



**TO:** Denver Planning Board  
**FROM:** Rob Haigh, Senior City Planner  
**DATE:** March 27, 2024  
**RE:** Official Zoning Map Amendment Application #2023I-00231

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00231.

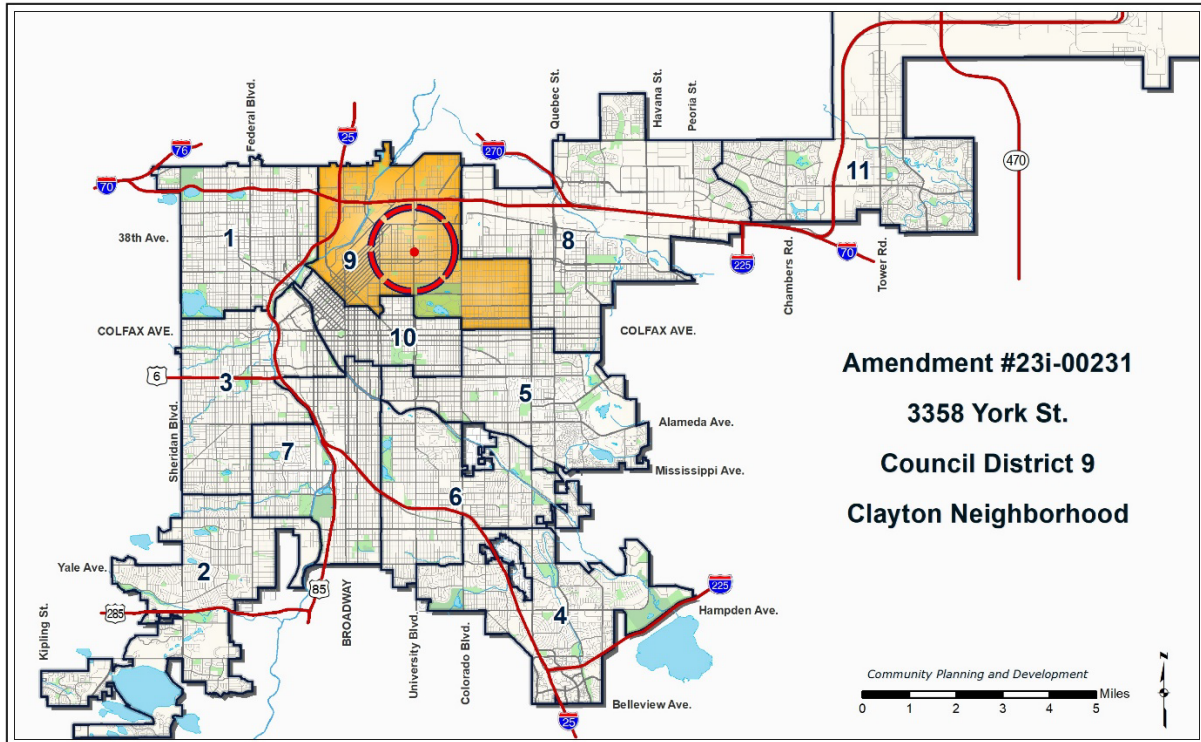
### Request for Rezoning

Address:	3358 North York Street
Neighborhood/Council District:	Clayton / Council District 9 – Darrell Watson
RNOs:	Inter-Neighborhood Cooperation (INC), United Community Action Network, Clayton United, Opportunity Corridor Coalition of United Residents, East Denver Residents Council, East Denver United Neighbors, Strong Denver
Area of Property:	15,339 square feet
Current Zoning:	U-SU-A1, U-MS-2
Proposed Zoning:	U-MS-3
Property Owner(s):	York/Randolph LLC

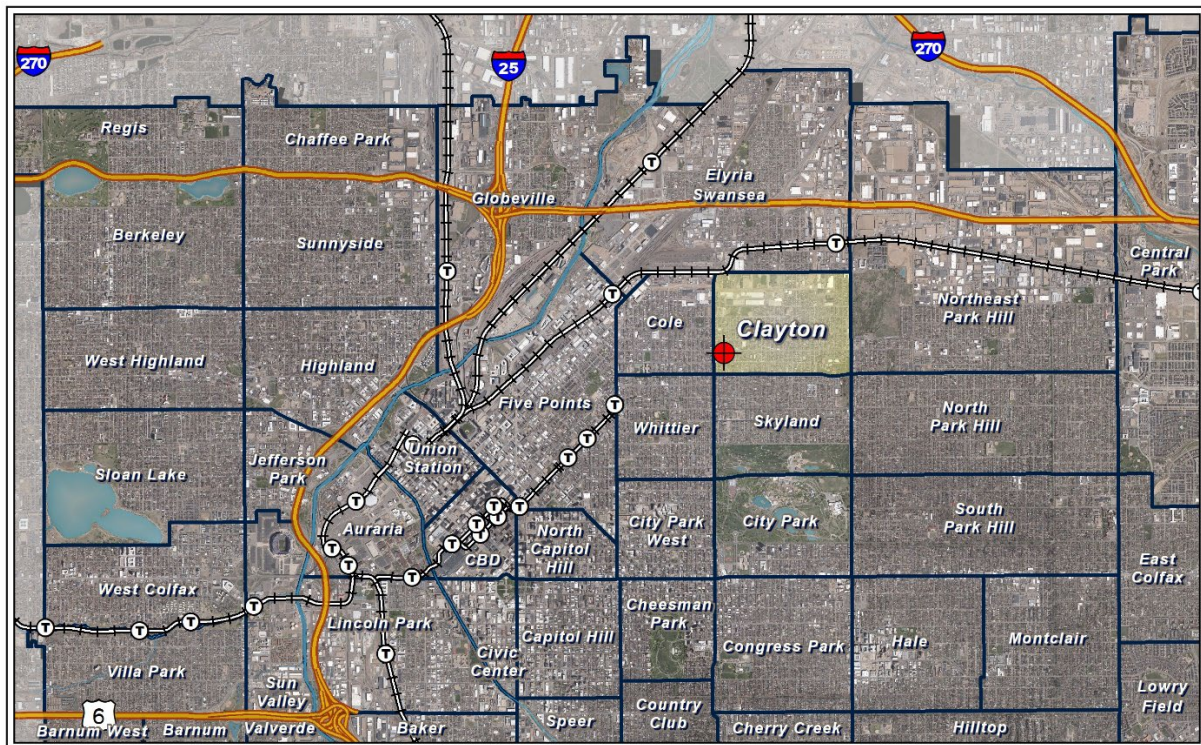
### Summary of Rezoning Request

- The subject property contains a single-story commercial structure built in 1939 and is at the intersection between East Bruce Randolph Avenue and North York Street.
- The larger northern portion of the property, which contains the existing structure, is zoned U-MS-3 (**U**rban, **M**ain **S**treet, **2** stories), and a smaller southern portion of the property, containing part of the existing parking lot, is zoned U-SU-A1 (**U**rban, **S**ingle **U**nit, 3,000 sq ft minimum lot size)
- The property owner is proposing to rezone the property to allow a mix of uses similar to what is allowed currently on the northern portion of the property, but with an increased height from 2 to 3 stories.
- The proposed U-MS-3 Zone District (**U**rban, **M**ain **S**treet, **3** stories) is intended to “promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.” The U-MS-3 Zone District applies primarily to collector and arterial street corridors or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired. The Zone District allows for construction of the Town House and Shopfront primary building forms, and drive thru services and restaurants are allowed subject to geographic limitations. The maximum height of the allowed primary building forms ranges from 38 to 45 feet with a maximum of 27’ for areas of the lot that are closest to the adjacent protected districts.

### City Location



### Neighborhood Location – Clayton



### Aerial View



### Existing Context

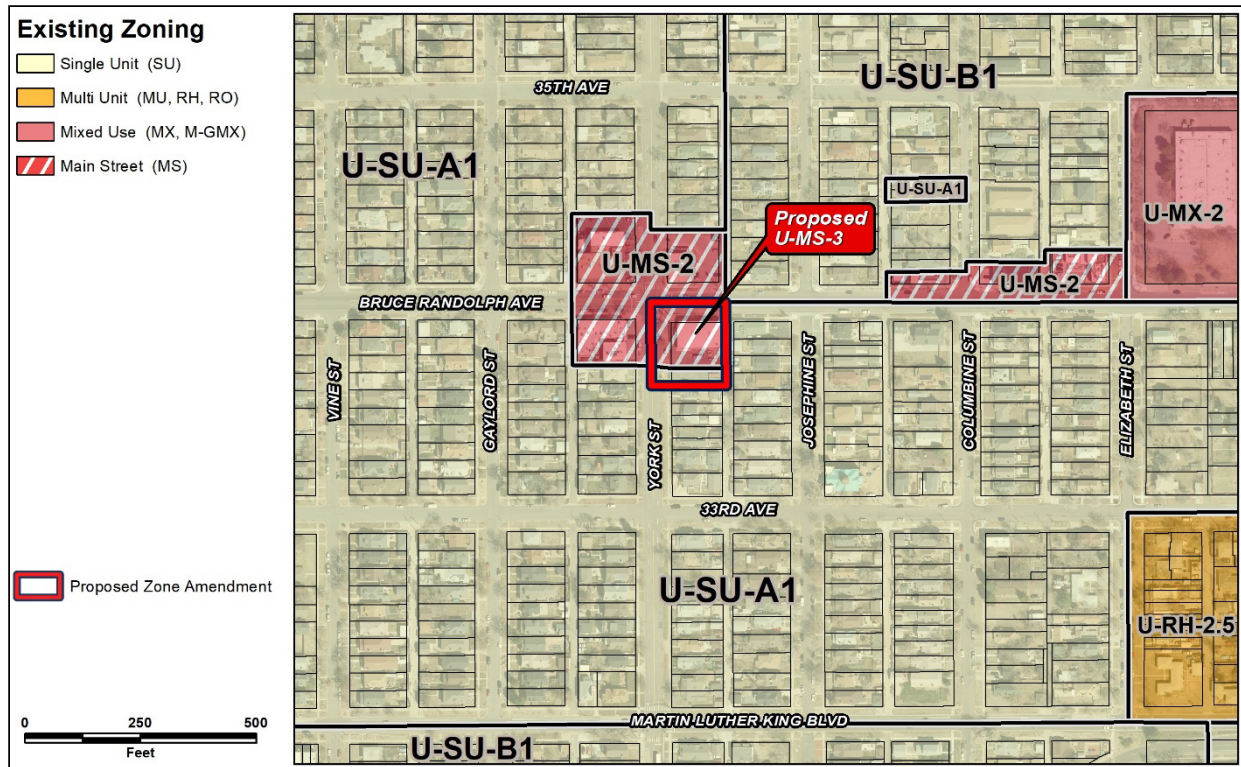
The subject property is in the Clayton statistical neighborhood, which is characterized predominately by single-unit and two-unit residential uses with imbedded public/institutional, industrial, and mixed-use areas throughout. The subject property is located at the southeastern corner of the intersection between East Bruce Randolph Avenue and North York Street and houses a commercial/retail use. The property is part of a small commercial/retail node surrounding the intersection that is surrounded by predominately single-unit residential uses. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is about one-quarter mile northeast of the nearest park, which is Russell Square Park. There is an RTD stop on the subject property along East Bruce Randolph Avenue, which serves Route 38 and has 30-minute headways.

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	U-SU-A1, U-MS-2	Commercial/Retail	1 story commercial structure	Generally regular grid of streets; Block sizes and shapes are
North	U-MS-2	Commercial/Retail	1 story commercial structure	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	U-SU-A1	Single-unit residential	1.5 story house with attached garage at alley	consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
East	U-SU-A1	Single unit residential and institutional	1 story house with attached garage at alley and single-story institutional building	
West	U-MS-2	Commercial/Retail	1 story commercial structure	

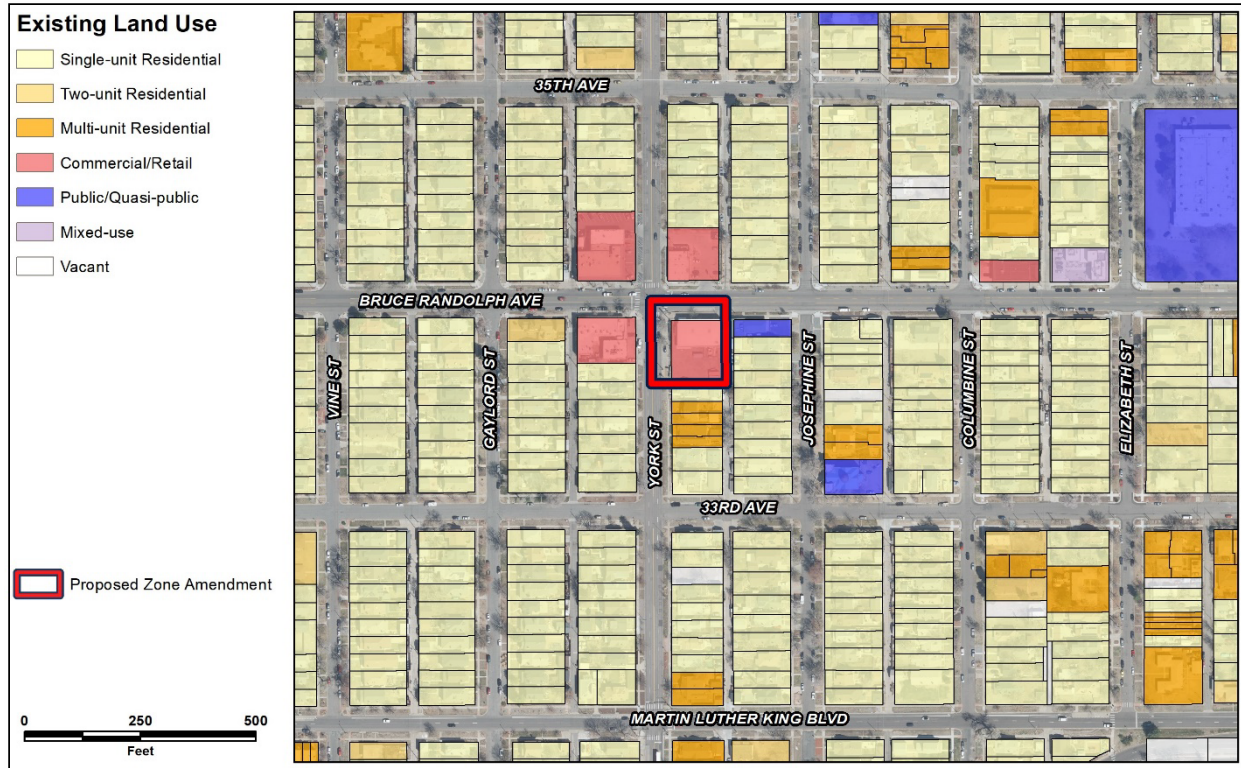
### Existing Zoning



The subject property is currently zoned U-MS-2 and U-SU-A1. The U-MS-2 zone district is a mixed-use main street zone district allowing the shopfront, townhouse, and drive thru building forms. The maximum height allowed is 2 stories or 30 feet. The intent of the district is to provide for appropriate locations for traditional corner commercial establishments located within a residential neighborhood.

