



Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. **A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.**

Name **Carnegie Mellon University**

Mailing Address **5000 Forbes Avenue, Attn: Robert Reppe, Sr. Director of Planning and Design_**

City **Pittsburgh** State **PA** Zip **15213-389** Email breppe@andrew.cmu.edu

Phone **412-268-5259** Fax (optional)

If you are represented by an attorney, please provide contact information for your attorney:

Name **Kevin F. McKeegan**

Mailing Address **Meyer, Unkovic & Scott LLP, 535 Smithfield Street, Suite 1300** _____


City **Pittsburgh** State **PA** Zip **15222** Email kfm@muslaw.com

Phone **412-456-2838** Fax (optional) **412-456-2864**

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (*The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.*)

SEE ATTACHED STATEMENT DESCRIBING THE GROUNDS FOR THIS APPEAL

CARNEGIE MELLON UNIVERSITY

By: 
Name: RALPH R. HORBAN
Title: Asst. Vice President

APPEAL REGARDING PLUMBING CODE VARIANCE REQUEST

Carnegie Mellon University – Scobell House Dormitory

Carnegie Mellon University (“University”) appeals the Allegheny County Health Department’s (“Department”) denial of a request to install all-gender restroom facilities in “Scobell House Dormitory” (Scobell House), as follows:

1. Scobell House is a four-story residence hall on Margaret Morrison Street within the University’s campus. Scobell House was originally constructed in 1917 and has traditionally served as a dormitory for first-year male students attending the University.

2. The University plans to modernize and upgrade Scobell House so it can house and accommodate students of all genders.

3. The restroom and shower facilities in Scobell House are “stacked” and centrally located on each floor of the building.

4. As part of the planned renovations of Scobell House, the University intends to renovate the restrooms to be inclusive and serve students of all genders. This is consistent with the University’s commitment to equitably treat all genders by not favoring any gender over another in the allocation and number of restroom and shower facilities.

5. The central stacking of restroom and shower facilities in Scobell House creates practical difficulties in providing separate restroom and shower facilities by gender.

6. By letter dated December 22, 2021 (“Modification Request”), the University’s Senior Director of Planning & Design asked that the Department approve a modification to the “Separate Facilities” provisions of Allegheny County’s Plumbing Code (the “Code”). A copy of the Modification Request is attached as Exhibit “A”.

7. As detailed in the Modification Request and as shown on the plans submitted to the Department with it, the University proposed to renovate the centrally stacked restroom and shower facilities in Scobell House to accommodate students of all genders.

8. As shown on the plans submitted to the Department with the Modification Request, the University's plans to renovate the restroom and shower facilities would completely enclose with full height (floor to ceiling) lockable partitions all toilets and showers in Scobell House.

9. The University's proposal for the renovation of the restroom and showers in Scobell House would meet the Code's requirements regarding the number of toilets and showers for a dormitory meant to house approximately 85 students; in fact, all gender restrooms will create more availability of fixtures for all students, regardless of gender.

10. By letter bearing a date of January 3, 2022, but not received by the University until February 1, 2022 ("Denial Letter") the Department's Acting Plumbing Program Manager (the "Acting Manager") denied the University's request to provide all gender restrooms and showers in Scobell House. A copy of the Denial Letter is attached as Exhibit "B".

11. The Acting Manager's denial of the Modification Request is arbitrary, capricious, not supported by substantial evidence, and contrary to law because:

a. The location of restroom and shower facilities in Scobell House (central and stacked) is a special circumstance rendering so-called "separate facilities" within Scobell House impractical.

b. The University's plans to provide all gender restrooms and shower facilities in Scobell House are in conformity with the intent and purpose of the Code and meet the Code's requirements regarding the number of restroom facilities available to each gender.

c. The University's plans to provide all gender restroom and shower facilities in Scobell House do not negatively affect public health, safety, or welfare.

d. The denial of the Modification Request is tantamount to discrimination based on sexual preference or gender and is thus contrary to Section 103.04(P) of Allegheny County's Accountability, Conduct and Ethics Code.

e. The denial of the Modification Request is tantamount to discrimination based on sex and is thus contrary to Section 28 of the Pennsylvania Constitution.

f. The denial of the Modification Request is tantamount to discrimination based on sex and is thus contrary to other state and federal laws and regulations that govern the University and require it to treat students of all genders equitably.

