



TO: Denver City Council Land Use, Transportation and Infrastructure Committee
FROM: Andrew Webb, Senior City Planner
DATE: September 14, 2021
RE: Official Zoning Map Amendment Application #2021I-00008

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00008.

Request for Rezoning

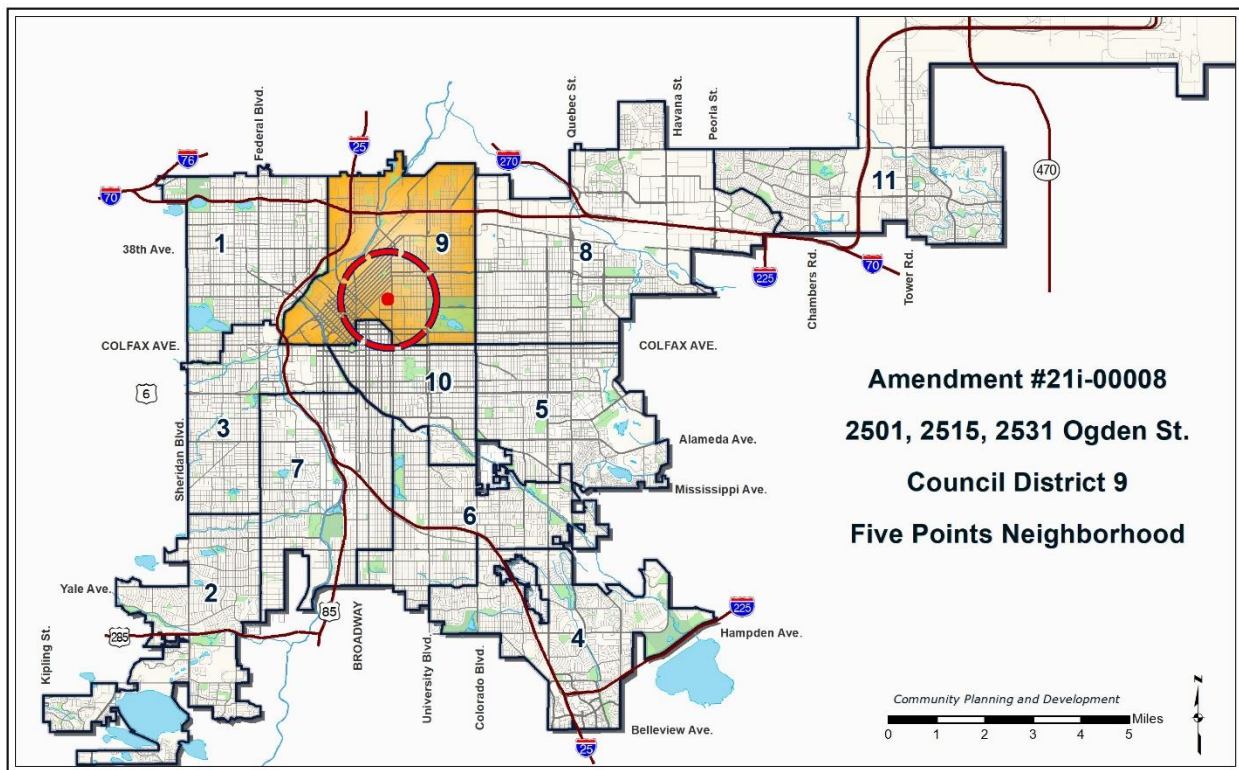
Address: 2501, 2515, 2531 N Ogden Street
Neighborhood/Council District and CM: Five Points / Council District 9, CM CdeBaca
RNOs: Inter-Neighborhood Cooperation (INC), Welton Corridor Property Owners, Opportunity Corridor Coalition of United Residents, Five Points Neighbors, The Points Historical Redevelopment Corp., Northeast Denver Friends and Neighbors, Center City Denver Residents Organization, Rio Norte, Denver Arts and Culture Initiative, Old San Rafael Neighborhood Association.
Area of Property: 25,000 square feet or .57 acres
Current Zoning: PUD 25
Proposed Zoning: U-SU-A1, UO-3
Property Owner(s): Avalanche Funding LLC
Owner Representative: Bruce O'Donnell

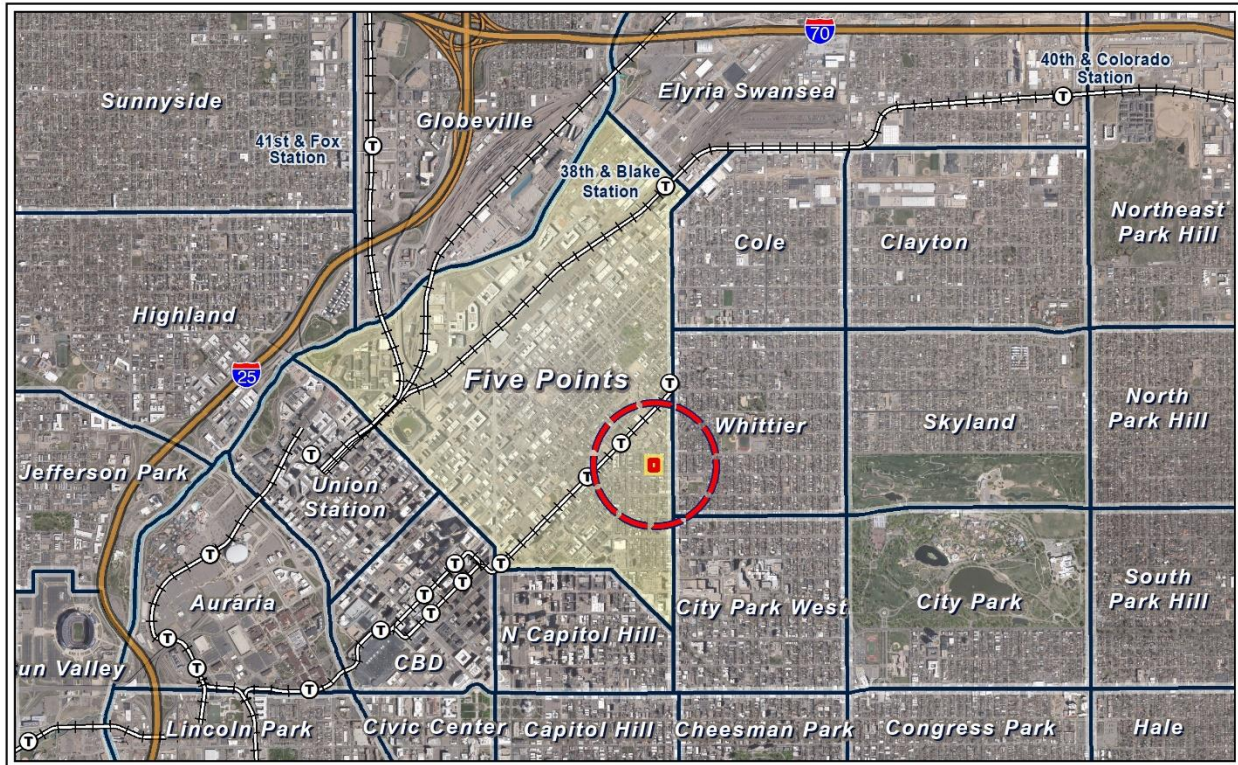
Summary of Rezoning Request

- The subject site is located in the Five Points neighborhood on the west side of N. Ogden Street, between East 25th and 26th avenues.
- The property is owned by Avalanche Funding LLC, and is currently the location of Taylor Funeral and Cremation Services, a mortuary. According to the application, the mortuary business intends to move to a new location.
- The proposed zoning is intended to allow demolition of the mortuary structures and redevelopment of the property with 8 single-unit homes, with the option of detached accessory dwelling units. It aims to implement plan guidance for this location that calls for future development of low-intensity residential uses.
- The proposed U-SU-A1 and UO-3 zone districts would align with zoning of surrounding properties.
- The requested U-SU-A1 (Urbane, Single-Unit) zone district is a single-unit zone district in the Urban Neighborhood Context allowing urban houses and detached accessory dwelling units with a minimum zone lot size of 3,000 square feet. It is typically applied where a pattern of 25-foot-wide lots exist in a residential area, as is the case at this location. This district requires the

shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. 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. Further details about the U-SU-A1 zone district can be found in the Proposed Zone District section of this staff report (below) and in Article 5 of the Denver Zoning Code.

- The proposed UO-3, (Use Overlay 3, the Historic Structure Use Overlay) allows limited office, lodging and artist studio uses in Historic Structures (structures designated as Landmarks) located in residential zone districts. There are no designated Historic Structures on the subject site – the UO-3 district is proposed here to align with the zoning of surrounding residential properties.





