

*Oppose*

David E. Ramirez  
Retired District Court Judge  
5055 Utica St.  
Denver CO 80212-2913

December 8, 2014

City and County of Denver City Council  
Neighborhoods and Planning Committee  
C/O Debra Bartleson, Legislative Analyst  
Legislative Services – Denver City Council  
Debra.Bartleson@denvergov.org  
Webb Municipal Office Building  
210 W. Colfax, Department 205  
Denver, CO 80202

RE: El Jebel Shrine property, 4625 W. 50<sup>th</sup> Avenue, Denver, CO 80212  
PUD-G11 -- Application #2014I-00041

Dear Members of the Neighborhoods and Planning Committee:

Due to a prior work commitment with the City and County of Denver, I was unable to attend the December 3, 2014 Planning Board meeting. I want to express my thoughts that are in agreement with those in our neighborhood opposing the approval of the PUD-G11 pertaining to the El Jebel property development.

At the November 25, 2014 neighborhood meeting, the developers reported that it would be cost prohibitive to redevelop the Shrine building. The whole focus of the Shrine Preservation Partners shifted from preservation of the whole exterior to only keeping approximately 33% of the buildings south side. Subsequent to this meeting, I understand that the developers have again changed their plan and may have amended their preservation language. It is clear that the consistency and integrity of the developer plan is uncertain at best. Since preservation of the Shriner building was the original *rationale* for the PUD and the increased density to our neighborhood, I request this application be denied. Based on my work experience with the City and County of Denver it is clear that the development under existing code is not appropriate and may not be legal.

Since 2009, I have been employed as an Administrative Hearing Officer for the Department of Community Planning and Development. I have heard a variety of cases involving the Denver Zoning and Building Code. In 1999, I retired from the Denver District Court bench and prior to this position, I served as Denver County Court Judge. Given an entire career interpreting the Denver Code, I have had the opportunity to preside over many cases involving the Denver Code. In fact, my career with City and County of Denver started as an Assistant Denver City Attorney, where I supervised the Prosecution and Code Enforcement Division. In my 30 years with the

city government, I have gained knowledge and experience with Denver codes, including zoning and building. It is based on this experience that I offer my strong objection to the requested PUD.

Our neighborhood is unique, given its location and bordering Willis Case Golf Course. It is a neighborhood that should be visited in person and not referenced on a map, diagram, drawings, or slides. It is important to note that West 50<sup>th</sup> Avenue is the only access street into the area, all other streets dead-end (Utica and Vrain). There are no other outlets. With the current mix of thirteen (13) homes, this one-way in and out street pattern can result in tremendous traffic congestion. In special events at the Shriner Temple, the traffic has become a public safety issue because emergency vehicles had no quick access. Imagine a five to ten fold increase of residential units given the same street configuration and inaccessibility.

As was noted in prior planning hearings, five factors along with other criteria are evaluated in passing on a PUD application. Although I will not attempt to give an expert analysis of the zoning provisions, I will paraphrase my view of the Denver Code and its application in this case. Initially, the consistency with the adopted city-zoning scheme is considered. In this neighborhood, the consistency of the city plan would be negatively impacted if the PUD is adopted. Secondly, by allowing such a dramatic change of the neighborhood with this PUD, there is no uniformity with the city plan, district regulation, or the neighborhood. Thirdly, the health, welfare, and safety of the neighborhood would be negatively impacted with a five to ten fold increase of the residential units without a corresponding increase in city services. Common sense would dictate that significantly increasing the number of residences and not changing the flow of street traffic would negatively impact the health, safety, and welfare of the current and future residents. There is one through street and three dead end streets.

There are no justifying circumstances that would dictate passing this PUD, the neighborhood has been stable for decades, the number of homes allows a free flow of traffic and city services. Passage of this PUD would dramatically increase critical aspects of residential life to this compact four-block neighborhood area with no plans or space to increase city streets. The number of homes, residents, cars, pollution, foot traffic, animals, visitors, City services including trash pick-up, street cleaning, snow removal, and necessity of emergency services increase by a minimum of five fold with no net increase of City streets. There are three dead-end streets and the only way to access, the neighborhood is West 50<sup>th</sup> Avenue. Given the philosophy of the planning department regarding density and the developer's lack of candor, the overall impact on the neighborhood is unknown and uncertain.

