



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 | Chris Chiari / Castle of Quality LLC | Representative Name | Danielle Glover |
| Address | 420 E. 11th Ave. | Address | 1660 Lincoln St, Ste 1800 |
| City, State, Zip | Denver, CO 80203 | City, State, Zip | Denver, CO 80264 |
| Telephone | 303.831.8470 | Telephone | 720.933.6291 |
| Email | Chris@pattersoninn.com | Email | dglover@crlassociates.com |
| *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. | | **Property owner shall provide a written letter authorizing the representative to act on his/her behalf. | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address): | 420 E 11th Ave. | | |
| Assessor's Parcel Numbers: | 05038-04-105-000 | | |
| Area in Acres or Square Feet: | 9,450 | | |
| Current Zone District(s): | G-MU-5, UO-3 | | |
| PROPOSAL | | | |
| Proposed Zone District: | G-MX-3 | | |
| 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 type="checkbox"/> Yes - State the contact name & meeting date _____ <input checked="" type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3) | | |
| Did you contact the City Council District Office regarding this application ? | <input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Video Meeting 11.10.2020</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3) | | |

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): East Central Area Plan (2020) and Capitol Hill / Cheeseman Park Neighborhood Plan (1993)</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 Rezoning: 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.

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 |
| Chris Chiari | 420 E 11th Ave. Denver, CO 8023 | 100% |  | 2/23/2021 | A, | YES |
| | | | | | | YES |
| | | | | | | YES |
| | | | | | | YES |

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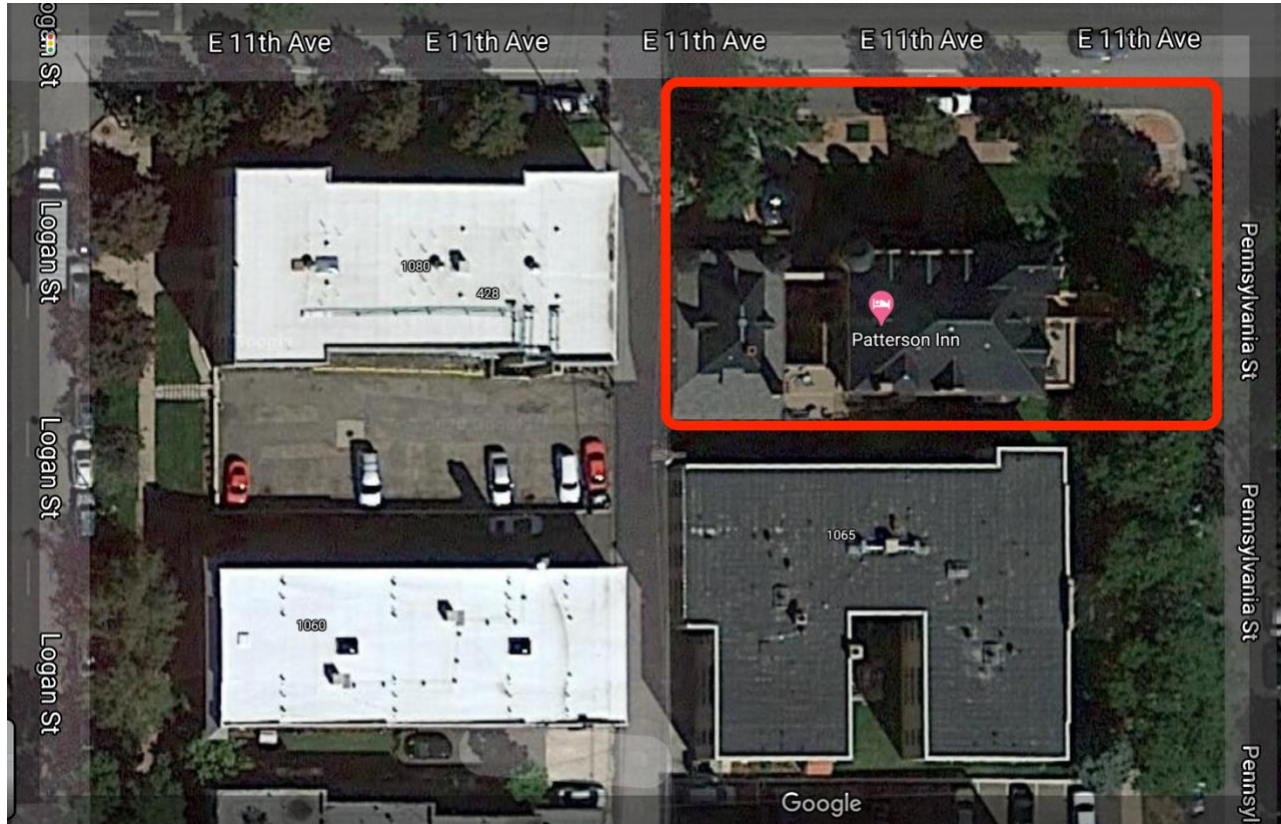
BACKGROUND

