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TO: Denver Planning Board
FROM: Brandon Shaver, Senior City Planner
DATE: September 23, 2020
RE: Official Zoning Map Amendment Application #2019I-00140
1010/1050 W Colfax Ave & 1443 Kalamath St
Rezoning from B-4 with waivers, UO-1, UO-2 to C-MX-5 and C-MX-8 with waivers

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2019I-00140.

Request for Rezoning

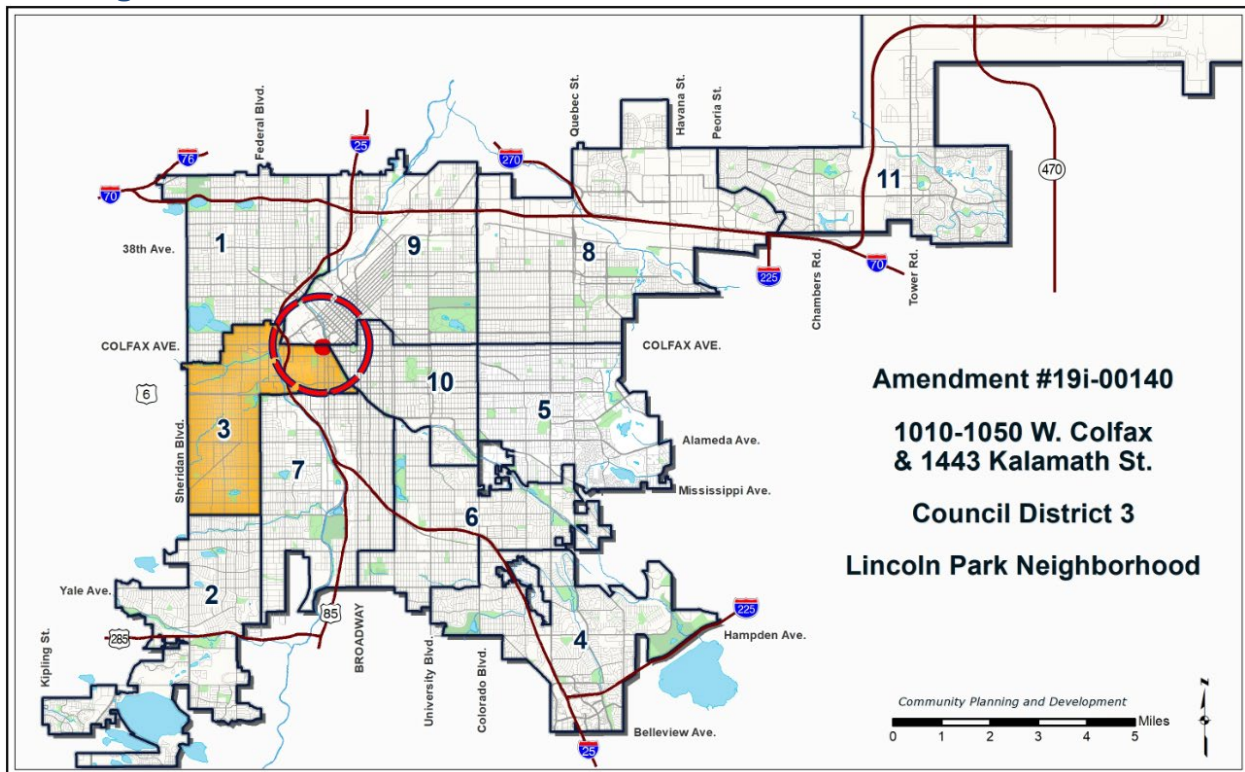
Address: 1010/1050 W Colfax Ave & 1443 Kalamath St
Neighborhood/Council District: Lincoln Park / Council District 3
RNOs: Inter-Neighborhood Cooperation (INC), United Northwest Denver, La Alma Neighborhood Association, La Alma/Lincoln Park Neighborhood Association, Center City Denver Residents Organization
Area of Property: 82,541 square feet or 1.89 acres
Current Zoning: B-4 with waivers, UO-1, UO-2
Proposed Zoning: C-MX-5 and C-MX-8 with waivers
Property Owner(s): Zocalo Retail RLLP
Owner Representative: Joe Swensson