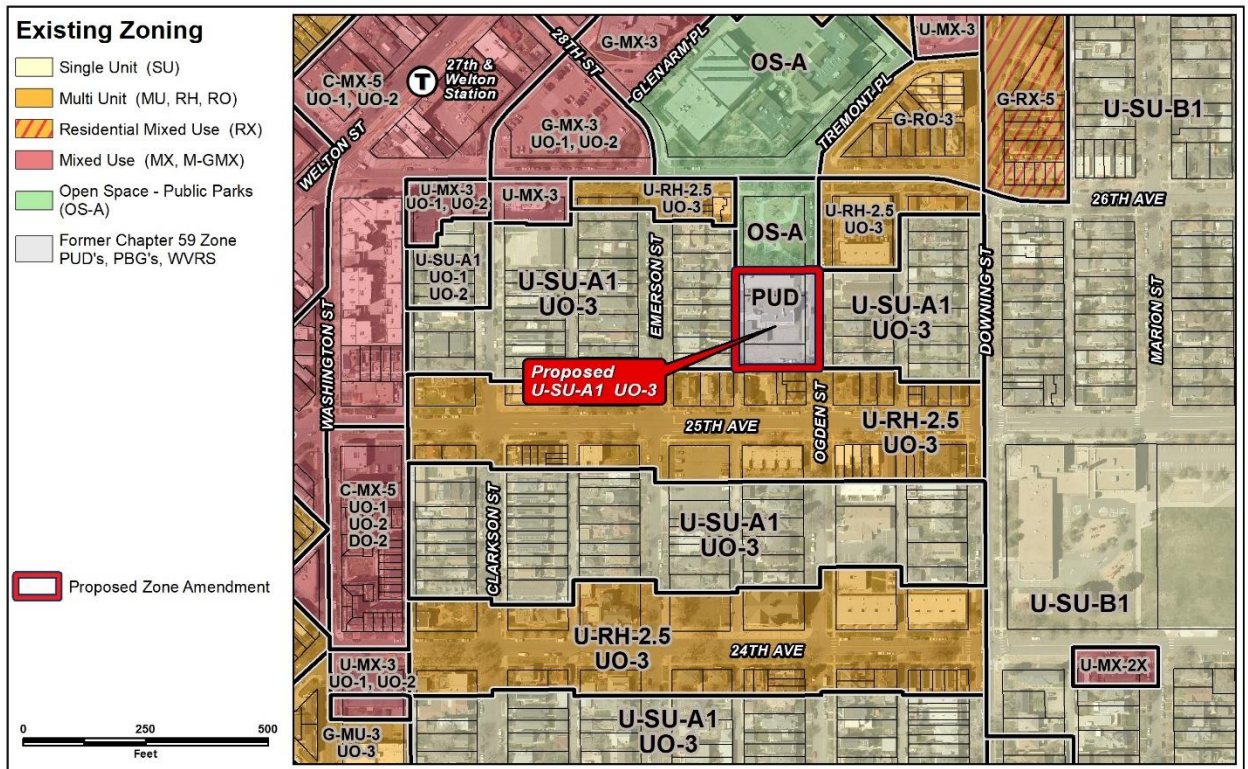
Existing Context

The subject site is in the San Rafael National Historic District, a sub-area of the larger Five Points neighborhood, and one of the city’s earliest residential neighborhoods. It is located southeast of the intersection of 27th St., Welton St., N. Washington St. and E. 26th Ave., which gives the Five Points neighborhood its name. The surrounding blocks are characterized primarily by single-unit residential uses, with some two- and multi-unit uses, and a handful of public/institutional uses, such as a church directly across the street from the subject site. A small park with a playground, Lenore B. Quick Park, adjoins the subject property to the north. RTD bus transit service is provided a block to the east on N. Downing St., and rail transit can be accessed approximately 4 blocks, or about a quarter mile, to the west along Welton St., and about ½ mile to the north at 30th and Downing.

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

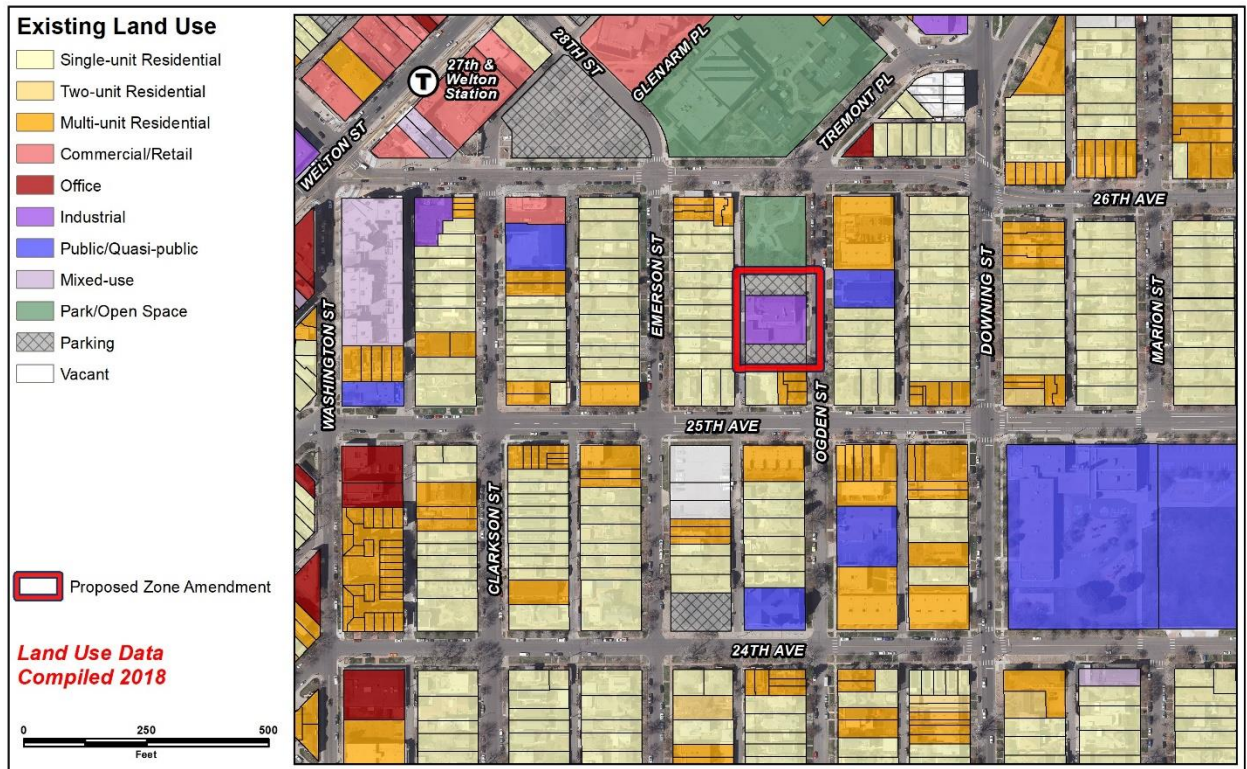
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 25	Industrial and Vacant (per GIS data); mortuary, viewing room and surface parking	1 and 2-story commercial structures with shallow setbacks	Regular orthogonal grid of streets with consistent block sizes and shapes. Detached sidewalks and existing alleys. Garages generally face alleys. Downtown street grid joins neighborhood grid just to the north and west of subject site.
North	OS-A, UO-3	Park and playground	Outdoor playground equipment (swings, climbing structure)	
South	U-RH-2.5, UO-3	Multi-unit residential	3-story townhome structure with ground-level parking facing the street	
East	U-SU-A1, UO-3	Single-unit residential, church, limited multi-unit residential	1- and 2-story single-unit homes, 2-story church, limited number of 1- and 2-story townhome structures. Garages and some accessory dwelling units face alleys.	
West	U-SU-A1, UO-3	Single-unit residential, limited multi-unit residential	1- and 2-story single-unit homes. Garages and some accessory dwelling units face alleys.	

1. Existing Zoning



The existing zoning on the subject property is PUD 25 (Planned Unit Development). PUD 25 is based on the R-4 district from Former Ch. 59, which was Denver's zoning code prior to adoption of the Denver Zoning Code in 2010. The PUD specifically allows a mortuary, viewing room and surface parking.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images are from Google Streetview.



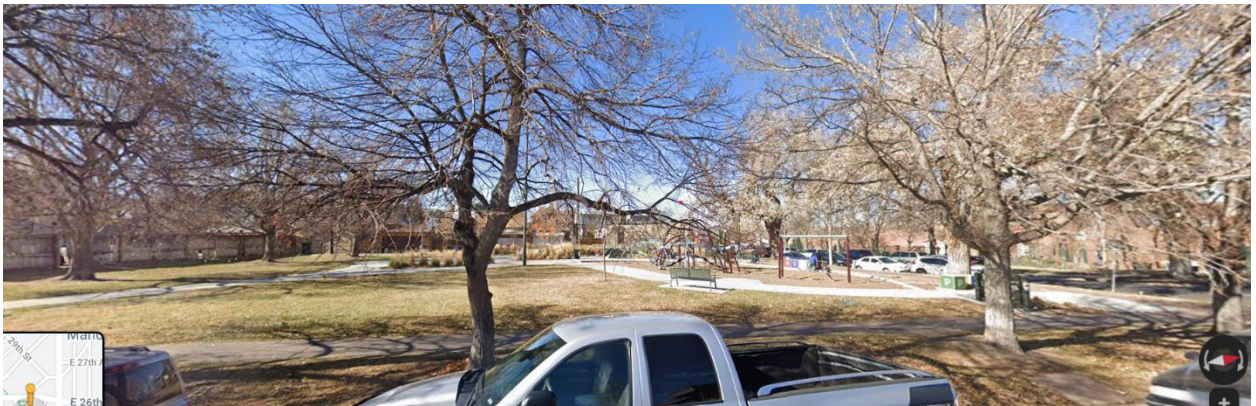
View of the subject property looking northwest from N. Ogden St.



View of townhouse development to the south of the subject property, looking northwest from N. Ogden St.



View of development directly across the street to the east of the subject site, looking directly east from N. Ogden St.



View of Lenore B. Quick park, directly north of subject site, looking east from N. Ogden St.



View of development to the west of the subject site (across the alley) looking east from N. Emerson St.

Proposed Zoning

U-SU-A1 Zone District

The applicant is requesting to rezone to a new base zone district of U-SU-A1, a single-unit zone district with a minimum zone lot of 3,000 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-A1 district. Compared to the existing PUD 25 district, U-SU-A1 introduces residential uses, the Urban House building form, the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) 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 building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. For zone lots smaller than 6,000 square feet the ADU building footprint may be a maximum of 650 square feet.

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

Design Standards	PUD 25	U-SU-A1 (Proposed)
Primary Building Forms Allowed	Existing Development Only (mortuary and associated structures)	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	N/A	2.5 stories / 30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	N/A	1 story / 17 feet
DADU Maximum Height in Stories/Feet	N/A	1.5 stories / 24 feet
Zone Lot (Min.)	N/A	3,000 square feet
Minimum Zone Lot Width	N/A	25 feet

Primary Street Block Sensitive Setback Required / If not	N/A / 10 feet	Yes / 20 feet
Side Street Setback (Min.)*	N/A	5 feet
Side Interior Setback (Min.)*	40 feet (existing)	5 feet
Rear Alley / No Alley	0 feet (existing)	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	N/A	37.5%
Detached Accessory Building Forms Allowed	N/A	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 35 feet

UO-3 Historic Structure Use Overlay

The applicant also proposes to establish the UO-3 Historic Structure Use Overlay District on this site, which would be consistent with the zoning of surrounding properties. There is not currently a Landmarked Historic Structure on the subject site. The UO-3 district is intended to encourage preservation, protection, adaptive reuse and enhancement of structures designated as City Landmarks, and may only be established in conjunction with an underlying Residential Zone District, such as the proposed U-SU-A1. The overlay allows three commercial uses (with use limitations) in qualifying Historic Structures:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

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:

Community Planning and Development: The application number for this rezoning proposal is 2021I-00008.

Denver Parks and Recreation: Approved, No comment

Public Works – R.O.W.- City Surveyor: Approved, with comments. The descriptions are correct but the address for 2501 N Ogden St does not fit the addresses in the block and most likely was made up by the Assessor. Client will need to apply for a new address for this site.

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

Development Services- Wastewater: DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering

including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No response.

Development Services – Fire Prevention: Approved – No comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	7/13/21
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	8/17/21
Planning Board public hearing: <u>Recommendation of Approval</u>	9/1/21
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 (10) working days before the meeting (tentative):	9/2/21
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	9/14/21
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	10/11/21

Council and registered neighborhood organizations (tentative):	
City Council Public Hearing (tentative):	11/1/21

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - Staff has received one letter from a neighbor of the property in support of the proposed rezoning. That letter is attached with this staff report.
- **Planning Board**
 - Denver Planning Board considered this proposed rezoning as part of its Consent Agenda on September 1, 2021 and unanimously recommended approval.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Northeast Downtown Neighborhood Plan (2011)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with several of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning to U-SU-A1, UO-3 would allow for housing options near high-frequency transit and mixed-use development along Welton St., which is consistent with the following strategy 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* (p. 28).

