



## **MINUTES**

### **Regional Air Quality Planning Workshop**

### **Friday, June 4, 2010**

#### **RAQC MEMBERS PRESENT:**

Andy Spielman, *Chairman, Hogan and Hartson, LLP*  
Melissa Chalona, *CTL|Thompson Inc.*  
Eric Doering, *Town of Frederick*  
Kate Fay, *Colorado Department of Public Health and Environment (alternate)*  
Rick Garcia, *Department of Urban Housing and Development (advisory)*  
Russell George, *Colorado. Department of Transportation*  
Darryl Jones, *Coventry Development*  
Elise Jones, *Colorado Environmental Coalition*  
Susan Kirkpatrick, *Colorado Department of Local Affairs*  
Richard Long, *Citizen*  
Ben Manvel, *City of Fort Collins*  
Bob Murphy, *City of Lakewood*  
Paul Natale, *City of Commerce City*  
John Putnam, *Kaplan, Kirsch, & Rockwell, LLP*  
Martha Rudolph, *Colorado Department of Public Health and Environment*  
Jennifer Schaufele, *Denver Regional Council of Governments*  
Nancy Severson, *Denver Department of Environmental Health*  
Nancy Sharpe, *City of Greenwood Village*  
Skip Spensley, *Environmental Consultant*  
Will Toor, *Boulder County*  
Elena Wilken, *Colorado Association of Transit Agencies*

#### **RAQC MEMBERS NOT PRESENT:**

Debra Baskett, *City and County of Broomfield*  
Bob Fitzgerald, *City of Aurora*  
Linda Morton, *Morton Consulting Co.*  
Jep Seman, *Corporate Advocates*  
David Stewart, *EnCana Oil & Gas (USA)*

#### **PARTICIPANTS:**

##### **Office of the Governor**

Ken Weil, *Director, Office of Policy and Initiatives*

##### **Denver Regional Council of Governments**

Macon Cowles, *Council Member, City of Boulder*; Sharon Richardson, *Council Member, City of Federal Heights*;

Jim Taylor, *Council Member, City of Littleton*

##### **Metro Mayors Caucus**

David Casiano, *Mayor, Town of Parker*; Sue Horn, *Mayor, Town of Bennett*; Susan Osborne, *Mayor, City of Boulder*; Pat Quinn, *Mayor, City and County of Broomfield*

##### **North Front Range Metropolitan Planning Organization**

Sean Conway, *Weld County Commissioner*; Julie Cozad, *Mayor Town of Milliken*; Tom Donnelly, *Larimer County Commissioner*

## **Sponsors and Speakers**

Governor Parris Glendening, *President, Governors' Institute*; Tamar Shapiro, *Director, Governors' Institute on Community Design*; Clark Wilson, *Office of Policy Economics and Innovation, U.S. Environmental Protection Agency Headquarters*; Brian Leary, *President/CEO, Atlanta Beltline Inc.*; Bill Mosher, *Managing Director, Trammel Crow, Denver*; Tom Cosgrove, *Mayor and Council Member, City of Lincoln, California and Sacramento Area Council of Governments Board*; Larry Greene, *Executive Director, Sacramento Metropolitan Air Quality Management District*; Mike McKeever, *Executive Director, Sacramento Area Council of Governments*; Geoff Anderson, *President, Smart Growth America*; and Callie Videtich, *Air Program Division Director, US EPA Region 8*.

