



DENVER
THE MILE HIGH CITY

Denver Parks and Recreation

Manager's Office

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Denver, CO 80202

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January 2, 2013

Tom Boasberg, Superintendent
Denver Public Schools
900 Grant Street
Denver, CO 80203

Dear Superintendent Boasberg,

I'm writing in response to the request from Denver Public Schools (DPS) submitted Sept. 24, 2012, asking the Department of Parks and Recreation (DPR) to remove the Natural Area designation from 9 acres of the Hampden Heights Open Space (HHOS)¹ area in order to facilitate the building of an ECE/Elementary School on the property. This is part of a proposed land swap transaction between the City and County of Denver and DPS whereby the City would trade these 9 acres for DPS-owned property at 1330 Fox St. to serve as a new domestic violence center.

On Nov. 8 and Dec. 13, as per the *Rules and Regulations for Natural Areas* (henceforth known as "Rules and Regulations") adopted on Jan. 16, 2001, the Denver Parks and Recreation Advisory Board (DPRAB) heard public input on the aforementioned property and proposed land swap. After public input and discussion, the DPRAB board voted 11-6, opposing the removal of the Natural Area designation and recommending to the Manager of DPR that the request from DPS be denied.

As outlined in the Rules and Regulations, rule 3-G (Manager's Decision) states: "*After reviewing the written recommendation of the Parks and Recreation Advisory Board, the Manager will make a determination in writing as to whether to designate (or de-designate per Rule 3-I) the site as a Natural Area*".

This letter serves as the Manager's decision to remove the Natural Area designation and thus de-designate the 9 acres in question from the Hampden Heights Open Space area.

Because this decision does differ from the recommendation of the DPRAB, I want to provide additional information to explain this decision, which is based on myriad reasons that generally fit into two categories:

- 1.) Rules and Regulations Section IV – Criteria (for designation); and
- 2.) Additional investigation performed (as allowed per Rule 3-G)

¹ Research by the Denver City Attorney's Office discovered that this parcel was originally acquired in 1936 "for an unspecified city purpose" later to serve as part of an extensive program that the Denver Department of Public Works undertook back in the 1930s to gain ownership of the Cherry Creek corridor so it could better deal with drainage control and flood prevention along Cherry Creek. It was not acquired for park or even trail purposes since this area was located in Arapahoe County in 1936. Even up to 1956, there was no reason to believe that Denver was using this parcel for park purposes or it would have been designated as park property in the mass designation process that occurred for all parcels in park use in 1956.

SECTION IV. CRITERIA FOR DESIGNATION:

First and foremost, I think it is important to consider what factors went into the decision five years ago to designate this section of DPR land as Natural Area. When looking at this area as a whole, there is reason for applying the designated status as more than 50 percent of the 25 acres does contain a healthy, thriving natural area. With this request, however, we aren't being asked to evaluate and de-designate the entire natural area. We are being asked to evaluate and de-designate a 9-acre portion of this land. I believe that, had the entire site been in the same condition this 9-acre parcel was five years ago (and still is today), it would not have met the criteria necessary to be designated as Natural Area. As such, I think it is appropriate and necessary to evaluate these 9 acres as a stand-alone parcel.

Section IV of the Rules and Regulations states "as part of the designation review process set out ... (in the Rules and Regulations), the Department, the Manager, the Natural Areas Advisory Committee, and the DPRAB shall consider whether the site proposed for Natural Area designation:"

- A. Provides or could provide protection for a sustainable natural ecosystem, wildlife habitat, native plant species and communities, geological formations or water corridors or wetlands.*

Decision Justification on Criteria A: As a **stand-alone** parcel, excluding the current and to-be-designated HHOS area and Hentzell Park property, the acres in question do not contain significant natural area values which would provide for a sustainable natural ecosystem. The site shows signs of over-population of prairie dogs -- an un-sustainable natural ecosystem -- and loss of vegetative cover. Any other wildlife currently occupying the property, and the relatively few native species on site, can be sustained on the remaining HHOS acres and adjacent Hentzell Park. There are no geological formations or water corridors that will be eliminated through this de-designation. Adjacent water corridors or wetlands are excluded from the 9 acres in question.

