# Zone Map Amendment (Rezoning) for PUD - Application

| PROPERTY OWNER INFORMATION* | |
|---|---|
| ☐ CHECK IF POINT OF CONTACT FOR APPLICATION | |
| ☐ CHECK IF POINT OF CONTACT FOR FEE PAYMENT | |
| Property Owner Name | Orion Denver CO LLC<br>( Attn: Paul Hughes) |
| Address | 2325 E. Camelback Road |
| City, State, Zip | Phoenix, AZ 85016-3422 |
| Telephone | 646-476-5410 |
| Email | phughes@onlreit.com |
| *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(S) REPRESENTATIVE** | |
|---|---|
| ☒ CHECK IF POINT OF CONTACT FOR APPLICATION | |
| ☒ CHECK IF POINT OF CONTACT FOR FEE PAYMENT | |
| Representative Name | Shea Properties Management Company, Inc.<br>Attn: Eric Hecox |
| Address | 8351 E. Belleview Avenue |
| City, State, Zip | Denver, Colorado 80237 |
| Telephone | 303-486-1377 |
| Email | Eric.Hecox@sheaproperties.com |
| **Property owner shall provide a written letter authorizing the representative to act on his/her behalf. | |

## SUBJECT PROPERTY INFORMATION

| | |
|---|---|
| Location (address and/or boundary description): | 4340 - 4350 South Monaco Street, Denver, Colorado 80237 |
| Assessor's Parcel Numbers: | 0708100084000 |
| Area in Acres or Square Feet: | 12.58 acres |
| Current Zone District(s): | B-4, UO-1, UO-2, with waivers and conditions |

## PROPOSAL

| | | |
|---|---|---|
| Proposed Zone District (See DZC Section 9.6.1.3(A) to determine if General or Detailed): | ☒ General PUD | ☐ Detailed PUD |
| Proposing SubAreas: | ☐ Yes | ☒ No |
| Standard Zone District: Please list the zone district(s) on which the PUD will be based: | S-CC-5 (for existing structures) and S-MX-5 for future development | |

Deviations from Standard Zone District: As an attachment, please provide a list of proposed deviations and a detailed explanation of why the deviation is needed.

| Deviation | Why deviation is necessary |
|---|---|
| Please see Summary of Deviations attached to the Rezoning Narrative | |
| | |
| | |

## PRE APPLICATION INFORMATION

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| In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services? | ☒ **Yes - State the contact name & meeting date** 2/21/24 - Applicant met with *<br>☐ **No - Describe why not (in outreach attachment, see bottom of p. 3)** |
| Did you contact the City Council District Office regarding this application? | ☒ **Yes - if yes, state date and method** Applicant team discussed with Diana Romero-Campbell via phone, zoom, and in-person meetings, including a site tour.<br>☐ **No - if no, describe why not (in outreach attachment, see bottom of p. 3)** |



*Edson Ibanez, Andrew Webb, Caeli Hill, Jennifer Ramsey, Elkizabeth Weigle, Christopher Gleissner, Nathan Lucero, Deidre Oss, Stephen Wilson, and Eric Hecox

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Denver, CO 80202
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## REVIEW CRITERIA

| | |
|---|---|
| General Review Criteria DZC Sec. 12.4.10.7.A<br><br>Check box to affirm **and** include sections in the review criteria narrative attachment | ☒ **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.**<br>Please provide a review criteria narrative attachment describing **how** the requested zone district is consistent with the policies and recommendations found in **each** of the adopted plans below. Each plan should have its' own subsection.<br><br>**1. *Denver Comprehensive Plan 2040***<br><br>In this section of the attachment, describe **how** the proposed map amendment is consistent with *Denver Comprehensive Plan 2040*'s a) equity goals, b) climate goals, and c) any other applicable goals/strategies.<br><br>**2. *Blueprint Denver***<br>In this section of the attachment, describe **how** the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in *Blueprint Denver*.<br><br>**3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):** |
| General Review Criteria: DZC Sec. 12.4.10.7. B & C<br><br>Check boxes to the right to affirm **and** include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment. | ☒ **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.**<br><br>☒ **Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.**<br><br>In the review criteria narrative attachment, please provide an additional section describing **how** the requested rezoning furthers the public health, safety and general welfare of the City. |
| Review Criteria for Non-Legislative Rezonings:<br><br>DZC Sec. 12.4.10.8<br><br>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.<br><br>For Neighborhood Context, Purpose and Intent, check box **and** include a section in the review criteria narrative attachment. | **Justifying Circumstances - One of the following circumstances exists:**<br><br>☐ The existing zoning of the land was the result of an error;<br>☐ The existing zoning of the land was based on a mistake of fact;<br>☐ 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;<br>☒ 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:<br>a. Changed or changing conditions in a particular area, or in the city generally; or,<br>b. A City adopted plan; or<br>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.<br>☐ 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.<br><br>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.<br><br>☒ **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.**<br><br>In the review criteria narrative attachment, please provide a separate section describing **how** the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code. |



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| | |
|---|---|
| Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria<br><br>DZC Sec. 12.4.10.9<br><br>Check boxes to the right to affirm and include a section in the review criteria narrative for each. | ☒ The PUD District and the PUD District Plan comply with the intent, purpose, all applicable standards and criteria stated in Article 9, Division 9.6 (Planned Unit Development).*<br>*Provide a section describing how the PUD district responds to A.-D. of the General Purpose and Intent statement in DZC Section 9.6.1.1.<br>☒ The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.<br>☒ The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.<br>☒ The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design). |

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.

☒ Deviations from Standard Zone District List. See page 1 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 ) * A summary is included in the Rezoning Narrative.

☐ **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 is document is required.)

☐ **Other Attachments.** Please describe. _____

## 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<br>City, State, Zip<br>Phone<br>Email | Property Owner Interest % of the Area of the Zone Lots to Be Rezoned | Please sign below as an indication of your consent to the above certification statement | Date | Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved | Has the owner authorized a representative in writing? (YES/NO) |
|---|---|---|---|---|---|---|
| **EXAMPLE**<br>John Alan Smith and<br>Josie Q. Smith | 123 Sesame Street<br>Denver, CO 80202<br>(303) 555-5555<br>sample@sample.gov | 100% | *John Alan Smith*<br>*Josie Q. Smith* | 01/12/20 | (A) | YES |
| | See Next Page | | | | | YES |
| | | | | | | YES |
| | | | | | | YES |
| | | | | | | YES |



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## STATEMENT OF AUTHORITY

Pursuant to C.R.S. § 38-30-172, the undersigned hereby executes this Statement of Authority on behalf of Orion Denver CO LLC, a Delaware limited liability company (the "**Entity**"), and states as follows:

1. The name of the Entity is Orion Denver CO LLC.

2. The Entity is a Delaware limited liability company.

3. The mailing address for the Entity is 2398 E. Camelback Road, Suite 1060, Phoenix, AZ 85016-3422.

4. The name and position of the person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property, and transactions in connection therewith, on behalf of the Entity is Gary Landriau, as Executive Vice President and CIO.

EXECUTED as of the 27 day of March, 2024.

ORION DENVER CO LLC, a Delaware limited liability company:

By: _____
Gary Landriau, Executive Vice President, CIO

STATE OF NEW YORK )
) ss:
CITY AND COUNTY OF NEW YORK )

The foregoing instrument was acknowledged before me this 27 day of March, 2024, by Gary Landriau, as Executive Vice President and CIO of Orion Denver CO LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: 01/23/2027

_____
Notary Public

LINDSAY A JACOB
Notary Public - State of New York
NO. 01JA6446572
Qualified in New York County
My Commission Expires Jan 23, 2027

Fidelity National Title
NATIONAL COMMERCIAL SERVICES

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

**DATE:** March 28, 2024
**FILE NUMBER:** 100-00502312-201-8J8, Amendment No. 3
**PROPERTY ADDRESS:** 4340 South Monaco Street, Denver, CO 80237-3485
**BUYER/BORROWER:** SP ACQUISITIONS, LLC a California limited liability company
**OWNER(S):** Orion Denver CO LLC, a Delaware limited liability company
**YOUR REFERENCE NUMBER:**
**ASSESSOR PARCEL NUMBER:** 07081-00-084-000

