

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.            ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.</p>	
SUBJECT PROPERTY INFORMATION			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?		<input type="checkbox"/> <b>Yes - State the contact name &amp; meeting date <u>Deirdre Oss 2-18-2023</u></b> <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see page 3)</b>	
Did you contact the City Council District Office, applicable Registered Neighborhood Organization, and adjacent property owners and tenants regarding this application?		<input type="checkbox"/> <b>Yes - State date below and describe method in outreach attachment, see page 3</b> _____	

**REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)**

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its own section.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <p>_____</p>
<p>General Review Criteria DZC Sec. 12.4.10.7.A.1</p> <p><b>Only check this box if your application is not consistent with 12.4.10.7.A</b></p>	<p><input type="checkbox"/> <b>Community Need Exception: The City Council may approve an official map amendment that does not comply with subsection 12.4.10.7.A if the proposed official map amendment is necessary to provide for an extraordinary community need that was not anticipated at the time of the adoption of the city's plans.</b></p> <p>Please provide a narrative attachment describing <b>how</b> the requested zone district is <b>necessary</b> to provide for an extraordinary community need that was not anticipated at the time of the adoption of the city's plans.</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for the public interest narrative attachment and for consistency with the neighborhood context and the stated purpose and intent of the proposed zone district.</p>	<p><input type="checkbox"/> <b>Public Interest: The proposed official map amendment is in the Public Interest.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning is in the public interest of the city.</p> <p><input type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

## REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s).** Submit as a **separate Microsoft Word document**. View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document** for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives.** See page 2 for details.
- Outreach documentation.** Pre-application outreach is required. The minimum requirement is outreach to the City Council District Office, Registered Neighborhood Organizations, and adjacent neighbors. Please describe all community outreach and engagement to these and any other community members or organizations. The outreach documentation must include the type of outreach, who was contacted or met with, the date of the outreach or engagement, and a description of feedback received, if any. If outreach was via email, please include a copy of the email. The outreach documentation attachment should be sent as a PDF or Word Doc, separate from other required attachments.

## ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional)
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.) (if applicable)
- Affordable Housing Review Team Acceptance Letter** (if applicable)
- Other Attachments.** Please describe below.

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/12/20	(A)	YES
3939 Williams Building Corporation	1717 E 39th Ave Denver, CO 80205 303-292-5161 byron@portapowerinc.com	100%	<i>Byron Williams</i>	06/18/24	C	YES
						YES
						YES
						YES

TO: Community Planning and Development, City and County of Denver  
FROM: Foster Graham Milstein & Calisher, LLP  
DATE: May 9, 2025  
RE: Rock Drill RiNo Rezoning Review Criteria Narrative

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## **Introduction**

Foster Graham Milstein & Calisher, LLP represents Oliver Buchanan Group regarding its map amendment application for real property located at 1717 E. 39<sup>th</sup> Ave., commonly known as “Rock Drill RiNo.” This memorandum addresses the application’s compliance with the applicable map amendment approval criteria.

## **Consistency With Adopted Plans**

The City’s existing, adopted plans provide clear guidance in support of the requested zoning map amendment. The current zoning designations for the subject property (the “Property”) include C-MU-10 with waivers from the previous version of the Denver Zoning code (“Former Chapter 59”), and I-B, General Industrial, from the current Denver Zoning Code. The proposed new zoning designations of C-MX-16 and C-MX-12 will bring all of the Property under the current version of the Denver Zoning Code. In addition, the current I-B zoning does not allow any new residential uses to be established, and the City’s adopted plan guidance clearly encourages additional housing opportunities in this area. The proposal to rezone the Property will more closely align the zoning with the recommendations of the adopted City plans including the following:

- Comprehensive Plan 2040
- Blueprint Denver (2019)
- River North Plan (2003)
- 38<sup>th</sup> and Blake Station Area Plan (2009, Updated 2016)
- Elyria and Swansea Neighborhoods Plan (2015)

## **Denver Comprehensive Plan 2040**

The application for rezoning is consistent with the *Denver Comprehensive Plan 2040* (the “*Comprehensive Plan*”) goals and strategies. The plan establishes six vision elements and further identifies goals and strategies to implement each of the six vision elements. The vision elements identified by the *Comprehensive Plan* are: 1) a city that is equitable, affordable, and inclusive; 2) strong and authentic neighborhoods; 3) connected, safe, and accessible places; 4) a city that is economically diverse and vibrant; 5) a city that is environmentally resilient; and 6) a city that is healthy and active.

The application for rezoning is consistent with many goals identified within the plan. The proposed rezoning would allow for mixed-use development, including substantial amounts of new housing in a location where services are generally available. The proposed rezoning will help advance the City’s goal to create a city of complete, connected neighborhoods.<sup>1</sup> The zone districts that are the subject of the rezoning request will advance the City’s goal to enhance Denver’s neighborhoods through high-quality urban design.<sup>2</sup> The proposed rezoning will allow for an increase in development of housing units close to transit and mixed-use developments.<sup>3</sup> It will also help implement a high-quality, affordable and accessible multi-modal transportation system.<sup>4</sup> The change in zone district for the Property will help to improve equitable access to resources that improve quality of life.<sup>5</sup>

## Blueprint Denver

### *Blueprint Denver – General*

*Blueprint Denver* was updated in 2019 (“*Blueprint Denver*”) and is a supplement to the *Comprehensive Plan*. The *Blueprint Denver* plan establishes a framework that integrates the City’s land use and transportation decisions. *Blueprint Denver* “provides a nuanced way to handle growth and development, preserving our most cherished historic and cultural assets while directing growth to key centers, corridors and high-density residential areas where there is underutilized and strong transportation options.”<sup>6</sup>

### *Blueprint Denver – Neighborhood Context*

*Blueprint Denver* establishes neighborhood contexts that guide appropriate selection of zone districts. The “Urban Center” context, which includes the Property, is described as “dense and vibrant areas that support residents and visitors. This context contains high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high-capacity transit and have access to ample amenities and entertainment options.”<sup>7</sup> *Blueprint Denver* deems the Urban Center context as an appropriate area for the uses and building forms allowed within C-MX-12 and C-MX-16 zone districts.

### *Blueprint Denver – Future Places*

*Blueprint Denver* also identifies a future place type within each of the neighborhood contexts. The Property is designated as a “Regional Center.”<sup>8</sup> Under *Blueprint Denver*, “regional centers are typically found along and near major transit investments. They are strategically placed throughout

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<sup>1</sup> Denver 2040 Comprehensive Plan, Strong and Authentic Neighborhoods, Goal 1.

<sup>2</sup> Denver 2040 Comprehensive Plan, Strong and Authentic Neighborhoods, Goal 2.

<sup>3</sup> Denver 2040 Comprehensive Plan, Equitable, Affordable, and Inclusive, Goal 1.

<sup>4</sup> Denver 2040 Comprehensive Plan, Equitable, Affordable, and Inclusive, Goal 1.

<sup>5</sup> Denver 2040 Comprehensive Plan, Equitable, Affordable, and Inclusive, Goal 1.

<sup>6</sup> *Blueprint Denver*, p. 48.

<sup>7</sup> *Blueprint Denver*, p. 251.

<sup>8</sup> *Blueprint Denver*, pp. 50-51; *Blueprint Denver*, pp. 142-43.

the city to create high density mixed-use development in key areas. Regional Centers are highly walkable, vibrant places with great access to passenger rail and transit priority streets.”<sup>9</sup>

Within the Urban Center context, the Regional Centers should have a “[h]igh degree of urbanism with continuous building frontages to define the public realm” and “[h]eights are generally the tallest in the context and transition gradually within the center to the surrounding residential uses.”<sup>10</sup>

Regional Centers are important tools to achieve *Blueprint Denver*’s overall density and growth goals. Specifically, Denver’s “Aspirational Growth Strategy” is “A strategic and intentional approach to direct most of our growth to key centers and corridors helps to achieve citywide equity goals to benefit all residents. The core of the approach is guiding growth to vibrant, mixed-use regional centers . . . Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver . . . This compact development pattern is focused on strategic infill locations linked with strong transportation options.”<sup>11</sup> Here, as discussed below, this Property has been designated as an important infill site for the City since 2004 when the City adopted the *River North Plan*.

The policy sections of *Blueprint Denver* outline more specific policies and strategies to accomplish these density and growth goals. Policy 1, Land Use & Built Form: General, states: “Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail serve and transit priority streets” – and Strategy A of Policy 1 recommends the following: “Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas, including: regional centers and community centers.”<sup>12</sup> Furthermore, Land Use and Built Form: Housing, Policy 08 states: “Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts.”<sup>13</sup> Strategy A of this policy is to “[a]lign high-density residential areas near regional centers to support housing growth near major job centers with access to transit priority streets.”<sup>14</sup> Accordingly, as a designated Regional Center, the Property’s future zoning should reflect districts that enable appropriate density to meet the goal of capturing sufficient housing stock.

#### *Blueprint Denver – Street Types*

Within *Blueprint Denver*, “[s]treet types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development.”<sup>15</sup> *Blueprint Denver* identifies E. 40<sup>th</sup> Avenue as a “Mixed-Use Arterial” street and identifies Franklin Street and Williams Street as “Mixed-Use Collectors.”<sup>16</sup> Mixed-use streets encourage a varied mix of uses including retail,

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<sup>9</sup> *Blueprint Denver*, p. 143.

<sup>10</sup> *Blueprint Denver*, p. 256

<sup>11</sup> *Blueprint Denver*, pp. 48-49.

<sup>12</sup> *Blueprint Denver*, p. 72.

<sup>13</sup> *Blueprint Denver*, p. 86

<sup>14</sup> *Blueprint Denver*, p. 86.

<sup>15</sup> *Blueprint Denver*, p. 67

<sup>16</sup> *Blueprint Denver*, pp. 156-57.

office, residential and restaurants.<sup>17</sup> Mixed-use arterials permit a higher design speed than downtown, main street and residential streets.<sup>18</sup> The street types adjacent to the Property meet *Blueprint Denver*'s overall Goal 5 because this proposed rezoning would focus "higher intensity growth in walkable mixed-use centers and along transit priority streets."<sup>19</sup>

### *Blueprint Denver – Building Height*

In addition to guidance from small area plans (discussed below), *Blueprint Denver* provides that building height guidance may include: (1) surrounding context, including existing and planned building height; (2) transitions, including transitions from higher intensity to lower intensity areas; (3) adjacency to transit, especially mobility hubs; (4) achieving plan goals for community benefits, including affordable housing; and (5) furthering urban design goals.<sup>20</sup>

Here, the building heights permitted within the C-MX-12 and C-MX-16 zone districts are appropriate for the Property for several reasons. First, the project proposes the highest building height in the northwest corner of the Property, which is closest to the tall buildings in the vicinity of the 38<sup>th</sup> and Blake Street transit station, thus, meeting the surrounding context and the transitions from higher intensity to lower intensity areas. Second, the Property is close to several important transit corridors, thus, justifying additional height. Lastly, the additional height focused only on the northwest portion of the Property enables the Property to meet *Blueprint Denver*'s suggested density, while still providing the public benefit of preserving and adaptively reusing certain existing buildings on the Property that are only one story in height. The density that would typically be spread across an entire site is focused within the northwest corner of the Property to allow preservation of certain existing buildings. This approach achieves the goals for community benefits pursuant to *Blueprint Denver* including urban design, historic preservation, and the creation of additional housing opportunities adjacent to transit in the C-MX-16 portion of the Property.

Utilizing the C-MX-12 and C-MX-16 zone districts to guide development of the Property implements the City's goals to accommodate growth, while also utilizing specific design guidelines to achieve the desired type of development that creates great places for people.

### River North Plan

The River North Plan ("*River North Plan*") supports transit-oriented and mixed-use development. The plan states that the City should "build upon the unique land uses that exist and identify redevelopment sites and opportunities that foster the creation of a compatible mix of uses."<sup>21</sup> The plan also calls for "creating attractive vehicular and pedestrian friendly connections within River North and to the surrounding neighborhoods and downtown."<sup>22</sup> The *River North Plan* identifies the Property as "Underutilized Land," which, per the plan, makes it "suitable for redevelopment and the creation of a mixed-use area."<sup>23</sup> Furthermore, the *River North Plan* specifically provides that "[n]eighborhoods on the perimeter of River North such as Cole and Clayton, offer an

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<sup>17</sup> *Blueprint Denver*, p. 159.

<sup>18</sup> *Blueprint Denver*, pp. 164-65.

<sup>19</sup> *Blueprint Denver*, p. 23.

<sup>20</sup> *Blueprint Denver*, p. 66.

<sup>21</sup> *River North Plan*, p. 59.

<sup>22</sup> *River North Plan*, pg. 60.

<sup>23</sup> *River North Plan*, pg. 16.

opportunity for infill development that focuses on residential projects on vacant and underutilized parcels.”<sup>24</sup> Evidenced by the references to this Property in the 20 year-old *River North Plan*, this Property has a long-standing history of comprehensive plan support for infill mixed-use development.