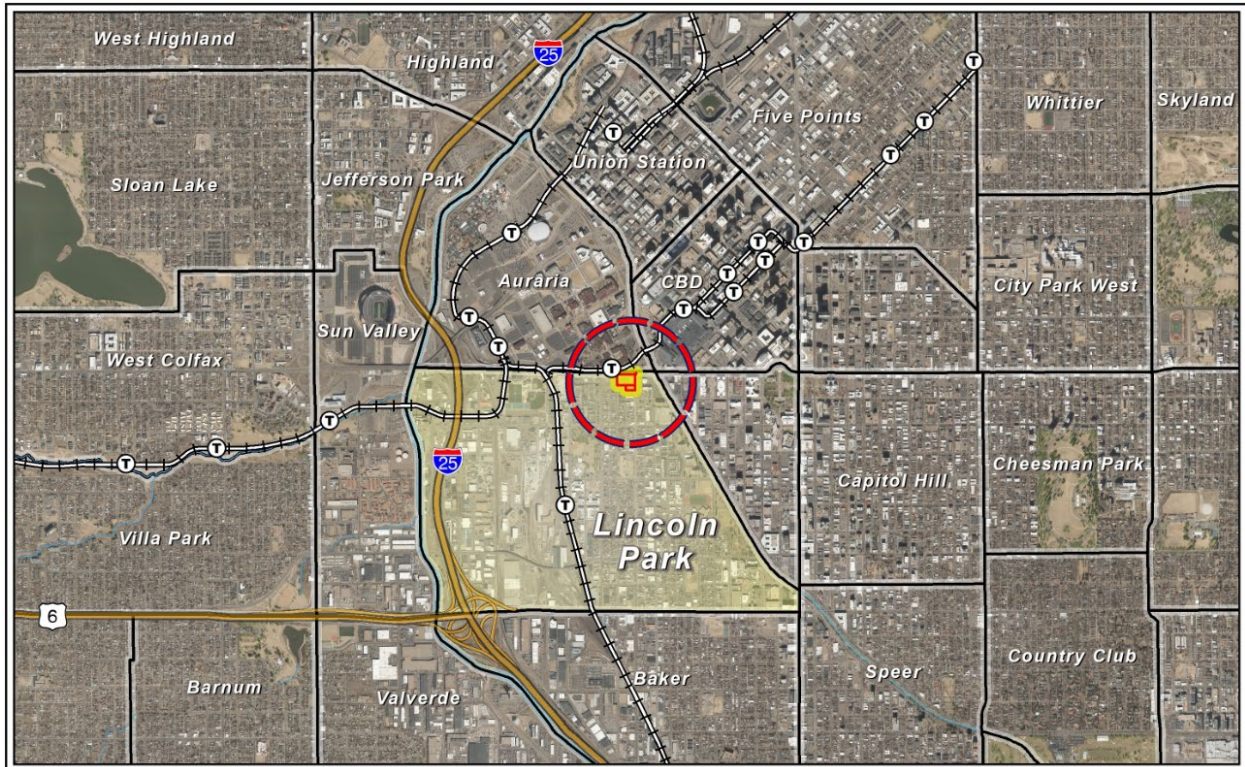
Summary of Rezoning Request

- The property is in the Lincoln Park statistical neighborhood at the southwest corner of West Colfax Avenue and Kalamath Street.
- The property, owned by Zocalo Retail RLLP, is currently occupied by a drive-thru restaurant, laundromat and strip retail center.
- The applicant is requesting this rezoning to enable mixed-use redevelopment. Concurrent with this rezoning, the applicant team is proposing to record a development agreement that would ensure development of affordable housing units on the subject site.
- The proposed zone districts, C-MX-5 and C-MX-8 with waivers, can be summarized as follows (see map below illustrating proposed zone districts):
 - The C-MX-5 and C-MX-8 zone districts stand for Urban Center, Mixed Use, with a maximum height of 5 and 8 stories (waived to 7). The C-MX zone districts are mixed-use zone districts that allow a wide range of residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The C-MX-5 zone district allows up to 5 stories and 70 feet in building height while the C-MX-8 zone district with waivers allows up to 7 stories and 75 feet in building height.

- The waivers are intended to promote the development of affordable housing on the site and are consistent with CPD's policy of using waivers as a bridge to future text amendments to the Denver Zoning Code. The waivers allow for two additional stories on the northern portion of the site to be rezoned C-MX-8 and limit building height in stories and feet.
- Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below), the signed waivers (attached) and in Article 7 of the Denver Zoning Code (DZC).

Existing Context



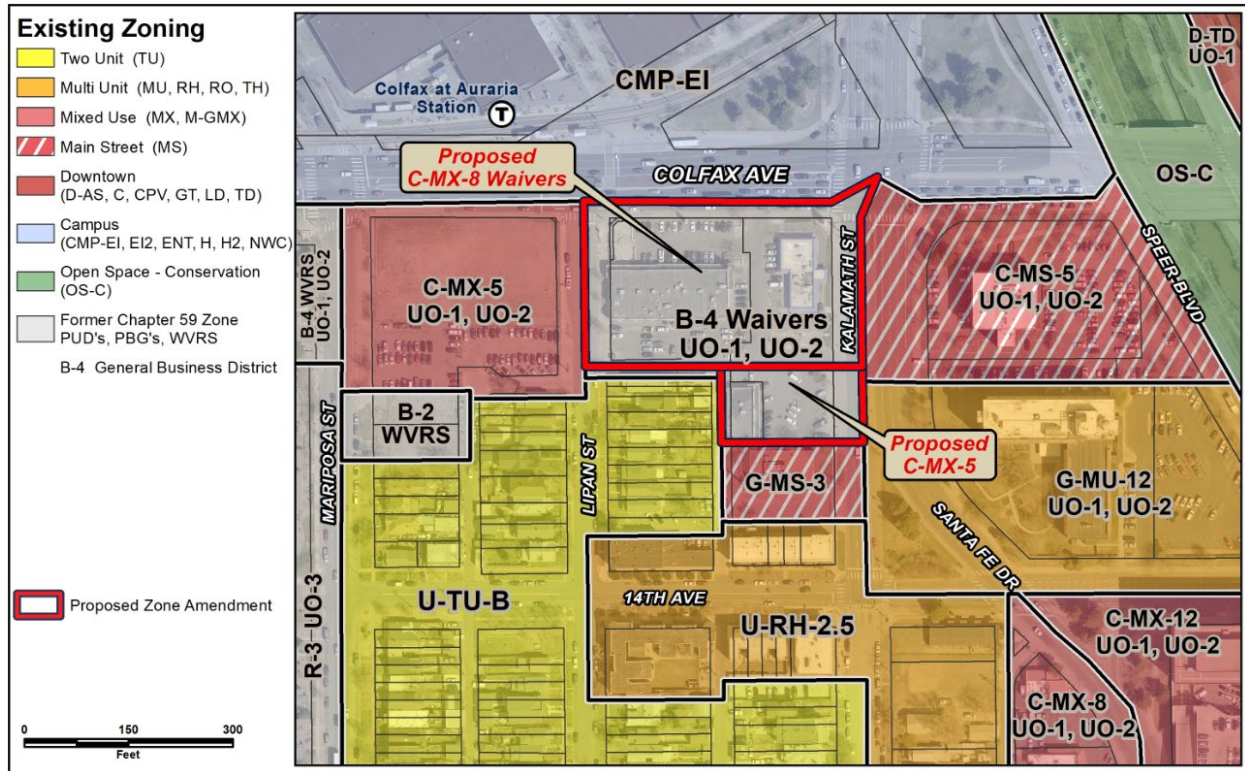


The subject property is located within the Lincoln Park Neighborhood, across West Colfax Avenue from the Colfax at Auraria LRT station. Significant public and private reinvestment along West Colfax Avenue and the Auraria Campus in recent years suggest this area is continuing to transition into a dynamic urban center within walking distance of downtown. The subject site has approximately 320 feet of frontage along West Colfax Avenue and has lot depths ranging from approximately 200 feet to 645 feet. It is located immediately south of West Colfax Avenue between Kalamath and Lipan streets. In addition to being within walking distance of the Colfax at Auraria light rail station, the subject property is served by RTD bus routes 16, 16L, 30L and 36L.

