

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	4228 Kalamath LLC	Representative Name	Matt Chiodini
Address	250 Fillmore St Suite 225	Address	3003 Larimer Street
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80205
Telephone	720-288-0827	Telephone	303.956.9437
Email	lizzie@sonomawestre.com	Email	mchiodini@ozarch.com
<p>*If More Than One Property Owner: 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>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4228 KALAMATH ST & 4260 KALAMATH ST		
Assessor's Parcel Numbers:	0221414017000 & 0221414001000		
Area in Acres or Square Feet:	46,875 SF		
Current Zone District(s):	PUD #240 & U-MX-2X		
PROPOSAL			
Proposed Zone District:	U-RX-3		

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria 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.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> 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 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"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
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</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:	
See attachment list below.	

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION						
We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.						
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
4228 Kalamath LLC	4228 KALAMATH ST Denver, CO 80211 720-288-0827 lizzie@sonomawestre.com	100%	<i>Lizzie M.</i>	1/10/20	(A)	YES
Galicia, Cipriana Robles & Roblec C, Nicandro	4260 KALAMATH ST DENVER, CO 80211	100%	See attached authorization		(A)	YES



Reference: Zone Map Amendment – Legal Descriptions

Site #1 Address: 4228 KALAMATH ST
Owner: 4228 KALAMATH LLC
Address: 250 FILLMORE ST. SUITE 225 | DENVER, CO 80206
Parcel Size: 40,625 SF
Schedule Number: 0221414017000

LEGAL DESCRIPTION:

LOTS 3 TO 15, INCLUSIVE, BLOCK 15,
VIADUCT ADDITION TO DENVER,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

Existing Zoning PUD #240 (former chpt 59)
Proposed Zone District: U-RX-3

Site #2 Address: 4260 KALAMATH ST
Owner: GALICIA,CIPRIANA ROBLES & ROBLEC C, NICANDRO
Address: 4260 KALAMATH ST, DENVER , CO 80211-2524
Parcel Size: 6,250 SF
Schedule Number: 0221414001000

LEGAL DESCRIPTION:

LOT 1 & 2, BLOCK 15,
VIADUCT ADDITION TO DENVER,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO

Existing Zoning U-MX-2X
Proposed Zone District: U-RX-3

PROPERTY INFORMATION

Property Type:

Parcel: 0221414017000

Name and Address Information	Legal Description
4228 KALAMATH LLC 4461 PRESERVE PKWY GREENWOOD VILLA, CO 80121-2189	L 3 TO 15 INC BLK 15 VIADUCT ADDITION
Property Address: 4228 N KALAMATH ST	Tax District: DENV

Assessment Information				
	Actual	Assessed	Exempt	Taxable
Current Year				
Land	1625000	471250		
Improvements	1000	290		
Total	1626000	471540	0	471540
Prior Year				
Land	609400	176730		
Improvements	34300	9950		
Total	643700	186680	0	186680

Style: Other
 Year Built:
 Building Sqr. Foot: 0
 Bedrooms:
 Baths Full/Half: 0/0
 Basement/Finished: 0/0
 Lot Size: 40,625

Reception No.: 2019091346
 Recording Date: 07/15/19
 Document Type: Warranty
 Sale Price: 3000000
 Mill Levy: 72.116

[Click here for current zoning](#)

Zoning Used for Valuation: PUD

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

PROPERTY INFORMATION

Property Type: RESIDENTIAL DUPLEX

Parcel: 0221414001000

Name and Address Information	Legal Description
GALICIA,CIPRIANA ROBLES & ROBLEC C, NICANDRO 4260 KALAMATH ST DENVER, CO 80211-2524	L 1 & 2 BLK 15 VIADUCT ADD
Property Address: 4262 N KALAMATH ST	Tax District: DENV

Assessment Information				
	Actual	Assessed	Exempt	Taxable
Current Year				
Land	375000	26810		
Improvements	257600	18420		
Total	632600	45230	0	45230
Prior Year				
Land	93800	6750		
Improvements	352400	25370		
Total	446200	32120	0	32120

Style: Other
 Year Built: 1963
 Building Sqr. Foot: 2,124
 Bedrooms:
 Baths Full/Half: 0/0
 Basement/Finished: 0/0
 Lot Size: 6,250

Reception No.: JT00168013
 Recording Date: 12/09/96
 Document Type: Quit Claim
 Sale Price:
 Mill Levy: 72.116

[Click here for current zoning](#)

Zoning Used for Valuation: U-MX-2X

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



Colorado Secretary of State
 Date and Time: 04/03/2019 02:08 PM
 ID Number: 20191299017
 Document number: 20191299017
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

4228 Kalamath LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

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

2. The principal office address of the limited liability company's initial principal office is

Street address

55 Old Field Point Road

(Street number and name)

