

To Parties Involved with Loretto Heights,

I received an emailed letter on Thursday from Tony Hernandez, Xochitl Gaytan and Gayle Bell, on behalf of Jim Gibson's Loretto Heights Community Initiative, raising concerns about the start of the Small Area Plan Steering Committee this coming week. I've studied the concerns, researched more background and discussed them with Community Planning and Development staff. I'm replying to a larger group since I understand the letter was emailed to a wide audience. I'm sure I am not reaching all of the recipients, and if some of you were not on the original email with the open letter to me, I apologize if this reply causes confusion.

Tony, I appreciate very much that you sent this to me Thursday night, before I left town for two days on city council's retreat. The scope of these matters is not something we could have addressed last-minute with a meeting tomorrow night as you had requested. I can understand how concerns would be generated based on information that requires more context and data, and so I'm glad to have the opportunity to respond. And for the benefit of other recipients, I want to reiterate that I did not refuse to meet with you, contrary to the statement in your letter. There was simply no opening in my schedule to arrange it so quickly, between being in Estes Park (where I began writing this reply) and other tasks and appointments today and through Tuesday.

This will be a lengthy reply, so let me summarize at the beginning to concisely address things I have heard that stemmed from your group's meeting last week, when Larry Ambrose talked about the St. Anthony problems, then reply more fully below for those of you sufficiently interested in more details.

We should not delay the start of this plan; that would have the opposite result from what we all want. We've expanded community representation over my former committee, not reduced it. There is no conflict of interest with the project manager, who is not a member of the steering committee; he has consulted with the city's ethics office on it. I have absolutely no hesitation about voting against the interest of a campaign contributor; I already have done so many times. My allegiance is first and always to the people of Denver and especially those in Council District 2. The city staff who will be with us on the committee are subject matter experts, with one in particular being nationally active in housing issues and anti-displacement policies. They are good to have at the table, as I believe you will come to agree, yet I will not allow them to stand in the way of a consensus developed by community stakeholders.

There are no secret "deals" with anyone – not with any person, owner, developer, neighborhood organization. Every issue will be on the table and discussed, including past problems with city plans such as the St. Anthony redevelopment, if the committee wants that. It will be community driven, transparent and open. We are using a consensus approach, not a simple majority vote, so the motivation is to work together to find agreement rather than choosing up sides. And I will continue to ensure the result of this planning process is a genuine reflection of the collective vision of the community.

The small area plan we are about to begin is the single most positive event to occur for the benefit of the community since Teikyo closed the school. I recall many discussions about how difficult it would be to respond to development proposals without having a plan in place. It would be a serious mistake to postpone it. If we stop this process, we lose the plan and the we're back at starting gate with the developer proceeding without us. That is a much worse alternative.

There are only four issues, which I identified nearly two years ago, to which I am holding fast in the best interest of the community. All of you know what they are because Jim's group subsequently embraced them: Preservation, at a minimum, of the Loretto Academy and Chapel (we already have secured that through a deed covenant running with the land); preservation of the historic cemetery (this too is guaranteed even if the precise mechanism isn't yet resolved); maintenance of a view corridor to the Loretto Academy building from Federal Boulevard; and not allowing through-traffic from Federal into Dartmouth Heights and Harvey Park.

Aside from those important outcomes for which I will fight, I have no intent to push the steering committee in any direction. My desire is that they freely navigate our concerns so that we can genuinely identify what our vision is. Then I will fight for the consensus vision, whatever that turns out to be, because it is not up to me to tell the community what it should have; I believe in having the community tell me what it wants me to get for them.

To that purpose, it can't go unnoticed that I have appointed more steering committee members affiliated with Jim's ad-hoc organization than from any other established stakeholder group. Eight of the 12 community stakeholder entities I selected have participated with Jim's group. My earlier committee had only nine community stakeholder groups. Any suggestion that there's a pre-determined outcome, bias or lack of authenticity to this process is the same as suggesting that all of you won't be standing up for your own values and vision. I wouldn't give that a moment's credibility. If there were a pre-determined outcome, I would not have stacked the committee with more of your members than anyone else.

To Larry Ambrose, with whom I spoke this evening, I appreciate the conversation about last week's meeting. I've known and respected you for more than 35 years. Having recently joined LHCI brings with you the bad experience you and your neighbors went through with the West Colfax Plan and the St. Anthony's General Development Plan. When my wife and I were at your garden party last September, you pointed out some of the impacts it's had in your Sloan's Lake neighborhood. I completely understand your opposition and am sympathetic to it. But as you said, it does not mean don't do any other plans.

The West Colfax Plan was done 12 years ago, and the St. Anthony subarea should have had a separate small area plan, like the city later did for Union Station within the larger Downtown Area Plan. Instead, the St. Anthony site was the subject of a General Development Plan. That is not what we're doing here. The planning office learned many lessons from the St. Anthony redevelopment process. No one – not community members, developers, city staff, elected

officials – wants to replicate that process. In fact, the planning office’s key desire for a focused area plan at Loretto Heights is to avoid what took place at St. Anthony.

Now for the specific requests in the letter, I’ll address Item 5 first, because it has the most urgent “ask.” Your request is that the start of this planning process be delayed until comprehensive assessment reports on aspects of the campus are completed and given to the community, and then that a redevelopment be designed in order to “drive the nature of the issues to be addressed in the completion of a successful small area plan.”

This misconstrues what a small area plan is. The plan is a vision document that includes specific recommendations to achieve that vision, but all of that has to be in place to guide the future site design. Postponing community-driven vision planning while asking the developer to develop a design would risk the same outcome Larry experienced at St. Anthony. It turns the natural sequence of work backward. We have never had a neighborhood plan in Council District 2 until now, and to put it off in order to let the developer initiate a design sounds like we’d have the horse forever chasing the cart. We want to provide the vision to the owner, not the other way around. Jim, just two months ago you were “encouraged” by my success in getting this commitment, and you appreciated “the planning department’s involvement in this new process, along with Westside’s cooperation and patience.”

Neighborhoods around the city, along with me on behalf of our southwest neighborhoods, have been clamoring for years to have plans in place as protection against development that may be in conflict with community vision, values and character. The purchase of Loretto Heights has allowed us to “jump the line” ahead of others because of the imminence of campus redevelopment. Delaying the start would mean losing that opportunity. Because of this, I will not postpone the process.

As to item 1 in the letter, the charge that Jason Morrison’s internship with Pachner Group five years ago should disqualify him as project manager is too far removed from what constitutes actual conflict of interest, or appearance of conflict, to sustain. Jason is not a member of the steering committee, he is helping to facilitate our process. Throughout one’s professional career, there are relationships with numerous people. Having interned with a firm in the past does not create a conflict years later in dealing with clients of that firm, especially those that weren’t clients at the time. To impugn Jason’s professional integrity this way is unfortunate. I’ve been meeting with him to prepare the steering committee structure, and I know that all of us will be impressed with him.

But to address the issue directly, after Jim called the mayor’s office about it last week, Jason went to the city’s Director of Ethics to seek guidance. The director determines that there is no conflict of interest, nor is there a reasonable suggestion of a conflict, and no reason to seek an official opinion from the Ethics Board. Pachner Group did not represent Westside when Jason interned there for a brief period five years ago. Jason has never worked for Westside, no longer works for Pachner Group and is in no position to benefit in any way from working on this plan. Moreover, Jason is not in a decision-making position in this process. The suggestion that his

internship five years ago predisposes Jason to be biased toward any future client of Pachner Group at the expense of his professional integrity, or even that it is reasonable to assume there is an appearance of this, is beyond reasonableness. That line of reasoning could disqualify practically anyone from anything, when one looks at all the jobs and people we have engaged with throughout our careers.

Your Item 2 asks that the governmental members of the steering committee be moved to a Technical Advisory Committee instead, and that 80 percent of the steering committee be neighborhood or Loretto stakeholders. In this case, having staff experts on the committee from three city agencies – parks, the housing office and public works – provides us with data and policy support I believe we will want at the table. The makeup of the steering committee strongly reflects our diverse community values, and I believe that particularly includes the person we chose from the housing office of the Denver Office of Economic Development. This person is the city's housing policy officer and is a member of the national Anti-Displacement Policy Network. It is a major win for our committee to have this person at the table, because I have heard concerns about housing affordability, displacement and gentrification from Tony, Xochitl and Gayle, among other constituents. In our plan, I believe this will be more than technical advice.

I want to remind Jim and Tony that I replaced a longtime participant from my stakeholder committee in order to appoint Jim as the Harvey Park representative, so that I could free up Jim's LHCI seat and appoint Tony and his housing experience as the LHCI member (since Tony isn't a resident of the plan area, that was the only way I could add him as a community member). I added to your representation. It's confusing to me that anyone would contend we've reduced community involvement, when both the total number of members of the steering committee AND the number of those members who have worked with Jim's group have increased. Remember, the process is done through consensus, not vote-counting.

Item 3 is a given. Asking me to have allegiance to my community is like asking me to breathe oxygen. Everything I have done since taking office – every vote, action and decision – has been with the best interest of Denver and Council District 2 first. This should be obvious from every action I've taken with regard to Loretto Heights, if not from other issues we've advanced in the district the past three years. I organized multiple public meetings attended by hundreds to give input. I arranged for both the unsuccessful first buyer and Westside to attend every neighborhood organization to face residents' questions. It's been featured in each of my newsletters, which are delivered door to door. It's the most robust public outreach in my memory here over 35 years. Jim, I've cooperated with your Community Conversations, respecting your independence because of your very first statement to me that people "don't trust government." I've referred interested individuals to you, gave updates and been a resource at some of your meetings, and provided data you requested on such things as southwest Denver open space and parks and subsidized housing. I've been accommodating and transparent with you.

I will always place allegiance to the community first.

Item 4 asks that I refund campaign contributions to demonstrate independence and avoid impropriety. I demonstrate my independence every single day, and as the council member who twice has strengthened the city's ethics and financial disclosure codes, I always am motivated by my lifelong sense of propriety and moral purpose. Your request is sort of a Catch-22. As Tony knows better than I, elected officials have hundreds of campaign contributors while routinely making decisions that affect them, for better or worse. My contributors come from a wide spectrum of political and other backgrounds. They supported me because of my decades-long public record as a fair-minded and analytical individual who makes sound judgments.

People from every political persuasion have contributed to my campaign precisely *because of* my integrity, not to compromise it.

So let me state flatly, I will have no hesitation siding against a campaign contributor when there's a conflict with what's best for Denver or for District 2. I know this because I already have done so.

Tony, I am confident you can say that during your 10 years serving the people as a state representative, you often cast votes or took action that was contrary to the interests of your contributors. In my case, I voted no on the fee increase that funded the large drainage project in City Park Golf Course associated with the I-70 expansion, despite some of my contributors – and some personal friends – being involved in that. I upheld denial of street access for a project on a contributor's land because of the traffic impacts it would have had. I helped to lead a council vote that denied a rezoning to a contributor due to traffic and density issues. Larry, you should appreciate this one because of your tough stand on parkland: I voted no on the three-day music festival at Overland Golf Course, even though several of my contributors were involved in promoting that contract, because I concluded that it violated clear parks department policy that golf courses were not to be used for private ticketed events.

Larry, you also were a contributor to my campaign. I'm sure you recall the night at council that you testified on a St. Anthony rezoning, asking us to delay the final vote in order to wait for an imminent decision in your lawsuit over an earlier rezoning that had similar issues. You'll recall I made a motion to delay the decision until the court ruled, but I got no support from other members including your own council member. I went against my own colleagues on that issue.

But I did not make that motion because you donated to my campaign. I would have made that motion if you had been a complete stranger. I made that motion because your testimony was persuasive to me that it was the right thing to do for your Sloan's Lake community. Out of all the people who are getting this email, you have known me the longest and you should know better than the others about my record of standing up for the community over special interests. Our regular lunches with Al Knight and Dean Punke at Gyro's Place helped to introduce me to the inherent conflicts between Denver development and community interests when I was a newcomer to this city. You may recall the occasion when downtown interests marched into the Rocky Mountain News asking the editor to fire me because of articles I had

written about some of their plans. Obviously, Editor Ralph Looney not only kept me on, he directed me to go out and find more such stories.

I ask that we all participate in this planning process in good faith, without agenda other than what's best for the Loretto Heights area. Jim, you told me nearly two years ago that the purpose of your group was to improve the relationship between city officials and the people. Now is the time to roll up our sleeves and get about that work.

Thank you to everyone who managed to get through this lengthy reply. To paraphrase Pascal, I didn't have time to write something shorter.

Kevin Flynn