



**TO:** Denver City Council  
**FROM:** Ella Stueve, Senior City Planner  
**DATE:** February 6, 2020  
**RE:** Official Zoning Map Amendment Application #2019I-00052

### **Staff Report and Recommendation**

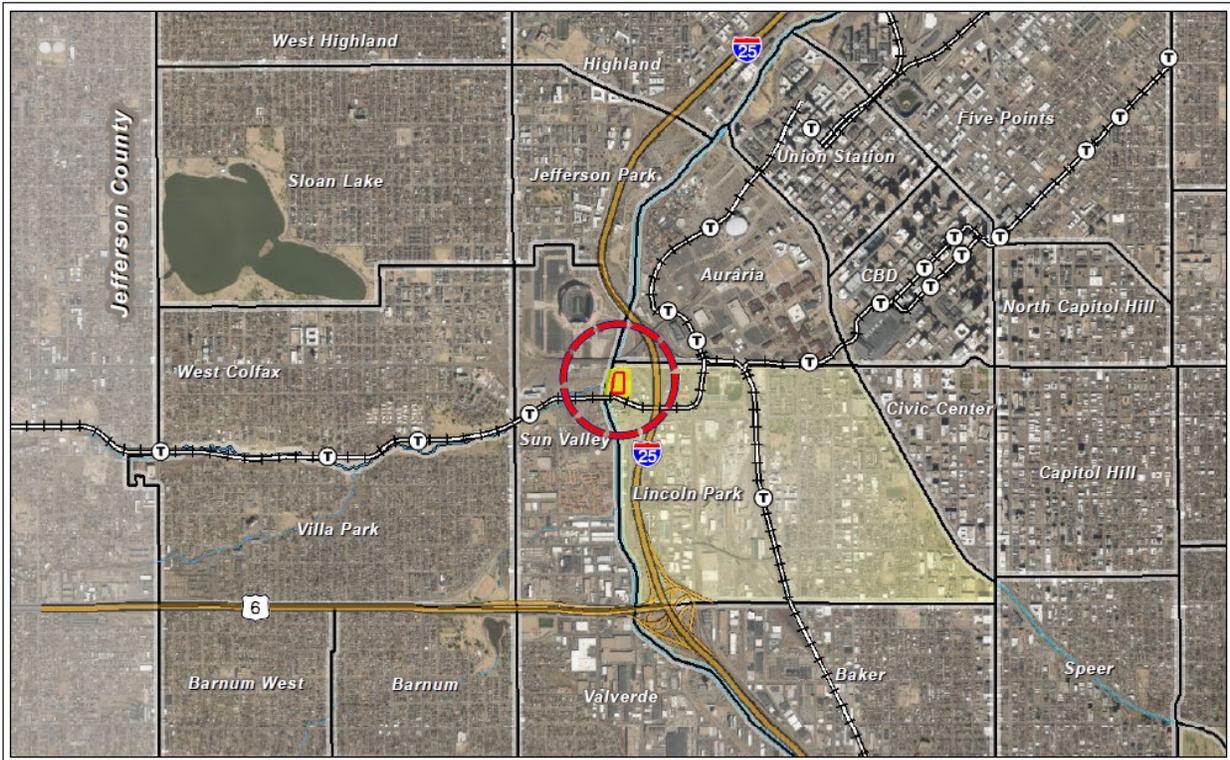
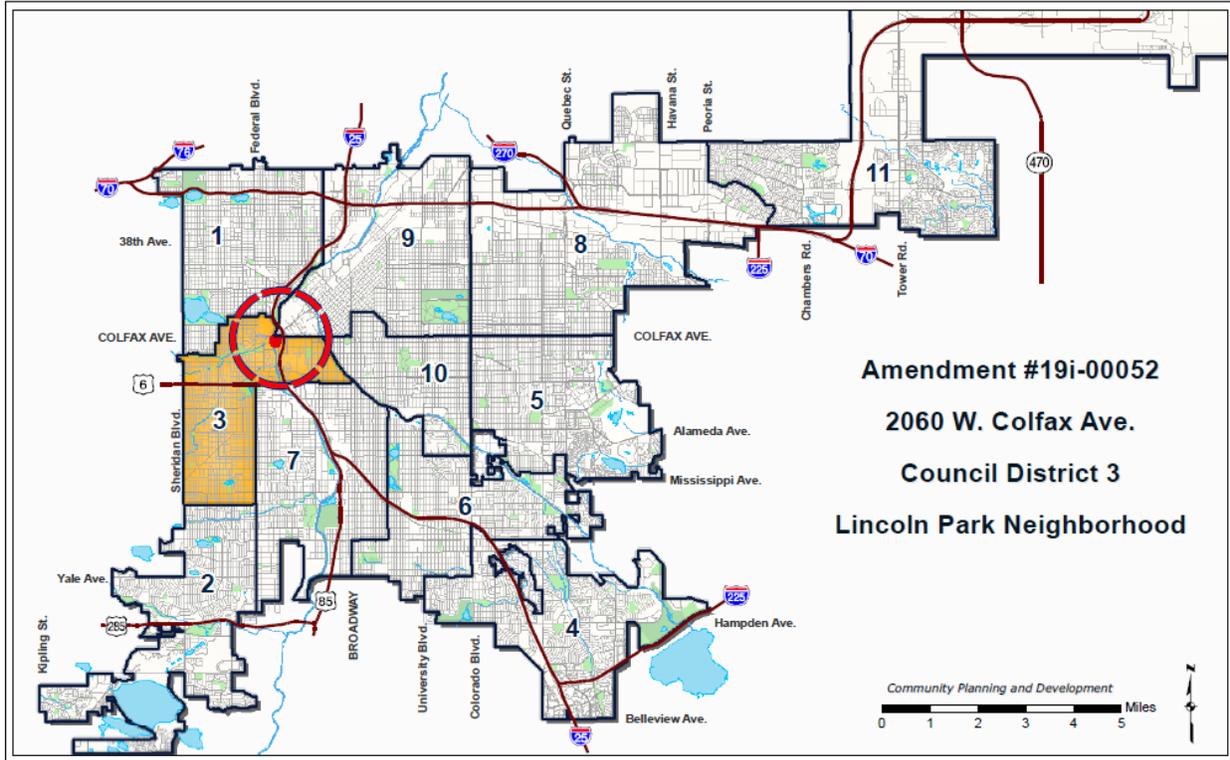
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2018I-00052.