- B. Serves as an example of a rare or unique native condition in an urban setting in need of ecological preservation.*

Decision Justification on Criteria B: Again, as a stand-alone parcel, there is no rare or unique native vegetation on this portion of land in need of preservation according to an evaluation performed by DPR's Director of Natural Resources Bob Finch (evaluation letter attached). The unique native condition of the remaining HHOS is the Cherry Creek corridor, which will be added to the designated portion of Hentzell Park. This corridor does represent the unique riparian zone that exists in the Front Range, making it necessary to protect.

- C. Serves as an outdoor classroom or laboratory for scientific study or other educational opportunities for the public.*

Decision Justification on Criteria C: Ironically, with the proposed development of a new school on the parcel of land in question, the adjacent higher-quality natural area property within HHOS and Hentzell Park, will serve as an ideal place for an outdoor classroom or laboratory for scientific study by the students and public. If the adjacent HHOS or Hentzell Park natural area did not exist, the 9 acres of property in question would provide little opportunity for natural resource education due to the degraded quality of the land and general lack of significant natural area values.

- D. Functions as an area of biological diversity, natural beauty, and inspiration which meets aesthetic needs and which enriches the meaning and enjoyment of human life.*

Decision Justification on Criteria D: As for the first sub-criteria, the area in question provides little biological diversity evidenced simply by the lack of variety of plant species in good condition on the property. The degraded site, in fact, has allowed for the establishment of non-native plant species. While these remaining sub-criteria are extremely subjective, a number of citizens testifying in the public hearing claimed the area provided some natural beauty and inspiration. However, de-designation of this particular parcel of land will not entirely eliminate the public's ability to enjoy the purported natural beauty or aesthetics of the area, as the remaining HHOS property and Hentzell Park will be preserved.

ADDITIONAL INVESTIGATION PERFORMED (AS ALLOWED PER RULE 3-G)

Rule 3-G allows the DPR Manager to perform additional investigation or commission a study to be performed before or after a decision is issued. The following information was collected before this decision was made and issued, and serves as additional support for the removal of the Natural Area designation on this property.

- 1) Commitment from Denver Public Schools to build a school on this site or return the property to the City of Denver to be used for a park purpose.
 - a. During the meeting on December 13th, there was considerable lack of clarity among certain DPRAB members as to the commitment from DPS to build a school on this property. Sentiment arose that this property could potentially be traded with DPS, and then perhaps DPS could turn around and sell the parcel for commercial development. A number of members stated this factor weighed heavily into their decision to oppose the de-designation of the property. Subsequent to the DPRAB meeting on December 13, Denver Parks and Recreation received the attached letter from DPS, providing the necessary commitment needed in order for me to support the de-designation request.
- 2) Commitment from Denver Public Schools that after an exhaustive search, this is the best site to meet its real estate needs based upon voter approved bond budget and geographic location.
 - a. Similar to the reason above, questions from the DPRAB surrounded DPS' due diligence for any and all options other than HHOS for a proposed school site. Again, the attached letter from DPS verifies that this site is optimal. This information serves as additional support needed to support de-designation of the property in question.
- 3) Commitment from Denver Public Schools to respect the adjacent natural area in its design and program elements, as well as providing an active play area and sports fields on site.
 - a. There are a limited number of opportunities for quality, natural resource experiences on site as the property exists today. With a new school on the property, DPS has committed to utilizing the existing natural areas to give educators the ability to add outdoor education and environmental learning programs to their regular curriculum, giving students an opportunity to enhance their learning experience in a manner that is rarely available in urban classroom settings. Additionally, their commitment to building a learning landscape play area, and new sports fields will increase the access to the site by the children of the neighborhood who may not have otherwise had a reason to go to HHOS.

