



**TO:** City Council  
**FROM:** Edson Ibañez, Senior City Planner  
**DATE:** July 27, 2023  
**RE:** Official Zoning Map Amendment Application #2022I-00250

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00250.

### Request for Rezoning

Address:	3740-3850 York St.
Neighborhood/Council District:	Clayton / City Council District 9
RNOs:	UCAN; Clayton United; Opportunity Corridor Coalition of United Residents; Reclaim the Eastside; Unite North Metro Denver; East Denver Residents Council; Strong Denver; and Inter-Neighborhood Cooperation
Area of Property:	212,974 square feet or 4.89 acres
Current Zoning:	PUD G-20
Proposed Zoning:	PUD-G 32
Property Owner(s):	Multiple, see application
Owner Representative:	Fred Glick

### Summary of Rezoning Request

- The properties are located on the east side of York Street, north of 37<sup>th</sup> Avenue and in the northwest portion of the Clayton neighborhood.
- The property contains several structures used in the World War II-era as army supply depot offices and currently contains a mix of office uses. The property owners propose to rezone the property for redevelopment that includes the reuse of those older structures.
- The property owner seeks custom zoning to allow for flexibility in accommodating development while preserving the existing World War II-era buildings.
- The request to a new PUD will change the base zone district for Subarea A from I-MX-3 to I-MX-5. All regulations for Subarea B will remain the same as stated in PUD G-20. The property owner seeks custom zoning to allow for flexibility in accommodating a new 5 story affordable senior housing development specifically for LGBTQ+ individuals.
- This application has been accepted into the Affordable Housing Review Team. The dedicated Affordable Housing Review Team was created to prioritize affordable housing projects that meet a specific criterion to reduce the overall time it takes to permit them.

The proposed **PUD-G 32** is based upon the **I-MX-5** (Industrial-Mixed Use, 5-story) zone district in Subarea A and the **U-MX-3** (Urban-Mixed Use, 3-story) zone district in Subarea B.

The proposed redevelopment of the subject property in Subarea A would be subject to the I-MX-5 zone district standards with several exceptions. Those deviations include:

- Flexibility in the reserved area of a phased development in order to allow additions to existing buildings and development of new buildings to the rear without complying with the typical reserved area for future development along the primary street,
- Public open space shall be required to provide significant public benefit, and
- The build-to may be measured from the required open space.

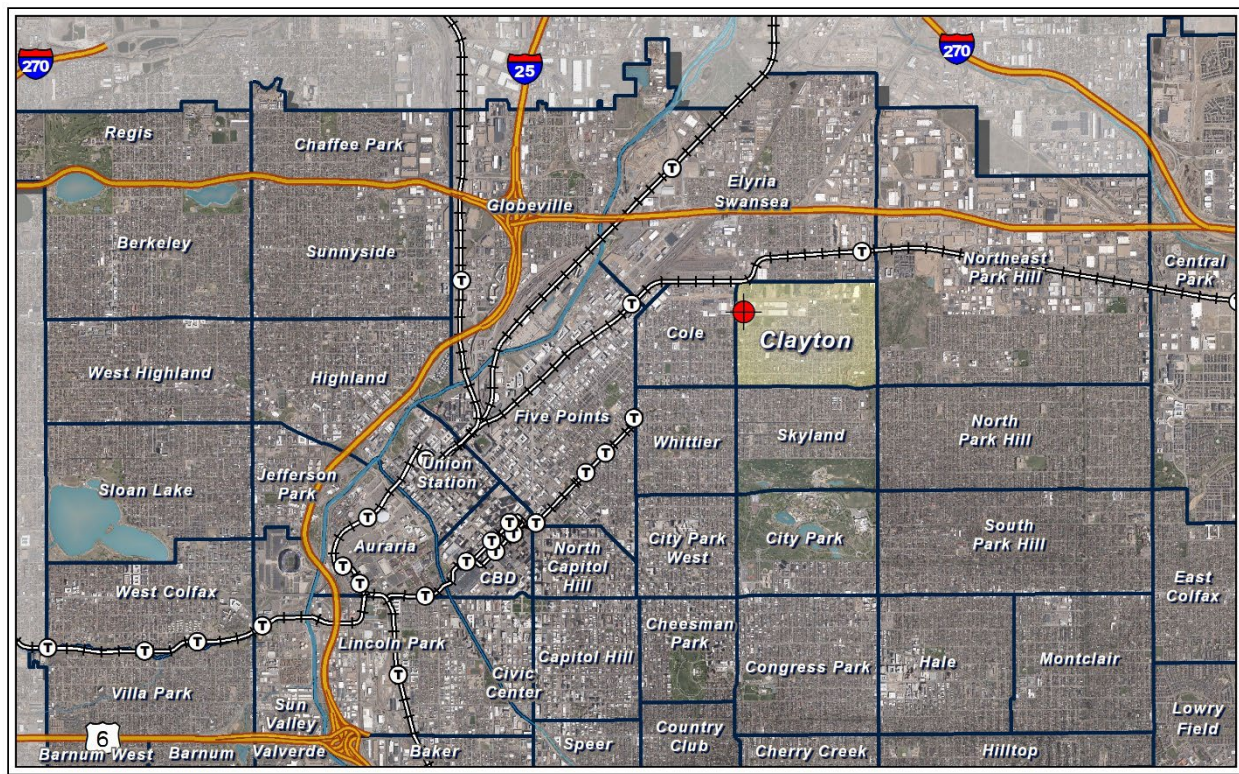
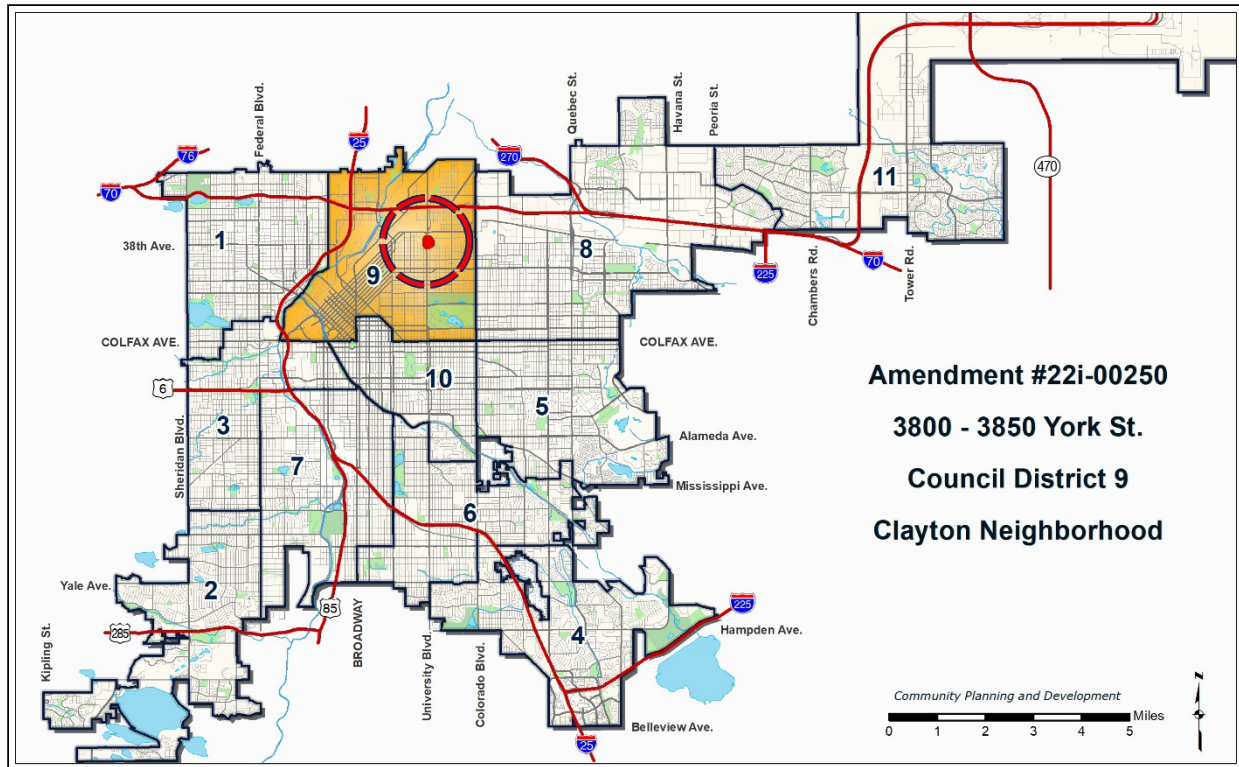
The proposed redevelopment of the subject property in Subarea B would be subject to the U-MX-3 zone district standards with several exceptions. Those deviations include:

- Flexibility in the reserved area of a phased development, which typically requires reserving area along the primary street for future development with no parking or stormwater detention, and
- Flexibility in the modification of compliant structures.

In exchange for such flexibility, the deviations also include:

- A higher standard for Street Level activation, and
- Higher standards for perimeter surface parking lot landscaping.
- This section is not changing from PUD G-20

Mixed use districts in the Denver Zoning Code are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms with uses that clearly define and activate the public street edge. Further details of the base zone districts can be found in Articles 5 (Urban) and 9 (Special Contexts) of the Denver Zoning Code (DZC); customized zoning details are found in the attached PUD G-32.







## Existing Context

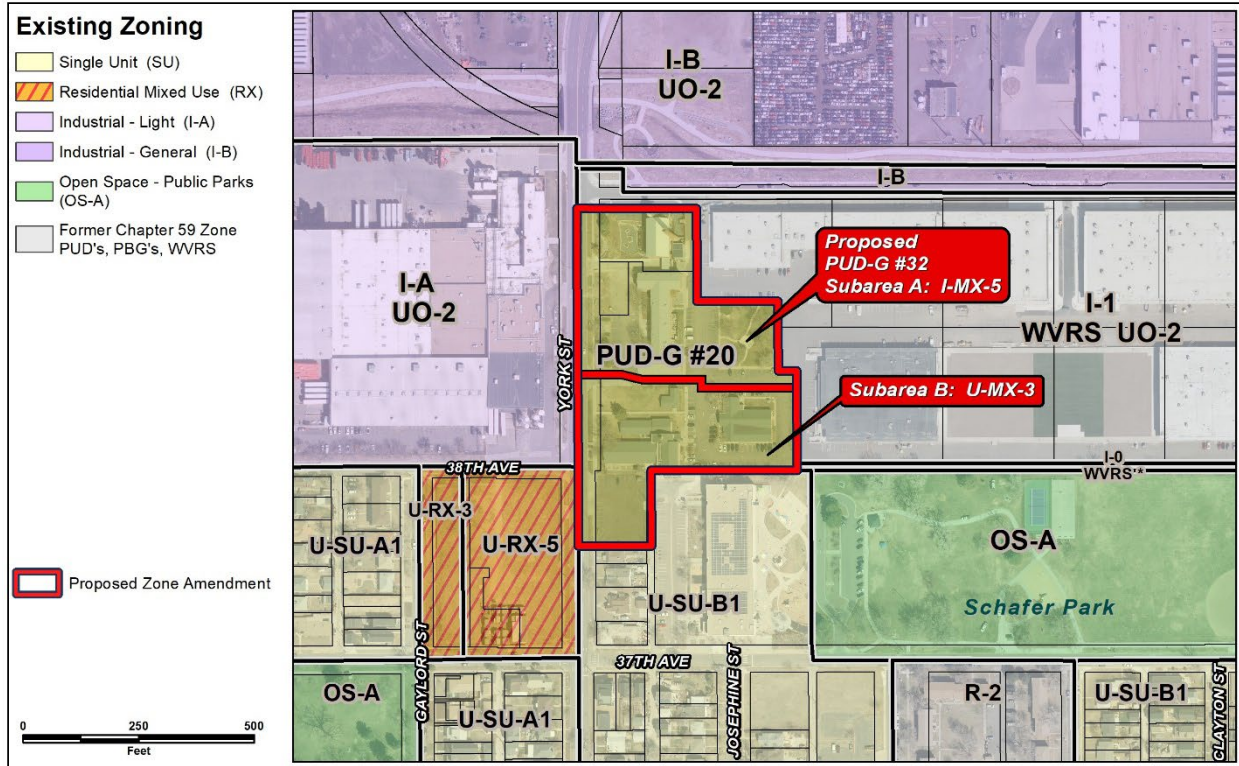
The subject property is located on the northwestern edge of Clayton neighborhood on the east side of York Street, south of the 39<sup>th</sup> Avenue right-of-way and greenway. The Clayton neighborhood is generally characterized by single family development in the southern portion, and industrial development along the northern edge. The built environment around the subject property includes a Coca-Cola bottling plant to the west, single family homes to the south, a vacant lot to the southwest that is planned for future housing development, industrial warehouses to the north and east and Harrington Elementary School to the southeast. In the vicinity are Schafer Park, east of Harrington Elementary School, and Russell Square Park, one block south and west.



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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD G-20	Mix of office uses, Single Family Homes, and health clinic	1-3 story office buildings and one 2-story single family residence	The local block pattern south of 38th Avenue consists primarily of traditional rectilinear blocks shaped by a grid street pattern with alleys and detached sidewalks. The block patterns north of 38th Avenue are larger industrial lots of varying size, typically with no sidewalks and alleys.
North	I-1 with Waivers, I-B	Junkyard	No Structures immediately north	
South	U-SU-B1	Single unit residential	1-2 story Single unit residential structures	
East	I-1 with waivers, U-SU-B1	Mix of industrial uses with some commercial, single unit residential	1 story industrial warehouses, 1-2 story Single unit residential structures	
West	I-A UO-2, U-RX-5	Bottling plant, multi-unit residential	2-3 story industrial warehouses, Vacant 1 story multi-unit residential structures	

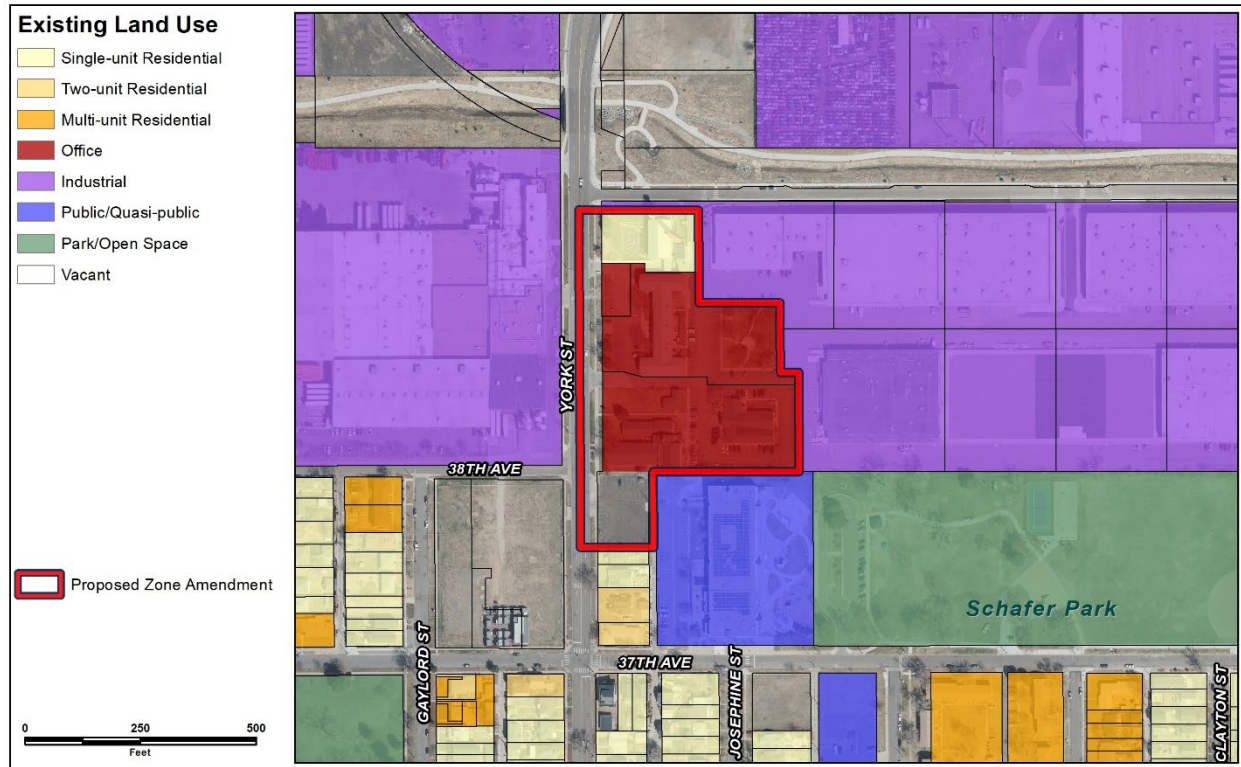
## 1. Existing Zoning



PUD G-20 was adopted in 2018. The PUD has two subareas. Subarea A conforms with I-MX-3 and Subarea B conforms with U-MX-3, with some tailoring to the standards for each. The PUD facilitates the continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south. It provides flexibility in urban design in exchange for outcomes that contribute to the vibrancy of the York Street corridor, including improved surface parking screening and the significant public benefit of a gateway landscaping and pocket park feature that draws the attention of pedestrians to the access of the proposed 39th Avenue Greenway.

PUD G-20 is attached to this staff report.

## 2. Existing Land Use Map





### 3. Existing Building Form and Scale



*Northern portion of Subject Property*



*Inner City Health Center on subject property*



*View of Subject Property at south end*



*Single Family Residential south of subject property*



*Vacant land west of subject property.*



*Bottling plant west of Subject Property*

### **Affordable Housing Plan**

The applicant is pursuing an Affordable Housing Plan (AHP) concurrent with the proposed rezoning. The AHP would commit the site to the minimum, on-site Enhance Housing Affordability standard as defined by the Mandatory Affordable Housing Ordinance at the time of development. It is anticipated that the AHP will be executed by the applicant by the City Council hearing, and subsequently countersigned and recorded by the City should Council approve the rezoning.

### **Summary of PUD Request**

The applicant is requesting to rezone to PUD-G 32 per Denver Zoning Code Section 9.6.1. The purpose of the proposed PUD District “facilitate continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south.” The PUD District is intended to respond to unique and extraordinary circumstances, where more restrictive or flexible zoning than what is achievable through a standard zone district is desirable, and where multiple variances, waivers and conditions can be avoided.

Consistent with this purpose, the proposed PUD, if adopted, would Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use and residential areas to the south and Industrial Districts to the north. The proposed PUD is changing base zone district of Subarea A from I-MX-3 to I-MX-5. Subarea B will remain the same with no changes from PUD G-20.

### **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 Comment

**Denver Public Schools:** Approved – No Response

**GIS:** Approved – No Response

**Environmental Health (Victoria Sanderson):** Approved - See Comments

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) is aware that the property was included in the Voluntary Cleanup and Redevelopment Program (VCUP), with the Colorado Department of Public Health and Environment (CDPHE) (Refer to CDPHERM External ID: RV220222-1). The Voluntary Cleanup Program Application for 3844 York St., Denver, CO identified elevated levels of tetrachloroethene (PCE) in the shallow groundwater aquifer, likely due to historical dry cleaning operations in the area. Elevated PCE levels pose a vapor intrusion risk to any future structures on

the property. If the applicant would like more information about the Voluntary Cleanup Plan, they should contact the CDPHE Hazardous Materials and Waste Management Division at 303-692-3300.

EQ will further evaluate the property once a Site Development Plan is submitted.

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.

**Parks and Recreation:** Approved – No Comment

**Public Works – ROW – Surveyor:** Approved

**Public Works – Wastewater:** Approved – No Comment

**Development Services – Project Coordination:** Approved – Rezoning only – Will require additional information at Site Plan Review.

- 1) Sub-area B of PUD-G-20 is currently in an SDP review process. However, that process is expected to wrap up in the next few weeks, prior to the anticipated LIHTC application dates and prior to the rezoning request going to City Council for review and potential approval.
- 2) Any new construction and modifications to existing structures and uses will need zoning and building permit approvals through an SDP process.
- 3) The proposed LIHTC-funded project will need to work directly with the AHRT team for zoning and building permit approvals.

**Development Services - Fire:** Approved – No Comments

**Office of Economic Development:** Approved – No Response



## 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:	4/18/2023
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:	5/2/2023
Planning Board Public Hearing: <b>Unanimous Recommendation of Approval</b>	5/17/2023
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:	6/3/2023
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	6/13/2023
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:	7/10/2023
City Council Public Hearing:	7/31/2023

## Public Outreach and Input

As described in the applicant's narrative, the applicant conducted several on-site visits to multiple community groups, RNOs, non-profit leaders, and members of the community.

## Registered Neighborhood Organizations (RNOs)

- As of the date of this staff report, CPD has received a letter of support from the Clayton United RNO, Cole Neighborhood association, Mile High Ministries, Light House Writers Workshop.

