

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Ascendant Capital Partners DNA, LLC	Representative Name	Rachel Prestidge
Address	5619 DTC Parkway, Suite 525	Address	1660 Lincoln, Suite 1800
City, State, Zip	Greenwood Village, CO 80111	City, State, Zip	Denver, CO 80264
Telephone	303-792-3456	Telephone	303-349-9839
Email	jwoodward@woodspearproperties.com	Email	rprestidge@crlassociates.com
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4400 Fox Street, Denver, CO 80216		
Assessor's Parcel Numbers:	0222200070000		
Area in Acres or Square Feet:	30.56 acres		
Current Zone District(s):	I-B, UO-2		
PROPOSAL			
Proposed Zone District:	C-MX-12, UO-2; C-RX-12, UO-2; C-RX-8, UO-2		

## REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans:</b> The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions:</b> 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"/> <b>Public Health, Safety and General Welfare:</b> The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria</p> <p>DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 on 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"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</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>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>

## REQUIRED ATTACHMENTS

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

<input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)
<input checked="" type="checkbox"/> Proof of Ownership Document(s)
<input checked="" type="checkbox"/> Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

<input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s)
<input checked="" type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Ascendant Capital Partners DNA, LLC	5619 DTC Parkway Suite 525 Greenwood Village, CO 80111 (303) 792-3456 jwoodward@woodspearpropert ies.com	100%	<i>J woodward</i>	3/13/17	(C) & (D)	YES

Last updated: November 4, 2016

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

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

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

**February 28, 2017**

**Addendum Pages to the proposed Official Zone Map Amendment Application for:**  
Schedule Number: 0222200070000

**Property Owner(s):**

ASCENDANT CAPITAL PARTNERS DNA LLC

**Proposed Zoning:**

Parcel 1: C-MX-12, UO-2

Parcel 2: C-RX-12, UO-2

Parcel 3: C-RX-8, UO-2

Parcel 4: C-MX-12, UO-2

**Authorized Representative:**

Rachel Prestidge

CRL Associates

1660 Lincoln Street, #1800

Denver, CO 80264

303-592-5467

[rprestidge@crlassociates.com](mailto:rprestidge@crlassociates.com)

## Table of Contents

<b>INTRODUCTION</b>	<b>3</b>
<b>PROPOSED MAP AMENDMENT SUMMARY</b>	<b>4</b>
<b>EXHIBIT A: REVIEW CRITERIA</b>	<b>5</b>
GENERAL REVIEW CRITERIA	5
Consistency with Adopted Plans	5
Uniformity of District Regulations and Restrictions	16
Public Health, Safety and General Welfare	17
ADDITIONAL REVIEW CRITERIA	18
Description of Justifying Circumstances	18
Consistency with Applicable Neighborhood Context and with Stated Purpose and Intent of Proposed Zone District	19
<b>EXHIBIT B: LEGAL DESCRIPTIONS</b>	<b>23</b>
<b>EXHIBIT C: PROOF OF OWNERSHIP</b>	<b>24</b>
<b>EXHIBIT D: AUTHORIZATION DOCUMENTS</b>	<b>25</b>
<b>EXHIBIT E: ASSESSOR'S PARCEL NUMBERS</b>	<b>26</b>

**ASCENDANT CAPITAL PARTNERS DNA, LLC**

**5619 DTC Parkway, Suite 525  
Greenwood Village, Colorado 80111  
Telephone (303) 792-3456  
Facsimile (303) 792-9092**

November 9, 2017

City and County of Denver  
Community Planning and Development  
201 West Colfax Avenue, Dept. 205  
Denver, Colorado 80202

Re: 4400 Fox Street; 30.56 Acre Rezoning Submittal (Fox North); and 25/70 GDP Repeal and Fox North IMP

To Whom It May Concern:

I am writing this letter in connection with the Rezoning Application submitted on April 28, 2015, in connection with the above property and my previous letter dated March 3, 2017. Ascendant Capital Partners DNA, LLC, is the Owner of the property. I am the Manager of DNAMSW, LLC, which is the Manager of the Owner.

Please accept this letter as the Owner's authorization to replace Rachel Prestidge of CRL Associates with Liz Adams of CRL Associates with the authority to submit documents and conduct correspondence with respect to the Rezoning Application, GDP Repeal Application, and IMP. No other changes to the authorized parties have been made since my March 3, 2017 letter and such authorizations remain in effect.

This authorization is effective immediately, and will remain in effect until the earlier of: (1) approval of the zoning map amendment or (2) withdrawal/termination of the GDP Repeal Application or Rezoning Application.

Please let me know if you need any additional information.

Sincerely,

ASCENDANT CAPITAL PARTNERS DNA, LLC,  
a Colorado limited liability company

By: DNAMSW, LLC, a Colorado limited liability company,  
its Manager

By:   
\_\_\_\_\_  
John A. Woodward, Manager

JAW:jp

cc: Graham T. Benes, Ascendant Equity Partners DNA, LLC

## INTRODUCTION

This rezoning application is being done concurrently with an Infrastructure Master Plan (IMP) and Development Agreement. The land use, development, and infrastructure issues related to the future development of the 25/70 GDP area will be adequately resolved through multiple regulatory processes, specifically through adopted City Plans and the future adoption of an Infrastructure Master Plan (IMP), Development Agreements, and Rezoning.

### **Adopted City Plans**

The property is subject to Denver Comprehensive Plan 2000, Blueprint Denver, 41st & Fox Station Area Plan, and Globeville Neighborhood Plan. These plans describe a framework plan, vision elements, transformative projects, and implementation strategies for the future evolution of the area. They also identify needs and make recommendations for infrastructure, mobility, parking, land use, open space, economic development, housing, and other cultural and community investments.

### **Infrastructure Master Plan (IMP)**

The IMP is a narrative document combined with graphical depictions of the plan concepts, and it includes supplemental engineering studies. These combined elements outline the on-site and off-site infrastructure and open space requirements associated with developing the Property in the future. The IMP and supporting supplemental engineering studies will include conceptual design and layout of all transportation, water, wastewater, storm water, and open space.

The IMP provides design guidance for future site plans and engineering in lieu of City administered Urban Design Standards and Guidelines (“UDSG”), specifically:

- Street Cross-Sections
- Street Corridor Hierarchies
- Primary and side street classifications
- Location and minimum amount of publicly accessible open space

The property will be subject to privately administered design standards and guidelines in addition to this IMP’s design guidance for the elements listed above.

The IMP and its components have been reviewed concurrently across City agencies to ensure coordination and organization. The IMP will serve as the conceptual infrastructure design document on which final engineering plans and other submittals will be based at the time each portion of the development goes through the Site Development Planning process with the City.

### **Developer Agreement**

The components of these Agreements will address items including:

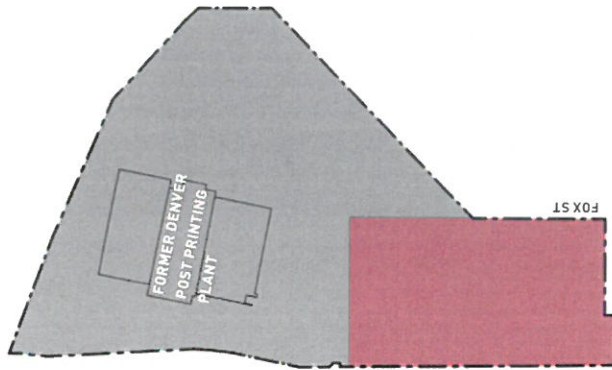
- Transportation infrastructure and traffic mitigation
- Ownership, construction, operation, timing, and design agreements related to publicly accessible open space remain controlled by the Service Plans for West Globeville Metropolitan Districts Nos. 1 & 2 on file with the City. This IMP establishes the general location of public amenities, but does not dedicate land to parks, trails, open space, natural areas or public facilities. Dedication, whether public or private, will occur at the time of subdivision or during the site development plan process or as otherwise established through Developer Agreements.
- Vesting

### **Denver Zoning Code (DZC)**

The DZC regulates land uses, overall building massing, setbacks, ground floor activation, and building heights. Future rezoning will bring the site under the regulatory framework of the DZC.

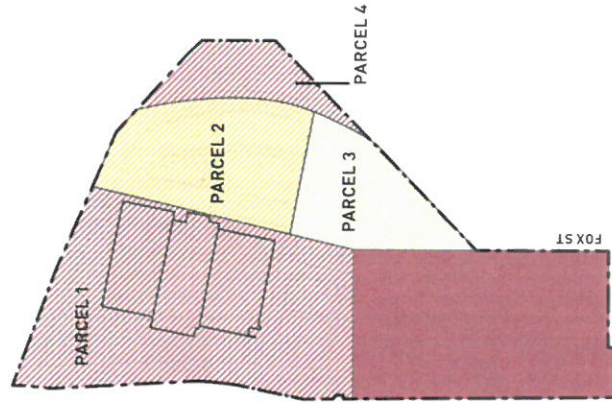


# Proposed Rezoning



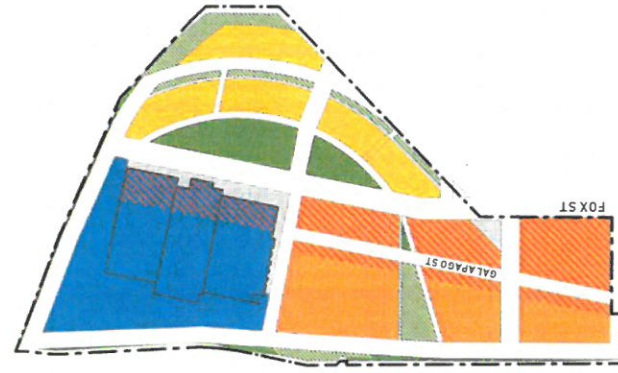
## EXISTING ZONING

- EXISTING C-MX-12; U0-2
- EXISTING I-B; U0-2



## PROPOSED REZONING

- EXISTING C-MX-12; U0-2
- PROPOSED C-MX-12; U0-2
- PROPOSED C-RX-8; U0-2
- PROPOSED C-RX-12; U0-2



## PROPOSED DISTRICTS

- PRINTING PLANT
- BRICKYARD
- FOX PARK
- OPEN SPACE
- PLAZA
- DETENTION
- POTENTIAL RETAIL

## PROPOSED MAP AMENDMENT SUMMARY

The proposed Map Amendment seeks to rezone the property from I-B , UO-2 to the following zone districts:

Parcel 1: C-MX-12, UO-2

Parcel 2: C-RX-12, UO-2

Parcel 3: C-RX-8, UO-2

Parcel 4: C-MX-12, UO-2

Section 12.4.10.7 of the Denver Zoning Code authorizes Denver City Council to approve an official map amendment if the proposed rezoning meets the following criteria:

1. Consistency with Adopted Plans

*"The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan."*

2. Uniformity of District Regulations and Restrictions

*"The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts."*

3. Public Health, Safety, and Welfare

*"The proposed official map amendment furthers the public health, safety and general welfare of the City."*

For the reasons set forth in Exhibit A, the proposed rezoning is consistent with these criteria.

## EXHIBIT A: REVIEW CRITERIA

### GENERAL REVIEW CRITERIA

#### *Consistency with Adopted Plans*

The proposed map amendment is consistent with the City's five review criteria and all adopted plans.

1. **Denver Comprehensive Plan 2000**
2. **Blueprint Denver**
3. **41<sup>st</sup> & Fox Station Area Plan**
4. **Globeville Neighborhood Plan**

#### Denver Comprehensive Plan 2000

The proposed rezoning of the site at 4400 Fox Street from I-B , UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the Denver Comprehensive Plan 2000.

The *italicized text* signals an excerpt from the Plan. The language that follows is used to detail how the proposed map amendment is consistent with the goals of the Plan.

Key elements of the Plan 2000 visions for success include:

- *Congruency of land use and zoning: "...a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas."*
- *Compact development: "...improve[d] neighborhood cohesion, reduce[d] urban sprawl and residents more directly connect[ed] to services and amenities within their immediate living environment."*
- *Mobility: "...residents will enjoy a greater variety of convenient transportation options and alternative mobility choices."*
- *Preservation of urban legacies: "...ongoing development and maintenance of the parks and parkways system, preservation of historic resources, and quality urban design consistent with Denver's traditional character."* Denver Comprehensive Plan 2000, page 55

The proposed rezoning to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will support all of the Plan's visions for success. The proposed rezoning has been undertaken in collaboration with multiple city agencies, neighborhood groups, businesses, and other stakeholders. The proposed rezoning will allow for the creation of a built environment at I-25 and I-70 with great overall urban design integrity. It will promote stronger connections among urban centers by laying the groundwork for increased pedestrian connectivity and unprecedented access to the commuter rail line that stops at 41<sup>st</sup> and Fox. The density contemplated by C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts supports the vision of compact development in improving neighborhood cohesion, especially across Sunnyside and Globeville. The proposed rezoning will also allow future residents (in C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts) to be directly connected to services and amenities (in C-MX-12, UO-2 Zone District) within their immediate living environment. The innovative multimodal community envisioned through this rezoning will encourage residents to enjoy a great variety of convenient transportation options and alternative mobility choices.

