



TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Courtland Hyser, Principal City Planner
DATE: November 30, 2016
RE: Official Zoning Map Amendment Application #2016I-00060
4211 Inca Street
Rezoning from I-A, UO-2 to C-RX-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2016I-00060 for a rezoning from I-A, UO-2 to C-RX-8.

Request for Rezoning

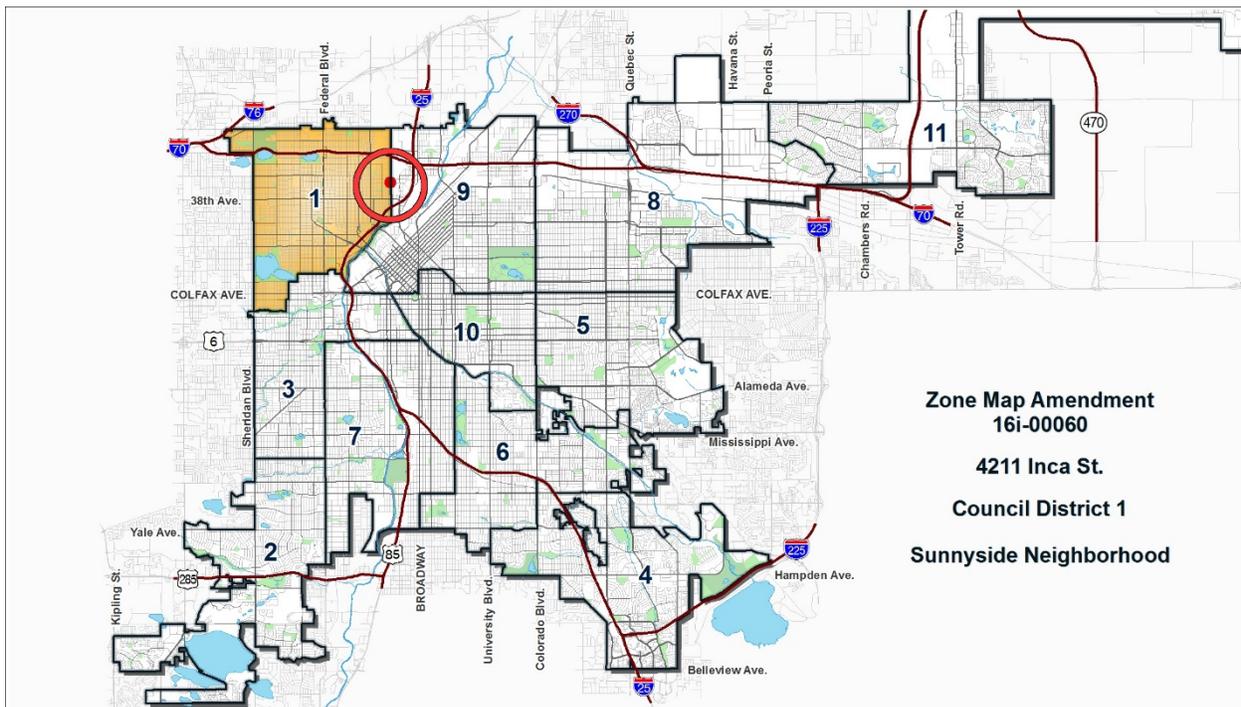
Application: #2016I-00060
Address: 4211 Inca Street
Neighborhood/Council District: Sunnyside / Council District 1
RNOs: Sunnyside United Neighbors, Globeville Civic Association #2, Elyria Swansea/Globeville Business Association, United Community Action Network, United North Side Neighborhood, Globeville Civic Partners, North Neighborhoods Democratic Council, Globeville K.A.R.E.S., Denver Urban Resident Association, Denver Neighborhood Association, Inter-Neighborhood Cooperation
Area of Property: 18,750 SF (0.43 AC)
Current Zoning: I-A, UO-2
Proposed Zoning: C-RX-8
Property Owner(s): JB Concrete and Construction
Owner Representative: Billy Wang, 4211 Inca Street LLC

