daily or to vacate the rear building is tantamount to requiring the rear building to be vacated without an Order to Vacate from the Building and Standards with evidence being provided under oath and with the appellant having the right to cross-examine City staff as per legislation approved by the Texas Legislature and incorporated into Building and Standards Commission rules.

Please include all backup posted for the May 22, 2019 Special Called meeting of the Building and Fire Code Board of Appeals as well as documents submitted during the public hearing.

Please let me know when the appeal hearing is scheduled.