The Plan Calls for Diverse Housing Options

- *"Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan." Denver Comprehensive Plan 2000, page 58*
- *"The increasing need for a broader array of housing options requires a more diverse mix of residential types that are both affordable and complementary to neighborhood character." Denver Comprehensive Plan 2000, page 92*

The proposed rezoning to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will establish a framework for a unique live-work development. The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will facilitate increased availability of housing stock near mass transit and an expanded variety of housing options. The unique mix of allowable uses, both residential (C-RX-12, UO-2 and C-RX-8, UO-2) and commercial (C-MX-12, UO-2) will encourage development of housing that meets the increasingly diverse need of Denver's present and future residents. The proposed rezoning to C-RX-12, UO-2 and C-RX-8, UO-2 allows for a range of building types and building heights in support of the Denver Comprehensive Plan 2000's call for diverse housing options. For these reasons, the proposed rezoning is consistent with the Denver Comprehensive Plan 2000.

#### The Plan Addresses a Need for Greater Connectivity, Access to Transit, and Multi-Modal Communities

- *"In addition to reducing vehicular traffic, existing bus corridors and new regional transit corridors offer opportunities to shape transit-oriented, mixed-use developments, which encourage neighborhood self-sufficiency." Denver Comprehensive Plan 2000, page 33*
- *"Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities." – Denver Comprehensive Plan 2000, page 60*
- *"In new development and redevelopment areas that include transit stations, transit-oriented development can support other goals of Plan 2000, including neighborhood revitalization, local business development, affordable housing and attractive public amenities." Denver Comprehensive Plan 2000, page 73*
- *"Transit-oriented development will become standard for development and redevelopment, and neighborhoods served by transit stations will enjoy popular appeal for their character and convenience." Denver Comprehensive Plan 2000, page 74*
- *"Create more convenient connections between different modes of transportation, as in pedestrian to transit, bus to light rail, or bike to transit." – Denver Comprehensive Plan 2000, page 76*
- *"Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area." – Denver Comprehensive Plan 2000, page 77*
- *"Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible." Denver Comprehensive Plan 2000, page 79*
- *"Promote convenient public transit for the community, including buses, light rail and other alternatives to single-occupancy vehicles." – Denver Comprehensive Plan 2000, page 41*

The Denver Comprehensive Plan 2000 created strong directives around transit and articulated that land use policies should support those objectives. The rezoning at 4400 Fox Street, from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will allow for residences (in C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts), office space (in C-MX-12, UO-2 Zone District), retail, parks, and public space at one of Denver's transit hubs. This rezoning will facilitate a more walkable environment from the 41<sup>st</sup> & Fox Station and a mixed-use community next to transit. The rezoning will enable diverse mobility options for potential future residents, and will be one step in the direction of shifting a city overly structured to accommodate automobiles. The rezoning will open the door for a pedestrian-friendly, mass transit-friendly site.

The rezoning for this site supports the Plan's assertion that transit-oriented development will become standard for development and redevelopment, and neighborhoods served by transit stations will enjoy popular appeal for their character and convenience.

The rezoning of this site promotes the reduction of reliance on the automobile and supports safe and convenient access and accommodation of pedestrians and transit riders. It promotes convenient public transit for the community. This

rezoning strongly reinforces the Plan's call for pedestrian-friendly communities, and is therefore consistent with this aspect of the Denver Comprehensive Plan 2000.

#### The Plan Addresses a Need for Sustainable Development and Conservation of Land

- *"Encourage redevelopment of vacant, underutilized and environmentally compromised land known as brownfields." Denver Comprehensive Plan 2000, page 39*
- *"Conserve land by... Promoting infill development within Denver at sites where services and infrastructure are already in place." – Denver Comprehensive Plan 2000, page 39*
- *"Conserve land by... Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods." – Denver Comprehensive Plan 2000, page 39*
- *"Conserve land by... Creating more density at transit nodes." – Denver Comprehensive Plan 2000, page 39*
- *"Conserve land by... Encouraging the redevelopment of brownfields." – Denver Comprehensive Plan 2000, page 39*
- *"Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work." Denver Comprehensive Plan 2000, page 41*
- *"Compact urban centers will meet the needs of 21st-century living while reinforcing the valued characteristics of Denver's neighborhoods. Development and redevelopment of urban centers present opportunities to concentrate population and land uses within a limited geographic space. Compact development will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment." – Denver Comprehensive Plan 2000, page 55*
- *"Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses." – Denver Comprehensive Plan 2000, page 60*

The rezoning of this site to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with these sections of the Denver Comprehensive Plan 2000. The proposed rezoning encourages the redevelopment of vacant and underutilized and environmentally compromised land known as a brownfield. While this site is not environmentally compromised, it is a vacant and underutilized former industrial site. The land at this site was occupied by the former Denver Post Printing Plant. Redevelopment of this vacant and underutilized formerly industrial land, made possible through the proposed rezoning, is consistent with the Plan. Further, this proposed zoning will encourage the conservation of land by promoting infill development within Denver at sites where services and infrastructure are already in place. While much of the infrastructure within the site is missing, it is located along I-70 and I-25 is located near a commuter rail line.

This proposed rezoning will also encourage the conservation of land through enabling the design of a mixed-use community. It will enable a reduction in sprawl, so that residents can live, work and play within their own neighborhood. The C-MX-12, UO-2 Zone District will allow for office, grocery, and retail, while the C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will support a large housing base on the site. The proposed rezoning will allow for more density at a commuter rail stop. The proposed rezoning will maintain existing connections while promoting the development of new connections among open space areas within Denver. As part of the compact urban center, this site presents an opportunity to concentrate population and land uses within a limited geographic space. The type of compact development contemplated by the C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will improve neighborhood cohesion, reduce urban sprawl, and connect residents more directly to services and amenities within their immediate living environment.

While the proposed rezoning will facilitate a dense, urban, transit-oriented development, it will as the same time support the ongoing development and maintenance of the parks and parkways system.

*Denver's high-quality urban design traditions will be sustained by the City's adoption of policies that address beauty, function, history, **economic development** and the future with equal vigor. – Denver Comprehensive Plan 2000, page 96*

Maintaining the UO-2 overlay will provide a potential future revenue source on the site and is therefore consistent with the economic development principles outlined in the Denver Comprehensive Plan 2000.

For all of these reasons, the rezoning of this site to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 from I-B , UO-2 is consistent with the Denver Comprehensive Plan 2000.

### Blueprint Denver

The proposed rezoning of the site at Broadway Station from I-B , UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with Blueprint Denver. Specifically, the rezoning is consistent with Blueprint's Overarching Plan Recommendations, as well as the recommendations for Areas of Change, Concept Land Use, Street Classifications, and Enhanced Transit Corridors.

The *italicized text* signals an excerpt from Blueprint. The language that follows is used to detail how the proposed map amendment is consistent with the goals of Blueprint.

### Overarching Plan Recommendations

*"Blueprint Denver anticipates several key outcomes of this integrated approach to planning for the future:*

- *Enhanced transportation system connectivity — strong links between and among transit, bicycle and pedestrian routes — promotes the use of multiple modes of transportation.*
- *Appropriately located and attractive density stimulates positive change and development in areas with strong links to transit.*
- *A diversity of housing in terms of size, type and cost provides a range of housing options and prices throughout the community.*
- *Residential areas are located near employment centers, thus creating more job opportunities across the city."*  
*Blueprint Denver, page 18*

The rezoning at 4400 Fox Street, from I-B , UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the overarching plan recommendations in Blueprint Denver. The proposed rezoning will enable enhanced transportation system connectivity — strong links between and among transit and pedestrian routes. The density contemplated by the proposed zoning is appropriately located at the 41<sup>st</sup> & Fox commuter rail station, encouraging positive change and development in an area with strong links to transit. The variety of zone districts on the site promotes a diversity of housing in terms of size, type, and cost. The proposed mixed use zone district allows for commercial, as well as residential uses on the site, encouraging job opportunities near residential areas. For these reasons, the proposed rezoning is consistent with Blueprint Denver.

### Concept Land Use and Street Classifications

Blueprint Denver identifies the area to be rezoned as an Area of Change.

Area of Change:

*"Strategies for addressing areas of change:*

- *Compatibility between existing and new development*
- *Pedestrian and transit supportive design and development standards*
- *Mixed land uses*
- *Infill and redevelop vacant and underused properties*
- *Multi-modal streets*

*Map Amendment: 4400 Fox Street: Addendum & Exhibits*

- *Transit service and transit access*
- *Adequate parks and open space, especially where density is increased*
- *Diversity of housing type, size, and cost.” Blueprint Denver, page 23*

The proposed rezoning from I-B , UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the Area of Change designation in Blueprint Denver. The proposed rezoning will facilitate compatibility between existing and new development, pedestrian and transit supportive design and development standards, mixed land uses, infill and redevelop vacant and underused properties, multi-modal streets, transit service and transit access, adequate parks and open space, and diversity of housing type, size, and cost.

Rezoning the property at 4400 Fox Street to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with Blueprint’s strategies for addressing Areas of Change. Bordered by I-70 to the north and I-25 to the east, the surrounding area is currently a mix of industrial, commercial, and residential uses; this proposed rezoning and the future development would be compatible with existing development and uses. The Mixed Use and Residential Mixed Use Zone Districts designated in this proposed rezoning contemplates mixed land uses, and the infill and redevelopment of a vacant and underused property. Further, the intent with both the Mixed Use and Residential Mixed Use Zone Districts is to spur not only residential development, but economic activity as well. For these reasons, this proposed rezoning is consistent with Blueprint Denver.

*“The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, a high priority will be providing housing opportunities for existing residents. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop... Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the city as a whole. Future residents and workers in these areas will have excellent access to efficient forms of transportation that include walking, biking, buses and light rail. However, redevelopment in these areas does more than just reduce the potential traffic congestion in the city. New development can improve the economic base, provide jobs, and enhance the visual quality of buildings, streets and neighborhoods, thereby positively affecting the quality of life in both the Areas of Change and in the surrounding neighborhoods.” Blueprint Denver, page 127*

The proposed rezoning to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will help channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. The Mixed Use and Residential Mixed Use Zone Districts will allow for both residential and commercial uses on-site, while the direct connection with transit at the 41<sup>st</sup> & Fox commuter rail station will improve access to jobs, housing, and services across the Metro Area. As an area of change, the site at 4400 Fox Street is a part of the city where most people agree development would be beneficial. Rezoning the site will provide for the opportunity for new development to improve the economic base, provide jobs, and enhance the visual quality of buildings, streets, and neighborhoods, thereby affecting the quality of life at the site as well as in the surrounding neighborhoods. For these reasons, the proposed rezoning is consistent with Blueprint Denver.

Blueprint Denver further identifies the area to be rezoned as Urban Residential.

