



## Zone Map Amendment (Rezoning) - Application

|  |  |  |  |
|--|--|--|--|
| <p>Property Owner Name    <b>2975 Huron, LLC</b></p>   |  | <p>Representative Name    <b>Caitlin Quander, Esq.</b></p>   |  |
| <p>Address    <b>6400 South Fiddlers Green Circle, Ste. 1200</b></p>   |  | <p>Address    <b>410 17th Street, Ste 2200</b></p>   |  |
| <p>City, State, Zip    <b>Greenwood Village, CO 80111</b></p>  |  | <p>City, State, Zip    <b>Denver, CO 80202</b></p>   |  |
| <p>Telephone</p>   |  | <p>Telephone    <b>303-223-1233</b></p>  |  |
| <p>Email</p>   |  | <p>Email    <b>cquander@bhfs.com</b></p>   |  |
| <p><b>*If More Than One Property Owner:</b><br/>All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>   |  | <p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p> |  |
| <p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p> |  |  |  |
| <p>Location (address and/or boundary description):</p>   |  | <p><b>2975 Huron Street, Denver, CO 80202</b></p>  |  |
| <p>Assessor's Parcel Numbers:</p>  |  | <p><b>02278-04-226-000</b></p>   |  |
| <p>Area in Acres or Square Feet:</p>   |  | <p><b>67,726 square feet or 1.55 acres</b></p>   |  |
| <p>Current Zone District(s):</p>   |  | <p><b>R-MU-30 (w/ Waivers)</b></p>   |  |
| <p>Proposed Zone District:</p>   |  | <p><b>C-MX-12</b></p>  |  |


| REVIEW CRITERIA  |   |
|--|---|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria<br/>DZC Sec. 12.4.10.7</p>  | <p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.<br/>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>  |
| <p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria<br/>DZC Sec. 12.4.10.8</p>  | <p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.<br/>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.<br/>Please provide an attachment describing how the above criterion is met.</p> |
| REQUIRED ATTACHMENTS   |   |
| Please ensure the following required attachments are submitted with this application:  |   |
| <p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria, as identified above</p> |   |
| ADDITIONAL ATTACHMENTS   |   |
| Please identify any additional attachments provided with this application:   |   |
| <p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input checked="" type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>  |   |
| Please list any additional attachments:  |   |
|  |   |



# REZONING GUIDE

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

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

| Property Owner Name(s)<br>(please type or print legibly) | Property Address<br>City, State, Zip<br>Phone<br>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:<br>(A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved | Has the owner authorized a representative in writing?<br>(YES/NO) |
|--|--|--|---|----------|---|---|
| <b>EXAMPLE</b><br>John Alan Smith and<br>Josie Q. Smith  | 123 Sesame Street<br>Denver, CO 80202<br>(303) 555-5555<br>sample@sample.gov | 100%   | <i>John Alan Smith</i><br><i>Josie Q. Smith</i>   | 01/01/12 | (A)   | YES   |
| 2975 HURON,<br>LLC                                       | 2975 Huron Street,<br>Denver, CO 80202                                       | 100%   |       | 1/22/19  | <b>B</b>  | Yes   |
|  |  |  |   |          |   |   |
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|  |  |  |   |          |   |   |

LOA updated May 24 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

August 5, 2019 (updated)

City and County of Denver  
Community Planning and Development  
Attn: Ella Stueve  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Re: Cover Letter to Griffis North Union Rezoning Application

Ms. Stueve:

We represent 2975 Huron, LLC (“**Huron**”) with respect to its enclosed application to rezone the Southern Portion (defined below) of the property located at 2975 Huron Street (the “**Property**”), commonly known as Griffis North Union, in the City and County of Denver, Colorado (the “**City**”), from R-MU-30 with waivers to Urban Center Neighborhood Context Mixed Use-12 (“**C-MX-12**”) (the “**Rezoning**”).

This letter is provided as part of the application for the Rezoning of the Southern Portion and to provide the City with additional information that may aid City staff and City Council in reviewing and approving the application.

### **BACKGROUND**

The whole Property is comprised of approximately 108,823 square feet (or ~ 2.5 acres) and consists of a five-story, multi-family apartment building with approximately 296 units. The existing multi-family building on the Property was recently constructed in 2013, and Huron has no current plans to redevelop or sell the Property.

The Property currently contains a zoning discrepancy. Huron’s goal in applying for this Rezoning is to remedy this discrepancy and create one, uniform zone district for the Property.

Specifically, the northern one-third of the Property is zoned C-MX-12 (the “**Northern Portion**”), and the southern two-thirds portion of the Property is zoned R-MU-30 with Waivers (the “**Southern Portion**”), pursuant to Former Chapter 59 (the “**Former Chapter 59 Code**”). The Southern Portion is 67,726 square feet, or 1.55 acres in size. When much of the City was rezoned in 2010, the Southern Portion of the Property was not rezoned as the City’s practice was to leave zone districts with waivers and conditions in place. However, this resulted in the Property being made up of two different zone districts, and subject to both the Former Chapter 59 Code and the current Denver Zoning Code (the “**Code**”).

The following table provides a side-by-side comparison of the existing R-MU-30 with Waivers zoning classification against the proposed rezoning C-MX-12 classification in relation to the current use of the Property as multi-family residential.

| <u>Regulation</u>              | <u>R-MU-30 (w/ Waivers)</u>  |  | <u>C-MX-12</u>   |                                |
|--------------------------------|--|--|--|--------------------------------|
|                                | <u>Requirement</u>   | <u>Old Code Section/Ordinance Waiver</u> | <u>Requirement</u>   | <u>New Code Section</u>        |
| <b>Permitted Use</b>           | multi-family residential   | § 59-303                                 | multi-family residential   | § 7.4.4                        |
| <b>Front Yard Setback</b>      | 0 ft.  | Ordinance 784-2006 Sec. 1.3(ii)          | 0 ft.  | § 7.3.3.3.C                    |
| <b>Rear Yard Setback</b>       | 0 ft.  | Ordinance 784-2006 Sec. 1.3(iii)         | 0 ft.  | § 7.3.3.3.C                    |
| <b>Side Yard Setback</b>       | 0 ft.  | Ordinance 784-2006 Sec. 1.3(iv)          | 0 ft.  | § 7.3.3.3.C                    |
| <b>Open Space</b>              | 0%   | Ordinance 784-2006 Sec. 1.3(i)           | 70% at 0-10ft.   | § 7.3.3.3.C                    |
| <b>Maximum Height</b>          | 140 ft.  | § 59-312(7)                              | 150 ft.  | § 7.3.3.3.C                    |
| <b>Maximum Stories</b>         | N/A  | N/A                                      | 12 stories   | § 7.3.3.3.C                    |
| <b>View Plane</b> <sup>1</sup> | Coors View Plane limits height in bottom third of property to approximately 100 feet                     | Denver Municipal Code §10-62.7           | Coors View Plane limits height in bottom third of property to approximately 100 feet | Denver Municipal Code §10-62.7 |
| <b>Parking</b>                 | 1 space per studio or one-bedroom unit; 1.5 spaces per two-bedroom unit; 2 spaces per three-bedroom unit | § 59-316(3)                              | 0.75 space per dwelling unit   | § 7.4.4                        |

As shown above, the Rezoning will result in changes only to the open space requirement. Note that, although the maximum height requirement will be increased by ten feet, such increase is prohibited by the Coors View Plan, which limits the height in the Southern Portion of the Property to approximately 100 feet, and thus no change will result from the Rezoning in regards to the maximum height allowed.

