



December 11, 2008

Members of Denver City Council

**RE: Council Bill 633 (Application 2008I-00064; Rezoning from R-2 to R-1)  
Council Bill 634 (Moratorium on Lot Assemblage for Multi-Unit Structures)**

Dear Council member:

We write regarding the captioned Bills which contemplate, respectively, changes in the zoning for areas of West Washington Park as described in Council Bill 633 (the rezoning area) and a moratorium on lot assemblage and construction of multi-unit structures for areas of West Washington Park as described in Council Bill 634 (the moratorium area). The West Washington Park Neighborhood Association (WWPNA) urges you to vote in favor of these Council Bills. In doing so, you will be taking important steps in the successful implementation of Blueprint Denver. When considering our position, and the decisions before Council, WWPNA asks that you consider the following.

#### **A. Blueprint Denver and Comprehensive Plan 2000**

##### ***Background***

Both the Comprehensive Plan of 2000 and Blueprint Denver recognize the need to create and preserve strong neighborhoods and acknowledge that to achieve this mission, growth and energy must be directed in an appropriate manner. Moreover, Blueprint Denver provides that increased density will be encouraged in Areas of Change, and discouraged in Areas of Stability (see, Blueprint Denver p. 24). Blueprint Denver designates West Washington Park as an Area of Stability, and the area proposed for rezoning is further designated for single-family residential under the future land use map included in Blueprint Denver.

##### ***Rezoning Application***

Blueprint Denver acknowledges there are instances where current zoning does not reflect existing predominant land use patterns in many stable Denver neighborhoods, and that the concept of Areas of Stability will not be successful without addressing situations where zoning is incompatible with the current neighborhood. As demonstrated by the field audit conducted by Community Planning and Development (CPD) earlier in 2008, the rezoning area in West Washington Park reflects such a situation. *With an existing land use pattern of 88% single family homes, the existing R-2 zoning of the rezoning area clearly does not match the existing predominant land use pattern.*

Blueprint Denver not only addresses conceptually the issue of zoning mismatches, it also recognizes that "it may be appropriate to change the zoning in Areas of Stability to create a better match between existing land uses and the zoning." See, Blueprint Denver, pp. 75; 124. Further, Blueprint Denver indicates there are tools available to correct discrepancies between land use and zoning in Areas of Stability, including changes in the language of a zone district, replacement of zone districts and, as proposed by Council Bill 633, the adoption of map amendments (see, Blueprint Denver, p. 124; 163-164). While Blueprint Denver suggests it may be possible to address minor mismatches as part of the zoning code update, it provides that in other instances the mismatches should be corrected sooner (see, Blueprint Denver, p. 163). A significant mismatch exists today in West Washington Park, where developers are building multi-unit structures that are inconsistent not only with

our existing predominant land use patterns, but also with Blueprint Denver's future land use map. Rezoning to R-1 today will correct this problem.

The rezoning also is consistent with the City's pattern of continued rezonings pending the adoption of the new code. Not only has the City recognized mismatches and corrected them in Areas of Stability, it has engaged in major rezoning in Areas of Change (e.g., Lionstone, Cherokee and the upcoming Denver Design Center). The Zoning Code Task Force recognizes that there will be continued rezonings during the period before the new zoning code is ready for adoption, and the West Washington Park rezoning is consistent with this.

West Washington Park is highly desirable to the development community. Our resale values remain strong and construction remains financeable, even in today's economy. As in East Washington Park, single family homes (both new construction and existing structures) continue to enjoy a strong market. Failure to adopt Council Bill 633 now will allow over-development to continue at a rapid pace, irreparably harming this stable neighborhood. Such a result would be antithetical to the premises of Blueprint Denver.

### ***Moratorium Area***

The area proposed under Council Bill 634 for a moratorium is comprised 84% of single family homes, as determined by the field audit conducted during the summer and fall of 2008. With such a high concentration of single family homes, WWPNA believes a compelling argument might be made that this area also could be rezoned to R-1. However, WWPNA is supportive of the moratorium on lot assemblage proposed as a compromise by Councilman Nevitt.

