



**TO:** City Council Neighborhoods and Planning Committee  
**FROM:** Steven Chester, Senior City Planner  
**DATE:** September 10, 2015  
**RE:** Zoning Map Amendment #2015I-00043  
2610-2638 W. 13th Avenue- Rezoning from **I-A, UO-2** to **C-MX-8**

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for proposed map amendment #2015I-00043 for a rezoning from I-A, UO-2 to C-MX-8.

## Request for Rezoning

Proposed map amendment: #2015I-00043  
Address: 2610-2638 W. 13th Avenue  
Neighborhood/Council District: Sun Valley / Council District #3  
RNOs: Sun Valley Community Coalition, Denver Neighborhood Association, Inc., Federal Boulevard Corridor Improvement Partnership, Inter-Neighborhood Cooperation (INC), Denver Urban Resident Association  
Area of property: 2638 W 13<sup>th</sup> – 9370 SF  
2630 W 13<sup>th</sup> – 3123 SF  
2618 W 13<sup>th</sup> – 9370 SF  
2610 W 13<sup>th</sup> – 3176 SF  
TOTAL = 25,040 S.F. (0.57 acres)  
Current zoning: I-A, UO-2  
Proposed zoning: C-MX-8  
Property owner: TDK SUB 2, LLC  
Owner Representative: Peter Hynes

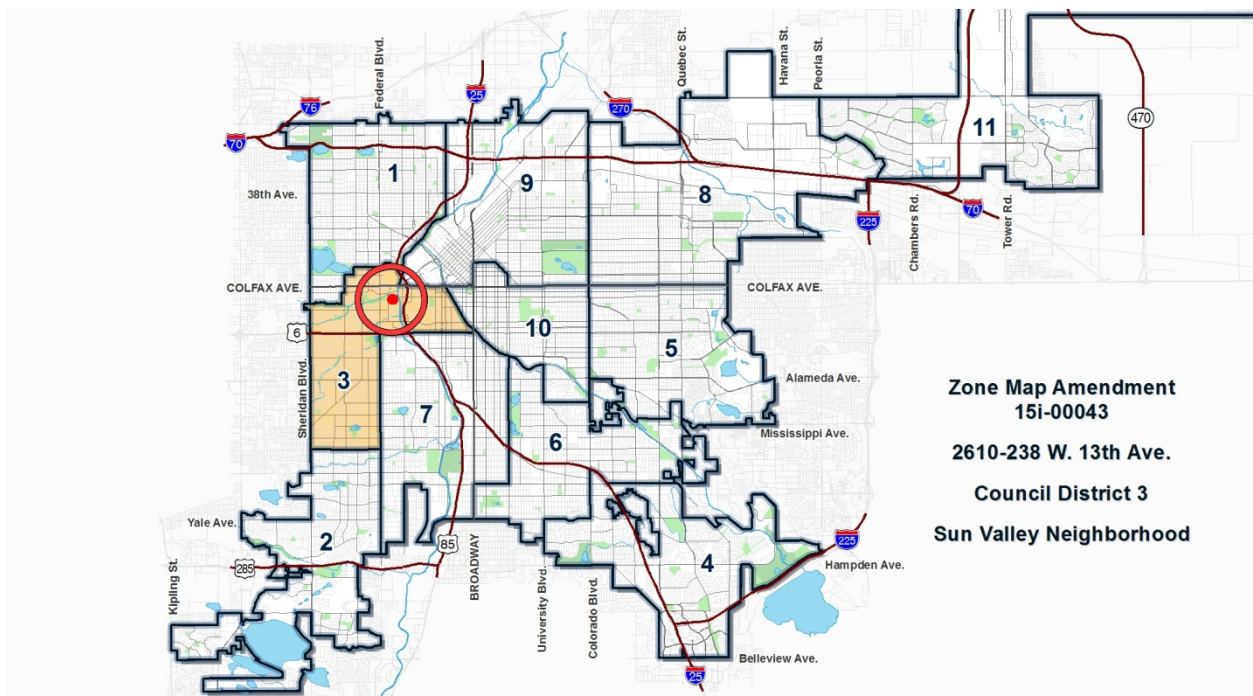
## Summary of Rezoning Request

- The subject properties are located in the Sun Valley statistical neighborhood, along W 13<sup>th</sup> Avenue, near the intersection of W 13<sup>th</sup> Avenue and Decatur. The site is generally bound by private property on the east and west, a publicly assessable alley on the south, and an Xcel substation on the north.
- The subject property is comprised of four assessor's parcels, addressed 2638, 2630, 2618, and 2610 W 13<sup>th</sup> St. The parcels are currently vacant.
- The current Industrial zoning does not implement the City's current adopted plans.

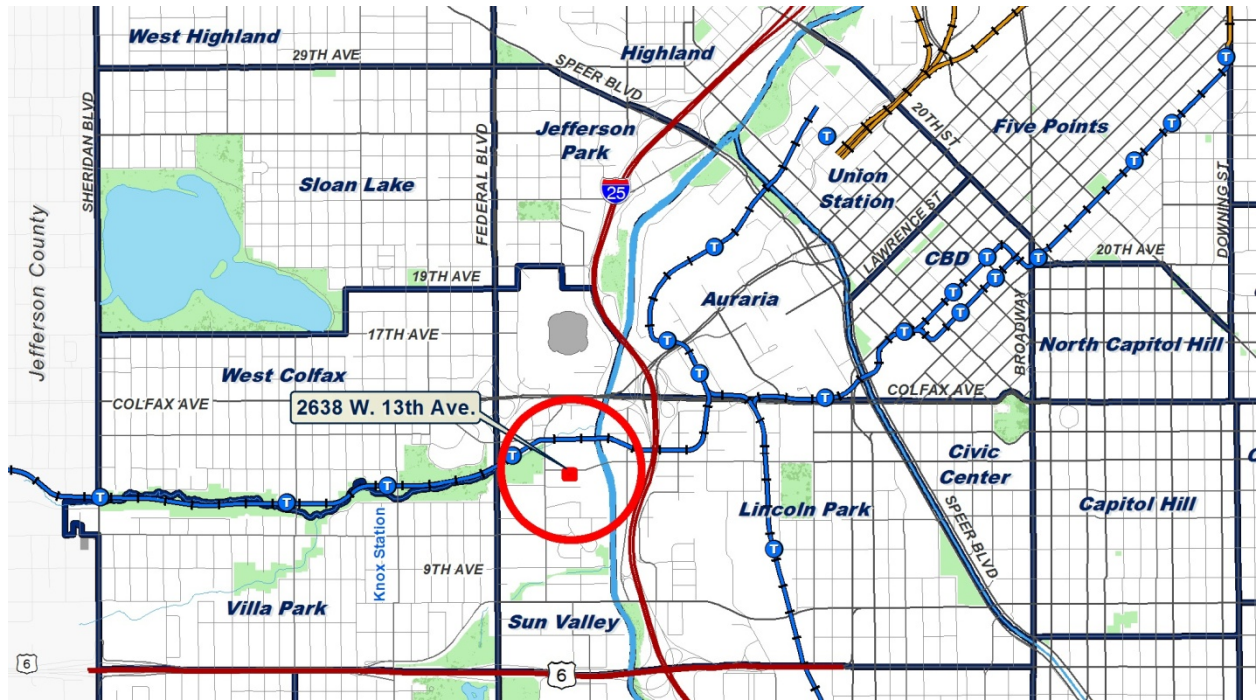
- The property owners are requesting a rezoning from I-A, UO-2 to C-MX-8 in order to redevelop the parcels in line with the vision of the recently adopted Decatur-Federal Station Area Plan.

The requested zone district title, C-MX-8, is defined as the C (**Urban Center**)- Neighborhood Context – MX (**Mixed Use**) that allows buildings up to **8 stories**. The Urban Center Neighborhood Context is characterized by multi-unit residential and mixed-use commercial strips and commercial centers in a variety of higher density urban building forms. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC 7.1).

Citywide map – subject site represented in red.



Neighborhood map – the subject site is located in the Sun Valley neighborhood and is represented in red.



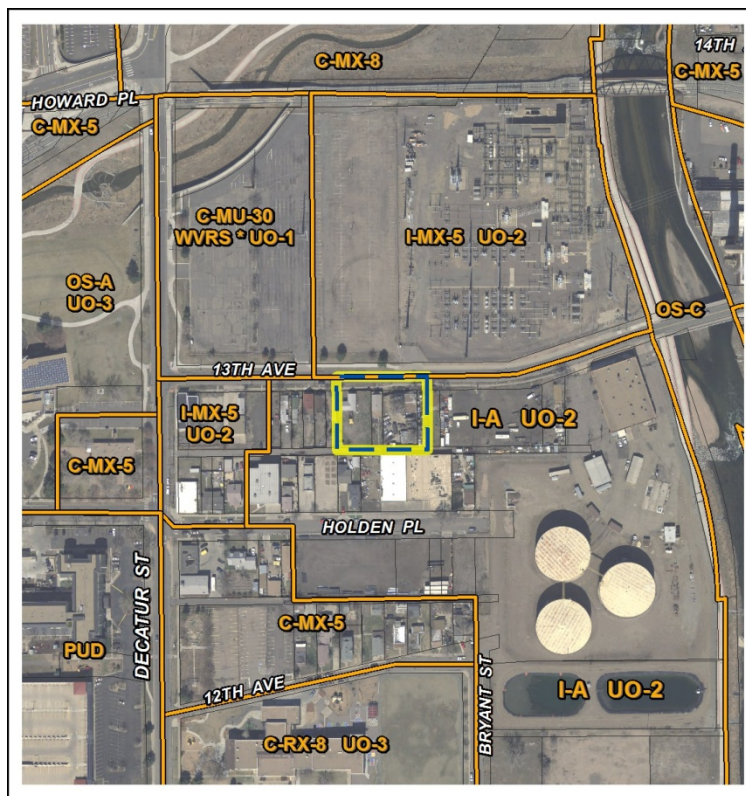
Existing Context

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

|       | Existing Zoning | Existing Land Use                      | Blueprint Denver                             | Existing Block, Lot, Street Pattern   |
|-------|-----------------|--|--|---|
| Site  | I-A, UO-2       | Multi-Family Low Rise / Office         | Transit Oriented Development- Area of Change | Generally, block sizes and shapes are consistent and rectangular; Vehicle parking is in the front, rear or side of buildings with alley access. Some larger parcels exist with less regular access, primarily those owned by the Public Utilities Commission. |
| North | I-MX-5, UO-2    | Transportation, Communication, Utility | Transit Oriented Development- Area of Change |   |
| South | I-A, UO-2       | Industrial, Single Family              | Transit Oriented Development- Area of Change |   |
| East  | I-A, UO-2       | Single Family, Parking                 | Transit Oriented Development- Area of Change |   |
| West  | I-A, UO-2       | Single Family                          | Transit Oriented Development- Area of Change |   |

