

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Daniel Weinschenker	Representative Name	
Address	2875 Albion St.	Address	
City, State, Zip	Denver, CO 80207	City, State, Zip	
Telephone	720-635-1833	Telephone	
Email	danielweinschenker@gmail.com	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.	
SUBJECT PROPERTY INFORMATION			
Location (address):	2875 Albion St. Denver, CO 80207		
Assessor's Parcel Numbers:	0130324018000		
Area in Acres or Square Feet:	5,950± sq. ft.		
Current Zone District(s):	U-SU-C		
PROPOSAL			
Proposed Zone District:	U-SU-C1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <u>2/1/21</u> <input type="checkbox"/> No - if no, describe why not _____		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Christopher Herndon, email, phone, 2/9/21</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment) _____		

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION	
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City’s adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City’s Plan.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - “Promote infill development where infrastructure and services are already in place” (p. 54). The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): <u>Park Hill Neighborhood Plan</u></p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city’s adopted plan, including Blueprint Denver which recommends “the expansion of accessory dwelling units throughout all residential areas” (<i>Blueprint Denver</i>, p. 84).</p>

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: 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> <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-C1</u> Zone District.</p>
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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 (e.g. Assessor’s record, property deed, etc). Proof of ownership 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.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- Written Narrative Explaining Project
- Site Plan/ Drawings (if available)
- Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- 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 an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Daniel Weinshenker	2875 Albion St. Denver, CO 80207	100%	<i>Daniel Weinshenker</i>	7/16/21	(B)	NO

Legal Description of Subject Property

2875 Albion St. Denver, CO 80207

Land Description: Park Hill Heights Block 8 Lot 43 & 44



04/01/2019 03:43 PM
City & County of Denver
Electronically Recorded

R \$13.00

WD

D \$61.85

After Recording Return to
Daniel Weinschenker
2875 Albion Street
Denver, CO 80207-3011

Doc Fee: \$61.85

SPECIAL WARRANTY DEED

This Deed, made March 29, 2019

Between **Melanie J. Moreno**, of the County of Denver, State of Colorado, grantor(s) and **Daniel Weinschenker, a Tenant in Severalty**, whose legal address is **2875 Albion Street, Denver, CO 80207-3011** County of Denver, and State of Colorado, grantee(s)

WITNESSETH, That the grantor(s), for and in the consideration of the sum of SIX HUNDRED EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100'S (\$618,500.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado described as follows:

Lots 43 and 44, Block 8, Park Hill Heights,
City and County of Denver, State of Colorado.

also known by street and number as **2875 Albion Street, Denver, CO 80207-3011**

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances **except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised..**

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor(s), for themselves, their heirs and personal representatives or successors, does covenant and agree that they shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

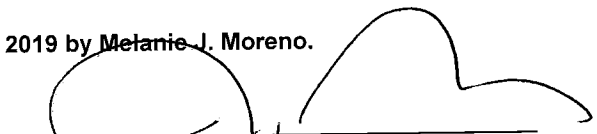

Melanie J. Moreno

STATE OF COLORADO
COUNTY OF Denver

}ss:

The foregoing instrument was acknowledged before me **March 29, 2019** by **Melanie J. Moreno**.

Witness my hand and official seal.


Notary Public

My Commission expires: **8/23/2019**

JENNY SILVER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19954013239
My Commission Expires August 23, 2019



2875 Albion St. Rezoning Narrative

In May of 2018 I purchased 2875 Albion St. after a divorce, in part because I wanted/needed to keep my kids in the neighborhood (one is special needs and gets specific support from the special ed focused team at McAuliffe, her zone school), and in part because it was marketed as having an ADU that was shown by the owner and selling agent to be viable and legal by providing me with the City of Denver's own multi-year business license for short-term rental.

Last year I was informed, during a routine check by the city, that the property wasn't zoned for ADU, no matter if a business license was issued or not. Denver city employees at Excise and Licensing reported that the city itself had not coordinated with zoning before issuing licenses. And I was informed that I would need to shut down my short-term rental unless I obtained a rezoning approval to allow for the ADU that was built back in 2007.

The only financial way I could afford this property was to use it as rentable space and so if I'm unable to get the zoning officially changed, I will have to move. I notice there have never been any complaints about the space logged with the city, nor with me since I bought it and try my best to not have it be an issue for any neighbors. I've found my renters to be conscientious, quiet, and kind. They are asked to park in front of my house, so as to not impede your access to your own homes. I don't believe noise has ever been an issue either.

I'm requesting a rezoning, with my intent to go forward in this process so that I can continue to stay here on this block and be part of the great community I've found here on Albion St. I hope you'll support me in doing that.

Steps taken so far:

1. Contacted rezoning
2. Submitted pre-application
3. Informed neighbors and received support (no concerns) - Attached
4. Informed Councilman Herdon
5. Presented to Greater Park Hill Community RNO and received support (no concerns) - Attached
6. Contacted the city to see if any change to official designation/usage will require additional permitting (TBD)
7. Maintained clear, consistent, and detailed progress steps with Mario Gonzalez, City Inspector, throughout the process.

Best,

Daniel Weinshenker
2875 Albion St. Denver, CO 80207
720-635-1833
danielweinshenker@gmail.com



Greater Park Hill Community, Inc.

Phone: (303) 388-0918

2823 Fairfax Street
Denver, CO 80207
greaterparkhill.org

Fax: (303) 388-0910

June 7, 2021

Daniel Weinschenker
2875 Albion St
Denver, CO 80207

RE: Rezoning effort for 2875 Albion Street

Dear Mr. Weinschenker:

Thank you for your presentation to Greater Park Hill Community, Inc (GPHC). Our board has voted in favor of rezoning 2875 Albion Street from U-SU-C to U-SU-C1. This action would bring the zone lot, which for many years has contained an ADU, into compliance with the Denver Zoning Code. GPHC supports this effort and, in line with the Park Hill Neighborhood Plan, Blueprint Denver, and Denver Comprehensive Plan 2040, urges the City of Denver to grant the rezoning designation.

Please feel free to present this letter to Community Planning and Development with your application.

Sincerely,

A handwritten signature in black ink, appearing to read "Lana", with a long horizontal flourish extending to the right.

Lana Cordes, Executive Director
On behalf of the Board of Governors
Greater Park Hill Community, Inc.

