



**DENVER**  
THE MILE HIGH CITY

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www.denvergov.org/planning

**TO:** Denver City Council – Neighborhoods and Planning Committee  
Mary Beth Susman, Chair  
**FROM:** David Gaspers, Senior City Planner  
**DATE:** February 12, 2015  
**RE:** Official Zoning Map Amendment Application #2013I-00044  
195 S Monaco Parkway  
Rezoning from E-SU-DX to S-MU-3

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2013I-00044 for a rezoning from **E-SU-DX to S-MU-3**.

### Request for Rezoning

Application: #2013I-0044  
Address: 195 S Monaco Parkway  
Neighborhood/Council District: Hilltop/ Council District 5  
RNOs: Crestmoor Park Neighborhood Association, Denver  
Neighborhood Association, Inc., Inter-Neighborhood  
Cooperation  
Area of Property: 101,495 SF/2.33 acres  
Current Zoning: E-SU-DX  
Proposed Zoning: S-MU-3  
Property Owner(s): Cedar Metropolitan, LLC, Peter Kudla, Manager  
Owner Representative: Jim Bershof – OZ Architecture

### Summary of Rezoning Request

- The applicant proposes changing the zoning to S-MU-3 in order to permit development of a multi-family residential apartment building.
- The property is currently zoned E-SU-DX, which allows suburban and urban houses with a minimum zone lot area of 6,000 square feet.
- The property is currently a church on a corner lot bounded by South Monaco Parkway to the east and Cedar Avenue to the south. Row houses are found to the northwest of the property and are the only other structures on the same block. Two story multi-family is to the east across South Monaco Parkway. A one-story day care and two-story single family house is to the south, across Cedar Avenue. Crestmoor Park is to the west, across Locust Street.
- The requested zone district title, S-MU-3, is defined as the **Suburban** Neighborhood Context – **Multi-Unit** that allows buildings up to **three (3) stories**. The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Multi-unit building forms are typically separated from single-unit residential and consist of clustered Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Multi-unit residential and commercial uses are primarily located along arterial and collector streets, where-as single-unit residential uses are primarily located away from residential and

commercial arterial streets. Further details of the S-MU-3 zone districts can be found in Article 3 of the Denver Zoning Code (DZC).

- The property can be considered a reinvestment area within an Area of Stability in Blueprint Denver, and would benefit from reinvestment through modest infill and redevelopment.
- Since the adoption of Blueprint Denver, the property has been deteriorating due to lack of activity and deferred maintenance, provided a justifying circumstance of changed or changing conditions.
- The property exhibits characteristics consistent with the Suburban Neighborhood context.

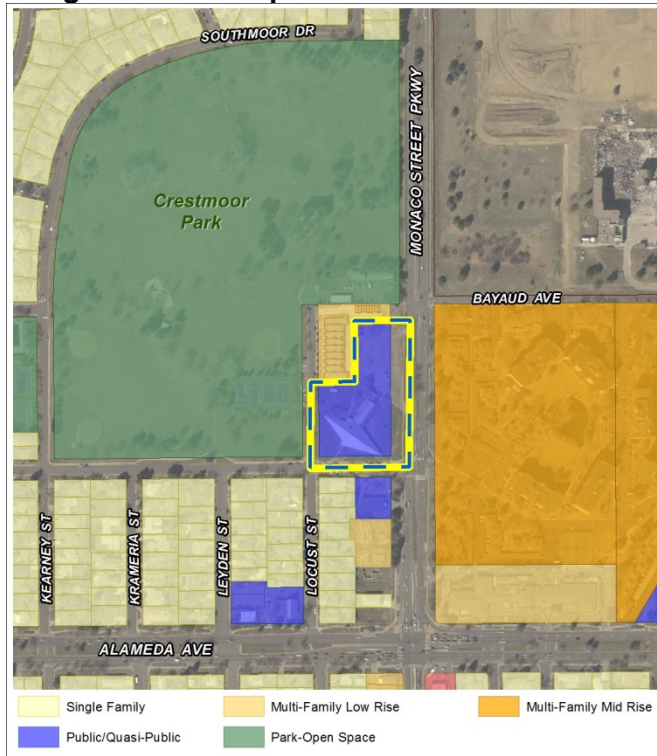
### Existing Context

The property is currently a church on a corner lot bounded by South Monaco Parkway to the east and Cedar Avenue to the south, which is in the southeastern quadrant of the Crestmoor Park Neighborhood Association area. Row houses are found to the northwest of the property and are the only other structures on the same block. Two story multi-family is to the east across South Monaco Parkway. A one-story day care and one and a half-story single family house is to the south, across Cedar Avenue. Crestmoor Park is to the west, across Locust Street. RTD bus service is provided to the site via Route 65 on South Monaco Parkway, directly to the east of the property and Route 3 on Alameda Avenue, one block south of the property have. Route 65 has 30 minute frequency for the majority of the day, Route 3 has 15 minute frequency during weekday AM and PM peak hours and 30 minute frequency for the majority of the day.

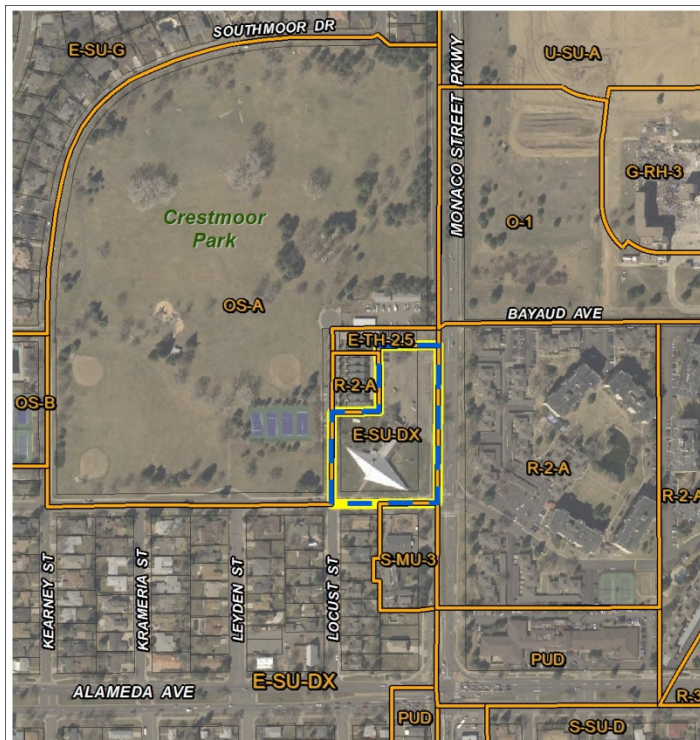
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-DX	Church	1 story	Modified Denver City street grid west of S Monaco Pkwy, large superblocks directly across Monaco to the east.
North	R-2-A w/waivers, E-TH-2.5	Row homes	2 story buildings	
South	S-MU-3, E-SU-DX	Commercial (southeast), single-family homes (southwest)	1 to 1-1/2-story buildings	
East	R-2-A w/ waivers	Multi-unit homes	2-story buildings	
West	OS-A	Crestmoor Park	Open Space	

### 1. Existing Land Use Map



### 2. Existing Zoning



The property is currently zoned E-SU-DX, Urban Edge, Single-Unit, with a minimum lot size of 6,000 square feet.

