

City of Loveland
Meeting of the Construction Advisory Board
January 27, 2016

City Council Chambers
500 East 3rd Street
6:00 PM

The City of Loveland is committed to providing an equal opportunity for services, programs and activities and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en bettie.greenberg@cityofloveland.org o al 970-962-3319”.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. MINUTES: October 28, 2015**

Anyone in the audience will be given time to speak to any item on the Agenda. Please ask for that item to further discuss. You will be given an opportunity to speak to the item before the CAB acts upon it.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself after being recognized by the Chairperson.

Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than ten minutes.

- IV. CITIZEN COMMENTS**
- V. REPORTS:**
 - a. Board/Commission Members**
 - b. City Council Liaison, John Fogle**
 - c. Chief Building Official, John Schumacher**

- VI. REGULAR AGENDA:**
 - a. Staff update regarding November 18, 2015 meeting**

- VII. AJOURNMENT**

The new password for the COLGuest account is **accesswifi**

City of Loveland Construction Advisory Board
Meeting Minutes
October 28, 2015

Roll Call:

Board Members Present: Jason Baker, Andrew Ross, Blaine Rappe, Roger Lewis, Christopher Rosenberger, Bob Dehn

Board Members Absent: Keith Benner, Adam Trainor

City Staff Members Present: Bill Cahill, Carie Dann, John Schumacher, Shana Zimmerschied, Amanda Dwight

City Council Members Present: John Fogel

I. Call to Order: Chairman Christopher Rosenberger called the meeting to order at 6:04 PM

II. Approval of Minutes:

Motion to approve August meeting minutes made by Jason Baker, seconded to Bob Dehn. Motion passed unanimously.

Motion to approve September meeting minutes made by Jason Baker, seconded to Bob Dehn. Motion passed unanimously.

III. Reports:

a. Citizen: None

b. Board and Commission Members: None

c. Council Liaison: John Fogle reported that City Council will be reviewing construction defects legislation on December 8, 2015 at Study Session. John Also reported that a Request for Proposal was sent for the Downtown Catalyst project, the deadline is November 17, 2015

d. Staff: John Schumacher reported that the Building Division is current on plan review and will be filling additional staff positions in 2016.

IV. New Business:

- a.** Bill Cahill, City Manager – Presentation on duties and functions of Construction Advisory Board. The board discussed a need for an introductory packet for new members.
- b.** John Schumacher, Chief Building Official – Presented list of amendment updates for consideration. A motion was made by Andrew Ross to red line items 1-7 of the “Suggested Items to Address as Part of Code Amendment Modifications.” Motion seconded by Blaine Rappe. Motion passed. A motion was made by Blaine Rappe to

continue the discussion further for items 1-4 of "Potential Policy/Procedural Changes for Consideration/Comment by Construction Advisory Board." Motion was seconded by Andrew Ross. Motion passed.

V. Old Business:

- a. Discussion of November 18th meeting. Motion made by Bob Dehn to have City Staff coordinate a facilitator for the meeting as well as someone to take minutes. Motion was seconded by Jason Baker. Motion passed.

VI. Adjournment:

A motion was made by Blaine Rappe and seconded by Andrew Ross to adjourn the meeting at 8:25 PM. The motion passed unanimously.

CAB Forum Notes

Wednesday, November 18, 2015

General synopsis of meeting: The builders and developers in the community feel like there has been a shift in the culture of the City Building Department, one that the community feels is not sustainable in terms of conducting their businesses in the City of Loveland. It seems as though even the citizens whom are doing quality work feel bogged down by the permit and inspection processes and that the city is overstepping in their responsibilities in said process.

