



**TO:** Denver City Council Land Use, Transportation and Infrastructure Committee  
**FROM:** Brad Johnson, Senior City Planner  
**DATE:** September 09, 2021  
**RE:** Official Zoning Map Amendment Application #2021I-00035

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land use, Transportation, and Infrastructure Committee move Application #202i-00035 forward for consideration by the full City Council.

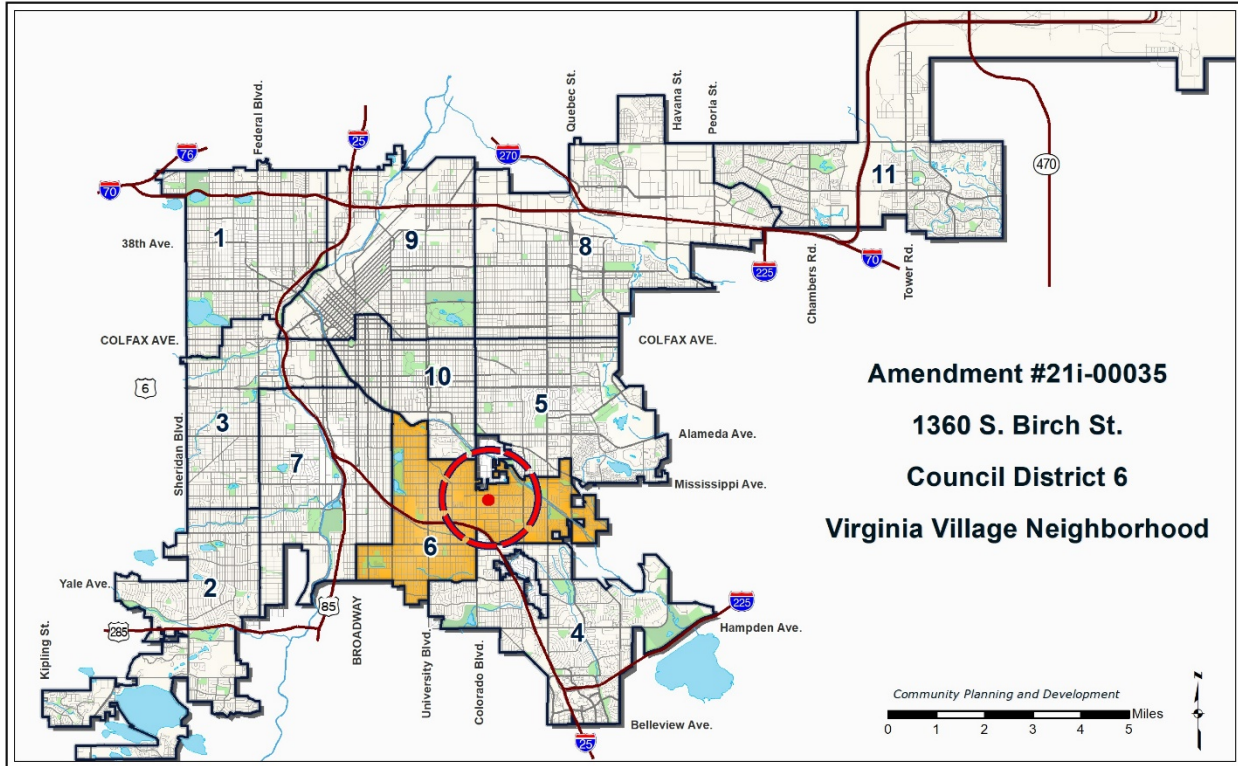
### Request for Rezoning

Address: 1360 South Birch Street  
Neighborhood/Council District and CM: Virginia Village / Council District 6, CM Kashmann  
RNOs: East Evans Business Association, Neighborhood Coalitions of Denver, Inc., Inter-Neighborhood Cooperation (INC), Virginia Village/Ellis Community Association  
Area of Property: 11,250 square feet (0.26 acres)  
Current Zoning: S-SU-D  
Proposed Zoning: S-MU-3  
Property Owner(s): Philip Loper

### Summary of Rezoning Request

- The property is located in the Virginia Village statistical neighborhood on South Birch Street between East Arkansas Avenue and East Louisiana Avenue
- The property is currently occupied by a single-unit home.
- The applicant is requesting this rezoning to enable two-unit and multi-unit housing development.
- The site is currently zoned S-SU-D (Suburban Context, Single-Unit) which allows suburban houses with a minimum zone lot area of 6,000 square feet.
- The proposed zone district is summarized as follows:
  - S-MU-3 (Suburban Multi-Unit – 3 stories) allows for residential uses in the suburban house, duplex, row house and apartment building forms up to a maximum height of three stories and 40 feet.
- Further details of the existing and requested zone districts can be found in Article 3 of the Denver Zoning Code (DZC).

## Existing Context





The subject property is located within the Virginia Village Neighborhood on South Birch Street just under a quarter mile to the east of South Colorado Boulevard corridor, which is home to a variety of restaurants, retail, offices, gas stations, convenience stores and other commercial uses. The former Colorado Department of Transportation (CDOT) headquarters site separates the subject site from South Colorado Boulevard. This site is currently vacant but is planned for redevelopment with a mix of non-residential and residential uses. The site abuts a vacant lot to the south that was used as a surface parking lot previously. To the north are three single-unit homes. A two-story multi-unit residential building is located on the north end of the block face. The block face across the alley to the east is occupied by single-unit homes with garages accessed from the public street. The blocks to the north across East Louisiana Avenue contain a mix of multi-story multi-unit residential buildings. The blocks to the south across East Arkansas Avenue contain primarily single-unit homes on blocks served by alleys.

A bus stop adjacent to the site serves RTD route 46 and several bus lines provide service on South Colorado Boulevard less than ¼ mile to the west of the site (route 40). On-street bike lanes run east-west on East Florida Avenue one block to the south.

The following table summarizes the existing context proximate to the subject site:

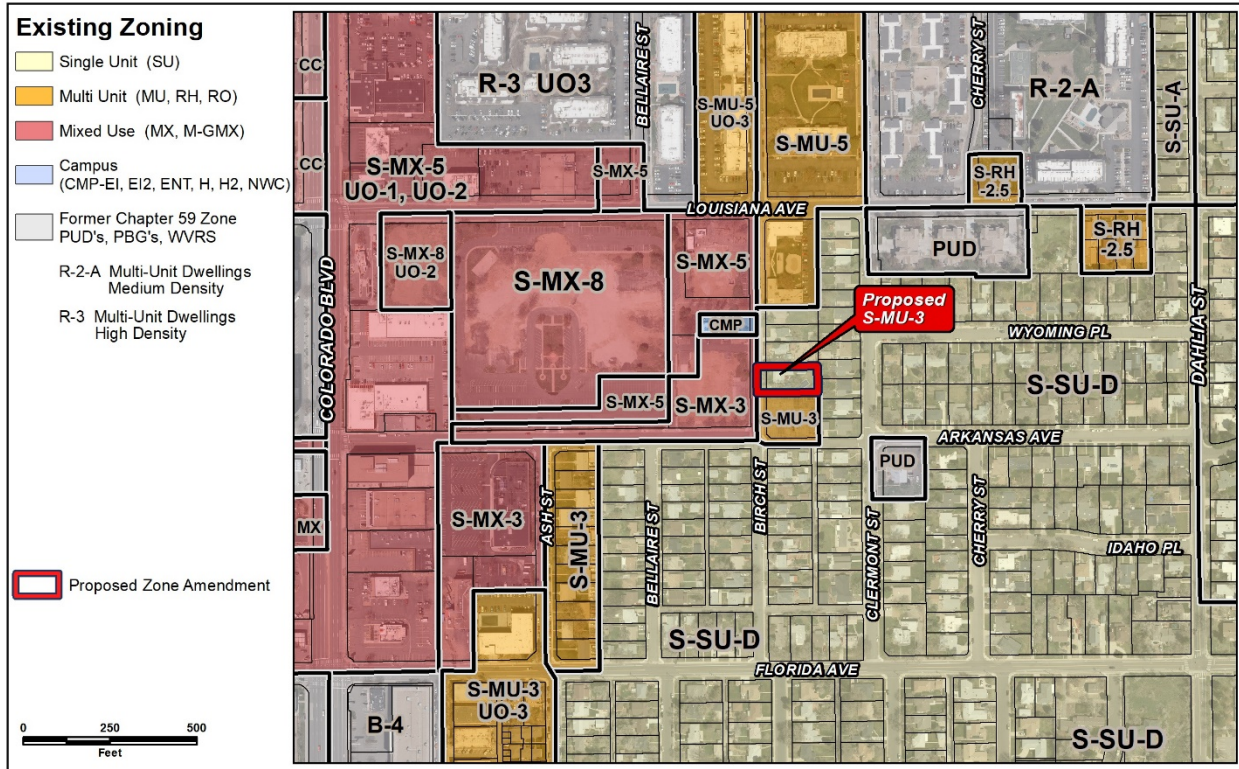
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-D	Single-unit residential	1-story residential single unit building	Primarily north-south oriented oblong blocks, but with two east-west oriented blocks immediately to the east and to the southeast. The former CDOT site combines with parcels fronting South Colorado Boulevard to form a massive super block bounded by S. Birch Street, E. Arkansas Avenue, S. Colorado Boulevard and E. Louisiana Avenue.  Lots are typically rectilinear shaped and vary in size depending on the use. Single-unit zone lots in the area are generally east-west oriented with the shorter sides of the parcel parallel to the street and alley.  Grid street configuration with roadways running east-west and north-south.
North	S-SU-D, S-MU-5	Single and multi-unit residential	1-story residential single unit buildings immediately to the north; two story residential multi-unit buildings at the north end of the block	
South	S-MU-3	Vacant	Vacant immediately to the south; 1-story single-unit residential buildings to the south across East Arkansas Avenue	
East	S-SU-D	Single-unit residential	1-story single-unit residential buildings	
West	S-MX-3, CMP-EI2, S-MX-5	Vacant, communications tower, electrical equipment and generator (map shows office, but this use is not currently located on the site to the west of the subject property)	1-story rectilinear utilitarian building and slender, tall communications tower	

### 1. Existing Zoning

The existing zoning on the subject site is S-SU-D, which is a single-unit district in the Suburban Neighborhood Context. It allows only the Suburban House building form with a minimum zone lot area of 6,000 square feet. Lots are typically 50 feet wide. Allowed accessory building forms are the detached garage and other detached accessory structures. The maximum allowed building height for primary structures is 30 to 35 feet (depending on lot width), and setback



requirements are 5 feet for the sides and 12 to 20 feet for the rear. Primary street setbacks are block sensitive, depending on the setbacks of nearby structures. There is no minimum parking requirement for single-unit residential uses. For additional details of the zone district, see DZC Article 3.

