



# APPLICATION

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

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

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

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

### ADJACENT PROPERTY OWNER:

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

Company Name: Hiro & Co DBA Sushi Den  
Contact Name: Toshi Kizaki  
Property Address: 1487 S. Pearl Street Denver, CO 80210  
Billing Address: \_\_\_\_\_  
Phone: 303.990.0439 Email: tmsushi@sushiden.net

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

Company Name: Hiro & Co DBA Sushi Den  
Contact Name: Noah Heaney  
Address: 1487 S. Pearl Street Denver, CO 80210  
Phone: 303.990.0439 Email: Do@sushiden.net

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



## ENCROACHMENT INFORMATION:

Project Name:	Sushi Den Patio
Adjacent Property Address:	1487 S. Pearl Street Denver, CO 80210
Coordinates (Lat/Long):	39.68965N, 104.98068W
Encroachment Area, in SF:	1200

### Is this project associated with a LAND DEVELOPMENT REVIEW?

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

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

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

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

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

Located adjacent to the sidewalk on the south side of Sushi den Running on the North side of E. Florida Ave.

### Description of Encroachment:

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

We would like to modify our patio comply with the Office of the City Forester's request to allow 5' of leaway between trees and patio structures. We also need to run all electrical cables underground to comply with the city's requirements.

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

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

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



**ATTESTATION:**

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

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

ADJACENT PROPERTY  
OWNER SIGNATURE:

[Handwritten Signature]

DATE: 3-28-24

PRINT NAME:

TOSHITIRO KIRAKI

TITLE: OWNER

COMPANY:

Den Deli + Fish market LLC, DBA OTOTO

SD



# PERMIT SUBMITTAL CHECKLIST

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

## Encroachments shall be in accordance with:

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

## Application

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

## Evidence of Adjacent Property Ownership & Parcel Land Description

Required for all Encroachment Permit Applications

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

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

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

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

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

### GENERAL

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

### PLAN VIEW

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

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

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



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

**ELEVATION OR CROSS-SECTION VIEWS**

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

**DETAIL SHEET(S)**

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

**STRUCTURAL PLANS**  Not Applicable

- Structural plans
- Manufacturers certification

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

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

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

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

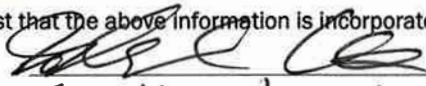
**Fees:**

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

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

**Attestation:**

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

SIGNATURE:  DATE: 5.9.24  
 PRINT NAME: Toshihiro Kazaki EMAIL: DO@SushiDen.net  
 COMPANY: Sushi Den PHONE: 303 777 0826

