



**TO:** Denver City Council  
**FROM:** Francisca Peñafiel, Senior City Planner  
**DATE:** April 21, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00187

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00187.

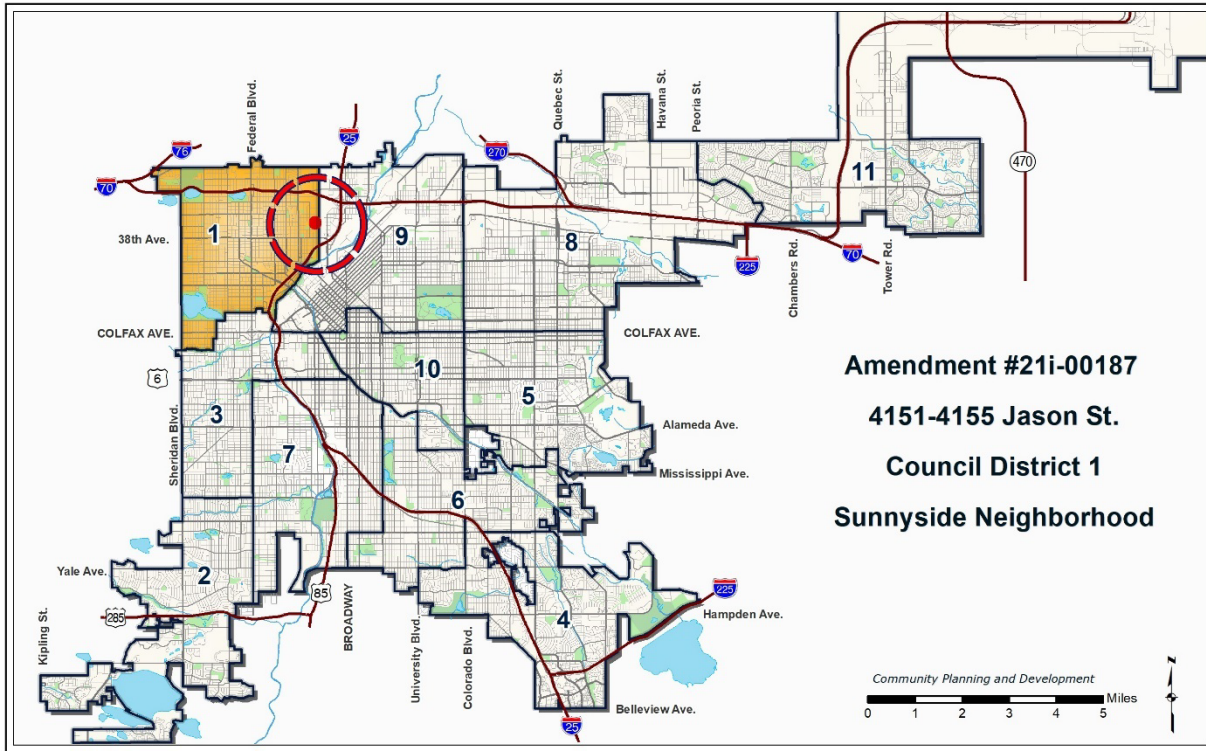
### Request for Rezoning

Address:	4151 - 4155 North Jason Street
Neighborhood/Council District:	Sunnyside Neighborhood / Council District 1
RNOs:	District 1 Neighborhood Coalition, Inc., Unite North Metro Denver, Sunnyside United Neighbors, Inc. (SUNI), Inter-Neighborhood Cooperation (INC), Denver for ALL
Area of Property:	28,125 square feet / 0.6 Acres
Current Zoning:	I-MX-3
Proposed Zoning:	U-RX-5
Property Owner(s):	Electra Enterprises LLC
Owner Representative:	Stacia Gebers, LPC Development

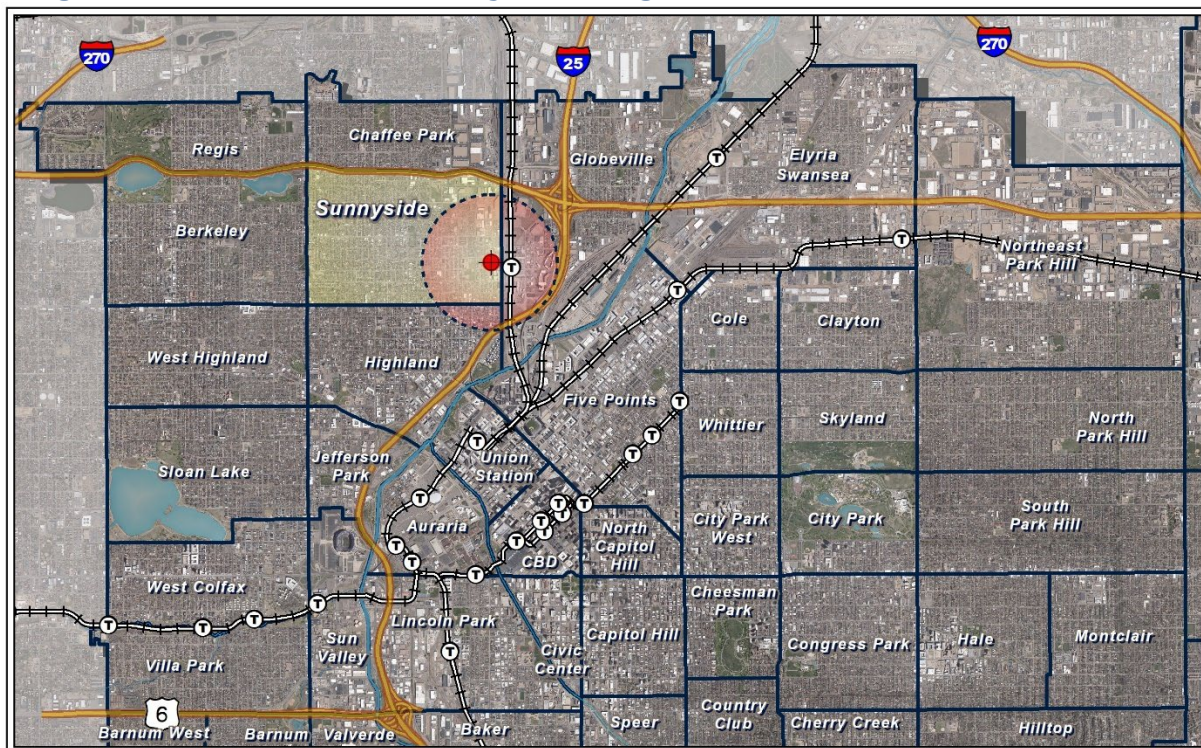
### Summary of Rezoning Request

- The subject properties are located in the Sunnyside statistical neighborhood at the southwest corner of North Jason Street and 42<sup>nd</sup> Avenue.
- The properties are currently zoned I-MX-3, which allows a mix of industrial, commercial, residential, and civic uses with a maximum height of 3 stories.
- The applicant is requesting to rezone the properties to allow for a residential mixed-use redevelopment. The site at 4151 North Jason Street is vacant while the one at 4155 North Jason Street currently contains an industrial warehouse.
- The proposed U-RX-5, UrbResidential Mixed Use district allows for the town house and shopfront building forms up to 5 stories. The district is intended for use in the Urban Neighborhood Context to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. Compared to Mixed Use districts, Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

### Existing Context



### Neighborhood Location – Sunnyside Neighborhood



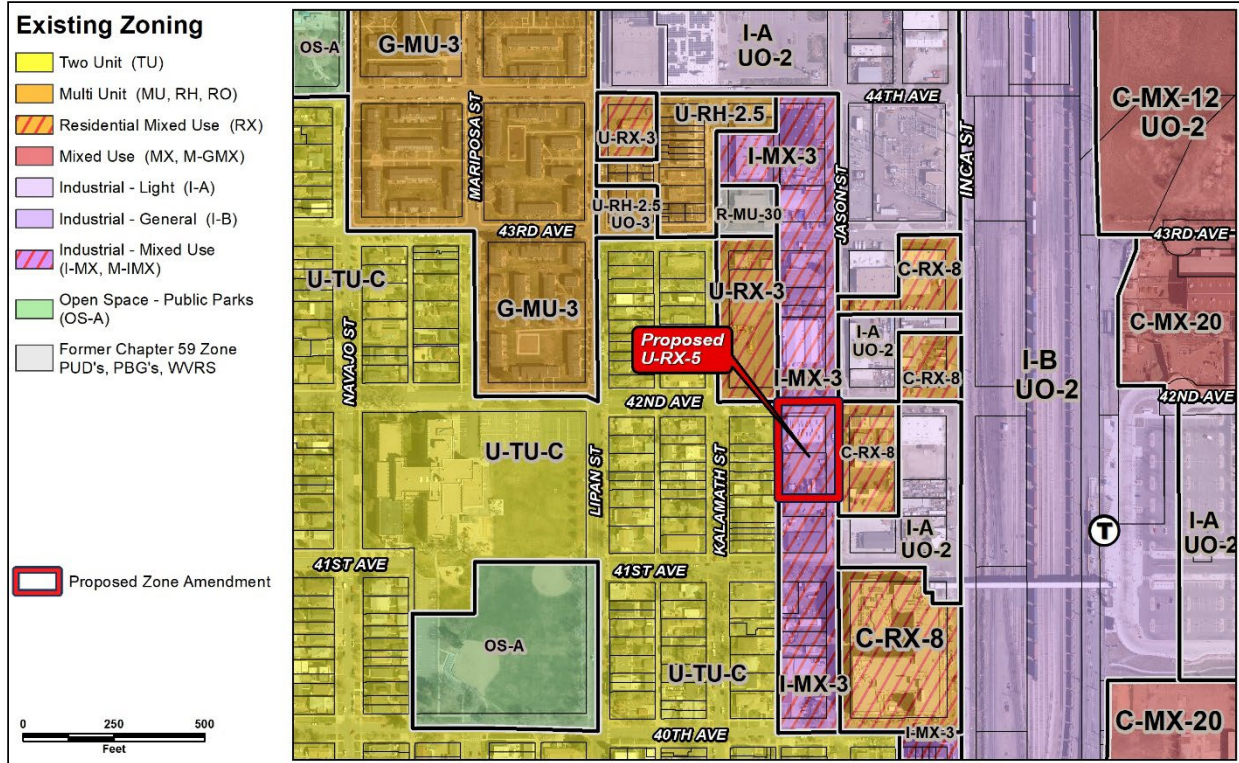


The subject properties are located within the Sunnyside Neighborhood between 41<sup>st</sup> and 42<sup>nd</sup> Avenue, along North Jason Street. Current nearby land uses are mostly industrial to the north, east and south, with some single-unit and multi-unit residential to the west. Existing area building heights range from 1 to 8 stories. This area is served by the Trevista at Horace Mann Elementary School, a block and a half west from the subject property. The 41<sup>st</sup> and Fox RTD light rail station lies approximately 1,000 feet to the southeast, which can be accessed via the pedestrian way at 41<sup>st</sup> and Inca Street, and the site is also served by RTD bus service route 38, that travels east/west along West 38<sup>th</sup> Avenue, and route 19 and 52 that run north/south along North Lipan Street.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-MX-3	Industrial, vacant	1-story industrial structure	Grid street patterns with alleys, attached sidewalks. Regular pattern of rectilinear blocks. Grid is disrupted by the railroad tracks to the east.
North	I-MX-3	Industrial	1- and 2-story industrial structures	
South	I-MX-3	Industrial, design agency	1 story industrial structure	
West	U-TU-C	Multi unit residential	2 story triplex residential building	
East	C-RX-8	Residential mixed use Under construction	Vacant lot, currently under construction	

## Existing Zoning



The existing zoning on the subject property is I-MX-3. “The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.” (DZC Section 9.1.2.1.A.1.). “Industrial Mixed Use 3 (I-MX-3) applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.” (DZC Section 9.1.2.1.A.2.). The zone district allows the Town House, General and Shopfront building forms.

### Existing Land Use Map



### Existing Building Form and Scale

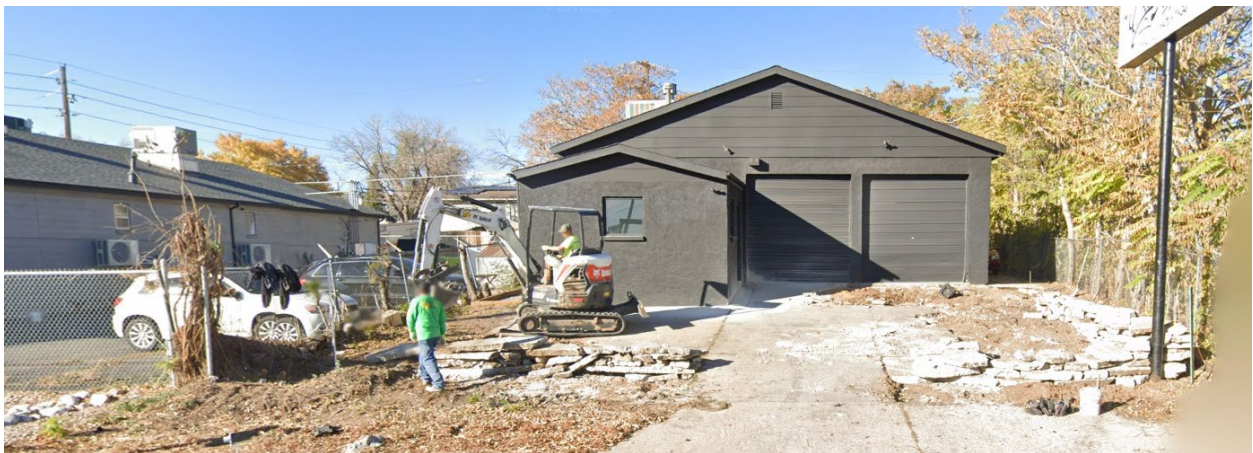
All images are from Google Street View.



View of 4155 North Jason Street, looking southwest.



View of the 4151 North Jason Street, looking southwest.



View of the property to the south, looking west.



View of the property to the north of the subject properties, looking northwest.



Current lot under construction across the street on North Jason Street, looking southeast.



View of the properties to the west of the subject properties, looking northeast along North Kalamath St.

### Proposed Zoning

The requested U-RX-5 zone district is found in the Urban Neighborhood Context. The intent of the district is to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC, Section 5.2.4). A variety of building forms, including Town House, and Shopfront are available in this zone district. A wide range of residential, quasi-public, and commercial uses are permitted (with and without limitations) in U-RX-5. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose” from the Section 5.2.4.1. For additional details of the requested zone district, see DZC Sections 5.2.3, 5.3 and 5.4.

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

Design Standards	I-MX-3	U-RX-5 (Proposed)
Primary Building Forms Allowed	Town House, General, Industrial	Town House; Shopfront
Heights in Stories / Feet (max)	3/45'	5/70'
Primary Street Build-To Percentages (min)	0-70%	70%
Primary Street Build-To Ranges	0'-15'*	0' to 15'*
Primary Street Setbacks (min)	0' to 10'*	0' to 10'*
Surface Parking Between Building and Primary Street/Side Street	Allowed for Industrial Building Form	Not Allowed/Allowed
Transparency, Primary Street (min)	40% for Townhouse and General Building Forms	60% - 40%*

\*Standard varies between building forms

### Proposed Affordable Housing Agreement

Concurrent with the rezoning, the applicant is also facilitating a voluntary affordable housing agreement to be signed and recorded by the property owner. The agreement would apply to the entirety of the site. General terms under discussion as of the writing of this report include a commitment to construct at least 10% of total units affordable to residents earning 80% or less of Area Median Income (AMI), resulting in 7 units under the current proposed development plan of 73 units. 8% of the units (6 units) would be restricted to 80% AMI and 2% of the units (1 unit) would be affordable to residents earning 60% AMI. The 60% AMI unit shall have at least one bedroom. The income-restricted units would remain at this level of affordability for a minimum period of 99 years.



