

From: [Nola Miguel](#)
To: [dence - City Council](#); [Brooks, Albus - CC XA1404 Member Denver City Council](#); [Kniech, Robin L. - CC Member Denver City Cncl](#); [Ortega, Deborah L. - CC Member Denver City Cncl](#); [Clark, Jolon M. - CC XA1405 President Denver City Council](#); [Flynn, Kevin J. - CC Member Denver City Cncl](#); [New, Wayne C. - CC Member Denver City Cncl](#); [Kashmann, Paul J. - CC Member Denver City Cncl](#); [Susman, Mary Beth - CC Member Denver City Cncl](#); [Lopez, Paul D. - CC Member Denver City Cncl](#); [Herndon, Christopher J. - CC Member Denver City Cncl](#); [Black, Kendra A. - CC Member Denver City Cncl](#); [Gilmore, Stacie M. - CC Member Denver City Cncl](#); [Espinoza, Rafael G. - CC Member Denver City Cncl](#)
Cc: [Montoya, Chy - CC Senior City Council Aide](#); [Aldretti, Susan K. - CC Senior City Council Aide](#); [Barnes Wright, Tangier - CC YA2245 City Council Aide](#); [Kyle, Polly A. - CC City Council Aide](#); [Fahrberger, Brent J. - CC YA2246 City Council Aide Senior](#); [Sandos, Timothy M. - MO MA1785 Executive](#); [Pacheco, Christopher R. - NDCC Executive Dir](#); [Levingston, Courtney L. - CPD CE0429 City Planner Senior](#); [jill.jennings@denvergov.org](#); [Aguilar, Irene - OED CA2309 Administrator III](#); [Drew Dutcher](#); [Liliana Flores Amaro](#); [Robin Reichhardt](#); [Maria E. De Luna](#); [Alma Urbano](#); [Sandra Ruiz](#); [Candi CdeBaca](#); [Thomas Scharfenberg](#); [Yessica Holquin](#); [Ruben Sanchez](#); [Yadira Sanchez](#); [Virginia Calderon](#); [Thompson, Maggie M. - CC Senior City Council Aide](#); [Joe Elliott](#); [District 1 Comments](#); [Orrantia, Jesus M. - CC Senior City Council Aide](#)
Subject: [EXTERNAL] 2535 40th St. request for postponement of hearing
Date: Sunday, March 10, 2019 5:00:24 PM
Attachments: [City Council Letter--2535 40th.pdf](#)

Please see attached and below a letter from 3 Swansea neighborhood based RNOs and the GES Coalition Organizing for Health and Housing Justice. This rezone proposal is on first reading on Monday (3/11) and we hope that Council would support our request below.

March 8th, 2019

Dear Denver City Council Members,

As members of the Swansea community committed to the wellbeing of our neighbors, **we are writing to ask for a delay in the public re-zoning hearing for 2535 40th St., tentatively set for April 8th, to allow the neighborhood and developers to be able to work together around the proposal in a more meaningful way.** This extra time would help to ensure that our neighbors are both aware of the development; and that neighbors are, as much as possible, involved with meaningful and ongoing community participation that makes possible a more equitable process that can lead to more equitable outcomes for the neighborhood. Several upcoming meetings with Swansea neighbors are now scheduled and mediation has been requested to support a process between neighbors and this developer with the hopes to come to a better understanding of both the context of the neighborhood and the parameters of the development. We hope that a Community Benefits Agreement or some sort of agreement can be reached between the developer and neighbors, and the delay of the re-zoning hearing for 2535 40th St. will give the necessary time for this meaningful process to take place.

According to Swansea neighbors that participated in the Elyria Swansea (ES) neighborhood planning process; there was no discussion of this site during the neighborhood planning process. A wide diversity of neighbors that have yet to be engaged feel that the size of this development (14 acres), and its intended uses (760 units and mixed commercial space) will have a huge impact to neighbors, and should be discussed at length in the community for what it is-- a transformative project that will have a widespread impact on Swansea and the people who live here. The proposal to change the zoning at 2535 40th St should require a General Development Plan.

