



Denver City Council

Public Amenities Committee Meeting Summary

Date: March 6, 2007

Time: 11:00 a.m.

Location: Room 391

Members Present: Lehmann, Montero, Johnson, Robb

Members Absent: None

Other Council Present: Boigon

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1. Park Rangers Update
 2. Park Designation Process
 3. Parkway Policies
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1. Park Rangers Update

Susan Fry, Director of the Park Rangers Program, presented the 2006 Annual Report and a preview of the 2007 season. Major points are summarized below. The presentation materials are attached.

- Program objectives include: convey information and rules to users; provide “eyes on the parks”; enforce rules; provide professional, courteous & competent service to patrons.
- Ranger Program is included in Parks Natural Resources Division.
- **2006** budget=\$120,000
- 10 seasonal rangers were hired and trained.
- An advisory committee was created to help guide the program.
- Rangers received over 100 hours of training in a wide variety of areas, including First Aide; Police Academy Park Ranger training; conflict resolution; defensive driving; animal control; and forestry, playground and water quality inspection.
- Rangers hours in urban parks=7843; mountain parks=1778.
- Captured baseline data to measure future success.
- Visited 6,000 locations and made over 22,000 contacts with park users (type of contacts listed in attached materials).
- Participated in over 128 special events and volunteer projects.
- Rangers used a Ford Explorer, 3 rental fleet vehicles, 10 bikes, and foot patrols.
- **2007** budget=\$169,100.
- Program is housed at the Montclair Building but maintains satellite offices.
- In process of hiring 6-8 seasonal staff; expect 3-4 Rangers to return.
- Operations manual is being developed.
- Recommendations include: develop a multi-year strategic plan; coordinate with Parks Partners Program; develop Junior Ranger Program; explore creative alternative funding sources such as sponsors, grants, & partnering with other agencies.

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2. Park Designation Process

Committee Action

The Committee:

- requested a memo clarifying exactly what can and cannot happen to and in designated parks, especially in cases of joint use with Denver Public Schools;
- requested an opinion from the city attorney clarifying the powers of Council, the mayor and the manager of parks and recreation in the park designation process; and
- approved filing an ordinance officially designating seven parcels of park land as “parks” under Denver Charter Section 2.4.5:

| Park Land | Council District |
|-------------------------------|------------------|
| Unnamed @ Garland & Saratoga | 2 |
| Unnamed @ Garrison & Union | 2 |
| Unnamed @ Kendall & Jefferson | 2 |
| Golden Key Park | 4 |
| Fuller Park | 8 |
| Aztlan Park | 9 |
| Montbello Civic Center Park* | 11 |

* The Committee asked that this name be modified to avoid confusion with Civic Center Park.

Summary of Discussion

Kim Bailey, Manager of Parks & Recreation, and Tom Hawkey, Projects Manager, discussed the draft policy for park designation. Charter section 2.4.5 provides that park designation must be by ordinance, and it stipulates that designated parks cannot be sold, leased (except for park or recreational purposes) or otherwise encumbered with any property interests such as easements, nor conveyed to other parties without approval of the voters.

On December 31, 1955, per Charter, all properties that were then functioning as “park land” were grandfathered in as “designated parks”. Since then, over 70 parks have been created, but none has been designated because no policy or process for designation was ever developed. The purpose of the policy under discussion is to establish a process.

The department has documented the status of every piece of land used as a park and/or maintained by the department. The analysis identified 77 parks undesignated parks (does not include parkways, trails, traffic islands, and building grounds, such as the City & County Building grounds). There are reasons not to designate all of them. Issues include:

- Does it have potential for enlargement? If so, it shouldn’t be designated yet.
- Are there major utilities through it? If so, any issues around that should be resolved first.
- Are there encumbrances on the title? Is it legally owned by the department? If not, these issues should be clarified first, and this can be a lengthy and expensive process.

