

City Council

Special Meeting Minutes

July 10, 2018
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call - the following members were present:

City Council: ***Mayor Robert Muckle***
 Mayor Pro Tem Jeff Lipton
 Councilmember Jay Keany
 Councilmember Chris Leh
 Councilmember Susan Loo
 Councilmember Dennis Maloney
 Councilmember Ashley Stolzmann

Staff Present: ***Heather Balsler, City Manager***
 Megan Davis, Deputy City Manager
 Rob Zuccaro, Planning & Building Safety Director
 Lisa Ritchie, Associate Planner
 Emily Hogan, Assistant to the City Manager
 Katie Baum, Sustainability Specialist
 Meredyth Muth, City Clerk

DISCUSSION/DIRECTION – BOULDER COUNTY GREENHOUSE GAS INVENTORY

Katie Baum, Sustainability Specialist, reported in 2017, Boulder County hired a consultant to complete the 2016 countywide greenhouse gas (GHG) inventory, revisit the County’s sustainability goals, and develop strategies for GHG emissions reductions. This represents the third update of this report. The County initially conducted the inventory of GHG emissions in 2005 and updated it in 2011. The purpose of the inventory is to address climate change at the local level and to understand GHG emissions as a community.

A greenhouse gas inventory provides a full accounting of the sources of carbon pollution within a geographic area. The inventory helps to identify sources of emissions and tracks progress over time.

Lea Yancey, Boulder County Community Sustainability Specialist, provided an update on the County-wide inventory. The final report was submitted last month. It provides a full accounting of the sources of GHG emissions and tracks information. The first inventory was in 2005 with another in 2011 and now in 2016.

Boulder County is committed to addressing climate change locally. Carbon is now recorded at an all-time high. If we continue on this path it is projected that Boulder will have over 35 days per year over 95 degrees by mid-century. Studies show there are significant economic impacts of the projected future climate conditions.

Yancey reviewed the methodology of the report. It is a full accounting of greenhouse gas emissions countywide for all sources including residential and commercial emissions, transportation emissions, waste in landfills, and industrial processes. She reviewed countywide emissions by sector and by source and those for Louisville.

Yancey stated the County wanted to identify existing and new GHG emission reduction strategies. The strategies fall under six categories: building energy, renewable energy, transportation, oil and gas, waste, and other efforts. She noted some actions being taken by municipalities in Boulder County.

The report concluded: buildings and transportation are 90% or more of all emissions; waste reduction is important too; countywide emissions have decreased at the same time the population grew; emissions reductions due to a cleaner grid had the greatest impact on emission reductions so therefore policy is important; and ongoing collaboration is key.

Councilmember Maloney asked how they were able to measure the sources of electricity emissions and how solar on homes affects that. Yancey reported the information comes from looking at how much carbon is released in the atmosphere based on how many kW are used for the community. It can be a bit flawed as the solar installed in the County does not give us direct credit, but it is done this way so solar is not double counted. Separate information from Xcel does help identify the solar impacts in the County.

Mayor Muckle asked how the aviation fuel use is tracked. Yancey stated the local municipal airports are allocated to those cities and DIA is allocated per capita and by assumption on how much air travel residents use. Mayor Pro Tem Lipton asked to get more detail on the allocation of DIA's aviation fuel usage and if it includes pass through passengers as this is material to the numbers for transportation emissions.

Mayor Pro Tem Lipton asked how Xcel's new plan for more renewable energy is counted in this report. Yancey noted the GHG report is a snapshot in time and when the consultant looked at future opportunities they did factor in the projections from Xcel.

Councilmember Stolzmann thanked the County for doing the inventory. She noted her concern about where we are in hitting our targets. It looks like with the new methodology we seem to be behind to meet the 2020 goal. Yancey stated we are not on track to reach the goal. Councilmember Stolzmann would like that to be more obvious in the report. Councilmember Stolzmann added she felt the per capita section is not that helpful as some communities don't have commercial or industrial impacts. It doesn't allow for true comparisons and she suggested it be broken out more per category.

