

# GENERAL DEVELOPMENT COMMITTEE MINUTES

June 5, 2006

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 June 5, 2006 at 3:02 p.m.

COMMITTEE PRESENT

Rex Griswold, Chairman  
Kyle Jones  
Mike Whalen

COUNCIL PRESENT

None

OFFICERS PRESENT

Paul Wenbert

1. Discuss and make a recommendation regarding proposed changes to City Code requirements for street improvements and rights-of-way dedications.

Building Safety Director Terry Williams outlined the proposed changes to Title 9 of the Mesa City Code relating to "Public Ways & Property." He noted that the Committee Report (a copy is available for review in the City Clerk's Office) dated May 31, 2006, includes copies of the proposed ordinances.

Mr. Williams stated that the purpose of the proposal is to enhance the discretion of the Development Services Manager to resolve conflicts between unique site situations and the City's Code requirements for street improvements and right-of-way (R-O-W) dedication and to add options for applying City standards to parcels with additions greater than 100% and parcels involving total demolition and reconstruction. He reviewed the following changes to Chapter 9-6, Subdivision Requirements:

- Modified and standardized the definitions of public R-O-W, R-O-W improvements, and public utility easement (PUE).
- Eliminated a reference to fees from the ordinance.
- Updated language to reflect recent changes to the Engineering Standards.
- Added a reference to the undergrounding of overhead electrical lines.
- Added a reference to the R-O-W dedication table.
- Added a new modification to R-O-W land dedications for land split parcels.

Mr. Williams explained that staff's proposal to eliminate references to fees in the ordinance reflects the fact that the information is available in the "Schedule of Fees and Charges." He clarified that the fees would continue to be assessed as listed in the "Schedule of Fees and Charges." Mr. Williams outlined the changes in Chapter 9-8, Off-Site Improvement Regulations:

- Changed and standardized the definitions of PUE, public utility and facilities easement (PUFE), public R-O-W, and R-O-W improvements.
- Updated language to reflect recent changes to the Engineering Standards.
- Added the City Engineer's authority to establish standards for engineering requirements.
- Added a new modification to rights-of-way land dedications for parcels being developed.

Mr. Williams reviewed a chart, "Title 9 Changes" (see Attachment 1), that lists the most significant changes.

Chairman Griswold commended Mr. Williams for his efforts to streamline and clarify the processes that address unique projects.

In response to a question from Chairman Griswold regarding the undergrounding of overhead electrical lines, Mr. Williams advised that the added reference does not change any of the existing exceptions to the subdivision requirements. He explained that the proposal provides the Development Services Manager with the discretionary authority to address unique cases.

Chairman Griswold also commended Planning Director John Wesley for the common-sense manner in which he has addressed many issues.

Mr. Williams said that other minor changes to Title 9 include the following:

- Chapter 9-1, Right of Way Permits: Changed the wording to clarify several definitions and the permit fee procedures.
- Chapter 9-2, Obstruction of Streets: Changed the wording to reflect the fact that permits are issued by the Development Services Manager.
- Chapter 9-5, Primary Vehicular Alley Access Regulation: The Development Services Manager will decide hardship cases.

Mr. Williams explained that the Development Services Manager delegates the authority to issue permits to the Building Safety Division. He added that decisions by the Development Services Manager regarding hardship cases could be appealed to a Hearing Officer.

Responding to a request from Chairman Griswold for an example of a hardship case relative to the vehicle access regulation, Mr. Williams deferred to City Engineer Keith Nath.

Mr. Nath advised that the "Primary Vehicular Alley Access Regulation" relates to parking in an alley, and he explained that the proposal provides discretion to the Development Services Manager relative to granting exceptions to the alley parking regulations.

Mr. Williams reported that the City Attorney's Office advised staff to insert separate penalty clauses in Sections 9-1 and 9-2 rather than a cross-reference to the penalty clause in Section 9-6. He added that other recommendations offered by the City Attorney's Office relate to minor word changes in the proposed ordinances. Mr. Williams

noted that subject to Committee approval, staff would incorporate these changes in the final draft for Council consideration.