The C-MX-12 zone district consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Property’s current use is consistent with C-MX-12, and in fact, the Northern Portion of the Property is already zoned C-MX-12 so it was determined to be the appropriate zone district for the Property in 2010 when the City was rezoned.

Although the Property conforms with both existing zoning classifications, Huron desires to have a uniform zoning classification for the Property in order to provide predictability in the application of the Code and maintain consistency with the neighborhood, which can be achieved

<sup>1</sup> No part of a structure within the Coors Field View Plane may exceed an elevation of 5,251 feet above mean sea level plus 1.26 feet for each 100 feet that said part of a structure is horizontally distant from the reference point. The reference point is a point located in Coors Field Stadium which is located at 2001 Blake Street, Latitude 39 degrees, 45 minutes, 19.98958 seconds North and Longitude 104 degrees, 59 minutes, 36.98832 seconds West on the centerline of the current camera platform below current Section 323.

by rezoning the Southern Portion of the Property to C-MX-12.

### **NEIGHBORHOOD OUTREACH**

Huron has engaged in community outreach by way of informing neighbors of its intent to rezone the Property, and providing information comparing the existing and proposed zoning classifications.

On October 17, 2018, Huron met with Denver City Councilman Albus Brooks, who represents the District in which the Property is located and described the zoning discrepancy.

Jim DiRienzo, a representative of Huron, met with George Pacienza on behalf of Union Station North registered neighborhood association. Mr. DiRienzo described the proposed Rezoning, provided Mr. Pacienza with a copy of the above chart comparing the existing and proposed zone districts, and requested feedback. To date, Union Station North has not raised concerns regarding Rezoning of the Southern Portion of the Property to C-MX-12.

Huron will continue to meet with and reach out to Union Station North and, if necessary, individual neighbors, for the duration of the Rezoning process.

### **ANALYSIS**

An application for a rezoning to C-MX-12 must satisfy the criteria for approval applicable to all zone map amendments and the criteria applicable to non-legislative rezonings. Code, §§ 12.4.10.7 and 12.4.10.8. What follows is an analysis of how the application for the Rezoning satisfies each of these criteria.

#### **I. Criteria for Zone Map Amendments**

The City Council may approve an official zone map amendment if the proposed rezoning complies with specified criteria. Code, § 12.4.10.7. The Rezoning complies with those criteria, as explained in detail below.

1. 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 the adoption of the City's plan.

The Rezoning is consistent with the City's adopted plans, as detailed below. The second clause of this criteria does not apply because a portion of the Property is already zoned C-MX-12, thus the zoning was anticipated at the time of the adoption of the City's existing zoning map, but the Southern Portion of the Property was not rezoned at the time as it was the City's practice to leave zoning with waivers and conditions in place.

The City's rezoning of the Northern Portion of the Property to C-MX-12 in 2010 demonstrates that it would be in the best interest of the community to have the remainder of the Property rezoned to C-MX-12 as well.

a. *Central Platte Valley Comprehensive Plan Amendment from 1991*

The Property is subject to the Central Platte Valley Comprehensive Plan Amendment from 1991 (“**Platte Amendment**”). Adopted 27 years ago, the Platte Amendment envisions the Central Platte Valley as “a single interface point for heavy and light rail, inter- and intra-city bus, automobile, and pedestrian activity,” and “the transportation HUB of the region,” though the “predominant character of development in the valley will be an urban mix of office, residential, entertainment, recreational, and commercial uses.” Platte Amendment, pp. I, 17. Needless to say, the Central Platte Valley has changed a great deal since the adoption of the Platte Amendment, including the construction of Coors Field and the redevelopment of substantial portions of the Valley such as Union Station. Still, the Rezoning would satisfy a number of the goals articulated in the Platte Amendment.

The Platte Amendment establishes Goals, Intent Statements, and Concepts for the future development and redevelopment of the Central Platte Valley. The Rezoning furthers many of these Goals, Intent Statements, and Concepts, including:

- Land Use - Goal 1.1: “Redevelop the Valley in ways that recognize it as a valuable resource to the whole City.”
- Land Use - Goals 1.2 and 1.4: “Encourage a mix of land uses in the CPV which will support a dense urban character” which include “attract new Downtown residents”
- Land Use - Goal 1.3: “Provide amenities which will knit Downtown and adjacent neighborhoods together”
- Land Use - Goal 1.5: “Accommodate an appropriate mix of uses and encourage viable development to satisfy both the economic needs of landowners and public needs, including: public open space, economic development, housing, public facilities”
- Intent Statements, Land Use A: “Capitalize on a unique opportunity to reuse former rail-yard and obsolete industrial land in the heart of Denver.” – understanding that the Property and surrounding neighborhood has been extensively redeveloped from railyards, at the time the Platte Amendments was adopted, into mixed-use housing and open space
- Intent Statements, Land Use C: “Redevelop the Valley to help satisfy the needs of the Downtown and the adjoining neighborhoods by making provision for: neighborhood parks and recreation facilities, city-wide parking and recreation facilities, housing to develop a 24-hour Downtown population, housing to reinforce adjoining neighborhoods, increased tax base, support for Downtown retail, hotels, restaurants, and entertainment facilities, Downtown access and parking, increased employment opportunities for residents of adjoining neighborhoods, support for Denver’s cultural, and arts resources, support services for Downtown’s businesses and employees”
- Goal 2.3: “Provide an orderly, visually pleasing and active environment for: workers, residents, neighbors, visitors”
- Goal 2.4: “Reinforce desired land use patterns”
- Goal 2.5: “Enhance amenities for new residential, specialized office, research and development uses”

- Goal 4.1: “Foster a character for the CPV which is different and distinct from that of Downtown”
- Goal 4.3: “Preserve views of natural and man-made features including: the mountains, the Downtown skyline, and Denver Union Station”

The Platte Amendment designates the Property as within the Prospect Sub-Area, which description states that “a broad mix of uses should be encouraged” with “Lower building heights toward the river” to “help preserve views of the City center from Park Avenue West” Platte Amendment, pp. 42-43. This fits with the proposed Rezoning for the Property as the Rezoning will maintain the preservation of views because of the existence of the Coors View Plane and recently constructed 5-story building which is to be maintained, and the uses permitted in the C-MX-12 zone district are compatible.

