



**TO:** **Denver City Council**  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** November 10, 2011  
**RE:** **Zoning Map Amendment Application #2011I-00019**  
**4455 E. 12th Avenue**  
**Rezoning from E-SU-Dx to CMP-EI2**

### Staff Report and Recommendation

Based on the criteria for review including legal basis evaluation and compliance with adopted City plans, Staff recommends **approval** for application #2011I-00019 for a rezoning from E-SU-Dx to CMP-EI2.

### I. Scope of Rezoning

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Application:	<b>#2011I-00019</b>
Address:	4455 E. 12th Avenue
Neighborhood/Council District:	Hale / Council District #10
RNOs:	Bellevue-Hale Neighborhood Association and Inter-neighborhood Cooperation
Area of Property:	0.2 Acres / 8,892 SF
Current Zoning:	E-SU-Dx
Proposed Zoning:	<b>CMP-EI2</b>
Applicant/Owner:	Mental Health Center of Denver
Contact Person:	Jason Newcomer

### II. Summary of Proposal and Existing Conditions

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This proposed rezoning will allow the construction of a more context sensitive parking garage on the subject property. The inclusion of the subject property with the zone lot for the Mental Health Center of Denver to the east of the site will allow the construction of a parking structure that better conforms to the neighborhood in massing, form and height.

The site is located in the middle of the block between Clermont and Birch Streets and 12<sup>th</sup> and 13<sup>th</sup> Avenues. The site is 5 blocks east of Colorado Boulevard, 3 blocks south of East Colfax Avenue and a block east of Hale Parkway. In the vicinity are Gove School and National Jewish Hospital to the northwest. The location is within the Hale Statistical Neighborhood within a block of Rose Medical Center to the east. The site is surrounded by single family residential land uses on the north, and a mix of single family, duplex and low-rise multi-unit on the east and west sides. On the south side is a mix of low to mid-rise multi-unit residential and institutional land uses. The local block pattern consists primarily of traditional grid patterns with alleys, detached sidewalks and tree lawns.

### III. Legal Justification for Rezoning

#### Changed Conditions

Rezoning to CMP-EI2 will allow the construction of a garage structure that better fits the scale of the surrounding context.



### IV. Existing Context

	Existing Zoning	Existing Land Use	Blueprint Denver
<b>Site</b>	E-SU-Dx	Vacant	Area of Stability Single Family Residential
<b>North</b>	E-SU-Dx	Vacant and Single Family Residential	Area of Stability Single Family Residential
<b>South</b>	CMP-EI2	Institutional	Area of Stability Single Family Residential
<b>West</b>	E-SU-Dx	Single Family Residential and Low-rise Multi-unit	Area of Stability Single Family Residential
<b>East</b>	E-SU-Dx	Single Family Residential and Low-rise Multi-unit	Area of Stability Single Family Residential



Clermont Street property north of the subject lots



Birch Street property north of the subject lots



Birch Street property south of the subject lots



The subject lots



Birch Street property west of the subject lots



MHCD property south of the subject lots



## V. Summary of Legal Notice and Public Process

### Planning Board

Fifteen days prior to the September 21, 2011, Planning Board meeting the property was legally posted with signs and written notification of the meeting was sent to all affected Registered Neighborhood Associations. At that meeting Planning Board unanimously recommended approval of the proposed rezoning.

### Land Use, Transportation and Infrastructure Committee (LUTI)

Electronic notification of the LUTI meeting was sent to all affected neighborhood associations 10 days prior to the October 4, 2011 meeting.

### City Council

Electronic notification of the City Council Public Hearing was sent to all affected neighborhood associations and notification signs were posted on the property for 21 days prior to the hearing.

## VI. Summary of Agency Referral Responses

This rezoning has been reviewed concurrently within the context of the Denver Zoning Code and other applicable City Codes as utilized by the referral agencies listed below.

#### **Asset Management:**

Approve – No Comments

#### **Denver Fire Department:**

Approve – No Comments

#### **Denver Parks:**

No Comment on this proposal.

#### **Development Services:**

Approve Rezoning only – will require additional information at Site Plan Review.

#### **Development Services-City Survey:**

Approve.

#### **Development Services-Transportation:**

Approve – No Comments

#### **Development Services-Wastewater:**

No Comments Received

## VII. Community Response

The applicant worked with the Bellevue Hale Neighborhood Association and the Colorado Boulevard Healthcare District on this rezoning prior to submitting the application for rezoning. Letters of support from both organizations are attached.

## VIII. Criteria for Review

The criteria for review of this rezoning application include conformance with adopted regulations, and with the Comprehensive Plan and applicable supplements. Applicable documents are:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver*
- *Colorado Boulevard Health Care District Plan*
- *Denver Zoning Code*

### A. Denver Comprehensive Plan 2000

The proposal is consistent with and positively addresses many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F, “*Conserve land by: Promoting infill development within Denver at sites where services and infrastructure are already in place...*” (p. 39).
- Land Use chapter, Strategy 3-B is to “*Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.* (p.60).
- Human Services, Strategy 1-C “*Expand access to needed health services in areas critical to well-being and self-sufficiency...Increase health care services that effect employability, such as dentistry, optometry, mental health and substance-abuse services*” (p.185-6).

### B. Blueprint Denver

Blueprint Denver, the City's Land Use and Transportation Plan, identifies the property as being within an Area of Stability with a land use recommendation of Single Family Residential. The Blueprint Denver street type for both Birch and Clermont Streets is Undesignated Local Street.