### 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:** Approve – No comments

**Denver Fire Department:** Approve – No comments

**Development Services – Wastewater:** Approved – A sanitary study and drainage study will be necessary.

**Public Works – City Surveyor:** Approved with detailed comments regarding needed coordination with a pending vacation of land between the property and South Monaco Parkway.

**Public Works – Transportation:** Approve – No comments

**Parks and Recreation:** Approve – No comments

### Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on November 5, 2014.
- Planning Board notification process
  - The property was legally posted for a period of 15 days announcing the January 21, 2015, 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 Neighborhoods and Planning Committee review on February 18, 2015, the rezoning application will be referred to the full City Council for final action after posting of the property and a public hearing on second reading.
- City Council
  - Following sub-committee review, the rezoning application will be referred to the full City Council for final action at a public hearing.
- Other Public Outreach and Input
  - **Registered Neighborhood Organizations (RNOs):** Crestmoor Park Neighborhood Association, Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation are the affected registered neighborhood organizations. The applicant has met with interested individuals and groups regarding the rezoning before and after their formal submittal. Most recently, a meeting including the applicant and the neighborhood was held on January 7<sup>th</sup>, 2015 to discuss the proposed rezoning and subsequent project. At the time of the Planning Board hearing, staff received the following tally of letters of support or opposition (staff will attach any additional letters received after the Planning Board hearing to the report prior to the Council City public hearing).

- **Support:** Approximately 65 to 75 – Typically citing the deteriorating condition of the property and the need for redevelopment as reasons for support.
- **Opposition:** Approximately 200 or more – Typically citing concerns over density, traffic, and parking as reasons for opposition.
- **Neutral/Conditions:** Two (2) – Letters that generally had concerns, but could support if age restrictions were in place for residents in the development.

## 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)

### **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 with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- 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.*
- Neighborhood Strategy 1-E – *Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks.*
- Neighborhood Strategy 1-F – *Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility.*

The proposed map amendment will ensure quality infill development consistent with city goals and strategies can occur on this property. S-MU-3 zoning meets Environmental Sustainability Strategy 2-F by promoting infill development within walking distance to a mixed use area (Lowry Town Center) and commercial arterial (Alameda) that provides residents opportunities to live, work and play without needing to leave their neighborhood. S-MU-3 meets Land Use Strategy 3-B as a three-story multi-unit

residential development is consistent with similar multi-unit residential development across South Monaco Parkway while providing a height limit of three stories, compatible with nearby zone districts for single-unit residential development. S-MU-3 meets Neighborhood Strategy 1-E by increasing flexibility to accommodate changing demographics and lifestyles in a location with access to services, employment, and recreational needs. S-MU-3 meets Neighborhood Strategy 1-F by providing the opportunity for a range of housing types in this neighborhood. The rezoning is consistent with these plan strategies.

### Blueprint Denver

According to the 2002 Blueprint Denver Plan Map, this site had a concept land use of Single-Family Residential. The site is located in an Area of Stability, and South Monaco Parkway has a future street classification of Residential Arterial and Cedar Avenue is an undesignated local street.



Blueprint Denver  
Future Land Use Map

### Future Land Use

The Blueprint Denver Future Land Use concept for the site is “Single-Family Residential. According to Blueprint Denver,

*Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type (Page 42).*

Blueprint also notes that

*A neighborhood is an area that consists primarily of residential land uses. A city should contain neighborhoods that offer a variety of housing types, as well as complementary land-use types such as stores, parks and schools that provide the basic needs of nearby residents. Historical, cultural or ethnic amenities, such as a collection of historic homes, art galleries, or ethnic or specialty shops and restaurants, should be accentuated to help neighborhoods develop a niche within the city. Easily identifiable borders help distinguish each neighborhood. Neighborhoods are primarily residential but vary in density, size and adjacency of non-residential uses (Page 41).*

### **Area of Change / Area of Stability**

The site is an Area of Stability. Blueprint Denver further divides Areas of Stability into two types, Committed Areas and Reinvestment Areas. Blueprint states that:

*Reinvestment areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. These areas would encourage investment but in a more limited and targeted way than in Areas of Change. Residents in these areas face a variety of challenges and opportunities. Examples of challenges include concern about deteriorated and poorly maintained housing stock, inappropriate land uses or inadequate buffering between uses, lack of services such as grocery stores, lack of curbs and gutters and other infrastructure, and maintaining affordable housing. (Page 122-23)*

Development of the site addresses several challenges identified for reinvestment areas within Areas of Stability. The proposed S-MU-3 zoning would promote redevelopment of a site that currently has a deteriorating and poorly maintained church, encourage reinvestment into the neighborhood, and provides a buffer between single-unit residential development within the Crestmoor neighborhood to the east and the additional development and activity along South Monaco Parkway.

Blueprint Denver also identifies strategies to meet the plan goals for Areas of Stability (Page 25). The S-MU-3 zoning addresses several of these strategies:

- *Address incompatible zoning and land use issues (Page 25)*

The Denver Zoning Code identifies that single-unit residential uses are primarily located away from residential and commercial arterial streets, whereas multi-unit residential and commercial uses are primarily located along arterial and collector streets. (DZC, Division 3.1). The S-MU-3 zoning will allow multi-unit development along South Monaco Parkway, a residential arterial. The existing E-SU-DX zoning does not allow multi-unit residential.

- *Compatibility between existing and new development, design and development standards (Page 25)*

The S-MU-3 zoning has siting and design element standards, such as maximum allowed building heights and setbacks, to establish compatibility between existing and new development.

- *Address edges between Areas of Stability and Areas of Change (Page 25)*

The property is located on the edge of an Area of Stability. The S-MU-3 zoning will improve the edge of the single-unit residential neighborhood to the east from South Monaco Parkway, creating a stronger physical buffer between the arterial street and the rest of the neighborhood.

- *Diversity of housing type, size, and cost*

The S-MU-3 zoning will allow a variety of housing choices to strengthen the Area of Stability.

The rezoning application is consistent with the Blueprint Denver Area of Stability – Reinvestment Area concept.

### **Future Street Classifications**

The property fronts South Monaco Parkway, a residential arterial, and Cedar Avenue, an undesignated local street. Residential streets consist of two to four lanes, tend to be more pedestrian oriented than commercial streets, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes, while balancing transportation choices with land access and without sacrificing auto mobility (Page 55). Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas. Arterial streets serve a city-wide function and are, therefore, designated using a broader city-wide perspective (Page 51). The design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets. Because of their “neighborhood” nature, travel speeds are usually lower than collectors and arterials. Posted speed limits on local streets range from 25 to 30, depending on available right-of-way and the adjacent land uses. Traffic volumes on local streets should not exceed 2,000 vehicles a day (Page 51).

