



TO: Land Use Transportation and Infrastructure Committee
FROM: Francisca Peñafiel, Senior City Planner
DATE: June 15, 2023
RE: Official Zoning Map Amendment Application #2022I-00188

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2022I-00188.

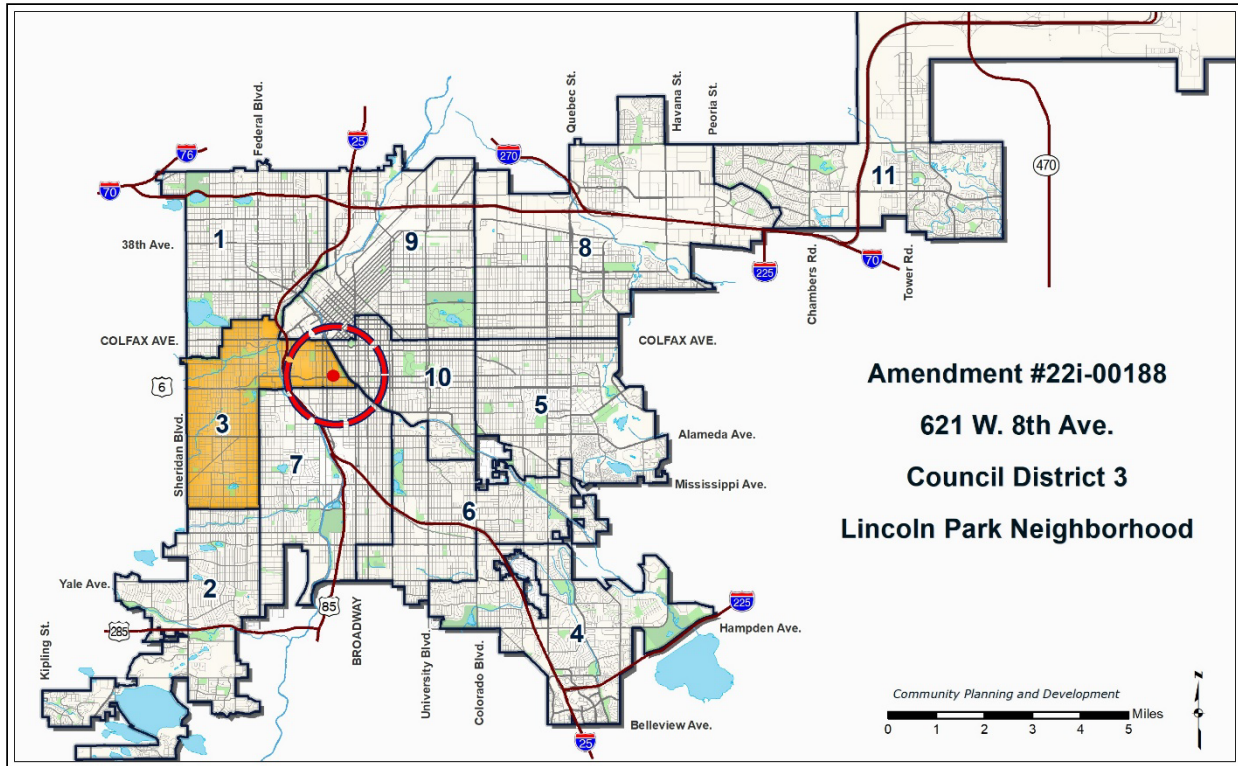
Request for Rezoning

Address:	621 West 8 th Avenue
Neighborhood/Council District:	Lincoln Park / Council District 3
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, United Northwest Denver, La Alma Neighborhood Association, La Alma Lincoln Park Neighborhood Organization.
Area of Property:	6,225 square feet or 0.14 acres
Current Zoning:	U-RH-3A, UO-3
Proposed Zoning:	C-MS-5
Property Owner(s):	West 9 th Partners LLC
Owner Representative:	Steve Ferris, Real Estate Garage, LLC

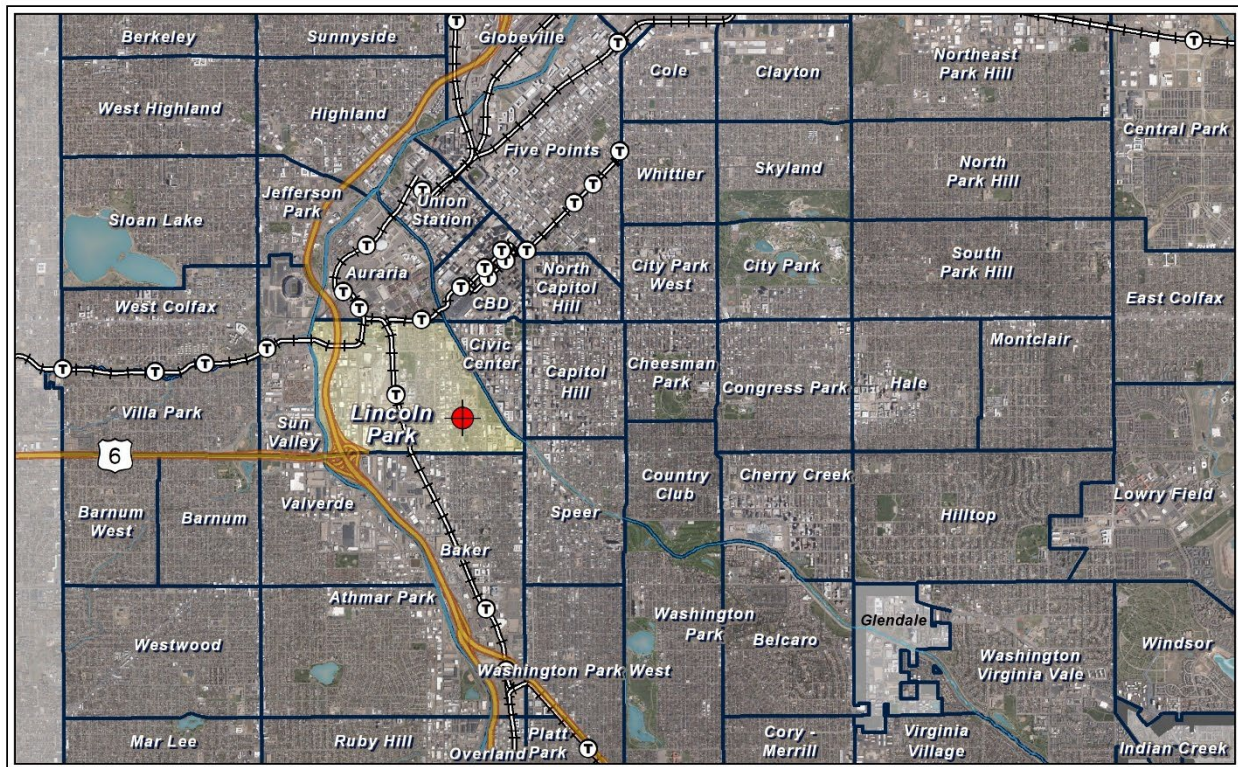
Summary of Rezoning Request

- The subject property is in the Lincoln Park neighborhood, between West 8th Avenue and West 9th Avenue, along North Galapago Street.
- The applicant is proposing to rezone the property to facilitate redevelopment. The applicant owns both the subject rezoning area and the area immediately to the south that is zoned C-MS-5, UO-1, UO-2. The applicant would like to redevelop the entire property with the Shopfront building form, which is allowed in the Main Street (MS) district but not in U-RH-3A, UO-3. There is no shared primary building form between the C-MS-5 and U-RH-3A districts. Therefore, the applicant is proposing to rezone the northern portion of their property to allow redevelopment of the whole site using the same building form.
- The property is currently used as a surface parking lot that serves the building to the south.
- The proposed C-MS-5 zone district (Urban Center – Main Street – 5 Stories) zone district is typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets. It should be applied where active street level retail is desired or within larger mixed-use areas to promote street level retail activity. C-MS-5 applies where a building scale of 2 to 5 stories is desired. Further details about the C-MS-5 zone district can be found in Article 7 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location



