

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|---|---|--|------------------|
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | | <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | 4545 Cliffedge LLC | Representative Name | Nate Boyer |
| Address | 3746 Perry St. | Address | 3746 Perry St. |
| City, State, Zip | Denver, CO 80212 | City, State, Zip | Denver, CO 80212 |
| Telephone | (209) 352-3820 | Telephone | (209) 352-3820 |
| Email | nate@novumcg.com | Email | nate@novumcg.com |
| *All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4. | | **Property owner shall provide a written letter authorizing the representative to act on his/her behalf. | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address): | 4545 W. 35th Avenue Denver, CO 80212 | | |
| Assessor's Parcel Numbers: | 02302-12-021-000 | | |
| Area in Acres or Square Feet: | 5,800 square feet or .13 acres | | |
| Current Zone District(s): | U-SU-B | | |
| PROPOSAL | | | |
| Proposed Zone District: | U-SU-B1 | | |
| PRE-APPLICATION INFORMATION | | | |
| Did you have a pre-application meeting with Development Services Residential Team? | <input checked="" type="checkbox"/> Yes - if yes, state the meeting date <input type="checkbox"/> No - if no, describe why not | February 2, 2021 _____ | |
| Did you contact the City Council District Office regarding this application? | <input checked="" type="checkbox"/> Yes - if yes, state date and method <input type="checkbox"/> No - if no, describe why not (in outreach attachment) | April 5, 2021 via email _____ | |

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION

| | |
|---|--|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p> | <p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - “Promote infill development where infrastructure and services are already in place” (p. 54). The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): _____</p> |
| <p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p> | <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including Blueprint Denver which recommends “the expansion of accessory dwelling units throughout all residential areas” (<i>Blueprint Denver</i>, p. 84).</p> |

| | |
|--|--|
| <p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p> | <p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-B1</u> Zone District.</p> |
|--|--|

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of Ownership Document (e.g. Assessor’s record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor’s Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney’s Office.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- Written Narrative Explaining Project
- Site Plan/ Drawings (if available)
- Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- Written Authorization to Represent Property Owner(s) (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:

REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

| Property Owner Name(s) (please type or print legibly) | Property Address City, State, Zip Phone Email | Property Owner Interest % of the Area of the Zone Lots to Be Rezoned | Please sign below as an indication of your consent to the above certification statement | Date | Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved | Has the owner authorized a representative in writing? (YES/NO) |
|--|---|--|---|------------|--|---|
| EXAMPLE John Alan Smith and Josie Q. Smith | 123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov | 100% | <i>John Alan Smith</i> <i>Josie Q. Smith</i> | 01/01/12 | (A) | YES |
| Nate Boyer - Owner/Principal 4545 Cliffedge LLC | 4545 W. 35th Ave. Denver, CO 80212 (209) 352-3280 nate@novumcg.com | 33.3% |  | 04/05/2021 | (A) & (D) | No |
| Jim Pfeiffer - Owner/Principal 4545 Cliffedge LLF | 4545 W. 35th Ave. Denver, CO 80212 jim@unum-collab.com | 33.3% |  | 04/05/2021 | (A) & (D) | No |
| Adam Steinbach - Owner/Principal 4545 Cliffedge LLF | 4545 W. 35th Ave. Denver, CO 80212 (720) 467-2947 adam@unum-collab.com | 33.3% |  | 04/05/2021 | (A) & (D) | No |

4545 West 35th Avenue
Denver, CO 80212

Legal Description:

Lots 378 and 379 of the Cottage Hill Land Cos Add to Cottage Hill
Schedule number: 02302-12-021-000

4545 W 35TH AVE

Proof of Ownership

| | |
|--------------------------|--|
| Owner | 4545 CLIFFEDGE LLC 3746 PERRY ST DENVER, CO 80212-1957 |
| Schedule Number | 02302-12-021-000 |
| Legal Description | L 378 & 379 COTTAGE HILL LAND COS ADD TO COTTAGE HILL |
| Property Type | SFR Grade C |
| Tax District | DENVER |

Print Summary

| Property Description | | | |
|------------------------------|---------|----------------------------|--------|
| Style: | 1 STORY | Building Sqr. Foot: | 881 |
| Bedrooms: | 2 | Baths Full/Half: | 1/0 |
| Effective Year Built: | 1896 | Basement/Finish: | 0/0 |
| Lot Size: | 5,800 | Zoned As: | U-SU-B |

Note: Valuation zoning may be different from City's new zoning code.

| Current Year | | | | |
|--------------|--------|------------------|-----------------|-----|
| | Actual | Assessed | Exempt | |
| Land | | \$394,500 | \$28,210 | \$0 |
| Improvements | | \$5,500 | \$390 | |
| Total | | \$400,000 | \$28,600 | |

| Prior Year | | | | |
|--------------|--------|------------------|-----------------|-----|
| | Actual | Assessed | Exempt | |
| Land | | \$394,500 | \$28,210 | \$0 |
| Improvements | | \$5,500 | \$390 | |
| Total | | \$400,000 | \$28,600 | |