S-MU-3 is a zone district that only allows residential uses and does not impede the function of South Monaco Parkway as an arterial street or Cedar Avenue as a local street. S-MU-3 is consistent with the Blueprint Denver future street classifications for this property.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning from E-SU-DX to S-MU-3 will result in the uniform application of zone district building form, use and design regulations. S-MU-3 is adjacent to this property to the south and is found at similar locations along residential arterials.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City. S-MU-3 is a zone district that allows multi-unit structures consistent with other residential uses along residential arterials, while removing a structure on site that has been poorly maintained for many years. Future redevelopment of the site will improve the character along South Monaco Parkway and residents of any development in the zone district at this location will have easy access to Crestmoor Park and shopping in nearby Lowry.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.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.”*



At the time of Blueprint Denver, the church was in a better state of repair. Since that time, the church has been deteriorating for several years due to lack of activity and deferred maintenance. The property can be considered a reinvestment area within an Area of Stability in Blueprint Denver, and benefit from reinvestment through modest infill and redevelopment. Multi unit residential structures are primarily located along arterial streets, which is a residential structure allowed in the S-MU-3 zoning but not allowed in the existing E-SU-DX zoning. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested S-MU-3 zone district is within the Suburban Neighborhood Context.

*The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of Suburban House forms with street-facing garages. Multi-unit building forms are typically separated from single-unit residential and consist of clustered Garden Court, Town House, and occasional mid- and high-rise Apartment forms. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Single-unit residential uses are primarily located away from residential and commercial arterial streets. Multi-unit residential and commercial uses are primarily located along arterial and collector streets. (DZC, Division 3.1).*

The zone district purpose and intent is described as:

*The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. (DZC Section 3.2.2.1.A)*

*These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. (DZC Section 3.2.2.1.D)*

*The S-MU-3 is a multi unit district and allows suburban house, duplex, town house, garden court, apartment, and courtyard apartment building forms up to 3 stories in height. (DZC Section 3.2.2.2.I)*

As stated above, multi-unit residential is typically separated from single-unit residential areas in the Suburban Neighborhood context. The property is on a block with town houses and is across South Monaco Parkway from a large, suburban style apartment complex. Crestmoor Park is to the west and north. A daycare is located directly to the south. Only one single-unit home is directly adjacent to the property (southwest). The property is predominantly separated from single-family residential.

As stated above, multi-unit residential and commercial uses are primarily located along arterial and collector streets, whereas single-unit residential uses are primarily located away from residential and commercial arterial streets in the Suburban Neighborhood context. South Monaco Parkway is a residential arterial street, and at this location, has multi-family residential across the street.

The proposed rezoning to S-MU-3 for the construction of multi-family homes is consistent with the neighborhood context description.

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 195 South Monaco Parkway to a S-MU-3 zone district meets the requisite review criteria. Accordingly, staff recommends that the Planning Board recommend to City Council that City Council approve the map amendment.

### Attachments

1. Application
2. Legal Description

## Zone Map Amendment (Rezoning) - Application

1/26/12

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	Peter Kudla (Manager) - Cedar Metropolitan LLC	Representative Name	Jim Bershof - OZ Architecture
Address	10111 Inverness Main St. Suite T	Address	3003 Larimer Street
City, State, Zip	Englewood, CO 80112-5729	City, State, Zip	Denver, CO, 80205
Telephone	720-253-1342	Telephone	720.214.4474
Email	mwarren@metropolitanhomes.net	Email	jbershof@ozarch.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	195 S. MONACO PARKWAY, DENVER, CO, 80224		
Assessor's Parcel Numbers:	0608311005000		
Legal Description: (Can be submitted as an attachment. If metes & bounds, a map is required.)	Lots 13 through 43, inclusive, Block 8, Eastern Capitol Hill, Third Filing, City and County of Denver, State of Colorado.		
Area in Acres or Square Feet:	2.33 ACRES		
Current Zone District(s):	E-SU-DX		
PROPOSAL			
Proposed Zone District:	S-MU-3		

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans:</b> The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions:</b> The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

**ATTACHMENTS**

Please check any attachments provided with this application:

- Authorization for Representative
- Proof of Ownership Document(s)
- Legal Description
- Review Criteria

Please list any additional attachments:

- Exhibit A - Letters of Authorization for Representative
- Exhibit B - Title Commitment
- Exhibit C - Legal Description
- Exhibit D - Property Assessment and Taxation
- Exhibit E - Proof of Ownership
- Exhibit F - General Review Criteria
- Exhibit G - Additional Review Criteria
- Exhibit H - Current City of Denver Zoning Map
- Exhibit I - Current City of Denver Parcels Map

**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.

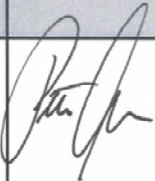
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title 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)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Cedar Metropolitan, LLC  Peter Kudla - Manager	10111 Inverness Main St. Suite T Englewood, CO 80112	100%		10/22/2014	(C)	YES

Exhibit A - Letters of Authorization for Representative

Peter Kudla  
Cedar Metropolitan, LLC  
10111 Inverness Main St. Suite T  
Englewood, CO 80112-5729

October 22, 2014

City of Denver  
Community Planning and Development  
Rezoning/Map Amendments  
201 W Colfax Ave.  
Denver, Colorado 80202

To whom it may concern:

This letter is to serve as authorization for Metropolitan Homes Inc. (Developer) to submit the Zone Map Amendment (Rezoning) application on behalf of the owner, Cedar Metropolitan LLC, for the property located at 195 S. Monaco Pkwy, Denver CO 80224.

Sincerely,



Peter Kudla  
Manager

Exhibit A - Letters of Authorization for Representative

metropolitanhomes.net



Greg Krause  
10111 Inverness Main Street, Suite T  
Englewood, Colorado 80112

October 22, 2014

City of Denver  
Community Planning and Development  
Rezoning/Map Amendments  
201 W Colfax Ave.  
Denver, Colorado 80202

To whom it may concern:

This letter is to serve as authorization for Oz Architecture, Inc. to submit the Zone Map Amendment (Rezoning) application on behalf of Cedar Metropolitan, LLC (owner), and Metropolitan Homes, Inc. (Developer) for the property located at 195 S. Monaco St. Pkwy, Denver, CO 80224.

Sincerely,

Greg Krause  
Metropolitan Homes  
President



**First American Title Insurance Company - NCS**  
**1125 17th Street, Suite 750**  
**Denver, Colorado 80202**  
Phone: **(303)876-1112** Fax: **(877)235-9185**

**DATE:** October 26, 2014  
**FILE NUMBER:** NCS-643747-CO  
**PROPERTY ADDRESS:** 195 South Monaco Street Parkway, Denver, CO  
**OWNER/BUYER:** The House Worship Center Inc./Cedar Metropolitan LLC  
**YOUR REFERENCE NUMBER:**  
**ASSESSOR PARCEL NUMBER:** APN - 0608311005000

**PLEASE REVIEW THE ENCLOSED MATERIAL COMPLETELY AND TAKE NOTE OF THE FOLLOWING TERMS CONTAINED THEREIN:**

**Transmittal:**  
**Revision No.: 4**  
**Schedule A: Updated Effective Date, chgd. owner**  
**Schedule B - Section 1 Requirements:**  
**Schedule B - Section 2 Exceptions:**

Should you have any questions regarding these materials, please contact First American Title Insurance Company National Commercial Services at the above phone number. We sincerely thank you for your business.