- 4) Immediate acquisition of an additional 29 acres of park land/natural areas, under the control of the Department, will equate to no “net loss” to the City’s park system should the transaction be approved by City Council.
 - a. The Department’s long range comprehensive planning document, “The Game Plan,” identifies a process to address the open space and park needs of our constituents. Decreasing the amount of land in the DPR portfolio is not a decision made lightly. However, when the transaction in question was proposed to the Department, our baseline requirement was to not entertain the request unless we could acquire or take on management of equivalent park/open space acreage. As a result of this standard, DPR has solidified the acquisition of 5 acres of natural area in Montebello (GOCO grant of December 11), 24 acres of Natural Areas in the soon to be added Heron Pond natural area, and approximately 140 acres in the next 5 years in the Stapleton and Lowry areas. Therefore, the “no net loss” standard has been achieved and exceeded prior to the final review of the transaction.
- 5) The National Recreation and Parks Association issues an “acres per capita” standard for U.S. cities to measure their parks system against. In 2010, our acreage per capita for open space in the City of Denver was 10 acres/1,000 residents, right at the national average and within the goal of 8-10 acres/1,000 residents established in DPR’s own strategic “Game Plan.” While we are at the national average for urban land, our Mountain Parks alone amount to 24 acres/1,000 residents. In Denver City Council District 4, where this land is located, we are at 18 acres/1,000 residents. When you consider the entire DPR system, we are at 33 acres/1,000 residents – putting us at one of the highest ratios in the country. While we will always have room for improvement, we have impressive numbers to show for the incredible work that has been done over time to add and protect parkland and open space within the DPR system.
- 6) This land-swap transaction meets critical, community-wide needs for a new school in a severely overcrowded area of the city and the need for a domestic-violence center. Given the demonstrated need of the school district, the lack of another affordable location for a domestic violence center, and the fact that the “no-net loss” of park land inventory was achieved, the decision to de-designate is appropriate.

I want to thank the entire staff at DPS for making themselves available to answer questions and provide information during this evaluation period. I am happy to answer any questions you may have regarding this decision to de-designate the property in question, and the DPR staff is ready to support DPS and the City as needed as the next steps are taken to move this transaction forward.

Sincerely,



Lauri Dannemiller, Manager
Denver Parks and Recreation

Cc: Denver Parks and Recreation Advisory Board
Cc: Denver Mayor Michael B. Hancock
Cc: Denver City Councilwoman Peggy Lehman

Denver Public Schools

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December 20, 2012

Lauri Dannemiller
Manager
Denver Parks and Recreation
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Dear Lauri,

On behalf of Denver Public Schools, I'm writing to ask you to de-designate approximately nine acres of natural area near Hentzell Park in southeast Denver for the development of a new elementary or early childhood school. As you know, DPS is experiencing severe overcrowding in southeast Denver. After an exhaustive search, we have identified this property in the Hampden Heights neighborhood as the best option to serve the future educational needs of the students in this area. There are 750 elementary-aged children currently living within a mile of this location, with additional growth projected in the next few years.

We need this new school, because southeast Denver has experienced severe school overcrowding in the past five years. To alleviate the overcrowding, and to meet preschool needs and elementary growth demands, DPS will require approximately 500 new school seats to serve kids in the area adequately. We simply do not have space for more students in schools that are already severely overcrowded.

DPS has taken a number of short-term steps to address the shortage of classroom seats in the region: 1) we have added three modular units at Samuels; 2) we redesigned the library at Southmoor to add a classroom; and 3) we moved fifth-grade classrooms out of Holm and relocated them to a neighboring middle school, shuttling students back and forth hourly for special programming.

With schools far beyond their capacity in southeast Denver, the Hentzell Park proposal is the only viable option in this area to adequately solve the problem. In this past November's election, voters approved bond funding to construct a new school on this site. Moreover, this site offers many unique benefits to the children who would attend this new school. The natural area that will remain at this location will give our educators the ability to add outdoor education and environmental learning programs to their regular curriculum, giving students an opportunity to enhance their learning experience in a manner that is rarely available in urban classroom settings.

In addition to the creation of environmental learning programs, the construction of a DPS facility at this location will also bring vibrancy and investment to this area. Our plans include the construction of multiple play fields and open green areas that will be available for youth sports and other programming by the Denver Department of Parks and Recreation. We will seek input from the public as we move through the design phase of this facility to ensure that we deliver a school that not only meets the needs of the community, but one that also embraces environmental sustainability and high standards of green design and construction.

If this parcel of land is de-designated as natural area, it will provide the opportunity for a land-exchange transaction between DPS and the City and County of Denver that will also allow for the opening of a domestic violence center in Central Denver, which is a very important new service to provide to Denver families. Support for victims of domestic violence is very important for the students of DPS who live in families who suffer from this trauma. I see this as a great opportunity to give these victims a much-needed resource for support, safety and education, which is critical to working to end domestic violence.