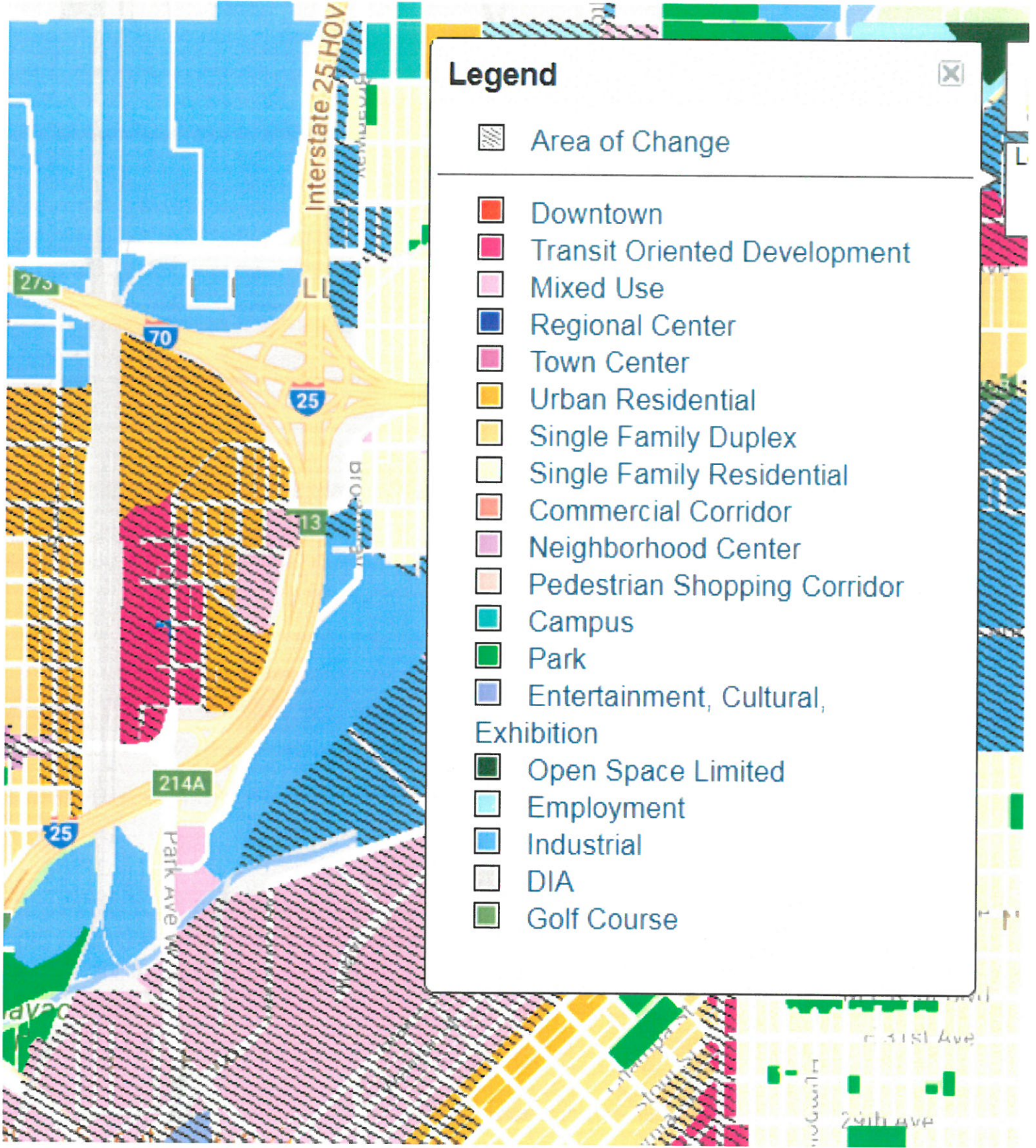
*“Urban residential neighborhoods are higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base. A mixture of housing types is present, including historic single-family houses, townhouses, small multi-family apartments and sometimes high-rise residential structures.” Blueprint Denver, page 41.*

*Map Amendment: 4400 Fox Street: Addendum & Exhibits*

The proposed rezoning to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will allow for higher density, primarily residential development while also providing for the opportunity for complementary commercial uses. The proposed Zone Districts encourage mid-rise structures and a mixture of housing types. For these reasons, the proposed rezoning is consistent with Blueprint Denver.

*See map on the following page entitled "Blueprint Denver Concept Land Use Map".*





### Legend

-  Area of Change

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-  Downtown
-  Transit Oriented Development
-  Mixed Use
-  Regional Center
-  Town Center
-  Urban Residential
-  Single Family Duplex
-  Single Family Residential
-  Commercial Corridor
-  Neighborhood Center
-  Pedestrian Shopping Corridor
-  Campus
-  Park
-  Entertainment, Cultural, Exhibition
-  Open Space Limited
-  Employment
-  Industrial
-  DIA
-  Golf Course

### Street Classifications

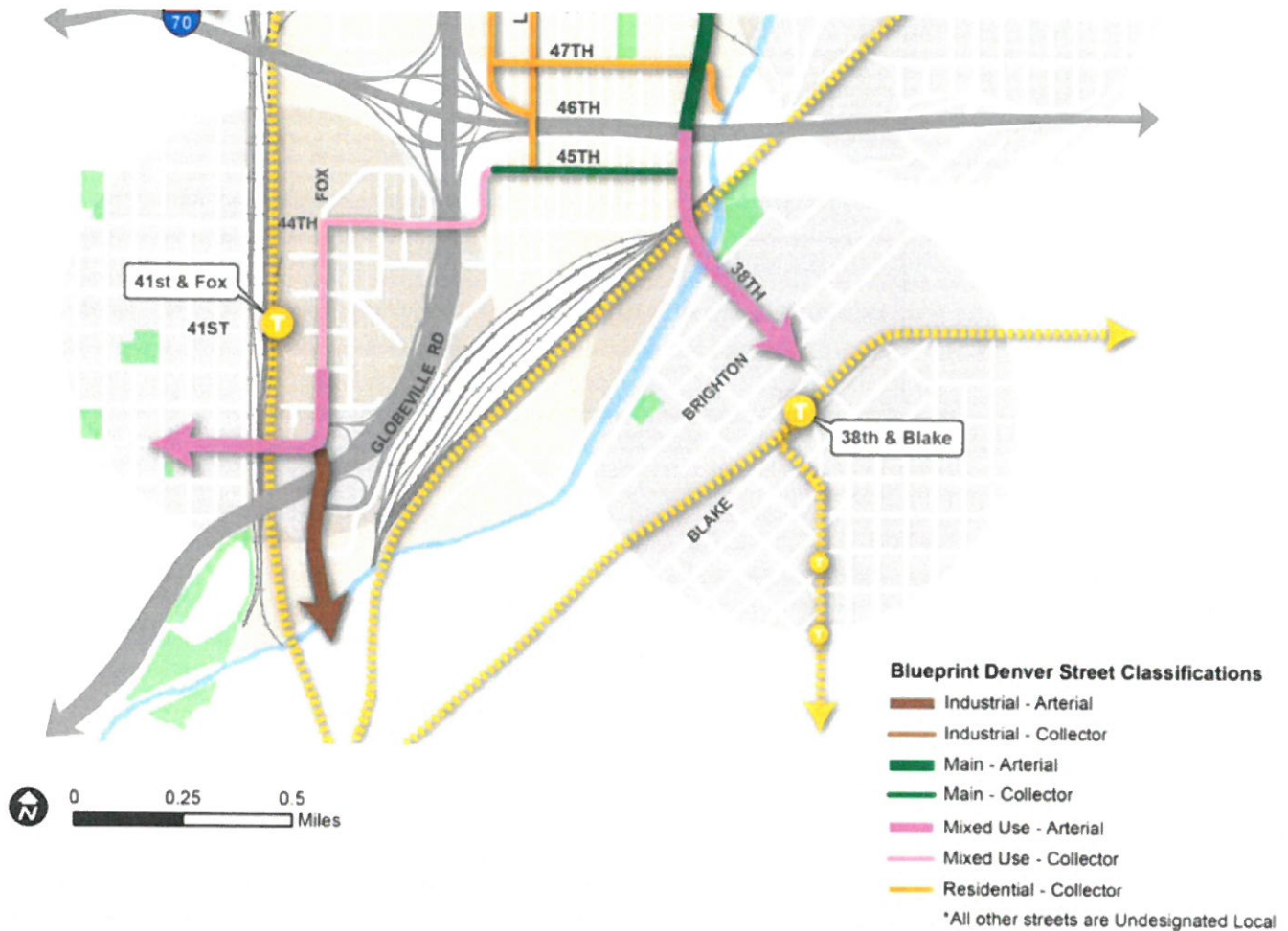
W 45<sup>th</sup> Avenue will be classified as an Undesignated Local street.

The proposed C-RX-8 zoning along E 45<sup>th</sup> allows for the type of development contemplated by Blueprint Denver along undesignated local streets by providing local access to individual sites.

N Fox Street will be classified as a Mixed-Use Collector street.

Collector Streets Collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings. Posted speed limits on collector streets generally range from 25 to 35 miles per hour. Traffic volume and capacity can range from 5,000 vehicles a day on a two-lane facility to 20,000 vehicles a day on larger multi-lane facilities.

The proposed C-MX-12 zoning throughout much of the site allows for the type of development contemplated by Blueprint Denver along Residential Collector Streets.



For all of the reasons discussed above, the proposed rezoning is consistent with Blueprint Denver.

#### 41<sup>st</sup> & Fox Station Area Plan

The proposed rezoning of the site at 4400 Fox Street from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

The *italicized text* signals an excerpt from the Station Area Plan. The language that follows is used to detail how the proposed map amendment is consistent with the goals of the Station Area Plan.

#### **The Vision**

*“The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to Downtown near some of Denver’s most vibrant urban neighborhoods. The vision, created through community input and transit oriented development principles, provides the basis for five primary goals for the station area:*

- *Improve pedestrian connections to the station, between neighborhoods, and along major corridors*
- *Create opportunities to add more housing, jobs and services to the station area*
- *Incorporate plazas, parks and open space into redevelopment areas*
- *Capitalize on the station area’s proximity to Downtown and location on the Gold Line and Northwest Rail corridors.*
- *Balance the needs of new development and existing uses.” 41<sup>st</sup> & Fox Station Area Plan, page vii*

The proposed rezoning from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will allow for the development of a diverse, transit-supportive and environmentally sustainable urban center. The proposed C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will allow for the possibility of new residents (in C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts) and businesses (in the C-MX-12, UO-2 Zone District) at the convenient location close to downtown near some of Denver’s most vibrant urban neighborhoods.

The proposed rezoning from an Industrial Context to an Urban Center Neighborhood Context will enable improved pedestrian connections to the station, between neighborhoods, and along major corridors. The proposed rezoning from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will create opportunities to add more housing (in C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts), jobs (in C-MX-12, UO-2 Zone District), and services (in all proposed Zone Districts) to the station area; enable the incorporation of plazas, parks and open space into redevelopment areas; capitalize on the station area’s proximity to Downtown and location on the Gold Line and Northwest Rail corridors; and balance the needs of new development and existing uses through providing for the opportunity to retain the existing Denver Post building. For these reasons, the proposed rezoning is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

*“New development on the east side of the tracks should take into consideration the long-standing industrial uses in the area as it transitions over time. In addition, many of the roadways and much of the other infrastructure in the area are deficient. Most of the industrial streets on the east side of the tracks lack curbs, gutters, sidewalks and street trees. Finally, new parks and community spaces on the east side of the tracks will be necessary to serve future residents of the area.” 41<sup>st</sup> & Fox Station Area Plan, page 9*

The proposed C-MX-12, UO-2 Zone District will allow for the possibility of light industrial uses as the area transitions over time. Along with the proposed adoption of an Infrastructure Master Plan, and the existing financing of two Metro Districts, this proposed rezoning will help enable much-needed infrastructure that will be necessary to serve future residents. For these reasons, the proposed rezoning is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

*“New development may occur gradually and will build upon the existing industrial and residential character of the area. Where possible, historically significant buildings will provide inspiration for building designs and be incorporated into new development. As the area transitions, there will be an eclectic blend of old and new.” 41<sup>st</sup> & Fox Station Area Plan, page 10*

The proposed C-MX-12, UO-2 Zone District will allow for the potential adaptive reuse of the Denver Post printing building. For these reasons, the proposed rezoning is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

*“Throughout the station area, a focus on green construction and walkable, mixed-use development will make the area a model for environmental sustainability and ensure the area’s long-term economic competitiveness. A variety of parks and open spaces will provide shared places to relax and recreate and create value for surrounding buildings. These new public spaces will incorporate green design providing water quality benefits for the area. Walking and a healthy lifestyle will be reinforced by this pedestrian oriented design.” 41<sup>st</sup> & Fox Station Area Plan, page 10*

The proposed C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will allow for a walkable, mixed-use development that will include a variety of parks and open spaces. For these reasons, the proposed rezoning is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

*“Taller structures along I-25 would capture views of Downtown and create a buffer between the station and the nearby freeway. Mixed-use redevelopment of the former Denver Post site and continued partnership benefits between the Regency Student Housing and academic institutions will act as a catalyst for change in the station area.” 41<sup>st</sup> & Fox Station Area Plan, page 12*

The proposed C-MX-12, UO-2 Zone District will facilitate mid-rise structures along the highway and allow for the potential adaptive reuse of the Denver Post printing building. For these reasons, the proposed rezoning is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

*“Through the examination of land use alternatives, it was determined that the eastern portion of the station area would develop into an “Urban Center” typology to create a complete, transit-friendly neighborhood. This would require a transition over time through private redevelopment from heavy industrial uses to more light industrial, office, commercial, mixed-use, and residential uses located close to the transit station.” 41<sup>st</sup> & Fox Station Area Plan, page 12*

The proposed C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will enable a transition over time through private redevelopment from heavy industrial uses to more light industrial (in C-MX-12, UO-2 Zone District), office (in C-MX-12, UO-2 Zone District), commercial (in C-MX-12, UO-2 Zone District), mixed-use (in all proposed Zone Districts), and residential (in C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts) uses located close to the transit station. For these reasons, the proposed rezoning is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

*“Urban Residential (2-8) stories*

*These areas are intended as new, moderate density neighborhoods. On the west side of the tracks along Inca it forms a new edge between the station and the existing neighborhood to the west. On the east side of the tracks, this moderate-density residential will provide a range of housing types that help support the pedestrian shopping district and employment base. New parks and plazas on the east side will provide needed relaxation and breathing space for new residents and help to increase the values of nearby residential buildings.” 41<sup>st</sup> & Fox Station Area Plan, page 12*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts create the opportunity for new, moderate density neighborhoods with a range of housing types to help support retail and commercial uses in the C-MX-12, UO-2 Zone District. Each of these proposed zone districts allows for new parks and plazas for residents.

