

MEMORANDUM

TO: Mayor and City Council
Pitkin County Board of County Commissioners
City & County Planning & Zoning Commissions

FROM: Jessica Garrow, City Long Range Planner
Ben Gagnon, City Special Projects Planner
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DATE OF MEMO: December 30, 2010

MEETING DATE: Wednesday, January 5, 4pm Council Chambers

RE: Review of AACP Content/Topics

REQUEST OF COUNCIL/COMMISSIONERS: No action is requested at this time. This meeting is an opportunity for City Council, BOCC and the Planning and Zoning Commissions to discuss substantive issues in the draft AACP. Ideally, the feedback received at the meeting will help inform the changes staff and the P&Zs will be making over the next few weeks.

The memo outlines the major topics discussed at the large group meetings, and includes some context regarding the implications of some policies on current land use codes. Specific questions for BOCC, Council, and the P&Zs to consider are in *bold italics* at the end of each major topic.

SUMMARY OF MAJOR TOPICS: The large group meetings focused on the following major policy areas:

- Affordable Housing Mitigation
- On-Site Housing
- Modestly Sized Development
- Pacing Construction
- House Size
- Lodging Regulations
- The Development Process

Affordable Housing Mitigation: The current draft plan includes a number of policies about mitigation levels and the location of affordable housing. The Housing chapter includes policies stating, “All development should provide housing to accommodate 100% of its employees.” (Housing IV.1) The P&Zs included this policy to ensure long-term sustainability, and that as a community we don’t continue to fall behind in housing our workforce.

Some small group participants felt that a 100% mitigation requirement, could be prohibitive to any new development. Others felt that the real estate market would respond to the code if these

changes were incorporated. A series of questions were asked at the large group meetings about this issue, including the following:

19. Which statement regarding affordable housing mitigation do you agree with the most?		Responses	
		(percent)	(count)
All development, regardless of type, should provide affordable housing for 100% of the jobs it generates.		16.25%	26
The current level of mitigation is adequate.		13.75%	22
Whether the amount of affordable housing stays the same or is increased in the future, there should always some flexibility to reduce these requirements for development that provides a valuable community benefit.		49.38%	79
The current mitigation level should be lowered.		18.13%	29
I don't know enough about this topic to express an opinion.		2.50%	4
Totals		100.00%	160

The draft AACCP mitigation policy would conflict with several provisions in the city land use code, which allows for a reduction of housing mitigation from current levels for Historic Preservation, Open Space parcels, alley stores, outdoor vending, Essential Public Facilities and lodges featuring small rooms.

The County Land Use Code already requires an impact fee that addresses 100% of affordable housing generated by development. However, the fee charged does not fully cover the soft and hard costs of providing housing, and homes under 5,750 square feet in size are exempted from payment of the fee.

To date, 26% of affordable housing units have been built through mitigation. The remaining have been built by the public sector.

Questions to consider:

- *Where does the group stand on this issue?*
- *Should there be multiple community benefits that can allow a developer to reduce their affordable housing mitigation?*
- *If a waiver for mitigation is granted (i.e. for a community benefit), should the public sector actively track the shortfall and make up the difference through the RETT, etc?*

On-Site Affordable Housing: Another topic that drew comment at the Small Group Meetings was the plan's "preference" for on-site housing mitigation. The policy states, "On-site mitigation is preferred." (Housing policy IV.2) The P&Zs included this policy partly to ensure that housing impacts are not pushed to other areas of the community or outside the community. In addition, the P&Zs felt that if housing could not be accommodated on-site, then the development is fundamentally too large.

This policy would require changes to the city land use code. Currently there is an incentive for on-site affordable housing in the downtown, but there are no other on-site housing requirements at this time. Issues to consider are:

- The potential of real site-specific constraints,
- Certain uses being optimal for certain areas (i.e. lodging at the base of ski areas)
- Geographical areas that may be appropriate for off-site mitigation

In addition, it is worthwhile to consider that as a result of the 2007 Housing Summit, the city has been actively seeking financial partners to develop Burlingame, along with several land-banked properties. In addition, the city’s new Affordable Housing Credit program has resulted in the private sector building and proposing 100% affordable housing developments; and the housing credit market relies partly on a code that allows for off-site mitigation.

