

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
City Council Chambers 7500 W. 29<sup>th</sup> Avenue

**May 4, 2015**

Mayor Jay called the Study Session to order at 6:30 p.m.

Council members present: Bud Starker, Zachary Urban, Tim Fitzgerald, George Pond, Kristi Davis, Genevieve Wooden, Tracy Langworthy, and Jerry DiTullio.

Absent: Tracy Langworthy (excused)

Also present: City Clerk, Janelle Shaver; Treasurer, Larry Schulz; City Manager, Patrick Goff; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; other staff, guests and interested citizens

**PUBLIC COMMENT ON AGENDA ITEMS**

**Rocco Germano** (WR), a local realtor, provided Council with a handout that illustrates the high cost of housing in Wheat Ridge on May 4. He believes we need a housing defect law like Lakewood's to encourage affordable housing. We have no starter housing and it has frozen young people out of Wheat Ridge.

**Britta Fisher** (WR) participated on the Gold Line stakeholder committee and she urged Council to support the recommendations. ~ Because the construction defect law didn't pass in the legislature we are still stuck without affordable/for sale housing. The condos that are being built are luxury priced. She addressed the housing defect legislation and offered solutions. She'd be happy to be a resource for the Council on this matter.

**Bob Alldredge** (WR) spoke on construction defects. The current legislation is not solving the problem. None of the new condos are affordable housing. Affordable housing buyers are hurt the most. He encouraged Council to pattern a statute similar to what Lakewood has. He distributed copies of emails he sent to Senator Jahn and Representative Danielson.

**Bonnie Wintersteen** (WR), a local realtor, addressed affordable housing. She said we don't have affordable housing for young people and seniors.

**APPROVAL OF AGENDA**

1. DRCOG Sustainable Communities Initiative ~ Paul Andretti

**Paul Andretti** gave a slide presentation about DRCOG's efforts on sustainability. The Sustainable Communities Initiative (SCI) was conducted with a \$5M grant from HUD. The five primary tasks were:

- Regional planning
- Corridor implementation
- Catalytic projects
- Stakeholder engagement
- Outcomes Assessment and Knowledge Sharing (OAKS)  
OAKS is a look at the 3 existing metro corridors and transit in 3 pure communities (Dallas, San Diego and Portland) to examine best practices and metrics, and learn ways to better plan the build-out of the transit system.

#### Corridor Planning (tonight's focus)

Allows communities to work together and leverage opportunities.

Better to look at each station area and how it is part of a larger whole within the corridor.

Staff from Wheat Ridge, Arvada, Denver and RTD was part of the working group.

#### Corridor Planning Components from the working group:

1. Developed corridor vision and goals
2. Identified a catalytic project (Ward Station) and 2 technical assistance studies (affordable housing and market readiness)
3. Engage stakeholders -- input from selected people who live/work in the corridor
4. Provide recommendations that support development

Each corridor now has a Blueprint -- a foundation for future collaborative planning in transit corridors.

#### Vision and goals for the Gold Line Corridor set by the committee (actions to take)

- Improving connectivity
- Preserve and create a range of housing options
- Sustaining and expanding a diverse economic base
- Leveraging public investments
- Attracting and enhancing amenities and services
- Providing access to recreational opportunities
- Promoting denser development near the station

#### Technical assistance studies showed

- Deficit of affordable housing exists
- Cost of land increasing as supply decreases
- This will get worse over time

Market readiness study examined job growth and amenities that can catalyze development.

#### Catalytic Project (Ward Station) identified the following needs:

- Multimodal accessibility from the immediate neighborhood
- Improvements for Ridge Road (bike lanes, sidewalks, turn lanes)
- Signal at 50<sup>th</sup> & Ward Rd to increase bike/ped accessibility to the station
- Housing needs go beyond the immediate area of the station
- More signage and wayfinding
- More public education about transit and safety
- Transit oriented development and economic opportunity
- Multimodal access to the station (ped, bike, bus routes)
- Improved fare structure (significant issue; need lower rates)



- Employment and housing (displacement, affordability and senior housing)
- Preservation and enhancement of existing neighborhoods
- There are station-specific recommendations

#### Key Take-Aways

- Need for affordable housing
- Need for reduction in transportation costs
- Continue collaboration and engagement with stakeholders
- Be considerate of adjacent neighborhoods