**TO: First American Title Insurance Company National Commercial Services**  
**1125 17th Street, Suite 750**  
**Denver, Colorado 80202**

**TITLE OFFICER: Mej Ellsworth**

**PHONE: (303)876-1126**  
**FAX: (877)235-9185**  
**E-MAIL: mellsworth@firstam.com**  
**DELIVERY: E-MAIL**

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**TO: First American Title Insurance Company National Commercial Services**  
**1125 17th Street, Suite 750**  
**Denver, CO 80202**

**ESCROW OFFICER: Mej Ellsworth**

**PHONE: (303)876-1126**  
**FAX: (877)235-9185**  
**E-MAIL: mellsworth@firstam.com**  
**DELIVERY: E-MAIL**

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**To: SENN VISCIANO CANGES P.C.**  
**1700 Lincoln St 4500**  
**Denver , CO 80203**

**ATTN: Barry Permut**

**PHONE:**  
**MOBILE:**  
**FAX:**  
**E-MAIL: bpermut@sennlaw.com**  
**DELIVERY: E-MAIL**

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**To: Cedar Metropolitan LLC**  
**10111 Inverness Main Street,**  
**Suite T**  
**Englewood , CO**

**ATTN: Peter A. Kudla**  
**PHONE: (303)758-7143**  
**MOBILE:**  
**FAX: (303)759-0125**  
**E-MAIL: P.Kudla@metropolitanhomes.net**  
**DELIVERY: E-MAIL**

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**To: The House Worship Center**  
**Inc.**  
**195 S. Monaco Pkwy**  
**Denver, CO 80224**

**ATTN: Del Phillips**  
**PHONE: (303)355-0297**  
**MOBILE:**  
**FAX:**  
**E-MAIL: dphillips@thehousedenver.org**  
**DELIVERY: E-MAIL**

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**To: Campbell Killin Brittan & Ray LLC**  
**270 St. Paul Street, Suite 200**  
**Denver, CO 80206**

**ATTN: J. Kevin Ray, Esq.**  
**PHONE: (303)394-7203**  
**MOBILE:**  
**FAX:**  
**E-MAIL: kray@ckbrlaw.com**  
**DELIVERY: E-MAIL**

---

**To: First American Title Insurance**  
**Company National Commercial**  
**Services**  
**1125 17th Street, Suite 750**  
**Denver, Colorado 80202**

**ATTN: Bev Carlson**  
**PHONE: (303)876-1138**  
**MOBILE: (720)775-8892**  
**FAX: (877)235-9185**  
**E-MAIL: bevcarlson@firstam.com**  
**DELIVERY: E-MAIL**

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**To: Silver and DeBoskey**  
**1801 York Street**  
**Denver, CO**

**ATTN: James W Owens/Jennifer Stillwell**  
**PHONE: 303-953-3747**  
**MOBILE:**  
**FAX:**  
**E-MAIL: owensj@s-d.com/jstillwell@s-d.com**  
**DELIVERY: E-MAIL**

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**ALTA Commitment Form**

**COMMITMENT FOR TITLE INSURANCE**

Issued by

***First American Title Insurance Company***

First American Title Insurance Company, a California 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.

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.

***First American Title Insurance Company***



Dennis J. Gilmore  
President



Jeffrey S. Robinson  
Secretary



**COMMITMENT FOR TITLE INSURANCE FORM**  
**SCHEDULE A**

1. Effective Date: October 17, 2014 at 5:00 p.m.
  - a. ALTA Owner's Policy (06-17-06) \$1,600,000.00  
  
Proposed Insured:  
Cedar Metropolitan LLC, a Colorado limited liability company
  - b. ALTA Loan Policy (06-17-06) \$1,500,000.00  
  
Proposed Insured:  
JKS Partners, L.P., a Missouri limited partnership

2. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple

3. Title to the estate or interest in the Land is at the Effective Date vested in:

Cedar Metropolitan LLC, a Colorado limited liability company

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

**See Exhibit "A" attached hereto and made a part hereof**

For informational purposes only: 195 South Monaco Street Parkway,  
Denver, Colorado

**EXHIBIT A**

Commitment No.: NCS-643747-CO

The land referred to in Schedule A is situated in the County of Denver, State of Colorado and is described as follows:

Lots 13 through 43, inclusive, Block 8,  
Eastern Capitol Hill, Third Filing,

City and County of Denver,  
State of Colorado.

For informational purposes only: APN - 0608311005000

**COMMITMENT FOR TITLE INSURANCE FORM**  
**SCHEDULE B**  
**SECTION ONE**  
**REQUIREMENTS**

The following requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Payment of all taxes and assessments now due and payable.
4. This item has been intentionally deleted.

**COMMITMENT FOR TITLE INSURANCE FORM****SCHEDULE B****SECTION TWO****EXCEPTIONS**

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

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the Land would disclose, and which are 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 in the Public Records.

NOTE: Upon receipt of signed Owner's Affidavit and payment of premium exceptions 1-4 will be deleted if no new construction.

5. Real estate taxes and assessments for the year 2014 and subsequent years, a lien, not yet due and payable.

NOTE: Upon payment of Real estate taxes, the exception will be modified on policy(s) to: Real estate taxes and assessments for the year 2014 and subsequent years, a lien, not yet due and payable.

6. This item has been intentionally deleted.
7. Any rights, interests, or claims which may exist or arise by reason of the following facts shown on the ALTA/ACSM Land Title Survey dated December 18, 2013, prepared by Manhard Consulting , as Job Number none:
  - A. a) encroachment of utility pole and guy wires, not in an apparent easement, along Northwest property border;
  - b) encroachment of fence onto Northerly border

8. Deed of Trust from Cedar Metropolitan LLC, a Colorado limited liability company to the Public Trustee of Denver County for the use of JKS Partners, L.P., a Colorado limited partnership to secure an indebtedness in the principal sum of \$1,500,000.00, and any other amounts and/or

obligations secured thereby, dated October 15, 2014 and recorded October 15, 2014 at  
Reception No. 2014125286.

**EXHIBIT B**  
**Statement of Charges**

ALTA Owner Policy - 2006	\$ 1,728.00-PAID
Tax Certification	\$ 20.00-PAID
Deletion 1-4 (If no NEW construction)	\$85.00-PAID
ALTA Lender's Policy - 2006	\$150.00-PAID



**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 acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other 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 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 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 <http://www.alta.org/>.



*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 that 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 nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of 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 federal 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 who 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 personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an 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](http://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 users 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.

**DISCLOSURE STATEMENT**

Pursuant to C.R.S 30-10-406(3)(a) 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 will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Non-residential withholding).

NOTE: Colorado Division of Insurance Regulations 3-5-1, 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 First American Title Insurance Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction.

