

Land Use Code (LUC) Committee

April 30, 2009

Pueblo Conference Room, IT Building
481 W. Paseo Redondo

Summary of Comments

Committee members in attendance

Ruth Beeker
Teresa Bommarito (alternate)
David Godlewski
Karolyn Kendrick
Glenn Lyons
Robert Medler
Albert Morales
Jim Portner
Mary Beth Savel
Wayne Swan
Rick Volk
Tracy Williams
Jason Wong (alternate)
Colin Zimmerman

Facilitator

Irene Ogata

Staff

Jim Mazzocco
Adam Smith
Aline Torres
Linus Kafka

Ward 3

Holly Lachowicz

1. Introduction and Welcome

2. Updates

Parking Reductions – Adam Smith provided an update on the proposed Parking Reduction text amendment. Staff noted that ADA accessible space requirements cannot be reduced by the proposed amendment.

IID/PAD Ordinances – Adam Smith provided an update on the proposed Infill Incentive District & Planned Area Development text amendments which included an overview of the boundaries and land uses within the district, the permitted modifications, the streetscape improvements required in exchange for the modification, and the review and approval procedure. The item is going to the Mayor and Council May 20th for consideration.

Comments/Discussion

Ruth Beeker – Main concern was that the neighborhoods were not consulted or brought into the process concerning the parking reduction amendments earlier. The replacement use idea for nonconforming buildings and the individual parking plan should be deleted all together. These are not in the best interest of the community. She only tentatively supports the existing development parking formula under limited circumstances.

Tracy Williams – Full code compliance should be required in order to receive any flexibility. Any reduction should be processed as a variance from the Board of Adjustment, thus making the proposed text amendment unnecessary.

Ruth Beeker – The only concessions the neighborhoods received are the exemption of bars and restaurants, the enhanced ADA requirements, and the mitigation plan. The mitigation plans are a flawed concept because neighbors are unsophisticated in dealing with developers and could be manipulated. Further, the City's zoning enforcement procedures are unreliable in enforcing compliance with approved mitigation plans.

The existing development parking formula could allow a large development to add buildings and intensify the development. This point is separate from the C of O issue and should not be a consequence of the amendment without being reviewed separately as its own issue.

The parking reduction amendments are premature and should only have been considered in context with the reformat project and an overall revision to the parking code.

Using transit as a reason for reducing parking does not always work. Students in her neighborhood bike to the university, but all have parked cars in her neighborhood that they use for other activities.

Jim Portner – Individual parking plans are especially useful for national retailers who deeply understand their businesses' parking demand. The Target on Oracle is an example of a redeveloped parking lot that could have reduced parking and increased water harvesting and landscaping but was forced to add 100 spaces they felt were unnecessary.

Wayne Swan – Mixed-use development should be incentivized in the IID and Downtown Redevelopment District.

Glenn Lyons – The IID is inherently mixed use already.

David Godlewski – How were the boundaries of the IID established and decided upon?

Jim Mazzocco – Mayor and Council approved the boundaries by resolution in 2006.

Karolyn Kendrick – Two separate incentive districts should be created. The area is not monolithic. Both areas are in distress, but have different types of development.

Jim Mazzocco – PADs require single ownership. The PAD allows form-based code standards to be prepared for a given area.

Glenn Lyons – City may want to extend the IID along Broadway.

David Godlewski – Are we really providing incentives for infill developers?

Jim Mazzocco – The revisions are the result of listening to this committee. Infill developers will have more flexibility and options than they did before.

Tracy Williams – MDR vs. variance? The MDR puts the neighborhoods on the defensive.

Jim Mazzocco – The Board of Adjustment is about due process where everyone is treated fairly. The LUC Committee said that the current code prevented infill development from occurring.

Mary Beth Savel – The MDR process is similar to a variance process (notice, neighborhood meeting, etc.). MDR appeals go to the Mayor and Council. Appeals to the Board of Adjustment go to Superior Court.

Albert Morales – Concerned that parking mitigation plans are reviewed annually for the first three years. Concerned that a building would have to be torn down if not in compliance with the mitigation plan.

Jim Mazzocco – The objective for the annual review is to see if the mitigation plan needs to be adjusted to work better.

Colin Zimmerman – You’re not changing the plan, but enforcing the plan.

Ruth Beeker – Page 4 of the IID regarding the Development Transition Element. The use of the term “sensitive” in the buffering and landscaping zone is unclear. The provision doesn’t specify how large the landscape buffer should be or what types of plants should be provided. No parameters given.

Jim Mazzocco – All projects must meet the findings.

Ruth Beeker – There’s an assumption that the neighborhoods are educated in land use issues. “Gate keeping” is left to the neighborhoods. If the City wants the neighborhoods to be the gate keepers, then it should provide resources and an advocate for the neighborhoods so that they can speak the language.

Tracy Williams – Even with educated neighborhoods, staff doesn’t listen. Politics and whims decide who gets the flexibility. Neighborhoods and developers want to know exactly what’s going on. As things move through the process you have to be part of the “good ole boys club,” which I am not.

Rick Volk – Parking reduction amendments are too cumbersome to use. There are developments that do not comply with current parking regulations, but have sufficient parking to function well as a business. The City needs to allow reduced parking in line with national trends and simpler formulas. Bike racks are fine, but to require lockers is unreasonable. City should review the recently adopted County provisions for commercial centers which he felt were in keeping with current national trends.

Mary Beth Savel – Individual parking plan options work well with other new requirements such as water harvesting. Having these flexible options allows the designer to address both items with a rational design plan that accommodates both.

Wayne Swan – The reason these amendments are being considered is because there are many empty buildings city-wide that could be used if some flexibility is granted allowing parking reduction options. The national trend is to reduce parking and to simplify the parking standards.

Karolyn Kendrick – Any overall parking amendment should allow permeable pavement.

Glenn Lyons – Having a downtown parking sector that includes Rio Nuevo, Fourth Avenue, and the urban design concept area associated with the Downtown Links project is a reasonable concept.

3. Clarion Update – Timeline and Plan Through 2010

Jim Mazzocco presented the timeline and plan for the Land Use Code Simplification project.

4. Overall Parking Amendment

Jim Mazzocco gave an overview of the parking code revision project about to begin. The overview included Mayor and Council direction, key issues with the existing parking code, and the objectives of the project.

Ruth Beeker – Won't the parking code revisions trigger Prop. 207?

Linus Kafka – Changes to the Parking Code won't implicate Prop 207. Parking is transportation related and not a land use issue, so would not be subject to a Prop 207 claim.

5. “The List” – Rezoning Process, DSD Concerns, Loading

Adam Smith explained “The List” as an inventory of stakeholder issues with the current LUC that are outside the scope of the LUC Simplification Project. Some of the issues identified concern when rezoning ordinances are finalized and loading zone requirements.

Rick Volk – What is a use?

Mary Beth Savel – A use describes the type of activity occurring on a property. The use types are listed in the LUC. The use list should be comprehensive.

6. Call to the Audience

No one spoke at the Call to the Audience.

7. Next Steps