



TO: Denver City Council
FROM: Jeff Hirt, Senior City Planner
DATE: January 3, 2019
RE: Official Zoning Map Amendment Application #2018I-00013
4675 and 4685 Fillmore Street & 4401 Milwaukee Street
Rezoning from E-SU-D to U-TU-C

Staff Report and Recommendation

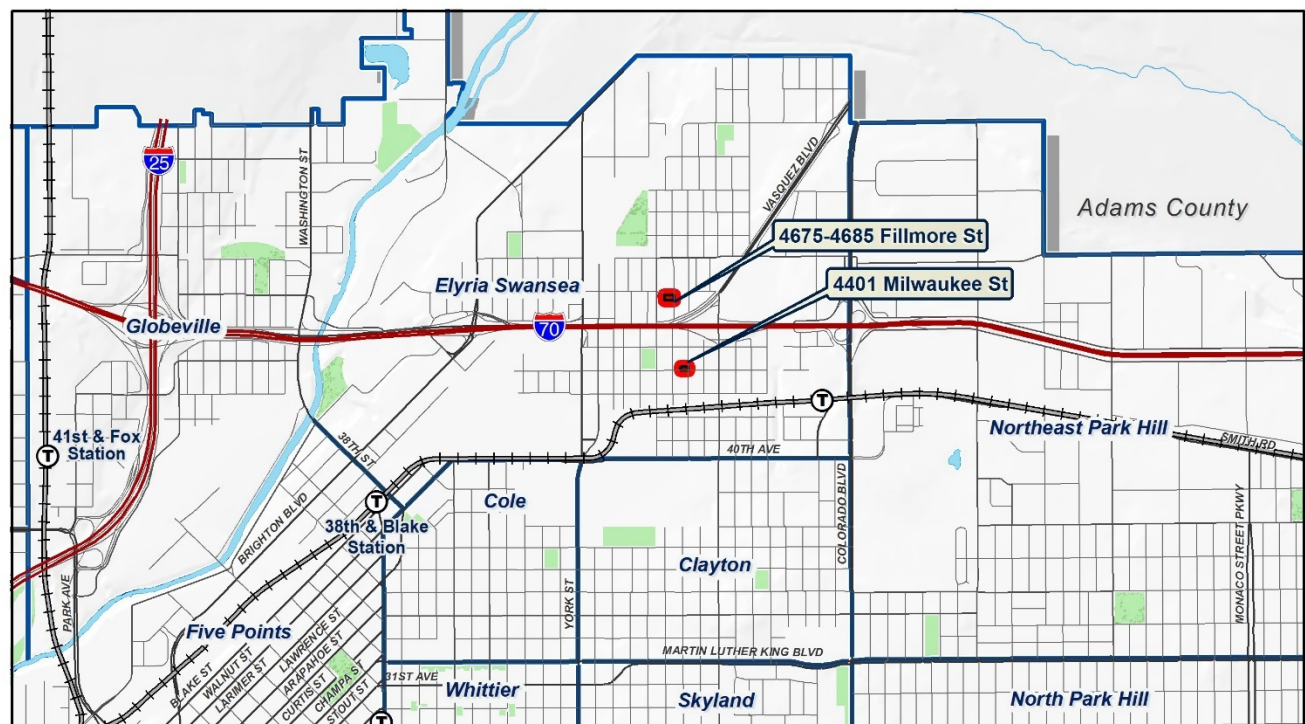
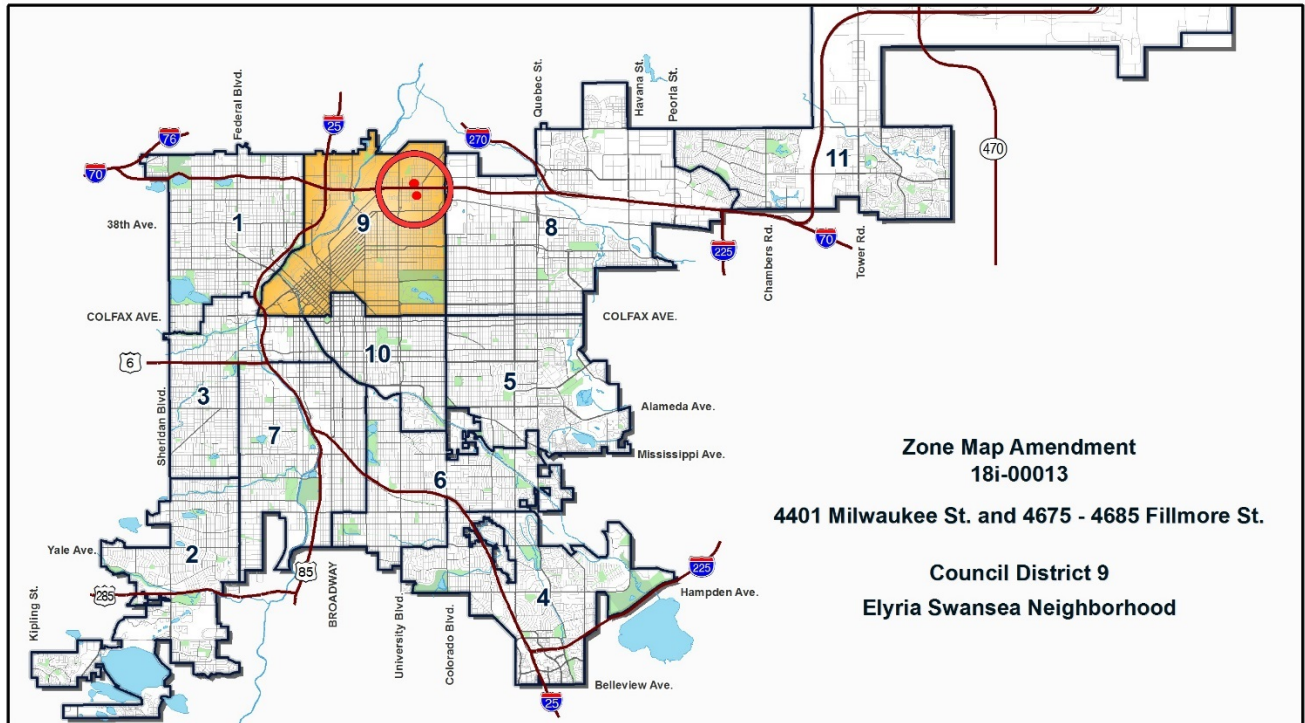
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2018I-00013 for a rezoning from E-SU-D to U-TU-C.

Request for Rezoning

Application:	#2018I-00013
Address:	4675 and 4685 Fillmore Street & 4401 Milwaukee Street
Neighborhood/Council District:	Elyria-Swansea / Council District 9
RNOs:	UCAN, Cross Community Coalition, Elyria and Swansea Neighborhood Association, Elyria Swansea/Globeville Business Association, Denver Arts and Culture Initiative, United North Metro Denver
Area of Properties:	4675 Fillmore: 7,800 SF 4685 Fillmore: 7,800 SF 4401 Milwaukee: 6,250 SF <i>Total Area: 21,850 SF (0.5 acres)</i>
Current Zoning:	E-SU-D
Proposed Zoning:	U-TU-C
Property Owner(s):	4675 Fillmore St.: Brothers Redevelopment, Inc. 4685 Fillmore St.: Otilio Gonzalez Santos & Luis Gonzales Escobar 4401 Milwaukee St.: Brothers Redevelopment, Inc.
Applicant:	Councilmember Albus Brooks

Summary of Rezoning Request

- The properties are in the Elyria Swansea statistical neighborhood within 1-2 blocks of the Interstate 70 and Vasquez Blvd. interchange. 4675 and 4685 Fillmore St. are adjacent to each other and are less than one block from I-70. 4401 Milwaukee St. is one block south of I-70.
- All three properties currently have single unit residential structures built in the 1940s.
- The applicant, Councilman Albus Brooks, is requesting this rezoning with property owner support for development of an additional dwelling unit on each of the three properties.
- The current E-SU-D zone district only allows single unit residential and the other standard Group Living and limited Nonresidential uses found in single unit zone districts and does not allow additional residential units, including accessory dwelling units.
- The requested zone district, U-TU-C, allows single unit, duplex, and accessory dwelling units on zone lots over 5,500 square feet in addition to other Group Living and limited Nonresidential uses found in single unit zone districts.





