

TO: Denver Planning Board, Julie Underdahl, Chair
FROM: Theresa Lucero, Senior City Planner
DATE: February 8, 2017
RE: Official Zoning Map Amendment Application #2016I-00082
3033 East 1st Avenue
Rezoning from PUD #55 to C-CCN-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends *approval* for map amendment application #2015I-00082 for a rezoning from PUD #55 to C-CCN-8.

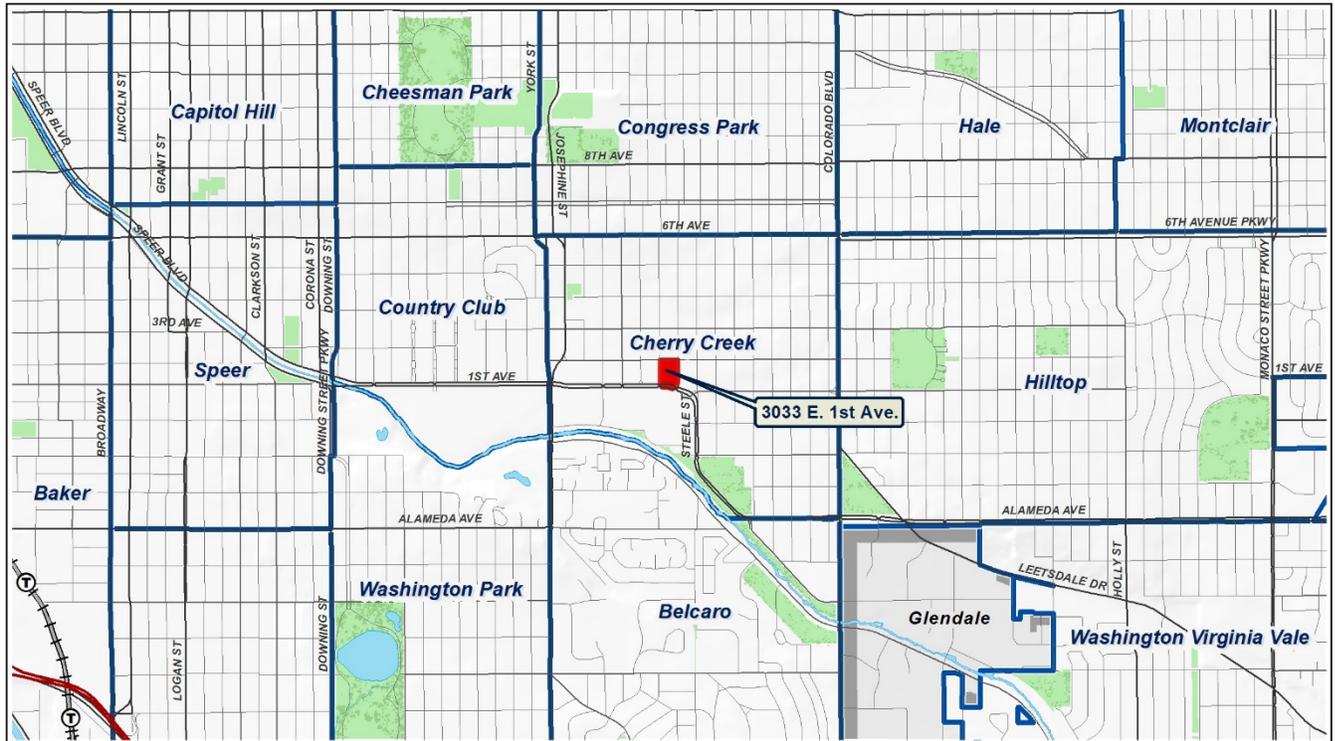
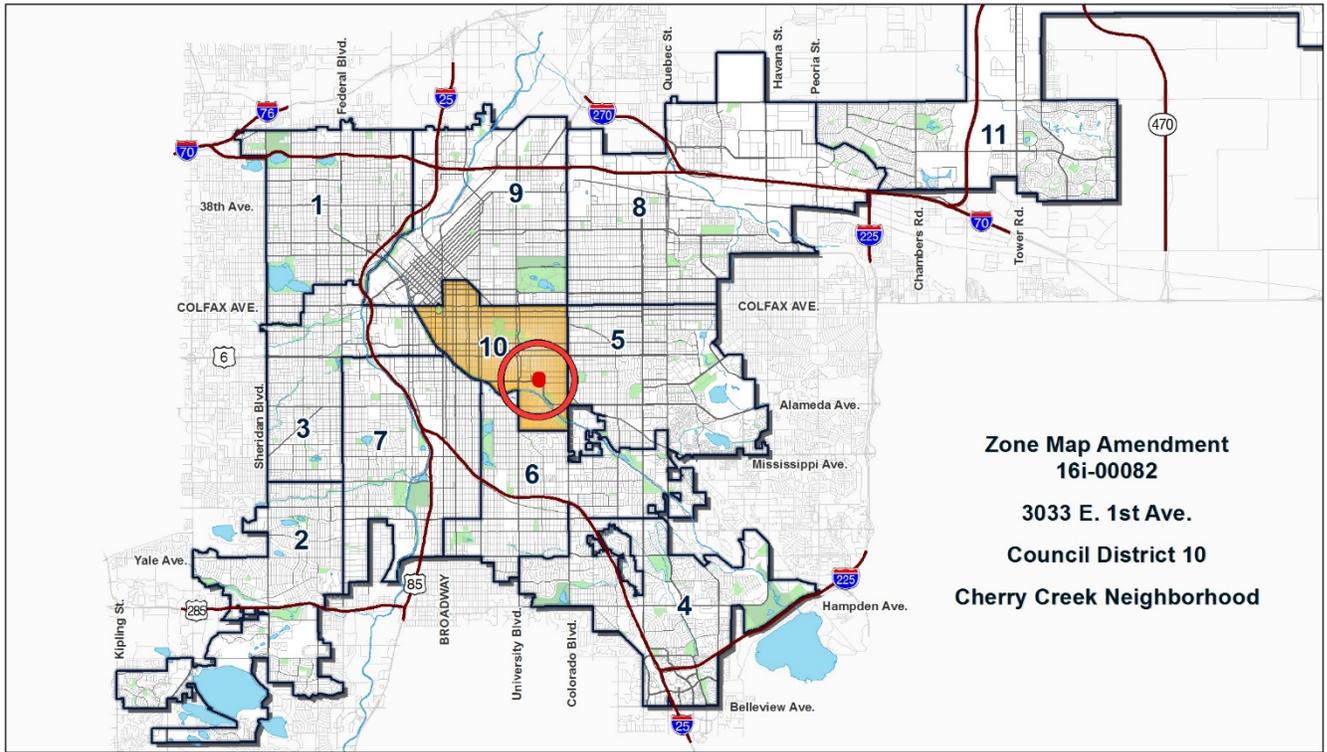
Request for Rezoning

