



GENERAL DEVELOPMENT COMMITTEE MINUTES

May 6, 2004

The General Development Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 6, 2004 at 10:20 a.m.

COMMITTEE PRESENT

Rex Griswold, Chairman
Kyle Jones
Claudia Walters

COUNCIL PRESENT

None

OFFICERS PRESENT

Paul Wenbert

1. Discuss and consider adoption of Building Code (Chapter 2), Residential Code (Chapter 3) and Existing Building Code (Chapter 8).

Building Safety Director Terry Williams reported that the purpose of today's presentation is to offer a short synopsis of the proposed adoption of the first group of International Building Codes (IBC) (Chapters 2, 3, 8) and also the repeal of Title 4 of the Mesa City Code. He advised that at the May 20, 2004 General Development Committee meeting, staff intends to highlight the remaining set of codes (Chapters 1, 4, 5, 6, and 7).

Mr. Williams displayed graphics in the Council Chambers and provided a brief chronology of the process undertaken by staff that has culminated in their recommendation to the Council to proceed with the adoption of the IBC Codes. He stated that in July 2003, the Council directed staff to commence the process relative to the adoption of the International Family of Codes (I-Codes) for all codes except the Fire Code; that between October and December 2003, the Building Safety Division (BSD), with the assistance of the Fire Department, established several internal subcommittees to review and make amendment recommendations regarding various portions of the I-Codes; that amendments to the standard I-Codes were determined by reviewing the current City Code, suggested amendments by the Maricopa Association of Governments (MAG) and recommendations by the Arizona Building Officials (AZBO); that in early 2004, staff conducted public hearings concerning the codes and amendments; that the Board of Appeals solicited feedback and ultimately recommended adoption of the ordinances; and that pending the General Development Committee's recommendation to the Council to proceed with the adoption of the new IBC Codes, it is anticipated the ordinances would be introduced at the June 28, 2004 Regular Council Meeting, and that July 6, 2004 would be set as the date of the public hearing on the ordinances.

Mr. Williams referred to the May 4, 2004 General Development Committee report and provided a brief overview of the above-referenced ordinances (See Attachment 1.):

- The first Ordinance would repeal all of Title 4 of the Mesa City Code. Staff determined that this was a more preferable approach as opposed to a "cut and paste" method utilizing the current code.

- Chapter 2 – Building Code. This ordinance would result in the adoption of the International Building Code (IBC). The chapter would include, among other things, Mesa’s current automatic sprinkler ordinance requirements. Mr. Williams commented that there is also a reference to paragraph 2(S) in the ordinance which indicates, “Chapter 13 Energy Efficiency shall be deleted in its entirety.” He noted that although Tucson and Yuma have adopted the International Energy Conservation Code (IECC) for commercial facilities, no Valley municipalities have done so at this time. Mr. Williams added that staff is conducting research relative to this matter and intend to make a recommendation at the May 20th GDC meeting as to whether Mesa should or should not adopt the IECC, and if so, to what extent.
- Chapter 3 – Residential Code. This ordinance would adopt the International Residential Code (IRC) for one and two-family dwellings. When adopted, it would become the first stand-alone residential code in the City of Mesa.
- Chapter 8 – Existing Building Code. This chapter would permit a property owner and a design professional to select one of the following three options of compliance for a project relative to an existing building: 1.) IBC Chapter 34 (which establishes parameters and guidelines relative to the manner in which to use the IBC for an existing building renovation/remodel); 2.) International Existing Building Code; and 3.) Mesa Rehab Code.

In response to a question from Committeemember Walters relative to the code adoption process, Mr. Williams clarified that when the adoption of the International Building Codes in its entirety is placed on the Regular Council agenda, the ordinance that would repeal the current Title 4 of the Mesa City Code would be considered first and that subsequently, the Council would adopt the remaining ordinances that would create the eight new chapters and thereby form a new Title 4.