Committeemember Jones expressed support for the changes that provide decision-making discretion to the Development Services Manager regarding unique cases.

It was moved by Committeemember Whalen, seconded by Committeemember Jones, to recommend to the Council that staff's proposal for changes to Title 9 of the Mesa City Code be approved.

Carried unanimously.

2. Discuss and make a recommendation regarding miscellaneous modifications to the Building Code.

Mr. Williams summarized the proposed modifications to Title 4 of the Mesa City Code relating to "Building Regulations." He advised that the Committee Report (a copy is available for review in the City Clerk's Office) dated May 31, 2006, includes the proposed ordinances. Mr. Williams noted that the proposal includes a series of minor changes and updates identified by the City Clerk's Office and several necessary changes recognized by staff in the process of implementing the September 2004 updates to Title 4. He added that the proposal also accomplishes the following:

- Creates a new designation (R-5) for single-family residences constructed under the Mesa Residential Code (MRC).
- Incorporates changes recommended by the Building Board of Appeals.
- Reintroduces the previous authority to hold permits or Certificates of Occupancy for tax delinquent contractors.

Mr. Williams stated that the City formerly designated single-family residences as R-3, and he advised that the International Residential Code now defines R-3 as residential buildings of four stories or higher. He explained that staff proposes to establish the R-5 designation in Chapter 4-1 for single-family residences and accessory structures constructed under the MRC. Mr. Williams said that Chapter 4-1 of the Administrative Code would be completely replaced in order to address many minor changes throughout the document that were identified by the City Clerk's Office.

In response to a question from Committeemember Jones, Mr. Williams clarified that the proposed changes do not impact the zoning designations.

Mr. Williams advised that Chapter 4-1 defines a "tenant completion" as the responsibility of the first occupant of a shell building, and that a "tenant improvement" is the responsibility of the original tenant for a subsequent modification or the responsibility of subsequent tenants. He added that exceptions to permits are being proposed for gray water systems where no tanks or pumps are involved and for hot water re-circulating pumps, which are basically "plug-in" appliances.

In response to a series of questions from Chairman Griswold, Mr. Williams stated that the current State Statutes include a "Type 1" general permit for reclaimed water, which is available from the Arizona Department of Environmental Quality. He explained that there is no requirement that a construction project be completed within a certain period of

time. Mr. Williams advised that a building permit is valid for six months, and that the permit is automatically extended for another six months following a City inspection. He further advised that a structure that remains partially constructed over a long period of time could best be addressed as a "substandard structure" from an enforcement standpoint.

Mr. Williams said that other changes to Chapter 4-1 include the following:

- Reinstatement of the Building Safety Director's authority to hold permits and Certificates of Occupancy for sales tax delinquent contractors/owners (this authority is proposed to be retroactive to cover existing permits).

In response to a question from Chairman Griswold, Audit and Tax Collection Administrator Roger Okin reported that a hold would be placed only on permits or Certificates of Occupancy for tax cases in the collection phase and that a hold would not be applied to a case that is being "protested." He added that construction could continue and that the "hold" would only apply to the final inspection. He further stated that language "grants the authority to the Building Safety Director," and he clarified that a "hold" would relate to a tax liability on construction activity for that specific project.

Mr. Williams continued the presentation by advising that updates to Chapter 4-1 also include:

- Adding a reference to the Fire Code requirement for the filing of electronic drawings for commercial buildings.
- Adding a hazard marking system authority for vacant/abandoned buildings.
- Changing the undetermined occupancy assumption from Group Business (B) to Group Mercantile (M) occupancy.

Responding to comments from Chairman Griswold, Mr. Williams noted that changing the occupancy assumption only addresses building permit fees and that a commercial impact fee is a single fee charged up front to the developer. He advised that when a tenant occupies a space, an additional "tenant completion" fee is assessed and that responsibility for payment of this fee is a contract issue between the developer and the tenant.

Chairman Griswold expressed the opinion that the higher fee should be charged to the developer and that, when necessary, a refund issued for the change in occupancy. He noted that charging tenants for these fees creates the impression that Mesa is unfriendly to businesses.

