



Inter-Neighborhood Cooperation-

December 11, 2013

Mr. Rocky Piro, Manager
Department of Community Planning and Development
City and County of Denver
Rocky.Piro@Denvergov.org

Re: Resolution on General Development Plan Open Space Requirements

Dear Manager Piro:

Thank you for acknowledging that your office has been inconsistent in its administration of the GDP ordinance under the Zoning Code ordinance passed by City Council in 2010. Now that the Hancock Administration has asked the City Council to clarify the law and change the language to comport with CPD's actions, please consider that it is not appropriate to move forward with the GDP approval process until Council has determined the manner by which open space calculations are to be made.

Regarding General Development Plans, I am not sure from what basis of fact you believe that the intent behind the GDP open space requirement was to ensure that 10% of the "developable" area be open space. The fact is that the word "developable" area does not occur anywhere in the ordinance.

And in fact, under the old zoning code, open space in GDPs was originally calculated from "gross" area. In the TMU-30 and other mixed-use districts, for example, 20% of each lot's gross area was required to be open space. However, when lots were assembled for large developments, the amount was lowered to 10% of gross area as a "density bonus" if the open space was aggregated or put together to be usable as plazas or parks. The 10% was a lower percentage of gross than 20% because the right-of-ways were to be already deducted.

With adoption of the 2010 Zoning Code, the open space requirement for large developments was written to say 10% of total development area. To be clear, once again the language is below:

A minimum of 10% of the total GDP area (including the Primary Area plus any Secondary Areas) shall be included in the GDP as open space

Because most people think total means the same thing as gross, it is quite likely that members of Council passed this ordinance thinking it meant 10% of gross GDP area shall be open space. However, planning staff has allowed some developers to deduct right-of-ways from the Gross area and use a Net area calculation. With this approach the more streets, sidewalks, and streetscapes a developer puts in the less open space there is. It is possible that developments can have large streets and a lot of parking on them and practically no open space. Having wide streets is inconsistent with building a city that encourages the use of alternative transportation. Wide streets are friendly to more cars, nothing else. While wide sidewalks are technically open space, it is not what residents, voters, parents have in mind when they hope that they and their kids might be able to enjoy open space for recreation - without the fear of cars immediately nearby. Surely, none of us wants to go back to kids playing ball in the streets!

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This change in open space rules diminishes publicly usable open space. As Denver grows daily with newcomers choosing it as the "ideal city", usable public open space will become smaller and smaller. It is INC's hope that the Denver City Council will realize that Denver's neighborhoods want more rather than less open space in new large developments. As the City asks current residents to endure more and more density, our citizens deserve at least the respect to maintain the existing average open space available to each of them.

There is a widespread perception that Denver's Mayor and City Council will go to great lengths to approve any new large development project. If your office successfully advocates a permanent change to less open space, Mayor Hancock will be doing the will of the developers at the expense of the will of the people. Hopefully, enough of the people's representatives on City Council will see wisdom of more open space and the marketability and livability of projects this policy will create.

The Hancock Administration's promulgating a text amendment to codify the use of Net area in calculating GDP open space while at the same time moving forward with approval of the EFG GDP with deficient opens space, before a decision by Council, puts the Denver Planning Board in the role of legislating rather than following legislation and of usurping Council's authority to decide the future of open space in large developments.

With all due respect, Mr. Piro, nothing short of informing the Planning Board of the uncertainty of the legality of your actions is called for here and a request for postponement of any decision on any GDP until Council publicly addresses this issue is in order.

Respectfully yours,



President, INC

Cc: Mayor Michael B. Hancock
Denver Planning Board
Laurie Dannemiller, Manager, Parks and Recreation
Denver City Council
Katie Fisher, Co-Chair INC Parks and Recreation Committee
Michael Henry, Chair, INC Zoning and Planning Committee
INC Executive Committee