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RECOMMENDATIONS REGARDING EAST AREA PLAN

Planning Goals

Denver’s recently passed Comprehensive Plan 2040 lists as one of its primary goals the building of housing “as a continuum to serve residents across a range of incomes, ages, and needs.” This includes preserving existing affordable housing, reducing the involuntary displacement of residents and businesses, and ensuring that equity is woven into all city policies, processes, and plans. The East Area Plan is part of the NPI Neighborhood Planning Initiative to produce community-driven area plans. The majority of the recommendations in the East Area Plan, which affects five neighborhoods in East Denver, address housing and infrastructure in relation to the vision elements identified in Blueprint Denver: Equity, Affordability, Inclusivity, Health, Active Lifestyle, Environmental Resilience, Economically Diverse and Vibrant, Well Connected, Safe and Accessible. While these overarching goals of the East Area Plan are ones that anyone would likely agree with because they improve the quality of life for all residents, the Plan provides few details and little explanation as to how it will ensure these vision elements are achieved.

Denver East Neighborhoods First

Denver East Neighborhoods First is a grassroots organization that has grown to include more than 450 residents from each of the five affected neighborhoods. This document puts forth our recommendations for the East Area Plan and identifies our concerns about certain provisions of the plan which prioritize development over community needs.

Summary of Recommendations

1. The plan should include a real Character and Preservation provision that actually addresses preservation of neighborhood character by calling for the implementation of a preservation overlay. At present, the “Character and Preservation” section of the plan is not about character and preservation at all – instead, it is a building height and density initiative, providing a means by which property owners may expand existing homes to add additional units. Residents of the affected neighborhoods do not support zoning changes that permit the addition of units to existing homes.
2. The plan should work within the current built capacity and heights of 2010 Denver Zone Code throughout the East Area. We support working with the community before any height regulations are lifted to identify short- and long-term ‘Community Benefits’ that benefit neighbors of all cultures, socioeconomic classes, ages, and abilities.
3. The plan should link all development with improving infrastructure, including sidewalks, bike lanes, and traffic mitigation measures within the neighborhoods and should delineate, in great detail, when and how this infrastructure improvement will occur.
4. Prioritize city-wide affordable housing throughout the metro area, through incentive programs such as tax breaks and land banking. We would like the city to use its extensive resources to try to achieve this goal without blanket upzoning in stable and historic neighborhoods.
5. This area plan was driven by Bus Rapid Transit, and with the delay or “death” of BRT, the recommendation for increased building height around BRT stops are not necessary.
6. The plan’s focus on environment should be equal to its focus on development. The Neighborhood Planning Initiatives provide a framework for rezoning but do not provide requirements for green building design and public park space.
7. We would like the city to provide greater detail about how the EAP will achieve overall city goals.

Our specific recommendations follow. These recommendations are based on the information that has been made publicly available as of October 22, 2019. We may add to or amend these recommendations as new information is released, and as we receive further input from residents of East Area neighborhoods, many of whom have only recently become aware of the plan, and many of whom have not yet learned of it. The recommendations are not in any order of priority.

Character and Preservation Recommendation

Because the Character and Preservation (C&P) program is not really about character or preservation, we believe labeling it as such is misleading. It should not be included in the EAP. The C&P program has very little support within the neighborhoods in the East Area because while it hints at preservation, it actually allows for major changes to the character of homes in the targeted areas, plus triple density. In particular, aside from recommending “clarifying” the definition of “voluntary demolition” to “encourage” saving the “majority” of a structure, the C&P program offers scant detail about how character will be retained and preserved. By providing only a “recommendation,” the city skirts any obligation to require that a historic or character home actually be preserved. Use of the word “majority” would still enable a developer to avoid costs associated with the total demolition of the a home by allowing the developer to retain only 50.1% of exterior walls while adding a substantial, sizeable addition to a home. That is not “character preservation” – it’s a significant change in the character of a home and the neighborhood. In fact, the C&P program is really a program to increase density between 13th and 17th Avenues, and the area between Colorado and Birch, 17th to 23rd – and it is dishonest to suggest otherwise.