My support for Dan Weinshenker's AirBnb in Park Hill Inbox x



Darren Spreeuw

to me ▾

Mon, May 3, 4:59 PM (3 days ago)

Hi Daniel,

Please share this email with the GPHC neighborhood organization.

They were very open to community feedback when I was hoping to get their support back in my Perk Hill Coffeehouse days.

I want to voice my enthusiastic support for Daniel Weinshenker's VRBO/AirBNB in Park Hill.

As everyone knows, it has operated without problems for years, under Daniel as owner, and under the previous owner.

When Park Hill'ians have family come in from out of town, Dan's ADU is a rare and wonderful asset that the entire community can use and enjoy.

Visitors can be close to their Park Hill family, facilitating visits within walking distance, rather than rental-car visits from downtown hotels.

Dan has been very diligent about keeping his neighbors happy, regarding the ADU, as I understand things.

It's also important to realize how short-term rentals like Dan's help to keep long-term PH neighbors from being priced out of Park Hill.

The cashflows from the ADU fortify Dan's salary from his work in the non-profit sector....a very good thing, in my humble opinion.

Respectfully,



Darren Spreeuw, PhD
PORTFOLIO MANAGER

To: Anastasia Williamson



iMessage
Sun, May 9, 5:25 PM

Hey - sorry about all the noise! There was so much dead wood on those trees, I thought it was kind of a safety issue how many branches were dropping during the storms/wind. Hope it's not totally ruining your otherwise quiet weekend.

Also - I wanted to let you know that I'm applying for an official rezoning of my property to allow for the unit in the back. It was actually illegal for Melanie to be using that as habitable space, which I unfortunately found out recently from the city inspectors. I'll attach the letter here and would appreciate your support for its continued/unchanged use. If you have any concerns at all or things you wish I'd do differently, I'm more than open to hearing about those. Just let me know.



Hi! No worry about the noise. These old trees need maintenance every couple of years. What were the girls painting? They were having fun and had a great song playlist.

Ha. Mother's Day pots.

They like indie pop playlists

Mon, May 10, 4:40 PM

I have zero concerns about your Airbnb and you have my full support.

Mon, May 10, 6:40 PM

NICHOLAS VOLENEC <nvolenecc@comcast.net>
to me ▾

Tue, May 4, 6:05 AM ☆ ↶ ⋮

May 4, 2021

To whom it may concern,

I am writing this in support of my neighbor's operation of an air b and b next door to my house. I have been living here for 24 years. The previous owner of his house, renovated the structure behind the house into a very comfortable two room / with kitchen and bath many years ago, and for several years rented it out as an air b and b with the blessing of the City of Denver. The operation itself causes no disruption to the neighborhood and has always been clean and quiet. Mr Weinshenker purchased the house maybe 4 years ago with the intention of making the property his residence knowing that the seller had used this small space in the back for additional income. This space does not cause noise or traffic issues in the area and on some level adds to the diversity of our neighborhood given the interesting individuals that visit our fair city from all over the country. I hope you can consider rezoning his property so that he can continue to offer this service.

Thank you for your consideration,

Feel free to contact me.

Nicholas P. Volenec
2885 Albion St.
Denver, CO
80207
303-877-1701

Park Hill Rental Property ▶ Inbox x



Paul Schonwald <fpschoniii@gmail.com>
to me ▾

Mon, May 3, 3:27 PM (3 days ago) ☆ ↶ ⋮

Hello,

I own the house at 2884 Albion St, Denver, CO 80207. We are in total approval of the mixed-use rental property across the street from us. We have never been bothered by the rental and are in favor of the rezoning to make it permanent.