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	B-4 with waivers, UO-1, UO-2	Commercial/Retail	1-story commercial buildings with surface parking lots and a 1-story drive-thru restaurant	The area is served by the Denver cardinal street grid and block pattern is regular with the exception of the Auraria Campus to the north and the Kalamath/Santa Fe couplet to the east. Major street connections are provided to West Colfax Avenue, Speer Boulevard and Interstate 25.
North	CMP-EI	Public/Quasi-public	1 to 3-story buildings surrounded by open space and mainly accessed by pedestrian walkways	
South	U-TU-B & G-MS-3	Two-unit residential & Office	1 to 2-story residential structures and a 2-story office building with surface parking along Kalamath Street	
East	C-MS-5, UO-1, UO-2 & G-MU-12, UO-1, UO-2	Office & Mixed-use	2-story brick historic structure and 8-story L-shaped apartment building	
West	C-MX-5, UO-1, UO-2	Vacant & Single-unit residential	Vacant fenced land and 1 to 2-story residential structures	

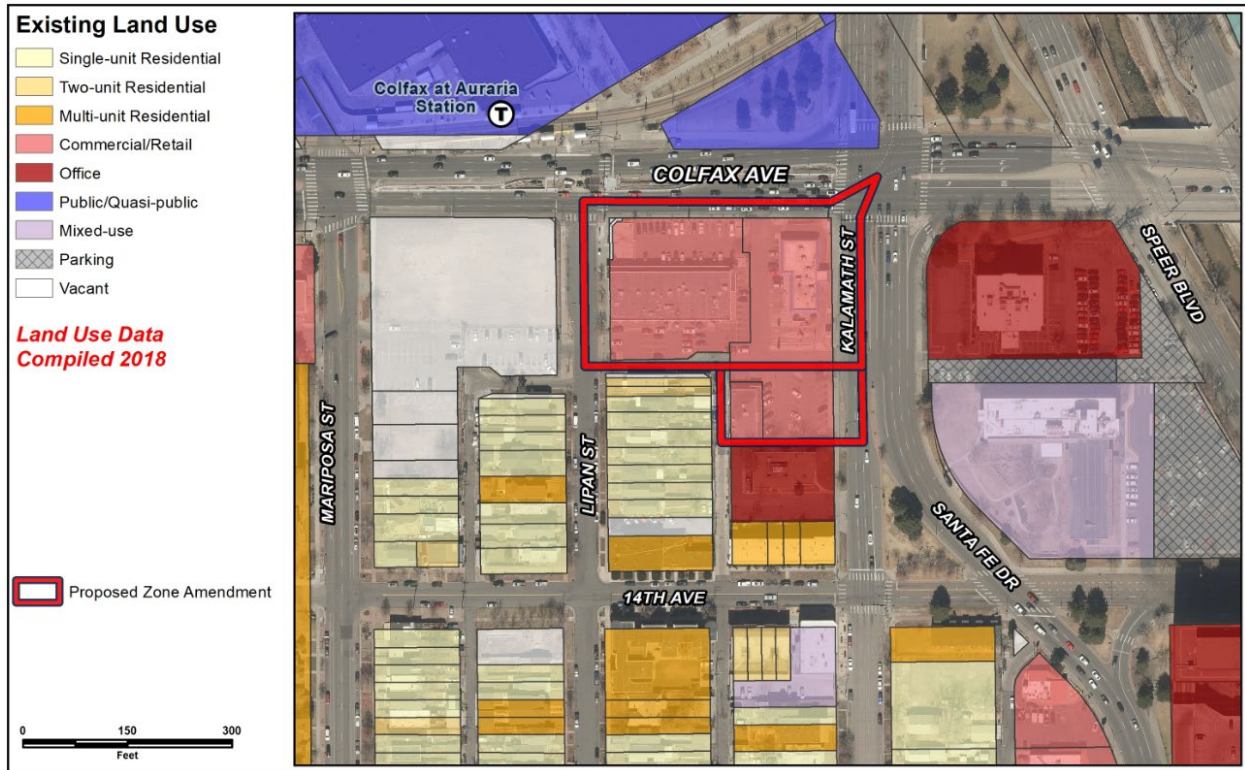
1. Existing Zoning



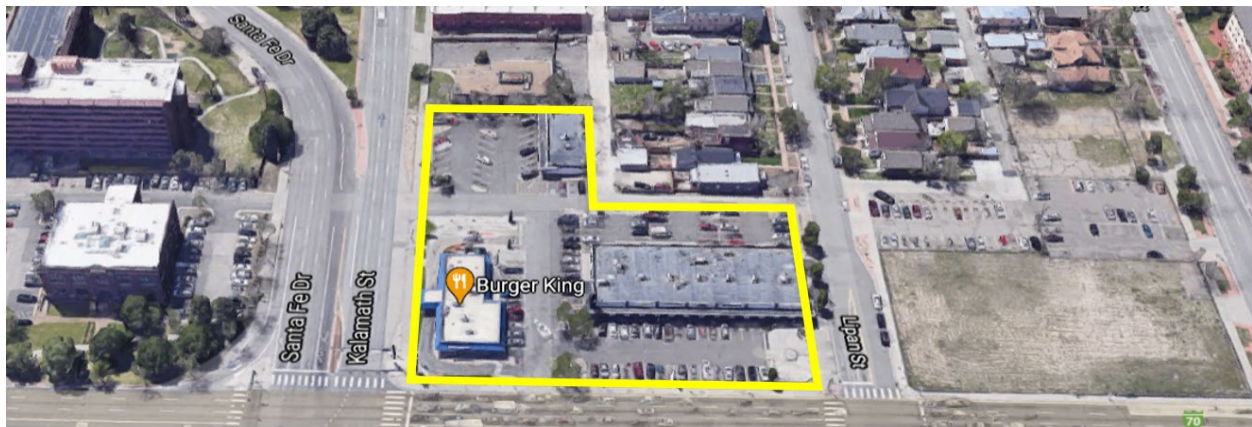
The existing zoning on the subject property, approved in 1978, is B-4 with waivers, UO-1, UO-2 which is a general business district that includes the adult and billboard use overlays. The zone district allows commercial uses along arterial streets meant to serve nearby neighborhoods. Building floor area cannot exceed twice the site area (2:1 FAR) and building height cannot be greater than 75 feet within 175 feet of the protected U-TU-B district to the south. Additionally, there are multiple waivers in the zoning that prohibit certain commercial uses including automobile sales and repair, tattoo studios, hotels, mirror silvering and amusement uses with an admission charge. A complete list of waivers can be found in the ordinance attached to this staff report. More importantly, there are waivers in the current zoning that prohibit adult uses and outdoor general advertising devices (billboards) which counteract the UO-1 and UO-2 overlays mapped on the property. To this end, the applicant does not wish to carry these overlays forward. Campus zoning, in the form of CMP-EI, is mapped north of the subject property across West Colfax Avenue. This zoning is intended to be applied to institutions and campuses of larger area and scale. It allows for flexibility in placement of buildings, internal pedestrian walkways, recreational facilities, open plazas, green spaces and site landscaping. Maximum building heights are 150 feet or 75 feet within 175 feet of a protected district. U-TU-B is a protected district mapped to the south of the subject property. This is a residential district that allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms. Maximum building height is 2.5 stories or 30 feet. G-MS-3 zoning is also adjacent to the subject property along Kalamath Street. This is a mixed-use main street district that allows for the town house or shopfront building forms with a maximum height of 3 stories and 38 or 45 feet depending on the building form. Immediately east of the subject property, across

Kalamath Street, two zone districts are mapped. C-MS-5 is a main street mixed-use zone district that allows for a variety of building forms up to five stories and 70 feet in height. G-MU-12 is a multi-unit residential district with a maximum building height of 12 stories and 140 feet. Both districts include the adult and billboard use overlays. Similarly, C-MX-5 zoning, with the adult and billboard use overlays, is mapped to the west of the subject property.

2. Existing Land Use Map



3. Existing Building Form and Scale



