

DISTRICT SEVEN ZONING POSITION STATEMENTS

To All District Seven Candidates from Kevin Dickson, ONA Zoning co-chair:

I'm writing an article for the Overland Neighborhood Newsletter, and I'm looking for position statements from the candidates. One of the biggest issues for the district is zoning and how it relates to "neighborhood character" and Blueprint Denver.

Recently there's been an uproar in Sloan's Lake about "downzoning", so presumably we want to get as much information as possible out there so South Denver can avoid this kind of acrimony.

So the questions are:

1. What is happening with zoning changes afoot in the District?
2. What do you think should be done?
3. How will the Zoning Code Update address the wishes of the neighborhoods?
4. What do you perceive are the wishes of the individual neighborhoods?
5. Do the wishes of the neighborhoods align with what's best for the city overall?

These may not be quite the right questions, but ideally frame your answers into a zoning position statement.

RESPONSE FROM JAKE SCHROEDER:

1. What is happening with zoning changes afoot in the District?

"Overland Park is designated as an "Area of Stability" in Blueprint Denver. That means that no major changes to the identity of the neighborhood are expected in the next twenty years. I expect some movement toward 'downzoning' in Overland Park as there has been in other areas of the city.

There are two preeminent methods (of which I'm aware) of downzoning currently being utilized by different neighborhoods:

Group downzoning of peoples' own properties - this is the West Washington Park model I can best explain as 'buying in bulk' where residents that want to downzone their own property from R-2 to R-1 get together, and benefit from a streamlined process and reduced fees from the city. I think this is a creative and positive way to deal with the issue.

The other method is a blanket downzoning of certain parcels of land within a neighborhood - the Sloan's Lake neighborhood is currently embroiled in a big controversy involving this method in which an entire chunk of a neighborhood is downzoned all at once. I have a problem with this method because you are invariably affecting someone who doesn't want to downzone their property. I don't believe it's fair to affect what could be a significant

percentage of someone's nest egg because of a perceived threat to the character of one's neighborhood. There are better solutions to irresponsible growth like neighborhood style books, and developer engagement of the community.

2. What do you think should be done?

Above all, encouraging a civil, rational dialogue will aid in solving most any issue that comes up. Early involvement by the City Councilperson's office rather than simply waiting and then taking a particular side will help as well. I also think it should be a requirement that a rezoning applicant/developer contact the corresponding registered neighborhood association. Overland Park is an area where you can't throw a blanket solution at it; both responsible development and preservation are appropriate in certain areas of the neighborhood.

3. How will the Zoning Code Update address the wishes of the neighborhoods?

I think it's going to be a difficult balance. Everyone has seen huge, out of place new duplexes and triplexes take the place of some of our beautiful old houses. At the same time, there have been some tasteful houses built where eyesores used to be. I think the focus shift from use to design is overall a good idea, but the devil is going to be in the details.

4. What do you perceive are the wishes of the individual neighborhoods?

Everyone wants to be respected. Property ownership is a cornerstone of the spirit that built our country. People are protective of their neighborhoods, and should be, as long as NIMBYism isn't out of control. Again - I am not in favor of downzoning anyone's property out from underneath them, but more and better notification of development projects is a good thing.

5. Do the wishes of the neighborhoods align with what's best for the city overall?

Generally, although I think it's important to keep in mind that Denver's significant urban growth is upon us, like it or not. For a number of reasons ranging from environmental impact to urban sprawl re-urbanization makes sense in certain areas. Forward-looking and civil management of the inevitable will be the key to our growing pains."

Thanks so much Kevin. I hope this is what you're looking for. Call me any time with questions @ 720.203.2415. Jake

SHELLY WATTERS' RESPONSE :

In 2001 the Denver City Council adopted Blue Print Denver as its land use and transportation plan. According to the Denver Regional Council of Governments, the Denver region is expected to grow over the next twenty years from 2.5 million to 4 million people. Blueprint Denver is an attempt to rationally plan for that growth. Blueprint Denver divides the City into areas of change and areas of stability. It calls for growth to be directed to areas of change and for tools to be developed to protect the character of our existing stable neighborhoods. Last year the Community Planning and Development Department convened a broad based task force to look at Denver's outdated zoning code to eliminate barriers to implementing Blueprint Denver. I worked with my neighborhood, other neighborhoods and City Council members to successfully put pressure on the task force to make developing tools to preserve the character of our existing neighborhoods their first priority. I believe the task force which includes realtors, developers and neighborhood activists, among others, is the best place to deal with this issue. The Task Force seems to be headed in the right direction. It is currently looking at different neighborhood typologies to develop tools specific to that neighborhood rather than a generic one size fits all solution. I support Blueprint Denver and want to see it implemented.

I do not believe in freezing neighborhoods in time. Neighborhoods need to constantly change and regenerate in order to remain healthy. Families want larger houses than they did in the past. However, I do believe the diverse character of our neighborhoods is one of Denver's greatest assets. We need to find ways to allow for growth and change while still maintaining the existing character and scale which attracted people to the neighborhood in the first place. Many of us do not want to see the same fake stone generic, suburban house throughout Denver.