### **Request for Rezoning**

Address: 2060 West Colfax Avenue  
Neighborhood/Council District: Lincoln Park / Council District 3  
RNOs: La Alma / Lincoln Park Neighborhood Association, West Denver United, Center City Denver Residents Organization, Sun Valley Community Coalition, Inter-Neighborhood Cooperation (INC)  
Area of Property: 96,212 square feet or 2.2 acres  
Current Zoning: C-MX-5  
Proposed Zoning: C-MX-8  
Property Owner(s): 1401 Zuni Investments, LLC  
Owner Representative: Susan Powers, Urban Ventures, LLC

### **Summary of Rezoning Request**

- The proposed rezoning is in the Lincoln Park statistical neighborhood in Council District 3. It is on the southeast corner of Old West Colfax Avenue as it intersects with the South Platte River corridor.
- The 2.2-acre subject property contains a one-story, approximately 6,000 square foot industrial warehouse structure that was recently renovated for a brewery.
- The proposed rezoning is intended to facilitate a mixed use redevelopment surrounding the existing structure. The applicant, Urban Ventures, LLC, recently renovated buildings on the adjacent lot as part of the Steam on the Platte mixed use project.
- The C-MX-8 (Urban Center, Mixed Use, 8-story) zone district allows a mix of uses and is intended for areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.





### Existing Context

This area is primarily industrial in character and part of the original street grid. Within a block of the site in all directions are major infrastructure corridors that interrupt the grid. To the immediate west is the South Platte River corridor and its intersection with Lakewood Gulch. To the north and east is the Colfax and I-25 interchange. To the south is the W light rail corridor. Surface parking areas are prevalent in the area with some mixed use and industrial buildings that are predominantly 1-3 stories.

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	C-MX-5	Industrial	1-story Structure	Immediate surroundings are part of the original street grid interrupted by Colfax Ave and I-25 interchange to east, South Platte River to west, and light rail tracks to the south.  No alleys are present and vehicle access is off the street.
North	C-MX-5	Vacant, Mixed Use	2.5-story Structure	
South	C-MX-5; I-MX-5	Transportation/Communications/Utilities (light rail tracks)	Light rail tracks; Xcel Energy industrial complex with 100'+ structure heights	
East	C-MX-5	Office, Commercial/Retail	3-story Structures	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	OS-C	Park/Open Space (South Platte River, Lakewood Gulch)	No Structures	

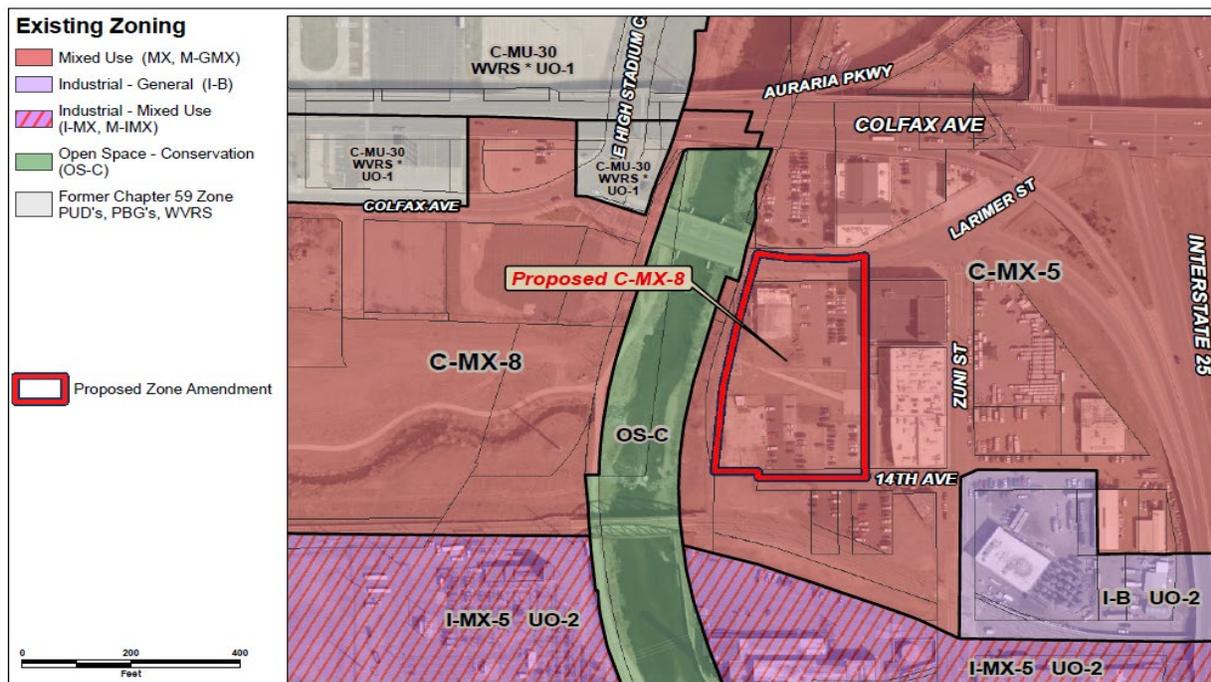
**Decatur Federal General Development Plan (GDP)**

The subject site is in the Decatur Federal GDP boundaries. This GDP was approved in 2014 following the 2013 adoption of the Decatur Federal Station Area Plan. The GDP establishes conceptual land use, transportation, open space, and other infrastructure systems for most of the station area plan boundaries (210 acres). The GDP is more granular than the station area plan but does not act as an approved site plan or establish any zoning. The GDP does not establish any specific concepts or requirements for the subject site related to land use or building heights and the GDP specifically states that a rezoning does not in itself mandate a GDP amendment (Sheet #4, Note #1). The proposed rezoning is consistent with the goals and concepts in the GDP. Therefore, no GDP amendment is required for the proposed rezoning.