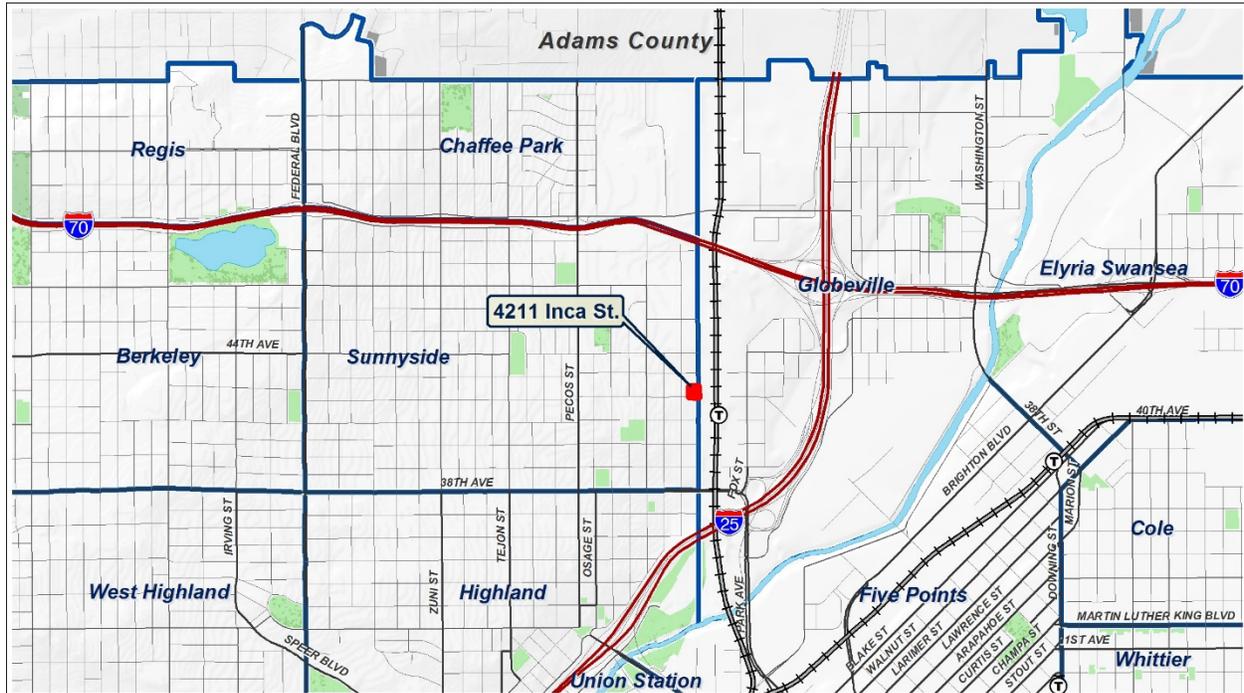
Summary of Rezoning Request

- The subject property is located in the 41st & Fox station area in the Sunnyside neighborhood statistical area.
- The subject property and most nearby properties are currently in industrial use. The applicant is seeking rezoning to implement the adopted station area plan, which calls for transforming the industrial blocks along Inca and Jason streets into an urban residential area.
- The current zoning is I-A, UO-2. I-A is a light industrial zone district in the Industrial Context. The UO-2 is the Billboard Use Overlay which allows for the establishment and operation of billboards subject to additional standards and limitations.
- The requested C-RX-8 district stands for Urban **C**enter Neighborhood Context – Residential **M**ixed Use – **8** stories maximum. Buildings in C-RX districts can have street-level retail uses, but

upper stories are reserved exclusively for housing or lodging accommodation uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices.

- The applicant is not proposing to retain the Billboard Use Overlay (UO-2) that is currently mapped on the site. The original application proposed retaining the UO-2, but after researching the other requirements and restrictions that apply to billboards, the applicant decided to amend the application to remove the overlay from the request.
- Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).





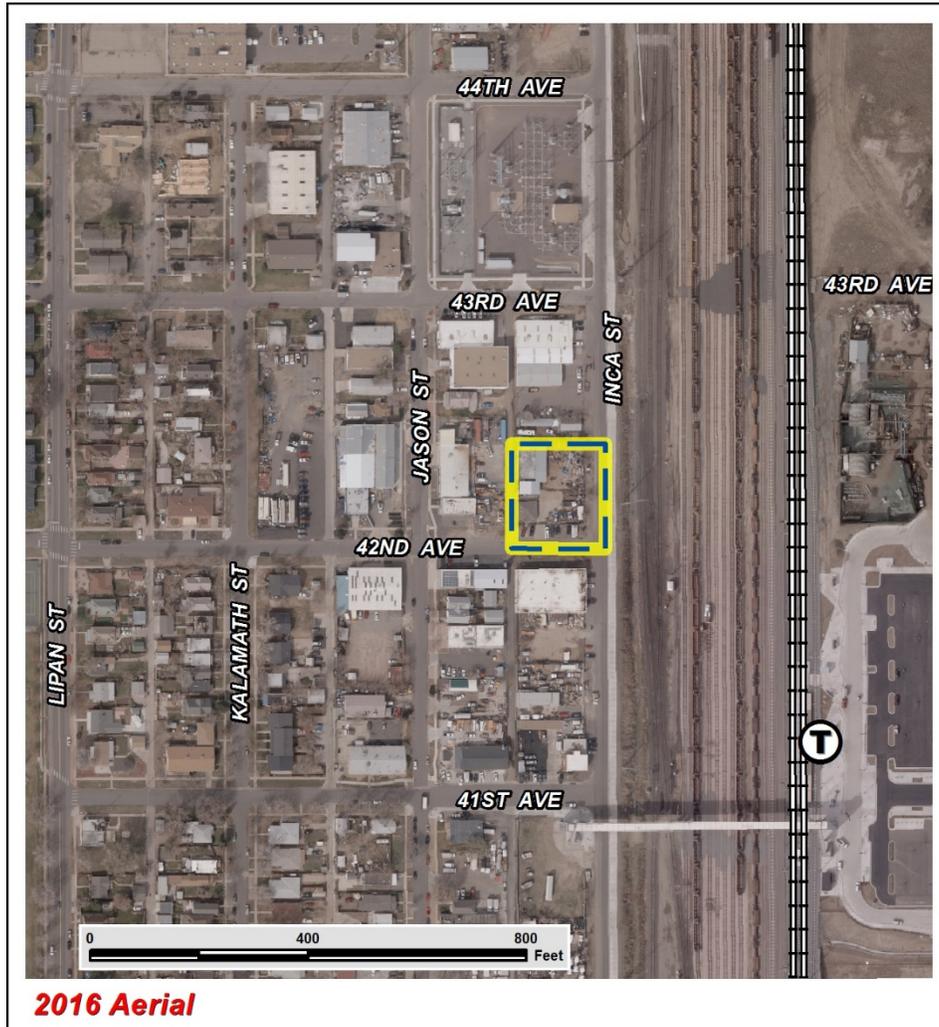
Proposed Rezoning

The applicant is requesting to rezone to C-RX-8, which stands for Urban Center Neighborhood Context – Residential Mixed Use – 8 stories maximum. C-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired (see DZC 7.2.3.2.B). Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in C-RX districts can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or commercial; however, buildings containing only commercial uses are limited in gross floor area to 10,000 square feet (DZC 7.2.3.1). Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).



Existing Context

The subject property is located in the Sunnyside neighborhood in the western half of the 41st & Fox station area. The station is a stop on the G Line (Gold Line), which was originally scheduled to open for service this fall (the opening has been delayed pending a fix of the signal crossing technology that is shared by the G Line and the A Line). The subject property is an industrial use (concrete and construction company) and is likewise surrounded by other industrial uses. Freight rail and commuter rail tracks are located due east of site, across Inca Street. A large pedestrian bridge serving the station is located a block south of the site, at the intersection of 41st & Inca.