Existing Context

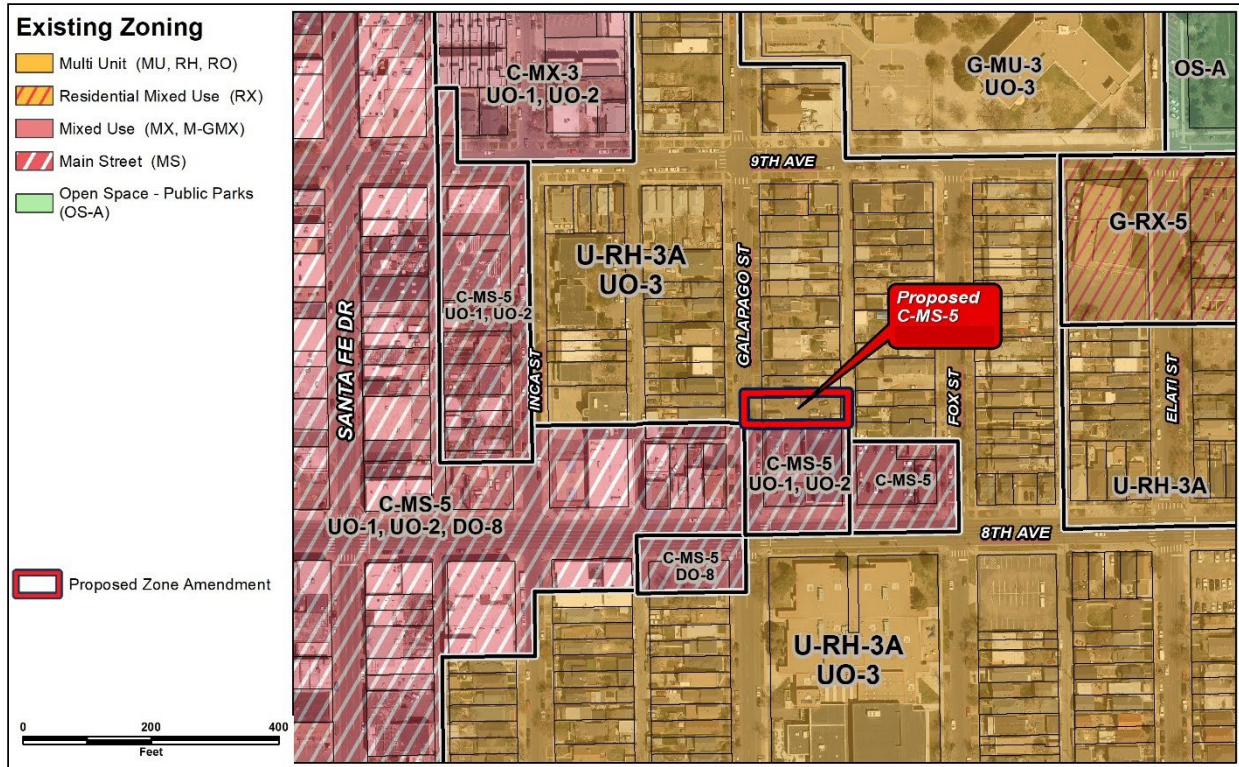


The subject property is located between West 8th Avenue and West 9th Avenue, along the east side of Galapago Street. It is located three blocks east of North Santa Fe Drive and two blocks west of Sunken Gardens Park, which provides a variety of recreational opportunities. The site is located 3 blocks northwest from the Denver Health Medical Center campus. The site is currently used as surface parking that services the industrial building in the south portion of the parcel. The subject property is just outside the half a mile buffer of the RTD 10th & Osage light rail station. This station services light rail lines D, E and H. RTD bus routes 9 and 1 runs just north of the site on 8th Avenue and provide service to Union Station in the eastbound direction and Lakewood in the westbound direction.

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

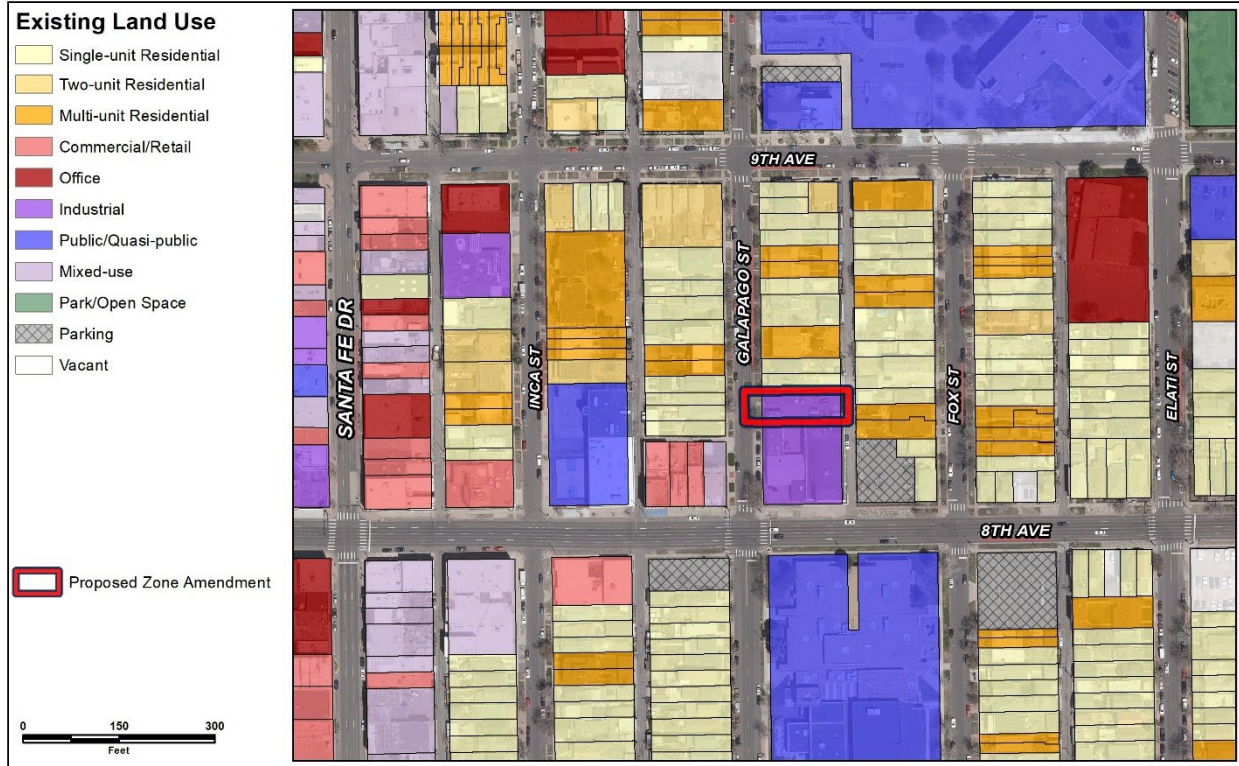
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-RH-3A, UO-3	Industrial	Surface parking lot	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys. Garages are rear, side and front loaded with On-Street vehicle parking.
North	U-RH-3A, UO-3	Single-unit residential	1.5 story brick house with detached garage on the alley	
South	C-MS-5 UO-1, UO-2	Industrial	1-story industrial building/warehouse with pedestrian and vehicular access on West 8 th Avenue	
East	U-RH-3A, UO-3	Multi unit residential	Brick duplex with detached garage on alley	
West	U-RH-3A, UO-3	Single-unit residential	1.5-story brick house with parking space on the alley	

1. Existing Zoning



The existing zoning on the subject property is U-RH-3A, UO-3 which is a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms. Apartments are allowed up to three stories on certain corner lots; however, an apartment form would not be allowed on this property given its location. Structures are generally required to have 20-foot primary street setbacks and five-foot side interior and side street setbacks. Allowed uses are mostly limited to civic uses and single unit, two unit, and multi-unit dwellings with one parking space required per unit. For additional details of the zone district, see DZC Article 5. The UO-3 district is a Historic Structure Use Overlay district that encourages preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1. The UO-3 overlay is intended to be applied in conjunction with residential districts and is not proposed to be retained with this rezoning.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images from Google Maps Street View.



Subject property, looking east from North Galapago Street.



North – Properties directly north of the subject site, looking east.



South – Southern part of the parcel, from the corner of North Galapago Street and East 8th Avenue, looking northeast.



West – Properties to the west of the subject site, across North Galapago Street, looking west.



East – Properties to the east of the subject site, on North Fox Street, looking southwest.



East (alley) – View from the alley to the east of the subject site, looking south.

Proposed Zoning

The requested C-MS-5 zone district has a maximum height of five stories or 70' with allowable encroachments and height incentives. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of residential and commercial uses are allowed. For additional details of the requested zone district, see DZC Article 7.

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

Design Standards	U-RH-3A (Existing)	C-MS-5 (Proposed)
Primary Building Forms Allowed	Urban House; Duplex; Tandem House; Row House	Town House; Drive Thru Services; Drive Thru Restaurant; Shopfront
Stories/Heights (max)	3/35'	5 stories/70'*
Primary Build-To Percentages (min)	N/A	70% to 75%**
Primary Build-To Ranges	N/A	0' to 5', 10' to 15'**
Minimum Zone Lot Size/Width	50'*	N/A
Primary Street Setbacks (min)	20'	0' to 10'**

*Additional height up to 7 stories or 95 feet is permitted in C-MS-5 with the provision of enhanced affordable housing. However, on this site, the height would be limited to 75 feet due to the proximity to a protected district.

**Standard varies between building forms

Summary of City Agency Referral Comments

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

Assessor: Approved – No response.

Asset Management: Approved – No comments.

Denver Public Schools: Approved – No response.

Denver Fire Department: Approved – No response.

Development Services - Transportation: Approve Rezoning Only - Will require additional information at Site Plan Review

DES Transportation approves the subject rezone.

Note that redevelopment of property may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined when a property begins the redevelopment process.

Denver Parks and Recreation: Approved – No comments.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review

During the Site Development Plan phase development would be required to demonstrate that it won't adversely impact neighboring residential properties.

In particular:

1. Transformers and other large utility equipment should be located to minimize visual and noise impacts on neighboring residential uses and to minimize impact to the residential neighborhood streetscape.
2. Loading areas should be buffered from the neighboring residential uses with landscape buffer or located away from the adjacent residential uses.
3. Residential setback and entrances along N Galapago Street should be incorporated with the building design to complement residential development to the north of the site.
4. Rooftop use should be limited in the rear of the property directly adjacent to the neighboring residential property.

Department of Public Health and Environment: Approved – Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site.

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However, providing such information about a specific site is beyond the scope of these zoning application comments.

Development Services – Wastewater: Approved – See Comments Below.

Onsite detention and water quality are required for disturbing area 0.5 acre or more.

Department of Transportation & Infrastructure – City Surveyor: Approved – See Comments Below.

I revised the description to what it should be. I intended the 2nd comment in the previous review to be the name of the subdivision.

