



TO: Land Use, Transportation and Infrastructure Committee
FROM: Matthew Bossler, Senior City Planner – Urban Design
DATE: April 25, 2024
RE: Official Zoning Map Amendment Application #2022I-00253

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of **Application #2022I-00253**.

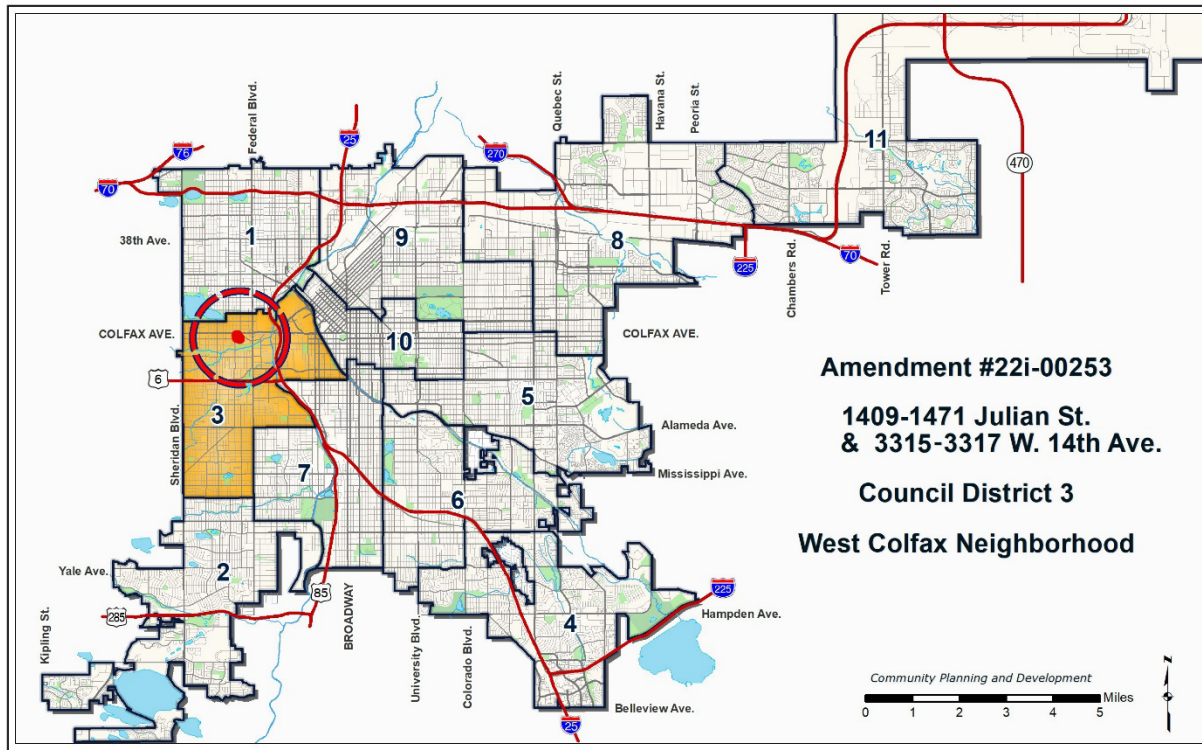
Request for Rezoning

| | |
|--------------------------------|---|
| Address: | 1409-1471 N. Julian St. & 3315-3317 W. 14th Ave. |
| Neighborhood/Council District: | West Colfax Neighborhood Council District 3 – Jamie Torres |
| RNOs: | United Northwest Denver, West Colfax BID, Inter-Neighborhood Cooperation (INC), West Colfax Association of Neighbors (WECAN), Reclaim the Eastside, Sloan's Lake Citizens' Group, Strong Denver, Southwest Vida |
| Area of Property: | 59,021 sf or 1.35 acres |
| Current Zoning: | G-RH-3 |
| Proposed Zoning: | G-MU-5 |
| Property Owner(s): | GAO Homes Partners RLLLP |
| Owner Representative: | Steve Ferris |

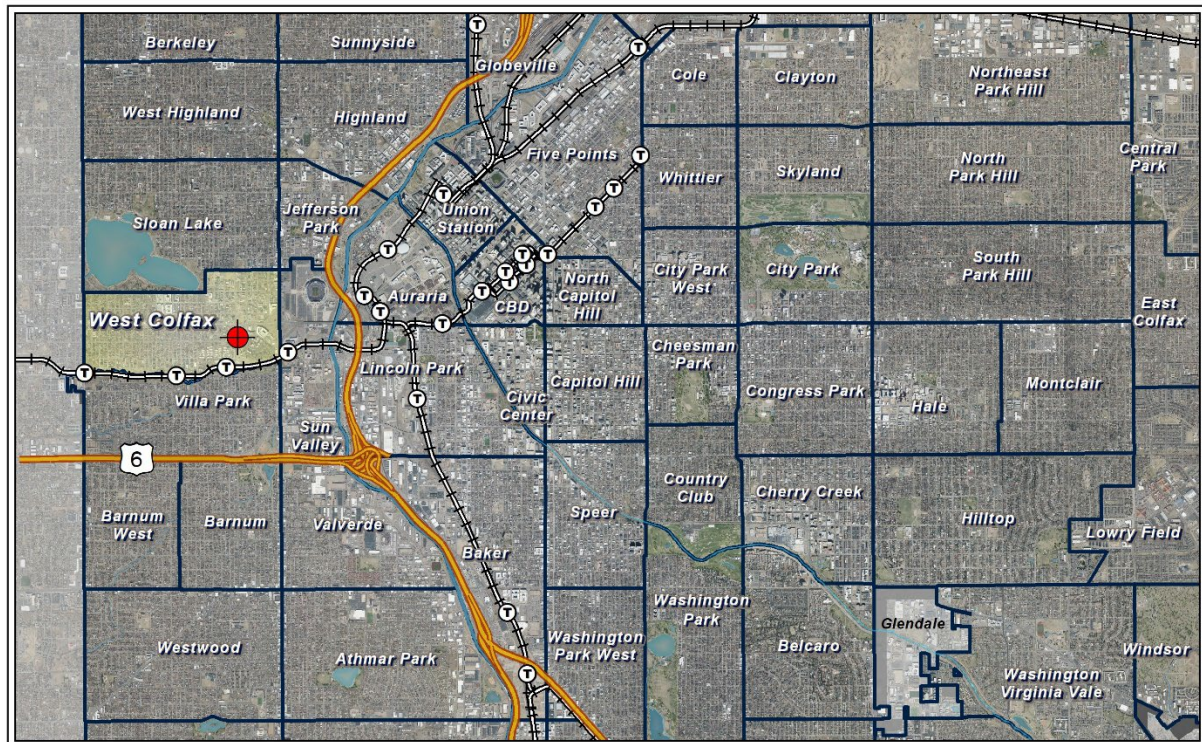
Summary of Rezoning Request

- The subject site is currently multi-unit residential and two-unit residential, and the property owner is proposing to rezone the property to facilitate redevelopment with multi-unit housing.
- The proposed G-MU-5, **G**eneral Urban, **M**ulti-**U**nit, **5** (maximum of five stories) zone district is intended for use in the General Urban Neighborhood Context which is primarily characterized by multi-unit residential uses in a variety of building forms. Multi-unit residential structures are typically in the Apartment building form. The maximum height of the Apartment building form is 65 feet across the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 6 of the Denver Zoning Code (DZC).

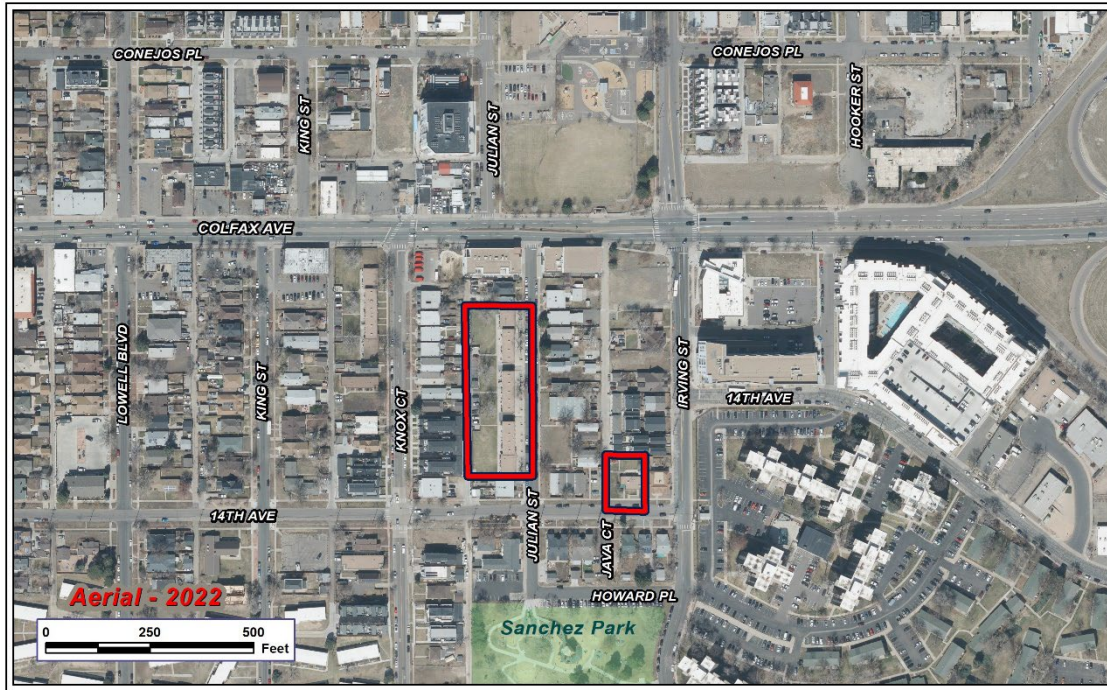
City Location



Neighborhood Location – West Colfax



1. Existing Context



The subject properties are located in the middle of the west half of the West Colfax statistical neighborhood, which is characterized by a wide mix of single-unit, two-unit, and multi-unit dwellings, along with commercial/retail, industrial, public/quasi-public, mixed-use, and parks/open space uses throughout the neighborhood. There are two properties. The first of these (1409-1471 North Julian Street) is located along the west side of North Julian Street north of the northwest corner of the intersection of West 14th Avenue and North Julian Street. The second of these (3315-3317 West 14th Avenue) is located on the north side of West 14th Avenue, west of the northwest corner of West 14th Avenue and North Irving Street.

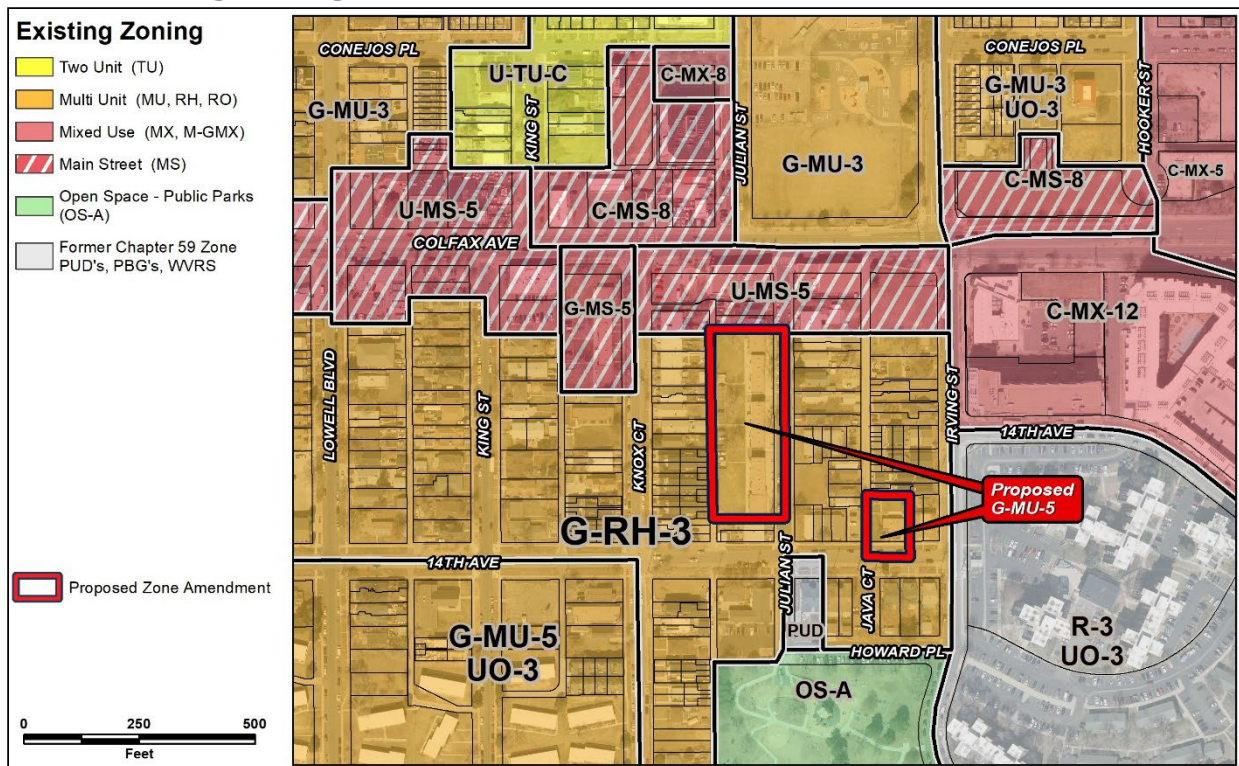
RTD Bus Route 1 runs east-west along W 14th Avenue (from zero to a half block south). Route 16 runs east-west along W Colfax Avenue and West 14th Avenue (from a half to one block north or east). The properties are on the same half-blocks as bus stops for Route 1 along W 14th Avenue, and approximately 300 to 700 feet away from bus stops for Route 16 on West Colfax Avenue and West 14th Avenue. In addition, the site is less than ¼ mile from the Knox Station Platform of the W Line (RTD light rail), and less than a half mile from the Decatur and Federal Station Platform, and stops for bus lines PLFX, 31, 16, 15L, and 30.

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 | G-RH-3 | Multi-Unit Residential and Two- | 2-story brick and shingle-clad rowhomes with pedestrian access of North Julian Street and a 1-story brick duplex with pedestrian access on West 14 th Avenue. | Generally regular grid of streets. Block sizes and shapes are consistent |

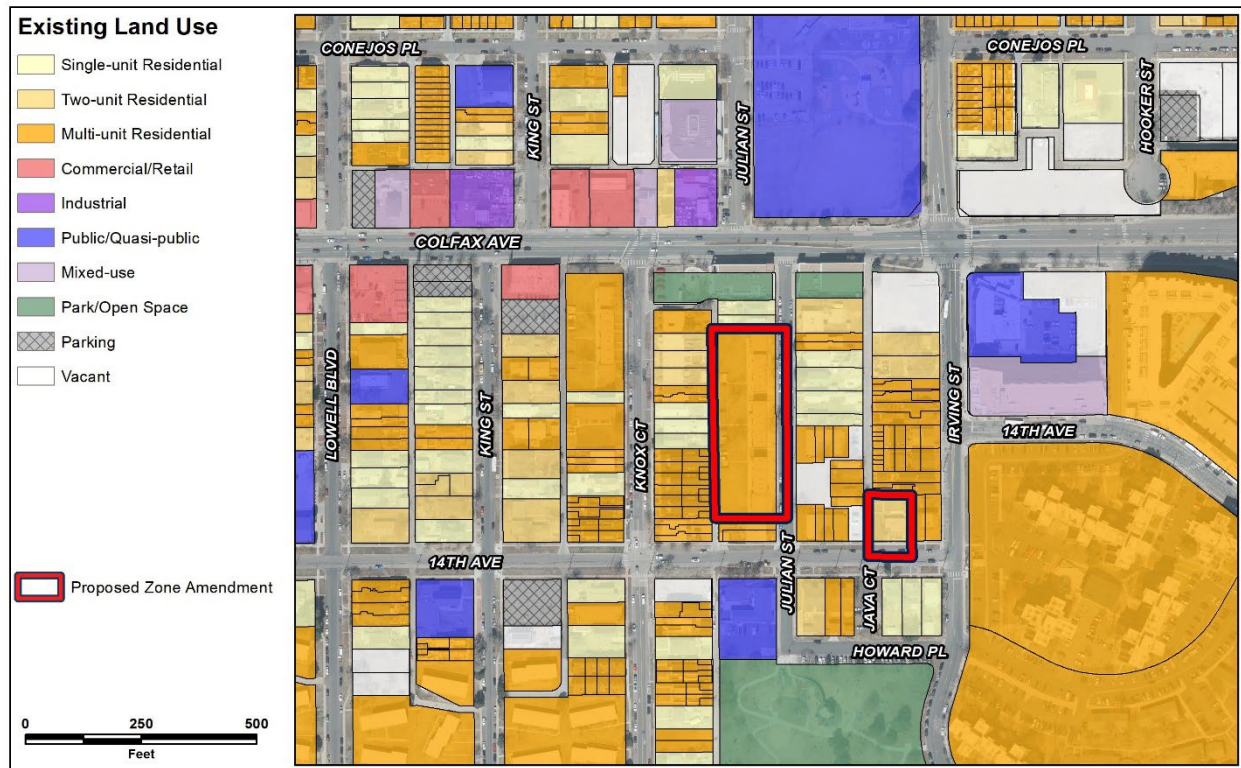
| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|-------|-------------------|---|--|--|
| | | Unit Residential | | and rectangular. Either detached sidewalks with tree lawns or attached sidewalks. Existing alleys. Detached garages and on-street vehicle parking. |
| North | G-RH-3 and U-MS-5 | Single-unit and Multi-Unit Residential | 1 story brick classic cottage house with pedestrian access on North Julian Street, and 3-story board-and-batten and brick-clad rowhouse with pedestrian access on North Irving Street. | |
| South | G-RH-3 | Single-unit and Multi-Unit Residential | 1 story brick bungalow houses, and 1-story brick duplex with pedestrian access on West 14 th Avenue and North Julian Street. | |
| East | G-RH-3 | Single-unit and Two-Unit Residential | 1 story brick houses, duplexes, row house, and quadplexes, with pedestrian access on North Julian Street and North Irving Street | |
| West | G-RH-3 | Single-unit, Two-Unit, and Multi-Unit Residential | 2-story brick and siding town houses, and 1-story brick or stucco houses and duplexes with pedestrian access along North Knox Court and North Julian Street. | |

2. Existing Zoning



The existing zoning on the subject property is G-RH-3 (**General Urban Row House 3**). G-RH-3 allows Urban House, Duplex, Garden Court, Town House, and Apartment primary building forms. The maximum allowed height is 3 stories, with feet allowed varying by building form, ranging from a maximum of 30-35 feet in the front 80% of the zone lot (urban house) to 65 feet across the zone lot (Town House and Apartment). G-RH-3 also allows three accessory structure forms: Detached Accessory Dwelling Unit, Detached Garage, and other Detached Accessory Structures.

