



TO: City Council
FROM: Curt Upton, Senior City Planner
DATE: September 8, 2016
RE: Official Zoning Map Amendment Proposal #2015I00119
 2541-2731 W Holden, 2516-2746, 2775 W 13th, and 1260-1280 N Decatur St
 From: I-MX-5 UO-2, I-A UO-2, and C-MU-30 with
 Waivers and Conditions UO-1
 To: C-MX-8 and C-MX-8 UO-1

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Proposal #2015I00119 for a rezoning from I-MX-5 UO-2, I-A UO-2, and C-MU-30 with Waivers and Conditions UO-1 to C-MX-8 and C-MX-8 UO-1

Request for Rezoning

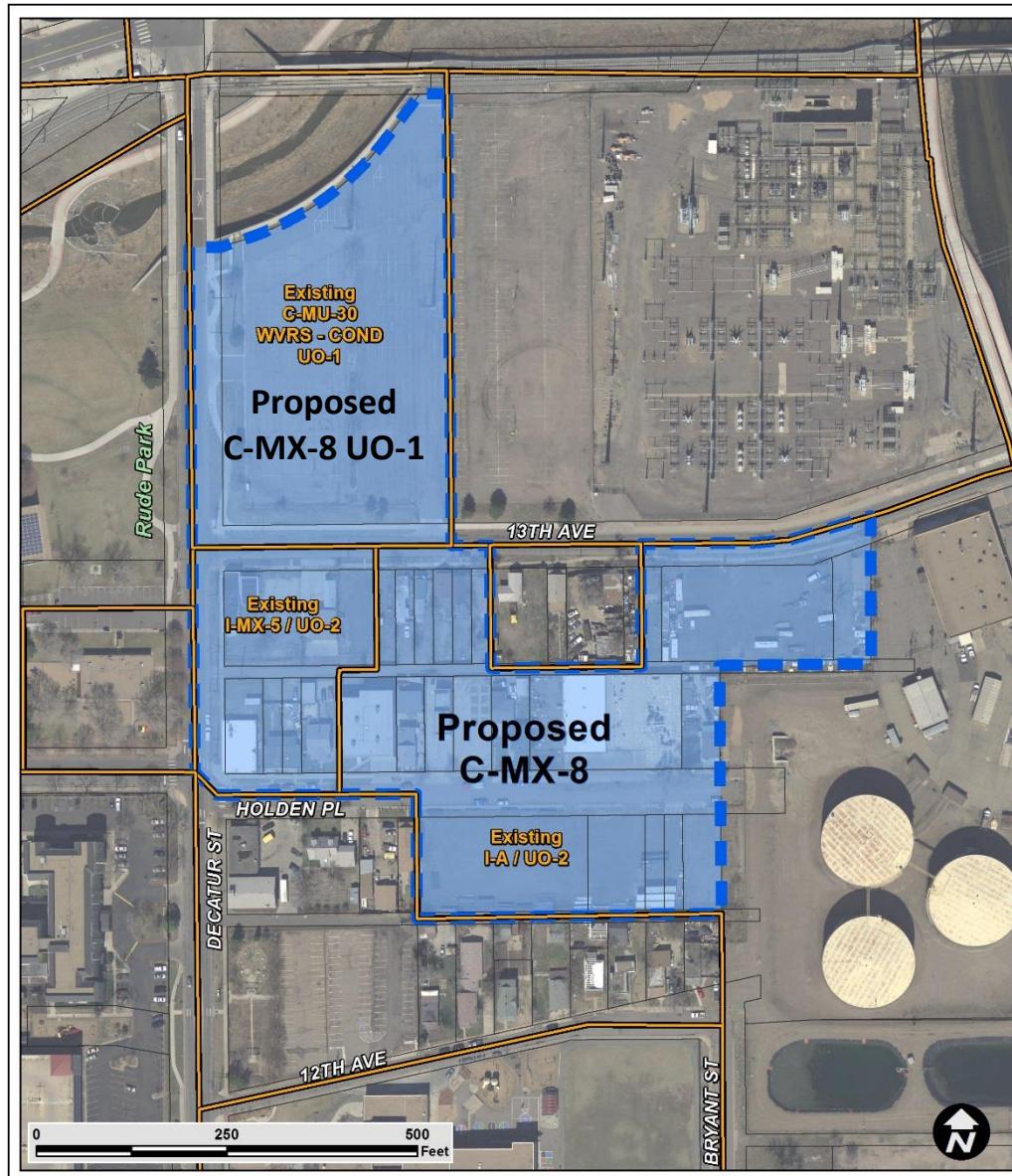
Proposal:	#2015I00119
Address:	2541-2731 W Holden, 2516-2746, 2775 W 13th, and 1260-1280 N Decatur St.
Neighborhood/Council District:	Sun Valley / Council District 3
RNOs:	Sun Valley Community Coalition, Federal Boulevard Corridor Improvement Partnership, Denver Urban Resident Association, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation (INC)
Area of Property:	8.03 acres
Current Zoning:	I-MX-5 UO-2, I-A UO-2, and C-MU-30 with Waivers and Conditions UO-1
Proposed Zoning:	C-MX-8; C-MX-8 UO-1
Property Owner(s):	Multiple
Proposer:	Councilman Paul Lopez

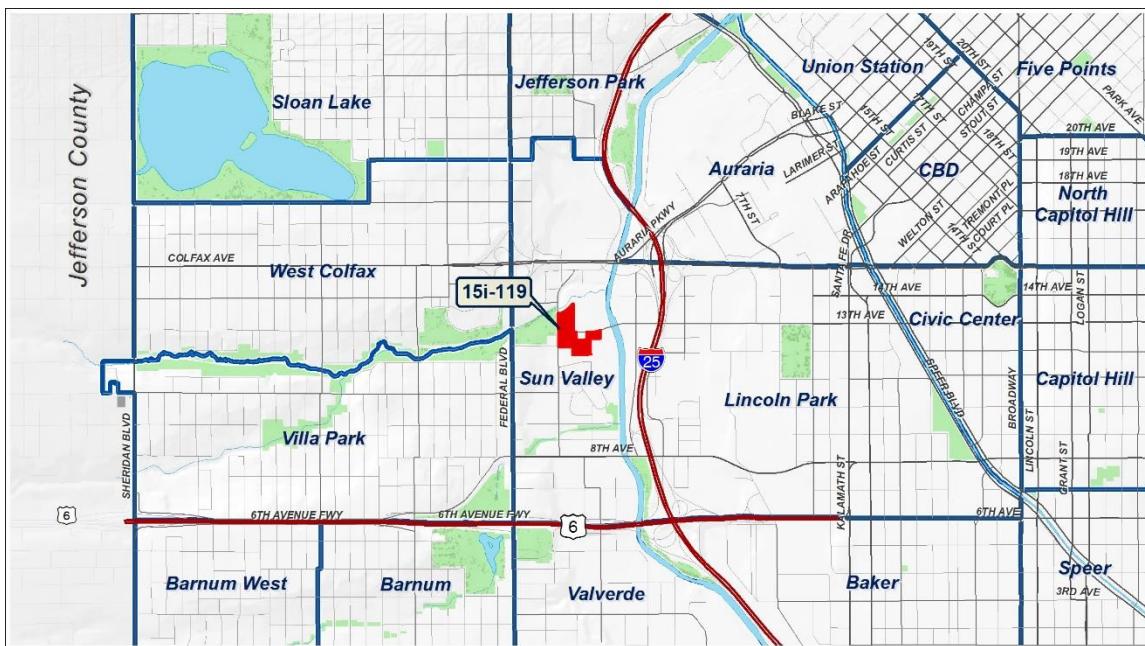
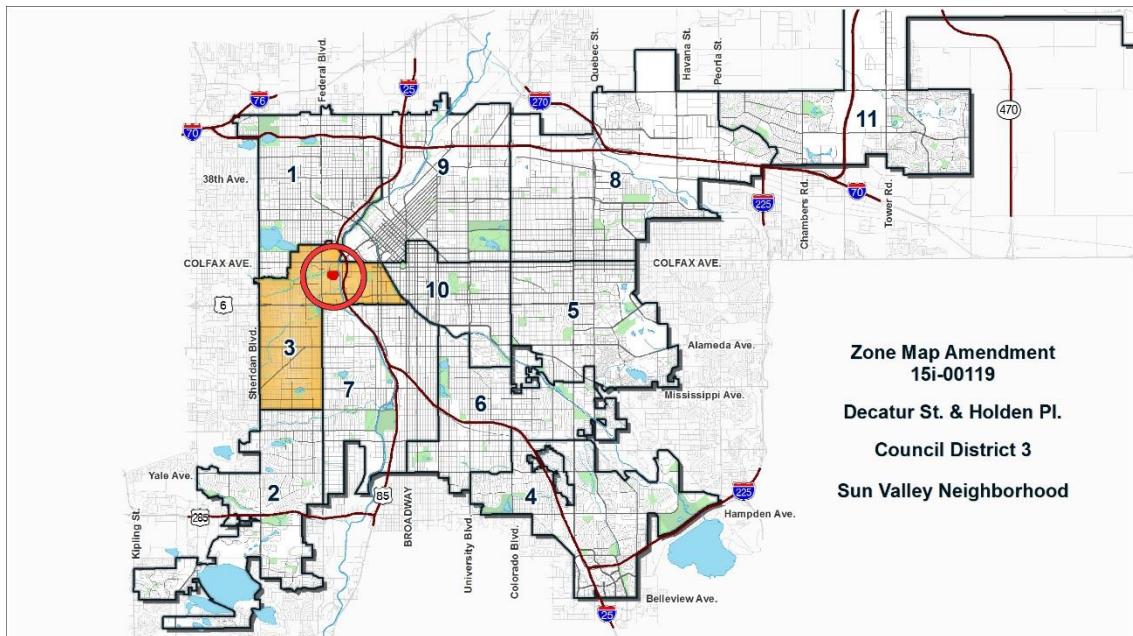
Summary of Rezoning Proposal

- The subject property is located in the Sun Valley Statistical Neighborhood, near the intersection of 13th Avenue and Holden Place. The site is currently a mix of residential, industrial, and commercial uses.
- I-MX-5 UO-2, I-A UO-2, and C-MU-30 with Waivers and Conditions UO-1.
- Councilman Paul Lopez has initiated a legislative rezoning to make the zoning on the properties consistent with the recently adopted Sun Valley Neighborhood/Decatur-Federal Station Area Plan.

- The requested C-MX-8 zone district is in the Urban Center context, allowing Mixed uses, generally up to 8 stories in height. C-MX districts are intended to encourage a mix of residential and commercial uses with pedestrian-friendly design standards. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC). The rezoning request does not maintain the UO-2 (Billboard) overlay but does maintain the UO-1 (Adult Use) overlay.

Proposed Rezoning



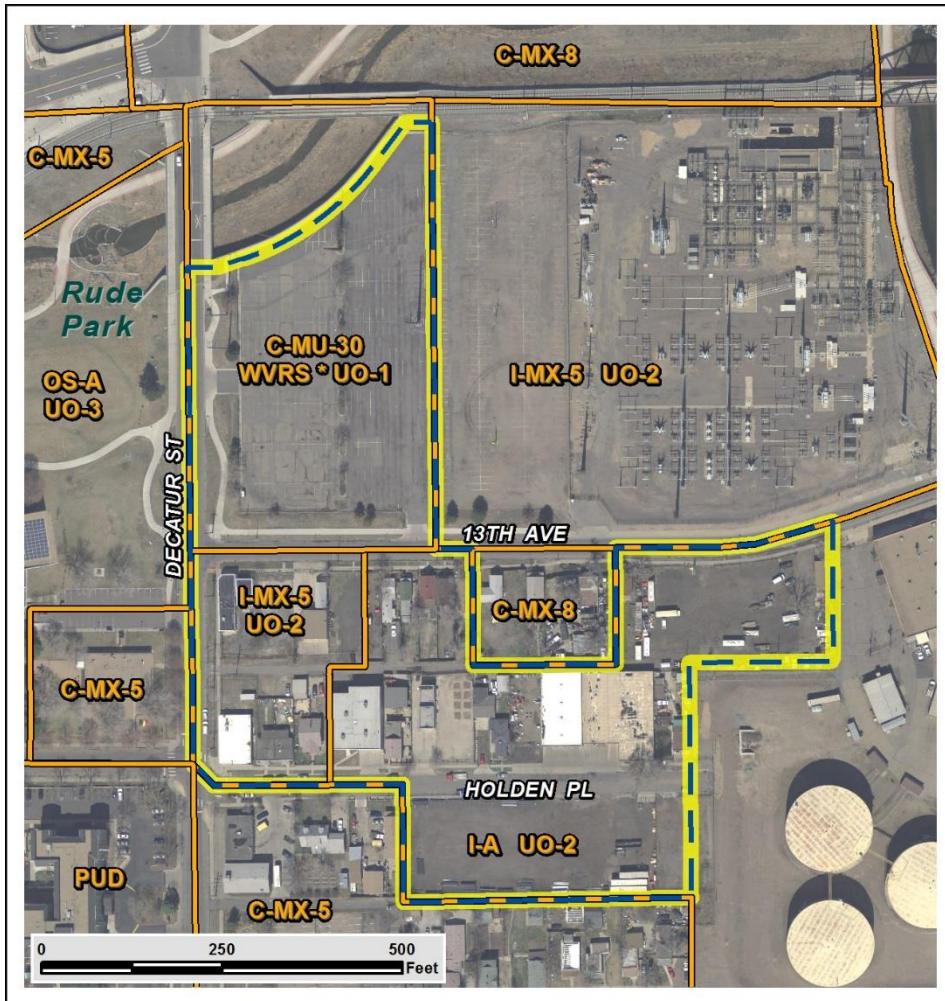


Existing Context

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	I-MX-5 UO-2, I-A UO-2,C-MU-30 with Waivers and Conditions UO-1	Single unit, multi-unit, commercial, non-profit, industrial.	Single story and two-story bungalows, warehouses, and commercial buildings.	
North	C-MX-8, I-MX-5 UO-2	Open space, Xcel sub-station, surface parking.	n/a	Rectangular blocks, Holden Place dead-ends into Xcel facility. Diversity of lot sizes ranging from small single unit residential to larger industrial lots.
South	C-MX-5	Single family residential	Single story single family homes with front porches and rear yard accessory buildings.	
East	I-A UO-2	Xcel generating facility	Cooling tanks, electricity power plant.	
West	C-MX-5, OS-A UO3	Multi-family residential, park, community centers	4 story apartment, 1 and 2 story community centers.	