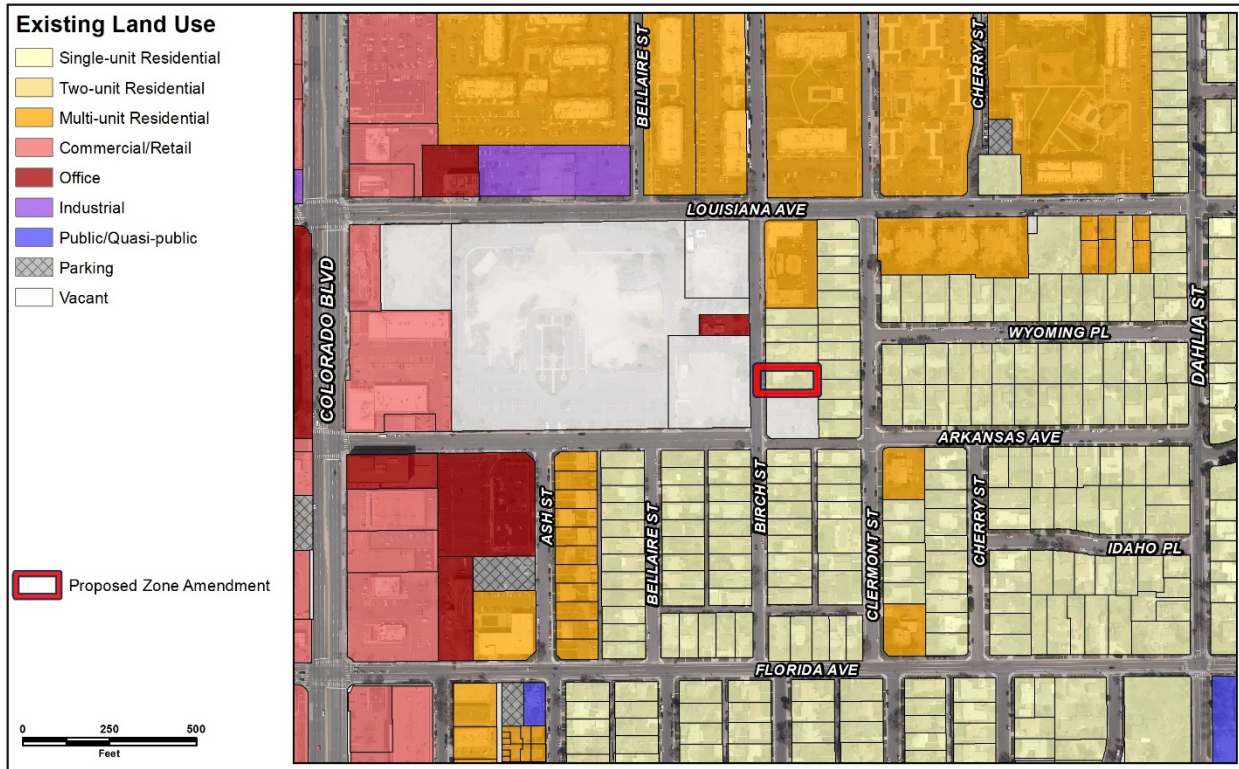


## 2. Status of Development Services Review (if applicable)

The applicant met with Development Services in March 2021 and again in August 2021 to get feedback on different concept plans and gain a better understanding of the land uses and building forms allowable in the S-MU-3 district.



### 3. Existing Land Use Map



Existing Land Use.

### 4. Existing Building Form and Scale



Site: Looking east from South Birch Street





**North of site:** Looking northeast at the three properties just north of the site (Source: Google Maps).



**North end of block face:** Looking northeast from South Birch Street.





**South:** Looking east from South Birch Street.



**East:** Looking northwest from South Clermont Street (Source: Google Maps).





**West:** Looking northwest from the intersection of South Birch Street and East Arkansas Avenue (Source: Google Maps).

### Proposed Zoning

The **S-MU-3** (Suburban, Multi-unit, 3-story) is a multi-unit zone district in the Suburban Neighborhood Context. Suburban House, Duplex, Row House and Apartment building forms are allowed primary building forms. Maximum height allowed is three stories and 40 feet. For additional details of the requested zone district, see Article 3 of the DZC. The primary building forms allowed in the existing zone district and the proposed zone districts are summarized here:

Design Standards	Existing S-SU-D	Proposed S-MU-3
Primary Building Forms Allowed	Suburban House	Suburban House, Duplex, Row House, and Apartment
Height in Stories / Feet (max)	2.5 stories / 30'-35'*	3 stories / 40'
Primary Street Build-To Percentages (min)	N/A	Row House, Apartment: 50% Other forms: no build-to
Primary Street Build-To Ranges	N/A	Row House, Apartment: 0' to 80' Other forms: no build-to
Minimum Zone Lot Size/Width	6,000sf / 50'	Suburban House: 6,000sf / 50' Duplex: 4,500sf / 37.5' Row House, Apartment: 6,000sf / 50'
Primary Street Setbacks (min)	Block sensitive or 15'**	Suburban House: Block sensitive or 15'-20' (whichever is less)** Duplex: Block sensitive or 20' (whichever is less) Row House, Apartment: 10'
Building Coverages (max)	50%	Suburban House, Duplex: 50% Other forms: no max building coverage

\*Standard varies based on zone lot width (greater than 30' in height allowed for lot widths over 50')

\*\* Standard varies based on zone lot width (20' for lot widths over 25')

## **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 Response

**Asset Management:** Approved – No Response

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

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

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

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

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

**Development Services – Wastewater:** Approved – See Comments

DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Development Services – Project Coordination:** Approved – No Response

**Development Services – Fire Prevention:** Approved – No Response

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>4/26/21</b>
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:	<b>08/17/21</b>
Planning Board voted 7 to 0 at the public hearing to recommend approval to City Council	<b>9/1/21</b>
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 (10) working days before the meeting:	<b>8/31/21</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>9/14/21 (tentative)</b>
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:	<b>10/4/21 (tentative)</b>
City Council Public Hearing:	<b>10/25/21 (tentative)</b>

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - No letters of support or opposition were received from RNO's
  - **General Public Comments**
    - 1 letter of opposition was received from a member of the public.
      - Opposition focused on concerns that some of the building forms allowed under the proposed zone district would be visually incompatible with the existing character of the Virginia Village neighborhood.

## 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* (2019)
- *Blueprint Denver* (2019)

Please note that the Virginia Village Neighborhood Plan, published in 1973, is not an adopted plan and therefore was not included in this analysis.

#### **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 proposed rezoning will allow for improved access to shops and services within walking distance of more residents and will allow a broader range of residential uses adjacent to S. Colorado Boulevard, which *Blueprint Denver* identifies as a High Capacity Transit corridor. The proposed rezoning site is also located immediately adjacent to a lower capacity transit on South Birch Street.

The rezoning is, therefore, **consistent** with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families* (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (p. 29).

The proposed rezoning would also allow for a greater mix of housing types. The request is, therefore, **consistent** with the following strategies from the Strong and Authentic Neighborhoods 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).

The proposed map amendment is in an area where services and infrastructure are already in place. The proposed rezoning would allow for additional residential units in an area that has access to work and play opportunities on South Colorado Boulevard. The request is therefore **consistent** with the following strategies from 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).

The proposed zone district would allow for a variety of residential uses and building forms and include form standards that ensure development is compatible with the surrounding neighborhood. Thus, the rezoning is **consistent** with the *Denver Comprehensive Plan 2040*.