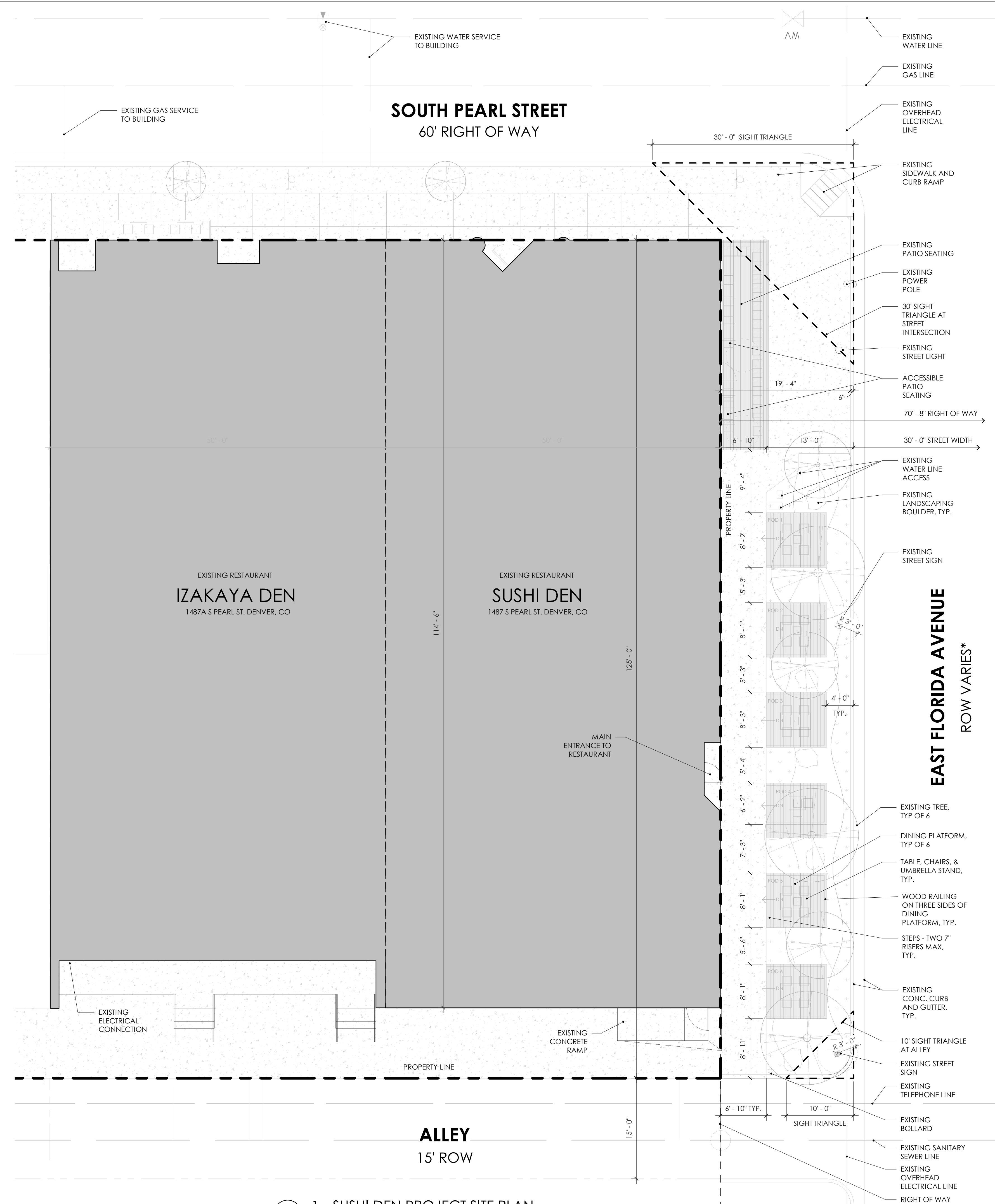
City and County of Denver Department of Transportation & Infrastructure  
 Right-of-Way Services | Engineering & Regulatory  
 201 W Colfax Ave, Dept 507 | Denver, CO 80202  
[www.denvergov.org/dot](http://www.denvergov.org/dot)  
 Phone: 720-913-3003