The property owner, CASTLE OF QUALITY LLC, is submitting this proposed rezoning at 420 E. 11th Ave.

The Croke-Patterson has stood atop its berm at the corner of 11th and Pennsylvania for almost 130 years. Over its history, the property uses and licenses have varied greatly. In its first decades it was Home to Thomas Croke, Colorado Senator Thomas Patterson followed by Richard Campbell. It was the Joe Mann School of Orchestra, KFVR radio station offices, apartments, general offices, and had periods of vacancy. In 2012, the property first started operating as a bed and breakfast. The Patterson Inn is limited to a 10 room B&B, and it currently operates as a 9 room B&B.

Since submittal of our pre-application review request on July 23rd, 2020, we have conducted significant community outreach. We have met with several City Council offices, reached out to the adjacent RNOs, presented in front of the CHUN Urban Planning Committee meeting, and presented to a small neighborhood meeting hosted by Neighbors for a Greater Capitol Hill. Additionally, we connected with Historic Denver. We will continue our community outreach efforts following submittal of this application.

We believe the proposed rezoning site offers the opportunity to ensure a historical landmark and integral structure to the neighborhood can remain vibrant by expanding the uses allowed. Landmark Structure Guidelines and the façade easement with Historic Denver protect the property from demolition and development. Our commitment to thoughtful and appropriate uses for the structure will align with the neighborhood's character and will allow the community to experience the historic building even without being a B&B guest.



PROPOSED MAP AMENDMENT SUMMARY

The proposed Map Amendment seeks to rezone 420 E. 11th Avenue from G-MU-5, UO-3 to G-MX-3.

As per Section 12.4.10.7 of the Denver Zoning Code, which authorizes Denver City Council to approve an official map amendment if the proposed rezoning meets certain criteria, the Patterson Inn is applying for this rezoning based upon consistency with those criteria as listed below:

1. 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 the adoption of the City's plan."
2. 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."
3. Public Health, Safety, and Welfare
"The proposed official map amendment furthers the public health, safety and general welfare of the City."

Additionally, as per Section 12.4.10.8 of the Denver Zoning Code, the City Council may approve an official map amendment if the City Council finds the application meets additional review criteria. Patterson Inn is applying for this rezoning based upon consistency with the additional review listed below.

- A. Justifying Circumstances
 1. The existing zoning of the land was the result of an error;
 2. The existing zoning of the land was based on a mistake of fact;
 3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land;
 - 4. 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:**
 - a) Changed or changing conditions in a particular area, or in the city generally; or,**
 - b) A City adopted plan; or,
 - c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
 5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
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.

For the reasons set forth in Exhibit A, the proposed rezoning is consistent with all the review criteria, which the remainder of the application will explain in detail.

EXHIBIT A: REVIEW CRITERIA

12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

Consistency with Adopted Plans and Proposed Plans

The proposed map amendment is consistent with the City's adopted and proposed plans, which are listed and outlined below:

1. **Denver Comprehensive Plan 2040**
2. **Blueprint Denver (2019)**
3. **East Central Area Plan (2020)**
4. **Cheeseman Park/Capitol Hill Neighborhood Plan (1993)**

1. Denver Comprehensive Plan 2040

The proposed rezoning of the site from G-MU-5, UO-3 to G-MX-3 is consistent with the Denver Comprehensive Plan 2040.

The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040 including:

VISION ELEMENTS: STRONG AND AUTHENTIC NEIGHBORHOODS

- *Diverse, Friendly and Open*
- *Affordable Housing and Transportation Choices*
- *Access to Amenities and Services*
- *Walkable, Bikeable, Accessible and Transit-friendly*
- *Diversity and Equity*
- *Access to Opportunity*
- *Sense of History and Cultural Heritage*

GOAL 2.1: Create a city of complete neighborhoods.

