

March 11, 2019

Members of Denver City Council:

RE: CB 19-0127

This Council Bill, is for rezoning application 2018I-00072, rezoning 2535 E. 40th Ave from I-A to I-MX-3. It is at Council for First Reading tonight. I am writing you to request that CB 19-0127 not be called out and delayed and that our Public Hearing remain on schedule for April 8.

The individuals, Brooke and Tom Gordon, for this project are committed to immediately begin negotiations on and enter into a development agreement with the City that will provide assurances around the shared vision for and the redevelopment of the property concerning:

1. Provisions for the building of affordable housing on site at 60% AMI or lower, with advertising and first purchase opportunities targeted to teachers at the Bruce Randolph School and neighborhood residents.
2. The creation of public open space to include programming such as playgrounds, community gardens, trails and plazas.
3. Other possible community benefits related to the arts to include the donation of property for a non-profit performing arts complex and the development of live-work space for artists.

We are available to meet with City Staff anytime, including today, and in working with staff at CPD and OED look forward to identifying specific terms for such an agreement immediately. We have also offered to work towards and agreement with the community through a Memorandum of Understanding with the GES Coalition.

The Gordon's are not a large development company but a family that has a shared vision for this property. The financial burden of mortgage payments, maintenance, insurance and taxes on the 230,000 sq. ft. building, and all development costs are paid for out of their pocket. Any delay will necessitate a rethinking of the project.

Therefore it is important that this rezoning not be delayed and we respectfully request that our April 8 public hearing date be kept. There is plenty of time to work on an agreement that will memorialize our vision and commitments for the site (which are largely shared with the community) between now and April 8; and we are continuing our ongoing efforts to engage with the community, which we have been doing since July 22, 2018.

For your information, we directly and proactively contacted Elyria and Swansea ("ES") RNOs on July 22, 2018, October 16, 2018 and again on February 4, 2019 explaining the project, providing copies of the rezoning application and requesting the opportunity

to meet with the ES RNOs. We never received a reply from an ES RNO on any of these repeated attempts to engage with them.

In addition, the City provided public notice via email to the RNOs on October 11, 2018, January 18, 2019 and again on February 11, 2019. As is required, the City also mailed 49 public notice postcards to property owners twice, on October 16 and again on January 22 for a total of 98 postcards.

Documentation on all of this applicant outreach and City notice is attached.

Again, all of these combined notifications resulted in no response or engagement efforts of any kind by these ES RNOs. Our proactive engagement and outreach did, however, result in positive community engagement with Clayton United and the Elyria Swansea Globeville Business Association who both responded to our same outreach.

Sufficient notice and requests to engage and solicit community input have been given and are ongoing. We are scheduled to meet with the community on March 18 at an Open House we are hosting at the site, and again in March 25 at the Unite North Denver RNO meeting

Delay is not beneficial or needed as community engagement is ongoing and sufficient progress can be made on a development agreement with the City and the MOU with the community to create the assurances on development outcomes shared by the developer and the community between now and April 8.

We look forward to continuing work with the City and the community, and to having our public hearing on April 8 as scheduled.

Sincerely,



Bruce O'Donnell
STARBOARD Realty Group, LLC
Owner's Representative



Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

Proposed New Elyria Swansea Rezoning

1 message

Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

Wed, Jul 25, 2018 at 11:39 AM

To: Katie McKenna <kmckenna@habitatmetrodenver.org>, Drew Dutcher <drewdutcherdirect@gmail.com>, Cliff Lind <cliff.lind@otak.com>, Reychel Saflor <rsaflor@starboardrealtygroup.com>

Katie, Cliff, Drew:

STARBOARD is starting a rezoning effort on the AT&T property at 2535 E. 40th Ave., rezoning to I-MX-3, which is consistent with the neighborhood plan. We'd like to work with your organizations to share information, get your input, and hopefully obtain your support for the rezoning.

Reychel Saflor here at STARBOARD is helping with this and is copied on this email.

How might we best engage with each of you? Please "REPLY TO ALL" to this email and we'll follow up accordingly.

We look forward to working with all of you. Thanks,

Bruce

Bruce C. O'Donnell



STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203

Work: 720-441-3310

Cell: 303-810-3674

E Mail: bodonnell@starboardrealtygroup.comWeb: www.starboardrealtygroup.com www.denverzoning.com



Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

Rezone of AT&T Property on E 40th

1 message

Bruce O'Donnell <bodonnell@starboardrealtygroup.com>
To: Drew Dutcher <drewdutcherdirect@gmail.com>

Mon, Feb 4, 2019 at 10:41 AM

Drew -

Hi there. I'd like to talk to you about getting in front of Elyria Swansea to share info and update you on the Rezone of 2535 E. 40th from I-A to I-MX-3.

What works for you?

Thanks,

Bruce

Bruce C. O'Donnell



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Web: www.starboardrealtygroup.com www.denverzoning.com



Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

Re: Proposed rezoning of the old AT&T Communications Warehouse

1 message

Bruce O'Donnell <bodonnell@starboardrealtygroup.com>
To: "Fredrick Glick (fred@innoabrd.com)" <fred@innoabrd.com>

Tue, Dec 11, 2018 at 8:21 AM

Fred - Yes, we'll be there. My cell is 303-810-3674 if you need it.