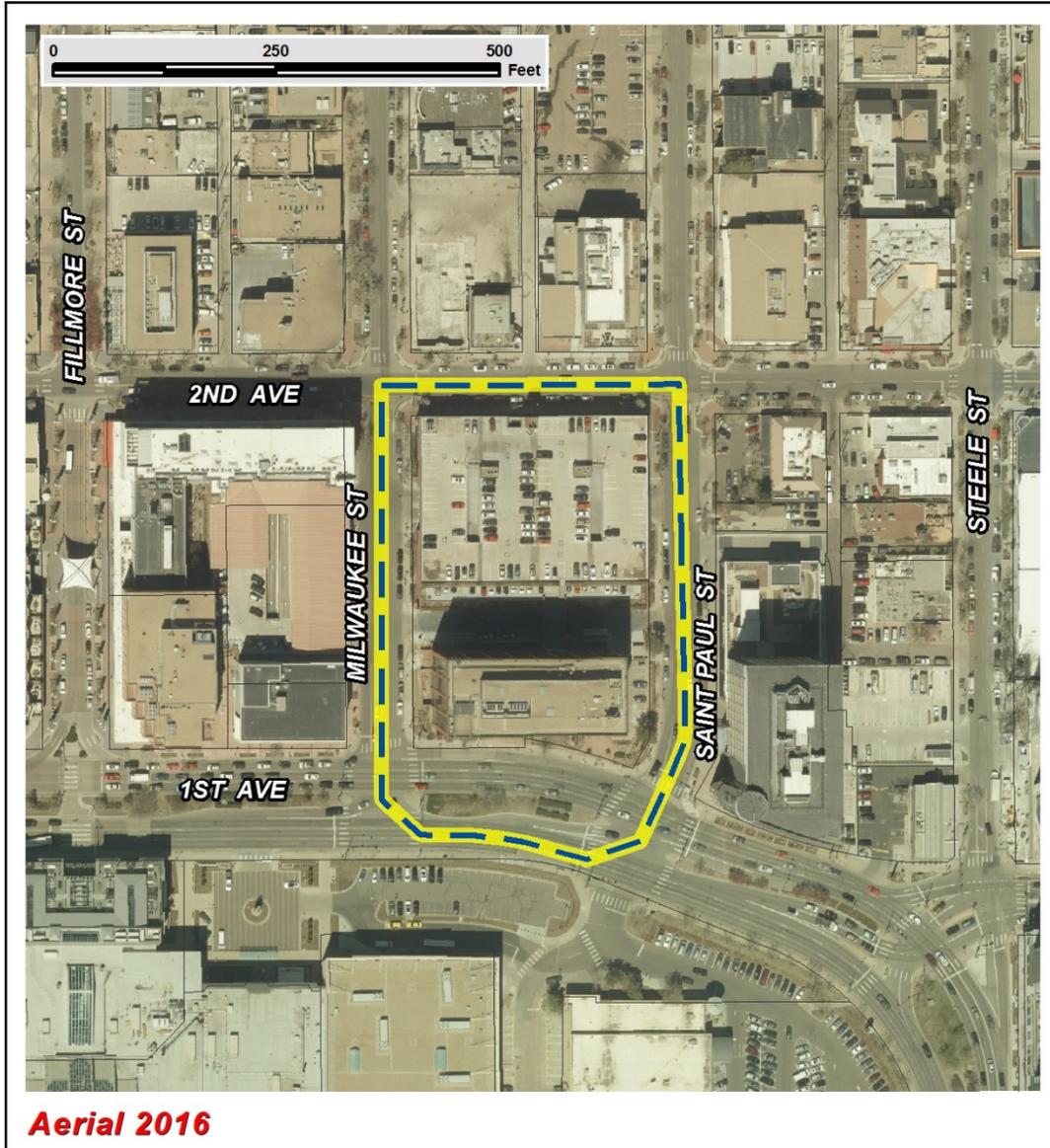
Application:	2016I-00082
Address:	3033 East 1 st Avenue
Neighborhood/Council District:	Cherry Creek Neighborhood / City Council District 10
RNOs:	Cherry Creek Area Business Alliance; Cherry Creek North Neighborhood Association; Cherry Creek North Business Improvement District; Harman Neighborhood Association, Inc.; Capitol Hill United Neighborhoods, Inc.; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation
Area of Property:	99,300 SF, 2.28 acres
Current Zoning:	PUD #55
Proposed Zoning:	C-CCN-8
Property Owner(s):	SE BCC BUILDING, LLC
Owner Representative:	Blake Mourer, Open Studio Architecture

Summary of Rezoning Request

- The subject property is a single parcel containing an existing 8-story commercial structure and 3-story mixed use parking garage that was built in 1982.
- The existing zoning is a Former Chapter 59 PUD approved in 1981. The property owner proposes to rezone the subject property to a newer Cherry Creek North zone district to prepare the property for future redevelopment.
- The C-CCN-8 district is proposed for the entire property.

The **C-CCN-8** (Urban **C**enter, **C**herry **C**reek **N**orth, with an **8**-story height limit) zone district is intended for use in the Cherry Creek North mixed use shopping district with retail, residential, restaurant, office and entertainment land uses that are in keeping with the existing character and scale of the area. The district encourages pedestrian-oriented development through primary street setbacks, open space incentives, and building forms that allow light and views between buildings. The C-CCN-8 zone district is focused on intersections served primarily by collector and arterial streets where a building scale of 1 to 8 stories is desired. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC).





Existing Context

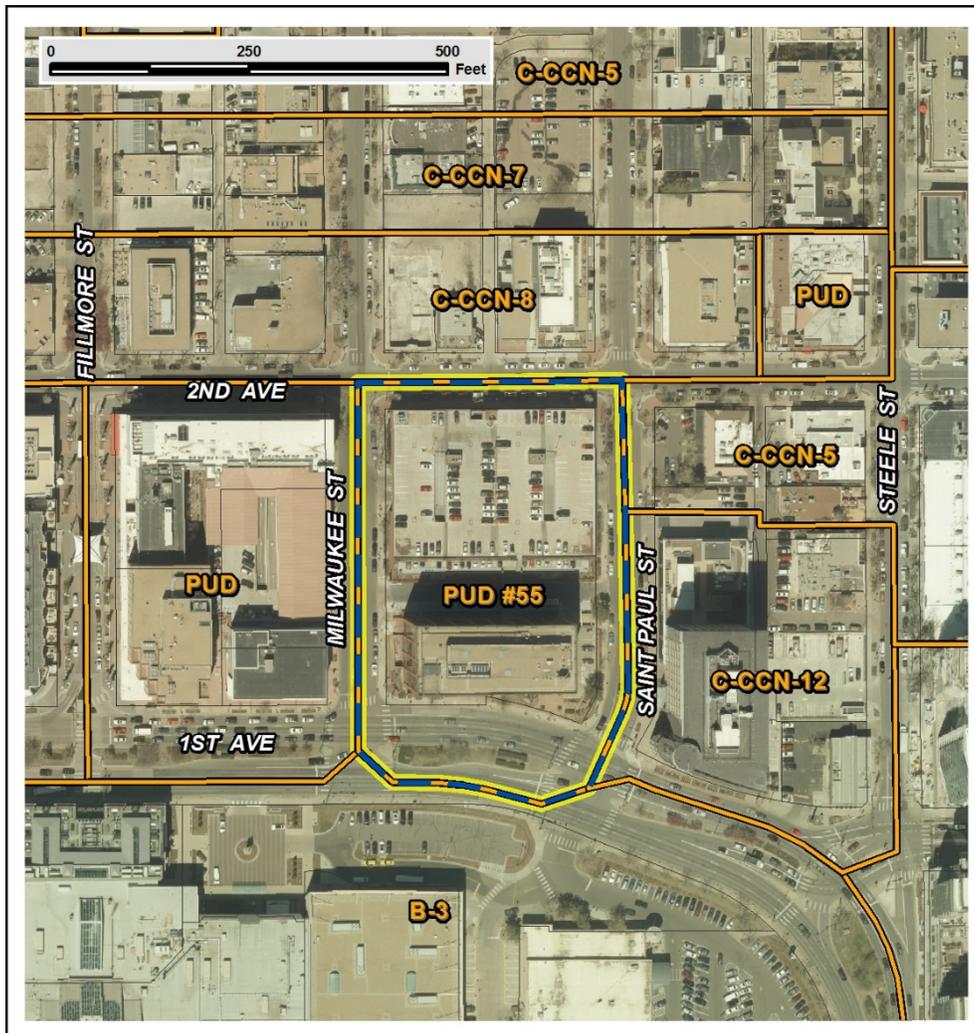
The subject property is in southeast Denver in the Cherry Creek Statistical Neighborhood. The property is in the central portion of the neighborhood, across 1st Avenue from the Cherry Creek Shopping Center, 4 blocks south of 6th Avenue, 8 ½ blocks west of Colorado Boulevard, and 5 blocks east University Boulevard. The adjacent Cherry Creek North shopping and mixed use area is comprised of a mixture of commercial and residential land uses, zone lots of varying sizes, and structures ranging in scale from 1 to 8-stories.

Area parks include James N. Manley Park at 4th & University, the Cherry Creek Greenway and Trail aligned along Cherry Creek, Gates Tennis Center, Pulaski and City of Karmiel Park between Bayaud and Alameda Avenues along Cherry Creek North Drive, and across Colorado Boulevard Burns and Cranmer Parks. Area schools include Bromwell Elementary School located at 3rd and Josephine Street, Good Shepherd Catholic Church at 6th and Elizabeth, Hill Middle School a 5th and Clermont Street and Graland Country Day School at 1st and Clermont Street.

The physical context of the neighborhood is a traditional street grid with rectilinear blocks and alleys. Sidewalks are generally detached with landscaping embedded in the sidewalk. The following table summarizes the existing context adjacent to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD #55	Office/Commercial/Structured Parking	8-story commercial structure with 4-story mixed use parking structure	Regular grid streets shaping a consistent pattern of rectilinear blocks with alleys; Vehicle parking is both structured and to the side or rear of buildings (alley access).
North	C-CCN-8	Office/Commercial/Mixed Use	3-8-story commercial structures	
South	B-3	Commercial/Retail	1-3-story commercial shopping center	
East	C-CCN-5 & C-CCN-12	Commercial/Retail/Residential	5-8-story mixed use structures	
West	PUD #634	Office/Commercial/Retail	4-story commercial structures	

1. Existing Zoning



PUD #55 is a Former Chapter 59 PUD approved in 1981. The PUD limits the maximum square feet of structures to 145,180 square feet and the land uses to office, retail and parking. The PUD also limits maximum height of the office building to 126 feet.