Existing Context

The three subject properties are in a predominantly residential neighborhood primarily composed of single-family structures. Surrounding blocks for all three subject properties contain some two-unit residential. Within a 2-3 block area, however, there is a mix of multi-unit residential, commercial/retail, light industrial, and public and institutional uses. The following table summarizes the existing context proximate to the subject site:

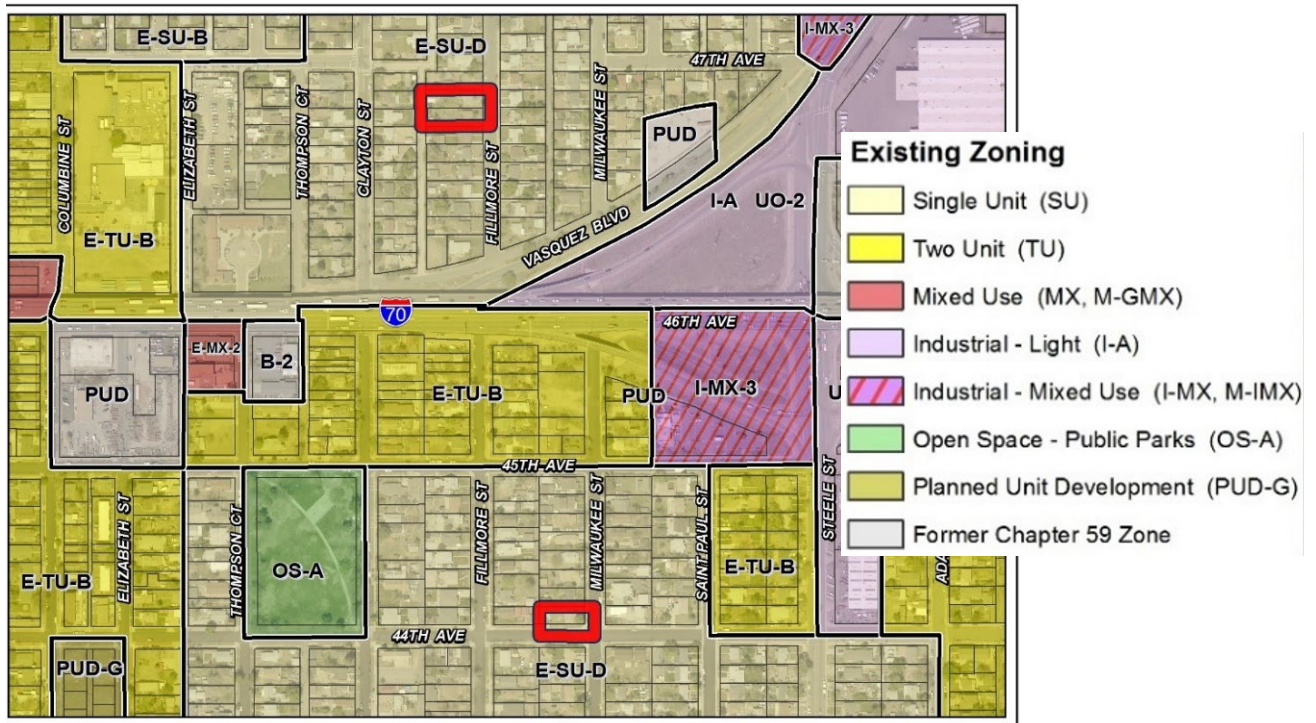
		Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	4675, 4685 Fillmore	E-SU-D	Single unit residential	One-story single unit residential buildings built in 1940s; 4675 Fillmore only has vehicular access off Fillmore Street; 4685 Fillmore contains a detached accessory garage accessed off the alley.	Rectilinear block pattern follows the Elyria Swansea neighborhood street grid. Alleys run north-south and are present on most blocks. Vehicular access is mixed between alley and off the street.
	4401 Milwaukee	E-SU-D	Single unit residential	One-story single unit residential building built in 1941 with a detached accessory garage with vehicular access off 44 th Ave, additional vehicle access off Milwaukee St.	
North	4675, 4685 Fillmore	E-SU-D	Single unit residential, Multi-unit residential	1-1.5 story single unit residential buildings built in 1940s; detached accessory structures are common; vehicular access is mixed between the alley and the street.	The street grid is interrupted around and between the three properties by Interstate 70.
	4401 Milwaukee	E-SU-D	Single unit residential		

		Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	4675, 4685 Fillmore	E-SU-D	Single unit residential	One story single unit buildings built in 1940s; detached accessory structures are common; vehicular access is mixed between the alley and the street; one block of subject properties is Interstate 70.	
	4401 Milwaukee	E-SU-D	Single unit residential, Two-unit residential	1-1.5 story single unit buildings built in 1940s; detached accessory structures are common; vehicular access is mixed between the alley and the street.	
East	4675, 4685 Fillmore	E-SU-D	Single unit residential	1-1.5 story single unit buildings built in 1940s; detached accessory structures are common; vehicular access is mixed between the alley and the street.	
	4401 Milwaukee	E-SU-D	Single unit residential, Two-unit residential	1-1.5 story single unit buildings built in 1940s; detached accessory structures are common; no alleys are present directly east of Milwaukee from the subject property.	
West	4675, 4685 Fillmore	E-SU-D	Single unit residential	1-1.5 story single unit buildings built in 1940s; detached accessory structures are common; vehicular access is mixed between the alley and the street.	
	4401 Milwaukee	E-SU-D	Single unit residential	1-1.5 story single unit buildings built in 1940s; detached accessory structures are common; vehicular access is mixed between the alley and the street; Dunham Park is one block west of the subject property.	

1. Existing Zoning

E-SU-D is a single unit district allowing only the urban house primary building form with a minimum zone lot area of 6,000 square feet. Building heights are distinguished between the front and rear portions of the zone lots to address height transitions to surrounding properties.

Allowed uses in E-SU-D are limited to single unit dwellings, with limitations, and other Group Living and limited nonresidential uses found in single unit zone districts. The surrounding properties are all also zoned E-SU-D.



2. Existing Land Use Map

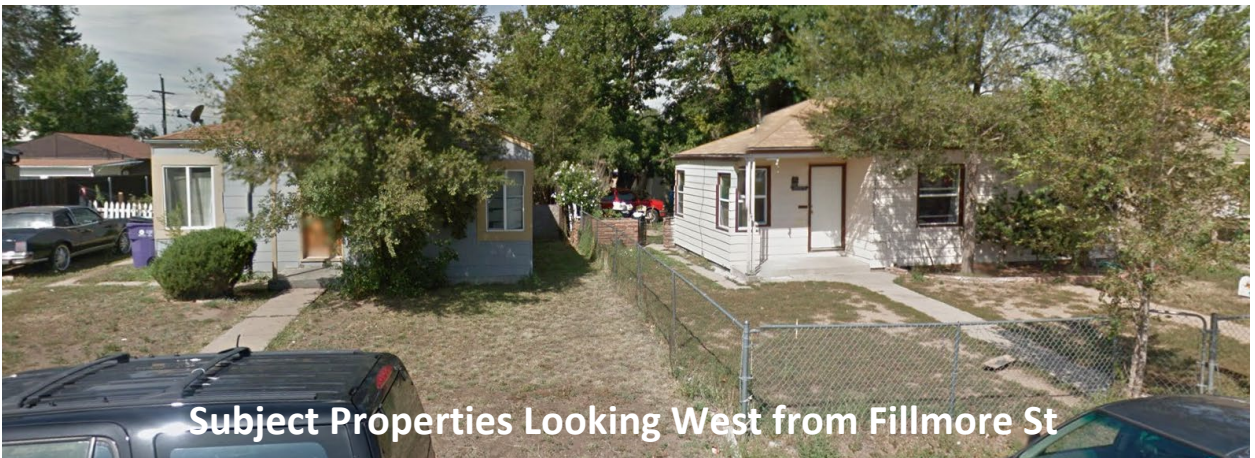
The subject properties are in a predominantly residential neighborhood primarily composed of single-family uses. Surrounding blocks for all three subject properties contain some two-unit residential uses. Within a 2-3 block area, however, there is a mix of multi-unit residential, commercial/retail, light industrial, and public and institutional uses. Interstate 70 and the Vasquez interchange occupy a large area within two blocks of the subject properties.

