



TO: Denver City Council
FROM: Francisca Peñafiel, Senior City Planner
DATE: March 30, 2023
RE: Official Zoning Map Amendment Application #2022I-00178

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2022I-00178.

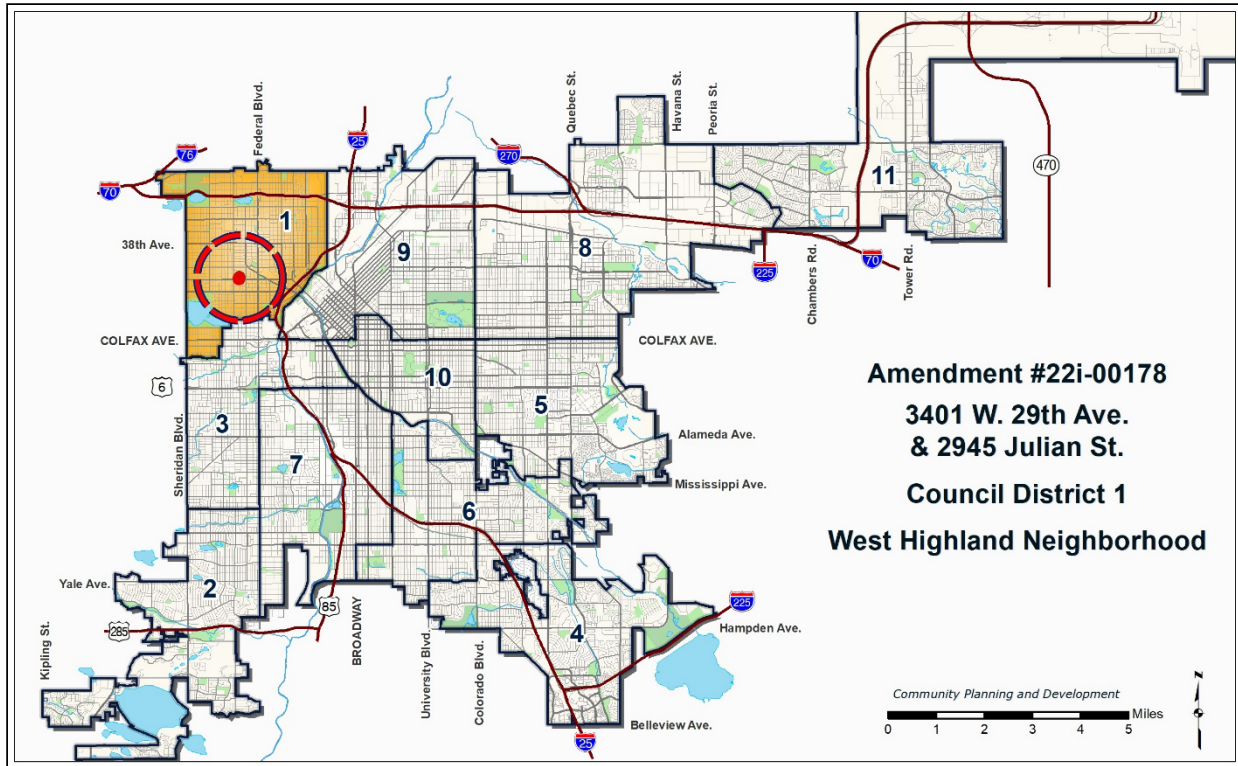
Request for Rezoning

Address:	3401 West 29 th Avenue and 2945 North Julian Street
Neighborhood/Council District:	West Highland / Council District 1
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, Sloan’s Lake Citizens Group, West Highland Neighborhood Association.
Area of Property:	23,671 square feet or 0.54 acres
Current Zoning:	U-SU-B
Proposed Zoning:	U-MX-2x
Property Owner(s):	Paul Tamburello and 3401 W. 29 th Ave. LLC
Owner Representative:	Bruce O’Donnell, Starboard Realty Group

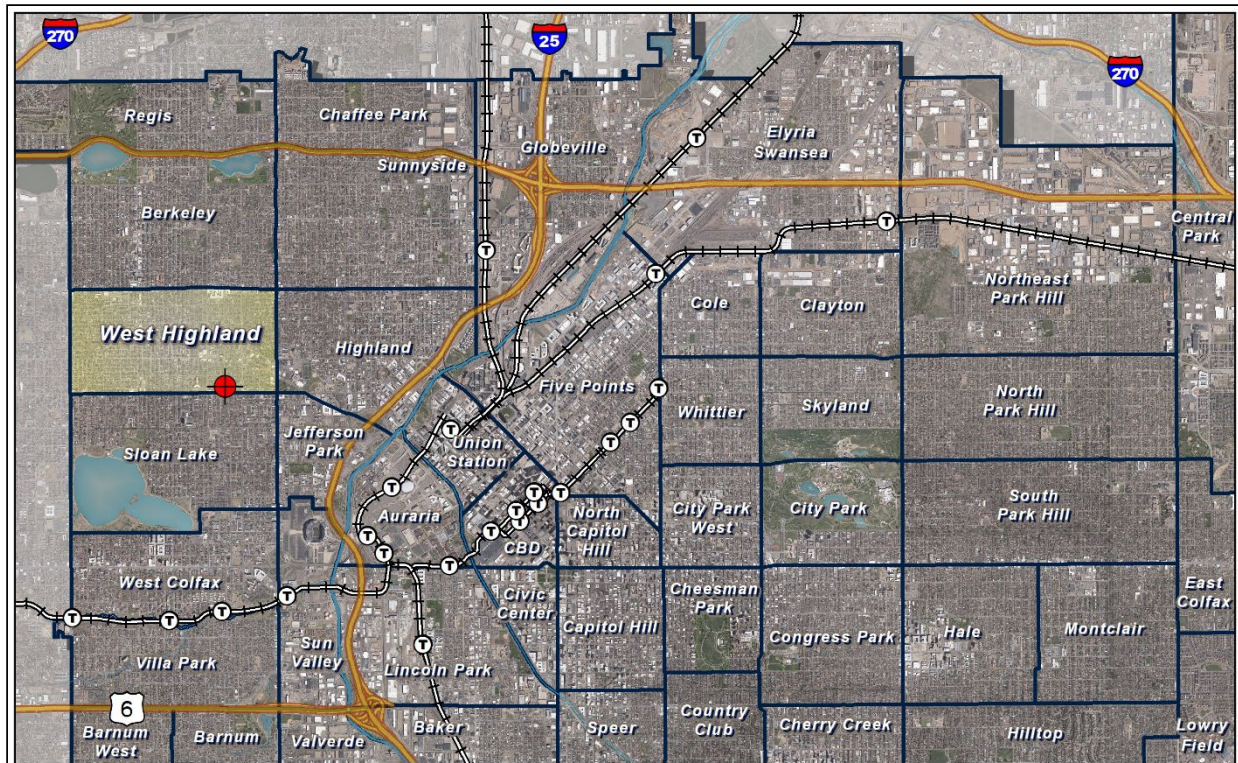
Summary of Rezoning Request

- The subject properties are in the West Highland neighborhood, between West 29th Avenue and West Hayward Place, along North Julian Street.
- The property at 3401 West 29th Avenue is occupied by a one-story building, built in 1924 as a church. The property on 2945 North Julian Street was built as a one-story midcentury church in 1955. Both buildings are contributing structures in the Allen M. Ghost Historic Landmark District, which means there are significant protections in place to preserve the existing structures.
- The applicant is requesting the rezoning to facilitate the redevelopment of the properties that is consistent with the recommendations in the adopted plans.
- The U-MX-2x (**U**rban, **M**ixed Use, **2** story maximum height) zone district is designed for small sites embedded within neighborhoods and is limited to low intensity uses. It is intended to provide safe, active, and pedestrian-scaled, diverse areas in established residential neighborhoods. The “x” indicates that allowed uses and building forms are more limited than in the U-MX-2 zone district. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

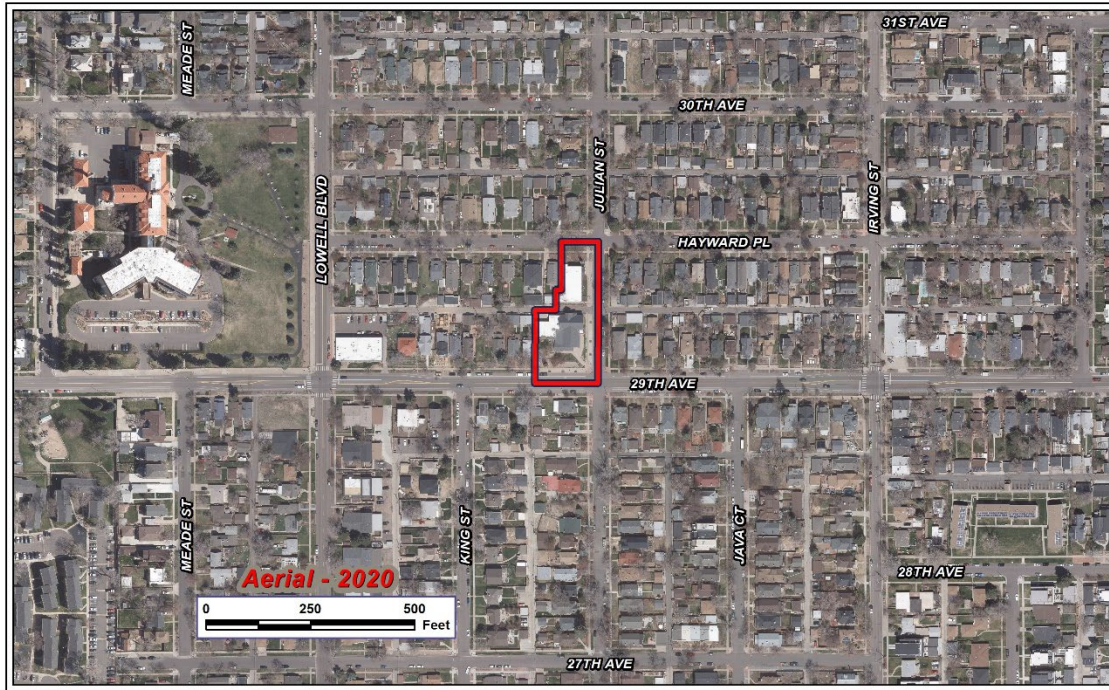
City Location



Neighborhood Location



Existing Context

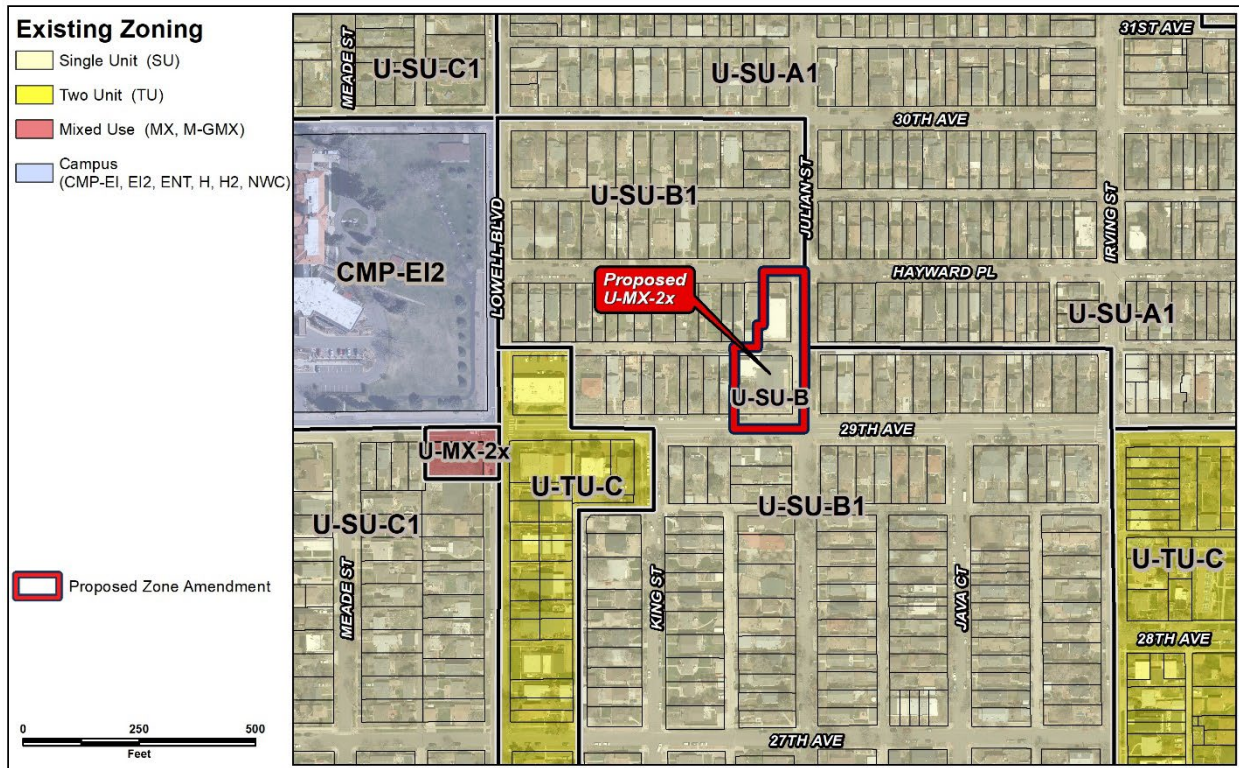


The subject properties are located in northwest Denver, in the West Highland neighborhood, between West 29th Avenue and West Hayward Place, along North Julian Street. This area is predominantly a residential neighborhood, primarily composed by single and two units homes with some mixed uses to the north, on West 32nd Avenue and to the east, on North Federal Boulevard. Brown Elementary School is two blocks south from the subject sites and is one of the elementary schools that serves the neighborhood. The Little Sisters of the Poor campus is located one block west of the subject sites. The Highland Recreation Center is four blocks west of the subject sites, and the Highland Park and Woodbury Branch Library are 0.4 miles northeast from the subject sites. Transit access includes the Regional Transportation District (RTD) 32 bus route along West 32nd Avenue, RTD 28 bus route on West 26th Avenue and the RTD 31 bus route along North Federal Boulevard.

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
2945 North Julian Street	U-SU-B	Public/quasi-public	1 story simplified Gothic Revival brick church	Regular grid street pattern. Block sizes and shapes are generally consistent and rectangular. Existing alleys with detached sidewalks. Vehicle parking to the side or rear of buildings (alley access)
3401 West 29 th Avenue	U-SU-B	Public/quasi-public	1 story midcentury modern brick church	
North	U-SU-B1	Single unit residential	1.5 story brick house and detached garage	
South	U-SU-A1	Single unit residential	1 story brick house with detached garage	
East	U-SU-A1	Single unit residential	1.5-2 story brick houses with detached garages	
West	U-MX-2x	Single unit residential	1.5-1 story brick house with detached garages	

1. Existing Zoning



The existing zoning on the subject property is U-SU-B which is single-unit residential district allowing urban houses with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Allowed uses in U-SU-B are limited to single-unit dwellings and limited nonresidential uses found in single-unit zone districts. For additional details of the zone district, see DZC Section 5.2.2.

The surrounding properties are also U-SU-B1, which is a Protected District. If the subject properties are rezoned to U-MX-2x, they will be subject to all Protected District standards including additional setbacks and use limitations. For Protected District standards see DZC Article 5, Section 5.3-23 and 5.3-25 for setbacks in the General and shopfront building form and use limitations (DZC Article 11, Section 11.4.9, 11.5.8.2, 11.5.8.3 11.10.12.1, etc.).

1. Existing Land Use Map



2. Existing Building Form and Scale *All images from Google Maps Street View.*



Subject properties looking west from North Julian Street.



Subject property at 3401 West 29th Ave., looking northwest from West 29th Ave. and N. Julian St.



East – Properties to the east of the subject sites, looking northeast from West 29th Ave. and N. Julian St.



South – Properties to the south of the subject sites, on West 29th Ave.



West – Properties to the west of the 3401 West 29th Ave. site, along West 29th Avenue.