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

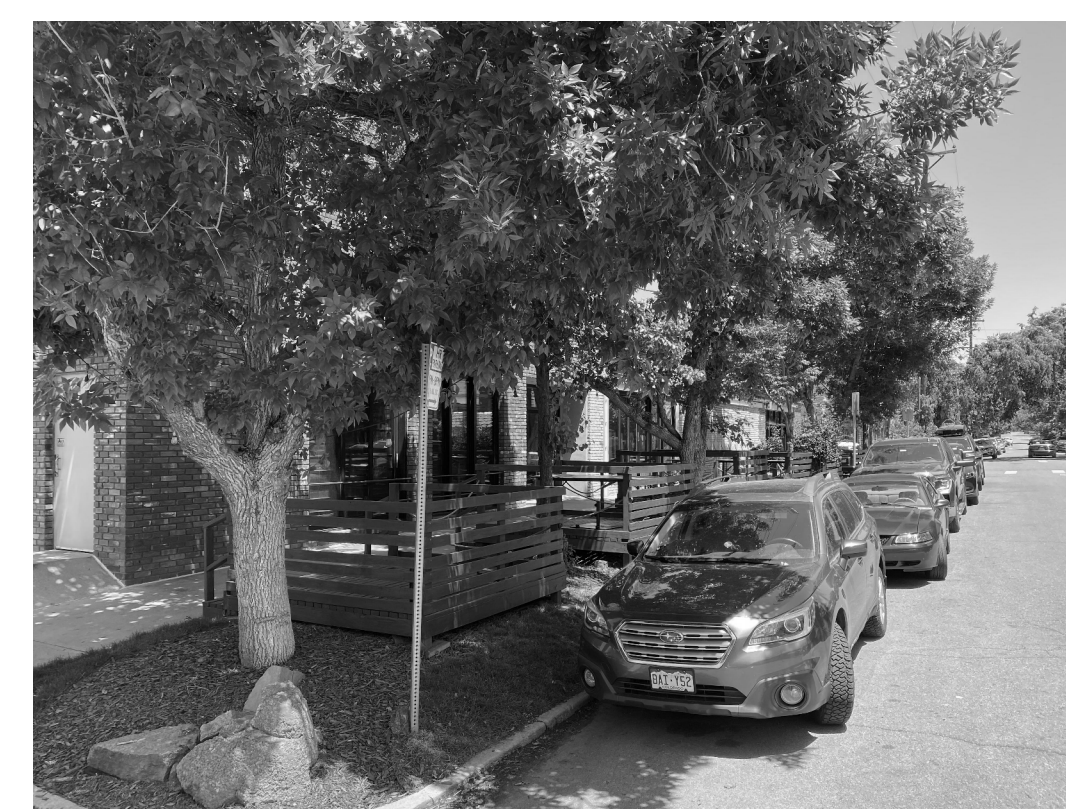
Form Date 1/2/2024



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EXISTING CONDITION PHOTOS



SITE PLAN NOTES

PROJECT SCOPE:  
ABOVE CURB PATIO - AMENITY ZONE, OPEN TO PAR

TOTAL NUMBER OF EXTERIOR DINING PODS = 6

TOTAL SQUARE FOOTAGE OF EXTERIOR DINING PODS = 415 SF

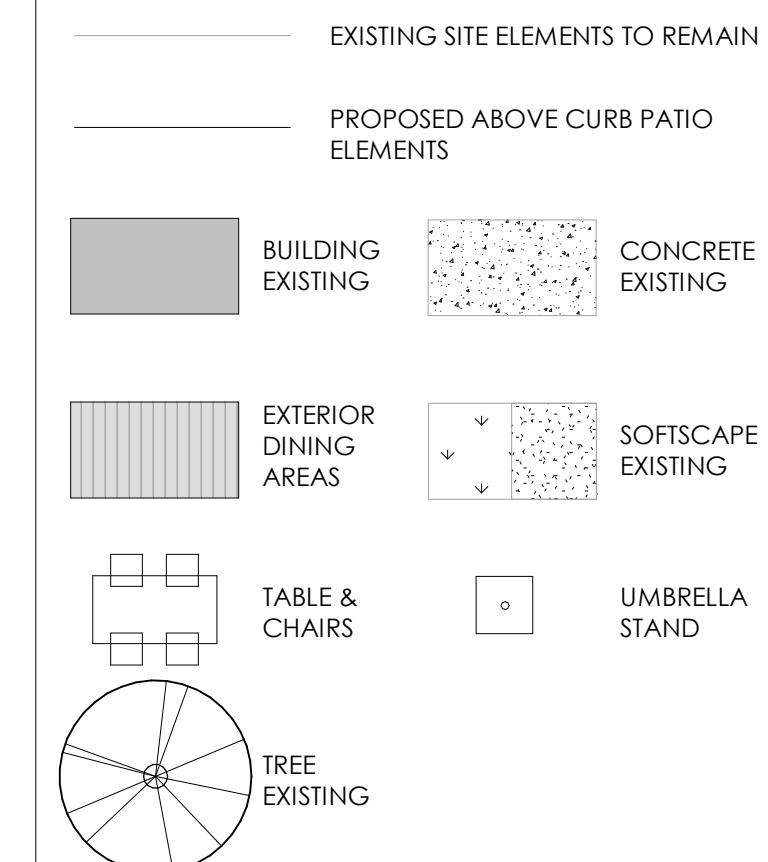
TOTAL LENGTH OF PATIO PARALLEL TO THE STREET = 46' - 5"

HEIGHT OF RAILINGS = 43"

T.O. PLATFORMS = 14" ABOVE GRADE

LIST OF ITEMS ON PODS:  
4-TOP TABLE AND CHAIRS = 5 TOTAL  
2-TOP TABLE AND CHAIRS = 1 TOTAL  
TOTAL SEATS = 22  
UMBRELLA STANDS = 6 TOTAL  
UMBRELLAS TO BE 7'-0" MIN HEIGHT AND 10'-0" MAX DIAMETER

SITE PLAN LEGEND



FURNITURE SCHEDULE

TYPE MARK	MODEL	SIZE	MATERIAL
F-1	DINING CHAIR		
F-2	UMBRELLA AND STAND		
F-3	4 TOP DINING TABLE		
F-4	2 TOP DINING TABLE		

ADDITIONAL NOTES:

UNDERGROUND UTILITIES SHOWN ON SITE PLAN.

NO REGULATORY FLOODPLAIN BOUNDARIES ON SITE.

EXISTING NEARBY RTD STOPS ARE:  
(NORTHBOUND) DIAGONAL, SOUTHEAST ACROSS THE INTERSECTION OF FLORIDA AVE AND PEARL ST  
(SOUTHBOUND) SOUTH ACROSS FLORIDA AVE AND APPROXIMATELY 30' DOWN THE SIDEWALK.

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

PATIOS ARE LOCATED APPROXIMATELY 4" BACK FROM THE FACE OF CURB.