## **Summary of City Agency Referral Comments**

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

**Assessor:** Approved – No Response.

**Asset Management:** Approved – No Comments.

**Denver Public Schools:** Approved – No Response.

**Department of Public Health and Environment:** Approved – See Comments Below.

The most recent Phase I/II completed in the area was adjacent to this property and identified multiple Recognized Environmental Conditions (REC).

**Denver Parks and Recreation:** Approved – No Comments.

**Public Works – R.O.W.- City Surveyor:** Approved –No Comments.

**DOTI – Development Engineering Services:** Approved – No Response.

**Development Services – Project Coordination:** Approved – No Comments.

**Development Services - Fire Protection:** Approved – No Comments.

**Development Services- Wastewater:** Approved – See Comments Below.

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site will require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	12/28/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	2/1/2022
Planning Board public hearing: (recommended approval unanimously)	2/16/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	2/15/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	3/1/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	4/4/2022
City Council Public Hearing:	4/25/2022

- Registered Neighborhood Organizations (RNOs):** To date, staff has received one letter of support from the Sunnyside United Neighbors Registered Neighborhood Organization. The developer worked with the RNO in drafting a Memorandum of Understanding (MOU) where they agreed to aspects of design related to physical attributes, industrial design influence, ground floor activation, vehicle access egress, alley activation and continued involvement of SUNI at the site development plan phase. The letter of support and MOU are included as attachments to this staff report.
- Other Public Comment:** To date, staff has received no public comment letters. The applicant provided a summary of their community outreach in the application.

## **Criteria for Review / Staff Evaluation**

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

### **DZC Section 12.4.10.7**

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

### **DZC Section 12.4.10.8**

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

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

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *41<sup>st</sup> & Fox Station Area Plan (2009)*
- *Sunnyside Neighborhood Plan (1992)*

### **Denver Comprehensive Plan 2040**

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

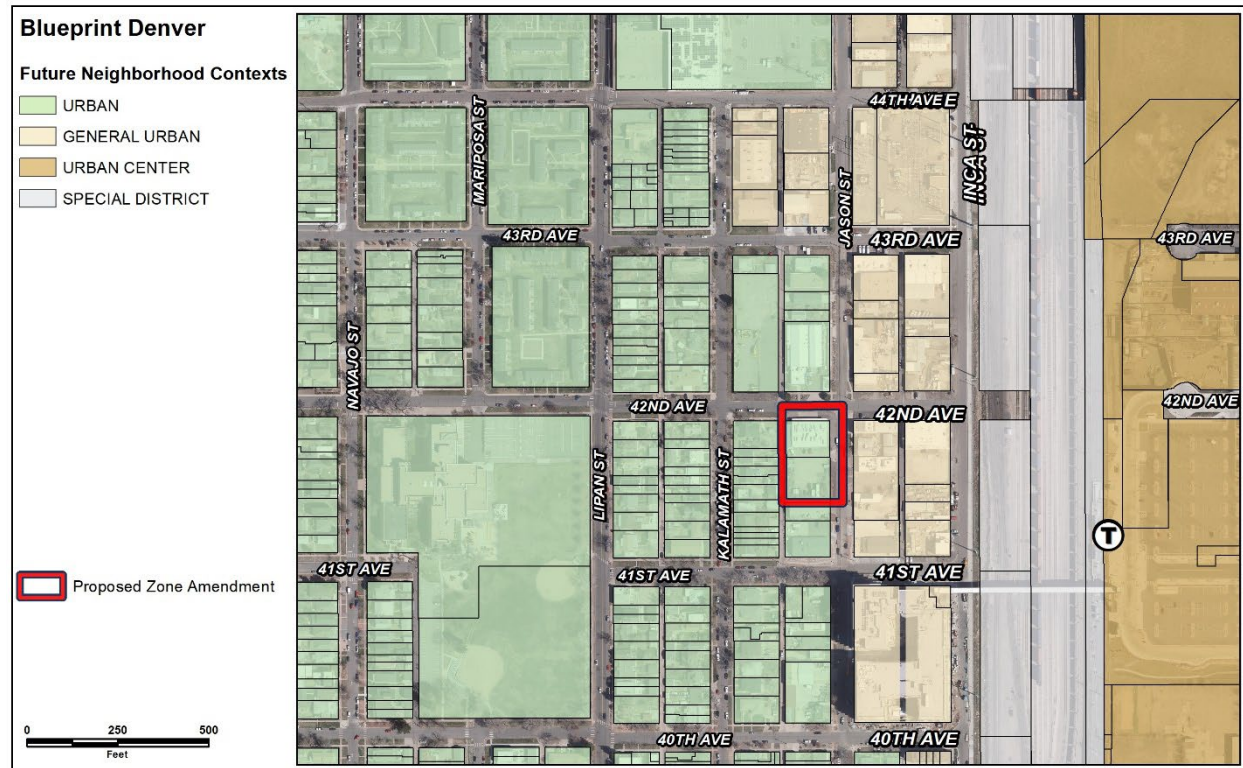
- Equitable, Affordable and Inclusive, Goal 2, “Build housing as a continuum to serve residents across a range of incomes, ages and needs” (p. 28).
- Equitable, Affordable and Inclusive, Strategy 2A, “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28).
- Strong and Authentic Neighborhoods, Strategy 1B, “Ensure neighborhoods offer a mix of housing types and services for a diverse population” (p. 34).
- Strong and Authentic Neighborhoods, Strategy 1D, “Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities” (p. 34).
- Environmentally Resilient Goal 8, Strategy A, “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will enable the development of mixed uses, adding to the mix of housing types available in the area, and the new structures will be at a compatible scale to the existing neighborhood. Finally, the new development is in an area where infrastructure and services are already in place. The requested U-RX-5 zone district broadens the mix of allowed land uses at a scale compatible with the existing neighborhood. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

## **Blueprint Denver**

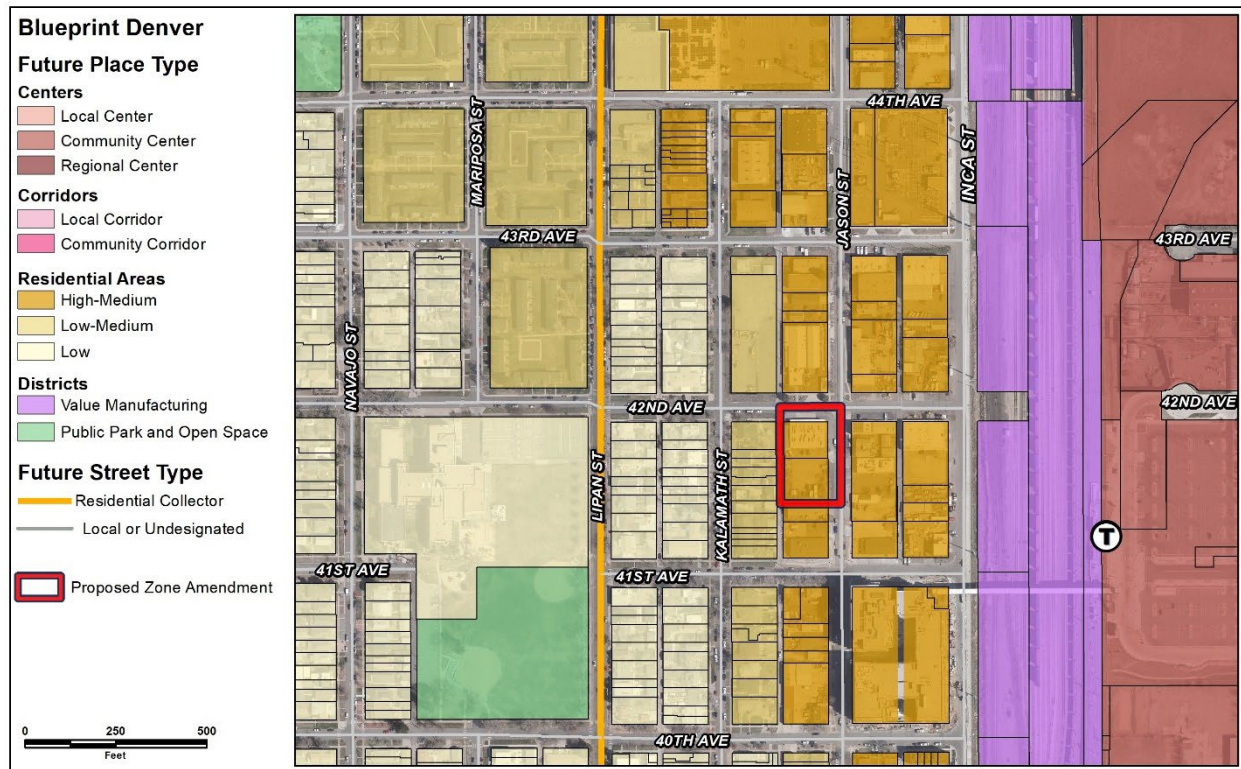
*Blueprint Denver* identifies the subject property as being located within the Urban future neighborhood context, in a High Medium Residential future place and on the Growth Strategy map within “All other areas of the city.”

### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban neighborhood context. The context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” (p. 222). The proposed U-RX-5 zone district is part of the Urban context and is intended to promote safe, active and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Since the proposed district is primarily intended to accommodate residential uses with neighborhood-scaled shops and offices, the proposed rezoning to an Urban context is appropriate and consistent with the plan.

**Blueprint Denver Future Place**

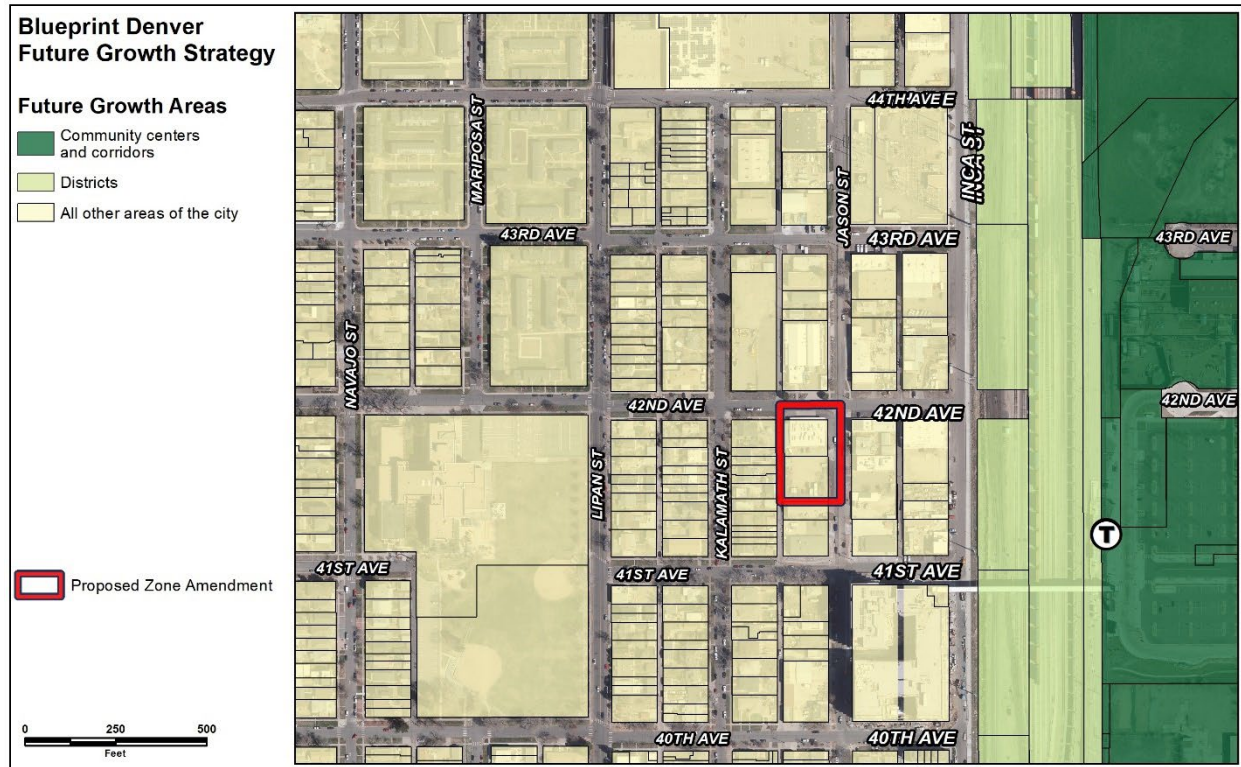


The Future Places map designates the subject properties as a High-Medium Residential Area. *Blueprint Denver* describes the aspirational characteristics of High-Medium Residential Areas in the Urban context as having a “mix of mid-scale multi-unit residential options. Some neighborhood-serving mixed-use may be appropriate, especially along arterial streets or at non-local street intersections. Buildings are generally up to 5 stories in height” (p. 233). Consistent with this guidance, the proposed U-RX-5 zone district provides for a variety of residential options and allows for limited commercial uses.

**Street Types**

*Blueprint Denver* classifies North Jason Street and West 42<sup>nd</sup> Avenue as undesignated local streets. “Streets within the Urban context usually have high degrees of pedestrian and bike activity. Utilizing on-street parking on residential or local street to access nearby businesses on main street and mixed-use streets can be expected” (p. 234). As the proposed zone district, U-RX-5, allows for a range of residential and limited commercial uses along undesignated local street and this area is well-served by transit, the district is consistent with the future street types at this location.

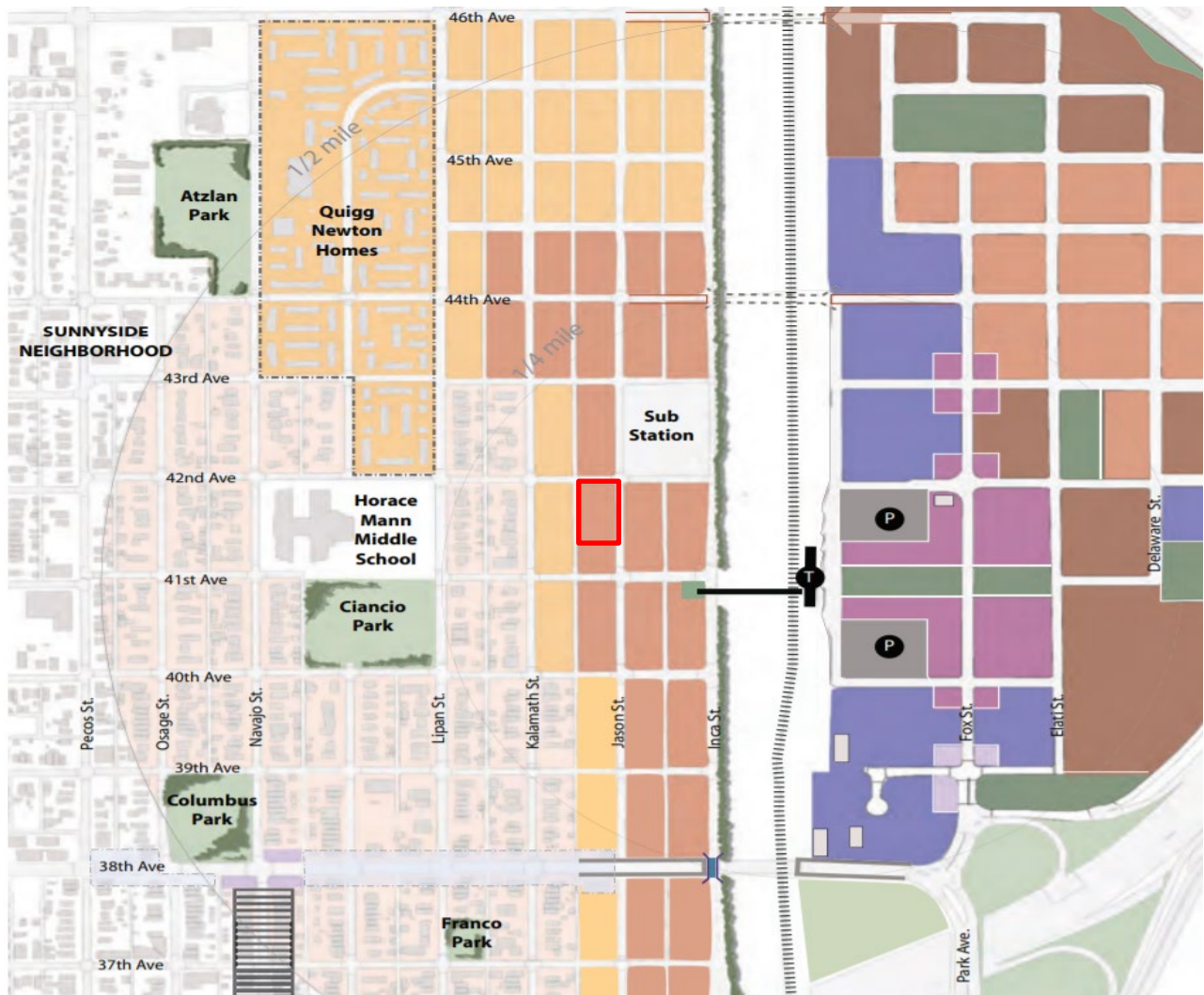
**Growth Strategy**




















The subject property is located within a High-Medium Residential place within an Urban neighborhood context, which is classified as “All other areas of the city” in *Blueprint Denver*. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units and offer the opportunity for additional jobs, which is an appropriate change given these growth goals. Access to jobs, housing, and services can improve in the residential mixed-use zone districts, and this site has access to multiple bus and rail transit lines. Therefore, this rezoning is consistent with the *Blueprint Denver Future Growth Areas* plan direction.

