



# APPLICATION

## FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

An Encroachment Permit is required prior to placing privately-owned improvements (“Encroachment” or “Encumbrance”) in the public Right-of-Way (ROW). Only Encroachment Permit Applications in accordance with [Rules and Regulations](#) and [Permit Entrance Requirements](#) for Encroachments in the Public Right-of-Way will be considered by the Department of Transportation & Infrastructure (DOTI). **It is the City’s sole discretion whether to grant an Encroachment Permit based on any facts the City feels are relevant. Approval is not guaranteed.**

To apply, complete this application and submit together with required application materials in accordance with the [Permit Entrance Requirements](#) to [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org). Please type or print clearly. If necessary, attach additional sheets to fully answer any of the following sections. Incomplete applications packages will not be accepted. Questions on this application or the process can be sent to [DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org).

**Check if this application is for Tier Determination only.** *If checked, the project will not be submitted for full review until confirmation, and remaining submittal requirements, are received by owner.*

### ADJACENT PROPERTY OWNER:

**The adjacent property owner or Authorized Special District will be the Encroachment Owner and Permittee and is the responsible party for the Encroachment in accordance with the Rules and Regulations, including all fees and annual billing.**

Company Name: Den Deli & Seafood Market DBA OTOTO  
Contact Name: Toshi Kazaki  
Property Address: 1501 S. Pearl Street Denver, CO 80210  
Billing Address: \_\_\_\_\_  
Phone: 303.990.0439 Email: tmsushi@sushiden.net

### PRIMARY CONTACT: *Check if the same as Adjacent Property Owner*

Company Name: OTOTO  
Contact Name: Noah Heaney  
Address: 1487 S Pearl Street Denver, CO 80210  
Phone: 303.990.0439 Email: Do@sushiden.net

City and County of Denver — Department of Transportation & Infrastructure  
Right-of-Way Services | Engineering & Regulatory  
201 West Colfax Ave. Dept. 507 | Denver, CO 80202  
[www.denvergov.org/doti](http://www.denvergov.org/doti)  
[Email: DOTI.ER@denvergov.org](mailto:DOTI.ER@denvergov.org)  
Phone: 720-865-3003

## ENCROACHMENT INFORMATION:

Project Name: OTOTO Patio

Adjacent Property Address: 1501 S Pearl Street

Coordinates (Lat/Long): 39.68933N, 104.98060W

Encroachment Area, in SF: 428 Sq Ft

Is this project associated with a LAND DEVELOPMENT REVIEW?

Yes  No  If 'Yes', provide Project Master, Site Plan and/or Concept Development Project Numbers:

Is the proposed encroachment located in Future Right-of-Way?

*Finalizing permit and/or processing resolution for the Encroachment will not occur until the ROW dedication is finalized.*

Yes  No  If 'Yes', provide ROW Dedication Project Number:

**Location Description:** (e.g. Located on the South side of 23rd Ave, twenty (20) feet from face of curb, and ten (10) feet west of pavement on Private Drive.)

Located North of the sidewalk adjacent to OTOTO on S Florida Ave.

**Description of Encroachment:**

*Describe the proposed encroachment, including the type and quantity of objects.*

We are asking to modify our current patio to comply with the Office of the City Forester's requirement to allow 5' of leaway between trees and patio structures. We also need to run all electrical cables underground to comply with the cities requirements.

**Reason for Private Improvements in the Public ROW:**

*Private improvements should be located on private property. Only in cases where there are physical constraints that preclude the placement of private improvements on private property that an encroachment may be considered within the right-of-way. Make your case as to why this is a good use of the public right-of-way.*

The space we are proposing is not usable for any other function. There is grass there and trees. This structure does not encroach on the sidewalk. We will have to modify our current patios to comply with Denver laws including temporary removal of a section of sidewalk to bury electrical cables. It complies with ADA requirements.



## ATTESTATION:

**By submitting this permit application and signing below, I understand and agree to the following:**

1. That I am the property owner adjacent to the Encroachment Area, or the authorized representative of a Special District, that is responsible for the placement, maintenance, repair, replacement, removal, site restoration, ownership, or is otherwise responsible for the Encroachment in accordance with the Rules & Regulations for Encroachments and Encumbrances in the Public Right-of-Way.
2. That it is the City's sole discretion to classify the Tier of an Encroachment and whether to grant an Encroachment Permit based on any facts the City feels are relevant. The issuance of an Encroachment Permit confers no rights to the Right-of-Way, the Encroachment Permit is revocable and DOTI can order the removal of the Encroachment and restoration of the Encroachment Area for any reason the City feels relevant.
3. Permittee agrees to defend, indemnify, reimburse and hold harmless the City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to an Encroachment Permit and the Encroachment ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City's negligence whether active or passive.
4. Permittee's duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee's duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City's negligence or willful misconduct was the sole cause of claimant's damages.
5. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City's exclusive remedy.
6. Insurance coverage requirements specified in an Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.
7. This defense and indemnification obligation shall survive the expiration or termination of any issued Encroachment Permit.
8. Permittee is fully responsible for all costs to install, maintain, repair, replace, remove, and restore the Encroachment Area, including annual City Encroachment Permit Fees. A lien will be placed on the Permittee's property for failure to remove a revoked or abandoned Encroachment for cost incurred by CCD to remove the Encroachment and restore the Encroachment Area on behalf of the Permittee.
9. Indemnity and Insurance for Tier I and Tier II Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier I or Tier II Encroachment, the Owner of such Tier I or Tier II Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier I or Tier II Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.
10. Indemnity and Insurance for Tier III Encroachments: Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier III Encroachment, the Owner of such Tier III Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier III Encroachment. Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$5,000,000 policy aggregate. A combination of primary and excess coverage may be used to meet the aggregate limit. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

ADJACENT PROPERTY: \_\_\_\_\_  
 OWNER SIGNATURE: Tosh Kizaki DATE: 3-28-24  
 PRINT NAME: TOSHUHIRO KIZAKI TITLE: OWNER  
 COMPANY: Den Deli + Seafood MARKET DBA OTOTO

# PERMIT SUBMITTAL CHECKLIST

FOR ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY  
Any Submittal not meeting all minimum checklist criteria herein will be rejected as incomplete.