Unfortunately, the ES neighborhood plan does not address or elaborate the concerns and realities of displacement of neighbors that other city plans and city-led analyses have since addressed ([Housing an Inclusive Denver](#)) and (Denver's [Gentrification Study](#)) (*upcoming study on impact of public investment*), and all development should be applied to the context of this site in the Swansea neighborhood, given how displacement pressures created by public and private investments have driven involuntary displacement pressures across Elyria-Swansea. As a neighborhood that has been historically divested from public spending, and now facing billions of dollars of public investment, it is critical that current realities of the neighborhood, risks to existing neighbors, and development without displacement in tandem with community partnership should have the sufficient time to be evaluated and considered as part of this proposal; deeply considering the [impact of market-rate development](#) on displacement.

In addition to the reasons above, we believe added time before the public hearing would allow for the Office of Denver Economic Development and Opportunity to do an affordable housing agreement with this developer, and for the deeper consideration of the need for a General Development Plan. Considering the proposal plans to add to the street grid, has proximity to large scale construction on both sides of the project (that is already impacting connectivity and quality of life in the neighborhood), has proximity to rail, and since there is desire for additional open spaces as part of the development from both the developers and the neighborhood, **a GDP and “transformative project” additional process is merited to ensure the health and well-being of the surrounding neighbors.** We are requesting this postponement in order to have a proposal that is inclusive to members of the neighborhood where this site is located, and give Swansea neighbors a chance to be proactive instead of reacting to ongoing public or private investments.

Sincerely,

(names/groups added with permission)

Maria De Luna, M. Carmen Olague, Carmen Garcia, Celia Gonzalez, Brent Adams, Jen Winkel, Liliana Flores, Yessica Holguin, Yadira Sanchez, Ruben Sanchez, Raymunda Carreon, Otilia Diaz, Modesta Barrales, Nola Miguel, Drew Dutcher, Sandra Ruiz, Robin Reichhardt, Thomas Scharfenberg, Gaby Acevedo, Yeimi Ortega, Guadalupe Barrales, Angelina Torres, Mercedes Gonzales, Holliday Aguilar

GES Coalition members

Swansea neighborhood residents

Elyria Swansea Neighborhood Association

Cross Community Coalition

Unite North Metro Denver

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Nola Miguel, MSW, nola@gescoalition.com

GES Coalition Organizing for Health and Housing Justice

<https://www.gescoalition.com>

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From: [Nola Miguel](#)
To: [Brooks, Albus - CC XA1404 Member Denver City Council](#); [Ortega, Deborah L. - CC Member Denver City Cncl](#); [Kniech, Robin L. - CC Member Denver City Cncl](#); [dencc - City Council](#)
Cc: [Espinoza, Rafael G. - CC Member Denver City Cncl](#); [Flynn, Kevin J. - CC Member Denver City Cncl](#); [Lopez, Paul D. - CC Member Denver City Cncl](#); [Kashmann, Paul J. - CC Member Denver City Cncl](#); [New, Wayne C. - CC Member Denver City Cncl](#); [Susman, Mary Beth - CC Member Denver City Cncl](#); [Black, Kendra A. - CC Member Denver City Cncl](#); [Herndon, Christopher J. - CC Member Denver City Cncl](#); [Gilmore, Stacie M. - CC Member Denver City Cncl](#); [Aldretti, Susan K. - CC Senior City Council Aide](#); [Aguilar, Irene - OED CA2309 Administrator III](#); [Sandos, Timothy M. - MO MA1785 Executive](#); [Jennings Golich, Jill R. - CPD CA1769 Executive](#); [Levingston, Courtney L. - CPD CF0429 City Planner Senior](#); [Maria E. De Luna](#); [Robin Reichhardt](#); [Sandra Ruiz](#); [Drew Dutcher](#); [Liliana Flores Amaro](#); [Candi CdeBaca](#); [Thomas Scharfenberg](#)
Subject: Re: [EXTERNAL] **City Council First Reading TONIGHT** CB 19-0127 Rezoning 2535 E. 40th I-A to I-MX-3 20181-00072
Date: Monday, March 11, 2019 2:45:20 PM

Dear Council Members Brooks, Ortega, Kniech--and all Council,

Our request to postpone the public hearing still stands despite this response from the developer.