Finally, it is my understanding that one last factor considered is consistency of a neighborhood, here again the rationale and legal justification are lacking. There are no rationales justifying circumstances to grant this PUD except to allow one significant development in a very stable and thriving neighborhood. In allowing multi-unit housing, off-sized lots, and limiting yard space and the dramatic increase in residential units in a neighborhood that currently has thirteen homes is a recipe for disaster and potential legal consequences. Currently, there are few, if any, multi-unit residences within a six block radius of this PUD, by allowing the development without thoughtful discussion of the impact on the current thirteen residences is not justified and legally questionable.

I have resided on this block for thirty years and in North Denver for over fifty. I have raised four children all who attended neighborhood schools. We have seen a dramatic increase in the

growth and development of the area with a significant and profound impact on the quality of life and have quietly accepted the growth. There is a point when growth for its own sake and an increase in the tax base reach its limit, this PUD is the point at which someone should stop and rethink these issues.

I would respectfully request that this committee remand this rezoning application back to the Planning Board and require a determination on density be set before final analysis before this committee. Thank you and I ask that you carefully consider your decision and the perspective of the residents. If an erroneous, improper, or unlawful decision is made the clock cannot be turned back; however, the consequences of your decision lives forever for the current residents.

Sincerely,

Judge David Ramirez (Retired)

December 8, 2014

**City and County of Denver City Council**  
**Neighborhoods and Planning Committee**  
**Webb Municipal Office Building**  
*C/O Debra Bartleson | Legislative Analyst*  
*Legislative Services – Denver City Council*  
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**Re: PUD- G11 El Jebel Shrine property, 4625 W 50<sup>th</sup> Avenue, Denver, CO 80212**

Dear Members of the Neighborhoods and Planning Committee

This letter concerns **Application #2014I-00041** by **Applicant Shrine Preservation Partners, LLC** c/o Glen Sibley seeking change from PUD 273 to PUD-G11 for property at **4625 W. 50<sup>th</sup> Avenue** also known as the El Jebel Shrine property.

I am concerned that this application has been brought forward with no site plan for Sub-parcel A that would determine the number of units to be developed on Sub-parcel A and therefore the number of total units in the redevelopment and the consequent impact on the neighbors.

The Applicant prepared a traffic impact letter with a maximum of 90 units so we assume there are 90 units planned. Clearly, 90 units on 5.597 acres are out of character for the surrounding neighborhood and would not be considered in compliance with Comprehensive 2000 or Blueprint Denver or the DZC. It is doubtful Planning Board would have recommended the proposal with such density.

Sub-parcels B & C total 1.87 acres and support 16 units or .11688 acres per unit. Applying this standard to the 3.87 acres in Sub-parcel A would yield 32 units. This would total 48 units.

Sub-parcels B and C have been proposed with site plans to determine the number of units but the Applicant maintains that it is not possible to develop a site plan for Sub-parcel A. I am in support of a somewhat higher density to support the reuse of the historic Shrine building but not to a 90 unit level.

The Applicant claims it cannot determine the actual unit counts in Sub-area A for consideration by the neighbors or the City prior to the rezoning approval even though they have provided neighbors, the CPD Staff and the councilperson with professional representations defining the Sub-area A layout.

The Planning Board was cognizant of the neighbor's density concerns as addressed in several comment letters sent to the Planning Board.

The Applicant was questioned in a public hearing December 3, 2014 before the Planning Board as to the number of units likely to be developed on Sub-parcel A.

The Applicant represented in testimony before the Planning Board on December 3, 2014 that the number of Row House units was "around 25" and the number of Shrine apartments was "around 20".

Judging from personal observation, this revelation was reassuring to the Planning Board and the neighbors that the Applicant had determined the number of likely units as "around 45" for a total unit count of 61 rather than 90.

However, the Applicant is now recanting the Planning Board testimony to my serious consternation.