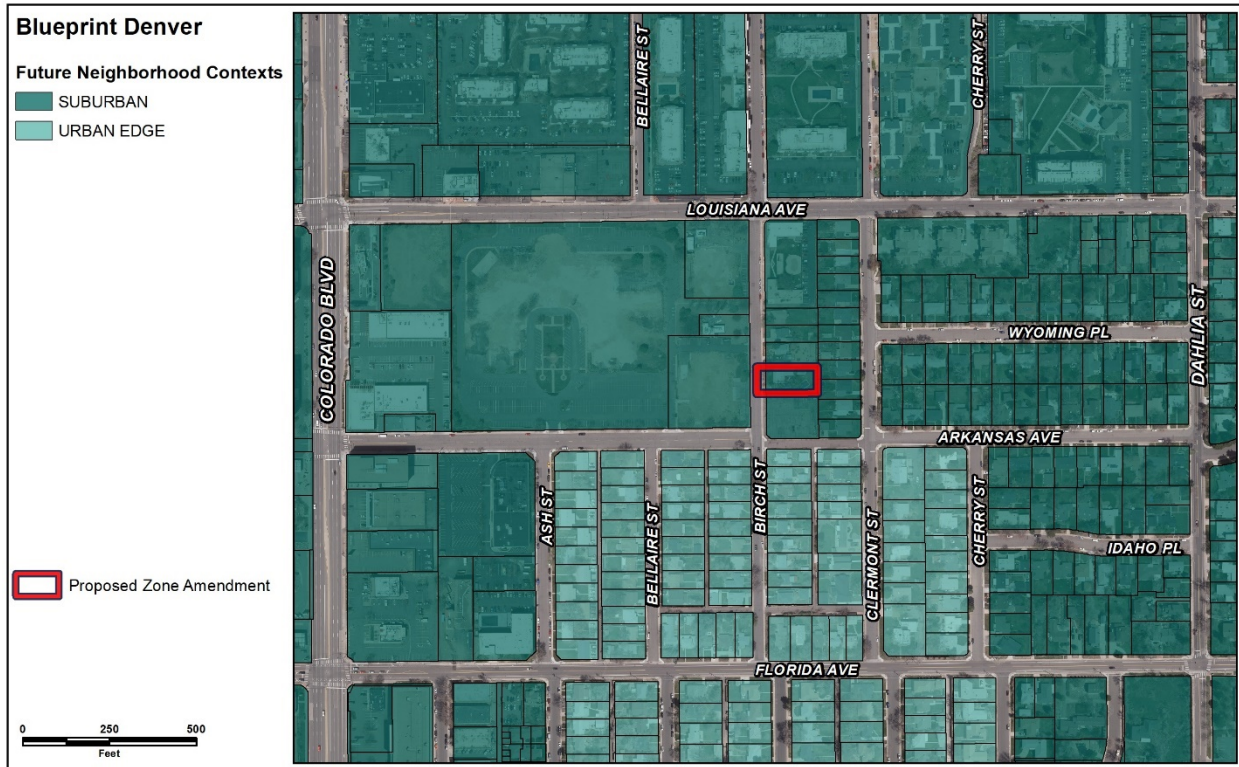
### ***Blueprint Denver***

*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 property as part of a Residential Low-Medium place within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Suburban Neighborhood Context. "Many suburban context areas are single-unit, but multi-unit also occurs. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multi-modal connectivity" (p. 190).

The proposed S-MU-3 zone district is part of the Suburban context in the Denver Zoning Code (DZC). This residential zone district is intended to "promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context" and "regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood" (DZC 3.2.2.1). Further, "standards of the row house and multi-unit districts promote existing and future patterns of multiple buildings on a single zone lot" (DZC 3.2.2.1). The proposed S-MU-3 district is a multi-unit district that allows a mix of residential building forms, consistent with the surrounding suburban character. Therefore, the proposed rezoning is **consistent** with *Blueprint Denver's* context guidance.

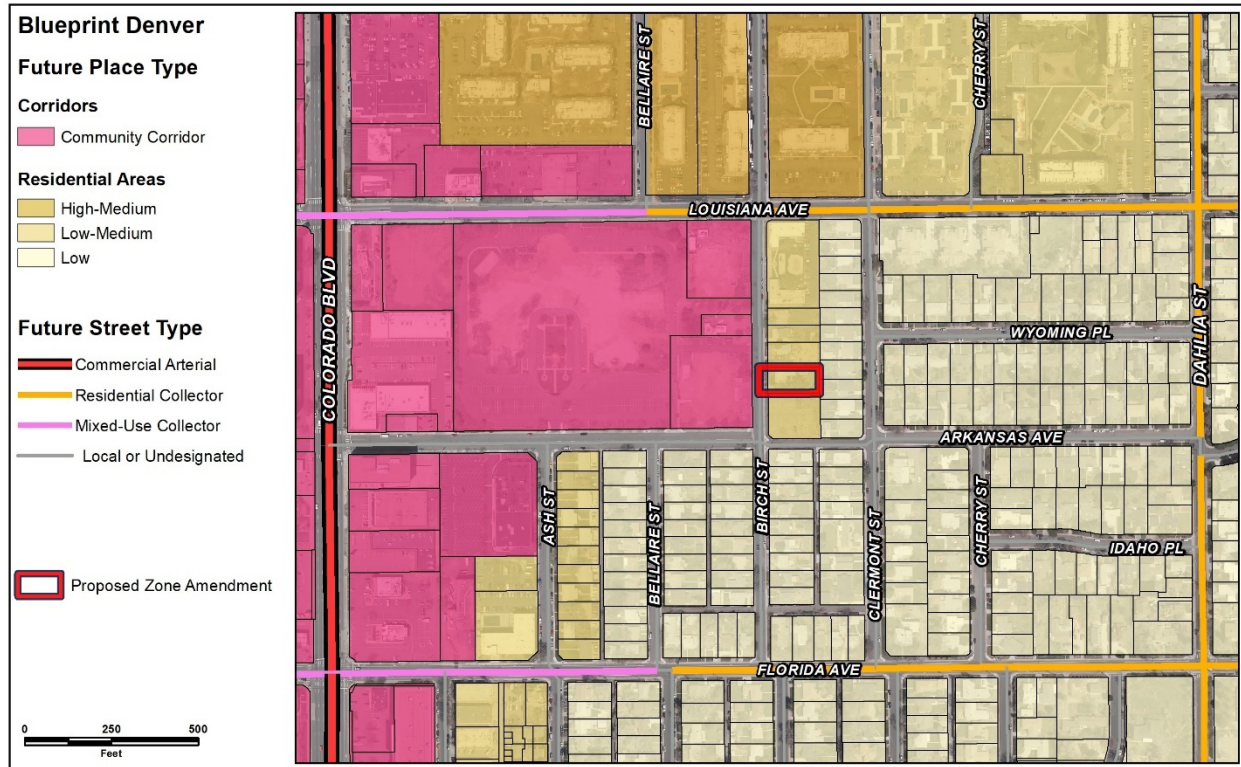


### **Blueprint Denver Future Places and Street Types**

The Future Places Map designates the subject property as part of a Residential Low-Medium place type. *Blueprint Denver* describes the aspirational characteristics of Residential Low-Medium in the Suburban context as a “Mix of low- to mid-scale multi-unit residential options. Small scale multi-unit buildings are interspersed between single and two-unit residential. Limited mixed-use along some arterial and collector streets and some intersections. Vacant institutional uses at intersections or select sites along some residential arterial and collector streets may be appropriate locations to introduce additional residential intensity. A variety of lower scale residential forms including row houses and small multi-unit buildings are found. Buildings are generally 3 stories or less in height.” (p. 200).

The proposed S-MU-3 zone district is **consistent** with the future place type since it would allow a mix of low- and mid-scale multi-unit residential options and cap building heights in the range specified in *Blueprint Denver*. Allowed building forms would include Suburban House, Duplex, Row House and Apartment, which would be allowed at a maximum height of 3 stories.

In *Blueprint Denver*, future street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies S. Birch Street as a Local Street. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” The proposed S-MU-3 is a residential zone district that would be **consistent** with this Future Street Type.



### **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 part of the growth area categorized as "All other areas of the city", which are anticipated to attract 10% of new jobs and 20% of new households by 2040 (p. 51). The proposed map amendment is consistent with this growth area as it will facilitate additional housing opportunities.





### **Blueprint Denver Strategies**

Blueprint Denver provides recommendations related to promoting growth in key residential areas connected by rail service and transit priority streets. Land Use and Built Form Policy 01 Strategy E supports using “zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including community corridors where transit priority streets are planned” (p. 72). The proposed rezoning is **consistent** with this objective since it would allow for an incremental increase in residential density near South Colorado Boulevard, which is identified as a high capacity transit corridor.

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

The proposed rezoning to S-MU-3 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city’s adopted land use plan and allowing for an increased mix of housing nearby transit service.

### **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8. “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 a change may include: A City adopted plan.” As discussed above, Blueprint Denver, adopted in 2019, clearly calls for the allowance of mid-scale multi-unit residential options. This is an appropriate justifying circumstance for the proposed rezoning.

Additionally, the large former CDOT headquarters property to the west of the site and a vacant lot just to the south of the site were recently rezoned in anticipation of development. As part of this large rezoning, the site immediately to the south of the subject property was rezoned Suburban-Multi-Unit-3 Stories (S-MU-3), which is identical to the zone district requested for 1360 South Birch Street.

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

The requested S-MU-3 zone district is within the Suburban Neighborhood Context, which is characterized by single-unit and multi-unit residential (DZC, Section 3.1.1). The subject site is on a block of South Birch Street with a mix of single- and multi-unit residential so the proposed rezoning to S-MU-3 is consistent with the neighborhood context description.

According to the zone district intent stated in the Denver Zoning Code, the S-MU-3 district “promotes future patterns of multiple buildings on a single Zone Lot and intends to allow Suburban House, Duplex, Row House and Apartment Building forms” (DZC Section 3.2.2.1.B). The S-MU-3 district “is a multi-unit district and allows suburban house, duplex, row house and apartment building forms up to 3 stories in height” (DZC Section 3.2.2.1.I). As such, the rezoning is consistent with zone district purpose and intent. The proposed rezoning is consistent with the purpose and intent since it will allow the building forms described above.

