

# APPLICATION

## FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

An Encroachment Permit is required prior to placing privately-owned improvements (“Encroachment” or “Encumbrance”) in the public Right-of-Way (ROW). Only Encroachment Permit Applications in accordance with [Rules and Regulations](#) and [Permit Entrance Requirements](#) for Encroachments in the Public Right-of-Way will be considered by the Department of Transportation & Infrastructure (DOTI). **It is the City’s sole discretion whether to grant an Encroachment Permit based on any facts the City feels are relevant. Approval is not guaranteed.**

To apply, complete this application and submit together with required application materials in accordance with the [Permit Entrance Requirements](#) to [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org). Please type or print clearly. If necessary, attach additional sheets to fully answer any of the following sections. Incomplete applications packages will not be accepted. Questions on this application or the process can be sent to [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org).

### ENCROACHMENT OWNER/ADJACENT PROPERTY OWNER:

**The adjacent property owner will be the Encroachment Owner and Permittee and is the responsible party for the Encroachment in accordance with the Rules and Regulations, including all fees and annual billing.**

Company Name: BCSP Brighton Property LLC  
 Contact Name: Andrew Moore  
 Property Address: 3100 N. Brighton Boulevard  
 Billing Address: 200 State Street, 5th Floor, Boston, MA 02109  
 Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### OWNER REPRESENTATIVE:

*Check if the same as Adjacent Property Owner*

Company Name: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### ENCROACHMENT INFORMATION:

Project Name: 31st and Brighton Office Building  
 Adjacent Property Address: 3100 N. Brighton Boulevard  
 Coordinates (Lat/Long): 39.7646 , -105.7634  
 Encroachment Area, in SF: 1,100 Sf +/-

City and County of Denver – Department of Transportation & Infrastructure  
 Right-of-Way Services | Engineering & Regulatory  
 201 West Colfax Ave. Dept. 507 | Denver, CO 80202  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
 Phone: 720-865-3003

**Location Description:** (e.g. Located on the South side of 23rd Ave, twenty (20) feet from face of curb, and ten (10) feet west of pavement on Private Drive.)

A pedestrian route consisting of an ADA ramp and steps to be located on the south side of Brighton Boulevard approximately 110 feet northeast of the intersection with 31st Street. The ramp and steps will extend approximately 75 feet northeast and extend approximately 8 feet southeast from the back of the bicycle track.

Is this project associated with a LAND DEVELOPMENT REVIEW?

Yes  No  If 'Yes', provide Project Master, Site Plan and/or Concept Development Project Numbers:

**Description of Encroachment:**

*Describe the proposed encroachment, including the type, dimensions, and quantity of objects. If the space below is not enough space to describe the encroachment, attach the description as a separate document. Additionally, provide required application materials in accordance with the Permit Entrance Requirements. It is not acceptable to simply state "please see attached plans" or other vague descriptors.*

Refer to attached Legal exhibit and description for additional information.

**Justification for Private Improvements in the Public ROW:**

*Private improvements should be located on private property. Only in cases where there are physical constraints that preclude the placement of private improvements on private property that an encroachment may be considered within the right-of-way. Make your case as to why this is a good use of the public right-of-way. It is not acceptable to simply state "you want/need it" or other vague reasons.*

The proposed Tier III Encroachment is for the proposed steps, accessible ramp, and raised planters to be constructed within the Right-of-Way of the Southwest side of Brighton Boulevard in association with the 31st and Brighton Office Building Project. These elements will provide centralized access to the proposed building from Brighton Boulevard which is anticipated to enhance and activate that area for more pedestrian friendly uses. The proposed elements are located approximately 1.5-feet back from the edge of the bike track and extend approximately 8.50-feet into Amenity Zone along Brighton Boulevard. The total length of the encroachment is approximately 285-feet and the footprint comprises approximately 1,100-square feet. Refer to included 11"x17" Exhibit for additional information.