The U-SU-A1 zone district is characterized by single-unit and two-unit uses. Single-unit residential uses and structures are usually the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet.

### Existing Land Use Map



The most current use of the subject property is commercial and retail which is similar to the uses to the that surround this intersection. Beyond this commercial and retail node, the surrounding uses are primarily single unit residential with embedded two unit and multi-unit residential uses.

### Existing Building Form and Scale (all images from Google Maps)



**Subject Site** - View of the subject property, looking east from North York Street



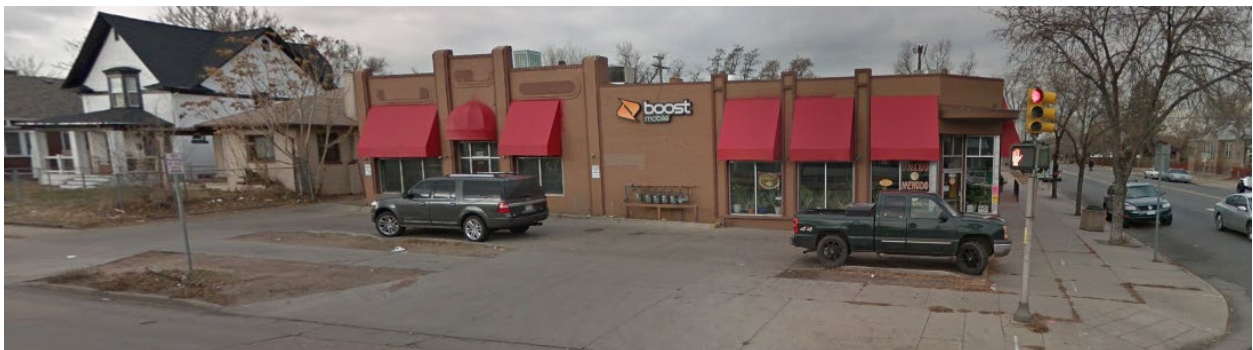
**North** - View of the property to the north, looking north from East Bruce Randolph Avenue



**South** - View of properties to the south, looking east from North York Street



**East** - View of properties to the east, looking west from North Josephine Street



**West** - View of the properties to the west, looking west from North York Street.

### Proposed Zoning

The requested U-MS-3 Zone District is found in the Urban neighborhood context and the intent of the district is to “promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.” Additionally, the Main Street district standards are intended to ensure new development contributes positively to established residential neighborhood and character, improving the transition between commercial development and adjacent residential neighborhoods. The Zone District allows for construction of the Town House and Shopfront primary building forms, and drive thru services and restaurants are allowed unless the zone lot is within ¼ mile of the outer boundary of a rail transit station platform. These building forms are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets. Multi-unit residential uses are typically located along local streets, residential and mixed-use arterials, and main streets. For additional details of the requested zone district, see Article 5 of the Denver Zoning Code.

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

Design Standards	U-MS-2 (Existing)	U-MS-3 (Proposed)
Primary Building Forms Allowed	Town House, Shopfront, Drive Thru Services, Drive Thru Restaurant	Town House, Shopfront, Drive Thru Services, Drive Thru Restaurant
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2 stories / 30 feet	3 stories / 45 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	2 stories / 30 feet	3 stories / 45 feet
Zone Lot (Min.)	n/a	n/a
Zone Lot Width (Min.)	n/a	n/a
Primary Street Block Sensitive Setback Required / If not	0 feet	0 feet
Side Street Setback (Min.)	0 feet	0 feet
Side Interior Setback (Min.)	10 feet, adjacent to a protected district	10 feet, adjacent to a protected district
Rear Alley / No Alley	0 feet / 10 feet	0 feet / 10 feet
Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	none	15 feet / 25 feet

<b>Design Standards</b>	<b>U-SU-A1 (Existing)</b>	<b>U-MS-3 (Proposed)</b>
Primary Building Forms Allowed	Town House, Shopfront, Drive Thru Services, Drive Thru Restaurant	Town House, Shopfront, Drive Thru Services, Drive Thru Restaurant
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30-35 feet	3 stories / 45 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 stories / 17 feet	3 stories / 45 feet
Zone Lot (Min.)	3,000 sq. ft.	n/a
Zone Lot Width (Min.)	25 feet	n/a
Primary Street Block Sensitive Setback Required / If not	Calculated per 13.1.5.9.	0 feet
Side Street Setback (Min.)	3 feet - 7.5 feet depending on lot width	0 feet
Side Interior Setback (Min.)	3 feet to 7.5 feet depending on lot width	10 feet, adjacent to a protected district
Rear Alley / No Alley	12 feet / 20 feet	0 feet / 10 feet
Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	n/a	15 feet / 25 feet



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

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

**Assessor:** Approved – No Response

**Asset Management:** Approved – No Comments

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

**Department of Public Health and Environment:** Approve Rezoning Only – Will require additional information at Site Plan Review

(EQ) is aware that the Property associated with Rezoning Application #2023i-00231 is subject to an approved Corrective Action Work Plan (dated October 31, 2022) to remediate dissolved chlorinated solvent plume beneath the Property (formerly "Four Seasons Cleaners"), as well as monitoring well installation, groundwater sampling, and indoor sampling. Any future uses or changes to this property should comport with the requirements of the Corrective Action Plan as long as the site is under the regulatory purview of CDPHE.

EQ does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

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

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

**Development Services – Project Coordination:** Approved Rezoning Only – Will require additional information at Site Plan Review

1) Any site work, changes of use, or additional square footage or structures for the property will require Zoning approval. Depending on the scope, zoning approval may be able to be processed through the Commercial Zoning team in association with a building LOG. More intensive uses and additional GFA will trigger a formal Site Development Plan review process.

**Development Services - Fire Protection:** Approved – No Comments

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

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

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>2/06/2024</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>3/19/2023</b>
Planning Board Public Hearing:	<b>4/3/2024</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>(tentative)</b> :	<b>4/9/2024</b>
Land Use, Transportation and Infrastructure Committee of the City Council <b>(tentative)</b> :	<b>4/23/2024</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations <b>(tentative)</b> :	<b>5/13/2024</b>
City Council Public Hearing <b>(tentative)</b> :	<b>6/3/2024</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
  - To date, staff has received one letter in opposition of the proposed rezoning with concerns about parking.

## Criteria for Review / Staff Evaluation

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

### DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

## Consistency with Adopted Plans

The following adopted plans apply to this application:

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

### *Denver Comprehensive Plan 2040*

The proposed rezoning to a 3-story main street zone district would allow for mixed-use development that includes an increased potential density of residential uses at an established mixed use node within an established neighborhood, consistent with the following strategies in the **Equitable, Affordable, and Inclusive** vision element:

- Equitable, Affordable, and Inclusive Goal 1, Strategy A: *Increase development of housing units close to transit and mixed-use developments.*
- Equitable, Affordable, and Inclusive Goal 1, Strategy B: *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts.*
- Equitable, Affordable and Inclusive Goal 2, Strategy A - *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*

Similarly, the proposed U-MS-3 zoning would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for complete neighborhoods. The proposed rezoning would create a more viable development parcel at this existing commercial and retail node without extending the mixed use area any further south than it already exists. The portion of the parcel that is zoned U-SU-A1 is already being used for surface parking accessory to the use of the structure on the zone lot. Further, the application of main-street zoning contributes to the city's aspirational network of vibrant mixed use areas and is therefore consistent with the following strategies in the **Strong and Authentic Neighborhoods** vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*
- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*

- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).

The land use pattern detailed in the previous paragraph is also consistent with the following strategies in the **Environmentally Resilient** vision element. This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. The proposal focuses any future growth that results from this rezoning close to mixed-use development and transit. Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage.

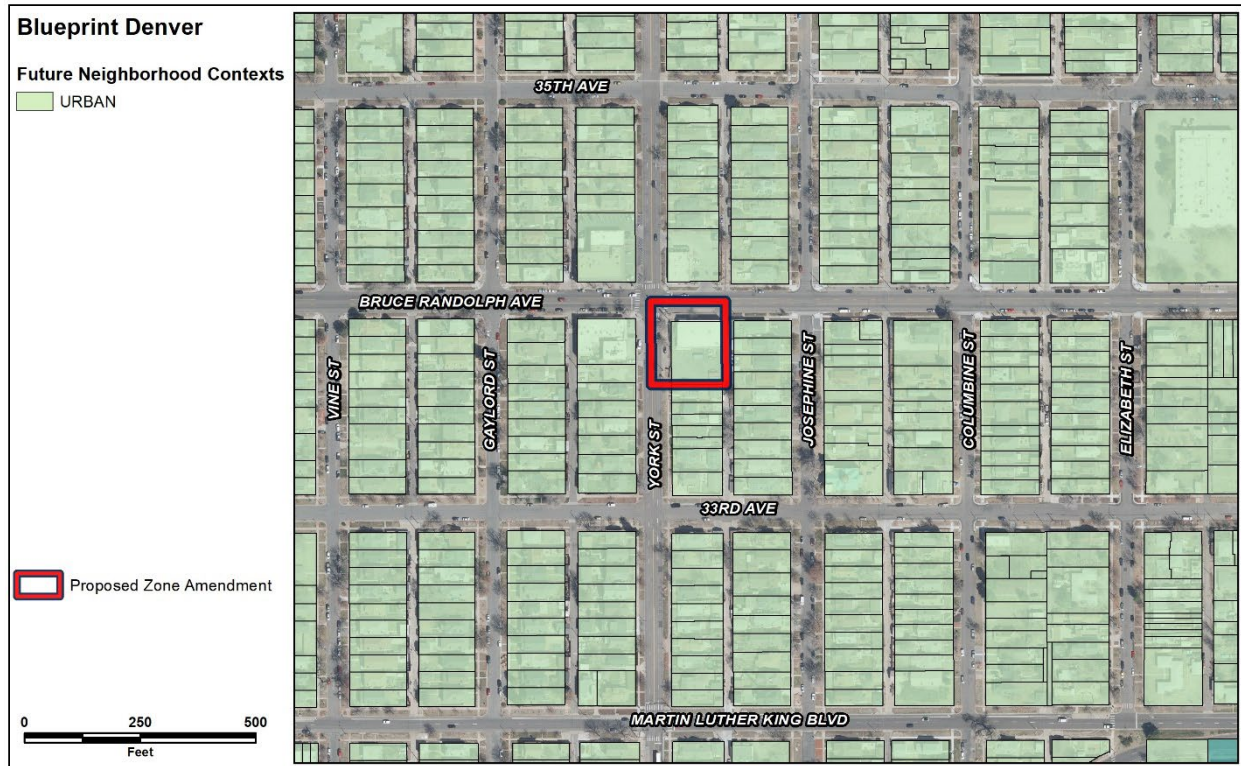
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods* (p. 54).

Rezoning to facilitate redevelopment of this site advances the Environmentally Resilient strategies of *Comprehensive Plan 2040*. The requested map amendment would allow for a broader variety of uses including housing, retail services, and employment at an intensity consistent with the desire for dense, walkable, mixed-use neighborhoods expressed in *Comprehensive Plan 2040*.

### Blueprint Denver

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential future place within the Urban future neighborhood context and provides guidance on the future growth strategy for the city.

### Blueprint Denver Future Neighborhood Context

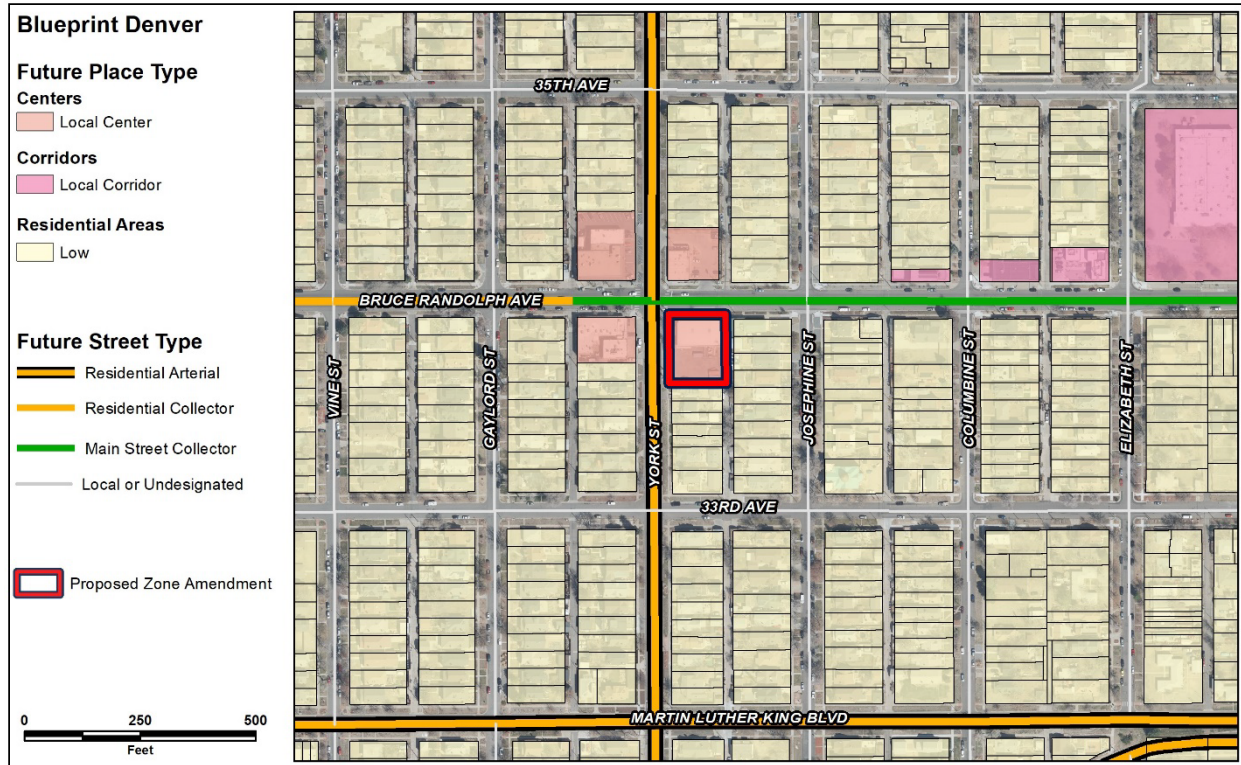


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222)

The proposed U-MS-3 Zone District is within the Urban Neighborhood Context and is intended “to promote safe, active, and pedestrian-scaled commercial street through building forms that clearly define and activate the public street edge” and “should be applied where a higher degree of walkability and pedestrian activity is desired than required along a Corridor, Mixed Use, or Residential Mixed Use zone district” (DZC Section 5.2.5.1). The U-MS-3 Zone District is consistent with *Blueprint Denver*’s future neighborhood context of Urban because it will promote an urban, mixed-use environment that

will be compatible with the development at the intersection of North York Street and East Bruce Randolph Boulevard and provide a transition to the surrounding residential area.

