



TO: City Council
FROM: Matthew Bossler, Senior City Planner – Urban Design
DATE: November 30, 2023
RE: Official Zoning Map Amendment Application #2023I-00030

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval for Application #2023I-00030**.

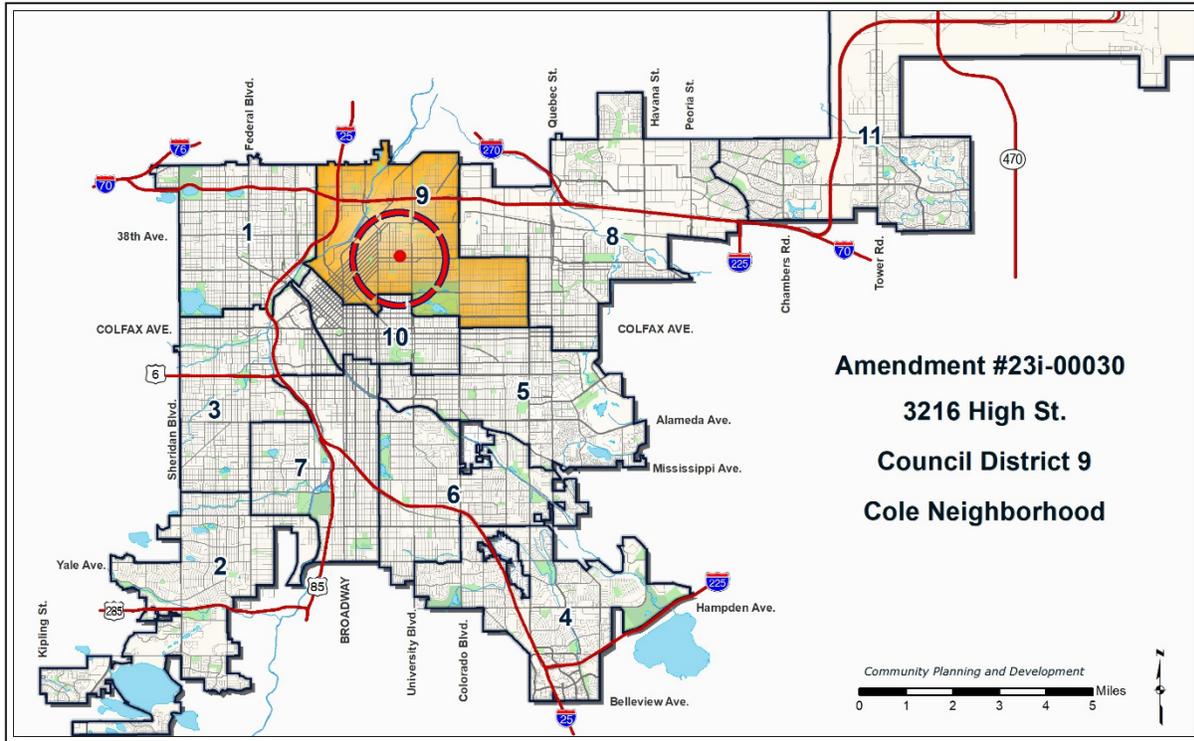
Request for Rezoning

Address: 3216 N High St.
Neighborhood/Council District: Cole Neighborhood
Council District 9 – Darrell Watson
RNOs: Cole Neighborhood Association, United Community Action Network, Inter-Neighborhood Cooperation (INC), Opportunity Corridor Coalition of United Residents, Reclaim the Eastside, East Denver Residents Council, Strong Denver, Whittier Neighborhood Association, City Park Friends and Residents
Area of Property: 15,800 square feet or 0.36 acres
Current Zoning: PUD #595
Proposed Zoning: U-SU-A1
Property Owner(s): John Dilday DBA. Transwestern Management
Owner Representative: Jason Vigil

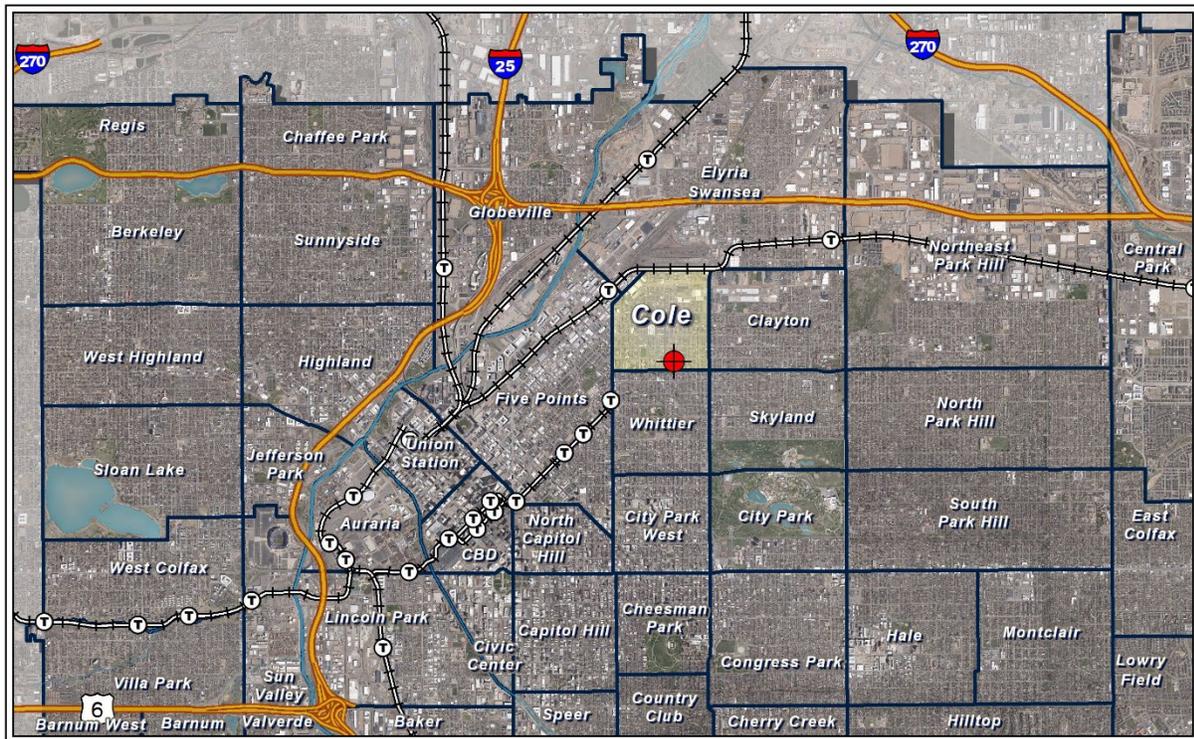
Summary of Rezoning Request

- The subject property is presently vacant and is located on the east side of North High Street, between East Martin Luther King Boulevard and East 33rd Avenue.
- The subject site is currently vacant and the property owner is proposing to rezone the property to allow for urban houses and accessory dwelling units (ADU).
- The proposed U-SU-A1, **Urban, Single-Unit, A1** (3,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Neighborhood Context which is primarily characterized by single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, and 17 to 19 feet in the rear 35% of the zone lot, depending on zone lot width. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC). The standards included in this report reflect the [ADUs in Denver text amendment](#) adopted by City Council on June 5, 2023.

City Location



Neighborhood Location – Cole



1. Existing Context



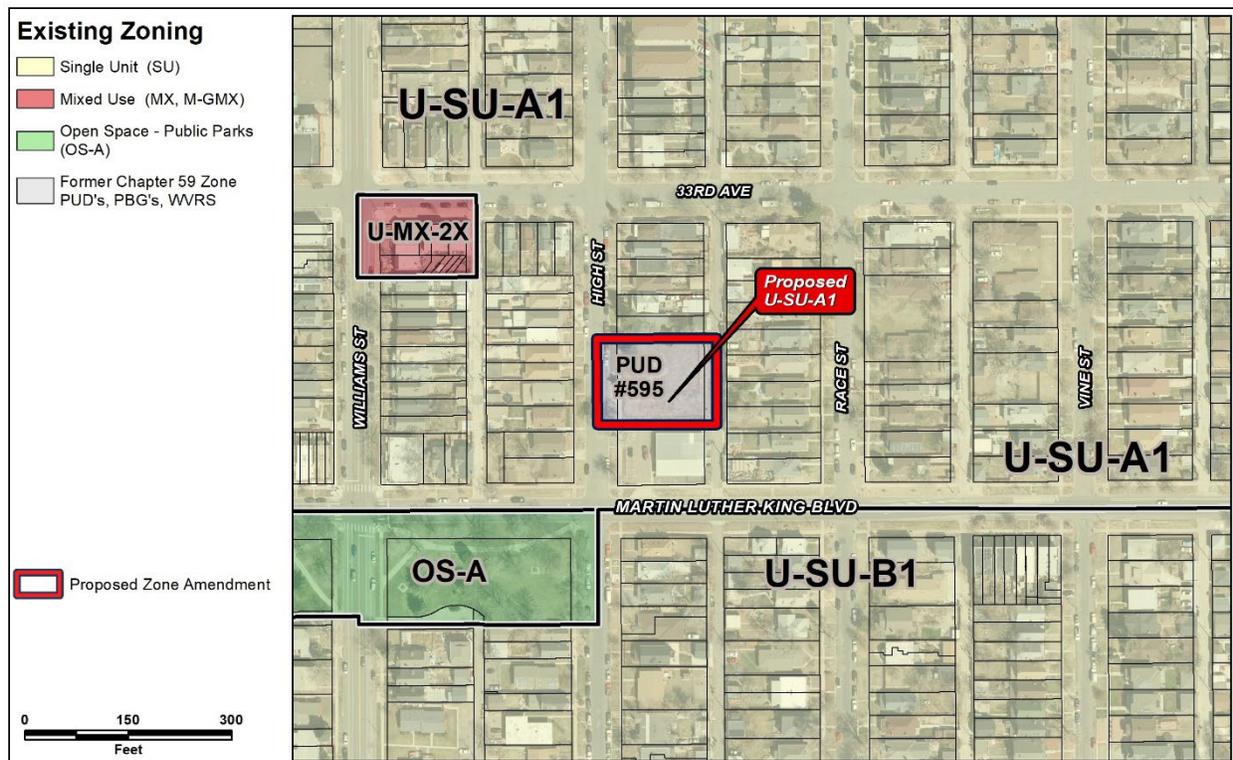
The subject property is located on the south end of the Cole statistical neighborhood, which is characterized mostly by a mix of single-unit, two-unit and multi-unit dwellings with some institutional uses north of East Martin Luther King Junior Boulevard. South of East Martin Luther King Junior Boulevard, the Whittier neighborhood is characterized mostly by a mix of single-unit, two-unit and multi-unit dwellings, commercial buildings, and public parks. The property is located along North High Street north of the northeast corner of the intersection of East Martin Luther King Junior Boulevard and North High Street. RTD Bus Route 43 runs east-west along East Martin Luther King Junior Boulevard (less than a block south) and East 31st Avenue (just over a block south), and route 34 runs east-west along East Bruce Randolph Avenue less than two blocks to the north. Route 24 runs north-south along North York Street four blocks to the east, and routes 12 and 34 run North-South along Downing Street seven blocks to the west. The property is approximately 1/8 mile away from bus stops (43 and 34) on East Martin Luther King Junior Boulevard, East 31st Avenue, and East Bruce Randolph Avenue, and approximately ¼ mile away from a bus stop (24) on North York Street.

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	PUD 595	Vacant Land	Vacant	Generally regular grid of streets. Block sizes and shapes are consistent
North	U-SU-A1	Single-unit Residential	1 story stucco house with pedestrian access on N. High St.	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	U-SU-A1	Public/Quasi-public - church	1 story brick and siding church building with parking lot in front	and rectangular. Detached sidewalks with tree lawns and existing alleys. Detached garages and on-street vehicle parking.
East	U-SU-A1	Single-unit Residential	1 story brick houses with pedestrian access on N. Race St.	
West	U-SU-A1	Single-unit Residential	1 story brick, fish-scale siding, and stucco houses with pedestrian access along N. High St.	

2. Existing Zoning



The existing zoning on the subject property is PUD #595 (**P**lanned **U**nit **D**evelopment). PUD 595 is a district based on the R-2 zone district from Former Chapter 59, which was Denver’s zoning code prior to adoption of the Denver Zoning Code in 2010. The PUD specifically allowed an existing building (since demolished) to continue to be used for health care facilities. The maximum allowed height is 1 story / 25 feet, with a floor-area ratio of 0.4713:1, perhaps matching the condition of the existing (since demolished) building. Permitted uses include health care facilities and all permitted uses of the R-2 Zone District (including residential).

3. Existing Land Use Map



4. Existing Building Form and Scale (All images from Google Maps)



Subject Site - View of the subject property, looking east (On N. High St.)



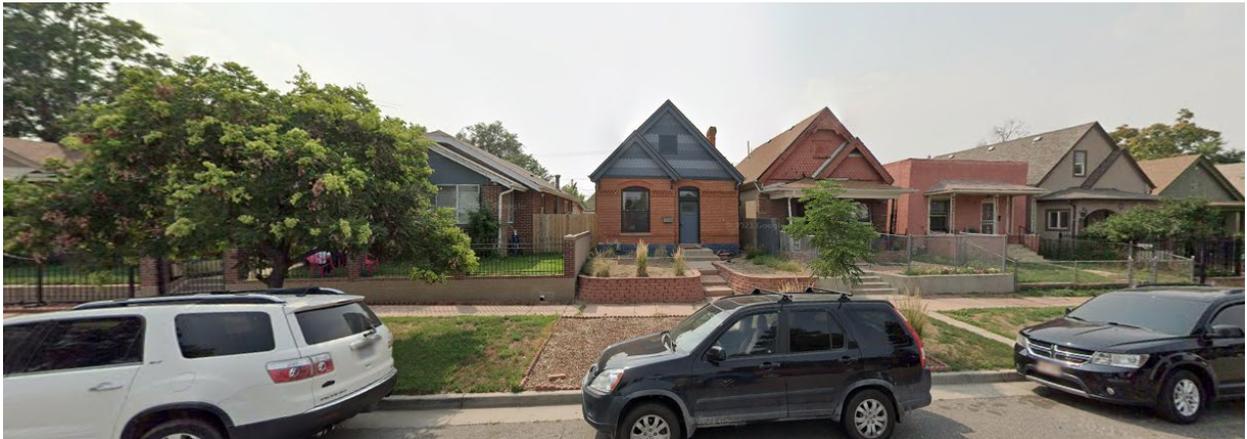
North - View of the property to the north, looking east (On N. High St.)



South - View of property to the south, looking east (on N. High St.).



East - View of properties to the east, looking west (On N. Race St.).



West – View of the properties to the west, looking west (On N. High St.).

Proposed Zoning

U-SU-A1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. A variety of residential and community/public services uses are permitted as primary uses in the U-SU-A1 district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 2 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. The subject site has a lot size of 15,800 square feet, allowing a maximum gross floor area of 1000 square feet for an ADU. If the property is divided into five of equal size (3160 square feet), the maximum size of an ADU on each is 864 square feet.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	PUD #595 (Existing)	U-SU-A1 (Proposed)
Primary Building Forms Allowed	N/A (Ch. 59, generally described as "private health clinic")	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	1 story / 25 feet	2.5 stories / 30 feet *
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	1 story / 25 feet	1 story / 17 feet *
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	N/A	17 feet / 10 feet
DADU Maximum Heights in Stories / Feet	N/A	2 stories / 24 feet
Zone Lot Size (Min.)	N/A	3,000 square feet
Zone Lot Width (Min.)	N/A	25 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	No / 20 feet	Yes / per reference lots or 20 feet
Side Interior Setback (Min.)	North: 9.2 feet South: 17.0 feet	3 feet *
Rear Alley / No Alley (Min.)	17.9 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	47.13%	37.5%
Detached Accessory Building Forms Allowed	N/A	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 25 feet

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 Comments.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approved – No Comments.

Development Services – Project Coordination: Approved – No Response.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Comments.

Parks and Recreation: Approved – No Comments.

Department of Transportation & Infrastructure – City Surveyor: Approved – No Comments.

Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. The Site is located within the boundaries of the delisted Operable Unit 1 of the Vasquez Boulevard/I-70 Superfund site which was associated with elevated levels of metals in soil. OU1 is associated with the presence of heavy metals in residential soils due the historical presence and operations of local smelters. Under oversight by the U.S. Environmental Protection Agency (EPA), extensive soil sampling and subsequent remediation was completed at participating residential properties. Contaminated soils in residential yards, parks and schools were excavated and disposed off-site where necessary. EPA did not identify the Site as a Target Property based on its land use of Commercial - Medical Building listed in the Assessor database at the time; therefore, the Site did not received sampling by the EPA. The current land use listed in the Assessor database is Vacant Land.

Based on the lack of sampling under EPA oversight and the requested zoning change from PUD #595 to U-SU-A1, which permits residential uses, DPHE Environmental Quality Division (EQ) met with the Applicant and CPD Case Manager to discuss evaluating the suitability of this Site for residential use on 7/13/2023. EQ requested the Applicant submit soil sampling of the property to EQ to determine if lead or arsenic levels at the Site exceed EPA's default remediation action levels, as outlined below from the Vasquez Boulevard/I-70 Superfund site Record of Decision (ROD):

- The action level for lead is exceeded when the average lead concentration from three composite samples taken from the property is greater than 400 parts per million (ppm, or milligrams per kilogram mg/kg).
- The action level for arsenic is exceeded when the highest arsenic concentration from three composite soil samples taken from the property is greater than 70 ppm.

- For properties where action levels are exceeded for either lead or arsenic in one or more composite samples, all accessible soils should be removed to a depth of 12 inches. The excavation areas should be backfilled with clean soil containing arsenic and lead concentrations at or below action levels, and pre-remediation yard features restored.

EQ approves this rezoning application on the condition that soil sampling data is provided to EQ by the Applicant and, if warranted according to the action levels stated above, the Applicant completes remediation of the site for residential use. EQ also provided the Applicant with information about working through Voluntary Cleanup and Redevelopment Program if the site is contaminated, which provides an opportunity to apply for tax credits. EQ will continue to coordinate with the Applicant to ensure the Site is suitable for residential use.

EQ does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes.

NOTE: Following the above comment, on August 23, 2023, the applicant provided DDPHE with a soil sample report conducted by Colorado Analytical Laboratories, Inc., along with a summary of the findings, particularly pertaining lead and arsenic levels. Victoria Sanderson of DDPHE responded via email, stating that “the analytical results show arsenic and lead levels are below action levels and remediation is not warranted.”

In addition, DDPHE conducted additional review, and issued a memo to CPD on September 27, 2023, further explaining the results of this review. The outcome of this was “It is EQ’s opinion that rezoning the Subject Property as described in the above referenced rezoning application is acceptable.”

The three documents related to this follow up are listed below as the 2nd, 3rd, and 4th attachments, and are attached to this staff report.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	06/26/2023
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:	8/30/2023
Planning Board Public Hearing:	9/20/2023
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:	09/26/2023
Land Use, Transportation and Infrastructure Committee of the City Council:	10/10/2023
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:	11/14/2023
City Council Public Hearing:	12/04/2023

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has not received any written comment from an RNO pertaining to this application.

- **Other Public Comment**
 As of the date of this report, staff has not received any written comment from the public.

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 application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- 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).

U-SU-A1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize much of the Cole neighborhood.

- 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 rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

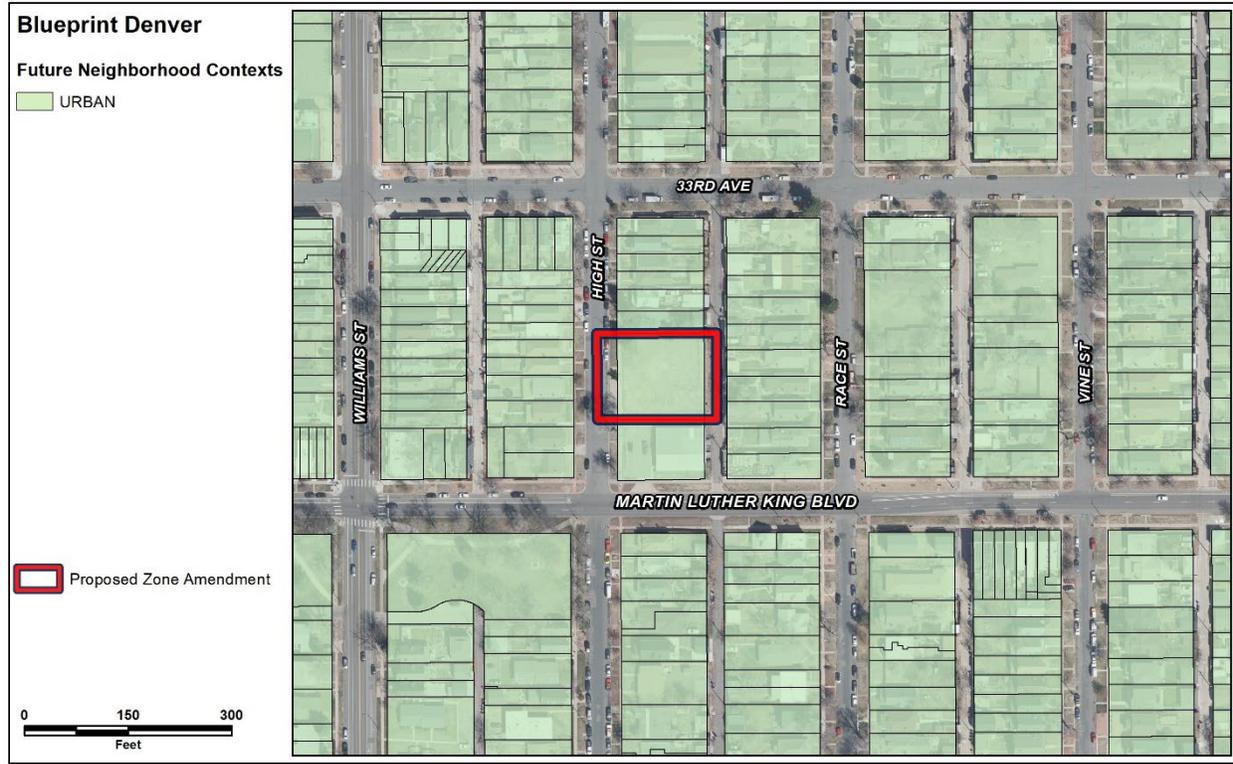
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will allow additional housing units on the site of vacant land on a block where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

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 future place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

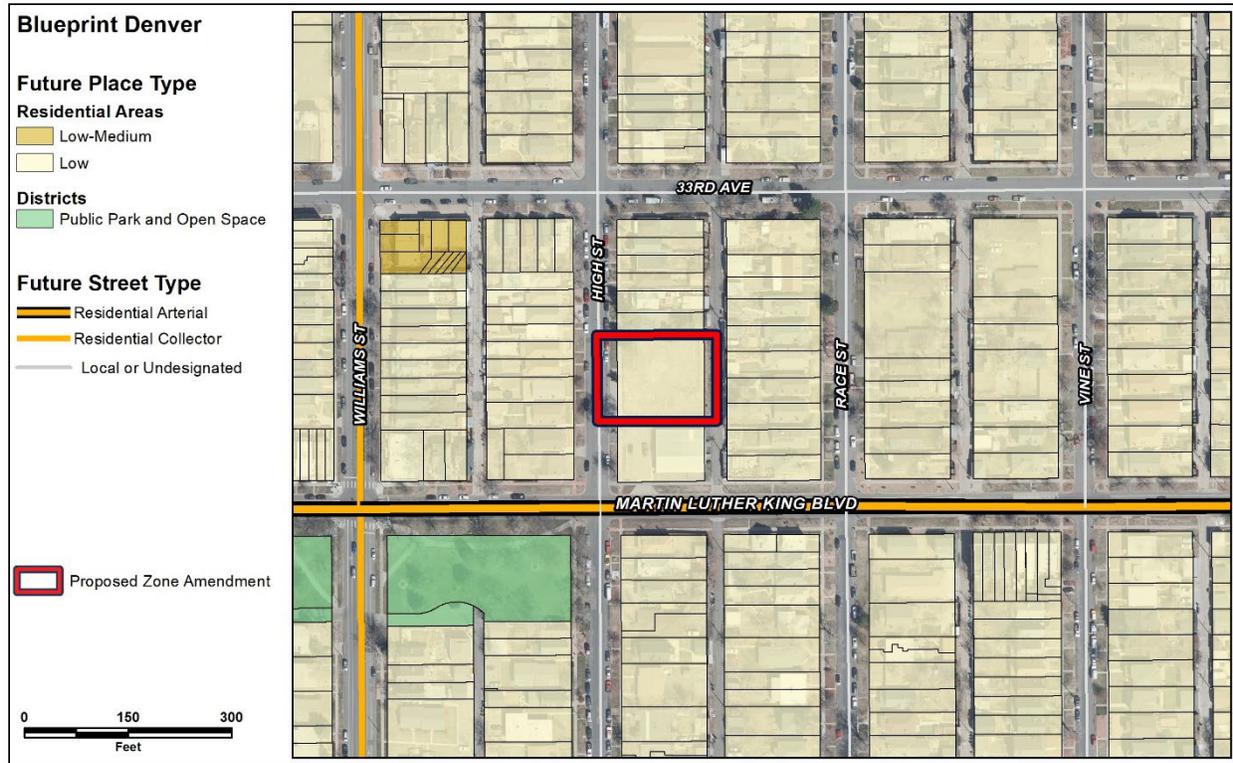
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as “walkable due to a predictable street grid in residential areas and the availability of transit and dedicated bike lanes” and containing homes that “vary from multi-unit developments to compact single-unit homes” (p. 221).

U-SU-A1 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC Section 5.2.2.1). The proposed U-SU-A1 zone district is consistent with the *Blueprint Denver* future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with low-scale accessory dwelling units that will be compatible with the existing residential area.

Blueprint Denver Future Place

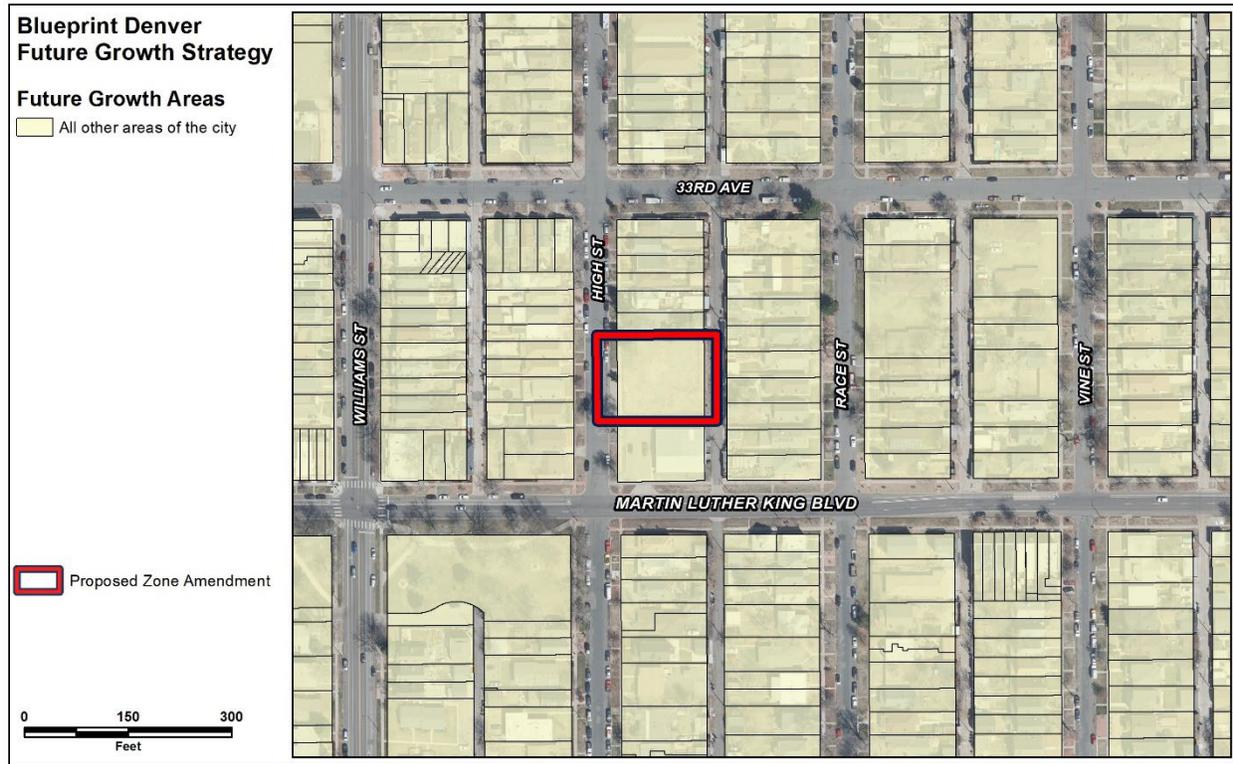


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Places map. This place type is “Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-A1 is a single-unit residential district that allows for an additional dwelling unit accessory to a single-unit home, consistent with the Low Residential future place description. It allows the Urban House primary building forms which have a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North High Street as Local or Undesignated, which is “most often characterized by residential uses”. Furthermore, East Martin Luther King Junior Boulevard is classified as the Residential Arterial Future Street Type, which are described as serving “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 161). The proposed U-SU-A1 district is consistent with this description because it allows primarily for residential uses.

Blueprint Denver 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 "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). This growth area is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to U-SU-A1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning to allow for ADUs.

- Policy 4 Strategy E – "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area." (p. 84).

In this case, the requested rezoning is a single lot in a residential area within walking distance of multiple bus routes. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* and small area plan recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1 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 which recommends "the expansion of accessory dwelling units throughout all residential areas" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of additional housing units that are compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

The application identifies the adoption of *Comprehensive Plan 2040* and *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

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

In addition, the adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property at this time is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-A1 zone district is within the Urban Neighborhood Context. The neighborhood context "var[ies] from multi-unit developments to compact single-unit homes." Furthermore, "Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas" and "Single-unit residential structures are typically the Urban House building form." (DZC, Division 5.1). These areas consist of a "regular pattern of block shapes surrounded by an orthogonal street grid" (DZC, Division 5.1). This area of the Cole neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezoning to U-SU-A1 is consistent with the neighborhood context description.

Denver Zoning Code Section 5.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Neighborhood context.” It “accommodate[s] one and two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages.” This is consistent with the U-SU-A1 district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban neighborhood context.

The specific intent of the U-SU-A1 zone district is “U-SU-A1 is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet and detached accessory dwelling units. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard.” (DZC 5.2.2.2.B).

This site is surrounded on three sides by similar residential development (with a church to the south), in an area where adopted plan guidance calls for single-unit residential uses with accessory dwelling units. Therefore, this proposed rezoning is consistent with the specific intent of the U-SU-A1 zone district.

Attachments

1. Application
2. 3216 High St Soil Testing Summary (8/18/23)
3. Email Exchange between applicant and DDPHE re approval based on Soil Testing (08/23/23)
4. Environmental Memo (DDPHE to CPD, 09/25/23)

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Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	John Dilday DBA. Transwestern Management	Representative Name	Jason Vigil
Address	12853 W. 80th Pl.	Address	9936 Vine St.
City, State, Zip	Arvada, CO 80005	City, State, Zip	Thornton, CO 80229
Telephone	303-995-4004	Telephone	720-201-4871
Email	johndilday@aol.com	Email	homeadvantage303@gmail.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	3216 High St., Denver, Co. 80205		
Assessor's Parcel Numbers:	02261-21-023-000		
Area in Acres or Square Feet:	15800 Sq. Ft.		
Current Zone District(s):	PUD #595		
PROPOSAL			
Proposed Zone District:	U-SU-A1		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Chelsea Bennouna 3/16/23</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Email, 3/22/23</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

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REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how 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. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</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 and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</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"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

Last updated: February 16, 2021

Return completed form and attachments to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

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Rezoning Application Page 3 of 4

REQUIRED ATTACHMENTSPlease 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.

Authorization for Jason Vigil to act on behalf of John Dilday and Transwestern Management

REZONING GUIDE

Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
John Dilday Transwestern Management	12853 W. 80th Place Arvada, CO 80005 303-995-4004 johndilday@aol.com	100	DocuSigned by: <i>John Dilday</i> 385517F9E4484B8...	4/18/2020	A	YES
John Dilday Transwestern Management	12853 W. 80th Place Arvada, CO 80005 303-995-4004	100	DocuSigned by: <i>John Dilday</i> 385517F9E4484B8...	4/18/2020	B	YES
John Dilday Transwestern Management	12853 W. 80th Place Arvada, CO 80005 303-995-4004	100	DocuSigned by: <i>John Dilday</i> 385517F9E4484B8...	4/18/2020	D	YES
						YES

LOTS 8 TO 11, INCLUSIVE, THE SOUTH ½ OF LOT 7 AND THE NORTH ½ OF LOT 12, BLOCK 24, FORDS
ADDITION TO THE CITY OF DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO

3216 N HIGH ST

Owner	TRANS-WESTERN MANAGEMENT GROUP INC 12853 W 80TH PL ARVADA, CO 80005-2961
Schedule Number	02261-21-023-000
Legal Description	L 8 TO 11 INC & S/2 L 7 & N/2 L 12 BLK 24 FORDS ADD
Property Type	VACANT LAND
Tax District	DENVER

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	15,800	Zoned As:	PUD

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

Current Year			
	Actual	Assessed	Exempt
Land		\$674,300	\$195,550 \$0
Improvements		\$0	\$0
Total		\$674,300	\$195,550

Prior Year			
	Actual	Assessed	Exempt
Land		\$674,300	\$195,550 \$0
Improvements		\$666,300	\$193,230
Total		\$1,340,600	\$388,780

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 * **79..525** *

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	2/10/2023		
Original Tax Levy	\$7,775.57	\$7,775.57	\$15,551.14
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$7,775.57	\$0.00	\$7,775.57
Due	\$0.00	\$7,775.57	\$7,775.57

Additional Information

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

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

Real estate property taxes paid for prior tax year: **\$29,010.00**

Assessed Value for the current tax year

Assessed Land	\$195,550.00	Assessed Improvements	\$0.00
Exemption	\$0.00	Total Assessed Value	\$195,550.00

3216 N HIGH ST

Owner	TRANS-WESTERN MANAGEMENT GROUP INC 12853 W 80TH PL ARVADA, CO 80005-2961
Schedule Number	02261-21-023-000
Legal Description	L 8 TO 11 INC & S/2 L 7 & N/2 L 12 BLK 24 FORDS ADD
Property Type	VACANT LAND
Tax District	DENVER

Chain Of Title Records

Reception Number	2018119300
-------------------------	------------

Reception Date	9/19/2018
-----------------------	-----------

Instrument	PT
-------------------	----

Sale Date	9/17/2018
------------------	-----------

Sale Price	\$0
-------------------	-----

Grantor	MAJOR T LLC
----------------	-------------

Grantee	TRANS-WESTERN MANAGEMENT GROUP
----------------	--------------------------------

Reception Number	2006183705
-------------------------	------------

Reception Date	11/15/2006
-----------------------	------------

Instrument	SW
-------------------	----

Sale Date	11/14/2006
------------------	------------

Sale Price	\$350,000
-------------------	-----------

Sale Price	\$000,000
Grantor	DENVER HEALTH AND HOSPITAL
Grantee	MAJOR T LLC
Reception Number	0000176519
Reception Date	12/31/1996
Instrument	BG
Sale Date	12/31/1996
Sale Price	\$0
Grantor	CITY & COUNTY OF DENVER
Grantee	DENVER HEALTH AND HOSPITALAUTH



09/19/2018 04:32 PM
City & County of Denver
Electronically Recorded

R \$18.00

PTD

D \$0.00

PUBLIC TRUSTEE'S CONFIRMATION DEED
(C.R.S. §38-38-502)

Public Trustee's Foreclosure Sale #2014-1029

This Deed is made 09/17/2018, between the Public Trustee, of Denver County, State of Colorado, and **Trans-Western Management Group, Inc.**, Grantee, the holder of the certificate of purchase, whose legal address is 12853 W. 80TH PLACE, ARVADA CO 80005 and is effective as of 05/08/2015 per court order in case number 2015CV31632.

WHEREAS, **Major T, LLC.**, did by Deed of Trust dated May 16, 2007, and recorded in the office of the Clerk and Recorder of the County of Denver, Colorado, on 06/19/2007, at Reception No. 2007095349, convey to the Public Trustee, in Trust, the property hereinafter described to secure the payment of the indebtedness provided in said Deed of Trust, and **WHEREAS**, a violation was made in certain of the terms and covenants of said Deed of Trust as shown by the Notice of Election and Demand for Sale filed with the Public Trustee; the said property was advertised for public sale at the place and in the manner provided by law and by said Deed of Trust; Combined Notice of Sale and Right to Cure and Redeem was given as required by law; said property was sold according to said Combined Notice; and a Certificate of Purchase thereof was made and recorded in the office of the Denver County Clerk and Recorder, and

WHEREAS, all periods of redemption have expired.

NOW, THEREFORE, the Public Trustee, pursuant to the power and authority vested by law and by the said Deed of Trust, confirms the foreclosure sale and sells and conveys to grantee the following described property located in the County of Denver, State of Colorado, to-wit:

LOTS 8 TO 11, INCLUSIVE, THE SOUTH 1/2 OF LOT 7 AND THE NORTH 1/2 OF LOT 12, BLOCK 24, FORDS ADDITION TO THE CITY OF DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO

****MODIFIED THROUGH A LOAN MODIFICATION AGREEMENT DATED 01/23/2009**

also known by street and number as:

**3216 HIGH STREET
DENVER, CO 80205**

TO HAVE AND TO HOLD the same, with all appurtenances, forever.

Executed: 09/17/2018.
Effective Date: 05/08/2015.

Debra Johnson
Public Trustee, Denver County
State of Colorado

By: *John Davis*
Deputy Public Trustee



Assignment of Public Trustee's Certificate of Purchase
Denver County Public Trustee Sale No. 2014-1029

RECEIVED
PUBLIC TRUSTEE

2015 APR 23 AM 10:26

This Assignment executed this 14 th day of April 2015 is for the assignment of the Certificate of Purchase of PT foreclosure sale No. 2014-1029. In consideration of **\$528,000.00** paid by **Trans-Western Management Group, Inc.** whose legal address is **12853 W. 80th Place, Arvada, CO 80005**, **ASSIGNEE**, the receipt of which is hereby acknowledged and **ASSIGNOR**, **DFW Group, LLLP**, whose legal address is **1395 Utica Street, Denver, CO 80204**.

DFW Group, LLLP, does hereby transfer, assign and set over to said Assignee and Assignee's heirs, successors and assigns forever, all right, title and interest in and to that certain Certificate of Purchase issued by the Public Trustee of Denver County, Colorado in sale 2014-1029 on April 9, 2015 recorded on April 10, 2015 at reception #2015046007 pursuant to the deed of trust by, Grantor, Major W. Tappan and Major T LLC to the Original Beneficiary, Interbay Funding, LLC. The current Holder of Evidence of Debt is M&T Bank. Said Deed of Trust was dated May 16, 2007 and recorded June 19, 2007 at Reception No. 2007095349 regarding the property described as:

LOTS 8 TO 11, INCLUSIVE, THE SOUTH 1/2 OF LOT 7 AND THE NORTH 1/2 LOT OF LOT 12, BLOCK 24, FORDS ADDITION TO THE CITY AND COUNTY OF DENVER, STATE OF COLORADO

Purported Common Address: 3216 High Street, Denver, CO 80205

Assignor:

DFW Group, LLLP



State of Colorado

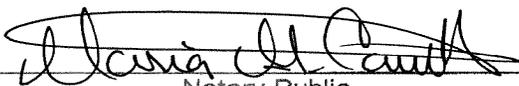
County of Jefferson

The foregoing assignment was acknowledged before me this 14 th, day of April, 2015, by Yissachar B. Steinharter as it's member for DFW Group, LLLP.

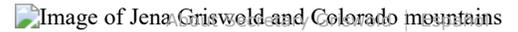
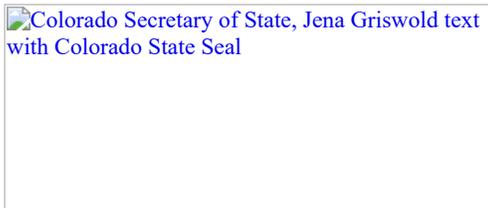
Witness my hand and seal.

My Commission expires: January 10, 2018

MARIA GUADALUPE CARRILLO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134071648
MY COMMISSION EXPIRES JANUARY 10, 2018



Notary Public



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Summary

Details			
Name	TRANS-WESTERN MANAGEMENT GROUP, INC.		
Status	Good Standing	Formation date	06/21/1999
ID number	19991117217	Form	Foreign Corporation
Periodic report month	November	Jurisdiction	Wyoming
Principal office street address	12853 W 80th Pl, Arvada, CO 80005, US		
Principal office mailing address	12853 W 80th Pl, Arvada, CO 80005, US		

Registered Agent	
Name	JOHN DILDAY
Street address	12853 W 80th Pl, Arvada, CO 80005, US
Mailing address	12853 W 80th Pl, Arvada, CO 80005, US

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Home Advantage Developments LLC

9936 Vine St.

Thornton, CO. 80229

720-201-4871

info@homeadvantage303.com

April 14, 2023

Review Criteria Narrative for the Rezoning Application of 3216 High St., Denver, Colorado 80215

We find the following points satisfy the General Review Criteria of the application for rezoning of the lots located at 3216 High St. or also known as:

Lots located in the Northeast once quarter of Section 26, Township 3 South, Range 68 West of the 6th P.M. Lots 8-11 & Parts of Lots 7&12, Block 24. Ford's Addition to the City of Denver, City of Denver, County of Denver, State of Colorado.

We put forth this narrative to supplement the application for Rezoning.

General Review Criteria DZC Sec. 12.4.10.7.A, Consistency with Adopted Plans:

Comprehensive Plan 2040. The application for rezoning is consistent with Comprehensive Plan 2040's goals 1 and 2. Goal 1 strategy A sets a need for and increase in development of housing units close to transit and mixed-use developments which this development in its location satisfies those needs. Goal 2 strategy A sets a need for a greater mix of housing options in every neighborhood for all individuals and families. These lots will be developed with Accessory Dwelling Units (ADU's) structures attached which the owners would be able to rent out at a lower price point than an entire home in the area could be rented for, increasing low cost, affordable housing.

Blueprint Denver. The application for rezoning is consistent with Blueprint Denver's vision that more ADU's can be thoughtfully integrated into single and two unit, small to medium lots where compatible. 3216 High Street which is a vacant lot close to an arterial street is a prime location to introduce additional residential intensity in Low Residential Areas and is therefore appropriate for the rezoning request.

The rezoning of 3216 High Street will help to diversify housing choices through the expansion of ADU's in the neighborhood and it does so without involuntary displacement of current residences since the rezoning is from PUD to U-SU-A1.

General Review Criteria DZC Sec. 12.4.10.7. B & C, Uniformity of District Regulations and Restrictions, and Public, Health, Safety and General Welfare:

The rezoning application would change the current PUD zoning to 5 lots with U-SU-A1 zoning designations. The U-SU-A1 designation is the predominant zoning for the surrounding area, so we feel the request is consistent with the uniformity and general characteristics of the neighborhood. Our concept designs that will be included in the application show a home on each lot that has a peaked roof, sets the narrow part of the house oriented towards the street, a garage that has access to the alley and allows for an ADU to be placed on top of the garage. We feel that our initial designs attempt to balance the overall character of the neighborhood and new modern home construction.

The new developments will require upgrading of infrastructure on each lot in the form of sidewalks and alleys. Each lot will have its own individual sewer and water taps which conform to current code standards. By developing the vacant lot, we would remove the eyesore of a vacant lot and provide land stabilization in the process. Those items together would further public health, safety, and welfare for the neighborhood.

Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8:

The City of Denver's implementation of Comprehensive Plan 2040, and Blueprint Denver are City Adopted Plans. Comprehensive Plan 2040 puts forth the growth initiatives for the city's needs for more affordable housing and mixed-use housing. Blueprint Denver provides the criteria for how those needs are met in each neighborhood or area. We feel that Comprehensive 2040 and Blueprint Denver combine to create the pathway needed to justify a request for rezoning.

The proposed official map amendment from PUD to U-SU-A1 would be consistent with the predominant lot designation for the neighborhood. The U-SU-A1 designation would protect the residential neighborhoods character of the Urban Neighborhood Context. Our design would be required to meet the recognized residential characteristics and would be contained in the limits of the zoned area.

The Single Unit A1 district allows for urban houses with detached accessory dwelling units. The lots we propose will be 3,125 Square Feet consisting of a 25' lot front and a 125' lot depth. Our designs will be consistent with the setbacks of the surrounding area.



Jason Vigil <info@homeadvantage303.com>

3216 N High St. Letter

2 messages

Katie Amren <k.amren@hotmail.com>

Fri, Mar 31, 2023 at 3:05 PM

To: "info@homeadvantage303.com" <info@homeadvantage303.com>

Hello:

I received a letter in the mail today regarding the the vacant property and the possible rezoning to allow for 5 single units.

As an existing homeowner on this block, my most pressing concern is over the potential design and if you plan to account for off-street parking for each of the 5 units.

Currently, most residents on this street, have an obnoxious number of cars per house and there has been an ongoing heated war over street parking between a few of the neighbors since before I moved in 9 years ago. Thankfully, I only have one vehicle and a garage to store it in. But I'm not looking forward to this ongoing war in front of my house escalating should the proposed units not have off-street parking.

I do appreciate receiving your letter and I hope you can continue to communicate so existing homeowners can prepare for the expected inconvenience and disruption during construction.

Kind regards,
Katie Amren
303.803.2765

Sent from my iPhone

Jason Vigil <info@homeadvantage303.com>

Sun, Apr 2, 2023 at 7:57 AM

To: Katie Amren <k.amren@hotmail.com>

Katie,

Thank you for your reply and confirmation that you received our letter. Of all the over 75 registered neighborhood organizations and homeowners within 200' of 3216 High Street, you are the only homeowner who has replied. We have also received one reply from an RNO.

I can relate to your issues with parking on the block and I understand your concern. What I can tell you is that each of these homes will be built with a double car garage off of the alley. So, there will be space for an additional 10 cars of off street parking.

We are currently in the rezoning phase of this process and we expect it to take 4-6 months. After that, the project would move to the building permitting process which could take a year or longer. There is also a possibility that because there are more than 3 lots together, Denver Building and Permitting will require a Site Development Plan, which is a "pre permitting" review, which in my experience, could take a year by itself. I would say from this point, it would be at least a year and half until any ground is broken.

I am an 8th generation Colorado Native and I was born and raised in Denver. Most of my family still lives in the Metro Area. I approach all my projects with the mindset of being a "good neighbor" and doing what I can to mitigate the impact on people who live near my construction zones. The actual construction process could take a year or longer, so I don't want to create any more inconveniences than are absolutely necessary.

Please feel free to contact me anytime with any additional questions or concerns for this project.

Thank you,
Jason Vigil
720-201-4871

[Quoted text hidden]



Jason Vigil <homeadvantage303@gmail.com>

3216 High St.

11 messages

Jason Vigil <homeadvantage303@gmail.com>

Wed, Mar 22, 2023 at 8:32 PM

To: "armandopayan80@yahoo.com" <armandopayan80@yahoo.com>

Bcc: John Dilday <johndilday@aol.com>, kellievigil@hotmail.com

To Whom It May Concern:

This email is to serve as notice to all Registered Neighborhood Organizations that came up in a search related to the lot at 3216 High St.

The lot is currently zoned for PUD and has been vacant.

An application for rezoning the lot to 5, U-SU-A1 zone lots will be submitted to the City of Denver in accordance with Denver's Comprehensive Plan 2040 and Blueprint Denver.

We look forward to any feedback you may be interested in providing.

Thank you,

Jason Vigil

Home Advantage

Home Advantage Developments

www.homeadvantage303.com

720-201-4871

armando payan <armandopayan80@yahoo.com>

Thu, Mar 23, 2023 at 8:25 AM

To: Jason Vigil <homeadvantage303@gmail.com>

Do you have a copy of the propose plans for the lot

Sent from my iPhone

On Mar 22, 2023, at 8:32 PM, Jason Vigil <homeadvantage303@gmail.com> wrote:

[Quoted text hidden]

Jason Vigil <homeadvantage303@gmail.com>

Thu, Mar 23, 2023 at 12:49 PM

To: armando payan <armandopayan80@yahoo.com>

Armando,

I do not have plans as we don't know if this is possible yet. We have a concept drawing, and that includes renderings of a home that we have built in the area in the past. Please see attached.

Thank you,

Jason Vigil

Home Advantage

Home Advantage Developments

www.homeadvantage303.com

720-201-4871

[Quoted text hidden]

 **2022-0225_3216 High Street - Concept Drawings.pdf**
2537K

armando payan <armandopayan80@yahoo.com>

Thu, Mar 23, 2023 at 3:20 PM

Reply-To: armando payan <armandopayan80@yahoo.com>

To: Jason Vigil <homeadvantage303@gmail.com>, Erika Delzell <studioonparadox@gmail.com>, Christopher Sanchez <cherryhomes@hotmail.com>

How many bedrooms, and baths and are these affordable housing with CHFA, Habitate for Humanity involved or just a private investor.
Thanks

Sent from Yahoo Mail. Get the app

[Quoted text hidden]

 **2022-0225_3216 High Street - Concept Drawings.pdf**
2537K

Jason Vigil <homeadvantage303@gmail.com>

Thu, Mar 23, 2023 at 4:00 PM

To: armando payan <armandopayan80@yahoo.com>

3 bedrooms up, 1 down if there is a basement. ADU is allowed which would be in line with Denver's Comprehensive 2040 plan for affordable housing. This is a private investor group.

[Quoted text hidden]

--

[Quoted text hidden]

armando payan <armandopayan80@yahoo.com>

Tue, Mar 28, 2023 at 2:44 PM

Reply-To: armando payan <armandopayan80@yahoo.com>

To: Jason Vigil <homeadvantage303@gmail.com>

Where is the ADU on the premises I only see seperate dwellings? My understanding is that the ADU accompanies the main dwelling can you explain in your site plan. Thanks

Sent from Yahoo Mail. Get the app

[Quoted text hidden]

Jason Vigil <homeadvantage303@gmail.com>

Tue, Mar 28, 2023 at 6:20 PM

To: armando payan <armandopayan80@yahoo.com>

Armando,
ADU's in this context and zoning rules, are in the rear 35% of the property and no higher than 17'. So these ADU's will be built on top of the garage and satisfy the city's hopes for more affordable housing, as it was told to me by my assigned Zoning Coordinator from Denver.
There is a general consensus from Denver Zoning that our proposed project is applicable to the vision of Denver's growth in the future. That does not mean it's approved, just that it fits and makes sense for the neighborhood.
A vacant lot does not make good sense for anyone.
RNO outreach is a recommended step in the pre application process. I am also sending out personal letters to every neighbor within 200' of the property. It will be asked of me at city council meetings if I did any of these things, even though

it's not technically required. I am a Denver native and my family has been in Colorado since around 1885. I too am hopeful and caring about how new growth in Denver is going.
I have to say I appreciate your questions, as you are the only RNO who has responded.

Thank you for your sense of community and please don't hesitate to keep the questions coming.

Jason

[Quoted text hidden]

armando payan <armandopayan80@yahoo.com>
Reply-To: armando payan <armandopayan80@yahoo.com>
To: Jason Vigil <homeadvantage303@gmail.com>

Wed, Mar 29, 2023 at 8:39 AM

My understanding is that there are 14000 single family homes in GES/80216 and there are only on that has been permitted for an ADU. The other one is pending and that is mind. My point here is that the City planning office is not doing anything to encourage ADU growth in a neighborhood that has been neglected for over 100 years. I believe you need to validate my comment and bring this point to the City Planner attention to strengthen your cause. I know this is not require but it helps especially to city council.

Sent from Yahoo Mail. [Get the app](#)

[Quoted text hidden]

Jason Vigil <homeadvantage303@gmail.com>
To: armando payan <armandopayan80@yahoo.com>

Wed, Mar 29, 2023 at 8:53 AM

Armando,

I do not know the current statistics for ADU permit applications in any zip code. All I do know is that the City Zoning Office has told me they do see these 5 houses with ADU's, as a project, has an initial "Green Light " or "encouragement". I have had two meetings with zoning on this project to date, and no opposition to our initial request was given, in fact Denver has waived our rezoning fees in order to help this process. That does not mean the project is "approved", just that it's ok to continue in the process of a rezoning application. If and when the rezoning process is completed, then the project will move to the permitting stage, and can take up to a year, at the very least, it will be a year and a half before any ground is broken.

If I understand you correctly, you would like me to include your comments to the city council that they are not doing enough to encourage growth in your neighborhood, or rather to say that you would like to see more projects with ADU's like this in your neighborhood in the future?

I would be happy to use the platform to further your requests.

Thank you,

Jason Vigil
[Home Advantage](#)
[Home Advantage Developments](#)
www.homeadvantage303.com
720-201-4871

[Quoted text hidden]

armando payan <armandopayan80@yahoo.com>
Reply-To: armando payan <armandopayan80@yahoo.com>
To: Jason Vigil <homeadvantage303@gmail.com>

Wed, Mar 29, 2023 at 9:05 AM

My comments is very clear to city council if you can include this just the stats "14000 single family residents in GES/80216 one ADU and one that is pending and how can the City planning office state they are working with impoverish

neighborhoods to enhance the quality of life with this statistic".

Thanks

Your ADU on top of the garages will have to be owner occupied so again my statement to you will this be affordable housing project?

Sent from Yahoo Mail. [Get the app](#)

[Quoted text hidden]

Jason Vigil <homeadvantage303@gmail.com>
To: armando payan <armandopayan80@yahoo.com>

Wed, Mar 29, 2023 at 9:19 AM

I will include your statements with my application.

The project itself is not an affordable housing project. It is only 5 houses, the number of homes needs to be 10 in order to require the laws voted in for affordable housing in Denver. However, the city zoning office has stated to me that they see this type of project as helping the affordable housing need in Denver because the ADU's can be rented out. The ADU can not be sold separately from the lot, that is true, but it is the viewpoint of Denver that most ADU's are rented out thus helping add affordable housing to the neighborhood.

Thank you for your input Armando, I will certainly further your thoughts to Denver.

Jason Vigil
[Home Advantage](#)
[Home Advantage Developments](#)
www.homeadvantage303.com
720-201-4871

[Quoted text hidden]



Jason Vigil <homeadvantage303@gmail.com>

Proposed Rezoning of 3216 High Street

2 messages

Jason Vigil <homeadvantage303@gmail.com>

Wed, Mar 22, 2023 at 7:29 PM

To: candi.cdebaca@denvergov.org

Cc: John Dilday <johndilday@aol.com>

Bcc: kellievigil@hotmail.com

Councilwoman CdeBaca,

My name is Jason Vigil and I am reaching out to your office for feedback and guidance on the rezoning of 3216 High Street. We will be applying to change the current PUD zoning to U-SU-A1, and parceling the lot to 5 single family lots with ADU's.

I am simultaneously reaching out to RNO's and will be sending notifications to neighbors in close proximity to the lot to make them aware of our hopes to bring more homes to this area of Denver.

Any information you can share with us to make us aware of your vision for the future of your district, and your constituents would be greatly appreciated.

You or your staff can reach me anytime by this email or my phone number listed below.

Thank you,

Jason Vigil[Home Advantage](#)[Home Advantage Developments](#)www.homeadvantage303.com

720-201-4871

Jason Vigil <homeadvantage303@gmail.com>

Wed, Mar 22, 2023 at 7:35 PM

To: Brea.Zeise@denvergov.org

Brea,

I sent the forwarded email below to Councilwoman CdeBaca's email address and received the automatic reply to reach out to a specific team member. Policy and Operations may be the better option. Please see the information below about a future rezoning application that my team plans on submitting for the property at 3216 High Street.

Thank you,

Jason Vigil[Home Advantage](#)[Home Advantage Developments](#)www.homeadvantage303.com

720-201-4871

[Quoted text hidden]



Jason Vigil <homeadvantage303@gmail.com>

Automatic reply: [EXTERNAL] Proposed Rezoning of 3216 High Street

1 message

CdeBaca, Candi - CC Member District 9 Denver City Council

<Candi.CdeBaca@denvergov.org>

To: Jason Vigil <homeadvantage303@gmail.com>

Wed, Mar 22, 2023 at

7:29 PM

Thank you for your message!

The District 9 office represents nearly 76,000 people and we get a very high volume of emails. I am not always able to respond quickly but our team is on standby to make sure we don't miss messages. To get your issue routed more quickly, please contact these members of my District 9 team directly based upon your inquiry:

For **media requests & constituent questions**, please contact Liz Stalaker, Director of Constituent Services & Communications: Liz.Stalaker@denvergov.org

For **stakeholder requests in Skyland, Five Points, City Park, Cole, Clayton, or Auraria**, please contact Ashlee Wedgeworth, Community Power-Building Co-Lead: Ashlee.Wedgeworth@denvergov.org

For **stakeholder requests in Globeville, Elyria-Swansea, City Park West, Whittier, Central Business District, or Union Station**, please contact Jessica Zender, Community Power-Building Co-Lead: Jessica.Zender@denvergov.org

For **meeting requests, speaking requests, legislative inquiries, and non-constituent issues**, please contact Brea Zeise, Public Policy & Operations Director: Brea.Zeise@denvergov.org

For all other inquiries, petitions, and/or issue positions, please email us at District9@denvergov.org or call us at 720-337-7709.

Thank you!



Jason Vigil <homeadvantage303@gmail.com>

3216 High St.

District 9 <District9@denvergov.org>

Thu, Mar 23, 2023 at 1:15 PM

To: Jason Vigil <homeadvantage303@gmail.com>

Cc: "Wedgeworth, Ashlee - CC YA2245 City Council Aide" <Ashlee.Wedgeworth@denvergov.org>, "Zeise, Brea - CC YA2245 City Council Aide" <Brea.Zeise@denvergov.org>

Dear Jason,

Thanks for reaching out! Councilwoman CdeBaca is a quasi-judicial official on rezonings and refrains from ex-parte communications on proposals that may come before her for a vote. Ashlee Wedgeworth, who is cc'd here, handles stakeholder engagement for the 3216 High St area, and she would be the best point of contact for you on this matter. I'll let you two connect directly from here.

Best regards,

Liz

**The D9 Team**

Denver City Council ★ District 9

2855 Tremont Place, Unit 201

Denver, CO 80205

O: 720-337-7709

District9@denvergov.org

- * Sign-up for our newsletter by texting "District9" to 66866
- * Connect with us on social media! [Twitter](#) * [Facebook](#) * [Instagram](#)

D9 COVID-19 Resources[Sign up for our email list!](#)

**This email is considered an "open record" under the Colorado Open Records Act and must be made available to any person requesting it, unless the email clearly requests confidentiality. Please indicate on any return email if you want your communication to be confidential.

From: Jason Vigil <homeadvantage303@gmail.com>**Sent:** Wednesday, March 22, 2023 8:44 PM**To:** District 9 <District9@denvergov.org>**Subject:** [EXTERNAL] 3216 High St.

[Quoted text hidden]



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

STATEMENT OF AUTHORITY

(38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity named Trans-Western Management Group, Inc.
2. The type of entity is a Wyoming Corporation authorized to conduct business in the State of Colorado.
3. The mailing address for the entity is: 12853 West 80th Place, Arvada, CO 80005.
4. The name and position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property of behalf of the entity is: John Dilday, President.
5. The authority of the foregoing person(s) to bind the entity is not limited.
6. Other matters concerning the manner in which the entity deals with interests in real property: N/A.
7. This Statement of Authority is executed on behalf of the entity pursuant to provisions of 38-30-172, C.R.S.
8. The Statement of Authority amends and supercedes in all respects any and all prior Statements of Authority executed on behalf of the entity.

Executed this 18th day of May 2023.



 John Dilday, President
 Trans-Western Management Group, Inc.

State of Colorado

County of Denver

The foregoing Statement of Authority was acknowledged before me on this 18th day of May, 2023, by John Dilday, President, Trans-Western Management Group, Inc.

Witness my hand and official seal.

My commission expires: 01/17/2027



 Notary Public

Executed this 18th day of May, 2023.

SABINA SANCHEZ
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20234002158
 MY COMMISSION EXPIRES JAN. 17 2027 *ms*

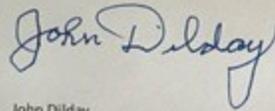
Transwestern Management
12853 W. 80th Place
Arvada, CO 80005
303-995-4004

April 13, 2023

RE: Rezoning Application for 3216 High St., Denver, CO 80205

This letter is to serve as notification that Jason Vigil dba. Home Advantage Developments LLC has authorization to act on my behalf and that of my company, Transwestern Management, in the process of rezoning for the above listed property.

Sincerely,

A handwritten signature in blue ink that reads "John Dilday". The signature is written in a cursive style with a large, looped "J" and "D".

John Dilday
Owner
Transwestern Management



Home Advantage Developments LLC

9936 Vine St.

Thornton, CO. 80229

720-201-4871

info@homeadvantage303.com

August 23, 2023

RE: 3216 High Street, Denver, CO 80205
Lead and Arsenic Testing Results

On 8/1/2023, 3 soil samples were taken from the property listed above. Two of the sample sites were chosen to test soil that was exposed to atmosphere when the original building was in place, sites 1 and 3, and site 2 was chosen as a center point where the original buildings foundation was placed.

The samples were collected in a column type fashion with the topsoil and the soil up to 12 inches below included in each sample. Each sample was collected in a clean plastic container and then labeled and sealed, as recommended by the testing facility, Colorado Analytical Laboratories. Colorado Analytical Laboratories received the samples on 8/2/23 for testing.

In summary of the report dated 8/18/23, the mean average of the three testing sites is as follows:

Lead Contamination = 101.13 mg/kg or 101.13 ppm

Arsenic Contamination = 2.9 mg/kg or 8.8 ppm

The testing report along with the site map showing the locations of the samples is included in this document.

Regards,

Jason Vigil

Home Advantage Developments

Report To: Jason Vigil
Company: Home Advantage Developments
9936 Vine Street
Thornton CO 80229

Bill To: Jason Vigil
Company: Home Advantage Developments
9936 Vine Street
Thornton CO 80229

Task No.: 230802048
Client PO:
Client Project: 3216 High St

Date Received: 8/2/23
Date Reported: 8/18/23
Matrix: Sludge

Customer Sample ID 3216 High St Sample 1
Sample Date/Time: 8/1/23 12:00 PM
Lab Number: 230802048-01

Test	Result	Method	PQL	Date Analyzed	Analyzed By
Total Solids <i>Dry Matter Basis</i>	95.1 %	SM 2540-G	0.001	8/3/23	RAB
Arsenic Total	3.5 mg/kg	SW-846 6020	0.1	8/9/23	MBN
Lead Total	149 mg/kg	SW-846 6020	0.1	8/9/23	MBN

Abbreviations/ References:

PQL = Practical Quantification Limit
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed

Report To: Jason Vigil
Company: Home Advantage Developments
 9936 Vine Street
 Thornton CO 80229

Bill To: Jason Vigil
Company: Home Advantage Developments
 9936 Vine Street
 Thornton CO 80229

Task No.: 230802048
Client PO:
Client Project: 3216 High St

Date Received: 8/2/23
Date Reported: 8/18/23
Matrix: Sludge

Customer Sample ID 3216 High St Sample 2
Sample Date/Time: 8/1/23 12:00 PM
Lab Number: 230802048-02

Test	Result	Method	PQL	Date Analyzed	Analyzed By
Total Solids <i>Dry Matter Basis</i>	95.0 %	SM 2540-G	0.001	8/3/23	RAB
Arsenic Total	2.0 mg/kg	SW-846 6020	0.1	8/9/23	MBN
Lead Total	11.4 mg/kg	SW-846 6020	0.1	8/9/23	MBN

Abbreviations/ References:

PQL = Practical Quantification Limit
 mg/L = Milligrams Per Liter or PPM
 ug/L = Micrograms Per Liter or PPB
 mpn/100 mls = Most Probable Number Index/ 100 mls
 Date Analyzed = Date Test Completed

Report To: Jason Vigil
Company: Home Advantage Developments
 9936 Vine Street
 Thornton CO 80229

Bill To: Jason Vigil
Company: Home Advantage Developments
 9936 Vine Street
 Thornton CO 80229

Task No.: 230802048	Date Received: 8/2/23
Client PO:	Date Reported: 8/18/23
Client Project: 3216 High St	Matrix: Sludge

Customer Sample ID 3216 High St Sample 3
Sample Date/Time: 8/1/23 12:00 PM
Lab Number: 230802048-03

Test	Result	Method	PQL	Date Analyzed	Analyzed By
Total Solids <i>Dry Matter Basis</i>	98.5 %	SM 2540-G	0.001	8/3/23	RAB
Arsenic Total	3.3 mg/kg	SW-846 6020	0.1	8/9/23	MBN
Lead Total	143 mg/kg	SW-846 6020	0.1	8/9/23	MBN

Abbreviations/ References:

PQL = Practical Quantification Limit
 mg/L = Milligrams Per Liter or PPM
 ug/L = Micrograms Per Liter or PPB
 mpn/100 mls = Most Probable Number Index/ 100 mls
 Date Analyzed = Date Test Completed

Report To: Jason Vigil
Company: Home Advantage Developments

Receive Date: 8/2/23
Project Name: 3216 High St

All analyses were performed in accordance with approved methods under the latest revision to 40 CFR Part 136 unless otherwise identified. Based on my inquiry of the person or persons directly responsible for analyzing the wastewater samples and generating the report (s), the analyses, report, and information submitted are, to the best of my knowledge and belief, true, accurate, and complete.



DATA APPROVED FOR RELEASE BY

Abbreviations/ References:

*PQL = Practical Quantification Limit
mg/L = Milligrams Per Liter or PPM
ug/L = Micrograms Per Liter or PPB
mpn/100 mls = Most Probable Number Index/ 100 mls
Date Analyzed = Date Test Completed*



3216 High St

Soil Sample Sites



Map data ©2023, Map data ©2023 Google 20 ft



3216 High St

Building



Directions



Save



Nearby



Send to phone



Share



3216 High St, Denver, CO 80205

Bossler, Matthew C. - CPD CE0429 City Planner Senior

From: Jason Vigil <homeadvantage303@gmail.com>
Sent: Wednesday, August 23, 2023 12:26 PM
To: Sanderson, Victoria - DPHE Senior Environmental Analyst
Cc: Bossler, Matthew C. - CPD CE0429 City Planner Senior
Subject: Re: [EXTERNAL] 3216 High St. Soil Testing Summary
Attachments: 3216 High St Soil Testing Summary 8.23.23.pdf

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Victoria,
Thank you for catching that. Please see the revised summary attached. I will submit it to the record.

Thanks again,

Jason

On Wed, Aug 23, 2023 at 12:00 PM Sanderson, Victoria - DPHE Senior Environmental Analyst
<Victoria.Sanderson@denvergov.org> wrote:

Hi Jason,

Thanks for sending over. It looks like the average arsenic level should be 2.9 mg/kg instead of 8.8 mg/kg stated on the cover letter. Guessing this may have been a calculation typo. If that's true, would you send a revised letter with the updated values?

Still, the analytical results show arsenic and lead levels are below action levels and remediation is not warranted. Thank you for looking into this and glad that remediation is not a concern for this site. I will keep these results with our project records for this property so we can reference it later on when DDPHE reviews the Site Development Plan, as well as any land that may be deeded to the city for ROW, utility, or open space. It would be helpful if you submit this information again with the SDP just so that it stays with the e-permits record and our team can easily access it during our later reviews.

Thank you,



Victoria Sanderson | Senior Environmental Analyst
Denver Department of Public Health & Environment

City and County of Denver
[Pronouns](#) | She/Her/Hers
cell: (303) 874-8958

[311](#) | [pocketgov.com](#) | [denvergov.org](#) | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: Jason Vigil <homeadvantage303@gmail.com>

Sent: Wednesday, August 23, 2023 9:54 AM

To: Sanderson, Victoria - DPHE Senior Environmental Analyst <Victoria.Sanderson@denvergov.org>; Bossler, Matthew C. - CPD CE0429 City Planner Senior <Matthew.Bossler@denvergov.org>

Subject: [EXTERNAL] 3216 High St. Soil Testing Summary

Victoria,

Can you please look over the summary of the soil testing results for 3216 High St and let me know if you have any questions?

Thank you,

Jason Vigil

Home Advantage

Home Advantage Developments

www.homeadvantage303.com

720-201-4871



INTEROFFICE MEMORANDUM

TO: Matthew Bossler, Denver Community Planning & Development

FROM: Victoria Sanderson, Department of Public Health & Environment – Environmental Quality Division

DATE: September 25, 2023

SUBJECT: Environmental Screen of 3216 N. High St. (Zone Map Amendment- Rezoning Application #2023I-00030)

The Department of Public Health & Environment, Division of Environmental Quality (EQ) has conducted a preliminary environmental evaluation of a parcel of land corresponding with Denver County Parcel No. 0226121023000 and address 3216 N. High St. (Subject Property), as part of an Agency Review of the Zone Map Amendment (Rezoning) application referenced above. EQ's evaluation included a limited search of the Subject Property for information regarding environmental conditions and any potential for subsurface impacts from current and/or historical industrial land uses, as well as soil sampling data provided by the Applicant. EQ evaluated the rezoning application and Subject Property to assess whether newly permitted structures and land uses of the proposed zoning will expose the public or workers to undue environmental risk.

Executive Summary and Recommendations

Based on information available for this environmental evaluation, the Subject Property is not likely a significant *source* of petroleum or hazardous waste contamination and there does not appear to be any substantial environmental or public health hazards associated with the Subject Property. It is EQ's opinion that rezoning the Subject Property as described in the above referenced rezoning application is acceptable.

Project Description

This evaluation was performed to obtain information that would indicate or identify environmental concerns relating to the Subject Property. The scope of the evaluation consisted of the following tasks:

- Review of county, state and federal lists of known and potential hazardous waste sites or landfills, and sites currently under investigation for environmental violations, including any registered underground storage tanks (*Environmental Screen of 3216 N. High St. (Zone Map Amendment- Rezoning Application #2023I-00030)*, completed September 22, 2023).
- Review of available historical aerial imagery (*HistoricAerials.com* on September 21, 2023).
- Review of available address directories and Sanborn Fire Insurance Maps (Denver's *MapIt* tool on September 21, 2023).
- Review of facility and event information available via the *Colorado Storage Tank Information System (COSTIS-IA)* database, <https://socgov18.force.com/s/>.

- Review of EPA and state, local, and tribal environmental agency compliance and enforcement records that are reported into EPA national databases available via the Enforcement and Compliance History Online (ECHO) database, <https://echo.epa.gov/>.
- Review of facility data from EPA program system data via Envirofacts database, <https://enviro.epa.gov/>.
- Preparation of this memorandum to present a summary of the findings.

Findings

Site Description and Use

Based on a review of information obtained from the City and County of Denver assessor's records, the current site owner of the Subject Property is TRANS-WESTERN MANAGEMENT GROUP INC, and the current land use is Vacant Land.

Based on the City's groundwater and topographic geospatial products, regional groundwater flow is generally to the northwest and depth to groundwater at the Subject Property is expected to be approximately 15-17 feet below ground surface (bgs). Off-property sites located to the southeast are considered upgradient with respect to the Subject Property.

Historical Information

EQ reviewed historical fire insurance maps produced by the Sanborn Map Company, address directories, and available historical aerial photographs for information about the history of development and past land uses of the site and surrounding properties.

The Subject Property is situated at the northeast corner of 32nd Avenue and N. High St.

According to Sanborn Fire Insurance Maps, the Subject Property was subdivided into three lots listed with the addresses 3216 N. High St., 3220 N. High St., and 3214 N. High St, where each lot was occupied by a dwelling unit and a small shed by at least 1904. No changes to the site layout or building configuration occurred through at least 1967.

According to available historical aerial imagery, the dwellings were demolished between at least 1971 and 1978. A commercial building occupied the Subject Property from at least 1978 to 2021.

Addresses associated with the Subject Property include: 3224 N. High St., 3222 N. High St., 3220 N. High St., 3218 N. High St. and 3216 N. High St. According to available address directories for these addresses, past land uses of the property appear to have been residential and commercial, consisting of the following occupants:

- 3216 N. High St: 'Wilmer Redwine' in 1965, 'Denver City and County Government.' and 'Hyde Park Health Station' in 1980, 1985, 1990, 1995, 1997-1998.
- 3220 N. High St.: 'Annie M. Moore' in 1970.

No information was identified in the historical review that is considered a potential environmental concern for the Property.

Records Review

EQ reviewed a regulatory database report provided by ERIS on September 25, 2023, for potential sources of petroleum hydrocarbons or hazardous substances that were reasonably close to (within approximately 500 feet), and potentially up-gradient of, the Subject Property.

The following list summarizes the site-specific information found in the database that EQ considers to be a potential environmental concern for the Subject Property, based on type of facility, distance, and anticipated gradient relative to the site. Facilities are listed in order of proximity to the site.

- VASQUEZ BOULEVARD AND I-70 (EPA ID: CO0002259588)
 - Source: NPL/SUPERFUND
 - The Site is located within the boundaries of the delisted Operable Unit 1 (OU1) of the Vasquez Boulevard/I-70 Superfund site which was associated with elevated levels of metals in soil. OU1 is associated with the presence of heavy metals in residential soils due the historical presence and operations of local smelters. Under oversight by the U.S. Environmental Protection Agency (EPA), extensive soil sampling and subsequent remediation was completed at participating residential properties. Contaminated soils in residential yards, parks and schools were excavated and disposed off-site where necessary. EPA did not identify the Subject Property as a Target Property based on its land use of Commercial - Medical Building listed in the Assessor database at the time; therefore, the Subject Property did not received sampling by the EPA. The current land use listed in the Assessor database is Vacant Land.
 - Based on the lack of sampling under EPA oversight and the requested zoning change from PUD #595 to U-SU-A1, which permits residential uses, EQ met with the Applicant and CPD Case Manager to discuss evaluating the suitability of this Subject Property for residential use on July 13, 2023. EQ requested the Applicant submit soil sampling of the property to EQ to determine if lead or arsenic levels at the Subject Property exceed EPA's default remediation action levels, as outlined below from the Vasquez Boulevard/I-70 Superfund site Record of Decision (ROD):
 - The action level for lead is exceeded when the average lead concentration from three composite samples taken from the property is greater than 400 parts per million (ppm, or milligrams per kilogram mg/kg).
 - The action level for arsenic is exceeded when the highest arsenic concentration from three composite soil samples taken from the property is greater than 70 ppm.
 - For properties where action levels are exceeded for either lead or arsenic in one or more composite samples, all accessible soils should be removed to a depth of 12 inches. The excavation areas should be backfilled with clean soil containing arsenic and lead concentrations at or below action levels, and pre-remediation yard features restored.
 - The Applicant provided EQ with the requested soil analytical data on August 23, 2023. The analytical results show arsenic and lead levels are below action levels and remediation is not warranted. Based on this information, EQ does not believe the presence of the Subject Property in the delisted OU1 of the Vasquez Boulevard/I-70 Superfund site is a significant environmental concern for the Subject Property.
- RESIDENCE AT 33RD & RACE (EPA Handler ID: COD982588956)
 - Source: RCRA NON GEN
 - Inactive Status
 - Distance: 427 ft.

- Direction: NE
- No Violation Identified in the most recent Compliance Monitoring Activity (9/3/2023) provided by ECHO Facility Report. Due to the location and regulatory status of this facility, EQ does not believe it is a significant environmental concern for the Subject Property.

In addition to facilities listed in the table, there are multiple properties near the Subject Property that have undergone asbestos abatement and demolition projects. The presence of multiple asbestos sites in the vicinity of the Subject Property indicates there is potential to discover asbestos and other regulated building materials during redevelopment activities at this site.

Limitations

The limited scope of this environmental evaluation must be understood. Future regulatory changes, agency interpretations, and/or concepts of due diligence industry standards are beyond the control of EQ. EQ's objective is to perform our work with care, exercising the customary skill and competence of Environmental Site Assessment professionals in the relevant disciplines. The opinions presented herein apply to subject property conditions existing at the time of our investigation and those reasonably foreseeable. EQ does not warrant or guarantee the subject property suitable for any particular use or purpose or certify that the subject property is "clean". As with any environmental concern, EQ is available to advise all city agencies and is pleased to be of service.

If you have any questions or concerns that you would like to discuss regarding this limited site evaluation, please contact Victoria Sanderson at victoria.sanderson@denvergov.org.

EQ Job Number: 20230181