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

| | | | |
|---|---|---|---|
| **TO:** | **Escrow Officer** | **ATTN:** | Jennifer York |
| | | **PHONE:** | (303) 692-6788 |
| | | **FAX:** | **(303) 633-7720** |
| | | **E-MAIL:** | jyork@fnf.com |
| | **Escrow Assistant** | **ATTN:** | Sarah Yurkoski |
| | | **PHONE:** | (303) 291-9821 |
| | | **E-MAIL:** | sarah.yurkoski@fnf.com |
| | **Title Officer** | **ATTN:** | Darrin Kunselman |
| | | **PHONE:** | (720) 200-1233 |
| | | **E-MAIL:** | darrin.kunselman@fnf.com |
| | **Sales Executive** | **ATTN:** | Robert Masten |
| | | **E-MAIL:** | robert.masten@fnf.com |

| | | | |
|---|---|---|---|
| **TO:** | **SP ACQUISITIONS, LLC a California limited liability company**<br>**c/o Shea Properties Management Company, Inc**<br>**8351 E. Belleview Avenue**<br>**Denver, CO 80237** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **John Kilrow**<br><br><br>**john.kilrow@sheaproperties.com** |
| **TO:** | **Orion Denver CO LLC, a Delaware limited liability company**<br>**2325 E. Camelback Road**<br>**Phoenix, AZ 85016** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Paul Hughes**<br><br><br>**phughes@onlreit.com** |
| **TO:** | **Orion Denver CO LLC, a Delaware limited liability company**<br>**2325 E. Camelback Road**<br>**Phoenix, AZ 85016** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Paul Hughes, Esq.**<br><br><br>**legalteam@onlreit.com** |

**Commitment Transmittal**
**(Continued)**

| | | | |
|---|---|---|---|
| **TO:** | **Buchalter, P.C.**<br>**15279 N. Scottsdale Road**<br>**Suite 400**<br>**Scottsdale, AZ 85254** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Kyle T. Lytle, Esq.**<br><br><br>**klytle@buchalter.com** |
| **TO:** | **Otten Johnson Robinson Neff and Ragonetti**<br>**950 17th St.**<br>**Suite 1600**<br>**Denver, CO 80202** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Christina E Hinton**<br>**(303) 825-8400**<br>**(000) 000-0000**<br>**chinton@ottenjohnson.com** |
| **TO:** | **Otten Johnson Robinson Neff and Ragonetti**<br>**950 17th St.**<br>**Suite 1600**<br>**Denver, CO 80202** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Chelsea C. Brune**<br>**(303) 825-8400**<br>**(000) 000-0000**<br>**cbrune@ottenjohnson.com** |
| **TO:** | **Otten Johnson Robinson Neff and Ragonetti**<br>**950 17th St.**<br>**Suite 1600**<br>**Denver, CO 80202** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Christopher Toll**<br>**(303) 825-8400**<br>**(000) 000-0000**<br>**ctoll@ottenjohnson.com** |
| **TO:** | **Shea Properties**<br>**8351 East Belleview Avenue**<br>**Denver, CO 80237** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Eric Hecox**<br>**(000) 000-0000**<br>**(303) 740-6954**<br>**eric.hecox@sheaproperties.com** |
| **TO:** | **Shea Properties**<br>**8351 East Belleview Avenue**<br>**Denver, CO 80237** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Kristin Bushard**<br>**(000) 000-0000**<br>**(303) 740-6954**<br>**Kristin.Bushard@sheaproperties.com** |
| **TO:** | **Orion**<br>**2398 E. Camelback Road, Suite 1060**<br>**Phoenix, AZ 85016** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Paul Hughes**<br><br><br>**PHughes@onlreit.com** |
| **TO:** | **Buchalter** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Kevin T. Lytle**<br><br><br>**klytle@buchalter.com** |
| **TO:** | **Orion**<br>**2398 E. Camelback Road**<br>**Suite 1060**<br>**Phoenix, AZ 85016** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Justin Shuler**<br>**(602) 739-3268**<br><br>**jshuler@onlreit.com** |
| **TO:** | **Fidelity National Title Insurance, NCS Div (DTC)**<br>**8055 E. Tufts Ave**<br>**#900**<br>**Denver, CO 80237** | **ATTN:**<br>**PHONE:**<br>**FAX:**<br>**E-MAIL:** | **Jennifer York**<br>**(303) 291-9977**<br>**(303) 633-7720**<br>**jyork@fnf.com** |

**END OF TRANSMITTAL**

# COMMITMENT FOR TITLE INSURANCE

*Issued by*

**Fidelity National Title Insurance Company**

## NOTICE

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

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

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

## COMMITMENT TO ISSUE POLICY

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

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

## COMMITMENT CONDITIONS

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



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c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
h. "Public Records": The recording or filing system established under state statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

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

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   a. the Notice;
   b. the Commitment to Issue Policy;
   c. the Commitment Conditions;
   d. Schedule A;
   e. Schedule B, Part I—Requirements; and
   f. Schedule B, Part II—Exceptions; and
   g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

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

5. LIMITATIONS OF LIABILITY
   a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      i. comply with the Schedule B, Part I—Requirements;
      ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
      iii. acquire the Title or create the Mortgage covered by this Commitment.



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

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

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

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

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

8. PROFORMA POLICY

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

9. CLAIMS PROCEDURES

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

10. CLASS ACTION

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



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

11. ARBITRATION

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



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

| | |
|---|---|
| Issuing Agent: | Fidelity National Title Insurance Co., National Commercial Services |
| Issuing Office: | 8055 E Tufts Ave, Suite 900, Denver, CO 80237 |
| Loan ID Number: | |
| Issuing Office File Number: | 00502312-201-8J8-DK2 |
| Property Address: | 4340 South Monaco Street, Denver, CO 80237-3485 |
| Revision Number: | Amendment No. 3, Amendment Date: March 28, 2024 |

# SCHEDULE A

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

1. Commitment Date: **March 18, 2024**
2. Policy to be issued:
   (a) **ALTA Standard Owner's Policy (7-1-21)**
   Proposed Insured: **SP ACQUISITIONS, LLC a California limited liability company**
   Proposed Amount of Insurance: **$12,000,000.00**
   The estate or interest to be insured: **A Fee Simple and Easement**
   (b) **ALTA Standard Loan Policy (7-1-21)**
   Proposed Insured: **Orion Denver CO LLC, a Delaware limited liability company**
   Proposed Amount of Insurance: **$11,000,000.00**
   The estate or interest to be insured:
   (c) **None**
   Proposed Insured:
   Proposed Amount of Insurance: **$0.00**
   The estate or interest to be insured:
3. The estate or interest in the Land at the Commitment Date is:
   **A Fee Simple, as to Parcel A, and an Easement, as to Parcel B**
4. The Title is, at the Commitment Date, vested in:
   **Orion Denver CO LLC, a Delaware limited liability company**
5. The Land is described as follows:
   **See Exhibit A attached hereto and made a part hereof.**

Countersigned by:

John Miller
Authorized Signature



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# SCHEDULE A
(Continued)

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



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# SCHEDULE A
(Continued)

**PREMIUMS:**

| | |
|---|---|
| Owners Policy | 9,844.00 |
| Deletion of 1 - 4 upon requirements met and provided there is no recent, ongoing or anticipated construction on the land | 95.00 |
| Tax Certificate | 18.00 |
| Lenders Policy | 300.00 |

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



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# EXHIBIT A
# LEGAL DESCRIPTION

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

Parcel A:

A parcel of land located in the NE ¼ of Section 8, Township 5 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, and more particularly described as follows:

The basis of bearings for this description is the West line of the NE ¼ of said Section 8 being N00°35'15"E between the C ¼ corner (3.0' witness corner, a 3.5" aluminum cap LS 13212) and N ¼ corner (a 3.5" brass cap LS 7104):

Commencing at the C ¼ corner of said Section 8;
Thence N19°43'03"E, a distance of 1376.82 feet to a point on the Easterly right of way line of South Monaco Street, said point being the Point of Beginning;
Thence along said right of way line the following two (2) courses:

1) N25°25'33"W, a distance of 600.96 feet to a point of curvature;
2) along the arc of a curve to the right, 115.21 feet, having a radius of 537.65 feet, a central angle of 12°16'39" and a chord bearing and distance of N19°20'14"W, 114.99 feet;

Thence N70°29'06"E, a distance of 837.77 feet to a point on the Westerly right of way line of Interstate Highway #25;
Thence along said Westerly right of way line, S24°02'35"E, a distance of 714.93 feet;
Thence S70°29'06"W, a distance of 832.16 feet to the Point of Beginning;

EXCEPT any portion contained in Rule and Order of the District Court, Case No. 01CV3689, recorded November 17, 2005 at Reception No. 2005197000, Denver County Records.

For Informational Purposes Only

Tax ID No.: 07081-00-084-000

Parcel B:

Those easement rights as set forth in Reciprocal Easement Agreement recorded recorded July 5, 2000 at Reception No. 2000093980 and Amended and Restated Stormwater Drainage and Detention Easement and Agreement recorded April 5, 2001 at Reception No. 2001049774, Denver County Records.



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# SCHEDULE B – PART I
# REQUIREMENTS

a. Pay the agreed amounts for the interest in the land and/or for the mortgage to be insured.

b. Pay us the premiums, fees and charges for the policy.

c. Obtain a certificate of taxes due from the county treasurer or the county treasurer's authorized agent.

d. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: Orion Denver CO LLC, a Delaware limited liability company

a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member

b) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

c) Recordation of a Statement of Authority

d) Copies of resolution(s), agreements and/or other documentation necessary to establish the authority of parties executing on behalf of entities disclosed as part of an organizational structure managing said Limited Liability Company.

e. Deed sufficient to convey the fee simple estate or interest in the Land described or referred to herein, to the Proposed Insured Purchaser.