621 W 8TH AVE

LOTS 14 and 15, BLOCK 16, SMITH'S ADDITION TO THE CITY OF DENVER

A portion of the property known by street and number as: 621 W 8TH AVE, DENVER, CO 80204

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	02/27/2023
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	05/02/2023
Planning Board Public Hearing:	05/17/2023
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	06/05/2023
Land Use, Transportation and Infrastructure Committee of the City Council:	06/20/2023
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	07/10/2023 (tentative)
City Council Public Hearing:	08/07/2023 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - No comment letters from the RNO's have been received
- **Other Public Comment**
 - Staff received three letters of opposition from concerned neighbors. The letters express concerns with traffic, street parking, increased density, construction impacts on surrounding properties and impact in view planes and sunlight access.
- **Planning Board Public Hearing outcome:**

During the Public Hearing in May 17, Planning Board members asked staff questions regarding solar access protection for the neighbors to the north of the site given some of the neighbor's concerns.

Staff used the Denver Zoning Code illustrations to explain how adjacency standards and bulk plane standards in general are intended to protect solar access through increased setbacks and upper story setbacks.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *La Alma / Lincoln Park Neighborhood Plan (2012)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would facilitate the development of an underutilized site that would allow for additional housing options near transit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning would facilitate the vision of West 8th Avenue as a mixed-use center by allowing a mix of housing and services, including neighborhood-serving businesses, through pedestrian-oriented infill, which is consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

- Strong and Authentic Neighborhoods, Goal 4, Strategy A – Grow and support neighborhood-serving businesses (p. 35).

The proposed map amendment would allow for compatible infill development in an established neighborhood with accessible parks and recreation facilities, services and transit, consistent with the following strategies from the Environmentally Resilient vision element:

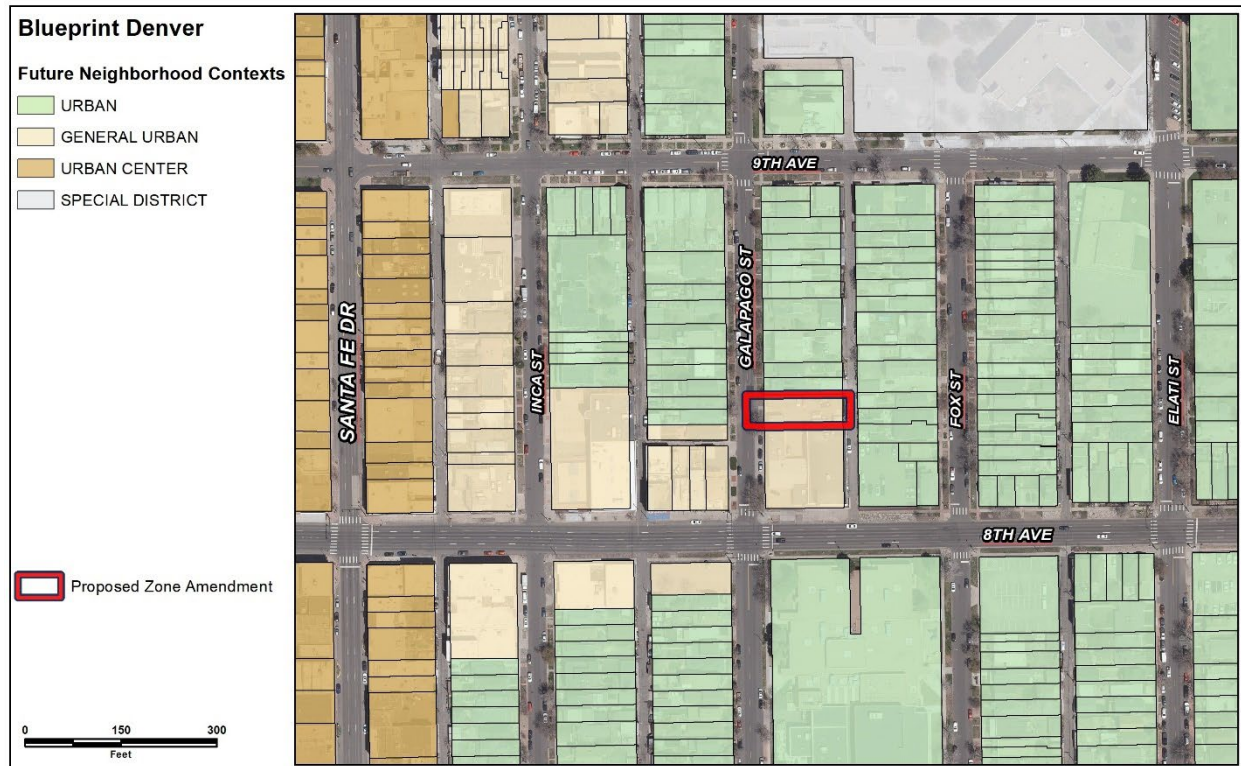
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p.54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods. (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The proposed map amendment will allow a mixed-use development where infrastructure and services such as water, stormwater, and streets already exist. It also encourages mixed-use communities by allowing residential, commercial, and employment uses near transit and existing residential areas. Rezoning this property where infrastructure exists, and near transit allows Denver to grow responsibly and promotes land conservation. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as local corridor future place type within the general urban neighborhood context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

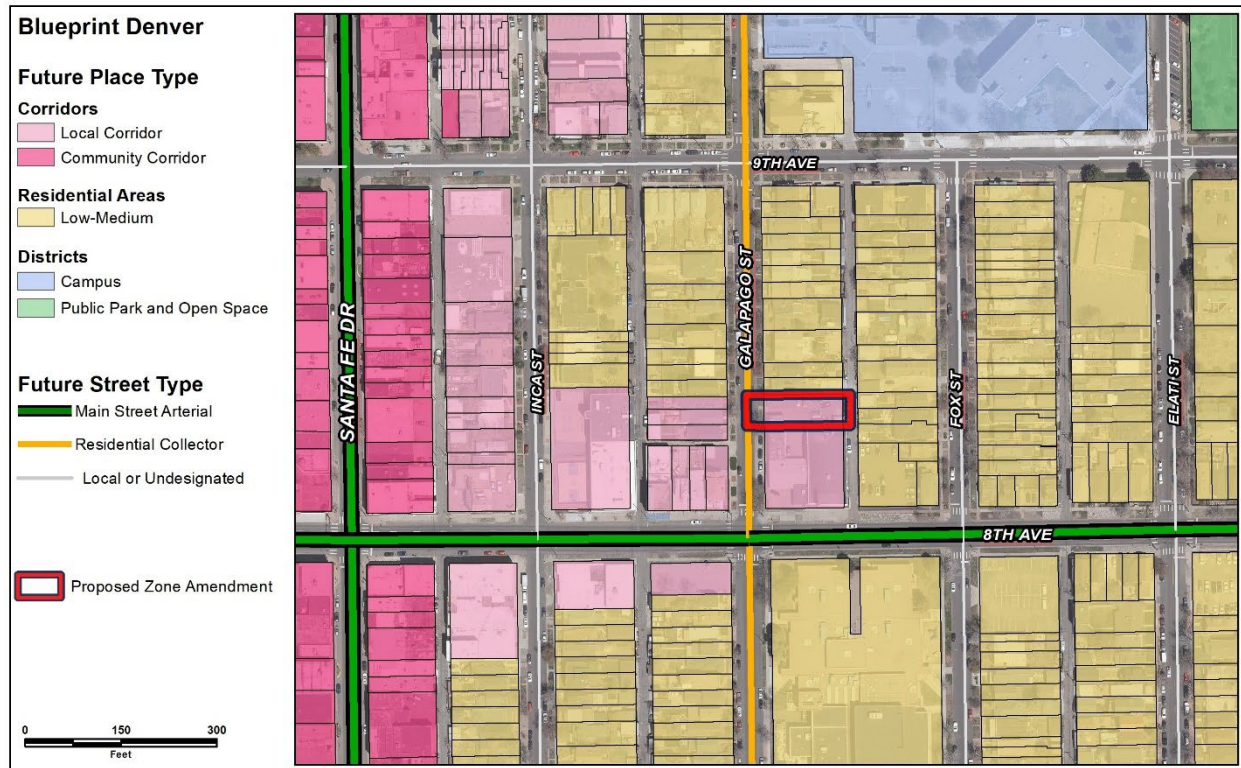


In *Blueprint Denver*, future neighborhood contexts are used to understand differences across land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban context, which “are typically located at the edge of higher intensity contexts like urban center and downtown” (p. 241) and are characterized by multi-unit residential and community-serving mixed uses. Properties along 8th Avenue at this location identified as being within *Blueprint Denver*’s General Urban recommended future neighborhood context are zoned within the Urban Center context in the Denver Zoning Code. While *Blueprint Denver* identifies this property as part of the General Urban context, the applicant for this rezoning proposed C-MS-5 to be consistent with the zoning of the rest of the property, enabling redevelopment that spans through the parcel with a single set of regulations.

The proposed C-MS-5 base zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse commercial streets through the use of building forms that clearly define and activate the public street edge” and “the Main Street 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.” (DZC 7.2.4.1).

Staff finds that the proposed C-MS-5 zone district is consistent with the future neighborhood context as it achieves very similar outcomes and goals as a General Urban neighborhood context zone district would achieve. Districts in both the Urban Center and General Urban neighborhood contexts allow the same Shopfront building form with nearly identical standards for building form (height, transparency, etc.) and uses.

Blueprint Denver Future Place



The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Local Corridor in the Future Place Map. *Blueprint Denver* describes the aspirational characteristics of Local Corridor in the General Urban context as “Primarily provides options for dining, entertainment and shopping. May also include some residential and employment uses... Buildings have a distinctly linear orientation along the street with very shallow setbacks. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas.” (p. 244).