Importantly, the C&P program targets the homes between 13th and 17th avenues in a manner that is inequitable, as it (a) puts almost the entire burden of sheltering new residents on a small number of East Area homeowners, increasing density within only 20 percent of the East Area. Without any regulations surrounding short-term rentals and AirBnBs, the fabric of this neighborhood characterized as an “Area of Stability” will lose many of the quality of life goals its residents have. Second, the program leaves the smaller homes in the area and lower-income residents vulnerable to displacement and development in a way that, we are sure, is unintended, but permissible, as the “recommendations” would still allow for the replacement of an affordable, single-family home, with a two-unit home and an ADU where not one of the units is as affordable as the one that is being replaced. Developers and speculators are likely to target the area, as there are currently very few restrictions and details other than suggesting a majority of the house should be saved. The cost of converting a home from a single-family unit to a duplex is out of reach for the ordinary homeowner, but not for a developer who could profit greatly from this recommendation. Therefore, the plan is likely to be most beneficial to developers.

We believe neighbors will be likely to be displaced as a result of this recommendation for several reasons. First, as home values in the area increase, current homeowners will also see their tax burdens increase to a point where their homes could become

unaffordable or where they are forced to refinance and use equity to remain in place, thereby increasing their mortgage payments. Second, homeowners in the area who chose to purchase homes in an area zoned for single-family homes may feel compelled to move if the single-family feel of the neighborhood is lost. Indeed, doubling or tripling the population of the area and building it up such that green spaces between homes are lost and views of the sky are eclipsed is likely to cause residents who moved to the area for such features to leave it. Rather than focusing on increasing density, the city ought to be helping retain the affordable housing stock that already exists within the East Area and encouraging the development of affordable housing within current zoning, especially on Colfax, where there are numerous parking lots and other underutilized spaces that could be better used.

Second, the C&P has little support, because, as stated above, there are very few details showing how the implementation of this kind of recommendation (if properly labeled) would actually work. We can find no case studies or data showing how this kind of program has worked in Denver or any other growing city, nor has the city identified any such studies. The city should provide greater detail about what it means when it proposes to save the “majority” of a structure, about how much a home’s footprint can be expanded if a lot is upzoned, about whether property owners will be required to provide off-street parking for a second or third unit, about whether new units could be used as vacation rentals, about whether added units and ADUs could be sold individually, and whether properties within the area will need to be owner-occupied to take advantage of the recommendation. Without more substantial detail and more stringent requirements, the plan leaves current homes vulnerable to demolition and the area open to exploitation. If the city truly believes that the C&P is a means of encouraging the building of “missing middle” housing or of achieving affordable housing goals while preserving character homes and neighborhood character, the city should share in the plan the proposed language of the ordinance it intends to enact to establish and enforce the C&P program.

Height Recommendations/Upzoning/Design

We do not support any effort to change zoning to accommodate greater density, and understand that the area can absorb the number of units the city has targeted for inclusion in the East Area without any change to zoning. In particular, we do not support eight-story or higher buildings on Colfax or within the EAP, except where already allowed by current zoning, and we do not support blanket upzoning within the blocks between 13th and 17th, Colorado to Quebec, or 17th and 23rd, Colorado to Birch. Colfax has plenty of potential for growth within its existing zoning, but Main Street

zoning on Colfax needs to be eliminated to allow for more landscaping, larger setbacks, and improved sidewalks. Instead of allowing building right up to the edge of the sidewalk on Colfax, we ask that the plan require that buildings sidestepped or tiered, with no more than three stories within the same footprint, to transition to the surrounding residential blocks. In addition, the plan should not allow property owners on Colfax to purchase single-family homes to expand the existing 3-5 story building area currently allowed on their lots.

On Colfax and in the Mayfair Town Center, we recommend that the city require that development be in a design and style that fits into the surrounding historic area, encouraging quality design that fits the architectural character of this neighborhood, provides necessary, inclusive community mixed-use spaces, and addresses the immediate need for storm water drainage.

Infrastructure

Development and density must coincide with infrastructure improvements, such as improved sidewalk and bike lanes and improved traffic engineering. We would like the city to provide proof, in the form of budget line items, that it will achieve infrastructure improvements in tandem with any proposed development, and would like for the city to identify the timeline for such improvements. Too often, we have seen development and density occur without street improvements, leading to more congestion and lessening quality of life for those who lived in the area in the area prior to its development. We believe improved sidewalks and crossings and safe and connective bike lanes will help people get out of their cars. Residents should not have to bear the risk that promised infrastructure improvements will not be done; therefore, such improvements must be done in tandem with development. In other words, development should not go forward without infrastructure to support it.