## Other Public Comment

- To date, CPD has received a total of 15 letters. 12 letters in support of the rezoning. Three letters in opposition. The letters of opposition had concerns on parking and potential impacts to neighboring businesses. The letters are attached to this staff report.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9 as follows:

- Consistency with Adopted Plans
- Uniformity of District Regulations and Restrictions
- Public Health, Safety and General Welfare

4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
  - a. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
  - b. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
  - c. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
  - d. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
  - e. The PUD District and the PUD District Plan establish permitted building forms that are compatible with the adjacent building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

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

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)
- Elyria & Swansea Neighborhoods Plan (2015)
- Housing an Inclusive Denver (2018-2023)

#### ***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.

By expanding the PUD from I-MX-3 to I-MX-5, the proposed rezoning would provide affordable housing within the neighborhood, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families.* (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy D – *Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.* (p. 28).
- Equitable, Affordable and Inclusive Goal 5, Strategy B – *Stabilize residents and businesses at risk of displacement through programs and policies that help them to stay in their existing community.* (p. 29).
- Equitable, Affordable and Inclusive Goal 8, Strategy D – *Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place.* (p. 30).

The proposed rezoning could also contribute to an increased mix of services and amenities that are neighborhood serving while supporting the reuse of an existing building. The request is, therefore, consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34).
- Strong and Authentic Neighborhoods Goal 3, Strategy E – *Support the stewardship and reuse of existing buildings, including city properties.*
- Strong and Authentic Neighborhoods Goal 4, Strategy A – *Grow and support neighborhood-serving businesses.*

Finally, the proposed rezoning could encourage reuse of an existing buildings, and is consistent with the following strategies in the Environmentally Resilient vision elements:

- Environmentally Resilient Goal 7, Strategy C – *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures* (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).

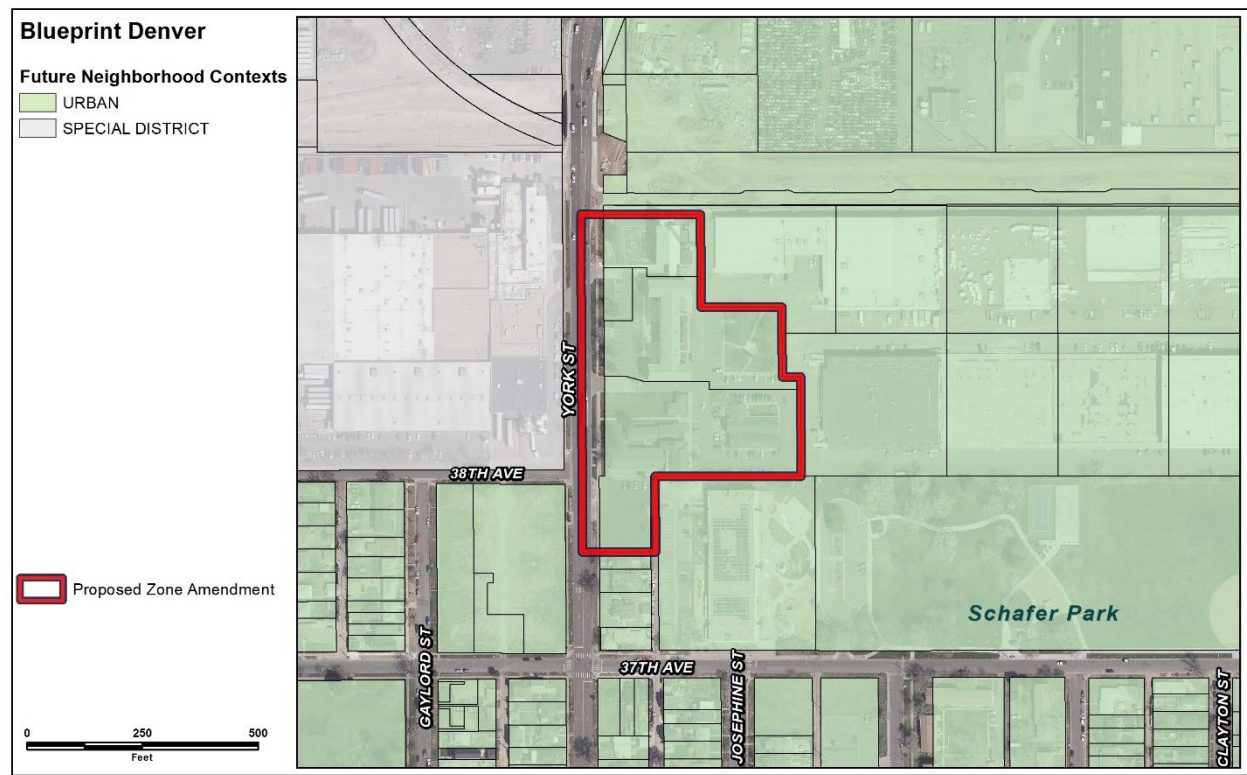
The rezoning is consistent with the Comprehensive Plan policies that encourage infill development where services and infrastructure are already in place, where the infill development is in character with the existing neighborhood, and promoting open space.

### ***Blueprint Denver (2019)***

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Residential Low place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

### ***Blueprint Denver Future Neighborhood Context***



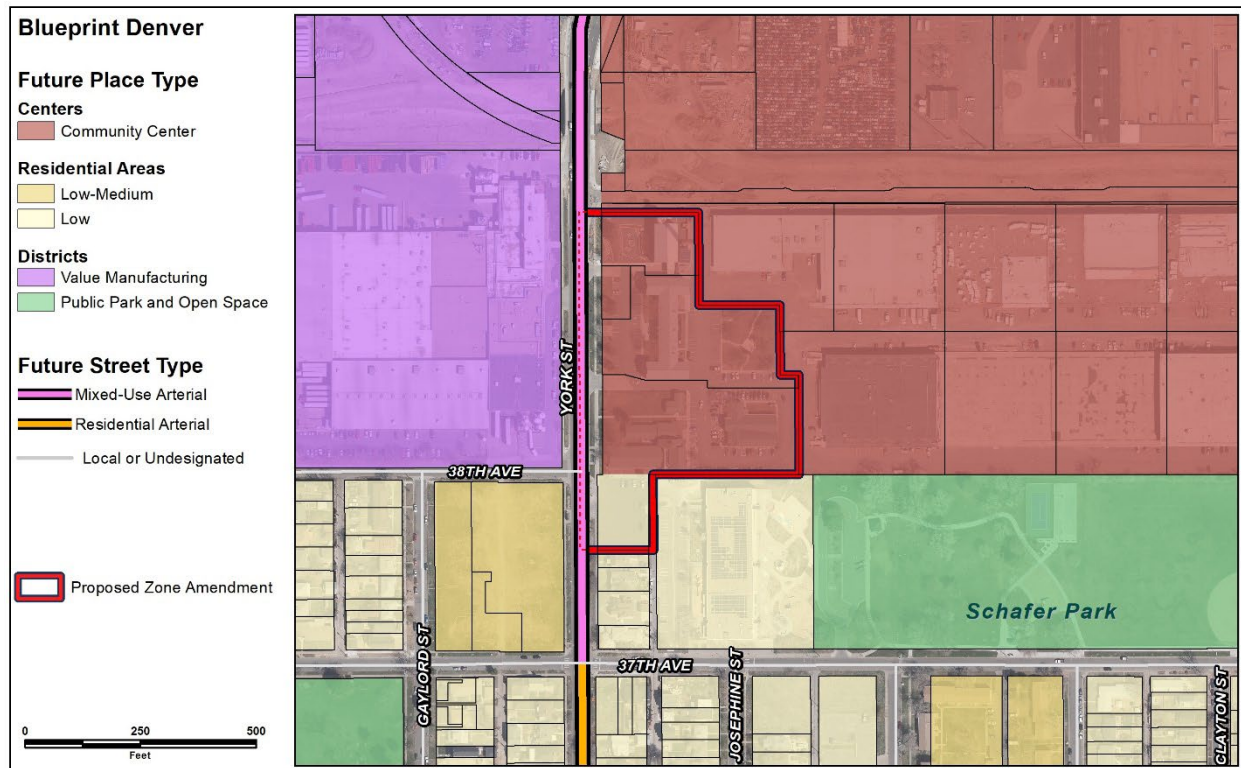


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: "Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street" (p. 222).

The requested PUD rezoning is shown on the context map as Urban although the neighborhood context for the PUD for Subarea A is Industrial and Subarea B is Urban. *Blueprint Denver* provides additional applicable guidance on how to apply plan direction on neighborhood context to rezonings stating, "The mapping of neighborhood context is at the citywide scale, so the boundaries of the context may be interpreted with limited flexibility if the request furthers the goals of Blueprint Denver and is consistent with the overall intent of the neighborhood context map" (p. 66). The context map is aspirational in nature and intended to provide a high-level of understanding as to the differences in land use and built form, mobility options and quality-of-life infrastructure between different neighborhoods (p. 139). For this application, the proposed Industrial context for subarea A helps realize the goal of "ensuring all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities" (p. 22) by allowing additional height for the construction of an affordable senior housing for LGBTQ+ individuals. The I-MX-5 zone district standards serve as a transition from the more intense

industrial uses along the northern side into the lower density residential neighborhood along the southern side.

### **Blueprint Denver Future Places**



### **Future Places**

A small portion of the site is categorized as a Residential Low Future Place Type with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium 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. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214).

The majority of the site is categorized as Community Center Future Place Type with a land use and built form defined by *Blueprint Denver* as “provides some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels will vary depending on the type and mix of uses. Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages to define the public realm. Heights are generally up to 5 stories. Intensity should transition within the center to the surrounding residential areas” (p.227). Facilitating the reuse of the existing buildings further contributes to preserving neighborhood character while accommodating

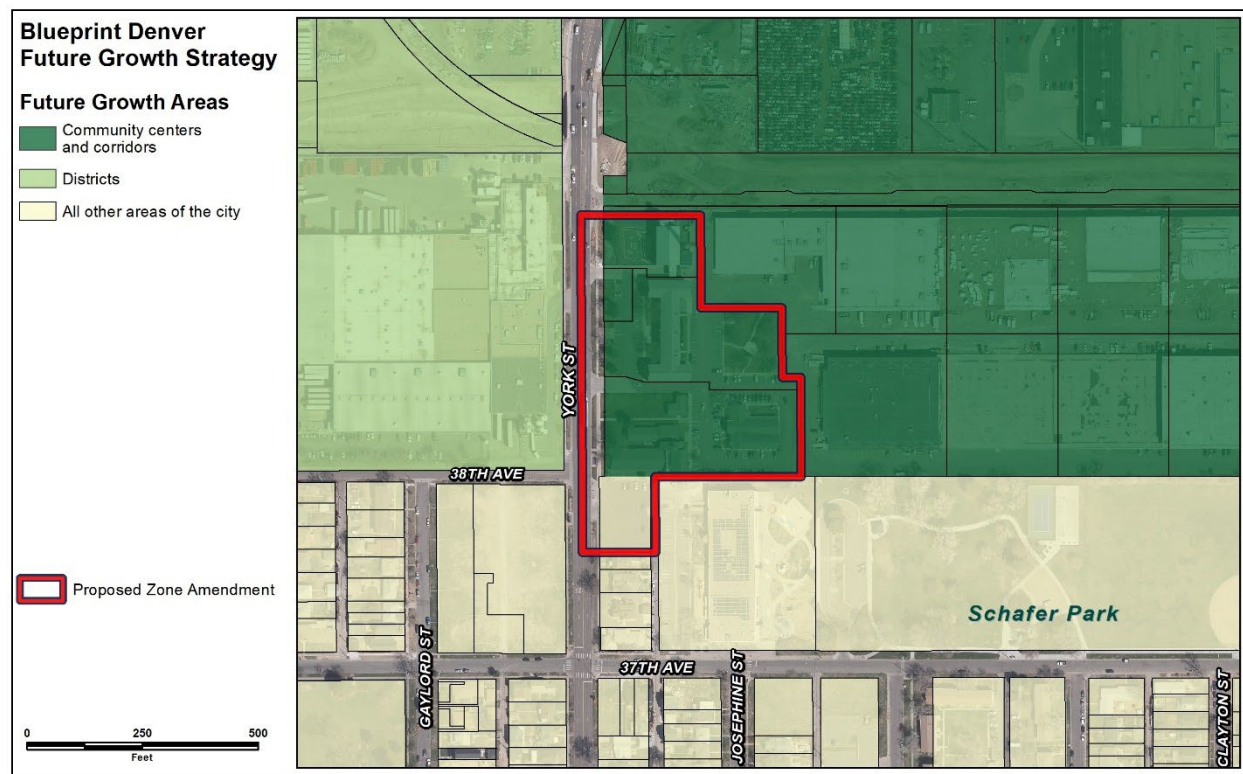
change. The small portion of the site that is designated as Single Family Residential has historically contained a commercial use and currently has non-residential zoning, and is therefore appropriate to continue the mixed-use allowance.

The proposed PUD would allow in increase from three stories to five stories within Subarea A. The height recommendation within blueprint is consistent with the recommended heights of five stories. The proposed PUD is consistent with the base zone districts of I-MX-5 and U-MX-3.

### **Future Street Types**

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies N York Street as a Mixed-Use Arterial Future Street Type, which “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback.” (p. 159). The proposed PUD is consistent with this street type as it allows for the mix of uses.

### **Blueprint Denver 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 property has a portion in the “All other areas of the city” growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas



with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The majority of the subject property is in the “Community Centers and Corridors” growth area. These areas anticipate approximately 25 percent of new housing growth and 20 percent of new employment growth by 2040 (p. 51). The proposed PUD allowing the base zone district within subarea A will increase from 3 stories to 5 stories is appropriate in this growth area as Subarea is within the “Community Centers and Corridors” growth area.

### **Additional Blueprint Denver Recommendations**

The proposed rezoning also helps further the following *Blueprint Denver* policy related to the continued use of the primary uses:

- Land Use & Built Form: General Policy 6: *Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities*
- Land Use & Built Form: General Policy 7: *Expand family-friendly housing throughout the city.*
  - Strategy A under Policy 7 further states that “Implement tools to require and/or incentivize the development of family-friendly housing. This could include bonuses for affordable large units (those with three or more bedrooms), especially in multifamily developments.” (p. 85).

Likewise, the proposed PUD supports the following policy regarding building preservation regardless of historic status:

- Land Use & Built Form: Design Quality and Preservation Policy 6: *Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts.*

Based on these policies, the proposed rezoning is consistent with *Blueprint Denver* as the PUD would allow for additional building stories in Subarea A which would allow for a new construction of a five-story affordable housing development.

### **Custom Zoning**

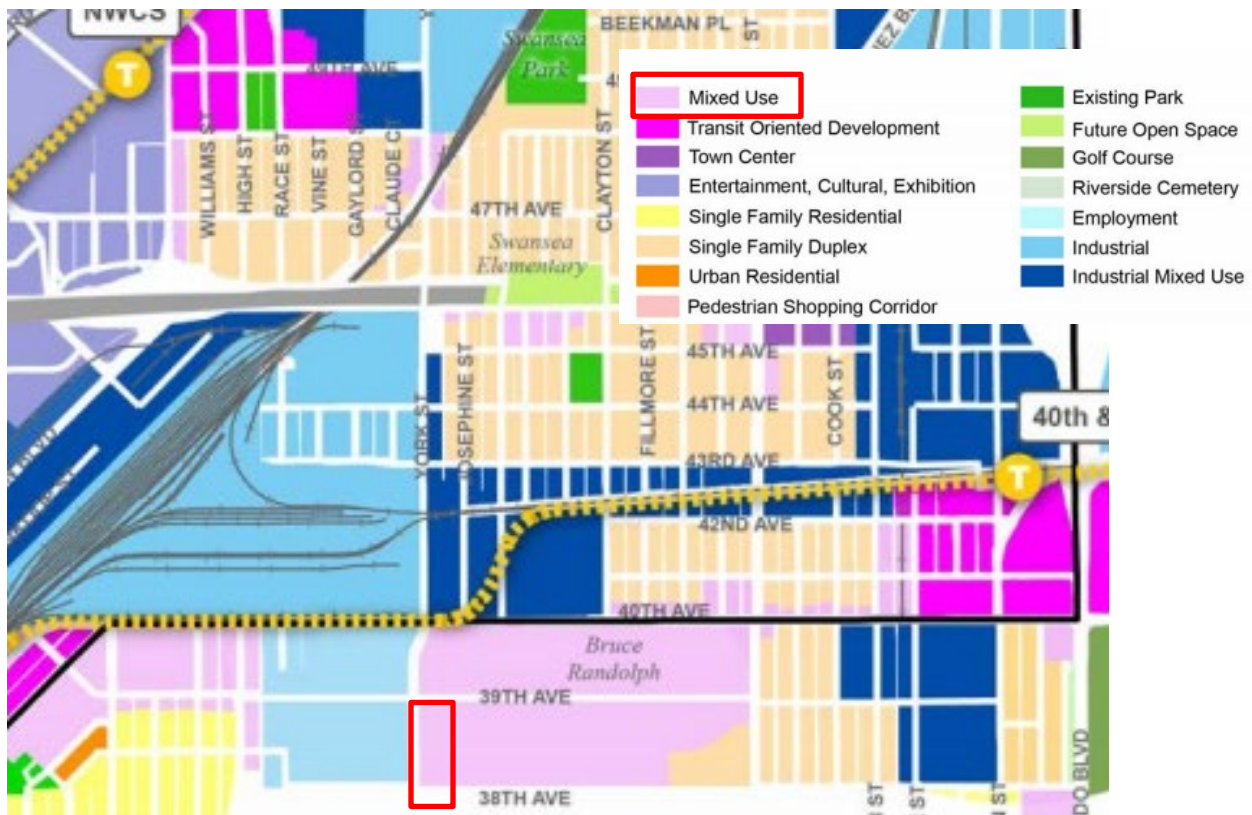
*Blueprint Denver* provides the following direction for the use of custom zoning including PUDs: “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73). More detail on the challenges of custom zoning is provided on page 73 of the plan.

Consistent with this adopted plan direction, CPD has put into place stricter zoning standards that limit the use of PUDs to unique and extraordinary circumstances. CPD also changed the way PUDs are written. PUDs are now based on the zoning standards in a specific DZC zone district, with any specific exceptions to the zoning standards listed within the PUD. In this way PUD standards are tightened to now conform to existing zoning standards apart from very specific alterations. The proposed PUD is

consistent with this Blueprint Denver plan direction, as it meets the requirement for PUDs only to be used in exceptional situations.

### **Elyria & Swansea Neighborhoods Plan (2015)**

The Elyria & Swansea Neighborhoods Plan was adopted by City Council in 2015 and includes recommendations for parts of the area of the subject property, which is on the edge of the plan. The subject property is designated Mixed Use in the concept land use map. The plan states “These areas have both a sizable employment base as well as a variety of mid-to high-density housing options. Intensity is higher in mixed-use areas than in predominantly residential areas.” (p. 26). The plan also designates maximum heights of 3 stories across the subject property.



*Elyria & Swansea Neighborhoods Plan Concept Land Use Map*

The proposed PUD based on I-MX-5 and U-MX-3 would allow a mix of commercial, office, residential and commercial uses. The map amendment would facilitate infill development on an interior parcel while supporting the ongoing use of existing structures. The PUD would allow new buildings in the general, and industrial forms up to 5 stories and 70 feet in Subarea A. The maximum building height in Subarea B would remain 3 stories, as established in the previous PUD, consistent with the plan guidance of a maximum height of 3 stories. For Subarea A, the maximum height of 5 stories is consistent with the Area Plan’s recommendation to “improving transition between industrial and residential uses” (p. 50), as it enables the construction of new housing units in taller building forms at the north end of the PUD boundary, which is adjacent to industrial and transportation uses to the north of the property, while the lower heights allowed in Subarea B enforce a transition toward the school and lower-scale residential

uses to the south. Evaluating and balancing all the Elyria & Swansea Neighborhoods Plan goals, the proposed map amendment is consistent with the plan recommendations.

### ***Housing an Inclusive Denver (2018-2023)***

The rezoning request will support the following goals and policy recommendations:

- Support housing as a continuum that serves residents across a range of incomes, including residents experiencing homelessness, those earning low wages or living on fixed incomes such as seniors or residents with a disability, and working families. (P.7).
- Promote equitable and accessible housing options by supporting programs and policies that help residents across the housing continuum access affordable housing (P.17).
- Stabilize residents at risk of involuntary displacement by supporting programs and policies that help a resident maintain their existing housing or stay in their community (P.17).

Staff determines the proposed PUD is consistent with the *Housing an Inclusive Denver Plan*.

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

The proposed PUD-G 32 rezoning will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the I-MX-5 and U-MX-3 zone districts with appropriate customized elements in support of the unique reuse, development, and open space opportunities on the site.

## **3. Public Health, Safety and 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 plans, and will also further public welfare through the creation of additional public open space.

## **4. Justifying Circumstances**

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

Since the approval of the existing zone district, the City has adopted the Comprehensive Plan 2040, and Blueprint Denver 2019. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The zoning standards in the proposed PUD district are based upon the Urban neighborhood context and the Industrial neighborhood context. The Urban context is "*characterized by small-scale single-unit and two-unit residential uses. Multi-unit residential uses and commercial areas are typically embedded in residential areas. Commercial uses are located along mixed-use arterial or main streets.*" (DZC p. 5.1-1). The Urban context consists of a regular pattern of blocks formed by a grid street system. The Industrial

Context *“consists of areas of light industrial, heavy industrial and general industrial areas, as well as areas subject to transitions from industrial to mixed-use.”* (DZC p. 9.1-1) While the Industrial context consists of a more irregular block pattern, *“The Industrial Mixed Use Districts have a more urban context with a rectangular street grid and alley access.”*

The PUD’s U-MX-3 district zoning standards 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.”* (DZC p. 5.2-4). The PUD’s I-MX-5 zoning standards are *“intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.”* (DZC p. 9.1-2) The 3- and 5-story maximum height allowed by both base zone districts is consistent with the adjacent Urban neighborhood to the south and provides a transition to the Industrial context to the north.