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

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

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

g. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: SP ACQUISITIONS, LLC a California limited liability company



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## SCHEDULE B
## PART I – REQUIREMENTS
(Continued)

a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member

b) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

c) Recordation of a Statement of Authority

d) Copies of resolution(s), agreements and/or other documentation necessary to establish the authority of parties executing on behalf of entities disclosed as part of an organizational structure managing said Limited Liability Company.

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

Party(s): Orion Denver CO LLC, a Delaware limited liability company

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

Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

i. Deed of Trust sufficient to encumber the estate or interest in the Land described or referred to herein for the benefit of the Proposed Insured Lender.

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

**END OF SCHEDULE B – Part I**



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# SCHEDULE B – PART II
# EXCEPTIONS

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

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

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

3. Any encroachments, encumbrances, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by Public Records.

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 the proposed Insured acquires of record for the value the estate or interest or mortgage thereon covered by this Commitment.

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

6. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.

7. All taxes and assessments, now or heretofore assessed, due or payable.

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

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

9. Each and every right or rights of access to and from any part of the right of way for Colorado State Highway No. I-25 from and to any part of subject property abutting upon said highway, as granted to the Department of Highways, State of Colorado, by deed recorded October 23, 1950 in Book 695 Page 218. (Arapahoe County Records)

10. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 655, Series of 1981 as set forth below:

    Recording Date: December 21, 1981



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# EXCEPTIONS
(Continued)

Recording No.: Book 2503 Page 221

Recording of Waivers of Certain Rights in Accordance with Article IX of the Revised Municipal Code of the City and County of Denver (Zoning Chapter):
Recording Date: November 8, 1982
Recording No.: Book 2687 Page 497

11. Intentionally deleted.

12. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below:

Recording Date: May 22, 1984
Recording No.: Book 3103 Page 363

13. Easements and notes as shown on the plat of The 165 Subdivision Filing No. 1:

Recording Date: May 23, 1984
Recording No.: Reception No. 66188

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



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# EXCEPTIONS
(Continued)

14. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

    Recording Date: June 5, 1986
    Recording No.: Reception No. 77722

    Supplementary Declaration No. 1 of Protective Covenants of Regency West Denver Tech Center:
    Recording Date: February 19, 1987
    Recording No.: Reception No. 93550

    Supplementary Declaration No. 2 of and Amendment to Protective Covenants of Regency West Denver Tech Center:
    Recording Date: May 2, 1988
    Recording No.: Reception No. R-88-0261473

    Supplementary Declaration No. 3 of and Amendment to Protective Covenants of Regency West Denver Tech Center:
    Recording Date: September 28, 1988
    Recording No.: Reception No. R-88-0315330

    Supplementary Declaration No. 4 of and Amendment to Protective Covenants of Regency West Denver Tech Center:
    Recording Date: July 14, 1989
    Recording No.: Reception No. R-89-0063499

15. Intentionally deleted.

16. Terms, conditions, provisions, agreements, restrictions and obligations contained in the Special Warranty Deed as set forth below:

    Recording Date: July 5, 2000
    Recording No.: Reception No. 2000093979

17. Terms, conditions, provisions, agreements and obligations contained in the Application to Amend the Boundaries of a Designated Zone Lot as set forth below:

    Recording Date: May 11, 2000
    Recording No.: Reception No. 2000066770



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# EXCEPTIONS
(Continued)

18. Reciprocal easements, for the purpose(s) shown below and rights incidental thereto as created by the following document:

| | |
|---|---|
| Document: | Reciprocal Easement Agreement |
| Executed by: | DTC West Land Venture, a Colorado general partnership and USAA Real Estate Company, a Delaware corporation |
| Purpose: | Access, Construction and Maintenance |
| Recording Date: | July 5, 2000 |
| Recording No.: | Reception No. 2000093980 |

19. Terms, conditions, provisions, agreements and obligations contained in the Amended and Restated Stormwater Drainage and Detention Easement and Agreement as set forth below:

| | |
|---|---|
| Recording Date: | April 5, 2001 |
| Recording No.: | Reception No. 2001049774 |

20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

| | |
|---|---|
| Granted to: | City and County of Denver |
| Purpose: | Water Pipeline(s) and Appurtenances |
| Recording Date: | August 31, 2000 |
| Recording No.: | Reception No. 2000126798 |

Easement Agreement Amendment:

| | |
|---|---|
| Recording Date: | August 16, 2005 |
| Recording No.: | Reception No. 2005138227 |

21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

| | |
|---|---|
| Granted to: | City and County of Denver |
| Purpose: | Water Pipeline(s) and Appurtenances |
| Recording Date: | August 31, 2000 |
| Recording No.: | Reception No. 2000126800 |

22. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

| | |
|---|---|
| Granted to: | City and County of Denver |
| Purpose: | Ingress and Egress Easement |
| Recording Date: | December 4, 2000 |
| Recording No.: | Reception No. 2000176154 |



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# EXCEPTIONS
(Continued)

23. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

| | |
|---|---|
| Granted to: | City and County of Denver |
| Purpose: | Sidewalk Easement |
| Recording Date: | January 3, 2001 |
| Recording No.: | Reception No. 2001000667 |

24. The effect of Invesco Funds Headquarters A Planned Building Group:

| | |
|---|---|
| Recording Date: | March 26, 2001 |
| Recording No.: | Reception No. 2001043017 |
| And | |
| Recording Date: | November 26, 2021 |
| Recording No.: | Reception No. 2021218023 |

25. Terms, conditions, provisions, agreements and obligations contained in the Partial Amended and Restated Drainage Easement Agreement as set forth below:

| | |
|---|---|
| Recording Date: | July 22, 2005 |
| Recording No.: | Reception No. 2005123462 |

26. Terms, conditions, provisions, agreements and obligations contained in the Ordinance No. 949, Series of 2005 as set forth below:

| | |
|---|---|
| Recording Date: | December 29, 2005 |
| Recording No.: | Reception No. 2005218489 |

Recording of Waivers of Certain Rights in Accordance with Article IX of the Revised Municipal Code of the City and County of Denver (Zoning Chapter):

| | |
|---|---|
| Recording Date: | January 13, 2006 |
| Recording No.: | Reception No. 2006009626 |

**END OF SCHEDULE B – PART II**



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# DISCLOSURE STATEMENT

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

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

# Wire Fraud Alert

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

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

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

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

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

***Federal Bureau of Investigation:***
***http://www.fbi.gov***

***Internet Crime Complaint Center:***
***http://www.ic3.gov***


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# FIDELITY NATIONAL FINANCIAL, INC.
# PRIVACY NOTICE

## Effective December 1, 2023

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

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

**Collection of Personal Information**

FNF may collect the following categories of Personal Information:

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

We may collect Personal Information about you from:

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

**Collection of Browsing Information**

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

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

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

**Other Online Specifics**

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

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

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

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

**Use of Personal Information**

FNF uses Personal Information for these 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.
- To provide reviews and testimonials about our services, with your consent.

**When Information Is Disclosed**

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

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;


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- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

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

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Orion Denver CO LLC
2398 E. Camelback Road, Suite 1060
Phoenix, AZ 85016

March 28, 2024

Community Planning and Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202

Re: Authorization with respect to the proposed land use application for 4340, 4346, and 4350 South Monaco Street ("**Property**") in the City and County of Denver ("**City**").

Ladies and Gentlemen:

The undersigned ("**Owner**"), as owner of the Property, hereby designates Shea Properties Management Company, Inc., a Delaware corporation and Otten Johnson Robinson Neff & Ragonetti, P.C., a Colorado professional corporation (each a "**Representative**"), each as an authorized representative of Owner to submit on behalf of Owner all applications and supporting materials required or requested by the City in connection with the rezoning and related land use applications with respect to the Property and any development approvals in connection therewith. In furtherance of the foregoing, Owner requests that any verbal or written communication regarding these applications be given to each Representative, and/or any individuals designated by such Representative, pursuant to such contact information provided by Representative to the City.

Dated as of the 28th day of March, 2024.

