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mesaaz.gov

October 5, 2017,

Ms. Susan E. Demmitt
Gammage & Burnham PLC
2 N. Central Ave., 15th Floor
Phoenix, Arizona 85004

Re: Cadence at Gateway (Pacific Proving Grounds North)
Community Plan Interpretation – Engineering and Design Standards

Dear Ms. Demmitt:

The City of Mesa has reviewed the request submitted by your office on May 10, 2017 on behalf of Harvard Investments, Inc. for Cadence at Gateway (copy attached). The request sought clarification regarding the City of Mesa Engineering and Design Standards (“Engineering Standards”) applicable to the improvement plans approved in July 2015 for Phase 1 of Cadence at Gateway, as well as a determination regarding the applicable Engineering Standards for future phases of the project. The City has determined that the applicable Mesa Standard Detail, M-19.01: Typical Street Section for Cadence at Gateway shall be the specific Street Section for all non-arterial streets (local and collectors) that were in effect as of July 2015, when the final plat and infrastructure improvement plans for Phase 1 of Cadence at Gateway were approved. The 2013 Mesa Standard Detail, M-19.01 that was in effect at the time the arterial street improvement plans were approved shall be applicable to the design and construction of all arterial streets. The City of Mesa will utilize the 2015 non-arterial street sections for all current and future non-arterial street development within all phases of Cadence at Gateway.

However, the City may require modifications to the 2015 non-arterial street standards as necessary to address health, safety and welfare issues. If such modifications are anticipated by the City, the City shall notify Cadence prior to the adoption of such standards.

Similarly, if there are additional modifications to other sections of the Engineering Design Standards or Mesa Standard Details that would affect development of applicable infrastructure at Cadence, the City shall notify Cadence of any planned modifications prior to adoption.

The Cadence at Gateway Community Plan (“Cadence CP”) includes provisions that expressly allow the City to administratively issue interpretations and approve modifications of the engineering standards applicable to Cadence at Gateway.

First, Section 3.3 of the Cadence CP¹ allows the City to issue interpretations as follows:

¹ Pacific Proving Grounds North Community Plan, dated August 8, 2012, Section 3.3, page 13

The City of Mesa Zoning Administrator shall administratively review and render decisions on clarifications and interpretations of the PPGN Community Plan and Development Unit Plan provisions.

Section 3.12(a) of the Cadence CP² states that:

The City of Mesa 2009 Engineering and Design Standards Manual ("Engineering Standards"), as may be amended from time to time by the City, are the default engineering and design standards for use within PPGN. In accordance with Section 9-8-4(C) of the Mesa City Code, amendments to the requirements and specifications of Chapter 8 of the City Code, including engineering and design standards, may be approved by the City Council in conjunction with the approval of the PC District if the City Engineer or City Traffic Engineer recommends approval of the modification.

Section 3.12(c) of the Cadence CP³ further outlines an administrative process for future modifications to the Engineering Standards as follows:

In conjunction with development of Cadence, certain Engineering Standards may be in conflict with the implementation of the vision as set forth within the Cadence Community Plan. In order to achieve the purposes of the Cadence Community Plan, the City will consider appropriate and viable alternatives to the Engineering Standards when such alternatives advance the objectives of the Cadence Community Plan

[...]

The City Engineer, City Traffic Engineer, or their designee may approve modifications to the Engineering Standards based upon a finding that the modification: 1. Is consistent with the intent of the regulations in Title 9 of the Mesa City Code; 2. Will result in an equivalent level of service for health, safety and welfare to the General public; Page 34 3. Will result in improvements that are adequate and meet the City's needs; 4. Furthers the purposes of the PC District; 5. Shall not increase maintenance costs unless paid for by the developer, and 6. Is not contrary to the public interest.

City of Mesa staff has the administrative authority to both interpret and modify provisions of the Cadence CP, including provisions related to the applicable Engineering Standards for Cadence. When the Mesa City Council approved the Cadence CP in September 2012, the City established an overall vision and regulatory framework for Cadence designed to ensure uniform, high-quality development over the life of the project. The Planned Community District zoning classification was specifically created to facilitate large-scale projects with assurances that they could be developed under a consistent set of regulations, development standards, and policies.

In order to clarify the meaning of Section 3.12(a) of the Cadence CP and to ensure consistent application of design and engineering standards throughout all phases of development at Cadence, this

² Pacific Proving Grounds North Community Plan, dated August 8, 2012, Section 3.12(a), page 36

³ Pacific Proving Grounds North Community Plan, dated August 8, 2012, Section 3.12(c), page 36

administrative interpretation provides the determination that in the absence of health, safety and welfare issues the non-arterial street section M-19.01 standard in effect as of July 1, 2015 shall determine the design and construction of non-arterial streets throughout the Planned Community District. This interpretation ensures consistency, uniformity and predictability in the non-arterial street standards applicable for each phase within Cadence, and aligns with the purpose and intent of the Cadence CP and the PC District, in general. A copy of this administrative interpretation will be kept on file at the City and included as an update to the Appendix to the Cadence CP.

Sincerely,



Karolyn Kent, Assistant City Manager

Cc: Tim Brislin, Harvard Investments, Inc.
John Fortini, SilverFern
John McGhee, EPS Group, Inc.
R.J. Zeder, City of Mesa Transportation Director
Christine Zielonka, City of Mesa Development Services Director
John Wesley, City of Mesa Planning Director