The proposed U-SU-A1, UO-3 zone district will allow the construction of new housing in an area that is well-served by transit and multi-modal infrastructure, near employment, shopping and other amenities in Five Points and the greater Downtown area. U-SU-A1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use, consistent with zoning for neighboring properties and with existing development patterns in this area. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes (many with ADUs) that currently characterize the San Rafael neighborhood. This is consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).
- 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).

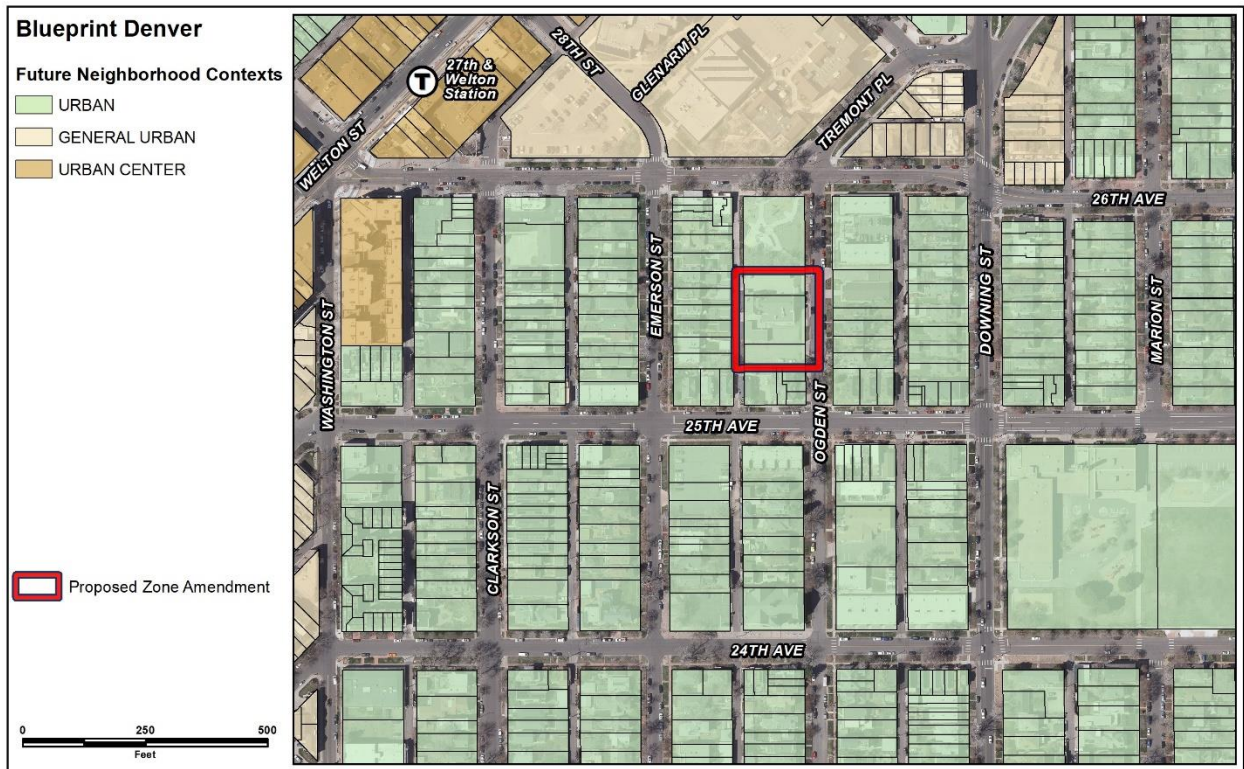
The proposed rezoning to U-SU-A1, UO-3 would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available in a location where services, such as water, stormwater and streets already exist. This allows Denver to grow responsibly and promotes land conservation, consistent with the following strategy in the Environmentally Resilient vision element:

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

Blueprint Denver

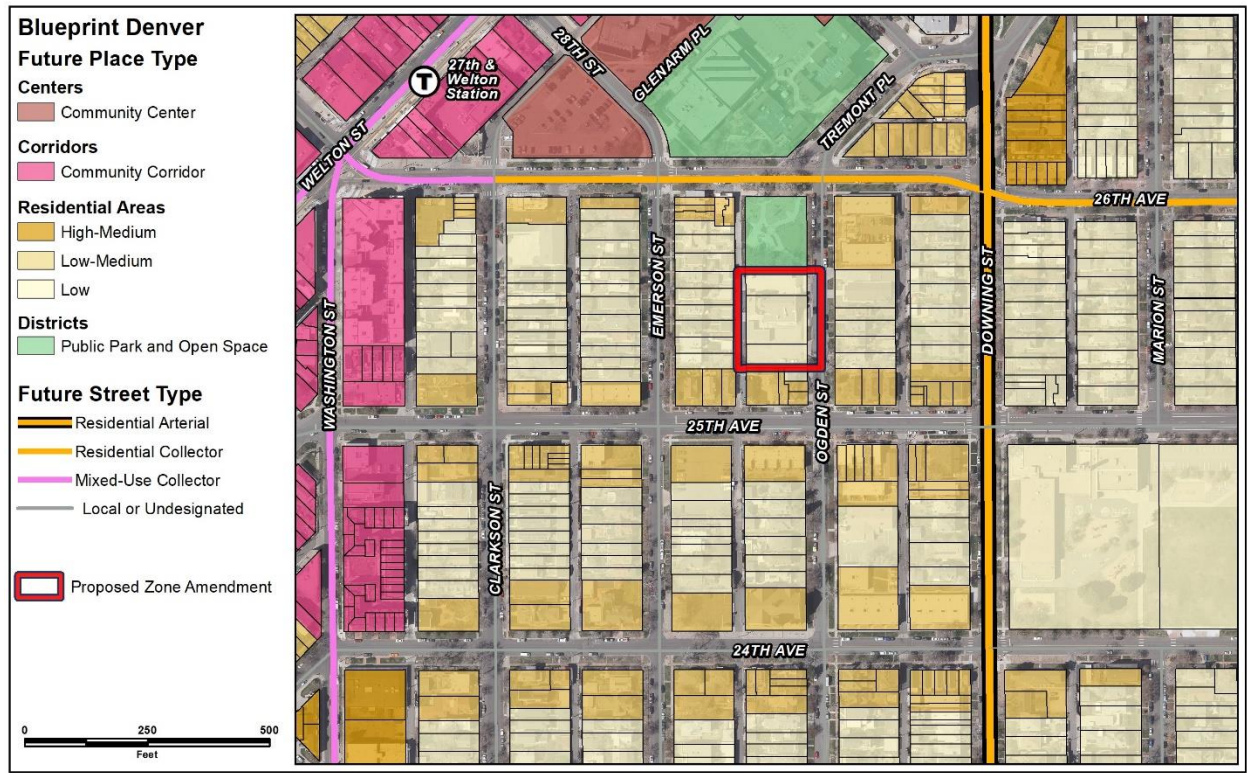
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential area within the Urban Center Neighborhood Context and provides guidance from 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 being within the 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 typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). U-SU-A1 is a zone district within the Urban neighborhood context that is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). The proposed U-SU-A1 zone district is consistent with the Urban future neighborhood context Blueprint identifies for this location, as it will allow single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

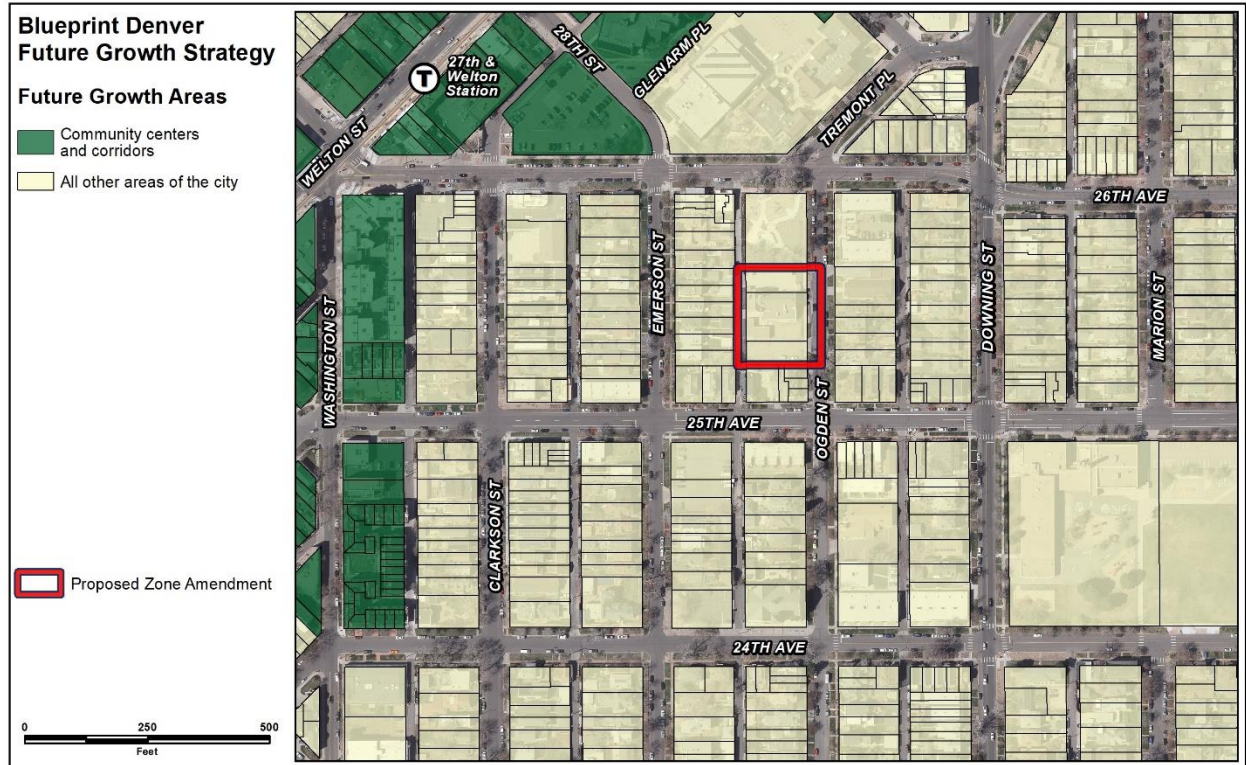


Blueprint Denver’s Future Places map identifies the area containing the subject site as a Low Residential future place. This place type is characterized by “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-A1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-family home, which is consistent with the Low Residential future place type description. It allows the Urban House building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, Future Street Types are considered alongside Future Place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Ogden Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed U-SU-A1 district is consistent with this description because it allows for residential uses.

