

Exhibit 9

Decision of the Capital Region-Syracuse Board of Appeal, September 15, 2016 (Petition No. 2016-0269)

Summary: This 2016 variance allowed a proposed four-story A-3 occupancy in Type IIB construction, a smaller elevator not sized for an ambulance stretcher, and an alternate to standby power for atrium smoke control. The library space outside the bookstack floors (or “vertical opening” in code language) was reformulated as an “atrium” connecting stories two through four (with a single mezzanine within the fourth story), so the building—including the first-floor F-1 shop occupancy—was now considered to be four stories high. Various structural elements in the building were allowed to have no fireproofing, i.e., to remain as non-fireproofed Type IIB construction instead of being upgraded to Type IIA fireproofed construction as would have been required for an A-3 library occupancy in a four-story building.

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ROSSANA ROSADO
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CAPITAL REGION – SYRACUSE BOARD OF REVIEW

In the Matter of the Petition of:
CORNELL UNIVERSITY FINE ARTS LIBRARY
For a Variance to the New York State
Uniform Fire Prevention and Building Code

DECISION

PETITION NO. 2016-0269

Upon the application of Cornell University Fine Arts Library, filed pursuant to 19 NYCRR 1205 on September 14, 2016, and upon taking testimony and hearing argument thereon at a duly noticed hearing before the Capital Region – Syracuse Board of Review held at the Hughes State Office Building, 333 East Washington Street, Syracuse, New York, on September 15, 2016, and upon all other papers in this matter, the Board makes the following determination.

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to the alterations and additions to the existing Rand Hall Fine Arts Library, academic building, A3 first and second story occupancy, F1 basement occupancy, three stories in height, non-combustible Construction Type 2B, located at 947 University Avenue, City of Ithaca, County of Tompkins, State of New York.

The petitioner is seeking relief from:

2015 International Building Code, Sections 602.1, 602.2 & Table 601, which regulate the construction classifications and fire-resistance rating requirements for building elements;

2015 International Building Code, Section 3002.4, which requires an elevator car to accommodate an ambulance stretcher in buildings of four or more stories;

2015 International Building Code, Sections 404.7, 909.11 & 2702.2.15, which regulates standby power for smoke control systems;

2016 Uniform Code Supplement, as published by the New York Department of State.

[The petitioner requests relief to use a classification of Type 2b construction for a four story building, non-complying elevator car and alternative for standby power for smoke control system.]

FINDINGS OF FACT



Department
of State

1. The petition pertains to the renovation to the existing Rand Hall Fine Arts Library, Type 2B, three story academic building, A3, second and third floor story occupancy, F1 first floor; Type 2b; four story Library space in Rand Hall; thus creating non-conforming space. Refer to previous variance 2015-0432.
2. The existing Building Code, Chapter 14, allows for a compliance method evaluation to access code compliance. When a code compliance method review has been performed, the design professional has provided proof that the structure meets the requirements, then that section is deemed compliant. As provided, GHD has provided such a review.
3. The Board finds that the assessment of the Chapter 14 review offered by the architect GHD, along with the alternatives provided with smoke control and elevator size and distance of travel pertaining thereto; the Board finds the Authority Having Jurisdiction/Fire Department supports the granting of the petition.
4. The City of Ithaca has determined that the alteration constitutes the addition of a fourth floor or story, triggering the requirement for the elevator car to accommodate an ambulance stretcher.
5. The petitioner proposes the following mitigation measures in lieu of standby power for the smoke control system: increase natural ventilation; the analysis of the smoke control with the AHJ and an acceptable remedy; that the campus generates their own power and is connected to the city electrical grid and the failure of both systems is unlikely.

CONCLUSIONS OF LAW

This proposed variance will not substantially adversely affect the Uniform Code's provisions for health, safety and security. Strict compliance Uniform Fire Prevention and Building Code would entail practical difficulties and unnecessary hardship and would be unnecessary in light of alternatives which ensure the achievement of the code's intended objective, or, in light of alternatives which, without a loss in the level of safety, achieve the code's intended objective of the code more efficiently, effectively or economically.

DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 2015 IBC, Sections 602.1, 602.2, Table 601, 3002.4, 404.7, 909.11, and 2702.2.15, and applicable portions of the 2016 Uniform Code Supplement, be GRANTED with the following condition:

1. That all aspects of the building and construction shall be in compliance with the acceptable codes, rules and regulations.

Furthermore, it should be noted that the decision of the Board is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications presented in support of this application.

Acting Chairman Michael Hrab, Michael McQuade, Richard Andrews and Andrew Garlock, all concur. C.
Thomas Parsons recused himself.

So ordered.

Capital Region – Syracuse Board of Review

A handwritten signature in black ink, appearing to read "Michael Hrab", written over a horizontal dashed line.

By: Michael Hrab, Acting Chairman

Date: 10-11-16

MC: nc