



**TO:** Denver City Council  
**FROM:** Deirdre M. Oss, AICP, Senior City Planner  
**DATE:** February 6, 2015  
**RE:** Official Zoning Map Amendment Application #2014I-00069  
1673 S. Emerson Street  
Rezoning from U-SU-B to U-SU-B1

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2014I-00069 for a rezoning from U-SU-B to U-SU-B1.

## Request for Rezoning

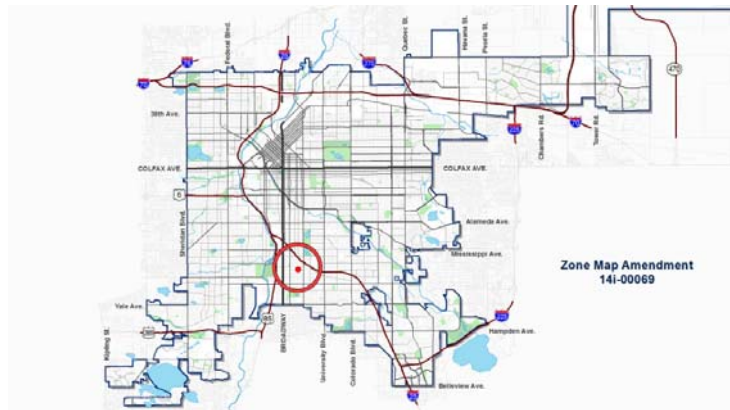
Application:	#2014I-00069
Address:	1673 S. Emerson St
Neighborhood/Council District:	Platt Park/Council District 7
RNOs:	Denver Neighborhood Association, Inc.; Platt Park People's Association; Inter-Neighborhood Cooperation (INC)
Area of Property:	6,250 square feet or .14 acres
Current Zoning:	U-SU-B (Lot size minimum 4,500 SF)
Proposed Zoning:	U-SU-B1 – allows accessory dwelling unit
Property Owner(s):	Casey and Scott Hermansen
Owner Representative:	Casey Hermansen

## Summary of Rezoning Request

- The subject property is located in the Platte Park neighborhood in Council District 7.
- The urban-context Platt Park neighborhood is designated an Area of Stability within Blueprint Denver, containing primarily single-unit dwellings constructed in the first half of the 20<sup>th</sup> century on lots ranging from 5,000-8,000 SF.
- The subject property contains one single unit dwelling unit with a small detached garage.
- The property owner, Casey Hermansen, has requested a rezoning to establish the opportunity to reconstruct the garage that will also allow for an accessory dwelling unit.
- The U (Urban)-SU (Single Unit)-B1 (min. 4,500 SF zone lot) allows for the opportunity to add an accessory dwelling unit use as part of the primary structure or within a detached accessory dwelling unit. The Urban neighborhood context is primarily characterized by single-unit and two-unit residential uses complimented by small-scale multi-unit residential and commercial areas typically historically embedded in the residential area. Single and two-unit uses are located along local and residential arterial streets while commercial uses are located primarily along mixed-use arterials or main streets or located at the intersection of these streets and a

local street. The intent of the residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context, and while allowing for variation, these districts are designed to reinforce physical development patterns in existing neighborhoods while accommodating reinvestment. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

- The proposed rezoning is exempt from minimum area requirements as the subject property already abuts existing U-SU-B1 zone district (DZC Section 12.4.10.3.B.2).



