



**TO:** Land Use, Transportation, and Infrastructure Committee of the Denver City Council  
**FROM:** Scott Robinson, Senior City Planner  
**DATE:** March 1, 2018  
**RE:** Official Zoning Map Amendment Application #2017I-00094

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00094.

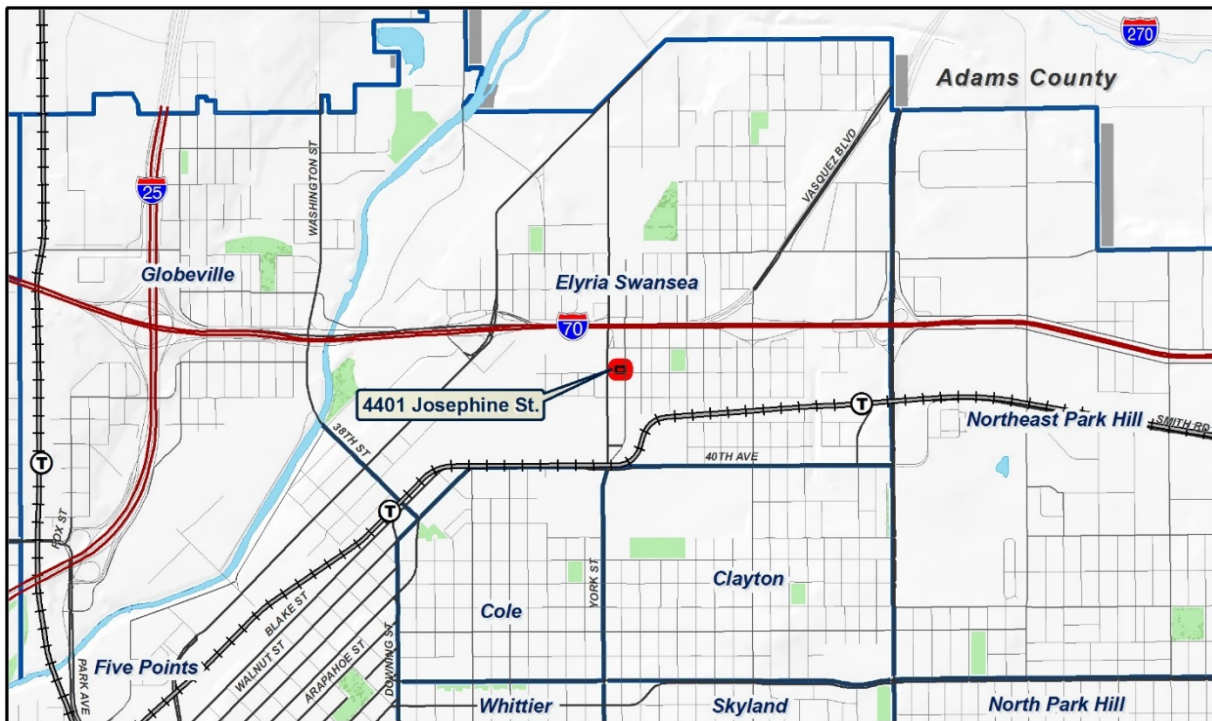
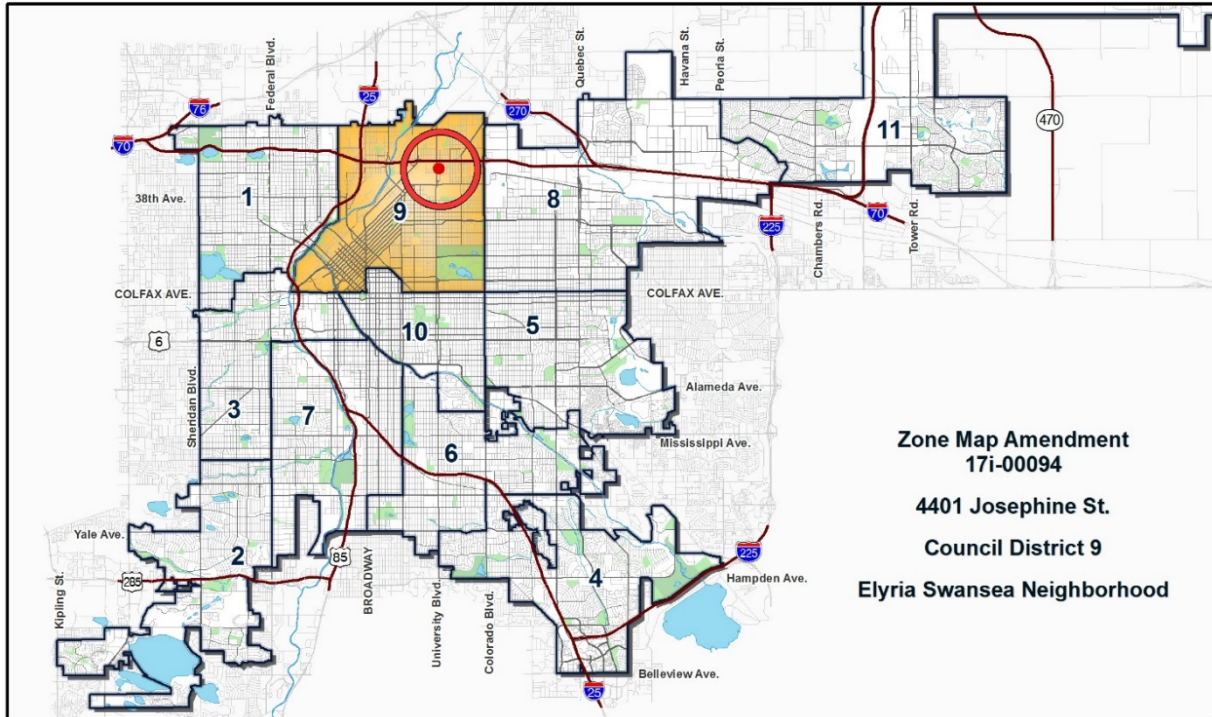
## Request for Rezoning