12. The University reserves the right to supplement and amend this Appeal to raise at or before any hearing of this appeal other factual and legal grounds to challenge the denial of the Modification Request.

WHEREFORE, Carnegie Mellon University requests that the denial of its request to install all gender restrooms and shower facilities in Scobell House be reversed, and that it be permitted to install all gender restrooms and shower facilities in Scobell House as detailed in the Modification Request.

Respectfully submitted,

MEYER, UNKOVIC & SCOTT, LLP

By: 

Kevin F. McKeegan

Pa. I.D. #36642

Meyer, Unkovic & Scott

535 Smithfield Street, Suite 1300

Pittsburgh, PA 15222

(412) 456-2800

Attorneys for Carnegie Mellon University

Carnegie Mellon University

Campus Design & Facility Development
Carnegie Mellon University
5000 Forbes Avenue
Pittsburgh, PA 15213-3890
<https://www.cmu.edu/cdfd/>

December 22, 2021

Plumbing Program Manager
Mr. Ivo Miller
3901 Penn Ave.
Building #5
Pittsburgh, PA 15224

RE: Carnegie Mellon University Scobell House Renovation

Mr. Miller,

Carnegie Mellon University is requesting a variance to 403.2 Separate Facilities IPC 2015 / ACHD Article XV for restroom renovations at the Scobell House Dormitory located on the CMU campus.

The project includes restroom renovations to the previously all-male dormitory to convert the building to all gender. As part of that work, the University wishes to renovate the restrooms to be inclusive and accommodate the all-gender residents of the dorm. To achieve that goal, we propose to renovate the building's restroom and shower facilities to be all-gender and housed within a shared space. Please see the proposed floor plan of the restroom and shower facilities for reference.

We have also included the fixture counts that demonstrates that the project will meet the intent of the code requirements and will provide the necessary amount of fixtures. Further, due to the more-flexible nature of that all-gender arrangement, there will be more availability to fixtures for residents. Finally, to meet privacy needs, the current facilities will be reconfigured to individual water closet and shower rooms within with full height drywall partitions and a locking door.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,

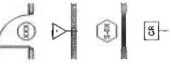


Bob Reppe
Sr. Director of Planning & Design
Campus Design & Facility Development
Carnegie Mellon University
breppe@andrew.cmu.edu
(412) 268-5259





PARTITION PLAN LEGEND:



VIEW OF RELOCATED DOOR & FRAME. SEE ELECTRICAL DRAWINGS FOR RELOCATION. SEE COORDINATION DRAWINGS FOR ADDITIONAL INFORMATION.
 NEW G.W. & METAL STUD INTERIOR PARTITION DRAWING AS IS FOR ADDITIONAL INFORMATION.
 NEW INTERIOR WINDOW. SEE DRAWING AS IS FOR ADDITIONAL INFORMATION.
 EXISTING CARD READER TO REMAIN.