**41<sup>st</sup> & Fox Station Area Plan (2009)**

The *41<sup>st</sup> & Fox Station Area Plan* was adopted by City Council in 2009 and applies to the subject property. The plan sets forth a vision for the creation of a “diverse, transit supportive and environmentally sustainable urban center” (p. 9). In the land use concept map, the subject property is mapped as Urban Residential 2-8 stories. These areas are intended as new, moderate density neighborhoods and are intended to create an improved new edge between the station and the existing neighborhood to the west. The Urban Residential 2-8 stories designation calls for a range of housing types including single-unit, accessory dwelling units, duplexes, townhouses and small condominium and apartment buildings. The requested zone district, U-RX-5 allows for a wide range of housing types and provides an opportunity for neighborhood-serving commercial uses within walking distance of the transit station. Therefore, this rezoning request is consistent with both the land use and building heights recommendations in the *41<sup>st</sup> & Fox Station Area Plan*.

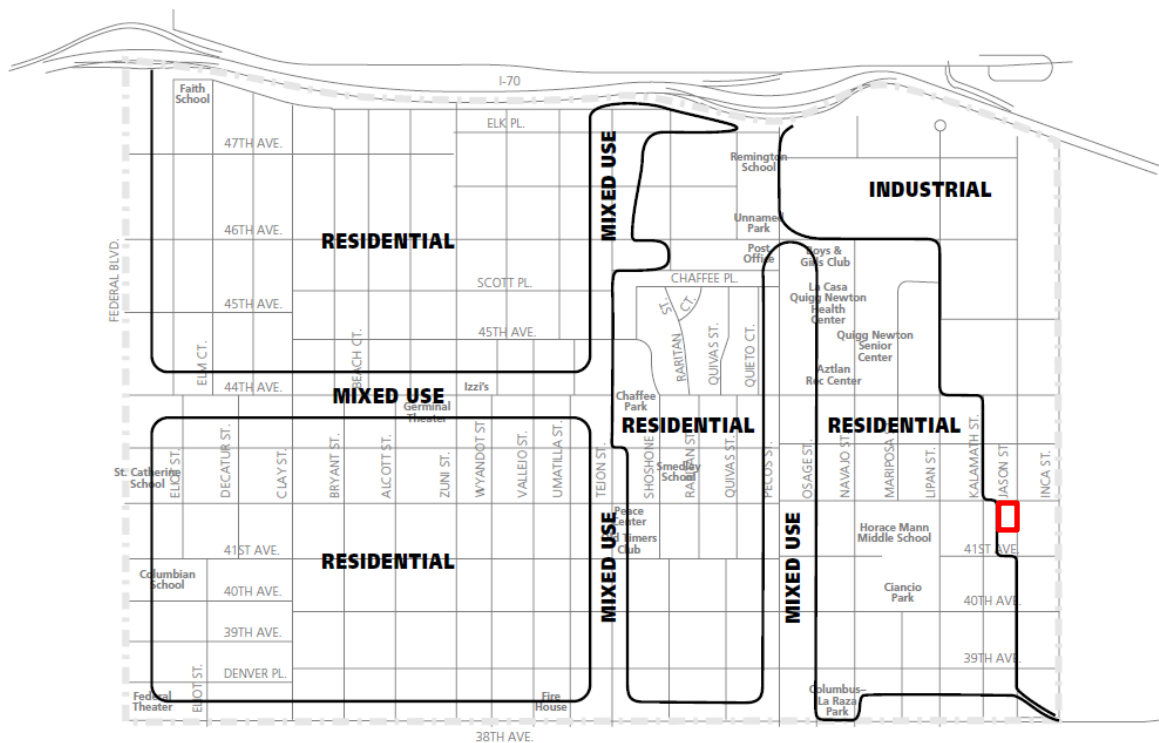


- |   |   |   |   |
|---|---|---|---|
|  | Pedestrian Shopping District (2-8 stories)  |  | Funded New Pedestrian/Bike Bridge over 38th Ave.        |
|  | Pedestrian Shopping District (2-5 stories)  |  | Proposed Ped. Bridge /Potential Future Vehicular Access |
|  | Mixed-Use Office/Residential (3-20 stories) |  | Transit Platform and Pedestrian Bridge                  |
|  | Urban Residential (2-12 stories)            |  | Future RTD Structured Parking                           |
|  | Urban Residential (2-8 stories)             |  | FasTracks Gold Line                                     |
|  | Urban Residential (1-3 stories)             |  | Existing Park   |
|  | Single Family / Single Family Duplex        |  | 38th Avenue Main Street                                 |
|  | Proposed Open Space/ Parks/ Plaza           |  | Historically Significant Buildings                      |
|   |   |  | Navajo District   |

**Sunnyside Neighborhood Plan (1992)**

The *Sunnyside Neighborhood Plan* was adopted in 1992 and applies to the subject property. The plan identifies the subject property as industrial, but it is at the edge of what is described as a residential area to the west. The plan further suggests that small scale shops and offices, particularly in commercial zones, would help maintain and stabilize the residential character of the neighborhood. At the time the plan was written, the subject property was zoned I-0 which is the least intense of Denver’s three industrial zone categories.

Although the *Sunnyside Neighborhood Plan* is an adopted plan that continues to guide policy and development decisions within the neighborhood, the eastern portion of the plan area (including the subject site) has more recent guidance from the *41<sup>st</sup> & Fox Station Area Plan*. The station area plan was adopted in 2009 in response to new opportunities presented by the commuter rail station. As a result, it provides more recent land use recommendations than the older *Sunnyside Neighborhood Plan*, which pre-dates the conception of FasTracks by more than a decade. Still, the proposed zone district, U-RX-5, is consistent with the overall goals of the plan as it supports housing options and the opportunity for limited neighborhood-serving commercial uses.



**Generalized Land Use Map**



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

The proposed rezoning to U-RX-5 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-RX-5.

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

The proposed map amendment furthers the public health, safety and general welfare of the City by implementing the vision set forth in the City's adopted plans, by allowing high-medium intensity mix of land uses and intensity of redevelopment that is in character with the surrounding neighborhood.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, *"Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan..."*

Recent physical changes within close proximity to the subject site include the opening of the 41<sup>st</sup> & Fox Station in 2019 and the addition of the multi-use path along Inca Street that connects the Sunnyside neighborhood to downtown. There are also several new, predominantly residential projects in the immediate area including townhomes across the alley from the subject property, the Zia development on Inca Street and the new project under construction across the street. Rezoning to a district that allows for ground-floor retail will be necessary to providing neighborhood-serving uses for new and existing residents in the area.

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

The requested U-RX-5 zone district is within the Urban Neighborhood Context. The neighborhood context "generally consists of single-unit and two-unit residential uses, with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas" (DZC Section 5.1.1). Further, "Multi-unit residential and commercial uses are located along local streets, arterials, and main streets" (DZC Section 5.1.1). Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. (DZC Section 5.1.2) The proposed U-RX-5 zone district is consistent with this Neighborhood Context Description.

The general purpose for the residential mixed-use zone districts stated in the Denver Zoning Code is to "promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public realm" and "ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial

development and adjacent residential neighborhoods” (DZC Section 5.2.4.1). The proposed U-RX-5 zone district would facilitate appropriately scaled mixed-use development with a residential focus.

According to the zone district intent stated in the Denver Zoning Code, the U-RX-5 district “applies to residentially dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired” (DZC Section 5.2.4.2.B). The property to be rezoned is on North Jason Street, which is classified as an undesignated local street. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

### **Attachments**

1. Application
2. Voluntary Housing Agreement
3. Letter of Support from RNO
4. MOU



## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
<b>PROPOSAL</b>			
Proposed Zone District:			
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?		<input type="checkbox"/> <b>Yes - State the contact name &amp; meeting date</b> _____ <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>	
Did you contact the City Council District Office regarding this application ?		<input type="checkbox"/> <b>Yes - if yes, state date and method</b> _____ <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>	

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>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.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</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 of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<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>	01/12/20	(A)	YES

## **Legal Description**

LOTS 22 THROUGH 30, INCLUSIVE, BLOCK 18, VIADUCT ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Also known as 4151-4155 Jason Street, Denver, Colorado 80211

Assessor's Schedule or Parcel number for 4151 Jason Street: 02214-19-015-000

Assessor's Schedule or Parcel number for 4155 Jason Street: 02214-19-014-000

Electra Enterprises LLC  
4155 Jason Street  
Denver, CO 80211

December 22nd, 2021

TO: City of Denver, Community Planning & Development  
201 W. Colfax Avenue, Dpt. 205  
Denver, CO 80202


RE: Application for Zone Map Amendment – 4151-4155 Jason Street


The undersigned (“Owner”), which owns the property located at 4151-4155 Jason Street in Denver, Colorado (the “Property”), hereby authorize LCP Development (“Representative”) to submit on behalf of Owner all applications and supporting materials required or requested in connection with the proposed U-RX-5 rezoning of the Property and any related development approvals in connection therewith.

Please address all communications to Representative pursuant to the contact information provided by Representative to the City.

Electra Enterprises LLC, a Colorado  
limited liability company

By: Electra Enterprises LLC

By:   
Larry Abel  
Managing Member

By:   
Virginia Abel  
Managing Member









## Land Title Guarantee Company Customer Distribution



**PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.**

Order Number: **ABM70735011**

Date: **07/27/2021**

Property Address: **4151-4155 JASON STREET, DENVER, CO 80211**

### PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

---

#### For Closing Assistance

Colin Snody  
3033 EAST FIRST AVENUE, SUITE  
600  
DENVER, CO 80206  
(303) 331-6234 (Work)  
(303) 393-3806 (Work Fax)  
[csnody@ltgc.com](mailto:csnody@ltgc.com)  
Contact License: CO271428  
Company License: CO44565

#### Closer's Assistant

Megan Corbin  
3033 EAST FIRST AVENUE, SUITE  
600  
DENVER, CO 80206  
(303) 331-6291 (Work)  
(303) 393-3865 (Work Fax)  
[mcorbin@ltgc.com](mailto:mcorbin@ltgc.com)  
Company License: CO44565

#### For Title Assistance

Mariann Ingermann  
5975 GREENWOOD PLAZA BLVD  
GREENWOOD VILLAGE, CO 80111  
(303) 850-4123 (Work)  
[mingermann@ltgc.com](mailto:mingermann@ltgc.com)

---

LITTLETON CAPITAL PARTNERS LLC  
Attention: JONATHAN BUSH  
2150 W 29TH AVE SUITE 410  
DENVER, CO 80211  
(303) 797-9119 (Work)  
[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)  
Delivered via: Electronic Mail

SHARI BAKER LLC  
Attention: SHARI BAKER  
3965 PROMONTORY CT  
BOULDER, CO 80304  
(303) 442-3751 (Work)  
(303) 957-2643 (Work Fax)  
[shari@sbakerlaw.com](mailto:shari@sbakerlaw.com)  
Delivered via: Electronic Mail

LITTLETON CAPITAL PARTNERS LLC  
Attention: GAIL QUAN  
2150 W 29TH AVE SUITE 410  
Denver, CO 80211  
[gquan@lcpdevelopment.net](mailto:gquan@lcpdevelopment.net)  
Delivered via: Electronic Mail

LYONS GADDIS  
Attention: CAMERON GRANT  
515 KIMBARK STREET 2ND FLOOR  
PO BOX 978  
LONGMONT, CO 80502  
(303) 817-8475 (Cell)  
(303) 776-9900 (Work)  
(303) 776-9100 (Work Fax)  
[cgrant@lyonsgaddis.com](mailto:cgrant@lyonsgaddis.com)  
Delivered via: Electronic Mail

ELECTRA ENTERPRISES LLC  
Attention: LARRY ABEL  
4155 JASON ST  
DENVER, CO 80211  
(303) 875-8352 (Work)  
[larry.abel50@gmail.com](mailto:larry.abel50@gmail.com)  
[vjillabel@gmail.com](mailto:vjillabel@gmail.com)  
Delivered via: Electronic Mail

LYONS GADDIS  
Attention: MAUREEN SIMPSON  
515 KIMBARK STREET 2ND FLOOR  
PO BOX 978  
LONGMONT, CO 80502  
(303) 776-9900 (Work)  
(303) 776-9100 (Work Fax)  
[msimpson@lyonsgaddis.com](mailto:msimpson@lyonsgaddis.com)  
Delivered via: Electronic Mail

TRANSWESTERN COMMERCIAL SERVICES

Attention: CRAIG PATON  
5251 DTC PARKWAY #1100  
GREENWOOD VILLAGE, CO 80111  
(970) 217-1358 (Cell)  
(303) 952-5596 (Work)  
(303) 407-1453 (Work Fax)  
craig.paton@transwestern.com  
Delivered via: Electronic Mail

LAND TITLE GUARANTEE COMPANY

Attention: LUKE DAVIDSON  
3033 EAST FIRST AVENUE SUITE 600  
DENVER, CO 80206  
(303) 321-1880 (Work)  
(303) 393-4912 (Work Fax)  
ldavidson@ltgc.com  
Delivered via: Electronic Mail

TRANSWESTERN COMMERCIAL SERVICES

Attention: DAVID SHAPIRO  
5251 DTC PARKWAY #1100  
GREENWOOD VILLAGE, CO 80111  
(303) 639-3000 (Work)  
(303) 407-1453 (Work Fax)  
David.Shapiro@transwestern.com  
Delivered via: Electronic Mail



**Land Title Guarantee Company**  
**Estimate of Title Fees**

Order Number: **ABM70735011** Date: **07/27/2021**  
Property Address: **4151-4155 JASON STREET, DENVER, CO 80211**  
Parties: **LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**ELECTRA ENTERPRISES, 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.

<b>Estimate of Title insurance Fees</b>	
"ALTA" Owner's Policy 06-17-06	\$4,282.00
Deletion of Standard Exception(s)	\$75.00
Tax Certificate , 2 Tax Parcels	\$52.00
	<b>Total \$4,409.00</b>
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
<b>Thank you for your order!</b>	

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

**Chain of Title Documents:**

[Denver county recorded 01/09/2012 under reception no. 2012002792](#)

**Plat Map(s):**

[Denver county recorded 10/08/1887 at book 4 page 46C](#)

**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule A**

Order Number: ABM70735011

**Property Address:**

4151-4155 JASON STREET, DENVER, CO 80211

**1. Effective Date:**

07/22/2021 at 5:00 P.M.

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

"ALTA" Owner's Policy 06-17-06

\$4,375,000.00

Proposed Insured:

LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED  
LIABILITY COMPANY

**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:**

ELECTRA ENTERPRISES, LLC, A COLORADO LIMITED LIABILITY COMPANY

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

LOTS 22 THROUGH 30, INCLUSIVE, BLOCK 18, VIADUCT ADDITION, CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

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**ALTA COMMITMENT**

**Chicago Title Insurance Company**

**Schedule B, Part I**

**(Requirements)**

**Order Number:** ABM70735011

**All of the following Requirements must be met:**

**This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.**

**Pay the agreed amount for the estate or interest to be insured.**

**Pay the premiums, fees, and charges for the Policy to the Company.**

**Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.**

1. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR ELECTRA ENTERPRISES, 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.

2. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR ELECTRA ENTERPRISES, LLC, A COLORADO LIMITED LIABILITY COMPANY RECORDED JANUARY 06, 2012 AT RECEPTION NO. [2012002070](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES LARRY A. ABEL AS THE MANAGER AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

3. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR LITTLETON CAPITAL PARTNERS, 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.

4. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY RECORDED MAY 09, 2019 AT RECEPTION NO. [2019056584](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES JONATHAN BUSH AS MANAGING MEMBER OF DENVER CITY TOWN COMPANY, LLC, A COLORADO LIMITED LIABILITY COMPANY;

STEVEN KURTZ AS MANAGING MEMBER OF WINDWARD INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY ;

MARK BEST AS MANAGING MEMBER OF BEST REAL ESTATE SERVICES, LLC, A COLORADO LIMITED LIABILITY COMPANY

AS THE MEMBERS AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

**ALTA COMMITMENT**

**Chicago Title Insurance Company**

**Schedule B, Part I**

**(Requirements)**

**Order Number:** ABM70735011

**All of the following Requirements must be met:**

5. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID SURVEY.

SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND CHICAGO TITLE INSURANCE COMPANY, A MISSOURI CORPORATION.

6. SPECIAL WARRANTY DEED FROM ELECTRA ENTERPRISES, LLC, A COLORADO LIMITED LIABILITY COMPANY TO LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED SURVEY. MATTERS DISCLOSED BY SAID SURVEY MAY BE ADDED TO SCHEDULE B, PART II HEREOF.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE AMENDED TO READ:

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF ELECTRA ENTERPRISES, LLC, A COLORADO LIMITED LIABILITY COMPANY.

CHICAGO TITLE INSURANCE COMPANY, A MISSOURI CORPORATION SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF LITTLETON CAPITAL PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2020 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS.



**ALTA COMMITMENT**  
**Chicago Title Insurance Company**  
**Schedule B, Part II**  
**(Exceptions)**

Order Number: ABM70735011

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

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. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
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. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE ALLEY IMPROVEMENT DISTRICT 283, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 18, 1987, UNDER RECEPTION NO. [92549](#).

## DISCLOSURE STATEMENT

Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.

- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.

- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfilled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.

**Note:** Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 - requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers"

- If the sales price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholding Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).

- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.

- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file a document that does not conform to requirements of this paragraph.

- Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.

- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, 1987 the Company is required to disclose the following information:

The subject property may be located in a special taxing district.

A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.

Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder or the County Assessor.

- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: that there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and that such mineral estate may include the right to enter and use the property without the surface owner's permission.

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



## JOINT NOTICE OF PRIVACY POLICY OF LAND TITLE GUARANTEE COMPANY

This Statement is provided to you as a customer of Land Title Guarantee 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 your 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 obtain either 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 may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- 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 STATED ABOVE OR 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.

## FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2020

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

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

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

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

We may collect Personal Information about you from:

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

### **Collection of Browsing Information.**

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

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

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

### **Other Online Specifics**

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

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

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

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

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

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

### **When Information Is Disclosed**

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

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We do share Personal Information among affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

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

### **Security of Your Information**

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

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

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

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For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

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

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Effective January 1, 2020

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

Effective January 1, 2020

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# Commitment For Title Insurance

## Issued by Chicago Title Insurance Company

### NOTICE

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

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

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

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

### COMMITMENT CONDITIONS

#### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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

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

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

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

**8. PRO-FORMA POLICY**

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

**9. ARBITRATION**

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

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.


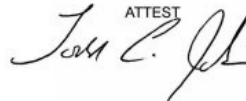
**CHICAGO TITLE INSURANCE COMPANY**

Issued through the Office of:  
LAND TITLE GUARANTEE COMPANY  
3033 E. 1ST AVE #600  
DENVER, CO 80206  
(303)321-1880



Craig B. Rants, Senior Vice President



By:   
President  
ATTEST  
  
Secretary

**AMERICAN  
LAND TITLE  
ASSOCIATION**



This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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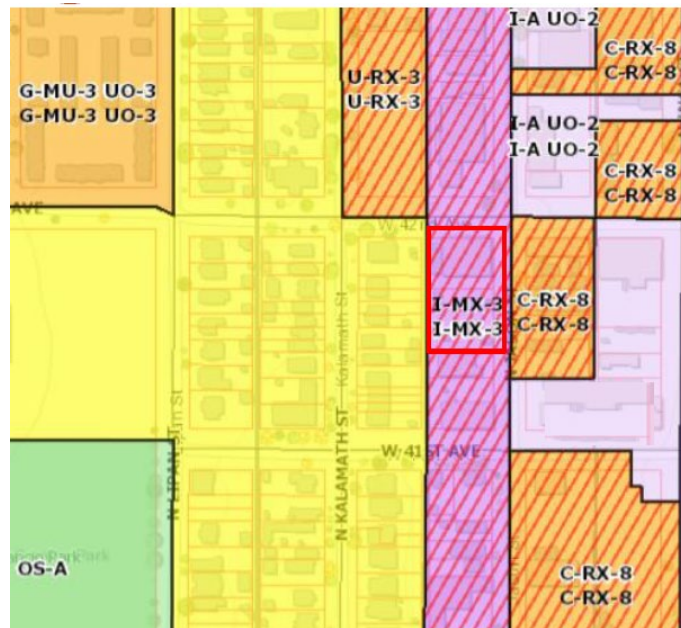
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## 4151-4155 Jason Street Denver, CO 80211

This application includes two parcels of land under one owner. We are requesting a zoning change for parcels 4151 and 4155 N Jason Street to U-RX-5 from I-MX-3. We are requesting this change in accordance with the adopted plans: Denver Comprehensive Plan 2040, Blueprint Denver (2019), 41<sup>st</sup> & Fox Station Area Plan (2009) and the Sunnyside Neighborhood Plan (1992).

### Existing Context:

The existing context of the project is zoned I-MX-3 and the site is shown outlined in red on the plan shown to the right. The properties to the north and south of the project are zoned I-MX-3. Across Jason Street to the east, the site is zoned for C-RX-8 and will be a primarily residential mixed-use project. The parcels directly to the west of the site are zoned U-TC-C. The site is also adjacent to G-MU-3 and UO-3 zoning.



### Future Context:

Our zoning change to U-RX-5 would provide the Sunnyside community:

- A transformation of the site from Industrial to Urban which is consistent with Urban Neighborhood Context in Blueprint Denver (2019).
- An increase in housing options, including affordable housing, and work opportunities for the neighborhood
- Provide neighborhood-serving retail
- Supports a walkable, mixed-use development at a TOD location under the 41<sup>st</sup> and Fox Station Area Plan after developing the underutilized site
- Provides an active streetscape to the neighborhood at the future main street of Sunnyside
- The project's 5-story height provides a natural step up from the 3-story residential directly to the west and an 8-story mixed use project to the east
- Incorporates best practices related to Transportation Demand Management to reduce vehicle traffic

## 1. General Review Criteria: Consistency with Adopted Plans

**Criteria for Rezoning:** There are four City adopted plans that guide the use and development of this Property:

1. Denver Comprehensive Plan (2040)
2. Blueprint Denver (2019)
3. 41<sup>st</sup> and Fox Station Area Plan (2009)
4. Sunnyside Neighborhood Plan (1992)

### Denver Comprehensive Plan (2040)

Approval of the Rezoning Application and redevelopment of this Property will advance the objectives and recommendations outlined in Denver Comprehensive Plan 2040, including:

- ***“Equitable, Affordable, and Inclusive Community Goal 1 Strategy A. Increase development of housing units close to transit and mixed-use developments.” (pg 28)*** – Located two blocks from the pedestrian bridge to the Fox Street Station, the project provides new housing units in the immediate proximity of the transit station.
- ***“Equitable, Affordable, and Inclusive Community Goal 2 Strategy A. Create a greater mix of housing options in every neighborhood for all individuals and families.” (pg 28)*** – The proposed U-RX-5 zoning will allow for the inclusion of new transit-oriented residential units, including market rate and affordable units. The project will also provide street retail at the corner of the 42nd and Jason.
- ***“Equitable, Affordable, and Inclusive Community Goal 2 Strategy C. Foster communities of opportunity by aligning housing strategies and investments to improve economic mobility and access to transit and services.” (pg 28)*** – The project’s housing investment will provide access to transit and offer services or amenities with the ground-level retail or restaurant space.
- ***“Equitable, Affordable, and Inclusive Community Goal 3 Strategy B. Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where next to transit.” (pg 29)*** – The project includes both market rate and affordable housing located in immediate proximity to transit.
- ***“Strong and Authentic Neighborhoods Goal 1 Strategy A. Build a network of well-connected, vibrant, mixed-use centers and corridors.” (pg 34)*** – Located across from the future Alloy Sunnyside, an 8-story mixed-used project, and in near proximity to Zia Apartments, Waldschanke Ciders & Coffee and The River Yoga, the project will add market and affordable residential units and neighborhood-serving retail to the transforming area. The plan incorporates an active streetscape that will encourage the flow of residents throughout the neighborhood and to and from the transit station.

- ***“Strong and Authentic Neighborhoods Goal 2 Strategy C. Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm.” (pg 34)*** -Having thoughtful design and streetscape, the project will have a natural transition from amenity space on the ground level as well as commercial space that the community can enjoy. The design incorporates industrial elements to keep the integrity of the neighborhood as well as added landscaping that the community can appreciate.



**Project Rendering (42<sup>nd</sup> & Jason Street Corner)**

- ***“Connected, Safe and Accessible Places Goal 8 Strategy B. Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership.” (pg 42)*** – The project is a transit-oriented development that includes affordable housing. The U-RX-5 zoning will provide for higher density development to better serve the underutilized site. Located two blocks from the pedestrian bridge to the Fox Street Station, the project will support ridership on the B and G light rail lines. Having the light rail station in near vicinity and adequate bike storage onsite will encourage the residents’ utilization of other forms of transit, minimizing vehicular traffic.
- ***“Economically Diverse and Vibrant Goal 3 Strategy A. Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver.” (pg 46)*** – The project will include neighborhood-serving retail space at the corner of 42<sup>nd</sup> and Jason Street that can serve a locally-owned business or restaurant.
- ***“Environmentally Resilient Goal 8 Strategy A. Promote Infill development where infrastructure and services are already in place.” (pg 54)*** – Having infrastructure and services in the neighborhood, the project would be a infill development. The housing and commercial space will provide a more activated site in comparison to the current industrial use.

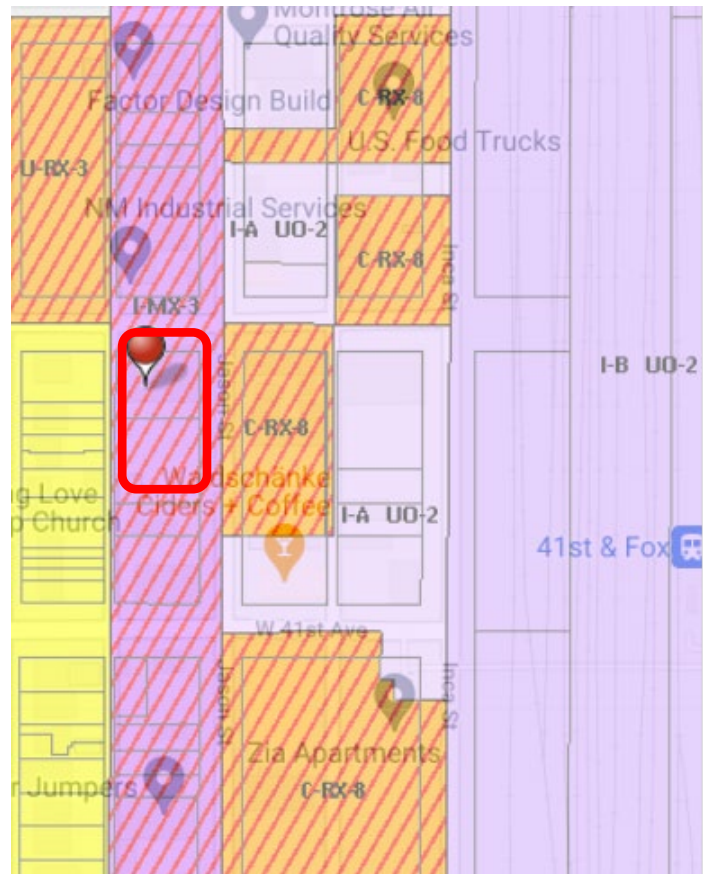
- ***“Environmentally Resilient Goal 8 Strategy B. Encourage Mixed-Use communities where residents can live, work and play in their own neighborhoods.” (pg 54)*** - By providing thoughtful indoor and outdoor amenity space for the residents, it will provide a place for them to live, work from home if they desire, and play within their own community. Layering in ground-level retail space at the project will allow residents and other community members to enjoy a neighborhood-serving retail or restaurant business.
- ***“Environmentally Resilient Goal 8 Strategy C. Focus growth by transit stations and along high and medium-capacity transit corridors.” (pg 54)*** – The 41<sup>st</sup> and Fox Station is the first stop from Union Station on the G Line and the B Line. The site meets plan guidance for increased density due to its immediate proximity to the transit lines.
- ***“Healthy and Active Goal 3 Strategy C. Build community-driven food resources.” (pg 58)*** – The project will include plenty of green space and outdoor landscaped areas for the residents to enjoy.
- ***“Denver and the Region Goal 2 Strategy A. Direct significant growth to regional centers and community centers and corridors with strong transit connections” (pg 64)*** – This project will add residential and commercial growth to the Sunnyside community that has a strong transit connection at the 41<sup>st</sup> and Fox Transit Station.

## Blueprint Denver (2019)

**Neighborhood Context-** The site is located in the Urban context on the Future Neighborhood Context Map, and the proposed development and rezone is also under the Urban Neighborhood Context.

