



TO: Land Use, Transportation and Infrastructure Committee
FROM: Joe Green, Associate City Planner
DATE: October 22, 2024
RE: Official Zoning Map Amendment Application #2024I-00035

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2024I-00035.

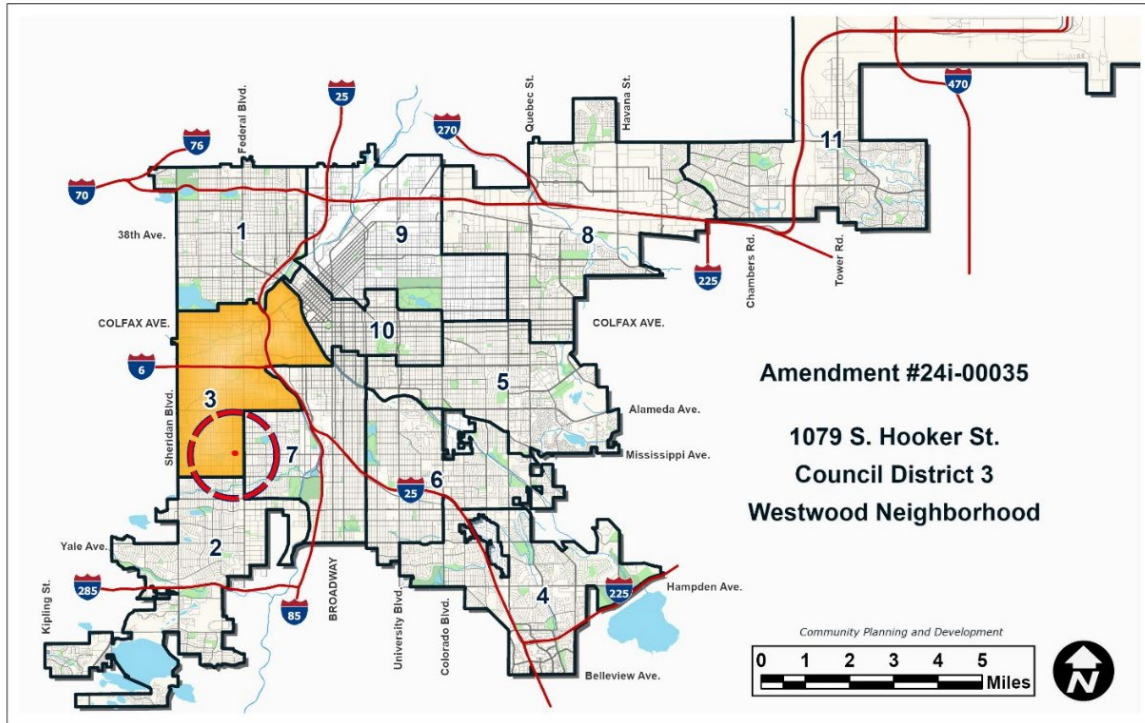
Request for Rezoning

Address: 1079 South Hooker Street
Neighborhood/Council District and CM: Westwood / Council District 3, CM Torres
RNOs: Hecho en Westwood, Far East Center, Westwood Unidos, Westwood Community Action Team, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Property: 10,680 square feet or 0.25 acres
Current Zoning: S-SU-D
Proposed Zoning: E-TU-C
Property Owner(s): 1079 S Hooker Street Trust
Owner Representative: Nick Young

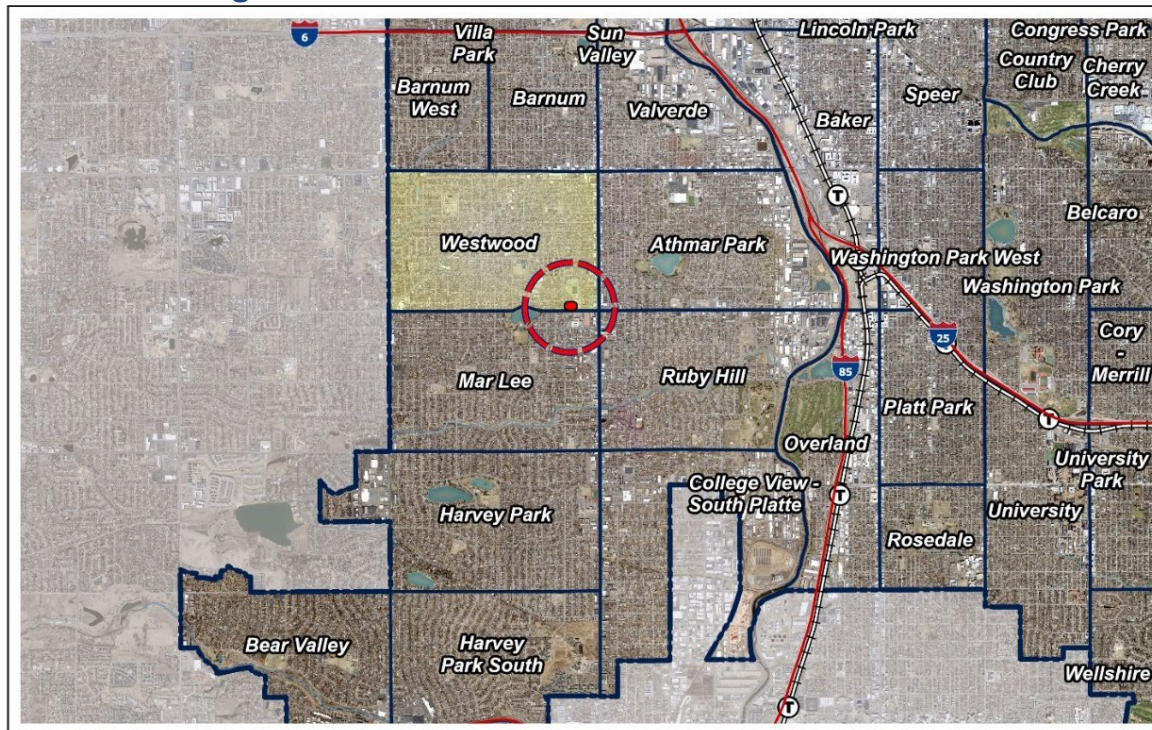
Summary of Rezoning Request

- The subject property is located in the Westwood neighborhood on the west side of South Hooker Street north of West Mississippi Avenue and directly across the street from Pascual LeDoux Academy. The property is at the end of a cul-de-sac to the north of which is the Rocky Mountain Prep Southwest Elementary Charter School and Kepner Beacon Middle School.
- The subject property is currently vacant but zoned for single-unit residential on a minimum 6,000 square foot lot.
- The proposed rezoning will allow for the property to be redeveloped with up to two units on a minimum 5,500 square foot lot.
- The requested E-TU-C district stands for Urban Edge Context – Two Unit – C, which allows for the Urban House, Duplex, or Tandem House building forms. Further details of the requested zone district can be found in Article 5 of the Denver Zoning Code (DZC).

Council District



Statistical Neighborhood



Aerial View



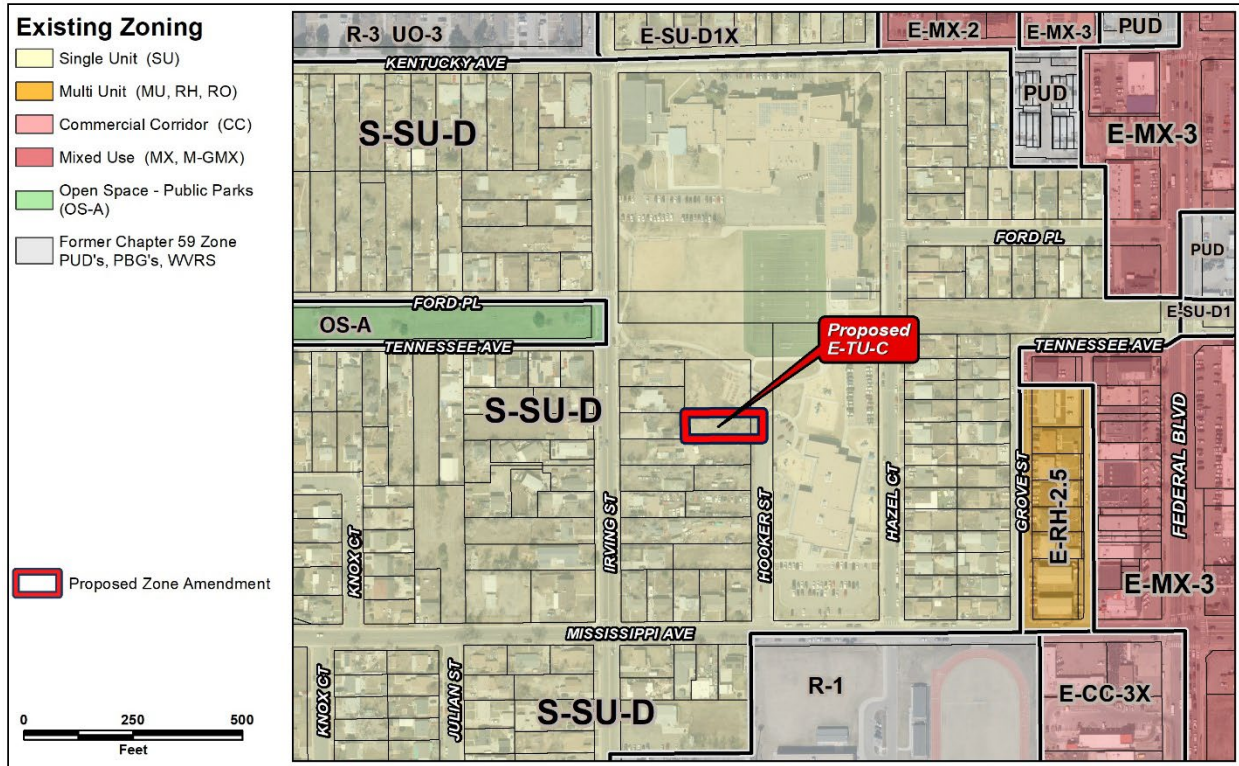
The site is in the Westwood neighborhood along South Hooker Street north of West Mississippi Avenue. The neighborhood consists of mostly single-unit residential with two-unit and multi-unit residential scattered throughout. Most of Westwood consists of a regular pattern of block shapes surrounded by an orthogonal street grid with a consistent presence of alleys with Morrison Boulevard notably dissecting the neighborhood at an angle. However, the subject property is in an area of Westwood where the grid is frequently broken by the presence of institutional uses and open spaces and there is a notable absence of alleys. This particular block of South Hooker Street ends in a cul-de-sac, as the property to the north is occupied by educational uses.