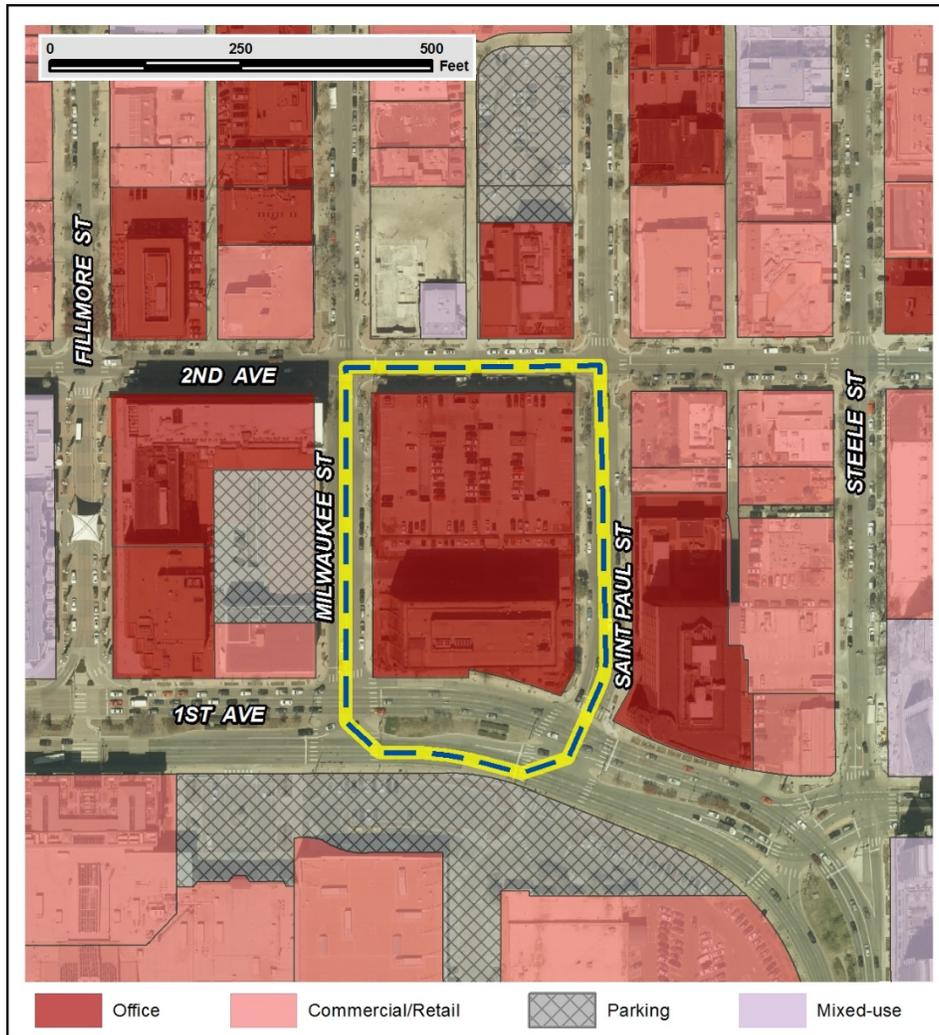
2. View Plane

The subject property is within the Cranmer Park view plane which restricts building heights to preserve mountain views. The allowable building height on the property is 164 feet.

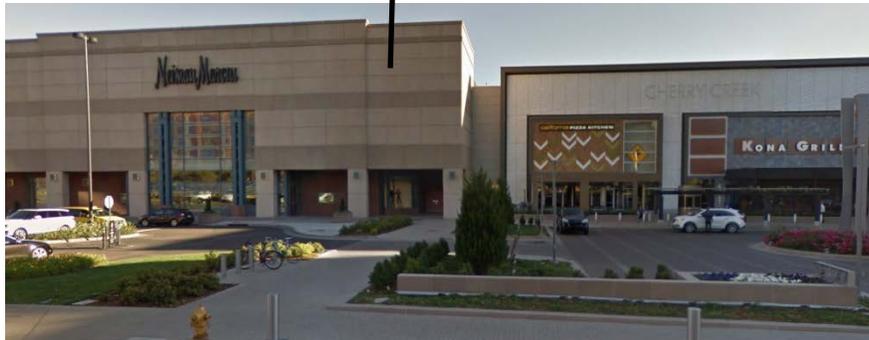
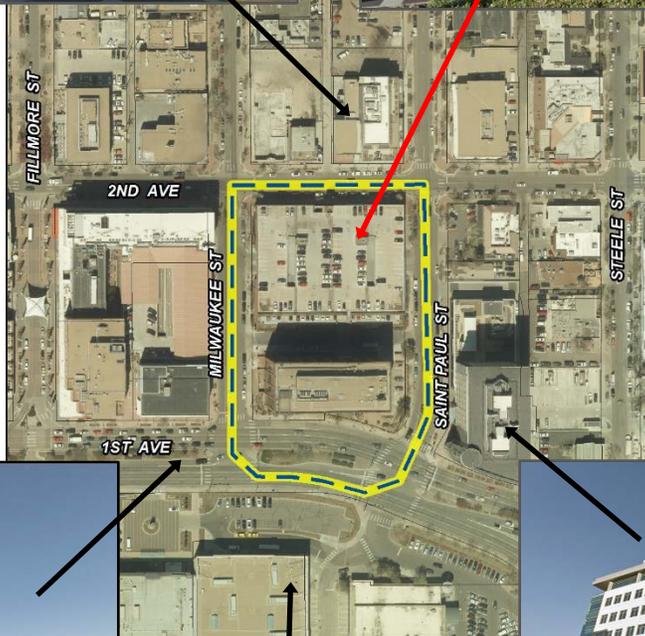
3. Urban Design Standards and Guidelines

The subject property is within the Cherry Creek North Design Review District. Development is subject to the Cherry Creek North Design Standards and Guidelines and review by the Cherry Creek North Design Advisory Board.

4. Existing Land Use Map



5. Existing Building Form and Scale



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Asset Management: Approved – No Comments.

Environmental Health: Approved with the following comments: Notes. DEH is not aware of environmental concerns that would impact the rezoning and does not object to the request. However, the site is the former location of filling stations where impacted soil and groundwater could be encountered during redevelopment activities.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Parks and Recreation: Approved

Public Works – City Surveyor: Approved – No Comments.

Development Services – Wastewater: Approved with the following comments: There is no objection to the rezone, however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

Public Review Process

Informational Notice

- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and Registered Neighborhood Organizations on November 14, 2016.

Planning Board

- The property was legally posted for a period of 15 days announcing the February 15, 2017, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.

Neighborhoods and Planning Committee

- Following Planning Board review the rezoning application will be referred to the Land Use, Transportation and Infrastructure (LUTI) Committee of the City Council for review at a public meeting. The LUTI Committee meeting is tentatively scheduled for March 7, 2017. Electronic notice of the meeting will be sent to all affected Registered Neighborhood Organizations 10 days in advance of the meeting. At the meeting Committee members will vote on whether to move the application forward to a public hearing before the full City Council.

City Council

- Following LUTI Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing. The City Council public hearing is tentatively scheduled for April 17, 2017. Electronic notice of the public hearing will be sent to all affected Registered Neighborhood Associations and notification signs will be posted on the property 21 days in advance of the hearing.

Registered Neighborhood Organizations (RNOs)

- To date, CPD has received one letter of support from the Cherry Creek Area Business Alliance, a Registered Neighborhood Organization. The letter is attached to this report.

Other Public Comment

To date, no other public comments have been received.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Cherry Creek Area Plan (2012)

Denver Comprehensive Plan 2000

The proposal is consistent with 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** Strategy 3-B – “**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).
- **Legacies** Strategy 3-A – “**Identify areas where increased density** and new uses are desirable and **can be accommodated**” (p. 99).
- **Economic Activity** 4-B – “**Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver’s business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and the Rocky Mountain region**” (p. 135).

The rezoning is consistent with these Plan recommendations. The proposed C-CCN-8 zone district allows a variety of residential and commercial land uses. The map amendment will enable the redevelopment of the property in a manner that is consistent with the existing character of the Cherry Creek North area.

Blueprint Denver

According to the Plan Map adopted in Blueprint Denver, this site has a concept land use of Regional Center and is in an Area of Change.

Future Land Use

The Blueprint Denver Regional Center concept land use designation is described in the Plan as having “a balance of retail, employment and residential land uses, though some may have begun as one major use like a regional shopping center or a large office park. These centers generally cover a large area and are dense enough to encompass both the dominant use and a wide variety of other uses. Cherry Creek is an example of a regional center where a major shopping center is at the core of many other uses concentrated in a small area” (p. 43).



Area of Change / Area of Stability

As noted, the subject property is in an Area of Change. In general, “*The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips...A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide a stimulus to redevelop*” (p. 127). For the Cherry Creek Area of Change Blueprint Denver states “*The neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential, regional and neighborhood retail, office, hotel, open space, and public uses in a pedestrian-friendly environment*” (p. 134).

