

September 10, 2015

Dear Denver City Councilmembers,

As concerned neighbors of Emmaus Lutheran Church property at 32nd Avenue and Irving Street and representatives of Zone it Right West Highlands, we are opposed to the proposed rezoning of the property (case #20141-00033) up for Committee hearing on September 16, 2015.

We respectfully ask for no zoning change on this parcel not because we are anti-growth but because we are enthusiastic supporters of smart, planned urban development. Our most compelling reasons include:

1. The Proposal Does Not Meet the Criteria for a Rezoning.

- ***The Proposed Rezoning is Inconsistent with Blueprint Denver (DZC § 12.4.10.7.A).***
 - ***Inappropriate use of large scale development in an Area of Stability*** – The neighborhood in which the rezoning is proposed is an Area of Stability. Yet, the proposed rezoning seeks significant change. Contrary to the City of Denver Community Planning and Development (CPD) staff report statements, the proposed development is large scale – and would be surrounded by residential property with only limited exception. Other than the 32nd and Lowell shopping center at the Neighborhood Center (which is comprised of many small businesses), if approved this commercial lot would be the largest commercial property in the neighborhood. Furthermore, there are few 2-story properties along 32nd Avenue that are full commercial use on all floors as proposed for the property in question. Virtually all of such 2-story properties along 32nd Avenue are mixed-use with small commercial entities on the street level and residential or mixed use on the second floor.
 - ***Not in Neighborhood Center*** – While Blueprint Denver allows limited revitalization in a Neighborhood Center of an Area of Stability, the property in question is not within the Neighborhood Center. Instead, Blueprint Denver states that the Neighborhood Center is at Lowell Street and 32nd Ave, ending two blocks west of the subject property. Thus, even if the West Highland neighborhood needed revitalization (it clearly does not), the subject property falls outside of the area in which such revitalization is permitted in an Area of Stability.
 - ***The current zoning of the property is not incompatible with the surrounding properties*** – Blueprint Denver also permits limited change to address incompatible zoning. But there is nothing incompatible about the zoning of the property. The property is surrounded by U-SU-A zoning in all directions. The fact that a single U-MX-2x zoned property to the west of the subject property on 32nd Ave. and a PUD to the east along Speer Blvd. does not make the current U-SU-A for the subject property incompatible. If anything, the U-MX-2x property and PUD are small islands in a sea of much less intense U-SU-A zoning.

- ***The Proposed Rezoning Is Inconsistent with Public Health, Safety, and General Welfare (DZC § 12.4.10.7.C).***

- ***Insufficient road infrastructure*** – Nearby intersections simply cannot handle the dramatic increase in traffic that will occur if the rezoning is permitted. Irving Street one block to the north and 32nd Ave one half block to the east both dead end and do not allow for heavy through traffic. Additionally, both streets are narrow and do not allow for turn lanes, notably limiting traffic flow.

Additionally, the 32nd^a Ave and Speer Blvd. intersection, one half block from this property, does not function well, and is a high-risk intersection for pedestrians with heavy traffic flow, misaligned streets, and unclear views for pedestrian crossing. This intersection is a walking route for neighborhood students to the North High School campus and nearby Skinner Middle School, as well as to the Woodbury Public Library. The significant increase in traffic flow at this intersection that will result from this rezoning is a notable risk to students and other pedestrians.

If this rezoning is approved and the planned development completed, the residential neighborhoods surrounding the property will witness a dramatic increase in traffic in an already heavily congested area, which will lead to more accidents, injuries, and fatalities.

- ***There Is No Circumstance Justifying the Rezoning (DZC § 12.4.10.8).***

- ***There Has Been No Change to the Neighborhood Justifying the Rezoning*** – The CPD Report states that the “justifying circumstance” for the rezoning is that the neighborhood has changed or is changing “to such a degree that it is in the public interest to encourage a redevelopment of the area” (DZC § 12.4.10.8.A.4). Anybody who has been to the West Highland neighborhood knows, however, that it does not require redevelopment. The neighborhood has already undergone a significant redevelopment and for some time has been one of the most sought after by both individuals and families seeking residential property and commercial entities seeking commercial property. Quite simply, this rezoning is unnecessary to encourage the development of the subject property.
- ***The Fact that Emmaus Has Chosen Not to Use the Subject Property Cannot Create the Circumstances Justifying the Rezoning*** – Emmaus and the developer have pointed to the Church’s decision to stop using the subject property as a school as a circumstances justifying the rezoning. This makes no sense. If City Council accepts this argument, it would then allow property owners who desire the windfall of a significant up-zoning to allow their properties to fall into disuse and disrepair. City Council should not create such an incentive by accepting the argument of Emmaus and the developer.