## Existing Context

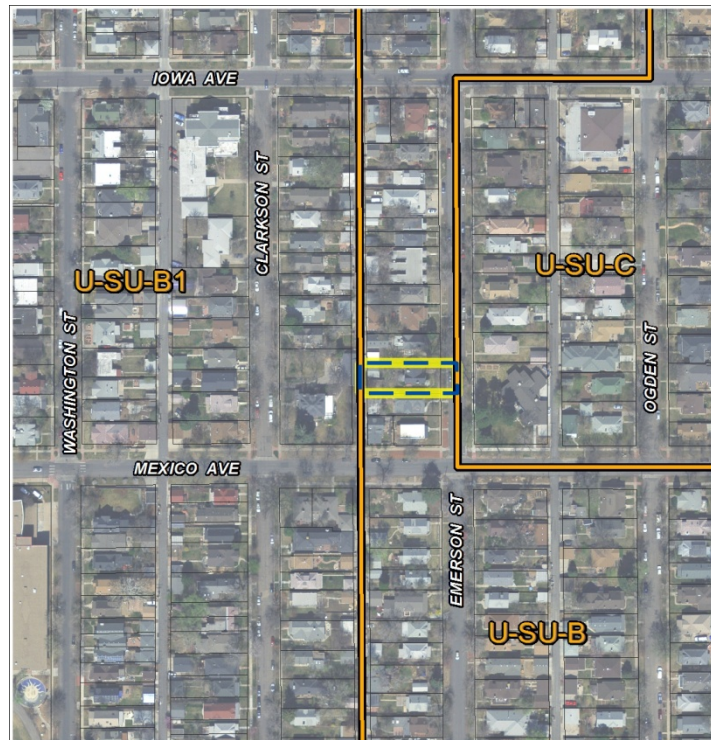
As noted previously, the subject property is located within the primarily residential Platt Park Neighborhood and is located at the far south edge of the study area for the Louisiana Pearl Station Area Plan. Immediately west across the alley from the subject property is one single-unit dwelling located on a 19,000 SF lot within the U-SU-B1 zone district (the same as the requested district). Single-unit dwelling residential development on more typical lots bounds the site to the north and south.

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

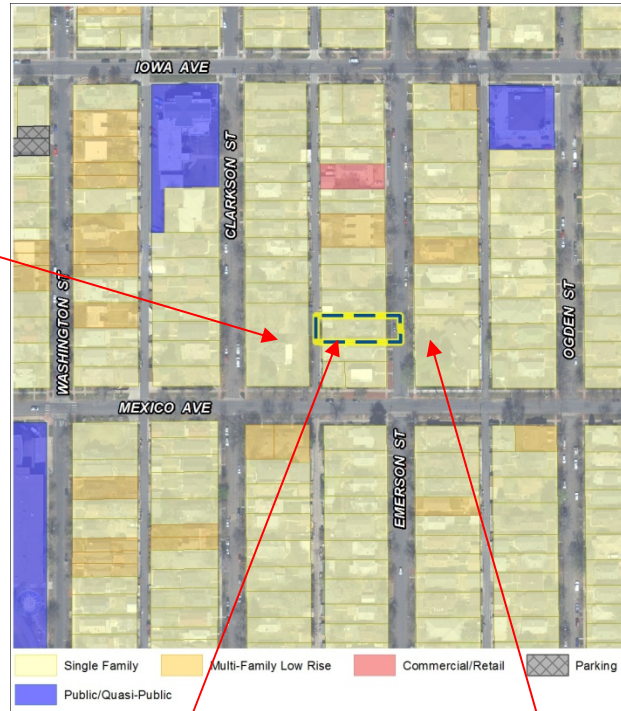
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-B	Single-unit	Single-unit dwelling	Generally regular orthogonal street grid with lots served by alleys between local streets. The pattern of development is typical of most single-unit neighborhoods with roughly 20' front setbacks at the primary street.
North	U-SU-B	Single-unit	Single-unit dwelling	
South	U-SU-B	Single-unit	Single-unit dwelling	
East	U-SU-C (5,500 SF)	Single-unit on 17,000 SF lot	Single-unit dwelling	
West	U-SU-B1	Single-unit on 19,000 SF lot	Single-unit dwelling	

### 1. Existing Zoning

The U-SU-B zone has a maximum height of 35' in the front 65% of the lot, with 17' allowed in the rear 35%. The minimum front setback is 20', with 12 (alley)/20' (no alley) rear setback. This residential district allows single unit dwellings. For additional details of the U-SU-B zone district, see DZC Section 5.2.2.2.



## 2. Existing Land Use Map and 3. Existing Building Form and Scale



## Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Asset Management:** Approve – No comments.