Address:	4401 Josephine Street
Neighborhood/Council District:	Elyria Swansea / Council District 9
RNOs:	United Community Action Network Inc.; Denver Neighborhood Association, Inc.; Cross Community Coalition; Elyria and Swansea Neighborhood Association; Elyria Swansea/Globeville Business Association; Denver Arts and Culture Initiative; Comunidades Unidades Globeville Elyria & Swansea; North Neighborhoods Democratic Council; Inter-Neighborhood Cooperation (INC)
Area of Property:	11,000 square feet
Current Zoning:	E-TU-B
Proposed Zoning:	U-RH-3A
Property Owner(s):	HRW Holdings
Owner Representative:	Hasena Williams

## Summary of Rezoning Request

- The property is in the Elyria Swansea neighborhood at the corner of Josephine St. and 44<sup>th</sup> Ave.
- The site is currently vacant.
- The applicant is requesting the map amendment to construct a small apartment building on the property.
- The **U-RH-3A** (**U**rbane Neighborhood, **R**ow **H**ouse, **3** story, **A**dditional building forms allowed) zone district is intended to promote and protect residential neighborhoods. Generally, the U-RH-3A zone district allows single unit, two unit, multi-unit, and civic/institutional primary uses in primary building forms that include urban house, duplex, tandem house, row house, and apartment in limited situations. At the time this staff report was prepared, the garden court primary building form is subject to a limited moratorium and is proposed to be prohibited in the U-RH-3A zone district in an upcoming text amendment. This site would qualify for the

apartment building form because it is located on a corner where one of the intersecting streets is an arterial street. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).





### Existing Context

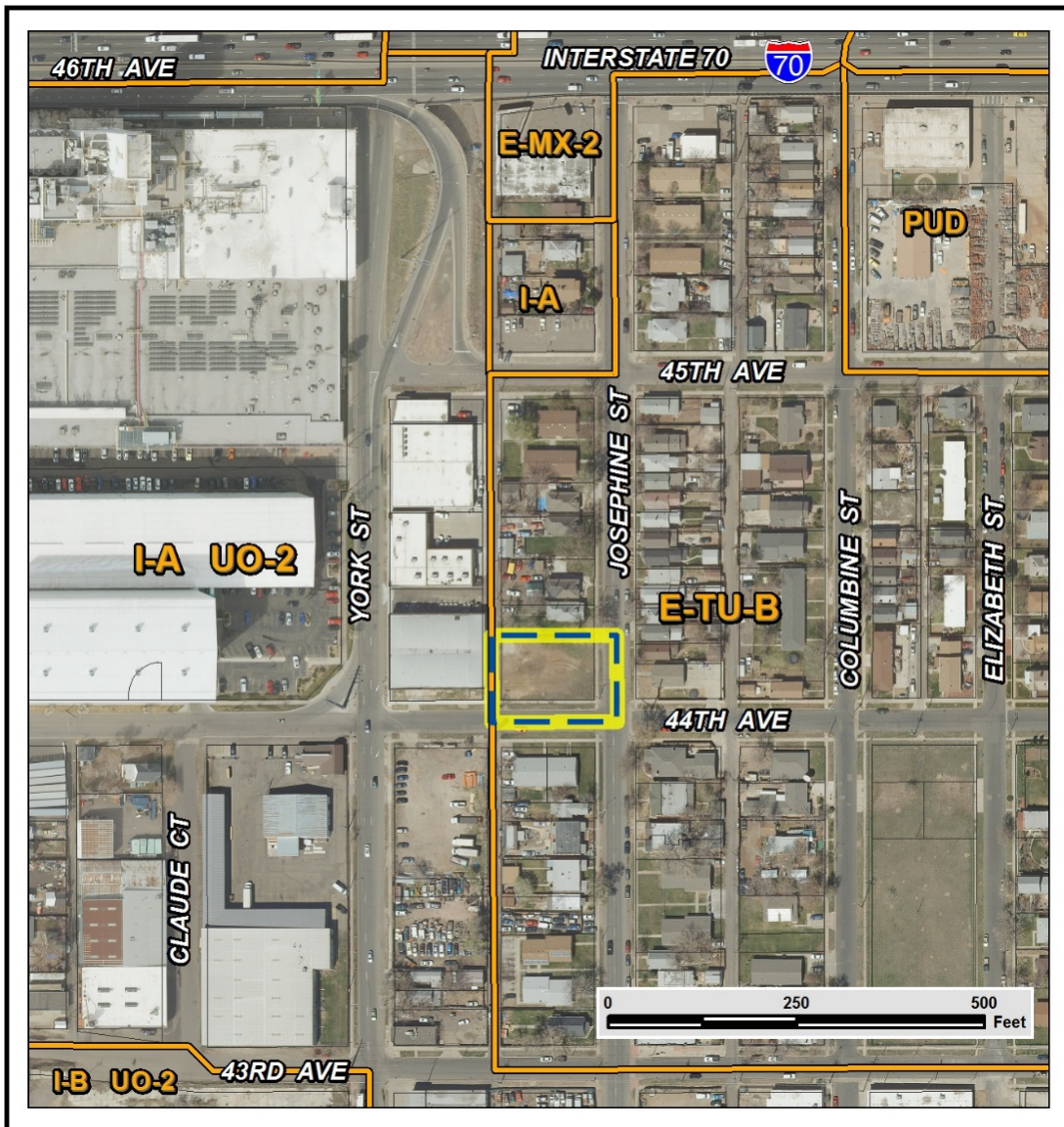
The subject property is at the corner of Josephine St. and 44<sup>th</sup> Ave., two blocks south of I-70. Josephine St. is one-way northbound and forms a couplet with York St. To the west are industrial uses, including the Purina plant, and to the east are predominantly residential uses. There are a few commercial uses along I-70/46<sup>th</sup> Ave. to the north. Swansea Elementary School is just across I-70 to the north and