Pursuant to C.R.S. 10-11-122, the company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. 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.

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

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 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 Colorado Division of Insurance Regulations 3-5-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B. No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D. The Company must receive payment of the appropriate premium.

- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of 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 C.R.S, 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

**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.**

## Exhibit C - Legal Description

### **Legal Description**

Lots 13 through 43, inclusive, Block 8, Eastern Capitol Hill, Third Filing, City and County of Denver, State of Colorado.

# Exhibit D - Property Assessment and Taxation

Denver Property Assessment and Taxation System (3.2.2)

## 195 S MONACO PKWY

Owner	Schedule Number	Legal Description	Property Type	Tax District
CEDAR METROPOLITAN LLC 10111 INVERNESS MAIN ST T ENGLEWOOD , CO 80112-5729	0608311005000 PIN 161800803	EASTERN CAPITOL HILL 3RD FLG B8 L13 TO 43	INDUSTRIAL - SCHOOL	DENV

### Assessment

Actual Value Year: 2014 Actual Value: \$1,322,500

### Property

Year Built: 1962 Square Footage: 20276

### Comparables

Schedule Number / Parcel Id Address Sale Month/Year Sales Price PIN

No comparables available for this property.



**For this Record...**  
 Filing history and documents  
 Get a certificate of good standing  
 File a form  
 Subscribe to email notification  
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Business Home  
 Business Information  
 Business Search

FAQs, Glossary and Information

## Summary

Details			
<b>Name</b>	Cedar Metropolitan LLC		
<b>Status</b>	Good Standing	<b>Formation date</b>	10/03/2014
<b>ID number</b>	20141609527	<b>Form</b>	Limited Liability Company
<b>Periodic report month</b>	October	<b>Jurisdiction</b>	Colorado
		<b>Term of duration</b>	Perpetual
<b>Principal office street address</b>	10111 Inverness Main Street, Suite T, Englewood, CO 80112, United States		
<b>Principal office mailing address</b>	n/a		

Registered Agent	
<b>Name</b>	A. Kudla Peter
<b>Street address</b>	10111 Inverness Main Street, Suite T, Englewood, CO 80112, United States
<b>Mailing address</b>	n/a

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- [Get a certificate of good standing](#)
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Colorado Secretary of State  
Date and Time: 10/03/2014 09:30 AM  
ID Number: 20141609527  
Document number: 20141609527  
Amount Paid: \$1.00

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

ABOVE SPACE FOR OFFICE USE ONLY

**Articles of Organization**

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

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

**Cedar Metropolitan LLC**

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

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

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

Street address **10111 Inverness Main Street**  
*(Street number and name)*  
**Suite T**  
**Englewood** **CO** **80112**  
*(City) (State) (ZIP/Postal Code)*  
**United States**  
*(Province - if applicable) (Country)*

Mailing address  
(leave blank if same as street address) *(Street number and name or Post Office Box information)*  
*(City) (State) (ZIP/Postal Code)*  
*(Province - if applicable) (Country)*

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

Name  
(if an individual) **Peter** **A.** **Kudla**  
*(Last) (First) (Middle) (Suffix)*

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

Street address **10111 Inverness Main Street**  
*(Street number and name)*  
**Suite T**  
**Englewood** **CO** **80112**  
*(City) (State) (ZIP Code)*

Mailing address  
(leave blank if same as street address) *(Street number and name or Post Office Box information)*



Exhibit E - Proof of Ownership

\_\_\_\_\_  
(City) CO \_\_\_\_\_  
(State) (ZIP Code)

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

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

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

Name  
(if an individual) Permut Barry  
(Last) (First) (Middle) (Suffix)

or

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

Mailing address Senn Visciano Canges P.C.  
(Street number and name or Post Office Box information)  
1700 Lincoln Street, Suite 4500  
Denver CO 80203  
(City) (State) (ZIP/Postal Code)  
United States  
(Province - if applicable) (Country)

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

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

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

one or more managers.

or

the members.

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

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

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

This document contains additional information as provided by law.

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

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

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

Notice:

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

## Exhibit E - Proof of Ownership

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

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

Permut	Barry		
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
Senn Visciano Canges P.C.			
<i>(Street number and name or Post Office Box information)</i>			
1700 Lincoln Street, Suite 4500			
Denver	CO	80203	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
	United States		
<i>(Province - if applicable)</i>	<i>(Country)</i>		

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

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

### Disclaimer:

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

## Exhibit F - General Review Criteria

### General Review Criteria :: Description of Consistency with Adopted Plans

The proposed map amendment is consistent with the following adopted plans:

1. City of Denver Comprehensive Plan 2000
2. Blueprint Denver: An Integrated Land Use and Transportation Plan

#### Review Criteria 1: City of Denver Comprehensive Plan 2000

*Note: Italicized text following an excerpt from the City of Denver 2000 Comprehensive Plan is used to detail how the proposed map amendment meets the goals and strategies of the City of Denver 2000 Comprehensive Plan.*

- Environmental Sustainability Chapter; Strategy 2-F: Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place (pg. 39).  
*The proposed map amendment meets the intent of this strategy because it is an infill project. The use as a result of the proposed map amendment will use the services and infrastructure that currently exist on or near the site.*
- Land Use Chapter; Strategy 1-H: Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the *Citywide Land Use and Transportation Plan* (pg.58).  
*The proposed map amendment meets the intent of this strategy by providing an alternative and unique housing type in the neighborhood. The addition of multi-family housing allows for increased diversity in the area and is flexible to accommodate the needs and desires of Denver's current and future residents.*
- Land Use Chapter; 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 broadens the variety of compatible uses (pg.60).  
*The proposed map amendment meets the intent of this strategy by allowing for the construction of a quality infill development. Furthermore, the change in zoning to S-MU-3 not only increases the density on the site, but also allows for more amenities like landscaped areas, plazas and open green space.*
- Mobility Chapter; Strategy 8-B: Ensure that sidewalks are continuous along all major Denver Streets and that they provide pedestrians and transit riders with direct access to commercial areas, education facilities, recreational facilities and transit stops (pg.81).  
*The proposed map amendment meets the intent of this strategy because it allows for a project that will connect sidewalks on all street frontages. The current condition of sidewalks along Monaco Parkway, Locust Street, and Cedar Avenue does not always allow for safe access to commercial areas, educational facilities, recreational facilities, and local transit amenities.*
- Denver's Legacies Chapter; Strategy 2-A: Establish development standards to encourage positive change and diversity while protecting Denver's traditional character (pg. 98).  
*The proposed map amendment meets the intent of this strategy because it will encourage positive development on the site and allow for a diverse age targeted housing type that is appropriate for the existing character of neighborhood.*
- Denver's Legacies Chapter; Strategy 2-E: Ensure that the Zoning Code reinforces quality urban design (pg. 99).  
*The proposed map amendment meets the intent of this strategy because it will encourage quality design in this urban area. Reinvestment in the urban design at this location would provide a positive visual impact.*
- Denver's Legacies Chapter; Strategy 2-F: Identify areas in which increased density and new uses are desirable and can be accommodated (pg. 99).