The Urban context, specifically U-RX-5 zoning is appropriate at this location because:

- The proposed development is within the intended Urban context on the Future Neighborhood Context Map.
- The block immediately to the east of the site is being developed at 8-stories. Our 5-story project will be a natural step down from this site down to the 3-story residential properties to the west.
- ***“Development should be compatible with the existing neighborhood character and offer residents a mix of uses with good street activation and connectivity.” Urban context (pg 222)*** – The proposed development will offer residential and retail uses. Street activation will be enhanced with residential and retail patio space and adequate landscaping.
- ***“Little to some reliance on single-occupancy vehicles, with a strong degree of walkability, bikeability, and good access to transit.” Urban context (pg 223)*** – The project is in near vicinity to the high-capacity transit at 41<sup>st</sup> & Fox Station. The project will also have an active streetscape that will provide pedestrian access where residents can be less reliant on vehicles.
- ***“A mix of mid-scale multi-unit residential options. Some neighborhood-serving mixed-use may be appropriate, especially along arterial streets or at non-local street intersections. Buildings are generally up to 5 stories in height. Building heights and scaling help provide transitions to adjacent places.” Urban context (pg 233)*** - The site will provide a 5-story, mixed-use, multi-unit residential building with parking access to the site off of the alleyway.
- The project is in a TOD, 8-story maximum zone under the 41<sup>st</sup> and Fox Station Area Plan. Given consideration of the surrounding neighbors and SUNI’s main street planning of Jason Street, a 5-story, primarily residential, mixed-use project will better suit the neighborhood under Urban or U-RX-5 zoning.



## **41<sup>st</sup> and Fox Station Area Plan (2009)**

The property is within the boundaries of the 41<sup>st</sup> and Fox Station Area Plan adopted December 2009. The vision created through community input and transit-oriented development principles, provides the basis for five primary goals for the area as referenced below.

- ***“Improve pedestrian connections to the station, between neighborhoods, and along major corridors.” (pg 10)*** – The proposed zoning will allow for a mixed-use development of the site where residents and employees can utilize the sidewalks and active streetscape to connect to the station. U-RX-5 will allow for retail that would be accessible to those walking from the station to the site, neighborhood residents, and site residents.
- ***“Create opportunities to add more housing, jobs and services to the station area.” (pg 10)*** - The U-RX-5 zoning will provide additional market rate and affordable housing for the station area. Ground-level retail will provide neighborhood jobs and services to the station area.
- ***“Incorporate plazas, parks and open space into redevelopment areas” (pg 10)*** – The project will have an active streetscape with landscaping, outdoor amenity areas for residents and outdoor patio space for the retail space.



**Project Rendering (Jason Street Activation)**











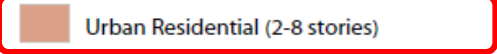








- ***“Capitalize on the station area’s proximity to Downtown and location to the Gold Line and Northwest Rail corridors.” (pg 10)*** – The Site is located 7 minutes from Union Station and Downtown when accessed by commuter rail. With the proximity to the 41<sup>st</sup> & Fox Street Station, Transportation Demand Management strategies will be implemented to increase mobility options other than single occupancy vehicle trips which include light-rail use and biking.
- ***“Balance the needs of new development and existing uses.” (pg 10)*** – The proposed plan takes into consideration that the site is in an Urban Residential (2-8 story) location on the 41<sup>st</sup> and Fox Station Area Plan. In consideration of the existing uses to the west that are 3-story residential and the primarily residential, mixed-use, 8-story site to the east, our 5-story primarily residential, mixed-use project will be a natural “step” between the sites.

### **Project Location Land Zone: Urban Residential 2-8 stories (pg 16)**

The Project’s location is within the Urban Residential 2-8 story area of the 41<sup>st</sup> and Fox Station Area Land Use Plan as outlined in red on the following page. These areas are intended as new, moderate density neighborhoods. The west side of the tracks forms a new edge between the station and the existing neighborhood to the west. The U-RX-5 zoning that we are proposing is Urban Residential under the Urban context. We will be not be doing the max height of 8-stories in order to provide a gradual step up from the 3-story heights to the west and the 8-story height to the east of the site.

# 41<sup>st</sup> and Fox Station Area Land Use Plan (pg 14)



- |   |   |   |   |
|---|---|---|---|
|  | Pedestrian Shopping District (2-8 stories)  |  | Funded New Pedestrian/Bike Bridge over 38th Ave.        |
|  | Pedestrian Shopping District (2-5 stories)  |  | Proposed Ped. Bridge /Potential Future Vehicular Access |
|  | Mixed-Use Office/Residential (3-20 stories) |  | Transit Platform and Pedestrian Bridge                  |
|  | Urban Residential (2-12 stories)            |  | Future RTD Structured Parking                           |
|  | Urban Residential (2-8 stories)             |  | FasTracks Gold Line                                     |
|  | Urban Residential (1-3 stories)             |  | Existing Park   |
|  | Single Family / Single Family Duplex        |  | 38th Avenue Main Street                                 |
|  | Proposed Open Space/ Parks/ Plaza           |  | Historically Significant Buildings                      |
|   |   |  | Navajo District   |

## **Sunnyside Neighborhood Plan (1992)**

The Sunnyside Neighborhood Plan was adopted in August of 1992 and provided recommendations for the Sunnyside Neighborhood which includes the west side of the 41<sup>st</sup> and Fox Station area. Even though the neighborhood plan was adopted before the 41<sup>st</sup> and Fox Station Area Plan, the Blueprint Denver Plan and the Denver Comprehensive Plan, the Sunnyside Neighborhood plan still has valuable recommendations. After meeting with Sunnyside United Neighbors Inc. (SUNI) at their monthly meetings, we have also taken into consideration comments received by the neighborhood.

- ***“For Sunnyside, design guidelines are recommended to help pull the fragmented pieces of the older commercial areas together to give them identity and strength.” (pg 32)*** – The design of the project will bring industrial elements in honor of the current neighborhood and will provide a better use for the site since it will provide commercial and residential uses for the neighborhood.
- ***“Urban design techniques help create a friendly, livable environment. They knit the separate pieces of a neighborhood together and create a more unified feeling. An urban design blueprint can help guide changes in the appearance and function of a neighborhood over time. Urban design includes issues such as the role and character of the street system; transit, bike and pedestrian environment; parks and parkway system; and the function and appearance of buildings including size and scale of structures; landscaping/streetscaping; building placement and orientation. It is appropriate then, to use urban design techniques in creating a neighborhood image and strengthening its various segments.” (pg 32)*** – Being a TOD site, the project will be accessible to transit at the 41<sup>st</sup> & Fox Station being only two blocks from the entrance of the pedestrian bridge to the transit station. The project will also have adequate bike storage for residents which will encourage other forms of transportation. With an active streetscape with plenty of landscaping, the entrance for the residential and the commercial spaces will act as the front porch to the building from Jason Street.
- ***“Recognize the importance of highly visible streets in the identity of the neighborhood. Focus code enforcement, clean-up and fix-ups along the streets with heavy traffic” (pg 33)*** – As mentioned in our SUNI meetings, the neighborhood has focused on wanting Jason Street to become the main street of Sunnyside. By rezoning to U-RX-5, the site will be able to provide neighborhood serving retail, an active streetscape, and market rate and affordable housing for the neighborhood at the currently underutilized industrial site.
- ***“It is important for a neighborhood to be “pedestrian friendly”. It adds to the livability of a neighborhood. Children should be able to walk safely to and from schools or parks, the elderly to and from shopping facilities, and families should be able to walk comfortably around their neighborhood. Safe pedestrian access also encourages people to use their cars less and fosters a more intimate connection with the neighborhood.” (pg 39)*** – Rezoning of the property to U-RX-5 will encourage bike and pedestrian activity as well as utilizing the 41<sup>st</sup> & Fox Transit Station which will encourage fewer vehicular trips.

- *“There are many infrastructure problems that need attention. Sidewalks, curb and gutter need to be replaced or put in for the first time. Drainage problems exist in the northeast section of the neighborhood. The lack of curb and gutter adds to the drainage problems. There are some streets in the industrial area that need to be paved. Open ditches exist in some areas of the neighborhood.” (pg 42)-* The project will enhance the streetscape including the sidewalks for the community members to utilize. The entrance to the property will act as a front porch for the residents and the retail space. The project will also provide appropriate drainage for the site.

## 2. **General Review Criteria: Uniformity of District Regulations and Restrictions**

Approval of the Rezoning Application will cause the consistent application of building form, use, and design regulations. The building form, use and design regulations are appropriate for the site. Once redeveloped, the property will adhere to all applicable rules on building height, siting, design elements, and pedestrian access.

## 3. **General Review Criteria: Public Health, Safety, and Welfare**

Approval of the Rezoning Application will promote the public health, safety, and general welfare by allowing reinvestment into an under-utilized industrial site. Redevelopment of this property will bring new residents as well as businesses to the neighborhood and the 41<sup>st</sup> & Fox Transit Station area, increasing the population both day and night, further supporting safety and security in the area. Likewise, redevelopment of the property will trigger development of pedestrian right-of-way in front of the Property along Jason Street, where there is currently no sidewalk, thus increasing pedestrian safety in the area. Furthermore, redevelopment of the Property is expected to increase light rail and bus ridership at 41<sup>st</sup> & Fox Transit Station, promoting public health and general welfare put forward by transportation initiatives adopted by the City.

## 4. **General Review Criteria: Justifying Circumstance**

Approval of the Rezoning Application is also warranted by changes to the surrounding area that justify redevelopment of the property. Of the Justifying Circumstances identified in the Denver Zoning Code, the following is the most applicable: “The land or its surrounding environment 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” (DZC Section 12.4.10.8.A.4). The following changed or changing conditions apply:

- The proposed rezone to U-RX-5 falls under the Urban context which this site is intended to be under the Denver Blueprint Future Neighborhood Contexts Map (2019).
- New residential development has been built or is under construction including Zia Sunnyside that includes 434 residential units and commercial space, Alloy Sunnyside that has 209 units and commercial space, and 4295 Inca Street that will be also multi-unit residential with commercial space. The projects are increasing the neighborhood population and contributing to the change of the neighborhood from a historically industrial area to a mix of compatible uses.

- Waldschanke Ciders & Coffee, located directly across Jason Street on the south side of the block opened in 2019 and has contributed to the changing character of the neighborhood. A popular all day hangout spot for the neighborhood.
- The 41<sup>st</sup> and Fox Transit Station and pedestrian bridge connecting to Sunnyside opened in 2019 and serves the Regional Transportation District's B Line and G Line. This creates the opportunity for the immediate Sunnyside neighborhood closest to the transit station to transform into a higher density, mixed-use neighborhood.

The character of the Sunnyside Neighborhood is changing based on recent redevelopment and future development projects in the area as described above. Current conditions provide justification for mixed-use residential zoning in the Property's location that will further enhance and promote the changing character of the neighborhood. Approval of the Rezoning Application and redevelopment of the Property will likely stimulate additional investment and development in the neighborhood, helping to achieve a dynamic mix of uses that increases the resident population, area employment, goods and services offered, as well as increasing the use of public transportation options.

##### 5. **General Review Criteria: Consistency with Neighborhood Context**

The requested U-RX-5 zone district is within the Urban context. Approval of the Rezoning Application will be consistent with the neighborhood context under Blueprint Denver (2019) and with the stated purpose and intent of the proposed zone district.

The project will follow the General Character, Purpose and Intent by of the Urban context by following and implementing the following that are referenced on Denver Zoning Code- Urban context:

###### **General Character (5.1.1):**

*“The Urban Neighborhood Context is primarily characterized by residential uses. Multi-unit residential uses are located along local streets, residential and mixed-use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.”*

###### **General Purpose (5.2.4.1):**

*“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 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 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.”***

***“Compared to the Mixed-Use districts, the Residential Mixed-Use districts are primarily intended to 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. 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.”***

**Specific Intent (5.2.4.2):**

***“U-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired.”***

For the reasons outlined within this narrative, we respectfully ask that the City approve the requested zoning change to U-RX-5 zoning for the subject project at 4151-4155 Jason Street.

Thank you for your time and consideration.

## **Outreach Documentation**

LCP has started its outreach process by meeting with the Sunnyside United Neighbors Inc. (SUNI) Planning & Community Development Committee for their October and November 2021 meetings and will continue to participate in future meetings with the Committee.

LCP met with the Councilwoman Sandoval on November 4<sup>th</sup>, 2021 at 10 am.

LCP also met with the Department of Housing Stability on November 10<sup>th</sup>, 2021 at 10 am.

All email correspondence from our outreach follows and as more outreach occurs, LCP can provide further documentation.

**From:** [Jonathan Bush](#)  
**To:** [Bill Hare](#); [Stacia Gebers](#)  
**Cc:** [James](#)  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee  
**Date:** Wednesday, November 10, 2021 5:44:26 PM  
**Attachments:** [J-42-Design Concept 11.10.2021.pdf](#)

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Bill- thank you for including us in tomorrow's meeting. We are excited to present the project again now that the design has evolved with much greater definition. We have attached the latest design and concept images.

In regards to the comments we received from the last meeting, we believe we have incorporated most if not all of that input. Specifically:

- Greater definition of the building materials and fenestration
- Parking access now comes off of the alley
- Activation on Jason Street to meet retail district objectives
- Removed the upper level park area
- Incorporated and repurposed metal elements from the existing building for the carports on the alley
- Utilized sustainable materials
- Engaged with the City on participation in a voluntary affordable housing agreement
- Maintained the desired density and 5-story height

We think the design is respectful of the materials and character in the neighborhood and will be a striking addition to the mix of existing and proposed projects in Sunnyside.

We look forward to discussing the project in greater detail tomorrow evening. Thanks.

Jonathan

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**From:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>  
**Sent:** Friday, November 5, 2021 1:20 PM  
**To:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>; Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Cc:** James <[jbnd97@hotmail.com](mailto:jbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

Will do.

---

**From:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>  
**Sent:** Friday, November 5, 2021 1:02 PM  
**To:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>; Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Cc:** James <[jbnd97@hotmail.com](mailto:jbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee



Bill- yes, please include us for next week. We will get updated design images to you before the meeting.

Have a great weekend.

Jonathan

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**From:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>  
**Sent:** Friday, November 5, 2021 12:56 PM  
**To:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Cc:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>; James <[jpbnd97@hotmail.com](mailto:jpbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

Stacia - do you and Jonathan have any interest in being on the November PCD agenda Thursday next week.

Thanks,

Bill

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**From:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Sent:** Friday, October 8, 2021 6:48 AM  
**To:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>  
**Cc:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>; James <[jpbnd97@hotmail.com](mailto:jpbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

Thanks Bill. Are you hosting your Thursday committee meetings in-person? If so, where should Jonathan and I attend your meeting at? I couldn't tell from the website.

Attached is the most updated rendering for the option we are working with right now, but we are also reviewing some similar designs.

Let me know if either you or James have questions.

I appreciate you guys squeezing us into your meeting next week!

Thanks,  
Stacia

**Stacia Gebers, Associate**  
***LCP Development***

2150 W 29<sup>th</sup> Ave. | Suite 410 | Denver, CO 80211  
D: (720) 749-2230 C: (402) 621-0373

**New address effective October 27:**

777 Grant St, Suite 110, Denver, CO 80203

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**From:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>  
**Sent:** Thursday, October 7, 2021 2:08 PM  
**To:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Cc:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>; James <[jpbnd97@hotmail.com](mailto:jpbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

I will put you on the agenda. It always puts us at ease to have a preview of what you want to present at the meeting - renderings seem logical.

Bill

---

**From:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Sent:** Thursday, October 7, 2021 1:59 PM  
**To:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>  
**Cc:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>; James <[jpbnd97@hotmail.com](mailto:jpbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

Hi Bill,

Thanks for the quick reply. Even if it's 10 minutes, we would appreciate meeting next Thursday. As far as material to pass over to you and James, are you primarily looking for renderings to review?