There are some hopeful things in the letter from the developer (below)--for example they changed their level of affordability from last Weds (details still unknown), and they are saying that they want to work on an MOU with us...we appreciate that.

The real questions, however, about the need for a GDP, the lack of vetting this site (and what neighbors want to see here) in the neighborhood plan process, and the impact on involuntary displacement; leaves the unknown still present as to whether the neighbors are in agreement with this rezoning proposal. A GDP/ "transformative project process" should take place during a postponement period, where other City studies are simultaneously overlaid to this plan (as they are now in other neighborhood plans), and during this time we would also make progress at the community level to do meaningful engagement.

From our perspective there is not enough time to come to an MOU agreement before April 8th; we need time to sufficiently engage/do outreach to the surrounding neighbors, build collective meaningful participation of neighbors, and negotiate an MOU with the developer (if that is the path that neighbors want to take). As far as we know, formal mediation requests have not been accepted or moved on (by the developer) at this point.

Lack of time limits (historically marginalized) neighbors opportunity to fully understand these uses and participate in creating an equitable and healthy relationship with this developer.

What we greatly lack is an equitable development plan for GES that guides development and implements standards for new developments in areas "vulnerable" to displacement.

Thank you for your careful consideration of this; and we look forward to seeing you tonight,
Nola

On Mon, Mar 11, 2019 at 12:42 PM Brooks, Albus - CC XA1404 Member Denver City Council <Albus.Brooks@denvergov.org> wrote:

FYI

Albus Brooks, MBA
Denver Councilman
"Fine" District 9

"Cities have the capability of providing something for everybody, only because, and only

when, they are created by everybody.”

-Jane Jacobs

Sent from my iPhone

Begin forwarded message:

From: "Bruce O'Donnell" <bodonnell@starboardrealtygroup.com>
Date: March 11, 2019 at 12:33:39 PM MDT
To: "Brooks, Albus - City Council District 8" <albus.brooks@denvergov.org>, Jolon Clark <Jolon.Clark@denvergov.org>, "Black, Kendra A. - City Council" <kendra.black@denvergov.org>, "Herndon, Christopher J. - City Council District 8" <Christopher.Herndon@denvergov.org>, "Kashmann, Paul J. - CC City Council Elected" <paul.kashmann@denvergov.org>, "Ortega, Deborah L. - CC Member Denver City Cncl" <deborah.ortega@denvergov.org>, "Susman, Mary Beth - City Council" <marybeth.susman@denvergov.org>, "Kniech, Robin L. - City Council" <Robin.Kniech@denvergov.org>, paul.lopez@denvergov.org, "Espinoza, Rafael G. - City Council" <Rafael.Espinoza@denvergov.org>, "Gilmore, Stacie M. - City Council" <stacie.gilmore@denvergov.org>, wayne.new@denvergov.org, "Montoya, Chy - City Council" <Chy.Montoya@denvergov.org>, "Thompson, Maggie - City Council Operations" <Maggie.Thompson@denvergov.org>, "Lara, Adriana - CC City Council Central Office" <adriana.lara@denvergov.org>, City Council Denver <dencc@denvergov.org>, "Flynn, Kevin J. - City Council" <kevin.flynn@denvergov.org>
Cc: "Levingston, Courtney L - PR Parks and Planning - PP" <courtney.levingston@denvergov.org>, "Thate, Melissa - OED CA2308 Administrator II" <Melissa.Thate@denvergov.org>, "Lindsey, Will M. - CPD CE0371 Associate City Planner" <William.Lindsey@denvergov.org>, "Showalter, Sarah K - CPD Planning Services" <Sarah.Showalter@denvergov.org>, "Brudzynski, Laura R. - OED CA2309 Administrator III" <Laura.Brudzynski@denvergov.org>, "Dalton, Kyle A. - Community Planning and Development" <Kyle.Dalton@denvergov.org>, "Jennings Golich, Jill R - CPD Office of the Manager" <jill.jenningsgolich@denvergov.org>, "Aguilar, Irene - OED CA2309 Administrator III" <Irene.Aguilar@denvergov.org>, "Hiraga, Eric S. - OED MA0054 Director of the Denver Office of E" <eric.hiraga@denvergov.org>
Subject: [EXTERNAL] **City Council First Reading TONIGHT** CB 19-0127 Rezoning 2535 E. 40th I-A to I-MX-3 2018I-00072

