

PROTECT
MAPLE VALLEY PARK



RALSTON CREEK TRAIL

Arvada Planning Commission Presentation
Tuesday, April 20, 2021

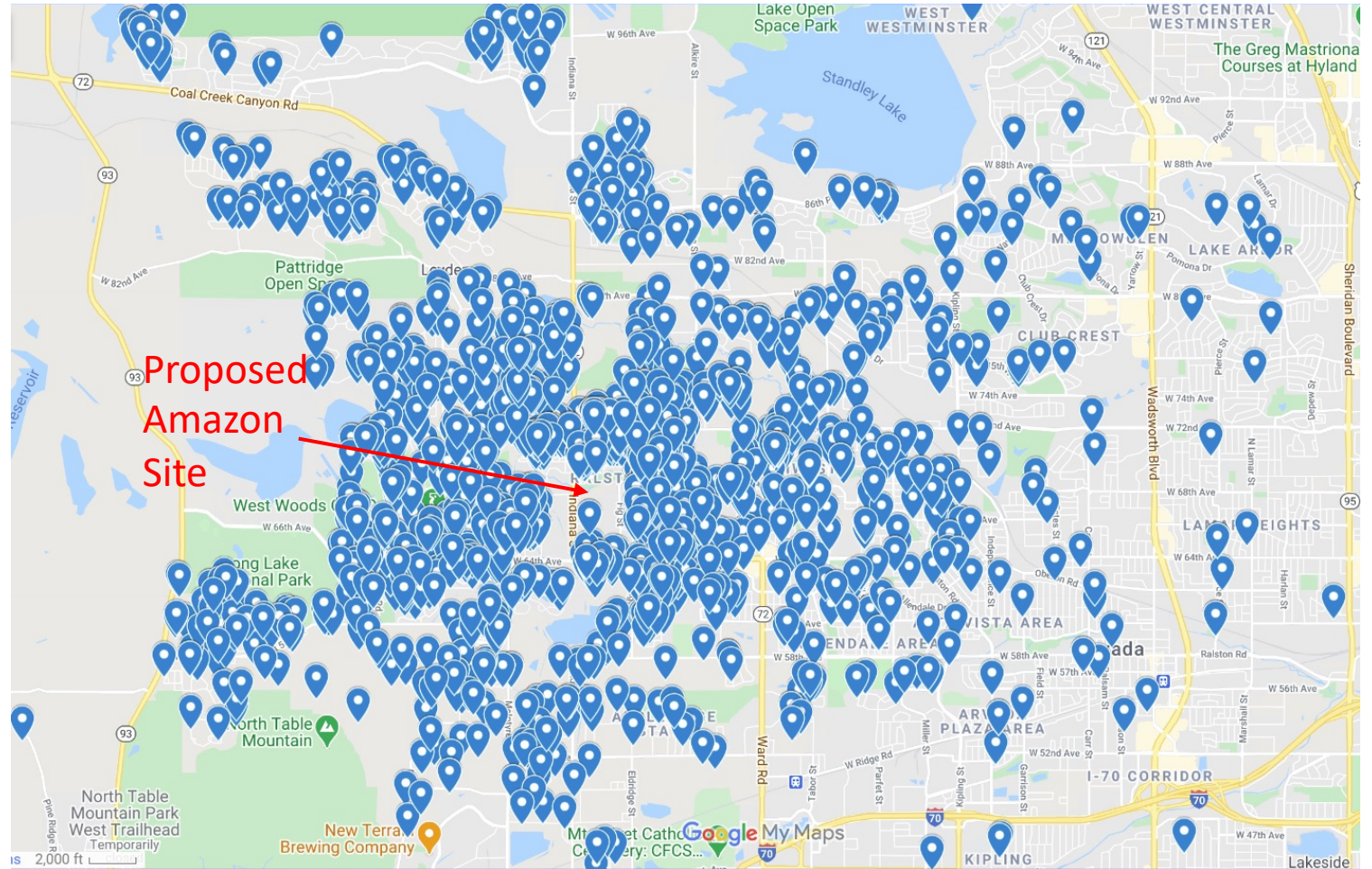
Who We Are...

- We are a concerned community of over **5700** Arvada citizens and Jeffco residents who desire to protect the Maple Valley Park and Ralston Creek Trail we all cherish and enjoy. We believe the proposed Project Indiana industrial development, with a 24/7 Amazon Distribution Center operation, **DOES NOT CONFORM** to the requested zoning, is an **INCOMPATIBLE USE** and will have a **NEGATIVE EFFECT** on the adjacent open space, nearby homes and community at large.

PROTECT MAPLE VALLEY PARK PETITION GROUP

- Total number in Petition Group as of April 19th is....

5704



TOP FOUR CONCERNS OF THE PETITION GROUP



ROADS ARE ALREADY CONGESTED AND WON'T BE ABLE TO HANDLE THE AMAZON TRAFFIC



24/7 LIGHT, NOISE AND AIR POLLUTION



INCOMPATIBLE USE IN CLOSE PROXIMITY TO OPEN SPACE AND HOMES




ENVIRONMENTAL IMPACT ON MAPLE VALLEY PARK AND THE RALSTON CREEK

This is what Arvada's 2014 Comp Plan says about infill development.

CC-1.3	Compatible Infill Encourage infill that is compatible with scale and		CD	Review and amend the LDC to support compatible infill. LDC						
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IMPLEMENTATION UPDATE 2017

ACTION MATRIX

POLICY NO.	COMPREHENSIVE PLAN POLICY	CITY STRATEGIC PLAN 2014 - 2019	LEAD DEP'T	IMPLEMENTATION PROGRAM	2015-2017	2018-2019	2020-2024	Ongoing	Status
	character of existing neighborhoods.			update in 2017-2019.					
CC-1.4	Work with Stakeholders Work with stakeholders, developers and the community to integrate development projects that enrich the district's character.		CD	Evaluate whether revisions are needed to LDC to emphasize or expand stakeholder/community involvement in project review. LDC update in 2017-2019.					



Program is approximately 25 percent complete

Arvada Comprehensive Plan Redevelopment and Infill Principles

On page 2-33 of the Comp Plan it states the following:

- **The City recognizes that redevelopment and infill could negatively impact existing neighborhoods if not carefully designed or if impacts are not reasonably mitigated.** Therefore, this Plan includes the following principles for redevelopment and infill.
- Infill development and redevelopment that occurs in or adjacent to existing developed areas **should complement the character and visual qualities of the area** and existing development.

New developments should adhere to the following design principles:

(Comp Plan Page 2-33)

- The overall scale, size, and setbacks of new buildings should be **similar to or compatible with those found on adjacent properties**. Transitions in building height may be appropriate (e.g., to provide a transition, the new building should not be more than two stories taller than an adjacent building).
- Redevelopment and infill should **preserve existing mature street trees and significant landscape features to the extent possible**.
- Redevelopment and infill should incorporate **pedestrian friendly mixed use design principles** where possible.
- New landscaping materials should be mature enough to visually integrate the new infill with the existing neighborhood within ten years.
- **Usable** parks, trails, and open space should be incorporated into infill and redevelopment projects to the extent possible.

