



**TO:** Denver City Council  
**FROM:** Jason Morrison, AICP, Senior City Planner  
**DATE:** June 15<sup>th</sup>, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00232

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Map Amendment Application #2021I-00232.

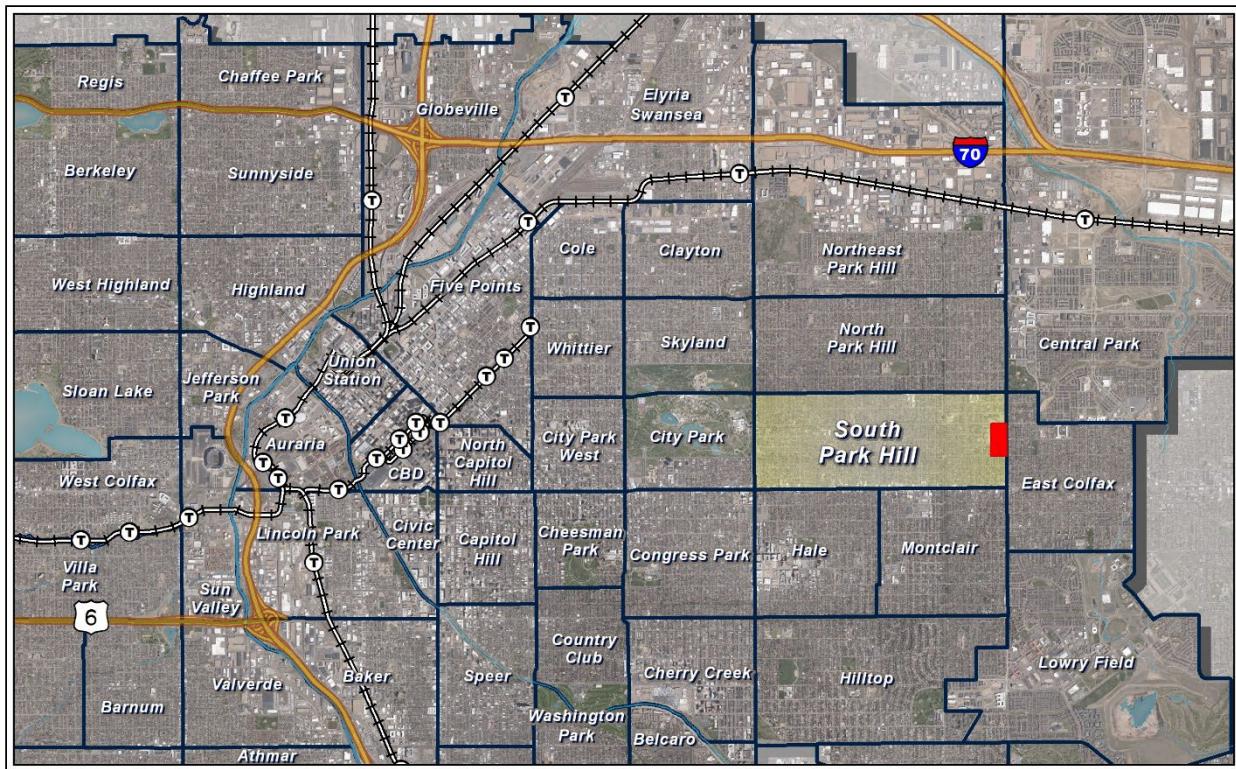
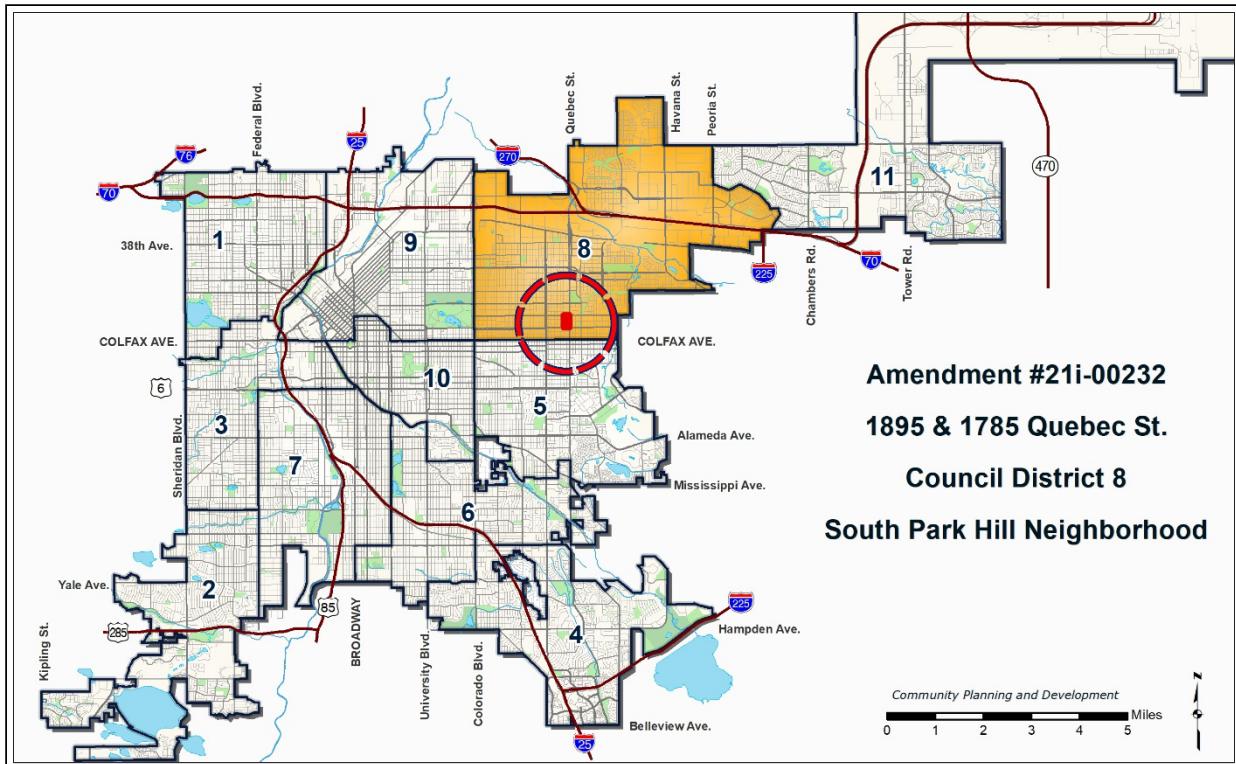
### Request for Rezoning

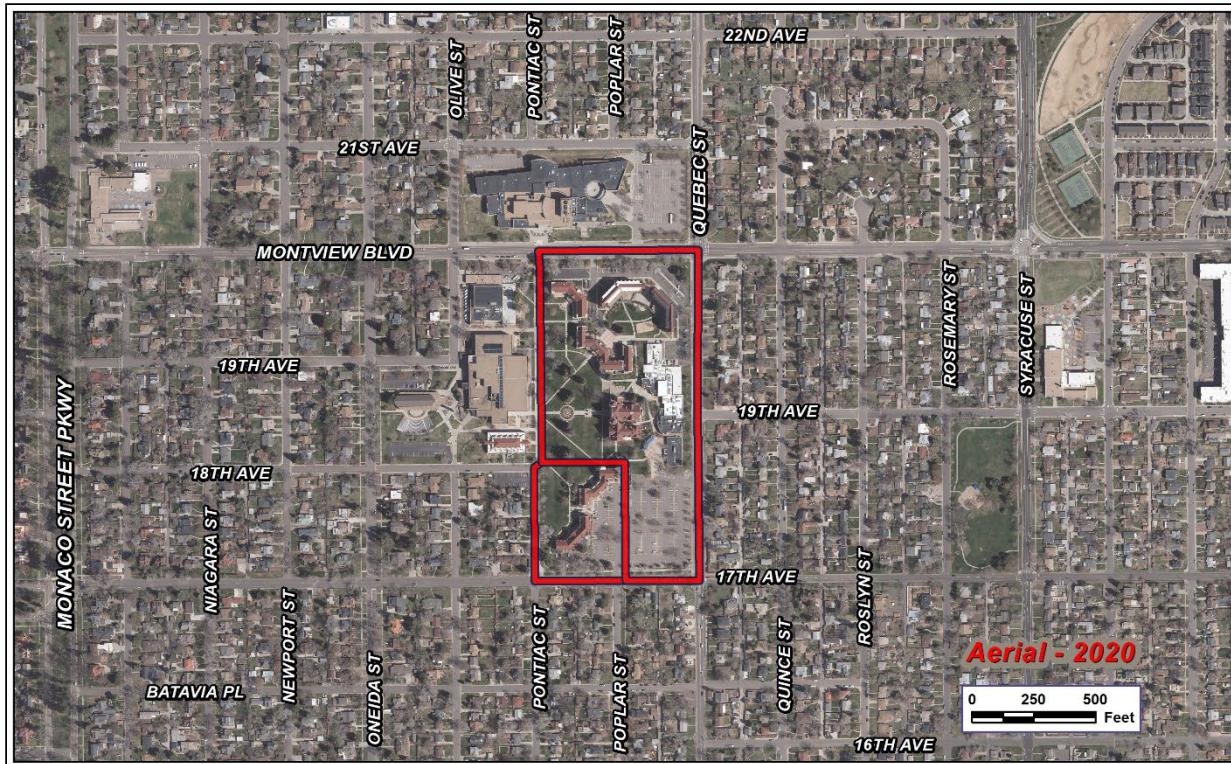
Address:	1895 N. Quebec Street & 1800 N. Oneida Street (and other associated addresses on identified parcels)
Neighborhood/Council District:	South Park Hill Neighborhood / Council District 8
RNOs:	Greater Park Hill Community, Inc., Central Park United Neighbors, Opportunity Corridor Coalition of United Residents, Denver for ALL, East Colfax Neighborhood Association, Master Community Association, District 8 Neighborhood Coalition, Inc., Inter-Neighborhood Cooperation (INC)
Area of Property:	730,678 square feet or 16.76 acres
Current Zoning:	CMP-EI, UO-3
Proposed Zoning:	CMP-EI, w/ waivers
Property Owner(s):	DEP LLC.
Owner Representative:	Will Wagenlander, David Evans and Associates

### Summary of Rezoning Request

- The subject site is in the South Park Hill statistical neighborhood
- In 2021, the approximately 25-acre Johnson and Wales University campus was sold to the Urban Land Conservancy, Denver Public Schools, and the Denver Housing Authority. The former campus includes 13 buildings and a variety of open space. Demolition is not proposed for any of the existing structures but rather these buildings will be adaptively reused for a mix of educational, residential, and other purposes
- The proposed rezoning includes only the east (13.47 acres) and south (3.29 acres) parcels of the former campus
- The proposed zone district is CMP-EI w/ waivers. The CMP-EI Zone District is intended to be applied to institutions and campuses of larger areas and scale, where additional flexibility is desired to accommodate master planned campus elements such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas, and green spaces.
- The applicant is proposing maintain the existing CMP-EI district with the addition of a waiver to allow for the *Food Preparation and Sales, Commercial* use in the Denver Zoning Code which will allow local small business to use the existing industrial kitchens to produce a range of food items. The programming will also allow The Kitchen Network, which is an anticipated tenant on the site, to provide workforce development and training in culinary arts and business management. This use is currently not allowed in the existing CMP-EI Zone District.

## Existing Context





The subject site is comprised of 16.76 acres on the former 25-acre Johnson and Wales University campus in northeast Denver. The eastern and southern parcels of the former campus make up this map amendment request. The subject site is generally defined by Montview Boulevard to the north, North Quebec Street to the east, East 17<sup>th</sup> Street to the south, and North Pontiac Street to the west. The subject site includes 13 educational buildings, and a variety of open space.

The Denver School of the Arts is located across Montview Boulevard to the north, and both Ashley Elementary School and the Odyssey School of Denver are located less than  $\frac{1}{2}$  mile to the east and northwest, respectively. William H. McNichols Park is located  $\frac{1}{4}$  mile to the east and Fred Thomas Park is located approximately  $\frac{1}{2}$  mile to the northeast. The subject site is also located three blocks to the north of local business along East Colfax Avenue. Finally, the site is served by a bike lane along Montview Boulevard and transit service provided by the Regional Transportation Service along North Quebec Street (RTD Route 73).

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	CMP-EI, UO-3	Public/Quasi-Public	Multiple institutional buildings with varying heights and large setbacks. Parking lots and open space throughout	Generally regular grid of streets; North Pontiac Street and East 19 <sup>th</sup> Avenue

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
North	E-SU-DX, UO-3	Public/Quasi-Public	Denver Public Schools, 1-2 stories in height, large setbacks with surface parking	interrupted by Former Johnson and Wales University campus
South	E-SU-DX	Single-Unit Residential	Single-Unit residential buildings, 1-2 stories with moderate setbacks with a mix of curb cuts and garage entrances off alley	Block sizes and shapes are consistent and rectangular to the east and south
East	E-SU-DX	Single-Unit Residential	Single-Unit residential buildings, 1-2 stories with moderate setbacks with curb cuts and garage entrances off alley	Vehicle parking generally to the side or rear of buildings (alley access)
West	CMP-EI, UO-3	Public/Quasi-Public	Multiple institutional buildings with varying heights and large setbacks. Parking lots and open space throughout	

## 1. Large Development Review (LDR)

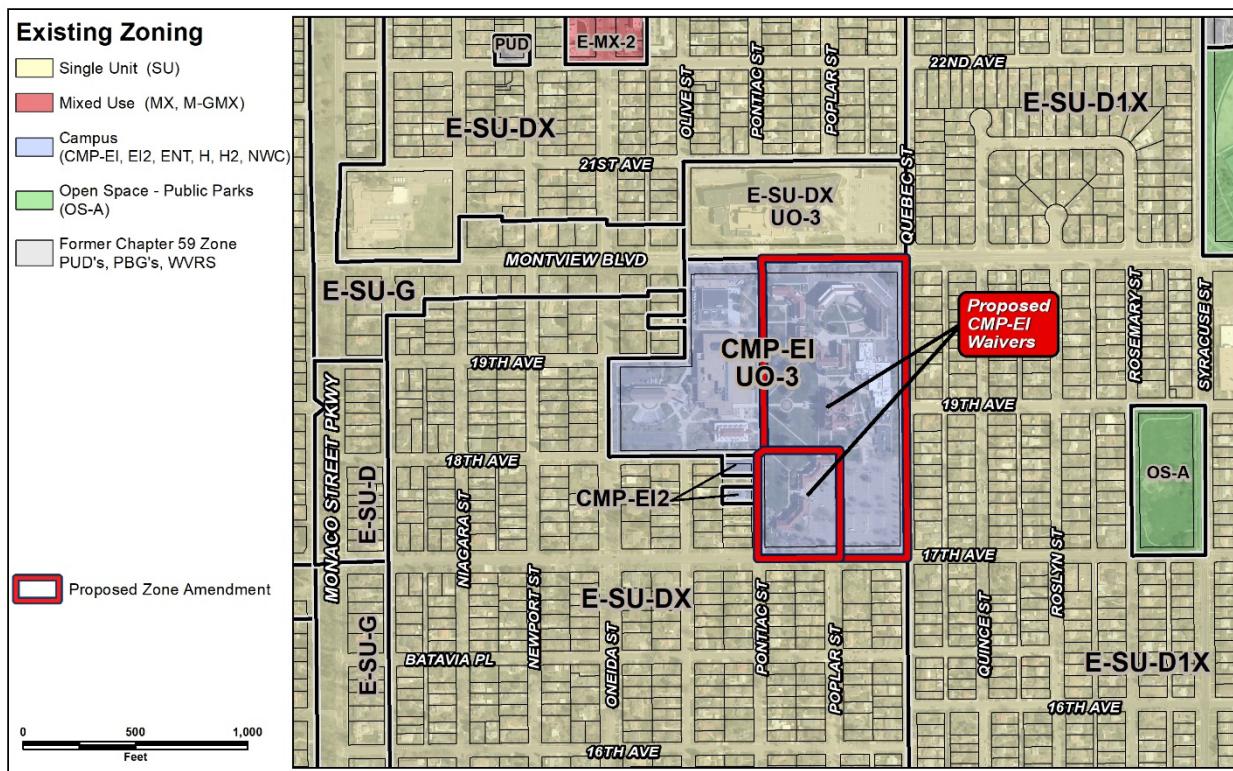
This rezoning application was reviewed by the Development Review Committee to see if the proposal would subject to the Large Development Plan (LDR) process outlined in Section 12.4.12 of the Denver Zoning Code and require the creation of a Large Development Framework. After review, it was determined that the project would be subject to LDR review because the unique programming and size of the property warrant a coordinated master framework process to guide the future redevelopment. The subject area is not part of General Development Plan or other approved regulatory plan that already establishes a coordinated master framework process. Additionally, the redevelopment, open space, housing, and infrastructure issues on the subject property cannot be adequately addressed through other regulatory processes, such as site development plan review. As a result, the applicants are working with Community Planning and Development Staff to outline project requirements and the entitlement process as it pertains to housing, open space, and infrastructure.

Urban Land Conservancy's affiliate entity, DEP, LLC sold Presidents and Founders Halls to Archway Communities on December 21<sup>st</sup>, 2021. Archway Communities also has a purchase option for Johnson and Wales Halls and intends to close on the acquisition of those buildings by the end of 2022. DEP, LLC., retains ownership of the underlying land and will lease to Archway Communities for a period of 99 years to ensure permanent affordability of the housing units. DEP has also leased the Culinary Arts Building and Vail Hall to Kitchen Network to provide public access to commercial cooking and baking equipment, food storage, business development resources, and related services. In the longer term, Kitchen Network requires authorization for a commissary kitchen use, which is not currently permitted within the CMP-EI zone district and requires a rezoning to allow for the *Food Preparation and Sales, Commercial* use.

## 2. Historic District or Structures

The former Johnson and Wales University campus is home to several iconic buildings which honor the history of the campus. Once such building, Treat Hall (aka Centennial Hall), was fully rehabilitated by Johnson and Wales University and is now protected by a façade easement held by Historic Denver. Originally this building was a dormitory, dining hall and contained classrooms for the entire college. It is Richardson Romanesque in architectural style.