Growth Strategy



Blueprint Denver’s Growth Strategy map illustrates the plan’s aspirations for distributing future growth in Denver (p. 51). The subject property is located in 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). The proposed map amendment to U-SU-A1 will allow low-intensity growth to the number of households in this area by allowing the development of single-unit houses with an accessory dwelling unit.

Small Area Plan: *Northeast Downtown Neighborhoods Plan*

The Northeast Downtown Neighborhoods Plan was adopted by City Council in 2011 and applies to the subject property. The plan focuses on the long-term development of neighborhoods in Five Points, such as Arapahoe Square, Ballpark, Curtis Park and San Rafael, with a focus on preserving and improving neighborhood character, mobility, economic development and livability.

The plan’s recommended land use map designates this property as “single-family residential” (p. 89). San Rafael is unique within the Northeast Downtown Area Plan study area as the only neighborhood with an east/west street grid – all other neighborhoods in the NEDP plan area were constructed on the angled Downtown grid. The neighborhood’s design led to a unique built environment where single-unit houses (some with accessory dwelling units) were constructed mid-block on the neighborhood’s north/south named streets (such as Ogden) and attached housing types were built at the ends of the blocks along numbered east/west streets (such as 25th Ave.). This pattern results in the striped pattern

of “single-family residential” and “single family/row house” shown in the area on the NEDP’s recommended land use map, below.



Northeast Downtown Area Plan Concept Land Use Map

The plan recommends new residential development should be consistent with existing, historic development patterns, with similar setbacks, street access and “garages and accessory dwelling units at the rear of the lot” (p. 88). The proposed U-SU-A1, UO-3 zone district is consistent with these recommendations. It will allow the Urban House building form, which is modeled after development patterns from this area and requires that primary street setbacks for new development be “block sensitive” – consistent with front setbacks of existing development.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1, UO-3 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans. Specifically, it implements recommendations in Blueprint and the Northeast Downtown Area Plans, which recommend new housing units which are compatible with existing low-intensity development, and expanding allowances for accessory dwelling units.

4. Justifying Circumstance

The applicant’s Justifying Circumstance for this proposed rezoning is defined under DZC Section 12.4.10.8.A.4 as, “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: “(c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering the property to a 1980 site plan, is an appropriate justifying circumstance for the proposed rezoning.

Such change may also include: “a. Changed or changing conditions in a particular area...”. In recent years, nearby Welton St. has seen recent investment and adaptive reuse adding new retail, restaurants and residential uses. This is an additional appropriate justifying circumstance.

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

The requested zone district is within the Urban Neighborhood Context, which is primarily characterized by single- and two-unit residential uses, with smaller areas of multi-unit and commercial uses, all of which are typically found on an orthogonal street grid served by alleys. Residential structures typically have a consistent, moderate setback, and sidewalks are typically detached (DZC 5.1). Given the surrounding context and adopted plan guidance, Urban is an appropriate Neighborhood Context for this site.

The purpose of the Residential zone districts in the Urban Neighborhood Context is to promote and protect residential neighborhoods through building forms, lot sizes and site design requirements that “reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC 5.2.2.1). This rezoning aligns with this purpose statement, as it will allow development of new houses with accessory dwelling units that have similar building forms, heights and setbacks to existing development in the San Rafael neighborhood of Five Points.

The specific intent specifies that the U-SU-A1 zone district “is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context” and provides for the accessory dwelling unit building form in the rear yard (DZC 5.2.2.2.B). This site is surrounded on three sides by similar residential development (with a park to the north), in an area where adopted plan guidance calls for single-unit residential uses with accessory dwelling units. Therefore, this proposed rezoning is consistent with the specific intent of the U-SU-A1 zone district.

The applicant has also requested establishment of the UO-3 Historic Structure Use Overlay District to be consistent with the surrounding neighborhood. The intent of the UO-3 is “to encourage preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1” (DZC 9.4.4.8.B). The UO-3 may only be established in conjunction with an underlying zone district, as is the case with the surrounding neighborhood containing homes and structures that date to the early 1900s. A residential zone district is proposed for this site, making this proposal consistent with the intent of the UO-3 Historic Structure Use Overlay District.

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Attachments

1. Application
2. Existing PUD affecting the property
3. Neighbor letter



Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR 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.	
SUBJECT PROPERTY INFORMATION			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?		<input type="checkbox"/> Yes - State the contact name & meeting date _____ <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)	
Did you contact the City Council District Office regarding this application ?		<input type="checkbox"/> Yes - if yes, state date and method _____ <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)	

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input 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 type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input 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"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

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.



REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Avalanche Funding LLC	5040 Acoma Street Denver, CO 80216 303-918-1215 fred@5040group.com	100%		6/24/21	A	YES
						YES
						YES
						YES

Last updated: February 16, 2021

Return completed form and attachments to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

EXHIBIT A

Property Legal Description

Legal Description

2501 N OGDEN STREET

LOTS 27 AND 28, BLOCK 10, BARTHS ADDITION,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

Legal Description

2515 N OGDEN STREET

LOTS 21 AND 22, BLOCK 10, BARTHS ADDITION,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

Legal Description

2531 N OGDEN STREET

LOTS 23 TO 26 INCLUDING, BLOCK 10, BARTHS ADDITION,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT B

Description of Consistency with Adopted City Plans

Exhibit B

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

This application proposes to rezone the approximately 0.57-acre property located at 2531 N. Ogden Street from Former Chapter 59 PUD 25 to U-SU-A1, UO-3 (the "Property") to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is in the Five Points Neighborhood on the west side of N. Ogden, between 25th and 26th Avenue. Today the Property is zoned PUD 25 allowing for the use of a mortuary including a viewing room and additional parking spaces; it is also bound to Former Chapter 59 R-4 regulations. The PUD was designed to accommodate the mortuary House of Hills Inc. 1980 operations.

Existing context surrounding the Property include OS-A, U-RH-2.5, U-SU-A1; overlays in the area include: UO-1, UO-2, UO-3. Immediately to the east, south, and west of the Property are residential zoning, north of the Property is Lenore B. Quick Park, a .43-acre public park that includes a jungle gym and play area. Located within a ½ mile of the 30th & Downing Transit Station, which connects riders to multiple RTD transit routes including the L Light Rail line, and the 27th & Welton Light Rail stop. There are dedicated bike lanes within a ½ mile on 25th Avenue, 31st Avenue, Champa Street, and Stout Street. The Property is located within a ¼ mile of a Denver Health Clinic and a Recreation Center, amongst other amenities.

The map amendment requests to rezone the Property from PUD 25 to the U-SU-A1, UO-3 Zone District. This would allow the Property to be utilized for single unit residential uses rather than the tailored commercial/mortuary or R-4 uses in the current PUD. The successful rezoning will allow for the development of 8 single family homes with the allowance for an accessory dwelling unit (ADU). This will blend in with, support, and sustain the existing residential character of the neighborhood. It will contribute to zoning conformity by being removed from its Former Chapter 59 zoning. The proposed map amendment would enable modest growth in an appropriate scale and form while diversifying the housing stock that the City needs.

REVIEW CRITERION DZC § 12.4.10.7. A – Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans.

This proposed map amendment is consistent with the Denver Comprehensive Plan 2040, Blueprint Denver (2019), Northeast Downtown Neighborhood Plan (2011).

The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040 including:

VISION ELEMENTS: STRONG AND AUTHENTIC NEIGHBORHOODS

GOAL 1: Create a city of complete neighborhoods.

STRATEGIES:

- *Ensure neighborhoods offer a mix of housing types and services for a diverse population.*
- *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*

VISION ELEMENTS: EQUITABLE, AFFORDABLE, AND INCLUSIVE

GOAL 1: Ensure all of Denver residents have safe, convenient, and affordable access to basic services and a variety of amenities.

STRATEGIES:

- *Increase development of housing units close to transit and mixed-use developments.*

GOAL 2: Build housing as a continuum to serve residents across a range of incomes, ages, and needs.

STRATEGIES:

- *Create a greater mix of housing options in every neighborhood for all individuals and families.*

VISION ELEMENTS: ENVIRONMENTALLY RESILIENT

GOAL 8: Clean our soils, conserve land and grow responsibly.

STRATEGIES

- *Promote infill development where infrastructure and services are already in place.*
- *Focus growth by transit stations and along high- and medium-capacity transit corridors.*

The proposed U-SU-A1, UO-3 zone district allows for a single family home with an additional dwelling unit that is accessory to the primary single-family use. This zone district is identical to the majority of the surrounding zoning. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-family homes that are found in much of the Five Points neighborhood. The proposed U-SU-A1, UO-3 zoning would allow development at an intensity consistent with the surrounding neighborhood that would increase the diversity and supply of housing in the area.

In addition, the proposed map amendment would allow additional building forms compatible with the existing neighborhood. The proposed map amendment will allow for modest density 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. The Property is located by two Medium Capacity Transit Corridors: Welton street and Downing Street. Welton Street is also designated by Blueprint Denver as a Community Corridor. Therefore, the proposal is consistent with multiple strategies of the vision elements in *Comprehensive Plan 2040*.

The proposed map amendment is consistent with the objectives of Blueprint Denver 2019 including:

The **Blueprint Denver** *Place* designation for the subject property is *Low Residential* in an *Urban* neighborhood context.

Urban neighborhoods are described as:

“The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities.

The urban context is walkable due to a predictable street grid in residential areas and the availability of transit and dedicated bike lanes. These areas offer access to neighboring areas and commercial nodes, with some small mixed-use nodes within the neighborhood. Parking is predominately off-street complemented by managed on-street options.” (BPD pg. 221)

Residential areas are described as:

“Areas where the predominate use is residential. Although they are primarily residential in nature, they are supported by a variety of embedded uses needed for a complete neighborhood including schools, parks and commercial/retail uses.” (BPD pg. 232)

Urban Low Residential Land use and Built Form:

“Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Medium building coverage. Buildings are generally up to 2.5 stories in height.” (BPD pg. 232)

Growth Strategy for this area is designated as:

All other areas of the city: 10% of new jobs and 20% of new households.

Street Type for the Property is designated as:

Local: *“Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (BPD pg. 160)*

The U-SU-A1, UO-3 zoning is an appropriate district that compliments the characteristics of Urban neighborhoods and is in character with a Low Residential area. The Denver Zoning Code states that SU zone districts are intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. The SU zoning appeals to the City’s growth strategy for this area by allowing residential uses. Located on a local street, it will appeal to the desired uses of residential uses.

With the recently renovated Lenore B. Quick Park immediately north of the Property, this makes it an excellent location for single family developments. The Property is located within a ¼ mile of a Denver Health Clinic and a Recreation Center and several other amenities. Welton Street is also designated as a Community Corridor. The Property is located by two Medium Capacity Transit Corridors: Welton street and Downing Street. With the 30th & Downing Station and multiple RTD bus routes nearby along with bike friendly routes and dedicated lanes, this makes it an ideal multi modal accessible location.