STRATEGIES:

- *Ensure neighborhoods are safe, accessible and well-connected for all modes.*
- *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*

GOAL 2.3: Preserve the authenticity of Denver's neighborhoods and celebrate our history, architecture and culture.

STRATEGIES:

- *Support the stewardship and reuse of existing buildings, including city properties.*

GOAL 2.4: Ensure every neighborhood is economically strong and dynamic

STRATEGIES:

- *Grow and support neighborhood-serving businesses and community-based organizations.*

VISION ELEMENTS: ECONOMICALLY DIVERSE AND VIBRANT

- *Access to Opportunity*

Map Amendment: 420 E 11th Ave.

- *Access to Quality Education, Training, and Lifelong Learning*
- *Business-Friendly and Entrepreneurial*
- *Diverse Employment Options*
- *Strong Arts and Culture*

GOAL 4.1: Ensure economic mobility and improve access to opportunity.

STRATEGIES:

- *Provide low-cost or free community space for nonprofits and community groups to support programming and services to community.*
- *With added amenities and services, Denver’s thriving creative community will have a place to work, collaborate, share ideas, and innovate.*

GOAL 4.3: Sustain and grow Denver’s local neighborhood businesses.

STRATEGIES:

- *Promote small, locally owned businesses and restaurants that reflect the unique character of Denver.*

GOAL 4.10: Create a vibrant food economy and leverage Denver’s food businesses to accelerate economic opportunity.

STRATEGIES:

- *Support the creation, expansion and economic vitality of Denver food businesses.*

The Denver Comprehensive Plan (2040) provides strong support for the proposed rezoning, particularly due to the site’s historic nature and operation as a small, locally owned and operated business. The property is currently underutilized and allowing for additional uses would bolster the ability for the community to live, work, and play in their neighborhood. Additionally, not only will this historically significant and landmarked property be able to thrive by having access to additional uses, the community will benefit from more walkable amenities.

2. [Blueprint Denver \(2019\)](#)

The proposed rezoning of the site is consistent with the Blueprint Denver (2019).

The *italicized text* signals goals and strategies from the plan. The language that follows is used to detail how the proposed map amendment is consistent with the goals of the plan.

Overarching Plan Goals

- *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.*
- *Develop safe, high-quality mobility options that prioritize walking, rolling, biking and transit and connect people of all ages and abilities to their daily needs.*
- *Support a welcoming business environment and the growth of employment centers around the city to promote work and educational opportunities for all residents.*

Neighborhood Context

The proposed rezoning site is “High-Medium Residential” in the “General Urban” neighborhood context.

General urban neighborhoods are vibrant places with proximity to Denver’s major centers like Downtown and Cherry Creek. Homes in this context vary from apartment/condo complexes to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context are well served by transit and enjoy access to abundant amenities and entertainment options (p.237).

General urban neighborhoods are typically located at the edge of higher intensity contexts like urban center and downtown. They are largely residential, with a significant amount of neighborhood services and office embedded within. Larger mixed-use areas are often located along key streets. Example neighborhoods in this context include Cherry Creek North and large portions of Capitol Hill, Speer and West Colfax neighborhoods” (p.239).

Residential

Areas where the predominant use is residential. Although they are primarily residential, these areas are supported by a variety of embedded uses needed for a complete neighborhood including schools, libraries, recreation and nodes of commercial/retail uses (p.246).

High-Medium Residential

There is a mix of low- to medium-scale multi-unit residential uses with some neighborhood-serving mixed-use distributed throughout. Buildings are generally up to 8 stories in height. Block patterns are consistent and pedestrian-scaled building forms clearly define and activate the street (p.246).

Future Places/Growth Strategy

Future Place designation for this area is designated as: High-Medium Residential: *Predominantly multi-unit residential. A mix of neighborhood-serving retail may also be found in key locations. Mid-scale residential buildings, usually mixed with a variety of lower-scale residential types. Small mixed-use buildings may be found on corners and have a pedestrian orientation (p.149).*

Growth Strategy for this area is designated as: *All other areas of the city: 10% of new jobs and 20% of new households. G-MX-3 zoning appeals to the City’s growth strategy for this area by introducing commercial uses which increases the potential of new jobs.*

Capitol Hill is an eclectic area known for pockets of mixed uses. The proposed rezoning will provide residents with additional amenities as well as with employment opportunities.