### Blueprint Denver Future Place



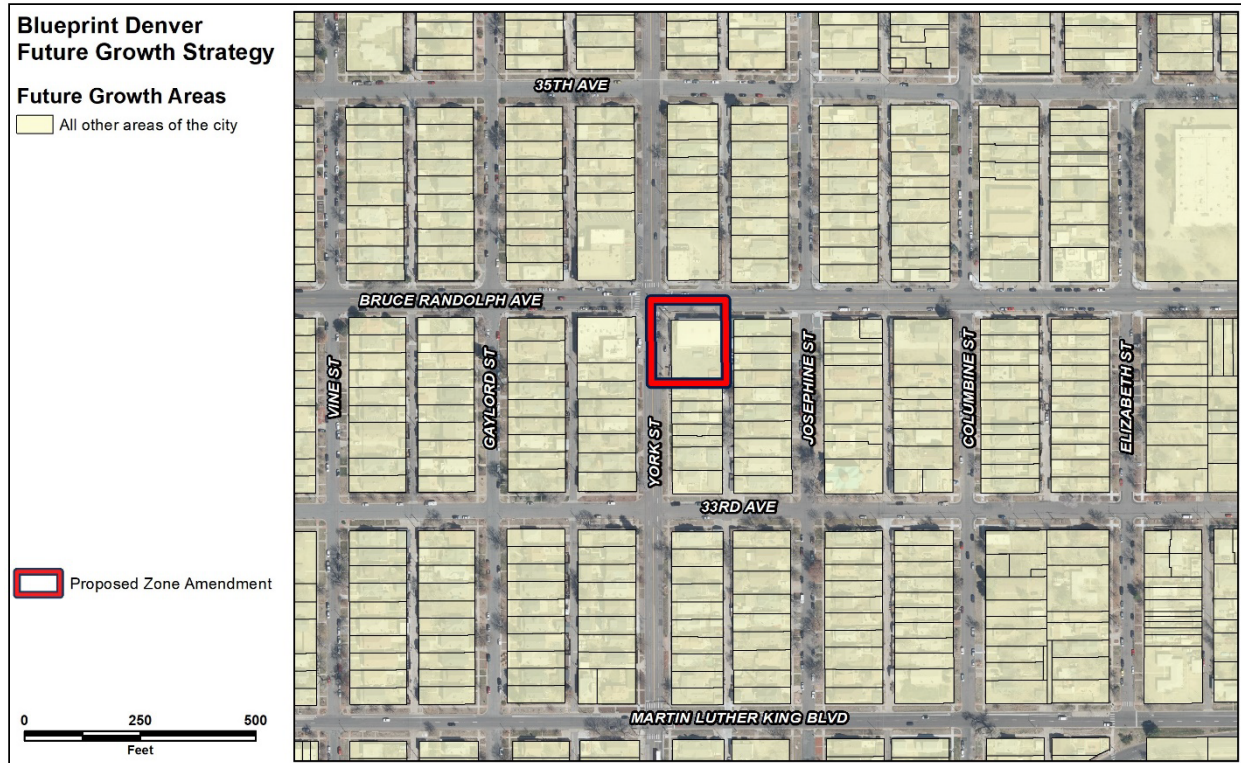
The subject site is designated within a Local Center future place on the *Blueprint Denver* Future Place map. This place type “Primarily provides options for dining, entertainment and shopping,” “may also include some residential and employment uses” and is “typically frequented by residents of the neighborhood.” (p. 226) Building heights in the Local Center Future place types are “generally up to 3 stories and generally will not have a transition area as the low intensity easily integrates into the surrounding neighborhood.” (p. 226) The U-MS-3 is a main street zone district that allows for a mix of uses with heights up to 3 stories which is consistent with the Local Center future place type description. Additionally, the required upper story setbacks required by the Denver Zoning Code enable a transition to integrate any future development into the surrounding neighborhood.

### Blueprint Denver Future Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North York Street a Residential Arterial Future Street Type, which includes “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 160). The subject property is within a small retail node as described in the plan. To the north, East Bruce Randolph Avenue is classified as a Main Street Collector Future Street Type, which are “Characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian oriented, with

little front setback, a continuous street wall, and high transparency. Street level uses are highly activated, including cafe seating in the right-of-way.” (p.158). The proposed U-MS-3 district is consistent with these descriptions.

### ***Blueprint Denver Growth Strategy***

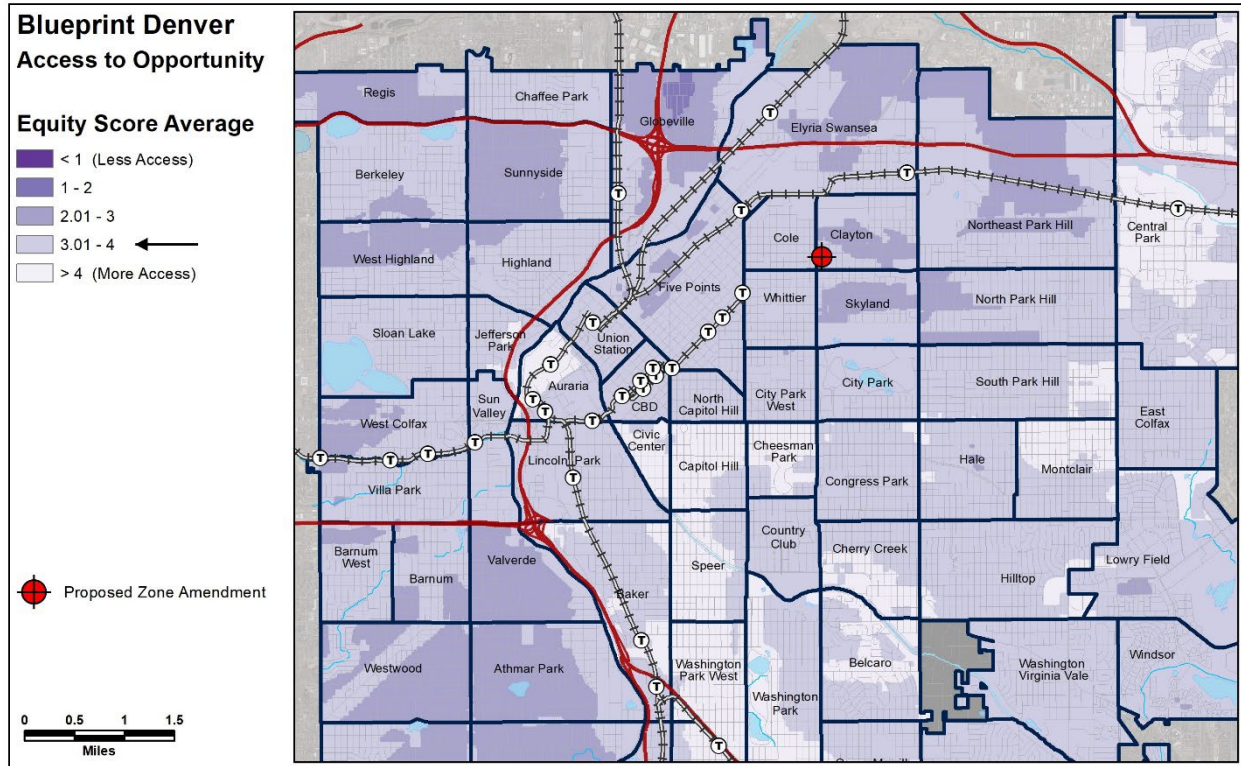


*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to U-MS-3 will allow growth to the number of households and potential employment options in this area by a mix of uses and greater density of residential uses on this lot within an existing commercial and retail node.

### ***Blueprint Denver Equity Concepts***

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through rezonings along with other implementation actions. Given that the subject site is within one of Denver's Neighborhood Equity and Stabilization (NEST) focus neighborhoods, an equity analysis is included in this staff report and was shared with the applicant for consideration. The applicant's response is included with the application that is attached to the staff report.

### Access to Opportunity

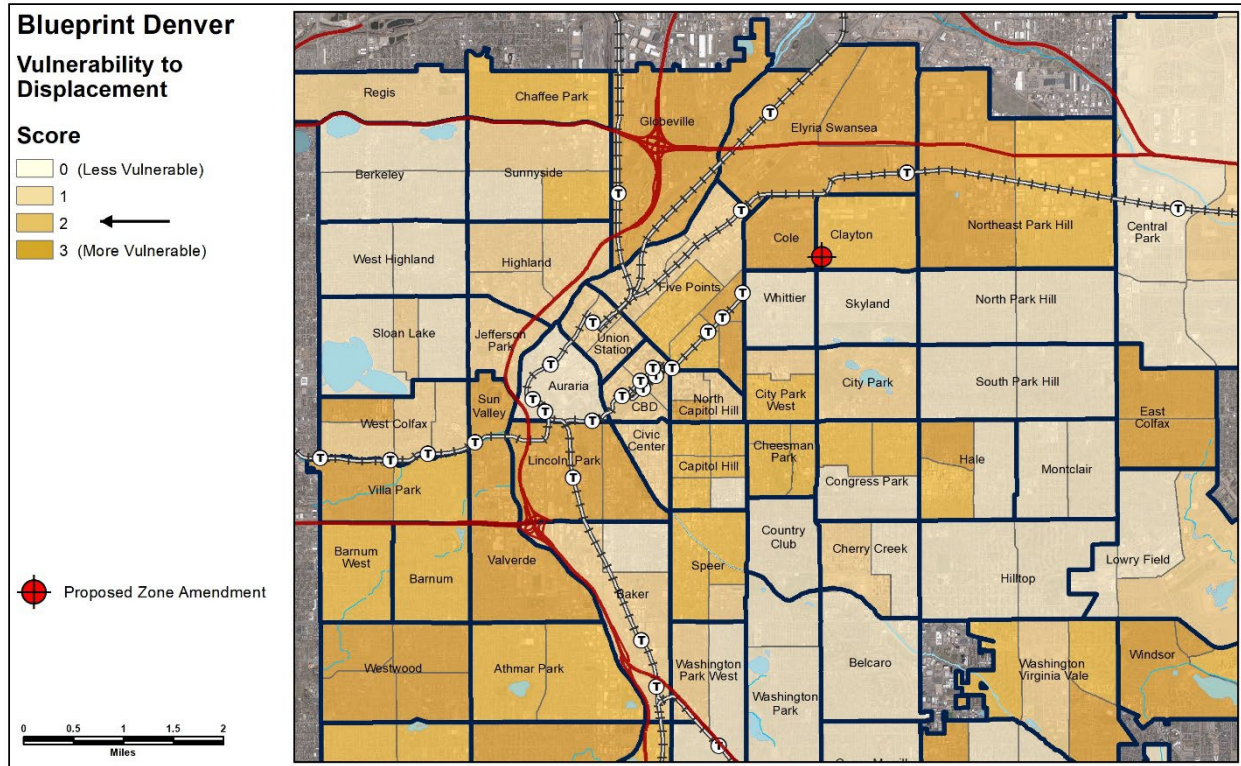


The subject property is in the Clayton Neighborhood, which is identified as an area with more access to opportunity compared to the rest of the city. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Analyzing this metric helps us measure our progress towards achieving the vision for complete neighborhoods across the city. The subject area is less equitable than Denver as a whole when it comes to access to transit, healthcare, and life expectancy.

The proposed rezoning to increase the developability of the zone lot does not directly increase access to opportunity. However, an increase in amenities or dwelling unit density may increase the likelihood that other goods, services, and amenities will locate in the commercial and mixed-use zoned areas of the neighborhood.