Chairman Griswold stated that it was his understanding that the new I-Codes include exceptions regarding the necessity to install an automatic sprinkler system, for example, in smaller commercial structures. He commented that the language in the proposed ordinance relative to Chapter 2 references the deletion of certain exceptions. Chairman Griswold questioned whether the Council would be adopting the I-Codes as written or if staff was proposing to make certain changes because it involves the old building codes.

In response to Chairman Griswold’s concerns, Mr. Williams advised that it was his understanding that the Council had directed staff not only to adopt the I-Codes as fully and completely as possible, but also to keep Mesa’s current ordinances intact whenever viable. He explained that the City has a local amendment to the Fire Code that requires the installation of an automatic sprinkler system in commercial buildings. Mr. Williams stated that during the ongoing code evaluation process, staff determined that the automatic sprinkler requirements were truly directed by the Building Code, and that in conjunction with the Fire Marshall and the Fire Chief, staff concluded that it would be more appropriate to include such requirements in the Building Code rather than in the Fire Code. He added that it would be too confusing to have one set of requirements contained in the Building Code and a different set of requirements in the Fire Code.

Mr. Williams further commented that various modifications to the IBC are being proposed in the draft ordinance relative to Chapter 2, including the deletion of many sections and also setting in place Mesa’s current local ordinance amendment that requires the installation of an automatic sprinkler system for commercial properties. He advised that the Fire Department is currently making minor modifications to the language in the ordinance to provide greater clarity and added that Assistant Fire Chief Dan Stubbs is present in the audience to respond to any questions or comments that the Committee may have regarding this item.

Chairman Griswold invited Chief Stubbs to address the Committee.

Chief Stubbs reported that the Fire Department currently operates under the Uniform Building Code and the Uniform Fire Code. He stated that in 1997, the Department adopted an ordinance requiring the installation of an automatic sprinkler system in all new commercial buildings. Chief Stubbs explained that although areas such as covered walkways and certain limited combustible canopies used primarily for shade were included in the ordinance, it was never the intent of the Fire Department to include such areas.

Chief Stubbs stated that relative to commercial properties, the Fire Department is more concerned with the use of a building as opposed to the type of a building. He cited, by way of an illustration, that buildings are often constructed as shells and that a business owner will invest a great deal of time and money to complete the interior of the structure, bring in merchandise which could include highly flammable items such as plastics, rubber and tires, only to learn during a Fire Department maintenance inspection that such products cannot remain unless the property is retrofitted for sprinklers. He stated that it is the goal of the Department to revise the code language regarding accessory and storage buildings and also to keep the new construction commercial building portion intact for the installation of automatic sprinkler systems.

Chief Stubbs concluded his remarks by noting that at the May 17, 2004 Fire Committee meeting, staff will present various issues from the Fire Department's perspective relative to the adoption of the proposed ordinances.

Chairman Griswold reiterated his previous comments relative to the fact that he is uncomfortable with the "one size fits all" approach and would like to see the new code provide a greater degree of flexibility in not requiring the installation of automatic sprinkler systems in certain structures, such as walkways, where it is unwarranted and would only result in a needless expense for the business owners.

In response to Chairman Griswold's comments, Mr. Williams advised that he would provide the Committeemembers with examples of the size of buildings that the IBC would permit to be built without sprinklers.

Discussion ensued relative to the agenda items for the Committee's May 20, 2004 meeting; the fact that as the Mesa Rehab Code was developed, the Fire Code amendments often supercede some of the elements that would otherwise have been options; and that although the Mesa Rehab Code does not eliminate the requirement for the installation of automatic sprinklers, it does affect various fire protection elements (i.e., firewalls, exit distances and the number of exits).

Committeemember Jones stated the opinion that although safety should never be compromised concerning the rehabilitation of some of Mesa's older buildings, it is imperative that the Mesa Rehab Code provides citizens with options when, for example, sprinklers may not be the most viable solution, but the installation of a firewall would be a more appropriate alternative. He added that it is also necessary that staff is well-versed with regard to the various code options in order to provide assistance to property owners and developers who come to the City for direction in this regard.