# ATTESTATION:

**By submitting this permit application and signing below, I understand and agree to the following:**

1. That I am the property owner adjacent to the Encroachment Area, or the authorized representative of a Special District, that is responsible for the placement, maintenance, repair, replacement, removal, site restoration, ownership, or is otherwise responsible for the Encroachment in accordance with the Rules & Regulations for Encroachments and Encumbrances in the Public Right-of-Way.
2. That it is the City's sole discretion to classify the Tier of an Encroachment and whether to grant an Encroachment Permit based on any facts the City feels are relevant. The issuance of an Encroachment Permit confers no rights to the Right-of-Way, the Encroachment Permit is revocable and DOTI can order the removal of the Encroachment and restoration of the Encroachment Area for any reason the City feels relevant.
3. Permittee agrees to defend, indemnify, reimburse and hold harmless the City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to an Encroachment Permit and the Encroachment ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City's negligence whether active or passive.
4. Permittee's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages.
5. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy.
6. Insurance coverage requirements specified in an Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.
7. This defense and indemnification obligation shall survive the expiration or termination of any issued Encroachment Permit.
8. Permittee is fully responsible for all costs to install, maintain, repair, replace, remove, and restore the Encroachment Area, including annual City Encroachment Permit Fees. A lien will be placed on the Permittee's property for failure to remove a revoked or abandoned Encroachment for cost incurred by CCD to remove the Encroachment and restore the Encroachment Area on behalf of the Permittee.
9. Indemnity and Insurance for Tier I and Tier II Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier I or Tier II Encroachment, the Owner of such Tier I or Tier II Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier I or Tier II Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.
10. Indemnity and Insurance for Tier III Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier III Encroachment, the Owner of such Tier III Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier III Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$5,000,000 policy aggregate. A combination of primary and excess coverage may be used to meet the aggregate limit. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

SIGNATURE:  DATE: 4/1/21  
 PRINT NAME: Andrew Moore TITLE: SENIOR MANAGING DIRECTOR  
 COMPANY: BEACON CAPITAL PARTNERS

<b>FOR ER INTERNAL USE ONLY</b>		
Tier Determination: _____	Project Number: _____	Initials: _____

## Tier III Steps, Accessible Ramp, and Raised Planters at 3100 N Brighton Blvd

08/19/2021

**Master ID:** 2020-PROJMSTR-0000180      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DS Transportation Review      Review Status: Approved

Reviewers Name: Mindy Decker  
Reviewers Email: [Mindy.Decker@denvergov.org](mailto:Mindy.Decker@denvergov.org)

Status Date: 06/18/2021  
Status: Approved  
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: City & County of Denver/DOTI DES  
Reviewers Name: Mindy Decker  
Reviewers Phone: 7208653216  
Reviewers Email: [mindy.decker@denvergov.org](mailto:mindy.decker@denvergov.org)  
Approval Status: Approved

Comments:  
The technical details shown in this encroachment permit should be consistent with those shown in the TEP. The encroachment permit number shall be included on the SDP prior to SDP approval.

Status Date: 06/17/2021  
Status: Approved  
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: City & County of Denver/DOTI DES  
Reviewers Name: Mindy Decker  
Reviewers Phone: 7208653216  
Reviewers Email: [mindy.decker@denvergov.org](mailto:mindy.decker@denvergov.org)  
Approval Status: Approved

Comments:  
The technical details shown in this encroachment permit should be consistent with those shown in the TEP. The encroachment permit number shall be included on the SDP prior to SDP approval.

Reviewing Agency: DS Project Coordinator Review      Review Status: Approved - No Response

Reviewers Name: Leah Guerand  
Reviewers Email: [Leah.Guerand@denvergov.org](mailto:Leah.Guerand@denvergov.org)

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Survey Review      Review Status: Approved

Reviewers Name: Robert Castaneda  
Reviewers Email: [Robert.Castaneda@denvergov.org](mailto:Robert.Castaneda@denvergov.org)

# Comment Report

## Tier III Steps, Accessible Ramp, and Raised Planters at 3100 N Brighton Blvd

08/19/2021

**Master ID:** 2020-PROJMSTR-0000180      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Status Date:** 08/19/2021  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: DOTI ROWS Survey  
Reviewers Name: Robert Castaneda  
Reviewers Phone: 7209134521  
Reviewers Email: robert.castaneda@denvergov.org  
Approval Status: Approved

**Comments:**  
Revisions have been made satisfactorily.

**Status Date:** 07/26/2021  
**Status:** Denied  
**Comments:** PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: DOTI ROWS Survey  
Reviewers Name: ROBERT S CASTANEDA  
Reviewers Phone: 720-913-4521  
Reviewers Email: rscott.castaneda@gmail.com  
Approval Status: Denied

**Comments:**  
Redlines submitted to applicant.

Attachment: 2021-ENCROACHMENT-0000062 1st Submittal Survey Red Lines.pdf

**Status Date:** 07/13/2021  
**Status:** Denied  
**Comments:** Denying on behalf of Scott Castaneda, approved legal descriptions are needed prior to proceeding.