3. Existing Land Use Map



4. Existing Building Form and Scale (All images from Google Maps)



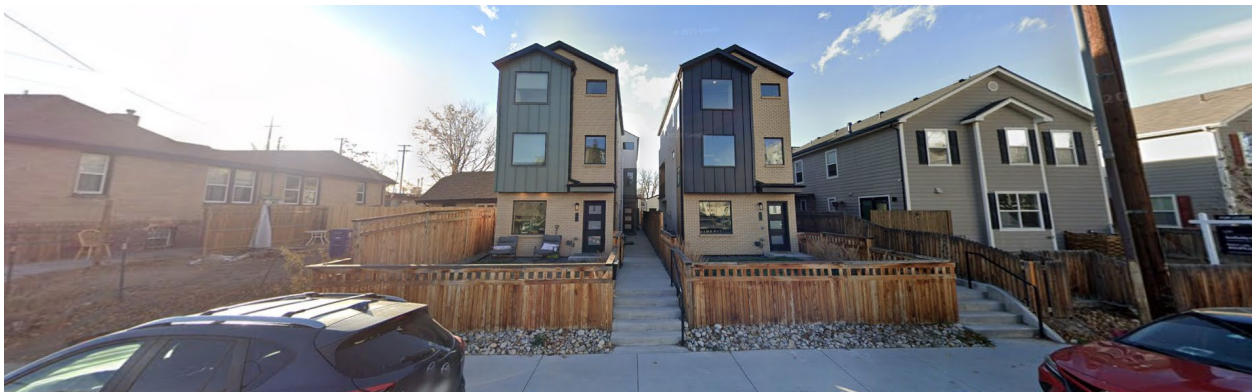
Subject Site (1409-71 North Julian Street) - View of the subject property, looking West (on North Julian Street)



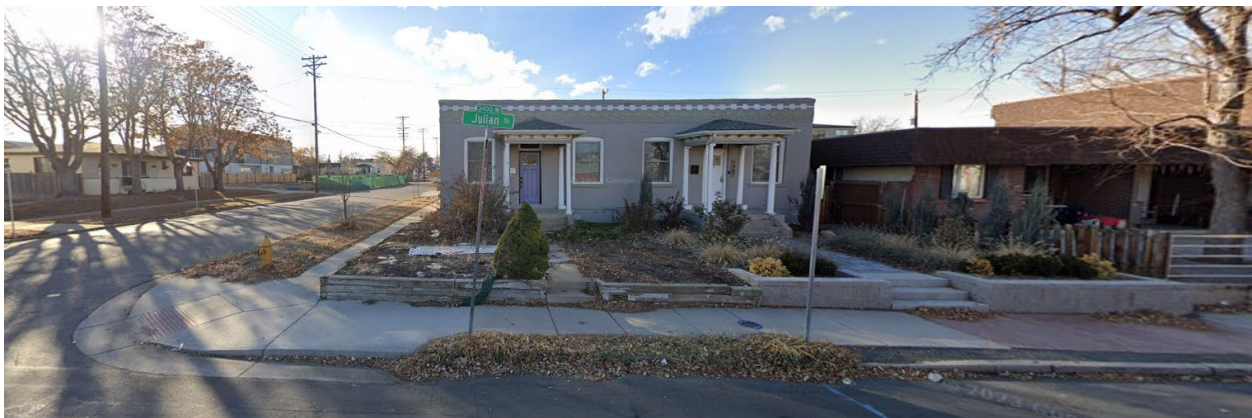
Subject Site (3315-3317 West 14th Avenue) - View of the subject property, looking North (on West 14th Avenue)



North - View of the property to the North of 1409-71 North Julian Street, looking west (on North Julian Street)



North - View of the property to the North of 3315-3317 West 14th Avenue, looking west (on North Irving Street)



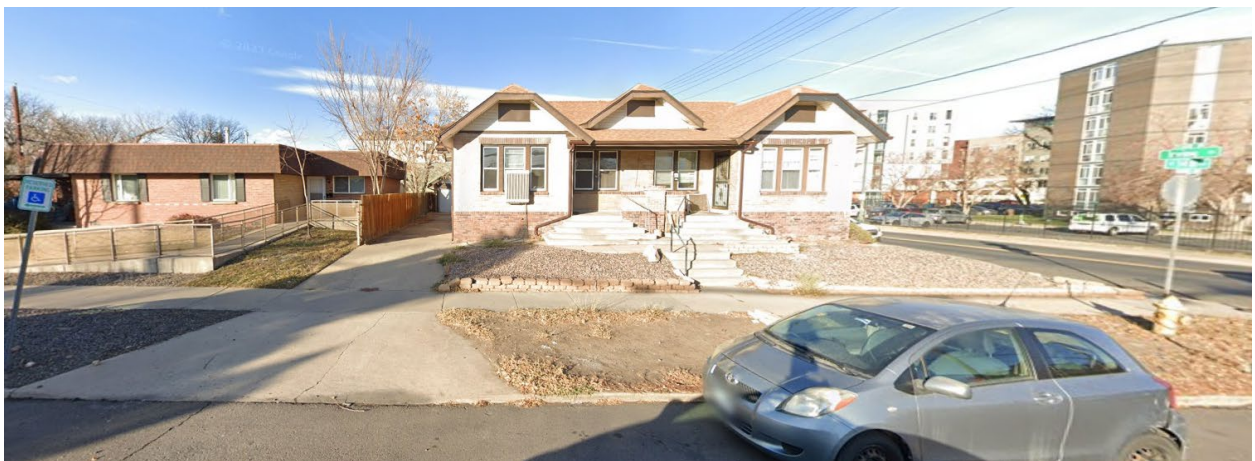
South - View of the property to the South of 1409-71 N Julian Street, looking west (on North Julian Street)



South - View of property to the South of 3315-3317 West 14th Avenue, looking South (on West 14th Avenue)



East – View of properties to the East of 1409-1471 North Julian Street (on North Julian Street)



East – View of properties to the East of 3315-3317 West 14th Avenue (on West 14th Avenue)



West - View of properties to the West of 1409-1471 North Julian Street, looking east (on North Knox Court)



West - View of properties to the West of West 14th Avenue, looking North (on West 14th Avenue)

Proposed Zoning

G-MU-5 is a multi-unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories, with exceptions and incentives for additional height. A variety of residential, civic, public, and institutional uses are permitted as primary uses in the G-MU-5 district.

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

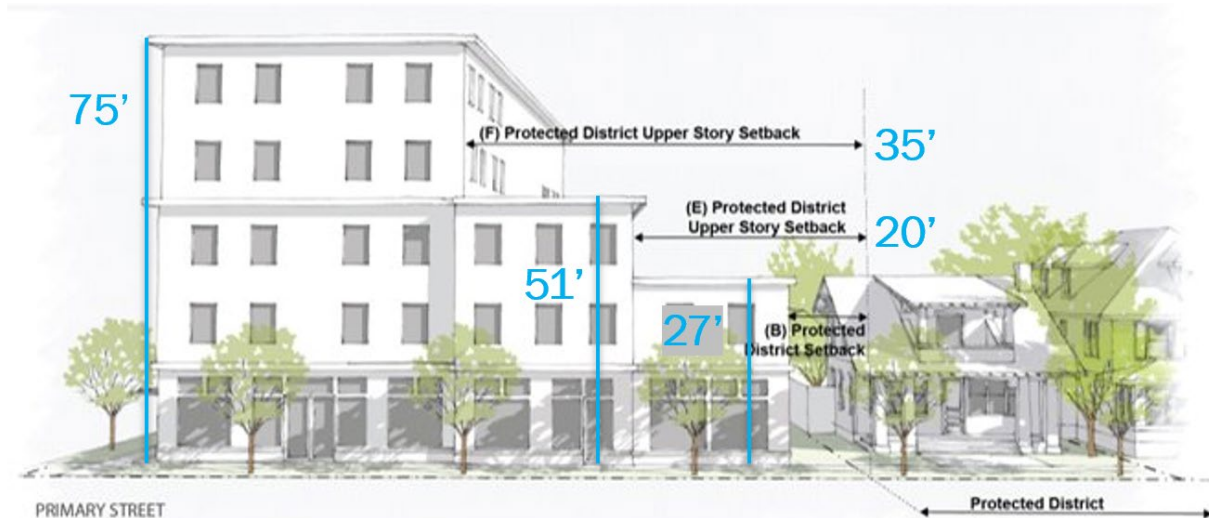
| Design Standards | G-RH-3 | G-MU-5 (Proposed) |
|---|--|--|
| Primary Building Forms Allowed | Urban House, Duplex, Row House | Urban House, Duplex, Garden Court, Town House, Apartment |
| Maximum Height in Stories / Feet | 3 stories / 30-35 feet | 5 stories / varies by building form up to 65 feet (Apartment)* |
| Maximum Height (with Incentives) in Stories / Height | N/A | 7 stories / varies by building form, up to 90 feet (Apartment)** |
| Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street Zone Lot Line | 25 feet (Urban House and Duplex only) | 25 feet (Urban House and Duplex only) |
| Detached Accessory Dwelling Unit Maximum Heights in Stories / Feet | 2 stories / 24 feet | 2 stories / 24 feet |
| Zone Lot Size (Min.) | <ul style="list-style-type: none"> 3,000 square feet (Urban House and Duplex) 6,000 square feet Row House) | <ul style="list-style-type: none"> 3,000 square feet (Urban House and Duplex) 6,000 square feet (Town House and Apartment) 9,000 square feet (Garden Court) |
| Zone Lot Width (Min.) | <ul style="list-style-type: none"> 25 feet (Urban House and Duplex) 50 feet (Row House) | <ul style="list-style-type: none"> 25 feet (Urban House and Duplex) 50 feet (Town House and Apartment) 75 feet (Garden Court) |
| Primary Street Block Sensitive Setback Required / If not (Min.) | Yes | <ul style="list-style-type: none"> Yes (Urban House and Duplex) 10 feet (Garden Court, Town House, and Apartment) |
| Side Interior Setback (Min.) | <ul style="list-style-type: none"> 3 feet (Urban House) 3-5 feet (Duplex) 5 feet (Row House) | <ul style="list-style-type: none"> 3 feet (Urban House) 3-5 feet (Duplex) 7.5' (Garden Court and Apartment) 7.5-12.5 feet (Town House) |

| Design Standards | G-RH-3 | G-MU-5 (Proposed) |
|--|---|---|
| Side Interior Setback, Adjacent to Protected District (Min.) | N/A | <ul style="list-style-type: none"> 10 feet (Townhouse, for Dwelling Units Oriented to the Street) 10 feet (Apartment) |
| Rear Setback, Alley / No Alley (Min.) | 12 feet / 20 feet (Urban House and Duplex) | <ul style="list-style-type: none"> 12 feet / 20 feet (Urban House and Duplex) 10 feet / 20 feet (Garden Court, Town House, Apartment) |
| Upper Story Setback Above 40', Side Interior (min) | N/A | <ul style="list-style-type: none"> 15 feet (Apartment, Townhouse) |
| Upper Story Setback Above 27', adjacent to Protected District: Side Interior (min) | N/A | <ul style="list-style-type: none"> 25 feet (Apartment, Tonwhouse) |
| Upper Story Setback Above 51', adjacent to Protected District: Side Interior (min) | N/A | <ul style="list-style-type: none"> 40 feet (Apartment, Townhouse) |
| Upper Story Setback Above 40', adjacent to Protected District: Rear, alley/Rear, no alley (min) | N/A | <ul style="list-style-type: none"> 30 feet / 40 feet (Apartment, Townhouse) |
| Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions | <ul style="list-style-type: none"> 50% (Urban House and Duplex) N/A (Row House) | <ul style="list-style-type: none"> 50% (Urban House and Duplex) N/A (Garden Court, Town House, and Apartment) |
| Detached Accessory Building Forms Allowed | N/A | <ul style="list-style-type: none"> Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures |

*Protected District setback standards apply along the side and rear of subject properties

**Protected District Setback Standards apply along the side and rear of subject properties. In addition, while seven (7) stories or 90 feet (90') is typically allowed in the apartment building form in exchange for the provision of enhanced affordable housing, the site's proximity to a protected district (G-RH-3) would limit height (in feet) across the subject properties to seventy-five feet (75'), while still permitting seven (7) stories.

Protected District Standards



Note: this is not a rendering of this site, just an example of how protected district side setbacks work.

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:

Assessor: Approved – No Response.

Asset Management: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approved – No Response.

Development Services – Project Coordination: Approved – See Comments Below.

SDP review will be required for all projects containing more than 3 units.

SDP will review against all building form standards and for Protected District requirements. The surrounding Zone District -G-RH-3 - is a Protected District.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below.

There is no objection to the rezone, however applicant should be under notice that DOTI will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. The 8-inch sanitary main in West Colfax may have capacity issues depending on development proposed. Detention and water quality may be required. There is not directly adjacent storm, but there is a public storm line at the north end of the alley and in Colfax. The alley may require widening to meet separation from public sanitary main. A sanitary study and drainage study will be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

Parks and Recreation: Approved – No Comments.

Department of Transportation & Infrastructure – City Surveyor: Approved – No Comments.

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

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review does constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

--EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

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Public Review Process

| | Date |
|---|-------------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners: | 10/17/2023 |
| Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners: | 02/06/2024 |
| Planning Board Public Hearing (voted unanimously in favor): | 02/21/2024 |
| CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting: | 03/05/2024 |
| Land Use, Transportation and Infrastructure Committee of the City Council: | 03/19/2024 |
| Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations: | 04/08/2024 |
| City Council Public Hearing: | 04/29/2024 |

Public Outreach and Input

- **Since Application was Submitted:**

- **Registered Neighborhood Organizations (RNOs)**

As of the date of this report, staff has not received any written comment from a RNO pertaining to this application.

- **Other Public Comment**

As of the date of this report, eight public comments have been received from members of the public.

Four (4) of these are letters of support. Of these, two are from residents (at the same address) on the 1400 block of N. Julian St., who anticipate raised property values, emphasize alignment with the West Area Plan, and support improvement of living conditions for current tenants. Another is from the Founder and Executive Director of Confluence Ministries, which is a faith-based non-profit and community center in the West Colfax neighborhood. This letter emphasizes Wazee Partners' sponsorship of neighborhood events and demonstrated community engagement for this project. It further expresses confidence in Wazee Partners' plan to provide housing to the current residents in a related project. A fourth letter of support was received since the staff report was completed from Sloans Lake Citizens Group, an RNO whose boundaries extend across the subject properties. In a straw vote, a majority of RNO members support the project. Furthermore, this letter emphasizes the need for more housing in surrounding neighborhoods, and states a preference for the

current affordable units on the subject properties to be replaced at the 1409-1471 Julian St. property.

Four letters of opposition, moderate opposition, or strong opposition have also been received. Of these, three are from neighbors on the 1400 block of W Knox Ct. Generally, these neighbors are concerned with building scale, parking, traffic, trash collection, environmental impacts, concentration of affordable housing, and declining property values if the property is rezoned to G-MU-5. They also mention support for the existing zoning or and three-story apartments. Another is from a neighbor on the 1300 block of Knox Court, who questions the need for more housing in the City and more rental housing in the neighborhood, given current socioeconomic conditions.

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 application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- West Area Plan (2023)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

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

G-MU-5 allows for a variety of housing types at various densities, including the apartment building form, close to several bus and light rail lines, as well as a main street corridor of increasingly mixed use development. Apartment or garden court units, town houses, duplexes, urban houses, and accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the various types of homes that characterize much of the West Colfax neighborhood.

- Strong and Authentic Neighborhoods Goal 1, Strategy B – “Ensure neighborhoods offer a mix of housing types and services for a diverse population” (p. 34).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

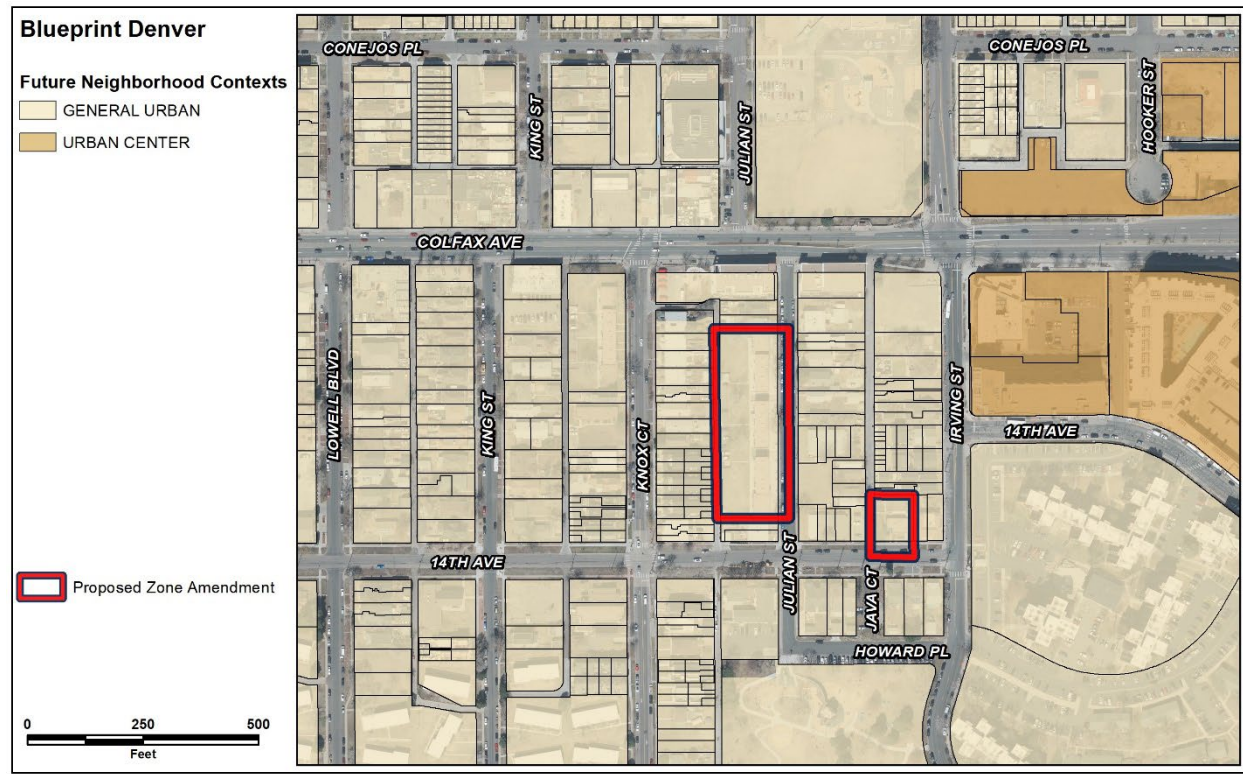
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will allow additional housing units on the site of existing rowhomes and a duplex on a block where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Residential High-Medium future place within the General Urban future neighborhood context and provides guidance on the future growth strategy for the city.

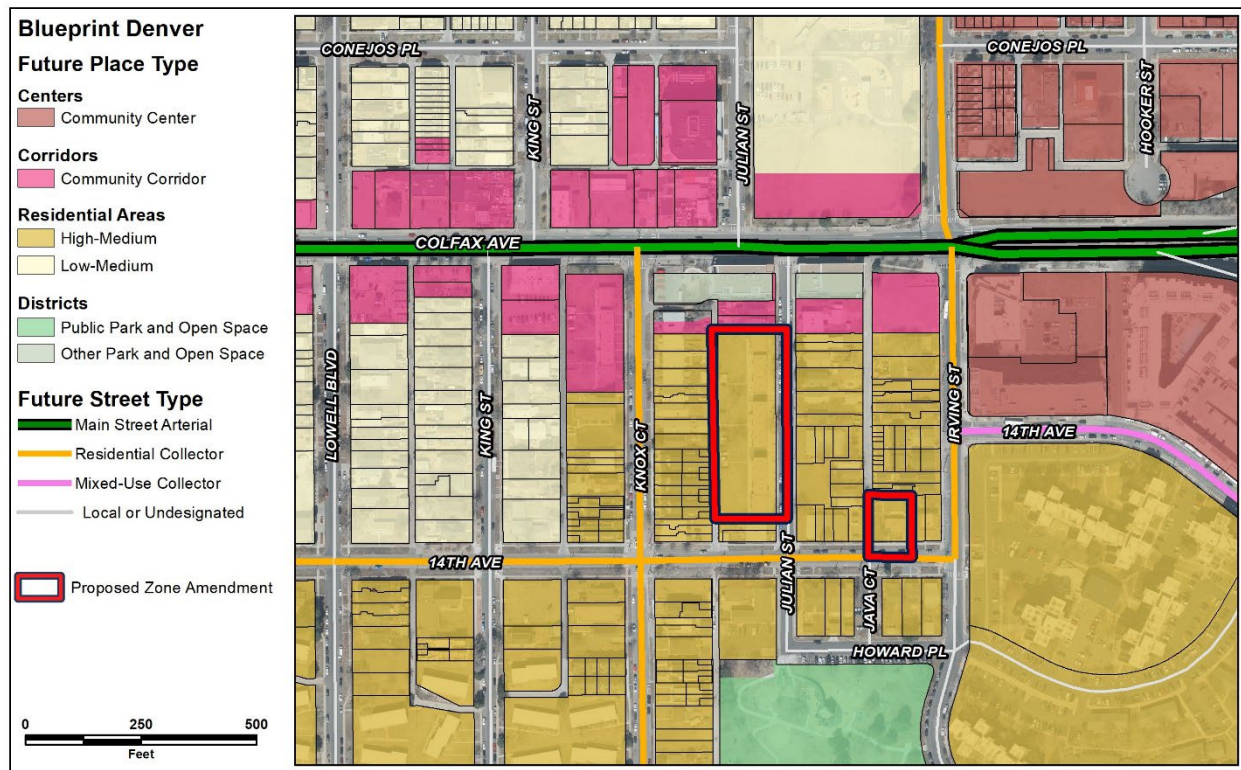
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the General Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The General Urban neighborhood context is described as offering “great walkability and access to neighboring areas and commercial nodes,” as well as “a mix of uses, with good street activation and connectivity.” Furthermore, “residents living in this context are well served by transit and enjoy access to abundant amenities and entertainment options.” This context exhibits walkability due to a “predictable street grid in residential areas and the availability of dedicated transit options and bike lanes.” Lastly, “Homes in this context vary from multi-unit complexes to compact single-unit homes” (p. 237).