March 11, 2019

Members of Denver City Council:

RE: CB 19-0127

This Council Bill, is for rezoning application 2018I-00072, rezoning 2535 E. 40th Ave from I-A to I-MX-3. It is at Council for First Reading tonight.

I am writing you to request that CB 19-0127 not be called out and delayed and that our Public Hearing remain on schedule for April 8.

The individuals, Brooke and Tom Gordon, for this project are committed to immediately begin negotiations on and enter into a development agreement with the City that will provide assurances around the shared vision for and the redevelopment of the property concerning:

1. Provisions for the building of affordable housing on site at 60% AMI or lower, with advertising and first purchase opportunities targeted to teachers at the Bruce Randolph School and neighborhood residents.
2. The creation of public open space to include programming such as playgrounds, community gardens, trails and plazas.
3. Other possible community benefits related to the arts to include the donation of property for a non-profit performing arts complex and the development of live-work space for artists.

We are available to meet with City Staff anytime, including today, and in working with staff at CPD and OED look forward to identifying specific terms for such an agreement immediately. We have also offered to work towards and agreement with the community through a Memorandum of Understanding with the GES Coalition.

The Gordon's are not a large development company but a family that has a shared vision for this property. The financial burden of mortgage payments, maintenance, insurance and taxes on the 230,000 sq. ft. building, and all development costs are paid for out of their pocket. Any delay will necessitate a rethinking of the project.

Therefore it is important that this rezoning not be delayed and we respectfully request that our April 8 public hearing date be kept. There is plenty of time to work on an agreement that will memorialize our vision and commitments for the site (which are largely shared with the community) between now and April 8; and we are continuing our ongoing efforts to engage with the community, which we have been doing since July 22, 2018.

For your information, we directly and proactively contacted Elyria and Swansea ("ES") RNOs on July 22, 2018, October 16, 2018 and again on February 4, 2019 explaining the project, providing copies of the rezoning application and requesting the opportunity to meet with the ES RNOs. We never received a reply from an ES RNO on any of these repeated attempts to engage with them.

In addition, the City provided public notice via email to the RNOs on October 11, 2018, January 18, 2019 and again on February 11, 2019.

As is required, the City also mailed 49 public notice postcards to property owners twice, on October 16 and again on January 22 for a total of 98 postcards.

Documentation on all of this applicant outreach and City notice is attached.

Again, all of these combined notifications resulted in no response or engagement efforts of any kind by these ES RNOs. Our proactive engagement and outreach did, however, result in positive community engagement with Clayton United and the Elyria Swansea Globeville Business Association who both responded to our same outreach.

Sufficient notice and requests to engage and solicit community input have been given and are ongoing. We are scheduled to meet with the community on March 18 at an Open House we are hosting at the site, and again in March 25 at the Unite North Denver RNO meeting

Delay is not beneficial or needed as community engagement is ongoing and sufficient progress can be made on a development agreement with the City and the MOU with the community to create the assurances on development outcomes shared by the developer and the community between now and April 8.

We look forward to continuing work with the City and the community, and to having our public hearing on April 8 as scheduled.

Sincerely,

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Nola Miguel, MSW, nola@gescoalition.com
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