For all these reasons, the proposed rezoning of the site at 4400 Fox Street from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the 41<sup>st</sup> & Fox Station Area Plan.

### Globeville Neighborhood Plan

The proposed rezoning of the site at 4400 Fox Street from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the Globeville Neighborhood Plan.

The *italicized text* signals an excerpt from the Neighborhood Plan. The language that follows is used to detail how the proposed map amendment is consistent with the goals of the Neighborhood Plan.

*“The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit supportive, and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to downtown and near some of Denver’s most vibrant urban neighborhoods.”* Globeville Neighborhood Plan, page 15

The proposed rezoning from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will allow for the development of a diverse, transit-supportive and environmentally sustainable urban center. The proposed C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will allow for the possibility of new residents and businesses at the convenient location close to downtown near some of Denver’s most vibrant urban neighborhoods. For these reasons, the proposed rezoning is consistent with the Globeville Neighborhood Plan.

*“Key Areas to Transform and Create New Places: 41<sup>st</sup> & Fox Station Area.”* Globeville Neighborhood Plan, page 25

The site for the proposed rezoning is identified in the plan as a key area to transform and create new places. The proposed rezoning from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will enable that transformation to take place. For these reasons, the proposed rezoning is consistent with the Globeville Neighborhood Plan.

*“VISION: Globeville is a neighborhood where diverse land uses are present and are located such that the needs of residents, businesses, and industry are met equitably. The neighborhood has a complete and accessible system of parks that encourages physical activity, social interaction, and environmental responsibility. Residential and employment opportunities are diverse and accessible with services in place to support the wellbeing of the local population.”* Globeville Neighborhood Plan, page 26

The proposed C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts facilitate the creation of an area where diverse land uses are present and the needs of residents (in C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts), businesses (in C-MX-12, UO-2 Zone District), and industry (in C-MX-12, UO-2 Zone District) are met equitably. The proposed C-MX-12, UO-2 Zone District allows for a mix of residential and commercial uses, including the potential adaptive reuse of the Denver Post building. The proposed C-RX-8, UO-2 Zone District allows for predominantly residential uses, with residential-serving commercial uses also allowed. Both proposed Zone Districts allow for a system of parks that encourage physical activity and social interaction. The combination of the proposed C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will enable diverse residential and employment opportunities, in addition to allowing for services to support the wellbeing of the local population. For these reasons, the proposed rezoning is consistent with the Globeville Neighborhood Plan.

*“Urban Residential: Urban residential areas are higher density and primarily residential but may include complementary commercial uses. A mixture of housing types is present, including single family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures.”* - Globeville Neighborhood Plan, page 30

The proposed rezoning from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 will provide for higher density and primarily residential development, while at the same time allowing for complementary commercial uses. The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will facilitate a mixture of housing types, including single family houses, townhouses, multifamily apartments, and mid-rise residential structures. For these reasons, the proposed rezoning is consistent with the Globeville Neighborhood Plan.

*“41st and Fox Station Area Open Space. The portion of the 41st and Fox Station Area within Globeville is envisioned for mixed-use and high-density development. The 41st and Fox Station Area Plan envisions new parks and public spaces in response to the conversion of industrial uses to higher density residential.” Globeville Neighborhood Plan, page 42*

The proposed rezoning from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 fits the vision for mixed-use and high-density development. Additionally, it allows for new parks and public spaces in response to the conversion of industrial uses to higher density residential. For these reasons, the proposed rezoning is consistent with the Globeville Neighborhood Plan.

*“Use Mixed-Use Development to Improve Access to Goods and Services. Promote mixed-use development to support a variety of commercial and retail businesses and services throughout the community and around new rail stations.” Globeville Neighborhood Plan, page 42*

The proposed Mixed Use and Residential Mixed Use Zone Districts promote mixed-use development to support a variety of commercial and retail businesses and services throughout the community and around the upcoming 41<sup>st</sup> & Fox Rail Station. For these reasons, the proposed rezoning is consistent with the Globeville Neighborhood Plan.

*“Provide a Broad Range of Housing Types and Price Levels. Incorporating this Plan’s proposed concept land use recommendations will allow for a more diverse range of housing types within the neighborhood, including: Multifamily and attached residential building types in Mixed Use, TOD, and Urban Residential Concept Land Use areas.” Globeville Neighborhood Plan, page 45*

The proposed rezoning from I-B, UO-2 to C-RX-12, UO-2 and C-RX-8, UO-2 will provide the opportunity for a broad range of housing types and price levels, including multifamily and attached residential building types.

For all these reasons, the proposed rezoning of the site at 4400 Fox Street from I-B, UO-2 to C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 is consistent with the Globeville Neighborhood Plan.

*Uniformity of District Regulations and Restrictions*

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

*Map Amendment: 4400 Fox Street: Addendum & Exhibits*

*Public Health, Safety and General Welfare*

The proposed official map amendment is an implementation of Denver Comprehensive Plan 2000, Blueprint Denver, the 41<sup>st</sup> & Fox Station Area Plan, and the Globeville Neighborhood Plan and therefore furthers the public health, safety and general welfare of the City.



## ADDITIONAL REVIEW CRITERIA

The proposed map amendment is consistent with both of the City's additional review criteria.

1. **Justifying Circumstances**
2. **Consistency with Applicable Neighborhood Context and with Stated Purpose and Intent of Proposed Zone District**

### *Description of Justifying Circumstances*

*The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.*

The land and its surroundings have changed to such a degree that it is in the public interest to encourage a redevelopment of the area for the following reasons: a) the 321,276 square foot Denver Post printing plant shut down in September 2007. Soon after, the property then underwent a change in ownership in early 2008, with ownership having a vision for redevelopment, b) the 41<sup>st</sup> & Fox Station Area Plan was subsequently adopted in December 2009, and c) the Globeville Neighborhood Plan was adopted in December 2014.

- a. **The 321,276 square foot Denver Post printing plant shut down in September 2007. Soon after, the property then underwent a change in ownership in early 2008, with ownership having a vision for redevelopment.**  
The site was formerly the home to the plant that printed the Denver Post newspaper. The large building and expansive loading docks and surface parking lot served as the hub for printing and distribution of the local newspaper. In 2007, the plant closed, and Ascendant Development Corporation purchased the site in 2008 with plans for a mixed-use development.
- b. **The 41<sup>st</sup> & Fox Station Area Plan was subsequently adopted in December 2009.**  
In anticipation of the future commuter rail stop at the 41<sup>st</sup> & Fox Station, the City and County of Denver adopted the 41<sup>st</sup> & Fox Station Area Plan in 2009 after an extensive public process.
- c. **The Globeville Neighborhood Plan was adopted in December 2014.**  
As the Globeville undergoes significant change and reinvestment, the City and County of Denver adopted the Globeville Neighborhood Plan in 2014 after an extensive public process.

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

*The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.*

**a. Urban Center Neighborhood Context**

The C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts are part of the Urban Center Neighborhood Context. Section 7.1 of the Zoning Code describes the Urban Center Neighborhood context as follows.

**GENERAL CHARACTER**

*The Urban Center Neighborhood Context consists of multi-unit residential and mixed use commercial strips and commercial centers. Multi-unit buildings are typically Rowhouse, Courtyard Apartment and Apartment forms. Commercial buildings are typically Live-Work, Shopfront, and General Commercial forms. Multi-unit residential uses are primarily located along residential collector, mixed use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets. Zoning Code, Section 7.1.1.*

The site at 4400 Fox Street is intended as a mixed use community with a wide variety of housing types as well as retail and office opportunities.

**BUILDING PLACEMENT AND LOCATION**

*All buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building. Zoning Code, Section 7.1.3*

The C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts all contain build to requirements, limit setbacks, and require parking to be located at the rear of buildings.

**BUILDING HEIGHT**

*The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood. Zoning Code, Section 7.1.4.*

The C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts will promote a dense urban character. The C-MX-12, UO-2 and C-RX-12, UO-2 Zone Districts will allow for buildings up to 12 stories. The C-RX-8, UO-2 Zone District will allow for residential buildings up to 8 stories.

**MOBILITY**

*There are high levels of pedestrian and bicycle use with the greatest access to multimodal transportation system. Zoning Code, Section 7.1.4.*

The C-MX-12, UO-2; and C-RX-12, UO-2; and C-RX-8, UO-2 Zone Districts include design requirements that promote pedestrian and bicycle use. These include ground floor activation requirements, prohibition of parking in front of buildings, and front or side door pedestrian entrances. All of these requirements will promote high levels of pedestrian and bicycle use. In addition, the site connects to the commuter rail line at the 41<sup>st</sup> & Fox Station.

**b. Stated Purpose and Intent of Mixed Use Zones**

**DZC 7.2.2.1 - General Purpose**

*Map Amendment: 4400 Fox Street: Addendum & Exhibits*

*The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge.*

The proposed C-MX-12, UO-2 Zone District will promote safe, active and pedestrian scaled, diverse areas, consistent with this stated purpose.

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

The proposed C-MX-12, UO-2 District will enable the convenience, ease and enjoyment of transit, walking, shopping, and public gathering within and around the city's neighborhoods through creation of a multi-modal, live-work community. The Zone District will allow for areas for people to gather, areas for people to shop, and unprecedented access to transit at 41<sup>st</sup> & Fox Station, consistent with this stated purpose.

*The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.*

The proposed C-MX-12, UO-2 Zone Districts will allow for connection of the adjacent neighborhoods to each other and improve bicycle and pedestrian connectivity throughout the area. The Zone District will encourage improvement of the transition between commercial development and adjacent residential neighborhoods by allowing for a walkable, live-work community, close to transit and actively programmed, consistent with this stated purpose.

*Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.*

The proposed C-MX-12, UO-2 Zone Districts is intended as a mixed, diverse neighborhood, consistent with this stated purpose.

*In the Urban Center Neighborhood Context, the Mixed Use Zone Districts require the same level of pedestrian enhancements as the Main Street Zone Districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use Zone Districts and the Main Street Zone Districts is Main Street districts mandate shopfront buildings at the street edge.*

The proposed zoning is consistent with this stated purpose.

*Mixed use buildings have a shallow front setback range. The build-to requirements are high.*

The proposed C-MX-12, UO-2 Zone Districts require shallow front setbacks and high build-to requirements.

**DZC 7.2.2.2 - Specific Intent**

*Mixed Use – 12 (C-MX-12) C-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired.*

The proposed C-MX-12, UO-2 Zone District is consistent with this specific intent as Parcel 1 is intended as an area served primarily by major arterial streets where a building scale of up to 12 stories is desired.

**c. Stated Purpose and Intent of Residential Mixed Use Zones**

***DZC 7.2.3.1 - General Purpose***

*The Residential Mixed Use Zone Districts are intended to promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public realm.*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public realm

*The Residential Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around one of the city's residential neighborhoods.

*The Residential Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will help ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

*Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses.*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will accommodate residential uses.

*Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance.*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts allows for commercial uses that are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance.

*Buildings in a Residential Mixed Use district can have Street Level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses.*

The proposed C-RX-12, UO-2 and C-RX-8, UO-2 Zone Districts will allow for Street Level retail uses, but reserve upper stories for housing or lodging accommodation uses.

***DZC 7.2.3.2 - Specific Intent***

*Residential Mixed Use 8 (C-RX-8) C-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired.*

*Map Amendment: 4400 Fox Street: Addendum & Exhibits*

The proposed C-RX-8, UO-2 Zone District is consistent with this specific intent as Parcel 3 Is located in a residentially-dominated area served by primarily collector and arterial streets where a building scale of up to 8 stories is desired.

