



# MEMO

To: Mayor and the Ames City Council  
From: Sara Van Meeteren, Building Official  
Date: December 13, 2019  
Subject: Response to AEDC Survey

On June 18, 2019, the City Council received a report from the Ames Economic Development Commission summarizing feedback received during two contractor outreach meetings they held. The meetings were a result of Council's 2017 Goal to promote economic development and were held to gain a better understanding of the perceived impediments to improving the housing stock in Ames.

The City Council requested a response to the report from staff at the October 8, 2019 Council Meeting. The motion is as follows:

*Referred the survey from the Chamber of Commerce and Economic Development Commission back to staff for a response to see if any processes have been changed, if they learned anything, or if they have anything to say in regards to the comments that were said. (Motion by Nelson, Second by Betcher, All in Favor).*

**After reviewing the report, staff determined that there were several items or code requirements that were inaccurately reflected and felt that it was important to provide clarification. Staff sent an email to the AEDC to forward to the focus group members on August 30, 2019 clarifying the following code requirements:**

Their Comment Was: ***Deck piers: requirement was wood pier 42" deep. Now it is 48" deep with concrete reinforcement, which is additional time and money.***

Staff Response: Sec. 5.200(1) of the Municipal Code lists the frost depth at 42", not 48". Deck pier footings can require reinforcement, but they can also be designed so that reinforcement is not required.

Their Comment Was: ***New plumbing code requirements for s-traps versus p-traps and venting add significant cost to development and redevelopment.***

Staff Response: There have been no updates to the plumbing code sections since the City adopted the 2015 Uniform Plumbing Code. We anticipate an update to the Plumbing and Mechanical Codes this Fall/Winter, after the State updates their code. The 2009 update to the Rental Code

required existing S-traps to be properly trapped and vented so this comment may be intended for the conversion of owner-occupied dwellings to rentals. The installation of S-traps has been prohibited in the City of Ames for many years.

**Their Comment Was: *Water heaters in individual units for multifamily units, as well as requiring sensors on water heaters is also a significant cost.***

**Staff Response:** Individual metering was added to Sec. 28.214(1) of the Municipal Code in 2018 and repealed in 2019. This is no longer a code requirement. In addition, inspection staff is not aware of any requirement to add sensors to water heaters.

**Other requirements cited deserve attention to help clarify and explain the standards. These include:**

**Their Comment Was: *There are issues with the requirements for post indicator valves (expensive to bore to road and place a 6" line), sprinklering of residential and commercial (cost prohibitive and limits development), and requirements for black dirt placement around homes (have to move it twice, which is twice the cost).***

**Staff Response:** Staff does not disagree that sprinkler systems can be costly, especially with existing buildings. The International Existing Building Code is in place to help find alternatives to a sprinkler system while ensuring compliant and safe construction.

The International Fire Code requires the private fire service main to be installed in accordance with NFPA 24. This standard requires the water service for the sprinkler system to be arranged so it is isolated from the building service and public main. This is often done with a Post Indicator Valve, but the code does authorize a few alternatives that may be more cost effective.

The requirements for black dirt fall under the jurisdiction of Public Works and the DNR. Staff consulted with Public Works and they indicated that the top soil can be stripped during the grading process at the beginning of construction and stored on-site to be spread over the lot once the construction has been completed. Additionally, compost can be added to the soil to create top soil if the developer does not want to haul top soil back onto the site.

**Their Comment Was: *Requiring parking in multifamily units for a room that is used as a study and not a bedroom is overly restrictive and costly.***

**Staff Response:** The Zoning Code defines a bedrooms as, “any room or area within a dwelling unit that: is not a kitchen, bathroom, hallway or foyer; is at least 70 square feet and otherwise complies with building and fire code compliance for a bedroom; and does not provide the sole means of access or passage into any other room in the living unit except a bathroom or closet. If under this definition there is no remaining room or area in the living unit that can reasonable be used as a living room, then one bedroom may be considered a living room if it otherwise meets the definition of living room.”

The intended use of the room has no bearing on whether it is calculated as a bedroom. From past experiences, staff knows that a room noted as a 'den' on a set of plans will quickly turn into a bedroom for an additional occupant. For this reason, it is assumed all rooms that are at least 70 square feet and are not considered a kitchen or bathroom will be used as a bedroom and should be calculated as such for parking purposes.