**Denver Fire Department:** Approve – No Comments.

**Development Services – Wastewater:** Approve – No Comments.

**Public Works – City Surveyor:** Legal is approved.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on October 24, 2014.
- Planning Board: The property was legally posted for a period of 15 days announcing the December 3, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members. The Denver Planning Board voted unanimously in support of the proposed map amendment, indicating in comments that this type of change helps create stability and preserve character of neighborhoods.
- NAP Committee: January 7, 2015
- Registered Neighborhood Organizations (RNOs): While no letters have been received by the RNOs, the applicant has provided within the packet signatures of support from individual neighbors.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

## **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Louisiana Pearl Station Area Plan

### **Denver Comprehensive Plan 2000**

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

- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Legacies Strategy 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated.
- Housing Strategy 2: *Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development, and 2-E: Adjust codes and policies regarding accessory residential units, such as granny flats, mother-in-law apartments and carriage units.*

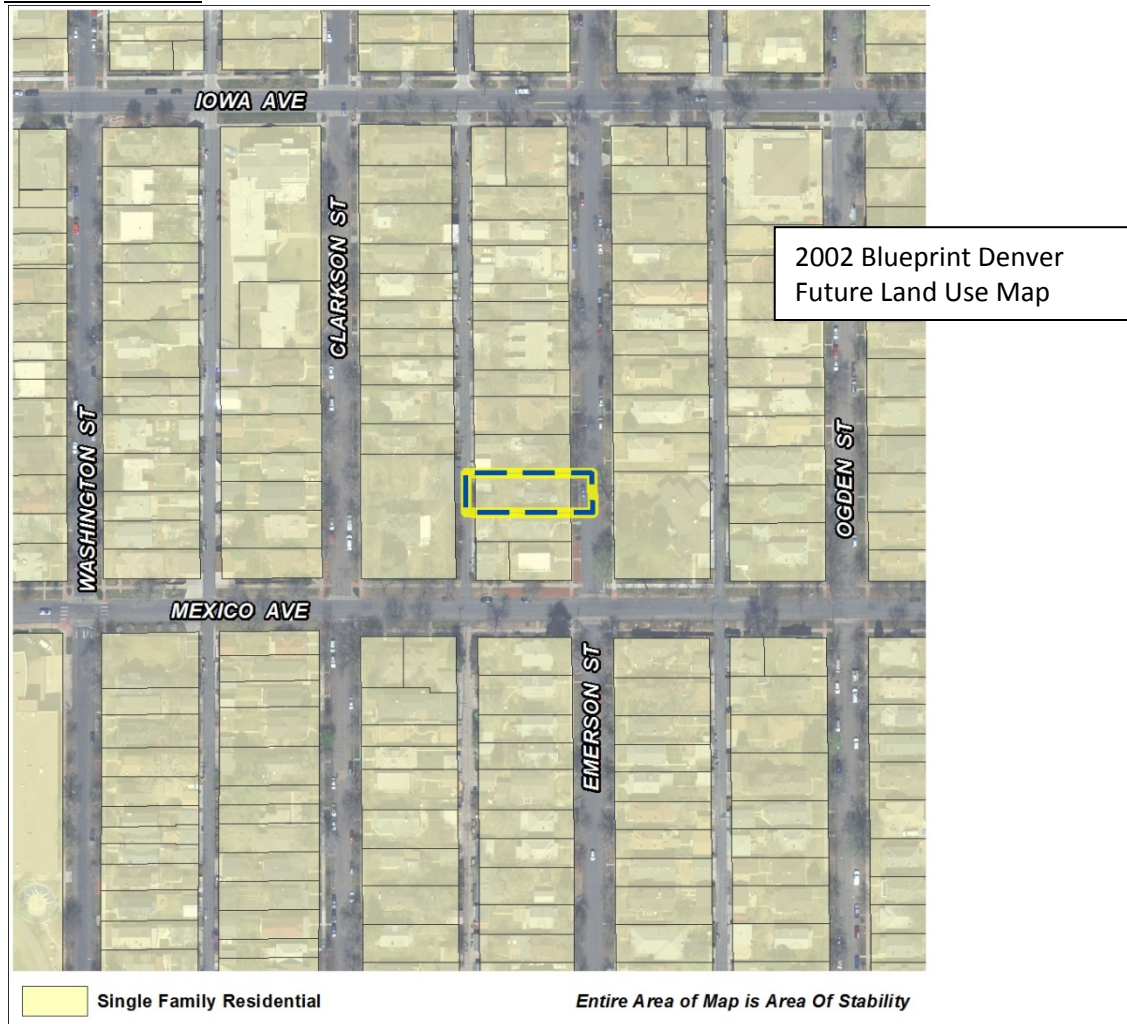
The proposed map amendment will enable addition of an accessory dwelling unit use on an existing single-family dwelling unit lot in an existing cherished residential neighborhood. The U-SU-B1 reinforces desired low-intensity development patterns while accommodating reinvestment.