## **RAQC STAFF PRESENT:**

Ken Lloyd; Sarah Anderson; Jerry Dilley; Misty Howell; Stephanie Lind; Steve McCannon; Aneka Patel; Kate Riegle

## **OTHERS PRESENT:**

David Albrechta, Governor's Office; Tom Austin, Wagner Equipment; Brad Beckham, CDOT; Mike Boyd, HUD; Rad Byery, AQCC; Margy Christiansen, RAQC/Christiansen Corporate Resources; Kitty Clemens, DRCOG; Steve Cook, DRCOG; Steve Eggleston, U.S. Department of HUD; Jennifer Finch, CDOT; Doug Flanders, COGA; Bill Haas, FHWA; Randy Harrison, Move Colorado; Ted Heyd, Citizen; Andy Hill, DOLA; Gail Hoffman, CDOT-DTD; Martin Hudson, Town of Castle Rock; Trent Hyat, Clear Creek County; Julio Iturreria, Arapahoe County; Brian Kennedy, AECOM; Peter Kenney, Civic Results; Deb Lebow Aal, EPA; John Loewy, AQCC; Paul Ludwig, Suncor; Suzette Mallette, NFRMPO; Catherine Marinelli, Civic Results; Ryan Mulligan, Jacobs/TRD FasTracks; Carla Perez, Office of Policy and Initiatives; Mike Quirk, Wagner Equipment; Curtis Rueter, Noble Energy; Jim Shaw, Wagner Equipment; Mike Silverstein, APCD; John Slutsky, AQCC; Ken Snyder, Place Matters; JoAnn Sorensen, Clear Creek County; Mike Turner, RTD; Ed Vaughn, HUD – NPONAP; and Bob Yunke, SWEEP.

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The meeting was called to order at 9:15 a.m. by Chair Andy Spielman. A quorum was present.

## **Welcome, Introduction, Why We Are Here**

Andy Spielman, RAQC Chair, welcomed everyone to the workshop and thanked the Governors' Institute on Community Design for organizing the meeting.

Tamar Shapiro, Director, Governors' Institute on Community Design, echoed Andy's welcome and thanked the co-hosts and Governors' Institute's funders, the U.S. Environmental Protection Agency and the National Endowment for the Arts. She provided a brief background on the Governors' Institute on Community Design.

Clark Wilson, Office of Policy, Economics and Innovation, U.S. Environmental Protection Agency Headquarters, welcomed everyone. He also indicated that his office will soon change its name to the Office of Sustainable Communities and will conduct policy research analysis, provide outreach and education on growth development issues and offer direct technical assistance.

## **Improving Air Quality, Economic Well-being, and Community Design at the Project Level: A Developer's Perspective**

Brian Leary, President and CEO of Atlanta Beltline Inc., presented information on the Atlantic Station development and the Atlanta BeltLine project. The Atlantic Station project was the largest urban brownfield redevelopment in the country of its type. Mr. Leary said that due to the CAA non-attainment status in Atlanta, Georgia, the developer needed to get federal approval for the highway work required to complete the redevelopment. Project XL was created in partnership with EPA to allow Atlantic Station to move forward within a non-attainment area. Through this process the developer had to agree to certain measures which included site design and performance measures. Mr. Leary noted that the Atlantic Station site more than met all the required goals.

Mr. Leary then provided an overview of the Atlanta BeltLine project. He said the BeltLine is in the heart of the Atlanta region and utilizes historical freight rail corridors which circle the city. The project is a sustainable community that incorporates transit and transportation choices, parks, trails, jobs and economic development, affordable and workforce housing, existing communities and historic preservation, public art and streetscapes, as well as environmental clean-up. Mr. Leary noted that the transit component was the most complicated and expensive. He also said that the BeltLine has had partnerships, both public and private, at every level of the project.

Bill Mosher, Managing Director, Trammel Crow in Denver, provided an overview of the Denver Union Station redevelopment project. The project has included public and private partnerships. He said Union Station is an example of the challenge to create neighborhoods within projects. The Downtown Denver Partnership raised awareness of trip patterns. The land use has been about building infrastructure and emphasized the importance of a Master Plan. He noted that transparency and accountability are necessary to keep the public support of the project as it moves forward. Mr. Mosher outlined some of the components of the project, which include reclaiming the Platte River, redevelopment of train yards, FasTracks, addition of Commons Park, bike trails and 1,500 condos. He explained there has been lots of community discussion around the infrastructure of the project. Mr. Mosher said it's a tricky equation to provide value to attract businesses and residents.