## *Encroachments shall be in accordance with:*

- [Denver Revised Municipal Code \(DRMC\) Chapter 49, Streets, Sidewalks and Other Public Ways](#)
- [Rules and Regulations Governing Encroachments & Encumbrances in the Public Right-of-Way](#)
- [Transportation Standards and Details for the Engineering Division](#)

## Application

- Signed by adjacent property owner as owner of Encroachment or authorized Special District representative

## Evidence of Adjacent Property Ownership & Parcel Land Description

Required for all Encroachment Permit Applications

- Current Title Work/Warranty Deed confirming ownership and parcel land description for adjacent property
- Parcel Land Description in Word format

## Land Description sealed and signed by a Professional Land Surveyor licensed in Colorado

Required for Tier II Underground Encroachments and all Tier III Encroachments (can be submitted after 1<sup>st</sup> review)

- Encroachment Area Land Description and Exhibit(s) in PDF format stamped and signed by PLS
- Encroachment Area Land Description in Word format

## Site Plans sealed and signed by a Professional Engineer licensed in Colorado

### GENERAL

- Vicinity map
- North arrows and numerical and bar scales (Scale not to exceed 1" = 40')
- Legend
- PE stamp area
- Plan set date and revision number (if applicable)

### PLAN VIEW

Show, label and dimension existing and proposed final site conditions, including but not limited to the following (aerial imagery is allowed; however, it does not replace requirement for accurately scaled engineering drawings):

- Property lines, right-of-way width
- Edge of pavement, curb and gutter, sidewalks, nearby driveways and alleys
- Street lights, pedestrian lights, signal poles, utility poles
- Surface utility features (e.g. cabinets, handholes, manholes, inlets, vaults, valves, fire hydrants)
- Regulatory Floodplain boundaries (FEMA)
- Underground and overhead utilities (e.g. water, sewer, power, communications, gas, irrigation)
- Trees and landscaping in the ROW
- Street names and adjacent property address(es)
- Regional Transportation District (RTD) bus stop with any amenities
- Location and size of Encroachment – Show and dimension limits of both above and below ground elements
- Construction Materials
- Projection from building
- Distance from Encroachment to the nearest flowline

City and County of Denver Department of Transportation & Infrastructure  
Right-of-Way Services | Engineering & Regulatory  
201 W Colfax Ave, Dept 507 | Denver, CO 80202  
[www.denvergov.org/dot](http://www.denvergov.org/dot)  
Phone: 720-913-3003

**CONNECT WITH US | 311 | DENVERGOV.ORG | DENVER 8 TV**

- Distance from Encroachment to any other Streetscape feature/obstruction in the vicinity
- Distance from property line to back of curb
- Electrical service alignment, electrical connection location, and voltage/amps
- No proposed Encroachments located in the intersection clear zone per Transportation Std. Dwg. 7.9

**ELEVATION OR CROSS-SECTION VIEWS**

- Location and size of Encroachment – Show and dimension limits of both above and below ground elements
- Existing and final grade
- Existing utilities and their size and depth
- Vertical height/clearance of the Encroachment from finish grade

**DETAIL SHEET(S)**

- Manufacturer's and/or construction detail(s)
- Referenced City detail(s) by drawing number on the appropriate plan and elevation view(s)
- Office of the Forester's (OCF) tree protection detail and notes
- Special, non-standard, or modified City details

**STRUCTURAL PLANS**  Not Applicable

- Structural plans
- Manufacturers certification

**ADDITIONAL REQUIRED MATERIAL(S)**  Not Applicable

- Approval from applicable reviewing authorities (e.g. design review district, floodplain, Arts & Venues)
- For properties sharing the Encroachment, appropriate legal documentation for review by the City

**COMMENT RESOLUTION SHEET(S) IF APPLICABLE**  Not Applicable for 1<sup>st</sup> Submittal

- Reviewer's and Agency Name
- Review comments (reviewer comments must be verbatim)
- Formal written response to each comment

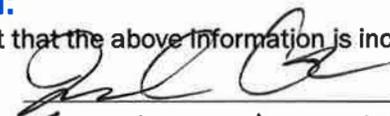
**Fees:**

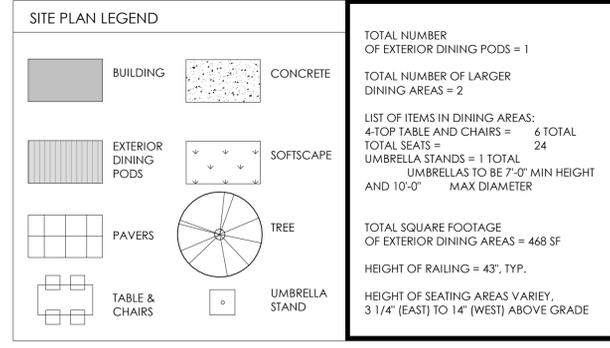
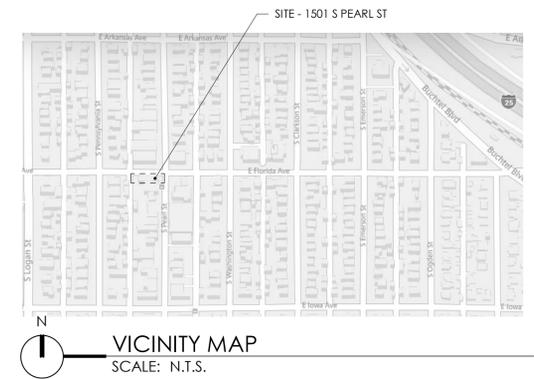
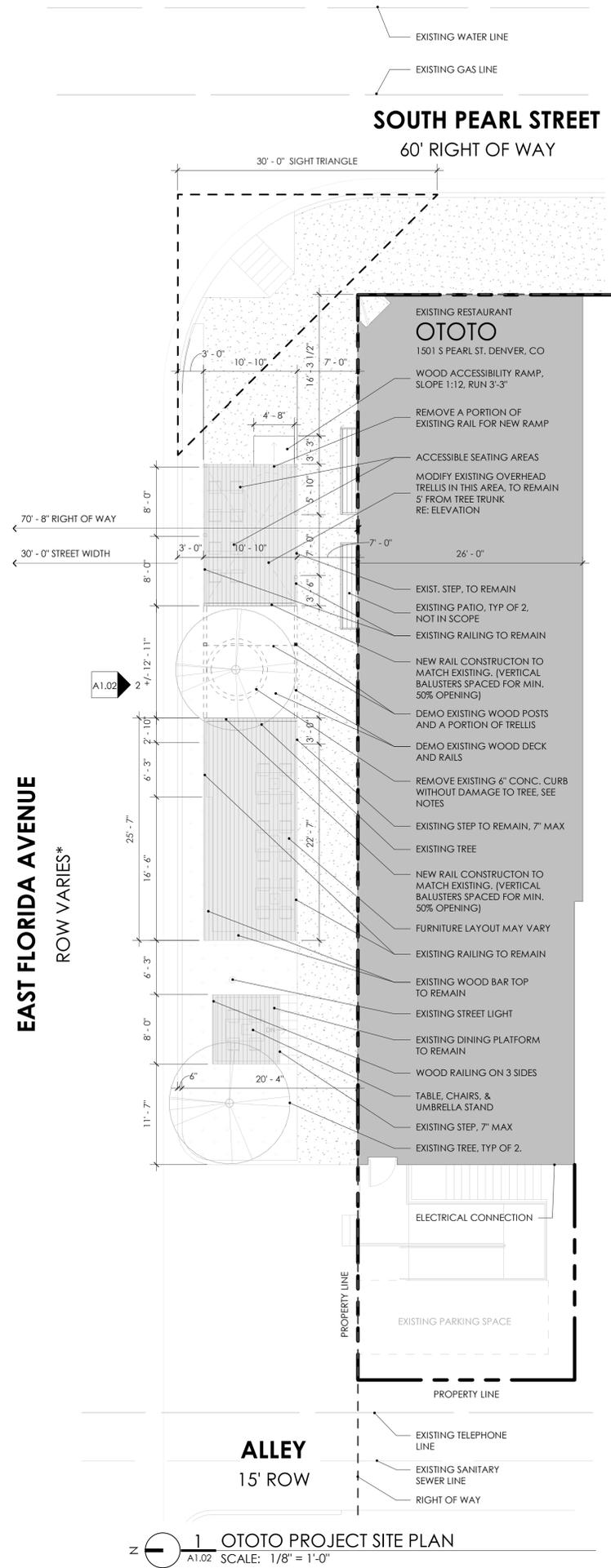
Fees must be paid immediately after ER provides a project number and invoice for your application.