Some neighborhoods are looking at rezoning from R2 to R1. R2 allows duplexes and triplexes and R1 only allows single family homes. These neighborhoods have had many single family homes scraped and replaced with duplexes that take up the whole lot. They see rezoning or historic preservation as the only tools available to them to protect their neighborhood's character. Sloan's Lake was directed by the Planning Department to submit an application for a defined area that included all properties in that area. West Washington Park is meeting with homeowners in a specific area (I don't believe the area has totally been decided, it will be based on the amount of support.) The difference is West Washington Park will only include those homeowners who want to rezone. I believe this is the right approach, even if there are pockets of homes which do not have their zoning changed. I support the right of these homeowners to rezone their properties.

I worked with Jim Lindberg the regional director of the National Trust for Historic Preservation and a past member of the Platt Park Peoples Association Board on this issue. Jim has developed a "pattern book" for the Platt Park neighborhood. This book identifies several characteristics of the neighborhood such as front porches, raised basements, inset windows, eaves and building materials. These are some elements which would help preserve the character of the neighborhood.

The Overland neighborhood contains both areas of stability and areas of change. We need to develop incentives to encourage developers to redevelop the areas of change. The neighborhood plan identifies those areas and the preferred types of development. We need to move beyond the written plan and work on its implementation.

Chris Nevitt's Position on Zoning Issues

For ONA Newsletter

Sunday, January 21, 2007

Zoning is one of the most important areas of responsibility for City Council. It lies at the heart of our aspirations for our city and our neighborhoods – how they look, how they feel, how they function. It's wise, therefore, of the Overland Neighborhood to subject candidates for City Council to close scrutiny in this area.

Good zoning, like any set of regulations, should establish a clear and predictable environment for neighbors, businesses, and property owners to make their own individual choices for realizing pleasure and value from their activities and their property.

That's *good* zoning. But what is "right" zoning? What is the "right" set of uses, the "right" building sizes and shapes, the "right" arrangements of structures, for a particular area or piece of property? The right zoning should facilitate what we want to see happen and discourage what we don't. And there's the rub: the joy and frustration of living in a city as vibrant and diverse as Denver is that we're never likely to be in universal agreement on this or any other question.

The role of the City is to make zoning as "good" as possible, while also managing the conflict and controversy over deciding on the "right" zoning. Unfortunately, Denver has, until recently, done poorly on both counts.

The recent Zoning Code Update is an important and long-overdue effort to solve the problem of "good" zoning – making our voluminous and dizzyingly complex zoning code simpler, clearer, easier to administer, and easier for property owners to understand and comply with. The mayor and the Planning Department, and the scores of community volunteers serving on the task force and providing input at public meetings are to be commended for taking on this monumental project.

But that still leaves the problem of "right" zoning, and here the picture is much less clear.

In 2002, we adopted Blueprint Denver, a visionary integrated land-use and transportation plan. One of the key organizing concepts in Blueprint Denver was the distinction between "Areas of Change" and "Areas of Stability." We face the challenge of facilitating the kinds of change and development we want to see, of promoting the revitalization of defunct or declining areas of our city, while preserving and protecting what we love about this place.

Thus far, unfortunately, we are doing a much better job meeting the first part of the challenge than the second. In short, we find areas of stability – and the things we love about this place – being squeezed and transformed in ways that were meant to occur in our designated "areas of change."

Part of the problem is zoning – that is, we don't have the "right" zoning. Tackling this problem – meeting the areas-of-stability/areas-of-change challenge – is a key goal of the

Zoning Code Update. But it is clearly a highly contentious issue, and no clear resolution is yet forthcoming. In the meantime, development pressures increase, and the quality of the areas we value continues to be undermined.

In this context, a good approach to “right” zoning is, I believe, an effort I am currently helping lead in my own neighborhood, West Washington Park. Ours is a grass-roots, entirely voluntary effort, pursued by individual home-owners, working together, to “right” zone their own properties in an effort to preserve the character of the neighborhood they love. Our effort respects individual property rights, and the inevitable disagreements among neighbors, while nonetheless moving forward to make the greatest possible impact on a widely-shared concern.

Here is the problem we face: much of the zoning in my neighborhood is R-2, which allows for multiplex units. For most of the last century, however, the neighborhood has maintained a stable single-family character more consistent with R-1 zoning. That character is now under serious pressure. The steady escalation in per-square-foot prices, combined with the much greater square-footage allowed by current zoning, has created a perverse incentive for developers to pursue a speculative scrape-and-flip business model.

Some of the new homes are welcome additions to the neighborhood; some of the homes we’ve lost won’t be particularly missed. More often, however, it is perfectly good old brick homes that are being knocked down, replaced by oversized, shoddily-built, poorly designed, multiplexes. This is neither good for the neighborhood nor sustainable as a long-term development pattern. We should be discouraging this kind of short-term land speculation, and encouraging, instead, long-term investments by residents in the value of both their property and their neighborhoods.