The east side of South Hooker Street across from the subject property is occupied by the Pascual LeDoux Academy. To the south of the subject property, across West Mississippi Avenue, is the campus of Rocky Mountain Westwood Prep Middle School and Rocky Mountain Prep SMART High School. Four blocks west along West Mississippi Avenue is Garfield Lake Park. Three blocks east at the intersection of West Mississippi Avenue and South Federal Boulevard is a bus stop for the 14, 30, 30L, and 31 bus routes. The 14 bus runs east-west between Lakewood and the I-25 & Broadway RTD Light Rail Station. The 30 and 31 buses run north-south along Federal Boulevard with the 30L making limited stops. Federal Boulevard is a Transit Priority Corridor in Blueprint Denver. Roadway and signal improvements to facilitate faster and more reliable bus service are anticipated to be constructed in the next couple of years, and Bus Rapid Transit is planned for the future.

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

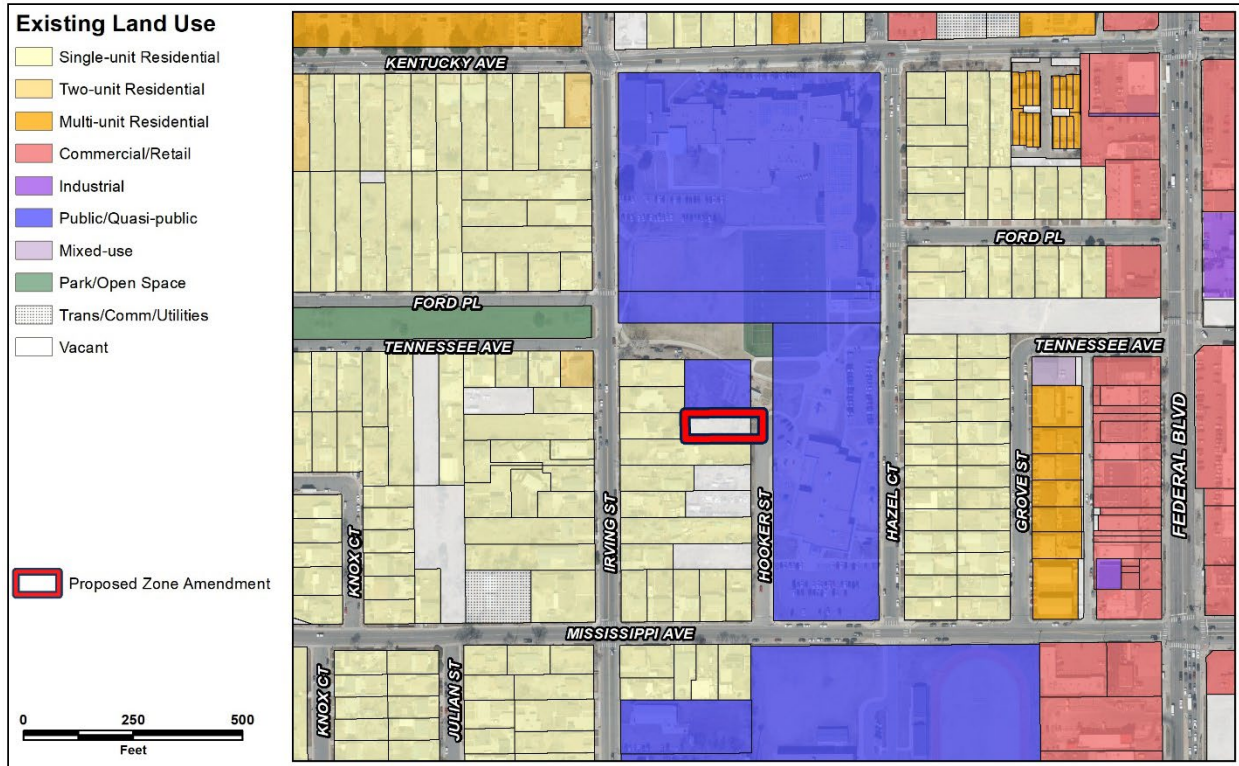
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-D	Vacant	The site is currently vacant.	An irregular pattern of block and lot shapes. While blocks generally run on an orthogonal grid, the grid is often interrupted by the presence of institutional uses and open spaces resulting in an inconsistent pattern of blocks, lots, and streets. This block has some through-lots that extend from South Irving Street all the way to South Hooker Street, and others that do not. Alleys are not typical in the area.
North	S-SU-D	Single-unit residential	A 1-story single-unit house with frontage on South Irving Street. The rear of the property is on South Hooker Street.	
South	S-SU-D	Single-unit Residential	Three 1-story single-unit homes with frontage on Mississippi Avenue.	
East	S-SU-D	Public/Quasi-public	The 1-story Pascual LeDoux Academy preschool with a playground fronting on South Hooker Street.	
West	S-SU-D	Single-unit Residential	A 1-story single-unit residential with frontage on and a driveway off South Irving Street.	

Existing Zoning



The subject site is currently zoned S-SU-D which is a single unit residential district that allows suburban houses with a minimum zone lot of 6,000 square feet. Further details of the zone district can be found in Article 3 of the Denver Zoning Code (DZC).

Existing Land Use Map



Existing Building Form and Scale



Aerial view of the subject property, looking west (Source: Google Maps).



View of 1079 South Hooker Street, looking west.



View of the property to the north, looking west (Source: Google Maps).



View of the property to the south along South Hooker Street, looking north (Source: Google Maps).



View of the school to the east along South Hooker Street, looking east (Source: Google Maps)



View of the single-unit residential property to the west along South Irving Street, looking east (Source: Google Maps)

Proposed Zoning

The requested E-TU-C zone district is a two-unit district that allows for the Urban House, Duplex, and Tandem House building forms on a minimum 5,500 square foot lot. The height in the requested zone district is 2.5 stories or 30' which is the same as in the existing zoning. The requested zoning would allow for a greater number of building forms at a higher density of two primary dwelling units per zone lot. The E-TU-C district also allows the Accessory Dwelling Unit use and building form. For additional details of the requested zone district, see DZC Section 5.3.3.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	S-SU-D (Existing)	E-TU-C (Proposed)
Primary Building Forms Allowed	Suburban House	Urban House, Duplex, Tandem House
Accessory Dwelling Units	Not Allowed	Allowed
Stories/Heights (max)	2.5/30'	2.5/30'
Minimum Zone Lot Size/Width	6,000 sf/50'	5,500 sf/50'
Primary Setbacks (min)	15'	Determined by DZC Section 13.1.5.9 subject to reference lots

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:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review.

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project. EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

Denver Parks and Recreation: Approved – No Comments

Public Works – R.O.W.- City Surveyor: Approved – No Comments

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review.

- Future development is subject to zoning and building permit review and approval prior to construction beginning. Projects with two units or less will be reviewed by the Residential Team.
- Future development on the site will need to comply with the chosen building form standards for the new zone district.

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – See Comments. There is no public sanitary sewer in the property frontage.

Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	06/12/24
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	09/17/24
Planning Board public hearing (Recommended for approval unanimously)	10/02/24
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	10/08/24
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	10/22/24
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	11/11/24 (tentative)
City Council Public Hearing:	12/02/2024 (tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date we have received no comments from RNOs.
 - **General Public Comments**
 - To date we have received no comments from the general public.