Mr. Williams stated that the majority of developers are forthright relative to the type of tenant that they anticipate would occupy the space, and he stressed the importance of maintaining the developer's ability to construct shells prior to securing a tenant.

Chairman Griswold noted that he has received substantially fewer complaints in the past year and a half as the City's application process has improved.

Discussion ensued relative to the fact that there is approximately a ten percent difference between the Group Business (B) fee and the Group Mercantile (M) fee; that

the fee amounts are based on the results of an annual national survey conducted by the International Code Council regarding costs per square foot for the various types of construction and occupancy; that developers are presently charged the "B" fee, which requires a refund if the occupancy changes from "B" to "M;" that the typical process applies the cost valuation to the City's rate table in order to determine the fees; and that after the original Certificate of Occupancy is issued, future changes to the space are treated as remodeling projects, the fees for which are based on the estimated construction costs.

In response to questions from Committeemember Whalen, Mr. Williams advised that a copy of the proposal was provided to the Developers' Forum and that staff has not received comments or feedback from the group. He added that developers have paid the higher fee (B) for the past year and a half.

Chairman Griswold stated that he was in support of maintaining the Group Business (B) fee and issuing refunds as required, and he noted that Committeemembers Jones and Whalen also expressed concurrence for maintaining the fee structure.

Mr. Williams resumed his presentation regarding proposed changes to Chapter 4-1 as follows:

- Add wording to treat shell upgrade permits as remodeling work.

Responding to questions from Committeemember Jones, Mr. Williams advised that a "stand-alone" plumbing permit could be obtained without securing a building permit. He added that the same process applies to an electrical re-work project in that only a "stand-alone" electrical permit is required. Mr. Williams explained that in the past electrical, plumbing, and fire protection permits were subordinate to building permits, and he added that a fee calculation method for "stand-alone" permits is included in the Code. He stated that he would obtain additional information for the Committee regarding the wording on page 14 of the ordinance that addresses Chapter 4-1 revisions, which reads as follows: "An electrical permit shall not be required for the following: 2e. Installation of attachment plug receptacles, but not the outlets therefore."

- Limit corrections/refunds for permit fee assessment and collection errors to two years.

Mr. Williams said he recommended a 24-month timeframe due to the fact that proposed State legislation regarding corrections or refunds of impact fees includes a 24-month timeframe. He explained that the correction or refund would apply to both the City and the developer, and that the City would be prohibited from assessing additional fees or issuing refunds as the result of a calculation error after the 24-month period.

In response to concerns expressed by Committeemember Jones regarding complex projects that would take longer than 24 months, Mr. Williams suggested that language could be crafted to link the 24-month timeframe to the date that the Certificate of Occupancy is issued.

Development Services Manager Jack Friedline advised that permits are randomly audited on an annual basis. He stated that a long-term permit would be audited, and he expressed the opinion that 24 months would be a reasonable timeframe.

Chairman Griswold agreed that there should be a timeframe, but he expressed the opinion that some flexibility was desirable in order provide for exceptions that could be addressed by the Development Services Manager or the Council.

Mr. Friedline stated that staff would attempt to develop language to address this issue, such as linking the timeframe to the issuance of the Certificate of Occupancy or the release of utilities in order to address major projects that require an extended construction period.

Mr. Williams outlined the following changes to Chapter 4-2, Building Code:

- Add the R-5 definition for residences and accessory structures constructed under the MRC (Section S).
- Add an exception for sprinkler requirements for changes from Group B to Group M (Section S).

Mr. Williams advised that the Fire Department concurs with the Building Safety recommendation that an existing building changing from Group B to Group M does not require the installation of a sprinkler system.

- Modify Table 903.2.6 (see Attachment 2) allowing buildings up to 5,000 square feet for Group B occupancies (Section S).

Mr. Williams explained that the proposal updates the chart to reflect the “allowable additions” which would not require sprinklers for an aggregate building area, including all additions, of up to 5,000 square feet.

Chairman Griswold encouraged staff to consider a process similar to that of the City of Scottsdale whereby the installation of sprinklers is cost neutral due to the fact that fewer fire hydrants are required and consideration is given to the available turn-around radius.