Moreover, much of the Prospect Sub-Area is currently zoned C-MX-12, which demonstrated the City’s belief in 2010 that the Rezoning is consistent with the Platte Amendment. Importantly, the C-MX-12 zoning of the Northern Portion of the Property is consistent with each of the other plans as well; and thus, the Rezoning, which will serve to provide uniform zoning for both the Northern Portion and Southern Portion of the Property, is also consistent with each of the plans.

While the Platte Amendment provides some very relevant goals and recommendations that apply to the Property, it is nearly 30 years old and many conditions have changed Downtown and around this site – Coors Field is 23 years old, Union Station and its surrounding area is revitalized and redeveloped 0.8 miles from the Property, Denver updated its Comprehensive Plan in 2000 and Blueprint Denver in 2002, the 2007 Downtown Area Plan also mentions the area where the Property is located, and the Comprehensive Plan and Blueprint Denver are currently undergoing further updates. Therefore, we will discuss the Rezoning’s relation to these other plans below.

b. *Downtown Area Plan (2007)*

The City adopted the Downtown Area Plan (“**Area Plan**”) in 2007 as “a tool to help community leaders, decision-makers, and citizens build upon Downtown’s assets and guide future development to reflect the community’s vision of a livable, healthy, sustainable and vibrant Downtown.” Area Plan, p. 1. The Area Plan identifies the Property as being situated in the Prospect sub-district of the Central Platte Valley, which “is a dynamic, livable urban neighborhood with connections to open spaces and natural areas.” *Id.* p. 52. Specifically, the Prospect sub-district is a compact and “mixed-use area with residential, restaurant, office, industrial and some new retail.” *Id.*

The Rezoning will allow the Property to maintain the type of residential uses which enhance the vision of a vibrant Downtown community that the Area Plan intends for the Central Platte Valley – Prospect sub-district. For the foregoing reasons, the Rezoning is consistent with the Area Plan.



c. *Denveright - Comprehensive Plan 2040 and Blueprint Denver*

i. *Comprehensive Plan 2040*

The City's Comprehensive Plan 2040 (the "**Comp Plan 2040**") is the vision for Denver and its people for the next twenty years. The vision is composed of six elements that set long-term, integrated goals to guide the future of the City and provide guidance for City leaders, institutions and community members to shape the City.

The Rezoning aligns closely with several of these elements, including, but not limited to:

- **Equitable, Affordable and Inclusive:** The Rezoning would provide clarity around the application of the Code to the Property, and ensure that the existing multi-family residential at the Property remains. This preserves residential development near transit and mixed-use, Strategy A under Goal 1. This also preserves this type of multi-family residential housing in the Union Station North neighborhood, ensuring a mix of housing options in every neighborhood remains.
- **Strong and Authentic Neighborhoods:** As stated above, the Rezoning would provide uniform consistency at the Property on the applicable Code, ensuring that the existing multi-family residential at the Property remains. This preserves this building's role in the Union Station North neighborhood of providing a mix of housing types in the City. This Property's building was developed in 2013 as an infill project, consistent Strategy D under Goal 1.
- **Connected, Safe and Accessible Places:** The 2013 redevelopment of the Property aligns with the goals and strategies to provide safe, high-quality, multi-modal transportation options in Denver. For example, the 2013 redevelopment of the Property included a landscape plan and created an enhanced street frontage, inviting pedestrian and bicycle traffic across a new and unbroken sidewalk, creating a more pedestrian-friendly environment than what currently existed; thus, serving Goal 6 to build and maintain safe bicycle and pedestrian networks. By including facilities that are easy to use, Huron encourages its residents to use transit and bicycles, and the Property's location in the Downtown area promotes a live, work and play environment, which reinforces Strategy B of Goal 8 of strengthening multimodal connections and promoting higher density development near transit to support ridership.
- **Environmentally Resilient:** The landscape plan, which was part of the 2013 redevelopment of the Property, included enhanced landscaping, green space and 18 new street trees, thus serving to connect into an integrated green infrastructure network, consistent with Goal 6, specifically Strategies A and C. Additionally, by encouraging its residents to recycle, Huron is helping to increase Denver's solid waste diversion rate and supporting Strategy A of Goal 7. Finally, Huron is also investing and supporting a clean, carbon-free transportation system, consistent with Strategy C of Goal 1, by providing bicycle parking and encouraging its residents to utilize transit and bicycles for transportation.

ii. *Blueprint Denver*

Similar to Comp Plan 2040, Blueprint Denver (“New Blueprint”), implements and provides further structure around the six elements that comprise the vision for Denver set forth in Comp Plan 2040 and sets forth the recommendations and strategies for achieving the six elements of the City’s vision.

The Rezoning aligns closely with many of the strategies and recommendations in New Blueprint, including, but not limited to:

- Land Use & Built Form: Policy 03 – Ensure the Denver Zoning Code continues to respond to the needs of the City, while remaining modern and flexible. Strategies for implementing this recommendation include Strategy A, rezoning properties from the Former Chapter 59 Code so that the entire City is covered by the Code, including continuing to incentivize owners to come out of the Former Chapter 59 Code.
- Mobility: Policy 01 – Encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements. Strategies to implement this recommendation include increasing the number of services and amenities by integrating more local centers and corridors into residential areas. Huron provides bicycle parking and encourages its residents to utilize transit and bicycles for transportation. Because of the strategic location of the Property, its residents are able to make this shift in a convenient way.

New Blueprint includes a Neighborhood Contexts Map and a Places Map. The Property is designated “Urban Center” in the Neighborhood Context Map and “High-Medium Residential” on the Places Map. High-Medium Residential in the Urban Center context is described as “a mix of uses, including multi-unit residential, but at a slightly lower intensity compared to the high residential areas. Heights are generally up to 8 stories. There is high lot coverage and shallow setbacks.” New Blueprint, p. 250. Blueprint Denver also states that “The building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. For example, there may be times when building heights taller than specified are appropriate, such as a site immediately adjacent to a transit station.” New Blueprint, p. 67. Relevant factors to consider include “surrounding context, including existing and planned building heights.” *Id.*

Huron is requesting the Southern Portion of the Property be rezoned to C-MX-12 (12 stories maximum) in order to be consistent with the existing C-MX-12 zoning of the Northern Portion of the Property. However, as described above, the Coors Field View Plane limits the height in the bottom third of the Property to approximately 100 feet. Therefore, while Huron requests C-MX-12 zoning for consistency and clarity to remedy a zoning discrepancy and have one zone district apply equally across the Property made up of one building, as a practical matter, the height of the Property is actually limited to less than 8 stories. And, as detailed above, the current building was recently constructed in 2013 and is 5 stories in height.