Street Types

The proposed rezoning site is on a “Residential Collector” street type.

- Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context (p.160).

The proposed rezoning is consistent with the characteristics for this street type, which includes small retail nodes and other similar uses.

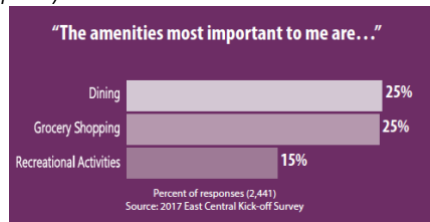
3. East Central Area Plan (2020)

- 1.2.1 VISION AND COMMUNITY PRIORITIES

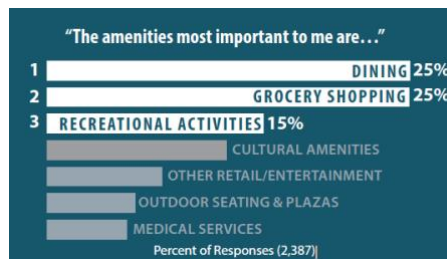
1. Strengthen the local economy by providing training for jobs in local industries, improving access to employment, and supporting locally-owned, independent businesses (p.9).

5. Increase historic preservation by making it easier to reuse existing buildings, creating more historic districts, and ensuring new buildings fit in with surrounding neighborhoods (p.9).

- General Urban – a mix of residential and office uses and commercial areas, but with higher densities than the Urban contexts. Buildings are generally multi-unit residential or office, although some single and two unit buildings may be mixed in. There is also a high concentration of historic buildings in this context in the East Central area (p.25).
- Promote preservation of historic and character defining single-unit, multi-unit, and mixed-use buildings. Consider individual landmarks, historic districts, or other tools as appropriate.
 - Facilitate adaptive reuse of historic structures by allowing a broader range of uses, including compatible commercial uses, and appropriate additions (p.47)
- High-Medium Residential- A mix of low- to medium-scale multi-unit residential uses with some neighborhood-serving mixed use distributed throughout (p.29)
- COMMUNITY FEEDBACK: Generally, people love the diverse mix of land uses that these neighborhoods offer. People expressed wanting more local, neighborhood serving businesses and fewer chain establishments (p.31).



- Community Benefit: Preserving a Commercial Character Building – are those that contribute to the character of a neighborhood or corridor. They may or may not be eligible for historic designation, but they are desired to remain in the community because they contribute to the character and history of an area. They also often times provide affordable commercial or residential space because they are older (p.34)
- Community Feedback: Throughout the planning process, community members made it clear that they value East Central’s locally owned retail and want to ensure it remains a strength of the area moving forward (p.57).



- A strong retail environment is diverse and unique and an essential component of a complete neighborhood...Small, independently owned retail that offers a unique experience and an emotional connection with the consumer has proven successful (p.57).
- 11th Ave is a residential collector street (p.75).
 - LAND USE: Characterized by primarily residential uses, but may also include parks, schools, civic uses, or small retail nodes (p.76).

Map Amendment: 420 E 11th Ave.

- *420 E 11th Ave. is located along an existing bike lane and Pennsylvania Street is a recommended high comfort bikeway and north south connector (p. 97).*
- *Community Feedback: During the public meetings, participants were asked to vote on the three most important elements needed for a complete food environment in the East Central area. The top responses were: HEALTHIER CORNER AND CONVENIENCE STORES; IMPROVED BIKE, PEDESTRIAN AND TRANSIT ACCESS; FOOD GROWN IN PUBLIC SPACES. Additionally, participants expressed a desire for more specialty markets, farmers markets and fresh food stands, and healthier meal options. Results of a public online survey with over 1,000 responses conducted between 2018 and 2019, were generally consistent with the public meeting feedback. When asked what neighborhood amenities are important (either that already exist or that they would like to see in the future), the top responses from East Central participants were dining and grocery shopping.*
- *Most of the neighborhood (55%) is zoned Multi-Unit (MU) with most of the rest (42%) being zoned Mixed-Use (MX, MS, and D). This lends the neighborhood to remain one of the densest neighborhoods in Denver and to continue to house much of the workforce for downtown (pg. 184).*
- *The Capitol Hill/Cheesman Park Neighborhood Plan from 1993 covers the Capitol Hill and Cheesman Park neighborhoods. The plan recommended continuing to provide diverse housing options, maintaining the historic character while promoting the distinct nature of different subareas, and improving the retail areas, mobility systems, and public spaces in the neighborhoods. These recommendations continue to be relevant and are consistent with the policies in this East Central Area Plan (p.186)*