Dunham Park is three blocks to the east. There is RTD bus service on the York St./Josephine St. couplet. The 40<sup>th</sup> & Colorado station on the RTD University of Colorado A Line is about three quarters of a mile to the southeast.

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

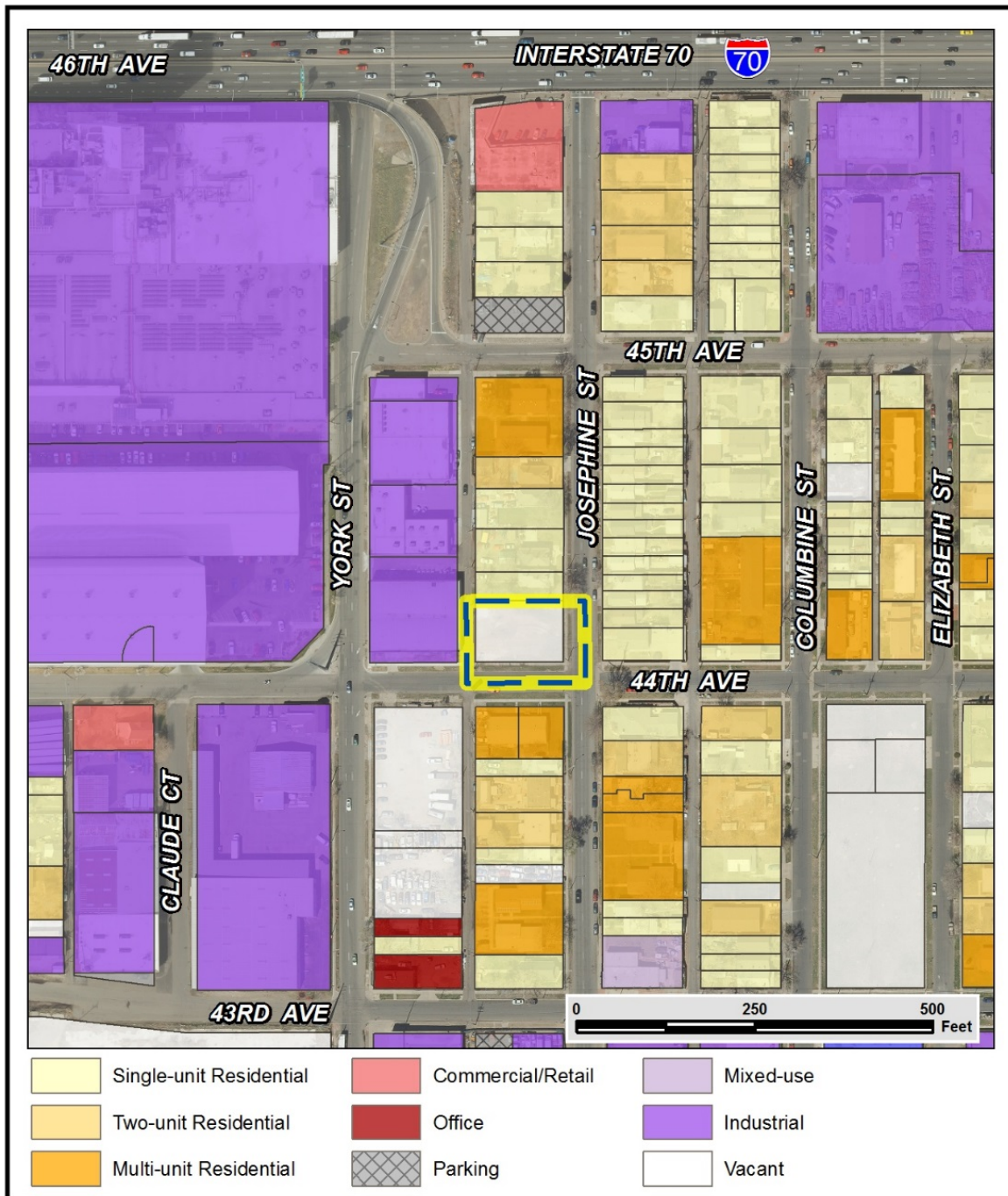
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-TU-B	Vacant	Vacant	Generally regular grid of streets, except to the west and south, where it is interrupted by large industrial uses and railroad tracks. Josephine St. and York St. form a one-way couplet. Block sizes and shapes are generally consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	E-TU-B	Residential	1-2 story single-unit bungalows	
South	E-TU-B	Residential	1-story one and two-unit houses	
East	E-TU-B	Residential	1-2 story single-unit bungalows	
West	I-A UO-2	Industrial	1-story industrial/warehouse buildings with taller industrial buildings further west	