Thanks,  
Stacia

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**From:** Bill Hare <[bill@littlecolorado.com](mailto:bill@littlecolorado.com)>  
**Sent:** Thursday, October 7, 2021 1:48 PM  
**To:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Cc:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>; James <[jpbnd97@hotmail.com](mailto:jpbnd97@hotmail.com)>  
**Subject:** RE: 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

Hi Stacia - thanks for reaching out. We are a little tight on time for next week's agenda. Do you have material you could send over for James (committee co-chair) and I to preview? It is not unusual for the agenda to change in the last few days so time could open up. Right now, 10 minutes is the best we could do which would really just allows you to give us a high level summary of your plans and what the key determining factor will be for 5 vs. 8 stories.

Thanks

Bill Hare

SUNI PCD Committee Co-Chair

---

**From:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>

**Sent:** Thursday, October 7, 2021 1:31 PM

**To:** [pcd@sunnysidedenver.org](mailto:pcd@sunnysidedenver.org)

**Cc:** Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Subject:** 4151-4155 N. Jason Street Discussion for SUNI Planning & Community Development Committee

Hi Bill,

I found your contact information on the Sunnyside United Neighbors website that you are the SUNI Planning & Community Development Committee Chair.

We are under contract to purchase 4151-4155 N. Jason Street. We just met with the zoning department to review the process to rezone this site from I-MX-3 to a potential C-MX-8 zoning. However, we have been weighing our options between a 5-story and 8-story design concept for this site.

We would like to meet with you and your committee at your earliest convenience to share our thoughts for the site and hear your input on what you envision for this site and area. I see under the SUNI website that you meet every 2<sup>nd</sup> Thursday of the month at 6:30 pm. Would we be able to share our thoughts at your next meeting which looks to be next Thursday, October 14<sup>th</sup>?

Thanks,  
Stacia

**Stacia Gebers, Associate**  
***LCP Development***

2150 W 29<sup>th</sup> Ave. | Suite 410 | Denver, CO 80211

D: (720) 749-2230 C: (402) 621-0373

**New address effective October 27:**

777 Grant St, Suite 110, Denver, CO 80203



SUNI Planning and Community Development Committee

Meeting Agenda

Thursday, November 11th, 2021

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## **LOCATION**

The meeting will be held virtually via ZOOM:

You are invited to a Zoom meeting.

When: Nov 11, 2021 06:30 PM Mountain Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/join/9Y-y0m9tK7I26S>

After registering, you will receive a confirmation email containing information about joining the meeting.

## **AGENDA**

6:30 p.m. – Come to order

- 6:30 Announcements and updates
- 6:40 4120 Federal rezoning
- 7:05 4201 Inca rezoning
- 7:30 4151-4155 N. Jason St. rezoning

8:00 p.m.- Adjourn

## **DATES TO REMEMBER**

SUNI PCD – Next meeting is December 9<sup>th</sup>



**From:** [Colarelli, Jon M. - HOST Catalytic Project Specialist](#)  
**To:** [Sean Murphy](#); [Jonathan Bush](#); [Stacia Gebers](#)  
**Cc:** [Ibanez, Edson - CPD City Planner Associate](#); [Johnston, Andrew C. - HOST Fiscal Administrator III](#)  
**Subject:** Re: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St  
**Date:** Friday, November 12, 2021 2:32:21 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[Agreement to Build Affordable Units 20210824.docx](#)

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Good afternoon, all,

Per our conversation on Wednesday, I am sending a few resources related to affordable housing requirements in Denver:

- Template of the Voluntary Agreement to Build Affordable Units (attached)
- [Two-page summary of the "Expanding Housing Affordability" policy proposal](#)
- [Expanding Housing Affordability website](#), which also includes opportunities for engagement with the planning process

Please let us know if you have any additional questions -- otherwise, we will wait to receive a draft Agreement to Build Affordable Units from your team. Feel free to return a redlined copy of the attached document, or simply email the terms of your proposal to Andrew and me.

Thanks, and we look forward to speaking again soon,  
Andrew & Jon



**Jon Colarelli (he/him/his)** | Catalytic Project Specialist  
Department of Housing Stability | City and County of Denver  
phone: (720) 913-1534 | cell: (719) 313-2416  
email: [jon.colarelli@denvergov.org](mailto:jon.colarelli@denvergov.org)

[311](#) | [pocketgov.com](#) | [denvergov.org](#) | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

---

**From:** Sean Murphy <[smurphy@lcpdevelopment.net](mailto:smurphy@lcpdevelopment.net)>

**Sent:** Tuesday, November 9, 2021 11:52 AM

**To:** Colarelli, Jon M. - HOST Catalytic Project Specialist <[Jon.Colarelli@denvergov.org](mailto:Jon.Colarelli@denvergov.org)>; Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>; Johnston, Andrew C. - HOST Fiscal Administrator III <[Andrew.Johnston@denvergov.org](mailto:Andrew.Johnston@denvergov.org)>; Ibanez, Edson - CPD City Planner Associate <[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)>; Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Cc:** Weinig, Brad J. - HOST Director of Catalytic Partnerships <[Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)>

**Subject:** [EXTERNAL] RE: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Hi Jon,

Tomorrow (11/10) at 10am works well for our team. Let me know if you can provide meeting information, if not we can send out a zoom invite.

**Sean Murphy, Development Manager**



777 N Grant St. | Suite 110  
Denver, CO 80203  
[smurphy@lcpdevelopment.net](mailto:smurphy@lcpdevelopment.net)  
d. 720-749-2228 | c. 720-471-3152  
[LCP Development](#) | [LCP Management](#)

DEVELOPMENT  
MANAGEMENT

---

**From:** Colarelli, Jon M. - HOST Catalytic Project Specialist <Jon.Colarelli@denvergov.org>  
**Sent:** Monday, November 8, 2021 4:52 PM  
**To:** Stacia Gebers <sgebers@lcpdevelopment.net>; Johnston, Andrew C. - HOST Fiscal Administrator III <Andrew.Johnston@denvergov.org>; Ibanez, Edson - CPD City Planner Associate <Edson.Ibanez@denvergov.org>; Jonathan Bush <jbush@lcpdevelopment.net>  
**Cc:** Sean Murphy <smurphy@lcpdevelopment.net>; Weinig, Brad J. - HOST Director of Catalytic Partnerships <Bradley.Weinig@denvergov.org>  
**Subject:** Re: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Good afternoon, everyone,

I appreciate your patience with my response. Based on HOST staff's availability, our earliest possible meeting times include the following:

- Wednesday, 11/10, between 9am and 11am
- Monday, 11/15, between 12pm and 2pm, and after 4pm
- Tuesday, 11/16, between 9am and 10am

We expect the call to take no more than 45 minutes, but please let me know if none of the above times work for the LCP Development team. Again, thank you for your patience, and we look forward to speaking soon.

Best,  
Jon



**Jon Colarelli (he/him/his)** | Catalytic Project Specialist  
Department of Housing Stability | City and County of Denver  
phone: (720) 913-1534 | cell: (719) 313-2416  
email: [jon.colarelli@denvergov.org](mailto:jon.colarelli@denvergov.org)

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**From:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>  
**Sent:** Monday, November 8, 2021 8:17 AM  
**To:** Weinig, Brad J. - HOST Director of Catalytic Partnerships <[Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)>; Ibanez, Edson - CPD City Planner Associate <[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)>; Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Cc:** Johnston, Andrew C. - HOST Fiscal Administrator III <[Andrew.Johnston@denvergov.org](mailto:Andrew.Johnston@denvergov.org)>; Sean Murphy <[smurphy@lcpdevelopment.net](mailto:smurphy@lcpdevelopment.net)>; Colarelli, Jon M. - HOST Catalytic Project Specialist <[Jon.Colarelli@denvergov.org](mailto:Jon.Colarelli@denvergov.org)>

**Subject:** [EXTERNAL] RE: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Hi Brad,

Thanks for reaching out and providing the below information. We will review.

What does your schedule look like this week if we set up a phone call to review further and can ask any questions we may have?

Thanks,  
Stacia

**Stacia Gebers, Associate**  
**LCP Development**

D: (720) 749-2230 C: (402) 621-0373

**New address effective October 27:**

777 Grant St, Suite 110, Denver, CO 80203

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**From:** Weinig, Brad J. - HOST Director of Catalytic Partnerships <[Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)>

**Sent:** Friday, November 5, 2021 2:31 PM

**To:** Stacia Gebers <[sgebbers@lcpdevelopment.net](mailto:sgebbers@lcpdevelopment.net)>; Ibanez, Edson - CPD City Planner Associate <[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)>; Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Cc:** Johnston, Andrew C. - HOST Fiscal Administrator III <[Andrew.Johnston@denvergov.org](mailto:Andrew.Johnston@denvergov.org)>; Sean Murphy <[smurphy@lcpdevelopment.net](mailto:smurphy@lcpdevelopment.net)>; Colarelli, Jon M. - HOST Catalytic Project Specialist <[Jon.Colarelli@denvergov.org](mailto:Jon.Colarelli@denvergov.org)>

**Subject:** RE: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Hello again, Stacia/all –

I'm following up on this email chain mostly to check-in and also to hopefully triangulate conversations. I've added Sean from the LCP team (Sean – Britta passed along your email from yesterday and I just left you a VM). I've also copied Andrew Johnston and Jon Colarelli from my team, who will likely be your primary points of contact from HOST. We're happy to work with you on negotiating a voluntary affordable housing commitment for this parcel, which can serve to help strengthen your case for re-zoning. We'd be happy to set up a time to talk through this in more detail but before we do, please glance through the [Expanding Housing Affordability](#) project website and the proposed policy approach specifically to give you a sense of where we are headed on a citywide policy basis and where council expectations are therefore likely to be in terms of affordable housing commitments.

I hope that's helpful as a starting place. Please reach out to any of us with questions.



Have a great weekend!



**Brad Weinig** | Director of Catalytic Partnerships  
Department of Housing Stability  
c: 303.506.3461 | [Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)

**The Department of Housing Stability** invests resources, creates policy and partners to provide housing stability, resolve episodes of homelessness, and create housing opportunities. Learn more at [denvergov.org/housing](https://denvergov.org/housing).

---

**From:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>

**Sent:** Thursday, October 7, 2021 4:37 PM

**To:** Weinig, Brad J. - HOST Director of Catalytic Partnerships <[Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)>; Ibanez, Edson - CPD City Planner Associate <[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)>; Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Cc:** Gaspers, David A. - CPD City Planner Principal <[David.Gaspers@denvergov.org](mailto:David.Gaspers@denvergov.org)>; Nevitt, Chris E. - MO Special Projects & TOD <[Chris.Nevitt@denvergov.org](mailto:Chris.Nevitt@denvergov.org)>

**Subject:** [EXTERNAL] RE: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Brad,

Thanks for sending this to us. We will review and let you know if we have questions. Thanks for your time today.

Stacia

---

**From:** Weinig, Brad J. - HOST Director of Catalytic Partnerships <[Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)>

**Sent:** Thursday, October 7, 2021 11:52 AM

**To:** Ibanez, Edson - CPD City Planner Associate <[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)>; Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>; Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Cc:** Gaspers, David A. - CPD City Planner Principal <[David.Gaspers@denvergov.org](mailto:David.Gaspers@denvergov.org)>; Nevitt, Chris E. - MO Special Projects & TOD <[Chris.Nevitt@denvergov.org](mailto:Chris.Nevitt@denvergov.org)>

**Subject:** RE: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Thanks, Edson/all –

As promised, attached is our draft template agreement as well as the form of covenant that would be included as an exhibit. The first couple paragraphs that speak to the % of units restricted and at what AMI will be the bulk of what we go back and forth on, but please feel free to review the whole agreement and provide comments/redlines back once you've have a tentative plan for the development. My contact info is below – reach out any time.

Here is a link to the project website for Expanding Housing Affordability, which is the name for the policy updates that include mandatory housing, associated incentives, and updates to the Linkage Fee: <https://www.denvergov.org/Government/Agencies-Departments-Offices/Community-Planning-and-Development/Denver-Zoning-Code/Text-Amendments/Affordable-Housing-Project>



**Brad Weinig** | Director of Catalytic Partnerships

Department of Housing Stability

c: 303.506.3461 | [Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)

**The Department of Housing Stability** invests resources, creates policy and partners to provide housing stability, resolve episodes of homelessness, and create housing opportunities. Learn more at [denvergov.org/housing](https://denvergov.org/housing).

---

**From:** Ibanez, Edson - CPD City Planner Associate <[Edson.Ibanez@denvergov.org](mailto:Edson.Ibanez@denvergov.org)>

**Sent:** Thursday, October 7, 2021 11:43 AM

**To:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>; Jonathan Bush <[jbush@lcpdevelopment.net](mailto:jbush@lcpdevelopment.net)>

**Cc:** Gaspers, David A. - CPD City Planner Principal <[David.Gaspers@denvergov.org](mailto:David.Gaspers@denvergov.org)>; Nevitt, Chris E. - MO Special Projects & TOD <[Chris.Nevitt@denvergov.org](mailto:Chris.Nevitt@denvergov.org)>; Weinig, Brad J. - HOST Director of Catalytic Partnerships <[Bradley.Weinig@denvergov.org](mailto:Bradley.Weinig@denvergov.org)>

**Subject:** RE: Pre-Application Rezoning Request for 4151 - 4155 N. Jason St

Dear Stacia and Jonathan,

It was great meeting with you two today. I have CC'd Brad, Chris and David so you have their contact information.

Attached in the presentation and the rail study.

Application: [https://www.denvergov.org/files/assets/public/community-planning-and-development/documents/zoning/map-amendments/forms/standard\\_rezoning\\_application.pdf](https://www.denvergov.org/files/assets/public/community-planning-and-development/documents/zoning/map-amendments/forms/standard_rezoning_application.pdf)

Here is the link for the Near Northwest Area Plan (Jefferson Park, Highland, Sunnyside and ChaffeePark): <https://www.denvergov.org/Government/Agencies-Departments-Offices/Community-Planning-and-Development/Plans-in-Progress/Near-Northwest-Area-Plan>

(You can sign up for emails).

Sincerely,

**Edson Ibañez** | Associate City Planner | Hablo Español  
Community Planning and Development | City and County of Denver  
p: (720) 865-3266 | [edson.ibanez@denvergov.org](mailto:edson.ibanez@denvergov.org)  
[DenverGov.org/cpd](https://denvergov.org/cpd) | [@DenverCPD](https://twitter.com/DenverCPD) | [Take our Survey](#)



CONNECT WITH US | 311 | [POCKETGOV.COM](https://pocketgov.com) | [DENVERGOV.ORG](https://denvergov.org) | DENVER 8 TV

Community Planning and Development is doing our part to support social distancing recommendations. Please help us in this effort by doing business with us online instead of in person: [www.denvergov.org/cpd](https://www.denvergov.org/cpd).

---

**From:** Stacia Gebers <[sgebers@lcpdevelopment.net](mailto:sgebers@lcpdevelopment.net)>

PREPARED BY AND AFTER  
RECORDING PLEASE RETURN TO:  
Department of Housing Stability  
201 W. Colfax Ave., Dept. 615  
Denver, CO 80202  
Attention: Andrew Johnston



2022036333  
Page: 1 of 22  
D \$0.00

**AGREEMENT TO BUILD AFFORDABLE UNITS**

**THIS AGREEMENT TO BUILD AFFORDABLE UNITS**(“Agreement”) is made and entered, and effective as of the date set forth below on the City’s signature page by Electra Enterprises, LLC, a Colorado Limited Liability Company (“Owner”), and the City and County of Denver, a municipal corporation organized pursuant to the Constitution of the State of Colorado with a mailing address of Department of Housing Stability, 201 W. Colfax Avenue, Department 615, Denver, CO 80202 (“City”).

**RECITALS:**

A. Owner is the owner of certain property located at 4155 N Jason Street and 4151 North Jason Street (the “Subject Property”) and more particularly described as follows:

LOTS 22 THROUGH 30, INCLUSIVE, BLOCK 18, VIADUCT ADDITION,  
CITY AND COUNTY OF DENVER,  
STATE OF COLORADO.