Thank you,

—
Paul Schonwald

Petroleum Landman
(405) 306-2122

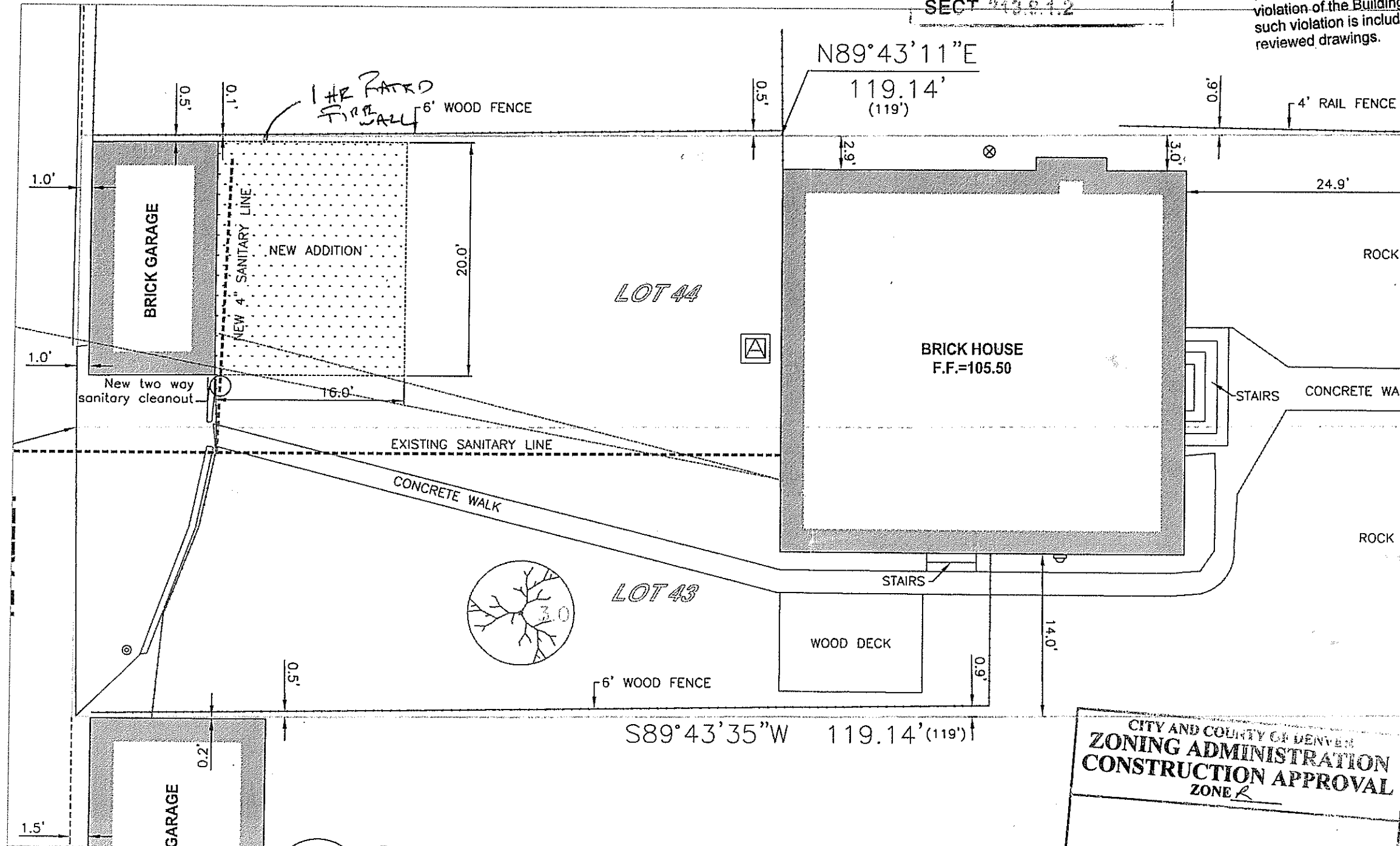
↶ Reply

➜ Forward

SMOKE ALARMS ARE
REQUIRED PER I.R.C.
SECT 143.9.1.2

SECTION 151.4: The review of drawings shall not be construed to mean approval of any such violation of the Building Code if such violation is included in the reviewed drawings.

ELECTRICAL, PLUMBING AND MECHANICAL HAS NOT BEEN REVIEWED AND IS SUBJECT TO FIELD INSPECTION, CONTACT PROPER INSPECTOR ABOUT CODE REQUIREMENTS.



1 SITE PLAN
S01 SCALE: 1' = 16'-0"

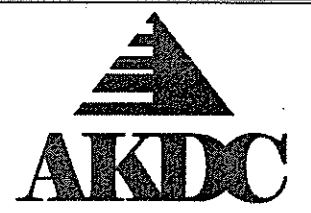
CITY AND COUNTY OF DENVER
ZONING ADMINISTRATION
CONSTRUCTION APPROVAL
ZONE R
Signature *A. Jarruth* Date 1/3/8

REVIEWED
DENVER BUILDING INSPECTION DIVISION
By *A. Jarruth*

CONTRACTOR'S COPY

THIS SET OF PLANS SHALL BE ON THE JOB SITE AT TIME OF INSPECTION

No.	DATE	BY



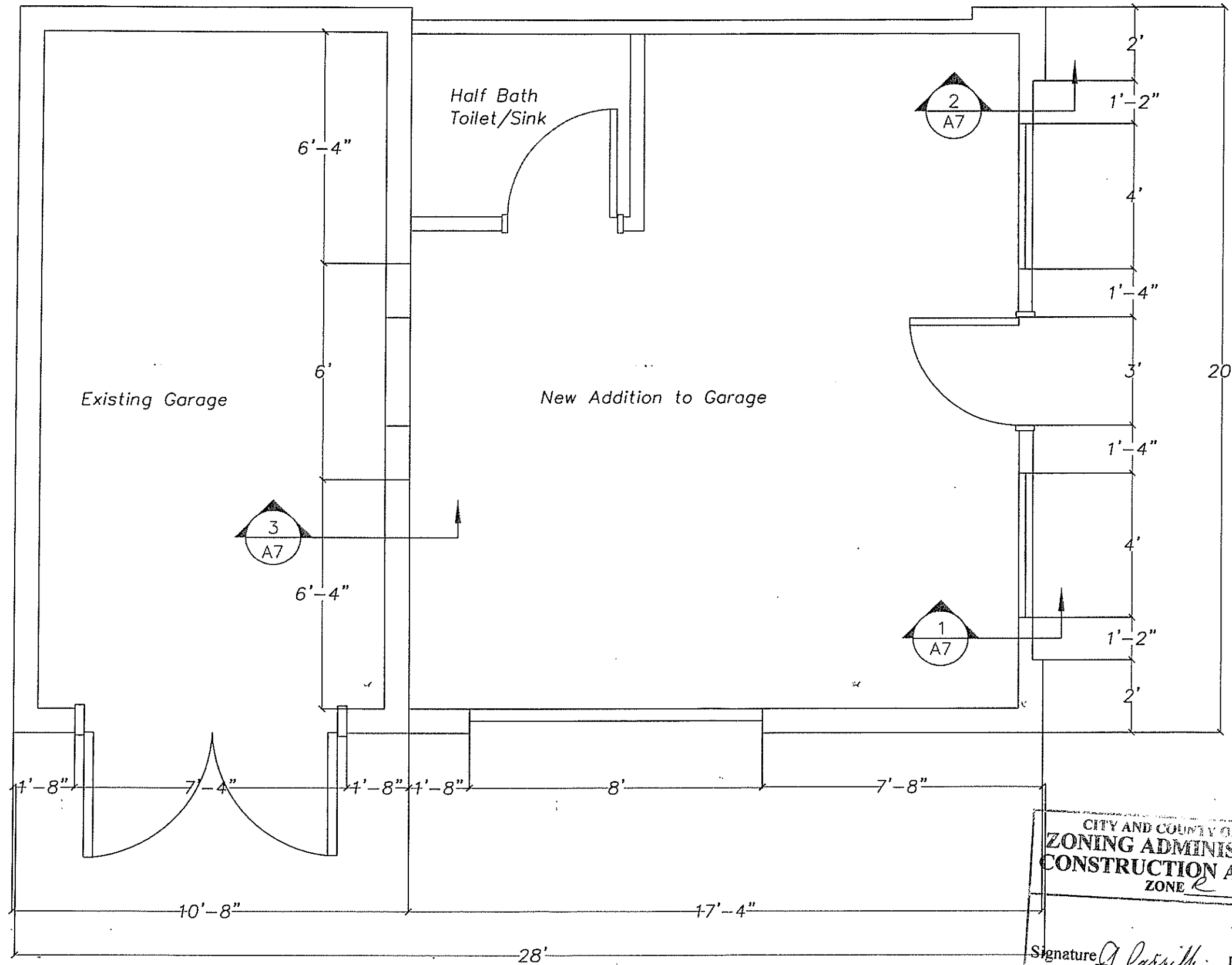
AK Design & Construction
20033 Silver Ranch Road
Conifer, Colorado 80433
Phone: 303-973-5052
Cell: 303-885-7204
E-mail: john.murphy@hughes.net

INFORMATION IN THIS DOCUMENT IS PROPRIETARY AND CONFIDENTIAL, AND SHALL NOT BE USED, COPIED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF AERIE NETWORKS.

