



REZONING GUIDE

Rezoning Application Page 1 of 4

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Romero-Thiel Associates INC
Address	675 W Caley Circle
City, State, Zip	Littleton, CO 80120-3425
Telephone	303-795-3003
Email	thiel_597@msn.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**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	Billy Wang
Address	4435 Irving ST
City, State, Zip	Denver, CO 80211
Telephone	303-246-0729
Email	sophiumdev@gmail.com
**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	

SUBJECT PROPERTY INFORMATION	
Location (address):	4295 N Inca ST Denver, CO 80211
Assessor's Parcel Numbers:	0221415015000
Area in Acres or Square Feet:	21875
Current Zone District(s):	I-A, UO-2

PROPOSAL	
Proposed Zone District:	C-RX-8

PRE-APPLICATION INFORMATION	
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____ <input checked="" type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Virtual Meet 1-7-2021</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)



REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): Sunnyside Neighborhood Plan and 41st & Fox Station Area Plan</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The existing zoning of the land was the result of an error; <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact; <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage; <input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: <ul style="list-style-type: none"> 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 Denver Zoning Code and the property retained Former Chapter 59 zoning. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code. <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

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REQUIRED ATTACHMENTS

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

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

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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

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

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
<i>Romero-Thiel Associates INC</i>	<i>4295 N Inca St Denver, CO 80211 303-795-3003 thiel-597@MSN.com</i>	<i>100%</i>	<i>See attached</i>	<i>2/16/2021</i>	(B)	YES
						YES
						YES
						YES

4295 N INCA ST Denver, CO 80211

This application encompasses one parcel of land under one owner. We are requesting a zoning change for this parcel located at 4295 N INCA ST, to C-RX-8 from I-A, UO-2. We are requesting this change in accordance with the adopted plans: Blueprint Denver, 41st & Fox Station, Comprehensive 2040 and the Sunnyside Neighborhood plan. All these plans have been approved by the City of Denver. These plans call for a maximum height of 8 stories and we are requesting the maximum to make the best use of this underutilized land. We are not requesting to maintain the UO-2 Billboard Use Overlay District.

Existing Context:

The parcel to the North is a public works substation and is currently Zoned: I-A, UO2. There are 2 parcels to the West. 990 W 43rd AVE is currently Zoned: I-A, UO2. 4232 N JASON ST is currently Zoned: C-RX-8. Directly south of the parcel is 4231 N INCA St, it is currently Zoned: I-A, UO2. The parcel to the south on the corner of 42nd AVE & INCA ST, 4211 N INCA ST, is currently Zoned: C-RX-8. The subject property is also adjacent to the following additional zoning: I-MX-8, G-MU-3, UO-3, AND U-TU-C. Please see the diagram for reference. (Subject property is outlined in red.)

Our concept for the zoning change on this parcel within the Sunnyside community is:



- Provide a natural transition from the transportation hub created by the Fox and 41st street station and burgeoning change along the edge of the Sunnyside neighborhood.
- Increase housing options, including affordable housing, and work opportunities for the neighborhood.
- Enhance safety along Inca and 43rd by improving the land use and providing accessible public space for walking and commuting.
- Transform the light industrial blocks along Inca Street and 43rd AVE to an urban residential area to coincide with the overall vision in Fox & 41st ST Station plan.
- Incorporate best practices related to Transportation Demand Management to reduce vehicular trips to the site.
- Design community around the walking & public transit, encouraging residents to use other forms of transportation.

Our development team has met with a number of the neighborhood stakeholders, including the Community Planning and Development Committee of Sunnyside United Neighbors Inc., as well as Councilwoman Amanda Sandoval, District 1. We presented initial plans for the redevelopment of the site,

which have generally been well-received thus far. We anticipate continuing engagement with the neighborhood during the application process as well as during design and construction.

REVIEW CRITERIA:

1. Consistency with Adopted Plans

Three adopted plans guide the use and development of this property:

1. Denver Comprehensive Plan 2040 (2019)
2. Denveright – Blueprint Denver (2019)
3. 41st and Fox Station Area Plan (2009)
4. Sunnyside Neighborhood Plan (1992)

Denver Comprehensive Plan 2040 (2019)

This application follows the objectives and recommendations outlined in the ***Denver Comprehensive Plan 2040:***

“Equitable, Affordable and Inclusive Goal 1 Strategy A - Increase development of housing units close to transit and mixed-use developments.” (p28) - Located 1 block from the pedestrian bridge to the Fox Street Station, the site affords the opportunity to provide new housing units in the immediate proximity of the transit station.

