

Date: February 18, 2015

To: Council Members Susman, Montero, Brooks, Nevitt, Robb and Shepherd

Re: BR15-0056 – Rezoning application for 195 S. Monaco Parkway – Request for you to place a hold on this zoning request and send it back to the Planning Department for more appropriate zoning.

From: Katie McCrimmon, RNO representative for the Crestmoor Park Neighborhood and representative for coalition of concerned neighbors, Friends of Crestmoor Park

Please see attached:

- Scanned opposition letters (about 250 or more). Others have gone straight to the Planning Board and to City Council.
- RNO opposition letters from the Crestmoor Park Neighborhood, Winston Downs, Lowry United Neighbors, South Hilltop Neighborhood Association, West Wash Park Neighborhood Association and Cory-Merrill RNO
- Survey results showing overwhelming opposition to this proposed rezoning in the Crestmoor Park Homeowners Inc. (First Filing), the Crestmoor Park (2<sup>nd</sup> Filing) and the Crestmoor Park Neighborhood RNO.
- Density study and other information about dangers to pedestrians and preschool children.

Dear Council members,

I represent the Crestmoor Park Neighborhood RNO. We are a group of 200 homeowners who live south of Crestmoor Park and in the townhomes on the southeast corner of the park. Our RNO includes the church property at 195 S. Monaco Parkway and we oppose this rezoning. We have also formed a coalition of concerned neighbors from multiple neighborhoods called the Friends of Crestmoor Park.

We are asking you today to put a hold on this rezoning application and send it back to the Planning Board for the following reasons:

- Opposition has been overwhelming from individuals and RNOs. (Please see attached evidence.)
- The developer has repeatedly failed to work with neighbors to come up with an appropriate reuse of this site. Since our first meeting with developers last April, they have insisted on doing 120 units on this small 2.3-acre site. The density would be 52 units to the acre, far out of proportion with the prevailing density in the Crestmoor Area of 2.6 units to the acre and the proposed density for Buckley Annex of 11 units to the acre. Our Councilwoman, Mary Beth Susman, asked neighborhood leaders to participate in a facilitation with Steve Charbonneau and the developer over the past few weeks. We did so and neighbors were eager to negotiate with the developer. Unfortunately the developer refused to discuss two of the most important issues: the density of 120 units and the plan for rentals. The developer did offer to build some additional parking, but density, traffic and safety issues remain the major stumbling blocks. Unfortunately, the

developer declined to continue talking with neighbors and is pushing forward with a zoning request that does not fit this area.

- During the Jan. 21 Planning Board Hearing, several members of the board highlighted their concerns about this proposal. They said they could not consider relevant issues like potential traffic problems, whether the density was appropriate and how Denver should handle distressed church and temple properties in the middle of residential neighborhoods. They said Council members would need to look at these issues. We urge you to take a close look and see how inappropriate this proposed zoning is for such a small site. If you allow a major up-zoning for this church site, you will set a precedent for rezonings of religious properties in Areas of Stability throughout Denver.
- Planning Board staffers previously said this site was appropriate for townhome development, not for a multi-story apartment complex. But the developers came to the Planning Department with a proposal for S-MU-3 zoning and planners merely analyzed that proposal. They did not consider better options that would fit the neighborhood context. Nearly all of Crestmoor is zoned Urban Edge. The developer and planning staffers cited a handful of properties to justify the switch to Suburban context. The Denver More appropriate requests for rezoning would have focused on categories like E-MU-2.5 or E-TH-2.5.
- Our neighborhood is formally designated as an Area of Stability within Blueprint Denver, not an Area of Change.
- The current zoning protects the character of the neighborhood, reflects the surrounding context of single-family homes and represents the vision of our community. This area has always been zoned single family and the New Zoning Code reaffirmed in 2010 that this area should remain E-SU-DX.

Other RNOs and neighborhood groups have joined us in our opposition. Door-to-door and online surveys in the Crestmoor Filings 1, Filings 2 and the Crestmoor Park Neighborhood have shown overwhelming opposition to this proposed rezoning. Between 76 percent and 95 percent of several hundred residents who were surveyed said they oppose this rezoning. There is also wider concern from residents throughout East Denver and Lowry because our area is facing a sudden and dramatic increase in density at both this site and the Buckley Annex site, where the Lowry Development Authority is proposing 800 additional residential units and 150,000 to 200,000 square feet of commercial space immediately east of Crestmoor Park.