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

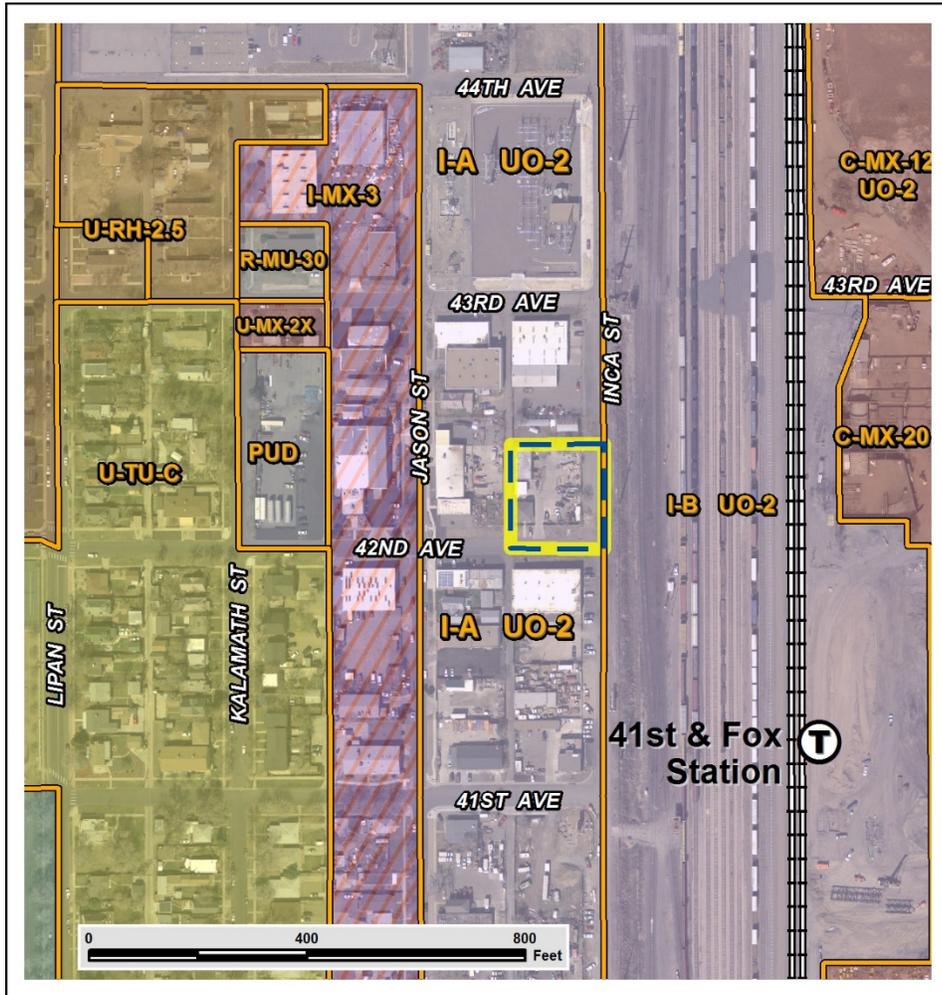
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A, UO-2	Industrial	At the southwest corner of the lot, a one story residential structure fronts 42 nd Ave and has been converted to office use. A metal industrial building is located at the northwest corner of the lot, with open canopies extending south towards the house.	Rectilinear block pattern follows the north Denver neighborhood street grid. Alleys run north-south and are present on most blocks. Industrial uses on Inca and Jason streets quickly transition to predominantly single family uses on Kalamath and other blocks to the

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			Approximately half of the site is open land that is used for outdoor storage.	west. Larger lots on Inca and Jason facilitate the industrial uses that are found on those streets. Limited single family residential remains mixed with industrial on some blocks.
North	I-A, UO-2	Industrial	One story metal industrial storage building	
South	I-A, UO-2	Industrial	One story brick and concrete block industrial building	
East	I-B, UO-2	Transportation/Communication/Utilities	n/a- freight and commuter rail alignments	
West	I-A, UO-2	Industrial	One story concrete block and metal panel industrial buildings	

1. Existing Zoning

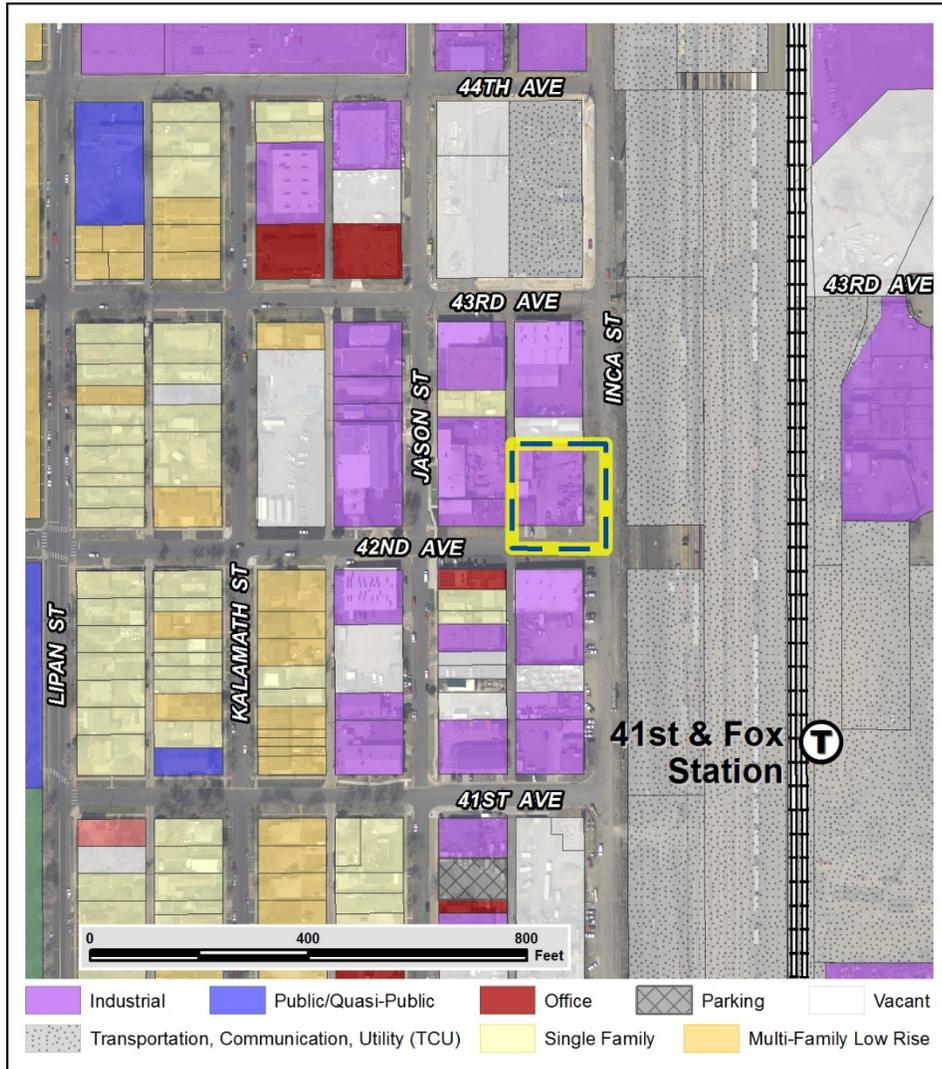
The existing zoning on the subject property is I-A, UO-2. I-A is a light industrial zone district in the Industrial Context. It allows office, business, and light industrial uses. Residential uses are only permitted where an existing residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial building forms and regulates building mass through a maximum Floor Area Ratio of 2.0. The I-A zone district does not specify a maximum building height except for when a site is within 175’ of a Protected District, in which case the maximum permitted building height is 75’. Building forms within the I-A zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.