“Equitable, Affordable and Inclusive Goal 2 Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families.” (p28) -The proposed mixed-use zoning will allow for the inclusion of new transit-oriented residential units. The plan is for a market rate residential community with ground-floor retail. The development plan anticipates building a number of affordable units as part of the project.

“Equitable, Affordable and Inclusive Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.” (p29) - The development located close to transit anticipates the construction of both affordable units as well as market rate, attainable units within the development.

“Strong and Authentic Neighborhoods Goal 1, Strategy A - Build a network of well connected, vibrant, mixed-use centers and corridors.” (p34) - Located near the Zia development, an affordable and market-rate community, the proposed community will build on the assets and aesthetics found at Zia and other surrounding developments. The plan is incorporating streetscape and design to encourage the flow of residents from the Sunnyside Neighborhood as

well as future residents in other higher density developments near the site to/from the transit station.

“Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population.” (p34) - The development located close to transit anticipates the construction of both affordable units as well as market rate, attainable units within the development.

Economically Diverse and Vibrant Goal 3, Strategy A – Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver.” (p46) - While zoning alone cannot achieve this goal, the proposed project will allow for the inclusion of limited neighborhood-serving ground floor retail.

“Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place.” (p54) - The site is located in an infill area where infrastructure and services exist. The team recognizes the unique issues facing the Sunnyside neighborhood related to transportation infrastructure. The development plan includes Transportation Demand Management strategies to minimize vehicular traffic and encourage bike and pedestrian oriented residents and amenities.

“Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods.” (p54) - The new community will activate the predominately industrial site allowing for the development of a community where residents can live, work and play in the Sunnyside neighborhood.

“Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors.” (p54) - The 41st and Fox Station is the first stop from Union Station on the G Line and the B Line. The site meets plan guidance for increased density due to its immediate proximity to the transit lines.

Denverright\Blueprint Denver (2019)

Neighborhood Context – General Urban (p139) While the site is located in the General Urban context, the proposed development under C-RX-8 zoning meets the description for the General Urban context as described below.

The Urban Center context is appropriate at this location, because:

- a.) There are already several C-RX-8 sites zoned in the blocks between Inca and Jason Street. (see map on next page)



b.) The block immediately east of the site is being developed at 8 stories. This zoning will create a matching gateway to the pedestrian bridge.

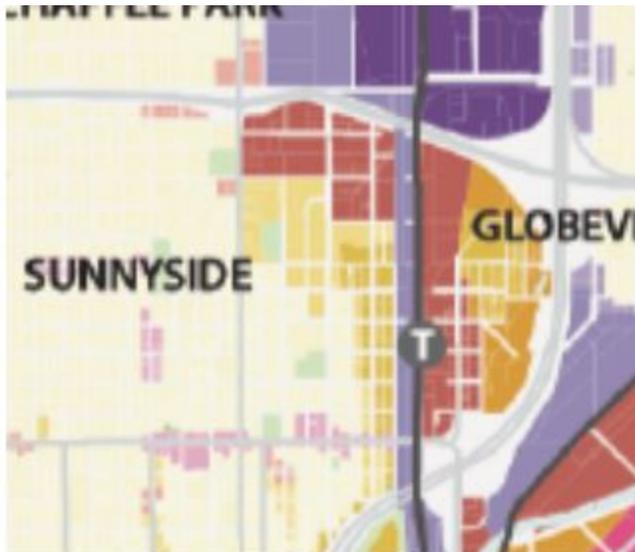
c.) The General Urban context does not have an 8-story district that allows uses such as food sales or market, eating and drinking establishments, artist studio, or live work dwelling that are desired by the community.

Further, the Urban Center district provides more requirements around design standards and street activation, including no surface parking between the building and side street lesser setbacks, and greater build-to requirements, which are important for a site with the “greatest” access to transit as called out specifically in the intent of the C-RX design standards. The Denver Zoning Code recommends that *“There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system” in the Urban Center context (7.1.5) than in the General Context which calls for “greater” access (6.1.5).*

d.) The block is separated from single family residences allowing for a transition zone.

As noted above, the development will meet the characteristics of the General Urban context as identified in the plan in the following manner:

- “Predominately multi-unit structures.”
- “Block patterns are generally regular with consistent alley access.”
- “Buildings are medium scale and close to the street.”
- “High degree of walkability, bike-ability and good access to transit priority streets with little reliance on cars.”
- “Privately owned and publicly accessible outdoor space and plazas.”
- “Trees are within lawns/planting strips and expanded streetscape planting areas.”



