



## CITY OF NEWPORT NEWS

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City Attorney's Office  
2400 Washington Avenue, 9<sup>th</sup> Floor Newport  
News, Virginia 23607

**October 7, 2022**

Codes Compliance Department  
Harold Roach, Code Official  
2400 Washington Avenue, 3rd Floor  
Newport News, VA 23607

Chief Fire Marshal Jeffrey W. Senter Fire  
Official  
City of Newport News Fire Department 610  
Thimble Shoals Blvd., Building 6 Newport  
News, Virginia 23601

At this time, repairs to the building's elevators, HVAC system and hot water boiler remain outstanding. This memorandum provides a summary of the fire, building code, and life safety violations identified during multiple joint re-inspections at the property. The City of Newport News Codes Compliance and Fire Marshal's Office is going to require the following conditions as it pertains to reoccupying the property at Seaview Lofts Apartments:

### Mechanical Room:

- The defendant is required to obtain a credentialed mechanical contractor that can properly repair and install the hot water boiler. Currently the boiler is leaking and not working according to its design and intended function. The hot water boiler is set at an improper temperature that poses a scalding hazard to the occupants.
- There is only one operable chiller on the property. The building was designed and approved with two (2) chillers. The one (1) operable chiller is malfunctioning causing the chiller connections to severely leak into the elevator room which hinders the repairs to the elevators. This single chiller is not adequate to cool the building as originally designed and required by code. Before this chiller can be accepted it is required that an appropriately licensed Mechanical contractor demonstrate through Heat Load and Ventilation Calculations that meet the requirements of the Virginia Mechanical Code that the single chiller is adequate to properly cool the building, otherwise re-installation of an additional chiller will be required.

~~**UPDATE: Boiler and Chiller** Seaview has hired AMC to repair both of these items under permit HVAC 2022-0123 (link added). The mechanical inspector has reviewed all of the necessary calculations for the water heater boiler and chiller. The permit has been approved and our office is awaiting the contractor to call in the inspection for the repairs.~~

~~**UPDATE 8-29-2022:** The chiller repair failed inspection on 8-23-22. Codes informed the contractor what needed to be corrected in order for the chiller to pass inspection. The contractor has parts on order for the hot water boiler and has not yet requested an inspection. Please see supporting documentation attached.~~

~~**UPDATE 9-6-2022:** The chiller repairs passed inspection on 9-1-2022. The chiller repair has been partially approved pending the Heat Ventilation Loads coming from a Mechanical Engineer. The contractor has received the parts and plans to request an inspection for the hot water boiler repairs by 9-9-2022.~~



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~~**UPDATE 9-22-2022:** The permits for the chiller repair has been partially approved pending the Heat Ventilation Loads coming from a Mechanical Engineer. The contractor requested a courtesy inspection for the installation of the mixing valve. After looking at the system with the contractor what was being used as a storage tank for the potable hot water was a non-functional electric hot water heater. Codes requested a mechanical engineer's report on the usage of the old hot water heater as a storage tank the plumbing from the tank to the hot water boiler system. During the courtesy inspection onsite property manager stated that the Heat Ventilation Loads have been completed. Those results have not been given to Codes Compliance to review.~~

~~**UPDATE 9-29-2022:** There is no new information to report from the last update provided on Sept. 22, 2022.~~

**UPDATE 10-06-2022:** There is no new information to report from the last update provided on Sept. 29, 2022

### Elevator:

Due to the Court's injunction, the Codes Dept. has worked with Seaview Lofts to conduct Annual Safety Inspections for both elevators. These inspections have failed three (3) times: April 25, 2022, June 27, 2022, and July 29, 2022. A temporary approval was given on May 16, 2022; however, the car failed the Annual Inspection on June 27, 2022. As a result of the failed three (3) Annual Inspections, the Virginia Maintenance Code 606.1 requires a successful 5-Year Annual Test Inspection before the equipment may be used.

~~**UPDATE:** TK has determined that the SmartRise controller boards need to be replaced in each elevator as they were not responding to the two methods of testing needed to pass inspection. Seaview has approved the attached work order and we are confirming that the payment has been remitted. Seaview has asked that TK expedite the work, but does not know when the parts will arrive or can be installed. TK has stated that once the parts are installed they will be able to complete the 5 Year Acceptance Test. An outstanding standard re-inspection fee applies due to the number of failed inspections for the elevator. The fee is \$50.00. TKE has not received the control room panel replacements as of August 18, 2022. As of August 29, 2022 the 5 Year Acceptance test has not been scheduled. As of September 6, 2022, the 5 Year Acceptance test has not been scheduled and TKE has not received the additional control room panel replacements.~~

~~**Update 9-22-2022:** TK and Codes Elevator Inspector conducted the 5 Year Acceptance test on Friday, September 16, 2022. Elevator 2 failed the test due to the governor did not perform as required by code. A partial test was completed on Elevator #1. There was not enough time to finish the test on elevator 1. Per the inspector, elevator one still needs half a day to complete the test, while elevator 2 needs a full day. The owner has requested that the contractor re-schedule the inspection for Elevator #1. As of September 22, 2022 the inspection has not been scheduled. The inspection will probably take place the week of September 26-30, 2022.~~

~~**UPDATE 9-29-2022:** TK and Codes Elevator Inspector has scheduled the 5 Year Acceptance test for Elevator #1 for October 6, 2022. The governor parts for repair have been ordered by Seaview.~~

**UPDATE 10-06-2022:** TK & Codes Elevator Inspector has completed the 5-Year Acceptance Test for Elevator #1. Elevator Car #1 passed inspection.



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### Fire and Egress Violations:

Needed for further inspections. The egress lighting inspection failed inspection on August 17, 2022. Our office has reached out to contractors to advise them what needs to be done for the repairs.

Must install all egress lighting in the stairwell according to emergency egress requirements in the building and fire code. Codes have received the electrical permit application for repairs. The inspection failed and the owner must get an electrical contractor to complete the repairs.

~~UPDATE: ELEC 2022-0234 was issued without there being a contractor on the permit. The owner inquired if the work can be approved without the need to involve a contractor. Codes responded that the building official agreed to approve the permit for the electrical repairs dependent upon a qualified professional completing the work. A qualified professional has not completed the work that has been inspected. Since the inspections noted that a qualified professional has not made the repairs in accordance with the code, our office is requiring a licensed electrician to do the work and be present during the next inspection. The electrical inspector on August 4, 2022 told the property maintenance staff exactly what repairs are required in order to pass inspection and that a licensed electrician.~~

~~UPDATE 8-29-2022: The electrical egress inspection passed on 8-25-2022. Please see the inspection report attached. The defendant is required, through an appropriately credentialed fire protection contractor, to make repairs to the fire alarm system, as required by sections 901.4 and 901.6, of the Virginia Statewide Fire Prevention Code. Before re-occupancy of the structure, the defendant must provide a successful witnessed test of all fire alarm system components as outlined in section 901.6.1 and NFPA 72 (National Fire Alarm and Signaling Code). Cintas Fire Protection contractor has applied for the permit and is in the process of completing repairs.~~

UPDATE: The Fire Alarm Panel permit passed inspection on August 9, 2022

This is an updated list of the previous violations noted and given to the owner and court from July 8, 2022, August 5, 2022, August 18, 2022, August 31, 2022, September 6, 2022, September 13, 2022, & September 29, 2022.

Sincerely,

Harold Roach, Director Code Official  
City of Newport News, Virginia Department of Codes Compliance

Chief Fire Marshal Jeffrey W. Senter Fire Official  
City of Newport News, Virginia Newport News Fire Department