*Residential Mixed Use 12 (C-RX-12) C-RX-12 applies to residentially-dominated areas served primarily by arterial streets where a building scale of 2 to 12 stories is desired.*

The proposed C-RX-12, UO-2 Zone District is consistent with this specific intent as Parcel 2 Is located in a residentially-dominated area served by primarily collector and arterial streets where a building scale of up to 8 stories is desired.

EXHIBIT B: LEGAL DESCRIPTIONS

*See legal descriptions on the following pages.*

# EXHIBIT A

## LEGAL DESCRIPTION SHEET 1 OF 3

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 00°14'47" WEST ALONG THE EASTERLY LINE OF SAID BLOCK 6 A DISTANCE OF 438.04 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89°45'13" WEST A DISTANCE OF 59.44 FEET;  
THENCE NORTH 00°14'47" WEST A DISTANCE OF 462.12 FEET;  
THENCE SOUTH 89°45'13" WEST A DISTANCE OF 471.48 FEET TO A POINT ON THE EASTERLY BOUNDARY OF PARCEL CM-17A DESCRIBED IN THE RULE AND ORDER RECORDED AT RECEPTION NO. 2012112161 OF THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER;

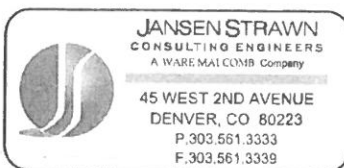
THENCE ALONG SAID EASTERLY BOUNDARY AND ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°06'47", A RADIUS OF 37,775.14 FEET, AN ARC LENGTH OF 74.50 FEET AND A CHORD THAT BEARS NORTH 00°36'28" WEST A DISTANCE OF 74.50 FEET TO THE SOUTHEASTERLY CORNER OF PARCEL CM-17C OF SAID RULE AND ORDER RECORDED AT RECEPTION NO. 2012112161

THENCE ALONG THE BOUNDARY OF SAID PARCEL CM-17C THE FOLLOWING THREE (3) COURSES:

1. NORTH 89°19'35" EAST A DISTANCE OF 13.64 FEET;
2. NORTH 00°42'24" WEST A DISTANCE OF 26.00 FEET;
3. NORTH 49°12'25" WEST A DISTANCE OF 18.20 FEET TO A POINT ON SAID EASTERLY BOUNDARY OF PARCEL CM-17A;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING SEVEN (7) COURSES;

1. NORTH 00°41'50" WEST A DISTANCE OF 110.57 FEET;
2. NORTH 11°54'11" EAST A DISTANCE OF 177.10 FEET TO A POINT OF CURVATURE;
3. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15°27'36", A RADIUS OF 1,189.22 FEET, AN ARC LENGTH OF 320.88 FEET AND A CHORD THAT BEARS NORTH 04°10'23" EAST A DISTANCE OF 319.91 FEET;
4. NORTH 03°33'25" WEST A DISTANCE OF 370.97 FEET;
5. NORTH 03°20'49" WEST A DISTANCE OF 69.87 FEET;
6. NORTH 05°17'56" EAST A DISTANCE OF 100.76 FEET;



PROJECT NAME: FOX NORTH PARCEL 1

SHEET

JOB NO.: 14064

DATE: 05/22/2017

DRAFTED BY: AM

CHECKED BY: TS

SCALE: N/A

1 OF 3

# EXHIBIT A

## LEGAL DESCRIPTION SHEET 2 OF 3

7. NORTH 00°42'51" EAST A DISTANCE OF 41.01 FEET ALONG SAID EASTERLY BOUNDARY AND ALONG THE BOUNDARY OF PARCEL CM-17B AS RECORDED AT RECEPTION NO. 2015002278 OF THE RECORD OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 70;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 69°14'02" EAST A DISTANCE OF 443.00 FEET;
2. SOUTH 65°53'05" EAST A DISTANCE OF 373.27 FEET;

THENCE SOUTH 11°02'55" WEST A DISTANCE OF 1,185.35 FEET;  
THENCE SOUTH 00°00'00" EAST A DISTANCE OF 198.18 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FOX STREET;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 45°03'28" WEST A DISTANCE OF 49.46 FEET;
2. SOUTH 00°14'47" EAST A DISTANCE OF 50.56 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 823,563 SQUARE FEET, OR 18.906 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S. SURVEY FEET.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

THOMAS D. STAAB, P.L.S. 25965  
FOR AND ON BEHALF OF  
JANSEN STRAWN CONSULTING ENGINEERS, INC.  
A WARE MALCOMB COMPANY  
45 WEST 2ND AVENUE  
DENVER, COLORADO 80223  
303.561.3333



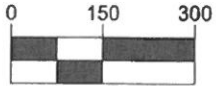
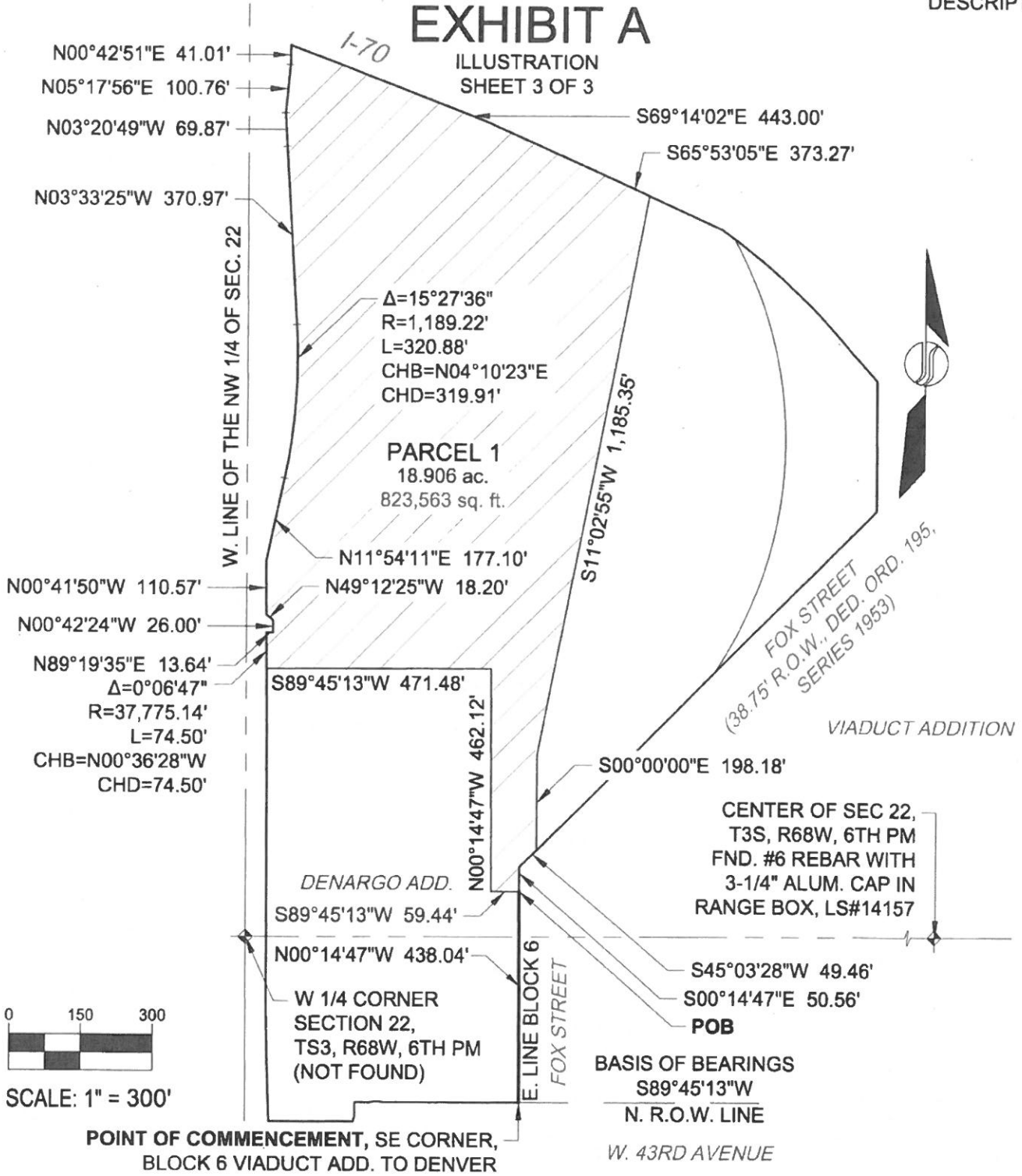
PROJECT NAME: FOX NORTH PARCEL 1		SHEET <b>2 OF 3</b>
JOB NO.: 14064	DATE: 05/22/2017	
DRAFTED BY: AM	CHECKED BY: TS	



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

# EXHIBIT A

ILLUSTRATION  
SHEET 3 OF 3



SCALE: 1" = 300'

POINT OF COMMENCEMENT, SE CORNER,  
BLOCK 6 VIADUCT ADD. TO DENVER

**JANSEN STRAWN**  
CONSULTING ENGINEERS  
A WAREMALCOMB Company

45 WEST 2ND AVENUE  
DENVER, CO 80223  
P.303.561.3333  
F.303.561.3339

PROJECT NAME: FOX NORTH PARCEL 1		
JOB NO.: 14064	DATE: 05/22/2017	
DRAFTED BY: AM	CHECKED BY: TS	SCALE: 1" = 300'

SHEET  
**3 OF 3**

# EXHIBIT A

LEGAL DESCRIPTION  
SHEET 1 OF 2

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 00°14'47" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 6, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 488.60 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOX STREET DEDICATED BY ORDINANCE 195, SERIES OF 1953;

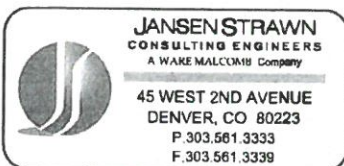
THENCE NORTH 45°03'28" EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 49.46 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 00°00'00" EAST A DISTANCE OF 198.18 FEET;  
THENCE NORTH 11°02'55" EAST A DISTANCE OF 456.09 FEET;  
THENCE SOUTH 78°14'04" EAST A DISTANCE OF 389.60 FEET TO A POINT OF CURVATURE;  
THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 14°34'22", A RADIUS OF 865.30 FEET, AN ARC LENGTH OF 220.08 FEET AND A CHORD THAT BEARS SOUTH 26°32'13" WEST A DISTANCE OF 219.49 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FOX STREET;  
THENCE SOUTH 45°03'28" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 523.80 FEET TO **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 154,579 SQUARE FEET, OR 3.549 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S. SURVEY FEET.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

THOMAS D. STAAB, P.L.S. 25965  
FOR AND ON BEHALF OF  
JANSEN STRAWN CONSULTING ENGINEERS, INC.  
A WARE MALCOMB COMPANY  
45 WEST 2ND AVENUE  
DENVER, COLORADO 80223  
303.561.3333