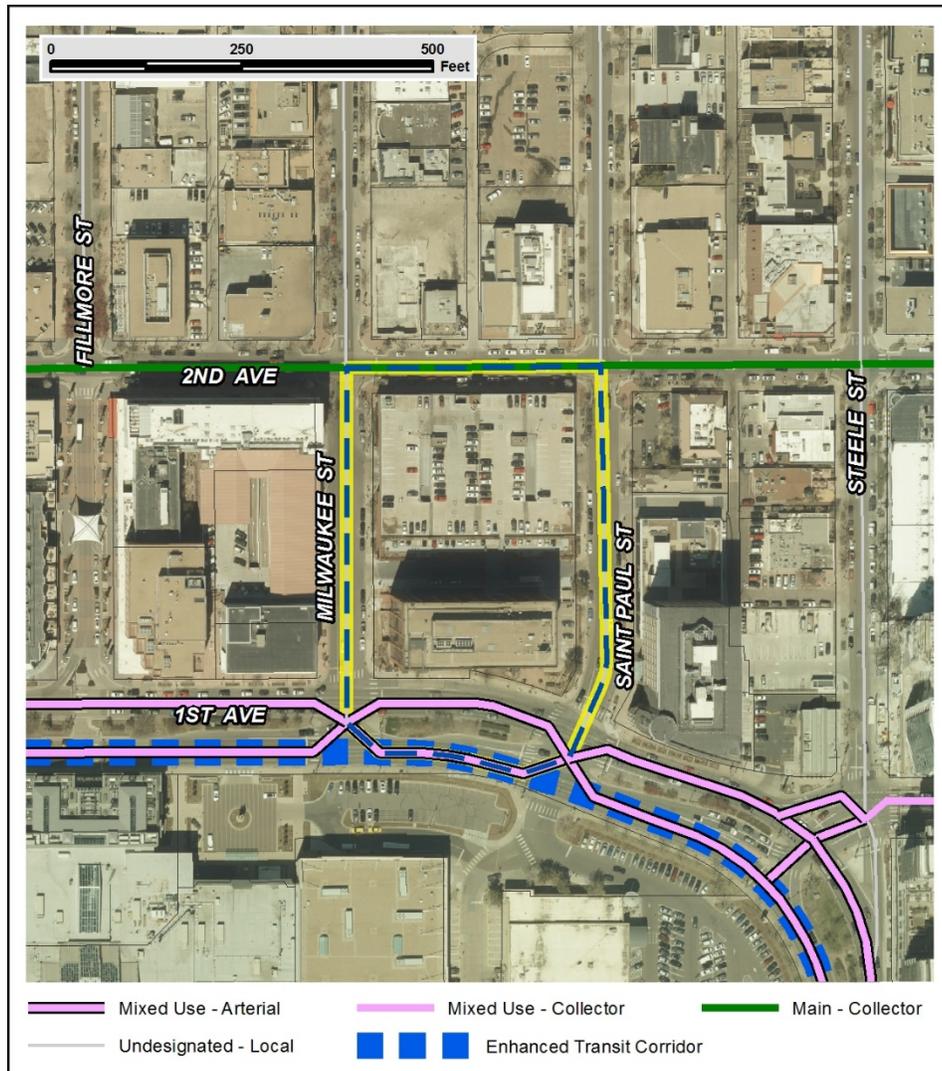
The rezoning application is consistent with the Blueprint Denver Area of Change recommendation of channeling growth where it can improve access to housing and services with fewer and shorter auto trips. Expanding and redeveloping residential and commercial land uses near the shopping and services of the Cherry Creek Shopping Center and Cherry

Creek North Shopping Area make this proposal consistent with the goals of Areas of Change.

Street Classifications

Blueprint Denver classifies 1st Avenue as a Mixed Use Arterial Street, 2nd Avenue as a Main Street Collector and St. Paul and Milwaukee Streets as Undesignated Local streets. Per Blueprint Denver, Mixed Use Arterial streets “*provide a high degree of mobility*” as their primary function and “*connect major urban elements such as the central business district, employment centers, large urban and suburban commercial centers and residential neighborhoods*” (p. 51). Mixed Use streets are “*located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity*” (p. 57). Collector streets “*provide a greater balance between mobility and land access,*” and local streets are “*tailored more to providing local access.*”

Blueprint Denver also classifies 1st Avenue as an Enhanced Transit Corridor. On these corridors, the Plan encourages “*evaluating and implementing enhanced bus transit service*” (p. 98) on Enhanced Transit Corridors like 1st Avenue, and “*developing transit-supportive incentives like shared or reduced parking, and a mix of transit-supportive land uses*” (p. 100). 1st Avenue is served by bus service with 5-minute headways. The proposed C-CCN-8 zone district allow the higher-intensity mixture of uses envisioned for areas served by arterial, collector streets and high-frequency transit services in a Regional Center/Area of Change.



Cherry Creek Area Plan (2012)

The Cherry Creek Area Plan offers guidance for both the overall neighborhood, in the Framework Plan, and for subareas within the neighborhood. The Framework Plan discusses the mixed-use character of the Cherry Creek Neighborhood. *“Part of the character of Cherry Creek is its mixture of land uses. Retail and service uses appealing to both local and regional shoppers, office and established residential neighborhoods weave an interdependent mixed-use urban environment resulting in a variety of amenities benefiting the quality of life. [...] Continued introduction of office space, retail, and residential units will enhance the mixed-use nature of the neighborhood and reinforce the plan vision. As in most mixed-use districts throughout the country, the desire to maintain the character of Cherry Creek must be balanced with the thoughtful redevelopment of underutilized properties”* (pg. 26-27).

Framework Plan

The Framework Plan also updated the Blueprint Denver Map of Areas of Change and offers this guidance for Areas of Change: *“The Areas of Change in Cherry Creek have the greatest potential*

to accommodate this growth, both in terms of market demand and available land. Although not every property will see significant redevelopment, overall these areas benefit from new development, reinvestment, and more intense use. Areas of Change include the Shopping District, Cherry Creek Triangle, 1st Avenue, the commercial node at Madison and Bayaud and Harrison Street south of 1st Avenue” (pg. 29). And further, the Plan provides the following recommendations for targeting growth in these Cherry Creek Areas of Change:

- “Acknowledge that to remain prosperous, Cherry Creek must continue to grow and change. In order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods” (p. 29).
- “Update the Blueprint Denver map to reflect revised Areas of Change boundaries. The updated Areas of Change are targeted to receive most of Cherry Creek’s residential and commercial growth over the next twenty years” (p. 29).
- “Modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways” (p. 29).

The subject property is circled on the Blueprint Denver Map and the updated Cherry Creek Areas of Change map below.



Further, the Plan recommends concentrating “higher intensity mixed-use buildings along multi-modal streets, major intersections and major public open space. Cherry Creek high intensity nodes are appropriate for increased development intensity allowing for the concentration of

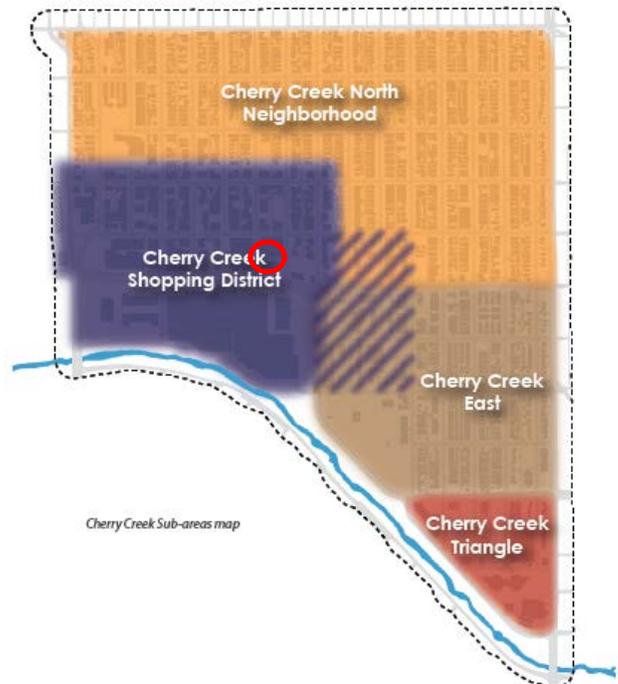
active uses utilizing appropriate locational criteria. These locational criteria include adjacency to multi-modal corridors (includes the shopping district segments of 1st Avenue and Steele Street as well as the Cherry Creek Greenway and Colorado Boulevard)” (p. 32).

Finally, the Framework Plan recommends the continued evolution of the mixed-use areas. *“The Cherry Creek Shopping District has evolved into an 18-hour, mixed-use neighborhood consisting of retail, commercial and residential land uses. Continued development in the district has resulted in the introduction of residential units in the district, encouraging expanded options and diversity of residents. The district has seen an introduction of high quality urban design introduced into a former pattern of renovated and obsolete commercial space. This emergence of quality, design integrity and mix of uses has set the standard for future development...Continued development in this district should reinforce the new standard of quality and pedestrian activity” (p. 34).* The proposed C-CCN-8 zone district implements the Cherry Creek Area Plan concepts of accommodating higher-intensity mixed use growth, reinvestment and appropriately scaled development, and an enhanced pedestrian environment in a location that the Plan has designated an Area of Change.