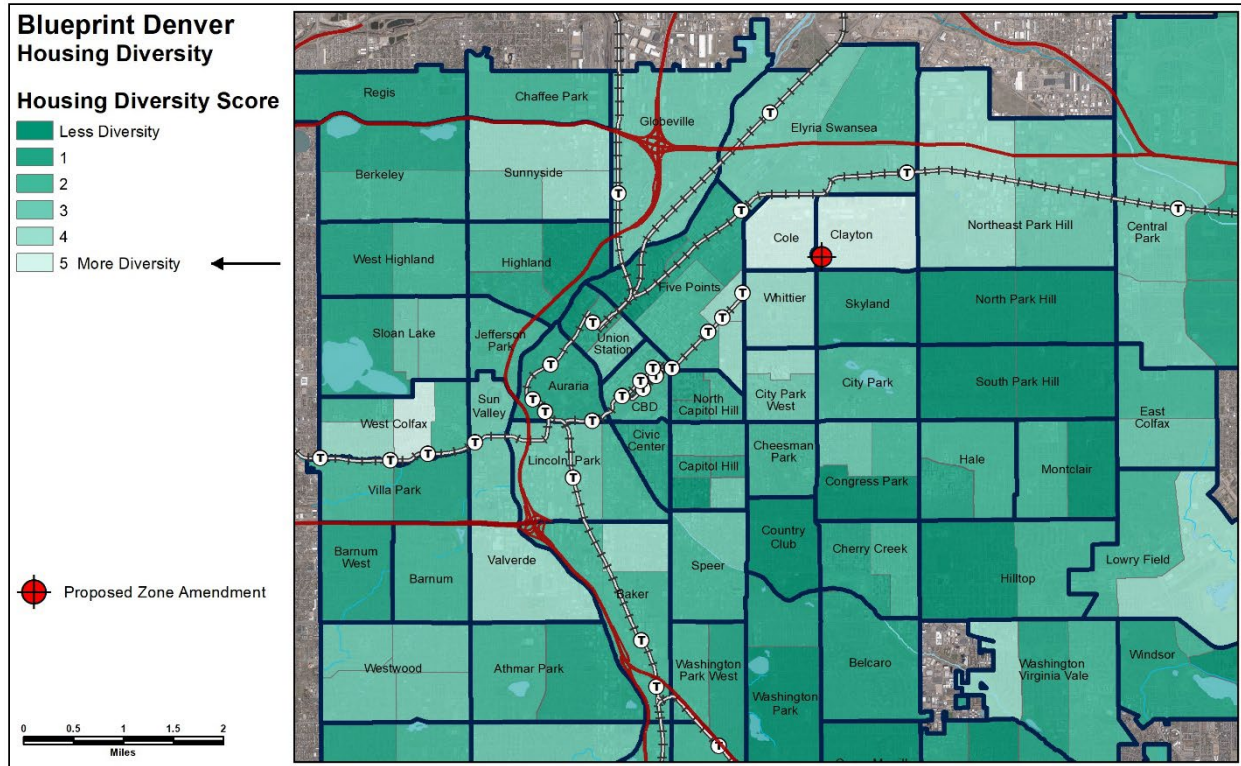
### Vulnerability to Displacement



The subject property is in an area that has more vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver’s Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in two of the three categories: Educational Attainment and Median Household Income. In areas with high vulnerability to involuntary displacement, it is important to increase affordable housing options so that residents of all income levels can continue to live in these neighborhoods.

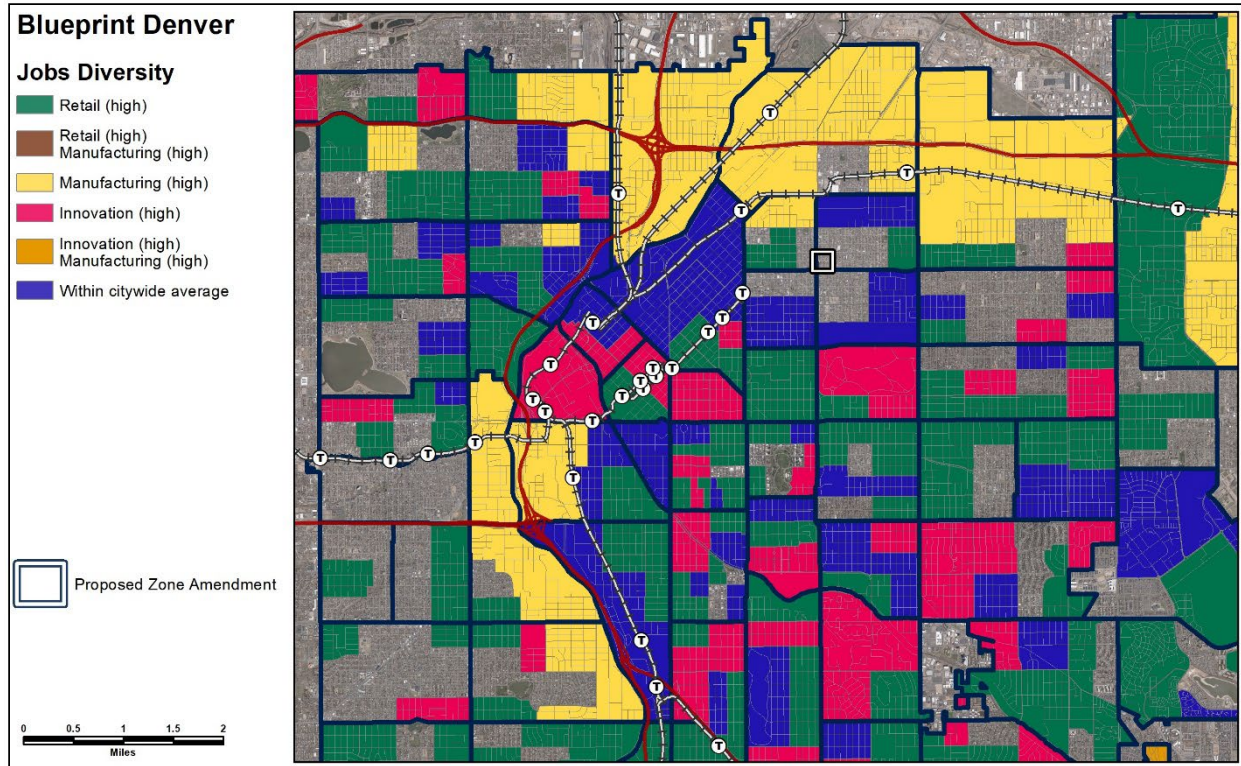
The proposed rezoning would allow for a moderate increase in potential multi-unit residential development and additional residential units in this area, which can help provide housing for existing residents and contribute to meeting the citywide demand for housing.

### Housing Diversity



The subject property is in an area that has more housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. The subject area is not diverse in terms of the percentage of owners to renters and the number of income restricted units. This rezoning in an existing commercial/retail node does not directly impact these housing metrics.

### Jobs Diversity



The map above shows the mix of jobs in areas of the city (dominant industry depicted by color). There is not enough data to classify the type of jobs in this part of Clayton because there are less than 100 jobs per acre, which is typical of largely residential areas. There are a total of 29 jobs or 0.2 jobs per acre. The proposed rezoning to U-MS-3 is not expected to significantly impact jobs diversity, but it does have the potential to add additional employment opportunities if the property is redeveloped.

### ***Bruce Randolph Avenue Plan***

*The Bruce Randolph Avenue Plan* was adopted in 1986 as an advisory document for managing and directing change in the areas along Bruce Randolph Avenue. The Plan identifies the subject property as part of a “major retail node” (p. 20) at the intersection of York Street and Bruce Randolph Avenue. The proposed rezoning enables the property owner to make improvements to the property and enhance the development within this identified commercial node. This supports the recommendations of the plan to direct new development to the existing commercial areas and improve the appearance of this node as a “gateway” to Bruce Randolph Avenue without expanding the commercial uses to become a continuous strip along the avenue. (p. 33, 49)

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

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

## Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities, which have been linked to increased physical activity,<sup>1</sup> decreased obesity,<sup>2</sup> and decreased driving.<sup>3</sup>

## Justifying Circumstance

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

Additionally, staff finds that the adoption of *Blueprint Denver* serves as a justifying circumstance as it promotes the development of a mixed-use node at the intersection of North York Street and East Bruce Randolph Avenue. The specific mapping of the future place type at this node provide guidance that supports the rezoning and the rezoning will help to implement the plan goals and achieve the vision articulated in the plan.

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

The requested U-MS-3 district is within the Urban Neighborhood Context, which is characterized by primarily single-unit and two-unit residential uses with small-scale commercial sometimes embedded with residential areas. More often commercial uses are located along mixed-use arterials or on main streets. Multi-unit residential uses are located along local streets, residential and mixed-use arterials, and main streets. Buildings are generally low to mid- scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 5.1). The subject site is in an area that reflects these characteristics. Therefore, the proposed rezoning to U-MS-3 is consistent with the neighborhood context description.

---

<sup>1</sup> Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

<sup>2</sup> Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

<sup>3</sup> Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

The general purpose of the Urban Main Street districts is to “promote safe, active and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge, and that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering.” The building form standards “are intended to promote an urban, mixed-use, built-to environment” where “buildings have a shallow front setback range, and the build-to requirements are high, and the maximum building coverage is significant” (DZC 5.2.5.1). The proposed U-MS-3 district would allow for compatible infill development fitting with the character of the surrounding mixed-use corridor. Therefore, it is consistent with the Urban Main Street District purpose statements.

The specific intent of the U-MS-3 district is the district “applies primarily to collector and arterial street corridors or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired” (DZC 5.2.5.2.D). The subject site is located on a Main Street Collector and Residential Arterial Street street and therefore, the proposed map amendment is consistent with the U-MS-3 intent.

### **Attachments**

1. Application
2. Public comment



## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
<b>PROPOSAL</b>			
Proposed Zone District:			
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?		<input type="checkbox"/> <b>Yes - State the contact name &amp; meeting date</b> _____ <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>	
Did you contact the City Council District Office regarding this application ?		<input type="checkbox"/> <b>Yes - if yes, state date and method</b> _____ <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>	

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**


Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.



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

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

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

## **3358 YORK STREET – REZONING APPLICATION – REVIEW CRITERIA NARRATIVE**

### **SUMMARY OF REZONING REQUEST:**

This rezoning request proposes a change in zoning from U-SU-A1 on the south 37.5' of the zone lot and U-MS-2 on the north +/- 100' of the zone lot to a designation of U-MS-3 for the entirety of the lot. The existing site is occupied by a 1 story masonry warehouse building circa 1939 (+/- 5000 SF) that is currently undergoing improvements adjacent to a large surface parking lot (+/- 9000 sf.) The site formerly operated as a drycleaning facility, and like many of the era, released several contaminants into the soil and groundwater beneath the building. Upon being made aware of the contamination in 2011 and taking place in cleanup efforts mandated and supervised by CDPHE (to the tune of hundreds of thousands of dollars), the previous owners shuttered the drycleaner in 2014, and the site has been abandoned since. Our intent for rezoning is to increase the indoor seated capacity for the event space that will occupy the existing building that we are currently renovating, as well as to designate one consistent zoning designation for the property. With the current U-MS-2 zoning designation on the portion of the lot where the building is located, indoor seated capacity for the proposed "Arts, Recreation, and Entertainment, Indoor" use is limited to 100 seated persons - there is no limit to standing capacity or outdoor capacity. Furthermore, "Eating and Drinking Establishments," (bars and restaurants) are not subject to the same limitation on seated guests and can exceed a capacity of 100 seated persons with the current U-MS-2 zoning designation. U-MS-3 zoning will remedy this discrepancy. Currently, the U-SU-A1 residential designation for the southernmost 1/3 of the lot does not align with the fact that this property has always supported a commercial use. Additionally, the split zoning designation across the lot is prohibitive to any improvements to the surface parking lot, such as building a solar canopy to shield parking thus improving the aesthetic value of the streetscape. Although no further development over the parking lot is planned at this time with the exception of a 1-story solar canopy over the parking lot, rezoning to U-MS-3 would allow building up to 3 Stories. Currently, U-MS-2 allows 2 stories, and U-SU-A1 allows 2.5 stories. If constructed in the future, a 3 story building would easily integrate with and transition to the bordering 2.5 story single family zone district because of the upper story setback limits mandated by the Denver zoning code. The location of this site, at the nexus of a "Residential / Arterial Street (York) and a Main Street / Collector (Bruce Randolph Avenue) is consistent with a designation of Urban / Center / Local with heights generally up to 3 stories, according to Blueprint Denver's "Future Places." These planning frameworks emphasize the need for increased density in designated urban centers, mixed-use development, and the efficient use of existing infrastructure. By allowing for greater height and flexibility in land use, the proposed rezoning promotes increased density and supports the principles of low-impact infill development and neighborhood preservation while revitalizing the Bruce Randolph Avenue Corridor.

### **CONSISTENCY WITH ADOPTED PLANS:**

Following are excerpts from the Bruce Randolph Avenue Plan, Blueprint Denver, and Comprehensive Plan 2040 that put the proposed rezoning of 3358 York Street into context with the specific areas, goals, and criteria established by each plan. The excerpts are presented in narrative format with page citations that reference specific parts of the plans. Commentary from the applicant team is provided where applicable.

## BRUCE RANDOLPH AVENUE PLAN

The Plan identifies the intersection of Bruce Randolph Avenue and York Street as a “Major Commercial Node” (pg. 20) It emphasizes the need to revitalize Bruce Randolph and leans on commercial nodes to accomplish this goal, acknowledging that housing deterioration continues to worsen as commercial areas deteriorate (pg. 37.) Of primary concern to the Bruce Randolph Plan is improving blighted areas and reducing crime (pg. 5, pg. 11, pg. 12)

The property at 3358 York Street and adjacent surface parking lot have been vacant since 2014 and blighted long before that. Revitalizing and putting this site back in service directly supports the goal of preventing and reversing deterioration of commercial areas along the Bruce Randolph corridor. Creating a vibrant commercial space at 3358 York Street and rehabilitating the existing historic building will improve and activate the streetscape, attract foot traffic and clientele, and help to discourage crime. The business taking on the risk and providing the economic rationale for revitalization at this site will be hindered by the current zoning (U-MS-2 limitations on seated persons). The proposed MS-3 zoning would allow the business to operate at its full potential, attract a wider variety of clientele and functions, and provide the economic basis to ensure the site remains an active and cared for asset to Bruce Randolph Avenue. (pg. 11, pg. 12, pg. 27)

The Plan acknowledges discrepancies between the use of properties and zoning designations (pg. 14, pg. 25), something the proposed re-zoning would directly address. This small site (less than ½ acre) includes a partial residential zoning designation despite the historic and continuous commercial use of the entire zone-lot, which highlights the need for corrected zoning in the area as well as on this site. This quirk of where zoning lines have been drawn creates an undue encumbrance on improvements and uses of the site, thus hindering rehabilitation and redevelopment efforts. The issue of split-zoning makes over half of the site undevelopable and is covered in further detail in the Blueprint Denver section of the document.

Parking and Beautification of the Streetscape along Bruce Randolph is also a concern outlined in The Plan (pg. 5, pg. 32). The proposed development will maintain the existing 22 Space parking lot, hence not contributing further to the identified parking shortage in the area. If rezoning and consolidating the zone lot to a single zoning designation is realized, it will decrease the complexity of obtaining approvals to make future enhancements to the parking lot and streetscape, such as the addition of canopies and screening walls and infill development.