2) Future Places Mapping - Blueprint Denver maps the site in the Residential High-Medium category (p143). The proposed zone district is consistent with the Residential High-Medium designation. Characteristics of Residential High Medium include:

- “Predominately multi-unit residential.”*
- “A mix of neighborhood-serving retail may also be found at key locations.”*
- “Mid-scale residential buildings usually mixed with a variety of lower scale residential types.”*
- “Access varies.”*

-*“Multimodal networks are more accessible.”*

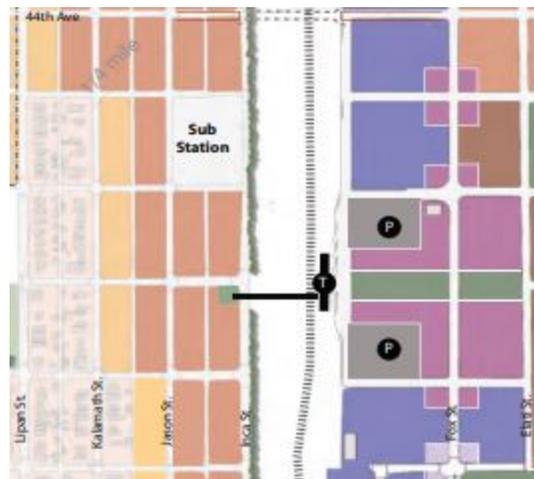
3) Building Heights In both the General Urban and the Urban Center contexts, Residential High Medium places called for by Blueprint Denver, say, “buildings are generally up to 8 stories in height.” (p246) or “Heights are generally up to 8 stories.” (p260)

Factors to consider when applying Blueprint Denver building height guidance may include (p66):

- “Guidance from a current small area plan.” - There is support for 2-8 stories in the 41st and Fox Station Area Plan.
- “Surrounding context, including existing and planned building height.” – An 8-story development is under construction less than a half-block south of the site, and 8 story zoning exists across 42nd Avenue from the site.
- “Transitions, including transitions from higher intensity to lower intensity areas.” – There is a transition block between the site and the nearby single-family residential.
- “Adjacency to transit, especially mobility hubs.” – The site is 1 block to the transit station pedestrian bridge.
- “Achieving plan goals for community benefits, including affordable housing.” – The development will apply for the Build Alternative Rental Units option rather than paying the linkage fee.
- “Furthering urban design goals.” – The development will enhance the street-level experience along Inca ST and 43rd Avenue and provide activation in the 41st and Fox Station area.

4) Growth Strategy The site is included in the “all other areas of the city” category. These areas will see 20% of the housing growth and 10% of the commercial growth. Small area plan guidance strongly supports the redevelopment of this area as well as an area appropriate for increased density. (p51)

5) Street Types While the properties are located on undesignated local streets (p157). The orientation of the development is for a transit-oriented development. Planned Transportation Demand Management strategies will further the goals around bike and pedestrian mobility and work to mitigate concerns around vehicles. The requested zoning of C-RX-8 is consistent with general plan recommendations regarding focusing density around transit stations.



6) Plans Policies and Strategies (sometimes applicable). The design standards in the Urban Center context embrace the pedestrian experience and encourage bike and pedestrian mobility. A proposed Transportation Demand Management plan will help in the realization of this strategy. Inca Street and 43rd Avenue will be further enhanced “to create vibrant public spaces” (p170).

41st and Fox Station Area Plan

The property is within the boundaries of the 41st and Fox Station Area Plan adopted December 2009. The vision (of the plan), created through community input and transit-oriented development principles, provides the basis for five primary goals for the station area (pvii):