PATIO SEATING IS NOT BUILT OVER A WATER SERVICE LINE.

THE PROJECT INCLUDES NO CHANGES TO THE FINISHED GRADE.

ACCESSIBLE OUTDOOR SEATING IS PROVIDED ON THE EXISTING PATIO WITH WHEELCHAIR ACCESS THROUGH THE RESTAURANT OR FROM THE SIDEWALK. BETWEEN THE PATIOS, THERE IS OUTDOOR SEATING FOR 40 PEOPLE, 5% OF WHICH IS TWO SEATS.

\*FLORIDA AVE RIGHT OF WAY NOTE

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

ARCHITECT:



ROTH SHEPPARD ARCHITECTS  
1900 WAZEE STREET, SUITE 100 | DENVER, COLORADO 80202  
T.303.534.7007 F.303.534.7722 | www.rothsheppard.com

CONSULTANT:

SUSHI DEN - OUTDOOR PLACES

1487 S PEARL ST  
DENVER, CO 80210  
PROJECT: 2218

ISSUANCE: DATE:  
OUTDOOR PLACES PROGRAM 08/28/24  
RESUBMITTAL 01

STAMP:

DRAWING TITLE:  
SITE PLAN - SUSHI DEN

SHEET NUMBER:  
**A1.01**

8/28/2024 10:16:04 AM



05/11/2018 12:07 PM  
City & County of Denver

R \$0.00

RL

2018055917

Page: 1 of 1

D \$0.00

Colorado Department of Labor and Employment, Unemployment Insurance Employer Services  
P.O. Box 8789, Denver, CO 80201-8789  
303-318-9100 (Denver-metro area) or 1-800-480-8299 (outside Denver-metro area)  
www.colorado.gov/cdle/ui

### NOTICE OF RELEASE OF LIEN

Account Number: 278641.00-2

Date: Monday, May 07, 2018

HIRO & CO INC  
SUSHI DEN II  
Doing Business In  
Denver County

**This is a notice that the claim of lien filed by the Colorado Department of Labor and Employment for unpaid unemployment premiums has been satisfied and has been released.**

Date of Release:

5/7/2018

Amount of Lien:

\$1,107.74

Date Lien Recorded:

4/24/2018

County Lien Recorded In:

Denver County

Reception Number and/or Film Number: 2018047627

Book Number:

Page Number:

Authorized UI Representative

Phone (303) 318-9100

Subscribed and affirmed before me this Monday, May 07, 2018

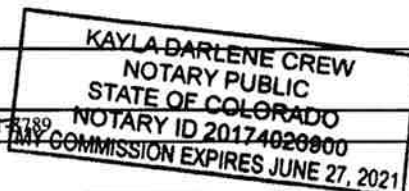


State of Colorado)  
City and County of Denver)

Notary Public

Address: P.O. Box 8789, Denver, CO 80201-8789

My Commission Expires



**This Release of Lien is being filed with the Clerk and Recorder for the indicated county with no additional charges in accordance with the Colorado Employment Security Act 8-79-105 (2). The county recorder is requested to return this Notice of Release of Lien to UI Employer Services within 15 days.**

Labor and Employment Specialist Robin P

Telephone Number  
303-318-9100 X 83865



do@sushiden.net

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**From:** Sasarak, Mike - DOTI CE0431 Engineer Senior <Mike.Sasarak@denvergov.org>  
**Sent:** Monday, February 12, 2024 9:14 AM  
**To:** do@sushiden.net  
**Subject:** RE: [EXTERNAL] Sushi Den / OTOTO

Hi Noah,

The restaurants are not located within a FEMA regulatory floodplain.

Regards,

*Important Notice: New Fee Schedules became effective on January 1, 2024 per the [2024 Consolidated Fee Schedule](#).*

**Mike Sasarak, PE, CFM** | Senior Engineer  
City & County of Denver  
Department of Transportation & Infrastructure | Engineering and Regulatory  
[Pronouns](#) | He/Him/His  
Phone: 720-913-8504  
Cell: 303-532-9783  
[mike.sasarak@denvergov.org](mailto:mike.sasarak@denvergov.org)

Please take a [quick 2 question survey](#) regarding our virtual service.



311 | DENVERGOV.ORG | DENVER 8 TV

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**From:** Floodplain <Floodplain@denvergov.org>  
**Sent:** Thursday, February 8, 2024 1:53 PM  
**To:** Sasarak, Mike - DOTI CE0431 Engineer Senior <Mike.Sasarak@denvergov.org>  
**Subject:** FW: [EXTERNAL] Sushi Den / OTOTO

Please assist Noah, thx.

