



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, April 05, 2011

10:30 AM City & County Building, Room 391

Members Present: Montero, Robb, Sandoval

Members Absent: Johnson

Other Council Nevitt

Present:

Committee Staff: Gretchen Williams

Bill Requests

BR11-0151 Food Producing Animals Ordinance.

Tina Axelrad, Community Planning & Development; Katherine Cornwell and Doug Kelley, Environmental Health; Kerry Buckey, City Attorney's Office

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero to file the bill for Council consideration carried by the following vote:

AYES: Nevitt, Montero, Robb(3)

NAYS: Sandoval(1)

ABSENT: Madison, Johnson(2)

ABSTAIN: (None)

Councilman Nevitt said there were still questions and issues after this item was discussed at the March 22 meeting. Since then, there have been discussions among the parties resulting in the revisions under discussion today. The revisions reflect both the desire to accommodate people wanting to keep Food Producing Animals (FPAs) as well as the need to minimize any impact on neighbors.

Councilwoman Montero presented a summary of the four changes being proposed.

1. Increase spacing standards from 10 to 15 feet (in Zoning Code).
2. Increase permeable area per chicken or duck from 10 square feet to 16 square feet (in Animal Code, Chapter 8).
3. Add requirement for a one-time license (no annual renewal) for a low fee (approximately \$20) for keeping FPAs (in Chapter 8).
4. Delete the minimum area requirements in Chapter 8 and replace with "adequate shelter" to provide protection from weather and predators. Animal Control will review shelter plans upon licensing application, taking into consideration the individual lot configuration and number and types of animals proposed.

Attached are charts indicating these revisions along with the provisions agreed on at the last meeting.

As a reminder, the current application process for keeping chickens and goats includes: a one-time application fee of \$100; posting a sign on the property when the application is submitted and another upon the Zoning Administrator's (ZA) decision; and notification to directly abutting neighbors (no response required).

Councilman Nevitt said the current process relies on a judgment call by the ZA. It is a subjective and unpredictable process. The proposed process makes it more objective and predictable.

Ms Axelrad said the proposal puts keeping up to 8 hens/ducks and up to 2 goats on par with keeping dogs and cats. Any additional fowl or goats require a more elaborate process.

Councilman Nevitt said original proposal was drafted with a 10-foot separation of animals from an abutting dwelling unit rather than a setback from a property line because the point is to keep it away from a house. INC (InterNeighborhood Cooperation) argued that 10 feet was not enough and asked for 25 feet. Based on analysis by Community Planning & Development, 15 feet is the largest realistic separation distance in order to leave sufficient space for animal shelter on most of Denver lots. This is a good compromise.

Councilwoman Sandoval asked the amount for a dog license, noting that each dog must have a license but the proposal allows multiple FPAs under one license fee. This is not comparable to requirements for dogs.

Doug Kelley, Animal Control, said a dog license is \$15 per year, but the FPA license is property specific, not animal specific. The FPA license will produce a database of where these animals are in case of a disease outbreak.

Councilwoman Montero expressed concern about allowing animal slaughtering as

an accessory use to a non-residential use in I zones. Councilman Nevitt was also uncomfortable with that. Ms Axelrad will rewrite the language to eliminate that provision.

Revision of the language regarding shelter being "adequate" makes the language consistent with existing code requirement for any animal. Animal Control uses best practices standards, based on scientific assessment.

Councilwoman Sandoval said that with no definite shelter requirements, a person could build something that would then violate the separation or open space requirements in the zoning.

Ms Axelrad replied that any permanent shelter requires a zoning permit, so the applicant would have to comply with all standards.

Councilwoman Sandoval asked how the City would ensure this does not become a home occupation. Ms Axelrad replied that sales are not allowed in residential areas, so you can not sell eggs from your home, but you can take them to a farmers market in a commercial district.

Councilwoman Montero asked that Denver Environmental Health send written information to Council addressing food safety issues.

The new requirements, if adopted, would not be retroactive for people who already obtained a permit through the current procedure. Kerry Buckey, Assistant City Attorney, said those permits (approximately 12) have to be renewed annually. The permit holder might want to apply under the new rules.

Councilwoman Montero suggested a sunset provision. Councilman Nevitt Council said Council can revisit any provision any time without a specific sunset. Also, no city with an FPA ordinance has abandoned it, and some are making it more permissive.

Councilwoman Robb said we should track complaints and have a report. Councilwoman Montero suggested 2 years. Mr Kelley said DEH can report on complaints.

Councilwoman Sandoval said she is not convinced this is a good idea.

Councilwoman Robb said she is not sure how she will vote on this at Council, but she acknowledged the amount of work done on this and the process.

Presentations

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Central Business District Signal Retiming
Matt Wager, Transportation Engineering Services

This 2-year project involves retiming 235 signals in the Downtown area to balance conflicting needs between pedestrians, bicyclists, transit (bus and rail), the mall shuttle, as well as cars and trucks. Public Works studied light rail operations and all of the movements at each intersection in the Downtown area, generally bounded by Colfax, Broadway and I-25. Because signal timing at any intersection impacts others, surrounding areas will be affected, including Welton Street due to the light rail line.

In compliance with the City's Strategic Transportation Plan, this retiming project is based on "person trips" rather than "vehicle trips", including pedestrian and bike travel times.

The last retiming project was in 2003. Best practice is to do it at least every two to five years, but it is a complex and expensive undertaking. It affects all of Downtown as well as surrounding areas. The funding for this effort came from DRCOG and Denver's Traffic Signal Capital Improvement Program.

The goals for the project include the following.

1. Accommodate 4-car RTD trains during peak hours. These trains do not fit on short blocks, so the signals need to be timed so the trains are not caught on a short block.
2. Maintain efficiency of 16th Street Mall Shuttle. As the West Corridor and other FasTracks corridors come on-line, useage of the shuttle service is expected to increase.
3. Give pedestrians and bicyclists more time to cross streets. The model calculations used a slower walking speed (3.5 feet per second, down from 4, per federal recommendations).

In order to achieve balance between all of the various modes, the retiming project entails:

1. Increasing the cycle length from 75 seconds to 90 seconds.
2. Preserving the "all walk" cycles where it exists. This makes the timing more difficult, but to consider all modes of movement and pedestrian safety, it needs to be there.
3. Eliminate the diagonal pedestrian movement, known as the "Barnes Dance" after the City Traffic Engineer who instituted it. This movement now only exists at a few intersections, many already having been removed or suspended during street construction. Public Works has not received any complaints about those changes. Of all crossings at "normal" 4-way intersection with diagonal crossing,

less than 10% of pedestrians take advantage of the diagonal walk.

The all walk cycle at Colfax, 14th and Bannock between the City & County Building and the Webb Building will remain, including the diagonal. This intersection is considered a modified all walk.

Councilwoman Robb asked about intersections people have to cross to get to Civic Center Park, such as Lincoln, Broadway and Colfax. These will not have an all walk cycle, but additional time for pedestrian crossing will be added.

These measures will make significant improvements at the busier intersections.

Possible other changes include a bike lane on 14th and decreased red signal time late at night when pedestrian volume is lower.

Councilwoman Montero asked that Public Works specifically work with the group working on the Northeast Downtown Plan. Ms Fanganello said they are working with that group.

Timing changes will be made the weekend of May 14 in time for the new 4-car trains on Monday morning. Public Works will then need to retime signals out from Downtown. The diagonal walk signal heads will be covered the weekend of April 9.

The public is being informed via press releases, an article in Your Hub, and e-mail blasts. Traffic Engineering has been incorporated into the 311 system, so if people have questions they will be routed to the right people.