WWPNA understands some Council members may be concerned about voting in favor of a moratorium. However, WWPNA believes its situation is relatively unique. As indicated by the attached Appendix, WWP residents have been very invested in protecting the density and character of this neighborhood for over two decades, and WWPNA has conducted what we have been told is an unparalleled outreach effort for the past two years. WWPNA believes it would be extremely unlikely that another Denver neighborhood would come before Council having engaged in an outreach effort of similar magnitude between now and the time the new zoning code is proposed for adoption, and that the potential for this moratorium to be precedent-setting is low. Adopting the moratorium under Council Bill 634 simply allows WWP residents to realize the fruits of their extensive labor, protecting their neighborhood until a new zoning code is available that would allow for density no greater than duplexes, which is the maximum density contemplated under Blueprint Denver for the moratorium area.

No one can know whether pressure in the moratorium area will continue unabated or accelerate while the zoning code update process continues (though we would point out that on December 9, a crew was observed working on an 18-unit development on the 900 block of South Pearl Street where 4 single family homes previously stood). What is certain is that failure to act now leaves our community vulnerable to over-development, especially because the existing R-2 zoning is *not* limited to single family homes and duplexes, but rather allows for multiple unit buildings in relation to lot size.

### ***Zoning Code Update***

WWPNA has been following closely the progress of the Zoning Code Task Force, and is encouraged by the work performed to date. However, we recognize from our attendance at meetings of the Zoning Code Task Force that there is considerable work yet to be done. Moreover, as a largely context-based solution, the new zoning code will be an important but significant departure from the existing use-based zoning code. Accordingly, substantial outreach will be required to both the residential and institutional communities to ensure the successful adoption of the code. All of this will take time, and given the substantial investment of the City, the process should not be circumvented. In the interim, we believe the measures proposed by Council Bills 633 and 634 are necessary and appropriate.

## **B. Broad Community Support**

Preserving West Washington Park as a predominantly single family home neighborhood has had a history of broad support among residents for a number of decades. The West Washington Park Neighborhood Plan,

passed by City Council in 1991 and ratified by Comprehensive Plan 2000, envisioned a rezoning to R-1 (see, WWP Neighborhood Plan, pp. 17-18). West Washington Park residents also have a history of working to preserve the predominantly single-family home character of our community. In 1998, residents in the northern part of our neighborhood worked to pass an overlay district, restricting building heights in order to preserve their homes and lifestyle. Since 2005, residents surrounding the Byers school have been working cooperatively with the City and a developer to shape the size and character of the old Byers sandlot by adding 19 single-family homes designed to complement the neighborhood. In 2006-7, West Washington Park residents worked with the City to successfully adopt the Louisiana-Pearl Station Area Plan, which recognizes the largely R-1 area dominated by single family homes along our southern border as "Committed Areas of Stability" under Blueprint Denver.

Recently, initiatives addressing land use, density and character of the neighborhood were commenced by both WWPNA and residents independent of WWPNA. To facilitate discussion of these important topics, WWPNA has held a number of public meetings since 2006 discussing density and the architectural character of the neighborhood, culminating in the April 16, 2008 annual meeting titled "*Scrape-offs, Down Zoning, and the Zoning Code Update: What is the future for your house and the house next door?*" Over 100 residents attended this meeting, fighting their way through a 6-inch snow storm to be present. When asked if the Association should pursue down zoning, the overwhelming response was "Yes", with only two people voting "No" and 5 voting "Undecided".

In 2006, a group of West Washington Park residents began a down zoning effort. WWPNA was not involved in the down zoning effort at that time, and had adopted no official position. However, over 50 residents canvassed and educated their neighbors about down zoning, before the effort was suspended to await adoption of LA-1154, which paved the way for down zoning without creating non-conforming uses arising from existing duplexes and multi-family dwelling units.