Cultural

- Some help in the past few weeks from COL
- Impacts of recent changes hurt everyone in the process from city to homeowner
- Shift in the quality, professionalism and ability/willingness to help in the COL Bldg Dept
 - Too much change has been introduced to COL Bldg Dept
 - The builder is COL's customer, there should be a sense of customer service
 - The perception is that COL is more interested in stopping builders than helping them
 - Builders feel secondary to COL staff
 - Bad direction is being given to COL Bldg Dept from COL Management
 - Meeting with COL Mgmt have been unproductive
 - COL Bldg Dept condescending/uncooperative
 - Lack of communication from COL (expressed multiple times)
 - Builders not notified of changes in processes (expressed multiple times)
- The entire process is overloaded (multiple expressions of this opinion)
 - Need to consolidate decision making
 - Solutions are only given for specific incidents/symptoms, not for the underlying problems leading to them

Processes

- Need a Permit process that works for everyone
 - Fragmented process is causing delays
 - F&F plans approved in under 24 hrs in other cities
 - Permit time for SFH should be 2 weeks
 - Time and cost of submittal process too high
 - No commitment by COL on permit turnaround times
 - Paper and online submittals differ
 - Streamlined process needed for smaller/remodeling permits
 - Sign permits difficult vs surrounding communities
 - Permits that take minutes in FC or Greeley take 7 months in COL
- Unrealistic Inspection process
 - Show builders the *specific* code being failed for
 - Trivial issues holding up the review/inspection process (expressed many times)
 - Review process should be transparent
 - Inspections failing due to lack of communication within COL Bldg Dept
 - Lack of continuity between inspectors (expressed multiple times)
 - Inspectors lack common sense
 - Process bogged down by minor violations
 - Inspections aren't focused
 - City not working with builders to get inspections passed
- Builders/Engineers/Architects are experts in their field and should be trusted to do their jobs correctly
- Procedural delays effect a cost to everyone in the process

CAB Forum Notes

Wednesday, November 18, 2015

Homeowner issues and contact info:

Isabella Schoenbeck
1313 Crabapple Dr. Loveland, CO
970-888-2067

lizheimat@frontier.com

Issue: Builder not fixing poor work, even after threatening and pursuing legal action. Could or should these drainage issues been caught during inspections?

Peggy Dowswell
585 Callisto Dr. Unit 202 Loveland, CO 80537
970-231-9303

Peggy717@juno.com

Issue: Poor quality building, unresolved issues with Falcon Brock (builder).



**Development Services
Building Division**

500 East Third Street, Suite 110 • Loveland, CO 80537
(970) 962-2505 • Fax (970) 962-2904 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

DATE: January 25, 2016

TO: Construction Advisory Board

FROM: John C. Schumacher, Jr., Chief Building Official *JS*

SUBJECT: Staff update for January 27th meeting

A meeting was held by the board on November 18, 2015, without Building Division staff present, and notes from that meeting were provided to Building Division staff at a later date. Based on the concerns identified in those notes, several changes have been made or are underway. These changes include the following:

1. "Four fixes" – The attached document, which is posted on the Building Division's home page, outlines four specific changes within the Division. Those are consistent enforcement of codes as adopted, a comprehensive document outlining changes along with a monthly newsletter beginning on February 1st, an expanded over-the-counter permitting process by March 1st, and a two-queue plan review process designed to expedite reviews of smaller projects, slated to begin on April 1st.
2. "Comprehensive changes" - The document of comprehensive changes was distributed to contractors on January 15th and is attached. It introduced some of the Division's new staff and outlined the process for filling the remaining vacancies within the Division. It also highlighted changes in plan submittal requirements, required inspection lists, ability to leave messages when requesting inspections, our affidavit program and more.
3. "Affidavit program" - Changes in the current affidavit program, designed to address work conducted without permit and/or inspection by the Building Division, is proposed and has received the endorsement of representatives of the Loveland-Berthoud Association of Realtors. The changes outlined in the attached document would require the Building Division to perform inspections in lieu of accepting affidavits, with expedited reviews and inspections insuring that the process meets the needs of the customers involved in the process.
4. Miscellaneous changes – Other changes in personnel, plan review procedures, and permitting and inspections are planned or will be considered over the next few months and beyond.

We heard

The City of Loveland Building Division, and a citizen advisory group whose thinking helps guide us, asked contractors and other members of the region's development community at two recent meetings for a scorecard, an assessment of how well we do our jobs.



We got an earful.

City staff members and Construction Advisory Board members found out that we need to improve. We learned that our processes too often resulted in confusion and frustration. And, once we became aware of the problems, we acted.