**Old City Hall View Plane**

Denver Revised Municipal Code (D.R.M.C.) Section 10-59.5 establishes the Old City Hall mountain view plane that applies to the subject site. The view plane sets forth a maximum height based on elevation and distance from the origin point. For the subject site the maximum height under the view plane is approximately 112 feet. The proposed C-MX-8 zone district has a maximum building height of 110 feet so there is no conflict with the view plane.

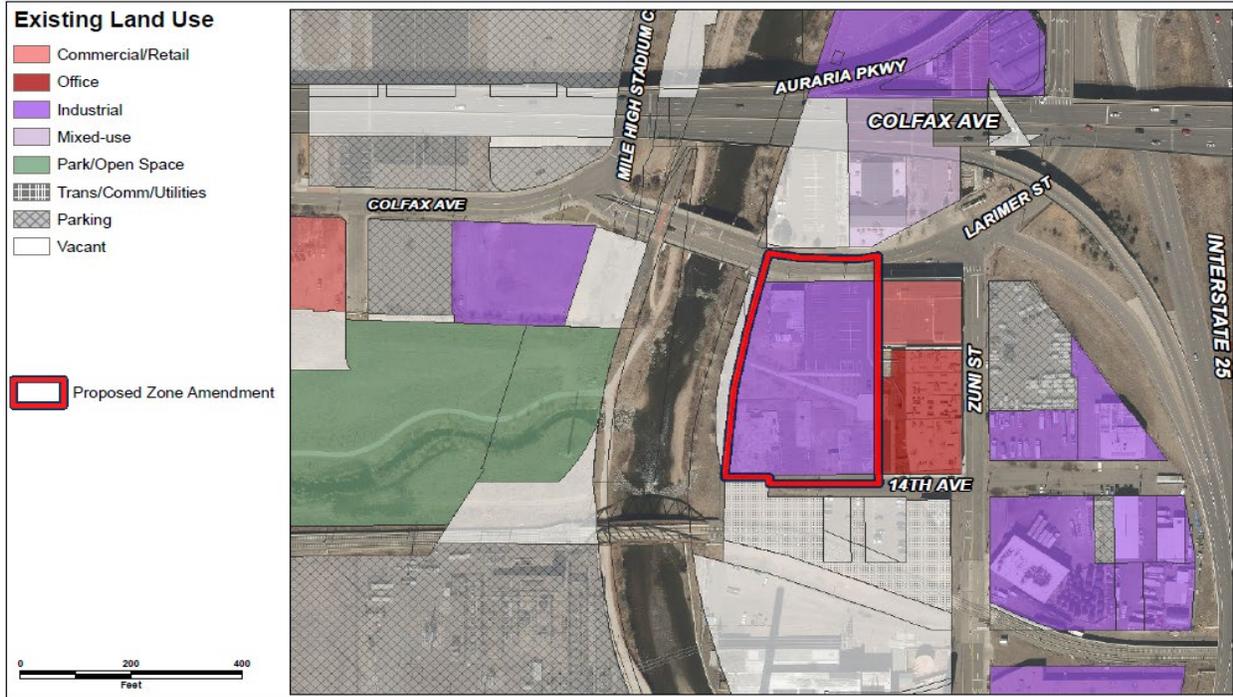
**1. Existing Zoning**



The subject property is zoned C-MX-5, which is a mixed-use zone district in the Urban Center context. It allows primary structures in the Town House, Drive Thru Services, Drive Thru Restaurant, General, and

Shopfront building forms up to five stories and between 45 and 70 feet in height. Primary street setbacks are block sensitive, and other setbacks range from 0 to 10 feet. A broad range of commercial, residential, and civic uses are allowed.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale

All images from Google Maps Street View.



Subject property highlighted in foreground



Subject property facing south from Old West Colfax Ave



Subject property facing west from Old West Colfax Ave



Surrounding mixed use properties north of subject site across Old West Colfax



Adjacent mixed use properties west of subject site



Adjacent South Platte River corridor west of subject site

### **Proposed Zoning**

The requested C-MX-8 zone district allows the Town House, Drive Thru Services, Drive Thru Restaurant, General, and Shopfront building forms with a maximum height in feet of 110' with allowable encroachments. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and commercial uses are allowed. For additional details of the requested zone district, see DZC Article 7.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below. The only difference between the existing and proposed zone districts are for building height.

Design Standards	C-MX-5 (Existing)	C-MX-8 (Proposed)
Primary Building Forms Allowed	Town House, Drive Thru Services*, Drive Thru Restaurant*, General, Shopfront	Town House, Drive Thru Services*, Drive Thru Restaurant*, General, Shopfront
Height in Stories/Feet (max)	5/45'-70'**	5-8**/45'-110'**
Primary Build-To Percentages (min)	50-75%**	50-75%**
Primary Build-To Ranges	0'-10' to 5'-15'**	0'-10' to 5'-15'**
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	0'-10'**	0'-10'**
Building Coverages	N/A	N/A

\*Building form not allowed within a ¼ mile of a transit station platform. The subject site is approximately 0.3 miles from two transit station platforms.