It was moved by Committeemember Walters to recommend to the Council that the first group of International Building Codes (Chapters 2, 3 and 8) be adopted, and that the current Title 4 of the Mesa City Code be repealed in its entirety.

In response to a question from Committeemember Walters, Mr. Williams clarified that if the proposed amendments to Title 4, Chapter 9 (as referenced in agenda item 2) were approved by the Council, they would be incorporated in the new Chapter 1 Administrative Code.

Committeemember Jones seconded the motion.

Carried unanimously.

Chairman Griswold expressed appreciation to staff for the presentation.

2. Discuss and consider authorization for waiver and reduction of building permit fees.

It was moved by Committeemember Walters to recommend to the Council that Alternative 1 (Title 4, Chapter 9 of the Mesa City Code be amended to provide the City Manager or his Designee specific discretionary authority to waive, reduce or provide credits of certain permit fees) be approved.

Chairman Griswold expressed support for the motion and commented that the waiver and reduction of permit fees would provide the Building Safety Division with greater flexibility to respond to customer development issues in a more "business friendly" manner.

Committeemember Jones concurred with Chairman Griswold's comments.

Committeemember Jones seconded the motion.

Carried unanimously.

Chairman Griswold thanked everyone for their attendance at today's meeting.

3. Adjournment.

Without objection, the General Development Committee meeting adjourned at 10:53 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the General Development Committee of the City of Mesa, Arizona, held on the 6th day of May 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

General Development Committee

Date: May 4, 2004
To: General Development Committee
Through: Mike Hutchinson, City Manager
Paul Wenbert, Deputy City Manager
From: Jack Friedline, Development Services Manager
Subject: ADOPTION OF THE INTERNATIONAL BUILDING CODES
Building Code, Residential Code & Existing Building Code (citywide)

Purpose and Recommendation:

This Council Report and the accompanying Ordinances propose the adoption of the first group of International Building Codes. A companion Ordinance will revoke all of the current Title 4 of the Mesa City Code. When the process is complete, 8 new Chapters will form an entirely new Title 4. Three of these new Chapters are presented here and include the Building Code (Chapter 2), the Residential Code (Chapter 3) and the Existing Building Code (Chapter 8). It is our recommendation to proceed with the adoption of the attached Ordinances.

Background:

The City of Mesa last adopted new building codes in 1995. At that time the most current appropriate codes were the family codes centered around the Uniform Building Code, 1994 version, as created by the International Council of Building Officials (ICBO). Those codes are no longer being supported by the ICBO. In November 2002, the City Manager established a staff committee to evaluate the two available alternative code systems and recommend the desired replacement. In July 2003, the City Council accepted the recommendation of the committee and directed staff to proceed with adopting the International Family of Codes (I-Codes) for all codes except the Fire Code. The decision on which Fire Code to adopt was delayed until after the Building Code adoption process was completed.

The Building Safety Division (BSD) took the lead in establishing 6 subcommittees to review and make amendment recommendations for various portions of the I-Codes. Members of the Fire Department assisted on several of the subcommittees. The internal review process began in October 2003 and was completed by the end of 2003. Through January, February and March 2004, BSD held a series of public hearings on the proposed codes and amendments. Issues raised by the public were resolved or

incorporated into the proposed Ordinances. In addition, BSD met on four occasions with the Board of Appeals in public hearings that also afforded an opportunity for public comment on the proposed Ordinances. The Board of Appeals recommends adoption of these Ordinances.

Discussion:

The first Ordinance is a housekeeping one that will repeal all of the Chapters of Title 4 Building Regulations. Ultimately, the City will be adopting 8 entirely new Chapters for Title 4 that will adopt the I-Codes and incorporate appropriate amendments to cover all of the aspects in the current City Ordinance. This approach will produce a final set of documents that will be far easier to follow than attempting an extensive cut-and-paste approach using the existing City Code wording.