On Thursday, December 4<sup>th</sup> and every day since, the Applicant has been asked to confirm this 45 unit total and has stated:

"Per my email last Thursday, the applicant will determine the optimal number of units during the site planning process -- PUD-G11 is the zoning/land use entitlement stage and not the more definitive Site Development Plan Review process. Jep Seman" for Applicant SPP.

Furthermore, the neighbors are not assured by CPD that the PUD language will not allow the density that will have a negative impact. When questioned, CPD Staff responded:

"As for capping total unit count, it is up to the applicant whether they want to place a limit on the number of dwelling units in Subarea A. The city does not have an interest in doing so; we are satisfied with the basic density entitlement for Subarea A under the current draft zoning."

Clearly, it is up to City Council to ascertain on behalf of the neighbors and the integrity of the planning process that the density will be in congruence with the existing neighborhood context and City plans.

I respectfully request that the Neighborhood and Zoning Committee remand this rezoning application back to the Planning Board till such time as the Applicant can determine the actual density for consideration by the neighbors and Planning Board.

Thank you for your taking time to listen to a concerned neighbor directly affected by the redevelopment.

Jeff Laws  
5086 Vrain Street  
Denver, Co 80212

December 9, 2014

City and County of Denver City Council  
Neighborhoods and Planning Committee  
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**Re: PUD- G11 El Jebel Shrine property, 4625 W 50<sup>th</sup> Avenue, Denver, CO 80212**  
**Application #2014I-00041** by Applicant Shrine Preservation Partners, LLC c/o Glen Sibley seeking change from PUD 273 to PUD-G11 for property at **4625 W. 50<sup>th</sup> Avenue** aka the El Jebel Shrine property

Dear Members of the Neighborhoods and Planning Committee,

I apologize that you did not receive this letter sooner, but I have been out of the country, and although I have been trying to follow the issue from afar, this is the first chance I have had to respond. My main concerns are 1) there are no consequences should the requirements of the PUD not be met, and 2) the maximum number of units in Subarea A needs to be limited for both the town homes and the units within the Shrine Building separately.

I initially supported the Shrine Preservation Partners stated goals for this project, however, events of the past several months have caused me to reconsider their intentions. Because we, as neighbors, have been misled on several occasions we now must consider not the proposed site plans and lovely renderings that have been presented to us in the past, but instead the unlimited scenarios possible given the current draft PUD.

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Although language has only recently been added to the PUD to preserve the El Jebel Shrine Building (which was the initial stated goal of the project and supposedly the reason the Shriners chose the current applicants to pursue the sale of their property) that language is still under legal review. The existence of the El Jebel Shrine building is the only basis upon which a PUD would be required for this property which otherwise could simply be rezoned, presumably to match the current E-SU-Dx zone district that is adjacent to it.

My concern in reading the preservation language is that there are **no consequences** should the Shrine Building prove unfeasible to save. This is not an unlikely event given that after more than a year of study that was exactly what the developers stated in a meeting just two weeks ago. However, when it was pointed out that the building was the only basis for their PUD, after only 3 working days (surrounding Thanksgiving) the building suddenly became viable again. I find it very hard to believe or to trust that sufficient additional information was brought to light in that time period that would completely turn around the economic feasibility of a project.

Since all the concessions to inappropriate neighborhood density and non-contextual building types have been based on the preservation of the Shrine Building, I believe that requiring the completion of the rehabilitation of the Shrine Building prior to undertaking other portions of the project would be appropriate, and that if the building cannot be saved the PUD be withdrawn at that time. Another possibility would be that the footprint of the Shrine Building be dedicated open space should any portion of the building come down after other parts of the project are already complete.

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Most of the neighbors were resigned to an (not unlimited) increase in unit density given the holistic nature of the project and the presence of the Shrine Building. In fact the unit density in Subareas B & C is almost 180% (220% with ADUs) above the existing zoning. A similar increase in density in Subarea A would yield about 40 units. Given the increased density inherent in the multi-unit nature of the Shrine Building, the unit count of 45 for Subarea A stated by the applicant in their testimony before the Planning Board seems within reason.

In site plans previously presented to represent Subarea A there were discreet groupings of buildings with open space and amenities with some suggestion of integration into an existing neighborhood character largely defined by open space and generous setbacks and building separation. In fact, in an effort to gain support for the PUD, an email dated 11/18/14 from the developers' professional design consultants, in direct response to the question of unit numbers on Subarea A, stated that there were 21-28 Row Houses in the plan with "not much more room on site to do more".