**Status Date:** 06/18/2021  
**Status:** Approved - No Response  
**Comments:**

Reviewing Agency: DES Wastewater Review      Review Status: Approved

**Reviewers Name:** Kelsey Kijowski  
**Reviewers Email:** Kelsey.Kijowski@denvergov.org

**Status Date:** 06/25/2021  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: DOTI DES Wastewater  
Reviewers Name: Kelsey Kijowski  
Reviewers Phone: 720-913-8834  
Reviewers Email: kelsey.kijowski@denvergov.org  
Approval Status: Approved

**Comments:**  
Please note, we are approving this encroachment permit prior to the sanitary relocation, which is not standard practice. The storm

# Comment Report

## Tier III Steps, Accessible Ramp, and Raised Planters at 3100 N Brighton Blvd

08/19/2021

**Master ID:** 2020-PROJMSTR-0000180      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

SSPR and SDP associated with this development will not be approved until the public sanitary main has been relocated, as-built, and accepted.

**Status Date:** 06/11/2021  
**Status:** Denied  
**Comments:** The Tier III Encroachment cannot be approved until the public sanitary main running through the property (and under the proposed encroachment) has been relocated. This includes permitting, as-builts, and acceptance of the new main with abandonment of the existing alignment. Once this work has been completed and accepted, DES Wastewater has no further objection and will approve the encroachment.

**Reviewing Agency:** City Council Referral      **Review Status:** Approved - No Response

**Status Date:** 06/18/2021  
**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** CenturyLink Referral      **Review Status:** Approved

**Status Date:** 07/13/2021  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: Lumen (CenturyLink)  
Reviewers Name: VeShon Sheridan  
Reviewers Phone: 804-234-6825  
Reviewers Email: veshon.sheridan@lumen.com  
Approval Status: Approved

**Comments:**  
See attached

Attachment: BCSP encroachment\_No Objection No Reservations.pdf

**Status Date:** 06/18/2021  
**Status:** Approved - No Response  
**Comments:**

**REDLINES uploaded to E-review webpage**

**Reviewing Agency:** Xcel Referral      **Review Status:** Approved w/Conditions

**Status Date:** 06/18/2021  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: Public Service Company of Colorado / Xcel Energy  
Reviewers Name: Donna George  
Reviewers Phone: 13035713306  
Reviewers Email: donna.l.george@xcelenergy.com  
Approval Status: Approved with conditions

**Comments:**

Please be aware PSCo dba Xcel Energy has existing natural gas and underground electric distribution within the area of the proposed encroachments. Please contact the Utility Notification Center of Colorado before excavating. Use caution and hand dig



# Comment Report

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**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: RTD Referral      Review Status: Approved - No Response

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Comcast Referral      Review Status: Approved - No Response

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Metro Wastewater Referral      Review Status: Approved - No Response

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Street Maintenance Referral      Review Status: Approved - No Response

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Office of Emergency Management Referral      Review Status: Approved - No Response

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Office of Emergency Management Referral      Review Status: Approved - No Response

Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Building Department Review      Review Status: Approved

Reviewers Name: Keith Peetz  
Reviewers Email: Keith.Peetz@denvergov.org

Status Date: 06/16/2021  
Status: Approved  
Comments: In details 4 and 5 on landscape plan L4.04, the handrail end extension at the top and the bottom of the stairway is required to turn and extend down to the ground or possess a loop as is shown in Figure 505.10.2 of ICC/ANSI A117.1-2009.

# Comment Report

## Tier III Steps, Accessible Ramp, and Raised Planters at 3100 N Brighton Blvd

08/19/2021

**Master ID:** 2020-PROJMSTR-0000180      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Division of Real Estate Referral      Review Status: Approved

Reviewers Name: Katherine Rinehart  
Reviewers Email: katherine.rinehart@denvergov.org  
Status Date: 06/17/2021  
Status: Approved  
Comments:

Reviewing Agency: Denver Fire Department Review      Review Status: Approved

Reviewers Name: Richard Tenorio  
Reviewers Email: Richard.Tenorio@denvergov.org  
Status Date: 06/18/2021  
Status: Approved  
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: Denver Fire Department  
Reviewers Name: Rich Tenorio  
Reviewers Phone: 720.633.3222  
Reviewers Email: richard.tenorio@denvergov.org  
Approval Status: Approved  
Comments: Denver Fire Dept. Approved - RT  
Status Date: 06/17/2021  
Status: Approved  
Comments: Denver Fire Dept. Approved - RT