The UO-2 is the Billboard Use Overlay which allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.



2. Existing Land Use Map

The subject property is an industrial use. Properties to the south and west are also industrial. The lot to the north is classified as vacant on the city's land use map, but has an industrial storage building on it. The land use to the east across Inca Street is classified as transportation/communication/utilities, reflecting the presence of freight rail tracks and, further to the east, the new Gold Line commuter rail alignment.



3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages.



View of the subject property from Inca Street, looking west.



Industrial storage building located north of and adjacent to the subject site.



View of the freight rail tracks due east of the subject site, across Inca Street.



Industrial property located south of the subject site, across 42nd Ave. The new pedestrian bridge for the 41st & Fox station can be seen in the distance, one block away.



Industrial property located west of the subject site, across the alley and facing Jason Street.

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:

Public Works – Surveyor: Approved with minor corrections to legal description

Parks and Recreation: Approved – No Comments

Development Services – Wastewater: Approved - See Comments Below

There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Environmental Health: Approved - See Comments Below

The principal historical use of the property has been industrial. Also, the property is adjacent to the VB-170 Superfund Site. DEH approves of the proposed rezoning, but because of potential soil impacts from the historical use of the property and surrounding properties DEH suggests that prior to redevelopment a site assessment be performed to characterize existing environmental conditions.

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

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks.

Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

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

Asset Management: Approved – No Comments

Public Review Process

The public process for the proposed rezoning is summarized below:

- **Informational Notice-** CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on June 29th, 2016, and again on August 16th, 2016 to announce the receipt of an amended application.
- **Planning Board-** The property was posted for a period of 15 days announcing the November 16th, 2016 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. **Planning Board recommended approval of the proposed rezoning by a vote of 7-0.** Note: written and posted notice was previously provided for the originally-scheduled October 19th, 2016 Planning Board hearing, but the posting requirements for that meeting were not fully met, and so the hearing was rescheduled to November 16th.
- **Land Use, Transportation, and Infrastructure Committee-** Following Planning Board review, the rezoning application was referred to the Land Use, Transportation, and Infrastructure (LUTI) Committee of City Council for review at a public meeting. Written notification of the December 6th, 2016 LUTI meeting was sent to all affected registered neighborhood organizations and City Council members. Following LUTI review, the rezoning application is typically referred to the full City Council for final action at a public hearing.

- The RNOs identified on page 1 were notified of this application.
- As of the time of this writing, the following public comments have been received (see attachments):
 - 1 letter of support from Sunnyside United Neighbors
 - 15 signed statements of support from property owners and other stakeholders in the general vicinity of the proposed rezoning

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)*
- *Sunnyside Neighborhood Plan (1992)*
- *41st & Fox Station Area Plan (2009)*

Denver Comprehensive Plan 2000

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

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes. (p. 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (p. 41)
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p. 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (p. 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (p. 78)

- Denver’s Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (p. 99)

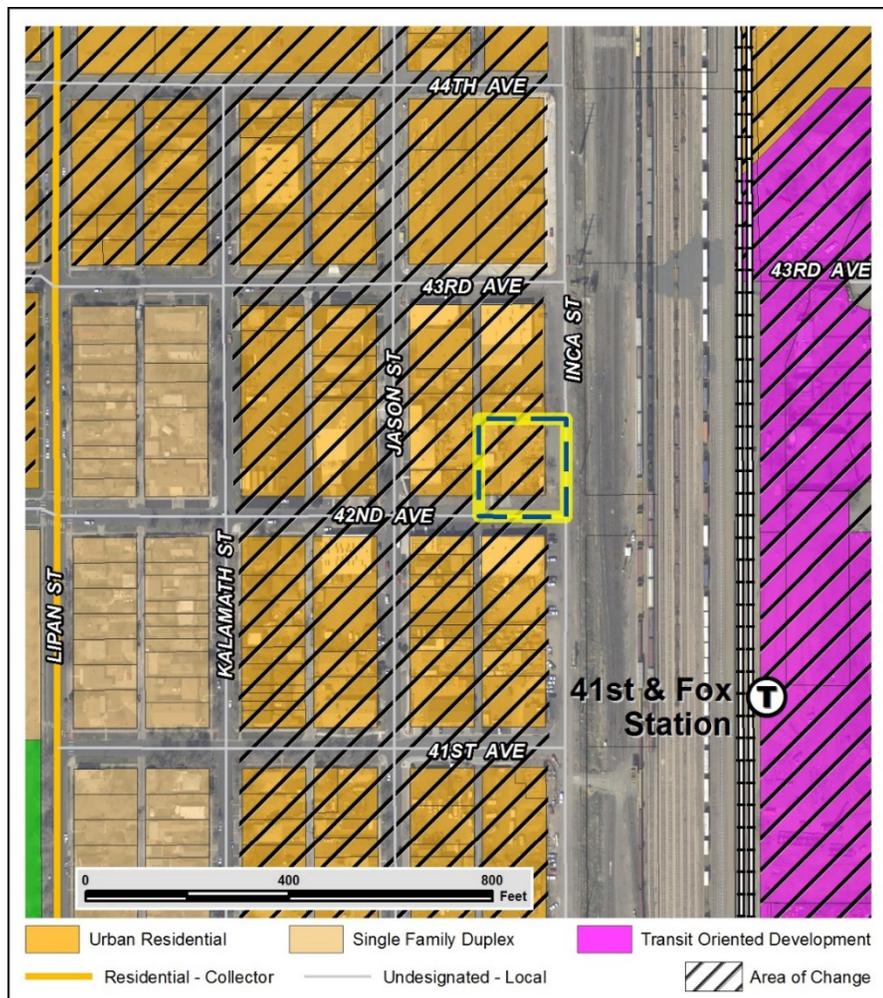
The proposed map amendment will enable residential mixed-use development at an infill location where services and infrastructure are already provided and where investment in rail transit is taking place. With the opening of the 41st and Fox Station, the surrounding area will be catalyzed and offer opportunities for sustainable transit-oriented living, consistent with Comprehensive Plan 2000. The C-RX-8 zone district broadens the variety of uses to include residential uses and allows increased density appropriate for a TOD area. The requested rezoning is consistent with the referenced Comprehensive Plan 2000 recommendations.