As we retool the Building Division, we begin the New Year with **Four Fixes**. How do they differ from New Year's resolutions that so many people make? Simple: We will keep them.



CONSISTENCY.

OUR CUSTOMERS will see consistent enforcement of code provisions. No surprises. Our website and electronic newsletter will clearly lay out what our customers can expect, using concrete examples of what will be required.



STRAIGHT TALK.

BY JANUARY 15TH, the Building Division's website will contain a comprehensive, easy-to-follow description of changes in the division. The City's home page will offer a quick link to that information. **BY FEBRUARY 1ST**, we will publish our first monthly electronic newsletter and distribute it to all licensed contractors, offering more useful information.



SPEED.

BY MARCH 1ST, we will begin an expanded one-stop, in-person, over-the-counter permitting process for qualifying residential, commercial and sign projects. Specific days and times will be determined, and criteria will be published in a comprehensive guide to the program.



FAIRNESS.

BY APRIL 1ST, two review queues – one for smaller projects and shorter reviews, another for more complex projects requiring more review time – will be in place. A list of projects and specific review period lengths will be published by the program's start date.



A FINAL WORD... OR TWO:

THANK YOU. Thank you to the members of Loveland's development community for helpful, and thoughtful, comments that led us to these solutions so that we may serve you better in the future. This is just a beginning, though. Look for more improvements in our processes, and be assured we remain all-ears when you call us at 970-962-2505.



We promised **straight talk** about changes we are making in the Building Division.

The changes can be summed up in two words: **People. Process.**

First, our people. To keep pace with the speed of building activity in the City, we need more people in our organization to raise the quality of our customer service and the speed with which it is delivered. Loveland City Councilors agreed, and authorized three new positions:

1. **Plans Reviewer** – Lisa Keil joined the Building Division in late September, bringing under our roof a service that had been done by an outside contractor. This year, Kirk Cadotte joins Lisa as plans reviewer and supervisor, sharpening our focus on this key process.
2. **Building Inspector** – Hiring and training an additional building inspector in the division will boost our ability to react quickly to customer requests, and make the inspection process more consistent and predictable.
3. **Office Support Specialist** – Adding another friendly face behind the counter, to join Senior Permit Technician Theresa Campbell, will tell our customers that we know their time is valuable, and that we will do our best to make sure it is not wasted. Once that person is in place, his or her name will be included in an updated list of Building Division staff members that will be prominently featured on the Building Division website, with specific contact information for each of us.

Second, our process. As we add people to our team, we won't miss opportunities to change the way we do things. In fact, it is during this time that changing our procedures makes the most sense. Our customers will see the difference in these areas:

1. **Plan Reviews** – Having two in-house plan reviewers means we can cut review times and launch new plan review programs. Some of the changes were in place at the start of the year. For example, we dropped a requirement that customers provide us with two sets of approved plans. Instead, we found a more sensible solution, requiring a single set of approved color plans, available on the project site for inspections.

- **By March**, we will begin a “two-queue” plan review system, separating project types in groups for either short or extended review. Review times for smaller, less complex projects will be shortened. Those for bigger, more complex projects will be more predictable. We also will drop the requirement that a complete plan set be resubmitted when revision of a specific page or pages is called for. The old policy did not make sense in light of today’s business pace. This one does.
 - **By April**, an expanded in-person, over-the-counter plan review program will be available for smaller residential projects, saving homeowners and contractors lots of time.
- 2. Building Inspections** – Our customers will see big changes here, and one of the biggest will be a simplified list of required inspections. Related inspections will be combined into a single category. The sequence of inspections will be streamlined to cut the number of inspection requests and eliminate scheduling problems. These sensible changes were driven by what we heard from our customers earlier this year. Other changes:
- Our inspectors will adhere to a consistent policy of code application. Building codes were adopted for good reasons – to ensure the health and safety of our citizens and protect the value of their investments. To make those things happen, application of the building code must be consistent and predictable. We want our customers to know exactly what they can expect.
 - Other adjustments are either in place or planned to make things easier for our customers. They include changes to inspection timing to match requirements of the adopted codes, eliminating the affidavit program for work conducted prior to permit, and accepting voice mail attachments to inspection requests delivered through our interactive voice recording (IVR) system.