See you at 6PM

Bruce C. O'Donnell



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770 Sherman Street, Suite 108
Denver, CO 80203

Work: 720-441-3310

Cell: 303-810-3674

E Mail: bodonnell@starboardrealtygroup.com

Web: www.starboardrealtygroup.com www.denverzoning.com

On Mon, Dec 10, 2018 at 11:28 PM Fred Glick <fred@innoabrd.com> wrote:

Hi Bruce, just confirming we'll see you guys tomorrow at 6pm at 3840 York. Think you have my cel number, but just in case, 303-578-2041

thanks,

fred

On 11/17/2018 10:44 AM, Bruce O'Donnell wrote:

Fred - Our team is available the evening of Dec 11. We look forward to meeting and sharing information on the AT&T redevelopment.

Please confirm with me when you guys can confirm for the 11th; when, where, etc.

Thanks,

Bruce

Bruce C. O'Donnell



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770 Sherman Street, Suite 108
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Work: 720-441-3310

Cell: 303-810-3674

E Mail: bodonnell@starboardrealtygroup.com

Web: www.starboardrealtygroup.com www.denverzoning.com

On Fri, Nov 16, 2018 at 8:19 PM Fred Glick <fred@innoabrd.com> wrote:

Hi Bruce,

I am following up Reychel's message to Danielle Ongart of the Clayton United RNO. I am, as I think you may know, redoing 3850 York for myself to live in and have become involved with the RNO, particularly around land use questions.

We welcome an opportunity to meet with you and the owners to find out more about their plans before the RNO takes a formal position on the rezoning.

I'd like to get something on the calendar. Would they be available for an evening meeting on the 4th, 5th, 11th, 18th or 19th of December? We can likely provide a venue at 3840 York and around 6pm generally works. I would anticipate a fairly short meeting as we would just be convening a group particularly interested in 'urbanist' issues specifically for this conversation.

thanks and I look forward to hearing back from you,

fred



Reychel Saflor <rsaflor@starboardrealtygroup.com>

Proposed rezoning of the old AT&T Communications Warehouse

4 messages

Reychel Saflor <rsaflor@starboardrealtygroup.com>
To: info@claytondenver.org

Tue, Oct 16, 2018 at 10:48 AM

Good Morning Danielle,

My name is Reychel Saflor and I work with Bruce O'Donnell at STARBOARD Realty Group. We represent our client who is in the process of proposing a rezoning of the old, vacant AT&T communications warehouse on E. 40th Ave. & Clayton Street. We want make a friendly introduction and reach out to the local RNO's to inform you all of this exciting proposed rezoning. The application has just been deemed complete by the city and we are waiting on the City to provide us the schedule for the application review process.

Today the 14 acre vacant AT&T warehouse is zoned I-A and we are proposing I-MX-3, an industrial mixed use zoning with the Elyria Swansea Neighborhood Plan's recommended max height of 3 stories. This rezoning will facilitate mixed use redevelopment of an underused property that is consistent with the recommendations in the adopted city plans. Successful rezoning will contribute to and promote growth of the existing character of the neighbor while accommodating a variety of industrial, commercial, civic, and residential uses.

Consistency with adopted plans:

- In a Blueprint Denver Area of Change, strategies include:
 - Reuse of older buildings, including industrial buildings
 - Mixed land uses
 - Infill and redevelop vacant and underused properties
 - Transit service and access
 - Diversity of housing types, size, and cost
 - Economic activity – business retention, expansion, and creation
- Denver Comprehensive Plan, objectives include:
 - Environmental Sustainability strategies
 - Land Use strategies
 - Mobility strategies
 - Legacy strategies
 - Neighborhood strategies
- Elyria Swansea Neighborhood Plan, key issues and vision:
 - addressing Missing Services
 - Urban Design
 - Industrial Mixed Use developments
 - Increase housing choices
 - Diversify and increase employment opportunities in mixed use and industrial areas
 - Improve transition between industrial and residential uses
 - recommends max height of 3 stories for the Property

I have attached a copy of the application. Please let us know if you have any questions.

--

Reychel Saflor
Assistant to Bruce O'Donnell




STARBOARD Realty Group, LLC
770 Sherman Street, Suite 108
Denver, CO 80203

Work: 720-441-3310

Cell: 650-465-7571

E Mail: rsaflor@starboardrealtygroup.com

Web: www.starboardrealtygroup.com www.denverzoning.com

 **STARBOARD - 2535 E 40th Rezoning Application I-A to I-MX-3 082818.pdf**
4247K

Reychel Saflor <rsaflor@starboardrealtygroup.com>
To: manager@esgba.org

Tue, Oct 16, 2018 at 10:50 AM

Good Morning Michele,

My name is Reychel Saflor and I work with Bruce O'Donnell at STARBOARD Realty Group. We represent our client who is in the process of proposing a rezoning of the old, vacant AT&T communications warehouse on E. 40th Ave. & Clayton Street. We want make a friendly introduction and reach out to the local RNO's to inform you all of this exciting proposed rezoning. The application has just been deemed complete by the city and we are waiting on the City to provide us the schedule for the application review process.