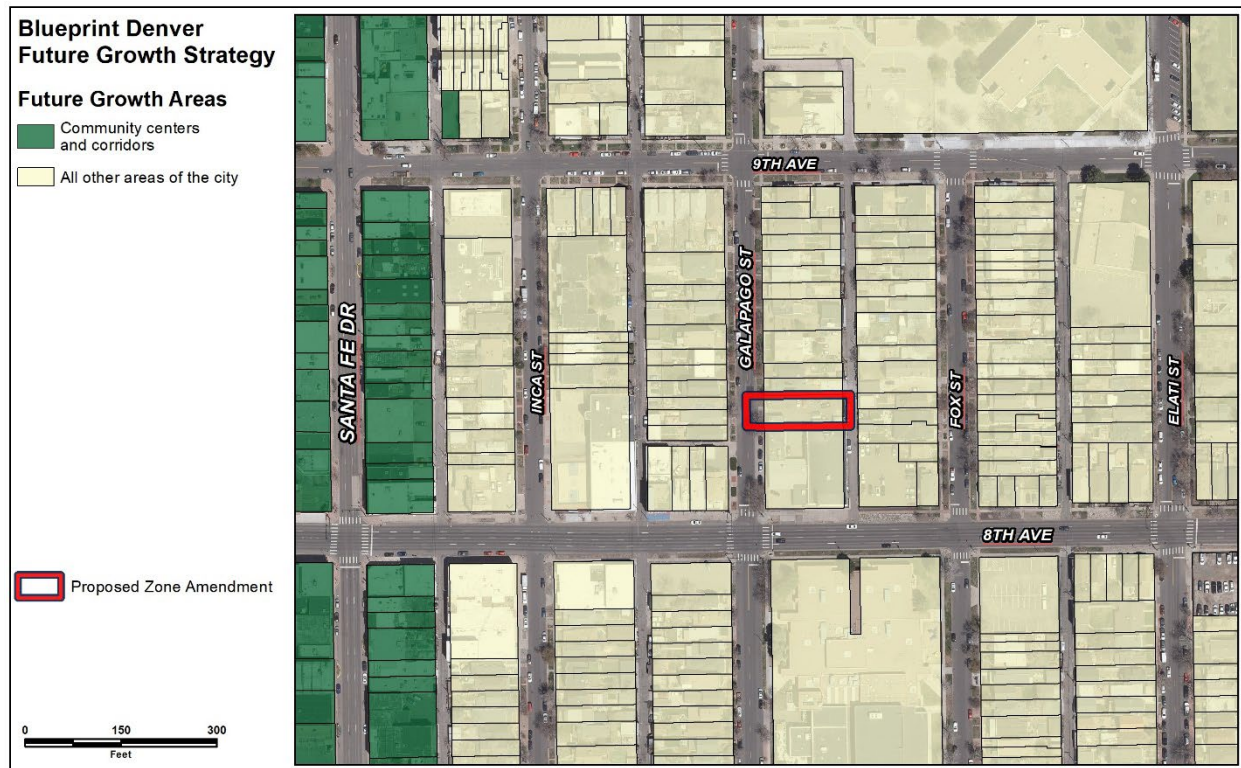
The Local Corridor future place type recommends a maximum height of up to 3 stories (p. 244). However, *Blueprint Denver* provides that “small area plans will provide more certain height guidance through maps of proposed building height,” and “factors to consider when applying *Blueprint Denver* building height guidance may include guidance from a small area plan and surrounding context, including existing and planned building height...” (p. 66). As further detailed below in the analysis of the *La Alma Lincoln Park Neighborhood Plan*, these factors support a maximum building height of 5 stories in this location.

As such, staff finds the proposed C-MS-5 zone district is consistent with the Local Corridor Future Place mapped in *Blueprint Denver* along 8th Ave.

Street Types

In *Blueprint Denver*, future street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Galapago Street as a Residential Collector. *Blueprint Denver* states that “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context” (p. 160). 8th Avenue is classified as a Main Street Arterial, where MS zone districts are appropriate. The proposed C-MS-5 zone district would allow for a mix of uses that is consistent with both the Residential Collector and the adjacent Main Street Arterial Future Street Type classifications.

Growth Strategy



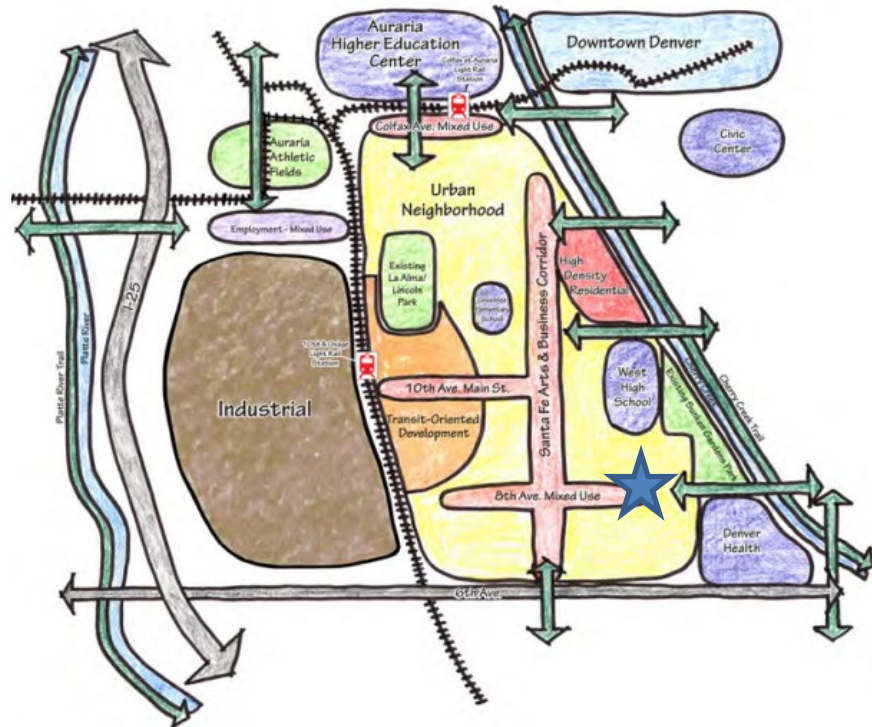
Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” in *Blueprint Denver*. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units and offer the opportunity for additional jobs, which is an appropriate change given these growth goals. Access to jobs, housing, and services can improve in the residential mixed-use zone districts, and this site has access to multiple bus and rail transit lines. Therefore, this rezoning is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

La Alma / Lincoln Park Neighborhood Plan (2012)

The subject property is within the boundaries of the *La Alma / Lincoln Park Neighborhood Plan* (the Plan). The Plan has several relevant recommendations, including guidance for Character Areas, the Framework Plan, and Recommended Land Use and Building Heights Maps.

Vision and Goals

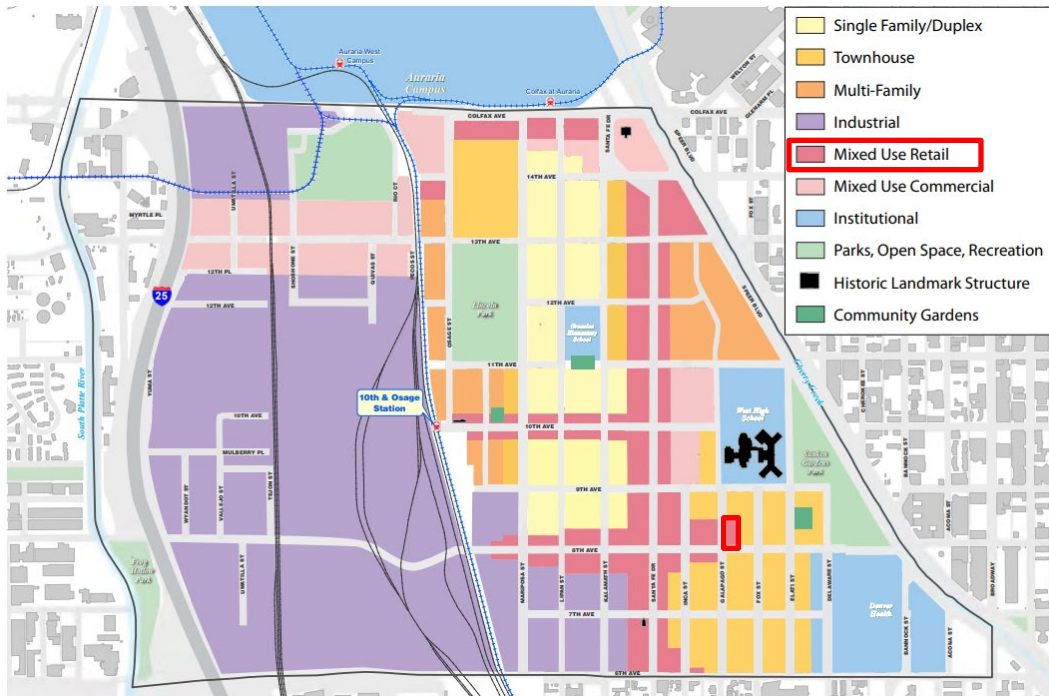
The Plan envisions La Alma Lincoln Park as a mixed income residential neighborhood with a vital arts and commercial core along Santa Fe, high walkability and multi-modal connections (p. 14-15). The Plan’s Fundamental Concept Diagram shows the subject property as part of an 8th Avenue Mixed Use area adjacent to the residential Urban Neighborhood to the north and south. The proposed rezoning would support a mix of uses consistent with the vision diagram.