Amendments to the standard International Codes were determined by reviewing the current City Code, suggested amendments by Maricopa Association of Governments and recommendations of the Arizona Building Officials (AZBO). The number of amendments is limited. We believe that the I-Codes set the minimal reasonable standard for code requirements and that local amendments should be limited to those that are needed for technical reasons.

The next three Ordinances propose the adoption of three of the 8 Chapters of the new Title 4. These include: Chapter 2 - Building Code, Chapter 3 - Residential Code and Chapter 8 - Existing Building Code. Each of these involve adopting the companion International Code and suggesting amendments to those standard codes that are appropriate for the City of Mesa. Each of these three will be discussed with specific detail of the more significant of the proposed amendments as follows:

Chapter 2 - Building Code:

This ordinance will adopt the International Building Code (IBC), 2003 edition, as well as Appendix C regarding Group U - Agricultural Buildings, Appendix I concerning Patio Covers, and Appendix J governing grading. (In general, the appendices only become requirements if specifically adopted - otherwise they are used only as guidelines for construction.) The other proposed modifications are as follows - numbering matches the paragraphs of the Ordinance:

2(A-B) Deleting most of Chapter 1 of the IBC. That Chapter contains the administrative requirements for the IBC. For Mesa, we are proposing the creation of an entirely new Chapter of Title 4 to incorporate the administrative regulations of all of the other 7 Chapters of Title 4. That is, all of the general requirements in one new chapter.

2(C-E) Modifying the IBC as necessary in several places to cover the State of Arizona requirements for child and adult care facilities.

2(F-K) Deleting several exceptions to the requirement to provide fire sprinklers. The City of Mesa amendment requiring sprinklers overrules these exceptions.

2(N) Incorporating the local amendment requirements for fire sprinklers from the Mesa Fire Code into this Chapter. This will also modify and clarify the current amendment as

well as consolidate the wording of two other Fire Department policies. This section also relaxes the sprinkler requirements for certain patio covers.

2(R) Modifying the scope provisions of Chapter 11 of the IBC (Accessibility) by making the requirements of the IBC and the ANSI A117.1 subordinate to the State of Arizona Statutes wherever there is a discrepancy between the code requirements of those two code documents. This also adds the wording to exempt private clubs from compliance with the accessibility aspects of this Chapter. This Ordinance will also exempt certain areas of churches and similar facilities from complying with this Chapter. This is a new element in the scope requirements for this Chapter that requires close scrutiny of the proposed wording. This section of the suggested amendments also establishes guidelines for designing and constructing projects containing a larger population of children and young adults.

2(S) Deleting Chapter 13 Energy Efficiency completely. Only Tucson and Yuma have adopted the International Energy Conservation Code (IECC) for commercial facilities, no other Valley community has done so yet.

2(T-Z) Modifying the IBC Section 3109 regarding swimming pools to reflect the current City of Mesa enclosure requirements. These include: 5 feet high enclosure requirements, modified requirements for fencing, and amending the definitions of swimming pools and spas. All other current requirements have been included as amendments wherever at odds with the IBC wording.

2(CC-HH) Modifying Appendix J Grading to reflect current City of Mesa requirements.

Chapter 3 - Residential Code

This adopts the International Residential Code for One- and Two-Family Dwellings (IRC), 2003 edition, including Appendix G for swimming pools, spas and hot tubs. When adopted, this will become the first stand-alone residential code of the City of Mesa. In addition, the following represent the most significant amendments also proposed:

3(A-B) Deleting most of Chapter 1 of the IRC. That Chapter contains the administrative requirements for the IRC. The administrative regulations of all of the Chapters of Title 4 will be consolidated into a single Chapter.

3(D) Identifying and providing the requirements of Table R301.2(1) as assistance to the designer.

3(J) Incorporating the current wording of the recent ordinance requiring a demonstration example of a "no-step" entry at residential model homes.

3(M) Incorporating the current City Code requirements for unburned clay units (adobe) construction.