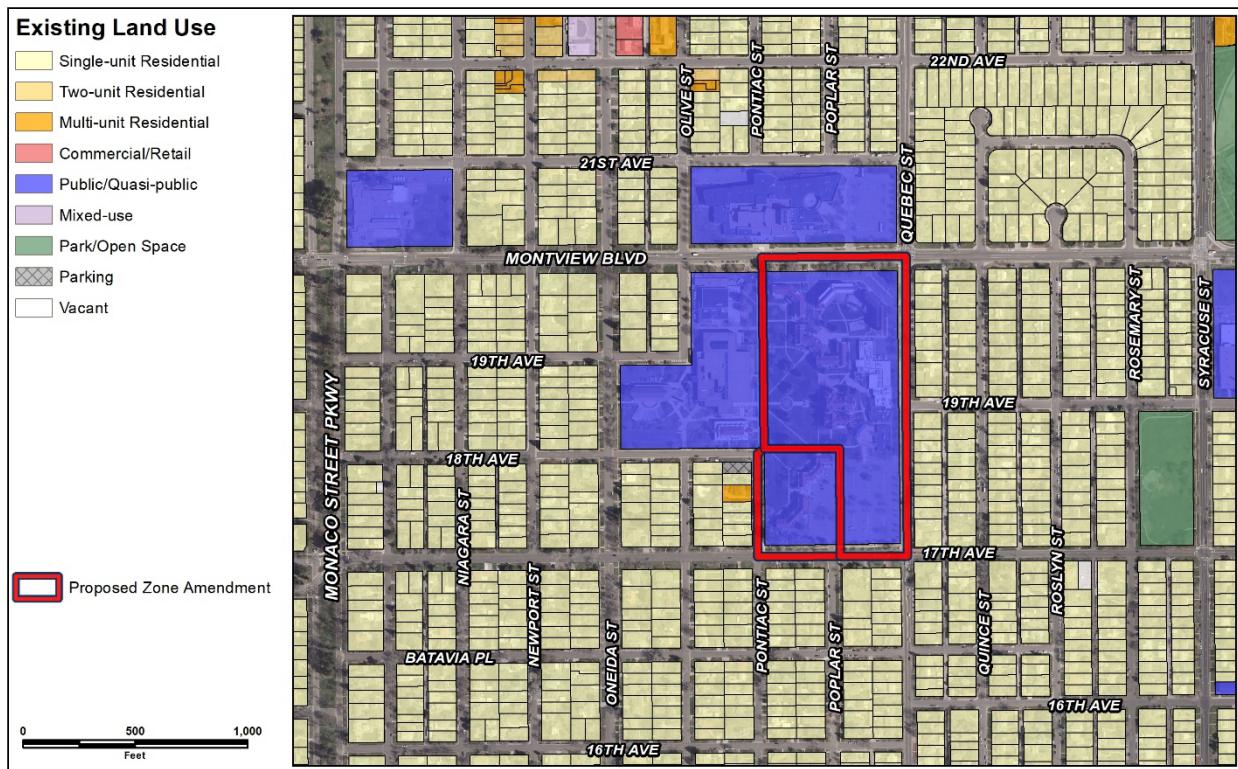
### 3. Existing Zoning



The current CMP-El, UO-3 Zone District is intended to be applied to institutions and campuses of larger areas and scale, where additional flexibility is desired to accommodate master planned campus elements, such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas, and green spaces. The CMP-El Zone District allows for a maximum building height of 150 feet (maximum of 75 feet within 175 feet of a protected district), a minimum primary street setback of 10 feet, and upper story setbacks above 40 feet and when adjacent to a protected district. These regulations allow for the campus use to transition to neighborhoods with primarily single-unit and two-unit uses. This district allows for a variety of educational, residential, and office uses. For additional details of the current zone district, please see Article 9 of the Denver Zoning Code.

Additionally, the Historic Structure Use Overlay (UO-3) applies to the subject site. The intent of this use overlay district is to encourage preservation, protection, adaptive use, and enhancement of historic structures. The overlay also allows for some commercial uses including art studios and bed and breakfast lodging, with limitations. The Historic Structure Use Overlay may only be established in conjunction with an underlying Residential Zone District; therefore, it is not part of the applicant's rezoning request because the requested zone district is a Mixed-Use Zone District. For additional details of this use overlay, please see Article 9 of the Denver Zoning Code.

#### 4. Existing Land Use Map



#### 5. Existing Building Form and Scale

All images are from Google Street View.



*Subject site, facing north from 17<sup>th</sup> Avenue*



*Subject site, facing west from South Quebec Street*



*North of the subject site, facing North from Montview Boulevard*



*East of the subject site, facing east from South Quebec Street*



*South of subject site, facing south from 17<sup>th</sup> Avenue*



*West of subject site, facing east from North Oneida Street*

## **Proposed Zoning**

The requested CMP-EI Zone District is found in the Special Districts context. The CMP-EI Zone District is intended to be applied to institutions and campuses of larger areas and scale, where additional flexibility is desired to accommodate master planned campus elements, such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas, and green spaces. The district is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping, and other site elements while providing compatible transitions between the campus and adjacent neighborhoods (DZC, Section 9.2.4.1). This transition is achieved through a maximum building height of 75 feet when within 125 feet of a protected district, a minimum primary street setback of 10 feet, and upper story setbacks above 40 feet and when adjacent to a protected district. Permitted uses within the CMP-EI Zone District include group living, community center, day care center, eating and drinking establishments, and several other residential, educational, and office uses. Additional details of the CMP-EI zone district can be found in article 9 of the Denver Zoning Code.

The applicant is proposing a waiver to the underlying CMP-EI zoning to allow for the *Food Preparation and Sales, Commercial* use in the Denver Zoning Code which will allow local small business to use the existing industrial kitchens to produce a range of food items. The programming will also allow the Kitchen Network to provide workforce development and training in culinary arts and business

management. While the existing kitchens are allowed in the CMP-EL Zone District as an accessory to the education use, the commissary kitchen use (or use by an outside business) is not currently allowed.

Section 12.4.10.6 of the Denver Zoning Code enables official map amendment applicants to request a waiver of certain rights or obligations under the proposed zone district. This application includes a request for one waiver, as outlined below. Staff finds that this waiver request is consistent with several general Land Use & Built Form and Quality-of-Life Recommendations in *Blueprint Denver*, as well as the *East Area Plan* as explained later in the staff report. Additionally, this waiver request is consistent with Community Planning and Development's policy of using waivers as a bridge to future text amendments to the Denver Zoning Code. The waiver is as follows:

1. Waive the “NP” (Not Permitted Use) zoning allowance and review procedure for the *Food Preparation and Sales, Commercial* use in the Industrial Services use category in District Specific Standards in the Denver Zoning Code Section 9.2.8.5, and instead shall be “L-ZP” (Permitted Use with Limitations subject to Zoning Permit Review). The intent of the waiver is to allow the *Food Preparation and Sales, Commerical* primary zoning use, subject to applicable use limitations and zoning permit review.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized here:

Design Standards	CMP-EI, UO-3	CMP-EI w/waiver
Primary Building Forms Allowed	General	General
Height in Feet (max)	150'	150'
Height within 125' of Protected District (max)	75'	75'
Primary Street Setbacks (min)	10'	10'
Side Interior, Adjacent to Protected District	10'	10'
Upper Story Setback Above 27', Adjacent to Protected District	25'	25'
<i>Food Preparation and Sales, Commercial Use</i>	NP	L-ZP

Denver Zoning Code Section 9.2.8.5 District Specific Standards

## **Summary of City Agency Referral Comments**

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Assessor:** Approved – No Comments

**Asset Management:** Approved – No Comments

**Denver Public Schools:** Approved – No Response

**Department of Public Health and Environment:** Approved – No Comments

**Denver Parks and Recreation:** Approved – No Comments

**Public Works – R.O.W.- City Surveyor:** Approved – No Comments

**Development Services – Project Coordination:** Approved – See Comments Below

1. A Zone Lot Amendment (ZLAM) has been requested by staff to separate the Denver Public Schools portion of the campus into a separate zone lot. At this time, the formal ZLAM application has not been received and the Denver Public Schools portion of the campus is a current owner of the property under rezoning consideration. Approval of the ZLAM is needed before Zoning and Building permits can be issued for the Denver Housing and Archway residential projects proposed for the buildings to the north and south of the proposed commissary kitchen.
2. A separate zoning use permit application will be needed to approve the commissary kitchen uses if the rezoning is approved.
3. Operations of food trucks (for purposes of selling food as a retail operation) require separate permits.
4. Using the north portion of the Culinary arts building for food truck loading creates a potential adverse impact to the proposed residential uses in both Johnson and Wales Halls due to the narrow one-way drive lane and limited turn around loading space. Loading from the south end of Vail Hall provides better turning movements for food trucks on site and into the public right-of-way and is less impactful to the proposed residential uses.

**Development Services - Fire Protection:** Approved – No Comments

**Development Services – Transportation:** Approved – No Comments

**Development Services- Wastewater:** Approved – No Response

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	2/8/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	4/5/2022
Planning Board public hearing unanimous approval:	4/20/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	4/18/2022
Land Use, Transportation, and Infrastructure Committee of the City Council moved the bill forward:	5/3/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	5/31/2022
City Council Public Hearing:	6/20/2022

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received no other public comment letters.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

#### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements

#### **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *East Area Plan (2019)*

##### **Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The application notes that the proposed rezoning will allow for the creation of commissary kitchens which will be available for a diverse range of users and small businesses. Improving access to this type of flexible and in-demand facility will allow both startup and established food-oriented businesses the space to grow, learn, and provide culturally relevant food for east Denver and other communities. The rezoning is, therefore, consistent with the following strategies in the **Equitable, Affordable, and Inclusive** vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy C – *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food, and the arts* (p. 28).
- Equitable, Affordable and Inclusive Goal 9, Strategy C – *Promote and encourage use of the Denver Public Library system, community centers, schools and other resources that provide opportunities for life-long learning* (p. 30).

The application states that the addition of the *Food Preparation and Sales, Commercial* use to the CMP-El Zone District will provide a more complete neighborhood that provides additional services along with a healthy diversity of employment opportunities. Additionally, this proposed rezoning only introduces an additional use to the former Johnson and Wales University campus and will not require demolition to any of the existing structures on the former campus. The adaptive reuse of these culinary buildings will allow the campus character to continue well into the future. Finally, the anticipated addition of new employees, educational uses, incubation spaces, and community-serving food and beverage services will contribute to the community's mix of employment and commercial services, leading to a more economically stronger and resilient neighborhood. The rezoning is, therefore, consistent with the following strategies in the **Strong and Authentic** vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- Strong and Authentic Neighborhoods Goal 3, Strategy E – *Support the stewardship and reuse of existing buildings, including city properties* (p. 34).
- Strong and Authentic Neighborhoods Goal 4, Strategy A – *Grow and support neighborhood-serving businesses* (p. 34).

According to the application, The Kitchen Network was specifically created to develop, support, and assist in the creation of food-oriented businesses. The introduction of the *Food Preparation and Sales, Commercial* use will provide small businesses the necessary space and equipment required for long-term longevity by significantly reducing the high-overhead costs often associated with starting a new food-oriented business. This type of commissary kitchen use is in short supply in Denver and the addition of this type of space will help fill a market gap and diversify east Denver's economy. Finally, the application notes that one of the guiding principles of The Kitchen Network is learning and job training for youth and young adults interested in starting their career in the food industry. The introduction of this use to the CMP-EI Zone District will allow professionals from The Kitchen Network to share best practices to support, teach, and grow Denver's future entrepreneurs and vibrant food economy. The rezoning is, therefore, consistent with the following strategies in the **Economically Diverse and Vibrant** vision element:

- Economically Diverse and Vibrant Goal 1, Strategy A – *Improve economic mobility through workforce training, career development, quality education and wealth creation.* (p. 46)
- Economically Diverse and Vibrant Goal 2, Strategy B – *Facilitate the growth of a diverse business sector that serves as the foundation for a global, innovative economy* (p. 46)
- Economically Diverse and Vibrant Goal 3, Strategy A – *Promote small, locally-owned business and restaurants that reflect the unique character of Denver* (p. 46)
- Economically Diverse and Vibrant Goal 3, Strategy C – *Address the needs of culturally relevant businesses that are most vulnerable to involuntary displacement* (p. 46)
- Economically Diverse and Vibrant Goal 6, Strategy A – *Create partnerships between employers and educators to directly connect students to entrepreneurs and business leaders.* (p. 47)
- Economically Diverse and Vibrant Goal 10, Strategy C – *Spur innovation and entrepreneurship across food and agricultural industries.* (p. 48)

The proposed waiver will maintain current CMP-EI zoning code standards on the subject site, ensuring quality development that is appropriate for the neighborhood and adjacent to transit services. Additionally, the introduction of the *Food Preparation and Sales, Commercial* use will contribute to a more complete food system that provides small and emerging food businesses with a place to grow. It is anticipated that this will promote economically resilient businesses that provide a diversity of food items and services for the community. Finally, as previously stated, The Kitchen Network will be adaptively reusing existing buildings, kitchens, and equipment in these new culinary facilities. The introduction of this use through the proposed waiver will not require additional land or buildings which will help to facilitate adaptive reuse and infill development where infrastructure and buildings are already in place. The rezoning is, therefore, consistent with the following strategies in the **Environmentally Resilient** vision element:

- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place* (p. 54).
- *Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods* (p. 54).
- *Environmentally Resilient Goal 10, Strategy B – Expand and preserve regional food system assets and infrastructure* (p. 54).

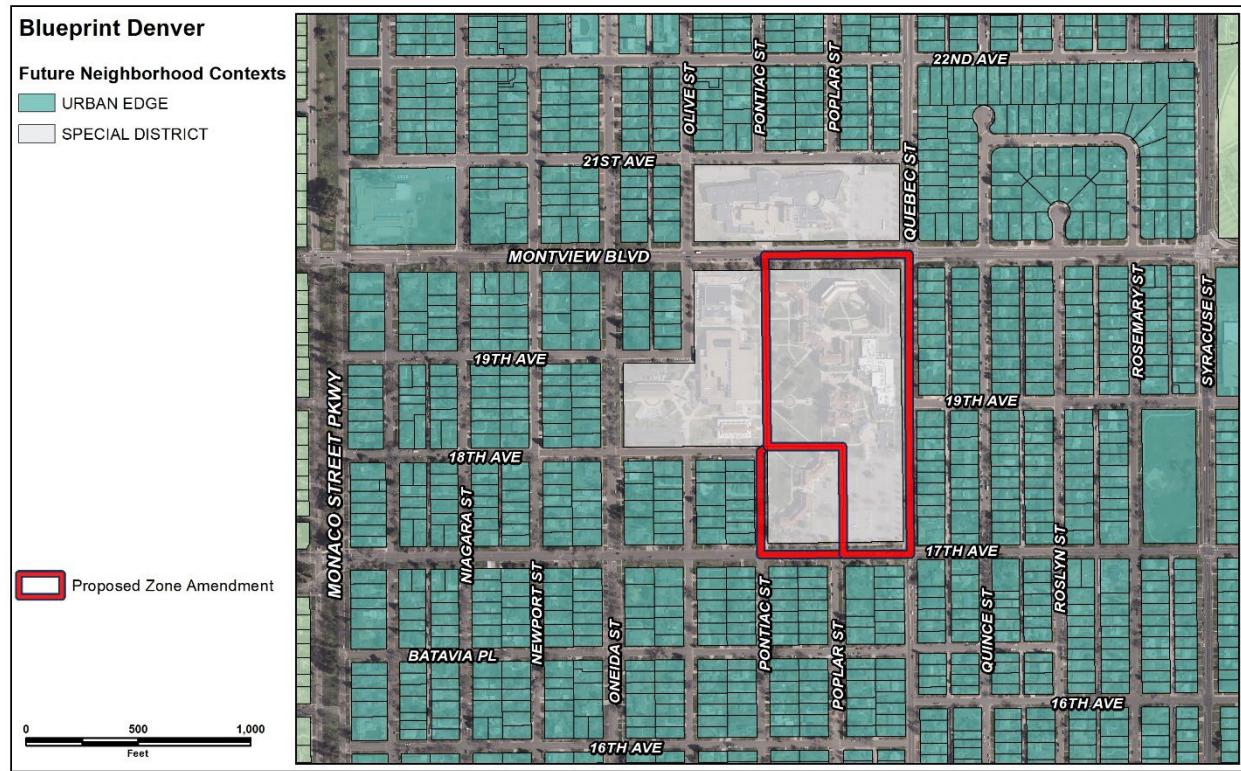
According to the application, the introduction of the *Food Preparation and Sales, Commercial* use will allow a wide range of businesses and users equitable access to the commissary kitchens. Many of these businesses are operated by owners from diverse backgrounds and the commissary kitchens are an important resource for these food entrepreneurs. It is anticipated that The Kitchen Network's east Denver location will provide these users with the resources and space needed to successfully create culturally diverse food options. The rezoning is, therefore, consistent with the following strategies in the **Healthy and Active** vision element:

- Healthy and Active Goal 3, Strategy B – *Expand community food production and sharing* (p.58).

### Blueprint Denver

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject site as "Campus" within the "Special District" neighborhood context and provides guidance from the future growth strategy for the city.

#### Blueprint Denver Future Neighborhood Context

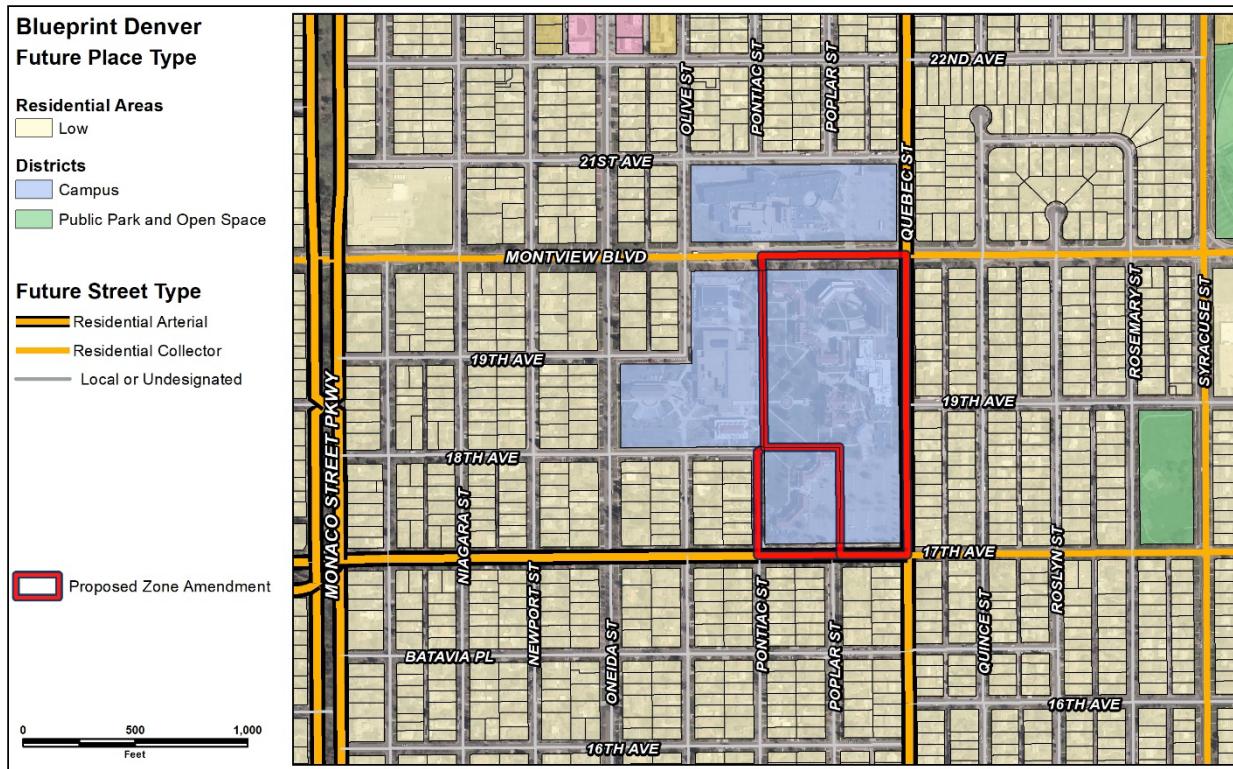


The subject property is shown on the context map as the Special Districts neighborhood context. The Special Districts neighborhood context is described as "areas that serve a specific purpose, usually highly specific based on uses, such as education, industry or healthcare" (p. 137). Campus buildings vary greatly in size and form and multi-story, single-use and mixed-use buildings are typical.

The CMP-EI Zone District is intended to be applied to institutions and campuses of larger areas and scale, where additional flexibility is desired to accommodate master planned campus elements, such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas, and green spaces.

The proposed rezoning is appropriate and consistent with the Special District context plan direction as it will allow for the adaptive reuse of existing buildings and introduce a new community-serving and educational use in a campus setting. Although the former Johnson and Wales Campus will no longer serve one designed purpose, the adaptive reuse of existing buildings with the expanded use allowance of *Food Preparation and Sales, Commercial* use will help maintain and further promote for the vision for a unique campus feel. Existing building forms vary in height and intensity and respond to the surrounding community. CMP-EI includes form standards that limit height adjacent to protected districts, ensuring an appropriate transition to the adjacent single-unit context.