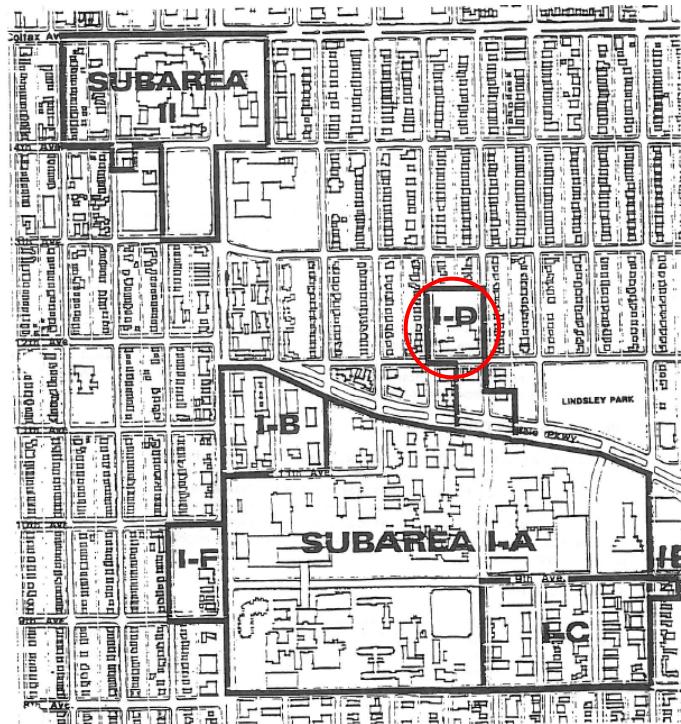
The existing MHCD structure was built in 1971 and predates Blueprint Denver. While the existing structure does not conform to the Blueprint Denver land use concept, it does conform to the Blueprint Denver strategies of reinvestment in Areas of Stability and compatibility between existing and new development (p. 24-25). The CMP-EI2 zone district will allow the MHCD to accommodate parking for their facility on their property in a manner that will minimize the bulk and form of the structure and therefore, minimize the effect of the parking structure on the surrounding neighborhood.



### C. Colorado Boulevard Healthcare District Plan (1998)

The purpose of the Colorado Boulevard Healthcare District Plan (CBHD) process was to “*accommodate the expansion of the healthcare institutions in a manner which enhances both the institutions and the residential uses surrounding them, and to maintain and improve the residential quality of the surrounding area*” (p. 4). The subject property is located in Subarea I, Subsection I-D of the plan area.

Key issues identified in the plan for Subsection 1-D are “*The Health Sciences Center and the neighborhood groups have and informal agreement that the North Pavilion (currently the MHCD) will retain its current R-5 zoning, and that the open space to the north of this structure will remain and be well-maintained. It is also understood that the current use and facilities will not expand. It is recommended that any future change in the use of these facilities should be reviewed with the neighborhood. At this time, any increased use would likely be met with strong opposition from the Bellevue Hale Neighborhood Association and the residents*” (p. 16).



Development guidelines from the plan include:

- “*Whenever possible, in light of the existing zoning and the existing structures, locate and design all public and private construction projects to improve the physical and functional connections between the healthcare institutions and the surrounding residential neighborhoods...Utilize quality architectural and site design standards to integrate institutional and residential uses into a single, cohesive mixed-use neighborhood*” (p.19).
- “*Restrict the creation of parking lots and parking structures which serve the healthcare uses to areas within the boundaries of the CBHD*” (p.20).

### D. Denver Zoning Code

The Denver Zoning Code (Section 12.4.10) requires all Official Map Amendments to comply with the following criteria.

#### 1. General Review Criteria Applicable to All Zone Map Amendments (Section 12.4.10.13)

As proposed, rezoning #2011I-00019 is consistent with the general review criteria outlined in this section of the Denver Zoning Code including:

**A. Consistency with Adopted Plans:** Rezoning #2011I-00019 implements and is consistent with recommendations in adopted plans.

**B. Uniformity of District Regulations and Restrictions:** Rezoning the site to CMP-EI2 will have no effect on the uniformity of district regulations.

**C. Public Health, Safety and General Welfare:** The proposed map amendment furthers the public health, safety and general welfare of the City.

**2. Additional Review Criteria for Non-legislative Rezoning (Section 12.4.10.14)**

**A. Justifying Circumstances**

Denver Zoning Code Criteria is that the land or its surrounding environs has changed to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area. The proposed map amendment is in response to the changed circumstance of the renovation of the MHCD structure and the development of a new parking structure. The proposed CMP-EI2 zone district will bring the subject property into a compatible zone district with adjacent MHCD property and will facilitate the design of a MHCD parking structure that is more compatible in mass, height and form with the surrounding neighborhood.

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

Denver Zoning Code Criteria is that the proposed official map amendment should be consistent with the descriptions of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. The Campus Context generally consists of midsize to large medical, institutional, educational, or entertainment sites. It is established to allow for flexible placement of buildings and unified treatment of other elements. The context is described in Section 9.2.1 of the Denver Zoning Code.

The Campus-Education/Institution Zone Districts are intended for educational institutions that incorporate primary, intermediate, high school, college and university uses and associated programming including student boarding facilities. These districts also accommodate other types of large scale civic, public, and institutional uses. They are established to allow for flexible placement of buildings and unified treatment of signs, open space, landscaping, and other site elements while providing compatible transitions between the campus and adjacent neighborhoods (Denver Zoning Code Section 9.2.4.1).

**IX. Staff Recommendation**

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Based on the criteria for review as defined above, Staff recommends **approval** for rezoning the property located at 4455 E. 12th Avenue (Application #2011I-00019) to CMP-EI2.

**Attachments:**

1. Application
2. Map Series – (Aerial, Zoning, Blueprint Map)
3. Letter of support from the Bellevue Hale Neighborhood Association and the Colorado Boulevard Healthcare District.