Site - Aerial view, looking south (Source: Google Maps)



Site - from West Colfax Avenue (Source: Google Maps)



Site – from Kalamath Street (Source: Google Maps)



North – from West Colfax Avenue (Source: Google Maps)



East – from Kalamath Street (Source: Google Maps)



South – from Lipan Street (Source: Google Maps)



West – from Lipan Street (Source: Google Maps)

Proposed Zoning

C-MX-5 and C-MX-8 Zone Districts

The requested C-MX-5 and C-MX-8 zone districts have a maximum height, in feet, of 70 and 110 feet with allowable encroachments. A variety of mixed residential and commercial uses are allowed. For additional details regarding building form standards in the C-MX-5 and C-MX-8 zone districts, see DZC Section 7.3.3.4.

Waivers

Section 12.4.10.6 of the Denver Zoning Code enables official map amendment applicants to request a waiver of certain rights or obligations under the proposed zone district. This application includes a request for four waivers, as outlined in the attached application. The waivers are as follows:

1. Waive the right to use or erect any structure with a maximum permitted height of 8 stories, pursuant to Sections 7.3.3.4.D (General Building Form) and 7.3.3.4.I (Shopfront Building Form), DZC and instead comply with the following:
No primary structure erected on the subject property according to the General or Shopfront primary building form standards shall exceed 7 stories. Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height Exceptions) as applicable to the C-MX-8 zone district.
2. Waive the right to use or erect any structure with a maximum permitted height of 110 feet, pursuant to Sections 7.3.3.4.D (General Building Form) and 7.3.3.4.I (Shopfront Building Form), DZC and instead comply with the following:
No primary structure erected on the subject property according to the General or Shopfront primary building form standards shall exceed 75 feet in height. Height exceptions shall be allowed in accordance with Section 7.3.7.1 (Height Exceptions) as applicable to the C-MX-8 zone district.

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

Design Standards	B-4 w/waivers, UO-1, UO-2 (Existing)	C-MX-5 (Proposed)	C-MX-8 w/waivers (Proposed)
Primary Building Forms Allowed	N/A	Town House; General; Shopfront; Drive Thru Services/Restaurant*	Town House; General; Shopfront; Drive Thru Services/Restaurant*
Height in Stories / Feet (max)	N/A	5/70'	7/75'
Primary Street Build-To Percentages (min)	N/A	70%	70%
Primary Street Build-To Ranges	N/A	10' to 15'- Town House 0' to 10' – General **	10' to 15'- Town House 0' to 10' – General **
Minimum Zone Lot Size/Width	N/A	N/A	N/A
Primary Street Setbacks (min)	N/A	10' – Town House 0' – General	10' – Town House 0' – General
Building Coverage	2:1 FAR	N/A	N/A

*Allowed subject to geographic limitations **Standard varies between building forms

Proposed Affordable Housing Agreement

Concurrent with the rezoning, the applicant is also facilitating a voluntary affordable housing agreement to be signed and recorded by the property owner. The agreement would apply to the entirety of the site. General terms under discussion as of the writing of this report include a commitment to construct at least 10% of total units affordable to residents earning 80% or less of Area Median Income. A minimum of 25% of the units would contain two or more bedrooms. 10% of the income-restricted units would contain 3 bedrooms. 10% of the income-restricted units would be affordable to residents earning 60% AMI. The income-restricted units would remain at this level of affordability for a minimum period of 99 years and would be equitably distributed throughout the project.