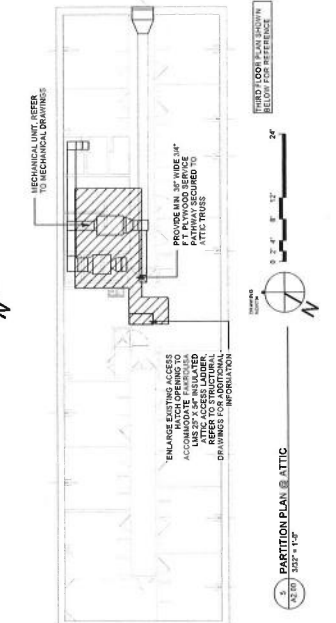
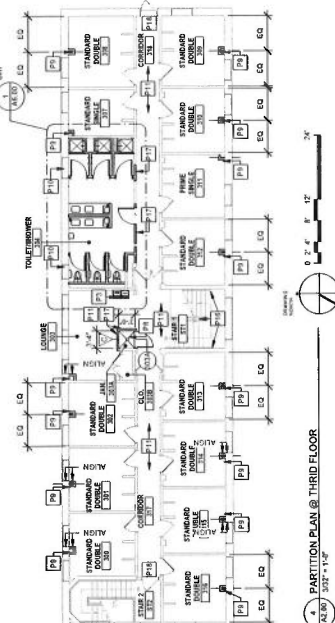
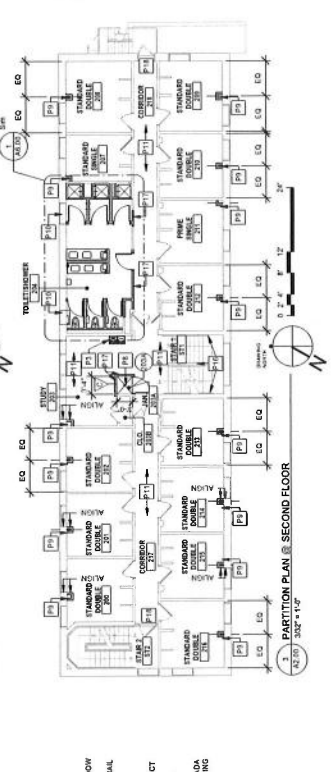
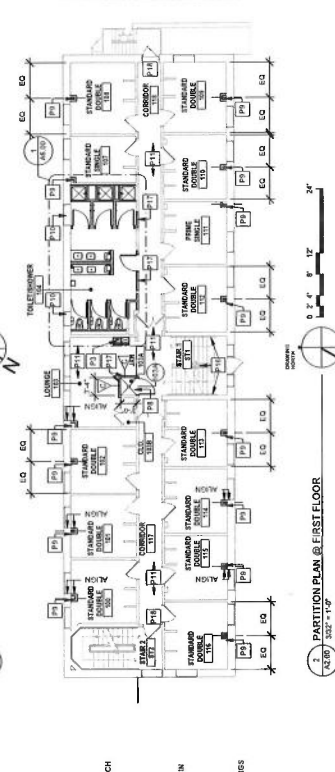
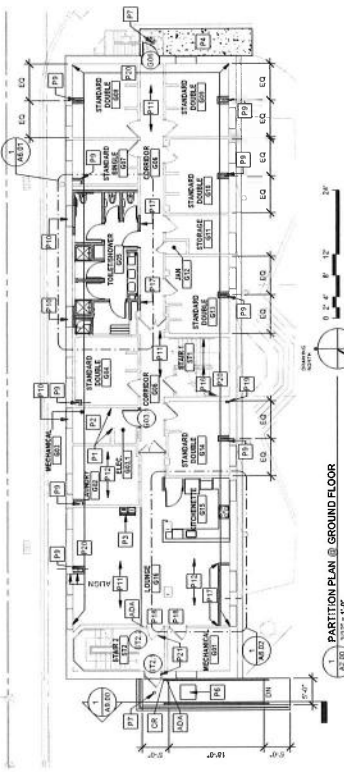
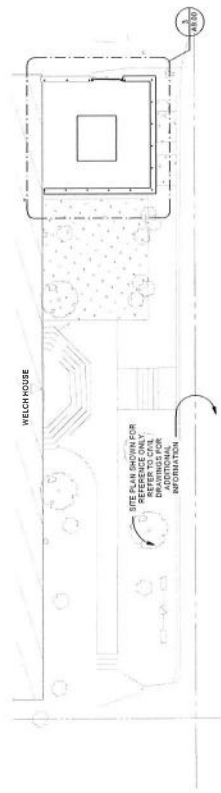
WALL FINISHES TO REMAIN. SEE ELECTRICAL DRAWINGS FOR RELOCATION. SEE COORDINATION DRAWINGS FOR ADDITIONAL INFORMATION.
 ALL RELATED ACCESSORIES. COORDINATE WITH ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.