#### Blueprint Denver Future Places



The Future Places map shows the subject property as part of a Campus area within the Districts context. *Blueprint Denver* describes these areas as having a “primary purpose such as education or medical services. These environments often provide retail, restaurants, offices and residential uses to support the primary use and serve the surrounding neighborhoods” (p. 291). When adjacent to lower intensity development, campuses should transition gradually to respect the surrounding neighborhood.

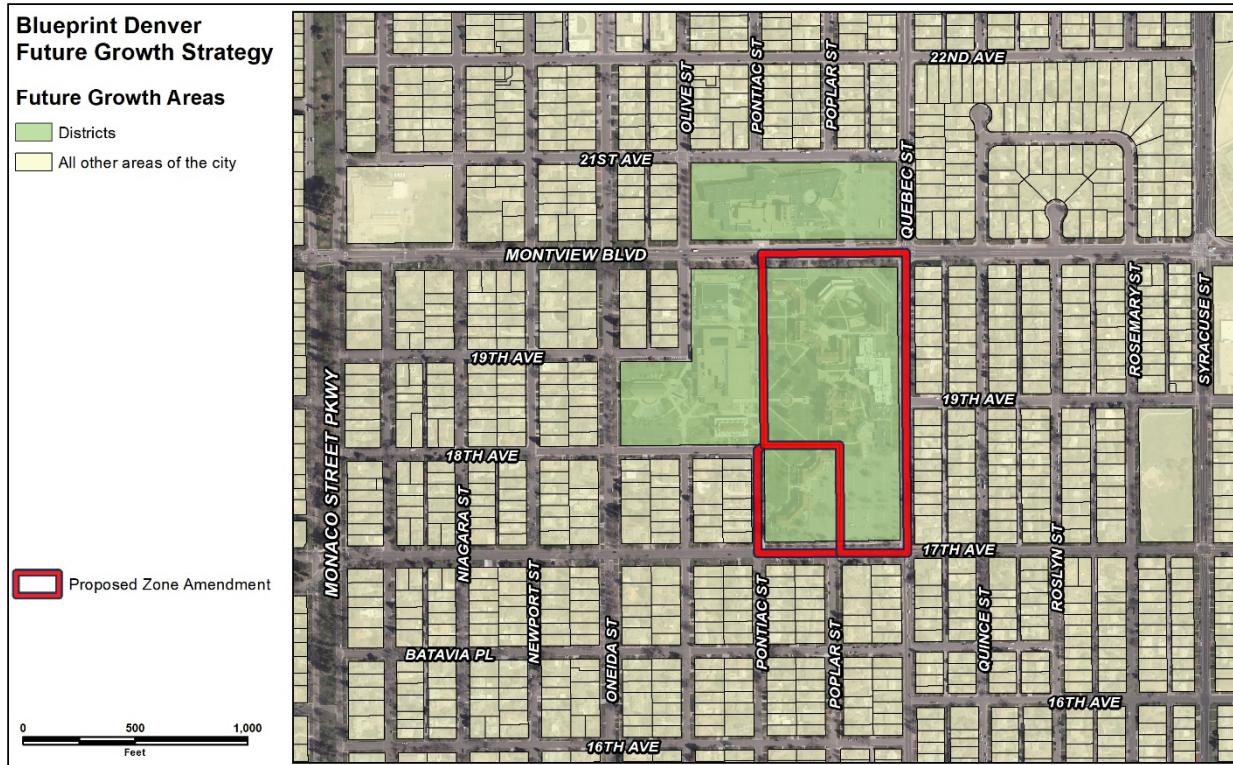
The CMP-EI Zone District will continue to serve as a transition to neighboring single-unit and two-unit uses within the neighborhood. Furthermore, the introduction of this new use to the CMP-EI Zone District will allow professionals from The Kitchen Network to share best practices to support, teach, and grow Denver's future entrepreneurs and vibrant food economy. Concurrent with proposed office use and affordable housing on the subject site, it is anticipated that the addition of new employees, educational uses, incubation spaces, and community-serving food and beverage services that will result from this rezoning will contribute to the community's mix of employment and commercial services. The proposed rezoning to CMP-EI w/ waivers is appropriate and consistent with the Campus plan direction and will provide community access to educational, residential, and restaurant services.

#### Street Types

*Blueprint Denver* street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). The subject site is generally bounded by Montview Boulevard to the north (Residential Collector), Quebec Street to the east (Residential Arterial), and East 17<sup>th</sup> Avenue to the south (Residential Arterial). Residential Collector streets collect movement from local streets and convey it to the arterial streets. Residential Arterial streets "are designed for the highest amount of through movement and the lowest degree of property access" (p. 154). These streets contain primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

The proposed CMP-EI Zone District is designed to transition between more intense campus districts and adjacent residential districts, and because it enables both residential and quasi-public uses, the proposed CMP-EI Zone District is consistent with this plan direction for this location and is appropriate along the existing Residential Collector and Residential Arterial Street.

### Growth Strategy



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the "Districts" growth area, these areas are anticipated to see around 5% of new housing growth and 15% of new employment growth by 2040 (p. 51).

The proposed map amendment to CMP-El w/ waivers is consistent with the Districts growth area in that it will allow a broad range of educational, residential and job opportunities. The application further notes that the optimal location of this use provides multimodal access and a variety of transportation choices to future users, customers, and employees.

### Other Applicable Blueprint Denver Policy Recommendations and Strategies

#### **Redevelopment of Institutional Sites**

*Blueprint Denver* provides strategies to implement zoning code revisions to facilitate the compatible redevelopment of institutional sites within neighborhoods. Land Use and Built Form: General Policy 6, Strategy B says,

*"Consider changes to the zoning code that would allow greater land use flexibility for these types of sites that vacate, such as appropriately scaled higher-density housing or limited neighborhood services. This approach could require adaptive reuse of existing structures in exchange for*

*greater land use flexibility or requirements for providing community improvements such as affordable housing, open space or community-serving spaces" (p.75).*

Additionally, Strategy D says, "Study potential revisions to the campus zone districts to better reflect the intent of these districts to apply to true, actively functioning campuses" (p.75).

The application notes that the departure of the Johnson and Wales University has created the opportunity to reimagine a "new campus" that combines the former site's singular focus on education with new community-serving affordable housing, employment, education, and retail uses. The addition of the *Food Preparation and Sales, Commercial* use to the CMP-EI Zone District furthers these strategies by contributing to a truly mixed-use campus that envisions to be community-centered rather than inwardly focused. The addition of commissary kitchens will help to reactivate the former campus and is responsive to the region's current economic conditions.

### **Healthy Foods and Active Living**

*Blueprint Denver* provides strategies to improve access to healthy foods to support community health outcomes. Quality-of-Life: General Policy 8, Strategy A says, "Evaluate city regulations to remove barriers to community-supported agriculture and to expand access to fresh food and produce" (p. 122).

With the addition of the *Food Preparation and Sales, Commercial* use to the CMP-EI Zone District, the Kitchen Network can bring together food related organizations to provide workforce development and training, culinary arts, and business management to east Denver. In addition to providing much needed vocational and job training, these commissary kitchens will provide the community with the support and training of an organization committed to business incubation and the production and access of healthy foods.

### **Custom Zoning**

*Blueprint Denver* provides the following direction on how to limit the use of custom zoning including waivers: "Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area" (p. 73).

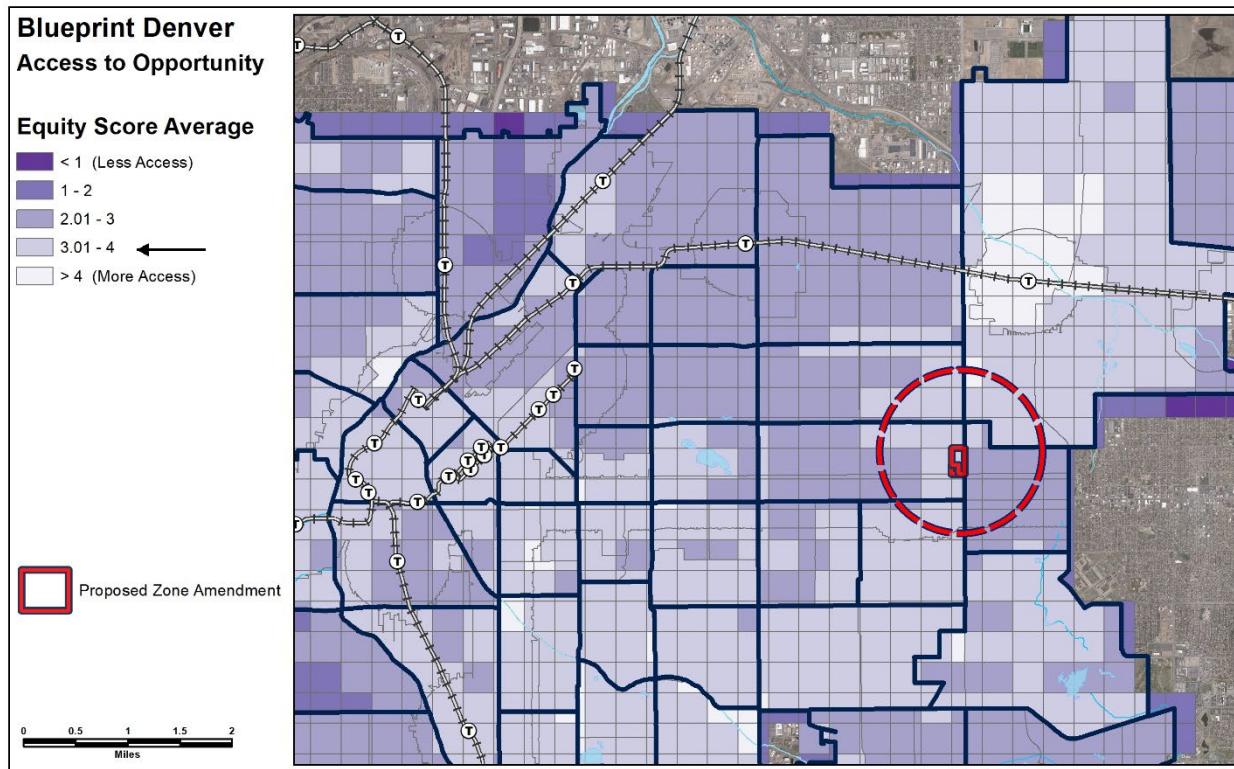
The waiver to allow for the *Food Preparation and Sales, Commercial* use will assist in implementing Land Use and Quality-of-Life recommendations found in *Comprehensive Plan 2040*, *Blueprint Denver*, and the *East Area Plan*. The proposed waiver supports the recommendation to explore code changes that allow more flexible uses on vacant institutional sites and other recommendations that support food access and small businesses. Furthermore, this request is a unique and extraordinary opportunity to rethink and reactivate the former Johnson and Wales University campus without impacting the campus' existing contextual relationship with the surrounding community. Therefore, the use of a standard district with waivers is consistent with the recommendations of *Blueprint Denver*.

### **Equity Concepts**

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions. This evaluation, also known as an equity analysis, identifies gaps related to equity that should be considered and addressed as part of the Large Development Review and/or rezoning processes. A more detailed equity analysis will be included in the signed Large Development Framework.

#### **Access to Opportunity**

The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city.



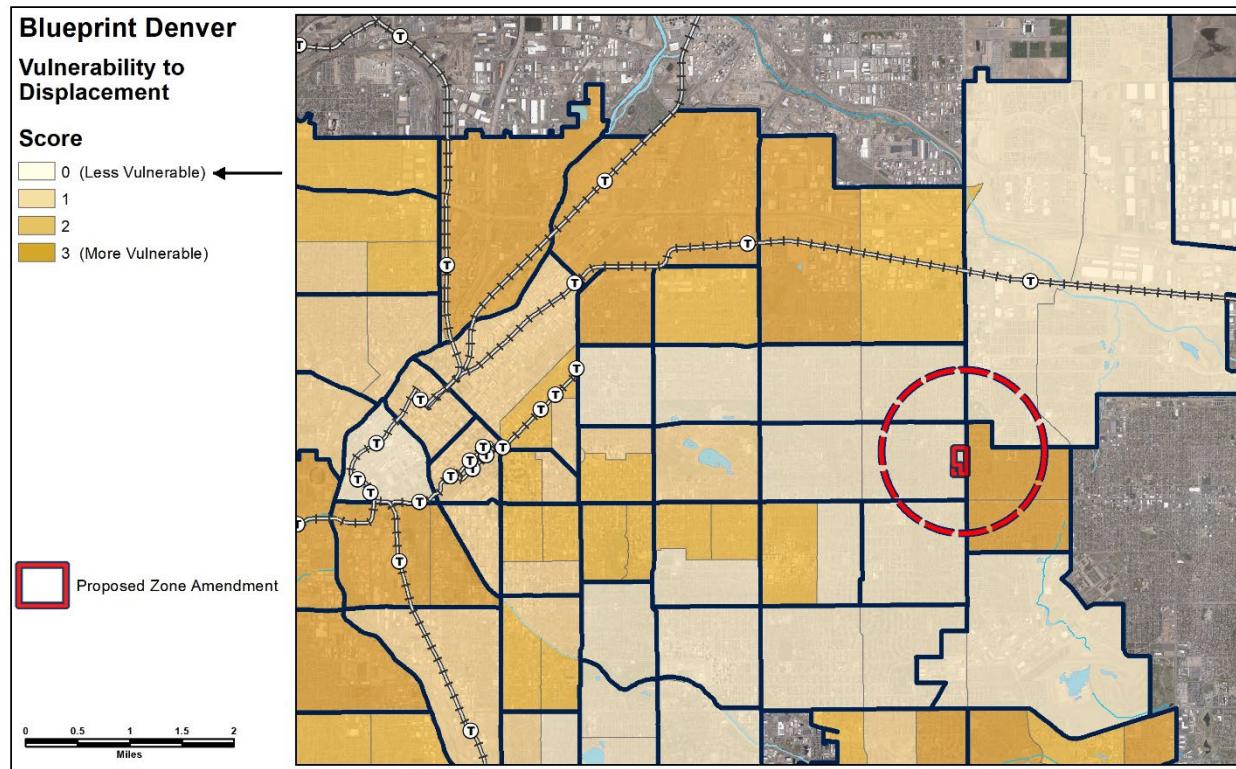
The subject property is in an area with high access to opportunity, specifically for the neighborhood equity index measurement (social determinants of health, access to healthcare, childhood obesity and life expectancy). The area has a more moderate score when it comes to the built environment measure (access to parks and access to fresh food), including a score of zero for access to transit.

The proposed rezoning to CMP-El w/waivers will introduce the *Food Preparation and Sales, Commercial* use and it is anticipated that this will provide much needed access to commercial cooking and baking

equipment, business development resources, and fresh food for the growing residential population in the South Park Hill neighborhood. Additionally, by maintaining the CMP-EL base zone district the applicant is exploring commitments to preserve public access to existing campus open space areas and intends to keep existing campus walkways accessible to the community, thus improving the access to parks measurement. Finally, the area is less equitable when it comes to access to transit because the area is more than  $\frac{1}{2}$  mile from high-capacity and frequent transit. Through both the rezoning and the Large Development Review process, the applicant has committed to working with the City of Denver and other campus partners to create a walkability analysis to identify additional pedestrian opportunities both inside and outside of the campus to improve access to adjacent transit lines. The applicant has also committed to providing bicycle parking areas and maintenance areas to improve bikeability to transit and high frequency rail service in the area which will help to strengthen the score for this equity indicator.

#### Vulnerability to Involuntary Displacement

The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by the Denver Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree.

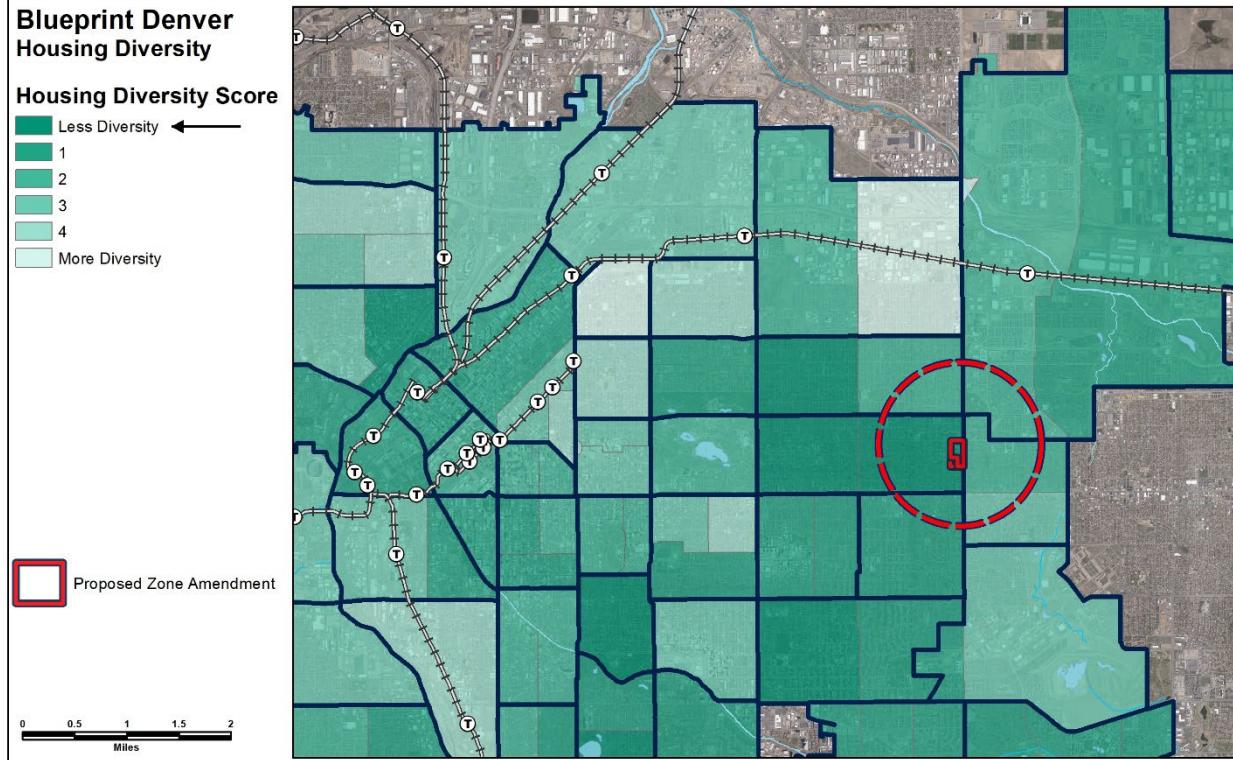


The subject site is in an area that has low vulnerability to involuntary displacement. However, in areas with low vulnerability to involuntary displacement it is important to maintain affordable housing options

so that residents of all income levels can continue to live in these neighborhoods especially when adjacent to more vulnerable neighborhoods like the East Colfax Neighborhood across North Quebec Street. The existing educational facility on the subject site no longer serves one specific use but no new redevelopment is proposed through this rezoning. Nevertheless, the introduction of *Food Preparation and Sales, Commerical* use will allow the applicant to provide food-focused vocational training and education for future residents and the surrounding neighborhood. Additionally, an affordable housing agreement is being developed concurrent with this rezoning through the Large Development Review process. Once formalized, this agreement will ensure the provision of for-rent affordable housing units on the subject site. These affordable units will be available to households of diverse income levels, dispersed equitably throughout the site, and sized to accommodate a variety of households. The supply of these affordable housing options is key to encouraging a complete neighborhood where families and households of all types and incomes can choose to live. This voluntary affordable housing commitment helps strengthen the application's consistency with *Blueprint Denver*. Staff finds that this rezoning application will not have a negative impact on this measurement and that no housing or business will be displaced as a result of its approval.