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 2040* (2019)
- *Blueprint Denver* (2019)
- *Westwood Neighborhood Plan* (2014)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for additional housing options in an established neighborhood, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy B – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning is consistent with the following strategies in the Environmentally Resilient vision element:

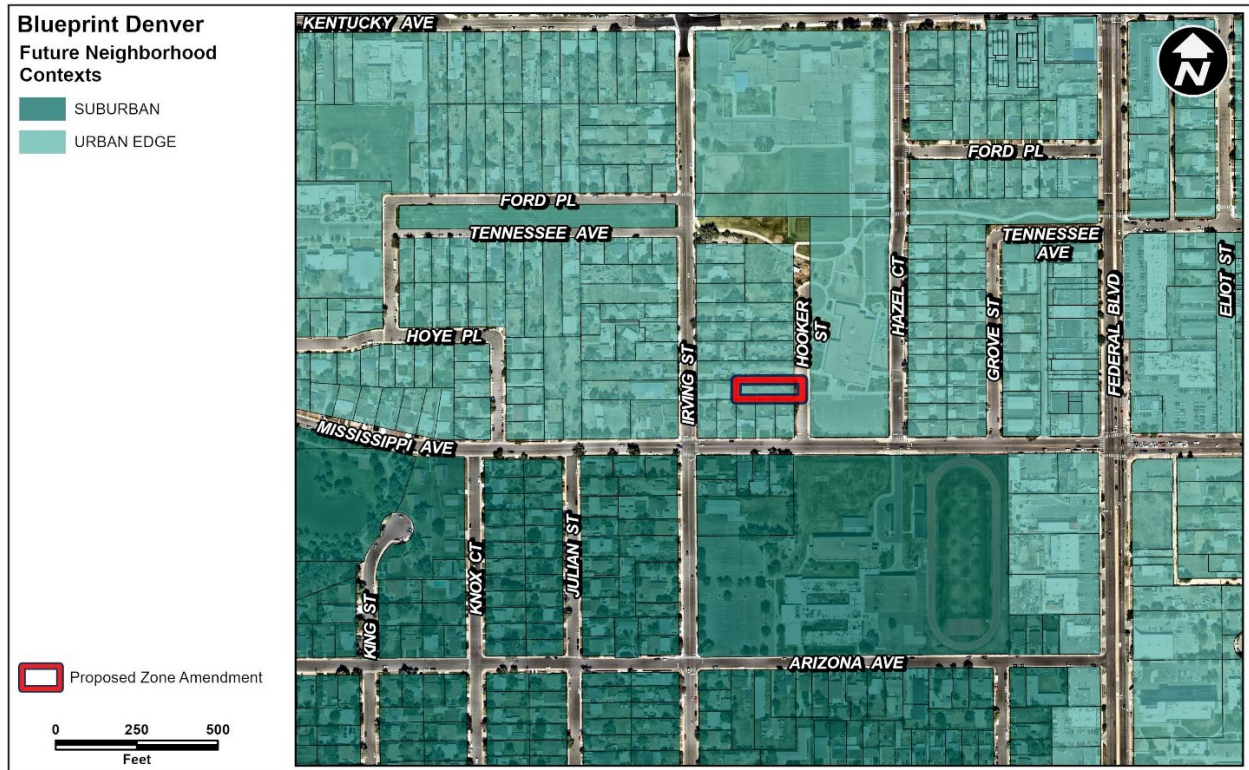
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).

The rezoning would take advantage of increasing density at an infill location on a vacant site. The site is close to transit and services along Federal Boulevard as well as multiple schools and open spaces.

Blueprint Denver

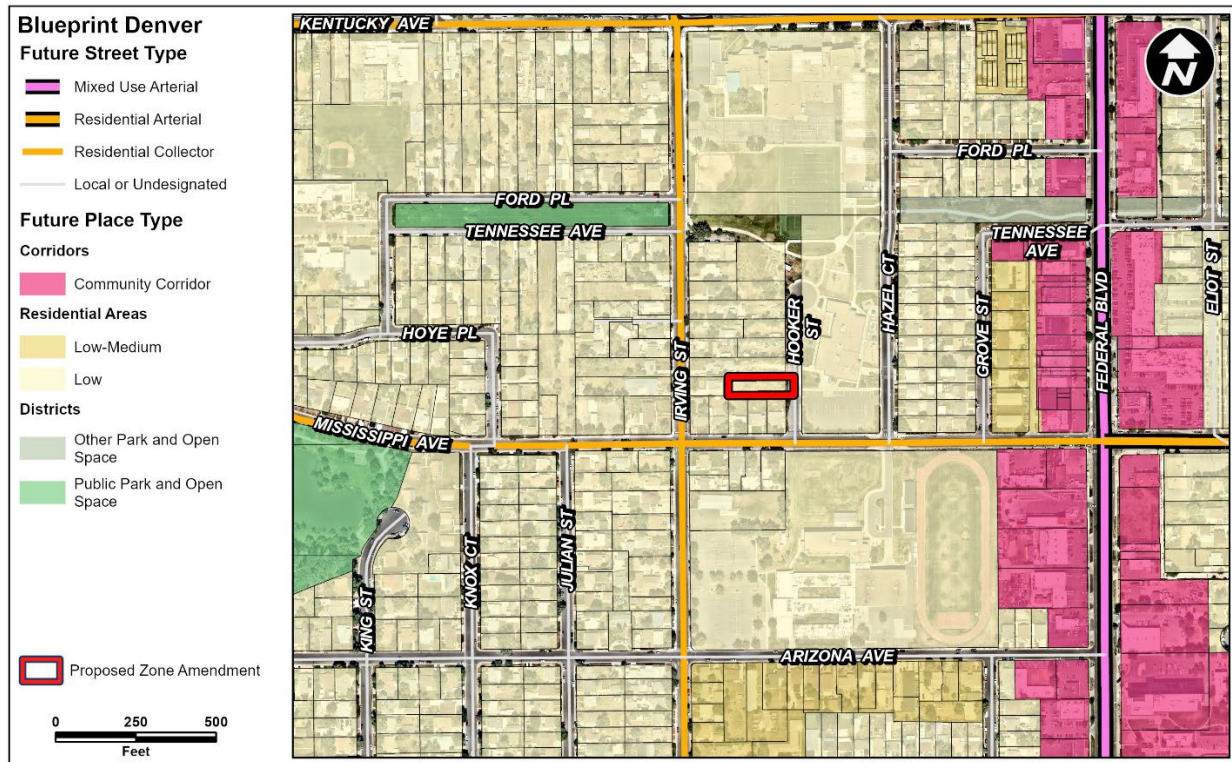
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Local Center place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and mobility between neighborhoods. This map, and associated descriptions, help guide appropriate zone districts (p. 66). The subject property is designated Urban Edge on the neighborhood context map, which is described as predominantly low-scale single- and two-unit residential with some small-scale multi-unit interspersed throughout (p. 205). The proposed E-TU-C zone district is part of the Urban Edge context and is intended to “promote and protect residential neighborhoods” and “allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood” (DZC 4.2.2.1). Since the proposed district allows a small increase in density without substantial increase in building forms, the proposed rezoning to an Urban Edge context is appropriate and consistent with the plan.