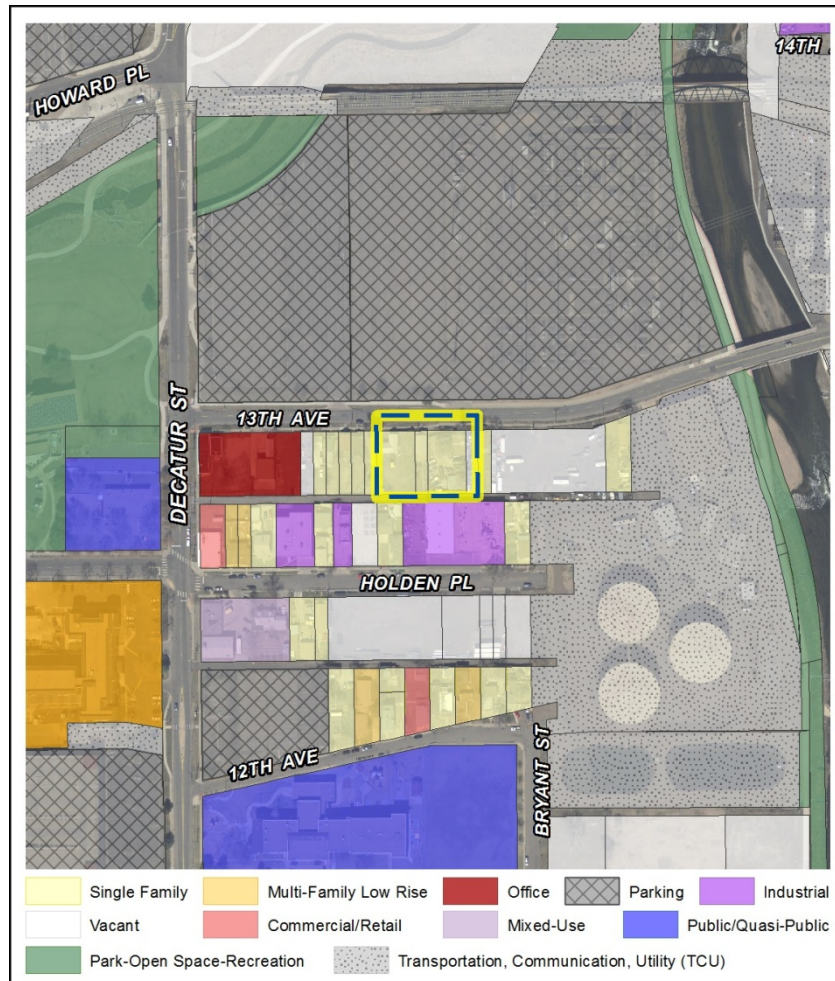
### 1. Existing Zoning

The current zoning of the site and areas to the east, south, and west is I-A, UO-2. This Light Industrial district is intended to be an employment area containing offices, business and light industrial uses that are generally compatible with adjacent Residential or Mixed Use Commercial Zone Districts. No new residential uses may be established in the I-A Zone District in order to promote a stable employment base for the city. Accordingly, I-A zoned areas serve as a land use buffer between more residential areas and more intensive industrial areas, which may be zoned I-B General Industrial. The I-A zone district does not have a height limit but allows for up to a maximum 2.0 Floor to Area Ratio (FAR). Additionally, the I-A zone district has no street level activation requirements and requires fairly substantial setback requirements, with surface parking permitted between the building and the street.



### 2. Existing Land Use Map

The existing land use of the subject site is identified as single family residential on the following existing land use map. The single family homes formerly on the site have been demolished and the site is currently vacant. The surrounding area contains a variety of land uses, primarily a mixture of single family residential (west); transportation, communication, and utility (north); industrial (south); and vacant (east). There are also some low density office uses in the surrounding area, along with some civic uses (elementary school and day care).



### 3. Existing Building Form and Scale

The majority of buildings in the immediate area are 1 to 2 stories. The tallest building in the immediate area is a 4 story residential building to the west. A majority of the land surrounding the site is vacant, surface parking, or Xcel Energy infrastructure. The single family homes in the area are primarily 1 and 2 story buildings.

### 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:

- **Asset Management:** Approve – No comments.
- **Development Services: Fire Prevention:** Approved – No Comments
- **Development Services – Wastewater:** Approved
- **Development Services – Project Coordinator:** Approved - No Comments.

- **Development Services – Transportation:** Approved
- **Denver Parks and Recreation:** Approved
- **Public Works – City Surveyor:** Approved - See Comments Below
  - Remove the last page of the application as it is the word doc in pdf form. All other portions of the application are fine.
- **Denver Environmental:** Approved – See Comments Below
  - “DEH approves the requested rezoning and the proposed relocation of Ubuesque there so long as potential environmental health concerns associated with increased traffic; noise and lighting are carefully managed.”

## Public Review Process

CPD Staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations on May 11, 2015.

The property was legally posted for a period of 15 days announcing the Denver Planning Board public hearing date on September 2, 2015, and written notification of the hearing was sent to all affected registered neighborhood organizations. The Denver Planning Board voted unanimously in favor (8-0) to recommend approval of the map amendment to City Council.

Written notification of the September 16, 2015 Neighborhoods and Planning Committee meeting (PLAN) was sent to all affected registered neighborhood organizations and City Council members on September 2, 2015.

Following the Neighborhoods and Planning Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.

The following Registered Neighborhood Groups have been notified of this case:

- Sun Valley Community Coalition
- Denver Neighborhood Association, Inc.
- Federal Boulevard Corridor Improvement Partnership
- Inter-Neighborhood Cooperation (INC)
- Denver Urban Resident Association

At the time of this staff report, the Sun Valley Community Coalition has submitted a letter of support for this rezoning (attached). Additionally, a local property owner has submitted a letter of opposition, primarily due to concerns of the proposed height (attached). At this time, no RNO correspondence or further public comment have been received.

## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

**DZC Section 12.4.10.13**

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

**DZC Section 12.4.10.14**

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

**1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Decatur-Federal Station Area Plan (2013)

**Denver Comprehensive Plan 2000**

Denver's Comprehensive Plan 2000 identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. This rezoning proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Chapter, Strategy 2-F: "Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods."
- Objectives and Strategies - Strategy 1-C: "Incorporate relevant recommendations from neighborhood, corridor and area plans that area supplements to Plan 2000."
- Land Use Chapter 1-H: "Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents"
- Land Use Chapter, Strategy 3-B: "Encourage quality infill development that is consistent with the character of the surrounding neighborhood..."
- Land Use Chapter, Strategy 4-A: "Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods"
- Residential Neighborhoods and Business Centers – Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and amenities; and that broadens the variety of compatible uses.

- Mobility Chapter, Strategy 3-B: “Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area”
- Mobility Chapter, Strategy 5-D: “Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible”
- Housing Chapter, Strategy 6-B: “Continue to support mixed-income housing development that includes affordable rental and for purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines”
- Housing Chapter, Strategy 6-E: “Identify and capitalize on opportunities to develop housing along transit lines”
- Legacies Chapter: Compact Urban Development – Strategy 3-A: Identify areas in which increased density and new uses area desirable and can be accommodated.

The proposed map amendment would enable Transit Oriented Development on an infill, transit oriented location where services and infrastructure are already in place. The proposed C-MX-8 allows for these uses in an appropriate built form. The rezoning is consistent with Comp Plan 2000 recommendations.

### **Blueprint Denver (2002)**

According to the 2002 Plan Map adopted in Blueprint Denver, the site has a concept land use of **Transit Oriented Development** and is located in an **Area of Change**.

#### **Future Land Use**

Transit-oriented developments offer an alternative to traditional development patterns by providing housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access. TOD areas offer a balanced mix of uses (residential, retail, office, entertainment, public facilities and others). These areas allow for compact, mid- to high-density development in close proximity to transit, emphasizing a pedestrian-friendly and attractive pedestrian environment.

The proposed C-MX-8 zoning is consistent with the TOD land use designation in Blueprint Denver. It allow for a mix of uses including housing, services, and employment opportunities. Unlike the existing I-A zoning, it contains building form standards that are consistent with the vision for pedestrian-friendly development, including build-to requirements, restrictions that do not allow parking between the building and the primary street, and standards for ground story activation.



**Area of Change / Area of Stability**

“The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial.”(pg. 127)

Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the city as a whole. Future residents and workers in these areas will have excellent access to efficient forms of transportation that include walking, biking, buses and light rail. However, redevelopment in these areas does more than just reduce the potential traffic congestion in the city. New development can improve the economic base, provide jobs, and enhance the visual quality of buildings, streets and neighborhoods, thereby positively affecting the quality of life in both the Areas of Change and in the surrounding neighborhoods.