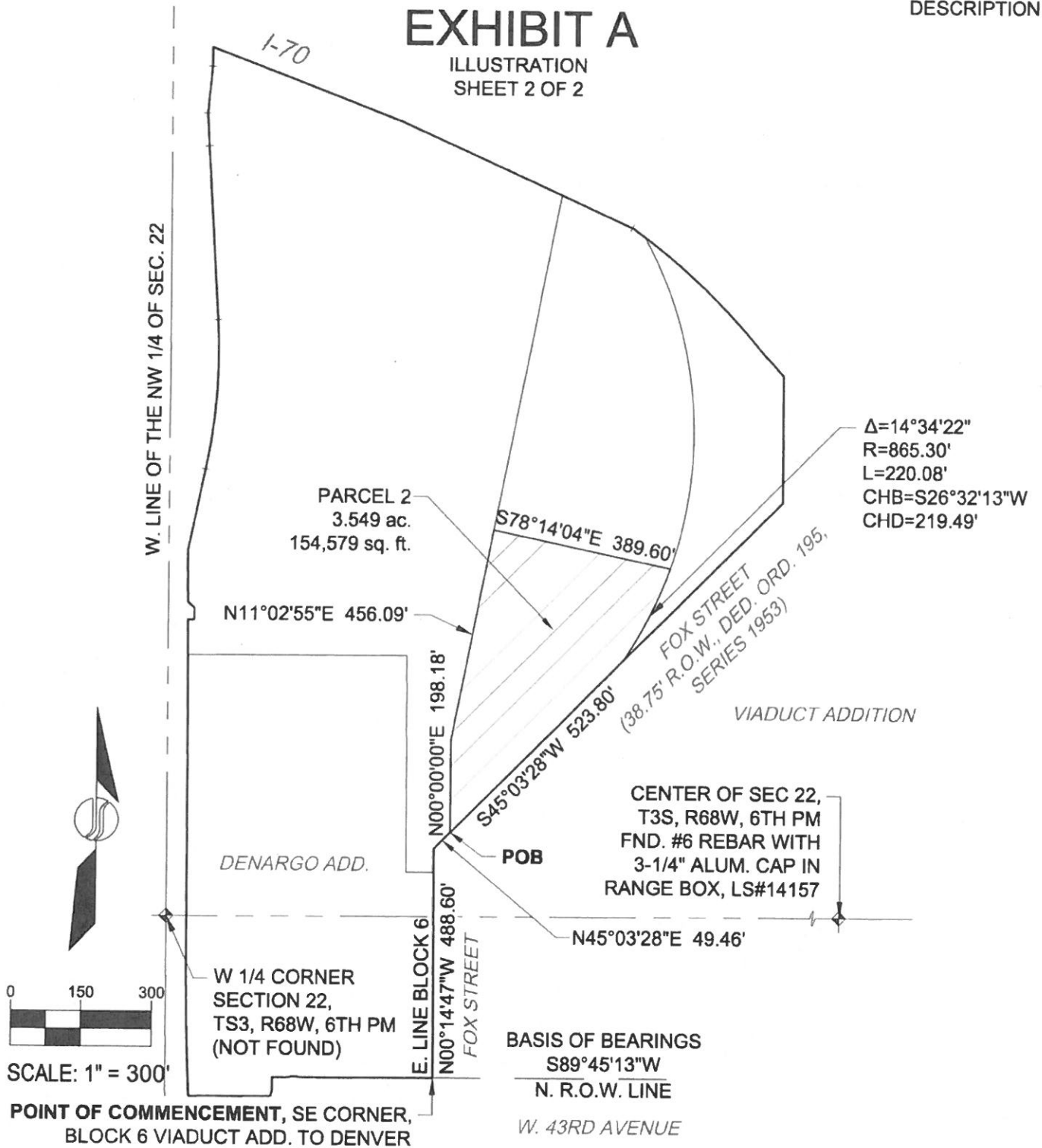


PROJECT NAME: FOX NORTH PARCEL 2			SHEET <b>1 OF 2</b>
JOB NO.: 14064	DATE : 05/22/2017		
DRAFTED BY: AM	CHECKED BY: TS	SCALE: N/A	

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

# EXHIBIT A

ILLUSTRATION  
SHEET 2 OF 2



**JANSEN STRAWN**  
CONSULTING ENGINEERS  
A WARE MAI CUMMIS Company

45 WEST 2ND AVENUE  
DENVER, CO 80223  
P.303.561.3333  
F.303.561.3339

<b>PROJECT NAME: FOX NORTH PARCEL 2</b>		<b>SHEET</b>
<b>JOB NO.: 14064</b>	<b>DATE : 05/22/2017</b>	<b>2 OF 2</b>
<b>DRAFTED BY: AM</b>	<b>CHECKED BY: TS</b>	

# EXHIBIT A

## LEGAL DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 05°52'28" EAST A DISTANCE OF 1,175.53 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 11°02'55" EAST A DISTANCE OF 729.26 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 70;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 65°53'05" EAST A DISTANCE OF 168.07 FEET TO A POINT OF CURVATURE;
2. ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°19'50", A RADIUS OF 1,432.39 FEET, AN ARC LENGTH OF 33.26 FEET AND A CHORD THAT BEARS SOUTH 54°03'28" EAST A DISTANCE OF 33.26 FEET TO A POINT OF CURVATURE;

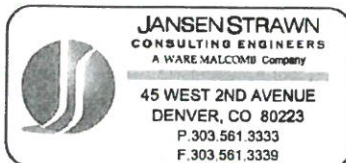
THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 48°25'02", A RADIUS OF 865.30 FEET, AN ARC LENGTH OF 731.21 FEET AND A CHORD THAT BEARS SOUTH 04°57'29" EAST A DISTANCE OF 709.65 FEET;

THENCE NORTH 78°14'04" WEST A DISTANCE OF 389.60 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 239,993 SQUARE FEET, OR 5.509 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S. SURVEY FEET.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

THOMAS D. STAAB, P.L.S. 25965  
FOR AND ON BEHALF OF  
JANSEN STRAWN CONSULTING ENGINEERS, INC.  
A WARE MALCOMB COMPANY  
45 WEST 2ND AVENUE  
DENVER, COLORADO 80223  
303.561.3333



PROJECT NAME: FOX NORTH PARCEL 3

SHEET

JOB NO.: 14064

DATE: 05/22/2017

DRAFTED BY: AM

CHECKED BY: TS

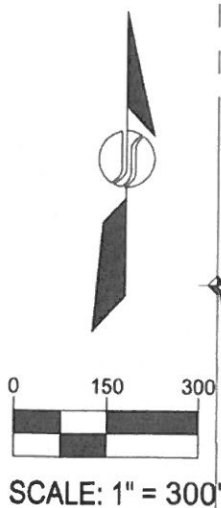
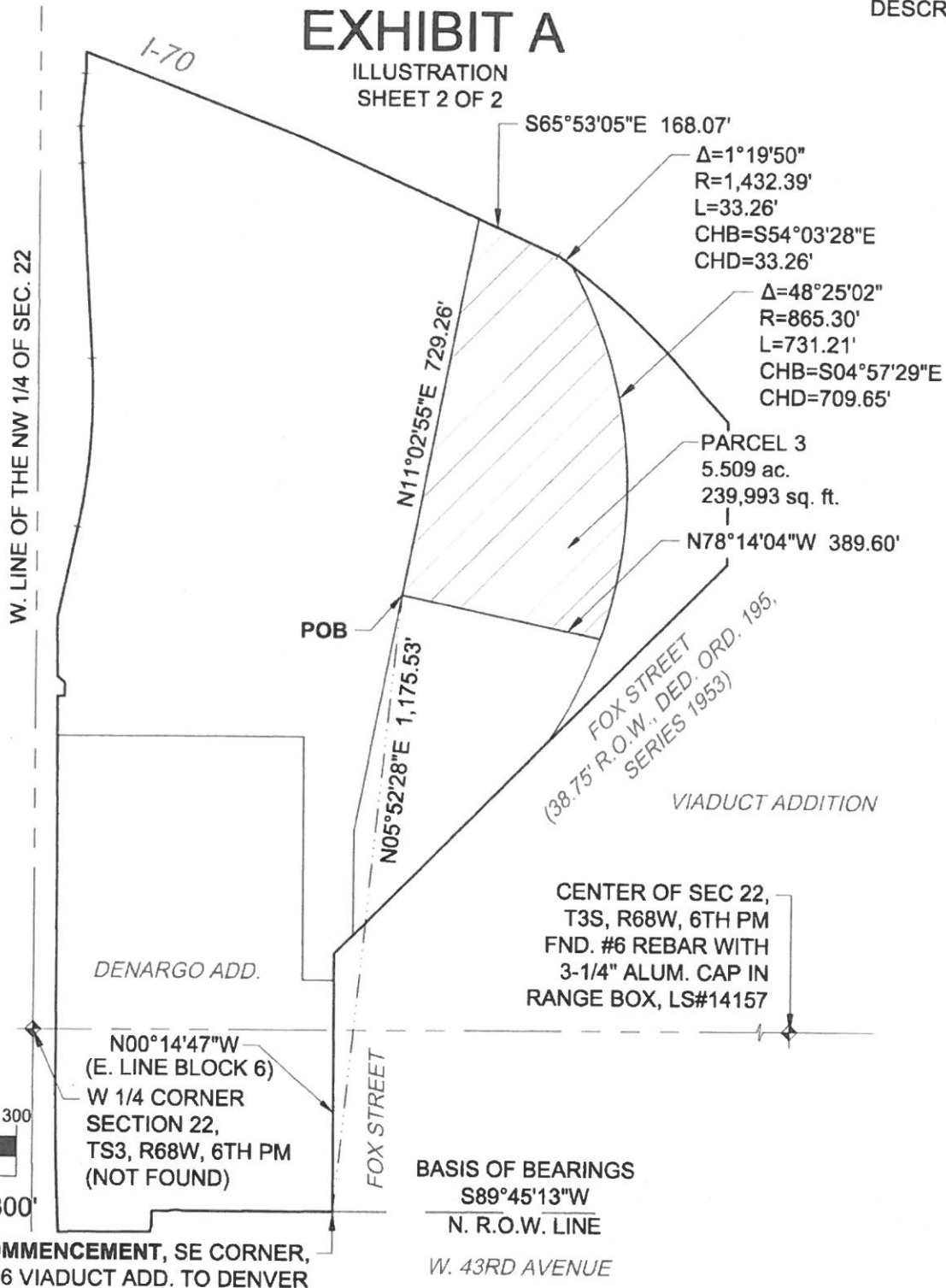
SCALE: N/A

1 OF 2

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

# EXHIBIT A

ILLUSTRATION SHEET 2 OF 2



POINT OF COMMENCEMENT, SE CORNER, BLOCK 6 VIADUCT ADD. TO DENVER

**JANSEN STRAWN**  
CONSULTING ENGINEERS  
A WARE MALCOMB Company

45 WEST 2ND AVENUE  
DENVER, CO 80223  
P.303.561.3333  
F.303.561.3339

PROJECT NAME: FOX NORTH PARCEL 3			SHEET <b>2 OF 2</b>
JOB NO.: 14064	DATE : 05/22/2017		
DRAFTED BY: AM	CHECKED BY: TS	SCALE: 1" = 300'	

# EXHIBIT A

## LEGAL DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE VIADUCT ADDITION TO THE CITY OF DENVER AND CONSIDERING THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 43RD AVENUE TO BEAR SOUTH 89°45'13" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 00°14'47" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 6, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 488.60 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FOX STREET DEDICATED BY ORDINANCE 195, SERIES OF 1953; THENCE NORTH 45°03'28" EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 573.27 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 62°59'24", A RADIUS OF 865.30 FEET, AN ARC LENGTH OF 951.30 FEET AND A CHORD THAT BEARS NORTH 02°19'42" EAST A DISTANCE OF 904.11 FEET TO A POINT ON THE SOUTHWESTERLY LINE RIGHT-OF-WAY LINE OF INTERSTATE 70;

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13°55'50", A RADIUS OF 1,432.39 FEET, AN ARC LENGTH OF 348.27 FEET AND A CHORD THAT BEARS SOUTH 46°25'38" EAST A DISTANCE OF 347.41 FEET;
2. SOUTH 42°47'48" EAST A DISTANCE OF 73.60 FEET TO THE WESTERLY BOUNDARY OF SAID FOX STREET;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°12'32" EAST A DISTANCE OF 271.17 FEET;
2. SOUTH 45°03'28" WEST A DISTANCE OF 479.53 FEET TO **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 113,067 SQUARE FEET, OR 2.596 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S. SURVEY FEET.