PROJECT:	1107-01
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DRAWN:	AH
CHECKED:	AH
DATE:	12/25/07
SCALE:	1"=16'
FILE NAME:	2875albionsite.dwg


SYSTEM:
2875 Albion St
Denver, CO

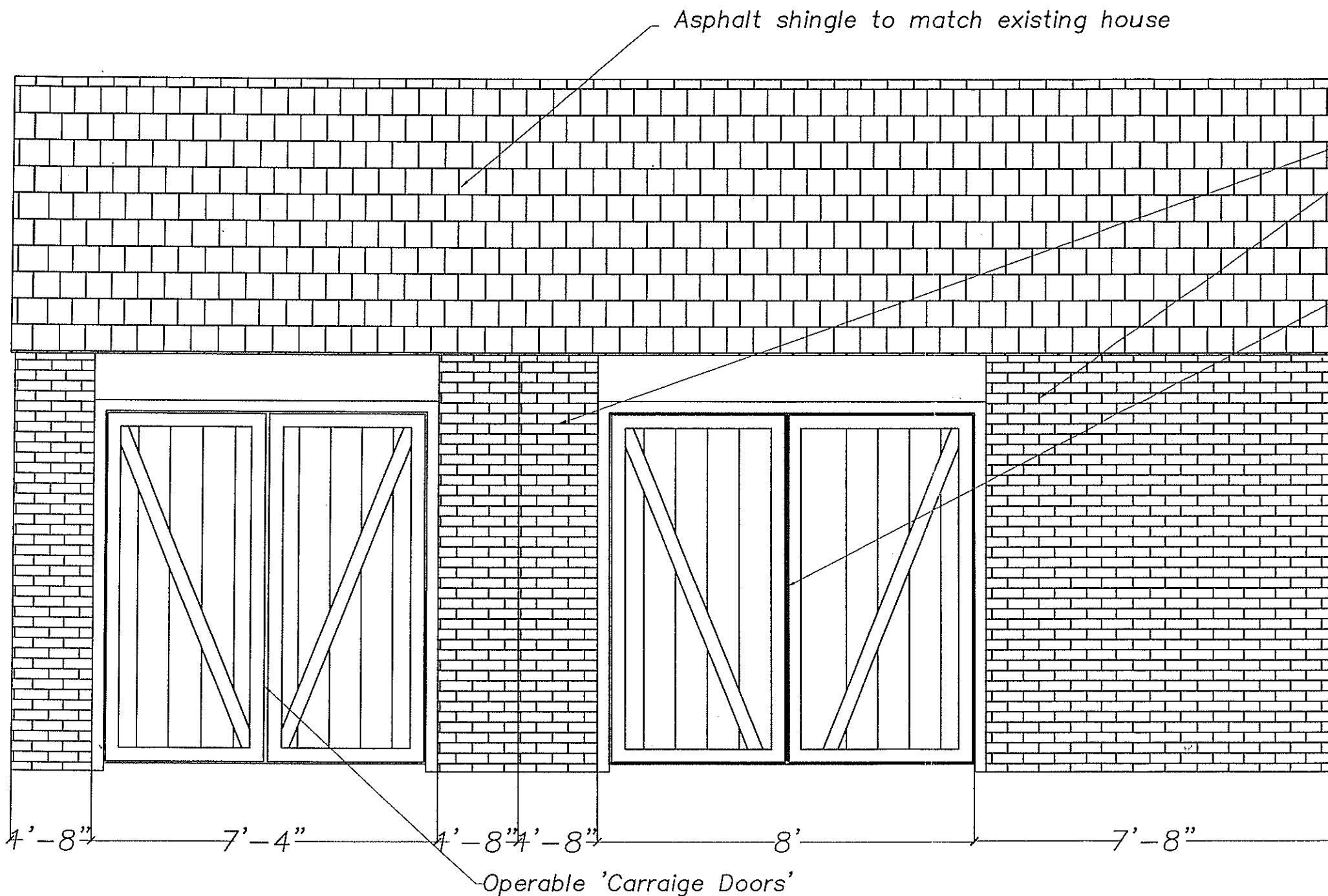
REV #:	2
SHEET #:	S01



CITY AND COUNTY OF DENVER
ZONING ADMINISTRATION
CONSTRUCTION APPROVAL
 ZONE R

Signature *A. Parrillo* Date *1/3/8*

No.	REVISIONS	DATE	BY
 AKDC AK Design & Construction 20033 Silver Ranch Road Conifer, Colorado 80433 Phone: 303-973-5052 Cell: 303-885-7204 E-mail: john.murphy@hughes.net			
<small>INFORMATION IN THIS DOCUMENT IS PROPRIETARY AND CONFIDENTIAL, AND SHALL NOT BE USED, COPIED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF AERIE NETWORKS.</small>			
PROJECT:	07-1101		
DESIGN:	JM		
DRAWN:	JM		
CHECKED:	JM		
DATE:	12/8/07		
SCALE:	1/4"=1'		
FILE NAME:			
SYSTEM:			
2875 Albion St Denver, CO			
Floor Plan			
REV #:	1		
SHEET #:	A1		



Asphalt shingle to match existing house

Recycled brick to match existing

Inoperable wall section to match 'carrriage doors'

No.	REVISIONS	DATE	BY
-----	-----------	------	----



AKDC
 AK Design & Construction
 20033 Silver Ranch Road
 Conifer, Colorado 80433
 Phone: 303-973-5052
 Cell: 303-885-7204
 E-mail: john.murphy@hughes.net

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PROJECT: 07-1101
 DESIGN: JM
 DRAWN: JM
 CHECKED: JM
 DATE: 12/8/07
 SCALE: 3/8=1
 FILE NAME:
 SYSTEM:

2875 Albion St
 Denver, CO

South Elevation

REV #: 1

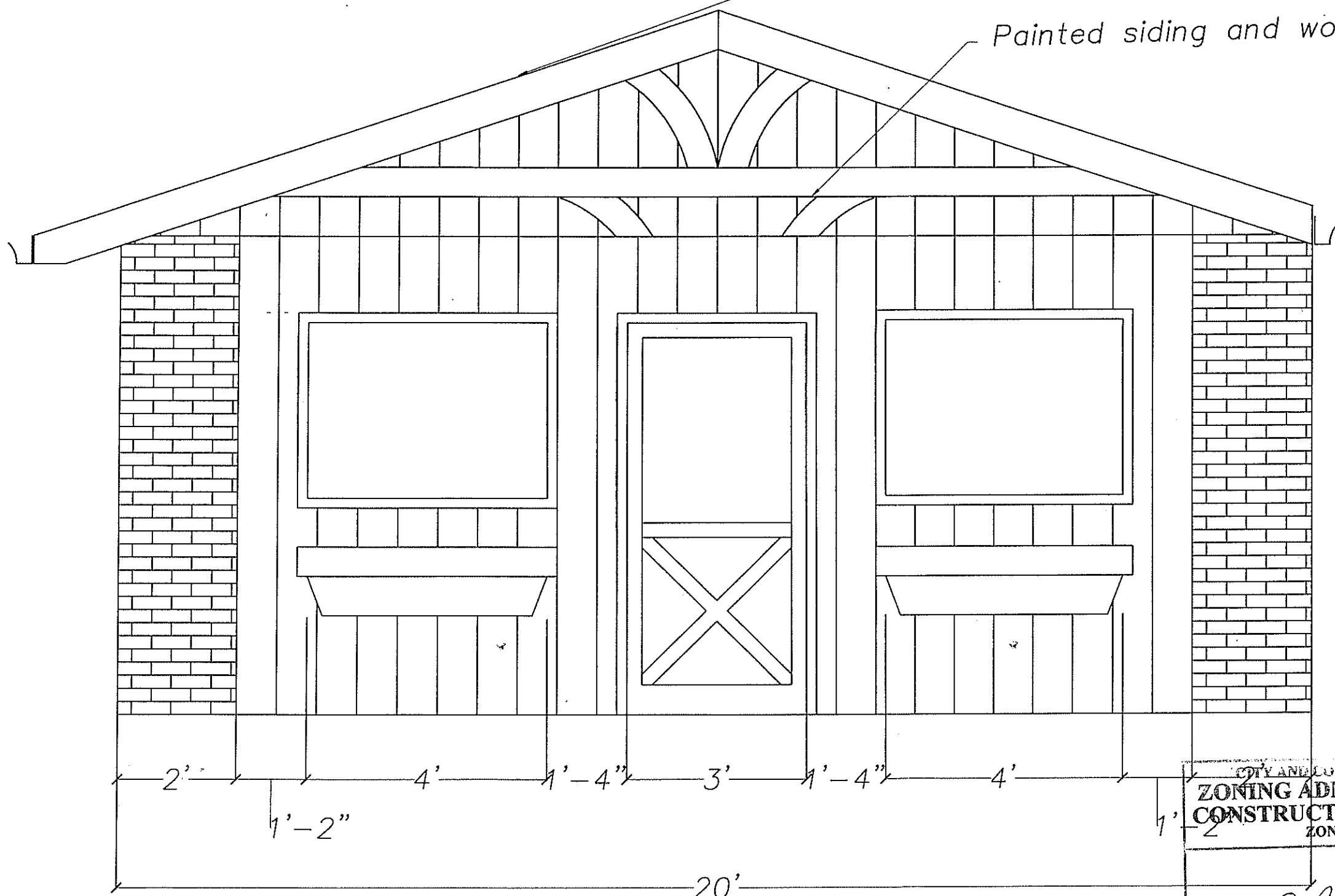
SHEET #: A3

CITY AND COUNTY OF DENVER
ZONING ADMINISTRATION
CONSTRUCTION APPROVAL
 ZONE R

Signature *A. Jarrish* Date *1/3/8*


Asphalt shingle to match existing house

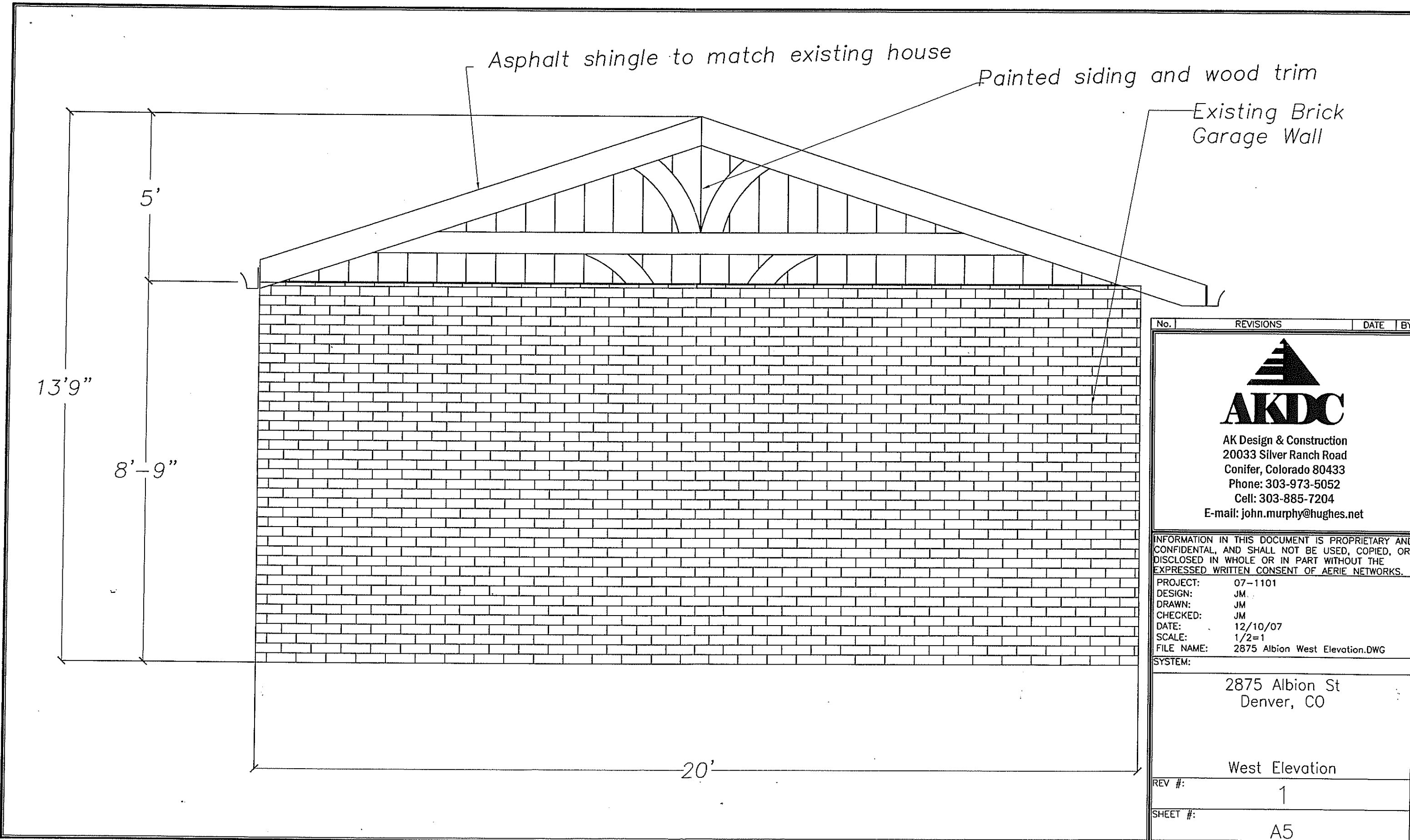
Painted siding and wood trim




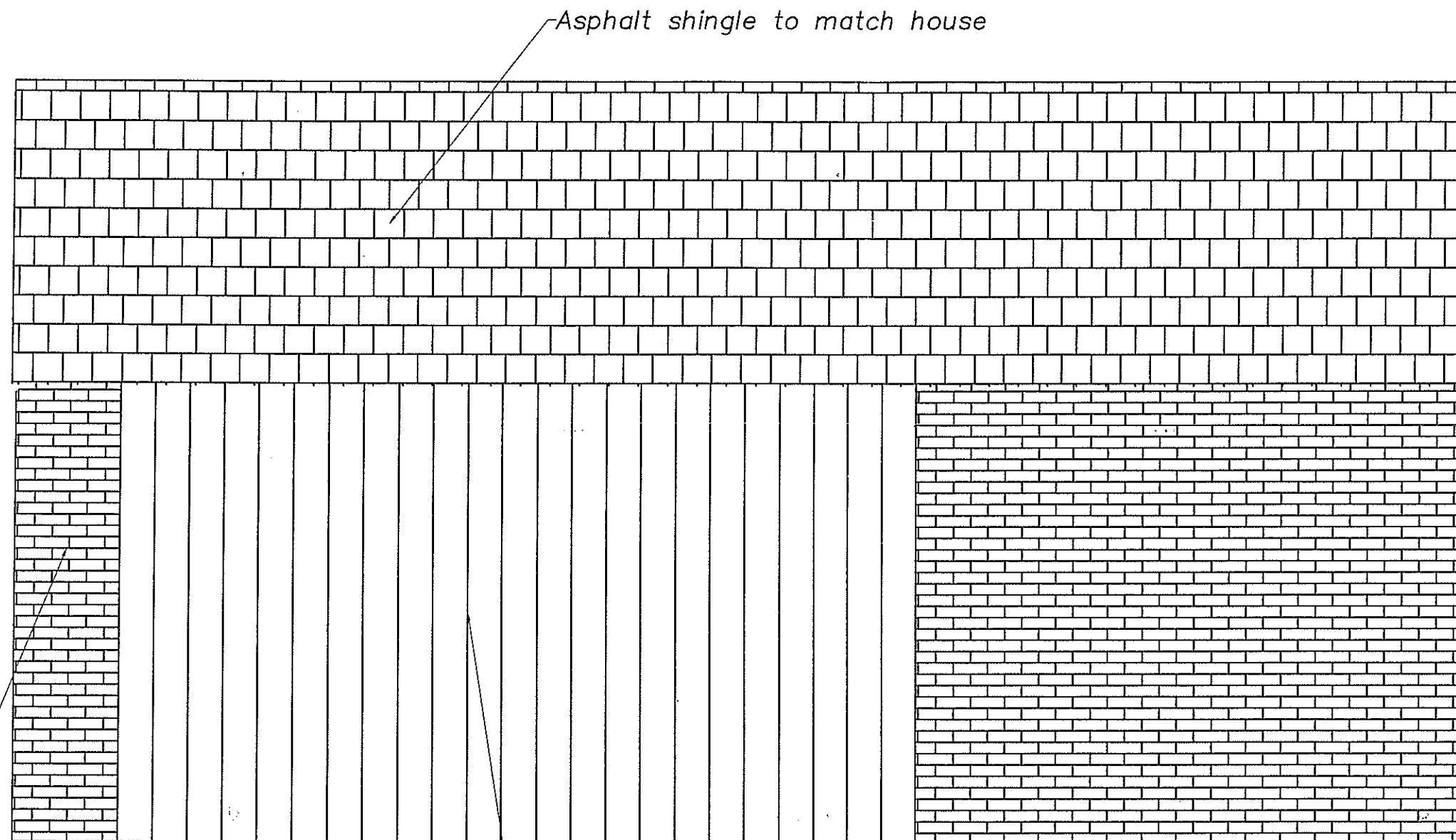
CITY AND COUNTY OF DENVER
ZONING ADMINISTRATION
CONSTRUCTION APPROVAL
 ZONE R-

Signature *J. Javilla* Date *1/3/8*

No.	REVISIONS	DATE	BY
 AKDC AK Design & Construction 20033 Silver Ranch Road Conifer, Colorado 80433 Phone: 303-973-5052 Cell: 303-885-7204 E-mail: john.murphy@hughes.net			
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PROJECT:	07-1101		
DESIGN:	JM		
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CHECKED:	JM		
DATE:	12/10/07		
SCALE:	1/2"=1'		
FILE NAME:	2875 Albion East Elevation.DWG		
SYSTEM:	2875 Albion St Denver, CO		
REV #:	1		
SHEET #:	A4		



No.	REVISIONS	DATE	BY
 AKDC AK Design & Construction 20033 Silver Ranch Road Conifer, Colorado 80433 Phone: 303-973-5052 Cell: 303-885-7204 E-mail: john.murphy@hughes.net			
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PROJECT:	07-1101		
DESIGN:	JM		
DRAWN:	JM		
CHECKED:	JM		
DATE:	12/10/07		
SCALE:	1/2=1		
FILE NAME:	2875 Albion West Elevation.DWG		
SYSTEM:	2875 Albion St Denver, CO		
	West Elevation		
REV #:	1		
SHEET #:	A5		