\*\*Standard varies between building forms.

### Affordable Housing Agreement

Concurrent with the rezoning, the applicant facilitated a voluntary affordable housing agreement to be recorded by the property owner (See Attachment 3). The agreement applies to the property proposed to be rezoned under this application. General terms of the signed agreement include:

- Minimum of 10% of all units income-restricted at or below 80% Area Median Income (AMI) for for-sale units and 60% AMI for rental units for a period of 60 years
- Minimum of 25% of income restricted units will be two-bedroom units
- Income restricted units will be constructed and marketed concurrently with or prior to any market rate dwelling units on the subject property

### 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 – See Comments.

DDPHE concurs with the rezoning. The site has been evaluated through Colorado’s voluntary cleanup program, an Environmental Protection Agency investigation and a DDPHE-initiated investigation. Based on information provided by the Colorado Department of Public Health and Environment, the site has undergone extensive remediation and historical environmental concerns have been mitigated.

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.

**Denver Parks and Recreation:** Approved – No comments.

**Public Works – R.O.W. - City Surveyor:** Approved – No comments.

**Development Services - Transportation:** Approved – No response.

**Development Services – Wastewater:** Approved – See Comments.

There is no objection to the rezone, however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study will be required. These studies may results in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

**Development Services – Project Coordination:** Approved – No response.

**Denver Fire Department:** 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:	9/18/2019
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:	11/18/2019
Planning Board Hearing. Planning Board recommended approval unanimously.	12/4/2019
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:	12/3/2019
Land Use, Transportation and Infrastructure Committee of the City Council:	12/17/19
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:	1/20/2020
City Council Public Hearing:	2/10/2019

- **Registered Neighborhood Organizations (RNOs)**
  - To date, three comment letters from RNOs have been received, all in support of the proposed rezoning (see Attachment 2). These include:

Rezoning Application #2019I-00052

2060 W Colfax Avenue

February 6, 2020

Page 11

- La Alma/Lincoln Park RNO
- West Colfax Business Improvement District
- Sun Valley Community Coalition

○ **Other Public Comment**

To date, one other public comment has been received in support of the proposed rezoning from the property owners and businesses occupying the property directly north of the subject site.

## 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)*
- *Decatur Federal Station Area Plan (2013)*
- *La Alma/Lincoln Park Neighborhood Plan (2010)*
- *Decatur Federal Station GDP (2014) (not a City Council adopted plan)*

### **Denver Comprehensive Plan 2040**

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

#### *Equitable, Affordable and Inclusive Vision Element*

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, within approximately 0.3 miles of the Decatur Federal and Mile High Stations that provide service for the W light rail line. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

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

#### *Strong and Authentic Neighborhoods Vision Element*

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The site is near two light rail stations and is well connected to the city's off-street mobility network with adjacency to the South Platte River corridor. The proposed C-MX-8 zoning would allow for a broad variety of uses including housing, retail services, and employment near transit, and it 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) *vibrant, mixed-use centers and corridors* (p. 34).

#### *Environmentally Resilient Vision Element*

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

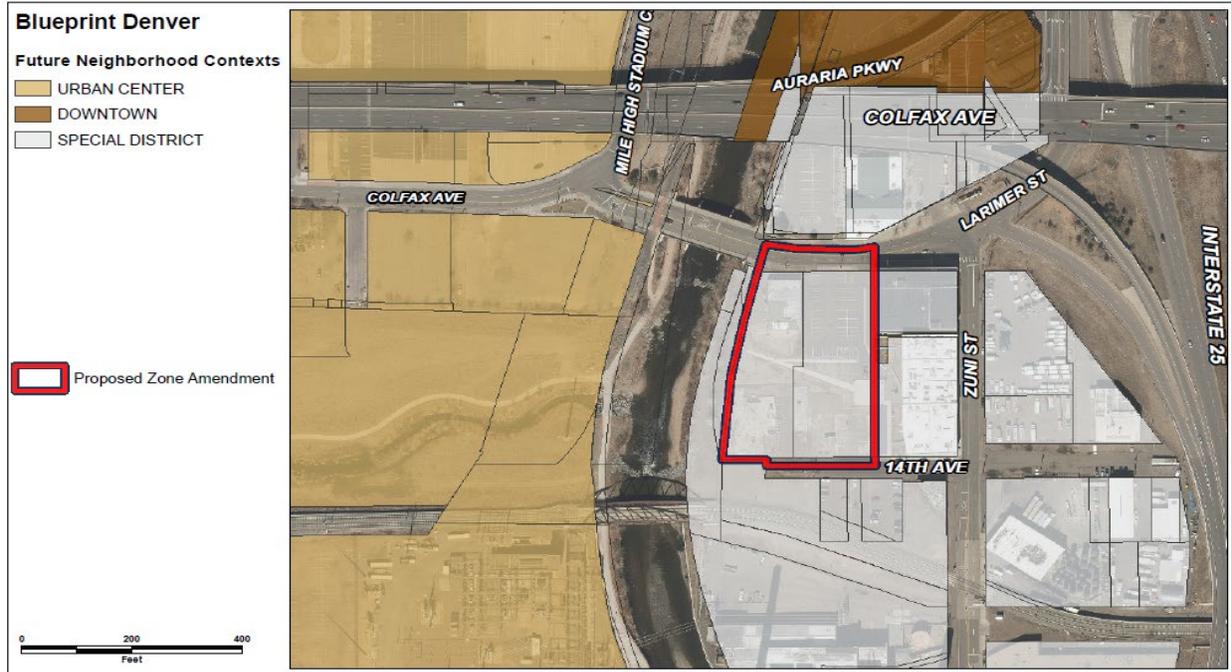
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p.54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- 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 services and infrastructure are already in place. The requested C-MX-8 zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations. Additionally, the affordable housing agreement ensures affordable and family-friendly residential units will be constructed and additional open space will be provided, thus reinforcing these plan goals.