I, THOMAS D. STAAB, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

THOMAS D. STAAB, P.L.S. 25965  
FOR AND ON BEHALF OF  
JANSEN STRAWN CONSULTING ENGINEERS, INC.  
A WARE MALCOMB COMPANY  
45 WEST 2ND AVENUE  
DENVER, COLORADO 80223  
303.561.3333

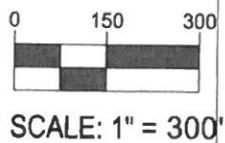
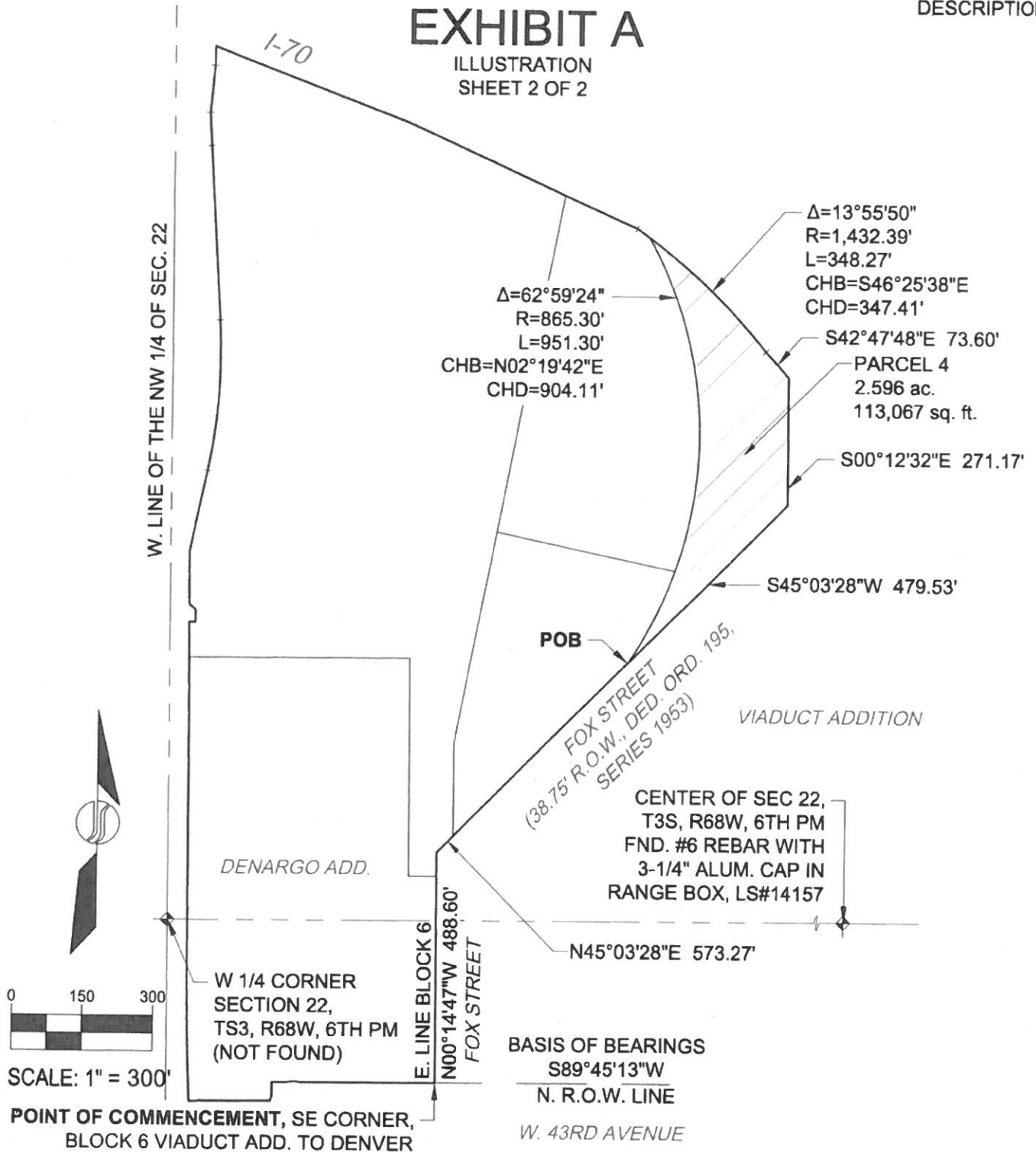


PROJECT NAME: FOX NORTH PARCEL 4		SHEET <b>1 OF 2</b>
JOB NO.: 14064	DATE: 05/22/2017	
DRAFTED BY: AM	CHECKED BY: TS	

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

# EXHIBIT A

ILLUSTRATION  
SHEET 2 OF 2



POINT OF COMMENCEMENT, SE CORNER,  
BLOCK 6 VIADUCT ADD. TO DENVER

**JANSEN STRAWN**  
CONSULTING ENGINEERS  
A WARE MAI COMB Company

45 WEST 2ND AVENUE  
DENVER, CO 80223  
P. 303.561.3333  
F. 303.561.3339

PROJECT NAME: FOX NORTH PARCEL 4		SHEET <b>2 OF 2</b>
JOB NO.: 14064	DATE: 05/22/2017	
DRAFTED BY: AM	CHECKED BY: TS	SCALE: 1" = 300'

EXHIBIT C: PROOF OF OWNERSHIP

*See proof of ownership on the following pages.*





Customer Distribution

Our Order Number: .

Date: 04-16-2015

Property Address: 4400 FOX ST, DENVER, CO 80216

For Closing Assistance  
Leigh Renfro  
3033 E 1ST AVE #600  
DENVER, CO 80206  
303-331-6231 (phone)  
303-393-4774 (fax)  
lrenfro@ltgc.com

Closer's Assistant  
Pete Jurgs  
3033 E 1ST AVE #600  
DENVER, CO 80206  
303-331-6238 (phone)  
303-393-4883 (fax)  
pjurgs@ltgc.com

For Title Assistance  
SCOTT BENNETTS  
5975 GREENWOOD PLAZA BLVD  
GREENWOOD VILLAGE, CO 80111  
303-850-4175 (phone)  
303-393-4842 (fax)  
sbennetts@ltgc.com

Buyer/Borrower

Agent for Buyer

Attorney for Seller  
SPIERER WOODWARD CORBALIS & GOLDBERG  
Attention: JOHN WOODWARD  
2 INVERNESS DR EAST #200  
ENGLEWOOD, CO 80112  
303-792-3456 (work)  
303-792-9092 (work fax)  
jwoodward@practicallawyer.com  
Delivered via: Electronic Mail

Attorney for Buyer

Seller/Owner  
ASCENDANT CAPITAL PARTNERS DNA, LLC  
Attention: JOHN WOODWARD  
2 INVERNESS DR EAST #200  
ENGLEWOOD, CO 80112  
303-792-3456 (work)  
303-792-9092 (work fax)  
jwoodward@woodspearproperties.com  
Delivered via: Electronic Mail

SPIERER WOODWARD CORBALIS & GOLDBERG  
Attention: JANE POOLE  
2 INVERNESS DR EAST #200  
ENGLEWOOD, CO 80112  
303-792-3456 (work)  
303-792-9092 (work fax)  
jpoole@woodspearproperties.com  
Delivered via: Electronic Mail

Seller/Owner  
WOODSPEAR PROPERTIES  
Attention: ZAKARY KESSLER  
2 INVERNESS DR EAST #200  
ENGLEWOOD, CO 80112  
720-415-2295 (home)  
303-792-3456 (work)  
303-792-9092 (work fax)  
zkessler@woodspearproperties.com  
Delivered via: Electronic Mail

LAND TITLE GUARANTEE COMPANY  
Attention: LUKE DAVIDSON  
3033 E 1ST AVE #600  
DENVER, CO 80206  
303-321-1880 (work)  
303-393-4912 (work fax)  
ldavidson@ltgc.com  
Delivered via: Electronic Mail

Seller/Owner

ASCENDANT DEVELOPMENT  
Attention: GRAHAM BENES  
1165 S PENNSYLVANIA ST #110  
DENVER, CO 80210  
303-551-7170 (work)  
303-551-7171 (work fax)  
gtb@ascendantdevelopment.com  
Delivered via: Electronic Mail



## Wire Instructions

Bank: FIRSTBANK OF COLORADO  
Address: 10403 W COLFAX AVENUE  
LAKEWOOD, CO 80215  
Phone: 303-237-5000  
Credit: LAND TITLE GUARANTEE COMPANY  
ABA No: 107005047  
Account: 2160521825  
Attention: Leigh Renfro  
Reference ABC70442381-2

\*If any of the above information is missing, the wire will be returned to sender.

\*If you have questions or concerns, please contact your closer.

\*Please remit funds in the form of a cashiers check or wire

**\*\*\*NOTE: Land Title can not accept buyer funds in the form of personal checks, and buyer funds delivered using ACH payment systems may result in the delay or cancellation of your closing.**



# Land Title Guarantee Company

Estimate of Title Fees

Order Number:

Date: 04-16-2015

Property Address: 4400 FOX ST, DENVER, CO 80216

Buyer/Borrower:

Seller: ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY

Visit Land Title's website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

Estimate of Title Insurance Fees	
ALTA Owners Policy 06-17-06	
Tax Certificate	
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
	<b>Total</b>
THANK YOU FOR YOUR ORDER!	

**ALTA COMMITMENT**  
**First American Title Insurance Company**  
**Schedule A**

Order Number:

Customer Ref-Loan No.:

**Property Address:**

4400 FOX ST, DENVER, CO 80216

**1. Effective Date:**

04-09-2015 at 17:00:00

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06  
Proposed Insured:

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A FEE SIMPLE

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY

**5. The Land referred to in this Commitment is described as follows:**

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH RIGHT-OF-WAY LINE OF WEST 43RD AVENUE, PER THE VIADUCT ADDITION TO THE CITY OF DENVER, BEING MONUMENTED AS SHOWN HEREIN, AND CONSIDERED TO BEAR SOUTH 89°45'13" WEST.

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 6, SAID VIADUCT ADDITION, THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°45'13" WEST, A DISTANCE OF 286.05 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 16°00'50" WEST;

2. ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°31'13", AN ARC LENGTH OF 28.38 FEET;

3. SOUTH 89°45'13" WEST, A DISTANCE OF 31.95 FEET;

THENCE SOUTH 00°15'07" EAST, A DISTANCE OF 28.36 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID 43RD AVENUE AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 67°11'39" EAST;

THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 13°54'55", AN ARC LENGTH OF 12.14 FEET TO THE CENTERLINE OF VACATED 43RD AVENUE, AS DESCRIBED IN ORDINANCE NUMBER 30, SERIES OF 1943;

**ALTA COMMITMENT**  
**First American Title Insurance Company**  
**Schedule A**

Order Number:

Customer Ref-Loan No.:

THENCE, ALONG SAID CENTERLINE SOUTH 89°45'13" WEST, A DISTANCE OF 175.06 FEET TO THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN RULE AND ORDER RECORDED UNDER RECEPTION NO. 2012112161 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID CITY AND COUNTY OF DENVER;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 02°28'59" WEST, A DISTANCE OF 57.22 FEET;
2. NORTH 02°23'14" WEST, A DISTANCE OF 4.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5440.25 FEET;
3. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°28'25", AN ARC LENGTH OF 139.92 FEET;
4. NORTH 00°54'49" WEST, A DISTANCE OF 46.97 FEET;
5. NORTH 00°54'49" WEST, A DISTANCE OF 7.80 FEET;
6. NORTH 00°10'36" EAST, A DISTANCE OF 471.64 FEET;
7. NORTH 00°20'10" WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 37775.14 FEET;
8. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°12'54", AN ARC LENGTH OF 141.82 FEET;

THENCE, DEPARTING SAID EASTERLY BOUNDARY, NORTH 89°45'13" EAST, A DISTANCE OF 471.48 FEET;

THENCE SOUTH 00°14'47" EAST, A DISTANCE OF 462.12 FEET;

THENCE NORTH 89°45'13" EAST, A DISTANCE OF 59.44 FEET TO THE WESTERLY RIGHT-OF-WAY OF FOX STREET, AS DEDICATED ON SAID PLAT OF THE VIADUCT ADDITION;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°14'47" EAST, A DISTANCE OF 438.04 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:  
JOHN R. WEST, JR.  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 25645  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

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**ALTA COMMITMENT**  
**First American Title Insurance Company**  
**Schedule B Section 1**

**(Requirements)**

Order Number:

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Item (c) Payment of all taxes, charges or assessments levied and assessed against the subject premises which are due and payable.

Item (d) Additional requirements, if any disclosed below:

1. RELEASE OF DEED OF TRUST DATED APRIL 19, 2010 FROM ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF DENVER COUNTY FOR THE USE OF AMERICAN NATIONAL BANK TO SECURE THE SUM OF \$11,100,000.00 RECORDED APRIL 22, 2010, UNDER RECEPTION NO. 2010044050.

CONSENT AND SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED MARCH 28, 2013 UNDER RECEPTION NO. 2013043553.

PARTIAL RELEASE OF DEED OF TRUST RECORDED JANUARY 8, 2015 UNDER RECEPTION NO. 2015002309.

2. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

3. PROVIDE LAND TITLE GUARANTEE COMPANY WITH AN EXECUTED COPY OF ALTA/ACSM LAND TITLE SURVEY, PREPARED BY AZTEC CONSULTANTS, INC., JOB NO. 92315-01. LAND TITLE GUARANTEE COMPANY IS IN RECEIPT OF AN UNEXECUTED COPY.

SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY.

4. WARRANTY DEED FROM ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY TO CONVEYING SUBJECT PROPERTY.

NOTE: THE STATEMENT OF AUTHORITY RECORDED JANUARY 7, 2015 UNDER RECEPTION NO. 2015002274 FOR ASCENDANT CAPITAL PARTNERS DNA, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES GRAHAM BENES AND JOHN WOODWARD AS THE MANAGERS THAT ARE AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

**First American Title Insurance Company**  
**Schedule B Section 2**

**(Exceptions)**

Order Number:

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, 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 the Public Records.
4. 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.
5. 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 of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RIGHT OF WAY FOR INGRESS AND EGRESS RECORDED DECEMBER 13, 1946 IN BOOK 6125 AT PAGE 215.
10. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN DEED RECORDED FEBRUARY 20, 1964 IN BOOK 9188 AT PAGE 260.  
  