Cherry Creek Subareas

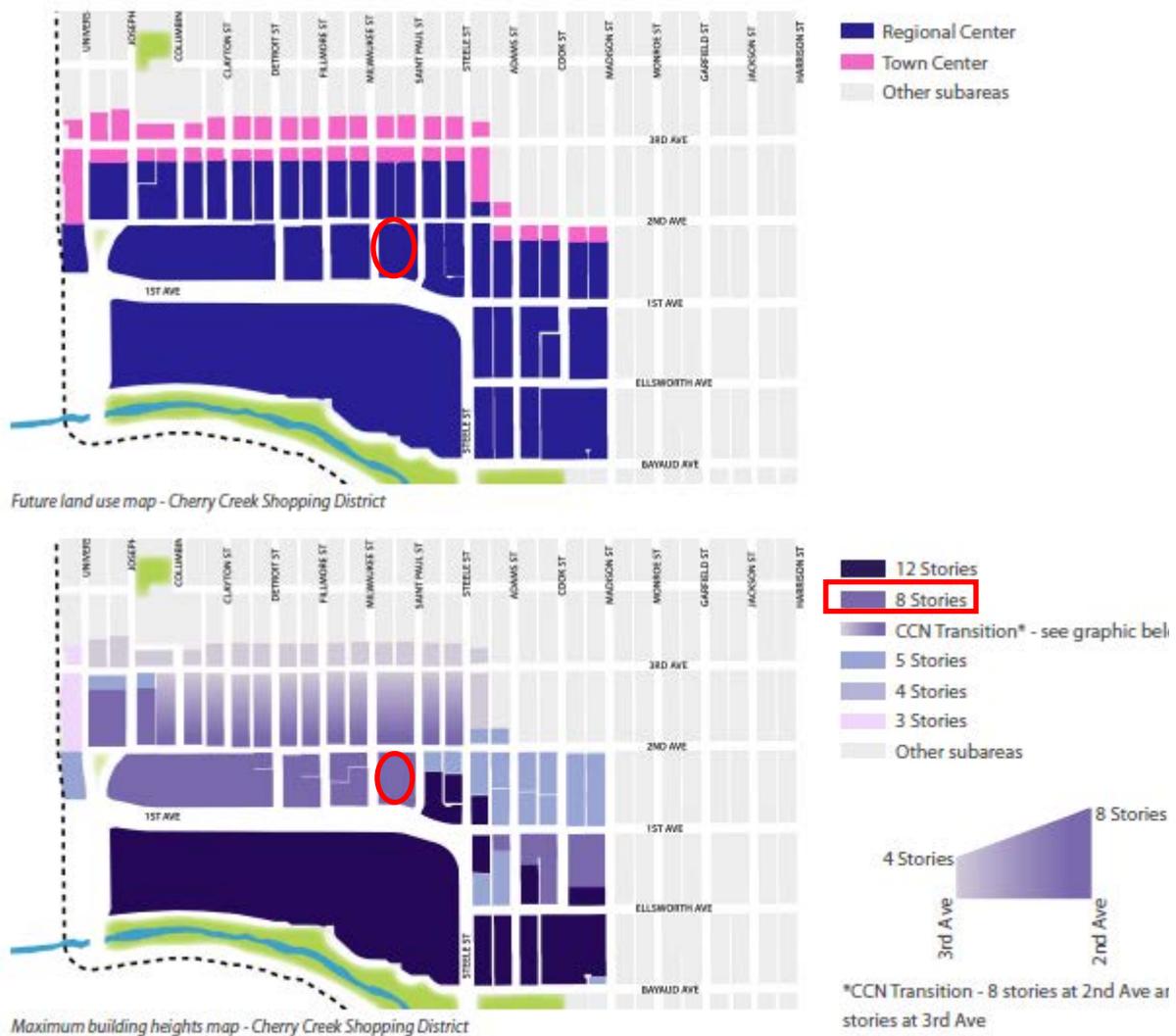
The Cherry Creek Area Plan also contains recommendations for subareas defined by the Plan. Subarea recommendations are used in the Plan to supplement the more general Framework Plan recommendations. The subject property is in the Cherry Creek Shopping District subarea (see the circled area on the subarea map). The subarea is described by the Plan as the region’s most vibrant upscale retail and mixed-use district. Within the Shopping District subarea, the subject property is designated a Regional Center. For this portion of the Cherry Creek Shopping District subarea the Plan recommends:

- *“Regional Center and Town Center. Continue to support a mix of uses including office, retail, commercial and multifamily residential. Support compact development patterns and an enhanced public realm including landscaping, wayfinding signage, pedestrian lighting, public art and inviting building entries. The Town Center areas act as an important transition between Regional Center and residential areas in scale and/or use” (p. 58).*
- *“Scale. Maximum building heights in the Shopping District should range from 4 to 12 stories per the Maximum Building Heights Map. Building heights should be lower adjacent to residential areas in Cherry Creek North and Country Club neighborhoods. Higher development intensity is encouraged along multi-modal streets and key intersections. Mid-rise buildings (maximum of 5 to 8 stories) are recommended as transitions between high intensity and low intensity residential neighborhoods” (p. 58).*



- *“CCN Business Improvement District. Enact zoning and other land use regulatory tools for the C-CCN zone district [New CCN zone districts adopted in 2014] to encourage rather than inhibit high quality redevelopment and reinvestment across all parcel sizes, large and small. Retain the positive elements of current zoning including ground floor retail, design review, quality design and arterials, interesting signage, and parking location. Reconsider height, FAR, building form and parking requirements. Engage in an open, transparent and efficient public process that includes all stakeholders interests and includes the following goals created by the CCN Urban Form Working Group, 2012:*
 - *Retain and enhance Cherry Creek’s North unique physical character.*
 - *Make economic redevelopment economically viable in the entire district.*
 - *Transition from higher buildings along 2nd to lower buildings along 3^d.*
 - *Create height transitions from the business district to adjacent residential”* (p. 61).

The proposed 8-story height conforms to the maximum building height recommended in the Cherry Creek Area Plan and provides an appropriate height transition within the Regional Center between 1st and 2nd Avenues. The district also emphasizes the creation of an enhanced pedestrian area. See the Future Land Use Map and the Maximum Building Heights Map below.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-CCN-8 zone district will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by implementing the City's adopted plans for the area, and by readying the property for continued reinvestment.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "*The land or its surrounding environs has changed or is changing 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.*" As the Cherry Creek Area Plan discusses above, Cherry Creek must continue to grow and change to remain prosperous and to reinforce the quality of life for neighborhood residents. The subject property is located within an area the Cherry Creek Area Plan designates as a Regional Center and an Area of Change, where reinvestment and growth should be directed, and where the character of the area is expected to change, and is indeed changing. The proposed rezoning will acknowledge the changing character of the area and will accommodate the planned reinvestment in the area, and this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested C-CCN-8 zone district is within the Urban Center Neighborhood Context. The Urban Center Context is characterized by multi-unit residential and mixed use commercial strips and centers in a variety of building forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial and local streets. Commercial uses are primarily located along main and mixed-use arterials. The block and street pattern consists of regular block shapes formed by a grid street system. In this context building heights are moderate to high to promote a dense urban character. A high level of connectivity to multi-modal transit is characteristic of the context. The C-CCN-8 zone district is intended to promote safe, active, and pedestrian-scaled diverse areas with a variety of residential and commercial building forms located on collector or arterial streets. The proposed rezoning of the subject property to C-CCN-8 zone district is consistent with the Urban Center Context and the specific intent of the C-CCN-8 zone district.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 3033 East 1st Avenue to the C-CCN-8 zone district meets the requisite review criteria. Accordingly, staff recommends *approval*.

Attachments

1. Application
2. Approved Legal Description
3. Comment Letter (1)

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	SE BCC BUILDING, LLC	Representative Name	open studio architecture: Blake 
Address	3033 East 1st Avenue- Suite 305	Address	141 S. Broadway, Suite 202
City, State, Zip	Denver, CO 80206	City, State, Zip	Denver, CO 80209
Telephone	303-388-3506	Telephone	303-640-3173
Email	bmattucci@realtygp.com	Email	blake@openstudioarchitecture.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	3033 East 1st Avenue, Denver, CO 80206		
Assessor's Parcel Numbers:	0512231013000		
Area in Acres or Square Feet:	2.28 Acres/ 99,300 SF		
Current Zone District(s):	PUD-55		
PROPOSAL			
Proposed Zone District:	C-CCN-8		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.
	<input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.
	<input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.
	Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
SE BCC BUILDING LLC	3033 East 1st Avenue, Suite 305 Denver, CO 80206 (303) 388-3506 bmattucci@realtygp.com	100%	<i>Robert J. Mattucci</i>	11/2/2016	(A)	Yes

Bob Mattucci
3033 East 1st Avenue, Suite 305
Denver, CO 80206
October 13, 2016

To Whom It May Concern:

I have written this letter to indicate authorization for Blake Mourer of open studio | architecture to act as a representative on my behalf in the matters of the Zone Map Amendment (rezoning) Process of the SE BCC BUILDING, LLC owned property at 3033 East 1st Avenue, located between 1st and 2nd Avenue and between Milwaukee and St. Paul Street.

Sincerely ,

A handwritten signature in black ink, appearing to read 'Bob Mattucci', written in a cursive style.