G-MU-5 is a zone district within the General Urban neighborhood context and is “intended to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote safe, active, pedestrian-scaled residential areas” (DZC Section 6.2.2.1). The proposed G-MU-5 zone district is consistent with the *Blueprint Denver* future neighborhood context of General Urban because it will promote the residential character by allowing multi-unit residential uses that will be compatible with the existing residential area.

Blueprint Denver Future Place



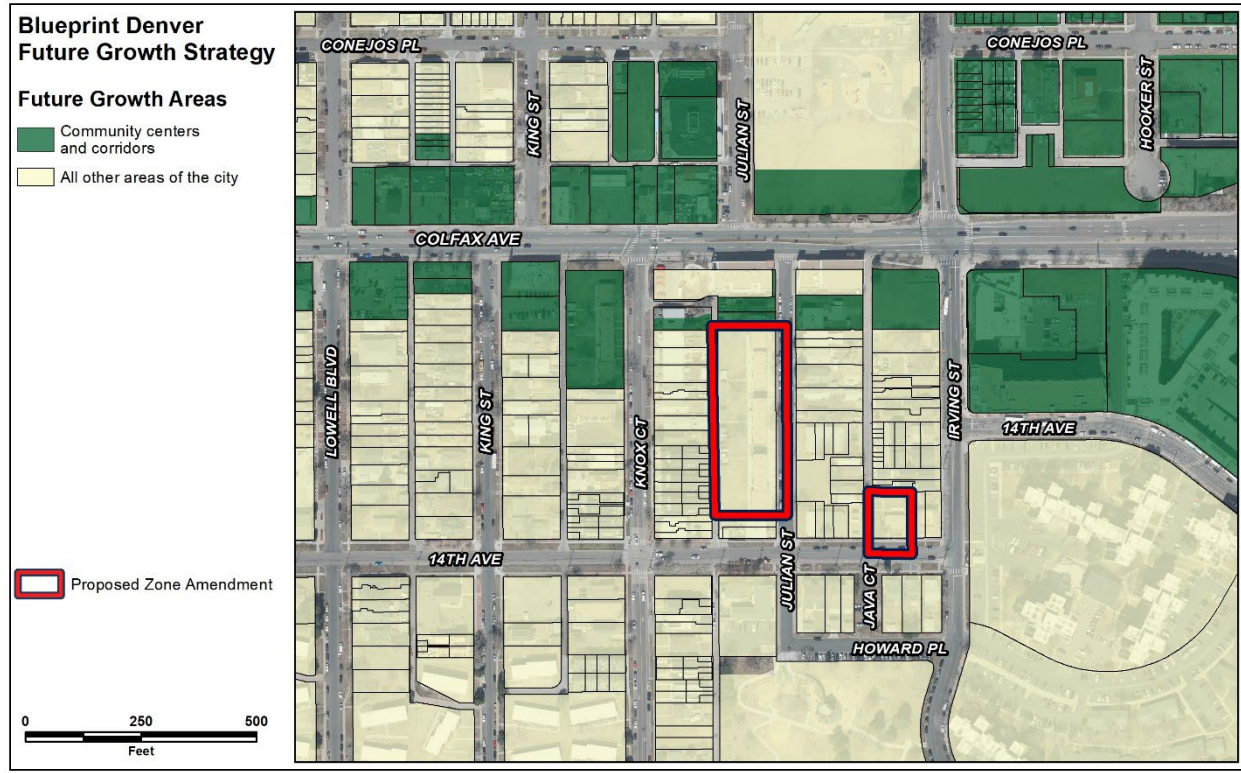
The subject site is designated within a High-Medium Residential future place on the *Blueprint Denver* Future Places map. This place is “a mix of low- to medium-scale multi-unit residential uses,” and “buildings are generally up to 8 stories in height” (p. 246). G-MU-5 is a multi-unit residential district that allows for an additional dwelling unit, consistent with the High-Medium Residential future place description. It allows the urban house, duplex, row house, garden court, town house, and apartment building forms, the tallest of which has a maximum height of five stories (DZC Section 6.2.2.1), also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Julian Street as Local or Undesignated, which is “most often characterized by residential uses.” Furthermore, West 14th Avenue is classified as the Residential Collector Future Street Type, which are described as serving

“primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 160-161). The proposed G-MU-5 district is consistent with this description because it allows primarily for residential uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040” (p. 51). This growth area is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to G-MU-5 will allow incremental growth to the number of households in this area relative to the existing built context and density. Therefore, rezoning to G-MU-5 is consistent with the growth strategy.

Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning to G-MU-5.

- Land Use & Built Form Policy 2 Strategy C – “Allow increased density in exchange for desired outcomes, such as affordable housing, especially in transit-rich areas” (p. 72).

In this case, the requested rezoning is for lots in a residential area within a short walking distance of multiple bus and light rail routes. Furthermore, this property will be required to meet Mandatory Affordable Housing requirements. This rezoning to a multi-unit zone district will be supported by this rich transit infrastructure, have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* and small area plan recommendations.

West Area Plan

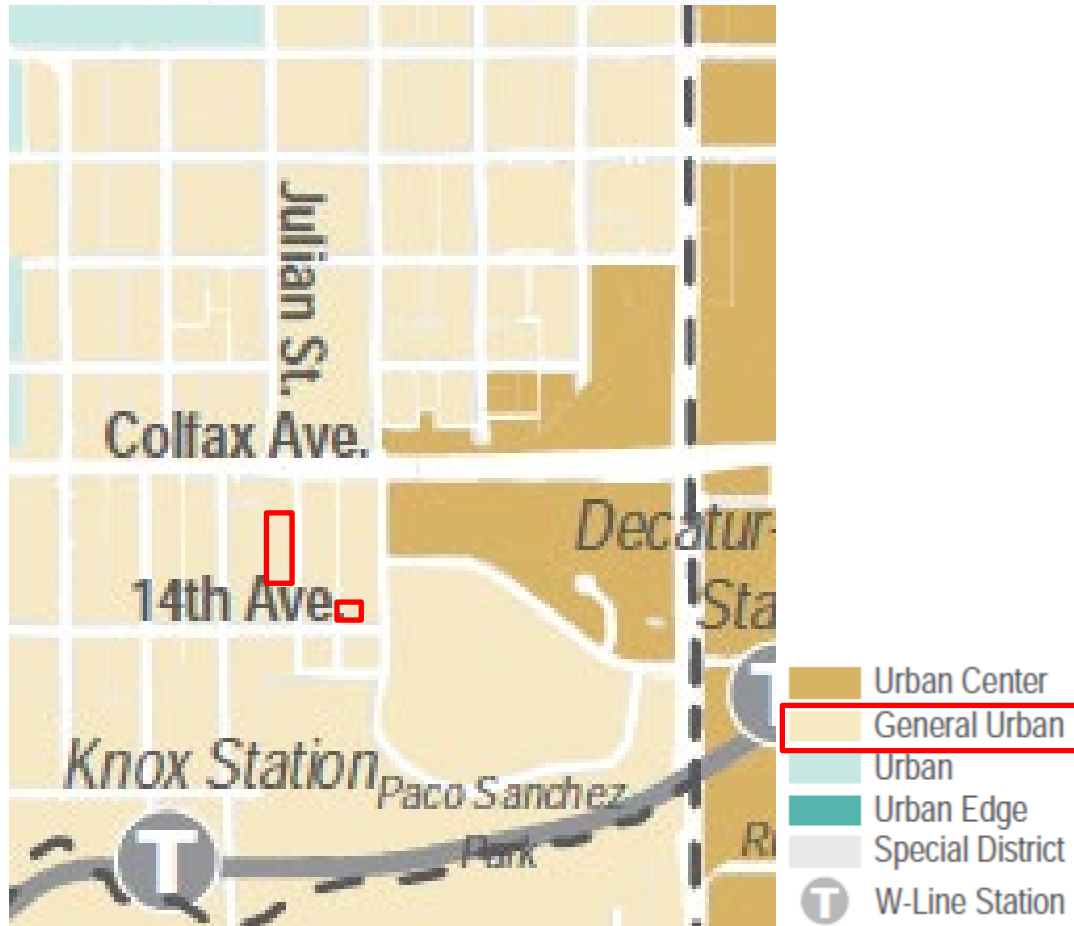
The *West Area Plan* was adopted in March 2023 as part of Community Planning and Development's Neighborhood Planning Initiative. In the *West Area Plan*, the subject property is within the General Urban Neighborhood Context and in the Future Places Map is classified as High-Medium Residential. The Base Maximum Building Height of the site is defined as "Up to 5 stories" (p. 175), while the Incentive Maximum Building Height is "Up to 7 stories." (p. 177)

The plan also includes several relevant economy and housing recommendations (p. 207), including:

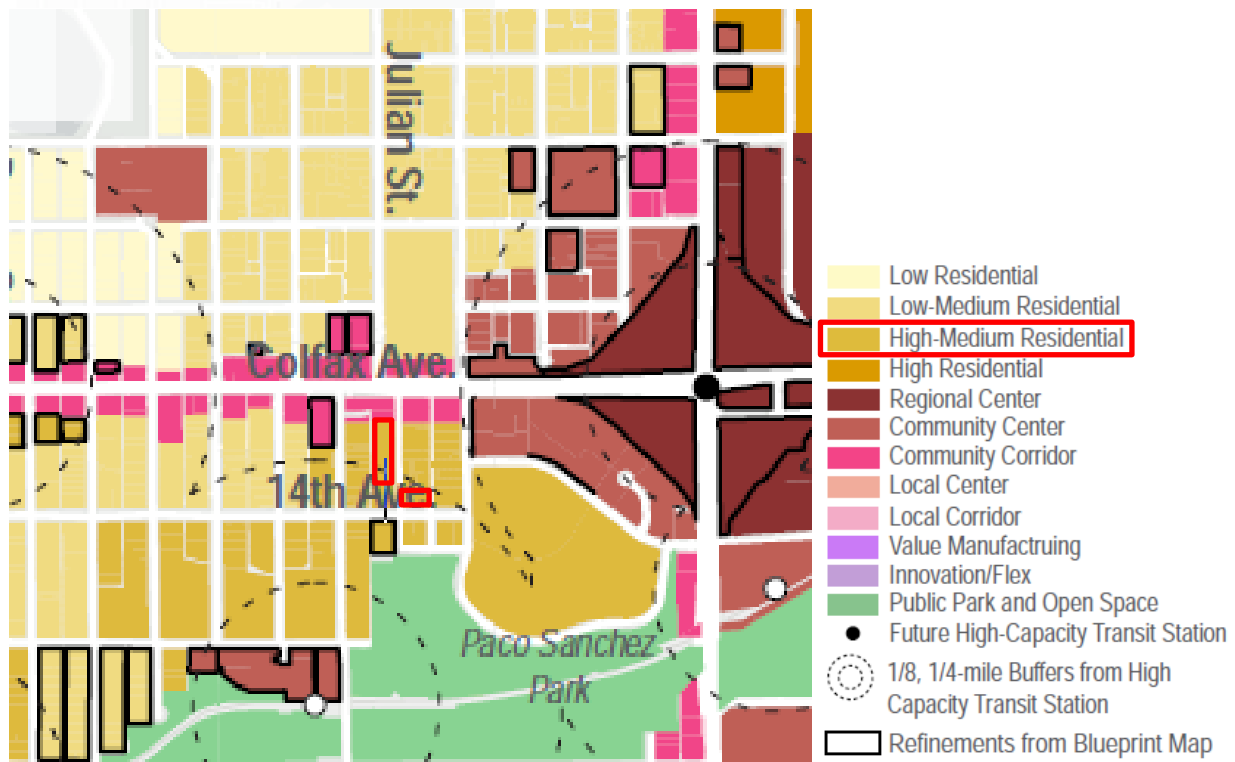
- Policy E2: Affordable Housing Diversity: "Explore strategies so affordable housing is available everywhere by implementing approaches that promote a diversity of affordable housing options within all neighborhoods and new development." (p. 212)
- Policy E3: Overall Housing Diversity: "Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods." (p. 213)
- Policy E7: Economic Vitality of Corridors: "Strengthen the economic vitality of corridors to create opportunities for community-serving retail, and small-business development to stabilize small businesses at risk of involuntary displacement." (p. 219)

The proposed G-MU-5 zone district allows for multi-unit residential building forms that are required to meet Mandatory Affordable Housing requirements. Residents of these multi-unit buildings would live within a block of the West Colfax corridor and could become additional patrons of the corridor's diversity of community-serving retail and small businesses. Therefore, the proposed G-MU-5 zone district would contribute to the diversity of housing, including some affordable housing, and corridor vitality, consistent with the recommendations of the West Area Plan.

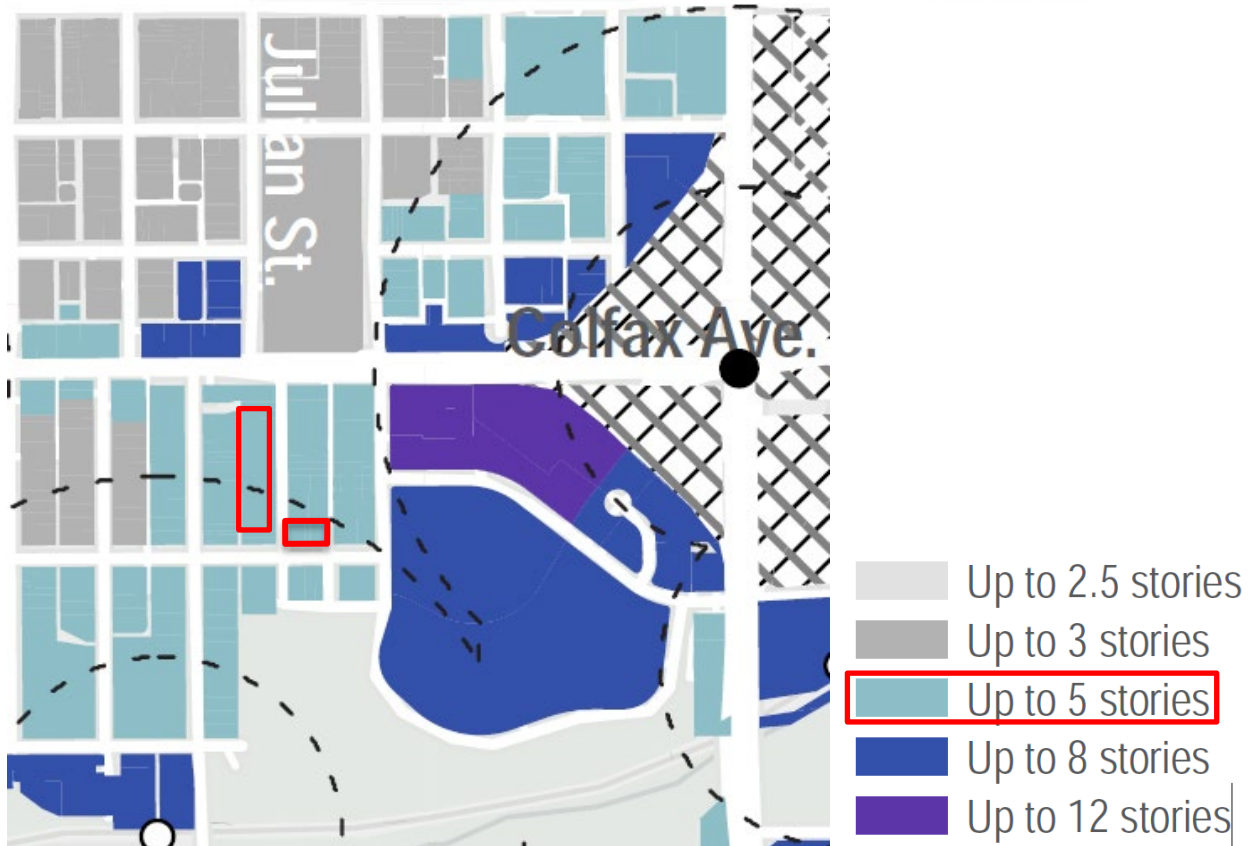
NEIGHBORHOOD CONTEXTS

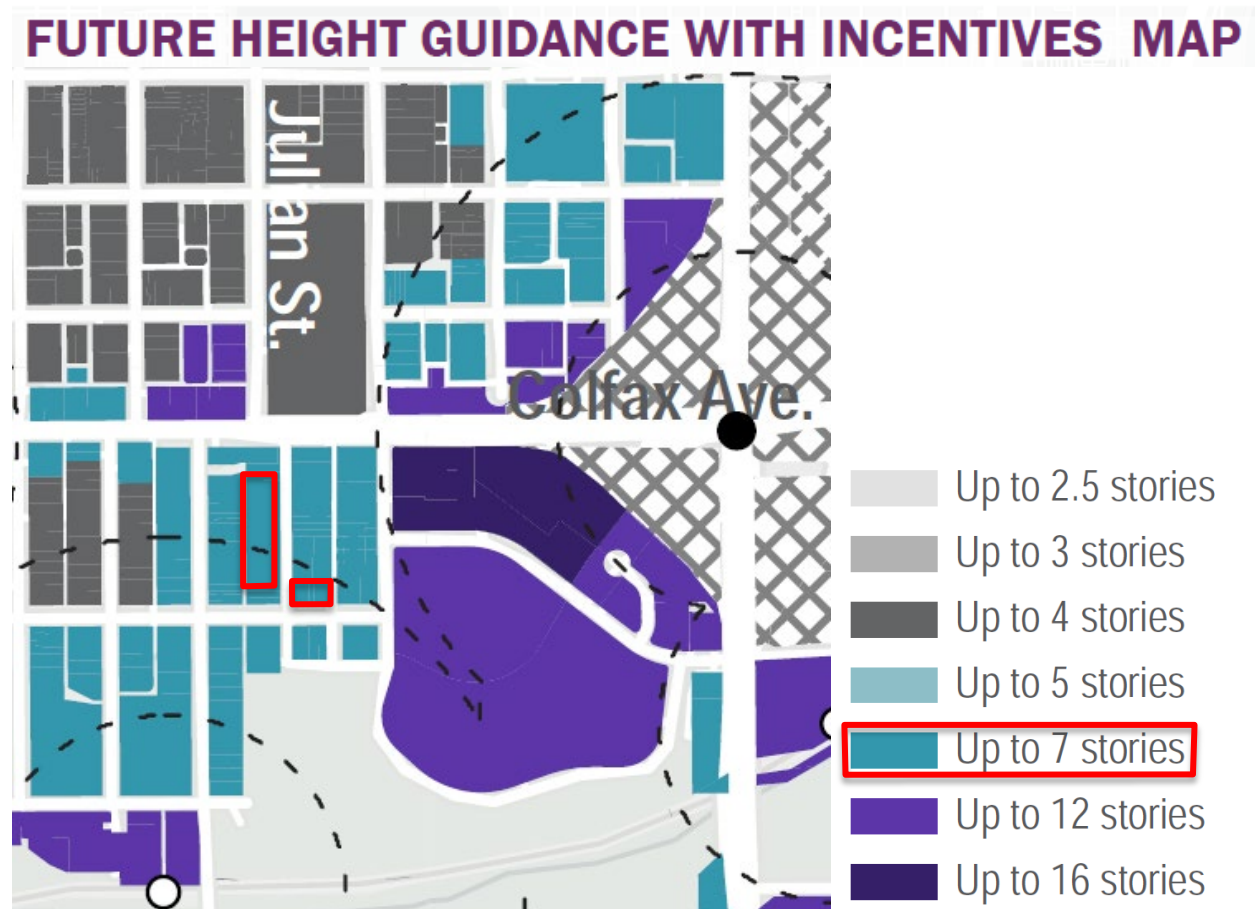


FUTURE PLACES



FUTURE BASE HEIGHT GUIDANCE MAP





2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MU-5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate the provision of additional housing units that are compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

The application identifies the adoption of *Comprehensive Plan 2040*, *Blueprint Denver*, and the *West Area Plan* as the Justifying Circumstance under 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 as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan..."