#### Discussion points from City Council

- Affordable housing is more than low income housing. Besides subsidized housing there is a need for 1<sup>st</sup> time home buyers and housing for seniors.
- Councilmember Wooden asked if the height and density limitations in our Charter are an issue. Mr. Andretti noted that some cities have used overlay zones to allow higher density closer to transit; it needn't apply to the whole city.
- Councilmember DiTullio noted that WR voters have rejected blanket removal of height and density limits for the whole City several times, but approved overlay zones to remove height and density limits in Urban Renewal areas. Mr. Goff confirmed this TOD area is included in that.
- Councilmember Starker noted the Urban Land Institute recently did a technical study of the Ward Station area and concluded that it was not configured for a mix of housing and retail – that given the existing industrial base it would be better suited for development for primary employment.
- Mr. Andretti agreed that was correct and said not every station will be a mix of retail, housing and office. Each station needs to be addressed in context. He did note that Ridge Road could accommodate more residential if the road was improved. Density drives the use of transit.
- Councilmember Fitzgerald noted our zoning in that area is almost entirely industrial; most of the residential zoning is in Arvada. Mr. Goff noted our zoning is Mixed Use zoning which allows for residential.
- Mr. Andretti said this station may be a station where people come to work. It's important to build flexibility into the plan because things may not occur even in the first five years and development patterns may change.
- Councilmember DiTullio reminded Council again that voters exempted this area from height and density restrictions. Changing the Charter is not necessary; Council could increase the height /density for this area by changing the zoning. This keeps the unique character of Wheat Ridge so we don't become a cookie-cutter community.
- Councilmember Fitzgerald asked how bus service will serve this area. Mr. Andretti believes RTD is looking at service route restructuring.

## 2. Staff Report(s)

- a) ADA Transition Plan: Program Status/Update ~ Steve Nyugen

Mr. Nguyen gave a progress report on staff's efforts to develop the plan. So far, it's been determined that the plan will include the following elements:

- Identify City-owned infrastructure that may have limits (buildings and ROW)
- A public notification/information systems to be used by persons with disabilities
- Identify a designated ADA compliance coordinator as a point of contact
- Create a formal grievance procedure for filing complaints

The Parks Department has done an audit of all facilities open to the public and will implement recommendations as funding allows.

The Public Works Department is preparing for the biggest part of the Plan -- to inventory streets, sidewalks and trails, and determine needs and priorities. Temporary workers will be hired for the field work.

A multi-year plan for implementation will need to be developed. Staff will return to Council in the fall with recommendations for program policies.

Discussion followed.

- An intern will do the field work for the inventory.
- A staff member could be trained to be the designated compliance person.
- Councilmember Pond would like to see public input be part of the prioritization process. Mr. Goff will see that that happens.
- Councilmember Urban asked what the timeline will be for implementation. Mr. Nguyen said that will be determined by what the inventory reveals and finances.
- Major CIP projects and overlays are typically opportunities for compliance.
- Councilmember DiTullio suggested that 38<sup>th</sup> Avenue be inventoried first so compliance can be included in upcoming plans for the corridor. Staff agreed this would make sense.
- Councilmember Urban asked if zoning regulations would be audited for ADA compliance. Mr. Nguyen didn't think so because the expectation for ADA compliance already exists for new developments.

b) Code Enforcement Strategy Update ~

Chief Brennan, Commander Jim Lorentz

Commander Jim Lorentz, the lead for this project, gave an update on the plans.

- They have created the TLC Neighborhood Program -- focusing on Traffic safety, Life quality, and Crime reduction.
- A logo has been chosen.
- Assessment for all three neighborhoods (Clearvale, Clear Creek Station and 44<sup>th</sup> Ave Corridor) has begun, including mapping of code issues.
- Fliers are being distributed for neighborhood meetings.
  - Clearvale neighborhood meeting -- May 13 at 7:00 pm at Pietra's
  - Clear Creek Station neighborhood meeting -- May 20 at Trinity Baptist Church
- They'll be working with neighbors to assess needs.
- Elements of the East Wheat Ridge program will be rolled into the TLC brand.



- Dumpster availability days are being scheduled.

Chief Brenna encouraged Council, if they receive negative questions about the TLC program, to remind folks we're trying to make our business corridors more attractive.

There was some discussion, including about expanding the dumpster program.