### 1. Existing Zoning



The current E-TU-B zone district is two-unit residential zoning in the Urban Edge context. It allows up to two units in the urban house, tandem house, or duplex primary building forms on minimum lot sizes of 4,500 square feet. For primary structures, the maximum allowed height is 30 to 35 feet, and setback requirements are three to ten feet on the sides and twelve to twenty feet on the rear. Front setbacks are block sensitive, depending on the setbacks of surrounding structures. There is no parking requirement for single-unit development, and one vehicle parking space per unit is required for two-unit development.

## 2. Existing Land Use Map



### 3. Existing Building Form and Scale



Site – from 44<sup>th</sup> Ave. & Josephine St.



North – from Josephine St.



East – from Josephine St.



South – from 44<sup>th</sup> Ave.  
Source: Google Maps



West – from 44<sup>th</sup> Ave. & York St.

## 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:

**Asset Management:** Approved – No comments.

**Public Health and Environment:** Approved – See comments:

- Notes. The Denver Department of Environmental Health (DEH) concurs with the rezoning request. DEH has information showing the property is located within the boundaries of Operable Unit 1 (OU 1) of the Vasquez Boulevard/I-70 Superfund site which is associated with elevated levels of metals in soil. Under oversight by the U.S. Environmental Protection Agency (EPA), contaminated soils in residential yards were excavated and disposed off-site where necessary, and institutional controls were implemented for the remaining few residential properties where access was not granted. DEH has information to indicate the property at 4401 Josephine St was sampled by EPA and no cleanup was necessary; arsenic and lead in soil were below levels of health concern.
- Additionally, DEH has information of a past petroleum release from an underground fuel storage tank system near the site. If encountered during construction, contaminated soil, groundwater, or underground storage tanks should be properly managed and disposed in accordance with applicable regulations.
- General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
- Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
- Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.



**Public Works – City Surveyor:** Approved rezoning only – will require additional information at site plan review.

- The provided legal description is approved and matches the most recent deed in the chain of title.

### Public Review Process

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	11/3/17
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 and registered neighborhood organizations:	1/22/18
Planning Board unanimously (9-0) voted to recommend approval of the proposed map amendment to City Council:	2/7/18
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:	2/18/18
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	3/6/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	3/23/18
City Council Public Hearing (tentative):	4/16/18

- **Registered Neighborhood Organizations (RNOs)**
  - To date, no comments from RNOs have been received.
- **Other Public Comment**
  - To date, no other comments have been received.

## Criteria for Review / Staff Evaluation

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

## **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Elyria & Swansea Neighborhoods Plan (2015)

### **Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

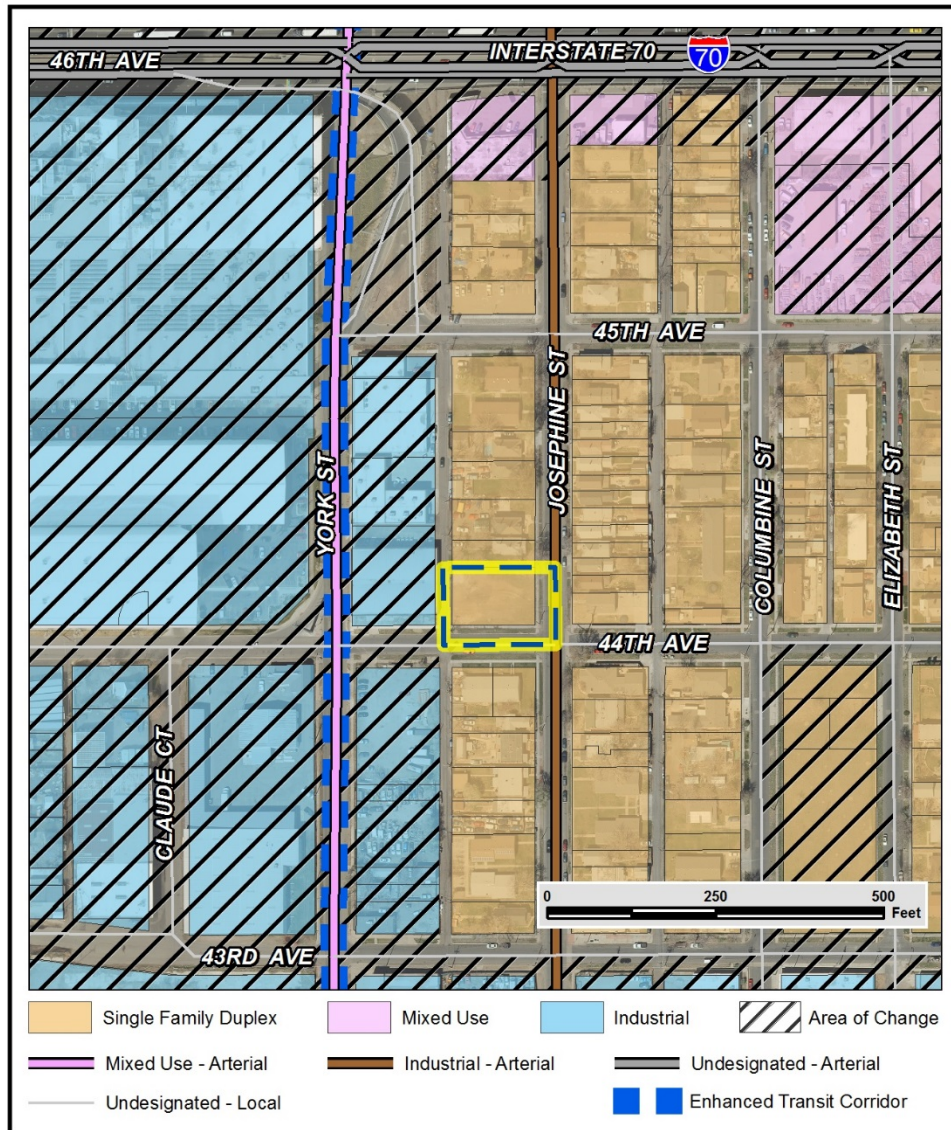
- Environmental Sustainability Strategy 1-A – *Encourage redevelopment of vacant, underutilized, and environmentally compromised land known as brownfields.*
- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Neighborhoods Strategy 1-E – *Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks.*