Blueprint Denver (2002)

According to *Blueprint Denver*, this site has a concept land use of Urban Residential and is located within an Area of Change.

Future Land Use

Blueprint Denver describes Urban Residential areas as “higher density and primarily residential, but may include a noteworthy number of complementary commercial uses” (p. 41). Blueprint Denver also notes that “retail or other similar active uses on the main floor” are appropriate options for Urban Residential Areas along with “prominent street facing entries,” “extensive ground floor windows,” and “pedestrian scaled facades and contextual design” (p. 66). A mixture of housing types is present in Urban Residential areas, including single family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures (p. 41).



The proposed map amendment supports the Blueprint Denver Urban Residential concept land use designation by allowing for higher density residential uses while also allowing a limited amount of complementary commercial uses. The General form within the C-RX-8 zone district includes build-to, transparency, entrance, and upper story setback standards, implementing the design recommendations stated in Blueprint Denver.

Area of Change

The site is in an Area of Change. The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips (p. 127). The rezoning application is consistent with the Blueprint Denver Area of Change recommendations by allowing for limited mixed-use, primarily residential redevelopment at an appropriate, transit-oriented location, improving access to jobs, housing, and services.

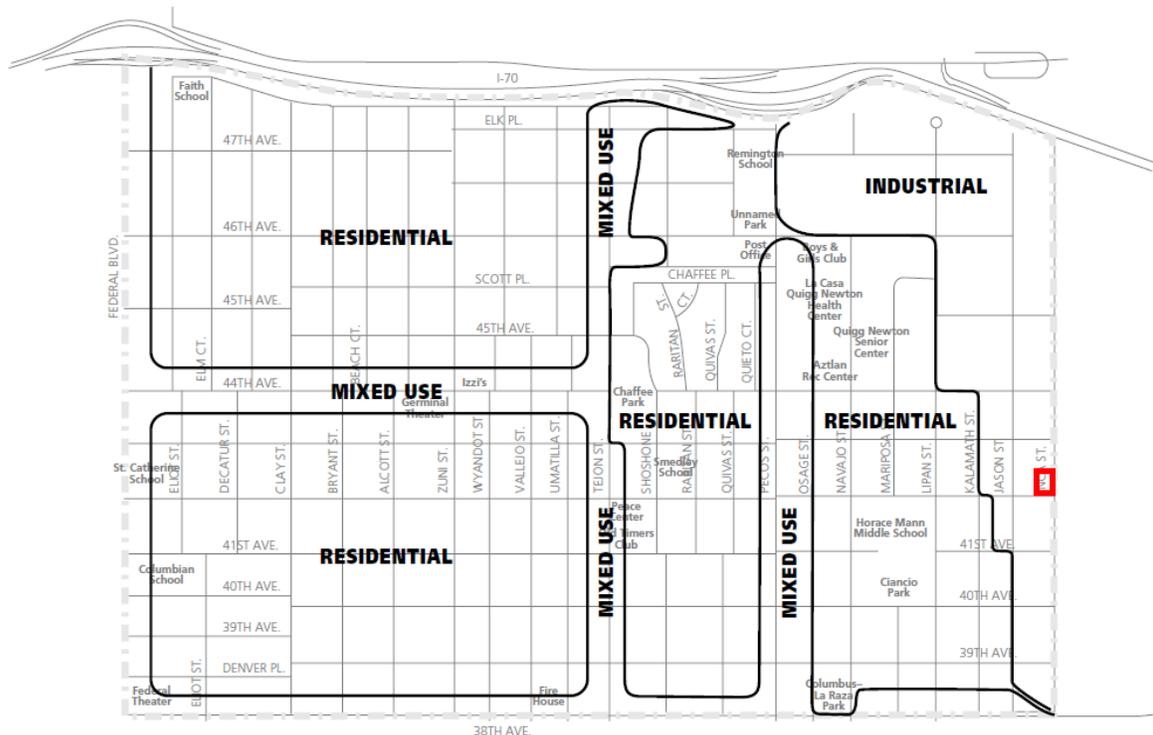
Street Classifications

Both Inca Street and 42nd Ave are identified in Blueprint Denver as Undesignated-Local streets. 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 (p. 51). The closest collector street in the vicinity is Lipan, three blocks to the west.

It's important to note that the street grid in this portion of the city is interrupted in three directions (by 38th Ave and I-25 to the south, freight rail tracks to the east, and I-70 to the north). Most streets fail to connect across these barriers, and as a result provide primarily local access. The intensity of the proposed C-RX-8 district is justified more by the subject site's proximity to the station platform and the recently-completed Inca Street multi-use path than by the street classifications of the adjacent road network. The Map Amendment application is consistent with *Blueprint Denver's* street classification recommendations, as the site's pedestrian connectivity to the station offsets the lack of collector and arterial streets that might otherwise be necessary to accommodate the proposed development densities.

Sunnyside Neighborhood Plan (1992)

The Sunnyside Neighborhood Plan was adopted in 1992 and applies to the subject property. The plan identifies the subject property as industrial, and states that the far eastern edge of the neighborhood is desirable for industry because of access to I-25 and I-70, and the proximity to rail facilities. The plan further suggests that scattered residential uses located within the industrial area could eventually be redeveloped as industrial uses (p.16).



Generalized Land Use Map

Although the Sunnyside Neighborhood Plan is an adopted plan that continues to guide policy and development decisions within the neighborhood, the eastern portion of the plan area (including the subject site) has more recent guidance from the 41st & Fox Station Area Plan. The station area plan was adopted in 2009 in response to new opportunities presented by the commuter rail station. As a result, it provides substantially different land use recommendations than the older Sunnyside Neighborhood Plan, which pre-dates the conception of FasTracks by more than a decade. The 41st & Fox Station Area Plan does not recommend any industrial within the portion of Sunnyside that it covers (approximately 36th Ave to 46th Ave). For additional details on relevant recommendations from the 41st & Fox Station Area Plan, please refer to the next section of this staff report.

