

October 12, 2023

Edson Ibañez
Senior City Planner - Community Planning and Development
City and County of Denver
201 W. Colfax Ave., Dept. 205
Denver, Colorado 80202

Transmitted via email to: edson.ibanez@denvergov.org

RE: Letter of Support for the Application to Rezone 4120 N Federal Blvd, Denver, Colorado 80211 from U-SU-C1 to U-RX-3 (Case Number 20211-00038)

Mr. Ibañez,

This letter comes to you on behalf of the owners and residents of 4138 N Federal Blvd ("4138"), the property adjacent to and north of 4120 N Federal Blvd ("4120"), the subject of the aforementioned rezoning application. It is our view that as the only residential property owner directly adjacent to 4120, we stand to be most affected by the proposed rezoning and redevelopment of 4120.

In previous comments submitted to Community Planning and Development we had expressed our opposition to 4120's now retracted February 2022 application to rezone the lot to U-MX-3. Since that time, the owners of 4120 have revised their rezoning application to U-RX-3 and we have now executed a good neighbor agreement on various terms and conditions through formal mediation. In culmination of these efforts, we, the owners of 4138, are providing this letter to express our support for the pending application to rezone 4120 to U-RX-3.

Our support for the rezoning application is contingent upon the applicant's adherence to and honoring of a Good Neighbor Agreement executed between the owner of 4120 and us, the owners of 4138, a copy of which has been provided to the Planning Board and recorded against the property with the Denver County Office of the Clerk and Recorder. Further, our support is contingent upon the applicant's adherence to and honoring of a second Good Neighbor Agreement already or yet-to-be executed between the owner of 4120 and the SUNI Registered Neighborhood Organization.

Sincerely,



Chad Linse and Jojo La
Owners of 4138 N Federal Blvd



10/06/2023 09:54 AM
City & County of Denver

R \$28.00

AGR

2023095130

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D \$0.00

MEMORANDRUM OF UNDERSTANDING
[GOOD NEIGHBOR AGREEMENT]
BETWEEN

Chad Linse & Jojo La, property owners of 4138 North Federal, and
4120 Federal LLC, property owner of 4120 North Federal

WHEREAS, 4120 Federal LLC, represented by its Manager, Michael Cachat wishes to rezone this 12,375-square foot parcel from U-SU-CI to U-RX-3.

WHEREAS, Chad Linse & Jojo La (4138 Owners) own the property (4138 North Federal) immediately to the north of 4120 North Federal and will be impacted by the rezoning.

WHEREAS, this rezoning situation was referred to mediation by the City of Denver Planning Department, Chad Linse, Jojo La, and Michael Cachat met in mediation with Steve Charbonneau in a good faith effort to reach an acceptable agreement.

Now THEREFORE, the parties agree on the following:

Good Neighbor Agreement between Sunnyside United Neighbors Inc and 4120 Federal, LLC

1. A Good Neighbor Agreement was reached between SUNI and 4120 Federal LLC toward the end of February, 2022.
2. Both parties to this GNA, 4120 Federal LLC and Chad Linse & Jojo La, request that this GNA (Linse/La GNA) and SUNI's GNA either current or a revised version, be incorporated by reference to each other's GNA.
3. Specifically, but not limited to SUNI's agreement regarding aesthetics and building conformance, and Linse/La's GNA regarding the wall to be constructed between 4120 and 4138 North Federal (section 1.g).
4. 4120 Federal LLC shall cause to have this agreement recorded against the 4120 North Federal property within 5 days of execution by both parties, and a recorded copy shall be provided to 4138 Owners. The agreement shall run with the land and serve as a covenant controlling development of the 4120 North Federal property. However, the agreement shall be rendered null and void, and have no further effect, upon a) issuance of a certificate of occupancy to 4120 Federal LLC; or, b) replacement and superseded by a new agreement with a future property owner of 4120 North Federal or 4138 North Federal.

Care of building and property.

1. 4120 North Federal is currently vacant. A representative of 4120 Federal LLC will regularly inspect the lot for squatters, campers, trash, and overgrown vegetation.
2. 4120 Federal LLC will make every good faith effort to ensure that there are no people living in the vacated building or camping on the vacant lot. If the neighbors observe anyone living in the vacated building or camping on the lot, they will call Morgan, an employee of KLM Construction, at 303-495-2252, who will take appropriate action within 48 hours or less.
3. 4120 Federal LLC will keep the lot clean of accumulated trash and debris, and the vegetation cut and cleared.