Mr. Mosher also provided his perspective on the Louisiana-Pearl Station project at the Louisiana-Pearl Light Rail station. He explained that the land use development needs to wait for the Light Rail corridor to be funded and built to create value for the land use investment. In his experience neighborhood groups have expressed fear of density and parking. He said it is a challenge and public education process to get neighborhoods on board with projects. He further stated that the Denver region currently is putting lines where tracks already exist, not necessarily connecting jobs and people. He said part of the conversation needs to be about defining ridership. As a community, it is necessary to make the connection that transportation impacts land use. The ultimate goal should be to create ridership by having people live and work in the area and use transit in a community oriented fashion that connects people and jobs. He said it is important to drive jobs to where transit is located not just build condominiums and coffee shops around transit lines. Finally, he noted that the biggest challenge is balancing jobs, residence and parking at stations and finding a balance that creates a reduction in vehicle miles traveled.

## Discussion

In response to a question on whether Denver's challenges were driven by limitations in funding or visions, Mr. Leary said it was a little of both. The simplest way to expand transit is to use existing facilities because funding defines the challenge of land assembly. Mr. Leary said he believes in incremental development rather than large land purchases. He also noted that there is a disconnect with land use to support transit, which is something that needs to be communicated to neighborhoods.

John Putnam said there is a disconnect on timing between land use measures, which are long-term, and air quality compliance, which is short-term, and asked Mr. Leary for his perspective. Mr. Leary indicated that in Atlanta the "do nothing" modeling scenario showed that attainment cannot be reached. Atlanta through the Livable Centers Initiative made a fundamental decision from a regional perspective to grow in concentrated areas around infrastructure. He said, in the short term, it is crucial to make little connections which emphasize that the investment is important. He also indicated that communicating options and flexibility is a key component. Mr. Mosher said sharing information on incremental options can help too.

How much government information is used to determine the affordability of the housing component? Mr. Leary indicated the tools were not available when the Atlantic Station project started, but much more information was available from HUD and EPA for use during the Atlanta BeltLine. He also noted that the Atlanta BeltLine created a community land trust to deal with economic disparity issues.

How important was EPA imposing sanctions for non-attainment area to the project? Mr. Leary indicated the sanctions forced good discussion.

When asked about the regional political environment, Mr. Leary indicated transportation dollars were determined by Congressional Districts within 20 counties and 117 municipalities. The tax increment funding and private partnerships were instrumental. The tax increment is for 25 years then it will go to the General Fund. The plan is to dedicate the funds within the General Fund to parks and other areas as necessary.

In response to whether Atlanta received SIP credit as part of the partnership with EPA, Mr. Leary replied that the partnership with EPA allowed the project to move forward. However, because it was an experiment, the region did not take SIP credit. The State of Georgia is using the data and regional build commitments to show conformity.

There was discussion on how communities vary significantly and that one-size does not necessarily fit all. For example, the Denver Tech Center was developed for cars and now it is difficult to develop shuttle options in that area. Mr. Leary said it is definitely harder to make changes in built environments that already exist.

When asked whether there were discussions with school districts during the project, Mr. Leary replied the Atlantic Station development did not impact schools so there were no discussions. However, cities, counties and school boards were involved in discussions in the BeltLine project. During the BeltLine an outreach program geared towards students was developed to promote connectivity and to create healthy alternatives. Mr. Leary emphasized that kids have an influence on parent behavior.

In response to what affect, if any, did the lawsuit against the MPO have on place making and infrastructure, Mr. Leary said that the conformity lapse received more attention than the lawsuit. The Atlanta Regional Commission (ARC), an agency similar to DRCOG, made a fundamental decision to recalibrate the growth structure. The Georgia Regional Transportation Authority was created to manage the Development of Regional Impact (DRI) process and had the authority to deny permits. The State of Georgia does not provide any funding for transportation.