Bob Mattucci
Executive Vice President
Realty Management Group, LLC
303.388.3506 (office)
303.394.5363 (direct)

SE BCC Building, LLC

November 8, 2016

Community Planning and Development
City and County of Denver
201 W. Colfax Ave.
Denver, CO 80202

RE: Owner Representative Authorization

To whom it may concern,

The owner of the block bounded by First Avenue, Second Avenue, St. Paul Street and Milwaukee Street in Denver, Colorado (the "Property"), SE BCC Building, LLC, is submitting this letter authorizing Robert J. Mattucci to act as the representative of the Owner in interactions with the City and County of Denver regarding matters of rezoning, permitting and construction of the Property.

Sincerely,



Susan Sturm

Chief Financial Officer

3033 East 1st Avenue

Suite 300

Denver, CO 80206

303.394.5100

Zone Map Amendment (Rezoning) – Application Supporting Document
October 21, 2016

3033 East 1st Avenue,
Denver, CO 80206

LEGAL DESCRIPTION

A PARCEL OF LAND BEING PLOTS 1, 2, 3, 4, 5, 6, A1/2, B1/2, BLOCK 71, HARMAN'S SUBDIVISION TOGETHER WITH THE VACATED ALLEY WITHIN SAID BLOCK 71, AND A PART OF BLOCK C, COLODEN MOOR SUBDIVISION AND A PART OF VACATED FIRST AVENUE ADJACENT TO SAID PARCELS: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 71 OF HARMAN'S SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK 71 A DISTANCE OF 264.85 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 71; THENCE ALONG THE EAST LINE OF SAID BLOCK 71 ON AN INTERIOR ANGLE TO THE LEFT OF 90°02'35" FROM THE LAST DESCRIBED COURSE A DISTANCE OF 352.71 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 71, BEING A POINT ON THE NORTH LINE OF SAID BLOCK C, COLODEN MOOR; THENCE CONTINUING ON THE EXTENSION OF THE LAST DESCRIBED COURSE A DISTANCE OF 10.00 FEET; THENCE ON AN INTERIOR ANGLE TO THE LEFT OF 151°00'00" FROM THE LAST DESCRIBED COURSE AND ALONG A LINE NON-TANGENT TO THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 39.26 FEET TO A ON THE SOUTHERLY LINE OF SAID BLOCK C; THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK C ALONG THE ARC OF A NONTANGENT CURVE TO THE LEFT, THE TANGENT OF WHICH FORMS AN INTERIOR ANGLE TO THE LEFT OF 96°53'32" FROM THE LAST DESCRIBED COURSE, SAID CURVE HAVING A CENTRAL ANGLE OF 10°24'43", A RADIUS OF 609.57 FEET A DISTANCE OF 110.77 FEET TO A POINT ON THE WEST LINE OF SAID PLOT B1/2 EXTENDED SOUTHERLY; THENCE ALONG SAID EXTENDED LINE ON AN INTERIOR ANGLE TO THE LEFT OF 101°42'11" FROM THE TANGENT OF THE LAST DESCRIBED CURVE A DISTANCE OF 2.42 FEET TO A POINT 10.00 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 71; THENCE ON AN INTERIOR ANGLE TO THE LEFT OF 269°52'57" FROM THE LAST DESCRIBED COURSE, PARALLEL WITH AND 10 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 71 A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF SAID PLOT A1/2 EXTENDED SOUTHERLY; THENCE ALONG SAID EXTENDED LINE ON AN INTERIOR ANGLE TO THE LEFT OF 270°07'03" FROM THE LAST DESCRIBED COURSE A DISTANCE OF 10.00 FEET TO A POINT 20.00 FEET SOUTH OF SAID SOUTH LINE OF BLOCK 71; THENCE ON AN INTERIOR ANGLE TO THE LEFT OF 89°52'57" FROM THE LAST DESCRIBED COURSE PARALLEL WITH AND 20.00 FEET SOUTH OF SAID SOUTH LINE OF BLOCK 71 A DISTANCE OF 124.88 FEET TO A POINT ON THE WEST LINE OF SAID PLOT A1/2 EXTENDED SOUTHERLY; THENCE ALONG SAID EXTENDED WEST LINE ON AN INTERIOR ANGLE TO THE LEFT OF 90°07'30" A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 71; THENCE CONTINUING ON THE LAST DESCRIBED COURSE ALONG THE WEST LINE OF SAID BLOCK 71 A DISTANCE OF 352.40 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

REVIEW CRITERIA

The following map amendment is consistent with the adopted plans:

1. Cherry Creek Area Plan 2012
2. Blueprint Denver 2002
3. Denver Comprehensive Plan 2000

REVIEW CRITERIA 1: Cherry Creek Area Plan 2012

Stated Objective 1 Recommendation A.2 - A Walkable Cherry Creek

Cherry Creek's existing urban development pattern, retail and commercial success, high transit ridership, and vision for priority transit connections make this area a candidate for Denver's second designated Pedestrian Priority Zone. Strengthening the priority of pedestrians in Cherry Creek can contribute to the area's vision for great neighborhoods and economic prosperity.

Response

Prioritizing pedestrians through enhancements in the toolkit such as full ADA Compliance, shallow building setbacks, detached 8' walks, vegetated tree lawns and tree grates would all work in tandem with the C-CCN-8 zoning being proposed on this site to help encourage pedestrian traffic on the collector and local streets. This can correlate directly to the commercial success and urban development in this district.

Stated Objective 2 Recommendation B.1.B Areas of Change

-Acknowledge that to remain prosperous, Cherry Creek must continue to **grow and change**. In order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in these areas rather than stable neighborhoods.

-Modify land use policy, **zoning regulations** and design guidelines to **encourage appropriate reinvestment to assure that Areas of Change continue to mature** in positive ways.

Response

The Milwaukee/ St. Paul block between First and Second Avenue has begun a reinvestment process in 2015 with the renovation of the 8 story office tower along 1st Avenue and the site improvements along the 1st Avenue corridor. This reinvestment was envisioned to continue to the north of the office to create a cohesive block that encourages pedestrian traffic not only on the collector and local streets but also enhances the private drives to make them more pedestrian friendly and inviting. This reinvestment improves the overall built environment by transforming the parking garage, improving the retail access and upgrading the materials overall.

Stated Objective 3 Recommendation B.2.B Architecture

-The architecture of the buildings has a direct correlation to the understanding of a place. Buildings provide comfort, shelter, activity, destinations, identity, or other iconic symbol. People interact with these structures and are provided a sense of place through the detailing, scaling elements and purpose behind the design of each building. The

combination of buildings provides the artistic palette informing continued design choices throughout subareas.

-The following strategies promote appropriate architectural elements:

- Orient buildings and entries toward the street using context sensitive setbacks.
- Include design elements and details such as pedestrian scaled signage, transparent windows, storefronts, building entries, building articulation, patio seating, pedestrian plazas and courtyards.
- Study the use of upper story setbacks and height datum lines to maintain a comfortable pedestrian scale at the street and to allow sunlight to reach the street.
- Provide visual interest at ground level and active ground floor uses along the building frontage: articulate façade treatments by creating a regular pattern of storefronts, providing a range of entry features and signage.
- Encourage a regular rhythm of buildings and building entries along the street.
- Place buildings to define the street edge.

Response

The proposed zoning will help improve the block encouraging contextual setbacks, greater levels of ground level transparencies. The C-CCN-8 zoning in conjunction with current height and mass of the existing parking and retail structures would ensure all future development on the site will incorporate new upper story setbacks and height datum lines that maintain a comfortable pedestrian scale and would allow sunlight to reach the street.

REVIEW CRITERIA 2: Blueprint Denver 2002

Stated Objective 1 Regional Centers

-Ideally, a regional center has a balance of retail, employment, and residential uses; however, many began as one major use, such as a **regional shopping center** or large office park. These centers cover a fairly large area and are dense enough to encompass both the dominant use and a wide variety of other uses. These centers have an atmosphere that is attractive to patrons from throughout the region. **Cherry Creek** is an example of a regional center where a major shopping center is at the core of many **other uses concentrated in a small area.**

-Urban Centers: Improve and add new centers to create vibrant urban areas that serve not only Denver neighborhoods, but also the region. Downtown and **Cherry Creek** are Denver's centers with the greatest regional draw.

Response

These objectives of Blueprint Denver for Urban Centers and Regional Centers parallels seamlessly with the C-CCN-8 Zoning. This is what was intended for this site and encourages mixed use, a vibrant pedestrian zone, and supports this regional center's core identity, a major shopping center.

Stated Objective 2 Mixed Use Streets

Mixed-use streets emphasize a variety of travel choices such as pedestrian, bicycle and transit use. Mixed-use streets are located in high-intensity mixed use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Mixed-use streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. On-street parking, bicycle lanes, landscaping and sidewalk width

are higher priorities than the number of travel lanes on this type of street.

Initial priority design elements

- Wide sidewalks with transit access
- Well-marked pedestrian crossings and signals
- Bicycle lanes on designated bike routes
- Bicycle facilities
- Tree lawns
- On-street parking

Response

The C-CCN-8 zoning requires many of the elements listed above by Blueprint Denver. Rezoning this lot will ensure that future development on this site will incite improvements within the property line and also outside of it on the adjacent sidewalks, tree lawns, sight triangles, and more.