*“If an area looks and feels comfortable, it is generally the result of good urban design. Clean streets, ample lighting, safe sidewalks, patterned concrete, planter boxes, treelined avenues, and attractive storefronts, all contribute to the environment of an area. These kinds of improvements are necessary along Bruce Randolph Avenue to improve existing businesses, attract new investment, and to draw local and regional clientele.”*

Bruce Randolph Avenue Plan – Pg. 45

## BLUEPRINT DENVER

### BACKGROUND:

Blueprint identifies the area surrounding and including 3358 York as a “Local Center,” within the “Urban” neighborhood context (pg. 139). Bruce Randolph Avenue (pg. 157) is classified as a “Main Street Collector”, while York Street is classified as a “Medium-Capacity Transit Corridor” (pg. 179). Blueprint Denver specifically defines Local Centers in the Urban context as being “*generally up to 3 stories and generally will not have a*

*transition area as the low intensity easily integrates into the surrounding area”* (pg. 226.) Therefore, the proposed U-MS-3 zoning will maintain the Main Street use and qualities of the existing U-MS-2 zoning while conforming with the standards and supporting the aspirations of the Future Places map (pg. 143). The U-MS-3 designation will allow the proposed event center and creative flex space uses to operate at their full potential while not creating an undue strain on the surrounding area. Partly at issue is that under the current zoning, the proposed “Arts, Recreation and Entertainment, Indoor” use that the event space would fall under will limit indoor seated capacity to 100 persons. There is no limit to standing capacity or outdoor capacity. Also of note is that a bar or restaurant use is allowed on this site under current zoning designations and neither use would be subject to the same limitation on seated guests. Rezoning to U-MS-3 will support the establishment of a lively and successful commercial use in this chronically vacant building, a crucial win when it comes to successfully implementing the goals of Blueprint.

The southern 1/3 of the lot is currently zoned U-SU-A1 (the zoning of the surrounding residential areas) but has always supported a commercial use. Changing the zoning designation to U-MS-3 will simply put the zoning designation into alignment with the historic commercial use. Additionally, U-SU-A1 permits structures of 2.5 stories, while U-MS-2 only permits buildings up to 2 stories (Denver Zoning Code, Section 5.3.3.A, 5.3.3.1.). Rezoning to U-MS-3 should not appreciably affect the scale or height of buildings on the site in relation to the surrounding residential areas, and the MS-3 designation will put the site into alignment with increases in density intended for a “Local Center” by the standards of Blueprint. Although development over the parking area is not anticipated at this time or in the immediate future, the site’s location on the south-east corner of the block will alleviate most issues associated with shading of adjacent property, while other height-related concerns could be mitigated through existing mechanisms in the Denver Zoning Code that address upper story setbacks for sites adjacent to protected districts, such as the surrounding U-SU-A1 district.

#### PLAN SPECIFICS:

*“Encourage highly activated street level uses”* (pg. 158.)

Rezoning will facilitate the starting and growth of a business that will naturally enhance and activate the streetscape in a historic structure. Patio seating in the front of the existing building buffered by street trees and landscaped areas will create a more pedestrian friendly environment with a high level of activation.

*“Promote enduring and compatible design that responds to an evolving community while embracing historic assets and cultural heritage.”* (pg. 22)

The development plan for the site accomplishes this by embracing the vintage building circa 1932 – repurposing and restoring it to serve the evolving community. Rezoning will bolster the business that is driving the redevelopment of the site by allowing the business to serve a wider variety of clientele and community functions.

*“Ensure residential neighborhoods retain their unique character as infill development occurs.”* (pg. 99)

*“Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts.”* (pg. 104)

Rezoning meets this goal by strengthening the economic case for retaining the existing 1932 building while allowing for future infill improvements over the surface-parking area. Preservation supports the goals of Blueprint to embrace existing historic assets and cultural heritage in Denver neighborhoods. The proposed rezoning thus supports lower impact development by avoiding demolition of a vintage structure and thus total

site redevelopment, while simultaneously clearing red tape to development of an infill surface parking lot in the future.

*“Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.”* (pg. 72) *“Focus higher intensity growth in walkable mixed-use centers and along transit priority streets.”* (pg. 23)

York Street has been identified in Blueprint Denver as a “Medium Density Transit Corridor” and therefore capable of supporting higher intensity growth with direct access to public transit opportunities. The rezoning proposal supports this goal by allowing for a modest increase in density and intensity on the site. The increase in intensity is buffered by the proposed retention of the existing 1-story commercial building, which the rezoning helps to financially justify. Future higher intensity growth would be centered around the surface parking lot, a low impact method for increasing density versus total demolition and redevelopment. Increases in growth and intensity in this case would be located in an identified “major center” with good access to other amenities and transit.

*The Blueprint Denver “Growth Strategy” map (pg. 51) identifies 3358 York Street in an area of the city that anticipates 10% job growth and 20% housing growth by 2040.*

Rezoning will facilitate the operations and growth of a business that will provide a local employment center while clearing the way for potential future additions at the site as needs, whether residential or commercial, may arise and be identified.

*“Promote environmentally responsible and resource-efficient practices for the design, construction and demolition of buildings.”* (pg. 77) *“Promote environmentally-friendly development strategies in the public and private realms.”* (pg. 120)

Rezoning will enable the preservation of the vintage brick building and avoid the negative environmental (and neighborhood) effects of demolition. Re-using rather than rebuilding preserves the embodied energy and materials already present in the existing building while allowing for energy and efficiency upgrades. Enabling development over an existing infill surface parking lot (which is currently undevelopable due to split-zoning) is much more environmentally friendly than redeveloping via demolition or over virgin green areas.

*“Promote creative industries, maker spaces, artists and small businesses as vital components of Denver’s innovation economy.”* (pg. 92)

Rezoning would directly support a creative small business that would primarily serve local and regional clientele. It would support the addition of creative flex space to the area and help to bolster the resources available to local creatives.

*“Support organizations and districts within the city’s centers and corridors to aid in attraction and retention of employment and commerce.”* (pg. 92)

Rezoning will support the creation of a new business within an existing commercial corridor that will provide jobs while promoting additional commerce in and around the area. The improvements to the blighted building and site at 3358 York Street will also help to improve the overall commercial center at York Street and Bruce Randolph Avenue, increasing the likelihood that surrounding businesses will be successful and remain in the area.

COMPREHENSIVE PLAN 2040

Equitable, Affordable and Inclusive Goal 1: *“Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities”* (p. 28). *“Improve equitable access to resources that improve quality of life, including cultural amenities...”* (pg. 28.)

Rezoning supports the creation of an event space, a valuable amenity for a neighborhood. The space will be open and available for local meetings, gatherings, artistic shows and endeavors and other events.

Strong and Authentic Neighborhoods Goal 1, Strategy A.: *“Build a network of well-connected, vibrant, mixed-use centers and corridors”* (p. 34).

Rezoning supports a business that will strengthen and add further vibrancy to the Bruce Randolph mixed-use corridor. It will also facilitate the creation of a more mixed-use site by clearing the path for additional development over the parking lot. The site’s location near transit and other commercial areas is ideal for supporting this goal.

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

Rezoning supports future infill development on a highly urban site with existing, in-place utility and service infrastructure.

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

A unifying concept found in Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue plan is that revitalizing blighted areas will reduce crime, create a pedestrian friendly environment, and activate urban nodes. The geographic location of this site gives it the unique opportunity to be a catalyst for improvements that serve the existing neighborhood.

## **JUSTIFYING CIRCUMSTANCES**

*The existing zoning of the land was the result of an error.*

The current split-zoning of the site does not accurately reflect the historic use of the entirety of the site for commercial purposes. Rezoning will put the use of the site into alignment with the correct zoning designation.

*Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:*

- a. Changed or changing conditions in a particular area, or the city generally; or,*
- b. A City adopted plan*

Since the phasing out of former Chapter 59 Zoning and subsequent adoption of the 2010 Denver Zoning Code, the Clayton and Cole neighborhoods have undergone unprecedented levels of change. They have become magnets for transplants, first time home buyers, businesses and city and state-sponsored development grants. All of this has fundamentally changed and amplified the makeup, density, and needs of the neighborhood. On level with the rest of the city, this area has less access to services, amenities, and higher density housing options. Rezoning the site to U-MS-3 will support greater access to these critical elements of urban living which are needed now more than ever because of the continuing forces of change at work in the area.

## **NEIGHBORHOOD CONTEXT, PURPOSE, AND INTENT**

### PROPOSED NEIGHBORHOOD CONTEXT DESCRIPTION

The Urban Neighborhood context description identifies commercial areas embedded in residential areas located along mixed-use arterial or main streets. The site fits this classification perfectly. The surrounding residential zoning designation of U-SU-A1 allows buildings up to 2.5 stories. As outlined in paragraphs above, a zoning designation of U-MS-3 will allow 3 stories, and provide for a minor transition in height between commercial and residential areas. This will have minimal negative impacts on surrounding properties, while reinforcing the commercial character and streetscape of the busy street corner.

### GENERAL PURPOSE STATEMENT

As identified in the general purpose statement for Main Street Districts (DZC 5.2.5.1), the increased density allowed by a U-MS-3 zoning designation is appropriate to enhance pedestrian activity, promote an urban, mixed-use environment, and encourage new development that contributes to existing neighborhood character.

### SPECIFIC INTENT STATEMENT

*“U-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.”*

The specific intent statement for the proposed zoning designation perfectly addresses this site as identified by Blueprint Denver and Comprehensive Plan 2040. The location of this site, at the nexus of a “Residential / Arterial Street (York) and a Main Street / Collector (Bruce Randolph Avenue) is consistent with a designation of Urban / Center / Local with heights generally up to 3 stories.

## **3358 YORK STREET – REZONING APPLICATION – OUTREACH ATTACHMENTS**

### PRE-APPLICATION MEETINGS:

Planning Services: Meeting with Robert Haigh, CPD, 12/13/2023

Development Services: No concept or pre-application meeting. No further development of the site beyond rehabilitation of existing building proposed at this time.

CITY COUNCIL OUTREACH: Emailed 6/14/2023. 11/17/2023. No response. Attached.

### REGISTERED NEIGHBORHOOD ORGANIZATIONS:

Clayton United Neighborhood Association: Emailed claytonneighborhooddenver@gmail.com; leanna\_salas@msn.com, 6/14/2023. No response. Attached.

District 9 Neighborhood Coalition: Emailed District9NCDen@gmail.com; tessdougherty8@gmail.com, 6/14/2023. No response. Attached.

Neighborhood Coalitions of Denver: Emailed neighborhoodcoalitionsofdenver@gmail.com, 6/14/2023. No response. Attached.

East Denver Residents Council: Emailed lamone4denver8@gmail.com, 6/14/2023. No response. Attached.

Reclaim the East Side: Emailed eastsidetrailblazers@gmail.com, 6/14/2023. No response. Attached.

The Points Historical Redevelopment Corp.: Emailed thepointsredevelopment@yahoo.com, 6/14/2023. No response. Attached.

Cole Neighborhood Association: Emailed cna.denver@gmail.com, 6/14/2023. Received response from CNA on 6/16/2023. Forma replied to response on 6/19/2023. Correspondence attached.

Opportunity Corridor Coalition of United Residents: Emailed donnagarnett50@gmail.com; kkhdowntown@gmail.com, 6/14/2023. Received response from OCCUR on 6/14/2023. Received additional response from OCCUR on 6/14/2023. Forma replied to response on 6/19/2023 and included attachment “3358 York Street Rezone – City Strategic Plan Synopsis – 6/12/2023.” Correspondence attached.

### ADJACENT PROPERTY NEIGHBOR OUTREACH:

Neighbors within 200’ of property: Distributed “Neighbor Outreach” summary and exhibit, 9/13/2023. Conducted informal conversations with neighbors, received positive or neutral feedback. Exhibit attached.



**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:01 PM  
**To:** district9@denvergov.org  
**Cc:** Jack Ricci  
**Subject:** Rezoning request - 3358 York Street

Dear Councilwoman CdeBaca,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street, in your district. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. The building last functioned as a drycleaner, which was shuttered after extensive contamination of the site was discovered. The site has been vacant since 2014, and we acquired it in 2020. Since then, we have been in the process of working with the state to continue to remedy the environmental issues, while rehabilitating the existing building to put it back into service. To aid in the rehabilitation and clean-up efforts, we are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

Currently, our ability to make further improvements to the site is severely limited by the U-SU-A1 zone lot designation on the southern 37.5' of the parking lot (the rest of the lot is zoned U-MS-2). We would like to make improvements to the current surface parking lot to enhance the aesthetic character of the site while maintaining off-street parking. To this end, we are considering adding a solar canopy to the parking lot, but having multiple zoning designations across the parking lot makes this nearly impossible from a building and permitting perspective. The site has always operated in a commercial capacity, and it makes sense for this small lot (less than ½ acre) to fall under a single, commercial zoning designation.

Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Of note, other businesses such as bars and restaurants, or standing room events, are not limited in capacity and could legally accommodate 250-300 people with a U-MS-2 zone designation, given the size of the building. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:05 PM  
**To:** claytonneighborhooddenver@gmail.com; leanna\_salas@msn.com  
**Cc:** Jack Ricci  
**Subject:** Neighborhood Outreach - 3358 York Street Rezoning Request

To whom it may concern at Clayton United Neighborhood Organization,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:08 PM  
**To:** District9NCDen@gmail.com; tessdougherty8@gmail.com  
**Cc:** Jack Ricci  
**Subject:** Neighborhood Outreach - 3358 York Rezoning Request

To whom it may concern at the District 9 Neighborhood Coalition,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:09 PM  
**To:** neighborhoodcoalitionsofdenver@gmail.com  
**Cc:** Jack Ricci  
**Subject:** Neighborhood Outreach - 3358 York Street Rezoning Request

To whom it may concern at Neighborhood Coalitions of Denver,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:52 PM  
**To:** lamone4denver8@gmail.com  
**Cc:** Jack Ricci  
**Subject:** Neighborhood Outreach - 3358 York Street Rezoning Request

To whom it may concern at East Denver Residents Council,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:52 PM  
**To:** eastsidetrailblazers@gmail.com  
**Cc:** Jack Ricci  
**Subject:** Neighborhood Outreach - 3358 York Street

To whom it may concern at Reclaim the East Side,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

**Lauren Redifer**

---

**From:** Lauren Redifer  
**Sent:** Wednesday, June 14, 2023 3:52 PM  
**To:** thepointsredevelopment@yahoo.com  
**Cc:** Jack Ricci  
**Subject:** Neighborhood Outreach - 3358 York Street Rezoning Request

To whom it may concern at The Points Historical Redevelopment Corp,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

## Lauren Redifer

---

**From:** Lauren Redifer  
**Sent:** Monday, June 19, 2023 9:30 AM  
**To:** Cole Neighborhood Association CNA  
**Cc:** Jack Ricci  
**Subject:** RE: Neighborhood Outreach - 3358 York Street Rezoning Request

Thanks, Mark. We'll be sure to keep you in the loop as we develop our formal application. Looking forward to working with you on this. Let us know if the Cole Neighborhood Association would find value in an informal meet and greet either remotely or in person.