#### **Attachments**

1. Application
2. Public comment letters



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Philip Loper	Representative Name	
Address	PO Box 403	Address	
City, State, Zip	Evergreen, CO 80437	City, State, Zip	
Telephone	303-956-7205	Telephone	
Email	ParadigmLostDesign@gmail.com	Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	1360 S. Birch St. Denver, CO 80222		
Assessor's Parcel Numbers:	0619213008000		
Area in Acres or Square Feet:	11,250 SF (0.26 acre)		
Current Zone District(s):	S-SU-D		
PROPOSAL			
Proposed Zone District:	S-MU-3		
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"/> <b>Yes - State the contact name &amp; meeting date</b> <u>3/24/2021 w/ Jim Larsen</u> <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>		
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> <b>Yes - if yes, state date and method</b> <u>2/27/2021 via email</u> <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>		



## 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 checked="" type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></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>1. <b>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's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. <b>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>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): N/A</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 checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></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 Rezoning: 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 checked="" 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> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <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 checked="" 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>

**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.



# REZONING GUIDE



## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<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</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Philip G. Loper	1360 S. Birch St. Denver, CO 80222 (303) 956-7205 ParadigmLostDesign@gmail.com	100%	<i>Philip Loper</i>	03/24/21	(B)	n/a
						NO
						NO
						NO

PO Box 403  
Evergreen, CO 80437  
303.670.7911 (office)  
303.956.7205 (cell)  
ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



## REZONING REVIEW CRITERIA NARRATIVE:

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1360 South Birch Street  
Denver, Colorado 80222  
**Application No.: 20211-00035**

### CONSISTENCY WITH ADOPTED PLANS:

#### 1. Denver Comprehensive Plan 2040:

***i. Equitable, Affordable and Inclusive Goal 1 Strategy A –Increase development of housing units close to transit and mixed use developments:***

Proposed zoning would allow for much greater residential unit density directly adjacent to existing RTD bus routes and future mixed-use development at the former CDOT headquarters site across the street.

***ii. Equitable, Affordable and Inclusive Goal 2 Strategy A –Create a greater mix of housing options in every neighborhood for all individuals and families:***

Proposed zoning would allow a greater mix of housing options for individuals and families within this neighborhood, including single family residence, duplex, row house and apartment building.

***iii. Environmentally Resilient Goal 8, Strategy A-Promote infill development where infrastructure and services are already in place (p. 54):***

Proposed zoning would allow greater density redevelopment on an infill lot immediately adjacent to existing infrastructure and services.

***iv. Environmentally Resilient Goal 8, Strategy B-Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54):***

Proposed zoning would provide an opportunity for additional residential housing units near existing commercial, retail and office space on S. Colorado Blvd., as well as new commercial work opportunities across the street within the former CDOT headquarters mixed-use redevelopment site. New residents could play across the street in the new 1 acre park that is planned to be located on the southwest corner of S. Birch St. and E. Louisiana Ave.

#### 2. Blueprint Denver:

***i. Suburban Context:***

***All intensities of residential development can be found, though generally are separated from other types. Commercial and mixed-use are usually located along corridors or in larger centers, with the opportunity for new embedded neighborhood serving uses as redevelopment occurs. Block patterns are generally irregular with curvilinear streets and no alley access. The intensity and scale of uses are dependent upon the surrounding character. Parking is***

**more likely to be found in surface lots. (p. 190):**

This location is appropriate for a higher intensity since it is directly across the street from the new mixed-use redevelopment at the former CDOT headquarters site. The proposed new S-MU-3 Zone District is appropriate for this site, since the neighboring property to the south (1380 S. Birch St.) is also currently zoned S-MU-3.

**ii. Future Place: Low-Medium:**

**Mix of low-to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single and two-unit residential. Limited mixed-use along some arterial and collector streets and some intersections. Vacant institutional uses at intersections or select sites along some residential arterial and collector streets may be appropriate locations to introduce additional residential intensity. A variety of lower scale residential forms including row houses and small multi-unit buildings are found. Buildings are generally 3 stories or less in height. (p. 200):**

Proposed zoning would limit development to 3 stories in height. It would allow for more human-scaled residential building forms, which would provide an opportunity for an appropriate transition between the new mixed-use community center and the surrounding single family homes and apartment buildings.

**iii. Future Street Type: Local:**

**Reminder: Evaluating whether the proposed zone district is consistent with the Future Street Classification, but not to assess the traffic impacts of a specific development proposal. (pp. 154-155 & 202):**

Proposed zoning would be consistent with the future street type since, although it would allow for higher density, it would not provide such a dramatic increase so as to adversely impact the Local street type in the future.

**iv. Growth Areas Strategy:**

**All other areas of the city –10% of new jobs and 20% of new households by 2040 (p. 51). 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:**

This location is across the street from the new mixed-use community center at the former CDOT headquarters site. It is therefore highly appropriate for the proposed zoning that would allow opportunity for additional residential units.

**UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS:**

1. Proposed S-MU-3 Zone District would be applied uniformly across the entire site. It will be treated uniformly with other S-MU-3 zoned sites across the City.

**FURTHER PUBLIC HEALTH, SAFETY AND GENERAL WELFARE:**

1. Proposed zoning would create an opportunity for greater neighborhood intensity, and therefore provide more vibrant street and pedestrian activation.
2. Proposed zoning would create an opportunity for a safer neighborhood through greater density and more chances for human interactions and activity.
3. Proposed zoning would create an opportunity for higher residential unit density directly across the street from the new mixed-use community center at the former CDOT headquarters site. This would provide the new retail businesses with additional consumers within a short walking distance which would help to foster the success of

- those businesses.
4. Proposed zoning would further public health, safety, and general welfare by implementing the City's adopted plans.

#### **JUSTIFYING CIRCUMSTANCES:**

1. **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 changes include:**
  - i. **Changed or changing conditions in a particular area, or in the city generally:**

The new mixed-use community center that is being built across the street from this property at the former CDOT headquarters site warrants the proposed zoning. This would allow for greater density and align better with the changing conditions of that neighborhood block. Additionally, the proposed new S-MU-3 Zone District is appropriate for this site, since the neighboring property to the south (1380 S. Birch St.) is also currently zoned S-MU-3.
  - ii. **A City adopted plan:**

Comprehensive Plan 2040 and Blueprint Denver, both adopted in 2019, and after the approval of the existing Zone District.

#### **CONSISTENCY WITH NEIGHBORHOOD CONTEXT, ZONE DISTRICT PURPOSE AND INTENT:**

1. **NEIGHBORHOOD CONTEXT: Denver Zoning Code (DZC) section 3.1.1:**

The context is characterized by single-unit, and multi-unit residential, which is consistent with the proposed zone district. This section states that the area consists of streets with no alleys, which is consistent with the subject site. This section also states that the context is characterized by low scale buildings, except for some mid- and high-rise multi-unit residential, which the proposed zone district is consistent with.
2. **ZONE DISTRICT PURPOSE: Denver Zoning Code (DZC) section 3.2.2.1:**

The standards of the row house and multi-unit districts promote future patterns of multiple buildings on a single Zone Lot, which is consistent with the proposed zone district.
3. **ZONE DISTRICT INTENT: Denver Zoning Code (DZC) section 3.2.2.2.I:**

The zone district is intended to allow suburban house, duplex, row house and apartment building forms, which is consistent with the proposed zone district.

PO Box 403  
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303.670.7911 (office)  
303.956.7205 (cell)  
ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



February 27, 2021

Krisana GP LLC  
7200 S. Alton Way, Ste. A310  
Centennial CO 80112-2253

RE: Rezoning Application for 1360 S. Birch St., Denver, CO 80222

To Whom It May Concern,

I hope this letter finds you well. I am reaching out to inform you of the rezoning application process that I am beginning for the property located at 1360 S. Birch St., which is adjacent to your properties at 1380 S. Birch St. Misc. and 1385 S. Birch St.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it into two separate parcels of approximately 5,644 square feet each, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months. Construction would begin in late summer or early fall of 2021, and would be completed by summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Included with this letter is the concept site plan for this proposed project for your information.

Although this rezoning would potentially increase the unit density on that particular lot from 1 to 4, I feel that by limiting the height to 3 stories, and combining that with a more human-scaled duplex building form, the proposed project would provide an appropriate transition between the new mixed-use redevelopment of the former CDOT headquarters, located at 4201 E. Arkansas Ave., and the surrounding single family homes. I also strongly believe that this proposed rezoning aligns extremely well with the City of Denver's current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After reviewing this information, I hope that you will email me a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

A handwritten signature in cursive script that reads "Phil Loper".

Phil Loper  
Owner



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303.956.7205 (cell)  
ParadigmLostDesign@gmail.com  
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February 27, 2021

Christine Rees  
1350 S. Birch St.  
Denver, CO 80222

RE: Rezoning Application for 1360 S. Birch St., Denver, CO 80222

Dear Ms. Rees,

I hope this letter finds you well. I am reaching out to inform you of the rezoning application process that I am beginning for the property located at 1360 S. Birch St., which is adjacent to your property at 1350 S. Birch St.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it into two separate parcels of approximately 5,644 square feet each, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months. Construction would begin in late summer or early fall of 2021, and would be completed by summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Included with this letter is the concept site plan for this proposed project for your information.

Although this rezoning would potentially increase the unit density on that particular lot from 1 to 4, I feel that by limiting the height to 3 stories, and combining that with a more human-scaled duplex building form, the proposed project would provide an appropriate transition between the new mixed-use redevelopment of the former CDOT headquarters, located at 4201 E. Arkansas Ave., and the surrounding single family homes. I also strongly believe that this proposed rezoning aligns extremely well with the City of Denver's current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After reviewing this information, I hope that you will email me a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

A handwritten signature in black ink that reads "Phil Loper". The signature is written in a cursive, flowing style.

Phil Loper  
Owner

PO Box 403  
Evergreen, CO 80437  
303.670.7911 (office)  
303.956.7205 (cell)  
ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



February 27, 2021

Elizabeth Knerr  
3139 S. Akron Ct.  
Denver, CO 80231

RE: Rezoning Application for 1360 S. Birch St., Denver, CO 80222

Dear Ms. Knerr,

I hope this letter finds you well. I am reaching out to inform you of the rezoning application process that I am beginning for the property located at 1360 S. Birch St., which is adjacent to your property at 1355 S. Clermont St.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it into two separate parcels of approximately 5,644 square feet each, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months. Construction would begin in late summer or early fall of 2021, and would be completed by summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Included with this letter is the concept site plan for this proposed project for your information.