- *“Improve pedestrian connections to the station, between neighborhoods, and along major corridors.” (pvii)* - The proposed zoning will allow for the development of the site, including activating the edges between the building and street. C-RX-8 will allow for appropriately located retail services accessible to those walking to the station from the site and adjacent neighborhood.
- *“Create opportunities to add more housing, jobs and services to the station area.” (pvii)* - The RX zoning will add more housing to the area as well as the opportunity for jobs and services for the residents as well as the ground floor retail space.
- *“Capitalize on the station area’s proximity to Downtown and location on the Gold Line and Northwest Rail corridors.” (pvii)* - The site is located 7 minutes from downtown when accessed by commuter rail. Transportation Demand Management strategies will help ensure the site capitalizes on its proximity to the station area.
- *“Balance the needs of new development and existing uses.” (pvii)* - The proposed zoning respects the concept in the plan that *“calls for the need to respect the existing housing along the edges of the Sunnyside neighborhood leading to Inca Street.” (pviii)* - The site is located 1 block from the transit station’s pedestrian bridge. There is a transition block between the site and the single-family homes. This transition is called for in the plan.
- The plan calls for active edges and design elements of building ground floors to *“help create a feeling of activity, safety and visual interest for pedestrians....The ground floor of all areas should contain the following elements.” (p18)*:
 - *“Prominent, street facing entries.”*
 - *“Extensive ground floor windows and frequent entrances.”*
 - *“Pedestrian scaled facades.”*



The proposed C-RX zone district is *“intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm” (DZC 7.2.2.1.A)*

The site is located in the “Urban Residential” context allowing for 8 stories. *“These areas are intended as new, moderate-density neighborhoods.” (p16)* - The plan recommends a range of heights for this context allowing for reduced height on parcels adjacent to neighboring single-family residences. This parcel, buffered by a transitional block, would match the height of the block immediately to the east.

Sunnyside Neighborhood Plan (1992)

The Sunnyside Neighborhood Plan was adopted in August of 1992 and included recommendations for the western portion of the area predating the planned Commuter Rail Station. Although the neighborhood plan was adopted prior to Blueprint Denver and the opening of the G Line and B Line, it contains several general recommendations that are still relevant, including:

- *“Travel demand management is a key tool in making the existing transportation infrastructure more effective by reducing the demand for single-occupancy vehicle trips. Travel demand management is focused on promoting carpooling, vanpooling, transit use, bicycling, walking, teleworking and off-peak travel options over driving alone. The Denver Regional Council of Governments (DRCOG) currently offers a variety of services through its RideArrangers program to promote travel demand management on a regional level including a carpool-matching database, vanpool program, telework programs, regional campaigns such as Bike-to-Work Day, and employer-based promotion of alternative travel options.” (p23)* - TDM is integral to the development plan and enabled by the rezoning of the site
- *“Urban design techniques help create a friendly, livable environment. They knit the separate pieces of a neighborhood together and create a more unified feeling.” (p32)* - The proposed zoning provides the ability to incorporate strong urban design concepts that embrace the neighborhood character and architecture. A focus on the street level experience provided for in the C-RX-8 zoning designation will help to enhance the experience along Inca Street and 43rd Avenue.
- *“It is important for a neighborhood to be “pedestrian friendly”... Safe pedestrian access also encourages people to use their cars less and fosters a more intimate connection with the neighborhood.” (p39)* - The rezoning to a category that encourages bike and pedestrian activity will transition the site from an industrial site with limited curb, gutter and pedestrian amenities to an area with sidewalks, amenity zones, and street activation.
- *“The proximity of industrial uses to the neighborhood and the potential occurrence of environmental hazards is a concern for some residents.” (p42)* - The proposed zoning district will help transition the site from industrial uses to a mix of housing and retail uses, thereby helping to mitigate the environmental hazard concern for some residents.
- *“There are many infrastructure problems that need attention. Sidewalks, curb and gutter need to be replaced or put in for the first time. Drainage problems exist in the northeast section of the neighborhood. The lack of curb and gutter adds to*



the drainage problems. There are some streets in the industrial area that need to be paved. Open ditches exist in some areas of the neighborhood.” (p42) - The development of the site will address the infrastructure problems associated with the current land uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-8 zone district will result in the uniform application of zone district building form use and design regulations. The building form and design regulations are appropriate for the site and will be applied uniformly with other C-RX-8 zone districts on the blocks to the south and east of this site.

3. Public Health, Safety, and Welfare

The proposed map amendment furthers the public health, safety and general welfare of the City by allowing reinvestment in an under-utilized property and by implementing the City’s adopted plans for the area. The rezoning allows redevelopment of an industrial site to a new, safe, walkable, pedestrian friendly environment next to a commuter rail station

4. Justifying Circumstances

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, *“The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.”*

The area has been undergoing significant change, and consistent with these changing conditions, dense development around transit meets the public interest. A few of the recent investments that have changed the character of the area and site include:

- Opening of the G line and B Line
 - Zia Sunnyside - 434 Unit - 6 & 8 story rental and condo community
 - Future Denver Housing Authority Redevelopment - Bounded by Lipan/Pecos & 42nd/44th Streets
-

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

The requested C-RX-8 zone district is within the Urban Center Neighborhood Context.