As discussed above, *Blueprint Denver* specifically recommends diversifying housing choice through increased density in transit-rich areas. Both *Blueprint Denver* and the *West Area Plan* recommend this area as appropriate for high medium residential uses. The plans were adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested G-MU-5 zone district is within the General Urban Neighborhood Context. The neighborhood context “is characterized by multi-unit residential uses in a variety of building forms.” Furthermore, “Residential uses are primarily located along local and residential arterial streets” (DZC, Division 6.1.1). These areas consist of a “regular pattern of block shapes surrounded by an orthogonal street grid” (DZC, Division 6.1.2). This area of the West Colfax neighborhood consists of a wide mix of residential uses, from single unit to multi-unit, in rectangular blocks. The proposed rezoning to G-MU-5 is consistent with the neighborhood context description.

Denver Zoning Code Section 6.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect[ing] higher-density residential neighborhoods within the character of the General Urban Neighborhood context.” It “accommodates the pattern of urban house, duplex, row house, garden court, and apartment.” Furthermore, “buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.” Height is limited to from three to twenty stories, depending upon the zone district. This is consistent with the G-MU-5 district as it allows for five story development of all these building forms (except row house), with a front setback requiring a small front yard. Together, this will protect the character of the higher-density residential areas in the General Urban neighborhood context.

The specific intent of the G-MU-5 zone district states “G-MU-5 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories” (DZC 6.2.2.2.C).

This site is surrounded on all sides by a mix of single unit, two-unit, and multi-unit residential development, in an area where adopted plan guidance calls for multi-unit residential uses with accessory dwelling units. Therefore, this proposed rezoning is consistent with the specific intent of the G-MU-5 zone district.

Attachments

1. Application
2. Public Comments

Zone Map Amendment (Rezoning) - Application

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|---|--------------------------|--|---|
| <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT*** | | <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT*** | |
| Property Owner Name | GAO Homes Partners RLLLP | Representative Name | Steve Ferris |
| Address | 44 COOK ST STE 400 | Address | 1520 Blake Suite 350 |
| City, State, Zip | Denver, CO 80206 | City, State, Zip | Denver CO 80209 + |
| Telephone | 720-420-1568 | Telephone | 303-435-5393 |
| Email | tdowns@wazeepartners.com | Email | sferris@realestategarage.net + |
| *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. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment. | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address): | | 1409-1471 N. Julian St. & 3317 W. 14th Ave. | |
| Assessor's Parcel Numbers: | | Julia: 0505207040000 West 14th: 0505205014000: | |
| Area in Acres or Square Feet: | | 59,021 sf or 1.35 acres | |
| Current Zone District(s): | | G-RH-3 | |
| PROPOSAL | | | |
| Proposed Zone District: | | G-MU-5 | |
| PRE-APPLICATION INFORMATION | | | |
| In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services? | | <input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>1/4/23, Tony Lechuga</u> <input 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 _____ <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): West Area Plan</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 document is required.)
- ☒ **Other Attachments.** Please describe below.

title commitment

REZONING GUIDE

Rezoning Application Page 4 of 4

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 |
| GAO Homes Partners RLLLP | 44 Cook St., Suite 400 Denver, CO 80206 | 100% | <i>Chris Downe</i> <i>Manager of</i> <i>Gen. Partner</i> | 9/18/23 | C | YES |
| | | | | | | YES |
| | | | | | | YES |
| | | | | | | YES |



Steve Ferris, Principal
sferris@realestategarage.net

Submitted September 18, 2023

City and County of Denver
Community Planning & Development
Planning Services Division
201 W. Colfax Avenue, 2nd floor
Denver, CO 80202
As emailed to rezoning@denvergov.org

RE: Application, Request to Rezone 1409-71 Julian Street & 3317 West 14th Avenue from G-RH-3 to G-MU-5

Dear Community Planning & Development:

This firm represents GAO Homes Partners RLLLP, the property owner, and it's authorized agent, Endcap Holdings LLC, and the corresponding properties, 1409-71 N. Julian St. & 3317 W. 14th Ave (the "Parcels"), regarding the attached application for a zoning map amendment ("rezoning"). Based on the criteria for review in the Denver Zoning Code, we recommend that staff recommend approval to the Planning Board and City Council.

The actual property affected by this rezone consists of 2 separate and detached parcels of land shown in the below Figure1. Please see this application's comprehensive record of community outreach, as provided in Exhibit D, for further information.

The Parcels currently contain nineteen (19) residential housing apartment units that were originally constructed in 1968 and the site is underutilized given its land area. The current residents receive rental subsidy under a Project Based Section 8 Housing Assistance Payment Contract with HUD. Because these housing improvements are now functionally obsolete, and because of the extremely high annual operating cost per unit, HUD has given preliminary review approval to a re-deployment of the HAP Contract Subsidy to a new construction project at 1465-1497 Knox Court, the site of which received a rezoning approval this past June. All existing residents will be relocated to the new Knox Court project, all at the cost of the new project development.



Figure 1: Aerial of Existing Conditions

Request for Rezoning

Addresses: 1409-71 N. Julian St. and 3317 W. 14th Ave, Denver, CO 80204.

Neighborhood/Council District: West Colfax / Council District 3.

RNOs: Inter-Neighborhood Cooperation (INC), Sloan's Lake Citizens Group, Strong Denver, United Northwest Denver, West Colfax BID, West Colfax Association of Neighbors (WeCAN).

Area of Property: 59,021 square feet or 1.35 acres.

Current Zoning: G-RH-3

Proposed Zoning: G-MU-5

Property Owner(s): GAO Homes Partners RLLLP

Summary of Rezoning Request

- The subject properties, located at 1409 N. Julian St and 3317 W. 14th Ave, consist of multi-unit residential structures and a two-unit residential structure, respectively. These properties are situated within the West Colfax statistical neighborhood, bounded by Colfax Avenue to the north, W 14th Ave to the south, Knox Ct. to the west, and Irving St. to the east.
- The G-MU-5 zone district stands for General Urban, Multi-Unit, the tallest building form having a maximum height of five stories. G-MU-5 is a multi-unit district allowing urban house, duplexes, row houses, garden court, town house, and apartment building forms. Further details of the requested zone district can be found in the accompanying staff report and Article 6 of the Denver Zoning Code (DZC).

Proposed Zoning

The requested G-MU-5 zone district has a maximum height of 65' feet with allowable encroachments. A variety of mixed residential and commercial uses are allowed. For additional details regarding building form standards in the G-MU-5 zone district, see DZC Division 6.3.

The exhibits referred to herein shall constitute a part of this application and are incorporated into this application for all purposes.

- **Exhibit A:** Property Legal Description
- **Exhibit B:** Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7., amended 2/12/21).
- **Exhibit C:** Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.).
- **Exhibit D:** Community Support and Outreach.
- **Exhibit E:** Letter of Authorization for Steve Ferris and the Real Estate Garage, LLC to act as Representative.
- **Exhibit F:** Proof of Ownership and Agency, Assessors Record, and LLC documentation.



Exhibit A

Legal Descriptions, Julian and 14th Rezone

1409-71 N Julian St.

LOTS 27 TO 42 AND THE SOUTH 6.25 FEET OF LOT 43, BLOCK 2, COLFAX AVENUE SUBDIVISION OF MAPLE GROVE SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: 1409 thru 1471 N Julian St., Denver, CO 80204.

3315-17 W 14th Ave

LOTS 21 TO 24, EXCEPT THE EAST 66 FEET OF SAID LOTS, BLOCK 2, TOGETHER WITH THE EAST 20 FEET OF VACATED JAVA COURT ADJOINING SAID LOTS, GRAY'S SUBDIVISION OF LOTS NO. 1 & 16 OF MAPLE GROVE SUBDIVISION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: 3315-17 W 14th Ave, 80204.

Exhibit B

Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7.)

The criteria for review of this rezoning application are found in DZC Section 12.4.10.7 and 12.4.10.8:

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 4

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- West Area Plan (2023)

Denver Comprehensive Plan 2040

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

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

- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 1, Strategy A - Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B - Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

The proposed rezoning would enable mixed-use infill development at a location where services, infrastructure, and transit options are already in place. The proposed G-MU-5 zoning designation would allow for a broader variety of residential uses, at an intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around

transit, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B - Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D - Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D - Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life (p. 34).

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

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C - Focus growth by transit stations and along high and medium-capacity transit corridors (p. 54).

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested zone district broadens the variety of uses allowing residents to live, work and play in the area; therefore, the rezoning is consistent with Denver Comprehensive Plan 2040 recommendations.

Blueprint Denver (2019)

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

Blueprint Denver Future Neighborhood Context

In Blueprint Denver, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban context in which homes vary and include “multi-unit complexes...and offer residents a mix of uses, with good street activation and connectivity”. The proposed G-MU-5 zone district is a multi-unit district zone district. Since the proposed district allows a mix of housing types and

allowable building forms that contribute to street activation, the proposed rezoning is appropriate and consistent with the plan.

Blueprint Denver Future Places

The Future Places map shows the subject property as part of a “High-Medium” residential area. Blueprint Denver describes these areas as having 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.”

The proposed rezoning to G-MU-5 is appropriate and consistent with the “High-Medium Residential Area” plan direction and will foster a better mix of residential uses and more appropriate intensity than the current zoning allows. Blueprint Denver specifies that the maximum recommended heights are intended to provide a general scale and that factors such as “Surrounding context, including existing and planned building height” (pg. 66) should be considered for any site. Given the Blueprint Denver height guidance of up to 8 stories and the existing built environment in the immediate area and the adjacent zone districts, the proposed 5-story district is consistent with plan guidance and appropriate for this location.

Blueprint Street Types

Blueprint Denver classifies W 14th St. as a Residential Collector. The primary function of a residential collector is to collect traffic from local streets and distribute it to higher-capacity roads, such as arterial streets or highways. Residential collectors typically have a slightly higher capacity and speed limit compared to local streets but are designed to prioritize local access rather than through-traffic. The proposed G-MU-5 zone district allows a broad range of residential land uses with a shallow front setback and allows the intense land uses anticipated for this street type. Therefore, the district is consistent with the downtown arterial street types at this location.

Julian Street is mapped as a local or undesignated street. According to the plan, this street type supports “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings usually have a modest setback, and the depth of the setback varies by neighborhood context” (p. 160). The proposed G-MU-5 zone district would allow a mix of residential uses at an intensity and orientation consistent with this street type classification.

Blueprint Growth Strategy

Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the “All Other Areas of the City” growth area. This designation does not

imply a complete absence of growth, but rather signifies a deliberate effort to manage and distribute growth more evenly across different areas of the city. In fact, these areas are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to G-MU-5 is consistent with the growth area in that it will allow a broad range of housing and direct more intense and appropriate growth to this area than the existing zoning allows.

Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from Blueprint Denver:

- Land Use and Built Form - General Policy 1 - Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets (p. 72).
- Land Use and Built Form - General Policy 2 - Incentivize or require efficient development of land, especially in transit-rich areas (p. 72). The proposed map amendment is consistent with these strategies as growth will be directed to an area with rail transit service.

West Area Plan (2023)

The West Area Plan supersedes the previous neighborhood plans in the designated region, including the West Colfax Plan of 2006. It serves as the small area plan encompassing the West Colfax, Villa Park, Sun Valley, Barnum, Barnum West, and Valverde neighborhoods. This comprehensive plan outlines a vision and policy guidance for various aspects such as land use, urban design, housing, mobility, parks, the local economy, and more, with a focus on the next two decades. Input from the community has highlighted the need to expand housing options within the West Area and diversify the range of available housing to accommodate households with varying income levels and lifestyles.

Like Blueprint, the plan proposes a High-Medium Residential land use and built form category for the properties in question. These areas are prioritized for future growth, with an emphasis on maintaining and creating authentic spaces that resonate with the surrounding community members (refer to Policy L8). The proposed approach includes a blend of multi-unit residential uses at a low to medium scale, alongside mixed-use developments that cater to the neighborhood's needs. While the maximum base heights are typically set at 5 stories, certain limited locations permit heights of up to 8 stories, as indicated in the Base Heights Map.

According to the Future Height Guidance with Incentives Map, the subject properties are allowed a maximum of 7 stories when Expanding Housing Affordability (EHA) height

incentives are applied. However, in this case, the applicant is seeking a zoning district with a maximum height restriction of 5 stories.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MU-5 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 through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

Exhibit C

Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.)

4. Justifying Circumstances

Changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances under 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 a change may include: “Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan....” Since the approval of the existing G-MU-5 zone district, the City has adopted the Comprehensive Plan 2040, Blueprint Denver, and has approved the West Area Plan. As stated throughout this application, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

In accordance with the Denver Zoning Code, the General Urban (G-) Context is characterized by a range of multi-unit residential uses presented in diverse building forms. It is intended to foster a dense urban character through the presence of moderate to high residential structures, as well as low to moderate commercial and mixed-use developments in suitable locations.

Within this neighborhood context, the proposed G-MU-5 zone district aligns appropriately with the recommended zoning regulations and height guidelines. The purpose of residential districts is to facilitate and safeguard high-density residential neighborhoods while maintaining the overall character of the General Urban Context. These regulations permit the establishment of multi-unit districts featuring a variety of residential building forms. The G-MU-5 zone district specifically accommodates urban houses, duplexes, row houses, garden courts, townhouses, and apartment buildings. Notably, the tallest allowable building form is limited to a maximum height of five stories.

Considering that the subject sites are served by local and collector streets, the street classifications and desired building heights in this area harmonize with the intended purpose and goals of the designated zone district.

Equity



Rezoning the subject properties to allow for multi-unit residential units can contribute to increased equity within the City and County of Denver. By enabling the development of multi-unit housing, the proposed rezoning promotes greater housing diversity and affordability. This, in turn, helps address the housing shortage and provides more options for individuals and families seeking housing in the city. Multi-unit residential developments have the potential to accommodate a larger number of residents within a given area, thereby supporting a more inclusive and accessible community. By expanding housing opportunities and creating a mix of housing types, upzoning fosters a more equitable city where people of different income levels can access suitable housing options and enjoy the benefits of living in Denver. It should also be noted that the Mandatory Affordable Housing Program requires new residential development of 10 or more units to include a portion of affordable housing.

Exhibit D

Community Support and Outreach

Please see attached record of outreach conducted by the Pachner Company and property owners between May and August of 2023.

Wazee Partners:1409-1471 Julian Street and 3315-3317 West 14th Avenue

August 10, 2023

Outreach Summary

As we approach the proposed rezoning of 1409-1471 Julian Street, we mimic the City of Denver process prior to formal submittal. From the beginning, we identified all of the Community Stakeholders both noted by the City from the preapplication process and from institutional knowledge of relationships in the West Colfax neighborhood. The team held numerous meetings with various stakeholders and Registered Neighborhood Organizations summarized in the next pages. Additionally, we held a Neighborhood meeting including every property owner within a 200 foot radius of the proposed project as part of our outreach and a meeting with the impacted tenants of 1409-1471 Julian Street.

In our outreach efforts, we contacted all of the Registered Neighborhood Organizations mentioned by the city in hopes of setting meetings but did not hear back from INC or Strong Denver. Other than those groups, we held fruitful discussions with all suggested organizations.



Wazee Partners:1409-1471 Julian Street and 3315-3317 West 14th Avenue

April 3, 2023

Location: El Zarape, 1065 Federal Blvd., Denver, CO 80204

Attendees: The Pachner Company, Wazee Partners, West Area Plan Steering Committee Member, Jaime Aguilar

Meeting Summary

Marcus Pachner and Amy O'Brien from The Pachner Company and Tyler Downs met informally with Jaime Aguilar, a member of the West Area Plan Steering Committee, to discuss the proposed rezoning of 1409-1471 Julian in the context of the newly adopted West Area Plan and the authentic Community Outreach with neighbors to ensure all of the neighborhood suggestions are incorporated into the planning process.

As discussed, Wazee Partners has been a longtime owner in the West Colfax area and knows the complexities associated with conducting true community outreach around projects. We talked about the plan moving forward to make sure all groups are consulted and included in the process as we continue with the rezoning. In addition, the consistency in zoning for the West Area Plan was discussed as well.

Moving forward, we decided to make sure as many West Area Stakeholders as possible are in the loop on our planning process and up to date on where we are in the City process. Transparency and Inclusion are the main goals with Community Engagement on the project.



**Wazee Partners:1409-1471 Julian Street and 3315-3317 West 14th Avenue
WECAN**

May 2, 2023

Location: ZOOM

Attendees: The Pachner Company, Wazee Partners, WECAN: Shantelle Mulliniks, Jonathan Pira

Meeting Summary

The team from The Pachner Company and Tyler Downs met via ZOOM with leadership of WECAN to discuss the proposed rezoning of 1409-1471 Julian in the context of the newly adopted West Area Plan.

WECAN is familiar with the Menola Homes Project and the current rezoning of 1465-1497 Knox Court as a new Affordable Housing development. As it is related, Shantelle and Jonathan were agreeable with the proposed height and density of the Julian Street project. The two board members did differ in their opinion of on-site parking. Shantelle was agreeable with the 1 to 1 parking ratio. Jonathan, however, suggested that the transit infrastructure could serve the residents and neighborhood well with less on-site parking.

WECAN is largely supportive of the proposed project and will continue to be involved as the City process continues.



Wazee Partners: 1409-1471 Julian Street and 3315-3317 West 14th Avenue

Sloan's Lake Citizens Group

May 17, 2023

Location: Brew Culture Coffee, 3620 W. Colfax Ave., Denver, CO 80211

Attendees: The Pachner Company, Wazee Partners, Sloan's Lake Citizens Group, Tom Brunn

Meeting Summary

The team from The Pachner Company and Wazee Partners met with leadership of SLCG to discuss the proposed rezoning of 1409-1471 Julian in the context of the newly adopted West Area Plan.

SLCG is familiar with the Menola Homes Project and the current rezoning of 1465-1497 Knox Court as a new Affordable Housing development. Tom was supportive of the change in zoning to keep consistency with the newly adopted West Area Plan.

As follow-up, Tom asked that we present at the monthly Sloan's Lake Citizens Group meeting to discuss the proposed project on Julian Street.