REVIEW CRITERIA 3: Denver Comprehensive Plan 2000

Stated Objective 1: Land Use - Strategy 3B:

Residential Neighborhoods and Business Centers

-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.

Response

The following map amendment will ensure that infill can occur on this site that will match the character of the surrounding neighborhood since this was the zoning envisioned for this district. The new zoning will encourage enhanced pedestrian experiences that mirror the successful character of Cherry Creek. It also encourages improvements to the character of the streetscape which will benefit the retailers that make this such a popular district

Stated Objective 2: Denver's Legacies - Strategy 2E:

Ensure that the Zoning Code reinforces quality urban design

Response

The map amendment will help match this property with adjacent properties of identical zoning helping with the development and character that reinforce the distinctive identities of this recognized neighborhood. It will encourage density and diversity by exciting new mixed-use and pedestrian oriented development as mentioned in strategies of Blueprint Denver, The Cherry Creek Area Plan and the latest zoning code.

Stated Objective 3: Denver's Legacies - Strategy 3A:

Identify Areas in which increased density and new uses are desirable and can be accommodated

Response

As previously mentioned, the map amendment to a C-CCN-8 zoning will allow for a diverse number of uses all of which help improve the vibrancy of the neighborhood and will match the overall character of the this Urban Center Neighborhood.



Customer Distribution

Our Order Number: ABN70472695-3

Date: 07-14-2016

Property Address: 3033 E 1ST AVE, DENVER, CO 80206

For Title Assistance
BILL BRENDEMUHL, ESQ.
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
303-850-4195 (phone)
303-393-4842 (fax)
bbrendemuhl@ltgc.com

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

LAND TITLE GUARANTEE COMPANY
Attention: SHERRI GOLDSTEIN
3033 E 1ST AVE #600
DENVER, CO 80206
303-321-1880 (work)
303-322-7603 (work fax)
sgoldstein@ltgc.com
Delivered via: Electronic Mail

REALTY MANAGEMENT GROUP
Attention: WILL COFFIELD
3033 E FIRST AVE #305
DENVER, CO 80206
303-394-5531 (work)
303-388-3508 (work fax)
wcoffield@realtygp.com
Delivered via: Electronic Mail



Land Title Guarantee Company

Estimate of Title Fees

Order Number: ABN70472695-3

Date: 07-14-2016

Property Address: 3033 E 1ST AVE, DENVER, CO 80206

Buyer/Borrower: A BUYER TO BE DETERMINED

Seller: SE BCC BUILDING LLC, A DELAWARE LIMITED LIABILITY COMPANY

Visit Land Title's website at www.ltgc.com for directions to any of our offices.

Estimate of Title Insurance Fees	
TBD Commitment	\$500.00
TBD - TBD Income CC-138455	-\$500.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Total	\$0.00
THANK YOU FOR YOUR ORDER!	

ALTA COMMITMENT
First American Title Insurance Company
Schedule A

Order Number: ABN70472695-3

Customer Ref-Loan No.:

Property Address:

3033 E 1ST AVE, DENVER, CO 80206

1. Effective Date:

07-07-2016 At 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment \$0.00
Proposed Insured:
A BUYER TO BE DETERMINED

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:

SE BCC BUILDING LLC, A DELAWARE LIMITED LIABILITY COMPANY

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

A PARCEL OF LAND BEING PLOTS 1, 2, 3, 4, 5, 6, A1/2, B1/2, BLOCK 71, HARMAN'S SUBDIVISION TOGETHER WITH THE VACATED ALLEY WITHIN SAID BLOCK 71, AND A PART OF BLOCK C, COLODEN MOOR SUBDIVISION AND A PART OF VACATED FIRST AVENUE ADJACENT TO SAID PARCELS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 71 OF HARMAN'S SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK 71 A DISTANCE OF 264.85 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 71; THENCE ALONG THE EAST LINE OF SAID BLOCK 71 ON AN INTERIOR ANGLE TO THE LEFT OF 90°02'35" FROM THE LAST DESCRIBED COURSE A DISTANCE OF 352.71 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 71, BEING A POINT ON THE NORTH LINE OF SAID BLOCK C, COLODEN MOOR; THENCE CONTINUING ON THE EXTENSION OF THE LAST DESCRIBED COURSE A DISTANCE OF 10.00 FEET; THENCE ON AN INTERIOR ANGLE TO THE LEFT OF 151°00'00" FROM THE LAST DESCRIBED COURSE AND ALONG A LINE NON-TANGENT TO THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 39.26 FEET TO A ON THE SOUTHERLY LINE OF SAID BLOCK C; THENCE ALONG THE SOUTHERLY LINE OF SAID BLOCK C ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, THE TANGENT OF WHICH FORMS AN INTERIOR ANGLE TO THE LEFT OF 96°53'32" FROM THE LAST DESCRIBED COURSE, SAID CURVE HAVING A CENTRAL ANGLE OF 10°24'43", A RADIUS OF 609.57 FEET A DISTANCE OF 110.77 FEET TO A POINT ON THE WEST LINE OF SAID PLOT B1/2 EXTENDED SOUTHERLY; THENCE ALONG SAID EXTENDED LINE ON AN INTERIOR ANGLE TO THE LEFT OF 101°42'11" FROM THE TANGENT OF THE LAST DESCRIBED CURVE A DISTANCE OF 2.42 FEET TO A POINT 10.00 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 71; THENCE ON AN INTERIOR ANGLE TO THE LEFT OF 269°52'57" FROM THE LAST DESCRIBED COURSE, PARALLEL WITH AND 10 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 71 A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF SAID PLOT A1/2 EXTENDED SOUTHERLY; THENCE ALONG SAID EXTENDED LINE ON AN INTERIOR ANGLE TO THE LEFT OF 270°07'03" FROM THE LAST DESCRIBED COURSE A DISTANCE OF 10.00 FEET TO A POINT 20.00 FEET SOUTH OF SAID SOUTH LINE OF BLOCK 71; THENCE ON AN INTERIOR ANGLE TO THE LEFT OF 89°52'57" FROM THE LAST DESCRIBED COURSE PARALLEL WITH AND 20.00 FEET SOUTH OF SAID SOUTH LINE OF BLOCK 71 A DISTANCE OF 124.88 FEET TO A POINT ON THE WEST LINE OF SAID PLOT A1/2 EXTENDED

ALTA COMMITMENT
First American Title Insurance Company
Schedule A

Order Number: ABN70472695-3

Customer Ref-Loan No.:

SOUTHERLY; THENCE ALONG SAID EXTENDED WEST LINE ON AN INTERIOR ANGLE TO THE LEFT OF 90°07'30" A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 71; THENCE CONTINUING ON THE LAST DESCRIBED COURSE ALONG THE WEST LINE OF SAID BLOCK 71 A COLORADO 352.40 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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ALTA COMMITMENT
First American Title Insurance Company
Schedule B Section 1

(Requirements)

Order Number: ABN70472695-3

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Item (c) Payment of all taxes, charges or assessments levied and assessed against the subject premises which are due and payable.

Item (d) Additional requirements, if any disclosed below:

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

First American Title Insurance Company
Schedule B Section 2

(Exceptions)

Order Number: ABN70472695-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

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. Any and all unpaid taxes, assessments and unredeemed tax sales.
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. EXISTING LEASES AND TENANCIES, IF ANY.
9. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PLANNED UNIT DEVELOPMENT/CHERRY CREEK NATIONAL BANK RECORDED APRIL 23, 1982 UNDER RECEPTION NO. [64202](#).
10. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITY LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED OCTOBER 18, 1982, IN BOOK 2673 AT PAGE [669](#).
11. RESTRICTIONS, PERTAINING TO THE PRESERVATION OF MOUNTAIN VIEWS AS CONTAINED IN ORDINANCE # 60, SERIES OF 1968, RECORDED MARCH 14, 1968 IN BOOK 9854 AT PAGE [231](#), AS AMENDED BY ORDINANCE NO. 357, SEREIS OF 1968, RECORDED DECEMBER 4, 1968 IN BOOK 9963 AT PAGE [506](#) AND ORDINANCE NO. 436, SERIES OF 1968, RECORDED JANUARY 6, 1969 IN BOOK 9975 AT PAGE [351](#).
12. TERMS, CONDITIONS AND PROVISIONS OF COVENANT WITH THE CITY AND COUNTY OF DENVER RECORDED APRIL 11, 1979 IN BOOK 1889 AT PAGE [23](#).
13. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CHERRY CREEK NORTH SPECIAL IMPROVEMENT DISTRICT NO. 1114, AS EVIDENCED BY INSTRUMENT RECORDED JUNE 17, 1987, UNDER RECEPTION NO. [147274](#).
14. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CHERRY CREEK NORTH BUSINESS IMPROVEMENT DISTRICT NO. 1, AS EVIDENCED BY INSTRUMENT RECORDED DECEMBER 09, 1988, UNDER RECEPTION NO. [340235](#).