Real Estates Property Taxes for current tax year

System Upgrade Underway:

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * 74.195 *

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

| | Installment 1 (Feb 28 Feb 29 in Leap Years) | Installment 2 (Jun 15) | Full Payment (Due Apr 30) |
|--------------------------|--|-----------------------------------|--------------------------------------|
| Date Paid | | | |
| Original Tax Levy | \$1,060.97 | \$1,060.99 | \$2,121.96 |
| Liens/Fees | \$0.00 | \$0.00 | \$0.00 |
| Interest | \$21.23 | \$0.00 | \$0.00 |
| Paid | \$0.00 | \$0.00 | \$0.00 |
| Due | \$1,082.20 | \$1,060.99 | \$2,121.96 |

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

| | | | |
|---------------------------------------|---|-------------------------------------|---|
| Additional Assessment ⓘ | N | Prior Year Delinquency ⓘ | N |
| Additional Owner(s) ⓘ | N | | |
| Adjustments ⓘ | N | Sewer/Storm Drainage Liens ⓘ | N |
| Local Improvement Assessment ⓘ | N | Tax Lien Sale ⓘ | N |
| Maintenance District ⓘ | N | Treasurer's Deed ⓘ | N |
| Pending Local Improvement ⓘ | N | | |

Real estate property taxes paid for prior tax year: **\$2,062.52**

Assessed Value for the current tax year

| | | | |
|----------------------|-------------|------------------------------|-------------|
| Assessed Land | \$28,210.00 | Assessed Improvements | \$390.00 |
| Exemption | \$0.00 | Total Assessed Value | \$28,600.00 |

OPERATING AGREEMENT

of

4545 Cliffedge LLC

This Operating Agreement (the "Agreement") made and entered into this 14th Day of October 14, 2020 (the "Execution Date"),

BETWEEN:

Nathaniel Boyer of 3746 Perry Street, Denver, CO 80212,

and

Jim Pfeiffer

and

Adam Steinbach

(individually the "Member" and collectively the "Members").

BACKGROUND:

- A. The Members wish to associate themselves as members of a limited liability company.
- B. The terms and conditions of this Agreement will govern the Members within the limited liability company.

IN CONSIDERATION OF and as a condition of the Members entering into this Agreement and other valuable consideration, the receipt and sufficiency of which is acknowledged, the Members agree as follows:

Formation

1. By this Agreement, the Members form a Limited Liability Company (the "Company") in accordance with the laws of the State of Colorado. The rights and obligations of the Members will be as stated in the Colorado Limited Liability Company Act (the "Act") except as otherwise provided in this agreement.

Name

2. The name of the Company will be 4545 Cliffedge LLC.

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Denver, CO 80212

12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

1. Consistency with Adopted Plans

The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan.

2. Uniformity of District Regulations and Restrictions

The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety and general welfare of the City.

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

In addition to compliance with the general review criteria stated in Section 12.4.10.7, the City Council may approve an official map amendment if the City Council finds the application meets the following criteria:

4. Justifying Circumstances: (One of the following circumstances exists)

- a. The existing zoning of the land was the result of an error
- b. The existing zoning of the land was based on a mistake of fact
- c. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land
- d. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
 - i. Changed or changing conditions in a particular area, or in the city generally; or,
 - ii. **A City adopted plan**; or,
 - iii. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
- e. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations

5. Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.

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1) Consistency with Adopted Plans:

Comprehensive Plan 2040

- Environmentally Resilient Goal 8, Strategy A- Promote infill development where infrastructure and services are already in place (p.54).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

Blueprint Denver 2019

Future Neighborhood Context Map

Consistency with Adopted Plans: Blueprint Denver 2019



• Urban

The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities. The urban context is walkable due to a predictable street grid in residential areas and the availability of transit and dedicated bike lanes. These areas offer access to neighboring areas and commercial nodes, with some small mixed-use nodes within the neighborhood. Parking is predominately off-street complemented by managed on-street options.

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Future Places Map

Consistency with Adopted Plans: Blueprint Denver 2019



- Residential Low
Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Medium building coverage. Buildings are generally up to 2.5

Growth Area Strategy Map Future Street Type Map

Consistency with Adopted Plans: Blueprint Denver 2019



- Local Street
- All other areas of the city
- Most growth is guided to regional centers, community centers and corridors, select districts and high and medium-high intensity residential areas. Other areas of the city are still expected to see some growth, however more limited.

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04

Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.

GOALS: 1

Accessory dwelling units (ADUs) can add variety to the housing stock in low density residential neighborhoods without significantly changing the existing character. As Denver allows ADUs throughout the city, it is important to understand impacts in areas vulnerable to displacement.

- A.** Study and implement allowances for ADUs—including those attached and detached from the primary home—in all neighborhood contexts and residential zone districts. Use an inclusive community input process to respond to unique considerations in different parts of the city.
- B.** Identify strategies to prevent involuntary displacement—especially in areas that score high for Vulnerability to Displacement—in conjunction with expanding the allowance for ADUs.
- C.** Study and implement a citywide program to expand access to ADUs as a wealth-building tool for low- and moderate-income homeowners.
- D.** Study and implement incentives or requirements for income-restricted ADUs, so they are more likely to provide affordable housing options, and tools to encourage the use of ADUs for long-term housing options, rather than short term rentals.
- E.** A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area.

05

Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.

GOALS: 1, 6

The zoning code already allows ADUs in some areas of the city. ADUs can be attached to the main home, such as a basement unit, or detached. ADUs offer a housing option for residents looking for something smaller than a home, such as seniors who want to age in place. There are opportunities to remove barriers—especially since the cost of constructing a detached ADU is high—and to better calibrate form standards for detached ADUs by neighborhood context.

- A.** Evaluate existing barriers to ADU permitting and construction and revise codes and/or fees to remove or lessen barriers for homeowners. Consider programs and resources to help reduce barriers to ADUs for homeowners, especially in neighborhoods that score high in Reducing Vulnerability to Displacement.
- B.** Revise the zoning code to allow ADUs as accessory to more uses than only single-unit homes.
- C.** Revise detached ADU form standards to be more context-sensitive, including standards for height, mass and setbacks.
- D.** Establish context-specific patterns or templates to facilitate the approval process of detached ADUs.

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Denver, CO 80212

2) Uniformity of District Regulations

The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

3) Further Public Health, Safety, and Welfare

The proposed official map amendment furthers the public health, safety and general welfare of the City. Through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

4) Denver Zoning Code Review Criteria

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

5) Consistency with Neighborhood Context, Zone District Purpose, and Intent

Section 5.2.2 Urban Residential Districts

5.2.2.1 General Purpose

- The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.
- The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form.

5.2.2.2 Specific Intent

- Single Unit B (U-SU-B) is a single unit district allowing urban houses with a minimum zone lot of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots.

4545 West 35th Avenue
Denver, CO 80212

- **Single Unit B1 (U-SU-B1) is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet.** Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard.

4545 West 35th Avenue Denver, CO 80212

Outreach Narrative

Email correspondence has been sent to City Councilwoman Amanda Sandoval of District 1



Jacob Skorka

Mon 4/5/2021 2:55 PM

To: districtone@denvergov.org <DistrictOne@denvergov.org>



To whom it may concern,

I am reaching out to inform you that the company I work for, as well as others, intend on applying for a rezoning of 4545 W. 35th Ave. The legal description for this unit is Lots 378 & 379 of Cottage Hill Land Cos Add to Cottage Hill, schedule number 02302-12-021-000 currently zoned as U-SU-B. We plan on applying to rezone it to be U-SU-B1.

Thank you,



Jacob Skorka
Project Manager I
(505) 604-7152
jacob@novumcg.com

Email correspondences have been sent to the necessary representatives for the Registered Neighborhood Organizations (RNOs)



Jacob Skorka

Tue 4/6/2021 11:05 AM

To: trevgreco@gmail.com; district1NCDen@gmail.com



Hello,

This email is to inform you that we are intending to submit an application to rezone 4545 W. 35th Ave. from its current zoning of U-SU-B to U-SU-B1.

We are currently in the process of gathering all information necessary to make the application process as smooth as possible, and we're reaching out to you to ask if there is any insight you may be able to provide us. Is there any feedback you may have?

Thank you,



Jacob Skorka
Project Manager I
(505) 604-7152
jacob@novumcg.com

4545 West 35th Avenue Denver, CO 80212



Jacob Skorka
Tue 4/6/2021 8:52 AM



To: neighborhoodcoalitionsofdenver@gmail.com; president@denverinc.org

Hello,

This email is to inform you that we are intending to submit an application to rezone 4545 W. 35th Ave. from its current zoning of U-SU-B to U-SU-B1.

We are currently in the process of gathering all information necessary to make the application process as smooth as possible, and we're reaching out to you to ask if there is any insight you may be able to provide us. Is there any feedback you may have?

Thank you,



Jacob Skorka
Project Manager I
(505) 604-7152
jacob@novumcg.com

The RNOs include:

- Inter-neighborhood Cooperation (INC): president@denverinc.org
- Neighborhood Coalition of Denver, Inc.: neighborhoodcoalitionsofdenver@gmail.com
- West Highland Neighborhood Association: trevgreco@gmail.com
- District 1 Neighborhood Coalition, Inc.: District1NCDen@gmail.com