**OWNER:**

ORION DENVER CO LLC, a Delaware limited liability company

By: _____
Name: Gary Landriau
Title: Executive Vice President, CIO

OTTENJOHNSON
ROBINSON NEFF + RAGONETTI PC

April 23, 2024

THOMAS J. RAGONETTI
303 575 7509
TJR@OTTENJOHNSON.COM

**VIA E-MAIL**

Community Planning & Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202

Re: PUD Rezoning Application for 4340, 4346, and 4350 South Monaco Street

Dear Community Planning & Development:

This firm represents Shea Properties Management Company, Inc. (the "**Applicant**"), with respect to certain real property located at 4340, 4346, and 4350 South Monaco Street (the "**Property**") in the City and County of Denver (the "**City**"). This letter is submitted in support of the Applicant's request to rezone (the "**Application**" or "**Rezoning**") the Property from the B-4 zone district with UO-1 and UO-2 overlays and waivers and conditions under the Former Chapter 59 zoning code, to the Planned Unit Development ("**PUD**") zone district under the Denver Zoning Code ("**Code**"). As further detailed herein, the PUD-G zone district with a base zone district of S-CC-5 zone district for the existing structures and S-MX-5 zone district for new development (the "**PUD-G**") will provide opportunity to further the City's goals and policies, while supporting development of the Project, as defined below.

Prior to submitting this Application, the Applicant has conducted community outreach as described in Exhibit A attached hereto. The Applicant will continue to engage with such groups throughout the Rezoning. Additionally, the Summary of Deviations required in connection with the Application is attached hereto as Exhibit B.

## I. Property Background and Context

The Property consists of 12.58 acres located within the Southmoor Park neighborhood near the Denver Tech Center. The Property is situated west of the I-25 and I-225 interchange in the southern portion of the City and is bounded by East Quincy Avenue to the north, South Monaco Street to the west, East Union Avenue to the south, and I-25 to the east. Today, the Property consists of two office buildings including an approximately 124,000 square foot, four-story office building, which has been vacant for at least five years ("**4340 S. Monaco**") and an approximately 155,200 square foot, six-story office building ("**4350 S. Monaco**"), as well as approximately 1,034 parking spaces – situated both surface level and within an existing parking garage, which we understand to be assigned the address of 4346 S. Monaco Street.

The Applicant intends to redevelop 4340 S. Monaco as an adaptive reuse, affordable housing development that

will provide approximately140 affordable apartment units including a mix of unit sizes from studios to 4-bedroom units including several amenities on-site such as a game/club room, fitness center, co-working lounge, community courtyard, storage facilities, laundry services, and other possible amenities (the "**Project**"). The proposed Project may integrate only minor exterior modifications, additions, or improvements to the outside of 4340 S. Monaco, including outdoor amenities and supportive infrastructure like grills, benches, and recreation equipment, but will principally consist of a renovation of the interior of the existing vacant building. The Property's close proximity to I-25, I-225, and the Belleview Light Rail Station, as well as the on-site covered bus station and nearby bike and share services, allow for multi-modal transportation and micro-mobility options for getting in around the Denter Tech Center, and the greater Denver Metro Area. To fully achieve the Project concept, certain customizations to the S-CC-5 zone district's development standards and, in particular, minor modifications to those building form standards outlined under DZC Section 3.3.3.3, are required to accommodate the already existing buildings and to avoid the necessity of large modifications to the existing structures. Therefore, the Applicant is proposing the Property be zoned PUD-G in order to allow customization of such standards and facilitate a Project that is cohesive, inclusive, and of a high-quality design. Approval of the Application will facilitate repurposing 4340 S. Monaco to help meet the dire need for high-quality, affordable housing in the City. Further, approval of the Application will ensure 4340 S. Monaco maintains conformity to zoning requirements, while allowing flexibility for 4350 S. Monaco to support a similar housing project in the future, if desired.

## II. Summary of Criteria for Rezoning.

Pursuant to the Code, this application for rezoning must meet:

1. All general review criteria set forth in Code Section 12.4.10.7 (the "**General Review Criteria**");

2. At least one of the justifying circumstances set forth in Code Section 12.4.10.8.A, and maintain consistency with neighborhood context description, zone district purpose and intent pursuant to Code Section 12.4.10.8.B (the "**Review Criteria for Non-Legislative Rezonings**"); and

3. The additional review criteria for rezoning to PUD District set forth in Code Section 12.4.10.9 (the "**PUD Rezoning Review Criteria**").

## III. General Review Criteria.

A. Consistency with Adopted Plans. Pursuant to Code § 12.4.10.7.A, either (i) the proposed official map amendment must be consistent with the City's adopted plans or (ii) the proposed rezoning must be necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan. Code § 12.4.10.7.A. The Rezoning satisfies criteria (i) and, therefore, satisfies Code § 12.4.10.7.A. The Rezoning is consistent with the City's adopted plans, as follows:

1. Comprehensive Plan 2040 (the "**Comp Plan**"). The Comp Plan includes goals and policies designed to drive outcomes that implement the City's vision, including a Denver that is (1) equitable, affordable and inclusive; (2) made up of strong and authentic neighborhoods; (3) well-connected, safe and accessible places supporting multiple modes of transportation; (4) a community that is economically diverse and vibrant; (5) environmentally resilient in the face of climate change; and (6)

healthy and active with access to the types of amenities and experiences that make Denver uniquely Denver. These are the six elements of the Comprehensive Plan 2040 vision, and they inform the long-term goals that will guide Denver's future. By creating more high-quality affordable housing in close proximity to diverse transportation options and reusing an existing structure so as to avoid demolition or substantial new construction projects, the Project, and the Rezoning necessary to allow the Project to proceed, advances this vision. The Rezoning supports the following specific goals:

a) Equitable, Affordable, and Inclusive.

- *Goal 1: Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities*. Comprehensive Plan, p. 28. The Project furthers the City's objective as it will contain several sought-after amenities, such as a fitness center, indoor secured bike storage, laundry services, and a potential co-working space. It is also located near the Denver Tech Center, which offers a wide variety of restaurants, grocery, and retail services and allows easy access to medical care. There is a covered bus station on-site, as well as nearby bike and scooter share services, and the Property is only one mile from the Belleview Light Rail Station. Additionally, the Property is less than one mile from Eastmoor Park and less than three miles from the Cherry Creek Reservoir.

- *Goal 2: Support housing as a continuum to serve residents across a range of incomes, ages and needs.* Comprehensive Plan, p. 28. This high-quality affordable housing Project will include a mix of unit sizes from studios to 4-bedroom units in order to accommodate households of varying sizes, ages and family needs.

- *Goal 3: Develop housing that is affordable to residents of all income levels.* Comprehensive Plan, p. 28. As an affordable housing project, the Applicant proposes a Project for households averaging a range of income levels. The Project will average 60% AMI and the Applicant is investigating average incomes from 30%/40% to 70% of AMI.

- *Goal 7: Make neighborhoods accessible to people of all ages and abilities*. Comprehensive Plan, p. 30. The Project will comply with all ADA Standards for accessible design, which includes wheelchair accessible units, as well as 3- and 4-bedroom units to support family living. In addition, the Property has a covered bus station onsite and is located less than one mile from the Belleview Light Rail Station. By supporting multi-family housing that is transit-oriented, the Rezoning promotes accessibility to the Project, the surrounding neighborhood, and the City.

- *Goal 8: Increase housing options for Denver's most vulnerable populations.* Comprehensive Plan, p. 30. The Project serves this goal as it will provide critically necessary affordable housing to low-income persons and families in the City. The Project will provide affordable housing within a major employment region, resulting in residents that can live closer to where they work, reducing commute times and increasing quality

of life for people of all income levels.

b) Strong and Authentic Neighborhoods.

- *Goal 1: Create a city of complete neighborhoods.* Comprehensive Plan, p. 34. Currently, the residential density assigned to the Property is zero square feet, which effectively prohibits residential uses and does not comport with the surrounding area that includes several multi-family housing and mixed-use developments. Approving the Rezoning will bring the Property into conformity with the surrounding neighborhood. As indicated above, the Property is also close to restaurants, grocery, and retail services. Adding additional, much-needed housing makes the neighborhood more complete.

*Goal 2: Enhance Denver's neighborhoods through high-quality urban design.* Comprehensive Plan, p. 34. The Applicant has completed several multi-family and, specifically, affordable housing developments in the Denver Metro Area. The Applicant produces excellent housing and commercial products and will bring that same level of quality to this Project. Notably, the existing structure meets the DTC architectural design standards for office buildings, which is above and beyond Denver's standards for high-quality multi-family and includes significant access to daylight with maximized windows and views. Additionally, the Project fulfills the City's goal of "collaboration between city agencies to ensure quality design and innovation across the public and private realm." By undergoing the PUD process to entitle the Property for this Project, the Applicant is engaging City staff and agencies in the design of applicable zoning regulations that will ensure high-quality design in a manner that meets City goals.

- *Goal 4: Ensure every neighborhood is economically strong and dynamic*. Comprehensive Plan, p. 35. The Project is currently a vacant office building. Allowing the conversion of the empty office space to much needed and desired affordable multi-family housing will strengthen the neighborhood and provide for more housing options. The Project will provide affordable housing within a major employment region, resulting in residents that can live closer to where they work, reducing commute times and increasing quality of life for people of all income levels.