Their Comment Was: ***The City will not be able to transition rentals back to single family, owner-occupied, homes without addressing the costs it will take to bring applicable properties to code. The issue is some rentals are in a state of repair in which significant work will need to be done to get them up to current code, which makes transition into potential affordable housing all the more difficult. The City needs a rehabilitation code that allows for latitude as it relates to taking a rental back to a single-family structure.***

Staff Response: Conversion of rental properties to owner-occupied properties was mentioned several times through the report. Staff wants to make it clear that there are no building regulations triggered when a property is removed from rental registration and converted back to an owner-occupied property. Planning staff presented conversion incentives at the October 22, 2019 Council Meeting where Council approved a motion to provide reimbursement for rehabilitation work or down-payment assistance to the buyer or reimbursement for rehabilitation work to the seller.

Their Comment Was: ***A building permit for a home is \$2,500 in Ames and \$80 in Boone, yet again another additional cost for contractors and builders to bear ultimately adding costs.***

Staff Response: The permit issued for a new home on 6/28/19 valued at \$318,159 had a building permit fee around \$1,380. This is based on a fee of \$1,030.25 for the 1<sup>st</sup> \$100,000 in valuation and an additional \$5.80 for each \$1,000 in excess of \$100,000 valuation (total of \$2,300.45). The City of Ames charges 60% of this total for a total permit fee of \$1,380. The City of Boone has a similar structure, but the first \$100,000 is assessed \$846 and \$3.50 for each additional \$1,000 (for a total of \$1,612.50). Boone charges 25% of the permit fee for plan review in addition to the permit fee for a total of \$2,015.63 (there is no plan review fee for a single-family dwelling in Ames). So, the same permit in Boone costs \$635 more than it would in Ames.

Their Comment Was: ***Erosion control: contractors will be told in the dead of winter they need to do this when they cannot cut into the ground to do it. This is often because the EPA or DNR creates a rule requiring this or another community is noted for this, so they start enforcing it more strictly.***

Staff Response: Erosion control requirements are mandated by the DNR. There were amendments last year to the State Code that changed the way Public Works was enforcing the

requirements. This change caught several contractors off guard, but staff feels they have remedied the issue and it has resulted in better communication between staff and the contractors.

**Another main concern from the report is communication and transparency.**

Their Comment Was: *Sufficient notice is key. It is needed to prepare by a certain time. This can be done through better communication and transparency. Needs to be more proactive. Building officials Sara Van Meeteren and Adam Ostert should start attending Ames Home Builders Association and Central Iowa Board of Realtors meetings to promote transparency and communication. There needs to be a push of information to Ames Home Builders and Central Iowa Realtors so they can share key information with members. Adam is doing 2 jobs as Assistant Building Official and Plans Examiner which slows the overall process and can cause a backlog and delays.*

Staff Response: As an ex-officio member of the AHBA Board, the Building Official regularly attends monthly meetings and provides monthly statistics and highlights. Staff's involvement with this Board has led to more participation in events such as the Home and Garden Show and Lunch and Learns that help foster communication and make staff more available to customers. A new Plans Examiner started on October 28<sup>th</sup> so this should help expedite the review process.

Inspection staff is trying to have more of a public presence to better facilitate communication with customers. Over the last few years, the Building Official and other staff members have spoken to several groups including CIBR, DMACC trade classes, Ames Property Manager's Network, League of Women Voters, and the ISU Home Builders Association. They have also been present at events like the Eco Fair, the Fire Department Open Houses, Welcome Fest, Campustown Safety Walks, and Neighborhood Summits.

**Respondents also want more communication and transparency in regards to code and enforcement changes.**

Their Comment Was: *The City starts enforcing code and regulations impulsively without proper communication and sufficient notice. Contractors will follow the regulations, but there needs to be sufficient lead time to allow them to plan and account for the new requirements. There is a clear need for builders, tradesmen, contractors, and city staff/inspectors to meet and discuss issues negatively impacting the affordability of housing in Ames. 30% of home building costs are attributed to codes and regulations at the local level (state and federal requirements included in that statistic).*

***Builders, developers, contractors, architects, and engineers need to be looped into discussions about changes to the code and its enforcement. This will allow more open dialogue, more transparency, collection of feedback, and a better path forward.***

***Frequently, the inspectors will make updates and changes even if they are not needed or warranted and with little/insufficient notice. This makes rental and owner occupied housing less affordable, as contractors are having to spend more up front.***

***Other times, it is believed city staff attend a conference, hear of a regulation, and start enforcement upon return mid-project, which again adds costs and time. Sufficient notice is needed in these cases.***

***Often times, notice of new/not priority noted or enforced requirements will happen mid-project, which adds time and cost to the overall project, which is frequently passed onto the customer/consumer.***