### **Blueprint Denver**

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family Residential and is located in an Area of Stability.

A Single Family Residential Area Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Densities are fewer than 10 units per acre, often less than six units per acre neighborhood-wide, and the employment base is significantly smaller than the housing base. Single-family homes are the predominant residential type. Some of the many areas in Denver with this attribute include Rosedale, University, Park Hill, Washington Park, Sloan Lake, Regis, Montbello, Green Valley Ranch, Hampden and Bear Valley. Platt Park can be added to this list.

**Future Land Use**



**Area of Change / Area of Stability**

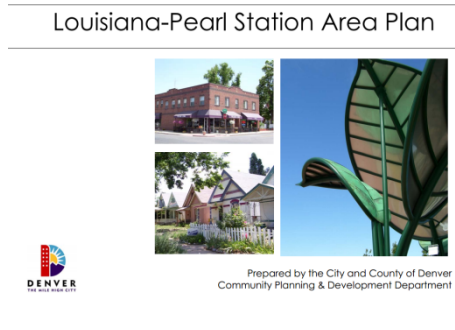
As noted, the site is in an Area of Stability. The Areas of Stability can be thought of as belonging to one of the following two categories: “Committed Areas” and “Reinvestment Areas.” The subject property is within a neighborhood that can be considered a “Committed Area” - Committed Areas are stable neighborhoods that may benefit from the stabilizing effects of minor infill development rather than large-scale, major redevelopment. The addition of accessory dwelling units is an allowance that provides for discreet improvements that do not distract from the overall character of the single family neighborhood and occur organically as individual property owners decide to add the use which may be contained either within the primary structure or within a new detached accessory dwelling unit structure in the rear yard.

**Street Classifications**

Both Emerson Street and Mexico Avenue are designated as Undesignated-Local streets characteristic of many Denver single-family neighborhoods. These streets are influenced less by

traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets.”

### **Small Area Plan: Louisiana Pearl Station Area Plan (2007)**



The property lies within the larger half-mile study area boundary of the Louisiana Pearl Station Area Plan but plan recommendations are limited to the ¼ mile radius of the station. However, the blocks just south of this initial ¼ mile radius are considered Committed Areas in this Plan. Committed Areas are stable and benefit from reinvestment in the housing stock and some new housing development. (p.28). The addition of an ADU use to the site allows for reinvestment on a small-scale appropriate to the neighborhood.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-SU-B1 will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city’s adopted land use plans which recommend preserving the character of Denver’s existing neighborhoods while allowing for small-scale reinvestment.

## **4. Justifying Circumstances**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.14.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.” Reinvestment in Committed Areas is desired to allow for preservation of neighborhood character while adjusting to desired changes in contemporary living within these neighborhoods, with many homes over 100 years old and lacking amenities that families desire today.

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

The requested U-SU-B1 zone district is within the Urban Neighborhood Context which addresses primarily one-and two-family residential development with pockets of embedded commercial or commercial uses along neighborhood mixed use corridors. This requested change to U-SU-B1 is consistent with the character of development allowed by surrounding zoning on residential blocks in the Platt Park neighborhood.