We’re not finished.

The Building Division staff will continue to work to improve the services that we offer and communicate news about those improvements to our customers. Review and improvement of our processes and procedures will be an ongoing effort, including continuous updating of our web pages, checklists and handouts. **Starting on February 1st** we will begin distribution of a monthly newsletter containing information about events and changes within the Division and a monthly update will be posted on the Division’s Monthly Statistics page. Code amendments will be reviewed and revised through the City’s Construction Advisory Board, and other changes that streamline processes and better accommodate customers will be researched and implemented at the administrative level.

We have a goal.

Refinement of processes and procedures will continue throughout 2016 and beyond as we learn new ways to address the needs of our customers. We want to be this region’s highest-functioning and most efficient public building services entity.



**Development Services
Building Division**

500 East Third Street, Suite 110 • Loveland, CO 80537
(970) 962-2505 • Fax (970) 962-2904 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

DATE: January 20, 2016

TO: Rod Wensing, Assistant City Manager

FROM: John C. Schumacher, Jr., Chief Building Official

SUBJECT: Restructuring of affidavit program for work performed without required permits and/or inspections

The Building Division had in place a program in which work performed without the required permits and/or inspections, and which is identified after the fact, is permitted and subsequently approved through the submission of affidavit forms by contractors licensed in the specific discipline(s) of work that was performed. Due to a variety of issues related to the program as currently structured, changes are intended. The issues that have been identified and changes intended are:

1. The individual(s) or entities that performed the work are often unknown or unavailable, thus requiring an individual or entities unfamiliar with the full scope of the work that was performed to verify the compliance of that work. Additionally, the approximate date of the performance of the work is often uncertain, thus making verification of compliance with the applicable code(s) difficult.

New procedure: A permit shall be obtained by the current owner, with inspections to be performed by the Building Division and current codes to be used for purposes of determining compliance. That permit application and documents will be placed in the most expedited review queue.

2. The nature of some work is such that it cannot be verified as being compliant with applicable codes without investigative inspection that requires limited demolition. Life-safety requirements such as the complete and proper installation of firestopping and draftstopping most times cannot be observed and verified without the removal of a portion of the wall coverings. An affidavit insuring compliance of unobservable conditions would no longer be accepted.

New procedure: Inspections for compliance shall be performed by the Building Division. As necessary, work will be required to be exposed as directed by an inspector and as minimally as possible to determine the level of compliance. The exposed area will be considered a sample representative of all work for the purposes of determining compliance.

3. Life-safety related deficiencies frequently exist in these unpermitted projects. Those deficiencies often include egress, firestopping, draftstopping and fire protection, ventilation and adequate electrical service and wiring. Many of these are not required to be addressed under the current affidavit program.

New procedure: Identified life-safety deficiencies will be required to be addressed prior to final approval of the permit. Other issues that are not life safety related would be noted but not required to be corrected prior to approval. The permit would be noted as an after-the-fact permit.

Over the past few months, Building Division staff have had discussions with a number of individuals participating in the affidavit process and have heard a number of concerns or complaints that have prompted the changes in the affidavit program. Some of these are:

- Affidavits are being provided by individuals that are not conducting a site visit of the project
- At time of sale work previously approved through the affidavit program has been identified by home inspectors as being code deficient and is delaying sale or closing
- Customers are being charged exorbitant amounts for affidavits, in one instance, \$2,000

And, on one occasion, a customer offered that they had conducted the work without a permit in order to expedite their process, knowing that there was no investigative fee assessment for doing so and that they could simply submit affidavits for work after the fact.

The changes in the program are designed to insure for all involved parties the safety and compliance of the work performed and to provide a consistent process of permit issuance, inspection and verification of that work. The necessity of this process can be determined at the time of listing of the sale by verifying permit records with the Building Division and the process of addressing the lack of permit can be initiated immediately, greatly reducing the likelihood of delays at the time of closing.