*Important Notice: New Floodplain Permit Fees became effective on January 1, 2024 per the [2024 Consolidated Fee Schedule](#). Please visit our "Flood Information Webpage" at [www.denvergov.org/flood](http://www.denvergov.org/flood) for a variety of flood related resources.*

**Jeremy Hamer, PE, CFM** | Engineer Supervisor / Floodplain Administrator  
City & County of Denver  
Department of Transportation & Infrastructure (DOTI)  
Right-of-Way Services (ROWS) | Engineering & Regulatory (ER)  
[Pronouns](#) | He/Him/His  
Office: 720-913-0720  
Cell: 303-513-6765



**EXHIBIT A  
LAND DESCRIPTION**

PARCEL 1

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

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

THENCE NORTH 44°41'46" WEST, A DISTANCE OF 28.28 FEET TO THE SOUTHEAST CORNER OF LOT 24, BLOCK 30, SHERMAN SUBDIVISION;

THENCE ALONG THE SOUTH LINE OF SAID LOT 24, SAME BEING THE NORTH LINE OF E. FLORIDA AVENUE, NORTH 89°41'50" WEST, A DISTANCE OF 40.67 FEET;

THENCE DEPARTING SAID LINES SOUTH 00°18'10" WEST, A DISTANCE OF 6.83 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 00°18'10" WEST, A DISTANCE OF 8.00 FEET;

THENCE PARALLEL WITH THE SOUTH LINE OF SAID LOT 24 NORTH 89°41'50" WEST, A DISTANCE OF 75.42 FEET;

THENCE NORTH 00°18'10" EAST, A DISTANCE OF 8.00 FEET;

THENCE PARALLEL WITH AND 6.83 FEET SOUTH OF THE SOUTH LINE OF SAID LOT 24 SOUTH 89°41'50" EAST, A DISTANCE OF 75.42 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A CALCULATED AREA OF 603 SQUARE FEET OR 0.014 ACRE, MORE OR LESS.

PARCEL 2

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



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

THENCE NORTH 44°41'46" WEST, A DISTANCE OF 28.28 FEET TO THE SOUTHEAST CORNER OF LOT 24, BLOCK 30, SHERMAN SUBDIVISION AND THE **POINT OF BEGINNING**;

THENCE SOUTH 00°18'10" WEST, A DISTANCE OF 7.17 FEET;

THENCE PARALLEL WITH THE SOUTH LINE OF SAID LOT 24, SAME BEING THE NORTH LINE OF EAST FLORIDA AVENUE, NORTH 89°41'50" WEST, A DISTANCE OF 31.33 FEET;

THENCE NORTH 00°18'10" EAST, A DISTANCE OF 7.17 FEET TO THE SOUTH LINE OF SAID LOT 24;

THENCE ALONG THE SOUTH LINE OF SAID LOT 24 SOUTH 89°41'50" EAST, A DISTANCE OF 31.33 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24 AND THE **POINT OF BEGINNING**;

CONTAINING A CALCULATED AREA OF 225 SQUARE FEET OR 0.005 ACRE, MORE OR LESS.

THE BASIS OF BEARINGS FOR THE ABOVE LEGAL DESCRIPTIONS IS THE 20.00 FOOT RANGE LINE IN E. FLORIDA AVENUE, BEING CALCULATED AT THE INTERSECTION WITH S. PEARL STREET BY FOUND REFERENCE POINTS AND AT THE INTERSECTION WITH S. PENNSYLVANIA STREET BY A STONE WITH CHISELED CROSS FOUND IN A RANGE BOX. SAID 20.00 FOOT RANGE LINE IS ASSUMED TO BEAR NORTH 89°41'50" WEST, A DISTANCE OF 325.10 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