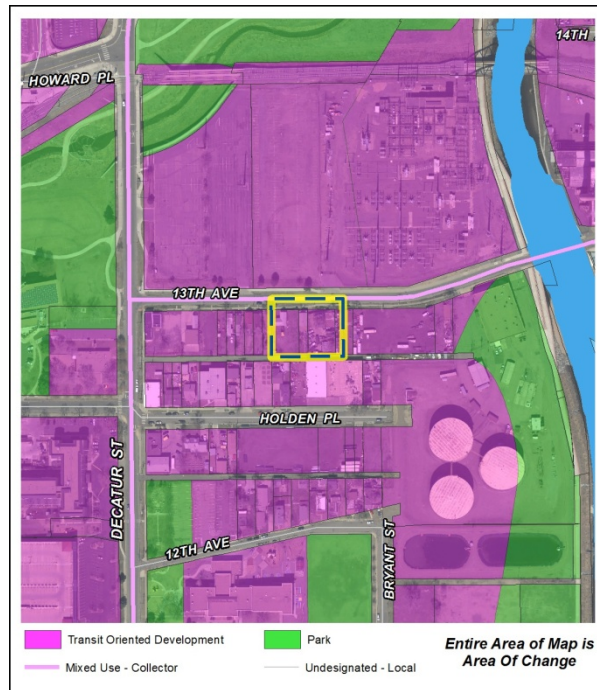
One of Blueprint Denver’s primary strategies is to funnel economic activity and investment into Areas of Change (pg.127). The proposed zone map amendment would be consistent with this strategy. The proposed map amendment will allow uses and building forms which better contribute to the TOD plan designation than the existing I-A zoning. The site’s location proximate to the Decatur-Federal light rail station offers an ideal opportunity for pedestrian-oriented, mixed-use development

**Street Classifications**

According to Blueprint Denver, 13th Ave has a street classification of Mixed-Use Collector. Mixed-use streets emphasize a variety of travel choices such as pedestrian, bicycle and transit use. Mixed-use streets are located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity.

The proposed rezoning to C-MX-8 allows for appropriate uses and densities for this transit oriented location. The rezoning is consistent Blueprint Denver recommendations.

Blueprint Denver map:



### Small Area Plan: Decatur Federal Station Area Plan (2013)

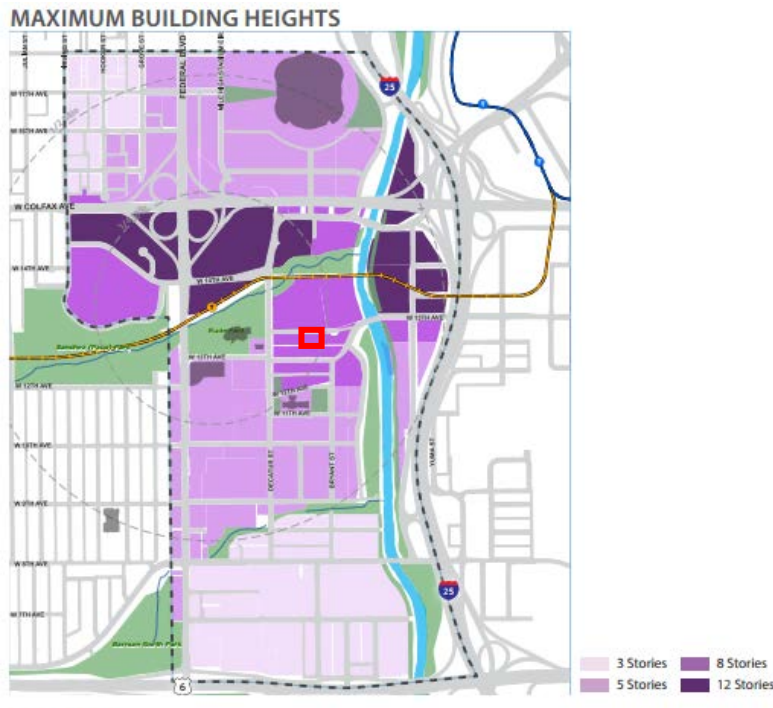
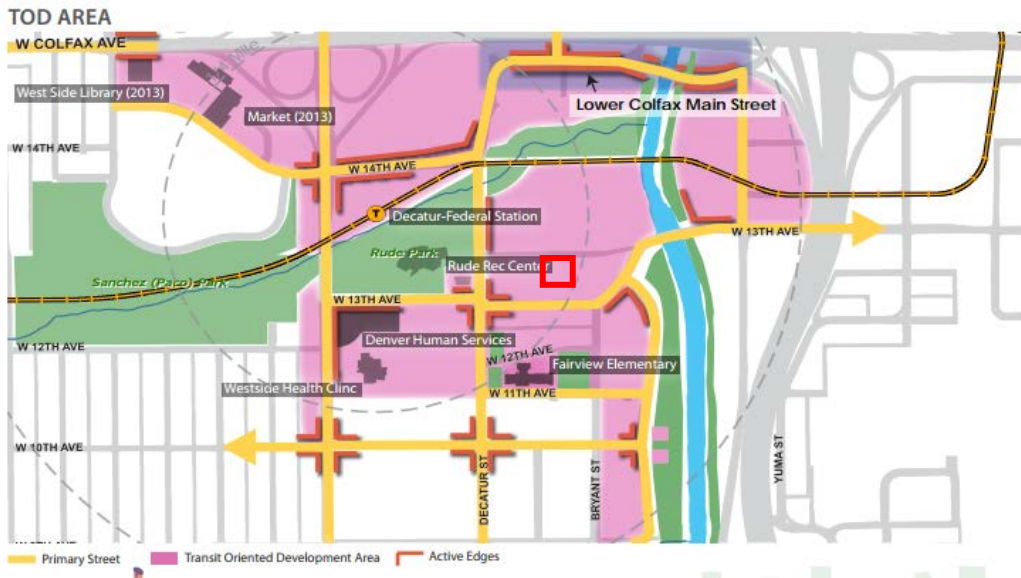
There are numerous strategies outlined within the Decatur-Federal Station Area Plan that are supportive of the proposed zone map amendment as well. These strategies are mainly encompassed in the Transit Oriented Development section of the Station Area Plan (Recommendation C.1)

The subject property is within the Transit Oriented Development area of the plan which recommends development that integrates private development with a vibrant public realm and provides great access to the transit system and greenways (p. 40). The plan calls for the creation of compact development patterns with small blocks and consistent building frontages that spatially define public streets and open spaces, creating a diverse, cohesive and walkable community (p. 40). The plan encourages both a vertical and horizontal mix of land uses including multifamily residential, office, commercial, and public uses. Further, the plan recommends concentrating commercial activity near the light rail station, on Lower Colfax and at intersections to serve transit riders and the community. The plan recommends the highest building heights be concentrated near the light rail station, with heights generally tapering down from the station. The subject site is recommended for 8 stories in the plan (p. 41).

Additionally, the plan states call for the facilitation of High Quality Urban Design within the Station Area (p. 40). The current I-A zoning requires a 20' front setback that has a negative impact on the pedestrian realm and does not foster a walkable station area. The build-to, parking location, and transparency standards of the C-RX-8 zone district fulfill the plan's urban design recommendations for this area. The C-MX-8 zoning encourages the creation of visually

interesting and human-scaled facades that “utilize doors, windows, and articulation to establish scale, variation and patterns that provide visual interest and reflect uses within the buildings” (p. 40).

Lastly, the rezoning application requests that the existing UO-2, the Billboard Use Overlay District will not be carried forward. Removing the possibility for billboards on the site is consistent with the plan recommendation to improve the visual environment of this area (p. 42).



The proposed map amendment to C-MX-8 supports development in line with the Transit Oriented Development future land use concept and helps implement the vision set forth in Decatur-Federal Station Area Plan.

## **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. The Urban Center neighborhood context is found throughout this part of the Sun Valley neighborhood and is found directly adjacent to the north, west, and east of the subject property. The Urban Center neighborhood context is also consistent with the Transit Oriented Development land use plan direction found in the area.

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

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans, including *Comprehensive Plan 2000*, *Blueprint Denver*, and the *Decatur-Federal Station Area Plan*.

## **4. Justifying Circumstances**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The addition of light rail has significantly changed the conditions and character of the neighborhood. As mentioned above, this site is designated as an Area of Change in Blueprint Denver. In Blueprint Denver and the Decatur-Federal Station Area Plan, new investment and increased density and mixture of uses is encouraged along the recently completed light rail corridor. This is an appropriate justifying circumstance for the proposed rezoning.

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

The requested C-MX-8 zone district is within the Urban Center Neighborhood Context. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge (DZC 7.1).

## Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning for the property at 2610-2638 W. 13th Avenue to C-MX-8 meets the requisite review criteria. Accordingly, staff recommends approval.

## Attachments

1. Application
2. Letter of Support – Sun Valley Coalition
3. Letter of Opposition – Neighborhood Property Owner

## Zone Map Amendment (Rezoning) - Application

| PROPERTY OWNER INFORMATION*   |                              | PROPERTY OWNER(S) REPRESENTATIVE**   |  |
|---|------------------------------|--|--|
| <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION  |                              | <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION   |  |
| Property Owner Name   |                              | Representative Name  |  |
| Address   |                              | Address  |  |
| City, State, Zip  |                              | City, State, Zip   |  |
| Telephone   |                              | Telephone  |  |
| Email   |                              | Email  |  |
| <p><b>*If More Than One Property Owner:</b><br/>           All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p> |                              | <p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p> |  |
| <p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>                              |                              |  |  |
| SUBJECT PROPERTY INFORMATION  |                              |  |  |
| Location (address and/or boundary description):   |                              |  |  |
| Assessor's Parcel Numbers:  |                              |  |  |
| Area in Acres or Square Feet:   |                              |  |  |
| Current Zone District(s):   |                              |  |  |
| PROPOSAL  |                              |  |  |
| Proposed Zone District:   |                              |  |  |
| Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:  | <input type="checkbox"/> Yes | <input type="checkbox"/> No  |  |

| REVIEW CRITERIA  |   |
|--|---|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria<br/>DZC Sec. 12.4.10.13</p>                                     | <p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>   |
| <p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria<br/>DZC Sec. 12.4.10.14</p> | <p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p> |

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)

Please list any additional attachments:

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

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

| Property Owner Name(s)<br>(please type or print legibly) | Property Address<br>City, State, Zip<br>Phone<br>Email                       | Property Owner Interest % of the Area of the Zone Lots to Be Rezoned | Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held) | Date       | Indicate the type of ownership documentation provided:<br>(A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved | Property owner representative written authorization? (YES/NO) |
|--|--|--|---|------------|---|---|
| <b>EXAMPLE</b><br>John Alan Smith and<br>Josie Q. Smith  | 123 Sesame Street<br>Denver, CO 80202<br>(303) 555-5555<br>sample@sample.gov | 100%   | <i>John Alan Smith</i><br><i>Josie Q. Smith</i>   | 01/01/12   | (A)   | NO  |
| Alicia Svaldi  | 2610-2638 West 13th Ave.<br>Denver, CO 80204                                 | 100%   | <i>Alicia Svaldi</i>  | 04/03/2015 | (A)   | Yes   |
|  |  |  |   |            |   |   |
|  |  |  |   |            |   |   |
|  |  |  |   |            |   |   |
|  |  |  |   |            |   |   |

Last updated: June 20, 2014

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)
**311** | FOR INFORMATION & CITY SERVICES

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



Denver Property Assessment and Taxation System (3.2.2)

# 2610 W 13TH AVE

| Owner   | Schedule Number                          | Legal Description              | Property Type | Tax District |
|---|--|--------------------------------|---------------|--------------|
| TDK SUB 2 LLC<br>7261 POPPY WAY<br>ARVADA , CO 80007-7533 | 0505401018000<br><b>PIN</b><br>161148120 | L 15 EXC E 18IN BLK 5 FAIRVIEW | VACANT LAND   | DENV         |

### Summary

|                        |            |                            |            |                                   |      |
|------------------------|------------|----------------------------|------------|-----------------------------------|------|
| <b>Style:</b>          | OTHER      | <b>Reception No:</b>       | 2014141357 | <b>Year Built:</b>                | 0000 |
| <b>Recording Date:</b> | 11/19/2014 | <b>Building Sqr. Foot:</b> | 0          | <b>Document Type:</b>             | WD   |
| <b>Bedrooms:</b>       |            | <b>Sale Price:</b>         | 000300000  | <b>Baths Full/Half:</b>           | 0/0  |
| <b>Mill Levy:</b>      | 83.054     | <b>Basement/Finish:</b>    | 0/0        | <b>Zoning Used for Valuation:</b> | IA   |
| <b>Lot Size:</b>       | 2,940      |                            |            |                                   |      |

Note: Valuation zoning may be different from City's new zoning code.

### Assessment

|              | Actual          | Assessed       | Exempt |
|--------------|-----------------|----------------|--------|
| Current Year |                 |                |        |
| Land         | \$23,100        | \$6,700        | \$0    |
| Improvements | \$0             | \$0            |        |
| <b>Total</b> | <b>\$23,100</b> | <b>\$6,700</b> |        |
| Prior Year   |                 |                |        |
| Land         | \$23,100        | \$6,700        | \$0    |
| Improvements | \$0             | \$0            |        |
| <b>Total</b> | <b>\$23,100</b> | <b>\$6,700</b> |        |

Denver Property Assessment and Taxation System (3.2.2)

# 2618 W 13TH AVE UNIT -2620

| Owner   | Schedule Number                          | Legal Description             | Property Type         | Tax District |
|---|--|-------------------------------|-----------------------|--------------|
| TDK SUB 2 LLC<br>7261 POPPY WAY<br>ARVADA , CO 80007-7533 | 0505401017000<br><b>PIN</b><br>161148111 | L 16 TO 18 INC BLK 5 FAIRVIEW | INDUSTRIAL, MISC IMPS | DENV         |

### Summary

|                        |            |                            |            |                                   |      |
|------------------------|------------|----------------------------|------------|-----------------------------------|------|
| <b>Style:</b>          | OTHER      | <b>Reception No:</b>       | 2014141358 | <b>Year Built:</b>                | 0000 |
| <b>Recording Date:</b> | 11/19/2014 | <b>Building Sqr. Foot:</b> | 0          | <b>Document Type:</b>             | WD   |
| <b>Bedrooms:</b>       |            | <b>Sale Price:</b>         | 000200000  | <b>Baths Full/Half:</b>           | 0/0  |
| <b>Mill Levy:</b>      | 83.054     | <b>Basement/Finish:</b>    | 0/0        | <b>Zoning Used for Valuation:</b> | IA   |
| <b>Lot Size:</b>       | 9,370      |                            |            |                                   |      |

Note: Valuation zoning may be different from City's new zoning code.

### Assessment

|              | Actual          | Assessed        | Exempt |
|--------------|-----------------|-----------------|--------|
| Current Year |                 |                 |        |
| Land         | \$93,500        | \$27,120        | \$0    |
| Improvements | \$1,000         | \$290           |        |
| <b>Total</b> | <b>\$94,500</b> | <b>\$27,410</b> |        |
| Prior Year   |                 |                 |        |
| Land         | \$93,500        | \$27,120        | \$0    |
| Improvements | \$1,000         | \$290           |        |
| <b>Total</b> | <b>\$94,500</b> | <b>\$27,410</b> |        |

Denver Property Assessment and Taxation System (3.2.2)

# 2630 W 13TH AVE

| Owner   | Schedule Number                          | Legal Description   | Property Type | Tax District |
|---|--|---------------------|---------------|--------------|
| TDK SUB 2 LLC<br>7261 POPPY WAY<br>ARVADA , CO 80007-7533 | 0505401016000<br><b>PIN</b><br>161148103 | L 19 BLK 5 FAIRVIEW | RESIDENTIAL   | DENV         |

### Summary

|                        |            |                            |            |                                   |      |
|------------------------|------------|----------------------------|------------|-----------------------------------|------|
| <b>Style:</b>          | ONE-STORY  | <b>Reception No:</b>       | 2014141360 | <b>Year Built:</b>                | 1890 |
| <b>Recording Date:</b> | 11/19/2014 | <b>Building Sqr. Foot:</b> | 1075       | <b>Document Type:</b>             | WD   |
| <b>Bedrooms:</b>       | 3          | <b>Sale Price:</b>         | 000175000  | <b>Baths Full/Half:</b>           | 1/0  |
| <b>Mill Levy:</b>      | 83.054     | <b>Basement/Finish:</b>    | 0/0        | <b>Zoning Used for Valuation:</b> | IA   |
| <b>Lot Size:</b>       | 3,125      |                            |            |                                   |      |

Note: Valuation zoning may be different from City's new zoning code.

### Assessment

|              | Actual          | Assessed       | Exempt |
|--------------|-----------------|----------------|--------|
| Current Year |                 |                |        |
| Land         | \$24,600        | \$1,960        | \$0    |
| Improvements | \$29,700        | \$2,360        |        |
| <b>Total</b> | <b>\$54,300</b> | <b>\$4,320</b> |        |
| Prior Year   |                 |                |        |
| Land         | \$24,600        | \$1,960        | \$0    |
| Improvements | \$29,700        | \$2,360        |        |
| <b>Total</b> | <b>\$54,300</b> | <b>\$4,320</b> |        |

Denver Property Assessment and Taxation System (3.2.2)

# 2638 W 13TH AVE

| Owner   | Schedule Number                          | Legal Description         | Property Type | Tax District |
|---|--|---------------------------|---------------|--------------|
| TDK SUB 2 LLC<br>7261 POPPY WAY<br>ARVADA , CO 80007-7533 | 0505401015000<br><b>PIN</b><br>161148090 | L 20 TO 22 BLK 5 FAIRVIEW | RESIDENTIAL   | DENV         |

### Summary

|                        |            |                            |            |                                   |      |
|------------------------|------------|----------------------------|------------|-----------------------------------|------|
| <b>Style:</b>          | ONE-STORY  | <b>Reception No:</b>       | 2014127393 | <b>Year Built:</b>                | 1915 |
| <b>Recording Date:</b> | 10/20/2014 | <b>Building Sqr. Foot:</b> | 828        | <b>Document Type:</b>             | WD   |
| <b>Bedrooms:</b>       | 2          | <b>Sale Price:</b>         | 000390000  | <b>Baths Full/Half:</b>           | 1/0  |
| <b>Mill Levy:</b>      | 83.054     | <b>Basement/Finish:</b>    | 0/0        | <b>Zoning Used for Valuation:</b> | IA   |
| <b>Lot Size:</b>       | 9,370      |                            |            |                                   |      |

Note: Valuation zoning may be different from City's new zoning code.

### Assessment

|              | Actual          | Assessed       | Exempt |
|--------------|-----------------|----------------|--------|
| Current Year |                 |                |        |
| Land         | \$98,400        | \$7,830        | \$0    |
| Improvements | \$1,000         | \$80           |        |
| <b>Total</b> | <b>\$99,400</b> | <b>\$7,910</b> |        |
| Prior Year   |                 |                |        |
| Land         | \$98,400        | \$7,830        | \$0    |
| Improvements | \$1,000         | \$80           |        |
| <b>Total</b> | <b>\$99,400</b> | <b>\$7,910</b> |        |

ADDENDUM TO PROPOSED OFFICIAL ZONE MAP AMENDMENT FOR:

2610-2638 W. 13<sup>th</sup> Avenue

**Parcel Numbers:** 161148129, 161148111, 161148103, 161148090

**Current Zoning:** I-A, UO-2

**Proposed Zoning:** C-MX-8

**Legal Description:** Parcel A (...8129):

- Address: 2610 W 13<sup>th</sup> Ave.
- Legal Description: L 15 EXC E 18IN BLK 5 FAIRVIEW

Parcel B (...8111):

- Address: 2618-2620 W 13<sup>th</sup> Ave.
- Legal Description: L 16 TO 18 INC BLK 5 FAIRVIEW

Parcel C (...8103):

- Address: 2630 W 13<sup>th</sup> Ave.
- Legal Description: L 19 BLK 5 FAIRVIEW

Parcel D (...8090):

- Address: 2638 W 13<sup>th</sup> Ave.
- Legal Description: L 20 TO 22 BLK 5 FAIRVIEW



**Property Owner:**

TDK Sub2, llc  
7261 Poppy Way  
Arvada, CO 80007

**Authorized Representative:**

Peter Hynes, AIA  
Urbitecture  
110 16<sup>th</sup> Street #404  
Denver, CO 80202  
303-892-8957  
[phynes@urbitecture.com](mailto:phynes@urbitecture.com)

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**PROJECT SUMMARY:**

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For and on behalf of TDK Sub2, llc, Urbitecture is pleased to submit this zone map amendment for the purpose of redeveloping the aforementioned land parcels into “Ubuesque”, an artistic center and performing arts venue (used interchangeably with the term “Project”). The current zoning is I-A, and when the new zoning code was adopted a majority of the Decatur-Federal Station Area was zoned out of the Industrial uses and into Mixed-Use zone districts. As a result, the Project property and its surroundings are changing to such a degree that rezoning the property is in the public interest to encourage redevelopment of the site and help catalyze redevelopment around the Decatur-Federal Transit Station.