First American Title Insurance Company
Schedule B Section 2

(Exceptions)

Order Number: ABN70472695-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

15. SECOND DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING DATED APRIL 16, 1997 FROM BOCREEK LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP TO THE PUBLIC TRUSTEE OF DENVER COUNTY FOR THE USE OF PW REAL ESTATE INVESTMENTS, INC., A DELAWARE CORPORATION, AS AGENT FOR THE LENDERS TO SECURE THE SUM OF \$229,172,600.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED APRIL 28, 1997, UNDER RECEPTION NO. [9700052753](#).

NOTE: TOTAL RELEASE OF SECOND DEED OF TRUST RECORDED AUGUST 25, 1999 UNDER RECEPTION NO. [149624](#) WAS NOT EXECUTED BY THE PUBLIC TRUSTEE OF THE CITY AND COUNTY OF DENVER.

16. ADMINISTRATIVE MODIFICATION REQUESTS RECORDED APRIL 2, 2012 UNDER RECEPTION NO. [2012042825](#) AND OCTOBER 17, 2012 UNDER RECEPTION NO. [2012142480](#).



LAND TITLE GUARANTEE COMPANY

LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION

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 3-5-1, Paragraph G of Article VII 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-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 the 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 a 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.



First American Title™

Privacy Information

We are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others, and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to non affiliated parties except: (1) as necessary for us to provide the product or service you have requested to us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information values. We currently maintain physical, electronic, and procedural safeguards that comply with referral regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us how you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site. There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the person information. Usually, the personal information we collect is used only by us to respond to your inquiry, process and order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the uses of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
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 and Meridian Land Title, LLC, as agents 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 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 either obtain 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 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 access 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 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.



First American Title™

Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

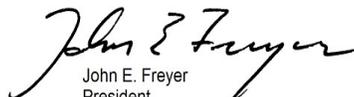
IN WITNESS WHEREOF, First American Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or the matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of the Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of The mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at www.alta.org

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

First American Title Insurance Company


John E. Freyer
President
Authorized Officer or Agent


Dennis J. Gilmore

Jeffrey S. Robinson
Secretary



City and County of Denver
 TREASURY DIVISION
 PO BOX 17420

DENVER CO 80217-0420
 TEL 720-913-9300 WWW.DENVERGOV.ORG/TREASURY

THIS STATEMENT IS FOR PROPERTY TAX ON THE PROPERTY SHOWN BELOW TO BE COLLECTED ON BEHALF OF THE DENVER PUBLIC SCHOOLS AND THE CITY AND COUNTY OF DENVER.

PROPERTY TAX STATEMENT

IMPORTANT: SEE REVERSE SIDE

SITE ADDRESS 3033 E 1ST AVE		PARCEL ID 05122-31-013-000
LEGAL DESCRIPTION OF PERSONAL PROPERTY LOCATION HARMANS SUB B71 & VAC ALY ADJ		CODE 2018007 TYPE DC SEQUENCE NUMBER 48,054
05122-31-013-000 SE BCC BUILDING LLC C/O REALTY MGMT GROUP LLC 3033 E 1ST AVE STE 407 DENVER CO 80206-5602		MORTY CODE LOAN NUMBER
		NOTE 2015 REAL ESTATE TAX DUE IN 2016. FIGURES GOOD UNTIL: 02/29/2016
TAXING ENTITY	MILL LEVY (\$ PER THOUSAND OF ASSESSED VALUE)	TAX AMOUNT
SCHOOL GENERAL FUND	37.147000	358,285.36
SCHOOL BOND FUND	10.250000	98,856.43
CAPITAL MAINTENANCE	2.534000	24,439.24
SOCIAL SERVICES *	3.849000	37,121.80
CITY BOND FUND *	8.433000	81,332.32
POLICE PENSION *	1.610000	15,527.69
FIRE PENSION *	1.350000	13,020.12
URBAN DRAINAGE/FLOOD CONTROL *	0.611000	5,892.81
DEVELOPMENTALLY DISABLED	1.012000	9,760.26
GENERAL FUND, DENVER *	11.331000	109,282.17
CHERRY CREEK NORTH B.I.D.	17.142000	165,326.53
TOTAL LEVY	95.269000	
* NOTE: INCLUDES TEMPORARY MILL LEVY RATE REDUCTION. Make Check Payable to: Manager of Finance		DUE APRIL 30 TOTAL TAX \$ 918,824.73
Bldg Code / GL# / Amt 3030-0 / 23310 / 147,012.87 Description 2015 RE TAX - Bldg 2 A 3/29/16		NOTE: 61% OF THESE TAXES ARE DETERMINED BY AND COLLECTED FOR THE DENVER PUBLIC SCHOOLS. Your School District No. 1 General Fund Mill Levy would have been 54.420 mills without State aid. ACTUAL VALUATION 33,257,000 ASSESSED VALUATION 9,844,530 EXEMPTIONS 0 NET VALUATION 9,844,530 DUE FEB 29 FIRST HALF TAX AND FEES DUE JUNE 15 SECOND HALF TAX AND FEES \$ 459,412.38

DETACH HERE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT - RETAIN TOP PORTION FOR YOUR RECORDS

PROPERTY TAX STATEMENT

2015 REAL ESTATE TAX DUE IN 2016.

RETURN TO:
 TREASURY DIVISION
 PO BOX 17420
 DENVER CO 80217-0420

Make payment for only one of the exact amounts. No partial payments may be made.
 Please include PARCEL ID Number on face of check and/or any correspondence.

2

PAYABLE ONLINE AT: WWW.DENVERGOV.ORG/TREASURY BY CHECK TO: MANAGER OF FINANCE	PARCEL ID 05122-31-013-000	ALT KEY 1295009
	If paid after due date contact us for correct amounts due	Due June 15 SECOND HALF TAX AND FEES \$ 459,412.35

SE BCC BUILDING LLC

RE 2015 DC 00 1295009 00 0000000000 00000000 02 0045941235 20160624 4

DETACH HERE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT - RETAIN TOP PORTION FOR YOUR RECORDS

PROPERTY TAX STATEMENT

2015 REAL ESTATE TAX DUE IN 2016.
 FIGURES GOOD UNTIL: 02/29/2016

RETURN TO:
 TREASURY DIVISION
 PO BOX 17420
 DENVER CO 80217-0420

Make payment for only one of the exact amounts. No partial payments may be made.
 Please include PARCEL ID Number on the face of check and/or any correspondence.

1

PAYABLE ONLINE AT: WWW.DENVERGOV.ORG/TREASURY BY CHECK TO: MANAGER OF FINANCE	PARCEL ID 05122-31-013-000	ALT KEY 1295009
	DUE APRIL 30 TOTAL TAX \$ 918,824.73	If paid after due date contact us for correct amount due

SE BCC BUILDING LLC

109726 12/2/15

RE 2015 DC 00 1295009 03 0091882473 20160506 01 0045941238 20160304 7

Denver Property Taxation and Assessment System

[New Search](#)

3033 E 1ST AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
SE BCC BUILDING LLC 3033 E 1ST AVE 407 DENVER , CO 80206-5602	0512231013000	HARMANS SUB B71 & VAC ALY ADJ	COMMERCIAL - OFFICE BUILDING	166A



[Property Summary](#)

[Property Map](#)

Assessment

Actual Value **2016** **Actual Value:** **\$33,257,000**
Year: [More](#)

Property

Year Built: **1982** **Square Footage:** **160436**
[More](#)

Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price
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No comparables available for this property.

[More](#)



ONLINE SERVICES



OPEN DATA



A - Z SERVICES



CHERRY CREEK AREA
BUSINESS ALLIANCE

Board of Directors

David Steel
Western Development Group
Board Chair

Bob Mattucci
Realty Management Group
Vice Chair

Dorit Makovsky Fischer
NAI Shames Makovsky
Secretary-Treasurer

Navin Dimond
Stonebridge Companies

Charlie Kercheval
Alpine Bank

Bob Flynn
Crestone Partners, LLC

David Wm. Foster
Foster, Graham, Milstein
& Calisher, LLP

Rick L. Kinning
RK Mechanical

Nick LeMasters
Cherry Creek Shopping Center

Julie Underdahl
Cherry Creek North BID

Tom Wright
1st Bank Cherry Creek

Matt Joblon
BMC Investments

October 4, 2016

Chris Gleissner
Planning and Development Supervisor
Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Dear Mr. Gleissner,

The Cherry Creek Area Business Alliance (CCABA) has reviewed SE BCC Building LLC's plans to rezone 3033 E 1st Avenue from a PUD to CCN-8. The Alliance wholeheartedly encourages and supports the proposed rezoning and redevelopment plans for the site.

The Cherry Creek Area Business Alliance would like to see this rezoning advance as it is consistent with the Cherry Creek Area Plan. New street level retail will significantly improve the retail vitality and pedestrian environment as envisioned in the Cherry Creek Area Plan. The Alliance encourages the Denver Planning Board and the Denver City Council to approve this rezoning.

Sincerely,

Bethany Gravell
Executive Director
Cherry Creek Area Business Alliance