Asphalt shingle to match house

Recycled brick to match existing

Painted siding

No.	REVISIONS	DATE	BY
-----	-----------	------	----



AK Design & Construction
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 Conifer, Colorado 80433
 Phone: 303-973-5052
 Cell: 303-885-7204
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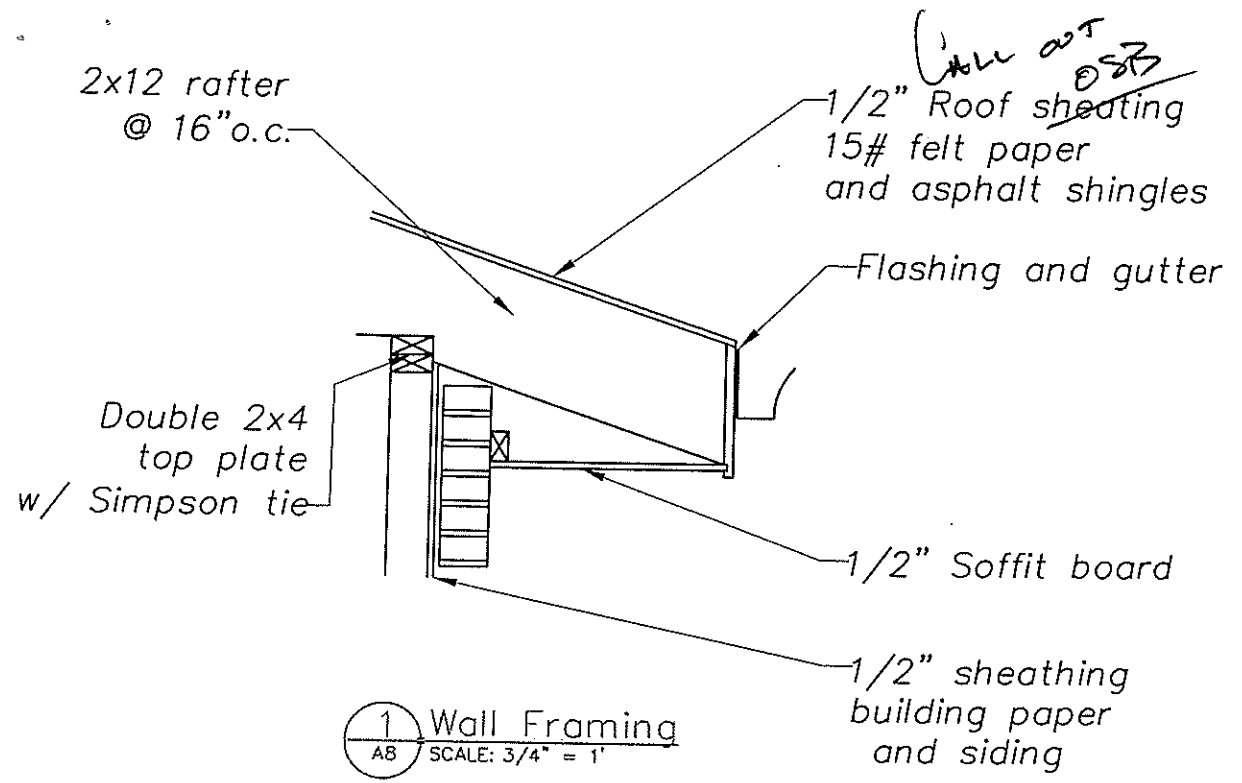
PROJECT: 07-1101
 DESIGN: JM
 DRAWN: JM
 CHECKED: JM
 DATE: 12/8/07
 SCALE: 3/8=1
 FILE NAME:

SYSTEM:
 2875 Albion St
 Denver, CO

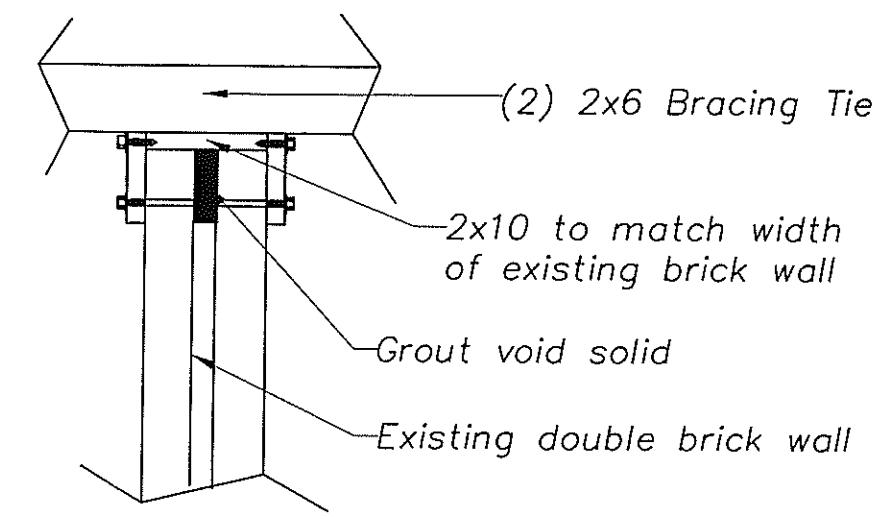
North Elevation

REV #: 1

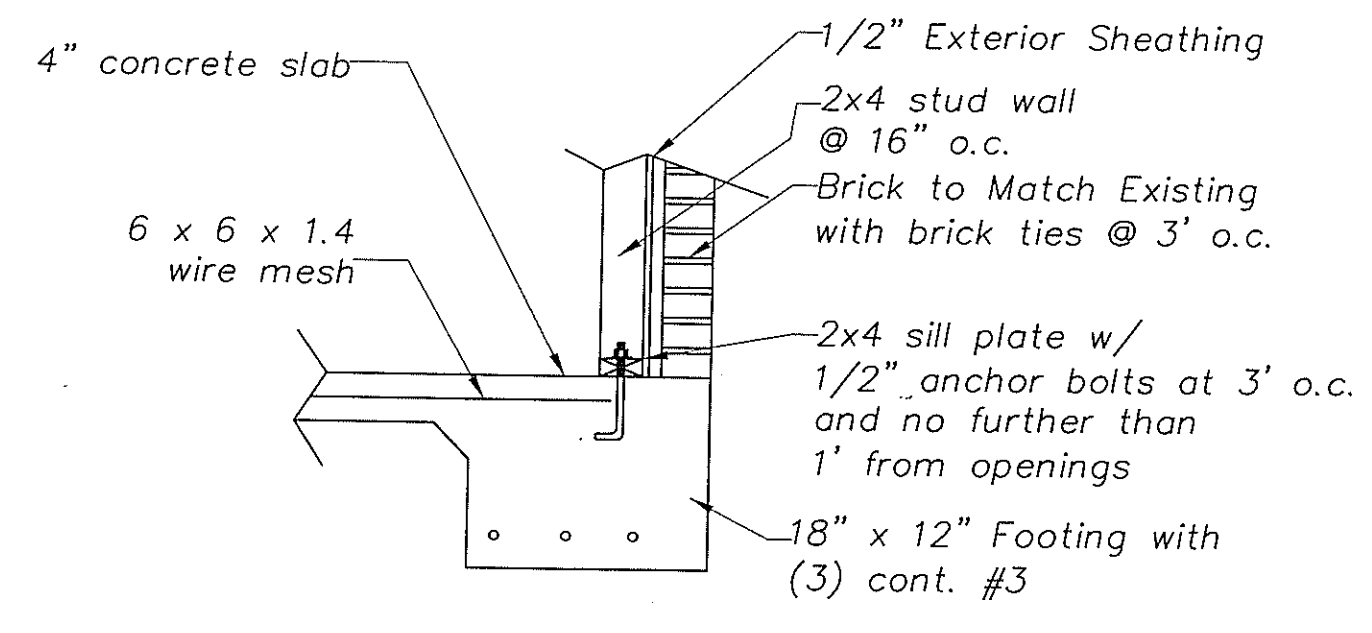
SHEET #: A6



1 Wall Framing
 AB SCALE: 3/4" = 1'



3 Existing Wall
 AB SCALE: 3/4" = 1'



2 Foundation Detail
 AB SCALE: 3/4" = 1'

No.	REVISIONS	DATE	BY
-----	-----------	------	----



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 E-mail: john.murphy@hughes.net

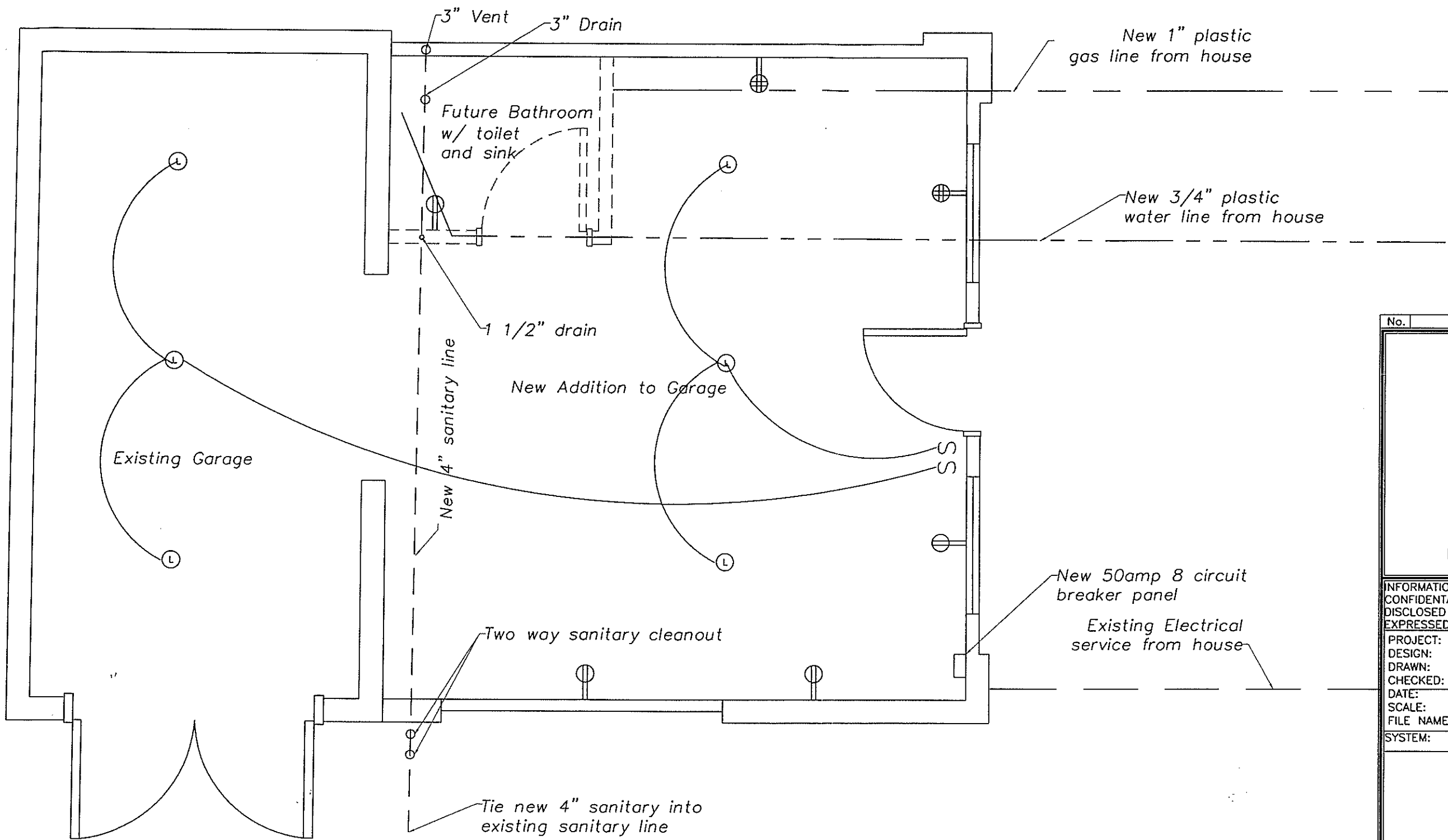
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PROJECT: 1107-01
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 DRAWN: JM
 CHECKED: JM
 DATE: 00/00/00
 SCALE: 3/4=1
 FILE NAME: 2875albiondetails.DWG

SYSTEM:
 2875 Albion St.
 Denver, CO

REV #: 1

SHEET #: A7



No.	REVISIONS	DATE	BY
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PROJECT:	07-1101
DESIGN:	JM
DRAWN:	JM
CHECKED:	JM
DATE:	12/8/07
SCALE:	1/4"=1'
FILE NAME:	2875albionmep.dwg

SYSTEM:

2875 Albion St
 Denver, CO

MEP

REV #: 1

SHEET #: MEP1