We are requesting a change to C-MX-8, a mixed-use zone district that allows Ubuesque and associated industry cluster uses. Although we can develop the project within the existing I-A zone, the required 20’ front setback is problematic and would be contradictory to the “build-to” desires of the City and new Zoning Code.

## EXHIBIT A – DESCRIPTION OF CONSISTENCY WITH ADOPTED PLANS

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The proposed zone map amendment is consistent with the following adopted City plans:

- A.1: Decatur-Federal Station Area / Sun Valley Neighborhood Plan
- A.2: Blueprint Denver
- A.3: Comprehensive Plan 2000
- A.4: Uniformity of District Regulations and Restrictions
- A.5: Public Health, Safety, and General Welfare
- A.6: Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

### A.1: DECATUR-FEDERAL STATION AREA / SUN VALLEY NEIGHBORHOOD PLAN

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The Decatur-Federal Station Area / Sun Valley Neighborhood Plan was completed in 2013 and is quite supportive of our map amendment request.

- Development Concept (pg. 16)  
*“Physical assets and amenities anchor cities and neighborhoods. Natural features, a regional greenway, a stadium or entertainment destination, distinctive historic buildings, unique cultural facilities - these are elements which people remember.”*

The Ubuesque concept is that of a unique artistic center and performing arts venue. Ubuesque will seat 250-300 and will provide a performance venue for acrobats, contortionists, music bands, plays and dance, fashion shows, interactive artistic performances, and educational programming. This type of venue can serve as the catalyst project for large scale neighborhood redevelopment or anchor a creative industry cluster.

- A.2.C. – Encourage Business, Attract Diversity (pg. 24)  
*“Attract a diversity of large and small businesses to the area that serve the shopping, entertainment, services, training and employment needs of Sun Valley residents, employees and visitors. Attracting a mixture of businesses can add to the sense of place and neighborhood character of Sun Valley.”*

Ubuesque will help diversify the cultural, entertainment, and artistic characteristics of Sun Valley by assembling a mixture of creative industries in the performing arts, fashion and design, and artistic support. As a business, the productions at Ubuesque will require support from outside businesses in catering, set construction, non-profit management, marketing, and booking operations, education, and studio training. As an establishment, Ubuesque will provide a non-prejudicial venue for any cultural and/or artistic production.

- A.3. – Celebrate Culture (pg. 25)
  - A.3.B. – Promote a Cultural Center

Ubuesque is an interactive cultural center that will seat a 250-300 seat audience. Ubuesque's international artistic team is poised to provide a performance, education, and training space for any cultural performance. In fact, Ubuesque encourages and will rely upon patronage from all peoples and cultures.

- A.3.C. – Support Public Art (pg. 25)

Ubuesque is art friendly and will support just about any public art installation.

- A.3.D. – Support Community Events and Celebrations (pg. 25)

Ubuesque hopes to participate in the planning efforts to realign 13<sup>th</sup> Avenue to Holden Place. This would allow a partnership between Ubuesque and Sun Valley to close the existing 13<sup>th</sup> Avenue on days when outdoor performances, events, marketplaces, and festivals are held. In addition, while the venue is being planned, Ubuesque will activate the vacant land and provide a potential location for community events and celebrations.

- C.1.A. – Create A Livable TOD Community (pg. 40)

Ubuesque will be the first new project to catalyze the Decatur-Federal Station. Other projects will follow and continue the entertainment and arts theme. So long as this theme of innovation, arts, and entertainment is embraced, purposeful residential development will follow and provide the foundation for a livable TOD community the entire city can enjoy.

- C.1.B. – Facilitate High Quality Urban Design (pg. 40)

Ubuesque is a use-by-right in the current I-A zoning. The I-A zone requires compliance with a 20' front setback. As the setback requirement does have a challenging impact on the facility site plan, it will also have a negative contextual impact as the remainder of the neighborhood will most likely be constructed to the property line. In effect, as the neighborhood develops, Ubuesque would be the only building sited 20' back from the property line, in an I-A zone, ultimately creating a fragmented urban fabric. Therefore, we are requesting C-MX-8 zoning to allow a site design consistent with the City's desires of high quality urban design and contextual zoning.



Further, Ubuesque will have a maximum building height of 8 stories, creating an active edge along 13<sup>th</sup> Avenue, and providing visual interest from Colfax, Federal, Sports Authority Field, and I-25.

- C.1.D. – Improve the Visual Environment (pg. 42)

Ubuesque is sited caddy-corner to the Xcel Substation. We purposefully located Ubuesque so as to provide a buffer between future residential development and the substation. Aesthetically, we intend the project to provide a transition between the industrial substation and the residential and commercial uses eventually located along Decatur.

- C.3.D. – Actively Recruit Innovative Businesses (pg. 52)

Relocating from Paris, France, Ubuesque will add employment and jobs. In addition, catering, theater support, and arts/entertainment businesses will thrive around Ubuesque. We also feel that the construction of Ubuesque will house additional non-profits, arts industries, music studios, dance troupes, fashion designers, and others. Within the C-MX-8 zone, Ubuesque will create an entertainment/artistic center anchoring an industry cluster of performance, fashion, creativity, music, and performance support.

- D.1.C – Improve the Built Environment in a Way That Helps Walking, Biking, or Taking Transit Become Default Choices for Residents and Employees (pg. 58)

Located within ¼ mile of the Decatur-Federal Light Rail Station, our intent is to generate as much default ridership as possible. In addition, we would gladly consider a B-Cycle station in our development. Finally, if Old 13<sup>th</sup> Ave can be closed for festivals and outdoor events, Ubuesque would serve as a wonderful backdrop to the natural activity and gather interest from Jefferson County and Denver County residents who prefer to travel by rail and not worry about parking or driving late at night.

- D.1.F. – Consider Public Health and Safety Impacts of New Development (pg. 59)

Ubuesque will be occupied during the day and evening with lighting that will be prevalent in the evening. The additional lighting and “eyes on the streets” will provide additional crime prevention through environmental design.

- D.2.C. – Create High Performing Buildings and Neighborhoods (pg. 60)

Ubuesque intends to build as “green” as is economically feasible.

- D.3.A. – Create New Jobs (pg. 61)

Ubuesque began in Paris and is relocating to Denver. Upon completion, Ubuesque will provide permanent jobs within the venue, many construction jobs, and enable the retention of many employees of creative industry firms. In addition, additional businesses and groups may find Ubuesque to be a neighborhood amenity and worthy of locating around.

- Transit Oriented Development (pg. 83)

*“Plan vision- 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.*

*Neighborhood Context- This vision corresponds to the Urban Center Neighborhood Context. The General Urban Neighborhood Context may also apply.*

*Zoning Analysis- Several properties planned for TOD have industrial (I-A) zoning. Land uses permitted in the I-A district do not align with those recommended for the TOD area. The I-A district will not implement the uses, form, building heights or character envisioned for the TOD area.*

*Implementation Strategy- The menu of zone districts offered within the Urban Center Neighborhood Context and the General Urban Neighborhood Context are better suited to implement the vision for the TOD area.”*

As previously mentioned, Ubuesque is a use-by-right in the I-A zone district. However, we agree, the I-A zone district does not align with those recommended for the TOD area. Therefore, Ubuesque is requesting a zone map amendment to change zoning from I-A to C-MX-8.

## A.2: BLUEPRINT DENVER

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Blueprint Denver was completed in 2002 and identifies this location as an “Area of Change”. In addition, there are numerous strategies that discuss infill development, areas where land use and transportation are closely linked, and:

- Transit-Oriented Development (pg. 44):

*“Transit-oriented developments offer an alternative to traditional development patterns by providing housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access.”*

Ubuesque, located within ¼ mile of the Decatur-Federal Station, is strategically sited to provide access for light rail passengers, bicyclists from the Platt River bike path, and pedestrians from within the neighborhood. The performance space will be an

attractive building, focus on the entertainment industry to help balance the mix of uses within the TOD, and infill underutilized sites with higher density development.

- Map Amendments (pg. 75)

*"In other instances it may be necessary to change the zoning in an area to establish the appropriate framework for achieving the vision for each Area of Change. For example, some areas near downtown are zoned for industrial use but are slated for mixed-use development. In this case, the underlying zoning would need to be changed to a mixed-use district."*

This statement is exactly what we face with Ubuesque. Our project is a use-by-right in the current I-A zone. However, we all feel that our project best aligns with the City vision through a rezoning to C-MX-8.

- Area of Change (pg. 127)

*"Areas of Change are found throughout Denver. These areas have many characteristics, but some of the most common traits are close proximity to a commercial arterial street, along a historical trolley route, adjacent to an existing or planned light-rail stop, or locations in older industrial areas, or in large vacant areas. Opportunities for pedestrian-oriented, mixed-use development can be found in most of these areas."*

Blueprint Denver considers the site for Ubuesque as an Area of Change. Furthermore, the site is within a ¼ mile of the Decatur-Federal light rail station, near the historic Platt Valley Trolley, located in an older industrial area with non-conforming uses, and is an opportunity for a pedestrian oriented, mixed-use development. Ubuesque is a project that will exemplify development's positive impacts on community and is the epitome of a project worthy of a zone map amendment.