We call on the members of the Denver City Council's Neighborhoods and Planning Committee to help your constituents. Residents of this area are eager to work with a developer who will come to the table in good faith and find a solution that will produce a development that can make Denver proud. During the Planning Board hearing, we heard significant testimony about support for redevelopment plans in Swansea. Neighbors in the Crestmoor, Lowry, Winston Downs and South Hilltop neighborhoods would like a solution in this case that would generate similar pride.

Thank you.

Date: January 14, 2015

To: David Gaspers, Senior City Planner, Denver Department of Community Planning and Development and members of the Denver Planning Board and Councilwoman Mary Beth Susman

From: Ruby Loch, Crestmoor Park Neighborhood Association

Re: RNO Position Statement from the Crestmoor Park Neighborhood Association concerning the proposed zoning change at 195 S. Monaco Parkway

Sent via email to [Rezoning@denvergov.org](mailto:Rezoning@denvergov.org), [david.gaspers@denvergov.org](mailto:david.gaspers@denvergov.org), [venus.boatner@denvergov.org](mailto:venus.boatner@denvergov.org), [marybeth.susman@denvergov.org](mailto:marybeth.susman@denvergov.org), [Genevieve.Kline@denvergov.org](mailto:Genevieve.Kline@denvergov.org)

Dear Planning Board members and Mr. Gaspers,

Thank you for your service to our city. I represent the Crestmoor Park Neighborhood Association. Our RNO includes the property at 195 S. Monaco Parkway and about 200 homes, including the townhomes closest to the proposed new development and homes south of Crestmoor Park and south of Bayaud Avenue to Alameda Avenue and from Holly Street to Monaco Parkway.

**We oppose the change in zoning for 195 S. Monaco Parkway from E-SU-DX to S-MU-3 for a variety of reasons cited below.** We appreciate your acknowledgment of the deep opposition to this proposal from the neighbors closest to this project as well as those in surrounding neighborhoods. Along with this letter from our RNO, we are also delivering to you today more than 100 letters of opposition from individuals. We expect to deliver more to you by the hearing date along with statements of opposition from other RNOs.

The Planning Board has no basis for approving this zoning change and in fact, must reject it for the following reasons:

- This change is inconsistent with the City's approved plans.
- Our neighborhood is an Area of Stability in Blueprint Denver and therefore not subject to dramatic and arbitrary shifts in zoning like this proposal.
- The 2010 update to Denver's zoning code reaffirmed that this property and our entire neighborhood are zoned for single-family homes.
- This applicant's proposal would create density that is totally inappropriate for our area. The combined Crestmoor neighborhoods (ours and Crestmoor Filings 1 and 2) have a density of 2.6 units to the acre. In contrast to our prevailing density, the applicant wants to build 120 units on a site that is only 2.3 acres. That amounts to 52 units to the acre. This apartment complex would be twice as dense as even the high-density apartments at The Lex across Monaco (formerly Crestmoor Downs) where there are 710 units on 25.8 acres and the density is 27.5 units to the acre.

- This proposed zoning change does not fit our context. After extensive public discussion and multiple community forums, the 2010 New Code classified our neighborhood and many surrounding traditional Denver neighborhoods as E-SU-DX. Under the Zoning Code, there is no category in our context that allows a 3-story, 120-unit structure like the one the applicant has proposed. In our approved and reaffirmed urban-edge zoning category, the only allowed multi-unit structures fall under the zoning of E-MU-2.5. This zoning allows only for townhouses, tandem houses or multi-unit structures no taller than 2 stories. The applicant's request for a 40-foot-high, 3-story, 120-unit rental structure doesn't fit our context and the applicant arbitrarily wants to change that context despite extensive public input to create and reaffirm it.
- There is no precedent for a large apartment complex in our RNO and there is no precedent for a 40-foot high, 120-unit rental structure anywhere directly along Monaco Parkway from Interstate 70 on the north to Hampden Avenue on the South. This proposal does not meet your standards for "uniformity of district regulations and restrictions."
- The 2010 update to the zoning code involved extensive community input. Now one developer is asserting that this area needs a change in zoning that is contrary to the expressed wishes of the community. Allowing this zoning change would be an arbitrary decision that contradicts approved plans and reaffirmed zoning. It would constitute illegal "spot zoning."
- There has been no demonstrated "change of conditions." The applicant claims that the Hilltop and Crestmoor neighborhoods are in need of "reinvestment." In fact, these neighborhoods have been stable and thriving since their inception and the property values have been strong and increasing. There has been almost no discernible change in this area — aside from pop-tops — and Crestmoor hardly needs reinvestment from an Englewood development company to ensure that the neighborhood remains vibrant. In fact, just one week ago, an original Crestmoor home on the park at 115 Southmoor Drive went under contract minutes after it was listed, sight-unseen for the full asking price of \$800,000. The thriving market for traditional, single-family Crestmoor homes underscores the stable nature of our neighborhood. This is not a neighborhood of high-density multi-unit rentals. Rather, it's a neighborhood of single-family homes and has been since the 1930s (in Crestmoor Filing 1) and since the 1950s and 1960s in our neighborhood and in Crestmoor Filing 2. There has been no change of condition that would warrant a zoning change like this.
- The applicant asserts that changed conditions with the conversion of the Lowry Air Force Base east of Crestmoor Park justify changes at 195 S. Monaco Parkway. In fact, residents of Lowry share the values of residents in the Crestmoor Park neighborhoods and have repeatedly expressed their desires for low-density, appropriate development. The average density of the Lowry neighborhood is 4.4 units to the acre, somewhat more dense than the Crestmoor neighborhood, but nowhere near as dense as the applicant would like to build in our neighborhood. The advertising materials for the