Parking

Residential parking requirements for this plan need to be restored to pre-2010 code-change levels to ensure that developers provide a minimum of 1.5 parking spaces per new unit (including microunits) built. With the density the city anticipates for the East Area, and in light of the reality that even with rapid transit Coloradans have cars, developers need to provide off-street parking spaces to ensure that the burden of allowing new development, and the automobiles that residents of new units bring, does not fall exclusively on existing residents. The reality is that the majority of residents

moving to Colorado are millennials, most of whom have cars so that they can travel to the outdoor attractions that drew them to Colorado in the first place.

Affordability of Housing

The Plan should make an immediate commitment to increase affordable housing stock and ensure current residents are not displaced as collateral damage. The East Area neighborhoods have diverse housing stock that currently spans a wide range of price points, though, like all of Metro Denver, the cost of such housing stock has increased over the years. The East Area Plan is home to approximately 10,000 single-family units, 1900 townhouses or duplexes, and 420 apartment structures. Between December 2018 and August 2019, homes in the East Area sold for prices ranging from \$215K to \$2.92K . Attached homes (condo, townhouse, duplex) sold for \$58K to \$835K. One-bedroom apartments currently rent from between \$900/month to \$2,000/month, with the higher rent occurring at newer, more high-end apartment complexes.

Over the last decade or more, Denver has focused on blanket construction and has not required that affordable housing stock be provided in all developments. Denver needs to change development requirements to mandate that affordable housing or other approved community benefits be provided in every development rather than offering upzoning to get 7 percent affordable housing or pennies compared to the fair market value for a linkage fee. Denver's current system fails to provide enough affordable housing and benefits developers at the expense of low- and middle-income neighborhoods.

Recognizing that Denver's laws are not going to change overnight, we suggest that the city look for other ways to incentivize concurrent affordable housing, rather than upzoning. For example, the city could provide tax credits or expedited permit processes (without sacrificing design) to those who plan to offer affordable units. Additionally, the city should invest in a buildable land analysis to evaluate land banking and work with affordable housing nonprofits and community land trusts to secure and repurpose existing structures on Colfax that can be converted into affordable housing. Many in the EAP worry that, unless the law is changed to (a) provide for strict affordability requirements, tied to titles, which continue from owner to owner, (b) provide for better enforcement to ensure that affordable units are purchased and rented by individuals who demonstrate actual need for affordable housing, and (c) require developers to provide affordable units rather than paying into the affordable housing fund, developers will make the choice to build more market-rate and luxury condos and apartments rather

than workforce, affordable, and low-income housing, leaving communities with very little benefit in return for allowing greater density.

Bus Rapid Transit

The EAP provides for substantial development and increased density around the Colfax corridor in order to provide more units of housing in proximity to the BRT. Further, the BRT presumes that, with BRT, residents of such new units will not have or need cars.

But the studies that were done in consideration of establishing a BRT did not address several critical issues: (1) while the analysis considered the amount of time a bus rider would save traveling the entire length of the corridor, from 1-25 to 1-225, did not address how much time the average rider, who rides only a fraction of the corridor, would actually save; (2) the analysis did not address how much of the travel time that was saved was attributable having passengers pre-pay for bus rides at ticket vending machines rather than on buses; (3) and even though the analysis recognized that community concern existed regarding potential vehicle diversion through neighborhood streets, the analysis did not evaluate the impact of the reduction of travel lanes on neighborhood streets.

Without such analysis, it is impossible to determine whether the promised benefits of a BRT will offset the negative effects of planned density. Such analysis is critical, because the entire public transit system in Denver has very limited reach, and because BRT projects only a small time-savings for transit passengers, it is quite likely residents in new developments will still choose to have and use automobiles, at least some of the time.