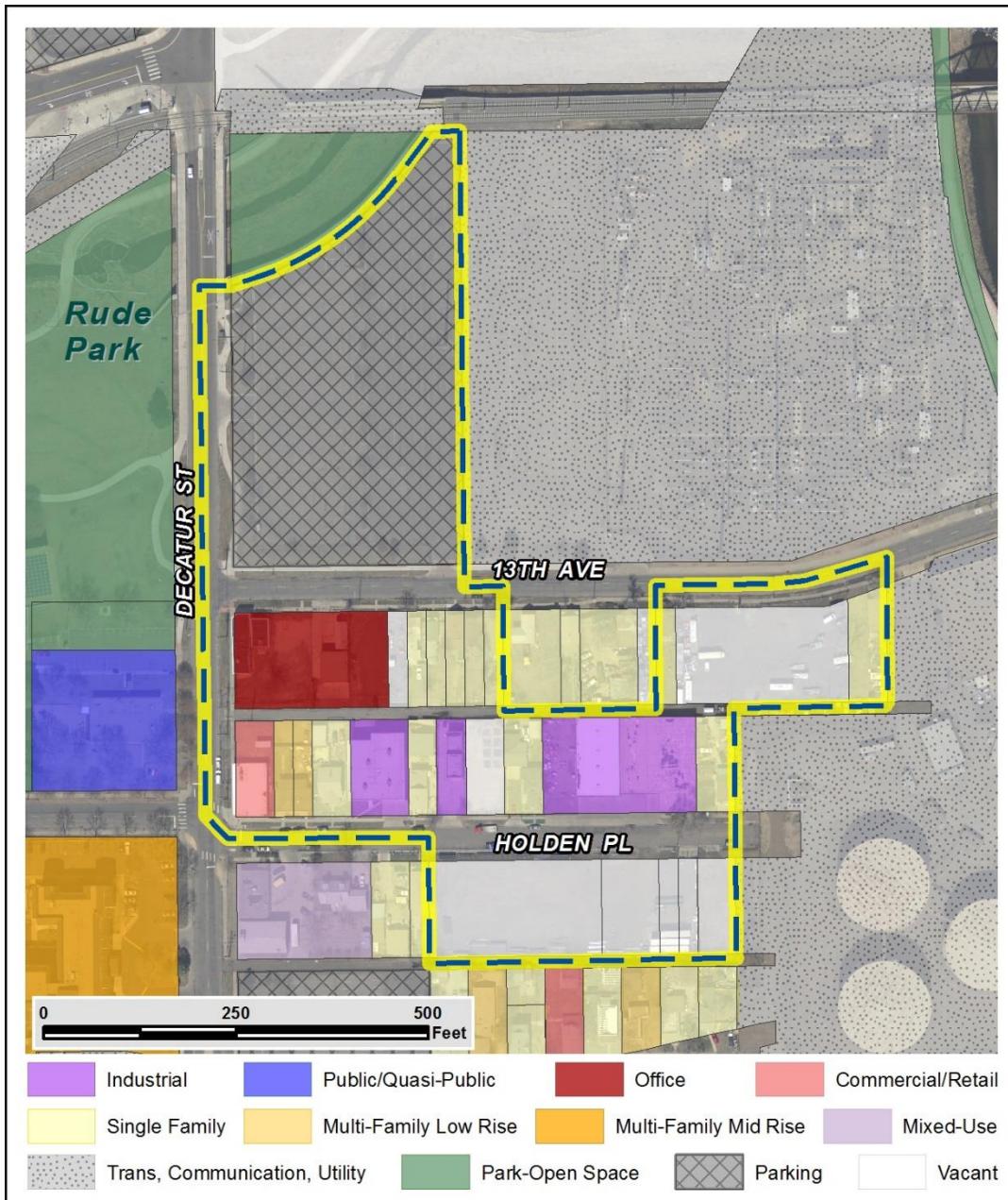
1. Existing Zoning



The current zone districts applied to the site are as follows: **I-A UO-2** is a Light Industrial zone district and permits office, business, and light industrial uses. Residential uses are only permitted where an existing residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial building forms and regulates building mass through a maximum Floor Area Ratio of 2.0. The I-A zone district does not specify a maximum building height except when a site is within 175' of a Protected District the maximum permitted building height is 75' (the subject site is not within 175' of a Protected District so this height limit does not apply). Building forms within the I-A zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets. **I-MX-5 UO-2** is Industrial Mixed use 5-story maximum height and allows industrial, commercial, and residential uses, General and Industrial Building forms and allows height up to 5 stories.

The UO-2 Billboard Use Overlay permits “outdoor general advertising device” signs, also known as “billboards,” within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements apply. Currently, no billboards exist on the subject site. C-MU-30 with waivers and conditions UO-1 is a Former Chapter 59 zone district and stands for **Commercial Mixed Use – 30**. C-MU zone districts provide for a wide range of commercial, office, retail, industrial, and residential uses that allow property owners the flexibility to respond to the long-term evolution of development trends. Height and bulk are regulated by a Floor Area Ratio of 1:1. The Waivers and Conditions applied to the zone district restrict certain uses, such as industrial and temporary uses. The UO-1 overlay allows adult-oriented uses. A portion of the rezoning area also falls within the Old City Hall view plane; however, the height limitation at this location is more than the maximum height of 110' in the proposed C-MX-8 zone district.

2. Existing Land Use Map



3. Existing Building Form and Scale

(Google Street View)



Corner of Decatur and Holden, looking northeast



13th avenue, looking west



Decatur St., looking south

Summary of City Agency Referral Comments

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

Asset Management: Approved - No Comments

Environmental Health – The historical uses of the parcels proposed for rezoning include commercial and residential. Nearby parcels to north were occupied by businesses including Colorado Sanitary Wiping Cloth, Public Service and Xcel while parcels to the east were occupied by Public Service and Xcel. Limited environmental concerns including surface soil contamination and possible asbestos containing building debris could emerge during redevelopment. Based on environmental conditions, DEH does not object to the proposed rezoning but offers the following information:

Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of radon mitigation systems in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks.

Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Public Works – City Surveyor: Approved with correction to legal description

Public Review Process

- CPD staff provided informational notice of receipt of the rezoning proposal to affected members of City Council and registered neighborhood organizations (RNOs) on June 14th, 2016.
- The property has been legally posted for a period of 15 days announcing the July 6th, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- Following Planning Board review, the rezoning proposal will be referred to the Neighborhoods and Planning (PLAN) Committee of the City Council for review at a public meeting.
- Following the Neighborhoods and Planning Committee review, the rezoning proposal is typically referred to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this proposal. A letter of support has been received from the Sun Valley Community Coalition Registered Neighborhood Association
- A letter of support has been received by Ink Monster, a small business located within the proposed rezoning area.
- A letter of opposition has been received from Earthlinks, a non-profit organization and property owner within the proposed rezoning area. Earthlinks objects to the height of 8 stories due to their concern about reducing solar access to their community garden. Representatives of several organizations located outside of Sun Valley, including Denver Urban Matters, Capitol Hill United Ministries, St. John's Episcopal Cathedral, Karis Community, and Capitol Heights Presbyterian Church have submitted letters of opposition due to the potential negative impact to Earthlinks.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning proposal 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)*
- *Decatur-Federal/Sun Valley Neighborhood Plan*

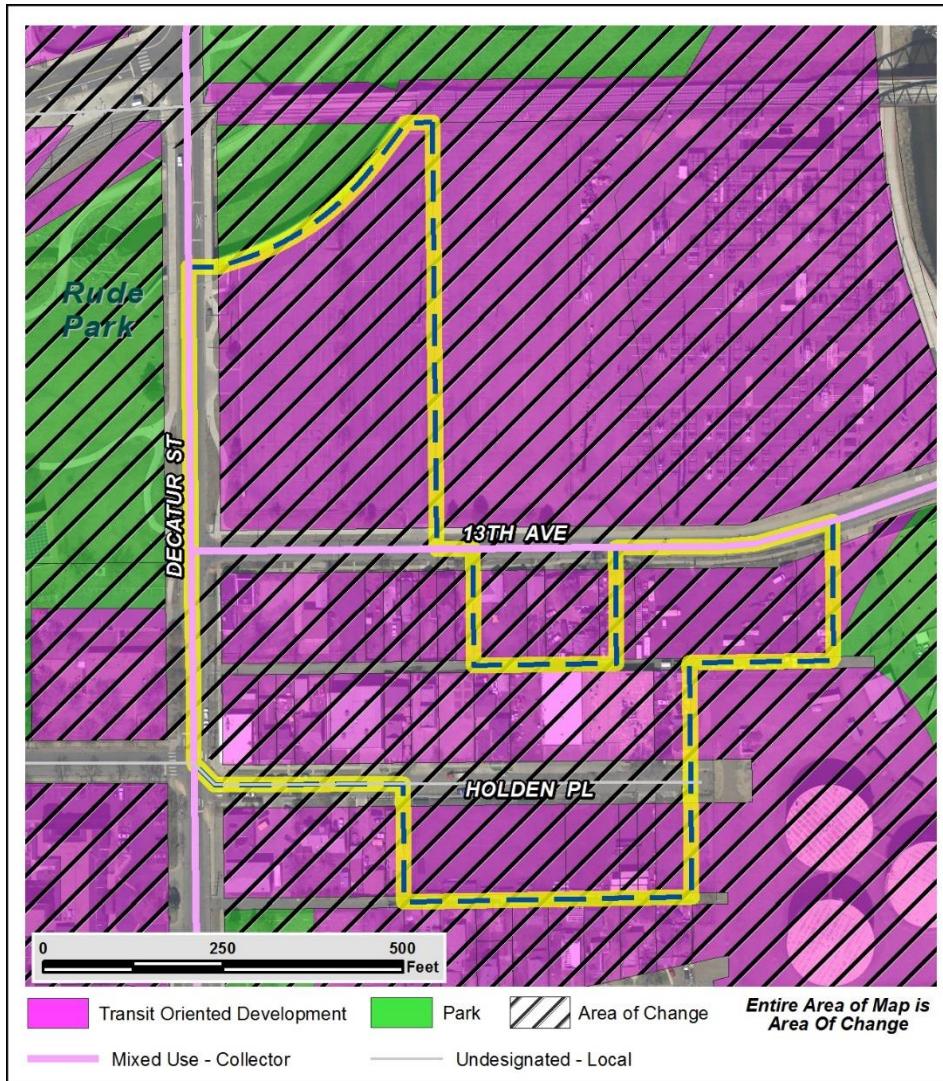
Denver Comprehensive Plan 2000

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. Creating more density at transit nodes. (pg 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (pg 41)
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (pg 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (pg 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg 78)
- Denver's Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (pg 99)

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already provided and where transit-oriented development investment is planned. The opening of the Decatur/Federal light rail station has helped catalyze opportunities for sustainable transit-oriented living, consistent with Comprehensive Plan 2000. The C-MX-8 zone district broadens the variety of uses to include residential uses and allows increased density with pedestrian-friendly design standards appropriate for transit-oriented infill development.

Blueprint Denver

According to the 2002 Plan Map adopted in *Blueprint Denver*, this site has a concept land use of Transit Oriented Development and is located within an Area of Change.



Future Land Use

According to Blueprint Denver, the concept land use for these properties is Transit Oriented Development (TOD). TOD areas provide a balanced mix of uses (residential, retail, office, entertainment, public facilities and others), Compact, mid- to high-density development, are in close proximity to transit, and emphasize a pedestrian-friendly and attractive pedestrian environment. (pg. 44)

Area of Change / Area of Stability

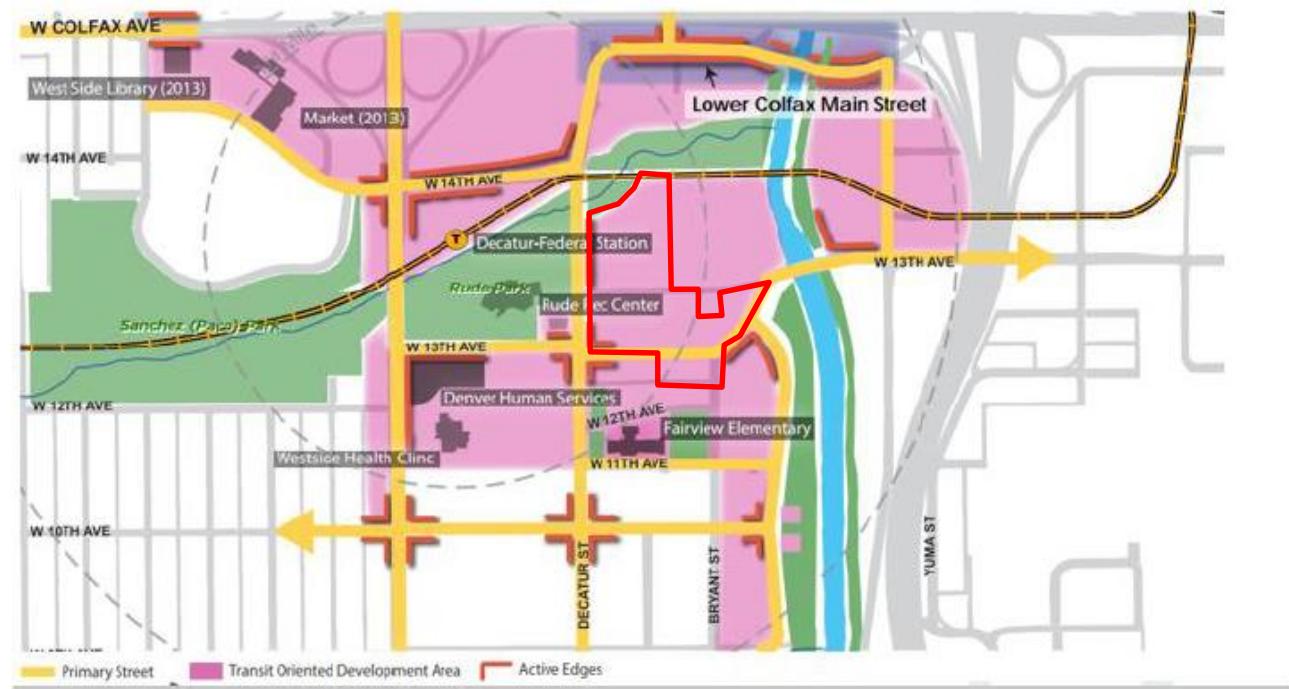
The subject site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg 127).

Street Classifications

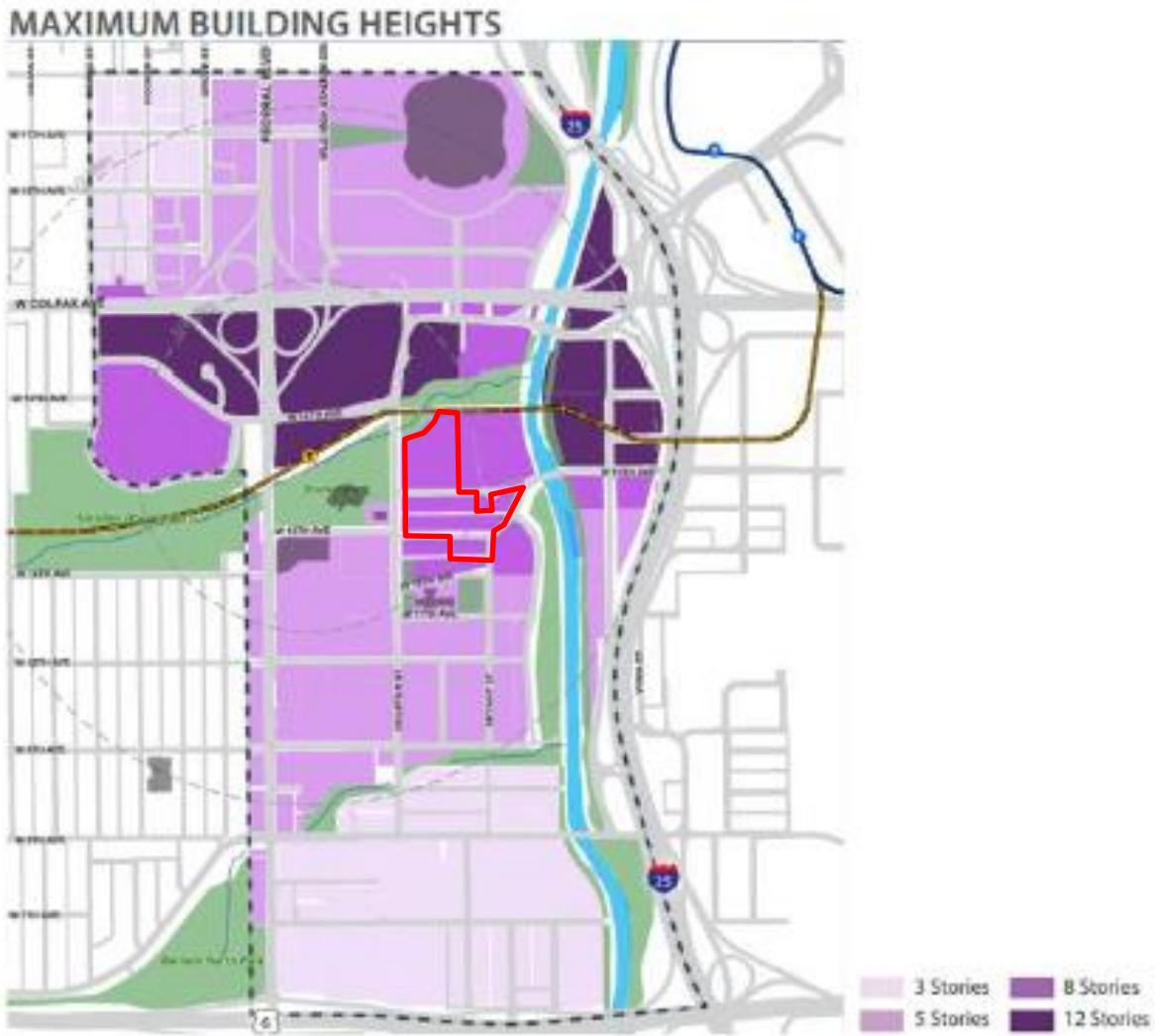
Blueprint Denver classifies 13th avenue Avenue and Decatur Street as Mixed Use Collectors and Holden Place as an Undesignated Local. According to *Blueprint Denver*, “collectors are designed to provide a greater balance between [multimodal] mobility and land access within residential, commercial and industrial areas” (pg 51). Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists” (pg 57).

C-MX-8 is consistent with these recommendations, as the zone district will encourage redevelopment at a greater intensity, allow for a broad mix of uses, and require pedestrian-friendly design within close proximity to the Decatur-Federal light rail station. The existing I-A UO-2, I-MX-5, and C-MU-30 zone districts do not accomplish these recommendations, and the rezoning to C-MX-8 at the subject site is consistent with *Blueprint Denver*’s guidance.

Small Area Plan: Decatur-Federal Station Area/Sun Valley Neighborhood Plan



The Decatur-Federal / Sun Valley Neighborhood Plan designates the subject property with a concept land use of "Transit Oriented Development, which is intended to "encourage a wide mix of building heights and variation in building forms to provide visual interest, needed sunlight, air circulation and natural view corridors. Respect maximum building heights of 5 to 12 stories...Encourage both a vertical and horizontal mix of land uses including multifamily residential, office, commercial, and public uses"



The Decatur-Federal / Sun Valley Neighborhood Plan also designates the subject properties for a maximum height of 8 stories.

The proposed C-MX-8 Zone District is consistent with these recommendations, as it will encourage higher intensity mixed use development with pedestrian-friendly design standards, at a height of 8 stories.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8 will result in the uniform proposal 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 primarily through implementation of the City's adopted land use plans including *Comprehensive Plan 2000, Blueprint Denver, the Decatur-Federal Station Area/Sun Valley Neighborhood Plan*.

4. Justifying Circumstance

The proposal identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

Several changed or changing conditions apply to the site and surrounding area. The Decatur/Federal light rail station has been constructed, creating a shift in transportation opportunity that supports higher-intensity, mixed use development. Other large properties in the station area are pursuing redevelopment and rezoning, signaling an evolution in the surrounding environs. Additionally, as discussed above, many adopted plan recommendations state and further reinforce that redevelopment of the area is desired. As stated in the application, the current zoning does not reflect the City's vision as reinforced by the Decatur-Federal/Sun Valley Neighborhood Plan

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

Neighborhood Context Description

The proposed C-MX-8 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location through the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-MX-8 will lead to development that is consistent with the neighborhood context description.

Zone District Purpose and Intent

The requested C-MX-8 zone district is within the Urban Center Neighborhood Context. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge (DZC 7.1)

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the proposal for rezoning the property located at 2541-2731 W Holden, 2516-2746, 2775 W 13th, and 1260-1280 N Decatur St (#2015I-00119) to C-MX-8 and C-MX-8 UO-1 zone districts meet the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Attachments

1. Proposal
2. RNO support letter
3. Earthlinks opposition materials
4. Ink Monster support letter and additional opposition letters
5. Waivers and Conditions ordinance



Zone Map Amendment (Rezoning) - Proposal

PROPERTY OWNER INFORMATION		INITIATED BY	
Property Owner Name	Multiple owners	Name	Councilman Paul López
Address		Address	1437 Bannock St #494
City, State, Zip		City, State, Zip	Denver, CO 80202
Telephone		Telephone	720) 337-3333
Email		Email	paul.lopez@denvergov.org
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Multiple properties in the Sun Valley neighborhood (map attached)		
Assessor's Parcel Numbers:	Multiple		
Current Zone District(s):	I-MX-5 UO-2, I-A UO-2, C-MU-30 Waivers and Conditions UO-1		
PROPOSAL			
Proposed Zone District:	C-MX-8		

Last updated: June 20, 2014

Return completed form to rezoning@denvergov.org





Legal description for proposed legislative Zone Map Amendment Decatur St. and Holden Pl.

A part of the Northeast One-quarter of Section 5, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from **I-A UO-2 and I-MX-5 UO-2 and C-MU-30 Waivers/Conditions UO-1 to C-MX-8:**

Fairview Addition

Lots 3-14 and the East 18" of Lot 15, and Lots 23-62 Block 5 and the vacated portion of 13th Avenue adjacent to Lots 3-5, Block 5

Lots 8-23, Block 6 Fairview Addition.

Lots 13 through 36 Block 4 and the vacated alley and vacated W. Myrtle Place adjacent to said lots, except that portion of said Block 1 conveyed to RTD in reception #2010094290.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

CITY COUNCIL

City and County of Denver



Hon. Paul D. López
Councilman, District Three

Dear Neighbor,

Three years ago, many of the residents in Sun Valley participated in the development neighborhood plan. Establishing a bold, long term vision for the redevelopment and improvement of the area. The goals that you helped establish included a neighborhood that is walkable, safe, healthy, and access to the Decatur/Federal light rail station. In order to achieve this vision, land uses and the zoning codes that regulate them will need to change. Working with the Denver's Community Planning and Development Department, we have identified the area near Holden and Decatur Street (map enclosed) where the current zoning regulations are a barrier to implementing the vision set out by residents. These properties are zoned for industrial land uses (I-A and I-MX-5) such as warehouses, auto salvage yards, and outdoor equipment storage. Also, the design regulations associated with this zoning do not encourage pedestrian-friendly streets and new residential development is prohibited on nearly every property.

To avoid a plan that would simply collect dust on a shelf, I initiated a rezoning that is consistent with the vision for Sun Valley. The new zoning that I am proposing is called C-MX-8. This district requires pedestrian-oriented design, such as doors and windows close to the sidewalk, and allows a variety of building heights up to a maximum of 8 stories. Unlike most of the current land use, C-MX-8 also allows new residential development as well as mixed use development, such as apartments above shops on the ground floor. For a good example of this type of development, see Denver Housing Authority's Mariposa Development.

In order to ensure that Sun Valley stakeholders were fully informed and had a chance to ask questions and voice concerns, both my staff and a planner, Curt Upton, from Community Planning and Development met with residents, property owners, business owners, non-profits and others on five different occasions over the past several months to discuss this proposal. If you were not able to attend those meetings or if you still have questions or would like to provide input, please contact, Curt Upton at (720) 865-2942. You may also formally provide comments by attending the Planning Board hearing on June 15th, 2016 at 3:00 p.m. The Planning Board meetings are held in the Parr-Widener Community Room (#389) at the City and County Building 1437 Bannock Street.

I'm excited about the positive future for Sun Valley and building on the great strengths and assets that already exist in the neighborhood. While this will likely be only one of several rezonings in the coming years, it's an important first step for shaping the Sun Valley we want to see in the future. I hope you join me in supporting this important zoning change.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Lopez".

Hon. Paul D. López, Councilman
City and County of Denver, District 3



**CITY AND COUNTY OF DENVER, COLORADO
REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to rezoning@denvergov.org. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2974.

Application Number	20151-00119
Location	2541-2731 W. Holden Pl, 2516-2746, 2775 W. 13th, and 1260-1280 <i>No. Decatur</i>
Registered Neighborhood Organization Name	Sun Valley Community Coalition (SVCC)
Registered Contact Name	Jeanne M Granville
Contact Address	2715 W. Holden Pl
Contact E-Mail Address	jeanne@freshstartdenver.org
Date Submitted	June 24, 2016

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on , with members in attendance.

With a total of members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

approve with comments noted Application #

Comments: Members voiced approval for amendment being considered to include 2775 W. 13th Ave. In anticipation of amendment, decided to include parcel in their vote. Comments: 1) Earthlinks concerned that they were not included in original pre-application process and only advised after the fact. They had met with Denver Planning Dep'y prior to purchasing their property to discuss its intended use and had been assured that it fit with the neighborhood plan. They had gone ahead and purchased the property and spent an additional \$500,000 in improvements. Concerned that 8 story building heights allowed under the rezoning will create shade to the south of their property which will impact their ability to grow food and produce for the neighborhood and their participants. Other comments: 2) Hope that the City would prioritize and aggressively promote affordable housing allowed under new zoning, 3) Concern that rezoned parcels deemed underdeveloped and at risk of eminent domain.



Kathleen M. Cronan,
Executive Director
2746 W 13th Avenue
Denver, CO 80204
303.389.0085
303.389.0086 (fax)
www.earthlinks-colorado.org

June 20, 2016

Planning Services, City and County of Denver
Community Planning and Development
ATTN: Curt Upton
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

RE: Zone Map Amendment #20141-00119: 2600-2541 W. Holden Pl, 2520-2516 W 13th, & 1260-1280 N Decatur St

Dear Mr. Upton and Members of the Board:

EarthLinks is a 501(c)(3) nonprofit corporation that owns 2746 W. 13th Avenue, the .6 acre property on the southeast corner of 13th Avenue and Decatur Street. Our organization provides a gardening and social enterprise workshop program for economically poor adults who are either currently or previously homeless, and acts as a resource for sustainable living. Through our programs and one-on-one mentoring with our staff social workers, participants (adults experiencing homelessness) gain stable housing and redefine themselves positively by (re)engaging with and contributing to the community (See Attachments 1 and 2). We also raise fruit and vegetables for our neighborhood, and are the convening member of the Sun Valley Food Access Collaborative, which is working to solve the lack of fresh food access in our neighborhood.

While we are not listed in the title of the Zone Map Amendment as submitted, our property, zoned I-MX-5, is included in the subject rezoning application. This letter is to register EarthLinks' opposition to the proposed rezoning of our property to C-MX-8, as well as those parcels directly to our south and east. We are satisfied with our current zoning of I-MX-5, but could accept a zoning change to C-MX-5, provided all our current uses are grandfathered into the new zoning designation. Our chief objection to the rezoning petition is allowing eight story maximum building height near our property. A sun study that was done for us by the architectural firm Boulder Associates indicates that eight-story buildings adjacent to our 20,000 square foot garden will shade it such that we will be unable to produce food for the neighborhood, our participants or our program. While not ideal, five-story buildings could still allow for significant gardening and some food production. Hence, if our property and that of our directly adjacent neighbors are to be rezoned, we respectfully request that it be to C-MX-5. This is a better fit for our organization and we also believe C-MX-5 is compatible with the redevelopment plan for Sun Valley. We offer the following background and rationale for this request.

For most of our 20-year history, EarthLinks leased space in areas where rents were initially low. When redevelopment of North Larimer Street (RINO), our last location, triggered steep rent increases and ultimately a notice that our lease would not be renewed, our Board of



Directors voted to purchase a property to ensure security for our organization and participants. After an extensive search, we bought the 13th Avenue and Decatur Street property in July, 2013. Among the reasons the site was chosen were that it had good sun access, was near public transportation, and was located in an economically poor neighborhood that could benefit from our work. Our Board recently reaffirmed its decision to make our 13th Avenue property EarthLinks' permanent home, and to object to this zoning change.

Our organization bought this property after due diligence, fully aware of the newly adopted Decatur-Federal Station Area Plan (Station Area Plan) and partially because of it. We were encouraged that its vision and many of its elements meshed well with our own culture and programs (See Attachment 3 detailing convergence of the Station Area Plan and EarthLinks' Programming). However, prior to purchase, we met with the Community Planning and Development staff to verify that we would be a welcome addition to the neighborhood, especially in light of our intended uses. With their assurance, we proceeded in good faith to purchase and commence the rehabilitation of the property.

EarthLinks reclaimed an empty corner property and in less than three years has made major contributions to Sun Valley:

- Economic investment - Over \$500,000 in property improvements in addition to the purchase of the property at \$600,000. Funds used to make the purchase included donations from many sources, as well as capital investments from our donors. The funds for the improvements were gathered from many donors, community members, and foundations, including a CDBG Grant from the City's Office of Economic Development, as well as significant in-kind services and the efforts of countless volunteers (See Attachment 4).
- Aesthetic improvements – Attractive buildings, landscaping and garden (See the photos at the end of this letter).
- Food access – Last summer, our first full growing season, we harvested over 1,000 pounds of produce, with only a portion of our garden completed.
- Community-building – EarthLinks' neighborhood connections, cultivated from the outset of our purchase, are numerous, strong and ever expanding. These include collaborations with residents, area businesses, schools and other non-profits working on health, economic development, social service, food production, and celebratory activities (See Attachment 5).

For EarthLinks, ownership of this particular property, with its multiple amenities, high visibility and access, has enhanced our ability to pursue our mission. We are already benefitting economically from our location, seeing an increase in walk-in traffic to purchase products from our store, which is generating sales tax revenue for the City. It is through the sale of our products that our participants are paid a stipend for their work, which is another step on their road to greater stability and housing. The greatest economic benefit to the City from EarthLinks' location and work is the savings in health care and benefits costs that would otherwise be spent to support this very fragile population. We have high success in obtaining housing for our participants (70%) and provide ongoing social services support through our



programs. (Please note that all program services are funded through private means; the only governmental funds we have ever received was the CDBG grant referenced above to complete some physical improvements on our property.)

Diversity is a central theme in the Station Area Plan. Diversity means more than just housing diversity. The Plan recommends “diverse neighborhood services and amenities so that people of all ages and abilities feel comfortable living and working in Sun Valley” (Decatur Federal Station Area Plan, A.2.B). Our participants – and economically poor, homeless individuals – have as much a right to be part of a TOD community and to reap its benefits as anyone else. While EarthLinks understands that TOD plans expect density and mixed uses, one size does not fit all. The Station Area Plan recommends that there be room, along with high tax-generating properties, for those like ours: “non-profit service providers, advocacy groups and other organizations trying to solve social or environmental problems” (Decatur Federal Station Area Plan, C.3.E).

Denver is struggling with the seemingly intractable problem of affordable housing. Redevelopment in the core city often only exacerbates the problem. As the City implements legitimate policies to concentrate growth and housing in TOD areas, resulting increases in their property values often result in displacing or precluding lower income people from living there. Supporting zoning that encourages a place for organizations such as EarthLinks will not solve the housing problem. However, it can demonstrate that the City supports diversity in its broadest sense, offering opportunities for vocational, employment and critical support services for its most disadvantaged citizens where they are most needed. We ask that you make Sun Valley’s redevelopment a precedent for other TOD buildouts across the board.

The narrative accompanying this Official Map Amendment application outlines the justification for rezoning the entire 2+ block area to C-MX. We agree with the description of how C-MX-8 meets applicable rezoning criteria, but see no bar to rezoning it to C-MX-5. We propose that rezoning EarthLinks’ property and the properties directly to its south and east to C-MX-5 would also meet applicable rezoning criteria and may even be more consistent with some of the recommendations of the Station Area Plan and other City plans than the C-MX-8 zoning.

While EarthLinks’ property is within the 8- story area on the Station Area Plan’s Maximum Building Heights Map, throughout the Station Area Plan and the Zoning Code, a range of 2-8 story heights is discussed as appropriate. In addition, the property immediately across Decatur to the west of EarthLinks is also zoned C-MX-5. The Station Area Plan calls for “variation in building forms to provide visual interest, needed **sunlight, air circulation and natural view corridors.**” (Decatur Federal Station Area Plan, C.1.B, emphasis added), which is difficult to accomplish with an extended solid area of C-MX-8 zoning.

Finally, the Planning Department and Councilman Lopez have repeatedly noted that the City code contains no legal protection for sunlight. While not conceding that argument, it is EarthLinks’ position that the City of Denver should be concerned about protecting sunlight and access to water for purposes of food production as well as for solar energy collection. A



Planning Services
June 20, 2016

medium priority Food strategy in the City's 2015 Climate Action Plan states, "Reduce regulatory barriers to urban agriculture and increase acceptable zones for food production" (p.35). In light of this policy, the existence of a Denver Sustainability Office and the City's current initiative to develop a plan for local food production, it is contradictory to not protect those who are producing food locally to the benefit of City residents.

EarthLinks has put down roots, both literally and figuratively, on our corner in Sun Valley. We ask that you support zoning that will allow us to grow from this solid foundation.

Sincerely,

Kathleen M. Cronan.

Cc: Sun Valley Neighborhood Coalition
InkMonstr, Sticky Holdings Company
Glen Harper, Sun Valley Enterprises
Margaret Juaregui
Estate of Jose Luis Juaregui
Jose Matthew A Juaregui
Alisia Rodriguez
Lorri S. Sheets
Ghitta Lippolis



LIST OF ATTACHMENTS:

- 1) 2015 Annual Report
- 2) Logic Model
- 3) Explanation of Decatur-Federal Station Area Plan that support EarthLinks' uses and Location in Sun Valley
- 4) List of Donors, Investors and In Kind Donations
- 5) Community Building and Collaborations
- 6) Photos of Site



COMMUNITY ENDS ISOLATION

2015



A group of six diverse people are smiling and taking a selfie in a field of tall grass and wildflowers. The group includes people of various ages and ethnicities. One person in the center-left is wearing a grey t-shirt with the Earthlinks logo. The year "2015" is overlaid in the upper left corner of the photo. The word "ANNUAL" is overlaid in large white letters across the middle of the photo, and "REPORT" is overlaid in large white letters at the bottom.

ANNUAL REPORT

2746 W 13th Avenue

Denver, CO 80204

303-389-0085

www.earthlinks-colorado.org

20 years of supporting people and the planet



LETTER FROM THE EXECUTIVE DIRECTOR



Dear Friends of EarthLinks,

EarthLinks celebrates its 20th Anniversary in 2016! Achieving this milestone has required the efforts of so many in our community: our foundresses, donors, community and foundation partners, participants, staff and board – and let's not forget – our volunteers! We are grateful for all the blessings we continue to experience.



2015 found us completing our south, accessible garden and harvesting more than 1,000 pounds of produce, maintaining 15 bee hives throughout the city and building dozens of mason bee boxes to house our disappearing pollinators, composting food waste from several organizations in addition to our own, enjoying 73 unique participants in our workshop community, hosting 8 CommunityLinks events, and taking 19 trips with 125 folks into the foothills for some rest and relaxation. More people than ever were able to stop by and visit EarthLinks, and 518 different volunteers performed services for us. Our products were sold at 59 different locations throughout the year, bringing in the revenue that returns to the participants for their work. Our workshop participants bravely faced so much – lack of housing, economic poverty, physical and mental health challenges, transportation barriers, among others. Yet they worked hard towards stability, obtaining housing (70%) in a difficult housing market, forming supportive community among one another and communicating their worth to our whole Earth community through their work, knowledge, gifts and artistry. EarthLinks is proud to stand at the intersection of all that links us, with Mother Earth at the center.

We found ourselves at the center of food accessibility discussions in our neighborhood – planning our planting and harvesting around what our neighbors would like to eat. What a gift to see those most affected by poverty and “lack” taking the initiative to solve the problem at the local level.

You will see in the following pages a few highlights of 2015. Your donations, product purchases, volunteer hours and advice all serve to strengthen our connections. Thank you for sharing this journey.

Kathleen M. Conran



OUR MISSION

EarthLinks cultivates transformation and self-worth with people experiencing homelessness and poverty. By creating opportunities through Earth-centered programs, individuals step out of isolation and into community -- restoring each other and the planet.

Stay connected with EarthLinks



facebook.com/earthlinks.colorado



<https://instagram.com/earthlinks/>



https://twitter.com/EarthLinks_CO



<https://www.pinterest.com/earthlinks/>

OUR SUPPORTERS

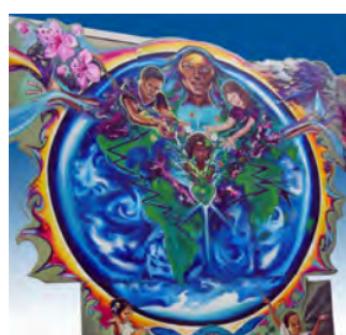
FOUNDATION PARTNERS

Anschutz Family Foundation
Anschutz Foundation
Colorado Garden Foundation
Dominican Sisters of Hope Ministry Fund
Dominican Sisters of Peace
Front Range Organic Gardeners
Mabel Y. Hughes Charitable Trust
May Bonfils Stanton Memorial Fund
McGowan Foundation
Quick Foundation
Schuster Family Foundation
SC Ministry Foundation
Sisters of Charity BVM
Sisters of Loretto
Sisters of St Joseph of Carondelet
The Beanstalk Foundation
The Buck Foundation
The Colorado Trust
The Denver Foundation
Third Generation/Hunt Alternatives Fund
Trivial Donations Foundation
United Church of Christ/Justice & Witness
Virginia W. Hill Charitable Foundation
Westchester Community Foundation

**518 Volunteers
5,956 Hours**



FAITH PARTNERS



Benet Hill Monastery
B'nai Havurah
First Plymouth Congregational Church
Holy Family Catholic Church
Knights of Columbus Council #9349
Most Precious Blood Catholic Church
Regis University
Sinsinawa Dominicans, Inc.
St Dominic Catholic Parish
St Francis De Sales Church
Sisters of Charity of Leavenworth
Sisters of St Francis (Marycrest)
10:30 Catholic Community

COMMUNITY PARTNERS

Alpine Bank	New Belgium Brewery
American Clay Works & Supply	Odell Brewing Co
Bank of the West	Pacific Office Automation
Boulder Associates	Patagonia
Brownstein Hyatt Farber Schreck	Pedal the Plains
CCRD	Pleasant Hill Properties, LLC
Citywide Bank	Regis Jesuit High School
Hampden Press	Rose Medical Center
Integral Recoveries	Silverado Club
Lexis Nexis Cares Board	St Joseph Hospital/SCL Health System
Linus Computer Services	Sotheby's International Realty, Wendy Handler
MidFirst Bank	The Sabus Companies
Nelnet, Inc	Wells Fargo Bank, N.A.



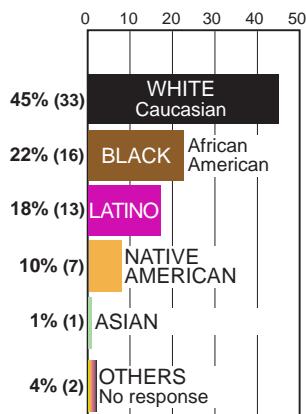


OUR IMPACT

GENDER

70% (52) Female 29% (21) Male

RACE



WORKSHOP

73 UNIQUE INDIVIDUALS



BARRIERS

66% (48) Documented Disability

6,100 Hours of Engagement



21% (15) Experienced Domestic Violence

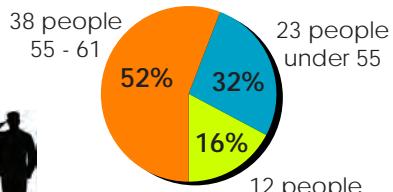
70% (51) Obtained/ Maintained Stable Housing

Bus Fares Issued

COMMUNITYLINKS

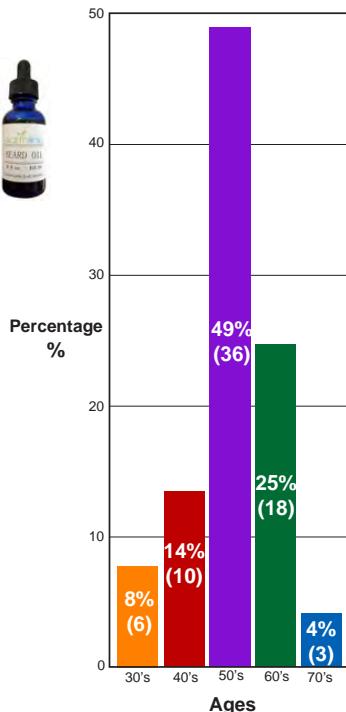
The **CommunityLinks** Workshop Series is an "open-house" style classes that invites our neighbors and local like-minded organizations to share and encourage sustainable practices. Our 6 workshops reached 128 people, covering subjects such as: Worm Composting, Pollinator Protectors, Garden Ground Prep, Seed Starting, and more. Hundreds others visited us during our plant sale, open air markets & holiday events.

AGES



8%
(6)
Veterans

9,630
Products
produced



TRIPS INTO NATURE



VOLUNTEERS



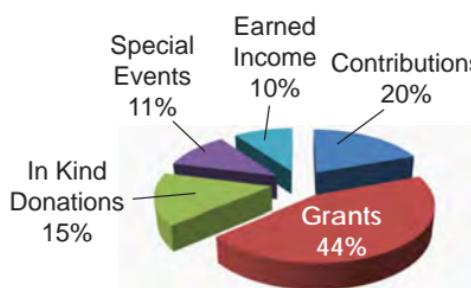
OUR FINANCIALS

Gifts from our faithful donors allow us to make lasting and measurable impacts in the lives of people who are experiencing homelessness and poverty.

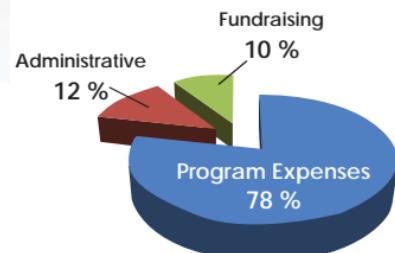
REVENUE

Contributions	104,672.12
Grants	239,190.00
In Kind Donations	82,500.67
Special Events	59,986.34
Earned Income	53,078.33
TOTAL INCOME	\$539,427.46

INCOME



EXPENSES



Administrative	\$64,088.32
Fundraising	\$51,561.99
Program	\$416,851.13
TOTAL	\$532,501.44

ASSETS

Cash	345,345.80
Accounts and Grants Receivable	8,279.50
Inventory & Equipment	19,830.28
Buildings	815,169.78
Land	248,931.24
TOTAL	\$1,437,556.60

LIABILITIES

Mortgage	517,141.32
Unsecured Loans	83,295.75
Accts Payable and Vacation Accrued	\$31,421.50

EQUITY

Unrestricted Net Assets	776,988.98
Temporarily Restricted Net Assets	21,783.03
Net Income	6,926.02
TOTAL	\$1,437,556.60

EarthLinks' Staff

Kathleen Cronan
Executive Director

Carolyn Thornton
Community Engagement Director

Kelly Shinn
Program & Garden Director

Ona Crow
Program & Development Director

Mary Nelle Gage, SL
Marketing Director

Dayna Streufert
Program Coordinator

Jennay Smith
Administrative Assistant

Laura Schneiter
Program Assistant

Gianna Carleo
Colorado Vincentian Volunteer



2015 Interns

Emily Berger, *University of Denver*

Sloane Smith, *University of Denver*

Doug Wooley, *Metropolitan State University*

Courtney Moynihan, *Regis University*

AmyLynn Thayer, *Regis University, Romero House*

Christopher White, *Denver Foundation*

Board of Directors

Carol MacLennan

Susan Goldbach

Mike Boggs

Carrie Johnson, Esq.

Bette Ann Jaster, OP

Robert F. Hayes, CPA

Chrissy Robinson

Dedrick Smith, Ph.D

Lisa Penley

Vanita Bellen

Deborah Bomyea, OP

Janet McIntyre

Marilena Echohawk



Advisory Board of Directors

Jacqueline Leech, SC

Nancy Hoffman, SC

Cathy Mueller, SL



Our special thanks to Bette Ann Jaster, OP, our foundress whose Board Term ended in 2015 for her many years of faithful service and leadership to EarthLinks.



MISSION

EarthLinks cultivates transformation and self-worth with people experiencing homelessness and poverty. By creating opportunities through Earth-centered programs, individuals step out of isolation and into community - restoring each other and the planet.

RESOURCES	ACTIVITIES	2015 OUTPUTS	2015 OUTCOMES
PEOPLE <ul style="list-style-type: none"> Program participants Paid employees Community volunteers Service corps volunteers Student interns Board of Directors 	WORKSHOP <ul style="list-style-type: none"> 2 hours per week paid, creative, meaningful work Reflections Organic gardening Product creation Hot, healthy breakfast Social worker supported individual case management Distribution of organically-grown produce Social and life skills development Peer teaching and mentoring Linkage with resources and events Civic engagement opportunities Recurring special skills workshops 	WORKSHOP <ul style="list-style-type: none"> 73 unique participants 6,500+ hours of engagement 3,866 paid hours 1,052 pounds of produce harvested 15 beehives maintained 9,630 Earth-friendly products created \$51,822 earned income from product sales 	HOUSING <ul style="list-style-type: none"> 70% (51 of 73) of Workshop participants obtained/maintained stable housing < 1 year in program: 33% (8 of 24) housed 1 - 2 years in program: 36% (5 of 14) housed > 2 years in program: 91% (32 of 35) housed
COMMUNITY PARTNERS <ul style="list-style-type: none"> CommunityLinks partners Referral sources Partner organizations 			PERSONAL GOALS <ul style="list-style-type: none"> 100% participants defined goals & tasks (73 of 73) 97% participants in program 4+ months completed a task 79% participants in program 6+ months accomplished a goal
FUNDING <ul style="list-style-type: none"> Grants Donations Products sales Events Participant-raised funds In-kind contributions 	TRIPS INTO NATURE <ul style="list-style-type: none"> All-day trips to natural areas along the Front Range with a reflection, free activity time, and lunch 	TRIPS INTO NATURE <ul style="list-style-type: none"> 19 Trips Into Nature 125 people attended 	IMPROVED SELF-ESTEEM¹ <ul style="list-style-type: none"> <1.5 years = 3.04 >1.5 years = 3.08 Trending towards improved self-esteem
FACILITY <ul style="list-style-type: none"> Workshop space Office/meeting space Garden 	COMMUNITYLINKS <ul style="list-style-type: none"> Educational workshops open to the public promoting sustainable urban lifestyles 	COMMUNITYLINKS <ul style="list-style-type: none"> 8 Community Links events 200+ people attended 	INCREASED CONNECTEDNESS TO COMMUNITY¹ <ul style="list-style-type: none"> <1.5 years = 4.29 >1.5 years = 4.57 Trending toward greater connection with community Participant volunteer rate: 49% General public 25%
	VOLUNTEERISM <ul style="list-style-type: none"> Engagement of participants and community members through volunteering 	VOLUNTEERISM <ul style="list-style-type: none"> 250+ volunteers, including 35 participants 5,167 volunteer hours, including 931 participant hours Value: \$116,516 	INCREASED CONNECTEDNESS TO NATURE¹ <ul style="list-style-type: none"> <1 year = 5.09 >1 years = 5.36 Trending toward stronger connection with nature

¹ In 2015, 45 of the 73 Participants served completed program evaluation in December. The surveys are anonymous.

² The Rosenberg Self-Esteem, the Connectedness to Community, and the Connectedness to Nature scales are validated and reliable tools used to measure their respective constructs, with peer-reviewed research as evidence of their effectiveness.

WORKSHOP

EarthLinks' primary program is Workshop, a social enterprise for people (participants) who are experiencing homelessness and economic poverty. There are moments in every person's life when support from another makes an enormous difference. For the people in Workshop, EarthLinks is the difference between life and death, loneliness and connectedness, being hungry or being fed. Empowered by one-on-one work with staff social workers, participants gain stable housing, accomplish personal goals, improve self-esteem, and build a stronger connection to community and nature. Participants earn an income working in our garden and workshop, creating craft products, growing food, and caring for Earth. Through these holistic, multi-faceted, and individualized services, participants (re)engage with community, (re)gain a positive identity, find success, and contribute to the broader community. Workshop serves approximately 70 individuals annually, and participants stay with EarthLinks for an average of 2 years. The products created in Workshop are sold to the public, and raise 10-15% of EarthLinks' annual income.

TRIPS INTO NATURE

Approximately 20 times a year, EarthLinks takes Workshop participants away from the chaos of the city on rejuvenating trips to natural, wild places along the Front Range. These day excursions, which include a breakfast snack, lunch, and a short reflection, reduce stress and give participants space to recharge and return with more energy to tackle life's challenges.

COMMUNITYLINKS

In 2012, EarthLinks began offering environmental education workshops to the public on the second Saturday of every month. Led by staff or regional experts, these workshops focus on teaching urban homesteading skills, with a goal of actively engaging everyone in our community to live more sustainably.

ORGANIZATIONAL UNIQUENESS

In 2013, a student from the University of Colorado Graduate School of Public Health differentiated EarthLinks from other similar social service providers in the Denver metro area. Results indicated that we are unique in two ways, among the 19 organizations studied:

1. Ability to connect the environment and nature into all participants' lives.
2. EarthLinks is the only organization serving people who are unhoused that meets the needs of the whole person according to Maslow's Hierarchy of Needs (physiological, safety, social, esteem, and self-actualization).

EVIDENCE-BASED¹ OUTCOMES FOR EARTHLINKS' INTERVENTIONS

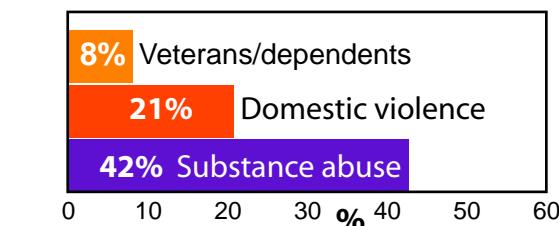
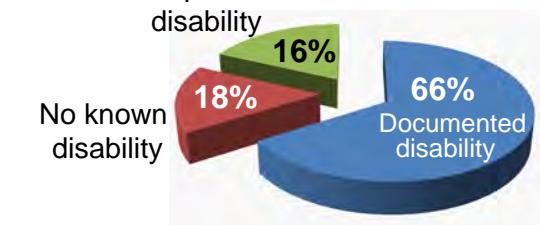
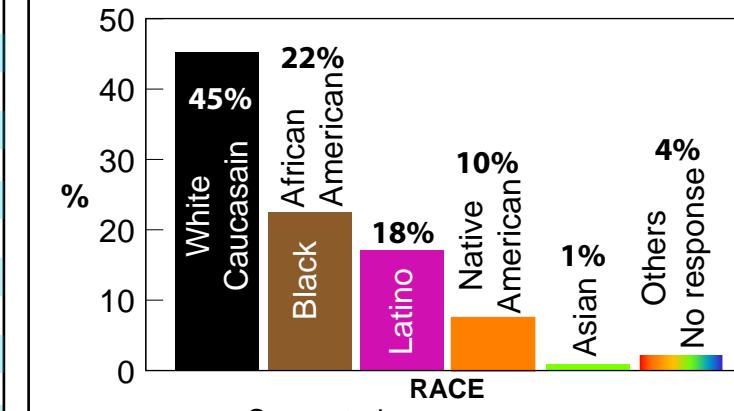
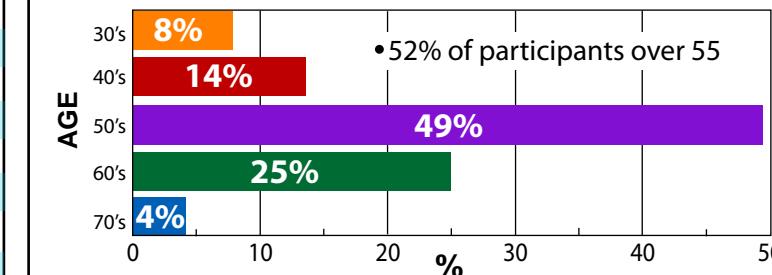
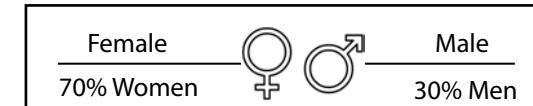
Meaningful Work	Gardening and Exposure to Nature
Improves life skills	Increases self-sufficiency and stability
Improves housing stability	Boosts self-esteem and well-being
Increases motivation	Improves self-actualization
Improves emotional balance	Builds social capital
Enhances self-esteem	Decreases mortality rates and addiction
Aids better adjustment	Improves feelings of safety
Facilitates ability to work	Increases skills acquisition
Improves illness management	Decreases negative mental states
Obtaining Supportive Housing	Transformational Leadership
Achieves residential stability	Improves housing stability
Reduces cost to community	Decreases substance abuse
Improves mental health	Increases social interaction
Aids substance abuse recovery	Improves well-being
Aids movement to independence	Improves self-actualization and esteem
Improves resilience	Gives purpose to work
Life and Social Skills	Connection in positive community
Improves mental and physical health	Improves self esteem
Positive changes in social behavior	Improves resource utilization
Improves resilience	Improves physical and mental health
Improves self esteem	Improves community involvement
Increases social supports	Replaces harmful relationships
	Decreases addictions
Mentoring and Teaching	Access to Healthy Food
Problem solving to meet needs	Reduces risk of chronic diseases
Positive self-concept	Contributes to health and longevity
Goal setting and accountability	Peer social support and social network
Fewer days homeless	Decreases crisis events and hospitalizations
Higher life satisfaction	Improves quality of life
Decreases costs of care and ER visits	Improves mental health
Reduces mental illness symptoms	
Improves social functioning	
Increases resource utilization	

¹ Peer-reviewed research references available upon request.

² Income level qualifies as "Extremely Low Income" under 2015 HUD 30% Area Median Income guidelines (\$17,700), and 2015 Federal Poverty Guidelines (\$11,770).

2015 WORKSHOP DEMOGRAPHICS

- 100% (73) "Extremely" Low Income²
- 75% (55) homeless on intake



Decatur-Federal Station Area Plan:
Elements supporting EarthLinks' Uses and Location in Sun Valley
(bold and italics added)

Policy/Page#	Text (highlighted emphasis added)	EarthLinks' Use/Program
A.1 – Build Upon Sun Valley's History and Assets		
A.1.F, p. 22	Encourage preservation or adaptive use of buildings with historic significance.	With donated funds and a City of Denver OED grant, renovated three 100 year old structures, as meeting and commercial space. Connections have been made with the families of the original Jewish residents of the neighborhood, with the goal of memorializing their contributions to the neighborhood at our location.
A.2 – Encourage Diversity		
A.2.B, p. 24	Continue to offer multiple convenient transportation choices, a high quality built environment and <i>diverse neighborhood services and amenities so that people of all ages and abilities feel comfortable</i> living and working in Sun Valley.	Offers holistic, multi-faceted services, including a weekly social enterprise workshop on site, to low income individuals who have experienced or are currently experiencing homelessness. Location is easily accessible by bus (a necessity) and within walking distance of health/social services.
A.3 – Create Food Venues		
A.3.C, p. 25	..Sun Valley is a food desert... This plan recommends the creation of a number of food oriented destinations...	Has a 20,000 square foot garden, a significant portion of which is dedicated to growing healthful, culturally appropriate food in collaboration with the neighborhood.
B.2 – Green the Neighborhood		
B.2.D., p. 32	Bring “green” areas into the community interior in the form of ... community gardens...Look for opportunities to expand community gardens.	20,000 square foot garden, while not a classic “community garden,” is a highly visible environmental model (water conservation, organic agriculture, pollinator support) with aesthetic, educational and food production benefits for the neighborhood.
C – An Innovative Sun Valley		
C.1.A, p. 40	Encourage both a vertical and horizontal mix of land uses including multifamily residential, office, <i>commercial and public uses</i> .	Garden, small office, neighborhood-serving retail, educational, vocational (social enterprise workshop) and other community and public-serving uses as described above.

Policy/Page#	Text (highlighted emphasis added)	EarthLinks' Use/Program
C.1.B, p. 40	Encourage a wide mix of building heights and variation in building forms to provide visual interest, <i>needed sunlight, air circulation</i> and natural view corridors. Respect maximum building heights of 5-12 stories, per the Maximum Building Heights Map	Garden requires sun to survive. Provides opportunity to preserve sun/open space and produce food if building heights on portions of the site and to the south and east do not exceed 5 stories.
C.3.B., p. 50	.. Encourage a vertical and horizontal mix of land uses, including light industrial, <i>small office, institutional/vocational, commercial</i> , flex and live/work...	Garden, small office, neighborhood-serving retail , educational, vocational (social enterprise workshop) and other community and public-serving uses as described above.
C.3.C., p. 50	.. In the Employment TOD area, <i>create visually interesting and human-scaled facades</i> . Utilize doors, windows and articulation to establish scale and variation and reflect uses within the buildings.	Mural along the length of the building on Decatur Street, created by EarthLinks' participants with significant community input, is attractive, interesting and reflective of EarthLinks' programs and mission.
C.3.E., p. 52	<i>Facilitate the growth and success of non-profit service providers, advocacy groups and other organizations trying to solve social or environmental problems.</i>	EarthLinks is a 20-year-old non-profit advocating and providing services for low income/homeless individuals; environmental education, protection and restoration; as well as local food production.
D. – A Healthy Sun Valley		
D.1.A, p. 58	Encourage new development to include commercial spaces that support neighborhood-serving businesses. Likely locations.. include.. Decatur Street, 13 th Avenue..	Located on the corner of 13 th Avenue and Decatur Streets, the garden and small retail store serve neighborhood needs.
D.1.B, p. 58	Incorporate Healthy and Culturally Appropriate Food as a Consistent Theme in Redevelopment and Cultural Activities <ul style="list-style-type: none"> - Encourage healthy food retailers and produce stands to locate near the light rail station to serve both the community and transit riders. - Continue to support existing or new 	Grows food for the neighborhood and actively collaborates with Sun Valley non-profits, businesses and residents on ways to quickly expand food production/access through a locally driven, decentralized model. (See "Collaborations" attachment)

Policy/Page#	Text (highlighted emphasis added)	EarthLinks' Use/Program
	community gardens as a way to educate families about healthy food and share food culture.	
D.1.E, p. 59	Improve Community Health Services and Social Services. Sun Valley is home to Denver Human Services and the Denver Health Sandos Westside Health Center.	Provides holistic and multi-faceted services to the City's most needy. Participants attend workshop at EarthLinks' facility in Sun Valley weekly over a two-year period on average. Most also utilize Denver Human Services. As most participants travel via bus, on foot or bicycle, EarthLinks' location facilitates concurrent access to city services.
Moving Forward		
Employment TOD, Implementation Strategy, p. 83	Currently the Denver Zoning Code does not offer a zone district that implements the vision for Employment TOD as recommended in this plan. The Industrial Mixed Use (I-MX) zone district comes close, but does not prescribe a predictable and consistent pedestrian-oriented urban form. The menu of zone districts offered within the Urban Center Neighborhood Context also come close, but do not allow light industrial land uses. The City may need to consider text amendments to the Zoning Code that can implement the desired Employment TOD character of Sun Valley.	We are content with our I-MX-5 zoning. Text amendments to control uses would be our preference. However, understanding the concerns of the Planning Department, we can accept C-MX-5 zoning as long as our uses are grandfathered with such a change. The request to change to 8 story heights to our south and east poses a significant threat to our uses, and thereby, the support we offer to the neighborhood and this plan for green spaces, food production, neighborhood retail, "maker spaces", and others.



Attachment 4 -- List of Donors, Investors and In Kind Donations

Acquisition and Improvements:

City of Denver, Office of Economic Development (CDBG Grant)	\$131,080.00
Dominican Sisters of Hope Ministry Trust	\$100,000.00
Salah Foundation	\$ 50,000.00
Third Generation of the Hunt Alternatives Fund (now the Now Here Fund, Multiple Grants)	\$35,000.00
The Anschutz Foundation	\$ 30,000.00
The Gates Family Foundation	\$28,000.00
Colorado Garden Foundation (various grants)	\$16,600.00
Energy Outreach Colorado	\$12,673.00
The Denver Foundation (Technical Assistance Grants)	\$11,500.00
Sisters of St. Joseph Carondelet	\$5,000.00
Individual, Participant, Staff, Faith Partners and Business donations (ranging in size from \$.10 to \$20,000.00)	<u>\$57,000.00</u>
TOTAL:	<u>\$583,963.00</u>

In Kind Donations:

Boulder Associates, Architects	\$51,207.00
Gil-Roy Construction	\$9,340.00
CCRD, Mechanical Engineers	\$7,068.00
Kathleen Taylor, Construction Supervision	\$7,590.00
Hastings Brothers, site work	\$4,700.00
Grieve Trucking, Site work	\$3,605.00
Amp the Cause	\$5,770.00
Wilderness Electric	\$2,339.00
Others combined	<u>\$15,418.00</u>
TOTAL	<u>\$107,037.00</u>

Volunteers - Improvements:

Mile High Youth Corps
William Smith High School
DOOR
AmeriCorps
350 other individuals

Program Related Investments	
Sisters of Charity of Cincinnati	\$75,000.00
Sinsinawa Dominican Sisters	\$15,000.00



Attachment 5 – Community Building and Collaborations

- Sun Valley Food Access Collaborative. EarthLinks is co-leading this collaborative with two other neighbors, Glenn Harper with the Sun Valley Kitchen and Judy Elliott with Denver Urban Gardens. In addition to leaders, the SVFAC includes: Denver Housing Authority, Re:Vision, FreshStart, Sun Valley Youth Center, Denver Botanic Gardens at Chatfield, and local residents.
- EarthLinks also collaborates and works with many other organizations to provide services for our participants, and meet our mission to restore the planet, including:
 - City of Denver, Denver Food Plan – Co-sponsor of Council District 3 Community Food Discussion
 - Bayaud Enterprises
 - The Delores Project
 - The Gathering Place
 - Greenleaf
 - St. Francis Center
 - Denver Food Rescue
 - Denver Urban Gardens
 - Denver Urban Matters
 - Produce Denver
 - Capitol Hill United Ministers (CHUM)
 - Women's Homelessness Initiative
 - Grow Local
 - University of Denver Graduate School of Social Work
 - Metropolitan State University of Denver (internship program)
 - Regis University
 - Sun Valley Neighborhood Community Coalition
 - Waste Farmers/Maxfields
 - Denver Public Schools Career Education Center Early College of Denver
 - DOOR Volunteers
 - William Smith High School, Aurora Public Schools

... and many others. EarthLinks is also a member of the Continuum of Care Coordinating Committee with the Metro Denver Homeless Initiative, working with other service providers to end homelessness in our city.

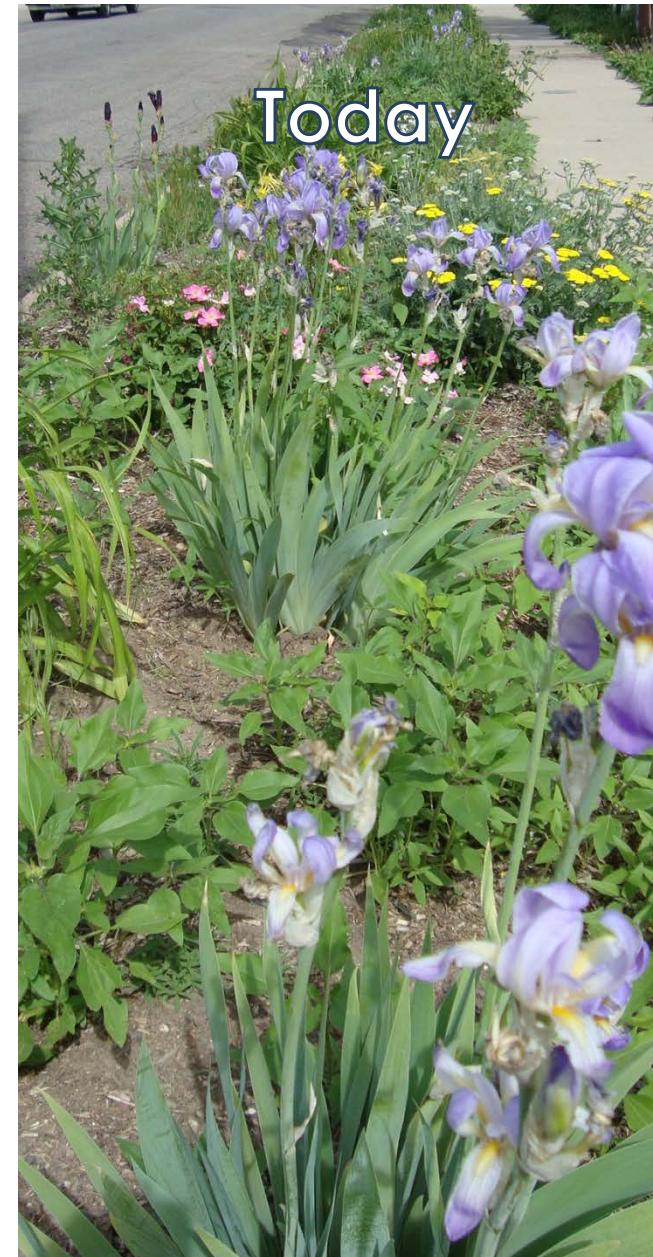
Site at purchase – 2013



Site today – 2016

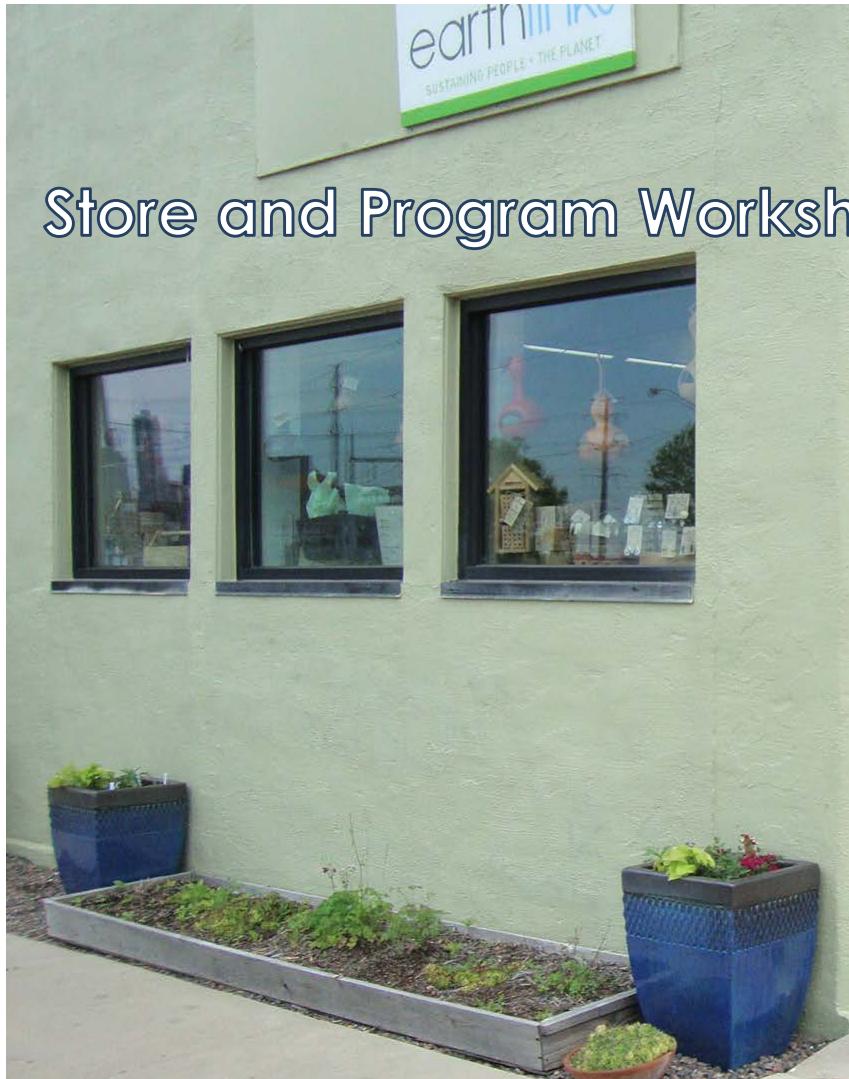


Tree Lawn



Corner Building Improvements

Store and Program Workshop



Corner Building Improvements



Neighborhood
Mural Project

Annual Plant & Garden Sale



Annual Holiday Open House sale



House at purchase

2013



OED grant-funded improvements

- Popped ceiling
- Bathroom and kitchen refreshed, appliances added
- Refurbished original fir floor
- Stuccoed and painted exterior
- New windows
- Added French doors
- Cleared sucker trees
- Landscaped tree lawn

House Improvements



Garage

At time of purchase



Garage & House Improvements

OED grant-funded improvements:

New roof

New HVAC

New windows

New person door

Insulation

Solar tubes and additional lighting

Yard at Purchase



Garden and Gourden



Raised bed and in-ground garden layout and construction



Building Improvements

New sidewalk and loading zone
Handicap entrance



Adding soil and planting the beds



New Hoop House



Fruit Trees



Today, 2 years & \$500,000 later..





Karis Community

A Mental Health Agency
Celebrating 40 years
of compassion, healing, and hope.



September 6, 2016

Planning Services, City and County of Denver
Community Planning and Development
ATTN: Curt Upton
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

RE: Zone Map Amendment #20141-00119: 2600-2541 W. Holden Pl, 2520-2516 W 13th, & 1260-1280 N Decatur St

Dear Members of City Council and Mr. Upton,

Please consider this letter as support for the position advocated by EarthLinks, who is located at 2746 W. 13th Avenue, and is affected by the rezoning process referenced above. Karis Community is familiar with the work that EarthLinks consistently provides to our very vulnerable brothers and sisters who suffer from homelessness and poverty. Their garden provides an opportunity for their participants to reconnect with Earth and her bounty, for the healing that this connection provides, and for paid work. Not only does the EarthLinks' garden provide a place of safety, calm and respite for those whose lives are so desperately affected by poverty, but also serves to provide fresh, healthy food for the participants and the Sun Valley Neighborhood.

Through its programs, EarthLinks reconnects those suffering from homelessness to a supportive community, housing and personal dignity. EarthLinks through its 20 years of programming has helped hundreds of individuals stabilize their lives. EarthLinks, with the help of hundreds of volunteers, has reclaimed a desolate corner of Sun Valley and brought it to new life as a bountiful oasis. Should development allow for high buildings directly to their south, most of their growing space will be compromised. Protection of solar access and green and productive spaces should be a priority for our City. We ask you to consider retaining the 5-story height maximum for EarthLinks and its neighbors to its south.

Sincerely,

E. J. Barklage, M.A., L.P.C.
Executive Director

Upton, Curt - CPD Planning Services

From: mkenosha@aol.com
Sent: Wednesday, September 07, 2016 3:17 PM
To: Upton, Curt - CPD Planning Services
Subject: Earthlinks and Zoning Challenge

I am writing in concern for the wonderful program of Earthlinks in our community and for a zoning change that would critically threaten the work they perform in the location they have enjoyed and well utilized. This program is a wonderful example of urban agriculture that serves the needs of our community, including those most vulnerable. Their land is a community food project providing both nourishment and the opportunity for people to work with their hands to enablement such nourishment for themselves and others. This project requires collaboration with sunlight to have any viability, and that means a city whose zoning does not allow the loss of such light. This work has brought hands on resources for wholesome living for many in addition to those provided meals. This work must be allowed to fully flourish and serve its mission. I urge the city to act in ways wholly in accord with the work of Earthlinks, meaning zoning that does not allow more than five stories as neighbors to their south. I urge the city to commit to values in addition to that of financial profit in making its zoning choices. I urge that the city work fully with Earthlinks to ensure this wonderful program remains strong and vital in our community. I am Rev. Mark Meeks, Minister of Capitol Heights Presbyterian Church in Denver. Thank you for receiving my comments of concern.

Sincerely, Mark Meeks

Upton, Curt - CPD Planning Services

From: John Kerr <johnkerrden@gmail.com>
Sent: Wednesday, September 07, 2016 9:38 PM
To: Upton, Curt - CPD Planning Services; Kathleen Cronan
Subject: Zone Map Amendment #20141-00119

John A. Kerr

St. John's Episcopal Cathedral of Denver

777 E. 14th Ave.

September 7, 2016

Planning Services, City and County of Denver
Community Planning and Development

ATTN: Curt Upton
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

RE: Zone Map Amendment #20141-00119: 2600-2541 W. Holden Pl, 2520-2516 W 13th, & 1260-1280 N Decatur St

Dear Members of City Council and Mr. Upton,

When I first moved to Denver a couple years ago, the first non-profit that I learned about and volunteered for was EarthLinks, which is located at 2746 W. 13th Avenue,. I met Cass Cronan, the director, and then the staff and sat with the marginalized who come to learn a craft, work in the garden, and especially feel a part of something and somebody who cares for them. To this day, the organization and its mission touches me more than any others in Denver for which I've volunteered.

I ask that you support the position advocated by EarthLinks, which is affected by the rezoning process referenced above. My church is familiar with the work that EarthLinks consistently provides to our very vulnerable brothers and sisters who suffer from homelessness and poverty. Their garden provides an opportunity for their participants to reconnect with Earth and her bounty, for the healing that this connection provides, and for paid work. Not only does the EarthLinks' garden provide a place of safety, calm and respite for those whose lives are so desperately affected by poverty, it also serves to provide fresh, healthy food for the participants and the Sun Valley Neighborhood.

Through its programs, EarthLinks reconnects those suffering from homelessness to a supportive community, housing and personal dignity. EarthLinks through its 20 years of programming has helped hundreds of individuals stabilize their lives. EarthLinks, with the help of hundreds of volunteers, has reclaimed a desolate corner of Sun Valley and brought it to new life as a bountiful oasis. Should development allow for high buildings directly to their south, most of their growing space will be compromised. Protection of solar access and green and productive spaces should be a priority for our City. We ask you to consider retaining the 5-story height maximum for EarthLinks and its neighbors to its south.

Sincerely,
John A. Kerr
St. John's Episcopal Cathedral



CAPITAL HILL UNITED MINISTRIES

c/o Martha Loats
1100 Fillmore St.
Denver, CO 80206
Phone: 303-832-4188

MEMBER CHURCHES

Capitol Heights Presbyterian Church
Central Presbyterian Church
First Baptist Church
First Unitarian Society of Denver
Metropolitan Community Church
Our Savior's Lutheran Church
St. Barnabas Episcopal
St. James Urban Church
St. John's Episcopal Cathedral
St. Paul Lutheran Church
St. Paul United Methodist Church
Sixth Ave. UCC
Ten-Thirty Catholic Community
Trinity United Methodist Church
Warren United Methodist Church

ASSOCIATED AGENCIES & MEMBERS

Denver Urban Ministries
Exempla St. Joseph Hospital
Metro CareRing
Warren Village
Colorado Vincentian Volunteers
Urban Servant Corps
Christ's Body Ministries
Turnabout, Inc.
Network Coffee House
Mission Wear
Lutheran Advocacy Office
EarthLinks
CHARG Resource Center
Voices for Justice
Wartburg College

COMMUNITY MINISTER

Diana Flahive
303-832-4188
E-mail: flahive@flahive.us
www.chumdenver.org

Planning Services, City and County of Denver
Community Planning and Development
ATTN: Curt Upton
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

RE: Zone Map Amendment #20141-00119: 2600-2541 W. Holden
Pl, 2520-2516 W 13th, & 1260-1280 N Decatur St

Dear Members of City Council and Mr. Upton,

The membership of Capitol Hill United Ministries writes this letter in support for the position advocated by EarthLinks, who is located at 2746 W. 13th Avenue, and is affected by the rezoning process referenced above.

EarthLinks bought a piece of desolate property and through much time, talent and treasure transformed it into a place of beauty and usefulness with its flowers and gardens for this community. In addition, the many volunteers of EarthLinks created an oasis that has become such a positive force in this neighborhood; producing healthy food, care for the environment and a place for those who are the most vulnerable. Many times our City may forget or at least put this population last as they plan for the City of Denver.

Should development allow for high buildings directly to their south, most of their growing space will be compromised. Protection of solar access and green and productive spaces should be a priority for our City. We ask you to consider retaining the 5-story height maximum for EarthLinks and its neighbors to its south.

Please positively respond to this request of keeping the height for redevelopment to a 5-story maximum.

*Rev. Diana J. Flahive
CHUM Community Minister
Women's Homelessness Director
Interfaith Minister
(303) 832-4188
(303) 257-8588 - cell
www.chumdenver.org*

Capitol Hill United Ministries is an interfaith organization comprising of 30 churches and faith-based service agencies in Capitol Hill. Our mission is to be a spiritual presence and resource in the inner city of Denver, to practice hospitality, to advocate for our neighbors in need, and to strengthen and sustain our member communities, particularly through effective communication and cooperation, enhancing the ministry of all.

Upton, Curt - CPD Planning Services

From: Tammy Mulligan <tammy@denum.org>
Sent: Tuesday, September 06, 2016 1:50 PM
To: Upton, Curt - CPD Planning Services
Cc: cass@earthlinks-colorado.org
Subject: Letter of Support for EarthLinks

Planning Services, City and County of Denver
Community Planning and Development
Attn: Curt Upton
201 W Colfax Ave, Dept 205
Denver, CO 80202

Re: Zone Map Amendment #20141-00119: 2600-2541 W Holden Pl, 2520-2516 W 13th, 1200-1280 N Decatur St.

Dear Members of City Council and Mr. Upton:

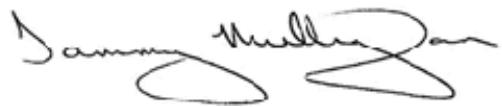
Please accept this letter of support of EarthLinks, located at 2746 W 13th Ave, an organization that will be impacted by the rezoning process referenced above. I am the Executive Director of Denver Urban Matters, a nonprofit with its roots in the United Methodist Church. At DenUM we provide a choice food pantry, employment services, basic human services and opportunities for those who are unfamiliar with the obstacles facing the poor on a daily basis to learn to understand these obstacles through various hands-on experiences and connections.

EarthLinks provides needed and unique services to holistically meet the needs of those who are homeless and low-income with environmental sustainability as a backbone of the Workshop program. The strength of the Workshop Program is multi-faceted:

- For more than 20 years it has served an overlooked low-income population – those experiencing homelessness are in greatest need of affordable, healthy food; a positive community; meaningful work and income; and connection to the garden and planet;
- It cultivates a holistic understanding of the ecosystem in the garden in the Sun Valley Neighborhood, teaching skills in the related aspects of bee-keeping, food production and environmental preservation. It practices organic gardening;
- It teaches participants the skills to change their lives, advocate for the planet, produce their own healthy food, and live a more positive, productive life;
- It focuses on social enterprise – the Earth-friendly products that are created from what is harvested from the garden support the income participants receive while allowing the consumer to lead a more environmentally sustainable life;
- It is collaborative – EarthLinks' workshops partner with other local non-profits as educators, and invite community members to participate, thus expanding their value.

Earth Links reclaimed a desolate piece of land, and has created a healing, growing, nurturing space for those who need it most. Please protect the solar access and green, productive spaces, necessary for this vital program in our city. Please retain the 5 story height maximum for EarthLinks and its neighbors to the south.

Overall, EarthLinks is an essential component in the fabric of the social services providers in metropolitan Denver. But in addition to the social services they provide, they affect positive changes for the environment as well. It is an honor to write this letter of support for Earthlinks.



Tammy Mulligan
Executive Director



Formerly Denver Urban Ministries (DenUM)
1717 E. Colfax Ave.
Denver, CO 80218
303-350-5060
tammy@denum.org
www.denum.org

Today's needs...tomorrow's hope

Inspiring hope, transforming lives, working to end poverty

My name is Reed Silberman, owner of Ink Monstr Graphic Design and Printing. Also, the 2016 SBA CO Small Business Person of the Year.

Thank you for allowing me to express my opinion on the matter of Sun Valley CMX-8 rezoning. I feel very strongly about this point, considering my property is one of the properties Earthlinks would like to prevent being rezoned in line with the development plan. Since I purchased the building, I have put a tremendous amount of sacrifice, time, money, and commitment into this building, and into this neighborhood. I am formally requesting that my property be zoned to cmx-8, as it calls out in the approved development plan.

My property at 2721 W. Holden PI is one of the properties a CMX-5 Zoning would negatively affect.

1. I would like to point out that everyone who purchased property in Sun Valley area in the past 5 years, already knew these properties were intended to be rezoned to cmx-8. It was clearly stated in the Station Area Plan, which now has final approval.

A large motivating factor for purchasing my property (in 2012, 1yr before Earthlinks) was knowing, and in favor of, the new development plan, and the rezoning to cmx-8. It is difficult for me to understand how someone can purchase a property and invest in renovation, knowing they would have to dispute the new rezoning down the road.

2. Ink Monstr took a loan (not a grant) from the OED to move Ink Monstr to this enterprise zone for job creation, and economic development in Sun Valley. All in I have just under \$1million dollars invested into this building:

OED \$150K

SBA 504-C \$240K

Chase bank \$425K

My own money \$150K

Total \$965,000

Since we moved to Sun Valley we have more than doubled in size. Ink Monstr is creating more jobs, bringing more tax revenue to the city, educating youth, and is growing quickly.

We are heavily involved in the community by producing community events, including denver days neighborhood block party, working with fresh start and rudy rec during thanksgiving and christmas. As well internships through the DHA-YEA and OED workforce program. I also give Sun Valley youth motivational tours of our facility to encourage them to follow their passions and dreams!

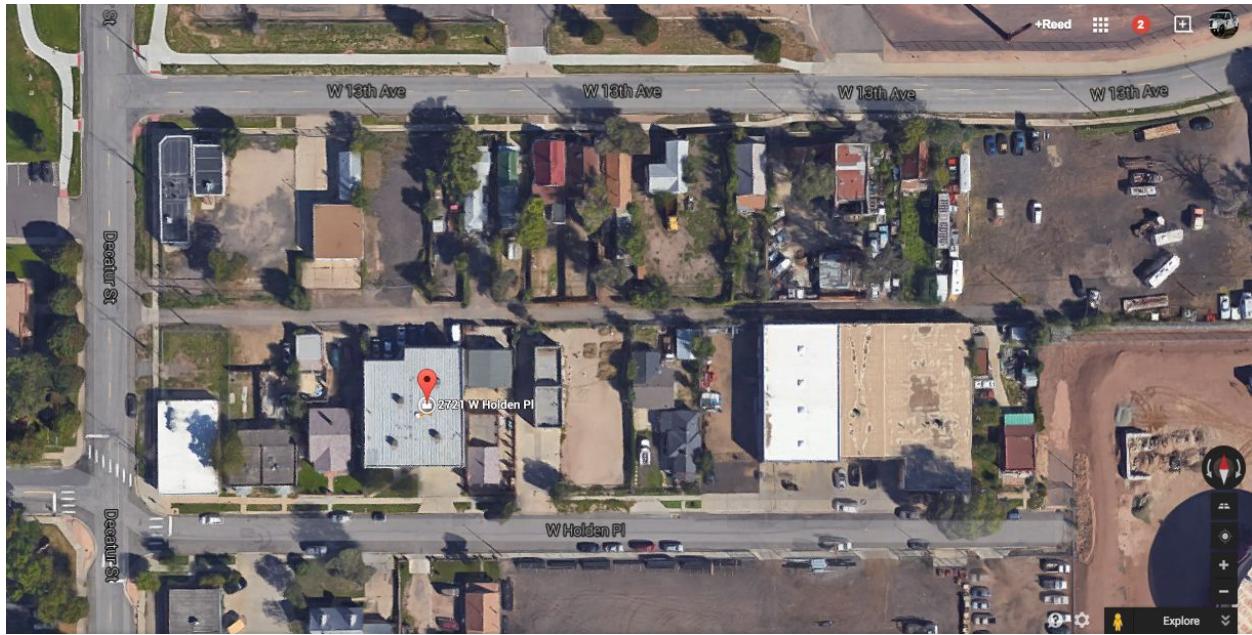
3. I understand Earthlinks opposition of the rezoning; however, It is my understanding that almost every residential and commercial property owner is aware of, and in support of the new cmx-8 zoning, and has been aware of this possible change for many years. Especially considering most of us are on the DHA pillar committees, and DHA CAC for the Sun Valley Development plan.
4. If Earthlinks intent is to create food for our community, and opportunities for low to no income individuals (as stated in their opposition proposal), in my opinion, CMX8 would help them establish their goals by providing future growth opportunity for a larger, ground level, indoor growth facility that can produce food year round, and provide opportunity for many more individuals.
5. Lastly, to my knowledge, shade is not a strong enough argument to oppose the CMX-8 re-zoning in an approved development plan. For the record, I would like to oppose Earthlinks opposition of the cmx-8 zoning of my building.

I have attached before and after photos of the interior and exterior of my building for reference.

Thank you for listening. I appreciate your time, and want to let the people of this community know, that we are in this together for the long term.

