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MEMORANDUM

From: City Representative Susie Byrd

To: Mayor and Council; Deputy City Manager Pat Adauto;
John Neal

Re: Subdivision Ordinance Changes

April 22, 2008

Dear Mayor and Council:

Please consider the following changes to the subdivision ordinance in order to make the code more clearly reflect our original intent in re-writing the subdivision code. Our goals in the re-write included:

- Re-defining basic infrastructure to ensure that existing taxpayers aren't footing the bill for new growth
- Subdivision design that enhances neighborhood safety and pride
- Improving the quality of public spaces (parks, streets, open space, sidewalks, etc)
- Subdivision designs that promote and enhance access for all modes of transportation (transit, vehicle, pedestrian, bicycle)
- More flexibility for creative uses of land such as park ponds
- Preservation of natural assets such as arroyos and open spaces

I think there is still a lot more work to be done in land development reform in El Paso, but I think this is a good step in improving the quality of life in El Paso. Thank you for your consideration.

Sincerely,

Susie Byrd
City Council Representative, District 2

PROPOSED CHANGES TO THE SUBDIVISION RE-WRITE

Submitted by Susie Byrd

Tuesday, April 22, 2008

ARTICLE 1

Page 36. Add to the application contents for Subdivision improvement plans, the following:

- For Item 4, add sidewalks to “Streets and other rights-of-way”
- For Item 7, add traffic calming devices to “Traffic control signs and traffic signalization”
- Add an additional item asking for “bikeway improvements.”
- Add an additional item asking for “transit improvements.”

Rationale: Since these are items that add to the quality and safety in neighborhoods and that add to the goal of providing alternative modes of transportation, they should all be included in the contents for the Subdivision Improvement Plan.

Page 11. Under Land Study applicability (#2). Change Phasing for Land Study from 10 years with two (2) five-year extensions to five years with two (2) two-year extension.

Rationale: Land studies will encourage better long-term planning for large parcels. However, granting a parcel of land up to a 20-year period where it could be entitled to following subdivision rules from the time of application would not allow for future land development reform to affect large parcels of land.

ARTICLE 2

Page 5. Remove Conformance to Smart Growth Design Principals.

Rationale: After three public meetings on the Design Principals, it was concluded that the best way to ensure that these principals are followed was to make sure that they are codified within the subdivision code in a manner that is clear and predictable. Staff is reviewing the proposed code for conformance with the Smart Growth Design Principals.

Page 6. Conformance to Plans. In this section and throughout the document, the applicant is told to conform to all plans adopted by the City of El Paso (parks, open space, master thoroughfare plan, etc). However, it often fails to remind the applicant that they need to conform to the Bikeway Plan and any adopted Transit Plans. I would ask that in this section and throughout the document when the MTP is referenced as a guiding tool for planning and development that the Bikeway Plan and the Transit Plan are also reference.

Rationale: We want to encourage all modes of transportation including transit and biking and as such we should reference these plans so that applicants know they must conform to them in their planning and development.

Page 29. Utilities, General Provisions. Include conduit for fiber as a utility that must be provided for.

Rationale provided by Barbara Walker of Cisco Systems: Fiber is the new 4th utility. It would seem an ideal time to include it in the general utility section. I spoke to some people about it early on. Conduit could go either under streets or sidewalk. Once filled

with fiber, it could provide backbone for wireless corridors for City services including emergency responders, automated traffic management systems, water and stormwater management, health and human services, finding lost dogs, hotspots for parks and community centers, etc, etc. The best idea I heard out of roads and streets, was for the City to lay the conduit, then charge other utilities to co-locate in the conduit, ie. telephone, cable, etc.

Page 29. Remove “Overhead electrical distribution lines shall be permitted in industrial and/or commercial parks.”

Rationale: The reason for requiring underground utilities is to improve the look of our city. As with the cell tower ordinance, I don't know that we should abandon our industrial and commercial parks as wastelands that don't need to contribute to the overall quality of our city.

Page 37. Approach roads and access. Change to discourage subdivisions with only one point of access. Suggested by Craig Farmer that we change from accommodating 100 homes to 60 homes as originally suggested by the consultant.

Rationale: This provision seems out of step with encouraging connectivity and decreasing traffic congestions to have a subdivision with only one point of access.

Page 38. Exceptions to meeting Connectivity Index Standard. Change exception to the original proposal which was, “in cases where the proposed subdivision is constrained by topographic features, existing development or other impassable features as determined by the City Manager or designee.”

Rationale: This is a very important standard that will decrease traffic congestion on arterials and provide for easier pedestrian and vehicular access throughout a subdivision. The exception as proposed would give the CPC the authority to override this standard for a reason that seems very overbroad and general and seems to create an easy loophole to meeting the standard.

Page 38. Off-site improvements. Should we ask for off-site improvements that relate to transit? General question to be answered throughout: Does developer participate in costs related to transit (shelters, bus pull outs, etc.)? I'm not sure, but I think we should discuss.

Rationale: If we are trying to promote alternatives modes of transportation and to define those modes as requiring basic infrastructure seems like we need to talk about the shared costs of providing those improvements.

Page 38. Item I provides for exceptions to standards, but it does not seem clear to what standards the exception applies. Is it applicable to all standards in this section? This needs to be clarified and easily understood.