Although this rezoning would potentially increase the unit density on that particular lot from 1 to 4, I feel that by limiting the height to 3 stories, and combining that with a more human-scaled duplex building form, the proposed project would provide an appropriate transition between the new mixed-use redevelopment of the former CDOT headquarters, located at 4201 E. Arkansas Ave., and the surrounding single family homes. I also strongly believe that this proposed rezoning aligns extremely well with the City of Denver's current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After reviewing this information, I hope that you will email me a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

A handwritten signature in cursive script that reads "Phil Loper".

Phil Loper  
Owner

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303.670.7911 (office)  
303.956.7205 (cell)  
ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



February 27, 2021

Annette Carpender  
3755 S. Poplar St.  
Denver, CO 80237

RE: Rezoning Application for 1360 S. Birch St., Denver, CO 80222

Dear Ms. Carpender,

I hope this letter finds you well. I am reaching out to inform you of the rezoning application process that I am beginning for the property located at 1360 S. Birch St., which is adjacent to your property at 1365 S. Clermont St.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it into two separate parcels of approximately 5,644 square feet each, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months. Construction would begin in late summer or early fall of 2021, and would be completed by summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Included with this letter is the concept site plan for this proposed project for your information.

Although this rezoning would potentially increase the unit density on that particular lot from 1 to 4, I feel that by limiting the height to 3 stories, and combining that with a more human-scaled duplex building form, the proposed project would provide an appropriate transition between the new mixed-use redevelopment of the former CDOT headquarters, located at 4201 E. Arkansas Ave., and the surrounding single family homes. I also strongly believe that this proposed rezoning aligns extremely well with the City of Denver's current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After reviewing this information, I hope that you will email me a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

A handwritten signature in cursive script that reads "Phil Loper".

Phil Loper  
Owner



## Phil Loper :: paradigm lost

---

**From:** Phil Loper :: paradigm lost <paradigmlostdesign@gmail.com>  
**Sent:** Sunday, March 07, 2021 8:03 AM  
**To:** 'Christine'  
**Subject:** RE: South Birch Rezoning Proposal  
**Attachments:** 4201 E Arkansas Ave\_concept\_Kentro Group.pdf

Good morning Christine,

Thank you for taking the time to respond to the letter I sent you regarding the rezoning of my property at 1360 S. Birch St. with your thoughtful input. Although I can't promise to accommodate all of your concerns, I will certainly do my best to take them into consideration as my project moves forward. And of course, this proposed project will fully comply with all current Denver Zoning and Building department requirements and restrictions.

I have also attached some concept drawings that are currently being considered by the Kentro Group and Tryba Architects for the redevelopment of the property across the street from your home at 4201 E. Arkansas Ave., which includes the existing parking lot on the NE corner of S. Birch St. and E. Arkansas Ave. just for your information.

Please don't hesitate to reach out to me anytime in the future if you have any questions or concerns. Thanks again.

### *Phil Loper*

303.670.7911 (office)  
303.956.7205 (cell)



ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com

**From:** Christine [mailto:christinear65@gmail.com]  
**Sent:** Friday, March 05, 2021 3:47 PM  
**To:** paradigmlostdesign@gmail.com  
**Subject:** South Birch Rezoning Proposal

Dear Mr. Loper,

Thank you for your letter regarding your rezoning proposal for your new property on South Birch Street in Denver.

In place of a short note of “strong support” as suggested, I will share my thoughts on your proposal.

I agree, four three-story homes on a single family lot “would potentially increase the density” here. And if the units are constructed in an architectural style similar to your previous - projects, the units would be painfully incongruous with the existing architecture on South Birch Street - we don't have abrupt angles, cantilevers or

shiny sharp silhouettes. We, in these little houses on South Birch Street, live in an older American neighborhood - not a science/design fair competition location with awards for the most use of industrial Legos - chunky glass, steel cables and sharp shiny angled silhouettes.

Given the proposed 3k square footage dwellings and 2-car garages, your proposed rezoning would increase the number of people living next door from two to an unknown number - and two cars become eight or more (likely complete with car alarms, stereos, horns...) - while trash cans, deliveries, teenage drivers, dead Christmas trees and domestic situations all multiply correspondingly. The square footage also suggests three-or-more bedrooms per unit which make the units more amenable for children, which bring their own range of chaotic noises and safety hazards.

Three-story dwelling structures will permanently block the sun on south side of my home and yard while giving two to eight or more people 24-7 overlooking views from their second and third story patios over my house and yard.

Demolition and construction vibrations are likely to exacerbate and possibly create additional cracks in my 1930s vintage plaster and lathe interior walls and ceilings. Demolition and construction also bring power service interruptions, noise (back-up beepers! Yes, I know they are proposed. required), dust and increased delivery and construction traffic. With a 5-foot setback from my property these impacts will be the beginning of living in tight quarters.

However, I do see some positive aspects to your project, including your plan to sell the units at market-rate, reducing two curb cuts to one and parking accommodation on-site. Increased property value translates to increased property taxes...

Unknown elements - storm water drainage plans, the actual proposed number of windows and balconies looking over my home and yard, whether there will be soil subsidence, whether churning up the soil will release poisons, whether my single-family grade residential fence will hold up...

While three new replacement houses have gone up in past few years on the 1400 blocks of South Birch and South Clermont, we haven't had new multi-family construction. While the lot on the NE corner of South Birch and South Arkansas is zoned for up to 3-story multi-family, it is vacant and the last plan was for low-income, high density housing. The land across the street has been vacant for several years.

My final thought is that sometimes anticipating and experiencing change can be harder than the result of the actual changes. I am not opposed to a multi-family use, depending on density and architectural factors.

Thank you for sharing information on your proposal with me.

Christine



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## Phil Loper :: paradigm lost

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**From:** Robinson, Scott D. - CPD City Planner Senior <Scott.Robinson@denvergov.org>  
**Sent:** Monday, March 01, 2021 5:25 PM  
**To:** Phil Loper :: paradigm lost  
**Subject:** RE: [EXTERNAL] Rezoning Application Reach-Out

Phil,

Thanks for the information. The Near Southeast Area Plan is just getting underway and will take approximately two years to complete, so it sounds like your project will be done well ahead of it. If you are curious about the plan, you can find more information on the website here: [www.denvergov.org/nearsoutheastplan](http://www.denvergov.org/nearsoutheastplan). Best of luck with your project.

Thanks

**Scott Robinson, AICP** | Senior City Planner  
Community Planning and Development | City and County of Denver

[Pronouns](#) | He/Him/His

(720) 865-2833 | [scott.robison@denvergov.org](mailto:scott.robison@denvergov.org)

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**From:** Phil Loper :: paradigm lost <[paradigmlostdesign@gmail.com](mailto:paradigmlostdesign@gmail.com)>  
**Sent:** Saturday, February 27, 2021 7:55 AM  
**To:** Robinson, Scott D. - CPD City Planner Senior <[Scott.Robinson@denvergov.org](mailto:Scott.Robinson@denvergov.org)>  
**Subject:** [EXTERNAL] Rezoning Application Reach-Out

Good morning Mr. Robinson,

I hope this email finds you well. I am reaching out to you today to inform you of the rezoning application process that I am just now beginning for the property located at 1360 S. Birch St., which lies within the boundary of the Near Southeast Area Plan.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it in half, creating two new +/- 5,644 square foot parcels, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months, with construction beginning in late summer / early fall of 2021, and have construction completed by the summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Attached is the concept site plan for this proposed project for your reference.

With the new mixed-use redevelopment of the former CDOT headquarters located directly across the street and next to this property, I strongly believe that the proposed rezoning aligns extremely well with the current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property, and its consistency with the soon-to-be adopted plan. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.



Best Regards,

*Phil Loper*

303.670.7911 (office)

303.956.7205 (cell)



ParadigmLostDesign@gmail.com

www.ParadigmLostDesign.com



This email has been checked for viruses by AVG antivirus software.

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## Phil Loper :: paradigm lost

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**From:** Phil Loper :: paradigm lost <paradigmlostdesign@gmail.com>  
**Sent:** Saturday, February 27, 2021 7:23 AM  
**To:** paul.kashman@denvergov.org; District6@denvergov.org  
**Cc:** KniechAtLarge@denvergov.org; ortegaatlarge@denvergov.org  
**Subject:** Rezoning Application Reach-Out  
**Attachments:** ConceptSitePlan\_1360SBirchSt\_2-25-2021.pdf

Good morning Councilmember Kashmann,

I hope this email finds you well. I am reaching out to you today to inform you of the rezoning application process that I am just now beginning for the property located at 1360 S. Birch St., which lies within your Council District.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it in half, creating two new +/- 5,644 square foot parcels, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months, with construction beginning in late summer / early fall of 2021, and have construction completed by the summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Attached is the concept site plan for this proposed project for your reference.

With the new redevelopment of the former CDOT headquarters located directly across the street and next to this property, I strongly believe that the proposed rezoning aligns extremely well with the current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

*Phil Loper*  
303.670.7911 (office)  
303.956.7205 (cell)



ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



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## Phil Loper :: paradigm lost

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**From:** kniechatlarge <kniechatlarge@denvergov.org>  
**Sent:** Saturday, February 27, 2021 7:23 AM  
**To:** Phil Loper :: paradigm lost  
**Subject:** Automatic reply: [EXTERNAL] Rezoning Application Reach-Out

Thank you for your email. Please know that our office reads every email that it receives. Due to the extraordinarily high volume of email, we are receiving, and limited staff capacity, we are unable at this time to personally respond to every email. Please excuse any delay if your email requires a personal response. Thank you in advance for your patience.