Fees (Non-Refundable):	Tier I Encroachment:	Tier II Encroachment:	Tier III Encroachment:
Initial Processing	No Fee	\$1,500.00	\$1,500.00
Land Description Review	N/A	\$500.00	\$500.00
Resolution Review	N/A	N/A	\$300.00
Annual Permit	No Fee	\$200.00	\$200.00

**Attestation:**

I hereby attest that the above information is incorporated into the Encroachment Application and plan submittal:

SIGNATURE:  DATE: 5-3-24  
 PRINT NAME: Toshikino Kazaki EMAIL: Do@SugliDen.net  
 COMPANY: SOTOTO PHONE: 303. 777. 0826



**ADDITIONAL NOTES:**

UNDERGROUND UTILITIES SHOWN ON SITE PLAN.

NO REGULATORY FLOODPLAIN BOUNDARIES ON SITE.

EXISTING NEARBY RTD STOPS ARE: (NORTHBOUND) ACROSS THE STREET (SOUTHBOUND) IN FRONT OF THE ADJACENT BUILDING TO THE SOUTH

CONSTRUCTION OF PATIO, RAILS, AND TRELLIS ARE OF TREATED WOOD WITH GALVANIZED HARDWARE AND A DRIP-THROUGH WALKING SURFACE (SIMILAR TO A RESIDENTIAL DECK.)

PATIOS ARE LOCATED 3' BACK FROM THE FACE OF CURB.

PATIO SEATING IS NOT BUILT OVER A WATER SERVICE LINE.

THE PROJECT INCLUDES NO CHANGES TO THE FINISHED GRADE

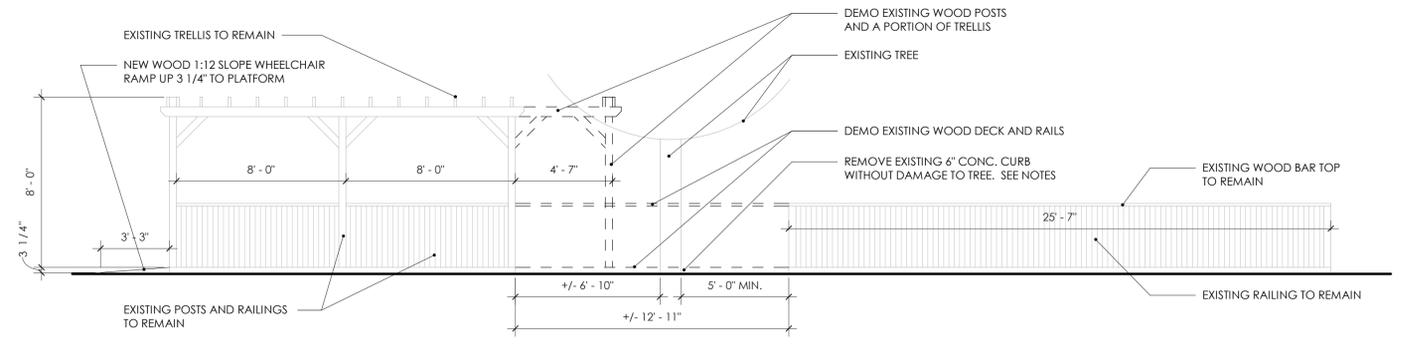
ACCESSIBLE OUTDOOR SEATING IS PROVIDED ON THE EASTERN PATIO WITH WHEELCHAIR ACCESS FROM THE SIDEWALK NEAR THE RESTAURANT ENTRY. BETWEEN THE PATIOS, THERE IS OUTDOOR SEATING FOR 24 PEOPLE, 5% OF WHICH IS 1.2 SEATS. ACCESSIBLE SEATING FOR TWO IS PROVIDED.

**\*FLORIDA AVE RIGHT OF WAY NOTE**

PER DENVER CITY ENGINEERING QUARTER SECTION MAP SE 67, THE RIGHT OF WAY FOR FLORIDA AVENUE VARIES. IT IS LISTED AT S. LOGAN (2 BLOCKS WEST) AS 74.6' WIDE, AND AT S DEEDS (2 BLOCKS EAST), IT IS 67.02' WIDE. WE HAVE EXTRAPOLATED AN AVERAGE WIDTH FOR FLORIDA AVE AT S PEARL OF 70'-8". THIS MATCHES ONSITE MEASUREMENTS.