The proposed map amendment would allow higher-density residential development on vacant land that is part of the Vasquez Blvd./I-70 Superfund site where infrastructure is already in place. It would help create a diversity of housing types in the area at an increased density that is compatible with the existing neighborhood, consistent with the recommendations of the Denver Comprehensive Plan.

### **Blueprint Denver**

According to the Blueprint Denver Plan Map, this site has a concept land use of Single Family Duplex and is located in an Area of Stability.

**Future Land Use**



The plan defines Single Family Duplex as “moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. However, the employment base is minor compared to the housing base. There is a mixture of housing types, including single-family houses, duplexes, townhouses, and small apartment buildings. Typical densities are between 10 and 20 housing units per acre area-wide, and single family detached structures often predominate” (p. 42). The proposed U-RH-3A zoning would allow single-unit houses, duplexes, rowhouses, or a small apartment building on the subject property. While the density on the property could be greater than 20 units per acre, the area-wide density would not exceed the recommended range with this rezoning. The proposed map amendment is consistent with the Single Family Duplex future land use of Blueprint Denver.

### **Area of Change / Area of Stability**

Blueprint Denver designates the subject property as in an Area of Stability. According to the plan, “the goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). The proposed U-RH-3A zoning would facilitate development of a vacant parcel at an intensity and scale that is consistent with the character of the neighborhood and would serve as a transition to the adjacent industrial area.

### **Street Classifications**

Blueprint Denver classifies Josephine St. as an Industrial Arterial and 44<sup>th</sup> Ave. as an Undesignated Local. According to Blueprint Denver, “Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” (p. 51). The plan states “industrial streets serve industrial areas. These streets are designed to accommodate a high volume of large vehicles such as trucks, trailers, and other delivery vehicles” (p. 58). The proposed U-RH-3A zoning would allow higher-density residential development consistent with the Arterial designation, but the Industrial designation of Josephine St. is inconsistent with the existing land use and the plan’s concept land use for the area.

Blueprint Denver defines Local streets as those for travel that is “typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). The proposed U-RH-3A zoning would allow development that would be adequately served by the Local street. Despite the inconsistency with the Industrial street type designation, the proposed map amendment is consistent with the other street classification, concept land use, and area of stability recommendations of Blueprint Denver, and is generally consistent with the plan.

### **Elyria & Swansea Neighborhoods Plan**

The Elyria & Swansea Neighborhoods Plan was adopted by City Council in 2015 and includes many recommendations for the area. The subject property is designated Single Family Duplex in the concept land use map and is part of the Traditional Residential Area. The plan states “Single Family Duplex residential areas are moderately dense areas that are primarily residential. There is a mixture of housing types, including single-family houses, duplexes, rowhouses, and small apartment buildings” (p. 26). Traditional Residential Areas are composed of “modest single family homes, duplexes and smaller apartment buildings” (p. 88).

Recommendations for these areas include to “accommodate infill development in vacant or underutilized areas” (p. 30) and “encourage transition of industrial uses embedded in residential areas into lighter flex industrial uses, multi-family residential or mixed uses that better relate to adjacent lower scale residential uses, and that could provide some complementary neighborhood services” (p. 89). The plan also recommends to “increase the local supply of relatively affordable housing units in the neighborhood. A modest increase in housing density could add more people to the limited neighborhood population and support commercial retail and other desired services in the neighborhood” (p. 89).