Mayor Muckle asked about comparisons from previous years. Yancey stated the methodology changed somewhat each year so the comparisons are not ideal. This consultant included better data.

Baum stated the report recommendations for Louisville somewhat align with the Sustainability Work Plan. They include:

- Evaluate the adoption of updated building codes to the further advancement of energy efficiency in new buildings.
- Explore guidelines favoring energy efficiency in the new Planned Unit Development (PUD) Guidelines as potential "waiver criteria" and adding Electric Vehicle Supply Equipment (EVSE) build-out for general or parking waivers.
- Apply for a Regional Air Quality Council (RAQC) grant to install an electric vehicle charging station (EVSE) at the Recreation Center in 2018.
- Partner with Xcel Energy to increase the share of alternative energy with our community.

Mayor Muckle stated the Council is supportive of the Sustainability Work Plan items. He noted the effectiveness of collaborating with PACE on the Green Business Program.

DISCUSSION/DIRECTION – ENERGY FUTURE COLLABORATION DRAFT MEMORANDUM OF UNDERSTANDING WITH XCEL ENERGY

Katie Baum, Sustainability Specialist stated on May 8, City Council directed staff to begin drafting a Memorandum of Understanding to enter into a partnership with Xcel Energy through its Energy Future Collaboration program. The MOU establishes a voluntary partnership between the City and Xcel with the goal of developing a strategy for achievement of a shared vision through collaboration focused on innovation, clean energy, economic development, customer programs and technology. The process for drafting the MOU began by establishing mutual values, vision and guiding principles, which was based on the goals and strategies identified in the Louisville Sustainability Action Plan and the values listed in the City's Comprehensive Plan. Xcel provided a draft MOU that staff and its Council liaisons reviewed and made edits to. Xcel reviewed the proposed revisions and approved the draft MOU.

The next step in the process is drafting Attachment 1 for the MOU, which outlines initial ideas for the City and Xcel to consider for the Work Plan. The Work Plan will detail the

deliverables to be presented and follow the guiding principles outlined in the MOU. After Council has made edits to Attachment 1, it will be forwarded to Xcel for review. Once it is finalized, staff will bring back the MOU and Attachment 1 to Council for approval.

Councilmember Loo and Councilmember Stolzmann worked on this document and stated they were trying to follow the Sustainability Action Plan and City Council goals in this document while reducing emissions. They want City Council feedback before it goes to Xcel for final review. Councilmember Stolzmann said they tried to make it Louisville specific as much as possible. It is a list of ideas to work with, not a definitive road map.

Regarding the MOU Mayor Pro Tem Lipton requested the City Attorney make sure this is not an exclusive agreement with Xcel in case there are options with other providers. That should be explicit in the agreement.

Public Comments - None

Councilmember Maloney stated he feels this covers the thoughts and interests of the full City Council. He likes that it is Louisville specific and supports it as written. Mayor Muckle agreed it looks ready to go as is. Members agreed.

DISCUSSION/DIRECTION – RESIDENTIAL ESTATE LOT COVERAGE

Planner Ritchie stated in the 2018 City Council Work Plan, City Council directed the Planning Department to explore amendments to the Louisville Municipal Code (LMC) Residential Estate (RE) Zone District standards related to lot coverage, or rezone certain RE zone district properties to a more appropriate zone district when considering lot coverage.

She showed a map of the properties that have RE zoning. The LMC establishes yard and bulk standards and the RE standards have been in place since 1976. In 1994 the LMC was amended to allow other types of different types of residential zone districts and prohibited re-zoning to RE. Generally as lot sizes are smaller the allowed lot coverages are larger.

Background:

- 1,785 residential properties zoned RE
- 27 major subdivisions, plus a handful of replats
- Platted between 1959 and 1995
- Four neighborhoods do not have PUDS
 - Scenic Heights
 - Louisville North
 - Continental View Estates
 - Ridgeview

The LMC describes Residential Estate (RE) – the residential estate district is intended to provide an alternative to typical urban density single-family residential areas by providing larger minimum lot areas.