The problem faced by my neighborhood is not unique. With different local variations, it is a problem shared by many of our neighborhoods. I have always been a strong believer in the power and value of focused, intelligent, and determined local action. I am pursuing that action with my neighbors. I encourage others to follow suit, and I will help them every way I can. But such action also needs to be supported by the City. And the City needs to do more to make it easier for residents to improve their own properties, to make the kind of long-term investments that build stable, healthy, and attractive communities.

With some leadership, and some luck, we should be able to end up with both “good” zoning and “right” zoning – zoning that promotes the kind of quality, community-sustaining development we want to see, while preserving and protecting the unique character of the Denver neighborhoods we love. I look forward to working with all of you – and working constructively through the disputes and disagreements – to achieve those ends.

Julie Connor's Response:

1. What is happening with zoning changes afoot in the District?

Depends which neighborhood we're talking about. Generally speaking, West Wash Park, Platt Park and University/Rosedale are seeing more development activity than many residents are comfortable with. Most of the calls I field from constituents are asking how this activity can be stopped or slowed down. The tenor of the public processes vetting these rezoning applications reflects this.

Zoning issues in Overland, Athmar Park, Goddard, Ruby Hill and College View have tended to revolve around out-of-date PUDs (i.e., Catholic Charities housing project in Ruby Hill), neglected opportunities (i.e., Evans light rail station area in Overland) and undesirable adjacency issues (i.e., RTD bus barn across the street from single-family homes in College View). Heretofore, these types of zoning issues have been dealt with on an ad hoc basis rather than by zoning language amendments or policy changes, and this is unlikely to change much in the near future. (Although problematic adjacencies are a citywide issue so it might be addressed in the zoning code update.)

All of these zoning issues require vigilance, creativity and persistence in trying to reconcile what's permitted with what's wanted so we can get to and encourage desirable investment in every neighborhood.

2. What do you think should be done?

One thing that needs to be recognized is that different neighborhoods have different needs and character. The current zoning code treats every R-2 in every neighborhood essentially the same. A common complaint of Quick Wins II is that it solved a problem for University Park and Hilltop neighborhoods, but created worse problems for others. Whether that is the general consensus or not, it is clear that zoning categories probably need to be differentiated in some way from neighborhood to neighborhood, in addition to having a transparent and predictable zoning code and maintaining private property rights.

Another measure requiring action is the creation of interim tools. The zoning code update is held up as a forthcoming panacea, but in the meantime, divisive battles are being fought with the paltry land use tools available. In neighborhoods concerned about the loss of neighborhood character, interim tools need to be employed or invented prior to the completion of the zoning code update. A couple possible intermediary steps between here and there might be conservation districts or pattern books.

As stated in the first question,

industrial/residential and commercial/residential adjacency issues need to be addressed in the zoning code update. How they are addressed should be tackled by the consultants.

A final matter I think needs looking into is our public hearing process for rezonings. Although the City Planning department encourages public notification and input on rezonings prior to submitting an application, essentially the public hearing (and thus, the legal protest process) comes at the end of an arduous, expensive and time-consuming course. I would not support doing away with people's right to protest at the last possible moment, but I think the process might be better organized with the aim being to reduce the number of contentious rezonings, which leave both sides battered and resentful.

3. How will the Zoning Code Update address the wishes of the neighborhoods?

There seems to be the intention to create more zoning categories, which would provide a wider range of options, and therefore, theoretically, provide better fits for various areas. For instance, there might be a residential zoning for narrow lots in the urban core (such as the Speer neighborhood) and a residential zoning for large lots in the suburban-like areas (such as College View). Additionally, as mentioned above, these various zoning categories could drill down to even more specificity to address the individual characteristics of a neighborhood while still providing the freedom to expand or scrape and rebuild.

4. What do you perceive are the wishes of the individual neighborhoods?

To protect their quality of life and maintain their property values seems to be what I hear most from residents. Typically, conversations revolving around what people want for their neighborhoods includes the desire to preserve trees, reduce vehicle traffic, maintain a residential character while having access to amenities nearby, diminish crime and graffiti, and support and improve our schools.

5. Do the wishes of the neighborhoods align with what's best for the city overall?

In the general sense that pretty much everybody's looking for a good quality of life, yes. Where we diverge is when one person's version of quality of life precludes another person's version – and they're both defining it for the same area. Those conflicts simply have to be dealt with as they arise, with respect for all perspectives.

Sometimes what's best for the city overall is a theoretical vision of what we would like to see 20 years from now. But implementing that vision can have impacts and consequences for residents living here today. Regardless how laudable the vision might be, the real-time, on-the-ground effects of implementation cannot be dismissed and need to be addressed. A council person should work to blend these sometimes disparate voices and visions into a coherent course of action that ideally is better than what was originally proposed because it achieves the vision while alleviating or mitigating the impacts. But if that synthesis cannot be achieved, at the end of the day, my job is to represent the concerns of District 7 residents.