The recommended building height for the subject property is 2.5 stories, and the plan recommends to “preserve the low-rise building heights characteristic of the Single Family Duplex character in Elyria and Swansea’s Traditional Residential Areas” (p. 30). The subject property is in an Area of Stability, which the plan recommends “should be considered reinvestment areas where the character is desirable to maintain, but would benefit from reinvestment through modest infill” (p. 26). The plan also states “the Denver Zoning Code’s Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible” (p. 88).



*Elyria & Swansea Neighborhoods Plan Concept Land Use Map*

The proposed U-RH-3A zoning would allow single-unit houses, duplexes, rowhouses, and small apartment buildings at moderate density, consistent with the plan recommendations. The map amendment would facilitate infill development of a vacant parcel at a higher density than the current zoning allows, potentially increasing the supply of housing in the area and consistent with the Area of Stability recommendations. The proposed U-RH-3A zone district is in the Urban Neighborhood context, as recommended by the plan.

The proposed U-RH-3A zoning would allow buildings in the urban house, duplex, and tandem house forms up to 2.5 stories and 30 feet, in the rowhouse form up to 2.5 stories and 35 feet, and in the apartment form up to three stories and 38 feet. The apartment form height would exceed the plan recommendation of 2.5 stories, however there is not a zone district in the Urban Neighborhood context that allows apartments but limits their height to less than three stories, so to achieve the other plan

goals of accommodating small apartment buildings and utilizing the Urban Neighborhood context, a slight increase in height is necessary. The allowed height for the three-story apartment form is only three feet greater than the allowed height for the 2.5-story rowhouse form, and by allowing a small increase in height at the subject site it helps achieve the plan goal of providing transitions between industrial and residential areas. Evaluating and balancing all the Elyria & Swansea Neighborhoods Plan goals, the proposed map amendment is consistent with the plan recommendations.

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

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

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted land use plan. The proposed rezoning would also facilitate development of a vacant parcel, enhancing safety and improving welfare for the community.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The Elyria Swansea neighborhood is seeing significant changes, with the expansion of the National Western Stock Show facility, the introduction of RTD commuter rail, and redevelopment of residential parcels throughout the neighborhood. These changes have increased the need for housing in the area such that it is in the public interest to rezone the subject property to allow additional residential density.

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

The requested U-RH-3A 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 in a regular block pattern with consistent alleys. (DZC, Division 5.1). As stated above, it is the aspiration of the Elyria Swansea Neighborhoods Plan to develop the area in a manner consistent with the Urban Neighborhood Context. The street and alley pattern is already in place in this location, and the proposed rezoning would allow residential development up to a small-scale multi-unit building, consistent with the context description.

The zone district purpose stated in the Denver Zoning Code is "to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context," and to "allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood" (DZC Section 5.2.2.1). The proposed U-RH-3A zoning would allow

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4401 Josephine Street  
March 1, 2018  
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development consistent with the desired character for the surrounding residential neighborhood and with the purpose and intent of the zone district.

## Attachments

1. Application

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	HRWHOLDINGS	Representative Name	
Address	717 31st STR	Address	
City, State, Zip	DENVER, CO 80205	City, State, Zip	
Telephone	303-246-8579	Telephone	
Email	HRWHOLDINGS@YAHOO.COM	Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4401 JOSEPHINE STREET		
Assessor's Parcel Numbers:	0224230002000		
Area in Acres or Square Feet:	11,000		
Current Zone District(s):	E-TU-B		
PROPOSAL			
Proposed Zone District:	U-RH-3A		



REVIEW CRITERIA	
<p><b>General Review Criteria:</b> The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans:</b> 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 an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions:</b> The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p><b>Additional Review Criteria for Non-Legislative Rezoning:</b> The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on 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 checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</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>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
<p>Please ensure the following required attachments are submitted with this application:</p> <p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <i>Contained on Proof of Ownership document</i></p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
<p>Please identify any additional attachments provided with this application:</p> <p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input checked="" type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
<p>Please list any additional attachments:</p> <p><i>Proof of ownership</i></p> <p><i>Articles of Incorporation (Proof of Authorization to Sign)</i></p>	




# REZONING GUIDE

Rezoning Application Page 3 of 3

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

We, the undersigned represent that we are the owners 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 or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Hasena Williams	4401 Josephine Street, Denver CO 80205 (303) 246-8579 hrwholdings@yahoo.com	100%		10/24/17	(A)	n/a

Last updated: February 22, 2017

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**LEGAL DESCRIPTION OF 4401 JOSEPHINE ST**

Lots 17 through 19, inclusive, and the south ½ of lot 20, block 2, town of Swansea, City and County of Denver, State of Colorado

# 4401 JOSEPHINE ST

**Owner** HRW HOLDINGS INC  
717 31ST ST  
DENVER , CO 80205

**Schedule Number** 0224230002000

**Legal Description** L 17 TO 19 INC & S 1/2 OF L 20BLK 2 TOWN OF SWANSEA

**Property Type** RX ZONED VACANT LAND - (RES)

**Tax District** DENV

## Property Description

<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	0
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	0000	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	11,000	<b>Zoned As:</b>	E-TU-B

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

## Current Year

Actual	Assessed	Exempt	
Land	\$115,100	\$33,380	\$0
Improvements	\$0	\$0	
<b>Total</b>	<b>\$115,100</b>	<b>\$33,380</b>	

## Prior Year

Actual	Assessed	Exempt	
Land	\$67,100	\$19,460	\$0
Improvements	\$0	\$0	
<b>Total</b>	<b>\$67,100</b>	<b>\$19,460</b>	

## Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

**Installment 1**  
(Feb 28)

**Installment 2**  
(Jun 15)

**Full Payment**  
(Due Apr 30)



Colorado Secretary of State  
 Date and Time: 09/05/2008 02:42 PM  
 ID Number: 20081474711  
 Document number: 20081474711  
 Amount Paid: \$50.00

Document must be filed electronically.  
 Paper documents will not be accepted.