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Reychel Saflor
Assistant to Bruce O'Donnell




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 770 Sherman Street, Suite 108
 Denver, CO 80203

Work: 720-441-3310

Cell: 650-465-7571

E Mail: rsaflor@starboardrealtygroup.com

Web: www.starboardrealtygroup.com www.denverzoning.com

 **STARBOARD - 2535 E 40th Rezoning Application I-A to I-MX-3 082818.pdf**
 4247K

Reychel Saflor <rsaflor@starboardrealtygroup.com>
 To: reygz303@gmail.com, drewdutcherdirect@gmail.com

Tue, Oct 16, 2018 at 10:54 AM

Good Morning,

My name is Reychel Saflor and I work with Bruce O'Donnell at STARBOARD Realty Group. We represent our client who is in the process of proposing a rezoning of the old, vacant AT&T communications warehouse on E. 40th Ave. & Clayton Street. We want make a friendly introduction and reach out to the local RNO's to inform you all of this exciting proposed rezoning. The application has just been deemed complete by the city and we are waiting on the City to provide us the schedule for the application review process.

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Reychel Saflor
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4247K

Robbi Farschman <manager@esgba.org>
To: Reychel Saflor <rsaflor@starboardrealtygroup.com>

Tue, Oct 16, 2018 at 11:21 AM

Hi Reychel,

Thank you for reaching out! The Board is aware of your efforts. Best of luck!

Best, Robbi

Robbi Farschman
Operations Manager
Elyria-Swansea-Globeville Business Association
www.esgba.org

On Oct 16, 2018, at 10:50 AM, Reychel Saflor <rsaflor@starboardrealtygroup.com> wrote:

Good Morning Michele,

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<STARBOARD - 2535 E 40th Rezoning Application I-A to I-MX-3 082818.pdf>

From: [Rezoning - CPD](#)
Cc: [Levingston, Courtney L. - CPD CE0429 City Planner Senior](#); [Showalter, Sarah K. - CPD CE2777 Manager](#); [Dalton, Kyle A. - CPD Principal City Planner](#)
Bcc: ["comayl@aol.com"](#); ["revgz303@gmail.com"](#); ["thepointsredevelopment@yahoo.com"](#); ["info@claytondenver.org"](#); ["candidebaca@gmail.com"](#); ["drewdutcherdirect@gmail.com"](#); ["manager@esgba.org"](#); ["dmgdenver@yahoo.com"](#); ["starhustler3@gmail.com"](#); ["sandraerikarp13@yahoo.com"](#); ["lorettakoehler@mac.com"](#); ["armandopayan80@yahoo.com"](#); ["pilgrimchurch1@msn.com"](#); ["cliff.lind@otak.com"](#); ["elizabeth.iselin@gmail.com"](#); ["jaguirejja@aol.com"](#); [Kniech, Robin L. - CC Member Denver City Cncl](#); [Kyle, Polly A. - CC City Council Aide](#); [Barnes Wright, Tangier - CC YA2245 City Council Aide](#); [Lowell, Christopher - CC YA2245 City Council Aide](#); [Ortega, Deborah L. - CC Member Denver City Cncl](#); [Aldretti, Susan K. - CC Senior City Council Aide](#); [Wood, Joseph - CC YA2245 City Council Aide](#); [Paterson, John A. - CC Senior City Council Aide](#); [Rothmier, Zachary M. - CC City Council Legislative Analy](#); [Fenton, William T. - MO Mgmt Analyst II](#); [Brooks, Albus - CC XA1404 Member Denver City Council](#); [Montoya, Chy - CC Senior City Council Aide](#)
Subject: Official Map Amendment Land Use, Transportation and Infrastructure Public Meeting Notification #2018I-00072
 2535 E 40th Ave.
Date: Monday, February 11, 2019 12:53:00 PM
Attachments: [image001.png](#)