- *Goal 8: Conduct intentional, equitable and measurable neighborhood planning.* Comprehensive Plan, p. 35. The prohibition against residential uses on the site may have been a reasonable limitation for the Property when originally imposed, but the vacant office space now prohibits the long-term growth and success of the Property and surrounding area. The Rezoning will bring the Property up-to-date with compatible land uses in the neighborhood and provide flexibility in future development of the Property.

c) Connected, Safe and Accessible Spaces.

- *Goal 1: Deliver a multimodal network that encourages more trips by walking, rolling,*

*biking and transit.* Comprehensive Plan, p. 40. The Property is located less than one mile from the Belleview Light Rail Station with a covered bus station on site, allowing residents quick and easy access to the Denver Tech Center, Downtown Denver, and the Denver Metro Area. The area also includes a complete sidewalk network allowing pedestrian access to surrounding retail, dining, and employment options.

- *Goal 4: Create an equitable and connected multimodal network that improves access to opportunity and services*. Comprehensive Plan, p. 41. As discussed above, the Property will have several multimodal options onsite and nearby, including light rail, local buses, bikes, scooters and pedestrian access to the Property and surrounding neighborhood.

- *Goal 8: Strengthen multimodal connections in mixed-use centers and focus growth near transit*. Comprehensive Plan, p. 41. As indicated above, the Property is surrounded by mixed-use developments, and the Rezoning will allow for the addition of more affordable multi-family housing with connections to multimodal transportation options, thereby strengthening connections in the neighborhood.

d) Economically Diverse and Vibrant.

- *Goal 2: Grow a strong, diversified economy*. Comprehensive Plan, p. 46. The Rezoning will allow the conversion of empty office space into usable, and much needed affordable housing, which will strengthen the economy in the surrounding area and in the City.

- *Goal 3: Sustain and grow Denver's local neighborhood businesses*. Comprehensive Plan, p. 46. The Project will support local neighborhood businesses by increasing residents, which will generate demand for the services and amenities that local businesses provide. Further, individuals who prefer to live nearby their place of work will have more reason to seek jobs in this region.

- *Goal 9: Stimulate the growth of ideas and innovation*. Comprehensive Plan, p. 48. The Project will convert a vacant office building to affordable housing. This type of adaptive reuse is an innovative concept in the Denver real estate market and paves the way for additional projects.

e) Environmentally Resilient.

- *Goal 1: Mitigate climate impact by significantly reducing greenhouse gas emissions*. Comprehensive Plan, p. 52. By allowing the development of a multi-family project near the RTD Light Rail and local bus routes, the Rezoning encourages greater use of mass transit and the reduction of greenhouse gas emissions. There are also bike and scooter share services in the area, which reduces the need for automobile trips, thereby also reducing greenhouse gas emissions.

- *Goal 2: Prepare for and adapt to climate change.* Comprehensive Plan, p. 52. The Project supports this goal by reusing an existing structure, rather than demolishing and/or building a new one, thereby reducing the use of natural resources and minimizing the effects on climate change.

- *Goal 7: Reduce the disposal of solid waste and conserve raw materials*. Comprehensive Plan, p. 54. By allowing the conversion of an existing 4-story building for residential use, the Rezoning avoids the large amounts of construction debris and waste that would be generated by the demolition of the existing building. It also conserves the additional raw materials that would be necessary to construct a whole new building.

- *Goal 8: Clean our soils, conserve land and grow responsibly*. Comprehensive Plan, p. 54. The Rezoning removes the prohibition against residential uses, thereby allowing multi-family residential units on the Property. Multi-family housing allows for higher residential capacity on less land than single family homes, thereby conserving land by increasing the number of residents that can be housed on the same land area. The Rezoning accomplishes the City's goal to "[p]romote infill development where infrastructure and services are already in place" by allowing the adaptive reuse of an existing building for residential use, which further avoids the need to find another empty plot of land on which to build. Lastly, the Project will "[f]ocus growth by transit stations and along high- and medium-capacity transit corridors" as the Property is less than one mile from the Belleview Light Rail Station and is adjacent to both the I-25 and I-225 transit corridors.

- *Goal 9: Protect and improve air quality*. Comprehensive Plan, p. 54. As discussed above, the Rezoning permits development of multi-family housing near a transit line. By allowing and encouraging this type of development, the Rezoning promotes the use of public transportation and reduces the need for automobile trips, in turn protecting and improving air quality. The bike and scooter share services also encourage travel by methods other than automobile, thereby improving air quality.

f) Healthy and Active.

- *Goal 1: Create and enhance environments that support physical activity and healthy living.* Comprehensive Plan, p. 58. By allowing development near multimodal transportation options, the Rezoning promotes a healthy, walkable environment. The Property is also less than one mile from the recreational opportunities available at Eastmoor Park, less than three miles - a short bike ride – to Cherry Creek Reservoir, and situated adjacent to the DTC regional trails. The Project will include indoor and secure bike storage for the Project's residents, passive green space, and a fully equipped exercise facility.

2. Blueprint Denver 2019 ("**Blueprint**"). Blueprint's overarching vision is to provide for an

inclusive city, calling for the following vision elements: "An Equitable City," "A City of Complete Neighborhoods and Networks," and "An Evolving City." The Rezoning achieves these broad visions, and the specific recommendations of Blueprint, as follows:

a) *Future Neighborhood Context*: *Suburban*. "A context-based approach sets guidelines for character-compatible development." Blueprint, p. 136. Blueprint designates the Property as being in the future Suburban neighborhood context. Blueprint Neighborhood Contexts map p. 138-139. The use as multi-family housing will integrate well into a Suburban neighborhood. The Project complies with the general character of a Community Center (see below) within a Suburban context because it includes, among other things: residential use; a building height of generally up to five stories; a variety of transportation options nearby; accessibility to Eastmoor Park to the north of the Property and Wallace Park and the Cherry Creek Reservoir to the east; proximity to retail and dining services; and regularly spaced street trees.

In areas with high access to opportunity, it is important to increase the range of affordable housing options so that residents of all income levels can live in these neighborhoods. Blueprint, p. 32. According to the Access to Opportunity map, the Project is in an area of relatively high opportunity. Blueprint, p. 34-35. The Denver Tech Center has many employment opportunities, and this Project will increase access to opportunities for a higher quality of life by allowing people and families to live in closer proximity to jobs, which decreases commute time and leaves more time for other opportunities.

b) *Future Place Type: Community Center*. With respect to place types, Blueprint contains a Future Places Map, but allows flexibility in the map's precise boundaries. Blueprint, p. 66. The Rezoning is consistent with Blueprint's place type recommendation as follows:

Blueprint designates the Property in a Community Center. Blueprint, pp. 142-143. Community Centers "typically [contain] a balance of either residential and employment; residential and dining/shopping; or employment and dining/shopping uses." Blueprint, p. 144. The Rezoning is consistent with this description, as it would allow for additional residential units in proximity to surrounding retail, grocery, dining options and recreational opportunities. The Rezoning furthers Blueprint's goal of "directing growth to key centers, corridors and high-density residential areas where there is underutilized land and strong transportation options." Blueprint, p. 48. Additionally, an empty office building is a prime example of underutilized land. The area around the Property is specifically identified as a Future Growth Area for Community centers and corridors. Blueprint, p. 50-51. The Project will create a high-density residential space within a Community Center along the I-25 and I-225 corridors. The Project will transform underutilized land by converting an empty office building into affordable multi-family housing. Additionally, as set forth above, there are many multimodal transportation options in close proximity to the Property.

The Project will complement the surrounding high-medium residential areas characterized by mid-scale residential buildings, and low-medium residential areas characterized by low-scale multi-residential units with one- and two-unit residences. Blueprint, pp. 148-149.

c) *Complete Networks*: Blueprint reflects the high priority the City places on offering multi-modal transportation options and pedestrian safety. Blueprint, p. 166. The Project supports the City's objectives as it is conveniently located less than one mile from the Belleview Light Rail Station and has sufficient sidewalks and tree lawns throughout the area. There is a covered bus station on-site and nearby bike and scooter share services. The Project also includes 175 surface parking spaces and access to additional spaces in the adjacent multi-story parking garage, so residents will not have to utilize street parking. Further, according to the Pedestrian Enhanced map, the area has a complete sidewalk network. Blueprint, pp. 170-171.

*Street Types*. The Property is surrounded by streets designated as commercial arterial. Blueprint, p. 157. "Arterial streets are designed for the highest amount of through movement and the lowest degree of property access." Blueprint, p. 154. This is appropriate for the area surrounding the Project given its proposed use as multi-family housing, which does not require separate entries into separate single-family homes.