B. In connection with the proposed rezoning and development of the Subject Property and in satisfaction of linkage fee requirements set forth in Chapter 27 of the Denver Revised Municipal Code (“DRMC”), the Owner has agreed to construct certain affordable housing on the Subject Property, as described herein.

**NOW, THEREFORE**, in consideration of the foregoing, the parties agree as follows:

1. Owner agrees that (10%) of all rental residential units constructed on the Subject Property will, for a period of ninety nine (99) years, be income-restricted units (“IRUs”). Eight percent (8%) of all residential units constructed will be restricted to eighty percent (80%) of the Area Median Income. Two percent (2%) of all residential units constructed will be restricted to sixty percent (60%) of the Area Median Income, and at least one of these 60% Area Median Income IRUs shall have at least one bedroom.

2. Owner agrees to construct and market the IRUs concurrently with or prior to any market rate dwelling units on the Subject Property.

3. Owner will offer the IRUs for rent in accordance with the requirements of the Rules and Regulations promulgated under the City's Affordable Housing Permanent Funds Ordinance adopted pursuant to Article V, Chapter 27 of the DRMC.

4. The parties agree that prior to and as a condition of the issuance of the first certificate of occupancy on the Subject Property for any building that contains IRUs, Owner will record a Covenant in the form attached to this Agreement as **Exhibit A**, which will run with the land and encumber the building on the Subject Property for a period of not less than ninety nine (99) years in order to ensure that certain rent limitations, occupancy limitations and administrative requirements for the IRUs are met.

5. Any exceptions to assessment and payment of linkage fees or applicable incentive requirements provided as a result of this Agreement shall apply only to residential development within the Subject Property. Assessment of linkage fees and applicable incentive overlay requirements shall apply to all non-residential development as if this Agreement did not exist.

6. The numbers and types of IRUs designated above presume that the project on the Subject Property will not receive any subsidy from the City to support development of such IRUs. The parties acknowledge that if any such subsidy is received from the City, additional affordability requirements will likely be imposed in addition to those set forth herein.

7. The City shall record this Agreement upon execution in the real property records for the City and County of Denver. The parties agree to execute such additional documents as may be necessary or required to effectuate the intent and purpose of this Agreement.

8. This Agreement shall encumber the Subject Property from the date of recording hereof and, except as provided below, shall not be amended or modified without the express written consent of the City and County of Denver. The Executive Director of the City's Department of Housing Stability, or the Executive Director's designee, is authorized to execute a release of this Agreement.

9. The approval of the rezoning of the Subject Property is a condition precedent to Owner's obligations under this Agreement. Should the Denver City Council fail to approve the rezoning within one hundred eighty (180) days after the date of this Agreement, then this Agreement is automatically void without further action of the City or the Owner and shall no longer burden title to the Subject Property.

10. This Agreement shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

11. Any authorized agent of the City, including the City Auditor or his or her representative, has the right to access, and the right to examine, copy and retain copies, at City's election in paper or electronic form, any pertinent books, documents, papers and records related to


Owner's performance pursuant to this Agreement, provision of any goods or services to the City, and any other transactions related to this Agreement. Owner shall cooperate with City representatives and City representatives shall be granted access to the foregoing documents and information during reasonable business hours and until the latter of three (3) years after the final payment under the Agreement or expiration of the applicable statute of limitations. When conducting an audit of this Agreement, the City Auditor shall be subject to government auditing standards issued by the United States Government Accountability Office by the Comptroller General of the United States, including with respect to disclosure of information acquired during the course of an audit. No examination of records and audits pursuant to this paragraph shall require Owner to make disclosures in violation of state or federal privacy laws. Owner shall at all times comply with D.R.M.C. 20-276.

12. Owner consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

**[Remainder of this page intentionally left blank. Signature page follows.]**


**Contract Control Number:** HOST-202262084-00  
**Contractor Name:** ELECTRA ENTERPRISES, LLC

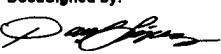
IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of: 3/10/2022

DocuSigned by:  
**SEAL** 

**CITY AND COUNTY OF DENVER:**

**ATTEST:**


By:   
000E810950041E0...  
Mayor  
Michael B. Hancock


DocuSigned by:  
  
40180589DD034C3...  
Clerk and Recorder/Public Trustee  
Paul López


**APPROVED AS TO FORM:**

**REGISTERED AND COUNTERSIGNED:**

Attorney for the City and County of Denver

By:   
702D1343F0544F6...  
Assistant City Attorney  
Adam Hernandez

By:   
075CC37373564C1...  
Chief Financial Officer  
Brendan J Hanlon

By:   
0209594F6B7643D...  
Auditor  
Timothy M. O'Brien

**Contract Control Number:** HOST-202262084-00  
**Contractor Name:** ELECTRA ENTERPRISES, LLC

**\*\*SEE ATTACHED\*\***

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)





**EXHIBIT A  
FORM COVENANT**

**WHEN RECORDED MAIL TO:**

Department of Housing Stability  
Attention: \_\_\_\_\_  
201 W. Colfax Ave., Dept. 615  
Denver, CO 80202

**SPACE ABOVE THIS LINE IS FOR RECORDER'S USE**

**RENTAL AND OCCUPANCY COVENANT**

**THIS RENTAL AND OCCUPANCY COVENANT** is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, a \_\_\_\_\_ ("Owner"), and enforceable by the City and County of Denver, Colorado ("City").

**RECITALS:**

WHEREAS, Owner is the owner of the following described real property in the City and County of Denver, State of Colorado (the "Subject Property"):

[fill in]

WHEREAS, pursuant to the provisions of the Affordable Housing Dedicated Fund Ordinance as set forth in Article V of Chapter 27 of the Denver Revised Municipal Code as amended from time to time (the "AHDF Ordinance") and the Affordable Housing Permanent Funds Ordinance Administrative Rules and Regulations as amended from time to time ("AHDF Rules"), and as an alternative to payment of the Linkage Fee (as defined in the AHDF Ordinance), Owner has agreed that certain units within the Subject Property will be built as Income Restricted Units as defined in the [AGREEMENT] (as defined below), and this Covenant);

WHEREAS, in order to document its plan for construction of the Income Restricted Units, the Owner entered into that certain [AGREEMENT] ("Agreement") with the City and County of Denver, Colorado (the "City") dated \_\_\_\_\_ and recorded under Reception No. \_\_\_\_\_ in the real estate records of the City and County of Denver; and

WHEREAS, Owner has now agreed to record a covenant to run with title to the Subject Property to ensure that certain rental and occupancy limitations, and administrative requirements for the Income Restricted Units are met and to assign to the City the right to enforce compliance with this Covenant.

NOW THEREFORE, the following are established as covenants running with the Subject Property:

1. **Definitions.**

- i. “Adjusted Median Income” (AMI) means the area median income, adjusted for household size, for the Denver metropolitan area as determined by the U.S. Department of Housing and Urban Development.
- ii. Income Restricted Units (“IRUs”) means those \_\_\_\_\_ rental housing units located within the Subject Property as are designated from time to time by Owner. Income Restricted Units must be restricted as to the rent charged and tenants allowed pursuant to the Covenant.
- iii. “Compliance Report” means the report, the form of which is attached to this Covenant as Exhibit A, that Owner shall prepare and provide to the City pursuant to and at the times specified in Section 5.
- iv. “Eligible Household” means a natural person who, at the time of entering into the lease for a IRU or a renewal of such lease, verifies to Owner on the Income Verification that the total gross income earned by such person is [XX]%, [YY]%, or [FILL IN AS NECESSARY]% or less of the of AMI for the tenant’s household size.
- v. “Income Verification” means the form attached to this Covenant as Exhibit B.
- vi. “Initial Leasing Period” means the period commencing on the first date a certificate of occupancy is issued for any building within the Subject Property that contains IRUs and ending on the date when all IRUs have been fully leased.

2. **Rent Limitations.** The rent limitation for the IRUs are as follows:

- i. (##) of the IRUs (the “XX% Units”) will have rents not exceeding the amount posted on the website of the City and County of Denver’s Department of Housing Stability (“HOST”), or any successor agency which is assigned responsibility for the City’s AHDF Ordinance, for households earning [XX]% or less of AMI.
- ii. (##) of the IRUs (the “YY% Units”) will have rents not exceeding the amount posted on the website of HOST for households earning [YY]% or less of AMI.
- iii. [REPEAT AS NECESSARY]

- iv. The maximum allowable rents posted on HOST’s website are based upon the Low Income Housing Tax Credit rent by AMI threshold published by the Colorado Housing and Finance Authority (“CHFA”). Any tenant association fees shall be included in the rent calculation. The maximum rent shall deduct utility allowance costs which are published periodically by HUD or CHFA.

3. **Occupancy/Income Limitations.** The occupancy and income limitations for the IRUs are as follows:

- i. The XX% Units shall be occupied by tenants whose incomes are at or below [XX]% of AMI.
- ii. The YY% Units shall be occupied by tenants whose incomes are at or below [YY]% of AMI.
- iii. [REPEAT AS NECESSARY]
- iv. Owner shall have responsibility to assure that a household or individual is an Eligible Household before executing a lease contract, and shall complete an Income Verification for each Eligible Household. Owner shall also offer the IRUs to Eligible Households through a fair and equitable system and use good-faith efforts to enter into leases with and marketing to Eligible Households.

4. **Amount of Income Restricted Units.** Owner shall provide no less than ( ) IRUs on the Subject Property. All of the IRUs are floating and are designated as follows:

BEDROOMS	XX% Units	XX% Units	XX% Units	XX% Units	XX% Units	XX% Units
Studio						
1 Bedroom						
2 Bedroom						
3 Bedroom						
TOTAL						

5. **Compliance and Reporting.**

- i. During the Initial Leasing Period, Owner shall submit a Compliance Report by the tenth (10<sup>th</sup>) day of each calendar quarter indicating how many IRUs were made available and leased during the preceding calendar quarter, and a copy of an Income Verification completed by each Eligible Household that entered into a lease during the Initial Leasing Period.
- ii. All IRUs shall be made available to Eligible Households no later than the end of the calendar month in which the certificate of occupancy is issued for the building on the Subject Property containing IRUs.
- iii. Owner shall demonstrate continued compliance with this Covenant after the Initial Leasing Period by submitting to the City a Compliance Report on a semi-annual basis during the Term. Each such Compliance Report shall be accompanied by copies of Income Verifications for any Eligible Household that entered into a new lease or lease renewal during that half year.
- iv. The Income Verifications for each Eligible Household shall be maintained by Owner at the management office at the Subject Property or such other place where Owner's books and records are kept in the Denver metropolitan area for so long as the Eligible Household occupies an IRU.
- v. Upon reasonable notice and during the normal business hours maintained by Owner at the management office at the Subject Property or such other place where the requested books and records are kept in the Denver metropolitan area, Owner shall permit any duly authorized representative of the City to inspect any books or records of Owner pertaining to the project at the Subject Property containing IRUs which reasonably relate to Owner's compliance with the terms and conditions of this Covenant.
- vi. Owner acknowledges that the City may, at its election, hire a compliance agent, to monitor Owner's compliance with this Covenant. In such an event, Owner shall be authorized to rely upon any written representation made by the compliance agent on behalf of the City.

6. **Termination of Lease.** The form of lease to be used by Owner in renting any IRUs to Eligible Households shall also provide for termination of the lease and consent by such tenant to immediate eviction if such tenant subleases the IRU, attempts to sublease the IRU, or provide the IRU as a short term rental as defined by Article III, Chapter 33 of the Denver Revised Municipal Code.

7. **Term.** This Covenant shall encumber the Subject Property for a period of \_\_\_\_\_ (\_\_\_\_) years from the date of recording hereof and shall not be amended or modified without the express written consent of the City and County of Denver.

8. **Run with the Land.** The Covenant shall run with the Subject Property and shall be binding on all persons having or acquiring an interest in title to the Subject Property, all upon terms, provisions, and conditions set forth in this Covenant.

9. **Seniority of Covenant.** The Covenant is senior to all instruments securing permanent financing.

10. **Survivability.** If any provision of this Covenant shall be held by a court of proper jurisdiction to be invalid, illegal or unenforceable, the remaining provisions shall survive and their validity, legality or unenforceability shall not in any way be affected or impaired thereby.

11. **Enforcement.** This Covenant may be enforced by the City and County of Denver, or the Executive Director of HOST.

12. **Memorandum of Acceptance.** Upon any sale of the Subject Property, Owner shall require the grantee of the Subject Property to execute a Memorandum of Acceptance, and shall deliver a copy of such Memorandum of Acceptance to the Executive Director of HOST not less than thirty (30) days after such sale is consummated.

**BALANCE OF PAGE INTENTIONALLY LEFT BLANK**

IN WITNESS WHEREOF, Owner has caused this Covenant to be executed on the date first written above.

OWNER: \_\_\_\_\_,

a \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

ACCEPTANCE BY THE CITY AND COUNTY OF DENVER

The foregoing Rental and Occupancy Covenant, and its terms are hereby accepted by the City and County of Denver, Colorado.

CITY AND COUNTY OF DENVER, COLORADO

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF COLORADO                    )

) ss.

CITY AND COUNTY OF DENVER         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of the City and County of Denver, Colorado.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public




EXHIBIT A  
COMPLIANCE REPORT



**EXHIBIT B**

**INCOME VERIFICATION**



**DENVER**  
 ECONOMIC DEVELOPMENT  
 & OPPORTUNITY

Income verification should tie to the period of the property's lease/renewal

## INCOME VERIFICATION & ELIGIBILITY FORM

*Return completed application to:*  
 Department of Housing Stability  
 Attn: Affordable Housing Program Coordinator  
 201 W. Colfax Avenue - Dept. 204 Denver, CO 80202  
 E-Mail: [housingcompliance@denvergov.org](mailto:housingcompliance@denvergov.org)

**Project Information:**

Name of Project: \_\_\_\_\_

Project Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Household Information:** Provide information for each household member who will be living in the home INCLUDING anyone who will be on the property title or lease and denote such.

Name (list applicant first)	Relationship to Applicant	Age	Date of Birth	Days per year child resides with you	✓ If Employed
					<input type="checkbox"/> Employed
					<input type="checkbox"/> Employed
					<input type="checkbox"/> Employed
<b>Total number of members in household:</b>					

**Projected Annual Income:**

Regular Income	Name:	Name:	Name:	Name:	Name:	Total
Wages/Salaries						
<i>How often paid?</i>						
Benefits/Pensions						
<i>How often paid?</i>						
Public Assistance						
<i>How often paid?</i>						
Child Support						
<i>How often paid?</i>						
Alimony						
<i>How often paid?</i>						
Awards:						
<i>How often paid?</i>						
Misc Income: _____						
<i>How often paid?</i>						
<b>Total Anticipated Income:</b>						



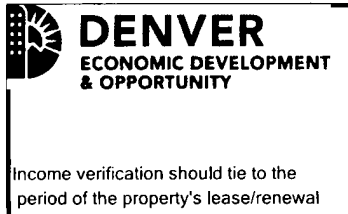
Income verification should tie to the period of the property's lease/renewal

## INCOME VERIFICATION & ELIGIBILITY FORM

*Return completed application to:*  
 Department of Housing Stability  
 Attn: Affordable Housing Program Coordinator  
 201 W. Colfax Avenue - Dept. 204 Denver, CO 80202  
 E-Mail: [housingcompliance@denvergov.org](mailto:housingcompliance@denvergov.org)

*Other Income can include but is not limited to:*

*Periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, unemployment, disability compensation, welfare (or other similar type of government payments), alimony, child support, pay associated with the armed forces or any other similar type of periodic payments received.*



Income verification should tie to the period of the property's lease/renewal

## INCOME VERIFICATION & ELIGIBILITY FORM

*Return completed application to:*  
 Department of Housing Stability  
 Attn: Affordable Housing Program Coordinator  
 201 W. Colfax Avenue - Dept. 204 Denver, CO 80202  
 E-Mail: [housingcompliance@denvergov.org](mailto:housingcompliance@denvergov.org)

**Assets:** If any household member has any net income of any kind from assets, being real or personal property, provide the following:

	Name:	Name:	Name:	Name:	Name:	Name:
Interest						
Dividends						
<b>Total Amount of Income</b> (expected in next 12 months)						

**Certifications:**

I, the undersigned, state that I have read and answered fully and truthfully each of the preceding questions for all members of the household who are to occupy the unit in the above named development for which application is made, all of whom are listed in this application.