OFFICIAL MAP AMENDMENT (REZONING) NOTIFICATION OF CITY COUNCIL LAND USE, TRANSPORTATION AND INFRASTRUCTURE COMMITTEE MEETING			
APPLICATION #	#2018I-00072	LOCATION	2535 E 40 th Ave.
APPLICANT	Bruce O'Donnell/Starboard Realty 770 Sherman St., Ste. 108 Denver, CO 80203		
PROPOSED ACTION TO REZONE FROM	I-A UO-2	TO	I-MX-3
CASE MANAGER	Courtney Levingston Senior City Planner	PHONE/EMAIL	(720) 865-3074 / Courtney.levingston@denvergov.org
CITY COUNCIL LAND USE, TRANSPORTATION AND INFRASTRUCTURE COMMITTEE MEETING INFORMATION			
DATE	Tuesday, February 26, 2019		
TIME	10:30 am		
PLACE	City and County of Denver Building, 1437 Bannock St		
ROOM	Conference Room, Room 391		
INTERESTED REGISTERED NEIGHBORHOOD ORGANIZATIONS			
Inter-Neighborhood Cooperation (INC) Attn: George E. Mayl comayl@aol.com , lorettakoehler@mac.com 1075 S. Garfield St. Denver, CO 80209		UCAN Attn: Rey G. revgz303@gmail.com , armandopayan80@yahoo.com 4707 Pearl St. Denver, CO 80216	
The Points Historical Redevelopment Corp Attn: Robert Eanes thepointsredevelopment@yahoo.com , 2518 Kearney St. Denver, CO 80207		Clayton United Attn: Danielle Ongart info@claytondenver.org , Denver, CO	
Cross Community Coalition Attn: Candi CdeBaca candidebaca@gmail.com , 4301 Thompson Ct. Denver, CO 80216		Elyria and Swansea Neighborhood Association Attn: Drew Dutcher drewdutcherdirect@gmail.com , pilgrimchurch1@msn.com 4653 High St. Denver, CO 80216	
Elyria Swansea/Globeville Business Association Attn: Michele Chambers manager@esgba.org , cliff.lind@otak.com 4555 York St. Denver, CO 80216		Opportunity Corridor Coalition of United Residents Attn: Donna Garnett dmgdenver@yahoo.com ,	
Denver Arts and Culture Initiative Attn: Annie Iselin starhustler3@gmail.com , elizabeth.iselin@gmail.com 2947 Champa St. Denver, CO 80205		Unite North Metro Denver Attn: Alice Harris sandraerikarp13@yahoo.com , jaguirejja@aol.com 4585 Irving St. Denver, CO 80211	
CITY COUNCIL MEMBERS AT-LARGE			
Robin Kniech Robin.kniech@denvergov.org City and County Bldg., Room 432 Denver, CO 80202		Deborah Ortega Deborah.ortega@denvergov.org City and County Bldg., Room 492 Denver, CO 80202	
CITY COUNCIL MEMBER – COUNCIL DISTRICT #9			
Albus Brooks			

The application for the above-referenced Official Map Amendment and the City's map amendment process may be viewed at www.DenverGov.org/ProposedRezoning.

Any questions regarding this amendment may be directed to the Case Manager above or to the City Council office at 720-337-2000. For more information about the map amendment process, visit www.DenverGov.org/Rezoning.

WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:

Written comments received by CPD staff by 12 p.m. (noon) on the Thursday prior to the City Council public hearing will be included in the CPD staff report packet that is distributed to City Council. Written comments may be emailed to rezoning@denvergov.org. After 12 p.m. (noon) on the Thursday prior to the City Council public hearing and up until 3:00 p.m. on the day of the City Council public hearing, written comments should be emailed to dencc@denvergov.org. To submit written comments after 3 p.m. on the day of the City Council public hearing, bring copies of written comments to the public hearing and ask the Council Secretary to distribute the comments to the Council. Notwithstanding the foregoing, in order to provide Council members adequate time to review written comments, members of the public are strongly encouraged to submit their comments prior to the day of the public hearing.

ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PUBLIC HEARING BEFORE CITY COUNCIL.

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CONNECT WITH US | [311](#) | pocketgov.com | denvergov.org | [Denver 8 TV](#) | [Facebook](#)



From: [Rezoning - CPD](#)
Cc: [Dalton, Kyle A. - CPD Principal City Planner](#); [Showalter, Sarah K. - CPD CE2777 Manager](#); [Levingston, Courtney L. - CPD CE0429 City Planner Senior](#)
Bcc: [Kniech, Robin L. - CC Member Denver City Cncl](#); [Kyle, Polly A. - CC City Council Aide](#); [Barnes Wright, Tangier - CC YA2245 City Council Aide](#); [Lowell, Christopher - CC YA2245 City Council Aide](#); [Ortega, Deborah L. - CC Member Denver City Cncl](#); [Aldretti, Susan K. - CC Senior City Council Aide](#); [Wood, Joseph - CC City Council At Large](#); [Paterson, John A. - CC Senior City Council Aide](#); [Rothmier, Zachary M. - CC City Council Legislative Anally](#); [Fenton, William T. - MO Mgmt Analyst II](#); [Brooks, Albus - CC XA1404 Member Denver City Council](#); [Montoya, Chy - CC Senior City Council Aide](#); [comayl@aol.com](#); [revgz303@gmail.com](#); [thepointsredevelopment@yahoo.com](#); [info@claytondenver.org](#); [candidebaca@gmail.com](#); [drewdutcherdirect@gmail.com](#); [manager@esgba.org](#); [dmgdenver@yahoo.com](#); [starhustler3@gmail.com](#); [sandraerikarp13@yahoo.com](#); [lorettakoehler@mac.com](#); [armandopayan80@yahoo.com](#); [pilgrimchurch1@msn.com](#); [cliff.lind@otak.com](#); [elizabeth.iselin@gmail.com](#); [jaguirrejja@aol.com](#)
Subject: Official Map Amendment Planning Board Notification #2018-00072 2535 E 40th Ave.
Date: Friday, January 18, 2019 11:56:00 AM
Attachments: [image001.png](#)

