



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, May 13, 2014

10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Vice-Chair; Brown; Lehmann; López; Shepherd

Committee Staff: Debra Bartleson

Council Members Present: Brown, Lehmann, Lopez, Robb, Shepherd, Susman

Members Absent: Montero

Presentations

- 1 Introduction of Community Planning & Development Deputy Directors: Evelyn Baker and Jill Jennings Golich**
Brad Buchanan, Executive Director of Community Planning & Development; Evelyn Baker and Jill Jennings Golich, CPD Deputy Directors

Brad Buchanan, Executive Director of Community Planning & Development (CPD) introduced newly appointed Deputy Directors Evelyn Baker and Jill Golich. Ms. Golich indicated she was formerly with the Auraria Campus Planning Division and noted that some of the construction happening on campus is some of her work, and prior to that she worked for CRL & Associates. Her focus will be primarily on process development. Ms. Baker comes from the City of Lakewood from the managed planning development division. In 2006, Ms. Baker worked for the City of Denver at CPD, planning transit development station plans. Her priorities are to implement plans that have already been adopted and to conduct outreach with those communities.

Councilmember Brown asked Ms. Golich what processes will be improved. Ms.

Golich explained that Development Services is handling issues and putting out fires every day. It is her goal to look at the bigger picture to address why the problems are occurring for all projects small and large. The goal is to implement changes within 60 days.

Mr. Buchanan reported that current staff is conducting the work of 70% of staff levels from 2009. He and his staff are determining what changes need to be made to address the back log, as currently they are 17 days behind. They are working with the Mayor's Office to get budget for on-call staff and they are working with Peak Performance to become more work efficient.

Councilmember Shepherd asked Ms. Baker about the Inclusive Community Initiative. Ms. Baker said she was not familiar with that initiative but that the Planning Dept. could address building communities through inclusiveness. Councilmember Lopez stated that neighborhood plans are important and help to build inclusiveness in communities. Mr. Buchanan noted that healthy and welcoming communities are imbedded in plans and those factors need to be criteria that the City looks at.

Bill Requests

BR14-0398 A bill for an ordinance amending the Denver Zoning Code to allow fresh produce and cottage food sales as a home occupation.

Councilmember Kniech, At-Large; Sarah Showalter, Community Planning & Development

Councilmember Kniech reported that she and staff have conducted outreach to 19 Registered Neighborhood Organizations (RNOs) and other organizations and residents to provide information regarding the text amendment and to garner feedback. She stated that the Mayor supports the proposal and that there is unanimous support from the Planning Board. She added that Councilmembers Shepherd and Brooks are co-sponsors of this bill. (See attachment.)

Sarah Showalter, Community Planning & Development (CPD), explained that current standards limit the types of businesses that are allowed under home occupation code. Direct retail sales of food or food products from the home are prohibited. She explained that a Denver resident can sell fresh produce grown in a garden at schools, churches, farmer's market, in a commercial zone, or nonresidential zone.

The proposed text amendment will add fresh produce and cottage foods sales as an allowed home occupation in all zones except in S-SU-Fx or S-SU-lx districts (only in District 2) and a zoning permit in the amount of \$20 will be required. The amendment will further define what will be included in the home occupation foods (raw, uncut fresh fruits, vegetables, and herbs). Marijuana-related food/marijuana infused products are not included and prohibited. Sales can only occur from 7 a.m.

to dusk, small signage will be allowed, and no non-resident employees are permitted to sell.

Ms. Showalter stated that the proposal is consistent with the City's adopted plans and policies. Councilmember Robb noted that she received a letter of opposition from an RNO. She said that the proposal should feel similar to a garage sale and should be on the same small scale for economic development, not embedded retail, which she is concerned about.

Councilmember Lopez said a lot of unemployed individuals are not able to make ends meet or they are located in food deserts and this provides residents a way to earn additional income. Councilmember Shepherd added that recently a shared-economy briefing stated that 54% of these types of economic generators help people to meet expenses.

Councilmember Kniech said she received a lot of feedback from different neighborhoods and residents. She said they have met with Neighborhood Inspection Services and 311 to track any concerns and call-in categories have been built into the system to track neighborhood quality of life issues. At the previous meeting a question was raised regarding ground pollutants. The Councilwoman noted that gardening is already happening in areas such as Globeville and they are already learning what to do about pollutants with the assistance of the Live Well Collaborative. Councilmember Kniech reiterated that the proposal is not creating a gardening ordinance. Councilmember Lehmann said she wants to make sure that food grown in Globeville and other areas will be safe. Councilmember Kniech noted that machinery is the greatest problem that impacts food to humans. There is no evidence that the risk would be greater from food purchased from a neighbor.

Councilmember Susman said she feels it will be difficult to enforce the requirements. The regulations will require completion of a course on safety (State requirement as well). Councilmember Brown said he's got concerns about too much too soon. Councilmember Kniech said they did have a discussion about limiting sales to seasons. She indicated that feedback from producers' state that nothing is gained with limiting sales to seasons. The Councilwoman reported that since two years ago when the food legislation passed, there have been no complaints received.

Councilmember Kniech summarized by stating that a \$20 permit fee will be charged, labeling of cottage food must be done, and a required safety class must be completed. Inherent in this proposal are provisions for violations. A daily fine will occur if a resident does not have a permit, depending on the issue, i.e. marijuana, police activity would happen. The Councilwoman stressed that marijuana is separate from this discussion and proposal.

Councilmember Lopez said the proposal will help to build community. Councilmember Lehmann said she sponsored a bill a couple of years ago for keeping bees in a homeowner's backyard. Since that time, she's only received two complaints and suggest that amendments be proposed later to improve the text

amendment. Councilmember Susman said she's received feedback against the proposal from residents in her district. She noted that the feedback she's getting is associated with encroachment concerns and at this time, it is difficult for her to support the proposal. The Councilwoman asked if it could be done by neighborhood. Councilmember Robb stated that any changes like that would be contrary to what was discussed and approved at the Planning Board.

Councilmember Shepherd said she's been a food advocate for 20 years, noting that in Europe that is the culture to know your neighbor and to get your food from them. She added that this ordinance will help people to have control of their food and where it comes from.

Councilmember Robb said her residents want to make sure there is no room to allow a large greenhouse or retail market that will change the look of a neighborhood. Sharing is similar to what is being discussed now and is more related to economic development issues.

Councilmember Kniech said she is willing to modify the ordinance proposal. Councilmember Lopez suggested changing the selling time from 8 a.m. to 8 p.m. Committee members did not support any changes to the proposal.

Councilmember Robb said the Planning Board wants to include this proposal in every zone district. She noted that Councilmember Faatz submitted a letter to keep the proposal as it has been drafted; keeping the two zone districts in District 2 as exemptions to this text amendment. Councilmember Kniech said she respects the history of the rezoning and she is not making any change noting that these zone districts are also in covenant controlled communities. Ms. Showalter added that the communities could always request a rezone or Council could request a legislative rezone; and rezoning costs are approximately \$1000.

A motion offered by Councilmember Lopez, duly seconded by Councilmember Brown, to file the bill carried by the following vote:

AYES:	Brown, Lehmann, Lopez, Robb, Shepherd(5)
NAYS:	(None)
ABSENT:	Montero(1)
ABSTAIN:	Susman(1)