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

Department of Public Health and Environment: Approved – No comments

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – Legal description accepted

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No comments

Development Services – Project Coordination: Approved – No comments on rezoning

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:	12/24/19
Applicant submitted revised application	8/27/20
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:	9/14/20
Planning Board Public Hearing	9/30/20
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:	9/29/20
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	10/13/20
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 (tentative):	11/2/20
City Council Public Hearing (tentative):	11/23/20

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff has received one written comment from an RNO pertaining to this application.
 - La Alma Lincoln Park Neighborhood Association
- **Other Public Comment**
As of the date of this report, staff has received 12 written comments pertaining to this application.
 - 9 letters of support
 - 2 letters of opposition (same author)
 - 1 letter of concern

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 (2010)*
- *Housing an Inclusive Denver (2018)*

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 mixed-use development, including an increase in allowed housing density, while also enabling additional affordable housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*

- 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 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. 29).

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed C-MX-5 and C-MX-8 with waivers zoning designations would allow for a broader variety of uses including housing, retail services, and will require enhanced building forms at an intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around transit, and is therefore 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 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 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

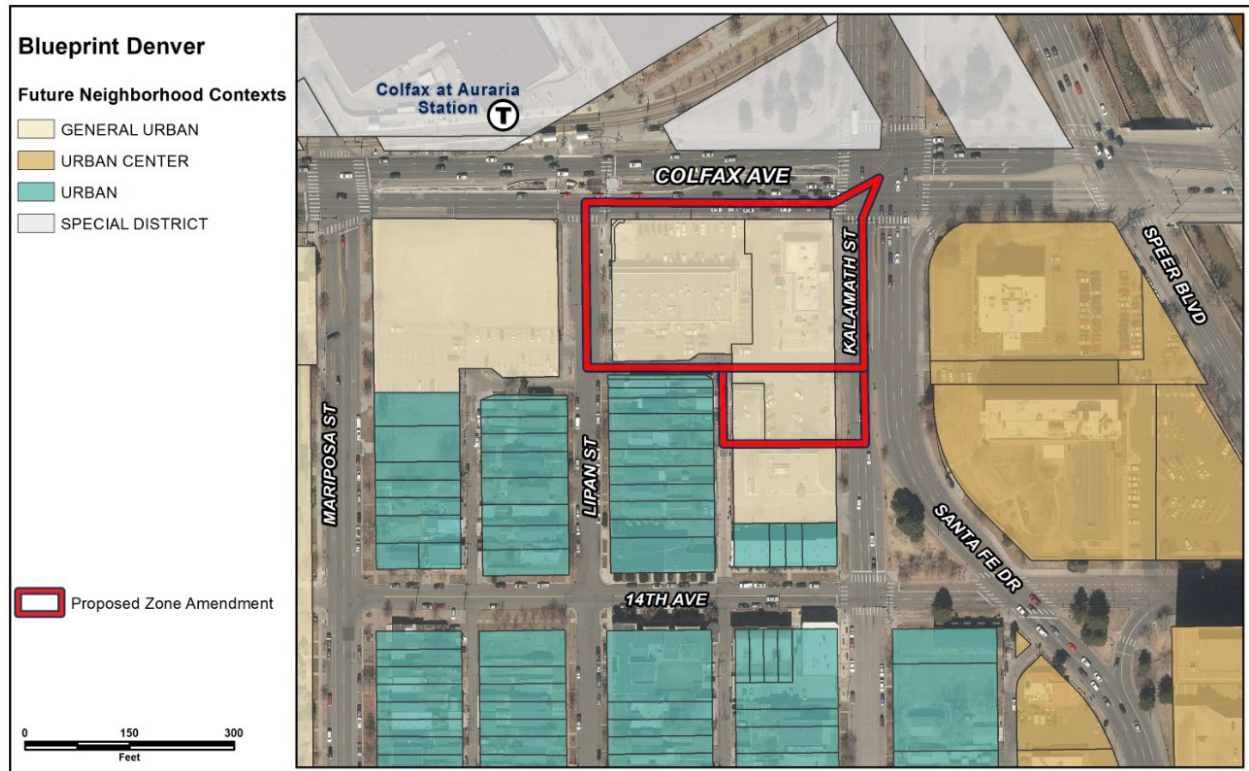
- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).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

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested zone districts broaden the variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

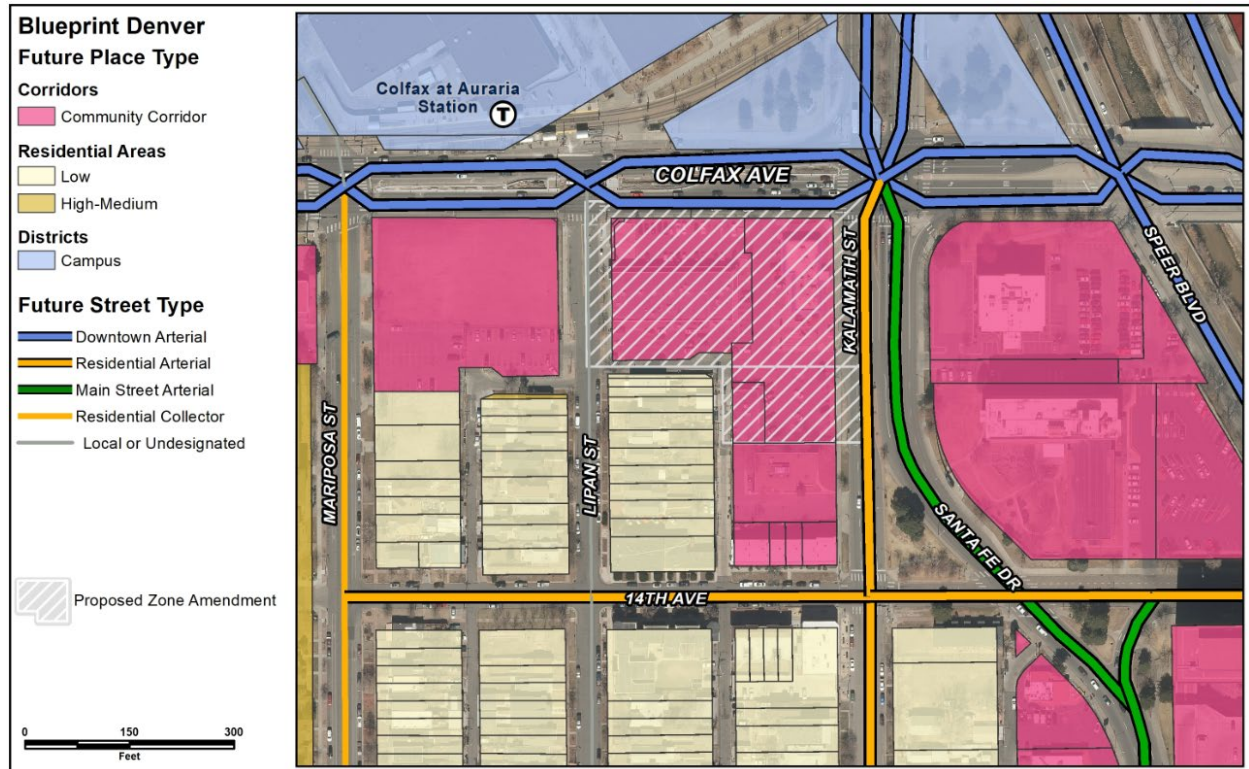
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Community Corridor within the General Urban Neighborhood Context 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 in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban Neighborhood Context. “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” (p. 238). The proposed C-MX-5 and C-MX-8 zone districts are part of the Urban Center 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 edge” and “the Mixed-Use districts are focused on creating mixed, diverse neighborhoods” (DZC 7.2.2.1). As the subject property is adjacent to a busy rail transit station, the Auraria Campus, downtown Denver and other C- zone districts, the Urban Center neighborhood context is more appropriate. Additionally, Blueprint Denver states, “The mapping of neighborhood context is at the citywide scale, so the boundaries of the contexts may be interpreted with limited flexibility if the request furthers the goals of Blueprint Denver and is consistent with the overall intent of the neighborhood contexts map” (p. 66). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

Blueprint Denver Future Places



The Future Places map shows the subject property as part of a “Community Corridor” area. *Blueprint Denver* describes these areas as having “a balance of either residential and employment; residential and dining/shopping; or employment and dining/shopping uses” (p. 146). Buildings have a distinctly linear orientation along the street with narrow setbacks. Building scale and footprints along community corridors are typically mid- to large-scale, with the highest intensity at mobility hubs services. Public spaces often occur between buildings and social spaces may be found in some setbacks along the street. In a community corridor, the Urban Center neighborhood context, recommended “heights are generally up to 8 stories. Due to shorter lot depths, special attention is needed for transitions to nearby residential areas” (p. 212).

The proposed rezoning to C-MX-5 and C-MX-8 with waivers is appropriate and consistent with the “Community Corridor” plan direction and will foster a better balance of residential and employment uses than the current zoning allows. It permits heights lower than the maximum recommended height of 8 stories which is appropriate in order to achieve the plan recommendation of a transition from West Colfax Avenue to the adjacent residential area.

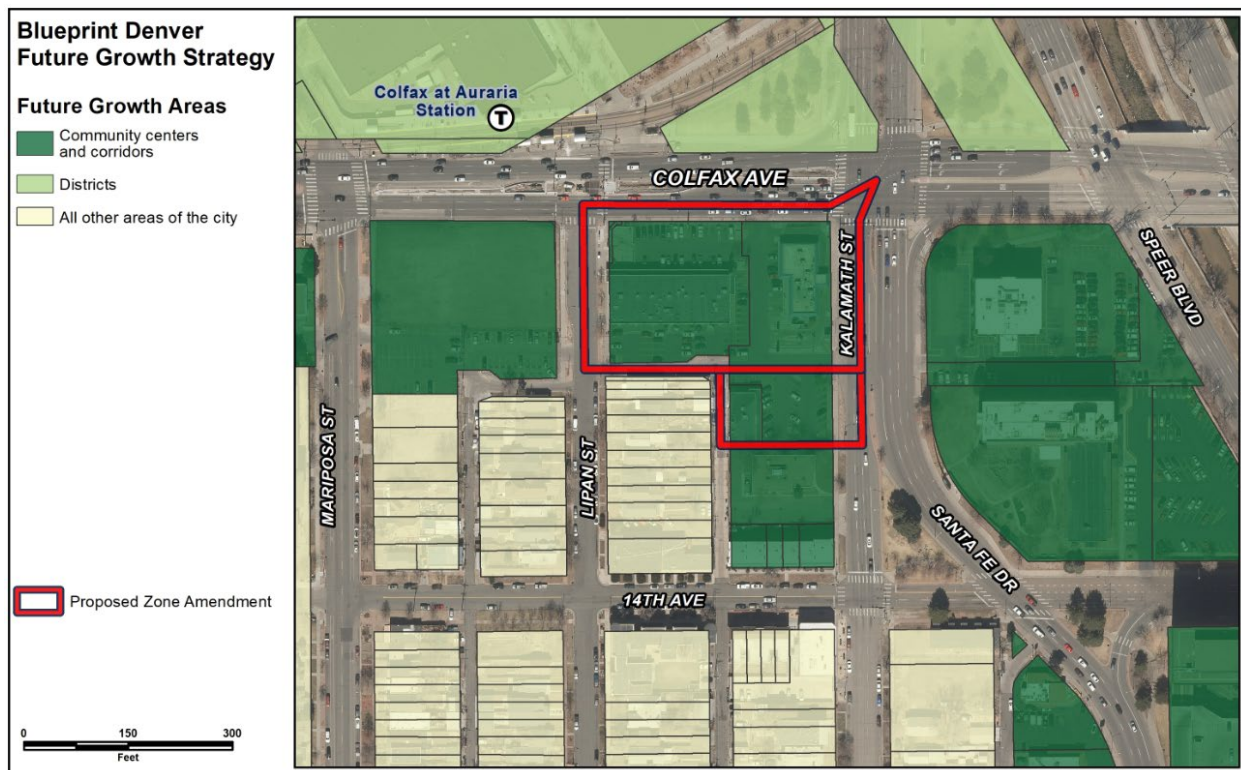
Street Types

Blueprint Denver classifies West Colfax Avenue as a Downtown Arterial. These streets are “surrounded by the most intense land uses including hotels, street level retail and office, residential and mixed-use

towers with a high focus on pedestrian and bike connectivity” (p. 158). Arterial streets are designed for the highest degree of through movement. The proposed C-MX-8 zone district with waivers allows a broad range of residential and commercial land uses with a shallow front setback and allows the intense land uses anticipated for this street type. Therefore, the district is consistent with the downtown arterial street types at this location.

Kalamath Street is classified as a Residential Arterial while Lipan Street is mapped as a residential local or undesignated street. According to the plan, these street type supports “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings usually have a modest setback and the depth of the setback varies by neighborhood context” (p. 160). The proposed C-MX-5 and C-MX-8 zone districts would allow a mix of residential and commercial uses at an intensity and orientation consistent with this street type classification.

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 located within the “Community centers and corridors” growth area, these areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed map amendment to C-MX-5 and C-MX-8 with waivers is consistent with the “Community centers and corridors” growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

Additional Applicable Strategies

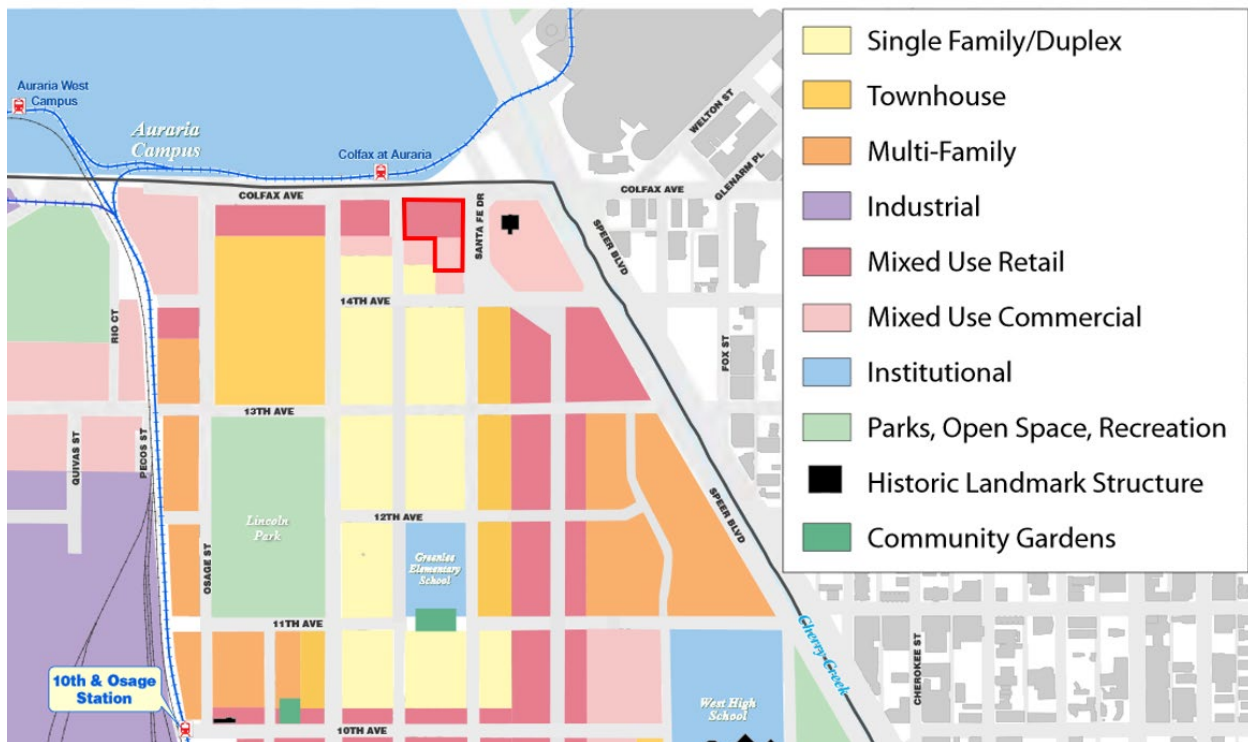
The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 1 – *Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets* (p. 72).
- Land Use and Built Form – General Policy 2 – *Incentivize or require efficient development of land, especially in transit-rich areas* (p. 72).
- Land Use and Built Form – General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code* (p. 73).

The proposed map amendment is consistent with these strategies as growth will be directed to an area with rail transit service and the rezoning from Former Chapter 59 to Denver Zoning Code will allow developers to enjoy the benefits of modern zoning code regulations.