Wazee Partners: 1409-1471 Julian Street and 3315-3317 West 14th Avenue

Sloan's Lake Citizens Group

Jun 14, 2023

Location: ZOOM

Attendees: The Pachner Company, Wazee Partners, Sloan's Lake Citizens Group, Tom Brunn, Neighbors

Meeting Summary

The team from The Pachner Company and Wazee Partners presented to SLCG to discuss the proposed rezoning of 1409-1471 Julian in the context of the newly adopted West Area Plan.

Overall the group is supportive of the project. There were questions regarding displacement which we addressed in mention of the Menola Homes Project. The group was familiar and agreeable to the new affordable project as an option. The group was knowledgeable about the West Area Plan and the changes that would be coming to the area to make a more consistent zoning. The group did emphasize the importance (necessity) of on-site parking. .

As follow-up, the group asked that we continue to keep them up to date as the planning process progresses. SLCG would like to see the site plan once we are at that stage.



Wazee Partners:1409-1471 Julian Street and 3315-3317 West 14th Avenue

Neighbor Meeting

June 27, 2023

Location: *Dwell Church, 3275 W 14th Ave., Denver, CO 80204*

Attendees: The Pachner Company, Wazee Partners, 8 Neighbors primarily from 14th and Knox and 14th and Julian

Meeting Summary

The team from The Pachner Company and Wazee Partners presented the proposed zoning to the most immediate neighbors who will be impacted by the proposed rezoning.

Overall the group is supportive of the project. The group of neighbors has been very involved in the newly adopted West Area Plan, so they were informed as to the density and height presented in the new plan. These immediate neighbors are supportive of the rezoning and were more curious about the timeline of the city process. In addition, there was a robust discussion around parking. As immediate neighbors to multi-family housing, their request was for an INCREASE in the parking required in the city code. They argued that most of the residents of these developments have more than 1 car per unit so the current parking guidelines do not meet the current need in the neighborhood. The neighbors are also well-informed on the Menola Homes project and understood the impact of that project on the immediate neighborhood.

As follow-up, the group asked that we continue to keep them up to date as the planning process progresses.



Wazee Partners: 20th West Colfax Neighborhood Festival Sponsor

August 5, 2023, 11am-3pm

Location: *Paco Sanchez Park, 1290 Knox Court, Denver, CO 80204*

Attendees: West Colfax Neighbors, Public

Event Summary

Wazee Sponsored the 20th West Colfax Neighborhood Festival. The event included free food, drinks, music, games, kid activities, workshops, fitness challenge, yoga, storytime, resource fair and raffle prizes! The event allowed time for the community to come together and have fun in a safe, free, welcoming environment.

The flier is included below.



20TH WEST COLFAX NEIGHBORHOOD FESTIVAL SATURDAY AUGUST 5, 2023

20º FESTIVAL DEL BARRIO
DE WEST COLFAX
SABADO
5 AGOSTO 2023



HOSTED BY:
PRESENTADO POR:

FREE food, drinks, music, games, kid activities, workshops, fitness challenge, yoga class, story-time, resource fair, raffle prizes and more!

GRATIS: comida, bebida, música, juegos, actividades para niños, talleres, desafío de fitness, clase de yoga, cuentacuentos, feria de recursos, sorteo de premios y más!

Paco Sanchez Park
1290 Knox Ct.

11:00 AM - 3:00 PM



Thank you
Sponsors!
¡Gracias
patrocinadores!





Wazee Partners:1409-1471 Julian Street and 3315-3317 West 14th Avenue

Tenants

August 24, 2023

Location: Rodolfo “Corky” Gonzales Branch Library, 1498 Irving St., Denver, CO 80204

Attendees: The Pachner Company, Wazee Partners, 7 Tenants, and translator from Community Language Cooperative

Meeting Summary

The team from The Pachner Company and Wazee Partners presented the proposed zoning to the tenants. The presentation was thorough and focused on what the rezoning means for the tenants and the timeline for their move to the Menola Homes. The tenants primarily expressed relief to know the process will be at least 2-3 years, their section 8 benefit follows them to Menola Homes, and that they will continue to be notified throughout the process. The Pachner Company offered to present to any of the tenants who could not attend the meeting and the group has received an email with the presentation as well as The Pachner Company contact information to contact with any questions as the process continues. The tenants asked questions about relocation to the new project which The Pachner Company and Wazee Partners emphasized is fully paid for and will only happen once Menola Homes is finished. If the Menola Homes Project does not come to fruition, Wazee Partners will provide housing within a 4 block radius on another scattered site for affordable housing. Regardless, the process is at least 2-3 years.

Exhibit E

Letter of Authorization for Steve Ferris and the Real Estate Garage, LLC to act as Representative

Please see following insert, inclusive of consent to rezone.

CONSENT OF THE GENERAL PARTNER AND LIMITED PARTNERS OF

G.A.O. HOMES PARTNERS, RLLLP

August 30, 2023

The undersigned being all of the Limited Partners and the sole General Partner of G.A.O. Homes Partners, RLLLP (the "Partnership") do hereby authorize and consent to (i) the Partnership's submission and processing of a Re-zoning Application for 1409-1471 N. Julian Street and 3317 W. 14th Avenue, Denver, CO 80204 (the "Properties"), (ii) the appointment of Endcap Holdings, LLC, as authorized agent of the Partnership to execute, deliver and process the application and amendments thereto; and (iii) authorize **Steve Ferris** and his firm, the **Real Estate Garage**, to represent **Endcap Holdings, LLC** and the Partnership with respect to all matters contemplated in the Re-zoning Application for the Properties.

IN WITNESS WHEREOF, the undersigned Partnership, General Partner and Limited Partners do hereby unanimously agree to this authorization.

THE PARTNERSHIP - GENERAL PARTNER:

G.A.O. Homes Partners, RLLLP
a Colorado Limited Liability Limited Partnership

By: Menola Land, GAO Homes, LLC
Its General Partner

By: Chris Downs
Chris Downs, Manager of the G.P.

LIMITED PARTNERS:

The Burgwyn Company, LLC

By: Henry K. Burgwyn
Name: Henry K. Burgwyn
Title: Manager

ENDCAP HOLDINGS, LLC

By: Tyler Downs
Tyler Downs, Manager

Exhibit F

Proof of Ownership and Agency

Please see following insert consisting of title commitments for 1409-71 N. Julian, and 3317 W. 14th Ave, both dated September 6 and September 11, 2023, respectively.

1409 N JULIAN ST

| | |
|-------------------|---|
| Owner | G A O HOMES PARTNERS RLLLP 44 COOK ST STE400 DENVER, CO 80206-5828 |
| Schedule Number | 05052-07-040-000 |
| Legal Description | L 27 TO 42 INC & S 6.25 FT OF L 43 BLK 2 COLFAX AVE SUB OFMAPLE GROVE SUB VAC JAVA CT ADJ |
| Property Type | RESIDENTIAL-APARTMENT |
| Tax District | DENVER |

Print Summary

| Property Description | | | |
|---|--------|---------------------|--------|
| Style: | OTHER | Building Sqr. Foot: | 16018 |
| Bedrooms: | | Baths Full/Half: | 0/0 |
| Effective Year Built: | 1968 | Basement/Finish: | 0/0 |
| Lot Size: | 50,800 | Zoned As: | G-RH-3 |
| <div>Note: Valuation zoning may be different from City's new zoning code.</div> | | | |

| Current Year | | | |
|--------------|----------|-------------|--------------|
| Actual | Assessed | Exempt | |
| Land | | \$1,016,000 | \$67,720 \$0 |
| Improvements | | \$2,073,900 | \$140,300 |
| Total | | \$3,089,900 | \$208,020 |

| Prior Year | | | |
|--------------|----------|-------------|--------------|
| Actual | Assessed | Exempt | |
| Land | | \$1,016,000 | \$69,090 \$0 |
| Improvements | | \$1,251,500 | \$85,100 |
| Total | | \$2,267,500 | \$154,190 |

Real Estates Property Taxes for current tax year

System Upgrade Underway:

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * **79..525 ***

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

| | Installment 1 (Feb 28 Feb 29 in Leap Years) | Installment 2 (Jun 15) | Full Payment (Due Apr 30) |
|-------------------|---|---------------------------|------------------------------|
| Date Paid | 1/31/2023 | 6/13/2023 | |
| Original Tax Levy | \$6,130.98 | \$6,130.98 | \$12,261.96 |
| Liens/Fees | \$924.63 | \$0.00 | \$924.63 |
| Interest | \$92.46 | \$0.00 | \$92.46 |
| Paid | \$7,148.07 | \$6,130.98 | \$13,279.05 |
| Due | \$0.00 | \$0.00 | \$0.00 |

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

| | | | |
|--------------------------------|---|------------------------------|---|
| Additional Assessment ⓘ | N | Prior Year Delinquency ⓘ | N |
| Additional Owner(s) ⓘ | N | | |
| Adjustments ⓘ | N | Sewer/Storm Drainage Liens ⓘ | N |
| Local Improvement Assessment ⓘ | N | Tax Lien Sale ⓘ | N |
| Maintenance District ⓘ | N | Treasurer's Deed ⓘ | N |
| Pending Local Improvement ⓘ | N | | |

Real estate property taxes paid for prior tax year: **\$12,097.06**

Assessed Value for the current tax year

| | | | |
|---------------|-------------|-----------------------|--------------|
| Assessed Land | \$69,090.00 | Assessed Improvements | \$85,100.00 |
| Exemption | \$0.00 | Total Assessed Value | \$154,190.00 |

3317 W 14TH AVE

| | |
|-------------------|---|
| Owner | G A O HOMES PARTNERS RLLLP 44 COOK ST STE400 DENVER, CO 80206-5828 |
| Schedule Number | 05052-05-014-000 |
| Legal Description | L 21 TO 24 INC EXC E 66 FT THEREOF BLK 2 GRAYS SUB OF MAPLEGROVE SUB & E 20 FT OF VAC JAVA CT ADJ |
| Property Type | RESIDENTIAL-DUPLEX |
| Tax District | DENVER |

Print Summary

| Property Description | | | |
|---|-------|---------------------|--------|
| Style: | OTHER | Building Sqr. Foot: | 1284 |
| Bedrooms: | | Baths Full/Half: | 0/0 |
| Effective Year Built: | 1968 | Basement/Finish: | 0/0 |
| Lot Size: | 8,221 | Zoned As: | G-RH-3 |
| <div>Note: Valuation zoning may be different from City's new zoning code.</div> | | | |

| Current Year | | | |
|--------------|----------|-----------|--------------|
| Actual | Assessed | Exempt | |
| Land | | \$534,400 | \$35,140 \$0 |
| Improvements | | \$34,200 | \$2,310 |
| Total | | \$568,600 | \$37,450 |

| Prior Year | | | |
|--------------|----------|-----------|--------------|
| Actual | Assessed | Exempt | |
| Land | | \$164,400 | \$11,180 \$0 |
| Improvements | | \$75,300 | \$5,120 |
| Total | | \$239,700 | \$16,300 |

Real Estates Property Taxes for current tax year

System Upgrade Underway:

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * **79..525** *

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

| | Installment 1 (Feb 28 Feb 29 in Leap Years) | Installment 2 (Jun 15) | Full Payment (Due Apr 30) |
|-------------------|---|---------------------------|------------------------------|
| Date Paid | 2/27/2023 | 6/13/2023 | |
| Original Tax Levy | \$648.14 | \$648.14 | \$1,296.28 |
| Liens/Fees | \$0.00 | \$0.00 | \$0.00 |
| Interest | \$0.00 | \$0.00 | \$0.00 |
| Paid | \$648.14 | \$648.14 | \$1,296.28 |
| Due | \$0.00 | \$0.00 | \$0.00 |

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

| | | | |
|--------------------------------|---|------------------------------|---|
| Additional Assessment ⓘ | N | Prior Year Delinquency ⓘ | N |
| Additional Owner(s) ⓘ | N | | |
| Adjustments ⓘ | N | Sewer/Storm Drainage Liens ⓘ | N |
| Local Improvement Assessment ⓘ | N | Tax Lien Sale ⓘ | N |
| Maintenance District ⓘ | N | Treasurer's Deed ⓘ | N |
| Pending Local Improvement ⓘ | N | | |

Real estate property taxes paid for prior tax year: **\$1,278.22**

Assessed Value for the current tax year

| | | | |
|---------------|-------------|-----------------------|-------------|
| Assessed Land | \$11,180.00 | Assessed Improvements | \$5,120.00 |
| Exemption | \$0.00 | Total Assessed Value | \$16,300.00 |

Fidelity National Title



NATIONAL COMMERCIAL SERVICES

8055 E. Tufts Ave, #900
Denver, CO 80237
Phone: (303) 291-9977

DATE: September 18, 2023
FILE NUMBER: 100-00500925-201-7L7
PROPERTY ADDRESS: 1409-1471 Julian Street, Denver, CO 80204
BUYER/BORROWER: Endcap Holdings, LLC, a Colorado limited liability company
OWNER(S): G.A.O. Homes Partners, RLLLP, a Colorado limited liability limited partnership
YOUR REFERENCE NUMBER:
ASSESSOR PARCEL NUMBER: 0505207040000

PLEASE TAKE NOTE OF THE FOLLOWING REVISED TERMS CONTAINED HEREIN:

None.

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. FOR WIRING INSTRUCTIONS, PLEASE CONTACT YOUR ESCROW OFFICE AS NOTED ON THE TRANSMITTAL PAGE OF THIS COMMITMENT.

| | |
|---------------------------|--|
| TO: Escrow Officer | ATTN: Lindsey Mann PHONE: (720) 200-1227 FAX: (303) 633-7624 E-MAIL: lindsey.mann@fnf.com |
| Escrow Assistant | ATTN: Emily Tucker PHONE: (303) 291-9923 E-MAIL: emily.tucker@fnf.com |
| Title Officer | ATTN: Darrin Kunselman PHONE: (720) 200-1233 E-MAIL: darrin.kunselman@fnf.com |
| Sales Executive | ATTN: Darren Hone E-MAIL: darren.hone@fnf.com |

| | |
|---|---|
| TO: Endcap Holdings, LLC, a Colorado limited liability company 44 Cook Street Ste 400 Denver, CO 80206 | ATTN: c/o Wazee Partners PHONE: FAX: E-MAIL: |
|---|---|

| | |
|---|--|
| TO: G.A.O. Homes Partners, RLLLP, a Colorado limited liability limited partnership 720 S Colorado Blvd Ste 505S Glendale, CO 80246 | ATTN: c/o The Burgwyn Company PHONE: FAX: E-MAIL: |
|---|--|

| | |
|--|--|
| TO: The Burgwyn Company 720 S Colorado Blvd Ste 505S Glendale, CO 80246 | ATTN: Henry Burgwyn PHONE: FAX: E-MAIL: henry@burgwyn.com |
|--|--|

**Commitment Transmittal
(Continued)**

| | | | |
|------------|---|--|---|
| TO: | Wazee Partners 44 Cook Street Suite 400 Denver, CO 80206 | ATTN: PHONE: FAX: E-MAIL: | Chris Downs (000) 000-0000 (000) 000-0000 CDowns@wazeepartners.com |
| TO: | Wazee Partners 44 Cook Street Suite 400 Denver, CO 80206 | ATTN: PHONE: FAX: E-MAIL: | Tyler Downs (000) 000-0000 (000) 000-0000 tdowns@wazeepartners.com |
| TO: | Fidelity National Title Insurance, NCS Div (DTC) 8055 E. Tufts Ave #900 Denver, CO 80237 | ATTN: PHONE: FAX: E-MAIL: | Lindsey Mann (303) 291-9977 (303) 633-7720 lindsey.mann@fnf.com |

END OF TRANSMITTAL



COMMITMENT FOR TITLE INSURANCE

Issued by

Fidelity National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
 - e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
 - g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - h. "Public Records": The recording or filing system established under state statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
 - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I—Requirements; and
 - f. Schedule B, Part II—Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.
4. **COMPANY'S RIGHT TO AMEND**
- The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract and is restricted to the terms and provisions of this Commitment.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. **PROFORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a proforma policy illustrating the coverage that the Company may provide. A proforma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. **CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. This Commitment Condition does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. **CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

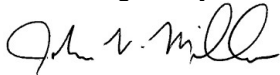
Issuing Agent: Fidelity National Title Insurance Co., National Commercial Services
Issuing Office: 8055 E Tufts Ave, Suite 900, Denver, CO 80237
Loan ID Number:
Issuing Office File Number: 00500925-201-7L7-DK2
Property Address: 1409-1471 Julian Street, Denver, CO 80204
Revision Number:

SCHEDULE A

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

1. Commitment Date: **September 6, 2023**
2. Policy to be issued:
 - (a) **ALTA Owners Policy 6-17-06**
Proposed Insured: **Endcap Holdings, LLC, a Colorado limited liability company**
Proposed Amount of Insurance: **\$100,000.00**
The estate or interest to be insured: **FEE SIMPLE**
 - (b) **None**
Proposed Insured:
Proposed Amount of Insurance: **\$0.00**
The estate or interest to be insured: **FEE SIMPLE**
 - (c) **None**
Proposed Insured:
Proposed Amount of Insurance: **\$0.00**
The estate or interest to be insured:
3. The estate or interest in the Land at the Commitment Date is:
Fee simple
4. The Title is, at the Commitment Date, vested in:
G.A.O. Homes Partners, RLLLP, registered Colorado limited liability limited partnership
5. The Land is described as follows:
See Exhibit A attached hereto and made a part hereof.

Countersigned by:



John Miller
Authorized Signature

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

SCHEDULE A
(Continued)**PREMIUMS:**

| | |
|--|--------|
| ALTA Owners Policy 7-1-06 | 629.00 |
| Delete 1-4 commercial (upon requirements met and provided there is no recent, ongoing or anticipated construction on the land) | 95.00 |
| Tax Certificate | 18.00 |

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27C170B ALTA Commitment for Title Insurance (Effective 7-1-21)

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EXHIBIT A LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF DENVER, IN THE COUNTY OF DENVER, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

Lots 27 through 42 and the South 6.25 feet of Lot 43,
Block 2,
Colfax Avenue Subdivision of Maple Grove Subdivision,
City and County of Denver,
State of Colorado.

For Informational Purposes Only
Tax ID No.: **0505207040000**

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27C170B ALTA Commitment for Title Insurance (Effective 7-1-21)

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SCHEDULE B – PART I REQUIREMENTS

- a. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Obtain a certificate of taxes due from the county treasurer or the county treasurer's authorized agent.

Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

- d. Deed sufficient to convey the fee simple estate or interest in the Land described or referred to herein, to the Proposed Insured Purchaser.
- e. Copy of Partnership Agreement and recordation of Statement of Authority for G.A.O. Homes Partners, RLLLP, a registered Colorado limited liability limited partnership pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
- f. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: Endcap Holdings, LLC, a Colorado limited liability company

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member
- b) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- c) Recordation of Statement of Authority for Endcap Holdings, LLC, a Colorado limited liability company pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
- d) Copies of resolution(s), agreements and/or other documentation necessary to establish the authority of parties executing on behalf of entities disclosed as part of an organizational structure managing said Limited Liability Company

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

SCHEDULE B
PART I – REQUIREMENTS
(Continued)

- g. The Company will require that an Owner's Affidavit be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(s): G.A.O. Homes Partners, RLLLP, registered Colorado limited liability limited partnership

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

- i. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
- j. The Company will require a survey of the subject Land, which is in compliance with minimum technical standards, prepared by a duly registered and licensed surveyor. If the owner of the Land the subject of this transaction is in possession of a survey, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be submitted to the Company for examination. In order to prevent delays, please furnish the survey at least 10 days prior to the close of this transaction.

