



Community Planning and Development
Planning Services

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TO: Denver City Council
FROM: Courtney Levingston, AICP, Senior City Planner
DATE: September 24, 2020
RE: Official Zoning Map Amendment Application #2019I-00045

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** of Application #2019I-00045.

Request for Rezoning

Addresses:	50 S. Kalamath St., 39 S. Kalamath St., 10 S. Lipan St., 101 S. Santa Fe Dr.
Neighborhood/Council District:	Baker Neighborhood / Council District 7
RNOs:	Inter-Neighborhood Cooperation (INC), Baker Historic Neighborhood Association
Area of Rezoning:	280,766 square feet or 6.44 acres
Current Zoning:	I-A, UO-2 and I-B, UO-2
Proposed Zoning:	I-MX-5, UO-2, DO-7 with waivers
Property Owner(s):	AMC Kalamath VII, LLC
Owner Representative:	Patrick J. Schmitz

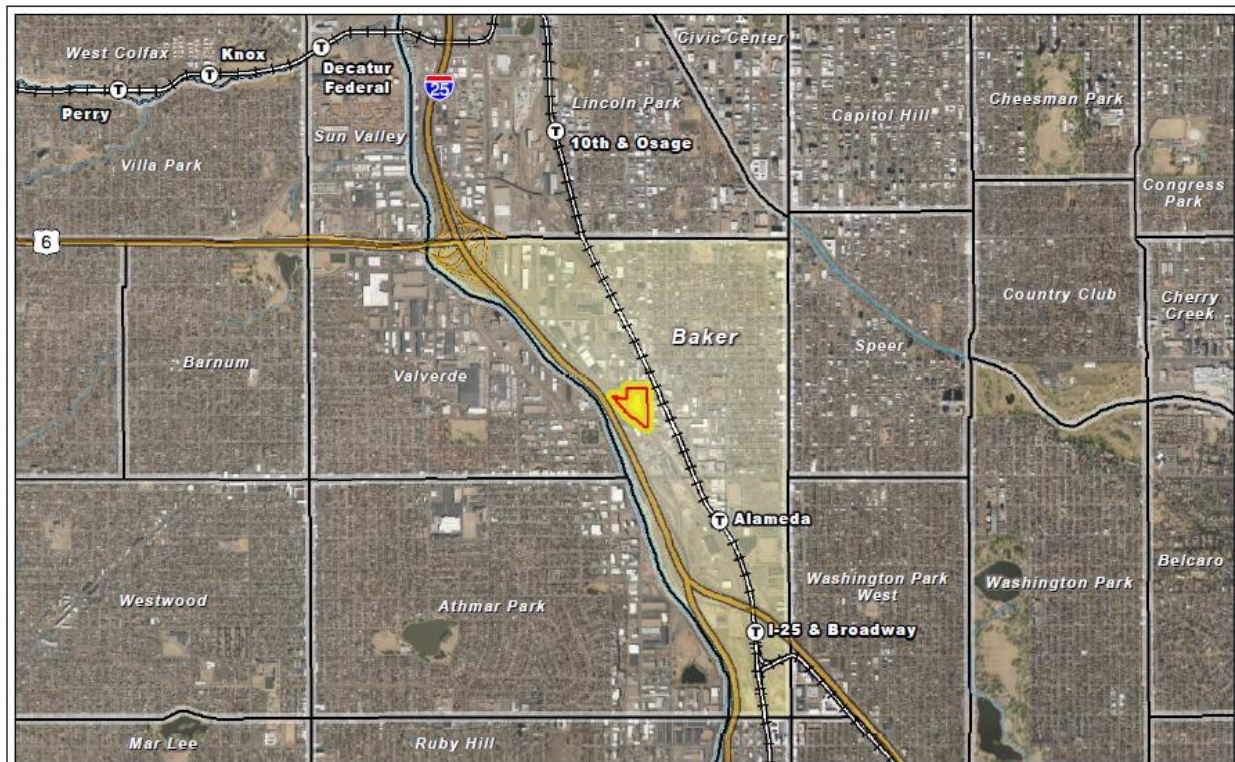
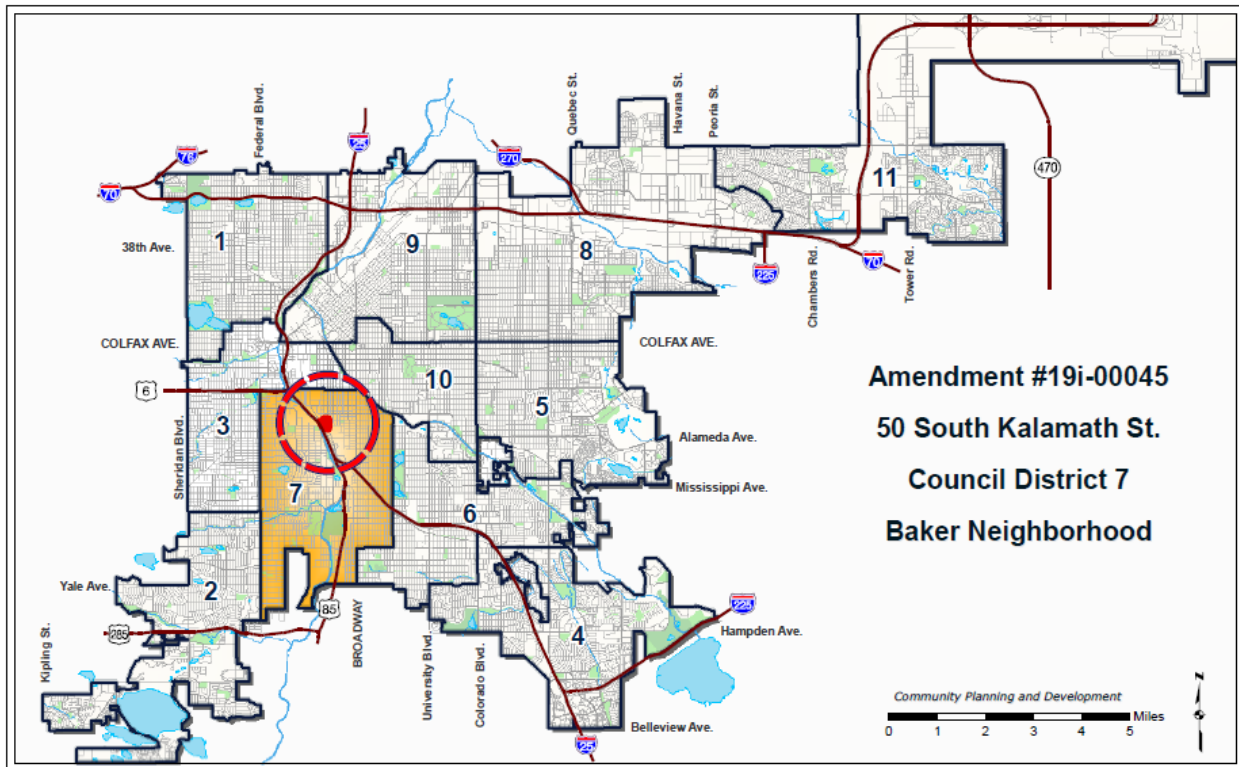
Summary of Rezoning Request

- The subject properties are in Council District 7 in the Baker statistical neighborhood. They are between I-25 and S. Santa Fe Dr. south of W. Ellsworth Ave. and north of W. Cedar Ave.
- The rezoning is comprised of four separate properties, the largest is 50 S. Kalamath St. at 223,815 sq. ft. in size., which was previously used as a large warehouse for Sports Authority. The parcels at 39 S. Kalamath St. and 10 S. Lipan St. are parking lots to the west and are 26,559 sq. ft. and 6,720 sq. ft. in size, respectively. 101 S. Santa Fe Dr. to the south is also a parking lot and is 22,924 sq. ft. in size.
- A Large Development Review (LDR) process was required for the site and resulted in a recorded Large Development Framework (LDF) document. A community information meeting occurred as part of this process. A voluntary affordable housing agreement, open space commitment and mobility study are outlined components of the LDF.
- The requested zone district is I-MX-5, UO-2, DO-7 with waivers. The I-MX-5 zone district (Industrial Context, Mixed-Use, 5-story maximum height) allows the industrial and general primary building forms and is intended to provide a transition between heavier industrial uses

in the I-A and I-B zones with development that takes a more pedestrian-oriented form characterized by buildings built up to the street and an active street level. Further details of the zone district can be found in Division 9.1 of the Denver Zoning Code (DZC).

- The applicant's request includes maintaining the Billboard Use Overlay, UO-2, on the property. There are no billboards currently on the subject properties site and no future billboards are contemplated in connection with this rezoning. Further details of the Billboard Use Overlay can be found in Section 9.4.4 of the Denver Zoning Code (DZC).
- The River North Design Overlay (DO-7) is intended to promote high-quality design, a human scale that promotes vibrant pedestrian-oriented streets, and multi-modal transportation options. These design standards mandate a higher design quality and street level activation than the I-MX-5 base zone district. The overlay would apply to entire subject site. Further details of the DO-7 can be found in Section 9.4.5 of the Denver Zoning Code (DZC).
- Two waivers are requested to the design standards of the DO-7. The first is a request to reduce the street-level non-residential active use requirement to 185 linear feet for zone lots over 35,000 sq. ft. As currently configured, this would apply to the large parcel at 50 S. Kalamath St. The other waiver would be to reduce the street level height requirement from 16 feet minimum to 14 feet minimum.

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Existing Context



The subject properties are in the western portion of the Baker statistical neighborhood, directly east of I-25. The subject site abuts the railroad tracks to the west and southwest. The central corridor light rail line is about 220 feet from the northeast corner of the site. The southern portion of the site is .5 mile from the Alameda Station, providing access to service along the C, D, E, F and H lines. The site can be accessed by vehicles via W. Bayaud Ave. to the east or S. Kalamath St. and S. Santa Fe Dr. to the north and south. The South Platte River Trail is accessible at Alameda Ave., a little over ¼ mile south. Dailey Park and La Familia Recreation Center are about a quarter mile east from the site, however the sidewalk network is intermittent along W. Bayaud Ave. from S. Santa Fe Dr. to S. Elati St.