Best,  
Lauren

---

**From:** Cole Neighborhood Association CNA <cna.denver@gmail.com>  
**Sent:** Friday, June 16, 2023 12:15 PM  
**To:** Lauren Redifer <lauren@formaplaces.com>  
**Subject:** Re: Neighborhood Outreach - 3358 York Street Rezoning Request

Thanks for letting us know on this Lauren. I'll bring this to our board for feedback for sure.

Mark

On Wed, Jun 14, 2023 at 3:06 PM Lauren Redifer <[lauren@formaplaces.com](mailto:lauren@formaplaces.com)> wrote:

To whom it may concern at Cole Neighborhood Association,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.



Thank you,

**Lauren Redifer**  
Architect  
941 504 8210  
lauren@formaplaces.com

**F( )RMA**

--

**Sincerely,**  
**Cole Neighborhood Association Executive Board**

*Connect with us on [Facebook](#) or [Nextdoor](#)!*  
*Our monthly meetings are held the 2nd Thursday of each month at 6:30PM.*

## Lauren Redifer

---

**From:** KKH <kkhdowntown@gmail.com>  
**Sent:** Wednesday, June 14, 2023 4:29 PM  
**To:** Lauren Redifer  
**Cc:** Donna M Garnett; Jack Ricci  
**Subject:** Re: Neighborhood Outreach - 3358 York Street Rezoning Request  
**Attachments:** image001.png

To Whom it May Concern at Forma,

At this time we are inclined to oppose upzoning.

Please identify the owners of this property and provide specific references to the parts of the Bruce Randolph Avenue and Blueprint Denver plans that support this change.

Additionally, what programming "events" are contemplated?

We await your reply,  
OCCUR

On Wed, Jun 14, 2023, 3:51 PM Lauren Redifer <[lauren@formaplaces.com](mailto:lauren@formaplaces.com)> wrote:

To whom it may concern at Opportunity Corridor Coalition of United Residents,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,

## Lauren Redifer

---

**From:** Jack Ricci  
**Sent:** Monday, June 19, 2023 12:30 PM  
**To:** KKH; Lauren Redifer  
**Cc:** Donna M Garnett  
**Subject:** RE: Neighborhood Outreach - 3358 York Street Rezoning Request  
**Attachments:** 3358 Rezoning - City Plan Synopses 230615.pdf

Hi there -

Thanks for your prompt response. As you probably know, we are early on in the re-zoning process for 3358 York, and notifying the relevant Registered Neighborhood Organizations is one of the first steps. Once it is complete and submitted, OCCUR will receive our full rezoning application with supporting documentation that will provide a clear picture of the request and the support for the request from the strategic plans as well as neighbors. In the meantime, I'll try to answer some of your questions. I would also welcome the opportunity to meet with you and the other members of OCCUR via conference call or in person get to know each other, review our proposal in an in-depth manor and try to work collaboratively to address any concerns you may have. If you would like to set a call or meeting up after you have reviewed the information contained in this message with the other members of your organization, please let us know and we will put something on the schedule.

To informally introduce ourselves and address some of your initial questions:

### Who we are and the lack of a website:

It's just us - myself (Jack Ricci) and my colleague (Lauren Redifer, who initially reached out). Together we make up 100% of Forma, and independent architecture and development studio. We don't have a website because we are small, don't have a large budget, and frankly we haven't done that much on our own yet. Lauren and I both trained as architects and "cut our teeth" at the same design-build firm in north Denver (5 blocks from this site, actually). After about 7 years working in and around the area, including on projects like the RiNo art park and art park building restorations, I made the jump to starting my own design firm and to start developing some of my own projects. This was partly in response to some of the "not so good" projects which have been popping up around town, and partly to focus on smaller, more creative opportunities that I was interested in pursuing with like-minded friends and colleagues. In 2019, after years of driving and riding my bike past the abandoned site at 3358 York Street, I cold-called the owner, and eventually worked out a way to purchase it from them. So in terms of ownership, it's just me. Lauren joined the team in 2021 and since then we have been developing plans for a couple of small, commercial, and residential projects along the York street corridor, including this one.

### Our current plan for the site:

Our plan for the site currently includes a full rehabilitation of the existing 1932 brick building, to be used as an event space and creative business "hub". The ground level of the warehouse-type building will host everything from weddings to corporate events and fundraisers, to pop-up community art shows and flea markets. The basement will be a "creative flex" space, and will host studios for two of the event space owners (a florist and a photographer) and the remaining space will be split between a production workshop for the events space and leasable space to others in event-centric industries. We will also move our architecture studio to the building. The folks behind the event space, which will be called "Dry Clean Only" (an ode to the building's former use), are Jeff Fierberg and Sky Armstrong - a couple with deep roots in Denver and the Denver creative events industry. Full information, as well as some conceptual images of what the building rehab could look like can be found at [dcodenver.com](http://dcodenver.com).

### Specific references to the strategic plans that support the rezoning:

Full supporting documentation, excerpts, and analysis from the Bruce Randolph Avenue Plan, Blueprint Denver, and the 2040 Plan can be found in the attached PDF.

Lastly, I would be interested in attending future meetings of OCCUR, if you could please add me to the meeting notifications or emails, I would appreciate it!

We look forward to continuing this conversation and earning OCCUR's support for this rezoning request.

**Jack Ricci, AIA**  
Principal  
720 328 9940  
jack@formaplaces.com  
**F( )RMA**

---

**From:** KKH <kkhdowntown@gmail.com>  
**Sent:** Wednesday, June 14, 2023 4:32 PM  
**To:** Lauren Redifer <lauren@formaplaces.com>  
**Cc:** Donna M Garnett <donnagarnett50@gmail.com>; Jack Ricci <jack@formaplaces.com>  
**Subject:** Re: Neighborhood Outreach - 3358 York Street Rezoning Request

Also, your "[formaplaces.com](http://formaplaces.com)" does not exist! How are we to know who is involved in this development?

Our inclination to oppose grows....

On Wed, Jun 14, 2023, 3:51 PM Lauren Redifer <[lauren@formaplaces.com](mailto:lauren@formaplaces.com)> wrote:

To whom it may concern at Opportunity Corridor Coalition of United Residents,

I'm writing today on behalf of Forma, a small Architecture and Development company that is currently working to redevelop the property at 3358 York Street. We do almost all of our work in this area, and our office is located just down the street at 2001 York Street.

The property at 3358 York Street comprises a 1-story historic brick commercial building and an adjacent surface parking lot. We are interested in rezoning the property from a split U-MS-2 and U-SU-A1 designation to U-MS-3 throughout the entirety of the zone lot, which is the purpose of this letter.

We are interested in adding a solar canopy to the parking lot to enhance the aesthetic character of the site while maintaining off-street parking, but multiple zone designations within the same lot make this nearly impossible from a building and permitting perspective. Additionally, rezoning to U-MS-3 will allow the business for which we are renovating the historic building on the site to operate at full capacity as an Event Space in the "arts, recreation, and entertainment – indoor" use category, which is currently limited to 100 seated guests by the U-MS-2 zoning. Up-zoning to U-MS-3 will allow this business to operate at full capacity of 150-200 seated guests, which will in turn help ownership maintain the historic building and pay off the renovation (instead of selling or demolishing the building to redevelop the entire site to a higher density.)

Rezoning, in this case, will help to preserve the historic character of this prominent street corner while enhancing the aesthetic of the surface parking lot and pedestrian experience. This rezoning proposal complies with and supports the goals of Blueprint Denver, Comprehensive Plan 2040, and the Bruce Randolph Avenue Plan for slightly higher density and capacity in existing commercial corridors. We hope you will support our request to rezone this lot and would be happy to schedule a call with you to discuss further.

Thank you,



Following are excerpts from the Bruce Randolph Avenue Plan, Blueprint Denver, and Comprehensive Plan 2040 that put the proposed rezoning of 3358 York Street into context with the specific areas, goals, and criteria established by each plan. The excerpts are presented in narrative format with page citations that reference specific parts of the plans. Commentary from the applicant team is provided where applicable.

### BRUCE RANDOLPH AVENUE PLAN

The Plan identifies the intersection of Bruce Randolph Avenue and York Street as a “Major Commercial Node” (pg. 20) It emphasizes the need to revitalize Bruce Randolph and leans on commercial nodes to accomplish this goal, acknowledging that housing deterioration continues to worsen as commercial areas deteriorate (pg. 37.) Of primary concern in the Bruce Randolph Plan is to improve blighted areas and reduce crime (pg. 5, pg. 11, pg. 12)

The property at 3358 York Street and adjacent surface parking lot have been vacant since 2014 and blighted long before that. Revitalizing and putting this site back in service directly supports the goal of preventing and reversing deterioration of commercial areas along the Bruce Randolph corridor. Creating a vibrant commercial space at 3358 York Street and rehabilitating the existing historic building will improve and activate the streetscape, attract foot traffic and clientele, and help to discourage crime. The business taking on the risk and providing the economic rationale for revitalization at this site will be hindered by the current zoning. The proposed MS-3 zoning would allow the business to operate at its full potential, attract a wider variety of clientele and functions, and provide the economic basis to ensure the site remains an active and cared for asset to Bruce Randolph Avenue. (pg. 11, pg. 12, pg. 27)

The Plan acknowledges discrepancies between the use of properties and zoning designations (pg. 14, pg. 25), something the proposed re-zoning would directly address. This small site (less than ½ acre) includes a partial residential zoning designation despite the historic and continuous commercial use of the entire zone-lot, which highlights the need for corrected zoning in the area as well as on this site. This quirk of where zoning lines have been drawn creates an undue encumbrance on improvements and uses of the site, thus encumbering rehabilitation and redevelopment efforts. The issue of split-zoning makes over half of the site undevelopable and is covered in further detail in the Blueprint Denver section of the document.

Parking and Beautification of the Streetscape along Bruce Randolph is also a concern outlined in The Plan (pg. 5, pg. 32). The proposed development will maintain the existing 22 Space parking lot, hence not contributing further to the identified parking shortage in the area. If rezoning and consolidating the zone lot to a single zoning designation is realized, it will decrease the complexity of obtaining approvals to make future enhancements to the parking lot and streetscape, such as the addition of canopies and screening walls and infill development.

*“If an area looks and feels comfortable, it is generally the result of good urban design. Clean streets, ample lighting, safe sidewalks, patterned concrete, planter boxes, treelined avenues, and attractive storefronts, all contribute to the environment of an area. These kinds of improvements are necessary along Bruce Randolph Avenue to improve existing businesses, attract new investment, and to draw local and regional clientele.”*

Bruce Randolph Avenue Plan – Pg. 45

BLUEPRINT DENVER

## BACKGROUND:

Blueprint identifies the area surrounding and including 3358 York as a “Local Center,” within the “Urban” neighborhood context (pg. 139). Bruce Randolph Avenue (pg. 157) is classified as a “Main Street Collector”, while York Street is classified as a “Medium-Capacity Transit Corridor” (pg. 179). Blueprint Denver specifically defines Local Centers in the Urban context as being *“generally up to 3 stories and generally will not have a transition area as the low intensity easily integrates into the surrounding area”* (pg. 226.) Therefore, the proposed U-MS-3 zoning will maintain the Main Street use and qualities of the existing U-MS-2 zoning while conforming with the standards and supporting the aspirations of the Future Places map (pg. 143). The U-MS-3 designation will allow the proposed event center and creative flex space uses to operate at their full potential while not creating an undue strain on the surrounding area. Partly at issue is that under the current zoning, the proposed “Arts, Recreation and Entertainment, Indoor” use that the event space would fall under will limit indoor seated capacity to 100 persons. There is no limit to standing capacity or outdoor capacity. Also of note is that a bar or restaurant use is allowed on this site under current zoning designations and neither use would be subject to the same limitation on seated guests. Rezoning to U-MS-3 will support the establishment of a lively and successful commercial use in this chronically vacant building, a crucial win when it comes to successfully implementing the goals of Blueprint.

The southern 1/3 of the lot is currently zoned U-SU-A1 (the zoning of the surrounding residential areas) but has always supported a commercial use. Changing the zoning designation to U-MS-3 will simply put the zoning designation into alignment with the historic commercial use. Additionally, U-SU-A1 permits structures of 2.5 stories, while U-MS-2 only permits buildings up to 2 stories (Denver Zoning Code, Section 5.3.3.A, 5.3.3.I.). Rezoning to U-MS-3 should not appreciably affect the scale or height of buildings on the site in relation to the surrounding residential areas, and the MS-3 designation will put the site into alignment with increases in density intended for a “Local Center” by the standards of Blueprint. Although development over the parking area is not anticipated at this time or in the immediate future, the site’s location on the south-east corner of the block will alleviate most issues associated with shading of adjacent property, while other height-related concerns could be mitigated through existing mechanisms in the Denver Zoning Code that address upper story setbacks for sites adjacent to protected district, such as the surrounding U-SU-A1 district.

## PLAN SPECIFICS:

*“Encourage highly activated street level uses”* (pg. 158.)

Rezoning will facilitate the growth of a business that will naturally enhance and activate the streetscape in a historic structure. Patio seating in the front of the existing building buffered by street trees and landscaped areas will create a more pedestrian friendly environment with a high level of activation.

*“Promote enduring and compatible design that responds to an evolving community while embracing historic assets and cultural heritage.”* (pg. 22)

The development plan for the site accomplishes this by embracing the vintage building circa 1932 – repurposing and restoring it to serve the evolving community. Rezoning will bolster the business that is driving

the redevelopment of the site by allowing the business to serve a wider variety of clientele and community functions.