BURDEN OF PROOF

Arvada Land Development Code (LDC) Section 8-2-3-2
Burden of Proof and Persuasion states...

“The burden of demonstrating that an application complies with applicable review and approval criteria is on the Applicant.”



We Have Questions...

As Community Stakeholders, the Protect Maple Valley Park Petition Group has repeatedly asked for information from the Applicant via Arvada City Staff and has yet to receive answers for valid questions about this rezoning case in numerous areas of concern.



Here's What We Don't Know...

- The Applicant has not sufficiently answered the Petition Group's questions from the March 11th neighborhood meeting. Over 100 questions were asked by the community, yet only 26 highly filtered questions were recorded and made public by the Applicant.
- The Applicant has withdrawn the Minor Adjustment and Variance Request with Jeffco which was required for 68th Ave to be an access point. It hasn't been specified where the access point or the Hathaway access will be now that the MVR and MAA application has been withdrawn.



Here's What We Don't Know...

- At the Pre-Development meeting, the Applicant expressed having vehicle fueling, servicing, washing and repair on-site. We have asked the status of these items and still have not received an answer to date.
- Recent submittals by the Applicant have mentioned adding package pick-up and drop-off services for the public bringing more traffic to the area. This is a different type of use that now offers walk-in public services. We don't have a clear picture of the additional traffic this will bring.

Project Indiana contradicts
the 2016 Arvada Parks, Trails &
Open Space Master Plan

HIGH PRIORITY AREA

2 PROVIDE NEW PARKS AND IMPROVEMENTS TO EXISTING PARKS

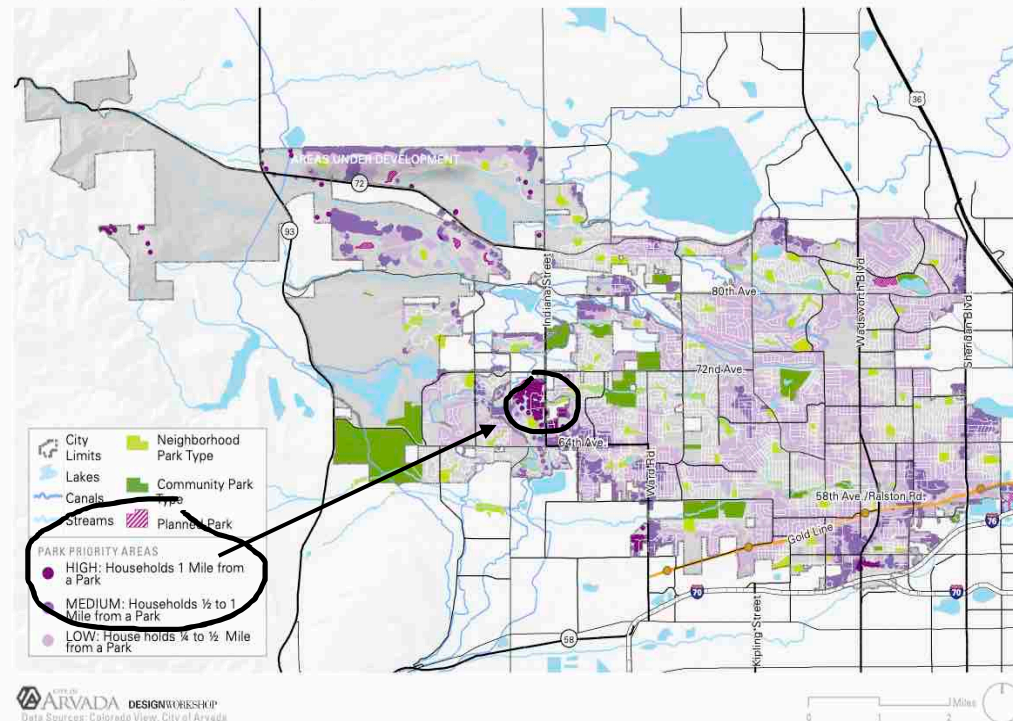
Park Improvement Priority Areas

Arvada will continue to grow and add parks to maintain a high quality of life. Map 10 shows areas identified by the gap analysis (Map 8) that are priorities for new parks. New parks and improvements to existing parks can mean:

- Adding contemporary parks and amenities (i.e., bike parks, nature play areas)
- Supporting existing recreation district plans
- Supporting Arvada's community agriculture efforts
- Providing access to water recreation in Arvada's lakes, reservoirs and creeks
- Adding parks within appropriate service areas (see Table 6) to address contemporary recreation trends

SEE IMPLEMENTATION CHAPTER For a list of priority park projects and funding opportunities.

Map 10: Park Priority Areas- Park Gaps



The area circled is Indiana between 64th and 72nd and is shown in the 2016 Arvada Parks, Trails & Open Space Master Plan as a High Priority area for Park expansion. Dark purple denotes a High Priority area where households are 1 mile from a Park.

Project Indiana contradicts the 2018
Arvada Arts & Cultural Master Plan

Centerpiece for Arts and Culture

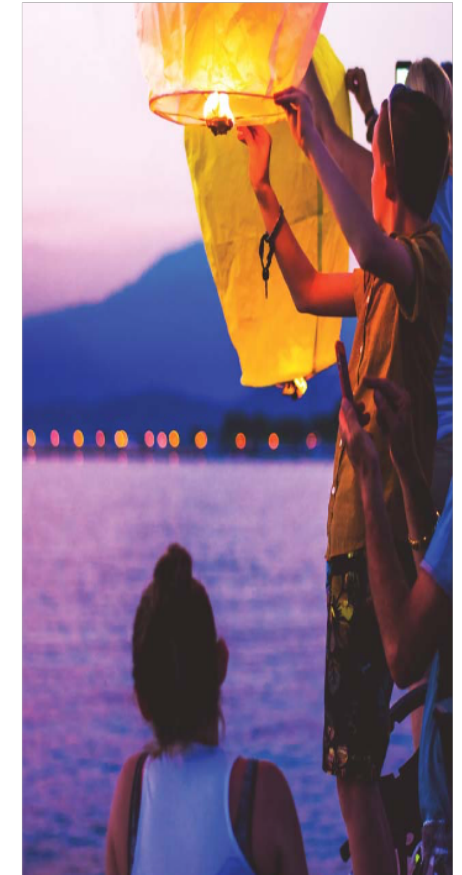
66th and Indiana was proposed as a possible location for a Second Cultural Hub for the Arts in the 2018 Arvada Arts & Cultural Master Plan.

Goal - Create a Second Cultural Hub

The City and AACC will look for the opportunity to create a second cultural hub in Arvada. Where and when this can happen will depend on how Arvada's growth and development happens and how willing private developers and individual community members are to make cultural institutions and artistic pursuits a part of the future of their community.

Among the possible locations are these:

- 1. Southeast Industrial Area** - Arvada may annex an industrial area in the southeast corner of the City. Should that possibility come to fruition, this area, with its commuter rail access, could serve as an ideal location for artist spaces, particularly those that are more industrial in nature (ceramics, metal work, sculpture, etc.). The area holds real promise for performance space, studio space, and mixed-use development that integrates housing and commercial uses.
- 2. Gibbs West** - The skate park, the Apex Center, and the park make Gibbs West a prime candidate as a hub for arts and culture - recreation, education, history, festivals, music and more could find a place at Gibbs West.
- 3. 66th and Indiana or other green-field areas** - Though perhaps more of a blank canvas than some other areas, because it is still developing, the area at 66th and Indiana or another green-field development could become a centerpiece for arts and culture in the future.



Guiding
Theme from
the Arvada
City Council
Strategic Plan
2020-2025

“Prioritizes quality of life, which is defined by connected, safe neighborhoods where we care for our neighbors and enjoy access to an incredible network of parks, trails, and open space.”

HOME VALUES AND QUALITY OF LIFE

The City of Arvada Land Development Code (LDC) 1-1-1-2 Purpose and Intent, states in #5

“Protect the quality and character of stable residential neighborhoods”.

Locating an Amazon Distribution Center adjacent to homes will have a negative impact on property values and substantially diminish the character of the existing neighborhood by adding an invasive industrial use.

Residents will be negatively affected by traffic congestion, light, noise, air and visual pollution from the 24/7 operations.

COMPARISON TO AMAZON IN LOVELAND

Loveland Amazon is a 123,000 sf warehouse.

(same basic size as the proposed Project Indiana)

Loveland Amazon is located in an existing industrial area, close to I-25 and not near any residential uses or any parks.

COMPARISON TO AMAZON IN BROOMFIELD

Broomfield Amazon is a 200,000 sf warehouse.

(considered a Last Mile similar to the proposed Project Indiana)

Broomfield Amazon is located immediately adjacent to I-25 and Northwest Parkway and not near any residential uses or parks.



Here's What We Don't Know...

TRAFFIC NEEDS FURTHER STUDIES TO DEMONSTRATE
COMPATIBILITY WITH THE COMMUNITY

- The Applicant has not studied the traffic impacts to the Maple Valley, Westwoods Mesa, Geos, Ralston Estates, and Hill Crest communities. Other neighborhoods such as Wyndham and Wildflower will also be impacted and should be studied. You could argue that all the residential along 64th Ave, 72nd Ave, Ward Road and McIntyre will likely have substantial impacts from traffic and should be studied. The traffic study for the Project was crafted for a specific purpose and appears to be misleading. The Applicant's traffic study has not properly studied the impact on the area road system. The maximum traffic level for the Project as shown recently in the public meeting has not been examined.



Current Infrastructure is not Sufficient

- Indiana is already congested both northbound and southbound and is close to capacity.
- Intersections at 64th and Indiana and 64th and McIntyre already have issues with turn lanes.
- Intersection at 64th and Ward Road is tight for turning vehicles heading westbound on 64th and even more so for semi-trailers.
- Ward Road is already congested from 64th Avenue to 44th Avenue.
- The nearest highway access is nearly 5 miles from the proposed facility.
- Heavy truck traffic into this area will further deteriorate State and City roads that are currently in need of repair. One semi-truck can be the equivalent of 5000 cars regarding damage to roadways and some road planners say it would take 10,000 cars to equal the damage of 1 loaded semi-truck.
- In peak season, the 42 Amazon semi-truck trips coming into Arvada every day **fully loaded** equates to the damage of 420,000 cars per day on our road system, plus another 42 trips when the empty semi-trucks leave the site daily.

TRUCK TRAFFIC LIMITATIONS ARE EXCEEDED BY THE PROPOSED PROJECT

-
- The LDC definition clearly states Light Industry truck traffic must be **lower than 50 truck trips per day**.
 - The City staff has on two occasions advised the Applicant that the truck traffic must conform to the 50-truck trip per day limit.
 - The first was at the Pre-Application meeting on 5/22/2020 where City staff recorded the following:
 - **“The use can be defined as Light Industrial so long as daily truck trips are under 50.”**
 - The second was recently in the City staff comment in the Applicant’s Traffic Impact Study where the following was stated:
 - **“In order to stay in conformance with the definition of Light Industry, truck trips must remain fewer than 50 per day.”**

The Applicant’s information on Holiday Operations (presented at Mar 11th meeting), shows 42 linehaul trailers which equates to 84 trips and exceeds the number of trucks allowed for Light Industrial zoning.



Delivery Station Operations Overview

Daily Operations

Normal Operations (46 Weeks a Year-40-60% capacity)

- 83 Amazon Associates Daily (Shifts starting 01:30; 05:30; 13:00)
- 12 Linehaul Trailer over 24hr period
- 216 Delivery Associates & Vans Daily (10:00-11:30)

Holiday Operations (5-6 Weeks a Year)

- 460 Amazon Associate Daily (Addition of 17:00 shift)
- 42 Linehaul Trailers over 24hr period
- 531 Delivery Associates & Vans Daily (Addition of 07:00-08:00)
- 60 Amazon Flex Routes Daily (No change)

Head Count/Job Totals

- Estimated Steady State Head Count of 460
- Estimated Peak Head Count of 1,051

Flex routes can have multiple drivers per route by a factor of 3-4.

42 Linehaul Trailers (Semi-trucks) at one trip in and one trip out equals **84 truck trips** which is over the limit for a Light Industry classification.

Additionally, Federal, State and Jeffco define cargo vans as Trucks adding 531 more.



Stephen Maduli-Willi...

MORE VIDEOS

TRAFFIC AT HOLIDAYS IS 84 SEMI-TRUCK TRIPS



1:29:28 / 4:21:10



Youtube



INCONSISTENCIES IN APPLICATION

- There are numerous inconsistencies in the Application, especially regarding the number of semi-trucks and vans that Amazon will be operating.
- The community has a RIGHT TO KNOW what the USE AT CAPACITY will be, as the Arvada resident will ultimately pay the price of the traffic impacts of the Amazon facility on Arvada roadways.
- The residents in Arvada will suffer from the traffic congestion, the cost to repair roads, the health issues from air pollution, the annoyance of 24/7 noise and light pollution, and the negative impact on our property values and quality of life.

Key Considerations to Meet Land Development Code Approval Criteria

Section 8-3-4-2A.4 of the Arvada LDC

“The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;”

“The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.”



Resource Conservation and the Environment

(page 4-12 of Comp Plan)

GOAL R-2: “Promote improved water quality in stream corridors.”

- **POLICY R-2.1: Water Quality Features**
“The City will require water quality features in new developments to minimize degradation of stream water quality.”
- **POLICY R-2.3: Best Management Practices for Storm water Conveyance**
“The City will protect water quality through implementation of Best Management Practices in the design of storm water conveyance and detention facilities.”

The proposed property currently has many Recognized Environmental Conditions (REC) per the Phase I Environmental Site Assessment (Terracon Project No. 25207246) and these REC's should be addressed and mitigated prior to any development or disturbance of the land.

Endangerment
to human
health,
safety and the
environment

Jeffco's Planning and Zoning referrals dated Jan 26 and Feb. 5, 2021, state the following:

- **The recommendations of the Phase I ESA should be followed, and a Phase II ESA should be conducted. Depending on the results of the Phase II ESA, a Phase III ESA may be warranted.** It is recommended that the County not accept any transfer of land interest to the County, such as Right-of-Way, during the annexation process without a Phase II or Phase III ESA. It would seem this advice would also be prudent for the City of Arvada to follow.

Endangerment
to human
health,
safety and the
environment

Jeffco's Planning and Zoning referrals dated Jan 26 and Feb. 5, 2021, state the following:

- **The applicant should also submit the Phase I ESA to CDPHE and reach out to the Colorado Division of Oil and Safety for guidance regarding waste oil.**
- If contaminated soils or trash debris are encountered during the construction phase of the potential development, construction activities must cease, and the developer must contact CDPHE for further instructions.

Endangerment
to human
health,
safety and the
environment

Jeffco's Planning and Zoning referrals dated Jan 26 and Feb. 5, 2021, state the following:

- The properties at 6702 and 6710 Indiana Street are within the vicinity of Ralston Creek which is a major drainageway located north of the subject properties. **The northern portion of 6710 Indiana Street is contained within a FEMA Zone AE 100-Year Floodplain. Any development within the 100-Year Floodplain will require a Floodplain Permit. Jefferson County Planning Engineering would like to review any Drainage Reports and/or flood studies resulting from the proposed development.**

Endangerment
to human
health,
safety and the
environment

Jeffco's Planning and Zoning referrals dated Jan 26 and Feb. 5, 2021, state the following:

- A Phase III Drainage Report and Grading, Erosion and Sediment Control Plan will be reviewed for any subsequent Site Development Plan Process. **The Phase III Drainage Report should include a historic drainage plan and historic hydrological computations that describe historic drainage patterns for comparison with the proposed drainage computations and fully developed drainage plan.** See the Jefferson County Storm Drainage Design and Technical Criteria for requirements of a Phase III Drainage Report.

Endangerment
to human
health,
safety and the
environment

Jeffco's Planning and Zoning referrals dated Jan 26 and Feb. 5, 2021, state the following:

- **The developer should ensure that no outfall structures from the stormwater detention facility will be in Maple Valley Park and that there are adequate setbacks from the park for all development.**
- **The parking for the site seems excessive.** We request that the applicant provide a parking study at the time of site plan review to justify why so much parking is needed.
- **Water quality standards will need to be implemented with detention.** This is especially important due to the large amount of parking proposed for the site.

Endangerment
to human
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environment

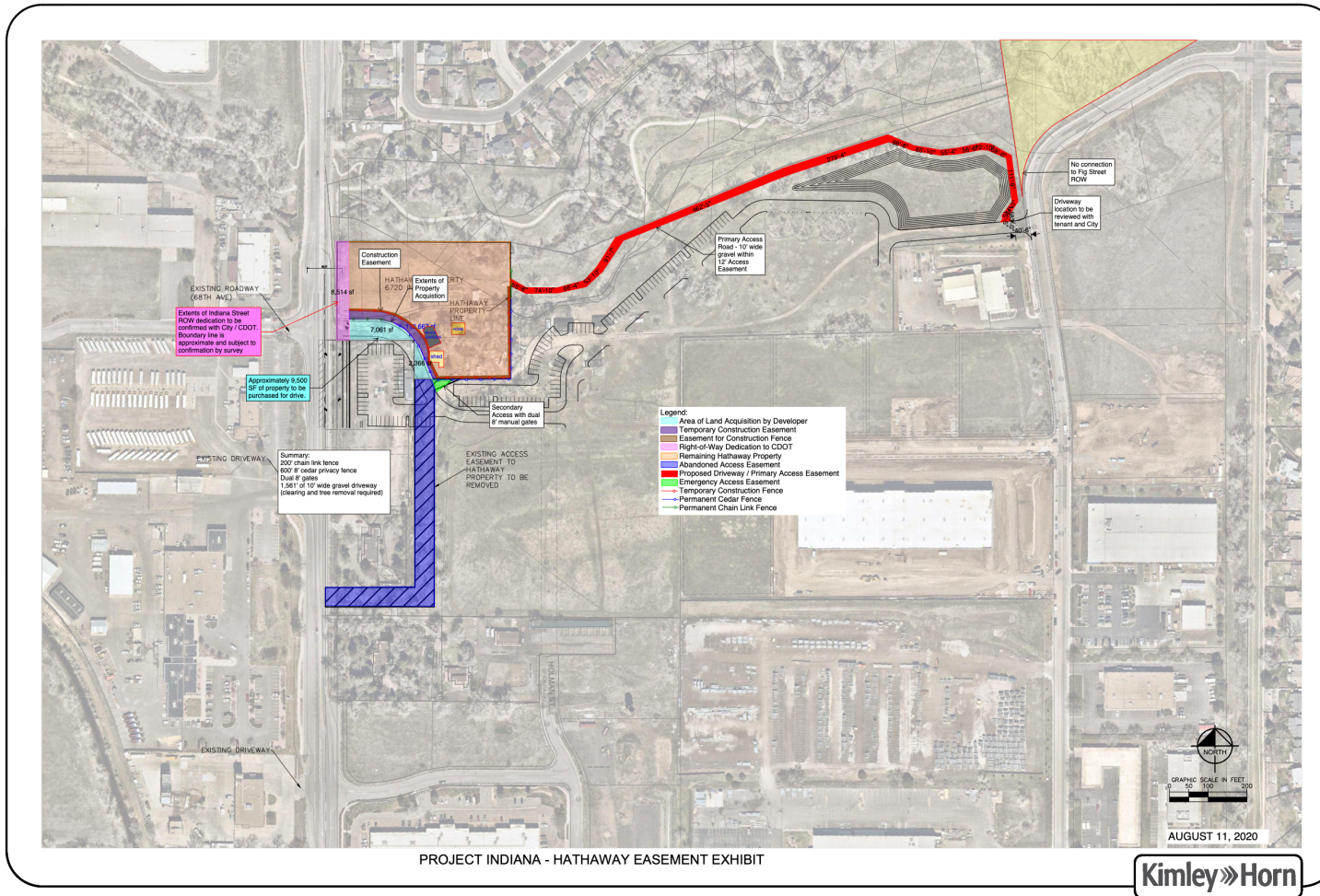
Jeffco's Planning and Zoning referrals dated Jan 26 and Feb. 5, 2021, state the following:

- **The proposal is near Ralston Creek, which is shown to be a riparian area.** The applicant will need to coordinate with the US Fish and Wildlife Service for any development plans in the riparian area.
- **Jefferson County Open Space holds a reverter on Maple Valley Park, which is still intact.**
- **Any use on this land other than for park and open space needs approval from JCOS.**

IMPERVIOUS SURFACE OF PROPOSED AMAZON PROJECT IS MASSIVE

- 25 acres of asphalt parking lots for:
 - 1,016 van parking spaces
 - 292 auto spaces
 - 15 semi-truck trailer docks
 - 12 semi-trailer parking spaces
- A large building covering 2.6 acres
- A fleet of at 531 Delivery Vans
- This will be by far the largest industrial operation in the vicinity of the proposed site.
- No other industrial operation adjacent to the proposed Project has any asphalt parking area rivaling the proposed Amazon lot.
- The Proposed Building will also be the largest in the area.

Proposed Amazon Access at 68th Ave onto Indiana and Hathaway Easement is Cause for Concern.



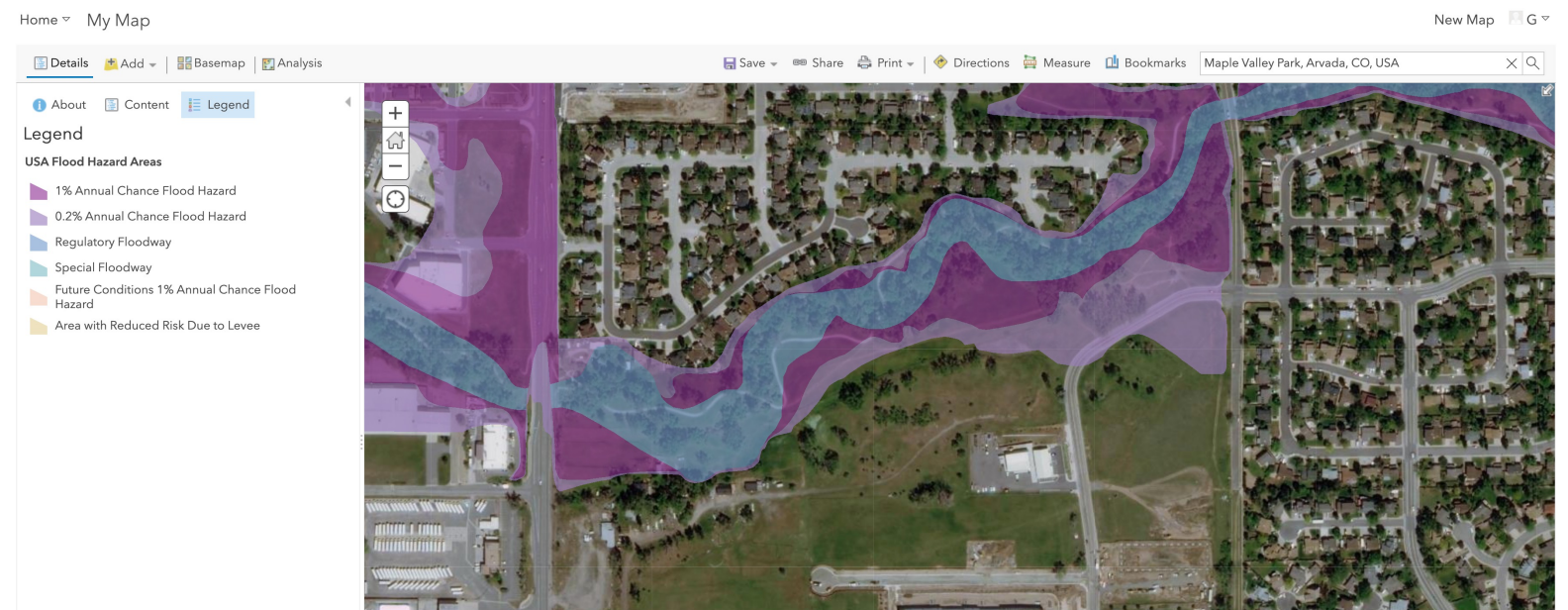
PROJECT INDIANA - HATHAWAY EASEMENT EXHIBIT



WETLANDS AND FLOODPLAIN CONCERNS



More studies need to be done on the proposed development in relation to floodplain/wetlands compliance and impacts to Maple Valley Park and the Ralston Creek Trail.





Here's What We Don't Know...

- **The Stormwater Detention Pond appears to be in the floodplain and the Water Treatment System specifies “sediment only”.**
 - We have asked the Applicant for a Map of the Detention Pond with all the overlays (site plan, floodplain, wetlands, detention pond, contours, Hathaway access road and the Ralston Creek to see exactly where the pond is in relation to the floodplain and these other characteristics.
 - We have asked City Staff why there is no oil/grease/VOC separator required on the detention pond water system to protect Ralston Creek. **No response to date on either of these important items...**
- **STUDIES HAVE NOT BEEN DONE ON THE EFFECTS OF LIGHT, NOISE AND AIR POLLUTION ON WILDLIFE AND HUMANS FROM A 24/7 OPERATION WITHIN CLOSE PROXIMITY.**

REQUESTED ACTION TO ADDRESS STORMWATER CONCERNS

- The stormwater design should include an appropriately sized oil/water separator(s) to capture the nuisance and stormwater flow(s) up to the five-year design runoff event(s) to improve the water quality constituents in the runoff flow(s) reaching Ralston Creek. Further, we request the project proponents and the City of Arvada cooperate on a tertiary stormwater treatment constructed wetland from the project's stormwater outfall point to a point within the floodway of Ralston Creek. The costs of installation of the constructed wetland, replanting, and maintenance should be carried by the project proponents.



Resource Conservation and the Environment

(page 4-12 of Comp Plan)

Key goals and policies of the Arvada Comp Plan are as follows:

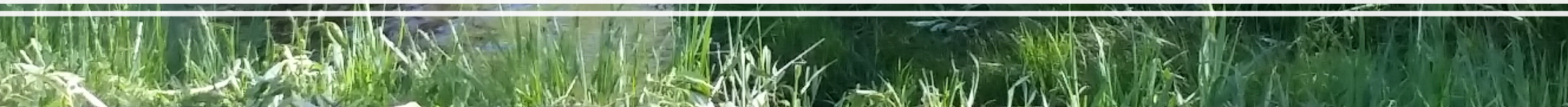
GOAL R-1: “*Minimize the impact of new development on natural areas to allow continued cohabitation of people and wildlife.*”

- **POLICY R-1.1: Buffers and Setbacks.**

“The City will require new developments to provide buffers for creeks, water bodies, existing wetlands, riparian areas, and wildlife corridors to retain water quality and environmental integrity.”



The Applicant's project has failed to demonstrate "No Impact" on the water quality of Ralston Creek or the integrity of Maple Valley Park as a natural area.



DEVELOPER IS REQUIRED TO BUFFER MAPLE VALLEY PARK AND THE RALSTON CREEK

The Applicant, by proposing Maple Valley Park act as the buffer to homes implies the Park Property and Ralston Creek will incur the impacts of the Project Indiana development which is an UNACCEPTABLE USE of an open space park. To reiterate City Policy R1.1 mentioned...

The Community firmly believes this development is required to buffer the Park and the Creek. The Developer must use its own property to create a sufficient buffer to mitigate its impacts to Maple Valley Park and to the residents to the north and east.



Maple Valley Park as Open Space performs Critical Functions in Arvada's Urban Environment

- It provides important floodplain and riparian habitats that are home to numerous species of plants and animals.
- Large old, cottonwoods and thick undergrowth provide high quality habitat for nesting raptors (hawks and owls), songbirds, and various species of mammals.
- High quality native forbs, shrubs, and wetland species along Ralston Creek create a unique plant community that compares favorably to nearby wetland and riparian areas in the Denver area.
- All features combine to attract bird groups, photographers, and others who highly value its natural resources.

(see *Maple Valley Park Ecological Assessment*, CNHP, Feb. 2021)

RECOMMENDATION TO BUFFER PARK

“A buffer for the riparian area is important for the protection of this park in light of proposed adjacent development, including consideration of the hydrologic and chemical impacts of potential increased paved surfaces and nonpoint source pollutant runoff associated with vehicles and urban/commercial development (e.g., metals and hydrocarbons from vehicles, trash, sediment, and nutrients from fertilizers).”

Excerpt from the Maple Valley Park Ecological Assessment, CNHP, Feb. 2021

Maple Valley Park is an Environmental Resource that the City says must be Preserved, Protected, and Improved.

- It is a Neighborhood Park, considered the “backbone of Arvada’s park system.” (*Parks, Trails, Open Space 2016 Master Plan*, p. 37)
- It is part of the Ralston Creek Green Spine Trail, a regional trail, and an important wildlife corridor (Maps 3 and 20)
- It is included in the City’s vision to focus “attention on improving the ecological health of our open space network and waterways to benefit wildlife habitat and outdoor recreation destinations.” (*Master Plan Vision*, p. 4)

The Inappropriate Use of Maple Valley Park as a buffer, will cause the Park to suffer these Disproportionate Impacts

- Construction Impacts to Park and Residents in the Park: Blown dust and dirt, blown trash, construction noise, removal of hundreds of trees, air pollution from diesel machinery, uncontrolled runoff, construction traffic.
- 24/7 Operational Impacts: Anthropogenic sources of light, noise, and air pollution, employee and truck traffic in and out of the facility, stormwater runoff, blown trash.
- Unmitigated impacts will result in further degradation of Ralston Creek due to runoff from impervious surfaces; adverse effects on nesting raptors and songbirds, and especially nocturnal species; decline in food sources for wildlife, including insect populations.

Light Pollution will negatively affect Nocturnal Birds in Maple Valley Park

- Great Horned Owl keeps watch over nest in Maple Valley Park

(Photo taken by Laura Plantell, April 11, 2021)



- Owlets depend on the rich habitat of Maple Valley Park

(Photo taken by Laura Plantell, April 11, 2021)

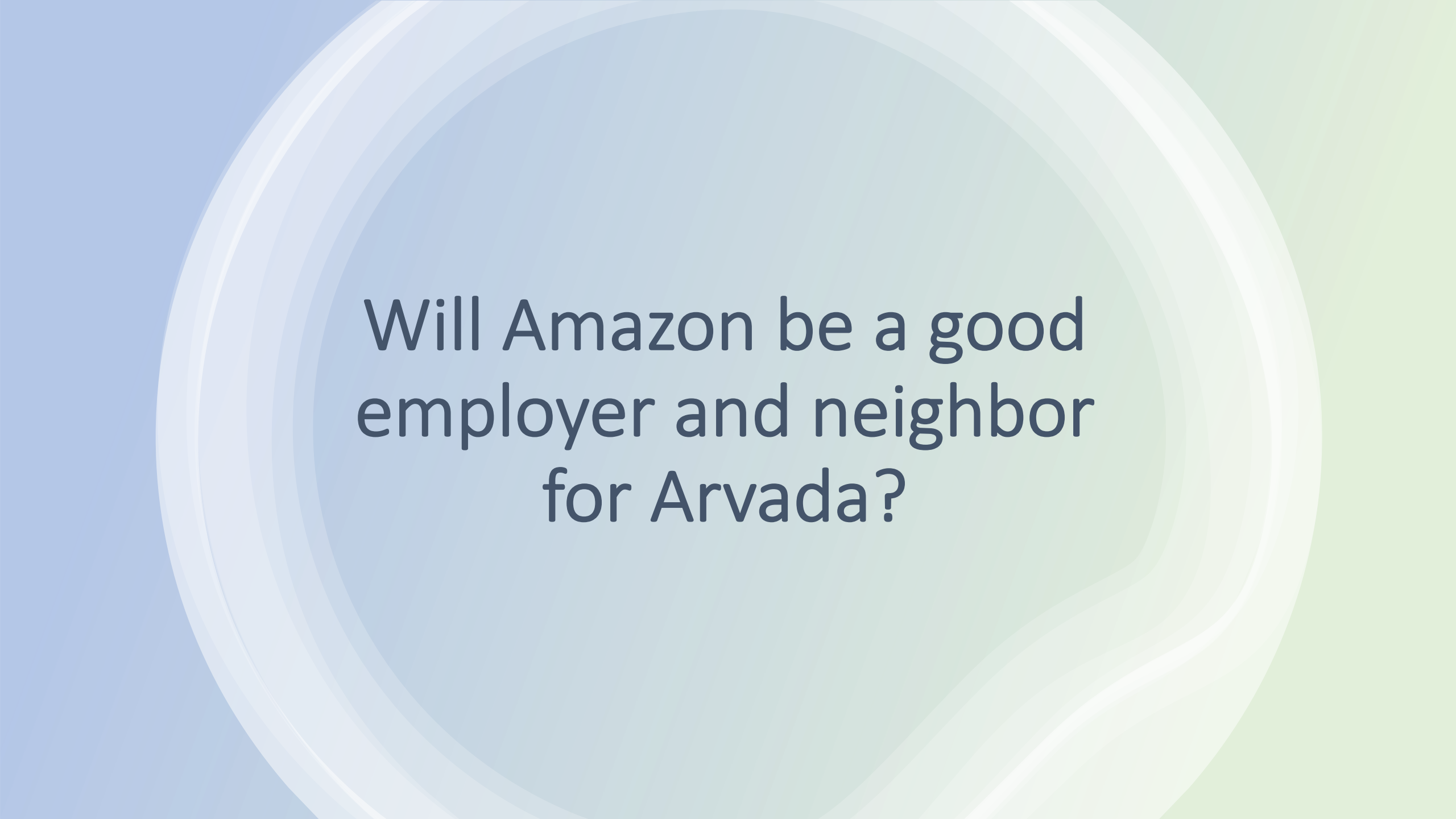


Impacts from Light Pollution

- Scientific research shows that **artificial light at night has negative effects on many creatures, including humans.** *(YourHub.com, April 8, 2021)*
- “Mitigate and minimize sources of anthropogenic light, especially artificial light at night (ALAN). **Anthropogenic light has been linked to catastrophic insect declines (Owens et al. 2020), and impacts to a wide variety of other wildlife species.**” *(Maple Valley Park Ecological Assessment, CNHP, Feb. 2021)*
- The effect of bright parking lot lighting on residences and on wildlife was questioned at the first neighborhood meeting in November. **The Applicant said a photometric analysis would be provided as part of their application. This analysis has not been provided to date.**

Impacts of Noise Pollution

- Researchers have found that people who are exposed over long periods of time to **noise levels at 85 dBA or higher are at a much greater risk for hearing loss.**
- Noise pollution from a 24/7 operation will directly impact the quality of life for nearby residents and wildlife and is more in line with heavy industrial zoning rather than light industrial zoning as proposed.
- Light industrial zoning would likely have daytime business hours, not 24/7 use.



Will Amazon be a good
employer and neighbor
for Arvada?

Amazon medical staff in Thornton faced pressure to reduce care

(The Denver Post 9-29-20)

- In 2019, Amazon fulfillment centers recorded 14,000 serious injuries — those requiring days off or job restrictions. The rate of 7.7 serious injuries per 100 employees was 33% higher than in 2016 and nearly double the most recent industry standard.
- The issues with the 2-year-old Amazon warehouse in Thornton and other facilities around the country are highlighted in a [new report by Reveal from The Center for Investigative Reporting](#).
- A cache of company records obtained by Reveal — including internal safety reports and weekly injury numbers from its nationwide network of fulfillment centers — shows that company officials have misled the public and lawmakers about its record on worker safety.

BUSINESS

Amazon Employees Stage Walkout at Distribution Center Over Working Conditions

Nick Blumberg | April 7, 2021 12:23 pm



The Amazon facility in Gage Park known as DIL3. (WTTW News)

A group of Amazon employees walked out of the mega-retailer's Gage Park distribution center Wednesday morning, calling on the company to stop understaffing the facility and to provide accommodations for people working a 10.5-hour overnight "megacycle" shift.

"We're tired of being used," said Rakyle Johnson of Amazonians United Chicagoland on a livestream. "We work so hard, we give so much to our company ... but they don't give anything back."




Watch and Listen Anywhere, Anytime >



ON TONIGHT

- The Week in Review: Vaccine Eligibility Expanding Monday

TRENDING

- 1 Amazon Employees Stage Walkout at Distribution Center Over Working Conditions 
- 2 Waste Management Out of Blue Cart Recycling Program, City Awards New Contract to Lakeshore Recycling 
- 2 More Room for Plovers as Park 

**TRASH RECEPTACLES ARE USED IN
AMAZON PARKING LOTS AND
APPEAR TO BE OVERFLOWING.**



- In the letter to Jeremiah Bebo dated January 29, 2021 from Kimley Horn this was the Applicant's comment regarding the City's question about trash:

How is trash being managed? Trash receptacle areas must be shown on the site plan and also be included in the architectural elevations if outdoor areas are proposed.

■ *Response: Outdoor trash receptacles are not requested or used by the tenant. All trash will be handled internal to the building, via a loading dock door.*

← **Tweet**

Rep. Mark Pocan Retweeted

The Mehdi Hasan Show @MehdiHasanShow

Amazon apologized to @RepMarkPocan after he called them out over workers urinating in water bottles on the job. "Apologize to your workers," he says. "This is the exact case study of why you form a union...a company that's tone deaf to how they're treating their employees."



6:17 PM · Apr 6, 2021 · Wildmoka

Urine bottle 1 was run over and leaking out



Amazon Warehouse



Urine bottle 2 was full and in storm drainage gutter



Bottles of Urine at nearby Amazon facility – 60th & Washington
 Pictures taken April 1, 2021

Amazon Facility, 4187 Temple City Boulevard in El Monte

What are current neighbors living near Amazon facilities saying?

George Nursement lives app. **300 feet** from the El Monte, CA facility shown.

Mr. Nursement has been complaining about the following Amazon facility nuisances that have been lowering his quality of life and that of his neighbors for five years:

- Truck traffic and noise all night long beginning around 7pm in the evening.
- Truck back-up beepers are disturbing. He can hear the air brakes/trailers dropping. Avg 90-110 dB(A)
- Drivers play loud music and disregard local noise ordinances. They continually throw urine bottles out around the neighborhood.
- Trucks idling noise goes on for long periods while drivers wait to back into a loading dock.
- Mr. Nursement and his neighbors have filed numerous complaints with Amazon, local code enforcement officials, and the police all to no avail.
- Mr. Nursement is a truck driver, so he's not predisposed to complain about truck noise.
- He said most of the trucks are diesel, which is a health concern.
- A nearby business (auto parts distributor) sued Amazon because the truck drivers were continually blocking the driveway to their business.

Amazon Facility

8-10'
Wall



4187 Temple City Blvd. in El Monte, California

**George Nursement
Noise impacts**



Google Earth

7.00 ft

Google Earth

© 2024 Google

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Arvada Code of Ordinances

Chapter 38 - ENVIRONMENT

Sec. 38-34. - Definitions and standards.

- Noise means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- Noise *disturbance* means any sound which annoys, disturbs, or perturbs reasonable persons with normal sensitivities; or which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

- **Sec. 38-91. – Maximum permissible continuous sound pressure level - General.**

	Day	Night
Use District	7:00 a.m.— 9:00 p.m.	9:00 p.m.— 7:00 a.m.
Light industrial	70	65
Heavy industrial	75	75

Site Proximity to Surrounding Neighborhoods



Each red line on the map represents only 500 ft from the Amazon site into the surrounding neighborhoods. Several homes will be in the 250-300 foot range from the proposed site. Open space is directly adjacent and will suffer disproportionate impacts. At this short of a distance, we anticipate light, noise, air and visual pollution will place a substantial negative impact on the open space and residential uses.

Amazon Site Nearly Touches the Ralston Creek Trail



Only 20 ft separates the Amazon site property line from the Ralston Creek Trail. Parking lot proximity is very close to Park.

Noise and air pollution will infringe on the open space, wildlife, and families that enjoy the Park and Trail.

three families living independently of each other. (*Duluth, Ga.*)

A building designed exclusively for or occupied exclusively by no more than three families living independently of each other in three separate dwelling units. (*St. Paul, Minn.*)

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family. (*Santa Rosa, Calif.*)

A dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall. (*Lake Elsinore, Calif.*)

■ **truck** Every motor vehicle, except trailers and semitrailers, designed and used to carry property. (*Norton, Ohio*)

■ **truck, heavy** Trucks, including truck tractors, and similar vehicles with two or more rear axles. (*Portland, Ore.*)

Any truck exceeding a gross vehicle weight rating of 18,500 pounds or any

eas. (*California Planning Roundtable*)

■ **truck stop** A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility. (*Temecula, Calif.*)

A site in excess of two acres providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to restaurants and overnight parking. (*Bernalillo County, N.Mex.*)

Any retail establishment that is greater than 3,500 square feet in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption. A gasoline or service station may be an accessory use to a truck stop. (*Hot Springs, Ark.*)

An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commer-

■ **truck terminal** (See *terminal, truck*)

■ **turning circle** (See also *street, cul-de-sac*) A street segment forming a circle at the closed end of a cul-de-sac street, with a curve radius of 100 feet as measured to the outside line of the right-of-way. (*Gorham, Maine*)

DEFINITION OF A TRUCK

- Planners Dictionary definition as shown in graphic:
 - truck... Every motor vehicle, except trailers and semitrailers, designed and used to carry property.
- Regulatory consistency would appear to require the Amazon Vans be counted as Trucks based on the following:
- Under the Arvada Land Development Code, a “truck” is clearly different and distinguished from a semi-truck, in that the definition of “heavy industry” references trips by “semi-trailer trucks.” (page 11.21)
- As such, a mere “truck” as mentioned in the Light Industry definition (page 11.24) is something different from and less than a semi-truck under the LDC.



truck stop

truck-tractor or semitrailer. (*Loveland, Colo.*)

■ **truck, light** Trucks and similar vehicles with single rear axles and single rear wheels. (*Portland, Ore.*)

■ **truck, medium** Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. (*Portland, Ore.*)

■ **truck route** A path of circulation required for all vehicles exceeding set weight or axle limits; a truck route follows major arterials through commercial or industrial areas and avoids sensitive ar-

cial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. (*Loveland, Colo.*)

Any area of land, with adequate parking, maneuvering, and access for at least three combination tractor trailer vehicles, that may provide for retail sale of diesel fuel and gasoline, restaurant facilities, sleeping quarters, and minor repair facilities. (*Campbell County, Va.*)

VANS ARE TRUCKS

According to the Jeffco DMV, **cargo vans are considered trucks** when registered.

This page from their employee manual is taken from Colorado Statute definitions.

Truck Van is the classification that Jeffco uses. Two seats in the front is still considered 'one seat' and the only way it can be classified as a passenger van is to have seats behind the driver.



VEHICLE BODY STYLE ABBREVIATIONS

These descriptions were derived from the Second College Edition of the American Dictionary, the Standard Catalog of American Cars and Colorado Revised Statutes. Use the one that best describes the vehicle.

- AC- Autocycle
- AM- Ambulance
- AT- ATV
- BU- Bus
- CP- Coupe/2D A two-door passenger vehicle
- CT- Camper Trailer
- CV- Convertible A passenger car with a lowerable or removable top
- HB- Hatchback/Liftback/3D A passenger car with a rear lift-gate
- LM- Limousine
- MC- Motorcycle
- MP- Multi Purpose Trailer
- MH- Manufactured Home
- MT- Motorhome
- PK- Pickup
- PV- Passenger Van
- RD- Roadster An open type passenger vehicle with a single seat
- SD- Sedan/4D A four-door passenger vehicle
- SMM- Special Mobile Machinery
- SN- Snowmobile
- SW- Station Wagon/5D A passenger vehicle with an extended interior, a seat that can be lifted out or folded down, no separate luggage compartment, and has a rear lift gate
- TC- Trailer Coach
- TK- Truck
- TL- Trailer
- TR- Tractor *
- TT- Truck Tractor
- TU- Trailer Utility
- UP- Utility Passenger
- UT- Utility Truck
- VN- Truck Van *****A fully enclosed vehicle (built on a truck chassis) to transport cargo. Usually has only one seat and generally does not have a window in the rear compartment.

Single Fuel Types

- B = Bio-Diesel*
- D = Diesel*
- E = Electric
- G = Gas*
- M = Methanol*

DEFINITION OF A TRUCK

- • Federal Regulation 49 CFR 571.3 defines a Truck as a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.
- State of Colo statutory definition of a truck in CRS 42-1-102(108) and the Model Traffic Code would include a cargo van, such as the vans used by Amazon.
- Arvada Municipal Code has adopted the definitions of the Model Traffic Code. (Arvada, Colorado Code of Ordinances Sec. 54-31)
- Jeffco Dept. of Motor Vehicle registers cargo vans (such as those used by Amazon) as Trucks.
- City Staff has taken the unique position ***opposite of ALL the above*** definitions and considers a truck definition as ***only*** semi-trucks.

DISCRETIONARY ABUSE

Department of Transportation, State of Colorado and Jefferson County recognize cargo vans as a truck. The City of Arvada doesn't have a written definition of a truck.

In the absence of their own definition of a truck, the City of Arvada in this case has disregarded the accepted definitions of a truck in the U.S, State and County and insist a truck is *only* a semi-truck.

The lack of clarity and definition on trucks and not answering the community's concerns around the truck trip totals is cause for concern. This discretion on the truck definition from City staff seems abusive and may require judicial review.

IS THIS SPOT ZONING?

Applicant has not addressed valid community concerns and questions about the intended use 'at capacity' to sufficiently prove compatibility with the current community and character. The 24/7 operations appears to be closer to a heavy logistics center requiring a conditional use and not a light industrial warehouse use as requested.

Staff recommending approval given the lack of community impact studies, the inconsistent info on actual operations and use at capacity, and the number of trucks not sufficiently defined or specified by the Applicant, appears as possible spot zoning which is problematic for the City.

APPLICATION IS INCOMPLETE

Application needs to go back to Staff, and the Applicant needs to comply with the missing items to demonstrate the use is compatible with the surrounding community.

The Petition Group is in OPPOSITION to an INCOMPATIBLE LAND USE and the burden of proof that this use IS compatible falls on the Applicant and thus far compatibility has not been demonstrated.

The 5700+ citizens in the Petition Group are in opposition of adding a 24/7 industrial use in our community adjacent to open space and homes. We are demanding the Applicant Prove Compatibility by Providing the Required Studies and demonstrate how their use will benefit the community and not change the area into a heavy industrial area.

REQUESTED ACTION

—
If a Motion for approval is not tabled because of the incomplete information, we would urge the Commission to identify the following findings of fact as the basis for Denial of the Rezoning of the Project Indiana Application.

FINDINGS OF FACT

- **FINDING #1:** Undisputed traffic information indicates that Truck traffic for the project is in excess of the limits imposed by *Arvada, Colorado Code of Ordinances Sec. 11-3-3-1*.
- **FINDING #2:** The Applicant has not satisfied the burden of proof, as required by code, that the activity at the site will comply with 8-3-4-2A.4 (code articles 1, 3, 4, 5) of the LDC due to its significant adverse impacts on the natural environment and the impacts to neighborhoods surrounding the proposed project site.
- **FINDING #3:** The Rezoning is not consistent with the Arvada Comprehensive Plan because the use proposed will have significant adverse effects on surrounding properties.

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