**DENVER**  
THE MILE HIGH CITY

**ZONING ADMINISTRATION**

2011 JUL 28 P 1:21

COMMUNITY PLANNING  
& DEVELOPMENT AGENCY

**Community Planning and Development**

**Planning Services**

Plan Implementation

201 W Colfax Ave, Dept 205

Denver, CO 80202

p: 720-865-2915

f: 720-865-3056

[www.denvergov.org/planning](http://www.denvergov.org/planning)

**APPLICATION FOR ZONE MAP AMENDMENT**

<b>Application #</b>	2011I-00019	<b>Date Submitted</b>	5/24/11	<b>Fee Required</b>	\$1000	<b>Fee Paid</b>	\$1000 <input checked="" type="checkbox"/>
<b>APPLICANT INFORMATION</b>				<b>CONTACT INFORMATION (Same as Applicant? <input checked="" type="checkbox"/>)</b>			
<b>Applicant Name</b>	Mental Health Center of Denver			<b>Contact Name</b>	Jason Newcomer		
<b>Address</b>	4141 E. Dickenson			<b>Address</b>	11802 Raleigh Place		
<b>City, State, Zip</b>	Denver, CO 80222			<b>City, State, Zip</b>	Westminster, CO 80031		
<b>Telephone / Fax</b>	303 / 504-6500			<b>Telephone / Fax</b>	303.819.1524		
<b>Email</b>				<b>Email</b>	jasonnewcomer@dcs-cm.com		

**Subject Property Location [Please Include Assessor's Parcel Number(s)]**

0606220023000 4455 E. 12th Ave.

**Legal Description of Subject Property**

**ZONE BOUNDARY LEGAL DESCRIPTION**

SEE ATTACHED FOR ZONE BOUNDARY LEGAL DESCRIPTION

<b>Area of Subject Property (Acres/Sq Ft)</b>	<b>Present Zone District</b>	<b>Proposed Zone District (Waivers and Conditions Require Separate form)</b>
0.2 Acres / 8,892 SF	E-SU-DX	CMP-EI2

**Describe the nature and effect of the proposed Zone Map Amendment**

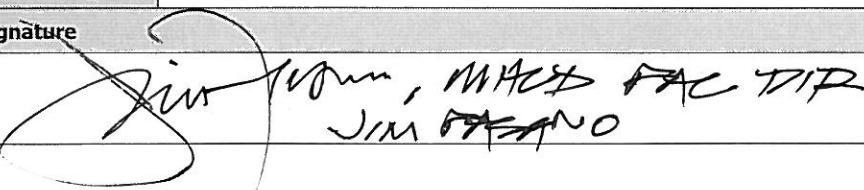
The property owner requests that all of lot 13 and a portion of lots 12 and 37 be rezoned from E-SU-DX to the CMP-EI2. This change will allow structured parking to be constructed in lot 13 and a portion of lots 12 and 37 of the subject property.

<b>Select Legal Basis for the Zone Map Amendment and explain in detail</b>	<b>Error in the map as approved by City Council</b> <input type="checkbox"/>
	<b>Changed or Changing Conditions that make a Zone Map Amendment Necessary</b> <input checked="" type="checkbox"/>
<p>The Legal Basis for this Zone Map Amendment is to allow for parking garage to be developed that is more consistent with the character of the surrounding area and will allow for the redevelopment of a property that was being vacated by the prior owner, University of Colorado. This building is a great community asset and therefore it is in the public interest to encourage a departure from the existing zoning to encourage a redevelopment of an existing commercial building as allowed in Item 4 in Section 12.4.10.14 of the Zoning Code. The proposed amendment would allow the site to accommodate a parking structure on the property that will best conform to the existing neighborhood fabric in massing, form, and height. An adjustment to the zone lot line will allow the property owner to build a small parking structure that is partially below grade and partially above grade in a manner that best responds to the character of the surrounding neighborhood, has minimal visual impact, and can be well screened by landscape. Without this zone lot adjustment, parking to meet the minimum zoning requirements and use needs for this adapted existing facility will need to be accommodated in a highly visible three-level structure. This request is consistent with Blueprint Denver in that the area to be re-zoned will allow the property owner to design and construct a parking structure that will better respect the character of the single family neighborhood surrounding the property and has the support of both the Neighborhood Association and the Colorado Health District.</p>	

**State the land use and the development proposed for the subject property. Include the time schedule (if any) for development**

The existing building on the subject property will be renovated and used as an out-patient mental health facility. Additional parking will be constructed on the site including a split-level parking structure. The renovation and site work is scheduled to begin in the Summer of 2011 and be completed in the Summer of 2012.

<b>Required Exhibits</b>	<b>Additional Exhibits</b>
<b>Applicant &amp; Owner Information Sheet</b>	X
<b>Maps – Required for Final Submissions</b>	<input type="checkbox"/>
	Site Plan indicating area requesting re-zone, Title Commitment, Subject Property Records, Current Zoning Diagram

Case Manager	Theresa Lucero
Signature	Date
	5/24/11

## APPLICANT & OWNER INFORMATION SHEET

[1] Section 59-648(c) of the Denver Revised Municipal Code requires that an applicant for rezoning provide the applicant's name, address, and respective ownership interest, if any, on the application. In addition, unless subject to paragraph [2] below, the applicant must provide, in the space provided on this form, a list of all the owners of the property and the holders of deeds of trust, identifying which owners and holders of deeds of trust are represented by the applicant.

[2] If the application is for designation of an area as B-2, B-3, R-X or PUD zone district, the applicant must submit the concurrence of the owners and holders of deeds of trust of the entire land area to be included in the proposed district (and any structures thereon). In such cases, this form must be completed for each individual owner, together with sufficient evidence of ownership for each owner and holder of a deed of trust. Documentation verifying ownership interest may include (but is not limited to): Copies of deeds, powers of attorney, and corporate/partnership registrations filed with the Secretary of State.