Applying Equity Concepts for Small Rezonings:

In section 3.1 Plan In Action: Applying Blueprint Denver to Rezonings states, “Equity Concepts: Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above, they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings”.

While Blueprint Denver acknowledges that Equity Concepts are difficult to apply to small single-parcel rezonings such as 2531 Ogden, and instead CPD looks to properties subject to LDR criteria to apply Equity criteria, we believe these are important criteria to address in Denver. The rezoning of 2531 Ogden may help this small property contribute to a more equitable Denver in the following ways:

Equity Concept: Expanding Housing and Jobs Diversity - *providing a better and more inclusive range of housing and employment options in all neighborhoods.*

The Importance of Housing and Jobs Diversity

It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (BPD pg. 40)

The U-SU-A1 district will allow the property to transition from an antiquated mortuary to detached housing allowing Accessory Dwelling Units as a permitted use. Zone Districts that allow ADUs create the possibility for increased housing diversity.

Today, the PUD does not allow residential uses. Once rezoned to U-SU-A1 future residents will reside and have easy access to numerous employment opportunities including:

- The Hospital District
- Downtown and the Central Business District
- RiNo

Equity Concept: Improving Access to Opportunity - creating more equitable access to quality-of-life amenities, health and quality education.

The proximity of an amenity (including quality jobs, schools, parks, health care services and healthy food), the affordability of that amenity, and the safety and ease of access to that amenity are important elements of access to opportunity. Equitable access to opportunity strengthens our collective prosperity and improves outcomes for all. In areas with high access to opportunity, it is important to increase the range of affordable housing options so that residents of all income levels can live in these neighborhoods.” (BPD pg. 32-35)

Amenities within a ½ mile:

Grocery with fresh fruit and vegetables:

- Safeway at 757 E 20th Ave.

Transit:

- 27th & Welton Rail Station
- RTD Bus Routes: 28, 12, 32 & 43
- Bike lanes: Lafayette St., E. 29th Ave., E. 22nd Ave.

Parks and Recreation:

- Lenore B. Quick Park
- Mestizo- Curtis Park & Community Pool
- City Park
- Fuller Park

Schools:

- Whittier Elementary School
- Manual High School
- DSST Cole Middle School
- Denver Language School – Gilpin Campus

Health Care Services:

- St. Joseph Hospital
- Presbyterian St. Luke’s Hospital

- Kaiser Permanente
- Rocky Mountain Hospital for Children

The proposed map amendment is consistent with the objectives of the Northeast Downtown Neighborhood Plan (2011) including:

Vision, Guiding Principles (NEDNP pg. 10-11):

VISION STATEMENT: The Northeast Downtown area will remain a diverse collection of urban neighborhoods with unique and distinct character. Transitions between neighborhoods will be seamless and promote the unique character of each area. Excellent street connectivity, an enhanced public realm, and good access to transit will make this an area of choice for residents, businesses, and services.

Economic Development Opportunity (NEDNP pg. 11):

- Housing development opportunities should expand the range of housing types and price ranges.

Concepts and Recommendations (NEDNP pg. 20-21):

A.3 Low Intensity Development in Residential

Neighborhoods In areas with established residential neighborhood character, including Curtis Park, San Rafael, and the neighborhood edge east of Downing Street (Cole and Whittier):

- Maintain the current mix of low scale building forms such as urban house, duplex, and rowhouse.
- Allow new development to replicate existing development patterns, including small lots, shallow set backs and high building coverage with parking and access in the rear/off the alley.
- Allow a mix of land uses consisting primarily of residential uses with limited neighborhood-serving commercial.

Framework Strategies (NEDNP pg. 95-97):

- A.3 Low intensity development in residential neighborhoods
- C.2 Promote Economic and Housing Diversity
- C.3 Encourage Housing Density

The Property is in an area designated as **Single Family Residential**.

Single Family Residential: Neighborhoods of single-family houses in Northeast Downtown represent older, residential neighborhoods that do not have a significant mix of housing types. Commercial uses are limited to small buildings providing neighborhood services.

Height recommendations for **Single Family Residential** is 2.5 stories.

The Property is in the **Enterprise Hill, San Rafael** neighborhood of Five Points.

N.28 Land Use (NEDNP pg. 89): San Rafael is a residential neighborhood characterized by single family land use patterns, but with a variety of multifamily, institutional, and commercial uses distributed throughout the neighborhood. Single family residential tends to be located mid-block on named streets, while attached housing types are more typical on the corners and facing numbered streets.

The U-SU-A1, UO-3 zoning, is an appropriate district that complies with the recommendations of the Northeast Downtown Neighborhood Plan by supporting a low intensity residential development. The U-SU-A1, UO-3 zone district would also allow for increased housing opportunities through its allowance for an ADU. This zoning contributes to maintaining the residential character of the San Rafael neighborhood through single family development in low scale building forms. The max height for U-SU-A1, UO-3 is 2.5 stories making it consistent with the recommended maximum height 2.5 stories for single family residential. Today, the San Rafael Neighborhood area is predominantly residential. The Property being located between Community Corridor Welton street and a residentially dense area makes it an appropriate location for a low scale residential district. The Property's is walking distance from many community amenities such as the Lenore B. Quick Park and Glenarm Recreation Center, this makes it an ideal location for a residential district as the plan recommends.

REVIEW CRITERION DZC § 12.4.10.7.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.

Future development of the Property will result in uniformity of U-SU-A1, UO-3 district regulations and restrictions.

REVIEW CRITERION DZC § 12.4.10.7.C – Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City's adopted plan.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

Exhibit C

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)

CRITERION DZC § 12.4.10.8.A - 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: 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.”

Justifying circumstances for rezoning 2531 North Ogden Street include:

1. *Retained a Former Chapter 59 zoning*
2. *Changed or changing conditions in a particular area, or in the city generally*

“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: That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning”

Today, the Property is under a Former Chapter 59 Zoning PUD 25. Since the implementation of PUD 25, city wide plans including Blueprint Denver 2019 and Comprehensive Plan 2040 have been adopted. Successful rezoning will allow for zoning conformity and support the initiatives directed under the new city adopted plans.

“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally”

The .57 acre Property is in a residentially dense neighborhood consisting of predominantly single unit homes. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This growing population has called for not only an increase of housing units but for a variety of housing options as well. As an Urban residential neighborhood immediately outside of downtown, this area will continue to be a desirable neighborhood to live in and will need to be able to provide options for the diverse population.

The adoption of Blueprint Denver in 2019 has introduced new land use recommendations and strategies to address Denver’s growing population. Blueprint Denver recommends adding additional housing in areas near transit, services, and amenities. The Property is within ½ a mile of a Community Corridor, several RTD routes including a Transit Station, a Denver Health Clinic, a Recreation Center and many other services and amenities.

In addition, in 2016, the RTD A Line connecting Union Station to Denver International Airport opened. The Property is just over a mile from the 38th & Black Station on the A Line. This major transit and public infrastructure investment is a changing condition near the property that reinforces the wisdom of expanding housing stock and allowing ADUs in the vicinity and for the Property specifically.

CRITERION DZC § 12.4.10.8.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.

U-SU-A1 is a single unit district in the Urban neighborhood context and which is characterized by the Denver Zoning Code by “single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House building form. (DZC 5.1.1). The proposed map amendment is consistent with surrounding building forms and is appropriate for the street type the Property is located on, therefore in character to the Urban neighborhood context.

This general purpose of this residential district is to “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The building form standards, design standards, and uses work together to promote desirable residential areas. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.” (DZC 5.2.2.1). The specific intent of the U-SU-A1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard.” (DZC 5.2.2.2). This ensures new development that contributes positively to established character of the neighborhood.

The proposed rezoning also includes the UO-3 Overlay. The UO-3 is a Historic Structure Use Overlay that can be applied to contributing structures in a designated Historic District. The intent of this overlay is “to encourage preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1”. This overlay permits for certain commercial uses: “notwithstanding the limitations applicable in the underlying zone district, the following commercial uses shall be permitted in this overlay zone district: 1. Office, not including dental/medical office or clinic 2. Art studio 3. Bed and breakfast lodging”. (Denver Zoning Code 9.4.4.8)

Today, the immediate neighborhood context around the Property is residential zoning, many with the U-SU-A1, UO-3 zoning. The proposed U-SU-A1, UO-3 zone district of the Property will further embrace the residential character of the Five Points neighborhood through modest density. It will uphold the purpose of a residential district in an Urban neighborhood context by reinforcing the desired development patterns while accommodating reinvestment.

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.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

**AVALANCHE FUNDING LLC
5040 ACOMA STREET
DENVER, CO 80216**

January 11, 2021

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent AVALANCHE FUNDING LLC the property owner, for the purpose of submitting and processing the rezoning application for the property located at 2501, 2515, 2531 N Ogden Street in Denver, CO.

Sincerely,

(PRINTED NAME) *Fred Torr*
Authorized Representative, AVALANCHE FUNDING LLC

by Joyce member

EXHIBIT E

Proof of Ownership, Assessors Record

2501 N OGDEN ST APPRX

Owner	AVALANCHE FUNDING INC 5040 ACOMA ST DENVER , CO 80216-2010
Schedule Number	02352-06-018-000
Legal Description	L 27 & 28 BLK 10 BARTHS ADD
Property Type	
Tax District	DENV

Print Summary

Property Description			
Style:		Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	6,250	Zoned As:	PUD

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

Current Year			
	Actual	Assessed	Exempt
Land		\$362,400	\$105,100 \$0
Improvements		\$1,000	\$290
Total		\$363,400	\$105,390

Prior Year			
	Actual	Assessed	Exempt
Land		\$362,400	\$105,100 \$0
Improvements		\$1,000	\$290
Total		\$363,400	\$105,390

2515 N OGDEN ST

Owner	AVALANCHE FUNDING LLC 5040 ACOMA ST DENVER , CO 80216-2010
Schedule Number	02352-06-015-000
Legal Description	L 21 & 22 BLK 10 BARTHS ADD
Property Type	
Tax District	DENV

Print Summary

Property Description			
Style:		Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	6,250	Zoned As:	PUD

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

Current Year			
	Actual	Assessed	Exempt
Land		\$362,400	\$105,100 \$0
Improvements		\$6,700	\$1,940
Total		\$369,100	\$107,040

Prior Year			
	Actual	Assessed	Exempt
Land		\$362,400	\$105,100 \$0
Improvements		\$6,700	\$1,940
Total		\$369,100	\$107,040

2531 N OGDEN ST

Owner	AVALANCHE FUNDING LLC 5040 ACOMA ST DENVER , CO 80216-2010
Schedule Number	02352-06-016-000
Legal Description	L 23 TO 26 INC BLK 10 BARTHS ADD
Property Type	INDUSTRIAL - MORTUARY
Tax District	DENV

Print Summary

Property Description			
Style:		Building Sqr. Foot:	9531
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1900	Basement/Finish:	0/0
Lot Size:	12,500	Zoned As:	PUD

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

Current Year			
	Actual	Assessed	Exempt
Land		\$646,800	\$187,570 \$0
Improvements		\$30,800	\$8,930
Total		\$677,600	\$196,500

Prior Year			
	Actual	Assessed	Exempt
Land		\$646,800	\$187,570 \$0
Improvements		\$30,800	\$8,930
Total		\$677,600	\$196,500

EXHIBIT F

Signature Authority Authorization for

AVALANCE FUNDING, LLC

STATEMENT OF AUTHORITY
(38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity named Avalanche Funding, LLC.
And is executed on behalf of the entity pursuant to the provisions of
Section 38-30-172 C.R.S.
2. The type of entity is a Colorado limited Liability Company
3. The mailing address for the entity is:
5040 Acoma Street
Denver, CO 80216
4. The entity is formed under the laws of Colorado
5. The name of the person(s) authorized to execute instruments conveying, encumbering, or otherwise
affecting title to real property on behalf of the entity is:
Fred J. Orr
Michael Disberger
6. The authority of the foregoing person(s) to bind the entity is Not limited OR Limited as follows:
7. Other matters concerning the manner in which the entity deals with interest in real property:

Dated this 12th day of December, 2018.