Mr. Williams stated that the following changes were suggestions offered by the Building Board of Appeals:

- Delete the requirement for a service sink from Group B and Group M occupancies (Section JJ).

Mr. Williams advised that the International Code Council has incorporated this change into the 2006 Code, and that the local amendment would no longer be necessary following Mesa’s adoption of the 2006 International Code at a future date.

- Modify alarm requirements for doors in swimming pool barriers (Section MM).

Mr. Williams stated that this language, which is included in the 2006 International Code, provides for a seven-second delay in the alarm system and requires the homebuilder or the pool contractor to provide the City with a copy of the installation instructions to enable the field inspectors to determine if the device is properly installed. He clarified that the alarm device is required for new construction that provides direct access from the home to the swimming pool.

Mr. Williams outlined changes to Chapter 4-3 of the Residential Code, as follows:

- Add the definition of R-5 for residences and accessory structures constructed under this Code.
- Add tracer wires for underground non-metallic piping as per the Arizona Revised Statutes (Sections AA and BB).
- Modify alarm requirements for doors in swimming pool barriers (Section II).

Mr. Williams advised that four new sections are proposed for addition to Chapter 4-5 of the Plumbing Code:

- Add tracer wires for underground non-metallic piping (Sections K and N).
- Delete required service sink from Group B and M occupancies (Section L).
- Add an exception to allow a bottled water dispenser in-lieu of a drinking fountain where the occupant load is 15 or less (Section M).

It was moved by Committeemember Jones, seconded by Committeemember Whalen, to recommend to the Council that staff's proposed modifications to Title 4 of the Mesa City Code be approved, with the exception that the undetermined occupancy assumption in Chapter 4-1 of the Administrative Code continues to be Group Business (B) at the higher fee, and that staff is directed to provide revised language for Council consideration relative to the Chapter 4-1 Administrative Code provision that designates the timeframe for fee corrections or refunds in order to address major, complex projects.

Carried unanimously.

### 3. Adjournment.

Without objection, the General Development Committee meeting adjourned at 4:12 p.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 5<sup>th</sup> day of June 2006. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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Attachments

(2)

**TITLE 9 CHANGES**

| DESCRIPTION  | STREET                     | PREVIOUS IMPROVEMENTS OR IN-LIEU | ON TRANSP. PLAN | ON C.I.P. | DEVELOPER PAYS |
|--|----------------------------|----------------------------------|-----------------|-----------|----------------|
| Section 9-8-3(C): New construction on undeveloped or vacant land   | Arterials or non-arterials | N/A                              | YES             | N/A       | 100/.          |
| Section 9-8-3(D): Existing developed parcel with total demolition & reconstruction or with 100% addition | Arterials or non-arterials | NO                               | YES             | N/A       | 100%           |
|  | Non-Arterials              | YES                              | N/A             | N/A       | Varies         |
|  | Arterials                  | YES                              | NO              | NO        | 0%             |
|  | Arterials                  | YES                              | YES             | YES       | 100%           |
|  | Arterials                  | YES                              | YES             | NO        | 50%            |

Table 903.2.6  
Allowable Additions Without Sprinklers

|  |  |   |  |                |
|--|--|---|--|----------------|
| Existing Building Area   | 1-1,999 sq. ft.  | 2,000 - 3,333 sq. ft.                   | 3,334 - 4,000 sq. ft.  | >4,000 sq. ft. |
| Maximum Aggregate Addition Area - <b>ALL OCCUPANCIES, EXCEPT B, INCLUDING OUTPATIENT CLINICS</b> | 1,000 sq. ft.  | Up to 50% of the Existing Building Area | 1,000 - 1,666 sq. ft. with a maximum Total Building Area = 5,000 sq. ft. | 1,000 sq. ft.  |
| <b>MAXIMUM AGGREGATE ADDITION AREA – B OCCUPANCIES, NOT INCLUDING OUTPATIENT CLINICS</b>         | <b>MAXIMUM TOTAL AGGREGATE BUILDING AREA INCLUDING ALL ADDITIONS = 5,000 SQ. FT.</b> |   |  |                |