*Bicycle priority streets*. The Property is located adjacent to a bicycle priority streets zone where bicycle riders are prioritized above other modes of transportation, and which will create a "complete network for people riding bicycles." Blueprint, pp. 174-175.

d) In addition to the foregoing consistencies, the Rezoning and the Project meet the following specific Blueprint policies:

Land Use and Built Form – General

- Policy 01: Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets. Blueprint, p. 72. The Rezoning will promote high density residential development in a corridor that is supported by several different forms of public transit.

- Policy 02: Incentivize or require efficient development of land, especially in transit-rich areas. Blueprint, p. 72. The Rezoning will accomplish the City's strategy to "[a]llow increased density in exchange for desired outcomes, such as affordable housing, especially in transit-rich areas" as it would allow for a multi-family residential Project that provides affordable housing, in an area that has access to several transit options. It would further incentivize the redevelopment of sites by allowing the conversion from office space to residential space.

- Policy 03: Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible. Blueprint, p. 73. The Property is currently

zoned B-4 with UO-1 and UO-2 overlays and waivers and conditions under the Former Chapter 59 zoning code. The Rezoning complies with the City's policy by bringing the Property under the modern Code and limiting the use of site-specific zoning tools of waivers/conditions to extraordinary circumstances.

- Policy 05: Integrate mitigation of involuntary displacement of residents and/or businesses into major city projects. Blueprint, p. 74. The Rezoning supports this policy by providing affordable, multi-family housing that will allow persons and families to remain in the City even as housing costs increase. Additionally, no displacement will occur by developing the Project since it is being converted from vacant office space to residential use.

- Policy 08: Promote environmentally responsible and resource-efficient practices for the design, construction and demolition of buildings. Blueprint, p. 77. The Project will use green building strategies, such as electric HVAC in lieu of existing gas, to re-use and renovate the interior of the existing structure, thereby decreasing the environmental impacts that would result from demolition of the existing building and the construction of a brand new building.

- Policy 09: Promote coordinated development on large infill sites to ensure new development integrates with its surroundings and provides appropriate community benefits. Blueprint, p. 78. The Rezoning will provide zoning flexibility through the PUD process for redevelopment of a large site that is already integrated into the existing street layout. The Project will also integrate seamlessly into the surrounding area, which includes several multi-family housing developments.

Land Use and Built Form – Housing

- Policy 01: Revise city regulations to respond to the demands of Denver's unique and modern housing needs. Blueprint, p. 82. Rezoning the Property will allow a unique and modern redevelopment of office space into critically necessary, affordable multi-family housing.

- Policy 06: Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities. Blueprint, p. 85. The Rezoning would allow for the development of affordable, multi-family housing with a mix of studio to 4-bedroom apartments at a location with access to several multimodal transit options. As indicated above, the Property is also located close to abundant dining, grocery, and retail services.

- Policy 07: Expand family-friendly housing throughout the city. Blueprint, p. 85. The Project can accommodate households and families of varying sizes. It is anticipated to include a mix of unit sizes from studios to 4-bedroom units. Additionally, the Project

will include family-friendly amenities, including a community courtyard, a game/club room and laundry services along with the contemplation of other amenity offerings. Further, the Property is less than one mile from Eastmoor Park, less than two miles from Wallace Park, and less than three miles from the Cherry Creek Reservoir.

- Policy 08: Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts. Blueprint, p. 86. The Project supports this target by increasing multi-family housing in an area identified as a Community Center.

Land Use and Built Form - Economics

- Policy 02: Improve equitable access to employment areas throughout the city to ensure all residents can connect to employment opportunities. Blueprint, p. 90. As discussed, this Project will bring affordable multi-family housing to an area near the Denver Tech Center, improving accessibility to one of the City's most highly dense employment areas. Additionally, the Project's close proximity to multimodal transportation options increases access to employment opportunities in Downtown Denver and throughout the City.

Land Use and Built Form – Design Quality and Preservation

- Policy 03: Create exceptional design outcomes in key centers and corridors. Blueprint, p. 102. Since the exterior of the building will only require minor modifications, there will not be an effect on the overall design of the Property. Currently, the façade of the existing structure is in conformity with the style and character of the neighborhood and the architecture and design of the surrounding buildings.

- Policy 04: Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors. Blueprint, p. 103. As indicated above, the area surrounding the Property includes a complete sidewalk network allowing future residents to have pedestrian access to surrounding retail and dining options.

- Policy 05: Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places. Blueprint, p. 103. The Property is located within a suburban context, and the complete sidewalk network in the surrounding neighborhood will allow future residents to have pedestrian access to diverse retail and dining options.

- Policy 06: Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts. Blueprint, p. 104. Although the existing building has not been designated as a historic structure, reuse of the existing building accomplishes this goal, specifically "allowing flexibility in uses or density when an existing structure is reused and

maintained." Further, the façade of the existing structure is in conformity with the style and character of the neighborhood and the architecture and design of the surrounding buildings.

- Policy 07: Improve requirements for landscaping with a focus on climate-appropriate vegetation, for private property. Blueprint, p. 105. The Project features already mature landscaping and trees and will maintain such landscaping in a water-wise manner.

Mobility

- Policy 01: Encourage mode-shift—more trips by walking and rolling, biking and transit—through efficient land use and infrastructure improvements. Blueprint, p. 108. The Project will increase housing along several mass transit lines in a neighborhood with a complete sidewalk network that is also in close proximity to mass transit, thereby directly supporting the ability of hundreds of people to travel around the City without a car. By providing affordable housing within one of the City's highest concentrations of employment, residents will be able to access jobs and services using alternative modes of transportation.

- Policy 03: On all streets, prioritize people walking and rolling over other modes of transportation. Blueprint, p. 109. The Project supports this goal given that the Property is surrounded by a complete sidewalk network that provides pedestrian access to surrounding retail and dining options.

- Policy 04: Implement the vision for street types and the layered multimodal network to create complete streets. Blueprint, p. 109. As indicated above, the Property is surrounded by streets designated as commercial arterial, which is given the proposed use as multi-family housing. This policy is further supported by the multiple forms of transit available around the Property, including light rail, bus, bike, scooters, and walking.

- Policy 06: Reduce impacts from development to pedestrian and bicycle mobility during construction. Blueprint, p. 110. By reusing the existing structure and not constructing a new building, this Project minimizes impacts to surrounding pedestrian and bicycle traffic patterns and access.

- Policy 07: Make transit more affordable to Denver residents. Blueprint, p. 111. The Project directly supports this policy by "increasing the amount of affordable housing near rail stations." *Id*.

- Policy 08: Connect centers and corridors across the city through a variety of modal choices. *Id*. The Project is in a Community Center and is in close proximity to the Denver

Tech Center, which is a regional center, by multiple forms of transportation.

Quality of Life Infrastructure

- Policy 01: Expand tools and regulations to ensure high-quality parks and outdoor public spaces keep pace with Denver's growth. Blueprint, p. 118. The Project will support this policy by including a community courtyard and play equipment. It is also less than one mile from Eastmoor Park, less than two miles from Wallace Park, and less than three miles from the Cherry Creek Reservoir.

- Policy 02: Protect and expand Denver's tree canopy on both public and private property. Blueprint, *Id*. Reusing the existing structure and avoiding new construction leaves existing plants and, notably, mature trees in place.

- Policy 04: Promote environmentally-friendly development strategies in the public and private realms. Blueprint p. 120. This is an environmentally-friendly, adaptive reuse project that renovates an existing structure rather than demolishing it and building a new one. Its proximity to non-automobile transportation options also promotes this policy.

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.

Approval of the Rezoning will result in the uniform application of building form, use, and design regulations. The PUD-G will largely utilize the S-CC-5 zone district regulations. Any modifications to these standards are addressed in the proposed PUD District Plan. Future development, if any, regulated by the PUD-G will utilize the S-MX-5 zone district regulations.

C. Public Health, Safety and General Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City.

Approval of the Application will further the public health, safety, and welfare by implementing the City's adopted land use policies, as set forth in Section III.A.

## IV. Review Criteria for Non-Legislative Rezonings.

A. Justifying Circumstances. 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; or (c) that the City adopted the Code and the property retained Former Chapter 59 zoning. Code § 12.4.10.8.A.4. Though only one of the three potential justifying circumstances is required, the Rezoning satisfies the criteria in clauses (a), (b), and (c), as follows:

With respect to clause (a), there has been a decreased demand for office space since the COVID-19 pandemic, which has resulted in changed conditions in the City and the Denver Tech Center leaving large amounts of office space vacant, including 4340 S. Monaco. Additionally, with rising housing costs, there is an increased critical need and demand for more affordable housing in the City.

With respect to clause (b), Comprehensive Plan 2040 was adopted in 2019 and Blueprint Denver was adopted in 2002, and updated in 2019, all following the initial zoning of the Property to the B-4 zone district under the Former Chapter 59 zoning code. As described in Section III.A above, the City-adopted plans prioritize equity, multi-modal transportation, economic diversity, environmental resilience, and health. The existing B-4 zone district limits both the use and density of development on the Property, which, while appropriate in certain areas of the City, is no longer supported in this location by City-adopted plans. Rezoning the Property to PUD, with an S-CC-5 base zone district, will allow the adaptive reuse of the existing building to redevelop it from office into residential space, thereby increasing the availability of affordable housing in the City and, specifically, in the Denver Tech Center.

With respect to clause (c), the Property is currently zoned under the Former Chapter 59 zoning code. The proposed rezoning would re-designate the Property under the modern Code and better align with the City's current plans for the area.

B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements. 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. Code § 12.4.10.8.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. The Applicant proposes to rezone the Property from B-4 to PUD-G. Although a PUD zone district is a customized zone district, the PUD-G zone district standards rely heavily on the City's S-CC-5 zone district.

The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and commercial centers, and office parks, as well as irregular block shapes, attached sidewalks, street and surface parking, and generous landscaping, in addition to consistent, deep front building setbacks, low scale buildings except for some mid- and high-rise multi-unit residential and commercial structures, particularly along arterial streets, and high reliance on automobiles with some access to pedestrian and bicycle facilities and the multi-modal transportation system. Code § 3.1.

The base zone district, Suburban Commercial Corridor, will "balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access." Though the Property is adjacent to major transportation corridors, it is buffered from auto-centric activity and supportive of a safe pedestrian environment. Further, the base zone supports the development of affordable housing and functions as a seamless "transition between commercial development and adjacent residential neighborhoods." Code § 3.2.3.1. For future development, the Suburban-Mixed

Use district regulations will control and, therefore, "promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods." Code § 3.2.4.1. Further, Mixed Use zone districts are intended to ensure new development contributes positively to established residential neighborhoods and character and encourages affordable housing – key components of the existing Project, ensuring consistent development through the PUD-G.

In line with the general purpose of S-CC-5 and S-MX-5 zone districts, the Project will support delivery of an activated, pedestrian and mass transit-focused, affordable, multi-family housing development that (1) enhances the character of the area and maintains consistent design with the neighborhood; (2) increases investment in an area that will invoke benefits throughout the City and the Denver Tech Center; and (3) maximizes healthy, active spaces. The Project meets the purpose and intent of the base S-CC-5 zone district, as well as the overlying PUD, as described in Section V.A.

## V. PUD Review Criteria.

A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code. Code § 12.4.10.9.A.

The general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in the Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided. Code § 9.6.1.1.A.

As noted at Code § 9.6.1.1.B. "unique and extraordinary circumstances" include circumstances "[w]here the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development," as is the case for the Project. The Project entails a unique adaptive reuse to renovate an existing structure into affordable multi-family housing, which requires slight deviations to avoid a complete tear-down of the existing structure and construction of a new building, while rezoning a Property to a modern Code zone district. For this reason, the Project must develop with a customized approach (i.e., a PUD) as the best zoning tool to ensure the Project aligns with City regulations, goals, and policies. Since the Project will only require minor exterior modifications with the vast majority of the renovations to the interior of the existing office building, the best path forward is to proceed under the PUD.

The Applicant is not requesting the Rezoning to a PUD District to allow the Property to be inconsistent with applicable Suburban neighborhood context and character, and the Rezoning is not solely a vehicle to enhance the Project's economic feasibility. The use as multi-family housing will integrate well into a Suburban neighborhood. The Project is consistent with the character of the surrounding development, which includes multi-story apartment and residential buildings. The Project complies

with the general character of a Community Center within a Suburban context because it includes, among other things: residential use; a building height of generally up to five stories; a variety of transportation options nearby; accessibility to Eastmoor Park to the north of the Property and the Cherry Creek Reservoir to the east; proximity to retail and dining services; and regularly spaced street trees.

In return for the flexibility in site design, the PUD-G will provide significant public benefit, including:

- *Diversification in the use of land*. The residential density assigned to the Property is currently zero square feet, which has the effect of prohibiting residential uses. The PUD will permit all uses allowed under the S-CC-5 zone district, including residential uses, to allow for a large multi-family affordable housing development on the Property.

- *Innovation in development*. The PUD will support a large affordable multi-family housing development that has a unique opportunity to redevelop an existing structure without requiring new construction. This adaptive reuse serves local, state, and federal goals to convert underutilized properties and office space to affordable housing. Applicant hopes this Project will serve as a catalyst for similar conversions throughout the City and Denver Metro Area.

- *More efficient use of land and energy*: The PUD will allow residential use of a vacant office space and will pave the way for adaptive reuse of an existing building, which is a much more efficient use of land and energy than leaving an entire building vacant and building a new structure on a different site.

- *Exemplary pedestrian connections, amenities, and considerations*: The PUD will allow for development of this affordable multi-family housing Project in a neighborhood with a complete sidewalk network, which is also in close proximity to several forms of mass transit and a complete sidewalk network. The Project will also have several amenities including, but not limited to, a game/club room, fitness center, co-working lounge, community courtyard, storage facilities, dog wash station, and laundry services.

- *Development patterns compatible in character and design with nearby areas*. The PUD-G allows for customization but is heavily based on the S-CC-5 zone district. The S-CC-5 design guidelines and limitations are consistent with the area surrounding the Property, which includes several multi-story apartment and residential units and buildings.

- *Goals and objectives of the Comprehensive Plan*. See Section III.A.1, which details the Project's robust consistency with the City's Comprehensive Plan.

B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6. Code § 12.4.10.9.B.

The PUD-G and PUD District Plan will comply with all standards and criteria stated in Division 9.6, inclusive of all PUD District Plan contents and applicable procedures.

C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions. Code § 12.4.10.9.C.

Due to the unique and extraordinary circumstances described in Section V.A, the development proposed on the subject property is not feasible under any other zone district. If a conventional zone district were utilized, waivers and conditions with respect to building standards would be necessary. Further, the base S-CC-5 zone district is the most appropriate zone district to further City goals and policies. In order to reuse the existing building and avoid the need to demolish it and construct a new building, the PUD designation is required to address the existing structures' minor non-conformance with S-CC-5 building form standards.

D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property. Code § 12.4.10.9.D.

The residential density assigned to the Property is currently zero feet, which has the effect of prohibiting residential use under the current zoning. However, residential use of the Property is compatible with the permitted uses of the surrounding properties, which include several multi-story apartment and residential units and buildings.

E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design). Code § 12.4.10.9.E.

The PUD and PUD District Plan will largely utilize the S-CC-5 building forms, which are compatible with the building forms used in the neighboring area. The majority of the surrounding area is currently in the B-4 zone district, which permits multiple unit dwellings. Further, the surrounding area includes several multi-story apartment and residential units and buildings. The Project will require slight deviations from the S-CC-5 building requirements but will be compatible with the adjacent existing buildings.

## VI. Conclusion.

For the foregoing reasons, the Application meets and complies with the applicable rezoning criteria. As such, on behalf of the Applicant, we respectfully request that the City approve the Application.

Very truly yours,

Thomas J. Ragonetti
For the Firm

Enclosures

# Exhibit A

## Community Outreach

The Applicant, Shea Properties Management Company, Inc., in conjunction with community outreach consultants The Pachner Company, has engaged District 4 Councilwoman Diana Romero Campbell through a series of meetings and a site tour, to provide her with an overview of the Project goals in advance of submitting the rezoning application. As the Project has pursued affordable housing funding opportunities, Councilwoman Romero Campbell has provided support for funding applications and continues to engage in regional conversations on the funding side of the Project.

District 1 Councilwoman Amanda Sandoval, as the Chair of the Land Use, Transportation and Infrastructure committee, was also provided with general information on the Project ahead of submission of the rezoning application.

The project team has engaged with Denver South Economic Development Partnership, a regional organization comprised of Mayors, County Commissioners, and business leaders in the Denver South area. The project team has also briefed neighboring jurisdictions including Arapahoe County, Centennial, Englewood, Littleton, and others. Finally, the project has been discussed with the neighboring businesses and property owners. Regional organizations, surrounding jurisdictions, and neighboring businesses are supportive of the Project. They are excited for much needed additional affordable housing in the area, and they are interested in seeing a successful office-to-affordable adaptive reuse project that can be a model for others in the region.

Though this Property does not fall within the boundaries of any District 4 Registered Neighborhood Association and a very limited number of properties (portions of two multi-family apartment properties and a small portion of a townhome project) are within a 200' radius of the subject Property, the project team will host a community meeting with the neighboring Denver properties to provide information on the Project and rezoning application.

The project team will also conduct one-on-one briefings with several area property owners based on feedback from the Council District office. Because of the unique opportunity presented by this project as a regional affordable housing/adaptive reuse project, engagement is also occurring with neighboring jurisdiction and with housing advocates. Community outreach will continue throughout the rezoning timeline and will be enhanced by additional individual meetings and group briefings.