[Signature]
Fred J. Orr, Member

[Signature]
Kevin Hunt, Member

[Signature]
Michael Disberger, Mgr/Member

State of Colorado
City of Denver
County of Denver

The foregoing instrument was acknowledged before me this 12th day of December
2018, by
Fred J. Orr, Kevin Hunt and Michael Disberger as the
Members of
Avalanche Funding, LLC, a Colorado limited liability company.

Witness my hand and official seal.
Cathleen S. Ryan
Notary Public
My commission expires:

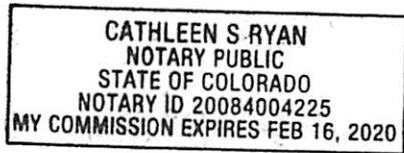


EXHIBIT G

Denver Affordable Housing Nexus Study

Rationale and support documentation for payment of Linkage Fee rather than the Build Alternative.

Denver Affordable Housing Nexus Study



SUBMITTED TO:

City of Denver
Office of Economic Development
201 W. Colfax Ave. #907
Denver, CO 80202

SUBMITTED BY:

David Paul Rosen & Associates

3527 Mt. Diablo Blvd, #361
Lafayette, CA 94549
510-451-2552
510-451-2554 Fax
david@draconsultants.com
www.draconsultants.com

3941 Hendrix Street
Irvine, CA 92614
949-559-5650
949-559-5706 Fax
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www.draconsultants.com

September 8, 2016

Nexus Methodology and Use of the IMPLAN Model

This analysis uses a number of conservative assumptions that understate the number of low and moderate income households and maximum justifiable nexus fee amounts. Therefore, the housing impacts are likely even greater than indicated in the analysis.

The methodology used for the residential nexus analysis begins with the estimated sales prices of a prototypical single-family home or condominium development, or rents at an apartment complex, and moves through a series of linkages to the incomes of the households that purchase or rent the units, the annual expenditures of those households on goods and services, the jobs associated with the delivery of these goods and services, the income of the workers performing those jobs, the household income of those worker households, and finally to the affordability level of the housing needed by those worker households. The steps of the analysis are as follows:

1. Define a prototypical market-rate residential development.
2. Estimate the household income distribution of the households purchasing or renting these homes.
3. Estimate the disposable household income of those households.
4. Estimate the number of new full-time employees required to provide the goods and services purchased by these households.
5. Estimate the number of new households associated with this employment growth.
6. Estimate the income distribution of these new employee households.
7. Estimate the number of new households requiring affordable housing.

The number of low and moderate income housing units necessary to house the new households equals the performance requirement or build alternative for each prototype. The performance requirements that are equivalent to the maximum justifiable nexus fees, expressed as a percentage of total units in the prototype, are summarized in Table 22 for the housing prototypes by income level.

Table 22

**Estimated Affordable Housing Performance Requirements
Residential Prototypes**

Denver Affordable Housing Nexus and Inclusionary Housing Study

Prototype	Percent of Total Units in Prototype			
	Under 30% AMI	30% AMI to 60% AMI	60% AMI to 80% AMI	80% AMI to 120% AMI
Single-Family Infill	N/A	N/A	N/A	N/A
Owner Townhomes	3%	8%	3%	3%
12-Story Owner	2%	6%	2%	2%
5-Story Rental	1%	4%	1%	1%
20-Story Rental	2%	6%	2%	2%

EXHIBIT H

Neighborhood Outreach

Neighborhood Outreach Timeline

- March 9 – Virtual Zoom meeting – Old San Rafael neighborhood organization.
 - Introductory meeting for proposed rezoning.
- March 10 - Virtual Zoom meeting – the Heart of 5 points neighborhood association.
 - Introductory meeting
- May 4th - In person neighborhood walk through with Marty with the Old San Rafael neighborhood organization.
 - Building forms to include variation in roof pitches and design, the importance of front porches and stoops, alley loaded garages, detached sidewalk, and landscaping to replace the existing curb cuts and parking.
- June 8th - In person meeting with Old San Rafael neighborhood organization.
 - Share design concepts as a follow up to the neighborhood walking tour on May 4th and to discuss additional community outreach priorities to include direct mail to immediate neighbors.
- Proposed Rezoning Letter was mailed to immediate neighbors on July 1st.

We're continuing to work with the local RNOs in hopes of getting a letter of support for the rezoning and will update the application accordingly.



STARBOARD REALTY GROUP, LLC

@ Historic Evans School
1115 Acoma Street, Suite 107
Denver, Colorado 80204
720-441-3310

www.starboardrealtygroup.com
www.denverzoning.com

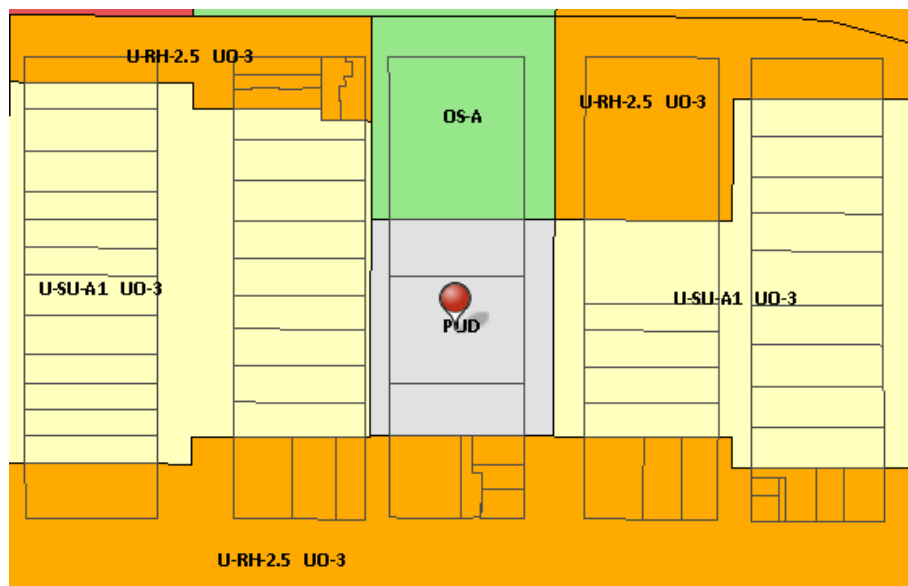
DATE: July 1, 2021
TO: Neighbors of the Taylor Mortuary at 2531 N Ogden Street
SUBJECT: Proposed rezoning at 2531 N Ogden Street

Dear San Rafael Neighbors,

We are contacting you to share information with you about a proposed rezoning of the old mortuary building on Ogden Street between 25th Ave and 26th Ave. The address is 2531 N Ogden Street in San Rafael. This building is currently zoned a PUD, a custom zoning. The Taylor Mortuary is moving its business. The current PUD zoning is tailored specifically to the needs of the mortuary and if left as is it would be difficult for any new occupant to utilize the building as the only allowed use in the current zoning is a mortuary.

The purpose of the rezoning is to redevelop the property to accommodate 8 single unit detached homes using the zone district that is identical to the surrounding properties. The proposed zone district is a residential zone district, which would match with what is found in the neighborhood. STARBOARD represents the homebuilder and current property owner who wish to rezone the property to U-SU-A1, UO-3.

The map below shows the current zoning in the area. The property is zoned a PUD (custom zoning for mortuary uses). Surrounding the property is U-SU-A1, UO-3 (a single unit residential zone district that only allows detached houses) and U-RH-2.5, UO-3 (a row home residential district) and OS-A (open space – park).



Highland Development (<https://highlanddevelopmentco.com>) plans to redevelop the property by building 8 single unit detached homes with alley loaded garages, front stoops / covered porches, and front yards with a detached sidewalk.



Key points:

- The proposed zone district is identical to the surrounding zoning, enabling only single unit detached homes to be built.
- Highland is not pursuing a denser/taller zone district.
- If left as is, the property will likely remain unoccupied/unutilized due to the specific nature of the current PUD. It will be a challenging for a new business to occupy and comply with only mortuary uses allowed in the current zoning.

Thank you and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "BCO'Donnell".