Lastly, I also want to make the commitment to you and the residents of this neighborhood that this land will only be used for school purposes if it is transferred to DPS' ownership.

Denver Parks and Recreation has been a valued partner as we seek approval of this proposed transaction. To ensure that the remaining natural area on this proposed site is available to our students for hands-on learning, we also support the efforts, led by Councilwoman Peggy Lehmann, to designate by ordinance the remaining 15 acres of natural space as part of Hentzell Park.

I hope this letter helps to inform you and provide assurances as you weigh our request to lift the natural area designation on this parcel of land. My team and I stand ready to answer any additional questions you may have.

Regards,



Tom Boasberg
Superintendent

CC: Mayor Michael Hancock
Janice Sinden, Mayor's Office Chief of Staff

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CITY COUNCIL

City and County of Denver



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Peggy Lehmann
Councilwoman, District Four

December 12, 2012

Thank you taking the time to share with me your thoughts on this trade of 11.5 acres of the Hampden Heights Open Space for a much needed Denver Public School. The proposal is a land exchange of this designated natural area for a family justice center to provide services for domestic violence building to be located at 13th and Fox. This Thursday, December 13, 2012, the Parks and Recreation Advisory Board will discuss and vote on a recommendation to forward to Laurie Dannemiller, Manager of Parks and Recreation, who will make the final decision. I have read all the emails and letters and talked with those of you who called me. Having given much thought to all the information, this is my conclusion.

As a City Councilwoman for District 4 in far southeast Denver, I have to consider not only what is best for the parks but also what is best for the people who live in my District and in Denver. The center would offer a wrap-around service delivery model for victims of domestic violence providing integrated support and simplifying the process for over 3,000 people affected by domestic violence each year in Denver. It makes sense to locate all needed services in one building.

The need for a new school in this area of the city is great. The primary schools located in my district are over enrolled (4 of them are over 100% of capacity and the fifth one is at 91% capacity). Over 200 additional students are expected in our district over the next two years with even further growth in the years to come. The newly built school will provide an additional meeting place for the community. It will also include sports fields that members of the community can use when they are not being used by the school and a new playground.

District 4 has 964 acres of park land and natural areas. That is 18 acres of park land for every 1000 people. Of all of the Council districts, we have the most acreage of park land per person. Since 2.5 acres of the proposed school site is a parking lot, there are 9 acres of natural area that would be traded. I have committed to designate by ordinance, the remaining 15 acres of the natural area to be included in Hentzell Park. This dedication of park space will require a vote of the people of Denver to make any futures changes. The 15 acre natural area site that becomes dedicated park land will be used as an outdoor natural area classroom. The students will learn about the value of designated natural areas and become stewards of their preservation. Trading 9 acres of natural area for a generation of stewards of open space and park land is a good deal.

Given the need for a new school, the benefits to the community, additional dedicated park land and an environmental education opportunity that will be offered to the children attending the school as well as other Denver students, I am a strong supporter of the proposed exchange. It is a win/win proposition.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Lehmann".

Councilwoman Peggy Lehmann
Denver City Council District 4

THE
TRUST
for
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December 7, 2012

Parks and Recreation Advisory Board Members
Denver Parks & Recreation
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Members of the Denver Parks and Recreation Advisory Board:

The proposal to trade an undeveloped area near Hentzell Park, known as the “Hampden Heights North Open Space,” to Denver Public Schools (DPS), is generating considerable discussion in the community, and several people have asked me, and The Trust for Public Land to give an opinion on the proposal.

As a general rule, we do not weigh in on local land use decisions governed by public process, but I can offer the following thoughts to inform the discussion.

For years, as Denver’s population has rapidly grown, The Trust for Public Land has encouraged the City to acquire additional park land to keep up with that growth.

Fortunately, Denver is doing just that. In only the last three years, The Trust for Public Land has worked with Denver Parks and Recreation to acquire 5.6 acres of parklands in neighborhoods where they are most needed (Westwood , River North, and East Montclair), and in April we plan to close another land acquisition in Montbello that will add 4.5 acres of natural area to the park system.