**PROCEDURE FOR REMOVING PAVED AREA ADJACENT TO TREE**

1. REMOVE EXISTING CONCRETE PAVING BY HAND - MINIMIZE USE OF MECHANICAL REMOVAL AS THIS MAY RESULT IN ROOT DAMAGE AND FURTHER ENHANCE DECLINE OF TREE HEALTH.
2. ONCE CONCRETE HAS BEEN REMOVED, EXCAVATE DAYLIGHTED AREA ADJACENT TO TREE VIA PNEUMATIC EXCAVATION TO DEPTH OF 4'-6" FOR EX. ROOT EXPLORATION.
3. AMEND SOIL TO ORIGINAL GRADE DEPTH PRIOR TO PNEUMATIC EXCAVATION (I.E. SOIL LEVEL ONCE PAVEMENT WAS REMOVED).
4. FILL REMAINING GRADE DIFFERENCE B/W PLANTING AREA GRADE AND SIDEWALK LEVEL WITH SHREDDED REDWOOD MULCH. NOTE: ROCK CHIP, BREEZE, DECOMPOSED GRANITE, OR COBBLE IS NOT PERMITTED IN PUBLIC ROWS.



AREA TO BE MODIFIED

AREA TO BE MODIFIED

AREA TO BE MODIFIED

**1 OTOTO PROJECT SITE PLAN**  
SCALE: 1/8" = 1'-0"

**2 NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



## LAND TITLE GUARANTEE COMPANY

Date: October 20, 2024

Subject: Attached Title Policy/Guarantee

Enclosed please find your product relating to the property located at 1501 S PEARL ST, Denver, CO 80210.

If you have any inquiries or require further assistance, please contact Scott Bennetts at (303) 850-4175 or [sbennetts@ltgc.com](mailto:sbennetts@ltgc.com)

**Chain of Title Documents:**

[Denver county recorded 07/01/2009 under reception no. 2009082908](#)

# Property Information Binder

## CONDITIONS AND STIPULATIONS

### 1. Definition of Terms

The following terms when used in this Binder mean:

- (a) "Land": The land described, specifically or by reference, in this Binder and improvements affixed thereto which by law constitute real property;
- (b) "Public Records"; those records which impart constructive notice of matters relating to said land;
- (c) "Date": the effective date;
- (d) "the Assured": the party or parties named as the Assured in this Binder, or in a supplemental writing executed by the Company;
- (e) "the Company" means Old Republic National Title Insurance Company, a Minnesota stock company.

### 2. Exclusions from Coverage of this Binder

The company assumes no liability including cost of defense by reason of the following:

- (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; taxes and assessments not yet due or payable and special assessments not yet certified to the Treasurer's office.
- (b) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- (c) Title to any property beyond the lines of the Land, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
- (d) Mechanic's lien(s), judgment(s) or other lien(s).
- (e) Defects, liens, encumbrances, adverse claims or other matters: (a) created, suffered or agreed to by the Assured;(b) not known to the Company, not recorded in the Public Records as of the Date, but known to the Assured as of the Date; or (c) attaching or creating subsequent to the Date.

### 3. Prosecution of Actions

- 1. The Company shall have the right at its own costs to institute and prosecute any action or proceeding or do any other act which in its opinion may be necessary or desirable to establish or confirm the matters herein assured; and the Company may take any appropriate action under the terms of this Binder, whether or not it shall be liable thereunder and shall not thereby concede liability or waive any provision hereof.
- 2. In all cases where the Company does not institute and prosecute any action or proceeding, the Assured shall permit the Company to use, at its option, the name of the Assured for this purpose. Whenever requested by the Company, the Assured shall give the Company all reasonable aid in prosecuting such action or proceeding, and the Company shall reimburse the Assured for any expense so incurred.

### 4. Notice of Loss - Limitation of Action

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Binder shall be furnished to the Company within sixty days after such loss or damage shall have been determined, and no right of action shall accrue to the Assured under this Binder until thirty days after such statement shall have been furnished, and no recovery shall be had by the Assured under this Binder unless action shall be commenced thereon with two years after expiration of the thirty day period. Failure to furnish the statement of loss or damage or to commence the action within the time hereinbefore specified, shall be conclusive bar against maintenance by the Assured of any action under this Binder.

### 5. Option to Pay, Settle or Compromise Claims

The Company shall have the option to pay, settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Binder, or to pay the full amount of this Binder. Such payment or tender of payment of the full amount of the Binder shall terminate all liability of the Company hereunder.

#### **6. Limitation of Liability - Payment of Loss**

- (a) The liability of the Company under this Binder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall the liability exceed the amount of the liability stated on the face page hereof.
- (b) The Company will pay all costs imposed upon the Assured in litigation carried on by the Company for the Assured, and all costs and attorneys' fees in litigation carried on by the Assured with the written authorization of the Company.
- (c) No claim for loss or damages shall arise or be maintainable under this Binder (1) if the Company after having received notice of any alleged defect, lien or encumbrance not shown as an Exception or excluded herein removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the Assured in settling any claim or suit without written consent of the Company.
- (d) All payments under this Binder, except for attorney's fees as provided for in paragraph 6(b) thereof, shall reduce the amount of the liability hereunder pro tanto, and no payment shall be made without producing this Binder or an acceptable copy thereof for endorsement of the payment unless the Binder be lost or destroyed, in which case proof of the loss or destruction shall be furnished to the satisfaction of the Company.
- (e) When liability has been definitely fixed in accordance with the conditions of this Binder, the loss or damage shall be payable within thirty days thereafter.

#### **7. Subrogation Upon Payment or Settlement**

Whenever the Company shall have settled a claim under this Binder, all right of subrogation shall vest in the Company unaffected by any act of the Assured, and it shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Binder not been issued. If the payment does not cover the loss of the Assured, the Company shall be subrogated to the rights and remedies in the proportion which the payment bears to the amount of said loss. The Assured, if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect the right of subrogation, and shall permit the Company to use the name of the Assured in any transaction or litigation involving the rights or remedies.

#### **8. Binder Entire Contract**

Any action or actions or rights of action that the Assured may have or may bring against the Company arising out of the subject matter hereof must be based on the provisions of this Binder. No provision or condition of this Binder can be waived or changed except by a writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

#### **9. Notices. Where Sent**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.

#### **10. Arbitration**

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association.

**ANTI-FRAUD STATEMENT:** 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.

This anti-fraud statement is affixed and made a part of this policy.

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



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
A Stock Company  
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607  
(813) 371-1111 [www.oldrepublictitle.com](http://www.oldrepublictitle.com)

By



President

Attest



Secretary

**AMERICAN  
LAND TITLE  
ASSOCIATION**



**Old Republic National Title Insurance Company**  
**PROPERTY INFORMATION BINDER**

**Order Number:** RND70852375

**Policy No.:** PIB70852375.27428432

**Liability:** \$50,000.00

**Fee:** \$500.00

**Subject to the exclusions from coverage, the limits of liability and other provisions of the Conditions and Stipulations hereto annexed and made a part of this Binder,**

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY a Corporation, herein called the Company,**

**GUARANTEES**

ROTH SHEPPARD ARCHITECTS, ITS SUCCESSORS AND/OR  
ASSIGNS

**Herein called the Assured, against loss, not exceeding the liability amount stated above, which the assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records as of**

October 16, 2024 at 5:00 P.M.