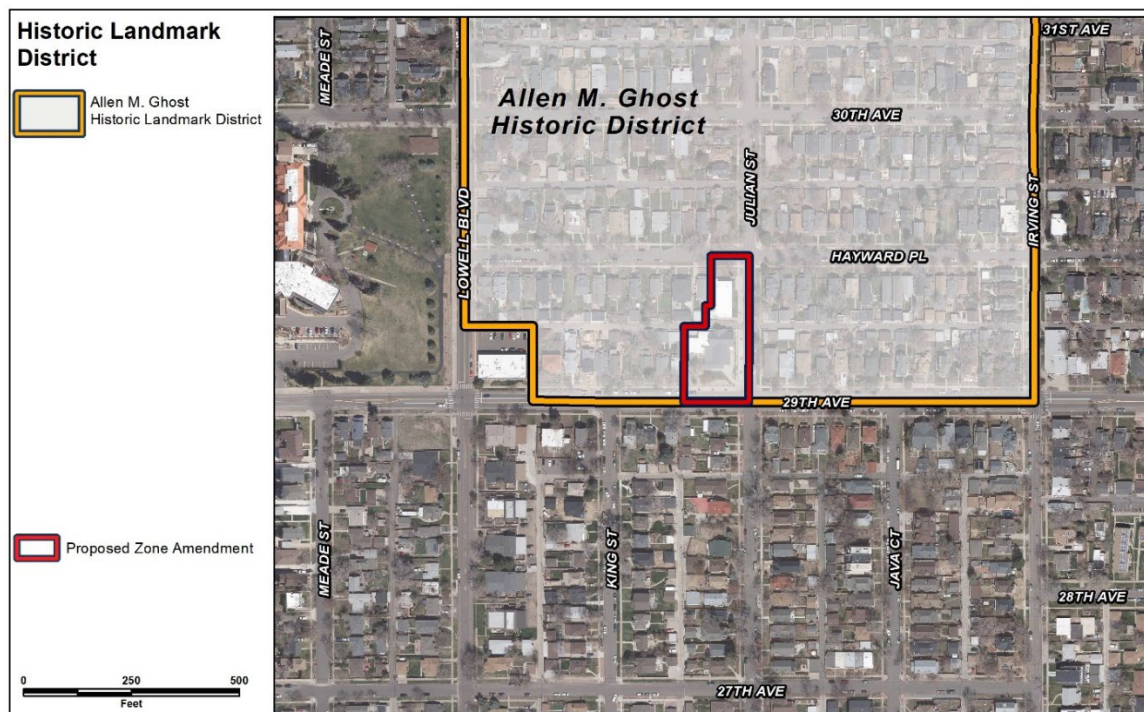
West – Properties to the west of the 2945 N. Julian St. site, along N. Julian Street.



North – Properties to the north of the subject sites, looking northwest at the intersection of N. Julian St and W. Hayward Pl.

3. Historic District

The subject properties are part of the Allen M. Ghost Historic Landmark District. Given that both buildings are contributing structures in this Landmark District, there are significant protections in place to preserve the existing structures. These protections ensure the historical, architectural, geographical, and cultural importance of these structures are protected through Landmark design and demolition review.



Proposed Zoning

The **U-MX-2x**, **U**rban, **M**ixed-use, **2**-story district is a mixed-use zone district in the urban context. It applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses. In the U-MX-2x zone district the Town House, General and Shopfront building forms are allowed primary building forms. Maximum height allowed is two stories or 30 feet. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.

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

Design Standards	Existing U-SU-B	Proposed U-MX-2x
Primary Building Forms Allowed	Urban House	Town House, General and Shopfront
Height in Stories / Feet (max.)	2.5 stories/ 30'	All forms: 2 stories / 30'
Primary Street Build-To Percentages (min.)	N/A	Town House, General:70% Shopfront: 75%
Primary Street Build-To Ranges (min./max.)	N/A	Town House: 10'/15' General: 0'/15' Shopfront: 0'/5' Residential Only Buildings: 0'/10'
Primary Street Setbacks (min.)	Primary Street Block Sensitive Setback Required	Town House: 10' General: 0' Shopfront: 0'
Building Coverages (max)	37.5%	N/A
Primary Street Transparency (min.)	N/A	Town House: 40% General: 40% Shopfront: 60%, residential only buildings: 40%

Summary of City Agency Referral Comments

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

Assessor: Approved – No response.

Asset Management: Approved – No comments.

Denver Public Schools: Approved – No response.

Denver Fire Department: Approved – No response.

Development Services - Transportation: Approved – No response.

Development Services – Project Coordination: Approved – See comments below.

This seems like a good location for mixed-use - but the applicant should be aware that the buildings are both on the Colorado Office of Archaeology & Historic Preservation (OAHP) Historic Places list. I'd highly recommend reaching out to landmark to see if there are any redevelopment limitations.

Development Services – Wastewater: Approved – See comments below.

There is no objection to the rezone, however applicant should be under notice that DOTI will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Please note Denver does have flow depth mapping for stormwater adjacent to the parcels. Please see link or google "Denver Potential Inundation Area" select Floodplain and under "What is My Flood Risk" select the Potential Inundation Area map

<https://geospatialdenver.maps.arcgis.com/apps/webappviewer/index.html?id=12500a3b06b34bfc2c297697a64c4de>

Denver Parks and Recreation: Approved – No comments.

Department of Public Health and Environment: Approve rezoning only - Will require additional information at Site Plan Review.

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

Department of Transportation & Infrastructure – City Surveyor: Approved – See comments below. Surveyor provided the correct Legal Description, and the applicant corrected the original application.

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:	12/06/2022
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:	01/17/2023
Planning Board Hearing: (Recommended approval unanimously)	02/01/2023
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	01/31/2023
Land Use, Transportation and Infrastructure Committee of the City Council:	02/14/2023
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	03/13/2022
City Council Public Hearing:	04/03/2023

Registered Neighborhood Organizations (RNOs)

- Staff received two letters of support from RNO’s, one from Strong Denver and one from West Highland Neighborhood Association.

Other Public Comment

- Staff received four comment letters from neighbors, three are in support of the rezoning, and one letter is in opposition expressing concerns with parking, traffic and noise.

Applicant Outreach:

- The Applicant worked with WHNA for over two years to reach agreement on a Protective Covenant. WHNA authorized a group of immediate neighbors to lead these negotiations on behalf of the RNO. The covenant limits Uses for the property and also places restrictions and limitations on hours of operations for the property. Following a series of in-person and virtual meetings, the covenant was agreed to in late January, and in early February the RNO voted to issue a letter of support for the rezoning to U-MX-2x.

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 currently apply to this property:

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

Denver Comprehensive Plan 2040

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

Strong and Authentic Neighborhoods Vision Element

The proposed rezoning would enable adaptive reuse of the existing structures at a location where services and infrastructure are already in place. The site is close to transit routes along West 26th Avenue, West 32nd Avenue and North Federal Boulevard. The proposed U-MX-2x zoning would allow for a broad variety of neighborhood-appropriate uses including housing, services, some limited retail, and employment near transit, and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhood Goal 3, Strategy E - Support the stewardship and reuse of existing buildings, including city properties (p.34)

Environmentally Resilient Vision Element

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

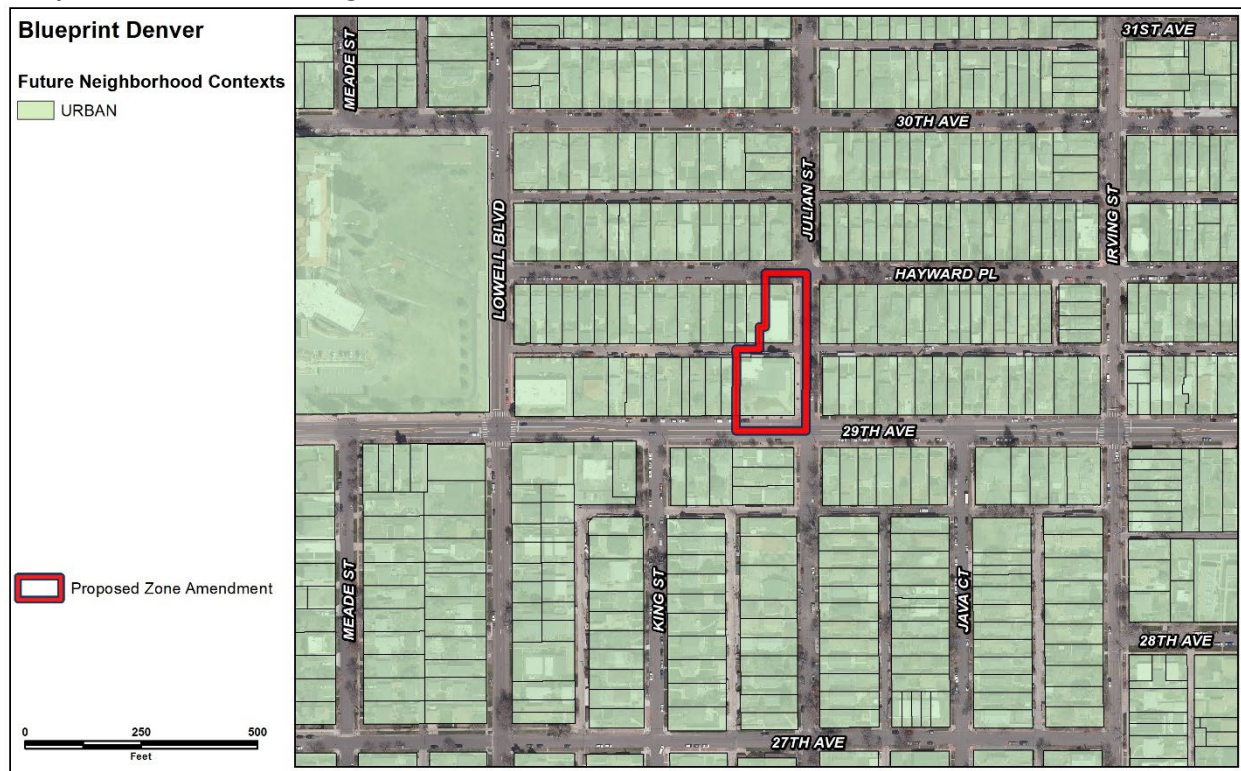
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).

The requested map amendment will enable adaptive reuse of a structure at an infill location where services and infrastructure are already in place. The requested U-MX-2x zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

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 the Residential Low future place within the Urban 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 in things like land use and built form and mobility options at a higher scale, between neighborhoods. Small area plans provide more certain guidance on topics including building heights (p. 66). The subject property is within the Urban neighborhood context. The land use and built form in the Urban neighborhood context is described as "Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas" (p. 136).

The proposed U-MX-2x zone district is part of the Denver Zoning Code Urban Neighborhood Context that is intended to "promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge," and "to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods." (DZC Section 5.2.3.1). The proposed rezoning is consistent with *Blueprint Denver's* future neighborhood context guidance.

Blueprint Denver Future Place



The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Residential Low in the future place map. The Residential Low classification includes land uses and built forms that are “Predominantly one- and two-unit, though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations” (p. 148) and where “limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity...Buildings are generally up to 2.5 stories in height” (p. 230).

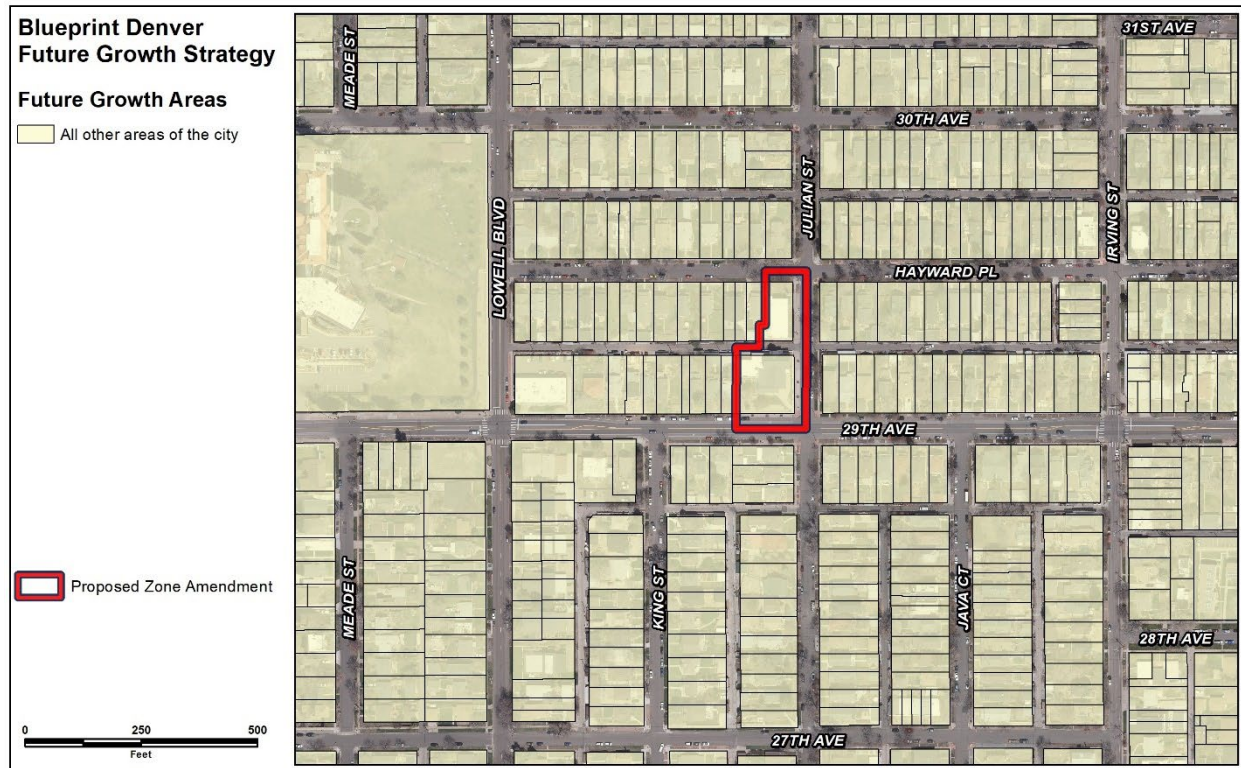
The proposed rezoning is consistent with the future place description because while the structures were built as churches, they have not been used as such for about 20 years. Instead, they have supported mixed uses and have been historically nonresidential and utilized for public/quasi-public uses such as music school, charter pre-school, therapy practice, yoga studio, a massage studio and the properties have hosted many community events. The subject site is embedded in a 1-unit and 2-unit residential area and the southern portion of the site is located along an arterial street. The proposed U-MX-2x zone district is a mixed-use zone district that is calibrated for neighborhood-serving retail; and the proposed U-MX-2x zone district has a maximum 2-story building height.

Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Julian Street as Local or Undesignated Street. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). West 29th Avenue is a Residential Arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154).

The proposed rezoning to U-MX-2x is consistent with the *Blueprint Denver* Undesignated Local and Residential Arterial street classifications because U-MX-2x is intended for embedded commercial areas primarily served by local streets. North Julian Street is a Local or Undesignated street, and West 29th Avenue is a Residential Arterial, supporting a zone district that allows low-scale residential and commercial uses.

Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject properties are located within "All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). The proposed map amendment to U-MX-2x is consistent with this map because it will enable compatible adaptive reuse of the existing structures for this location to support continued viability of the existing building and opportunities for more housing and employment uses.

Blueprint Denver Strategies

The following additional *Blueprint Denver* policies are applicable to the rezoning request:

- Land Use and Built Form: General Policy 6 "Implement zoning code revisions to facilitate compatible redevelopment of institutional sites within neighborhoods", Strategy C – "Until a citywide approach is implemented, individual rezonings of these sites may be an opportunity for more intense residential uses or limited neighborhood services to be provided if done in a way that minimizes impacts to surrounding character" (p. 75).

The proposed rezoning is also consistent with *Blueprint Denver* policies because it would facilitate adaptive reuse of two important historic public/quasi-public structures by allowing additional compatible uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2x will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MX-2x.

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 and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities.

4. Justifying Circumstance

The rezoning is justified under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: Change 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."

As discussed above, *Blueprint Denver* provides new guidance that encourages individual rezonings to institutional uses to facilitate adaptive reuse. The plan was adopted after the date of approval of the existing zone district. There has also been redevelopment in the Sloan Lake and West Highland neighborhoods and significant investment in infrastructure has occurred on West 29th Avenue in the form of new bike lanes extending from Sheridan Boulevard to downtown Denver.

This increase in the intensity of land use in the area has created additional need for neighborhood-serving commercial services like those allowed in the U-MX-2x zone district. This changed and changing condition make continued commercial uses appropriate at this site. Therefore, the proposed map amendment is justified in order to recognize the changed character of the land.

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

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

The proposed rezoning is also consistent with the general purpose of mixed-use districts to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping, and public gathering within and around the city's neighborhoods. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC Section 5.2.3.1). The rezoning is consistent with the general purpose of the urban mixed use districts as these are existing neighborhood sites and will promote a pedestrian scaled area along North Julian Street.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2x district "applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood.

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These are typically one or two parcels and are limited to low scale building forms and low intensity uses” (DZC Section 5.2.3.2.B). The subject properties are two parcels embedded in an existing neighborhood at the intersection of one local and one residential arterial street. The proposed U-MX-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

Attachments

1. Application
2. Public Comments



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.

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
			<i>[Handwritten Signature]</i>			
			<i>[Handwritten Signature]</i>			

List of Exhibits

- Exhibit A:** Property Legal Description

- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.7 (A, B, & C))

- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.8 (A & B))

- Exhibit D:** Proof of Ownership

- Exhibit E:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

- Exhibit F:** Signature Authority Authorization for 3401 W. 29th Ave. LLC

- Exhibit G:** Community Engagement (Completion of Exhibit in Progress)

EXHIBIT A

Property Legal Description

LEGAL DESCRIPTION

2945 N JULIAN ST

A PORTION OF LOTS 1-3, BLOCK 7, KOUNTZE HEIGHTS, BEGINNING AT THE NORTHEAST CORNER OF LOT 1,
THEN SOUTH 126 FEET,
THEN WEST 73.8 FEET,
THEN NORTH 37.5 FEET,
THEN EAST 15 FEET,
THEN NORTH 88.5 FEET,
THEN EAST 58.8 FEET TO POINT OF BEGINNING,
CITY AND COUNTY OF DENVER, STATE OF COLORADO.

LEGAL DESCRIPTION

3401 W 29TH AVE

LOTS 44 TO 48 INCLUDING BLOCK 7 KOUNTZE HEIGHTS, CITY OF 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 0.54-acre property located at 3401 West 29th Avenue & 2945 North Julian Street from U-SU-B to U-MX-2x (the “Property”) to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is in the West Highland Neighborhood, at the northwest corner of W. 29th Avenue and Julian St. The Property is a contributing structure in the Allen M. Ghost Historic District. Today the Property is zoned U-SU-B allowing urban houses with a minimum zone lot area of 4,500 sf. While the structure was built as a church, it hasn’t been used as such for about 20 years. Instead, it has supported commercial uses and has also been utilized for public/ quasi-public uses such as a music school, charter pre-school, therapy practice, a yoga studio and a massage studio. The Property has also hosted many community events.

Existing context surrounding the Property include U-SU-A, U-SU-B, U-SU-B1, U-TU-C, U-MX-2x, and CMO-EI2. Located within a ½ mile of Federal Blvd which Blueprint Denver designates as a high-capacity transit corridor, RTD route 32 – which connects riders all the way from Wadsworth to Union Station, and RTD route 28 – which connects riders from Lakewood to Central Park Station. There are dedicated bike lanes affronting the Property on both 29th Avenue and Julian Street.

The map amendment requests to rezone the Property from U-SU-B to the U-MX-2x Zone District. This would allow the Property to be utilized for limited commercial uses rather than the restricted residential and public/quasi-public uses that do not best serve the space or the needs of the neighborhood.. The intention is to convert the 3401 West 29th Avenue structure to a multi-use, multi-tenant building with uses ranging from office to retail to an eating and drinking establishment. The businesses are likely to be smaller in scale and work synergistically with one another and the neighboring community. The plan is to maintain a portion of the building for sacred community space, offering room for celebrations, education, life events, etc. For 2945 Julian Street, this beautiful mid-century modern building most recently served as an event center. Moving forward, it is plausible to see that continuing through religious, cultural, or educational uses, companioned with residential, office, or retail.

The proposed zone district will allow for adaptive reuse of the space including increased opportunities for neighborhood serving uses while preserving the character defining features of the buildings. The successful rezoning will allow for a mix of uses which will blend in with, support, and sustain the existing historic character of the neighborhood. Denver as a city has been experiencing exponential growth, especially in areas close to downtown. These changes have resulted in the need to rezone the Property to implement adopted Plan recommendations and meet community wants and 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 and Blueprint Denver (2019).

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.*

The rezoning will enable the expansion of services serving the neighborhood.

- *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*

The rezoning will enable investment in the Property to sustain the historic structure as an enhanced community amenity.

GOAL 3: Preserve the authenticity of Denver’s neighborhoods and celebrate our history, architecture and culture.

STRATEGIES:

- *Support the stewardship and reuse of existing buildings, including city properties.*

The rezoning will help to preserve the existing historic church as an authentic cultural neighborhood anchor .

VISION ELEMENTS: ECONOMICALLY DIVERSE AND VIBRANT

GOAL 3: Sustain and grow Denver’s local neighborhood businesses.

STRATEGIES

- *Promote small, locally owned businesses and restaurants that reflect the unique character of Denver.*

The uses allowed in the new U-MX-2x Zoning will promote small business activity that will enhance and support the neighborhood.

VISION ELEMENTS: ENVIRONMENTALLY RESILIENT

GOAL 7: Improve solid waste diversion and conserve raw materials.

STRATEGIES

- *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures.*

Rezoning will enable the reuse of the existing building.

SUMMARY:

The proposed U-MX-2x will enable a mix of neighborhood serving uses that are not permitted in the zoning today. The Property is in a historically rich and diverse neighborhood that continues to be a desirable area to live, work, and play in. The U-MX-2x Zone District offers increased opportunities for amenities and services that contribute to and enhance the vibrant neighborhood character; and this Zone District is specifically designed to enable the adaptive reuse and sustainability of non-residential structures embedded in residential neighborhoods.. The buildings are contributing structures in an

historic district, protecting it from demolition. Successful rezoning will result in a variety of options for adaptive reuse of this unique historic building. The Property is close to designated bike lanes/routes and multiple RTD transit routes allowing it to be accessible by multiple modes of transportation. This rezoning will enable a mix of uses within the existing structure in an appropriate location, making it consistent with Denver Comprehensive Plan 2040 Vision Elements and Goals.

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)

Rezoning to U-MX-2x will provide residents with access to amenities and a small mixed use node that is walkable within the neighborhood.

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. 230)

Rezoning to U-MX-2x, by allowing a mix of uses will facilitate a complete neighborhood.

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. Some civic and institutional uses are compatibly integrated throughout and **limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established.** Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Medium building coverage. Buildings are generally up to 2.5 stories in height.” (BPD pg. 230)*

The form of the existing structures complies with the Low Residential recommendations.

The U-MX-2x 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 MX zone districts are intended to ensure new development contributes positively to established residential neighborhoods

and character and improves the transition between commercial development and adjacent residential neighborhoods. Compared to the Main Street districts, the Mixed-Use districts are focused on creating mixed, diverse neighborhoods. U-MX-2x has a maximum height of 2 stories.

Located on corners, this makes it an excellent location for a mixed-use zone district which can offer amenities and services that complement the residents and neighborhood. With the multiple RTD bus routes nearby along with bike friendly routes and dedicated lanes, this makes it an ideal multi modal accessible location for both residents and those visiting for services and amenities.

Growth Strategy for this area is designated as:

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

The MX zoning appeals to the City's growth strategy for this area by allowing residential uses. The zoning equally allows office and commercial uses which could increase the potential of new jobs.

Blueprint Equity Concepts:

Applying Equity Concepts for Small Rezonings:

In Blueprint Denver Section 3.1; Plan In Action: Applying Blueprint Denver to Rezoning, Blueprint 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 parcel rezonings such as this one we believe these are important criteria to address in our city. This rezoning may help this small property contribute to a more equitable Denver in the following ways:

Equity Concept 1: 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-MX-2x will open the property to a variety of uses that are not offered in the current zoning. Today, if the Property were to be utilized for residential, it would only allow for a single-family occupation in each structure. While this area is less vulnerable to displacement, it can still use more housing diversity. This zone district would allow for a variety of housing options, along with low intensity commercial, office, retail and neighborhood serving uses that could create new job and housing opportunities. This area has less jobs per acre and could benefit from offering more job opportunities. While it is uncertain how the Property will be utilized within its zoning in the future, it is valuable to the

neighborhood and the city that a U-MX-2x introduces more housing and job opportunities to the area than with is permitted in the zoning today.

Equity Concept 2: 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)

Nearby Amenities (within a mile):

Grocery with fresh fruit and vegetables:

- Safeway

Transit:

- RTD Bus Routes 32 & 28
- Bike lanes: 29th Avenue and Julian Street

Parks and Recreation:

- Highland Park
- Viking Park

Schools & Libraries:

- Edison Elementary School
- Brown Elementary School
- Valdez Elementary School
- CEC Early College
- Denver North High School
- Woodbury Branch Library

The Property has moderate Access to Opportunity and so is an ideal place to introduce mixed use zoning. Rezoning to U-MX-2x will allow more uses of the property to have access to these quality-of-life amenities than the current residential zoning.

Equity Concept 3: Reducing Vulnerability to Displacement - stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

The Property is in an area that is designated as relatively less vulnerable to displacement. The proposed U-MX-2x would enable residential and a mix of neighborhood serving uses that do not exist in the zoning today. This includes a mix of low scale residential uses and low intensity commercial uses, the ability to add housing and jobs that could help mitigate displacement.

The Property is in a historically rich neighborhood that continues to be a desirable area to live, work, and play in. This zone district offers increased opportunities for amenities and services that contribute to and enhance the vibrant neighborhood character. Successful rezoning will result in a variety of options for reuse of the unique building all of which have the chance to positively address these important city-wide equity concepts.

Historic preservation is assured as the Property is a contributing structure to the Allen M Ghost Historic District. As such the buildings are protected from voluntary demolition and any exterior changes will be subject to full Landmarks review.

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-MX-2x 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 Rezonings (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”

The .54-acre Property is in an Urban neighborhood near downtown, this area continues to be a desirable neighborhood to work, live, and play in. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This density is supporting a growing population that can walk, bike, or use public transit to neighborhood amenities, entertainment, retail, and services. West Highland’s historic character is supported by its residential charm and local retail, restaurants, and amenities.

With the tremendous growth in Denver in recent years, this part of Denver continues to be a popular neighborhood to live in, this warrants the introduction of residential, office, and low intensity commercial uses which are not allowed in its current zoning. It will also allow for adaptive reuse of a character defining structure in the neighborhood. The modest expansion of allowed uses will contribute to the preservation and long term viability; as well as the historic character of the structure.

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.

The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets. Denver Zoning Code’s intent for U-MX-2X: “applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.”. (Denver Zoning Code 5.2.3-5.2.3.2)

Mixed Use Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. (Denver Zoning Code 5.2.3.1)

Today, the neighborhood context around the Property is a mix of low scale residential. The proposed U-MX-2x of the Property is fitting with the existing context and character in the West Highlands neighborhood. It appeals to the characteristics of an Urban Neighborhood that states that commercial uses that are not located on mixed use arterials or main street may be on intersections of local streets. It is the direct intent of the U-MX-2x is to be embedded within an existing neighborhood served by local

streets. It will enhance the convenience and enjoyment of walking, shopping, and public gathering through a low scale mixed-use project in an appropriate, transit-served location. It will promote a safe, active, pedestrian-scaled residential area while improving access to jobs, housing and services.

The proposed official map amendment U-MX-2x is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District

EXHIBIT D

Proof of Ownership

2945 N JULIAN ST

Owner	TAMBURELLO,PAUL 3222 TEJON ST DENVER, CO 80211-3471
Schedule Number	02293-13-029-000
Legal Description	KOUNTZE HEIGHTS B7 L1 TO 3 BEG NE COR L1 TH S 126FT W 73.8FTN 37.5FT E 15FT N 88.5FT E 58.8FT TO POB
Property Type	INDUSTRIAL-CHURCH
Tax District	DENVER

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	7840
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1955	Basement/Finish:	0/0
Lot Size:	7,971	Zoned As:	U-SU-B

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

Current Year			
	Actual	Assessed	Exempt
Land		\$610,200	\$176,960 \$44,950
Improvements		\$209,800	\$60,840
Total		\$820,000	\$237,800

Prior Year			
	Actual	Assessed	Exempt
Land		\$508,500	\$147,470 \$252,740
Improvements		\$363,000	\$105,270
Total		\$871,500	\$252,740

3401 W 29TH AVE

Owner	3401 W 29TH AVE LLC 3222 TEJON ST DENVER, CO 80211-3471
Schedule Number	02293-13-015-000
Legal Description	L 44 TO 48 INC BLK 7 KOUNTZE HTS
Property Type	INDUSTRIAL-CHURCH
Tax District	DENVER

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	9427
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1924	Basement/Finish:	0/0
Lot Size:	15,700	Zoned As:	U-SU-B

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

Current Year			
	Actual	Assessed	Exempt
Land		\$1,097,100	\$318,160
Improvements		\$469,500	\$136,160
Total		\$1,566,600	\$454,320

Prior Year			
	Actual	Assessed	Exempt
Land		\$914,300	\$265,150
Improvements		\$443,000	\$128,470
Total		\$1,357,300	\$393,620

EXHIBIT E

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

**3401 W 29TH AVE & PAUL TAMBURELLO
3222 TEJON STREET
DENVER, CO 80211**

Mar 10, 2022

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
1115 Acoma Street, Suite 107
Denver, CO 80204
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 3401 W 29th Ave LLC & Paul Tamburello for the purpose of submitting and processing the rezoning application for the property owned by 3401 W 29th Ave & Paul Tamburello at 3401 West 29th Avenue LLC & 2945 North Julian Street in Denver, CO.

Sincerely,

Paul Tamburello, Manager

(Print/Type name and title of Authorized Individual of 3401 W 29th Ave LLC)



Paul Tamburello

EXHIBIT F

Signature Authority Authorization for 3401 W.29th Ave. LLC

OPERATING AGREEMENT
of
3401 W. 29th Ave., LLC

This Operating Agreement is made and entered by and between Paul Tamburello and Rene Doubleday, who are the initial Managers and Members of 3401 W. 29th Ave., LLC, and who are collectively referred to below as the "Parties" or singularly as a "Party." The Parties agree as follows.

ARTICLE 1. DEFINITIONS

The following terms used in this Agreement shall have the following meanings:

"Agreement" shall mean this Operating Agreement as originally executed and as amended from time to time.

"Articles of Organization" shall mean the Articles of Organization of the Company filed with the Secretary of State of Colorado on January 7, 2021, as the same may be amended and/or restated from time to time.

"Colorado Act" shall mean the Colorado Limited Liability Company Act, C.R.S. 7-80-101, et seq., as amended from time to time.

"Company" shall mean 3401 W. 29th Ave., LLC.

"Effective Date" shall mean January 7, 2021,

"Event of Default" shall mean the failure by a Member:

- (i) to perform any material obligation imposed upon it under this Agreement; or
- (ii) to perform any material obligation imposed upon it by any agreement by which the Members (in their capacity as such) may be bound;

and such Member shall fail to cure such failure, perform or comply within thirty (30) days after the Manager is provided written notice of the default; or if such failure to perform or comply (other than an obligation to make a payment) cannot reasonably be cured within such thirty day period, if such Member shall thereafter diligently pursue cure of the default, provided, however, that such cure must be completed within sixty (60) days after the Member receiving written notice from the Managers.

"Fiscal Year" shall mean the Company's fiscal year, which shall be the calendar year.

"Manager" or "Managers" (as may be appropriate in the given context) shall mean one or more managers of the Company as provided for in the Colorado Act. Initially, the term "Managers" shall mean Paul Tamburello and Rene Doubleday, and reference to a Manager shall mean one of these two Managers.

"Member" shall mean each of the parties who executes a counterpart of this Agreement as a Member and each of the parties who may later become Members of the Company.

"Membership Interest" shall mean a Member's entire interest in the Company, as provided under this Agreement and the Colorado Act.

ARTICLE 2. FORMATION OF COMPANY

2.1 Formation. On January 7, 2021, the Company was organized as a Colorado limited liability company by executing and delivering Articles of Organization to the Colorado Secretary of State in accordance with and pursuant to the Colorado Act.

2.2 Name. The name of the Company is 3401 W. 29th Ave. LLC. The Company may operate under such trade name as the Managers may elect consistent with applicable law.

2.3 Principal Place of Business. The principal place of business of the Company within the State of Colorado shall be 3222 Tejon, #A, Denver, CO 80211. The Company may locate its places of business and registered office at any other place or places as the Managers may from time to time deem advisable.

2.4 Registered Office and Registered Agent. The Company's initial registered office shall be at the office of its registered agent 3222 Tejon, #A, Denver, CO 80211, and the name of its initial registered agent at such address shall be Paul Tamburello. The registered office and registered agent may be changed from time to time by filing the address of the new registered office and/or the new registered agent with the Colorado Secretary of State pursuant to the Colorado Act.

2.5 Term. The term of the Company is perpetual, unless the Company is earlier dissolved in accordance with either the provisions of this Agreement or the Colorado Act.

ARTICLE 3. BUSINESS OF COMPANY

3.1 Permitted Business.

The business of the Company shall be:

(a) to purchase, own, renovate, rent, and/or sell the real property located at 3401 W. 29th Ave., Denver, Colorado ("Property");

(b) to exercise all other powers necessary to or reasonably connected with the Company's business which may be legally exercised by limited liability companies under the Colorado Act; and

(c) to engage in all activities necessary, customary, convenient, or incident to any of the foregoing.

ARTICLE 4. NAMES AND ADDRESS OF MEMBERS

The names and addresses of the initial Members are as follows:

Paul Tamburello
3222 Tejon, #A
Denver, CO 80211

Rene Doubleday
3725 Meade Street
Denver, CO 80211

Any Member can change his/her address with the Company by providing the other Member or Manager with his/her new address.

ARTICLE 5. RIGHTS AND DUTIES OF MANAGER

5.1 Management by Initial Managers Paul Tamburello and Rene Doubleday.

The business and affairs of the Company shall be managed by the Managers. The two initial Managers of the Company are Paul Tamburello and Rene Doubleday. Except as otherwise provided for in this Agreement, including, but not limited to, the provisions for removal of a Manager, so long as Paul Tamburello and Rene Doubleday are Members of the Company, they shall each serve as a Manager of the Company. Voting of the Managers shall be on a weighted basis, with Paul Tamburello having three votes and Rene Doubleday having one vote. The weighted voting process of the Managers can only be changed by a unanimous vote of both Managers. It shall require three votes of the Managers for any resolution of the Managers to be adopted, or for any decision of the Managers to be made. In the event of any disagreement between the Managers on any matter, the Managers will vote on such issue. Any provision in this Agreement or the Act that requires the consent, agreement or approval of the Managers shall be deemed to require three votes of the Managers, unless that provision expressly states a different vote that is required, e.g., two votes or a unanimous vote. The Managers shall direct, manage and control the business of the Company. Except for situations in which the approval of the Members is expressly required by this Agreement or by non-waivable provisions of applicable law, the Managers shall have full and complete authority, power and discretion to manage and control the business, affairs and properties of the Company and to perform any and all other acts or activities customary or incident to the management of the Company's business. If Paul Tamburello or Rene Doubleday ceases to serve as a Manager of the Company, the provisions of paragraph 5.2 below shall be implemented.

5.2 Management by One Original Manager.

In the event that Paul Tamburello or Rene Doubleday, for any reason, ceases to serve as a Manager of the Company, the other/surviving Member, i.e., Paul Tamburello or Rene Doubleday, shall become the sole Manager of the Company, and shall make all managerial decisions regarding the Company, and all provisions of this Agreement which require the agreement of and/or signature of both Managers shall automatically and immediately be changed to only require the decision of the other/surviving Manager, i.e., Paul Tamburello or Rene Doubleday, and there shall only be one Manager for the Company throughout the time that the other/surviving Member continues to serve as a Manager. Upon the death or resignation of the other/surviving Manager, two Managers shall again be required for the Company, who shall be elected by the Members at a special meeting of the Members.

5.3 Subsequent Management.

The following provisions shall apply after both Paul Tamburello and Rene Doubleday have ceased serving as Manager of the Company. The number of Managers shall be determined by the Members. Each Manager shall hold office until a meeting of Members is held to elect Managers, until his/her successor shall have been elected and qualified or until his earlier resignation, death or removal. At a meeting of

Exhibit G

Community Outreach & Public Engagement Summary

This Exhibit will be fully compiled as the community engagement effort progresses and will be updated to supplement the Application at a later date.

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

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

Application Number	#20221-00178
Location	3401 W. 29th Ave & 2945 N Julian St
Registered Neighborhood Organization Name	Strong Denver
Registered Contact Name	John Inzina
Contact Address	1255 N Ogden St APT 102, Denver, CO 80218
Contact E-Mail Address	DenverVoters@gmail.com
Date Submitted	1/2/23

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

was held on , with members in attendance.

With a total of members voting,

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

voted to oppose the application; and

voted to abstain on the issue.

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

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

Application # .

Comments:



February 9, 2023

Community Planning and Development

City and County of Denver

Attn: Fran Penafiel

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

Re: *Official Map Amendment Application #2022I-00178 – 3401 W. 29th Avenue and 2945 N. Julian Street*

Dear Ms. Penafiel:

The West Highland Neighborhood Association (“WHNA”) is an Interested Registered Neighborhood Organization for the Official Map Amendment Application #2022I-00178 – 3401 W. 29th Avenue and 2945 N. Julian Street, requesting a rezoning of the subject properties from U-SU-B to U-MX-2x (the “Rezoning Application”).

WHNA and the applicants for the Rezoning Application executed that certain Restrictive Covenant by and between 3401 W. 29th Ave., LLC and West Highland Neighborhood Association dated January 25, 2023 (the “3401 W. 29th Avenue Covenant”) and that certain Restrictive Covenant by and between Paul Tamburello and West Highland Neighborhood Association dated January 24, 2023 (the “2945 Julian Street Covenant” and collectively with the 3401 W. 29th Avenue Covenant, the “Covenants”). The Covenants contain certain restrictions on the use and redevelopment of the subject properties beyond the requirements contained in the City and County of Denver’s applicable codes and regulations. If the Rezoning Application is approved, the Covenants will be recorded in the real property records of the City and County of Denver’s Clerk and Recorder’s office and will run with the land and be binding upon the subject properties.



WHNA supports the Rezoning Application subject to the Covenants, but would not support the Rezoning Application **without** the executed Covenants.

Please do not hesitate to contact us with questions or to further discuss.

Sincerely,

A handwritten signature in blue ink, appearing to read "Trevor Greco", is written over a large, stylized blue circular flourish.

Trevor Greco

President

West Highland Neighborhood Association

cc: Bill Hare, WHNA, Vice President

From: [Rezoning - CPD](#)
To: [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#)
Subject: FW: [EXTERNAL] rezoning of 3401 W. 29th Ave & 2945 N Julian St
Date: Monday, January 30, 2023 8:51:24 AM

Hi Fran,

I believe this is your case!

Libbie

From: Vicki McCoy <vicki24mccoy@gmail.com>
Sent: Friday, January 27, 2023 9:25 AM
To: Rezoning - CPD <Rezoning@denvergov.org>
Subject: [EXTERNAL] rezoning of 3401 W. 29th Ave & 2945 N Julian St

January 26, 2023

Chuck & Vicki McCoy
3438 W. Hayward Pl.
Denver, CO 80211

Rezoning Board:

We are writing to you regarding the rezoning of the churches on 29th and Julian and Julian and Hayward. We live four houses from the church built in 1950 on N Julian. We were on the zoom call when Generator first purchased the churches with Councilwoman Sandoval, and she had indicated that she would listen to what the neighborhood wanted and support the wishes of the neighborhood.

As you may know a group of people from the neighborhood spent about 18 months in negotiations with Generator and the night before they had come to an agreement Generator changed one of the main sticking points and no agreement was reached.

We have lived here for 25+ years, when we moved here we were some of the youngest on the block, we are now some of the oldest. We have watched as young families have moved in and it has been wonderful to see kids playing between houses and running back and forth. We have major concerns that the development that Generator wants to do is going to increase traffic on our street, decrease available parking, decrease safety, increase crime, increase noise, and increase pests. These are just a few of our major concerns.

Generator has said they want to “revitalize” the neighborhood. These are residential streets (Hayward & Julian) and “revitalization” is not needed. We have a commercial area on 32nd and do not need one on our block. We strongly oppose this zoning and hope you will take into consideration that we, as a neighborhood, tried to negotiate agreeable terms with Generator and at the last

minute Generator changed the terms.

Thank you for your consideration.

Chuck & Vicki McCoy

Vicki McCoy
720-320-2713

To Who it May Concern:

We are neighbors of the church property on 29th and Julian Street in the Highlands. We live only a few houses down the block and walk by the church space on a very regular basis. We are excited to support a community minded initiative that is proposed for the space. We are very happy that it keeps the original intention of the communal space as a theme for the new plans, and feel that any events and businesses within it would support our continued flourishing neighborhood.

As far as potential parking for events or future businesses within the space, we believe with so much street parking on both 29th Street and Julian Street, it will not impact us negatively. We also support evening events as this is part of what makes events and community gathering accessible to everyone and their working schedules.

We value the integrity of this neighborhood, and are very supportive of a community-oriented space with an ode to the history of the architecture and communal nature of the building. We look forward to what this space can do to further enrich and connect our community.

Sincerely,

Megan Slattery and Jamie Scovern
2772 Julian Street
Denver, CO 80211

From: [Eddie Schermethorn](#)
To: [Trevor Greco](#)
Cc: [Eric Rymarz](#); [Jordan Abramson](#); [Volpe-Boasley, Gina J. - CC YA3246 City Council Aide Senior](#); [Rezoning - CPD](#); [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#); [Paul Tambouris](#); [Bene Doubleday](#); [Lauren Seibert](#); [Amy Sweedlow](#); [Sandoval, Amanda P. - CC Member District 1 Denver City Council](#); [Erik N. Carlson](#); [Bruce O'Donnell](#)
Subject: Re: [EXTERNAL] Rezoning Application Attached for 3401 W. 29th & 2945 Julian
Date: Monday, January 30, 2023 12:00:37 PM

Hi Trevor,

We are thrilled to report that we have reached an agreement with Paul and Generator. Our understanding is that the signed and notarized covenants are in the mail (thank you Bruce, Erik, and Paul)!

@Trevor would it be possible to be added to the agenda for the next WHNA meeting (Feb. 7th?) to vote on the covenant? Let us know if this is the best way to proceed (@Erik, at your convenience, could you send the final covenant PFDs to Trevor?).

Thank you all for your guidance, patience, and time. I know this was a long process, but I'm glad we found a sweet conclusion. We look forward to Generator being a positive addition to the neighborhood, and thank Paul and Rene for their time and work!

Thank you again and congratulations all around.
Eddie

On Tue, Jan 3, 2023 at 10:10 AM Bruce O'Donnell <bodonnell@starboardrealtygroup.com> wrote:

ALL:

FYI, This morning, CPD just scheduled the Planning Board hearing on this rezoning for Feb 1:

RE: [EXTERNAL] Re: 3401 W. 29th Ave & 2945 N Julian St Rezoning Application - Updated Legal

External

Inbox



Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior

9:47 AM (17 minutes ago)

to me, Reychel, John



Dear Bruce,

Please find attached the Comment Letter and Planning Board Date Letter for the rezoning of 3401 W. 29th Ave & 2945 N Julian St.

I'll be sending you the noticing materials later this week so you can post the signs by January 17th.

Best,

Fran

Please see attached.

Bruce

Bruce C. O'Donnell



STARBOARD Realty Group, LLC
Work: 720-441-3310
Cell: 303-810-3674
E Mail: bodonnell@starboardrealtygroup.com
Web: www.starboardrealtygroup.com www.denverzoning.com

On Tue, Jan 3, 2023 at 8:33 AM Eric Rymarz <eric.rymarz@urban-villages.com> wrote:
Good morning all and happy new year!!

Any update on coming to an agreement on the covenant?

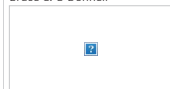
Has a planning board date been set?

Thanks, Eric

On Tue, Dec 6, 2022 at 4:42 PM Bruce O'Donnell <bodonnell@starboardrealtygroup.com> wrote:
I just got off a call with Erik. We have a plan in the works to make progress and hopefully find a covenant solution quickly.

Thanks and stay tuned...

Bruce C. O'Donnell



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On Tue, Dec 6, 2022 at 8:47 AM Jordan Abramson <jordan.abramson@mac.com> wrote:

Thanks for the update, Bruce. We've had an opportunity to review the draft covenant you provided. My understanding is that Erik Carlson tried reaching out to you both last week and yesterday to discuss. Were you two able to connect?

On Dec 5, 2022, at 1:45 PM, Bruce O'Donnell <bodonnell@starboardrealtygroup.com> wrote:

thanks Gina - makes sense - no meeting on the 19th.

Bruce C. O'Donnell



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On Mon, Dec 5, 2022 at 1:44 PM Volpe-Beasley, Gina J. - CC YA2246 City Council Aide Senior <Gina.Volpe@denvergov.org> wrote:

Thank you, Bruce, for the update, Councilwoman Sandoval will wait for the community to weigh in on the time. However she has City Council on Monday the 19th so that definitely will not work for her.

Take care,

Gina

<image001.png> **Gina Volpe | Senior Council Aide** <image002.png>

Office of Councilwoman Amanda P. Sandoval
Council District 1, NW Denver

(720) 337-7701 | 1810 Platte St. Denver

<image003.png>

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*Correspondence with this office is an open record under the Colorado Open Records Act and must be made available to anyone requesting it unless the correspondence clearly states or implies a request for confidentiality. Please expressly indicate whether you wish for your communication to remain confidential.

From: Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

Sent: Monday, December 5, 2022 12:00 PM

To: Eddie Schermerhorn <eddie.schermerhorn@gmail.com>

Cc: Rezoning - CPD <Rezoning@denvergov.org>; Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior <Francisca.Penafiel@denvergov.org>; Eric Rymarz <eric.rymarz@urban-villages.com>; Volpe-Beasley, Gina J. -

CC YA2246 City Council Aide Senior <Gina.Volpe@denvergov.org>; Paul Tamburello <paul@thinkgenerator.com>; Rene Doubleday <rene@thinkgenerator.com>; trevreco@gmail.com; Jordan Abramson

<jordan.abramson@mac.com>; Lauren Seibert <Lauren.j.seibert@gmail.com>; Amy Swerdlow <adswerdlow@gmail.com>; Sandoval, Amanda P. - CC Member District 1 Denver City Council

<Amanda.Sandoval@denvergov.org>

Subject: [EXTERNAL] Re: Rezoning Application Attached for 3401 W. 29th & 2945 Julian

29th & Julian Working Group:

By way of a quick update, CPD has deemed the rezoning application to be complete. This means:

1. The application meets the City's rezoning criteria and is now officially in the review process and will be posted and be publically available on the City's website as an active application.
2. It is now out for agency referral so other City departments can provide technical comments to CPD. This is a bit a black hole the application disappears into for a month or so until comments come back.
3. Only after comments in #2 above come back and are fully addressed will CPD advance the application for the next step, which will be the Planning Board public hearing. Given the holidays, hearing agendas, the timing of #2 above, etc. My best guess is that the earliest a Planning Board hearing would be scheduled is for sometime in February.

Given all this, we'd like to reconvene in working with the community on the Covenant most recently circulated when I sent it out to all of you on November 18.

Please let me know if there's a time on Dec 14, 15, 16, 19 or 20 that we could schedule a session to advance efforts on the covenant.

Thanks,

Bruce

Bruce C. O'Donnell



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On Fri, Nov 18, 2022 at 4:12 PM Bruce O'Donnell <bodonnell@starboardrealtygroup.com> wrote:

29th & Julian Rezoning Working Group:

My apologies for the delay in getting this to you. I was recently out of town for a couple of weeks and Rene and Paul had some family issues come up that distracted us from a more prompt follow up to our October 18 meeting.

As you know, and per our discussion during the meeting on the 18th, we filed the rezoning application on Oct. 28. FYI, to date we have had no response from CPD on the merits of the application or on the timing of any next steps. When we know more we will share information with you.

In our ongoing effort to continue to earn your support, attached please find a redline of the most recent covenant draft that we believe (i), reflects our recent discussions; and (ii) memorializes the use limitation commitments that go beyond the Denver Zoning Code that the applicant will honor in consideration of the community's support of the rezoning application in the form of a Good Neighbor Agreement.

Please review the attached and let's make a plan to connect shortly after Thanksgiving to reconvene and (hopefully) wrap this process up. I'm happy to meet in person or via Zoom at your convenience. In the meantime, any of you have comments or questions please contact me as needed.

Bruce

Bruce C. O'Donnell



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On Mon, Oct 31, 2022 at 3:42 PM Eddie Schermerhorn <eddie.schermerhorn@gmail.com> wrote:

Hi Bruce,

Thanks for the update. We haven't received proposed language for the two outstanding items we discussed at the Oct. 18th meeting. Our understanding from the meeting was that Generator was going to send updated language. Let us know what we can do to start discussions or help; we don't want things to come down to the wire!

We also wanted to confirm that, per Paul's August 26th email, Generator intends to file their latest redlined version of the covenant (attached) for both properties (the 29th church and the Hayward church), regardless of whether an agreement is reached with WHNA.

Thanks so much and looking forward to talking soon,

Eddie

On Fri, Oct 28, 2022 at 4:37 PM Bruce O'Donnell <hodonnell@starboardrealtygroup.com> wrote:

TO: CPD, Council District 1 and 29th & Julain Neighbors:

Following up on our meeting of October 18, and as discussed please find attached the rezoning application for 29th & Julian.

Today's submittal of the application to CPD triggers a months long process. The applicant is committed to continue working with the community in hopes of earning support, and we will be back in touch with all of you concerning next steps and advancing documents at the soonest opportunity.

I will be out of town until November 14. Upon my return the applicant team will get back to all of you following up our mutual efforts on the Protective Covenant and possible Good Neighbor Agreement.

Thanks for your patience on this and we look forward to continuing to work together.

Bruce

Bruce C. O'Donnell



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Eric Rymarz
Director of Development
Project Management & Construction

URBAN VILLAGES

P: 303.586.9776 C: 847.636.2267

1530 16th Street, Third Floor | Denver, CO 80202

urban-villages.com | [LinkedIn](#) | [Twitter](#) | [Google+](#) | [Facebook](#)

Planning Board Comments



Submission date: **30 January 2023, 9:10AM**
Receipt number: **468**
Related form version: **3**

Your information

Name	John Reilly
Address or neighborhood	Sloan's Lake
ZIP code	80204
Email	JohnReilly4th@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	3401 W. 29th Ave. Denver, CO 80211 USA
Case number	22i-00178

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project? **Strong support**

Your comment:

I think it's a fantastic idea introducing a mixed use zoning area that will serve the local neighborhood. It's directly on a bike path which will promote customers visiting by bike, reducing the need for an oversized parking lot. Plus this mixed use area will be a more efficient use of our city's infrastructure instead of only serving a single family zone. Don't let the NIMBYs destroy the continued efforts to make this area vibrant and sustainable!

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.