Bill Mosher strongly suggested that corridor alliances of partners, which would include government, business and neighborhood groups, be created in the Denver region to coordinate communications and to get a land use initiative moving.

### **Connecting Transportation and Land Use with Clean Air Act Planning Needs at the Regional Level: Lessons from Sacramento**

Mike McKeever, Executive Director of the Sacramento Area Council of Governments (SACOG) presented an overview of SACOG's *Blueprint: Transportation and Land Use Study*. The principles of the Blueprint include housing choice, transportation choice, compact development, use of existing assets, mixed uses, high quality design, and protect natural resources. He explained that information-driven planning and commitment to a citizen democracy (stakeholder process) was key in moving the project forward. Software was developed for citizens to use to express their choices regarding options. He said the post-Blueprint Regional Transportation Plan (RTP) included transportation investments targeted to support and promote the Blueprint growth strategies, had broad-based political support, and contained a much different portfolio of investments. In conclusion, he noted that vehicle miles traveled (VMT) has decreased and length of trips are shrinking due to the land use changes. He noted that the new California State Law (SB 375) links land use, housing, transportation, natural resource and climate planning and includes regulatory reform to promote Blueprint style growth.

Tom Cosgrove, Mayor and Council Member, City of Lincoln, California and Sacramento Area Council of Governments Board Member, provided information on SACOG's structure and how Denver's DRCOG structure was used as a model for Board changes in 2001. He said the region's municipalities adopted the Blueprint principles. He said the community can use the Blueprint principles as a measure of planning decisions. The principles give latitude to plan locally with regional options and encourage "bottom up" planning to get regional support. As an example of an innovative solution that began from the bottom, he noted that there is a neighborhood electric vehicle plan in Lincoln.

Larry Greene, Executive Director, Sacramento Metropolitan Air Quality Management District (SMAQMD), explained the responsibilities of the SMAQMD. He noted the importance of working with local governments to reach goals. He said innovative strategies and partnerships, including serious work on reducing vehicle miles traveled and coordinated efforts between transportation, air quality, communities, business and environmental organizations, are necessary in order to show attainment of the new ozone standard. He also discussed the importance of Federal flexibility to give credit and funding to local communities who are progressive on land use strategies and sustainable communities. He said the Blueprint plan provided the Sacramento area, which is designated Severe 17, over one and half tons of reductions in its baseline which was included in its ozone SIP. This was approximately 10-15% of the needed reduction for the area.

## Discussion

In response to a request to elaborate on the neighborhood electric vehicle plan, Mayor Cosgrove said the plan referred to a federally designed class of slow speed vehicles (up to 35 miles per hour). California adopted the federal regulation and enacted law which allowed for the development of a transportation plan for these electric vehicles. This plan included design standards, roadway adjustments, signage provisions, and included a provision in legislation to adopt this class of license at the motor vehicle department. Lincoln the system connectivity was an issue. He said another part of the planning is to include charging stations in commercial designs to help with the connectivity issue.

Mr. Greene noted that Sacramento, like other areas, is on a journey to figure out solutions which need to be both regional and national. He indicated that even though regulations were passed to allow flexibility within the SIP on a national level, Sacramento was unable to take advantage of the flexibility because regional EPA could not agree on how to quantify measures. This example emphasized the need for coordination on a regional level. In response to a question, Mr. Greene indicated that there has not been any specific guidance from EPA on creative SIP crediting. He said that SMAQMD is working with EPA senior leadership through a series of committees to come up with creative solutions that will be allowable. Mr. McKeever interjected that detailed data and monitoring is critical in discussions with EPA. It is their hope that the new Sustainable Communities Initiative will create a paradigm shift for how issues can be worked out together.