**1. Title to said estate or interest at the date hereof is vested in:**

MICHIKO KIZAKI

**2. The estate or interest in the land hereinafter described or referred to covered by this Binder :**

FEE SIMPLE

**3. The Land referred to in this Binder is described as follows:**

LOT 48, BLOXK 2, FLEMING'S SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**4. The following documents affect the land:**

1. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DISHWASHING MACHINE AGREEMENT RECORDED NOVEMBER 02, 2023 UNDER RECEPTION NO. [2023105972](#).

NOTE: ADDITIONAL UPDATES TO THE EFFECTIVE DATE OF THE BINDER MAY BE REQUESTED BY THE PROPOSED INSURED. ONE UPDATE IS INCLUDED WITH THIS BINDER AT NO ADDITIONAL COST. ANY ADDITIONAL UPDATES WILL BE ISSUED AT THE COST OF \$135 PER UPDATE. FOR EACH UPDATE PROVIDED, A REVISED BINDER WILL BE ISSUED SHOWING A NEW EFFECTIVE DATE AND ANY MATTERS RECORDED SINCE THE EFFECTIVE DATE OF THE PREVIOUS BINDER.

THIS PRODUCT WILL ONLY BE UPDATED FOR 24 MONTHS FOLLOWING THE EFFECTIVE DATE OF THE ORIGINAL BINDER.

**Old Republic National Title Insurance Company**

**PROPERTY INFORMATION BINDER**

**Order Number:** RND70852375

**Policy No.:** PIB70852375.27428432

NOTE: THIS BINDER DOES NOT REFLECT THE STATUS OF TITLE TO WATER RIGHTS OR REPRESENTATION OF SAID RIGHTS, RECORDED OR NOT.

NOTE: THIS BINDER IS NOT A REPORT OR REPRESENTATION AS TO MINERAL INTERESTS, AND SHOULD NOT BE USED, OR RELIED UPON, IN CONNECTION WITH THE NOTICE REQUIREMENTS THAT ARE SET FORTH IN CRS 24-65.5-103.

2. EXISTING LEASES AND TENANCIES.

**EXHIBIT A  
LAND DESCRIPTION**

PARCEL 1

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A RANGE POINT FOUND AT THE INTERSECTION OF E. FLORIDA AVENUE AND S. PEARL STREET;

THENCE SOUTH 39°20'22" WEST, A DISTANCE OF 25.55 FEET TO THE NORTHEAST CORNER OF LOT 48, BLOCK 2, FLEMING'S SUBDIVISION;

THENCE ALONG THE NORTH LINE OF SAID LOT 48, SAME BEING THE SOUTH LINE OF E. FLORIDA AVENUE, SOUTH 89°58'24" WEST, A DISTANCE OF 16.29 FEET;

THENCE DEPARTING SAID LINES NORTH 00°01'36" WEST, A DISTANCE OF 7.00 FEET TO THE **POINT OF BEGINNING**;

THENCE PARALLEL WITH AND 7.00 FEET NORTH OF THE NORTH LINE OF SAID LOT 48 SOUTH 89°58'24" WEST, A DISTANCE OF 72.33 FEET;

THENCE NORTH 00°01'36" WEST, A DISTANCE OF 10.83 FEET;

THENCE PARALLEL WITH THE NORTH LINE OF SAID LOT 48 NORTH 89°58'24" EAST, A DISTANCE OF 72.33 FEET;

THENCE SOUTH 00°01'36" EAST, A DISTANCE OF 10.83 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A CALCULATED AREA OF 783 SQUARE FEET OR 0.018 ACRE, MORE OR LESS.



THE BASIS OF BEARINGS FOR THE ABOVE LEGAL DESCRIPTIONS IS THE 19.75 FOOT RANGE LINE IN E. FLORIDA AVENUE, BEING MONUMENTED AT THE INTERSECTION WITH S. PEARL STREET BY A 2-1/2" ALUMINUM CAP STAMPED "LS 3418\_" FOUND IN A RANGE BOX AND AT THE INTERSECTION WITH S. PENNSYLVANIA STREET BY A 2-1/2" ALUMINUM CAP STAMPED "LS 16406" FOUND IN A RANGE BOX. SAID 19.75 FOOT RANGE LINE IS ASSUMED TO BEAR SOUTH 89°58'24" WEST, A DISTANCE OF 322.15 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

KEVIN J. KUCHARCZYK, P.L.S.  
COLORADO REG. NO. 34591  
FOR AND ON BEHALF OF  
R&R ENGINEERS-SURVEYORS, INC



# EXHIBIT A

2024-ENCROACHMENT-0000071-002

BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 22,  
TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

RANGE POINT  
POSITION CALCULATED FROM  
FOUND REFERENCE POINTS

POINT OF COMMENCEMENT  
RANGE POINT  
FOUND 2-1/2" ALUMINUM CAP  
STAMPED "LS 3418\_" IN RANGE BOX

**S. PEARL ST.**

S89°58'24"W  
16.29' (TIE)

S00°01'36"E  
10.83'

N00°01'36"W  
7.00' (TIE)

POINT OF  
BEGINNING  
(PARCEL 1)

PARCEL 1  
783 SQ FT  
0.018 ACRE

LOT 48, BLOCK 2  
FLEMING'S SUBDIVISION

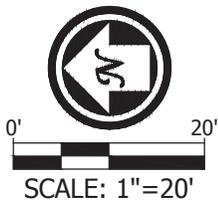
**E. FLORIDA AVE. (ROW VARIES)**

20' RANGE LINE  
N89°41'50"W 325.10'



(BASIS OF BEARINGS)  
S89°58'24"W 322.15'  
19.75' RANGE LINE

N00°01'36"W  
10.83'



RANGE POINT  
FOUND STONE WITH CHISELED  
CROSS IN RANGE BOX

RANGE POINT  
FOUND 2-1/2" ALUMINUM CAP  
STAMPED "LS 16406"  
IN RANGE BOX

**S. PENNSYLVANIA ST.**

**NOTE**

This map is to depict the accompanying description and is for informational purposes only. It does not represent a monumented land survey.