Councilmember Davis received consensus for staff to bring back costs for expanding the dumpster program to include hazardous products, paint, electronics, etc.

c) I-70/Kipling Corridor Crime/Traffic Update ~ Chief Brennan, Commander Lorentz

Chief Brennan gave an update on how staff is using DDACTS (Data Driven Approaches to Crime and Traffic) – a national problem solving model used by law enforcement. Increased patrol presence is being implemented.

The I-70 & Kipling Corridor is a hot spot that has been identified and is receiving attention, including increased patrol presence, selected enforcement efforts by the CAT (Crime And Traffic) team, and working with businesses and residents in the area.

The Chief noted the flier in the Council packets which explains the increase in patrol presence to property owners, renters and businesses.

Discussion followed.

3. Construction Defects ~ Jerry Dahl

Mr. Dahl presented. City Council had been provided a memo addressing construction defect legislation – which did not pass. Included were a copy of Senate Bill 15-177, a CML factsheet on Affordable Housing, and the City of Lakewood ordinance.

The issue is that the construction of owner occupied multi-unit housing has been constrained by the threat of lawsuits over construction defects. Developer interest and financing have dried up. Lakewood wants that kind of housing and they have passed their own ordinance.

Mr. Dahl highlighted the main points of the Lakewood ordinance.

- Requires a claimant's notice be filed with the builder identifying the problem and providing an opportunity for the builder to remedy the situation.
- If the builder fails to remedy the problem, the owner can file suit.
- Condo declarations require notice to builder prior to condo association being able to bring suit. 50%+ of the owners are required.
- The options of mediation and arbitration are provided.
- Builders are given the opportunity to cure and provide remedies.

Discussion followed.

Councilmember DiTullio suggested bringing this ordinance forward as an emergency ordinance so builders will know we mean business – including the developer of 38<sup>th</sup> & Upham who would like to proceed with building condos.

Discussion followed.

- One owner can file suit, but cannot hold up the owners of the rest of the condos.
- Builders have the right to repair.
- Councilmember Wooden noted that even if we pass this quickly, the high cost of liability insurance will likely still cause delays.
- Councilmember Starker brought up issues:
  - Giving the builder only 14 days to respond is a tight timeframe.
  - The builder has the right to remedy whether the owners like it or not.
  - We owe it to the citizens to have a robust discussion on this which considers both sides of the issue.
  - Concerns about noticing requirements and plat notes
- Councilmember Pond expressed concerns about time frames, noticing requirements, and applicability.
- Mr. Dahl noted the Lakewood ordinance applies only to owner-occupied, multi-family housing – duplexes and higher.
- Councilmember Urban said that while he supports having specific requirements that meet our unique needs in Wheat Ridge, he also suggests that if we keep our ordinance close to what other cities are doing (e.g. Lakewood and Lone Tree) we will have a higher likelihood of success.
- Councilmember Davis expressed a desire to make sure there is thorough discussion and understanding before an ordinance is passed.

There was general agreement to place this in Chapter 26.

Councilmember Starker received consensus to direct the City Attorney to prepare a regular ordinance based on the points of tonight's discussion, bring it back to one more study session and then send it to the Planning Commission.

There was more discussion about compatibility with future state law.

Councilmember Urban asked for language for sunseting.

Councilmember Starker agreed to add to his consensus some mechanism for sunseting. There was no objection.

#### 4. Elected Officials' Report(s)

**Genevieve Wooden** reminded everyone of the 44<sup>th</sup> Ave Cruise this Saturday. Most of the traffic will be between 11 am and 3 pm (from Harlan to Ward Road). The event will end at Anderson Park, with judging from 2-3:00. Over 250 cars are registered.

**Kristi Davis** announced she will be having her second outreach meeting this Thursday at C Plus from 6-7:00pm.

**Tim Fitzgerald** announced there is a meeting tomorrow night that will discuss "maker districts". This is potentially applicable to our Ward Road station.

**Jerry DiTullio** explained the "poker run" that will be part of the 44<sup>th</sup> Avenue Cruise. He happens to be one of the judges.

**Zach Urban** said the WRHS STEM engineering team will have their international winner car at Anderson Park this Saturday.

### **ADJOURNMENT**

The Study Session adjourned at 8:54 p.m.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON

  
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Bud Starker, Mayor Pro Tem