G-MX-3 zoning facilitates adaptive reuse of this historic structure by allowing a broader range of uses. This would directly support the economic vitality of the area while also meeting the desire neighbors expressed in East Central Area Plan meetings for more local, independent businesses and community serving retail. As seen throughout Capitol Hill, G-MX-3 is compatible within the neighborhood by providing a pocket of commercial use. The property's proximity to mass transit as well as current and proposed bike lanes will encourage access through alternative methods of transportation instead of single-occupancy vehicles.

[4. Capitol Hill / Cheesman Park Neighborhood Plan \(1993\)](#)

While a more recent neighborhood plan recently passed, there are elements from this plan that pertain to the property.

THE VISION FOR CAPITAL HILL AND CHEESMAN PARK HISTORIC CHARACTER: Park, parkways, and historically and architecturally significant structures, streetscapes, and places will be preserved and enhanced. The design of new development and redevelopment will be compatible with the historic fabric of the neighborhoods.

BUSINESS RECOMMENDATION 2: ENCOURAGE A DIVERSITY OF BUSINESSES Direct economic development programs in the neighborhood primarily to encouraging small, diverse businesses. Similarly, support building designs and land use patterns which encourage small, pedestrian oriented businesses.

**HISTORIC PRESERVATION RECOMMENDATION 1b:
EMPHASIZE HISTORIC PRESERVATION**

Give top priority to the preservation of the historic and architecturally interesting buildings and the historic fabric of the neighborhood when reviewing development proposals, proposing capital improvements, and allocating funding. Emphasis should be placed on preserving structures on their original sites, rather than moving them.

**HISTORIC PRESERVATION RECOMMENDATION 1c:
DESIGNATE HISTORIC DISTRICTS AND STRUCTURES**

Improve the current historic inventory of the neighborhood and review areas and structures in the neighborhood for potential designation as Denver Landmark Districts or as individual landmarks. Consider designating the entire neighborhood as a Denver Landmark District. At a minimum, seek landmark designation for the most cohesive areas in the neighborhood, including areas along Sherman, Pennsylvania, Franklin, and Vine.

**MIXED-USE DEVELOPMENT RECOMMENDATION 1:
ENCOURAGE RESIDENTIAL USES IN RETAIL PROJECTS**

Develop incentives, and remove any unnecessary disincentives, for developers to include residential units in retail projects in commercially zoned areas. Incentives should be tied to meeting location and design criteria.

“Heart of Capitol Hill” District

General Zoning Recommendations:

1. *Uses*
 - a. *Residential areas: Single and multiple family residential*
 - b. *Retail areas: Retail and residential / retail mixed-use projects*

G-MX-3 zoning is an appropriate district that aligns with the vision of the Capitol Hill / Cheeseman Park Neighborhood Plan by encouraging small, pedestrian oriented business through the utilization of a landmark designated building. The broader range of uses allowed in G-MX-3 facilitate the reuse of this historic structure.

[Uniformity of District Regulations and Restrictions](#)

The proposed rezoning will result in uniformity of district regulations and restrictions in accordance with Section 12.4.10.7(B) of the Zoning Code.

[Public Health, Safety and General Welfare](#)

The proposed official map amendment is an implementation of Denver Comprehensive Plan 2040 and Blueprint Denver (2019) and therefore furthers the public health, safety and general welfare of the City.

There are several benefits of designating this property as mixed use. People walking, less vehicle traffic. Also, small businesses are good for communities and instill civic pride which is good general welfare.

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

A. Justifying Circumstance

DZC Section 12.4.10.8.A.4

“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: Changed or changing conditions in a particular area, or in the city generally”.

The area in which 420 E. 11th Ave. is located has experienced substantial change with the addition of hundreds of new housing units and more planned nearby. Capitol Hill is known for historical charm and local businesses. As the area has grown, and with investment in mobility, residents walk, bike, roll, and take public transit to neighborhood services and amenities. The property’s vibrant history and corner location makes G-MX-3 an appropriate zone district in line and appropriate for the change which the neighborhood has experienced.

While the aforementioned justifying circumstance is the predominant reason for the rezoning request, recently Denver adopted three major plans (Comprehensive Plan 2040, Blueprint Denver, and the East Central Area Plan) since the last adopted zoning of the property. These new plans, which were created with unprecedented levels of community input and involvement, support the uses and zoning sought for the property. In fact, the plans repeatedly call for historic preservation, reuse, and ensuring the longevity of the historic structures by allowing for broad uses.

B. Consistency with Applicable Neighborhood Context and with Stated Purpose and Intent of Proposed Zone District

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.

The G-MX-3 zone district is part of the General Urban Neighborhood Context. Section 6.1 of the Denver Zoning Code describes the Urban Center Neighborhood context as follows:

General Character

The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.

This landmark structure is located at the corner of a downtown collector street making it appropriate for commercial uses.

Mobility

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

Map Amendment: 420 E 11th Ave.

The site's proximity to bike lanes and bus routes help will ensure access to neighborhood amenities.

G-MX-3

More specifically, Section 6.2.3.1.B of the DZC describes G-MX-3 as follows:

The Mixed-Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

Expanding the allowed uses for the historic property will allow residents the opportunity to conveniently access additional food, beverage, and retail in the neighborhood.

Additionally, Section 6.2.3.2 of DZC outlines the specific intent of G-MX-3 as follows: *Mixed Use – 3 (G-MX-3) G-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.*

The current building on the property is 3 stories and is located at the intersection of Pennsylvania and 11th Avenue. 11th Avenue is a residential collector street type.

Map Amendment: 420 E 11th Ave.


EXHIBIT B: LEGAL DESCRIPTIONS

420 E. 11th Ave.

LOTS 1 TO 3, INCLUSIVE, BLOCK 77
PORTER'S ADDITION TO DENVER,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT C: PROOF OF OWNERSHIP

See proof of ownership on the following pages.


[Neighborhood](#)
[Business](#)
[Visiting](#)
[Government](#)
[Online Services](#)
[A to Z](#)

Search

Denver Property Taxation and Assessment System

[← New Search](#)

420 E 11TH AVE

| Owner | Schedule Number | Legal Description | Property Type | Tax District |
|--|------------------|----------------------------|-------------------|--------------|
| CASTLE OF QUALITY LLC 420 E 11TH AVE DENVER, CO 80203-3207 | 05038-04-105-000 | PORTERS ADD BLK 77 L1 TO 3 | HOTEL W/MIXED USE | DENVER |

- [Summary](#)
- [Property Map](#)
- [Assessed Values](#)
- [Assessment Protest](#)
- [Taxes](#)
- [Comparables](#)
- [Neighborhood Sales](#)
- [Chain of Title](#)

[Print Summary](#)

Property Description

| | | | |
|------------------------------|------------|----------------------------|----------|
| Style: | CONVERSION | Building Sqr. Foot: | 3499 |
| Bedrooms: | 7 | Baths Full/Half: | 4/2 |
| Effective Year Built: | 1892 | Basement/Finish: | 3000/849 |
| Lot Size: | 9,450 | Zoned As: | G-MU-5 |
| Mill Levy: | 72.116 | Document Type: | WD |

Valuation zoning may be different from City's new zoning code.

RECORDATION REQUESTED BY:

Champion Bank
Main Office
16790 Centre Court
Parker, CO 80134

WHEN RECORDED MAIL TO:

Champion Bank
Main Office
16790 Centre Court
Parker, CO 80134

SEND TAX NOTICES TO:

Champion Bank
Main Office
16790 Centre Court
Parker, CO 80134

FOR RECORDER'S USE ONLY

DEED OF TRUST

THIS DEED OF TRUST is dated November 1, 2018, among Castle of Quality LLC, a Colorado limited liability company, whose address is 420 E 11th Avenue, Denver, CO 80203-3207 ("Grantor"); Champion Bank, whose address is Main Office, 16790 Centre Court, Parker, CO 80134 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and the Public Trustee of the City and County of Denver, Colorado (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor hereby irrevocably grants, transfers and assigns to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Denver County, State of Colorado:

Lots 1, 2 and 3, Block 77, Porter's Addition to Denver, City and County of Denver, State of Colorado