#### ***Blueprint Denver***

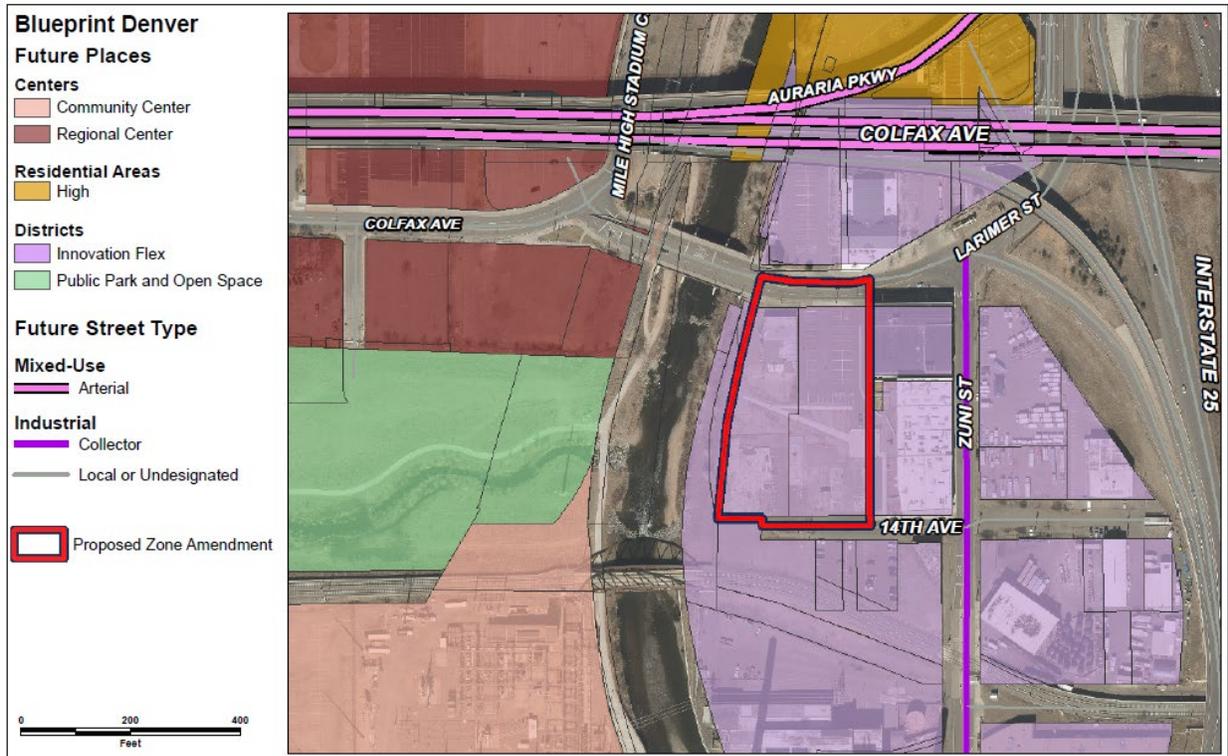
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of an Innovation Flex future place within the Districts Context 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 things like land use and built form and mobility options at a higher scale, between neighborhoods. Small area plans provide more certain guidance on topics including building heights (p. 67). The subject property is within the Districts neighborhood context. The Districts contexts “are contexts with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas. They can be mixed-use and offer a diverse range of amenities and complementary services to support the district’s purpose” (p. 280). The District context “varies greatly by place and use” (p. 137). The proposed C-MX-8 zone district is part of the Denver Zoning Code Urban Center Context and is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge”, and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 7.2.2.1)

**Blueprint Denver Future Places**



The future places map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 67). The subject property is mapped as Innovation Flex in the Future Places Map. These areas are part of the grouping of Manufacturing Districts that also includes the Heavy Production and Value Manufacturing place types. The Innovation Flex areas “serve the purpose of craft/maker space, high-tech design and manufacturing with a mix of employment and residential” (p. 285). Buildings in this context vary greatly in scale, and “should orient to the street and contain pedestrian friendly features such as street level transparency” (p. 285).