Lots east of 4120.

1. These lots are owned by the City and County of Denver (City) and the owner of 4100 Federal Boulevard. 4138 Owners and 4120 Federal LLC will work together to jointly request the City and the owner of 4100 North Federal clean up and maintain their lots.

Increased traffic in the alley.

1. 4138 Owners and 4120 Federal LLC will work together to jointly get approval from the City to install speed bumps and designate the alley one-way traffic only. If approved, 4120 Federal LLC will be responsible for installing the speed bumps and signage for one-way. Neither 4120 Federal LLC, nor the general contractor will be responsible for maintenance of speed bumps or signage after project is completed. Completion will be prior to receipt of Certificate of Occupancy.
2. If the City denies either speed bumps or a one-way designation, 4120 Federal LLC and 4138 Owners will work together in good faith to agree upon other traffic calming elements.
3. 4120 Federal LLC may be required by the City to make improvements to the alley.

During construction.

1. 4120 Federal LLC will conduct their construction activities within the requirements of the City codes governing construction activity.
2. Construction workers will not be allowed to park in the alley, or unload vehicles in the alley for longer than sixty minutes.
3. If there are any concerns during construction, the Neighbors may call Morgan at 303-495-2252. Action to remedy the issue or concern will be taken as soon as possible or within not more than 24 hours. Once a general contractor is identified that phone number will be provided to the Neighbors.

New Development.

1. All construction at 4120 North Federal will meet all City required setbacks, building standards, and landscaping requirements, which may include the placement of additional landscaping and trees where possible along the 4120-4138 property line.
2. 4120 Federal LLC will provide regular and relevant email updates to 4138 Owners and the Neighbors, especially if there are major design changes to the proposed structure or changes to the zoning request.
3. 4120 Federal LLC will provide advance notice to 4138 Owners and the Neighbors prior to initiating demolition of the current structures located at 4120 North Federal. Such notice will also include an estimate of the date upon which demolition will be completed.
4. Wall/Fence.
 - a. 4120 Federal LLC will construct a concrete or cinder block wall between the properties at 4120 and 4138 North Federal. The wall will extend the full allowed length of the property line. Both the 4138 Owners and 4120 Federal LLC will ask the City for a variance so that this wall can be eight (8) feet high. This wall will be constructed entirely on 4120 North Federal's property and entirely at the cost to 4120 Federal LLC.
 - b. 4138 Owners may paint their side of the wall as they wish.
 - c. If possible, the wall will be completed prior to demolition beginning. If not, the wall will be completed no later than the laying of the foundations for the building closest to the property line at 4138 North Federal.
 - d. 4120 Federal LLC will maintain communication with 4138 Owners explaining the timing and process planned.

5. Trees.
 - a. There are two trees close to the property line, but still on 4138 North Federal's property. It is all parties' intention to preserve the trees if possible. However, if the trees cannot be preserved, as determined by a certified arborist, 4120 Federal LLC will be responsible for the cost to remove the trees and stumps.
 - b. 4120 Federal LLC will obtain a list of recommended replacement trees from a certified arborist. 4138 Owners will select which trees they would like planted as replacement trees from the list provided.
 - c. 4120 Federal LLC will be responsible for replacing the removed trees with a minimum of two trees and an option of a third three, selected by 4138 Owners, with a caliper size no less than two (2) inches, and planted at a location chosen by 4138 Owners.
 - d. It is the responsibility of 4138 Owners to care for and maintain the trees after planting.
6. Windows.
 - a. In designing the townhouses at 4120 North Federal, the townhouse directly opposite 4138 North Federal will be designed so that the centerline of their windows are not directly opposite the existing windows at 4138 North Federal.
7. Trash Receptacles.
 - a. The placement of trash receptacles for 4120 North Federal will be on the south side of the property, and away from the 4120/4138 property line.

Rezoning Request.

1. In consideration of the above outlined points, 4138 Owners will support the rezoning request to U-RX-3 that 4120 Federal LLC is making to the City for 4120 North Federal Boulevard. Support may be provided as written or verbal testimony before Council.

Signed:

Mike Cachat

Mike Cachat, CEO for KLM Construction Inc.