Ms. Bailey said the Parks & Recreation Advisory Board has discussed the need to create layers of protection through a public process. There is a need to provide protection to parcels maintained by

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the department and used as parkland but which have some issue that deter full designation. One example is the Kennedy softball fields, which is on land owned by the Army Corps of Engineers.

The seven parks currently going before Council for designations were identified through an internal process. Future designations could be proposed by the Advisory Board or a group of citizens. The Advisory Board would review any proposed designation. The Charter gives the manager full authority over parks, but ultimately Council and the mayor must approve a proposed designation. The question of Council designating a park over the objection of the manager was raised, and an opinion from the City Attorney was requested.

3. Amendments to Parkway Rules & Regulations

Andrea Riner, Director of Parks Planning, and Rob Duncanson, Director of Public Works Design Engineering Services, discussed new amendments to parkway rules & regulations (see attached), which are mostly clarifications. Ms. Riner explained that the issues addressed include:

- Definition of structures;
- Fences, walls, architectural features;
- Encroachments into parkway setback;
- Existing non-conforming buildings;
- Required submittals; and
- Appeals review process.

Issues not included in these amendments are:

- Revisions to existing required setbacks;
- Sidewalk requirements (will be the next phase); and
- Designation and de-designation of parkways.

The amended rules are currently being applied as interim rules. The Advisory Board reviewed them at its meeting on February 8 and will hold a public hearing on March 8, followed by a 30-day public comment period. After comments are reviewed and any adjustments made, the final document will be prepared.

The major points in the discussion included:

- Not all parkways look alike or contain the same components (setback on private property; tree lawn; sidewalk; traffic lanes; median).
- Parkway typically have medians but some only have plantings in the tree lawns, which vary in width.
- Setback regulations are addressed during development review.
- Parks does not have the staff or resources to check what people do in the parkways.

Issues raised by Committee members included:

- Balconies & bay windows are allowed to encroach in the setback but they “must be no less than 40 feet above grade”. This is absurd.
- These rules do not address types of landscaping allowed, which can change the character of the parkway. This should be addressed now.

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- The issue of historic parkways, especially that the Landmark Preservation Commission has no purview over them, is very confusing to citizens and must be addressed at some point so we can maintain the historic character.
- Rules should be explicit about property address. People are moving the front door to the side street and fencing the parkway areas as their side yard.
- Planting requirements and our water conservation goals do not mesh.
- Conflict between zoning setbacks and parkway setbacks need to be resolved. Councilwoman Boigon suggested that the parkway setback should always trump.
- Public Works and Parks need to have the same rules for curb cuts on parkways.

Kerry Buckey, Assistant City Attorney, said the Charter authority for parkway setback is given to the manager of Parks & Recreation; the authority for zoning is given to Council. The more restrictive setback does trump the less restrictive. He added that the issue of corner lots raises the same problem. The zoning administrator decides the front of the lot, and the property owner can appeal to the Board of Adjustment. There is no appeal in Parks. The property owner needs to address Parks' regulations first.

Councilwoman Boigon said the rigidity of the rules force people to scrape their lots. All Charter authority ultimately goes to the mayor since the managers are not elected.

Rob Duncanson, Public Works, said that approval of curb cuts is within the purview of the manager of public works, but the department looks to the parkway rules. Most of the regulations for parkways are the same in both agencies. In cases where Parks rules are more restrictive than Public Works rules, the Parks rules trump the others.

Councilwoman Johnson said that we must have means of enforcement. Mr. Buckey said that enforcement is by right-of-way inspectors and Neighborhood Inspection Services, but mostly it is on a complaint basis. There are enforcement agreements between departments, and there will be something written for the parkway rules.

Ms. Riner said that Parks is already doing everything contained in the rules & regulations. Having all of it in writing simply makes it more efficient and effective and clarifies some of the gray areas.

Councilwoman Lehmann summarized the issues on which the Committee needs more clarification:

- Zoning rules vs. parkway rules
- Curb cuts
- Corner lots
- Enforcement responsibility
- Greenprint Plan vs. green grass
- Site plan review responsibilities for parkway issues
- How these rules fit with historic preservation.

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