



Land Use-Urban Redevelopment Committee – Board of Representatives

Harry Day, Chair

Committee Report

Date: Wednesday, August 30, 2017

Time: 7:00 p.m.

Place: Democratic Caucus Room, 4th Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. In attendance were Chair Day and Committee Member Reps. Heaphy, Hoch, McGarry, Okun, Patterson, Ryan and Summerville. Absent or excused was Rep. Miller. Also present were Reps. de la Cruz, McMullen, Nabel and Zelinsky; and Kathryn Emmett, Corporation Counsel.

Chair Day called the meeting to order at 7:06 p.m.

Item No.	Description	Committee Action
1. LU29.096	ORDINANCE <u>for public hearing and final adoption</u> ; Amendment of Code Chapter 88 Regarding Emergency Measures Authorized for Imminently Dangerous or Unsafe Buildings. 07/12/17 – Submitted by Mayor Martin 08/02/17 – Approved by Committee for publication	APPROVED 8-0-0

Chair Day opened the public hearing. There being no members of the public present wishing to speak, the public hearing was held open during the discussion of this item and then closed.

Ms. Emmett discussed this item with the Committee as follows:

- An imminent danger is determined by the Chief Building Officer under State law
- The goal of the targeting the ordinance toward fire was to involve the State Fire Marshal
- There are other statutes which give the Building Official the authority to demolish unsafe buildings

A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 8-0-0 (Reps. Day, Heaphy, Hoch, McGarry, Okun, Patterson, Ryan and Summerville in favor).

2. LU29.085	ORDINANCE <u>for publication</u> ; Amendment of the Demolition Ordinance, Chapter 88 . 04/26/17 – Submitted by Rep. Day 05/31/17 – Held in Committee 07/05/17 – Held in Committee 07/17/17 – Held at Steering	HELD
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Chair Day noted that the submitting parties are still discussing this item. Without objection, this item was held.

- ¹3. [LU29.089](#) REVIEW; Prescribing The Engagement Of Consultants And Experts By The Zoning Board. **HELD 8-0-0**
06/07/17 – Submitted by Reps. De La Cruz, Mitchell, Caterbone, Franzetti, Hoch, Jacobson, Kolenberg, Nabel, Pratt, Okun, Ryan and Zelinsky
07/05/17 – Held in Committee
08/02/17 – Held in Committee

Representative de la Cruz explained that he has revised the proposed ordinance to address concerns about the Board of Representatives imposing requirements on the Zoning Board.

Ms. Emmett noted that:

- The revisions exceed the limitations on the authority of the Board of Representatives in the Land Use area
- From a legal perspective, the provision in the proposed ordinance for an applicant to pay a deposit of 150% of the reasonable estimated cost of an independent outside consultant is legal
- The other aspects of the revised ordinance are directions which the Board of Representatives is not authorized to imposed, including the pre-qualification of consultants and mandating what is to be included in the report
- The Board can communicate to the Land Use Boards things it thinks would be helpful

Representative de la Cruz noted that the revisions place requirements on the Land Use Bureau Chief, not the boards, and the Land Use Boards would be able to ignore any consultant's report he provides. He believes this is consistent with State law. Ms. Emmett stated that this still would exceed the Board authority under State statute.

Committee members discussed the extent to which the Board of Representatives has authority to act and the need for the Land Use Boards to have the tool of an independent consultant available.

Representative Hoch made a motion to hold this item to draft language specifically relating to applicants paying a deposit of 150% of the reasonable estimated cost of an independent outside consultant, which motion was seconded and approved by a vote of 8-0-0 (Reps. Day, Heaphy, Hoch, McGarry, Okun, Patterson, Ryan and Summerville in favor).

4. LU29.094 REVIEW; Board Of Representatives Authority And Limitations In Governing Zoning Enforcement. **NO ACTION TAKEN**
07/11/17 – Submitted by Reps. Quinones and Kolenberg
08/02/17 – Held in Committee

Chair Day stated that Rep. Quinones stated that this item was covered as last month's meeting and no further discussion is necessary.

¹ Video Time Stamp 00:11:30

As a Secondary Committee:

- ²1. CS29.020 ORDINANCE for publication; Revising Land Use and Zoning fees. **APPROVED 8-0-0**
7/12/17 – Submitted by Mayor Martin

Representatives Okun, Ryan and Zelinsky reviewed the discussion and votes at the Cost Savings & Revenue Enhancement Committee. Committee members discussed that this ordinance is more in line with the costs incurred by the Land Use boards and City departments.

A motion to endorse the decision of the Cost Savings and Revenue Enhancement Committee was made, seconded and approved by a vote of 8-0-0 (Reps. Day, Heaphy, Hoch, McGarry, Okun, Patterson, Ryan and Summerville in favor).

Chair Day adjourned the meeting at 9:00 p.m.

Respectfully submitted,
Harry Day, Chair

This meeting is on [video](#).

² Video Time Stamp 01:34:00