Boulevard One neighborhood in Lowry, the closest Lowry neighborhood to ours, say that managers there plan to build about 11 units to the acre. Even this density — far lower than what the applicant wants to build — is currently being contested. Plans for Boulevard One are currently in dispute because Lowry residents want lower-density development while some developers want high-density development. Future construction at Lowry does not justify inappropriate development in Crestmoor. In fact, City planners should be especially concerned that area streets can accommodate increased traffic since we expect some additional homes in Boulevard One. We do not have light rail in our neighborhood and our area streets cannot handle dramatic increases in traffic like those that this zoning change would generate.

- The applicant contends that this zoning change will improve the safety and general welfare of this area. In fact, it will do the opposite. The applicant continues to claim in public forums that City officials have approved use of curb cuts from the site onto Monaco Parkway. According to City officials, this is not true. Access would not be determined until the Site Planning phase. We know from past experience with developers who previously wanted to build condos on the site at 195 S. Monaco Parkway that City officials have concerns about dangerous traffic on both Monaco and Cedar. If the applicant wins this inappropriate zoning change, traffic on Monaco will be extremely problematic. There will be three street lights along Monaco Parkway in the space of just a couple of blocks from East First Avenue on the north to Lowry Boulevard, then to East Cedar Avenue on the South. The applicant wants to open two entrances and exits to this development and allow left turns onto Monaco. We think this much traffic flowing onto either Cedar or Monaco will be dangerous, not more safe.
- The applicant also claims that he will be improving welfare and safety for residents. This assertion is false and misleading. Families with young children and pedestrians are major users of Crestmoor Park and routinely travel along smaller streets like East Cedar Avenue and East First Avenue. Crestmoor is an extremely popular park for children's sports leagues including soccer, baseball and lacrosse. Families with children routinely park along side streets including South Locust Street, East Cedar Avenue, Southmoor Drive and Kearney to access sports fields. In addition, the Crestmoor Community Association swim and tennis facility hosts large swim meets that also bring pedestrian traffic to this area in the summer months. The applicant originally wanted to funnel all traffic onto East Cedar Avenue. They now say they want to divert it all to Monaco Parkway. Regardless of the access that the City would allow, the development would generate dangerous traffic to a pedestrian corridor.
- There is a daycare facility immediately south of 195 S. Monaco Parkway. Parents from this facility are also concerned about traffic and the safety and welfare of the children from the facility who routinely cross Cedar Avenue to play in the park.

- Our neighborhood is the proud home to a thriving Jewish community. From its inception, the Crestmoor Park Neighborhood south of the park welcomed Jewish people and African Americans at a time when other Denver neighborhoods expressly barred Jewish people and African Americans from owning homes. The Jewish members of our community do not drive on Saturdays as they celebrate the Sabbath. The applicant's plan to build a high-density apartment complex on such a small site will harm the health, welfare and safety of Jewish residents who are integral to our neighborhood.
- The applicant claims that this zoning change will be in the public interest when, in fact, members of the public have overwhelmingly expressed their opposition for this proposal. (Please see details below regarding surveys and public meetings regarding this proposal.)
- The applicant asserts under Denver's Comprehensive Plan 2000 that this proposed zoning would "encourage quality infill development that is consistent with the character of the surrounding neighborhood." In fact, neighbors have met multiple times with Peter Kudla of Metropolitan homes and his representatives, lawyers and lobbyists. On each occasion, neighbors encouraged Kudla to build quality infill that neighbors could support, such as townhomes, that would be "consistent with the character of the surrounding neighborhood." Our RNO includes 9 townhomes on South Locust Street immediately adjacent to Crestmoor Park that have provided excellent housing options to area residents. Mr. Kudla told us he was building "his product," that fit his "economic integrity," and that we might have to disagree on the product. We view our neighborhood as a community, not as a place where someone should foist a "product" on us.
- Inadequate parking. The applicant has told us that he plans to build about 1.4 parking spaces per unit, including guest parking. He says his "product" is "age-targeted," meaning he is trying to attract people ages 45 and older. Of course age discrimination is illegal under the Fair Housing Act. So Mr. Kudla cannot guarantee who might choose to try to live at the proposed apartment complex. He says that people ages 45 and older don't drive as much as younger residents. But our surveys (please see below) show that in our RNO, each adult resident (often two per household) owns a car. Families in our area who have driving-age children also own additional cars, sometimes 3 or more per household. The applicant's proposal would have inadequate parking, causing additional dangers to the neighborhood. If residents of the proposed development were to try to park in the small public parking lot on South Locust Street in Crestmoor Park or along South Locust or East Cedar Avenue, they will further endanger pedestrians, children at the daycare center, park users and residents. In addition, studies show that renters pack more residents into each unit, thus underscoring a need for even more parking.
- The applicant has shifted from 4 stories to 3 stories in part because of neighborhood concerns, but he has never wavered from his plan to build a 120-unit rental complex on this site. This density does not fit with our