2nd Floor

Greenwich

(City)

CT

(State)

06830

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Stapleton

(Last)

Walker

(First)

R

(Middle)

(Suffix)

or

(if an entity)

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

Street address

720 S Colorado Blvd

(Street number and name)

Penthouse North, Suite 1337

Glendale

(City)

CO

(State)

80246

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

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

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

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Stapleton Walker R
(Last) (First) (Middle) (Suffix)

or

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

Mailing address 55 Old Field Point Road
(Street number and name or Post Office Box information)
2nd Floor
Greenwich CT 06830
(City) (State) (ZIP/Postal Code)
Connecticut United States
(Province – if applicable) (Country)

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

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in
(Mark the applicable box.)

one or more managers.

or

the members.

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

There is at least one member of the limited liability company.

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

This document contains additional information as provided by law.

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

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

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

Notice:

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

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

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

Stapleton Walker R
(Last) (First) (Middle) (Suffix)
55 Old Field Point Road
(Street number and name or Post Office Box information)
2nd Floor
Greenwich CT 06830
(City) (State) (ZIP/Postal Code)
United States .
(Province – if applicable) (Country)

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

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

Disclaimer:

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

**SOLE MEMBER OPERATING AGREEMENT
OF
4228 KALAMATH LLC**

A Colorado Limited Liability Company

THIS OPERATING AGREEMENT ("Agreement") is made and entered into as of April 3, 2019, by and among **4228 Kalamath LLC**, a Colorado Limited Liability Company (the "Company") and **Walker R. Stapleton**, executing this Agreement as the sole member of the Company (the "Member") and hereby states as follows:

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Organization.

1. Formation of LLC.

The Member has formed an Colorado Limited Liability Company named **4228 Kalamath LLC** by filing the Articles of Organization with the office in the State of Colorado on April 3, 2019. The operation of the Company shall be governed by the terms of this Agreement and the applicable laws of the State of Colorado relating to the formation, operation and taxation of a LLC, specifically the provisions under Title 10A, Chapter 5A which set out the guidelines and procedures for the formation and operation of a LLC hereinafter collectively referred to as the "Statutes." To the extent permitted by the Statutes, the terms and provisions of this Agreement shall control in the event there is a conflict between the Statutes and this Agreement.

2. Purposes and Powers.

a) The purposes of the Company shall be:

(i) To engage in and conduct any and all lawful business; and

(ii) To perform or engage in any and all activities and/or businesses for which limited liability companies may be engaged under the Statutes.

b) The Company shall have all powers necessary and convenient to effect any purpose for which it is formed, including all powers granted by the Statutes.

3. Duration.

The Company shall continue in existence until dissolved, liquidated or terminated

in accordance with the provisions of this Agreement and, to the extent not otherwise superseded by this Agreement, the Statutes.

4. Registered Office and Resident Agent.

The Registered Office and Resident Agent of the Company shall be as designated in the initial Articles of Organization/Certificate of Organization or any amendment thereof. The Registered Office and/or Resident Agent may be changed from time to time. Any such change shall be made in accordance with the Statutes, or, if different from the Statutes, in accordance with the provisions of this Agreement. If the Resident Agent shall ever resign, the Company shall promptly appoint a successor agent.

5. Capital Contributions and Distributions.

The Member may make such capital contributions (each a "Capital Contribution") in such amounts and at such times as the Member shall determine. The Member shall not be obligated to make any Capital Contributions. The Member may take distributions of the capital from time to time in accordance with the limitations imposed by the Statutes.

6. Books, Records and Accounting.

a) Books and Records. The Company shall maintain complete and accurate books and records of the Company's business and affairs as required by the Statutes and such books and records shall be kept at the Company's Registered Office and shall in all respects be independent of the books, records and transactions of the Member.

b) Fiscal Year; Accounting. The Company's fiscal year shall be the calendar year with an ending month of December.

7. Member's Capital Accounts.

A Capital Account for the Member shall be maintained by the Company. The Member's Capital Account shall reflect the Member's capital contributions and increases for any net income or gain of the Company. The Member's Capital Account shall also reflect decreases for distributions made to the Member and the Member's share of any losses and deductions of the Company.

8. U.S. Federal / Colorado State Income Tax Treatment.

The Member intends that the Company, as a single member LLC, shall be taxed as a sole proprietorship in accordance with the provisions of the Internal

Revenue Code. Any provisions herein that may cause may cause the Company not to be taxed as a sole proprietorship shall be inoperative.

9. Rights, Powers and Obligations of Member.

- a. Authority. **Walker R. Stapleton**, as sole member of the Company, has sole authority and power to act for or on behalf of the Company, to do any act that would be binding on the Company, or incur any expenditures on behalf of the Company.
- b. Liability to Third Parties. The Member shall not be liable for the debts, obligations or liabilities of the Company, including under a judgment, decree or order of a court.
- c. Rights, Powers and Obligations of Manager.
- d. The Company is organized as a “member-managed” limited liability company.
- e. The Member is designated as the initial managing member.
- f. Ownership of Company Property.

The Company’s assets shall be deemed owned by the Company as an entity, and the Member shall have no ownership interest in such assets or any portion thereof. Title to any or all such Company assets may be held in the name of the Company, one or more nominees or in “street name”, as the Member may determine.

g. Other Activities.

Except as limited by the Statutes, the Member may engage in other business ventures of any nature, including, without limitation by specification, the ownership of another business similar to that operated by the Company. The Company shall not have any right or interest in any such independent ventures or to the income and profits derived therefrom.

10. Limitation of Liability; Indemnification.

a) Limitation of Liability and Indemnification of Member.

- i. The Member (including, for purposes of this Section, any estate, heir, personal representative, receiver, trustee, successor,

assignee and/or transferee of the Member) shall not be liable, responsible or accountable, in damages or otherwise, to the Company or any other person for: (i) any act performed, or the omission to perform any act, within the scope of the power and authority conferred on the Member by this agreement and/or by the Statutes except by reason of acts or omissions found by a court of competent jurisdiction upon entry of a final judgment rendered and un-appealable or not timely appealed (“Judicially Determined”) to constitute fraud, gross negligence, recklessness or intentional misconduct; (ii) the termination of the Company and this Agreement pursuant to the terms hereof; (iii) the performance by the Member of, or the omission by the Member to perform, any act which the Member reasonably believed to be consistent with the advice of attorneys, accountants or other professional advisers to the Company with respect to matters relating to the Company, including actions or omissions determined to constitute violations of law but which were not undertaken in bad faith; or (iv) the conduct of any person selected or engaged by the Member.

- ii. The Company, its receivers, trustees, successors, assignees and/or transferees shall indemnify, defend and hold the Member harmless from and against any and all liabilities, damages, losses, costs and expenses of any nature whatsoever, known or unknown, liquidated or unliquidated, that are incurred by the Member (including amounts paid in satisfaction of judgments, in settlement of any action, suit, demand, investigation, claim or proceeding (“Claim”), as fines or penalties) and from and against all legal or other such costs as well as the expenses of investigating or defending against any Claim or threatened or anticipated Claim arising out of, connected with or relating to this Agreement, the Company or its business affairs in any way; provided, that the conduct of the Member which gave rise to the action against the Member is indemnifiable under the standards set forth in Section 10(a)(i).
- iii. Upon application, the Member shall be entitled to receive advances to cover the costs of defending or settling any Claim or any threatened or anticipated Claim against the Member that may be subject to indemnification hereunder upon receipt by the Company of any undertaking by or on behalf of the Member to repay such advances to the Company, without interest, if the Member is Judicially Determined not to be entitled to indemnification.
- iv. All rights of the Member to indemnification under this Section 10(a) shall (i) be cumulative of, and in addition to, any right to which the Member may be entitled to by contract or as a matter of law or

equity, and (ii) survive the dissolution, liquidation or termination of the Company as well as the death, removal, incompetency or insolvency of the Member.

- v. The termination of any Claim or threatened Claim against the Member by judgment, order, settlement or upon a plea of *nolo contendere* or its equivalent shall not, of itself, cause the Member not to be entitled to indemnification as provided herein unless and until Judicially Determined to not be so entitled.

11. Death, Disability, Dissolution.

- a. Death of Member. Upon the death of the Member, the Company shall be dissolved. By separate written documentation, the Member shall designate and appoint the individual who will wind down the Company's business and transfer or distribute the Member's Interests and Capital Account as designated by the Member or as may otherwise be required by law.
- b. Disability of Member. Upon the disability of a Member, the Member may continue to act as Manager hereunder or appoint a person to so serve until the Member's Interests and Capital Account of the Member have been transferred or distributed.
- c. Dissolution. The Company shall dissolve and its affairs shall be wound up on the first to occur of:
 - i. At a time, or upon the occurrence of an event specified in the Articles of Organization or this Agreement.
 - ii. The determination by the Member that the Company shall be dissolved.

12. Miscellaneous Provisions.

- a. Article Headings. The Article headings and numbers contained in this Agreement have been inserted only as a matter of convenience and for reference, and in no way shall be construed to define, limit or describe the scope or intent of any provision of this Agreement.
- b. Entire Agreement. This Agreement constitutes the entire agreement between the Member and the Company. This Agreement supersedes any and all other agreements, either oral or written, between said parties with respect to the subject matter hereof.

- c. Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
- d. Amendment. This Agreement may be amended or revoked at any time by a written document executed by the Member.
- e. Binding Effect. Subject to the provisions of this Agreement relating to transferability, this Agreement will be binding upon and shall inure to the benefit of the parties, and their respective distributees, heirs, successors and assigns.
- f. Governing Law. This Agreement is being executed and delivered in the State of Colorado and shall be governed by, construed and enforced in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, the Member has hereunto set such Member's hand as of the day and year first above written.

4228 Kalamath LLC

Managing Member's Signature: _____ 

Print Name: _____ Walker R. Stapleton

Walker R. Stapleton
250 Fillmore Street | Suite 225
Denver, CO 80206
(720) 420-0727
lizzie@sonomawestre.com

January 13, 2020

Denver Community Planning & Development
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202
(720) 865-2974
rezoning@denvergov.org

Subject: Authorization Letter for Signing of Documents

To Whom It May Concern:

I, Walker R. Stapleton, hereby authorize Lizzie Coombs of Sonoma West Holdings and Matt Chiodini of Oz Architecture to represent myself, the property owner of 4228 Kalamath Street and sole member of 4228 Kalamath LLC, to act on my behalf in all matters regarding to the rezoning of the property at 4228 Kalamath St. Denver, CO 80211.

Sincerely,



Walker R. Stapleton
Owner, 4228 Kalamath Street
Sole Member, 4228 Kalamath LLC

Property Owner Agent Authorization

I/We, **Cipriana Robles Galicia and/or Nicandro Robles**, am/are the legal owner(s) of the property located at **4260 Kalamath Street** known to the City of Denver as L 1 & 2 BLK 15 VIADUCT ADD, Schedule Number 02214-14-001-000.

I/We do hereby authorize, **Matt Chiodini of Oz Architecture, and Walker Stapleton and Elizabeth Coombs of 4228 Kalamath LLC**, to prepare and sign application materials, and otherwise represent the property owner(s) and act as agents on their behalf in order to obtain a Zone Map Amendment from the City of Denver for the parcel referenced above. All costs incurred during this process shall be paid by the above listed authorized agent(s) and will not be the responsibility of the Property Owner(s).

By my/our signature I/we hereby certify that all information provided is correct to the best of my/our knowledge and that I/we have the authority to execute this consent form as the property owner(s).

By: *Nicandro Robles C.*
Property Owner - Signature

Nicandro Robles C. Taño
Property Owner - Printed Name

12-17-20-19
Date

Cipriana Robles
Property Owner - Signature

CIPRIANA ROBLES
Property Owner - Printed Name

2/25/2020
Date

**CITY AND COUNTY OF DENVER, COLORADO
REGISTERED NEIGHBORHOOD ORGANIZATION
POSITION STATEMENT**

Following a vote of the Registered Neighborhood Organization, please complete this form and email to rezoning@denvergov.org. You may save the form in *.pdf format if needed for future reference. Questions may be directed to planning staff at rezoning@denvergov.org or by telephone at 720-865-2974.

Application Number	
Location	4228 Kalamath St
Registered Neighborhood Organization Name	Sunnyside United Neighbors
Registered Contact Name	Bill Hare
Contact Address	
Contact E-Mail Address	bill@littlecolorado.com
Date Submitted	

As required by DRMC § 12-96, a meeting of the above-referenced Registered Neighborhood Organization

was held on , with members in attendance.

With a total of members voting,

voted to support (or to not oppose) the application;

voted to oppose the application; and

voted to abstain on the issue.

It is therefore resolved, with a total of members voting in aggregate:

The position of the above-referenced Registered Neighborhood Organization is that Denver City Council

Application #

Comments: The general concensus among the neighbors that were gathered is that retail activation on 42nd street would be desirable

Rezoning Applications may be viewed and/or downloaded for review at:
www.denvergov.org/Rezoning



To: Brandon Shaver, Senior City Planner
brandon.shaver@denvergov.org

Date: January 27th, 2020
Revised: April 10th, 2020

**RE: Application #PreApp_2019I-00247
4200 Kalamath Block – Zone Lot Amendment Request**

Overview

This is an application for a zone map amendment for the properties located at 4228 and 4260 N. Kalamath Street in the City and County of Denver. The applicants have assembled ½ of a city block bounded by W. 42nd Avenue on the south, 43rd Avenue on the north, Kalamath Street on the west, and the alley on the east, forthwith referred to as the 4200 Kalamath Block.

We are requesting to rezone the 4200 Kalamath Block from the current PUD #240 and U-MX-2X under the Denver Zoning Code, to U-RX-3 for consistency with the adopted plans. We are not requesting assemblage of the parcels or changes to the parcel lines as part of this application.

- Parcel #1 runs from the corner of W. 42nd Ave. and Kalamath St. (325'-0") is currently zoned PUD #240, which allows for office and light manufacturing in a 30'-0" single story with surface parking surrounding the building. It is a remnant from the Former Chapter 59 Zoning Code that was not converted during the citywide rezoning efforts that were completed in 2010. At that time, the parcel was not developed to the PUD standards and today it consists of an open surface lot being utilized for industrial storage.
- Parcel #2 runs from the corner of W. 43rd and Kalamath St. (50'-0") is currently zoned U-MX-2X and consists of a 1940's era 2 story duplex residential structure.
- Kalamath Street on the west consists of 6 large single-family and duplex units with U-MX-2X and U-TU-C zoning. The South corner at W. 42nd Avenue consists of single-family houses with U-TU-C zoning. The corner at W. 43rd Avenue on the north consists of office and duplex units with U-MX-2X and R-MU-30 with waivers and conditions zoning. Several of the lots have recently developed to the full zoning envelope and additional conversions are likely. The east side of the alley along the length of Jason Street is zoned I-MX-3 and consists of warehouses, offices, and single-family residences operating as businesses.

In recent years this area of the city has been experiencing tremendous revitalization with projects like: the RTD transit station, the Fox Street pedestrian bridge, the new bike route into Central Denver, the 434 unit 8-story Zia multi-family condo/apartment project, the warehouse conversions at Denver Beer Co, the rehabilitation of historic brick bungalows, and the new townhome development throughout the neighborhood. Future redevelopment of the Quigg-Newtown DHA project which includes multiple city blocks nestled in the neighborhood will increase residential density, reinforce commercial development and reduce vulnerability to displacement by keeping established families in the community.



The City of Denver's TOD plan envisions this area to serve as a transition from the lower scaled residential neighborhoods to the newly developing urban center at 41st and Fox, just one rail-stop away from Denver's Downtown Area and central business core. The Sunnyside neighborhood is poised to address several of the key equity concepts like expanding residential and job diversity and improving access to opportunity for residents.

The applicants have met with several of the neighborhood stakeholders in Sunnyside, including meetings with Councilwoman Amanda Sandoval, the Councilwoman's planning aide Naomi Grunditz, and the Community Planning and Development Committee of Sunnyside United Neighbors Inc. (SUNI), the active Registered Neighborhood Organization in the area. In December 2019, the applicants presented their rezoning proposal to SUNI's Community Planning and Development Committee and received a unanimous vote of support for the rezone proposal at the meeting.

The applicants have also shared their rezoning presentation via email with Councilwoman At-Large Robin Kniech, Councilwoman At-Large Deborah Ortega, Councilwoman District 9 Candi CdeBaca, Northeast Denver Friends and Neighbors (NEDFANS), the Inter-Neighborhood Cooperation (INC), and distributed flyers to the adjacent neighbors. The applicants will continue their open and honest communication with the relevant community and neighborhood stakeholders throughout the rezoning process and will to continue their active dialogue with the community after the rezone process is completed.

Prior to submitting the formal application, the applicants met with Melissa Thate, a Housing Policy Officer with the office of Denver Economic Development & Opportunity, to review the application through the lenses of equity that are outlined in the Denver Comprehensive Plan 2040. The site is benefitted from being an undeveloped lot, except for the small duplex at the north, and thus drastically reduces the concern for resident displacement due to development of the lot. Several concepts to incentivize the addition of attainable housing were discussed at the meeting, including additional density and reduced parking ratios. Additional height at the site is not supported by the City planning documents and the neighbors agreed with the concept that this site would serve as transition to higher density development on Jason and Inca Streets. Reduced parking was addressed in the community meeting with minimal support for reductions as the neighbors felt that not providing sufficient parking on-site would significantly increase parking on the narrow residential streets through this area. The applicants have reviewed the Agreement to Build Affordable Units however are unable to commit to the Agreement to Build Affordable Units due to the lack of clarity in the metrics around the proposed rezoning request and potential aggregation of sites. They will address the Affordable housing ordinance during the Site Development Plan per Denver municipal codes.

The request for a zone amendment per Section 12.4.10.7 for the 4200 Kalamath Block is consistent with the citywide and area specific adopted plans in the following manner:

- 1) **Denver Comprehensive Plan 2040** –The request for rezone aligns with the vision elements established in the plan by employing the following strategies:



a) Equitable, Affordable and Inclusive

- 1.1, 1.2, 1.7 – The plan recommends for the increased development of housing units close to transit and mixed-use developments like the 41st and Fox Street Station, which is 0.2 miles away from the 4200 Kalamath Block. Multifamily residential development at the 4200 Kalamath Block site will expand housing diversity for individuals and families in Sunnyside by helping to create a greater mix of attainable housing options that currently do not exist in the neighborhood. The creation of more diverse housing options at this site that fit different budgets and needs will give residents greater access to stay and grow in the Sunnyside neighborhood over their lifetime. The site development will also include reestablishment of the sidewalks around the perimeter of the block that will further increase the accessible walkability within the neighborhood.

b) Strong and Authentic Neighborhoods

- 2.1, 2.2, 2.8, 2.9 – Encouraging quality infill development that is consistent with the surrounding neighborhood will help to expand residential areas and create thoughtful transitions from the residential areas in the western part of the Sunnyside neighborhood to the commercial/industrial areas in the east, near the transit station. It will also contribute to the creation of a network of well-connected, vibrant, mixed-use centers and corridors that are safe and accessible with more populous areas and more eyes on the street around the 41st and Fox Street Station. As stated earlier, the applicants have met with Councilwoman Amanda Sandoval and her staff on multiple occasions. We have also presented at the Sunnyside United Neighbors Inc. (SUNI) December 2019 meeting and received a vote of approval and support from the organization. The applicants have made a commitment to continue this clear and open communication with relevant community and neighborhood groups throughout the rezone process.

c) Connected, Safe and Accessible Places

- 3.3, 3.6, 3.8, 3.9 – Preservation of existing desired street trees and the development of a full block streetscape with a continuous tree lawn will promote the establishment of new trees and will knit the 4200 Kalamath Street Block back into the neighborhood. West 43rd Avenue has been designated as a bike route through the neighborhood, creating the opportunity for small commercial space that contributes to a vibrant mix of uses serving the community. The 4200 Kalamath Block site is 0.2 miles from the 41st and Fox Street Station and its development will fulfill the need for higher density, transit-oriented development near transit centers that is necessary to support ridership and better connect the Sunnyside neighborhood with the greater Denver region. The parcel size and geography allow for an efficient underground parking floorplate establishing a 1:1 parking ratio. The incentives to reduce parking will be further reviewed with a transportation management plan and the building proforma at the time of SDP to balance the neighborhood concerns for decreasing street parking and the Vision's plan to promote multi-modal transportation centers. Future SDP plans anticipate providing drop-off zones and electric vehicle charging stations.



- d) Economically Diverse and Vibrant
 - 4.2, 4.3 – Residential development at 4200 Kalamath Block will help to create the variety of housing opportunities necessary to attract a wide range of talent, entrepreneurs, and businesses to the Sunnyside neighborhood. The increase in the residential density of the neighborhood will also result in increased public transit usage and patronage for the neighborhood’s local businesses.
 - e) Environmentally Resilient
 - 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9 – We envision the 4200 Kalamath Block incorporating several features to promote a thriving sustainable city by: creating quality infill development where infrastructure are already in place, focusing growth around the 41st and Fox transit station, and implementing green building practices throughout the project. Resiliency strategies include: low albedo roofs, solar power, increase in tree canopy, inclusion of outdoor greenspace for water conservation, reduced water fixture demand, and compost waste recycling.
 - f) Healthy and Active
 - 6.1 – The rezoning of this property will align with the strategies outlined in the plan by promoting walking on completed, accessible sidewalk networks throughout the neighborhood and enhancing the 43rd Avenue bike route. Additional residents in the area will strengthen the community’s appeal for greater food offerings and access to fresh food retailers.
- II) **Blueprint Denver (2019):** The request for rezone aligns with the vision elements established in the plan by employing the following strategies:
- a) Land Use and Built Form
 - *General Policies 1, 2, 3, 4* – The plan recommends for zoning regulations to encourage higher-density in transit-rich areas and encourages the redevelopment of opportunity sites like surface parking lots. The 4200 Kalamath Block is located .2 miles from the 41st and Fox Rail Station and the majority of the block (Parcel #1) is a large surface parking lot, thereby making it a prime location for a higher-density rezoning like this request to take place. Parcel #1 is currently zoned PUD #240 and a rezoning of the site would bring it into conformance with the current Denver Zoning Code by eliminating the Former Chapter 59 custom zoning (PUD #240) that is outmoded and inappropriate for the new complete neighborhood vision. In addition to their conversations with Councilwoman Sandoval, the applicants have attended numerous Sunnyside United Neighbors Inc. (SUNI) Planning and Development Committee community meetings over the past months to listen to their neighbors and get a better understanding of the wants and needs of the Sunnyside community as a whole. SUNI’s Planning and Development Committee unanimously voted in support of the applicants’ rezoning proposal in December 2019.
 - *Housing Policies 2, 8* – A rezoning of U-RX-3 for the 4200 Kalamath Block adheres to Blueprint Denver 2019’s recommendation that high-density residential areas are aligned near regional centers and have access to transit. This low-medium density site will serve as a transition between the lower density U-RX-2.5 one and two-story residential areas to the west and the high-density residential G-MU-8 sites, like Zia Sunnyside, to the east. The site will not require extensive demolition, as the majority



of it is vacant lot and its redevelopment under a U-RX-3 zoning will also help to diversify the housing options available in the Sunnyside neighborhood. The site's location within .2 miles of the 41st and Fox Transit Station supports the plan's desired growth recommendations.

- *Economic Policy 3* – The current PUD #240 zoning on Parcel #1 allows for light industrial use on the site and the 4200 Kalamath Block does not fall under a “manufacturing preservation area” as outlined by the plan. Thus, the transition of 4200 Kalamath Block from the current low-value manufacturing/industrial area to a higher intensity usage, as outlined under the zoning request, adheres directly to Blueprint Denver 2019's recommendation. The inclusion of infill construction on this currently vacant site will also help to reconstruct the residential neighborhood.
- *Design Quality and Preservation Policies 2, 3* – The rezoning request will ensure that the surrounding residential neighborhood retains its unique character by adhering to Blueprint Denver's stipulation that buildings in this area are generally 3 stories or less in height and are compatible with the adjacent buildings. The Kalamath Street building heights are exaggerated on the west side due to significant grade changes as the block slopes down toward the railroad tracks to the east. The rezoning of this site as U-RX-3 will create continuity in the residential building heights along Kalamath Street and the site will serve as a transition from the residential area to the west and the higher density and industrial areas to the east. Blueprint Denver projects this area to grow 10% in jobs and 20% in housing by 2040. Creation of quality infill development at this site will allow for the Sunnyside neighborhood to increase its residential density in the appropriate locations to accommodate for this projected growth. The site is ideal for this type of transit-oriented development as it sits .2 miles from the 41st and Fox Transit Center. The site development of the 4200 Kalamath Block will also include the reestablishment of sidewalks around the perimeter of the site that will serve to further increase the accessible walkability within the neighborhood, and ensure an active pedestrian-friendly environment with easy access to the 41st and Fox Transit Station. These aspects together will combine to create the feeling of a more complete residential neighborhood around the 4200 Kalamath Block.

b) Mobility

- *Policies 1, 2, 3, 4, 8* – The new 41st and Fox Street Transit Station creates an opportunity for the Sunnyside neighborhood to become a mobility neutral destination by taking advantage of the proximity to downtown and vibrant residential and commercial neighborhoods to the west. The redevelopment of the sidewalk system at the site along Kalamath St, W. 43rd Ave, and W. 42nd Ave, will make the area more friendly to pedestrians and bikers alike, and allow easier access to the 41st and Fox Street Transit Station. This plan designates West 43rd Ave as a bike route through the neighborhood. The re-creation of the sidewalk at the 4200 Kalamath Block site will be key to helping provide a safe and comfortable pedestrian environment that connects neighborhood residents directly to transit and the Downtown Denver corridor. The plan also recommends higher densities in and around the mobility centers and the U-RX-3 zoning would allow for the appropriate density to be created at the site, which is .2 miles from the 41st and Fox Street Transit Station.



c) Quality of Life Infrastructure

- *Policies 2, 4, 5* – We envision the redevelopment of the 4200 Kalamath Block as incorporating environmentally-friendly development strategies in line with Blueprint Denver 2019’s plan including: the creation of outdoor greenspace for water conservation, use of solar power, reduced water fixture demand, compost waste recycling, and increase in the urban tree canopy. These practices will ensure attractive streets and outdoor spaces, while helping to promote a thriving sustainable neighborhood and city.

III) 41st and Fox Street Station Area Plan (2009): The land use and circulation plan designate the 4200 Kalamath Block as Urban Residential (1-3 stories) to include a range of housing types like small condominium and apartment buildings located near the transit stations. The plan recommends creating a complete, transit-friendly neighborhood transitioning from heavy industrial uses to mixed and residential-uses.

The proposed zone map amendment will capitalize on the station area’s proximity to Downtown Denver as an urban residential neighborhood creating opportunities to add housing, jobs, and services to the station area, while respecting the existing and newly developed housing across the street. Urban Design recommendations from the plan call for the reestablishment of streetscape features along the entire block as part of future redevelopments. These will serve to reconnect the neighborhood to the newly constructed transit center. Active uses along ground floor will increase eyes on the street and provide more neighborhood scaled amenities to the area.

It is noted that the map contains an error in the location of the sub-station, the correct position is a block north of where it is shown and is visible from the 43rd and Kalamath corner of the proposed rezoned site.

IV) Sunnyside Neighborhood Plan (1992): This early neighborhood plan was established to encourage small scale shops and office uses along specific corridors such as W. 44th Avenue. Priorities such as a thorough study of the industrial to residential zone abutments and limiting heavy industrial development closer than 500’-0” from residential zones have occurred. It is anticipated that this area plan will be further updated with the Near Northwest Neighborhood Area Plan in conformance with Blueprint Denver 2019’s efforts to more finitely define the land use, built forms, mobility, and quality of life infrastructure.

This rezoning request adheres and furthers the goals of the Sunnyside Neighborhood Plan to recapture the formerly industrial use areas and weave them back into the residential neighborhoods that have buffered these areas. The conversion of the existing parking lot utilized for storage of industrial manufacturing goods to high-quality pedestrian scaled housing along Kalamath Street will reestablish the neighborhood streetscape. The rezoning and development of the 4200 Kalamath Block will also further address the infrastructure needs to reestablish the sidewalks to accessible standards.



The request for a zone map amendment for the 4200 Kalamath Block per Section 12.4.10.8A - Justifying Circumstances meets all the requirements of Clause 4, Items:

- a) *Changed or Changing Conditions in a Particular Area*
 - The conditions of the Sunnyside neighborhood have changed drastically over the past few years. The creation of the 41st and Fox Transit Station has allowed the neighborhood to begin converting many of its formerly industrial sites to higher density residential sites to allow for increased density near transit. Recently, at least three nearby parcels along Inca and Jason streets have been rezoned as C-RX-8, making the 4200 Kalamath Block a prime site to serve as a transition between the planned higher residential density to the east and the existing single story and duplex residential houses to the west.
- b) *A City Adopted Plan*
 - A rezoning designation of U-RX-3 on the 4200 Kalamath Block site adheres to several of the city adopted planning visions for the area including: Blueprint Denver 2019's recommendation for zoning regulations to encourage higher-density in transit-rich areas and encouraging the redevelopment of opportunity sites like 4200 Kalamath Block and its existing vacant surface lot, Denver Comprehensive Plan 2040's recommendation to encourage quality infill development that is consistent with the surrounding neighborhood, the 41st and Fox Street Station Area Plan 2009 that designates the 4200 Kalamath Block as Urban Residential (1-3 stories), and the Sunnyside Neighborhood Plan 1992 by recapturing the formerly industrial use areas and weaving them back into the residential neighborhoods.
- c) *The City Adopted the Denver Zoning Code and the Property Retained Former Chapter 59 Zoning*
 - Parcel #1, which represents the majority of the 4200 Kalamath Block, still retains the Former Chapter 59, PUD #240 zoning and has not been brought under the more recently adopted Denver Zoning Code. A rezone of this site to U-RX-3 would eliminate the current Former Chapter 59 Zoning that exists at the site and bring consistency to the block.

Adopted plans recognize the influence of the Transit Oriented Development (TOD) into Sunnyside and recommend increased density, mixed uses, strong urban design, and progressive mobility solutions for the area. We feel this request for a zone map amendment for the 4200 Kalamath Block meets the following requirements per Section 12.4.10.8B - Consistency with Neighborhood Context Description, Zone Purpose and Intent:

- a) Neighborhood Context
 - Blueprint Denver 2019 designates the 4200 Kalamath Block as Urban Neighborhood Context and a low-medium density residential area. Per the Denver Zoning Code, the Urban Neighborhood Context is primarily characterized as small-scale multi-unit buildings, interspersed between single and two-unit residential buildings. The 4200 Kalamath Block is an ideal site for a small-scale multi-unit building, as its location serves as a transition space between the single and two-unit residential buildings to the south and west and the higher density residential and industrial buildings to the east. Rezoning the 4200 Kalamath Block to U-RX-3 will allow this block to be knit back into the surrounding residential area, while also serving as a transition to the



higher density areas along Jason and Inca Streets. Any building development will have consistent front setbacks and orientation and the 3-story zoning will allow for the development of a low scale building that is in line with the Zoning Code and characteristics of the neighborhood. The recreation of the sidewalks and establishment of new tree lawns adheres to the Street, Block and Access Patterns under the Urban Neighborhood Context. This will help balance pedestrian, bicycle, and vehicle reliance with increased access to the 41st and Fox Transit Station located .2 miles from the 4200 Kalamath Block site.

b) Zone Purpose and Intent

- The Specific Intent of Residential Mixed Use -3 (U-RX-3), as defined by the Denver Zoning Code, applies to residentially dominated areas served primarily by local or collector streets where a building of 1 to 3 stories is desired. The streets surrounding the 4200 Kalamath Block site are local collector streets in a residential area and a rezoning designation of U-RX-3 is being sought.

Thank you for considering this request for a Zone Map Amendment at the 4200 Kalamath Block to further the city's planning efforts to transform this area into a vibrant city center neighborhood.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Walker Stapleton', written over a horizontal line.

Walker Stapleton
Property Owner | 4228 Kalamath Street
Managing Member | 4228 Kalamath Street LLC

Matt Chiodini
Designated Property Owner Representative | OZ Architecture

Lizzie Coombs
Designated Property Owner Representative | SonomaWest Holdings