Sincerely,  
The Office of Councilwoman Robin Kniech



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## Phil Loper :: paradigm lost

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**From:** Phil Loper :: paradigm lost <paradigmlostdesign@gmail.com>  
**Sent:** Saturday, February 27, 2021 7:32 AM  
**To:** nb@barlowadvertising.com; rce5125@aol.com  
**Subject:** Rezoning Application Reach-Out  
**Attachments:** ConceptSitePlan\_1360SBirchSt\_2-25-2021.pdf

Good morning Ms. Barlow,

I hope this email finds you well. I am reaching out to you today to inform you of the rezoning application process that I am just now beginning for the property located at 1360 S. Birch St., which lies within the boundary of the East Evans Business Association neighborhood organization.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it in half, creating two new +/- 5,644 square foot parcels, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months, with construction beginning in late summer / early fall of 2021, and have construction completed by the summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Attached is the concept site plan for this proposed project for your reference.

With the new redevelopment of the former CDOT headquarters located directly across the street and next to this property, I strongly believe that the proposed rezoning aligns extremely well with the current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

*Phil Loper*  
303.670.7911 (office)  
303.956.7205 (cell)



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www.ParadigmLostDesign.com



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## Phil Loper :: paradigm lost

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**From:** Phil Loper :: paradigm lost <paradigmlostdesign@gmail.com>  
**Sent:** Saturday, February 27, 2021 7:36 AM  
**To:** president@denverinc.org; execcomm@denverinc.org  
**Subject:** Rezoning Application Reach-Out  
**Attachments:** ConceptSitePlan\_1360SBirchSt\_2-25-2021.pdf

Good morning Ms. Koehler,

I hope this email finds you well. I am reaching out to you today to inform you of the rezoning application process that I am just now beginning for the property located at 1360 S. Birch St., which lies within the boundary of the Inter-Neighborhood Cooperation neighborhood organization.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it in half, creating two new +/- 5,644 square foot parcels, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months, with construction beginning in late summer / early fall of 2021, and have construction completed by the summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Attached is the concept site plan for this proposed project for your reference.

With the new redevelopment of the former CDOT headquarters located directly across the street and next to this property, I strongly believe that the proposed rezoning aligns extremely well with the current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

*Phil Loper*  
303.670.7911 (office)  
303.956.7205 (cell)



ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



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## Phil Loper :: paradigm lost

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**From:** Phil Loper :: paradigm lost <paradigmlostdesign@gmail.com>  
**Sent:** Saturday, February 27, 2021 7:42 AM  
**To:** neighborhoodcoalitionsofdenver@gmail.com  
**Subject:** Rezoning Application Reach-Out  
**Attachments:** ConceptSitePlan\_1360SBirchSt\_2-25-2021.pdf

Good morning Mr. Wilson,

I hope this email finds you well. I am reaching out to you today to inform you of the rezoning application process that I am just now beginning for the property located at 1360 S. Birch St., which lies within the boundary of the Neighborhood Coalitions of Denver, Inc. neighborhood organization.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it in half, creating two new +/- 5,644 square foot parcels, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months, with construction beginning in late summer / early fall of 2021, and have construction completed by the summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Attached is the concept site plan for this proposed project for your reference.

With the new mixed-use redevelopment of the former CDOT headquarters located directly across the street and next to this property, I strongly believe that the proposed rezoning aligns extremely well with the current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

*Phil Loper*  
303.670.7911 (office)  
303.956.7205 (cell)



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## Phil Loper :: paradigm lost

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**From:** Phil Loper :: paradigm lost <paradigmlostdesign@gmail.com>  
**Sent:** Saturday, February 27, 2021 7:46 AM  
**To:** VirginiaVillageNeighborhoodOrg@gmail.com; kpvogel1@gmail.com  
**Subject:** Rezoning Application Reach-Out  
**Attachments:** ConceptSitePlan\_1360SBirchSt\_2-25-2021.pdf

Good morning Mr. Vogel,

I hope this email finds you well. I am reaching out to you today to inform you of the rezoning application process that I am just now beginning for the property located at 1360 S. Birch St., which lies within the boundary of the Virginia Village / Ellis Community Association neighborhood organization.

My proposed plan for this property is to rezone the lot to S-MU-3, subdivide it in half, creating two new +/- 5,644 square foot parcels, and then build two new duplex buildings consisting of 4 total 3 story residential units with 8 total garage parking spaces. I am hoping to have land entitlement completed in the next 6 months, with construction beginning in late summer / early fall of 2021, and have construction completed by the summer of 2022. Each proposed market-rate and for-sale unit would be approximately 3,172 finished square feet with a 2 car garage. Attached is the concept site plan for this proposed project for your reference.

With the new mixed-use redevelopment of the former CDOT headquarters located directly across the street and next to this property, I strongly believe that the proposed rezoning aligns extremely well with the current goals and strategies for growth within that pocket of the Virginia Village neighborhood.

After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

*Phil Loper*  
303.670.7911 (office)  
303.956.7205 (cell)



ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com



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## Phil Loper :: paradigm lost

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**From:** Tim Carl <tcarl1967@hotmail.com>  
**Sent:** Wednesday, March 24, 2021 2:48 PM  
**To:** paradigmlostdesign@gmail.com  
**Cc:** Kyle Vogel  
**Subject:** RE: Proposed Rezoning at 1360 S. Birch St.

Unfortunately, I sent this accidentally without completing the response. Please see below:

### Tim Carl

1665 S. Ginger Ct.  
Denver, CO 80222  
Cell: (303) 356-2936  
[tcarl1967@hotmail.com](mailto:tcarl1967@hotmail.com)

Please contact me immediately if you are not the intended recipient of this communication and have received this communication in error. This communication may contain confidential, personal and or privileged information and is legally exempt from disclosure. If you are not the intended recipient of this communication do not; copy, forward, distribute, or take action relying on it. Any communication or copies received in error, or subsequent replies, should be deleted or destroyed.

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**From:** Tim Carl  
**Sent:** Wednesday, March 24, 2021 2:43 PM  
**To:** paradigmlostdesign@gmail.com  
**Cc:** Kyle Vogel <kpvogel1@gmail.com>  
**Subject:** Proposed Rezoning at 1360 S. Birch St.

Good afternoon Mr. Loper:

On behalf of the Virginia Village / Ellis Community Association, we want to thank you for notifying us of your intentions to rezone land within our RNO (registered neighborhood organization) boundaries. As a representative of the Board through its Zoning & Development Committee, we have evaluated the proposal. Our input does not suggest that we either support or oppose this proposal. As a Board, we provide our members with information on land use activities and allow them to be informed on these matters. Only when members ask for us as a Board to take a position on a matter, do we take such action.

We offer the following:

- The proposed rezoning would change the existing site from S-SU-D to S-MU-3. The surrounding zoning generally supports this type of density and currently supports duplex development, with limitations
- The proposal appears consistent with the Comprehensive Plan and related documents
- The proposal appears to be compatible with surrounding uses

You will likely be subject to a Site Plan Review prior to construction occurring on the site. We welcome your continued engagement with our community in support of open communication and engagement.

Kind regards,



# Tim Carl

1665 S. Ginger Ct.  
Denver, CO 80222  
Cell: (303) 356-2936  
[tcarl1967@hotmail.com](mailto:tcarl1967@hotmail.com)

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**From:** "Phil Loper :: paradigm lost" <[paradigmlostdesign@gmail.com](mailto:paradigmlostdesign@gmail.com)>  
**Date:** February 27, 2021 at 7:46:16 AM MST  
**To:** [VirginiaVillageNeighborhoodOrg@gmail.com](mailto:VirginiaVillageNeighborhoodOrg@gmail.com), [kpvogel1@gmail.com](mailto:kpvogel1@gmail.com)  
**Subject:** Rezoning Application Reach-Out

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After considering my proposal, I hope that you will reply to this email with a short note to express your strong support for the rezoning of this property. Please feel free to contact me with any questions or concerns that you might have. Thank you in advance for your help.

Best Regards,

*Phil Loper*  
303.670.7911 (office)  
303.956.7205 (cell)



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www.ParadigmLostDesign.com

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# 1360 S BIRCH ST

<b>Owner</b>	RUPP,AMY R DENES,ATTILA C 1360 S BIRCH ST DENVER, CO 80222-3415
<b>Schedule Number</b>	06192-13-008-000
<b>Legal Description</b>	GARWOOD SUB L9
<b>Property Type</b>	SFR Grade C
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	1 STORY	<b>Building Sqr. Foot:</b>	725
<b>Bedrooms:</b>	2	<b>Baths Full/Half:</b>	1/0
<b>Effective Year Built:</b>	1946	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	11,250	<b>Zoned As:</b>	S-SU-D

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

Current Year			
	Actual	Assessed	Exempt
Land		\$390,600	\$27,930 \$0
Improvements		\$1,000	\$70
<b>Total</b>		<b>\$391,600</b>	<b>\$28,000</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$390,600	\$27,930 \$0
Improvements		\$1,000	\$70
<b>Total</b>		<b>\$391,600</b>	<b>\$28,000</b>

**Real Estates Property Taxes for current tax year**

**System Upgrade Underway:**

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

Mill Levy \* 74.195 \*

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

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>	2/28/2021		
<b>Original Tax Levy</b>	\$1,038.73	\$1,038.74	\$2,077.47
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$1,038.73	\$0.00	\$1,038.73
<b>Due</b>	\$0.00	\$1,038.74	\$1,038.74

**Additional Information**

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

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

Real estate property taxes paid for prior tax year: **\$2,019.25**

**Assessed Value for the current tax year**

<b>Assessed Land</b>	\$27,930.00	<b>Assessed Improvements</b>	\$70.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$28,000.00





LOT 9,  
GARWOOD SUBDIVISION,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO



02/26/2021 04:20 PM  
City & County of Denver  
Electronically Recorded

R \$13.00

WD

D \$45.50

### GENERAL WARRANTY DEED

State Doc Fee \$ 45.50

**THIS DEED**, made this 26th day of February, 2021, between

Amy R. Rupp and Attila C. Denes

of the County of Denver, State of Colorado, grantor(s), and

Philip G. Loper

whose legal address is 1360 S Birch Street, Denver, CO 80222, grantee(s):

**WITNESSETH**, That the grantor(s) for and in consideration of the sum of **Four Hundred Fifty-Five Thousand And No/100 Dollars (\$455,000.00)**, 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 the grantee, his heirs and assigns forever, **not in tenancy in common but in joint tenancy**, all the real property together with improvements, if any, situate, lying and being in the County of Denver and State of Colorado described as follows:

Lot 9,  
GARWOOD SUBDIVISION,  
City and County of Denver, State of Colorado

and known by street and number as: 1360 S Birch Street, Denver, CO 80222

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the grantee(s), his heirs and assigns forever. And the grantor(s), for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, except general taxes for the current year and subsequent years and subject to statutory exceptions.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF**, the Grantor has executed this deed on the date set forth above.