- 7.1.1 General Character *“The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.”*
- 7.2.3.1 General Purpose
 - A. *“The Residential Mixed-Use zone districts are intended to promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public realm.*
 - B. *The Residential Mixed-Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.*
 - C. *The Residential Mixed-Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.*
 - D. *Compared to the Mixed-Use districts, the Residential Mixed-Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed-Use district can have Street Level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 Square feet consistent with the district purpose.”* 7.3.3.2 Specific Intent

The requested rezoning is generally consistent with the neighborhood context description and zone district purpose and intent especially related to:

- 7.1.1 General Character
 - Multi-unit residential uses are typically in multi-story mixed use building forms.
 - Promote safe, active, and pedestrian scaled, diverse areas through the use of the building forms that clearly define and activate the public real.
 - Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets.
- 7.2.3.1 General Purpose
 - The Residential Mixed-Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.
 - The Residential Mixed-Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

- Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance.
- Buildings in a Residential Mixed-Use district can have Street Level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses.
- 7.3.3.2 Specific Intent
 - **C-RX-8** *applies to the residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired.* The site is accesses the nearby arterial at 38th Ave four blocks south and the collector at N Lipan ST two blocks west. While N Inca ST and 43rd Avenue are undesignated local streets, the intent notes that the areas are “served primarily by” collectors and arterials, but not exclusively.

For the reasons outlined within this narrative, we respectfully ask that the City approve the requested zoning change to the subject parcel.

Thank you for your time and consideration.

SPECIAL WARRANTY DEED

THIS DEED, dated this 26th day of August, 2009, between Robert L. Chavez of the County of Jefferson and State of Colorado, grantor(s) and Romero-Thiel Associates, Inc., a Colorado corporation whose legal address is 675 W. Caley Circle, Littleton of the County of Jefferson and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of FIVE HUNDRED THIRTY FIVE THOUSAND AND 00/100 DOLLARS (\$535,000.00), the receipt and sufficiency of which is hereby acknowledged, has/have granted, bargained, sold and conveyed, and by these presents do(es) grant, bargain, sell, convey and confirm unto the grantee(s), its heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Denver and State of Colorado, described as follows:

Lots 24 to 30, inclusive,
Block 14,
Viaduct Addition to Denver,
City and County of Denver,
State of Colorado.

also known by street and number as: 4295 Inca St., Denver, CO 80221
assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its heirs and assigns forever. The grantor(s), for his heirs, personal representatives, successors and assigns, do(es) covenant and agree that his shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s), except:

Taxes for the year 2009 and subsequent years, a lien not yet due or payable. Subject to covenants, conditions, restrictions and easements, if any.

IN WITNESS WHEREOF, the grantor(s) has/have executed this deed on the date set forth above.

Robert L. Chavez
Robert L. Chavez

STATE OF Colorado

COUNTY OF *Arapahoe*

The foregoing instrument was acknowledged before me this 26th day of August, 2009, by
Robert L. Chavez

Witness my hand and official seal

Vaughn L. Bloomquist
Notary Public



My Commission Expires:

Name and Address of Person Creating Newly Created Legal Instrument (S 38-35-106.5, C.R.S.)
My Commission Expires 8/24/2012

After Recording Return to:



Colorado Secretary of State
 Date and Time: 08/29/2012 06:51 PM
 ID Number: 20081271061
 Document number: 20121473539
 Amount Paid: \$25.00

Document must be filed electronically.
 Paper documents will not be accepted.

Document processing fee
 Fees & forms/cover sheets
 are subject to change.

\$25.00

To access other information or print
 copies of filed documents,
 visit www.sos.state.co.us and
 select Business.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Amendment

filed pursuant to §7-90-301, et seq. and §7-110-106 of the Colorado Revised Statutes (C.R.S.)

ID number: 20081271061

1. Entity name: Romero-Thiel Associates Inc.
(If changing the name of the corporation, indicate name BEFORE the name change)

2. New Entity name:
 (if applicable) _____

3. Use of Restricted Words *(if any of these terms are contained in an entity name, true name of an entity, trade name or trademark stated in this document, mark the applicable box):*

- "bank" or "trust" or any derivative thereof
- "credit union" "savings and loan"
- "insurance", "casualty", "mutual", or "surety"

4. Other amendments, if any, are attached.

5. If the amendment provides for an exchange, reclassification or cancellation of issued shares, the attachment states the provisions for implementing the amendment.

6. If the corporation's period of duration as amended is less than perpetual, state the date on which the period of duration expires:

(mm/dd/yyyy)

OR

If the corporation's period of duration as amended is perpetual, mark this box:

7. (Optional) Delayed effective date: 06/01/2009 08:00 AM
(mm/dd/yyyy)

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

8. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

Thiel Donna Ann
(Last) *(First)* *(Middle)* *(Suffix)*

675 W Caley Circle
(Street name and number or Post Office information)

Littleton CO 80120
(City) *(State)* *(Postal/Zip Code)*

United States
(Province – if applicable) *(Country – if not US)*

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box and include an attachment stating the name and address of such individuals.)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

ROMERO-THIEL ASSOCIATES INC.

**675 W CALEY CIRCLE
LITTLETON, CO 80120
303-795-3003**

Attendees:

Gary L Thiel, Vice President / Secretary and Donna Thiel, President
King Kong Building Service Inc. Board Members for 2009

Date: June 1, 2009

To whom it may Concern:

On June 1, 2009, we the board has decided to reorganize Romero-Thiel Associates Inc. ownership/
corporation officers' structure, effective immediately.

Currently ownership is:

Donna A. Thiel, President 100% ownership

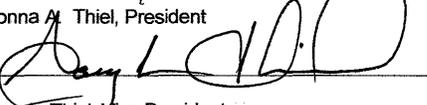
Effective June 1, 2009, new ownership/ corporation officers' structure is as follows:

Donna Thiel, President/ Secretary 50 % Ownership
Gary L Thiel, Vice President 50 % Ownership

The board has agreed on the above ownership/ corporation officers' structure changes for Romero-
Thiel Associates Inc. and would like them to be effective June 1, 2009.



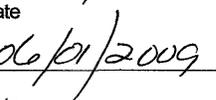
Donna A. Thiel, President



Gary L. Thiel, Vice President



Date



Date

March 15, 2021

Mr. Billy Wang

Sophium Real Estate LLC

4435 Irving St.

Denver, CO 80211

Dear Mr. Billy Wang,

This letter serves as authorization for Sophium Real Estate LLC to act on behalf of and represent Romero-Thiel Associates Inc. for the purpose of submitting and processing the rezoning application for the property owned by Romero-Thiel Associates Inc. at 4295 Inca St, Denver, CO 80211.

Sincerely,

Donna Thiel 03/15/2021

Donna Thiel, *President*

Summary

Details			
Name	Romero-Thiel Associates Inc.		
Status	Good Standing	Formation date	05/16/2008
ID number	20081271061	Form	Corporation
Periodic report month	May	Jurisdiction	Colorado
Principal office street address	675 W Caley Circle, Littleton, CO 80120, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Romero-Thiel Associates Inc.
Street address	675 W Caley Cr, Littleton, CO 80120, United States
Mailing address	675 W Caley Cr, Littleton, CO 80120, United States



200116868233500200

CORPORATE RESOLUTION TO BORROW / GRANT COLLATERAL

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$291,250.00	08-25-2009	11-25-2019					

References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item. Any item above containing "****" has been omitted due to text length limitations.

Corporation: Romero-Thiel Associates Inc.
 4295 Inca Street
 Denver, CO 80211

Lender: Wells Fargo Bank, National Association
 SBA Lending
 1455 West Lake Street, Suite 306
 Minneapolis, MN 55408

WE, THE UNDERSIGNED, DO HEREBY CERTIFY AND STATE UNDER PENALTY OF PERJURY THAT:

THE CORPORATION'S EXISTENCE. The complete and correct name of the Corporation is Romero-Thiel Associates Inc. ("Corporation"). The Corporation is a corporation for profit which is, and at all times shall be, duly organized, validly existing, and in good standing under and by virtue of the laws of the State of Colorado. The Corporation is duly authorized to transact business in all other states in which the Corporation is doing business, having obtained all necessary filings, governmental licenses and approvals for each state in which the Corporation is doing business. Specifically, the Corporation is, and at all times shall be, duly qualified as a foreign corporation in all states in which the failure to so qualify would have a material adverse effect on its business or financial condition. The Corporation has the full power and authority to own its properties and to transact the business in which it is presently engaged or presently proposes to engage. The Corporation maintains an office at 4295 Inca Street, Denver, CO 80211. Unless the Corporation has designated otherwise in writing, the principal office is the office at which the Corporation keeps its books and records. The Corporation will notify Lender prior to any change in the location of the Corporation's state of organization or any change in the Corporation's name. The Corporation shall do all things necessary to preserve and to keep in full force and effect its existence, rights and privileges, and shall comply with all regulations, rules, ordinances, statutes, orders and decrees of any governmental or quasi-governmental authority or court applicable to the Corporation and the Corporation's business activities.