Bruce C. O'Donnell

bodonnell@starboardrealtygroup.com

Address	Owner
---------	-------

GENSER,ROBERT B
 921 E 25TH AVE
 DENVER, CO 80205-5178
 KANE,GREGORY JR
 955 E 25TH AVE
 DENVER, CO 80205-5144

2503 N OGDEN ST
 DENVER, CO 80205-5154
 BRUNNER,SEAN M
 2505 N OGDEN ST
 DENVER, CO 80205-5154

2509 N OGDEN ST
 DENVER, CO 80205-5154
 SIMS,ROBERT
 1007 E 25TH AVE
 DENVER, CO 80205-5250

2516 N OGDEN ST
 DENVER, CO 80205-5155

2520 N OGDEN ST
 DENVER, CO 80205-5155

2528 N OGDEN ST
 DENVER, CO 80205-5155

2532 N OGDEN ST
 DENVER, CO 80205-5155
 DIVINE LOVE
 2536 N OGDEN ST
 DENVER, CO 80205-5155

2550 N OGDEN ST -2560
 DENVER, CO
 SITHAMPARAPILLAI,SARAH
 919 E 25TH AVE
 DENVER, CO 80205-5144
 BELLANDE,PETER L
 917 E 25TH AVE
 DENVER, CO 80205-5144

SMOOKLER,RON
 13828 CHENANGO DR
 AURORA, CO 80015-3905

SMOOKLER,TERESA C
 13828 CHENANGO DR
 AURORA, CO 80015-3905

2516 OGDEN ST LLC
 7995 E MISSISSIPPI AVE APT G6
 DENVER, CO 80247-2041
 LEWIS,JOEL STEPHEN & VIRGINIA
 2520 N OGDEN ST
 DENVER, CO 80205-5155
 BARRON,CHAD N
 2528 N OGDEN ST
 DENVER, CO 80205-5155
 TUELL,WILLIAM
 189 S DEARBORN CIR
 AURORA, CO 80012-1523

OLIVE TREE BUILDING LLC
 433 NORTH LOOP
 HOUSTON, TX 77008-2029

FIELER,CHRISTOPHER H
909 E 25TH AVE
DENVER, CO 80205-5144

MILLER,IAN M
2516 N EMERSON ST
DENVER, CO 80205-5153
TUBRIDY,CONNOR PATRICK
2520 N EMERSON ST
DENVER, CO 80205-5153

MORAN,ELEANOR ANNA
2524 N EMERSON ST
DENVER, CO 80205-5153

MOORE,CHARLOTTE K
2534 N EMERSON ST
DENVER, CO 80205-5153
CROUCH,CLAYTON W
2540 N EMERSON ST
DENVER, CO 80205-5153

2544 N EMERSON ST
DENVER, CO 80205-5171

HOLOWICKI,KELLY
2546 N EMERSON ST
DENVER, CO 80205-5153

TRESVANT,SHARRIE
2548 N EMERSON ST
DENVER, CO 80205-5153

BORKERT,ERIN M
2552 N EMERSON ST
DENVER, CO 80205-5153

MCPHILLIPS,ANDREW J
2562 N EMERSON ST
DENVER, CO 80205-5153

MCPHILLIPS,ANDREW J
2564 N EMERSON ST
DENVER, CO 80205-5153

SALERNO,ANGELA
2566 N EMERSON ST
DENVER, CO 80205-5153

CLOUSE,DANIEL WILLIAM
914 E 26TH AVE
DENVER, CO 80205-5149

MAES,DANIEL
916 E 26TH AVE
DENVER, CO 80205-5149

PITTO,SHEILA JOY
70 PENINSULA RD
BELVEDERE TIBURON, CA 94920-2326

Exhibit I
Reason for Rezoning Request

The purpose of this rezoning is to allow the development of single unit attached houses on the property. This is consistent with the surrounding neighborhood which is also zoned U-SU-A1. Single unit detached homes are not permitted in the current Chapter 59 PUD zoning.

In addition, U-SU-A1 is the only zone district that is supported by adopted plans and may be capable of getting community support. Since 2015 there have been five different rezoning attempts for this property, proposing to rezone it to G-MU-3, G-RH-3 and U-MX-3. These rezoning attempts were all abandoned due to lack of Plan and CPD support as well as RNO opposition; making U-SU-A1 by default the only possible Zone District to rezone to and single unit detached houses the only possible use.

TO: Members of CPD (attn: Brandon Shaver), Planning Board, and City Council

SUBJECT: Support for Rezoning of 2531 Ogden Street from PUD to U-SU-A1, UO-3

Dear Members of CPD, Planning Board, and City Council my name is Ron Smookler_____and I own two adjoinint properties, at 2503 and 2509 Ogden Street_____

I am an immediate neighbor of the former Taylor Mortuary at 2531 Ogden Street. I am contacting you to let you know I support the proposed rezoning at 2531 Ogden Street from a PUD to U-SU-A1, UO-3. The U-SU-A1 zoning is appropriate because it is identical to the surrounding zoning in the area. This neighborhood is largely single family homes and low density residential and as a single unit zoning, the proposed rezoning fits the character of this neighborhood. We appreciate that the owner has reached out and informed us of their plans to rezone and what they intend to build. I am supportive of the owners plans to build 8 single family homes in place of the mortuary.

I also understand that the proposed zone district is supported by the land use recommendations in both Blueprint Denver City-Wide Plan and the local Northeast Downtown Neighborhood Plan.

For these reasons I am in support of the rezoning request for 2531 Ogden Street and ask that you please vote yes on the proposed rezoning.

Thank you,

--

Area Map indicating property to be rezoned must be attached to each application form.	City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION APPLICATION FOR ZONE MAP AMENDMENT		1. Date Submitted 3/27/80	Fee \$100 ⁰⁰ 42
3. Applicant House of Hills, Inc. by Thomas T. Hill			4. Address 2531 Ogden Street Denver, Colo. 80205	5. Phone No. 861-4496
7. Other Persons, Firms or Corporations represented by Applicant			8. Address	9. Phone No.
11. Location of Proposed Change 2531 Ogden Street, Denver, Colo. 80205				
12. Legal Description of Property: Lots Block Addition See attached application or				
13. Area of Subject Property, Sq. Ft. or Acres See attached application			14. Present Zone R-3	15. Proposed Zone PUD
16. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary. See attached application				
17. Use and development proposed for the property to be rezoned, including time schedule for such development. House of Hills Inc. is a mortuary. The PUD application is for the purposes of adding a viewing room to the mortuary proper and to add additional parking space to the area.				
18. Exhibits Submitted, Number and Kind See attached application			19. Applicant's Signature <i>Thomas T. Hill</i>	

PUD APPLICATION
HOUSE OF HILLS, INC.
2531 Ogden Street
Denver, Colo. 80205
861-4496

1. Legal description of the PUD district is:

Lots 21 through 28 inclusive, Block 10, Barth's Addition to the City of Denver, State of Colorado.

2. The Existing conditions map of project area for a. through d. is attached hereto.
3. A District plan map showing a. through c. is attached hereto.
4. a. The gross acreage will be 25,000 square feet.
- b. There will be 48 parking spaces.
- c. The maximum height of the existing structures will not be changed.
- d. The utilities for said district are already in place and are adequate.
- e. The difference between the historical and increased flow from the project area will be retained on site.
- f. The entrances to the two parking lots will be made from existing curb cuts.
- g. 1. The front set back will be no less than 10 feet from the line of the zone lot.
2. The rear set back will be right on the edge of the alley of the zone lot.
3. The side set back will be no less than 40 feet from the line of the zone lot.
- l. The minimum spacing between buildings within the district shall be 10 feet.
- h. There are no existing easements on said property or adjacent properties except that there is already in place on the zone site public utility and water lines.
- i. The property is buffered by a buffer zone on the north and south sides of the property line with a hedge fence which is now in place and has been for many years.
- j. N/A

- k. The district will conform with present City Ordinances and any agency rules and regulations governing PUD districts.
- l. N/A
- m. N/A
- n. The district will be bound to the R-4 regulations as stated in 612.5-2.
- o. N/A
- p. The square footage of the main structure and addition is 5,650 square feet.

The square footage of the detached garage is 1,600 square feet.

The square footage of the parking areas is 17,000 square feet.

The square footage of the yard and sidewalk areas is 750 square feet.

The total square footage of the above is 25,000 square feet.
- q. N/A
- r. The district will be bound to the R-4 regulations as stated in 613.3-3.
- s. The district has its own private dumpster which is located in the alley behind the property and is serviced by a private company.
- t. The maximum gross floor area for the main structure and addition is 10,000 square feet.
- u. The traffic counts as made by the Traffic Engineer for the City and County of Denver, Colorado as of 1975 which is the latest traffic count nearest the zone site is as follows:
 - 1. North of East 23rd avenue on Ogden Street is 6,850 cars a day.
 - 2. On East 26th avenue East of Downing Street is 5,550 cars a day

The potential traffic impact on the zone site will not effect this traffic flow and in fact will lessen the street parking on the side of Ogden Street between East 26th Avenue and East 25th Avenue, where the zone site is located during the time when mortuary services are actually in progress because of the additional parking spaces being provided on the site.

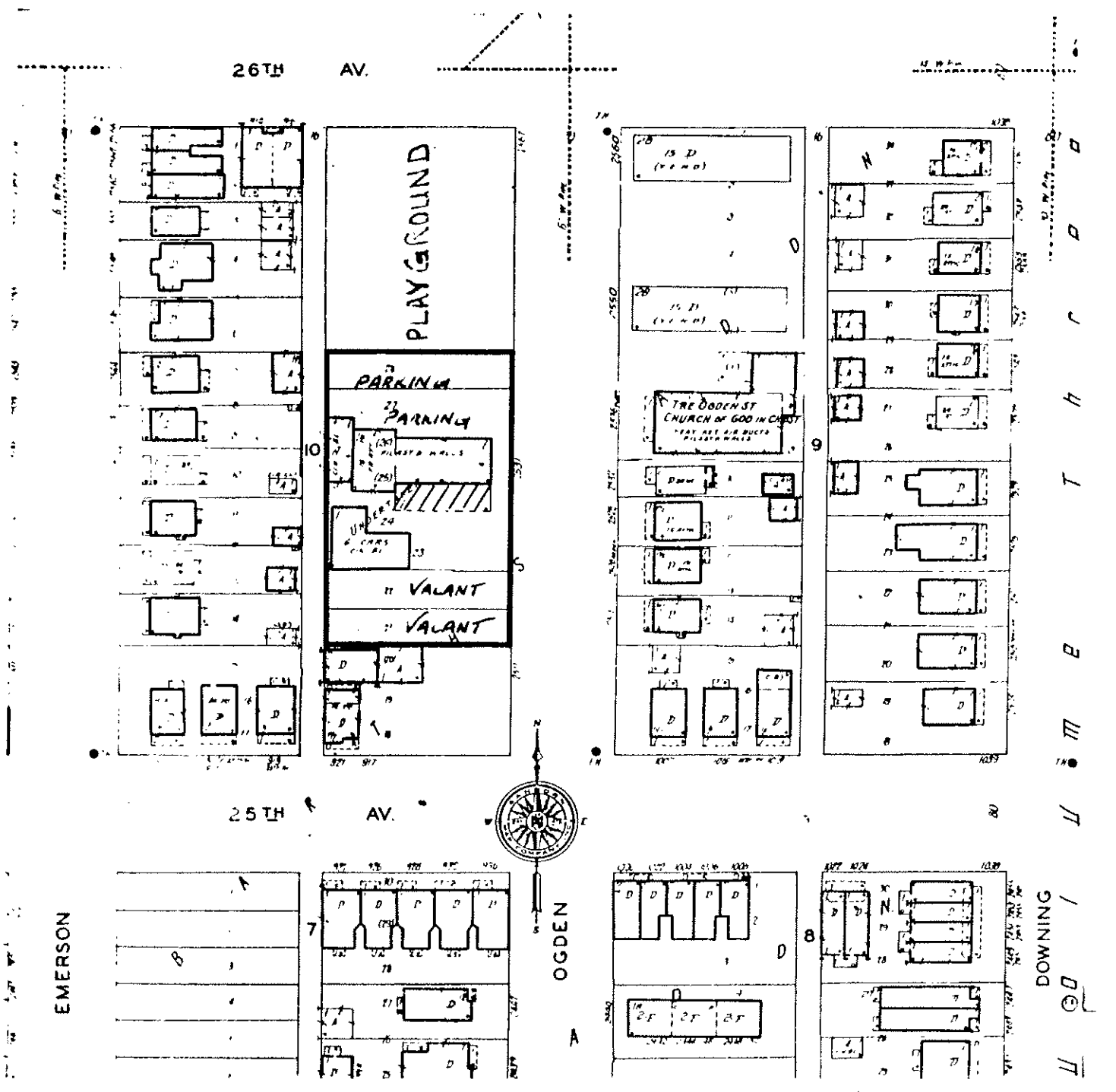
- v. The nearest bus stop to the site is located on both ends of the block in which the property is located, to-wit: At East 26th Avenue and Ogden Street and East 25th Avenue and Ogden Street, and there is a bus stop one block away at East 26th Avenue and Downing Street.
- w. The nearest fire station to the site is located approximately 3 blocks away at East 25th Avenue and Washington Street, Denver, Colorado.