- Map Amendments (pg. 130)

*"In some cases it may be necessary to change the zoning to establish the appropriate framework for achieving the vision for Areas of Change. For instance, some areas near downtown are zoned for industrial use but are slated for mixed-use development. In this case, the underlying zoning would need to be changed to a mixed-use zone district."*

Ubuesque is sited in an I-A zone just outside of downtown. As such, this request for a zone map amendment is quite relevant and appropriate for the Sun Valley community as the industrial zones are envisioned to be redeveloped by Blueprint Denver.

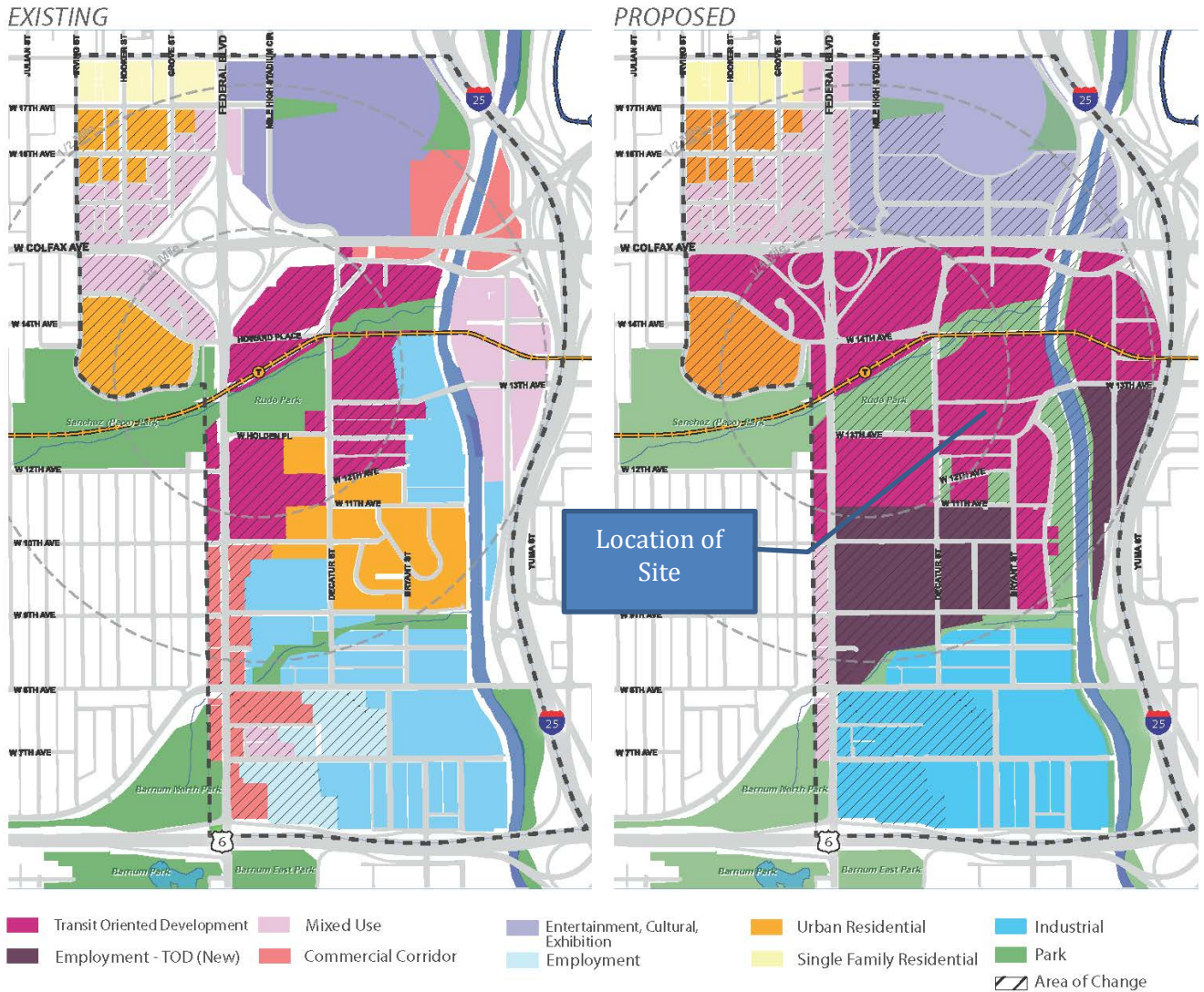
- West Colfax Light Rail Station Area – TOD with urban residential (pg. 137)

“...The TOD surrounding the Federal Station needs connections to destinations as well as new mixed-uses.”

Ubuesque will be a destination arts and performance center. This zone map amendment request to change from I-A to C-MX-8 will allow Ubuesque to provide a mix of uses in conformance with Blueprint Denver’s vision for the West Colfax Light Rail Station Area.

- Below is a map from the Decatur-Federal Station Area / Neighborhood Plan. The map below depicts the site within the ¼ mile TOD radius and identifies this location as an Area of Change:

BLUE PRINT DENVER- CONCEPT LAND USES AND AREAS OF CHANGE



### A.3: DENVER COMPREHENSIVE PLAN 2000

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The Denver Comprehensive Plan 2000, in many passages, cites the needs of infill development, environmental stewardship, activating transit nodes, and mixed-use buildings. Following are strategies that highlight the correlation between Plan 2000 and this zone map amendment request.

- Environmental Sustainability Chapter:

- Burdens and Benefits - Strategy 1-B (pg. 37): *Promote public-private sector involvement and cooperation with citizens to formulate plans and actions that achieve shared responsibilities and benefits.*

Currently, representatives of Ubuesque are attending community and RNO meetings as well as participating with the Denver Housing Authority as participants on the Sun Valley commercial and connectivity committee. It is our hope that, as a team, we can create a development plan worthy of community approval and placemaking praise. Without community approval and appreciation, we feel that our project would not achieve a high degree of success.

- Stewardship of Resources - Strategy 2-F (pg. 39): *Conserve land by a) Promoting infill development within Denver at sites where services and infrastructure are already in place, b) Designing mixed-use communities and reducing sprawl so that residents can live, work, and play in their own neighborhoods, c) Creating more density at transit nodes, d) adopting construction practices in new developments that minimize the disturbance of land, and e) sharing parking at activity centers...*

Ubuesque is an urban infill project. Currently, four (4) dwelling units exist in (3) three residential structures. The existing residential uses are vacant and considered non-conforming within the current I-A Zone. In addition, being that the structures are vacant, the land underlying the structures is underutilized. In need of only modification and adjustment, wet and dry utilities for Ubuesque are existing and in place. Our only hope for infrastructure is the realignment of West 13<sup>th</sup> Avenue to Holden Place with a goal of providing better access to Sun Valley from Federal Boulevard. We will provide a mixed-use facility and this zone map amendment request will provide for greater density at the Federal –Decatur Transit node reducing the need for sprawl. Finally, we intend our design and construction practices to be environmentally responsible and respectful of the community.

- Land Use Chapter:

- Objectives and Strategies - Strategy 1-C (pg. 57): *Incorporate relevant recommendations from neighborhood, corridor and area plans that area supplements to Plan 2000. Examples are the plans for Stapleton, Lowry, Gateway, Federal Boulevard, Central Platte Valley, and the Golden Triangle.*

As mentioned earlier, the Decatur-Federal Station Area / Sun Valley Neighborhood Plan is supportive of this zone map amendment request in that it catalyzes a redevelopment effort, creates a foundation for a livable TOD, and conforms to similar mixed-use adjacent zone districts.

- Residential Neighborhoods and Business Centers – Strategy 3-B (pg. 60): *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and amenities; and that broadens the variety of compatible uses.*

Our request for a zone map amendment proposes higher density at the TOD. Higher density will allow us to provide a cultural amenity for all future neighborhood development. Further, Ubuesque will provide entertainment and performance arts, as well as providing a practice location for visiting artists and performances. As an entertainment center and industry cluster, Ubuesque will provide infill development consistent with the City and community vision.

- Land Use and Transportation – Strategy 4-A (pg. 60): *Encourage mixed-use, transit oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.*

Located within ¼ mile of the Decatur-Federal light rail station, Ubuesque is a 250 seat performance space that hopes to draw its guests from the local area and the broader region. As a catalyst project, we anticipate Ubuesque to be the anchor for a cluster of entertainment and artistic industries that may create a vibrant area just South of Mile High Stadium. As a destination location anchoring an artistic cluster, Ubuesque hopes to draw greater than average transit ridership.

- Mobility Chapter:

- Accommodating New Development – Strategy 3-B (pg. 77): *Promote transit oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit areas should provide both higher ridership to the transit system and viability and walkability in the area.*

Ubuesque is located within ¼ mile of the Decatur-Federal light rail station. Placing a cultural event center in close proximity to the station should provide for both greater transit ridership and an increase in the desire to walk or bike to and within the neighborhood.

- Legacies Chapter:

- Compact Urban Development – Strategy 3-A (pg. 99): *Identify areas in which increased density and new uses area desirable and can be accommodated.*

Our site is currently an I-A zone and the approval of this zone map amendment request would allow higher density and a mix of uses compatible with performing arts, fashion shows, interactive arts festivals, and other entertainment and compatible support businesses.

- Economic Activities Chapter:
  - Expand Economic Opportunities – Strategy 3-A (pg. 133): *Continually update Denver’s target industries in terms of industry advancements and emerging clusters. Currently, Denver’s target industries include information technology, tourism, business and financial services, environmental products and services, and mining and energy exploration and services.*

Ubuesque is within the emerging cluster of music and entertainment entrepreneurs. Several small business incubators and clusters have emerged over the years, but there have been no clusters, in Denver, that have focused directly on the music and interactive arts industries. Ubuesque is poised to participate in helping form and cultivate the performing and interactive arts industry in Denver.