#### **1. Additional Review Criteria for Rezoning to a PUD District (12.4.10.9)**

##### **A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;**

- The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code to respond to “Unique and extraordinary circumstances”.
  - The unique and extraordinary circumstances of the subject site are its location adjacent to the major city investment of the 39<sup>th</sup> Avenue right-of-way and greenway, as well as unique structures that would be difficult to repurpose without customization due to their location on the site.
- According to Section 9.6.1.1.D., “in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.” The PUD District provides significant public benefit not achievable through application of a standard Zone District, including:
  - Requirement to provide privately owned and operated but publicly accessible open space. The required open space will serve as a gateway into the 39<sup>th</sup> Avenue Greenway from the Clayton and Cole neighborhoods.
  - Requirements for a higher amount of street level activation than would otherwise be required for building forms other than Shopfront and additional requirements for parking lot screening and landscaping in Subarea B will ensure pedestrian-friendly development.

##### **B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;**

- As stated in item A above, the PUD District complies with standards and criteria stated in Division 9.6.



- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;***
- The PUD District is necessary because there is no zone district available that would allow modifications to compliant structures under the existing site configuration which does not meet the reserved area requirement for phased development, or that would require the applicant to provide open space.
- D. The PUD District establishes permitted uses that are compatible with existing land uses adjacent to the subject property;***
- The PUD District proposes uses consistent with those allowed in U-MX-3, which is already zoned for part of the area, and the uses allowed in I-MX-5. These uses are compatible and appropriate to transition from the industrial uses to the north into the residential area to the south.
- E. The PUD District establishes permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan.***
- The PUD District allows building heights and building forms that are compatible with the surrounding neighborhoods, especially serving as a transition from intense industrial development to low-density residential neighborhoods.

## **Attachments**

1. Rezoning application + Comments
2. Additional Comment
3. PUD-G 20
4. PUD-G 32

## Zone Map Amendment (Rezoning) for PUD - 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 FEE PAYMENT		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT	
Property Owner Name	See Atatchment B	Representative Name	Fredrick D. Glick
Address		Address	3850 N York St.
City, State, Zip		City, State, Zip	Denver, CO 80205
Telephone		Telephone	303-578-2041
Email		Email	fred@innoabrd.com
*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. See Attachment C	
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):		3840, 3844 and 3850-3848 N. York St.	
Assessor's Parcel Numbers:		02243-00-106-000, 02243-00-107-000, 02243-00-084-000	
Area in Acres or Square Feet:		107,507 sq ft or 2.468 acres	
Current Zone District(s):		PUD G-20 (Subarea A)	
PROPOSAL			
Proposed Zone District (See DZC Section 9.6.1.3(A) to determine if General or Detailed):	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No Note that no new subareas are proposed.	
Standard Zone District: Please list the zone district(s) on which the PUD will be based:	I-MX-5		
Deviations from Standard Zone District: As an attachment, please provide a list of proposed deviations and a detailed explanation of why the deviation is needed.	Deviation		Why deviation is necessary
	See Attachment D		
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 checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>14 Dec 2022</u> <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 checked="" type="checkbox"/> Yes - if yes, state date and method <u>e-mail on 29 December 2022</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

# REZONING GUIDE

## Rezoning Application for PUD Page 2 of 3

REVIEW CRITERIA	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection. See Attachment E</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> 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><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> 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><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <p><u>2015 Elyria &amp; Swansea Neighborhoods Plan</u></p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <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.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> 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 <b>and</b> include a section in the review criteria narrative attachment.</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 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 checked="" 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>a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p>b. A City adopted plan; or</p> <p>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 checked="" type="checkbox"/> <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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> 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>

# REZONING GUIDE

## Rezoning Application for PUD Page 3 of 3

<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria</p> <p>DZC Sec. 12.4.10.9</p> <p>Check boxes to the right to affirm and include a section in the review criteria narrative for each.</p>	<p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with the intent, purpose, all applicable standards and criteria stated in Article 9, Division 9.6 (Planned Unit Development).*</p> <p>*Provide a section describing how the PUD district responds to A.-D. of the General Purpose and Intent statement in DZC Section 9.6.1.1.</p> <p><input checked="" type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p>
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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>
- Attachment F**
- ☒ 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.
- Attachment G**
- ☒ Review Criteria Narratives. See page 2 for details.
- ☒ Deviations from Standard Zone District List. See page 1 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)
- Attachment A**
- ☒ **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 )
- Attachment H**
- ☒ **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).
- Attachment I**
- ☒ **Written Authorization to Represent Property Owner(s)** (if applicable)
- Attachment C**
- ☒ **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 is document is required.)
- Attachment G**
- ☐ **Other Attachments.** Please describe. \_\_\_\_\_



# REZONING GUIDE

Rezoning Application for PUD Page 4 of 4

## 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)
<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>	01/12/20	(A)	YES
York 38 LLC	3840 N York St. Denver, CO 80205 303-578-2041 fred@innoabrd.com	68.65%		03/27/23	(A)	YES
Lighthouse Writers Workshop	3844 N York St. Denver, CO 80205 (303) 297-1185 michael@lighthousewriters.org	6.63%			(A)	YES
3850 York LLC	3850 York St. Denver, CO 80205 303-578-2041	24.72%	<b>Fredrick Glick</b> <small>Digitally signed by Fredrick Glick Date: 2023.03.31 16:41:26 -06'00'</small>	3/27/23	(A)	YES
						YES

# REZONING GUIDE

Rezoning Application for PUD Page 4 of 4

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

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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)
<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>	01/12/20	(A)	YES
York 38 LLC	3840 N York St. Denver, CO 80205 303-578-2041 fred@innoabrd.com	68.65%		03/27/23	(A)	YES
Lighthouse Writers Workshop	3844 N York St. Denver, CO 80205 (303) 297-1185 michael@lighthousewriters.org	6.63%	<i>Michael J. Henry</i>		(A)	YES
3850 York LLC	3850 York St. Denver, CO 80205 303-578-2041	24.72%		3/27/23	(A)	YES
						YES

# REZONING GUIDE

Rezoning Application for PUD Page 4 of 4

## 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)
<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>	01/12/20	(A)	YES
York 38 LLC	3840 N York St. Denver, CO 80205 303-578-2041 fred@innoabrd.com	68.65%	<i>[Signature]</i> <i>Innoabrd</i>	03/27/23	(A)	YES _____ _____
Lighthouse Writers Workshop	3844 N York St. Denver, CO 80205 (303) 297-1185 michael@lighthousewriters.org	6.63%			(A)	YES _____ _____
3850 York LLC	3850 York St. Denver, CO 80205 303-578-2041	24.72%		3/27/23	(A)	YES _____ _____
						YES NO _____ _____

## ATTACHMENT A: NARRATIVE EXPLAINING REASON FOR THE REQUEST

### Introduction

We are seeking an amendment to Subarea A of PUD-G 20 to change the underlying base zone district to I-MX-5 from I-MX-3.

We are working with an affordable housing developer, Pennrose, to build what would be Colorado's first LGBTQ-affirming, senior affordable housing project on the "quad" behind 3840 York.



We initially examined a four-story building (which would, under EHA, be allowed under the existing zoning for an affordable project) with 56 units. In order to make the project financially viable we believe will need to increase the number of units. We currently believe that a five-story building with approximately 80 units will be the optimal convergence of number of units and construction costs.

This project has been accepted into the AHRT program and will be seeking LIHTC. Our partners intend to apply in the fall 2023 round with an application deadline of 1 August.

The project was submitted for concept on 2 February 2023 (2023-CONCEPT-0000029) and a concept meeting was held on 21 February.

### Background

PUD-G 20 was established in 2018. The PUD includes these properties, as well as properties to the south owned by Inner City Health Center (IHC). Both IHC and our group wanted to make some changes to the properties, including the conversion of 3850 York into a residence (and



the conversion of its a 19-space parking lot into a garden), additions to allow ICHC to expand their services, and the potential development of the York Street frontage at 3840 York and the quad area. The existing Chapter 59 zoning had been adopted by City Council in 1999 with the inclusion of a “plat map” which delineated parking and landscaping areas, precluding any changes to that map without a rezoning. The form and siting of the existing buildings created significant barriers to the use of a standard zone district, which led to the application for a PUD.

Within the PUD, the ICHC properties (called “Subarea B”) have an underlying base zoning of U-MX-3 while the other properties (Subarea A) have a base zoning of I-MX-3.

At the time of that application, the update of Blueprint Denver was still in progress and while the 2002 Blueprint Denver identified it as a mixed-use area of change, the only specific, existing plan guidance concerning height was the 2015 Elyria-Swansea Neighborhood Plan, which mapped the area with a recommended maximum height of three-stories. As discussed below, more recent guidance in Blueprint Denver indicates heights of up to five-stories would be appropriate here.

We believe that this project provides an unusual opportunity to provide affordable housing and increased density in a location which will not displace a single existing resident or business. Clayton neighbors have, in the past, highlighted the Medical Depot campus as a perfect location for our neighborhood to ‘do its part’ in helping to provide additional density in Denver without displacing existing residents or demolishing existing homes.

### **Proposed Amendment**

This application requests that the base zone district for Subarea A of PUD-G 20 be amended from I-MX-3 to I-MX-5. No other substantive changes are requested and no changes of any sort are contemplated affecting Subarea B.

This application is submitted in conformance with DZC 9.6.1.4 *Amendments to Approved PUD District Plans*. As required, Section 6.2.1.A. of PUD-G 20 explicitly allows for the amendment of the PUD by subarea.

While the proposed new height entitlement is only intended to be used for the quad area, the application proposes to amend the entire subarea so that the current subarea descriptions can be maintained, simplifying the process and eliminating the need for additional survey work.

Significant renovations to both 3840 and 3850 in the last few years reflect our intent to retain these buildings and 3844 is in the final stages of construction as a three-story building. The only other developable land in the subarea is the small piece along York to the south of 3844 and its size precludes mid-rise development.

## **Parking**

While parking has been raised by a few community members as a concern, we anticipate we will be able to meet the zoning-required parking on the zone lot. While we anticipate that the parking needs of tenants will be minimal (based on documented parking utilization of transit-adjacent affordable developments), should additional parking be needed, we believe that need can easily be met by exercising the rights afforded under the parking and access easement benefiting all properties in Subarea A (and most of Subarea B) which gives those properties non-exclusive access to the 360 spaces in the York Street Yards properties.

**ATTACHMENT B: OWNERSHIP**

Property Address	Owner
3840 N York Street	York 38 LLC 1600 Wynkoop Street Suite 200 Denver, CO 80202 303-578-2041 fred@innoabrd.com
3844 N York Street	Lighthouse Writers Workshop 3844 N York Street 303-297-1185 michael@lighthousewriters.org
3850 N York Street	3850 York LLC 3850 N York Street Denver, CO 80205 303-578-2041 fred@innoabrd.com

Attachment C: Authorization to Represent Owner

March 29, 2023

Denver Community Planning and Development  
201 West Colfax  
Denver, CO 80202

To Whom It May Concern:

Fredrick D Glick is authorized to represent York 38 LLC in the rezoning application process for the property at 3840 York Street.



Jerrold L Glick  
Managing Manager  
York 38 LLC  
1600 Wynkoop St, Suite 200  
Denver, CO 80202



Attachment C: Authorization to Represent Owner

March 29, 2023

Denver Community Planning and Development  
201 West Colfax  
Denver, CO 80202

To Whom It May Concern:

Fredrick D Glick is authorized to represent 3850 York LLC in the rezoning application process for the property at 3850 York Street.

A handwritten signature in black ink, appearing to read 'Fredrick D Glick', with a long horizontal stroke extending to the right.

Fredrick D Glick  
Managing Member  
3850 York LLC  
3850 N York St.  
Denver, CO 80205



Attachment C: Authorization to Represent Owner

March 29, 2023

Denver Community Planning and Development  
201 West Colfax  
Denver, CO 80202

To Whom It May Concern:

Fredrick D Glick is authorized to represent Lighthouse Writers Workshop in the rezoning application process for the property at 3844 York Street.

A handwritten signature in blue ink, appearing to read "MH", with a long, sweeping horizontal line extending to the right.

Michael Henry  
Executive Director  
Lighthouse Writers Workshop  
3844 N York St.  
Denver, CO 80205

**ATTACHMENT D: DEVIATIONS FROM STANDARD ZONE DISTRICTS**

Deviation	Why Deviation is Necessary
Increased primary street transparency requirements in Subarea B (See PUD-G 20 Section 4.2.1)	To provide pedestrian-friendly building design where greater setbacks are allowed to facilitate use and adaptive reuse of existing structures.
Allow parking of vehicles and water quality and detention/retention facilities in areas reserved for future development. (See PUD-G 20 Sections 6.2.1.A and 6.2.2.A)	To allow flexibility for phased redevelopment of underutilized portions of the site.
Requirement to provide Publicly Accessible Open Space that serves as a gateway to the adjacent 39 <sup>th</sup> Avenue Greenway (See PUD-G 20 Section 6.2.1.B)	To foster a “sense of place” and enhance the pedestrian environment.
Additional Requirements for Surface Parking Lot Garden Wall to include 50’ of seating or pergola in Subarea B (See PUD-G 20 Section 6.2.2.B)	To enhance the pedestrian environment.
Exception for Voluntary Demolition of Compliant Structures in Subarea B (See PUD-G 20 Section 6.4.2.A)	To facilitate use and adaptive reuse of existing structures.

## **ATTACHMENT E: REVIEW CRITERIA**

### ***CONSISTANCY WITH ADOPTED PLANS***

The proposed map amendment is consistent with the stated objectives and strategies of the applicable plans, Denver Comprehensive Plan 2040, Blueprint Denver (2019) and the Elyria & Swansea Neighborhood Plan.

#### ***Denver Comprehensive Plan 2040***

##### **Equitable, Affordable, and Inclusive**

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

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

The proposed application and project will enable the increased development of housing units close to transit (York Street is identified in Blueprint Denver as a Medium-Capacity Transit Corridor and the site is less than a mile from the 38<sup>th</sup> and Blake Station). The project is located within a larger mixed-use development and amenities currently available within the campus include health care, personal care (multiple fitness businesses and hair salons), and eating and drinking outlets. Additional amenities are anticipated as the York Street Yards development is more fully tenanted.

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

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

The proposed application and project will enable the first project of its kind in Colorado, serving a demographic not intentionally provided for currently and for whom culturally-compatible housing is documented to be a significant struggle.

*Strategy D. Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.*

This application is proposed to enable the development of age- and income-restricted senior housing.

*GOAL 3: Develop housing that is affordable to residents of all income levels.*

*Strategy B. Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.*



This application is contemplated to enable the economically-feasible private development of affordable housing adjacent to an identified Medium-Capacity Transit Corridor.

*GOAL 5: Reduce the involuntary displacement of residents and businesses.*

*Strategy A. Advance a comprehensive approach to mitigating involuntary displacement that includes expanding economic mobility, creating new affordable housing and preserving existing affordability.*

This proposal would enable the creation of new affordable housing utilizing undeveloped property which will not displace existing residents or businesses.

*GOAL 8: Increase housing options for Denver's most vulnerable populations.*

*Strategy D. Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place.*

This proposal would enable the expansion of the supply of housing accessible to a particularly vulnerable population of seniors who are not currently being intentionally served in the state of Colorado.

#### Strong and Authentic Neighborhoods

*GOAL 1: Create a city of complete neighborhoods.*

*Strategy B. Ensure neighborhoods offer a mix of housing types and services for a diverse population.*

This proposal will enable multi-family housing for seniors in a neighborhood with limited supply of that product for a population not currently intentionally served in the state of Colorado.

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

This proposal would create infill development consistent with the surrounding industrial neighborhood and will support increased amenities in the York Street Yards development.

#### Connected, Safe and Accessible Places

*Goal 8: Strengthen multimodal connections in mixed-use centers and focus growth near transit.*

*Strategy B. Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership.*

This proposal will encourage higher density development along an identified Medium-Capacity Transit Corridor with eight transit routes within ½ mile and less than a mile from a rail station.

### ***Blueprint Denver (2019)***

Since the approval of PUD-G 20, the adoption of Blueprint Denver has provided significant updated plan guidance, both specific to the site and in general, which supports this proposed amendment to the PUD.

The proposed underlying zone district is consistent with specific place guidance from Blueprint. The site is identified by Blueprint as a Community Center within the Urban Context. The site is included in the Neighborhood Contexts map on page 136 as within the Urban Context, and on the Future Places map on page 140 as a Community Center. Blueprint indicates that these places, “typically provide some mix of office, commercial and residential uses.”

Blueprint further indicates that, “Heights are generally up to 5 stories. Intensity should transition within the center to the surrounding residential areas.” This proposal would allow up to five stories towards the interior of the center with Subarea B providing a transition to the surrounding residential areas. As a Community Center, the area is anticipated to accommodate 25% of new households by 2040 and this proposal will contribute to that by providing for increased residential density.

While the site is situated within the Urban context, it is appropriate to retain the Industrial zoning district given the historic and current industrial nature and zoning of the location and surrounding buildings.

Blueprint identifies York Street as a Mixed-Use Arterial at this location. Subarea B is not adjacent to any other right-of-way and is separated from the future 39<sup>th</sup> Avenue (which is constructed, but not yet dedicated) by private property to the north.

The proposal is also consistent with a number of specific Blueprint policies and strategies, including:

*Land Use & Built Form General Policy 1: Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets.*

*Strategy A. Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers.*

*Land Use & Built Form General Policy 9: Promote coordinated development on large infill sites to ensure new development integrates with its surroundings and provides appropriate community benefits.*

*Strategy A. Consider zoning flexibility for redevelopment of large infill sites that lack a clear adopted neighborhood plan vision, yet may provide an opportunity for compatible development that integrates with the area's existing streets, blocks and/or open space.*

*Land Use & Built Form Housing Policy 6: Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities.*

*Strategy A. Incentivize affordable housing through zoning, especially in regional centers, community centers and community corridors adjacent to transit.*

*Land Use & Built Form Housing Policy 8: Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts.*

*Mobility Policy 1: Encourage mode-shift — more trips by walking and rolling, biking and transit — through efficient land use and infrastructure improvements.*

*Strategy E. Promote mixed-use development in all centers and corridors.*

### ***2015 Elyria & Swansea Neighborhoods Plan***

Though the site falls outside of the Elyria and Swansea neighborhoods, it was included in the 2015 Elyria & Swansea Neighborhoods Plan. While the plan indicates that this was because “connectivity and land use considerations are significant to the neighborhoods fronting 40th Ave.,” the development of the 39<sup>th</sup> Avenue Greenway would seem to make this reasoning somewhat obsolete, insofar as the properties to the south of the greenway are concerned. It should also be noted that the site is nearly 1/3 mile from the nearest residential property in the Elyria and Swansea neighborhoods. The Clayton neighborhood was able to have one representative on the steering committee for this plan, but he reports limited opportunity to influence planning for this area of Clayton and there appears to have been minimal outreach to Clayton residents. Unfortunately, Clayton is part of the Near Northeast NPI area and is not scheduled for an NPI process in the near future.

This plan includes the site within the Areas of Change and the Plan specifies its concept land use as “mixed use” with a maximum building height of three stories.

More recent plan guidance from Blueprint, coupled with demonstrated neighborhood support for increased density in this location should carry stronger weight with decision-makers as this proposal moves forward.

The proposed rezoning is also consistent with the following Plan recommendations:

*Showcase the history of Elyria and Swansea.*

The proposed rezoning allows for development, redevelopment and adaptive reuse on the National Register-listed site without requiring or incentivizing the demolition of contributing structures.

*Establish a strong compilation of land uses that balances the needs of residents, commerce, and industry.*

The proposed rezoning would enable the development of under-utilized land on the site.

*Improve transition between industrial and residential uses.*

The proposed rezoning is designed to improve the transition between industrial and residential uses through the use of mixed-use and industrial mixed-use base zone districts.

The previously implemented open space public benefit area also contributes to the realization of a number of Plan recommendations.

### ***UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS***

The proposed rezoning would result in the uniform application of zone district building form, use, and design regulations. The proposed deviations from the standard zone districts are designed to facilitate the continued use and enlargement of existing institutional buildings without altering form and design regulations for future development.

### ***PUBLIC HEALTH, SAFETY AND GENERAL WELFARE***

The proposed rezoning furthers the public health, safety, and general welfare of the City through the implementation of the City's adopted land use plans, including Comprehensive Plan 2040, Blueprint Denver and the 2015 Elyria & Swansea Neighborhoods Plan.

In addition, the rezoning will further the public health, safety, and general welfare of the City by enabling the development of approximately 80 units of income-restricted senior housing for a population not currently intentionally served in the City of Denver.

### ***JUSTIFYING CIRCUMSTANCES***

Substantial changes to City-adopted plans, including *Blueprint* and *Comprehensive Plan 2040*, since the 2018 adoption of PUD-G 20 provide sufficient justification for this application to move forward.

### ***CONSISTANCY WITH NEIGHBORHOOD CONTEXT, AND WITH THE STATED PURPOSE AND INTENT OF THE PROPOSED ZONE DISTRICT.***

The proposed rezoning of Subarea A with a base zone district of I-MX-5 is consistent with neighborhood context, and with the stated purpose and intent of the proposed zone district.