After repeatedly asking that their Planning Board testimony be codified in the PUD, the applicants have since refused to honor that testimony and have instead suggested a unit density of more than 300% of what the current neighborhood zone district would allow. It also represents more than 5 times the total number of single unit homes currently in this small, fairly isolated stable existing neighborhood consisting of three block long dead end streets with a single point of neighborhood entry.

CDP staff has stated that the city "is satisfied with the basic density entitlements for Subarea A under the current draft zoning", however, those entitlements allow an unlimited number of units. There is nothing in PUD-G11 regarding Subarea A to prevent almost total lot coverage with row houses. There is no limit on unit density, no open space requirements, no minimum garden court dimensions, no 35% rear lot height reductions, no setbacks except at the perimeter, and a ridiculous 5' (rather than 20') front setback from the primary (Vrain) street. As opposed to the pretty prior renderings that have been presented to the neighborhood, there could be a townhouse enclave of nothing but roofs, asphalt drives, and concrete walks, forty foot flat façade canyons set directly adjacent to the streets with ground floor street facing garage doors, and virtually no green space, no street activation, no transparency, or pedestrian connection to or through the development. I believe there could also be almost unlimited additions to the Shrine Building under the draft zoning to create a massive apartment complex, which was never the intent of the PUD. This defies Blueprint Denver and the Comprehensive Plan, and completely disregards the context and character of not only the adjacent neighborhood but the larger Regis/Berkeley vicinity as well.

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I believe that until concerns are addressed, this PUD is not complete or ready for Council action. The neighbors asked the applicant to continue or withdraw the PUD application until issues could be worked out in order to have the PUD truly reflect its purpose and intent. Instead the neighbors were emailed incomplete and un-reviewed preservation language less than 2 hours prior to the Planning Board hearing.

A PUD becomes zoning law for that district and is unrelated to the applicants or their stated intentions. There is no guarantee that the applicant will be the entity to execute the project, and some evidence to the contrary. Therefore, it is incumbent on the city to ensure the PUD support its purpose and intent regardless of who develops the project.

The size of this project so over dominates the existing neighborhood that it will forever change the context and character of that neighborhood which has never been recognized as an area of change. Therefore, time and care must be exercised to ensure the actions taken are in the best interest of not only the neighborhood, but the integrity and predictability of the zoning process city wide.

I would be more than willing to answer any questions the committee might have or to clarify points in this letter. Please do not hesitate to contact me.

Sincerely,



Karen L. W. Harris, AIA  
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303-831-1547 off / 720-272-7372 cell

November 17, 2014

Denver City Council  
Neighborhoods and Planning Committee  
1437 Bannock Street, Suite 451  
Denver, CO 80202

Attn: Mary Beth Susman  
Judy Montero  
Albus Brooks  
Chris Nevitt  
Jeanne Robb  
Susan Shepherd

Re: PUD-G11 – El Jebel Shrine, 4625 West 50<sup>th</sup> Ave., Denver, CO 80212  
Application #2014I-00041

Dear Members of the Neighborhoods and Planning Committee:

With the recent approval of this PUD by the Denver Planning Board ( DPB ) on December 3, this letter outlines my concerns regarding the above referenced zoning application seeking change from PUD 273 to PUD-G11 for the referenced property.

First and foremost, this application asks for the establishment of a PUD that would cause development that is out of character with the existing neighborhood. This would be a totally inappropriate project for this site.

Community Planning and Development ( CPD ), throughout the DPB process, gave a detailed presentation in support of this application. However, that presentation was flawed and contained several errors. Much of the reference to the Denver Zoning Code ( DZC ) can also be used to reinforce non-support for this PUD.

In review of Article 9.6 please note the following:

9.6.1.1.A - The PUD, as written, does not include proper "procedural protections" to insure that the intent of the PUD is carried out. "procedural protections" should include design guidelines and a review committee that includes members of the neighborhood. Further and regardless as to how the PUD is structured, since the neighborhood is not an "area of change" the project does not meet the threshold of "unique and extraordinary circumstances" that warrants the introduction of building types that have no existing precedent in the neighborhood.