The Real Property or its address is commonly known as 420 E 11th Avenue, Denver, CO 80203-3207. The Real Property tax identification number is 05038-04-105-000.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that: (a) this Deed of Trust is executed at Borrower's request and not at the request of Lender; (b) Grantor has the full power, right, and authority to enter into this Deed of Trust and to hypothecate the Property; (c) the provisions of this Deed of Trust do not conflict with, or result in a default under any agreement or other instrument binding upon Grantor and do not result in a violation of any law, regulation, court decree or order applicable to Grantor; (d) Grantor has established adequate means of obtaining from Borrower on a continuing basis information about Borrower's financial condition; and (e) Lender has made no representation to Grantor about Borrower (including without limitation the creditworthiness of Borrower).

GRANTOR'S WAIVERS. Grantor waives all rights or defenses arising by reason of any "one action" or "anti-deficiency" law, or any other law which may prevent Lender from bringing any action against Grantor, including a claim for deficiency to the extent Lender is otherwise entitled to a claim for deficiency, before or after Lender's commencement or completion of any foreclosure action, either judicially or by exercise of a power of sale.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Borrower shall pay to Lender all Indebtedness secured by this Deed of Trust as it becomes due, and Borrower and Grantor shall perform all their respective obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Borrower and Grantor agree that Borrower's and Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property.

Duty to Maintain. Grantor shall maintain the Property in tenable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any

EXHIBIT D: AUTHORIZATION DOCUMENTS

See authorization documents on the following pages.

Castle of Quality LLC

420 E 11th Avenue
Denver, CO 80203

Corporate Resolution Designation of Control

Whereas, Castle of Quality LLC is a Colorado Single Member Limited Liability Company.

Whereas, the Sole member of the LLC is Chris Chiari at 1601 Emerson St, Denver, CO 80218.

It is hereby **Resolved**:

That, Chris Chiari, is the sole member of the LLC, and is fully authorized to conduct any and all business on behalf of the company.

Dated this day of November 20, 2020.



Chris Chiari, Sole Member
Castle of Quality LLC

Castle of Quality LLC

420 E 11th Avenue
Denver, CO 80203

Corporate Resolution
Appointment of CRL & Assoc.

Whereas, Castle of Quality LLC is a Colorado Single Member Limited Liability Company.

Whereas, the Sole member of the LLC is Chris Chiari, who has full authority to conduct the business of the company.

Whereas, Castle of Quality has retained CRL & Associates to act as its representative specific to a zoning change of the property at 420 E 11th Ave in Denver, CO 80203.

It is hereby **Resolved**:

That, CRL & Associates, and its associates Danielle Glover and Sean Maley, have been retained to assist the company specific to a zoning change of the property at 420 E 11th Ave in Denver, CO 80203 and are fully authorized to act on the behalf of the company specific to this zoning change.

Dated this day of November 20, 2020.



Chris Chiari, Sole Member
Castle of Quality LLC

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the State of the State of Colorado, hereby certify that, according to the records of this office,

Castle of Quality LLC

is a

Limited Liability Company

formed or registered on 05/17/2018 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20181396388 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 12/07/2020 that have been posted, and by documents delivered to this office electronically through 12/08/2020 @ 14:05:54 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 12/08/2020 @ 14:05:54 in accordance with applicable law. This certificate is assigned Confirmation Number 12773838 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



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.

Colorado Secretary of State
Date and Time: 05/17/2018 01:20 PM
ID Number: 20181396388
Document number: 20181396388
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

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

Castle of Quality LLC

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

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

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

Street address

420 E 11th Ave

(Street number and name)

Denver

(City)

CO

(State)

80203

(ZIP/Postal Code)

United States

(Province - if applicable)

(Country)

Mailing address

(leave blank if same as street address)

1601 N Emerson St

(Street number and name or Post Office Box information)

Denver

(City)

CO

(State)

80218

(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)

Chiari

(Last)

Chris

(First)

(Middle)

(Suffix)

or

(if an entity)

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

Street address

1601 N Emerson St

(Street number and name)

Denver

(City)

CO

(State)

80218

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

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

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

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

Name
(if an individual) Chiari Chris _____
(Last) (First) (Middle) (Suffix)

or

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

Mailing address 1601 N Emerson St
(Street number and name or Post Office Box information)

Denver CO 80218
(City) (State) (ZIP/Postal Code)
United States
(Province – if applicable) (Country)

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

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

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

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

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

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

This document contains additional information as provided by law.