### 38<sup>th</sup> & Blake Station Area Plan

The 38<sup>th</sup> & Blake Station Area Plan (the “38<sup>th</sup> & Blake Plan”) was originally adopted in 2009 in anticipation of the Regional Transportation District (“RTD”) commuter rail station on the A Line, which opened to the public in April 2016. The 38<sup>th</sup> & Blake Plan supports high-density, mixed-use development to “integrate transit into neighborhoods and help support lively and vital communities.”<sup>25</sup> The 38<sup>th</sup> & Blake Plan was updated in 2016 to reflect a clearer vision for building height, changing conditions, and appropriate and desired growth patterns, including building form standards, with greater density and height within the 38<sup>th</sup> & Blake Station Area.<sup>26</sup> The 38<sup>th</sup> & Blake Plan contains guidance on height for properties within the plan boundary. In the 38<sup>th</sup> & Blake Plan, the guidance for the Property indicates a maximum base zone district with three stories, with an incentive height up to 12 stories. However, as articulated above, *Blueprint Denver*, which was adopted subsequent to the 38<sup>th</sup> and Blake Plan, identifies situations where additional height may be appropriate in consideration of certain goals and community benefits including affordable housing, urban design, and historic preservation. Further, the Property’s designation as a Regional Center in *Blueprint Denver* provides additional rationale for directing and focusing growth to the northwest corner of the Property, where C-MX-16 zoning is proposed. *Blueprint Denver* states, “Small area plans provide the opportunity to refine *Blueprint Denver’s* recommendations for an area, including changes to the future places, neighborhood context and street types maps. However, it is important for small area plans not to contradict the larger, citywide goals in *Blueprint Denver*.”<sup>27</sup>

It is also important to note that the tool the City initially utilized to implement the height guidance within the 2016 update to the 38<sup>th</sup> and Blake Plan is no longer in effect. After adoption of the 2016 update, the City developed and adopted an incentive zoning overlay district for the 38<sup>th</sup> & Blake Station Area (the “I-O-1 District”) to promote taller building heights to support transit, promote great design quality, and integrate affordable housing.<sup>28</sup> The guidance for the I-O-1 District was for a maximum base height of eight stories with an incentive height of up to 12 stories. This incentive overlay was adopted in 2018 and repealed in 2022,<sup>29</sup> and was therefore in effect for a relatively short period of time. The incentive zoning overlay district was replaced by the regulatory tools and incentives within Expanding Housing Affordability policy, which became effective on July 1, 2022 and is applicable to the development of the Property.

### Elyria Swansea Neighborhoods Plan

The south edge of the *Elyria and Swansea Neighborhoods Plan* (the “ESNP”) planning boundary ends at 40<sup>th</sup> Avenue, making the Property adjacent to, but technically outside of the official

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<sup>24</sup> River North Plan, pg. 18.

<sup>25</sup> 38<sup>th</sup> & Blake Station Area Plan, 2009, p. 2

<sup>26</sup> 38<sup>th</sup> & Blake Station Area Plan, 2016, p. 1

<sup>27</sup> Blueprint Denver, 2019, p. 61

<sup>28</sup> Denver City Council Bill 18-0017, Feb. 12, 2018

<sup>29</sup> Denver City Council Bill 22-0425, June 9, 2022

planning boundary. However, the Property is included in the study area for the *ESNP*, which extends to 38<sup>th</sup> Avenue to include the portions of the Cole neighborhood, “where connectivity and land use considerations are significant to the neighborhoods fronting 40<sup>th</sup> Avenue.”<sup>30</sup> The *ESNP* indicate that the Property is within an area of change, as defined in the then-current version of *Blueprint Denver*, indicating that it is an area where growth and developed is anticipated. Additionally, the *ESNP* depicts the Property as Mixed Use in the plan’s concept land use map, which identifies the future character of all property within the study area.<sup>31</sup> The *ESNP* notes that pedestrian access is important within mixed-use areas. In summary, because the project contemplates mixed-use growth with pedestrian access and activation, the proposed rezoning is consistent with the goals of the *ESNP*.

### **Public Interest**

The proposed rezoning furthers the public health, safety, and general welfare of the City primarily through implementation of the City’s adopted land use plans. Additionally, the approval of the proposed map amendment will enable higher density and a more robust mix of residential and commercial uses than the current zone districts. Higher density, mixed-use developments have been linked to lower rates of single-occupancy automobile usage, increased levels of physical activity, and improved public health. More specifically, the proposed rezoning provides additional density in close proximity to the transit facilities and several multi-modal trails including the adjacent 39<sup>th</sup> Ave Greenway. Proximity to transit has been shown to result in greater use of such facilities. Increased use of public transit and increased use of active transportation options will help improve air quality and public health through decreases in emissions, increases in physical activity, and reduced vehicular injuries and deaths.

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

The requested C-MX-12 and C-MX-16 zone districts are part of the Urban Center context within the Denver Zoning Code. The Urban Center context consists of multi-unit residential and mixed-use commercial strips and centers.<sup>32</sup> The general purpose of the mixed use districts is to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge” and to “enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.”<sup>33</sup>

As described above, the current zone district that covers most of the Property is I-B, and the remainder is within the C-MU-10 zone district under the Former Chapter 59 code. This zone district includes some permitted uses that are consistent with the zone districts within the Urban Center context, however, the focus on industrial uses, the lack of street-level design standards within the C-MU-10 zone district, and the limitations on residential uses are inconsistent with the adopted plan objectives. The proposed zoning map amendment of C-MX-12 and C-MX-16 districts will ensure that important standards guide the development of the Property. Many of the

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<sup>30</sup> Elyria and Swansea Neighborhoods Plan, 2015, p. 6

<sup>31</sup> Elyria and Swansea Neighborhoods Plan, 2015, p. 28

<sup>32</sup> Denver Zoning Code, Section 7.1.1.

<sup>33</sup> Denver Zoning Code, Section 7.2.2.1.A & B.

standards that are found within the Downtown context zone districts relate to street level design requirements, setbacks, transparency, active uses, and the provision of open space. The proposed zone districts will provide much better tools to shape the neighborhood context desired within the adopted City plans.

The specific intent statement of the requested C-MX-12 and C-MX-16 zone districts states “C-MX-12 (and 16) applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 (or 16) stories is desired.”<sup>34</sup> The location of the proposed district boundaries and the desired building forms and heights are consistent with the zone district purpose and intent statement.

### **Conclusion**

In summary, this map amendment application complies with the applicable approval criteria. Modifying the zoning of the Property to C-MX-12 and C-MX-16 will allow the desired uses, while also supporting the City’s vision for the area. Approving the map amendment will enable substantial community benefits to be realized, including the advancement of urban design goals, historic preservation, and the creation of additional housing opportunities adjacent to mass transit.

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<sup>34</sup> Denver Zoning Code, Section 7.2.2.2.

LAND DESCRIPTION

C-MX-16 ZONE DISTRICT

A PARCEL OF LAND BEING ALL OF LOTS 1 THROUGH 11 AND A PORTION OF LOT 12 AND A PORTION OF LOTS 29 THROUGH 40, BLOCK 2, PROVIDENT PARK AND A PORTION OF THE 16 FOOT ALLEY VACATION WITHIN SAID BLOCK 2 PER ORDINANCE NO. 48, SERIES 1921, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 2, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 2 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 40<sup>TH</sup> AVENUE, N89°47'51"E 240.84 FEET;

THENCE S00°00'00"E A DISTANCE OF 286.35 FEET;

THENCE S90°00'00"W A DISTANCE OF 239.78 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 2 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FRANKLIN STREET;

THENCE ALONG SAID WESTERLY AND EASTERLY LINE, N00°12'43"W A DISTANCE OF 285.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.577 ACRES OR 68,710 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 22.68 FOOT RANGE LINE IN WILLIAMS STREET ASSUMED TO BEAR S00°13'18"E AND BEING MONUMENTED BY A FOUND #6 REBAR WITH 2-1/2" ALUMINUM CAP PLS #38074 AT THE INTERSECTION OF EAST 40<sup>TH</sup> AVENUE AND WILLIAMS STREET AND A FOUND #6 REBAR WITH 3" BRASS CAP IN RANGE BOX PLS #36053 AT THE INTERSECTION OF EAST 39<sup>TH</sup> AVENUE AND WILLIAMS STREET.

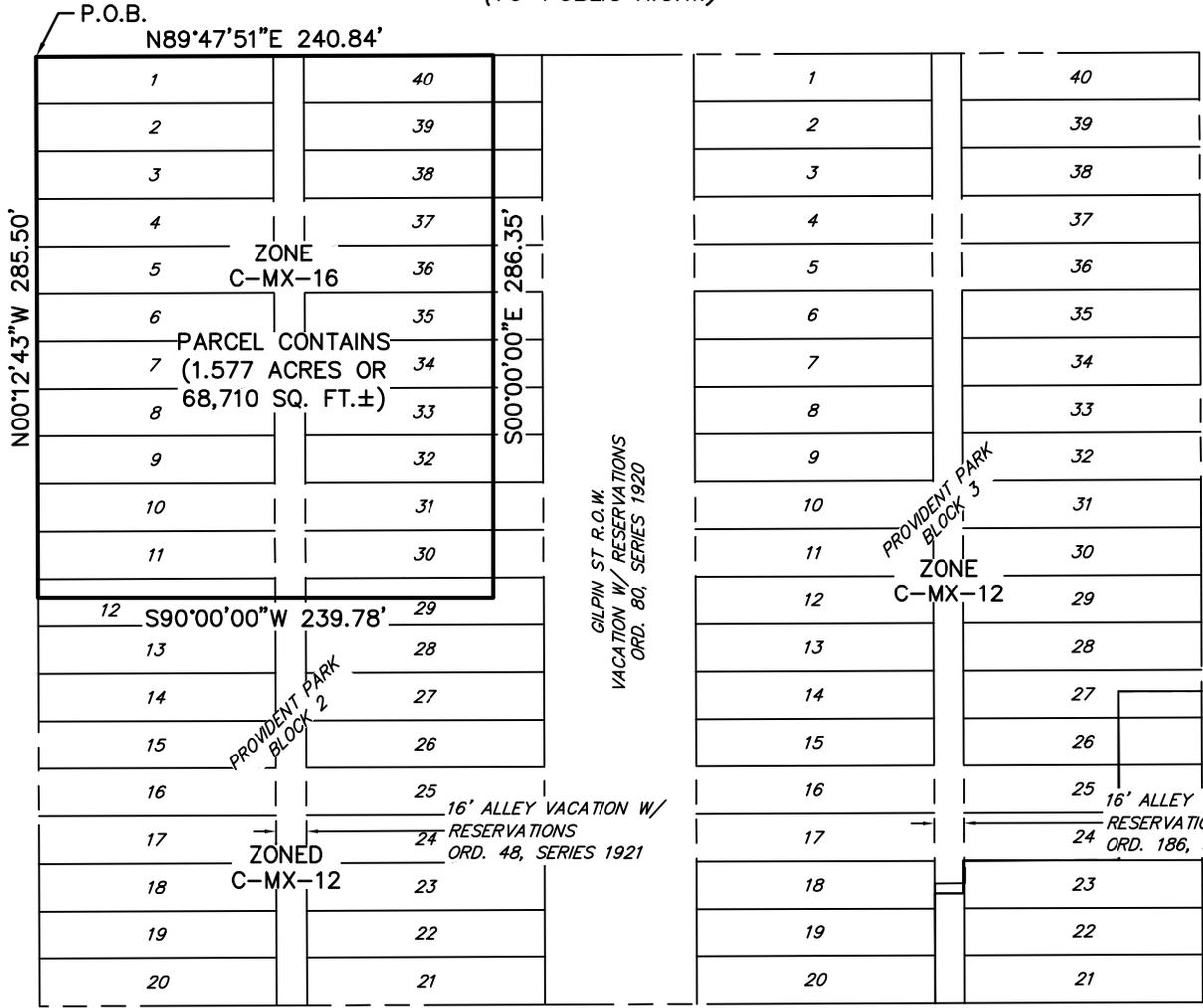
PREPARED BY SCOTT A. AREHART, PLS  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVE.  
LAKEWOOD, CO. 80215  
303-431-6100  
MAY 28, 2024  
PROJECT NO. 22.0681



ILLUSTRATION FOR

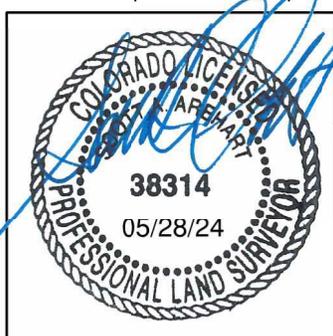
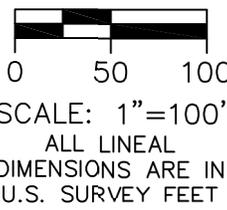
# EXHIBIT A

E. 40TH AVE.  
(70' PUBLIC R.O.W.)



E. 39TH AVE.  
(68' PUBLIC R.O.W.)

DRAWING LOCATION: G:\SURVEY\22.0681--Rock Drill\SURVEY\Zoning\Exhibit A - Zone Lot 1.dwg



P.O.B. = POINT OF BEGINNING  
MAY 28, 2024



12499 West Colfax Avenue Lakewood, Colorado 80215  
survey@martinmartin.com | 303.431.6100 | martinmartin.com

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED DESCRIPTION.