neighborhood and is contrary to all approved plans. A three-story structure in this location is still too tall and in fact not allowed in our urban-edge context. The Crestmoor Park Neighborhood is an area of single-family homes, not multi-unit apartment complexes. It is — in its entirety — an Area of Stability. Please uphold our City's approved plans and protect our neighborhood by rejecting this inappropriate and illegal zoning change.

### **Background and Survey Information**

Our neighborhood has been through a similar request for rezoning eight years ago and residents here resoundingly rejected that change after numerous public meetings. Mr. Bershof was the architect on that project, which was proposed by a different developer. That proposal was for 56 units including some single-family homes and some condos in a multi-unit structure. Even that density of 24 units to the acre was too overwhelming for this area.

We first heard from Mr. Kudla's attorney, David Foster, in the spring of 2014. Foster told us that Kudla was interested in purchasing the property at 195 S. Monaco Parkway and wanted to build an apartment complex on the site in the spring of 2014. We then gathered representatives from our neighborhood and met with Kudla, some of his managers from Metropolitan Homes and with Foster on April 23, 2014.

Kudla shared his plans to build a 4-story 120-unit rental complex on the 2.3 acre site. Our representatives shared a variety of concerns with him, ranging from concerns about density, parking, traffic and the safety of children, pedestrians and Jewish residents in our area. We asked him to consider building lower-density structures on this site, such as townhomes. He declined, saying he couldn't get "economic integrity" with a lower-density development. He said he was "building a product" and "we may or may not agree on it." He then abruptly left our meeting. He subsequently purchased the property in an Area of Stability, zoned single family Urban Edge in 2010, fully aware of this constraint in the New Zoning Code.

Representatives from the Crestmoor Park Neighborhood Association met again with representatives of Metropolitan Homes and their lobbyist, Sean Maley, on September 22, 2014. We again shared our concerns. They again asserted that Mr. Kudla planned to proceed with a 4-story 120-unit rental complex.

Maley then informed us on September 30, 2014 that Mr. Kudla planned to proceed with his request for a zoning change and with his plans for a 4-story, 120-unit rental complex.

The applicants filed their original request for a zoning change on Nov. 5, then revised their application to change from 5 stories (with a waiver to 4) to 3 stories in December.

Throughout this process, our neighborhood has proactively worked with surrounding RNOs and we have kept our City Council representative, Councilwoman

Mary Beth Susman, apprised of our concerns. We are grateful that she has vowed to “remain steadfast in supporting the neighborhoods’ perspectives.”

We want to make it clear to you what those perspectives are.

We have gone door-to-door in our neighborhood of 200 homes to survey residents here. While some residents favor this proposal, overwhelmingly, our residents oppose this zoning change. We will share the exact percentages with you at the January 21 Planning Board Hearing as we continue to try to reach out to any neighbors who have not been home when we’ve visited to survey them. So far, about 90% of residents oppose this proposed zoning change compared to about 10% who support it. We have also asked our residents what they’d like to see on the site at 195 S. Monaco Parkway and how many cars each resident has. Across the board, all of our respondents have said that they own one car per adult in their residence. We heard a variety of responses from residents about what they’d like to see on the site. Some would like a dog park or additional open space. Others would like townhomes. Others want a coffee shop. One resident really likes density and wanted “eyes on the park.” Some want single-family homes or another church. The most frequently cited answer has been townhomes.