**TIER III ENCROACHMENT EXHIBIT**

REVISIONS		Orig. Issue Date: 10/11/2024	Sheet
		Drawn By: MJP	3
		Checked By: KJK	of
		Project No. SD24078	3



**R&R ENGINEERS-SURVEYORS, INC.**  
1635 W. 13TH AVENUE, SUITE 310  
DENVER, COLORADO 80204  
303-753-6730  
www.rrengineers.com

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

<b>Master ID:</b> 2016-PROJMSTR-0000338	<b>Project Type:</b> Tier III Encroachment Resolution
<b>Review ID:</b> 2024-ENCROACHMENT-0000071	<b>Review Phase:</b>
<b>Location:</b> 1501 S. Pearl Street	<b>Review End Date:</b> 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DS Transportation Review

Review Status: Approved

Reviewers Name: Melissa Woods  
 Reviewers Email: [Melissa.Woods@denvergov.org](mailto:Melissa.Woods@denvergov.org)

Status Date: 07/09/2025  
 Status: Approved  
 Comments:

Status Date: 09/20/2024  
 Status: Approved  
 Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
 Reviewing Agency/Company: DOTI/DES  
 Reviewers Name: Melissa Woods  
 Reviewers Phone: 720-865-3029  
 Reviewers Email: [melissa.woods@denvergov.org](mailto:melissa.woods@denvergov.org)  
 Approval Status: Approved

Comments:  
 Previous comments were addressed.

Status Date: 05/29/2024  
 Status: Denied  
 Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
 Reviewing Agency/Company: DOTI/DES  
 Reviewers Name: Melissa Woods  
 Reviewers Phone: 720-865-3029  
 Reviewers Email: [melissa.woods@denvergov.org](mailto:melissa.woods@denvergov.org)  
 Approval Status: Denied

Comments:  
 The site plan is illegible. Please submit higher quality so plan can be reviewed properly. Ensure 3-feet is provided from the face of curb to the edge of the raised encroachment, since adjacent to on-street parking.

Status Date: 05/23/2024  
 Status: Denied  
 Comments: comment form submitted

Reviewing Agency: DS Project Coordinator Review

Review Status: Approved

Reviewers Name: Tiffany Holcomb  
 Reviewers Email: [Tiffany.Holcomb@denvergov.org](mailto:Tiffany.Holcomb@denvergov.org)

Status Date: 07/10/2025  
 Status: Approved

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071 **Review Phase:**  
**Location:** 1501 S. Pearl Street **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Project Coordination  
Reviewers Name: Tiffany Holcomb  
Reviewers Phone: 720-865-3018  
Reviewers Email: Tiffany.Holcomb@denvergov.org  
Approval Status: Approved

**Comments:**

**Status Date:** 05/29/2024

**Status:** Approved w/Conditions

**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Project Coordination  
Reviewers Name: Tiffany Holcomb  
Reviewers Phone: none  
Reviewers Email: Tiffany.Holcomb@denvergov.org  
Approval Status: Approved with conditions

**Comments:**

Provided plans are not legible, thus scope of proposed work is unclear. There is not an active or existing SDP on the property or location. SDND does not have an objection to changes to the existing raised deck as long as work remains in the public ROW.

**Status Date:** 05/28/2024

**Status:** Approved - No Response

**Comments:**

**Reviewing Agency:** Survey Review

**Review Status:** Approved

**Reviewers Name:** Brian Pfohl

**Reviewers Email:** Brian.Pfohl@denvergov.org

**Status Date:** 06/25/2025

**Status:** Approved

**Comments:** No design change from 10/30/2024 approval.

**Status Date:** 10/31/2024

**Status:** Approved

**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: DOTI-ROWS Survey  
Reviewers Name: Brian Pfohl  
Reviewers Phone: 630.202.6564  
Reviewers Email: brian.pfohl@denvergov.org  
Approval Status: Approved

**Comments:**

**Status Date:** 05/21/2024

**Status:** Denied

**Comments:** Comments in project folder

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DES Wastewater Review      Review Status: Approved

Reviewers Name: Zhixu Yuan  
Reviewers Email: Zhixu.Yuan@denvergov.org

Status Date: 07/09/2025  
Status: Approved  
Comments:

Status Date: 08/27/2024  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: DS-WW  
Reviewers Name: Zhixu Yuan  
Reviewers Phone: 7208653140  
Reviewers Email: zhixu.yuan@denvergov.org  
Approval Status: Approved

Comments:

Status Date: 05/29/2024  
Status: Denied  
Comments: Denied on behalf of this critical reviewer. This is still under review. Please contact the reviewer to resolve.

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: City Council Referral      Review Status: Approved - No Response

Status Date: 07/10/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: ERA Transportation Review      Review Status: Approved

Reviewers Name: Brent McMurtrie  
Reviewers Email: Brent.McMurtrie@denvergov.org

Status Date: 07/15/2025  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: DOTI Strategic  
Reviewers Name: Brent McMurtrie  
Reviewers Phone: 7209134502  
Reviewers Email: brent.mcmurtrie@denvergov.org  
Approval Status: Approved

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071 **Review Phase:**  
**Location:** 1501 S. Pearl Street **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Comments:**

Revised plans show required dimensions which include the min 5 ft PAR next to existing railing, as well as the min 5 ft clearance between the patio sections and obstacles (trees and light pole).

**Status Date:** 07/09/2025

**Status:** Denied

**Comments:**

1. It is unclear what has been revised since previous submittal. This submittal did not provide comment responses showing previous comments by reviewers as well as how the comment was addressed. Please include.
2. Encroachments shall be a max of 40 ft in length, at which point a min 5 ft fully clear (no street lights) access path shall be provided. It is unclear where this is located. Please show and dimension.
3. Plans showing a sidewalk width of 7 ft, however they are also showing an existing patio taking up more space. Dimension shall be shown at this location to provide min 5 ft sidewalk.

**Status Date:** 05/28/2024

**Status:** Approved - No Response

**Comments:**

**Reviewing Agency:** ERA Wastewater Review **Review Status:** Approved

**Reviewers Name:** Mike Sasarak

**Reviewers Email:** Mike.Sasarak@denvergov.org

**Status Date:** 07/09/2025

**Status:** Approved

**Comments:**

**Status Date:** 06/20/2024

**Status:** Approved

**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
**Reviewing Agency/Company:** DOTI ROWS ER Wastewater  
**Reviewers Name:** Paul Weller  
**Reviewers Phone:** 720-913-0514  
**Reviewers Email:** Paul.Weller@Denvergov.org  
**Approval Status:** Approved

**Comments:**

Revised plans are legible. Patios do not have an adverse affect on existing utilities or drainage.

**Attachment:** 22-0608\_Ototo - Site Plan.pdf

**Status Date:** 05/23/2024

**Status:** Denied

**Comments:** 1. Plans are illegible

2. Plans do not contain the minimum information required in the checklist

**Reviewing Agency:** CenturyLink Referral **Review Status:** Approved - No Response

**Status Date:** 06/25/2025

**Status:** Approved - No Response

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Comments:** We received the following email containing contact information from Lumen.