But park acres per capita is not the only measure of a high quality park system. In The Trust for Public Land’s ParkScore™ analysis, we compare city park systems based on acreage, service and investment, and access (based on a ten minute walk to a park entrance). On these measures, Denver ranks 13th out of the 50 largest cities in the country.¹ Not bad, but still leaving plenty of room for improvement.

While these statistics are important, what really matters are places that provide inspiration, motivate activity and encourage creative play. Too many parks across America are not used, and too many natural areas don’t provide quality natural habitat.

There are a number of aspects of the proposed trade that are important to weigh when determining whether this transaction serves the public interest. And this situation presents some potential opportunities to create even more public benefit.

First, the proposed use of the trade property is for a public elementary school. In this case, a sizeable portion of the 9.5 acre site will become a space designed to give school kids and community members opportunities for active, outdoor play, and like all DPS elementary schools, this play yard will be open to the public after school hours. This is a much better scenario than if the property were developed for commercial or residential purposes.

¹ <http://parkscore.tpl.org/>

DPS could go even further and engage in an effort to sensitively and creatively design both the footprint of the school buildings and the associated parking lots and outdoor space to minimize its environmental impact. We would encourage DPS to use only what it needs, and re-dedicate the balance to the adjacent natural area, taking full advantage of the school's location next to a natural area to model both environmental design and the integration of environmental education into the school landscape.

Second, according to Denver Parks and Recreation, the Hampden Heights North Open Space is not a formally designated natural area. As part of this transaction, Denver Parks and Recreation can, and should, formally designate the remaining 15.9 acres of the property as natural area, revise the management plan for that site, and commit to funding the implementation of the plan. Currently, the site is dominated by an ever expanding prairie dog town. The planning process should determine whether a prairie dog town is an appropriate and sustainable habitat type in this area. Also, we encourage the City to formally designate any other parks and natural areas that the public believes are already protected to prevent similar controversies in the future.

Third, approval of the proposed trade could include a requirement that Denver Parks and Recreation identify and fund a matching natural area expansion, targeted to a neighborhood in need of public open space. This would serve to mitigate the loss of the Hampden Heights North Open Space acres to the overall park system.

Lastly, the City could consider making changes to law and regulation to demonstrate its commitment to not only avoiding circumstances that lead to a diminishment in park or natural area acreage, but to actively increasing Denver's park acreage. As a result of a similarly challenging situation in Long Beach, California (in that case involving the construction of a police station on the corner of an existing park), the city council passed a law requiring that any lost parkland must be replaced with twice the acreage taken – half of it in the vicinity of the loss and the other half in a park-deficient neighborhood elsewhere in the city.² A law like this would recognize that Denver must sometimes make difficult decisions and at the same time ensure a net public benefit.

I hope these considerations are helpful to the Parks and Recreation Advisory Board as you consider the specifics of this case. If the deal proceeds, we hope the City and Denver Public Schools will strive to minimize the impact of the school development on the site; sensitively design the school's outdoor landscape to take advantage of its proximity to the remaining natural area; and that this situation will inspire Denver Parks and Recreation to actively plan for a future that includes creating and maintaining open space for everyone to enjoy.

Sincerely,



Tim Wohlgenant
Colorado and Southwest Director

cc: Laurie Dannemiller

² Peter Harnik, *Parks Under Siege*, October 2008, The Trust for Public Land.



DenverDA

Mitchell R. Morrissey, District Attorney - Second Judicial District

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December 7, 2012

Denver Parks & Recreation
201 W. Colfax, Dept. 601
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Dear Parks & Recreation Board Members,

I am sending this letter in support of the upcoming vote on December 13 regarding the proposed land exchange between Denver Public Schools and the City & County of Denver. Denver Public Schools is in great need of an elementary school in the area, and the Fox Street Building provides an ideal location for the development of the Rose A. Andom Center. I support the discussions that have occurred between the City and Denver Public Schools and see this as a unique opportunity to create a neighborhood school and to create a family justice center to provide services for domestic violence victims and their children.