2023-09-18

Date

Jojo La

Jojo La, Property Owner at 4138 North Federal

2023-09-25

Date

Chad Linse

Chad Linse, Property Owner at 4138 North Federal

2023-09-25

Date

Signature Certificate

Reference number: 4VXDA-NTCZX-URXME-SEBGV

Signer

Timestamp

Signature

Mike Cachat

Email: mike@klmcolorado.com

Sent: 14 Sep 2023 23:10:15 UTC
Viewed: 18 Sep 2023 14:35:29 UTC
Signed: 18 Sep 2023 14:38:31 UTC



Recipient Verification:

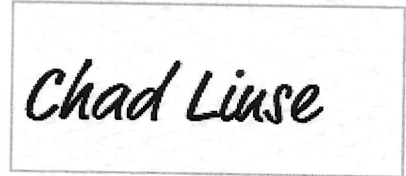
✓Email verified 18 Sep 2023 14:35:29 UTC

IP address: 136.49.130.241
Location: Austin, United States

Chad Linse

Email: chadlinse@gmail.com

Sent: 14 Sep 2023 23:10:15 UTC
Viewed: 14 Sep 2023 23:25:41 UTC
Signed: 25 Sep 2023 16:59:58 UTC



Recipient Verification:

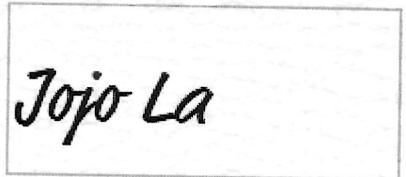
✓Email verified 14 Sep 2023 23:25:41 UTC

IP address: 71.218.107.36
Location: Denver, United States

Jojo La

Email: msjojola@gmail.com

Sent: 14 Sep 2023 23:10:15 UTC
Viewed: 14 Sep 2023 23:20:05 UTC
Signed: 25 Sep 2023 17:04:55 UTC



Recipient Verification:

✓Email verified 14 Sep 2023 23:20:05 UTC

IP address: 165.127.8.254
Location: Denver, United States

Document completed by all parties on:
25 Sep 2023 17:04:55 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.



Between Sunnyside United Neighbors Inc. and 4120 Federal, LLC

This amendment modifies the aforementioned Good Neighbor Agreement, dated 23 February 2022, a five page document, recorded with the City and County of Denver as document # 2022026372.

WHEREAS, 4120 Federal LLC (4120), is represented by its Manager, Michael Cachet.

WHEREAS, the Sunnyside United Neighbors Inc. (SUNI) is the city-designated Registered Neighborhood Organization (RNO) best able to represent the neighborhood.

Now THEREFORE, the parties agree on the following:

1. The previous agreement will be amended as follows:
 - a. all references to "U-MX-3" shall be replaced with "U-RX-3"
2. This amendment shall be signed and recorded with the proper office of The City of Denver by 4120 Federal.

Agreed, this 19 day of December, 2023

Sunnyside United Neighbors, Inc

BY: Trupti Suthar

Trupti Suthar

4120 Federal LLC

BY: Mike Chachat

Mike Chachat-Member 4120 Federal, LLC



Good Neighbor Agreement

Between Sunnyside United Neighbors Inc. and 4120 Federal, LLC

WHEREAS, 4120 Federal LLC (4120), represented by its Manager, Michael Cachat, and wishes to rezone this 12,375-square foot parcel from U-SU-C1 to U-MX-3.

WHEREAS, the Sunnyside United Neighbors Inc. (SUNI) is the city-designated Registered Neighborhood Organization (RNO) best able to represent the neighborhood where the 12,375-square foot parcel resides.

WHEREAS, 4120 met with SUNI on several occasions. Noting the challenges with replacing the existing office building (built in 1952) with allowable uses under existing zoning (a single family structure with an accessory dwelling unit) on a busy transit corridor such as Federal Boulevard, the nature of the surrounding block, and the opportunity to construct townhomes in this location, 4120 requested support for a rezoning that would facilitate redevelopment of the property with a plan containing 9 townhouse units in 3 buildings.