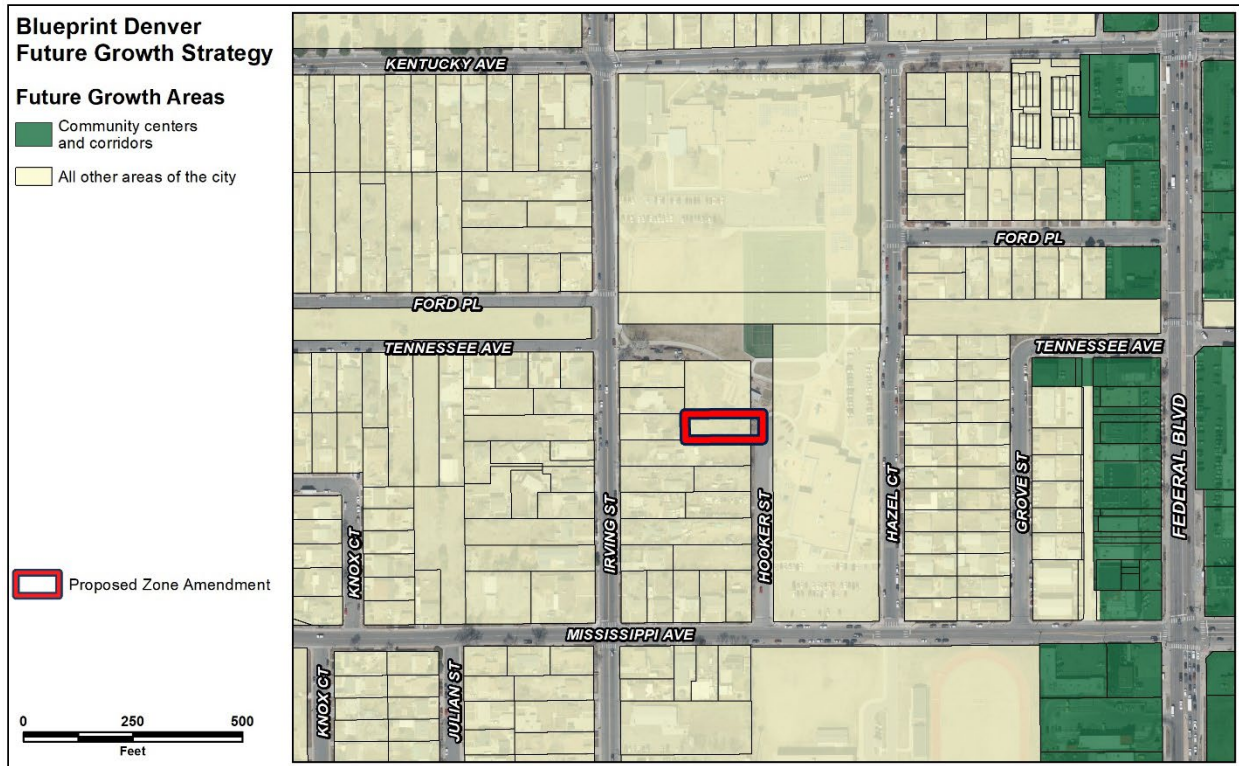
Blueprint Denver Future Places



The subject property is designated as Low Residential. *Blueprint Denver* describes Low Residential as “predominantly single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible” (p. 214). *Blueprint Denver* also recommends that further guidance be provided by the small area plan (p. 62), which is described further in this report. The proposed E-TU-C zone district is consistent with the Low Residential place as it would allow two-unit building forms with appropriately scaled heights.

In *Blueprint Denver*, future street types work together with future places to evaluate the appropriateness of the adjacent development (p. 67). The three volume classifications of local, collector, and arterial are further refined by six types of surrounding contexts. South Hooker Street is designated a local street, which is predominantly defined by residential uses. The proposed E-TU-C zone district is consistent with this street type as it would allow for residential uses.

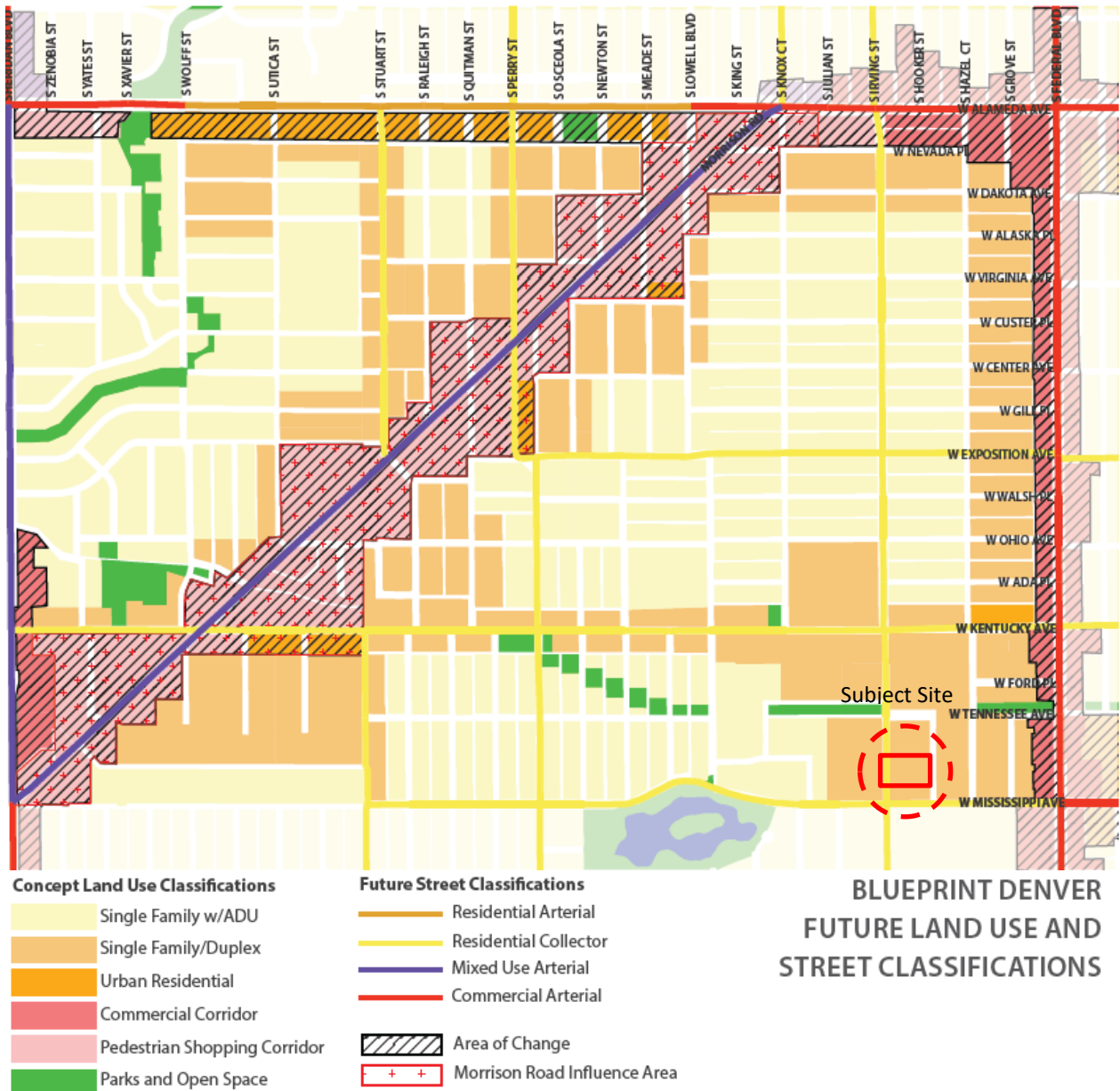
Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map shows the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "all other areas of the city" designation, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed E-TU-C will allow for a slight increase in density in this primarily residential area with good access to jobs, housing, and services.

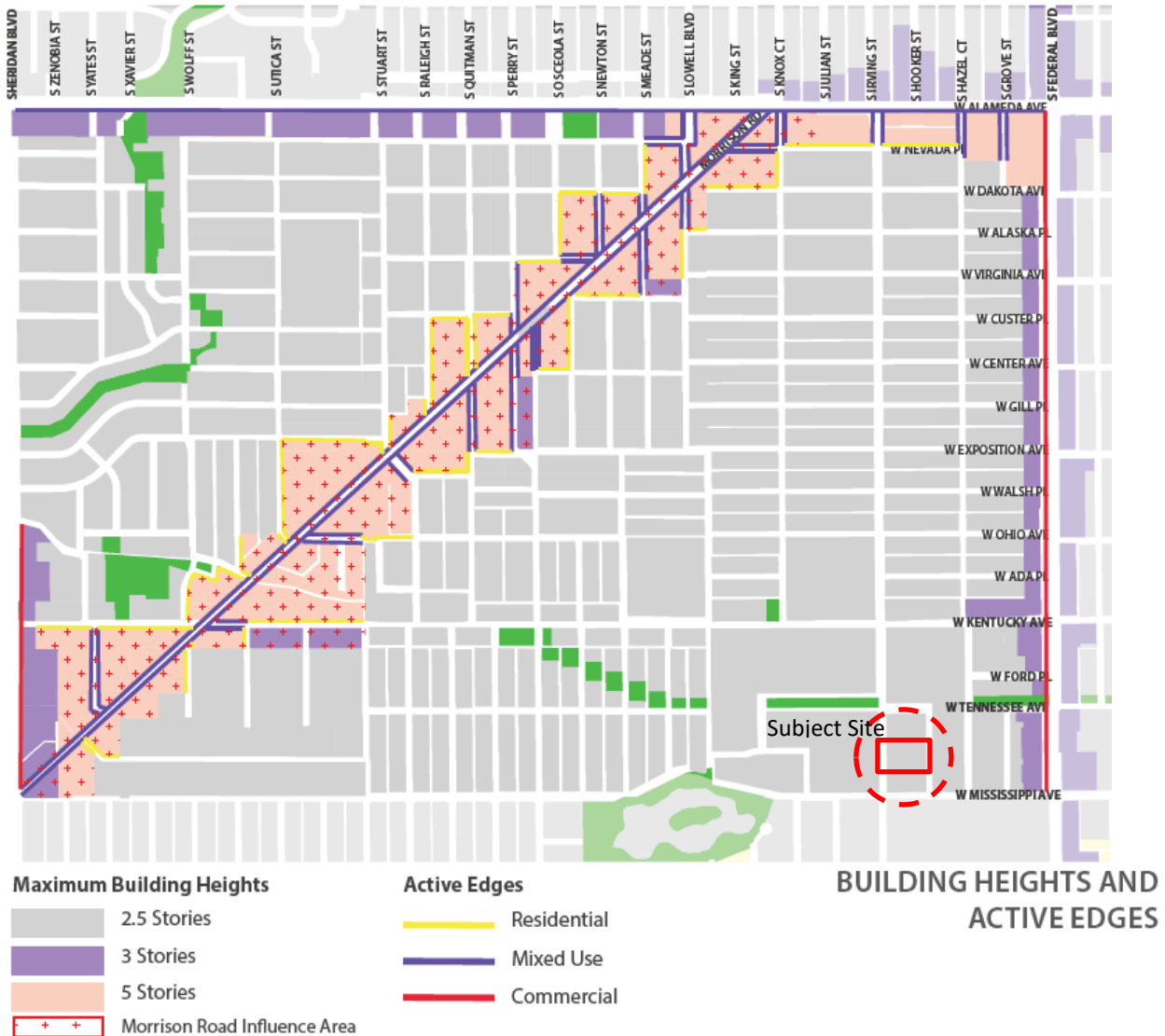
Westwood Neighborhood Plan (2016)