Subarea A provides a transition along the York Street arterial between the industrial districts which surround it to the west, north and east, and the mixed-use district retained in Subarea B

and the residential uses further to the south. Because the subarea is located within an historic industrial campus, it is located within an unusually large block served by private drives which connect to the street. While I-MX-5 districts are typically served by collector streets, the site is primarily served by York Street, which is classified as a mixed-use arterial. To the east, the campus is served by Steel Street, which is classified as a residential collector. To the north, the site is served by the future 39<sup>th</sup> Avenue, which has been constructed but not yet dedicated as right-of-way. The future classification of 39<sup>th</sup> Avenue is unclear as it is not yet included in the *Blueprint Street Types Map*.

#### ***ADDITIONAL REVIEW CRITERIA FOR REZONING TO PUD DISTRICT***

The application meets all criteria in DZC Section 12.4.10.9 and the criteria included within DZC Section 9.6.

The original PUD G-20 was designed to respond to the unique and extraordinary circumstances of the 1942 Denver Army Medical Depot site which would have required multiple variances, waivers and conditions to enable further development of the site. Numerous standard zone districts were explored for rezoning, but none enabled the site to be effectively developed or redeveloped. The existing zone lot is large and fronts York Street, but there is no other ROW adjacent to the site.

While the unique and extraordinary physical features of the site are still applicable and the PUD is necessary to achieve a successful, phased development, this PUD amendment will bring the site closer to conformance with current adopted plans.

The required open space/gateway feature remains a substantial public benefit and its retention within the PUD will ensure its continued benefit to the public.

The PUD provides significant public benefit not achievable through application of a standard zone district by:

- promoting diversification of land use;
- promoting more efficient use of land and energy; and
- promoting development patterns in keeping with the goals and objectives of Denver's Comprehensive Plan.

The PUD amendment will not establish any permitted uses which differ from what is currently permitted and these uses are compatible with the existing land uses adjacent to the property, including commercial, light industrial, health care and residential uses.

The building forms permitted under the proposed PUD amendment are all currently allowed and are compatible with adjacent existing building forms.



**ATTACHMENT G: PROOF OF OWNERSHIP AND AUTHORITY**

# 3840 N YORK ST

Owner	YORK 38 LLC 1600 WYNKOOP ST STE200 DENVER, CO 80202-1157
Schedule Number	02243-00-106-000
Legal Description	CHEESMAN AND MOFFATS ADD COM NW COR B1 L1 N 225.69FT TPOB THE 46.57FT S75.4255E 46.50FT E 136.23FT S 17FT E 197.17FT N29.24FT W 40FT N 150FT W 175FT N 64.60FT W 117.15FT N19.99FT W 92.85FT S 235.31FT TPOB
Property Type	EXC COM NW COR L1 N 346FTTPOB TH N 115FT E 62FT S 115FT W 62FT TPOB COMMERCIAL-OFFICE
Tax District	DENVER

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	20772
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	1943	Basement/Finish:	0/0
Lot Size:	73,799	Zoned As:	PUD-G
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

Current Year			
Actual	Assessed	Exempt	
Land		\$2,952,000	\$856,080 \$0
Improvements		\$976,500	\$283,190
Total		\$3,928,500	\$1,139,270

Prior Year			
Actual	Assessed	Exempt	
Land		\$2,952,000	\$856,080 \$0
Improvements		\$690,300	\$200,190
Total		\$3,642,300	\$1,056,270

Real Estates Property Taxes for current tax year

**System Upgrade Underway:**  
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy \* **79..525** \*  
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 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/13/2023		
Original Tax Levy	\$45,300.22	\$45,300.22	\$90,600.44
Liens/Fees	\$21,106.63	\$21,106.63	\$42,213.26
Interest	\$0.00	\$0.00	\$0.00
Paid	\$66,406.85	\$0.00	\$66,406.85
Due	\$0.00	\$66,406.85	\$66,406.85

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	Y	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$78,816.76**

Assessed Value for the current tax year

Assessed Land	\$856,080.00	Assessed Improvements	\$283,190.00
Exemption	\$0.00	Total Assessed Value	\$1,139,270.00



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Page: 1 of 1

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City & County of Denver  
Electronically Recorded

R \$13.00

AFF

D \$0.00

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

1. This Statement of Authority relates to an entity<sup>1</sup> named  
**York 38 LLC, a Colorado limited liability company**
2. The type of entity is a:
 

<input type="checkbox"/> corporation	<input type="checkbox"/> registered limited liability partnership
<input type="checkbox"/> nonprofit corporation	<input type="checkbox"/> registered limited liability limited partnership
<input checked="" type="checkbox"/> limited liability company	<input type="checkbox"/> limited partnership association
<input type="checkbox"/> general partnership	<input type="checkbox"/> government or governmental subdivision or agency
<input type="checkbox"/> limited partnership	<input type="checkbox"/> trust
<input type="checkbox"/>	
3. The entity is formed under the laws of **Colorado**.
4. The mailing address for the entity is **1600 Wynkoop Street, Suite 200, Denver, Colorado 80202**.
5. The ☒ name ☒ position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **Jerrold Glick, Manaaging Manager**.
6. The authority of the foregoing person(s) to bind the entity: ☐ is<sup>2</sup>not limited ☒ is limited as follows:  
**as set forth in the Operating Agreement.**
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 12<sup>th</sup> day of March 2018

York 38 LLC, a Colorado limited liability company

[Signature]  
By: Jerrold Glick, Managing Manager

State of Colorado )

) ss

County of Denver )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March  
by **Jerrold Glick as Managing Manager of York 38 LLC, a Colorado limited liability company.**

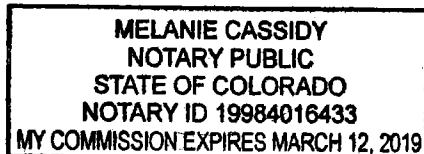
Witness my hand and official seal.

My commission expires: 3.12.2019

[Signature]  
Notary Public

WHEN RECORDED RETURN TO:

York 38 LLC  
1600 Wynkoop Street, Suite 200  
Denver, Colorado 80202  
Attention: Jerrold Glick



Recording Requested by  
FNTG-NCS Colorado

NOB6466

<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup> The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup> The statement of authority must be recorded to obtain the benefits of the statute.

# 3844 N YORK ST

Owner	LIGHTHOUSE WRITERS WORKSHOP INC 1515 RACE ST DENVER, CO 80206-1307
Schedule Number	02243-00-107-000
Legal Description	S23 & 24/T3/R68 COM NW COR L1 CHEESMAN AND MOFFATS ADD B1 N346FT TPOB TH N 115FT E 62FT S 115FT W 62FT TPOB
Property Type	COMMERCIAL-MISC IMPS
Tax District	DENVER

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	7,130	Zoned As:	PUD-G
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

Current Year			
Actual	Assessed	Exempt	
Land		\$285,200	\$82,710 \$0
Improvements		\$1,000	\$290
Total		\$286,200	\$83,000

Prior Year			
Actual	Assessed	Exempt	
Land		\$285,200	\$82,710 \$0
Improvements		\$1,000	\$290
Total		\$286,200	\$83,000



Real Estates Property Taxes for current tax year

**System Upgrade Underway:**  
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy \* **79..525** \*  
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 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$3,300.29	\$3,300.29	\$6,600.58
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$33.01	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$3,333.30	\$3,300.29	\$6,600.58

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$6,193.30**

Assessed Value for the current tax year

Assessed Land	\$82,710.00	Assessed Improvements	\$290.00
Exemption	\$0.00	Total Assessed Value	\$83,000.00

## STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named Lighthouse Writers Workshop, Inc., and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
2. The type of entity is a 501c3 non-profit corporation.
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is:  
3833 Steele Street, Suite 1438  
Denver, CO 80205  
(After May 30, address will be: 3844 York Street, Denver, CO 80205)
5. The name/ position of each person authorized to execute/instruments/conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:  
Michael Henry, Executive Director
6. The authority of the foregoing person(s) to bind the entity is not limited.
7. Other matters concerning the manner in which the entity deals with interests in real property: None.

Executed on 3/30/23.

Signature:



Michael Henry  
Executive Director

# 3850 N YORK ST

Owner	3850 YORK LLC 3850 N YORK ST DENVER, CO 80205-3540
Schedule Number	02243-00-084-000
Legal Description	CHEESMAN AND MOFFATS ADD COM NW COR BLK1 L1 N 461FT TPOB E92.85FT S 19.99FT E 117.15FT N 135.40FT W 210FT S 115.41FTTPOB
Property Type	SFR Grade B w/RK
Tax District	DENVER

Print Summary

Property Description			
Style:	15: 2 STORY	Building Sqr. Foot:	7729
Bedrooms:	3	Baths Full/Half:	3/2
Effective Year Built:	1972	Basement/Finish:	0/0
Lot Size:	26,578	Zoned As:	PUD-G
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

Current Year			
Actual	Assessed	Exempt	
Land	\$1,063,100	\$73,890	\$0
Improvements	\$396,800	\$27,580	
Total	\$1,459,900	\$101,470	

Prior Year			
Actual	Assessed	Exempt	
Land	\$1,063,100	\$76,010	\$0
Improvements	\$396,800	\$28,370	
Total	\$1,459,900	\$104,380	

Real Estates Property Taxes for current tax year

**System Upgrade Underway:**  
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy \* **79..525** \*  
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 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid			
Original Tax Levy	\$4,034.71	\$4,034.71	\$8,069.42
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$40.35	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$4,075.06	\$4,034.71	\$8,069.42

Additional Information

Note:

If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$7,788.64**

Assessed Value for the current tax year

Assessed Land	\$73,890.00	Assessed Improvements	\$27,580.00
Exemption	\$0.00	Total Assessed Value	\$101,470.00



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Page: 1 of 1

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R \$13.00

MIS

D \$0.00

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

1. This Statement of Authority relates to an entity<sup>1</sup> named  
**3850 York LLC, a Colorado limited liability company**
2. The type of entity is a:
 

<input type="checkbox"/> corporation	<input type="checkbox"/> registered limited liability partnership
<input type="checkbox"/> nonprofit corporation	<input type="checkbox"/> registered limited liability limited partnership
<input checked="" type="checkbox"/> limited liability company	<input type="checkbox"/> limited partnership association
<input type="checkbox"/> general partnership	<input type="checkbox"/> government or governmental subdivision or agency
<input type="checkbox"/> limited partnership	<input type="checkbox"/> trust
<input type="checkbox"/>	
3. The entity is formed under the laws of **Colorado**.
4. The mailing address for the entity is **1600 Wynkoop Street, Suite 200, Denver, Colorado 80202**.
5. The ☒ name ☒ position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **Fredrick Glick, Managing Member**.
6. The authority of the foregoing person(s) to bind the entity: ☐ is<sup>2</sup>not limited ☒ is limited as follows:  
**as set forth in the Operating Agreement.**
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S.<sup>3</sup>
9. The Statement of Authority amends and supercedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this 12<sup>th</sup> day of March 2018

3850 York LLC, a Colorado limited liability company

By: Fredrick Glick, Managing Member

State of Colorado )  
 ) ss  
County of Denver )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March  
by **Fredrick Glick as Manager of 3850 York LLC, a Colorado limited liability company.**

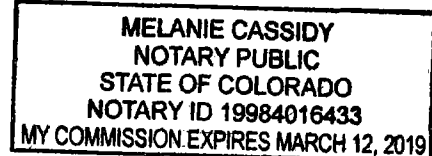
Witness my hand and official seal.

My commission expires: 3.12.2019

Melanie Cassidy  
Notary Public

WHEN RECORDED RETURN TO:

3850 York LLC  
1600 Wynkoop Street, Suite 200  
Denver, Colorado 80202  
Attention: Fredrick Glick



Recording Requested by:  
FNTG-NCS Colorado  
N0013787

<sup>1</sup> This form should not be used unless the entity is capable of holding title to real property.

<sup>2</sup> The absence of any limitation shall be prima facie evidence that no such limitation exists.

<sup>3</sup> The statement of authority must be recorded to obtain the benefits of the statute.



## **ATTACHMENT H: COMMUNITY OUTREACH**

Initial conversations with Pennrose began in July 2022 and they began, internally, to assess the viability of the project over the next few months.

### ***LGBTQ+ Community***

In early November 2022, we began outreach to the LGBTQ+ community, including individuals, community leaders and non-profit service providers to better understand how the project would be received by the LGBTQ+ community and the perceived need for such a project in Denver.

On 18 November 2022 we offered a site visit followed by an informal conversation at 3850. This was hosted by myself, Shannon Cox Baker (Pennrose) and representatives of the project architect, SAR.

Attendees included:

Travis Leiker, president of Capitol Hill United Neighborhoods and Denver City Council at-large candidate  
Terrell Curtis, Executive Director of the Colorado Safe Parking Initiative and Board Chair of Colorado Village Collaborative

Michael Niyompong, Chief Engagement advisor at WellPower

Laura Rossbert, Chief Operating Officer and Supportive Housing Specialist at Shopworks Architecture

Phil Nash, community activist and communications specialist

Dr. Robert Janowski, HIV/AIDS researcher (retired) and community activist

Reynaldo Mireles, Director of Coalition and Capacity Building at Sage (a national non-profit advocating for and providing services to LGBTQ+ elders)

David Miller, CEO of the Barton Institute for Community Action

In addition, we have provided one-on-one tours and briefings for the following community leaders:

Robin Kniech, Denver City Council member at-large

Christiano Sosa, VP of Community Impact at the Rose Community Foundation

Carl Clark, President and CEO of Wellpower

Roger Sherman, Partner at CRL Associates

Steven Haden, CEO Envision:You

Feedback from these community leaders has been resoundingly positive, with many remarking that such a project has been badly needed in Denver, and in Colorado more broadly, for many years. We were advised to continue community conversations throughout the process to ensure that the design is responsive to the needs of the intended residents.

### ***Denver City Council***

CW Kniech was given a tour of the site and a briefing on 1 December 2022. Her response was very positive.

An e-mail was sent to CW CdeBaca concerning the project on 29 December 2022. Her aide responded on 5 January acknowledging the email. We sent follow-up email on 1 February and on 10 February received an email from another aide stating that, "...we have a few meetings in the pipeline with community members about it. I will get back to you when we have more information. Initial observations are that there are some concerns. I am happy to discuss more." We responded that same

day for information on any concerns and information on whom they have spoken with has not received a response. A further follow-up was sent on 17 February and another on 18 March. On 24 March that aide responded asking when a “good time to chat” would be. We responded immediately with several windows, but have not yet had a further response. These emails are attached, below. We do know that CW CdeBaca has spoken with Kraig Burleson of Inner City Health Center (see below), but have not heard of contact by the D9 office from any of the other neighbors with whom we have spoken.

### ***RNOs***

The site is located within the Clayton neighborhood and abuts the Cole neighborhood. While the site falls within the bounds of other, broader RNOs, outreach to date has been made only to the RNOs representing the immediate and abutting neighborhoods.

On 17 January 2023 I spoke to the Clayton United RNO membership concerning the project at the RNO’s regular quarterly meeting. The members voted 10-3-1 to support the rezoning application with some concerns raised concerning parking and, I was told (as an RNO Board Member I recused myself from deliberations and voting and left the room), lack of specificity on the final design of the project. The Clayton United RNO support letter is attached. In addition, a housing activist present at the meeting for another project asked to provide an individual letter of support though he resides in Capital Hill. This support letter is also attached.

On 29 December I reached out to the Cole Neighborhood Association via their Facebook group. I provided further information by e-mail in January and February, leading to the Cole Neighborhood Association providing the attached letter of support. There were no concerns on their part which were shared with me.

### ***Adjacent Property Owners, Businesses and Residents***

Initial targeted outreach to neighboring and nearby property owners, businesses and residents is detailed below. We anticipate further direct outreach once a formal application has been submitted and anticipate providing additional letters of support.

#### ***3840 York St.***

This property is owned by York 38 LLC, of which I am one of the member/owners. My partners and I enthusiastically support this rezoning and use. 3840 is an office building focused on providing affordable space to non-profits and small businesses from the neighborhood. Current tenants include Denver Food Rescue, Moonshot EdVentures and Colorado Outward Bound. Once an application is submitted, we will conduct further outreach with our tenants.

#### ***3850/3848 York St.***

This single-family residence with ADU is the only residential property within 200 feet of Subarea A. As the beneficial owner of this property where I reside with my family, I fully support this rezoning. I have discussed the proposed rezoning with the resident of 3848 York, the ADU attached to our house, and she is supportive of the application and has provided a letter of support, attached.

#### ***3844 York St./Lighthouse Writers Workshop***

This under-construction building is owned by and will be occupied by Lighthouse Writers Workshop, a non-profit literary arts center and an SCFD Tier II arts organization. I have spoken at length with the

Executive Director of Lighthouse and they are very supportive of the rezoning and project, indicating that they feel it will be a good fit with their programs. Their letter of support is attached.

#### *Inner City Health Center*

ICHC owns the properties collectively known as 3800 York St. and which comprise the entirety of Subarea B of PUD-G 20. They occupy and operate a non-profit medical center in the properties fronting York and lease the building behind to the Veterans Administration, which operates a service center primarily serving homeless veterans. I reached out to Kraig Burleson, CEO, on 29 December about the rezoning and project and we met in person on January 11, just prior to his conversation with CW CdeBaca that same day. Kraig expressed concern about parking and additional traffic. He also expressed concern that LGBTQ persons could be targeted for violence which might, in turn, impact ICHC's operations. He indicated that he would not support this project, nor the rezoning, though indicated that he would not actively oppose it. He has since clarified that he will not sign any rezoning application related to this project, stating that "Signing would mean my acquiescence to something that I disagree with on this project and future development on adjacent properties."

#### *York Street Yards*

The properties in the Medical Depot site to the east of Subarea A are collectively being marketed as York Street Yards and are owned by SKB, a Portland, Oregon-based developer. I reached out to SKB's local representative, Rebecca Arnold (Senior VP-Asset Management), on 29 December, 2022 to inform her of the project and the proposed rezoning. On 25 January, 2023 she responded, indicating that they are "interested in encouraging multi-family [development] around York Street Yards," but that they did have questions they would like to work out. I met with Rebecca, Todd Gooding (President) and their counsel, Sarah Rockwell of Kaplan, Kirsch, Rockwell, on 1 February. Their primary concern seemed to relate to parking, both actual parking usage and our potential use of parking on SKB property to meet our entitlement requirements. (The properties in Subarea A--and some of Subarea B--benefit from a recorded parking and access easement, attached.) Following discussion of the anticipated parking needs (both in terms of entitlements and actual anticipated usage, the SKB team expressed their support for the project and we anticipate their eventually providing a letter of support for our application.

We have also spoken directly with some of SKB's tenants, including Cohesion Brewing and Stick and Feather and both have indicated their support for our application and project. Once the application has been initiated we will undertake broader outreach to the neighboring businesses. We anticipate approaching some about potential partnerships, for example looking at how the project might work with Rad Power bikes to acquire senior-appropriate bikes (such as the Rad Power Trike) for the project as part of a transportation demand management (TDM) strategy.

#### *Clara Brown Commons*

This deeply-affordable family housing project is under construction and we reached out to discuss our project with Mile High Ministries, the developer of that project. They expressed no concerns and only enthusiastic support for the project. Their letter of support is attached.

#### *Other Neighboring Property Owners and Tenants*

We will, as the application and project plans progress undertake additional outreach. There are a few neighboring property owners/tenants we have not yet approached because we have, in the past, found that their structure does not lend itself to providing feedback or official support.

Swire, owner and operator of the Coca-Cola bottling plant across York is a large, out of state corporation and while we have found them to be a responsive and friendly neighbor, they have been reluctant to express opinions about proposed development or provide letters of support.

Denver Public Schools is a significant property owner to the south (and just within the 200' boundary), but we would not expect them to take a position on our application, particularly when they are in discussions concerning the possible closure of this school.

The Veterans Administration occupies the ICHC building immediately south of this project, where they operate a service center, primarily serving homeless veterans. We have not sought their support because as a federal agency they do not generally become involved in local political matters. We anticipate reaching out to them as the project plans progress, particularly to see how we might partner to have their support for any veterans living in our project and to continue our practice of providing them space for staff events and larger, public-facing events such as their annual Homeless Veteran Stand Down.

#### *Denver Public Library*

In an effort to ensure the project is as beneficial to the community as possible, we are investigating how the proposed ground floor amenity space can be used to serve the broader community. This use may be limited by the LIHTC requirements and constraints, but we have initiated a conversation with DPL to investigate whether it would be suitable for housing a DPL satellite branch. A further meeting on this was held 14 March at the site with City Librarian Michelle Jeske and Anne Kemmerling, DPL Director of Neighborhood Services.



Fredrick Glick &lt;fred@innoabrd.com&gt;

---

## Rezoning at 3840/3844/3850 York Street

---

**Fred Glick** <fred@innoabrd.com>

Thu, Dec 29, 2022 at 6:26 PM

To: District 9 &lt;district9@denvergov.org&gt;

Cc: "Stalnaker, Liz - CC City Council Aide" &lt;Liz.Stalnaker@denvergov.org&gt;, Ashlee.Wedgeworth@denvergov.org, Shannon Cox Baker &lt;sbaker@pennrose.com&gt;

Dear Councilwoman CdeBaca,

I'm writing to let you know that we are planning to apply to change the zoning on the properties at 3840, 3844 and 3850 York Street.