LAND DESCRIPTION

C-MX-12 ZONE DISTRICT

A PARCEL OF LAND BEING ALL OF LOTS 13 THROUGH 28 AND A PORTION OF LOT 12 AND A PORTION OF LOTS 29 THROUGH 40, BLOCK 2, PROVIDENT PARK AND A PORTION OF THE 16 FOOT ALLEY VACATION WITHIN SAID BLOCK 2 PER AT ORDINANCE NO. 48, SERIES 1921, AND GILPIN STREET RIGHT-OF-WAY VACATION PER ORDINANCE 80, SERIES AND LOTS 1 THROUGH 28 AND A PORTION OF LOTS 24 THROUGH 27, BLOCK 3, PROVIDENT PARK AND A PORTION OF THE 16 FOOT ALLEY VACATION LOCATED WITHIN SAID BLOCK 3 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 3, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 3 AND THE WESTERLY RIGHT-OF-WAY LINE OF WILLIAMS STREET, S00°13'18"E A DISTANCE OF 336.68 FEET TO THE NORTHEAST CORNER OF THE PROPERTY RECORDED AT RECEPTION NO. 2000046892;

THENCE ALONG THE NORTHERLY AND WESTERLY LINE OF SAID PROPERTY RECORDED AT RECEPTION NO. 2000046892 THE FOLLOWING SIX (6) CONSECUTIVE COURSES:

- 1) S89°46'18"W A DISTANCE OF 43.59 FEET;
  - 2) THENCE S00°13'40"E A DISTANCE OF 88.68 FEET;
  - 3) THENCE S89°46'18"W A DISTANCE OF 82.13 FEET;
  - 4) THENCE S00°10'20"E A DISTANCE OF 17.14 FEET;
  - 5) THENCE S89°38'07"W A DISTANCE OF 15.30 FEET;
  - 6) THENCE S00°10'20"E A DISTANCE OF 58.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 3 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 39<sup>TH</sup> AVENUE;
- THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S89°48'03"W A DISTANCE OF 471.45 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2;
- THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF FRANKLIN STREET, N00°12'43"W A DISTANCE OF 214.88 FEET;
- THENCE N90°00'00"E A DISTANCE OF 239.78 FEET;
- THENCE N00°00'00"E A DISTANCE OF 286.35 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK 2 AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 40<sup>TH</sup> AVENUE;
- THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES:
- 1) N89°47'51"E A DISTANCE OF 65.45 FEET;
  - 2) THENCE N89°45'40"E A DISTANCE OF 306.16 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.133 ACRES OR 223,595 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE 22.68 FOOT RANGE LINE IN WILLIAMS STREET ASSUMED TO BEAR S00°13'18"E AND BEING MONUMENTED BY A FOUND #6 REBAR WITH 2-1/2" ALUMINUM CAP PLS #38074 AT THE INTERSECTION OF EAST 40<sup>TH</sup> AVENUE AND WILLIAMS STREET AND A FOUND #6 REBAR WITH 3" BRASS CAP IN RANGE BOX PLS #36053 AT THE INTERSECTION OF EAST 39<sup>TH</sup> AVENUE AND WILLIAMS STREET.

PREPARED BY SCOTT A. AREHART, PLS  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVE.  
LAKEWOOD, CO. 80215  
303-431-6100  
MAY 28, 2024  
PROJECT NO. 22.0681

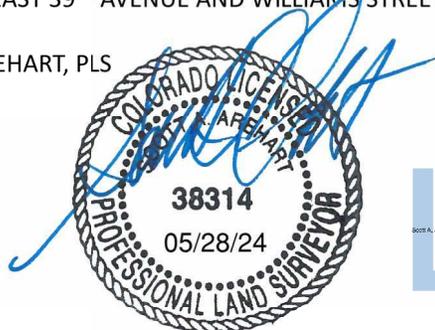
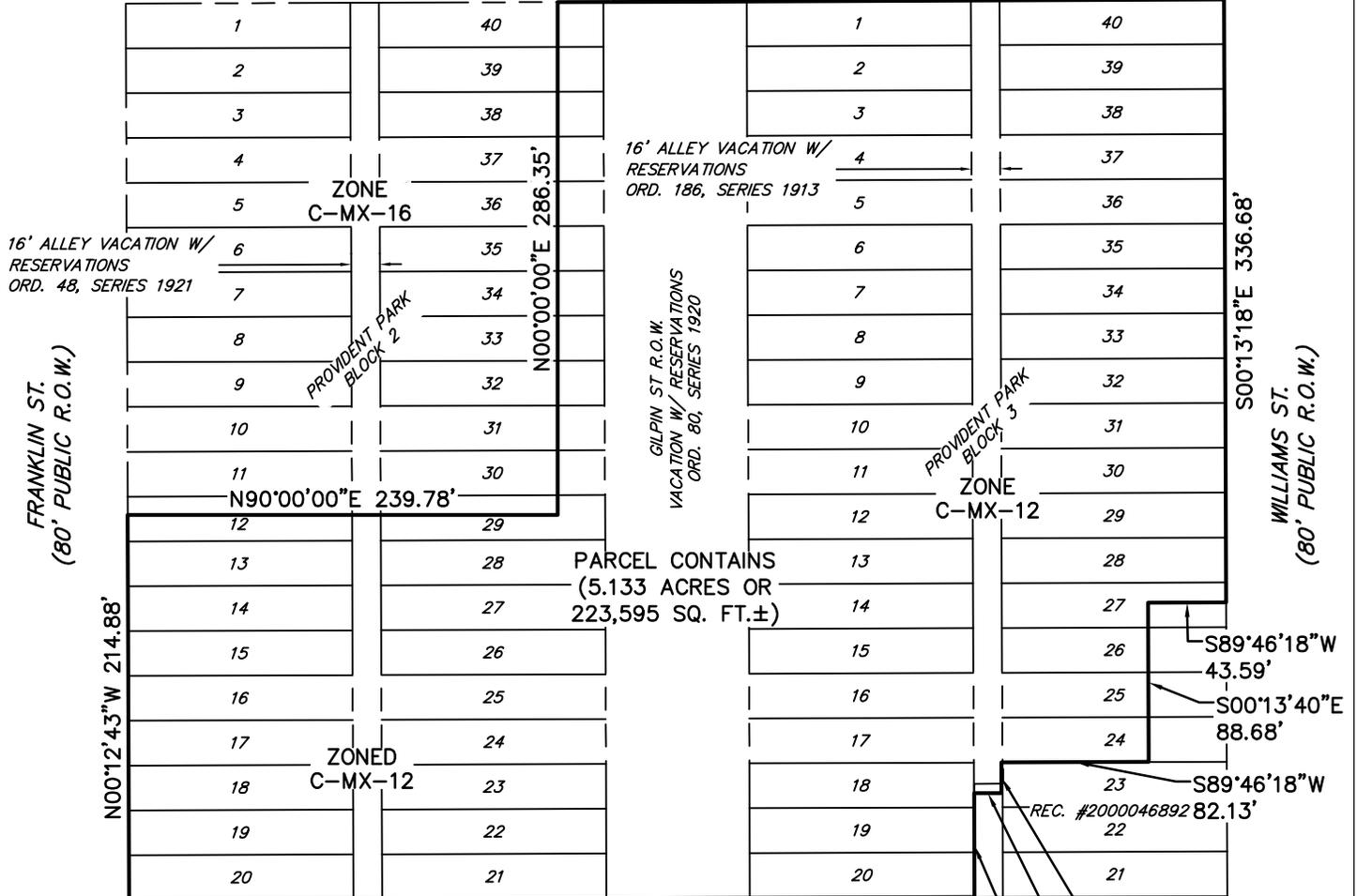


ILLUSTRATION FOR  
**EXHIBIT A**

E. 40TH AVE.  
(70' PUBLIC R.O.W.)  
N89°47'51"E 65.45'

N89°45'40"E 306.16' P.O.B.



16' ALLEY VACATION W/  
RESERVATIONS  
ORD. 48, SERIES 1921

16' ALLEY VACATION W/  
RESERVATIONS  
ORD. 186, SERIES 1913

GILPIN ST R.O.W.  
VACATION W/ RESERVATIONS  
ORD. 80, SERIES 1920

PARCEL CONTAINS  
(5.133 ACRES OR  
223,595 SQ. FT.±)

S89°46'18"W 43.59'  
S00°13'40"E 88.68'

S89°46'18"W 82.13'  
REC. #2000046892 22

S00°10'20"E 17.14'  
S89°38'07"W 15.30'  
S00°10'20"E 58.00'

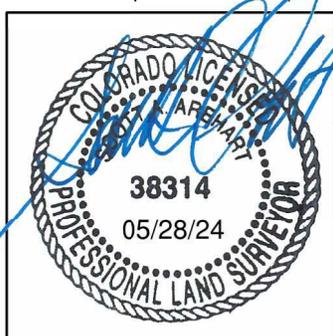
S89°48'03"W 471.45'

E. 39TH AVE.  
(68' PUBLIC R.O.W.)

DRAWING LOCATION: G:\SURVEY\22.0681-Resk Drill\SURVEY\Zoning\Exhibit A - Zone Lot 2.dwg



0 50 100  
SCALE: 1"=100'  
ALL LINEAL  
DIMENSIONS ARE IN  
U.S. SURVEY FEET



P.O.B. = POINT OF BEGINNING  
MAY 28, 2024



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TO DEPICT THE ATTACHED DESCRIPTION.





## Customer Distribution



**Prevent fraud** - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **ABD70779434.1**

Date: **05/07/2024**

Property Address: **1717 E 39TH AVENUE, DENVER, CO 80205**

---

### For Closing Assistance

### For Title Assistance

David Knapp  
5975 GREENWOOD PLAZA  
BLVD  
GREENWOOD VILLAGE, CO  
80111  
(303) 850-4174 (Work)  
[dknapp@ltgc.com](mailto:dknapp@ltgc.com)

---

### Buyer/Borrower

OLIVERBUCHANAN GROUP  
Attention: ERIC BUCHANAN  
360 S GARFIELD ST #605  
Denver, CO 80209  
(720) 883-2332 (Cell)  
(720) 883-2332 (Work)  
[eric@oliverbuchanangroup.com](mailto:eric@oliverbuchanangroup.com)  
Delivered via: Electronic Mail

### Buyer/Borrower

OLIVERBUCHANAN GROUP LLC  
Attention: BRIAN FISHMAN  
360 GARFIELD STREET SUITE 605  
DENVER, CO 80209  
(303) 229-7866 (Cell)  
[brian@oliverbuchanangroup.com](mailto:brian@oliverbuchanangroup.com)  
Delivered via: Electronic Mail



## Estimate of Title Fees

**Order Number:** ABD70779434.1

**Date:** 05/07/2024

**Property Address:** 1717 E 39TH AVENUE, DENVER, CO 80205

**Seller(s):** 3939 WILLIAMS BUILDING CORPORATION, A COLORADO CORPORATION

**Buyer(s):** OLIVERBUCHANAN GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit [ltgc.com](http://ltgc.com) to learn more about Land Title.

Estimate of Title Insurance Fees	
"ALTA" Owner's Policy 06-17-06 Reissue Rate	TBD
Deletion of Standard Exception(s)	\$0.00
Endorsement ALTA 3.1	\$0.00
Endorsement 8.2	\$0.00
Endorsement ALTA 9.2	\$0.00
Endorsement ALTA 9.9	\$0.00
Endorsement ALTA 15.1	\$0.00
Endorsement ALTA 17	\$0.00
Endorsement ALTA 17.2	\$0.00
Endorsement ALTA 18.1	\$0.00
Endorsement ALTA 19	\$0.00
Endorsement ALTA 22	\$0.00
Endorsement ALTA 25	\$0.00
Endorsement ALTA 26	\$0.00
Endorsement ALTA 28 #10, 11, 12, 14, 21 & 27 (Subject to survey review)	\$0.00
Endorsement ALTA 39	\$0.00
Endorsement Arbitration Deletion	\$0.00

**Estimate of Title Insurance Fees**

<b>Estimate of Title Insurance Fees</b>	
Tax Certificate , 8 Tax Parcels, (will be ordered prior to closing)	\$27.00
<b>TOTAL</b>	<b>TBD</b>

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

**Chain of Title Documents:**

[Denver county recorded 03/04/1993 under reception no. R-93-0028494](#)

Plat Map(s):

[Denver county recorded 10/02/1885 at book 3 page 29B](#)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule A**

Order Number: ABD70779434.1

**Property Address:**

1717 E 39TH AVENUE, DENVER, CO 80205

**1. Effective Date:**

05/01/2024 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06 Reissue Rate

TBD

Proposed Insured:

OLIVERBUCHANAN GROUP, LLC, A DELAWARE LIMITED  
LIABILITY COMPANY

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A FEE SIMPLE

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

3939 WILLIAMS BUILDING CORPORATION, A COLORADO CORPORATION

**5. The Land referred to in this Commitment is described as follows:**

ALL OF BLOCKS 2 AND 3, TOGETHER WITH THE VACATED ALLEYS IN SAID BLOCKS (VACATED BY ORDINANCE NO. 48, SERIES OF 1921 AND ORDINANCE NO. 186, SERIES OF 1913), AND TOGETHER WITH VACATED GILPIN STREET LYING BETWEEN 39TH AND 40TH AVENUES AND BETWEEN SAID BLOCKS 2 AND 3 (VACATED BY ORDINANCE NO. 80, SERIES OF 1920), PROVIDENT PARK (ADDITION TO DENVER), CITY AND COUNTY OF DENVER, STATE OF COLORADO,

EXCEPT THAT PORTION THEREOF AS CONVEYED BY QUIT CLAIM DEED RECORDED APRIL 4, 2000 UNDER RECEPTION NO. [2000046892](#).

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**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule B, Part I**

**(Requirements)**

**Order Number:** ABD70779434.1

**All of the following Requirements must be met:**

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

1. CORRECTION QUITCLAIM DEED FROM 40TH STREET ASSOCIATES, LLC, A COLORADO LIMITED LIABILITY COMPANY TO 3939 WILLIAMS BUILDING CORPORATION, A COLORADO CORPORATION CONVEYING THE SUBJECT PROPERTY.

NOTE: THIS REQUIREMENT IS NECESSARY TO CORRECT THE LEGAL DESCRIPTION AS SET FORTH IN QUITCLAIM DEED RECORDED MARCH 19, 2015 UNDER RECEPTION NO. [2015034443](#).

NOTE: THE LEGAL DESCRIPTION IN SAID CORRECTION DEED SHOULD REFLECT THE LEGAL DESCRIPTION AS SET FORTH IN DEED RECORDED JULY 16, 2010 UNDER RECEPTION NO. [2010079374](#).

NOTE: THE OPERATING AGREEMENT FOR 40TH STREET ASSOCIATES, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES BYRON WEISS, BRETT WEISS AND ANDREW WEISS, AS ITS MANAGERS. ANY ONE MANAGER MAY EXECUTE SAID DEED.