Application Number	Applicant's Name
2011I-00019	Mental Health Center of Denver

Property Address(es)
4455 E 12th Ave Denver, CO 80220

Applicant's Address
4141 E. Dickenson Pl, Denver, CO 80222

NOTE: If application is for rezoning to B-2, B-3, R-X or PUD, and the applicant is not the property owner, this form must be accompanied by a Power of Attorney statement from the property owner.

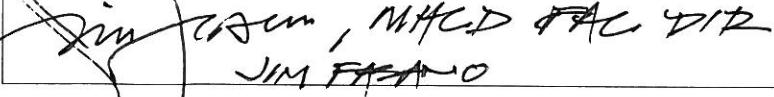
Indicate as accurately as possible the form of interest in the property, and the amount held by the individual or entity listed as "applicant" above.

Fee Title Owner (Has Deed of Ownership)	All <input checked="" type="checkbox"/>	X <input type="checkbox"/>
	A Portion <input type="checkbox"/>	<input type="checkbox"/>
Contract Owner	All <input type="checkbox"/>	<input type="checkbox"/>
	A Portion <input type="checkbox"/>	<input type="checkbox"/>
Holder of a Security Interest	All <input type="checkbox"/>	<input type="checkbox"/>
	A Portion <input type="checkbox"/>	<input type="checkbox"/>

List the names and addresses of all owners and holders of Deeds of Trust for the property, if any, and indicate which owners or holders of deeds of trust are represented by the applicant in the space below (please add additional pages, if needed).

Mental Health Center of Denver  
4141 E Dickenson Pl  
Denver, CO 80222-6012

BBVA Compass Bank NA

Signature of Applicant	Date Signed
 Jim Fazio, NYCD FAC DIR JIM FAZIO	5/24/11

**ZONE LOT DESCRIPTION**

A PORTION OF BLOCK 5 BELLEVUE PARK, PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 8, BLOCK 5 OF SAID BELLEVUE PARK;

THENCE S 00°07'03" E, ALONG THE EAST RIGHT- OF- WAY OF BIRCH STREET, A DISTANCE OF 104.05 FEET TO THE POINT OF BEGINNING;

THENCE N 89°54'35" E A DISTANCE OF 265.28 FEET TO A POINT ON THE WEST RIGHT- OF- WAY OF CLERMONT STREET;

THENCE S 00°06'40" E, ALONG THE WEST RIGHT OF WAY LINE OF CLERMONT STREET, A DISTANCE OF 21.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT 37;

THENCE S 89°54'29" W, ALONG THE SOUTH LINE OF LOT 37, A DISTANCE OF 132.63 FEET TO THE CENTERLINE OF A VACATED ALLEY AS RECORDED IN BOOK 2437 AT PAGE 414 IN THE OFFICE OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

THENCE S 00°05'25" E, ALONG THE CENTERLINE OF SAID ALLEY, A DISTANCE OF 25.00 FEET;

THENCE S 89°54'37" W, ALONG THE SOUTH LINE OF LOT 13, A DISTANCE OF 132.63 FEET TO A POINT ON THE EAST RIGHT- OF- WAY OF BIRCH STREET;

THENCE N 00°07'11" W, ALONG THE EAST RIGHT- OF- WAY OF BIRCH STREET, A DISTANCE OF 46.02 FEET TO THE POINT OF BEGINNING.

CONTAINS: 8,892 SQUARE FEET OR 0.2 ACRES, MORE OR LESS.

**BASIS OF BEARINGS:**

THE WEST LINE OF BLOCK 5 OF SAID BELLEVUE PARK, IS ASSUMED TO HAVE A BEARING OF N 00°07'03" W.

ROBERT A. RICKARD PLS #28283  
R&R ENGINEERS-SURVEYORS, INC.  
710 WEST COLFAX AVE.  
DENVER, COLORADO 80204  
R&R PROJECT NO. MH11013



After Recording Return To:  
Hale Westfall, LLP  
Attn: Amanda Bradley, Esq.  
1445 Market Street  
Suite 300  
Denver, CO 80202

### SPECIAL WARRANTY DEED

THIS DEED IS DATED December 17, 2010 and is made between THE REGENTS OF THE UNIVERSITY OF COLORADO, a body corporate (the "Grantor") and MENTAL HEALTH CENTER OF DENVER, a Colorado non-profit corporation (the "Grantee"), whose address is 4141 East Dickenson Place, Denver, CO 80222.

Grantor, for and in consideration of the sum of Ten and 00/100 Dollars, (\$10.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's assigns forever, the land and improvements located at 4455 East 12<sup>th</sup> Avenue, City and County of Denver, Colorado as legally described on Exhibit A attached hereto ("Property").

**TO HAVE AND TO HOLD** the Property above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that the Grantor shall and will **WARRANT AND FOREVER DEFEND** the above described Property, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor except and subject to the exceptions provided on Exhibit B attached hereto.

**IN WITNESS WHEREOF**, the Grantor has executed this Special Warranty Deed on the date set forth above.

State Documentary Fee
Date
\$ <u>350.00</u>

170285930



IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the day and year first written above.