Sincerely,

Reed Silberman
Founder/CEO Ink Monstr
2721 W. Holden Pl.
Denver, CO 80204
(970) 376-4375 Cell
(303) 200-0676 Office



BEFORE



AFTER

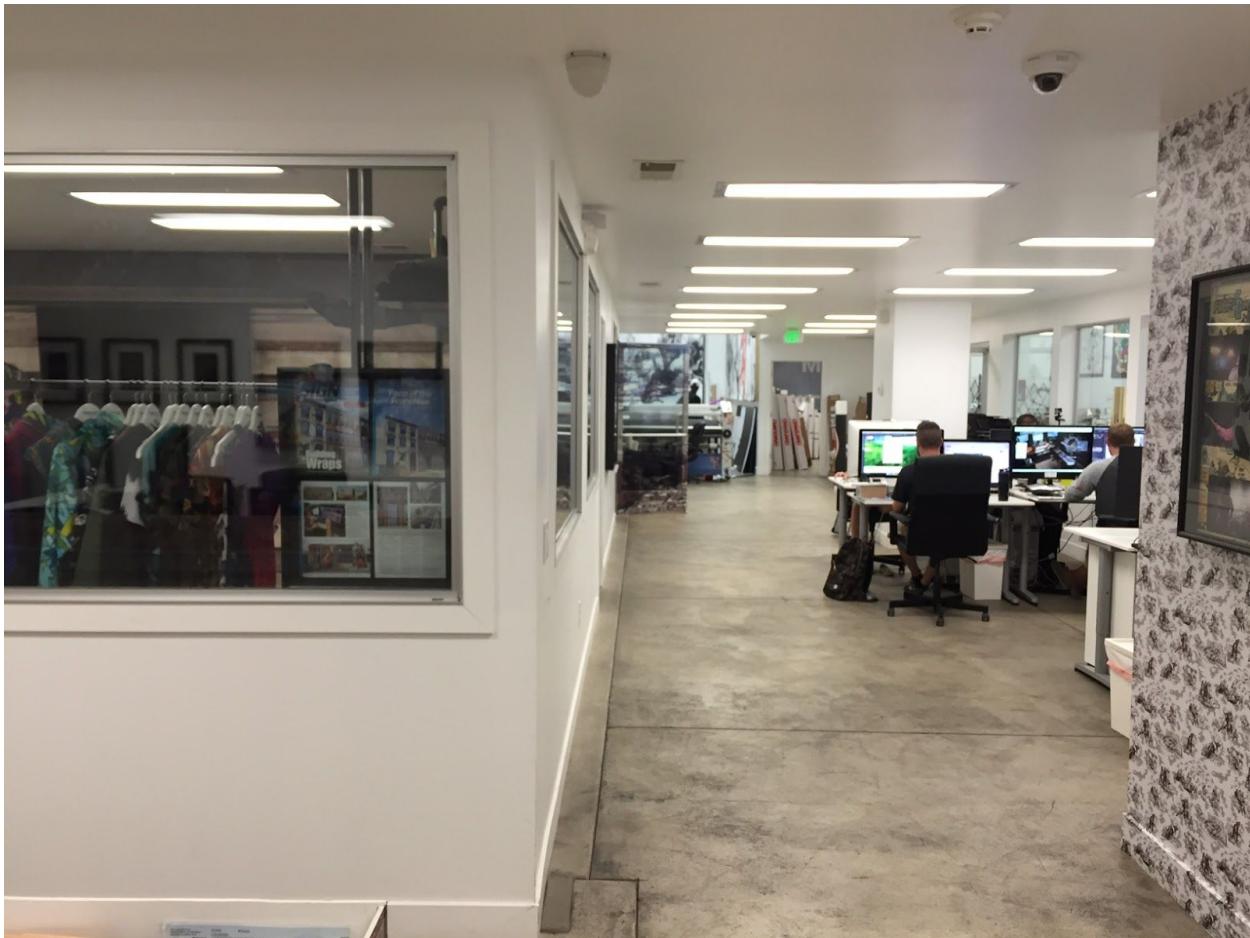


BEFORE





AFTER









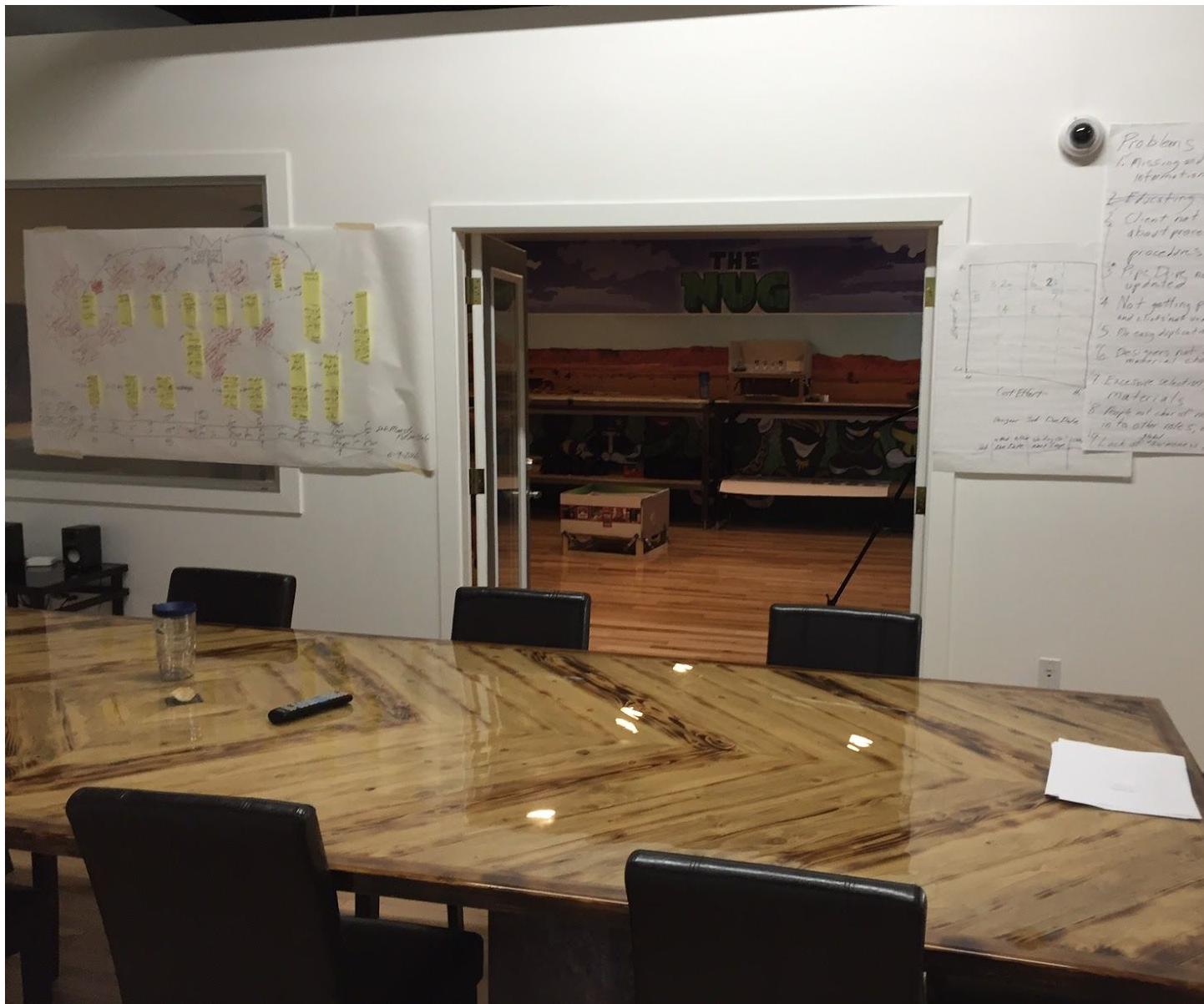














BY AUTHORITY

ORDINANCE NO. 956

COUNCIL BILL NO. 857

SERIES OF 1999

COMMITTEE OF REFERENCE:

9900215981 1999/12/27 09:20:48 1/ 26 ORD

DENVER COUNTY CLERK AND RECORDER .00 .00 SMP

LAND USE

A BILL

FOR AN ORDINANCE RELATING TO ZONING, CHANGING THE ZONING CLASSIFICATION FOR A SPECIFICALLY DESCRIBED AREA, GENERALLY LOCATED AT 1700 ELIOT STREET, RECITING CERTAIN WAIVERS PROPOSED BY THE OWNERS FOR THE ZONING CLASSIFICATION, RECITING CERTAIN REASONABLE CONDITIONS APPROVED BY THE OWNERS FOR THE ZONING CLASSIFICATION AND PROVIDING FOR A RECORDATION OF THIS ORDINANCE.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as part of the R-2, PUD #160, I-1, PUD #334, PRV, and C-MU-30 with waivers and conditions districts;
2. That the owners propose that the land area hereinafter described be changed to C-MU-30 with reasonable waivers and with reasonable conditions they have approved;
3. That in the application the owners have represented that if the zoning classification is changed pursuant to the application, the owners will and hereby do:
 - (i) waive the right to use or occupy the land hereinafter described or to use, occupy or erect thereon any structure or structures, designed, erected, altered, used or occupied for all uses by right and uses by special review in the C-MU-30 zone district as identified in Section 59-430.03(1) of the Revised Municipal Code except:

A. Parcels A and D.

- (a) Residential Uses
 1. Artist Studio;
 3. Live/Work Residential;
 4. Multiple Unit Dwelling.
- (b) Civic Uses
 2. Child Care Center;

4. Church or Religious Institution - Neighborhood Scale;
5. Club or Lodge;
6. Community Center;
8. Gallery;
10. Library;
12. Minor Impact Utility;
13. Museum;
14. Office for Park Purposes;
15. Parks and Open Space;
18. Postal Facility, Neighborhood;
20. Public Office.

(b) Commercial Uses

1. Adult Establishment;
6. Automobile Gasoline Filling Station;
10. Banking and Financial Services;
13. Building Maintenance Service;
15. Business Equipment Sales or Service;
16. Business Support or Printing Service;
17. Clinic or Office, Dental or Medical;
18. Commercial Food Preparation and Sales;
19. Communications Service;
20. Consumer Retail, Large Scale;
21. Consumer Retail, Medium Scale;
22. Consumer Retail, Small Scale;
23. Consumer Service, Large Scale;
24. Consumer Service, Medium Scale;
25. Consumer Services, Small Scale;
26. Eating Place, Large;
27. Eating Place, small;
30. Food Sales or Market, Small;
31. Food Sales or Market, Large;
32. Garden Supply Store;
33. Hotel;

35. Laundry or Dry Cleaning, Commercial;
36. Liquor Store;
38. Motel;
40. Office: Non-Dental or Non-Medical;
41. Parking of Vehicles;
42. Recreation Services, Indoor;
43. Recreation Services, Outdoor;
45. Repair Services, Consumer;
48. Sports or Entertainment Facility, Coliseum, or Exhibition Building;
50. Terminal, Public Transportation, Intercity;
51. Terminal, Public Transportation, Local;
52. Theater, Indoor; and
53. Theater, Studio.

B. Parcels B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9 and C.

I. Uses by Right:

(c) Commercial Uses

1. Adult Establishment; and
48. Sports or Entertainment Facility, Coliseum, or Exhibition Building

II. Uses by Special Review

The following uses shall be permitted only pursuant to special review as set forth in Section 59-430.04 of the Revised Municipal Code of the City and County of Denver:

(a) Residential Uses

1. Artist Studio;
3. Live/Work Residential; and
4. Multiple Unit Dwelling

(b) Civic Uses

2. Child Care Center;
4. Church or Religious Institution-Neighborhood Scale;
5. Club or Lodge;
6. Community Center;

8. Gallery;
10. Library;
12. Minor Impact Utility;
13. Museum;
14. Office for Park Purposes;
15. Parks and Open Space;
18. Postal Facility, Neighborhood; and
20. Public Office.

(c) Commercial Uses

6. Automobile Gasoline Filing Station;
10. Banking and Financial Services;
13. Building Maintenance Service;
15. Business Equipment Sales or Services;
16. Business Support or Printing Service;
17. Clinic or Office, Dental or Medical;
18. Commercial Food Preparation and Sales;
19. Communications Service;
20. Consumer Retail, Large Scale;
21. Consumer Retail, Medium Scale;
22. Consumer Retail, Small Scale;
23. Consumer Service, Large Scale;
24. Consumer Service, Medium Scale;
25. Consumer Services, Small Scale;
26. Eating Place, Large;
27. Eating Place, Small;
30. Food Sales or Market, Small;
31. Food Sales or Market, Large;
32. Garden Supply Store;
33. Hotel;
35. Laundry or Dry Cleaning, Commercial;
36. Liquor Store;
38. Motel;
40. Office; Non-Dental or Non-Medical;

41. Parking of Vehicles;
42. Recreation Services, Indoor;
43. Recreation Services, Outdoor;
45. Repair Service, Consumer;
50. Terminal, Public Transportation, Intercity;
51. Terminal, Public Transportation, Local;
52. Theater, Indoor; and
53. Theater, Studio.

(ii) as to Parcels A, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, C and D, waive the right to have fireworks displays more than one (1) time per year; provided, however, up to four (4) additional fireworks displays may be approved by the Mayor.

(iii) as to Parcels A, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, C and D, waive the right to obtain permits for temporary uses under Section 59-80(5)(b)1. and instead obtain temporary use permits for bazaars, carnivals and special events pursuant to the following:

Bazaar, carnival or special event. Each permit may provide for hours of operation as determined by the Zoning Administrator and may have motorized rides only if located at least two hundred fifty (250) feet from a residential district. The Zoning Administrator may approve, approve with conditions and restrictions or deny any application for temporary use permit.

All other provisions of Section 59-80(5) shall remain in full force and effect.

(iv) as to Parcels A, B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, C and D waive the right to erect structures in those portions of the property within the Old City Hall View Plane as set forth in Section 10-59.5 of the Revised Municipal Code except as follows:

- A. The sports or entertainment facility, including lights, shall not exceed 5,420 feet above sea level as shown in City Clerk Filing No. 99-278;
- B. Telecommunications facilities as defined in Section 59-2(141.3) of the revised Municipal Code shall not exceed 5,420 feet above sea level and shall comply with all the requirements of Section 59-80(3.5) of the Revised Municipal Code and any other applicable regulations; and
- C. All other structures shall not exceed 75 feet in height from the existing grade or the height allowed under the Old City Hall View Plane, whichever is lower.