*“Ensure residential neighborhoods retain their unique character as infill development occurs.”* (pg. 99)

*“Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts.”* (pg. 104)

Rezoning meets this goal by strengthening the economic case for retaining the existing 1932 building while allowing for future infill improvements over the surface-parking area. Preservation supports the goals of Blueprint to embrace existing historic assets and cultural heritage in Denver neighborhoods. The proposed rezoning thus supports lower impact development by avoiding demolition of a vintage structure and thus total site redevelopment, while simultaneously clearing red tape to development of an infill surface parking lot in the future.

*“Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.”* (pg. 72) *“Focus higher intensity growth in walkable mixed-use centers and along transit priority streets.”* (pg. 23)

York Street has been identified in Blueprint Denver as a “Medium Density Transit Corridor” and therefore capable of supporting higher intensity growth with direct access to public transit opportunities. The rezoning proposal supports this goal by allowing for a modest increase in density and intensity on the site. The increase in intensity is buffered by the proposed retention of the existing 1-story commercial building, which the rezoning helps to financially justify. Future higher intensity growth would be centered around the surface parking lot, a low impact method for increasing density versus total demolition and redevelopment. Increases in growth and intensity in this case would be located in an identified “major center” with good access to other amenities and transit.

*The Blueprint Denver “Growth Strategy” map* (pg. 51) *identifies 3358 York Street in an area of the city that anticipates 10% job growth and 20% housing growth by 2040.*

Rezoning will facilitate the operations and growth of a business that will provide a local employment center while clearing the way for potential future additions at the site as needs, whether residential or commercial, may arise and be identified.

*“Promote environmentally responsible and resource-efficient practices for the design, construction and demolition of buildings.”* (pg. 77) *“Promote environmentally-friendly development strategies in the public and private realms.”* (pg. 120)

Rezoning will enable the preservation of the vintage brick building and avoid the negative environmental (and neighborhood) effects of demolition. Re-using rather than rebuilding preserves the embodied energy and materials already present in the existing building while allowing for energy and efficiency upgrades. Enabling development over an existing infill surface parking lot (which is currently undevelopable due to split-zoning) is much more environmentally friendly than redeveloping via demolition or over virgin green areas.

*“Promote creative industries, maker spaces, artists and small businesses as vital components of Denver’s innovation economy.”* (pg. 92)

Rezoning directly would directly support a creative small business that would primarily serve local and regional clientele. It would support the addition of creative flex space to the area and help to bolster the resources available to local creatives.

*“Support organizations and districts within the city’s centers and corridors to aid in attraction and retention of employment and commerce.”* (pg. 92)

Rezoning will support the creation of a new business within an existing commercial corridor that will provide jobs while promoting additional commerce in and around the area. The improvements to the blighted building and site at 3358 York Street will also help to improve the overall commercial center at York Street and Bruce Randolph Avenue, increasing the likelihood that surrounding businesses will be successful and remain in the area.

#### COMPREHENSIVE PLAN 2040

Equitable, Affordable and Inclusive Goal 1: *“Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities”* (p. 28). *“Improve equitable access to resources that improve quality of life, including cultural amenities...”* (pg. 28.)

Rezoning supports the creation of an event space, a valuable amenity for a neighborhood which will be open and available for local meetings, gatherings, artistic endeavors and other events.

Strong and Authentic Neighborhoods Goal 1, Strategy A.: *“Build a network of well-connected, vibrant, mixed-use centers and corridors”* (p. 34).

Rezoning supports a business that will strengthen and add further vibrancy to the already vibrant Bruce Randolph mixed-use corridor. The sites location near transit and other commercial areas is ideal for supporting this goal.

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

Rezoning supports future infill development on a highly urban site with existing, in-place utility and service infrastructure.



FORMA  
2001 North York Street, Suite D  
Denver, CO 80205

September 12, 2023

Dear Neighbor,

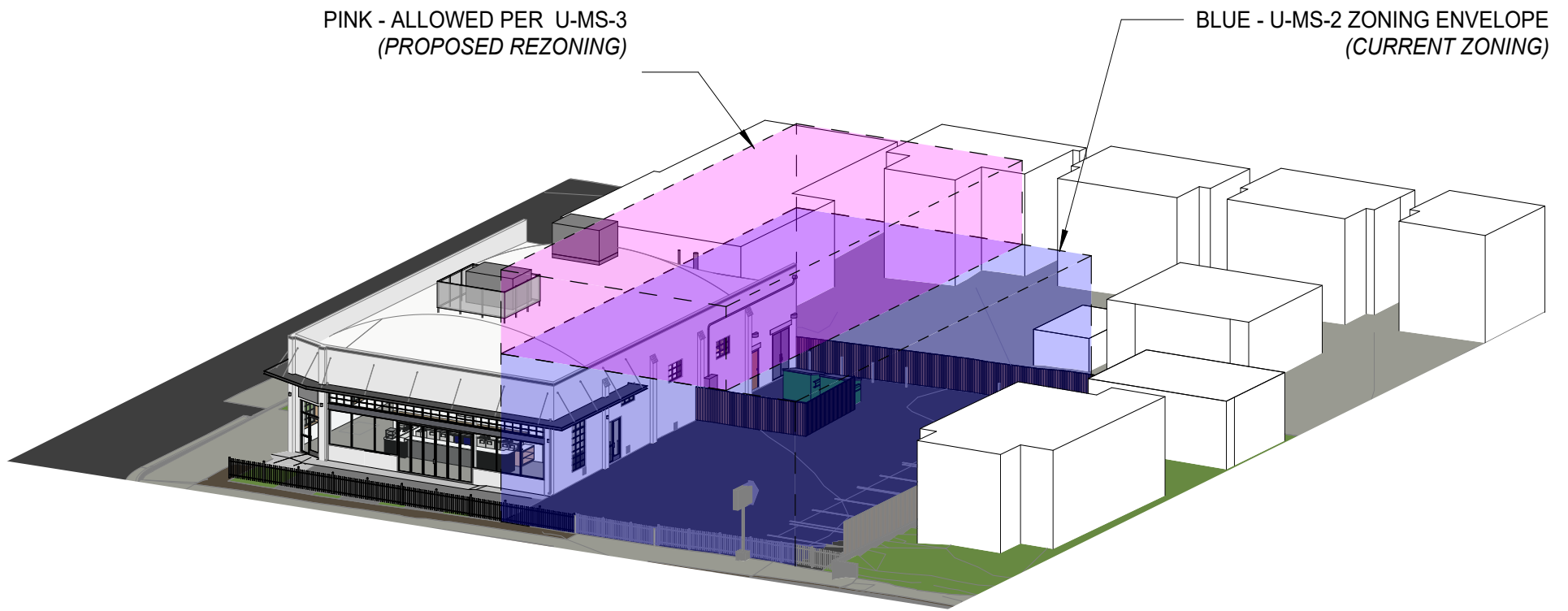
You are receiving this letter because as the owners of 3358 York Street (the building on the corner of Bruce Randolph and York), we are starting the application process to rezone the property from a split U-MS-2 / U-SU-A1 zoning designation to U-MS-3 for the entirety of the lot. Our intent for rezoning is to increase the indoor seated capacity for the event space that will occupy the existing building that we are currently renovating, as well as to designate one consistent zoning designation for the property.

With the current U-MS-2 zoning designation on the portion of the lot where the building is located, indoor seated capacity for the proposed "Arts, Recreation, and Entertainment, Indoor" use is limited to 100 persons, but there is no limit to standing capacity or outdoor capacity. Furthermore, "Eating and Drinking Establishments," (bars and restaurants) are not subject to the same limitation on seated guests and can exceed a capacity of 100 persons with the current U-MS-2 zoning designation. U-MS-3 zoning will remedy this discrepancy.

Currently, the U-SU-A1 residential designation for the southernmost 1/3 of the lot does not align with the fact that this property has always supported a commercial use. Additionally, the split zoning designation across the lot is prohibitive to any improvements to the surface parking lot, such as building a solar canopy to shield parking and improving the aesthetic value of the streetscape.

Although no further development over the parking lot is planned at this time with the exception of a 1-story solar canopy over the parking lot, rezoning to U-MS-3 would allow building up to 3 stories within the building envelope shown in the attached exhibit. Currently, U-MS-2 allows 2 stories, and U-SU-A1 allows 2.5 stories.

The intent of this notice is to inform you of the implications of the proposed rezoning application for 3358 York Street from split U-MS-2 / U-SU-A1 to U-MS-3 for the entirety of the lot. There will be opportunities at future City sponsored hearings to formally voice your opinion on the rezoning. In the meantime if you would like to get in touch with us on this matter, please reach out to [incoming@formaplaces.com](mailto:incoming@formaplaces.com)



3358 York St.  
Rezoning Exhibit

## EQUITY RESPONSE:

Please provide a response that details how the proposed zone district will either advance Blueprint Denver's equity concepts or, at a minimum, prevent further inequitable scores in the immediate and surrounding area. For suggestions, refer to the attached menu of strategies document.

### ACCESS TO OPPORTUNITY - Creating more equitable access to quality-of-life amenities, health, and education.

#### Response from Applicant

- Re-zoning enables the future user of the site (event space business) to function at it's full potential, this enables:
  - Activation and upkeep of the site, which has been in a state of abandonment for a decade. Increasing neighborhood safety and health by reducing the psychological and emotional impact of blight.
  - Funding of continued environmental remediation and cleanup necessary to clean up the drycleaning chemicals released by the site's previous user, directly impacting the health of the groundwater beneath the community.
- Rezoning enables a business and future growth at an existing transit stop, putting jobs and additional commercial space directly on a transit line.

Event space use will be better enabled (economically) by re-zoning to provide access to a public meeting and events space. Time will be reserved in the event space for neighborhood residents and groups at reduced rates, providing access to an important amenity for community meetings and other gatherings.

### REDUCING VULNERABILITY TO DISPLACEMENT – Stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

#### Response from Applicant

- In general, the relative small scale of the site and the fact that current development has repurposed an existing, vacant building and future development would be over an under-utilized surface parking lot, the site-level potential for exacerbating displacement issues is minimal or perhaps even negative. The project and proposed re-zoning will help to add a more diverse range of jobs than currently available and other economic and employment activities to the area, and at no time would create displacement pressure in the neighborhood.
- Educational Attainment: (see job diversity, below) The business taking over the site is committed to providing local applicants with priority access to the jobs that will be created as a result of the business being able to function at full capacity (enabled by rezoning). As an extension of the commitment to access, the event space business can and will provide on-the-job training for neighborhood residents who are looking to learn about careers in the events and hospitality industries. In addition, as mentioned above the business will also be setting aside time for dedicated neighborhood functions, including educational opportunities.

**EXPANDING HOUSING DIVERSITY - providing a better and more inclusive range of housing in all neighborhoods.**

**Response from Applicant**

The site is in an area that scores 5 out of 5 for housing diversity, so preliminary thinking is that if additional on-site development were to take place over the parking lot, it would be predominantly commercial in nature, where deficiencies in the area have been identified and which would also be more in-line with the planned use of the existing commercial building already on the site. If future development over the parking lot proves feasible, a mixed-use project could be considered.

**EXPANDING JOB DIVERSITY - providing a better and more inclusive range of employment options in all neighborhoods.**

**Response from Applicant**

- There are less than 100 Jobs in the area to base data off of, but the general strategy for the site will enhance neighborhood job diversity. It is also important to note that as a small commercial node in an otherwise residential area, certain types of commercial and industrial activity will be prohibited or incompatible with surrounding residential uses.
- Rezoning will immediately allow the event space business that is acting as the economic dynamo for the revitalization and reactivation of this site to operate at its full potential. This will create diverse job opportunities that the business will attempt to fill with local applicants, and will generate additional business for established businesses in the area, as well as outside vendors and service providers. Jobs that the business will immediately create include:
  - Event coordinators
  - Event space staff
  - Bartenders
- The business occupying the existing building is already committed to providing below-market "creative flex" rental space in the basement for local makers and other creatives. Rezoning will again support the events business and allow the creative flex space to continue to be offered at below market rates. Currently a floral studio and a photography / videography studio have expressed interest in setting up shop in these units.
- Rezoning will also support the future development of additional commercial space over the parking lot which will be targeted for creative and innovative local users looking to grow their businesses.

# 3358 N YORK ST

<b>Owner</b>	YORK/RANDOLPH LLC 2001 N YORK ST STEE DENVER, CO 80205-5713
<b>Schedule Number</b>	02252-44-002-000
<b>Legal Description</b>	L 1 TO 5 INC & N1/2 6 BLK 8 ULLMANS ADD & L 1 TO 5 INC N1/2L 6 BLK 21 CHEESMAN & MOFFATS ADD
<b>Property Type</b>	COMMERCIAL-RETAIL
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	5428
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1939	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	15,339	<b>Zoned As:</b>	U-MS-2

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

Current Year				
	<b>Actual</b>	<b>Assessed</b>	<b>Exempt</b>	
Land		\$843,600	\$226,990	\$0

**AMENDED AND RESTATED OPERATING AGREEMENT  
OF  
YORK / RANDOLPH LLC**  
(a Colorado Limited Liability Company)

THIS AMENDED AND RESTATED OPERATING AGREEMENT ("Agreement") of York / Randolph LLC, a Colorado limited liability company ("Company"), is made and entered into as of February 21, 2020 by Ricci Opportunity Investments LLC ("Member") who hereby agrees as follows:

A. This Agreement amends and restates the Operating Agreement dated December 30, 2019 ("Original Agreement").

B. The Member intends to operate the Company, appoint persons to assume responsibility for management matters, and wishes to set forth in writing the terms and conditions on which the Company has been formed and its business is to be conducted.

NOW, THEREFORE, in consideration of the mutual promises below, and for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

**1. DEFINED TERMS**

As used in this Agreement, the following terms have the meanings specified below:

"Act" means the Colorado Limited Liability Company Act (CRS § 7-80-101, et seq.), as it may be amended from time to time.

"Capital Account" means the Capital Account determined and maintained for the Member as set forth in Section 7.

"Capital Contribution" means any contribution to the capital of the Company in cash, property, or services by the Member whenever made.

"Code" means the Internal Revenue Code of 1986, as amended, or corresponding provisions of subsequent superseding federal revenue laws.

"Membership Interest" means the Member's (i) share of the profits and losses of the Company and (ii) right to receive distributions of the Company's assets.

"Person" means any individual, corporation, partnership, association, limited liability company, trust, estate or other entity.