Councilman Nevitt's initiatives enjoy broad support across West Washington Park. More than 50 residents volunteered their time to canvass for signatures and have assisted in this process in various ways. As of the date of this writing, community volunteers have knocked on nearly every door in rezoning and moratorium areas at least twice. During this process, additional copies of WWPNA's Special Edition newsletter about zoning (reviewed in advance by CPD), Councilman Nevitt's brochure explaining the rezoning and moratorium initiatives, and postcards advising of the dates of public meetings and informal coffees were hand delivered at each door. Postcards soliciting feedback regarding these initiatives were also hand delivered at each door. To date, over 900 residents and homeowners have voted in favor of these initiatives.

A more detailed overview of WWPNA's outreach efforts is attached as [Appendix A](#).

### **C. Appropriate Housing Areas near Light Rail**

WWPNA recognizes its general proximity to the transit stations located west of Broadway may suggest to some that greater density would be appropriate for parts of West Washington Park. However, this vision is not shared by Blueprint Denver. Many cities (e.g., San Jose, Sacramento, Portland) have adopted transit-oriented development plans that include areas of single family homes within the travel shed of the stations. Indeed, providing alternative modes of transportation to those wishing to reside in single family homes is as important as providing such options for persons residing in condominiums, apartments and townhouses. It also must be remembered that the transit stations located on the Southeast Corridor (including the Broadway and Alameda stations) were adopted as part of the T-REX expansion approved by voters in 1999, *prior* to the adoption of Blueprint Denver. Had it been the intention of the drafters of Blueprint Denver to designate West Washington Park for greater density as a result of the proximity to these stations, they could have done so but did not. WWPNA concurs with the vision of Blueprint Denver. The initiatives contemplated under Council Bills 633 and 634 are important steps in implementing this vision.

There are three potential Transit Oriented Developments (TODs) in the Area of Change west of Broadway. Two large TOD developments, Cherokee and Lionstone, have been approved by the City and a third, the Denver Design District (where the Alameda Station will be located), is in the planning stages. Together, these developments represent over 120 acres of high-density infill development. Respecting the character of West Washington Park as a neighborhood comprised predominantly of single family homes complements the product

mix within close proximity of the light rail system and the Broadway/Lincoln corridors. WWPNA believes maintaining areas of differing housing stock in proximity to large TOD developments is part of Blueprint Denver's vision, and WWPNA concurs with this vision. Areas of single family homes should be included in this mix.

## Summary

Importantly, both the Comprehensive Plan of 2000 and Blueprint Denver recognize that the character of Denver's neighborhoods is why people live here. Nowhere is this sentiment more prominently evidenced than in Blueprint Denver's express acknowledgement that it is "important to enhance what has drawn people to live in and be loyal to Denver over the years." See, Blueprint Denver p. 120, emphasis added.

In recognition of how strongly Denver's citizens feel about their neighborhoods, Blueprint Denver includes tools that focus on keeping valued community characteristics in many of Denver's older and stable neighborhoods, providing tools to help shape where and how redevelopment occurs. Down zoning where the current zoning does not match the existing predominant development pattern in Areas of Stability is nothing more than utilizing the tools proscribed in Blueprint Denver. Similarly, the moratorium is an important tool to preserve the status quo of an area that, without this, will be left vulnerable to the continued over-development that is occurring today. Based on our outreach, WWPNA believes the initiatives contemplated by Council Bills 633 and 634 are highly favored by West Washington Park property owners. Adopting these initiatives is an appropriate step in the implementation of Blueprint Denver's vision.

**For all of the reasons set forth above, WWPNA supports, and asks that you support each of Council Bills 633 and 634.**

Respectfully,

Charlie Busch, President  
West Washington Park Neighborhood Association

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## **Appendix: WWPNA Outreach**

WWPNA has a long-standing pattern of community outreach. Issues involving neighborhood character, land use and zoning have been material areas of interest in the West Washington Park community for a number of years. In response to this, WWPNA for the past several years has encouraged community involvement in discussions about these issues. The following are examples of how WWPNA has approached its outreach.

### **A) General Outreach (Before September 2008)**

#### ***Newsletter Articles and Meetings***

WWPNA's quarterly newsletters are professionally delivered to each property within its boundaries. Each newsletter contains articles of neighborhood interest and publicizes neighborhood meetings. Articles regarding neighborhood character, zoning and land use have been frequent newsletter topics. Such articles can be found in the following general newsletter editions:

#### January-March, 2005

1) Architectural History

#### April-June, 2005

1) President's Letter on Neighborhood Change, and 2) Neighborhood History

#### October-December, 2005

"If These Walls Could Talk"

#### April-June, 2006

"The Character of West Washington Park - What only YOU can do"

#### July-September, 2006

1) "What will WWP look like in 20 years?", and 2) Down zoning Opinion

#### October-December, 2006

1) "A call to action" – defining, upholding the residential character, and 2) Down zoning Q&A

#### January-March, 2007

"Scrape-offs, pop-tops and additions: What is the future of the 800 square foot house in West Washington Park?"

#### April-June, 2007

"Will You Join in the Conversation?" (defining the character of WWP)

#### April-June, 2008

"Scrape-offs, Down Zoning, and the Zoning Code Update: What is the future for your house and the house next door?"

Through its newsletters, WWPNA has frequently solicited input and offered many opportunities for property owners to get involved.

## ***Public Meetings***

WWPNA holds a regular public meeting each month. In addition, since 2006 WWPNA has hosted special meetings to discuss neighborhood character and zoning issues. Dates, times and locations of meetings are published in advance in *The Washington Park Profile* and in WWPNA's newsletters.

These meetings include:

September 2006: "Character of the neighborhood and our homes" by Jim Lindburg.

October 2006: "Scrape-offs, pop-tops and additions: What is the future of the 800 square foot house in West Washington Park".

April 2008: " Scrape-offs, Down Zoning, and the Zoning Code Update: What is the future for your house and the house next door?" (Note: Overwhelming attendance despite 6" snow storm.)

## ***Website***

WWPNA maintains a website, where WWPNA's newsletters and other information can be found. Contact information for WWPNA's board members also is included on the website.

## **B. Outreach on behalf of Councilman Nevitt's initiatives.**

### ***Special Edition Newsletter & Website***

In recognition of the importance of land use and zoning matters to our community, WWPNA published a Special Edition of its newsletter dedicated exclusively to these issues. Topics included: a) Blueprint Denver, b) current zoning categories, and c) the subject rezoning. This newsletter was reviewed by Community Planning and Development to assure its accuracy and lack of bias.

This newsletter was professionally delivered to all West Washington Park residences in the first week of September, 2008. It is also being re-delivered to residents during the neighborhood canvassing.

Links to all documents relating to Councilman Nevitt's initiatives can be found on the home page of the WWPNA website at [wwpna.org](http://wwpna.org).

## ***Public Meetings***

Recent meetings include WWPNA's October 15, 2008 meeting regarding the rezoning and moratorium initiatives proposed by Councilman Nevitt, and its April 16, 2008 meeting regarding neighborhood character, land use and zoning. Both meetings were well-attended, notwithstanding the conflict of our October meeting with the final 2008 presidential debate.

## ***Informal Coffees***

Together with Councilman Nevitt, WWPNA has sponsored a series of informal coffee meetings for West Washington Park property owners, the dates of which were published in advance in WWPNA's Special Edition newsletter and on its website. Six such informal meetings have been held. These meetings were scheduled on a variety of dates and times, and at a number of locations, to afford those who could not attend the large, public meetings an opportunity to learn more about the rezoning and moratorium initiatives, to discuss them with Councilman Nevitt and WWPNA representatives, and to provide input. These meetings have been well attended, with an average of 8 – 15 persons in attendance at each meeting.