***It is difficult to buy material and build affordable housing with these requirements, especially when they are changed mid-project. These little things add up to higher costs and make \$200,000-\$300,000 homes harder to build, as additional labor, time, and costs continually add up and negatively effect the cost structure.***

***Fire caulking: contractors feel inspectors know you will fail this requirement, but wait to tell you, which again sets back the project and costs more due to change orders.***

Staff Response: Code changes are typically a result of updated International Codes and are not often changed at the local level unless there is a desire to do so from the City Council. The Building Code adoption process is lengthy and includes approval from the Building Board of Appeals, contractor outreach sessions, and approval from the City Council. Unfortunately, the contractor outreach sessions are usually poorly attended. If minor code changes need to be made outside of the adoption cycle, Inspections follows the same process.

Inspection staff regularly attends training to stay on top of the most up-to-date methods of construction.

**The convenience of inspection timing was another important topic:**

Their Comment Was: ***Inspection timing was noted as being very inconvenient.***

Staff Response: The Inspections Division has always required, at minimum, a two-hour notice for a few different inspection types (water heaters, open ditches, footings). Most other inspection types require a 24 hour notice (all electrical and all finals). The inspection windows are between 9:30 and 11:30 a.m. and 1:30 and 3:30 p.m. This is a guideline for the customers, but the

Inspectors are able to adjust schedules as needed. There have been very few instances where we have had to move an inspection because we were unable to accommodate the requested date or time. The Inspectors will contact the permit holder if an inspection needs to be done earlier or later than the two-hour window. The inspection windows help provide consistency for our customers and allow our inspectors office hours for plan review and day-to-day customer inquiries.

As a result of the inspection timing comment, staff reached out to other municipalities to determine if our inspection process was in line with other communities. Every city that responded, with the exception of Marion which requires a 12 hour notice, requires a 24 hour notice for inspections. They did indicate that they would try to accommodate same day inspections for those types that were more time sensitive (water heaters, open ditches, footings). Their inspection processes are summarized in the table below:

<b>Jurisdiction</b>	<b>Minimum Notice Requirement</b>	<b>Inspection Block</b>
Cedar Rapids	24 hr notice	
Ames	24 hr. notice	9:30 – 11:30 and 1:30 – 3:30 and as requested by contractor
Ankeny	24 hr. notice	No window. Every 15 mins
Marion	12 hr. notice	Residential 9-11:30 and 2-5. Commercial anytime b/w 7-5
Altoona	24 hr. notice	Every 30 mins
Urbandale	24 hr. notice	Every 15 mins
Iowa City	24 hr. notice	9-11:30 and 1:15-4
Des Moines	24 hr. notice	Inspectors schedule their own so it's based on availability

**Two other notable comments that staff would like to address include:**

***Their Comment Was: It seems that inspectors are overly cautious with any project that may be seen as sensitive due to potential litigation and think it is black and white when really there is a gray zone in which discussion is necessary. This leads to inspectors frequently enforcing the code too strictly. This is evident due to the fact that similar communities around the state do not perform their duties in this manner.***

***Staff Response:*** The Inspectors are required to enforce the code as it is written. This helps keep them consistent and fair. If deviation from the a code is desired, the customer should request such deviation from the Building Official through a code modification request or an appeal. The goal of the Inspection Division is to ensure safe and compliant construction throughout the community. Staff strongly desires to work through issues with contractors and to provide flexibility when able. Regular communication between staff and contractors will help create the relationship needed to build an effective partnership with each other.

Their Comment Was: *If something is caught at the last minute, mid-project, and or has been overlooked in previous inspections, responsibility is placed squarely on the builder and city's responsibility is disavowed, when the City had signed off on it before.*

Staff Response: Staff would like to reiterate that it is the obligation of the contractor to comply with the adopted codes. Failure by staff to recognize a code violation does not relieve the contractor of their duty to comply. Staff try to catch any issues during plan review as they understand the cost is much lower when changes can be made on paper rather than in the field. However, there are times where an item may get overlooked or specific details may have been omitted. This does not imply that the item is compliant. The Building Official will reiterate with inspectors the importance of a thorough review and the impact that it has on the success of a project.

**The report from the AEDC has made staff aware that the current method of communication may not be reaching the intended audience and that increased interaction between the City and developers is desired. Staff would like to encourage open communication between the contractors and staff. The Inspection Division wants everyone's project to be successful and firmly believes that open communication and a willingness to listen will help achieve that goal. Staff will continue to take advantage of outreach opportunities to strengthen relationships with contractors and keep the lines of communication open. We sincerely desire for the Inspection Division to be viewed as a resource to the community, rather than a barrier to construction.**