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

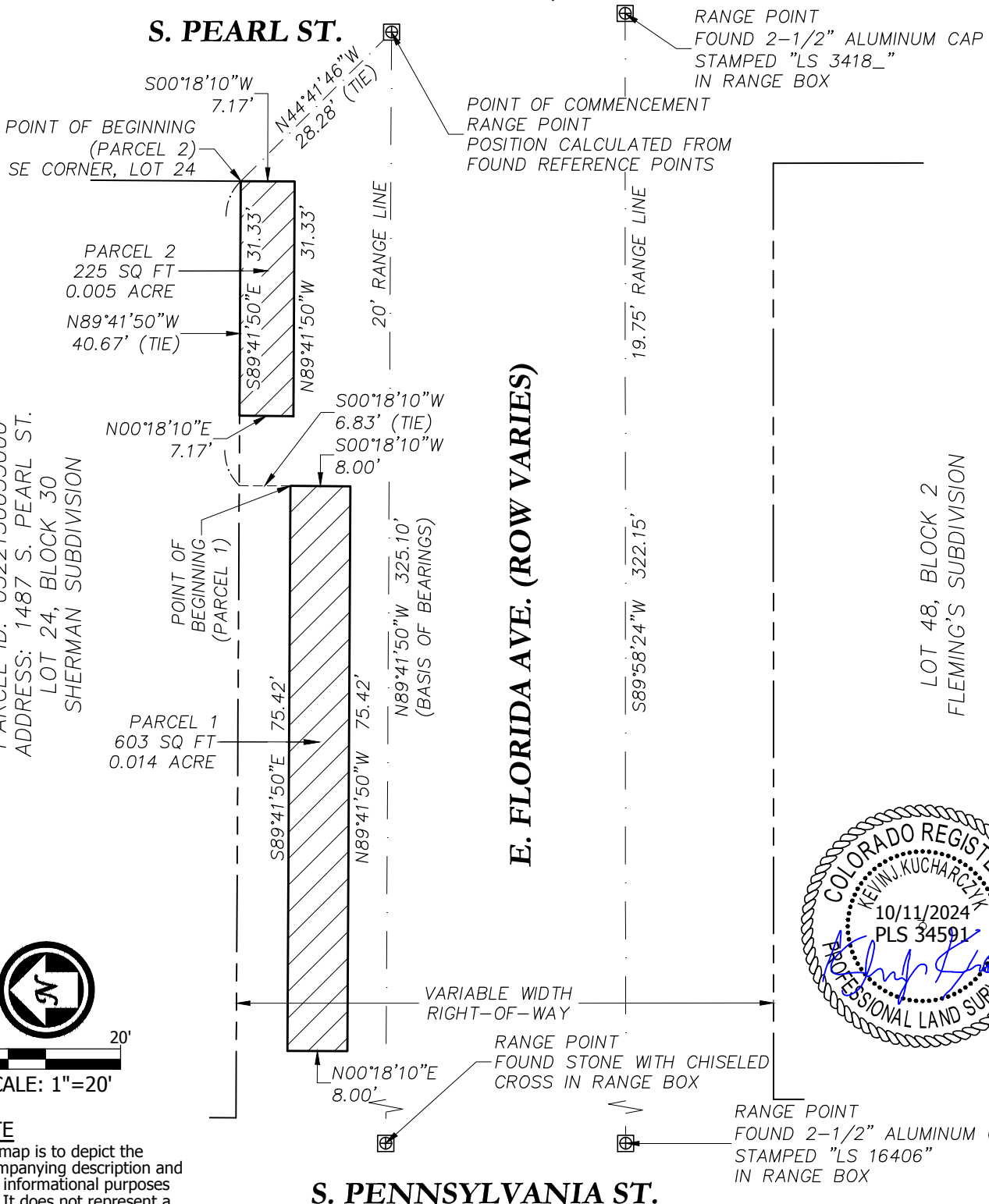


# EXHIBIT A

2024-ENCROACHMENT-0000070-002

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

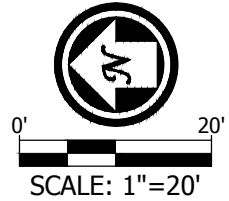
**S. PEARL ST.**



LOT 48, BLOCK 2  
FLEMING'S SUBDIVISION



OWNER: KIZAKI, TOSHIHIRO  
PARCEL ID: 0522130053000  
ADDRESS: 1487 S. PEARL ST.  
LOT 24, BLOCK 30  
SHERMAN SUBDIVISION



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

TIER III ENCROACHMENT EXHIBIT

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



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

Oct 11, 2024 - 11:03am Plotted by: mpellegrini P:\SD24078 1487 & 1501 S. Pearl St\Survey - Legal Group\30-CAD Drawings\SD24078-T3 Enc Exhibit - North.dwg

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070      **Review Phase:**  
**Location:** 1487 S. Pearl Street      **Review End Date:** 05/28/2024

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

Reviewing Agency: DS Transportation Review      Review Status: Approved

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

**Status Date:** 08/28/2024  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
 Reviewing Agency/Company: DOTI/DES  
 Reviewers Name: Melissa Woods  
 Reviewers Phone: 720-865-3029  
 Reviewers Email: [melissa.woods@denvergov.org](mailto:melissa.woods@denvergov.org)  
 Approval Status: Approved

**Comments:**  
 Previous comments were addressed.

**Status Date:** 05/29/2024  
**Status:** Denied  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
 Reviewing Agency/Company: DOTI/DES  
 Reviewers Name: Melissa Woods  
 Reviewers Phone: 720-865-3029  
 Reviewers Email: [melissa.woods@denvergov.org](mailto:melissa.woods@denvergov.org)  
 Approval Status: Denied

**Comments:**  
 1. Per the ROW Encroachment Rules & Regulations, General Placement Criteria, note 12, raised encroachments must provide a minimum of 3 feet from the face of curb when adjacent to on-street parking. This is applicable at this location. Revise the plan to show compliance.