## Exhibit F - General Review Criteria

*The proposed map amendment meets the intent of this strategy because it will allow for an increase in density at this location. The surrounding neighborhood is rapidly growing with the redevelopment of the Lowry Neighborhood. The activity in the area has created an increased desire to live in this urban setting as well as a desire to take advantage of the existing and proposed office, retail, and educational establishments. The proposed map amendment can be accommodated at this location as the site is located on an arterial roadway (Monaco), and is located one block from an enhanced transportation corridor (Alameda).*

- Denver's Legacies Chapter; Strategy 4-A: Preserve, enhance and extend the pattern and character of the primary street system, including the prevailing grid, interconnected parkways, detached sidewalks and tree lawns (pg. 99).

*The proposed map amendment meets the intent of this strategy because it does not disrupt the existing pattern and character of the primary street system, including the prevailing grid and interconnected parkways. Furthermore, the proposed map amendment will prove to be a catalyst in the construction of attached and detached sidewalks and tree lawns along street frontages and will enhance the character of the primary street system.*

- Housing Chapter; Strategy 6-E: Identify and capitalize on opportunities to develop housing along transit lines (pg. 118)

*The proposed map amendment meets the intent of this strategy because it will encourage multi-family development along Monaco Parkway. Monaco Parkway is a heavily traveled arterial roadway containing transit lines and pedestrian connections to schools, parks, shopping centers, and neighborhoods. The proposed map amendment also meets the intent of this strategy as the site is located one block away from an enhanced transportation corridor (Alameda).*

- Neighborhood's Chapter; Strategy 1-E: Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks (pg. 150)

*The proposed map amendment meets the intent of this strategy because it would modify the current zoning to be more flexible in accommodating the changing demographics and lifestyles of the neighborhood. It would encourage and allow for the construction of a diverse mix of housing which would benefit a variety of demographics, lifestyles, and income levels and will encourage open space networks and recreation with the abundant amenities and direct access to Crestmoor Park.*

- Neighborhood's Chapter: Strategy 1-F: Invest in neighborhoods to help meet citywide goals and objectives for a range of housing types and prices, community facilities, human services and mobility. Continue to foster integrity and livability of neighborhoods (pg. 150).

*The proposed map amendment meets the intent of this strategy because it is a direct investment for the community. The proposed map amendment will further increase the range of housing types and prices, as well as foster the livability of the surrounding neighborhood through improvements to the built environment.*

### Review Criteria 2: Blueprint Denver: An Integrated Land Use and Transportation Plan

*Note: Italicized text following an excerpt from Blueprint Denver is used to detail how the proposed map amendment meets the goals of Blueprint Denver.*

- Regarding Areas of Stability:
  - Chapter Three – Blueprint Denver Concept; Strategy: “Address edges between Areas of Stability and Areas of Change” (pg. 25)  
*The Lowry redevelopment site, specifically Buckley Annex, is located across Monaco Parkway. The subject site containing this proposed map amendment is considered an “edge” between an*

## Exhibit F - General Review Criteria

*Area of Stability and an Area of Change. The proposed map amendment will improve and define the “edge” fronting the arterial roadway, Monaco Street Parkway.*

- Chapter Three – Blueprint Denver Concept; Strategy: “Diversity of housing type, size, and cost” (pg. 25)  
*The proposed map amendment will allow for a diversity of housing type, size, and cost to the surrounding neighborhood. This will create more housing opportunities for various demographics, lifestyles, and income levels.*
- Chapter Three – Blueprint Denver Concept; Strategy: “Uphold the legacy of walkable neighborhoods” (pg.25)  
*The proposed map amendment will foster connectivity in the neighborhood by dramatically improving the parkway space and existing sidewalks along Monaco Parkway and Cedar Ave., and will provide a new sidewalk along S. Locust St.*
- Chapter Four – The Plan Map; Strategy: “The Pedestrian Area” (p.53)  
*The proposed map amendment provides the foundation for safe, active and livable street frontage which is currently non-existent on the site. Enhancing the sidewalks contributes to the safety comfort, and mobility of individuals who do not have the option of driving including the elderly, the disabled, children and lower-income residents.*
- Chapter Four – The Plan Map; Strategy: “Street Classification” (p.55)  
*Monaco Parkway is classified as a “Residential Arterial”. Arterials provide a high degree of mobility rather than access, and generally serve longer vehicle trips. Residential arterials balance transportation mobility with land access without sacrificing auto mobility. When referencing the Denver Zoning Code, multi-unit residential and commercial uses are primarily located along arterial and collector streets, just like the subject site of the proposed map amendment.*  
  
*Locust Street and Cedar Avenue are classified as Collector Streets. This type of residential street tends to be more pedestrian-oriented, giving higher priority to tree lawns and sidewalks. The proposed map amendment will further preserve and enhance the purpose of the Collector Street classification as well as create a diverse array of mobility options to Crestmoor Park. Blueprint Denver states that this connection is “critical to enhancing the use and character of the park system, which is a vital part of Denver’s urban fabric” (pg. 55).*
- Chapter Five – The Land Use Component; Strategy: “Landscaping” (pg. 76)  
*The proposed map amendment will allow for investment in open-space and active places, as well as connections to local parks and regional trails.*
- Chapter Six – The Transportation Component; Strategy: “Pedestrian System” (pg. 94)  
*The subject site will work to strengthen the pedestrian system in the following ways:*
  1. *Allow for an interconnected pedestrian system with continuous sidewalks along Monaco Parkway, Locust Street, and Cedar Avenue.*
  2. *Provide a landscape buffer between the sidewalk and Monaco Parkway. This will replace the current deteriorating parking lot that extends from Monaco to the existing building.*
  3. *Create opportunities for “public space” and connections to local parks.*

## Exhibit G - Additional Review Criteria

### **Additional Review Criteria :: Justifying Circumstances**

*“The land or its surrounding has changed or is changing to such a degree that rezoning it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.”*

Denver’s Hilltop neighborhood, the Crestmoor neighborhood, and adjacent Lowry Park neighborhood are in the midst of rapid transformation and steady growth. The area is becoming more popular and more diverse because of direct investment and redevelopment in the area. Much of this transformation is a direct result of the redevelopment occurring on the old Lowry Airforce Base – just east of the proposed map amendment. The 1,866-acre Lowry neighborhood at build-out is projected to have about 4,000 homes, 10,000 students in a campus, 10,000 employees, and 800 acres of parks and open space. Furthermore, the addition of a new town center now provides neighborhood-serving retail within a half-mile walk of nearly every residence in Lowry, as well as many residences in the neighborhoods to the west. This type of development encourages the creation of livable, vibrant neighborhoods that are defined by choices in housing type, different lifestyles and quality public improvements and amenities.