We are working with an affordable housing developer, Shannon Cox Baker of Pennrose, to build what would be Colorado's first LGBTQ-affirming, senior affordable housing project on the quad behind 3840 York. We initially examined a four-story building (which would, under EHA, be allowed four stories on the site currently for an affordable project) with 56 units. In order to make the project financially viable we will need to increase the number of units. We currently think that a five-story building with approximately 75 units will be the optimal convergence of number of units and construction costs, but if it is viable to build taller and create even more units, we would like the flexibility under EHA to do so.

These properties were rezoned in 2018 into PUD-G 20. The PUD includes these properties, as well as properties to the south owned by Inner City Health Center (ICHC). Both ICHC and our group wanted to make some changes to the properties (including the conversion of a 19-space parking lot into a garden in front of my house; additions to allow ICHC to expand their services; and, eventually, the construction of the Lighthouse Writers Workshop building) and the prior Chapter 59 zoning did not allow any of that to happen. The way the existing buildings are sited on the property created significant barriers to the use of a conforming zone district, which is why we did a PUD.

The ICHC properties (called "Subarea B") have an underlying base zoning of U-MX-3 while the other properties (Subarea A) have a base zoning of I-MX-3. When we went in to rezone the property in 2018, the only applicable plan guidance we had was the Elyria-Swansea Neighborhood Plan, which showed the property as a mixed-use area with a height maximum of three stories. Since then, Blueprint Denver was approved which shows the former Army Medical Depot site as a Community Center, which in an Urban context generally allows heights of up-to five stories. Blueprint, as more recent plan guidance, generally supersedes the small-area plan, but in addition the Elyria-Swansea Plan does not appear to have involved the participation of the Clayton neighborhood.

The only change we propose to the PUD is to change the base zoning of Subarea A to I-MX-5. While we only intend to build on the quad, including the whole subarea simplified the process, both for us and staff. The quad is the only remaining developable piece of ground in the Subarea and we do NOT have any plans to tear down either 3840 or 3850 York.

I'd be more than happy to brief you further on the project and the zoning request and would appreciate your support as we work to realize this important project.

[Quoted text hidden]





Fredrick Glick &lt;fred@innoabrd.com&gt;

---

## Rezoning at 3840/3844/3850 York Street

---

**District 9** <District9@denvergov.org>

Thu, Jan 5, 2023 at 12:01 PM

To: Fred Glick &lt;fred@innoabrd.com&gt;

Cc: "Stalnaker, Liz - CC City Council Aide" &lt;Liz.Stalnaker@denvergov.org&gt;, "Wedgeworth, Ashlee - CC YA2245 City Council Aide" &lt;Ashlee.Wedgeworth@denvergov.org&gt;, Shannon Cox Baker &lt;sbaker@pennrose.com&gt;

Dear Fred,

Thanks for reaching out about this and for your patience as we catch up on emails after our holiday break last week. This is to confirm we've received your email and have shared it with Councilwoman CdeBaca. We will reach back out with any follow-up questions!

Best regards,  
Liz

Liz Stalnaker | Constituent Services & Communications Director  
Councilwoman Candi CdeBaca, District 9 | Denver City Council  
[liz.stalnaker@denvergov.org](mailto:liz.stalnaker@denvergov.org)  
720-337-7709

**The D9 Team**

Denver City Council ★ District 9  
2855 Tremont Place, Unit 201  
Denver, CO 80205  
O: 720-337-7709  
[District9@denvergov.org](mailto:District9@denvergov.org)

- ★ Sign-up for our newsletter by texting "District9" to 66866
- ★ Connect with us on social media! [Twitter](#) ★ [Facebook](#) ★ [Instagram](#)

**D9 COVID-19 Resources**[Sign up for our email list!](#)

\*\*This email is considered an "open record" under the Colorado Open Records Act and must be made available to any person requesting it, unless the email clearly requests confidentiality. Please indicate on any return email if you want your communication to be confidential.

---

**From:** Fred Glick <[fred@innoabrd.com](mailto:fred@innoabrd.com)>**Sent:** Thursday, December 29, 2022 6:26 PM**To:** District 9 <[District9@denvergov.org](mailto:District9@denvergov.org)>**Cc:** Stalnaker, Liz - CC City Council Aide <[Liz.Stalnaker@denvergov.org](mailto:Liz.Stalnaker@denvergov.org)>; Wedgeworth, Ashlee - CC YA2245 City Council Aide <[Ashlee.Wedgeworth@denvergov.org](mailto:Ashlee.Wedgeworth@denvergov.org)>; Shannon Cox Baker <[sbaker@pennrose.com](mailto:sbaker@pennrose.com)>**Subject:** [EXTERNAL] Rezoning at 3840/3844/3850 York Street

[Quoted text hidden]



Fredrick Glick <fred@innoabrd.com>

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## Rezoning at 3840/3844/3850 York Street

---

**Fredrick Glick** <fred@innoabrd.com>

Wed, Feb 1, 2023 at 8:33 AM

To: District 9 <District9@denvergov.org>

Cc: "Stalnaker, Liz - CC City Council Aide" <Liz.Stalnaker@denvergov.org>, "Wedgeworth, Ashlee - CC YA2245 City Council Aide" <Ashlee.Wedgeworth@denvergov.org>, Shannon Cox Baker <sbaker@pennrose.com>

Hi Liz,

I just wanted to follow up and see if there is any feedback from the Councilwoman. I know she spoke with Kraig from ICHC a few weeks ago, but I haven't heard anything further from you guys.

thanks,

fred

[Quoted text hidden]



Fredrick Glick &lt;fred@innoabrd.com&gt;

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## Rezoning at 3840/3844/3850 York Street

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**Wedgeworth, Ashlee - CC YA2245 City Council Aide** <Ashlee.Wedgeworth@denvergov.org>

Fri, Feb 10, 2023 at 12:32 PM

To: Fredrick Glick &lt;fred@innoabrd.com&gt;

Hi Fred,

I'm not sure if you received my last email. But we have a few meetings in the pipeline with community members about it. I will get back to you when we have more information. Initial observations are that there are some concerns. I am happy to discuss more. Thank you for your patience.

Ashlee Wedgeworth

On Feb 1, 2023, at 8:33 AM, Fredrick Glick <[fred@innoabrd.com](mailto:fred@innoabrd.com)> wrote:

Hi Liz,

I just wanted to follow up and see if there is any feedback from the Councilwoman. I know she spoke with Kraig from ICHC a few weeks ago, but I haven't heard anything further from you guys.

thanks,

fred

On Thu, Jan 5, 2023 at 12:01 PM District 9 <[District9@denvergov.org](mailto:District9@denvergov.org)> wrote:

Dear Fred,

Thanks for reaching out about this and for your patience as we catch up on emails after our holiday break last week. This is to confirm we've received your email and have shared it with Councilwoman CdeBaca. We will reach back out with any follow-up questions!

Best regards,  
Liz

Liz Stalaker | Constituent Services & Communications Director  
Councilwoman Candi CdeBaca, District 9 | Denver City Council  
[liz.stalaker@denvergov.org](mailto:liz.stalaker@denvergov.org)

720-337-7709

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- \* Sign-up for our newsletter by texting "District9" to 66866
- \* Connect with us on social media! [Twitter](#) \* [Facebook](#) \* [Instagram](#)

[D9 COVID-19 Resources](#)  
[Sign up for our email list!](#)

\*\*This email is considered an "open record" under the Colorado Open Records Act and must be made available to any person requesting it, unless the email clearly requests confidentiality. Please indicate on any return email if you want your communication to be confidential.

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**The D9 Team**

Denver City Council ★ District 9  
2855 Tremont Place, Unit 201  
Denver, CO 80205  
O: 720-337-7709  
District9@denvergov.org

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90K



Fredrick Glick <fred@innoabrd.com>

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## Rezoning at 3840/3844/3850 York Street

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**Fred Glick** <fred@innoabrd.com>

Fri, Feb 10, 2023 at 12:34 PM

To: "Wedgeworth, Ashlee - CC YA2245 City Council Aide" <Ashlee.Wedgeworth@denvergov.org>

Thanks, Ashlee. Can you give me some indications of whom you're speaking with? I know the CW has spoken with Kraig, but other than him? And can you share what concerns you are hearing?

thanks,

fred

[Quoted text hidden]



Fredrick Glick <fred@innoabrd.com>

---

## Rezoning at 3840/3844/3850 York Street

---

**Fred Glick** <fred@innoabrd.com>

Fri, Feb 17, 2023 at 6:57 PM

To: "Wedgeworth, Ashlee - CC YA2245 City Council Aide" <Ashlee.Wedgeworth@denvergov.org>

Hi Ashlee,

following up my email from last week to ask that you please let me know more details about whom you have and will meet with and the concerns raised. We want to make sure we are proactively meeting with community members and stakeholders. We have met with quite a large number of people to-date, but the only overlap I know of so far in our outreach is Inner City Health Center.

thank you,

fred

[Quoted text hidden]





Fredrick Glick <fred@innoabrd.com>

---

## Rezoning at 3840/3844/3850 York Street

---

**Fredrick Glick** <fred@innoabrd.com>

Sat, Mar 18, 2023 at 4:21 PM

To: "Wedgeworth, Ashlee - CC YA2245 City Council Aide" <Ashlee.Wedgeworth@denvergov.org>

Hi Ashlee,

Again just following up to see if there is any specific feedback from the Councilwoman or the D9 office.

thank you,

fred

[Quoted text hidden]



Fredrick Glick <fred@innoabrd.com>

---

## Rezoning at 3840/3844/3850 York Street

---

**Wedgeworth, Ashlee - CC YA2245 City Council Aide** <Ashlee.Wedgeworth@denvergov.org> Fri, Mar 24, 2023 at 1:25 PM  
To: Fredrick Glick <fred@innoabrd.com>

Hi Fred,

Sorry for the delay. When is a good time to chat?

Ashlee Wedgeworth

On Mar 18, 2023, at 4:21 PM, Fredrick Glick <fred@innoabrd.com> wrote:

[Quoted text hidden]



Fredrick Glick <fred@innoabrd.com>

---

## Rezoning at 3840/3844/3850 York Street

---

**Fred Glick** <fred@innoabrd.com>

Fri, Mar 24, 2023 at 1:30 PM

To: "Wedgeworth, Ashlee - CC YA2245 City Council Aide" <Ashlee.Wedgeworth@denvergov.org>

Hi,

I'm free anytime today, Monday anytime except 11-12 or Wednesday anytime.

thanks,

fred

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**ATTACHMENT I: LETTERS OF SUPPORT**



January 23, 2023  
Clayton United Registered Neighborhood Organization  
Clayton Neighborhood, Denver, CO

Edson Ibañez  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
edson.ibanez@denvergov.org

Re: 3840 York Rezoning

Mr. Ibañez,

On January 17, 2023, the Clayton United RNO met for the quarterly meeting. In the course of our meeting, we discussed the rezoning of 3840 York to allow for Denver's first LGBTQ friendly, affordable senior housing. After discussing the implications of this building, our members voted 10 for, 3 against, 1 abstaining to result in supporting as a neighborhood organization the rezoning of this location to allow for the proposed senior center. Concerns with the rezoning from our members centered around parking for the building with York Street Yards and other commercial buildings in proximity.

Please reach out if there are any questions or issues.

Regards,

Jacob Wilson  
President  
Clayton United RNO  
214.476.3595  
jacobpriestwilson@gmail.com

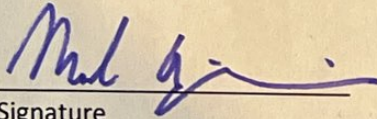
Edson Ibañez  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
edson.ibanez@denvergov.org

Dear Mr. Ibañez,

I am writing to express the support of the Cole Neighborhood Association for the rezoning of the properties at 3840, 3844 and 3850 York Street to allow for building heights of five stories, or up to seven stories on meeting the incentive requirements under the Expanding Housing Affordability.

The proposed affordable housing would provide a substantial public benefit and contribute to making our neighborhood an inclusive one. I have reviewed this matter with our board and received the unanimous consent of our board members.

Sincerely,

  
Signature

Mark Ajluni-President Cole Neighborhood Association



Edson Ibañez  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
edson.ibanez@denvergov.org

Dear Mr. Ibañez,

I am writing to express my enthusiastic support for the rezoning of the properties at 3840, 3844 and 3850 York Street to allow for building heights of five stories, or up to seven stories on meeting the incentive requirements under the Expanding Housing Affordability.

Our organization is building affordable housing across the street at Clara Brown Commons. We have spoken with many neighbors over the years, asking what the neighborhood needs. “Affordable housing” is the constant refrain. The way to meet that need in a neighborhood like ours is through increased density, which includes increased building height. This seems like an ideal property to accomplish this important public purpose.

The proposed affordable housing would provide a substantial public benefit and contribute to making our neighborhood an inclusive one.

Sincerely,

*Jeffrey Johnsen, ED  
Office: 303.839.5198 ext. 107  
Mobile: 720.275.0595*





# LIGHTHOUSE

WRITERS WORKSHOP

February 6, 2023

Edson Ibañez  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
edson.ibanez@denvergov.org

Dear Mr. Ibañez,

I am writing to express my support for the rezoning of the properties at 3840, 3844 and 3850 York Street to allow for building heights of five stories, or up to seven stories on meeting the incentive requirements under the Expanding Housing Affordability.

The proposed affordable housing would provide a substantial public benefit and contribute to making our neighborhood an inclusive one. It's also a great fit with our programming, since we're a literary arts center dedicated to the craft of writing with a firm belief in the power of personal narrative to connect individuals and communities.

Sincerely,

Michael Henry  
Executive Director  
Co-founder

3844 York Street  
Denver, CO 80205

February 1<sup>st</sup>, 2023

Edson Ibañez  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
edson.ibanez@denvergov.org

Dear Mr. Ibañez:

My name is Katherine Welch, and I am a resident of the York Street neighborhood. I am writing to express my support for the rezoning of the properties at 3840, 3844 and 3850 York Street to allow for building heights of five stories, or if needed, up to seven stories on meeting the incentive requirements under the Expanding Housing Affordability laws.

The proposed affordable housing would provide a substantial public benefit and contribute to making our neighborhood an inclusive one. This structure would create a safe and comfortable space for residents-in-need to call home – a privilege I believe all should have the right to enjoy.

Thank you for your time and consideration.

Sincerely,

Katherine Welch  
3848 York Street  
Denver, CO 80205

Edson Ibañez  
Senior City Planner  
Community Planning and Development  
City and County of Denver  
edson.ibanez@denvergov.org

Dear Mr. Ibañez,

I am writing to express my support for the rezoning of the properties at 3840, 3844 and 3850 York Street to allow for building heights of five stories, or up to seven stories on meeting the incentive requirements under the Expanding Housing Affordability.

The proposed affordable housing would provide a substantial public benefit and contribute to making our neighborhood an inclusive one.

Sincerely,

WENDELL WISE MAYES IV

Signature

Name

4/17/23

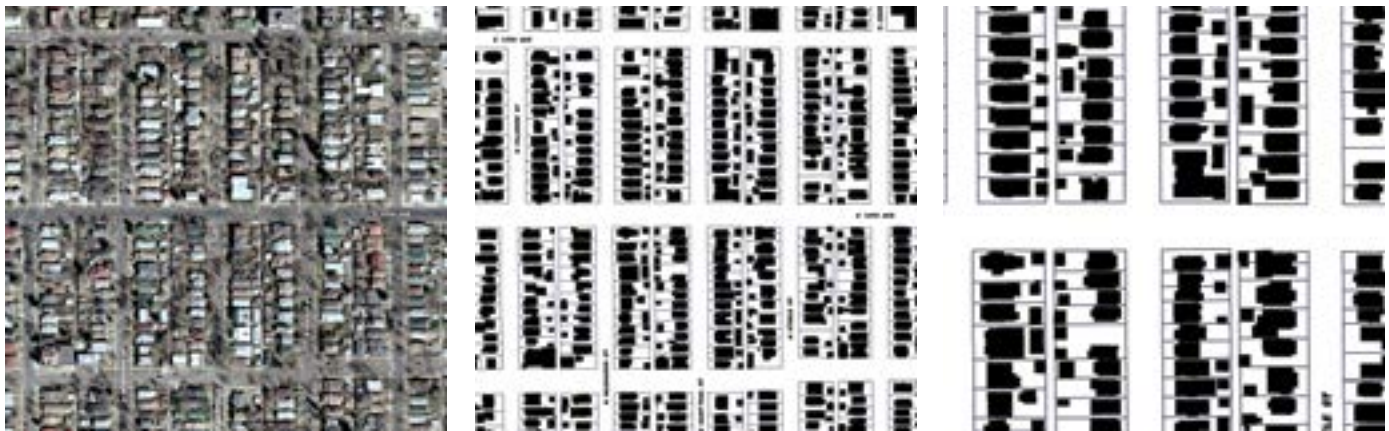
Address

1285 N. CLARKSON ST. #24  
80218

1/3 to 1/4 of ADULT LGBT MEN  
ARE HOMELESS OR HOUSING  
INSECURE → THIS PROJECT IS  
100% NECESSARY!!!!!!

PUD-G XX

---



3740 through 3850 York St.  
2022I-00250

Month XX, 2023

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G XX ESTABLISHED

The provisions of this PUD-G XX apply to the land depicted on the Official Zoning Map with the label PUD-G XX, and more generally described as approximately 4.49 acres of land in Section 24, Township 3 South Range 68 West, City and County of Denver.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G XX for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

A. Subarea A Legal Description

3840 York St & ~~3844~~ York St

The following real estate located in the city and county of Denver, Colorado:  
A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, city and county of Denver, state of Colorado, being more particularly described as follows:  
Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat’s addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said southeast ¼ and which point is also on the east line of York Street;  
Thence north 00°07’00” west parallel with and 47.94 feet west of the east line of the southeast ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet to the true point of beginning;  
Thence north 89°56’24” east, a distance of 46.57 feet;  
Thence south 75°42’55” east, a distance of 46.50 feet;  
Thence north 89°56’24” east, a distance of 136.23 feet;  
Thence south 00°07’00” east, a distance of 17.00 feet;  
Thence north 89°56’24” east, a distance of 197.17 feet;  
Thence north 00°07’00” west, a distance of 29.24 feet;  
Thence south 89°56’24” west, a distance of 40.00 feet;  
Thence north 00°07’00” west, a distance of 150.00 feet;  
Thence south 89°56’24” west, a distance of 175.00 feet;  
Thence north 00°07’00” west, a distance of 64.60 feet;  
Thence south 89°56’24” west, a distance of 117.15 feet;  
Thence north 00°07’00” west, a distance of 19.99 feet;  
Thence south 89°56’24” west, a distance of 92.85 feet to the east line of york street;  
Thence south 00°07’00” east along the east line of York Street, a distance of 235.31 feet to the true point of beginning,  
City and County of Denver, State of Colorado,

The described contains 80,929 sq. Ft. Or 1.8579 acres, more or less.



Together with:

3850 York St.

The following real estate located in the city and county of Denver, Colorado:  
A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest One-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver, state of Colorado, being more particularly described as follows:  
Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat’s addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said Southeast ¼ and which point is also on the east line of York Street:  
Thence north 00°07’00” west parallel with and 47.94 feet west of the east line of the Southeast ¼ of said section 23 and along the east line of York street, a distance of 461.00 feet to the true point of beginning: thence north 89°56’24” east, a distance of 92.85 feet;  
Thence south 00°07’00” east, a distance of 19.99 feet;  
Thence north 89°56’24” east, a distance of 117.15 feet;  
Thence north 00°07’00” west, a distance of 135.40 feet;  
Thence south 89°56’24” west, a distance of 210.00 feet to the east line of York Street;  
Thence south 00°07’00” east along the east line of York Street, a distance of 115.41 feet to the true point of beginning,  
City and county of Denver, State of Colorado.  
The described contains 26,578 sq. Ft. Or 0.6101 acres, more or less.;

**B. Subarea B Legal Description**

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver. State of Colorado, being more particularly described as follows:  
Beginning at the northwest corner of lot 1, block 1, Cheesman and Moffat’s Addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said southeast ¼ and which point is also on the east line of York street;  
Thence north 00°07’00” west parallel with and 47.94 feet west of the east line of the southeast ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet;  
Thence north 89°56’24” east, a distance of 46.57 feet;  
Thence south 75°42’55” east, a distance of 46.50 feet;  
Thence north 89°56’24” east, a distance of 136.23 feet;  
Thence south 00°07’00” east, a distance of 17.00 feet;  
Thence north 89°56’24” east, a distance of 197.17 feet;  
Thence south 00°07’00” east, a distance of 196.22 feet to a point on the south line of the southwest ¼ of said section 24;  
Thence south 89°48’42” west along the south line of the southwest ¼ of said section 24, a distance of 425.00 feet, more or less, to the point of beginning,  
City and county of Denver, State of Colorado.  
The described contains 88,265 sq. Ft. Or 2.0263 acres, more or less.

Together With:

Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Cheesman and Moffat’s Addition to the City of Denver, and Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Lessig Addition, City and County of Denver, State of Colorado.