- Strengthen Denver as a destination for business, leisure, and convention business – Strategy 3-C (pg. 133): *Continue to reinforce the Central Platte Valley and Downtown Area as the primary location for sports, leisure, cultural, and convention attractions – and- Expand the role of the performing and visual arts in the City’s economy especially in Downtown.*

Ubuesque is a catalyst for a more elastic Downtown. Located within close proximity of Sports Authority Field, Auraria Higher Education Campus, and Downtown, Ubuesque will help reinforce the Central Platte Valley by providing a cultural destination and expanding the footprint of the performing arts scene. In addition, Ubuesque may provide the much needed spark that will help fuel the flame of positive community development in Sun Valley.

- Solidify Denver’s reputation as a center for international business – Strategy 3-D (pg. 133):

The artistic and production team created the Ubuesque concept while performing in Paris, France. It was their sole decision to relocate to Denver. In addition to performance and interactive arts, Ubuesque has an international network of arts and fashion designers. Ubuesque is excited to bring to Denver fashion shows and performances that would appeal to local and international travelers and residents.

- Neighborhood Economic Development Chapter:

- Support the development of sustainable economies in Denver's poorest neighborhoods – Strategy 5-B (pg. 136):

Ubuesque will be located in Sun Valley, one of the most economically challenged neighborhoods in Denver. It is our hope and feeling that the development of Ubuesque will provide many construction jobs and approximately 8-10 permanent jobs in Sun Valley.

- Neighborhoods Chapter:

- Respect the intrinsic characteristics of individual neighborhoods. Use the City's neighborhood planning process to identify the assets, clarify the residents' goals, and integrate all neighborhoods into the fabric of the City. Neighborhood Planning will accommodate infill and redevelopment – Strategy 1-A (pg. 149):

The infill site for Ubuesque is in a neighborhood whose residents are planning for redevelopment. Through the efforts of the Denver Housing Authority, the City of Denver, and the residents and business owners of Sun Valley much work was done to develop and approve the Sun Valley Neighborhood Plan / Decatur-Federal Station Area Plan. Ubuesque recognizes this effort and is playing an active role as a member of the community.

- Encourage multi-uses of current and future facilities to maximize effective service delivery and financial efficiency – Strategy 7-E (pg. 166):

Ubuesque is making this request to amend the zoning map and change the zoning of this property from I-A to C-MX-8. The requested zoning would allow a greater and denser mix of uses that could maximize the financial efficiency of the non-profit performing arts operator and strengthen the financial feasibility currently and in the future.

- Arts & Culture Chapter:

- Support a full range of artistic and cultural opportunities Denver's neighborhood and among its diverse communities, including festivals, performing and visual arts events, and cultural activities – Strategy 1-C (pg. 201):

Ubuesque is cultural, diverse, and inclusionary. As an interactive performing arts venue, we hope to extend our artistic service out of the building walls and into the street. In the event we occasionally are able to close 13<sup>th</sup> avenue for outdoor festivals, we will do so with an artistic flair that would make any public marketplace or event shine brightly. In addition, Ubuesque can serve as a backdrop for outdoor events that require visual media, a performance stage, parking, and other services and storage.



- Support further growth, strengthening and development of private and non-profit arts organizations and institutions capable of owning and maintaining artistic and cultural facilities – Strategy 2-D (pg. 202):

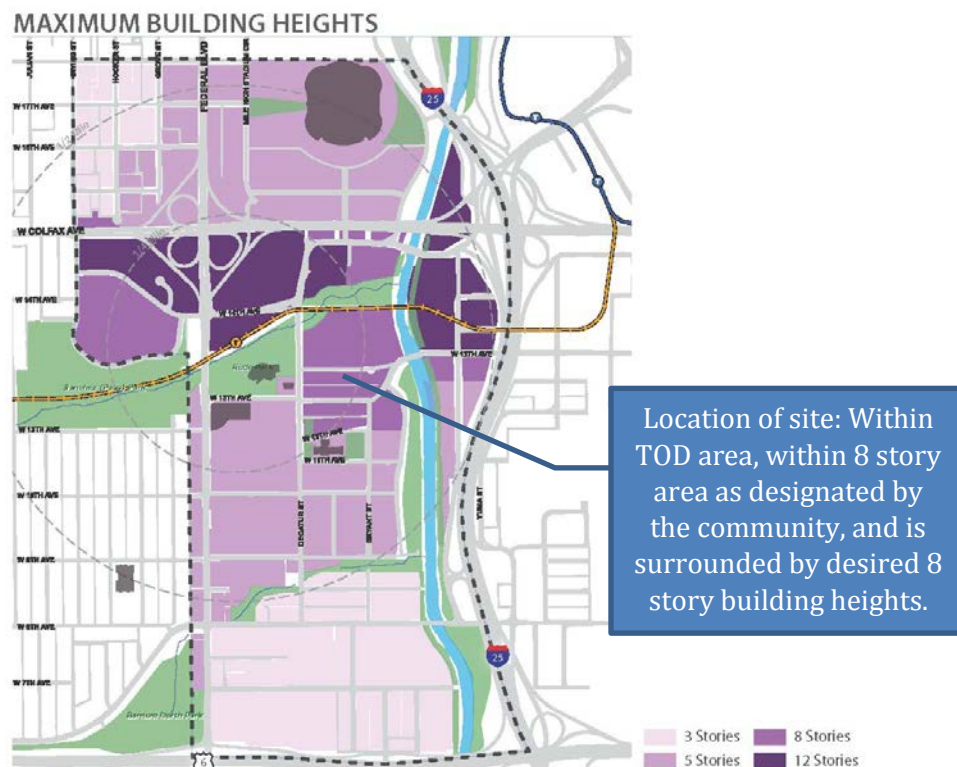
Ubuesque was formed in Paris, France and now calls Denver home. With strong ties to the artistic community, Ubuesque has a plan for growth and a clear path for achievement. Having extensive experience in performing arts, the artistic leadership of Ubuesque is experienced, capable, and prepared to own and maintain Ubuesque.

- Review City regulation of arts and cultural facilities and services, and remove unnecessary barriers to arts-related enterprise – Strategy 2-F (pg. 202):

Ubuesque is not interested in changing broad City regulations. Requested is only to amend the zoning map to allow for a higher density within a TOD, removal of the prohibitive 20' front setback associated with the I-A zone, and establishment of a new cultural facility near Downtown.

#### A.4: UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS

This zone map amendment will place this parcel in conformance with City of Denver Zoning desires and the Decatur-Federal Station Area / Neighborhood Plan.



### A.5: PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE

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The proposed zone map amendment furthers the public health, safety, and general welfare of the city through:

- Redevelopment of underutilized urban land and redevelopment of vacant and abandoned structures.
- Delivers a cultural destination to an economically challenged and ignored neighborhood.
- Provides more activity in a neighborhood that is prone to crime. More lights and more eyes on the street provide safety for neighborhood residents and business owners.
- Removes abandoned and vacant properties from the opportunity for vandalism, graffiti, and squatting.
- Serves as a catalyst for the redevelopment of Sun Valley and providing a cluster of creative businesses.
- Our location, in a Transit Oriented Development zone, encourages the use of multiple modes of transit with access to light rail, bus, bike routes, and walking paths that help decrease the use of automobiles and increases Denver's long term sustainability and overall quality of health.
- A catalyst project of this type, a performing arts venue, increases the value of the City by through the inclusion of global entertainment, by providing a cultural destination for Sun Valley, and year round entertainment opportunities.

### A.6: CONSISTENCE WITH NEIGHBORHOOD CONTEXT DESCRIPTION, ZONE DISTRICT PURPOSE AND INTENT STATEMENTS

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The proposed zone map amendment is consistent with the neighborhood context description, zone district purpose and intent statements vis a vis:

- TOD Station Typology:  
Per the Decatur-Federal Station Area/Sun Valley Neighborhood Plan, this station area is considered a "Catalyze Station". Additionally, the surrounding neighborhood is categorized as an Urban Center Station with an Entertainment Overlay.

Ubuesque is a catalytic entertainment project. The definition of *Ubuesque* is also its very goal: to challenge authority, question social mores, and embrace cultural celebrations in an absurd or funny way. The performance venue will be available to both local and international touring companies. Each year, three of the in-house shows will be dedicated to seeking local talent, while the remaining activities will be in association with other companies and groups from around the world.

This will be an experimental theatre that anchors a creative cluster of entertainment businesses. As we will challenge authority with the content of our shows, we will also push and play with the boundaries of language, stage and space. We want a night out at our theater to not only push the performer, but also the audience members to

experience and question new things. During the day classes will be available for children and adults to learn and participate in various facets of the arts.

- Denver Zoning Code Character Description:

Urban Center Neighborhood Context: Mixed-use of both residential and commercial uses, high pedestrian activity, and multi-modal transportation. Ubuesque is consistent with the following excerpts from the Denver Zoning Code:

7.1.1 General Character:

Ubuesque is a mixed-use commercial facility, planned as a General Form, activates the street edge, and is located along the 13<sup>th</sup> Avenue arterial.

7.1.2 Street, Block, and Access Patterns:

Ubuesque is planned within a fairly regular street grid, there is alley access, and the block size and shape is consistent with Denver standards.

Sidewalks along 13<sup>th</sup> Avenue are irregular. A portion of the sidewalk is detached along 13<sup>th</sup> and a portion of the sidewalk is attached. Ubuesque will work with the Department of Public Works to plan a sidewalk that meets the goals of the street as well as fire department requirements. Surface parking will be kept in the rear of the building while a single, below-grade parking deck will be accessed from 13<sup>th</sup> Avenue. Ubuesque is a destination location to be arrived at by foot, bike, car, or light rail. Ubuesque can enhance the convenience, ease and enjoyment of the Decatur-Federal Transit Station as a result of its central and accessible location. In addition, a small plaza is incorporated in the site plan design to help encourage public gathering and assembly.