In order to facilitate the integration of such a large community and sustain existing commercial and office areas, it is important to address the aging urban residential areas that are on the edge of the redevelopment – such as the Hilltop and Crestmoor neighborhoods. The proposed map amendment is considered to fall within a “reinvestment area” as classified by Blueprint Denver. Reinvestment areas are “neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area” (pg. 122). Like neighborhoods across the Denver Metro Area, residents in the Hilltop and Crestmoor neighborhoods face a variety of challenges and opportunities. Examples of challenges may include concern about deteriorating and poorly maintained housing stock, inappropriate land uses or inadequate buffering between uses, lack of diverse housing stock, and lack of adequate sidewalks and other infrastructure. Many of these areas, due to their lack of reinvestment, have a negative visual impact on the surrounding neighborhood. Various opportunities also exist for this neighborhood including, among others, redeveloping underutilized land to provide needed neighborhood services and housing options.

In addition to fulfilling the need for an increase in a diversity of housing stock brought on by the rapidly changing characteristics of the neighborhood, the proposed map amendment would encourage infrastructure improvements and further the health, safety and general welfare of neighborhood residents. Right-of-way improvements brought on by this map amendment will help to restore the character of the streets surrounding the proposed map amendment. These public improvements would improve the pedestrian friendliness of the street frontages and provide the missing sidewalk connections to adjacent neighborhoods, commercial areas, residential communities, and local parks like Crestmoor Park. Furthermore, the collector streets (Locust Street/Cedar Avenue) and the arterial street (Monaco Parkway) that border the proposed map amendment will be improved by providing more sidewalk space and room for street trees which will greatly enhance the visual appeal of the neighborhood and provide a context for increased pride and investment in the neighborhood.

The conditions and character of this area has changed significantly which provides the legal basis for this map amendment. Given the need for a diversity of housing and desire for public improvements described above, as well as a description of the surrounding neighborhood context outlined below, the proposed map amendment is reasonable and necessary for the promotion of the health, safety, and general welfare of neighborhood residents. This map amendment will provide the necessary housing support and public improvements needed for a rapidly growing and diversifying neighborhood in a heavily populated urban area of Denver.

## Exhibit G - Additional Review Criteria

### **Additional Review Criteria :: Neighborhood Context and Effect of Rezoning**

#### Neighborhood Context

The proposed map amendment of the property located at 195 S. Monaco Parkway from E-SU-DX to S-MU-3 will not only help to address the changing character of the neighborhood, but it is also appropriate when considering the surrounding context. Although the majority of the neighborhood to the west and south of the proposed map amendment (including the subject site) is zoned E-SU-DX for single family units, evidence of a need for multi-family housing can be seen throughout the community. As described above, the Lowry redevelopment area contains a variety of multi-family units including townhomes and apartment living. Sandwiched between the Lowry redevelopment and directly across Monaco Parkway east of the proposed map amendment are *The Berkshires at Lowry* – a multi-unit community zoned R-2-A containing a large quantity of one, two, and three-bedroom apartments. Directly northwest of the proposed map amendment are the *Crestmoor Vista Townhomes* which are also zoned R-2-A and consists of nine town-home style units. Finally, the proposed map amendment of S-MU-3 is consistent with the S-MU-3 zoning that was adopted just south of the site across Cedar Avenue. The proposed map amendment is in an area that can accommodate an increase in density and a variety of housing types and will provide an edge to the surrounding community.

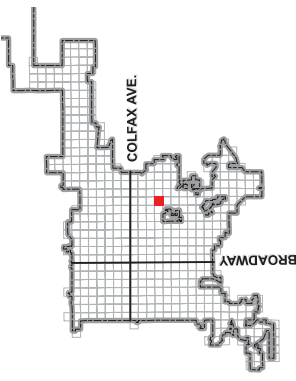
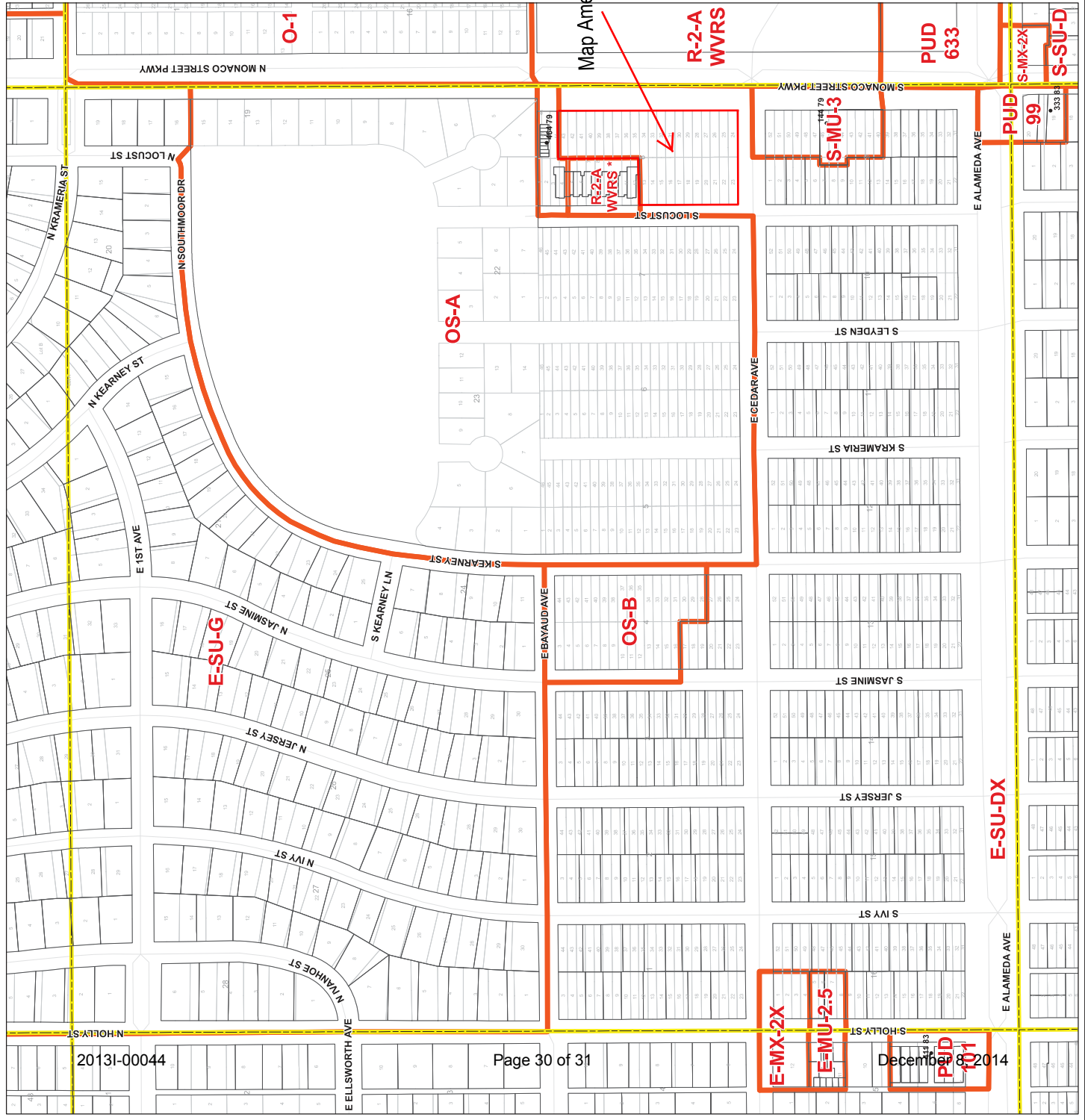
The appropriateness of the proposed map amendment is also recognized within the general purpose of the existing zone district. The intent of the E-SU-DX classification is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. Not only do these regulations allow for some multi-unit districts, but it also recognizes the similarities of suburban and urban districts and subsequent housing types.