According to the zone district intent stated in the DZC Section 5.2.2.2.E, U-SU-B1 is a single unit district that allows urban houses and detached accessory dwelling units on lots with a minimum area of 4,500 SF. The subject property fits within this intent.

### Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1673 S. Emerson St. to a U-SU-B1 zone district meets requisite review criteria. Accordingly, staff recommends *Approval*.

### Attachments

1. Application
2. Public and RNO comment letters – None received

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Casey Hermansen	Representative Name	
Address	1673 S. Emerson St.	Address	
City, State, Zip	Denver, CO, 80210	City, State, Zip	
Telephone	303.698.9220	Telephone	
Email	casey@mangosafari.com	Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	1673 S. Emerson St. Denver, CO 80210		
Assessor's Parcel Numbers:	PARCELNUM is 015, SCHEDNUM is 0522719015000		
Area in Acres or Square Feet:	6,250 Square Feet		
Current Zone District(s):	U-SU-B		
PROPOSAL			
Proposed Zone District:	U-SU-B1		
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

# REZONING GUIDE

Rezoning Application Page 2 of 3



## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The existing zoning of the land was the result of an error.</li> <li><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</li> <li><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</li> <li><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</li> <li><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.</li> </ul> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

Last updated: June 20, 2014

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**311** | FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Casey Hermansen Scott Hermansen	1673 S. Emerson Street Denver, CO 80210 (303) 698-9220 casey@mangosafari.com	100%	<i>Casey Hermansen</i> <i>Scott Hermansen</i>	9/30/2014	(B)	NO

Last updated: June 20, 2014

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

**311** FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



State Documentary Fee  
Date: August 19, 2010  
\$ 49.00

**Warranty Deed**  
(Pursuant to 38-30-113 C.R.S.)

THIS DEED, made on August 19, 2010 by JOHN R. KLEE AND PAM KLEE Grantor(s), of the County of Denver and State of COLORADO for the consideration of (\$490,000.00) \*\*\* Four Hundred Ninety Thousand and 00/100 \*\*\* dollars in hand paid, hereby sells and conveys to CASEY HERMANSEN AND SCOTT HERMANSEN Grantee(s), as Joint Tenants, whose street address is 1673 SOUTH EMERSON DENVER, CO 80210, CITY AND County of DENVER, and State of COLORADO, the following real property in the CITY AND County of Denver, and State of Colorado, to wit:

LOTS 29 AND 30, BLOCK 48, STEBBINS HEIGHTS, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also-known by street and number as: ~~1673 SOUTH EMERSON STREET - DENVER CO 80210~~

with all its appurtenances and warrants the title to the same, subject to *all taxes and assessments for the year 2010 and the matters stated in Section 13 (transfer of title) of the Contract to Buy and Sell Real Estate (a) those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8.1 (Title Review); (b) distribution utility easements (including cable TV); (c) those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Matters not Shown by the Public Records) and Section 8.3 (Survey Review); (d) inclusion of the Property within any special tax district; and (e) other*

[Signature]  
JOHN R. KLEE

[Signature]  
PAM KLEE

State of COLORADO )  
County of DENVER ) ss.

The foregoing instrument was acknowledged before me on this day of August 19, 2010 by JOHN R. KLEE AND PAM KLEE

SARA E. SPAIGHT  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires May 9, 2013

[Signature]  
Notary Public  
My commission expires 5/9/2013

When Recorded Return to: CASEY HERMANSEN AND SCOTT HERMANSEN  
1673 SOUTH EMERSON DENVER, CO 80210



Legal Description of Property:

1673 S. Emerson St., Denver, CO 80210

Lots 29 and 30, Block 48, Stebbins Heights, City and County of Denver, State of Colorado

## Review Criteria

1673 S. Emerson St.  
Denver, CO 80210

We are requesting consideration to be rezoned from U-SU-B to U-SU-B1. We would like to have our old garage demolished (which is in a terrible condition), and have a new garage built with a room above it for a home office. We are adjacent to the zoning we are requesting, as the demarcation of that zoning currently rests in our alley, behind our property line – and directly behind the proposed new garage.