THE REGENTS OF THE UNIVERSITY OF  
COLORADO, a body corporate

By: Lilly Marks  
Name: Lilly Marks  
Title: Vice President for Health Affairs and  
Executive Vice Chancellor  
of the Anschutz Medical Campus

APPROVED AS TO LEGAL SUFFICIENCY  
OFFICE OF UNIVERSITY COUNSEL

By: Storm Zwick-Brown  
Date: October 15, 2010

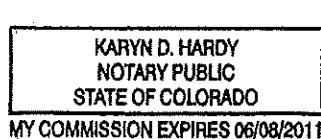
Approved:  
UNIVERSITY OF COLORADO  
UNIVERSITY CONTROLLER

UNIVERSITY CONTROLLER  
By: E. K. Kuchler  
Robert Kuchler, University Controller  
E. K. Kuchler, UC Controller

STATE OF Colorado )  
COUNTY OF Douglas ) ss:

The foregoing instrument was acknowledged before me this 15th day of December, 2010 by  
Lilly Marks as Vice President for Health Affairs and Executive Vice Chancellor of the Anschutz  
Medical Campus for the REGENTS OF THE UNIVERSITY OF COLORADO, a body  
corporate.

Witness my hand and seal this 5th day of December, 2010.



May D. Hig  
(SEAL)

Notary Public for \_\_\_\_\_  
My commission expires: 06/05/2011

EXHIBIT A  
TO  
SPECIAL WARRANTY DEED

Legal Description

LOTS 8 TO 42 INCLUSIVE, TOGETHER WITH ALL OF THE VACATED ALLEY ADJOINING LOTS 19 TO 30, AND TOGETHER WITH ALL OF THAT PORTION OF THE VACATED ALLEY LYING BETWEEN LOTS 10 THROUGH 18 AND LOTS 31 THROUGH 39 AS DESCRIBED IN ORDINANCE NO. 424, RECORDED AUGUST 21, 1981 IN BOOK 2437 AT PAGE 414, BLOCK 5, BELLEVUE PARK, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXCEPT THAT PORTION OF LOTS 8 THROUGH 10 AND LOTS 39 THROUGH 42 AS DESCRIBED IN DEED RECORDED JANUARY 18, 1982 IN BOOK 2517 AT PAGE 404, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 5, BELLEVUE PARK; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOTS 1 THROUGH 7, SAID BLOCK 5, 175.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 8, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFORESAID COURSE ALONG THE EASTERLY LINE OF SAID LOTS 8 THROUGH 10, 70.09 FEET TO A POINT ON A CURVE; THENCE ON AN ANGLE TO THE RIGHT OF 118 DEGREES 49 MINUTES 09 SECONDS ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 122 DEGREES 21 MINUTES 42 SECONDS, 85.42 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT THE NORTHWEST CORNER OF LOT 48, BLOCK 5, BELLEVUE PARK; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOTS 48 THROUGH 42, SAID BLOCK 5, 156.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFORESAID COURSE ALONG THE WESTERLY LINE OF SAID LOTS 42 THROUGH 39, 93.94 FEET TO THE SOUTHWEST CORNER OF SAID LOT 39; THENCE ON AN ANGLE TO THE LEFT OF 89 DEGREES 58 MINUTES 47 SECONDS ALONG THE SOUTHERLY LINE OF SAID LOT 39, 4.27 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 168 DEGREES 46 MINUTES 58 SECONDS, 117.83 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 78 DEGREES 45 MINUTES 45 SECONDS, 20.62 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
TO  
SPECIAL WARRANTY DEED

Permitted Exceptions

LOCAL, STATE, AND FEDERAL LAWS, ORDINANCES, OR GOVERNMENTAL REGULATIONS, INCLUDING, BUT NOT LIMITED TO, BUILDING AND ZONING LAWS, ORDINANCES, AND REGULATIONS NOW OR HEREAFTER IN EFFECT RELATING TO THE PROPERTY.

TAXES AND ASSESSMENTS FOR THE YEAR 2010 AND SUBSEQUENT YEARS.

EXISTING LEASES AND TENANCIES, IF ANY.

EASEMENT GRANTED TO CITY AND COUNTY OF DENVER, FOR SEWER, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED SEPTEMBER 15, 1965, IN BOOK 9492 AT PAGE 273.

AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES AS RESERVED BY THE CITY AND COUNTY OF DENVER IN VACATION ORDINANCE RECORDED NOVEMBER 8, 1965 IN BOOK 9521 AT PAGE 264.

EASEMENT GRANTED TO CITY AND COUNTY OF DENVER, A MUNICIPAL CORPORATION, FOR SEWER, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED APRIL 03, 1974, IN BOOK 857 AT PAGE 563.

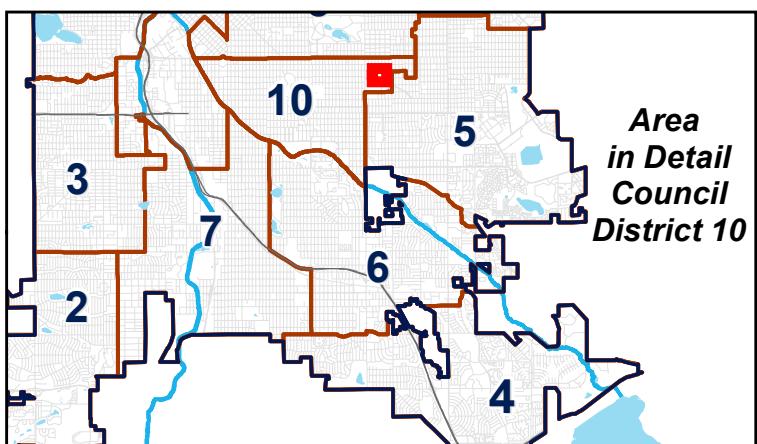
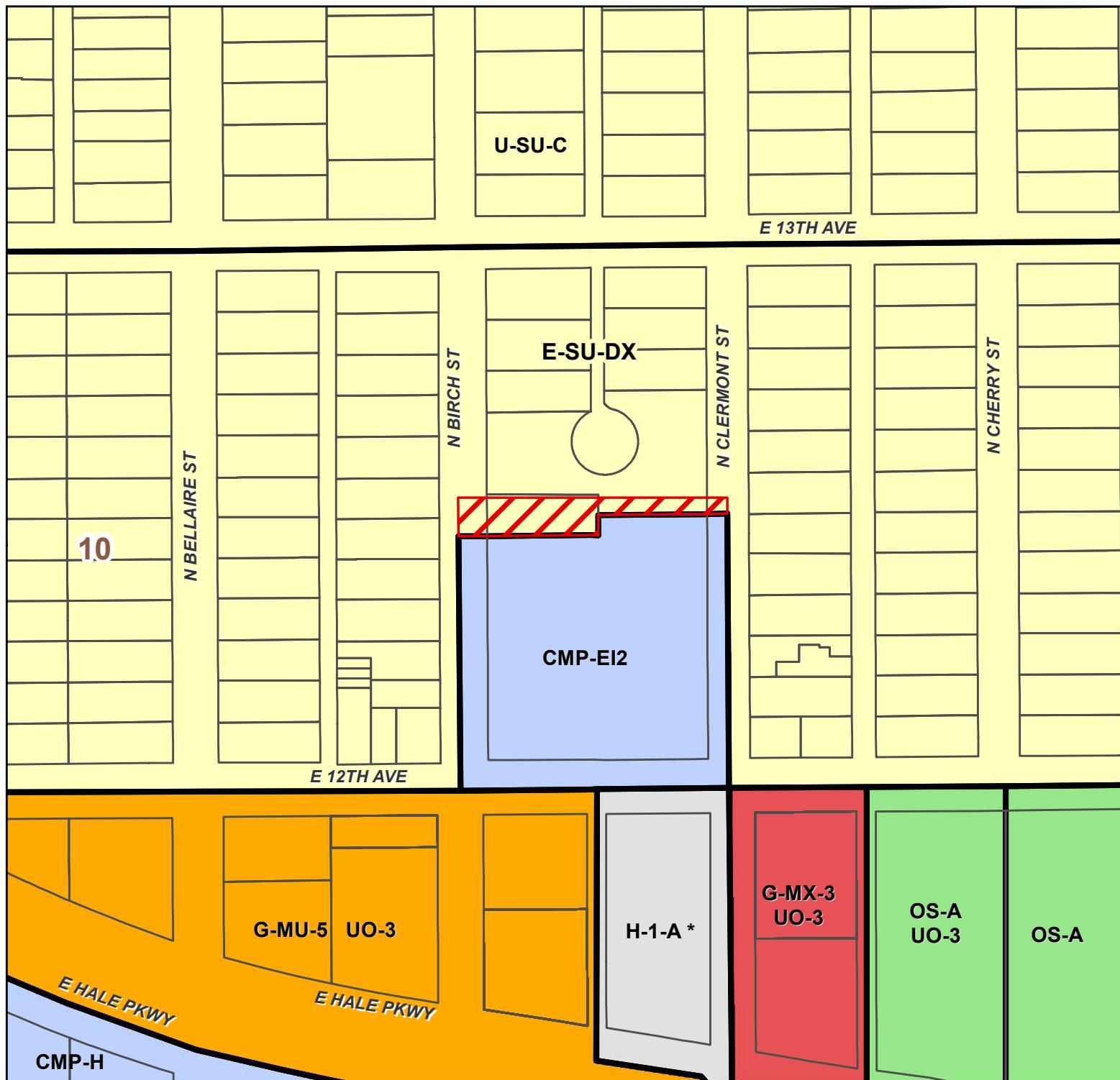
TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN COVENANT RECORDED MARCH 11, 1981 IN BOOK 2337 AT PAGE 27.

AN EASEMENT FOR UTILITIES, AND INCIDENTAL PURPOSES AS RESERVED BY CITY AND COUNTY OF DENVER IN VACATION ORDINANCE RECORDED AUGUST 21, 1981 IN BOOK 2437 AT PAGE 414.

EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITIES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED MAY 28, 1982, IN BOOK 2592 AT PAGE 56.

ANY FACTS, RIGHTS, INTERESTS OR CLAIMS THAT MAY EXIST OR ARISE FROM ITEMS DEPICTED ON THE IMPROVEMENT LOCATION CERTIFICATE DATED DECEMBER 2, 2010 PREPARED BY MICHAEL S. CHESSNOE ON BEHALF OF CHESSNOE AND ASSOCIATES.

# Pending Zone Map Amendment #2011I-00019



**Application #2011I-00019**  
**Location: 4455 E. 12th Ave.**

 **Proposed Rezoning**  
**From: E-SU-DX**  
**To: CMP-EI2**



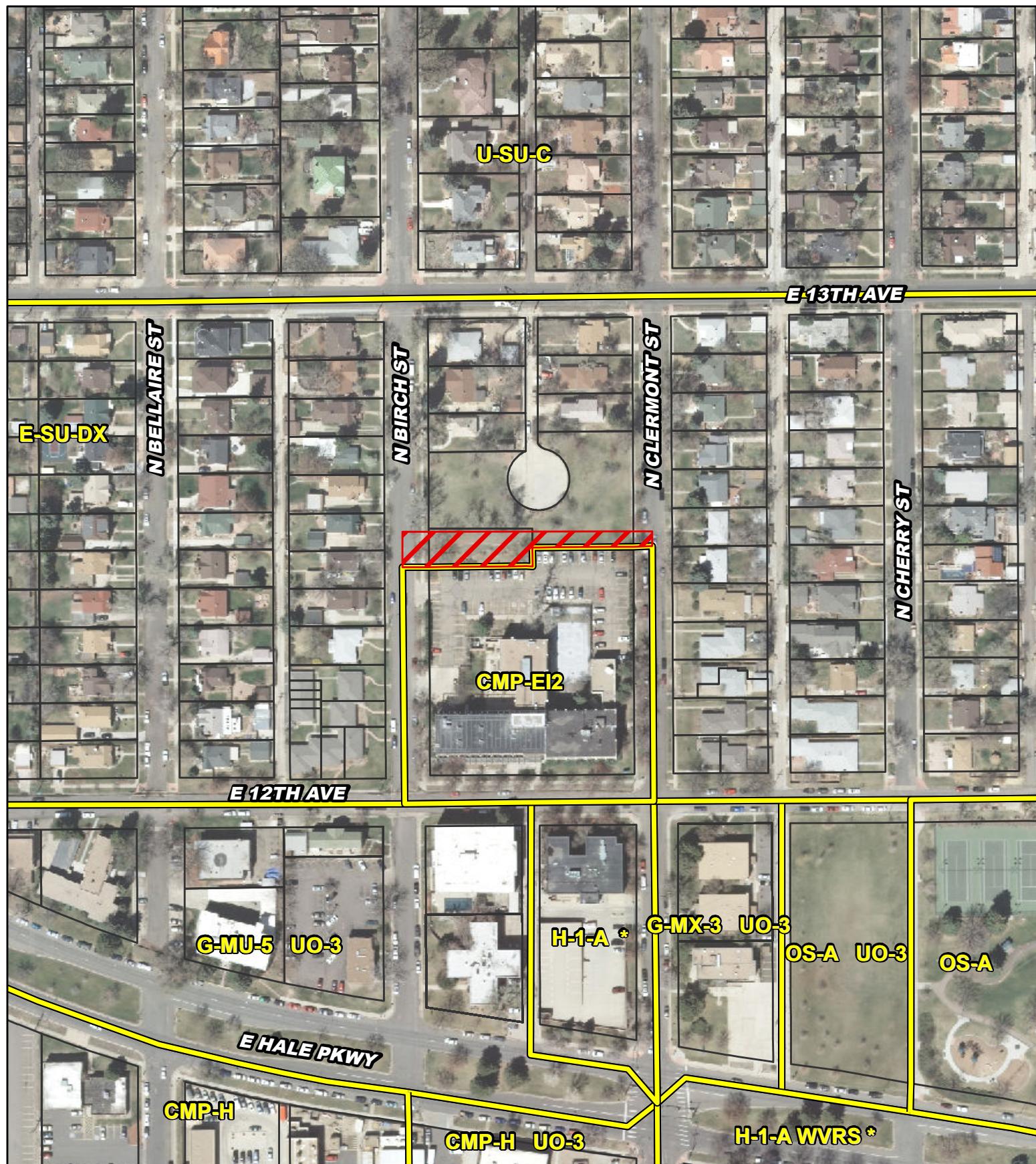
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 Feet

**Map Date: 6/10/11**

# Pending Zone Map Amendment - Aerial & Zoning Overlay



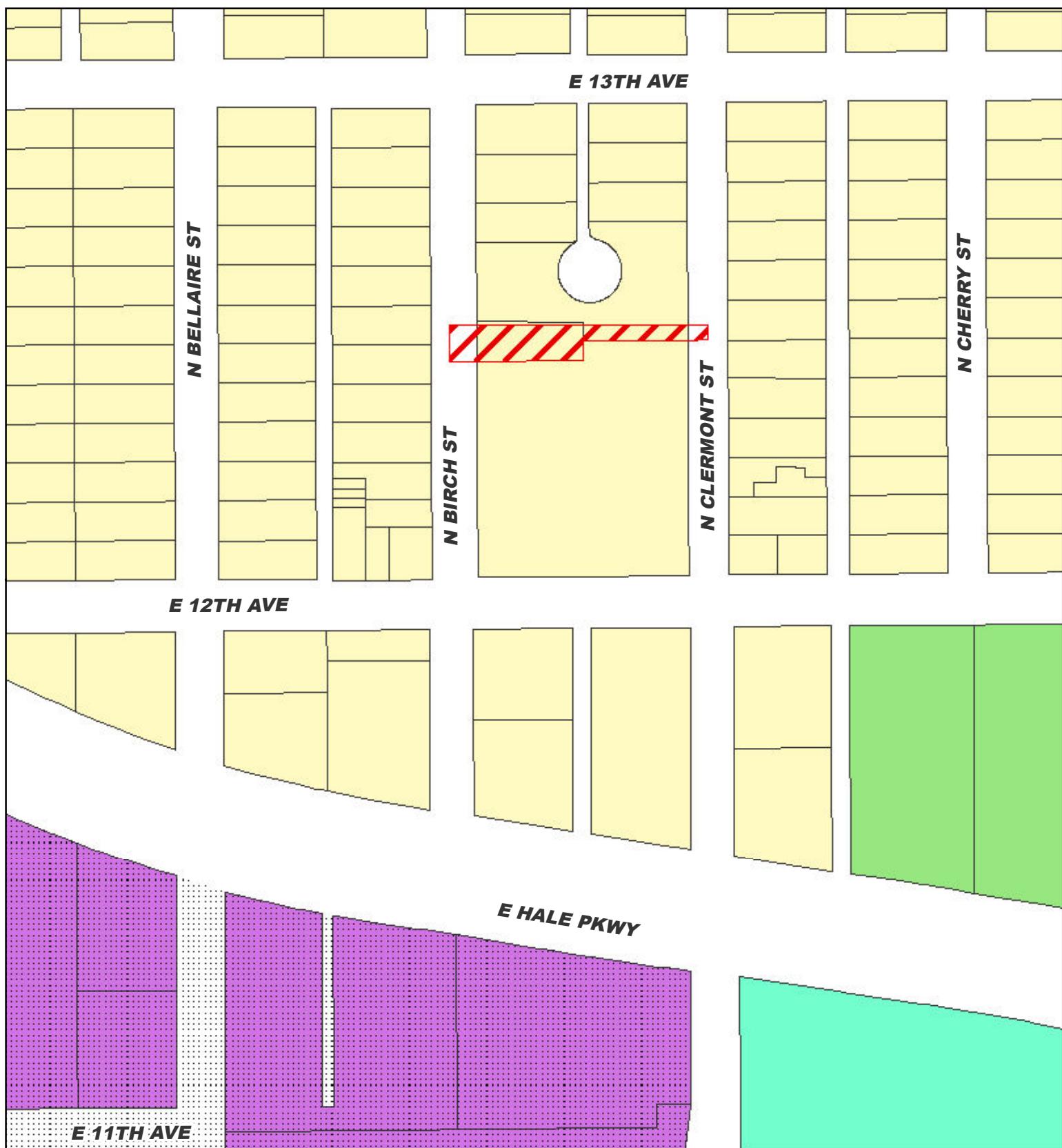
Application #2011-00019



# Pending Zone Map Amendment - Blueprint Denver Overlay



Application #2011I-00019



Single Family Residential

Pending Zoning Amendment

Campus

Park

Town Center

Area of Change

0 100 200 400 Feet



Map Date: 6/10/11

Bellevue-Hale Neighborhood



Association

June 8, 2011

Honorable Jeanne Robb, City Council District 10  
City & County of Denver  
1232 East Colfax Avenue  
Denver, CO 80218

P.O. Box 200084  
Denver, CO 80220

Re: ***Mental Health Center of Denver Rezoning Application***

Dear Jeanne:

We are writing in reference to the current application submitted by the Mental Health Center of Denver (MHCD) to rezone a portion of their property at 4455 E. 12<sup>th</sup> Avenue from E-SU-DX to CMP-EI2. Based on our understanding of the application, MHCD's request is to rezone all of Lot 13 and a portion of Lots 12 and 37 on the MHCD property, which would be the minimum required to accommodate a proposed bi-level parking structure to support the newly renovated facility at this location plus a side lot set back of 7'-6".

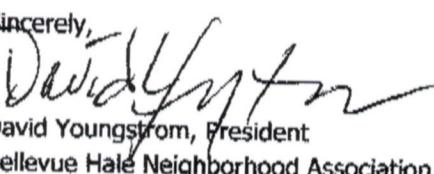
During a meeting of the BHNA Board of Trustees on Wednesday, May 25, 2011, the following motion was made, seconded and unanimously approved by a vote of 12-0:

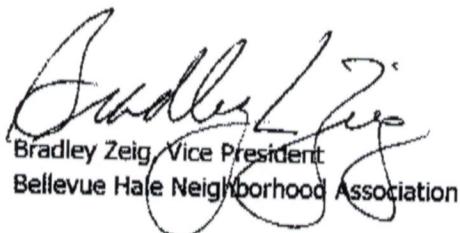
***Motion: that we support the application of MHCD to rezone a portion of their property at 4455 E. 12<sup>th</sup> Avenue (all of lot 13 and an portion of lots 12 and 37) from E-SU-DX (residential zoning) to CMP-EI2 (campus zoning) to allow them to build a bi-level parking structure on their property, and that in our letter of support to the City we include the following statement: "BHNA supports this current rezoning application with the understanding that BHNA will not support any future efforts made by MHCD to rezone or develop the remaining undeveloped lots for any use that is not a use by right in the E-SU-DX zoning".***

In a subsequent electronic ballot sent to our general membership on May 26th, this same motion was approved by a vote of 25 in favor, and 4 opposed.

On behalf of BHNA, we ask the City and County of Denver approve the current rezoning application as submitted by MHCD, with the understanding that BHNA will not support any future efforts made by MHCD to rezone or develop the remaining undeveloped lots for any use that is not a use by right in the E-SU-DX zoning. We will be happy to answer any questions you may have.

Sincerely,

  
David Youngstrom, President  
Bellevue Hale Neighborhood Association

  
Bradley Zeig, Vice President  
Bellevue Hale Neighborhood Association

June 17, 2011

Denver Planning Board, Special Committees and Honorable City Council Members  
City & County of Denver  
201 West Colfax Avenue  
Department 209  
Denver CO 80202

**RE: Support for Mental Health Center of Denver Rezoning**

Dear Members of the Planning Board, Special Committees and City Council:

On behalf of Colorado Boulevard Health District Advisory Board, (CBHD), we are writing to express our support for the Mental Health Center of Denver's (MHCD) request to rezone a portion of their property at E. 12th Avenue and Birch and Clermont Streets from E-SU-DX to CMP-EI2.

Based on our understanding, the MHCD request is for a modest rezoning of property to accommodate surface and structured parking in support of a renovated and reoccupied facility at this location. The Colorado Boulevard Health District Advisory Board understands that the area to be rezoned is the minimum required to support this parking plus area for a side lot setback of 7'-6".

Over recent months, from February through the present, MHCD has presented their intent and design for the proposed parking expansion. This design requires the rezoning of all of Lot 13 and a portion of Lots 12 and 37 on the MHCD property. The Colorado Boulevard Health District Advisory Board supports this rezoning.

We urge the City and County of Denver to approve this request as submitted by MHCD and will be happy to answer any questions you may have.

Sincerely,



Mary Nell Wolff  
Colorado Boulevard Health District Board

Mary Nell Wolff  
Chairman