Questions to consider:

- *Where does the group stand on this issue?*
- *Are you comfortable with the language that on-site housing is preferable, or should the plan use more exploratory language?*
- *Should there be consideration of a system that allows off site mitigation to take place within a particular proximity to the development (Ex: development within the core must be mitigated within the core rather than West of Castle)?*

Modest Development: Another element of the draft AACP is the use of the word “modest” when describing the desired mass, scale and bulk of future development. Some at the Small Group Meetings felt requiring 100% mitigation, on-site affordable housing and modest-scaled development will make future development impossible.

Again, if the new AACP were to use the word “modest” to describe the physical appearance of future development, it would have implications for the city land use code. Today, the city land use code, Historic Preservation Guidelines and Commercial Design Guidelines all rely on an analysis of new development that is based on neighborhood context, neighborhood compatibility and harmony with the surrounding area. The following question was asked at the Large Group Meetings in November.

5. Which statement do you agree with the most?		
	Responses	
	(percent)	(count)
New development should be compatible with surrounding neighborhoods.	38.89%	63
New development should be modest in bulk, mass, and scale.	32.72%	53
Neither of these statements reflect my opinion.	26.54%	43
I don't know enough about this topic to express an opinion.	1.85%	3
Totals	100.00%	162

Questions to consider:

- *Where does the group stand on this issue?*

- *Are you comfortable with using the word “modest” as a way to describe the bulk, mass and scale of future development?*

Pacing Construction: The draft AACP includes a policy stating, “Establish a construction pacing system that respects the quiet enjoyment of our community and neighborhoods.” (Managing Growth II.1) This idea has been included in every community plan since the 1970s, but has never been implemented. The small group participants in general did not support this policy. The large group meetings included a series of questions about establishing a pacing system:

13. What’s your opinion on establishing a construction pacing system?		
	Responses	
	(percent)	(count)
I’m against it. Everyone should have the right to build when they want.	24.54%	40
We should focus on managing the impacts of construction instead.	43.56%	71
I support this. Intense construction activity ruins the quality of life for locals and visitors.	22.70%	37
I’m not sure, but I’d like an informed and productive debate on this issue.	9.20%	15
I don’t know enough about this topic to express an opinion.	0.00%	0
Totals	100.00%	163

20.) 14. I would support a construction pacing system, but only if it placed annual limits on only the following types of development. (pick the one you agree with the most)		
	Responses	
	(percent)	(count)
Single-Family/Duplex Development	4.43%	7
Multi-Family Development	1.90%	3
Commercial Development	12.66%	20
Lodging Development	17.09%	27
All of the above	17.72%	28
None of the above.	44.94%	71
I don’t know enough about this topic to express an opinion.	1.27%	2
Totals	100.00%	158

The policy is written with a focus on having a community-wide policy discussion about pacing construction, while including some direction on the possible techniques of pacing. Implementing a pacing system would require amendments to the city and county land use codes.

Questions to consider:

- *Where does the group stand on this issue?*
- *Should the document include a policy about pacing construction?*

House Size: The draft AACP calls for reductions in house size throughout the UGB. Managing Growth Policy III.2 includes a bulleted list of reasons to reduce house size (included in the clicker question below). In general, the small group participants did not support this policy. A number of questions from the large group meetings focused on this issue.

16. Which of the impacts listed below do you agree with the most a reason to limit the size of the largest homes? (pick one)		
	Responses	
	(percent)	(count)
Protect the natural visual quality of river and stream corridors and mountainsides.	8.55%	13
Protect our small town community character and historical heritage.	25.00%	38
Reduce environmental degradation and protect the quality of our rivers and streams.	7.24%	11
Limit consumption of energy and building materials.	14.47%	22
Limit the burden on public infrastructure and ongoing public operating costs.	3.95%	6
Reduce short- and long-term job generation impacts, such as traffic congestion and demand for affordable housing.	1.97%	3
Limit zoning variances to reduce impacts on the neighborhood and the community.	5.26%	8
I don't agree with any of these reasons.	11.18%	17
I am comfortable with 1.7 to 3.9 million new square feet of residential development.	22.37%	34
Totals	100.00%	152

17. I believe the most important reason to more strictly regulate future development on mountainsides is:		
	Responses	
	(percent)	(count)
Protect the scenic quality of the Aspen Area.	38.75%	62
Reduce environmental degradation.	31.88%	51
I don't think future development should be more strictly regulated in these areas.	29.38%	47
Totals	100.00%	160

The P&Zs have already agreed that some of the action items that identify specific square footage reductions in house size should be eliminated. Research and analysis as part of a code amendment process will ultimately lead to specific recommendations.

Questions to consider:

- *Where does the group stand on this issue?*
- *Does the group want to include a policy calling for reductions in house size?*
- *Is the group comfortable with eliminating specific goals for square footage reductions from the current action items?*

- *Does the group agree with the bulleted list in Managing Growth policy III.2 as reasons to limit house size? Are there other reasons to limit house size that should be captured in the policy?*

Lodging Regulations: The current draft of the AACP includes a section on lodging. The large group meetings asked a question about the kinds of lodging people would like to see. Most people felt that any lodge, regardless of price point, was important to add to our inventory.

13.) 7. Which statement do you agree with the most about replenishing our lodging bed base?		
	Responses	
	(percent)	(count)
We should replenish what we've lost, but only focus on moderate and economy lodges.	28.40%	46
We should replenish what we've lost without focusing on any one type. Any lodge we can get, even if it's in the deluxe category, is important	51.23%	83
I don't think we need to try to replenish our bed base.	17.28%	28
I don't know enough about this topic to express an opinion	3.09%	5
Totals	100.00%	162

In the P&Z discussions there were distinctions made between lodging in the core and lodging in the West of Castle area relative to characteristics of design, traffic impacts and specifically visual qualities. Both the Managing Growth and West of Castle Creek chapters will have policies that will influence future lodge development.

Questions to consider:

- *Where does the group stand on these issues?*
- *Do you believe that there is a difference in the characteristics and impacts associated with lodging inside the core vs. West of Castle? Should development standards regarding density, size and affordability be different for those two areas?*
- *Should the public sector play a role in encouraging/financing the types of lodging the community wants?*

The Development Process: The draft AACP includes a number of policies and action items seeking to increase predictability in the planning process. For instance, Managing Growth policy I.2 states “Restore public confidence in the development process,” while associated action item I.2.a states, “Amend the land use codes to create greater expectation of certainty and predictability in the review process.”

During their deliberations thus far, the city and county P&Zs felt that PUD and COWOP land use reviews have been too open-ended and unpredictable. Managing Growth policy VI.1 states, “Ensure that PUD and COWOP processes result in tangible community benefits and do not damage the built environment through mass and scale that significantly exceed land use code standards.”

The small group participants had a number of comments about the development review process. Some felt the process has become unpredictable, while others felt that the public debate over individual developments was informative and created better projects. The large group meetings included a question about this issue:

11. What is your preference for how development applications should be reviewed?		
	Responses	
	(percent)	(count)
The appropriate height, mass, and scale of buildings should be established by zoning, and should never be varied. We should remove most or all of the discretion from the review process.	47.55%	68
Development should be negotiated on a case-by-case basis, with all issues on the table, and enough discretion for the P&Zs and Council/BOCC to bargain and negotiate.	49.65%	71
I don't know enough about this topic to express an opinion.	2.80%	4
Totals	100.00%	143

The draft plan includes a policy that would ensure consistency between city and county codes in the UGB (Managing Growth policy III.1).

Questions to consider:

- ***Where does the group stand on these issues?***
- ***Do you want to see any other aspects of the Development Process highlighted in the plan?***

ATTACHMENTS:

Exhibit A: Results of Instant Voting Keypad Sessions / Nov. 15 & 17