While maintaining the established land use concept (which guides land use and development intensity) and building pattern of the area, we are looking to reinvest in our current property in order to create additional living space. In keeping with the Denver zoning boards' vision, the property would remain a single family home and adhere to the urban design and building standards of the neighborhood. We value the 1920's character of our home and neighborhood, and want to stay with this style with the new garage.

From the Louisiana Pearl Station Plan:

Committed areas are stable and benefit from reinvestment in the housing stock and some new housing development. Committed areas coincide with residential zone districts (R-1 and R-2). The established land use and building pattern of this area is important to maintain. As indicated on the existing land use map, homes are predominantly single family in Platt Park and West Washington Park.

Like many Denver neighborhoods, current regulations for these areas need current alignment with the existing and desired development plan.

The R-1 areas found in Platt Park and West Washington Park are compatible and protect single family use. However, bulk and massing requirements for R-1 and R-2 do not foster predictable development with simple, easy-to-understand regulations. In addition, the development capacity of the R-2 (two-family versus multiple family) may be too intense in some areas of the planning area in comparison to the existing and desired development pattern. For example, West Washington Park seeks to preserve the predominant single family housing stock in R-1 areas and continue the pattern of predominantly single family homes with some duplexes in R-2 areas of their neighborhood.

Better tools that speak to these elements will maintain this character and improvements to the existing housing stock can continue in a manner that protects the investment of homeowners and the neighborhood character.

The goal for areas of stability is to identify and maintain character of an area while accommodating some change. While seeking approval for rezoning, our intention is not to create a secondary family dwelling – but merely to add on to our current space to make for a more practical living arrangement. This will essentially be more living space to enable us to keep this historic home, which is crucial to the charm of the neighborhood. Many of the older homes in our neighborhood were built long ago and

without sufficient space for today's living. We feel this improvement to our property would enable it to live on as a historic home and not be considered for a scrape and modern re-build. We wish to protect the single family use of our home and remain compatible with the Platt Park residential area.

While using the established land use and building pattern of the neighborhood as a guideline, our end goal is to create a new additional garage space that looks like it has been here as long as the original home. We feel this reinvestment in the existing property and housing on our lot is consistent with the city's adopted plans and is necessary to maintain the neighborhood character of Platt Park.

This two story garage would not impact any views of our neighbors and as mentioned, we would like to keep it with the style of the neighborhood. We would like to build the new garage lower to the ground as it has a steep incline as the entrance now from the alley.

Like so many other people these days, I work from home. I would love to continue working from home and have space for our family to grow in this home. Our neighbors are aware of our desire to build a new two story garage and are all supportive of our efforts to be rezoned. We hope you see our desire to improve upon our property and neighborhood in which we love!



September 27<sup>th</sup>, 2014

To whom it concerns,

We are aware of the rezoning proposal being filed by our neighbors, Scott and Casey Hermansen at 1673 S. Emerson Street, to have their property re-zoned from U-SU-B to U-SU-B1. We understand that the current zone boundary (from U-SU-B to U-SU-B1), is in fact this alley where the garage would be built. We understand that they would like to be granted this rezoning request in order to build a new garage along the alley side of their property, with a second story above it for a home office. We don't have any issues with this request and support their efforts to have their property rezoned.

Thank you!

Names:

TOD STEWART & CAROL OKADA

Address:

1691 S. EMERSON ST

Phone Number:

303 499 9606

Signed:

Tod Stewart      Carol Okada

Date:

9/27/14

September 27<sup>th</sup>, 2014

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Thank you!

Names:

Bryan M Dowck

Address:

1665 S. Emerson St

Phone Number:

303 618 3525

Signed:

Bryan M Dowck

Date:

09/29/2014

September 27<sup>th</sup>, 2014

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Thank you!

Names:

Arnott Schoaten

Address:

1680 So Clarkson St.

Phone Number:

303-777-3942

Signed:

Arnott Schoaten

Date:

9-28-14