OFFICIAL MAP AMENDMENT (REZONING) PLANNING BOARD PUBLIC HEARING NOTIFICATION			
APPLICATION #	#2018I-00072	LOCATION	2535 E 40 th Ave.
APPLICANT	Bruce O'Donnell/Starboard Realty 770 Sherman St., Ste. 108 Denver, CO 80203		
PROPOSED ACTION TO REZONE FROM	I-A UO-2	TO	I-MX-3
CASE MANAGER	Courtney Levingston Senior City Planner	PHONE/EMAIL	(720) 865-3074 / Courtney.levingston@denvergov.org
PLANNING BOARD PUBLIC HEARING INFORMATION			
DATE	Wednesday, February 6, 2019		
TIME	3:00 pm		
PLACE	Parr-Widener Community Room, City & County Building 1437 Bannock St.		
ROOM	#389		
INTERESTED REGISTERED NEIGHBORHOOD ORGANIZATIONS			
Inter-Neighborhood Cooperation (INC) Attn: George E. Mayl comayl@aol.com , lorettakoehler@mac.com 1075 S. Garfield St. Denver, CO 80209		UCAN Attn: Rey G. reygz303@gmail.com , armandopayan80@yahoo.com 4707 Pearl St. Denver, CO 80216	
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CITY COUNCIL MEMBER – COUNCIL DISTRICT #9			
Albus Brooks 2855 Tremont Pl., Ste. 201 Denver, CO 80205			

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RNOs are encouraged to submit the "RNO Position Statement.pdf" located at www.DenverGov.org/Rezoning by email to CPD at rezoning@denvergov.org prior to the Planning Board Public Hearing.

WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:

Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board. Written comments received after that time and prior to 12 p.m. (noon) on the day before the Hearing will be emailed regularly to the Board; hard copies of these comments also will be distributed to the Board at the Hearing. Written comments received after 12 p.m. (noon) on the day before the Hearing will not be distributed to the Board; to ensure these comments are considered by the Board, please submit them to the Board during the Hearing.

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From: [Rezoning - CPD](#)
Cc: [Levingston, Courtney L. - CPD CE0429 Senior City Planner](#); [Dalton, Kyle A. - CPD Principal City Planner](#); [Showalter, Sarah K. - CPD CE2777 Manager](#)
Bcc: ["excomm@denverinc.org"](#); ["armandopayan80@yahoo.com"](#); ["pilgrimchurch1@msn.com"](#); ["cliff.lind@otak.com"](#); ["elizabeth.iselin@gmail.com"](#); ["jaguirreja@aol.com"](#); ["comayl@aol.com"](#); ["reygz303@gmail.com"](#); ["thepointsredevelopment@yahoo.com"](#); ["info@claytondenver.org"](#); ["candidebaca@gmail.com"](#); ["drewdutcherdirect@gmail.com"](#); ["manager@esgba.org"](#); ["dmgdenver@yahoo.com"](#); ["starhustler3@gmail.com"](#); ["UniteNMDenver@gmail.com"](#); [Kniech, Robin L. - CC Member Denver City Cncl](#); [Fenton, William T. - MO Mgmt Analyst II](#); [Ortega, Deborah L. - CC Member Denver City Cncl](#); [Aldretti, Susan K. - CC Senior City Council Aide](#); [Paterson, John A. - CC Senior City Council Aide](#); [Rothmier, Zachary M. - CC City Council Legislative Analy](#); [Brooks, Albus - CC XA1404 Member Denver City Council](#); [Montoya, Chajito - CC Senior City Council Aide](#)
Subject: Written Notice of Receipt of Map Amendment Application: 2018I-00072 2535 E 40th Ave.
Date: Thursday, October 11, 2018 1:49:00 PM
Attachments: [image001.png](#)