Mayor Cosgrove, in response to a question on rural/urban partnerships, said that trust is a big issue and it is important to recognize the different needs of each type of community. Mr. McKeever said there needs to be a recipe for economic success in rural areas, which is something that is currently being studied.

Responding to a question regarding conversations around growth boundaries, Mayor Cosgrove said Placer County and the City of Lincoln have been working to create a Habitat Conservation Plan. The plan is a logical footprint for urban growth that accommodates population, services and other factors. Mr. McKeever said that during the Blueprint process they purposely included a 50-year plan which helped alleviate some of the political backlash around land use planning. Mayor Cosgrove said there have been candid conversations with land owners when they are not part of the development.

Were binding intergovernmental agreements used to keep areas from development over time or do they rely on buy-in from future Councils and Commissioners to reach long term certainty? Mayor Cosgrove said there are no Memoranda of Understanding (MOUs) currently; however this issue is still being discussed. He said growth is people and the discussion needs to include how to accommodate people.

What type of data collection was used to understand costs? Mr. McKeever indicated that a cost tool is contained in the Blueprint's infrastructure. He also noted that a tool specific to rural areas is being developed. Mayor Cosgrove said there has been some money dedicated to working with smaller communities on technical work.

## **Lunch Remarks**

Clark Wilson, EPA's Office of Policy, Economics and Innovation, addressed the earlier question regarding a paradigm shift. He said when he joined the federal government he was surprised at the lack of coordination between agencies. The Sustainable Communities Initiative will help USDOT, EPA and HUD work together. He said there is no formal agreement, the agencies just agreed to talk to each other.

Tamar Shapiro, Director, Governors' Institute on Community Design, said the Institute is coordinating a two-day regional Sustainable Summit next week in Arizona. She added that her staff has had some interesting conversations about what might be of interest here in Region 8. Then she introduced former Maryland Governor Parris Glendening, President of the Governors' Institute on Community Design.

Governor Glendening remarked on air quality as a regional issue. He said the Front Range region is not alone in searching for new and innovative ways to address air quality challenges. He indicated that today's discussion will further the exchange of ideas, not only in this region, but with those around the country.

He said that Mayor Hickenlooper has demonstrated the power of a regional approach. Governor Glendening used Mayor Hickenlooper's comment about a mining company moving to the Denver metro area to illustrate regional thinking. Mayor Hickenlooper had indicated that it did not matter whether the headquarters were located in Denver, Aurora or another Denver metro city as long as they relocated to the metro Denver area. He recognized that employees live throughout the metro area regardless of where the new business develops. Governor Glendening also said that some states are encouraging regional cooperation by providing incentives. He further noted that the Denver region is already seen as a model for regional cooperation around the country.

Governor Glendening said today's meeting can be the beginning of collaboration between air quality and land use, which can develop into a model for the rest of the country. He pointed out that good environmental policy is not in competition with good economic policy. He emphasized that "place" makes a difference in locating where people live and work.

In closing, Governor Glendening said that state leaders have an impact on communities and the way they grow and develop through their investments. They also have an important role in encouraging regional cooperation.

## **How the State Can Support Innovation in Transportation and Land Use Planning to Meet Air Quality Goals**

Geoff Anderson, President, Smart Growth America, introduced the panel members and asked them to reflect on the conversation heard today.

Russ George, Executive Director, Colorado Department of Transportation, provided his perspective on how state agencies can support innovation. He said it is important to take the information learned today and to tailor it to the regional targets. Russ appreciated knowing what other areas have done and knowing others have a common problem and possible common

solutions. He recognized that the State is in a period of change and moving from a culture of plenty to not enough which will have an affect on planning.

Susan Kirkpatrick, Executive Director, Colorado Department of Local Affairs, said as she listened to the speakers she realized the great opportunity to draw on innovation. She was also reminded of how she defended the importance of local control when she was the Mayor of Ft. Collins. She said it was interesting hearing the difference between the actions taken in Georgia and California. Susan said she liked the idea of corridor based coalition strategy and thought the Front Range region should strongly consider how this type of strategy might be implemented. She also indicated that Mike McKeever's recognition of housing choices is critical to this discussion.