G.C. SHALL FINISH & INSTALL NEW AIR DOOR. ALL RELATED ACCESSORIES. COORDINATE WITH ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.

MATCH INDICATES WORK A.I.C.

PARTITION PLAN KEYNOTES:

- P1 PATCH WALL WHERE FRAME REMOVED TO CREATE OVB OPENING. PAINT TO MATCH EXISTING ADJACENT WALL PAINT.
- P2 NEW EPOXY FLOORING.
- P3 NEW DRINKING FOUNTAIN W/ BOTTLE FILLING STATION. REFER TO PLUMBING AND ELECTRICAL DRAWINGS.
- P4 NEW 2" X 4" STUD INTERIOR PARTITION. PROVIDE NEW CARPET. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- P5 LOWER MECHANICAL ACCESS DOOR IN RAMP. PROVIDE NEW CONCRETE ACCESS DOOR.
- P6 PROVIDE NEW STORM DOOR COVER & DRAIN BODY. REFER TO PLUMBING DRAWINGS.
- P7 NEW 600 SMM W/ UTILITY SHELF & TOP HEADER.
- P8 NEW 6" X 6" STUD INTERIOR PARTITION. PROVIDE TYPE 21 WITH PARTITIONS. PROVIDE RUBBER BASE. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- P9 PROVIDE NEW CARPET. RENTAL WOOD WALL BASE.
- P10 PROVIDE NEW LVT. RENTAL WOOD WALL BASE.
- P11 PROVIDE NEW INSULATED G.V. W/ YELLOW METAL DOOR AND FRAME. PAINTED.
- P12 NOT USED.
- P13 PROVIDE NEW STORM DRAINPPING. CONNECT TO EXISTING DRAINAGE SYSTEM.
- P14 PREP & PAINT ALL WOODS, CURBS, STAIRS, STIMBERS, AND BRIDE WINDOW TRIMMENTS.
- P15 PROVIDE NEW 2" X 4" STUD INTERIOR PARTITION. PROVIDE NEW CARPET. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- P16 PAINT EXISTING W/ YELLOW METAL DOOR. FRAME AND TRIM TO MATCH ADJACENT WOODS.
- P17 PROVIDE 2" X 4" STUD INTERIOR PARTITION. PROVIDE NEW CARPET. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- P18 CHASE AS SMALL AS POSSIBLE TO CONCEAL MECHANICAL. PIPING. CONSTRUCT WITH 2" X 4" STUD INTERIOR PARTITION. PROVIDE NEW CARPET. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- P19 EXISTING DOOR FRAME AND HARDWARE TO REMAIN. PAINT DOOR AND FRAME ADA COMPLIANT. PROVIDE NEW CARPET. REFER TO MECHANICAL DRAWINGS FOR MORE INFORMATION.
- P20 ACCESS CONTROL HARDWARE TO LOCK TO WORK IN CONJUNCTION WITH EXISTING ACCESS CONTROL HARDWARE.