NOTICE OF COMMUNITY PLANNING AND DEVELOPMENT RECEIPT OF OFFICIAL MAP AMENDMENT (REZONING)			
CASE#	#2018I-00072	LOCATION	2535 E 40 th Ave.
APPLICANT	Bruce O'Donnell/Starboard Realty 770 Sherman St., Ste. 108 Denver, CO 80203		
PROPOSED ACTION TO REZONE FROM	I-A	TO	I-MX-3
CASE MANAGER	Courtney Levingston Senior City Planner	PHONE/EMAIL	(720) 865-3074 / Courtney.levingston@denvergov.org
PLANNING BOARD PUBLIC HEARING INFORMATION			
Once scheduled, information on the Planning Board public hearing will be available at: https://www.denvergov.org/content/denvergov/en/community-planning-and-development/planning-and-design/planning-board.html			
INTERESTED REGISTERED NEIGHBORHOOD ORGANIZATIONS			
UCAN Attn: Rey G. reygz303@gmail.com, armandopayan80@yahoo.com 4707 Pearl St. Denver, CO 80216		The Points Historical Redevelopment Corp Attn: Robert Eanes thepointsredevelopment@yahoo.com, 2518 Kearney St. Denver, CO 80207	
Clayton United Attn: Danielle Ongart info@claytondenver.org, Denver, CO		Cross Community Coalition Attn: Candi CdeBaca candidebaca@gmail.com, 4301 Thompson Ct. Denver, CO 80216	
Elyria and Swansea Neighborhood Association Attn: Drew Dutcher drewdutcherdirect@gmail.com, pilgrimchurch1@msn.com 4653 High St. Denver, CO 80216		Elyria Swansea/Globeville Business Association Attn: Michele Chambers manager@esgba.org, cliff.lind@otak.com 4555 York St. Denver, CO 80216	
Opportunity Corridor Coalition of United Residents Attn: Donna Garnett dmgdenver@yahoo.com,		Denver Arts and Culture Initiative Attn: Annie Iselin starhustler3@gmail.com, elizabeth.iselin@gmail.com 2947 Champa St. Denver, CO 80205	
Unite North Metro Denver Attn: Alice Harris UniteNMDenver@gmail.com, jaguirreja@aol.com 4585 Irving St. Denver, CO 80211		Inter-Neighborhood Cooperation (INC) Attn: George E. Mayl comayl@aol.com, excomm@denverinc.org 1075 S. Garfield St. Denver, CO 80209	
CITY COUNCIL MEMBERS AT-LARGE			
Robin Kniech Robin.Kniech@denvergov.org City and County Bldg., Room 432 Denver, CO 80202		Deborah Ortega Deborah.Ortega@denvergov.org City and County Bldg., Room 492 Denver, CO 80202	
CITY COUNCIL MEMBER – COUNCIL DISTRICT #9			
Albus Brooks 2855 Tremont Pl., Ste. 201			

The application for the above-referenced Official Map Amendment and the City's map amendment process may be viewed at www.DenverGov.org/ProposedRezoning.

Any questions regarding this amendment may be directed to the Case Manager above. For more information about the map amendment process, visit www.DenverGov.org/Rezoning.

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Heidi Tippetts | Operations Coordinator

Community Planning and Development | City and County of Denver

p: (720) 865-2557 | heidi.tippetts@denvergov.org

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Bruce O'Donnell <bodonnell@starboardrealtygroup.com>

2535 E 40th Ave. Noticing Fees Due

1 message

Levingston, Courtney L. - CPD CE0429 City Planner Senior
<Courtney.Levingston@denvergov.org>
To: Bruce O'Donnell <bodonnell@starboardrealtygroup.com>Wed, Mar 6, 2019 at 9:11
AM

Greetings,

It's time for Community Planning and Development to collect Map Amendment noticing fees for one of your projects. A cashier will be calling to collect the noticing fees as when we collected the application fee.

18100072- 2535 E 40th Ave:

We mailed notice at completed application and for planning board. There are 49 unique owners that are within 200 feet of the zoning boundary. The fees for the post card notices are calculated thus -

\$90 flat fee per application plus .57 cents per post card – based on current the current postage rate.

2 batches of post cards would be - \$55.86 (postcards) + \$90 (flat app fee)= **\$145.86**

Thanks!

Courtney L. Levingston, AICP, LEED AP | Senior City Planner

Community Planning and Development | City and County of Denver

p: (720) 865.3074 | courtney.levingston@denvergov.org

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ISELO E. 40th Avenue, LLC
[Applicant]
2535 E. 40th Ave.
Denver, CO 80205

DATE: April 3, 2019

TO: Members of Denver City Council
Denver Community Planning and Development
Denver Economic Development & Opportunity
Denver City Attorney's Office
Nola Miguel, GES Coalition

SUBJECT: CB 19- 0127: Rezoning of 2535 E. 40th Ave. From I-A to I-MX-3 / 2018I-00072

ISELO requests the Denver City Council approve April 8, 2018 of its rezoning request. In support, Members of the Council should be aware that the rezoning application:

- **was complete and accepted by the City 175 days ago** (October 15, 2018).
- **meets all five review criteria in the Denver Zoning Code** ("DZC") Sections 12.4.10.7 and 12.4.10.8;
- **received CPD Staff Report approval;**
- received a unanimous **recommendation of approval from the Denver Planning Board.**
- **Approving the I-MX-3 zoning April 8th** will result in Iselo committing to:
 - providing **workforce housing**. Iselo has a **shovel ready project** and cannot afford further delays.
 - a minimum of **20% of the gross site area to be made publicly accessible activated open space including a public playground.**
 - **giving land to Denver Urban Gardens for a public urban garden** (a lease with DUG is fully executed and pending approval of rezoning).
 - aggressively pursuing numerous **positive outcomes** consistent with:

- **neighborhood input;**
- the **Denver Zoning Code and its criteria;**
- the City’s adopted **Affordable Housing ordinance;** and,
- with **City goals regarding mixed income, workforce and affordable housing.**

These shared positive outcomes can only be achieved if the Property is rezoned April 8th to I-MX-3. Rezoning to I-MX-3 eliminates the FAR based industrial zoning, establishes a three-story height limit (there is no height limit today under I-A) and is estimated to reduce the developable square footage yield on the Property by approximately 300,000 sq. ft – effectively a **down zoning**.

- **Failing to approve I-MX-3 zoning April 8th**

- **will preclude development** in a timely manner and result in industrial uses remaining the primary development for the property; and,
- **improvement of the property, if any, will be limited** to uses by right under current I-A Zoning.

In further support of the Council voting April 8, 2018 on Iselo’s rezoning application, Iselo submits the following for the Council’s consideration:

1. Iselo has entered into and executed an **Agreement to Build Affordable Units**, (attached) with the City of Denver, contractually obligating Iselo to develop 70 Affordable Units at \leq AMI. This commitment is approximately 5X the number of units that would be required under the Build Alternative in the City’s Linkage Fee ordinance.
2. Of particular importance are the recommendations in the 2015 Elyria & Swansea Neighborhood Plan which identifies the future land use of 2535 E. 40th Ave. (the “Property”) as Industrial Mixed Use with a three-story height limit. The rezoning of the Property to I-MX-3 exactly fits these recommendations and therefore has unequivocal adopted plan support; **approval of the rezoning helps facilitate and implement the adopted Plan**. Although Iselo voluntarily entered into an Agreement to Build Affordable Units, the DZC rezoning criteria do not include extraordinary conditions such as development agreements, community benefits, affordable housing plans or open space requirements, none of which are conditions that must be met prior to rezoning.
3. Iselo respectfully requests that the City Council vote on Monday April 8 based on the five rezoning criteria established in the DZC. If rezoning is denied April 8th, development of the

Property will revert to existing permitted uses which precludes development of numerous beneficial uses the rezoning would allow (e.g., workforce housing).

4. Iselo is giving Wonderbound dance company a building on the property to create a 500-seat performing arts center and headquarters for the dance company.
5. Iselo's work force and attainable housing plan also includes Artist's Live / Work units to be offered at below market rents.

Supporting Documentation for Rezoning Request

1. Massing Studies

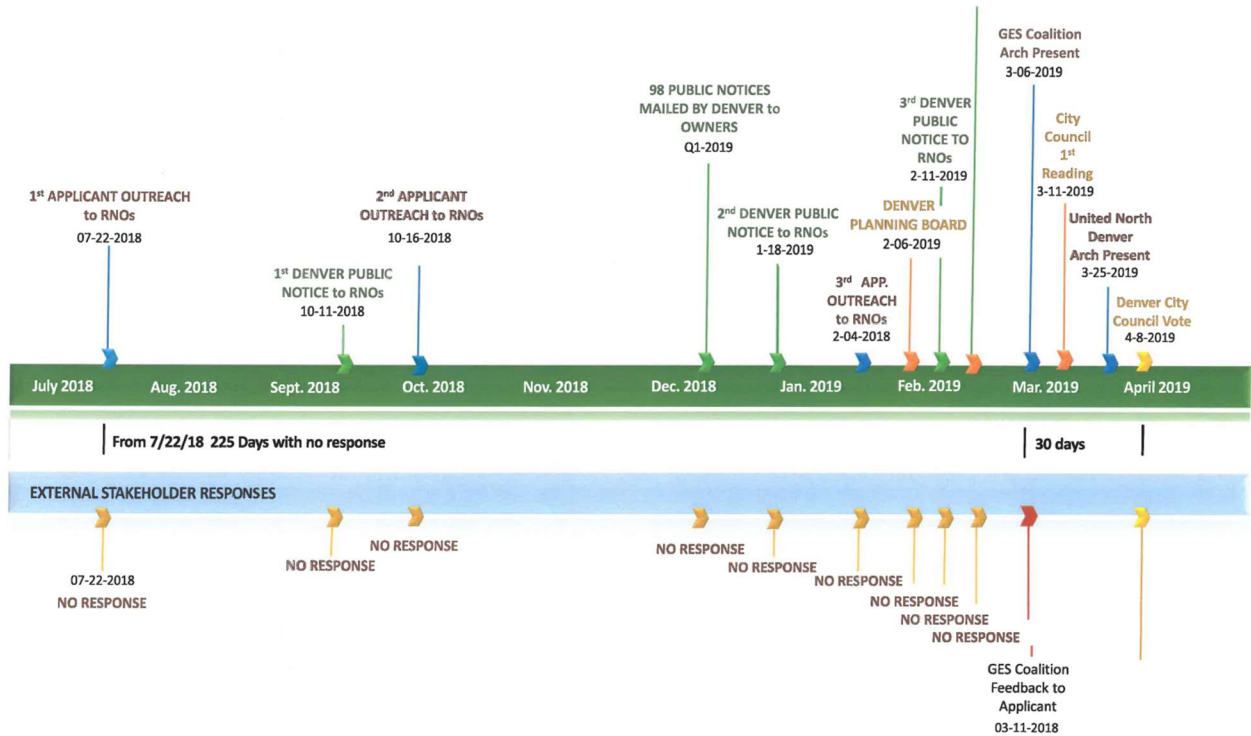
Building Massing Allowed Under Existing FAR Based I-A Zoning (75' Height Limit on Clayton)