Martha Rudolph, Executive Director, Colorado Department of Public Health and Environment, provided her observations. She said air quality is traditionally viewed as a control strategy where the source is identified, the level of control needed is determined, and a requirement is imposed. She stated we are learning different things and need to consider new ways of moving things. She noted that from a local land use planning authority perspective air quality is not going to drive decisions but it is a benefit of planning. She said that while the purposes may be different, there are mutual benefits. In conclusion she said that the public health side of CDPHE is data driven, educational and provides services. She cited the Colorado Physical Activity Nutrition program, which has hired a land use planner to help provide assistance to land use planners to help with obesity, as an example of how programs have co-benefits.

## **Discussion**

Geoff Anderson guided the discussion.

### What opportunities exist within State departments to create "livable communities"?

Russ George said better positive collaboration on a regional level has been occurring because of leadership and necessity. CDOT works regionally because of its mission and because it is a matter of law under the transportation authorization bills. Colorado history is choices all start at home. Historically CDOT has addressed projects from an engineering side and have not had a significant role in land use decisions, which is an area that could be expanded. He noted that CDOT's role is to become a better education resource, learn and share regionally, and reply to the changes in law.

Nancy Severson said she liked the idea of the partnership between USDOT, EPA, and HUD and asked if there is current coordination between agencies on a State level. Susan Kirkpatrick said that the Sustainable Mainstreets Initiative is an example of this type of partnership in Colorado. Russ George indicated that the Transportation Environmental Resource Council (TERC), which is made up of federal and state transit agencies, meets to discuss and resolve common issues. The TERC has added livability and sustainable partners, such as CASTA, RAQC, and NFRMPO, to the discussions. He said that CDOT has a long standing partnership with CDPHE because they regulate much of CDOT's work.

### What do the policy makers around the table need?

Elena Wilken said it would be helpful to get costs associated with land use options from the State level. She noted that this information is often difficult to get on a local level for political reasons.

Susan Kirkpatrick said there is an opportunity to use demographic data available from the State Demographer.

Martha Rudolph said it has been her experience participating on the RAQC and other commissions that Colorado has a very open process that allows for public input. CDPHE relies on public and private partnerships in the form of workgroups and task forces to gather information and provide input for decision makers. She said that CDPHE also meets with its local counterparts and is involved with projects. Martha concluded by saying that CDPHE has modeling data, air quality monitoring data and health data that could assist in land use decisions.

Will Toor indicated Colorado has historically preferred the local control option. He suggested State agencies could be flexible and recognize local goals within its planning. He questioned whether institutional changes could be made within agencies to build in decision processes that are not so dependent on who is in charge of those agencies.

Does the current budget deficit demand stricter criteria on how the State spends money? How would this affect State policy in supporting these investments?

Russ George said the constrained environment has helped to sharpen prioritizing. What really needs to be done becomes more defined. Russ also noted that CDOT has been doing corridor planning and found that the partners see the advantage of working together. He said that once local governments feel empowered choices get made.

Susan Kirkpatrick noted the use of the state grant through the Department of Local Affairs to provide incentives to change behavior using sustainability principles. She cited the Energy Mineral Program which requires recipients to demonstrate how their project achieves some sustainable outcomes as a result of the investment. She said air quality benefits would be a secondary benefit from this program.

### **Next Steps and Concluding Remarks**

Tamar Shapiro thanked everyone for participating in the workshop and reminded Council that the Governors' Institute staff will be at its July 9 meeting with recommended next steps from this workshop.

Andy Spielman thanked everyone as well.

### **Adjournment**

There being no further business before the Council, the meeting was adjourned at 2:50 p.m.