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

Reviewing Agency: DS Project Coordinator Review      Review Status: Approved w/Conditions

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

**Status Date:** 05/29/2024  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
 Reviewing Agency/Company: Project Coordination  
 Reviewers Name: Tiffany Holcomb



# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070 **Review Phase:**  
**Location:** 1487 S. Pearl Street **Review End Date:** 05/28/2024

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

Reviewers Phone: none  
Reviewers Email: Tiffany.Holcomb@denvergov.org  
Approval Status: Approved with conditions

Comments:  
Plans provided were not legible and scope of work was unclear. It appears the proposal is to modify the existing 6 patio areas to a lesser number of patio areas strictly within the amenity zone. There is not an active SDP on the property. SDND team does not have objection to project if other agencies are able to approve.

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

Reviewing Agency: Survey Review Review Status: Approved

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

Status Date: 10/31/2024  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: DOTI-ROWS Survey  
Reviewers Name: Brian Pfohl  
Reviewers Phone: 630.202.6564  
Reviewers Email: brian.pfohl@denvergov.org  
Approval Status: Approved

Comments:

Status Date: 05/21/2024  
Status: Denied  
Comments: Comments in project folder

Reviewing Agency: DES Wastewater Review Review Status: Approved

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

Status Date: 08/27/2024  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: DS-WW  
Reviewers Name: Zhixu Yuan  
Reviewers Phone: 7208653140  
Reviewers Email: zhixu.yuan@denvergov.org  
Approval Status: Approved

Comments:

Status Date: 05/29/2024  
Status: Denied

# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070      **Review Phase:**  
**Location:** 1487 S. Pearl Street      **Review End Date:** 05/28/2024

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

**Comments:** Denied on behalf of this critical reviewer. This is still under review. Please contact the reviewer to resolve.  
**Status Date:** 05/28/2024  
**Status:** Approved - No Response  
**Comments:**

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

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

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

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

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

**Reviewers Name:** Paul Weller  
**Reviewers Email:** Paul.Weller@denvergov.org

**Status Date:** 09/03/2024  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: DOTI ROWS ER Wastewater  
Reviewers Name: Paul Weller  
Reviewers Phone: 720-913-0514  
Reviewers Email: Paul.Weller@Denvergov.org  
Approval Status: Approved

**Comments:**  
The attached site plan has been revised to address our comments.

Attachment: A1.01.pdf

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

1. Plans are illegible
2. Plans do not contain the minimum information required in the checklist
3. Show location of water service/water meter. Raised patio must not be constructed over service line.

**REDLINES uploaded to E-review webpage**

**Reviewing Agency:** CenturyLink Referral      **Review Status:** Approved

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

# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070      **Review Phase:**  
**Location:** 1487 S. Pearl Street      **Review End Date:** 05/28/2024

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

**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: CenturyLink/Lumen  
Reviewers Name: Varina Hoopes  
Reviewers Phone: 4075926104  
Reviewers Email: Varina.Hoopes@lumen.com  
Approval Status: Approved

**Comments:**

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

Reviewing Agency: Xcel Referral      Review Status: Approved w/Conditions

**Status Date:** 05/29/2024  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: Public Service Company of Colorado (PSCo) dba Xcel Energy  
Reviewers Name: Donna George  
Reviewers Phone: 3035713306  
Reviewers Email: Donna.L.George@xcelenergy.com  
Approval Status: Approved with conditions

**Comments:**

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

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

Reviewing Agency: RTD Referral      Review Status: Approved

**Status Date:** 05/29/2024  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: RTD  
Reviewers Name: clayton s woodruff  
Reviewers Phone: 303-299-2943  
Reviewers Email: Clayton.woodruff@rtd-denver.com  
Approval Status: Approved

**Comments:**

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

# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070      **Review Phase:**  
**Location:** 1487 S. Pearl Street      **Review End Date:** 05/28/2024

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

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

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

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

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

**Reviewing Agency:** Metro Wastewater Referral      **Review Status:** Approved - No Response

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

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

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

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

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

**Reviewing Agency:** Building Department Review      **Review Status:** Approved

**Reviewers Name:** Keith Peetz  
**Reviewers Email:** Keith.Peetz@denvergov.org

**Status Date:** 05/10/2024  
**Status:** Approved  
**Comments:** The less than 100 sq. ft. in area each, elevated patios are existing structures located in the ROW tree lawn.