41st and Fox Station Area Plan (2009)

The 41st and Fox Station Area Plan was adopted by City Council in 2009 and applies to the subject property. The plan sets forth a vision for the creation of a “diverse, transit supportive and environmentally sustainable urban center” (p. 9). The plan concept is to develop a new urban center within walking distance of the station on the east side of the railroad tracks, and a mid-density residential edge along Inca and Jason Streets on the west side of the tracks.

The station area plan’s land use map incorrectly identifies an electrical substation as being located on the subject site. The substation is actually located one block north on Inca Street, between 43rd and 44th Avenues. Recognizing this error of fact, we must infer the plan’s land use guidance for the subject property. Given that the block containing the substation is recommended for Urban Residential 2-8 stories, and the fact that all other blocks on Inca in the immediate vicinity are also recommended for

Urban Residential 2-8 stories, it seems clear that the intended land use recommendation for the subject site is also Urban Residential 2-8 stories.



The proposed C-RX-8 zone district is consistent with both the land use and building height recommendations by allowing residential and limited mixed uses with a maximum building height of 8 stories.

2. Uniformity of District Regulations and Restrictions

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

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4: “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” Changed conditions include the introduction of the 41st & Fox commuter rail station and the associated pedestrian bridge that provides a new connection across the railroad tracks to Globeville. Another relevant infrastructure improvement is the recently-completed Inca Street multi-use path which connects to a bridge over 38th Avenue, providing a multi-modal direct link from this site to downtown and other activity centers along the South Platte River Trail. These improvements have created a shift in transportation opportunity that supports higher-intensity, mixed use development. Recently, other properties on both sides of the station area have similarly pursued rezoning for future transit oriented redevelopment, signaling new market interest in development.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC 7.1.1). Within this context, the Residential Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC 7.2.3.1). The C-RX-8 zone district applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired (DZC 7.2.3.2.B).

The requested rezoning is consistent with the neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for residential mixed use development at a maximum height of 8 stories. Although the subject site is not adjacent to collector or arterial streets, it is a block away from a direct pedestrian connection to a commuter rail station and is located in an area that is recommended by an adopted station area plan for 8 story development.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 4211 Inca Street (#2016I-00060) to the proposed C-RX-8 zone district meets the requisite review criteria. Accordingly, staff recommends approval.

Attachments

1. Public comments
 - Letter of support from Sunnyside United Neighbors
 - Signed statements of support (15)
2. Rezoning application



Denver Community Planning and Development Department
Planning Services
201 West Colfax Avenue
Denver, CO 80202

Re: Zoning Proposal for 4211 Inca Street

To the Members of CPD, the Denver Planning Board, and Denver City Council:

Sunnyside United Neighbors Inc. RNO hosted a public neighborhood meeting of the Planning and Community Development Committee (PCD) on October 13, 2016. During this regularly scheduled meeting, Mr. Wang presented his plan for the property located at 4211 Inca Street, seeking a re-zoning from the current I-A zoning to C-RX-8 zoning. He presented a plan for an 8-story, 84-unit residential building with a mix of commercial and retail space on the ground floor. Prior to this meeting, Mr. Wang sought input from neighbors who live in the immediate vicinity and has received written support from many of these neighbors. He met with Niles Emerick, Chair of the East Sunnyside Plan Committee (a sub-committee of the SUNI PCD Committee) on numerous occasions to discuss his project. Based on these meetings and Mr. Wang's willingness to engage the neighborhood as a partner in his planning process, the East Sunnyside Plan Committee voted unanimously (six in favor, zero against) to recommend support for the re-zone request to the SUNI PCD Committee.

A quorum vote of PCD Committee Members was held on October 13, 2016 with 8 members voting in support of the requested re-zone, 1 against, and 4 abstained. Thus, SUNI PCD made a recommendation to the SUNI Board of Directors to support the re-zone request. SUNI Board of Directors voted on the matter at its regularly scheduled meeting on October 17th, 2016. The SUNI Board voted unanimously to support the re-zoning application with the recommendation that each unit be allotted one parking space. The vote was taken with a quorum, and 6 votes in favor of support, 0 against, and 0 abstentions.

The Sunnyside United Neighbors Board is currently working with Billy Wang to establish an MOU to ensure the project continues in general consistency with the plans provided and will include at least one parking space per residential unit. We write this letter in support of the re-zone request for 4211 Inca St. with the provision that a mutually acceptable MOU is in place prior to the City Council Public Hearing.

Sincerely,

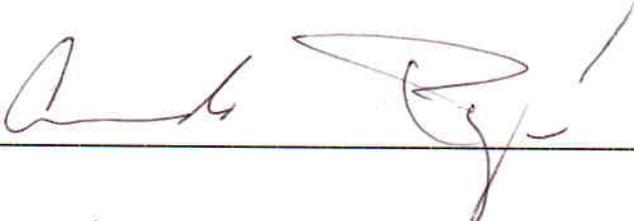
Mark Stroh
Chair, SUNI Planning and Community
Development Committee

Jennifer Superka
President, Sunnyside United
Neighbors, Inc.

Date: 10-10-16

On this day, I Armando Tayan spoke with
Billy Wang about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature:  10-10-16

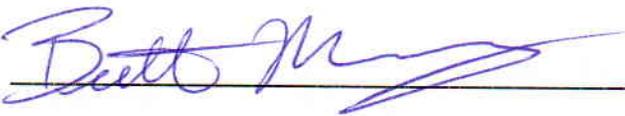
Printed Name: Armando Tayan

Billy, is currently a member
of the Garden Place Academy
Advocates and is helping us /
the school achieve academic
excellence. Please contact me
for details 303-330-4179

Date: 10.11.16

On this day, I BRETT MURPHY spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature:  10/11/16

Printed Name: Brett Murphy

4241 Jason Street

Date: 10.13.16

Alice Gomez
3/433-1871
4225 Kalamath

On this day, I ALICE GOMEZ spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: Alice Gomez 10-13-16

Printed Name: ALICE GOMEZ

Date: 10.11.16

4466 JASON ST.

On this day, I FELIX MARES spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: Felix Mares 10-17-16

Printed Name: FELIX MARES

Date: 10.11.16

4448 JASON ST.

On this day, I TONY MOGNEZ spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: Tony L. Moguez 10-11-16

Printed Name: TONY L. MOGNEZ

Date: 10.11.16.

On this day, I Dennis McLin spoke with
Billy Wang about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature:  _____

Printed Name: Dennis McLin

Date: 10.13.16

On this day, I Charles Fresquez
Spoke with BILLY WANG about the
Rezoning plans for

4211 N. Inca St.

DENVER, CO

I understand the prope of the
project and think it would be a
good addition to the neighborhood.

Signature: Charles Fresquez

Date: 10.12.16

On this day, I MARTIN ECKERT III spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

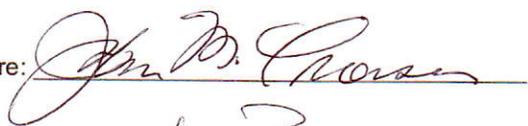
Signature: _____

Printed Name: MARTIN ECKERT III

Date: 11-1-16

On this day, I John Prosser spoke with
Billy Wang / Armando ^{Tayan} about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: 

Printed Name: John Prosser

UNIV. OF COLORADO EMERITUS

Date: 11-7-2016

ROGER SALAZAR

On this day, I ~~BILLY WANG~~ spoke with
BILLY WANG about the rezoning plans for

4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: 

Printed Name: ROGER SALAZAR
GLOBEVILLE PLANNING COMMITTEE
LICAN - RNO

Date: 11-7-2016

On this day, I Robert Cordova spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: Robert Cordova

Printed Name: Robert Cordova
UCAN - RNC

Date: 11/7/2016

On this day, I DONALD MARTIN spoke with
BILLY WANG about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

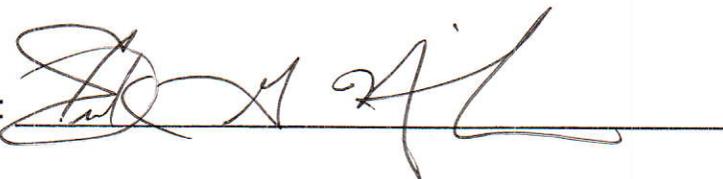
Signature: Donald S. Martin

Printed Name: Donald F. Martin
UCAN - RNO

Date: 11-1-16

On this day, I Erik G. Nicholson spoke with
Billy Wang about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

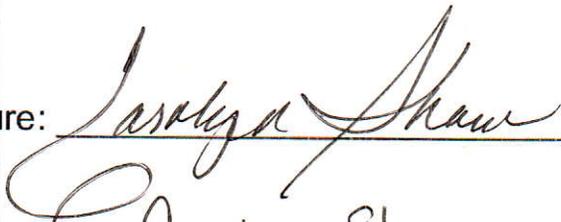
Signature: 

Printed Name: ERIK G Nicholson
UCAN - AMO

Date: 11-1-16

On this day, I Carolyn Shaw spoke with
Billy Wang / Armando Pagan about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: 

Printed Name: Carolyn Shaw
UCAN - RNC

Date: 11/8/16

On this day, I Nola Miguel spoke with
Armando Payan about the rezoning plans for
4211 N Inca ST Denver, CO.

I understand the scope of the project and think that it would be a good addition to the
neighborhood.

Signature: 

Printed Name: Nola Miguel.
LIVEWELL - UCAN - RNO

▽
would like
details sent

to me @ nolamiguel@gmail.com

- I support affordability
components.

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	JB Concrete & Construction	Representative Name	4211 Inca Street, LLC - Billy Wang, Manag
Address	4211 Inca ST	Address	4435 Irving ST
City, State, Zip	Denver, CO 80211	City, State, Zip	Denver, CO 80211
Telephone	303-453-5558	Telephone	303-246-0729
Email	n/a	Email	sophiumdev@gmail.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>	
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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4211 N Inca ST Denver, CO 80211 L 16 to 21 INC BLK 14 Viaduct ADD		
Assessor's Parcel Numbers:	022141509000		
Area in Acres or Square Feet:	18,750 sq ft		
Current Zone District(s):	I-A, UO-2		
PROPOSAL			
Proposed Zone District:	C-RX-8		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</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"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p>
	<p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <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 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>
	<p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)</p>	
Please list any additional attachments:	
<div style="border: 1px solid black; height: 40px;"></div>	

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Jose S Luevano JB Concrete & Construction	4211 N Inca ST Denver, CO 80211 303-453-5558	100%	See attached			Yes

Full Legal Description for 4211 N Inca ST:

LOTS 16 TO 21, INCLUSIVE, BLOCK 14, VIADUCT ADDITION, TO DENVER
CITY AND COUNTY OF DENVER, STATE OF COLORADO

4211 INCA ST

Owner J B CONCRETE & CONSTRUCTION
4211 INCA ST
DENVER , CO 80211-2512

Schedule Number 0221415009000

Legal Description L 16 TO 21 INC BLK 14 VIADUCT ADD

Property Type INDUSTRIAL - WAREHOUSE

Tax District DENV

Property Summary **Property Map**

Assessment

Actual Value Year: 2016 **Actual Value:** \$345,700

Property

Year Built: 1962 **Square Footage:** 2718

Comparables

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



RE/MAX
ALLIANCE

RE/MAX ALLIANCE CENTRAL

Brett Murphy

Ph: 303-757-7474

The printed portions of this form, except differentiated additions, have been approved by the Colorado Real Estate Commission. (AE41-6-15) (Mandatory 1-16)

THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.

AGREEMENT TO AMEND/EXTEND CONTRACT

Date: 5/25/2016

1. This agreement amends the contract dated 4/29/2016 (Contract), between **J B CONCRETE & CONSTRUCTION** (Seller), and **4211 INCA STREET, LLC** (Buyer), relating to the sale and purchase of the following legally described real estate in the County of **Denver**, Colorado:
L 16 TO 21 INC BLK 14 VIADUCT ADD
known as No. **4211 INCA Street, DENVER, CO 80211** (Property).

NOTE: If the table is omitted, or if any item is left blank or is marked in the "No Change" column, it means no change to the corresponding provision of the Contract. If any item is marked in the "Deleted" column, it means that the corresponding provision of the Contract to which reference is made is deleted.

2. §3. DATES AND DEADLINES. [Omitted as inapplicable]

3. Other dates or deadlines set forth in the Contract are changed as follows:
n/a

4. Additional amendments:

J B CONCRETE & CONSTRUCTION/JOSE S LUEVANO OWNER GIVES 4211 INCA STREET LLC/BILLY WANG MANAGER FULL PERMISSION TO TAKE 4211 INCA STREET THROUGH THE REZONING PROCESS WITH THE CITY OF DENVER.

All other terms and conditions of the Contract remain the same.

This proposal expires unless accepted in writing by Seller and Buyer as evidenced by their signatures below and the offering party to this document receives notice of such acceptance on or before AS SOON AS POSSIBLE

Date Time

 Date: 5/27/16
Seller: **J B CONCRETE & CONSTRUCTION**
By: **JOSE S LUEVANO, OWNER**

Seller: _____ Date: _____

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BILLY WANG, MANAGER

Buyer: 4211 INCA STREET, LLC

Date: 5/26/2016

By: BILLY WANG, MANAGER

32

33 Buyer: _____

Date: _____

34

35

AE41-6-15. AGREEMENT TO AMEND/EXTEND CONTRACT

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Initials _____



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 Business Information
 Business Search

FAQs, Glossary and Information

Summary

Details			
Name	JB CONCRETE AND CONSTRUCTION INC.		
Status	Good Standing	Formation date	02/14/1994
ID number	19941017465	Form	Corporation
Periodic report month	June	Jurisdiction	Colorado
Principal office street address	4211 INCA ST T, DENVER , CO 80211, United States		
Principal office mailing address	5421 E 67th Place, Commerce City, CO 80022, United States		

Registered Agent	
Name	LUEVANO JOSE SOTO
Street address	4211 INCA ST, DENVER, CO 80211, United States
Mailing address	n/a

- [Filing history and documents](#)
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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.

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

4211 Inca Street 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", "LLC", "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

4435 Irving ST

(Street number and name)

Denver

(City)

CO

(State)

80211

(ZIP/Postal Code)

United States

(Province - if applicable)

(Country)

Mailing address

(leave blank if same as street address)

12415 PO Box

(Street number and name or Post Office Box information)

Denver

(City)

CO

(State)

80212

(ZIP/Postal Code)

United States

(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)

Wang

(Last)

Billy

(First)

(Middle)

(Suffix)

or

(if an entity)

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

Street address

4435 Irving ST

(Street number and name)

Denver

(City)

CO

(State)

80211

(ZIP Code)

Mailing address

(leave blank if same as street address)

12415 PO Box

(Street number and name or Post Office Box information)

Review Criteria Attachment for 4211 Inca ST Denver, CO 80211
Zoning Application:

This zoning application encompasses one parcel of land under one owner. We have chosen to apply for **C-RX-8** for this parcel at **4211 N Inca ST**. We have done so in accordance with the Blueprint Denver plan and the 41st and Fox Station area plan. The plan adopted by the City of Denver calls for maximum structure heights of 8 stories and we are requesting the maximum to give future development of the site the most options for building.

The parcel to the North and South is currently zone as I-A, UO-2. In the aforementioned Blueprint Denver plan the area is proposed to be rezoned to C-RX-8. The 41st and Fox Street Station, which has been adopted by the city, has mixed use zoning of C-RX-8 on the east side of the tail tracks. This parcel would reflect the mixed use and residential plan that has already be adopted by the city.

Review Criteria for 4211 Inca ST Denver, CO 80211:

Consistency with Adopted Plans: *The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's plan.*

The property is located on Inca ST within the Fox Station corridor which is an area of change and development to more Residential with ground floor commercial vs. the current use, industrial, I-A UO-2. The proposed entitlement change will provide a mix of uses that are appropriate for such an urban setting. The map amendment will permit development of commercial and residential uses. The property is currently an industrial site with a construction business, JB Concrete & Construction.

Uniformity of District Regulations: Our proposed zoning changes, from I-A, UO-2 to CRX-8 are in keeping with the zoning recommendations made by Blueprint Denver and the 41st & Fox ST Station area plan.

We have already communicated with all the Registered Neighborhood Organizations concerned with the site. We have also communicated this rezoning to Rafael Espinosa, City Council Member District #1. There has been no objection to the zoning change.

If approved, the effect of the proposed zoning will not be immediate though it will be very positive. The current owner is the tenant and will remain on site and keep existing use until such a time that they are able to relocate.

Public Health, Safety and general Wellness: The new permitted uses will add greatly to the vitality and life of the neighborhood and the City of Denver. The proposed CRX-8 will attract new residents to the area, create employment opportunities, and provide new live/work residential units. With the new station coming across the foot bridge in the future this area will be an attractive and interesting new development on an underutilized site.

Justifying Circumstances: *One of the following circumstances exists:
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.*

With the Fox ST station soon to be completed, a first for North of Denver Union Station, this area will see great change. The proximity of the subject property to the station and walking bridge along with the change of use of the land (area of change) is a strong justification for a change of zone district. This will allow mixed use development at an urban density. The city's new zoning code and recent mixed use developments in the area provide even further context for the zoning change as this area continues to transform.

The parcel to the North and South is currently zone as I-A, UO-2. In the aforementioned Blueprint Denver plan the area is proposed to be rezoned to C-RX-8. The 41st and Fox Street Station, which has been adopted by the city, has mixed use zoning of C-RX-8 on the east side of the tail tracks. This parcel would reflect the mixed use and residential plan that has already be adopted by the city.

The proposed official map amendment is consistent with the description of the applicable neighborhood context with the stated purpose and intent of the proposed Zone District:

In accordance with the Blueprint Denver plan and the 41st and Fox Station area plan. The plan adopted by the City of Denver calls for maximum structure heights of 8 stories. The parcel to the North and South is currently zone as I-A, UO-2. In the aforementioned Blueprint Denver plan the area is proposed to be rezoned to C-RX-8. The 41st and Fox Street Station, which has been adopted by the city, has mixed use zoning of C-RX-8 on the east side of the tail tracks. This parcel would reflect the mixed use and residential plan that has already be adopted by the city.