Reviewing Agency: Denver Water Referral      Review Status: Approved w/Conditions

Status Date: 06/18/2021  
Status: Approved w/Conditions  
Comments: PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Kela Naso  
Reviewers Phone: 13036286302  
Reviewers Email: kela.naso@denverwater.org  
Approval Status: Approved with conditions  
Comments: At grade lawn/ planters do not appear to be in conflict with fire hydrant or service lines. Please note fire hydrant services lines can't be placed in raised planters. Water plan is currently in review with Denver Water project #21140.  
Status Date: 06/18/2021  
Status: Approved - No Response  
Comments:

Reviewing Agency: Parks and Recreation Review      Review Status: Approved

Reviewers Name: Greg Neitzke  
Reviewers Email: Greg.Neitzke@denvergov.org



# Comment Report

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08/19/2021

**Master ID:** 2020-PROJMSTR-0000180      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Status Date:** 06/01/2021  
**Status:** Approved  
**Comments:**

**Reviewing Agency:** Policy and Planning Referral      **Review Status:** Approved - No Response

**Status Date:** 06/18/2021  
**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** Denver Office of Disability Rights Referral      **Review Status:** Approved - No Response

**Status Date:** 06/18/2021  
**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** Construction Engineering Review      **Review Status:** Approved

**Reviewers Name:** Joe Saejiw  
**Reviewers Email:** Joe.Saejiw@denvergov.org

**Status Date:** 06/07/2021  
**Status:** Approved  
**Comments:** 1. Prior to the solicitation of bids or proposals from general contractors, the developer of this project is strongly encouraged to schedule an office meeting with the Right-of-Way Services Construction Inspections team (303) 446-3469 to discuss the project's impact to city traffic, streets, roads, alleys and sidewalks, and the associated ROW permit fees that will need to be paid by the selected general contractor.

**Reviewing Agency:** TES Sign and Stripe Review      **Review Status:** Approved - No Response

**Reviewers Name:** Brittany Price  
**Reviewers Email:** Brittany.Price@denvergov.org

**Status Date:** 06/18/2021  
**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** City Forester Review      **Review Status:** Approved

**Reviewers Name:** Nick Evers  
**Reviewers Email:** Nick.Evers@denvergov.org

**Status Date:** 07/01/2021  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2021-ENCROACHMENT-0000062 - Tier III Steps Accessible Ramp and Raised Planters  
Reviewing Agency/Company: Denver Parks and Rec - Forestry  
Reviewers Name: Nick Evers  
Reviewers Phone: (720) 675-9194  
Reviewers Email: nick.evers@denvergov.org  
Approval Status: Approved

# Comment Report

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08/19/2021

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**Review ID:** 2021-ENCROACHMENT-0000062      **Review Phase:**  
**Location:**      **Review End Date:** 06/17/2021

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Comments:**

Approved. Agreement to discuss ROW landscape and associated trees under the SDP - 2020PM0000180

**Status Date:** 06/17/2021

**Status:** Denied

**Comments:** Please refer to attached Forestry Comments:

- 1) As a major thoroughfare with large amounts of hardscape, the Brighton Blvd streetscape should provide adequate infrastructure to support large shade trees
- 2) Minimum amenity zone width - 8', provide one shade tree at center of planter

**Reviewing Agency:** Landmark Review

**Review Status:** Approved - No Response

**Reviewers Name:** Becca Dierschow

**Reviewers Email:** Becca.Dierschow@denvergov.org

**Status Date:** 06/18/2021

**Status:** Approved - No Response

**Comments:**

**Reviewing Agency:** CDOT Referral

**Review Status:** Approved - No Response

**Status Date:** 06/18/2021

**Status:** Approved - No Response

**Comments:**

**Reviewing Agency:** Environmental Health Referral

**Review Status:** Approved

**Reviewers Name:** Andrew Ross

**Reviewers Email:** andrew.ross@denvergov.org

**Status Date:** 06/01/2021

**Status:** Approved

**Comments:**

**Reviewing Agency:** ERA Review

**Review Status:** Approved - No Response

**Reviewers Name:** Devin Price

**Reviewers Email:** Devin.Price@denvergov.org

**Status Date:** 06/18/2021

**Status:** Approved - No Response

**Comments:**