We have also worked proactively with our neighboring RNO leaders in Crestmoor and surrounding neighborhoods. Together with the leaders of Crestmoor Filings 1 and 2, we met with Councilwoman Susman in the spring.

We also co-hosted a public hearing with our fellow Crestmoor leaders on Jan. 6, 2015 at the Eisenhower Chapel in Lowry. We invited residents of our neighborhood and surrounding RNOs. The chapel was full and we had about 150 to 175 people community members at this meeting. We invited Peter Kudla and his development team. They spent about 40 minutes presenting their plans to the public, then answered questions. Altogether, the meeting lasted about two-and-a-half hours, as there were numerous questions. We were grateful to have Councilwoman Susman and her aide in attendance to listen to community concerns. She did not speak since the request for a change in zoning is now a matter before the Planning Board and the Denver City Council.

At this public forum, citizens registered major concerns about traffic problems, inadequate traffic, safety and health. Two residents spoke in favor of the development, one who lives in Crestmoor Filings 2 and one who lives at the townhomes in our neighborhood. We asked for a “show of hands” to indicate whether people supported or opposed this proposed zoning change. About 12 people raised their hands in support of the project, while the rest raised their hands to indicate opposition. Using our conservative estimate that we had 150 people there, 8 percent supported the proposed zoning change and 92 percent opposed it.

Currently the leaders of our neighboring Crestmoor neighborhoods are surveying their neighborhoods. So far, at least 75% of those who have responded have opposed this proposed zoning change.



We expect that you will also hear from other RNOs.

Again, we greatly appreciate your service to our City and to our neighborhood.

Based on the City's approved plans, the descriptions of our neighborhood in Blueprint Denver and your own policies, we believe the rational conclusion is for the Denver Planning Board to oppose this requested zoning change.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruby Loch". The signature is fluid and cursive, with a long horizontal stroke at the end.