The *Westwood Neighborhood Plan* was adopted in 2016 and outlines the community's vision for the future of the neighborhood. The plan identifies the subject property as Single Family/Duplex in the Concept Land Use Classifications. This classification is described as "moderately dense areas that have a mixture of housing types, including single-family houses, duplexes, tandem houses and ADUs" (p. 77).



The plan further notes that “much of the neighborhood for Single Family/Duplex is currently zoned E-TU-C which implements the plan vision” and that “single-unit zoning does not implement the vision for the areas identified [Single Family/Duplex]” so “map amendments should be either explored as redevelopment occurs, or more proactive by either City Council or City initiated rezoning” (p. 78). Therefore, the proposed rezoning to E-TU-C is consistent with the small area plan’s guidance.

Maximum heights at this location are noted as 2.5 stories. While the E-TU-C allows for a broader set of building forms, each of them has a maximum height of 2.5 stories. Therefore, the proposed E-TU-C district is consistent with the height guidance.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-TU-C 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 through implementation of the city's adopted land use plans and allowing a subtle increase in density in a walkable neighborhood near transit and amenities.

4. Justifying Circumstance

The application identifies the implementation of a City adopted plan as the justifying circumstance. The language in the *Westwood Neighborhood Plan* is explicit that E-TU-C is the desired zone district for this area and this rezoning would result in implementation of that statement. Both *Blueprint Denver* and the *Westwood Neighborhood Plan* were adopted after the existing zoning was put in place and are therefore a justifying circumstance for the proposed rezoning.

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

The proposed E-TU-C zone district is consistent with the neighborhood context, purpose, and intent statements. The planned neighborhood context is Urban Edge and the proposed rezoning would result in the Urban Edge neighborhood context. The E-TU-C would comply with the general purpose statement by allowing for two-unit residential without detracting from the overall image and character of the neighborhood. The E-TU-C zone district meets the intent statement by allowing low-scale residential building forms on a lot with a minimum 5,500 square feet.

Attachments

1. Application



Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	1079 S HOOKER STREET	Representative Name	Nick Young
Address	90 W 84TH AVE	Address	2060 Hoyt Street
City, State, Zip	Denver, CO 80260	City, State, Zip	Lakewood, CO 80215
Telephone		Telephone	816.509.1769
Email	vince.tbe@hotmail.com	Email	nick@thinkingmodern.com
<p>*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> <p>***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.</p>	
SUBJECT PROPERTY INFORMATION			
Location (address):	1079 South Hooker Street		
Assessor's Parcel Numbers:	0517318031000		
Area in Acres or Square Feet:	10,680sf		
Current Zone District(s):	S-SU-D		
PROPOSAL			
Proposed Zone District:	E-TU-C		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)	<u>A. Childress</u>	
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)	<u>04.03.24</u>	

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</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 a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): <u>Westwood Neighborhood Plan</u></p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</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>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezonings: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</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 of 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"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</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>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

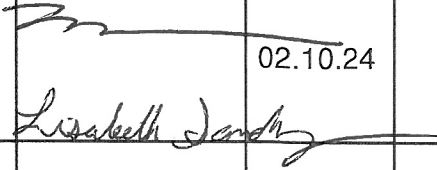
- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this is document is required.)
- Other Attachments.** Please describe below.



REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (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>	01/12/20	(A)	YES
1079 S HOOKER STREET TRUST Matthew Sanchez Lisabeth Sanchez	90 W 84TH AVE Denver, CO 80260 vince.tbe@hotmail.com	100%	 <i>Lisabeth Sanchez</i>	02.10.24		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
						YES NO
						YES NO
						YES NO

01 April 2024

M.O.D.
2060 Hoyt Street
Lakewood, CO 80215

RE: 1079 South Hooker Street - Rezoning Review Criteria Narrative
Rezoning request from the existing S-SU-D to E-TU-C

General Review Criteria DZC Sec. 12.4.10.7.A

Denver Comprehensive Plan 2040

The requested zoning is in line with this adopted plan as it meets the intent of the following goals of the adopted building plan:

Equitable, Affordable and Inclusive; Goal 2, Strategy A

Creates a greater mix of housing options in the neighborhood for individuals and families. The rezone will allow for multiple building forms and different size of units to be constructed relative the current zoning of only a single family residence.

Strong and Authentic Neighborhoods; Goal 1, Strategy B

Ensure neighborhoods offer a mix of housing types. We will be offering different scaled and programs within units and unit types with this rezone. It will allow different prices points for buyers.

Environmentally Resilient Goal 8; Strategy A

Promote infill development where infrastructure and series are already in place. We have the light rail directly to the north of this lot and a rail stop within 1 block.

Blueprint Denver

Future Neighborhood Context Map

The site falls within the desired Urban context. This context is identified as small multi-unit residential and low-intensity mixed-use buildings which are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where multi-unit buildings occur, they are low-scale.

Future Places Type Map

The site falls within the desired low-medium context per this map which is a mix of mid-scale multi-unit residential options. Our proposed zoning will allow multi-unit structures compared to the existing single unit use/district.

Growth Area Strategy Map

The site falls within the growth area. The proposed rezoning will allow for a greater density in general however.

Future Street Type Map

10th Avenue to the south is designated as a collector (as it is existing as well). We see most traffic coming from the south, 10th Avenue to our site.

Westwood Area Plan

Single Family/Duplex Single family duplex residential areas are moderately dense areas that have a mixture of housing types, including single-family houses, duplexes, tandem houses and ADUs. Tandem houses are particularly applicable for the narrow and deep lots in Westwood. Even though these areas are denser, they maintain the character of the single family with ADU district. Low-scale neighborhood serving commercial uses may be appropriate along collector or arterial streets, specifically at intersections. Opportunities for neighborhood serving fresh-food growing and retail opportunities are especially relevant to serve the needs of the residential areas. Much of the neighborhood is planned for Duplex use in this area.

General Review Criteria: DZC Sec. 12.4.10.7. B & C

Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by providing an opportunity for new construction which will be built to higher building and code standards.. A more dense zoning would allow the opportunity to develop new safer, well built products for buyers. A new development on the lot would also provide Right Of Way improvements off of Hooker Street including a detached sidewalk, curb, and gutter.

Uniformity of District Regulations - E-TU-C

The intent of the U-TU-C district is to promote and protect residential neighborhoods with two unit structures. This would include duplexes, tandem homes, ADUs or similar building products. A two unit building form would allow us to provide a tandem home (two single family homes) rather than a single unit. In theory, this should promote building a lower entry price point per unit.


DZC Sec. 12.4.10.8

Justifying Circumstances

The neighborhood is filled with existing single family homes. We are wanting to provide the same by building two single family homes on one zone lot rather than 1 single family home. Both will have street curb appeal as well as built with the relative AMI in the area.

Neighborhood Context

The neighborhood consists mainly of single family homes, tandem homes, duplexes, as well as ADUs. The lot is quite large at over 10,000sf. We feel as if two smaller single family homes on this zone lot size is quite appropriate.

From: Nick Young nick@thinkingmodern.com 
Subject: 1079 S Hooker Street - Rezone - S-SU-D to E-TU-C AND 1090 N Hooker Street - E-SU-D1X to U-RH-2.5
Date: May 7, 2024 at 2:25 PM
To: DenverVoters@gmail.com



Good day,

This is Nick Young with MOD. I was reaching out to get any possible feedback on two rezone applications we will be formally submitting soon. See the addresses above and the supporting documents attached. I am currently reaching out with boots on the ground to the immediate neighbors via english/spanish documents to the nearby properties for both subject lots. I will keep you informed if anything arises in those communications. We have also already met with Jamie Torres for both lots and have had quality back and forth. I'm currently reaching out to other RNOs as well. If you have any recommendations for anyone that might be great to receive feedback, please let me know their contact and I'll reach out.