- ***The Proposed Rezoning is Inconsistent with the Neighborhood Context (DZC § 12.4.10.8.B).***

- **Rapid neighborhood growth** – The West Highland neighborhood is experiencing rapid growth as evidenced by the significant number of high-rise buildings being built at Lowell Blvd. and 32nd Ave, Meade St and 32nd Ave, W. Moncrieff Pl. and 33rd Ave, Lowell Blvd and 38th Ave. and Julian St and 38th Ave. and conversion of Julian St and 32nd Ave senior high-rise building to non-age restricted residential units. This magnitude of change is impacting density dramatically within the area and this existing development within the neighborhood must be considered. Current unplanned growth should not justify more change; it should underscore that more direction in planning is needed.
- **2-Story 100% Commercial Buildings Are Inappropriate** – With one exception, there are no 2-story commercial buildings in our neighborhood that are not mixed-use. The reason is simple – such buildings have no place in the West Highland neighborhood. Instead, mixed-use properties along 32nd Avenue are what currently exists and are consistent with the neighborhood context.
- **The Proposed Rezoning Would Permit the Largest Building parcel in the West Highland Neighborhood to be Built** – Under the applicants requested up-zoning code this lot could be developed into the largest commercial building in West Highlands. This is not small scale development meant to infill unused or underutilized parcels, this is large scale commercial development that is inappropriate for this neighborhood.

2. The Neighborhood Does Not Support this Project

- **Need to finish neighborhood plan** - Registered neighborhood organization West Highland Neighborhood Association/WHNA is in the middle of facilitating a Neighborhood Plan to guide future development within the area. Spot zoning for unplanned development of this parcel is not only inappropriate but also circumvents the development of the neighborhood plan.
- **WHNA members voted against the proposed rezoning** – On August 4, 2015 WHNA members overwhelming voted against the zoning change for this property. By no means “anti-growth”, WHNA members voted in support of developing this property **under the current zoning**, and secondarily considering development of this parcel under a Detailed-Planned Unit Development (D-PUD) so that all interested parties could come to mutual agreement as to the zoning and use of this property. Please see Attachment A, letter from Trevor Greco, Vice President of West Highland Neighborhood Association, describing WHNA’s decision.
- **Anti-project petition** – As of September 9, 2015, 220 individuals have signed a petition in opposition to this development and in support of a D-PUD to guide use of the property. Please see Attachment B and C for petition signers and accompanying comments from petitioners as submitted to City Councilwoman Susan Shepherd and City Councilman Rafael Espinoza, respectively.
- **Neighbors Most Impacted by the Project Are Against the Project** – Almost every neighbor who lives within 200 feet of the property is against the project. Several initially signed letters of support after a misleading early meeting run by Emmaus and the developer. After learning the truth of the development, those neighbors have revoked their support and now are against the project. Of the 34 letters of support submitted by Emmaus and the developer (not all from

neighbors within 200 feet of the property), seven of the authors (21%) have revoked their support (see Attachment D for letters revoking support), and at least four more (12%) are of questionable validity (one individual signed three letters and one is signed by the 13 year old daughter of the representing property owner).

- ***Lack of genuine neighborhood engagement*** – While the property owner and developer claim to have held meetings at which they gathered feedback from the community, in reality these meetings were used to inform the neighborhood of the plans, not to engage in dialogue or consider neighbors’ concerns. Emmaus and the developer were unwilling to consider any of the changes proposed by the neighborhood to the size or use of the property. Neighbors have repeatedly requested dialogue with Emmaus Church Leadership and their development partner on both the proposed rezoning and the proposed use of the property, but have been denied.

3. *Lack of consensus among CPD board*

- Three of the eight Planning Board members in attendance at the Zoning Board Hearing on this proposed rezoning voted against this rezoning, which is highly unusual given the unanimity with which the Planning Board almost always accepts CPD recommendations.
- One of the Planning Board members who voted for the rezoning fundamentally misunderstood the vote by WHNA against the rezoning proposal. This Planning Board member stated that the vote by WHNA showed that WHNA believes the current zoning of the subject property is incorrect, and that this factor influenced his decision. This conclusion drawn by the Planning Board member is incorrect. The simple fact is that WHNA overwhelmingly voted against the proposed rezoning (see Attachment A).

4. *Medical offices are unneeded in this area*

- Other areas -- such as areas on Federal Boulevard and 38th Street – are currently zoned for medical offices and desire the development. Use of the property in question for medical purposes is inappropriate.

For the foregoing reasons, we urge you to vote against this proposed rezoning. As noted, the neighborhood is willing to work with Emmaus and the developer to create a D-PUD that is acceptable to all of the parties involved.

Thank you,

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Zone it Right West Highlands