\_\_\_\_\_  
Amy R. Rupp

\_\_\_\_\_  
Attila C. Denes

State of Colorado

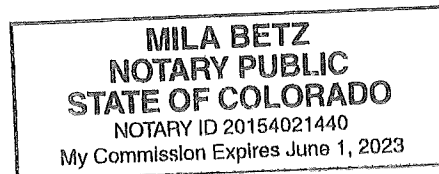
County of Arapahoe

The foregoing instrument was acknowledged before me this 26th of February, 2021 by Amy R. Rupp and Attila C. Denes.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:



**DUPLEX**

<b>HEIGHT</b>		<b>S-RH-2.5</b>	<b>S-MU-3, -5, -8, -12, -20</b>
A	Stories (max)	2.5	3
A	Feet (max)	30'	32'
	Feet, permitted height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'	
B	Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10'	na
	Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45°	na
<b>SITING</b>		<b>S-RH-2.5</b>	<b>S-MU-3, -5, -8, -12, -20</b>
<b>ZONE LOT</b>			
	Zone Lot Size (min)	4,500 sf	4,500 sf
C	Zone Lot Width (min)	37.5'	37.5'
<b>SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH</b>			
<b>All S-RH and S-MU Districts</b>			
		<b>61' or Less</b>	<b>Greater than 61'</b>
D	Primary Street, block sensitive setback required	yes	yes
D	Primary Street, where block sensitive setback does not apply (min)	20'	20'
E	Side Street (min)	5'	5'
F	Side Interior (min)	5'	5'
G	Rear, alley/no alley (min)	12'/20'	12'/20'
	Building Coverage per Zone Lot, including all accessory structures (max)	50%	50%
<b>PARKING BY ZONE LOT WIDTH</b>			
	Parking and Drive Lot Coverage in Primary Street Setback (max %)	50%	50%
	Vehicle Access	From Alley; or Street access allowed when no Alley present (See Sec 3.3.7.6)	
H	<b>DETACHED ACCESSORY STRUCTURES</b>	See Sec. 3.3.4	
<b>DESIGN ELEMENTS</b>		<b>S-RH-2.5</b>	<b>S-MU-3, -5, -8, -12, -20</b>
<b>BUILDING CONFIGURATION</b>			
	Rooftop and/or Second Story Decks	See Section 3.3.5.2	
	Attached Garage Allowed	(1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks.	
I	Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max)	35% of the entire width of the Primary Street facing facade of the primary structure or 16', whichever is greater	
	Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min)	10'	na
<b>STREET LEVEL ACTIVATION</b>			
J	Pedestrian Access, Primary Street	Entry Feature	
<b>USES</b>		<b>All S-RH and S-MU Districts</b>	
		Primary Uses shall be limited to Single Unit Dwelling and permitted Congregate Living, Residential Care and Nonresidential uses. See Division 3.4 Uses and Parking	
See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions			

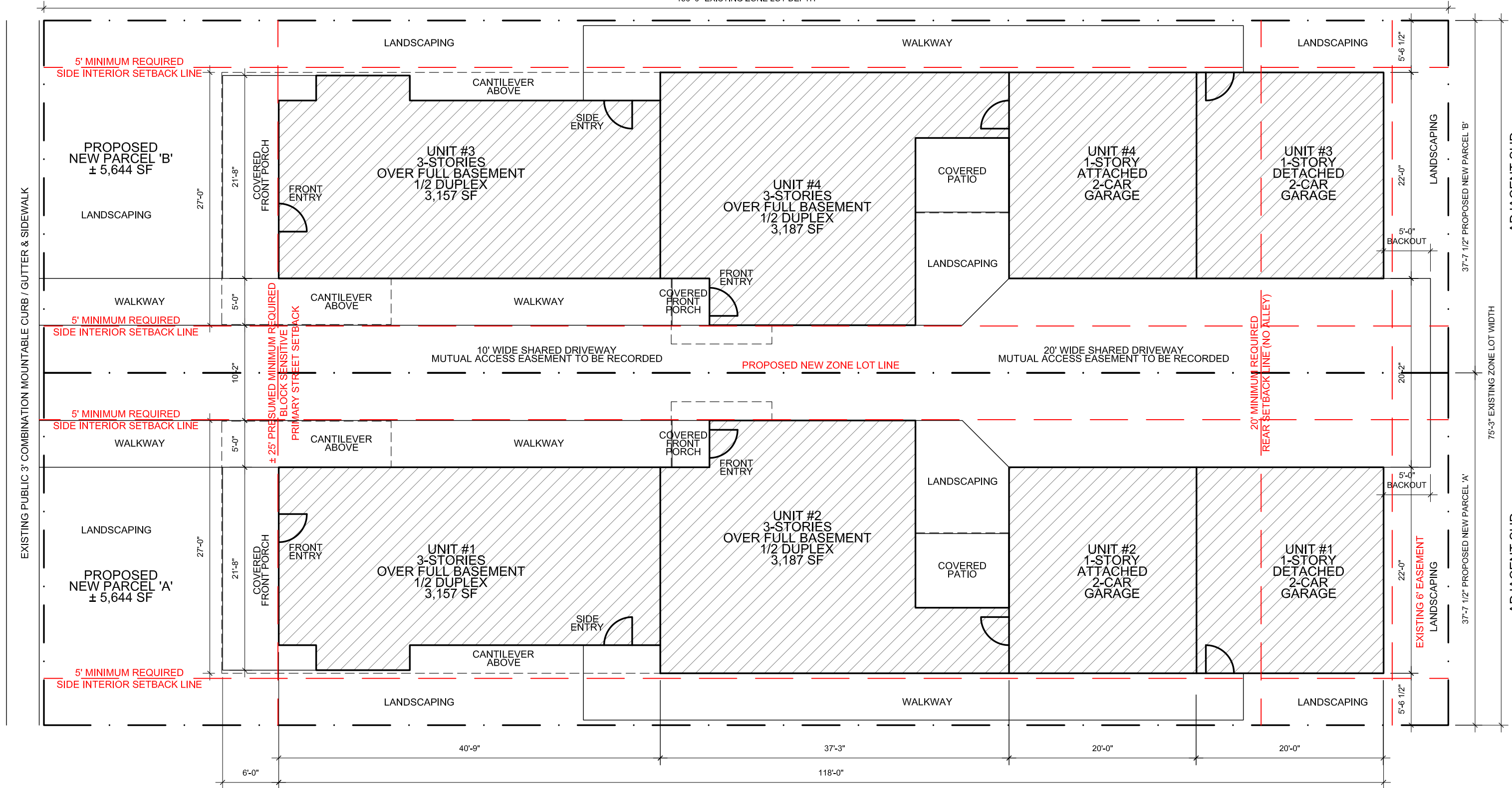


**EXHIBIT 'B':**

ADJACENT SUD  
ZONED S-SU-D

150'-0" EXISTING ZONE LOT DEPTH

SOUTH BIRCH STREET  
(PRIMARY STREET)



303.670.7911 (office)  
303.956.7205 (cell)  
PO Box 403  
Evergreen, Colorado 80437  
ParadigmLostDesign@gmail.com  
www.ParadigmLostDesign.com

ADJACENT PARKING LOT  
ZONED S-MU-3

**CONCEPT SITE PLAN:**  
**1360 SOUTH BIRCH STREET**  
ZONED S-SU-D  
**PROPOSED REZONING TO S-MU-3 AND ZONE LOT AMENDMENT TO SPLIT**  
PROPOSED 2-BUILDING 3-STORY 4 TOTAL 1/2 DUPLEX UNITS  
WITH 8 TOTAL GARAGE PARKING SPACES  
UTILIZING THE 'DUPLEX' BUILDING FORM

52% OPEN SPACE PROVIDED

August 22, 2021

RE: 1360 South Birch Street

Dear Planning Board:

We have owned the house at 1355 South Clermont Street, which is northeast of 1360 South Birch Street, since 2004. Dennis's mother currently lives in the house, so it is important to us to maintain the character of Virginia Village. Subdividing the lot into two smaller lots and changing the zoning from Suburban-Single Unit-D (S-SU-D) to Suburban-Multi Unit-3 Story Maximum (S-MU-3) is not compatible with the character or the Neighborhood Plan for Virginia Village. The Suburban-Single Unit-D zoning designation is for lots that are 6,000 square feet or greater. The two proposed lots are only 5,644 square feet and are too small to fit into the character of Virginia Village. Almost all of the buildings in Virginia Village are one or two stories. Two, three-story duplexes in Virginia Village would also not fit into the character of Virginia Village. We are excited about the redevelopment of the former Colorado Department of Transportation (CDOT) headquarters and understand that Denver has a housing shortage. We support the increased housing opportunities outlined in Denver's Comprehensive Plan 2040 and Blueprint Denver. We understand that typical homebuyers are not looking for a 1946 two bedroom and one bathroom farmhouse and we would support a duplex on the property. A duplex would increase the housing opportunities of Virginia Village, while also fitting into the unique character of Virginia Village.

Regarding the rezoning application, we offer the following comments:

1. *Denver Comprehensive Plan 2040*. The application seems to only focus on the increased density of the project. While we support increased density in Denver, there are other goals outlined in the Comprehensive Plan that are not addressed in the application or on the proposed site plan.
  - a. Goal 2.3 "Preserve the authenticity of Denver's neighborhoods and celebrate our history, architecture, and culture." Three-story homes do not fit with the character of the Virginia Village neighborhood. We agree that the redevelopment of the former CDOT headquarters property across the street will be more than 3-story buildings, but that property is adjacent to Colorado Boulevard. In addition, the large former CDOT headquarters property includes the transition area to Virginia Village. South Birch Street is a residential street. Note that even the multi-family homes in the neighborhood are only two stories. Also note that the newly built homes are only one to two stories.
  - b. Goal 5.1 "Mitigate climate impact by significantly reducing greenhouse gas emissions." It is unclear from the proposal if this proposed plan will include energy efficient residences.
  - c. Goal 5.3 "Conserve water and use it more efficiently" It is unclear from the proposal if this proposed plan will include water efficient residences.

- d. Goal 5.4 “Integrate stormwater into the build environment by using green infrastructure to improve water quality runoff.” and Goal 5.6 “Protect and expand the City’s green infrastructure network.” It is unclear from the proposal if this proposed plan will include any green infrastructure, such as permeable pavers, porous landscape detention, or any best management practices from Denver’s *Ultra-Urban Green Infrastructure Guidelines*. In addition, it is unclear how the site will address the increased stormwater runoff from the increased impervious surfaces of the proposed site plan. With so much proposed impervious surface area, there are great opportunities for green infrastructure on the property.
  - e. Goal 5.9 “Protect and improve air quality.” It is unclear from the proposal if this proposed plan will include energy efficient residences.
  - f. Neighborhood Contexts “Trees are primarily found on private property but also along the street.” Google Earth shows approximately six mature trees currently located at the site that should be preserved in accordance with Section 10.5.3 of the *Denver Zoning Code*. The proposed plan does not address the locations of these trees or how the proposed plan works around these trees that must be preserved.
2. *Blueprint Denver*. The application only focuses on the increased density of the proposed plan, but does not address the other goals set out in *Blueprint Denver*.
- a. Page 29 of *Blueprint Denver* states that “A major challenge facing the city as it continues to experience growth and strives to be more equitable is to retain the diversity and authenticity of neighborhoods that made Denver attractive in the first place.” Although multi-use is compatible with the proximity to Colorado Boulevard and the former CDOT headquarters site, a three-story building would not fit the character of Birch Street and the Virginia Village neighborhood as a whole. Changing the site from a single family home with a large lot and mature trees will be a drastic change from the proposed site plan of mostly impervious surface and little green space. A 2-story duplex home with a yard and mature trees would better fit with the “authenticity” of the Virginia Village neighborhood.
  - b. Page 62 of *Blueprint Denver* states that “The Neighborhood Planning Initiative provides the greatest opportunity for covering all of Denver with small area plans that provide more specific guidance than *Blueprint Denver*.” Page 2 of the *Virginia Village Neighborhood Plan (1973)* states that “By 1973 well over half of the neighborhood was developed to single-family residential use, characterized by low buildings along curvilinear streets. An active and vital private market has kept Virginia Village sound; in spite of numerous rezonings to other higher intensity uses.” The *Virginia Village Neighborhood Plan* recognizes that there will be rezoning pressure in the neighborhood. It is important to balance the demands for additional housing with the character and nature of Virginia Village. The application uses the higher density proposed development of the former CDOT headquarters to justify the higher density development of 1360 South Birch Street. However, the fact that the former CDOT headquarters property will be such a higher density should prevent the higher density of 1360 South Birch Street to preserve the goals of the *Virginia Village Neighborhood Plan* of “low”

buildings. Too many densely-spaced “high” buildings in such close proximity to each other would be inconsistent with the neighborhood plan.

- c. Page 99 of *Blueprint Denver* states “Ensure residential neighborhoods retain their unique character as infill development occurs.” As stated above, page 2 of the *Virginia Village Neighborhood Plan* (1973) “By 1973 well over half of the neighborhood was developed to single-family residential use, characterized by low buildings along curvilinear streets. An active and vital private market has kept Virginia Village sound; in spite of numerous rezonings to other higher intensity uses.” Three-story, multi-family units would not retain the “unique character” of Virginia Village “as infill development occurs”. The former CDOT headquarters property is already a big change to the character of Virginia Village, but it is adjacent to Colorado Boulevard. In addition, the former CDOT headquarters is a very large lot and includes transition density buildings to Virginia Village. South Birch Street is solidly in Virginia Village. Adding two, three-story duplexes that do not face the street would be the only such buildings in this area of Virginia Village that is not adjacent to an urban corridor or feeder street (such as Colorado Boulevard or Florida Street) and would threaten the character of Virginia Village’s “low buildings”.
3. Increased Density
    - a. We understand and support Denver’s goals to increase housing opportunities in the city. The former CDOT headquarters site was recently rezoned to be a very dense residential and mixed use site, which is appropriate for its proximity to Colorado Boulevard. The former CDOT headquarters site is the equivalent of five to six blocks from Colorado Boulevard and includes the transitional zone from high density buildings to medium density buildings. Since this major change in zoning has not been implemented yet, we would recommend to the Planning Board that they postpone any further rezonings to higher density properties adjacent to the former CDOT headquarters site until the former CDOT headquarter site has been built. That would ensure the ability for a reasonable evaluation of if the character and nature of Virginia Village has been preserved after such a major rezoning.

Denver’s current Zoning Code offers the option for a duplex for the property, which would fit into the character of Virginia Village and is in line with *Denver’s Comprehensive Plan 2040*, *Blueprint Denver*, and the *Virginia Village Neighborhood Plan*. Although we support the option for greater density of the property, the proposed lots are too small and the proposed zoning change to multi-family is too dense for the smaller lots. We do not support the lot line changes or the zoning change from Suburban-Single Unit-D (S-SU-D) to Suburban-Multi Unit-3 Story Maximum (S-MU-3).

We are aware that this hearing is for the zoning changes only, but we would like to take the opportunity to comment on the proposed plans, which would require additional variances to the *Denver Zoning Code*. The proposed plans would result in a property that would detract from the overall image and character of Virginia Village. We do not support any variances from the Denver Zoning Code for the proposed project. Additional discussion is provided below.

### **General Purpose**

Section 3.2.2.1 of the Denver Zoning Code states that “The standards of the row house and multi unit districts promote existing and future patterns of multiple buildings on a single Zone Lot. These building forms include duplex, row house and apartments sometimes organized around common open space and parking areas with an internal circulation system [added emphasis].” All of the multi-unit residences in the area conform to this Zoning Code requirement. The draft plan proposes sidewalks between Unit #1 residence and Unit #1 garage and Unit #3 residence and Unit #3 garage on the outside of the residences and garages. In other words, the proposed plan proposes an external circulation system. No variances from this section for the Denver Zoning Code should be granted for this property and any site plan for the property should include an internal circulation system among the residences, garages, and common spaces.

### **Structure Orientation**

If a duplex continues to be proposed, Section 3.3.2.4 of the Zoning Code requires duplexes to have a “Two Unit Dwelling development within a single primary structure, allowing side-by-side and up-down configurations.” To maintain the character of Virginia Village and since there is no alley, all dwellings and garages should face South Birch Street.

If a row house is proposed, Section 3.3.2.4 requires that row houses be “Side-by-Side Dwelling Units that require each Dwelling Unit to Orient to the Street and have a street-facing entrance. No Dwelling Units are located behind the Dwelling Units Oriented to the Street.” In addition, Section 3.3.3.3 requires that “Each unit shall have a street-facing entrance.” No variances from these sections of the Denver Zoning Code should be granted for this property and all units should have a street-facing entrance.

### **Rear Setback**

Section 3.3.3.3 of the Denver Zoning Code states that multi-unit districts should have a 20-foot rear setback. The proposed plan has the majority of the two of the garages within the setback. No variance from this section of the Denver Zoning Code should be granted for this property and all buildings should be located a minimum of 20 feet from the rear setback.

### **Building Coverage**

Section 3.3.3.3 of the Denver Zoning Code allows a maximum of 50% building coverage for all districts. It is unclear as to the percent building coverage of the proposed plan. No variance

from this section of the Denver Zoning Code should be allowed and no more than 50% of the property should be covered with a building.

### **Landscaping**

Section 10.5.3 of the Denver Zoning Code states that the “owner of the zone lot shall be required to preserve any established tree not otherwise diseased or decayed within the primary and side street setbacks.” There are approximately six mature trees on the property that should be protected and preserved.



Image from Google Earth 8/20/2021

No variance to this section of the Denver Zoning Code should be granted and the proposed plan should be modified to preserve the trees on the property.

In summary, the proposed plan does not comply with *Denver's Zoning Code* and does not fully meet the goals of *Denver's Comprehensive Plan 2040* or *Blueprint Denver*. In addition, the proposed plan does not meet the vision of the *Virginia Village Neighborhood Plan*. Fortunately, a compromise of a duplex building would meet all of the documents above and would not need any variances or zoning changes from the Denver Planning Board. We do not support any lot line or zoning changes for the property.

Sincerely,

Lisa Knerr and Dennis Judd