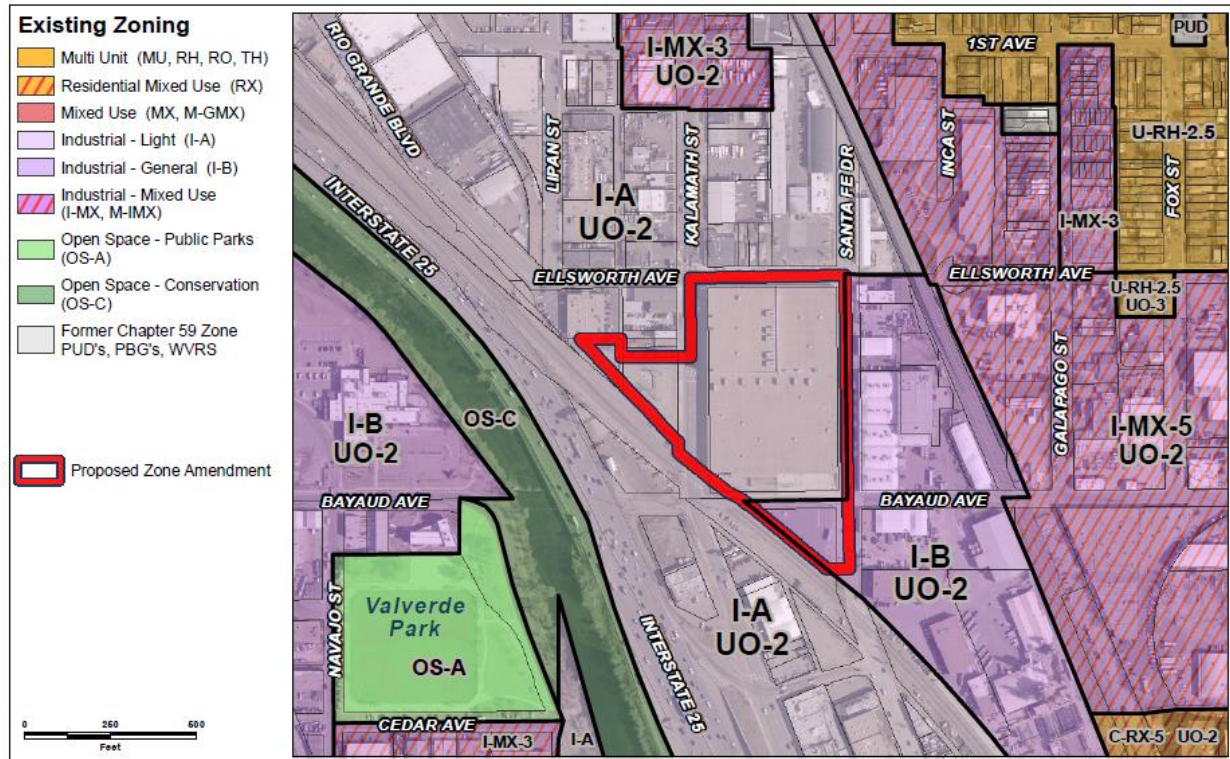
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A UO-2, I-B UO-2	Parking, vacant, industrial	1-story large warehouse building	The street grid is generally irregular and interrupted by the rail corridors to the west and east. The area has access from the east via W. Bayaud Ave. and from the north via S. Kamath St. and S. Santa Fe. Drive.
North	I-A UO-2	Industrial, single-unit homes, commercial retail	1-story commercial warehouse buildings, 1-story "classic cottage" style single unit dwellings	
South	I-A UO-2	R.O.W., parking, industrial	Railroad tracks, 1-story warehouse building	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	I-B, UO-2	Light industrial, commercial/retail (marijuana retail, automotive repair, custom furniture design and fabrication)	1-story warehouse style buildings of various sizes	Blocks are irregular and can be large or oddly shaped. West of the light rail tracks, alleys are infrequent due to previous industrial development patterns and rail corridors.
West	I-A, UO-2	Right-of-way, vacant land	Railroad tracks, I-25	

The subject property is adjacent to railroad tracks. The Report to Mayor Michael B. Hancock by the Mayor’s Railroad Safety Working Group (July 2016) was provided via email to the applicant on May 12, 2020. As recommended by the report for a project that is adjacent or in close proximity to rail activities, Development Services project coordinators should scrutinize the project more carefully for allowed uses, emergency access, location on site, utilities, right of way improvements, infrastructure needs, etc., and make recommendations to better protect safety and property. During SDP review, Denver Fire and Building review considers and identifies any needs for life safety requirements and egress when adjacent to railroad corridors.

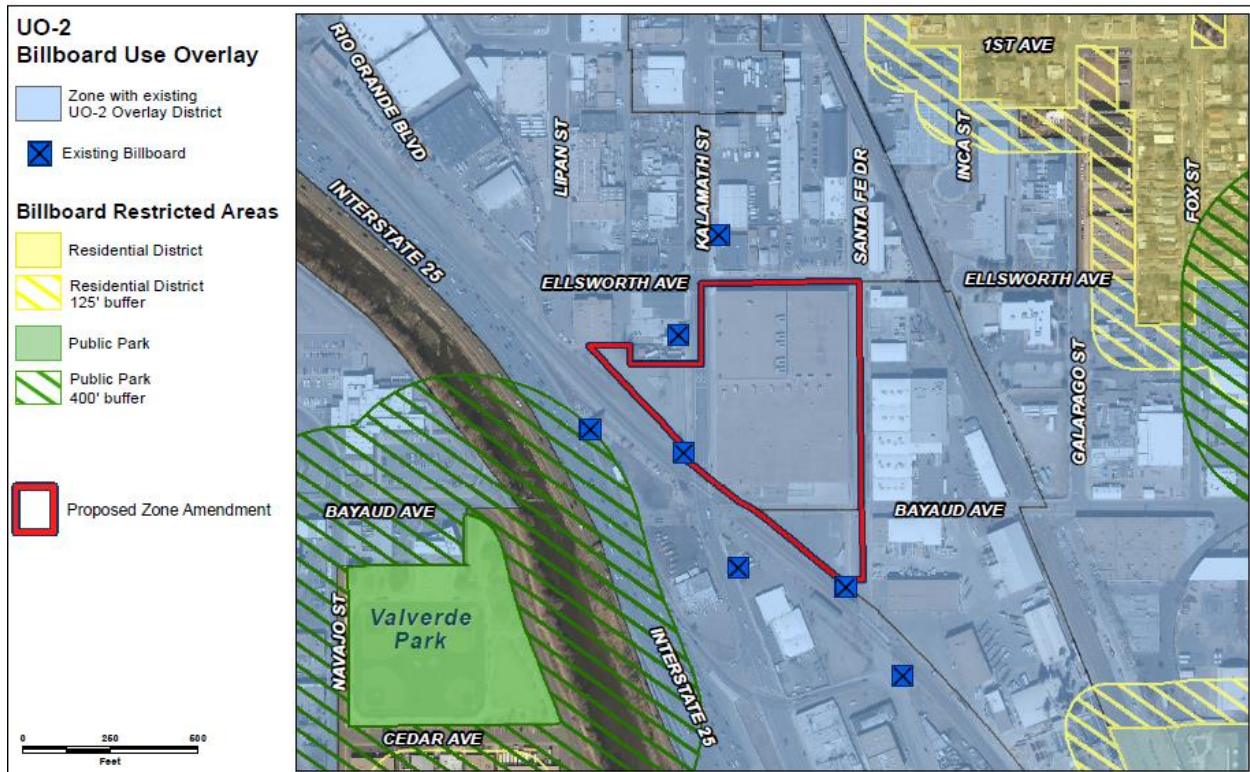
1. Existing Zoning



The majority of the site is zoned I-A, UO-2. I-A is a light industrial zone district in the Industrial Context. It allows office, business, and light industrial uses. Residential uses are only permitted in the light industrial zone where an existing residential structure existed prior to July 1, 2004. The I-A zone district allows the

General and Industrial primary building forms and regulates building mass through a maximum floor area ratio of 2.0. The I-A zone district does not specify a maximum building height except for when a site is within 175' of a protected district, in which case the maximum permitted building height is 75'. There are no protected districts in proximity to the site. Building forms within the I-A zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.

The southern portion of the site (101 S. Santa Fe Dr.) is zoned I-B, UO-2. I-B is a heavy industrial zone district within the Industrial Context. I-B has the same siting and design standards as I-A and allows many of the same primary uses that the light industrial does, with the inclusion of more intense industrial uses like junkyards or animal husbandry uses.



The Billboard Use Overlay District (UO-2) is also applied to the site. The UO-2 allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements for billboards apply, please see DZC Section 10.10.20 for details. The map above shows the existing billboards in the area, and some of the code restrictions associated with billboards. The billboard use overlay is proposed to be retained with the requested rezoning.

2. Large Development Review/ Framework

Large Development Review (LDR) is a process to implement adopted plans and coordinate development Improvements for large projects. As the site is over 5 acres in size, the Development Review Committee (DRC) determined that LDR was applicable. As an outcome of the LDR process, a Large Development Framework (LDF) document was recorded for the site and is included as an attachment to this staff report. The LDF documents the initial feedback from the community and sequencing of steps and requirements for development. A community information meeting was required and held on February 5, 2020, as part of the LDR process. The notes from the meeting are on p. 53 of the attached LDF.

Affordable Housing

Concurrent with the rezoning, the applicant has made a voluntary affordable housing commitment contained within a development agreement, which is in the process of being finalized and will be recorded. The affordable housing agreement would apply to the entirety of the site. Terms of the affordable housing commitment include:

- At least 10% of all units constructed on the property would be income-restricted units (IRU's) with a 60 year period of affordability.
- 25% of all IRU's will contain at least 2 bedrooms and 25% of IRU's will contain at least 3 bedrooms, regardless of residential product type (for-sale or for-rent).
- If rental: 75% of IRU's will be affordable for households earning up to 80% of the area median income (AMI) and 25% of IRU's will be affordable for households earning up to 60% AMI.
- If for-sale: 50% of all for-sale IRU's will be affordable for households earning up to 100% of the AMI and the other 50% of for-sale IRU's will be affordable for households earning up to 80% AMI.

The applicant worked with Denver Department of Housing Stability (HOST) staff and determined how many units would be required under a build alternative plan based on a contemplated project for the large parcel at 50 S. Kalamath St. in connection with the rezoning. Under the build alternative, 7 income-restricted units at 80% AMI would be required. In this case, the voluntary affordable housing commitment of 10% is approximately 47 income-restricted units, with some of those units at a deeper affordability level of 60% AMI..

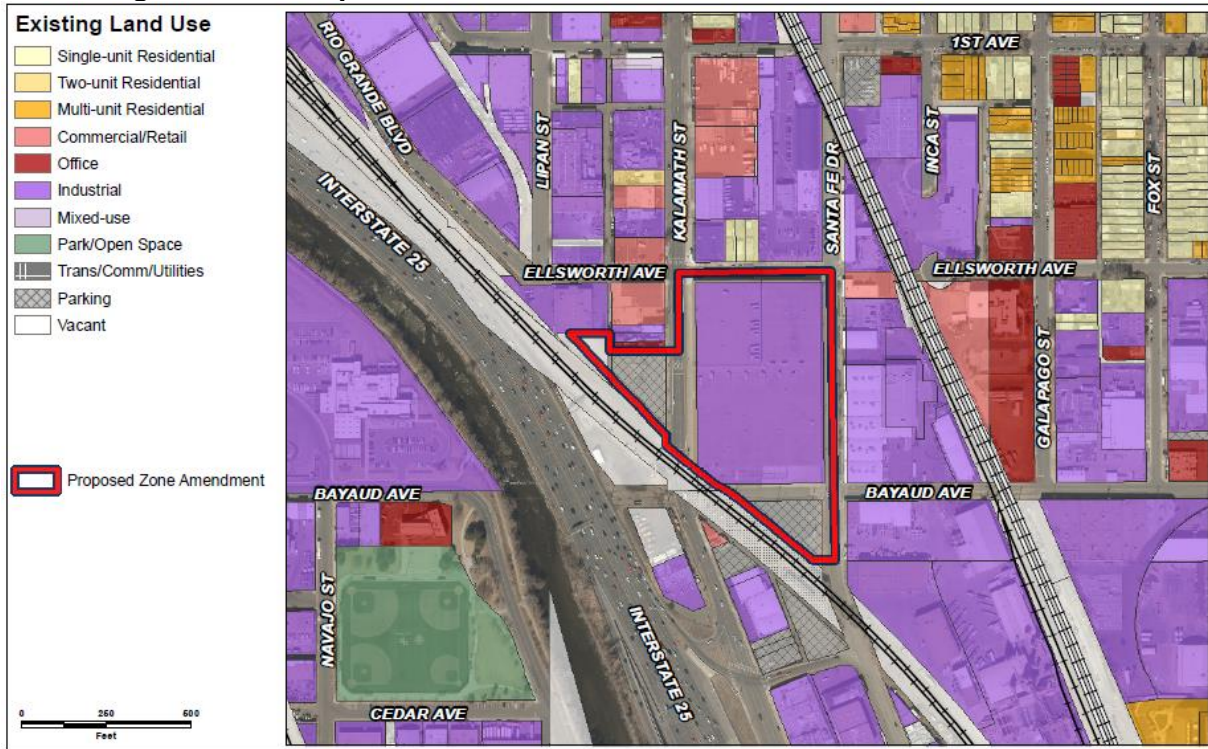
Open Space

The site is subject to the required open space standards for large developments as outlined in DZC Section 10.8.1. In this case, the required 10% of net developable area is estimated to be around .64 acres of open space to be provided. The open space will be privately owned and maintained, yet publicly accessible. The specific location and design of the open space will be determined during at time of the Site Development Plan, in accordance with the open space design standard requirements in DZC Section 10.8.1.6.

Mobility Study

During the LDR process, questions from the surrounding community around a future east-west bike connection at W. Bayaud Ave. were posed. The LDF outlined that a mobility study for this project will occur during the Site Development Plan phase.

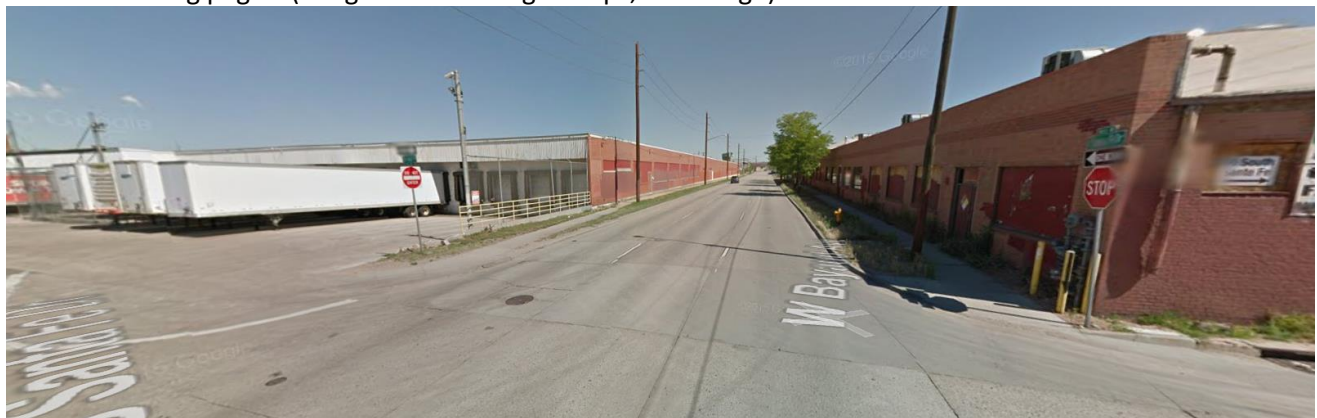
3. Existing Land Use Map



As mentioned on page 1 of the staff report, the rezoning is comprised of four separate properties. The largest is 50 S. Kalamath St. at 223,815 sq. ft. in size, which was previously used as a warehouse for the former Sports Authority company. The parcels at 39 S. Kalamath St. and 10 S. Lipan St. are used as parking lots. 101 S. Santa Fe Dr. to the south is also a parking lot. The larger area is primarily comprised of light industrial uses such as workshops. There are some commercial/retail uses like lighting showrooms, a restaurant and coffee roasters/shop. Additionally, there are three existing single unit houses (built in the early 1900's) to the north of the 50 S. Kalamath St. parcel.

4. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages. (Image source: Google Maps, Abe Barge)



View of 50 S. Kalamath St. (subject site - left) from the intersection of S. Santa Fe Dr. and W. Bayaud Ave., looking north.

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View of the properties at 39 S. Kalamath St. and 10 S. Lipan St., looking west.



View of the intersection of W. Ellsworth Ave. and S. Kalamath St., looking east.



Photo of the large warehouse building located at 50 S. Kalamath from W. Ellsworth Ave, looking south. (photo credit: Abe Barge)

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Photo from W. Ellsworth Ave looking west. Subject property at 50 S. Kalamath is to the left (photo credit: Abe Barge).



View of the subject property at 50 S. Kalamath St. from S. Santa Fe Dr. and W. Ellsworth Ave., looking southwest.



View from W. Ellsworth Ave. and S. Santa Fe Dr. looking south. The subject parcel at 50 S. Kalamath is on the right (photo credit: Abe Barge).



View of the property at 101 S. Santa Fe Dr. from the intersection of S. Santa Fe Dr. and W. Bayaud Ave., looking southwest.

Proposed Zoning

The application requests to rezone the property to I-MX-5, UO-2, DO-7 with waivers. The proposed base zone district of I-MX-5 has a maximum height of 5 stories or 70' with allowable encroachments. A variety of residential, commercial and industrial uses are allowed, with limitations. The existing billboard use overlay (as described above) is proposed to be retained. Under the general building form, the requested I-MX-5 zone district does not allow surface parking between the building and primary street, within 65' of the building facade.

The RiNo Design Overlay (DO-7) provides enhanced design standards for Mixed Use Commercial and Industrial Mixed Use (I-MX) underlying zone districts. Additionally, two waivers are requested to the overlay's design standards. These waivers are explained in more detail below.

The primary building forms and design standards allowed in the existing zone district and the proposed zone district are summarized below. The table uses the standards for general building form and includes the base I-MX-5 standards for comparison purposes.

Design Standards	I-A UO-2 and I-B UO-2 (Existing Zone Districts)	I-MX-5 (for comparison)	I-MX-5 UO-2 DO-7 with waivers (Proposed Zone District)
Building Forms Allowed	General; Industrial	Town House; General; Industrial	Town House; General
Height in Stories/Feet (max)	n/a (unlimited)	5 stories/ 70'	5 stories/ 70'
Primary Street Build-To Minimum Percentage (within min/max)	n/a	50% (0'/10')	70% (0'/15') (7'/20') - residential
Primary Street Setbacks (min)	20'	0'	7' residential uses 0' other uses
Side Street Setbacks (min)	10'*	0'	7' residential uses 0' other uses
Street Level Height (min)	n/a	n/a	14' (waiver down from 16')
Incremental Mass Reduction for Stories 3-5	n/a	n/a	10%**
Primary Street Transparency (min)	n/a	40%	50%
Side Street Transparency (min)	n/a	25%	40%
Primary Street Pedestrian Access	n/a	Entrance	Each dwelling unit must have a dwelling unit entrance with an Entry Feature

*Can reduce to 5' on lot less than 100' in width on the long side of the block.

** For zone lots greater than 18,750 sq. ft. with a width greater than 150'

Requested Waivers

Section 12.4.10.6 of the DZC enables official map amendment applicants to request waivers of certain rights or obligations under the proposed zone district. This application includes a request for two waivers to the standards of the RiNo Design Overlay (DO-7), specifically to the street level non-residential active use requirement and the street level minimum height requirement. The requested waivers are summarized as follows:

1. Waives the DO-7 standard that requires “Where Zone Lot Size is greater than 18,750 square feet, or Zone Lot Width is greater than 150 feet, 70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied only by Street level Non-Residential Active Uses as described in Section 9.4.5.11.F.3 (note that the remaining 30% shall be occupied by Street Level active uses as described in Section 7.3.5.5.C)”

and replaces with the following standards:

(1) Where Zone Lot Size is greater than 18,750 square feet, or where Zone Lot Width is greater than 150 feet and the Zone Lot Size is less than 35,000 square feet, 70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied only by Street Level Non-Residential Active Uses as described in DZC Section 9.4.5.11.F.3, Street Level Active Non-Residential Use in the DO-7 District, as amended. (Note that the remaining frontage that meets the minimum primary street build-to requirement shall be occupied by Street Level active uses as described in DZC Section 7.3.5.8, Street Level Active Uses in the C-MX and C-MS Zone Districts, as amended.)

(2) Where Zone Lot Size is equal to or greater than 35,000 square feet, a cumulative total of 185 linear feet of the Street Level building frontage on all Primary Streets abutting the Zone Lot shall be occupied only by Street Level Non-Residential Active Uses as described in Section 9.4.5.11.F.3, Street Level Active Non-Residential Use in the DO-7 District, as amended (note that the remaining frontage that meets the minimum primary street build-to requirement shall be occupied by Street Level Active Uses as described in DZC Section 7.3.5.8 Street Level Active Uses in the C-MX and C-MS Zone Districts, as amended).

2. Waive the standard that requires 16' street level minimum height and replace with a standard requiring 14' street level minimum height.

The current DO-7 active use standard requiring that 100% of portion of building frontage that meets the minimum primary street build-to requirement be occupied by street level active uses as described in the C-MX and C-MS zone districts remains (for all size zone lots). This standard would still apply as it allows for residential primary uses but excludes primary uses such as mini-storage, wholesale trade or light storage and parking.

In the current zone lot configuration, the DO-7 street level non-residential active use requirement would still apply for the zone lots at 101 S. Santa Fe Dr. and at 39 S. Kalamath/10 S. Lipan St. which are greater than 18,750 sq. ft. in size but less than 35,000 sq. ft. in size. For a portion of the street level, this requirement does not allow primary uses such as residential, mini-storage, wholesale trade or light storage and parking nor does it allow accessory uses associated with residential primary uses (such as a fitness center or leasing office).

The applicant is requesting that for lots over 35,000 sq. ft. in size that the non-residential active use requirement be reduced to 185 linear feet of the street level building frontage of all primary streets. In the current zone lot configuration, the parcel at 50 S. Kalamath St. would be subject to this requirement. The remaining primary street frontage that meets the minimum primary street build-to requirement will still be required to be occupied by Street Level Active Uses as described in the C-MX and C-MS zone districts.

STREET LEVEL ACTIVE USE REQUIREMENT COMPARISON SUMMARY TABLE

Zone Lot Size	I-MX-5	I-MX-5 DO-7	I-MX-5 DO-7 with proposed waivers
Up to 18,750 sf	No restrictions on street level uses	100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by residential or non-residential Street Level active uses.	100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by residential or non-residential Street Level active uses.
From 18,750 sf up to 35,000 sf	No restrictions on street level uses	70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by non-residential Street Level active uses. The remaining 30% shall be occupied by residential or non-residential Street Level active uses.	70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by non-residential Street Level active uses; The remaining 30% shall be occupied by residential or non-residential Street Level active uses.

Zone Lot Size	I-MX-5	I-MX-5 DO-7	I-MX-5 DO-7 with proposed waivers
35,000 sf and up	No restrictions on street level uses	70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by non-residential Street Level active uses. The remaining 30% shall be occupied by residential or non-residential Street Level active uses.	185 linear feet total combined of all primary streets shall be occupied by non-residential Street Level active uses. The remaining building frontage that meets the minimum Primary Street build-to requirement shall be occupied by residential or non-residential Street level active uses.

The applicant explained why the waivers are requested and necessary on p. 53 of the application attachment.

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 Comments

Asset Management: Approved – Response

Denver Public Schools: Approved – No Response

Department of Environmental Health: Approved. See Comments Below:

DDPHE concurs with the proposed rezoning. However, the areas proposed for rezoning historically were occupied, for example, by dwellings, automobile and machinery wrecking operations, parts salvage, railroad sidings and later a warehouse. Except for the warehouse, most of the structures associated with these activities were razed. Due to the historical practice of leaving razed building debris on site, DDPHE recommends future soil disturbing activities be conducted under the guidance of a materials management plan in which soil and groundwater handling protocols are identified.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but

must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410). Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Parks and Recreation: Approved – No Comments.

Public Works – ROW - City Surveyor: Approved – See Comments Below:

The descriptions are exactly as they appear in the Special Warranty Deed recorded at reception number 2019081093, 6/25/2019.

- 50 S. Kalamath is parcel 1
- 39 S. Kalamath is the parcel east of the alley described in parcel 2
- 10 S. Lipan is the parcel west of the alley described in parcel 2
- 101 S. Santa Fe is parcel 3

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – No Response

Development Services – Project Coordination: Approved – No Comments

Development Services – Fire Prevention: Approved – No Comments

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:	6/23/2020
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:	7/21/2020

Planning Board Public Hearing Recommended Approval (6-3)	8/5/2020
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:	8/4/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	8/18/2020
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood Organizations:	9/7/2020
City Council Public Hearing:	9/28/2020

Public Outreach and Input

- **Community Information Meeting**
 A community information meeting was held on February 5, 2020 as part of the Large Development Review process. The meeting was well attended, and questions were asked about the process. Generally, most people who attended were supportive of the proposed change. A copy of the notes from that meeting are included as part of the Large Development Framework document.
- **Registered Neighborhood Organizations (RNOs)**
 Baker Historic Neighborhood Association (BHNA) provided a letter in support of the application (attached). The letter details the outreach and engagement activities conducted by the applicant. The letter requests improvement of the pedestrian-friendliness of the area. Rezoning to the DO-7 overlay district with waivers is intended to respond to this request. Additionally, the letter details the desire for (and ultimately not preclude) a pedestrian/bike bridge connection over the South Platte River.
- Staff received 7 letters in support of the rezoning application, also attached to this staff report. Reasons for support range from needed revitalization of the area and the community vision shifting to a more pedestrian-friendly, industrial mixed-use area. One letter provided clarification as to the history of the recommendations contained in the Baker Neighborhood plan.
- One letter against the rezoning was received from an industrial property owner east of the subject site. The letter raised concerns about traffic impacts and other potential impacts.

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 apply to this property:

- *Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Baker Neighborhood Plan* (2002)
- *Alameda Station Area Plan* (2009)
- *Housing and Inclusive Denver* (2016)

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 enable the development of additional housing units and a mix of uses with access to light rail service via the Alameda Station. The proposed rezoning has an associated affordable housing agreement. The terms of the agreement require a minimum of 10% units to be income restricted at various AMI levels depending on product type, with a minimum of 25% of IRU's to be a minimum of two-bedroom units and an additional minimum of 25% of units to be a minimum of three-bedroom units. The proposed rezoning enables the development of income-restricted multi-unit housing with larger, family-friendly units with access to transit, 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 D – *Increase the development of senior-friendly and family friendly housing, including units with multiple bedrooms in multi-family developments* (p. 28).
- 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* (p. 28).

Similarly, the land use pattern previously detailed above 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).

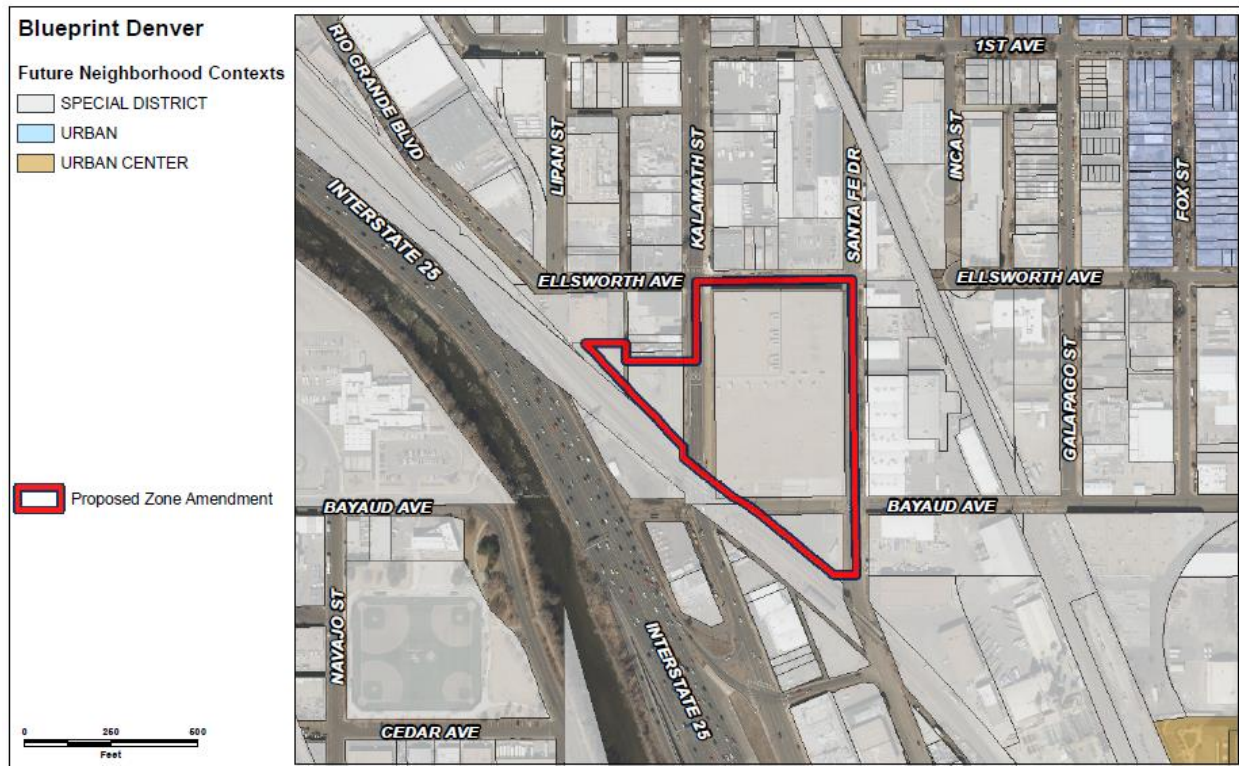
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).
- Environmentally Resilient Goal 9, Strategy B – *Improve Denver’s air by reducing the use of single-occupancy vehicles, advancing renewable energy sources, expanding the use of transit, promoting innovative and alternative technologies and supporting mixed-use, walkable neighborhoods* (p. 54).

The proposed I-MX-5, UO-2, DO-7 with waivers zone district would allow for responsible infill growth via multi-unit housing and mixed-use redevelopment at an intensity and design consistent with the desire for walkable, mixed-use neighborhoods with access to high-capacity transit via the Alameda Station as expressed in *Comprehensive Plan 2040*. The DO-7 with waivers would require street-level active uses and building forms consistent with *Comprehensive Plan 2040*’s goal of supporting mixed-use, walkable neighborhoods. The requested map amendment enables future growth to be focused where there is nearby access to light rail transit. This helps improve air quality through decreasing the reliance on single-occupancy vehicles (SOV’s). SOV’s contribute to air pollution and greenhouse gas emissions. The proposed amendment is consistent with *Comprehensive Plan 2040*’s related to climate and resiliency.

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 part of Innovation-Flex place within the District Context.

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

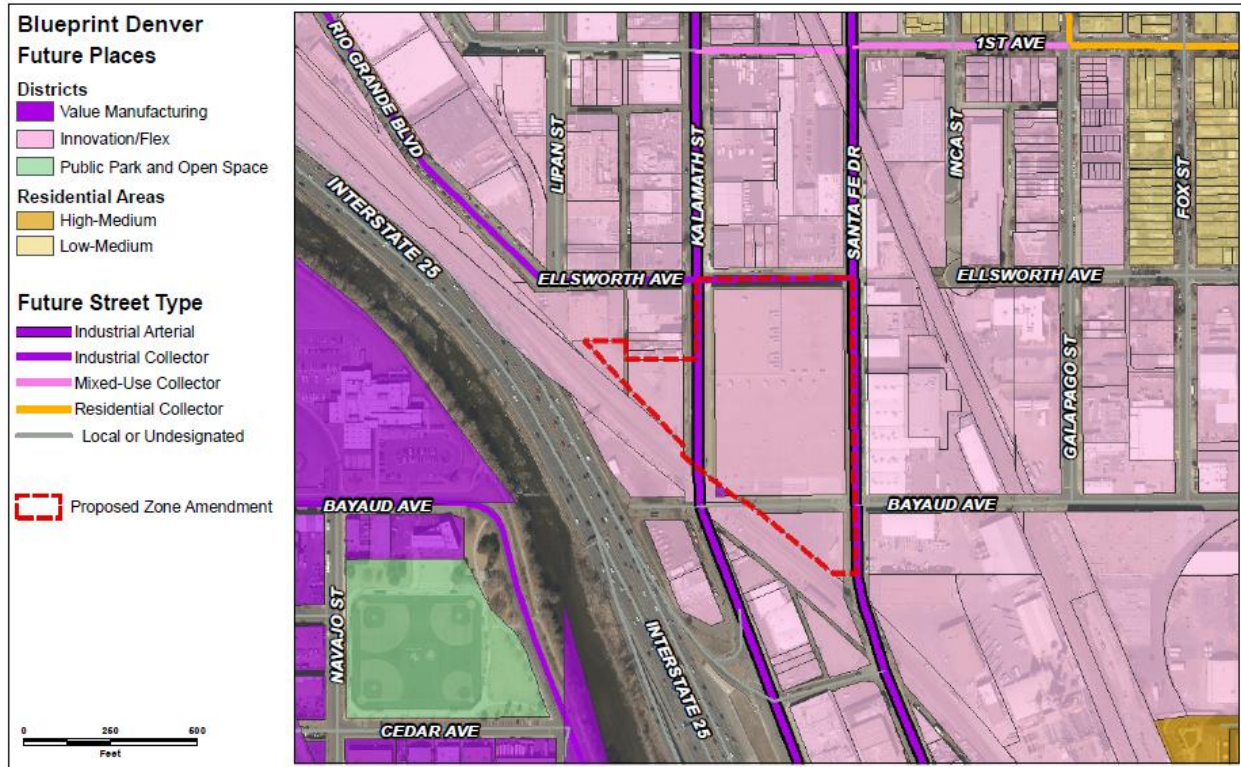
Rezoning Application #2019I-00045

50 S. Kalamath St., 39 S. Kalamath St., 10 S. Lipan St., 101 S. Santa Fe Dr.

September 24, 2020

within the District Context. Blueprint states, “This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed I-MX-5 base zone district is part of the District context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street realm” and “the 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.” (DZC 7.2.3.1). Since the proposed I-MX-5, UO-2, DO-7 with waivers zone district allows for a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to a District context is consistent with the plan.

Future Places



Blueprint Denver describes the Innovation/Flex district in the Special District context as “an ideal location for businesses that need to mix research/design, manufacturing and logistics with an area that has more urban amenities, a greater mix of uses and strong transit connections” (p. 284). Additionally, “multi-unit residential is compatible” in Innovation/Flex areas, which are characterized by a “reduced intensity of use and the desire to create more vibrant urban places” (p. 284).

The subject property is also identified as an innovation/flex district within the Sun Valley manufacturing preservation area. The Sun Valley area is more specifically described as “a district with both innovation and flex and value manufacturing bisected by the consolidated main line freight corridor and I-25 in the Sun Valley, Valverde, Lincoln Park and Baker neighborhoods” (p. 289). Moreover, the assessment of manufacturing areas done as part of the Blueprint process identified the subject properties as “low value” (p. 287). The plan directs us to use the manufacturing preservation areas in tandem with specific policies and recommendations related to manufacturing.

As clarified in Chapter 3 Land Use & Built Form: Economics Policy 3 “Preserve high-value manufacturing areas and allow low-value manufacturing areas to transition to higher intensity uses” (p. 91). Strategy A continues, “residential uses are appropriate in innovation/flex districts” (p. 91). Additionally, Strategy D states, “Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts” (p. 91). As the site is of “low value” in terms of a manufacturing preservation areas and an innovation/flex district, the requested I-MX-5 base zone district is appropriate as it allows for less intense industrial uses and multi-unit residential consistent with the plans recommendations.

The proposed I-MX-5, UO-2, DO-7 with waivers zone district allows for a variety of industrial, commercial and residential uses in a pedestrian-oriented pattern with an active street level. The application of the DO-7 with waivers provides increased transparency, a minimum street level height of 14' and street level active use requirements all meeting the articulated vision for innovation/flex places.

Blueprint notes that in Innovation/Flex areas, “building scale varies greatly, and can be dependent upon the surrounding context and character” (p. 285). The surrounding buildings are currently lower than the five-story maximum height allowed under I-MX-5, but the current entitlement for these buildings is potentially much higher in the areas zoned I-A surrounding subject properties, which are limited by floor area ratio of 2.0, rather than a maximum height. Therefore I-MX-5, UO-2, DO-7 with waivers is appropriate for an Innovation/Flex district at this location.

Street Types

In *Blueprint Denver*, “street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development” (p. 67). *Blueprint Denver* classifies W. Ellsworth Avenue as an Industrial Collector and S. Kalamath St. and S. Santa Fe Dr. as Industrial Arterials. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access. Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). The land use and built form characteristics of Industrial streets are described as “manufacturing but may contain other uses. Buildings are generally low-rise and may be setback to accommodate site specific needs” (p. 160). W. Bayaud Ave. is classified as a Local street. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160). The proposed I-MX-5, UO-2, DO-7 with waivers zone district is intended for industrially-dominated areas served primarily by collector streets (DZC Section 9.1.2.1.A.3). W. Ellsworth is a collector street and considering that two other street types are industrial arterials, the requested zone district is appropriate considering the surrounding street type designations.

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 districts area. Citywide, districts are anticipated to see around 5% of new housing growth and 15% of new employment growth by 2040 (p. 51). *Blueprint* notes that "Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver's future housing stock. (p.49)" The proposed map amendment to I-MX-5 UO-2 DO-7 with waivers will allow mixed-use growth in an Innovation/Flex district, which is an intended location for this kind of growth and helps to support the future employment and housing growth anticipated by *Blueprint Denver*. Therefore, this proposed rezoning is consistent with the growth strategy.

Plan Policies and Strategies

Blueprint Denver has policies related to uses and design outcomes in the innovation/flex districts. Land Use & Built Form: Economics Policy 3, Strategy D and E states, "within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts....Study and implement changes to the zoning code to ensure appropriate zone district(s) to implement the innovation/flex district desired uses and building forms" (p. 91).

The I-MX-5 base zone district enables a mix of uses, including residential and manufacturing uses, consistent with the recommendation. The application of the DO-7 in this location implements the recommendation for urban, pedestrian-friendly building forms for vibrant, mixed-use districts. The DO-7 contains enhanced design standards such as increased transparency and build-to requirements, street level active uses, and incremental mass reduction, which create and maintain a sense of scale and enable the creation of vibrant street frontages supporting pedestrian activity.

Blueprint Denver recommends that the use of site-specific, customized zoning tools including waivers

should be limited “to unique and extraordinary circumstances. ... Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p.73).

In this instance, the 50 S. Kalamath St. parcel is extremely large, will likely have 3 primary street frontages and is located outside of the RiNo area in which the non-residential active use and street level minimum height standards of the DO-7 were initially calibrated. Currently, a design overlay that enables enhanced design standards for the industrial mixed use zone district does not exist. Applying the DO-7 in this location outside of RiNo necessitates customization to respond to this unique circumstance, enabling the implementation of the plan’s recommendation for pedestrian-oriented building forms that are appropriate for mixed use districts. Additionally, the 5-acre site was subject to the LDR process. This is not a standard rezoning and additional needs outlined in the LDF were required. As there is not a more general design overlay in the zoning code yet, the application of the DO-7 with waivers helps respond to this unique circumstance. Therefore, in this specific instance, use of a waiver is appropriate and consistent with *Blueprint Denver’s* recommendations for site-specific, customized zoning.

The proposed rezoning, with the inclusion of a design overlay, is also consistent with policies and strategies related to creating exceptional design outcomes throughout Denver. These recommendations include:

- Land Use & Built Form: Design Quality & Preservation Policy 3, Strategy D – *Use design overlays in limited areas to direct new development towards a desired design character unique to the area that cannot be achieved through other tools. Design overlays are most effective where a design vision has been articulated through a planning process* (p. 102).
- Land Use & Built Form: Design Quality & Preservation Policy 3, Strategy E – *Revise the zoning code to provide standards for new mixed-use development that better responds to the surrounding context. Standards to examine for improvement include build-to ranges, transparency minimums, lot coverage and entry features* (p. 102).

In this particular location, desired outcomes related to design can’t be achieved through other zoning tools. Applying the DO-7 with waivers here is appropriate to ensure new development which will introduce residential enables a more pedestrian friendly area than would otherwise be realized by simply applying I-MX-5 zone district. Furthermore, *Blueprint* acknowledges that the code should be revised to improve design standards for new mixed-use development. Applying the DO-7 zone district with waivers would allow an existing tool to be applied with modifications in order to respond to the surrounding context.

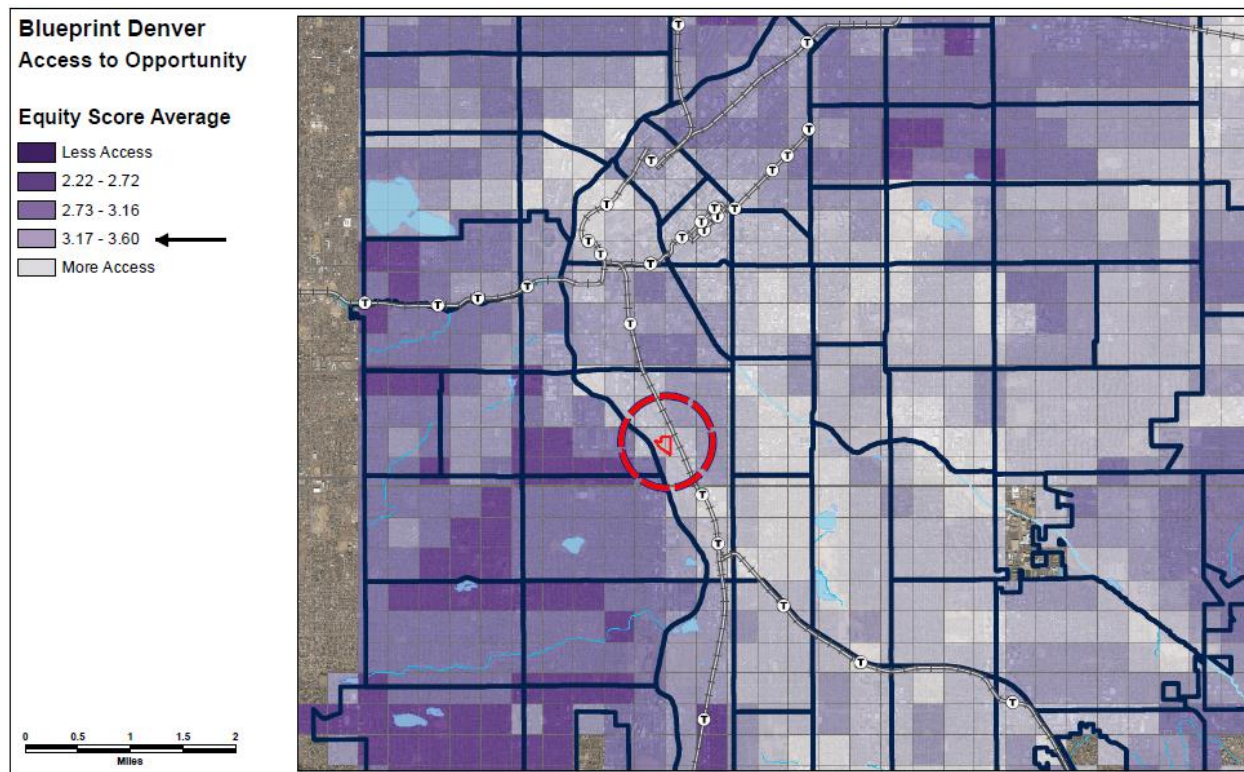
Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that help inform implementation actions through large rezonings along with other implementation actions. The equity concepts were used to evaluate this rezoning as it is a large area (p. 67).

Access to Opportunity

The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps to consider if the city is making

progress towards achieving the vision for complete neighborhoods across the city.

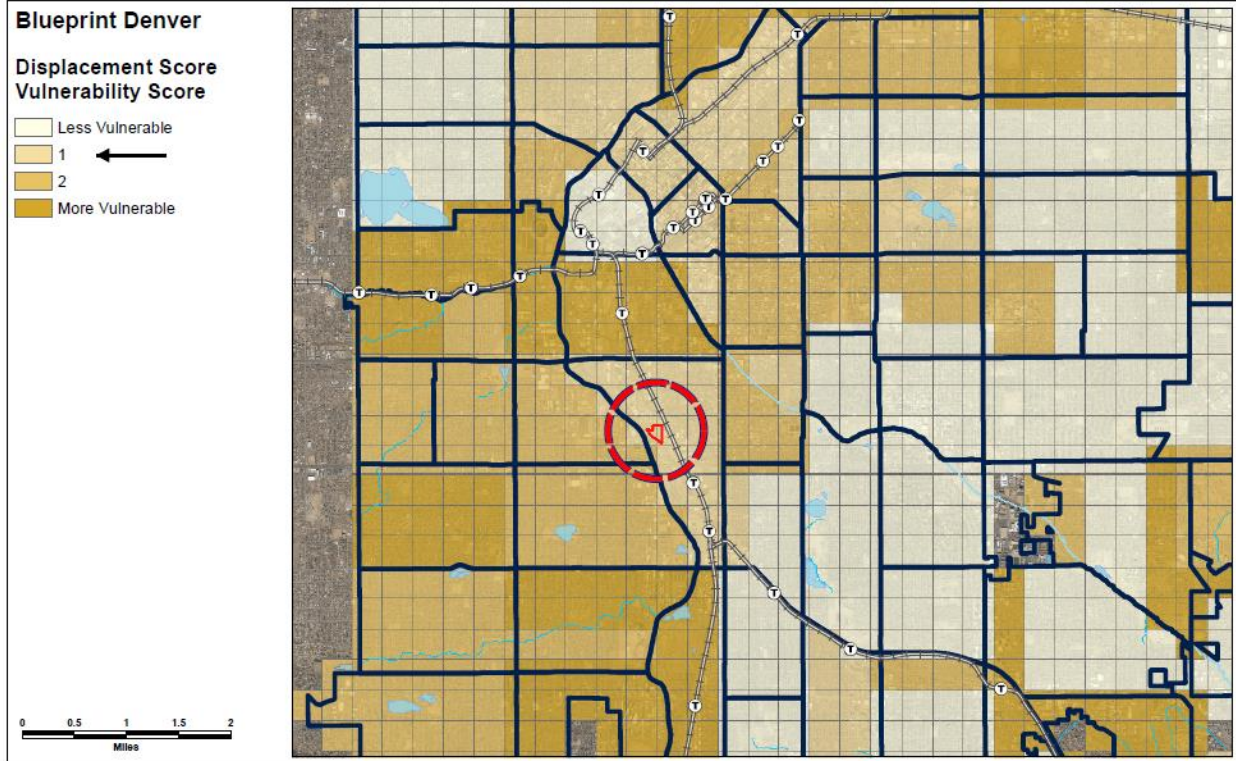


The subject site is in an area with higher access to opportunity, specifically for the neighborhood equity index measurement and the access to community and regional centers and corridors measurement. The proposed rezoning to I-MX-5, UO-2, DO-7 with waivers will enable a mix of uses and the design standards of the DO-7 that promote an active pedestrian environment.

Conversely, the subject property is in an area that is generally less equitable when it comes to access to a park or full service grocery store within a ¼ mile walk. This metric is based on percentage of existing housing units from DDPHE 2015 data. However, Dailey Park and La Familia Recreation Center are located only about 1,600 feet from the subject property via W. Bayaud Ave and S. Elati St. and access to a full service grocery store (Safeway at Broadway and Alameda) is .75 miles southeast. With the proposed rezoning, the subject property would be required to provide .64 acres of open space on site which may help strengthen the overall equity score.

Vulnerability to Involuntary Displacement

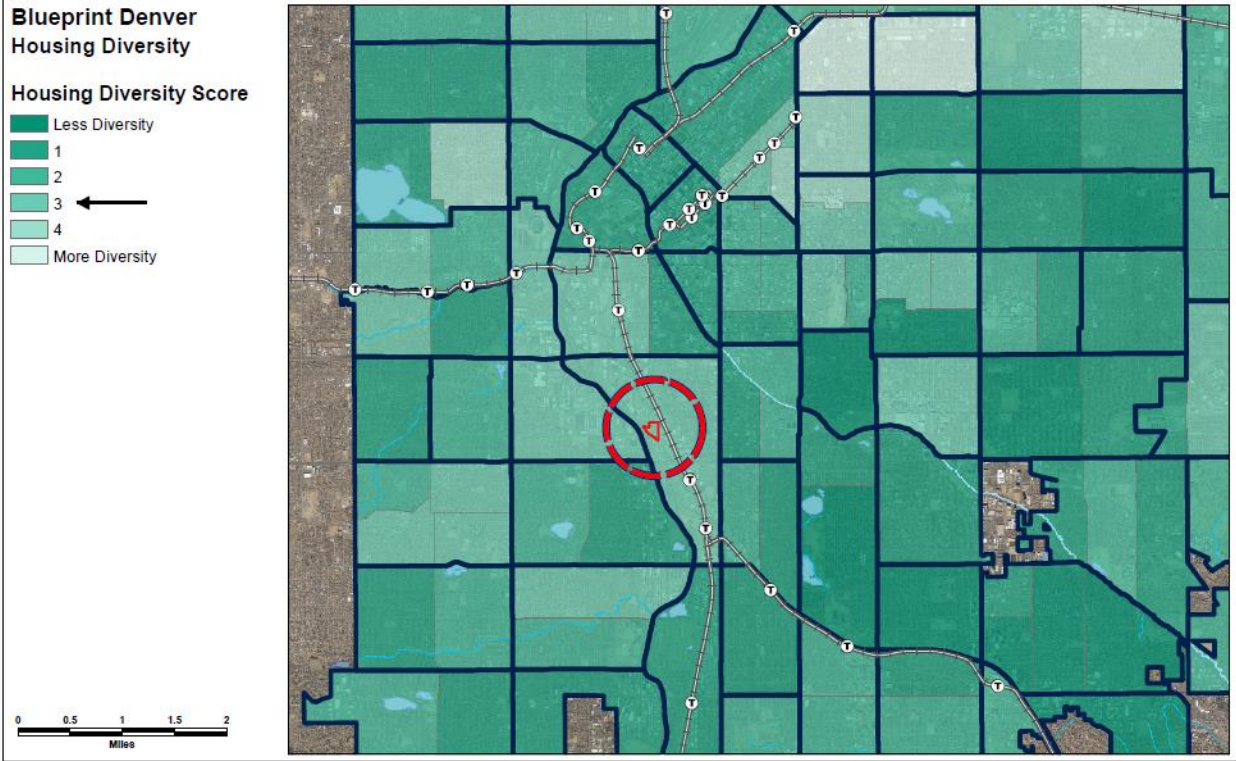
The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by the Denver Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percentage of population with less than a college degree in education.



The subject property is in an area that has low vulnerability to involuntary displacement. In areas with low vulnerability to involuntary displacement, it is important to maintain affordable housing options so that residents of all income levels can continue to live in these neighborhoods. There is an affordable housing commitment in connection with the proposed rezoning. Staff finds that this rezoning application and associated affordable housing agreement will not have a negative impact on this measurement and that no housing will be displaced as a result.

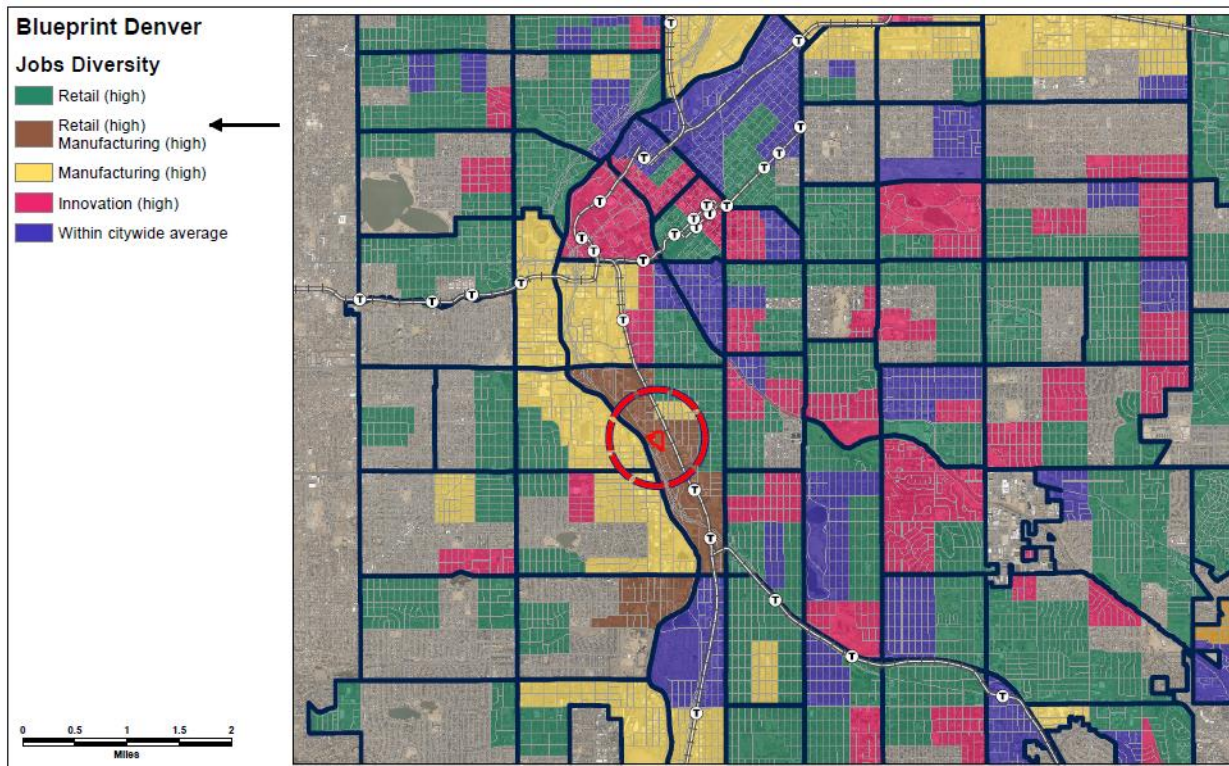
Expanding Housing and Jobs Diversity

The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), unit size diversity (units with different bedroom counts), ownership vs. rental, housing costs and the number of income-restricted units.



The subject property is in an area that has moderate housing diversity. While this area of the city has less diversity on some equity measurements (percent of middle-density housing and housing costs), the area has more diversity in home size and home ownership. Although the current application doesn't propose middle-density residential uses, middle-density housing (2-19 unit building) is an allowed use in the proposed district. Therefore, middle-density housing to support this metric is not precluded in the future. The affordable housing agreement provides additional income-restricted units with a diversity of bedroom counts per unit and a range of affordability levels. As such, this rezoning application will not have a negative impact on housing diversity.

Expanding Jobs Diversity



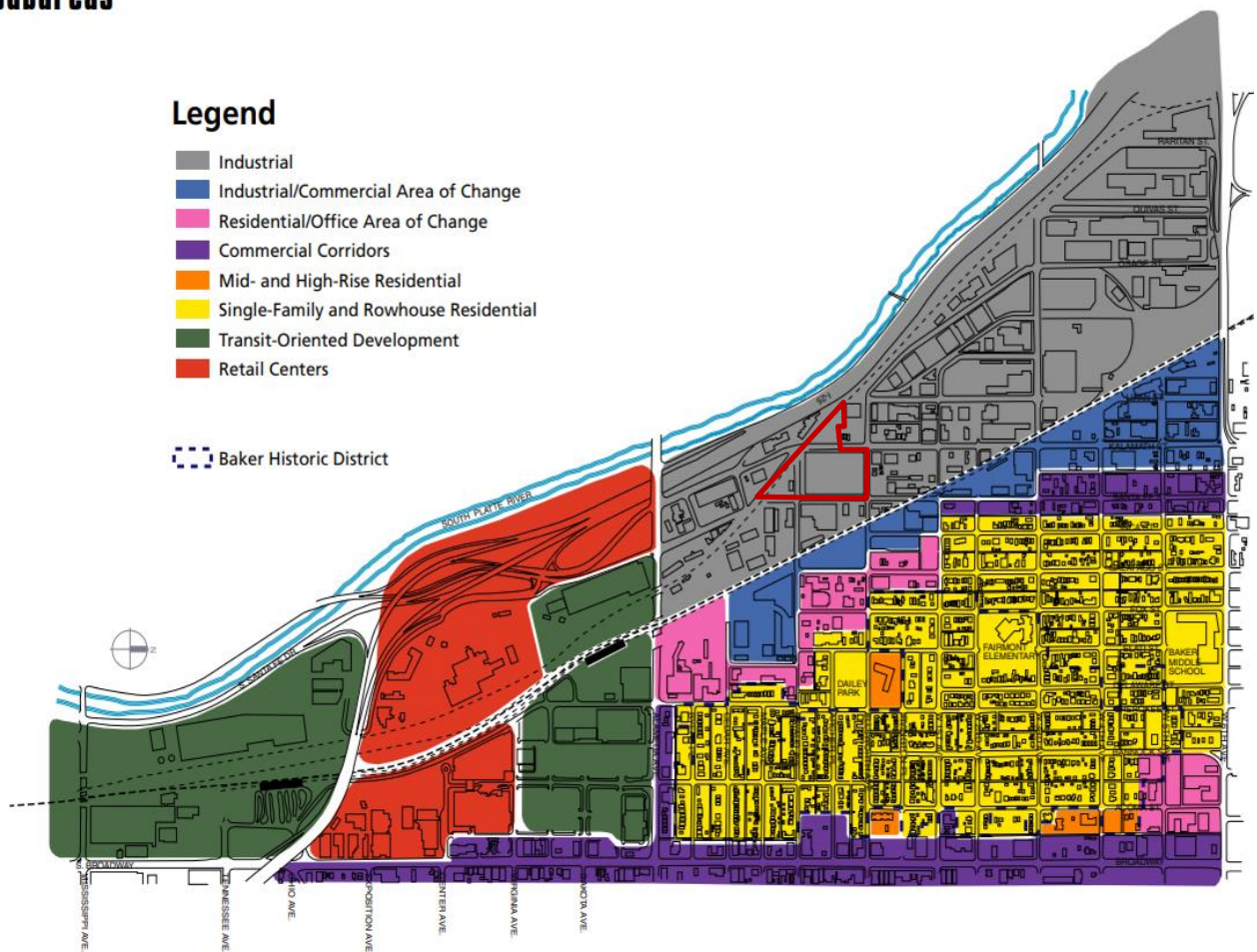
The map above shows the mix of jobs in the area, depicted by color. With greater emphasis on retail and manufacturing jobs, the area within which the subject property is located has a mix of jobs dissimilar to the city’s overall mix of job types. Additionally, as of 2017, there were 6,408 total jobs in the census tract with 9.77 total jobs per acre. As a result, there are less-than-average job diversity scores for manufacturing and retail jobs in the area.

The proposed zone district allows for various commercial, office, innovation, manufacturing and retail jobs. Increasing access to a range of many quality jobs enables people of different incomes and education levels to find employment and wealth-building opportunities. The application mentions adding some level of office use, as contemplated for the property at 39 S. Kalamath St. This could provide increased diversity of job types and increased job opportunities for the community. On balance, this rezoning application may have a positive impact on the area’s jobs diversity.

Baker Neighborhood Plan (2003)

The Baker Neighborhood Plan was adopted by City Council in 2003. The Plan contains framework goals and recommendations for the entire Baker neighborhood and subarea recommendations for specific areas. The plan identifies the subject properties as part of an industrial subarea, as shown on the map below (p 33).

Subareas

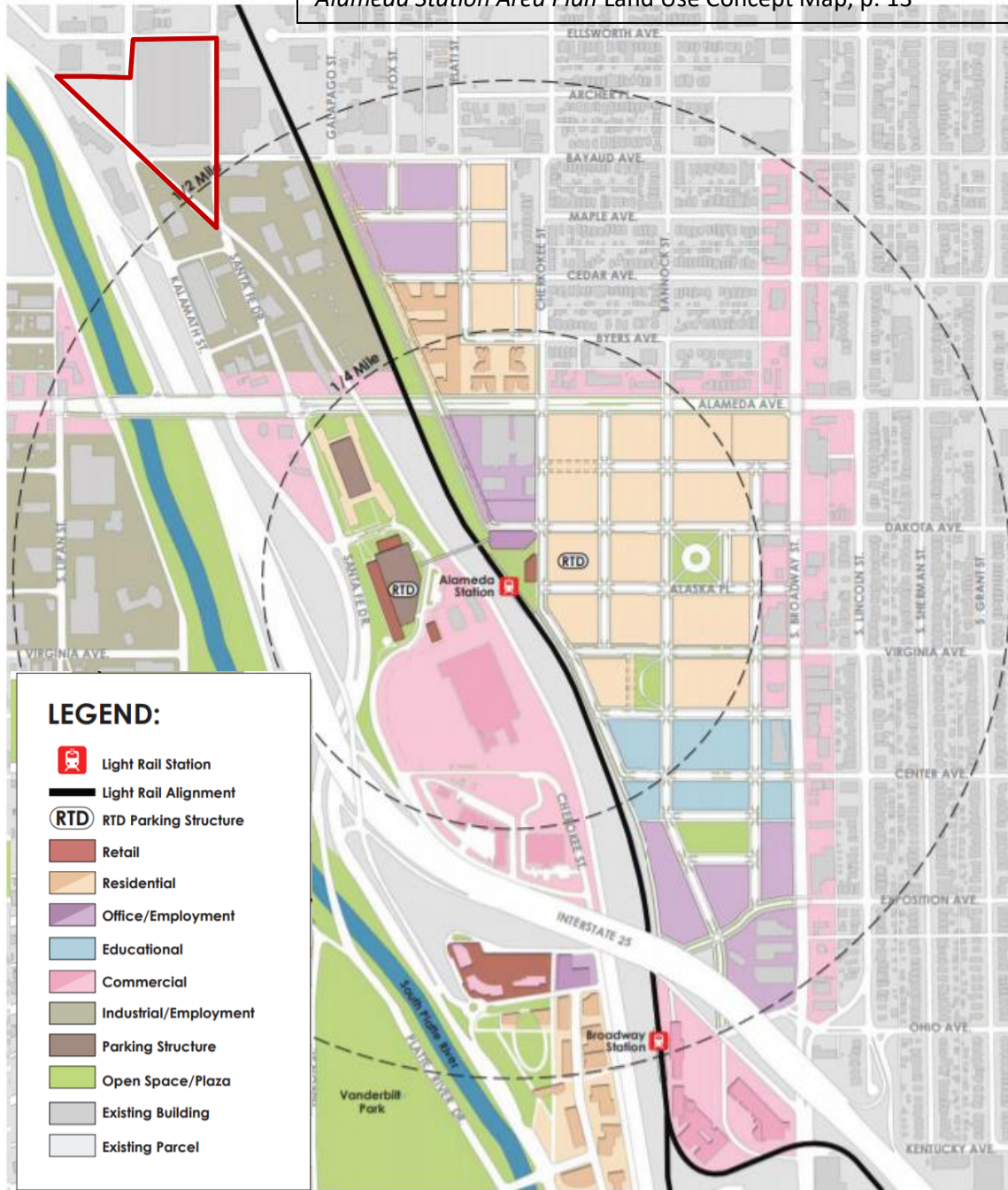


The Baker Neighborhood Plan states, “the industrial area is vital and fundamentally non-residential. Residential and industrial uses do not mix in this subarea and the fundamental separation remains important for the harmony of all. Nonconforming residences within the industrial areas should be phased out, leaving the area intact with industrial and commercial uses” (p. 60). While the plan has strong guidance against introducing residential into the industrial subarea, which the requested zone district would enable, there has been change in the area since the plan’s adoption 17 years ago. This change includes industrial businesses relocating, new guidance from *Blueprint Denver* detailed above, and strong neighborhood support for the transitioning of this area, as noted by the Baker RNO’s support of the introduction of residential into the area.

Alameda Station Area Plan (2009)

The *Alameda Station Area Plan* was adopted by City Council in 2009. The southern portion of the parcel located at 101 S. Santa Fe Dr. is within the plan area boundary (.5 miles from the Alameda Station) and therefore the plan applies. This station area plan considers the entire ½-mile radius but focuses more specifically on recommendations for the “Core Station Area.” The subject property is not within the “Core Station Area.” The format of the plan includes Plan Objectives based on Transit Oriented Design (TOD) principles and plan recommendations that apply throughout the planning area. The *Alameda Station Area Plan* contains Land Use and Design recommendations. On the Plan’s Land Use Concept Map below, one of the subject parcels (101 S. Santa Fe Dr.) is designated as industrial.

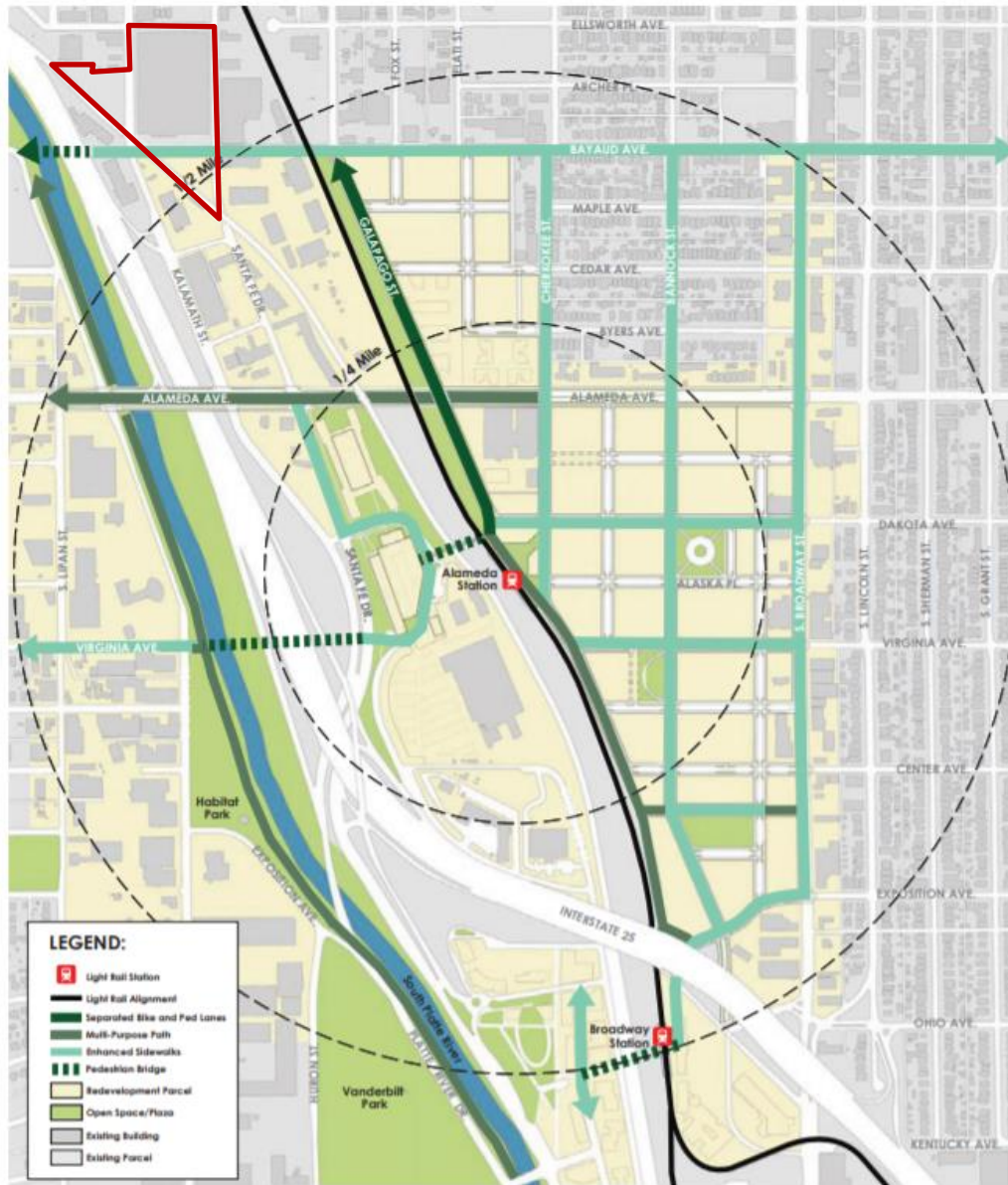
Alameda Station Area Plan Land Use Concept Map, p. 13



Picture 3.1 Land Use Concept

For the industrial area, the plan recommends that, “this area should continue to offer light manufacturing, warehousing, office and other employment base. With redevelopment and reinvestment, special attention to design, screening and buffering is necessary due to the close proximity of residential and high visibility of the sites” (p. 12). The requested I-MX-5, UO-2, DO-7 with waivers zone district allows for a mix of uses including employment/office uses, consistent with the plan’s recommendations. The application of the design overlay with waivers provides better design outcomes consistent with recommendations for attention to design in these areas.

The station area plan also shows W. Bayaud Ave. as an enhanced sidewalk route, as seen in the plan map below.



Picture 4.2 Primary Pedestrian Circulation Concept

“Enhanced sidewalk routes offer safe, convenient and pleasant routes between the outlying neighborhoods and destinations such as the station, open spaces, employment and shopping” (p. 21). The plan recommends pedestrian enhancements such as pedestrian-scaled lighting, wider sidewalks than standard requirements, street trees, contrasting paving or striping at crosswalks, sidewalks with curb extensions (p. 22). The proposed rezoning will enable redevelopment of the site which will require sidewalks, trees and streetscape treatments to be installed as part of SDP process. Therefore, the proposed rezoning is consistent with plan recommendations.

Housing an Inclusive Denver (2018)

Housing an Inclusive Denver is not adopted as a supplement to the *Comprehensive Plan 2040*, but it was adopted by City Council in 2018. *Housing an Inclusive Denver* provides guidance and strategies to create and preserve strong and opportunity-rich neighborhoods with diverse housing options that are accessible and affordable to all Denver residents (p. 6). Core goals of the plan include: creating affordable housing in vulnerable areas and in areas of opportunity; preserving affordability and housing quality; promoting equitable and accessible housing; and stabilizing residents at risk of involuntary displacement (p. 7). To that end, the plan includes several recommendations, including “promote development of new affordable, mixed-income and mixed-use rental housing” (p. 83).

The affordable housing agreement associated with this rezoning request requires 10% of all units to be income-restricted units at a range of affordability levels depending on product type for 60 years. The agreement commits to 25% of all IRU will contain a minimum of 2 bedrooms and another 25% will contain at least 3 bedrooms, regardless of product type.

Given this commitment, the proposed rezoning would facilitate additional affordable housing units consistent with the goals and strategies of *Housing an Inclusive Denver*.

In summary, after reviewing guidance from all applicable adopted plans for the subject site, staff finds that, on balance, the request for I-MX-5, UO-2, DO-7 with waivers is consistent with adopted plans.

2. Uniformity of District Regulations and Restrictions

In this case, the I-MX-5 UO-2, DO-7 with waivers is a unique zone district. The proposed rezoning will result in the uniform application of zone district building form, use and design regulations within the unique zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through the implementation of the City’s adopted plans. The I-MX-5, UO-2, DO-7 with waivers zone district enables higher quality design for buildings improving the pedestrian environment. The zone district, with the DO-7 overlay applied, allows for the creation of vibrant pedestrian street frontages with active uses and street -fronting building entries, which has been linked to increased physical activity¹ and less obesity.² Additionally, the rezoning enables redevelopment which include installation of street trees and landscaping where none exist today and .64 acres of open space. Trees and open space have been linked to numerous positive public health outcomes like cleaner air quality, increased physical activity and reducing the urban heat island effect.³

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Health in the Development Review Process, American Planning Association: https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Guidance-for-Health-Development-Review-Process.pdf

to such a degree that the proposed rezoning is in the public interest. Such a change may include: a. Change or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan...”

There has been change and growth in the area in recent years, including the completion of a 5-story, 187-unit residential building in 2017 at 500 W. Cedar Ave., about .25 mile southeast of the subject site. Farther south, a little under a half mile away is a new Volkswagen dealership constructed in 2018 at 350 S. Santa Fe Dr. In 2015 a mixed-use, 5-story 275-unit residential building was constructed south of Alameda Ave. and west of Cherokee St. The growth of the surrounding area has increased the demand for residential uses near employment opportunities and influenced the character of the area, justifying the rezoning to allow the introduction of residential uses.

The application identifies the adoption of *Blueprint Denver* in 2019 as a change that justifies the rezoning. The application asserts, “The change in the market is evident in that the [land use designation] assigned to this area has changed from industrial to innovation/flex from *Blueprint Denver 2002* to *Blueprint Denver 2019*. *Comprehensive Plan 2040* recognizes these changes noting, “... a lot has changed since those plans were adopted. RTD’s FasTracks system has added significant new transit options to the region. Our population has experienced rapid growth. We’ve learned smarter and more modern ways to plan for the future of our city with inclusivity and climate change in mind” (application, p. 28). This is an additional appropriate reason to justify the rezoning.

Additionally, the application is justified by DZC Section 12.4.10.8.A.5, “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.” This application proposes applying the supplemental zoning regulations of the DO-7 with waivers. It is in the public interest to establish the DO-7 at this location to allow for the supplementation of the base I-MX-5 zone district with additional design standards to support the allowance of a residential use as it transitions in accordance with *Blueprint Denver’s* innovation/flex guidance. Furthermore, DZC Section 9.4.5.11 provides multiple intent statements for the DO-7, including: “implement adopted plans, promote vibrant pedestrian street frontages with active uses and street-fronting building entries, promote active transportation options, such as walking and biking.” The establishment of the DO-7 here is, on balance, consistent with the general intent of the overlay district supplementing the otherwise generally applicable zone district standards with additional design limits.

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

The requested I-MX-5 zone district is within the Industrial context, which is characterized by an irregular pattern of large blocks. Buildings are typically closer to the street and range from one to eight stories in height (DZC, Section 9.1.1). The current zone districts I-A and I-B are also within the industrial context. The surrounding area includes an irregular pattern of large blocks, buildings are often close to the street, and range in building height. Therefore, the proposed rezoning to I-MX-5 is consistent with the neighborhood context description.

The general purpose of the Industrial Mixed Use zone districts is to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active street level. These districts are intended to provide a transition between mixed use areas and I-A or I-B industrial districts, and they accommodate a variety of industrial, commercial, civic and residential uses (DZC, Section 9.1.2.1.A.1). Given the existing land use pattern, the current zoning, and the aspirational future character of this location, an I-MX zone

district is appropriate for this particular location.

The I-MX-5 zone district specifically applies to industrially-dominated areas served primarily by collector streets with a maximum building height of five stories (DZC, Section 9.1.2.1.A.2). Given the subject property's location in an industrial area served by W. Ellsworth Avenue, an industrial collector, the I-MX-5 intent is appropriate for this particular location.

There is no specific intent statement for the UO-2 zone district, but DZC Section 9.4.4.1 states the following general purpose for Use Overlay districts: "Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying zone districts and portions of zone districts. The purpose of the Adult Use and Billboard Use overlay zone districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010." This site currently has the UO-2 use overlay, which maintained the status quo regarding billboard uses. By retaining the UO-2 in this rezoning, the site would continue to maintain the status quo regarding billboard uses and therefore it is consistent with the general purpose of the DZC use overlays.

The River North Design Overlay (DO-7) has many purposes including to "implement adopted plans; promote creative, high-quality, design in the general area covered by the adopted 38th and Blake Station Area Height Amendments and the RiNo Business Improvement District; provide flexibility to support the diverse design traditions of RiNo; activate the South Platte River frontage to promote the river as a neighborhood asset; maintain human scale and access to daylight as heights and densities increase throughout the district; promote vibrant pedestrian street frontages with active uses and street-fronting building entries; provide transitions between residential frontages and mixed-use streets; ensure that buildings are designed to adapt to new uses as the district changes and evolves; promote active transportation options, such as walking and biking; minimize potential conflict points between pedestrians and motor vehicles; minimize the visibility of surface and structured parking areas for vehicles; and encourage small, privately-owned, open spaces to increase design diversity along the street frontage and support pedestrian activity." (DZC Section 9.4.5.11.B). While one of the purpose statements of the DO-7 specifically references the RiNo geographical area, there are other purpose statements such as to "promote vibrant pedestrian street frontages with active uses and street-fronting building entries; provide transitions between residential frontages and mixed-use streets" which apply in this location. With the introduction of complementary residential uses, the area warrants special attention to detail and design with regards to activation, building entries and other human-scaled elements. Thus, when the intent statement of the I-MX-5 district is considered in tandem and on balance with the multiple objectives stated by the DO-7, the proposed map amendment is consistent with the purpose statements of the design overlay district.

Attachments

1. Rezoning Application
2. Large Development Framework Document
3. Public Comments