Good morning,  
We have received your request for an encroachment and have set up a Lumen project accordingly. Your project number is P866626, and it should be referenced in all emails sent in for review.  
Please do not reply to this email. Your project owner is Stephanie Canary, and they can be reached by email at Stephanie.Canary@lumen.com with any questions that you may have regarding this project.  
Requests are addressed in the order received; Lumen will endeavor to respond within 30 days.  
Have a great day!

Best Regards,

Ashley Viola  
Project Coordinator  
Faulk & Foster  
214 Expo Circle, Suite 7  
West Monroe, LA 71291  
Ashley.Viola@lumen.com

**Status Date:** 05/29/2024

**Status:** Approved

**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: CenturyLink/Lumen  
Reviewers Name: Varina Hoopes  
Reviewers Phone: 4075926104  
Reviewers Email: Varina.Hoopes@lumen.com  
Approval Status: Approved

**Comments:**

**Status Date:** 05/28/2024

**Status:** Approved - No Response

**Comments:**

Reviewing Agency: Xcel Referral

Review Status: Approved w/Conditions

**Status Date:** 07/10/2025

**Status:** Approved w/Conditions

**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy  
Reviewers Name: Donna George  
Reviewers Phone: 3035713306  
Reviewers Email: Donna.L.George@xcelenergy.com  
Approval Status: Approved with conditions

**Comments:**

PSCo/Xcel Energy has existing overhead electric distribution facilities within these areas. Bear in mind that per the National Electric Safety Code, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures. Please contact

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Colorado 811 before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

**Status Date:** 05/29/2024  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy  
Reviewers Name: Donna George  
Reviewers Phone: 3035713306  
Reviewers Email: Donna.L.George@xcelenergy.com  
Approval Status: Approved with conditions

**Comments:**  
PSCo/Xcel Energy has existing overhead electric distribution facilities within these areas. Bear in mind that per the National Electric Safety Code, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures. Please contact Colorado 811 before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

**Status Date:** 05/28/2024  
**Status:** Approved - No Response  
**Comments:**

Reviewing Agency: RTD Referral      Review Status: Approved

**Status Date:** 07/10/2025  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: RTD  
Reviewers Name: clayton woodruff  
Reviewers Phone: 3032992943  
Reviewers Email: clayton.woodruff@rtd-denver.com  
Approval Status: Approved

**Comments:**  
Project Name: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio

Department Comments  
Bus Operations No exceptions  
Bus Stop Program No exceptions  
Commuter Rail No exceptions  
Construction Management No exceptions  
Engineering No exceptions  
Light Rail No exceptions  
Real Property No exceptions  
Service Development No exceptions  
Transit Oriented Development No exceptions

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071 **Review Phase:**  
**Location:** 1501 S. Pearl Street **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Utilities No exceptions

This review is for Design concepts and to identify any necessary improvements to RTD stops and property affected by the design. This review of the plans does not eliminate the need to acquire, and/or go through the acquisition process of any agreements, easements or permits that may be required by the RTD for any work on or around our facilities and property.

Status Date: 05/29/2024

Status: Approved

Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio

Reviewing Agency/Company: RTD

Reviewers Name: clayton s woodruff

Reviewers Phone: 303-299-2943

Reviewers Email: Clayton.woodruff@rtd-denver.com

Approval Status: Approved

Comments:

The RTD engineering review has no exceptions to this project at this time.

This review is for Design concepts and to identify any necessary improvements to RTD stops and property affected by the design. This review of the plans does not eliminate the need to acquire, and/or go through the acquisition process of any agreements, easements or permits that may be required by the RTD for any work on or around our facilities and property.

Status Date: 05/28/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Comcast Referral

Review Status: Approved - No Response

Status Date: 07/10/2025

Status: Approved - No Response

Comments:

Status Date: 05/28/2024

Status: Approved - No Response

Comments:

Reviewing Agency: Metro Wastewater Referral

Review Status: Approved

Status Date: 07/10/2025

Status: Approved

Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio

Reviewing Agency/Company: Metro Water Recovery

Reviewers Name: Kevin Boch

Reviewers Phone: 720-520-1516

Reviewers Email: kboch@MetroWaterRecovery.com

Approval Status: Approved

Comments:

na

Status Date: 05/28/2024

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Status: Approved - No Response  
Comments:

Reviewing Agency: Street Maintenance Referral      Review Status: Approved - No Response

Status Date: 07/10/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: Office of Emergency Management Referral      Review Status: Approved - No Response

Status Date: 07/10/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: Building Department Review      Review Status: Approved

Reviewers Name: Daniel Krausz  
Reviewers Email: daniel.krausz@denvergov.org

Status Date: 07/07/2025  
Status: Approved  
Comments:

Status Date: 09/30/2024  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Community Planning & Development  
Reviewers Name: Keith Peetz  
Reviewers Phone: 7208652702  
Reviewers Email: keith.peetz@denvergov.org  
Approval Status: Approved

Comments:

Status Date: 05/10/2024  
Status: Denied  
Comments: There is an open complaint (Stop Work Order) record for this structure - 2023-Complaint-0000625 - issued by CPD staff.  
To obtain Building Department Review approval for 2024-Encroachment-0000071, the issues raised by subject Complaint record must be resolved. The Complaint requires building and zoning permits be obtained for the deck and pergola structure.

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Division of Real Estate Referral      Review Status: Approved - No Response

Status Date: 07/10/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/08/2024  
Status: Approved  
Comments:

Reviewing Agency: Denver Fire Department Review      Review Status: Approved - No Response

Reviewers Name: Adam Grier  
Reviewers Email: Adam.Grier@denvergov.org

Status Date: 07/09/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: Denver Water Referral      Review Status: Approved

Status Date: 07/10/2025  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Kela Naso  
Reviewers Phone: 0000000000  
Reviewers Email: kela.naso@denverwater.org  
Approval Status: Approved

Comments:

Status Date: 05/29/2024  
Status: Approved w/Conditions  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Kela Naso  
Reviewers Phone: 0000000000  
Reviewers Email: kela.naso@denverwater.org  
Approval Status: Approved with conditions

Comments:

Confirm electrical lines will maintain a minimum of 5' distance from water services lines.