More to the point, even if a new BRT could enable some residents to forego driving and choose to ride the bus on their daily commutes, BRT is significantly delayed over lack of funding, and RTD is currently reimagining its future. Under the circumstances, it is premature to provide for increased density along future BRT "high capacity transit stations" in the East Area. In fact, at a telephone town hall meeting recently hosted by RTD District B director Shontel Lewis, Doug Monroe, RTD's manager of corridor planning: "Upzoning is not necessary for the BRT. Ridership on the East Colfax corridor is extremely good; it's the busiest bus corridor in the RTD system and could easily support BRT service today with the current densities that are out there....BRT could exist without any zoning changes in that area."

Should funding for the BRT become available, before moving forward with plans to install expensive infrastructure, the city should do traffic mitigation to slow down traffic on adjacent streets and should also conduct traffic studies to evaluate the impact of the removal of two lanes of traffic on Colfax on the surrounding streets, including 13th, 14th, and 17th Avenues, to determine whether the benefits of bus transit outweigh the effects of any traffic diversion that might result from BRT. As part of this study, we support the creation of a pilot BRT program that includes traffic signaling, dedicated curb-side bus lanes during rush hour, covered bus shelters, the installation of “crime stopper” call buttons, digital signs with bus arrival times, and ticket kiosks. The results of the study should be made publicly available and released with appropriate lead time and notice to allow for additional commentary before any infrastructure to support a permanent, center-lane BRT is put into place.

Park and Green Space/Green Building

We recommend that the East Area Plan focus on securing new publicly accessible park space for the area and ask that the city identify the locations of such space in the plan. The park space could be utilized not only as a recreation area, but also to provide flood and stormwater drainage. We also recommend that the plan outline new regulations for any new builds and require that such builds be LEED certified. The city can look at the large parking lots and part of the Mayfair town center to provide this new multi-purpose public park space.

Compared with other urban areas, Denver is lacking in park space. Currently, only 8.3% of land in Denver is devoted to park space. compared with 22% in New York City, 21% in Washington D.C., and 20% in San Francisco. In Denver, there are only 8.9 acres of park space per 1,000 residents; however, residents the East Area enjoy even less – only 1 acre of park space per 1,000 residents. In his “Game Plan for a Healthy City,” Mayor Hancock seeks to increase park space in Denver to reach the national norm of 13 acres per 1,000 residents. However, in the East Area, we are already short 372 acres of park space needed to achieve the goal established by the Game Plan — and this is without the addition of another 8,400-14,400 residents. If we fail to add park space now, we will never be able to increase the park access necessary for the mental and physical wellbeing of East Area Residents.

Additionally, with any mid- to large-scale highrise development, the city should require green infrastructure such as solar panels, green roofs, and natural spaces be incorporated into any development site.

Flood Zones

With proposed increased density, we are concerned about the impact on the current flood zone areas and if the flood zone areas will be increased due to the proposed density and more impervious surfaces. Flood insurance is purchased through the federal government and only covers up to \$250,000.00. If you have not done studies including the appropriate infrastructure that would have to be in place, we ask that you do so before we can move forward with this plan. Without properly studying this issue, residents could be injured or suffer through death.

We believe that Westerly Creek, the East Colfax Branch, and the Hale Parkway branch offer opportunities for the EAP to address flood mitigation, including the following:

- riparian corridors
- open space and trails/paths/greenways/"contemporary parkways"
- the core of the Montclair Town Center if an incoming stream channel, a pond/lake/ and an outgoing stream channel are laid out **before** the Town Center is laid out
- a walkable/bikeable entrance with **direct access from Greater Park Hill to City Park**, without having to worry at all about motor vehicles
- a truly pedestrian-friendly East Colfax Avenue
- a dedicated greenway along Westerly Creek from Westerly Dam at Lowry, continuously following the creek to 11th Avenue, across the intersection of Colfax and Yosemite, into Stapleton at Montview Boulevard, and through Stapleton to meet the Sand Creek Green

Recommendation to Explain How the Neighborhood Plan Fits into the City's Overall Plan

The East Area Plan is not proposed in a vacuum. The plan should discuss what citywide goals are served by proposed developments, including proposals to increase height and density, and how such proposals will make housing more affordable and inclusive throughout the city. The plan should also identify all areas of the city in which density is added, state the number of new housing units that the city expects will be built in each area, and explain how the burdens of adding new housing units will be shared throughout the entire city area. Further, the plan should identify the proposed locations of new open and park spaces throughout the city, and should explain how flood and traffic mitigation efforts will serve to protect neighborhoods.