If an existing survey is to be relied upon, an affidavit from the seller(s)/mortgagor(s) must be furnished to the Company stating that no improvements have been made on the Land the subject of this transaction or adjacent thereto subsequent to the survey presented to the Company.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

Note: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

END OF SCHEDULE B – Part I

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

27C170B ALTA Commitment for Title Insurance (Effective 7-1-21)

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SCHEDULE B – PART II EXCEPTIONS

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
5. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for the value the estate or interest or mortgage thereon covered by this Commitment.

NOTE: The above exception will not appear on policies where closing and settlement has been performed by the Company.

7. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
8. All taxes and assessments, now or heretofore assessed, due or payable.

NOTE: This tax exception will be amended at policy upon satisfaction and evidence of payment of taxes.

9. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

EXCEPTIONS

(Continued)

10. Reservation of utility easement as contained in Deed recorded December 04, 1967 in [Book 9817 at Page 386](#).
11. Terms, conditions, provisions, agreements and obligations contained in the Rental Use Agreement by and between Secretary of Housing and Urban Development acting by and through the Federal Housing Commissioner and G.A.O. Homes, Inc. as set forth below:

 Recording Date: August 07, 2007
 Recording No.: [Reception No. 2007123797](#)
12. Terms, conditions, provisions, agreements and obligations contained in the Colorado Housing and Finance Authority Regulatory Agreement as set forth below:

 Recording Date: August 07, 2007
 Recording No.: [Reception No. 2007123801](#)
13. Terms, conditions, provisions, agreements and obligations contained in the Low-Income Housing Tax Credit Land Use Restriction Agreement as set forth below:

 Recording Date: December 26, 2007
 Recording No.: [Reception No. 2007195509](#)

 Note: Partial Subordination to Land Use Restriction Agreement recorded December 26, 2007 at [Reception No. 2007195510](#)
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

 Granted to: Public Service Company of Colorado
 Purpose: Utilities
 Recording Date: October 14, 2016
 Recording No.: [Reception No. 2016142734](#)

END OF SCHEDULE B – PART II

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Fidelity National Title Insurance Co., National Commercial Services conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers."
- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, the Company is required to disclose the following information:
 - The subject property may be located in a special taxing district.
 - A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.
 - Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

Wire Fraud Alert

This Notice is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the phone number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL, INC.
PRIVACY NOTICE

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary’s website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates’, and others’ products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;

- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquies@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia privacy rights, please email privacy@fnf.com or call (888) 714-2710.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Inquiry Website](#) or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Fidelity National Title



NATIONAL COMMERCIAL SERVICES

8055 E. Tufts Ave, #900
Denver, CO 80237
Phone: (303) 291-9977

DATE: September 18, 2023
FILE NUMBER: 100-00500926-201-7L7
PROPERTY ADDRESS: 3315-3317 West 14th Avenue, Denver, CO 80204
BUYER/BORROWER: Endcap Holdings, LLC, a Colorado limited liability company
OWNER(S): G.A.O. Homes Partners, RLLLP, a Colorado limited liability limited partnership
YOUR REFERENCE NUMBER:
ASSESSOR PARCEL NUMBER: 05052-05-014-000

PLEASE TAKE NOTE OF THE FOLLOWING REVISED TERMS CONTAINED HEREIN:

None.

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. FOR WIRING INSTRUCTIONS, PLEASE CONTACT YOUR ESCROW OFFICE AS NOTED ON THE TRANSMITTAL PAGE OF THIS COMMITMENT.

| | |
|---------------------------|--|
| TO: Escrow Officer | ATTN: Lindsey Mann PHONE: (720) 200-1227 FAX: (303) 633-7624 E-MAIL: lindsey.mann@fnf.com |
| Escrow Assistant | ATTN: Emily Tucker PHONE: (303) 291-9923 E-MAIL: emily.tucker@fnf.com |
| Title Officer | ATTN: Darrin Kunselman PHONE: (720) 200-1233 E-MAIL: darrin.kunselman@fnf.com |
| Sales Executive | ATTN: Darren Hone E-MAIL: darren.hone@fnf.com |

| | |
|---|---|
| TO: Endcap Holdings, LLC, a Colorado limited liability company 44 Cook Street Ste 400 Denver, CO 80206 | ATTN: c/o Wazee Partners PHONE: FAX: E-MAIL: |
|---|---|

| | |
|---|--|
| TO: G.A.O. Homes Partners, RLLLP, a Colorado limited liability limited partnership 720 S Colorado Blvd Ste 505S Glendale, CO 80246 | ATTN: c/o The Burgwyn Company PHONE: FAX: E-MAIL: |
|---|--|

| | |
|---|---|
| TO: Wazee Partners 44 Cook Street Suite 400 Denver, CO 80206 | ATTN: Tyler Downs PHONE: (000) 000-0000 FAX: (000) 000-0000 E-MAIL: tdowns@wazeepartners.com |
|---|---|

**Commitment Transmittal
(Continued)**

| | | | |
|------------|---|--|---|
| TO: | Wazee Partners 44 Cook Street Suite 400 Denver, CO 80206 | ATTN: PHONE: FAX: E-MAIL: | Chris Downs (000) 000-0000 (000) 000-0000 CDowns@wazeepartners.com |
| TO: | The Burgwyn Company 720 S Colorado Blvd Ste 505S Glendale, CO 80246 | ATTN: PHONE: FAX: E-MAIL: | Henry Burgwyn henry@burgwyn.com |
| TO: | Fidelity National Title Insurance, NCS Div (DTC) 8055 E. Tufts Ave #900 Denver, CO 80237 | ATTN: PHONE: FAX: E-MAIL: | Lindsey Mann (303) 291-9977 (303) 633-7720 lindsey.mann@fnf.com |

END OF TRANSMITTAL



COMMITMENT FOR TITLE INSURANCE

Issued by

Fidelity National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

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- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
 - e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
 - g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - h. "Public Records": The recording or filing system established under state statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
 - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I—Requirements; and
 - f. Schedule B, Part II—Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.
4. **COMPANY'S RIGHT TO AMEND**
- The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.

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- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract and is restricted to the terms and provisions of this Commitment.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. **PROFORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a proforma policy illustrating the coverage that the Company may provide. A proforma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. **CLAIMS PROCEDURES**

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. This Commitment Condition does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. **CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT

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IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

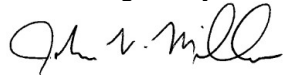
Issuing Agent: Fidelity National Title Insurance Co., National Commercial Services
Issuing Office: 8055 E Tufts Ave, Suite 900, Denver, CO 80237
Loan ID Number:
Issuing Office File Number: 00500926-201-7L7-DK2
Property Address: 3315-3317 West 14th Avenue, Denver, CO 80204
Revision Number:

SCHEDULE A

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

1. Commitment Date: **September 11, 2023**
2. Policy to be issued:
 - (a) **ALTA Owners Policy 6-17-06**
Proposed Insured: **Endcap Holdings, LLC, a Colorado limited liability company**
Proposed Amount of Insurance: **\$100,000.00**
The estate or interest to be insured: **FEE SIMPLE**
 - (b) **None**
Proposed Insured:
Proposed Amount of Insurance: **\$0.00**
The estate or interest to be insured: **FEE SIMPLE**
 - (c) **None**
Proposed Insured:
Proposed Amount of Insurance: **\$0.00**
The estate or interest to be insured:
3. The estate or interest in the Land at the Commitment Date is:
Fee Simple
4. The Title is, at the Commitment Date, [vested in:](#)
G.A.O. Homes Partners, RLLLP, a registered limited liability limited partnership
5. The Land is described as follows:
See Exhibit A attached hereto and made a part hereof.

Countersigned by:



John Miller
Authorized Signature

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SCHEDULE A
(Continued)**PREMIUMS:**

| | |
|---|--------|
| Owners Policy | 629.00 |
| Deletion 1-4 As long as requirements are met and there has been no recent or anticipated construction | 95.00 |

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EXHIBIT A LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF DENVER, IN THE COUNTY OF DENVER, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

Lots 21 to 24,
Except the East 66 feet of said Lots,
Block 2,
Together with the East 20 feet of vacated Java Court adjoining said Lots,
Gray's Subdivision of Lots No. 1 & 16 of Maple Grove Subdivision,
City and County of Denver,
State of Colorado.

APN: 0505205014000

Parcel Numbers: **05052-05-014-000**

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SCHEDULE B – PART I REQUIREMENTS

- a. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Obtain a certificate of taxes due from the county treasurer or the county treasurer's authorized agent.
4. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
5. Pay the agreed amount for the estate or interest to be insured.
6. Pay the premiums, fees, and charges for the Policy to the Company.
7. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

- h. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.
- i. Copy of Partnership Agreement and recordation of Statement of Authority for G.A.O. Homes Partners, RLLLP, a registered limited liability limited partnership pursuant to Colorado Revised Statutes evidencing the existence of the entity and authority of the person(s) authorized to execute and deliver instruments affecting title to real property on behalf of the entity and containing other information required by Colorado Revised Statutes.
- j. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: Endcap Holdings, LLC, a Colorado limited liability company

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member
- b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps
- c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

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SCHEDULE B
PART I – REQUIREMENTS
(Continued)

- e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- k. The Company will require that an Owner's Affidavit be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(s): G.A.O. Homes Partners, RLLLP, a registered limited liability limited partnership

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

- l. Furnish for recordation a partial release of deed of trust:

Amount: \$2,240,000.00
Dated: August 02, 2007
Trustor/Grantor: G.A.O. Homes Partners, RLLLP, a registered limited liability limited partnership
Trustee: Public Trustee of Denver County, Colorado
Beneficiary: Colorado Housing and Finance Authority
Loan No. 328427
Recording Date: August 07, 2007
Recording No: [Reception No. 2007123799](#)

Modification of Promissory Note and Deed of Trust:

Recording Date: November 26, 2008
Recording No: [Reception No. 2008161178](#)

- m. Furnish for recordation a termination statement terminating the financing statement described below

Debtor: G.A.O. Homes Partners, RLLLP
Secured Party: Colorado Housing and Finance Authority
Recording Date: August 7, 2007
Recording No: [Reception No. 2007123800](#)

- n. Satisfactory evidence must be furnished from the secretary or other duly qualified officer of the Association showing that all assessments and fees, including special assessments or payments due to others, such as master associations, are paid in full through the date of closing.

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SCHEDULE B
PART I – REQUIREMENTS
(Continued)

- o. The Company will require a survey of the subject Land, which is in compliance with minimum technical standards, prepared by a duly registered and licensed surveyor. If the owner of the Land the subject of this transaction is in possession of a survey, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be submitted to the Company for examination. In order to prevent delays, please furnish the survey at least 10 days prior to the close of this transaction.

If an existing survey is to be relied upon, an affidavit from the seller(s)/mortgagor(s) must be furnished to the Company stating that no improvements have been made on the Land the subject of this transaction or adjacent thereto subsequent to the survey presented to the Company.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

Note: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

END OF SCHEDULE B – Part I

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SCHEDULE B – PART II EXCEPTIONS

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.
5. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for the value the estate or interest or mortgage thereon covered by this Commitment.

NOTE: The above exception will not appear on policies where closing and settlement has been performed by the Company.

7. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
8. All taxes and assessments, now or heretofore assessed, due or payable.

NOTE: This tax exception will be amended at policy upon satisfaction and evidence of payment of taxes.

9. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.

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EXCEPTIONS

(Continued)

10. Reservation of utility easement as contained in Deed recorded December 4, 1967 in [Book 9817 at Page 386](#).
11. Terms, conditions, provisions, agreements and obligations contained in the Rental Use Agreement by and between Secretary of Housing and Urban Development acting by and through the Federal Housing Commissioner and G.A.O. Homes, Inc., as set forth below:
- Recording Date: August 7, 2007
Recording No.: [Reception No. 2007123797](#)
12. Terms, conditions, provisions, agreements and obligations contained in the Colorado Housing and Finance Authority Regulatory Agreement as set forth below:
- Recording Date: August 7, 2007
Recording No.: [Reception No. 2007123801](#)
13. Terms, conditions, provisions, agreements and obligations contained in the Low-Income Housing Tax Credit Land Use Restriction Agreement as set forth below:
- Recording Date: December 26, 2007
Recording No.: [Reception No. 2007195509](#)

NOTE: Partial Subordination to Land Use Restriction Agreement recorded December 26, 2007 at [Reception No. 2007195510](#).

END OF SCHEDULE B – PART II

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DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Fidelity National Title Insurance Co., National Commercial Services conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers."
- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, the Company is required to disclose the following information:
 - The subject property may be located in a special taxing district.
 - A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.
 - Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

Wire Fraud Alert

This Notice is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the phone number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL, INC.

PRIVACY NOTICE

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary’s website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates’, and others’ products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;

- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquies@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia privacy rights, please email privacy@fnf.com or call (888) 714-2710.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Inquiry Website](#) or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Site Equity Scores and Recommended Actions

ACCESS TO OPPORTUNITY - Creating more equitable access to quality-of-life amenities, health, and education.

The site area's average score is 2.44. The specific metrics are defined below. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

Built Environment

| | Social Determinants of Health | Access to Parks | Access to Fresh Food | Access to Healthcare | Child Obesity | Life Expectancy | Access to Transit | Access to Centers and Corridors |
|-------|-------------------------------|-----------------|----------------------|----------------------|----------------|-----------------|-----------------------|--|
| Score | 4 | 4 | 1 | 2 | 2 | 2 | 4 | 2.66 |
| | More Equitable | More Equitable | Less Equitable | Less Equitable | Less Equitable | Less Equitable | Has Access to Transit | 50-74% of the area is covered by a walk, bike, and driveshed to a center or corridor |

| | Metric | Score | Description | Consideration for Improvement | Response from Applicant |
|-------------------|-------------------------------|---------------------|---|--|---|
| | Social Determinants of Health | 4 More Equitable | Measured by a) % of high school graduates or the equivalent for those 25 years of age or older and b) percent of families below 100% of the Federal Poverty Line. | <ul style="list-style-type: none"> Applicant commits to provide on-site income-restricted units, especially for 50% and below | 44 tax-credit housing units that are nearing obsolescence exist on site. After rezoning all the units, plus some additional, will be relocated to new units 1 block to the west (on Knox Street). |
| Built Environment | Access to Parks | 4 More Equitable | Measured by % of living units within ¼-mile walk to a park or open space. | <ul style="list-style-type: none"> | •Paco Sanchez Park is within 1/4-mile of the property |
| | Access to Fresh Food | 1 Less Equitable | Measured by % of residents within ¼-mile walk to a full-service grocery store. | <ul style="list-style-type: none"> Applicant commits to promoting increased access to fresh food options Applicant commits to provide fresh food outlets on-site, such as a community garden | not applicable |
| | Access to Healthcare | 2 Less Equitable | <p>Access to Health Services - such as clinics, prenatal services, and more.</p> <p>20.61% of women receive no prenatal care during the first trimester of pregnancy in this area</p> | <ul style="list-style-type: none"> Applicant maps and identifies where existing facilities are in the area <p><i>This metric is not expected to be directly impacted by an applicant-driven rezoning but may be indirectly improved via other metrics</i></p> | Not applicable, but mapping can be provided |
| | Child Obesity | 2 Less Equitable | Child Obesity measure % of children in the area that are overweight/obese. | <ul style="list-style-type: none"> Applicant commits to uses onsite that promote healthy food options. | not applicable |

| | | | | | |
|--|---------------------------------|---------------------|---|---|---|
| | | | 20.61% of children and youth are obese | <ul style="list-style-type: none"> Applicant commits to providing more open space than required on-site | |
| | Life Expectancy | 2 Less Equitable | Life expectancy (in years): 75.90 | <i>This metric is not expected to be directly impacted by the applicant but may be indirectly improved via other metrics.</i> | The provision of new and updated units for existing residents may increase life expectancy |
| | Access to Transit | 4 | Has Access to Transit. Site was completely inside of a transit buffer ½ mile from high-capacity transit or ¼ mile from frequent transit | <ul style="list-style-type: none"> Applicant commits to promoting the use of and access to public transit | <ul style="list-style-type: none"> The West Colfax Transit Corridor is immediately north of the site |
| | Access to Centers and Corridors | 2.66 | Average Score: 2.66 Total Evaluation: 50-74% of the area is covered by a walk, bike, and driveshed to a center or corridor. | <ul style="list-style-type: none"> Applicant maps and identifies existing community services in the area | The site's close proximity to the West Colfax Avenue Transit Corridor addresses this metric. |

REDUCING VULNERABILITY TO DISPLACEMENT – Stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

For Vulnerability to Involuntary Displacement, this area's average score is 2 out of 3. This means that the area is considered vulnerable to displacement. Specific metrics are defined below, along with considerations that align with the goals of the FNE Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

| | Educational Attainment | Rental Occupancy | Median Household Income |
|-------|------------------------|------------------|-------------------------|
| Score | 0 | 1 | 1 |
| | Not Vulnerable | Vulnerable | Vulnerable |

| Metric | Score | Description | Consideration for Improvement | Response from Applicant |
|------------------------|---------------------|---|---|-----------------------------|
| Educational Attainment | 0 Not Vulnerable | Percent of 25-year-olds and older without a college degree: 46% Citywide Average: 49.7% Lack of opportunities for higher education can leave residents unable to make more money and get jobs to offset increased costs | <ul style="list-style-type: none"> Applicant to provide list of local resources for educational assistance | not applicable |
| Rental Occupancy | 1 Vulnerable | Percent of Renter Occupied: 67.9% Citywide Average: 49.55% | <ul style="list-style-type: none"> Applicant commits to providing options for for-sale units on site | not planning for-sale units |

Median
Household
Income

1
Vulnerable

Median Household income: **\$72,250**
Denver's Median household income:
\$72,661

- Applicant commits to affordable housing on-site and to target the marketing of affordable units to the nearby community.

Any replacement housing development on the properties will be subject to EHA requirements

EXPANDING HOUSING DIVERSITY - providing a better and more inclusive range of housing in all neighborhoods.

For Housing Diversity, this area's average score is 4 out of 5, with the area scoring low on the amount of income restricted units. Specific metrics are defined below, along with considerations that align with the goals of the FNE Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

| | Missing Middle Housing | Diversity of Bedroom Count Per Unit | Owners to Renters | Housing Costs | Income Restricted Units |
|-------|------------------------|-------------------------------------|-------------------|---------------|-------------------------|
| Score | 0 | 0 | 0 | 1 | 1 |
| | Not Diverse | Not Diverse | Not Diverse | Diverse | Diverse |

| Metric | Score | Description | Consideration for Improvement | Applicant Response |
|-------------------------------------|------------------|---|---|---|
| Missing Middle Housing | 0 Not Diverse | Percent Housing with 2-19 units: 12.34% Citywide: 19% If an area had over 20% middle density housing units, it was considered "diverse", if it was less than 20% middle density it was considered "not diverse." | <ul style="list-style-type: none"> • Applicant commits to provide a diverse mix of residential types on-site: multi-family, duplex and single family • Applicant provides certain percentage of missing middle housing types | <ul style="list-style-type: none"> • Any replacement housing development on the properties will be subject to EHA |
| Diversity of Bedroom Count Per Unit | 0 Not Diverse | Ratio: 7.24 Mix Type: Low Measured by comparing the number of housing units with 0-2 bedrooms to the number of units with 3 or more bedrooms. | <ul style="list-style-type: none"> • Applicant commits to build units with a variety of bedroom counts • Applicant commits to provide a certain percentage of 3 + bedroom units | <ul style="list-style-type: none"> • Any replacement housing development on the properties will be subject to EHA requirements |
| Owners to Renters | 0 Not Diverse | Owners: 32.05% Renters: 67.95% Denver Owners: 50.45% Denver Renters: 49.55% | <ul style="list-style-type: none"> • Applicant commits to provide a strong mix of ownership vs rental properties | <ul style="list-style-type: none"> • for sale housing is not planned at this time |
| Housing Costs | 1 Diverse | Mix Type: Mixed The ratio of (a) housing units affordable to households earning up to 80% if the city's median income to (b) housing units affordable to households earning over 120% of the city's median income. | <ul style="list-style-type: none"> • Applicant should speak to affordable housing intent as relevant to page 65, 2.1.10 - Affordable Housing section of the FNE Area Plan • Applicant commits to provide income restricted units that are in the "missing middle" range (e.g. 100% AMI) | <ul style="list-style-type: none"> • Any replacement housing development on the properties will be subject to EHA requirements |

Income
Restricted
Units

1
Diverse

Income Restricted Units: **307**
Citywide Average Income Restricted
Units: **142.05**

- Applicant commits to provide a specific amount of Income Restricted Units on-site

- Any replacement housing development on the properties will be subject to EHA requirements

EXPANDING JOB DIVERSITY - providing a better and more inclusive range of employment options in all neighborhoods.

