February 5, 2020

Council President Jolon Clark
City and County of Denver
Denver, CO 80202

RE: Proposed Amendments to Zoning Code/Group Living and Residential Care
WWPNA Preliminary Concerns as of February 4, 2020

Dear Councilman Clark:

This letter sets forth preliminary concerns of the West Washington Park Neighborhood Association ("WWPNA") to the amendments proposed to the City’s Zoning Code (the "Code") with respect to the definition of "household" and the Code’s provisions relating to "residential care" uses as set forth in the Group Living Advisory Committee Residential Care and Group Home Proposal Summary dated January 21, 2020 (the "Proposal"). WWPNA’s boundaries (set forth below) include both the portion of the Speer Statistical Neighborhood south of Speer and north of Alameda ("Speer") and West Washington Park ("WWP").

WWPNA is very concerned about the process utilized by the City in developing the Proposal. For one thing, the information we saw indicates that only 25% of the GLAC members responded on this Proposal, which is very low. Additionally, the Group Living Advisory Committee (referred to by the City as the "GLAC") is significantly weighted with persons representing businesses that would benefit from the changes to the Code. Very few persons on the GLAC appear to be representatives of registered neighborhood organizations or their constituents. We believe this composition has so far failed to take the inevitable concerns of residents in all zone districts into consideration. Adopting this Proposal in its current form would be inequitable to our communities.

In addition to our procedural concerns, WWPNA also has substantive concerns about the Proposal. For example:

(a) At the behest of the City, WWPNA representatives spent considerable time and effort working with residents evaluating in good faith where we believe density should be directed when the original Blueprint Denver was adopted and then again in the two and a half years leading to the recent update to Blueprint Denver. Within and bordering our neighborhood, we already have density at the Alameda and Broadway transit stations, in the many new and dense buildings along Speer, and in the other pockets already zoned for greater density within our borders. In fact, much of the development planned and underway at the Alameda and Broadway stations includes large amounts of affordable housing, which we support. The current Proposal disregards these previous efforts and input in favor of adding 9-40 new residents where there may be 2-4 residents in similarly-sized dwellings.

(b) The current Proposal would likely result in material unintended consequences by, among other things, not specifying minimum numbers for square footage, bathrooms, bedrooms or lot
size. For example, the Proposal indicates that in a home of 1,600 square feet of usable space there could be 8 unrelated persons and any number of related persons. By our math, this has the potential to allow as many as 16 and 20 persons living in such a dwelling unit. The Proposal then indicates another unrelated person could be added for each additional 200 square feet of usable living space. Though an earlier iteration of the Proposal indicated that the maximum number of unrelated adults residing in a dwelling unit would be capped at 11 or 12, this iteration of the Proposal does not appear to contain any such limitation. Thus, it seems with houses of only 2,500 square feet of usable space could have 11 or 12 unrelated adults and again any number of related residents. This is not the “gentle density” that Community Planning and Development asked residents in our single unit, two unit and rowhouse zone districts to absorb when we engaged in the update to Blueprint Denver adopted last year.

(c) Arguably, the City is really engaged in an attempt at significant upzoning of our neighborhoods. This flies in the face of the work WWPPA and its residents, together with our then Councilman and Community Planning and Development undertook when Blueprint was initially adopted to right-zone parts of our neighborhood in 2010 to match the existing land use pattern within the WWPPA boundaries, much of which comports in WWP and also in parts of Speer with the long-standing single unit pattern in the southern part of our neighborhood. This land use pattern, which was acknowledged by the City’s planning department, is also part of the character of our neighborhoods. The current Proposal appears to be leading the City to the commercialization of all its zone districts. Allowing the number of unrelated residents and an unlimited number of related residents indicated in the Proposal would codify de facto apartment homes/boarding houses in our low density communities, notwithstanding the City’s attempts to parse this by referencing “housekeeping units”. A proposal of this magnitude needs much more discussion than allowed by the current hearing schedule of Planning Board, Council’s Land Use & Transportation Committee and then first reading before City Council, all within the next 90 days.

Upon our receipt of the Proposal from INC-ZAP Co-Chair Christine O’Connor in late January, WWPPA convened meetings of its Zoning Committee (held Tuesday, January 28, 2020) and its Land Use and Transportation Committee ("LUTC") (held Saturday, January 25, 2020). Twenty-five (25) people attended our LUTC meeting. Only three people attending the meeting would support the current Proposal; the overwhelming consensus was that the current Proposal as it relates to the change in the definition of “household” was unacceptable. Those attending this meeting felt more time and consideration was required to fully consider and provide input on the changes in the Proposal with respect to “residential care”. Eleven (11) people attended our Zoning Committee meeting. The consensus at this meeting was that the unintended consequences to the current Proposal must be explored further. Consequently, this Committee determined that the timeline proposed is too fast and that more time is required for review and inclusion of all stakeholders.

In conclusion, WWPPA believes that adopting changes to the Code with respect either to the definition of “household” or to the provisions relating to “residential care” without fully considering the consequences and without additional input from RNOs and their constituents would create more problems than the Proposal was intended to solve. For example, the current Proposal would allow for numbers of unrelated adults far in excess of most other cities. Other cities that created de facto boarding/frat houses by allowing large numbers of unrelated persons in low density neighborhoods found themselves compelled by an outpouring of resident objections to then reduce the numbers of unrelated adults to more reasonable numbers. Additionally, this Proposal seems very unlikely to increase the stock of affordable homes available for purchase, which is a primary wealth-building mechanism in the United States.

WWPPA is concerned that if changes to the Code as suggested in the Proposal are made, the damage to our neighborhoods would be done and it would be considerably more difficult to correct unintended consequences. We believe it would be far better to slow down and get it right in the first instance.
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WWPNA believes we can do better and that City residents are willing to do better. Accordingly, WWPNA requests that the City postpone the adoption of any change to the Code with respect either to the definition of “household” or to the provisions relating to “residential care” until more information is provided to WWPNA and other RNOs so that more input can be obtained from our constituents. We formally ask that you support our request by assisting us in securing a delay in the process with respect to this Proposal and in making appropriate changes to address our concerns. We reserve the right to provide additional substantive comments to the Proposal, or any revised Proposal, with respect to these matters.

The West Washington Park Neighborhood Association is a registered neighborhood organization. Our boundaries are Speer Boulevard on the north, I-25 on the south, Downing Street on the east, and Broadway on the west, including over 9,400 residences and businesses. Membership in WWPNA is voluntary; paid members pay annual dues of $20 per household, $10.00 if over 65 years old.

Sincerely,

Sherri Way, President, WWPNA
president@wwpna.org