Document processing fee  
 Fees & forms/cover sheets  
 are subject to change.

\$50.00

To access other information or print  
 copies of filed documents,  
 visit [www.sos.state.co.us](http://www.sos.state.co.us) and  
 select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

**Articles of Incorporation for a Profit Corporation**  
 filed pursuant to § 7-102-101 and § 7-102-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the corporation is

**HRW Holdings, Inc**

*(The name of a corporation must contain the term or abbreviation "corporation", "incorporated", "company", "limited", "corp.", "inc.", "co." or "ltd.". See §7-90-601, C.R.S. If the corporation is a professional or special purpose corporation, other law may apply.)*

*(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)*

2. The principal office address of the corporation's initial principal office is

Street address

**717 31st St**

*(Street number and name)*

**Denver**

*(City)*

**CO**

*(State)*

**80205**

*(ZIP/Postal Code)*

**United States**

*(Province – if applicable)*

*(Country)*

Mailing address

*(leave blank if same as street address)*

*(Street number and name or Post Office Box information)*

*(City)*

*(State)*

*(ZIP/Postal Code)*

*(Province – if applicable)*

*(Country)*

3. The registered agent name and registered agent address of the corporation's initial registered agent are

Name

*(if an individual)*

**Williams**

*(Last)*

**Hasena**

*(First)*

*(Middle)*

*(Suffix)*

**OR**

*(if an entity)*

*(Caution: Do not provide both an individual and an entity name.)*

Street address

**717 31st. St**

*(Street number and name)*

**Denver**

*(City)*

**CO**

*(State)*

**80205**

*(ZIP/Postal Code)*

Mailing address

(leave blank if same as street address)

\_\_\_\_\_ (Street number and name or Post Office Box information)

\_\_\_\_\_ CO \_\_\_\_\_  
(City) (State) (ZIP/Postal Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name

(if an individual)

Williams Hasena  
(Last) (First) (Middle) (Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Mailing address

717 31st St  
(Street number and name or Post Office Box information)

Denver CO 80205  
(City) (State) (ZIP/Postal Code)  
United States  
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. The classes of shares and number of shares of each class that the corporation is authorized to issue are as follows.

(If the following statement applies, adopt the statement by marking the box and enter the number of shares.)

The corporation is authorized to issue 100,000 common shares that shall have unlimited voting rights and are entitled to receive the net assets of the corporation upon dissolution.

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

Additional information regarding shares as required by section 7-106-101, C.R.S., is included in an attachment.

(Caution: At least one box must be marked. Both boxes may be marked, if applicable.)

6. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

7. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are \_\_\_\_\_  
(mm/dd/yyyy hour:minute am/pm)

**Notice:**

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

8. The true name and mailing address of the individual causing the document to be delivered for filing are

Williams	Hasena		
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
717 31st St.			
<i>(Street number and name or Post Office Box information)</i>			
Denver	CO	80205	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
United States			
<i>(Province – if applicable)</i>		<i>(Country)</i>	

*(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

**Disclaimer:**

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

#### 12.4.10.7 General Review Criteria:

##### A. Consistency with Adopted Plans

The several adopted plans were referenced to provide an analysis of how rezoning the property at 4401 Josephine St. meets the criteria outlined within these plans. The analysis is provided in the narrative below.

The following Adopted Plans apply to the property at 4401 Josephine Street:

Denver Comprehensive Plan (2000)

Blueprint Denver (2002)

Elyria & Swansea Neighborhood Plan (2015)

##### Comprehensive Plan

This rezoning proposal is consistent with many Denver Comprehensive Plan strategies, including:

- **Environmental Strategy:**  
1A - Encourage redevelopment of vacant, underutilized and environmentally compromised land known as brownfields. (p. 37)
- **Land Use Strategy:**  
3B - Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p. 60)
- **Housing:**  
6A - Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies. (p. 117)  
6B - Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially...along transit lines. (p.117)

The proposed map amendment will enable development of 4401 Josephine Street a vacant property at the corner of E. 44<sup>th</sup> and Josephine Street. U-RH-3A zoning designation would support increased density through a building form that is complementary to the existing character of the neighborhood. Further, the location of the property is along an arterial (Josephine Street) which would connect the proposed development to major urban elements such as central business districts, and employment. The rezoning is consistent with the plan recommendations.



## **Blueprint Denver**

**Area of Stability:** Category that is foundational to maintain the character of an area while accommodating some new development and redevelopment. Further, Blueprint Denver suggests reinvestment areas that would benefit from reinvestment through modest infill.

The Elyria & Swansea neighborhood is moderately dense and is primarily residential with some complementary, small-scale commercial uses. Within this Area of Stability, Single Family Duplex residential areas are moderately dense areas that are primarily residential. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings. Typically, densities are between 10 and 20 housing units

The proposed map amendment will enable development of 4401 Josephine Street to U-RH-3A. would fit appropriately in the existing context area, as a small 3-story apartment building.