Regarding street classifications, New Blueprint states that Urban Center context contains main street, mixed-use and residential street types. *Id.*, p. 262. The Street Types Map identifies the streets bordering the Property are undesignated local streets, which “are often characterized by residential uses” and “found in all neighborhood contexts” *Id.* p. 154. Additionally, the redevelopment of the Property in 2013 included improved sidewalk amenity space, including street trees. The Property’s area is a pocket neighborhood, not a through area and thus the current streets being undesignated local streets should not be an issue if the Southern Portion of the Property is rezoned to C-MX-12, just as it has not been an issue with the Northern Portion of the Property being rezoned to C-MX-12 in 2010.

Regarding the Growth Areas Strategy of the New Blueprint, the Property is located within the area designated as “High & High-Medium Residential” that is expected to absorb approximately 15% of new households by 2040. The Rezoning to C-MX-12 reinforces this possibility and the existing recently constructed five-story multi-family residential building furthers this strategy.

For the foregoing reasons, the Rezoning is consistent with the overall intent of and furthers the goals of New Blueprint, as well as the other City Plans, and therefore satisfies this criterion for approval.

2. 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.

The Rezoning of the Southern Portion of the Property to C-MX-12 will result in uniform application of the Code to the Property in context with the surrounding area. As mentioned, the Northern Portion of the Property and much of the area surrounding the Property is currently zoned C-MX-12. The Rezoning of the Property will provide continuity and consistency across both the Property itself, and a larger area of the neighborhood than exists today, enabling uniform application of the Code. Therefore, the Rezoning would undeniably result in uniformity with district regulations and restrictions. Therefore this criterion is satisfied.

3. The proposed official map amendment furthers the public health, safety and general welfare of the City.

The City has adopted multiple plans in the interest of public health, safety, and the general welfare, including the Comp Plan, New Blueprint, and the Downtown Area Plan. As described in detail above, the Rezoning furthers the goals, policies, and strategies in these City plans, and thus furthers the health, safety, and general welfare of the City.

Additionally, bringing the Southern Portion of the Property currently zoned R-MU-30 with Waivers under the Former Chapter 59 Code into compliance with the new Code furthers the general welfare of the City. In fact, it is a criterion for non-legislative rezonings as further discussed below. Code, § 12.4.10.8.A.4. It is a City goal to rezone property from the Former Chapter 59 Code to the new Code where possible. See, e.g., New Blueprint, p. 73. This Rezoning would help achieve that result.

## II. Criteria for Non-Legislative Rezoning

In addition to the foregoing criteria, the City Council may approve an official zone map amendment that the City Attorney has determined is not a legislative rezoning only if one of the following circumstances exists:

1. The existing zoning of the land was the result of an error;
2. The existing zoning of the land was based on a mistake of fact;
3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
4. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
  - a. Change or changing conditions in a particular area, or in the city generally, or
  - b. A City adopted plan, or
  - c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
5. 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 the Code.

The Rezoning is a non-legislative rezoning and the circumstances described in 4(c) above exist with respect to the Property.

Circumstance 4(c) is met because the Rezoning will bring the Southern Portion of the Property currently zoned R-MU-30 with Waivers under the Former Chapter 59 Code into compliance with the new Code. R-MU-30 with Waivers is outdated and antiquated. The current zoning status of the Southern Portion of the Property provides lack of consistency in applying the Code to the Property in that, currently, both the Former Chapter 59 Code and the Code apply. The City desires to rezone property from the Former Chapter 59 Code to the new Code where possible. This Rezoning would help achieve that result.

The other criterion for non-legislative rezonings is “the purpose of the amendment is consistent with the description of the applicable neighborhood context, and the stated purpose and intent of the proposed zone district.” Code, § 12.4.10.8.B. The rezoning complies with this criterion in the following ways:

1. The Urban Center Neighborhood Context is most appropriate for the Southern Portion of

the Property because the Northern Portion of the Property is already zoned C-MX-12, as is much of the surrounding area. Urban Center character includes multi-unit residential and mixed-use commercial strips and commercial centers. Moderate to high building heights promote a dense urban character. Mixed-use districts are focused on creating mixed, diverse neighborhoods. Mixed-use buildings have a shallow front setback range and a high build-to requirement. The current building on the Property was built in conformance with these zone district purposes and forms. Code, §§ 7.1.1, 7.2.2.1.F.

2. With its enhanced street frontage and pedestrian-friendly environment, the Property meets the mixed use districts' stated purpose of promoting safe, active, and pedestrian-scaled areas, while at the same time enhancing the ease and enjoyment of transit, walking and gathering within and around one of Denver's many diverse neighborhoods. Code, §§ 7.2.2.1.A, 7.2.2.1.B.
3. Finally, the specific intent of the C-MX-12 zone district is to apply to "areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired" and although the Property itself isn't served directly by such major streets, the *area* in which the Property is located is served by 20<sup>th</sup> Street, which most is a Mixed-Use Arterial.

The Rezoning would allow Huron and the Property to continue in its current state, in harmony with the existing neighborhood and with the City's adopted plans, each as outlined above. The Property currently contains a zoning discrepancy. Huron's goal in applying for this Rezoning is to remedy this discrepancy and create one, uniform zone district for the Property. This provides clarity for both Huron and the neighborhood.

Therefore, the Rezoning satisfies the criteria for approval of a non-legislative rezoning.

### CONCLUSION

We hope the foregoing information proves helpful in the City's review of the proposed Rezoning. As discussed in detail above, the Rezoning satisfies all of the criteria in the Code for approval of a zone map amendment and a non-legislative rezoning. Therefore, we respectfully request that the City approve the proposed Rezoning.

Sincerely,  
**Brownstein Hyatt Farber Schreck, LLP**



Caitlin Quander, Esq.

# DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PORTION OF LOTS 5 THROUGH 23, BLOCK 7, HOYT AND ROBINSON'S ADDITION TO DENVER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID LOT 5;  
THENCE NORTH 26°42'32" WEST, A DISTANCE OF 5.65 FEET TO A POINT ON THE LINE 20 FEET SOUTH OF THE NORTH LINE OF SAID LOT 5 AND THE **POINT OF BEGINNING**;

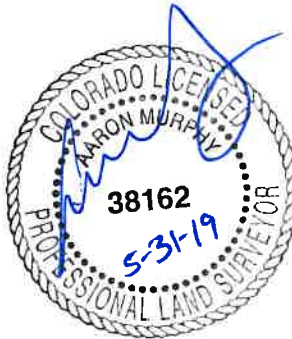
THENCE SOUTH 89°44'21" WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 147.59 FEET TO A POINT ON THE EAST LINE OF THE ALLEY IN SAID BLOCK 7;  
THENCE NORTH 00°25'33" WEST ALONG THE EAST LINE OF SAID ALLEY, A DISTANCE OF 458.92 FEET TO A POINT 13 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 23;  
THENCE NORTH 89°43'46" EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 147.56 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HURON STREET, AS DESCRIBED AT RECEPTION NO. 2013017374 OF THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER;  
THENCE SOUTH 00°25'47" EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 458.95 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 67,726 SQUARE FEET OR 1.55 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF BLOCK 7, HOYT AND ROBINSON'S ADDITION TO DENVER, ASSUMED TO BEAR NORTH 00°25'47" WEST.

PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300



FILED IN 180435 (180435) (180435) - 05-31-2019 LAYOUT LAYOUT  
NO DATA  
NOTED TO 05/31/2019 10:44:54A. BY: AARON MURPHY

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

| ISSUE DATE: 05-31-2019 | PROJECT #: 180435 |
|------------------------|-------------------|
| DATE                   | REVISION COMMENTS |
|                        |                   |
|                        |                   |
|                        | 2018I-00099       |
|                        |                   |
|                        |                   |

RMU-30 BOUNDARY

14 DESCRIPTION

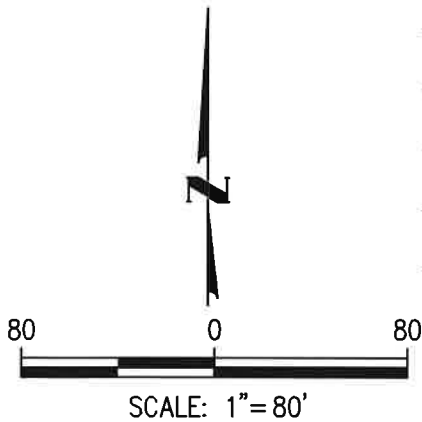
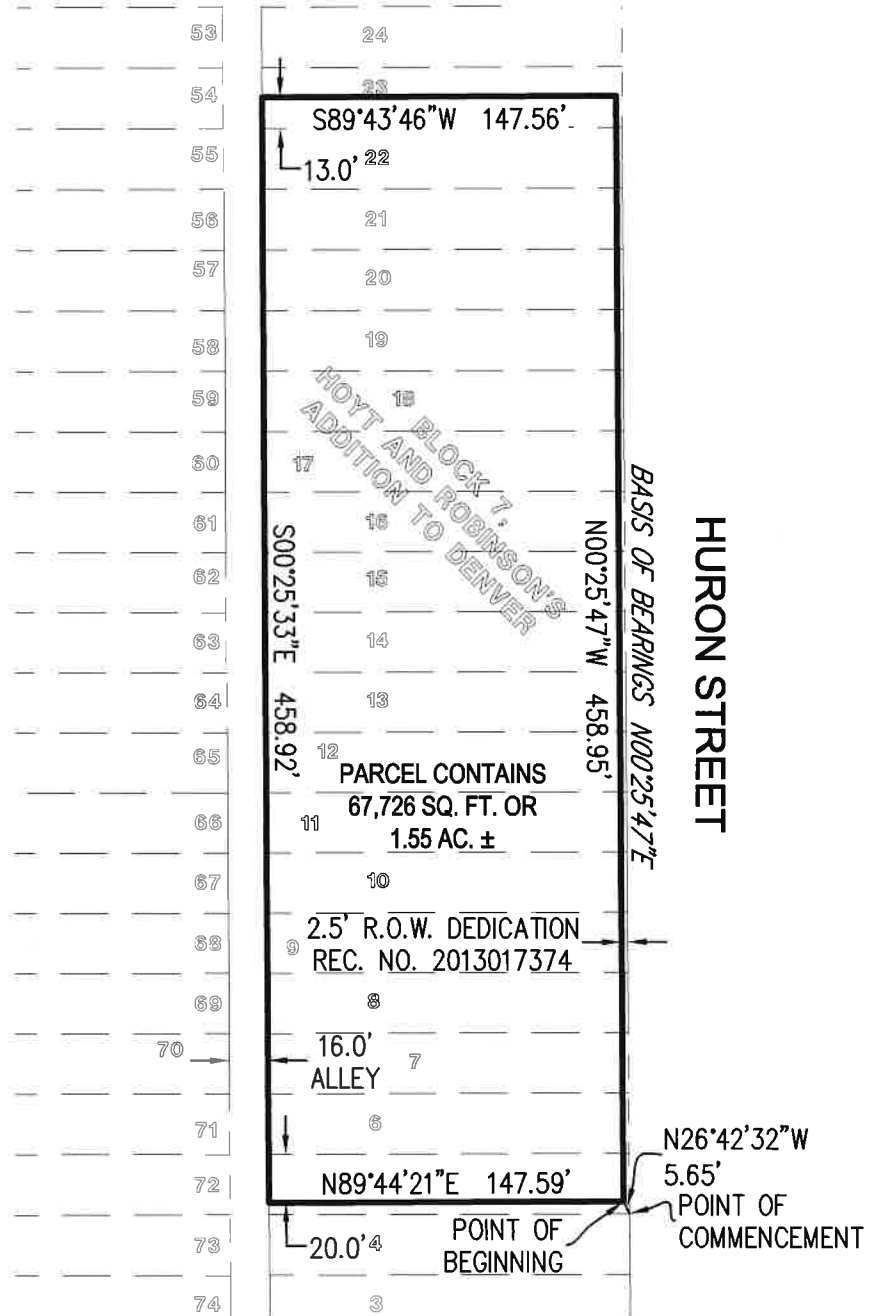
**HKS** HARRIS KOCHER SMITH  
1120 Lincoln Street, Suite 1000/1001  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

CHKD BY: AWM  
DRAWN BY: JAF

SHEET NO.  
**1**  
1 OF 2

# EXHIBIT

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M. CITY AND COUNTY OF DENVER, STATE OF COLORADO.



**NOTE:**  
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

REVISION: RMU30 BOUNDARY LAYOUT  
DATE: 05/31/2019  
PROJECT #: 180435

| DATE | REVISION COMMENTS |
|------|-------------------|
|      | 2018I-00099       |
|      |                   |
|      |                   |
|      |                   |

RMU-30 BOUNDARY

EXHIBIT

**HKS HARRIS KOCHER SMITH**  
1120 Lincoln Street, Suite 800  
Denver, Colorado 80203  
P: 303.623.6300 F: 303.623.6311  
HarrisKocherSmith.com

CHK'D BY: AWM  
DRAWN BY: JAF  
SHEET NO. 2  
2 OF 2

A PARCEL OF LAND BEING A PORTION OF LOTS 5 THROUGH 23, BLOCK 7, HOYT AND ROBINSON'S ADDITION TO DENVER, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5;  
THENCE NORTH 26°42'32" WEST, A DISTANCE OF 5.65 FEET TO A POINT ON THE LINE 20 FEET SOUTH OF THE NORTH LINE OF SAID LOT 5 AND THE POINT OF BEGINNING;

THENCE SOUTH 89°44'21" WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 147.59 FEET TO A POINT ON THE EAST LINE OF THE ALLEY IN SAID BLOCK 7;  
THENCE NORTH 00°25'33" WEST ALONG THE EAST LINE OF SAID ALLEY, A DISTANCE OF 458.92 FEET TO A POINT 13 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 23;  
THENCE NORTH 89°43'46" EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 147.56 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HURON STREET, AS DESCRIBED AT RECEPTION NO. 2013017374 OF THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER;  
THENCE SOUTH 00°25'47" EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 458.95 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 67,726 SQUARE FEET OR 1.55 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF BLOCK 7, HOYT AND ROBINSON'S ADDITION TO DENVER, ASSUMED TO BEAR NORTH 00°25'47" WEST.

PREPARED BY: AARON MURPHY  
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203  
303.623.6300





12/18/2017 03:34 PM  
City & County of Denver  
Electronically Recorded

R \$48.00

WD

D \$10,050.00

**PROPERTY IS NOT TO BE REGARDED AS RESIDENTIAL PURSUANT TO  
C.R.S. 39-13-102(5)(d) FOR PURPOSES OF CALCULATING DOCUMENTARY FEE**

Recording requested by  
and when recorded please return to:

Brownstein Hyatt Farber Schreck, LLP  
410 Seventeenth Street, Suite 2200  
Denver, CO 80202  
Attn: Orlene Mitchell

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 15 day of December, 2017. **EDWARDS PROSPECT PARK, LLC**, an Ohio limited liability company ("**Grantor**"), whose street address is 495 South High Street, Suite 150, Columbus, Ohio 43215, for the consideration of \$10.00 and other good and valuable consideration, in hand paid, hereby sells and conveys to **2975 HURON, LLC**, a Delaware limited liability company ("**Grantee**"), whose street address is 6400 South Fiddlers Green Circle, Suite 1200, Greenwood Village, CO 80111, the following real property in the City and County of Denver, Colorado, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference, with all its appurtenances (including without limitation oil, gas, mineral, development, air, or water rights, if any) and warrants title to the same against all persons claiming by, through or under Grantor, subject only to those matters set forth on Exhibit B attached hereto and incorporated herein by this reference.

*[Signature and Acknowledgment on Following Pages]*

Recording Requested by:  
FNTG-NCS Colorado

N0015138

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed to be effective as of the date first set forth above.

EDWARDS PROSPECT PARK, LLC, an Ohio limited liability company

By: Edwards Associates Prospect Park, LLC, an Ohio limited liability company, its sole member

By: Jeffrey W. Edwards  
Name: JEFFREY W. EDWARDS  
Title: MANAGER

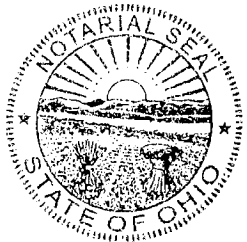
STATE OF OHIO

COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of December, 2017, by Jeffrey W. Edwards, Manager of Edwards Associates Prospect Park, LLC, an Ohio limited liability company, as the sole member of Edwards Prospect Park, LLC, an Ohio limited liability company, on behalf of said limited liability company.

Witness my hand and official seal.

My Commission expires: 6-25-2020



Susan Wilgus  
NOTARY PUBLIC

Susan Wilgus  
Notary Public, State of Ohio  
My Commission Expires 06-25-2020

**EXHIBIT A**  
to  
Special Warranty Deed

**PROPERTY DESCRIPTION**

**PARCEL ONE:**

Lots 6 through 22, inclusive, TOGETHER WITH the North 20 feet of Lot 5 and the South 13 feet of Lot 23, Block 7, Hoyt and Robinson's Addition to Denver, City and County of Denver, State of Colorado,

EXCEPTING THEREFROM that portion conveyed to the City and County of Denver by the Deed recorded February 6, 2013, under Reception No. 201317374.

**PARCEL TWO:**

(Combined with Parcel One)

**PARCEL THREE:**

Zone Lot 1, pursuant to the application to amend the boundaries of a designated Zone Lot, which was recorded April 21, 2008, at Reception No. 2008054066, in the records of the Clerk and Recorder of Denver County, Colorado, being more particularly described as follows:

Lots 23 through 26, and the South 12 feet of Lot 27, EXCEPT the South 13 feet of said Lot 23, Block 7, Hoyt and Robinson's Addition to Denver.

Being described in its entirety as follows:

COMMENCING at a #8 rebar at the North end of a 10 foot Denver Range Line being 10.00 feet Easterly from the East line of said Block 7, and on the North line of said Block 7, extended; thence North 89 degrees 59 minutes 45 seconds West, a distance of 10.00 feet, to the Northeast corner of said Block 7; thence along the Easterly line of said Block 7 South 00 degrees 08 minutes 30 seconds East, a distance of 288.65 feet to the Northeast corner of the South 12 feet of said Lot 27, and the Point of Beginning; thence along said Easterly line South 00 degrees 08 minutes 30 seconds East, a distance of 99.22 feet; thence North 89 degrees 59 minutes 24 seconds West, a distance of 150.04 feet, to the West line of said Lot 23;

Thence along said West line North 00 degrees 08 minutes 12 seconds West, a distance of 99.22 feet, to the Northwest corner of the South 12 feet of said Lot 27; thence South 89 degrees 59 minutes 29 seconds East, a distance of 150.03 feet, to the East line of said Block 7 to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to the City and County of Denver by the Deed recorded February 6, 2013, under Reception No. 201317375.

City and County of Denver, State of Colorado.

**PARCEL FOUR:**

Zone Lot 2, pursuant to the Application to Amend the Boundaries of a Designated Zone Lot, which was recorded April 21, 2008, at Reception No. 2008054066, in the records of the Clerk and Recorder of Denver County, Colorado, being more particularly described as follows:

Lots 27 through 29, and the South 15 feet of Lot 30, EXCEPT the South 12 feet of said Lot 27, Block 7, Hoyt and Robinsons Addition to Denver,

TOGETHER WITH a portion of the vacated alley adjacent thereto as vacated by Ordinance #99, a copy of which was recorded February 29, 2008, at Reception No. 2008027114 of the records of the Clerk and Recorder of Denver County, Colorado,

Being described in its entirety as follows:

COMMENCING at a #8 rebar at the North end of a 10 foot Denver Range Line, being 10.00 feet Easterly from the East line of said Block 7, and on the North line of said Block 7 extended,  
Thence North 89 degrees 59 minutes 45 seconds West, a distance of 10.00 feet to the Northeast corner of said Block 7;  
Thence along the Easterly line of said Block 7 South 00 degrees 08 minutes 30 seconds East, a distance of 210.49 feet to the Northeast corner of the South 15 feet of Lot 30 and the Point of Beginning;  
Thence South 00 degrees 08 minutes 30 seconds East, a distance of 78.16 feet;  
Thence North 89 degrees 59 minutes 29 seconds West, a distance of 150.03 feet, to the West line of said Lot 27;  
Thence along said West line North 00 degrees 08 minutes 12 seconds West, a distance of 13.05 feet;  
Thence North 89 degrees 59 minutes 30 seconds West, a distance of 16.00 feet, to the West line of a vacated alley;  
Thence along said West line North 00 degrees 08 minutes 12 seconds West, a distance of 65.11 feet;  
Thence South 89 degrees 59 minutes 33 seconds East, a distance of 166.03 feet, to the Point of Beginning,

EXCEPTING THEREFROM that portion conveyed to the City and County of Denver by the Deed recorded February 6, 2013, under Reception No. 2013017375,

City and County of Denver, State of Colorado.

**PARCEL FIVE:**

Zone Lot 3, pursuant to the Application to Amend the Boundaries of a Designated Zone Lot, which was recorded April 21, 2008, at Reception No. 2008054066, in the records of the Clerk and Recorder of Denver County, Colorado, being more particularly described as follows:

Lots 30 through 33, EXCEPT the South 15 feet of said Lot 30 and EXCEPT the North 7 feet of said Lot 33, Block 7, Hoyt and Robinsons Addition to Denver,

TOGETHER WITH all of the vacated alley adjacent thereto, as vacated by Ordinance #99, a copy of which was recorded February 29, 2008, at Reception No. 2008027114 of the records of the Clerk and Recorder of Denver County, Colorado,

Being described in its entirety as follows:

COMMENCING at a #8 rebar at the North end of a 10 foot Denver Range Line, being 10 feet Easterly from the East line of said Block 7 and on the North line of said Block 7 extended;

Thence North 89 degrees 59 minutes 45 seconds West, a distance of 10.00 feet to the Northeast corner of said Block 7;

Thence along the Easterly line of said Block 7 South 00 degrees 08 minutes 30 seconds East, a distance of 132.27 feet, to the Northeast corner of the South 18 feet of Lot 33 and the Point of Beginning;

Thence along said Easterly line South 00 degrees 08 minutes 30 seconds East, a distance of 78.22 feet;

Thence North 89 degrees 59 minutes 33 seconds West, a distance of 166.03 feet, to the West line of a vacated alley;

Thence along said West line North 00 degrees 08 minutes 12 seconds West, a distance of 78.22 feet;

Thence South 89 degrees 59 minutes 38 seconds East, a distance of 166.02 feet, to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to the City and County of Denver by the Deed recorded February 6, 2013, under Reception No. 2013017375,

City and County of Denver, State of Colorado.

**EXHIBIT B**  
to  
Special Warranty Deed

**PERMITTED EXCEPTIONS**

1. Taxes and assessments for the year 2017 and subsequent years, a lien not yet due or payable.
2. Rights of parties in possession, as tenants only, under unrecorded residential leases.
3. Terms, easements, conditions, provisions, agreements and obligations contained in the Building Separation and Access Easement as set forth below:  
Recording Date: July 25, 2000  
Recording No.: Reception No. 2000105253
4. Terms, easements, conditions, provisions, agreements and obligations contained in the Access Easement Agreement as set forth below:  
Recording Date: July 25, 2000  
Recording No.: Reception No. 2000105254
5. Terms, easements, conditions, provisions, agreements and obligations contained in the Access Easement Agreement as set forth below:  
Recording Date: July 25, 2000 and amended February 13, 2002  
Recording No.: Reception No. 200010526 and Reception No. 2002030971
6. Terms, easements, conditions, provisions, agreements and obligations contained in the Applications to Amend the Boundaries of a Designated Zone Lot and Reconfiguration Form as set forth below:  
Recording Date: August 15, 2008, August 18, 2008 and May 8, 2013  
Recording No.: Reception Nos. 2008113674; 2008113908 and 2013065751 (as to Parcels One, Three, Four and Five)
7. Terms, easements, conditions, provisions, agreements and obligations contained in the Zoning Ordinance as set forth below:  
Recording Date: December 1, 2006  
Recording No.: Reception No. 2006192069 (as to Parcel One)  
NOTE: Amended January 12, 2007 at Reception No. 2007005825.
8. Terms, easements, conditions, provisions, agreements and obligations contained in the Permanent Easement (2907 Huron Storm Line) to the City and County of Denver as set forth below:  
Recording Date: August 21, 2012  
Recording No.: Reception No. 2012112837  
NOTE: Agreement recorded August 21, 2012 at Reception No. 2012112904.
9. Terms, easements, conditions, provisions, agreements and obligations contained in the Parking and Access Easements Agreement as set forth below:  
Recording Date: August 21, 2012  
Recording No.: Reception No. 2012112905

First Amendment to Parking and Easement Agreement recorded December 18, 2017 at  
Recording No.: 2017164408.

10. Terms, easements, conditions, provisions, agreements and obligations contained in the Permanent Easements for Right of Way Area (Sidewalk Easement) as set forth below:  
Recording Date: February 6, 2013  
Recording No.: Reception No. 2013017376
11. Terms, easements, conditions, provisions, agreements and obligations contained in the Permanent Easement for Right of Way Area (Sidewalk Easement) as set forth below:  
Recording Date: February 6, 2013  
Recording No.: Reception No. 2013017377
12. Terms, easements, conditions, provisions, agreements and obligations contained in the Access Easement (Alley "L" and Triangle Parcels) as set forth below:  
Recording Date: February 6, 2013  
Recording No.: Reception No. 2013017378
13. Terms, easements, conditions, provisions, agreements and obligations contained in the Permanent Non-Exclusive Easement (29th and Huron Apartments) as set forth below:  
Recording Date: February 6, 2013  
Recording No.: Reception No. 2013017379
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Public Service Company of Colorado  
Purpose: utility lines and incidental purposes  
Recording Date: May 6, 2013  
Recording No: Reception No. 2013064727  
  
Recording Date: June 12, 2013  
Recording No: Reception No. 2013085397 (as to Parcel Five)  
NOTE: Corrected Easement recorded December 6, 2017 at Reception No. 2017159024.
15. Terms, conditions, provisions, agreements and obligations contained in the 29th and Huron Apartment Development Plan as set forth below:  
Recording Date: February 6, 2013  
Recording No.: Reception No. 201317361
16. Terms, conditions, covenants, easements, restrictions, provisions, agreements and obligations contained in the Restrictive Covenant Agreement for Conveyance of Deed or Easement as set forth below:  
Recording Date: December 23, 2013  
Recording No: Reception No. 2013180553
17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Mile Hi Cable Partners, L.P.  
Purpose: those purposes set forth in installation and services agreement referenced therein  
Recording Date: April 8, 2014  
Recording No: Reception No. 2014038843

18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mile Hi Cable Partners, L.P.  
Purpose: those purposes set forth in installation and services agreement referenced therein  
Recording Date: February 20, 2014  
Recording No: Reception No. 2014020138

19. The effect of Recorded Letter/Notice recorded November 21, 2013 at Reception No. 2013168691.

Terms, conditions, easements, provisions, agreements and obligations contained in the Memorandum of Amended and Restated Agreement for Development and Reciprocal Easements, as set forth below:  
Recording Date: November 3, 2017  
Recording No.: Reception No. 2017145198

20. The following matters as shown on survey prepared by Boundary Boys, LLC, Job No. 1NMCO105, dated November 29, 2017 and last updated \_\_\_\_\_:
- a. Building façade extends into sidewalk easement on the north, as shown thereon.
  - b. Building extends into the Public Service Easement (reference to exception 23) as shown thereon on the north side/Parcel Five.



STATEMENT OF OWNER

I, David Birnbaum, as the authorized signatory of 2975 HURON, LLC, a Delaware limited liability company ("Owner"), the owner of the real property located at 2975 Huron Street, Denver, Colorado 80202, commonly referred to as Griffis North Union (the "Property"), hereby authorize Caitlin Quander of Brownstein Hyatt Farber Schreck LLP ("Authorized Representative") to submit all documents, submittals and applications necessary to apply for a zone map amendment and rezoning of the Property with the City and County of Denver (the "Rezoning Application").

Owner is fully aware of the Rezoning Application being submitted by the Authorized Representative on Owner's behalf, the actions being initiated regarding the Property, and authorizes the Authorized Representative to take actions on owner's behalf with are reasonably necessary to secure, receive, or effectuate, the Rezoning Application, including, without limitation, representing Owner in front of the City and County of Denver in connection with the Rezoning Application. Owner understands that the Rezoning Application must be found to be complete by the City and County of Denver before the request can officially be accepted and the review process initiated. By this acknowledgement, the Owner hereby certifies that the above information is true and correct.

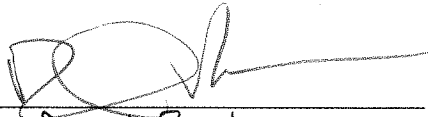
*(signature page follows)*

**OWNER:**

2975 HURON, LLC,  
a Delaware limited liability company

By: Premium Apartment Fund Management IV, LLC,  
a Delaware limited liability company  
Its: Manager

By: Griffis Group of Companies, LLC,  
a Colorado limited liability company  
Its: Manager

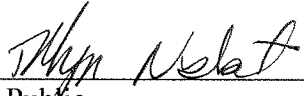
By:   
Name: David Birnbaum  
Its: Manager

STATE OF Colorado )  
COUNTY OF Arapahoe )

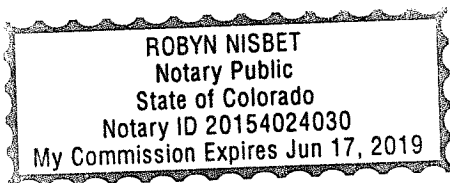
The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January, 2019, by David Birnbaum, as Manager of Griffis Group of Companies, LLC, a Colorado limited liability company, as Manager of Premium Apartment Fund Management IV, LLC, a Delaware limited liability company, as Manager of 2975 HURON, LLC, a Delaware limited liability company.

Witness my hand and official seal.

(SEAL)

  
\_\_\_\_\_  
Notary Public

My commission expires: Jun. 17, 2019



**STATEMENT OF AUTHORITY**

1. This Statement of Authority relates to an entity<sup>1</sup> named 2975 HURON, LLC, 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:

- |   |   |
|---|---|
| <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 (Section 38-30-108.5, C.R.S.)              |
| <input type="checkbox"/> other:                               |   |

3. The entity is formed under the laws of : Delaware

4. The mailing address for the entity is: 6400 South Fiddler’s Green Circle, Suite 1200, Greenwood Village, CO 80111.

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:

Name: Ian C. Griffis and David M. Birnbaum

6.<sup>2</sup> The authority of the foregoing person(s) to bind the entity is  not limited  limited as follows:

7. Other matters concerning the manner in which the entity deals with interests in real property: None

Executed this as of this 22<sup>nd</sup> day of January, 2019.

[SIGNATURES ON FOLLOWING PAGE]

<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.

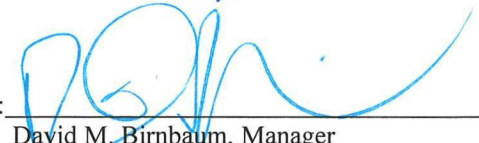
IN WITNESS WHEREOF, the party hereto has executed this Statement of Authority as of the date first above written.

2975 HURON, LLC, a Delaware limited liability company

BY: Premium Apartment Fund Management IV, LLC,  
a Delaware limited liability company  
Its: Manager

BY: Griffis Group of Companies, LLC,  
a Colorado limited liability company  
Its: Manager

By:   
\_\_\_\_\_  
Ian C. Griffis, Manager

By:   
\_\_\_\_\_  
David M. Birnbaum, Manager

STATE OF COLORADO )

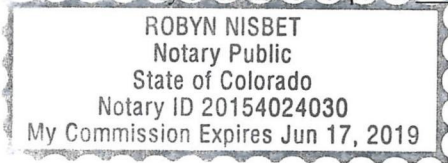
COUNTY OF   Arapahoe   )

) ss.  
)

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January, 2019, by Ian C. Griffis as Manager of Griffis Group of Companies, LLC, a Colorado limited liability company, as Manager of Premium Apartment Fund Management IV, LLC, a Delaware limited liability company, as Manager of 2975 HURON, LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: Jun. 17, 2019



Robyn Nisbet  
Notary Public

STATE OF COLORADO )

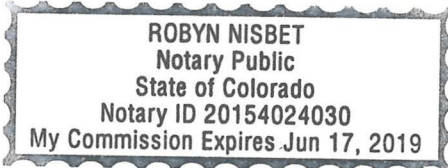
COUNTY OF   Arapahoe   )

) ss.  
)

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January, 2019, by David M. Birnbaum as Manager of Griffis Group of Companies, LLC, a Colorado limited liability company, as Manager of Premium Apartment Fund Management IV, LLC, a Delaware limited liability company, as Manager of 2975 HURON, LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: Jun. 17, 2019



Robyn Nisbet  
Notary Public

[Signature Page to Statement of Authority]