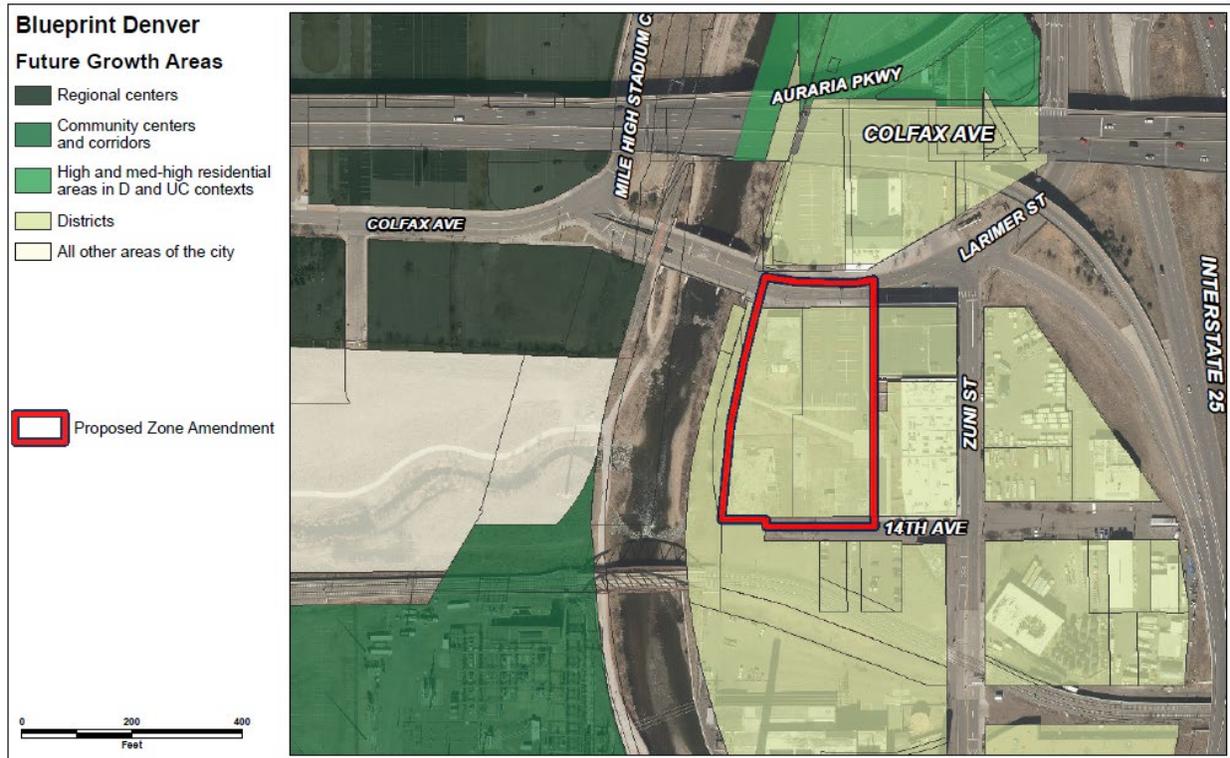
**Street Types**

Street types help inform the “appropriateness of the intensity of adjacent development” (p. 67). The two streets that provide direct access to the subject site are Old West Colfax Avenue and West 14<sup>th</sup> Avenue, both of which are classified as Local streets. “Local streets provide the lowest degree of through travel but the highest degree of property access” (p.161). The use and built form characteristics of Local streets are described as, “Local streets can vary in their land uses and are found in all neighborhood contexts, however are most often characterized by residential uses” (p.161).

Within one block, the subject site is also served by Zuni Street which is an Industrial Collector, and southbound access to Interstate 25. For Industrial streets, “adequate sidewalk space is provided, but driveway access is provided more frequently and streets may be wider to accommodate the movement of goods” (p. 161). The use and built form characteristics of Industrial streets are described as,

“Industrial streets are characterized by manufacturing but may contain other uses. Buildings are generally low-rise and may be setback to accommodate site specific needs.” (p.161).

### **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 site has the Districts classification. Districts are anticipated to see around 15% of new employment growth and 5% of new housing growth by 2040 (p. 51). Districts provide “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). “Districts add a broad range of job opportunities” (p. 49).

### **Blueprint Denver Strategies**

The following additional Blueprint Denver policies are applicable to the rezoning request:

- Land Use and Built Form: Economics Policy 3, Strategy D - *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).

### **Consistency with Blueprint Denver**

The proposed rezoning is consistent with Blueprint Denver for the following reasons:

- The proposed C-MX-8 zone district allows a wide and diverse range of uses, including residential, office, retail, and some light manufacturing uses commonly associated with craft/maker space and design. For example, the C-MX-8 zone district allows Commercial Food Preparation and

Sales, research laboratories, commercial services and repair, and custom manufacturing as uses “by right”. This is consistent with Blueprint Denver land use policies for both the Districts context and Innovation Flex future place type.

- The proposed C-MX-8 zone district promotes pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. All allowed building forms have mandatory build to requirements, do not allow parking or drive aisles between the building and the street, and have minimum transparency requirements. This is consistent with Blueprint Denver policies addressing the built environment for both the Districts context and Innovation Flex future place type.
- While the only direct access to the subject site is from Local streets, the site is well served by other transportation mobility options. Within 1 block of the subject site is the onramp to southbound I-25 and direct bicycle and pedestrian access to the South Platte River trail network that provides excellent off-street connections to downtown and other regional centers. Additionally, there are two light rail stations within about 0.3 miles of the subject site (Decatur Federal and Mile High light rail stations). The site is particularly well connected to the Decatur Federal station. The proposed C-MX-8 zone district is consistent with the description of Local streets as they provide property access and connections to larger streets, such as I-25 and Zuni Street.
- The proposed C-MX-8 zone district will focus mixed-use growth in an area identified for employment and residential growth in the Future Growth Areas map.
- The proposed C-MX-8 zone district will enable an increase in development capacity from the current C-MX-5 zone district for housing and other uses to complement manufacturing. This is consistent with Blueprint Denver policies addressing innovation/flex districts.