NOTE: PARTIAL RELEASE AND QUIT CLAIM DEED RECORDED JULY 21, 1982 IN BOOK 2623 AT PAGE 40.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY FOR INGRESS AND EGRESS FROM PROPERTY CONVEYED BY THE DENVER SEWER PIPE AND CLAY COMPANY TO ELECTRON CORPORATION IN WARRANTY DEED RECORDED DECEMBER 13, 1946 IN BOOK 6152 AT PAGE 342.
12. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH AND GRANTED IN AGREEMENT RECORDED JUNE 12, 1947 IN BOOK 6225 AT PAGE 526.  
  
CONSENT TO THE ASSIGNMENT RECORDED JUNE 12, 1947 IN BOOK 6225 AT PAGE 529.  
EASEMENT RECONVEYED IN INSTRUMENT RECORDED OCTOBER 5, 1959 IN BOOK 8418 AT PAGE 421, CONSENT TO REASSIGNMENT RECORDED MAY 2, 1960 IN BOOK 8505 AT PAGE 520,  
ASSIGNMENT RECORDED JUNE 12, 1947 IN BOOK 6225 AT PAGE 533.
13. RIGHTS OF CONTRACTS IN THE NAME OF PUBLIC SERVICE COMPANY OF COLORADO, AS RESERVED IN DEED RECORDED JANUARY 7, 1965 IN BOOK 9363 AT PAGE 226.



**First American Title Insurance Company**  
**Schedule B Section 2**

**(Exceptions)**

Order Number:

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

14. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ROADWAY LICENSE AGREEMENT RECORDED AUGUST 23, 1960 IN BOOK 8556 AT PAGE 543.  
  
ASSIGNMENT RECORDED DECEMBER 16, 1960 IN BOOK 8609 AT PAGE 368, CONSENT TO ASSIGNMENT RECORDED AUGUST 23, 1960 IN BOOK 8556 AT PAGE 541.
15. RESERVATIONS AND EASEMENTS AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO AS DISCLOSED IN DEED RECORDED JULY 31, 1968 IN BOOK 9910 AT PAGE 220.
16. (ITEM INTENTIONALLY DELETED)
17. RESERVATIONS, EASEMENTS AND EXCEPTIONS CONTAINED IN ORDINANCE #30, SERIES OF 1943, RECORDED MAY 26, 1952 IN BOOK 7120 AT PAGE 540.
18. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ORDINANCE #38, SERIES OF 1946 ( STORED AS ESI 20237625 ).
19. (ITEM INTENTIONALLY DELETED)
20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN COVENANT RECORDED OCTOBER 29, 1985 UNDER RECEPTION NO. 1084670 AND RECORDED NOVEMBER 13, 1985 UNDER RECEPTION NO. 1190842.
21. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY AGREEMENT RECORDED DECEMBER 03, 1985 UNDER RECEPTION NO. 098929.  
  
CORRECTIVE RIGHT OF WAY AGREEMENT RECORDED SEPTEMBER 24, 1986 UNDER RECEPTION NO. 26014, RIGHT OF WAY AGREEMENT AMENDMENT RECORDED MARCH 15, 1996 UNDER RECEPTION NO. 34221.
22. (ITEM INTENTIONALLY DELETED)
23. RESERVATIONS OF COAL, OIL, GAS, CASINGHEAD GAS AND ALL ORES AND MINERALS OF EVERY KIND AND NATURE UNDERLYING THE SURFACE, TOGETHER WITH THE FULL RIGHT, PRIVILEGE AND LICENSE AT ANY AND ALL TIMES TO EXPLORE, OR DRILL FOR AND TO PROTECT, CONSERVE, MINE, TAKE, REMOVE AND MARKET ANY AND ALL SUCH PRODUCTS IN ANY MANNER WHICH WILL NOT DAMAGE STRUCTURES ON THE SURFACE OF THE PREMISES HEREIN CONVEYED, TOGETHER WITH THE RIGHT OF ACCESS AT ALL TIMES TO EXERCISE SAID RIGHTS, AS SET FORTH IN QUIT CLAIM DEED RECORDED JANUARY 30, 1987 UNDER RECEPTION NO. 85084.
24. (ITEM INTENTIONALLY DELETED)
25. (ITEM INTENTIONALLY DELETED)
26. EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED APRIL 14, 1998 UNDER RECEPTION NO. 9800056545.
27. (ITEM INTENTIONALLY DELETED)

**First American Title Insurance Company**  
**Schedule B Section 2**

**(Exceptions)**

Order Number: ..

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

28. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RULE AND ORDER RECORDED AUGUST 20, 2012 UNDER RECEPTION NO. 2012112161.

PARTIAL ASSIGNMENT OF PERMANENT EASEMENT TO CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS RECORDED JUNE 22, 2012 UNDER RECEPTION NO. 2012082113.

PARTIAL ASSIGNMENT OF PERMANENT EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO RECORDED APRIL 17, 2013 UNDER RECEPTION NO. 2013054580.

29. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT AGREEMENT RECORDED JANUARY 07, 2015 UNDER RECEPTION NO. 2015002279.

30. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/ACSM LAND TITLE SURVEY DATED APRIL 9, 2015 AND LAST REVISED \_\_\_\_\_, 2015, PREPARED BY AZTEC CONSULTANTS, INC., JOB NO. 92315-01:

ACCESS ROAD AND PARKING LOT IN THE NORTHERLY PORTION OF SUBJECT PROPERTY SERVES PROPERTY ADJACENT TO THE NORTH.



LAND TITLE GUARANTEE COMPANY  
LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION

DISCLOSURE STATEMENTS

**Note:** Pursuant to CRS 10-11-122, notice is hereby given that:

- A) The Subject real property may be located in a special taxing district.
- B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property)
- C) The 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.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires 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 any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B-2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D) The Company must receive payment of the appropriate premium.
- E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

**Note:** Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- A) 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
- B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.



First American Title™

## Privacy Information

### We are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

### Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

### Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others, and
- Information we receive from a consumer reporting agency.

### Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to non affiliated parties except: (1) as necessary for us to provide the product or service you have requested to us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

### Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

### Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us how you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site. There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process and order or allow you to access specific account/profile information. If you choose to share any personal information with us, we still only use it in accordance with the policies outlined above.

### Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

### Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

### Fair Information Values

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



**JOINT NOTICE OF PRIVACY POLICY OF  
LAND TITLE GUARANTEE COMPANY,  
LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION,  
LAND TITLE INSURANCE CORPORATION AND  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company and Meridian Land Title, LLC, as agents for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- ▶ applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
  - ▶ your transactions with, or from the services being performed by, us, our affiliates, or others;
  - ▶ a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- ▶ the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- ▶ We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- ▶ We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- ▶ Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- ▶ We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

**WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.**

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows. Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



First American Title™

## Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements, all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, First American Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

### CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or the matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of the Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at [www.atia.org](http://www.atia.org).

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue  
Suite 600  
Denver, Colorado 80206  
303-850-4165

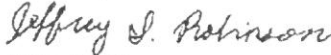
First American Title Insurance Company

  
John E. Freyer  
President

Authorized Officer or Agent



Dennis J. Gilmore



Jeffrey S. Robinson  
Secretary

AMERICAN  
LAND TITLE  
ASSOCIATION



EXHIBIT D: AUTHORIZATION DOCUMENTS

*See authorization documents on the following pages.*



01/07/2015 04:49 PM R \$11.00 MIS  
City & County of Denver  
Electronically Recorded

STATEMENT OF AUTHORITY

- This Statement of Authority relates to an entity<sup>1</sup> named Axendant Capital Partners DPA LLC and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
- The type of entity is a:
 

<input type="checkbox"/> corporation	<input type="checkbox"/> registered limited liability partnership
<input type="checkbox"/> nonprofit corporation	<input type="checkbox"/> registered limited liability limited partnership
<input checked="" type="checkbox"/> limited liability company	<input type="checkbox"/> limited partnership association
<input type="checkbox"/> general partnership	<input type="checkbox"/> government or governmental subdivision or agency
<input type="checkbox"/> limited partnership	<input type="checkbox"/> trust (Section 38-30-108.5, C.R.S.)
- The entity is formed under the laws of Colorado
- The mailing address for the entity is 2 Inverness Drive East, Suite 200 Englewood, CO 80111
- The  name  position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is Graham Benez, MANAGER John Woodward, MANAGER
- The authority of the foregoing person(s) to bind the entity is  not limited  limited as follows: \_\_\_\_\_
- Other matters concerning the manner in which the entity deals with interests in real property: \_\_\_\_\_

Executed this 10 day of June, 2014.

Graham T. Benez  
Signature (Type or Print Name Below)  
Graham T. Benez

STATE OF COLORADO  
County of Denver ss.

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 2014 by Graham T. Benez

Witness my hand and official seal.  
My commission expires: March 29, 2017 Nicole M. Snell  
Notary Public

**NICOLE M. SNELL**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20134020334  
My Commission Expires Mar. 29, 2017

<sup>1</sup>This form should not be used unless the entity is capable of holding title to real property.  
<sup>2</sup>The absence of any limitation shall be prima facie evidence that no such limitation exists.  
<sup>3</sup>The statement of authority must be recorded to obtain the benefits of the statute.





**ASCENDANT CAPITAL PARTNERS DNA, LLC**  
**5619 DTC Parkway, Suite 525**  
**Greenwood Village, Colorado 80111**  
**Telephone (303) 792-3456**  
**Facsimile (303) 792-9092**

March 3, 2017

City and County of Denver  
Community Planning and Development  
201 West Colfax Avenue, Dept. 205  
Denver, Colorado 80202

Re: 4400 Fox Street; 30.56 Acre Rezoning Submittal (Fox North); and 25/70 GDP Repeal and Fox North IMP

To Whom It May Concern:

I am writing this letter in connection with the Rezoning Application submitted on April 28, 2015, in connection with the above property. Ascendant Capital Partners DNA, LLC, is the Owner of the property. I am the Manager of DNAMSW, LLC, which is the Manager of the Owner.

Please accept this letter as the Owner's authorization for Woodspear Properties, and Zakary Kessler, its Associate General Counsel, to act on behalf of the Owner as its Representative in all matters relating to the Rezoning Application, GDP Repeal Application, and IMP. Further, Rachel Prestidge of CRL Associates and Kathleen Fogler of Tryba Architects are authorized to submit documents and conduct correspondence with respect to the Rezoning Application, GDP Repeal Application, and IMP.

This authorization is effective immediately, and will remain in effect until the earlier of: (1) approval of the zoning map amendment or (2) withdrawal/termination of the GDP Repeal Application.

In addition, any and all other actions heretofore taken by either Woodspear Properties or Mr. Kessler to execute, negotiate, and deliver any documents in connection with the Rezoning Application are hereby approved, ratified, and confirmed in all respects by the Owner.

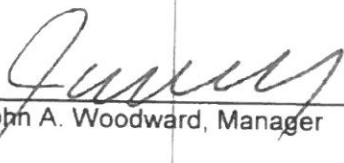
Please let me know if you need any additional information.

Sincerely,

ASCENDANT CAPITAL PARTNERS DNA, LLC,  
a Colorado limited liability company

By: DNAMSW, LLC, a Colorado limited liability company,

its Manager

By:   
John A. Woodward, Manager

JAW:jp

cc: Graham T. Benes, Ascendant Equity Partners DNA, LLC

EXHIBIT E: ASSESSOR'S PARCEL NUMBERS

Assessor's Parcel Number: 0222200070000

**From:** armando payan  
**To:** [Dalton, Kyle A. - Community Planning and Development](#)  
**Cc:** [Liz Adams](#); [Rey Gee](#); [Elia Fisher](#); [Mike Stone](#); [Nola J. Miquel](#); [Robin Reichhardt](#); [Zak Kessler](#); [Ortega, Deborah L. - City Council](#)  
**Subject:** 4400 Fox Street Rezoning Request  
**Date:** Sunday, June 10, 2018 8:04:49 AM

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Kyle as President of UCAN United Community Action Inc, we endorse the rezoning of the above property. I believe that the rezoning will bring much needed improvement in a multiple of areas such as a food court with fresh vegetables, affordable housing, employment opportunities for the residents, etc. As you know our neighborhoods have been neglected for over a 100 years and yet today we are the last neighborhood/community to gain the smart community concept where technology is abundant and renewable energy is the mainstream. We look forward in aiding in the development of this area to make our neighborhood one of the crown jewels of the world and for the world to enjoy in all aspects.

Please feel free to contact me at 303 667 4506 for any further dialog that you might require to expand on the above topic.

Sent from Yahoo Mail. [Get the app](#)