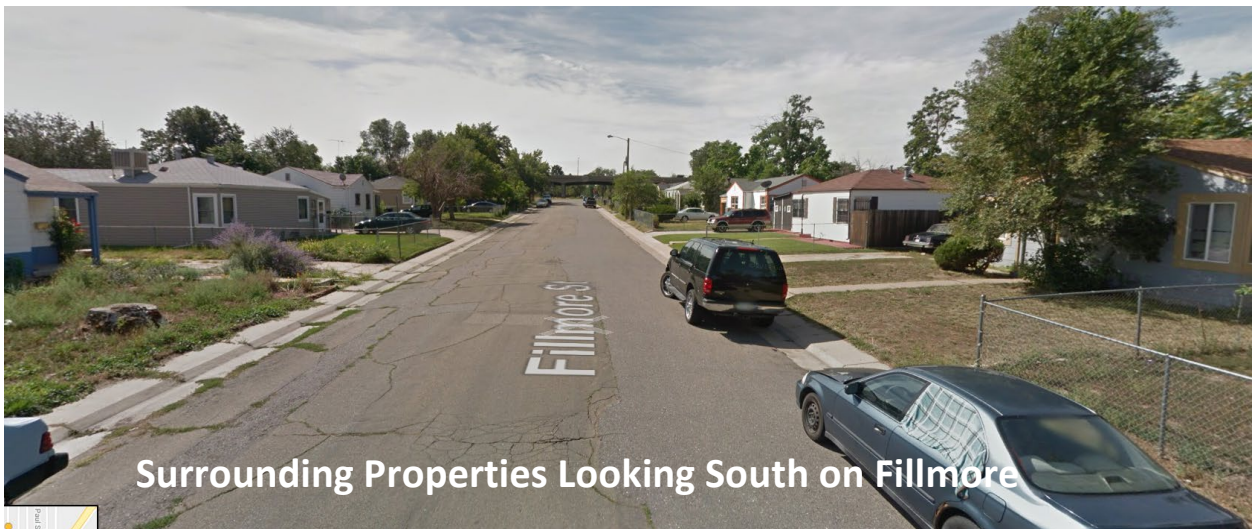
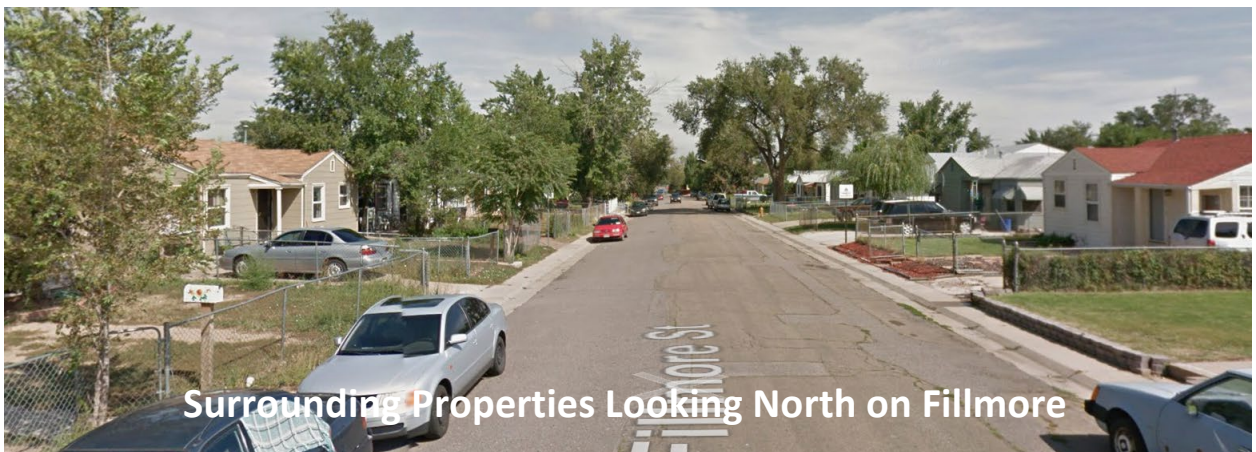


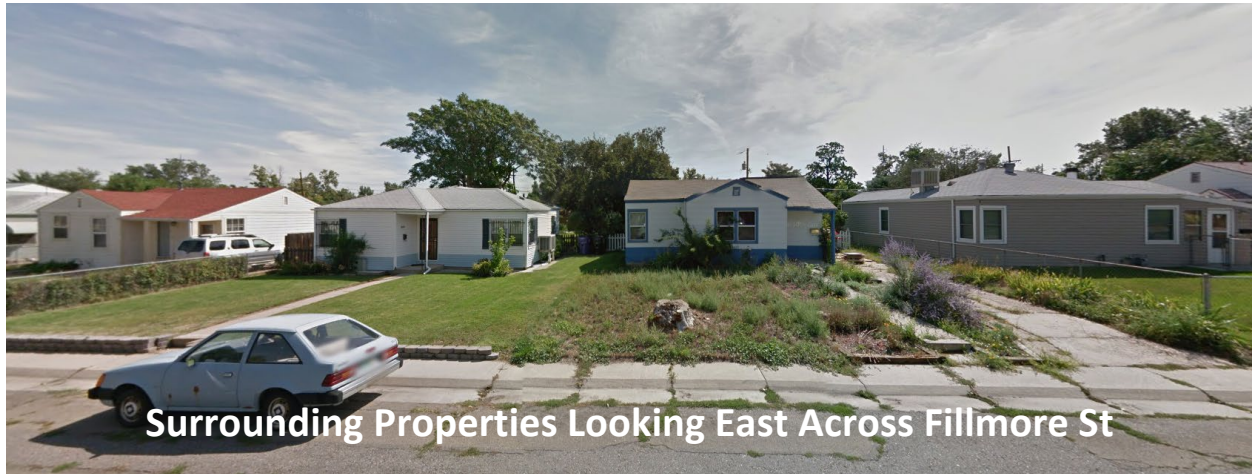
3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages.

4675 and 4685 Fillmore Street Subject Site Images (Source Google Earth)

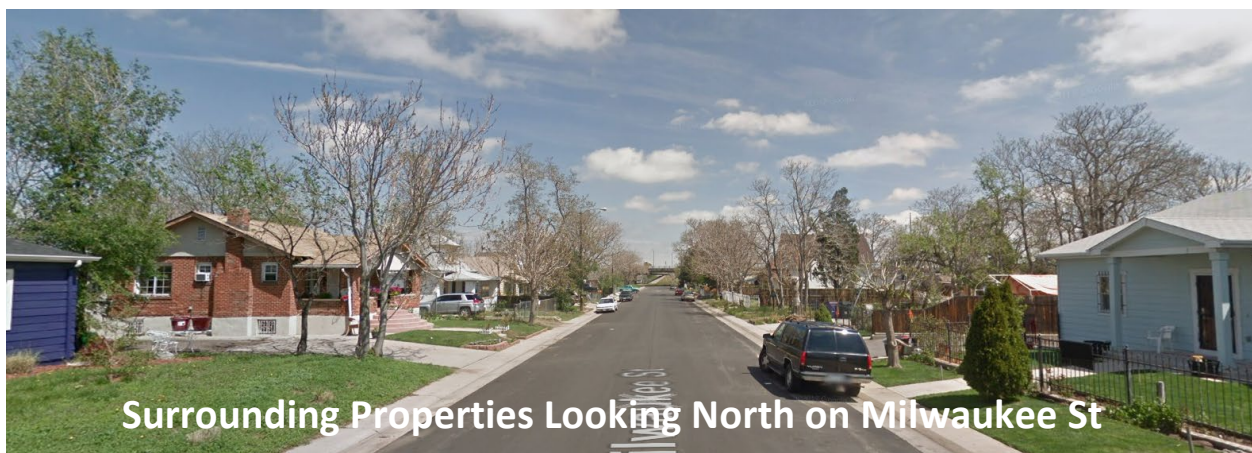
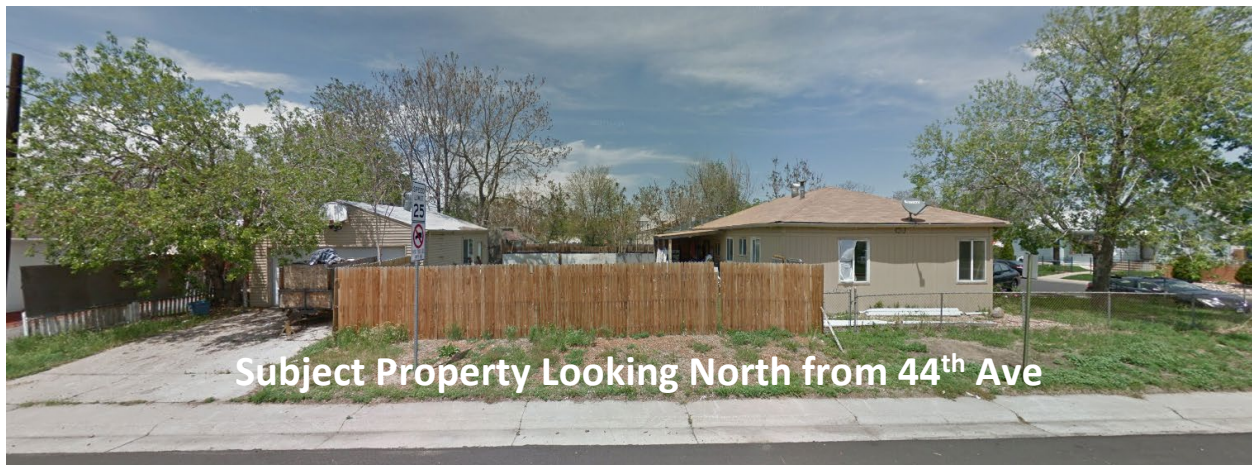


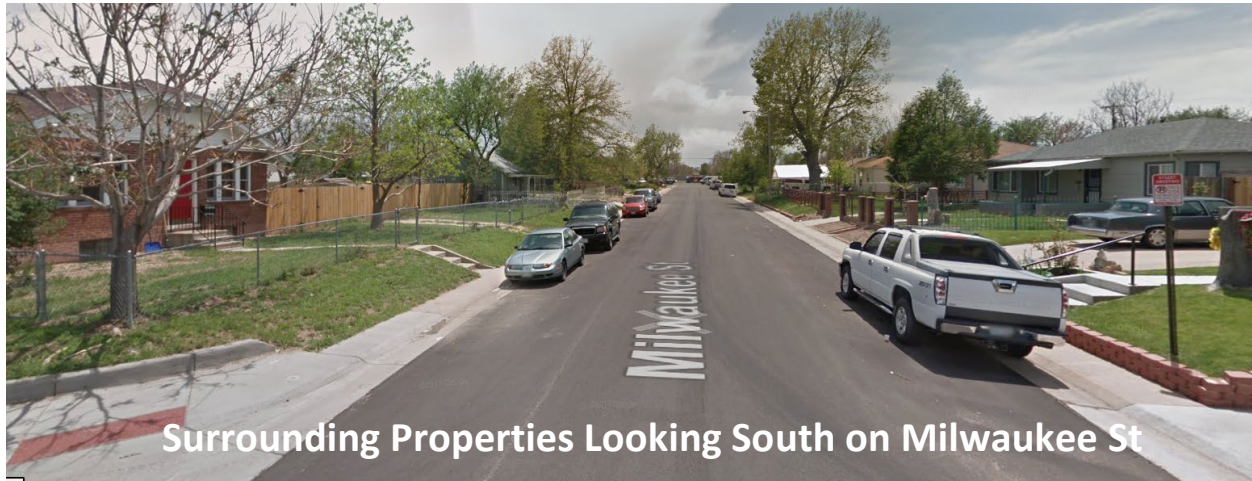




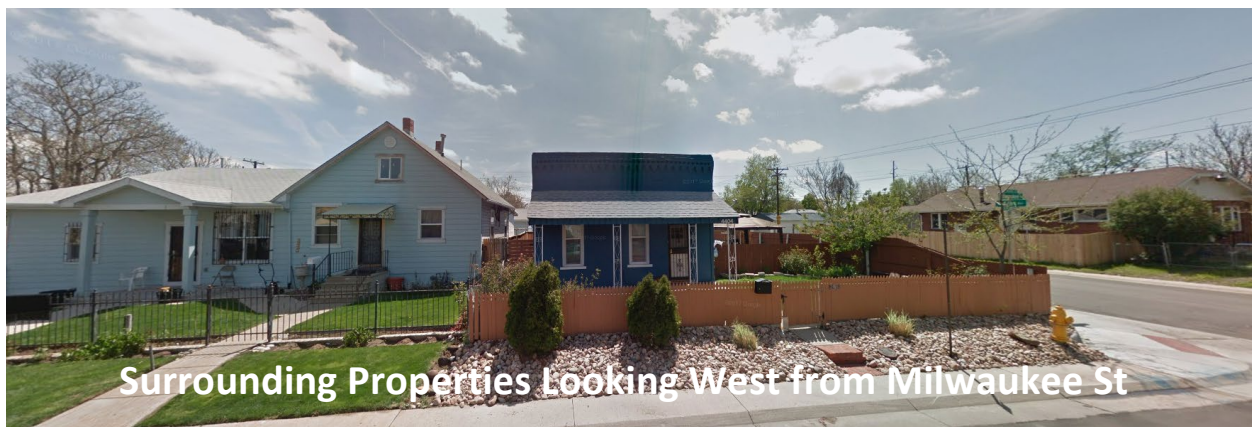
4401 Milwaukee Subject Site Images (Source Google Earth)







Surrounding Properties Looking South on Milwaukee St



Surrounding Properties Looking West from Milwaukee St



Surrounding Properties West of Subject Properties (fronting Fillmore St)

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

Real Estate: Approved - No response

Denver Public Schools: Approved - no response

Department of Public Health and Environment: Approved - no response

Parks & Recreation: Approved - no response

Public Works – Right-of-Way – Surveyor: Approved with comments. Format of legal descriptions should be as follows:

Lot 3,
Block 3,
Vasquez Plaza,
City and County of Denver,
State of Colorado

See the most current document in chain of title for each parcel for further reference.

Development Services – Transportation: Approved - no response

Development Services – Wastewater: Approved with 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

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	9/26/18
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 and registered neighborhood organizations	10/29/18
Planning Board public hearing. Planning Board unanimously recommended approval of the rezoning request.	11/14/18
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting (tentative)	11/13/18

	Date
Land Use, Transportation and Infrastructure Committee (LUTI) of the City Council review. LUTI recommended that the request advance to the full City Council.	11/27/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations	12/16/18
City Council Public Hearing	1/7/18

The RNOs identified on page 1 were notified of this application. As of the date of this staff report, city staff has received three letters of support, including one from the Elyria Swansea Neighborhood Association, the Cross Community Coalition, and the Globeville, Elyria Swansea Coalition Organizing for Health and Housing Justice (see Attachment 2).

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 2000*
- *Blueprint Denver (2002)*
- *Elyria & Swansea Neighborhoods Plan (2015)*

Denver Comprehensive Plan 2000

The request is consistent with several Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – Conserve land by promoting infill development at sites where services and infrastructure are already in place (p. 39).
- Land Use Strategy 1-H - Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents (p. 58).
- Denver's Legacies Strategy 3-A - Identify areas in which increased density and new uses are desirable and can be accommodated (p. 99).
- Economic Activity Strategy 1-H - Support a variety of housing opportunities for Denver's current and future workforce (p. 131).

- Neighborhoods Strategy 1-E - Allow, and in some places encourage, a diverse mix of housing types and affordable units (p. 150).
- Neighborhoods Strategy 1-F - Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices (p. 150).

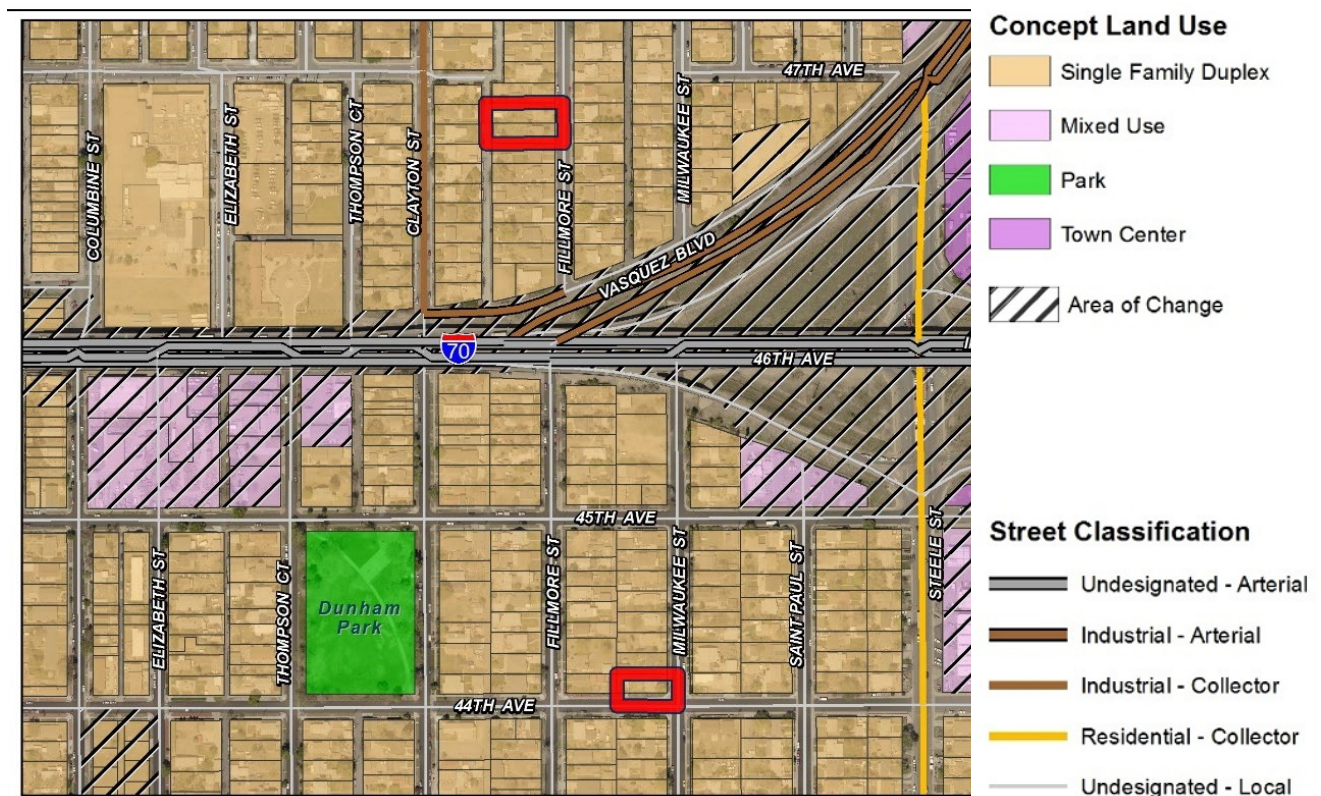
The proposed map amendment would encourage the development of a variety of housing types in an area where services and infrastructure already exist. The current E-SU-D zoning only allows for single unit residential and other Group Living and limited Nonresidential uses found in single unit zone districts, while the proposed U-TU-C zone district would allow for single unit, two unit, and accessory dwelling units.

Blueprint Denver (2002)

According to *Blueprint Denver*, these sites have a concept land use of Single Family Duplex Residential and are located within an Area of Stability.

Future Land Use

Blueprint Denver describes Single Family Duplex Residential areas as moderately dense areas with a mixture of housing types, including single family houses, duplexes, townhouses, and small apartment buildings (p. 42).



Area of Stability

The site is in an Area of Stability. The purpose of Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment in appropriate locations (p. 24). Blueprint Denver characterizes Areas of Stability as needing to balance the need for investment in some places, while preserving existing neighborhood character in others.

Street Classifications

Blueprint Denver classifies all the streets abutting each of the three subject properties as Undesignated Local Streets (Fillmore St., Milwaukee St., and 44th Ave.). Blueprint Denver states, “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51).

The request for all three properties is consistent with Blueprint Denver policies for the following reasons:

- Regarding the Single Family Duplex designation, the U-TU-C zone district allows a mixture of housing types, including single unit, duplex, and accessory dwelling units, which is consistent with the description of this future land use category.
- Regarding the Area of Stability designation, the request would accommodate investment at an appropriate location where services and infrastructure already exist.

Elyria and Swansea Neighborhoods Plan (2015)

The request for all three properties is consistent with several Elyria and Swansea Neighborhoods Plan policies, including:

- Establish a Balance Land Use Strategy Recommendations, B.2 Establish a Strong Compilation of Land Uses That Balances the Needs of Residents, Commerce, and Industry. These three sites are mapped in the Single Family Duplex Designation: *Single Family Duplex residential areas are moderately dense areas that are primarily residential. There is a mixture of housing types, including single-family houses, duplexes, rowhouses, and small apartment buildings* (p. 26).
- Establish a Balance Land Use Strategy Recommendations, B.3 Increase Housing Choices: *Encourage investment in new housing to expand the total number of residences and to provide for a diversity of housing types to bring more people of all ages and income levels into the neighborhood* (p. 29)
- Improve Access to Housing, Jobs, Services & Education Recommendations, B.23 Increase Access to Housing: *Provide a broad range of housing types by allowing for moderate increases in density and household economic stabilization by allowing options that supplement an existing single family home, including accessory dwelling units, duplexes and tandem houses* (p. 46).
- Traditional Residential Areas: The plan designates all three subject properties as part of the Traditional Residential Area, which includes the following related policies:
 - *Reverse the trend of a declining population and expand housing throughout the neighborhood* (p. 88)
 - E. 2 Encourage Investment in Residential Areas of Stability
 - *Explore opportunities to introduce building forms, consistent with the single family duplex land designation, such as accessory dwelling units, duplex or tandem houses and rowhouses* (p. 88).

- *Increase the local supply of relatively affordable housing units in the neighborhood. A modest increase in housing density could add more people to the limited neighborhood population and support commercial retail and other desired services in the neighborhood (p. 89).*
- Interstate 70 Recommendations, E.17 Replace Housing Units Acquired for I-70 Expansion - *The number of housing units which are taken as a result of I-70 construction or mitigation should be replaced in the neighborhood in the form of single or multi-family housing units, and the net number of housing units in the area should be expanded (p. 102).*

The request for all three properties is consistent with the Elyria Swansea Neighborhood Plan for the following reasons:

- Related to the Single Family Duplex land use designation description, the U-TU-C zone district will allow more flexibility for two-unit dwellings and accessory dwelling units;
- The U-TU-C zone district will promote a wider range of housing types, including single unit, duplex, and accessory dwelling units;
- By allowing up to two units on the three properties, the U-TU-C zone district will support the plan goal of reversing the declining neighborhood population and replacing housing units lost to the nearby I-70 expansion project; and
- The U-TU-C zone district represents a change in Neighborhood Context from the current Urban Edge (E) to Urban (U), as explicitly recommended by the plan (p. 88, policy E.1, “The Denver Zoning Code’s Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible.”).

Elyria and Swansea Neighborhoods Plan Concept Land Use Map



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-TU-C would result in the uniform application of zone district building form, use, and design regulations for all three subject properties.

3. Public Health, Safety and General Welfare

The proposed official map amendment would further the public health, safety, and general welfare of the City through implementation of adopted plans for all three subject properties. Specifically, the request will promote opportunities for a wider range of housing types and support replacement of housing units lost during the nearby I-70 expansion project, consistent with the Elyria and Swansea Neighborhoods Plan.

4. Justifying Circumstance

The rezoning is justified under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: A City adopted plan." The city adopted the Elyria and Swansea Neighborhoods Plan in 2015 that addresses all three subject properties and the current zoning has been in place since 2010 for all three subject properties. Since the plan recommends changing the land use and implementing the proposed zoning, the proposed rezoning is in the public interest.

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

The requested U-TU-C zone district is in the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses. Single- and two-unit residential uses are primarily located along local and residential arterial streets. The street, block, and access patterns in this context provide a consistent presence of alleys. (DZC Division 5.1)

The U-TU-C zone district's specific intent is to allow up to two units on a minimum zone lot area of 5,500 square feet. The district allows the urban house, detached accessory dwelling unit, duplex and tandem house building forms. (DZC Section 5.2.2.2)

The request for all three properties is consistent with the Urban Neighborhood Context description because it promotes single-unit and two-unit development along local streets and fits in the existing neighborhood pattern of lot sizes and configurations. The request is consistent with the specific intent of the U-TU-C zone district because all three zone lots are over 5,500 square feet and located in an area where up to two units are desired as contemplated by the adopted neighborhood plan.

Attachments

1. Rezoning application
2. Public comments

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☐ CHECK IF POINT OF CONTACT FOR APPLICATION		☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, 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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

Applicant: Albus Brooks, Councilman District 9
 albus.brooks@denvergov.org
 (720) 913-8479

REVIEW CRITERIA	
General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7	☐ 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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	☐ 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.
	☐ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error. ☐ The existing zoning of the land was based on a mistake of fact. ☐ The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. ☐ 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: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. ☐ 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. Please provide an attachment describing the justifying circumstance.
	☐ 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. Please provide an attachment describing how the above criterion is met.
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
☐ Legal Description (required to be attached in Microsoft Word document format) ☐ Proof of Ownership Document(s) ☐ Review Criteria, as identified above	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
☐ Written Authorization to Represent Property Owner(s) ☐ Individual Authorization to Sign on Behalf of a Corporate Entity	
Please list any additional attachments:	

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PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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 or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES

Last updated: May 24, 2018

 Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • rezoning@denvergov.org

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Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip	Property Owner Interest % of the Area of the Zone	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership document provided: (A) Assessor's record, (B) Title Insurance	Has the owner authorized a representative in this application?
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	John Alan Smith Josie Q. Smith	01/01/	(A)	YES
SANTOS, OTILIO GONZALEZ ESCOBAR GONZALEZ	4685 Fillmore St Denver, CO 80216	100%	Otilio Gonzalez Luis Gonzalez	8/15/18	A	YES

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EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Brothers Redevelopment, Inc	4401 Milwaukee St Denver, CO 80216 303-685-4222 jeff@brothersredevelopm ent.org	100%	<i>Jeff M</i>	8/15/18	A	YES

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Denver, CO 80202

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Attachment 1: Property Owner and Representative Information

Rezoning Case # 2018I-00013

Address	Property Owner	Property Owners Representative
4675 Fillmore	Brothers Redevelopment 2250 Eaton St, Gdn Lvl Edgewater, CO 80214 (303) 685-4228 jeff@brothersredevelopment.org	Jeff Martinez, President 2250 Eaton St, Gdn Lvl Edgewater, CO 80214 (303) 685-4228 jeff@brothersredevelopment.org
4685 Fillmore	Santos, Otilio Gonzales Escobar, Luis Gonzales (720) 503-6750 Biggonzales95@gmail.com	Nola Miguel 2501 E 48 th Ave Denver, CO 80216 (303) 596-6425 Nola@gescoalition.com
4401 Milwaukee	Brothers Redevelopment 2250 Eaton St, Gdn Lvl Edgewater, CO 80214 (303) 685-4228 jeff@brothersredevelopment.org	Jeff Martinez, President 2250 Eaton St, Gdn Lvl Edgewater, CO 80214 (303) 685-4228 jeff@brothersredevelopment.org

Rezoning Case # 2018I-00013

LEGAL DESCRIPTION

4675 Fillmore Street

Lot 3,
Block 3
Vasquez Plaza,
City and County of Denver,
State of Colorado

4685 Fillmore Street

Lot 2,
Block 3,
Vasquez Plaza,
City and County of Denver,
State of Colorado

4401 Milwaukee Street

Lots 17 & 18,
Block 17,
Town of Swansea,
City and County of Denver,
State of Colorado

Gonzalez Family
4685 Fillmore, Denver CO80216

8/15/2018

Dear City of Denver, Community Planning and Development Department and respective approving bodies,

I allow Nola Miguel, Director of the GES Coalition, to represent me and work on my behalf in the rezoning of my property to U-TU-C to enable my family to add to our family home at 4685 Fillmore St, Denver, CO 80216.

Thank you,

Otilio Gonzalez Santos

Otilio Gonzalez
Luis Gonzalez



BROTHERS REDEVELOPMENT INC.

**RESOLUTION
ADOPTED BY THE BOARD OF DIRECTORS**

Meeting of November 27, 2012

Appointment of Jeff Martinez as President of Brothers Redevelopment, Inc.

WHEREAS, Mary Ann Shing, President of Brothers Redevelopment, Inc., will retire effective January 1, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Brothers Redevelopment, Inc. appoints Jeff Martinez to the position of President of Brothers Redevelopment, Inc. effective January 1, 2013.

Board of Directors of Brothers Redevelopment Inc. – November 27, 2012

its depositories shall be signed by such officer(s) or agent(s) as shall from time to time be determined by resolution of the Board of Directors. All checks, notes, bills receivable, trade acceptances, drafts, and other evidences of indebtedness payable to the Corporation shall, for the purpose of deposit, discount or collection, be endorsed by such officer(s) or agent(s) of the Corporation or in such manner as shall from time to time be determined by resolution of the Board of Directors. The Board of Directors may provide for the use of facsimile signatures under specified conditions for any of the foregoing purposes.

9.05 Execution of Instruments. The president shall have power to execute on behalf and in the name of the Corporation any deed, contract, bond, debenture, note or other obligations or evidences of indebtedness, or proxy, or other instrument requiring the signature of an officer of the Corporation, except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation. Unless so authorized, no officer, agent or employee shall have any power of authority to bind the Corporation in any way, to pledge its credit or to render it liable pecuniarily for any purpose or in any amount.

9.06 Fidelity Bonds. The Board of Directors may require that officers and employees of the Corporation having custody or control of corporate funds furnish adequate fidelity bonds. The premiums on such bonds may be paid by the Corporation.

ARTICLE X CORPORATE SEAL

The corporate seal shall be in such form as shall be approved by resolution of the Board of Directors. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced or otherwise. The impression of the seal may be made and attested by either the secretary or an assistant secretary for the authentication of contracts or other documents or instruments requiring the seal.

ARTICLE XI MISCELLANEOUS PROVISIONS

10.01 Headings. The headings throughout these Bylaws are for convenience and reference only and shall in no way be deemed to define, limit or add to the meaning of any provision hereof.

10.02 Conduct of Meetings. The conduct of all meetings of the Board of Directors or any committee shall be according to Roberts Rules of Order to the extent such rules are consistent With the laws of the State of Colorado, and such rules of order shall be the final authority unless otherwise provided by the directors or these Bylaws.

Relevant Adopted plans and Unanticipated Community Need

Blueprint Denver (2002)

Single Family Duplex Single family duplex residential areas are moderately dense areas that are primarily residential but with some complementary, small scale commercial uses. **There is a mixture of housing types**, including single-family houses, duplexes, townhouses and small apartment buildings. Typically densities are between 10 and 20 housing units per acre area wide, and single family detached structures often predominate.

Area of Stability

Elyria & Swansea Neighborhoods Plan (2015)

Support additional services in the area “The limited traditional residential areas have a population of 6400 residents. Without additional housing, the demand in the market area is insufficient to support many of the services desired by the neighborhood.”

Residents desire to remain in the neighborhood and enjoy improvements. “Residents want their community to improve and want to stay in place so they can enjoy the improvements.”

Increase Housing Choices (B.3) Encourage investment in new housing to expand the total number of residences and to provide for a diversity of housing types to bring more people of all ages and income levels into the neighborhood.

Increase Access to Housing (B.23) “Provide a broad range of housing types by allowing for **moderate increases in density** and household economic stabilization by allowing options that **supplement an existing single family home, including accessory dwelling units, duplexes and tandem houses.**”

Current DRAFT of Blueprint Denver 2018

Growth in Denver and the region has been significant in recent years and is expected to continue, requiring updated strategies for responding to and anticipating growth.

Equity: “For much of our history, Denver grew in population and in diversity, becoming a city of people from different ethnic, racial and cultural backgrounds. Only recently has that historical trend begun to change. In the past decade the city has become less racially and ethnically diverse. Some historically black and Hispanic neighborhoods experienced large shifts in racial composition, with significantly more non-Hispanic white residents. These trends run counter to our vision for a diverse, inclusive city.”

ADU and duplex as affordable Housing Strategy, “missing middle” “Diversify housing options by exploring opportunities to integrate missing middle housing into low- and low-medium residential areas. As housing needs throughout Denver have changed, city regulations have not kept pace with innovations including tiny home villages, intergenerational living, flexible living arrangements, and the

changing needs and composition of households. The “missing middle” refers to housing types that fall between high-density and single-unit houses, such as duplexes, fourplexes, row homes and townhomes. This housing may provide attainable options for residents who do not need income-restricted housing, but may not be able to afford—or want—a single-unit house. A. Integrate missing middle housing into low residential areas, especially those that score low in Housing and Job Diversity. Implementation should be accomplished through zoning code revisions to allow:

- 2- to 4-unit structures in locations where slightly higher density may be appropriate, such as corner lots along collector street and parcels adjacent to a corridor or center. This allowance could include a requirement to provide income restriction in exchange for increased density. Implementation should occur through holistic revisions to the zoning code at a citywide scale.
- Additional unit(s) to be added to an existing structure if the structure is preserved. This would incentivize the re-use of existing structures and provide additional attainable units instead of complete redevelopment of a site with a more expensive single-unit.”

Vulnerability to Displacement “Incentivize the reuse of existing smaller and affordable homes, particularly near transit and in areas that score high for Vulnerability to Displacement. The character of many older neighborhoods is defined by the older houses, which tend to be smaller than what would be built new today. These smaller houses tend to be a more attainable choice and, while not officially income-restricted, provide more affordable options than if a new home was built on the lot. Preserving these choices in neighborhoods is important for affordability and for maintaining character. A. Study and implement zoning tools to incentivize the preservation of smaller, more affordable housing options. An example would be to allow the owner of an existing house to add an additional unit if the original structure is preserved. B. Consider focusing incentives in areas close to high frequency transit and in areas that score high in the Vulnerability to Displacement category”

Unanticipated Community Need—Housing Crisis that followed the neighborhood planning process

In 2014 and 2015, the City and County of Denver adopted neighborhood plans for the Globeville and Elyria-Swansea (GES) neighborhoods, a time that directly preceded the housing crisis in Denver. Though the City acknowledged the threat of displacement in GES through the 2016 [Gentrification Study](#), labeling the GES neighborhoods “susceptible to gentrification,” and public and private interests have broken ground on massive investment projects. The recently passed (2017) City [housing plan](#) *Housing an Inclusive Denver* makes recommendations that include Community Land Trusts (CLT) to create stability in vulnerable neighborhoods. Specifically in the GES neighborhoods, the plan acknowledges that there is a need to balance the housing costs that have risen and the homes that have been lost (over 100), in part due to public investments including the National Western Center, 4 new Transit Stations, and Central I-70 expansion. While the existing neighborhood plans point out certain needs in GES, they focus on land use and offer few strategies to overcome the challenges in the GES neighborhoods that are displacing current residents at drastic rates. The neighborhood plans largely ignore the many mixed documentation families and the high number of Spanish monolingual residents in the community. It understates the need for cultural sensitivity and dedicates little attention to strategically responding to the need for families to maintain stability and stay in the neighborhoods they have built. With a history of disinvestment and a reality of 2 multi-billion projects entering construction periods, the array of

issues that plague health and housing in the GES area are extremely complex and susceptible to prospecting and interests outside of the neighborhood residents.

In [*The Peoples' Survey: A Story of Displacement*](#), the GES Coalition conducted research and published a report in July 2017. This report helped identify the severity of displacement facing our community. GES is not a lost cause, but rather GES neighbors are resilient, and the community itself is an irreplaceable asset required to solve affordable housing challenges.

4675 FILLMORE ST

Owner BROTHERS REDEVELOPMENT INC
2250 EATON ST B,GAR
EDGEWATER , CO 80214-1276

Schedule Number 02242-17-020-000

Legal Description L 3 BLK 3 VASQUEZ PLAZA

Property Type RESIDENTIAL

Tax District DENV

Print Summary

Property Description

Style:	ONE-STORY	Building Sqr. Foot:	703
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1946	Basement/Finish:	258/0
Lot Size:	7,800	Zoned As:	E-SU-D

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

Current Year

Actual	Assessed	Exempt	
Land	\$36,800	\$2,650	\$0
Improvements	\$143,600	\$10,340	
Total	\$180,400	\$12,990	

Prior Year

Actual	Assessed	Exempt	
Land	\$36,800	\$2,650	\$0
Improvements	\$143,600	\$10,340	
Total	\$180,400	\$12,990	

Real Estates Property Taxes for current tax year

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

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			1/29/2018
Original Tax Levy	\$500.99	\$500.98	\$1,001.97
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$500.99	\$500.98	\$1,001.97
Due	\$0.00	\$0.00	\$0.00

Additional Information

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

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$753.49**

Assessed Value for the current tax year

Assessed Land	\$2,650.00	Assessed Improvements	\$10,340.00
Exemption	\$0.00	Total Assessed Value	\$12,990.00

4685 FILLMORE ST

Owner	SANTOS,OTILIO GONZALEZ ESCOBAR,LUIS GONZALEZ 4685 FILLMORE ST DENVER , CO 80216-2910
Schedule Number	02242-17-021-000
Legal Description	L 2 BLK 3 VASQUEZ PLAZA
Property Type	RESIDENTIAL
Tax District	DENV

Print Summary

Property Description			
Style:	ONE-STORY	Building Sqr. Foot:	948
Bedrooms:	2	Baths Full/Half:	2/0
Effective Year Built:	1946	Basement/Finish:	671/373
Lot Size:	7,800	Zoned As:	E-SU-D
Note: Valuation zoning may be different from City's new zoning code.			

Current Year			
Actual	Assessed	Exempt	
Land		\$36,800	\$2,650 \$0
Improvements		\$183,700	\$13,230
Total		\$220,500	\$15,880

Prior Year			
Actual	Assessed	Exempt	
Land		\$36,800	\$2,650 \$0
Improvements		\$183,700	\$13,230
Total		\$220,500	\$15,880

Real Estates Property Taxes for current tax year

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

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/16/2018	6/6/2018	
Original Tax Levy	\$612.45	\$612.44	\$1,224.89
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$612.45	\$612.44	\$1,224.89
Due	\$0.00	\$0.00	\$0.00

Additional Information

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

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	Y	Scheduled to be Paid by Mortgage Company ⓘ	Y
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$946.76**

Assessed Value for the current tax year

Assessed Land	\$2,650.00	Assessed Improvements	\$13,230.00
Exemption	\$0.00	Total Assessed Value	\$15,880.00

4401 MILWAUKEE ST

Owner	BROTHERS REDEVELOPMENT INC 2250 EATON ST B GAR EDGEWATER , CO 80214-1276
Schedule Number	02242-36-010-000
Legal Description	L 17 & 18 BLK 17 TOWN OF SWANSEA
Property Type	RESIDENTIAL
Tax District	DENV

Print Summary

Property Description			
Style:	ONE-STORY	Building Sqr. Foot:	697
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1941	Basement/Finish:	0/0
Lot Size:	6,250	Zoned As:	E-SU-D
Note: Valuation zoning may be different from City's new zoning code.			

Current Year			
Actual	Assessed	Exempt	
Land	\$75,000	\$5,400	\$0
Improvements	\$111,100	\$8,000	
Total	\$186,100	\$13,400	

Prior Year			
Actual	Assessed	Exempt	
Land	\$75,000	\$5,400	\$0
Improvements	\$111,100	\$8,000	
Total	\$186,100	\$13,400	

Real Estates Property Taxes for current tax year

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

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$516.81	\$516.79	\$1,033.60
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$31.01	\$15.50	\$41.34
Paid	\$0.00	\$0.00	\$0.00
Due	\$547.82	\$532.29	\$1,074.94

Additional Information

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

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$791.01**

Assessed Value for the current tax year

Assessed Land	\$5,400.00	Assessed Improvements	\$8,000.00
Exemption	\$0.00	Total Assessed Value	\$13,400.00

Globeville, Elyria-Swansea Coalition Organizing for *Health and Housing Justice*

GES Coalition
PO Box 16132, Denver, CO, 80216
<https://www.gescoalition.com>

11/1/18

Dear Denver Planning Board,

The GES Coalition is one of the 3 organizations in the GES Affordable Housing Collaborative and is in support of the re-zoning application to pursue U-TU-C zoning to add multiple units at 3 properties in Swansea. For 2 years now the GES Coalition has been researching and pursuing paths to start and sustain a Community-led-and-based Community Land Trust (CLT) in Globeville Elyria and Swansea. After attending conferences, receiving technical assistance, training and capacity building, and doing a feasibility study we have pursued an urgent path to form a joint partnership with the Colorado Community Land Trust to incubate GES properties until there are enough units for the GES-CLT to be viable on its own. Brothers Redevelopment has become the third partner to make up the GES Affordable Housing Collaborative and will be managing the 2 Million dollar CDOT grant we received to replace, repair and protect homes in Elyria Swansea.

These duplexes, if rezoned as proposed, will be the first properties to enter the GES CLT where they will remain affordable permanently through a land lease that is stewarded by community members in the CLT. Our Coalition and the GES-CLT boards are entirely composed of GES residents and are guided by our collective vision “to align community health and the well-being of our neighbors by organizing around preventing the displacement of our neighbors, preserving affordability in housing, protecting historically marginalized neighborhoods, activating resident-driven leadership, and promoting a culture that welcomes neighbors who value our longstanding culture, interconnectedness, and commitment to equity.”

Our Coalition is proud to have driven this opportunity to move more families at risk of displacement in GES to homeownership and is absolutely committed to permanent stewardship of these properties and the families they will host. We also support families like the Gonzalez family to pursue an ADU at their home to support their family needs and stay in the neighborhood.

We thank you for your service, and hope that you join us in your support for this application!

Thank you,

A handwritten signature in dark ink, appearing to read 'Nola Miguel', with a long, sweeping horizontal line extending to the right.

Nola Miguel, Director, GES Coalition

Cross Community Coalition
4301 Thompson Court
Denver, CO 80216
candidebaca@gmail.com

10/31/2018

Dear Denver Planning Board,

Our Registered Neighborhood Organization, Cross Community Coalition, is in support of the rezoning application from the GES Affordable Housing Collaborative (Brothers Redevelopment) to pursue U-TU-C zoning at 3 properties in Swansea that will add units into the GES-Community Land Trust where they will remain stewarded as affordable permanently and the land will be stewarded by the community through the Trust. We believe this amount of density will both maintain the neighborhood character and add in the additional units that we need to keep our neighborhood vital and house more families, especially those facing displacement in Elyria Swansea.

This is a unique opportunity to move additional families into a homeownership and stable living situation where their families can be an ongoing part of our community.

We also support our neighbors like the Gonzales family to be able to add an additional dwelling unit to their home and would like to see more neighbors be able to this to support their families.

It is our hope that you will also support this rezoning application.

Thank you,

A handwritten signature in black ink that reads "Candi Cole Baca". The signature is written in a cursive, flowing style.

Candi CdeBaca
Founder & Member
Cross Community Coalition

ELYRIA AND SWANSEA NEIGHBORHOOD ASSOCIATION

4653 High Street, Denver, CO 80215

303-349-4360

drewdutcherdirect@gmail.com

November 6, 2018

Dear Denver Planning Board,

Residents of the Elyria and Swansea neighborhoods face unique and potentially devastating consequences from the many large infrastructure projects surrounding us (National Western redevelopment, I-70 reconstruction, Brighton Blvd. reconstruction, Globeville Landing storm water construction, etc.). As well, the wave of development coming our way and the resulting forces of displacement threaten existing residents and the social and cultural character of our neighborhoods that residents currently cherish and want to preserve.

The Elyria and Swansea Neighborhood Association, a Registered Neighborhood Organization, is in support of the rezoning application from the GES Affordable Housing Collaborative (Brothers Redevelopment) to pursue U-TU-C zoning at three properties in Swansea that will add units into the GES-Community Land Trust where they will remain stewarded as affordable permanently and the land will be stewarded by the community through the Trust. We believe this amount of density will both maintain the neighborhood character and add in the additional units that we need to keep our neighborhood vital and house more families, especially those facing displacement in Elyria Swansea.

This is a unique opportunity to move additional families into a homeownership and stable living situation where their families can be an ongoing part of our community.

We also support our neighbors like the Gonzales family to be able to add an additional dwelling unit to their home and would like to see more neighbors be able to this to support their families.

It is our hope that you will also support this rezoning application.

Thank you,

Drew Dutcher

President

Elyria and Swansea Neighborhood Association