The nearest police station to the site is the main police station located at 13th and Cherokee Street, Denver, Colorado.

- 5. The proposed PUD zone and the market which it is intended to serve is the greater NorthEast Denver area as well as the entire city of Denver and all of the state of Colorado and at times the entire nation.
 - b. The proposed PUD zone fits in with the City's Comprehensive Plan because the applicant is located in an area northeast of downtown Denver which has been declining in population and businesses during the recent years. The applicant is fixing up his property and adding beauty to his location and his business and the area of which the neighborhood can be proud of.

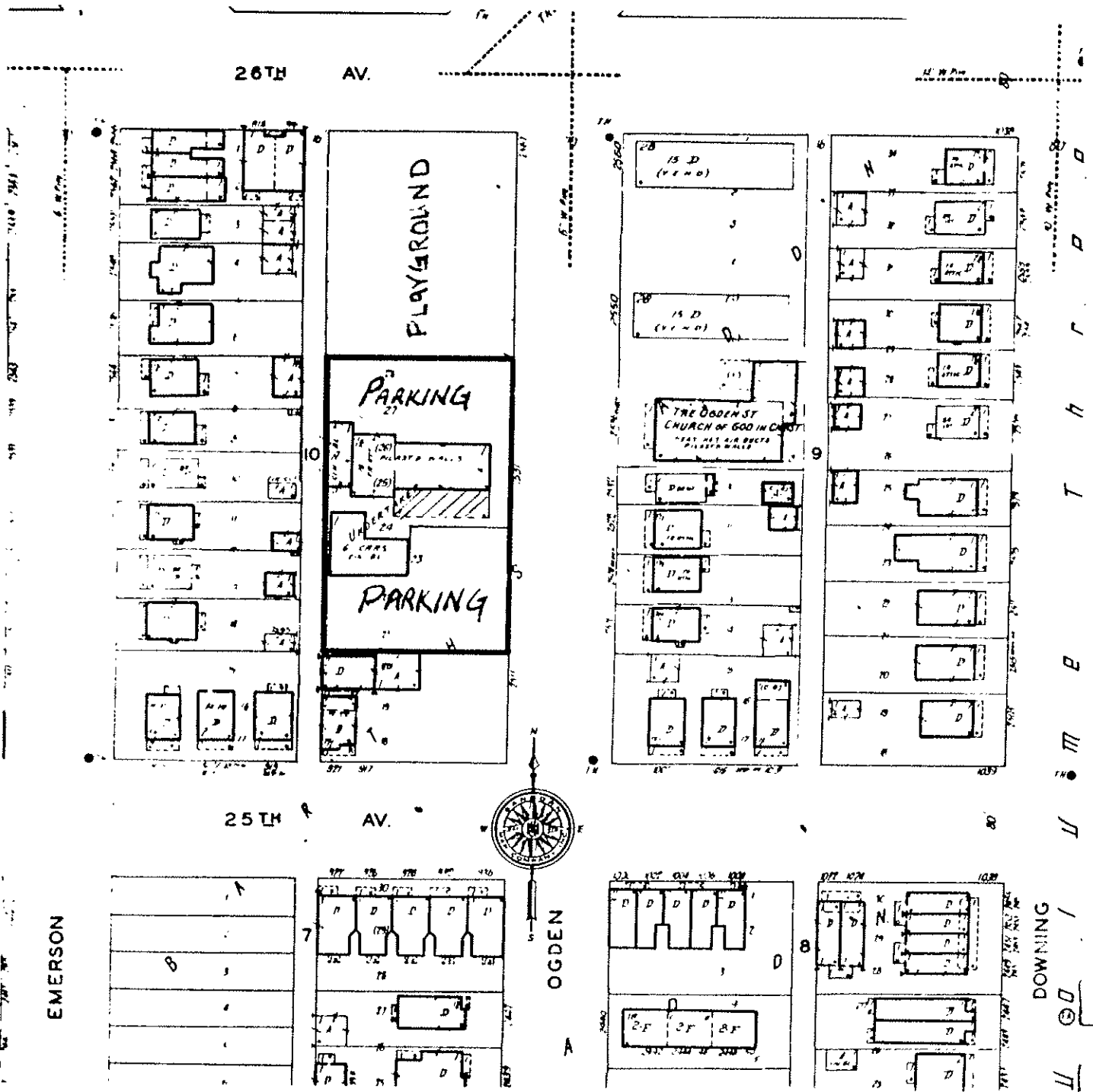
The PUD zone is adjacent to the recently built Five Points Neighborhood Health and Mental Center which is revitalizing the area and the zone site is a part of that area and upgrading going on in the area.

ISAAC E. MOORE
ATTORNEY AT LAW
436 26TH STREET
DENVER, COLO. 80205



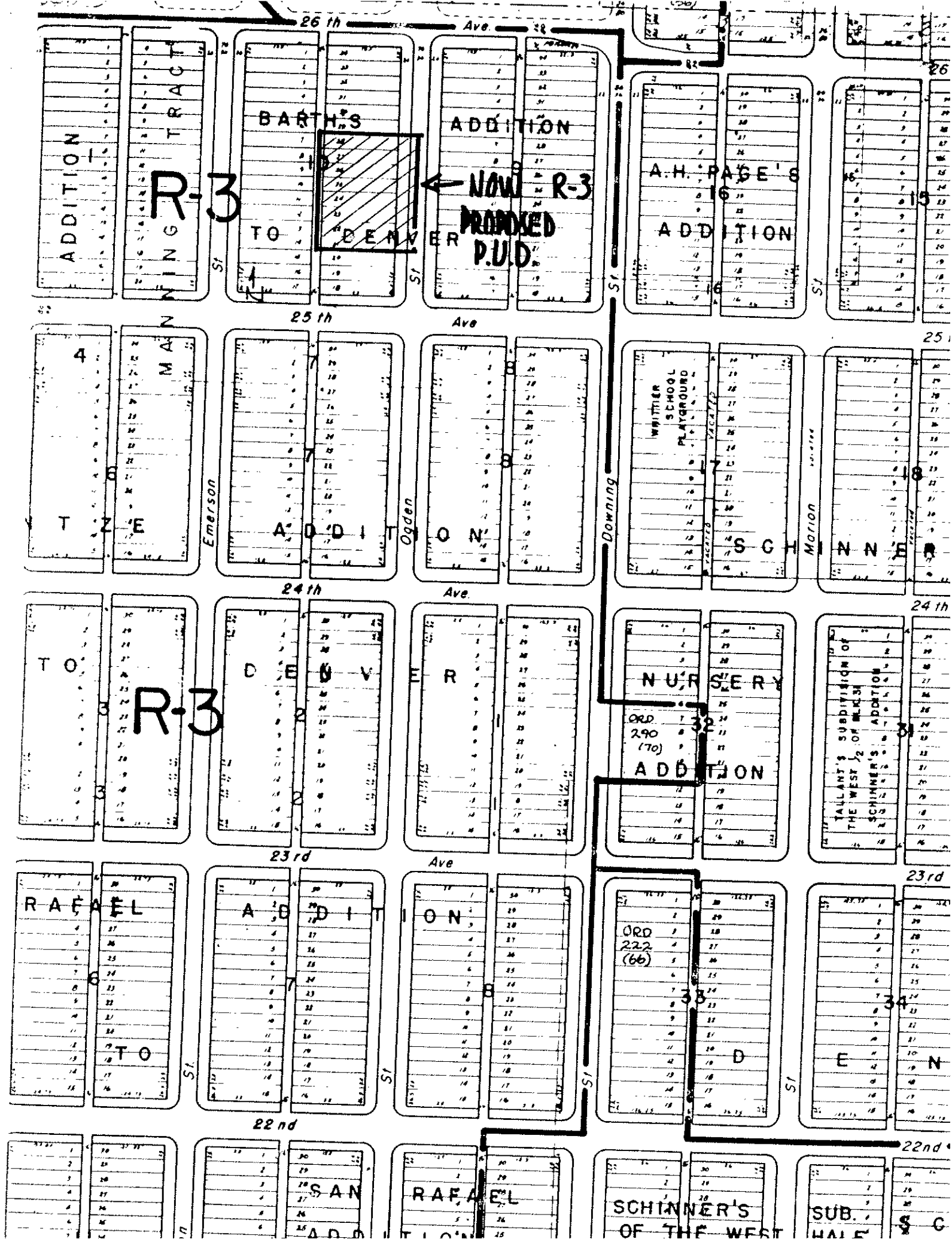
EXISTING CONDITIONS - 2531 OGDEN ST.
 MARCH 22, 1980

ENTIRE AREA SHOWN ZONED R-3
 PROJECT AREA - 57 APPROX



DISTRICT PLAN MAP — 2531 OGDEN ST.
 MARCH 22, 1980

ENTIRE AREA SHOWN ZONED R-3
 PROTECT AREA = 57 A...



26th Ave

R-3

← NOW R-3 ZONED P.U.D.

BARTH'S

ADDITION

A.H. PAGE'S

ADDITION

TO DENVER

ADDITION

TRACT

St

St

St

St

25th Ave

Ave

25th

Emerson

Ogden

Downing

Marion

24th Ave

Ave

24th

R-3

NURSERY

ORD 290 (70) ADDITION

TALLANT'S SUBDIVISION OF THE WEST 1/2 OF BLOCK SCHINNER'S ADDITION

23rd Ave

Ave

23rd

RAFAEL

ADDITION

ORD 222 (66)

D

E N

22nd Ave

22nd

SAN

RAFAEL

SCHINNER'S OF THE WEST

SUB. HALF S C