## **Elyria & Swansea Neighborhood Plan**

For Elyria and Swansea to be strong neighborhoods in the future, growth and change should occur in Areas of Change while enhancing **Areas of Stability**, including **Traditional Residential Areas**. By encouraging strategic growth, the quality of life in the Traditional Residential Areas will be enhanced while promoting a re-imagination of the Areas of Change within Elyria and Swansea.

- **B.3 - INCREASE HOUSING CHOICES:**

Encourage investment in new housing to expand the total number of residences and to provide for a diversity of housing types to bring more people of all ages and income levels into the neighborhood.

- **E - CHARACTER AREA STRATEGIES:**

Traditional Residential Areas are embedded within the core of the Elyria and Swansea neighborhoods with heavier industrial uses, rail corridors and highways along the edges. The percentage of home ownership is 48% compared to 50% across Denver. Residents value the intimate quality of the quiet local streets with modest single family homes, duplexes and **smaller apartment buildings**. These structures range in **height from 1 to 2 stories**, with garages and small accessory buildings oriented to the alleys.

- Elyria's traditional residential area has reduced in size over the years due to the construction of I-70 and the expansion of the National Western Stock Show Complex. Although the recommendations in this section are specific to the existing residential areas, this **Plan recommends reversing the trend of a declining population and recommends expanding housing throughout the neighborhood, especially near future commuter rail stations.**

- **E. 2 - ENCOURAGE INVESTMENT IN RESIDENTIAL AREAS OF STABILITY**

Recommends **Single Family Duplex** for residential areas that are intended to remain as **Areas of Stability**. The following options could provide economic benefit to home owners by allowing a moderate level of infill development, and creating incentive to reinvest in existing homes to further stabilize the residential areas.

- Explore opportunities to introduce building forms, **consistent with the single family duplex land designation, such as accessory dwelling units, duplex or tandem houses and rowhouses.**
- Ensure that the form and scale of new development is complementary to the existing character of the **traditional residential areas.**

The Elyria & Swansea Neighborhood has a long history of being a diverse and community focused area of metro Denver. The low density mix of residential, multi-family, and small commercial pockets is one of the defining features of the neighborhood and its stability. The proposed map amendment to U-RH-3A, will enable development of 4401 Josephine Street to offer rentals at an affordable price (below market rent, and workforce housing). The Overall Goals for Land Use and Zoning apply directly to our property. They are: 1.To maintain the existing residential integrity of the Swansea Neighborhood, by building an inviting, safe, comfortable low density environment for residents. 2. Reverse the trend of a declining population by offering affordable rentals near mass transit and future commuter rail stations.

### **Consistency with Neighborhood Context, Zone District Purpose and Intent.**

The Denver Zoning Code provides minimum and maximum zone lot size standards, and building form standards for **Single Unit (SU), Two Unit (TU) or Rowhouse (RH) building forms in the Urban Neighborhood context.** These building forms are appropriate in Single Family Duplex areas if they are consistent with the maximum building heights map in this plan (Strategy B.7), and the minimum area and building form standards in the Denver Zoning Code

### **General Purpose:**

- A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.
- B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi unit building forms that address the street in the same manner as an urban house building form.
- C. These standards recognize common residential characteristics within the Urban Neighborhood Context but accommodate variation by providing eleven Residential Zone Districts.
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to

reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

**Specific Intent:**

- Row House 3A (U-RH-3A) U-RH-3A is a multi unit district that allows up to a two and a half story rowhouse building form with a maximum overall structure width along the street. Apartments are allowed up to three stories, on certain corner lots. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.

The proposed map amendment to U-RH-3A of 4401 Josephine Street will fit well with the neighborhood context and plan guidance.

**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. The Application seeks to rezone the property to U-RH-3A Zone District to build a small apartment building.

**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 rezoning poses no health, safety, crime or environmental hazards to the neighborhood. The Application will facilitate providing high-quality, in-demand housing within the same structure as low-intensity, and neighborhood-scale.

**12.4.10.8 Justifying Circumstance**

**A.**The neighborhood surrounding 4401 Josephine St. has changed or is changing to such a degree that is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.

The proposed rezoning is justified by changing circumstances in the Swansea neighborhood. Due to nearby redevelopment and growth of National Western Complex and I-170, residential housing is starting to diminish. Also, the City as a whole is running out of moderate housing options for middle and low income earners. Our property also lies within major bus routes and an Enhanced Transit Corridor. With bike lanes nearby, proximity to the light rail station and being in the middle of RTD Bus Routes, accessibility to major services and other areas in Denver metro will be very easy. Having alternative modes of transportation will also make this work force housing project more appealing to those on a tight budget and/or limited income.

**B. The Above Criteria is Met**

As stated above the proposed official map amendment from E-TU-B to U-RH-3A is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district, and would be a great addition to the neighborhood. Thank you for the

opportunity to present this application for rezoning. We are excited about the opportunity to provide a housing option for people who may not necessarily live below the poverty line, and those who are not high enough income earners to live in luxury rentals. We feel there is a tremendous affordable housing shortage and are hoping to do our part to help solve the problem.

Sincerely,

Hasena Williams

HRW Holdings, Inc