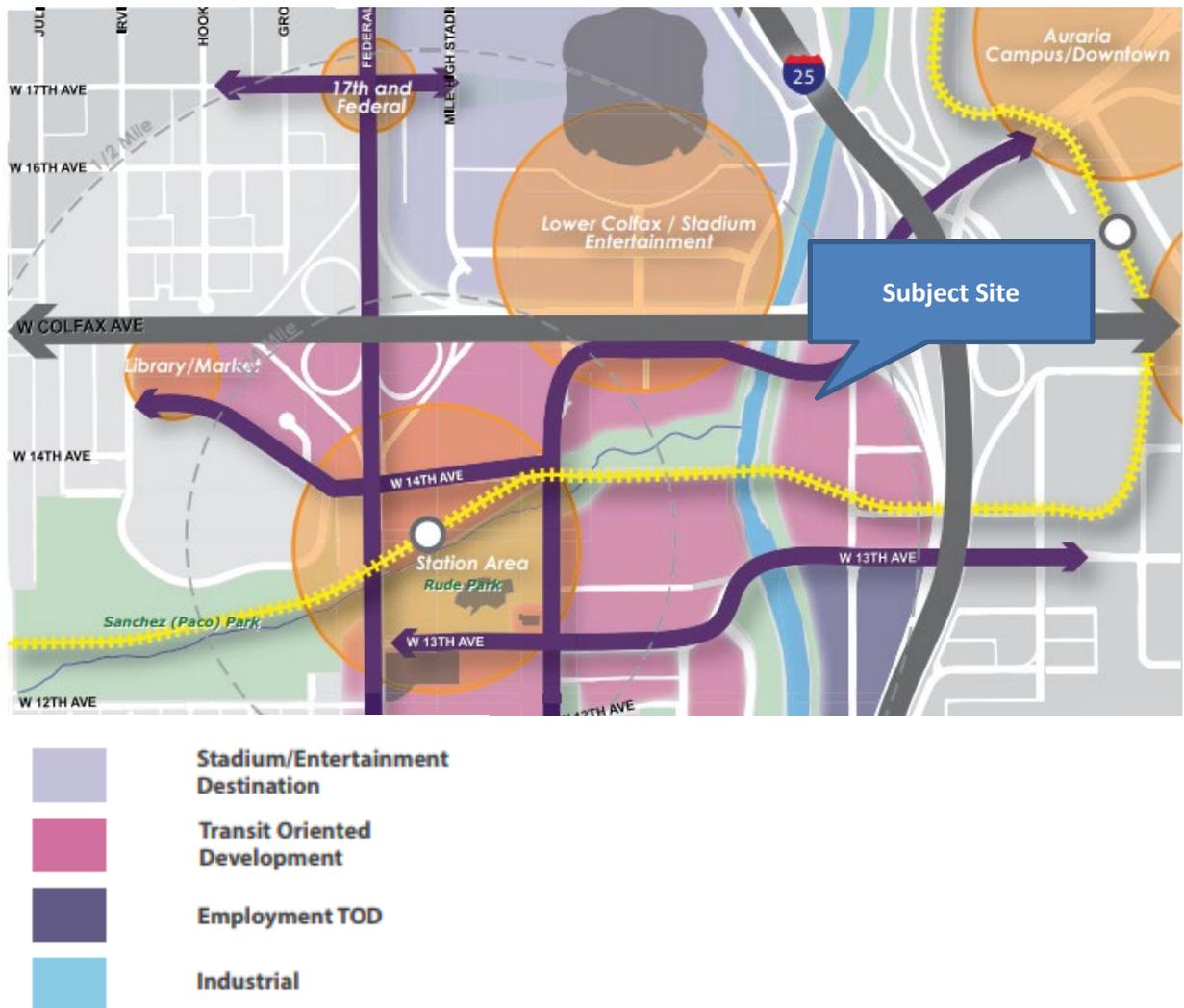
**Decatur Federal Station Area Plan (2013)**

The Decatur Federal Station Area Plan identifies the subject site as in a Transit Oriented Development (TOD) character area with future building heights up to 12 stories (pp. 17, 41). TOD areas have the “Highest intensity of development and mixture of multifamily residential, office and commercial land uses concentrated in a very walkable compact neighborhood with great access to transit and amenities” (p. 83). Additionally, plan policies for TOD areas state “This vision corresponds to the Urban Center Neighborhood Context” (p. 83).

**Decatur Federal Plan Future Building Heights Map**



*Decatur Federal Plan Future Land Use Concept*



The following additional Decatur Federal Station Area Plan policies are applicable to the rezoning request:

- Recommendation C.1.A Create a Livable TOD Community:
  - *Facilitate TOD near the Decatur-Federal Light Rail Station that integrates private development with a vibrant public realm and provides great access to the transit system and greenways (p. 40).*
  - *Encourage both a vertical and horizontal mix of land uses including multifamily residential, office, commercial, and public uses (p. 40).*
  - *Concentrate commercial activity near the light rail station, on Lower Colfax and at intersections to serve transit riders and the community (p. 40).*
- Recommendation C.3.C Encourage Employment TOD - *Encourage a vertical and horizontal mix of land uses, including light industrial, small office, institutional/vocational, commercial, flex and live/work (p. 50).*

### Consistency with Decatur Federal Station Area Plan

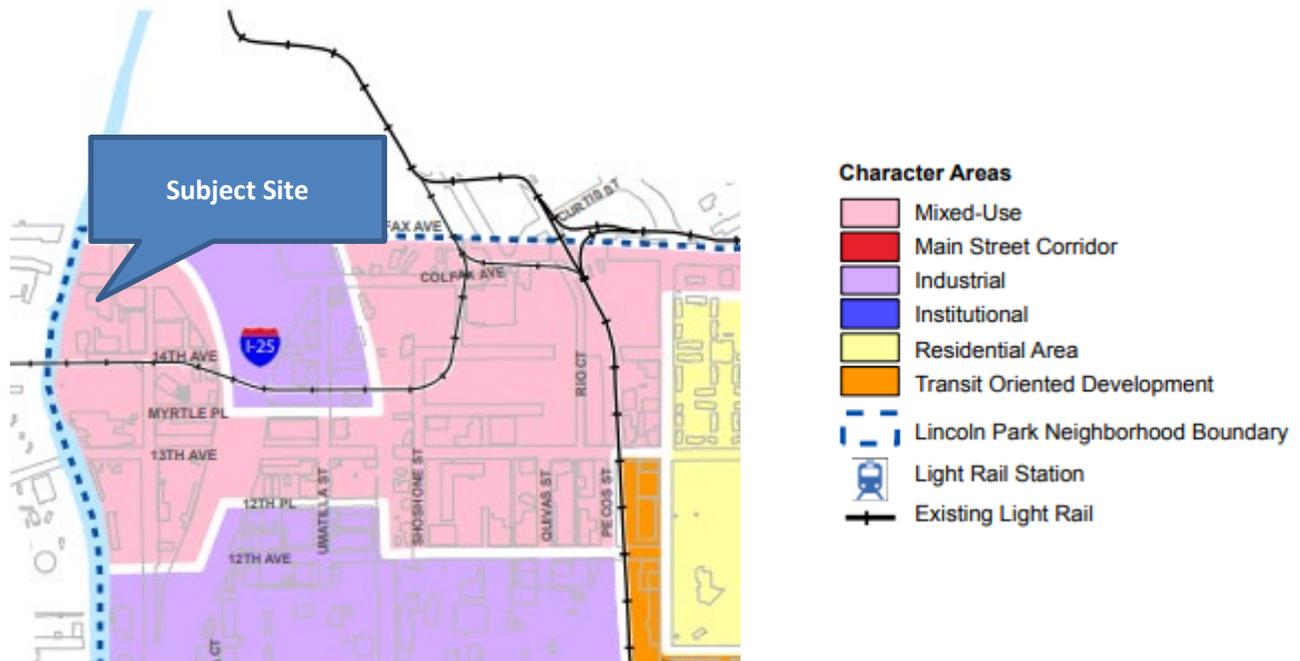
The proposed rezoning is consistent with the Decatur Federal Station Area Plan for the following reasons:

- The maximum height of the proposed C-MX-8 zone district is consistent with the plan’s future building heights map that identifies the subject site up to 12 stories.
- The proposed C-MX-8 zone district is in the Urban Center neighborhood context, as the plan’s recommended context for TOD character areas.
- The proposed rezoning would facilitate higher intensity mixed use development within the plan’s TOD character area and along Lower Colfax.

### La Alma/Lincoln Park Neighborhood Plan (2010)

The La Alma/Lincoln Park Neighborhood Plan identifies the subject site as in the Mixed-Use Character Area where “Moderate to large parcel sizes provides the opportunity for some mixed-use redevelopment” (p. 42). The goals of these areas are to “transition from heavy industrial to mixed use” and to provide “jobs, retail, and services to local residents” (p. 42).

The subject site is excluded from some of the plan’s more focused recommendations closer to the core of the neighborhood, including future building height recommendations.



The following additional La Alma/Lincoln Park Neighborhood Plan policies are applicable to the rezoning request:

- Zoning and Land Use Recommendations: *Encourage a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity and needs of the neighborhood, as appropriate to the subarea* (p. 24).

### **Consistency with La Alma/Lincoln Park Neighborhood Area Plan**

The proposed rezoning is consistent with the La Alma/Lincoln Park Neighborhood Area Plan for the following reasons:

- The proposed C-MX-8 zone district allows a mix of uses that is consistent with the Mixed Use Character Area description.
- The proposed rezoning would facilitate mixed use redevelopment on a moderate to large sized parcel.

### ***Decatur Federal Station GDP (2014) (not a City Council adopted plan)***

As described above, the Decatur Federal GDP applies to the subject property. Under the Denver Zoning Code, “City Council may approve an official map amendment (rezoning) application for property located within an approved LDF (Large Development Framework) or GDP area, taking into consideration the approved LDF or GDP” (DZC Section 12.4.12.15.B). The GDP does not establish any specific requirements for the subject site related to land use or building heights. The proposed C-MX-8 zone district allows a wide range of land uses and is consistent with the GDP’s goal to create a “vibrant mix of uses that builds on the assets of the neighborhood”, including the South Platte River Greenway (sheet #2 of GDP).

### ***Housing an Inclusive Denver***

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 above, the proposed development would require income restricted units prior to or concurrent with market-rate residential units, with 10% of those units affordable at 80% AMI for for-sale units and 60% for rental units for 60 years. 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-8 will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety and general welfare of the city through implementation of adopted plan policies and fostering mixed use redevelopment that is well served by transportation mobility options. Multiple adopted plan policies support redevelopment of the subject site as a relatively large parcel in a transit oriented development area.

## **4. Justifying Circumstance**

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the

public interest. Such change may include: (a) Changed or changing conditions in a particular area, or in the city generally; or, (b) A City adopted plan. The City adopted the Decatur Federal Station Area Plan in 2013 that identifies the subject site as a Transit Oriented Development area with accompanying policies. Additionally, recently adopted plans in surrounding areas identify major redevelopment and infrastructure projects close to the subject site including the Stadium District Master Plan, Downtown Area Plan Amendment, and reconfiguration of the Federal and Colfax cloverleaf interchange. Adjacent to the subject site is the recent Steam on the Platte redevelopment. These changes represent appropriate justifying circumstances for the proposed rezoning.

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

The requested C-MX-8 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). The current zone district, C-MX-5, is also in the Urban Center Neighborhood Context.

The general purpose for the mixed-use zone districts stated in the Denver Zoning Code is to “promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public street edge” and to focus on creating “mixed, diverse neighborhoods” (DZC Section 7.2.2.1). The specific purpose is that the C-MX-8 zone district “applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired” (DZC Section 7.2.2.2.C).

The proposed C-MX-8 zone district would promote mixed use development with active ground floors through build to and transparency requirements, consistent with the stated general purpose. Regarding the C-MX-8 zone district’s specific purpose, the subject site does not have direct access to an arterial street, but it is well-served by other transportation options. The subject site’s access to a wide range of nearby mobility options offsets the lack of arterial street direct access. Within 1 block of the subject site is the onramp to southbound I-25 and direct bicycle and pedestrian access to the South Platte River trail network that provides excellent off-street connections to downtown and other regional centers. Additionally, there are two light rail stations within about 0.3 mile of the subject site (Decatur Federal and Mile High Stadium light rail stations).

### **Attachments**

1. Application
2. Public Comments
3. Affordable Housing Agreement