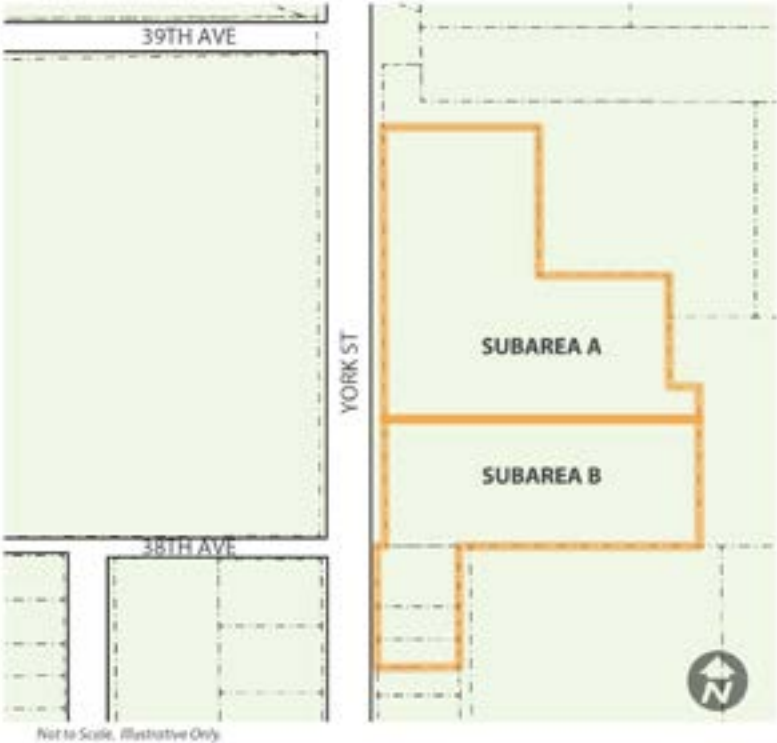


Figure 1-1. Subareas Established within PUD-G 20

SECTION 1.2 PUD-G XX GENERAL PURPOSE

The general purpose of PUD-G XX is to:

- 1.2.1 Facilitate continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south.
- 1.2.2 Provide flexibility in urban design in exchange for outcomes that contribute to the vibrancy of the York Street corridor, including improved surface parking screening and the significant public benefit of a gateway landscaping and pocket park feature that draws the attention of pedestrians to the access of the proposed 39th Avenue Greenway.

SECTION 1.3 PUD-G XX SPECIFIC INTENT

More specifically, PUD-G XX is intended to:

- 1.3.1 Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use and residential areas to the south and Industrial Districts to the north.
- 1.3.2 Facilitate compatible development through the use of appropriate building form and design standards and guidelines.
- 1.3.3 Allow for flexibility to encourage ongoing use and adaptive reuse of a complex of World War II-era Army supply depot administrative structures,
- 1.3.4 Allow flexibility for phased redevelopment of underutilized portions of the site.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 2.1 INDUSTRIAL CONTEXT DESCRIPTION

All development in Subarea A of PUD-G XX shall conform to the Denver Zoning Code Division 9.1, Section 9.1.1, Industrial Context Description, as amended from time to time, except as modified in this PUD-G 20.

SECTION 2.2 URBAN CONTEXT DESCRIPTION

All development in Subarea B of this PUD-G XX shall conform to the Denver Zoning Code Division 5.1 Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 20.



CHAPTER 3. DISTRICTS

SECTION 3.1 ~~I-MX-3~~ I-MX-5 DISTRICT

All development in Subarea A of this PUD-G XX shall conform to the Denver Zoning Code, Section 9.1.2, Districts Established, as specifically applicable to the ~~I-MX-3~~ I-MX-5 Zone District, as amended from time to time, except as expressly modified in this PUD-G 20.

SECTION 3.2 U-MX-3 DISTRICT

All development in Subarea B of this PUD-G XX shall conform to the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-MX-3 Zone District, as amended from time to time, except as expressly modified in this PUD-G 20.

CHAPTER 4. DESIGN STANDARDS

SECTION 4.1 DESIGN STANDARDS FOR SUBAREA A

All development in Subarea A of this PUD-G XX shall conform to the Denver Zoning Code, Section 9.1.3, Design Standards, as specifically applicable to the ~~I-MX-3~~ I-MX-5 Zone District, as amended from time to time.

4.1.1 Height

Development in Subarea A of this PUD-G XX shall have a maximum height of 5 stories or 70’.

A. Exception for Height

Height exception shall be allowed in accordance with Section 9.1.7.1 (Height Exceptions) as applicable to the I-MX-5 zone district.

SECTION 4.2 DESIGN STANDARDS FOR SUBAREA B

All development in Subarea B of this PUD-G XX shall conform to the Denver Zoning Code, Division 5.3, Design Standards as specifically applicable to the U-MX-3 Zone District, as amended from time to time, with the following modifications:

4.2.1 Primary Building Form Standards

Development in Subarea B of this PUD-G XX shall comply with the form standards in Section 5.3.3, Primary Building Form Standards, as amended from time to time, with the exceptions and modifications set forth below.

A. Design Elements

1. Intent

To provide pedestrian-friendly building design by requiring Street Level Activation through transparency, while allowing greater setbacks from the Primary Street.

2. Standards

The following Primary Building Form Standards shall apply and shall replace the transparency requirements of any Primary Building Form used:

DESIGN ELEMENTS	Subarea B
STREET LEVEL ACTIVATION	
Transparency, Primary Street (min)	Shall comply with the Transparency, Primary Street (min) requirements as specified in Sec. 5.3.3.4.J, Shopfront building form
Transparency Alternatives	Allowed per alternative standards for U-MX zone district in DZC Section 5.3.6.2 Transparency Alternatives

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

5.2.1 Uses and Required Minimum Parking for Subarea A

All development in Subarea A of this PUD-G XX shall conform to the Denver Zoning Code, Section 9.1.4, Uses and Required Minimum Parking, as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District, as amended from time to time.

5.2.2 Uses and Required Minimum Parking for Subarea B

All development in Subarea B of this PUD-G XX shall conform to the Denver Zoning Code, Division 5.4, Uses and Required Minimum Parking, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G XX shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G XX shall conform to Article 9, Special Districts of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Amendments to Approved PUD District Plans

This PUD District Plan may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in Denver Zoning Code, Section 9.6.1.4, Amendments to Approved PUD District Plans.

SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

6.3.1 Applicability in Subarea A

Development in Subarea A of this PUD-G XX shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District and as amended from time to time, with the following exceptions:

A. Exception for Phased Development

Development in Subarea A of this PUD-G XX shall conform to Section 10.3.3.3, Exception for Phased Development, except that parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area.

B. Open Space

1. Intent

To provide Publicly Accessible Open Space that draws attention to the adjacent 39th Avenue Greenway and which fosters a “sense of place” and enhances the pedestrian environment. Construction of the feature is intended to correspond with the completion of the new 39th Avenue Greenway and new 39th Avenue roadway.

2. Requirements

- a. A minimum of 1500 square feet of the total area of Subarea A, located at the north-western corner of the property and oriented along York Street, shall be included at Site Development Plan approval as open space, for which the property owner shall execute a permanent non-exclusive easement granting access to the City and the general public, or a warranty deed acceptable to and approved by the City, or a combination of a permanent non-exclusive easement and a warranty deed.
- b. A Site Development Plan application for the required open space shall be submitted concurrently with the first zoning application for development in Subarea A. Construction of the open space shall be completed within 18 months of Site Development Plan approval;
- c. The open space shall be Publicly Accessible Open Space, as that term is defined by the Denver Zoning Code, Article 13, Division 13.3. The owner may establish, post and enforce reasonable rules for the use of the open space, including reasonable opening hours for the open space; and
- d. The open space shall include, at a minimum: 80% permeable surface, 60% live landscape material, one tree per 35’ of York Street frontage to be located anywhere within the open space, 1 seating area, and a pedestrian pathway at least 3’ in width.

6.3.2 Applicability in Subarea B

Development in Subarea B of this PUD-G XX shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the U-MX-3 Zone District and as amended from time to time, with the following exceptions:

A. Exception for Phased Development

Development in Subarea B of this PUD-G XX shall conform to Section 10.3.3.3, Exception for Phased Development, except that:

- 1. Parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area; and
- 2. The reserved area shall not be required to provide landscaping as specified in Section 10.3.3.3.D.

B. Additional Requirements for Surface Parking Lot Garden Wall

Surface Parking shall meet all requirements of Sec. 10.5.4.4, Perimeter Surface Parking Lot Landscaping Standards, as applicable to the Urban Neighborhood Context, including the required garden wall, with the following additional requirement:

- 1. The garden wall shall include at least one of the following treatments for a total of at least 50’ in width, measured parallel to York Street:
  - a. Garden Wall with Covered Seating for Pedestrians which shall comply with DZC Section 13.1.5.7.E.3, and/or
  - b. Pergola which shall comply with DZC Section 13.1.5.7.E.4.

SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE

6.4.1 Applicability in Subarea A

Development in Subarea A of this PUD-G XX shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District, as amended from time to time.

6.4.2 Applicability in Subarea B

Development in Subarea B of this PUD-G XX shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE

6.5.1 Applicability in Subarea A

Development in this PUD-G XX shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Site Development Plan Review

Site development plan review shall not be required for development of a single-unit or two-unit dwelling use.

6.5.2 Applicability in Subarea B

Development in this PUD-G XX shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Exception for Voluntary Demolition of Compliant Structures

A Compliant Structure may be allowed to deviate from the standards in Section 12.6.3.2, Expansions, Alterations, Enlargements to Compliant Structures, in that it may be voluntarily demolished in its entirety, even if doing so would reduce the amount of the existing facade meeting the build-to requirement.

SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE

6.6.1 Applicability

Development in this PUD-GXX shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as expressly amended from time to time, with the following exceptions:

A. Required Build-To

Development in this PUD-G XX shall conform to Section 13.1.5.7, Required Built-To, except that, additionally, where open space meeting the requirements of 6.3.1.B of this PUD-G XX abuts the public street right-of-way, a required Build-to shall be measured from that Permanent Nonexclusive Easement for open space rather than the zone lot line, as illustrated in the rule of measurement in Denver Zoning Code 13.1.5.7.C.1, Min/Max Range.

CHAPTER 7. RULES OF INTERPRETATION

Subject to Chapter 8 of this PUD-G XX, whenever a section of the Denver Zoning Code is referred to in this PUD-G XX, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G XX, this PUD-G XX shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G XX shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G XX The property rights vested through approval of this PUD-G XX shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G XX.

**From:** [Kaye Taavialma](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Affordable LGBTQ+ Senior Housing Project  
**Date:** Monday, May 1, 2023 10:48:57 AM

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Morning,

I am writing to express my support for the rezoning required for the project on 3840 York. Ensuring access to affirming, affordable housing for senior members of the LGBTQ+ community is such a tremendous initiative and is much needed at this time.

Please let me know how I can further support this effort.

Cheers,

--

**[Kaye Taavialma](#) (she/her)**

*Education & Non-Profit Consultant*

*Strategic, Input, Relator, Connectedness, Communicator*

303-330-4988 (m)

\*



\*

What I'm Reading: [The Fifth Discipline](#)

What I'm Listening To: [Intersectionality Matters](#)

Who I'm Following: [@womenswilderness](#)

\*



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*When the wind of change blows, some build walls, others build windmills. - Chinese Proverb*

# Public Comments

*Zoning Application 3840,3944, 3840 and 3850 York Street, Denver CO.*

## i. I. INTRODUCTION:

As a resident of the nearby Cole neighborhood, business owner adjacent to the proposed site, LGBTQ community member and public health professional; I have substantial concerns for this proposed project's ability to meet the needs specific to this disinvested community. The proposed site for construction of the 'LGBTQ affirming' housing is a small parcel of land (originally nineteen parking spaces) which will have minimal setback and is situated *entirely* within a parking lot used by existing businesses. This location 1) impairs safe entry/egress, 2) limits access to parking, 3) does not meaningfully improve access to LGBTQ affirming services and 4) is overall a low-quality location for high density living. These issues contribute to further disinvestment in the aging LGBTQ low-income community.

## II. SAFE ENTRY/EGRESS:

Advancing age residents of this project will be unable to access this five-story eighty-unit project without encountering high foot-traffic pedestrian spaces. This entry and egress creates hazards for both residents and bystanders alike. Moreover, the route of egress West (to York Street) require Southbound residents to cross two lanes of York Street traffic without 1) stop sign or 2) traffic signal. Currently there is no safe entry/egress for residents<sup>1</sup>.

## III. PARKING ACCESS:

The current application uses public transit data rather than widely available income adjusted reports of car ownership. Contrary to the information provided in the zoning application, car ownership remains high in low-income individuals with many unhoused individuals maintaining personal vehicles. In fact, U.S. car ownership adjusted for income shows low-income households having some of the higher rates of personal vehicle ownership and declining public transit use overall. One publication from the UCLA Transit Institute demonstrates increasing car ownership and decreasing transit use as housing costs decrease. The current housing project would require far more parking than stated in the application, creating potential for resident parking to be displaced by retail use.

Furthermore ample parking is necessary for residents, communities with advancing age require parking access for spouses, family, guests and care-givers. The health and wellbeing needs for this community is very often met in home. Moreover, this in-home access and connectedness to family, community and services is a cornerstone of health and wellbeing for communities with

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<sup>1</sup> Marcus, C. C., & Sarkissian, W. (1986). Housing as if people mattered: Site design guidelines for the planning of medium-density family housing (Vol. 4). Univ of California Press.

<sup>1</sup> [New report: ITS scholars on the cause of California's falling transit ridership - UCLA Institute of Transportation Studies](#)

advancing age and insufficient parking creates gaps in access for an especially vulnerable community<sup>2</sup>.

#### IV. LGBTQ AFFIRMING HOUSING:

Ostensibly this project aims to improve the access to services under the ‘LGBTQ Affirming’ housing name. This project is a multistory high-occupancy development in a precarious location for both residents and adjacent businesses alike. Simply put, this ‘LGBTQ Affirming’ project is not especially near any of our communities’ LGBTQ services or resources. The area is also bound on all sides by busy urban corridors absent nearby services such as grocery stores<sup>3</sup>.

#### V. CONCLUSION

This historically disinvested community does not deserve to be housed in the footprint of a nineteen-space parking lot with poor access to safe entry/egress, no improvement in access to LGBTQ services and limited access to parked vehicles and nearby parking. A formal needs assessment based on end-user feedback would better inform the developer of community need specific to the aspects of housing overlooked in the current proposal.

Respectfully,

**Frank Moore MD, MPH**

Cole Resident

York Street Yards Business Owner

franknmoore@gmail.com

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<sup>2</sup> Ferris, R. E., Glicksman, A., & Kleban, M. H. (2016). Environmental predictors of unmet home-and community-based service needs of older adults. *Journal of Applied Gerontology*, 35(2), 179-208.

<sup>3</sup> Hanson, D., & Emler, C. A. (2006). Assessing a community's elder friendliness: a case example of The AdvantAge Initiative. *Family and Community Health*, 266-278.

May 16, 2023

Joel Noble, Chair and Members  
Denver Planning Board

Re: Application #: 22i-00250/3840-3850 N York Street (the “Application”)

Dear Mr. Noble and Members:

Steele Street Buildings LLC (“Steele Street”), an affiliate of ScanlanKemperBard (“SKB”) owns the property known as York Street Yards consisting of 3821 to 3897 N Steele Street, immediately east of 3840-3850 N. York Street. We are writing to clarify our position regarding the above referenced Application.

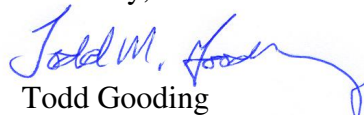
Mr. Glick is correct that on January 25, 2023, he met with Rebecca Arnold and me regarding the Application. At that time, Ms. Arnold and I informed Mr. Glick that Steele Street was concerned that the parking needs for the proposed project would overflow onto the Steele Street property and interfere with the parking needs of Steele Street’s tenants and operations. While the Declaration of Easements (the parking and access easement referred to in the Application) provides parking and access rights for existing uses on Mr. Glick’s property, it does not necessarily contemplate the expansion of those rights for more intense development on his property.

Accordingly, we informed Mr. Glick that Steele Street would support the Application if we could agree on acceptable rules and regulations under the Declaration of Easements for use of the Steele Street property by tenants of the proposed new multi-family project. We have been working with Mr. Glick on an acceptable arrangement, but as of the date of the Planning Commission hearing, have not yet reached agreement.

Therefore, at this time, Steele Street opposes the Application. In particular, under Section 12.4.10.9(D) of the Denver Zoning Code, we do not believe that the proposed uses are compatible with existing land uses adjacent to the subject property because, without appropriate rules and regulations, the parking needs to the proposed use will interfere with the current parking and operational needs of the Steele Street property.

Ms. Arnold from Steele Street will attend the Planning Board hearing on behalf of Steele Street and will be available to answer any questions.

Sincerely,



Todd Gooding  
President, ScanlanKemperBard



**From:** [Mary Coddington](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Support for rezoning at 3840 York  
**Date:** Wednesday, May 31, 2023 9:53:08 AM

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Good Morning Edson,

I am writing to support the rezoning application for 3840 York St.

I am a Clayton neighbor and I walk to or by the businesses in the York Street Yards on a daily basis. It is so great to see this adaptive reuse in our neighborhood and I love being able to witness this corner of our community growing and thriving.

To continue that trajectory we need more neighbors, and the PUD rezoning for the York St. project is an important piece in getting us there.

Thank you for your work on this effort.

Sincerely,

--

Mary Coddington  
Principal, Cappelli Consulting  
(206) 445-9672



Edson Ibanez  
Senior City Planner  
The City and County of Denver

*(Sent via email on 5/31/23)*

Dear Mx. Ibanez,

I am reaching to express The Delores Project's support of the proposed senior housing project at 3840 York Street, case number 20221-00250.

As an organization serving a continually aging population of those earning under 30% of the area median income who consistently struggle to find safe, affordable, and accessible housing, more than 25% of whom identify as LGBTQIA+, we are in fully support of the creation of additional housing within The City and County of Denver that is designed to serve any and all historically underrepresented and underserved populations. In particular, many LGBTQIA elders are without children or family to support to look out for them as they age and having access to affordable housing and a community of understanding and support is crucial to overall health and wellness.

Should you have any questions about our enthusiastic endorsement of this project, please don't hesitate to reach out.

Sincerely,  
Emily Wheeland  
CEO



**From:** [DEAN PRINA](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] 3840 North York  
**Date:** Tuesday, May 30, 2023 9:49:16 PM

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Sir,

Please add my name as a full supporter of the LGBTQ+ housing project at 3840 North York, Case # 20221-0050. It is necessary and essential.

Thank you.

Dean Prina, M.D.



May 31, 2023

Denver City Council  
1437 Bannock St.  
Denver, CO 80202

**Subject: Support for Proposed Housing Project for Older LGBTQ+ Adults 3840 York Street**

Dear Members of the Denver City Council,

I write to you today as the CEO of Envision:You, a Denver-based nonprofit organization dedicated to promoting the mental health and well-being of the LGBTQ+ community across Denver and the State of Colorado. I am writing this letter to express our organization's strong support for the proposed housing project for older LGBTQ+ adults in our city.

Envision:You firmly believes that affordable housing tailored to the specific needs of the LGBTQ+ community is an essential component of fostering a safe and inclusive environment. As you are aware, LGBTQ+ individuals, especially those in the older age group, face unique challenges and discrimination in various aspects of their lives, including housing. Many have experienced a lifetime of prejudice, bias, and exclusion, which can lead to higher rates of homelessness, housing instability, and compromised mental health.

The proposed housing project for older LGBTQ+ adults represents a crucial step towards addressing these disparities and providing a supportive living environment for this vulnerable population. By creating affordable housing that is culturally responsive and inclusive, we can alleviate the financial burden faced by many older LGBTQ+ individuals and enhance their overall well-being. Access to safe, affordable housing enables them to maintain their independence, preserve their dignity, and enjoy a higher quality of life as they age.

Furthermore, the positive impact of such a housing project extends beyond the individual residents. It will also contribute to the broader Denver community by fostering a sense of belonging, promoting social connectedness, and creating opportunities for intergenerational dialogue and support. By establishing a community that celebrates diversity and inclusivity, we can build a stronger, more resilient Denver for all its residents.

Envision:You stands ready to support this housing project in any way we can. We offer a range of programs and services designed to support the mental health and well-being of the LGBTQ+ community, including counseling, support groups, educational workshops, and advocacy efforts. We are committed to collaborating with the City Council, local agencies, and other stakeholders to ensure the success and sustainability of this housing initiative.

In conclusion, I urge the Denver City Council to wholeheartedly support the proposed housing project for older LGBTQ+ adults. By investing in affordable housing that is tailored to the unique needs of this population, we can create a more equitable and inclusive city that values and celebrates its diverse communities. Thank you for your attention to this critical matter, and we look forward to working together towards a brighter future for all.

Sincerely,

*Steven*

Steven Haden (he/him)  
Chief Executive Officer  
Envision:You

Matthew and Marisa Gullicksrud  
3600 N Cook St.  
Denver, CO, 80205  
[mpgullick@gmail.com](mailto:mpgullick@gmail.com)  
720-381-3071  
June 5, 2023

City Council's Land Use Committee  
Denver City Council  
Denver City Hall  
1437 Bannock St, Room 451  
Denver, CO 80202  
[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)

Subject: Support for the Denver LGBTQ+ Senior Housing Project at 3840 York Street  
(2022I-00250)

To whom it may concern,

We are writing to express our wholehearted support for the Denver LGBTQ+ Senior Housing Project at 3840 York Street. As residents of Denver and strong advocates for social equality and inclusive communities, we believe it is essential to provide affordable housing options for all members of our society, regardless of their sexual orientation, gender identity, or age.