Page 39. This requirement provides for future access with stub outs but contains a qualifier stating “which will likely develop under a similar zoning or for a similar type of land use.” I would ask that we remove this qualifier.

Rationale: We are trying to connect all land uses and move away from single islands of particular land uses that are disconnected from the rest of the community. We should require stub outs in all instances to provide for future access.

Page 40. Construction of streets. Requires intersections of major and minor arterials to be constructed with concrete unless an exception is granted by the CPC. It does not qualify when an exception can be granted. I suggest that we go back to the original proposal that said that an exception would be granted in those instances where it was determined by City Council upon recommendation of the City Manger that asphalt would perform better.

Rationale: By not specifying the instances when an exception should be made, we are leaving this up to the whim of the CPC. Also, since this decision would have fiscal impacts (streets without concrete intersections deteriorate more rapidly), it should be a decision for council, rather than the CPC. We gave authority to the CPC for land development issues but not for fiscal decision making.

Roadway section. Require City to design arterials, developers to build to design and suggest that arterials be designed in conformance with “Context Sensitive Solutions” in Designing Major Urban Thouroughfares for Walkable Communities.

Rationale: We do a terrible job of designing streets that accommodate vehicles, pedestrians and bicyclists and that are attractive and good places to be. We need to do much better.

Page 42. Block lengths. Suggest reducing block lengths to 1,200 feet along arterials and 800 feet along other streets.

Rationale: Shorter block lengths increase walkability. Also, speeding increases after 600 feet, so if the blocks are shorter with more frequent intersections, people are less likely to speed.

Page 46. Widths required by street type. Under third asterisk at bottom of page, I want to make sure that requirements that need to be satisfied for the 28-foot street are not overly restrictive so that developers will not use this street type.

Rationale: Narrower streets slow traffic, so I think we should make narrower streets the standard and not the exception.

Page 51. Private streets. Require some sort of financing mechanism be in place to ensure the maintenance of streets.

Rationale: We are currently struggling with private subdivisions that have not maintained their streets and are now asking us to take over substandard streets. I think we need a mechanism to prevent this in the future.

Page 60. Traffic Impact Analysis, Purpose and Findings. Under Item 1, it states that “New development must be supported by an adequate network of streets and thoroughfares.” I request that we add to the sentence, “that accommodate pedestrian, vehicular, transit and bicycle traffic.” Add language to this section that specifies that all modes of transportation are to be measured and that based on land use and design that

accommodates a greater diversity of transportation options, the developer can reduce street requirements, etc.

Rationale: If we are trying to promote alternative modes of transportation, we should state this as a goal, make sure that it is measured and reward developers who work to accommodate all modes of transportation in the design of the land.

Page 75. Outlines exceptions to when neighborhood parks can be less than an acre. There are two exceptions. Suggest that we add another exception: that a park of less than an acre can be dedicated in order to meet the goal of having a neighborhood park within walking distance of every home. The exception states that the only way that this exception can be granted is if the Parks Director recommends it. I think we should change this to allow for an applicant to appeal a recommendation to Council.

Rationale: Parks believes that only in rare exceptions should parks of one acre be dedicated because of the costs of maintaining these small scattered sites. It is my belief that fundamentally this is a funding decision that should be put to council should there be a difference of opinion between the developer and staff and where the development meets the exceptions specified.

Page 76. Provisions for Park/pond. I suggest keeping as is except for Item 11, which would give developers credit in excess of what was required to be deeded as long as the credit goes to the same park zone. Keep this as originally recommended so that developer would only get credit for what is required.

Rationale: I think we need to be as flexible as possible in encouraging park/ponds that are more park than pond and that are inventive in their design. However, we want to consistently promote neighborhood parks within walking distance of all homes so we need to make sure not to give more credit than what is required.

Page 79. Standards for deeded parkland. Item 4. Request that we change this to say that park land should be surrounded on all sides by roadway. We can provide exceptions for extenuating circumstances, but we should have as the overriding principal that parks are central to neighborhoods and therefore should be open on all sides.

Rationale: As open public spaces, we want parks to feel safe and we want them to be central to neighborhoods. To create a sense of security, homes should face the park, rather than have their rear or side lots facing them. In order to feel central and easy to get to for all homes in the subdivision, there should be easy access to the park from all sides.

Page 84. Remove provisions for granting public credits for private park facilities.

Rationale: Public park credits should be not be granted for private facilities that are not available to the public and where there is no guarantee that the park will be deeded in perpetuity.

Page 89. Parkland fees in lieu of land. Suggestion an annual indexing of the fee based on a formula spelled out in the ordinance.

Rationale: Fees should not be static and should change as market conditions change otherwise we will get ourselves in the situation that we used to be in that developers would work the system to give us fees instead of parks.

Page 95. Sidewalk exceptions. Remove Exception 6

Rationale: Not sure of the rationale for providing this exception as it seems overly broad and too open to interpretation.

Page 96. Width of sidewalk. Request that the minimum width be changed from five feet to six feet.

Rationale: Six feet sidewalks allow for more pedestrian activity and increase walkability in neighborhoods and on commercial corridors.

Parkways. Parkways are the area between the sidewalk and the street. They are meant to provide protection for the pedestrian from vehicular traffic. I couldn't find these directly addressed in the ordinance but it is my understanding from the meetings that we will allow developers to provide or not provide parkways at their discretion. Since these were intended to protect pedestrians, I think we should talk through whether or not we require parkways.