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

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

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

Notice:

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

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

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

| | | | |
|--|------------------|--------------------------|-----------------|
| Chiari | Chris | | |
| <i>(Last)</i> | <i>(First)</i> | <i>(Middle)</i> | <i>(Suffix)</i> |
| 1601 N Emerson St | | | |
| <i>(Street number and name or Post Office Box information)</i> | | | |
| Denver | CO | 80218 | |
| <i>(City)</i> | <i>(State)</i> | <i>(ZIP/Postal Code)</i> | |
| | United States | | |
| <i>(Province – if applicable)</i> | <i>(Country)</i> | | |

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

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

Disclaimer:

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

Map Amendment: 420 E 11th Ave.

EXHIBIT E: ASSESSOR'S PARCEL NUMBERS

Parcel # 05038-04-105-000

EXHIBIT F: OUTREACH & CAPITOL HILL UNITED NEIGHBOR'S LETTER OF SUPPORT

Neighborhood Outreach

We reached out to the RNOs overlapping the property including CHUN, Neighbors for Greater Capitol Hill, Unsinkables, Cultural Arts Residential Organization, and Center City Denver Residents Organization. We met with CHUN's Urban Planning Committee and members of the board of Neighbors for Greater Capitol Hill in November 2020. We had brief conversations via email Unsinkables. In December 2020, we sent emails to Cultural Arts Residential Organization and Center City Denver Residents Organization informing them of the proposed rezoning. Additionally, in December we participated in a neighborhood meeting organized by Neighbors for a Greater Capitol Hill where we had strong neighbor support, mailed letters to nearby residents informing them of our proposed rezoning and plans, and CHUN voted to support our rezoning application and approve a new GNA. We are committed to continuing conversations with the community throughout the rezoning process.

CPD Pre-App Meetings

In July 2020, we had a few pre-app meetings with Planning Services. Since the property is historic and the goal of the rezone is focused on use changes, we did not meet with Development Services. There will not be any demolition or new development on the property, so there was not a need meet with Development Services. Additionally, this step was not recommended during our pre-app meetings with Planning Services.



1290 Williams St, Ste 102
Denver, CO 80218
303.830.1651
chun@chundenver.org
www.chundenver.org

December 19, 2020

Chris Chiari
Owner | Patterson Inn
420 E. 11th Ave.
Denver, CO 80203

RE: Rezoning of 420 E 11th Ave., Denver, CO 80203

Dear Mr. Chiari,

Capitol Hill United Neighborhoods, Inc. (“CHUN”), a Colorado nonprofit corporation and Denver’s largest, oldest registered neighborhood organization (RNO), **is pleased to announce its support for Patterson Inn, LLC’s (dba Patterson Inn) rezoning from G-MU-5, UO 3 to G-MX-3.**

On Thursday, December 17, 2020, the Capitol Hill United Neighborhoods Board of Directors held a regularly scheduled board meeting. Dmitrii Zavorotny, co-chair of the CHUN Urban Planning Committee moved to endorse this rezoning and adopt a new Good Neighbor Agreement (GNA) between CHUN and Patterson Inn, LLC. The motion was seconded.

- Votes favoring the motion: 21
- Votes opposing the motion: 0
- Votes abstaining from taking a position: 1
- No Votes: 9 (due to absenteeism)

As with any rezoning, we acknowledge some may have concerns about this application. However, we feel it’s important to examine this in a comprehensive way. In doing so, the proposed rezoning (1) compliments small business growth and development; (2) addresses parking concerns; (3) encourages nonprofit support; (4) adopts a creative use for historic landmarks; and (5) promotes neighborhood walkability and livability. In addition, the GNA requires communications with CHUN for the purposes of future licenses (e.g., marijuana consumption, etc.).

CHUN’s mission is *Preserving the Past, Improving the Present, and Planning for the Future* of Greater Capitol Hill through historic preservation, by addressing homelessness, promoting smart land use and zoning, advancing safety, etc. **We urge responsible City leaders—including members of the Denver Planning Board and City Council—to support this rezoning.**

Sincerely,

Travis Velker, MPA
President | Board of Directors
Capitol Hill United Neighborhoods, Inc.