WHEREAS, SUNI finds the existing office building is consistent with elements of the neighborhood's prevailing character including four-sided brick architecture, vertically oriented windows, transparency ratios on the existing building facades, and front porches/covered entries,

WHEREAS, SUNI finds that existing zoning would not facilitate the highest and best use of the site given its location, but that existing zoning lacks sufficient design and development standards to ensure that redevelopment respects neighborhood character,

WHEREAS upzoning from U-SU-C1 to U-MX-3 is a significant increase in development intensity on a historic, designated parkway,

WHEREAS, SUNI recognizes that support for such an increase in development intensity presents an opportunity for the 4120 project to contribute to and enhance the character defining features of this historic, original neighborhood,

WHEREAS, 4120 understands and appreciates that any rezoning is best coordinated with the SUNI and other RNO's, and SUNI is willing to support U-MX-3X zoning on the site provided the building provide specific features that are identified herein.

WHEREAS, in anticipation of signing this agreement, SUNI held a meeting on December 9, 2021, with 4120 and neighbors. And, 15 days prior to this meeting, 4120 completed notification of the same meeting via certified mail to all property owners within 400 feet of the property. Said notification was approved as to form and content by SUNI in advance of mailing.

Now THEREFORE, the parties agree on the following:

1. 4120 has filed a request to rezone the land currently zoned U-SU-C1 to U-MX-3, with the understanding that, if approved for the proposed zoning, the building plan for the site will include, and the final building plan shall incorporate, the features as illustrated in the attached Exhibit 1 plans, the key features of which can be generally described as:

a. Complying with the city's affordable housing regulations, as may be applicable at the time of application submittal.

b. 1 building form containing 5-units, and 2 containing 2-units each, with the 5-unit building facing Federal Street and the others addressing and activating the alley.

c. An architectural style using contemporary and Victorian building forms that minimize building massing and establish clearly defined entryways to each unit.

d. On the main 5-unit building facing Federal Boulevard, seventy percent (70%) brick as a building exterior finish on all building facades, excluding doors and windows, shall be provided. Alternate materials will be applied to the other 2 duplex buildings east of the 5-unit building at the development team's discretion and consistent the following materials at the following percentages:

- i. Brick (face)-100%
- ii. Brick (panel)-75%
- iii. Stone & Hand Laid Masonry-100%
- iv. Concrete-100%
- v. Rockface CMU-30%
- vi. Burnished CMU-50%
- vii. Stucco/EIFS-75%
- viii. Fiber Cement Panels less Than 5/8"-30%
- ix. Fiber Cement Panels 5/8" or greater-75%
- x. Fiber Cement Siding-30%
- xi. Metal Panels-75%
- xii. Wood-75%
- xiii. Glass-100%

e. Meet all front yard setback requirements.

f. Within the limits of zoning, provide the maximum roof pitch feasible, ideally a 12:12 pitch on gabled portions of the site.

g. A wall intended to provide privacy to the abutting property to the north will be installed prior to a certificate of occupancy. It will be 6 inches in width, built to the maximum height allowed by zoning, and be located along the north boundary of the property.

2. SUNI will explicitly and publicly support 4120's application to rezone the 12,375-square foot site, 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 rezonings from both District 9 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, but if the land is sold the new owner shall be successor in rights and interest to this agreement and its attachments.

3. This agreement shall be signed and executed prior to the City of Denver Planning Board hearing of the 4120 Federal rezoning application. It shall be rendered null and void if the rezoning is denied and as a result a future development plan presents a plan different from that attached, or if the property is rezoned to any other zoning designation.

4. Both parties agree that this agreement may be subject to revision by a future owner or SUNI, and that due to market changes and the unpredictability of development patterns, either party may seek a change to the approved plan document herein. However, SUNI is under no obligation to agree to such amendments, but such approval shall not be unreasonably withheld.

5. If the property is approved for rezoning to U-MX-3, and if a subsequent development plan is presented pursuant to paragraph 1 that is not consistent with the plans attached hereto, SUNI may withhold its approval of development plan, 4120 shall not be authorized to redevelop the property per the unapproved plan, and 4120 shall preserve the existing office building existing on the property on the date of this agreement.

6. At the time 4120 submits its formal site development plan (SDP) application to the City of Denver, 4120 will share the plan with SUNI for their review and comment. The intent is to 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.

7. Prior to commencement of construction of the Project, 4120 shall place in escrow \$5,000 for the use by SUNI in the event a lawyer must be secured to enforce 4120's obligations under this Agreement. The escrow shall be held by a title company selected by 4120 pursuant to escrow instructions mutually agreeable to 4120 and SUNI . The escrow shall be in place during the construction phase of the Project until six (6) months after issuance of a temporary certificate of occupancy for the Project. This good faith commitment demonstrates 4120's expectation to be held accountable to the Agreement terms.

8. 4210 shall cause to have this agreement recorded against the 4120 Federal Boulevard property within 5 days of execution of both parties, and a recorded copy shall be provided to SUNI. The agreement shall run with the land and serve as a covenant controlling development of the 4120 Federal Boulevard property. However, the agreement shall be rendered null and void, and have no further effect, upon a) issuance of a certificate of

occupancy or occupancies of the building plan contemplated herein; or, b) replacement and supersedence by a new agreement with a future property owner.

Agreed, this 23rd day of February, 2022

SUNI Land Use Committee

BY: M.V.

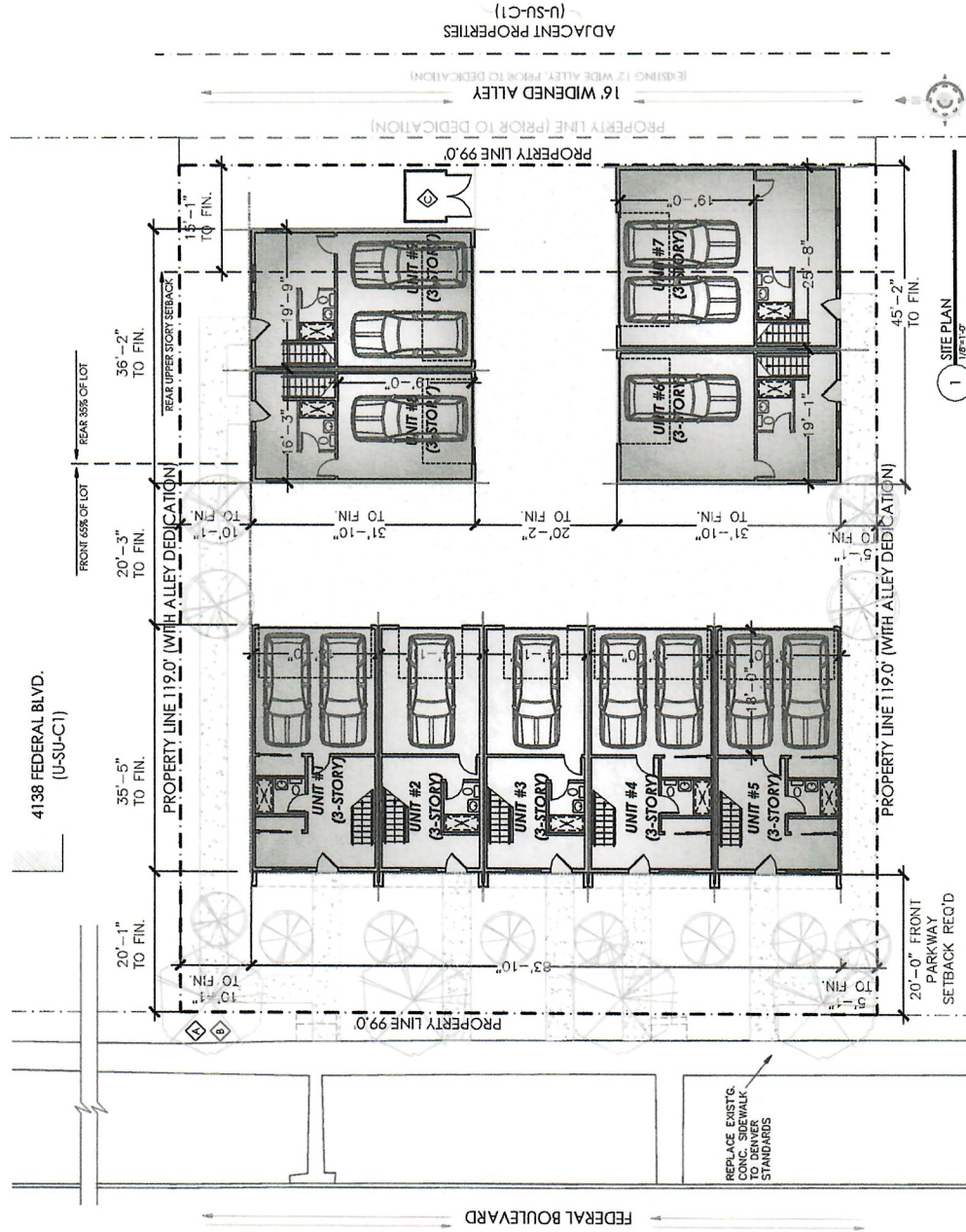
NAME AND TITLE: "Bobby" Matthew R. Vondrasek, Chair, SUNI Land Use Committee

