

Conservation Ordinance Changes Return to the CPC for Review

June 21, 2014

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On June 19th the final ZOA meeting to consider the proposed changes to the conservation ordinance was held. DHL and other neighborhood groups were in attendance and committed on the proceedings. The next step is another CPC hearing, which is as yet unscheduled. As soon as it is known when the CPC will take up the matter, DHL will notify its members and begin preparations to make our case.

After discussion the ZOA decided to submit the following changes to the CPC for review.

1. Inclusion of “cultural attributes”: The terms “architectural attributes” and “cultural attributes” will be combined into one term – “Physical Attributes,” which includes the land use components of architectural and cultural attributes. It will be defined as: PHYSICAL ATTRIBUTES means the physical features of buildings and structures, including the architectural style; characteristics of a period; and method of construction, and may also include those physical characteristics of an area that help define or make an area unique, including scale; spatial relationship between buildings; lot layouts; setbacks; street layouts; streetscape characteristics or other natural features; or land-use patterns.
2. Definition of “Neighborhood Committee:” The Neighborhood Committee (NC) is the group of folks from the ‘hood that are designated by the NA to deal with the City. There is one person designated to receive notices from the City. The new ordinance defines it as 10 people or for CDs of 1 block or less, 50%. Everyone agreed that definition was ok and no changes were made.
3. Pre-application Meetings: Staff initially wanted the NC to request 2 pre-application meetings and include in the request a list of the items they want changed with a CD. The meeting happens after the City determines that the neighborhood is “eligible” for a CD and before the application (with petitions) is submitted. Now, that list will be developed at the pre-application meetings, not beforehand.
4. Form of the Petition: ZOC went with a long form that will include:
 - (a) A map of proposed area;
 - (b) A list of things that can be changed in the CD process;
 - (c) A list of things the NC wants changed;
 - (d) A statement that only the things identified by the NC can be changed without a new petition/application process;
 - (e) Identification of the NC;
 - (f) Notice that a CD is a zoning change and
 - (g) An outline of the process. ZOC rejected our efforts to go with a shorter form. More importantly, ZOC agreed with staff that only the items identified by the NC at the pre-application meeting could be incorporated into the petition and into a CD. Anything added at public meetings would require the neighborhood to start over.

5. Percentages: Staff's own benchmarking showed that no other city in the U.S. requires more than 51%. DHL urged 55%. ZOC stayed with 66% to submit an application with the fee and 75% to have an authorized hearing. Staff continues to argue for 75% and 85%.

6. Time limits:

a. For the City: The City will have 30 days to let the neighborhood know whether the application is accepted and if no, why not. No other time limits were instituted for the City.

b. For the Neighborhood. Staff originally wanted neighborhoods to have 6 months to get the petitions signed. ZOC recommended that for neighborhoods of 200 homes/lots or less, 6 months; 201-499 homes/lots, 9 months and over 500 homes/lots, 1 year. DHL sought 1 year for neighborhoods of 500 or fewer homes/lots and 18 months for larger neighborhoods.

7. "Removal" of a property: DHL offered some suggested language on this as well as language related to amendments to CDs. ZOC didn't vote on these items, but staff has made some adjustments. We'll have to wait and see what the next version of the CD ordinance looks like.