3(R) Deleting Chapter 11 Energy Efficiency completely. Although some Valley communities have adopted the IECC as part of the adopting the IRC, we recommend against doing so at this time.

3(T) Modifying the scope provisions of the requirements for flood hazards to establish the precedent of the Maricopa County requirements.

3(V) Eliminating the requirement for bedrooms to have arc-fault protection on all outlets.

3(W-U) Modifying the wording in Appendix G - Swimming pools to reflect current City of Mesa requirements.

Chapter 8 - Existing Building Code:

The proposed wording this new Chapter allow the design professional and property owner to choose one of three alternative means of compliance for a project involving an existing building. It begins by defining the intent of the Chapter and establishing the rules for dealing with existing buildings. The Chapter will then describe the three alternatives, as follows:

Option A permits the utilization of Chapter 34 of the IBC. Option B adopts and permits using the International Existing Building Code (IEBC). This new Chapter makes only minor changes to the admin portions of the IEBC. Option C permits the use of the Mesa Rehab Code adopted last Fall. This new Chapter includes the entire wording of the Mesa Rehab Code. The only restriction on the selection of these options is that the designer and owner can only use one of the options and that one must be applied to all aspects of their project.

All of the proposed Ordinances conclude with similar penalty clauses for violations of the requirements of that Chapter.

Alternatives:

Option 1: Accept Recommendation. Accepting the recommendation will update the City's Building Codes to the most state-of-the-art codes available in the country today. It will provide a reasonable set of minimum standards for construction for the City as well as provide for Mesa-specific modifications to assist in clarifying many of the troublesome aspects of the current City Building Codes.

Option 2: Adopt an Alternative Code Series. This option was thoroughly explored by the City of Mesa prior to establishing the International Codes as City's choice for a family of codes. The only other viable alternative series of codes is the set being created by NFPA and the City Council has already acted on that option.

Option 3: Retain Current Codes. This option would leave the current status in place. This is undesirable because it leaves the City with a set of codes that are 10 years out of date and that are no longer supported by the creating model code agency. This option would ignore the many advances in construction materials and methods over the last 10 years that are now incorporated in the newer codes.

Fiscal Impact:

Option 1: The adoption of new codes always involves expenses related to purchasing new code books, training staff and the industry, and time lost due to the needed learning curve with the new requirements. These have been anticipated by BSD and were completely offset by the increase to permit fees approved by the City Council in July 2003. The Industry fully supported updating the building codes as means of reducing development requirements to a reasonable minimum that can result in real savings of time and costs of construction. Additionally, the International Code Council, producers of the I-Codes, have provided many of the new code books needed by BSD at no cost to the City.

Option 2: During the side-by-side comparison of the two alternative sets of possible codes it was determined that the costs to adopt the NFPA set of codes could be somewhat higher than the I-Codes alternative.

Option 3: It is difficult to assess the cost to the City for continuing to use the outdated codes. Certainly there will continue to be a high number of modifications requested by developers to permit the use of newer materials and methods. A greater cost, though, will continue to be borne by property owners for constructing to higher than minimum standards of construction. BSD would have to continue using codes without support from a model code agency.

Concurrence:

The Building Safety Division of the Development Services Department and Fire Department support this recommendation. The Developer's Forum Group has been briefed on the proposed new Ordinances and their input has been incorporated into these final versions. The Board of Appeals has reviewed these and recommends their adoption. We know of no opposition to these recommendations.

The remaining Chapters of the new Title 4 will be reviewed in a separate report to the GDC at its next meeting. Should the GDC recommend sending all of these new Chapters to the full City Council, it is expected that the new Ordinances would be introduced on June 21st and be heard on July 6, 2004.

Terry Williams, Staff Originator

Terry Williams,
Building Safety Director

Robert DeLeon, Acting Fire Chief

Jack Friedline,
Development Services Manager

Paul Wenbert
Deputy City Manager

Mike Hutchinson
City Manager