Job Diversity in this area is similar to the City's overall job mix, with fewer retail options compared to the city. Specific metrics are defined below, along with considerations that align with the goals of the FNE Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

| Score | Retail | Innovation | Manufacturing |
|-------|-------------------------|-----------------------|------------------------|
| | 73.44% | 25% | 1.56% |
| | City Wide Average 56.7% | City Wide Average 35% | City Wide Average 8.3% |

| Metric | Score | Description | Consideration for Improvement | Applicant Response |
|----------------------|---------------------|---|---|--------------------|
| Total Jobs | 192 Jobs | Total Jobs per Acre: 1.71 | <i>This metric is not expected to be directly impacted by the applicant but may be indirectly improved via other metrics.</i> | not applicable |
| Retail | 141 Jobs 73.44%. | This is more than the citywide Retail average of 56.7% Retail Jobs per Acre: 1.26 | | not applicable |
| Innovation | 48 Jobs 25%. | This is greater than the citywide Innovation average of 35% Innovation Jobs per Acre: 0.43 | | not applicable |
| Manufacturing | 3 Jobs 1.56%. | This is greater than the citywide Innovation average of 8.3% Manufacturing Jobs per Acre: 0.03 | | not applicable |

December 28, 2023

To Planning Board and Denver City Council,

I am writing this letter to express my support for the zoning change of 1409-1471 N Julian Street and 3317 W. 14th Ave. As a longtime adjacent neighbor, I know this zoning change will improve our neighborhood while helping the current tenants move to a newer development. The new West Area Plan supports this height and density on this block and it fits within the context of the other properties surrounding it which will help to raise our home values.

I am confident that with this zoning change to allow up to 5 stories, it allows for opportunity for new development that will undoubtedly raise my property value. As an adjacent neighbor, I look forward to new development to bring housing to allow for more market rate opportunity nearby that will support the value of my own home. In looking around the neighborhood, I am looking forward to adding these properties to the list of potential new developments that will help to raise my property value.

The new development will make way for the current residents to move into newer, more accommodating housing. The current housing at this location is starting to look rundown and the current tenants will be able to move into other nearby properties that are more suited to accommodate families with modern conveniences.

As a supporter of the West Area Plan and its intent to make our neighborhood more uniform in heights of buildings, this rezoning makes perfect sense. As an adjacent neighbor, it's nice to see the opportunity for new development around us as we continue to improve our own properties. I ask that you recommend to support the zoning change for 1409-1471 N. Julian Street to bring it into compliance with the new West Area Plan and the overall aesthetics of our neighborhood.

Regards,

A handwritten signature in black ink, appearing to read "Benjamin Marriott", written in a cursive style.

Benjamin Marriott
1428 Julian St
Denver, CO 80204

December 28, 2023

To Planning Board and Denver City Council,

I am writing this letter to express my support for the zoning change of 1409-1471 N Julian Street and 3317 W. 14th Ave. As a longtime adjacent neighbor, I know this zoning change will improve our neighborhood while helping the current tenants move to a newer development. The new West Area Plan supports this height and density on this block and it fits within the context of the other properties surrounding it which will help to raise our home values.

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As a supporter of the West Area Plan and it's intent to make our neighborhood more uniform in heights of buildings, this rezoning makes perfect sense. As an adjacent neighbor, it's nice to see the opportunity for new development around us as we continue to improve our own properties. I ask that you recommend to support the zoning change for 1409-1471 N. Julian Street to bring it into compliance with the new West Area Plan and the overall aesthetics of our neighborhood.

Regards,

A handwritten signature in black ink, appearing to read 'Christina Marriott', written in a cursive style.

Christina Marriott
1428 Julian St
Denver, CO 80204



CONFLUENCE MINISTRIES

Passionate People Collaborating on Purpose

January 16, 2024

To Planning Board and Denver City Council,

I am writing as an active neighbor and community organizer of the West Colfax Neighborhood from Confluence Ministries in support of the zoning change for 1409-1471 N Julian Street and 3317 W. 14th Ave. Throughout the community outreach process Wazee partners has supported our community festival and engaged our neighbors from the beginning of the rezoning process.

Wazee partners held multiple neighborhood gatherings and engagements to make sure all who will be impacted were made fully aware of the application process. I was first contacted last June and helped the group find locations for their meetings that were most convenient for the neighborhood members. We continued interaction throughout the summer with their sponsorship of the neighborhood summer festival and are so grateful for their support.

We believe Wazee desires to address those who will be impacted by this rezoning and to follow guidelines for those who desire to stay in the neighborhood. We know Wazee also agrees to the requirements for those in the category in need of affordable housing. I am thinking of those who will be impacted by the stated address.

West Colfax is a neighborhood with many intricacies that I have been blessed to be a part of throughout my time leading Confluence Ministries. We need more engagement from property owners like Wazee who are truly partners in our community and stakeholders in our progress. This rezoning continues to solidify their long-standing relationship in West Colfax and we are so grateful for their ongoing investment to accomplish a safe and thriving community.

I ask that you support the zoning change for 1409-1471 N Julian Street and 3317 W. 14th Ave. As an active Community member, I am so looking forward to see their continued development in the neighborhood.

Regards,

Jude del Hierro

Confluence Ministries

Sincerely,

Jude Del Hierro
Founder/Executive Director



1400 Quitman St, Denver, CO 80204 • 303.377.3050 • www.confluenceministries.org



SLOAN'S LAKE CITIZENS' GROUP

February 13, 2024

Re: Wazee Partners – represented by Prachner Company
1409 – 1471 Julian Street – Rezoning to G-MU-5

To Whom It May Concern:

The Sloan's Lake Citizens' Group (SLCG) is the Registered Neighborhood Organization for the area bounded by West 29th Avenue on the north and West 10th Avenue on the south, running from Federal Boulevard to Sheridan Boulevard. Our organization has valued and listened to the diverse perspectives of our members for over 40 years. With few exceptions, it is the policy of the SLCG to provide information and to be a forum to inform, rather than to speak for our diverse community. This prevents the SLCG from taking a stand on issues where there might not be information or where the members might disagree. Instead, the desire of the SLCG is to promote collaboration for compromise solutions that balance the interests of property owners, business owners and residents while protecting public health and safety.

The existing rental housing units 1409 to 1471 Julian Street are within the boundaries of our RNO. At the June 14th, 2023 SLCG meeting, Amy O'Brien with the Prachner Company presented a proposal for the rezoning and redevelopment of the existing 19 affordable rental housing units. The current zoning, G-RH-3, will not allow the owner/developer to increase the housing density of the property. The Sloan's Lake and West Colfax neighborhoods are in desperate need of additional housing units and specifically affordable rental housing units. It is our understanding that after redevelopment, all the existing residents will be relocated as required by HUD. SLCG would prefer that all the new replaced affordable housing units be located on the Julian Street property. If there are more than 190 new rental units in the proposed project, 10% of the total units should be affordable rental units. Too many times required affordable units are not located on the project property, making the bulk of the units not affordable for the residents living and working in the neighborhood.

A straw vote was taken of members, both in-person and on Zoom. A majority of the votes were in favor of the rezoning from G-RH-3 to G-MU-5. There was one negative vote and several abstained from voting. Sloan's Lake Citizens' Group looks forward to continuing dialogue with the developer and their architects as the program vision unfolds and more detail is available.

Sincerely,

A handwritten signature in dark ink that reads "Thomas R. Brunn". The signature is written in a cursive, slightly slanted style.

Thomas R. Brunn – Co-President – Sloan's Lake Citizens' Group

Planning Board Comments



| | |
|----------------------|--------------------------|
| Submitted on | 16 January 2024, 10:49AM |
| Receipt number | 618 |
| Related form version | 3 |

Your information

| | |
|-------------------------|-----------------------|
| Name | Angie Hodapp |
| Address or neighborhood | 1418 KNOX CT |
| ZIP code | 80204-1648 |
| Email | angiehodapp@gmail.com |

Agenda item you are commenting on

Rezoning

Rezoning

| | |
|---------------------|--------------------------------------|
| Address of rezoning | 1409-71 N Julian St; 3317 W 14th Ave |
| Case number | 2022I-00253 |

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

I live at 1418 Knox Ct., adjacent to/just west of the Julian St site. While I support redeveloping that area, I strongly oppose rezoning it from three to five stories. The population density in this area is already incredibly high with its current three-story maximum, making parking, traffic, and especially trash a growing concern. With so many office buildings downtown standing empty, I would love to see developers turn their efforts toward converting those structures to residential units before they start building new 5 and 5+ story buildings. (How long has 1515 Julian, just a block away, stood empty? Why do we need more similar buildings?) Two concerns with increasing pop density along Julian St are trash collection and parking. The 1400-block alley between Knox and Julian is already lousy with trash bins from both streets, and Julian is currently only single-family row homes. The city is not even consistent *right now* in collecting trash and recycling from every bin every week, and reports to Denver Trash about uncollected trash/recycling go ignored and unanswered—unacceptable now that homeowners are required to pay for a service that may or may not happen at collectors' whims. It's a mess back there, constantly, and Denver's plan to require two or three bins per household in already high-density areas has already failed. What is the trash collection plan for a new even higher-density development on that plot? In addition, what is the plan for parking? Underground is the only solution, but even then, one parking spot per unit will not be enough. Please, from the bottom of my heart, preserve the integrity of the emerging personality and ethos of the West Colfax neighborhood—all new construction around this area south of Colfax consists of beautiful, well-designed three-story single-family townhomes. Setting a five-story building down in the middle of that is unnecessary and will be a monument to greed. To increase the number of much-needed residential properties in Denver, let's stick with new three-story townhomes in this emerging neighborhood. There will be an impact, yes, but NOW is the time to decide—by rejecting this rezoning change—that the impact will be well conceived, well planned, and considerate of the longterm development of a neighborhood that has so much potential!

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

From: [Brittany](#)
To: [Bossler, Matthew C. - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Zoning Change - Late Comment - 1409-1471 Julian
Date: Friday, January 19, 2024 9:51:30 AM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Hi Matthew,

My apologies for a delayed message regarding the rezoning for 1409-1471 Julian. I am writing to oppose the requested zoning change to G-MU-5 for this development. I live at 1416 Knox Ct and a 5 story building directly behind my home will be detrimental to the area. There are not enough large roadways between Julian, Knox and 14th st to accommodate the traffic and lack of parking that we are already experiencing.

While I understand that Denver is in need of housing, I don't believe that re-zoning these 2 parcels of land is right for this neighborhood. My main concern for opposing this request for rezoning is a matter of building scale, but I am also concerned about available parking, increased traffic, environmental affects, and a concentration of affordable housing. I believe the character of Julian, which is a small street and not an artery or connector street, will suffer if this zoning change passes. A 3 story apartment building would be sufficient and would be better accommodated with the density increase in the immediate neighborhood therefore a zoning change is not needed.

Approximately 1/3 of the current Knox Court property owners purchased on the 1400 block of Knox Court, after the 2010 re-zoning with the correct assumption that the zoning would not change only a few years later when the West Area Plan was published in 2023. How is it fair that this property owner can request rezoning after we all have purchased property knowing and following the current zoning designation? How can Denver residents trust that any plan the city makes will remain in place if large property owners can request rezoning whenever they want to capitalize on more rental or condominium units? Allowing this rezoning to take place is not the right move for our neighborhood. I urge the Denver Planning board to consider the needs of all residents and homeowners in this neighborhood, not just those with big pockets looking to make a profit.

I am in Real Estate and the long term value of the immediate neighborhood would be negatively impacted by a 5 story building on a very significant level due to an immense increase in the density of people, traffic, waste and lack of sunlight for the community. The community as it stands now can barely withhold the amount of people, cars and waste. There are other projects currently in motion that will help with the lack of housing so a 5 story building in this space is not needed!

Thank you for your time and consideration of my opinion for the greater good of the immediate community.

Brittany Brennan

****Important Note - nobody at Thrive Real Estate Group should ever ask you for your banking, credit card, or any other personal financial information. When wiring money to a Title Company - please CONFIRM THE WIRING INSTRUCTIONS VERBALLY with a representative from the Title Company.****

Planning Board Comments



| | |
|----------------------|-------------------------|
| Submitted on | 16 January 2024, 8:16PM |
| Receipt number | 620 |
| Related form version | 3 |

Your information

| | |
|-------------------------|------------------------|
| Name | Mikaela Urgo |
| Address or neighborhood | 1450 N. KNOX COURT |
| ZIP code | 80204 |
| Email | MIKAELA.URGO@GMAIL.COM |

Agenda item you are commenting on

Rezoning

Rezoning

| | |
|---------------------|--|
| Address of rezoning | rezoning 1409-1471 N Julian and 3317 W 14th Avenue from G-RH-3 to G-MU-5 |
| Case number | application #2022I-00253 |

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Moderate opposition

Your comment:

Please see attached pdf file with comments and questions. Thank you for your consideration.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

[Julian Development Comments.pdf](#)

Official Map Amendment, application #2022I-00253, rezoning 1409-1471 N Julian and 3317 W 14th Avenue from G-RH-3 to G-MU-5.
Denver Planning Board Hearing on January 17, 2024 at 3:00pm

Proposed Zoning designation - G-MU-5

Multi-Unit 5 (G-MU-5) G-MU-5 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories.

I am writing to oppose the requested zoning change to G-MU-5 for this development. While I understand that Denver is in need of housing, I don't believe that re-zoning these 2 parcels of land is right for this neighborhood. I understand that housing is a priority for the city, but this neighborhood has multiple large development projects in the pipeline (many owned by the same company), and many of them are requesting rezoning, just months after the West Area Plan was published. My main concern for opposing this request for rezoning is a matter of building scale, and not out of nimby-ism, but I am also concerned about available parking, increased traffic, environmental affects, and a concentration of affordable housing.

I believe the character of Julian, which is a small street and not an artery or connector street, will suffer if this zoning change passes. Denver is growing rapidly, but big fast growth is not always good for the community. This change is forcing out long time residents, who can't afford to live and work here. Although this property owner is proposing affordable housing, all new housing will ultimately result in higher rents for tenants even if they are subsidized rents. More units will also result in less available parking and more traffic for current residents.

Approximately 1/3 of the current Knox Court property owners purchased on the 1400 block of Knox Court, after the 2010 re-zoning with the correct assumption that the zoning would not change only a few years later when the West Area Plan was published in 2023. How is it fair that this property owner can request rezoning after we all have purchased property knowing and following the current zoning designation? How can Denver residents trust that any plan the city makes will remain in place if large property owners can request rezoning whenever they want to capitalize on more rental or condominium units?

Allowing this rezoning to take place is not the right move for our neighborhood. I urge the Denver Planning board to consider the needs of *all* residents and homeowners in this neighborhood, not just those with big pockets looking to make a profit.

Below is are other consideration and questions for the planning board and development team:

1. Denver Zoning Code Section 12.4.10. This section of the code was cited in the Planning Board agenda, but the content is very vague. What part of this section is being used for this application?

2. What actual height is the owner requesting for this redevelopment?

- What is the actual height, as measured from the Front Base Plain?

Based on images on google maps, it appears that the front of the current building is approximately 7-8 stairs up from the street. According to the zoning regulation 13.1.2.3 Height in Stories :

A. *Intent To provide an easy reference for visualizing building height, to provide an appropriate consistency of building scale and to shape and/or maintain neighborhood character.*

B. Stories (max) Rule of Measurement

1. Overall height in stories shall be measured as the total number of stories. See Figure 13.1-4.
2. A Story shall count towards the total number of stories when:
 - a. The Story has its finished floor surface entirely above the Front Base Plane or the Building Specific Base Plane, where applicable; or
 - b. the Story is located below a story which has its finished floor surface more than 6 feet above the Front base plane or the Building Specific Base Plane, where applicable; or
 - c. The Story is located below a story which has its finished floor surface more than 6 feet above the finished grade for more than 50% of the total building perimeter; or
 - d. The Story is located below a story which has its finished floor surface more than 12 feet above finished grade at any point.

Wazee Partners

Date: June 27, 2023

Re: 1409-1471 Julian Street

Dear Property Owner or Resident,

Endcap Holdings, LLC, a Denver based Colorado limited liability company, has entered into a contract to purchase 1409-1471 Julian Street (Julian Parcel) and 3315-3317 West 14th Avenue (14th Avenue Parcel) in the Denver West Colfax neighborhood. The Julian Parcel consists approximately of 50,572 sq. ft. (1.161 acres) and currently contains 17 residential units. The 14th Avenue Parcel consists of 8,189 sq. ft. (0.188 acres) and currently contains a duplex residential improvement. The wood frame and brick residential improvements were initially constructed in 1968 and are now at the end of their useful life. The two parcels are located within a half block of each other, between West 14th Avenue and West Colfax Avenue.

The zoning application requests a change in the zoning from G-RH-3 to G-MU-5. The intent of the re-zoning is to increase the density to permit the new construction of multi-story residential housing units in accordance with the recently adopted West Area Plan. The increase in density can only be achieved through an increase in the improvement height from 3 story zoning to 5 story zoning, with additional stories above the 5 stories being permitted upon the provision of additional affordable housing units.

Date: June 27, 2023

Time: 6:00pm – 7:00pm Note: Meeting will adjourn early if all questions and comments have been heard. Questions that are not able to be addressed during this time will be addressed following the meeting.