The Denver LGBTQ+ Senior Housing Project aligns with our city's values of diversity, inclusion, and equal opportunity. It is a crucial initiative that addresses the specific needs of our LGBTQ+ seniors, who often face unique challenges in finding safe and affirming housing options. This project aims to create a vibrant, supportive, and inclusive community where LGBTQ+ seniors can age with dignity and receive the care and support they deserve.

We commend the project's leadership for their unwavering commitment to expanding access to affordable housing. Their dedication and tireless efforts have demonstrated their genuine concern for the well-being of LGBTQ+ seniors in our community. By actively engaging with stakeholders, collaborating with local organizations, and prioritizing inclusivity, they have shown that this project is rooted in empathy, compassion, and a deep understanding of the needs of LGBTQ+ seniors.

Furthermore, the Denver LGBTQ+ Senior Housing Project at 3840 York Street will contribute positively to our city's social fabric. It will foster a sense of belonging and provide a safe space where LGBTQ+ seniors can connect with others who share similar life experiences. This sense of community is crucial for combating isolation and promoting mental and emotional well-being among our aging LGBTQ+ population.

Affordable housing is a pressing issue in Denver, and we firmly believe that supporting initiatives like the Denver LGBTQ+ Senior Housing Project is a step in the right direction. By ensuring access to affordable housing for all, we can build a more equitable city that celebrates diversity and empowers all its residents to thrive.

We urge you to give your full support to the Denver LGBTQ+ Senior Housing Project at 3840 York Street. By doing so, we will demonstrate our commitment to the principles of equality, inclusivity, and compassion that define our great city.

Thank you for your time and consideration. I trust that you will make the right choice in supporting this vital project. If there is any further information or action I can provide to support this cause, please do not hesitate to reach out.

Yours sincerely,

Matthew and Marisa Gullicksrud



**From:** [David Miller](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Support for 3840 York Street rezoning-- case number (2022I-00250)  
**Date:** Thursday, June 1, 2023 9:38:56 AM

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Dear Mr. Ibañez,

It is my honor and pleasure to write this letter in support of the rezoning at 3840 York Street, case number 2022I-00250.

As you well know, the number one issue in Denver and in Colorado is affordable housing. Having more affordable housing is crucial to the future of our city and our state.

This proposed project will make a significant contribution to the huge need that we have. In addition, the project is unique. To my knowledge, there is no other project in Colorado that focuses on older members of the LGBTQ+ community. The need for affordable housing among this group is enormous.

Thank you very much for your consideration.

Sincerely,

David Miller

**David Miller**

CEO

Barton Institute for Community Action

1114 W. 7th Avenue, Suite 215

Denver, CO 80204

(720)710-4031 | [david.miller@bartoninstitute.org](mailto:david.miller@bartoninstitute.org)

**From:** [Nicole McCall](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] In support of Case 2022I-00250 / Lot behind 3840 York Street  
**Date:** Friday, June 2, 2023 4:48:16 PM

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Hello,

My name is Nicole and I am Clayton neighborhood resident and home owner. I live just blocks from the property behind 3840 York Street. I am writing to vocalize my support for rezoning this lot to allow for Colorado's first LGBTQ-affirming, senior affordable housing project (case 2022I-0025).

I am proud to live in a neighborhood full of diversity and support and believe this project will further improve this community. Thank you for your consideration!

Cheers,  
Nicole McCall  
CXO / CoFounder

FieldGuide IT  
[www.fieldguide.it](http://www.fieldguide.it)

**From:** [Laura Rossbert](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Support for affordable housing project on the quad behind 3840 N York  
**Date:** Tuesday, June 6, 2023 10:40:48 AM

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Greetings,

I wanted to reach out as a citizen of Denver to share my support for affordable housing, generally, and specifically the proposed development of Colorado's first LGBTQ-affirming, senior affordable housing project on the quad behind 3840 N York.

That site is directly on my bike ride between my house in Park Hill and my job in Globeville. We deeply need affordable housing, and I love the proposed development that provides much needed units!

Thanks,  
Laura

--

Laura Ann Gilbert Rossbert  
[LauraRossbert@gmail.com](mailto:LauraRossbert@gmail.com)

**From:** [George McGuirk](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Support for development at 3840 N York  
**Date:** Friday, June 9, 2023 5:07:50 PM

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Hi,

I am writing to express my support for the LGBTQ+ affirming affordable senior housing project in the quad behind 3840 N York (case number 2022I-00250) proposed by Pennrose. This would be Colorado's first LGBTQ-affirming, senior affordable housing project, and given the critical need for this type of housing, I support rezoning to allow for a 5 story building which will make the project financially viable.

Thank you,  
George McGuirk  
2834 N Williams St.  
Denver, CO 80205

**From:** [Draper - CDOT, Matthew](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] 3840 York St. - Rezone Concern  
**Date:** Tuesday, June 13, 2023 1:37:29 PM

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Dear Mr. Ibanez-

I am writing you with my concerns for the rezoning on 3840 York St.

I am writing to you today to express my concern about the proposed rezoning of 3840 York St. to a 5-story structure. I strongly believe that this rezoning will have a negative impact on the community and the surrounding businesses.

Firstly, after talking to the building owner there is no parking plan in place that would accommodate the 56 units and the potential 112 cars that would come with them. This poses a serious issue as it would cause a lack of parking for not only residents but also shoppers and workers in the surrounding businesses at York St. Yards.

In addition, the building's proposed location would block an amazing view west, which overlooks the beautiful mountains. This is not only a disappointment for residents who enjoy the view, but it also detracts from the beauty of the area and affects the tourism industry.

Moreover, the construction of the 5-story building would negatively impact the new businesses in York St yards in terms of parking and construction access. There are already concerns about these issues, and further construction would undoubtedly worsen the situation.

Finally, I would like to draw your attention to the fact that the Lighthouse Writers Workshop has recently opened, right in front of the suggested building. We are already seeing the concerns outlined above come to fruition, which emphasizes the urgent need for action.

In view of the above, I would strongly encourage you to reconsider the proposed rezoning and consider these issues seriously. We must prioritize the needs and preferences of the community above other considerations.

Sincerely,  
Concerned Resident

**From:** [Anaya Robinson](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Case number 2022I-00250  
**Date:** Thursday, June 8, 2023 1:33:53 PM  
**Attachments:** [image001.png](#)

---

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

Hello Edson,

I am Anaya Robinson, the Senior Policy Strategist with the ACLU of Colorado, writing to voice our support for the LGBTQ+ affirming senior housing project at 3840 N York. LGBTQ+ elders are 2xs more likely than their cisgender and heterosexual peers to be single, and 4xs less likely to have children. Because of this, community for LGBTQ+ elders is paramount to their stability and health outcomes. Safety and competency within housing is so important for this community, and ensuring an affirming housing space that is competent to their needs, and allows them to be in immediate community to those with similar backgrounds, histories, and support will allow better outcomes for these individuals, specifically for trans elders who face consistent and ongoing discrimination in many settings, including nursing home and assisted living facilities, which without housing options like the proposed, become one of their only options to get the level of care so many of our LGBTQ+ elders need. This development will allow an affirming space for community members and allies, and will help make sure that LGBTQ+ elders get to age in the setting of their choice. The ACLU of Colorado hopes that the city will approve the rezoning request so that this project may move forward. Thank you.

In community,

**Anaya Robinson (he/him)**

Senior Policy Strategist  
American Civil Liberties Union of Colorado  
303 E. 17th Ave., Suite 350, Denver, CO 80203  
616.745.2830 (m)| [arobinson@aclu-co.org](mailto:arobinson@aclu-co.org)

[aclu-co.org](https://aclu-co.org)



**From:** [Kristi Petrie](#)  
**To:** [Ibanez, Edson - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] Neighbor support for LGBTQ+ affirming affordable senior housing project (case number 2022I-00250) proposed for 3840 N York  
**Date:** Monday, June 19, 2023 10:31:58 AM

---

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

Hi Edson,

I'm writing in support of the LGBTQ+ affirming affordable senior housing project (case number 2022I-00250) proposed for 3840 N York in Denver. I'm a neighbor in the Clayton neighborhood (3295 N Cook St, Denver, CO 80205) and our family is fully in support of this project. Please let me know if you have any further questions or if there are any other opportunities for me to share support of this project.

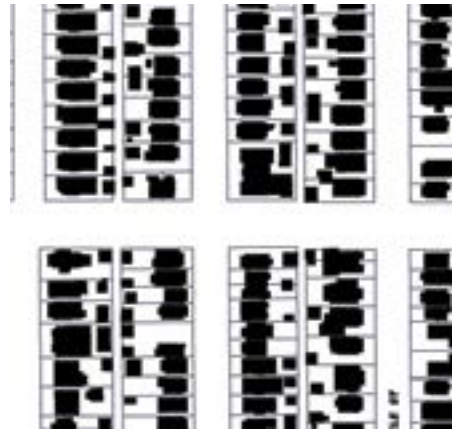
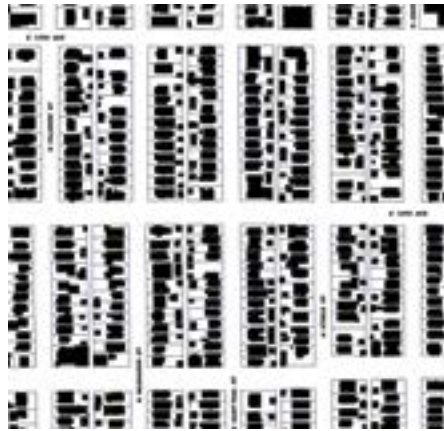
Thank you!

Best,

Kristi Petrie  
3295 N Cook St  
Denver, CO 80205  
720-308-4431

# PUD-G 32

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DRAFT

3740 through 3850 York St.  
2022I-00250

Month XX, 2023



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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 32 ESTABLISHED

The provisions of this PUD-G 32 apply to the land depicted on the Official Zoning Map with the label PUD-G 32, and more generally described as approximately 4.49 acres of land in Section 24, Township 3 South Range 68 West, City and County of Denver.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 32 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

A. Subarea A Legal Description

3840 York St & ~~3844~~ York St

The following real estate located in the city and county of Denver, Colorado:  
A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, city and county of Denver, state of Colorado, being more particularly described as follows:  
Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat’s addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said southeast ¼ and which point is also on the east line of York Street;  
Thence north 00°07’00” west parallel with and 47.94 feet west of the east line of the southeast ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet to the true point of beginning;  
Thence north 89°56’24” east, a distance of 46.57 feet;  
Thence south 75°42’55” east, a distance of 46.50 feet;  
Thence north 89°56’24” east, a distance of 136.23 feet;  
Thence south 00°07’00” east, a distance of 17.00 feet;  
Thence north 89°56’24” east, a distance of 197.17 feet;  
Thence north 00°07’00” west, a distance of 29.24 feet;  
Thence south 89°56’24” west, a distance of 40.00 feet;  
Thence north 00°07’00” west, a distance of 150.00 feet;  
Thence south 89°56’24” west, a distance of 175.00 feet;  
Thence north 00°07’00” west, a distance of 64.60 feet;  
Thence south 89°56’24” west, a distance of 117.15 feet;  
Thence north 00°07’00” west, a distance of 19.99 feet;  
Thence south 89°56’24” west, a distance of 92.85 feet to the east line of york street;  
Thence south 00°07’00” east along the east line of York Street, a distance of 235.31 feet to the true point of beginning,  
City and County of Denver, State of Colorado,

The described contains 80,929 sq. Ft. Or 1.8579 acres, more or less.

Together with:

3850 York St.

The following real estate located in the city and county of Denver, Colorado:  
A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest One-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver, state of Colorado, being more particularly described as follows:  
Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat’s addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said Southeast ¼ and which point is also on the east line of York Street:  
Thence north 00°07’00” west parallel with and 47.94 feet west of the east line of the Southeast ¼ of said section 23 and along the east line of York street, a distance of 461.00 feet to the true point of beginning: thence north 89°56’24” east, a distance of 92.85 feet;  
Thence south 00°07’00” east, a distance of 19.99 feet;  
Thence north 89°56’24” east, a distance of 117.15 feet;  
Thence north 00°07’00” west, a distance of 135.40 feet;  
Thence south 89°56’24” west, a distance of 210.00 feet to the east line of York Street;  
Thence south 00°07’00” east along the east line of York Street, a distance of 115.41 feet to the true point of beginning,  
City and county of Denver, State of Colorado.  
The described contains 26,578 sq. Ft. Or 0.6101 acres, more or less.;

**B. Subarea B Legal Description**

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver. State of Colorado, being more particularly described as follows:  
Beginning at the northwest corner of lot 1, block 1, Cheesman and Moffat’s Addition to the city of Denver, which point is on the south line of the southeast ¼ of said section 23, 47.94 feet west of the southeast corner of said southeast ¼ and which point is also on the east line of York street;  
Thence north 00°07’00” west parallel with and 47.94 feet west of the east line of the southeast ¼ of said section 23 and along the east line of York Street, a distance of 225.69 feet;  
Thence north 89°56’24” east, a distance of 46.57 feet;  
Thence south 75°42’55” east, a distance of 46.50 feet;  
Thence north 89°56’24” east, a distance of 136.23 feet;  
Thence south 00°07’00” east, a distance of 17.00 feet;  
Thence north 89°56’24” east, a distance of 197.17 feet;  
Thence south 00°07’00” east, a distance of 196.22 feet to a point on the south line of the southwest ¼ of said section 24;  
Thence south 89°48’42” west along the south line of the southwest ¼ of said section 24, a distance of 425.00 feet, more or less, to the point of beginning,  
City and county of Denver, State of Colorado.  
The described contains 88,265 sq. Ft. Or 2.0263 acres, more or less.

Together With:

Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Cheesman and Moffat’s Addition to the City of Denver, and Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Lessig Addition, City and County of Denver, State of Colorado.

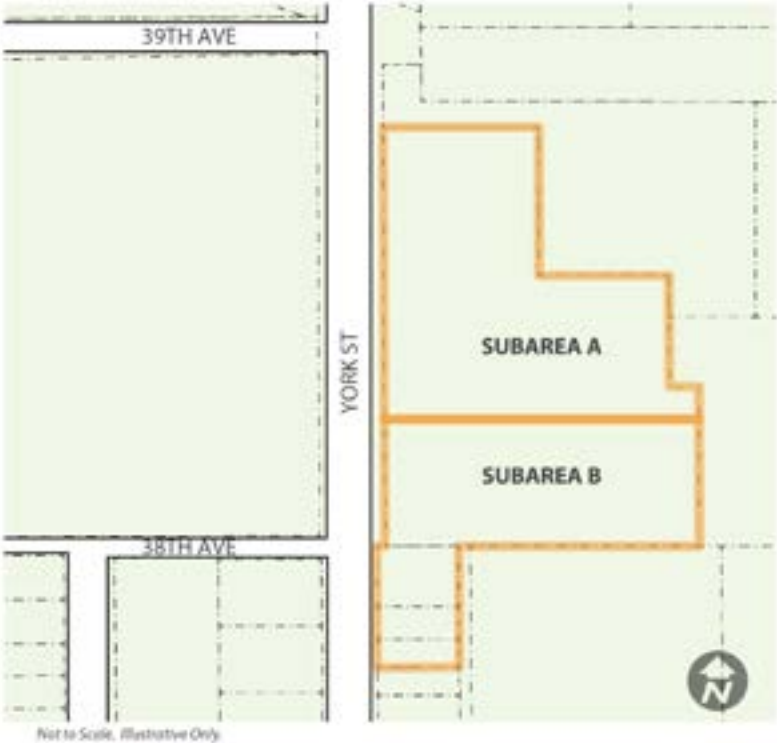


Figure 1-1. Subareas Established within PUD-G 20

**SECTION 1.2 PUD-G 32 GENERAL PURPOSE**

The general purpose of PUD-G 32 is to:

- 1.2.1 Facilitate continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south.
- 1.2.2 Provide flexibility in urban design in exchange for outcomes that contribute to the vibrancy of the York Street corridor, including improved surface parking screening and the significant public benefit of a gateway landscaping and pocket park feature that draws the attention of pedestrians to the access of the proposed 39th Avenue Greenway.

**SECTION 1.3 PUD-G 32 SPECIFIC INTENT**

More specifically, PUD-G 32 is intended to:

- 1.3.1 Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use and residential areas to the south and Industrial Districts to the north.
- 1.3.2 Facilitate compatible development through the use of appropriate building form and design standards and guidelines.
- 1.3.3 Allow for flexibility to encourage ongoing use and adaptive reuse of a complex of World War II-era Army supply depot administrative structures,
- 1.3.4 Allow flexibility for phased redevelopment of underutilized portions of the site.

**CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION**

**SECTION 2.1 INDUSTRIAL CONTEXT DESCRIPTION**

All development in Subarea A of PUD-G 32 shall conform to the Denver Zoning Code Division 9.1, Section 9.1.1, Industrial Context Description, as amended from time to time, except as modified in this PUD-G 32.

**SECTION 2.2 URBAN CONTEXT DESCRIPTION**

All development in Subarea B of this PUD-G 32 shall conform to the Denver Zoning Code Division 5.1 Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 32.

CHAPTER 3. DISTRICTS

SECTION 3.1 ~~I-MX-3~~ **I-MX-5** DISTRICT

All development in Subarea A of this PUD-G 32 shall conform to the Denver Zoning Code, Section 9.1.2, Districts Established, as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District, as amended from time to time, except as expressly modified in this PUD-G 32.

SECTION 3.2 **U-MX-3** DISTRICT

All development in Subarea B of this PUD-G 32 shall conform to the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-MX-3 Zone District, as amended from time to time, except as expressly modified in this PUD-G 32.

CHAPTER 4. DESIGN STANDARDS

SECTION 4.1 **DESIGN STANDARDS FOR SUBAREA A**

All development in Subarea A of this PUD-G 32 shall conform to the Denver Zoning Code, Section 9.1.3, Design Standards, as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District, as amended from time to time.

**4.1.1 Height - Primary Building Form Standards**

**A. Maximum Building Height – Town House Building Form**

The maximum permitted building height standards for the Town House building form stated in Section 9.1.3.3 A shall apply in Subarea A.

**B. Maximum Building Height – General Building Forms**

The maximum permitted building height of 7 stories with incentives pursuant to Section 9.1.3.3.B (General building form) in the Denver Zoning Code shall not apply. Instead, the following shall apply in Subarea A:

- 1. Maximum Building Height in Stories and Feet**  
No primary structure erected on the subject property according to the General building forms shall exceed 5 stories and 70 feet in building heights.
- 2. Applicability of Height Incentives**  
Additional building height according to Section 10.12.1 (Height Incentives) is not applicable in Subarea A.
- 3. Exceptions for Height**  
Height exception shall be allowed according to Section 9.1.7.1 (Height Exceptions) as applicable to the I-MX-5 zone district.

**C. Maximum Building Height – Industrial Building Form**

The maximum permitted building height standards for the Industrial building form stated in Section 9.1.3.3 C shall apply in Subarea A.

SECTION 4.2 **DESIGN STANDARDS FOR SUBAREA B**

All development in Subarea B of this PUD-G 32 shall conform to the Denver Zoning Code, Division 5.3, Design Standards as specifically applicable to the U-MX-3 Zone District, as amended from time to time, with the following modifications:

**4.2.1 Primary Building Form Standards**

Development in Subarea B of this PUD-G 32 shall comply with the form standards in Section 5.3.3, Primary Building Form Standards, as amended from time to time, with the exceptions and modifications set forth below.

**A. Design Elements**

- 1. Intent**  
To provide pedestrian-friendly building design by requiring Street Level Activation through transparency, while allowing greater setbacks from the Primary Street.
- 2. Standards**  
The following Primary Building Form Standards shall apply and shall replace the transparency requirements of any Primary Building Form used:

DESIGN ELEMENTS	Subarea B
STREET LEVEL ACTIVATION	
Transparency, Primary Street (min)	Shall comply with the Transparency, Primary Street (min) requirements as specified in Sec. 5.3.3.4.J, Shopfront building form
Transparency Alternatives	Allowed per alternative standards for U-MX zone district in DZC Section 5.3.6.2 Transparency Alternatives

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

5.2.1 Uses and Required Minimum Parking for Subarea A

All development in Subarea A of this PUD-G XX shall conform to the Denver Zoning Code, Section 9.1.4, Uses and Required Minimum Parking, as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District, as amended from time to time.

5.2.2 Uses and Required Minimum Parking for Subarea B

All development in Subarea B of this PUD-G 32 shall conform to the Denver Zoning Code, Division 5.4, Uses and Required Minimum Parking, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 32 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 32 shall conform to Article 9, Special Districts of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Amendments to Approved PUD District Plans

This PUD District Plan may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in Denver Zoning Code, Section 9.6.1.4, Amendments to Approved PUD District Plans.

SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

6.3.1 Applicability in Subarea A

Development in Subarea A of this PUD-G 32 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District and as amended from time to time, with the following exceptions:

A. Exception for Phased Development

Development in Subarea A of this PUD-G 32 shall conform to Section 10.3.3.3, Exception for Phased Development, except that parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area.