1996 – LMC amended to require yard and bulk standards apply with a PUD is silent

2012 – Staff began applying this when evaluating residential building permits affecting lot coverage

2012-2018 – 46 variances processed for RE lot coverage

22 administrative, 22 Board of Adjustment,

All but 1 approved, 1 still pending, ranging from 21-34%

Process

- Included in City Council's 2018 Work Plan
- Planning Commission Discussion, May 10, 2018:
- City Council, July 10, 2018
- Public outreach:
 - Mailing
 - Open House, August 29, 2018
 - Webpage/Social Media
 - Neighborhood Surveys
- Return to Planning Commission for recommendation
- City Council to consider an Ordinance

Planner Ritchie asked Council for questions and if any additional background was needed.

Mayor Muckle stated there is a question if sitting members need to recuse themselves if they live in one of these lots. He felt a disclosure could be made if a Council member chose to, but noted this affects a large number of people and is not specific to anyone.

Councilmember Loo stated she lives in one of the lots and would recuse herself if City Council felt she should. Mayor Muckle asked if she feels she can be objective. She stated yes.

Councilmember Keany asked if making this change would automatically give the right to someone to expand the size of their home. Ritchie stated some could but it is the intent of staff not to change the character of neighborhoods. If the change is made, some homes could make expansions. Councilmember Keany stated staff will need to be clear about this in the process.

Councilmember Maloney asked what would be the downside of doing this. Ritchie said this might be against the original intent and maybe neighborhoods think this should be done on a case by case basis. This is why the public comment process is important.

Mayor Pro Tem Lipton asked if this affects subdivision agreements and plats. Ritchie stated there are some plats with zoning that could be affected, but generally this is not intended to affect those. Director Zuccaro stated so far they have not found any conflicts with subdivision agreements and lot coverage, but they all need to be reviewed carefully.

Councilmember Loo would like staff to be very clear that some of these lots also have HOA regulations that might affect this discussion. We need to be very clear in the explanations since this is a complex discussion and lots of rules apply.

Director Zuccaro stated on a day to day basis staff talks to RE homeowners who are frustrated with the nonconformities. It is unusual to have so many nonconforming properties. It is very complex and each neighborhood has its own character we want to respect. It appears there were unintended consequences from policy changes over time, but the intent is not to change the character of any neighborhood.

Councilmember Loo would like to know if the Board of Adjustment (BOA) is feeling overburdened by these requests. How much energy and cost is it for staff to address these under the current rules. She wonders if the current system is working other than the cost of taking a case to the BOA.

Ritchie stated the process is working but there are people who simply walk away from the counter frustrated about the process. Director Zuccaro stated he is not particularly concerned about staff time or the BOA but is concerned about the large number of residents that are affected and frustrated. Usually someone wants a small addition or change and can't do so because they are already at the maximum lot coverage. Staff doesn't anticipate huge additions, just some flexibility.

Councilmember Stolzmann felt the current situation is not working and it would be better if there were good standards to apply. She stated good data and visuals showing what changes will look like will help explain this to residents.

Councilmember Leh stated it is a burden on citizens and should be addressed. It is complex and will take some good explanations for people to understand this issue. He appreciated what staff had put together for Council review. He suggested a list of frequently asked questions.

Mayor Pro Tem Lipton asked how a property with a current variance would be handled under the new regulations. Planner Ritchie noted staff will consider that and bring it back as a talking point.

Councilmember Loo asked how you explain why smaller lots get higher lot coverage. Ritchie stated the larger lots were intended to feel more spacious but still get a large home. The reasonable home size on a smaller lot as a percentage needs to be larger.

Councilmember Loo stated there will need to be a good explanation for people to understand the lot coverage allowance percentages.

Councilmember Maloney stated it is really important to maintain the character of the neighborhoods. That should be a message of the project.

Mayor Muckle suggested more public meetings tailored to specific neighborhoods.

Councilmember Leh stated there needs to be a clear set of rules people can understand and staff can apply.

Public Comments – None.

ADJOURN

Members adjourned at 8:22 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk