



**TO:** Denver Planning Board - Joel Noble, Chair  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** December 12, 2018  
**RE:** **Official Zoning Map Amendment Application #2017I-00178**  
**1080 and 1090 King Street**  
**Rezoning from E-SU-D1x to E-RH-2.5**

***Staff Report and Recommendation***

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for application #2017I-00178 for a rezoning from E-SU-D1x to E-RH-2.5.

***Request for Rezoning***

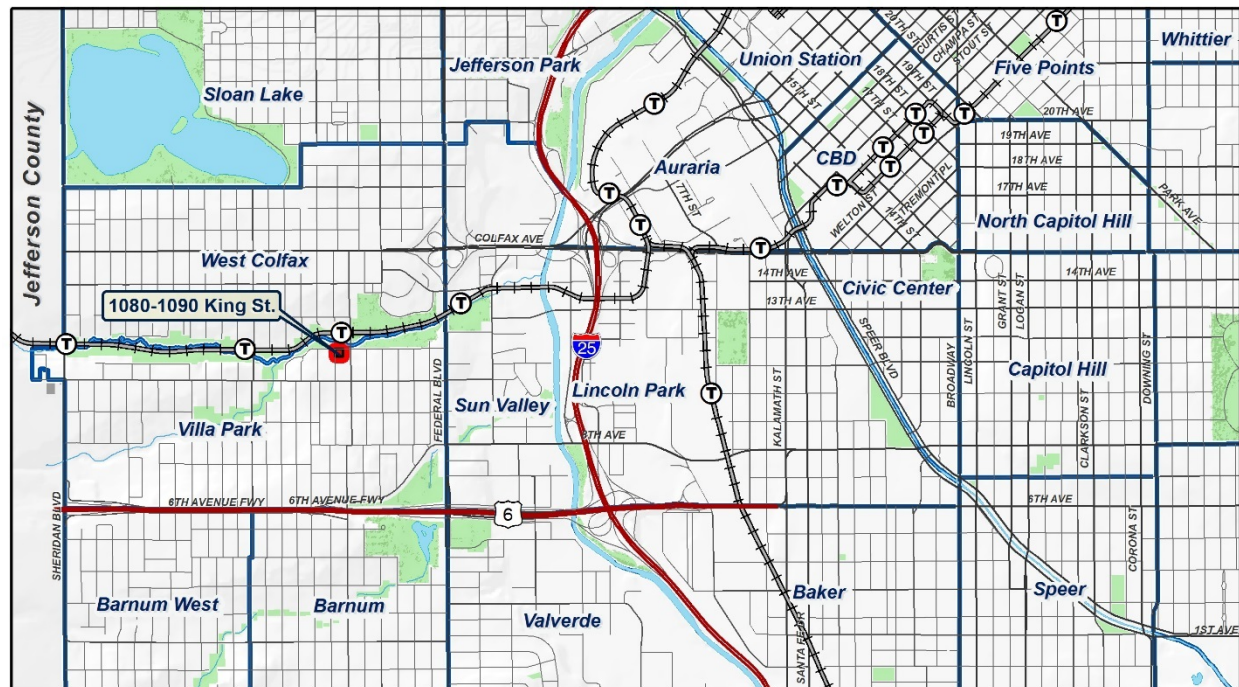
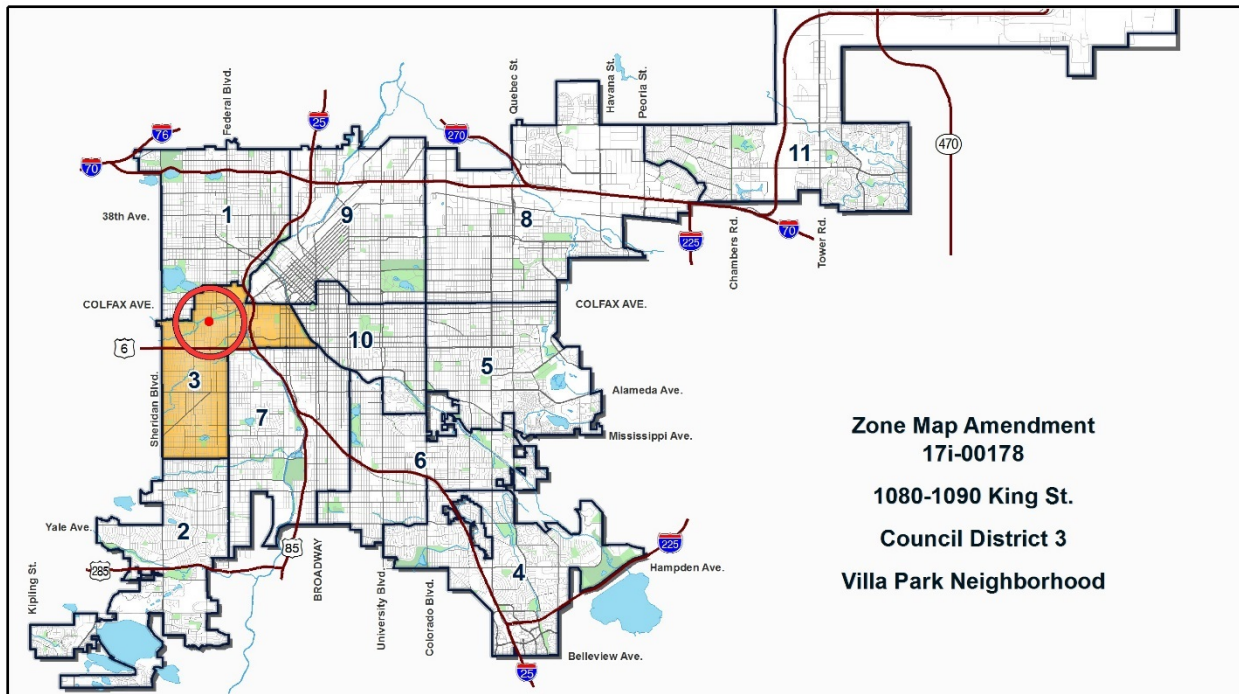
Application:	<b>#2017I-00178</b>
Address:	1080 and 1090 King Street
Neighborhood/Council District:	Villa Park Neighborhood / City Council District 3
RNOs:	Villa Park Neighborhood Association; West Denver United; West Colfax Association of Neighbors; Sloan's Lake Citizens Group; Inter-Neighborhood Cooperation
Area of Property:	.35 Acres / 15,620 SF
Current Zoning:	E-SU-D1x
Proposed Zoning:	<b>E-RH-2.5</b>
Applicant/Owner:	Highland Ventures Holdings, LLC and Irving Estates, LLC
Contact Person:	Bruce O'Donnell

***Summary of Rezoning Request***

- The subject properties are on the southeast corner of the King Street and West 12<sup>th</sup> Avenue intersection. The subject properties are comprised of two parcels each of which has a single family home, both in separate ownership. The homes are both one-story and were built in 1956 and 1949. The properties are a half block south of the Knox Court Light Rail Station, across Lakewood Dry Gulch Park, from the W light rail line located on the northern edge of the Villa Park neighborhood.
- The **E-RH-2.5, Urban Edge, Row House, 2.5-story** (30-35 feet maximum building height), zone district is intended for use in the Urban Edge Context which is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, with small scale multi-unit residential and commercial uses embedded in residential areas. Primary single-unit building forms in the zone district are either Suburban or Urban House forms, with allowed Tandem House forms, and primary multi-unit building forms allowed include Duplex, and Row House building forms. Accessory dwelling units are also permitted. Further details of the zone district can be found in Article 4 of the Denver Zoning Code.

Planning Services  
Community Planning and Development  
201 W. Colfax Ave., Dept. 205 | Denver, CO 80202  
[www.denvergov.org/CPD](http://www.denvergov.org/CPD)  
p. 720.865.2983

### General Location





### **Existing Context**

The subject property is in west Denver between 10<sup>th</sup> and 12<sup>th</sup> Avenues on King Street, ½ block south of the Knox Street Light Rail Station. The subject property is within ¼ mile of the Knox Street Light Rail Station and within ½ mile of two more light rail stations (Decatur/Federal and Perry). In the general vicinity are:

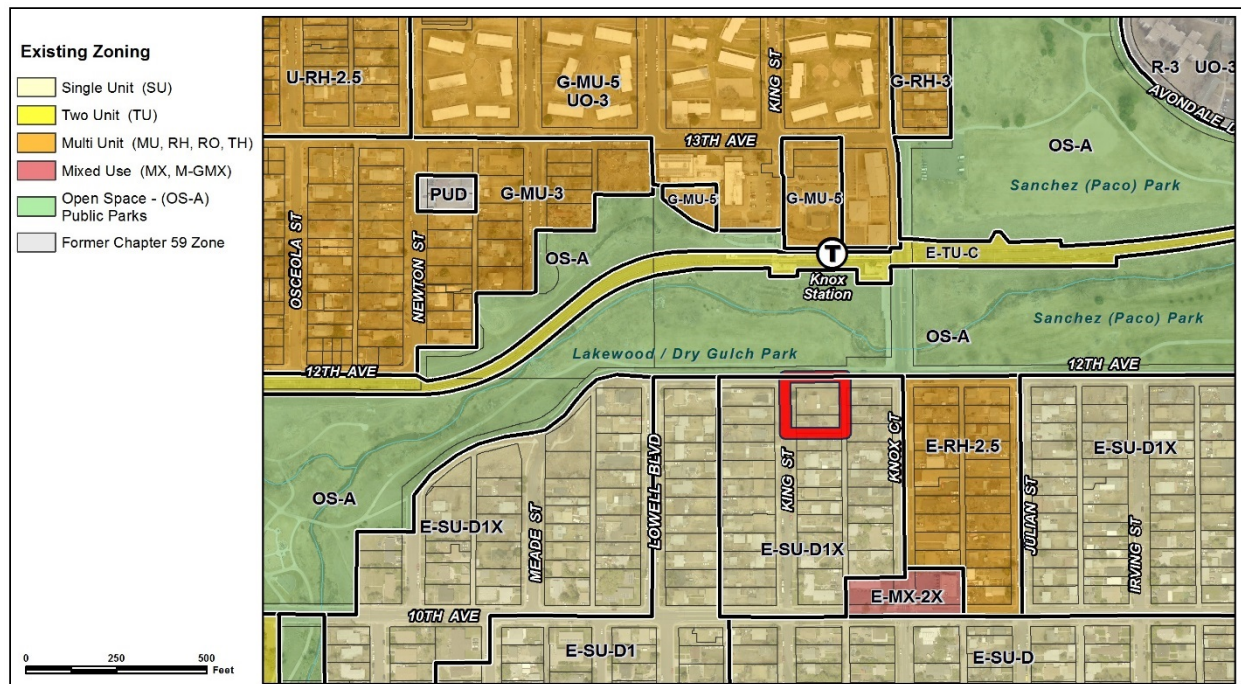
- West Colfax Avenue 3 blocks north,
- West 6<sup>th</sup> Avenue 5 blocks south
- Federal Boulevard, 6 blocks east,
- Lakewood Dry Gulch and Sanchez Parks directly north across 12<sup>th</sup> Avenue,
- Westridge Homes, DHA public housing 2 blocks north,
- Rodolfo “Corky” Gonzalez Branch Library 3 blocks north,
- Rude Park and Recreation Center 6 blocks to the northeast
- Cheltenham Elementary School 3 blocks north across West Colfax Avenue,
- Eagleton Elementary School 3 blocks to the southeast, and
- Presentation of Our Lady Catholic School 4 blocks south.

The subject property is surrounded by a mixture of single family and some low density multi-unit residential uses, with embedded commercial uses located on either side of Knox Court at 10<sup>th</sup> Avenue. Area building heights range from 1 to 2 stories.

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

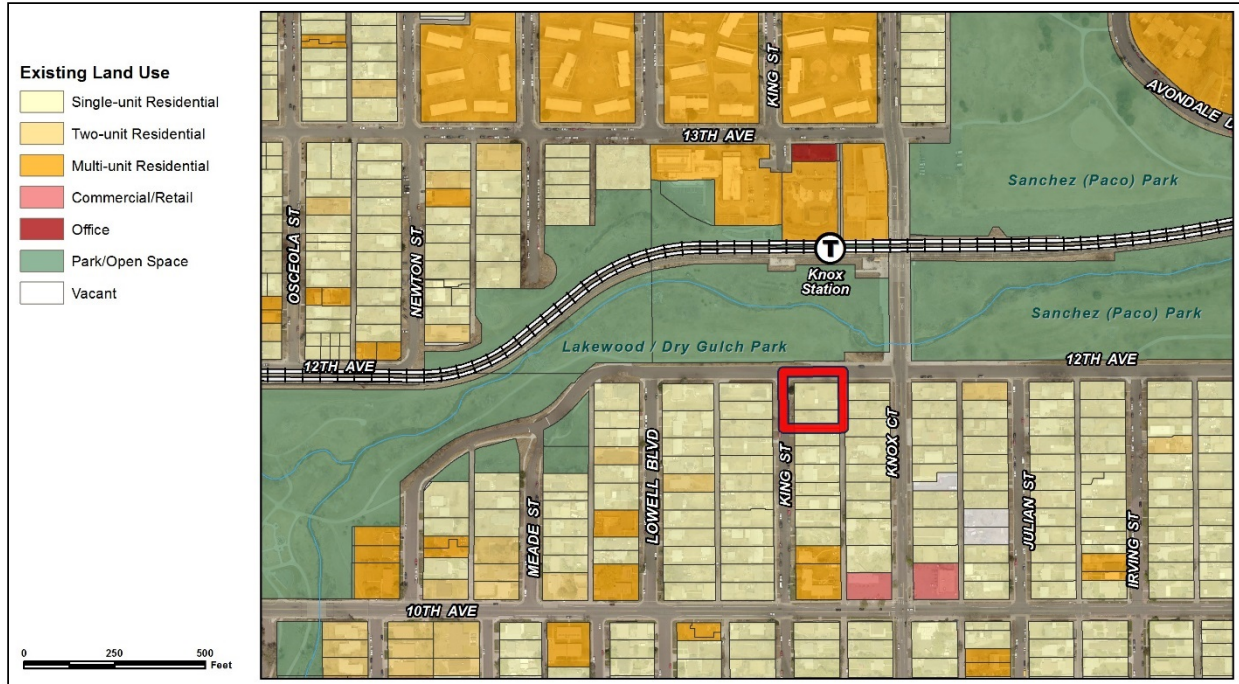
	Existing Zoning	Existing Land Use	Existing Building Form, Scale	Existing Block, Lot, Street Pattern
<b>Site</b>	E-SU-D1x	Low-rise Residential	1-story Structures	Grid street patterns with alleys, mixed attached, detached and no sidewalks. Regular pattern of rectilinear blocks.
<b>North</b>	OS-A	City Park / Light Rail Line	No Structures	
<b>South</b>	E-SU-D1x	Low-rise Residential	1-2-story Structures	
<b>West</b>	E-SU-D1x	Low-rise Residential	1-2-story Structures	
<b>East</b>	E-SU-D1x	Low-rise Residential	1-2-story Structures	

### Existing Zoning

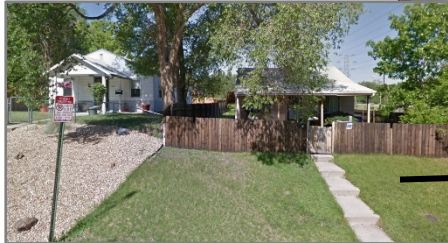
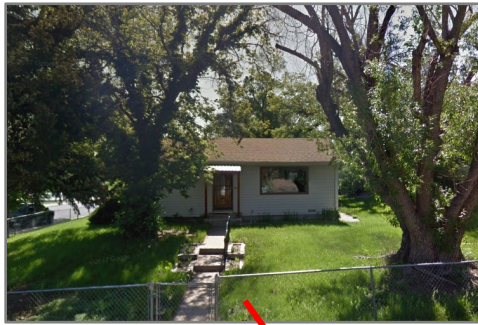


The E-SU-D1x zone district is a single unit zone district that allows either a Suburban House or and Urban House primary building form and an accessory dwelling unit, with a minimum zone lot size of 6,000 square feet. Maximum building heights are 30-35 feet.

### Existing Land Use



**Existing Building Form and Scale**



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

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

**Assessor:** No response.

**Asset Management:** No response.

**Denver Public Schools:** No response.

**Development Services – Fire Prevention:** No response.

**Development Services – Project Coordination** – Approve rezoning only – will require additional information at Site Plan Review. A Concept plan submittal will be required to ensure that all requirements of the E-RH-2.5 zone district have been met.

**Development Services – Transportation:** Approved – See comments below. DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

**Development Services – Wastewater:** No response.

**Parks and Recreation:** No response.

**Public Health and Environment:** Approved with the following comments: General Notes: Denver Department of Public Health and Environment concurs with the rezoning but is aware of potential environmental concerns near the Property. An area of historical urban fill (HUF) may exist just south of or may extend under the site. The HUF, if encountered during future site development, may contain solid waste or debris that would require proper handling and disposal. General Notes: 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 a radon mitigation system 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.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

**Public Works – ROW - City Surveyor:** Approved – See comments below. The description matches what the Assessor has.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the initial rezoning application to all affected members of City Council and Registered Neighborhood Organizations and property owners within 200 feet of the subject properties:	<b>09/06/18</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, Registered Neighborhood Organizations, and property owners within 200 feet of the subject properties:	<b>12/03/18</b>
Planning Board Public Hearing:	<b>12/19/18</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and Registered Neighborhood Organizations, at least ten working days before the meeting:	<b>12/24/18 (tentative)</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>01/08/19 (tentative)</b>
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and Registered Neighborhood Organizations:	<b>01/28/19 (tentative)</b>
City Council Public Hearing:	<b>02/19/19 (tentative)</b>

**Mediation**

The applicant participated in two mediated discussions with representatives from the Villa Park Neighborhood Association. After discussion of the issues no agreement was reached. See the attached mediation summary.

**Registered Neighborhood Organizations**

To date, staff has received no comment letters from Registered Neighborhood Organizations.



### **Other Public Comment**

To date, no other public comment has been received.

### **Criteria for Review/Staff Evaluation**

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

#### DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and 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 criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *West Colfax Plan (2006)*
- *Villa Park Neighborhood Plan (1991)*

### **Denver Comprehensive Plan 2000**

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-B “**Protect and improve air quality by: Reducing vehicular pollution by expanding the use of transit and other travel alternatives, supporting telecommuting and home-based employment, increasing the mix of uses within neighborhoods, and expanding the use of alternative fuels**” (p. 38).
- Environmental Sustainability Strategy 2-F “**Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place**” (p. 39).
- Land Use Strategy 1-H to “**Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents in the Citywide Land Use and Transportation Plan**” (p. 58).
- Land Use Strategy 3-B to “**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**” (p. 60).
- Land Use Strategy 4-A to “**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**” (p. 60).
- Mobility Strategy 3-B “**Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations**”

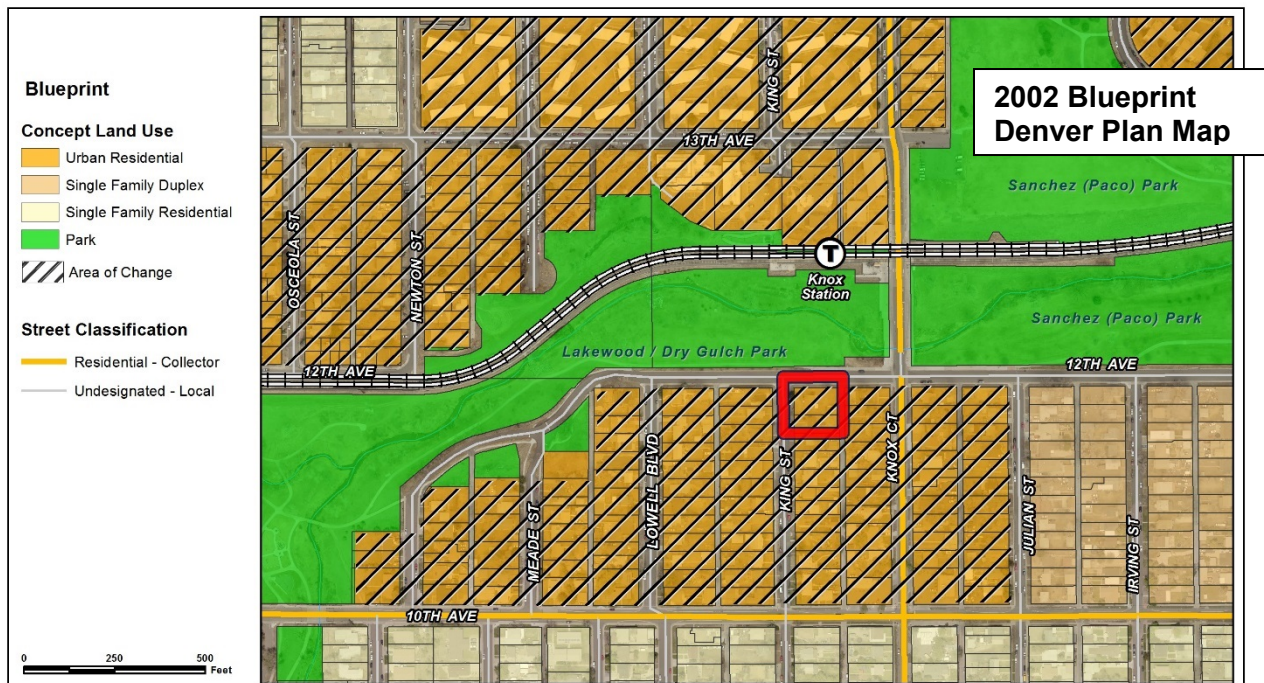
*should provide both higher ridership to the transit system and viability and walkability in the area” (p. 77).*

- Mobility Strategy 5-D **“Determine the potential for transit-oriented development at public transit stations and encourage such opportunities whenever possible” (p. 79).**

The proposed map amendment will enable the addition of transit oriented development in the form of new low-scale multi-unit residential development directly bordering the W light rail Line. Increasing the diversity of housing types near transit stations increases transit ridership and helps protect the City’s air quality. The E-RH-2.5 zone district will introduce more diverse residential development that matches the maximum building height of 30-35 feet currently allowed in the existing single unit zone district. The location of the subject properties on the northern edge of the Villa Park neighborhood also offers the opportunity for an increase in density that can provide a transition from the transit station to the predominately single family neighborhood. The allowed primary building forms in the E-RH-2.5 zone district are Suburban and Urban House, Tandem House, Duplex, and Row House. The rezoning is consistent with the Comprehensive Plan policies that encourage development of housing that meets the diverse housing needs of the City’s residents, of development that offer a discreet increase in density near transit stations and that supports infill development where services and infrastructure are already in place, where the infill development is in character with the existing neighborhood, and that helps protect the air quality of the City.

### **Blueprint Denver**

Blueprint Denver, the City’s Land Use and Transportation Plan, identifies the subject property as being within an Area of Change with a land use recommendation of Urban Residential.



### **Future Land Use**

Urban Residential neighborhoods are “*higher in density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures*” (p. 41-42). The proposed E-RH-2.5 zone district will bring the density of the proposed property closer to the Urban Residential land use category description by introducing low intensity multi-unit land use. Under the E-RH-2.5 district the variety of housing types allowed on the subject property would increase to include the Duplex, Tandem House, and Row House building forms. This is consistent with the description of housing types included in the description of the Urban Residential land use category. Based on the location of the subject property near the Knox Street light rail station and the envisioned Urban Residential land uses, the E-RH-2.5 zone district is consistent with the Blueprint Denver land use recommendation.

### **Areas of Change/Areas of Stability**

A central premise of the Blueprint Denver plan is that growth should be directed to Areas of Change. The Plan goes on to describe three types of Areas of Change including “[1] *Downtown*; [2] *Lowry, Stapleton and Gateway* and [3] *Areas where land use and transportation are closely linked*” (p. 20). The Plan goes on to describe features that characterize Area of Change as “*areas adjacent to and around transit stations*” and “*areas with special opportunities such as where major public or private investments are planned*” (p. 19). The subject property is adjacent to the Knox Street Light Rail Station on the W Rail Line, a part of the FasTracks project, a major public investment to expand transit in the Denver metro region. The property is also within 1/2 mile of the Decatur-Federal and the Perry Street light rail stations. In this location the property is in an area where transportation and land use are linked. It is therefore appropriate that the subject property is in an Area of Change and that the Plan vision is increased density. The Plan also includes strategies envisioned for these types of Areas of Change including:

- Compatibility between existing and new development
- Pedestrian and transit supportive design
- Mixed land uses
- Infill and redevelop vacant and underused properties
- Multi-modal streets
- Transit service and transit access
- Diversity of housing type, size, cost
- Retain low and moderate income residents

The proposed E-RH-2.5 zone district is an appropriate step up in density that is still in character with the adjacent neighborhood. The maximum building height in the existing single unit zone district is the same in the E-RH-2.5 zone district, and thus is compatible with the existing development in the area. The E-RH-2.5 district will serve to introduce low-intensity multi-unit housing onto the properties.

### **Street Classifications**

Blueprint Denver classifies 10<sup>th</sup> Avenue as a Residential Collector street and 12<sup>th</sup> Avenue and King Street as an Undesignated Local streets. “*As Collector and local streets residential streets*”

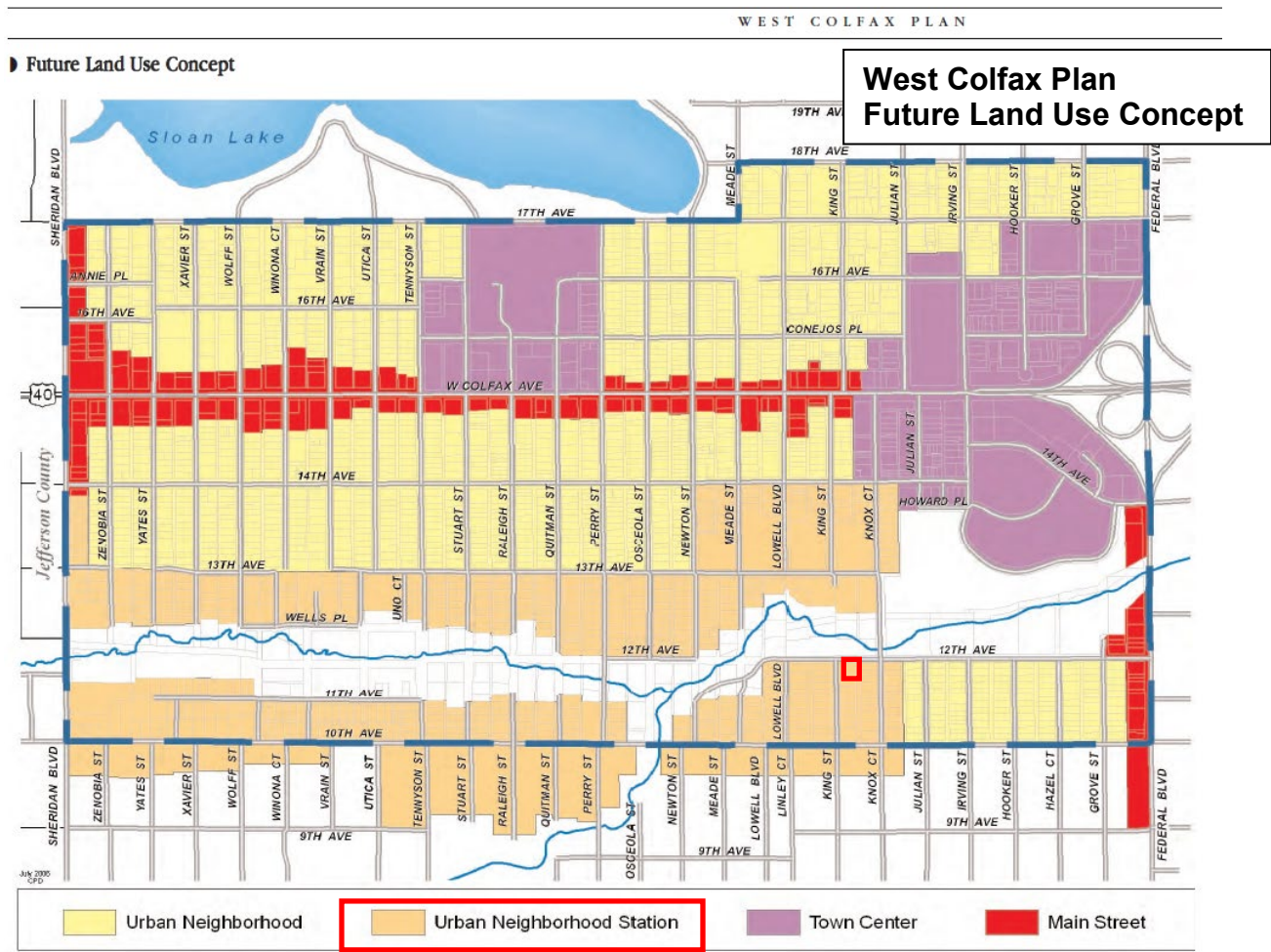
are designed to emphasize walking bicycling and land access over mobility” (p. 55), and local street are “tailored more to providing local access” (p. 51). The proposed map amendment will enable a modest increase in residential density appropriate to residential streets.

### West Colfax Plan (2006)

The West Colfax Plan includes a “Framework Plan” the purpose of which “provides the overarching goals and recommendations for these places within the study area; it provides the technical guidance for zoning regulatory changes, infrastructure planning and policy direction” (p. 78). Key components of the Framework Plan include Urban Design, Land Use, Mobility and Economic Development. The West Colfax Plan also contains District Plans to “provide guidance regarding the appropriate character and scale of an area...The district plans augment the prevailing goals and recommendations contained in the framework plan” (p. 120). Within the West Colfax Plan Framework Plan, the subject property, is identified in the following ways:

### Framework Plan/Future Land Use/Urban Design

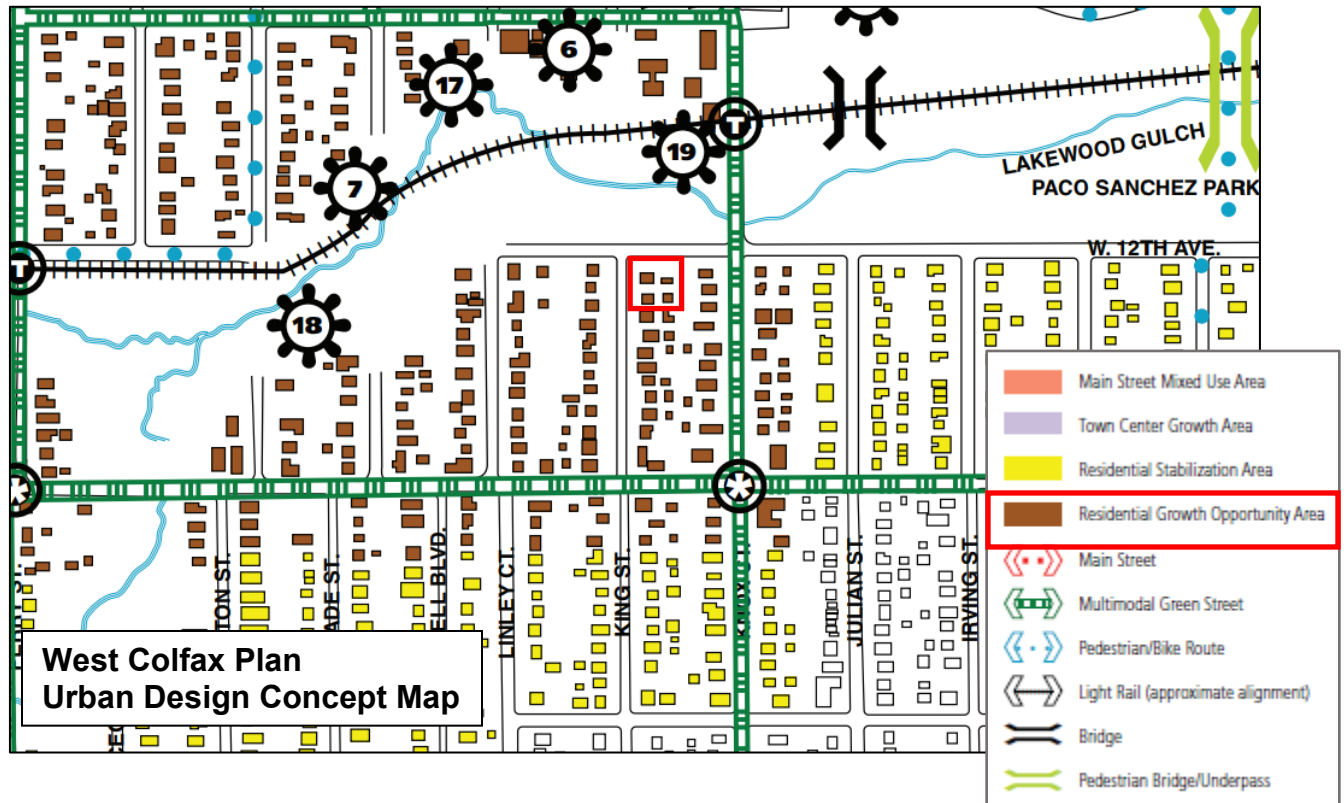
On the Future Land Use Concept map the properties are identified as “**Urban Neighborhood Station**”. See the red square on the Future Land Use Concept map below.



In the West Colfax Plan within Urban Neighborhoods there are two different types described:

1. Residential Stabilization Areas - “where existing buildings should be preserved, rehabilitated and reused.”
2. Residential Growth Opportunity Areas – “where the existing housing stock is dated and declining, and may be appropriate for redevelopment to encourage revitalization and reinvestment.”

This site is located within a Residential Growth Opportunity Area. See the Urban Design Concept Map below.



#### Urban Neighborhood Station

The land use and urban design concept for the “**Urban Neighborhood Station**” future land use designation is “*Single family and multi-family residential*” with a typical scale of 1-5 stories.

“*This land use development pattern occurs within a 1/4 to 1/2 mile radius of light rail stations in the central city of a metropolitan region. Generally, development happens here as infill on vacant parcels or redevelopment of underutilized parcels or dated and declining properties.*”

**Since the stations evolve in established residential areas, initial changes may add density and intensity in compact building forms that blend in with the prevailing residential context.** Development may progress initially from residential additions and rehabilitations to the addition of carriage houses and conversion of single-family structures to duplexes, triplexes and quads. Over the long-term, some more significant and welcome redevelopment may occur, adding small and medium scale apartments or condominium buildings in close proximity to the station areas” (p. 85).

Additional Framework Plan **Land Use Recommendations** include:

**“Recommendation 1: Urban Neighborhood Regulatory Tools**

*Work with the Zoning Code Task Force to establish and apply form based zoning tools appropriate for the mix of building types and uses (primarily housing and complementary uses) that define an urban neighborhood and their associated station areas. Ensure that these zoning tools consider, define and respect the traditional and desired forms of urban neighborhood patterns of development. Consider:*

- **Urban design** (lot and block structure, site design, building orientation, setbacks, relationship of buildings to streets)
- **Range of building types** (single family structures, duplexes, triplexes, quads, courtyard apartments, carriage houses, **row houses**, town homes) and associated design elements (entries, balconies, stoops, materiality, glazing)
- **Architectural character** (building envelope, scale, proportions, materiality, rhythm, massing and height)
- **Location criteria for certain building types and uses to ensure the evolution of the appropriate urban neighborhood texture that complements the transportation network:**
  - **Ensure rational evolution of urban neighborhoods and their station areas, so that changes in development intensities occur in harmony with prevailing neighborhood character.**
  - **Correlate higher intensity structures within close proximity of station area platforms or as end cap buildings on block faces fronting busy neighborhood streets”** (p. 94).

**Recommendation 6: Housing Diversification**

*...Diversify housing options and encourage a healthy urban mix of incomes. Promote a range of housing types and costs at higher densities in strategic locations (town centers, station areas, main streets)”* (p. 95).

**Recommendation 8: Transitions**

*“To the greatest extent possible, focus both structural and use intensity to main streets, transit station areas and town centers. Incorporate design and development standards to address solar access and privacy protection, such as bulk plane, building orientation and roof form standards. ...”* (p. 96).

**District Plans**

In addition to the Framework Plan, the West Colfax Plan includes District Plans. The district plans “do not imply zoning changes” but are included in the Plan to “provide guidance regarding the appropriate character and scale of an area” (p. 120).

Maple Grove Transit Station District Plan: The West Colfax Plan includes the subject site within the “Maple Grove Transit Station.” See the red square on the District Plans map below.

Specific to the neighborhood stations, the Plan offers the following District Plan recommendations:

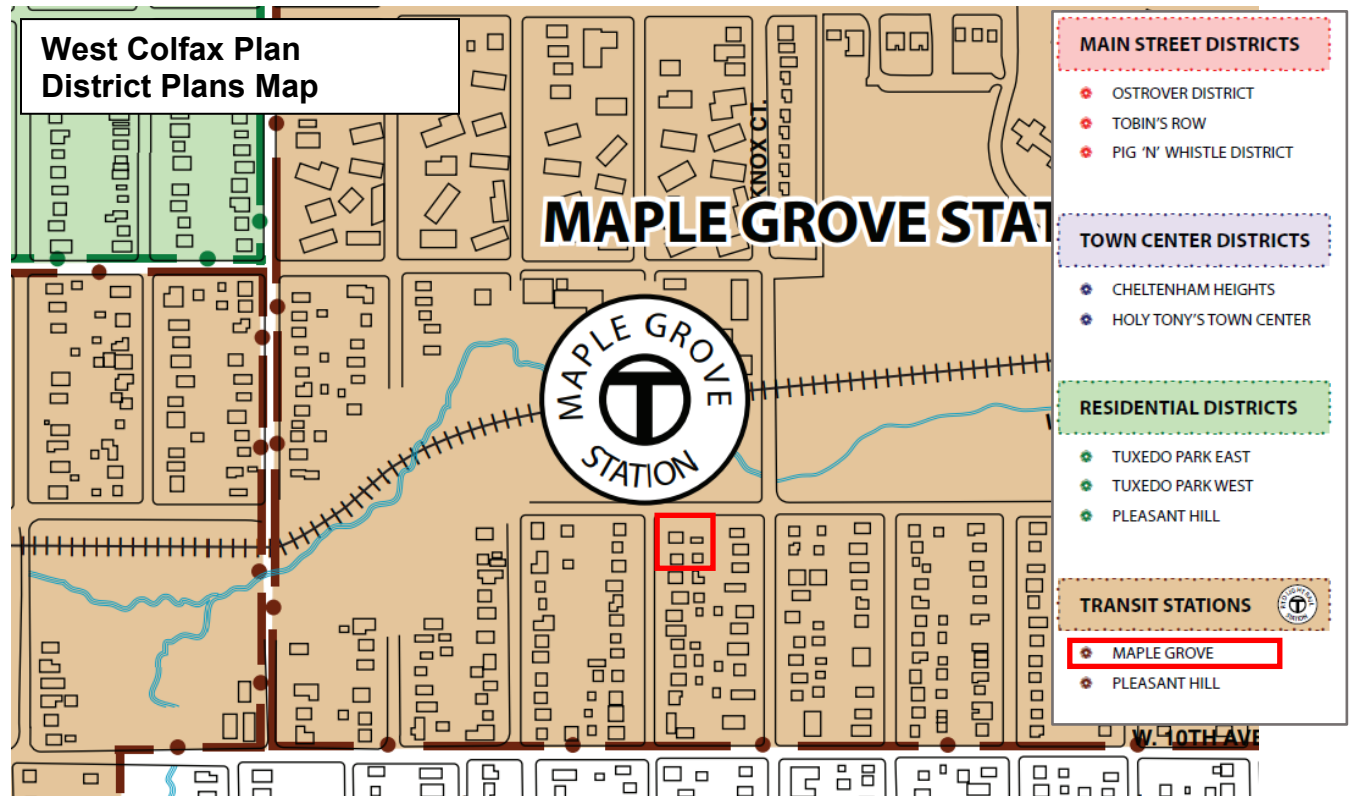
**Recommendation 1: Urban Neighborhood Station Elements**

**“Establish the appropriate regulatory conditions and incentives to facilitate the redevelopment of the edges of Villa Park and West Colfax neighborhoods near the rail**

*facilities, as well as the catalyst development sites at Avondale and Westridge. Incorporate special features to reinforce stations as a key transit transfer point or stop.”*

**Recommendation 2: Redevelopment of Station Areas**

*Maple Grove Station. Maple Grove Station presents the greatest opportunity for redevelopment. Advance planning should explore the opportunity to use Decatur Station as an initial staging area for the redevelopment of Avondale, the Overlook Apartments, Westridge Homes and other nearby obsolete/dated public housing facilities as higher density, healthier mixed-income communities. ... East of Lowell [Boulevard], encourage redevelopment at higher intensity to improve the housing stock and residential densities as the district approaches the Avondale shopping center” (p. 142).*



The common theme in the West Colfax Plan recommendations for the subject property is that the property is recommended to transition to more intense station/urban residential land uses centered near the stations along the West Light Rail Line. The Urban Neighborhood Station recommended land use concept describes a range of housing types that include single family and multi-family land uses. To conform with the Urban Neighborhood Station concept (within ¼ to ½ mile of the station) the Plan recommends adding “*density and intensity in compact building forms that blend in with the prevailing residential context*” and building heights of 1-5 stories.