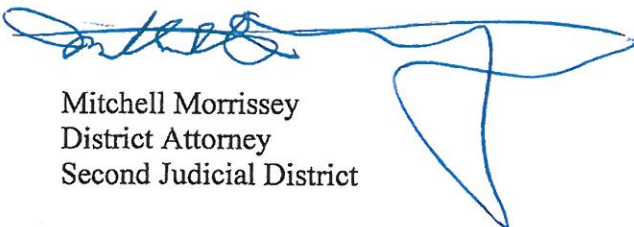
Since 2004, a coalition of 25 public and private organizations dedicated to serving domestic violence victims has been working to reduce the barriers to accessing services and to make this Center a reality. The strength of the effort lies in the exceptional collaboration between public agencies and community nonprofits that provide counseling, shelter options, legal assistance, health care and services for children who witness abuse.

The Rose A. Andom Center would offer a wrap-around service delivery model for victims of domestic violence, providing integrated support and simplifying the process for over 3,000 people affected by domestic violence each year in Denver. Survivors would receive coordinated services: reducing repeat offenses, costs of prosecution, and missed workdays as well as improving outcomes for children exposed to domestic violence who risk perpetuating the cycle themselves.

The ultimate goal is to save lives and improve the quality of life for those members of our community who are victims of domestic violence.

As a Denver native, I recognize the importance of natural space to our community, and understand there is a thoughtful process underway. However, I urge you to consider the benefits to our fellow citizens and the positive impact on the city by your approval of this land exchange. Please join me in creating a community that will not tolerate domestic violence.

Sincerely,



Mitchell Morrissey
District Attorney
Second Judicial District



DENVER
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Denver Parks and Recreation

Natural Resources

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To: Lauri Dannemiller, Manager of Parks and Recreation
From: Bob Finch, Director of Natural Resources
Subject: Paul A. Hentzell Natural Area De-designation of Approximately 9 Acres
Date: November 5, 2012

On November 8, 2012, at a scheduled Parks and Recreation Advisory Board (PRAB) public hearing, Denver Public Schools (DPS) will bring forward a request to de-designate approximately 9 acres of land that is currently part of the Paul A. Hentzell Natural Area.

As you know, the Denver Real Estate Office and DPS are currently negotiating a proposed land trade that includes 11.7 acres of land located at 10300 E. Yale Ave. Six acres are in the City's real estate portfolio and the difference is located in the Hentzell Park Designated Natural Area which is managed by Denver Parks and Recreation (DPR). The 11.7 acres will be traded for a 40,000 sq. ft. office at 1330 Fox Street. This is intended to be the future site of the City's Domestic Violence Center which has been a high priority for the Mayor since his election in 2011. In turn, DPS will turn the 11.7 acre parcel into a future ECE-5 Elementary School and/or Early Childhood Education Center, to address overcrowding at neighboring elementary schools and population growth in this region.

The City and County of Denver's Natural Areas program uses a designation process to ensure the protection of critical habitats and landscapes found on City property. The process is outlined in the DPR Rules and Regulations for Natural Areas adopted on January 16, 2001. In order to de-designate the property, the same steps should be followed. In accordance with the process, a management plan was completed and Hentzell Park was designated as a natural area in November 2007. The steps for de-designation include public notification outlined as posting signs at the site and notifying the surrounding RNOs and City Council representative. After the public hearing on November 8, 2012, PRAB will vote and offer a final recommendation to you, the Manager of Parks and Recreation, and you will then makes the final decision concerning de-designation. The property in question is not dedicated park land which would possibly preclude your action.



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After an initial assessment, the approximate 9 acres identified for acquisition does not appear to contain significant natural area values that would preclude the land trade.

The management plan for the Hentzell Natural Area envisioned that this area would be restored to a native condition. This restoration has not taken place. The site contains an existing prairie dog town which is showing signs of over population and loss of vegetative cover. In addition, the 9 acre portion is narrow and bisected by an existing unused parking lot. Since no restoration has been initiated on the proposed site, weeds are a problem across the site.

Since the 9 acre site does not contain significant natural area values, it is my recommendation that we move forward with the requested de-designation.

DPR staff will work with all involved parties to minimize the impacts on the remaining Natural Area as well as ensure that any native plant species be removed from the area and reestablished in other parts of the park.

Thank you for your time and attention concerning this important matter.