4120 Federal LLC

BY: 

NAME AND TITLE: Mike Cachat-Member 4120 Federal, LLC

EXHIBIT 1, SHEET 1, SITE PLAN, 4120 FEDERAL GOOD NEIGHBOR AGREEMENT



4100 FEDERAL BLVD. (U-WX-2X)

4120 N. FEDERAL BLVD., DENVER CO

PROPOSED PROJECT:
 BUILDING FORM: TOWNHOMES
 3-STORY TOWNHOMES (10 UNITS, APPROX. 2,000 S.F. EA.)
 PARKING REQ: 1 SPACE PER UNIT (EDC SECT. 6.4.4)
 9 SPACES REQUIRED/ 17 FULL SPACES PROVIDED

ZONING INFORMATION:
 ZONING DESIGNATION: U-MX3
 BUILDING FORM USED: TOWNHOMES
 OCCUPANCY GROUP: IRC TOWNHOMES
 CONSTRUCTION TYPE: V-8, NON-SPRINKLERED
 MINIMUM ZONE LOT WIDTH: N/A
 MINIMUM ZONE LOT AREA: N/A
 STORIES (MAX.): 3 STORIES
 MAX. BUILDING HEIGHT: 36'-0"
 REQUIRED BUILD-TO: 70% (WITHIN 10 TO 15' MAX.)
 (87.7% PROVIDED)

SETBACKS
 PRIMARY STREET: 10'-0" MIN.
 SIDE WALKWAY: 10'-0" WHEN ADJACENT TO PROTECTED DISTRICT
 REAR: ALLEY 0'-0" (0'-0" WHEN ADJACENT TO PROTECTED DISTRICT)
 REAR UPPER STORY SETBACK (WHEN ADJACENT TO PROTECTED DISTRICT)
 TRANSPARENCY: 40% MIN. ALONG PRIMARY STREET
 20% MIN. ALONG SIDE STREET

TRASH
 OBTAIN A COMMIT TO SERVICE LETTER FROM DOTSOLID WASTE CONTAINING 9 UNITS.

CANOPY ENCROACHMENTS
 CANOPIES PROVIDING COVER TO AN ENTRANCE SHALL BE NO GREATER THAN 25% OF THE FRONT OR REAR SETBACK. CANOPIES ON THREE SIDES. CANOPIES MAY ENCRACH ANY DISTANCE INTO THE PRIMARY STREET SETBACK AND 3'-0" INTO THE SIDE INTERIOR SETBACK.

DESIGN ELEMENTS
 DWELLING UNITS TO BE ORIENTED TO STREET FOR ALL UNITS WITHIN 20'-0" OF PRIMARY STREET ZONE LOT LINE OR 20'-0" OF SIDE STREET ZONE LOT LINE. UNITS ORIENTED TO SIDE STREET SHALL BE ORIENTED TO STREET SHALL HAVE A DWELLING UNIT ENTRANCE WITH AN ENTRY FEATURE. STRUCTURE MAY CONTAIN SIDE BY SIDE DWELLING UNITS. UNITS ORIENTED TO STREET SHALL BE ALLOWED TO REAR SEB ON ROOFTOP SECOND STORY DECKS IN REAR 35%. NOTE: ZONE LOTS TO THE NORTH AND EAST OF THE ARE ZONED U-MX-C1. UNITS 8 PATIOS ALLOWED TO ENCRACH INTO PARKING SETBACK AND 5' INTO INTERIOR SETBACK, NO CLOSER THAN 5' TO SIDE INTERIOR ZONE LOT LINE. MULTISTORY FEATURES NOT ALLOWED INTO SIDE SETBACKS.

SITE LEGEND
 - - - - - PROPERTY BOUNDARY
 - - - - - SETBACK INDICATION
 PARKING STALL 8.5' x 17.5'
 EXISTING FENCE LOCATION
 EXISTING ELECTRIC LINE (OVERHEAD)