Where: Dwell Church, 3275 W 14th Ave., Suite 101A, Denver, CO 80204

Thank you,

The Pachner Company and Wazee Partners

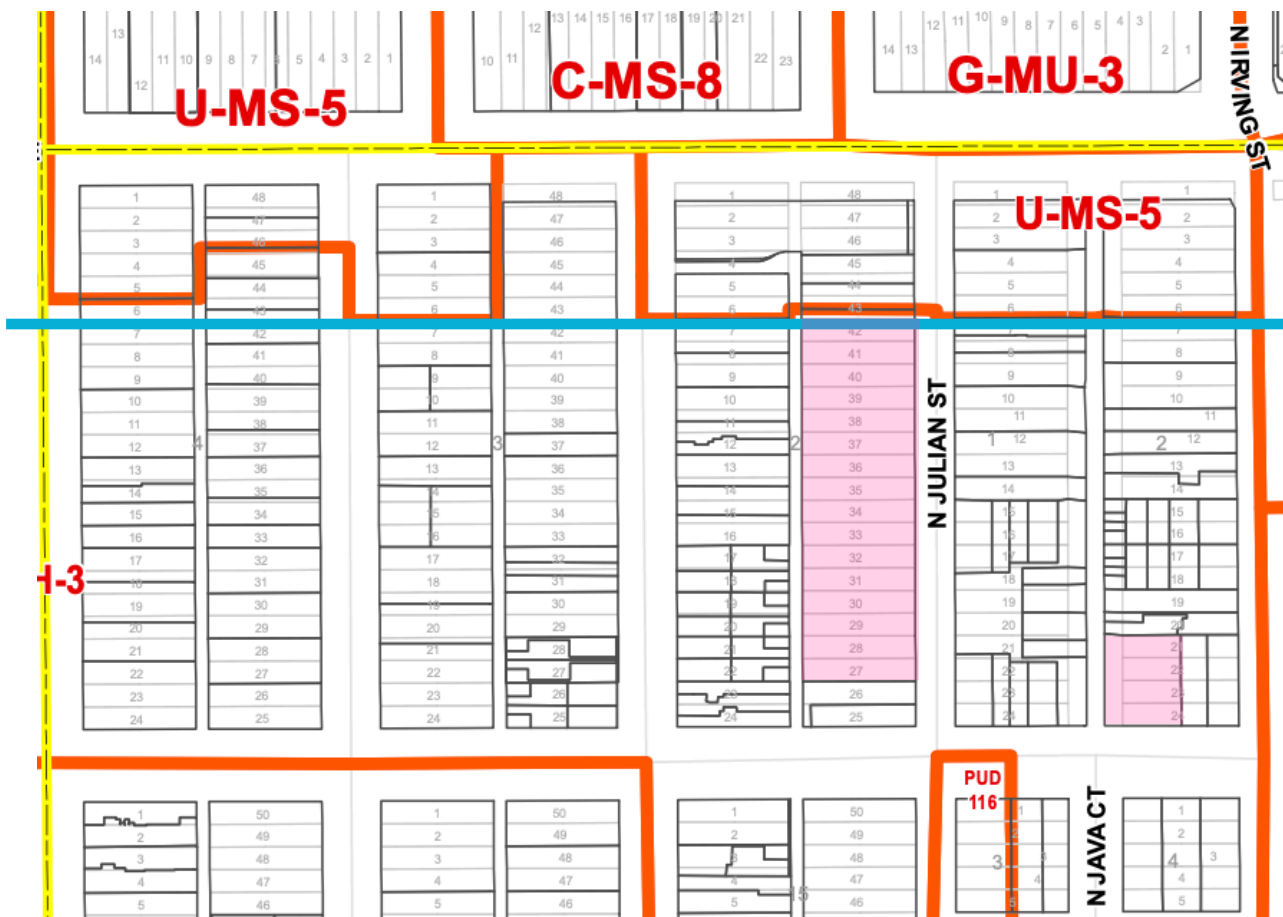
- How many stories?

During a community meeting for Sloans Lake Citizen's group, (*where adjacent residents were invited by a community group*), the Development consultant indicated that although they are seeking a G-MU-5 zoning designation, but were not sure of how many units would be built, but that they are planning on excavating for parking. Generally, this is an expensive under taking and a property owner would not have preliminary plans, and hire a consultant if they didn't know exactly how many units they could fit on the property, and ultimately, how much revenue they would receive.

The application states the following: "According to the Future Height Guidance with Incentives Map, the subject properties are allowed a maximum of 7 stories when Expanding Housing Affordability (EHA) incentives are applied. However, in this case, the applicant is seeking a zoning district with a maximum height restriction of 5 stories." (page 8,9)

This development team is interested in building additional stories due to the affordability in the plan, as indicated in a letter I received (see above). Is this the case? I urge the planning board to get an **honest, transparent** response from the Development team as to the actual fully built height for the property. What happens if they decide to go for future stories after presenting to the planning board and residents? Would this change be allowed? The letter states that **"... additional stories above the 5 stories being permitted upon the provision of additional affordable housing units."**

3. Building Scale. The proposal if approved (*and likely more as indicated by the development consultant during a community meeting*), would account for approximately 3/4 of the entire block of Julian from 14th to Colfax. The blue line below indicates the average depth of the U-MU-5 zoning designation.



4. Details of the development. What are the projected numbers for the development? How many units and parking spaces? I am concerned that this development team will add units further in the process, and should be transparent about the size and scale of the proposed apartment building.

The application indicated that “HUD has given preliminary review approval to a re-deployment of the HAP Contract Subsidy to a new construction project at 1465-1497 Knox Court.” Does this mean that there all of the affordable units will be moved to the Knox Court development?

5. Environmental Affects - Save mature trees and sun/shade balance. The neighborhood will be negatively affected by increased shade cast by a 5 story building, and the loss of valuable irreplaceable mature trees. With this plan, will the existing mature trees be protected? Currently, there are not many mature trees in the area, and this site has a handful of very large, mature trees which provide much needed shade for the sidewalks, as well as habitat for wildlife. Even if these trees are removed for the development and replaced with new, smaller trees, these new tree would take an extremely long time to mature, if ever - to the size of existing trees. It is extremely important to protect and preserve the existing mature landscape in this climate.

“Large species [of trees] like London planes, beech and oak need expensive, carefully engineered tree pits to help them grow safely surrounded by concrete and to prevent their roots from pushing up pavements. Such costs are more than offset, though, when we value nature – a single mature oak produces hundreds of thousands of litres of oxygen per year and supports thousands of species of birds, insects, lichen and fungus.

Size really matters with trees. The annual net ecological benefit of planting a large species tree is 92% greater than planting a small one. Mature street trees do everything from having a positive effect on infant birth weight in lower socio-economic demographics, to increasing resilience to major life events among people who live within sight of them. Consumers spend more on streets that are lined with large trees.

Large street trees are the most valuable green infrastructure asset cities have and when that value is overlooked, disasters happen. Even winning the UK’s “tree of the year” competition in 2020 couldn’t save Hackney’s Happy Man Tree from being felled in 2021 to make way for a new housing development.”

reference - <https://theconversation.com/why-keeping-one-mature-street-tree-is-far-better-for-humans-and-nature-than-planting-lots-of-new-ones-154114>

“...newly planted trees will take years and even decades to grow to their full carbon absorbing potential, and we cannot ignore the immediate threat from the deforestation of our already-existing, mature, working forestlands as we face the colossal challenge of climate change. According to the National Conference of State Legislatures, our domestic forests sequester up to 15% of the greenhouse gas emissions generated in this country each year, but over 37 million acres of U.S. forests still face a severe threat of devastation.”

reference - <https://www.conservationfund.org/impact/blog/forests/2198-planting-trees-vs-saving-trees-what-you-should-know>

What is proposed for any other green space on the site? Many existing tenants have dogs are rely on the backyard green space for their pets and family activities. This proposal will affect the current sun/shade of the area. With electric bills on the rise, many homeowners are investing in solar energy to save on money and do some good for the environment. For some, this is a large investment, which takes months of planning. If a 5+ story building is built adjacent to a solar array, homeowners will loose out on a big financial investment. How is it fair to re-zone a property for a large developer when the single homeowner is loosing a small nest egg that was invested for energy savings? It again appears as though the city of Denver is siding with big business and doesn’t care for the individual homeowners that are doing their part to make Denver a wonderful place to live.

6. Neighborhood character and current developments. Has this proposal taken into account all of the existing and proposed development in West Colfax Neighborhood, but in particular this area of Knox Court? Westridge Redevelopment is a huge affordable development planned close to Arroyo Village, which is planning to build hundreds of new units as tall as 7 stories.

Knox Apartments, which proposes approximately 60 units, is planned for the corner of 14th and Knox Court. Does this re-zoning proposal take these pipeline projects into account? Has the planning board considered what multiple large scale development projects would mean for neighborhood traffic, parking, character, etc?

7. Additional GAO properties. The owners of this development also own a property one parcel over and another on Knox Court that applied for re-zoning last year. Has the planning board looked at how the development of all of these properties would affect the neighborhood, traffic, parking, etc?

8. Trash and sanitation. These properties are not well maintained. The dumpsters for these apartment complexes are always in bad shape. trash is left outside of the dumpsters, sometimes for weeks at a time, until the City of Denver has large pick up days. Trash also spills into the alleyway, causing health and safety issues for the neighborhood. I have personally noticed rodents and cockroaches around these areas and have reported the unsanitary conditions to the City of Denver.

9. Concentration of Affordable housing. This neighborhood has a tremendous amount of affordable units concentrated in this area, and more apartment units planned in the pipeline. A summary of known affordable and proposed housing includes:

- Arroyo Village, an affordable housing project and transitional homeless shelter is located down the street near the Knox Court light rail Station.
- Westridge ReDevelopment - a planned mixed-income project, located on the 1300 block of Knox Court, which is proposing a few hundred additional units
- Knox Apartments, proposed for the corner of 14th and Knox, which would add an additional 60+ units to the area.
- Knox Court development between Colfax and 14th.

There is a great need to more housing in Denver - especially affordable housing. In this immediate area, there is currently a large amount of concentrated affordable housing, both existing and in the pipeline. How does the planning board intend to address this issue? Studies have shown, that the best, safest, most successful housing development projects include mixed-income populations, that are spread out or dispersed throughout the community. There are already a large number of affordable units. It would be best for this neighborhood, and Denver metropolitan region in general, to have all types of housing evenly distributed throughout the city and not concentrated in one area, let alone two blocks of a neighborhood.

“U.S. housing policies promulgated by the U.S. Department of Housing and Urban Development (HUD) have placed increasing emphasis on dispersing housing assistance in order to de-concentrate poverty. The Low Income Housing Tax Credit (LIHTC) program, the nation’s largest affordable housing subsidy program, is not administered by HUD and therefore not closely monitored for compliance with poverty de-concentration objectives. In fact, several provisions of the LIHTC enabling statute provide incentives to concentrate LIHTC properties within high-poverty census tracts.”

reference - Exploring the Spatial Distribution of Low Income Housing Tax Credit Properties by Casey J. Dawkins University of Maryland, 2011.

"If you only build more of it in the cities, then you are never really addressing the problem of diversity and integration," said state Senate President Pro Tem Martin Looney, D-New Haven. "There has to be a push to increase affordable housing in the suburbs."

reference - <https://www.propublica.org/article/separated-by-design-why-affordable-housing-is-built-in-areas-with-high-crime-few-jobs-and-struggling-schools>

10. Parking and Traffic. How would this potential new development account for the need for additional parking? The current zoning requires a minimum amount of parking for residences, which is proving to not be enough for the large amount of development in the area. Two sets of condos on Knox Court completed after 2015 only required 1 parking space per unit, for 2 and 3 bedroom condos. This is slowly causing a parking problem in the neighborhood. We have already seen what large developments with inadequate parking has done to other Denver neighborhood, such as The Highlands, where it is almost impossible to find parking for residents. It is also difficult to find parking for those who want to go to dinner.

I understand that the planning board is trying to plan for the need of additional housing with a push towards transit-orientated neighborhoods, and I agree that living in an area with strong public transit is desirable, but Denver isn't there yet. During the past few years, the RTD has suspended numerous bus routes, due to driver shortages and fewer passengers - and this was happening way before the COVID pandemic. Denver is historically a car city and a majority of residents own cars. It would be wonderful if we had a safe, reliable public transportation network, including safe bike lanes to reduce our dependence on cars, but that is not currently the case.

- How does the Planning Board expect Denver residents to build for transit-oriented communities, when the public transit isn't in place to support such growth patterns?

- Would there be any concessions made for residents, such as having parking permits? During the summer months, Girls, Inc. has camp and various workshops and people affiliated with it park all along Knox Court, making it difficult for residents and guests to park along the street.

One member of "WECAN" is quoted in the application stating that the current transit infrastructure supports this and other developments in the area. I strongly disagree with this statement. Not only have bus routes been suspended due to the pandemic and low ridership, but the light rail is very unsafe and cannot be relied on. "[one member] suggested that the transit infrastructure could serve the residents and neighborhood well with less on-site parking." (page 19 of the re-zoning application)

Lastly, I personally feel unsafe as a female walking around the neighborhood streets and waiting at transit stops at night, due to poor street lights. Typically, there are only about 2 lights per block. This means that I would only feel safe using public transportation during daylight hours.

Planning Board Comments



| | |
|----------------------|--------------------------|
| Submitted on | 17 January 2024, 11:54AM |
| Receipt number | 623 |
| Related form version | 3 |

Your information

| | |
|-------------------------|----------------------|
| Name | Dru Flowers |
| Address or neighborhood | 1375 Knox Ct |
| ZIP code | 80204 |
| Email | druflowers@gmail.com |

Agenda item you are commenting on

Rezoning

Rezoning

| | |
|---------------------|--------------------------------|
| Address of rezoning | 1409-71 N Julian & 3317 W 14th |
| Case number | 2022I-00253 |

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project your would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

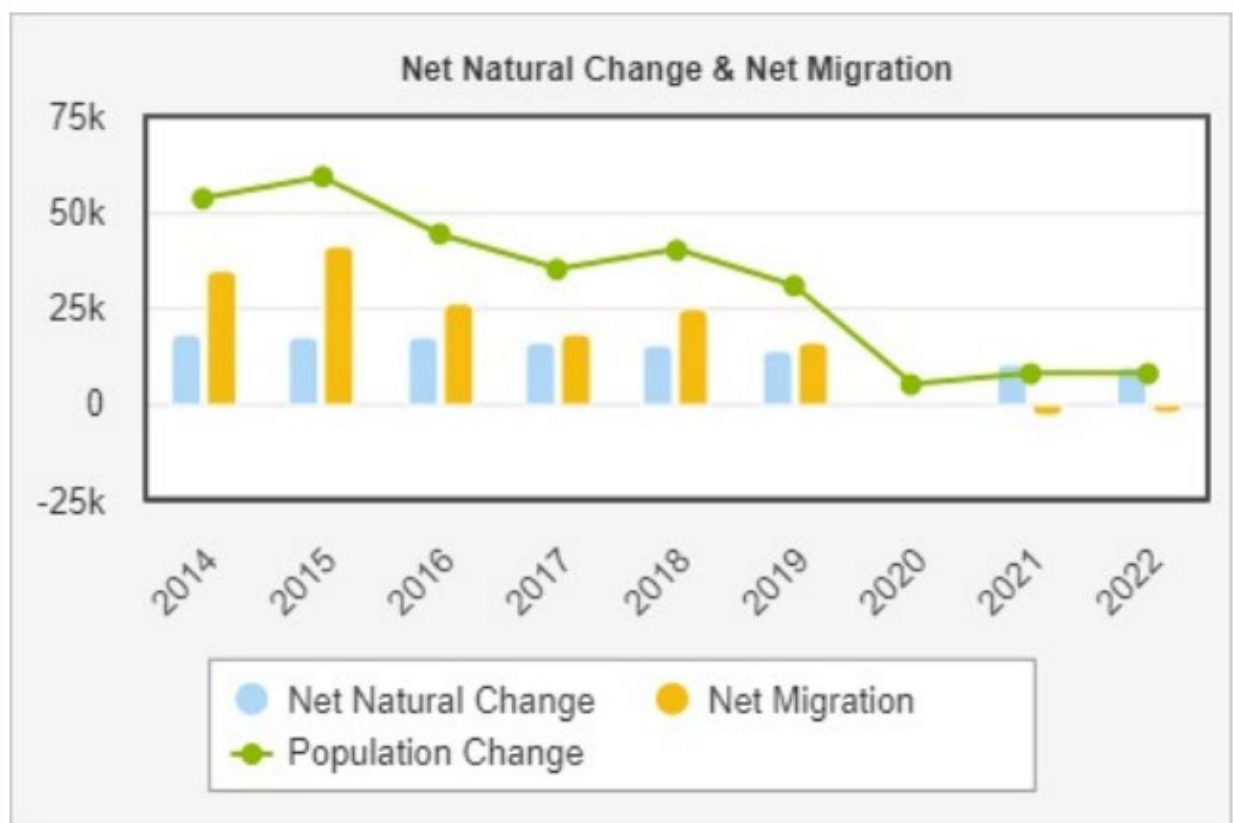
Your comment:

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

[2022I-00253 Comments.docx](#)

I am concerned that all of the planned construction in the area (i.e. Westridge increasing from around 200 to 700 units), and current construction in the area (i.e. 196 units directly across Colfax from subject) is not being taken into account when evaluating this application. Looking north down Knox, an 8-story building on the other side of Colfax has appeared to be completed for a couple of years. No one lives there though – if demand for rentals is so high in this area, why has this new building stood vacant for so long?

According to HUD's "Market-at-a-Glance" report (<https://www.huduser.gov/portal/ushmc/mag.html>) for the Denver Metro area, while overall the population has increased the past couple of years, the net migration is negative. People are moving from this area and I don't think the city's Comprehensive Plan 2040, Blueprint Denver, or the West Area Plan consider the far-reaching consequences of COVID-19, since all were adopted and/or amended prior to the pandemic.



For example, many office buildings are struggling nationwide with many jobs shifting to teleworking or work-from-home situations. Denver has launched an Adaptive Reuse Pilot program that will help to convert office building into housing units.

In addition, these plans all reflect that this area has a significantly higher percentage of renters when compared to the city. This leads to more housing instability and rezoning these locations to increase rentals will not be beneficial to this neighborhood. The units that will be offered will not contribute to diversity in the housing as reflected in their application. And I find the applicant's response that "any

replacement housing will be subject to EHA” to be quite underwhelming. Meeting the requirements of the EHA is not taking or making any effort to actually expand housing diversity in this area.

EXPANDING HOUSING DIVERSITY - providing a better and more inclusive range of housing in all neighborhoods.

For Housing Diversity, this area’s average score is 4 out of 5, with the area scoring low on the amount of income restricted units. Specific metrics are defined below, along with considerations that align with the goals of the FNE Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

| | Missing Middle Housing | Diversity of Bedroom Count Per Unit | Owners to Renters | Housing Costs |
|-------------------------------------|------------------------|---|---|---|
| Score | 0 | 0 | 0 | 1 |
| | Not Diverse | Not Diverse | Not Diverse | Diverse |
| | | | | |
| Metric | Score | Description | Consideration for Improvement | Applicant Response |
| Missing Middle Housing | 0 Not Diverse | Percent Housing with 2-19 units: 12.34% Citywide: 19% If an area had over 20% middle density housing units, it was considered “diverse”, if it was less than 20% middle density it was considered “not diverse.” | <ul style="list-style-type: none"> Applicant commits to provide a diverse mix of residential types on-site: multi-family, duplex and single family Applicant provides certain percentage of missing middle housing types | <ul style="list-style-type: none"> Any replacement housing development on the properties will be subject to EHA |
| Diversity of Bedroom Count Per Unit | 0 Not Diverse | Ratio: 7.24 Mix Type: Low Measured by comparing the number of housing units with 0-2 bedrooms to the number of units with 3 or more bedrooms. | <ul style="list-style-type: none"> Applicant commits to build units with a variety of bedroom counts Applicant commits to provide a certain percentage of 3 + bedroom units | <ul style="list-style-type: none"> Any replacement housing development on the properties will be subject to EHA requirements |
| Owners to Renters | 0 Not Diverse | Owners: 32.05% Renters: 67.95% Denver Owners: 50.45% Denver Renters: 49.55% | <ul style="list-style-type: none"> Applicant commits to provide a strong mix of ownership vs rental properties | <ul style="list-style-type: none"> for sale housing is not planned at this time |
| Housing Costs | 1 Diverse | Mix Type: Mixed The ratio of (a) housing units affordable to households earning up to 80% if the city’s median income to (b) housing units affordable to households earning over 120% of the city’s median income. | <ul style="list-style-type: none"> Applicant should speak to affordable housing intent as relevant to page 65, 2.1.10 - Affordable Housing section of the FNE Area Plan Applicant commits to provide income restricted units that are in the “missing middle” range (e.g. 100% AMI) | <ul style="list-style-type: none"> Any replacement housing development on the properties will be subject to EHA requirements |
| | | | | |
| Income Restricted Units | 1 Diverse | Income Restricted Units: 307 Citywide Average Income Restricted Units: 142.05 | <ul style="list-style-type: none"> Applicant commits to provide a specific amount of Income Restricted Units on-site | <ul style="list-style-type: none"> Any replacement housing development on the properties will be subject to EHA requirements |

Most of the homeownership opportunities within 2 blocks of the subject have been created by demolishing a small 1-story house and building 4 townhomes in its place. All of these “new builds” are 2 or 3 stories high. There is already a lot of rental unit increases planned for this area. Increasing these units further and permitting the buildings to be higher than all of the “new builds” will further discourage homeownership in this neighborhood.