**Building Massing & Open Space Achievable Under
Proposed I-MX-3 Zoning (38' Height Limit Site Wide)**



2. Public Notice / Community Outreach Summary

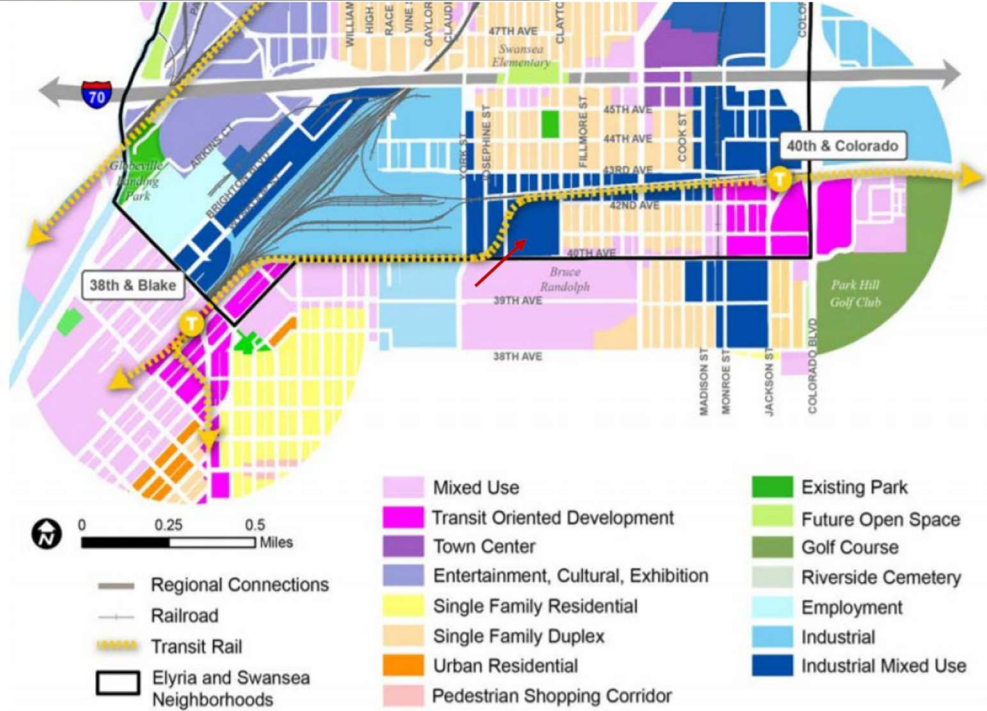


3. Conceptual I-MX-3 Site Plan Illustrating Open Space Commitment

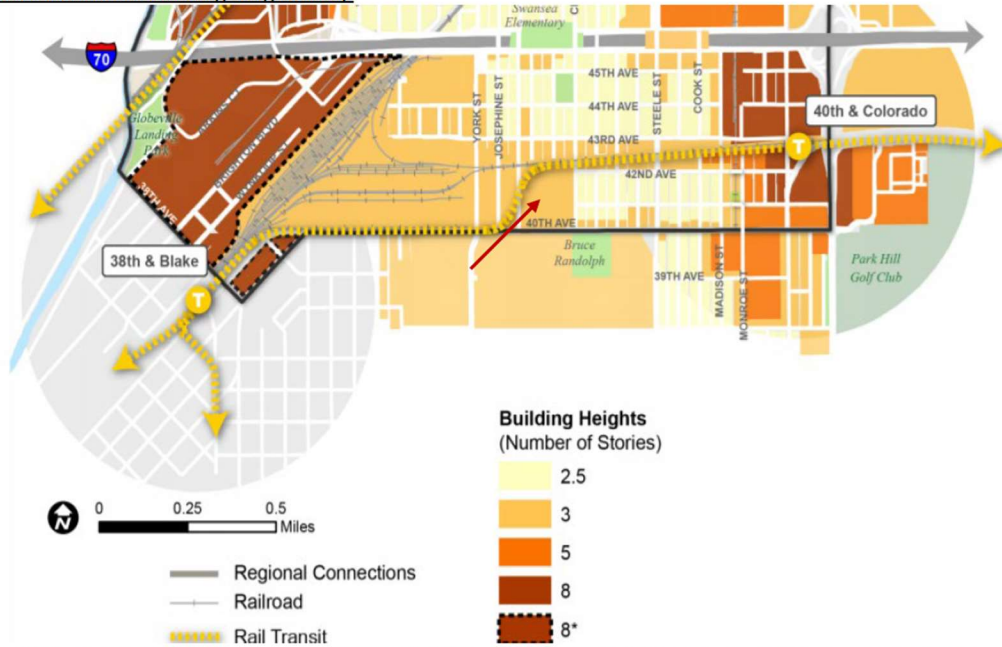


4. Elyria Swansea Neighborhood Plan Recommendations for the Property

Elyria & Swansea Neighborhoods Plan Concept Land Use Map



Future Maximum Building Heights Map



The Elyria & Swansea Neighborhoods Plan provides a maximum height recommendation of 3 stories for this site. The I-MX-3 proposed zone district has a maximum of 3 stories and therefore is consistent with the recommendations of the Plan (p. 31).