"Regulation" or "Regulations" means proposed, temporary and final U.S. Department of the Treasury regulations promulgated under the Code and the corresponding sections of any regulations subsequently issued that amend or supersede such regulations.

**2. FORMATION OF COMPANY**

2.1 Formation. The Company was formed on January 16, 2020, when the Articles of Organization ("Articles") were filed with the office of the Colorado Secretary of State in accordance with and pursuant to the Act. The Articles were amended by filing Articles of Amendment to the Articles of Organization on February 19, 2020.

2.2 Name. The name of the Company is "York / Randolph LLC."

2.3 Principal Place of Business. The principal place of business of the Company is 2001 York Street, Suite E, Denver, Colorado 80205, or such other place as the Manager may from time to time deem advisable.

2.4 Registered Office and Registered Agent. The Company's registered agent is Ricci Opportunity Investments LLC and the address of its registered office in the State of Colorado is 2001 York Street, Suite E, Denver, Colorado 80205. The registered office and registered agent may be changed by the Manager.

2.5 Duration. The Company will have perpetual existence unless earlier dissolved in accordance with this Agreement, or the Act.

### **3. MANAGEMENT**

3.1 Management by a Manager. The Company will be managed by a "Manager" in accordance with the provisions of this Section 3 and the Member shall not, by virtue of having the status of a Member, have any management power over the business and affairs of the Company or any authority to act for or on behalf of the Company, to bind the Company, or to incur any expenditures on behalf of the Company.

3.2 Powers of the Manager. In addition to the powers that now or hereafter can be granted under the Act, and to all other powers granted under any other provision of this Agreement, the Manager and the officers will have full power and authority to do all things on such terms as they may deem necessary or appropriate to conduct or cause to be conducted the business and affairs of the Company,

3.3 Manager. The Company shall have one (1) Manager, namely Francis J. Ricci. The Manager shall hold office until he resigns pursuant to Section 3.3.1, is removed pursuant to Section 3.3.2, or upon his death or disability.

3.3.1 Resignation. The Manager may resign at any time by written notice to the Company. Such resignation will take effect at the time specified therein, and unless otherwise specified therein, the acceptance of such resignation will not be necessary to make it effective.

3.3.2 Removal. The Manager may be removed at any time, with or without cause, by the Member.

### **4. OFFICERS**

4.1 Officers. The Manager may appoint officers of the Company as set forth below. Unless otherwise determined by the Manager, the officers will have the titles, power, authority, and duties described in this Section 4.

4.2 Number, Titles, and Terms of Office. The officers of the Company may include a President and/or Chief Executive Officer, one or more Vice Presidents (any one or more of whom may be designated Executive Vice President or Senior Vice President), a Secretary, a Treasurer, or such other officers as the Manager may from time to time appoint. Each officer will hold office until his successor will be duly appointed, and will qualify until his death or until he will resign or will have been removed in the manner hereinafter provided. Any number of offices may be held by the same person.

4.3 Removal. Any officer appointed by the Manager may, subject to any contractual obligations of the Company with respect to such officer, be removed, either with or without cause, by the Manager. Appointment of an officer will not of itself create contractual rights.

4.4 Vacancies. Any vacancy occurring in any office of the Company may be filled by the Manager.

4.5 Powers and Duties of Officers.

4.5.1 President and/or Chief Executive. Subject to the control of the Manager and to the other terms of this Agreement, the President and/or Chief Executive Officer will have general management and control of the day-to-day operations of the Company in the ordinary course of business, with such powers as may be reasonably incident to such responsibilities; and he will have such other powers and duties as may be assigned to him from time to time by the Manager. Unless otherwise specified by the Manager, the President and/or Chief Executive Officer will report to the Manager.

4.5.2 Vice President(s). A Vice President will perform such duties and have such powers as the Manager or the President and/or Chief Executive Officer may from time to time prescribe.

4.5.3 Secretary. The Secretary will keep the minutes of all meetings of the Manager and of the Member in books provided for such purpose; he will attend to the giving and serving of all notices; he may, in the name of the Company, affix the seal (if any) of the Company to all contracts of the Company and attest thereto; he may sign with the other appointed officers all Unit certificates (if any); he will have charge of the certificate books, transfer books, and Unit ledgers, and such other books and papers as the Manager may direct, all of which will at all reasonable times be open to inspection by the Manager or Member upon application at the office of the Company during business hours; he will have such other powers and duties as may be prescribed from time to time by the Manager; and, he will in general perform all acts incident to the office of Secretary, subject to the control of the President and/or Chief Executive Officer and the Manager.

4.5.4 Treasurer. The Treasurer will have responsibility for the custody and control of all the funds and securities of the Company, and he will have such other powers and duties as may be prescribed from time to time by the Manager. He will perform all acts incident to the position of Treasurer, subject to the control of the President and/or Chief Executive Officer and the Manager.

## 5. MEMBERS

5.1 Additional Members. Additional Members may be admitted at any time, but only upon the written consent of the Manager. As a condition to acquiring Membership Interest in the Company, each additional Member will agree to be bound by the terms and conditions of this Agreement. Upon the admission of any additional Member, Schedule 1 will be amended to reflect the name, address and Membership Interest of such additional Member.

5.2 Inspection of Records. Upon reasonable request, a Member will have the right during ordinary business hours to inspect and copy, at its own expense, the records required to be maintained by the Company. An assignee of a Member or a judgment creditor of a Member shall have no rights to inspect, copy or obtain any records of the Company.

5.3 Business Transactions with the Company. A Member may lend money to, act as surety for and transact other business with the Company and, subject to other applicable law, has the same rights and obligations with respect thereto as a person who is not a Member, except that this Section 5.3 shall not be construed to relieve a Member from any of the Member's duties as specified in this Agreement.

5.4 Other Activities. Except as limited by the Act, a Member may engage in other business ventures of any nature, including, without limitation by specification, the ownership of another business similar to that operated by the Company. The Company shall not have any right or interest in any such



independent ventures or to the income and profits derived therefrom.

5.5 Liability of Members. No Member will be personally liable under a judgment, decree or order of a court, or in any other manner, for a debt, obligation or liability of the Company.

## **6. INDEMNIFICATION AND LIMITATION OF LIABILITY**

6.1 Liability for Company Obligations. Neither Members nor Managers will be personally liable for any debts, obligations or liabilities of the Company, except as otherwise provided herein or by law.

6.2 Indemnification Obligations. The Company will, to the fullest extent permitted by law, indemnify, defend, and hold the Members and Managers harmless from and against any liability, loss, damage, cost or expense (collectively "Claims") incurred by them on behalf of the Company or in furtherance of the Company's interests, except for Claims resulting from the fraud, intentional misconduct, bad faith, or gross negligence of the Member or Manager seeking indemnification. Any indemnification that the Company is required to make will be made promptly following the fixing of the liability, loss, damage, cost or expense incurred or suffered by a final judgment of any court, settlement, contract or otherwise. Any amendment to or repeal of this Section will not adversely affect any right of any Member or Manager for, or with respect to, any acts or omissions of the Member or Manager occurring prior to such amendment or repeal.

## **7. CONTRIBUTIONS TO THE COMPANY AND CAPITAL ACCOUNTS**

7.1 Capital Contribution. The Capital Contribution of the Member shall be as set forth in the Company's financial statements.

7.2 Capital Accounts. Capital Accounts shall be maintained consistent with the Code and the Regulations thereunder.

## **8. ALLOCATIONS AND DISTRIBUTIONS**

8.1 Allocation of Profits and Losses. Profits and losses will be allocated to the Member.

8.2 Distributions. The Manager will determine the amount and timing of all distributions of cash, or other assets, by the Company. All distributions will be made to the Member.

8.3 Limitations on Distributions. Notwithstanding any provision to the contrary contained in this Agreement, the Company will not make a distribution to the Member that would (i) result in any violation of the Act, or in a violation by the Company of any applicable law, or any applicable rule or regulation of any regulatory authority that has jurisdiction over the Company or its activities, (ii) render the Company insolvent, or (iii) cause the Member to have a deficit in its Capital Account as adjusted under Code Regulation Section 1.704-1(b)(2)(ii)(d).

## **9. ACCOUNTING; BOOKS AND RECORDS**

9.1 Accounting Period. The Company's accounting period will be the calendar year.

9.2 Federal and State Income Tax Treatment. The Member intends that the Company, as a single member limited liability company, shall be taxed as a disregarded entity in accordance with the provisions of the Code.

9.3 Partnership Representative.

9.3.1 Appointment. The Member hereby appoints Francis J. Ricci as the "Partnership Representative" as provided in Code Section 6223(a) ("Partnership Representative"). The Partnership Representative can be removed at any time by the Member.

9.3.2 Income Tax Elections. Except as otherwise provided herein, the Partnership Representative shall have sole discretion to make any determination regarding income tax elections he deems advisable on behalf of the Company; *provided that* the Partnership Representative shall make an election under Code Section 754, if requested in writing by another Member.

9.3.3 Tax Returns and Tax Deficiencies. Each Member agrees that such Member shall not treat any Company item inconsistently on such Member's federal, state, foreign, or other income tax return with the treatment of the item on the Company's return. Any deficiency for taxes imposed on any Member or former Member (including Imputed Underpayments, penalties, additions to tax or interest imposed with respect to such taxes, and any taxes imposed pursuant to Code Section 6226, as amended by the Bi-partisan Budget Act of 2015) shall be paid by such Member and if required to be paid (and actually paid) by the Company, will be recoverable from such Member.

9.4 Record Retention. At a minimum, the Company will keep at its principal place of business the following records: (i) a current list of the full name and last known business, residence or mailing address of each Member and Manager, both past and present; (ii) a copy of the Articles of Organization and all amendments thereto; (iii) copies of this Agreement and all amendments hereto; (iv) copies of the Company's federal, state and local tax returns and reports, if any, for the three most recent years; (v) minutes of every meeting of the Member and the Manager and any written consents obtained for actions taken without a meeting; and (vi) copies of the company's financial statements for the three most recent years.

## 10. DISSOLUTION

10.1 Events Causing Dissolution. The Company will be dissolved upon: (i) written consent of the Member; or, (ii) unless otherwise determined by the Manager, the sale or other disposition of all or substantially all of the assets of the Company.

10.2 Statement of Dissolution. As soon as possible following the occurrence of any of the events specified in Section 10.1 affecting the dissolution of the Company, the Manager shall file a Statement of Dissolution on such form as shall be prescribed by the Secretary of State. Upon filing the Statement of Dissolution, the existence of the Company will cease, except as provided otherwise by law.

10.3 The Act. In the event of dissolution as set forth herein, the dissolution shall be in accordance with the provisions of the Act.

## 11. MISCELLANEOUS

11.1 Notices. Any notice, demand, or communication required or permitted under this Agreement will be deemed to have been duly given if (i) delivered personally to the party to whom directed, (ii) sent by fax or other electronic means, or (iii) mailed by registered or certified mail, postage and charges prepaid, addressed to the Member's address specified on attached Schedule 1, or, if to the Company, to the address specified herein. Except as otherwise provided herein, any such notice will be deemed to be given upon actual delivery or refusal of delivery. A Member or the Company may change its address, fax number or electronic mail address for the purposes of notices hereunder by giving notice to the others specifying such changed address in the manner provided in this Section.

11.2 Governing Law. This Agreement will be governed by the laws of the State of Colorado, without regard to conflict of laws principles.

11.3 Severability. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any one or more of the other provisions hereof.

11.4 Counterparts. This Agreement may be executed in facsimile and counterparts, each of which will be deemed an original and all of which will constitute one and the same instrument.

11.5 Amendments. This Agreement may not be varied or modified except by a written amendment signed by the Member.

11.6 Certificates. At the sole discretion of the Manager, the Company may issue certificates to the Member denoting their ownership.

11.7 Entire Agreement. This Agreement contains the entire understanding among the parties concerning the ownership and management of, and their rights and obligations with respect to, the Company. Any and all previous documents purporting to be an operating agreement, including the Original Agreement, are hereby terminated.

Dated the day and year first above written.

**Sole Member:**

RICCI OPPORTUNITY INVESTMENTS LLC  
a Colorado limited liability company

By:  \_\_\_\_\_  
Francis J. Ricci, President

**SCHEDULE 1**

**Member Information**

(as of February 21, 2020)

<u>Member Name and Address</u>	<u>Membership Interest</u>
<b>Ricci Opportunity Investments LLC</b> 2001 York Street, Suite E Denver, CO 80205	100%

**From:** [Darcy Wilson - Stan-Mar](#)  
**To:** [Haigh, Robert M. - CPD CE0429 City Planner Senior](#); [ClarksAutoBody@yahoo.com](mailto:ClarksAutoBody@yahoo.com); [degena2477@gmail.com](mailto:degena2477@gmail.com); [Emily.M.Harris62@gmail.com](mailto:Emily.M.Harris62@gmail.com); [ghamel@loveuprising.org](mailto:ghamel@loveuprising.org); [kmbenard@gmail.com](mailto:kmbenard@gmail.com); [tim@jacksonconstructioninc.com](mailto:tim@jacksonconstructioninc.com); [timives1962@gmail.com](mailto:timives1962@gmail.com); [valdezk@comcast.net](mailto:valdezk@comcast.net); [dvwright355@gmail.com](mailto:dvwright355@gmail.com); [yazaldo@aol.com](mailto:yazaldo@aol.com)  
**Subject:** [EXTERNAL] 3358 York Street Event Center Case number: 2023i-00231  
**Date:** Monday, February 12, 2024 5:04:59 PM

---

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

[Report Suspicious](#)

My primary concern is that if there are only 22 parking spaces and they are trying to increase capacity - where will all the cars park? Currently cars are already parking on sidewalks along York Street, so adding a larger capacity to the event center will not work. If you will implement a residents only parking designation for a 5 block perimeter I would be willing to support it. Otherwise I am against it.



**CONFIDENTIALITY NOTICE:**

This electronic mail transmission and any accompanying documents contain information belonging to the sender (Stan-Mar, Incorporated), which may be proprietary and/or legally privileged. This information is intended only for the use of the individual or entity to whom this electronic mail transmission was sent as indicated above. Any re-transmission or use of the information contained within this e-mail or any of the attachments, outside it's intended use, is strictly prohibited and could result in the application of legal remedy. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is also strictly prohibited. If you have received this transmission in error, please call (303) 296-5555 to report the error and delete this transmission.