9.6.1.1.B – Under this sub-article the site does not meet the threshold of any of the sub-articles #1 thru #4, including the existing site topography.

9.6.1.1.C - The PUD violates this sub-article.

9.6.1.1.D - Again, taking into account the existing neighborhood context, the application of this sub-article does not bring added benefit. If anything, it disrupts the existing pattern, traffic, and architectural character of the neighborhood.

9.6.1.3.A - The main differential between a General and Detailed PUD Plan is the phasing or extended period of time for development. With this application there has been no statement to the neighbors or within the PUD as to time frame for this project to be completed in whole. Regardless of the applied building types and extended development period will be extremely disrupted to the adjoining neighborhood and a decrease to existing property values.

9.6.1.3.B.4 - This sub-article allows for future amendments, which could produce a situation where building types or site plan dimensioning would change from the initiating vision.



Specifically, to the wording of the PUD please note:

*1.2.2 Accommodate the reuse and redevelopment of the lands surrounding the El Jebel Shrine building with uses and building forms that, while compatible with the PUD's district neighborhood context, also take advantage of a unique infill development opportunity to introduce a variety of new housing types for Denver residents.*

This statement is flawed on several points; the Sub-area A building types are not compatible with the neighborhood context; and they introduce a housing type that has no precedent in the adjoining neighborhood. Again, this area is an area of stability.

*1.2.3 Allow uses and building forms that contribute to the planned vision for preserving and enhancing the quality of the existing stable residential area to the north and east of the PUD district.*

On the face of this statement the applicable building type for this site is single family residential. It is a stretch to even consider a duplex building type.

If this property, and the adjoining neighborhood, is so "special", as stated in the CPD presentation, then why introduce a building type that is not in context with the adjoining neighborhood? There is no logical answer to this question. The sole purpose of this PUD is to facilitate an unrealistic financial pro forma for the sale and redevelopment of this site.

The Shrine property will be redeveloped, but this project, as outlined by this PUD, is not the proper vehicle for that redevelopment.

Further, this PUD runs against the specific intent of Blueprint Denver. This neighborhood is not an area in transition, it is an area of stability – which cannot be denied even by CPD. Further approval and adoption of this PUD will establish a dangerous precedent for NW Denver that will only destroy the very fabric of the Berkeley neighborhood.

Added top this are the technical design issues with this PUD that are incompatible with the design standards of the existing neighborhood.

Also consider that the entity that is the applicant for this PUD does not have the experience or expertise, and has stated that they do not have the finances to develop this project and will need to either partner with, or sell to, a third party that may not share the applicant's vague vision for redevelopment, or be bound by the wording of the approved PUD.

Under the circumstances noted above I cannot support this application because it does not follow the intent or letter of the zoning code and Blueprint Denver. My position in opposition to this project, as outlined in the PUD, has not changed throughout this process. As I noted above, I recognize the need to redevelop this site and have that development be economically viable, but that viability cannot trump neighborhood context by injecting a totally inappropriately scaled project.

As a member of the AIADenver Zoning Code Taskforce during the preparation and adoption process of the new Denver Zoning Code, I am acutely aware of the importance of neighborhood context in crafting the language of the various zone designations. I am requesting the Neighborhoods and Planning Committee recognize this guiding principal that today is on the home page of the Denver Zoning Code website – "It's All About Context" and withhold approval of this PUD.

Sincerely,



Robert Charles Schmid, A.I.A., CSI, NCARB  
Principal

November 17, 2014

City and County of Denver Planning Board  
Webb Municipal Office Building  
201 West Colfax Ave.  
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Denver, CO 80202

Attn: Andy Baldyga  
Jim Bershoff  
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Brittany Morris Saunders  
Joel Noble  
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Arleen Taniwaki  
Julie Underdahl  
Frank Schultz  
Chris Smith  
Re: PUD-G11 – El Jebel Shrine, 4625 West 50<sup>th</sup> Ave., Denver, CO 80212  
Application #2014I-00041

Dear Members of the Denver Planning Board:

With the postponement of this PUD from October to November 19, this is a revision of my 10/05/2014 letter, which outlines my concerns regarding the above referenced zoning application seeking change from PUD 273 to PUD-G11 for the referenced property.

First and foremost, this application asks for the establishment of a PUD that would cause development that is out of character with the existing neighborhood. This would be a totally inappropriate project for this site.

With that in mind, this application, as worded on 11/12/2014, has a number of issues that would be of negative impact to the neighborhood were the application approved. They are:

01. The introduction of residential building types, U-RH-3A (Sub-area A).

This building type is not supported by the existing neighborhood context. With the exception of the existing Shine building, the development of the Sub-area A building type would severely increase the density in this neighborhood. There is no precedent for this in the neighborhood that would allow this additional increased density.

RECOMMENDATION: Revise Sub-area A building type to be only E-SU-DX, E-SU-D1 or E-TU-C designations.

02. Increase in the buildable area of zone designations E-SU-D1 (Sub-area B) and E-TU-C (Sub-area C).

Over the past month this issue has been discussed in detail with SPP. The front setback in Sub-area B has been adjusted to recognize the block sensitive neighborhood context. However, the rear portion of these six lots is hampered by an unsubstantiated 23' wide service alley AND a 5' setback off that ROW.

RECOMMENDATION: The service alley width be reduced to the City standard of 16' with a 5' setback of the garage front from the ROW line, OR a maximum 21' wide service alley with no garage setback.

03. Increase in building height in Sub-areas A and C.

This is an increase to the parameters of the proposed zone designations and the existing neighborhood zoning.

RECOMMENDATION: Regardless of a sloped or flat roof configuration, there is no precedent for a height increase above the existing parameters. The application should be revised to have only those noted zone designations without waivers, modifications, or exceptions.

04. Decrease of front and side setbacks in all the Sub-areas that are less than both the neighborhood context and the language of the zone designations.

RECOMMENDATION: Again, the application should be revised to have only those noted zone designations without waivers, modifications, or exceptions.

05. The introduction of an increased street profile in only a portion of the neighborhood.

This change creates a visually disjointed streetscape that is not in context with the rest of the neighborhood and should not be included in the PUD.

RECOMMENDATION: Retain the existing street profile on Utica Street

06. Traffic impacts due to the density of the overall project.

The letter of opinion provided by the Applicant has several inconsistencies and actually implies that there will be a negative traffic impact to the immediate neighborhood on a daily basis.

RECOMMENDATION: Although not now required it is requested that the Planning Board's approval be contingent to the submission and review of a traffic study.

07. Design Guidelines – The documents that have been proposed to date by SPP are not included in the current PUD application and therefore would not be part of the approved PUD. The neighborhood has mixed feelings regarding design guidelines. Denver, and specifically NW Denver, is a diverse architectural community. Various architectural styles that are well proportioned and designed should be allowed to be developed within the PUD.

RECOMMENDATION: To ensure proper massing and quality design of all buildings within the PUD, it is requested that Planning Board approval be contingent upon inclusion of language establishing an architectural review committee that includes neighborhood membership.

Under the circumstances noted above I cannot support this application because it does not follow the intent or letter of the zoning code and Blueprint Denver. This neighborhood is not in transition or in need of change and although there has been progress with SPP in revision of the attributes of the proposed building types, the underlying aspect against this proposal is that there is no similar precedent in the adjoining neighborhood for this type of development. I recognize the need to have development be economically viable, but that viability cannot trump neighborhood context by injecting a totally inappropriately scaled project.

If for some illogical reason this application is approved, I believe the Utica/Vrain Street neighbors, are willing to discuss the outstanding issues further, however, those discussions must take place in an environment that recognizes the existing context of the neighborhood. In this way we all can make this a successful project.



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As a member of the AIADenver Zoning Code Taskforce during the preparation and adoption process of the new Denver Zoning Code, I am acutely aware of the importance of neighborhood context in crafting the language of the various zone designations. I am requesting the Denver Planning Board to adhere to this guiding principal that today is on the home page of the Denver Zoning Code website – "It's All About Context".

Sincerely,

Robert Charles Schmid, A.I.A., CSI, NCARB  
Principal

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