B. Open Space

1. Intent

To provide Publicly Accessible Open Space that draws attention to the adjacent 39th Avenue Greenway and which fosters a “sense of place” and enhances the pedestrian environment. Construction of the feature is intended to correspond with the completion of the new 39th Avenue Greenway and new 39th Avenue roadway.

2. Requirements

- a. A minimum of 1500 square feet of the total area of Subarea A, located at the north-western corner of the property and oriented along York Street, shall be included at Site Development Plan approval as open space, for which the property owner shall execute a permanent non-exclusive easement granting access to the City and the general public, or a warranty deed acceptable to and approved by the City, or a combination of a permanent non-exclusive easement and a warranty deed.
- b. A Site Development Plan application for the required open space shall be submitted concurrently with the first zoning application for development in Subarea A. Construction of the open space shall be completed within 18 months of Site Development Plan approval;
- c. The open space shall be Publicly Accessible Open Space, as that term is defined by the Denver Zoning Code, Article 13, Division 13.3. The owner may establish, post and enforce reasonable rules for the use of the open space, including reasonable opening hours for the open space; and
- d. The open space shall include, at a minimum: 80% permeable surface, 60% live landscape material, one tree per 35’ of York Street frontage to be located anywhere within the open space, 1 seating area, and a pedestrian pathway at least 3’ in width.

6.3.2 Applicability in Subarea B

Development in Subarea B of this PUD-G 32 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the U-MX-3 Zone District and as amended from time to time, with the following exceptions:

A. Exception for Phased Development

Development in Subarea B of this PUD-G 32 shall conform to Section 10.3.3.3, Exception for Phased Development, except that:

- 1. Parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area; and
- 2. The reserved area shall not be required to provide landscaping as specified in Section 10.3.3.3.D.

B. Additional Requirements for Surface Parking Lot Garden Wall

Surface Parking shall meet all requirements of Sec. 10.5.4.4, Perimeter Surface Parking Lot Landscaping Standards, as applicable to the Urban Neighborhood Context, including the required garden wall, with the following additional requirement:

- 1. The garden wall shall include at least one of the following treatments for a total of at least 50’ in width, measured parallel to York Street:



- a. Garden Wall with Covered Seating for Pedestrians which shall comply with DZC Section 13.1.5.7.E.3, and/or
- b. Pergola which shall comply with DZC Section 13.1.5.7.E.4.

SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE

6.4.1 Applicability in Subarea A

Development in Subarea A of this PUD-G 32 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the ~~I-MX-3~~ **I-MX-5** Zone District, as amended from time to time.

6.4.2 Applicability in Subarea B

Development in Subarea B of this PUD-G 32 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE

6.5.1 Applicability in Subarea A

Development in this PUD-G 32 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Site Development Plan Review

Site development plan review shall not be required for development of a single-unit or two-unit dwelling use.

6.5.2 Applicability in Subarea B

Development in this PUD-G 32 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Exception for Voluntary Demolition of Compliant Structures

A Compliant Structure may be allowed to deviate from the standards in Section 12.6.3.2, Expansions, Alterations, Enlargements to Compliant Structures, in that it may be voluntarily demolished in its entirety, even if doing so would reduce the amount of the existing facade meeting the build-to requirement.

SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE

6.6.1 Applicability

Development in this PUD-G 32 shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as expressly amended from time to time, with the following exceptions:

A. Required Build-To

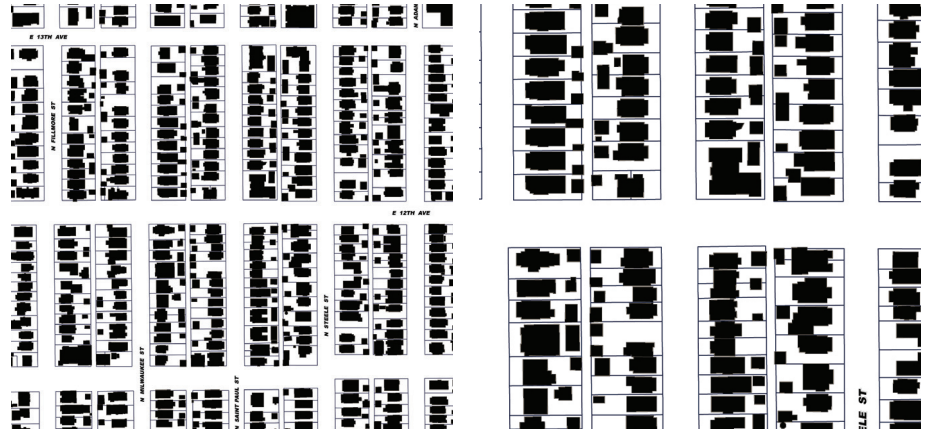
Development in this PUD-G 32 shall conform to Section 13.1.5.7, Required Built-To, except that, additionally, where open space meeting the requirements of 6.3.1.B of this PUD-G 32 abuts the public street right-of-way, a required Build-to shall be measured from that Permanent Nonexclusive Easement for open space rather than the zone lot line, as illustrated in the rule of measurement in Denver Zoning Code 13.1.5.7.C.1, Min/Max Range.

CHAPTER 7. RULES OF INTERPRETATION

Subject to Chapter 8 of this PUD-G 32 whenever a section of the Denver Zoning Code is referred to in this PUD-G 32 that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 32, this PUD-G 32 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 32 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 32 The property rights vested through approval of this PUD-G 32 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G 32.



November 13, 2018

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## CHAPTER 1. ESTABLISHMENT AND INTENT

### SECTION 1.1 PUD-G 20 ESTABLISHED

The provisions of this PUD-G 20 apply to the land depicted on the Official Zoning Map with the label PUD-G 20, and more generally described as approximately 4.49 acres of land in Section 24, Township 3 South Range 68 West, City and County of Denver.

#### 1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 20 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

##### A. Subarea A Legal Description

3840 York St

The following real estate located in the city and county of Denver, Colorado:

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, city and county of Denver, state of Colorado, being more particularly described as follows:

Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the city of Denver, which point is on the south line of the southeast  $\frac{1}{4}$  of said section 23, 47.94 feet west of the southeast corner of said southeast  $\frac{1}{4}$  and which point is also on the east line of York Street;

Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the southeast  $\frac{1}{4}$  of said section 23 and along the east line of York Street, a distance of 225.69 feet to the true point of beginning;

Thence north 89°56'24" east, a distance of 46.57 feet;

Thence south 75°42'55" east, a distance of 46.50 feet;

Thence north 89°56'24" east, a distance of 136.23 feet;

Thence south 00°07'00" east, a distance of 17.00 feet;

Thence north 89°56'24" east, a distance of 197.17 feet;

Thence north 00°07'00" west, a distance of 29.24 feet;

Thence south 89°56'24" west, a distance of 40.00 feet;

Thence north 00°07'00" west, a distance of 150.00 feet;

Thence south 89°56'24" west, a distance of 175.00 feet;

Thence north 00°07'00" west, a distance of 64.60 feet;

Thence south 89°56'24" west, a distance of 117.15 feet;

Thence north 00°07'00" west, a distance of 19.99 feet;

Thence south 89°56'24" west, a distance of 92.85 feet to the east line of York Street;

Thence south 00°07'00" east along the east line of York Street, a distance of 235.31 feet to the true point of beginning,

City and County of Denver, State of Colorado,

The described contains 80,929 sq. Ft. Or 1.8579 acres, more or less.

Together with:

3850 York St.

The following real estate located in the city and county of Denver, Colorado:

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver, state of Colorado, being more particularly described as follows:

Commencing at the northwest corner of lot 1, block 1, Cheesman and Moffat's addition to the city of Denver, which point is on the south line of the southeast  $\frac{1}{4}$  of said section 23, 47.94 feet west of the southeast corner of said Southeast  $\frac{1}{4}$  and which point is also on the east line of York Street:

Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the Southeast  $\frac{1}{4}$  of said section 23 and along the east line of York street, a distance of 461.00 feet to the true point of beginning: thence north 89°56'24" east, a distance of 92.85 feet;

Thence south 00°07'00" east, a distance of 19.99 feet;

Thence north 89°56'24" east, a distance of 117.15 feet;

Thence north 00°07'00" west, a distance of 135.40 feet;

Thence south 89°56'24" west, a distance of 210.00 feet to the east line of York Street;

Thence south 00°07'00" east along the east line of York Street, a distance of 115.41 feet to the true point of beginning,

City and county of Denver, State of Colorado.

The described contains 26,578 sq. Ft. Or 0.6101 acres, more or less.;

## **B. Subarea B Legal Description**

A parcel of land being a part of the southeast one quarter of section 23 and part of the southwest one-quarter of section 24, township 3 south, range 68 west of the 6th principal meridian, City and County of Denver. State of Colorado, being more particularly described as follows:

Beginning at the northwest corner of lot 1, block 1, Cheesman and Moffat's Addition to the city of Denver, which point is on the south line of the southeast  $\frac{1}{4}$  of said section 23, 47.94 feet west of the southeast corner of said southeast  $\frac{1}{4}$  and which point is also on the east line of York street;

Thence north 00°07'00" west parallel with and 47.94 feet west of the east line of the southeast  $\frac{1}{4}$  of said section 23 and along the east line of York Street, a distance of 225.69 feet;

Thence north 89°56'24" east, a distance of 46.57 feet;

Thence south 75°42'55" east, a distance of 46.50 feet;

Thence north 89°56'24" east, a distance of 136.23 feet;

Thence south 00°07'00" east, a distance of 17.00 feet;

Thence north 89°56'24" east, a distance of 197.17 feet;

Thence south 00°07'00" east, a distance of 196.22 feet to a point on the south line of the southwest  $\frac{1}{4}$  of said section 24;

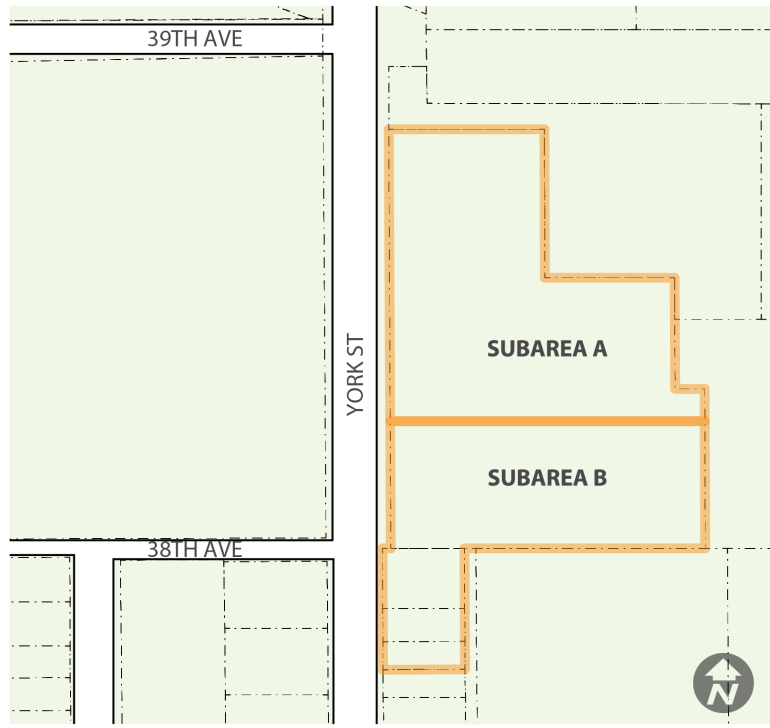
Thence south 89°48'42" west along the south line of the southwest  $\frac{1}{4}$  of said section 24, a distance of 425.00 feet, more or less, to the point of beginning,

City and county of Denver, State of Colorado.

The described contains 88,265 sq. Ft. Or 2.0263 acres, more or less.

Together With:

Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Cheesman and Moffat's Addition to the City of Denver, and Lots 1 through 6, inclusive, and the North One-half of Lot 7, Block 1, Lessig Addition, City and County of Denver, State of Colorado.



Not to Scale. Illustrative Only.

Figure 1-1. Subareas Established within PUD-G 20

## **SECTION 1.2 PUD-G 20 GENERAL PURPOSE**

The general purpose of PUD-G 20 is to:

- 1.2.1 Facilitate continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south.
- 1.2.2 Provide flexibility in urban design in exchange for outcomes that contribute to the vibrancy of the York Street corridor, including improved surface parking screening and the significant public benefit of a gateway landscaping and pocket park feature that draws the attention of pedestrians to the access of the proposed 39th Avenue Greenway.

## **SECTION 1.3 PUD-G 20 SPECIFIC INTENT**

More specifically, PUD-G 20 is intended to:

- 1.3.1 Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use and residential areas to the south and Industrial Districts to the north.
- 1.3.2 Facilitate compatible development through the use of appropriate building form and design standards and guidelines.
- 1.3.3 Allow for flexibility to encourage ongoing use and adaptive reuse of a complex of World War II-era Army supply depot administrative structures,
- 1.3.4 Allow flexibility for phased redevelopment of underutilized portions of the site.

## **CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION**

### **SECTION 2.1 INDUSTRIAL CONTEXT DESCRIPTION**

All development in Subarea A of PUD-G 20 shall conform to the Denver Zoning Code Division 9.1, Section 9.1.1, Industrial Context Description, as amended from time to time, except as modified in this PUD-G 20.

### **SECTION 2.2 URBAN CONTEXT DESCRIPTION**

All development in Subarea B of this PUD-G 20 shall conform to the Denver Zoning Code Division 5.1 Urban Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 20.

## **CHAPTER 3. DISTRICTS**

### **SECTION 3.1 I-MX-3 DISTRICT**

All development in Subarea A of this PUD-G 20 shall conform to the Denver Zoning Code, Section 9.1.2, Districts Established, as specifically applicable to the I-MX-3 Zone District, as amended from time to time, except as expressly modified in this PUD-G 20.

### **SECTION 3.2 U-MX-3 DISTRICT**

All development in Subarea B of this PUD-G 20 shall conform to the Denver Zoning Code, Division 5.2, Districts, as specifically applicable to the U-MX-3 Zone District, as amended from time to time, except as expressly modified in this PUD-G 20.

## CHAPTER 4. DESIGN STANDARDS

### SECTION 4.1 DESIGN STANDARDS FOR SUBAREA A

All development in Subarea A of this PUD-G 20 shall conform to the Denver Zoning Code, Section 9.1.3, Design Standards, as specifically applicable to the I-MX-3 Zone District, as amended from time to time.

### SECTION 4.2 DESIGN STANDARDS FOR SUBAREA B

All development in Subarea B of this PUD-G 20 shall conform to the Denver Zoning Code, Division 5.3, Design Standards as specifically applicable to the U-MX-3 Zone District, as amended from time to time, with the following modifications:

#### 4.2.1 Primary Building Form Standards

Development in Subarea B of this PUD-G 20 shall comply with the form standards in Section 5.3.3, Primary Building Form Standards, as amended from time to time, with the exceptions and modifications set forth below.

##### A. Design Elements

##### 1. Intent

To provide pedestrian-friendly building design by requiring Street Level Activation through transparency, while allowing greater setbacks from the Primary Street.

##### 2. Standards

The following Primary Building Form Standards shall apply and shall replace the transparency requirements of any Primary Building Form used:

DESIGN ELEMENTS	Subarea B
<b>STREET LEVEL ACTIVATION</b>	
Transparency, Primary Street (min)	Shall comply with the Transparency, Primary Street (min) requirements as specified in Sec. 5.3.3.4.J, Shopfront building form
Transparency Alternatives	Allowed per alternative standards for U-MX zone district in DZC Section 5.3.6.2 Transparency Alternatives

## **CHAPTER 5. USES AND REQUIRED MINIMUM PARKING**

### **5.2.1 Uses and Required Minimum Parking for Subarea A**

All development in Subarea A of this PUD-G 20 shall conform to the Denver Zoning Code, Section 9.1.4, Uses and Required Minimum Parking, as specifically applicable to the I-MX-3 Zone District, as amended from time to time.

### **5.2.2 Uses and Required Minimum Parking for Subarea B**

All development in Subarea B of this PUD-G 20 shall conform to the Denver Zoning Code, Division 5.4, Uses and Required Minimum Parking, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.



## CHAPTER 6. ADDITIONAL STANDARDS

### SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

#### 6.1.1 Applicability

Development in this PUD-G 20 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

### SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

#### 6.2.1 Applicability

Development in this PUD-G 20 shall conform to Article 9, Special Districts of the Denver Zoning Code, as amended from time to time, with the following exceptions:

##### A. Amendments to Approved PUD District Plans

This PUD District Plan may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in Denver Zoning Code, Section 9.6.1.4, Amendments to Approved PUD District Plans.

### SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

#### 6.3.1 Applicability in Subarea A

Development in Subarea A of this PUD-G 20 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the I-MX-3 Zone District and as amended from time to time, with the following exceptions:

##### A. Exception for Phased Development

Development in Subarea A of this PUD-G 20 shall conform to Section 10.3.3.3, Exception for Phased Development, except that parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area.

##### B. Open Space

###### 1. Intent

To provide Publicly Accessible Open Space that draws attention to the adjacent 39th Avenue Greenway and which fosters a “sense of place” and enhances the pedestrian environment. Construction of the feature is intended to correspond with the completion of the new 39th Avenue Greenway and new 39th Avenue roadway.

###### 2. Requirements

- a. A minimum of 1500 square feet of the total area of Subarea A, located at the north-western corner of the property and oriented along York Street, shall be included at Site Development Plan approval as open space, for which the property owner shall execute a permanent non-exclusive easement granting access to the City and the general public, or a warranty deed acceptable to and approved by the City, or a combination of a permanent non-exclusive easement and a warranty deed.
- b. A Site Development Plan application for the required open space shall be submitted concurrently with the first zoning application for development in Subarea A. Construction of the open space shall be completed within 18 months of Site Development Plan approval;

- c. The open space shall be Publicly Accessible Open Space, as that term is defined by the Denver Zoning Code, Article 13, Division 13.3. The owner may establish, post and enforce reasonable rules for the use of the open space, including reasonable opening hours for the open space; and
- d. The open space shall include, at a minimum: 80% permeable surface, 60% live landscape material, one tree per 35' of York Street frontage to be located anywhere within the open space, 1 seating area, and a pedestrian pathway at least 3' in width.

### **6.3.2 Applicability in Subarea B**

Development in Subarea B of this PUD-G 20 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the U-MX-3 Zone District and as amended from time to time, with the following exceptions:

#### **A. Exception for Phased Development**

Development in Subarea B of this PUD-G 20 shall conform to Section 10.3.3.3, Exception for Phased Development, except that:

- 1. Parking of vehicles and water quality and detention/retention facilities, and utilities shall be permitted in the reserved area; and
- 2. The reserved area shall not be required to provide landscaping as specified in Section 10.3.3.3.D.

#### **B. Additional Requirements for Surface Parking Lot Garden Wall**

Surface Parking shall meet all requirements of Sec. 10.5.4.4, Perimeter Surface Parking Lot Landscaping Standards, as applicable to the Urban Neighborhood Context, including the required garden wall, with the following additional requirement:

- 1. The garden wall shall include at least one of the following treatments for a total of at least 50' in width, measured parallel to York Street:
  - a. Garden Wall with Covered Seating for Pedestrians which shall comply with DZC Section 13.1.5.7.E.3, and/or
  - b. Pergola which shall comply with DZC Section 13.1.5.7.E.4.

## **SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE**

### **6.4.1 Applicability in Subarea A**

Development in Subarea A of this PUD-G 20 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the I-MX-3 Zone District, as amended from time to time.

### **6.4.2 Applicability in Subarea B**

Development in Subarea B of this PUD-G 20 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the U-MX-3 Zone District, as amended from time to time.

## **SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE**

### **6.5.1 Applicability in Subarea A**

Development in this PUD-G 20 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

#### **A. Site Development Plan Review**

Site development plan review shall not be required for development of a single-unit or two-unit dwelling use.

### **6.5.2 Applicability in Subarea B**

Development in this PUD-G 20 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time, with the following exceptions:

#### **A. Exception for Voluntary Demolition of Compliant Structures**

A Compliant Structure may be allowed to deviate from the standards in Section 12.6.3.2, Expansions, Alterations, Enlargements to Compliant Structures, in that it may be voluntarily demolished in its entirety, even if doing so would reduce the amount of the existing facade meeting the build-to requirement.

## **SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE**

### **6.6.1 Applicability**

Development in this PUD-G 20 shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as expressly amended from time to time, with the following exceptions:

#### **A. Required Build-To**

Development in this PUD-G 20 shall conform to Section 13.1.5.7, Required Built-To, except that, additionally, where open space meeting the requirements of 6.3.1.B of this PUD-G 20 abuts the public street right-of-way, a required Build-to shall be measured from that Permanent Nonexclusive Easement for open space rather than the zone lot line, as illustrated in the rule of measurement in Denver Zoning Code 13.1.5.7.C.1, Min/Max Range.

## **CHAPTER 7. RULES OF INTERPRETATION**

Subject to Chapter 8 of this PUD-G 20, whenever a section of the Denver Zoning Code is referred to in this PUD-G 20, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 20, this PUD-G 20 shall control.

## **CHAPTER 8. VESTED RIGHTS**

This PUD-G 20 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 20. The property rights vested through approval of this PUD-G 20 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G 20.