#### Proposed Map Amendment

This proposed map amendment requests approval of the S-MU-3 zone district. The intent of this residential district is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. Per the City of Denver Zoning code effective June 25, 2012, this classification allows for multi-unit districts which include duplex, townhouse and apartments and are typically organized around common open space (Denver Zoning Code: Section 3.2.2). These standards continue to recognize the existing residential characteristics within the Suburban Neighborhood Context but accommodate a variation and range of residential options.

The effect of the proposed amendment will be immediate and positive. This type of rezoning proposal is appropriate for the type of density the neighborhood desires, while also maintaining the suburban and urban context of the existing community. Future development of the subject property under the guidelines of the Suburban Neighborhood Context will comply with the regulations of the Denver Zoning Code as well as conform to the expectations of the community. The addition of more residential units will create a vibrant community and have a positive economic and social impact to the entire neighborhood. The building form standards, design standards, and overall use of this zoning classification work together to promote a desirable residential area. The new regulations brought about by this map amendment reinforce desired development patterns in the existing neighborhood while accommodating future reinvestment.

Exhibit H - Current City of Denver Zoning Map



Quarter Section Index

SE_029	SE_030	SE_031
SE_038	SE_037	SE_036
SE_051	SE_052	SE_053

Surrounding Mapsheets

City and County of Denver  
Zoning Map

QUARTER SECTION: SE\_037



Scale 1" = 200'  
When printed at 17"x22"



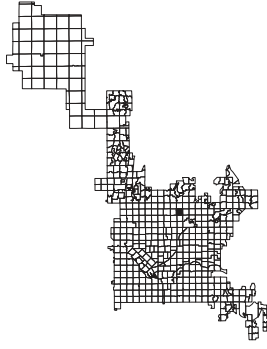
Apr 04, 2014  
City and County of Denver  
Community Planning and Development  
Geographic Information Systems

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# Exhibit I - Current City of Denver Parcels Map

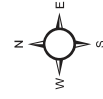
## Denver County Assessor's Map 06083



City and County of Denver Assessor's Map Index

06071	06082	06081
06074 14S R67W S7	06083 T4S R67W S8	06084 06172 14S R67W S17
06181 14S R67W S18	06172 14S R67W S17	06171

Surrounding Mapsheets

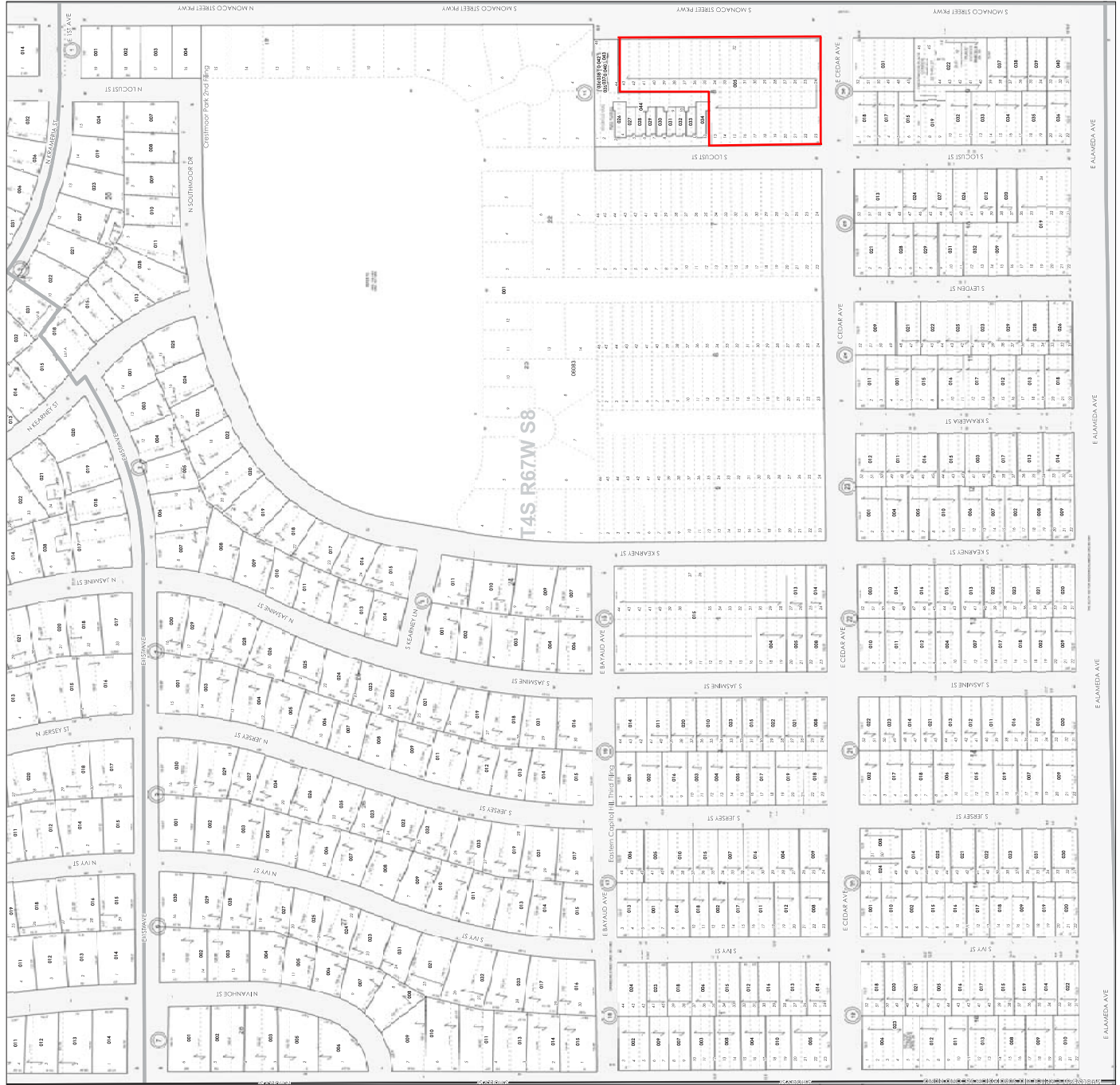


1 inch = 100 feet



Projection: StatePlane  
 North American Datum 1983  
 Horizontal Datum: NAD83 UTM  
 Map Produced: 10/17/2013

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LOTS 13 THROUGH 43, INCLUSIVE, BLOCK 8,  
EASTERN CAPITOL HILL, THIRD FILING,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.