RESOLUTIONS ADOPTED. At a meeting of the Directors of the Corporation, or if the Corporation is a close corporation having no Board of Directors then at a meeting of the Corporation's shareholders, duly called and held on 8-26-09, at which a quorum was present and voting, or by other duly authorized action in lieu of a meeting, the resolutions set forth in this Resolution were adopted.

OFFICERS. The following named persons are officers of Romero-Thiel Associates Inc.:

NAMES	TITLES	AUTHORIZED	ACTUAL SIGNATURES
Donna A. Thiel	President	Y X	
Gary L. Thiel	Vice Pres/Secretary	Y X	

ACTIONS AUTHORIZED. Any one (1) of the authorized persons listed above may enter into any agreements of any nature with Lender, and those agreements will bind the Corporation. Specifically, but without limitation, any one (1) of such authorized persons are authorized, empowered, and directed to do the following for and on behalf of the Corporation:

Borrow Money. To borrow, as a cosigner or otherwise, from time to time from Lender, on such terms as may be agreed upon between the Corporation and Lender, such sum or sums of money as in their judgment should be borrowed, without limitation.

Execute Notes. To execute and deliver to Lender the promissory note or notes, or other evidence of the Corporation's credit accommodations, on Lender's forms, at such rates of interest and on such terms as may be agreed upon, evidencing the sums of money so borrowed or any of the Corporation's indebtedness to Lender, and also to execute and deliver to Lender one or more renewals, extensions, modifications, refinancings, consolidations, or substitutions for one or more of the notes, any portion of the notes, or any other evidence of credit accommodations.

Grant Security. To mortgage, pledge, transfer, endorse, hypothecate, or otherwise encumber and deliver to Lender any property now or hereafter belonging to the Corporation or in which the Corporation now or hereafter may have an interest, including without limitation all of the Corporation's real property and all of the Corporation's personal property (tangible or intangible), as security for the payment of any loans or credit accommodations so obtained, any promissory notes so executed (including any amendments to or modifications, renewals, and extensions of such promissory notes), or any other or further indebtedness of the Corporation to Lender at any time owing, however the same may be evidenced. Such property may be mortgaged, pledged, transferred, endorsed, hypothecated or encumbered at the time such loans are obtained or such indebtedness is incurred, or at any other time or times, and may be either in addition to or in lieu of any property theretofore mortgaged, pledged, transferred, endorsed, hypothecated or encumbered.

Execute Security Documents. To execute and deliver to Lender the forms of mortgage, deed of trust, pledge agreement, hypothecation agreement, and other security agreements and financing statements which Lender may require and which shall evidence the terms and conditions under and pursuant to which such liens and encumbrances, or any of them, are given; and also to execute and deliver to Lender any other written instruments, any chattel paper, or any other collateral, of any kind or nature, which Lender may deem necessary or proper in connection with or pertaining to the giving of the liens and encumbrances. Notwithstanding the foregoing, any one of the above authorized persons may execute, deliver, or record financing statements.

Negotiate Items. To draw, endorse, and discount with Lender all drafts, trade acceptances, promissory notes, or other evidences of indebtedness payable to or belonging to the Corporation or in which the Corporation may have an interest, and either to receive cash for the same or to cause such proceeds to be credited to the Corporation's account with Lender, or to cause such other disposition of the proceeds derived therefrom as they may deem advisable.

Further Acts. In the case of lines of credit, to designate additional or alternate individuals as being authorized to request advances under such lines, and in all cases, to do and perform such other acts and things, to pay any and all fees and costs, and to execute and deliver such other documents and agreements as the officers may in their discretion deem reasonably necessary or proper in order to carry into effect the provisions of this Resolution.