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Parks and Recreation Review      Review Status: Approved

Reviewers Name: Jennifer Cervera  
Reviewers Email: Jennifer.Cervera@denvergov.org

Status Date: 07/10/2025  
Status: Approved  
Comments:

Status Date: 05/22/2024  
Status: Approved  
Comments:

Reviewing Agency: Policy and Planning Referral      Review Status: Approved - No Response

Status Date: 07/10/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: Denver Office of Disability Rights Referral      Review Status: Approved

Status Date: 07/10/2025  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: CPD - Accessibility Review  
Reviewers Name: Spencer Pocock  
Reviewers Phone: 720-913-8411  
Reviewers Email: Spencer.Pocock@denvergov.org  
Approval Status: Approved

Comments:  
Final construction, including any later modifications to the public sidewalk (which is considered a public Accessible Route), as well as any other areas open to the general public, must comply with all applicable 2010 ADA requirements.

Status Date: 09/11/2024  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: DODR  
Reviewers Name: Spencer Pocock  
Reviewers Phone: 720-913-8411  
Reviewers Email: Spencer.Pocock@denvergov.org  
Approval Status: Approved

Comments:  
Architect provided updated drawings that addressed the previous comments.  
Final construction, including any later modifications to the public sidewalk (which is considered a public Accessible

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071 **Review Phase:**  
**Location:** 1501 S. Pearl Street **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Route), as well as any other areas open to the general public, must comply with all applicable 2010 ADA requirements.

**Status Date:** 05/29/2024  
**Status:** Denied  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: DODR  
Reviewers Name: Spencer Pocock  
Reviewers Phone: 720-913-8411  
Reviewers Email: Spencer.Pocock@denvergov.org  
Approval Status: Denied

**Comments:**  
A minimum of 5% of each type of seating (bar, booths, tables, outdoor, etc.) must be accessible (2010 ADA §226.1). There is not enough detail on the drawings provided to determine if the new alterations to the outdoor areas will meet accessible path and seating requirements. Please clarify on future submittals where the accessible outdoor seating is located, and how it is accessed.

**Status Date:** 05/28/2024  
**Status:** Approved - No Response  
**Comments:**

Reviewing Agency: Construction Engineering Review Review Status: Approved

**Reviewers Name:** Michael Holm  
**Reviewers Email:** Michael.Holm@denvergov.org

**Status Date:** 07/01/2025  
**Status:** Approved  
**Comments:**

**Status Date:** 05/24/2024  
**Status:** Approved  
**Comments:** Both the PW permit and the Encroachment permit must be kept current at all times.  
Any changes to the configuration as approved shall be reviewed by DOTI.

Reviewing Agency: TES Sign and Stripe Review Review Status: Approved

**Reviewers Name:** Emma De Vos Tidd  
**Reviewers Email:** emma.devostidd@denvergov.org

**Status Date:** 07/10/2025  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: DOTI - Transportation and Mobility Engineering  
Reviewers Name: Emma De Vos Tidd  
Reviewers Phone: 3033324247  
Reviewers Email: emma.devostidd@denvergov.org  
Approval Status: Approved

**Comments:**

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Please be sure that any signs that are displaced are reset in their original locations. If signs are to be affected, add a note in the plans saying that affected signs are to be reset.

**Status Date:** 05/28/2024  
**Status:** Approved - No Response  
**Comments:**

Reviewing Agency: City Forester Review      Review Status: Approved

**Reviewers Name:** Eric Huetig  
**Reviewers Email:** Eric.Huetig@denvergov.org

**Status Date:** 07/02/2025  
**Status:** Approved  
**Comments:** OCF Comments 7-2-25  
1. Proposed encroachment is approved. NOTE: Any proposed changes after initial OCF approval must be reviewed and approved by our office prior to final approval.

**Status Date:** 09/03/2024  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: Forestry (OCF)  
Reviewers Name: Erin Hatch  
Reviewers Phone: (720) 913 - 0643  
Reviewers Email: Erin.Hatch@denvergov.org  
Approval Status: Approved

**Comments:**  
Plan set approved based on attached revised plan set. When modifying patio, ensure that modification is done to reduce damage to adjacent tree(s) using minimally invasive techniques, as noted on plan set. Install tree protection measures as necessary, such as burlap/carpeting as wrapping around trunk to reduce trunk damage. Call OCF prior to work on site.

Attachment: (APPROVED 8-30-24) A1.02\_24-0829.pdf

**Status Date:** 05/24/2024  
**Status:** Denied  
**Comments:** Cannot read the plans due to low quality.

Reviewing Agency: Landmark Review      Review Status: Approved - No Response

**Status Date:** 06/25/2025  
**Status:** Approved - No Response  
**Comments:**

**Status Date:** 05/06/2024  
**Status:** Approved - No Response  
**Comments:**

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000071      **Review Phase:**  
**Location:** 1501 S. Pearl Street      **Review End Date:** 07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: CDOT Referral      Review Status: Approved

Status Date: 07/10/2025  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071\_2nd Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: CDOT  
Reviewers Name: Michelle White  
Reviewers Phone: 303-512-4218  
Reviewers Email: michelle.m.white@state.co.us  
Approval Status: Approved

Comments:  
This is not on CDOT's system. We have no comments.

Status Date: 05/28/2024  
Status: Approved - No Response  
Comments:

Reviewing Agency: Environmental Health Referral      Review Status: Approved

Reviewers Name: Andy Whitty  
Reviewers Email: Andy.whitty@denvergov.org  
Status Date: 06/30/2025  
Status: Approved  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response

Reviewing Agency: ERA Review      Review Status: Approved - No Response

Reviewers Name: Shari Bills  
Reviewers Email: Shari.Bills@denvergov.org  
Status Date: 07/10/2025  
Status: Approved - No Response  
Comments:

Status Date: 05/28/2024  
Status: Approved - No Response

Reviewing Agency: ROW - Supplemental Review      Review Status: Approved

Reviewers Name: John Olson  
Reviewers Email: m.john.olson@state.co.us  
Status Date: 07/10/2025  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000071 - Tier III 1501 S Pearl St. - Ototo Patio  
Reviewing Agency/Company: CDOT Region 1  
Reviewers Name: John Olson

# Comment Report

## Tier III 1501 S. Pearl St Ototo Patio

07/15/2025

<b>Master ID:</b>	2016-PROJMSTR-0000338	<b>Project Type:</b>	Tier III Encroachment Resolution
<b>Review ID:</b>	2024-ENCROACHMENT-0000071	<b>Review Phase:</b>	
<b>Location:</b>	1501 S. Pearl Street	<b>Review End Date:</b>	07/09/2025

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Phone: 303-757-9917  
Reviewers Email: m.john.olson@state.co.us  
Approval Status: Approved

Comments:  
This is not in or near CDOT Row in the CCD, no comments or concerns