7.1.3 Building Placement and Location:

Ubuesque is a mixed-use building planned to have minimal front setbacks. In fact, the majority of the façade will be built to the property line and the façade areas that are setback will be limited to the public gathering area and access point for sub-grade parking. Grade level parking and loading will be at the rear of the building.

As a creative cluster of businesses anchored by a 250-300 seat performance theater, Ubuesque will help catalyze Sun Valley into a mixed, diverse neighborhood through the introduction of performing arts businesses and participants.

7.1.4 Building Height

Ubuesque is a moderately tall building with a maximum height of 8 stories. This density contributes to the promotion of a dense urban character in a neighborhood that has

expressed a desire for greater density. Being a catalytic project in a Catalytic TOD, Ubuesque will help provide the international and artistic identity Sun Valley desires.

#### 7.1.5 Mobility

Ubuesque is strategically situated between the Platte River bike path, the Decatur-Federal light rail and bus station, and the Platte River walking trail. Additionally, Federal Boulevard, Interstate 25, and Colfax Avenue are all within a few stop signs. As a result, Ubuesque is accessible by all modes of transportation.

Tom Svaldi  
Ubuesque  
2610 West 13<sup>th</sup> Avenue  
Denver, CO 80204

April 1<sup>st</sup>, 2015

Steve Chester, AICP  
City of Denver  
Community Planning and Development  
Rezoning /Map Amendments  
201 West Colfax Avenue  
Denver, CO 80302

Dear Steve,

Please accept this letter as our authorization for our representative, Urbitecture, to submit and discuss the zone map amendment for and on behalf of Ubuesque (non-profit operator) and TDK Sub2, LLC (property owner) for the combined parcels of 2610-2638 West 13<sup>th</sup> Avenue, Denver, CO.

Sincerely,



Alicia Svaldi  
Owner  
TDK Sub2 LLC

TDK Sub2, LLC 7261 Poppy Way Arvada, CO 80007

SUN VALLEY COMMUNITY COALITION  
c/o 2715 W. Holden Place  
Denver, Colorado 80204

August 20, 2015

Steven Chester  
Denver Community Planning and Development  
303 W. Colfax  
Denver, CO 80202

Re: 2610 – 2638 W. 13<sup>th</sup> Ave Application for Zoning Change

On behalf of the registered neighborhood organization, the Sun Valley Community Coalition (SVCC), and based upon a vote of members present taken at our June 3<sup>rd</sup> Monthly General Meeting, I am writing this letter in support of the 2610 – 2638 W. 13<sup>th</sup> Ave Application for Zoning Change.

In preparation for the June 3<sup>rd</sup> meeting, Mr. Peter Hynes, representative of the owner TDK Sub 2 LLC, and owners Ms. Alicia Svaldi and her son, Tom Svaldi, met with the SVCC Executive Committee. Prior to the June 3<sup>rd</sup> meeting, SVCC members were notified that a presentation would be made, and a vote taken of members present. In the notification they were also provided access to the Application for Zoning Change. Results of June 3<sup>rd</sup> vote are as follows:

A power point presentation of project concepts was presented by Mr. Peter Hynes, a representative of the owner and the owner, Ms. Alicia Svaldi, addressed the Application for Zoning Change from its current zoning of IA to CMX-8 for parcels 161148129, 161148111, 161148103 and 161148090. It is our understanding that the owner intends to build and operate Ubesque, a 250-300 seat performing arts venue and artistic center.

18 adult members were in attendance and voting.  
13 voted to support (or not oppose) the application and  
5 voted to oppose the application with qualifications on several

In addition, 6 youth attended and voted. While their votes do not determine the final outcome, SVCC values its youth voice and encourages and records its vote.

5 youth voted to support (or not oppose) and  
1 youth voted to oppose.

Comments in favor of the proposed zoning cited the application's consistency with zoning specified in development plans such as the Federal Decatur Station Area Plan and the Sun Valley General Development Plan that have been adopted by the City, acknowledgement that this would be a transformative project for the neighborhood, and enthusiasm for arts-oriented initiatives.

A number of questions could not be fully answered because the business and site plans have yet to be developed. Questions/concerns were raised regarding provision for adequate

parking, pedestrian access and access for loading/unloading that is safe and does not block traffic or is disruptive for neighbors, building height/stories, and signage that is not flashing or changing.

Questions and concerns were also raised regarding types of businesses and activities, the sale of liquor and entertainment offerings, how the project will benefit the neighborhood and whether it will be affordable for Sun Valley residents and families with limited incomes. Concern was expressed on several occasions that an adult entertainment/strip club and/or night club would be operated by Ubesque or another entity within the facility. This is clearly not wanted by the community as existing Mercy Family Housing, child care centers, and planned DHA family housing are in close proximity to the project site.

Mr. Hynes and Ms. Svaldi answered each question based upon their vision. They referenced previous experiences in Europe with this type of venue and their recent research of similar venues in the United States. They expressed their intention to build and operate an artistic center that would be both family-friendly and attract new business to the neighborhood. They extended an invitation to members of the SVCC to participate in an advisory committee that is being formed to develop the nonprofit business and site plans, and conveyed their willingness to provide regular reports to the SVCC on project progress.

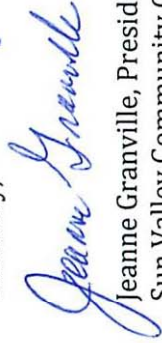
Of those opposed to the zoning change, written comments and qualifications included:

- \* concern that change to allow for 8 stories would jeopardize the viability of a neighboring nonprofit whose garden is the basis for its social enterprise and is a fresh food provider to the neighborhood. Eight story development near their site will eliminate their ability to provide food to the neighborhood and maintain their gardening programs due to the shade created by such development.
- \* the proposed project was not affordable
- \* positive vote could not be provided until a site plan is available

As you may be aware, members of the Sun Valley Community Coalition have been actively involved in the development of the Sun Valley Choice Neighborhood Plan and several other related planning initiatives. It is our goal to incorporate new housing and business development within a neighborhood framework that is collaborative, inclusive and family-friendly.

Since the June 3<sup>rd</sup> meeting, members of the Sun Valley Community Coalition have been encouraged by the involvement of Ms. Svaldi and her family with Coalition activities. They have regularly attended monthly Coalition meetings, participated in the planning of our Denver Days Block Party and jumped right in by volunteering to greet and register residents at the event. They have also contributed 100 backpacks for our back to school student supply drive. We look forward to their continued involvement with the Coalition and working with them to bring Ubesque to fruition.

Sincerely,



Jeanne Granville, President  
Sun Valley Community Coalition  
303.886.3077 (mobile)

June 13, 2015

Steven Chester  
Community Planning and Development Department  
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

RE: Zoning Change Application 2610-2638 W. 13<sup>th</sup> Avenue, Denver, CO 80204  
Parcel numbers: 161148129, 161148111, 161148103, 161148090

Dear Mr. Chester:

EarthLinks is a 501(c)(3) nonprofit corporation that is the owner of 2746 W. 13<sup>th</sup> Avenue, Denver, CO 80204, a property that is several lots to the west of the subject property. As a member of the Sun Valley Neighborhood Coalition, we were advised of the proposed zoning change requested by the new owners of the above-referenced properties. Unfortunately, EarthLinks must object in part to the zoning application as proposed.

It is our understanding that the new owner, TDK Sub2, llc., intends to build a new, live performance theater, with a seating capacity of approximately 300 persons. It is also possible that the owner will add additional spaces for either business or performance rental space within the buildings to be constructed. We have not yet had the privilege of viewing any proposed elevations or plans of what the building might look like when built, but we have been advised that it is likely that the height of the buildings, or some part thereof, will exceed five stories in height.

EarthLinks does not object to the use proposed by the owner. However, EarthLinks does object to the proposed height requested in the zoning change application to the extent the request exceeds five stories. The reason for this objection is EarthLinks' concern that taller buildings on the block are likely to interfere with sunlight reaching our gardens. The gardens cover the majority of our half-acre property, and are integral to our operation.

Before EarthLinks purchased the property at 13<sup>th</sup> and Decatur, we met with the Planning and Zoning Department to verify that we would be a welcome addition to the neighborhood, especially in light of our intended uses. EarthLinks has a 20-year history as a gardening and workshop program for adults who are currently economically poor, and either currently are, or have been, homeless. Given our experience with gardening, we also knew that we would be an asset to the Sun Valley community, through the growing of healthful fruits and vegetables. We are currently in the process of finalizing our accessible garden beds, and are now working on repairing the balance of our land to host a food "forest".

A key recommendation of the Decatur- Federal Station Area Plan is to improve the health of the Sun Valley neighborhood by increasing local production and access to healthy foods. The Denver Housing Authority has also adopted food production as an organizing theme in its Sun Valley redevelopment planning. We, too, are actively engaged in the Sun Valley Food Access Initiative to help transform the neighborhood from a food desert to a food hub, and are also involved in collaborative projects with



Community Planning and Development  
Zoning Change Application 2610-2638 W. 13<sup>th</sup> Avenue  
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Denver Urban Gardens and Denver Botanic Gardens to address food scarcity in our neighborhood. Denver's Office of Economic Development has been most helpful to us in providing funds to revitalize some of the buildings on our site and improve our landscape and garden.

We have been fortunate to have many donors and businesses support us during our move to the Sun Valley neighborhood, including Boulder Associates, an architectural firm. They have kindly drawn some sun studies that indicate that buildings of eight stories in height will shade our garden such that we will be unable to produce food for the neighborhood, our participants or our program. Hence our objection to the portion of the subject rezoning request that would allow for eight-story buildings on our block.

We do not object to the change in zoning to C-MX, as long as the height limit would be set at five stories. Our property is zoned I-MX5, and we feel that a five-story limitation for our neighbor would be fair and compatible with our current zoning.

We look forward to the revitalization of Sun Valley that is underway. We hope and believe that the live performance theater and the varied efforts to produce more food locally can thrive together as neighbors.

Thank you for your attention to this matter.

Sincerely,



Kathleen M. Cronan

Cc: Peter Hynes  
Jeanne Granville, Sun Valley Community Coalition