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1090 North Hooker Street

- The existing lot is occupied by a single family home of which shorter term renters currently occupy the home
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 - The owner plans to live in one of the units as well
- The location next to Paco Sanchez Park seems to beckon for a bit more density and the request to the row house zoning is in line with the West Area's Plan of density

We would like to provide lower entry for the units in regards to price points. By being able to do 4 to 5 units total (currently being schematically designed), we can create units at roughly 1,400sf each. Each would have a parking space as well.


Please let me know if interested in an in-person meeting or phone call to discuss more. Thank you for your time and thoughts!

Nick Young
816.509.1769
MOD
denvermod.com
nick@thinkingmodern.com





1079 Hooker
Street_....23.pdf

From: Nick Young nick@thinkingmodern.com 
Subject: 1079 S Hooker Street - Rezone - S-SU-D to E-TU-C AND 1090 N Hooker Street - E-SU-D1X to U-RH-2.5
Date: May 7, 2024 at 2:25 PM
To: westwoodcommunityactionteam@gmail.com



Good day,

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From: Nick Young nick@thinkingmodern.com 
Subject: 1079 S Hooker Street - Rezone - S-SU-D to E-TU-C AND 1090 N Hooker Street - E-SU-D1X to U-RH-2.5
Date: May 7, 2024 at 2:25 PM
To: fareastcenterco@gmail.com



Good day,

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From: Nick Young nick@thinkingmodern.com 
Subject: 1079 S Hooker Street - Rezone - S-SU-D to E-TU-C AND 1090 N Hooker Street - E-SU-D1X to U-RH-2.5
Date: May 7, 2024 at 2:25 PM
To: rno@hechoenwestwood.com



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Date: May 7, 2024 at 2:25 PM
To: president@denverinc.org



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Subject: 1079 S Hooker Street - Rezone - S-SU-D to E-TU-C AND 1090 N Hooker Street - E-SU-D1X to U-RH-2.5
Date: May 7, 2024 at 2:25 PM
To: normabrambila@westwoodunidos.com



Good day,

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Subject: 1079 S Hooker Street - Rezone - S-SU-D to E-TU-C AND 1090 N Hooker Street - E-SU-D1X to U-RH-2.5
Date: May 7, 2024 at 2:22 PM
To: G-Gutierrez.atlarge@denvergov.org



Councilperson Gonzales-Gutierrez,

This is Nick Young with MOD. We've met a number of times at Hearings for a few rezones we've done over the past year(s). I was reaching out to get any possible feedback on two more rezones (and I believe the last rezones I will be taking on in the near future). See the addresses above and the supporting documents attached. I am currently reaching out with boots on the ground to the immediate neighbors via english/spanish documents to the nearby properties for both subject lots. I will keep you informed if anything arises in those communications. We have also already met with Jamie Torres for both lots and have had quality back and forth. I'm currently reaching out to other RNOs as well. If you have any recommendations for anyone that might be great to receive feedback, please let me know their contact and I'll reach out.

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1079 Hooker
Street_....23.pdf
[403 KB](#)

1079 SOUTH HOOKER STREET – REZONE NOTIFICATION

REZONE INTENT

MOD Architecture + Design will be formally submitting for a rezone application for 1079 South Hooker Street. The current lot is vacant and we will be requesting to be rezoned to a two unit designation. This would allow us to build up to 2 single family homes within the 10,600sf lot. This will allow us to make a lower price sell point for each of the homes rather than one larger home. We are also designing first floor masters within the homes for age in place buyers.

NEXT STEPS

Our next steps will be formal hearings with City of Denver Planning as well as City Council. You will see multiple sign postings over the next 4-6 months with information for you to attend the public hearings. Feel free however to reach out to me directly, Nick Young, via the contacts below anytime. I am more than happy to keep you up to date with the schematic design process for the project. I am also open to any design considerations you feel we should keep in mind when designing the homes. This is your environment and we'd love to help enhance it!

CONTACT

I am Nick Young and I own MOD Architecture + Design. We focus on single family homes and townhome projects mainly. We enjoy designing intimate and responsive designs.

Nick Young
Email: nick@thinkingmodern.com
Phone: 816.509.1769
Denvermod.com

Thank you for your time and thoughts.

1079 SOUTH HOOKER STREET – NOTIFICACIÓN DE REZONIFICACIÓN

INTENCIÓN DE REZONIFICACIÓN

MOD Architecture + Design presentará formalmente una solicitud de rezonificación para 1079 South Hooker Street. El lote actual está vacante y solicitaremos ser rezonificado a una designación de dos unidades. Esto nos permitiría construir hasta 2 viviendas unifamiliares dentro del lote de 10,600 pies cuadrados. Esto nos permitirá hacer un punto de venta de precio más bajo para cada una de las casas en lugar de una casa más grande. También estamos diseñando maestros en el primer piso dentro de las casas para compradores de edad en el lugar.

PASOS SIGUIENTES

Nuestros próximos pasos serán audiencias formales con el Departamento de Planificación de la Ciudad de Denver, así como con el Concejo Municipal. Verá múltiples carteles durante los próximos 4 a 6 meses con información para que asista a las audiencias públicas. Sin embargo, no dude en comunicarse conmigo directamente, Nick Young, a través de los contactos a continuación en cualquier momento. Estoy más que feliz de mantenerlos actualizados con el proceso de diseño esquemático para el proyecto. También estoy abierto a cualquier consideración de diseño que creas que debemos tener en cuenta al diseñar las casas.
¡Este es tu entorno y nos encantaría ayudarte a mejorarlo!

CONTACTO

Soy Nick Young y soy dueño de MOD Architecture + Design. Nos enfocamos en viviendas unifamiliares y proyectos de casas adosadas principalmente. Disfrutamos diseñando diseños íntimos y responsivos.

Nick Young
Correo electrónico: nick@thinkingmodern.com
Teléfono: 816.509.1769
Denvermod.com

Gracias por su tiempo y sus pensamientos.



07/02/2021 04:07 PM
City & County of Denver
Electronically Recorded

R \$13.00

WD

D \$8.75



Escrow No.: C2063006-075-BM1

Red June 30 2021
GENERAL WARRANTY DEED

This Deed, made ~~July 1, 2021~~

Between **John D. Young** of the County **Denver**, State of **Colorado**, grantor(s) and **1079 S Hooker Street Trust, a Tenant in Severalty** whose legal address is **90 WEST 84TH AVENUE, THORNTON CO 80260**, County of **ADAMS**, and State of **Colorado**, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of **EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100'S (\$87,500.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of **Denver**, State of **Colorado** described as follows:

State Doc Fee: \$8.75

Lot 18, Bobo McIntosh and Barton Subdivision, Except the West 120.00 feet thereof, City and County of Denver, State of Colorado.

also known by street and number as **1079 South Hooker Street, Denver, CO 80219**

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, **except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.**

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

John D. Young

STATE OF COLORADO
COUNTY OF DENVER

}ss:

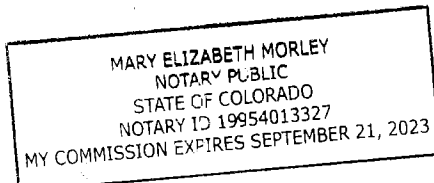
Red June 30 2021

The foregoing instrument was acknowledged, subscribed and sworn to before me ~~July 1, 2021~~ by **John D. Young**.

Witness my hand and official seal.

Notary Public

My Commission expires: *9/21/2023*



TRUST AGREEMENT

Trust Agreement made this **15th day of September, 2021** by between
**1079 South Hooker Street LLC, whose address is 90 West 84th Avenue,
Thornton, CO 80260,**

As Grantor(s)/Settlor(s) and Beneficiaries, (hereinafter collectively referred to as the "Beneficiaries"), and

**Matthew D. Sanchez whose address is 90 West 84th Avenue, Thornton, CO
80260**

as Trustee of the trust created hereby, (hereinafter referred to as the "Trustee", which designation shall include all successor trustees).

Whereas, the Beneficiaries are about to convey or cause to be conveyed in the near future certain real property to the Trustee, and the Trustee has agreed to accept such conveyance and hold the real property as a fiduciary in trust for the Beneficiaries under the terms and conditions set forth below.

Now, Therefore, the parties hereby agree as follows:

1. Declaration of Trust. The trust created by the settlors herein shall be known as **"1079 S Hooker Street Trust"** (hereinafter referred to as the "Trust").

2. Trust Property. The corpus of the trust will be real property (hereinafter referred to as the "Trust Property") that the Beneficiaries will convey or cause to be conveyed fee simple absolute by deed. Said property is described in the attached Exhibit "A." The Trustee shall hold full legal and equitable title to said property, in trust, only for the use and purpose stated under the terms of this Agreement and any valid addendum hereto duly executed by the parties. If permissible in the state in which the real property sits, title shall be held in the name of the Trust itself, to wit: **"1079 S Hooker Street Trust,"** otherwise, the Trustee shall hold title in his or her name "an individual, as Trustee, and not personally, of **"1079 S Hooker Street Trust."**

3. Trust Purpose. The objects and purposes of this Trust shall be to hold full legal and equitable title to the Trust Property until its sale, disposition or liquidation, or until the trust is terminated or expires by its own terms and/or as a matter of law. The Trustee shall not undertake any activity that is not strictly necessary to the achievement of the foregoing objects and purposes, nor shall the Trustee transact business within the meaning of applicable state law, or any other law, nor shall this Agreement be deemed to be, or create or evidence the existence of a corporation, de facto or de jure, or a Massachusetts Trust, or any other type of business trust, or an association in the nature of a corporation, or a co-partnership or joint venture, limited liability company, or similar

limited liability association by or between the Trustee and the Beneficiaries, or by or between the Beneficiaries.

4. Consideration. The Trustee has paid no consideration for the conveyance of real property described herein. The conveyance will be accepted and held by the Trustee subject to all existing liens, encumbrances, easements, restrictions or other clouds or claims against the title thereto, whether the same are of record or otherwise. The property will be held on the trusts, terms and conditions and for the purposes hereinafter set forth, until the whole of the trust estate is conveyed, free of this trust, as hereinafter provided.

5. Rights and Duties of the Beneficiaries. The persons and/or entities named in the attached Exhibit "B" (including their heirs, assigns or successors) hereof are the Beneficiaries of this Trust, and as such, shall be entitled to all of the earnings, avails and proceeds of the Trust Property according to their interests set opposite their respective names. No Beneficiary shall have any legal or equitable right, title or interest, as realty, in or to any real estate held in trust under this Agreement, or the right to require partition of that real estate, but shall have only the rights, as personalty, set out below, and the death of a Beneficiary shall not terminate this Trust or in any manner affect the powers of the Trustee.

The interests of the Beneficiaries shall consist solely of the following rights respecting the Trust Property:

- a. The right to direct the Trustee to convey or otherwise deal with the title to the Trust Property as hereinafter set out.
- b. The right to participate in the management and control the Trust Property.
- c. The right to receive the proceeds and avails from the rental, sale, mortgage, or other disposition of the Trust Property.

6. Powers and Duties of Trustee. The Trustee shall not copy or show this agreement to any individual or entity other than the beneficiaries or successor trustees, nor shall the Trustee reveal the identity of the beneficiaries or the trust property to any individual or entity except by way of a Court Order duly executed by a Justice or Magistrate of a Court of competent jurisdiction. The trustee shall not record this agreement or the name of any of the beneficiaries in any place of public record.

The Trustee, as the sole owner of record of the Trust Property, have the following powers with respect the Trust Property, at the written direction of the Beneficiary:

a. To issue notes or bonds and to secure the payment of the same by executing a deed of trust, mortgage or other security instrument conveying a lien on the whole or any part of the Trust Property;

b. To borrow money, giving notes therefor, or to assume existing debts related to the property signed by him or her in the capacity as Trustee;

c. To invest such part of the capital and profits therefrom and the proceeds of the sale of bonds and notes in such real estate, equities in real estate, and mortgages in real estate in the United States of America;

d. To have, together with, and at the direction of the beneficiaries, the exclusive management and control of the property as if he were the absolute owner thereof, and the full power to do all things and perform all acts which in his or her judgment are necessary and proper for the protection and preservation of the Trust Property and for the interest of the Beneficiaries in the property of the Trust, subject to the restrictions, terms, and conditions set forth herein;

e. To take possession of the trust property in the event it becomes vacant;

f. To purchase any additional real property for the Trust at such times and on such terms as may be beneficial to the beneficiary;

g. To rent or lease the whole or any part of the Trust Property for long or short terms, but not for terms exceeding the term of the Trust then remaining;

h. To repair, alter, tear down, add to, or erect any building or buildings upon land belonging to the Trust; to fill, grade, drain, improve, and otherwise develop any land belonging to the Trust; to carry on, operate, or manage any building, apartment house, mobile home lot or hotel belonging to the Trust;

i. To make, execute, acknowledge, and deliver all deeds, releases, mortgages, leases, contracts, options, agreements, instruments, and other obligations of whatsoever nature relating to the Trust Property, and generally to have full power to do all things and perform all acts necessary to make the instruments proper and legal (and to do so by a duly appointed attorney-in-fact);

j. To collect notes, rents, obligations, dividends, and all other payments that may be due and payable to the Trust; to deposit the net proceeds thereof, as well as any other moneys from whatsoever source they may be derived, in any suitable bank or depository, and to draw the same from time to time for the purposes herein provided, paying the net proceeds therefrom to the beneficiaries;

k. To pay all lawful taxes and assessments and the necessary expenses of the Trust; to employ such officers, brokers, property managers, engineers, architects, carpenters, contractors, agents, counsel, and such other persons as may seem expedient, to designate their duties and fix their compensation; to fix a reasonable compensation for their own services to the Trust, as organizers thereof.

l. To represent the Trust and the Beneficiaries in all suits and legal proceedings relating to the Trust Property in any court of law of equity, or before any other bodies or tribunals; to begin suits and to prosecute them to final judgment or decree; to compromise claims or suits, and to submit the same to arbitration when, in their judgment, such course is necessary or proper.

The Trustee in addition to the other duties herein imposed upon him or her, shall have the obligation to:

n. To keep a careful and complete record of all the beneficial interests in the Trust Property with the name and residence of the person or persons owning such beneficial interest, and such other items as they may deem of importance or as may be required by the Beneficiaries.

o. To keep careful and accurate books showing the receipts and disbursements he or she has made on behalf of the Trust and also of the Trust Property and to keep books of the Trust open to the inspection of the Beneficiaries.

Nothing in this agreement shall preclude the powers and authorities of a trustee as defined by state law, code or statute, unless such additional powers shall cause this agreement to be construed as a "trust" as defined in Section 301.7701-4(a) of the Procedure and Administration Regulations of the Internal Revenue Code.

7. Compensation of Trustee. The Beneficiaries jointly and severally agree that the Trustee shall receive the sum of **\$10.00** per year for his or her services as Trustee.

8. Liability of Trustee. The Trustee and his or her successor as Trustee shall not be required to give a bond, and each Trustee shall be liable only for his own acts and then only as a result of his own gross negligence or bad faith.

9. Removal of Trustee. The Beneficiaries shall have the power to remove a Trustee from his office or appoint a successor to succeed him or her. This removal must be in writing, signed by all of the beneficiaries. Upon Seven (7) days written notice, the Trustee shall deliver all books, records, bank account information, keys, security deposits, leases and funds in his or her possession, and execute any documents necessary to convey title and/or authority over the Trust and the Trust Property to the Successor Trustee.

10. Resignation of Trustee. Any Trustee may resign his or her office with thirty (30) days written notice to Beneficiaries. The Beneficiaries shall appoint the Trustee named as successor Trustee herein (or proceed to elect a new Trustee) to take the place of the Trustee who had resigned, but the resignation shall not take effect until an affidavit signed and acknowledged before a notary public by both the resigning Trustee and the new Trustee shall have been procured in a form which is acceptable for recording in the registries of deeds of all the counties in which properties held under this instrument are situated. If the Trust property is recorded in the name of the trustee himself, the resigning trustee shall also execute a general warranty deed in the proper form and manner for recording the registry of deeds in the county in which the property is situated. Said deed and/or affidavit need not be recorded unless so requested of the new Trustee at the written direction of the Beneficiaries.

In the event a new trustee is not appointed within Sixty (60) days after notice the resignation of the existing Trustee is received by the beneficiaries, this agreement shall terminate, and the resigning Trustee shall deliver all books, records, bank account information, keys, security deposits, leases and funds in his or her possession, and execute any documents necessary to convey title to the trust property to the beneficiaries as their interests may appear.

Whenever a new Trustee shall have been elected or appointed to the office of Trustee and shall have assumed the duties of office, he or she shall succeed to the title of all the properties of the Trust and shall have all the powers and be subject to all the restrictions granted to or imposed upon the Trustee by this agreement, and every Trustee shall have the same powers, rights, and interests regarding the Trust Property, and shall be subject to the same restrictions and duties as the original Trustee, except as the same shall have been modified by amendment, as herein provided for.

11. Death or Incapacity of Trustee. Upon the death, termination, resignation or physical or mental incapacity of the Trustee, the following individual(s) shall immediately be appointed as successor Trustee, with the full powers and duties of the former Trustee:

Lisabeth C Sanchez, whose address is 90 West 84th Avenue, Thornton, CO 80260,

or, if said individual is not then living or is unable or unwilling to act as trustee, then

Nicholas D Sanchez, whose address is 90 West 84th Avenue, Thornton, CO 80260,

or, if said individual is not then living or is unable or unwilling to act as trustee, then

Alexis M Sanchez, whose address is 90 West 84th Avenue, Thornton, CO 80260,

or, if said individual is not then living or is unable or unwilling to act as trustee, then

Katz, Look and Onorato, P.C., 1120 Lincoln St #1100, Denver, CO 80203, 303-832-1900.

In the event none of said individuals are then living or are unable or unwilling to act as Trustee, then a new Trustee will be elected and appointed as per paragraph "10" herein.

In the event of the death of any beneficiary, his or her right and interest hereunder, except as otherwise provided, shall pass to his or her executor or administrator and to his heirs at law.

12. Beneficiary not Bound by Trustee. The Trustee is not an agent or partner of, and shall have no power to bind the Beneficiaries personally and, in every written contract he may enter into, reference shall be made to this declaration; and any person or corporation contracting with the Trustee, as well as any beneficiary, shall look to the funds and the Trust Property for payment under such contract, or for the payment of any debt, mortgage, judgment, or decree, or for any money that may otherwise become due or payable, whether by reason or failure of the Trustee to perform the contract, or for any other reason, and neither the Trustee nor the Beneficiaries shall be liable personally therefor.

13. Dealings with Trustee. No party dealing with the Trustee in relation to the Trust Property in any manner whatsoever, and, without limiting the foregoing, no party to whom the property or any part of it or any interest in it shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, shall be obliged to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the property; to see that the terms of this Trust Agreement have been complied with; to inquire into the authority, necessity or expediency of any act of the Trustee; or be privileged to inquire into any of the terms of this Trust Agreement.

14. Recording of Agreement. Neither this Agreement nor any summary of the contents hereof shall be placed on record in the county in which the Trust Property is situated, or elsewhere, but if it is so recorded, that recording shall not be considered as notice of the rights of any person under this Agreement derogatory to the title or powers of the Trustee.

15. Term of Agreement. This agreement shall continue for a period of twenty years from the date of its execution. The Trustee shall contact all Beneficiaries in writing at least twelve months prior to that time. The trustee shall place the Trust Property for public sale, pay all debts due and owing with regard to the Trust Property, and remit the proceeds to the Beneficiaries according to their respective interests in the Trust. The Beneficiaries may choose to renew this agreement for a term of twenty additional years by submitting their intention in writing to the Trustee.

If any portion of the Trust Property is in any manner or time period capable of being held in this Trust for longer period of time than is permitted under the laws of the state law governing this Agreement, or the vesting of any interest under this Trust could possibly occur after the end of such permitted time period, then, upon the occurrence of the foregoing, the Trustee is directed to immediately terminate the Trust and to distribute

the Trust Property to the Beneficiaries as their respective interests may appear at the time of the termination of the Trust. As much as possible, the Trustee will maintain the Trust Property intact and not liquidate it, but, rather, distribute the Trust Property in kind.

16. Income Tax Returns. The Trustee shall not be obligated to file any income tax returns with respect to the Trust, except as required by law, and the Beneficiaries individually shall report and pay their share of income taxes on the earnings and avails of the Trust Property or growing out of their interest under this Trust. In the event an informational return is required by law, the Trustee agrees to execute the same after contacting all the Beneficiaries. It is the intention of the parties that this agreement does not create a "trust" under the definition as set forth in Section 301.7701-4(a) of the Procedure and Administration Regulations of the Internal Revenue Code.

17. Assignment of Beneficial Interest . The interest of a Beneficiary, or any part of that interest, may be transferred only by a written assignment, executed in duplicate and delivered to the Trustee. If there is more than one beneficiary, the remaining beneficiaries must first approve of said transfer in writing. The remaining beneficiaries shall have a sixty (60) day right of first refusal to purchase said interest. Unless stated otherwise, any assignment of beneficial interest hereunder shall also include the power of direction and revocation of this trust agreement. Any beneficiary who assigns his interest in full shall forever waive his right to revoke this trust agreement.

18. Individual Liability of Trustee. The Trustee shall not be required, in dealing with the Trust Property or in otherwise acting under this Agreement, to enter into any individual contract or other individual obligation whatsoever; nor to make itself individually liable to pay or incur the payment of any damages, attorneys' fees, fines, penalties, forfeitures, costs, charges or other sums of money whatsoever. The Trustee shall have no individual liability or obligation whatsoever arising from its ownership, as Trustee, of the legal title to the Trust Property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the Trust Property or in otherwise acting under this Agreement, except only as far as the Trust Property and any trust funds in the actual possession of the Trustee shall be applicable to the payment and discharge of that liability or obligation.

19. Reimbursement and Indemnification of Trustee. If the Trustee shall pay or incur any liability to pay any money on account of this Trust, or incur any liability to pay any money on account of being made a party to any litigation as a result of holding title to the Trust Property or otherwise in connection with this Trust the Beneficiaries, jointly and severally, agree that on demand they will pay to the Trustee all such payments made or liabilities incurred by the Trustee, together with its expenses, including reasonable attorneys' fees, and that they will indemnify and hold the Trustee harmless of and from any and all payments made or liabilities incurred by it for any reason whatsoever as a result of this Agreement.

20. Unanimous Direction of Beneficiaries. Wherever an act, decision or direction is required by the “Beneficiary” or “Beneficiaries” herein, said designation shall be deemed to mean all of the beneficiaries acting in a unanimous agreement, unless a lesser percentage is so specified.

21. Governing Law. This agreement, and all transactions contemplated hereby, shall be governed by, construed and enforced in accordance with the laws of the State of COLORADO. The parties herein waive trial by jury and agree to submit to the personal jurisdiction and venue of a court of subject matter jurisdiction located in the County in which the property sits. In the event that litigation results from or arises out of this Agreement or the performance thereof, the parties agree to reimburse the prevailing party's reasonable attorney's fees, court costs, and all other expenses, whether or not taxable by the court as costs, in addition to any other relief to which the prevailing party may be entitled. In such event, no action shall be entertained by said court or any court of competent jurisdiction if filed more than one year subsequent to the date the cause(s) of action actually accrued regardless of whether damages were otherwise as of said time calculable.

22. Binding Effect. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon any successor trustee under it, as well as upon the executors, administrators, heirs, assigns and all other successors in interest of the Beneficiaries.


23. Annual Statements. There shall be no annual meeting of the Beneficiaries, but the Trustee shall prepare an annual report of their receipts and disbursements for the fiscal year preceding, which fiscal year shall coincide with the calendar year, and a copy of the report shall be sent by mail to the Beneficiaries not later than February 28 of each year.

24. Termination of this Agreement. This Trust may be terminated on thirty (30) days written notice signed by all of beneficiaries and delivered to the Trustee. Upon the termination of this Agreement, the Trustee shall deliver all books, records, bank account information, keys, security deposits, leases and funds in his or her possession, and execute any documents necessary to convey title to the trust property to the beneficiaries as their interests may appear.

25. Entire Agreement. This Agreement contains the entire understanding between the parties and may be amended, revoked or terminated only by written agreement signed by the Trustee and all of the Beneficiaries.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

The grantor/beneficiaries:



1079 South Hooker Street, LLC

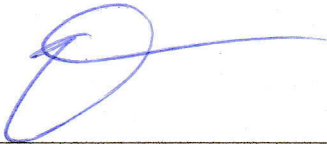
STATE OF Colorado)

)ss:

COUNTY OF Adams)

On September 15, 2021, before me, Erica Flowers, a notary public in and for said state personally appeared **Matthew D Sanchez** personally known to me (or proved to me based upon satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that (s)he/they executed the same in his/her/their signature on the instrument the person(s) or entity on behalf of which they acted, executed the instrument.

Witness my hand and official seal



NOTARY PUBLIC

My commission expires July 01, 2024

ERICA FLOWERS NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20164025103 MY COMMISSION EXPIRES JULY 01, 2024

NOTARY SEAL

The Trustee:



Matthew D Sanchez

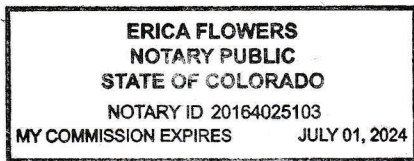
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)ss:
COUNTY OF Adams)

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Witness my hand and official seal



NOTARY PUBLIC
My commission expires July 01, 2024



NOTARY SEAL

EXHIBIT "A"
TRUST PROPERTY

Lot 18, BOBO MCINTOSH & BARTON Subdivision, Except the West 120.00 feet thereof,
City and County of Denver, State of Colorado.

Known by street and address as: **1079 South Hooker Street Denver, CO 80219**

Private - Do Not Record - Do Not Copy

EXHIBIT "B"
BENEFICIARIES AND THEIR INTERESTS

<u>Name and Address</u>	<u>% Interest</u>
1079 South Hooker Street LLC 90 W 84th Avenue Thornton, CO 80260	100%

Private - Do Not Record - Do Not Copy