2. (THIS ITEM WAS INTENTIONALLY DELETED)
3. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR OLIVERBUCHANAN GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

4. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF OLIVERBUCHANAN GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS A DELAWARE LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

5. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A FINAL SIGNED AND STAMPED ALTA/NSPS LAND TITLE SURVEY OF SUBJECT PROPERTY.

NOTE: A DRAFT SURVEY HAS BEEN RECEIVED AND REVIEWED.

LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID FINAL SIGNED AND STAMPED ALTA/NSPS LAND TITLE SURVEY.

6. SPECIAL WARRANTY DEED FROM 3939 WILLIAMS BUILDING CORPORATION, A COLORADO CORPORATION TO OLIVERBUCHANAN GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

**ALTA COMMITMENT**

**Old Republic National Title Insurance Company**

**Schedule B, Part I**

**(Requirements)**

**Order Number:** ABD70779434.1

**All of the following Requirements must be met:**

7. PROVIDE A CERTIFIED RENT ROLL FOR SUBJECT PROPERTY, OR, IN THE ALTERNATIVE, PROVIDE CONFIRMATION ON SELLER'S FINAL AFFIDAVIT THAT THERE ARE NO EXISTING LEASES OR TENANCIES ON SUBJECT PROPERTY.

NOTE: SAID REQUIREMENT IS NECESSARY TO EITHER MODIFY OR DELETE EXCEPTION NO. 8.

8. A CURRENT ZONING LETTER FOR SAID LAND ISSUED BY THE APPROPRIATE GOVERNMENT AGENCY SETTING FORTH THE ZONING CLASSIFICATION, ALLOWED USES, PARKING REQUIREMENTS AND ANY KNOWN VIOLATIONS.

NOTE: ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE MADE UPON THE REVIEW OF SAID LETTER.

9. EXECUTION OF THIS COMPANY'S "NON-IMPUTATION AFFIDAVIT" BY THE "KNOWLEDGE" PARTIES IS NECESSARY TO ISSUE THE "NON-IMPUTATION" ENDORSEMENT TO THE PROPOSED OWNER'S POLICY;  
AND  
PROVIDE AN ORGANIZATIONAL CHART DISCLOSING THE RELATIONSHIP BETWEEN THE CURRENT OWNER AND THE PURCHASING ENTITY.

NOTE: A REVIEW OF SAID AFFIDAVIT AND APPROVAL OF THE UNDERWRITER OF THE POLICY TO BE ISSUED IS NECESSARY BEFORE SAID ENDORSEMENT WILL BE ISSUED.

10. (THIS ITEM WAS INTENTIONALLY DELETED)

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED ALTA/NSPS LAND TITLE SURVEY. MATTERS DISCLOSED BY SAID ALTA/NSPS LAND TITLE SURVEY MAY BE ADDED TO SCHEDULE B, PART II HEREOF.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE DELETED.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2023 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2024 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE.

NOTE: ITEM 7 OF THE PRE-PRINTED EXCEPTIONS IS HEREBY DELETED.

NOTE: THE ISSUANCE OF THE POLICIES AND/OR ENDORSEMENTS REFERENCED IN THIS COMMITMENT ARE SUBJECT TO THE APPROVAL OF THE UNDERWRITER OF SAID POLICIES AND/OR ENDORSEMENTS. THIS COMMITMENT MAY BE REVISED AS REQUIRED BY THE UNDERWRITER TO ISSUE THE POLICIES AND/OR ENDORSEMENTS REQUESTED. THIS NOTE WILL BE DELETED UPON THE RECEIPT OF SAID APPROVAL.

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: ABD70779434.1

**This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.**

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. TERMS, CONDITIONS AND PROVISIONS OF EXISTING LEASES AND TENANCIES.**

NOTE: THIS EXCEPTION WILL BE DELETED UPON THE RECEIPT OF AN AFFIDAVIT EXECUTED BY THE OWNER CONFIRMING THERE ARE NO LEASES OR TENANCIES AFFECTING THE LAND.

- 9. (THIS ITEM WAS INTENTIONALLY DELETED)**
- 10. RESERVATION, BY THE CITY AND COUNTY OF DENVER, SUCH INTEREST AS MAY BE NECESSARY FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, OPERATION AND REPAIRING SEWERS, WATER MAINS AND OTHER CONDUITS, AND TO ERECT, MAINTAIN AND REPAIR TELEPHONE, TELEGRAPH, POWER, ELECTRIC LIGHT AND ANY OTHER KINDS OF POLES AND WIRE LINES, AS RESERVED IN ORDINANCE NO. 48, SERIES OF 1921. (A COPY OF SAID ORDINANCE IS STORED AS OUR ESI [40780359](#))**  
  
COVENANT AND PERMIT RECORDED FEBRUARY 28, 2006 UNDER RECEPTION NO. [2006033855](#).
- 11. RESERVATION, BY THE CITY AND COUNTY OF DENVER, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE SEWERS AS RESERVED IN ORDINANCE NO. 186, SERIES OF 1913. (A COPY OF SAID ORDINANCE IS STORED AS OUR ESI [40780370](#))**
- 12. RESERVATION BY THE CITY AND COUNTY OF DENVER, THE RIGHT TO CONSTRUCT, MAINTAIN AND REMOVE SEWERS AND WATER PIPES AND APPURTENANCES, AND TO AUTHORIZE THE CONSTRUCTION, MAINTENANCE AND REMOVAL OF THE SAME, AS RESERVED IN ORDINANCE NO. 80, SERIES OF 1920. (A COPY OF SAID ORDINANCE IS STORED AS OUR ESI [40780353](#))**

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** ABD70779434.1

13. APPLICATION TO AMEND THE BOUNDARIES OF A DESIGNATED ZONE LOT RECORDED AUGUST 4, 2000 UNDER RECEPTION NO. [2000111254](#).
14. EASEMENT AND RIGHT OF WAY CONVEYED TO PUBLIC SERVICE COMPANY OF COLORADO BY DOCUMENT RECORDED OCTOBER 13, 2000 UNDER RECEPTION NO. [2000150612](#).
15. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED FEBRUARY 13, 2001, UNDER RECEPTION NO. [2001020571](#).  
  
NOTE: THE SUBJECT PROPERTY LIES WITHIN ANNEXABLE PROPERTY AS SET FORTH IN EXHIBIT D TO SAID DECLARATION.
16. ZONING ORDINANCE RECORDED SEPTEMBER 30, 2002 UNDER RECEPTION NO. [2002175242](#), ZONING ORDINANCE RECORDED JANUARY 17, 2003 UNDER RECEPTION NO. [2003011154](#); WAIVERS OF CERTAIN RIGHT AND /OR REASONABLE CONDITIONS RECORDED DECEMBER 18, 2002 UNDER RECEPTION NO. [2002241018](#) AND RECORDED MARCH 6, 2003 UNDER RECEPTION NO. [2003035499](#); AND BOARD OF COUNCILMEMBERS MAP AMENDMENT FINDINGS RECORDED DECEMBER 18, 2002 UNDER RECEPTION NO. [2002241010](#) AND RECORDED MARCH 6, 2003 UNDER RECEPTION NO. [2003035480](#).
17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ORDINANCE NO. 611, SERIES OF 2002, AS EVIDENCED BY LETTER OF ACCEPTANCE OF TERMS AND CONDITIONS RECORDED DECEMBER 01, 2003 UNDER RECEPTION NO. [2003249413](#).  
(A COPY OF SAID ORDINANCE IS STORED AS OUR ESI [40809200](#))
18. (ITEM COMBINED WITH ITEM 10)
19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SPECIAL PLAN FOR THE LOCATION OF OFF-STREET PARKING RECORDED MARCH 15, 2006 UNDER RECEPTION NO. [2006041820](#).
20. NOTES SET FORTH IN THE DENVER ROCK DRILL LOFTS DEVELOPMENT PLAN RECORDED MARCH 06, 2007 UNDER RECEPTION NO. [2007037288](#).
21. A PERMANENT TELECOMMUNICATIONS EASEMENT GRANTED TO LEVEL 3 COMMUNICATIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED MARCH 19, 2013, UNDER RECEPTION NO. [2013038643](#).
22. TERMS AND CONDITIONS SET FORTH IN DENVER ASSESSOR'S PARCEL RECONFIGURATION FORM RECORDED MARCH 19, 2015 UNDER RECEPTION NO. [2015034484](#).
23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ORDINANCE DESIGNATING CERTAIN PROPERTY AS BEING REQUIRED FOR PUBLIC USE AND AUTHORIZING USE AND ACQUISITION THEREOF RECORDED SEPTEMBER 29, 2016 UNDER RECEPTION NO. [2016133818](#).
24. (THIS ITEM WAS INTENTIONALLY DELETED)
25. (THIS ITEM WAS INTENTIONALLY DELETED)
26. (THIS ITEM WAS INTENTIONALLY DELETED)
27. (THIS ITEM WAS INTENTIONALLY DELETED)

**ALTA COMMITMENT**  
**Old Republic National Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

**Order Number:** ABD70779434.1

28. (THIS ITEM WAS INTENTIONALLY DELETED)
29. (THIS ITEM WAS INTENTIONALLY DELETED)
30. (THIS ITEM WAS INTENTIONALLY DELETED)
31. (THIS ITEM WAS INTENTIONALLY DELETED)
32. (THIS ITEM WAS INTENTIONALLY DELETED)
33. (THIS ITEM WAS INTENTIONALLY DELETED)
34. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY DATED AUGUST 08, 2022, PREPARED BY MARTIN/MARTIN, INC., JOB NO. 22.0681.C.86:  
(SAID DOCUMENT STORED AS OUR ESI [40800497](#))
  - A. THE ENCROACHMENT OF MULTIPLE BUILDINGS ONTO THAT CERTAIN EASEMENT RESERVED IN ORDINANCE NO. 48, SERIES OF 1921.
  - B. THE ENCROACHMENT OF MULTIPLE BUILDINGS ONTO THAT CERTAIN EASEMENT RESERVED IN ORDINANCE NO. 186, SERIES OF 1913.
  - C. THE ENCROACHMENT OF MULTIPLE BUILDINGS ONTO THAT CERTAIN EASEMENT RESERVED IN ORDINANCE NO. 80, SERIES OF 1920.
  - D. THE ENCROACHMENT OF BUILDINGS ONTO THE LANDS ADJOINING TO THE SOUTH, WEST AND NORTH.
  - E. THE ENCROACHMENT OF A CHAIN LINK FENCE ONTO THE LAND ADJOINING TO THE WEST.
  - F. UTILITY POLES AND OVERHEAD UTILITY LINES LOCATED ALONG THE NORTH BOUNDARY, BUT NOT WITHIN A RECORDED EASEMENT.
35. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MEMORANDUM OF CONTRIBUTION AGREEMENT RECORDED NOVEMBER 02, 2022 UNDER RECEPTION NO. [2022137390](#).
36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ROCK DRILL REDEVELOPMENT SITE LARGE DEVELOPMENT FRAMEWORK RECORDED MARCH 13, 2024 UNDER RECEPTION NO. [2024020790](#).



## Land Title Guarantee Company Disclosure Statements

**Note: Pursuant to CRS 10-11-122, notice is hereby given that:**

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Note:** Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

**Note:** Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



## **Joint Notice of Privacy Policy of Land Title Guarantee Company Land Title Insurance Corporation and Old Republic National Title Insurance Company**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - your transactions with, or from the services being performed by us, our affiliates, or others;
  - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration

Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



# Commitment For Title Insurance

## Issued by Old Republic National Title Insurance Company

### NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

### COMMITMENT CONDITIONS

#### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

#### 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue Suite 600  
Denver, Colorado 80206  
303-321-1880



Craig B. Rants, Senior Vice President



**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Stock Company  
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607  
(612) 371-1111 [www.oldrepublictitle.com](http://www.oldrepublictitle.com)

By  President

Attest  Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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[Governmental authorities]

Re.: 3939 Williams Building Corporation Authorization Letter for Oliver Buchanan Group LLC to Pursue Entitlements for Rock Drill Project

To Whom It May Concern:

3939 WILLIAMS BUILDING CORPORATION, a Colorado corporation ("**Owner**") is the owner of the real property in the City of Denver, Colorado, which is bounded by N. Franklin Street, E. 39<sup>th</sup> and E. 40<sup>th</sup> Avenues, and N. Williams Street ("**Property**"). Owner has entered into that certain Agreement for Contribution or Sale of Real Property and Agreement to Form Limited Liability Company, dated for reference purposes only as of May 30, 2022, as amended from time to time, with OLIVERBUCHANAN GROUP LLC, a Delaware limited liability company ("**OBG**") (as amended, the "**Contribution Agreement**"). The purpose of this letter is to summarize OBG's authorization to seek entitlements for the development of the Property pursuant to the Contribution Agreement.

Owner and OBG, as "**Developer**", entered into the Contribution Agreement, in part, for the development of Owner's Property into a mixed-use project commonly known as "**Rock Drill**". To develop the Property into Rock Drill, rezoning and other land use permits and approvals are needed (collectively, "**Entitlements**").

Pursuant to the Contribution Agreement, OBG will act as the Developer for Rock Drill and has authority to pursue the Entitlements for the Property. At certain times as specified in the Contribution Agreement, Owner will elect to either contribute (and receive a capital account or a combination of capital account credit and cash) or sell the Property. In the meantime, OBG will continue to perform as Developer and interact, have meetings with governmental authorities relating to the development of Rock Drill, and process any Entitlements in connection with Rock Drill pursuant to the Contribution Agreement.

Please do not hesitate to contact me should you need any further clarification.

Sincerely,

3939 WILLIAMS BUILDING CORPORATION,  
a Colorado corporation

By: Byron Weiss  
Name: Byron Weiss  
Its: President

# Rock Drill RiNo Community Outreach Report

Denver Rock Drill Redevelopment | 1648-1798 E 40th Ave | 2022-PM-0000769

## Community Benefits Outreach

On January 16<sup>th</sup> 2025 OBG participated in the Cole Registered Neighborhood Organization quarterly meeting at the St. Charles Recreation Center. Brian Fishman, representative for OliverBuchanan Group, LLC (“OBG”) gave a presentation about the project, discussed timeline, process and answered questions. The notion of a Community Benefits Agreement (“CBA”) was introduced and discussed with the community during this presentation.

On February 18<sup>th</sup> 2025 OBG held the first meeting with the Cole Registered Neighborhood Organization regarding a CBA. Attendees were:

Reed Raskin	Cole RNO - President
Rachel Marion	Cole RNO – Board Member
Mark Aljuni	Cole RNO – Board Member
Austin Kane	WK Consulting
Peter Wall	WK Consulting
Bethany Gravell	Gravell Public Affairs
Brian Fishman	OBG
Aaron Goldstein	OBG

On February 25<sup>th</sup> 2025 OBG held the second meeting with the Cole Registered Neighborhood Organization (“RNO”) regarding a CBA. Attendees were:

Reed Raskin	Cole RNO - President
Rachel Marion	Cole RNO – Board Member
Mark Aljuni	Cole RNO – Board Member
Austin Kane	WK Consulting
Peter Wall	WK Consulting
Bethany Gravell	Gravell Public Affairs
Brian Fishman	OBG
Mike Guertin	DURA
John Fink	DURA
Michelle Howard	DURA
Tracey Huggins	DURA

With the coordination and assistance of the Cole RNO board. OBG sent out a survey of a list of potential benefits to a list of 1,695 Cole Neighborhood addresses provided by the City of Denver’s GIS department. This was mailed on April 1<sup>st</sup> 2025 while also providing an online option that was distributed by the Cole RNO President to their list of email address and posted on social media outlets.

On April 17<sup>th</sup> 2025 OBG participated in the Cole Registered Neighborhood Organization quarterly meeting at the St. Charles Recreation Center. Brian Fishman (OBG) gave a presentation about the project and discussed the survey results. The project team’s intent to pursue assistance from the Denver Urban Renewal Authority (“DURA”) was discussed and followed by a presentation on the use of DURA funding for the Rock Drill RiNo project from DURA representative Mike Guertin.

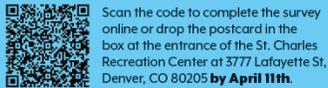
## Survey:



Dear Neighbor,

The Cole Neighborhood Association (CNA) is your Registered Neighborhood Organization for Cole. The City of Denver will soon evaluate a proposal for development of the Rock Drill RiNo site located between 39th and 40th Avenues and Williams and Franklin Streets. The CNA is in discussions with the developer to ensure that the project brings enhanced benefit to the Cole Neighborhood. We would love to hear from you in the survey below before April 11th to learn what issues should have the highest priority as we continue conversations with the developer.

Sincerely,  
The CNA Board



Scan the code to complete the survey online or drop the postcard in the box at the entrance of the St. Charles Recreation Center at 3777 Lafayette St, Denver, CO 80205 by April 11th.

**2025 CNA General Meetings:**  
April 17 | July 17 | October 16

6pm @ St. Charles Recreation Center  
3777 N Lafayette St, Denver, CO 80205

Contact us to join our email list: info@coledenver.com

**What is Important to You?**

Please select your **Top 5 priorities** related to the redevelopment of the Rock Drill RiNo site.

- Construction Practices** - Assigned community point of contact, hours/day of week of disturbance, street closures, construction parking
- Historic Preservation** - Paying homage to the community's past and repurposing key structures for the community's future.
- Historic Preservation** - Memorializing the structures' role in the history of the neighborhood through plaques, signage and artifacts.
- Affordable Housing** - Housing provided onsite at a deeper affordability level.
- Affordable Housing** - Emphasizing larger units to accommodate families.
- Art** - Displaying public art of multiple mediums and scales.
- Art** - Highlighting local artists.
- Sustainability** - Reducing the carbon footprint of the project through adaptive reuse, waste management, and the potential use of alternative energy sources.
- Community Serving Retail** - Providing an opportunity for a market or grocer onsite.
- Community Serving Retail** - Retail and commercial tenant mix that features local owned retailers and companies.
- Jobs** - Institute a plan to benefit local job applicants for jobs created onsite.
- Community Spaces** - Create outdoor spaces that are accessible and welcoming for all, regardless of age or ability. Closed-street activation opportunities to the Cole neighborhood for community-based events, such as farmers markets, live music, and performance art.
- Transportation** - Designated bike parking and specified rideshare drop-off areas to be provided to encourage alternative forms of transportation.

What are your favorite things about the Cole Neighborhood?

What do you hope for the Cole Neighborhood in the next 30 years?

YOUR NAME:

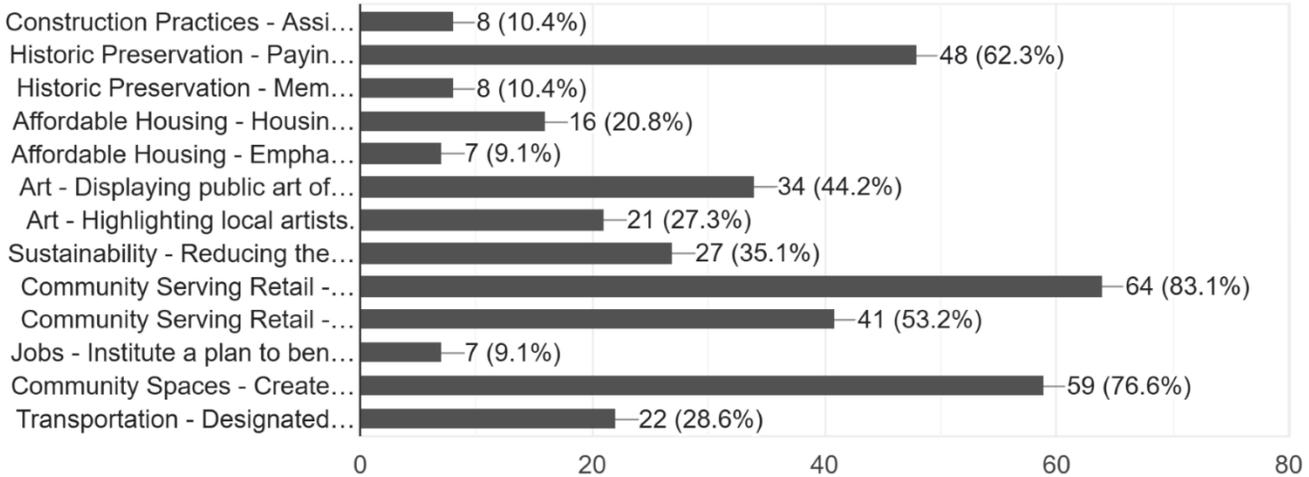
YOUR EMAIL ADDRESS:

YOUR STREET ADDRESS:

**Survey Results Summary:**

**What is Important to You?**

77 responses



The results reinforce what we heard through all of our years of in-person outreach efforts. OBG's commitment to address the community's priorities for this site will be captured through the DURA Agreement and a CBA with the Cole Registered Neighborhood Association. This will be accomplished by focusing on food service-based retail, historic preservation of key buildings and features on the site, community spaces and an emphasis on public art to name just a few.

### City Council Outreach

OBG has maintained consistent communication with Denver City Councilmembers, especially District 9 Councilmember Darrell Watson. All City Councilmembers have been invited to tour the Rock Drill RiNo campus and offered follow-up meetings to discuss the rezoning application in detail. Only two Councilmembers, Stacie Gilmore and Chris Hinds, have declined meeting invitations.

All Councilmembers have shown strong enthusiasm for the redevelopment effort and rezoning application. Councilmember feedback has been incorporated into the rezoning application as evidenced by:

- Division of site into multiple zone districts to reflect planned density on the site.
- Affordable residential units with multiple bedrooms to accommodate families and units priced at deeper levels of affordability.

City Council Briefings			
Darrell Watson	District 9	2/2/2023	Site Tour
		7/18/2023	Meeting
		1/10/2024	Meeting
		5/9/2024	Meeting
Serena Gonzales-Gutierrez	At-Large	10/18/2023	Site Tour
Sarah Parady	At-Large	1/12/2024	Meeting
		6/8/2023	Site Tour
Amanda Sandoval	District 1	5/5/2023	Site Tour
	District 1	1/18/2024	Teams Meeting
Kevin Flynn	District 2	1/4/2024	Teams Meeting
Jamie Torres	District 3	1/27/2023	Site Tour
		2/5/2024	Teams Meeting
Diana Romero-Campbell	District 4	8/23/2023	Site Tour
		3/19/2024	Teams Meeting
Amanda Sawyer	District 5	1/11/2024	Teams Meeting
Paul Kashmann	District 6	7/14/2023	Site Tour
		1/18/2024	Teams Meeting
Flor Alvidrez	District 7	5/11/2023	Site Tour
		1/24/2024	Teams Meeting
Shontel Lewis	District 8	6/2/2023	Site Tour

### Registered Neighborhood Organization and Local Stakeholder Outreach

OBG has contacted all RNOs whose boundaries include the Rock Drill RiNo site through:

- Offers to present at their organization meetings
- Invitations to Rock Drill RiNo site tours

- Invitations to the Rock Drill RiNo Community Open House held on September 19, 2023
- Invitations to the Rock Drill RiNo Community Information Meeting held on November 8, 2023

Community members have demonstrated overwhelming support for the redevelopment of the site. **The addition of a grocery store is by far the community’s top priority for the site.** Neighboring residents have consistently identified their desire to see additional retail, eating and drinking establishments and arts and entertainment options at Rock Drill RiNo. The community hopes to see local businesses and local artist/maker spaces incorporated in the Rock Drill RiNo plan. OBG’s intent to develop creative office space ringed by retail has been received with strong support. Several residents also identified a preference for incorporating a hotel on site.

Neighbors have expressed strong enthusiasm for the adaptive reuse of the original Denver Rock Drill sawtooth, foundry and boiler room buildings. Residents are eager to learn more about the factory’s history and connection to the Cole neighborhood. There is a deep appreciation for OBG’s efforts to maintain the community’s historic character.

Neighbors support development of housing on site, including affordable housing. OBG has been challenged to incorporate units with multiple bedrooms at deeper levels of affordability to help address the citywide gap in affordable housing options for low-income families. OBG has received strong community support for adding height and density on the northwest corner of the site.

Residents consistently expressed a preference for prioritizing pedestrians over automobiles at the site. They are eager to see Denver Rock Drill restored as a community gathering space and added amenity to the 39<sup>th</sup> Avenue Greenway. Space for a farmers’ market, food truck festivals and outdoor patios are frequent requests.

Provision of adequate parking and traffic management have been the main concerns identified through our community outreach efforts.

Community feedback has been incorporated into the rezoning application and site planning as evidenced by:

- Mixed-use zoning to allow development of residential, office, retail and hospitality uses on site.
- The site plan is designed to incorporate a grocery store on the ground floor of the planned residential tower at 40<sup>th</sup> and Franklin.
- The division of the site into two zone districts will ensure height and density are concentrated on the northwest corner of the site. Building heights will slope down to the south and east to fit with the residential neighborhood across 39th Avenue.
- Adequate structured and underground parking to meet the needs of future Rock Drill RiNo residents, employees and visitors.
- Open space will transition seamlessly to the 39<sup>th</sup> Avenue Greenway.
- The adaptive reuse of the iconic sawtooth, foundry and boiler room structures.
- Venues for performing arts, studio/maker spaces and eating and drinking establishments are considered in the site plan.

Registered Neighborhood Association Presentations		
Cole Neighborhood Association	4/25/2024	Voted to SUPPORT rezoning application
Clayton United	1/16/2024	Voted to SUPPORT rezoning application
	4/9/2024	

Denver North Business Association	1/10/2024	Voted to SUPPORT rezoning application
RiNo Arts District	2/15/2024	Vote to support pending
Rock Drill Lofts	11/13/2023 1/13/2024	Voted to SUPPORT rezoning application

<b>Community and Stakeholder Site Tours</b>	
Historic Denver	10/4/22
Cole Neighbors	10/19/22
Cole Neighbors	11/15/22
Historic Denver	11/15/22
RiNo Arts District	11/15/22
Cole Neighbors	12/1/22
Community	1/13/23
Municipal Candidates	2/7/23
Candidate Mike Johnston	2/10/23
Manual High School Students	2/17/23
Cole Neighbors	3/2/23
Municipal Candidates	3/2/23
Cole Neighbors	3/31/23
Cole Neighbors	4/7/23
Denver City Staff Tour	4/18/23
Municipal Candidates	6/2/23
Historic Denver - Preservation Committee	6/16/23
GES Coalition	6/16/23
Denver HOST	6/30/23
Denver North Business Association	7/12/23
Denver Parks and Rec Tour	12/12/2023
RiNo Arts District	2/15/2024
Clayton United	3/9/2024
Mayor's Office	3/11/2024
Mayor's Office	3/13/2024
Community	4/19/2024
Community	5/11/2024

<b>Community Tour Participants</b>		
Michael	Flowers	10/4/2022
Molly	Urbina	10/4/2022
Carissa	Knight	10/19/2022

Community Tour Participants		
Chris	Knight	10/19/2022
Mark	Aljuni	11/15/2022
John	Deffenbaugh	11/15/2022
Charity	Von Guinness	11/15/2022
Fred	Glick	12/1/2022
Jana	Novak	12/1/2022
Brent	Barkley	1/13/2023
Jamie	Barkley	1/13/2023
Scott	Bryans	1/13/2023
Skyler	Everitts	1/13/2023
Denee	Janda	1/13/2023
Paul	Janda	1/13/2023
Mary	Johnston	1/13/2023
Robert (Bob)	Johnston	1/13/2023
Samantha	Katzenberg	1/13/2023
Lauri	Keener	1/13/2023
Blake	Kimmel	1/13/2023
David	Lawson	1/13/2023
Amy	McKnight	1/13/2023
Jessica	Montoya	1/13/2023
Allison	Rankin	1/13/2023
Jeremy	Salken	1/13/2023
Erin	Schneider	1/13/2023
Jamie	Schneider	1/13/2023
Melissa	Turney	1/13/2023
Alex	Whiteman	1/13/2023
Jamie	Torres	1/27/2023
Kelly	Brough	2/7/2023
Mike	Johnston	2/10/2023
Chris	DeRemer	2/17/2023
Travis	Leiker	3/2/2023
Debbie	Ortega	3/2/2023
Kendra	Black	3/24/2023
Brittney	Britt	3/31/2023
Anna	McDivitt	3/31/2023
Alana	Miller	3/31/2023
Benjamin	Moore	3/31/2023
Sarah Kay	Moore	3/31/2023
Devin	Stone	3/31/2023
Barb	Cordova Frias	4/7/2023
Reed	Raskin	4/7/2023
Jessica	Velez	4/7/2023

<b>Community Tour Participants</b>		
Brandis	Meeks	5/11/2023
Eugenia	DiGirolatio	5/18/2023
Shannon	Gifford	5/18/2023
Jill	Jennings Golich	5/18/2023
Deirdre	Oss	5/18/2023
Andrew	Webb	5/18/2023
Shannon	Hoffman	6/2/2023
Max	Amaral	6/5/2023
Andrea	Berrios	6/5/2023
J. Eric	Bottenhorn	6/5/2023
Cory	Cook	6/5/2023
Dan	Craine	6/5/2023
Brad	Gassmann	6/5/2023
Pete	Gozar	6/5/2023
Amy	Graves	6/5/2023
Ritah	Kagezi	6/5/2023
Caleb	Leftin	6/5/2023
Seton	Lowe	6/5/2023
Joseph	Mendoza	6/5/2023
Sapina	Patel	6/5/2023
Delaney	Rockwell	6/5/2023
Orlando	Rockwell	6/5/2023
Malgorzata	Tomasik	6/5/2023
Megan	Veeneman	6/5/2023
Anne	Parady	6/8/2023
Andrea	Rome	6/12/2023
Joshua	Brooks	6/16/2023
Maria	Cronin	6/16/2023
Beth	Glandon	6/16/2023
Meghan	Heinrich	6/16/2023
Jay	Homstad	6/16/2023
Laird	Horigan	6/16/2023
Kaitlin	Lucas	6/16/2023
John	Lucero	6/16/2023
Thomas	Matthews	6/16/2023
Danny	Newman	6/16/2023
Mike	Owen	6/16/2023
Gerhard	Petra	6/16/2023
Gary	Petri	6/16/2023
Ashley	Russell	6/16/2023
Alison	Salutz	6/16/2023
Ana	Varela	6/16/2023
Rich	Von Luhrte	6/16/2023

<b>Community Tour Participants</b>		
Gretchen	Armijo	6/26/2023
Sydney	Bittenger	6/26/2023
Isla	Francis	6/26/2023
Robert	Guertin	6/26/2023
Kongyun	He	6/26/2023
Bryan	Wetherington	6/26/2023
Jingran	Yu	6/26/2023
Jon	Colarelli	6/30/2023
Emily	Collins	6/30/2023
Andrew	Johnston	6/30/2023
Molly	Gidley	7/12/2023
Joe	Gira	7/12/2023
Dave	Huff	7/12/2023
Jules	Kelty	7/12/2023
Adam	O'Leary	7/12/2023
Jeff	Popiel	7/12/2023
Devin	Saunders	7/12/2023
Jeremy	Stern	7/12/2023
Nic	Travis	7/12/2023
Gordon	Robertson	7/19/2023
Owen	Wells	7/19/2023
Stacie	West	7/19/2023
Derek	Berardi	7/27/2023
Aimee	Dokes	7/27/2023
Tanner	Axt	8/24/2023
Kristen	Hodges	8/24/2023
Jason	Morrison	8/24/2023
Jennifer	Ramsey	8/24/2023
Aaron	Schmitz	8/24/2023
E. Dana	Sparks	8/24/2023
Brian	Wethington	8/24/2023
Sina	Khayat Kholghy	10/18/2023
Mary	Blossom	10/19/2023
L. (sgn. ill.)	Brown	11/2/2023
Emily	Golaskemy (sgn. ill.)	11/2/2023
Mary	Coddington	3/9/2024
Katie	Donovan	3/9/2024
Danielle	Farrell	3/9/2024
B. (sgn. ill.)	Gullicksrud	3/9/2024
Marisa	Gullicksrud	3/9/2024
Matthew	Gullicksrud	3/9/2024
James	J. (sgn. ill.)	3/9/2024

Community Tour Participants		
Nicola	Jackson	3/9/2024
Duane	Meissner	3/9/2024
Anton	Olsen	3/9/2024
Kevin	Rost	3/9/2024
Beckah	Terlouw	3/9/2024
Zach	Versluis	3/9/2024
Ashlee	Whitney	3/9/2024
Gamaliel	Whitney	3/9/2024
Hanna	Harstad	3/10/2024
C. (sgn. ill.)	Cialpou (sgn. ill.)	4/5/2024
Mark	Motonaga	4/5/2024
Brett	Billine (sgn. ill.)	4/10/2024
Ashlee	Burke	4/11/2024
Hannah	Knight	4/11/2024
Tom	Rincor (sgn. ill.)	4/11/2024
Sheree	Swaney	4/11/2024
William	Swaney	4/11/2024
Joshua	Walmer	4/11/2024
Michael	Marini	4/17/2024
Jennifer	Plungis	4/19/2024
Patrick	Eidman	5/8/2024
Janan	Grahan	5/8/2024
Annie	Levinsky	5/8/2024
Damion	Pechota	5/8/2024
Ian	Harwick	5/11/2024
Andrew	Iltis	5/11/2024
James	Flattum	10/9/2024
Ryan	Keeney	10/9/2024
Anne	Dewitt	10/9/2024
Noah	Sponable	10/9/2024
Sean	O'Keefe	10/9/2024
Mike	Wilde	10/9/2024
Bryan David	Blakely	10/9/2024
Tyler	Winstead	10/9/2024
Abe	Kaul	10/9/2024
Nathan	Beal	10/9/2024
Jerry	Glick	10/9/2024
James	Lindberg	10/9/2024
Matt	Larsen	10/9/2024
Danielle	Glover	10/9/2024
Alex	Weltman	10/9/2024
Frank	Stofac	10/9/2024
Will	Muessig	10/9/2024

Luchia	Brown	10/9/2024
Jesse	Franklin	10/9/2024
Stephanie	Franklin	10/9/2024
Adrian	Brown	10/9/2024
Brittany	Jawbs	10/9/2024
Evan	Frasz	10/9/2024
Jason	Yonker	10/9/2024
Joel	Noble	10/9/2024

## Rock Drill RiNo | Community Open House Report

Denver Rock Drill Redevelopment | 1648-1798 E 40th Ave | 2022-PM-0000769

<b>What:</b>	Community Open House
<b>Date Time:</b>	September 19, 2023
<b>Location:</b>	Rock Drill, 1648-1798 E 40th Ave
<b>Attendance:</b>	205 Community Stakeholders

Rock Drill RiNo Community Open House was an outstanding success. The OBG team toured more than 200 community members through the site. Residents reviewed site plans and met the OBG team along with Rock Drill Denver architects and planners. Food trucks and music created a celebratory atmosphere. Site neighbors were thrilled to have the opportunity to see behind the walls of the Denver Rock Drill factory. This event generated significant community feedback, providing key insights on community priorities.

### Open House Comment Card Submittals

Clara Bacmeister

Sliding scale food co-op/bodega for a couple reasons:

- This neighborhood is a food desert.
- Also, gentrification isn't the best look, this could help!

Sliding scale businesses in general – places the whole community can access.

Andrew Battles

Grocery Store! Definitely needs to connect to the greenway. Restaurants. Housing/maybe a hotel? Shopping.

Paul Brown

Earlier this month I found myself wondering whether this pre-pandemic vision would ever become reality. Very pleased to learn that the project has been reborn and reimaged.

Carolyn

Great tour! Excited to see the architecture presented! 😊

Amy Clanton

Thank you for the hospitality/well-organized event. I think this would be an amazing addition to the hood! This would be an excellent farmer's market venue in the meantime and ongoing. We love the idea of community programs and including neighbor(hood) owned biz in the retail/restaurants.

Scott Czararak

Thanks for opening it up like this. I love seeing the bare bones and all this potential.

Emily Grogg

I'm so excited about this project!

Please make it as pedestrian focused as possible. There is lots of neighborhood parking with most homes having garages, Don't over park,

I'm happy to provide supportive comments in future hearings – YIMBY 😊

Brock Haft

Love the vision, the neighborhood needs

- Grocery store (like Locavore in Stapleton)
- Local restaurants or a food hall

On another note I run an event production group called Play Haus and before you teardown sections, we'd love to rent a space for a weekend disco event and would pay well to do so!

Oliver Holloway

Involved as many community organizations who serve this community as possible. Please don't let this end up like the development on Brighton Blvd. Donation based bodega. Partnership with Denver Food Rescue, so both poor and rich will feel welcome.

Caitlin Howley

Please no more housing!

Grocery store and coffee shop!

Emily Johns

Excited that you're bringing life back into such a gorgeous old structure!! Such a cool opportunity to re-use something with history instead of building new. Good luck, hope the City permit process improves!

Sue Keeley

What a rad space! Such a great opportunity to revitalize this area. Really excited to learn more, especially around mix of retail. Would love to be involved.

Katie Kellner

Would love to have an event space in the mix, especially if it could host/highlight more local shows/artists. I'd love to see the mix of shops, food/drink stands, coffee/work area, market, etc.

Chris Knight

Love the vision

Food market will bring the daily foot traffic

Feels like an "old world" pedestrian Cherry Creek/Mile Market combo (but more unique)

Where's the parking?! (Not that I want that, but surely the city will require)

How are tenants (retail/hotel) being selected?

Amazing work!

Jacob Kravits

Love the project in general! I would like to see more of the Hispanic influence of the Cole neighborhood. I really like the idea of musical performance spaces. Please make this project unique!

Shaheen Larson

Love the Pedestrian Forward focus

A new brewery in town?

Would love to see market/grocery/bodega type option

Local arts/theater would be amazing  
Dog friendly space please 😊

Kevin Lawrence

1. Grocery store
2. Food hall (like Milk Market)
3. Boutique hotel (like Death + Co and Ramble)
4. Boutique shopping/upscale shopping (like what is around Walnut)

Live 3 houses down Gilpin – Can't wait!

Zach Lewis

Hoping that market space is grocery!  
Curious what your target retail mix is?  
Small intimate/concert area like Belly Up in Aspen would be great.  
Staggered construction to get certain parts open sooner?  
Thanks for keeping the history intact.

Emery Love

Keep some of the original "Denver Rock Drill" signage  
Grocery store please!!  
Don't kick Nowhere Coffee out  
Affordable housing!!

Matt

Would love a grocery store and to help you produce beautiful content to engage the community and build excitement.

Lindsey Maujewsk

Excellent tour! I can see the vision and can appreciate all the work that will go into this. I'd love to stay connected and get updates. Request: Have a grocery store.  
Thanks! Lindsey

Maureen McGuire

Every type of use that is possible! Please, a good local grocery store or even/at least a Sprouts or Trader Joe's. Discounted artist space given the artists that are being displaced from RiNo.

Nicole Obek

Loving the plans! A grocery store would be an amazing addition!! We don't have any nearby!

Greg Parks

Stanley Marketplace  
Grocery Store  
Barbershop  
Bar/Restaurant  
Swimming Pool Membership/Club  
Dog Park

Andy Pendl

Streets should be generally closed to cars. Open for deliveries and situationally, but not 100% of the time.  
Also, groceries!

Sami Powers

It would be incredible to save as much historic brickwork and industrial components and incorporate photos into the buildout. I wish you had historic photos on the tour today It would be great to have some connection to the historic neighborhoods surrounding with opportunities for kids!

Peter Rake

Great tour, thank you! Would be great to connect with design team and discuss their net zero energy strategy or at least aspects that relate the energy performance of this amazing development on our doorstep. Can't wait to see if evolve over the next few years.

Thanks again, Peter

Reece Reinema

Would love to see:

- Grocery store
- Local restaurants (not large chains)
- A speakeasy
- A gym
- A general central market – type market 😊

Daniel Rivera

I liked the plans I saw to add a marketplace like the one in Chelsea, NY. I would suggest a section or picture on the wall to describe the history of the place and how it impacted the neighborhood back then.

Jack Schattner

Grocery store/Market/Local food options  
Coffee and open free working space

Walker Shaw

LOVE the potential!

Would love to see:

- Grocery store/market
- Fast casual food
- Parking infrastructure so streets aren't crowded.
- Gym (Vasa/Lifetime)
- Retail/small shops
- Farmers market

Dana Spohr

Excited about common space

Would love a grocery option for locals that's not too fancy.

Storm Sternad

THIS ROCKS! I'm so excited I wanna scream and cry at the same time (in a really, really good way)!

Rebecca

Please preserve as many of the interesting architectural features of the building as possible. They don't make buildings like this anymore, that it's what makes Cole stand apart.

Thanks for engaging the neighborhood!

Reed Raskin

Thanks, OliverBuchanan Group. We are your neighbors on 36<sup>th</sup> and Williams. We have been patiently waiting for the right developer to breathe life into Rock Drill. Let us know how we can support the project.  
Reed and Jessica

Casey Wittlinger

My biggest concern is parking, What is the plan for that? Transit is the obvious choice, but there will be cars and I am concerned with all of the street parking in front of our house a block away.

Ryna Woody

Close train stop?  
Grocery store that is “natural” vibe  
Speakeasy  
Nice water feature

Anonymous

Excellent vision! Make sure you address parking!

Anonymous

Hi! Was just thinking having a farmers’ market here would be great. Similar to Borrough Market in London!

Anonymous

Awesome project!  
Love the historic buildings.  
Preserve the grit and history.  
Don’t over-commercialize it.  
Make it cool/Keep it cool.

Anonymous

No car infrastructure passing through the space/courtyard please 😊

Anonymous

Love the prospect of a grocery store. Would love to see loft/co-working offices supportive of artists/makers as Industry is more geared toward corporate remote workers. Work/live spaces would be ideal! Also, there is immediate potential for farmers market or food trucks every weekend to accompany Brandon’s coffee trailer. The alley would be awesome to keep the greenway free for dog walking.

Anonymous

It will be important to have plenty of bike parking, as there will be retail/restaurants, so people can pedal along the greenway or from the neighborhood – please consult cyclists on design and locations of bike racks/shelters

- Also – scooter parking
- Providing a “self-guided historical/architectural tour of the site (when complete) could be cool
- Mostly, though, just very excited!! 😊

<b>Rock Drill RiNo - Community Open House</b>		
<b>Attendee Report</b>		
<b>September 19, 2023</b>		
David	Adamczyk	
Steve	Allen	3784 N Gilpin Street
Greta	Arenes	462 Harrison
Shaheen	Aslam-Larson	3777 N Franklin Street
Ronald	Avey	3758 N Williams Street
Juan	B	
Clara	Bacmeister	
Savannah	Bailey	
Joel	Barnard	
Emily	Barthel	3830 N Franklin Street
Andrew	Battles	3730 N Franklin Street
Catherine	Beckel	3621 N Williams Street
Paulina	Belsky	
Jim	Bergstrand	8221 S Marshall Ct
Katie	Bonomo	3749 N Gilpin Street
Eric	Bottenhorn	
Julia	Brazer	
Paul	Brown	3783 N Williams Street
Vesper	Brown	
Steph	Bruss	2500 Walnut #401
Ellen	Bruss	2500 Walnut #401
Casey	Burnett	3718 N Gilpin Street
Mark	Butters	3778 N High Street
Alex	Caspary	3731 N Gilpin Street
Anna	Castano	
Opal	Castano	
Sarah	Cawrse	
Anna	Cawrse	2343 Ogden Street
Daniel	Church	2058 N Vine Street
Amy	Clanton	3705 N Gaylord Street
Emily	Cooper	3521 N Williams Street
Pete	Cozar	3121 California Street
Dan	Craine	
Carolyn	Cronin	3983 Rolfe Ct.
Maria	Cronin	

Scott	Czaranak	3983 Rolf Ct
Greg	Delaney	3707 N Vine Street
Karen	Derrick-Davis	
Hannah	Dill	
Trinity	Dokes	
Sarah	Doll	
Blair	Draper	
Matt	Draper	
Caitlin	Dumpe	3758 N St. Paul Street
Rachel	Duncan	
Dean	Duncan	
Madelyn	Fisher	
Bennett	Fishman	
Brea	Foley	3750 N High Street
Stephanie	Fowler	
Rebecca	Franco	3788 N High Street
Dave	Franco	3788 N High Street
Matthew	Fraterman	1580 E 39th Avenue #110
Todd	Freedman	
Nicholas	Froy	
Elijah	Gallegos	
Sarah	Giebelstein	
Fred	Glick	
Sam	Goldman	
Jeremy	Goldsmith	
Torrance	Green	
Emily	Grogg	
Brock	Haft	3823 N Gilpin Street
Kelsie	Hancock	3729 N Williams Street
Kam	Harsin	
David	Hinman	
John	Hinun	1777 E 39th Ave #207
Oliver	Holloway	3768 N High Street
Blake	Holtom	2000 S. Colorado Blvd
Caitlin	Howles	3837 N High Street
Connor	Howley	3837 N High Street
Kieran	Howley	
Elenor	Howley	
Austin	Isinghood	1609 E 38th Avenue
Sam	Jamison	

Denee	Janda	3445 N Race Street
Paul	Jauda	3445 N Race Street
Charlotte	Jeauneau-Sheiner	
Emily	Johns	3758 N Williams Street
Megan	Kane	3704 S. Elm Street
Sarah	Kaplan	
Heather	Kauffman	
Susan	Keeley	
Katie	Kellner	3777 N Franklin Street
Rebecca	Kisner	3733 N Gilpin Street
Christopher	Knight	
Warren	Korburg	
Rebecca	Kourkoulis	3805 N Gilpin Street
Paul	Kourkoulis	3805 N Gilpin Street
James	Kourkoulis	
Jacob	Kravits	3553 N Williams Street
Nick	Kripowicz	
Kevin	Kurtzner	3748 N Lafayette Street
Daniel	Kuzbiel	3786 N Gilpin Street
Milla	Lacroix	
Larry	Landry	
Toni	Landry	
Krystan	Langley	1350 E 40th Street #10
Milt	Lanser	
Kevin	Lawrence	
Elizabeth	Lee	2303 Julian Street
Felix	Lee	
Flora	Lee	
Zach	Lewis	3754 N Gilpin Street
David	Lewis	
Mary	Lewis	
Jason	Lon	5966 Beeler Ct
Kyler	Lotte	
Emery	Love	3744 N Race Street
Ryan	Magee	3815 N Gilpin Street
Rhonda	Magee	
Steve	Markey	
Lia	Martinez	3768 N High Street
Lindsey	Maujewsk	
Samantha	McCamey	

Mike	McCants	3450 40th Avenue
Angela	McCants	
Taylor	McCurdy	2833 S Bannock Street
Jim	McDonald	
Jessie	McDonald	
Jordyn	McDowell	3542 N Race Street
Jodel	McDowell	
Brad	McDowell	
Maureen	McGuire	3124 California Street
Anna	Metropulos	450 S Dale Ct
Nick	Monessis	3444 N Race Street
Jessica	Montoya	
Brian	Mullady	1357 S Washington Street
Crispin	Muzzy	642 S York Street
Kristin	Nagy	3637 N Franklin Street
Douglas	Newby	
Cole	Newcomer	2886 Qual Street
Daniel	Nichols	642 S York Street
Sarah	Normandin	
Louis	Normandin	3786 N Williams Street
Jana	Novak	
Nicole	Obek	
Kari	Olson	
Sean	O'Neill	3757 N Race Street
Lisa	Osborne	1609 E 38th Avenue
Marley	Palmer	
Sam	Palmer-Duore	3733 N Gilpin Street
Greg	Parks	3752 N Franklin Street
Maggie	Payne	
Rebecca	Peebles	3833 N High Street
Andy	Pendl	
Alice	Pendl	
Alexander	Perry	
Taylor	Pfohl	3621 N Williams Street
Jariya	Phanpaktzq	
Lucas	Polson	3814 N Franklin St
Lucas	Polson	
Sami	Powers	2501 N Marion Street
Gabe	Powers	
Jane	Prior	3786 N Williams Street

Peter	Rake	3818 N Franklin Street
Reed	Raskin	
Jesse	Rathod	4335 N Milwaukee Street
Jordana	Ray	1580 E 39th Avenue
Bobby	Reginelli	Whittier
Bella	Reginelli	
Reece	Reinema	1223 31st Street
Travis	Rice	1580 E 38th Street #221
Kendal	Rice	3718 N Gilpin Street
Daniel	Rivera	
Jack	Schattner	
Jenna	Scheele	3521 N Williams Street
Cale	Scheinbaum	
Daniel	Schneider	
Maximilian	Schnurrenberger	
Sarah	Schwart	
Joelle	Scott	3784 Gilpin Street
Britt	Seum	
Aris	Sheiner	
Lisa	Snead	2755 Emporia Street
Lisa	Spain	
Dana	Spohr	2630 Elm Street
Clifton	Starke	
Virginia	Sternad	3517 N Franklin Street
Storm	Sternad	
Jodi	Stohlman	3818 N Franklin Street
Nikole	Strickler	
Joe	Stupp	
Brooke	Styles	1580 E 39th Avenue
Dan	Sullivan	
Lindsey	Sullivan	3335 York Street
Jaco	Swadt	9555 Firenze
Whitney	Tice	3624 N Williams Street
Sydney	Tidler	
Booker	Tieszan	2852 S Galapago Ct
Wilson	Tieszan	
Christopher	Tunh	
Kris	Ullstrup	3839 N Williams Street
Jessica	Velez	
Megan	Vogt	

Jay	Walle	
Nick	Westermeyer	
Tim	Willis	
Greg	Willis	3794 N Williams Street
Casey	Wittlinger	3758 N Williams Street
Ryan	Woody	2723 N Champa Street
Karl	Wurm	3731 N Gilpin Street
Hannah	Zax	3711 N High Street
Natalie		

## Rock Drill RiNo | Community Information Meeting Report

Denver Rock Drill Redevelopment | 1648-1798 E 40th Ave | 2022-PM-0000769

<b>What:</b>	Community Information Meeting
<b>Date Time:</b>	November 8, 2023
<b>Location:</b>	Industry - 3827 Lafayette St, Denver, CO 80205
<b>Attendance:</b>	41 Community Stakeholders

OBG hosted a community information meeting for the Rock Drill RiNo redevelopment on Wednesday, November 8, 2024, at Industry Denver. Forty-one (41) community stakeholders and 15 project team members participated in the meeting along with Deirdre Oss who represented Denver Community Planning & Development.

### Presentation

Eric Buchanan, Chief Executive Officer of OBG welcomed community members. Eric explained that Rock Drill RiNo will be a catalytic project for the Cole neighborhood and Denver. The 6.7-acre site has a rich history, being built in 1910 for the Denver Rock Drill Manufacturing company. Eric noted that OBG plans to adaptively reuse several iconic buildings on the site, as well as build new structures, for a mix of modern and old.

Eric introduced the project team, which includes Gensler, Sasaki, Semple Brown, SA Miro and PCL. He highlighted the team’s experience with complicated urban mixed-use projects, He also shared OBG’s commitment to community and stakeholder collaboration.

Anna Cawrse, landscape architect and principal for Sasaki’s Denver office, discussed the opportunity to adapt the site as a community anchor serving the surrounding neighborhood. Anna shared images of vibrant, walkable, sustainable mixed-use developments as examples of how the Denver Rock Drill campus could be reimagined. She reviewed a project timeline, explaining that the team is seeking early community feedback as part of Denver’s Large Development Review Process, which will be followed by rezoning, infrastructure planning, design review, permitting and construction phases.

Anna explained that addressing equity is a key focus for the team. The team is working to incorporate affordable housing, diverse jobs, community serving retail, and access to transit and open spaces to advance equity outcomes.

The team has also prioritized community engagement, having made over 300 community connections prior to this meeting. The team has hosted over 60 group tours of the Denver Rock Drill campus, met with multiple

neighborhood organizations, and hosted a 200-person open house. The comments and feedback collected through these outreach efforts have informed plans for the site.

Community members have consistently supported the team’s plan to adapt and reuse the iconic original buildings on the site. Anna relayed that community members support opening the site to the neighborhood and making a strong connection to the 39th Avenue Greenway. In addition, neighbors have consistently asked for more community-serving amenities and services, especially a grocery store. Anna explained that the team has planned the site with space to accommodate a grocery store.

Three core concepts will guide development at the site:

1. **Conserving the “There”** by retaining the iconic buildings on site and integrating density with the neighborhood context
2. **Embracing the Greenway** by connecting high-quality public spaces to the 39th Ave Greenway
3. **Connecting the Community** by creating a network of adaptable community spaces with infrastructure that supports retail uses on the site while retaining flexibility to close streets for community events like farmer markets.

Anna detailed proposed uses for the site, which could include:

- 700-800 residential units
- 40,000 - 60,000 GSF of creative office wrapped by retail
- 100,000 - 150,000 GSF retail
- 150-220 hotel rooms
- 900 - 1,100 parking stalls.
- 71,000 GSF publicly accessible open space

Deirdre Oss, Senior Development Project Administrator for Denver Community Planning and Development, explained Denver’s Large Development Review (LDR) process and goals. She explained that the city has a responsibility to examine how a new development provides benefits or disproportionately impacts the community. This is an opportunity for multiple agencies to work with developers to determine how their vision fits with the context of city plans, policies, and initiatives.

Through the LDR process, city staff reviews adopted plan guidance (Comprehensive Plan 2040, Blueprint Denver, Denver Moves, River North) and draft plan recommendations. The city completes an equity analysis to understand gaps in equity and determine desired project outcomes and associated requirements.

Improving access to opportunity, reducing vulnerability to displacement, and expanding housing and job diversity are the core equity concepts in Blueprint Denver. The Denver Rock Drill site has above-average access to opportunity. Housing and job diversity is highly diverse in the area. However, the community is highly vulnerable to displacement. The city will seek to address that by maintaining a mix of affordable and market rate housing. The city is also interested in providing subsidized community workspaces and increasing access to fresh foods.

The city’s preliminary comments for the site focused on activating street frontages, enhancing open space to create a welcoming connection to the 39<sup>th</sup> Avenue Greenway and seeking affordable housing commitments that exceed citywide requirements. The city is also interested in exploring carbon mitigation strategies within the context of an adaptive reuse project and implementing transportation demand management solutions to decrease the use of single-occupancy vehicles in favor of multimodal transportation options.

Following Deirdre’s presentation, Eric Buchanan introduced Byron Weiss, longtime owner of Denver Rock Drill and OBG’s project partner. Eric and Anna were joined by Peter Wall with the project’s community engagement team. The meeting was then opened for community questions and feedback.

## Community Questions

Question 1: I appreciate the work that you've all done incorporating community input, but I have one quick question. I think you said "pedestrian" over a dozen times, which is great to hear especially as people continue to use the 39th Avenue Greenway, but how does adding three roads into the center of the development correspond with that? Wouldn't it be better to keep those as pedestrian only spaces, except for utilitarian uses such as service deliveries?

Response 1: (Anna) There is an opportunity to keep the site as pedestrian as possible, but we do need servicing, loading and residential uses. That's why that diagram showed different closures that would let us prioritize that. We're working on not thinking of these like streets, but instead being innovative - thinking about curbless sections, thinking about transitions that don't feel like streets - and our hope is that there isn't a lot of cars at all, while still serving the different offices and retail and residential opportunities.

(Eric) Being truly car-less inside the property would effectively kill the retail. There are almost no examples in the world where you can have truly pedestrian-only retail and it works - especially in the United States. The best we can do is be flexible and have flexible bollards so we can have great events, but it makes the retail tough if you don't.

Question 2: I was looking at one of the graphics on available parking, but then also looking at what's accounted for in the hotel and retail. It looks like parking that is planned underground is pretty much going to be consumed by those commercial spaces, is that fair?

Response 2: (Eric) I think are you asking if there will be public parking? Yes, there will be public parking. We're still planning, but we're anticipating almost a thousand spaces on the site. That will be shared between all users, but there will be public parking.

Question 3: I have a question about more cars coming through and parking and whatnot. You said there's 800 people living there and 1,000 spots. Obviously not everyone has a car, but a lot of those spots are going to get eaten up by residents. I'm sure you guys have driven around here. I can't imagine two cars - unless it's a one-way street - going down 39<sup>th</sup>. You can barely get down with one car and a person with a dog or whatever. I feel like 39th should just be cut off. It should just be walking. Let people come in from Franklin to the park. Maybe put a garage on the other side of Williams somewhere? It's going to be - for lack of a better word - a shit show trying to park down that kind of main alley that you guys have - which is a beautiful space. I loved all the pictures that you guys had and stuff that you guys put together, but I feel like cars are just going to make it annoying, like driving around Cherry Creek - it's terrible, it's not fun - and this is even smaller than that. I know what you're saying - it will kill the retail - but I'm sure you guys can get creative, where you have the parking on the outside and have the flow be on the inside somehow?

Response 3: (Anna) I think that's what's wonderful about 39th Avenue. It is a shared street. When you are driving, you feel very uncomfortable. You're like, "I don't know if I should be here in my car right now," because it's supposed to feel that way. The idea of the narrow one-way on Gilpin is that it would feel just that way too. It's ultimately not a place that we anticipate a lot of cars going. It's really allowing for some of that utilitarian servicing to happen.

Question 4: Is there any talk about how the 38th Avenue Bridge is going to absorb all the traffic? Is there any vision for how people are going to access this area?

Response 4: (Peter) I'll look to Deirdre to help respond. I've been hearing for a while that there are plans eventually to look at that 38th Avenue underpass, because obviously it's a tough experience for cars as well as pedestrians.

OBG is going to do a transportation demand study that ultimately looks at where cars are moving around our site. I think that will show there are many other thoroughfares that will disperse cars from this site, but there has certainly been a lot of development coming in around there. I think the city has been looking at ways in which to improve that access over to Brighton Boulevard.

(Deirdre) I can do some more research on that. There is a study underway. We've been looking at 38th for quite a while. When a developer does a mobility study, we have boundaries to capture the traffic and the conditions. That will probably include something on 38<sup>th</sup>, but I can get more information back to you and we can put it up on the website.

Question 5: I just want to comment on the speed of cars on 40<sup>th</sup> as an issue.

Response 5: (Peter) – It's certainly something we're looking at very closely because they do fly, especially around that curve when you're headed closer to the 38th and Blake Station. There are multiple other developments that are planned, so I think one of the things that you're probably going to have more curb cuts in that area and I think we're going to be probably looking at measures collectively as a development community about how you slow traffic - especially on 40th - to make sure that there's no incursions moving forward. We have to work with and the Department of Transportation & Infrastructure on speed calming measures in the future.

Question 6: I've appreciated seeing some timelines, and I feel like a lot of this still feels very sort of like loose and vague. I would love more specific timelines of what you hope to do for each of those phases, like "we plan to begin construction in a year." Beyond that, I am curious about what "flexible spaces" means for the ability of neighborhood residents to own spaces and not just lease them out or rent them eternally. You can walk up the block and see different buildings that are perpetually for lease that probably used to be something else.

Response 6: (Eric) We're going to spend most of 2024 in the LDR process, the rezoning effort, and working with our partners at DURA to restore some of these buildings. From there, we'll set new schedules for each block and how we sequence it and construct them. We don't have any more definition today as to when exactly that'll happen. It's a long road. We've been working on this for two years already and we've got another year before we can even talk about putting a shovel in the ground, but we'll certainly keep you apprised when we get to that point.

Question 7: What retail will be at the site?

Response 7: (Eric) It won't be amorphous retail; I promise you that. It's going to be a highly curated retail, where we find a mix of tenants - local, regional, and national. We find that that's the best to have a diverse mix of tenants in the lineup. We've already started researching that and talking to some folks. We're talking about opening doors in four to five years. Retail changes a lot quicker than that.

(Peter) We've already started to have meetings with Denver's Office of Economic Development and getting their insight and feedback because they're really on the front lines looking at what companies are out there, what retailers are out there, what local Colorado and Denver-centered businesses are out there - even frankly Cole-centric businesses. We've started to have conversations with them about what they're seeing and hearing on the ground and keeping lines of communication open so that if they have great ideas or some folks are looking for this space, we can look at synergies with our development and try and bring them into the project as well.

(Anna) I would just add that one of our goals for the open space is to ensure that there's flexibility built in, so that if there's farmers markets or art shows, or anything that we see that might be of an interest to the community, you can start to utilize those spaces and can grow from a small space to a large event and we can even think about that in the details or ways that the infrastructure is built so that you can have art whether it is performing art or whether that is sculptures. We can ensure that community members have ownership over the public space too.

Question 8: Who makes the decision about retail?

Response 8: (Eric): It's our collective team. It's not a simple decision-making process. Retail evolves quickly. It is truly curated. Would this tenant be good? Does it help our pro forma or does it hurt our pro forma? It has to economically work for the project to even be built. That's a factor. That's not the overriding factor, but it's a factor. No matter what our goals are, we're going to open and two years later there'll be some tenants that leave. That is just the nature of retail. It is very ephemeral. We have to be flexible and roll with it, so it's a complicated process.

Question 9: Is that the new logo? What will happen with the water tower?

Response 9: (Eric): This is our new branding for the project. It's not going to be the only branding for the project. The past logo was somebody else's logo. We're going to do something special with the water tower. Lots of ideas have been thrown around and we've got a little time, but we will have some very creative minds working on that.

(Anna) I think what's so incredible about this site is all the artifacts that you can find as you're walking around and thinking of creative ways to reuse those. Besides the existing buildings, the water tower, the truck that you see all the time - there's a lot of parts and pieces of the site that I think you could start to play up and really have an incredible piece of design.

Anna closed the question-and-answer component of the presentation, thanking participants for attending. She encouraged them to visit team members at various stations highlighting specific aspects of the project.

#### **Comment Card Submittals**

1. Looks great. So excited!
2. Keep the authentic graffiti as part of the renovated façade.
3. GROCERY STORE!
4. Grocery Store! Food Store! Places For Pets! Please 😊
5. With the entire development covering a 2 x 1 block area, putting vehicles in the center feels very unnecessary and unwelcoming. While I want to ensure everyone has access, I think handicapped, delivery, and loading access can be accommodated without opening the space to traffic. Saying retail is impossible without parking is both disingenuous and uninformed.
6. Ice skating rink during winter.
7. Big concern about increased traffic under the railroad tracks at 38<sup>th</sup> Ave. It is already bad for cars + bikes + pedestrians. Cool concept. Love the plans to restore the old, beautiful building.

8. When will the community be asked for specific feedback about the “curation” of businesses and organizations? We need a grocery store. I wonder if the retail options will be inclusive and represent the diversity and need of the surrounding neighborhoods.
9. We’d like you to plan retail space for more useful retailers to residents. We don’t need more coffee shops or boutiques. We need a pharmacy, a post office, hardware store, grocer.
10. Please, please don’t build more boxy high-rises for the residential and hotel space. That is what your drawings look like now. Why not echo the roofline of the sawtooth?
11. Your plan for cars is incoherent. It’s either naïve or deceptive. You can’t build a garage for 1,000 cars and say it’ll just be pedestrian friendly because you eliminated some curbs.
12. Big concern about vehicles inside the development. Why not encourage people to walk/ride bikes by making cars more unwelcome? Allow deliveries, disability, etc., but encourage walking.

<b>Rock Drill Denver Community Information Meeting</b>		
<b>Attendee Report , November 8, 2023</b>		
Katie	Bodomo	3749 N Gilpin Street
Samuel	Boughner	3637 N Humboldt Street
Sarah	Brown	1160 Santa Fe Drive
Paul	Brown	3785 N Williams
Scott	Bryans	3119 Vine Street
Nichole	Bryant	2253 Williams
Jon	Colarelli	909 N Logan Street
Flip	DeBerg	1513 E 36th Avenue
Bailey	Diveley	2741 King Street
Justin	Feider	1777 E 39th Avenue
Olga	Feider	1777 E 39th Avenue
Nicole	Gunther	1725 E 36th Avenue
Johnny	Hawthorne	3818 N Williams Street
Greg	Herman	3253 N Williams Street
Cassie	Herndon	1820 E 36th Avenue
Seth	Howard	3774 N Franklin Street
Kayla	Kimmel	3680 N Marion Street
Blake	Kimmel	3680 N Marion Street
Daniel	Kinnett	1160 Santa Fe Drive
Shelly	Maddy	3818 Gilpin Street
Stephanie	Maston	1720 E 36th Avenue
Halah	Moham	1777 E 39th Avenue
Natalie	Mohammed-Sharp	1777 E 39th Avenue
Sarah Kay	Moore	3779 N Williams Street
Benjamin	Moore	3780 N Williams Street
Preston	Morrison	2862 Champa Street
Tim	Morton	2730 N Downing Street
Trena	Moya	3516 N Gaylord Street
Marta	Nayadley	3834 Franklin Street
Michael	Nayadley	3835 Franklin Street
Brian	O'Connell	3706 N Fillmore Street
Josh	Pauletic	823 32nd Street
Catherine	Quan	
Tom	Robinson	4137 Depew Street
Chloe	Romero	
Jake	Rost	1320 Milwaukee Street
Jeremy	Salken	3816 N Williams Street
Storm	Sternad	3517 N Franklin Street
Virginia	Sternad	3518 N Franklin Street
Dan	Wilkewitz	3800 Gilpin Street
Jerry	Wood	733 Preserve Drive (MI)

April 9, 2024  
Clayton United Registered Neighborhood Organization  
Clayton Neighborhood, Denver, CO



**Jason Morrison**  
**Senior City Planner**  
Community Planning and Development  
City and County of Denver  
[jason.morrison@denvergov.org](mailto:jason.morrison@denvergov.org)

Re: Denver Rock Drill Rezoning

**Mr. Morrison,**

On April 9, 2024, the Clayton United RNO met for the quarterly meeting. In the course of our meeting, we discussed the rezoning of Denver Rock Drill. We also had a presentation by the developer at our January meeting, and participated in a neighborhood tour in early March. After discussing the implications of this development, our members voted 8 for, 0 against, and 3 abstaining to result in supporting as a neighborhood organization the rezoning Denver Rock Drill site. Concerns raised during the discussion focused on the potential lack of affordable housing units in this large development, adding to the displacement of long-term residents.

Please reach out if there are any questions or issues.

Regards,

Jes Driscoll  
Secretary  
Clayton United RNO  
[claytonneighborhooddenver@gmail.com](mailto:claytonneighborhooddenver@gmail.com)



March 20, 2024

To whom it may concern:

The Denver North Business Association (DeNoBA) is writing to express our support for the proposed RiNo Rock Drill mixed-use development currently under consideration. We believe this project represents a significant opportunity to revitalize our community and create a vibrant, inclusive space for residents, businesses, and visitors alike.

The inclusion of income-restricted housing units is a particularly compelling aspect of the proposal. DeNoBA is committed to fostering a thriving and diverse community where everyone has the opportunity to live, work, and play. By incorporating deep AMI (Area Median Income) housing, this development will ensure a more equitable environment where residents from a wider range of economic backgrounds can call Denver North home. We urge the approval of this development proposal, with a strong emphasis on incorporating deep AMI based housing units.

This approach offers several distinct advantages:

- **A Stable Workforce:** Providing affordable housing options for workers strengthens the local economy. Residents with shorter commutes are more likely to be reliable and engaged employees, benefiting local businesses.
- **Increased Consumer Base:** A diverse resident population creates a more robust consumer base for local businesses. People from various income levels have varied needs and spending habits, which can lead to a wider range of successful businesses within the development.
- **Vibrant Community:** A mix of residents fosters a richer social fabric. Interaction between people from different backgrounds creates a more dynamic and interesting neighborhood.

We are also enthusiastic about the proposed community gathering spaces, office and retail storefronts, and underground parking. These elements will provide much-needed amenities for residents and businesses, creating a true live-work-play environment within North Denver.

We believe this project will be a catalyst for positive change in our community, and we look forward to its successful implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Stern".

Jeremy Stern, Board President  
Denver North Business Association