I have attached one of the following for each household member to support the information supplied in this Income Verification and I certify that what is attached is a true and accurate copy of what it purports to be. *(please check which document submitted)*

\_\_\_\_\_

Copy of signed, submitted most recent year of federal tax return (including all attachments - such as W-2, etc.)

*Only if income information is current; if not, please provide either of the following:*

\_\_\_\_\_

Two (2) months of most recent pay stubs from current employer.

\_\_\_\_\_

Letter from each current employer regarding current salary - must include average weekly hours worked and at what rate or yearly salary, including bonuses, commissions, etc. (An OED Verification of Employment form may be used as an alternative.)

**NOTE:**

If additional income is denoted, provide supporting documentation.  
 If household member is unemployed, provide copy of unemployment award.  
 If no income is denoted for a household member, provide signed written explanation

I acknowledge that I have been advised that the making of any misrepresentation or misstatement in this declaration will constitute a material breach of my/our agreement with the owner of the above named project to lease a unit in the same project and will entitle the owner of said project to prevent or terminate my/our occupancy of the unit by institution of an action of ejection or other appropriate proceedings.

**Signatures:**


\_\_\_\_\_

Applicant Date

\_\_\_\_\_

Co-Applicant Date

**Optional Information:** This information is requested for demographic and statistical purposes only. It is not used in determining your eligibility



Race:  Black/African  White  Asian  AIAN\*  Pacific Islander  Other

Ethnicity:  Hispanic/Latino \*American Indian and Alaska Native

Referred By:  Developer  Newspaper  Website  Brochure  Word of Mouth  Other



**DENVER**  
ECONOMIC DEVELOPMENT  
& OPPORTUNITY

Income verification should tie to the period of the property's lease/renewal

## INCOME VERIFICATION & ELIGIBILITY FORM

*Return completed application to:*  
Department of Housing Stability  
Attn: Affordable Housing Program Coordinator  
201 W. Colfax Avenue - Dept. 204 Denver, CO 80202  
E-Mail: [housingcompliance@denvergov.org](mailto:housingcompliance@denvergov.org)

*EQUAL OPPORTUNITY: There will be no discrimination against an applicant on the basis of race, age, sex, marital status, sexual orientation, national origin, religion, handicap, or source of income. If you need special accommodations to enable you to apply for, or access to the Income Verification Process, please contact us at 720-913-1800.*

OWNER:

**ELECTRA ENTERPRISES, LLC**  
a Colorado limited liability company

By: \_\_\_\_\_

STATE OF COLORADO            )  
  )ss.  
COUNTY OF DENVER            )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_ 20\_\_ by  
\_\_\_\_\_, as \_\_\_\_\_ of  
\_\_\_\_\_.

Notary Signature: \_\_\_\_\_





February 11, 2022

Francisca Penafiel  
City Planner Associate  
Community Planning and Development  
City and County of Denver

Sunnyside United Neighbors, Inc | P.O. Box 11381 | Denver, CO 80211

Planning & Community Development Committee

**Re: Rezoning of 4151-4155 Jason St.**

Sunnyside United Neighbors offers this letter of support for the rezoning application of 4151-4155 Jason Street to U-RX-5, application number 2021I-00187.

At the December 2021, January 2021, and February 2022 meetings of SUNI Land Use Committee we met with LCP development and discussed various aspects of the 4151-4155 Jason St. Project. At the January meeting, SUNI Land Use Committee voted to provide a letter of support to the 4151-4155 Jason St. Project subject to the completion of a memorandum of understanding (MOU) between SUNI and LCP Development. Various meetings were held to discuss and finalize an MOU. At the February meeting SUNI Land Use Committee voted to approve the MOU between SUNI and LCP Development (“Electra”, “LCP”, and “Littleton Capital Partners”).

Over the course of the three meetings, as well as other zoom calls there was robust discussion amongst SUNI Land Use Committee members, members of the public, and LCP development. LCP Development notified property owners adjacent to the 4151-4155 Jason St. parcel of the plan for rezoning by certified mail and gave them notice of the opportunity to make oral comments at the January SUNI Land Use Committee meeting and written comments via email. LCP Development agreed in the MOU with SUNI to aspects of design related to physical attributes, industrial design influence, ground floor activation, vehicle access egress, alley activation, and continued involvement of SUNI at the site development plan phase.



[www.SunnysideDenver.org](http://www.SunnysideDenver.org)

Sunnyside United Neighbors Inc. (SUNI) is a registered non-profit 501(c)(3)

In summary, I am glad to offer Sunnyside United Neighbors formal support for the project given the plans that have been submitted.

Best regards,

“Bobby”

Matthew R. Vondrasek

Chair, SUNI Land Use Committee

cc: Stacia Gebers, Jonathan Bush, Sean Murphy, LCP Development

Sunnyside United Neighbors, Inc. (SUNI) is the registered neighborhood organization for Sunnyside. The SUNI Planning and Community Development Committee is a standing committee authorized by the SUNI bylaws to act for the Association on matters of zoning, development, and neighborhood planning. The SUNI PCD Committee holds regular monthly public meetings, announced by our website.

**Memorandum of Understanding**  
**Between Sunnyside United Neighbors Inc. and**  
**4151-4155 Jason St/LCP Development**

A. Electra Enterprises, LLC ("Electra") is the owner of that certain real property located at 4151-4155 Jason Street in the City and County of Denver, Colorado (the "Property").

B. Electra and Littleton Capital Partners, LLC (including its permitted assignee, "LCP") are parties to that certain Purchase and Sale Agreement for the sale of the Property from Electra to LCP (the "PSA").

C. A condition to LCP's purchase of the Property pursuant to the PSA is that LCP obtain a re-zoning of the Property to U-RX-5 (the "Rezoning") in connection with its intended redevelopment of the Property.

D. Sunnyside United Neighbors Inc. ("SUNI") is a city-designated Registered Neighborhood Organization (RNO) in accordance with Denver Revised Municipal Code, Chapter 12, Article III, representing certain residents and property owners in the neighborhood in which the Property is located.

E. LCP and representatives of SUNI have met on several occasions to review LCP's proposed redevelopment plans, to discuss SUNI's neighborhood aspirations for Transit Oriented Development on the Property, and to work in good faith to reach a mutual understanding with regard to LCP's redevelopment of the Property that SUNI will support for the Rezoning.

F. The members of SUNI have agreed that the existing industrial building currently located on the Property is not consistent with elements of the neighborhood's prevailing character, nor does it represent the neighborhood's aspiration for Transit Oriented Development.

G. SUNI finds that existing zoning would not facilitate the highest and best use of the Property given its location within walking distance of light rail and Downtown Denver, but that existing and proposed zoning lacks sufficient design and development standards to ensure that redevelopment respects TOD best practices. The Rezoning is a moderate and strategic increase in development density in a critical Blueprint Denver designated Area of Change.

H. SUNI recognizes that support for such an increase in development density presents an opportunity for the 4151-4155 Jason St project to contribute to the evolution of the 41<sup>st</sup> and Fox RTD Station Area.

I. SUNI members define Transit Oriented Development as:

- A robust mix of uses that balances jobs with housing, which supports daily needs of new residents & workers, and functions as a center of activity for the broader neighborhood
- A mix of incomes achieved through higher density and intensity of development, and the provision of affordable housing units

- Thoughtful urban design through compact development, smooth transitions to lower intensity areas, ground floor and façade activation to promote community gathering and “eyes on the street”
- A pedestrian and biking priority area that encourages car-free lifestyles with transportation demand management (TDM) and parking management strategies

J. SUNI members are generally accepting of growth and change in the boundaries of the established RNO when they think that the new construction contributes to the established historic architectural character and charm of our neighborhood. In our transit station area SUNI members identified the emerging industrial design aesthetic to be a desirable direction with the following design considerations:

- Tripartite composition: architecture expresses a clear base, middle, and top
- Durable materials (brick, concrete, glass, steel, reinforce industrial character), with a mix of materials limited to no more than three and composed in manner that reinforces four-sided design and articulates the building’s form rather than a random application
- Architectural detail to break up the mass of taller structures - arches, eaves & cornices, lintels, pilasters, windows, balconies, upper story setbacks, etc.
- Generous windows with a vertical orientation
- Streetscape, façade, and alley activation achieved by:
  - Active facades and ground floor uses that engage the public realm - eateries, sidewalk sales spill onto sidewalk, stoops/porches/balconies activate residential facades, pocket parks, public art and similarly activated spaces on ground floor and facades mask/activate dead spaces
  - Prominent street facing entries orient buildings to streets and “hold the corner”
  - Protection from the elements provided by entry canopies
  - Public gathering space as a percent of F.A.R. through pocket parks, courtyards and other urban green or hardscaped space
  - Building relationship to ROW supports walking and biking, provides streetscape continuity – street trees, street furniture, bike racks and similar amenities, ensures wide sidewalks with trees in grates or detached sidewalks with tree lawns
  - Human scale and a sense of urban enclosure (ratio of building height to street width; open space enclosure)
  - Consideration given to green building and low impact development (L.I.D.) best management practices to slow the flow and provide biofiltration of stormwater and reduce energy consumption and the carbon footprint of new construction

K. Electra, LCP and SUNI agree that any proposed rezoning and redevelopment of the Property is best when the parties work cooperatively and in good faith to obtain a mutual understanding thereof, and SUNI is willing to support the Rezoning on the Property in accordance with the understandings set forth below.

L. In anticipation of signing this Memorandum of Understanding (the “MOU”), SUNI held a meeting on January 13, 2021, with LCP and neighbors. And, at least 15 days prior to this meeting, LCP completed notification of the same meeting via certified mail to all property owners abutting or adjacent to the property. Said notification was approved as to form and content by SUNI in advance of mailing.

Now THEREFORE, the parties set forth their mutual understanding related to the Rezoning and redevelopment of the Property as follows:

1. If the Rezoning of the Property is approved by the City, LCP will pursue redevelopment of the Property as illustrated in its draft concept plans attached hereto as Exhibit 1 (the "Draft Concept Plan"), subject to modifications reasonably necessary in order to address all comments, concerns and requirements from the City and its applicable departments, and to comply with all legal requirements under the City Code and all other applicable jurisdictions (collectively, "Governmental Requirements Modifications"). LCP and Electra understand that SUNI has identified the following as key features in the Design Concept of significance to it, generally described as:
  - a. **AFFORDABLE HOUSING:** Complying with the city's affordable housing regulations, as may be applicable at the time of application submittal.
  - b. **PHYSICAL ATTRIBUTES:** The project design will be consistent with the following Design Guidelines:
    - i. The building face at the sidewalk edge should be treated in an interesting way with glazing, decorative architectural elements or plant materials.
    - ii. One or more of the following high-quality materials such as brick, stone, metal framing systems, metal or treated wood panels, zinc, stainless steel, and glass shall be used.
    - iii. EIFS (Exterior Insulation Finish Systems), fiberglass, synthetic stucco, and similar less durable materials should be used in a limited manner.
    - iv. Building materials on the ground floor should be suitable for the pedestrian environment, shall be resistant to vandalism, easy to maintain, neither sharp nor overly rough, shall be properly assembled/ detailed for longevity.
    - v. The building should not include more than three exterior materials on each elevation (excluding windows, doors and foundation materials (foundation materials include, concrete, CMU and steel)).
  - c. **INDUSTRIAL DESIGN INFLUENCE:** The project should incorporate an architectural style that blends industrial design with residential mixed-use development, consistent with similar projects in the Sunnyside Neighborhood. Industrial design may be expressed through, but is not limited to, the following elements:
    - i. The use of materials commonly associated with industrial buildings such as: brick, metal panels, concrete and steel.
    - ii. Exposing structural elements such as trusses, columns, and beams.
  - d. **GROUND FLOOR ACTIVATION:** The project will include street level activated uses such as: residential lobby, bike lounge, retail and/or restaurant space, and patio area. The activated uses will, at a minimum, meet the street level activation standards of the U-RX-5 zoning which requires forty percent (40%) street level transparency and activation.
  - e. **VEHICLE ACCESS/EGRESS:** Vehicular ingress and egress to the project will be limited to the public alley, unless required elsewhere by the City of Denver.
  - f. **ALLEY ACTIVATION:** The project will reflect four-sided architecture, which will provide thoughtful design to the western elevation (alley facing). The alley facing façade will include one or more of the following design elements, as may be permitted by City Code: patios/balconies, carports, mural wall(s), and façade fenestration.

2. SUNI will explicitly and publicly support the Rezoning and LCP's redevelopment application to rezone the 4151-4155 Jason St, inclusive of the following elements:
  - a. Provision of written statements of support in the hearings before the City Planning Board and the City Council.
  - b. Facilitation of support for the rezoning from both District 1 and At-Large Councilpersons.
  - c. That the ultimate development plan is subject to development action and is expected to be undertaken by the current owner.
3. This MOU shall be signed and executed prior to the City of Denver Planning Board hearing of the Rezoning application. It shall be rendered null and void if the Rezoning is denied.
4. All parties agree that, due to market changes and the unpredictability of development patterns, if the Property is approved for the Rezoning, and if a subsequent version of the Draft Concept Plan is materially modified for reasons beyond the scope of Governmental Requirements Modifications, at the time LCP submits its formal site development plan (SDP) application to the City of Denver, LCP will share the revised plan with SUNI for their review and comment. The intent is that the submitted plan meets the terms of this MOU, and as such both parties agree to discuss any significant deviations from the contemplated plan, and SUNI is under no obligation to agree to such revised plan, and may withhold its approval of such modified plan, but such approval shall not be unreasonably withheld.
5. If Electra sells the Property to a party other than LCP, or LCP sells the Property prior to its redevelopment, the selling party shall inform SUNI within 2 weeks of closing any such sale.
6. This MOU may be recorded in the real property records of the City and County of Denver, Colorado.

**[SIGNATURE PAGE FOLLOWS]**

Agreed this 11th day of February 2022.

**SUNI Land Use Committee**

By: \_\_\_\_\_  
Matthew "Bobby" R. Vondrasek, Chair

**Electra Enterprises, LLC, a Colorado limited liability company**

By: \_\_\_\_\_  
Name and Title: \_\_\_\_\_

**LCP Jason, LLC, a Colorado limited liability company**

By: Littleton Capital Partners, LLC, its Manager

By: Denver City Town Company, LLC, managing member

By:   
Jonathan Bush, managing member

Agreed this 11th day of February 2022.

**SUNI Land Use Committee**

By: Matthew Vondrasek  
Matthew "Bobby" R. Vondrasek, Chair

**Electra Enterprises, LLC, a Colorado limited liability company**

By: LARRY ABEL  
Name and Title: LARRY ABEL MANAGER

**LCP Jason, LLC, a Colorado limited liability company**

By: Littleton Capital Partners, LLC, its Manager

By: Denver City Town Company, LLC, managing member

By: \_\_\_\_\_  
Jonathan Bush, managing member



**EXHIBIT 1**

**Design Concept**



**EXHIBIT 1 (CONT.)**

**Design Concept**



**EXHIBIT 1 (CONT.)**

**Design Concept**