The proposed zoning for the subject site, E-RH-2.5, will increase the range of residential housing types and will control the scale of future development to the same scale as the surrounding residential development. With the allowed low-intensity multi-unit building forms, residential uses, and 30-35 feet height restrictions featured the E-RH-2.5 zone district, the zone district is consistent with the West Colfax Plan.

### **Villa Park Neighborhood Plan (1991)**

The Villa Park Neighborhood Plan was adopted in 1991. The land use and zoning vision expressed in the Plan is:

- *Compatibility of zoning to land use*
- *Protection of residential character of the neighborhood*
- *Compatibility between residential and business land uses (p. 18)*

Land Use and Zoning Plan Recommendations include:

Strategy LZ-1: *“Discourage higher density development”*.

Implementation Program LZ-1a: *“Consider rezoning portions of the neighborhood. Zoning is intended to reflect both the current and the desired character of an area. However, while most of the housing in Villa Park is single-unit, the zoning throughout much of the neighborhood, R-2, allows and encourages the development of low density apartments. The property owners in those areas, therefore, should consider rezoning to a lower density residential zone, which would more accurately reflect the existing and desired character of the neighborhood” (p.18).*

Strategy LZ-2: Discourage development that is incompatible with the scale and quality of the neighborhood.

Implementation Program LZ-2a: *“Monitor requests for rezoning and for zoning variances”*

The proposed E-RH-2.5 zone district complies with the land use and zoning vision of the Villa Park Neighborhood Plan in terms of protecting the residential character of the neighborhood because the proposed zone district is a residential district and in terms of compatibility because the E-RH-2.5 height limit is the same as the height limit in the current zone district. The Plan recommendation discouraging higher density development predated the public investment in the development of the adjacent light rail line, and the development of more current land use recommendations in Blueprint Denver and the West Colfax Plan. The E-RH-2.5 zone district is a district that both respects the character of the existing neighborhood in terms of building height and residential land use type and allows for a reasonable increase in density given the location of the property in close proximity to the Knox Street light rail station.

- 2. Uniformity of District Regulations and Restrictions:** Rezoning the site to E-RH-2.5 will further the uniform application of district regulations in the City. The same regulations will apply to the subject site as to other areas zoned E-RH-2.5 in the city.
- 3. Public Health, Safety and General Welfare:** The proposed map amendment furthers the public health, safety and general welfare of the City by implementing the vision set forth in the City’s adopted plans by allowing low intensity redevelopment that is in character with the surrounding neighborhood.
- 4. Justifying Circumstances**  
The application identifies the changing conditions immediately north of the properties along the West Corridor Light Rail line as the Justifying Circumstance under DZC Section 12.4.10.8.A, *“Since the date of the approval of the existing zone district, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”* The proposed map amendment is in response to the



changed circumstances of light rail transit serving the area, the new W light rail line and Decatur-Federal and Perry Street stations in the vicinity. Staff believes changed conditions is an appropriate justifying circumstance.

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

The fifth review criterion in the Denver Zoning Code is that the proposed official map amendment must be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Overall, the proposed map amendment is consistent with the Urban Edge Neighborhood Context. The Denver Zoning Code describes the Urban Edge context as characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms with some Suburban House forms. Multi-unit forms are typically Row House, or Apartment forms embedded with other residential forms. Commercial buildings are typically Shopfront and General forms that typically contain a single type of use. Street and block patterns are a regular pattern of block shapes surrounded by an orthogonal street grid. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

*The Urban Edge residential zone districts are intended to “promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood...The building form standards, design standards, and uses work together to promote desirable residential areas...The standards of the two unit and town house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form.” Specifically the E-RH-2.5 zone district is “a multi-unit district and allows suburban house, urban house, detached accessory dwelling unit, duplex, tandem house and row house building forms up to two stories in height.”*

The proposed map amendment is consistent with both the general and specific purpose and intent of the Urban Edge context and the E-RH-2.5 zone district because the proposed zoning will promote new a low density transit oriented residential development that is in character with the existing neighborhood in scale and land use type.

#### **Attachments:**

1. Mediation Report
2. Application
3. Legal Description



Helping People Talk  
to People

## Community Mediation Concepts

A NONPROFIT ORGANIZATION PROVIDING  
MEDIATION, CONFLICT RESOLUTION AND FACILITATION SERVICES

December 7, 2018

Theresa Lucero, Senior City Planner  
Community Planning and Development  
City and County of Denver

Dear Theresa:

Thank you for referring the rezoning request for 1080 & 1090 North King Street, Denver, Colorado to mediation. I contacted Bruce O'Donnell, who is representing Paul Malone, the applicant, and they were both willing to mediate. I contacted the representative for Villa Park Neighborhood Association, who agreed to pull together the appropriate group to represent the neighborhood and enter into mediation. However, as you know getting timely responses or being able to schedule was impossible. I'm sorry for how long this process took.

Ultimately, we were able to meet on October 29, 2018. In attendance were five representatives from Villa Park Neighborhood Association (VPNA), the applicant and Mr O'Donnell. Mr Malone presented his request for rezoning and explained in detail what he was proposing to build on these two lots. There was a significant amount of discussion. We left that meeting with the understanding that while VPNA still had questions about the impact on their neighborhood and was uncertain if they could support the number of units being proposed; that if certain listed criteria could be met, then it was possible, maybe even probable, the neighborhood would support a rezoning.

We reconvened on November 11, 2018. Mr Malone and Mr O'Donnell asked for this amount of time to see if they would be able to meet and commit to the requests the neighbors had presented.

Prior to our meeting, Mr O'Donnell emailed to the group a proposed Memorandum of Understanding, Deed Restrictions and Protective Covenants detailing and fully addressing each of the neighbors' concerns and requests through design, setbacks, materials, and environmentally.

At our November 11<sup>th</sup> meeting we reviewed the plans, discussed each of the specific requests VPNA had made and how they were addressed and fulfilled by the revised proposal. It was an amiable discussion, VPNA appreciated the efforts Mr Malone had made; BUT said they truly believe and are convinced that only single-family homes would really contribute to the stability, character, and sustainability of what they all loved in their neighborhood.

Please don't hesitate to contact me with any questions.

Sincerely yours,

Steve Charbonneau  
Executive Director, Community Mediation Concepts