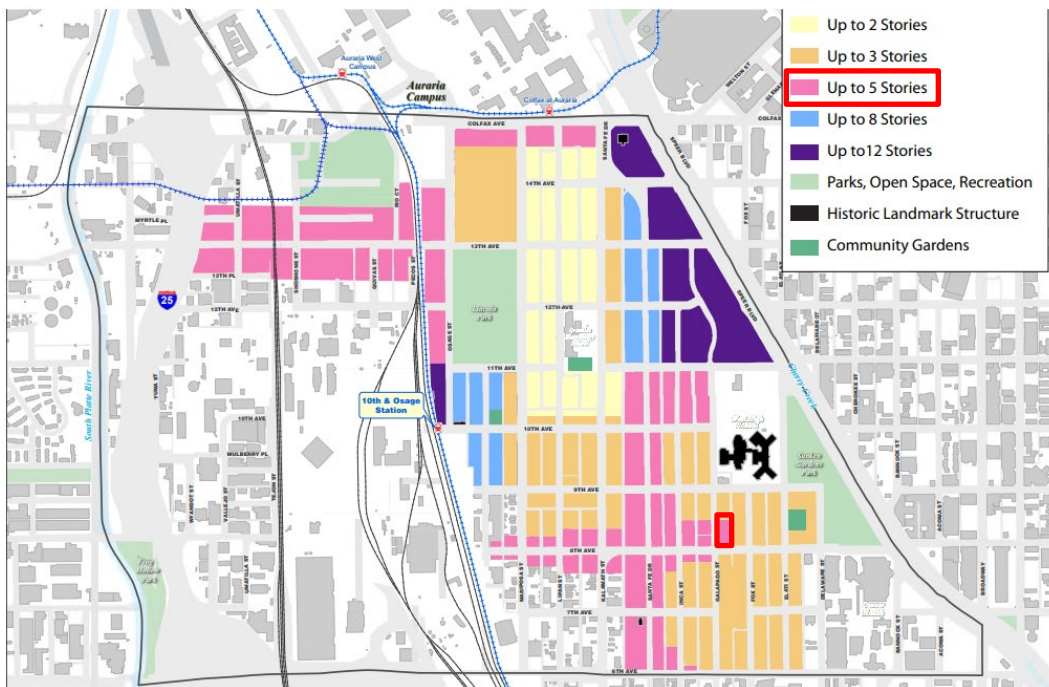
Fundamental Concept Diagram (p.14)

Framework Plan

The Plan includes more detailed guidance in the Framework Plan (p.19), where it provides land use and urban design recommendations and accompanying maps. The site is classified as “Mixed Use Retail” up to 5 stories in height (p.23-25).



Recommended Land Use map (La Alma / Lincoln Park Neighborhood Plan – 2012)



Recommended Building Height map (La Alma / Lincoln Park Neighborhood Plan – 2012)

Land Use and Urban Design Recommendations

- Encourage a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity and needs of the neighborhood, as appropriate to the subarea.

The proposed C-MS-5 zoning is consistent with the Framework Plan recommendations. It contributes to maintaining the character of the neighborhood while embracing the Plan’s vision through low to mid-rise building heights and mixed-use projects through the development of an underutilized lot. The C-MS-5 building form standards will ensure that new development is pedestrian-friendly and compatibly transitioned to the adjacent protected district.

Character Areas

The Plan divides the plan area into Character Areas and provides direction for each. The subject site is located in the “Residential Character Area,” which is recommended as an area where continued housing opportunities and related support service should be provided. While generally shown as part of the Residential Character Area, the Plan specifically calls out 8th Avenue as mixed use on both the Fundamental Concept Diagram and the Recommended Land Use Map as described above. The proposed rezoning is consistent with the plan vision for mixed uses along 8th Avenue in support of the adjacent residential areas.

2. Uniformity of District Regulations and Restrictions

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

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed C-MS-5 zone district will allow a range of uses more compatible with a mixed-use corridor, creating opportunities for more housing and community-serving businesses on the property, with standards that ensure new development contributes positively to established residential neighborhoods. Together, the use and form standards in the C-MS-5 zone district will promote the welfare of the area with expanded uses while protecting health and safety through reasonable restrictions. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities.

4. Justifying Circumstance

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, “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 a change may include: Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

As discussed above, *La Alma/Lincoln Park neighborhood Plan* specifically mapped this site as Mixed Use, up to 5 stories, consistent with the proposed district of C-MS-5 that provides a wide range and mix of uses in building forms that address the street and define the public realm. This plan was adopted after the date of approval of the existing zone district; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-) district will include “multi-unit residential and mixed-use commercial strips and commercial centers.” It is also described as follows: “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” (DZC Section 7.1.1). The site is located on a residential collector street, adjacent to main street, and the general area is transforming into a transit-oriented neighborhood with a mix of uses. These conditions make the rezoning consistent with the Urban Center Neighborhood Context description.

The C-MS zone districts are “intended to promote safe, active and pedestrian-scaled, commercial streets through the use of building forms that clearly define and activate the public street edge” (DZC Section 7.2.4.1.A). As these districts are also intended to enhance the ease of walking and support transit, C-MS-5 is consistent and appropriate given the purpose of the district and the location in which it is requested.

According to the zone district intent stated in the Denver Zoning Code, the C-MS-5 district “applies primarily to collector or arterial street corridors or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired” (DZC Section 7.2.4.2.A). The site is directly served by a collector street. The standards of the district, including the protected district standards, will ensure that development is compatible with the adjacent neighborhood. As such, the site and rezoning are consistent with the specific zone district intent.

Attachments

1. Application
2. Comment Letters



Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
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 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 type="checkbox"/> Yes - if yes, state date and method _____ <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 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):</p> <hr/>
<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 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 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> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> 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>

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.

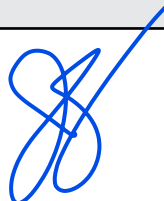
ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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
						



Steve Ferris, Principal
sferris@realestategarage.net

Submitted February 10, 2023, amending 1/16/23 submittal to correct legal and square footage

City and County of Denver
Community Planning & Development
Planning Services Division
201 W. Colfax Avenue, 2nd floor
Denver, CO 80202
As emailed to rezoning@denvergov.org

**RE: Application, Request to Rezone Lots 14 & 15 Smith's Addition Located within the Parcel located at 621 W 8th Ave. from U-RH-3A UO-3 to C-MS-5
Application # Number: 2022I-00188**

Dear Community Planning & Development:

This firm represents WEST 8TH PARTNERS LLC, the property owner, and the corresponding property, 621 W 8th Ave., regarding the attached application for a zoning map amendment (“rezoning”). Based on the criteria for review in the Denver Zoning Code, we recommend that staff recommend approval to the Planning Board and City Council for Application #2022I-00188.

The actual property affected by this rezone, as it currently exists, is a legal parcel that is zoned C-MS-5 excepting two lots (Lots 14 & 15 Smith's Addition) that are zoned U-RH-3A. These two lots comprise 6,225 square feet of the total parcel's 23,336 square feet (see Figure 1 below). This dual, inconsistent zoning has existed since the City adopted Chapter 59 zoning in 1956, yet the entire parcel consistently has been used as a series of commercial properties. It is unclear why Lots 14 & 15 were designated as R-3 in 1956 and U-RH-3A in 2010, while sharing a use that was obviously commercial. This request to rezone seeks to correct this incongruity by unifying the entire parcel zoning to C-MS-5.

Unfortunately, the code-required rezoning review criteria, while thoughtful, inadequately considers the property's history as a commercial operation. Title history and neighborhood knowledge indicates a grocery store and/or vehicle repair activities on the site since about 1953. The general acceptance that the site was zoned entirely commercial extended to 2 city departments: In 2022 Community Planning and



Development required 2 project reviews before it correctly identified the existing inconsistent zoning; and, the Assessor has historically taxed the property as entirely commercial. Under these conditions the current owner spent months exploring development approval for the site. Figures 1 and 2 below illustrate this complication.

In general, it would be helpful if the code-required rezoning review criteria could consider this condition. The following narrative identifies this inconsistency as a *possible* “Justifying Circumstance” topic to suggest the existing zoning was the result of an error. However, the history and existing conditions noted herein are *not* being formally cited as justification to rezone this property.

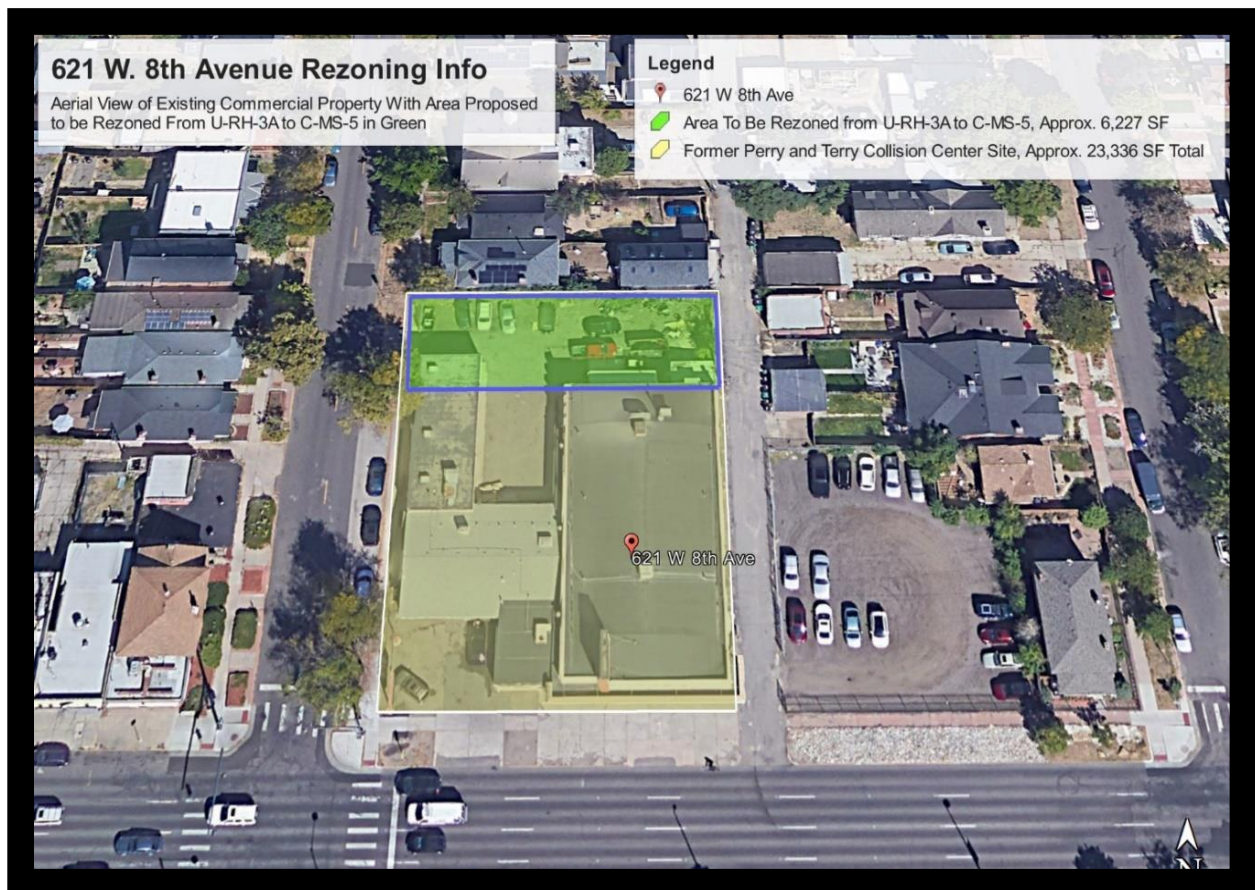


Figure 1: Aerial of Existing Conditions

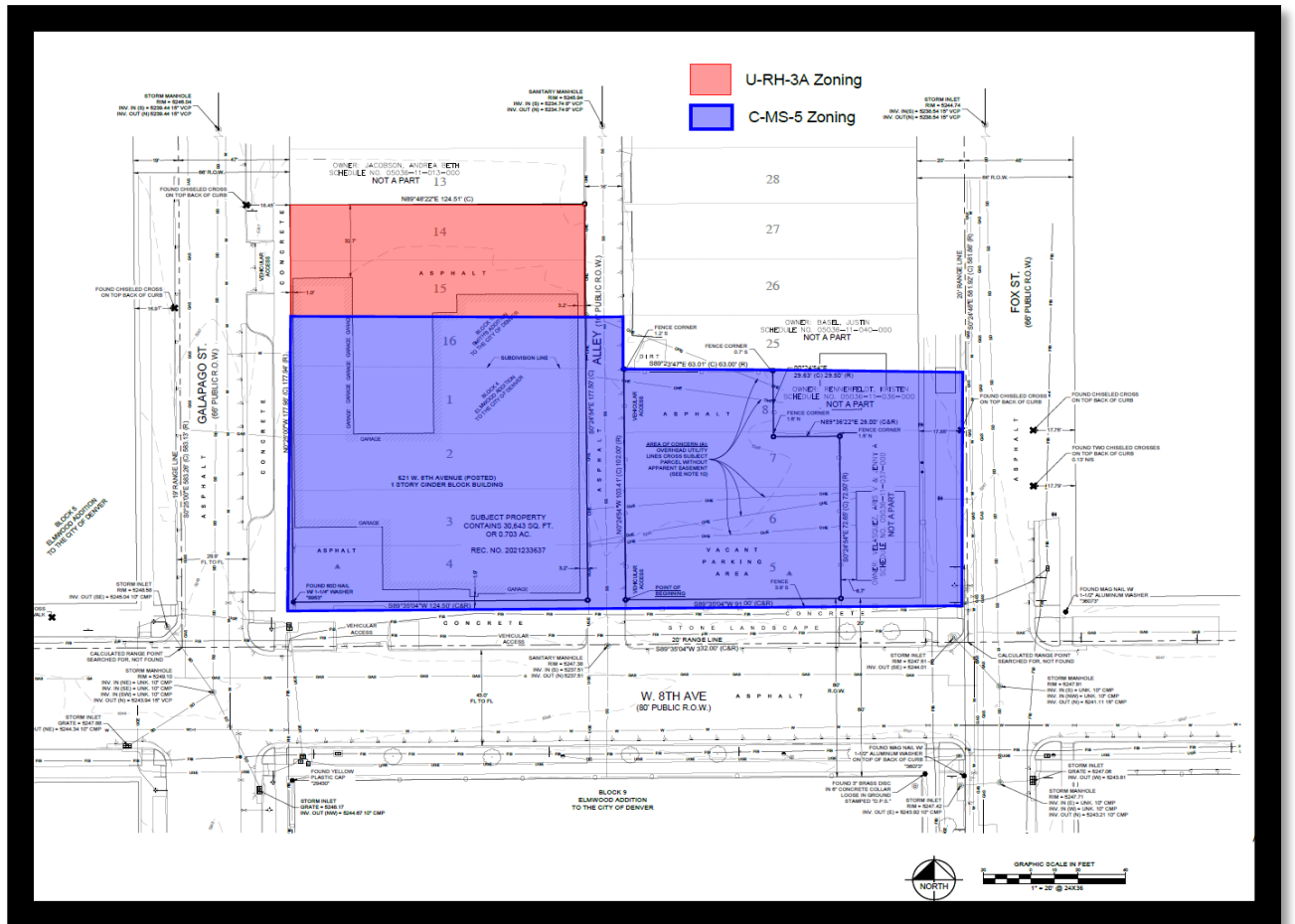


Figure 2: Survey of Existing Conditions

Request for Rezoning

Address: 621 W 8th Ave., Denver, CO 80204

Neighborhood/Council District: Lincoln Park / Council District 3.

RNOs: Inter-Neighborhood Cooperation (INC), La Alma Lincoln Park Neighborhood Association, La Alma Neighborhood Association, Strong Denver, United Northwest Denver.

Area of Property: Lots 14 and 15 comprise 6,225 square feet. (The entire affected parcel contains 23,336 square feet or 0.536 acres.)

Current Zoning: U-RH-3 UO-3 (Lots 14 & 15 only), C-MS-5 for remainder.

Proposed Zoning: C-MS-5 for Lots 14 & 15 and the entire parcel.

Property Owner(s): WEST 8TH PARTNERS LLC.

Summary of Rezoning Request

- The subject property contains a portion of a single-story, commercial/light industrial structure built in 1953. It is located within the Lincoln Park statistical neighborhood at the northeast corner of Galapago St. and W. 8th Ave.
- The property owner is proposing to rezone the Lots 14 and 15 to meet the intent of citywide plans and to implement these plans by unifying the regulatory zoning at this site. As noted above, the current zoning is “split” between C-MS-5 and U-RH-3 (Lots 14 & 15).
- The requested C-MS-5 zone district (Urban Center - Main Street - 5 Stories) zone district is typically applied linearly along entire block faces of commercial, industrial, main, mixed-use, and residential arterial streets. It should be applied where active street level retail is desired or within larger mixed-use areas to promote street level retail activity. C-MS-5 applies where a building scale of 2 to 5 stories is desired. Further details about the C-MS-5 zone district can be found in Article 7 of the Denver Zoning Code (DZC).

Proposed Zoning

The requested C-MS-5 zone district has a maximum height of five stories or 70’ with allowable encroachments. The minimum primary street front setback is 0’, except for the town house building form which has a 10’ minimum primary street setback. A variety of residential and commercial uses are allowed. Minimum vehicle parking requirements in the C-MS-5 zone district are lower than the minimum vehicle parking requirements in Lots 14 & 15’s existing U-RH-3 zone district. For additional details of the requested zone district, see DZC Article 7.

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

Design Standards	U-RH-3A	C-MS-5 (Proposed)
Primary Building Forms Allowed	Urban House, Duplex, Tandem House, Row House	Town House; Drive Thru Services*; Drive Thru Restaurant*; Shopfront
Stories/Heights (max)	2.5/1; 35’/19’ (Row House)	5 stories/70’
Primary Build-To Percentages (min)	N/A (Row House)	70% to 75%**
Primary Build-To Ranges	N/A (Row House)	0’ to 5’, 10’ to 15’**
Minimum Zone Lot Size/Width	6,000 sf / 50’ (Row House)	N/A
Primary Street Setbacks (min)	Calculated per Sec. 13.1.5.9 (Row House)	0’ to 10’* *
Primary Street Transparency (min)	N/A (Row House)	40% to 60%**
Floor Area Ratio (max)	N/A (Row House)	N/A

* Building form not allowed within a ¼ mile of a transit station platform. This site is within ¼ mile of the 10th and Osage light rail station platform.

**Standard varies between building forms

The exhibits referred to herein shall constitute a part of this application and are incorporated into this application for all purposes.

- **Exhibit A:** Property Legal Description
- **Exhibit B:** Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7., amended 2/12/21).
- **Exhibit C:** Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.)).
- **Exhibit D:** Community Support and Outreach.
- **Exhibit E:** Letter of Authorization for Steve Ferris and the Real Estate Garage, LLC to act as Representative.
- **Exhibit F:** Proof of Ownership and Agency, Assessors Record, and LLC documentation.

Exhibit A

Legal Description

621 W 8TH AVE

LOTS 14 TO 16 BLOCK 16 SMITHS ADDITION

also known as a portion of street and number as: **621 W 8TH AVE, DENVER, CO
80204**

Exhibit B

Description of Consistency with Adopted City Plans/General Review Criteria (DZC 12.4.10.7.)

The criteria for review of this rezoning application are found in DZC Section 12.4.10.7 and 12.4.10.8:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8 4

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- La Alma / Lincoln Park Neighborhood Plan

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

The proposed rezoning would allow for an additional housing unit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A - Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy B - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A - Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy B - Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D - Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods, Goal 4, Strategy A - Grow and support neighborhood serving businesses (p. 35).

The proposed rezoning is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work and play in their own neighborhoods. (p. 54)
- Environmentally Resilient Goal 8, Strategy C - Focus growth by transit stations and along highland medium-capacity transit corridors (p. 54).

The requested map amendment will allow an additional residential unit at an infill location where infrastructure is already in place. The requested zone district enables a building form and use which can provide residents with a mixture of housing types. Therefore, the rezoning is consistent with Denver Comprehensive Plan 2040 recommendations.

Blueprint Denver (2019)

Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city's land use and transportation decisions. Blueprint Denver identifies the subject property as part of a Local Corridor future place type within the General Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

In Blueprint Denver, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as a General Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). Blueprint Denver describes the General Urban neighborhood context

as follows: “Multi-unit residential is the most common with some single-unit and two-unit residential, commercial and mixed-use embedded. Block patterns are generally a regular grid with consistent alley access. Multi-unit residential buildings are low-to mid-scale mixed in with some low-scale residential uses” (p. 238).

The general urban context is “navigable and accessible due to a predictable street grid in residential areas and the availability of dedicated transit options and bike lanes. These areas offer great walkability and access to neighboring areas and commercial nodes. Parking is a mix of off-street with managed on-street options” (pg. 221).

Consistent with area-specific recommendations from the applicable area plan (see La Alma / Lincoln Park Area Plan, below), properties along 8th Ave. at this location identified as being within Blueprint’s General Urban context have Main Street zone districts. However, the zone district applied to this area in 2010, C-MS-5, is from the Urban Center (C) Neighborhood Context. Districts in the Urban Center context are intended to promote development that “typically contains a substantial mix of uses, with good street activation and connectivity,” (p. 253).

The applicant for this rezoning proposes C-MS-5 to be consistent with the zoning of the property, enabling redevelopment that spans both parcels with a single set of regulations. C-MS-5 is consistent as it achieves very similar outcomes and goals as a General Urban neighborhood context zone district would achieve. Districts in both the Urban Center and General Urban neighborhood contexts allow the same Shopfront building form with nearly identical standards for building form (height, transparency, etc.) and uses.

Blueprint Denver Future Places

Within the General Urban Neighborhood Context, the subject property is categorized as Local Corridor Future Place with a land use and built form defined by Blueprint Denver as “[p]rimarily provides options for dining, entertainment, and shopping. May also include some residential and employment uses. Typically frequented by residents of the neighborhood. Highest activity levels during evenings and weekends. Buildings have distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages. Heights are generally up to 3 stories. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas” (p. 244).

Blueprint Denver acknowledges that neighborhood contexts are mapped at a citywide scale and that boundaries of contexts may be interpreted with limited flexibility if the request furthers Blueprint goals (p. 66). The proposed C-MS-5 zone district allows for a mix of uses and allowable building forms that contribute to street activation consistent

with Blueprint and Area Plan recommendations in this area. Additionally, it would align the zoning requirements of this property, allowing redevelopment in a single zone district. This aligns with Blueprint’s recommendation to encourage infill redevelopment of underutilized parcels in community centers and corridors (p. 49). Taking these factors into consideration:

Blueprint Street Types

In Blueprint Denver, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). Blueprint Denver classifies W 8th Ave. as a Main Street Arterial, which “...are designed for the highest amount of through movement and the lowest degree of property access.” (p. 154). Galapago St. is classified as a Residential Collector which “are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets.” (p. 154).

If Lots 14 & 15 are rezoned and unified with the entire legal parcel under C-MS-5, the combined lot will have frontage on W 8th Avenue, which is classified as a Main Street Arterial, where MS zone districts are appropriate. Given the flexibility for adjacent uses and building form for these Street Types, the proposed C-MS-5 zone district would be consistent with these Future Street Type classifications.

Blueprint Growth Strategy

Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed C-MS-5 zone district is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while adding to the area’s character. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from Blueprint Denver:

- Land Use & Built Form - Housing Goal 2: Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas (p. 82).

- Land Use & Built Form - Housing Goal 2: Integrate missing middle housing into low and low medium residential areas, especially those that score low in housing diversity. This allowance should advance goals for affordability, such as including a requirement to provide affordability in exchange for increased density (p. 82).

This rezoning from a row house zone district for Lots 14 & 15 to commercial will have minimal impacts on the character of the surrounding neighborhood and is consistent with Blueprint Denver recommendations. Additionally, the rezoning of the subject property will have a positive impact by facilitating affordable missing middle housing options for residents in the neighborhood. The proposed map amendment is therefore consistent with the above strategies.

La Alma / Lincoln Park Neighborhood Plan

The La Alma / Lincoln Park Neighborhood Plan was adopted by City Council in 2010 and applies to the subject property. The plan designates the property's Character Area as a Residential Area. The Plan identifies the following relevant vision, goals, and recommendations for the Residential Character Area:

- A diverse population is supported by providing support services such as childcare facilities, transit, and a variety of housing opportunities.
- Home ownership opportunities are encouraged through job creation in adjoining areas.
- The context of the residential character remains Urban Neighborhood based on its regular grid and alley block pattern and predominant single-family pattern with duplex and *other multi-family uses mixed in*.

While the plan identifies the subject parcel as an area of stability, this area does accommodate some new development and redevelopment (p. 21) and allowing moderate infill and density (p. 22). Further, the Land Use and Urban Design Section designates the property as Mixed Use Retail (p. 23) and recommends heights up to 5 stories (p. 25).

2. Uniformity of District Regulations and Restrictions

The proposed rezoning of Lots 14 & 15 to C-MS-5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plans. The

proposed zone district will allow for transit-supportive uses near a transit station and require pedestrian-oriented design in a Transit Oriented neighborhood.

Blueprint Equity Concepts, Applying Equity Concepts for Small Rezoning:

In Blueprint Denver Section 3.1; Plan In Action: Applying Blueprint Denver to Rezoning, Blueprint states:

“Equity Concepts: Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above, they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings”.

While Blueprint Denver acknowledges that Equity Concepts are difficult to apply to small property rezonings such as this one, we believe these are important criteria to address in our city. In addition, by rezoning this inconsistently zoned tax parcel, the result will be a cohesively zoned legal parcel, which itself will make the larger project financially feasible. As such, this rezoning may help this small property contribute to a more equitable Denver in the following ways:

Equity Concept 1: Expanding Housing and Jobs Diversity - *providing a better and more inclusive range of housing and employment options in all neighborhoods.*

The current zone districts are multi-unit districts. By rezoning to the proposed C-MS-5, the City and County of Denver will allow for a greater range of housing options and employment related to redevelopment of this site (e.g., consulting, construction, city permits, etc....).

The Importance of Housing and Jobs Diversity

It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (40)

The C-MS-5 zone district for Lots 14 & 15 will allow for, and provide, flexibility for multiple building forms and uses. This zoning district would allow for a more equitable distribution of housing types that will help ensure that new development contributes positively to established residential neighborhoods and character. As such, there is little doubt that rezoning would overcome the constraints of the existing zoning, as it will allow the introduction of housing and employment opportunities that do not exist today.

Equity Concept 2: Improving Access to Opportunity - creating more equitable access to quality-of-life amenities, health, and quality education.

The proximity of an amenity (including quality jobs, schools, parks, health care services and healthy food), the affordability of that amenity, and the safety and ease of access to that amenity are important elements of access to opportunity. Equitable access to opportunity strengthens our collective prosperity and improves outcomes for all. 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.” (pp. 32-35)

The proposed map amendment will promote public access to open spaces integrated with nature (e.g., Sunken Gardens Park), encourage better connection to transit (e.g., RTD 10th & Osage and Bus Stops Numbers 16421 & 20117) and adjacent transportation networks, and provide more housing supply. According to a [zoning map on the city’s website](#), much of the land in Denver is zoned for single-unit residencies, which typically means detached houses with individual backyards. These zoning restrictions have reduced the supply of housing units, which has had a drastic impact on housing costs in Denver¹.

¹ Werley, J. (March 3, 2022). *Even with monthly uptick in inventory, Denver housing supply hits another record low.* Denver Business Journal.
<https://www.bizjournals.com/denver/news/2022/03/03/dmar-market-report-march-2022-denver-housing.html>

Exhibit C:

4. Additional Criteria/Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8.) Justifying Circumstances

Only changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: “Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan....” Since the approval of the existing zone district, the City has adopted the Comprehensive Plan 2040 and Blueprint Denver. Additionally, similar properties in the Lincoln Park Neighborhood have been rezoned to C-MS-5, including the adjoining lots contained within the legal parcel. As stated throughout this application, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

In addition, as noted in this application’s introduction and cover letter, the historical uses of Lots 14 & 15 and the the entire legal parcel have been commercial businesses since at least 1953 - while a portion was inconsistently zoned as residential in 1956 and 2010. These facts implicitly suggest existing zoning could be cited as the result of an error.

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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-MS) districts will include “multi-unit residential and mixed-use commercial strips and commercial centers.” It is also described as follows: “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” (DZC Section 7.1.1). The site is located on a Main Street Arterial street and the general area is transforming into a Transit-Oriented neighborhood with a mix of uses. These conditions make the rezoning consistent with the Urban Center Neighborhood Context description.

The C-MS zone districts are “intended to promote safe, active and pedestrian-scaled, commercial streets through the use of building forms that clearly define and activate the public street edge” (DZC Section 7.2.4.1.A). As these districts are also intended to enhance the ease of walking and support transit, C-MS-5 is consistent and appropriate

given the purpose of the district and the location in which it has been requested. According to the zone district intent stated in the Denver Zoning Code, the C-MS-5 district “applies primarily to collector or arterial street corridors or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired” (DZC Section 7.2.4.2.A). Lots 14 & 15 are directly served by a collector street. As such, the site and rezoning are consistent with the specific zone district intent.

Exhibit D

Community Support and Outreach

Prior to submitting this application, we discussed the intent of the rezoning with Council District 3. Prior to submittal we also contacted At-Large councilpersons. In addition, we have reached out and/or communicated with Inter-Neighborhood Cooperation (INC), La Alma Lincoln Park Neighborhood Association, La Alma Neighborhood Association, Strong Denver, United Northwest Denver. As of this writing, no RNO's have responded to our requests for a meeting, but we fully expect to be in touch with representatives of the La Alma Lincoln Park Neighborhood Association in the weeks to come.

Exhibit E

Letter of Authorization for Steve Ferris and the Real Estate Garage, LLC to act as Representative

Please see following insert.

West 8th Partners, LLC
P.O. Box 7236, Breckenridge, CO 80424

January 17, 2023

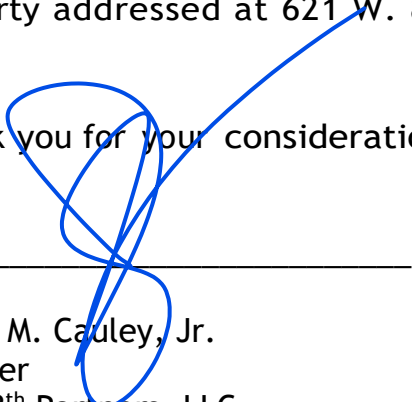
As Submitted Within Rezoning Application

RE: Authorization to Represent Rezoning Application for 621 W. 8th Avenue

Interested Parties with the City of Denver:

We hereby authorize Steve Ferris and his firm, the Real Estate Garage, to represent West 8th Partners, LLC within the rezoning application for our property addressed at 621 W. 8th Avenue in the City of Denver.

Thank you for your consideration,



James M. Cauley, Jr.
Manager
West 8th Partners, LLC

Exhibit F

Proof of Ownership and Agency

Please see following inserts.



2021233637

Page: 1 of 2

12/22/2021 11:43 AM
City & County of Denver
Electronically Recorded

R \$18.00

WD

D \$422.50



State Documentary Fee
Date: December 21, 2021
\$422.50

General Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(a))

Grantor(s), **R&O, LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **7116 CEDARWOOD COURT, PUEBLO, CO 81007**, City or Town of **PUEBLO**, County of **Pueblo** and State of **Colorado**, for the consideration of **(\$4,225,000.00) ***Four Million Two Hundred Twenty Five Thousand and 00/100 ***** dollars, in hand paid, hereby sell(s) and convey(s) to **WEST 8TH PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **5740 OAK CREEK LANE, GREENWOOD VILLAGE, CO 80121**, City or Town of **GREENWOOD VILLAGE**, County of **Arapahoe** and State of **Colorado**, the following real property in the County of **Denver** and State of Colorado, to wit:

LOTS ONE (1) TO FOUR (4), INCLUSIVE, BLOCK FOUR (4), ELMWOOD ADDITION TO THE CITY OF DENVER, AND LOTS FOURTEEN (14) TO SIXTEEN (16), INCLUSIVE, BLOCK SIXTEEN (16), SMITH'S ADDITION TO THE CITY OF DENVER, AND THAT PART OF LOTS 5 TO 8 INCLUSIVE, DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, THENCE EAST 91 FEET, THENCE NORTH 72.50 FEET, THENCE WEST 28 FEET, THENCE NORTH 29.50 FEET, THENCE WEST 63 FEET, THENCE SOUTH 102 FEET TO POINT OF BEGINNING, BLOCK 4, ELMWOOD ADDITION, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: **621 W 8TH AVE AND 607 W 8TH AVE, DENVER, CO 80204**

with all its appurtenances and warrant(s) the title to the same, subject to Statutory Exceptions.

Signed this day of 21 Dec 2021

(SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: **WEST 8TH PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY**
5740 OAK CREEK LANE, GREENWOOD VILLAGE, CO 80121



WHEN RECORDED
RETURN TO:



STATEMENT OF AUTHORITY
(§38-30-172, C.R.S.)

1. This Statement of Authority relates to an entity¹ named
WEST 8TH PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY
2. The type of entity is a:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Registered Limited Liability Partnership
<input type="checkbox"/> Nonprofit Corporation	<input type="checkbox"/> Registered Limited Liability Limited Partnership
<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Limited Partnership Association
<input type="checkbox"/> General Partnership	<input type="checkbox"/> Government or Governmental Subdivision or Agency
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Trust
<input type="checkbox"/>	
3. The entity is formed under the laws of **Colorado**
4. The mailing address for the entity is **5740 OAK CREEK LANE, GREENWOOD VILLAGE, CO 80121**
5. The name position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **MOTIVE BUILDE4RS, LLC, A COLORADO LIMITED LIABILITY COMPANY**
6. The authority of the foregoing person(s) to bind the entity: is² not limited is limited as follows :
7. Other matters concerning the manner in which the entity deals with interests in real property:
8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S. ³
9. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed **this day of** 21 Dec 2021

(SEE ATTACHED "SIGNATURE PAGE")

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



Statement of Authority - Buyer/Borrower

SIGNATURE PAGE

WEST 8TH PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: MOTIVE BUILDERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, ITS MANAGER

By: _____
JAMES M. CAULEY, JR., MANAGER

State of CO)
)ss.
County of Denver)

The foregoing instrument was acknowledged before me on this day of 21 Dec 2021 by JAMES M. CAULEY, JR., MANAGER OF MOTIVE BUILDERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, THE MANAGER OF WEST 8TH PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY

Witness my hand and official seal

My Commission expires: 3/9/24 _____
Notary Public

Ryan Matthew Urban
Notary Public
State of Colorado
Notary ID 20204000716
My Commission Expires: March 09, 2024

From: [Jen Velasquez](#)
To: [Rezoning - CPD](#)
Subject: [EXTERNAL] Comment about 621 w 8th project
Date: Thursday, May 18, 2023 1:39:44 PM

Hello!

I missed the notice that the refining of 621 w 8th Ave planning board meeting was yesterday. I am the direct neighbor, located at 603 w 8th Ave. I know I'm late with this, but I would like to submit that I oppose the rezoning of this project. I don't wish for it to be 5 stories.

Thank you for your consideration. Please feel free to contact me if you have any questions or concerns at 303-217-6102

Thank you,

Jen Velasquez
603 W 8th Ave

From: [Sid Sharma](#)
To: [Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] Re: Objection to rezoning case 2022I-00188 - 621 W 8th Avenue
Date: Sunday, June 4, 2023 11:40:50 AM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

I also have concerns regarding the construction itself, the debris, as well as the impact to my foundation from the construction.

I have tried calling you through your office, but have been unsuccessful. If you are not the right contact please direct me to the appropriate contact.

Thanks,
Sid

> On May 26, 2023, at 1:20 PM, Sid Sharma <ssharma4115@gmail.com> wrote:

>

>

> Hello,

>

> I have been out of town for a month taking care of family, but returned to find a notice of a planning board hearing for the rezoning of the address above. It seems this meeting has already occurred during the time I was gone. I live across the street from this building at 769 Galapago St. Denver and rezoning this building would block my city view which was implied in the valuation of the home when it was bought with the public knowledge of zoning in the area. Window views, balcony views, backyard views, front yard all would be impeded by what this rezoning and project imply.

>

> Additionally I have concerns regarding parking and traffic given there is already traffic issue, no street parking capacity and a school next door. The project implies it will be creating >50% more units than onsite parking spots if I remember correctly.

>

> I would like to know the status and process going forward for the rezoning of this project and clearly I object to the rezoning given the zoning creates an adverse outcome by changing public knowledge. It was public knowledge what the zoning was when our house was bought and it was public knowledge what the zoning was when 621 W 8th Ave was bought. I do not approve of rezoning to reward developers who want to rewrite the rules in their favor at the expense of others who already live here.

>

> Thanks,

> Sid

Planning Board Comments



Submitted on	17 May 2023, 9:36AM
Receipt number	550
Related form version	3

Your information

Name	Anna Chapek
Address or neighborhood	871 Fox St
ZIP code	80204
Email	aschapek@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	621 W. 8th Ave.
Case number	22i-00188

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project? Strong opposition

Your comment:

The current limit of 3 stories max for lots 14 & 15 should be upheld. The proposed apartment complex planned for the site is far too dense even with the limit of 3 stories remaining in place. My main concern (though there are others) is lack of space for parking of which there already is a shortage. The developer says he'll provide parking spaces for his residents however he is going to charge them extra money for those spots. The future residents will opt to park for "free" on the street. The neighborhood does not have room for that. Such density & crowding will severely degrade the quality of life for current homeowners & residents. Such crowding will cause decreased mental health and increased road rage & conflict. There are a number of elderly residents & others with small children for whom being forced to park far away from their homes does not work.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.