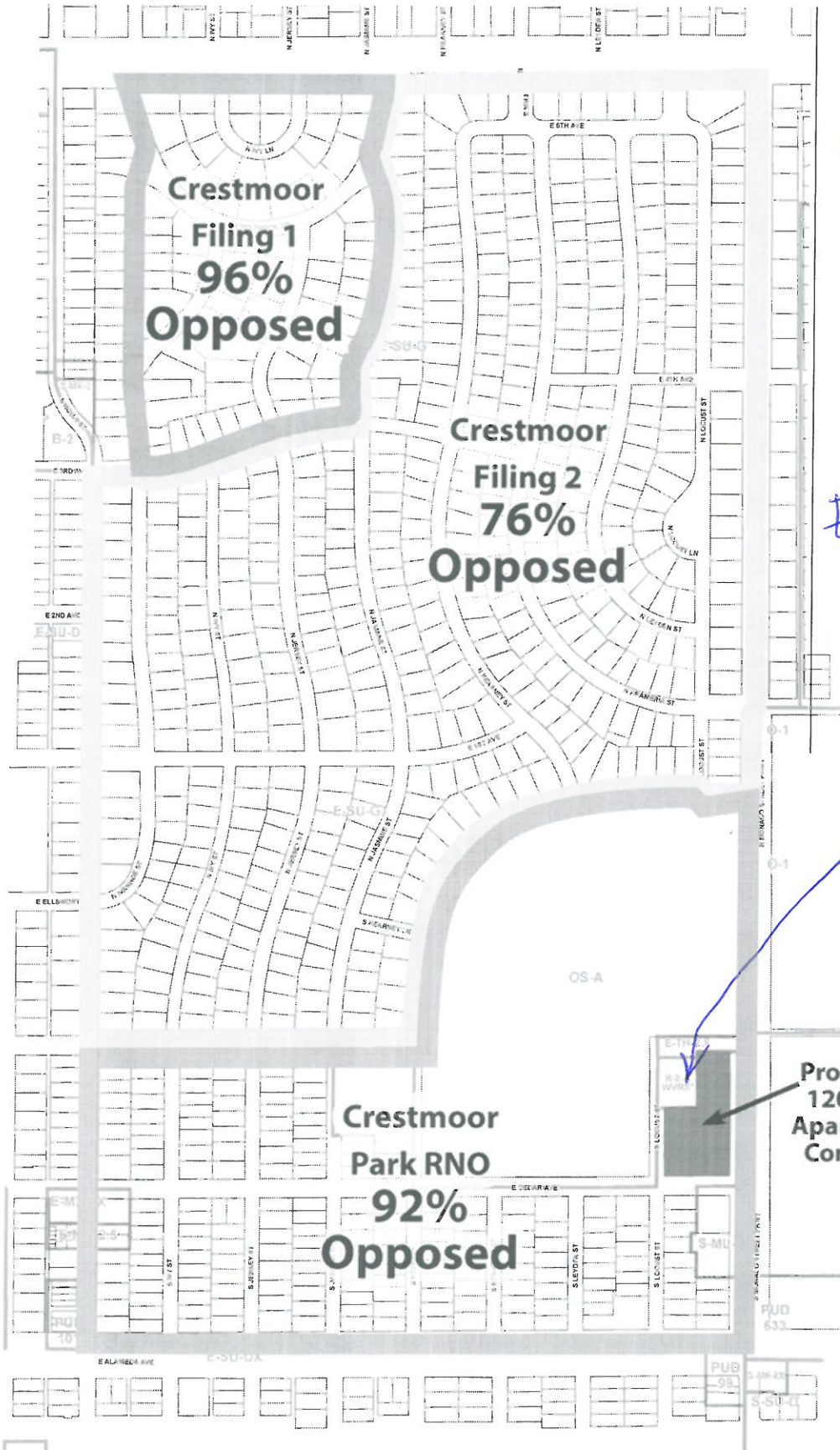
Ruby Loch

210 S. Krameria Street

Denver, CO 80224

On behalf of the Crestmoor Park Neighborhood Association

# Crestmoor Neighborhoods Survey Results



All of  
Crestmoor  
Area  
Zoned  
E-SU-G  
or  
E-SU-DX  
except for  
one property  
to the  
south and  
the townhomes

# Density and Height Study of Crestmoor/Lowry Neighborhoods



Project	Number of Units	Land Area (Acres)	Density (Units/Acre)	Bldg Height	Comments
<b>SINGLE UNIT (SU, TH)</b>					
Crestmoor Neighborhoods	830	320.0	2.6	10-30'	Three Crestmoor neighborhoods
Crestmoor Park RNO	200	65.0	3.1	35'	Neighborhood that includes proposed apartment complex
Lowry Neighborhood	1,925	439.5	4.4	35'	Last redeveloped community in area
1 Crestmoor Park Townhomes	9	1.02	8.8	30'	Townhomes on Locust St adjacent to proposed apartments
2 Buckley Annex (proposed)	800	72.0	11.0	35'	Northeast of 195 So. Monaco
3 3rd & Quebec	120	8.70	13.8	33'	North of library along Quebec
4 Monaco Townhomes	8	0.57	14.0	25'	South of 195 So. Monaco
5 Promenade	140	9.40	14.8	27'	2 and 3-story project in Lowry Town Center
6 1st Avenue Townhomes	32	2.13	15.0	16'	2 story bldg conversion west of library
195 So. Monaco in current E-Single Unit-DX	10	2.33	4.2	35' max	What the developer could build with existing zoning
<b>MULTI-UNIT (MU)</b>					
7 Officers Row Loft Homes	108	5.09	21.2	52'	2 and 4-story project in Lowry Town Center
8 3rd & Holly	32	1.46	21.9	32'	3-story project w/underground parking and commercial use
9 Lowry Park	1,014	46.85	14.8	28'	2-3 story complex along Alameda Avenue
10 The Lex (Crestmoor Downs)	710	25.8	27.5	66'	Apartments and townhomes on east side of Monaco Pkwy
195 South Monaco using S-Multi Unit-3/5	120	2.33	52.0	40' max	What the developer wants to build

# Dwelling Units Per Acre in the Area

## Single Unit and Townhomes



# Density of Apartment Complex Out of Proportion with Crestmoor Park RNO



**Crestmoor Park RNO Boundry**

**120 Dwelling Units in Neighborhood**



Scale 1" = 200'  
 Map printed at 27.022"



# Proposed 120-Unit Apartment Complex Similar in Size to George Washington High School



Existing view of 480 feet of Monaco frontage (GW High School). An apartment complex the size of George Washington High School does not belong on a 2.3 acre site.



George Washington High School is 480 feet long. Proposed building is 440 feet long.  
George Washington High School is 35 feet tall. Proposed building is 40 feet tall  
(plus 12 feet for roof elements.)

# South Side of Proposed Apartment Complex on Cedar Ave Does Not Fit Neighborhood Context



Approx.  
25'

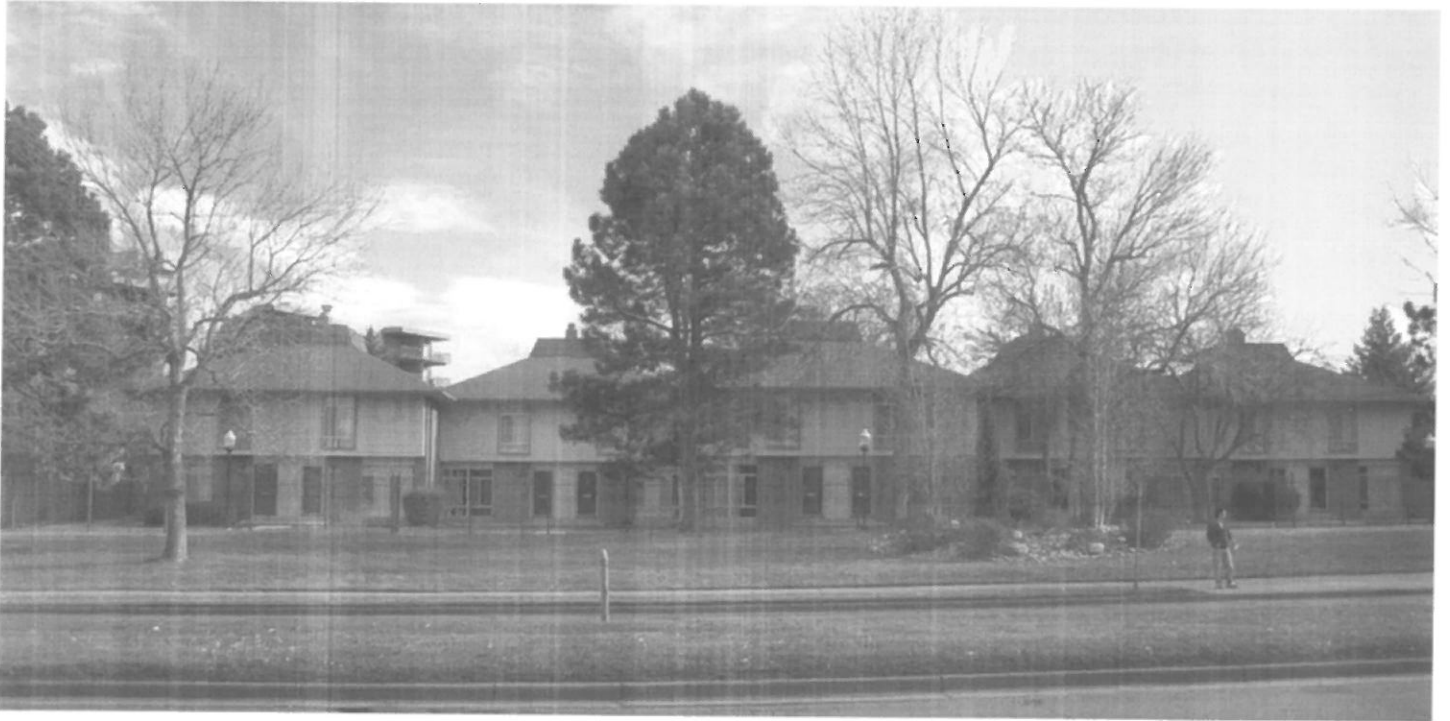
Height of proposed apartment complex is **nearly double** the height of existing adjacent homes.



Approx.  
40'  
(plus another  
12' roof  
objects  
allowed

South side of 120-unit apartment complex on Cedar overpowers adjacent single-family homes.

# Proposed Apartment Complex Contradicts Monaco Parkway Precedents



Existing 200 feet (approximately eight townhomes) of frontage across from 195 S. Monaco.

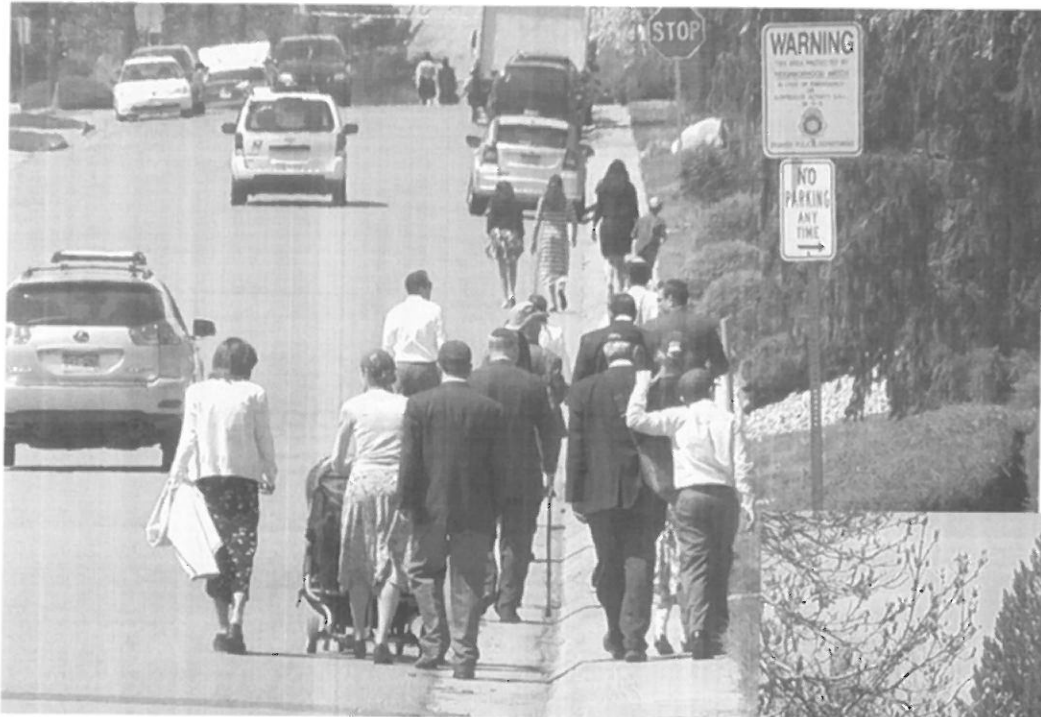


Proposed apartments are too big for Monaco Parkway. Approximately 200 feet of 440 shown above.



# Pedestrian Concerns Along Cedar Avenue

## Safety Issues with 120 More Units in Crestmoor Park RNO



Cedar Avenue is a popular pedestrian walkway, especially for the large Jewish community in the neighborhood. The character of the neighborhood provides a safe, pedestrian-friendly environment.



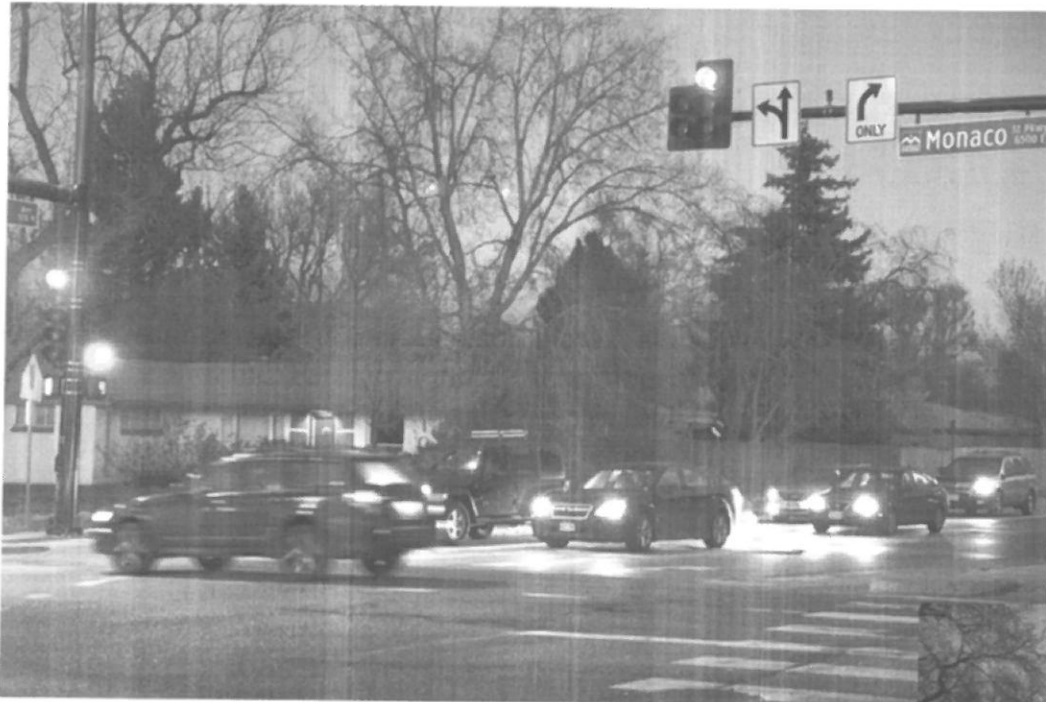
Families walking east on Cedar approaching Monaco and proposed site.

# Traffic and Parking Concerns

## Safety Issues with 120 More Units in Crestmoor Park RNO



Crestmoor Park is well used and there is already plenty of traffic. Parking along neighborhood streets is already difficult. Doubling the number of cars in the area will be a safety issue. Developer is proposing inadequate parking.



Monaco is already congested and cannot handle additional increases in traffic. A high-density apartment complex on this block will be a safety problem.