**CORPORATE RESOLUTION TO BORROW / GRANT COLLATERAL
(Continued)**

ASSUMED BUSINESS NAMES. The Corporation has filed or recorded all documents or filings required by law relating to all assumed business names used by the Corporation. Excluding the name of the Corporation, the following is a complete list of all assumed business names under which the Corporation does business: **None.**

NOTICES TO LENDER. The Corporation will promptly notify Lender in writing at Lender's address shown above (or such other addresses as Lender may designate from time to time) prior to any (A) change in the Corporation's name; (B) change in the Corporation's assumed business name(s); (C) change in the management of the Corporation; (D) change in the authorized signer(s); (E) change in the Corporation's principal office address; (F) change in the Corporation's state of organization; (G) conversion of the Corporation to a new or different type of business entity; or (H) change in any other aspect of the Corporation that directly or indirectly relates to any agreements between the Corporation and Lender. No change in the Corporation's name or state of organization will take effect until after Lender has received notice.

FACSIMILE AND COUNTERPART. This document may be signed in any number of separate copies, each of which shall be effective as an original, but all of which taken together shall constitute a single document. An electronic transmission or other facsimile of this document or any related document shall be deemed an original and shall be admissible as evidence of the document and the signer's execution.

CERTIFICATION CONCERNING OFFICERS AND RESOLUTIONS. The officers named above are duly elected, appointed, or employed by or for the Corporation, as the case may be, and occupy the positions set opposite their respective names. This Resolution now stands of record on the books of the Corporation, is in full force and effect, and has not been modified or revoked in any manner whatsoever.

NO CORPORATE SEAL. The Corporation has no corporate seal, and therefore, no seal is affixed to this Resolution.

CONTINUING VALIDITY. Any and all acts authorized pursuant to this Resolution and performed prior to the passage of this Resolution are hereby ratified and approved. This Resolution shall be continuing, shall remain in full force and effect and Lender may rely on it until written notice of its revocation shall have been delivered to and received by Lender at Lender's address shown above (or such addresses as Lender may designate from time to time). Any such notice shall not affect any of the Corporation's agreements or commitments in effect at the time notice is given.

IN TESTIMONY WHEREOF, we have hereunto set our hand and attest that the signatures set opposite the names listed above are their genuine signatures.

We each have read all the provisions of this Resolution, and we each personally and on behalf of the Corporation certify that all statements and representations made in this Resolution are true and correct. This Corporate Resolution to Borrow / Grant Collateral is dated August 25, 2009.

CERTIFIED TO AND ATTESTED BY:

X *Donna A. Thiel*
 Donna A. Thiel, President of Romero-Thiel Associates Inc.

X *Gary L. Thiel*
 Gary L. Thiel, Vice Pres/Secretary of Romero-Thiel Associates Inc.

STATE OF COLORADO)
)
 COUNTY OF Archulete) SS
)

Subscribed and sworn to before me on this 26th day of August, 2009, by Donna A. Thiel, as president and Gary L. Thiel as Vice President of Romero-Thiel Associates, Inc.,

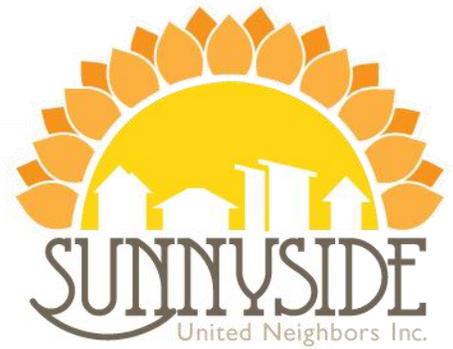
Witness my hand and official seal.

My commission expires: _____



Valena L. Bloomquist
 Notary Public

NOTE: If the officers signing this Resolution are designated by the foregoing document as one of the officers authorized to act on the Corporation's behalf, it is advisable to have this Resolution signed by at least one non-authorized officer of the Corporation.



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

May 10, 2021

Planning & Community Development Committee

Edson Ibanez
Associate City Planner
Community Planning and Development
City and County of Denver

Re: Rezoning of 4295 N. Inca St. – Case #2020I-00172

Sunnyside United Neighbors offers this letter of support for the rezoning application of 4295 N. Inca St. to C-RX-8. Once in 2019 and again in January of 2020, at our monthly Sunnyside United Neighbors Planning and Community Development meeting, Sophium Development presented plans for their project at 4295 Inca St. In both cases there were concerns raised about the details of the design and the materials to be used. The developer was responsive and in each case was willing to make revisions and come back at a future meeting.

A third presentation was made, and a vote taken at our February 13, 2020, meeting. There was broad agreement that the additional work done by the developer had improved the project. The vote of support amongst the residents in attendance was unanimous; 14 – 0.

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

Best regards,

Bill Hare
Co-Chair, SUNI Planning and Community Development Committee

cc: Billy Wang, Sophium Development

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



www.SunnysideDenver.org

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