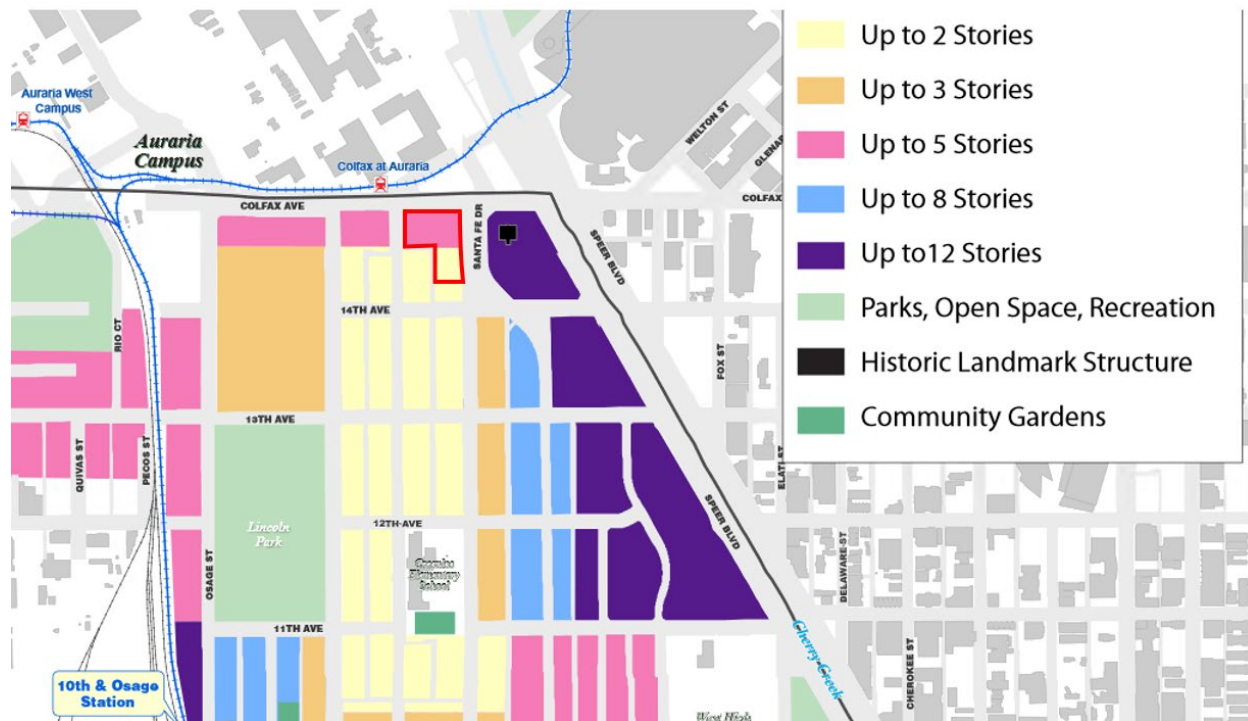
La Alma/Lincoln Park Neighborhood Plan (2010)

This neighborhood plan was adopted by City Council in 2010 and applies to the subject property. The plan envisions the area as a “stable, mixed income residential neighborhood, with the Santa Fe corridor providing a vital core of arts and commercial uses that provide connections to surrounding neighborhoods, Downtown and the Auraria Campus” (p. 14). The framework plan identifies the subject property as both mixed-use retail and mixed-use commercial.



Recommendations in these areas include “apply mixed use zoning to areas of change” which the properties were designated in Blueprint Denver 2002 and “encourage a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity and needs of the neighborhood” (p. 24).

The framework plan section also includes a map of recommended building heights shown below. The subject property is mapped as up to five stories along West Colfax Avenue and up to two stories for the southern portion along Kalamath Street.



The plan also contains a recommendation for instances when applicants wish to pursue a map amendment for more intensive zone districts. “Applicants proposing a zoning change to a more intense or different uses must substantially mitigate negative impacts on existing uses and demonstrate that new projects substantially further the neighborhood goals and vision” (p. 24). To this end, the applicant plans to mitigate negative impacts and further neighborhood goals and vision in the following ways:

- The proposed project design increased the amount of retail planned based on neighborhood input and the desire to have retail at this important intersection.
- The truck access has been relocated to address community member concerns about truck traffic in the alley.
- Live/work units will be added along Lipan Street to include stoops that will create consistency with the single-family residential pattern of porches further south from the site.
- The building height even in locations where the protected district rules do not apply will remain at 75', significantly less than the allowed height in the proposed zone district.

- Public art will be included in the project along Kalamath Street to better integrate the site to the Art District on Santa Fe.

The proposed map amendment to C-MX-5 and C-MX-8 with waivers is consistent with the neighborhood plan as it will introduce a greater mix of uses within the mixed-use character area, facilitate connections to the Auraria Campus and downtown Denver while respecting and providing transitions to the immediate residential area. Additionally, the project will mitigate negative impacts on existing uses and focus density where most appropriate, near the Colfax at Auraria LRT station.

Housing an Inclusive Denver (2018)

Housing an Inclusive Denver is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council. 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). As described previously in the staff report, the proposed development would include a housing commitment requiring 10% of all units to be affordable at 80% AMI for 99 years. 10% of these income-restricted units will be affordable at 60% AMI and 25% of all income-restricted units will contain at least two bedrooms. Given this commitment, the proposed rezoning would facilitate additional affordable housing opportunities consistent with the goals and strategies of Housing an Inclusive Denver.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-5 and C-MX-8 with waivers 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 through implementation of the city’s adopted land use plan. The proposed rezoning would also facilitate increased housing density near services and amenities and foster the creation of a walkable, urban area within walking distance to downtown and mass transit. An increase in density and broadened mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

4. Justifying Circumstance

The application identifies several 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 to such a degree that the proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular area, or in the city generally”*.

Recent physical changes within proximity to the subject site include new educational facilities on the Auraria Campus which is now home to more than 50,000 students and the largest higher education campus in the State of Colorado. Other changes include the opening of a new multi-unit residential project two blocks to the west at Colfax and Osage. Lastly, public and private investments along Santa Fe Drive in recent years justify this rezoning request to recognize the changing conditions.

The application also is justified by DZC section 12.4.10.8.A.4.c., *“That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 Zoning”*. The current zoning (B-4 with waivers, UO-1, UO-2) was put in place in 1978 and as such, the property does not enjoy the flexibility offered by the modern, form and context-based Denver Zoning Code.

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.” This rezoning request is to bring the subject Property’s zoning into conformance with the zoning that already exists in the surrounding neighborhood, i.e. mostly a mix of C-MS-5 and C-MX-5.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-5 and C-MX-8 districts apply to areas or intersections primarily served primarily by collector or arterial streets where a building scale of 1 to 8 stories is desired (DZC Section 7.2.2.2.B/C). The site is served by a downtown arterial street and a residential arterial street. Thus, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Attachments

1. Rezoning application
2. Zoning ordinance (1978)
3. Public comments