

CITY COUNCIL

City and County of Denver

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Jeanne Robb
Councilwoman, District Ten

November 14, 2012

Gene Hohensee
370 Steele Street
Denver, CO 80206

Dear Gene,

Last week CCNNA leadership proposed that I carry legislation to create a moratorium on all redevelopment in the area currently zoned U-CCN (Urban Center – Cherry Creek North).

The rationale and reach of this moratorium is unprecedented. At the end of this letter is a description of the 2 moratoria enacted in the last ten years. As I informed neighborhood leadership last week, the moratorium proposed by the CCNNA Board differs from past proposals.

- The two moratoria since Blueprint Denver were in areas of stability. The Cherry Creek Plan acknowledges that the Cherry Creek Business Area is an area of change where current zoning has not enabled reinvestment.
- At the time of the West Wash Park and Highlands moratoria, zoning tools to meet the plan did not exist or were not in place. The regulating plan and the Cherry Creek North design guidelines both serve to dial down the zoning to meet the urban design goals of the Cherry Creek Plan.
- While past moratoria prohibited development under existing zoning, the current proposal prohibits asking for rezoning on which Council can hear input and decide. For example, I attended the Planning Board hearing on 245 Columbine and decided the application was not ready to come to committee without more community discussion.
- Unlike any moratorium since 2000, the CCNNA proposal has no grace period for applications already in the pipeline.*

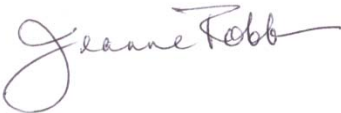
In June, City Council passed the 2012 Cherry Creek Area Plan unanimously. I support the plan's vision for a thriving Cherry Creek and I support the recommendations and spirit of the White Paper on urban design that was attached as an appendix. On November 19th, Council will consider the first of several zoning applications in the works – 250 Columbine. With the use of a regulating plan, CPD restricted the available C-MX zoning to meet plan goals, and at Council's Land Use and Transportation Committee, CCNNA President Wayne New recently agreed that this zoning was acceptable in light of the plan goals and the White Paper recommendations. I am hopeful that the other zoning applications currently in process will also be adjusted to meet plans goals and the spirit of the White Paper. I have always believed that neighbors and businesses must talk and work together.

Thus, I cannot support a moratorium. Since the CCNNA letter of last week, one developer filed an application that I had asked him to wait on. In light of the precedent that past moratoria did not affect projects in the pipeline*, he felt it prudent to go ahead and submit. I know of no other forthcoming proposals, but the longer a moratorium is debated, the more likely it is to prompt hurried applications. It would take a couple more weeks to get a draft ordinance in front of Council Committee and another five weeks to get to a public hearing in front of Council. I don't see that happening before the end of the year.

I have spent the past week presenting this proposal to my colleagues and have determined that there is not support for it. **Though not the rule, it is common for council to defer to district council members on site specific rezonings.** But more drastic actions like moratoria or down-zonings do not get the same deference because they set a precedent that could have a citywide impact going forward. It would take ten votes to over-ride a mayoral veto which is a possibility.

I believe our time is best spent working together and using city resources to put new zoning, rather than a moratorium, in place.

Sincerely,

A handwritten signature in cursive script, reading "Jeanne Robb".

Jeanne Robb
Councilwoman District 10
Cc: Wayne New
Cherry Creek Steering Committee

MORATORIA ENACTED BY THE DENVER CITY COUNCIL SINCE 2000

CB 586 of 2009/10 – Garcia, Council District 1, NW Denver

Enacted a moratorium on zoning and building permits for multi-family housing in the Highlands area until the new zoning code was completed. Blueprint Denver designation was area of stability (single-family) so there was a mismatch of proposed development with the plan. The moratorium was at council committee 9/23/2009 and with the grace period did not take effect until 1/1/2010.

CB 634 of 2008/09 – Nevitt, Council District 7, South Denver

Enacted a moratorium on zoning and building permits in West Wash Park for duplexes on lots under 6000 sq. ft. and on building or use permits for more than 2 units on larger lots. Blueprint Denver designation was an area of stability (single family/duplex) so there was a mismatch of proposed development with the plan. This bill was at council committee 11/17/2008 and went into effect on 2/1/09.