**Exhibit B**

**Summary of Deviations**

As described in detail in this Application, the purpose of the PUD-G zone district is to address a unique circumstance. Here, the Applicant intends to convert an existing structure, currently subject to Former Chapter 59 zoning, to a residential structure regulated by the Denver Zoning Code. Therefore, the summary of deviations is as follows:

| Deviation | Why deviation is necessary |
|---|---|
| The Existing Structures, as defined in the PUD draft, shall deviate from certain S-CC-5 development standards (e.g., build-to standards). | In order to repurpose the Existing Structures, certain S-CC-5 development standards cannot be met, as meeting these standards would require significant changes, such as demolishing and relocating the Existing Structures. For example, permitted stories has increased by 1 story. Notably, this increased height allowance is consistent with the intent of Code § 10.12.1.1, which encourages affordable housing in exchange for an increase in up to two stories in the S-CC-5 zone district. |

# Attachment A

# Equity Analysis and Application Response

# for

# 4340 and 4350 Monaco Street

**<u>ACCESS TO OPPORTUNITY</u> – Creating more equitable access to quality-of-life amenities, health, and education.**

**The site area's average score is 4.166667**, with low scores in Access to Fresh Foods and Access to Parks. These specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver.

| Metric | Score | Description |
|---|---|---|
| **Social Determinants of Health** | 4.5<br>Most Equitable | Measured by a) % of high school graduates or the equivalent for those 25 years of age or older and b) percent of families below 9.02% of the Federal Poverty Line. |
| **Access to Parks** | 1<br>Least Equitable | Measured by % of living units within .5 miles walk to a park or an open space.<br>18.41% of households live within .5 mile walk of a park. |
| **Access to Fresh Foods** | 1<br>Least Equitable | Measured by % of living units within .5 miles walk to a full-service grocery store.<br>0% of households live within .5 walk of a full-service grocery store. |
| **Access to Healthcare** | 4<br>More Equitable | Child Obesity measure % of children in the area that are overweight/obese.<br>0.1076% of children and youth are obese. |
| **Life Expectancy** | 5<br>Most Equitable | Life expectancy (in years):<br>**82.4** |

Response from Applicant:

The Property scores well in three of the five metrics related to Access to Opportunity. The two metrics scored "Least Equitable" are Access to Parks and Access to Fresh Foods.

In regard to Access to Parks, the Property is located .7 miles from Eastmoor Park, a peaceful, family and pet friendly park that offers plenty of open space, walking and biking trails, a playground for children, a pavilion and picnic area for family gatherings, restroom facilities and a shelter in case of inclement weather. The Property is also in close proximity to Rosamond Park, which is only 1.2 miles away. Rosamond Park is a large park that offers expansive green space ideal for lawn games, yoga or just relaxing. Other amenities include tennis courts, a soccer field, a playground suitable for children of all ages, picnic tables, a beautiful creek to explore, and flat pathways for walking and riding bikes. Both Eastwood and Rosamond Parks are accessible by bike-friendly streets. The site is less than two miles from Wallace Park, and directly connected via wide sidewalks and bike paths on Monaco St. and Union Ave. Wallace Park is a 25-acre park home to fantastic scenery, running and biking trails, jungle gyms and outdoor exercise stations. It is a family friendly park with picnic tables, playground equipment, and is recognized as one the top sledding spots in Denver. Finally, less than three miles away is Cherry Creek Reservoir offering a plethora of park and water activities.

The Property offers an on-site bike and scooter share services to allow for easy access to nearby parks and Cherry Creek Reservoir, and the many recreational amenities they offer.

The Applicant's Project plans also include an on-site community courtyard to provide open space, grilling/picnic facilities, and play and exercise equipment for the residents to enjoy.

In regard to Access to Fresh Foods, the Property is in close proximity to several full-service grocery stores, including King Soopers (1.9 miles), Whole Foods (2.5 miles) and Safeway (2.9 miles). Additionally, the Property is approximately one mile from the People + Produce Farmer's Market located at Belleview Station. The Property is also in close proximity to a variety of restaurants in the DTC and at Bellview Station that provide an array of fresh food options.

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

**For Vulnerability to Involuntary Displacement, the area's score is 1 out of 3.** This means the area is generally not considered Vulnerable to Displacement. Specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver.

| Metric | Score | Description |
|---|---|---|
| **Educational Attainment** | 0<br>Not Vulnerable | 25-year olds without a college degree: 24.4%<br><br>Citywide Average: 47.5% |
| **Rental Occupancy** | 1<br>Vulnerable | Percent Renter-occupied: 93.8%<br><br>Citywide Average: 50.43% |
| **Median Household Income** | 0<br>Not Vulnerable | Neighborhood: $87,384<br><br>Citywide: $78,177 |
| Response from Applicant: | | |
| Even though the City's score for this metric is low, meaning it is generally not considered Vulnerable to Involuntary Displacement, the Applicant is committed to providing approximately 143 income-restricted units, ranging in size from studios to four bedrooms. The Applicant is also analyzing Income Averaging for the Project that could result in rents from 30%/40% to 70% of the area median income (AMI). Further, as is likely acknowledged in the score provided, the Project will cause no displacement of existing residences or businesses and will in fact enhance the area's overall score for this metric. | | |

**<u>EXPANDING HOUSING DIVERSITY</u> – providing a better and more inclusive range of housing in all neighborhoods.**

**For Housing Diversity, this area's score is 1 out of 5.** The following areas scored the lowest: Missing Middle Housing, Diversity of Bedrooms, Owners to Renters, Income Restricted Units.
Specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver.

| Metric | Score | Description |
|---|---|---|
| **Missing Middle** | 0<br>Not Diverse | Percent Housing with 2-19 units:17.931034%<br>Citywide: 19%<br><br>If an area had over 20% middle density housing units, it was considered "diverse", if it was less than 20% middle density it was considered "not diverse." |
| **Diversity of Bedroom Count Per Unit** | 0<br>Not Diverse | Ratio: 12.3641<br>Mix Type: Low<br><br>Measured by comparing the number of housing units with 0-2 bedrooms to the number of units with 3 or more bedrooms. |
| **Owners to Renters** | 0<br>Not Diverse | Owner: 6.185567%<br>Rented: 93.814433%<br><br>Denver Owners: 49.58%<br>Denver Renters: 50.42% |
| **Housing Costs** | 1<br>Diverse | Mix Type: Mixed<br><br>The ratio of (a) housing units affordable to households earning up to 80% of the city's median income to (b) housing units affordable to households earning over 120% of the city's median income. |
| **Income Restricted Units** | 0<br>Not Diverse | Income Restricted Units: 0<br><br>Citywide Average Income Restricted Units: 146 per Census Tract. |

Response from Applicant:

The Applicant is committed to converting 4340 S. Monaco (a vacant office building) to approximately143 affordable apartment units with amenities to include a game/club room, fitness center, community courtyard, dog wash and on-site laundry services. The Project, as currently envisioned, will include a mix of unit sizes from studios to four-bedroom units to accommodate households of varying sizes, ages and needs. Income averaging to target rent and income levels from 30%/40% to 70% of AMI is being investigated, thus providing equitable and inclusive affordable housing options in an area in dire need of high-quality affordable housing. The Project will serve the Denver South region and provide much needed affordable housing for employees and families who spend their time in South Denver, Arapahoe County, Centennial, Littleton, Englewood, and surrounding areas.

**<u>EXPANDING JOB DIVERSITY</u> – providing a better and more inclusive range of employment options in all neighborhoods.**

**The job mix is dissimilar to the city's overall job mix, because there is more emphasis on Innovation.**

Specific metrics are defined below, along with considerations that align with the goals of Blueprint Denver.

| Metric | Score | Description |
|---|---|---|
| **Total Jobs** | 2748 Jobs | Total Jobs per Acre: 11.268611 |
| **Retail** | 871 Jobs<br><br>**31.695779%** | Is less than the citywide retail average of 52.7%<br>Retail Jobs per Acre: 3.571674 |
| **Innovation** | 1861 Jobs<br><br>**67.72198%** | Is greater than the citywide Innovation average of 37.3%<br>Innovation Jobs per Acre: 7.631327 |
| **Manufacturing** | 16 Jobs<br><br>**.582242%** | Is less than the citywide Manufacturing average of 10%<br>Manufacturing Jobs per Acre: 0.065611 |

Response from Applicant:

The Property is located at the far southern point of City boundaries and directly adjacent to the Denver Tech Center, each of which being areas that provide significant employment opportunities to Denver residents and residents in the surrounding region. By providing housing near employment centers, the Project will support those existing employment regions, including local businesses, restaurants, and retailers. Although the Project itself is a residential project and won't create innovation or manufacturing jobs, it will house workers with those positions. Further, the Project will create a number of on-site jobs, which may include leasing agents, maintenance/janitorial services, and grounds maintenance. Finally, the Applicant frequently recruits and hires local workforce and intends to do the same with respect to this Project.