TOILET ACCESSORIES SCHEDULE

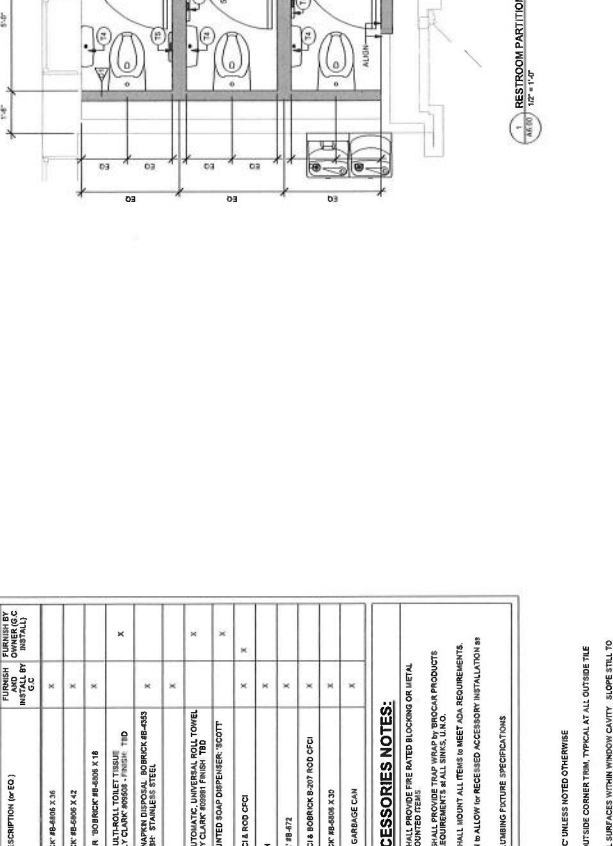
TAG	DESCRIPTION (w/ EQ)	QUANTITY	REMARKS FINISH AND OWNER (G.C. INSTALL BY INITIAL)
61	36" GRAB BAR "BORRICK" #B-600 X 3.0	X	
62	47" GRAB BAR "BORRICK" #B-600 X 4.2	X	
63	1" VERTICAL GRAB BAR "BORRICK" #B-600 X 1.8	X	
64	SURFACE MOUNTED MULTI-ROLL TOILET TISSUE DISPENSER "WARMERLY" CLARK #W003 - FINISH TO CONTRA. SERIAL # FINISH: STAINLESS STEEL	X	
65	ADA SHOWER SEAT	X	
66	SURFACE MOUNTED AUTOMATIC UNIVERSAL ROLL TOWEL DISPENSER "WARMERLY" CLARK #R001 FINISH: TB	X	
67	AUTOMATIC WALL MOUNTED SOAP DISPENSER "SCOTT" #S001	X	
68	SHOWER CURTAIN (G.C.) 1.00 CGS	X	
69	ADA CHANGING BENCH	X	
70	ROSE HOOK "BORRICK" #R-472	X	
71	SHOWER CURTAIN (G.C.) 1.00 CGS	X	
72	30" GRAB BAR "BORRICK" #B-600 X 3.0	X	
73	NUMBERBAND 20.00 JIM GARIBAY CAN	X	

TOILET ACCESSORIES NOTES:

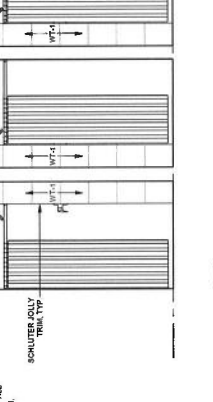
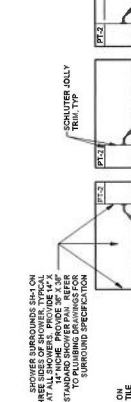
- GENERAL CONTRACTOR SHALL PROVIDE FIRE RATED BLOCKING OR METAL ANCHORS AS SHOWN.
- FINISHING CONTRACTOR SHALL PROVIDE TRAP WRAP BY BROCKHAUS PRODUCTS INC. (w/ EQ) TO MEET ADA REQUIREMENTS IN ALL SINKS, UNOS.
- GENERAL CONTRACTOR SHALL VERIFY ALL ITEMS TO MEET ADA REQUIREMENTS.
- G.C. B.C.O.R. WALL DEPTH IS ALLOWED FOR RECESSED ACCESSORY INSTALLATION AS SHOWN.
- REFER TO MEP DIVISION FOR PUMPING PICTURE SPECIFICATIONS.

GENERAL NOTES

- ALL NEW PARTITIONS ARE TYPE C UNLESS NOTED OTHERWISE.
- PROVIDE SCULLTER FINISH ON CORNER TRIM, TYPICAL AT ALL OUTSIDE TILE EDGES.
- FINISH ALL GYPSUM BOARD WALL SURFACES WITHIN WINDOW CAVITY. SLOPE STEEL TO DRAIN.
- PROVIDE WATER PROOFING THROUGH TERRAZZO AT ALL SUBSTRATE JOINTS. PROVIDE DR SUBSTRATE WITH THE SET FLOOR. INSTALLATION OF TERRAZZO SHALL BE IN ACCORDANCE WITH THE SET FLOOR INSTALLATION INSTRUCTIONS FOR TERRAZZO. REFER TO THE SET FLOOR INSTALLATION INSTRUCTIONS FOR CONNECTIONS TO THE TERRAZZO FOR WALLS. PROVIDE UP ZERO-RAMP INSTALLATION AND JOINT SEALANT PER MFG. INSTRUCTIONS.



RESTROOM PARTITION PLAN @ FIRST, SECOND, THIRD FLOOR
 12'-11 1/2" X 12'-11 1/2"

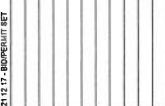


CASEWORK FINISH SPECIFICATIONS

CODE	DESCRIPTION (w/ EQ)	LOCATION	REMARKS
SK-1	MFR. HIGHWAY. COLOR: GREYER LUMI	BATHROOMS	
SK-2	MFR. HIGHWAY. COLOR: MONOULT	KITCHENETTE	
HW-1	STAINED HARDWOOD	KITCHENETTE	COUNTERTOP

GENERAL NOTES

- CASEWORK TO BE FINISH OVERLAY WITH CORRECALED STYLE GIRD INSIDE
- CASEWORK PULLS TO BE HIDDEN (DASH ROD PULL, THIMBLE'S STEEL, 7" LONG)



TA#	DESCRIPTION (if EQ)	QUANTITY BY TRADE AND BY INSTALL	OWNER (CC OR BY)
(1)	36" GRAB BAR - BORBROCK #B-6888 X 36	X	X
(2)	47" GRAB BAR - BORBROCK #B-6888 X 42	X	X
(3)	18" VERTICAL GRAB BAR - BORBROCK #B-6888 X 18	X	X
(4)	SURFACE MOUNTED MULTIFUNCTION TOILET TISSUE DISPENSER - AMERLYN CLARK #R999 - FINISH TBD	X	X
(5)	RECESSED SANITARY WASTE DISPOSAL - BORBROCK #B-4303	X	X
(6)	CENTRAL SERIES FINISH - STAINLESS STEEL ADA SHOWER SEAT	X	X
(7)	SURFACE MOUNTED AUTOMATIC UNIVERSAL ROLL TOWEL DISPENSER - AMERLYN CLARK #R999 - FINISH TBD	X	X
(8)	AUTOMATIC WALL MOUNTED SOAP DISPENSER - SCOTT	X	X
(9)	SHOWER CURTAIN OFCS & ROD DC10	X	X
(10)	ADA CHANGING BENCH	X	X
(11)	ROBE HOOK - BORBROCK #B-472	X	X
(12)	SHOWER CURTAIN OFCS & BORBROCK #B-307 ROD DC10	X	X
(13)	30" GRAB BAR - BORBROCK #B-6888 X 30	X	X
(14)	RUBBERHAND SLIM JIM GARBAGE CAN	X	X

TOILET ACCESSORIES NOTES:

- GENERAL CONTRACTOR SHALL PROVIDE FIRE RATED BLOCKING OR METAL
- GENERAL CONTRACTOR SHALL PROVIDE FIRE RATED BLOCKING OR METAL
- PLUMBING CONTRACTOR SHALL PROVIDE TRAP WRAP BY BRONCO PRODUCTS INC (if EQ) TO MEET ADA REQUIREMENTS AT ALL SINKS (UJO)
- GENERAL CONTRACTOR SHALL MOUNT ALL ITEMS IN MEET ADA REQUIREMENTS
- G.C. IN COOR. WALL DEPTH IS ALLOW FOR RECESSED ACCESSORY INSTALLATION IN ROOD
- REFER TO MEP DIVISION FOR PLUMBING FIXTURE SPECIFICATIONS

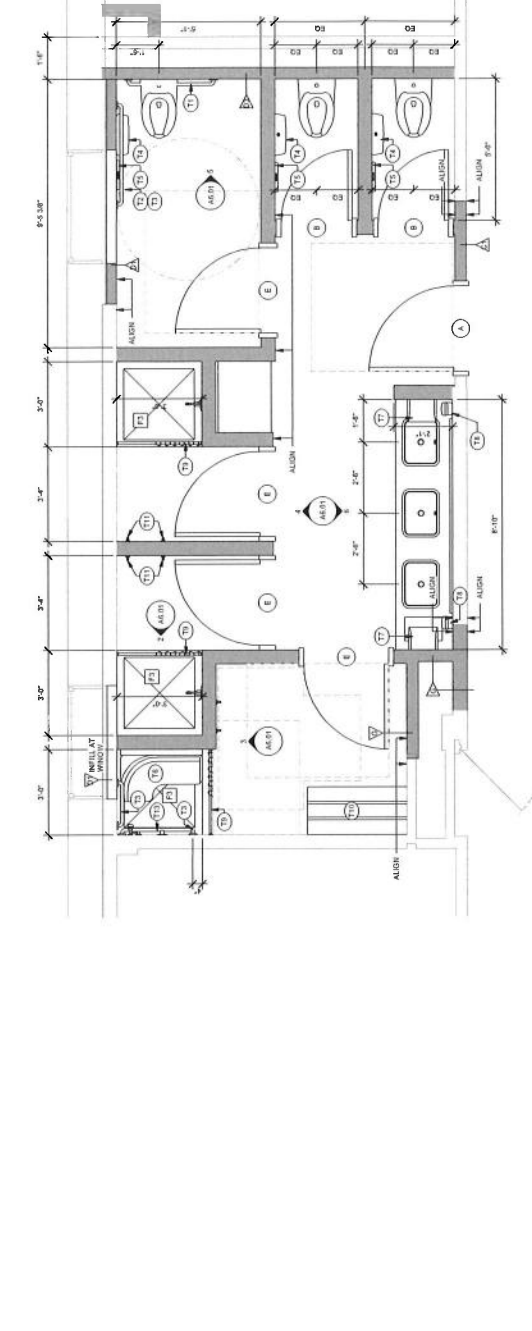
GENERAL NOTES:

- ALL NEW PARTITION ARE TYPE 'C' UNLESS NOTED OTHERWISE
- PROVIDE SCHLUTER FINISH OUTSIDE CORNER TRIM, TYPICAL AT ALL OUTSIDE TILE
- ALL GYP/PLASTER WALL SURFACES WITHIN WINDOW CAVITY, SLOPE STILL TO DRAIN
- PROVIDE CENTER FINISH OVER NEW PARTITION WALLS. FINISH TO MATCH EXISTING WALLS AND GARBAGE TO SUBMIT WITH THIS SET PER INSTALLATION INSTRUCTIONS FOR FINISH. FINISH TO MATCH EXISTING WALLS AND GARBAGE TO CONNECTIONS USE REBAR AND FOR WALLS TO PROVIDE FOR REBAR AND INSTALL FINISH TO MATCH EXISTING WALLS AND GARBAGE TO

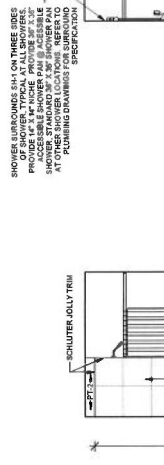
CODE	DESCRIPTION (if EQ)	LOCATION	REMARKS
SB-1	MFR. HERRMANN COLOR - GREYER 1014	BATHROOMS	
SB-2	MFR. HERRMANN COLOR - WOODOUT	KITCHENETTE	
HW-1	STAINED HARDWOOD	KITCHENETTE	ISLAND

GENERAL NOTES:

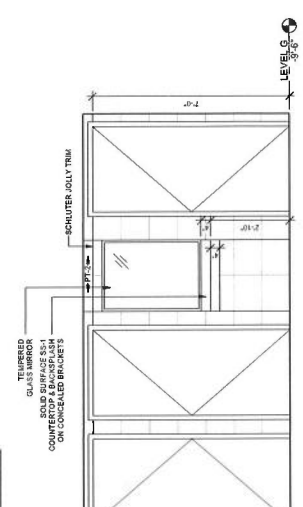
- CASEWORK TO BE FINISH OVERLAY WITH CONCEALED STYLE EURO HINGE
- CASEWORK FULLS TO BE HIDDEN OVER ROP PALL STAINLESS STEEL, 7' LONG



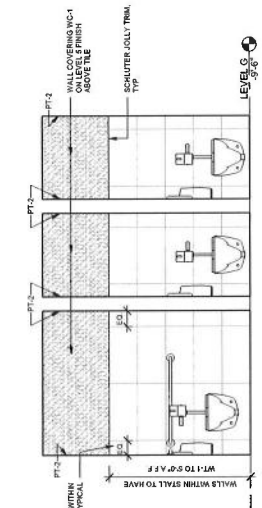
RESTROOM PARTITION PLAN @ GROUND FLOOR
 1/8" = 1'-0"



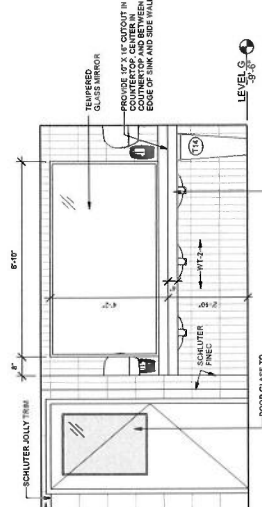
ELEVATION @ GROUND FLOOR ADA SHOWER
 1/8" = 1'-0"



ELEVATION @ GROUND FLOOR GROOMING
 1/8" = 1'-0"



ELEVATION @ GROUND FLOOR TOILET ROOMS
 1/8" = 1'-0"



ELEVATION @ GROUND FLOOR SINKS
 1/8" = 1'-0"

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

January 3, 2022

Bob Reppe, Sr. Director of Planning & Design
Campus Design & Facility Development
Carnegie Mellon University
5000 Forbes Avenue
Pittsburgh, PA 15213-389

RE: Plumbing Code Variance Request
Section 403.2 "Separate Facilities"
Scobell House Dormitory, CMU Campus, City of Pittsburgh, 14th Ward

Dear Mr. Reppe:

This will acknowledge your correspondence of December 22, 2021 requesting a variance from Section 403.2 of Article XV, "Plumbing", Rules and Regulations of the Allegheny County Health Department (ACHD) for the above referenced property.

Please be advised that as proposed, your request asking to renovate the dormitory's restroom and shower facilities to be all-gender and within a shared space is denied for the following reasons:

- Section 403.2 "Separate Facilities" clearly states where plumbing fixtures are required, separate facilities shall be provided for each sex.
- Dormitories are on R-2 occupancy classification listed on Table AC-403.1. I attached a copy of fixture requirements for men and women's facilities that fall under this classification.
- All plumbing must be performed in accordance with Article XV.

Any questions regarding this denial may be directed to Andrew P. Grese, Acting Plumbing Program Manager, at 412-578-8055.

Sincerely,

Andrew P. Grese
Acting Plumbing Program Manager

APG/bk
cc: File



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
PLUMBING PROGRAM

3901 PENN AVENUE • BUILDING 5 • PITTSBURGH, PA 15224-1318
PHONE: 412.578.8036 • FAX: 412.578.8053
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT