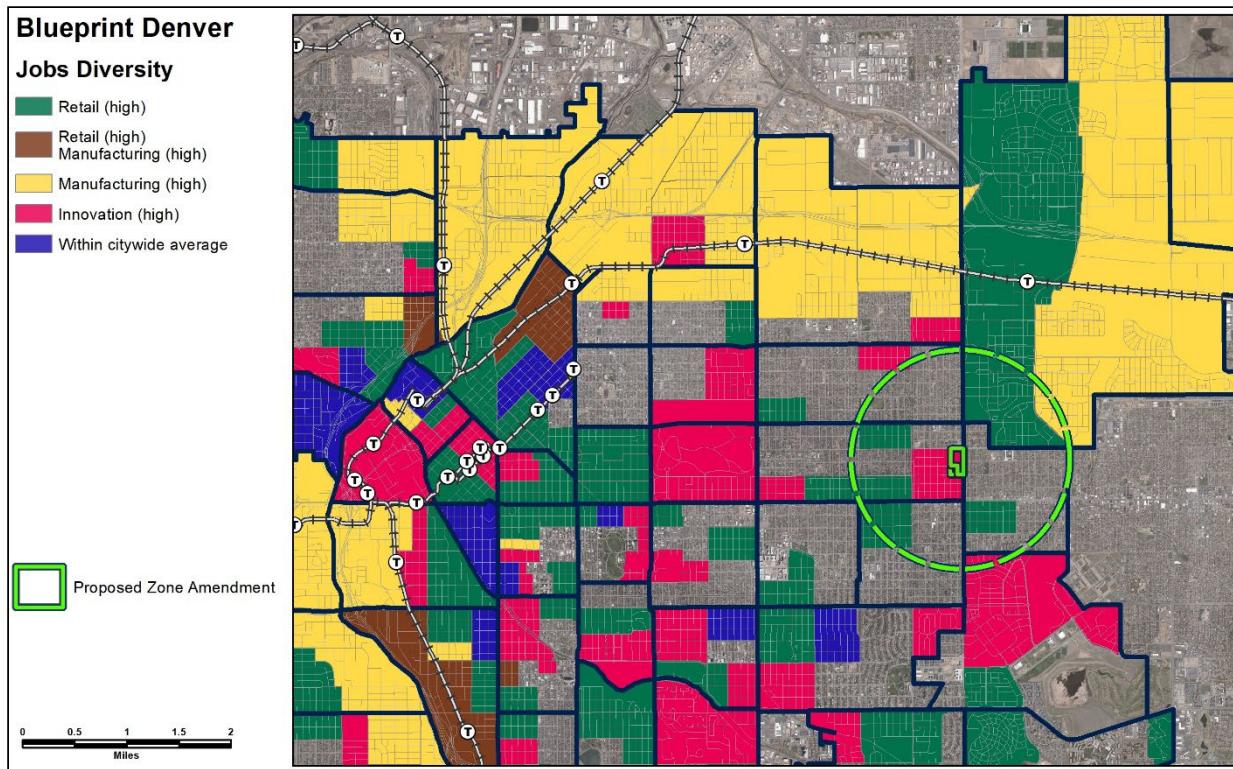
#### Expanding Housing and Jobs Diversity

The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units.



The subject site is in an area that has below-average housing diversity. In fact, the area scores low on all the indicators mentioned above. Although the current rezoning application to allow the *Food Preparation and Sales, Commercial* use doesn't propose residential uses, multi-unit residential is an allowed use in the existing and proposed base zone district – CMP-EI. Maintaining this base zone district has allowed for the provision of affordable multi-unit housing on the former Johnson and Wales campus through a voluntary housing agreement as described above. These units will provide one-to-three-bedroom income-restricted rental units which will improve all the housing diversity metrics including: missing middle housing, diversity of bedroom count per unit, owners to renters, and income restricted units. Staff finds that this rezoning application will promote a positive impact on the housing diversity metrics in this area.

#### Expanding Jobs Diversity



The map above shows the mix of jobs in an area with the dominant industry depicted by color. The subject property has a job mix that is dissimilar to the city's overall mix of job types with a greater emphasis on innovation jobs. As a result, there are less-than-average job diversity scores for manufacturing and retail jobs in the area.

The applicant is proposing a waiver to allow for the *Food Preparation and Sales, Commercial* use which will allow local small business to use the existing industrial kitchens to produce a range of food items. The programming will also allow the Kitchen Network to provide on-site workforce development and training in culinary arts and business management creating a more inclusive range of employment

options, thus improving the area's low jobs diversity score. Staff finds that, on balance, this rezoning application will have a positive impact on the area's jobs diversity.

### **East Area Plan**

The *East Area Plan* was adopted by Denver City Council in 2020 and contains a framework plan for the entire rezoning area. The plan addresses key neighborhood needs like helping local businesses remain and thrive, affordable housing, preserving the diversity of East Colfax Avenue as well as neighborhood architecture, trees, and open spaces. The plan also includes several general recommendations that make it easier and safer to get around east Denver.

In addition to the general plan recommendations, the *East Area Plan* provides several specific recommendations relevant to the former Johnson and Wales University Campus and the South Park Hill neighborhood. At the time of adoption, Johnson and Wales University continued to operate at this location and the plan noted that the campus played an important role in the South Park Hill community as a major employer and educational institution. Continued use as an educational campus is supported by the *East Area Plan* and if a new property owner proposed to change the use from an educational campus, more detailed planning and community outreach would be required.

As previously mentioned, the Large Development Review process is applicable to the subject site and has introduced a coordinated master framework process to guide the future redevelopment. As mentioned previously, the applicant is not anticipating a major redevelopment of the site. Rather, they are proposing to adaptively reuse buildings while maintaining the campus environment and buildings. The proposed rezoning is consistent with the vision of supporting continued educational uses on the site. As part of the LDR process, a community information meeting was held in September of 2020 for the South Park Hill community. During the meeting, the applicant demonstrated how the proposed rezoning and overall redevelopment carries forward many general recommendations in the *East Area Plan* including:

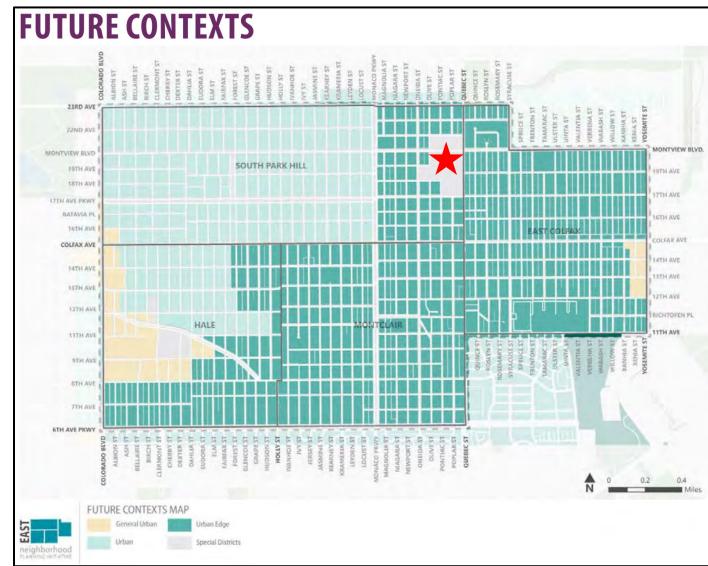
- Preservation of campus character, including publicly accessible open space
- Housing affordability
- Safe and convenient transportation for a variety of modes
- Community serving uses and incubator spaces
- Employment, education, and job training
- Access to healthy food and public events
- Adaptive reuse of existing buildings

The proposed rezoning maintains the campus zoning on the site with a waiver that expands access for small businesses and promotes healthy food access. Therefore, it is consistent with the vision set forth *East Area Plan*.

### **East Area Plan Future Context and Future Place Maps**

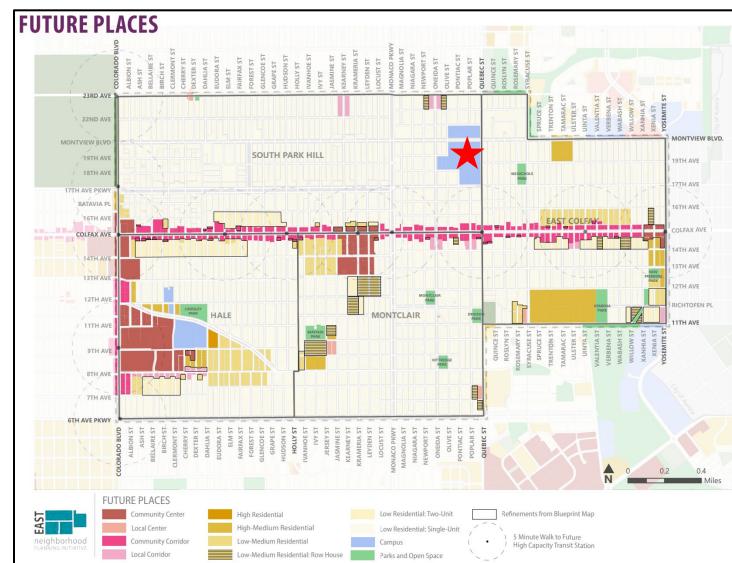
Consistent with the *Blueprint Denver* mapping and analysis (detailed earlier in this staff report), the subject site is mapped as "Special District" on the Future Context Map in the *East Area Plan*. The Special Districts neighborhood context is described as "areas that serve a specific purpose, usually highly specific based on uses, such as education, industry or healthcare". These areas typically contain large

schools, hospitals, large parks, and civic spaces. In the East Area, districts include: Rose Medical Center and surrounding medical uses, Johnson & Wales University campus, and Denver School of the Arts.



Although the former Johnson and Wales Campus will no longer serve only one specifically designed purpose, the preservation of existing buildings, maintenance of existing open space, and incorporation of affordable housing and the *Food Preparation and Sales, Commercial* use will help maintain and further educational uses and promote for the vision for a unique campus feel.

Consistent with the *Blueprint Denver* mapping and analysis (detailed earlier in this staff report), the subject site is mapped as “Campus” on the Future Context Map in the *East Area Plan*. The *East Area Plan* notes that these areas are typically dominated by a single, large institutional user where some supporting retail and residential uses may occur.



The introduction of this new use to the CMP-EI Zone District will allow professionals from The Kitchen Network to teach and grow Denver's future entrepreneurs and vibrant food economy. It is anticipated that the addition of new employees, educational uses, incubation spaces, and community-serving food and beverage services that will result from this rezoning will contribute to the community's mix of employment and commercial services. The CMP-EI w/ waivers district will also continue to allow residential uses as it does today.

Staff finds that the proposed rezoning to CMP-EI w/waivers is consistent with the general recommendations in the *East Area Plan* as well as the specific recommendations for the former Johnson and Wales University campus and the Park Hill Neighborhood.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to CMP-EI w/waivers will result in the uniform application of zone district building form, use, and design regulations on this site.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans. In addition to facilitating the preservation and reuses of some of the existing structures on the former campus, the application notes that the proposed waiver to allow for the *Food Preparation and Sales, Commercial* use will add new employees, educational uses, incubation spaces, and community-serving food and beverage services that will contribute to the community's mix of employment and commercial services. As such, a broadened mix of uses and mobility improvements can provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can be accessed within walkable and bikeable distances.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4., *"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: b. a City adopted plan."*

The application cites the recently adopted *East Area Plan* and many of the general Land Use and Quality-of-Life recommendations found in *Blueprint Denver* as a justifying circumstance for this proposed rezoning. This new plan guidance encourages potential revisions to the campus zone districts to better reflect needs of the community and documents an increasing demand for affordable housing, open space, and new community-serving uses such as the *Food Preparation and Sales, Commercial* use. The proposed rezoning will allow the flexibility to facilitate investment and continued active use while preserving the existing buildings on the former campus. The updated plan guidance for this area and the

changing conditions justifies the rezoning to allow additional uses and reinvestment in the public interest.

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

The Campus Context generally consists of midsize to large medical, institutional, educational or entertainment sites (DZC Section 9.2.1). The context allows flexible placement of buildings and a unified treatment of site elements like signage, landscaping, and open space. The context may have transitional areas that taper off in intensity towards adjacent residential neighborhoods, or they may be adjacent to more intense development. Buildings may be oriented either to a street, or to an internal courtyard, or to an open space area and building massing varies with greater massing generally interior to the site. In this district the General primary building form is the only allowed building form. The Campus Context often has high levels of access to the multimodal transit system.

The CMP-EI Zone District is intended to be applied to institutions and campuses of larger areas and scale, where additional flexibility is desired to accommodate master planned campus elements, such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas, and green spaces. (DZC Section 9.2.4.1).

Staff finds that the proposed rezoning to CMP-EI w/waivers is consistent with the Neighborhood Context Description and Zone District Purpose and Intent Statements because the proposed rezoning will maintain the varying height, building orientation, and publicly accessible open space currently found on the subject site. Furthermore, the introduction of the *Food Preparation and Sales, Commerical* use and preservation of open space will allow the former campus to expand community-serving uses and preserve the vision for a unique campus feel.

### **Attachments**

1. Application (including proposed waiver)



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	DEP LLC
Address	1600 North Downing St. Ste 300
City, State, Zip	Denver, Colorado 80218-1533
Telephone	720.440.4523
Email	Erin Clark <eclark@urbanlandc.org>
*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(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Representative Name	David Evans and Associates, Will Wagenlander
Address	1600 Broadway, Ste 800
City, State, Zip	Denver, Co 80202 <span style="float: right;">+</span>
Telephone	720-989-3010
Email	wjw@deainc.com
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	

SUBJECT PROPERTY INFORMATION	
Location (address):	1895 N. Quebec Street (East Campus) & 1800 N. Oneida Street (South Campus)
Assessor's Parcel Numbers:	0132400006000 (East Campus) & 0132400007000 (South Campus)
Area in Acres or Square Feet:	586,970 (13.47 Ac)(East Campus) & 143,708 (3.29 Ac)(South Campus) <span style="float: right;">+</span>
Current Zone District(s):	CMP-EI (Both East and South Campuses)

PROPOSAL	
Proposed Zone District:	CMP-EI with Food Preparation and Sales, Commercial waived in to allow for Commissary Kitchen Uses for both the East and South Campuses

PRE-APPLICATION INFORMATION	
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Jason Morrison, 12/2/2021</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Call with Councilperson Herndon on 12/23/21,</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)



## REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>Consistency with Adopted Plans:</b> 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>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040</i>'s a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>Uniformity of District Regulations and Restrictions:</b> 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 type="checkbox"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezonings: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> 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"><li>a. Changed or changing conditions in a particular area, or in the city generally; or</li><li>b. A City adopted plan; or</li><li>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</li></ul> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>



## REZONING GUIDE

Rezoning Application Page 3 of 4

## 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 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.
- Review Criteria Narratives. See page 2 for details.

## ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- 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 a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

- Park Hill Campus LDR Community Information Meeting Report



## REZONING GUIDE

Rezoning Application Page 4 of 4

## 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 In- terest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification state- ment	Date	Indicate the type of owner- ship docu- mentation provided: (A) Assessor's record, (B) war- ranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner autho- rized a represen- tative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/12/20	(A)	YES
Erin Clark, Esq.   Vice President of Master Site Development <del>DEPL, LLC, c/o URBAN LAND CONSERVANCY</del>	1600 Downing Street, Suite 300, Denver, CO, 80218 eclark@urbanlandc.org	53%	<i>E. Clark</i>		B	YES
David Nisivoccia, Denver Housing Authority	1035 Osage St Denver, Co 80204 dnisivoccia@denverhous- ing.org	13%	<i>David Nisivoccia</i> <small>David Nisivoccia (Dec 30, 2021 13:11 MST)</small>		B	YES
Jim Carpenter, Denver Public Schools	SCHOOL DISTRICT NO 1 1860 N LINCOLN ST DENVER, CO 80203-7301	34%	<i>J. Carpenter</i>	1/3/22	B	YES
						YES



## Rezoning Waiver(s) and/or Condition(s) Request Form

PROPERTY OWNER/ APPLICANT INFORMATION			
Property Owner/ Applicant Name	DEP LLC, 1600 North Downing st. Ste 300, Den, CO 80218-1533		
SUBJECT PROPERTY INFORMATION			
Address of property to be rezoned that waiver is requested	1895 N. Quebec Street (East Campus) & 1800 N. Oneida Street (South Campus)		
Current Zone District:	CMP-El		
Requested/Proposed Zone District:	CMP-El with "Food Preparation and Sales, Commercial" waived in		
BACKGROUND AND INSTRUCTIONS			
Section 12.4.10.6 of the Denver Zoning Code (DZC) authorizes the City Council to adopt waivers or reasonable conditions to an Official Map Amendment at the request of the applicant, provided the applicant approves such waivers in writing.			
In the first column of the table below, list the current code section (as it is today in the DZC) that is requested to be modified in the proposed zone district. In the second column, write the proposed alternative standard. In the third column, list the difference between the existing and proposed, if applicable. In the fourth column, provide justification or reasoning on why the current standard can't be met and a waiver/condition is necessary and justified.			
If requesting more than one waiver, repeat on the second page. Once completed, submit with your rezoning application or return to your case manager via email.			
Once the rezoning request with waivers is approved by City Council and adopted, the waivers cited below shall apply to all successors and assigns of the property, who along with the present owner(s), shall be deemed to have waived all objections as to the constitutionality of these provisions.			
WAIVER REQUEST			
Current Standard	Proposed Waiver	Difference between current and proposed standard	Justification
Example: DZC Sec. 3.3.4.5.A Detached accessory dwelling unit - minimum lot size 8,500 sq. ft.	Waive minimum lot size requirement from 8,500 sq ft to 7,000 sq ft for detached accessory unit in the S-SU-D1 zone district	A reduction of 1,500 sq. ft. to the minimum lot size in the S-SU-D1 zone district	There currently is not a zone district that allows for ADU's on parcels smaller than 8,500 sq. ft. in the Suburban Context. The subject parcel is 7,000 sq. ft. in size.
DZC Sec.9.2.8.5, District Specific Standards, pp 9.2-64:  Industrial Services: Food Preparation and Sales, Commercial  "Not Permitted" in CMP-El	Waive in "Food Preparation and Sales, Commercial" to existing CMPI-El district to allow for commissary kitchen uses in existing culinary buildings for the use of the Kitchen Network	Would permit commercial food preparation and sales in a district where the use is not currently permitted	BuCu West Kitchen LLC will use the existing kitchen, laboratory, classroom, office, and dining spaces within the Culinary Arts Building and Vail Hall that were previously used by the Johnson & Wales University culinary school and will be East Denver extension of their Westwood facility. Bringing together food related organizations to provide workforce development and training in research and development, culinary arts, and business management. No physical changes or demolition activities are planned for either of the existing buildings. The Kitchen Network requires authorization for commissary kitchen use, which is not currently permitted within the CMP-El zone district. To ensure financial viability of Kitchen Network's operations at this location, approval of the full commissary kitchen (through the waving in of Food Preparation and Sales, Commercial use) use must be achieved by June 8, 2022. (see required rezoning narratives for additional detail)

Last updated: September 21, 2021



## REZONING GUIDE

## Rezoning Waiver Request Form

## WAIVER REQUEST (CONTINUED, IF APPLICABLE)

Current Standard	Proposed Waiver	Difference between current and proposed standard	Justification
	! !		

## 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 provided and attached to the official map amendment application and that we do hereby request consideration of the following waivers as part of the associated 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 Email	Signature
Jim Carpenter, Denver Public Schools	SCHOOL DISTRICT NO 1 1860 N LINCOLN ST DENVER, CO 80203-7301 jim_carpenter@dpsk12.net	
Erin Clark, Esq.   Vice President of Master Site Development <del>DEPULL, C/OURBAN LAND CONSERVANCY</del>	1600 Downing Street, Suite 300, Denver, CO, 80218 eclark@urbanlandc.org	
David Nisivoccia, Denver Housing Authority	1035 Osage St Denver, Co 80204 dnisivoccia@denverhousin g.org	 <small>David Nisivoccia (Dec 30, 2021 11:11 MST)</small>

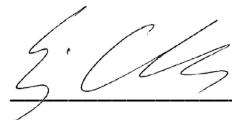
Last updated: September 21, 2021

Waiver for the properties located at 1895 N. Quebec Street & 1800 N. Oneida Street.

Per Denver Zoning Code Section 12.4.10.6, Waivers of Rights and Obligations and Approval of Reasonable Conditions, I, the undersigned applicant for the property under application for the rezoning referenced herein, request that the CMP-EL zoning classification of the land described herein include the following waiver:

1. Waive the "NP" (Not Permitted Use) zoning allowance and review procedure for the *Food Preparation and Sales, Commercial* use in the Industrial Services use category in District Specific Standards in the Denver Zoning Code Section 9.2.8.5, and instead shall be "L-ZP" (Permitted Use with Limitations subject to Zoning Permit Review). The intent of the waiver is to allow the *Food Preparation and Sales, Commercial* primary zoning use, subject to applicable use limitations and zoning permit review.

Agreed to by:



Property Owner

2/2/2022

Date

*(Include property owner name and signature)*

Erin Clark, VP of Master Site Development  
Urban Land Conservancy, a Colorado  
nonprofit corporation and sole member of  
DEP, LLC, a Colorado Limited Liability  
Company

1800 N ONEIDA ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
DEP LLC 1600 N DOWNING ST STE300 DENVER, CO 80218-1533	01324-00-007-000	32/3S/67 PTN MONTROSE, BLOCK A DAF COM E/4 COR SEC 32 S1277.85FT W 38.73FT W 261.79FTTPOB TH W 338.19FT N 422.49FT E 336.09FT S 105.21FT E 5.9FTS 163.72FT W 3.7FT S 156.11FT TPOB(PARCEL B)	INDUSTRIAL-SCHOOL	DENVER

[Summary](#) [Property Map](#) [Assessed Values](#) [Assessment Protest](#) [Taxes](#) [Neighborhood Sales](#) [Chain of Title](#)

[Print Summary](#)

#### Property Description

Style:	OTHER	Building Sqft. Foot:	52372
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1940	Basement/Finish:	0/0
Lot Size:	143,708	Zoned As:	CMP-EI
Mill Levy:	74.618	Document Type:	QC

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

1895 N QUEBEC ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
DEP LLC 1600 N DOWNING ST STE300 DENVER, CO 80218-1533	01324-00-006-000	32/3S/67 PTN MONTROSE, BLOCK A DAF COM E/4 COR SEC 32 S60.1FT W 40.7FT TPOB TH S 1217.75FTW 261.79FT N 156.11FT E 3.7FT N 163.72FT W 5.9FT N 105.21FTW 336.09FT N 794.96FT E 600.2FT TPOB(PARCELA)	INDUSTRIAL-SCHOOL	DENVER

<a href="#">Summary</a>	<a href="#">Property Map</a>	<a href="#">Assessed Values</a>	<a href="#">Assessment Protest</a>	<a href="#">Taxes</a>	<a href="#">Neighborhood Sales</a>	<a href="#">Chain of Title</a>
-------------------------	------------------------------	---------------------------------	------------------------------------	-----------------------	------------------------------------	--------------------------------

[Print Summary](#)

Property Description			
<b>Style:</b>	OTHER	<b>Building Sq. Foot:</b>	296436
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1934	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	586,970	<b>Zoned As:</b>	CMP-EI
<b>Mill Levy:</b>	74,.618	<b>Document Type:</b>	QC
Valuation zoning may be different from City's new zoning code.			



2021109981

Page: 1 of 4

06/11/2021 09:02 AM  
City & County of Denver  
Electronically Recorded

R \$28.00

WD

D \$950.00

After Recording Return to:

Denver Housing Authority  
1035 Osage Street  
Denver, CO 80204  
Attn: Haley Jordahl

21000310506

145

\$28.00  
D \$950.00

SPECIAL WARRANTY DEED

**DEP, LLC**, a Colorado limited liability company ("Grantor"), for the consideration of Ten and No/100 Dollars (\$10.00), in hand paid, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, hereby sells and conveys to **HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER, COLORADO**, a body corporate and politic under the laws of the State of Colorado, whose address is 1035 Osage Street, Denver, Colorado 80204 ("Grantee"), the real property in the City and County of Denver and State of Colorado described on the attached Exhibit 1 ("Property"), with its appurtenances, and warrants the title to the same against all persons claiming under Grantor, subject to (i) real estate taxes, and any other taxes and assessments imposed by other taxing authorities for the current year and subsequent years, and (ii) those matters described on the attached Exhibit 2.

*[Remainder of page intentionally left blank; signature page follows]*

4843-4993-7642.1

IN WITNESS WHEREOF, Grantor has executed this deed as of the 8 day of June, 2021.

**Grantor:**

**DEP, LLC, a Colorado limited  
liability company**

By: Urban Land Conservancy, a Colorado  
nonprofit corporation, its sole member

By: Aaron Miripol  
Name: Aaron Miripol  
Title: President & CEO

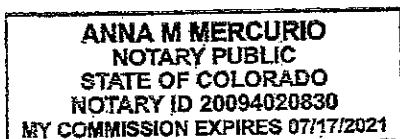
STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of JUNE, 2021, by AARON MIRIPOL, the PRESIDENT + CEO of Urban Land Conservancy, a Colorado nonprofit corporation, sole member of DEP, LLC, a Colorado limited liability company on behalf of the company.

Witness my hand and official seal.

My commission expires:

Ana M. Mancuso  
Notary Public



Grantor's signature page to  
Special Warranty Deed- DHA

## Exhibit 1 to Deed

(Property)

A PARCEL OF LAND BEING A PORTION OF BLOCK A, MONTROSE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32, THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 32, S00°07'45" W A DISTANCE OF 1277.85 FEET; THENCE N89°52'15" W A DISTANCE OF 38.73 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK A, MONTROSE; THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK A ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 17<sup>TH</sup> AVENUE, S89°59'35" W A DISTANCE OF 261.79 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF SAID BLOCK A ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 17<sup>TH</sup> AVENUE, S89°59'35" W A DISTANCE OF 338.19 FEET TO THE SOUTHWEST CORNER OF BLOCK A;

THENCE ALONG THE WESTERLY LINE OF SAID BLOCK A ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF PONTIAC STREET, N00°01'30" E A DISTANCE OF 422.49 FEET;

THENCE N89°33'27" E A DISTANCE OF 336.09 FEET;

THENCE S89°02'12" W A DISTANCE OF 105.21 FEET;

THENCE S89°57'48" E A DISTANCE OF 5.90 FEET;

THENCE S00°02'12" W A DISTANCE OF 163.72 FEET;

THENCE N89°57'48" W A DISTANCE OF 3.70 FEET;

THENCE S00°02'12" W A DISTANCE OF 156.11 FEET TO THE POINT OF BEGINNING.

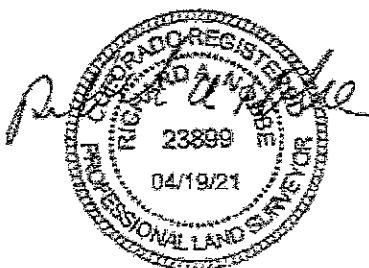
SAID PARCEL CONTAINS 143,708 SQUARE FEET (3.299 ACRES) MORE OR LESS.

ALL LINEAL DIMENSION ARE IN U.S. SURVEY FEET

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO ASSUMED TO BEAR N00°07'45" E AND BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE EAST QUARTER CORNER IN THE INTERSECTION OF QUEBEC STREET AND MONTVIEW BOULEVARD AND A 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE SOUTHEAST CORNER IN THE INTERSECTION OF QUEBEC STREET AND COLFAX AVENUE

PREPARED BY RICHARD A. NOBBE PLS  
FOR AND ON BEHALF OF:  
MARTIN/MARTIN INC.  
12499 W. COLFAX AVE.  
LAKWOOD, CO 80215  
(303) 431-6100  
APRIL 12, 2021



## Exhibit 1-1

4843-4993-7642.1

## Exhibit 2 to Deed

## (Permitted Exceptions)

1. Water rights, claims or title to water.
2. Taxes for the year 2021, a lien, but not yet due or payable.
3. Covenant and Permit recorded June 9, 2000 at Reception No. 2000080818.

NOTE: As to Parcel I (Parcels A & B).

4. Easement Agreement recorded September 17, 2003 at Reception No. 2003196432.  
NOTE: As to Parcels I and II (Parcels A & B).
5. Abstract of Lease recorded December 23, 2003 at Reception No. 2003266443.

NOTE: Upon receipt of Lien affidavit (Requirement No. 6) from seller, siting above laundry lease has expired and not been replaced by new vendor, the above Exception will be deleted.

6. Johnson & Wales University Foote Hall Redevelopment Development plan recorded January 20, 2015 at Reception No. 2015009568.

NOTE: As to Parcels I, II and III (Parcels A, B & C).

7. Existing leases and tenancies.

NOTE: Upon receipt by the Company of the Commercial Lien Affidavit, this exception may be modified or deleted.

8. Existing leases and tenancies.

NOTE: Upon receipt by the Company of the Commercial Lien Affidavit, this exception may be modified or deleted.

## Exhibit 2-1

4843-4993-7642.1



2021109978

Page: 1 of 4

06/11/2021 09:02 AM  
City & County of Denver  
Electronically Recorded

R \$28.00

D \$3,000.00

WD

**After Recording Return to:**

Real Estate Asset Manager  
Denver Public Schools  
Department of Facility Management  
2800 West Seventh Avenue  
Denver, CO 80204

21000310354



\$28.00

DF \$3000.00

**SPECIAL WARRANTY DEED**

**DEP, LLC**, a Colorado limited liability company ("Grantor"), for the consideration of Ten and No/100 Dollars (\$10.00), in hand paid, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, hereby sells and conveys to **SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER AND STATE OF COLORADO**, a political subdivision of the State of Colorado, whose address is 1860 Lincoln St., Denver, Colorado 80203 ("Grantee"), the real property in the City and County of Denver and State of Colorado described on the attached Exhibit 1 ("Property"), with its appurtenances, and warrants the title to the same against all persons claiming under Grantor, subject to (i) real estate taxes, and any other taxes and assessments imposed by other taxing authorities for the current year and subsequent years, and (ii) those matters described on the attached Exhibit 2.

*[Remainder of page intentionally left blank; signature page follows]*

4836-0904-0874.2

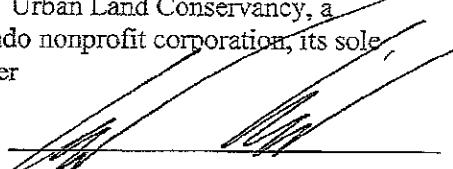
4839473.2

IN WITNESS WHEREOF, Grantor has executed this deed as of the 8<sup>th</sup> day of June, 2021.

Grantor:

DEP, LLC, a Colorado limited  
liability company

By: Urban Land Conservancy, a  
Colorado nonprofit corporation, its sole  
member

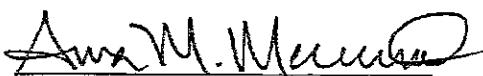
By:   
Name: Aaron Miripol  
Title: President & CEO

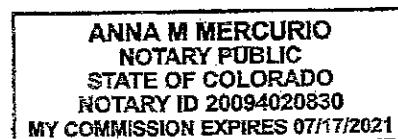
STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of JUNE, 2021,  
by AARON MIRIPOL, the PRESIDENT + CEO of Urban Land  
Conservancy, a Colorado nonprofit corporation, sole member of DEP, LLC, a Colorado limited  
liability company on behalf of the company.

Witness my hand and official seal.

My commission expires:

  
Notary Public



Grantor's signature page to  
Special Warranty Deed- DPS

## Exhibit 1 to Deed

(Property)

**PARCEL C:**

A PARCEL OF LAND BEING A PORTION OF BLOCKS 3, 13 AND 14, MONTROSE TOGETHER WITH VACATED PONTIAC STREET, VACATED BY ORDINANCE 45 SERIES 1947 AND VACATED OLIVE STREET VACATED BY ORDINANCE 113 SERIES 1947, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32, THENCE ALONG THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 32, S00°07'45" W A DISTANCE OF 60.10 FEET; THENCE N89°52'15" W A DISTANCE OF 49.79 FEET TO THE NORTHEAST CORNER OF BLOCK A, MONTROSE; THENCE ALONG THE NORtherLY LINE OF SAID BLOCK A, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF MONTVIEW BOULEVARD, N89°57'53" W A DISTANCE OF 600.22 FEET TO THE POINT OF BEGINNING:

THENCE ALONG THE WESTERLY LINE OF SAID BLOCK A, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF VACATED PONTIAC STREET, S00°01'30" W A DISTANCE OF 782.36 FEET; THENCE ALONG THE NORtherLY RIGHT-OF-WAY LINE OF EAST 18TH AVENUE EXTENDED, N89°59'51" W A DISTANCE OF 640.17 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 13; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 13, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF ONEIDA STREET, N00°01'44" E A DISTANCE OF 375.32 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 13; THENCE ALONG THE NORtherLY LINE OF SAID BLOCK 13 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 19TH AVENUE EXTENDED, S89°59'40" E A DISTANCE OF 320.14 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLIVE STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF OLIVE STREET, ALSO BEING THE WESTERLY LINE OF SAID BLOCK 3 EXTENDED, N00°01'27" E A DISTANCE OF 406.92 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 3; THENCE ALONG THE NORtherLY LINE OF SAID BLOCK 3 EXTENDED, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF MONTVIEW BOULEVARD, N89°58'43" E A DISTANCE OF 301.20 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF MONTVIEW BOULEVARD, N89°57'53" E A DISTANCE OF 18.81 FEET TO THE POINT OF BEGINNING,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO ASSUMED TO BEAR N00°07'45" E AND BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE EAST QUARTER CORNER IN THE INTERSECTION OF QUEBEC STREET AND MONTVIEW BOULEVARD AND A 3-1/4" ALUMINUM CAP IN A RANGE BOX AT THE SOUTHEAST CORNER IN THE INTERSECTION OF QUEBEC STREET AND COLFAX AVENUE

**PARCEL III:**

Lots 29 and 30, Block 19,  
MONTROSE,  
City and County of Denver  
State of Colorado.

Exhibit 1-1

4836-0904-0874.2

## Exhibit 2 to Deed

## (Permitted Exceptions)

1. Water rights, claims or title to water.
2. Taxes and assessments for the year 2021 and subsequent years a lien not yet due or payable.
3. Administrative Modification recorded January 15, 2009 at Reception No. 2009004610.

Exhibit 2-1

4836-0904-0874.2



2021109973

Page: 1 of 5

06/11/2021 09:02 AM  
City & County of Denver  
Electronically Recorded

R \$33.00  
WD

D \$6,150.00

This Instrument Prepared by  
and Return to:

Kutak Rock LLP  
1801 California St, Ste 3000  
Attn: Meredith R. Riley  
Denver, CO 80202

20060310813

55

\$33.00

DF \$6150.00

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED (this "Deed") is given effective the 8th day of June, 2021 (the "Effective Date"), by **Johnson & Wales University**, a Rhode Island nonprofit corporation ("Grantor"), with a mailing address of 8 Abbott Park Place, Providence, Rhode Island 02903, to and in favor of **DEP, LLC**, a Colorado limited liability company ("Grantee"), with a mailing address of 1600 Downing Street, Suite 300, Denver, Colorado 80218.

**WITNESSETH:**

THAT Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the City and County of Denver, State of Colorado, as described on **Exhibit A**, attached hereto and incorporated by reference, together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining (collectively, the "Property");

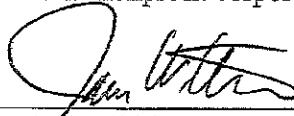
TO HAVE AND TO HOLD the Property, unto Grantee, its successors and assigns, forever.

Grantor, for itself and its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND title to the Property, subject to all statutory exceptions, including without limitation that Deed of Conservation Easement in Gross between Restore Treat Hall, Inc., a Colorado corporation as Grantor and HISTORIC DENVER, INC., a Colorado nonprofit corporation as Grantee, dated September 11, 2007, and recorded at Reception No. 2007143183 on September 12, 2007, in the real property records of the City and County of Denver and as subsequently amended by that First Amendment to Deed of Conservation Easement in Gross dated June 4, 2010, and recorded at Reception No. 2010066224 (collectively, and together with any subsequent amendments or modifications, the "Conservation Easement"), in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under Grantor. Grantee acknowledges and accepts the terms, obligations, and conditions of the Conservation Easement.

IN WITNESS WHEREOF, the parties have executed this deed effective as of the Effective Date.

**GRANTOR:**

JOHNSON & WALES UNIVERSITY,  
a Rhode Island nonprofit corporation

By: 

Name: Jason Witham

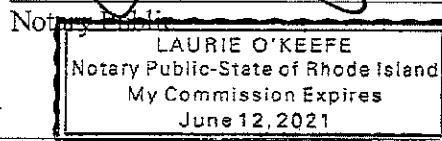
Title: Vice President - Facilities Management

STATE OF RHODE ISLAND)  
COUNTY OF PROVIDENCE) S.S.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of June, 2021, by Jason Witham, the Vice President - Facilities Management of Johnson & Wales University, a Rhode Island nonprofit corporation, on behalf of said entity.

WITNESS MY HAND AND OFFICIAL SEAL.

[NOTARY STAMP OR SEAL]



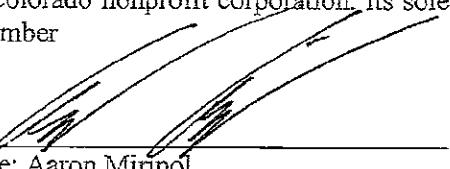
Printed Name of Notary Public  
My commission expires: 6/12/21

[Signature Page to Special Warranty Deed]

**GRANTEE:**

DEP, LLC,  
a Colorado limited liability company

By: URBAN LAND CONSERVANCY,  
a Colorado nonprofit corporation, its sole  
member

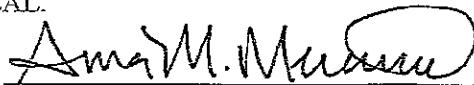
By:   
Name: Aaron Mirpol  
Title: President and CEO

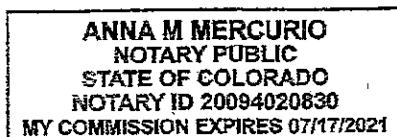
STATE OF COLORADO )  
COUNTY OF DENVER ) S.S.

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of JUNE,  
2021, by Aaron Mirpol, the President and CEO of Urban Land Conservancy, a Colorado nonprofit  
corporation as the sole member of DEP, LLC, a Colorado limited liability company, on behalf of  
said entity.

WITNESS MY HAND AND OFFICIAL SEAL.

[NOTARY STAMP OR SEAL]

  
Notary Public



ANNA MERCURIO  
Printed Name of Notary Public  
My commission expires: 7/17/2021

[Signature Page to Special Warranty Deed]

**EXHIBIT "A"****PARCEL I:**

A portion of Block A, MONTROSE, located in the Southeast 1/4 of Section 32, Township 3 South, Range 67 West of the Sixth Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of Block A, Montrose said point of being the True Point of Beginning, from whence the East Quarter Corner of Section 32 bears North 34°13'56" East a distance of 72.60 feet;

Thence along the Easterly line of Block A, Montrose and the Westerly right-of-way line of Quebec Street South 00°02'12" West a distance of 1217.78 feet to the Southeast corner of said Block A, Montrose;

Thence South 89°59'40" West along the Southerly line of said Block A, Montrose and the Northerly right-of-way line of 17th Avenue a distance of 268.56 feet;

Thence departing said right-of-way line North 00°07'02" West a distance of 589.41 feet to a point on the Southerly right-of-way line of Montview Boulevard;

Thence North 89°58'22" East along said right-of-way line of Montview Boulevard a distance of 619.02 feet to the True Point of Beginning,

City and County of Denver,

State of Colorado.

**PARCEL II:**

A portion of Block A, MONTROSE, located in the Southeast 1/4 of Section 32, Township 3 South, Range 67 West of the Sixth Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of Block A, Montrose from whence the East Quarter Corner of Section 32 bears North 34°13'56" East a distance of 72.60 feet;

Thence along the Easterly line of Block A, Montrose and the Westerly right-of-way line of Quebec Street South 00°02'12" West a distance of 1217.78 feet to the Southeast corner of said Block A, Montrose;

Thence South 89°59'40" West along the Southerly line of said Block A, Montrose and the Northerly right-of-way line of 17th Avenue a distance of 268.56 feet to the True Point of Beginning;

Thence continuing along said right-of-way line South 89°59'40" West a distance of 331.54 feet to a point on the Easterly right-of-way line of Pontiac Street;

[Exhibit A to Special Warranty Deed, Page A-1]

Thence North 00°01'59" East along said right-of-way a distance of 435.22 feet to a point on the Northerly right-of-way line of 18th Avenue;

Thence South 89°59'48" West along said right-of-way a distance of 640.12 feet to a point on the Easterly right-of-way line of Oneida Street;

Thence North 00°01'59" East along said right-of-way line of Oneida Street a distance of 375.24 feet to a point on the Southerly right-of-way line of 19th Avenue;

Thence North 89°59'28" East along said right-of-way line of 19th Avenue a distance of 320.07 feet to a point on the Easterly right-of-way line of Olive Street;

Thence North 00°02'03" East along said right-of-way line of Olive Street a distance of 406.93 feet to a point on the Southerly right-of-way line of Montview Boulevard;

Thence North 89°58'22" East along said right-of-way line of Montview Boulevard a distance of 301.19 feet;

Thence South 00°02'12" West a distance of 589.41 feet;

Thence South 49°04'54" East a distance of 311.41 feet;

Thence North 89°33'27" East a distance of 113.4 feet;

Thence South 00°02'12" West a distance of 425.01 feet to the True Point of Beginning,

City and County of Denver,

State of Colorado.

**PARCEL III:**

Lots 29 and 30, Block 19, MONTROSE,

City and County of Denver,

State of Colorado.

[End of Document]

[Exhibit A to Special Warranty Deed, Page A-2]

**OPERATING AGREEMENT  
OF  
DEP, LLC**

THIS OPERATING AGREEMENT (this “Agreement”), effective as of the 15th day of March, 2021, is made by URBAN LAND CONSERVANCY, a Colorado nonprofit corporation, as the sole member (the “Member”) of DEP, LLC (the “Company”).

**1. The Company**

1.1 Formation. The Company was formed pursuant to the Colorado Limited Liability Company Act (the “Act”). Articles of Organization (the “Articles”) were filed on March 15, 2021 with the Colorado Secretary of State. The rights and liabilities of the Member shall be as provided under the Act, the Articles and this Agreement.

1.2 Name. The name of the limited liability company shall be DEP, LLC.

1.3 Articles of Organization. The Member has caused articles of organization that comply with the requirements of the Act to be properly filed with the Colorado Secretary of State. In the future, the Member shall execute such further documents (including amendments to the Articles) and take such further action as shall be appropriate or necessary to comply with the requirements of law for the formation and operation of a limited liability company in all states and counties where the Company elects to carry on its business.

**1.4 Purposes; Business.**

a. Purposes. The Company is organized, operated and dedicated exclusively to promoting the Member’s charitable purposes. The primary purpose and objective of the Company is ownership and management of real estate for charitable purposes.

b. Powers. In furtherance of the foregoing purposes and objectives (but not otherwise) and subject to the restrictions set forth in Section (c) of this Section 1.4, the Company shall have and may exercise all of the powers now or hereafter conferred upon limited liability companies organized under the laws of Colorado and may do everything necessary or convenient for the accomplishment of any of the purposes, either alone or in connection with other organizations, entities or individuals, and either as principal or agent, subject to such limitations as are or may be prescribed by law.

**c. Restrictions on Powers.**

(1) No part of the net earnings of the Company shall inure to the benefit of or be distributable to any officer of the Company, or any other

individual (except that reasonable compensation may be paid for services rendered to or for the benefit of the Company affecting one or more of its purposes), and no officer of the Company, or any other individual, shall be entitled to share in any distribution of any of the assets on dissolution of the Company or otherwise.

(2) No substantial part of the activities of the Company shall consist of carrying on propaganda or otherwise attempting to influence legislation. The Company shall not participate or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

(3) All activities of the Company shall be consistent with the requirements of §501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time (the “Code”) and of the Colorado Revised Nonprofit Corporation Act, and any successor statute thereto.

1.5 Principal Place of Business; Registered Office and Agent. The Company's principal place of business shall be at 1600 Downing Street, Ste 300, Denver, Colorado 80218, or such other place either within or without Colorado as may be selected from time to time by the Member. The registered office of the Company shall be c/o Kutak Rock LLP, 1801 California Street, Ste 3000, Denver, CO 80202-2626 or such other place in Colorado as may be selected from time to time by the Member. The Company's registered agent at such address shall be Kristine Poston.

## 2. Capital Contributions

2.1 Initial Capital Contributions. The Member has made an initial capital contribution to the Company of all of the Member's right, title and interest in and to that certain Contract to Buy and Sell Real Estate dated February 17, 2021, as amended, by and between the Member and Johnson & Wales University.

2.1 Additional Capital Contributions. If from time to time in the reasonable judgment of the Member, the Company requires additional capital for the operations of the Company, the Member may, in its discretion, borrow funds from a third party, loan funds to the Company or contribute the additional capital required by the Company.

2.2 Right to Enforce. No person shall have the right to enforce any obligation of the Member to contribute capital to the Company, and specifically no lender or other third party shall have such rights.

2.3 Return of Capital Contributions. Capital contributions shall be expended in furtherance of the business of the Company. All costs and expenses of the Company shall be paid from its funds. No interest shall be paid on capital contributions.

### **3. Distributions**

The Company shall make distributions of available cash (not otherwise required for the operations of the Company) to the Member at such times and in such amounts as the Member shall determine. The Company's assets and funds may only be distributed to the Member or in furtherance of the Member's charitable purposes.

### **4. Allocation of Profit And Loss**

The profit or loss of the Company shall be determined on an annual basis and for such other periods as may be required. All profit and loss of the Company shall be allocated to the Member. For federal income tax purposes, the Company shall be disregarded as an entity separate from the Member and each item of income, gain, loss and deduction of the Company shall be taxable to the Member as if the Company were taxable as a division of the Member. The classification of the Company as a division of the Member for federal income tax purposes shall have no effect on the liability of the Member under a judgment, decree, or order of a court, or in any other manner, for a debt, obligation, or liability of the Company.

### **5. Management**

#### **5.1 Management Authority.**

a. Except as set forth herein, management of the Company shall be vested exclusively in the Member. The Member shall have the power and authority to conduct the business of the Company. The Member is hereby expressly authorized on behalf of the Company to make all decisions with respect to the Company's business and to take all actions necessary to carry out such decisions.

b. The Member may from time to time appoint and delegate its authority to individuals designated as officers of the Company, which officers shall have only the power and authority granted to them by the Member. The Member may also from time to time remove any such officer or officers so appointed. No delegation of authority by the Member under this Section 5.1(b) shall relieve the Member of its responsibilities. No one other than an employee or officer of the Member may be designated as an officer of the Company.

c. All documents executed on behalf of the Company need only be signed by the Member. An officer appointed pursuant to Section 5.1(b) may sign those documents that relate to the power and authority granted to such officer by the Member.

**5.2 Duties.** The Member and any duly appointed officer shall carry out its duties in good faith, in a manner it believes to be in the best interests of the Company, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. The Member or duly appointed officer who so performs its duties shall

not have any liability by reason of being or having been the Member or an officer of the Company.

5.3 Time Devoted to Business. The Member shall devote such time to the business of the Company as the Member, in its discretion, deems necessary for the efficient carrying on of the Company's business.

5.4 Reliance by Third Parties. No third party dealing with the Company shall be required to ascertain whether the Member or a duly appointed officer of the Company is acting in accordance with the provisions of this Agreement. All third parties may rely on a document executed by the Member or a duly appointed officer as binding the Company. An officer of the Company acting without authority shall be liable for any damages arising out of his unauthorized actions.

5.5 Insurance. The Company shall maintain for the protection of the Company and its Member such insurance as the Member, in its sole discretion, deems necessary for the operations being conducted.

5.6 Limitation of Liability. The Member shall not be personally liable for any debts or obligations of the Company unless otherwise required by the Act.

5.7 Exculpation. The doing of any act or the failure to do any act, the effect of which may cause or result in loss or damage to the Company or the Member, if done in good faith to promote the best interests of the Company shall not subject the Member or any officer to any liability. The Company shall indemnify, defend and hold harmless the Member and any officers as to third parties against and from any personal loss, liability or damage incurred as a result of any act or omission of the Member or such officers. Notwithstanding the foregoing, no officer shall be so indemnified, defended or held harmless for claims based upon such officer's intentional misconduct or knowing violation of the law or any transaction for which such officer received a personal benefit in violation or breach of any provision of this Agreement. Indemnification under this Section 5.7 shall be provided only out of and to the extent of the assets of the Company. In no event shall the Company or the Member be liable to a third party as a result of any indemnification.

## 6. Member

6.1 Member Qualifications. Only a nonprofit organization that is tax-exempt under the Code may serve as the Member of the Company.

6.2 Company as a Separate Legal Entity. The Company will hold itself out to the public as a legal entity separate and apart from its Member and any other person, having its own assets, liabilities, and operations. The Company shall not constitute a branch or a division of its Member, any of its affiliates, or any other person, and shall not be liable

for the debts of its Member, any of its affiliates, or any other person. In order to ensure that the Company maintains its status as a separate legal entity, the Company will:

- a. Segregate its funds, property, and other assets from those of the Member and any other person and hold them in its own name, and not commingle them with those of the Member or any other person.
- b. Make any investments solely in its own name.
- c. Not form any subsidiaries.
- d. Act solely in its legal name in the conduct of its business, and conduct its business so as not to mislead others as to the identity of the entity or assets with which they are concerned.
- e. Keep and maintain separate records, books of account, bank accounts and financial statements.
- f. Ensure that its capitalization is adequate in light of its business and purpose.
- g. Not (a) guarantee, become obligated for, or otherwise hold itself out as being liable for, the debts and obligations of the Member or any other person; (b) pledge its assets for the benefit of any other person; (c) make loans or advances to any person other than in the ordinary course of its business; and (d) acquire obligations or securities of the Member.
- h. Not enter into any transaction with the Member, except upon terms and conditions that are intrinsically fair and substantially similar to those that would be available on an arms length basis with unrelated third parties.
- i. Maintain an arm's-length relationship with its Member and any affiliates.
- j. Allocate fairly and reasonably any overhead for office space shared with the Member.
- k. Take commercially reasonable steps to correct any known misunderstanding regarding its separate identity.
- l. File its own tax returns, if applicable, as may be required under applicable law.
- m. Pay its liabilities out of its own funds, including the salaries of its own employees, if any.
- n. Not engage in any dissolution, liquidation, consolidation, merger or sale of assets.

6.3 Informal Action. Any action required or permitted to be taken at a Member meeting may be taken without a meeting if the action is evidenced by a written consent describing the action taken, signed by the Member. Action taken under this section is effective when the Member has signed the consent, unless the consent specifies a different effective date.

6.4 Meetings. Member meetings for any purpose or purposes may be called by the Member. The Member shall designate the place of meeting. If no designation is made, the place of meeting shall be the principal office of the Company.

6.5 Conduct of Meeting. At each Member meeting, a person appointed by the Member shall serve as chairman of the meeting. The chairman shall preside over and conduct the meeting and shall appoint someone in attendance to make accurate minutes of the meeting. Following each meeting, the minutes of the meeting shall be sent to the Member.

## 7. Accounting and Reporting

The Company shall maintain complete and accurate books of account. The Company shall provide the Member any information relating to the business of the Company. During ordinary business hours the Member or its authorized representative shall have access to all books, records and materials regarding the Company and its activities. The books of account shall be closed promptly after the end of each fiscal year. After the end of each fiscal year, the Company shall prepare such reports as the Member deems necessary to advise the Member properly about its investment in the Company.

## 8. Dissolution and Termination

8.1 Term. The Company shall have perpetual existence and continue until dissolved by the written consent of the Member.

8.2 Statement of Dissolution. If the Member determines to discontinue the Company, the Member or other person selected as liquidator shall cause a Statement of Dissolution to be filed with the Colorado Secretary of State in accordance with Colorado law.

8.3 Effect of Statement of Dissolution. Upon filing the Statement of Dissolution with the Colorado Secretary of State, the Company shall cease to carry on its business, except insofar as may be necessary for the winding up of its business as set forth in Section 8.5 below, in which event the Company is not terminated but continues until the winding up of the affairs of the Company is completed.

8.4 Final Accounting. In case of the dissolution of the Company, a proper accounting shall be made as provided in Section 7 from the date of the last previous accounting to the date of dissolution.

8.5 Liquidation. Upon the dissolution of the Company, the Member or some other person selected by the Member shall act as liquidator to wind up the Company. The liquidator shall have full power and authority to sell, assign and encumber any or all of the Company's assets and to wind up and liquidate the affairs of the Company in an orderly and businesslike manner. All proceeds from liquidation shall be distributed in the following order of priority: (i) to the payment of debts and liabilities of the Company and the expenses of liquidation; (ii) to the setting up of such reserves as the liquidator may reasonably deem necessary for any contingent liabilities of the Company; and (iii) to the Member to be used solely and exclusively for the Member's charitable purposes.

8.6 Distribution in Kind. The liquidator, in its sole discretion, may distribute any asset in kind to the Member to be used solely and exclusively for the Member's charitable purposes.

## 9. General Provisions

9.1 Entire Agreement. This Agreement embodies the entire understanding of the Member concerning the Company.

9.2 Amendment. This Agreement may only be amended with the written consent of the Member.

9.3 Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Colorado.

9.4 Pronouns. References to the Member, including by use of a pronoun, shall be deemed to include masculine, feminine, singular, plural, individuals, trusts, partnerships, limited liability companies or corporations where applicable.

9.5 Binding Effect. This Agreement and all of the terms and provisions hereof shall be binding upon the member and its legal representative, successor and assigns.

IN WITNESS WHEREOF the Member has executed this Operating Agreement of DEP, LLC to be effective as of the date first above written.

**SOLE MEMBER:**

URBAN LAND CONSERVANCY,  
a Colorado nonprofit corporation

By:   
Erin Clark, VP of Master Site Development

THIS DOCUMENT MAY AFFECT YOUR LEGAL RIGHTS. LEGAL ADVICE SHOULD BE OBTAINED IN THE DRAFTING OF ANY LEGAL DOCUMENT.

**STATEMENT OF AUTHORITY**  
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity<sup>1</sup> named  
Denver Public Schools
2. The type of entity is a:  
 corporation       registered limited liability partnership  
 nonprofit corporation       registered limited liability limited partnership  
 limited liability company       limited partnership association  
 general partnership       government or governmental subdivision or agency  
 limited partnership       trust
3. The entity is formed under the laws of Colorado Constitution
4. The mailing address for the entity is 1860 Lincoln St.
5. The  name  position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is James Carpenter, COO  
As the COO, James Carpenter is authorized to execute instruments affecting the zoning of real property on behalf of the entity.
6. The authority of the foregoing person(s) to bind the entity:  is<sup>2</sup> not limited  is limited as follows:  
As the COO, James Carpenter is authorized to execute instruments affecting the zoning of real property on behalf of the entity.
7. Other matters concerning the manner in which the entity deals with interests in real property:  
As the COO, James Carpenter is authorized to execute instruments affecting the zoning of real property on behalf of the entity.
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 16 day of February , 2022



General Counsel, Denver Public Schools

<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup> The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup> The statement of authority must be recorded to obtain the benefits of the statute.

State of Colorado )  
) ss  
County of Denver )

The foregoing Statement of Authority was acknowledged before me this 16<sup>th</sup> day of  
February, 2022 by Michelle Berge

Witness my hand and official seal.

My commission expires: 09/16/2025

  
Notary Public

ROSA ANA CASILLAS  
Notary Public  
State of Colorado  
Notary ID # 20164009184  
My Commission Expires 09-16-2025

WHEN RECORDED RETURN TO:



04/06/2021 02:59 PM  
City & County of Denver

R \$18.00

MIS

2021064608

Page: 1 of 2

D \$0.00

THIS DOCUMENT MAY AFFECT YOUR LEGAL RIGHTS. LEGAL ADVICE SHOULD BE OBTAINED IN THE DRAFTING OF ANY LEGAL DOCUMENT.

**STATEMENT OF AUTHORITY**  
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity<sup>1</sup> named  
Housing Authority of the City and County of Denver
2. The type of entity is a:  
 corporation       registered limited liability partnership  
 nonprofit corporation       registered limited liability limited partnership  
 limited liability company       limited partnership association  
 general partnership       government or governmental subdivision or agency  
 limited partnership       trust
3. The entity is formed under the laws of Colorado
4. The mailing address for the entity is 1035 Osage Street., Denver, CO 80204
5. The  name  position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is David Nisivoccia, Executive Director
6. The authority of the foregoing person(s) to bind the entity:  is<sup>2</sup> not limited  is limited as follows:
7. Other matters concerning the manner in which the entity deals with interests in real property:  
N/A
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 11 day of February

, 2021

David Nisivoccia

<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup> The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup> The statement of authority must be recorded to obtain the benefits of the statute.

State of Colorado )  
County of Denver ) ss

The foregoing Statement of Authority was acknowledged before me this 11<sup>th</sup> day of February  
, 2021 by David Nisivoccia

Witness my hand and official seal.

My commission expires:



Angela Marie Fletcher  
Notary Public

WHEN RECORDED RETURN TO:

**RESOLUTION NO. 3393**  
**RESOLUTION APPOINTING THE EXECUTIVE DIRECTOR OF THE HOUSING**  
**AUTHORITY OF THE CITY AND COUNTY OF DENVER**

**WHEREAS**, Ismael Guerrero, former Executive Director notified the Board of Commissioners (the “Board”) of the Housing Authority of the City and County of Denver (“the Authority”) that his last day with the Authority would be June 11, 2020; and

**WHEREAS**, soon thereafter the Board announced its intention to begin an executive search process to find a new Executive Director for the Authority; and

**WHEREAS**, the Board Chair appointed a five (5) Commissioner Search Committee to lead the search; and

**WHEREAS**, the Board retained Bridge Partners to provide executive search firm services to the Authority; and

**WHEREAS**, with the assistance of Bridge Partners, the Board conducted a comprehensive and inclusive national search to find a new Executive Director for the Authority; and

**WHEREAS**, the Authority received approximately 240 applications from individuals seeking to fill the position of Executive Director of the Authority; and

**WHEREAS**, the Search Committee narrowed the initial group of applicants down to a pool of eight (8) of the most qualified candidates for the purpose of conducting initial interviews; and

**WHEREAS**, after conducting the initial interviews, the Search Committee further narrowed the pool of remaining candidates down to a list of four (4) candidates; and

**WHEREAS**, after conducting additional interviews, the Board further narrowed the pool of remaining candidates down to a list of two (2) finalists; and

**WHEREAS**, on September 24, 2020, in accordance with state statute, the Board publicly announced that the finalists for the Executive Director’s position were David Nisivoccia and Preston Prince; and

**WHEREAS**, the Board then conducted another round of interviews with the finalists; and

**WHEREAS**, on October 2, 2020, the finalists participated in a virtual question and answer forum with the Authority’s employees; and

**WHEREAS**, on October 5, 2020, the finalists participated in a virtual question and answer forum with residents of the Authority; and

**WHEREAS**, on October 13, 2020, the Board publicly announced that the sole finalist for the Executive Director's position was David Nisivoccia; and

**WHEREAS**, the Board wishes to express its appreciation to Preston Prince for his very capable and impressive participation in this search process.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby appoint David Nisivoccia as the Executive Director of the Authority, effective on or before January 18, 2021.

**BE IT FURTHER RESOLVED**, that the Board hereby authorizes the Search Committee to negotiate and the Board Chair to execute an employment agreement with Mr. Nisivoccia in accordance with the terms of the offer letter agreed to by the Authority and Mr. Nisivoccia dated October 14, 2020.

Erin Clark, Esq  
Vice President of Master Site Development  
DEP, LLC  
c/o Urban Land Conservancy  
1600 Downing Street, Suite 300  
Denver, CO 80218

Jason Morrison, AICP  
Senior City Planner  
Community Planning and Development  
201 W Colfax  
Denver, CO 80202

December 23, 2021

RE: Park Hill Campus Rezoning (*Written Authorization of Representative to Act on Behalf of Property Owner*)

Dear Mr. Morrison;

I hereby authorize Will Wagenlander, with David Evans and Associates to act as DEP, LLC 's representative for the City of Denver's rezoning processes for the Kitchen Network at Park Hill Campus. This authorization is effective December 23, 2021 through December 23, 2022. If you have questions or concerns, please contact me at [eclark@urbanlandc.org](mailto:eclark@urbanlandc.org) or via phone at 720-699-0317.

Best regards,



Erin Clark, Esq.  
Vice President of Master Site Development  
Urban Land Conservancy (sole member of DEP, LLC)

David Nisivoccia  
Denver Housing Authority  
10355 Osage Street, Suite 300  
Denver, CO 80218

Jason Morrison, AICP  
Senior City Planner  
Community Planning and Development  
201 W Colfax  
Denver, CO 80202

December 23, 2021

RE: Park Hill Campus Rezoning (*Written Authorization of Representative to Act on Behalf of Property Owner*)

Dear Mr. Morrison;

I hereby authorize Will Wagenlander, with David Evans and Associates to act as the Denver Housing Authorities' representative for the City of Denver's rezoning processes for the Kitchen Network at Park Hill Campus. This authorization is effective December 23, 2021 through December 23, 2022. If you have questions or concerns, please contact me at [dnisivoccia@denverhousing.org](mailto:dnisivoccia@denverhousing.org) or via phone at 720-932-3106.

Best regards,

*David Nisivoccia*  
David Nisivoccia (Dec 30, 2021 10:57 MST)

David Nisivoccia

Denver Public Schools  
School District No 1  
1860 N Lincoln ST  
Denver, CO 80203-7301

Jason Morrison, AICP  
Senior City Planner  
Community Planning and Development  
201 W Colfax  
Denver, CO 80202

December 28, 2021

RE: Park Hill Campus Rezoning (*Written Authorization of Representative to Act on Behalf of Property Owner*)

Dear Mr. Morrison;

I hereby authorize Will Wagenlander, with David Evans and Associates to act as Denver Public School's representative for the City of Denver's rezoning processes for the Kitchen Network at the Park Hill Campus. This authorization is effective December 28, 2021 through December 28, 2022. If you have questions or concerns, please contact me via email at [james\\_carpenter@dpsk12.net](mailto:james_carpenter@dpsk12.net) or by phone at 720-423-2178.

Best regards,

Jim Carpenter  
Jim Carpenter (Jan 3, 2022 10:28 MST)

Jim Carpenter



## Park Hill Campus Rezoning Narratives

### **Narrative 1: Introduction and Written Narrative Explaining Reason for Request**

*Optional introductory narrative stating why the rezoning request is being made*

BuCu West Kitchen LLC will use the existing kitchen, laboratory, classroom, office, and dining spaces within the Culinary Arts Building and Vail Hall that were previously used by the Johnson & Wales University culinary school and will be East Denver extension of their Westwood facility. Bringing together food related organizations to provide workforce development and training in research and development, culinary arts, and business management. No physical changes or demolition activities are planned for either of the existing buildings. The Kitchen Network requires authorization for commissary kitchen use, which is not currently permitted within the CMP-EI zone district. To ensure financial viability of Kitchen Network's operations at this location, approval of the full commissary kitchen (through the waving in of *Food Preparation and Sales, Commercial use*) use must be achieved by June 8, 2022.

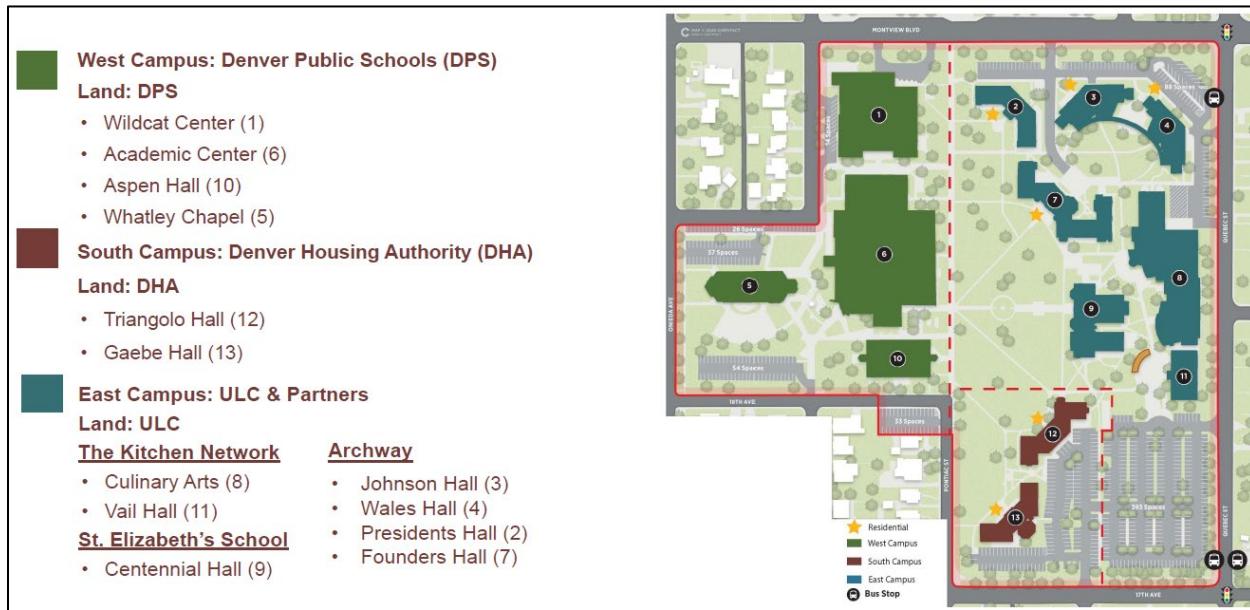
Commissary kitchens will be used to fulfil several needs and gaps in the East Denver community by providing:

- Commissary kitchens for the preparation of food by caterers, food service providers, and local food trucks. Providing flexible and in-demand facilities for emerging businesses, small businesses, and independent businesses
- Commissary kitchens will be used to produce a range of food items for sale to non-end users including cookies, confectionaries, and other items for sale both in Colorado and in other states. These items will be produced by local small businesses using the commissaries as their base of operations, uses that would be allowed under the requested and future waived-in use of *Food Preparation and Sales, Commercial*
- Food trucks will not be stored on site overnight and will primarily use the loading dock on the north side of the commissary kitchen buildings to transfer food from kitchen facilities to food trucks for distribution at off-site locations in the Denver Metropolitan area.
- Food trucks will not be selling or providing mobile food establishment sales on the Park Hill Campus. The commissary kitchens will only be used by food truck businesses for the preparation of food prior to travel to off-site locations where sales will occur. In some instances, food trucks will park in parking lot facilities while food is being prepared. In these cases, the food trucks will not be stored overnight.
- This rezoning application is not requesting mobile on-site sales from food trucks. On-site mobile sales from food trucks will only occur on campus for specific events and after obtaining the required permits for such events.

This rezoning request is to wave *Food Preparation and Sales, Commercial* into the existing CMP-EI district and is being specially requested for the *East (Urban Land Conservancy)* and *South (Denver Housing Authority)* campuses of the Park Hill Campus. Denver Public Schools owns the *Western Campus* of the Park Hill Campus and is not part of this rezoning request as educational uses for the Denver School of the Arts are already permitted within the existing CMP-EI district and will not need the



addition of *Food Preparation and Sales, Commercial* to implement their program. *Food Preparation and Sales, Commercial* will allow the Kitchen Network to provide commissary kitchen uses in their two buildings located on the East Campus. *Figure 1* illustrates the location of East, West, and South Campuses on the larger Park Hill Campus.



*Figure 1*

### Narrative 2: Consistency with Adopted Plans:

*In this section of the attachment, describe how the proposed map amendment is consistent with Denver Comprehensive Plan 2040's a) equity goals, b) climate goals, and c) any other applicable goals/strategies*

### 2040 Comprehensive Plan

Adopted in 2019, Denver's Comprehensive Plan 2040 is the guiding document for shaping the City of Denver for the next 20 years. The plan outlines six key vision elements. The following outlines specific vision elements from the comprehensive plan and how the Park Hill Campus and the Kitchen Network will assist the City in achieving them with the addition of *Food Preparation and Sales, Commercial* to the campus's existing CMP-El zoning.

*Vision Element 1: Equitable, Affordable, and Inclusive: Denver is an equitable, inclusive community with a high quality of life for all residents, regardless of income level, race, ethnicity, gender, ability, or age.*

The Kitchen Network will further this vision by:

- *Ensuring all Denver Residents Have Access to Basic Services and Amenities (Goal 1.1).* Commissary kitchens will be made available for a wide range of users and businesses and will fill a market need on Denver's East Side by providing startups and established food-oriented businesses with space to grow, learn, and succeed for a wide range of users.



- *Providing Equitable Access to Quality Education and Lifelong Learning Opportunities (Goal 1.9).* The inclusion of a vocational and business-incubating commissary kitchen uses offers employment and learning opportunities for disadvantaged communities and individuals.

*Vision Element 2: Denver's neighborhoods are complete, unique, and reflective of our City's Diverse History.*

The Kitchen Network will further this vision by:

- *Creating a City of Complete Neighborhoods (Goal 2.1).* The addition of commissary kitchen uses to the CMP-EI zone district will increase employment opportunities for surrounding residents and neighborhoods. Additional employment in the area will provide more complete neighborhoods that provide a healthy diversity of employment types and opportunities.
- *Preserve the Authenticity of Denver's Neighborhoods (Goal 2.3).* The Kitchen Network's commissary kitchen use is an adaptive reuse of existing structures on campus. No new buildings or exterior improvements are planned. Adaptive reuse of the culinary buildings is in-line with the adaptive re-use of other existing residential and educational buildings on campus. Allowing the campus's historic built form to continue well into the future.
- *Ensure Every Neighborhood is Economically Strong and Dynamic (Goal 2.4).* The addition of new employees, educational uses, incubation spaces, and community-serving food and beverage services offered by the Kitchen Network will contribute to the neighborhood's employment and commercial services mix, leading to economically stronger and more resilient neighborhoods.

*Vision 4: Denver is a global City with a Robust Economy that Reflect the Diversity of Our Community*

The Kitchen Network will further this vision by:

- *Ensure Economic Mobility and Improve Access to Opportunity (Goal 4.1).* The Kitchen network was specifically created to develop, support, and assist in the creation of new food-oriented businesses. Commissary kitchens will allow new food-oriented businesses the necessary space and equipment required for their long-term longevity.
- *Grow a Strong, Diversified Economy (Goal 4.2).* Commissary kitchens are in short supply in the Denver metropolitan region. The addition of new commissary kitchen uses will fill a market gap and diversify east Denver's economy.



- *Sustain and Grow Denver's Local Neighborhood Business (Goal 4.3).* Businesses using the Kitchen Networks commissary kitchens will be small and local businesses. The ability to rent kitchen space will significantly reduce the high-overhead costs often needed to start food-oriented businesses.
- *Enable Denver's Youth to Access Quality Education and Compete in the Global Economy (Goal 4.4).* One of the Kitchen Network's guiding principles is learning and job training. The Kitchen Network offers youth and young adults services and programs to those interested in starting their career in the food industry.
- *Promote a Vibrant Food Economy and Leverage Denver's Food Business to Accelerate Economic Opportunity (Goal 4.10).* The Kitchen Network and the commissary kitchen use provide opportunities for new and existing food business to learn and grow. Professionals from the Kitchen Network have years of experience in Denver's food community and will share best practices to support and grow Denver's new, vibrant, and economically successful food economy.

*Vision 5: Denver is a Thriving, Sustainable City Connected to Nature and Resilient to Climate Change*

The Kitchen Network will further this vision by:

- *Promote Diverse and Environmentally Responsible Food Systems (Goal 5.10).* The Kitchen Network and their commissary kitchen use (allowed by the inclusion of *Food Preparation and Sales, Commercial* in the current CMP-El district) will contribute to a more complete food system that provides small and emerging food businesses with a place to start and flourish. Leading to economically resilient businesses that provide a diversity of food items and services for the larger Denver community
- *Clean our Soils, Conserve Land and Grow Responsibly (Goal 5.8).* The Kitchen Network will be adaptively re-using existing buildings, kitchens, and equipment in their culinary facilities. Adaptive reuse is an important component of sustainability. *Food Preparation and Sales, Commercial* will not require additional land, buildings, or major pieces of equipment. The Kitchen Network will be using what is in place already, preserving existing on-campus open spaces for the enjoyment of the larger Denver community

*Vision 6: Denver is a City of Safe, Accessible and Healthy Communities*



The Kitchen Network will further this vision by:

- *Ensuring Access to Affordable, Nutritious, and Culturally Diverse Foods in all Neighborhoods (Goal 6.3).* A wide range of businesses and users will use commissary kitchens. Many of these businesses are operated by owners from minority and/or disadvantaged backgrounds. Commissary kitchens are an important resource for these food entrepreneurs. The Kitchen Network's East Denver location will provide these businesses and their owners with the resources and space needed to successfully create culturally diverse food options

***Blueprint Denver:***

*In this section of the attachment, describe how the proposed map amendment is consistent with a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in Blueprint Denver.*

**Context:**

The Park Hill Campus (formally known as Johnson and Wales) was designated in Blueprint Denver as a District. Blueprint Denver specifically defines districts as:

*“Districts are places with a specifically designed purpose, such as educational campuses or industrial areas. Although they have a strong primary purpose, these places can also be mixed-use and offer a diverse range of amenities and complementary services to support the district’s primary function.”*

The new iteration of the Park Hill Campus will be similar in form and function to the former Johnson and Wales campus. The campus is directly abutted by several East Denver Neighborhoods including South Park Hill, Montclair, East Colfax, and is also near Central Park. Each of these neighborhoods has been designated as “Urban Edge” or “Urban.” Within this land use configuration, and because of the adaptive re-use vision for existing buildings and amenities, new iterations of the campus will not have an impact on the campus’s existing contextual relationship with these neighborhoods and their residents.

Specially, the requested waiver for *Food Preparation and Sales, Commercial* will allow the Kitchen Network to adaptively reuse the former Universities world-class culinary facilities to create in-demand commissary kitchens for use by small businesses and to serve local neighborhoods and the larger metropolitan area. No exterior changes, additional density, or other structural changes or additions are purposed as part of this rezoning request. Ensuring that the existing built form of the structures remains consistent with other campus buildings and congruent with adjoining single-family neighborhoods and corresponding built forms.

**Future Place Type:**

Blueprint Denver also designates the Place Type of the Park Hill Campus as a *Campus*:



*“Typically dominated by a single, large institutional user. Universities, medical centers, and large research facilities are examples. Supporting retail and residential uses also occur. Campus buildings vary greatly in size and form, but multi-story, single and mixed-use buildings are typical.”*

While the Park Hill Campus will focus on affordable housing it will also continue to serve as an educational center. In its past iterations the campus was focused solely on post-secondary education. In this new iteration the Park Hill campus will evolve into an outwardly focused, community centric campus that offers the East Denver community educational resources, affordable housing, publicly accessible open spaces, retail food and beverage uses, community event spaces, and commissary kitchens for vocational training and as spaces for food local businesses to use and grow. This expanded offering of uses (*including the requested for Food Preparation and Sales, Commercial*) above and beyond the campuses original educational use, brings the new Park Hill Campus into direct alignment with Blueprint Denver’s designation of the future place / space as a “mixed-use district” that offers “a diverse range of amenities and complimentary uses” that will not only serve future on-campus residents, students, and business but also adjacent neighborhoods and residents. The addition of *Food Preparation and Sales, Commercial* will allow the Kitchen Network and its partners to add to the diverse mix of uses on planned for the campus and is in alignment with Blueprint Denver’s Future Place Type guidance (*providing additional supporting retail uses*). Food Perpetration and Sales will allow for vocational-focused small-businesses to adaptively reuse the sites exceptional culinary facilities to assist in growing small business, to provide food for campus residents and students, food for the larger metropolitan region, and as a food-focused community gathering place for surrounding neighborhoods and residents.

#### Growth Strategy

Growth will be limited by the size and structure of the Kitchen Networks buildings. Interior spaces for *Food Preparation and Sales, Commercial* will remain in the condition they were in when used by Johnson and Wales University in the past. No new structures are currently being considered or planned. The request for the waved in use of *Food Preparation and Sales, Commercial* will simply permit the use of existing kitchen facilities as commissaries for food-focused uses by small businesses. Commissary kitchens (as permitted by *Food Preparation and Sales*) are in high demand in the Denver region. The growth of mobile food sales, meal delivery, and independent food entrepreneurs has grown exponentially during COVID-19. The addition of *Food Preparation Sales, Commercial* use will allow the Kitchen Network to provide valuable facilities for the Denver Metropolitan region that support small businesses, meet increasing demands for home-food delivery, and as a resource for local neighborhoods.

#### Adjacent Street Types:

The South and East Campus is adjoined by several residential collectors and arterials:

- Montview Boulevard (Residential Collector): This important two-lane, east-west street provides multimodal connections and incorporates on-street bike lanes. Montview is an important east-west connection that provides access to the Park Hill Campus from the South Park Hill, Central Park, and East Colfax Neighborhoods as well as the City of Aurora. Single family residential homes predominate, with a number of schools situated along the corridor including DPS’s



School of the Arts, the Odyssey School, Denver School of Science and Technology, and Ashley Elementary.

- Quebec Street (Residential Arterial): This regional north/south street provides regional connection to the Park Hill Campus. Quebec street provides an easy and convenient connection to I-70 and I-225 at its northern end and provides access to Colfax and future planned BRT improvements to the south. Within the vicinity of the Park Hill Campus, primary uses along the Quebec corridor consist of single-family residential homes. Retail uses are found further to the north, and a smaller number of retail uses can be found to south where Quebec intersects with Colfax. Future roadway improvements are planned for Quebec Street by the City of Denver.
- 17<sup>th</sup> Avenue (Residential Arterial): This two-lane, east-west arterial serves as an important connection for the South and East Park Hill Campus and provides pedestrian and vehicular connections to the Montclair, South Park Hill, and East Colfax neighborhoods. No bike facilities currently exist along 17<sup>th</sup>, but a protected bike lane is planned in the future.

Uses and users associated with *Food Preparation and Sales, Commercial* will access the commissary kitchens from either of two roadways; 17<sup>th</sup> will provide access to the large parking lot directly south of the Kitchen Network buildings, while Quebec will allow access to the buildings loading docks. Both access points intersect with residential arterials (17<sup>th</sup> Ave and Quebec St), minimizing impacts to surrounding residential neighborhoods and homes.

**Plan Policy and Strategies:**

Blueprint Denver specified a number of policies and strategies applicable to the Park Hill Campus. The following text outlines how the addition of *Food Preparation and Sales, Commercial* will assist the City in achieving these overall guiding principles and directives:

- **Districts:** Blueprint Denver has designated the Park Hill Campus as a District. Specific guidance in Blueprint Denver relative to the “districts” states:

*“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.”*

The addition of *Food Preparation and Sales, Commercial* will assist in providing additional employment within the district by permitting the use of existing industrial kitchens to be adaptively reused as commissary kitchens for local food businesses. Increasing the number of employees on campus and within the district. Park Hill Campus’s location along Quebec, near Colfax and its future transit amenities, and along Montview is an optimal location of new employment uses, providing multimodal access and transportation choice to future users, customers, and employees.

- **Changes to the Zoning Code:** Blueprint Denver also encourages adaptive reuse of institutional sites and buildings:



*Blueprint Denver Goal: "Implement zone code revisions to facilitate compatible redevelopment of institutional sites within neighborhoods"*

*Corresponding Strategy: "Consider changes to the zoning code that would allow for greater land use flexibility....This approach could require adaptive re-use of existing structures in exchange for greater land use flexibility or requirements for providing community improvements such as affordable housing, open space or community serving spaces."*

The addition of *Food Preparation and Sales, Commercial* to the Park Hill campus is directly in-line with this desired goal and the corresponding strategy. The Kitchen Network will adaptively re-use the existing structures and kitchen facilities without additional buildings, exterior improvements, or other outward facing improvements that could otherwise negatively impact surrounding neighborhoods, residents, and built forms while also providing needed employment, business incubation, and food services uses desired by both the local community and the regional market.

- *Re-Use of Large Campus Sites:* Blueprint Denver also established goals and strategies for the redevelopment and re-use of large campus sites:

*Blueprint Denver Goal: "Implement zone code revisions to facilitate compatible redevelopment of institutional sites within neighborhoods"*

*Corresponding Strategy: "Establish a process to plan for the re-use of large campus sites.... When those functions leave, often it's not appropriate to continue that level of flexibility, study potential revisions to the campus zone districts to better reflect the intent of these districts to apply to true, actively functioning campuses"*

The departure of Johnson and Wales University has created the opportunity to reimagine a new Park Hill Campus that combines the former site's singular focus on education with new community serving affordable housing, employment, and retail uses. The addition of *Food Preparation and Sales, Commercial* to the CMP-EI district furthers Blueprint Denver goals by contributing to a truly mixed-use campus that is community centered rather than inwardly focused. The addition commissary kitchens are responsive to the region's current economic conditions, will provide a use that is in high demand, and will be accessible to local residents.

- *Use of Large Development Review:* Blueprint Denver also established goals and strategies to promote coordinated development:

*Blueprint Denver Goal: "Promote coordinated development on large infill sites to ensure new development integrates with its surroundings and provides appropriate community benefits"*

*Corresponding Strategy: "Use large development review, or similar tools, to coordinate infrastructure and open space on large infill sites while minimizing and mitigating negative impacts on surrounding communities"*



The addition of *Food Preparation and Sales, Commercial* to the *CMP-EI* district is being completed in conjunction with a Large Development Review / Framework process for the entire Park Hill Campus. This comprehensive process will ensure that adaptive reuse of existing structures on campus are compatible with adjoining zone districts, contexts, and built forms. The LDR process will also ensure that existing historic open spaces and community serving uses (such as the Kitchen Network) are accessible to nearby neighborhoods and residents. Minimizing impacts and providing community serving places and uses is one of the main cornerstones for the overall vision for the future Park Hill Campus

- *Community Supported Agriculture and Fresh Food Access:* Blueprint Denver also established goals and strategies to promote access to healthy food:

*Blueprint Denver Goal: "Develop tools to improve access to healthy food to support community health outcomes"*

*Corresponding Strategy: "Evaluate city regulations to remove barriers to community-supported agriculture and to expand access to fresh food and produce"*

The Kitchen Network, with the addition of *Food Preparation and Sales, Commercial* use to the *CMP-EI* district, will be able to create a new eastside operation that mirrors the Kitchen Network's existing operations in the Westwood neighborhood. The Kitchen Network will bring together food related organizations to provide workforce development and training, research and development, culinary arts, and business management to the East Denver community. The Kitchen Networks mission states:

*Our expansive kitchens and unique peer network provide support and guidance for our members throughout their endeavor to create successful food ventures. Kitchen Network is a nonprofit kitchen incubator empowering local food entrepreneurs by providing accessible and inclusive commercial kitchens, with support from a network of industry experts.*

In addition to providing important and needed vocational and job training the Kitchen Network's commissary kitchens will provide the larger community, patrons, and business owners with the support and training of an organization committed to business incubation and healthy eating. Empowering business and encouraging access to healthy foods and industry best practices. As part of the larger LDR process the Park Hill Campus is committed to providing community gardens in open space areas. Community gardens would be used by adjoining neighborhoods, future residents, and the Kitchen Network for produce production and education.

- *Equity concepts contained in Blueprint Denver:* Blueprint Denver identified several equity indicators for the area and found that the area has:

- *Less access to grocery stores and public transit*



- *Lower than citywide averages for missing middle housing, bedroom counts in homes, mix of rented and owned homes, diversity in housing costs, and number of income restricted units*
- *Lower than citywide averages for retail and manufacturing jobs*

The addition of *Food Preparation and Sales, Commercial* to existing CMP-EI district will not ameliorate all needs. However, the addition of commissary kitchens will assist the City by:

- Providing retail and manufacturing employment/jobs over above what was previously on campus and within the kitchens when operated by Johnson and Wales University. Current estimates include:
  - *72 jobs as of now within the Kitchen Networks facilities on campus in support of 13 education nonprofit organizations*
  - *With the addition of the commissary kitchen use the Kitchen Network will be able to support and incubate an additional 300 businesses and 800 jobs*
- Will be part of a jointly planned campus that includes substantial affordable housing opportunities that will work in conjunction with the Kitchen Network and other campus partners to provide not only housing, but critical supportive uses including job training, employment, healthy eating options, and education.

#### ***East Area Plan:***

The East Area plan was recently completed and provides specific guidance, visions, goals, and strategies pertinent to the Park Hill Campus. The following information outlines information and guidance from the East Area plan for the Park Hill Campus and how the addition of *Food Preparation and Sales, Commercial* will assist in meeting the goals of this community-driven planning process.

The East Area Plan identified recommendations for institutional sites within East Denver. Below are specific recommendations from the plan augmented by Park Hill Campus-specific narrative.

- Recommendation L1: Ensure Compatible Development on Institutional Sites within Neighborhoods

*When new development occurs on larger campuses, including the former VA Hospital, Rose Medical Center, National Jewish, and Johnson & Wales University campus, new public open space, pedestrian connections, and pedestrian-friendly building frontages should be encouraged (See Policy E-12 and specific guidance for the Johnson & Wales University campus in Policy PH-L2)*

*Large Development Review should be required for large campus redevelopment.*

Public access to existing campus open spaces is an important component of the Park Hill Campus's future vision. Open spaces will remain accessible to the public and will provide



multiple bike and pedestrian connections for residents, employees, and customers looking to access the Kitchen Networks retail, commissary, and educational uses. The Park Hill campus and its partners have recently submitted a formal LDR application. Demonstrating the groups commitment to identifying community-supported adaptive re-use strategies that allow the campus to become more integrated with surrounding neighborhoods and residents.

- Recommendation L2: Encourage Shared Use and Activation of Institutional and Quasi-public Facilities During Off-peak Times

*Encourage community use of institutional sites by creating shared use agreements. Some examples include:*

*3) Using dedicated areas on school grounds for community gardens*

*5) Encouraging shared use of rooms for community uses, such as book clubs, arts and crafts, presentations, and adult learning*

The Kitchen Network in collaboration with Park Hill Campus partners are committed to adaptive re-using the campus's extensive green space and open space as a place not only for passive recreation but also as locations for community-focused gardens and cooperatives to provide better access to healthy food for future residents, existing neighborhoods / residents, and the Kitchen Network. The Kitchen Networks adaptively reused facilities will be open to the public for adult learning and vocational training.

- Recommendation PH-L2: Ensure New Development on the Johnson & Wales University Campus Helps Meet Plan Goals Should It Transition to Another Use Besides an Educational Campus.

*The Johnson & Wales University campus plays an important role in the South Park Hill community as a major employer and educational institution. Continued use as an educational campus is supported by this plan. If, in the future, a new property owner proposes to change the use from an educational campus, the following guidance would apply.*

*A) Conduct more detailed planning for the site through a master planning or small area plan process with diverse, inclusive community engagement.*

*B) New development on the site should help achieve the goals of the East Area Plan, including: 1) Affordable housing 2) Evaluation and preservation of historic resources 3) Public open space 4) Community-serving uses and services 5) Pedestrian and bike connectivity through the site*



- C) *Large Development Review should be used to coordinate new development and infrastructure improvements.*
- D) *New development should be designed to be compatible with the neighborhood and transition appropriately to surrounding residential areas (See Policy L1).*

These specific recommendations for the Park Hill Campus from the East Area Plan provide guidance on the desired future for the former Johnson and Wales University Campus. The addition of *Food Preparation and Sales, Commercial* to the Campus's existing CMP-EI designation will:

- Provide new community-serving food-focused uses and services on the Park Hill campus by transitioning previously private industrial kitchens into needed commissary kitchens for local food-oriented businesses, small businesses, and the larger East Denver community. The permitted new use will increase employment and serve as a critical business incubation asset for East Denver.
- Adaptatively re-use existing culinary building and facilities, thereby avoiding demolition and construction of larger buildings and facilities that are out of sync with the built form and context of adjoining residential communities. Allowing for the current built form of the campus to continue while also realizing new community-focused uses and services within the campus's existing built form.
- Adaptative reuse of the campus by the Urban Land Conservancy has included substantial community outreach and has engaged in processes required by the City and processes conducted independently by the Urban Land Conservancy and its partners. Park Hill Campus partners are committed to continual engagement of residents and neighborhoods to chart the future of the Park Hill Campus so that it transitions into an even better community asset.
- Because the Park Hill campus is being adaptively re-used, existing open spaces (both historic and general), existing pedestrian and bike paths, and historic structures will remain in place. Allowing for multimodal access to the Kitchen Network's facilities while preserving the campus's historic built form and its compatibility with surrounding neighborhoods.

#### **Narrative 3: Public Health, Safety, and General Welfare:**

*In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety, and general welfare of the City.*



The addition of *Food Preparation and Sales, Commercial* to the existing CMP-EI zoning district furthers the public health, safety, and general welfare of the City in multiple ways:

- Commissary Kitchens will create regularly inspected kitchens for use by local businesses. Best industry practices will be always used, and all applicable health regulations will be met, creating flexible and professional food production facilities where food safety and public health is a primary focus.
- The ability of food business to rent professional quality kitchens will allow businesses reap the rewards of economies of scale, the safe handling and storage of food products, and will provide access to professional guidance and collaboration. Resulting in economically strong business ready to contribute to the general economic welfare of the City, citizens, and their businesses.
- Public health, safety and welfare is further improved by the rezoning as it will assist in implementing the goals, initiatives, and strategies of relevant City-Wide and neighborhood-specific plans and processes. Including, Denver Comprehensive Plan 2040, Blueprint Denver, and the East Area Neighborhood Planning Initiative.

#### **Narrative 4: Justifying Circumstances**

*In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.*

The addition of *Food Preparation and Sales, Commercial* to the Park Hill Campus's existing CMP-EI zone district is the result of several factors and circumstances and it is in the public's interest to encourage a departure/edit from/to the existing zoning due to a change in conditions. Factors and circumstances include:

- The past CMP-EI zoning designation was specific to the educational uses offered by Johnson and Wales University. When the campus was sold to the Urban Land Conservancy and its partners this former designation did not fully match the vision and uses for the campus's future. While many future uses are allowed under the CMP-EI zone district, commissary kitchens were not. As such, *Food Perpetration and Sales, Commercial* was specifically identified as an additional use that would allow for the Kitchen Network to offer a full suite of services to its tenants and to allow for existing culinary facilities to be adaptively reused to their full potential for the benefit of the community.
- A commissary kitchen is needed to take full advantage of the adaptive reuse potential of the former Johnson and Wales Campus's culinary facilities. Vocational training will still be a cornerstone of the Kitchen Networks services. However, the addition of commissary uses will allow the Kitchen Network to make the state-of-the-art culinary facility available to small local businesses. This new use provides small businesses with the ability to minimize overhead cost, making them more financially viable and ensures the facility receives the level of investment necessary to maintain the



equipment and building. This economically viable approach provides affordable culinary education, makes efficient use of equipment, supports the local economy, and subsidizes other community serving uses.

- A commissary kitchen allows for multiple food options to serve the local campus partners. Few schools have an opportunity to afford on site prepared nutritious and fresh meals for their students, however, the Park Hill campus brings together partnerships that are symbiotic. For example, Work Options a nonprofit focused on workforce development can provide meals for the neighboring St. Elizabeth School and its students. As a commissary these options can grow to allow for more made-on-site choices for future campus residents, students, and employees.
- A change to the current CMP-EI zoning district allows for the previous inwardly focused culinary buildings and services to be available to the larger Denver community. Allowing the future Park Hill campus to assist Denver in achieving the visions and goals of overarching plans including Denver Comprehensive Plan 2040, Blueprint Denver, and the East Area Plan

#### **Narrative 5: Neighborhood Context (email from Jason)**

*In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general-purpose statement, and c) the specific intent statement found in the Denver Zoning Code.*

*Food Preparation and Sales, Commercial* aligns with the existing CMP / CMP-EI zoning district in several ways. The following section illustrates how the proposed rezoning aligns with the CMP / CMP-EI Zone District's context description, general purpose statement, and the specific intent statements found in the Denver Zoning Code.

*a) How does Food Preparation and Sales, Commercial align with the CMP context description?*

The addition of *Food Preparation and Sales, Commercial* augments and aligns with the context of the CMP-EI's district as no new buildings are planned. Commissary Kitchens will be using existing culinary facilities, buildings that were previously integrated into the campus when it was operated as a university and used as a purely educational facility. These one- and two-story structures fit within the context of the educational campus, and the only changes proposed are associated with the specific commissary kitchen use within these existing culinary buildings.

The buildings are accessible from the campus's internal pedestrian network, parking lots, as well as from Quebec street. The two-story configuration of the culinary buildings matches the built form of single-family residences found on the east side of Quebec Street. Vehicular connections will be provided in a shared condition and will utilize the existing surface parking lot south of the structures and the loading docks on the north side of the structures. Bike and pedestrian access will be facilitated by the internal campus network and by sidewalks and bike facilities found adjacent to the site in the public right of way.



b) *How does Food Preparation and Sales, Commercial align with the CMP-El's general purpose / intent statement?*

*Food Preparation and Sales, Commercial* aligns with the CMP-El's general purposes and intent statements because it will:

- Augment the campuses existing and future educational and residential uses by providing food-service and vocational training opportunities. Commissary Kitchens will be used not only to provide opportunity for local small businesses but to impart food-industry best practices when used. The CMP-El zoning district was created to allow for educational uses and "associated programming." The addition of *Food Preparation and Sales, Commercial* can be considered associated programming in support of new residential and educational uses planned for the Park Hill campus.
- Provide educational and vocational training opportunities for future residents and adjoining communities by adaptively re-using the campuses former culinary buildings. Culinary buildings were constructed within a campus context (CMP-El) and are tied to the campus's unified urban design aesthetic which emphasizes internal greenspaces, pedestrian networks, and which incorporate compatible transitions to adjoining residential neighborhoods.
- The former Johnson and Wales University was a vocationally focused institute of higher learning. The vocational curriculum of the University required the addition of substantial culinary facilities. In its new iteration, these culinary facilities will be turned from inward facing student uses into outwardly focused amenities for the larger community. While this change in use (*with the addition of Food Preparation and Sales, Commercial*) is different than the previous use, it preserves the physical character and placement of the buildings in their campus form. Ensuring that the new use *Food Preparation and Sales, Commercial* fits within the larger campus context of which it is a part of.

## Outreach Documentation

Community Meeting	Date	Format of Engagement	# of Participants	Page Number of Community Engagement PDF (See Documentation Below)	Notes
<b>Update to Colorado Funders on Acquisition Opportunity</b>	2/19/2021	Multiple	50		
<b>DPS/DSA Community Engagement</b>	4/20/2021	Multiple	75		
<b>Collaboration and Communication with Greater Park Hill Neighborhood Association</b>	5/6/2021	Email	Multiple	18,19,20	Notes from meeting stating that the Association is pleased with UIC's efforts, vision, and engagement. Specific comments received were for future open space uses relative to the East Area Plan
<b>UIC helps gather letters of support for Archway Communities LHTC App</b>	6/1/2021	Letters of support	5		
<b>Press release distributed announcing JWU acquisition</b>	6/8/2021	Press Release	90*		
<b>St. Elizabeth's School Park Hill Town Hall Meeting</b>	6/16/2021	Virtual	75		
<b>Archway JWU Public Hearing</b>	7/23/2021	Virtual	5		
<b>Governor Polis' and state Leaps' visit to Park Hill Campus</b>	8/20/2021	In-person	30 attendees	12,13	Email blast for Gov. Polis' visit to Campus
<b>Communication with Impact East Colfax</b>	8/16/2021	Virtual	multiple	9,10	Email notice to group for August 26th community meeting
<b>Park Hill Campus Community Dialogue</b>	8/26/2021	Virtual Meeting / Series	35**	2	Email notice for meeting / dialogue to community leaders
<b>Park Hill Campus Community Dialogue</b>	8/26/2021	Virtual Meeting / Series	35**	6	Email follow-up with Zoom recording of meeting
<b>Park Hill Campus Community Dialogue</b>	8/26/2021	Email	unknown	23,24	Reminder to the community and partners about Virtual Community Meeting held for the Park Hill Campus
<b>Department of Local Affairs tour of Park Hill Campus</b>	9/9/2021	In-person	5		
<b>Campus Tour: Park Hill East Colfax Collective</b>	9/15/2021	In-person Meeting	15		Email notice to partners about meeting with the Collaborative

<b>Tweet from Chris Herndon for Park Hill Campus Block Party</b>	9/23/2021	Virtual	multiple	1	Tweet from Council Member to encourage attendance at community party
<b>Park Hill Campus Block Party</b>	9/24/2021	In-person Meeting / Event	1200	7	Email/poster graphic for block party
<b>East Colfax Community Collective Collaboration</b>	9/24/2021	Email	multiple	16	Email from East Colfax Community Collective appreciating ULC's engagement of the community and on-going collaboration for renaming, partnering, visioning for Kitchen Network vendors, and the block party
<b>Impact East Colfax Steering Committee Kick Off</b>	9/30/2021	Virtual	30		
<b>Park Hill Campus Large Development Review (LDR)Community Meeting</b>	9/30/2021	Virtual	40		Please see attached "Park Hill Campus LDR Community Meeting Report.pdf"
<b>Colorado State Agencies meet with Campus partners re: ARPA</b>	10/25/2021	Virtual	25		
<b>Park Hill Campus Naming Committee</b>	12/17/2021	Virtual	unknown	15	Email to community leader, groups, and development partners encouraging participation in community re-naming efforts for the Park Hill Campus

\* Resulting media reached upwards of 3 million  
 \*\* More than 40 community groups invited