**Reviewing Agency:** Division of Real Estate Referral      **Review Status:** Approved

**Reviewers Name:** Kathryn Spritzer  
**Reviewers Email:** Kathryn.spritzer@denvergov.org

**Status Date:** 05/09/2024  
**Status:** Approved  
**Comments:**

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

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



# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070      **Review Phase:**  
**Location:** 1487 S. Pearl Street      **Review End Date:** 05/28/2024

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

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

**Reviewing Agency:** Denver Water Referral      **Review Status:** Approved w/Conditions

**Status Date:** 05/29/2024  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Kela Naso  
Reviewers Phone: 0000000000  
Reviewers Email: kela.naso@denverwater.org  
Approval Status: Approved with conditions

**Comments:**  
Confirm electrical lines maintain a minimum of 5' away from water service lines.

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

**Reviewing Agency:** Parks and Recreation Review      **Review Status:** Approved

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

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

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

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

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

**Status Date:** 09/11/2024  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: DODR  
Reviewers Name: Spencer Pocock  
Reviewers Phone: 720-913-8411  
Reviewers Email: Spencer.Pocock@denvergov.org  
Approval Status: Approved

**Comments:**  
Architect provided updated drawings that addressed the previous comments.

# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338 **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070 **Review Phase:**  
**Location:** 1487 S. Pearl Street **Review End Date:** 05/28/2024

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

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

**Status Date:** 05/29/2024  
**Status:** Denied  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: DODR  
Reviewers Name: Spencer Pocock  
Reviewers Phone: 720-913-8411  
Reviewers Email: Spencer.Pocock@denvergov.org  
Approval Status: Denied

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

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

Reviewing Agency: Construction Engineering Review Review Status: Approved

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

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

Reviewing Agency: TES Sign and Stripe Review Review Status: Approved - No Response

**Reviewers Name:** Brittany Price  
**Reviewers Email:** Brittany.Price@denvergov.org

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

Reviewing Agency: City Forester Review Review Status: Approved

**Reviewers Name:** Erin Hatch  
**Reviewers Email:** Erin.Hatch@denvergov.org

**Status Date:** 09/03/2024  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: Forestry (OCF)

# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

**Master ID:** 2016-PROJMSTR-0000338      **Project Type:** Tier III Encroachment Resolution  
**Review ID:** 2024-ENCROACHMENT-0000070      **Review Phase:**  
**Location:** 1487 S. Pearl Street      **Review End Date:** 05/28/2024

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

Reviewers Name: Erin Hatch  
Reviewers Phone: (720) 913 - 0643  
Reviewers Email: Erin.Hatch@denvergov.org  
Approval Status: Approved

Comments:  
Plan set approved based on attached revised plan set. When modifying patio 1, ensure that modification is done to reduce damage to adjacent tree(s) using minimally invasive techniques. Install tree protection measures as necessary, such as burlap/carpeting as wrapping around trunk to reduce trunk damage.

Attachment: (APPROVED 8-30-24) A1.01\_24-0829.pdf

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

**REDLINES uploaded to E-review webpage**

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

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

Reviewing Agency: CDOT Referral      Review Status: Approved

Status Date: 05/29/2024  
Status: Approved  
Comments: PWPRS Project Number: 2024-ENCROACHMENT-0000070 - Tier III 1487 S. Pearl St - Sushi Den Patio  
Reviewing Agency/Company: CDOT  
Reviewers Name: Eric B Vossenkemper  
Reviewers Phone: 3037579921  
Reviewers Email: eric.vossenkemper@state.co.us  
Approval Status: Approved

Comments:  
Does not affect CDOT on-system ROW. Proposed effort is approved as the location does not affect CDOT ROW.

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

Reviewing Agency: Environmental Health Referral      Review Status: Approved - No Response

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

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

# Comment Report

## Tier III 1487 S. Pearl St - Sushi Den Patio

10/31/2024

<b>Master ID:</b>	2016-PROJMSTR-0000338	<b>Project Type:</b>	Tier III Encroachment Resolution
<b>Review ID:</b>	2024-ENCROACHMENT-0000070	<b>Review Phase:</b>	
<b>Location:</b>	1487 S. Pearl Street	<b>Review End Date:</b>	05/28/2024

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

Reviewers Name: Shari Bills  
Reviewers Email: Shari.Bills@denvergov.org  
Status Date: 05/28/2024  
Status: Approved - No Response  
Comments: